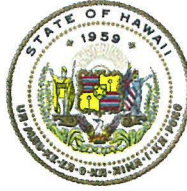


DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 12, 2019

2029
SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MEMORANDUM

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

FROM: Suzanne D. Case, Chairperson *MLC DCJ*
Department of Land and Natural Resources

SUBJECT: BLNR Determination for Kaheawa Wind Power II SEIS

With this memo, I would like to inform the Office of Environmental Quality Control that the Board of Land and Natural Resources (BLNR) has accepted the Kaheawa Wind Power II (KWP II) SEIS during their BLNR meeting on November 8, 2019.

For more information, please contact Jim Cogswell, (808) 587-4187.

APPLICANT PUBLICATION FORM

Project Name:	Kaheawa Wind Power II Supplemental EIS
Project Short Name:	KWP II 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):	Maui
Judicial District(s):	Lahaina
TMK(s):	4-8-001:001, 3-6-001:014
Permit(s)/Approval(s):	Incidental Take License Amendment
Approving Agency:	State of Hawaii Department of Land and Natural Resources
<i>Contact Name, Email, Telephone, Address</i>	Jim Cogswell, Department of Land and Natural Resources/Division of Forestry and Wildlife 1151 Punchbowl Street, Honolulu, HI 96813 (808) 587-4187 james.m.cogswell@hawaii.gov
Applicant:	Kaheawa Wind Power II, LLC
<i>Contact Name, Email, Telephone, Address</i>	Lily Henning, lhenning@terraform.com (646) 992-2486, 12500 Baltimore Avenue, Beltsville, MD 20705
Consultant:	SWCA Environmental Consultants
<i>Contact Name, Email, Telephone, Address</i>	Amanda Ehrenkrantz, aehrenkrantz@swca.com, (808) 892-3842, 307a Kamani Street, Honolulu, HI 96813

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.

Kaheawa Wind Power II (KWP II), LLC owns and operates a 14-turbine, 21-megawatt wind energy generation facility near Kaheawa Pastures above Mā'alaea on the southwestern portion of Maui. Approximately 143 acres of the site is State Conservation Lands. An Environmental Impact Statement (EIS) was accepted by the Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) in May 2010. KWP II was constructed in 2012 and has been in operation since that time. The project operates under a Habitat Conservation Plan (HCP) and associated Incidental Take License (ITL) issued by DLNR.

Post-construction mortality monitoring data indicate that the wind turbines are causing a greater number of Hawaiian Hoary Bat (*Lasiurus cinereus semotus*) fatalities than anticipated in the approved HCP and authorized under the ITL. Incidental take of the Hawaiian Goose, or Nēnē (*Branta sandvicensis*), has not yet exceeded but is projected to exceed the authorized take during the term of the ITL. For these reasons KWP II, LLC is pursuing a major amendment to the HCP to increase the amount of incidental Hawaiian Hoary Bat and Nēnē take authorized under the ITL. Given the increase in intensity of impacts due to the increased take of the Hawaiian Hoary Bat and the higher than expected rate of take of the Nēnē, a SEIS was required.