

ATTACHMENT II

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

Incidental Take License No. ITL-13  
Date of Issue: \_\_\_\_\_  
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 Haleakala High Altitude Observatory Site Maui, Hawaii”**

**TMK 2-22-007-008  
Maui, Hawaii**

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

National Science Foundation  
4201 Wilson Boulevard, Suite 1265  
Arlington, VA 22230

**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:**

<b>Common Name</b>	<b>Scientific Name</b>	<b>No. of Specimens of 10 year Term *</b>	<b>Location</b>
<b>‘u‘au or Hawaiian petrel</b>	<i>Pterodroma sandwichensis</i>	<b>35 (30 fledglings and 5 adults)</b>	<b>Lands leased or otherwise controlled by National Science Foundation; TMK 2-22-007-008</b>

**\*See Special Conditions**

**Subject to the following conditions:**

**I. GENERAL CONDITIONS**

1. This license only authorizes incidental take of the covered species by the licensee on the lands owned or otherwise controlled by National Science Foundation on the island of Maui, Hawaii at the time this license is issued pursuant to the “Habitat Conservation Plan for the Construction of the Advanced Technology Solar Telescope at the Haleakala High Altitude Observatory Site Maui, Hawaii” dated June, 2010 (hereafter “HCP”).
2. This license is valid only if National Science Foundation abides by the terms and conditions of the HCP, ITL, and Implementing Agreement for the duration of the permit.
3. This license is valid for species protected by federal law only if accompanied by valid federal authorization.
4. This license shall become valid upon completion of the following:
  - i. A legal representative of National Science Foundation has acknowledged understanding and agreement to abide by its conditions by signing two copies of Attachment I, 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 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, with the requirement that of the 35, take does not exceed 30 fledglings and does not exceed 5 adults.
4. DLNR will be notified within 3 days of any mortalities, injuries, or disease observed on the property. Injured individuals or carcasses will be handled according to guidelines in the HCP.

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LAURA H. THIELEN, Chairperson and  
Member Board of Land and Natural Resources

cc: DOFAW O'ahu Branch  
DOCARE  
USFWS Pacific Islands Office, Honolulu  
Senior Resident Agent, USFWS-Law Enforcement, Honolulu

Attachment No. 1 to INCIDENTAL TAKE LICENSE No. ITL-13

The undersigned has read, understands and hereby agrees to abide by General Conditions 1 - 5 and Special Conditions 1 - 4 stipulated on pages 1 through 3 in INCIDENTAL TAKE LICENSE No. ITL-13.

By: \_\_\_\_\_

Caroline Blanco, Assistant General Counsel  
National Science Foundation

Date: \_\_\_\_\_