

State of Hawai'i
Department of Land and Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, Hawai'i 96813

Incidental Take License Number: ITL-16
Date of Issue: ~~APR 10 2012~~ **APR 11 2012**
Valid Until: 30 years from date of issue

INCIDENTAL TAKE LICENSE

To accompany:

"Kaua'i Lagoons Habitat Conservation Plan"

The Board of Land and Natural Resources hereby grants permission under the authority of Hawaii Revised Statutes §§ 195D-4(g) and 195D-21 and all other applicable laws to:

Kaua'i Lagoons, LLC

For take, if such taking is incidental to and not the purpose of the carrying out of an otherwise lawful activity, of the following species:

Common Name	Scientific Name	Type of Take	Requested Authorization	Location
Newell's Shearwater 'a'o	<i>Puffinus auricularis newelli</i>	Life of Permit	27	TMK 3-5-001-027
Hawaiian Duck koloa maoli	<i>Anas wyvilliana</i>	Mortality or Non-Lethal	36	
Hawaiian Stilt ae'o	<i>Himantopus mexicanus knudseni</i>	Mortality or Non-Lethal	38	
Hawaiian Coot 'alae ke'oke'o	<i>Fulica alai</i>	Mortality	110	
		Non-Lethal	180	
Hawaiian Moorhen alae 'ula	<i>Gallinula chloropus sandvicensis</i>	Mortality	40	
		Non-Lethal	30	

Common Name	Scientific Name	Type of Take	Requested Authorization	Location
Hawaiian Goose nēnē	<i>Branta sandvicensis</i>	Mortality or Non-Lethal	17	
Hawaiian Petrel 'ua'u	<i>Pterodroma sandwichensis</i>	Life of Permit	1	
Band-Rumped Storm Petrel 'akē'akē	<i>Oceanodroma castro</i>	Life of Permit	1	

I. GENERAL CONDITIONS

1. This license only authorizes incidental take of the covered species by the licensee on the lands owned or otherwise controlled by Kaua'i Lagoons, LLC, on the island of Kaua'i, Hawai'i at the time this license is issued pursuant to the "Kaua'i Lagoons Habitat Conservation Plan" dated February, 2012 (hereafter "HCP").
2. This license is valid only if Kaua'i Lagoons, LLC abides by the terms and conditions of the HCP and ITL for the duration of the permit.
3. This license is valid for species protected by federal law only if accompanied by valid federal authorization.
4. This license shall become valid upon completion of the following:
 - i. A legal representative of Kaua'i Lagoons, LLC has acknowledged understanding and agreement to abide by its conditions by signing two copies of this license.
 - ii. Both copies of the signed license must be returned to the Division of Forestry and Wildlife. Upon approval by the Chairperson, a copy of the license will be returned to the applicant.
5. The Board may suspend or revoke this license if the HCP is suspended or revoked. The Board may also suspend or revoke this license in accordance with applicable laws and regulations in force during the term of the license.

II. SPECIAL CONDITIONS

1. The allowable incidental take authorized by this license for the covered species includes observed, unobserved, direct and indirect take as defined in the HCP.

2. The estimation of incidental take for the covered species will be calculated according to adjustments made to the observed direct take according to methods detailed in the HCP, including but not limited to adjustments to include unobserved and indirect take.
3. DLNR will be notified within 3 days of any mortalities, injuries, or disease of the covered species observed on the property. Injured individuals or carcasses will be handled according to guidelines in the HCP.

By: William J. Aila

Date 4.11.12

For William J. Aila, Chairperson and Member
Board of Land and Natural Resources

The undersigned has read, understands, and hereby agrees to abide by the General Conditions and the Special Conditions stipulated in this license.

Kaua'i Lagoons, LLC

By: [Signature]

Date 4/2/2012

Its: General Manager

Kaua'i Lagoons, LLC 's notarized signature is attached and made a part of this document.

Cc: DOFAW

DOCARE

USFWS Pacific Islands Office, Honolulu

ACKNOWLEDGEMENT

STATE OF HAWAII)
) SS
COUNTY OF KAUAI)

On this 2nd day of April, 2012, before
me personally appeared Christina Gabriel, to me
known to be the person described in and who executed the foregoing
instrument and acknowledged that she executed the same as her free act
and deed.



(Stamp or Seal)

Karen E. Mahelona
Print Name: Karen E. Mahelona
Notary Public, State of Hawaii

My Commission Expires Oct. 18, 2013

STATE OF HAWAII NOTARY CERTIFICATION

Document Identification or Description: State of Hawaii DLNR Incidental Take License

☐ Date of Document: _____ or ☒ Undated at time of notarization

Jurisdiction: Fifth Circuit (in which notarial act is performed)

Number of Pages: 3

Date of Certification: April 2, 2012

Karen E. Mahelona
Notary Public Signature

Print Name: Karen E. Mahelona

Notary Public, State of Hawaii



(Stamp or Seal)

STATE OF HAWAII)
) SS.
CITY & COUNTY OF Honolulu)

On this 11th day of April, 20 12, before me personally appeared
Guy H. Karukukui and _____ to me known to be the
person(s) described herein, and who, being duly sworn, did say that he/~~she/they~~ is/~~are~~ the said
First Deputy named in the foregoing instrument, and that he/~~she/they~~ executed
said instrument as his/~~her/their~~ own free act and deed.



(Notary Stamp or Seal)

Kimberly C. Kelihoomalu

(Signature)

(Signature)

Notary Public, State of Hawaii

My commission expires: 4/30/2014

Doc. Date: undated # of Pages: 5
Notary Name: Kimberly Kelihoomalu 1st Circuit
Doc. Description: Incidental Take License

Kimberly C. Kelihoomalu 4/11/12
Notary Signature Date

NOTARY CERTIFICATION



(Notary Stamp or Seal)