

## ATTACHMENT II

~ State of Hawaii  
Department of Land & Natural Resources  
Division of Forestry and Wildlife  
1151 Punchbowl Street, Room 325  
Honolulu, Hawaii 96813

Incidental Take License No. ITL-09  
Date of Issue: October 10, 2008  
Valid Until: March 1, 2010

### INCIDENTAL TAKE LICENSE

to accompany:

#### Habitat Conservation Plan for the Construction and Operation of the Lānaʻi Meteorological Towers, Lānaʻi, Hawaiʻi

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

Castle and Cooke Resorts, LLC  
P.O. Box 630310  
1311 Fraser Avenue  
Lanaʻi City, Hawaiʻi 96763

**To:** take of (if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity);

**The following species:**

Common Name	Scientific Name	No. of Specimens Over Term*		Location
		Tier 1	Tier 2	
ʻUaʻu, or “Hawaiian Petrel”	<i>Pterodroma sandwichensis</i>	7	14	Lands owned or otherwise controlled by Castle and Cooke Resorts, LLC on the Island of Lanai, Hawaii (2) 49-002-001
ʻAʻo or “Newell’s (Townsend’s) Shearwater”	<i>Puffinus auricularis newelli</i>	2	NA	
Aeʻo or “Hawaiian Stilt”	<i>Himantopus mexicanus knudseni</i>	2	NA	
ʻOpeʻapeʻa or “Hawaiian Hoary Bat”	<i>Lasiurus cinereus semotus</i>	2	NA	

\* - See Special Conditions #1-5.

**Subject to the following conditions:**

**I. GENERAL CONDITIONS**

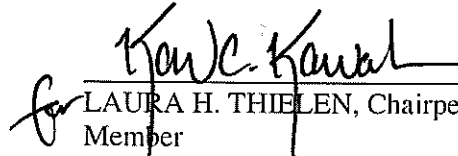
1. This license only authorizes the permittee to conduct incidental take of *Pterodroma sandwichensis*, *Puffinus auricularis newelli*, *Himantopus mexicanus knudseni*, and *Lasiurus cinereus semotus* on the lands owned or otherwise controlled by Castle and Cooke Resorts, LLC on the island of Lana'i, Hawaii (2) 49-002-001 at the time this license is issued pursuant to the "Draft Habitat Conservation Plan for the Construction and Operation of the Lanai Meteorological Towers, Lana'i, Hawai'i" dated October 2008 (hereafter "HCP").
2. This license is valid only if Castle and Cooke Resorts, LLC abides by the terms and conditions of the HCP for the duration of the HCP.
3. This license is valid for species protected by federal law only if accompanied by proper federal permits. Permit number for the required permit must be provided:

USFWS 10(a)(1)(B) permit no. TE194350-0.
4. This license shall become valid upon completion of the following:
  - i. A legal representative of Castle and Cooke Resorts, LLC has acknowledged understanding and agreement to abide by its conditions by signing two copies of Attachment 1, which is attached hereto and made a part 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 of the Board of Land and Natural Resources, 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 *Pterodroma sandwichensis* and *Puffinus auricularis newelli* includes both observed, unobserved, direct and indirect take as defined in the HCP.
2. The estimation of incidental take for *Pterodroma sandwichensis* and *Puffinus auricularis newelli* will be conducted according to adjustments made to the observed direct take according to estimates of unobserved direct take, as detailed in the HCP.
3. The allowable incidental take authorized by this license for *Himantopus mexicanus knudseni* and *Lasiurus cinereus semotus* includes only observed take, as defined in the HCP.
4. The incidental take authorized by this license for *Pterodroma sandwichensis* is defined by two tiered levels, each of which is identified in the HCP. In the event that tier 1 is reached, incidental take at the tier 2 level is authorized, provided that Castle and Cooke Resorts, LLC abides by the terms and conditions of the HCP for the tier 2 level for the duration of the HCP.

5. DLNR will be notified within 3 days of any mortalities, injuries, or disease observed on the property. Injured individuals or carcasses will be handled according to guidelines in Appendix 9 of the HCP.

  
LAURA H. THIELEN, Chairperson and  
Member  
Board of Land and Natural Resources

C: DOFAW Maui Branch  
DOCARE  
USFWS Pacific Islands Office, Honolulu  
Senior Resident Agent, USFWS-Law Enforcement, Honolulu

Attachment No. 1 to INCIDENTAL TAKE LICENSE No. ITL-09

The undersigned has read, understands and hereby agrees to abide by General Conditions 1 - 5 and Special Conditions 1 - 5 stipulated on pages 1 through 3 in INCIDENTAL TAKE LICENSE No. ITL-09.

CASTLE & COOKE RESORTS, LLC

By: 

Harry A. Saunders  
President

By: 

Richard K. Mirikitani  
Vice President & Secretary

Date: 9 OCTOBER 2008