

U.S. FISH AND WILDLIFE SERVICE, HONOLULU, HAWAII
SPECIAL TERMS AND CONDITIONS FOR PERMIT TE194350-1

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- E. All sections and provisions of Title 50 Code of Federal Regulations, Parts 13, 17.22 and 17.32, are conditions of this permit.
- F. The authorization granted by this permit is subject to compliance with, and implementation of the Habitat Conservation Plan (HCP) for the Construction and Operation of the Lanai Meteorological Towers, Lanai, Hawaii, which is hereby incorporated by reference. This permit and the HCP are binding upon the Permittee, and any authorized officer, employee, contractor, or agent conducting covered activities.
- G. The take authorization contained in this permit is not effective until:

The Permittee provides to the Service confirmation that: 1) the second payment of Tier 1 funds has been transferred to the Hawaii Division of Forestry and Wildlife (DOFAW); 2) the full amount of Tier 2 funds have been assured according to Section 6.7 of the HCP; and 3) the Memorandum of Agreement between the Permittee and DOFAW regarding the predator control and habitat management program has been signed.

- H. The Permittee, and their authorized officers, employees, contractors, and agents are authorized under the Endangered Species Act of 1973, as amended (Act), to incidentally take the federally endangered Hawaiian petrel, 'Ua'u (*Pterodroma sandwichensis*); Hawaiian stilt, A'eo, (*Himantopus mexicanus knudseni*), and the Hawaiian hoary bat, 'Ōpe'ape'a (*Lasiurus cinereus semotus*), and the threatened Newell's shearwater, 'A'o (*Puffinus auricularis newelli*) during implementation of Covered Activities on Covered Lands as described in the HCP. The amount of incidental take will be determined by adjusting the observed take according to estimates of unobserved direct take, indirect take, and loss of productivity, as detailed in the HCP. The U.S. Fish and Wildlife Service (Service) anticipates that the following levels of incidental take, as defined in 50 CFR 17.3, may occur:
1. Up to fourteen (14) Hawaiian petrels (adults, subadults, or fledglings) may be incidentally taken over the permit term in the form of direct harm (injury or mortality) as a result of collision with met towers. Up to seven (7) eggs and/or chicks may also be incidentally taken in the form of indirect take as a result of the injury or mortality of breeding adults.
 2. Up to two (2) Newell's shearwaters (adults, subadults, or fledglings) may be incidentally taken over the permit term in the form of direct harm (injury or mortality) as a result of collision with met towers.
 3. Up to two (2) Hawaiian stilts (adults, subadults, or fledglings) may be incidentally taken over the permit term in the form of direct harm (injury or mortality) as a result of collision with met towers.
 4. Up to two (2) Hawaiian hoary bats (adults or juveniles) may be incidentally taken over the permit term in the form of direct harm (injury or mortality) as a result of collision with met towers.

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- I. The Permittee must notify the Service's Pacific Islands Fish and Wildlife Office (300 Ala Moana Boulevard, Room 3-122, Honolulu, Hawaii 96850, telephone: (808) 792-9400) when any dead, injured, or sick individuals of the above listed species have been found within the HCP covered area. Initial notification must be made to the Pacific Islands Fish and Wildlife Office within 1 working day by telephone and within 5 calendar days in writing of finding a dead, injured, or sick individual. The notification must include the date, time, and location of each individual, and photographs of the animal in place (including close-ups for species identification and relative location within the project area), cause of death, if known, and any other pertinent information such as that which is included on the Downed Wildlife Monitoring Form - Incidence Report described in the HCP.
- J. Disposition of Downed Wildlife. Personnel conducting searches for dead, injured, or sick individuals of the above listed species shall have appropriate containers (e.g., pet carriers) available for transport and standard bird stabilization equipment. Should any dead wildlife be found, the carcass should be left in place and DOFAW staff contacted in the following order:
1. Fern Duvall; telephone: 808-264-0922
 2. Jay Penniman; telephone: 808-280-4114
 3. Christine Costales; telephone: 808-559-0436
 4. Melanie Langer; telephone: 808-357-5090
 5. Mike Coelho, Division of Conservation and Resources Enforcement; telephone: 808-565-7916

If none of the above DOFAW staff are able to be contacted – call the Maui Police Dispatch at 808-244-6400 and request that they contact **“Wildlife.”**

If injured animals are found they should be transported in an appropriate container to either a qualified veterinarian after receiving instructions from DOFAW staff. Care must be taken in handling injured animals to prevent additional injury. The location where the animal was found should be marked with a stake.

- K. Reporting Requirements. The Permittee must provide annual monitoring and reporting on project activities as described in Section 6.3 of the HCP. In addition, reporting must contain a summary and discussion of documented incidental take, including adjusted take calculations pursuant to Appendix 6 of the HCP; results of searcher efficiency and carcass removal trials; an overall summary of management activities; circumstances that triggered adaptive management and how the adaptive management was implemented; a description of all occurrences of changed circumstances and how they were addressed; a description of any unforeseen circumstances; a description of progress made in achieving the biological goals and objectives of the HCP; any problems that occurred and how they were handled; a description of cost expenditures and other information related to HCP funding assurances; an annual work plan including an implementation schedule and entities responsible for implementation; and any other pertinent information such as actions taken by any State or Federal agencies related to implementation of the HCP.

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- L. The Permittee must refer to permit number TE-194350-1 in all correspondence and reports concerning permit activities. Any questions about this permit should be directed to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office at the address and phone number listed above.
- M. A copy of this permit must be on the premises of the Permittee, or in the possession of the Permittee, their designated agents, or Service-approved biologists while conducting HCP covered activities that may result in incidental take.