

FINDING OF NO SIGNIFICANT IMPACT

regarding

The U.S. Fish and Wildlife Service's Proposed Issuance of an Endangered Species Act Section 10(a)(1)(B) Incidental Take Permit for the Hawaiian petrel, Newell's Shearwater, Hawaiian goose, and the Hawaiian hoary bat to the Kaheawa Wind Power II LLC in Association with Implementation of the Kaheawa Wind Power II Habitat Conservation Plan on the Island of Maui, Maui County, Hawaii

The U.S. Fish and Wildlife Service (Service) has completed an Environmental Assessment (EA) of the anticipated effects on the human environment of issuing an Incidental Take Permit (ITP), pursuant to section 10(a)(1)(B) of the Endangered Species Act (ESA), to Kaheawa Wind Power II, LLC (Kaheawa Wind Power II). The ITP would authorize the take of the endangered Hawaiian petrel (*Pterodroma sandwichensis*), threatened Newell's (Townsend's) shearwater (*Puffinus auricularis newelli*), endangered Hawaiian goose (*Branta sandvicensis*), and the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) by covered activities carried out in conjunction with implementation of Kaheawa Wind Power II's Habitat Conservation Plan (HCP) on the island of Maui, Maui County, Hawaii. The above species are hereafter referred to as "covered species." The EA was prepared in accordance with the requirements of the National Environmental Policy Act.

Kaheawa Wind Power II is requesting an ITP for take of the covered species that may occur as a result of the construction and operation of the Kaheawa Wind Power II facility over the next 20 years on State land on Maui. The EA describes the probable effects of this action on the human environment under three alternatives: (1) Proposed Action (issuance of a 20-year ITP to Kaheawa Wind Power II on the basis of implementation of their proposed HCP); (2) Alternative Site (issuance of a 20-year ITP to Kaheawa Wind Power II addressing implementation of wind project development at an alternative site on Maui); and (3) No Action (no ITP is issued and the wind energy generation facility would not be constructed).

Under the Proposed Action, the Service would issue an ITP and approve the HCP. The ITP would authorize the potential incidental take of the covered species during the construction and operation of the Kaheawa Wind Power II facility. The HCP would ensure that Kaheawa Wind Power II adequately avoids, minimizes, and mitigates the anticipated incidental take. Construction of the facility would develop approximately 43 acres of land within 143 acres that Kaheawa Wind Power II has leased from the State of Hawaii in southwest Maui.

Decision Rationale

Following a comprehensive review and analysis of the HCP and consideration of the findings presented in the EA and summarized below, the Service has selected the Proposed Action as the preferred alternative because it provides the most conservation value to the covered species in the context of Kaheawa Wind Power II complying with the requirements of the ESA.

Under the HCP, Kaheawa Wind Power II commits to avoid and minimize take of the covered species through the implementation of numerous avoidance and minimization measures which include, but are not limited to:

Avoidance Measures

- Choosing a site with limited forested areas to avoid potential impacts to bat roosting habitat;
- Choosing a wind farm construction site where native vegetation has been degraded by frequent wildfires, grazing, and other disturbances, that lies outside areas of existing and proposed critical habitat; and
- Choosing a wind farm site with low seabird flight passage rates.

Minimization Measures

- Employing design measures to decrease the risk of bird and bat collisions with transmission lines, collection lines, and meteorological towers;
- Employing relatively few turbines situated in a single row rather than a large number of staggered turbines or multiple rows;
- Using “monopole” steel tubular towers for turbines, rather than lattice towers, to eliminate perching and nesting opportunities for birds. The tubular towers may also reduce avian collision risk because they are considerably more visible;
- Utilizing a rotor with a rotational speed (11-20 revolutions per minute) that makes the rotor more visible to wildlife;
- Choosing a site in proximity to existing electrical transmission lines to eliminate the need for a lengthy overhead transmission line from the project to the interconnect location;
- Selecting a site in proximity to the existing Kaheawa Wind Power I facility so key infrastructure can be shared, thereby minimizing the need for new disturbance and development. The considerable body of data that has been collected on listed species at the Kaheawa Wind Power I site also informs Kaheawa Wind Power II site selection and avoidance/minimization measures, as well as likely mitigation requirements;
- Marking guy wires on the temporary meteorological tower with 4-foot 1-inch polytape to minimize seabird and bat collision risk;
- Minimizing on-site lighting and using fixtures that will be shielded and directed downward to minimize seabird fallout;
- Implementing a daily search protocol during construction to minimize the risk of direct impacts to Hawaiian geese and their nests;
- Implementing low wind speed curtailment at night by raising the cut-in speed of the project’s wind turbines to 5 m/s to minimize impacts to the Hawaiian hoary bat;
- Implementing a speed limit of 10 mph in the project area to reduce possible vehicular collisions with Hawaiian geese.

Under the HCP, Kaheawa Wind Power II also commits to mitigate the impacts of the project through measures that include but are not limited to:

- Restoring additional native forest at the Kahikinui, a Maui forest restoration site to increase habitat for the Hawaiian hoary bat;

- Offsetting take of the Hawaiian petrel and the Newell's shearwater by constructing a 10-acre social attraction site with predator-proof fencing to increase reproductive success and survival of the Hawaiian petrel and the Newell's shearwater on Maui and, if necessary to offset take, implementing additional social attraction and in-situ management projects to conserve the Newell's shearwater and the Hawaiian petrel in Maui County; and
- Developing predator-free pens to increase Hawaiian goose survival and reproductive success.

As discussed in the EA, implementation of the Proposed Action, while exempting incidental take of the covered species, is also likely to provide long-term benefits to the covered species that are directly related to their conservation needs. Conservation of the covered species is dependent on: (1) reducing collision risk; (2) increasing reproductive success and reducing predation at nesting sites; (3) increasing the quantity and quality of nesting, foraging, and roosting habitat.

Compared to the Proposed Action, construction of the proposed wind energy project at an alternate siting area, downwind from the existing Kaheawa Wind Power I wind farm would have a greater adverse impact on the environment. The downwind siting area would require three meteorological towers instead of one, the site is in habitat more heavily used by the Hawaiian goose than the preferred alternative, and impacts to seabirds and the Hawaiian goose would be greater. For these reasons, the downwind siting area alternative was not selected.

The No Action alternative or "no-build scenario" would occur if the Service did not issue an ITP and did not approve the HCP for Kaheawa Wind Power II. Under the No Action alternative, Kaheawa Wind Power II would not construct the wind energy facility due to the risk of unauthorized incidental take of listed species. There would be no changes to the project area or to existing habitats, nor any potential for collision with wind turbines or project infrastructure. The no-build scenario would not cause take of the covered species or any change to the status of the covered species. Covered species mitigation measures contained in the HCP would not be implemented by Kaheawa Wind Power II. The No Action alternative was not selected because it does not meet the purpose and need of the HCP.

Implementation of the Proposed Action is not expected to cause significant adverse or beneficial effects to the human environment for the following reasons:

1. In our Biological Opinion for the proposed action, the Service determined that implementation of the HCP is not likely to jeopardize the continued existence of the covered species or result in destruction or adverse modification of critical habitat (Service Ref. No. 2011-F-0136).
2. The HCP is likely to offset the adverse impacts of the proposed wind energy generation facility on the covered species to the extent that it is likely to provide a net conservation benefit to these species island-wide and statewide but that benefit is relatively small when considered in the context of the rangewide condition and conservation needs of each covered species. Under the provision of the HCP, Kaheawa Wind Power II sufficiently reduces the risk of take because of: (1) facility design; (2) facility location; (3) facility

operation; (4) placement and design of lines; (5) marking guy wires and towers; (6) restrictions on construction activities; (7) lighting plans; (8) pre-construction surveys; (9) re-vegetation plans; and (10) enforcement of on-site vehicular speed limits.

3. The HCP provisions for adaptive management will allow for the mitigation of project impacts to be adjusted appropriately. Accordingly, the HCP includes provisions for post-construction monitoring and adaptive management to allow flexibility and responsiveness to new information over the life of the project. All monitoring and adaptive management activities will be subject to approval by the Service and Hawaii's Division of Forestry and Wildlife (DOFAW).
4. The proposed wind farm is not expected to contribute to hazardous substances or increase the risks associated with natural hazards.
5. Impacts to historical, archeological, and cultural resources will be avoided or impacts will be mitigated in accordance with plans approved by the State Historic Preservation Division.
6. Impacts to air quality, air navigation, geology, and topography are likely to be negligible. Impacts to water quality, soils, transportation, traffic, and public safety are likely to be minor and minimized through best management practices and preventive measures.
7. Minor beneficial short-term and long-term socioeconomic benefits from construction, operation and energy production of the wind farm are anticipated. However, in the context of the economy of the Maui area, these benefits are likely to be minor.
8. Impacts to visual resources are likely to be limited by siting infrastructure, including towers, as far as practical from nearby roads and towns.

Public Involvement and Review

The public was involved in the development of the HCP and the EA. A Draft Hawaii State HCP was published by the State Office of Environmental Quality Control on January 23, 2010. The public comment period closed on March 23, 2010, with a public meeting on March 10, 2010. One recommendation was provided at the public meeting. The Final HCP was approved by the Endangered Species Recovery Committee (ESRC) on October 21, 2011; issuance of the State Incidental Take License is anticipated to occur in January 2012.

The EA was made available for public review through publication of a Notice of Availability of an EA and receipt of an application for a Permit published in the Federal Register on November 09, 2010 (75 FR 68821). The notice and supporting documents were mailed to agencies and private organizations with interest in the proposed action. Publication of the notice initiated a 30-day comment period. At the public's request, the public comment period was reopened for a second 30-day public comment period, published in the Federal Register on February 8, 2011.

The Service received 38 comment letters in response to the notice for the proposed action during the public comment periods. Two letters were from non-profit environmental organizations, two

were from private citizens, one is from the State Department of Hawaiian Home Lands, one is from the National Park Service, and thirty-two are from undergraduate and graduate students of the University of Washington.

The public was also able to provide feedback on the project through the State's Conservation District Use Permit process, the State's Environmental Impact Statement process, and Kaheawa Wind Power II's community outreach efforts. Kaheawa Wind Power II conducted meetings and site visits with members of the public, including representatives of the Maui community. Outreach efforts also included educational tours of the existing Kaheawa Wind Power I facility with community organizations, elected officials, public agency representatives, and students. Kaheawa Wind Power II also met with local, State, and Federal agencies and non-governmental field biologists during the development of the proposed project. This included coordination and consultation with the Service, DOFAW, ESRC, the Hawaii Office of Conservation and Coastal Lands, and the State Historic Preservation Division.

Conclusions

Based on review and evaluation of the information contained in the supporting references, I have determined that the preferred alternative is not a major Federal action that would significantly affect the quality of the human environment, within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-70 (NEPA). Accordingly, the Service is not required to prepare an environmental impact statement for this action. Furthermore, I have found that implementing the preferred alternative will have no significant impact on any of the environmental resources identified in the EA.

This Finding of No Significant Impact and supporting references are on file and are available for public inspection, by appointment, at the following Service offices:

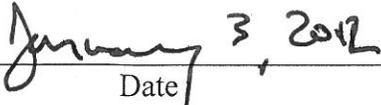
Pacific Islands Fish and Wildlife Office
300 Ala Moana Blvd., Room 3-122
Honolulu, Hawaii 96850
Contact: Aaron Nadig

Pacific Regional Office
911 NE 11th Avenue
Portland, Oregon 97232
Contact: John Nuss

Interested and affected parties are being notified of our decision.



RICHARD R. HANNAN
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Date January 3, 2012

Documents Incorporated by Reference

Habitat Conservation Plan for the Construction and Operation of the Kaheawa Wind Power II Wind Energy Generation Facility, Maui, Hawaii. (December 2011)

Final Environmental Assessment for Issuance of Endangered Species Act Section 10(a)(1)(B) Habitat Conservation Plan for the Incidental Take of Listed Species for the Kaheawa Wind Power II Wind Energy Generation Facility. (USFWS, December 2011)

Intra-Service Biological Opinion on the Kaheawa Wind Power II Habitat Conservation Plan and Incidental Take Permit Application. (USFWS, File No. 2011-F-0136).

Findings and Recommendations on the Issuance of an Incidental Take Permit to Kaheawa Wind Power II, Maui, Hawaii. (USFWS, December 2011)