

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 Amended on Aug 23, 2019
 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 [^]	TMK
‘Ua‘u (Hawaiian Petrel)	<i>Pterodroma sandwichensis</i>	Tier 1	19 adults/immatures and 7 chicks/eggs	TMK 2-1-9-001:006
		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	
‘Ope‘ape‘a (Hawaiian Hoary Bat)	<i>Lasiurus cinereus semotus</i>	Tier 1	5 bats	
		Tier 2	11 bats	
		Tier 3	21 bats	
		Tier 4	81 bats	
		Tier 5	115 bats	
		Tier 6	140 bats	

Common Name	Scientific Name	Tier	Requested Authorization [^]	TMK
Blackburn's Sphinx Moth	<i>Manduca blackburni</i>	Not applicable	28-acres permanently disturbed habitat covered*	

[^]Requested Authorization numbers for tiers are cumulative.

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

I. GENERAL CONDITIONS

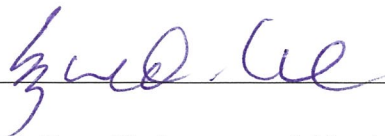
1. This license only authorizes incidental take of the covered species by the licensee on the lands owned or otherwise controlled by Auwahi Wind Energy, LLC, on the island of Maui, Hawai'i at the time this license is issued pursuant to the "Auwahi Wind Farm Project Habitat Conservation Plan" dated January 2012 (hereafter "HCP") as revised by the HCP Amendment dated July 2019.
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.
4. If, during the license term, DOFAW determines that reliable scientific evidence shows that a commercially-available bat deterrent technology will be effective in reducing the take of open-roosting bats, at this site, at a reasonable cost considering the expected reduction in take, Applicant shall implement the technology after consultation with DOFAW and the ESRC. Without limitation on other means of determining whether the cost is reasonable, it shall presumptively be considered reasonable if the cost per bat expected to be saved does not exceed the per-bat mitigation cost (\$50,000 per bat). In case of a disagreement between Applicant and DOFAW over the implementation of this condition, the matter shall be brought to the ESRC for its review and recommendation, then to the Board for final decision.

Approved by the Board of Land and Natural Resources at its meeting held on August 23, 2019.

By: 

Date 6/1/2020

Suzanne D. Case, 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: Matthew D. Jansen

Date April 3, 2020
I

Its: Vice President

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

NOTARY ON NEXT PAGE

Cc: DOFAW
DOCARE
USFWS Pacific Islands Office, Honolulu

STATE OF OHIO)
)
COUNTY OF FRANKLIN)

The foregoing instrument was acknowledged before me this 3 day of April, 2020, by Matthew D. Fransen, Vice President of Auwahi Wind, LLC, a Delaware limited liability company, on behalf of the company.

Tangy Joyce
Notary Public
My Commission Expires: 4-15-24



TANGY JOYCE
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires 4/15/2024

TANGY JOYCE
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires 04/25/24

