

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

August 22, 2025

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: REQUEST TO CONDUCT A PUBLIC HEARING REGARDING THE
SECOND DRAFT HABITAT CONSERVATION PLAN FOR THE KAUA'I
ISLAND UTILITY COOPERATIVE (KIUC), ISLAND OF KAUA'I.

SUMMARY:

The Kaua'i Island Utility Cooperative (KIUC) proposes to complete a Habitat Conservation Plan (HCP) and obtain an associated 50-year Incidental Take License from the Board of Land and Natural Resources (Board) to continue operations and maintenance of existing and new KIUC infrastructure. Since this utility provides power island-wide, the plan area is the full geographic extent of Kaua'i. KIUC is requesting coverage for, proposing minimization measures for, and performing mitigation actions to benefit listed species, including 'a'o or Newell's shearwater (*Puffinus newelli*); 'ua'u or Hawaiian petrel (*Pterodroma sandwichensis*); 'akē'akē or band-rumped storm-petrel (*Hydrobates castro*); ae'o or Hawaiian stilt (*Himantopus mexicanus knudseni*); koloa maoli or Hawaiian duck (*Anas wyvilliana*); 'alae ke'oke'o or Hawaiian coot (*Fulica alai*); 'alae 'ula or Hawaiian common gallinule (*Gallinula galeata sandvicensis*); nēnē or Hawaiian goose (*Branta sandvicensis*); and honu or green sea turtle (*Chelonia mydas*).

BACKGROUND:

A Habitat Conservation Plan (HCP) is a voluntary planning document designed to accommodate economic development to the extent possible by authorizing the limited and unintentional take of listed species when it occurs incidental to otherwise lawful activities. The plan is designed not only to help applicants but also to provide long-term benefits to endangered species and their habitats. The document describes the anticipated effects of the proposed taking, how those impacts will be minimized and mitigated, and how those actions will be funded. An HCP is developed as a collaboration between State and Federal biologists and the applicant to ensure the best available science is utilized. When project activities cannot avoid take of endangered or

threatened species, the applicant may seek an Incidental Take License (ITL), which will cover take that is incidental to an otherwise lawful activity.

The Kaua'i Island Utility Cooperative (KIUC) is the sole power supplier for the island of Kaua'i and operates 1,601 miles of transmission, distribution, and communication lines. The utility plans on constructing an additional 360 miles of new powerlines in the future. It also operates facilities, 4,150 streetlights, and other nighttime lighting. Over time, KIUC plans to install an additional 1,754 streetlights.

Over ten years, the utility and its conservation partners compiled field data to determine the distribution, populations, and behaviors of these seabirds in various locations throughout the island. This work led to the identification of monitoring and research projects to be implemented at the conservation sites in the northwestern corner of Kaua'i. This information, along with insights from State and Federal biologists, has culminated in a draft HCP. The first draft was reviewed by the Endangered Species Recovery Committee (ESRC) in 2023. The most recent iteration, or second draft, incorporates their guidance along with agency and public comment, as well as an additional population model requested by the ESRC.

The second draft HCP includes proposed avoidance, minimization, and mitigation actions across the geographic extent of Kaua'i for the benefit of the following State and Federal listed species: 'a'o or Newell's shearwater (*Puffinus newelli*), 'ua'u or Hawaiian petrel (*Pterodroma sandwichensis*), 'akē'akē or band-rumped storm-petrel (*Hydrobates castro*), ae'o or Hawaiian stilt (*Himantopus mexicanus knudseni*), koloa maoli or Hawaiian duck (*Anas wyvilliana*), 'alae ke'oke'o or Hawaiian coot (*Fulica alai*), 'alae 'ula or Hawaiian common gallinule (*Gallinula galeata sandvicensis*), nēnē or Hawaiian goose (*Branta sandvicensis*), and honu or green sea turtle (*Chelonia mydas*).

DISCUSSION:

Pursuant to HRS §195D-4, a public hearing on the affected island in conjunction with a 60-day public comment period is required before Board review and approval of a Habitat Conservation Plan.

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.

RECOMMENDATIONS:

That the Board:

- 1) Grant permission to conduct a public hearing on the island of Kaua'i for the

second draft of the KIUC Habitat Conservation Plan.

- 2) Authorize the Chairperson to:
- a) Set the date, location, and time of the public hearing; and
 - b) Appoint a hearing master for the public hearing.

Respectfully Submitted,



DAVID G. SMITH, Administrator
Division of Forestry & Wildlife

APPROVED FOR SUBMITTAL:



DAWN N.S. CHANG, Chairperson
Board of Land and Natural Resources

Attachments:

Exhibit 1 – 2025 Second Draft Habitat Conservation Plan by the Kaua'i Island Utility Cooperative, *Kaua'i Island Utility Cooperative Habitat Conservation Plan*

Exhibit 2 – 2025 Second Draft Habitat Conservation Plan Appendices by the Kaua'i Island Utility Cooperative, *Kaua'i Island Utility Cooperative Habitat Conservation Plan*