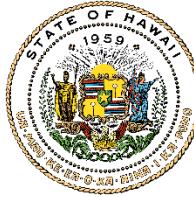


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January 13, 2025

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

SUBJECT: Continued Review of the Kaua'i Island Utility Cooperative Second Draft
Habitat Conservation Plan—Chapters Four through Eight

Dear Committee Members,

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW), requests that the Endangered Species Recovery Committee (ESRC) continue reviewing the Kaua'i Island Utility Cooperative's (KIUC) Second Draft Habitat Conservation Plan (HCP). Due to an impending loss of quorum and the subsequent need to adjourn, the December 18 meeting was cut short. We encourage committee members to share any remaining comments or recommendations on topics from the previous meeting (Chapters Four and Five) and to come prepared to discuss Chapters Six through Eight. This submission includes a summary of ESRC and public comments made during the December 18 meeting, along with an update on upcoming meetings related to this document.

BACKGROUND

The Kaua'i Island Utility Cooperative (KIUC) is the sole power generator on this island and the only electrical cooperative in the state. Half of its fuel mix comes from renewable sources, and it manages facilities, transmission and distribution lines, and streetlights across Kaua'i. The utility currently operates 171 miles of transmission lines, 1,360 miles of distribution lines, and 70 miles of communication lines. It also oversees facility lighting at two power plants, 4,150 streetlights, and may require up to 85 hours of emergency nighttime lighting. KIUC estimates that there could be up to 360 miles of new powerlines and 1,754 new streetlights installed over the 50-year HCP period. Since KIUC's assets are spread throughout the island, the entire geographic area of ka moku o Kaua'i (the island of Kaua'i) is included in this plan.

KIUC is currently seeking coverage for the taxa listed in **Table 1**, protected under Hawai'i endangered species law HRS § 195D *Conservation of Aquatic Life, Wildlife, and Land Plants*, as well as the Federal Endangered Species Act. A review of the applicant's take request for each of these species is summarized in **Table 2**.

‘Ōlelo Hawai‘i	Taxon	Common Name
‘Akē’akē	<i>Hydrobates castro</i>	Band-rumped storm petrel
‘A‘o	<i>Puffinus newelli</i>	Newell’s shearwater
‘Ua‘u	<i>Pterodroma sandwichensis</i>	Hawaiian petrel
Ae‘o	<i>Himantopus mexicanus knudseni</i>	Hawaiian stilt
‘Alae ke‘oke‘o	<i>Fulica alai</i>	Hawaiian coot
‘Alae ‘ula	<i>Gallinula galeata sandvicensis</i>	Hawaiian common gallinule
Koloa maoli	<i>Anas wyvilliana</i>	Hawaiian duck
Nēnē	<i>Branta sandvicensis</i>	Hawaiian goose
Honu	<i>Chelonia mydas</i>	Green sea turtle

Table 1: Species requested by KIUC for coverage under an ITL due to incidental take incurred from lawful operation of the utility.

Taxon	Annual Take	Take for HCP Term (50 Years)
‘Akē’akē	1	71
‘A‘o	6,595	329,765
‘Ua‘u	2,479	123,967
Ae‘o	1	53
‘Alae ke‘oke‘o	2	107
‘Alae ‘ula	2	135
Koloa maoli	10	490
Nēnē	25	1,236
Honu	1 Nest	50 Nests

Table 2: Requested take for all covered species annually and for the fifty-year term of the HCP.

COMMENTS FROM THE DECEMBER 18 MEETING

The following comments were made during the last meeting by ESRC members, staff from the Department of Land and Natural Resources—Division of Aquatic Resources (DAR), University of Hawai'i at Mānoa—Pacific Cooperative Studies Unit, and members of the public. We are sharing these points to assist the ESRC in drafting and finalizing recommendations based on the discussions from the December 18th session.

ESRC Comments

- 1) Provide a track changes or redline version of all HCP documentation from the current draft (Second Draft) to the next iteration.
- 2) Apply the precautionary principle and use a more conservative estimate for ‘a‘o reproductive success rate instead of 87.2%.
 - a. Use a data set from the past ten years, including an ENSO cycle, instead of the current three-year data set.

- 3) The applicant should provide a table listing all demographic parameters used in the model and calculations, along with source citations for where they were obtained, so this information can be easily reviewed. These should be checked for internal consistency throughout the document and appendices.
- 4) Mitigation credits should correspond with the funding KIUC provides to the Save Our Shearwaters (SOS) program. This is especially advised for waterbirds, where offsets are connected to the rehabilitation and tracking of birds through the SOS program.
- 5) Considering the off-island translocation of 'a'o as an additional adaptive management measure can help safeguard the taxon from extinction in case of a major stochastic event.
 - a. It is noted that approximately 1,900 hectares may not be sufficient to support the projected population.
- 6) Consider focusing more on landscape-level predator control instead of creating new social attraction sites or additional predator-proof fences.
- 7) Include comprehensive biosecurity protocols in the HCP and/or land access permits and agreements.
 - a. Include language regarding Little Fire Ants (LFA).
 - b. Include a detailed invasive vegetation control plan that protects native plants.
 - c. Include specific details to achieve this, such as funding and other resources.
- 8) If listed plant species might be affected by KIUC's conservation actions, strict avoidance and minimization measures should be implemented to prevent any likely take of these species. If take cannot be avoided, plants should be considered as covered species in this HCP.
- 9) Ensure that net benefit and net environmental benefit are clearly expressed and align with HRS § 195D.
 - a. Make a clear commitment to protecting ecosystems, especially for covered seabird species.
- 10) Referencing the Draft EIS, additional powerline and lighting minimization options (Options C and D) are included and should be considered. If feasible, the law requires KIUC to pursue these options.
- 11) Maximizing minimization as much as practicable has not been achieved and should not be presumed to be complete for the 50-year permit duration.
 - a. Convert KIUC lights to less than 2% blue light-emitting lights. This is practical, and the technology is available.
 - b. Motion sensors should also be used; this can be implemented for streetlights in remote areas.

DAR and University of Hawaii Staff, and Public Comments

- 12) There is a lack of high-quality demographic data for both 'ua'u and 'a'o. Therefore, using the upper bound in the stable model to authorize the maximum take request for these species does not follow the precautionary principle. KIUC

should pursue a moderate take request combined with enhanced monitoring to verify model projections. Take requests should only be increased once population projections are more certain.

- 13) KIUC should include more measures to help sea turtles, such as rescuing stranded turtles.
- 14) KIUC should recognize that nest shielding is not an exact science and develop a more comprehensive plan to protect sea turtle hatchlings.
- 15) The Upper Limahuli Preserve is a vital part of the HCP. Please continue collaborating with NTBG to ensure this site remains protected.

UPCOMING KIUC HCP MEETINGS AND DIVISION UPDATES

This meeting is the continuation of a series in which DOFAW requests that the Committee evaluate the entirety of the KIUC Second Draft HCP. The next meeting is tentatively scheduled for February 6th, 2026. It will cover any outstanding items that require additional dialogue or guidance from the ESRC.

The Division will hold a public hearing on February 11th on the affected island of Kaua'i to collect public input on the Habitat Conservation Plan.

HCP program staff have engaged the applicant in HCP planning and revisions in ongoing, regularly scheduled meetings. Additionally, we will be meeting with KIUC on January 14th and 15th to discuss DOFAW comments. Subsequent meetings to conclude these conversations are scheduled for the first half of February.

If you have any questions, please contact Habitat Conservation Planning Program Associate, Jesse W. Adams at jesse.w.adams.researcher@hawaii.gov

Respectfully Submitted,



DAVID G. SMITH
Administrator