

HAWAII NEWS

North Shore wind farm settlement offers added funding, protections for endangered species

By [Timothy Hurley](#) • Today

The operator of the Kawailoa Wind farm in the hills above Waimea Bay has agreed to pay for greater protections for endangered species as part of a contested case hearing settlement announced Friday.

The agreement calls for Kawailoa Wind LLC to fund \$250,000 in research about the Hawaiian petrel on Oahu and to expand its search area for monitoring turbine impacts on the Hawaiian hoary bat and other endangered species, according to a joint statement issued by the company and nonprofit Keep the North Shore Country.

The community-based environmental organization challenged changes in Kawailoa's habitat conservation plan approved by the state Board of Land and Natural Resources in 2019, saying they were inadequate in addressing the project's impacts on wildlife — especially the bat and the petrel.

Kawailoa, which operates 30 wind turbines, had requested an amendment to its habitat conservation plan and incidental take license after an unexpectedly high number of the bats, or opeapea, were killed by the turbines and following the surprising discovery of two Hawaiian petrel fatalities, a species not covered by the plan.

Keep the North Shore Country objected, and a contested case hearing was granted by the Land Board.

According to Friday's joint statement, both parties will collaborate on an enhanced environmental research plan, with Kawai-loa agreeing to underwrite the Hawaiian petrel research. Additionally, the search radius for animal fatalities around each turbine will be broadened to 75 meters from 35 meters for two years.

"Both parties appreciate the respect and good faith exhibited by each side during the (habitat conservation plan) amendment process and subsequent constructive settlement discussions, and both parties leave on good terms," the statement said.

“We didn’t get everything we wanted, but we’re happy with what we did get,” said state Sen. Gil Riviere, a director with Keep the North Shore Country.

Officials with Kawaiiloa Wind did not respond with additional comment.

The 69-megawatt Kawaiiloa Wind project was built in 2012 by First Wind and is now owned by D.E. Shaw Renewable Investments LLC. It is on former sugar cane land within the Kawaiiloa Plantation owned by Kamehameha Schools northeast of Haleiwa town.

The fact that two Hawaiian petrels were discovered at the Kawaiiloa wind farm is notable and quite surprising, according to researcher Lindsay Young, executive director of the nonprofit Pacific Rim Conservation.

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Young said that although the endangered seabird, or uau, is known to nest on Kauai, it was believed to be extinct on Oahu for hundreds of years.

Five years ago the nonprofit began searching for the species on Oahu and detected a few individuals but not enough to prove the existence of a breeding population.

“They are almost certainly breeding here now,” Young said.

Money from the contested case settlement will go a long way in helping to prove that statement, she said. Research into the petrel is difficult, time-consuming and expensive because the birds are nocturnal and hang out at the top of the highest mountains. Helicopters will be needed to pinpoint their locations.

“They are tough to find,” she said.

Meanwhile, Hawaiian bats are at the center of another legal fight brought by Keep the North Shore Country against the controversial Na Pua Makani wind project in Kahuku.

In that case the nonprofit also challenged the project’s habitat conservation plan, saying it didn’t properly consider the potential negative effects of the wind farm’s taller turbines on the endangered bats.

Following a contested case hearing, the hearing officer agreed with the nonprofit, but the BLNR approved the plan anyway. After a Circuit Court judge affirmed the decision, the group appealed the case to the state Supreme Court, and that’s where it remains today.

In another matter, Keep the North Shore Country joined the Kahuku Community Association in a lawsuit challenging the Honolulu Zoning Board of Appeals’ dismissal of yet another contested case and the Department of Planning and Permitting’s decision to allow two Na Pua Makani turbines to be

positioned within the minimum property setback.

The Hawaiian hoary bat is the only land mammal native to Hawaii and is considered a subspecies of the North American hoary bat.

Scientists say one of the primary threats to the bats is collisions with man-made structures, including barbed wire fences, wind turbines and communication towers.

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