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GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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July 22, 2016

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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DEPUTY DIRECTOR - WATER

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

SUBJECT: REQUEST TO CONDUCT A PUBLIC HEARING REGARDING THE DRAFT PAKINI NUI HABITAT CONSERVATION PLAN AND ASSOCIATED INCIDENTAL TAKE LICENSE, SOUTH POINT, KA'Ū DISTRICT, HAWAII' I ISLAND, TMK'S (3) 9-3-002:006, (3) 9-3-002:023, (3) 9-3-001:006 (PORTION), (3) 9-3-004:001 (PORTION), (3) 9-3-002:999 (PORTION), AND (3) 9-3-001:999 (PORTION).

SUMMARY:

Tawhiri Power, LLC (Tawhiri) proposes to complete a Habitat Conservation Plan (HCP) and obtain an associated 20-year Incidental Take License to continue operating an existing wind energy facility (Project) that was constructed in 2006 near South Point on the island of Hawai'i. The Project has a net generating capacity of up to 21 megawatts and includes 14 turbines, an electrical collection system, a permanent meteorological tower, and roads.

The HCP, once approved, will result in issuance of an Incidental Take License from the Board for incidental take of endangered animals associated with the HCP activities.

BACKGROUND:

Tawhiri has prepared the draft HCP in consultation with the U.S. Fish and Wildlife Service and the DLNR Division of Forestry and Wildlife staff. The draft HCP was published in the June 8, 2016 Office of Environmental Quality and Control's Environmental Notice and is currently available for public review and comments for a 60-day period.

As of March 2016 two endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) fatalities have been observed at the Project. Tawhiri has determined that the incidental take of four endangered species could occur from continued project operation: Hawaiian hoary bat, Hawaiian petrel (*Pterodroma sandwichensis*), Band-rumped storm petrel (*Oceanodroma castro*), and

Hawaiian goose (Nēnē; *Branta sandvicensis*). Low wind speed curtailment will be employed as a minimization measure. Mitigation for the Hawaiian hoary bat will consist of habitat improvement at the Kahuku Unit of Hawai'i Volcanoes National Park (HAVO) and associated bat monitoring to evaluate the improvement. Mitigation for Hawaiian petrels and Band-rumped storm petrels will consist of a monetary contribution toward maintenance of a cat-proof fence around a Hawaiian petrel nesting colony at HAVO, along with predator control. Mitigation for Nēnē is contribution of funding to the DLNR Division of Forestry and Wildlife for Nēnē recovery. All mitigation measures were developed to provide a net ecological benefit to the species.

DISCUSSION:

Pursuant to HRS §195D-4, a public hearing on the affected island in conjunction with a public comment period is required prior to BLNR review and approval of the draft HCP and Issuance of an Incidental Take License.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

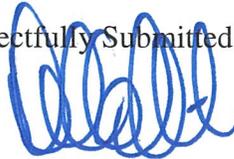
This action before the Board requests approval to conduct a public hearing and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of HRS Chapter 343 relating to environmental impact statements.

RECOMMENDATION:

That the Board:

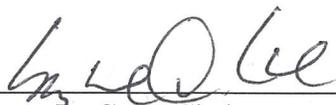
1. Grant permission to conduct a public hearing on the island of Hawai'i for the Pakini Nui Draft Habitat Conservation Plan and associated Incidental Take License, South Point, Ka'ū District, Hawai'i Island;
2. Authorize the Chairperson to set the dates and times for the public hearing; and
3. Authorize the Chairperson to appoint a hearing master for the public hearing.

Respectfully Submitted,



David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson