

U.S. FISH AND WILDLIFE SERVICE, PORTLAND, OREGON
SPECIAL TERMS AND CONDITIONS FOR PERMIT TE194350-0

1 of 3

- 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) Plan 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 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. 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:

- Up to fourteen (14) Hawaiian petrels (adults, subadults, or fledglings) over the permit term, may be incidentally taken 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 shearwater (adults, subadults, or fledglings) over the permit term, may be incidentally taken in the form of direct harm (injury or mortality) as a result of collision with met towers.
 3. Up to two (2) Hawaiian stilt (adults, subadults, or fledglings) over the permit term, may be incidentally taken in the form of direct harm (injury or mortality) as a result of collision with met towers.

U.S. FISH AND WILDLIFE SERVICE, PORTLAND, OREGON
SPECIAL TERMS AND CONDITIONS FOR PERMIT TE194350-0

2 of 3

4. Up to two (2) Hawaiian hoary bat (adult or juvenile) over the permit term, may be incidentally taken in the form of direct harm (injury or mortality) as a result of collision with met towers.
- I. The Permittee must notify the Service's Pacific Islands Fish and Wildlife Office (300 Ala Moana Boulevard, Room 3-122, Honolulu, Hawaii 96850, (808) 792-9400) when locating any dead, injured, or sick individuals. Initial notification must be made within 1 working day by telephone and within 5 calendar days in writing of its finding to the Pacific Islands Fish and Wildlife Office. The report must include the date, time, and location of the carcass, 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.
- J. Disposition of Downed Wildlife. Personnel conducting fatality searches shall have available appropriate containers (e.g. pet carriers) for transport and standard bird stabilization equipment. Should any dead wildlife be found, the carcass should be left in place and contact DOFAW staff, in order for calling:
 1. Fern Duvall 808-264-0922
 2. Jay Penniman 808-280-4114
 3. Christine Costales 808-559-0436
 4. Derwin Kwon 808-357-5090
 5. Mike Coelho, Division of Conservation and Resources Enforcement (DOCARE)
808-565-7916

FAILSAFE if no one is contacted – call Maui Police Dispatch 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 contacted from above list. 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 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; description of all occurrences of changed circumstances and how they were addressed; description of any unforeseen circumstances; progress made in achieving biological goals and objectives; any problems that occurred and how they were handled; description of cost expenditures and other information related to

U.S. FISH AND WILDLIFE SERVICE, PORTLAND, OREGON
SPECIAL TERMS AND CONDITIONS FOR PERMIT TE194350-0

3 of 3

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.

- L. The Permittee must refer to permit number TE-194350-0 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.
- 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 activities that may result in incidental take.