

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-17-001
)
A Contested Case Hearing Re Final Habitat) MINUTE ORDER NO. 4; CERTIFICATE
Conservation Plan and Incidental Take License) OF SERVICE
for the Na Pua Makani Wind Energy Project by)
Applicant Na Pua Makani Power Partners, LLC;)
Tax Map Key Nos. (1) 5-6-008:006 and)
(1) 5-6-006:018, Koolauloa District, Island of)
O‘ahu, Hawaii.)
_____)

MINUTE ORDER NO. 4

STANDING

The Board of Land and Natural Resources (“Board”) approved holding a contested case based on the petition filed by Keep the North Shore Country on the Request for Approval of a habitat conservation plan and incidental take license in connection with Na Pua Makani’s Wind Energy Project. Additionally the Board authorized the consolidation of four petitions filed by the following entities with the contested case for Keep the North Shore Country.

- Elizabeth Rago
- Kahuku Community Association through Kent Fonoimoana
- Makani Pono `O Kahuku through Kent Fonoimoana
- Kent Fonoimoana

The Board directed the Hearing Officer to determine whether any or all of these petitioners have standing to participate in this contested case proceeding.


Pursuant to Minute Order No. 3, objections to any of the four petitioners participating in the contested case were to be filed by April 17, 2017. No objections were filed.

On April 26, 2017, Kahuku Community Association, Makani Pono `O Kahuku, and Kent Fonoimoana, filed a notice of withdrawal of their petitions for contested case.

A hearing on standing was held on April 27, 2017, at which the following were present: Na Pua Makani Power Partners, LLC, represented by counsel John Peter Manaut and Onaona Thoene; Keep the North Shore Country, represented by counsel Maxx Phillips, and Elizabeth Rago , pro se. Also present were Mike Cuthbirth of Na Pua Makani Power Partners, LLC; Gil Reviere with Keep the North Shore Country; and Kaili Tevita with Elizabeth Rago.

Elizabeth Rago lives two blocks from the proposed wind farm and is concerned about health issues and the decline in property value due to the proximity to the wind farm. However, she has not indicated how she will be directly and immediately affected by the approval of the Incidental Take License and the Habitat Conservation Plan, which are the subjects of this contested case. Instead, Rago's environmental concerns are not clearly distinguishable from that of the general public. Thus, Rago is not entitled to be admitted as a party pursuant to Hawai'i Administrative Rules (HAR) § 13-5-31(b)(2). However, Rago has shown a substantial interest in the matter and her participation will assist the Board in its decision-making. Therefore, Elizabeth Rago is admitted as a party pursuant to HAR § 13-5-31(c).

DATED: Honolulu, Hawai'i, April 27, 2017.



YVONNE Y. IZU
Hearing Officer

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_____)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Minute Order No. 5 was duly served upon the following parties, by Hand Delivery, U.S. Mail, postage prepaid, or electronically, at the addresses below:

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DATED: Honolulu, Hawai'i, April __, 2017.

KATHERINE CULLISON
Department of Land and Natural Resources