

**Incidental Take License (ITL)**  
**State of Hawaii Department of Land and Natural Resources (DLNR)**  
**Division of Forestry and Wildlife (DOFAW)**

**Purpose:** To allow incidental “take” (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect) of state threatened or endangered species. A habitat conservation plan (HCP) must accompany an application for an ITL.

**Approval Authority:** Hawaii Revised Statutes (HRS) 195D

**Potential Approval Prerequisites:** The applicant is encouraged to coordinate and meet with the DOFAW to identify the surveys that should be conducted to help assess potential impacts to listed species; discuss the content of the HCP; and discuss additional application and processing requirements. Providing DOFAW with the preliminary project design, site conditions, and any resource assessment results at this meeting facilitates the discussion and identification of species of concern and initial path forward. Recommend jointly conducting meetings with U.S. Fish and Wildlife Service (USFWS) in developing the HCP.

**Fees:** An applicant is typically required by DOFAW to enter into a Technical Assistance Program so that DOFAW assists in the development, review, or monitoring of HCPs. The fee is \$50 per hour, if the applicant meets statutory requirements.

**For Permit Application, Guidelines, and Fees:** <http://dlnr.hawaii.gov/wildlife/hcp/>

**Contact Information:** The DOFAW (808) 587-0166

**Estimated Time for Permit Approval Decision from Application Acceptance:** See Checklist / Process

| Checklist / Process   | Chronology                             |
|---|--|
| 1. Verify with DOFAW if an ITL may be needed. Work with USFWS and DOFAW to identify species to be potentially covered in the HCP and initiate development of the Draft HCP. |  |
| 2. Submit an HCP Pre-Application including content requirements identified in the application.  |  |
| 3. Applicant develops a HCP with technical assistance from DOFAW.   |  |
| 4. DOFAW reviews the draft HCP. Several iterations of the draft HCP may be necessary.   |  |
| 5. Publish the draft HCP in the Office of Environmental Quality Control's (OEQC) <i>Environmental Notice</i> for a 60-day public comment period.                            | 60 calendar days                       |
| 6. During the 60-day public comment period, conduct a public hearing on the affected island(s).   |  |
| 7. Conduct an Endangered Species Recovery Committee (ESRC) meeting in order to solicit comments.<br><br>Conduct an ESRC site visit, if needed.                              | During the public comment period       |
| 8. DOFAW may request revisions to the draft HCP based on public comments.   |  |
| 9. Attend ESRC meeting with final HCP in order to obtain a recommendation to go before the Board of Land and Natural Resources (BLNR) for approval.                         |  |
| 10. DOFAW submits the final HCP with ESRC's recommendation of approval to the (BLNR).   | Not less than 20 days prior to hearing |

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|---|--|
| 11. DOFAW prepares a Staff Report for the ITL and the HCP to the BLNR.  | Not less than 20 days prior to Board Meeting |
| 12. The BLNR conducts a meeting to approve, approve with conditions, or denies the ITL application along with the HCP. BLNR meetings are held the 2 <sup>nd</sup> and 4 <sup>th</sup> Friday of each month. |  |
| 13. Chairperson of BLNR approves and issues the ITL.  |  |
| <b>Estimated Time for Completing the Permit Process</b>   | <b>Varies - expect 1.5 to 3 years</b>        |

**Other Application Considerations:**

1. The State ITL/HCP process parallels the USFWS Incidental Take Permit (ITP)/ HCP process, and the HCP may be prepared as a joint document that meets both DOFAW and USFWS requirements. Interagency consultation and coordination is necessary during the preparation and processing of the HCP.
2. Smaller, distributed wind projects have potential to adversely impact avian species. Consult DOFAW and USFWS at the earliest practicable time in the project siting phase to determine project permitting and monitoring requirements.
3. For projects requiring separate parcels for species mitigation / habitat conservation, separate permitting requirements may apply for the different parcels.