

Renewable Energy Project Development and Endangered Species Protection in Hawaii

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Types of Projects

- * Utility-scale renewables
 - * Ground-mounted solar PV
 - * Wind turbines (Auwahi, Kaheawa, Kahuku, Kawaihoa)
 - * Biomass crops
 - * Hydropower, pumped storage hydropower
- * Distributed energy resources
 - * Rooftop solar PV (commercial and residential)
 - * Energy efficiency, demand response, electric vehicles, and distributed energy storage





Key Issues in Project Development

- * Technical
 - * Commercially viable technology
 - * Sufficient insolation, wind, land, water
- * Site control
 - * Ownership or lease, length of term, fee or rent cost
 - * Community support/opposition, zoning and land use
- * Finance
 - * Balance sheet, debt and/ or equity financing
 - * Federal and state incentives, production tax credit, investment tax credit
- * Utility regulatory
 - * Power purchase agreement signed and approved by PUC
 - * Energy payment rate, interconnection, curtailment
- * Environmental
 - * HRS ch. 343 environmental review, RCRA/CERCLA contamination
 - * Endangered species protection

Federal End. Species Law - Key Provisions

- * Endangered Species Act, 16 U.S.C. 1531-1544 (1973)
 - * U.S. Fish & Wildlife Service
 - * Protect and conserve T&E species and habitat
- * Section 7
 - * Duty of federal agencies to not jeopardize existence of species
- * Section 9
 - * Unlawful to “take” (harass, harm, kill), *Palila* decision
- * Section 10(a)(1)(b)
 - * May “take” under incidental take permit with habitat conservation plan
- * Critical habitat designation when “prudent and determinable”

Hawaii End. Species Law - Key Provisions

- * Haw. Rev. Stat. ch. 195D, “Conservation of Aquatic Life, Wildlife and Land Plants”
 - * Prohibits taking, transport, commerce of T&E species
 - * Mandates conservation programs
 - * DLNR may enter into agreements with federal agencies and counties
- * Section 195D-21, “Habitat conservation plans”
- * Section 195D-25, “Endangered species recovery committee”
- * Section 195D-32, “Citizen suits”

Mahalo

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