TO: Mary Alice Evans, Director  
Office of Planning and Sustainable Development  
Environmental Review Program  
235 S. Beretania Street, Room 702  
Honolulu, Hawai‘i 96813

Subject: Publication of the Environmental Impact Statement Prep Notice (EISPN) for the proposed Kaua‘i Island Utility Cooperative Habitat Conservation Plan

Applicant: Kaua‘i Island Utility Cooperative

Location: Island of Kaua‘i, State of Hawai‘i

With this letter, the Department of Land and Natural Resources hereby transmits the Environmental Impact Statement Preparation Notice for the Kauai Island Utility Cooperative Habitat Conservation Plan, located on the island Kaua‘i, for publication in the next edition of “The Environmental Notice”.

Pursuant to Hawai‘i Revised Statutes §343-5(a) and Hawai‘i Administrative Rules §11-200.1-9, environmental review is required for actions that propose the use of state or county lands, or land classified as the conservation district. The Department has determined at the outset that an Environmental Impact Statement is warranted and has authorized the applicant to prepare an EIS for the proposed project.

If there are any questions regarding this letter, please contact Katherine Cullison via email at Katherine.cullison@hawaii.gov.

Suzanne D. Case
Chairperson
<table>
<thead>
<tr>
<th><strong>Action Name</strong></th>
<th>Kauaʻi Island Utility Cooperative Habitat Conservation Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Document/Determination</strong></td>
<td>Environmental impact statement preparation notice (EISPN)</td>
</tr>
</tbody>
</table>
| **HRS §343-5(a) Trigger(s)** | - (1) Propose the use of state or county lands or the use of state or county funds  
- (2) Propose any use within any land classified as a conservation district |
| **Judicial district** | Kauaʻi - multiple districts |
| **Tax Map Key(s) (TMK(s))** | Various, Island-wide |
| **Action type** | Applicant |
| **Other required permits and approvals** | State Incidental Take License; Federal Incidental Take Permit |
| **Discretionary consent required** | State Incidental Take License |
| **Approving agency** | Department of Land and Natural Resources |
| **Agency contact name** | Katherine Cullison |
| **Agency contact email (for info about the action)** | dofaw.hcp@hawaii.gov |
| **Email address or URL for receiving comments** | dofaw.hcp@hawaii.gov |
| **Agency contact phone** | (808) 223-0459 |
| **Agency address** | 1151 Punchbowl Street, Room 325  
Honolulu, HI 96813  
United States |
| **Map It** |
KIUC is applying for an incidental take license (ITL) under Hawai‘i Revised Statutes (HRS) Chapter 195D and an incidental take permit (ITP) under Section 10 of the Endangered Species Act. The ITL/ITP would authorize incidental take of three federally- and state-listed seabirds associated with powerline collisions and fallout caused by artificial nighttime lighting and five federally- and state-listed waterbirds associated with powerline collisions. Artificial nighttime lighting from some streetlights is also expected to affect the hatchlings of the federally- and
KIUC intends to implement a Habitat Conservation Plan (HCP) to cover existing and future activities for which KIUC is seeking take authorization. The environmental review for the KIUC HCP is being conducted as a joint federal/state EIS to concurrently meet the requirements of the National Environmental Policy Act and the Hawai‘i Environmental Policy Act, pursuant to HRS Chapter 343.

### Attached documents (signed agency letter & EA/EIS)

- [KIUC-EISPN-determination-letter-DLNR-signed.pdf](KIUC-EISPN-determination-letter-DLNR-signed.pdf)
- [EISPN-for-KIUC-HCP-EIS.pdf](EISPN-for-KIUC-HCP-EIS.pdf)

### Action location map

- [Kauai.zip](Kauai.zip)

### Authorized individual

Tanya Copeland

### Authorization

- The above named authorized individual hereby certifies that he/she has the authority to make this submission.
ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE FOR THE KAUAʻI ISLAND UTILITY COOPERATIVE HABITAT CONSERVATION PLAN KAUAʻI, HAWAIʻI

Applicant
Kauaʻi Island Utility Cooperative
4463 Paheʻe Street, Suite 1
Lihuʻe, HI 96766-2000

Accepting Authority
State of Hawaiʻi
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, HI 96813

Scoping Process and Dates
This notice initiates a 30-day public scoping period for the Kauaʻi Island Utility Cooperative (KIUC) Habitat Conservation Plan (HCP) Environmental Impact Statement (EIS) that will commence June 8, 2022, and end July 8, 2022.

To help protect the public and limit the spread of COVID-19, one virtual public scoping meeting will be held on June 28, 2022, at 5 p.m. Registration for the virtual public scoping meeting may be completed here: https://us02web.zoom.us/webinar/register/WN_aw4mkokBSM-w4ntaS-c7FQ or by emailing hcp@kiuc.coop. The virtual public scoping meeting is open to the public and free to attend.

All comments on this notice will be considered if received or postmarked on or before July 8, 2022. All comments received are a part of the public record. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Addresses
Please submit copies of your comments with the subject line “KIUC HCP EIS Preparation Notice (EISPN)” to both the State of Hawaiʻi Department of Land and Natural Resources (DLNR) and KIUC. Transmission of comments to DLNR and KIUC must be via U.S. Mail to the addresses below:

Attention: KIUC HCP EISPN
Department of Land and Natural Resources
1151 Punchbowl Street
Kalanimoku Building
Honolulu, HI 96813
For Further Information, Contact:

For more information on the project, please contact Katherine Cullison at the DLNR Division of Forestry and Wildlife or Dawn Huff at Joule Group, LLC (representing KIUC) by phone, Monday through Friday from 8:00 a.m. to 5:00 p.m. (Hawai‘i Standard Time), or by email.

Katherine Cullison, Conservation Initiatives Coordinator
Division of Forestry and Wildlife
Department of Land and Natural Resources
1151 Punchbowl Street, Room 325
Honolulu, HI 96813
(808) 223-0459
dofaw.hcp@hawaii.gov

Dawn Huff, KIUC Project Manager
Kaua‘i Island Utility Cooperative
4463 Pahe‘e Street, Suite 1
Lihu‘e, HI 96766-2000
(808) 354-0302
hcp@kiuc.coop

Description of the Proposed Action

KIUC is a not-for-profit, tax-exempt cooperative association governed by a publicly elected nine-member Board of Directors. As a public utility responsible for the production, purchase, transmission, distribution, and sale of electricity on the Island of Kaua‘i (Kaua‘i), KIUC is regulated by the State of Hawai‘i Public Utility Commission and is required by law to provide and ensure the availability of electrical service on Kaua‘i. KIUC is entirely owned by its members, which total approximately 34,000 ratepayers.

To ensure reliable electrical service to Kaua‘i, KIUC owns and operates a variety of electrical utility facilities. These facilities include fossil-fuel-fired, hydroelectric, and solar generating facilities; 17 substations and switchyard; and approximately 1,487 circuit miles of transmission and distribution lines. KIUC also purchases power from several independent power producers and transmits power that it obtains from these sources through its electrical transmission system.

KIUC operates, maintains, and retrofits powerlines and communication wires, maintains streetlights and nighttime outdoor lighting at KIUC facilities, and uses night lighting to restore power if power outages occur at night. Operations include transmission, distribution, communication wires and supporting structures such as poles, towers, lattice structures, and H-frames. Lighting includes streetlights and exterior building lights at two KIUC facilities (Port Allen Generating Station and Kapaia Generating Station).

KIUC intends to implement the KIUC HCP to cover activities including continued operation, maintenance, and retrofit of existing and new powerlines and communication wires; use of lighting at facilities; and use of nighttime lighting for repairs. The proposed HCP identifies on-going impacts to
three federally- and state-listed seabirds associated with powerline collisions and fallout caused by artificial nighttime lighting from streetlights and two facilities. The proposed HCP also identifies impacts to five federally- and state-listed waterbirds associated with powerline collisions. Artificial nighttime lighting from some streetlights is also expected to affect the hatchlings of the federally- and state-listed green sea turtle that become disoriented after hatching on beaches.

The impacts identified in the HCP from KIUC facilities and operations are considered “take” of the nine species addressed by the HCP. The take of species protected by the federal Endangered Species Act (ESA) and its state law equivalent, the Hawai‘i Revised Statutes (HRS) Chapter 195D, incidental to otherwise lawful activities, is prohibited unless authorized. KIUC is applying for authorization under the ESA via an incidental take permit (federal ITP) issued by the U.S. Fish and Wildlife Service (USFWS). KIUC is applying for authorization under the HRS for an incidental take license (state ITL) issued by the DLNR, Division of Forestry and Wildlife. This permit and license are referred to collectively as the take authorizations.

Existing and future activities for which KIUC is seeking take authorization under the HCP are called the “covered activities”. KIUC’s proposed covered activities include activities related to powerline operation and retrofit (including modifications that change wire height, add new powerlines, or expose wires), operation of new or extended powerlines, use of night lighting for repairs or restoration of power, lighting at two facilities, and continued operation of existing and new streetlights.

KIUC’s proposed conservation strategy includes implementation of conservation measures within existing breeding colonies of covered seabird species or at sites with suitable habitat for establishing new breeding colonies of covered seabird species. Proposed conservation measures include construction and maintenance of predator exclusion fences, predator control within and outside of the predator exclusion fences, social attraction to attract covered seabirds to new nesting colony sites within the fenced areas, and selective invasive plant species control. The proposed conservation strategy also includes extensive measures to reduce powerline collisions of the seabirds and waterbirds addressed by the HCP. The proposed conservation strategy also includes conservation measures to reduce disorientation of green sea turtle hatchlings by streetlights near beaches.

Alternatives to the Proposed Action

The Draft EIS will include a reasonable range of alternatives that may include but are not limited to variations in the level of permitted take, the length of the permit term, and alternative conservation minimization and mitigation measures. A No Action Alternative, in which USFWS and DLNR would not grant the take authorizations that KIUC has requested, will also be analyzed. Other reasonable alternatives that could meet the purpose and need for the action may be developed in response to scoping comments.

Required Permits and Approvals

KIUC is requesting a federal ITP from USFWS and a state ITL from DLNR, respectively. Issuance of a federal ITP is an action subject to review under the National Environmental Policy Act (NEPA), as amended, and use of State lands and other land within the conservation district for implementation of portions of the HCP conservation strategy is subject to review under HRS Chapter 343. Applications for a federal ITP and state ITL are supported by an HCP that describes, among other things, the anticipated effects of the proposed taking of listed species; how those effects on the affected species will be avoided, minimized, and mitigated; and how the HCP will be funded.
Affected Environment and Location Map

The HCP Plan Area is the area in which all covered activities and conservation measures will occur. Because KIUC operates an island-wide system exclusively on Kaua‘i and is proposing conservation measures in remote areas of the island, the KIUC HCP Plan Area covers the full geographic extent of Kaua‘i (see Figure 1).

Nine species are covered in this HCP and are referred to as covered species (Table 1). The covered species were selected based on their listing status and potential for the covered activities to result in take as defined by the ESA and HRS Chapter 195D.

Table 1. Covered Species

<table>
<thead>
<tr>
<th>English Name</th>
<th>Hawaiian Name</th>
<th>Scientific Name</th>
<th>Statusa (Federal/State)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newell’s shearwater</td>
<td>‘a’o</td>
<td>Puffinus auricularis newelli</td>
<td>T/T</td>
</tr>
<tr>
<td>Hawaiian petrel</td>
<td>‘ua’u</td>
<td>Pterodroma sandwicensis</td>
<td>E/E</td>
</tr>
<tr>
<td>Band-rumped storm-</td>
<td>‘akē‘akē</td>
<td>Oceanodroma castro</td>
<td>E/E</td>
</tr>
<tr>
<td>petrelb</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hawaiian stilt</td>
<td>ae‘o</td>
<td>Himantopus mexicanus knudseni</td>
<td>E/E</td>
</tr>
<tr>
<td>Hawaiian duck</td>
<td>koloa maoli</td>
<td>Anas wyvilliana</td>
<td>E/E</td>
</tr>
<tr>
<td>Hawaiian coot</td>
<td>‘alae ke‘oke‘o’</td>
<td>Fulica alai</td>
<td>E/E</td>
</tr>
<tr>
<td>Hawaiian common</td>
<td>‘alae ‘ula</td>
<td>Gallinula galeata sandvicensis</td>
<td>E/E</td>
</tr>
<tr>
<td>gallinule</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hawaiian goose</td>
<td>nēnē</td>
<td>Branta sandvicensis</td>
<td>T/E</td>
</tr>
<tr>
<td>Green sea turtleb</td>
<td>honu</td>
<td>Chelonia mydas</td>
<td>T/T</td>
</tr>
</tbody>
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a Status:
E = Listed as endangered under the ESA or HRS Chapter 195D.
T = Listed as threatened under the ESA or HRS Chapter 195D.
b Hawai‘i distinct population segment.

The seabirds covered in the KIUC HCP include Newell’s shearwater (‘a’o) (*Puffinus auricularis newelli*), Hawaiian petrel (‘ua’u) (*Pterodroma sandwicensis*), and the Hawai‘i distinct population segment of the band-rumped storm-petrel (‘akē‘akē) (*Oceanodroma castro*). Newell’s shearwater (‘a’o) is state- and federally listed as threatened and is endemic to the Hawaiian Islands. Kaua‘i supports approximately 90 percent of the total Newell’s shearwater (‘a’o) population. The majority of the Newell’s shearwater (‘a’o) breeding areas are in the northwestern portion of the island of Kaua‘i in mountainous areas within deep valleys and along the edges of steep ridges. The Hawaiian petrel (‘ua’u) is state- and federally listed as endangered; once abundant and widely distributed across Hawai‘i, the majority of the breeding population is now found on Kaua‘i, Maui, and Lāna‘i, with smaller populations on Hawai‘i. Hawaiian petrel (‘ua’u) is nearly extirpated on O‘ahu and Moloka‘i. The band-rumped storm-petrel (‘akē‘akē) is also state- and federally listed as endangered; no band-rumped storm-petrel (‘akē‘akē) nests have been located on Kaua‘i but, based on auditory survey data, breeding likely occurs at several locations on Kaua‘i, primarily in the steep cliff areas of the Nā Pali coast and within Waimea Canyon. The covered seabirds are pelagic, spending most of their time at sea and coming to land only to breed. During the non-breeding season they travel well away from Hawai‘i in the tropical Pacific. During the
breeding season (March through December), the seabirds return to land, where they nest in burrows beneath ferns and tree roots in dense forest and on steep slopes and cliffs.

Waterbirds covered in the KIUC HCP are the Hawaiian stilt (ae‘o) (*Himantopus mexicanus knudseni*), Hawaiian duck (koloa maoli) (*Anas wyvilliana*), Hawaiian coot (‘alae ke‘oke’o) (*Fulica alai*), Hawaiian common gallinule (‘alae ‘ula) (*Gallinula galeata sandvicensis*), and Hawaiian goose (nēnē) (*Branta sandvicensis*). The covered waterbirds are endemic to Hawai‘i and are state- and federally listed as endangered, except for Hawaiian goose (nēnē), which was federally downlisted to threatened in January 2020 (84 *Federal Register* 69918). With the exception of the Hawaiian goose (nēnē), the covered waterbird species are associated only with wetlands and open water habitat in Kaua‘i. Hawaiian geese (nēnē) use a wide variety of habitats including coastal dune vegetation and grasslands, sparsely vegetated lava flows, shrublands, and woodlands in areas that typically have less than 90 inches (228.6 centimeters) of annual rainfall. The Hawaiian goose (nēnē) also inhabits highly altered landscapes such as pastures, agricultural fields, and golf courses.

Green sea turtle (honu) (*Chelonia mydas*) is state- and federally listed as threatened. Most green sea turtles spend most of their lives in coral reefs along coastline s and in protected bays and lagoons. On shore, green sea turtles rely on beaches characterized by intact dunes, lack of artificial lighting, and normal beach temperatures for nesting.

**Determination to Prepare an EIS and Reasons Supporting the Determination**

USFWS has determined that approval of KIUC’s HCP and issuance of a federal ITP is an action that is subject to review under NEPA. USFWS, as the lead federal agency, has further determined that it will prepare an EIS for the action under consideration. The EIS will be prepared in compliance with the requirements of NEPA (42 U.S. Code 4321 et seq.), its implementing regulations (40 Code of Federal Regulations Parts 1500–1508), other applicable regulations, and USFWS procedures for compliance with those regulations.

The State of Hawaii DLNR has determined that KIUC’s use of State lands and other land within the conservation district for implementation of portions of the HCP conservation strategy is subject to review under HRS Chapter 343 and has further determined that an EIS should be prepared. DLNR will be the accepting authority for the state EIS, which will be prepared in compliance with HRS Chapter 343 and Hawai‘i Administrative Rules Chapter 11-200.1.

In accordance with HRS Chapter 343-5(h), because this action is subject to review under both NEPA and HRS Chapter 343, USFWS, DLNR, and KIUC are cooperating to reduce duplication between federal and state requirements by preparing a joint federal/state EIS with concurrent public reviews.

The authorizations that KIUC is requesting have the potential to have significant effects on covered species because the requested authorizations would allow the incidental take of species listed as endangered or threatened under the ESA and HRS Chapter 195D. Therefore, DLNR has decided to move directly to preparation of an EIS without first preparing an Environmental Assessment. USFWS expects to initiate the federal EIS scoping process with a Notice of Intent (NOI) in the *Federal Register* concurrent with publication of the EISPN.

The joint federal/state EIS will examine in detail the potential adverse and beneficial effects of approving the KIUC HCP, issuing a federal ITP and state ITL, and fully implementing the HCP. The EIS will assess the potential for direct, indirect, and cumulative effects on the human, natural, and cultural environment and identify mitigation measures for adverse effects.
Figure 1. Map of Kaua‘i showing KIUC facilities covered by the HCP, existing conservation areas, and occupied habitats confirmed through acoustic monitoring.