

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 Newell's Shearwater, Hawaiian Moorhen, Hawaiian Coot, Hawaiian Duck, Hawaiian Stilt, and Hawaiian Hoary Bat to the Kawaihoa Wind Power LLC in Association with Implementation of the Kawaihoa Wind Power Habitat Conservation Plan on the Island of Oahu, Honolulu 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 Kawaihoa Wind Power, LLC (Kawaihoa Wind Power). The ITP would authorize take of the threatened Newell's shearwater (*Puffinus auricularis newelli*), and the endangered Hawaiian stilt (*Himantopus mexicanus knudseni*), Hawaiian coot (*Fulica alai*), Hawaiian moorhen (*Gallinula chloropus sandvicensis*), Hawaiian duck (*Anas wyvilliana*), and Hawaiian hoary bat (*Lasiurus cinereus semotus*) caused by covered activities carried out in conjunction with implementation of Kawaihoa Wind Power's Habitat Conservation Plan (HCP) on Oahu, Honolulu 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.

Kawaihoa Wind Power is requesting an ITP for take of the covered species that may occur as a result of the construction and operation of the Kawaihoa Wind Power Generation Facility over the next 20 years. The proposed facility would be located on Kawaihoa Plantation Lands on Oahu. The EA describes the probable effects of this action on the human environment under three alternatives: (1) the Proposed Action (issuance of a 20-year ITP to Kawaihoa Wind Power LLC on the basis of their implementing the proposed HCP); (2) a Communications Site Layout alternative; and (3) a No Action alternative (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 incidental take of the covered species during construction and operation of the Kawaihoa Wind facility. The HCP will ensure that Kawaihoa Wind Power adequately avoids, minimizes, and mitigates the impacts of the anticipated incidental take. Construction of the facility would initially disturb approximately 335 acres of land within a 4,200-acre privately owned parcel. After construction, the wind energy facility would have a permanent footprint of 22 acres. Approximately 259 acres of the disturbed area are likely to remain under long-term vegetation management due to the requirement to maintain search plot areas under turbines and permanent meteorological towers for downed wildlife monitoring.

Decision Rationale

Following a comprehensive review 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 Kawaihoa Wind Power complying with the requirements of the ESA.

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

Take Avoidance

- Improving drainage in areas, as needed, to eliminate the accumulation of standing water after periods of heavy rain to minimize the potential of attracting waterbirds to the site;
- Refraining from clearing trees above 15 feet in height during construction activities between June 1 and September 15, which is the period when non-volant Hawaiian hoary bat pups may occur in the project area;

Minimization

- Employing design measures to decrease the attractiveness and increase the visibility of the turbines to birds and bats;
- Implementing low wind speed (5 meters/second) curtailment of the wind turbines to reduce the risk of bat take;
- Utilizing a rotor with a significantly slower rotational speed (range of 6 – 16 rpm) compared to older designs (28.5 – 34 rpm) to increase the visibility of turbine blades during operation to decrease the risk of bird and bat collision with the blades;
- Employing design measures to decrease the risk of bird and bat collisions with transmission lines, collection lines, and meteorological towers;
- Establishing a speed limit of 15 mph for driving vehicles on-site to minimize vehicle collision with covered species, in the event they are found to be utilizing habitat on-site or are found injured.

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

- Funding the development and efficacy testing of a cat self-resetting trap, and funding its use at a Newell's shearwater colony on Kauai;
- Funding seabird colony management for Newell's shearwaters on Kahoolawe or other approved locations that will include predator control, and may include social attraction, translocation, monitoring, and habitat restoration activities;
- Funding predator control, fencing, vegetation maintenance, and monitoring of Hawaiian waterbirds at Ukoa Pond;
- Funding additional wetland restoration at Ukoa Pond or native forest habitat restoration on Oahu to increase foraging capacity and provide additional roost trees for Hawaiian hoary bats. Funding research to evaluate the efficacy of wetland or forest mitigation to benefit the conservation of Hawaiian hoary bats. Funding a monitoring program to document Hawaiian hoary bat habitat preference, and change in abundance as a result of mitigation efforts; and
- Monitoring and future collection of biological information regarding the effect of wind energy generation facilities on the covered species to facilitate implementation of an adaptive management plan, as appropriate.

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 with man-made structures; (2) increasing reproductive success and reducing predation at nesting sites; (3) increasing the quantity and quality of nesting, foraging, and roosting habitat; (4) reducing the hybridization threat to Hawaiian ducks; and (5) a better understanding of the efficacy of specific mitigation actions that are intended to benefit the conservation of the Hawaiian hoary bat.

Compared to the Proposed Action, implementation of the "Communications Site Layout" alternative would require slightly more ground disturbance at the Mt. Kaala Site. The Communications Site Layout alternative requires attaching the proposed antennae to two new communication towers at the Mount Kaala site instead of attaching them to existing towers at the site. Otherwise, under this alternative, the wind energy facility layout, site activities, and disturbance are the same as for the Proposed Action except for an additional 0.006-acre of disturbance at the communication sites. Covered Species are expected to be at the same risk of collision with wind turbines and the meteorological towers. Avoidance, minimization, mitigation, and management measures associated with the Communications Site Layout alternative are otherwise the same as for the Proposed Action. The endangered mollusk species *Achatinella mustellina* was historically found adjacent to the Mount Kaala communications site, and a population is present approximately 50 meters away from the existing facility. All areas occupied by *A. mustellina* will be avoided. Impacts to the snails will be avoided based on the location and footprint of the project area and other proposed avoidance and minimization measures to be implemented during the installation of the antennae on the existing Hawaii Telcom towers for the Proposed Action. Kawailoa Wind Power is not seeking coverage for this species in the HCP and therefore the Communications Site Layout 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 Kawailoa Wind Power. Kawailoa Wind Power 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 in the status of the Covered Species. Covered Species mitigation measures contained in the HCP would be implemented by Kawailoa Wind Power. 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 result in jeopardy to the Covered Species or destruction or adverse modification of critical habitat (Service Ref. No. 2011-F-0415).
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 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 provisions of the HCP, Kawaiiloa Wind Power is likely to reduce the risk of take of the Covered Species 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) revegetation plans; (10) wildlife monitoring for purposes of informing adaptive management; and (11) 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 the Hawaii 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 are likely to be avoided.
6. Potential impacts to military operations, utilization of the navigable airspace by aircraft, and the operation of air navigation facilities have been mitigated by project layout, undergrounding proposed electrical lines, and lowering tower height.
7. Impacts to air quality, air navigation, geology, and topography are likely to be negligible.
8. Impacts to water quality, soils, transportation, traffic, and public safety are likely to be minor and will be further minimized through best management practices and preventive measures.
9. Impacts to visual resources are likely to be limited by siting infrastructure, including towers, as far as practical from nearby roads and towns.
10. 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 island of Oahu area, these benefits are likely to be minor.

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 (OEQC) on August 24, 2011. The public comment period closed on October 3, 2011, with a public meeting on September 21, 2011. No comments were received during the public meeting. The Final HCP was reviewed by the Endangered Species Recovery Committee (ESRC) and approved on October 21; issuance of the State Incidental Take License is expected in December 2011.

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 August 24,

2011 (76 FR 52966). 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.

The Service and the State received two (2) comment letters during these public review periods, responses to which are addressed in the Service's HCP Findings and Recommendations document referenced below.

The public was also able to provide feedback on the proposed project through the State's Conservation District Use Permit process, the State's Environmental Impact Statement process, and Kawaihoa Wind Power's community outreach efforts. Kawaihoa Wind Power conducted meetings and site visits with members of the public, including representatives of the North shore community of Oahu. Outreach efforts also included educational tours of the existing Kahuku Wind Power facility with community organizations, elected officials, public agency representatives, and students. Kawaihoa Wind Power also met with local, State, and Federal agencies and non-governmental field biologists during the development of the proposed project. This includes coordination and consultation with the Service, DOFAW, ESRC, the Hawaii Office of Conservation and Coastal Lands, and the State Historic Preservation Division. The ESRC met to discuss the proposed project in October 2010, September 2011, and October 2011.

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. 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 will be notified of our decision.

Documents Incorporated by Reference

Habitat Conservation Plan for the Construction and Operation of the Kawaihoa Wind Power Wind Energy Generation Facility, Oahu, Hawaii. (November 2011)

Final Environmental Assessment for Issuance of an Endangered Species Act Section 10(a)(1)(B) Incidental Take Permit for the Incidental Take of Listed Species at the Kawaihoa Wind Power Wind Energy Generation Facility. (Service, November 2011)

Intra-Service Biological Opinion on the Kawaihoa Wind Power Habitat Conservation Plan and Incidental Take Permit Application. (Service, File No. 2011-F-0415).

Findings and Recommendations on the Issuance of an Incidental Take Permit to Kawaihoa Wind Power, Oahu, Hawaii. (Service, November 2011)



Deputy Regional Director

RICHARD R. HANNAN



Date