

CERTIFICATE OF INCLUSION

The Division of Forestry and Wildlife, Department of Land and Natural Resources, State of Hawaii, has issued Incidental Take License No. ITL-05 (the "License") to the Department of Transportation, State of Hawaii, on March 18, 2005, expiring on July 31, 2021, under the authority of Hawaii Revised Statutes ("HRS") Section 195D-4(g) (Supp. 2004), authorizing "Take" of Abutilon menziesii in accordance with the terms and conditions of the *Habitat Conservation Plan for Abutilon menziesii at Kapolei* (the "HCP"), provided all applicable terms and conditions of the HCP are met.

As the owner/operator of the property depicted on Exhibit "1", attached hereto and incorporated herein by this reference, the City and County of Honolulu is entitled to the protection of the License for the proposed activities as set forth in Exhibit "2", with respect to any "Take" of Abutilon menziesii. Such authorization is provided as described in the License and the HCP. By signing this Certificate of Inclusion, the City and County of Honolulu signifies election to receive Take Authorization under the License in accordance with the terms and conditions thereof, agrees to abide by General Conditions 1 - 5 and Special Conditions 1 - 4 stipulated on pages 1 and 2 of the License and to report the number of individual plants taken, location, and disposition to the Department of Transportation and Department of Land and Natural Resources within 30 days of the "Take". This Certificate of Inclusion does not give state agencies additional regulatory control over the signatory nor require the signatory to provide additional information not called for in the Certificate of Inclusion, but instead ensures compliance with HRS Section 195D-4. Coverage under the License will become effective upon approval of the executed Certificate of Inclusion by the Department of Transportation and transmittal to the Department of Land and Natural Resources. In the event that the subject property is sold or leased, the buyer or lessee must be informed of these provisions and execute a new Certificate of Inclusion. This Certificate of Inclusion is only valid if accompanied by a copy of the License.

Department of Design and Construction
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813
Phone No. 523-4564

Director of Transportation
State of Hawaii

Received for Recording:

Paul D Conroy

Administrator
Division of Forestry and Wildlife
Department of Land and Natural Resources
State of Hawaii

Eugene C. [Signature]

Director

2 13 07

Date

2/15/07

Date

December, A. D. 2006, before me personally appeared

Department of Design and Construction

cribed in and who executed the foregoing instrument and acknowledged

as his free act and deed.

Mary E. Browne

Notary Public, First Judicial Circuit,
State of Hawaii.

Mary E. Browne 4-13-09
My commission expires

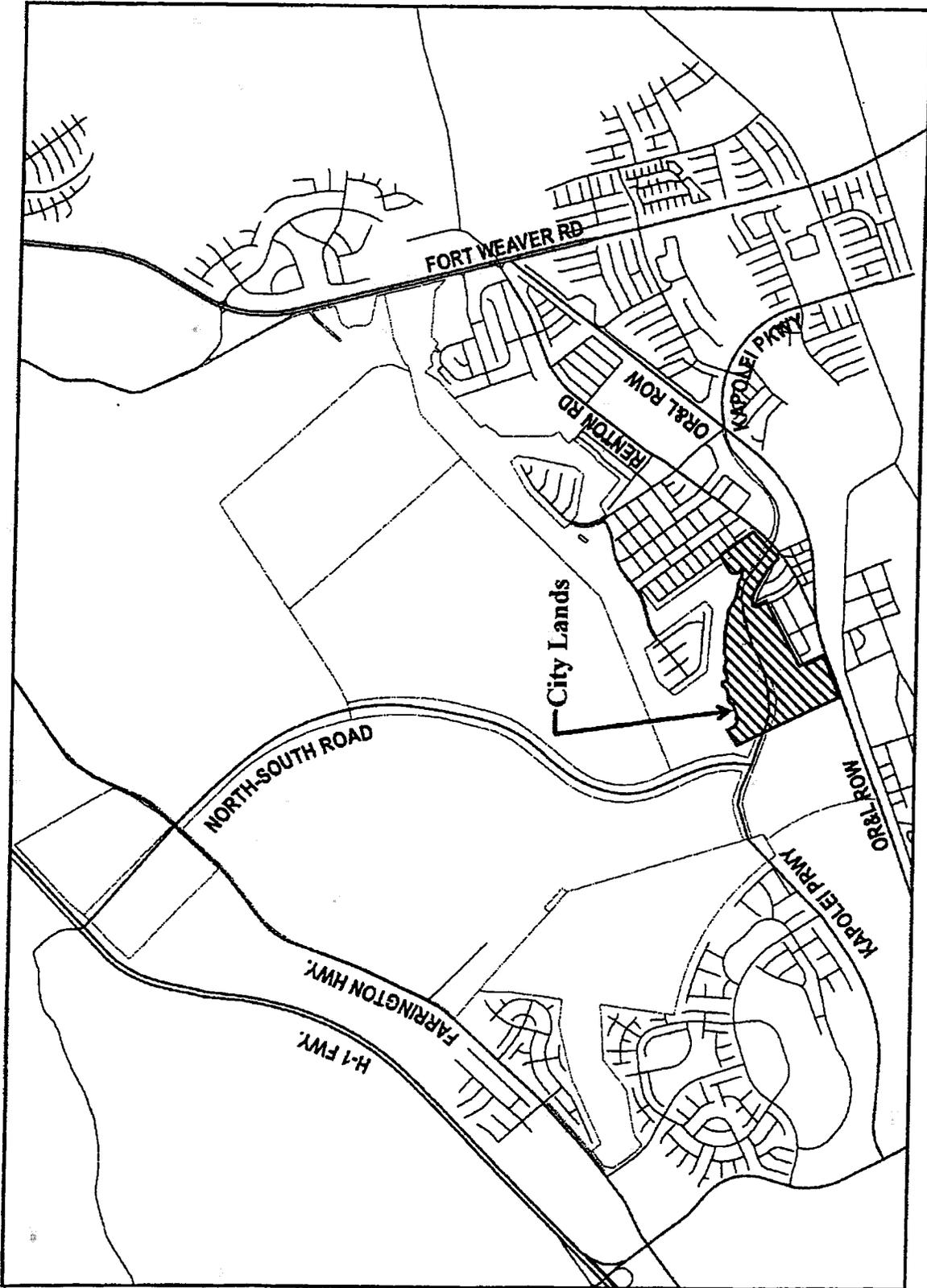


Exhibit 1
City Lands in East Kapolei
Certificate of Inclusion for Incidental Take License No. ITL-05
TAX MAP KEY: 9-1-17: 69 & 75

**Proposed Activities on City Lands in East Kapolei
Certificate of Inclusion for Incidental Take License No. ITL-05**

Extension of Kapolei Parkway

Kapolei Parkway, a new major collector roadway, will traverse the City's Ewa Villages property in East Kapolei connecting North-South Road at the north end to Renton Road at the south end; a distance of approximately 0.7 miles. The new roadway is designed with travel lanes in each direction, a planting median, and sidewalk on one side and a multiuse (pedestrian and bicycle) pathway on the other side. The project will include underground utilities including water, sanitary sewer, electrical, and communication systems, storm drainage system, street lighting system, and landscape irrigation system.

The Kapolei Parkway roadway is planned for construction from early 2007 to 2008. Construction will include clearing and grubbing, excavation and embankment, roadway and drainage grading, demolition and removal of existing sewer and water lines, and chain link fences, relocation of utility poles, the construction of the makai side travel lanes and a portion of the underground utilities, asphalt concrete pavement, concrete curb and gutter, concrete sidewalks, multiuse pathway, potable water, sewer, storm drainage system, electrical/communication, traffic signals, street lighting system, shoulder and median landscaping and irrigation, grassing and signing and striping on the Ewa Villages property.

A staging and construction transit area is required; it will be located where no known plants are present.

The City is planning to schedule construction of additional travel lanes on the mauka side of the existing Kapolei Parkway segment from the Renton Road intersection (at the north end) to its connection to the existing Kapolei Parkway in the vicinity of the OR&L track right-of-way (at the south end) in coordination with the above Kapolei Parkway and North-South Road completion.

Future Development

Development of the vacant City lands on both sides of the proposed extension of Kapolei Parkway roadway has not been planned or scheduled at this time.

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-05
 Date of Issue: MAR 18 2005
 Valid Until: July 31, 2021

INCIDENTAL TAKE LICENSE

to accompany:

Habitat Conservation Plan for *Abutilon menziesii* at Kapolei

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:

State of Hawaii
 Department of Transportation
 Aliiimoku Hale
 869 Punchbowl St.
 Honolulu, HI 96813

2005 MAR 23 P 1:54
 TRIP...
 DIVISION OF FORESTRY AND WILDLIFE

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</u>	<u>Location</u>
Ko'oloa'ula, or "red ilima"	<i>Abutilon menziesii</i>	All individuals within 1,381-acre project area.	1,381-acre project area covered under the "Habitat Conservation Plan for <i>Abutilon menziesii</i> at Kapolei"

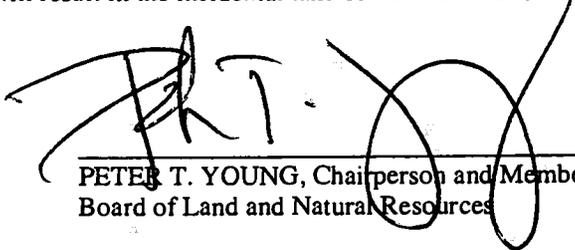
Subject to the following conditions:

I. GENERAL CONDITIONS

1. This license only authorizes the permittee to incidental take of *Abutilon menziesii* on the 1,381-acre project area defined in the "Habitat Conservation Plan for *Abutilon menziesii* at Kapolei" and on Attachment 1, which is attached hereto and made part of this license.
2. This license is valid only if the Department of Transportation and other organizations covered under Certificates of Inclusion abide by the terms and conditions of the "Habitat Conservation Plan for *Abutilon menziesii* at Kapolei".
3. This license is valid for species protected by federal law only if accompanied by proper federal permits.
4. This license shall become valid upon completion of the following:
 - i. A legal representative of the Department of Transportation has acknowledged understanding and agreement to abide by its conditions by signing two copies of Attachment 2, 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.
5. The Board may suspend or revoke this license and associated Certificates of Inclusion in accordance with applicable laws and regulations in force during the term of the license.

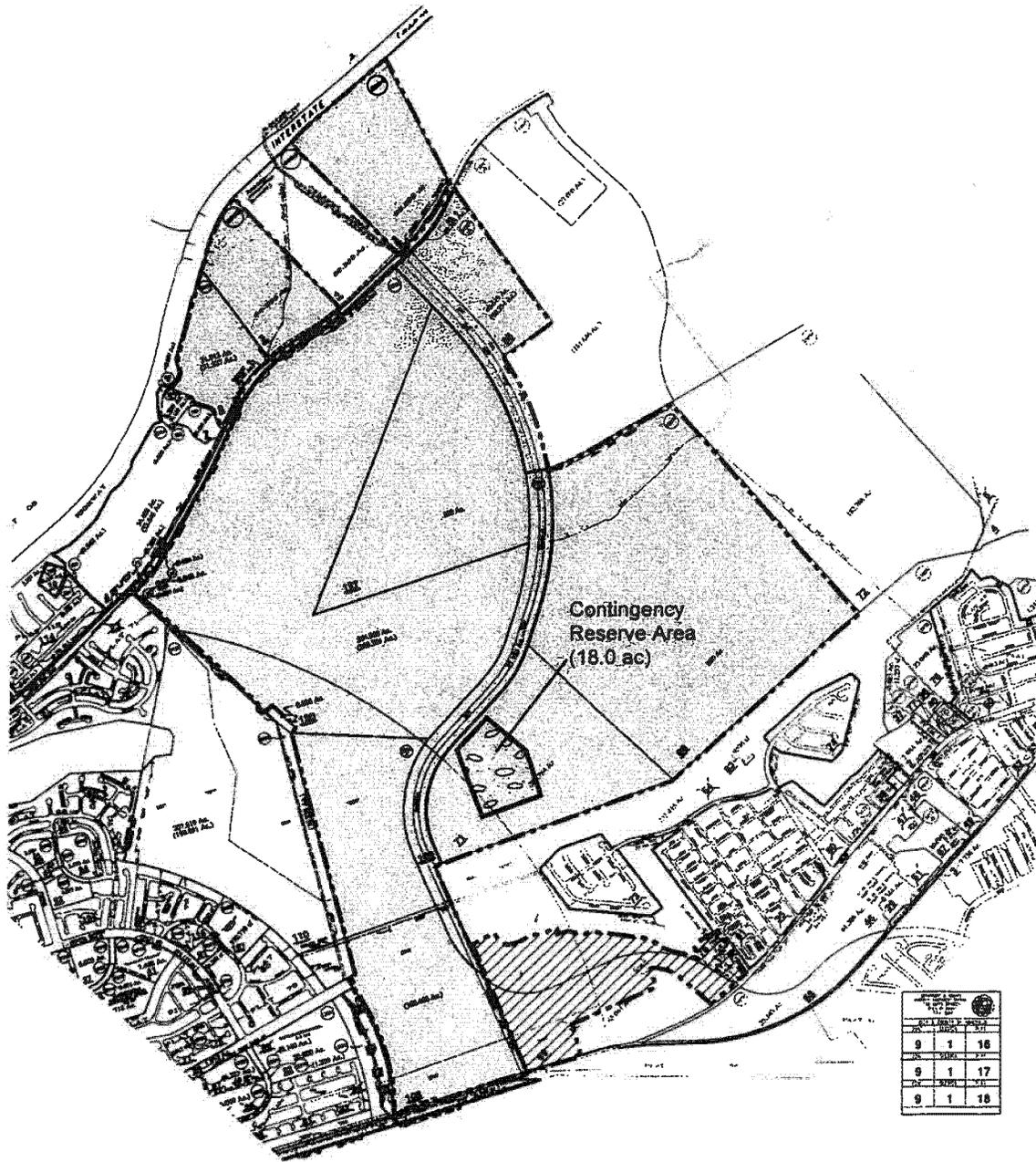
II. SPECIAL CONDITIONS

1. All plants greater than 1 year of age must be represented by a minimum of 2 individuals (cuttings) established at the Koko Head Crater Botanical Garden and/or the Dillingham low elevation nursery before they can be taken from the project site.
2. No take or development can occur within the approximately 18-acre area that surrounds the core *Abutilon menziesii* concentration within the area identified as Cluster C3 in the "Habitat Conservation Plan for *Abutilon menziesii* at Kapolei" until such time that one outplanting site has met the short-term success criteria described in the HCP. This area is identified as the "Contingency Reserve Area" on Attachment 1.
3. A professional horticulturist experienced in propagation and growing of Hawaiian plants will supervise the incidental take of the naturally occurring population of *Abutilon menziesii*. Each plant will be transplanted with a root ball size dependent upon the diameter of the plant canopy and will be determined by the horticulturist. The plant will be immediately transplanted into an appropriately sized container or will be handled according to the supervising horticulturist. The plants will be transplanted to one of the outplanting sites or transported to the nursery site before the end of the workday. More detailed information concerning the transport and transplanting of the individual plants can be provided by the supervising horticulturist.
4. DLNR Division of Forestry and Wildlife will be notified within 30 days in advance of any planned land use (e.g. construction, etc.) which the permittee anticipates will result in the incidental take of *Abutilon menziesii*.



PETER T. YOUNG, Chairperson and Member
Board of Land and Natural Resources

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

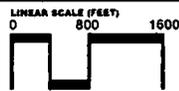


9	1	16
9	1	17
9	1	18

LEGEND

-  State Lands
-  City Lands
-  Contingency Reserve Area

Habitat Conservation Plan
for *Abutilon menziesii* at Kapolei



ISLAND OF OAHU



