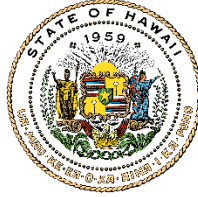


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LAND
STATE PARKS

February 2, 2025

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

SUBJECT: Ongoing 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 its review of the Kaua'i Island Utility Cooperative's (KIUC) Second Draft Habitat Conservation Plan (HCP). In this meeting, committee members are encouraged to conclude discussions from previous meetings and provide any additional comments on the second draft HCP document. This submittal provides a list of ESRC and public comments made during meetings on December 18 and January 16, and an update on upcoming meetings related to this document.

BACKGROUND

The Kaua'i Island Utility Cooperative (KIUC) is the only 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. Over the requested 50-year permit period, KIUC estimates that up to 360 miles of additional power lines and 1,754 new streetlights could be installed. 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. Note, a more detailed accounting of take is provided in Chapter 5 of the second draft HCP document.

COMMENTS FROM DECEMBER 18 AND JANUARY 16 MEETINGS

The following comments were collected during previous meetings by ESRC members, Department of Land and Natural Resources—Division of Aquatic Resources (DAR) staff, University of Hawai'i at Mānoa—Pacific Cooperative Studies Unit staff, and the public. We are sharing these points to assist the ESRC in drafting and finalizing recommendations based on the discussions from the December 18 and January 16 sessions.

ESRC Comments

- 1) Provide a track changes or redline version of all HCP documentation from the current draft (Second Draft) to the next iteration.
 - KIUC responded that this will be provided.
 - Action Item: KIUC to confirm.

- 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.
 - KIUC discussed the rationale for using the three-year dataset.
 - Action Item: ESRC to determine if this is reasonable or if this is a recommendation.
- 3) The applicant should provide a table listing all demographic parameters used in the model and calculations, along with source citations for each. These should be checked for internal consistency throughout the document and appendices.
 - KIUC has indicated that this information is available in its annual reports.
 - Action Item: KIUC to confirm. ESRC to determine if they need these documents now, or in the revised version of the HCP. DOFAW HCP staff to upload documents to the ESRC website.
- 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.~~
 - A conclusion regarding this comment was reached in the January 16 meeting.
- 5) Include language in the HCP that documents KIUC's cooperation and compliance with the Agencies in all State and federal conservation actions.
 - Action Item: KIUC to confirm that language will be provided.
- 6) Considering the off-island translocation of 'a'o as an additional adaptive management step can help protect the taxon from extinction in the event of a major stochastic event.
 - KIUC has requested more data from translocation projects on Kaua'i.
- 7) There was a question about whether 1,900 acres is insufficient to sustain the projected population.
 - Action Item: ESRC to confirm if this acreage is appropriate.
- 8) Consider focusing more on predator control at the landscape level rather than establishing new social attraction sites or additional predator-proof fences.
 - There was a discussion of possibly implementing this at Upper Mānoa, as fences have not yet been built.
 - Action Item: ESRC to recommend whether a predator-proof fence or a predator control-only alternative is suitable for this site.

- 9) 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.
 - DOFAW HCP staff have furnished KIUC with appropriate BMPs for invasive ants and rare plants. Additionally, USFWS has provided updated BMPs to KIUC.
 - Action Item: KIUC to confirm integration of these BMPs into the document.
- 10) The applicant should address habitat-modifying plants in the proposed vegetation management plan, such as Himalayan Ginger, Mule's Foot Fern, Strawberry Guava, and incipient invasive species.
 - The applicant will submit a vegetation management plan within two years of plan approval that addresses this comment.
- 11) If listed plant species could be affected by KIUC's conservation efforts, strict avoidance and minimization measures should be put in place to prevent any likely take of these species. If take cannot be avoided, plants should be considered covered species under this HCP.
 - The applicant will submit a vegetation management plan within two years of plan approval that addresses this comment.
- 12) Ensure that net benefit and net environmental benefit are clearly communicated and align with HRS § 195D.
 - a. Make a firm commitment to protecting ecosystems, especially for covered seabird species.
 - KIUC has agreed to revise the HCP draft to address this comment.
- 13) Referring to 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.
 - Action Item: ESRC should decide whether this is a recommendation to the applicant.
- 14) Minimization to the extent practicable has not been achieved and should not be assumed to be complete over the 50-year permit period.
 - a. Convert KIUC lights to emit less than 2% blue light. This is practical, and the technology is available.
 - b. Motion sensors should also be utilized; this can be applied to streetlights in remote areas.
 - A discussion was held on this topic, and KIUC emphasized that it will collaborate with the State and County to explore implementation.

- Action Item: ESRC should decide whether this is a recommendation to the applicant.
- 15) Include percentages for the starting and ending conservation of the total metapopulation derived from Table 5-8.
 - 16) Adaptive management steps should include language like “implement” alongside the current wording.
 - a. Step one should specify the language that supports the immediate implementation of adaptive management measures.
 - b. This should include timelines for plans to address issues, to be implemented by the next breeding season or earlier.

DAR and University of Hawaii Staff, and Public Comments

- 17) 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.
 - There was discussion on this topic, but no resolution was reached.
 - Action Item: ESRC should clarify whether this is a recommendation to the applicant.
- 18) DAR requests that if sea turtle take increases to more than one nest per year, adaptive management measures listed in Table 6.2, specifically Conservation Measure 6, would stipulate a minimum of two years to begin changing streetlights (wavelength, color, or shielding, or a combination thereof). If an agreement is reached with the County and State on practicable streetlight minimization, KIUC will install practicable light minimization techniques within a timeframe agreed upon by USFWS, DOFAW, and DAR, consistent with Section 4.4.6.1, *Identify and Install Practicable Light Minimization Techniques*.
- 19) DAR requests that KIUC provide additional mitigation and adaptive management strategies for sea turtles, including rescuing adult sea turtles from stranding, line entanglement, and boat strikes by transporting them to a rehabilitation facility.
- 20) The Upper Limahuli Preserve is a key component of the HCP. Please continue working with NTBG to ensure this site remains protected.

UPCOMING KIUC HCP MEETINGS AND DIVISION UPDATES

This meeting builds upon previous meetings where DOFAW requested the Committee to evaluate the entirety of the KIUC Second Draft HCP. If an additional review meeting is required, it will occur on March 12. Should there be a need for more meetings after the twelfth, they will occur in May. This is due to scheduling conflicts with required FY 2025 annual review meetings for all projects.

The Division will hold a public hearing on February 11th on Kaua'i to gather public input on the Habitat Conservation Plan. This meeting will start at 5:00 PM at Kaua'i Community College, OCET 106 C/D, 3-1901 Kaumuali'i Highway, Līhu'e, Hawai'i, 96766.

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "D G Smith", is positioned below the "Respectfully Submitted," text.

DAVID G. SMITH, Administrator