

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-17  
 Date of Issue: FEB 9 2012  
 Valid Until: 25 years from date of issue

**INCIDENTAL TAKE LICENSE**

To accompany:

**“Auwahi Wind Farm Project 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:

**Auwahi Wind Energy, 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	Tier	Requested Authorization 25-year limit	TMK
'Ua'u (Hawaiian petrel)	<i>Pterodroma sandwichensis</i>	Tier 1	19 adults/ immatures and 7 chicks/eggs	TMKs 1-9-001:006, 2-1-009:001, 2-1-009:999, 2-1-008:001, 2-1-002:001, 2-1-002:002, 2-1-003:050, 2-1-003:999, 2-1-004:006, 2-1-004:049, 2-1-004:106, 2-1-004:999, 2-1-005:023, 2-1-005:045, 2-1-
		Tier 2	32 adults/ immatures and 12 chicks/eggs	
		Tier 3	64 adults/ immatures and 23 chicks/eggs	
Nēnē (Hawaiian goose)	<i>Branta sandvicensis</i>	Length of permit	5 adults/ immatures and fledglings	
'Ōpe'ape'a (Hawaiian hoary bat)	<i>Lasiurus cinereus semotus</i>	Tier 1	5 adults/ immatures and 2 juveniles	
		Tier 2	10 adults/ immatures and 4 juveniles	
		Tier 3	19 adults/ immatures and 8 juveniles	

Common Name	Scientific Name	Tier	Requested Authorization 25 –year limit	TMK
Blackburn’s sphinx moth	<i>Manduca blackburni</i>	Not applicable	28-acres permanently disturbed habitat covered*	005:055, 2-1- 005:077, 2-1- 005:108, 2-1- 004:071, 2-1- 004:018, 2-1- 005:030, 2-1- 005:100, 2-1- 005:095, 2-1- 005:057, 2-1- 008:999, 2-1- 004:016, 2-1- 008:131

\* Where the acres of permanently disturbed habitat is an index of take.

## 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 Auwahi Wind Energy, LLC, on the island of Maui, Hawai‘i at the time this license is issued pursuant to the “Auwahi Wind Farm Project Habitat Conservation Plan” dated January, 2012 (hereafter “HCP”).
2. This license is valid only if Auwahi Wind Energy, 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 Auwahi Wind Energy, 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 2.9.12

*W* 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.

Auwahi Wind Energy, LLC

By: Joseph H. Rowley

Date 1/31/12

Its: Vice President

Auwahi Wind Energy, LLC 's notarized signature is made a part of this document.

Cc: DOFAW

DOCARE

USFWS Pacific Islands Office, Honolulu

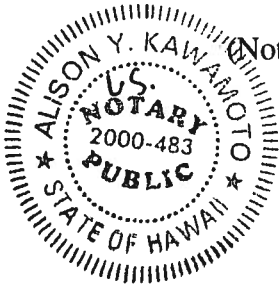
STATE OF HAWAII )  
 ) SS.  
City \_\_\_\_\_ COUNTY OF Honolulu )

On this 9 day of February, 2012, before me personally appeared Guy 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 Alison Y. Kawamoto  
(Signature)

\_\_\_\_\_  
(Signature)

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



(Notary Stamp or Seal)

Doc. Date: _____	# of Pages: <u>5</u>
Notary Name: <u>Alison Y. Kawamoto</u> <u>1st</u> Circuit	
Doc. Description: <u>Incidental take license to accompany:</u> <u>Auwahi Wind Farm Project Habitat Conservation</u> <u>Plan.</u>	
<u>Alison Y. Kawamoto</u>	<u>2/1/12</u>
Notary Signature	Date
NOTARY CERTIFICATION	

(Notary Stamp or Seal)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of San Diego

On Jan. 31, 2012 before me, Linda M. Baker, Notary Public

personally appeared Joseph H. Rowley



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Linda M. Baker

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Incidental Take License

Document Date: 1-31-12 Number of Pages: 3

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: Joseph H. Rowley

Corporate Officer - Title(s): V.P.

- Individual
Partner - Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



Signer's Name:

Corporate Officer - Title(s):

- Individual
Partner - Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing:

Auwahi Wind Energy LLC

Signer Is Representing: