

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

OCT 09 2019

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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DEPUTY DIRECTOR - WATER

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

OCT 11 2019

MEMORANDUM

TO: Scott Glenn, Director
Office of Environmental Quality Control
Department of Health

FROM: Suzanne D. Case, Chairperson *[Signature]* *965*
Board of Land and Natural Resources

SUBJECT: Kawailoa Supplemental Environmental Impact Statement (SEIS) Notice of Acceptance.

The Board of Land and Natural Resources, at their meeting September 27, 2019, voted to accept the SEIS for Kawailoa Wind LLC located in the Waialua district on the island of O`ahu. The draft SEIS was published in the May 8, 2019 edition of the environmental notice. The final SEIS published September 23, 2019.

If there are any questions, please contact Jim Cogswell, (808)-587-4187.

20-093

APPLICANT PUBLICATION FORM

Project Name:	Kawailoa Wind Farm Supplemental EIS
Project Short Name:	Kawailoa Wind Farm Supplemental EIS
HRS §343-5 Trigger(s):	Use of State and County lands; Use of land within Conservation District (Intensity of impacts beyond those anticipated in original EIS)
Island(s):	O'ahu
Judicial District(s):	Waialua
TMK(s):	(1) 6-1-006:001, (1) 6-1-007:001, and (1) 6-2-011:001
Permit(s)/Approval(s):	Amendment to State Incidental Take License
Approving Agency:	Department of Land and Natural Resources, State of Hawai'i
<i>Contact Name, Email, Telephone, Address</i>	Jim Cogswell, Division of Forestry and Wildlife Department of Land and Natural Resources 1151 Punchbowl Street, Room 325, Honolulu, HI 96813 (808) 587-4187 james.m.cogswell@hawaii.gov
Applicant:	Kawailoa Wind, LLC
<i>Contact Name, Email, Telephone, Address</i>	Brita Woeck 1166 Avenue of the Americas, 9th Floor, New York, NY 10036 (206) 949-5228 BRIWO@orsted.com
Consultant:	Tetra Tech, Inc.
<i>Contact Name, Email, Telephone, Address</i>	Lisa Kettley 737 Bishop Street, Suite 2340, Honolulu, HI 96813 lisa.kettley@tetrattech.com

Status (select one) DEA-AFNSI**Submittal Requirements**

Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEA, and 4) a searchable PDF of the DEA; a 30-day comment period follows from the date of publication in the Notice.

 FEA-FONSI

Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; no comment period follows from publication in the Notice.

 FEA-EISPN

Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; a 30-day comment period follows from the date of publication in the Notice.

 Act 172-12 EISPN
("Direct to EIS")

Submit 1) the approving agency notice of determination letter on agency letterhead and 2) this completed OEQC publication form as a Word file; no EA is required and a 30-day comment period follows from the date of publication in the Notice.

 DEIS

Submit 1) a transmittal letter to the OEQC and to the approving agency, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEIS, 4) a searchable PDF of the DEIS, and 5) a searchable PDF of the distribution list; a 45-day comment period follows from the date of publication in the Notice.

 FEIS

Submit 1) a transmittal letter to the OEQC and to the approving agency, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEIS, 4) a searchable PDF of the FEIS, and 5) a searchable PDF of the distribution list; no comment period follows from publication in the Notice.

 FEIS Acceptance
Determination

The approving agency simultaneously transmits to both the OEQC and the applicant a letter of its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS; no comment period ensues upon publication in the Notice.

- FEIS Statutory Acceptance The approving agency simultaneously transmits to both the OEQC and the applicant a notice that it did not make a timely determination on the acceptance or nonacceptance of the applicant's FEIS under Section 343-5(c), HRS, and therefore the applicant's FEIS is deemed accepted as a matter of law.
- Supplemental EIS Determination The approving agency simultaneously transmits its notice to both the applicant and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that a supplemental EIS is or is not required; no EA is required and no comment period ensues upon publication in the Notice.
- Withdrawal Identify the specific document(s) to withdraw and explain in the project summary section.
- Other Contact the OEQC if your action is not one of the above items.

Project Summary

Provide a description of the proposed action and purpose and need in 200 words or less.

The Kawaiiloa Wind Project (Project) operates a 30-turbine, 69-megawatt wind energy generation facility on agricultural lands located approximately five miles northeast of Hale'iwa on the northern portion of O'ahu. An EIS for the Project was accepted by the State of Hawai'i Department of Business, Economic Development, and Tourism in July 2011. The Project was constructed in 2012 and has been in operation since that time. The Project operates under an approved Habitat Conservation Plan (HCP) and Incidental Take License (ITL) issued by the Department of Land and Natural Resources (DLNR), pursuant to HRS Chapter 195D. The HCP and ITL provide coverage for incidental take of State listed wildlife species, including the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*). Post-construction mortality monitoring data indicate that the wind turbines are causing a greater number of endangered Hawaiian hoary bat fatalities than anticipated in the approved HCP and authorized under the ITL. Additionally, Kawaiiloa Wind is requesting to add take authorization for the endangered Hawaiian petrel (*Pterodroma sandwichensis*). Accordingly, Kawaiiloa Wind, LLC is seeking approval of a major amendment to the HCP as part of the request to add the Hawaiian petrel, and increase the amount of incidental Hawaiian hoary bat take, authorized under the ITL. Given the increase in estimated take of the Hawaiian hoary bat and the unanticipated take of the Hawaiian petrel, and the resulting increase in intensity of impacts, an SEIS was required.