

**STATE OF HAWAI`I
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawai`i**

January 11, 2013

**Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawai`i**

REGARDING: Status of the Implementation of the Programmatic Agreement
Conservation District Use Permit MA-3542
Advanced Technology Solar Telescope

APPLICANTS: University of Hawai`i, Institute for Astronomy

AGENT: Mike Maberry, Assistant Director, University of Hawai`i, 34 `Ohi`a Kū,
Room 216, Makawao, HI 96768

LANDOWNER: State of Hawai`i, set aside by Executive Order 1987 to the University of
Hawai`i

LOCATION: Haleakalā High Altitude Observatories Site (HO) at Pu`u Kolekole,
ahupua`a of Papa`anui, moku of Honua`ula, Makawao District, Maui

TMK: (2) 2-2-007:008 and (2) 2-2-007:007 (part; staging only)

ARE OF PARCEL: 18.166 acres (HO)

AREA OF USE: 0.86 acres

SUBZONE: General

BACKGROUND

On November 9, 2012, the Board of Land and Natural Resources issued a Decision and Order in favor of Conservation District Use Permit (CDUP) MA-3542 for the Advanced Technology Solar Telescope at the Haleakalā High Altitude Observatory Site.

Condition 7 of CDUP MA-3542 reads:

The applicant will follow the stipulations agreed upon in the Programmatic Agreement signed between the National Science Foundation, the National Park Service, the University of Hawaii, the State Historic Preservation Officer, and the

Advisory Council on Historic Preservation. These include but are not limited to the establishment of a Native Hawaiian Working Group, the retention of a Cultural Specialist; reserving up to 2% of the total ATST usage time for Native Hawaiian scientists, when there are Native Hawaiians among the pool of qualified scientists; and providing support to an educational initiative addressing the intersection between Native Hawaiian culture and science. The applicant commits to continued mitigation of impacts on cultural resources on the Region of Impact (ROI). **The applicant will provide a written annual report to the Board on the status of the implementation of the Programmatic Agreement, including: listing the proposed mitigations to impacts on cultural resources developed by the Native Hawaiian Working Group (NHWG); the response to those proposed mitigations by the signatory parties to the Programmatic Agreement; and, the implementation of any such mitigation measures by the University.**

RECOMMENDATION

OCCL is presenting the attached report as a “non-action” item on the Board’s Agenda, and has invited the permittee to give a brief presentation to the Board.

Respectfully submitted,



Michael Cain, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:



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

UNIVERSITY OF HAWAII AT MĀNOA

Institute for Astronomy

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2012 DEC 12 A 7:22

December 10, 2012

Mr. William J. Aila Jr., Chairperson
Board of Land and Natural Resources
1151 Punchbowl Street
Honolulu, HI 96813

DEPT. OF LAND &
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DEPT. OF LAND &
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Dear Mr. Aila

SUBJECT: Conservation District Use Permit MA-3542, Condition #7, Annual Report to the Board of Land and Natural Resources on the status of the implementation of the Programmatic Agreement regarding the Advanced Technology Solar Telescope Project

In accordance with Conservation District Use Permit MA-3542, Condition #7, the University of Hawaii is submitting the Annual Report for calendar year 2012, concerning the status of the implementation of the Programmatic Agreement regarding the Advanced Technology Solar Telescope Project.

Sincerely,



Michael Maberry
Assistant Director

c: Mr. Sam Lemmo, Administrator, DLNR OCCL

Conservation District Use Permit MA-3542, Issued December 2, 2010
2012 Annual Report to Condition #7 of Permit
Advanced Technology Solar Telescope

Condition 7 of the Conservation District Use Permit (CDUP) for the Advanced Technology Solar Telescope (ATST) Project:

“The applicant will follow the stipulations agreed upon in the Programmatic Agreement signed between the National Science Foundation, the National Park Service, the University of Hawai‘i, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation. These include but are not limited to the establishment of a Native Hawaiian Working Group, the retention of a Cultural Specialist; reserving up to 2% of the total ATST usage time for Native Hawaiian scientists, when there are Native Hawaiians among the pool of qualified scientists; and providing support to an educational initiative addressing the intersection between Native Hawaiian culture and science. The applicant commits to continued mitigation of impacts on cultural resources on the Region of Impact (ROI). The applicant will provide a written annual report to the Board on the status of the implementation of the Programmatic Agreement, including: listing the proposed mitigations to impacts on cultural resources developed by the Native Hawaiian Working Group (NHWG); the response to those proposed mitigations by the signatory parties to the Programmatic Agreement; and, the implementation of any such mitigation measures by the University.”

Status of the Implementation of the Programmatic Agreement

Pursuant to Condition 7 of the CDUP, the following summarizes the status of pertinent items under Section II- NSF’s Area of Responsibility of the Programmatic Agreement (PA). These items are discussed as applicable during the NHWG meetings.

1. Establishment of the ATST Native Hawaiian Working Group

The PA was fully executed on November 13, 2009. The NHWG first met on December 5, 2009, which was within 60 days of the fully executed date. The NHWG has met a total of seven times, as shown below.

	Date	Location
1	December 5, 2009	University of Hawai‘i, Institute for Astronomy Maikalani Facility
2	February 20, 2010	UH IfA, Maikalani Facility
3	September 1, 2010	UH, Maui College, Laulima Room
4	February 28, 2011	Mayor Hannibal Tavares Community Center, Pukalani
5	June 15, 2011	Haliimaile Community Center. This meeting was a scheduled Section 106 meeting for the Supplemental Draft Environmental Assessment and provided another opportunity for the NHWG to meet.
6	October 24, 2011	Mayor Hannibal Tavares Community Center, Pukalani
7	September 17, 2012	Mayor Hannibal Tavares Community Center, Pukalani

The next NHWG meeting is TBD in early 2013.

2. Implementation of Best Management Practices

Construction activities commenced on December 3, 2012. Best Management Practices as outlined in the approved UH IfA Management Plan have been implemented on this day and would continue to be implemented as required throughout the various stages of construction.

3. Naming of HO Roads

As of September 17, 2012, the NHWG has not discussed the possible renaming of HO roads.

4. Retention of a Cultural Specialist

CKM Cultural Resources, LLC (Kahu Charles Maxwell) accepted the award to be the ATST Project's Cultural Specialist on January 27, 2011. In 2012, he ordained his grandson Dane Maxwell as Kahu; and unfortunately Kahu Charles Maxwell passed away a few months thereafter. Kahu Dane Maxwell has stepped into the role as the ATST Cultural Specialist assuming all duties and responsibilities.

5. Possible Repainting

At the September 17, 2012 NHWG meeting, it was discussed that currently, no new technology has been developed.

6. Removal of Reber Circle Site #50-50-11-5443

The Reber Circle concrete ring was removed on December 3, 2012.

7. Hawaiian Star Compass

Craig Foltz (NSF) spoke with Nainoa Thompson. Nainoa expressed that while a star compass is a thing of value, it would not be supportive if located at Haleakalā. Kahu Dane Maxwell and the NHWG subcommittee were more supportive if a star compass were located at UH Maui College, where it would be more accessible to those who would be interested in learning about this navigational tool. A NHWG member did not want to rule out Haleakalā, but would want to look at other options and locations to support a star compass.

8. Required "Sense of Place" Training

All ATST Project personnel who will work at the HO site will attend "Sense of Place" training. All contractors and employees continue to participate in this training. UH IfA has been provided copies of attendee sign-in sheets.

9. Exterior Design

As of September 17, 2012, the NHWG has not discussed the Exterior Design of the ATST.

10. Possible Shelter for Cultural Practitioners

As of September 17, 2012, the NHWG deferred action.

11. State Road 378

Under Contract to IARII, Mason Architects completed the State Highway 378 Historic Evaluation Report identifying and photographing Contributing Features of historic significance along the roadway consisting of 10.1 miles from the Crater Road junction to the Haleakalā National Park entrance. Digital copies of the final report were transmitted to the National Park Service (NPS) and SHPD on 11/7/12 and the requested hard copies of the report will be distributed to NPS and SHPD the week of 11/26/12. Based on those Contributing Features, a draft of State Road Historic Archival Engineering Report will be completed and transmitted to NPS and SHPD for review on 12/14/12.

12. Acknowledgment of Significance of Haleakala and NSF's Gratitude

No change. NSF has provided the NHWG an example of acknowledgment language. It was also noted that this item would not need resolution for a few years.

13. Status of Implementation of this PA Reported on Project Website

The "Status of Implementation of Programmatic Agreement" web page is available on the Internet at: <http://atst.nso.edu/node/747>.

Additional Items Listed in Condition 7 of the CDUP

- 1. Reserving up to 2% of the total ATST usage time for Native Hawaiian scientists, when there are Native Hawaiians among the pool of qualified scientists.**

Not applicable at this time.

- 2. Providing support to an educational initiative addressing the intersection between Native Hawaiian culture and science.**

The Division of Astronomical Sciences of the National Science Foundation funded the second year of a ten-year, \$20M award has been made to the University of Hawaii Maui College (UHMC). This brings the total amount funded to UHMC under this award to \$4M. The award is being funded, contingent upon the availability of appropriations, at a rate of \$2M annually and is being used to establish and fund programs to address the intersection of Native Hawaiian culture and science, technology, engineering and mathematics. The first cadre of student participants has been recruited and UHMC has hired a Director for the program, Damien Cie, and has begun to develop the details of the program that involve student stipends, mentoring, internships, as well as training in Native Hawaiian culture.

The terms of the award are such that subsequent years' funding will be contingent upon the construction of the ATST. Should the ATST not be constructed on Haleakalā, future funding would be cancelled.

Details of the award can be found at: <http://nsf.gov/awardsearch/showAward.do?AwardNumber=1135694>

3. Proposed mitigations to impacts on cultural resources developed by the NHWG and the response to those proposed mitigations by the signatory parties to the Programmatic Agreement the implementation of any such mitigation measures by the University

The role of the ATST NHWG is to provide consultation concerning historic property matters related to the construction and operation of the ATST Project. The NHWG meeting minutes are summarized and posted to the “Status of Implementation of Programmatic Agreement” web page is available on the Internet at: <http://atst.nso.edu/node/747>.