

**In Person Public Testimony from
September 18th, 2025
Department of Land and Natural
Resources Public Hearing for Draft
Kaheawa Wind Power I Habitat
Conservation Plan**

“Chair, Members of the Commission, and agency staff,
Mahalo for the opportunity to provide testimony on the proposed mitigation measures outlined in the Kaheawa Wind Power Habitat Conservation Plan.

My name is Keahi Bustamente. I am a Kānaka ‘Ōiwi, a kama‘āina of the Waikapū ahupua‘a, and a professional rare species biologist with over 20 years of experience protecting Hawaiian flora and fauna—particularly those that are critically endangered or near extinction.

I was raised at the foot of Hana‘ula, my mountain and my teacher. Waikapū is my stream, Kapoli at Mā‘alaea is my spring, and Kanaio is where I learned to surf. These are the lands and waters that shaped me, and they remain among the most biologically rich and culturally significant regions of Maui.

Background on the Lands in Question

Kaheawa Wind Power is situated at Polanui, between Papalaua Gulch and Manawainui Gulch, within the ahupua‘a of Ukumehame, near the boundary of Waikapū and on the slopes of Hana‘ula. These are Hawaiian Kingdom Crown Lands, originally belonging to Queen Lili‘uokalani, and now considered part of the State of Hawai‘i Public Land Trust.

Kamehameha III, Kauikeaouli, designated these lands as Crown Lands for good reason. Their peaks and ridges form the bodies of the mo‘o—the protectors of water and forest—from whom he descended. These slopes hold essential natural resources and are vital to Maui’s ecological integrity.

Concerns with the Proposed Mitigation Plan

The mitigation approach described in the current HCP raises significant concerns. In simple terms, it represents “robbing Peter to pay Paul”—taking ecological resources from the impacted region and distributing the benefits elsewhere. In this case, it is effectively robbing Keahi to pay Larry—referring to Larry Ellison, one of the wealthiest individuals in the world.

Mitigation must occur where the impact occurs. West Maui, and specifically the Hana‘ula region, must be a primary focus of restoration and recovery efforts. Other islands and private landowners have received disproportionate benefits over the years. It is time to reinvest in the place from which these resources are being taken.

Example: Changes in ‘Ua‘u Populations

The 2006 HCP stated that ‘ua‘u (Hawaiian Petrel) primarily bred on East Maui, with smaller populations on Hawai‘i Island, Kaua‘i, and Lāna‘i.

The updated HCP now reports the following:

- Approximately 1,600 breeding pairs on Kaua‘i,
- Several thousand individuals on Lāna‘i,
- Only about 1,800 individuals on East Maui,
- Only a few hundred birds on West Maui.

Maui no longer holds the strongest ‘ua‘u population. This shift highlights the urgent need for Maui-based conservation efforts.

If impacts occur at Hana'ula, then mitigation should restore resources at Hana'ula. If Hana'ula 'ope'ape'a (Hawaiian Hoary Bats) are killed, then their replacement or protection must occur at Hana'ula—not on another island and not on lands belonging to private estates or billionaires.

Concern: Proposed 'Ope'ape'a Mitigation on Moloka'i

The HCP proposes mitigating impacts to 'ope'ape'a on Moloka'i at Puu O Hoku Ranch. If someone killed Moloka'i's 'ope'ape'a and then sent the mitigation funding to Maui—or to benefit one of the wealthiest individuals in the world—the people of Moloka'i would not accept that outcome.

This proposal is inappropriate. Mitigation must be geographically aligned with the area of impact.

Request

I respectfully request that the Commission:

1. Reconsider the proposed mitigation sites in the HCP.
2. Require that mitigation be conducted in West Maui, particularly in and adjacent to the Hana'ula region.
3. Ensure that Crown Lands impacted by Kaheawa Wind Power receive direct, proportional restoration benefits.

Our lands, waters, wildlife, and cultural landscapes deserve no less.

Mahalo for your time, consideration, and commitment to the responsible stewardship of Hawai'i's natural resources.”

Respectfully submitted,

Keahi Bustamente

“As a field associate with Keahi Bustamente and The Hawai’i Invertebrate Program, I have personally observed and monitored hundreds (if not thousands) of native Hawaiian yellow faced bees at their core nesting sites, located right next to the Kaheawa Wind Farm. The endangered *Hylaeus assimulans*’ largest nesting aggregation is located right there at the Wind Farm. I know the “take” is way higher than it should be (your take ask shouldn’t ever increase), and if you are going to “make up” for the take with conservation action, it should take place in the exact place you are taking from to replenish what belongs to that land (ex. On the same island. Not on other islands like you previously mentioned you would do). Many of our ancestors (these Hawaiian endangered species you encounter at the wind farm) are negatively affected in many different ways due to the wind farm. Monitoring needs to occur with professional entomologists like Keahi & our crew at HIP Maui Nui, along with a plentiful amount of outplanting of their preferred food sources, nesting materials, etc. (‘ilima, ‘ulei, etc.) I would also like to suggest eDNA swabbing or some type of testing on the windmill blades to see the species caught/ killed while they are running, which would result in needing more conservation action and management. I do not agree with any increased numbers for take of species and or the acres of land affected, nor do I agree with the work on other islands making up for the take here on Maui. My island. My home. My ancestors.”

Mahalo me ke aloha,
Hokua Gilman

“Lands “owned” by the State of Hawai‘i are Hawaiian national lands. Kānaka ‘Ōiwi Rights Are Rooted in Kuleana - Responsibility for the Lands of Kanaka Maoli Ancestors. HRS § 7-1 states Kānaka ‘Ōiwi have kuleana for their ancestral lands.

Elements of Traditional and Customary Practices (State v. Pratt, 2012)

- Purpose: to provide for ‘ohana and community; to fulfill a kuleana related to subsistence, religious, or cultural needs.
- Conducted in an area to which the person has a traditional connection and is fulfilling a kuleana.
- Practitioner takes responsibility for the resources and the area

Kanaka with ancestral lineage to the moku Lāhainā, ahupua‘a and the moku Ukumehame, and the moku where the impacted species are found, have kuleana for the resources of these lands and waters.

‘Ua‘u, ‘ōpe‘ape‘a and nēnē mitigation should return to West Maui, Mauna Kahalawai. This is where wildlife is being taken and where they should be replaced. If alternative sites must be sought, this should only take place with the advice and consent of Kānaka ‘Ōiwi.

Where does 2,500 breeding pairs on Lāna‘i come from? No known population quantification has been possible. On Maui, Haleakalā alone has 2,453 known nest sites (Adams, et al 2023) and not nearly all of the available habitat can be searched due to remoteness and terrain. This also does not account for windward east Maui, Kipahulu valley or Mauna Kahalawai. Should be clearly stated that these numbers are largely guesses, some supported with actual knowledge of nest sites.

‘A‘o fledged one chick in each of 2021, 2022, & 2023 within Makamaka‘ole Seabird Predator Exclusion Fences (MNSRP unpublished data).

KWP1 transmission lines are not mentioned as potentially taking listed seabirds, nor are they stated to be provided with minimization (eg: BMP diverters)

Include specification for all outdoor nighttime lighting to have less than 2% spectral content between 400 & 500 nanometers; and that all lights should use the minimum intensity needed – these actions to minimize the potential for light distraction of seabirds and preservation of the dark nighttime ecosystem and to benefit all the species present.

Bird diverters need to be installed on KWP1 transmission lines. Passive acoustic monitoring (PAM) should be implemented to quantify powerline strikes. When strikes are recorded, implement nighttime observations with near infrared illumination and night vision equipment should be implemented.”

Jay F. Penniman- Maui Nui Seabird Recovery Project

Trinette Furtado

Transcript unavailable- as of 12/15/2025 awaiting summary of provided in person testimony