

**UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**

RECORD OF DECISION

For the issuance of a Special Use Permit for use of commercial vehicles within Haleakala National Park to access the Haleakala Observatories as identified in the following National Environmental Policy Act documents:

ADVANCED TECHNOLOGY SOLAR TELESCOPE – ENVIRONMENTAL IMPACT STATEMENT

ISSUANCE OF AN INCIDENTAL TAKE LICENSE AND PROPOSED CONSERVATION MEASURES ASSOCIATED WITH THE ADVANCED TECHNOLOGY SOLAR TELESCOPE PROJECT – ENVIRONMENTAL ASSESSMENT

ADVANCED TECHNOLOGY SOLAR TELESCOPE PROJECT – SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

**Haleakala National Park
Maui, Hawaii**

The Department of the Interior, National Park Service (NPS) has prepared this Record of Decision (ROD) for the issuance of a Special Use Permit (SUP) for the use of commercial vehicles within Haleakala National Park (Park) as part of the construction and operation of the Advanced Technology Solar Telescope Project (ATST) at the Haleakala Observatories, Maui, Hawaii. This NPS ROD is tiered to the following: the Environmental Impact Statement (EIS) for the Advanced Technology Solar Telescope, Haleakala, Maui, Hawaii; the Environmental Assessment (EA) for Issuance of an Incidental Take License and Proposed Conservation Measures Associated with the Advanced Technology Solar Telescope Project, Haleakala, Maui, Hawaii; and the Supplemental Environmental Assessment (SEA), Advanced Technology Solar Telescope Project, Haleakala, Maui, Hawaii.

The National Science Foundation (NSF) prepared the EIS, EA, and SEA because it is providing Federal funding for the ATST project. The NPS will issue the SUP to the Association of Universities for Research in Astronomy (AURA) and the National Solar Observatory (NSO), who will manage the ATST project. The NPS participated in the review of and preparation of the EIS, EA, and SEA because the Haleakala National Park Road (Park Road) will be used by AURA/NSO to access the ATST project located at the Haleakala Observatories, adjacent to the Park, on land owned by the State of Hawaii and managed by the University of Hawaii Institute for Astronomy (IfA).

This NPS ROD addresses authorization of the use of commercial vehicles by AURA/NSO on the Park Road in connection with construction and operation of the ATST project as described in the EIS, EA, and SEA. This NPS ROD includes a statement of the decision made including key actions and mitigating measures to minimize environmental harm; the basis for the decision; an overview of public and agency involvement in the decision-making process; brief description of other alternatives considered; and a description of the environmentally preferred alternative.

The EIS and NSF ROD, EA and Finding of No Significant Impact (FONSI), and SEA and FONSI prepared by the NSF for the ATST project provide a complete description of project background; a statement of the NSF decision made including key actions and mitigating measures to minimize environmental harm from the overall ATST project; the basis for the NSF decision;

an overview of public and agency involvement in the decision-making process; and a description of other alternatives considered (see <http://atst.nso.edu/nsf-env>).

BACKGROUND

The NSF is providing Federal funding for the ATST project which is being managed by NSO. AURA operates the NSO under a cooperative agreement with NSF. The IfA is one of several entities collaborating with NSO on the ATST project. The IfA also controls and manages the Haleakala Observatories. The Haleakala Observatories was set aside in 1961 for observatory site purposes. After completing the EIS and ROD, NSF decided to fund the ATST project at the Mees site within Haleakala Observatories.

The Haleakala Highway (State Route 37/377/378) is a 37-mile road from central Maui's main town of Kahului to the summit of Haleakala, with the last 10.6 miles of the road within Haleakala National Park. Along its entire course, the highway climbs to 10,000' from sea level, attaining this height in a shorter distance than any other road in the world, and provides access and views of the Haleakala Crater. The Park Road, which begins at 6,800 feet above sea level, is the only access road leading up to the Haleakala Observatories. The Park Road is subject to the exclusive jurisdiction of the Federal government.

The 10.6-mile portion of the highway within the park boundaries was designed by the Bureau of Public Roads between 1925 and 1933 with input from the Hawaii National Park Superintendent and NPS Landscape Architects. Road construction on this segment of the road began in 1933 and was completed in 1935 with improvements made at White Hill and the Kalahaku Overlook. Modifications and improvements to the transportation corridor continued until 1941 before the U.S. entered World War II and resume following the war as part of the NPS Mission 66 Program. Alignment and construction techniques of the road, buildings, and structures were carefully employed to decrease its visual and physical impact on the landscape and to showcase the spectacular views of the island and ocean below as tourists would drive to the top of Haleakala Crater and culminate at the summit with views into the crater.

The Park Road is a historic cultural landscape that was determined to be eligible for listing on the National Register of Historic Places on 9/9/2008 under criteria A (for its association with NPS master planning during the 1930s and Mission 66 eras) and C (for its assemblage of buildings exemplifying the rustic and NPS modern styles of architecture and landscape architecture).

An SUP is the document used by the NPS to authorize activities that require permits (i.e., activities generally found in 36 CFR § 1-7), as long as safeguards are established to prevent impairment or unacceptable impacts to park resources and values (see NPS Director's Order #53: Special Park Uses). The process for granting an SUP requires that compliance under the National Environmental Policy Act, §106 of the National Historic Preservation Act, §7 of the Endangered Species Act, and any other applicable law or regulation be completed.

Pursuant to the NSF ROD, the NPS is required to issue an SUP to AURA/NSO to allow commercial vehicles on the Park Road to access the ATST project site. 36 CFR § 5.6 (c) states that, "The Superintendent shall issue permits for commercial vehicles used on park area roads when such use is necessary for access to private lands situated within or adjacent to the park area, to which access is otherwise not available." Land access to the ATST project site is only available on the Park Road.

DECISION

Because the NSF has decided to fund the ATST project, the NPS will issue a revocable 5 year SUP to AURA/NSO pursuant to 36 CFR § 5.6 (c) to allow use of the Park Road by commercial

vehicles in connection with the construction and operation of the ATST. If needed, a renewal of the SUP will be issued based on NPS review and AURA/NSO's adherence to the terms of conditions of the existing permit. Key actions relevant to the issuance of the SUP include:

- Temporary widening and improvement of the Park Road shoulder by AURA/NSO, in accordance with the NPS approved Entrance Station Lane Construction/Removal Plan, using a hybrid system of bridging and compacted fill on the uphill side of the entrance station. Use of the temporary bypass will be for extremely wide truck loads (18 to 24 feet wide) during years 4, 5 and 6 of ATST construction. A barricade system, such as a gate, removable bollards or similar devices, would be installed by AURA/NSO on the temporary bypass to deter non-ATST traffic from driving on it. The temporary bypass may be utilized for a period not to exceed seven years and will be removed by the ATST project.
- A volume of ATST traffic traversing the Park Road of approximately 25,000 vehicle trips with 225 of these trips being made by vehicles classified by the Federal Highway Administration (FHWA) as Class 9 and above and carrying wide loads (9 – 12 feet) or extremely wide loads (18 – 24 feet). Vehicles carrying the 200 wide loads may require oncoming traffic to pull over at existing paved pull-off locations along the Park Road to allow the wide load vehicle to safely pass. Vehicles carrying the 25 extremely wide loads will require closure of the Park Road to non-ATST traffic.

MEASURES TO MINIMIZE HARM

The following mitigation measures shall be implemented by AURA/NSO in association with the issuance of the SUP. AURA/NSO shall fund an NPS monitor to ensure timely compliance with the SUP and monitoring the efficacy of the mitigation program.

Affected Resources	Mitigation Description
Biological Resources: Endangered Hawaiian Goose (nene)	<p>The construction and removal of the temporary bypass next to the Park Entrance station shall take place outside of nene nesting season (between April 15 and September 30). Nene avoidance methods shall be implemented during the construction and removal work including: survey of site for nene prior to work; installation of temporary fencing around the construction area; and site monitor. After removal of temporary bypass, the disturbed area shall be revegetated with native plants that are not attractive to nene and managed for a period of 10 years.</p> <p>Reporting of nene fatalities along Park Road that can be attributed to ATST-related traffic to the NPS and US Fish and Wildlife Service.</p>

Affected Resources	Mitigation Description
Biological Resources: Endangered Hawaiian Goose (nene)	<p>ATST-related drivers shall receive a briefing/refresher briefing regarding nene at the beginning of their nesting season (approximately on November 1 of each year).</p> <p>NPS shall be given funds to implement the installation of traffic calming devices such as temporary speed humps and portable signs along the Park Road to minimize vehicle collisions when nene are identified in the area.</p> <p>NPS shall be given funds to construct and operate a holding pen within the Park to temporarily hold and care for nene.</p>
Biological Resources: Endangered Hawaiian Petrel (uau)	<p>No nighttime (defined as 30 minutes prior to sunset to 30 minutes after sunrise) driving for ATST-related traffic.</p>
Biological Resources: Other	<p>NPS vehicle, equipment, and materials washing and inspection protocol shall be followed by AURA/NSO to prevent alien invasive species from being introduced into the Park.</p> <p>A programmatic monitoring plan for invertebrates, flora and fauna shall be implemented during the ATST project within selected areas of the Park Road corridor.</p>
Historic Resources	<p>All historic features associated with the Park Road corridor shall be photographed and documented by a qualified person, in coordination and consultation with the NPS, prior to and after construction of the ATST project.</p> <p>Loads no heavier than the current loading rating for the historic Park bridge shall be allowed within the Park. Vehicles transporting wide and extremely wide loads shall avoid driving on the edges of the road. Extremely wide loads shall not exceed the clearances along the Park Road corridor.</p> <p>NPS shall be reimbursed for any expenditure required for repairing damage to historic features within the Park Road corridor, if such damage results from ATST construction-related traffic.</p>

Infrastructure and utilities	<p>The utilities and septic system next to the Park entrance station shall be adequately protected by metal plate covers, grade beams or other protective structures. Relocation of utilities and septic system could be considered as a last resort option.</p> <p>Existing utility man-hole covers within the Park Road corridor shall be protected by avoiding direct axle loading on the covers, replacing the existing covers with heavier gage steel or reinforcing the existing covers with additional steel bracing.</p>
Roadways and Traffic	<p>NPS shall be compensated \$240,000 for regular wear and tear to the Park Road from ATST project activities.</p> <p>ATST related traffic shall be managed within the Park in accordance with the NPS approved Traffic Management Plan.</p>
Visitor Use and Experience	<p>Slow moving vehicles and/or vehicles that are FHWA class 5 or larger shall not travel through the Park between approximately 11:00 a.m. and 2:00 p.m. Notification to Park visitors shall be in accordance with the NPS approved Traffic Management Plan.</p>

OTHER ALTERNATIVES CONSIDERED

In addition to the selected alternative, two other alternatives were considered in detail by the NSF in the EIS; an additional action alternative and a No Action alternative. The action alternative would fund the ATST project on another site within Haleakala Observatories (the Reber Circle site) and require the NPS to issue an SUP to allow use of the Park Road by commercial vehicles in connection with the construction and operation of the ATST. Under the No Action alternative, the ATST would not be constructed within the Haleakala Observatories and the associated traffic would not need to use the Park Road.

BASIS FOR DECISION

This decision is based on the requirement to issue an SUP to allow ATST-related commercial vehicles to traverse the Park Road during the construction and operation phases of the project and adequately protect park resources and values. The EIS and NSF ROD, EA and FONSI, and SEA and FONSI determined with the implementation of the above mitigation measures there would be negligible to moderate, adverse and beneficial short-term and long-term impacts to biological resources from temporary widening and improvement of the Park Road shoulder and ATST traffic traversing the Park Road. The EIS and NSF ROD and SEA and FONSI determined with the implementation of the above mitigation measures there would be minor, adverse short-term and long-term impacts to historic resources from temporary widening and improvement of the Park Road shoulder and ATST traffic traversing the Park Road. The EIS and NSF ROD determined with the implementation of the above mitigation measures there would be negligible, adverse short-term impacts on infrastructure and utilities from temporary widening and improvement of the Park Road shoulder and ATST traffic traversing the Park Road. The EIS and NSF ROD, EA and FONSI, and SEA and FONSI determined with the implementation of the above

mitigation measures there would be minor, adverse short-term and long-term impacts in roadways and traffic from temporary widening and improvement of the Park Road shoulder and ATST traffic traversing the Park Road. The EIS and NSF ROD, EA and FONSI, and SEA and FONSI determined with the implementation of the above mitigation measures there would be minor, adverse short-term impacts on visitor use and experience from temporary widening and improvement of the Park Road shoulder and ATST traffic traversing the Park Road.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The environmentally preferred alternative is the alternative that would best promote the national environmental policy as expressed in §101 of the National Environmental Policy Act (NEPA). Generally this means the alternative that causes the least damage to the biological and physical environment. It also means the alternative that best protects, preserves, and enhances historic, cultural, and natural resources.

The national environmental policy as described in NEPA includes:

- Responsibility of each generation as trustee of the environment for succeeding generations;
- Assurance of safe, healthful, productive and aesthetically and culturally pleasing surroundings;
- Attainment of the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable or unintended consequences;
- Preservation of important historic, cultural and natural aspects of our national heritage, and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
- Achievement of a balance between population and resource use which promotes a high standard of living and a wide sharing of life's amenities; and
- Enhancement of the quality of renewable resources and maximum attainable recycling of depletable resources.

The No Action alternative would have resulted in the least harm to the environment since the ATST would not be constructed and the associated traffic would not need to use the Park Road. Therefore, the NPS has determined the No Action alternative is the environmentally preferred alternative. The NPS determined environmental preferred alternative was not selected by NSF because it did not meet the purpose and need for the project.

PUBLIC AND AGENCY INVOLVEMENT

Scoping

The NPS joined the NEPA process for the ATST project in October 2008.

Public Meetings and Outreach

- May 8, 2009 the Notice of Availability of the Supplemental Draft EIS was published in the Federal Register (Vol. 74, No.88). Information about the two public comment meetings to be held in June 2009 and the 45-day public comment period ending on June 22, 2009 was included in the notice. This information was also published in The Maui News, The Honolulu Advertiser and The Star Bulletin newspapers. The Supplemental Draft EIS was distributed to individuals, agencies and organizations on the ATST mailing list.
- June 3, 2009 NSF held a public meeting which the NPS attended in Wailuku, Maui to solicit comments on the Supplemental Draft EIS.
- June 4, 2009 NSF held a public meeting which the NPS attended in Pukalani, Maui to solicit comments on the Supplemental Draft EIS. NSF accepted written comments beyond the June 22, 2009 deadline.

- August 23, 2010 a 30-day public review of the Draft EA was initiated and concluded on September 23, 2010. The Draft EA was distributed to individuals, agencies and organizations on the ATST mailing list.
- August 30, 2010 NSF held a public meeting which the NPS attended in Pukalani, Maui to solicit comments on the Draft EA under NEPA and Section 106 of the National Historic Preservation Act (NHPA).
- June 2, 2011 a 30-day public review of the Draft SEA was initiated and concluded on July 5, 2011. The Draft SEA was distributed to individuals, agencies and organizations on the ATST mailing list.
- June 16, 2011 NSF held a public meeting which the NPS attended in Hailiimaile, Maui to solicit comments on the Draft SEA under NEPA and Section 106 of the NHPA.

Public Comment

Comments on the Draft Supplemental EIS ranged from the purpose and need for project and site selection process to specific concerns on impacts to various resource topics. The top five topics of concern raised at the public meetings and in written comments were: visual resources and viewplanes, visitor use and experience, and cultural and historic resources within Haleakala National Park; impacts to cultural, historic and archeological resources; employment; roadways and traffic during construction; and infrastructure and utilities. NSF prepared the Final EIS after reviewing the comments for Draft Supplemental EIS. Oral and written comments were also received on the Draft EA and SEA. The Final EA and SEA prepared by NSF were revised based on the comments received. The concerns raised during the public comment process are addressed in the mitigation measures covered in this NPS ROD.

Agency Coordination and Native Hawaiian Consultation

The NPS joined the agency coordination and Native Hawaiian consultation process for the ATST project in October 2008.

National Historic Preservation Act Section 106 Consultation

- May 8, 2009 the Notice of Availability of the Supplemental Draft EIS was published in the Federal Register (Vol. 74, No.88). Information about the Section 106 of the NHPA meetings to be held in June 2009 was included in the notice. This information was also published in The Maui News, The Honolulu Advertiser and The Star Bulletin newspapers.
- May 29, 2009 NPS published a newsletter that included information about Haleakala National Park participation in the Supplemental Draft EIS process due to the project's need for an SUP and the Section 106 of the NHPA meetings to be held in June 2009. The newsletter was sent to the ATST Section 106 consulting parties list as well as Haleakala National Park Section 106 consulting parties list. The newsletter was also posted on the ATST and Haleakala National Park websites. Public Service Announcements for the meetings were sent to MANAO Radio, PACIFIC RADIO GROUP Maui Stations and Hawaii Public Radio.
- June 8, 2009 NSF and NPS held a Section 106 of the NHPA consultation meeting which was attended by the Hawaii State Historic Preservation Office (Hawaii SHPO) and Advisory Council on Historic Preservation (ACHP) staff in Kula, Maui to solicit Native Hawaiian and public input on the effects the proposed ATST project may have on any district, site, building, structure or object listed in or eligible for listing in the National Register of Historic Places (NRHP).
- June 9, 2009 NSF and NPS held a Section 106 of the NHPA consultation meeting which was attended by Hawaii SHPO and ACHP staff in Haiku, Maui to solicit Native Hawaiian and public input on the effects the proposed ATST project may have on any district, site, building, structure or object listed in or eligible for listing in the NRHP.
- June 10, 2009 NSF and NPS held a Section 106 of the NHPA consultation meeting which was attended by Hawaii SHPO and ACHP staff in Kahului, Maui to solicit Native

Hawaiian and public input on the effects the proposed ATST project may have on any district, site, building, structure or object listed in or eligible for listing in the NRHP (historic properties).

- Following these meetings, the NPS worked cooperatively with the NSF, Hawaii SHPO and ACHP to develop a Programmatic Agreement (PA) to minimize and mitigate potential adverse impacts to historic properties within the Park Road corridor. Drafts of the PA were sent to the ATST Section 106 consulting parties list for review and comment.
- September 29, 2009 the NPS sent a Section 106 of the NHPA consultation letter to the Hawaii SHPO seeking concurrence on the area of potential effects (APE) and determination of effects the proposed ATST project would have on historic properties within the boundaries/jurisdiction of Haleakala National Park. A concurrence letter from the Hawaii SHPO was received on October 9, 2009.
- November 13, 2009 the ATST PA was executed between the NSF, NPS, Hawaii SHPO, ACHP and others (see <http://atst.nso.edu/library/36CFR800>). Execution of the PA completed the requirements of Section 106 of the NHPA for the proposed ATST project.
- August 30, 2010 NSF held a public meeting which the NPS attended in Pukalani, Maui to solicit comments on the Draft EA under NEPA and Section 106 of the NHPA.
- September 1, 2010 NSF held a Section 106 of the NHPA consultation meeting which the NPS attended in Pukalani Maui to solicit input from the ATST Native Hawaiian Working Group (NHWG) on the effects proposed conservation measures associated with the issuance of an incidental take license for the ATST project may have on historic properties.
- May 5, 2011 the NPS sent a Section 106 of the NHPA consultation letter to the Hawaii SHPO seeking concurrence on the APE and determination of effects the proposed conservation measures associated with the issuance of an incidental take license for the ATST project would have on historic properties within the boundaries/jurisdiction of Haleakala National Park. No response was received from the Hawaii SHPO within 30 days.
- June 15, 2011 NSF held a Section 106 of the NHPA consultation meeting which the NPS attended in Hailiimaile, Maui to solicit input from the ATST NHWG on the effects proposed changes to the ATST project may have on historic properties.
- June 16, 2011 NSF held a public meeting which the NPS attended in Hailiimaile, Maui to solicit comments on the Draft SEA under NEPA and Section 106 of the NHPA.
- Following these meetings, the NPS worked cooperatively with the NSF, Hawaii SHPO and ACHP to develop an amendment to the ATST PA to minimize and mitigate potential adverse impacts to historic properties along the Park Road corridor. Drafts of the ATST PA amendment were sent to the ATST Section 106 consulting parties list for review and comment.
- October 24, 2011 NSF held a Section 106 of the NHPA consultation meeting which the NPS attended in Pukalani Maui to solicit input from the ATST NHWG on the ATST PA amendment.
- January 9, 2012 the NPS sent a Section 106 of the NHPA consultation letter to the Hawaii SHPO seeking concurrence on the APE and determination of effects the proposed changes to the ATST would have on historic properties within the boundaries/jurisdiction of Haleakala National Park. No response was received from the Hawaii SHPO within 30 days.
- February 8, 2012 the ATST PA amendment was executed between the NSF, NPS, Hawaii SHPO, ACHP and others (see <http://atst.nso.edu/library/36CFR800>). Execution of the PA amendment completes the requirements of Section 106 of the NHPA for the proposed changes ATST project.

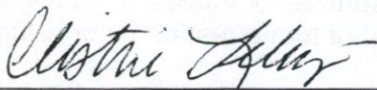
Endangered Species Act Section 7 Consultation

The NPS has worked cooperatively with NSF, the US Fish and Wildlife Service (USFWS) and the Hawaii State Division of Forestry and Wildlife (DOFAW) on conservation measures to minimize and offset the impacts to the federally endangered Hawaiian petrel (uau) and endangered Hawaiian Goose (nene) from the construction and operation of the ATST project. Formal consultation with the USFWS under Section 7 of the Endangered Species Act was initiated by NSF on June 6, 2011. A Biological Opinion was issued by the USFWS on June 15, 2011. Based on the analysis presented in the Biological Opinion, the USFWS issued on June 15, 2011 a statement that allows incidental take of up to nine Hawaiian geese from being struck and killed by ATST project-related traffic along the Park Road. The USFWS also concludes that this level of anticipated take is not likely to result in jeopardy to the Hawaiian goose.

CONCLUSION

With the mitigation measures as described above, all practical means to avoid or minimize environmental harm within Haleakala National Park from the use of the Park Road by commercial vehicles in connection with the construction and operation of the ATST project have been adopted, and therefore a SUP as stipulated above may be issued.

Approved:



Christine S. Lehnertz
Regional Director, Pacific West Region
National Park Service

04/30/12

Date

Attachment 1 – Determination of Non-Impairment

Advanced Technology Solar Telescope (ATST), Special Use Permit

The Prohibition on Impairment of Park Resources and Values

National Park Service (NPS) Management Policies 2006, §1.4.4, explains the prohibition on impairment of park resources and values:

While Congress has given the NPS management discretion to allow impacts within units of the national park system, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the NPS must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the 1916 Organic Act, establishes the primary responsibility of the NPS. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

What is Impairment?

An explanation of impairment is provided in NPS Management Policies 2006, §1.4.5, What Constitutes Impairment of Park Resources and Values, and §1.4.6, What Constitutes Park Resources and Values. Impairment is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values.

§1.4.5 of NPS Management Policies 2006 states an impact to any park resource or value may, but does not necessarily, constitute impairment. An impact is more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- Identified as a goal in the park's general management plan or other relevant NPS planning documents as being of significance.

An impact would be less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated.

As per §1.4.6 of NPS Management Policies 2006, park resources and values at risk for being impaired include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structure, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and

- any additional attributes encompassed by the specific values and purposes for which the park was established.

Impairment could result from NPS activities in managing the park, visitor activities, or activities undertaken by concessionaires, contractors, and others operating in the park. Impairment could also result from sources or activities outside the park, but this would not be a violation of the 1916 Organic Act unless the NPS was in some way responsible for the action.

How is an Impairment Determination Made?

§1.4.7 of NPS Management Policies 2006 states, "In making a determination of whether there would be an impairment, an NPS decision maker must use his or her professional judgment. This means that the decision-maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act; consultations required under Section 106 of the National Historic Preservation Act; relevant scientific and scholarly studies; advice or insights offered by subject matter experts and others who have relevant knowledge or experience; and the results of civic engagement and public involvement activities relating to the decision."

Non-Impairment Determination for the Selected Alternative

This determination of no impairment has been rendered solely by the NPS and pertains only to the issuance of an SUP pursuant to 36 CFR § 5.6 (c) to allow use of the Park Road by commercial vehicles in connection with the construction and operation of the ATST project. This determination is based on the professional judgment of the Park manager in analyzing the information contained in: the Environmental Impact Statement (EIS) for the ATST, Haleakala, Maui, Hawaii and Record of Decision (ROD); the Environmental Assessment (EA) for Issuance of an Incidental Take License and Proposed Conservation Measures Associated with the ATST Project, Haleakala, Maui, Hawaii and Finding of No Significant Impact (FONSI); and the Supplemental Environmental Assessment (SEA), ATST Project, Haleakala, Maui, Hawaii and FONSI. The impairment determination does not include discussion of impacts to visitor experience, socioeconomic, public health and safety, environmental justice, land use, park operations, etc. This is because impairment findings relate back to park resources and values, and the above impact topics are not generally considered to be park resources or values according to the 1916 Organic Act, and cannot be impaired in the same way that an action can impair park resources and values.

Impacted resources within Haleakala National Park (Park) assessed for impairment are as follows:

Biological Resources

Biological resources of concern within the Park Road corridor include the endangered Hawaiian Goose (nene) and the endangered Hawaiian Petrel (uau). Additionally, there is concern about the introduction of invasive species to the Park. Mitigation measures have been identified in the EIS and ROD, EA and FONSI, and SEA and FONSI to avoid or minimize impacts to these biological resources. They are as follows:

Hawaiian Goose (nene)

- The construction and removal of the temporary bypass next to the Park Entrance station shall take place outside of nene nesting season (between April 15 and September 30). Nene avoidance methods shall be implemented during the construction and removal work including: survey of site for nene prior to work; installation of temporary fencing around the construction area; and site monitor. After removal of temporary bypass, the disturbed area shall be revegetated with native plants that are not attractive to nene and managed for a period of 10 years.
- Reporting of nene fatalities along Park Road that can be attributed to ATST-related traffic to the NPS and US Fish and Wildlife Service.

- ATST-related drivers shall receive a briefing/refresher briefing regarding nene at the beginning of their nesting season (approximately on November 1 of each year).
- NPS shall be given funds to implement the installation of traffic calming devices such as temporary speed humps and portable signs along the Park Road to minimize vehicle collisions when nene are identified in the area.
- NPS shall be given funds to construct and operate a holding pen within the Park to temporarily hold and care for nene.

In addition to these mitigation measures, a US Fish and Wildlife Service (USFWS) incidental take statement has been issued that allows the taking of up to nine Hawaiian geese by ATST project-related traffic along the Park Road.

Hawaiian Petrel (uau)

- No nighttime (defined as 30 minutes prior to sunset to 30 minutes after sunrise) driving for ATST-related traffic.

Invasive Species

- NPS vehicle, equipment, and materials washing and inspection protocol shall be followed by the ATST Project to prevent alien invasive species from being introduced into the Park.
- A programmatic monitoring plan for invertebrates, flora and fauna shall be implemented during the ATST project within selected areas of the Park Road corridor.

With the implementation of the above mitigation measures and the issuance of a take license by the USFWS, there will be no impairment to biological resources within Haleakala National Park.

Historic Resources

Historic resources of concern within the Park Road corridor are the Park Road and associated features. The Park Road is a historic cultural landscape that is eligible for listing on the National Register of Historic Places. Mitigation measures have been identified in the EIS and ROD, EA and FONSI, and SEA and FONSI to avoid or minimize impacts to this historic resource. They are as follows:

- All historic features associated with the Park Road corridor shall be photographed and documented by a qualified person, in coordination and consultation with the NPS, prior to and after construction of the ATST project.
- Loads no heavier than the current loading rating for the historic Park bridge shall be allowed within the Park. Vehicles transporting wide and extremely wide loads shall avoid driving on the edges of the road. Extremely wide loads shall not exceed the clearances along the Park Road corridor.
- NPS shall be reimbursed for any expenditure required for repairing damage to historic features within the Park Road corridor, if such damage results from ATST construction-related traffic.

In addition to these mitigation measures, a Programmatic Agreement (PA) and a PA amendment was executed between the National Science Foundation, NPS, Hawaii State Historic Preservation Officer, Advisory Council on Historic Preservation and others to minimize and mitigate potential adverse impacts to historic properties along the Park Road corridor from the ATST project. With the implementation of the above mitigation measures and the PA and PA amendment, the Park has determined there will be no impairment to historic resources within Haleakala National Park.