

STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawai'i 96813

December 12, 2025

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

Maui

Decision Making Regarding the Acceptance or Non-Acceptance of the Final Environmental Impact Statement (FEIS) for the Kaheawa Wind 1 Continued Use Project Located in Ukumehame, Wailuku and Lāhainā, Island of Maui, Further Identified as Tax Map Keys (2) 4-8-001: portion of 001 and 3-6-001: portion of 014; and Habitat Conservation Plan Mitigation Sites identified as (2) 1-9-001: portions of 001 & 003 (Haleakalā Ranch, Maui); (2) 5-8-15:001 (por.), (2) 5-8-010: portions of 003, 004, & 005, and 006, (2) 5-8-011:001-004, 007, 009-012; 014, & 016, and portions of 006 & 008, (2) 5-8-12:011, (2) 5-8-015: portions of 001-007, and (2) 5-9-006:portion of 001 (Pu'u o Hōkū Ranch, Moloka'i); (2) 4-9-002:portion of 001 (Greater Hi'i Area, Lāna'i); (2) 3-1-006: portions of 001, 003, & 005 (Makamaka'ole, Maui); and (2) 4-8-001: portion of 001 (Kaheawa Pastures, Maui).

The FEIS is available for review through the following link:
https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-11-23-MA-FEIS-Kaheawa-Wind-1-Continued-Use-Project.pdf

Pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes (HRS), the Board may go into Executive Session in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

APPLICANT:

Kaheawa Wind Power, LLC

LEGAL REFERENCE:

Hawai'i Revised Statutes (HRS) Section 343-5(a)

Hawai'i Administrative Rules (HAR) Chapter 11-200.1, Subchapter 10

LOCATION:

Kaheawa Pastures; Kaheawa Wind Pastures 1 Facility

Ukumehame, Wailuku and Lāhainā, Island of Maui

Identified by Tax Map Keys (TMKs): (2) 4-8-001: portion of 001 and 3-6-001: portion of 014

Habitat Conservation Plan (HCP) Mitigation Sites identified as:

- Haleakalā Ranch, Maui: (2) 1-9-001: portions of 001 & 003
- Pu‘u o Hōkū Ranch, Moloka‘i: (2) 5-8-15:001 (por.), (2) 5-8-010: portions of 003, 004, & 005, and 006, (2) 5-8-011:001-004, 007, 009-012; 014, & 016, and portions of 006 & 008, (2) 5-8-12:011, (2) 5-8-015: portions of 001-007, and (2) 5-9-006: portion of 001
- Greater Hi‘i Area, Lāna‘i: (2) 4-9-002: portion of 001
- Makamaka‘ole, Maui: (2) 3-1-006: portions of 001, 003, & 005
- Kaheawa Pastures, Maui: (2) 4-8-001: portion of 001

Location maps for the areas listed above have been provided in Exhibit A.

AREA:

Approximately 217 acres, more or less (not including HCP mitigation sites)

ZONING:

State Land Use District: Conservation

County of Maui Zoning Interim, Agriculture, Open Zone

EXISTING USE:

Existing wind power facility consisting of 20 wind turbines and ancillary facilities.

HRS, CHAPTER 343:

Triggers - HRS, §343-5(a):

1. Propose the use of state lands; and
2. Proposed use within any land classified as a conservation district

Discretionary Consent Required - HRS §343-5(e):

1. Approval of a long-term land disposition – Board of Land and Natural Resources (Board)

2. An affirmative vote on a Habitat Conservation Plan (HCP) for recommendation by the Department to the Board – Endangered Species Recovery Committee (ESRC)
3. Approval of the HCP and an Incidental Take License (ITL) - Board

EXECUTIVE SUMMARY

Staff requests that each Board member review the FEIS prior to the meeting so that the Board can independently assess whether the FEIS has met the criteria as set forth below to make a decision regarding the acceptance or non-acceptance on the Applicant's FEIS. A decision on acceptance or non-acceptance must be made by **December 17, 2025**, or the FEIS will be accepted by default due to non-action by the Board pursuant to HAR §11-200.1-28(e)(2)(B).

Determining the acceptance or the non-acceptance of a FEIS is based on the satisfaction of three (3) criteria as prescribed in HAR §11-200.1-28(b), which are as follows:

- (1) The procedures for assessment, consultation process, review, and the preparation and submission of the EIS, from proposal of the action to publication of the final EIS, have all been completed satisfactorily as specified in this chapter;***
- (2) The content requirements described in this chapter have been satisfied¹; and***
- (3) Comments submitted during the review process have received responses satisfactory to the accepting authority, including properly identifying comments as substantive and responding in a way commensurate to the comment, and have been appropriately incorporated into the final EIS.***

Based upon the three criteria set above, Staff provides the following for the Board's consideration:

- (1) Procedural Requirements. Staff's review of the FEIS indicates that the requirements regarding procedures for assessment, consultation process, review, and the preparation of the FEIS have been completed.
- (2) Content Requirements. LD, the Division of Forestry and Wildlife (DOFAW), Office of Conservation and Coastal Lands (OCCL), and the State Historic Preservation Division (SHPD) reviewed the content of the FEIS. In general, Staff identified areas where the FEIS clearly addressed the content requirements. In some areas, in particular those related to the mitigation for impacts to endangered and threatened species, the Board may wish to consider whether additional information or analysis would be beneficial.

¹ In order to assess whether the content requirements of HAR Chapter 11-200.1 have been satisfied, the Board must assess whether it contains the 20 criteria set forth in HAR § 11-200.1-24 and the 5 criteria set forth in HAR § 11-200.1-27. These are discussed below.

- (3) Comment Requirements. Comments on the DEIS are included in Appendix B of the FEIS and responses to substantive comments are included in Table B-4 of the FEIS. The FEIS incorporates, in redline format, revisions in response to the comments. In general, the FEIS addresses comments made by LD, DOFAW, OCCL, and SHPD. Whether the FEIS adequately addresses all comments are judgment calls made by the Board.

BOARD REVIEW OF KWP 1'S FEIS:

The subject of this agenda item on the Board's December 12, 2025 meeting agenda is the sufficiency of the FEIS for the Kaheawa Wind 1 Continued Use Project, which is available to the public online at:

https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-11-23-MA-FEIS-Kaheawa-Wind-1-Continued-Use-Project.pdf

Staff requests that each Board member read the FEIS prior to the meeting so each Board member can assess the criteria discussed herein and determine whether the Board "*can make a sound decision based upon the full range of responsible opinion on environmental effects*" pursuant to HAR §11-200.1-24(a). LD staff provides comments on the FEIS that are meant to aid the Board's decision-making, but as there may be subjective analyses, the Board members should review the FEIS in order to make their decision on acceptance or non-acceptance.

DESCRIPTION OF THE PROPOSED ACTION:

KWP is proposing to continue to operate and maintain the existing Kaheawa Wind Power 1 (KWP 1) facility which is located on State lands and will require KWP to obtain a new, 25-year lease from the Board as well as approval to enter into a new HCP and the issuance of a State ITL. Based on the KWP's description of the proposed action (referred herein as the "Project"), the Project involves three, distinct components:

1. Continued operations and maintenance. This phase includes an initial maintenance period of 6 to 9 months, followed by continued operation of the existing 20-turbine wind facility which also includes associated infrastructure, buildings, and access roads for another 20.5 years.
2. Proposed mitigation activities and sites identified in the HCP which would occur on the island of Maui and within the greater Maui nui that are necessary for the proposed HCP and new ITL that would cover incidental take for approximately 23 years.
3. Decommissioning and restoration which would include the disassembly of the turbines, removal of the turbine footings, removal of any associated infrastructure such as electrical lines, and restoration of the site to previous conditions.

STANDARD EVALUATION OF THE FEIS:

Pursuant to HAR §11-220.1-28(a), “*Acceptability of a final EIS shall be evaluated on the basis of whether the final EIS in its completed form, represents an informational instrument that fulfills the intent and provisions of chapter 343, HRS, and adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.*”

Further, HAR §11-200.1-28(b) states that “*A final EIS shall be deemed to be an acceptable document by the accepting authority only if all of the following criteria are satisfied:*

- (1) The procedures for assessment, consultation process, review, and the preparation and submission of the EIS, from proposal of the action to publication of the final EIS, have all been completed satisfactorily as specified in this chapter;*
- (2) The content requirements described in this chapter have been satisfied; and*
- (3) Comments submitted during the review process have received responses satisfactory to the accepting authority, including properly identifying comments as substantive and responding in a way commensurate to the comment, and have been appropriately incorporated into the final EIS.*

Pursuant to HAR §11-200.1-2:

“Acceptance means a formal determination that the document required to be filed pursuant to chapter 343, HRS, fulfills the requirements of an EIS, as prescribed by section 11-200.1-28. Acceptance does not mean that the action is environmentally sound or unsound, but only that the document complies with chapter 343, HRS, and this chapter.”

An EIS is not intended to resolve conflicts of opinion on the impacts of a proposed action. Rather, an EIS only intends to provide sufficient information for informed decision making.

“[W]hether or not the parties disagree, or even whether there is authority which conflicts with the agency’s decision is not the yardstick by which the sufficiency of an EIS is to be measured. Rather it is whether the EIS as prepared permitted informed decision making by the agency.”

Price v. Obayashi Hawaii Corp., 81 Haw. 171, 181-182, 914 P.2d 1364, 1375 (1996). In other words, an EIS need not be exhaustive to the

Point of discussing all possible details bearing on the proposed action but will be upheld as adequate if it has been compiled in good faith and sets forth sufficient information to enable the decision-maker to consider fully the environmental factors

involved and to make a reasonable decision after balancing the risks of harm to the environment against the benefits to be derived from the proposed action, as well as to make a reasoned choice between alternatives.

Id. at 183 (citing *Life of the Land v. Ariyoshi*, 59 Haw. 156, 164-65, 577 P.2d 1116, 1121 (1978)).

Thus, it is the Board's responsibility to apply the standards to the FEIS, consider the environmental factors, balance the potential harm to the environment against the public benefits from the proposed project in determining whether the applicant has compiled in good faith sufficient information to enable the Board to determine whether the FEIS meets the standard or not.

DISCUSSION:

Pursuant to HAR §11-200.1-28(e)(2)(B), for applicant actions, the accepting authority shall “*Notify the applicant and the office [The Environmental Review Program] of the acceptance or non-acceptance of the final EIS within thirty days of the final EIS submission to the agency...*”

The Department and the Environmental Review Program (ERP) received the submission of the FEIS on November 17, 2025. **This grants the Board until December 17, 2025 to either accept or not accept the FEIS.**

HAR §11-200.1-28(e)(2)(B) states that “*If the accepting authority fails to make a determination of acceptance or non-acceptance of the EIS within thirty days of receipt of the final EIS, then the statement shall be deemed accepted.*” The Board must make a decision on the acceptability of the FEIS at this meeting and decision making cannot be deferred, unless a special meeting of the Board is called on or before the December 17, 2025, deadline.

As mentioned earlier, HAR §11-200.1-28(b), states that:

“A final EIS shall be deemed to be an acceptable document by the accepting authority only if all of the following criteria are satisfied:

- (1) The procedures for assessment, consultation process, review, and the preparation and submission of the EIS, from proposal of the action to publication of the final EIS, have all been completed satisfactorily as specified in this chapter;*
- (2) The content requirements described in this chapter have been satisfied; and*
- (3) Comments submitted during the review process have received responses satisfactory to the accepting authority, including properly identifying comments as*

substantive and responding in a way commensurate to the comment, and have been appropriately incorporated into the final EIS.”

Based on the above criteria, Staff provides the following for the Board’s consideration:

1. PROCEDURE

Pursuant to HAR, Chapter 11-200.1, Staff found that the requirements regarding procedures for assessment, consultation process, review, and the preparation and submission of the FEIS appears to have been satisfactorily complied with.

2. CONTENT REQUIREMENTS

Content requirements fall within two (2) categories; the content requirements of a draft EIS (DEIS) and the content requirements of a FEIS. The content requirements of the DEIS should be reflective in the FEIS and therefore any issues in the draft that were not properly addressed in the final would still be considered to be outstanding.

The Board’s review is two levels of review intertwined: whether the content requirements have been met and whether the analysis under each content requirement is sufficient to inform the Board of the potential environmental impacts as a result of the Proposed Action. As some of the content requirements are subjective in nature, the Board should determine whether the FEIS document fulfills this criterion.

LD, DOFAW, and OCCL provided comments on the DEIS. These, along with comments from other agencies, can be found in Appendix B of the FEIS (pdf pg. 687). Comments on the FEIS were provided by SHPD, DOFAW and OCCL and are provided as Exhibit B, C, and D, respectively.

Staff provides the following points for consideration to assist the Board in its determination of whether the content requirement has been satisfied.

DEIS Content Requirements:

Pursuant to HAR, §11-200.1-24:

- (a) The draft EIS, at minimum shall contain the information required in this section. The contents shall fully declare the environmental implications of the proposed action and shall discuss all reasonable foreseeable consequences of the action. In order that the public can be fully informed and that the accepting authority can make a sound decision based upon the full range of responsible opinion on environmental effects, an EIS shall include responsible opposing views, if any, on significant environmental issues raised by the proposal.*

Discussion:

This criterion requires the Board to determine whether the information provided by KWP, in response to the subsequent criteria, discloses fully, the environmental impacts of the Project. The discussion section under each subsequent criteria is meant to aid the Board in evaluating the FEIS document pursuant to this criterion.

- (b) *The scope of the draft EIS may vary with the scope of the proposed action and its impact, taking into consideration whether the action is a project or a program. Data and analyses in a draft EIS shall commensurate with the importance of the impact, and less important material may be summarized, consolidated, or simply referenced. A draft EIS shall indicate at appropriate points in the text any underlying studies, reports, and other information obtained and considered in preparing the draft EIS, including cost-benefit analyses and reports required under other legal authorities.*

Discussion:

Staff requested in our comments on the DEIS that KWP clearly declare whether the proposed action is a “project” or a “program.” In response to our comment, KWP stated that the proposed action is a “project.”

Staff notes that a “*project*” is defined as “*a discrete, planned undertaking that is site and time specific, has a specific goal or purpose and has potential impact to the environment*” pursuant to HAR §11-200.1-2.

- (c) *The level of detail in a draft EIS may be more broad for programs or components of a program for which site-specific impacts are not discernable, and shall be more specific for components of the program for which site-specific, project level impacts are discernable. A draft EIS for a program may, where necessary, omit evaluating issues that are not yet ready for decision at the project level. Analysis of the program may discuss in general terms the constraints and sequences of events likely to result in any narrowing of future options. It may present and analyze in general terms hypothetical scenarios that are likely to occur.*

Discussion:

Not applicable.

Staff believes that this section applies to “programs” and thus this section is not applicable to the FEIS as KWP has indicated that the proposed action is a “project.”

- (d) *The draft EIS shall contain a summary that concisely discusses the following:*

- (1) *Brief description of the action (see page xxi)*
- (2) *Significant beneficial and adverse impacts (see page xlv);*
- (3) *Proposed mitigation measures (see page xlv);*

- (4) *Alternatives considered* (see page xliii);
- (5) *Unresolved issues* (see page lxii);
- (6) *Compatibility with land use plans and policies, and a list of permits or approvals* (see page lv and Table ES-6); and
- (7) *A list of relevant EAs and EISs considered in the analysis of the preparation of the EIS* (see Table ES-1).

Discussion:

The required summary can be found in the FEIS as the Executive Summary (ES) which starts on page xvi (pdf pg. 22) and the specific section references have been provided above.

On the DEIS, LD staff had concerns regarding the substance of the alternatives summary which we note is also associated with the criterion pursuant to HAR, §11-200.1-24(h). Page 11 of this submittal provides a more substantive discussion, but as it relates to the ES, KWP revised the ES to include a discussion as to why no other alternatives, other than the no action alternative were considered.

- (e) *The draft EIS shall contain a separate table of contents.*

Discussion:

The table of contents can be found starting on page iii (pdf pg. 9) of the FEIS.

- (f) *The draft EIS shall contain a separate and distinct section that includes the purpose and need for the proposed action.*

Discussion:

The purpose and need for the Project can be found in Chapter 1 of the FEIS, starting in Section 1.3 on page 15 (pdf pg. 81).

- (g) *The draft EIS shall contain a description of the action that shall include the following information, but need not supply extensive detail beyond that needed for evaluation and review of the environmental impact:*

- (1) *A detailed map (such as a United States Geological Survey topographic map, Flood Insurance Rate Maps, Floodway Boundary Maps, or state sea level rise exposure area maps, as applicable) and a related regional map;*

Discussion:

Detailed maps can be found after Chapter 8 of the document. A list of figures can be found on page ix (page 10 of the pdf) as a part of the Table of Contents.

Staff notes that a total of 32 figures were provided by KWP.

(2) *Objectives of the proposed action;*

Discussion:

Objectives of the Project can be found in Section 1.4 of the FEIS.

(3) *General description of the action's technical economic, social, cultural, and environmental characteristics;*

Discussion:

Chapter 3 provides the general description of the Project's technical economic, social, cultural and environmental characteristics which is also sometimes referred to as the affected environment or environmental setting of the Project.

(4) *Use of state or county funds or lands for the action;*

Discussion:

Section 1.1 states that "The Proposed Action would require the use of state-owned lands..."

(5) *Phasing and timing of the action;*

Discussion:

Section 2.1.5 includes a discussion on the phasing and timing of the Project.

(6) *Summary of technical data, diagrams, and other information necessary to enable an evaluation of potential environmental impact by commenting agencies and the public; and*

Discussion:

Summary of technical data, diagrams, and other information is found throughout the FEIS document.

(7) *Historic perspective.*

Discussion:

KWP provided a description of pre-contact, early historic, and post-contact perspectives in Section 3.10 in which they discuss the early/historical environment of the Ukumehame Ahupua'a.

They also provided a description and discussion of the background and history of the KWP 1 facility itself in Section 1.2. In this section, KWP discusses the history of permitting and construction as well as the history of the current HCP and ITL/ITP (pdf pg.76).

(h) The draft EIS shall describe in a separate and distinct section discussion of the alternative of no action as well as reasonable alternatives that could attain the objectives of the action. The section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions. Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks of the action. Examples of alternatives include:

- (1) Alternatives requiring actions of a significantly different nature that would provide similar benefits with different environmental impacts;*
- (2) Alternatives related to different designs or details of the proposed action that would present different environmental impacts; and*
- (3) Alternative locations for the proposed action.*

In each case, the analysis shall be sufficiently detailed to allow the comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative. For alternatives that were eliminated from detailed study, the section shall contain a brief discussion of the reasons for not studying those alternatives in detail. For any agency actions, the discussion of alternatives shall include, where relevant, those alternatives not within the existing authority of the agency.

Discussion:

Section 2.2 of the FEIS discusses the “No-Action Alternative”, and Section 2.3 was added to provide a discussion on alternatives that were considered but dismissed from further consideration.

On the DEIS, Staff noted that no additional discussion on other alternatives, including alternatives that were considered, but ultimately dismissed, were found. Staff requested that if KWP was going to forgo providing an alternative, that they provide a discussion on why no other alternatives were identified and evaluated as well as justification on how the EIS, complies with this content requirement.

KWP's response to our comment was that “*HAR §11-200.1 requires the applicant to consider reasonable alternative. In response to comments on the Draft EIS, the*

Applicant has added Section 2.3 to the Final EIS to discuss a range of concepts that were presented in public comments for possible inclusion as alternatives and why these concepts were either not considered reasonable as they did not meet the Project purpose and need or were not significantly different in nature from the Proposed Action or would result in different environmental impacts as the Proposed Action and therefore do not rise to level of an Action Alternative.”

Further in Section 2.3, KWP provided their reasonings as to why no other alternatives were identified and evaluated as well as their justification on how the DEIS/FEIS, complies with this content requirement. Their reasonings/justification is summarized below.

KWP states that that the provisions under HAR §11-200.1-24(h) requires discussion of “reasonable alternatives.” KWP recognizes that “reasonable alternatives” is not defined under the rules, but notes that when the Environmental Council developed the language for this criterion, they considered 40 CFR 1502.14(a) which defines “reasonable alternatives” as “a reasonable range of alternatives that are technically and economically feasible, and meet the purpose and need for the proposed action.” Therefore, based on this definition and the rest of the language provided under HAR §11-200.1-24(h), KWP did not identify any alternatives that met the “purpose and need” of the Project nor did they identify any alternatives that would be “*significantly different in nature from the proposed action, result in different environmental impacts from the proposed action, and/or involve alternative locations from the proposed action*” (refer to pdf pg. 138 for KWP’s full discussion).

- (i) *The draft EIS shall include a description of the environment setting including a description of the environment in the vicinity of the action, as it exists before commencement of the action, from both a local and regional perspective. Special emphasis shall be placed on environmental resources that are rare or unique to the region and the action site (including natural or human-made resources of historic, cultural, archaeological, or aesthetic significance); specific reference to related actions, public and private, existent or planned in the region shall also be included for purposes of examining the possible overall cumulative impacts of such actions. Proposing agencies and applicants shall also identify, where appropriate, population and growth characteristics of the affected area, any population and growth assumptions used to justify the proposed action, and any secondary population and growth impacts resulting from the proposed action and its alternatives. The draft EIS shall expressly note the sources of data used to identify, qualify, or evaluate any and all environmental consequences.*

Discussion:

Staff notes the following:

- Details regarding KWP’s initial maintenance phase are still being refined.

- Details regarding some of the proposed HCP mitigation sites and projects are still being refined. The Draft HCP can be found at the following link:

https://files.hawaii.gov/dbedt/erp/Other_TEN_Publications/2025-08-08-MA-Draft-HCP-Kaheawa-Wind-Power-I.pdf

The Board could find they would have preferred more information from the Draft HCP to have been included in the EIS or they could find the information provided in the EIS is sufficient.

- (j) *The draft EIS shall include a description of the relationship of the proposed action to land use and natural or cultural resource plans, policies, and controls for the affected area. Discussion of how the proposed action may conform or conflict with objectives and specific terms of the approved or proposed land use and resource plans, policies, and controls, if any, for the affected area shall be included. Where a conflict or inconsistency exists, the draft EIS shall describe the extent to which the agency or applicant has reconciled its proposed action with the plan, policy, or control, and the reasons why the agency or applicant has decided to proceed, notwithstanding the absence of full reconciliation.*

Discussion:

Chapter 4 of the FEIS discusses the proposed action's consistency with Federal, State, and County land use plans, policies, and controls.

Staff notes that the FEIS does not include the County zoning designations as KWP states that "*County zoning regulations are not applicable to the Proposed Action*" as the proposed action occurs within the State Land Use Conservation District and thus land use is governed by the DLNR. Staff notes that the Project site does have County zoning designations and is identified as Interim, Agriculture, Open Zone per the County of Maui digital zoning maps.

- (k) *The draft EIS shall also contain a list of necessary approvals required for the action from governmental agencies, boards, or commissions or other similar groups having jurisdiction. The status of each identified approval shall also be described.*

Discussion:

Section 4.4/Table 4-1 of the FEIS (pdf pg. 501) contains a list of necessary approvals as well as their status.

- (l) *The draft EIS shall include an analysis of the probable impact of the proposed action on the environment, and impacts of the natural or human environment on the action. This analysis shall include consideration of all consequences on the environment, including direct and indirect effects. The interrelationships and cumulative environmental impacts of the proposed action and other related actions shall be discussed in the draft EIS. The draft EIS should recognize that several actions, in*

particular those that involve the construction of public facilities or structures (e.g., highways, airports, sewer systems, water resource actions, etc.) may well stimulate or induce secondary effects. These secondary effects may be equally important as, or more important than, primary effects, and shall be thoroughly discussed to fully describe the probable impact of the proposed action on the environment. The population and growth impacts of an action shall be estimated if expected to be significant, and an evaluation shall be made of the effects of any possible change in population patterns or growth upon the resource base, including but not limited to land use, water, and public services, of the area in question. Also, if the proposed action constitutes a direct or indirect source of pollution as determined by any governmental agency, necessary data regarding these impacts shall be incorporated into the EIS. The significance of the impacts shall be discussed in terms of subsections (m), (n), (o), and (p).

Discussion:

Direct and indirect impacts are discussed throughout Chapter 3 and cumulative impacts are discussed in Section 3.17 of the FEIS.

Staff notes the following for consideration:

- Details regarding KWP's initial maintenance phase are still being refined.
- Details regarding some of the proposed HCP mitigation sites and projects are still being refined. The Draft HCP can be found at the following link:

https://files.hawaii.gov/dbedt/erp/Other_TEN_Publications/2025-08-08-MA-Draft-HCP-Kaheawa-Wind-Power-I.pdf

The Board may find they would have preferred more information from the Draft HCP to have been included in the EIS or they could find the information provided is sufficient.

Staff also notes that the cumulative impacts section does not discuss the historical take of threatened endangered species associated with the existing KWP 1 facility in conjunction with the new anticipated take for the proposed 25-year lease term. See pages 368-369 of the FEIS (pdf pgs. 434-435).

Please see discussion sections below regarding subsections (m), (n), (o), and (p) respectively.

(m) The draft EIS shall include in a separate and distinct section a description of the relationship between local short-term uses of humanity's environment and the maintenance and enhancement of long-term productivity. The extent to which the proposed action involves trade-offs among short-term and long-term gains and losses shall be discussed. The discussion shall include the extent to which the proposed action forecloses future options, narrows the range of beneficial uses of the environment, or

poses long-term risks to health and safety. In this context, short-term and long-term do not necessarily refer to any fixed time periods, but shall be viewed in terms of the environmentally significant consequences of the proposed action.

Discussion:

The relationship between short-term use of the environment and long-term productivity is discussed in Section 5.1 of the FEIS.

- (n) *The draft EIS shall include in a separate and distinct section a description of all irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. Identification of unavoidable impacts and the extent to which the action makes use of non-renewable resources during the phases of the action, or irreversibly curtails the range of potential uses of the environment, shall also be included. The possibility of environmental accidents resulting from any phase of the action shall also be considered.*

Discussion:

Irreversible and irretrievable commitments of resources are discussed in Section 5.5, of the FEIS.

- (o) *The draft EIS shall address all probable adverse environmental effects that cannot be avoided. Any adverse effects such as water or air pollution, urban congestion, threats to public health, or other consequences adverse to environmental goals and guidelines established by environmental response law, coastal zone management laws, pollution control and abatement laws, and environmental policy including those found in chapters 128D (Environmental Response Law), 205A (Coastal Zone Management), 342B (Air Pollution Control), 342C (Ozone Layer Protection), 342D (Water Pollution), 342E (Nonpoint Source Pollution Management and Control), 342F (Noise Pollution), 342G (Integrated Solid Waste Management Plan), 342H (Solid Waste Recycling), 342I (Special Wastes Recycling), 342J (Hazardous Waste, including Used Oil), 342L (Underground Storage Tanks), 342P (Asbestos and Lead), and 344 (State Environmental Policy), HRS, and those effects discussed in this section that are adverse and unavoidable under the proposed action must be addressed in the draft EIS. Also, the rationale for proceeding with a proposed action, notwithstanding unavoidable effects, shall be clearly set forth in this section. The draft EIS shall indicate what other interests and considerations of governmental policies are thought to offset the adverse environmental effects of the proposed action. The draft EIS shall also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects.*

Discussion:

Section 5.3 of the FEIS discusses probable environmental effects which cannot be avoided as well as the rationale for proceeding with the Project.

(p) The draft EIS shall consider mitigation measures proposed to avoid, minimize, rectify, or reduce impacts including provisions for compensation for losses of cultural, community, historical, archaeological, and fish and wildlife resources, including the acquisition of land, waters, and interests therein. Description of any mitigation measures included in the action plan to reduce significant, unavoidable, adverse impacts to insignificant levels, and the basis for considering these levels acceptable shall be included. Where a particular mitigation measure has been chosen from among several alternatives, the measures shall be discussed and reasons given for the choice made. The draft EIS shall include, where possible, specific reference to the timing of each step to be taken in any mitigation process, what performance bonds, if any, may be posted, and what other provisions are proposed to ensure that the mitigation measures will in fact be taken in the event the action is implemented.

Discussion:

Mitigation measures are presented in the EIS as both existing mitigation measures (and BMPs) that are currently implemented due the current operation and maintenance activities at the KWP 1 facility as well as proposed mitigation measures for the Continued Use Project which can be found throughout Chapter 3 of the FEIS.

Staff notes the following for consideration:

- Details regarding KWP's initial maintenance phase are still being refined.
- Details regarding some of the proposed HCP mitigation sites and projects are still being refined. The Draft HCP can be found at the following link:

https://files.hawaii.gov/dbedt/erp/Other_TEN_Publications/2025-08-08-MA-Draft-HCP-Kaheawa-Wind-Power-I.pdf

The Board could find they would have preferred more information from the Draft HCP to have been included in the EIS or they could find the information provided is sufficient.

(q) The draft EIS shall include a separate and distinct section that summarizes unresolved issues and contains either a discussion of how such issues will be resolved prior to commencement of the action, or what overriding reasons there are for proceeding without resolving the issue.

Discussion:

Section 5.4 of the FEIS discusses unresolved issues. According to KWP, "There are no significant issues related to [the] Proposed Action that remain unresolved." Nevertheless, they do list/discuss approvals that are still pending with relevant state regulatory agencies. The approvals still pending include the Endangered Species Recovery Committee (ESRC) vote on the final HCP and the subsequent approval of the HCP and ITL by the Board.

Staff notes KWP does not currently have a land disposition for the creation and use of the entrance parking and staging area, located just off Honoapi'ilani Highway. Recently, Staff was able to find an After-The-Fact Site Plan Approval for the area which was issued for accessory structures including an access gate, security camera and DVR camera, 60,000 gallon water tank, and entrance area for guest parking and staging. Staff consulted with the Maui District Land Agent regarding the status of the disposition. According to the District Land Agent, the original plan was to remove the storage tank and discontinue use of the staging area/parking area post construction and the approved access easement would cover the roadway and entry gate improvements. He noted that the tenant continues to utilize the tank site and staging area for material storage and parking without a formal disposition. Staff notes that while this remains an unresolved issue, KWP can resolve this during the Board's consideration and deliberation of a new lease.

- (r) *The draft EIS shall include a separate and distinct section that contains a list identifying all governmental agencies, other organizations and private individuals consulted in preparing the draft EIS, and shall disclose the identity of the persons, firms, or agency preparing the draft EIS, by contract or other authorization.*

Discussion:

Chapter 6 contains the list of “*all governmental agencies, other organizations and private individuals consulted in preparing the draft EIS.*” This list is inclusive of those who were consulted on the EISPN and DEIS.

Chapter 8 of the FEIS provides “*the identity of the persons, firms, or agency preparing the draft EIS, by contract or other authorization.*”

- (s) *The draft EIS shall include a separate and distinct section that contains:*

- (1) *Reproductions of all written comments submitted during the consultation period required in section 11-200.1-23;*

Discussion:

Reproductions of all comments can be found in Appendix B of the FEIS.

- (2) *Responses to all substantive written comments made during the consultation period required in section 11-200.1-23. Proposing agencies and applicants shall respond in the draft EIS to all substantive written comments in one of two ways, or a combination of both, so long as each substantive comment has clearly received a response:*

- (A) *By grouping comment responses under topic headings and addressing each substantive comment raised by an individual commenter under that topic heading by issue. When grouping comments by topic and issue, the names of commenters who raised an issue under a topic heading shall be clearly identified*

in a distinctly labeled section with that topic heading. All substantive comments within a single comment letter must be addressed, but may be addressed throughout the applicable different topic area with the commenter identified in each applicable topic area. All comments, except those described in paragraph (3), must be appended in full to the final document; or

- (B) By providing a separate and distinct response to each comment clearly identifying the commenter and the comment receiving a response being responded to for each comment letter submitted. All comments, except those described in paragraph (3), must either be included with the response, or appended in full to the final document;*

Discussion:

Responses to comments on the EISPN and DEIS can be found in Appendix B of the FEIS (see Table B-1 and Table B-4, respectively).

- (3) For comments that are form letters or petitions, that contain identical or near-identical language, and that raise the same issues on the same topic:
 - (A) The response may be grouped under paragraph (2)(A) with the response to other comments under the same topic and issue with all commenters identified in the distinctly labeled section identifying commenters by topic; or*
 - (B) A single response may be provided that addresses all substantive comments within the form letter or petition and that includes a distinct section listing the individual commenters who submitted the form letter or petition. At least one representative sample of the form letter or petition shall be appended to the final document; and*
 - (C) Provided that, if a commenter adds a distinct substantive comment to a form letter or petition, then that comment must be responded to pursuant to paragraph (2);**

Discussion:

Not Applicable. It does not appear any form letters were received.

- (4) A summary of any EIS public scoping meetings, including a written general summary of the oral comments made, and a representative sample of any handout provided by the proposing agency or applicant related to the action provided at any EIS public scoping meeting;*

Discussion:

Summary and samples of handouts at the EIS public scoping meeting are included as Appendix A of the FEIS.

- (5) *A list of those persons or agencies who were consulted and had no comment in a manner indicating that no comment was provided; and*

Discussion:

Table 6-3 provides the list of consulted persons or agencies and indicates whether or not comments were received accordingly.

- (6) *A representative sample of the consultation request letter.*

Discussion:

A sample of the consultation request letter can be found in Appendix A of the FEIS.

- (t) *An addendum to a draft EIS shall reference the original draft EIS to which it attaches and comply with all applicable filing, public review, and comment requirements set forth in subchapter 10.*

Discussion:

Not applicable.

FEIS Content Requirements

HAR §11-200.1-27 establishes the content requirements of a FEIS. The content requirements are as follows:

- (a) *The final EIS, at a minimum, shall contain the information required in this section. The contents shall fully declare the environmental implications of the proposed action and shall discuss all reasonably foreseeable consequences of the action. In order that the public can be fully informed and the accepting authority can make a sound decision based upon the full range of responsible opinion of environmental effects, an EIS shall include reasonable opposing views, if any, on significant environmental issues raised by the proposal.*

Discussion:

“Effects” or “impacts” as used in HAR 11-200.1 are synonymous. *Effects may include ecological effects (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic effects, historic effects, cultural effects, economic effects, social effects, or health effects, whether primary, secondary, or cumulative. Effects may also include those effects resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.* HAR § 11-200.1-2.

“Environment” means humanity’s surroundings, inclusive of all the physical, economic, cultural, and social conditions that exist within the area affected by a proposed action, including land, human and animal communities, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. HAR § 11-200.1-2.

The Board may wish to refer to the discussion Staff has provided under the DEIS content requirements to help inform their decision on whether this criterion has been met.

(b) *The final EIS shall consist of:*

- (1) *The draft EIS prepared in compliance with this subchapter, as revised to incorporate substantive comments received during the review process in conformity with section 11-200.1-26, including reproduction of all comments and responses to substantive written comments;*

Discussion:

Reproductions of all comments are provided in Appendix B and responses to substantive comments can be found in Appendix B, Table B-4 (pdf pg. 757).

- (2) *A list of persons, organizations, and public agencies commenting on the draft EIS;*

Discussion:

Table 6-3 (pdf pg. 511) contains a list of persons, organizations, and public agencies commenting on the draft EIS.

- (3) *A list of those persons or agencies who were consulted in preparing the final EIS and those who had no comment shall be included in a manner indicating that no comment was provided; ‘*

Discussion:

Table 6-3 (pdf pg. 511) provides the list of consulted persons or agencies and indicates whether or not comments were received accordingly.

- (4) *A written general summary of oral comments made at any EIS public scoping meeting; and*

Discussion:

Not Applicable. It does not appear that KWP received any oral comments.

- (5) *The text of the final EIS written in a format that allows the reader to easily distinguish changes made to the text of the draft EIS.*

Discussion:

Applicant uses redline format which allows the reader to easily distinguish changes.

3. COMMENTS AND RESPONSES.

Staff recognizes that the issue of whether comments have been satisfactorily responded is **highly subjective**. Therefore, the Board is asked to review the comment and response matrix provided as Table B-4 (pdf pg. 757).

Staff notes that LD, DOFAW, and OCCL Department provided comments on the DEIS. SHPD, DOFAW, and OCCL also provided comments on the FEIS which can be found as Exhibit B, C, and D respectively.

RECOMMENDATION:

Recognizing that *no decision or recommendation* on the HCP, ITL, or long-term lease disposition is being made at this time², the Land Division recommends that the Board either:

1. Determine that the FEIS complies with applicable law and adequately discloses the environmental impacts of the proposed action, and thus accepts the FEIS as submitted by KWP.

OR

2. Determine that the FEIS does not comply with applicable law and does not adequately disclose the environmental impacts of the proposed action, and thus rejects the FEIS as submitted by KWP.

Respectfully submitted,

Signature: 

Ryan K.P. Kanaka'ole
First Deputy

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson

² The Board will make a separate determination at a later date regarding whether to approve a long-term land disposition, the HCP, and issue an ITL, and any terms and conditions that may be appropriate.

Kaheawa Wind 1 Continued Use Project

Figure 1-2 Site Plan

MAUI COUNTY, HI



- Project Area
- TMK Boundary
- State Highway
- Existing Facilities
- KWP 1 Existing Wind Turbines
- ▲ KWP 1 Existing Met Tower
- HECO Switchyard and KWP 1 Substation
- HECO Switchyard and KWP 2 Substation
- O&M Building and Yard
- Warehouse Building and Yard
- KWP 2 Battery Storage Facility
- Existing Rain Catchment Structure
- Hawaiian Electric Transmission Lines

TMK boundary data for TMKs 4-8-001:010 and 3-6-001:052 are approximate based on State of Hawaii Survey Division map C,S,F. No. 19186.

Reference Map



EXHIBIT A

\\bos01\BIS\GIS\SSP\map\DOT\InterForm_E_Power\Kaheawa_Maui_Power_Maps\BIS_20240410\InterFormPower_Kaheawa\Power_BIS_11111_20240711.aprx

Kaheawa Wind Project I Habitat Conservation Plan

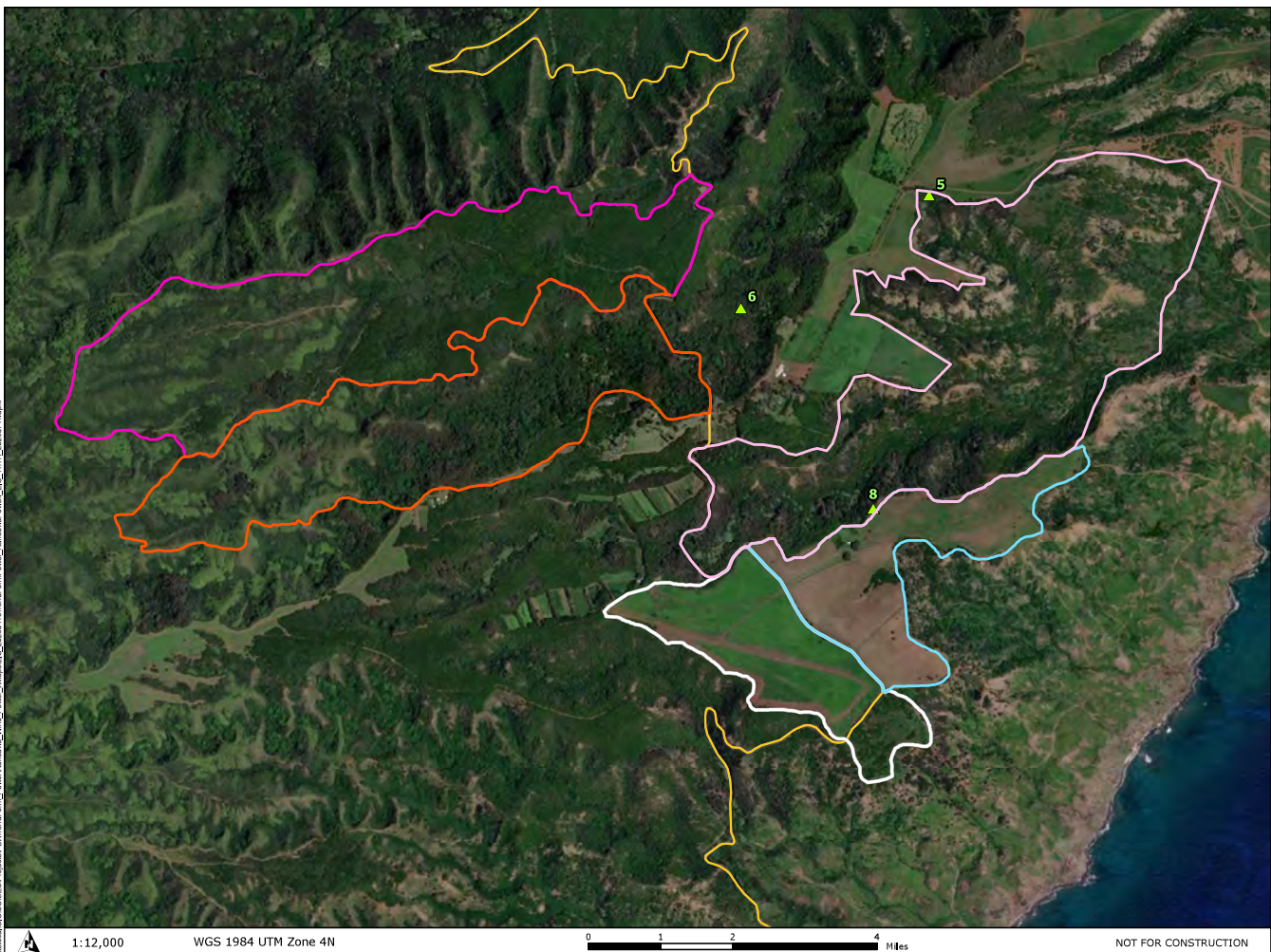
Figure 1-8 Initial 'Ope'ape'a Mitigation Areas

MOLOKAI ISLAND, HI

Mitigation Areas

- Management Unit 1 (216 Acres)
- Management Unit 2 (181 Acres)
- Management Unit 3 (72 Acres)
- Management Unit 4 (73 Acres)
- Management Unit 5 (267 Acres)
- Molokai Bat Monitoring Location
- State Highway

Reference Map



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1:12,000

WGS 1984 UTM Zone 4N

0 1 2 4 Miles

NOT FOR CONSTRUCTION

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
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KAHOOLAWE ISLAND RESERVE COMMISSION
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STATE PARKS

November 25, 2025

Leslie McClain
Tetra Tech
737 Bishop Street, Suite 2000
Honolulu, Hawai'i 96813
leslie.mcclain@tetrattech.com

IN REPLY REFER TO:
Project No: 2025PR00975
Doc No: 2509NG04
History & Culture

Molly Stephenson
Kaheawa Wind Power, LLC
200 Liberty Street, 14th Fl
New York, NY 10281
Molly.stephenson@terraformpower.com

Aloha e Leslie and Molly,

SUBJECT: Draft Environmental Impact Statement for the Kaheawa Wind 1 Continued Use Project, Ukumehame Ahupua'a, Lāhaina District, Island of Maui, TMK: (2) 4-8-001:001; (2) 3-6-001:014

Thank you for the opportunity to review the Draft Environmental Impact Statement (DEIS) for the subject property located at Tax Map Key Nos. (2) 4-8-001:001 and (2) 3-6-001:014 on the island of Maui. The DEA was prepared by Tetra Tech at the request of Kaheawa Wind Power, LLC. The Hawaii State Historic Preservation Division (SHPD) has reviewed the above cited DEIS and provides the following comments:

- SHPD notes the presence of the following historic properties located in or near the project area:
 - SIHP #50-50-09-01441 (habitation)
 - SIHP #50-50-09-01287 (habitation)
 - SIHP #50-50-09-02825 (trail and petroglyph)
 - SIHP #50-50-09-02826 (terraced enclosure)
 - SIHP #50-50-09-02827 (enclosure)
 - SIHP #50-50-09-02946 (Lāhaina Pali Trail)
 - SIHP #50-50-09-02948 (habitation complex)
 - SIHP #50-50-09-04696 (historic highway)
 - SIHP #50-50-09-05232 (unknown heiau)
 - SIHP #50-50-09-05402 (cattle trough)
 - SIHP #50-50-09-05625 (cairn)
 - SIHP #50-50-09-05626 (cairn)
 - SIHP #50-50-09-05648 (habitation)

EXHIBIT B

- SIHP #50-50-09-05649 (complex)
- SIHP #50-50-09-05650 (complex)
- SIHP #50-50-09-05652 (historic road)
- SIHP #50-50-09-05653 (habitation complex)
- SIHP #50-50-09-05654 (concrete steps)
- SIHP #50-50-09-05714 (privy)
- SIHP #50-50-09-05715 (hoist)
- SIHP #50-50-09-06218 (shelter)
- SIHP #50-50-09-06219 (cairn)
- SIHP #50-50-09-06220 (cairn)
- SIHP #50-50-09-06221 (cairn)
- SIHP #50-50-09-06222 (ranching complex)
- SIHP #50-50-09-06665 (cattle trough)
- SHPD requests updates on implementation of the *Preservation Plan for Site 50-50-09-05232, an Upland Heiau in Ukumehame Ahupua'a, island of Maui, TMK 4-8-01:1*, accepted by SHPD on July 12, 2005.
- SHPD also notes that we have previously commented on the *Environmental Impact Statement Preparation Notice for the Kaheawa Wind 1 Continued Use Project* (HICRIS No. 2024PR01343).

The State of Hawai'i Office of Planning and Sustainable Development is the office of record for this environmental review. Please maintain a copy of this letter with your environmental review record. Please contact Noah Gomes, SHPD ethnographer at (808) 987-5001 or by email at noah.gomes@hawaii.gov, for matters regarding this letter.

Mahalo,



Jessica L. Puff

State Historic Preservation Administrator

Deputy State Historic Preservation Officer

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

November 28, 2025

MEMORANDUM

TO: Lauren Yasaka
Acting Administrator Assistant, Land Division

FROM: David G. Smith
Administrator, Division of Forestry and Wildlife

SUBJECT: Review of Final Environmental Impact Statement (EIS) for Kaheawa Wind Power 1, Located on the Island of Maui, Hawai'i

The Division of Forestry and Wildlife (DOFAW) received a request from Land Division to review the Final Environmental Impact Statement (EIS) for Kaheawa Wind Power I, located on Maui, Hawai'i, Tax Map Keys: (2) 4-8-001:001 and (2) 3-6-001:014. The purpose of the Final EIS is to address the environmental impacts of the Kaheawa Wind Power 1 (KWP 1) Continued Use Project (Proposed Action), which aims to extend the operations of the existing KWP 1 wind energy facility on state land in West Maui, Hawai'i, for an additional 25 years. KWP 1 is a 30-megawatt (MW) wind energy facility situated in the Kaheawa Pastures area of West Maui, within the Ukumehame ahupua'a. The facility currently operates under a 20-year Power Purchase Agreement (PPA) that expires in 2026. Hawaiian Electric selected the KWP 1 Continued Use Project as part of the Maui Stage 3 Request for Proposals (RFP). The Proposed Action would utilize state-owned lands and occur within the State Conservation District, specifically in the general and protective subzones. The current one-year holdover lease expires on January 31, 2026. The duration of the new lease will be negotiated and approved by the Board of Land and Natural Resources (Board).

I. **Summary**

DOFAW outlines the Proposed Action and Alternative, the permits issued by DOFAW related to this project, and any remaining concerns regarding the Final Environmental Impact Statement.

EXHIBIT C

II. Proposed Action and Alternative

1. Under the applicant's Proposed Action, the take of endangered species would be avoided, minimized, and mitigated in accordance with the described best management practices and proposed mitigation plans. In this letter, DOFAW recommends measures to avoid and minimize take to the fullest extent practicable. DOFAW also offers feedback to the applicant's current proposed mitigation for the listed species.
2. Under the No Action Alternative, KWP 1 would shut down and be decommissioned, meaning the impacts related to its ongoing operation would cease. The effects of decommissioning and site restoration activities would happen in the near term and would be the same regardless of when they occur. After dismantling the infrastructure, reclamation efforts would be undertaken to restore the site.
 - Under the No Action Alternative, the land leased by KWP 1 would revert to the Department of Land and Natural Resources (DLNR). It could be set aside for DOFAW for natural and cultural resource management. This is a practical option, as DOFAW currently oversees adjacent land, designated as the West Maui Forest Reserve and Natural Area Reserve.

The West Maui Forest Reserve and Natural Area Reserve are currently managed for fire prevention and endangered species protection, especially for nēnē and nalo meli maoli, also known as the Assimulans Yellow-faced bee. The leased land and the surrounding Forest Reserve and Natural Area Reserve also serve as a nesting site for nēnē, or the Hawaiian Goose, which has high site fidelity and has nested here and on nearby lands managed by DOFAW for multiple generations. At one time, there was a DOFAW-managed Honalua nēnē breeding pen above the current wind turbines. The site and larger protected area serve as a flyway for listed seabirds traveling from the ocean to the West Maui Mountains, where they breed and nest. Flyways are routes seabirds use to move between their breeding and non-breeding areas.

The land leased to KWP Wind Power could be remediated and restored with native tree outplantings and may serve as 'ōpe'ape'a, nēnē, and seabird habitat. The Lahaina Pali Trail runs alongside the turbines and borders the leased area. There is a heiau located adjacent to the turbines. If the No Action Alternative is chosen, greater access to this site could be granted for cultural purposes and recreational use. The No Action Alternative would provide the opportunity to restore natural and cultural resources in West Maui.

III. Permits and Approvals from the Division of Forestry and Wildlife

- Incidental Take License with associated Habitat Conservation Plan (HCP)
- Wildlife Handling Permit for carcasses

IV. Response to comments

Regarding wind speed curtailment, since KWP 1 has experienced bat fatalities at its turbines throughout the year, DOFAW prefers year-round curtailment of 6.5 m/s, replacing the proposed seasonal curtailment in September and October. If that is not possible, they should work towards a smart curtailment strategy informed by bat activity, environmental conditions, and fatalities. This would serve as an avoidance measure to minimize bat take at the site.

DOFAW prefers that mitigation occur on the impact island to support affected species' island populations. Regarding the Hawaiian hoary bat, DOFAW agrees that KWP 1 can start a project on Moloka'i, as experts hypothesize that these bats may be traveling from Maui to Moloka'i to forage and breed. The KWP 1 bat mitigation plan on Moloka'i has already been developed. It is ready for implementation, enabling immediate action to meet biological and statutory mitigation needs at the start of the license term. However, DOFAW would like to see mitigation shifted to Maui over time. A detailed mitigation plan, including specific locations and actions, should be incorporated into the final Habitat Conservation Plan before the BLNR approves the Incidental Take License.

Seabird experts believe that the population of Hawaiian petrels affected by wind farm activities comes from Maui. In response to an agency comment, KWP 1 states that they will address impacts on Hawaiian Petrels in East Maui if the option is available. DOFAW suggests that the applicant complete mitigation at the Alpine Wildlife Sanctuary, a DOFAW-managed area and a well-established Hawaiian petrel colony, by funding burrow monitoring and predator control efforts.

Regarding the yellow-faced bee, in response to DOFAW's comments on the draft EIS, KWP 1 states that turbine strike research is unnecessary, but DOFAW would like to understand and reduce the potential risk to the species. DOFAW also requests that KWP I consult with DOFAW entomologists on revised disturbance limits, the final mitigation plan, and the related budget estimates.

In addition to the comments provided in a formal letter on the draft EIS, DOFAW is concerned about gravel runoff from the access road washing off and collecting in the gulches near the highway. The gulch is part of DOFAW-managed land intended to become a Forest Reserve. DOFAW communicated this concern to the licensee through a follow-up meeting after submitting our formal written comments. KWP I has included this in their revision of the Final EIS. In the best management practices table, KWP I states that they will *“implement permanent erosion control measures, as needed, which may include maintaining or adding to existing water diversion channels and stabilization using gravel, or topsoil replacement and seeding/replanting. The existing permanent stormwater management system would be maintained throughout the facility's lifespan. This will include working with DOFAW/DLNR staff to address any concerns related to gravel runoff from the road and implementing measures to prevent gravel from entering*

gulches off the main access road.” This commitment addresses DOFAW’s concerns about gravel-road runoff and its potential impact on natural drainage systems.

KWP sufficiently addressed DOFAW’s additional comments on the draft EIS and incorporated the revisions into the final EIS.

We appreciate the opportunity to submit our comments and hope the above concerns will be considered during the Board's decision-making process for the Final Environmental Impact Statement. If you have any questions about these comments, please contact Laurinda K. McEachern at (808) 583-0597 or Laurinda.k.mceachern@hawaii.gov.

Sincerely,



David G. Smith
Administrator

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
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LAND
STATE PARKS

11/26/2025

MEMORANDUM

To: Lauren Yasaka, Acting Assistant Administrator, Land Division

From: Michael Cain, Administrator, Office of Conservation and Coastal Lands *Michael Cain*

Subject: Final Environmental Impact Statement, Kaheawa Wind 1 Continued Use Project
Ukumehame, Wailuku / Lahaina, Maui, Tax Map Key (2) 4-8-001:001

The Office of Conservation and Coastal Lands has reviewed the Final Environmental Impact Statement for the Kaheawa Wind Power (KWP) 1 Continued Use Project, with a focus on the project proponent's compliance with their existing Conservation District Use Permit (CDUP), their responses to OCCL comments posed during the environmental review process, and whether any future land uses were sufficiently described.

OCCL provided written comments on the draft EIS on Sept 22, 2025 (ref MA 26-24) (FEIS page 821). The project proponent's responses are summarized in Table B-4. KWP 1 Draft ES Comment Response Matrix (FEIS Appendix B, page B-43 / 782)

CDUP Compliance

The Board of Land and Natural Resources approved CDUP MA-3103 on June 4, 2025, subject to 44 conditions. (See FEIS page 826). OCCL had questions whether the permittee was compliant with two of the conditions.

Condition 6. *Heiau 5232 at Ukumehame will need to be preserved. A preservation plan (scope of work) will need to be submitted to the State Historic Preservation Division for review and acceptance. This plan will need to identify buffers around the site, interim protection measures, and long-term preservation measures. The Division will also need to verify that the plan has been successfully carried out, prior to land alteration, or alternatively construction activities may commence following written verification from our Division that the interim preservation measures are in place.*

The permittee's response, is provided here in full:

KWP 1 is in compliance with the existing preservation plan for the upland heiau (Site 5232). Short-term protection measures and long-term preservation measures were implemented by KWP 1.

EXHIBIT D

Short-term protection measures included 1) archaeological monitoring within 500 feet of the site, 2) the installation of construction fencing along the 200-foot buffer around the site, 3) a pre-construction briefing about the site and its associated preservation measures, and 4) a post-construction monitoring report of the site. Long-term preservation measures include 1) education brochures about the site and 2) the installation of permanent markers and signage about the site.

During the construction of the KWP 1 facility in 2005, temporary preservation measures were implemented including the monitoring and reconstruction of the Lāhainā Pali Trail (Site 2946); the installation of fencing around the preservation buffer of Site 5232 and in the general vicinity of Sites 4696 and 5653); archaeological monitoring during construction work within 500 feet of Site 5232; a pre-construction meeting about the Site 5232; and a post-construction monitoring report of the Site 5232.

Following construction, long-term preservation measures were implemented at Sites 2946 and 5232. Two signs were installed in the vicinity of the heiau (Site 5232) to indicate the area as a sacred place. Interpretive signs were already present along the Lāhainā Pali Trail (Site 2946) in 2005. The signs have not been maintained at either site since their initial installation and today stand in a state of disrepair. Due to the condition of the signs, KWP 1 is currently working to replace the signs at Sites 2946 and 5232. In addition, KWP 1 annually contributes to the Na Ala Hele program for the maintenance of the Lāhainā Pali Trail and has previously worked with Maui Cultural Lands Community Group to maintain the vegetation within the KWP 1 lease area, including near the heiau.

OCCL notes that Heiau 5232 is outside the projects proposed Limits of Disturbance (LOD). The permittee has indicated that they are willing to work with the State Historic Preservation Division (SHPD), Land Division, and Nā Ala Hele statewide trail program to provide a buffer around the heiau.

Condition 42. *The applicant shall comply with the Incidental Take Permit requirements of the U.S. Fish and Wildlife Service, including the preparation of the Habitat Conservation Plan. Complying with the Incidental Take Permit and Habitat Conservation Plan is a key element in complying with the standard permit conditions contained in Hawai'i Administrative Rules (HAR) Chapter 13-5-42 (14), Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm or hazard.*

The permittee's response is provided here in full:

The Applicant is in compliance with mitigation for all covered species under the current permit. As described in Section 1.2.2, as of end of FY 2025, mitigation has offset approximately 50.3 nēnē but the Tier 1 obligation (60 nēnē, plus lost productivity) has not yet been met (KWP 2025).

However, as further explained in the HCP (see Draft HCP, Appendix H5, Tetra Tech. 2025a), KWP is working with DOFAW and USFWS to adaptively manage the nēnē mitigation program, implementing habitat and infrastructure improvements at Haleakalā Ranch since assuming management in December 2023. KWP 1 is also collaborating with DOFAW and USFWS to manage a second release pen following a recent DOFAW translocation of 24 nēnē to the island of Moloka'i.

Offsets for the new ITP and ITL would begin upon permit issuance concurrent with the current (2006-2026) ITP and ITL mitigation obligations. Mitigation actions would continue until a net benefit has been achieved relative to the permitted amount of take (and any accrued lost productivity).

The Applicant is committed to fulfilling the outstanding mitigation obligation under the current permit while also implementing mitigation for the requested permit.

OCCL will defer to the Board whether this condition has been satisfactorily complied with.

Land Uses

The permittee states that the continuing operation of the facility for an additional twenty years will require no construction of physical improvements beyond maintenance activities.

KWP 1 operations includes regular inspection and maintenance of the turbines; maintaining the primary access road; maintaining graded, vegetation free roads and pads out to 230 feet (70 meters) of each turbine; maintaining vegetation free 30-foot buffers around the substation and switchyard, and operations building; and managing vegetation within vegetation free buffers through a combination of mechanical, chemical, and manual methods,

Maintenance work may also include refurbishment or replacement of some components of the turbines during an initial maintenance period at the start of the Proposed Action or during the operational period. Refurbishment and maintenance of the turbines are expected to occur in place.

Ground disturbing activities associated with refurbishment and maintenance may include site preparation and minor grading of some turbine pads to create flat surfaces for support crane deployment and blade laydown. This site prep and grading would occur primarily within the existing gravel footprint of the roads and pads but in some cases may require site work outside the graveled areas but within areas previously disturbed during original construction of KWP 1.

There are additional land uses that are disclosed as part of the Best Management Plan and other mitigation measures. The Storm Water Management plan discusses implementing permanent erosion control measures, as needed, which may include maintaining or adding to existing water diversion channels and stabilization using gravel, or topsoil replacement and seeding/replanting. The existing, permanent stormwater management system would be maintained throughout the lifespan of the facility.

Conservation District rules do not require additional permitting for maintenance activities that result in negligible change to or impact to land, or a natural and cultural resource. These are identified in Hawai'i Administrative Rules (HAR) Chapter 13-5.

Some of the ground disturbing activities discussed in the FEIS, such as the Storm Water Management plan, might trigger the need for additional permitting and possible additional environmental review. KWP 1 has acknowledged that they will consult with OCCL prior to conducting any activities that could require further approvals.