

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-14  
 Date of Issue: JAN 6 2012  
 Valid Until: 20 years from date of issue

### INCIDENTAL TAKE LICENSE

To accompany:

#### “Kawailoa Wind Power 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:

#### First Wind Kawailoa Wind Power, 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	Level of Take	Requested Authorization		Location
			5-year limit	20-year limit	
Newell's Shearwater 'a'o	<i>Puffinus auricularis newelli</i>	Tier 1	3 adults/ immatures and 2 chicks/eggs	3 adults/ immatures and 2 chicks/eggs	TMK 2- 22-007- 008
		Tier 2	6 adults/ immatures and 3 chicks/eggs	6 adults/ immatures and 3 chicks/eggs	
Hawaiian Duck koloa maoli	<i>Anas wyvilliana</i>	Tier 1	4 adults/ immatures and 4 ducklings	4 adults/ immatures and 4 ducklings	
		Tier 2	6 adults/ immatures and 6 ducklings	6 adults/ immatures and 6 ducklings	
Hawaiian Stilt ae'o	<i>Himantopus mexicanus knudseni</i>	Tier 1	6 adults/ immatures and 3 fledglings	8 adults/ immatures and 4 fledglings	

Common Name	Scientific Name	Level of Take	Requested Authorization		Location
			5-year limit	20-year limit	
Hawaiian Coot 'alae ke'oke'o	<i>Fulica alai</i>	Tier 2	8 adults/ immatures and 4 fledglings	12 adults/ immatures and 6 fledglings	
		Tier 1	6 adults/ immatures and 3 fledglings	8 adults/ immatures and 4 fledglings	
Hawaiian Moorhen alae 'ula	<i>Gallinula chloropus sandvicensis</i>	Tier 2	8 adults/ immatures and 4 fledglings	12 adults/ immatures and 6 fledglings	
		Tier 1 Take by capture from trapping	6 adults/ immatures and 3 fledglings	8 adults/ immatures and 4 fledglings  50 individuals	
Hawaiian Short-Eared Owl pueo	<i>Asio flammeus sandwichensis</i>	Tier 2	8 adults/ immatures and 4 fledglings	12 adults/ immatures and 6 fledglings  50 individuals	
		Tier 1	4 adults/ immatures and 4 owlets	4 adults/ immatures and 4 owlets	
Hawaiian Hoary Bat 'ope'ape'a	<i>Lasiurus cinereus semotus</i>	Tier 2	6 adults/ immatures and 6 owlets	6 adults/ immatures and 6 owlets	
		Tier 1	16 adults/ immatures and 8 juveniles	16 adults/ immatures and 8 juveniles	
		Tier 2	24 adults/ immatures and 12 juveniles	32 adults/ immatures and 16 juveniles	
		Tier 3	32 adults/ immatures and 16 juveniles	48 adults/ immatures and 24 juveniles	

## 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 Kawaihoa Wind Power, LLC, on the island of

Oahu, Hawai‘i at the time this license is issued pursuant to the “Kawailoa Wind Power Habitat Conservation Plan” dated October, 2011 (hereafter “HCP”).

2. This license is valid only if Kawailoa Wind Power, 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 Incidental Take Permit or Biological Opinion.
4. This license shall become valid upon completion of the following:
  - i. A legal representative of Kawailoa Wind Power, 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 related to the covered species observed on the property. Injured individuals or carcasses will be handled according to guidelines in the HCP.

By: W. J. Aila

Date 1.6.12

<sup>for</sup> 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.

Kawailoa Wind Power, LLC,  
By: Hawaii Wind Holdings, LLC, its member

By: Paul Gaynor

Date 12/29/2011

Its: President

Kawailoa Wind Power, LLC 's notarized signature is made a part of this document.

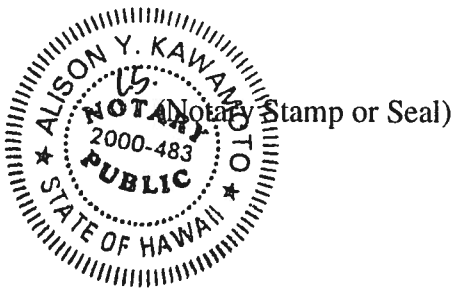
Cc: DOFAW

DOCARE

USFWS Pacific Islands Office, Honolulu

STATE OF HAWAII )  
 ) SS.  
City + COUNTY OF Honolulu )

On this 6 day of January, 2012, before me personally appeared Guy H. Kaulukukui 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 Deputy Director named in the foregoing instrument, and that he/she/they executed said instrument as his/her/their own free act and deed.

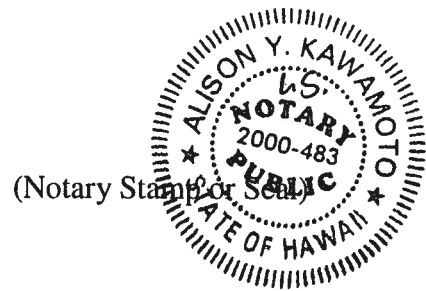


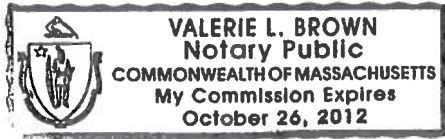
Alison Y. Kawamoto  
(Signature)

Alison Y. Kawamoto  
(Signature)

Notary Public, State of Hawaii  
My commission expires: 10/1/12

Doc. Date: <u>-</u>	# of Pages: <u>6</u>
Notary Name: <u>Alison Y. Kawamoto</u> <u>1st</u> Circuit	
Doc. Description: <u>ITL-14 Incidental Take License to accompany:</u> <u>Kawailoa Wind Power Habitat Conservation</u> <u>Plan</u>	
<u>Alison Y. Kawamoto</u>	<u>1/6/12</u>
Notary Signature	Date
NOTARY CERTIFICATION	





State of Massachusetts

County of Suffolk

Signed before me on this 29<sup>th</sup> of December 2011

Notary Signature:

A handwritten signature in blue ink, reading "Valerie L. Brown", written over a horizontal line.

Commission Expiration Date: October 26, 2012