

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-15
 Date of Issue: JAN · 5 2012
 Valid Until: 20 years from date of issue

INCIDENTAL TAKE LICENSE

To accompany:

“Kaheawa Wind Power II 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
 Kaheawa Wind Power II, 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	
Hawaiian petrel 'ua'u	<i>Pterodroma sandwichensis</i>	Tier 1	8 adults/ immatures and 4 chicks/eggs	19 adults/ immatures and 9 chicks/eggs	TMK 2- 22-007- 008
		Tier 2	16 adults/ immatures and 8 chicks/eggs	29 adults/ immatures and 14 chicks/eggs	
Newell's shearwater 'a'o	<i>Puffinus auricularis newelli</i>	Tier 1	2 adults/ immatures and 2 chicks/eggs	2 adults/ immatures and 2 chicks/eggs	
		Tier 2	5 adults/ immatures and 3 chicks/eggs	5 adults/ immatures and 3 chicks/eggs	
Hawaiian goose Nēnē	<i>Branta sandvicensis</i>	Tier 1	8 adults/ immatures and 1 fledglings	18 adults/ immatures and 3 fledglings	

Common Name	Scientific Name	Level of Take	Requested Authorization		Location
			5-year limit	20-year limit	
		Tier 2	12 adults/ immatures and 3 fledglings	27 adults/ immatures and 3 fledglings	
Hawaiian Hoary Bat 'ope'ape'a	<i>Lasiurus cinereus semotus</i>	Tier 1	6 adults/ immatures and 3 juveniles	6 adults/ immatures and 3 juveniles	
		Tier 2	9 adults/ immatures and 5 juveniles	9 adults/ immatures and 5 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 Kaheawa Wind Power II, LLC, on the island of Oahu, Hawai'i at the time this license is issued pursuant to the "Kaheawa Wind Power II Habitat Conservation Plan" dated November, 2011 (hereafter "HCP").
2. This license is valid only if Kaheawa Wind Power II, 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 Kaheawa Wind Power II, 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.

RJK

By: William J. Aila

Date 1/4/12

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.

Kaheawa Wind Power II, LLC;
By: Hawaii Wind Holdings, LLC, its member

By: Paul Gaynor
Paul Gaynor

Date 12/29/2011

Its: President

Kaheawa Wind Power II, LLC 's notarized signature is attached and made a part of this document.

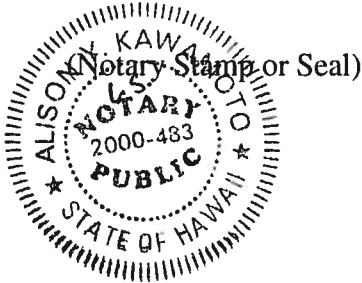
Cc: DOFAW

DOCARE

USFWS Pacific Islands Office, Honolulu

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

On this 4 day of January, 2012, before me personally appeared William J. Aila and _____ to me known to be the person(s) described herein, and who, being duly sworn, did say that he/she/theyis/are the said Chair person named in the foregoing instrument, and that he/she/they executed said instrument as his/her/their own free act and deed.



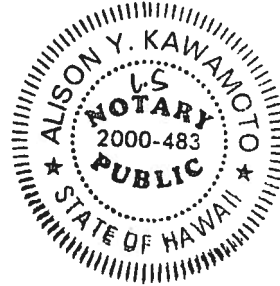
Alison Y. Kawamoto
(Signature)

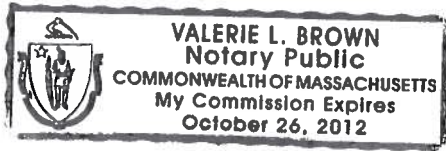
Alison Y. Kawamoto
(Signature)

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

Doc. Date: <u>- N/A</u>	# 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>Kaheawa Wind Power II Habitat Conservation</u> <u>Plan.</u>	
<u>Alison Y. Kawamoto</u>	<u>1/4/12</u>
Notary Signature	Date
NOTARY CERTIFICATION	

(Notary Stamp or Seal)





State of Massachusetts

County of Suffolk

Signed before me on this 29th of December 2011

Notary Signature:

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

Commission Expiration Date: October 26, 2012