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August 20, 2025

Endangered Species Recovery Committee
State of Hawai'i
Honolulu, Hawai'i

SUBJECT: Division of Forestry and Wildlife Evaluation of the Draft New *Kaheawa Wind Power I Habitat Conservation Plan*

Dear Committee Members,

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) is respectfully requesting the Endangered Species Recovery Committee (ESRC) review the draft *Kaheawa Wind Power I (KWP I) Habitat Conservation Plan* per the requirements outlined in Section 195D-25, Hawaii Revised Statutes. The proposed draft Habitat Conservation Plan (HCP) was prepared by KWP I as part of the obligations of the Kaheawa Wind Power Habitat Conservation Plan Application for a new State Incidental Take License.

This submittal is a summary of the draft Habitat Conservation Plan and current agency input.

Background:

ITL Applicant: Kaheawa Wind Power, LLC

In 2020, Brookfield Renewables merged with Terraform Power. Terraform Power/Brookfield owns KWP I.

Take status of current ITL: There was no take of Covered Species in FY 2025.

Table 1. Total observed fatalities and estimated total take since ITL issuance under the KWP I ITL as of end of FY 2025.

Common Name	Total Direct (Observed + Unobserved) Take[1]	Indirect Take using HCP multipliers	Total Estimated Take
ʻua ʻu	19	5	24
Nēnē	54	2	56
ʻŌpeʻapeʻa	28	4	32
ʻaʻo	N/A	N/A	No take observed
ʻakēʻakē	N/A	N/A	No take observed
nalo meli maoli	N/A	N/A	No take observed

[1] Based on the 80% credible maximum using the following model: Dalthorp, D., M. M. P. Huso, and D. Dail. 2017. Evidence of absence (v 2.0) software user guide: U.S. Geological Survey Data Series 1055.

Mitigation status of current ITL:

ʻŌpeʻapeʻa:

- Mitigation fulfilled
  - ʻŌpeʻapeʻa mitigation fulfilled through funding to the State Endangered Species Trust Fund for tagging and monitoring, as well as through ecological research, specifically prey studies in East Maui and roosting studies on Hawaiʻi Island.

Nēnē:

- As of December 2024, DOFAW and USFWS have both allocated KWP I a total of 45.68 nēnē mitigation offsets from management that increased adult survival and fledgling production at Haleakalā and Piʻiholo Ranch Nēnē Pens.
- The offset of an additional 4.6 adult-equivalent is anticipated for KWP I from the FY 2025 breeding season, in which eight goslings fledged and 16 adult breeding nēnē were documented.
- At the end of FY 2025, the total mitigation offset is anticipated to be 50.3 adult-equivalent nēnē (see Appendix H).

ʻUaʻu & ʻAʻo:

- Mitigation fulfilled
  - ʻUaʻu mitigation fulfilled through management involving predator control and burrow monitoring at the Lānaʻihale nesting site at Pūlama Lānaʻi.
  - ʻAʻo mitigation fulfilled through management including predator control, predator exclusion fence work, and social attraction at the Makamakaʻole Seabird Preserve.

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Table 2. Current ITL mitigation status per covered species

Covered Species	Permitted Take	Mitigation Offset under 2006-2026 ITL and ITP	Projected Take at End of Current ITL and ITP + Lost Productivity[1]	Net Conservation Benefit Compared to Impacts[2]
ʻŌpeʻapeʻa	50	50	32 + up to 6 indirect take ≤ 38 total	≥12
ʻUaʻu	38	59.22[3]	19 direct + up to 8 indirect take + 4.78 lost productivity ≤ 31.78 total	≥27.44
ʻAʻo	4	5.03[4]	No take observed	5.12
ʻAkēʻakē	n/a	n/a	No take observed	Unmeasured benefit
Assimulans yellow-faced bee	n/a	n/a	n/a	n/a

[1]Actual take is likely to be lower than this as this is based on conservative projections for both direct and indirect take.

[2]Note that KWP acknowledges that USFWS and DOFAW required mitigation under the 2006-2026 ITP and ITL to the fully permitted amount. This comparison between calculated take and mitigation offset is for illustrative purposes only.

[3]USFWS and DOFAW mitigation letters combined the mitigation offset for KWP I and KWP II, therefore, this number is based on the proportion of the permitted take attributed to KWP I (38 petrels + 4.78 lost productivity out of total obligation of 64.48 = 66 percent); 66 percent of the 89.72 total offset = 59.22.

[4]USFWS and DOFAW mitigation letters combined the mitigation offset for KWP I and KWP II, therefore, this number is based on the proportion of the permitter take attributed to KWP I (4 shearwater out of the total obligation of 6.681): 59 percent of the 8.53 total offset = 5.03.

New Incidental Take License Proposed:

Project Proposed: Continued operation of twenty wind turbine generators (WTGs) with a total 30-megawatt (MW) energy-generating capacity.

ITL Duration Proposed: January 30, 2026 – December 30, 2048

Covered Species Requested: nēnē or Hawaiian goose, ʻōpeʻapeʻa or Hawaiian hoary bat, ʻuaʻu or Hawaiian petrel, ʻaʻo or Newellʻs shearwater, ʻakēʻakē or band-rumped storm petrel, and nalo meli maoli or Assimulans Yellow-faced bee.

Avoidance and Minimization Proposed:

ʻŌpeʻapeʻa:

- Implement Low Wind Speed curtailment below 5.5 m/s from sunset to sunrise, annually, from February 15 through December 15.
- Explore redistribution of curtaliment throughout the night based on site-specific acoustic data, time of night, date, weather conditions, and spatial aspects.
- Any required clearing of trees greater than 15 feet in height would occur outside of bat pupping season.
- Barbed wire is minimized to the maximum extent practicable.

Nēnē:

- Twice a year, vegetation management, including limited herbicide use and hand and power tool-based removal of woody vegetation during nēnē nesting season, is conducted to increase fatality monitoring efficiency and minimize impacts on native plants.
- Traffic control measures, including signage and speed bumps
- Prevention of canine interactions with nēnē.
- Gosling guard placed on traps at mitigation sites during nesting season.

ʻUaʻu, ʻAʻo, and ʻAkēʻakē:

- Guywires marked with high-visibility bird diverters.
- Turbines equipped with synchronized red lights that comply with FAA regulations
- Fully shield all outdoor lights so the bulb can only be seen from below.
- Install automated motion sensor switches and controls on all outdoor lights, or turn off lights when no one is present in the lighted area.
- Minimally illuminate auxiliary equipment and structures for operational safety and security at night.

Assimulans yellow-faced bee:

- Limit activities off the roads and pads.
- Avoid removal or disturbance of native ilima, ʻuhaloa, and ʻūlei to the maximum extent practicable, and if work must occur, schedule when species are not flowering.
- Any native plants requiring removal will be translocated and replanted following the Conservation District Use Permit Condition #37, which requires protection of native plants through removal, relocation, and replanting.
- Limit herbicide use and follow herbicide Best Management Practices.
- Surveys for assimulans yellow-faced bees and their nests will be conducted by a qualified entomologist approved by DOFAW during the active bee period before major maintenance activities.

Summary of Requested Take for new ITL:

The requested take is 69 nēnē, 38 ʻōpeʻapeʻa, 28 ʻua ʻu, 10 ʻaʻo, and 10 ʻakēʻakē. The project requests impacts of up to 23.2 acres of suitable habitat for the Assimulans yellow-faced bee.

Proposed Mitigation for new ITL:

ʻŌpeʻapeʻa:

- **Restoration and resource enhancement on Molokaʻi and/or Lānaʻi where bat activity has been acoustically detected**
    - Enhance or restore habitat in areas known to support bat use, foraging, and reproduction.
    - Prioritize enhancement and restoration of lower elevation sites under 1,000 meters based on known elevation for bat breeding.
    - Improve foraging and roosting resources by increasing native vegetation.
    - Implement monitoring to assess the effectiveness of these mitigation actions.
    - Reduce uncertainty about bat activity and habitat use on Molokaʻi and/or Lānaʻi to inform future conservation and management efforts.

Nēnē:

- **Continued management at Haleakalā Ranch Pen and new management at Puʻu Hoku Ranch Release Pen**
    - Predator trapping and monitoring of pens.
    - Increasing adult and fledgling survival through maintenance of pens for breeding nēnē.
    - Increase adult reproductive success and fledgling survival through satellite tracking and monitoring.
    - Vegetation management to create a suitable nesting habitat.

ʻUaʻu:

- **Continued management at the Lānaʻihale nesting site at Pūlama Lānaʻi**
    - Predator control, including cat and rat trapping.
    - Burrow monitoring using motion-activated cameras.

ʻAʻo:

- **Continued management at Makamakaʻole Seabird Preserve**
    - Inspections and maintenance (repair) of the fence to assure exclusion (to the extent possible) of ingress by small mammalian predators.
    - Predator monitoring within the exclosure.
    - Predator trapping around the perimeter and within the exclosure in the vicinity of the known ʻaʻo colonies.
    - Maintenance of bait boxes and assessment of rodent populations.
    - Maintenance and deployment of the social attraction playback system and decoys.
    - Burrow monitoring using game cameras and burrow scoping.

ʻAkēʻakē:

- **National Fish and Wildlife Foundation funding to manage known breeding colonies - $45,000 per seabird**
    - Predator fencing and predator control, including potential barn owl removal.

- Social attraction and translocation of Hawaiian seabirds into protected areas.
- Removal of invasive plant species.
- Seabird reproductive monitoring.

Assimulans yellow-faced bee:

- Protecting and restoring bee nesting and foraging habitat- $8,700 per acre for site preparation and out planting, currently proposing a total mitigation obligation of $208,800.
- Invasive species control.
- Creation of ground nesting opportunities.
- Research and monitoring efforts.

Issues & Concerns:

ʻŌpeʻapeʻa:

Without a developed mitigation plan and designated mitigation site, the mitigation for ʻōpeʻapeʻa could be delayed. This is similar to what other licensees experienced. They developed their mitigation plans after Habitat Conservation Plan approval and sought plan feedback and approval, a process that took years. As a result, the take of the species occurred before that tier of mitigation was implemented.

Nēnē:

KWP I is behind in mitigation credits for nēnē, and it is biologically infeasible to make up the needed credits before State ITL expiration on January 29th, 2025. Mitigation and net benefit for covered species in Habitat Conservation Plans are intended to be fulfilled prior to the take of covered species. While KWP I intends to fulfill the nēnē mitigation of the current ITL, it will occur after ITL expiration. Simultaneously, KWP I is seeking 23 more years of take coverage before fulfilling ITL mitigation for the covered species (See Appendix H).

Assimulans yellow-faced bee:

Estimating the anticipated take for Assimulans yellow-faced bee is challenging. It may result in a substantial underestimate of the potential take due to the small size of the covered species and the inability to recover carcasses. Moreover, the full range of impacts on the species, including the potential for collision impacts with the turbines, may be vastly underestimated. It is also hard to predict since the number of nests is not known, and only a part of the project site has been surveyed for nests. Furthermore, KWP I is unsure of the number of nests they could damage with their operations. DOFAW currently identifies KWP I's proposed mitigation costs as perhaps being unrepresentative of offsetting the take. DOFAW entomologists are considering the difficulties and intricacies of estimating take, along with continuing to estimate costs of nest surveys, monitoring, and outplanting, to propose a realistic mitigation package that would help KWP I reach offset and achieve net benefit.

Agency Recommendations:

The Division of Forestry and Wildlife respectfully recommends that the Endangered Species Recovery Committee review the proposed Habitat Conservation Plan pursuant to the requirements of Section 195D-25, Hawai‘i Revised Statutes. Specifically, DOFAW requests that the ESRC:

1. **Provide Comments and Recommendations**
    - Submit individual comments and a collective committee recommendation on the draft HCP during this meeting, which falls within the 60-day public comment period.
2. **Conduct a Site Visit**
    - Participate in a scheduled site visit to the KWP I Wind Farm in September to further inform the review process.
3. **Evaluate Plan Adequacy**
    - Determine whether the HCP appropriately considers the full range of species present on the island such that cumulative impacts associated with authorized take may be adequately assessed.
    - Evaluate whether the cumulative impacts of the proposed activity, as permitted and facilitated by the license, provide a net environmental benefit.
4. **Engage in Ongoing Consultation**
    - Continue review and provide feedback on the HCP in coordination with the Protected Species Habitat Conservation Planning Team and subject matter experts from DOFAW.
5. **Ensure Follow-Up Review**
    - Request that KWP I return to the ESRC at subsequent meetings for continued consultation and follow-up on the draft HCP.

If you have any questions, please contact Habitat Conservation Planning Program Associate, Kinsley McEachern, at laurinda.k.mceachern.researcher@hawaii.gov.

Respectfully submitted,

DAVID G. SMITH
Administrator