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LAND  
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REF:OCCL:MK

Correspondence KA 26-37

OCT - 9 2025

MEMORANDUM

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

FROM: (for) S. Michael Cain, Administrator  
Office of Conservation and Coastal Lands

A handwritten signature in blue ink, appearing to read "S. Michael Cain".

SUBJECT: Request for Comments on Kaua'i Island Utility Cooperative's (KIUC) Draft Habitat Conservation Plan and Draft Environmental Impact Statement Located on the Island of Kaua'i

The Office of Conservation and Coastal Lands (OCCL) has reviewed your letter and the subject documents published in August 23, 3035 edition of *The Environmental Notice*. According to the information provided, the Kaua'i Island Utility Cooperative (KIUC) has published a Draft Habitat Conservation Plan (HCP) and a Draft Environmental Impact Statement (EIS) to apply for an 50-year incidental take permit from the US Fish and Wildlife Service (USFWS) and an incidental take license from the Division of Forestry and Wildlife (DOFAW), associated with the desire to continue operations and maintenance of existing and installation of new KIUC infrastructure, such as powerlines and lighting, on an island wide scale.

DOFAW is requesting comments and input on the KIUC's Habitat Conservation Plan and Draft EIS.

The OCCL regulates land uses in the State Land Use Conservation District through the issuance of Conservation District Use Permits and Site Plan Approvals to help conserve and preserve important natural and cultural resources. It appears portions of the area covered by the Habitat Conservation Plan and Draft EIS lie within the Protected, Limited, Resource, General, and Special Subzones of the State Land Use Conservation District (**Exhibit 1**).

As the Draft HCP and Draft EIS indicate the project area as covering the full geographic extent of the island of Kaua'i, it is unclear where exactly the proposed work will be taking place.

Within the Draft EIS, Table 3.15-1. "Conservation Site Ownership and State and County Land Use Designations", depicts information regarding existing conservation sites (**Exhibit 2**). Staff requests that this table be amended to include what is currently existing at each site, and all relevant authorizations and/or permits from the Department that the applicant has obtained to

conduct work on these sites. The applicant may want to consider creating a table that contains similar information for parcels in the Conservation District where KIUC is proposing work on existing infrastructure, or new proposed land uses.

According to the information contained in the Draft HCP and Draft EIS, the KIUC is proposing to conduct the following:

Activities Covered Under the Draft HCP:

- Managing and enhancing seabird breeding habitat and colonies at conservation sites
  - o Installation of predator exclusion fences, artificial burrows, helicopter landing zones, and weather ports;
  - o Predator control measures such as deployment of cameras, traps, bait stations, snares, hunting, and other control methods;
  - o Invasive plant species management at select sites;
- Implementation of powerline collision minimization projects;
- Implementation measures to minimize light attraction;
- Providing Funding for the Save Our Shearwaters program;
- Implementing a green sea turtle nest detection and temporary shielding program; and
- Identifying and installing practicable permanent light minimization techniques for green sea turtles.

Activities Not Covered Under the Draft HCP:

- Construction of an additional 360 miles of new powerlines, and projects the installation of an additional 1,754 new streetlights;
- Routine wire retrofit and repair, routine support structure retrofit and replacement, and operation and retrofit of other infrastructure within the Port Allen Generating Station and the Kapaia Power Generating Station;
- Operation and retrofit of service wires;
- Distribution wires at low heights or owned by others;
- Operation and retrofit of existing solar facilities and hydroelectric facilities; and
- Operation and retrofit of existing substations and switchyards, and decommissioning infrastructure.

It appears the project specifications for both the Conservation Sites and the plans for maintenance and installation of new KIUC infrastructure are still being developed. Once these plans have been finalized, the applicant should consult with the OCCL for all proposed land uses in the Conservation District. The area/dimensions of the project, scope of work, and purpose should be included. This information is necessary for the OCCL to determine what type of authorization will be required from our office.

Regarding the Draft EIS, the phasing and timing of the proposed actions are not clear. The timeline contained in the Draft EIS describes that the USFWS approved KIUC's short term seabird habitat conservation plan with a duration of five years in 2011. However, in 2015 DOFAW informed KIUC that they would need to prepare a separate long-term 50-year HCP covering only KIUC's facilities and operations that result in the take of three listed seabirds. From 2015 to present, it is unclear if the project is under a state Incidental Take Permit. How is KIUC currently mitigating/managing incidental take? Are take numbers being recorded currently, and have they been recorded since the KIUC Short-term HCP expired?

Additionally, staff has concerns regarding the long-term management of the conservation sites. Please elaborate on how the KIUC intends to manage and maintain the conservation sites following project completion. Will data collection take place to ensure the continued success of the conservation sites?

The OCCL appreciates the opportunity to comment on the KIUC's Draft Habitat Conservation Plan and Draft Environmental Impact Statement. The rules and regulations of the Conservation District noted as Hawai'i Administrative Rules (HAR) Chapter 13-5, is available on our website at <https://dlnr.hawaii.gov/occl/rules/>.

Should you have any questions, please contact Mari Kurosawa of our office at [mari.i.kurosawa@hawaii.gov](mailto:mari.i.kurosawa@hawaii.gov) or at (808) 587-0381.



**Table 3.15-1. Conservation Site Ownership and State and County Land Use Designations**

<b>Conservation Site</b>	<b>Parcel TMK Identification Number</b>	<b>Landowner</b>	<b>State Land Use District</b>	<b>Conservation District Subzone</b>	<b>County of Kaua'i Zoning District</b>
Upper Limahuli Preserve	590010030000, 580020020000, 590010010000, 590010210000,	Private nonprofit <sup>1</sup>	Conservation	Protective (P) and Special (S)	Conservation
Upper Limahuli Preserve PF	590010030000	Private nonprofit <sup>1</sup>	Conservation	Protective (P) and Special (S)	Conservation
North Bog	140010030000, 590010010000, 580010010000	State of Hawai'i and Private	Conservation	Protective (P)	Conservation
Pōhākea Pōhākea PF	590010010000	State of Hawai'i	Conservation	Protective (P)	Conservation
	590010010000	State of Hawai'i	Conservation	Protective (P)	Conservation
Honopū Honopū PF	590010010000, 590010160000	State of Hawai'i	Conservation	Protective (P) and Resource (R)	Conservation
	590010010000	State of Hawai'i	Conservation	Protective (P)	Conservation
Pihea	140010030000, 590010010000	State of Hawai'i	Conservation	Protective (P)	Conservation
Hanakoa	590010010000	State of Hawai'i	Conservation	Protective (P)	Conservation
Hanakāpi'ai	590010010000	State of Hawai'i	Conservation	Protective (P)	Conservation
Upper Mānoa Valley	590010210000	Private	Conservation	Protective (P)	Conservation
Upper Mānoa Valley PF	590010210000	Private	Conservation	Protective (P)	Conservation

Sources: Hawai'i State GIS Program 2023; County of Kaua'i 2023  
 PF = predator exclusion fence; TMK = tax map key

## Exhibit 2