

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-33
 Date of Issue: January 29, 2026
 Valid Until: 25 years from date of issue

INCIDENTAL TAKE LICENSE

to accompany:

Kaheawa Pastures Wind Energy Generation Facility Habitat Conservation Plan

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:

Kaheawa Wind Power, LLC

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:

<u>Common Name</u>	<u>Scientific Name</u>	<u>No. of Specimens over 25-year Term*</u>	<u>Location</u>
‘Ua‘u, or “Hawaiian Petrel”	<i>Pterodroma sandwichensis</i>	29	Lands leased or otherwise controlled by Kaheawa Wind Power, LLC on the Island of Maui as well as Covered Species mitigation sites
‘A‘o or “Newell's (Townsend's) Shearwater”	<i>Puffinus auricularis newelli</i>	10	(TMK(s): Project Area: (2) 4-8-001:001 and (2) 3-6-001:014
Nēnē or “Hawaiian Goose”	<i>Branta sandvicensis</i>	69	<ul style="list-style-type: none"> • Haleakalā Ranch: (2) 1-9-001:001, (2) 1-9-001:003 • Pu‘u o Hōkū Ranch: (2) 5-8-010:003, (2) 5-8-010:004, (2) 5-8-010:005, (2) 5-8-010:006, (2) 5-8-011:001, (2) 5-8-011:002, (2) 5-8-011:003, (2) 5-8-011:004, (2) 5-8-011:006, (2) 5-8-011:007, (2) 5-8-011:008, (2) 5-8-011:009, (2) 5-8-011:010, (2) 5-8-011:011, (2) 5-8-011:012, (2) 5-8-011:014, (2) 5-8-011:016, (2) 5-8-012:011, (2) 5-8-015:001, (2) 5-8-015:002, (2) 5-8-
‘Ōpe‘ape‘a or “Hawaiian Hoary Bat”	<i>Lasiurus cinereus semotus</i>	38	

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			015:003, (2) 5-8-015:004, (2) 5-8-015:005, (2) 5-8-015:006, (2) 5-8-015:007, (2) 5-8-999:999, (2) 5-9-006:001 • Makamaka’ole: (2) 3-1-006:001, (2) 3-1-006:003, (2) 3-1-006:005 • High Alpine Wildlife Sanctuary: (2) 2-2-007:005 (2) 2-2-007:006
‘Akē‘akē or “Band-rumped storm petrel”	<i>Oceanodroma castro</i>	10	
Nalo Meli Maoli or “Yellow-faced bee”	<i>Hylaeus assimulans</i>	5 acres of foraging/nesting habitat; 25 nests	

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*, *Branta sandvicensis*, *Lasiurus cinereus semotus*, *Hylaeus assimulans*, and *Oceanodroma castro* on the lands leased or otherwise controlled by Kaheawa Wind Power at the time this license is issued pursuant to the “Kaheawa Pastures Wind Energy Generation Facility Habitat Conservation Plan” dated December 2025 (hereafter “HCP”).
2. This license is valid only if Kaheawa Wind Power abides by the terms and conditions of the HCP for the duration of the HCP. 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. TE72434A-1

*Permit number subject to change upon issuance of new Federal Permit

3. This license shall become valid upon completion of the following:
 - i. A legal representative of Kaheawa Wind Power 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.
4. 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. This permit does not preclude the need for a State Wildlife Permit for mitigation work required under the HCP.
2. The allowable incidental take authorized by this license for *Pterodroma sandwichensis*, *Puffinus auricularis newelli*, *Branta sandvicensis*, *Lasiurus cinereus semotus*, *Hylaeus assimulans*, and *Oceanodroma castro* includes both direct and indirect take as defined in the HCP.
3. The estimation of incidental take will be conducted according to adjustments made to the observed direct take according to estimates of unobserved direct take, indirect take and loss of productivity, as detailed in the HCP.
4. Incidental take of *Pterodroma sandwichensis* authorized under this license exceeding a running average of two per fiscal year, or greater than five at any time during one fiscal year, requires the development and implementation of adaptive management strategies approved by the DLNR and the USFWS and reviewed by the ESRC in accordance with the HCP.
5. Incidental take of *Puffinus auricularis* authorized under this license exceeding a running average of one per fiscal year, or greater than two at any time during one fiscal year, requires the development and implementation of adaptive management strategies approved by DLNR and USFWS and reviewed by the ESRC in accordance with the HCP.
6. Incidental take of *Branta sandvicensis* authorized under this license exceeding a running average of four per fiscal year, or greater than eight at any time during one fiscal year, requires the development and implementation of adaptive management strategies approved by DLNR and USFWS and reviewed by the ESRC in accordance with the HCP.
7. Incidental take of *Lasiurus cinereus semotus* authorized under this license exceeding a running average of two per fiscal year, or greater than three at any time during one fiscal year, requires the development and implementation of adaptive management strategies approved by DLNR and USFWS and reviewed by the ESRC in accordance with the HCP.
8. Incidental take of *Oceanodroma castro* authorized under this license exceeding a running average of one per fiscal year, or greater than two at any time during one fiscal year, requires the implementation of adaptive management strategies approved by DLNR and USFWS and reviewed by the ESRC in accordance with the HCP.
9. Incidental take of *Hylaeus assimulans* nests authorized under this license exceeding a running average of one per fiscal year, requires the implementation of adaptive management strategies approved by DLNR and USFWS and reviewed by the ESRC in accordance with the HCP.
10. DLNR will be notified within 30 days in advance of any planned land management activity (e.g., construction or maintenance), which Kaheawa Wind Power reasonably anticipates will result in the incidental take of covered species on the enrolled property. Kaheawa Wind Power will also provide DLNR, possibly with the assistance of the USFWS, the opportunity to capture and/or relocate any potentially affected individuals of the covered species before the activity takes place.
11. DLNR will be notified within 3 days of any Covered Species mortalities, injuries, or disease observed on the property. Injured individuals or carcasses will be handled according to guidelines in the HCP.

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Approved by the Board of Land and Natural Resources at its meeting held on January 23, 2026.

Ryan K.P. Kanakaole, Acting Chairperson and
Member
Board of Land and Natural Resources

The undersigned has read, understands and hereby agrees to abide by General Conditions 1 - 4 and Special Conditions 1 - 11 stipulated on pages 1 through 3 in INCIDENTAL TAKE LICENSE No. ITL-33.

By: _____

Date: _____

NOTARY ON NEXT PAGE

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

STATE OF HAWAII)
) SS.
COUNTY OF)

On this ____ day of _____, 20__,
before me personally appeared _____
and _____, to me personally known,
who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the
free act and deed of such person(s), and if applicable in the capacity shown, having been duly authorized to
execute such instrument in such capacity.

Notary Public, State of Hawaii

My commission expires: _____