

Keep The North Shore COUNTRY

KeepTheNorthShoreCountry.org

2021 Annual Report

December 28, 2021

Aloha, Supporters!

We continue to fight for the residents of the North Shore, especially the people of Kahuku, against the tragedy of the wind turbine locations and their adverse environmental impacts. At the beginning of 2021, we were involved in three separate legal challenges; one is now settled and two remain ongoing.



Kawailoa Wind

On January 30, 2021, a settlement was announced between Keep the North Shore Country and Kawailoa Wind that requires the wind company to fund \$250,000 towards research of the endangered ua`u (Hawaiian petrel) on O`ahu, and to increase the search area for `ōpe`ape`a (Hawaiian hoary bat) for two years.

The settlement is significant because the state was prepared to accept the wind company's claims that there were probably no breeding pairs of ua`u on this island; thus, there was no need to look. We now know there are breeding pairs on O`ahu and we are very pleased to have forced the funding commitment for this research which will help inform future decision making and efforts to protect the species.

Another key win was the requirement to expand the search area for injured and killed endangered species. Kawailoa is testing new bat deterrent technology, but the proposed search area was too small to appropriately monitor the effectiveness of the new system.

Na Pua Makani Habitat Conservation Plan

The Supreme Court of Hawaii heard oral arguments on the Na Pua Makani Habitat Conservation Plan on April 1, 2021. We challenged the plan as inadequate because of serious omissions and faulty methodology. As an example, they did not consider the substantially greater height of the turbines or the swept area of the blades when estimating impacts on endangered species.

The hearings officer, after carefully reviewing all the evidence, ruled in our favor in 2017. Unfortunately, the Board of Land and Natural Resources ignored the recommended action and approved the project anyway. We appealed to the courts, but the circuit court judge deferred to BLNR's decision.



The case is now pending a decision by the High Court.

Na Pua Makani Turbine Setbacks

Na Pua Makani wind turbines are too big and too close, literally. Turbines 1 and 2 are illegally sited within the minimum setback area. Honolulu County ordinances require industrial wind turbines to be set back from all property lines at least as far as they are tall, yet the 568' Turbine 1 rests a mere 275' from the property line. Minimum setbacks cannot be exempted.



The Acting Director of the Honolulu Department of Planning and Permitting approved the illegal siting with her signatures on internal documents that were never announced publicly. The approvals stated that any objection must be filed within 30 days.

When the illegal approval and a later modification were discovered, we appealed, but the challenge was not considered because the Appeals Board ruled we were too late to protest. The circuit court judge ruled the same. We cannot believe the law would require someone to know, in advance, that the city is about to do something illegal and to request to be informed if they do.

Kahuku Community Association is also party to this case, now pending before the Intermediate Court of Appeals.

Turtle Bay Resort

As part of our settlement with the resort owners in the landmark conservation deal, Turtle Bay Resort provided North Shore Community Land Trust \$200,000 to remove invasive vegetation and predators, restore native coastal habitat, and support the endangered and threatened monk seal, green sea turtle, Laysan albatross and yellow faced bee. TBR continues to support the project and NSCLT has leveraged additional funds to continue the project at Kahuku Point.

We continue to monitor the agreement which locked up more than 1100 acres in perpetual conservation, saved Kawela Bay from development, and reduced the potential number of new resort units from 3500 to 725. The resort is opening a limited number of "glamping" units, which will count against that total number.

Summary

Keep the North Shore Country's mission is to preserve and enhance the heritage and rural character of the North Shore of Oahu, Hawaii, in partnership with communities from Kaena Point to Kahalu`u.

The settlement with Kawailoa Wind is a win for the endangered ua`u and `ōpe`ape`a. Our Supreme Court victory in the Turtle Bay EIS case showed the importance of never giving up.

More than 200 people were arrested while protesting delivery of the enormous Na Pua Makani industrial wind turbines that now loom over the schools and houses of Kahuku. Serious mistakes were made in the approval process. Keep the North Shore has been fighting bad decisions relating to Na Pua Makani since 2016, **and we are not finished.**

While we have always been very efficient with our funds, legal challenges require money. The directors volunteer all their time and talents, and also contribute financially to these efforts. We have some ongoing legal bills yet to be paid and we have work to do on the setback case.

Will you help us continue the good fight for our communities?

Please donate today at [KeeptheNorthCountry.org](https://www.KeeptheNorthCountry.org)

Keep the North Shore Country is a 501.c(3) organization; Your Contribution is tax deductible.

Thank you very much for your continuing support!

Best wishes for 2022.

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