

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: I TL-15 Amended on Nov 26, 2014 and Nov 8, 2019
 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:

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	
'Ua'u Hawaiian Petrel	<i>Pterodroma sandwichensis</i>	Tier 1	8 adults/ immatures and 4 chicks/eggs	19 adults/ immatures and 9 chicks/eggs	TMKs 2-3-6-001:014, 2-4-8-001:001
		Tier 2	16 adults/ immatures and 8 chicks/eggs	29 adults/ immatures and 14 chicks/eggs	
'A'o Newell's Shearwater	<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	
Nēnē Hawaiian Goose	<i>Branta sandvicensis</i>	Tier 1	8 adults/ immatures and 1 fledgling	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	
		Tier 3	Not applicable	44 adults	
‘Ōpe‘ape‘a Hawaiian Hoary Bat	<i>Lasiurus cinereus semotus</i>	Tier 1	7 bats	7 bats	
		Tier 2	11 bats	11 bats	
		Tier 3	Not applicable	30 bats	
		Tier 4	Not applicable	38 bats	

[^]Requested Authorization numbers for tiers are cumulative.

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 Maui, Hawai‘i at the time this license is issued pursuant to the “Kaheawa Wind Power II Habitat Conservation Plan” dated December 2011 (hereafter “HCP”) as revised by the HCP Amendment dated October 2019.
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 Incidental Take Permit or Biological Opinion.
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.

Approved by the Board of Land and Natural Resources at its meeting held on November 8, 2019.

By: Suzanne D. Case

Date 1/31/20

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.

Kaheawa Wind Power II, LLC
By: Kimball Osmars

Date 1/15/2020

Kimball Osmars
Its: Senior Vice President, Operations _____

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

NOTARY ON NEXT PAGE

Tamika Benitez
TAMIKA BENITEZ
Notary Public - State of New York
No. 01BE6380422
Qualified in New York County
My Commission Expires Sept. 04, 2022

Cc: DOFAW
DOCARE
USFWS Pacific Islands Office, Honolulu