

State of Hawai'i
 Department of Land and Natural Resources
 Division of Forestry and Wildlife
 1151 Punchbowl Street, Room 325
 Honolulu, Hawai'i 96813

Incidental Take License Number: ITL-13
 Date of Issue: December 1, 2011
 Valid Until: 10 years from date of issue

INCIDENTAL TAKE LICENSE

To accompany:

“Habitat Conservation Plan for the Construction of the Advanced Technology Solar Telescope at the Haleakalā High Altitude Observatory Site Maui, Hawai'i”

The Board of Land and Natural Resources hereby grants permission under the authority of Hawaii Revised Statutes §§ 195D-2, 195D-4(g), 195D-21 and all other applicable laws to:

National Science Foundation

For take, if such taking is incidental to and not the purpose of the carrying out of an otherwise lawful activity, of the following species:

Common Name	Scientific Name	Number of Individuals	Location
‘Ua‘u (Hawaiian Petrel)	<i>Pterodroma sandwichensis</i>	35 (30 fledglings and 5 adults)	Lands leased by the National Science Foundation TMK 2-22-007-008

I. GENERAL CONDITIONS

1. This license only authorizes incidental take of the covered species by the licensee on the project area (TMK 2-22-007-008) at the time this license is issued pursuant to the "Habitat Conservation Plan for the Construction of the Advanced Technology Solar Telescope at the Haleakalā High Altitude Observatory Site Maui, Hawai'i" dated June, 2010 (hereafter "HCP").
2. This license is valid only if the National Science Foundation abides by the terms and conditions of the HCP and ITL for the duration of the permit.
3. This license is valid for species protected by federal law only if accompanied by a valid federal incidental take permit or biological opinion.
4. This license shall become valid upon completion of the following:
 - i. A representative of the National Science Foundation has acknowledged understanding and agreement to abide by its conditions by signing two copies 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, a copy of the license will be returned to the licensee.
5. 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. The allowable incidental take authorized by this license for the covered species includes observed, unobserved, direct and indirect take as defined in the HCP.
2. The estimation of incidental take for the covered species will be calculated according to adjustments made to the observed direct take according to methods detailed in the HCP, including but not limited to adjustments to include unobserved and indirect take.
3. The allowable incidental take authorized by this license for the covered species is 35 individuals, with the requirement that of the 35, take does not exceed 30 fledglings and does not exceed 5 adults.
4. Related to covered species, DLNR will be notified within 3 days of any mortalities, injuries, or disease observed on the project area. Injured individuals or carcasses will be handled according to guidelines in the HCP.

By: Wm J. Aila

Date 11-30-11

For William J. Aila, Chairperson and Member
Board of Land and Natural Resources

The undersigned has read, understands, and hereby agrees to abide by the General Conditions and the Special Conditions stipulated in this license.

National Science Foundation

By: Craig B. Foltz

Date Nov. 18, 2011

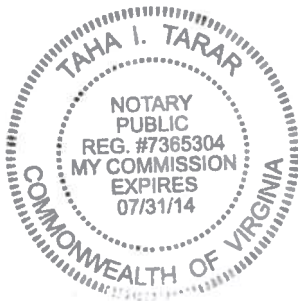
Craig B. Foltz, Ph.D., ATST Program Director, Division of Astronomical Sciences

The National Science Foundation's notarized signature is made a part of this document.

Cc: DOFAW
DOCARE
USFWS

State of Virginia, County of ARLINGTON
Signed and Sworn before me this
18 day of NOVEMBER, 2011

Notary Signature: [Signature]
Commission Exp. Date: July 31, 2014



STATE OF HAWAII)
) SS.
City and COUNTY OF Honolulu)

On this 30th day of November, 20 11, before me personally appeared Guy H. Kaulukukui and _____ to me known to be the person(s) described herein, and who, being duly sworn, did say that he/she/they is/are the said Deputy Director named in the foregoing instrument, and that he/she/they executed said instrument as his/her/their own free act and deed.



Angel. Kaulukukui
(Signature)

Heather K. Garcia Heather K. Garcia
(Signature)

Notary Public, State of Hawaii
My commission expires: September 7, 2012

Doc. Date: <u>12/1/11</u>	# of Pages: <u>3</u>
Notary Name: <u>Heather K. Garcia 1st</u> Circuit	
Doc. Description: <u>Incidental Take License</u>	
<u>Heather K. Garcia</u>	<u>11/30/11</u>
Notary Signature	Date
NOTARY CERTIFICATION	

