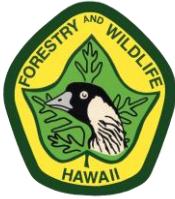
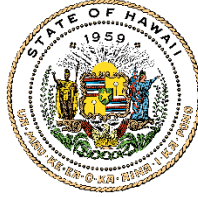


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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

February 21, 2025

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

Committee Members:

**SUBJECT:** Division of Forestry and Wildlife Evaluation of the Kaheawa Wind Energy II Project Habitat Conservation Plan Implementation During Fiscal Year 2024 + Quarters 1 and 2 of Fiscal Year 2025

Dear Committee Members,

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) is respectfully requesting the Endangered Species Recovery Committee (ESRC) review the Kaheawa Wind Energy II Project annual report in accordance with the requirements outlined in Section 195D-25, Hawaii Revised Statutes. The annual report was prepared by Tetra Tech on behalf of Kaheawa Wind Farm (licensee) as part of the obligations of the Kaheawa Wind Power Habitat Conservation Plan (HCP; SWCA 2011) (HCP Amendment; 2019) and State Incidental Take License (ITL; ITL-15 amended in 2014 and 2019).

This submittal is a summary of the FY 2024 annual report and Q1 and Q2 FY 2025 reports and includes comments from DOFAW.

**BACKGROUND**

ITL Licensee: Kaheawa Wind Power II, LLC  
(Note that Terraform Power owns KWP II, LLC, in 2020 Brookfield Renewables merged with Terraform Power)

Project: Fourteen WTGs with a total 21-MW energy generating capacity. Project is adjacent and downslope of KWP I

ITL Duration: January 5, 2012 – January 30, 2032 (13 years (65%) through the permit term)

**Status of ITL:**

There was no take of HCP covered species at KWP II in FY 2024 and extending into Q1 and Q2 FY 2025, December 2025.

Table 1. Total observed fatalities and cumulative estimated total take since ITL issuance covered under the KWP II ITL as of December 2024.

Common Name	Total Direct (Observed + Unobserved) Take <sup>1</sup>	Indirect Take using HCP multipliers	Total Estimated Take
Nēnē	27 <sup>2</sup>	1	28
‘ōpe‘ape‘a	11	1	12

<sup>1</sup> Based on the 80% credible maximum using the following model: Dalthorp, D., M. M. P. Huso, and D. Dail. 2017. Evidence of absence (v 2.0) software user guide: U.S. Geological Survey Data Series 1055

<sup>2</sup> Includes one gosling fatality attributable to Project infrastructure.

**Total Projected Take at the End of the Permit Term:**

**Hawaiian hoary bat:** There is a 99.17% chance that the 80 percent UCL of cumulative take will not be exceeded during the permit term. The project is likely to remain below both Tier 3 of ‘ōpe‘ape‘a take threshold of 30 bats and the permitted take limit of 38 bats for the length of the ITL.

**Nēnē:** Estimated take at the 80 percent UCL at the Project has surpassed 75% of allowable take in the current tier. There is an approximately 57.53% probability that the 80 percent UCL of cumulative take at the project will not exceed the permitted amount during the permit term.

**Hawaiian Petrel and Newell’s Shearwater:** No projected take identified in annual report as there have been no takes of these covered species since project inception.

**Avoidance and Minimization:**

**Hawaiian hoary bats:** The HCP commits KWP II to performing acoustic monitoring for bat activity throughout the 20-year permit period. Acoustic monitoring for bat activity has been conducted continuously beginning in 2012. Low Wind Speed curtailment at 5.5 m/s is in effect from sunset to sunrise, annually, from February 15 through December 15.

**Nēnē:** Scavenger trapping efforts implemented at the project to improve persistence of carcasses during fatality monitoring have contributed to reducing the risk of predation of the nēnē. In response to the current projections of potential take of the nēnē at the Project, KWP II has taken practicable actions to minimize the threats to the

nēnē. In FY 2023, KWP II implemented a vegetation management plan developed with concurrence from the agencies, reducing the amount of woody vegetation on site.

### **Mitigation Status:**

**Hawaiian Petrel and Newell's Shearwater:** In the FY 2023 annual review DOFAW brought to the attention of the ESRC the state of the Makamaka'ole Seabird Restoration / Mitigation Site and that KWP had vacated the site in this condition. In the following months, after DLNR Deputy AG issued a letter and initiated consultation with KWP's attorneys, KWP agreed to issue a check to DOFAW to cover the substantial outstanding fences repairs needed at the mitigation site. KWP I and KWP II signed a Memorandum of Agreement (MOA) with DOFAW in September 2024, and in October 2024 issued a \$750,000 check to DOFAW to cover the cost of the fence repairs. DOFAW is in the process of hiring a contractor to use the funds to repair and replace the fence with steel materials and aquamesh.

Furthermore, reflecting guidance from the Deputy AG, the MOA conveyed that continued management at Makamaka'ole through the current ITL terms was a requirement per the KWP I and II HCP. Resultingly, KWP contracted Maui Nui Seabird Recovery Project to continue predator control and monitoring at Makamaka'ole from November 2024 through December 2025.

Mitigation for Newell's Shearwater entailed management of two constructed (approximately four acres) predator-free fenced enclosures (one for each species), provisioned with artificial burrows and social attraction, at the Makamaka'ole site in West Maui. In December 2022, both agencies concurred that KWP I and KWP II had met their projects' mitigation obligations for Newell's Shearwater via official correspondence to the licensee/permittee. DOFAW's and USFWS' credit letter allocated 8.530 NESH credits to KWP I and II based on observations of 148 adults observed and 2 fledglings produced from 2016 to 2022, and calculated survival rates at the colony. KWP I and II needed a combined credit of 6.418 NESH to receive mitigation credit for NESH.

Hawaiian Petrel nesting colony management and predator control was conducted by Pūlama Lāna'i on Lāna'i Island, during FY 2020, from which 36 fledglings were produced. On March 28, 2023, USFWS issued a decision letter pertaining to the credit accrued by TerraForm, for the mitigation of Hawaiian Petrels to date. In concurrence with this letter, DOFAW issues a total combined mitigation credit of 89.72 adult Hawaiian Petrels for Makamaka'ole and Lāna'ihale from 2015 to 2022, and DOFAW is in the process of submitting a final credit letter to TerraForm indicating they have met their mitigation obligations for KWP I and II for the Hawaiian Petrel.

**Hawaiian hoary bat:** Mitigation for Tier 1 and Tier 2 estimated bat take was completely funded at Kahikinui State Forest Reserve. Mitigation for Tier 3 was contracted to the U.S. Geological Survey (USGS) Hawaiian Hoary Bat Research Group. Bat ecological

research regarding roost selection on Hawai'i Island began in FY 2018 and is intended to better inform future bat habitat restoration and conservation. The funded research was published in FY 2024

(<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0288280>).

**Nēnē:** Mitigation continued through concurrent management with the KWP I Wind Project at the Haleakalā Ranch open release pen in FY 2024. Management at the pen included: monitoring; vegetation management; fence, pond, and infrastructure maintenance; road improvements; and predator control. KWP II is currently working on pen habitat and infrastructure improvements at the Haleakalā Ranch release pen for the FY 2025 breeding season in an attempt to increase productivity. During FY 2024, KWP II worked closely with DOFAW to allocate \$107,316 of the unspent funding to mitigation work that was previously completed at Pi'iholo Ranch in FY 2021 and at Haleakalā Ranch in FY 2023. In 2021, the Pi'iholo Ranch was sold and the release pen was made no longer available for mitigation opportunities. Using the unspent funds to allocate management at Haleakalā Ranch for the 2022 and 2023 nēnē breeding seasons and the management at Pi'iholo Ranch for the 2021 breeding season provided KWP II with a mitigation credit of 3.53 adult equivalents. Accrued lost productivity is currently estimated at 8.78 adult equivalents and KWP II must mitigate for this lost productivity. Currently KWP II has 12.60 nēnē mitigation credits.

The ESRC made the following recommendations at the **FY 2023 annual review** meeting that ***KWP incorporated*** in the **FY 2024 actions**:

- ESRC recommends that DOFAW Maui take necessary actions to reduce risk to nēnē at KWP II wind farm.

## **ISSUES & CONCERNS**

### **Nēnē:**

KWP I is still behind in their mitigation credits for nēnē. Currently KWP II has **12.60 nēnē credits**. They must mitigate for the 44 credits in their current Tier 3 of the ITL plus 8.78 adult lost productivity credits from delayed mitigation.

## **AGENCY RECOMMENDATIONS**

### **Nēnē:**

DOFAW recommends KWP II continue to gain insight into the ways in which nēnē may become at risk for collision with the turbines. KWP II should use best available science and investigate creative avoidance and minimization of take of nēnē. Perhaps through the research of species informed smart curtailment measures to manage turbine speed, they can reduce risk of strikes based on the biology of the nēnē. KWP had previously brought up GPS tracking some of the nēnē on sight to monitor their activity in relation to the turbine. KWP could look at the birds that visit and or inhabit the wind farm site.

Due to the lag in mitigation credit behind the level of take, DOFAW recommends the licensee present to DOFAW and the ESRC a new proposal of nēnē mitigation options to pursue in addition to management at Haleakalā and Pu'u o Hōkū Ranches in order to ensure the completion of the mitigation for their current ITL.

If you have any questions, please contact Habitat Conservation Planning Program Associate, Kinsley McEachern, at [laurinda.k.meachern.researcher@hawaii.gov](mailto:laurinda.k.meachern.researcher@hawaii.gov)

Respectfully submitted,

for DGS   
DAVID G. SMITH  
Administrator