

Kaheawa Wind Power, LLC

Testimony to

**BOARD OF LAND AND NATURAL
RESOURCES**

January 23, 2026

Agenda Item C-3

Decision making regarding 1) Kaheawa Wind Power I's Request for Approval of its Habitat Conservation Plan for Operating its Wind Energy Facility at TMK9s): (2) 4-8-001:001 and (2) 3-6-001:014 and 2) Issuance of an Incidental Take License for Kaheawa Wind Power, LLC, for 25 years for incidental take of Hawaiian Hoary Bat (*Lasiorurus cinereus semotus*; 'Ōpe'ape'a), Hawaiian Goose (*Branta sandvicensis*; Nēnē), Newell's shearwater (*Puffinus auricularis newelli*; 'a'o), Hawaiian petrel (*Pterodroma sandwichensis*; 'ua'u), Band-rumped storm-petrel (*Oceanodroma castro*; 'akē'akē), and the Yellow-faced bee (*Hylaeus assimilans*; Nalo Meli Maoli) at TMK(s): (2) 4-8-001:001 and (2) 3-6-001:014.

Aloha Chair Kanaka'ole and Members of the Board of Land and Natural Resources:

Thank you, members of the Board for the opportunity to provide this testimony.

Kaheawa Wind Power, LLC (KWP or Applicant) respectfully submits this testimony to request that the Board of Land and Natural Resources (BLNR or Board) Approve the Final Habitat Conservation Plan (HCP) for the Kaheawa Wind 1 Continued Use Project and Approve Issuance of an Incidental Take License (ITL) to KWP.

I. Background of the KWP Project and HCP

The KWP facility consists of 20 General Electric (GE) 1.5-MW wind turbines arranged in a single articulated row, as well as an electrical substation and operations and maintenance building, on the slopes of the West Maui Mountains in an area known as Kaheawa Pastures on land owned by the Department of Land and Natural Resources (DLNR).

KWP has been operating under a 20-year ITL (ITL-08, Amendment 2¹) and associated

¹ <https://dlnr.hawaii.gov/wildlife/files/2024/12/KWP-I-ITL-08-amended-2016-1.pdf>

HCP (dated 2006)². This has included compliance monitoring, implementation of minimization and avoidance measures, and mitigation actions for four threatened and endangered species, including Nēnē or Hawaiian goose (*Branta sandvicensis*), ‘Ōpe‘ape‘a or Hawaiian hoary bat (*Lasiusurus semotus*), ‘Ua‘u or Hawaiian petrel (*Pterodroma sandwichensis*); and ‘A‘o or Newell’s shearwater (*Puffinus newelli*). Annual reports outlining KWP’s compliance with the current ITL are all publicly available on DOFAW’s website³. The current ITL is set to expire January 30, 2026.

An HCP is a voluntary planning and conservation agreement between the BLNR and the Applicant, designed to protect, maintain, restore, or enhance habitat for endangered, threatened, proposed, or candidate species in Hawaii while allowing lawful activities that might otherwise incidentally “take” those species. Under Hawaii Revised Statutes (HRS) Section 195D-4(g), BLNR, after consultation with the State’s Endangered Species Recovery Committee (ESRC), may issue a temporary license (an ITL) to allow a take otherwise prohibited if the take is incidental to the carrying out of an otherwise lawful activity.

To qualify for an ITL, the following must occur:

- The applicant minimizes and mitigates the impacts of the take to the maximum extent practicable (i.e., implements an HCP);
- The applicant guarantees that adequate funding for the HCP will be provided;
- The applicant posts a bond, provides an irrevocable letter of credit, insurance, or surety bond, or provides other similar financial tools, including depositing a sum of money in the endangered species trust fund created by HRS 195D-31, or provides other means approved by BLNR, adequate to ensure monitoring of the species by the State and to ensure that the applicant takes all actions necessary to minimize and mitigate the impacts of the take;
- The plan increases the likelihood that the species will survive and recover;
- The plan takes into consideration the full range of the species on the island so that cumulative impacts associated with the take can be adequately assessed;
- The activity permitted and facilitated by the license to take a species does not involve the use of submerged lands, mining or blasting;

² <https://dlnr.hawaii.gov/wildlife/files/2013/10/Final-KWP-I-HCP.pdf>

³ <https://dlnr.hawaii.gov/wildlife/hcp/approved-hcps/>

- The cumulative impact of the activity, which is permitted and facilitated by the license, provides net environmental benefits; and
- The take is not likely to cause the loss of genetic representation of an affected population of any endangered, threatened, proposed or candidate plant species.

HRS 195D-21 deals specifically with HCPs, which, when submitted in support of an ITL application must:

- Identify the geographic area encompassed by the plan; the ecosystems, natural communities, or habitat types within the plan area that are the focus of the plan; and the endangered, threatened, proposed and candidate species known or reasonably expected to be present in those ecosystems, natural communities or habitat types in the plan area;
- Describe the activities contemplated to be undertaken within the plan area with sufficient detail to allow DLNR to evaluate the impact of the activities on the particular ecosystems, natural communities or habitat types within the plan area that are the focus of the plan;
- Identify the steps that will be taken to minimize and mitigate all negative impacts, including without limitation the impact of any authorized incidental take, with consideration of the full range of the species on the island so that cumulative impacts associated with the take can be adequately assessed; and the funding that will be available to implement those steps;
- Identify the measures or actions to be undertaken; a schedule for implementation of the measures or actions; and an adequate funding source to ensure that the actions or measures are undertaken in accordance with the schedule;
- Be consistent with the goals and objectives of any approved recovery plan for any endangered species or threatened species known or reasonably expected to occur in the ecosystems, natural communities or habitat types in the plan area;
- Provide reasonable certainty that the ecosystems, natural communities or habitat types will be maintained in the plan area throughout the life of the plan;
- Contain objective, measurable goals; time frames within which the goals are to be achieved; provisions for monitoring; and provisions for evaluating progress in achieving the goals quantitatively and qualitatively;
- Include an agreement to enter into and maintain an annual service contract with a stand-by and response facility available to provide emergency medical and

rehabilitation services to native wildlife affected by activities undertaken within the plan area; and

- Provide for an adaptive management strategy that specifies the actions to be taken periodically if the plan is not achieving its goals.

II. KWP's Proposed HCP

The Proposed HCP was developed in close consultation with DOFAW, and builds off of more than 20 years of site-specific monitoring, information gained during species mitigation, and the current state of the science. KWP has been working closely with DOFAW HCP staff for nearly two years to develop the Final HCP, which represents the results of numerous meetings, site visits, and input from species experts.

Public comments were received and incorporated into the Final HCP along with ESRC recommendations throughout development. The ESRC and DOFAW have both recommended approval of the Proposed HCP. KWP strongly believes that the input and feedback received from all parties has resulted in a comprehensive HCP reflecting the state of the science that will support conservation efforts and recovery of threatened and endangered species in Hawaii.

The Proposed HCP and requested ITL would cover operation of the existing KWP I facility for an additional 25-year Permit Term. The new HCP requests additional take authorization for the four original Covered Species and take authorization for two additional species that may occur within the vicinity of the project, the 'Akē'akē or band-rumped storm petrel (*Oceanodroma castro*) and the nalo meli maoli or *assimilans* yellow-faced bee (*Hylaeus assimilans*). Additional compliance monitoring, implementation of avoidance and minimization measures, and mitigation actions for effects on covered species that cannot be avoided, would be implemented for all six Covered Species and result in a net conservation benefit to these species. In other words, implementation of the proposed HCP, when considered together with the proposed permitted incidental take, will result in an overall net gain in the recovery of Hawaii's threatened and endangered species.

Proposed mitigation will largely build off of current and previously implemented mitigation projects for each species:

- 'ōpe'ape'a: KWP will restore and manage 1,558 acres of 'ōpe'ape'a habitat to increase foraging resources and roosting habitat. The actions taken will build off the \$1.4 million of research that KWP funded under the current HCP, which resulted in five publications related to 'ōpe'ape'a roost selection, land use, and diet.

- **Nēnē**: KWP will continue to manage two release pens for nēnē, monitoring nēnē breeding, maintaining predator fencing, and trapping predators. This will build off the 95 nēnē goslings that have successfully fledged from these pens through the 2025 breeding season and support DOFAW's continued translocation efforts, which included the translocation of 25 nēnē last April to a restored release pen that KWP is now managing.
- **‘Ua‘u**: KWP will fund management (monitoring and predator trapping) of an ‘ua‘u colony in east Maui, which will build off the previous work done on Lāna‘i where 184 ‘ua‘u goslings fledged.
- **‘A‘o**: KWP will continue to fund management (monitoring, predator trapping, and social attraction) of the ‘a‘o colony at Makamaka‘ole in west Maui, which was discovered by KWP biologists under the current HCP and has successfully used artificial burrows and social attraction to build a colony where multiple ‘a‘o goslings have now fledged.
- **Akē‘akē**: KWP will provide \$450,000 in funding to the “Hawaiian Seabird Conservation Account” with the National Fish and Wildlife Foundation where funds for seabird mitigation can be deposited and then used according to an appropriate conservation plan. The overall intent is that pooled resources can be used to fund larger management projects with the opportunity to successfully support more individuals or to resolve larger research questions targeted at the recovery of seabirds than could have been supported through smaller-scale investments. This account was developed for low impact and/or low-take projects, and provides a mitigation opportunity for species when there is not a readily accessible option for offsetting the take on the affected island(s). United States Fish and Wildlife Service (USFWS) and DOFAW will work together to direct the funding to where it will best serve the species.
- **Assimulans yellow-faced bees**: KWP will continue working closely with DOFAW entomologists, and will be funding an ungulate fence around an approximately 18-acre area, and will manage habitat (ironwood removal and outplanting of foraging resources) around a core nesting area to increase foraging and nesting opportunities for the assimulans yellow-faced bee, as well as provide further protection to the known nesting area.

The mitigation programs outlined in the HCP have been developed in close coordination with DOFAW and the ESRC, as well as species experts, non-profits, and private landowners. In many instances, they build off of decades of previous work and collaboration.

III. KWP's Final HCP is Compliant with Chapter 343, Hawaii Revised Statutes

The Final EIS⁴ analyzing the impacts of implementation of the HCP was unanimously accepted by the BLNR on December 12, 2025. An acceptance determination dated December 15, 2025, was published in the December 23, 2025, issue of *The Environmental Notice*⁵. The acceptance determination documents that the procedures for assessment, consultation, review, and the preparation and submission of the FEIS were completed satisfactorily; the content requirements were satisfied, including identifying environmental impacts and adequate mitigation measures as a result of the project; and the FEIS satisfactorily responded to review comments.

IV. KWP's Final HCP was Recommended for Approval by the Endangered Species Recovery Committee (ESRC)

HRS 195D-25 provides for the creation of the ESRC, which is composed of biological experts, representatives of relevant federal and state agencies (i.e., USFWS, the U.S. Geological Survey, and DLNR), and appropriate governmental and non-governmental members (e.g., University of Hawai'i) to serve as a consultant to the DLNR and the BLNR on matters relating to endangered, threatened, proposed, and candidate species.

The duties of the ESRC include:

- Reviewing all applications for HCPs, Safe Harbor Agreements (SHAs), and ITLs, and making recommendations to the DLNR and the BLNR on whether they should be approved, amended, or rejected;
- Reviewing all existing HCPs, SHAs, and ITLs annually to ensure compliance, and making recommendations for any necessary changes; and
- Considering and recommending appropriate incentives to encourage landowners to voluntarily engage in efforts that restore and conserve endangered, threatened, proposed, and candidate species.

Hence, the ESRC plays a significant role in the HCP planning process. KWP has actively engaged with the ESRC throughout development of the HCP. On December 18, 2025, after acceptance of the EIS by the BLNR, the ESRC voted unanimously to **recommend approval** of the Final HCP to the BLNR.

⁴ https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-11-23-MA-FEIS-Kaheawa-Wind-1-Continued-Use-Project.pdf

⁵ https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-12-23-MA-FEIS-Acceptance-Kaheawa-Wind-1-Continued-Use-Project.pdf

V. KWP's Final HCP meets the requirements of Chapter 195D, Hawaii Revised Statutes.

As provided in the testimony from DOFAW, KWP's HCP meets the requirements outlined in HRS 195D and the criteria for issuance of an ITL. Please see Exhibit C of the DOFAW Staff Submittal for a table of issuance criteria and the corresponding section of the Final HCP which addresses each requirement. This table is also included as an Appendix to this document.

KWP further notes that the DOFAW staff submittal is consistent with the **recommendation of the ESRC for the BLNR to approve the Final HCP.**

VI. KWP's Request to the Board

Based on the content of the HCP, the recommendation from the ESRC and DOFAW, and compliance with HRS 343 and 195D, **KWP respectfully requests that the Board Approve** the Final HCP and issuance of an Incidental Take License (ITL) for the Kaheawa Wind 1 Continued Use Project.

[Signature Page Follows]

Respectfully submitted,

KAHEAWA WIND POWER, LLC

By: 
Name: David Purcell
Title: Vice President

Appendix: ISSUANCE CRITERIA FOR THE KAHEAWA WIND POWER I HABITAT CONSERVATION PLAN AND INCIDENTAL TAKE LICENSE [DOFAW Staff Submittal Exhibit C]

§195D-21(b)(2) Each habitat conservation plan shall:

Requirement/Criteria	KWP I HCP Provision(s)
(A) Identify the geographic area encompassed by the plan; the ecosystems, natural communities, or habitat types within the plan area that are the focus of the plan; and the endangered, threatened, proposed, and candidate species known or reasonably expected to be present in those ecosystems, natural communities, or habitat types in the plan area;	See Section 1.3 of HCP (Permit Area) and Section 3.0 (Environmental Setting and Land Use), which includes sections on vegetation, critical habitat, and T&E species for the Project Area and mitigation sites (collectively the Permit Area).
(B) Describe the activities contemplated to be undertaken within the plan area with sufficient detail to allow the department to evaluate the impact of the activities on the particular ecosystems, natural communities, or habitat types within the plan area that are the focus of the plan	See Section 2.0 (Covered Activities), which explains Operations and Maintenance, Mitigation Activities, Compliance Monitoring, and Decommissioning and Restoration.

Requirement/Criteria	KWP I HCP Provision(s)
(C) Identify the steps that will be taken to minimize and mitigate all negative impacts, including without limitation the impact of any authorized incidental take, with consideration of the full range of the species on the island so that cumulative impacts associated with the take can be adequately assessed; and the funding that will be available to implement those steps	See Section 6.2 (Measures to Avoid and Minimize Take) and Section 6.3 (Measures to Mitigate Impacts from Unavoidable Take), Section 5.4 (Anticipated Impact of the Taking), and Section 10.0 (Funding).
(D) Identify those measures or actions to be undertaken to protect, maintain, restore, or enhance the ecosystems, natural communities, or habitat types within the plan area; a schedule for implementation of the measures or actions; and an adequate funding source to ensure that the actions or measures, including monitoring, are undertaken in accordance with the schedule	See Section 6.2 (Measures to Avoid and Minimize Take) and Section 6.3 (Measures to Mitigate Impacts from Unavoidable Take), and Section 10.0 (Funding).
(E) Be consistent with the goals and objectives of any approved recovery plan for any endangered species or threatened species known or reasonably expected to occur in the ecosystems, natural communities, or habitat types in the plan area	<p>KWP has worked closely with DOFAW and USFWS to ensure that the HCP is consistent with the goals and objectives of each relevant recovery plan.</p> <p>Specific recovery plan actions that are achieved through the mitigation programs are described briefly for each Covered Species below.</p> <p>Nēnē</p> <ul style="list-style-type: none"> • Manage habitats and existing populations for sustainable productivity and survival • Control alien predators • Self-sustaining population on Maui Nui • Identify and protect nēnē habitat

Requirement/Criteria	KWP I HCP Provision(s)
	<p><u>‘Ope‘ape‘a</u></p> <ul style="list-style-type: none"> • Protect key roosting and foraging areas • Identify and assess threats • Control and manage threats • Conduct research on other islands <p>Mitigation also builds off previous research done in support of the recovery plan (i.e., roosting and foraging characteristics).</p> <p><u>‘Ua‘u and ‘A‘o</u></p> <ul style="list-style-type: none"> • Breeding sites throughout the current and historical distribution of the species are effectively protected and managed (e.g., ungulate/predator-proof fencing, intensive control of small mammals and avian predators) <p><u>‘Akē‘akē</u></p> <p>Final mitigation project(s) will be chosen by USFWS and DOFAW through the use of NFWF funding.</p> <p>Actions from the recovery plan may include:</p> <ul style="list-style-type: none"> • Identify sites to support populations; • Construct and maintain predator proof enclosures around band-rumped storm-petrel colonies. • Develop and implement control programs for feral cats, mongoose, barn owl. <p><u>Assimilans yellow-faced bee</u></p> <ul style="list-style-type: none"> • Identify recovery sites to prioritize management • Habitat restoration is a high priority action to expand populations and provide year-round floral resources to existing populations • Construct and maintain ungulate-proof fences around all occupied recovery sites • Eradicate ungulates from fenced areas protecting all occupied recovery sites and keep these sites ungulate-free. • Control or eradicate habitat modifying invasive plants at all occupied recovery sites • Monitor management and use results to adjust management actions. <p>Note these lists are an illustration that the HCP and related mitigation plan(s) for each Covered Species are consistent with the actions outlined in the respective recovery plan documents.</p>

Requirement/Criteria	KWP I HCP Provision(s)
(F) Provide reasonable certainty that the ecosystems, natural communities, or habitat types will be maintained in the plan area, throughout the life of the plan, in sufficient quality, distribution, and extent to support within the plan area those species typically associated with the ecosystems, natural communities, or habitat types, including any endangered, threatened, proposed, and candidate species known or reasonably expected to be present in the ecosystems, natural communities, or habitat types within the plan area	See Section 6.5 (Net Conservation Benefit) for a discussion on the sufficient quality, distribution and extent of mitigation activities. Section 6.3 (Measures to Mitigate Impacts from Unavoidable Take) outlines the locations and timelines for each mitigation project, along with related success criteria and quantification of net benefit.
(G) Contain objective, measurable goals, the achievement of which will contribute significantly to the protection, maintenance, restoration, or enhancement of the ecosystems, natural communities, or habitat types; time frames within which the goals are to be achieved; provisions for monitoring (such as field sampling techniques), including periodic monitoring by representatives of the department or the endangered species recovery committee, or both; and provisions for evaluating progress in achieving the goals quantitatively and qualitatively	Objective, measurable goals: See Section 6.1 (Biological Goals and Objectives). Time frames: See Section 6.4 (HCP Compliance Monitoring) for the timeframe of various HCP monitoring, and Section 7.0 (Adaptive Management) for timeframes related to adaptive management triggers if goals are not being achieved. Monitoring: See Section 6.4 (HCP Compliance Monitoring).
(H) Provide for an adaptive management strategy that specifies the actions to be taken periodically if the plan is not achieving its goals	See Section 7.0 (Adaptive Management).

Issuance Criteria §195D-4(g) After consultation with the Endangered Species Recovery Committee, the board may issue a temporary license as a part of a habitat conservation plan to allow a take otherwise prohibited by subsection (e) if the take is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity; provided that:

Requirement/Criteria	KWP I HCP Provision(s)
(1) The applicant, to the maximum extent practicable, shall minimize and mitigate the impacts of the take	See Section 6.0 (Conservation Strategy) for a discussion on maximum extent practicable, minimization (Section 6.2) and mitigation measures (Section 6.3).
(2) The applicant shall guarantee that adequate funding for the plan will be provided	See Section 10.0 (Funding).
(3) The applicant shall post a bond, provide an irrevocable letter of credit, insurance, or surety bond, or provide other similar financial tools, including depositing a sum of money in the endangered species trust fund created by section 195D-31, or provide other means approved by the board, adequate to ensure monitoring of the species by the State and to ensure that the applicant takes all actions necessary to minimize and mitigate the impacts of the take	See Section 10.2 for funding assurances. KWP will work with DOFAW to deposit money into the Endangered Species Trust Fund on an annual basis following permit issuance to cover the year's DOFAW Technical Services. This will ensure monitoring of the species by the State and ensure that the applicant takes all actions necessary to minimize and mitigate the impacts of the take.

Requirement/Criteria	KWP I HCP Provision(s)
(4) The plan shall increase the likelihood that the species will survive and recover	See Section 6.5 for a summary of the net conservation benefit and Section 6.3 for mitigation measures designed to provide the net conservation benefit for the permitted amount of take.
(5) The plan takes into consideration the full range of the species on the island so that cumulative impacts associated with the take can be adequately assessed	See Section 4.0 for the population status of each Covered Species, and Section 5.4 for the anticipated impact of the taking on those populations.
(6) The measures, if any, required under section 195D-21(b) shall be met, and the department has received any other assurances that may be required so that the plan may be implemented	See separate response to measures under 195D-21(b) in table above.
(7) The activity, which is permitted and facilitated by issuing the license to take a species, does not involve the use of submerged lands, mining, or blasting	See Section 2.0 for Covered Activities, which do not include the use of submerged lands, mining, or blasting.
(8) The cumulative impact of the activity, which is permitted and facilitated by the license, provides net environmental benefits	See Section 6.5 for the net conservation benefit and Section 6.3.9 for additional environmental benefits of mitigation.
(9) The take is not likely to cause the loss of genetic representation of an affected population of any endangered, threatened, proposed, or candidate plant species	See Section 5.4 for the anticipated impact of the taking on each Covered Species.



Maui Cultural Lands, Inc.

P.O. Box 11142
Lahaina, HI 96761

January 22, 2026

Board of Land and Natural Resources

State of Hawai‘i
1151 Punchbowl Street
Honolulu, Hawai‘i 96813

Aloha e Chair and Members of the Board,

My name is Edwin “Ekolu” Lindsey, President of Maui Cultural Lands, Inc., and a lifelong cultural practitioner and community steward on Maui. I respectfully submit this letter in support of Kaheawa Wind Power I’s request for approval of its Habitat Conservation Plan, issuance of an Incidental Take License, and continuation of its long-term lease.

Our organization has worked in the Kaheawa landscape for more than two decades. Our relationship to this place predates the turbines themselves. We mālama this land not only as an energy site, but as a cultural landscape — one that holds history, ceremony, native ecosystems, and opportunities for learning. From that perspective, I offer my support with both encouragement and responsibility.

First, I want to acknowledge the company’s commitment to community through the proposed \$300,000 per year community benefits program and the creation of a community advisory structure. This level of sustained investment — over twenty years — represents a meaningful opportunity for Maui to strengthen watershed protection, fire mitigation, cultural education, youth engagement, and environmental restoration. If guided well, these funds can directly support the long-term health of our people and our ‘āina. I strongly support this approach and



encourage transparency and strong community participation in the advisory process.

Second, I wish to address the difficult issue of incidental take. As a Native Hawaiian, it is never easy to accept harm to our native species. Our manu, our bats, our pollinators are not statistics — they are relatives in our natural genealogy. At the same time, I recognize that without the scientific investment made through projects such as Kaheawa, we would not even understand the true status of species like the ‘Ōpe‘ape‘a today. Increased monitoring has revealed a larger population than previously believed, and with that comes a clearer — though still sobering — picture of risk.

While I leave the technical review of take limits to the professionals and agencies charged with that responsibility, I want to clearly state that community support is grounded in accountability. The Habitat Conservation Plan and mitigation commitments must be fully implemented, carefully monitored, and publicly transparent. Mitigation must remain focused on achieving real, measurable conservation gains. We will continue to hold the project to these obligations over the life of the lease.

Third, I want to speak to workforce and future opportunity. The continuation of Kaheawa should not only produce clean energy — it should help produce careers for our local students. In the past, many specialized positions in renewable energy were filled from outside Hawai‘i because the training pipelines did not yet exist here. Today, with a new long-term lease and long-term stability, we have an opportunity to change that pattern.

I strongly encourage Kaheawa Wind Power to invest intentionally in career pathways for Maui youth — beginning at the high school level and extending through community college and university programs — so that local students can train, qualify, and remain home in technical and professional roles within this industry. Renewable energy should not only power our island; it should help



anchor our families, strengthen our workforce, and give our young people reasons to stay and serve their communities.

Finally, from an energy perspective, the continuation of Kaheawa Wind Power is both practical and prudent. Maui is approaching a period of real vulnerability as aging fossil-fuel plants retire and replacement capacity remains uncertain. Maintaining existing, proven renewable generation that is already built, culturally integrated, and operating responsibly is far preferable to reverting to temporary diesel generation or risking instability on our grid.

In closing, the Kaheawa ridgeline is a place of deep cultural importance, ecological sensitivity, and educational value. Our experience over many years shows that renewable energy and cultural stewardship can coexist when projects are guided by humility, science, transparency, and long-term commitment to community.

For these reasons — with the understanding that accountability, wildlife protection, and community investment remain ongoing obligations — I respectfully support approval of the Kaheawa Wind Power I Habitat Conservation Plan, Incidental Take License, and continued lease.

Mahalo nui for your careful consideration and for your continued service to the people and lands of Hawai‘i.

Me ka ‘oia’i’o,

Edwin “Ekolu” Lindsey

President, Maui Cultural Lands, Inc.

PACIFIC PILE & CRANE, INC.

P.O. Box 7, Kahului, HI 96733 Phone: (808) 242-4782 Fax: (808) 244-1992 email: jeffk@ppcmaui.com



Recipient of the Specialized Carriers & Rigging Association 2022 Project Safety Award, Kaheawa Wind

Date: January 20, 2026

To: Board of Land and Natural Resources)

Subject **Subject: Agenda Item C-3 and D-4, Support for Kaheawa Wind Power I**

Dear Chair Kanaka'ole and Members of the Board of Land and Natural Resources,

I am submitting this testimony in **support** of the final approval for the Habitat Conservation Plan and issuance of the Incidental Take License (agenda item C-3) and to grant a long-term lease (agenda item D-4) for Kaheawa Wind Power I.

These actions by the Board will allow the wind farm to continue operating as it is today and will continue to deliver a lower electricity cost and a more reliable electric grid for Maui residents and businesses for the next 20 years.

Maui's businesses and residents continue to experience high electricity costs and uncertainty about the island's energy future. Kaheawa Wind Power I has been a longstanding and essential contributor to Maui's clean energy goals. If the project were taken offline, the island would be forced to rely on additional fossil-fuel generation, resulting in greater environmental impacts. With a significant amount of Maui's existing fossil-fueled generation expected to retire in the coming years, the island cannot afford to lose any of its current renewable energy resources.

Moreover, a significant benefit of the project is a \$300,000-per-year program that will be reinvested in Maui for the next 20 years, providing direct support for community-driven priorities and allowing the community to determine what initiatives matter most to them.

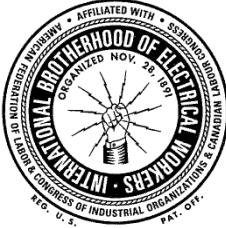
I urge the BLNR to approve the HCP and grant a long-term lease so that Kaheawa Wind Power 1 will continue to produce clean energy without interruption. Without this existing resource, Maui will face increased electricity costs, further worsening the cost of living.

Sincerely,

Pacific Pile & Crane, Inc.

A handwritten signature in black ink, appearing to read 'Jeffrey P. S. Kunishige'.

Jeffrey P. S. Kunishige, President



International Brotherhood of Electrical Workers

LOCAL UNION NO. 1186 • Affiliated with AFL-CIO

1935 HAU STREET, 5th Floor • HONOLULU, HI 96819-5003
TELEPHONE (808) 847-5341 • FAX (808) 847-2224

January 23, 2026, Agenda Item C-3 and D-4

Board of Land and Natural Resources
1151 Punchbowl St., 1st Floor, Room 132
Honolulu, HI 96813

RE: Agenda Items C-3 and D-4 Kaheawa Wind HCP, ITL and Lease,
C-3. Decision Making Regarding 1) Kaheawa Wind Power I's Request for
Approval of its Habitat Conservation Plan and 2) Issuance of an Incidental
Take License for Kaheawa Wind Power, LLC, for 25 years. D-4. Decision
Making Regarding Disposition of Tax Map Keys (TMKs) (2) 4-8-001:
portion of 001 and (2) 3-6-001: portion of 014 Kaheawa Wind Power, LLC

Chair Chang and Members of the Board:

IBEW Local 1186 offers its support for the Board's acceptance of the final Environmental Impact Statement (EIS) of Kaheawa Wind Power I. Our electricians have been involved with this facility since its initial construction, and we have maintained a long-term partnership providing technical expertise, maintenance support, and system upgrades that keep the project operating safely and reliably.

From a technical standpoint, KWP I plays an important role in Maui's energy system. Its output helps stabilize a grid that is increasingly reliant on daytime intermittent resources, and its generation profile—producing energy during hours when solar is unavailable—adds system value that cannot be easily replaced. The EIS outlines a continuation of operations within the existing footprint along with mitigation measures that address cultural, environmental, and wildlife considerations while preserving a vital electrical asset.

Our members understand firsthand the engineering, safety protocols, and electrical reliability standards required to operate a wind facility of this scale. Reconstructing and maintaining this resource for the next twenty years is essential as Maui prepares for the retirement of major fossil-fuel units and faces uncertainties in new project development. It is a project that our members support as it will provide employment for highly-skilled workers for many decades.

For these reasons, IBEW Local 1186 respectfully asks the Board to accept the EIS and allow KWP I to continue contributing dependable, technically advanced renewable energy to Maui.

Sincerely,



Damien Kim
Business Manager /
Financial Secretary

Subject: Agenda Item C-3 and D-4, Support for Kaheawa Wind Power I

Dear Chair Kanaka‘ole and Members of the Board of Land and Natural Resources,

I am submitting this testimony in **support** of the final approval for the Habitat Conservation Plan and issuance of the Incidental Take License (agenda item C-3) and to grant a long-term lease (agenda item D-4) for Kaheawa Wind Power I.

As a resident of Maui resident, I can attest to our high electricity costs and uncertainty about our energy future. Considering that a significant amount of Maui’s existing fossil-fueled generation is expected to retire in the coming years, our island cannot afford to lose any of its current renewable energy resources.

Kaheawa Wind Power I has been a longstanding and essential contributor to Maui’s clean energy goals. If this project isn’t approved, Maui would be forced to rely on additional fossil-fuel generation, resulting in greater environmental impacts. In addition, Kaheawa Wind is offering \$ 300,000 per year in community benefits over the next 20 years, providing direct support for community-driven priorities and allowing the community to determine which initiatives matter most to them.

I urge the BLNR to approve the HCP and grant a long-term lease so that Kaheawa Wind Power 1 can continue producing clean energy without interruption.

Mahalo



1-21-2026

Subject: Agenda Item C-3 and D-4, Support for Kaheawa Wind Power I

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1-21-2026

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Mahalo

A handwritten signature in black ink, appearing to read "John Doe".

1-21-2026

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I urge the BLNR to approve the HCP and grant a long-term lease so that Kaheawa Wind Power 1 can continue producing clean energy without interruption.

Mahalo

A handwritten signature in black ink, appearing to read "John G."

1-21-2026



January 22, 2026

Via Electronic Mail

Board of Land and Natural Resources
Blnr.testimony@hawaii.gov

Re: January 23, 2026 Meeting, Agenda Item No. C.3 – Decision Making Regarding Kaheawa Wind Power I’s Request for Approval of Its Habitat Conservation Plan and Issuance of an Incidental Take License

Dear Interim Chair Kanaka’ole and Members of the Board of Land and Natural Resources,

On behalf of the Center for Biological Diversity and Conservation Council for Hawai’i (“the Community Groups”), Earthjustice submits this testimony on the Kaheawa Wind Power I (“Kaheawa I”) Habitat Conservation Plan (“Final HCP”). The Community Groups fully support wind energy as a non-fossil-fuel alternative. However, wind farms are not exempt from the requirements set forth in the Endangered Species Act (“ESA”) and Hawai’i state law, and must ensure that such renewable energy production minimizes and mitigates take of Hawai’i’s critically imperiled species to the “maximum extent practicable.” 16 U.S.C. § 1539(a)(2)(B)(ii); *see also* Haw. Rev. Stat. § 195D-4(g).

The Community Groups appreciate the efforts of the Endangered Species Recovery Committee (“ESRC”), this Board, and the Kaheawa I team to bring this project into compliance with the ESA and Hawai’i Revised Statutes Ch. 195D. The Final HCP includes the implementation of curtailment at 6.5 m/s, from sunset to sunrise, which will help to minimize ‘ōpe’ape’ā take.¹ The Final HCP also requires the project to fully shield all outdoor light fixtures, install motion sensors or otherwise ensure that outdoor lights are off when not in use, and limit the short wavelength content of outdoor lights to no more than 2 percent blue light content, measures that will help to minimize ‘ua’u and ‘a’o take caused by light distraction.² These are just a few notable changes made in the Final HCP that are necessary for the Kaheawa I’s compliance with legal requirements and crucial for protecting Hawai’i’s imperiled native species.

¹ Kaheawa Wind Power, LLC, *Final Habitat Conservation Plan*, at 77 (Dec. 2025), available at <https://dlnr.hawaii.gov/wp-content/uploads/2026/01/C-3.pdf> (last visited January 21, 2026).

² *Id.*

The Community Groups highlight one point needing clarification—at the December 18, 2025 meeting, the ESRC listed several changes that Kaheawa I needed to make before the ESRC could recommend the HCP's approval. Below is a screenshot of the list of required changes.

- 1) Clarify language in consultation with DOFAW regarding Yellow-faced bee nest production – require increase of 25 nests in excess to number of nests that may establish in the control plots
- 2) Add language to reflect the need for annual Yellow-faced bee surveys on site in consultation with DOFAW entomologists
- 3) Long term management for Yellow-faced bees in the broader mitigation area to be informed by the findings in the treatment plots and entail management of mitigation plots to ensure net benefit of requested acreage take
- 4) Include lost productivity for all species according to the respective biology of the species
- 5) Include adaptive management language to create a custom model for measuring KWP I carcass distribution using site specific parameters
 - The initial phase will explore this possibility within 6 months. The second phase will work towards developing the model in a time not to exceed 2 years.
- 6) Implement 6.5 m/s wind-speed curtailment year-round
- 7) Remove sections from the HCP that reference off island bat mitigation other than the original Moloka'i project
- 8) Update related sections regarding bat state of science
 - Make the clarifying distinction that 'ope'ape'a are known to forage near shore, not open ocean. Observations cited in this study were *from shore*
 - Proper citation – Cite the KIRC (Kaho'olawe Island Reserve Commission) newsletter which USFWS cited. The KIRC newsletter stated movement of bats to Kaho'olawe occur only during some months of the year.
 - Section 6.3.4.3 - Regarding genetic results – Maui population is genetically isolated. There is not currently evidence to support that there is movement of bats between different island colonies.
 - Note that migratory behavior of the continental bat is quite different than the *ope'ape'a*, though we do know that *ope'ape'a* have no problem travelling 8-9 km per night.

List of changes for Kaheawa I Final HCP, Endangered Species Recovery Committee DLNR³

Kaheawa I failed to make one of the ESRC's required changes. The ESRC provided that Kaheawa I should "make the clarifying distinction that 'ope'ape'a are known to forage near shore, not open ocean."⁴ The Final HCP provides, "[w]hile it is currently unknown how frequently 'ope'ape'a travel between or among the islands of Maui Nui, the 'ope'ape'a is known to forage over the *nearshore open ocean* based on observation from shore."⁵ It does not seem that Kaheawa I included the necessary clarifying language that 'ope'ape'a do not forage on the open ocean.

The Community Groups also have concerns regarding the Final HCP's searcher efficacy measures. The Final HCP provides that, in searcher efficacy trials, Kaheawa I will use black rats as surrogates for 'ope'ape'a.⁶ However, because the searches use detection dogs, which rely on

³ See Endangered Species Recovery Committee DLNR, ESRC KWP I New HCP Vote & Second Draft KIUC HCP Review Day 1, at 3:58 (Dec. 18, 2025), <https://www.youtube.com/watch?v=1aZrajcbqgE&t=14331s> (last visited January 21, 2026).

⁴ *Id.*

⁵ Kaheawa Wind Power, LLC, *Final Habitat Conservation Plan*, at 96 (emphasis added).

⁶ Kaheawa Wind Power, LLC, *Final Habitat Conservation Plan*, at 110.

January 22, 2026

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scent rather than visual cues to find 'ōpe'ape'a, the only way to accurately measure searcher efficacy would be to use the scent of an 'ōpe'ape'a. While using species that look similar to 'ōpe'ape'a as surrogates may be a proper approach for searches by humans (who use visual cues), using rats in place of 'ōpe'ape'a for canine scent searches would yield inaccurate results of searcher efficacy.⁷ The Final HCP does not address why surrogates must be used, nor why it has not or cannot collect or preserve the scent of 'ōpe'ape'a for efficacy trials. Kaheawa I's HCP should be revised to require the use of 'ōpe'ape'a (or at least its scent) for its canine search efficacy trials.⁸

Again, Community Groups recognize the importance of promoting renewable energy to end Hawai'i's dependence on fossil fuels and appreciate the efforts of the ESRC and this Board to ensure that achieving Hawai'i's energy independence does not come at the expense of our imperiled native species.

Mahalo nui for the opportunity to submit testimony on this matter.

Respectfully submitted,



Harley M. Broyles
EARTHJUSTICE

⁷ Even for searches by humans, using black rats as surrogates would not be appropriate. 'ōpe'ape'a are more gray-yellow in color, so any surrogates for searches using visual cues should be a similar color (and size).

⁸ We unfortunately were not aware of this issue when we testified to the ESRC so the ESRC had no opportunity to take it into consideration in formulating its recommendations.

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Councilmembers
K. Kauanoe Batangan
Tom Cook
Gabe Johnson
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Nohelani U'u-Hodgins



Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

January 22, 2026

Acting Chair Ryan Kanaka`ole and
Members of the Board of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Acting Chair Kanaka`ole and
Members of the Board of Land and Natural Resources:

**SUBJECT: TESTIMONY IN SUPPORT OF AGENDA ITEMS C-3
AND D-4, RELATING TO KAHEAWA WIND POWER I**

As the South Maui residency area representative on the Maui County Council and Chair of its Water and Infrastructure Committee, I am writing to express my **support** of the final approval for the Habitat Conservation Plan (HCP) and issuance of the Incidental Take License (agenda item C-3) and to grant a long-term lease (agenda item D-4) for Kaheawa Wind Power I (KWP 1).

The Maui County Council has not had the opportunity to take a formal position on these items. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

KWP 1 has been an essential part of Maui County's clean energy system for 20 years, generating 30 MW of renewable wind power and serving approximately 17,000 homes since 2006. It remains one of the lowest-cost renewable sources available on Maui Island and saves residents an estimated \$7 to \$10 million annually in avoided fuel costs.

The continued operation of KWP 1 supports multiple public interests simultaneously:

1. Energy cost stability for residents and businesses.
2. Grid reliability during the planned retirement of fossil fuel facilities.
3. Continued alignment with State and County clean energy mandates.
4. Reduced dependence on imported fossil fuels.

Acting Chair Kanaka`ole and
Members of the Board of Land and Natural Resources
January 22, 2026
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5. Long-term job creation and technical workforce development.

Importantly, TerraForm Power proposes to continue utilizing the existing wind facility and footprint, with no expansion or additional land impact. The project also remains one of only two utility-scale renewable projects still advancing on Maui Island.

KWP 1 will also provide significant community benefits, including \$300,000 per year for community impact projects; access for nonprofit and cultural organizations for stewardship and conservation; and mitigation and habitat improvement for millions of endangered species.

With Maui County facing the retirement of major fossil-fuel generation assets by 2030, Kaheawa Wind Power I represents essential, already-operational infrastructure that will continue to provide clean, affordable energy to residents and protect our energy future.

I urge the Board of Land and Natural Resources to approve the HCP and grant a long-term lease so that Kaheawa Wind Power 1 can continue producing clean energy without interruption. Without this existing resource, Maui County will face increased electricity costs, further worsening the cost of living.

Thank you for your consideration. If you have any questions, please do not hesitate to contact my office at (808) 270-7108 or by e-mail at Thomas.Cook@mauicounty.us.

Mahalo,



THOMAS COOK
Councilmember

Subject: Agenda Item C-3 and D-4, Support for Kaheawa Wind Power I

Dear Chair Kanaka'ole and Members of the Board of Land and Natural Resources,

I am submitting this testimony in **support** of the final approval for the Habitat Conservation Plan and issuance of the Incidental Take License (agenda item C-3) and to grant a long-term lease (agenda item D-4) for Kaheawa Wind Power I.

These actions by the Board will allow the wind farm to continue operating as it is today and will continue to deliver a lower cost of electricity and a more reliable electric grid for Maui residents and businesses for the next 20 years.

Maui's businesses and residents continue to experience high electricity costs and uncertainty about the island's energy future. Kaheawa Wind Power I has been a longstanding and essential contributor to Maui's clean energy goals. If the project were taken offline, the island would be forced to rely on additional fossil-fuel generation, resulting in greater environmental impacts. With a significant amount of Maui's existing fossil-fueled generation expected to retire in the coming years, the island cannot afford to lose any of its current renewable energy resources.

Moreover, a significant benefit of the project is a \$300,000-per-year program that will reinvest in Maui for the next 20 years, providing direct support for community-driven priorities and allowing the community to determine what initiatives matter most to them.

I urge the BLNR to approve the HCP and grant a long-term lease so that Kaheawa Wind Power 1 will continue to produce clean energy without interruption. Without this existing resource, Maui will face increased electricity costs, further worsening the cost of living.

Sincerely,

Tarah Kawal