

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

January 13, 2012

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: REQUEST TO CONDUCT A PUBLIC HEARING REGARDING A SET ASIDE OF APPROXIMATELY 342.24 ACRES AS AN EXTENSION OF PUU MAKAALA NATURAL AREA RESERVE AT TMK (3) 2-4-08:09 (POR), SOUTH HILO, HAWAII

AND

REQUEST APPROVAL OF DECLARATION OF EXEMPTION FROM CHAPTER 343, HRS, ENVIRONMENTAL ASSESSMENT REQUIREMENTS FOR THIS ACTION

SUMMARY:

A portion of TMK (3) 2-4-08:09 is proposed as an extension of Puu Makaala Natural Area Reserve (NAR), under the Division of Forestry and Wildlife (DOFAW), Department of Land and Natural Resources (DLNR). The proposal includes an area of approximately 342.24 acres of Conservation District land in the General and Resource Subzones in the South Hilo district of the island of Hawaii. Attachment 1 contains maps and a description of the important and unique resources that led to the nomination of this area as a NAR.

BACKGROUND:

This subject area was previously used as pasture by the Department of Public Safety (PSD) as part of the former Kulani Correctional Facility (KCF). This area is separate from the main developed site of the former KCF and does not contain any buildings. In 2005, PSD removed cattle from the area, and the area has been restoring as a native forest. Following the closure of the KCF announced in July 2009, the NARS Commission recommended extending the Puu Makaala NAR into undeveloped portions of the 7,244.27-acre KCF on May 5, 2010, including the subject area. On June 10, 2010, the BLNR approved DOFAW's Item C-3 to hold a public hearing to extend approximately

6,600 acres of the Puu Makaala NAR into undeveloped portions of KCF. This did not include the approximately 342.24-acre restoration area, which the State of Hawaii, Department of Defense (DOD) was proposing for military training use, as well as the additional approximately 279.76 acres that contained the facility buildings that was being proposed by DOD for use as a Youth Challenge Academy.

A public hearing was held on July 12, 2010 for the proposed NAR. Fifty-five (83.5%) individuals/organizations expressed support of the NAR proposal, while five (7.5%) individuals opposed and six (9%) presented comments. DOFAW received multiple comments that supported further extending the NAR into the subject 342.24-acre restoration area. On September 9, 2010, the BLNR approved item C-1 which set aside 6,600 acres to DOFAW as an extension of the Puu Makaala NAR, followed by Executive Order No. 4338 signed on November 4, 2010 which finalized the NAR set aside of the approximately 6,600 acres. The remaining approximately 622 acres of the former KCF (including the 342.24-acre subject area) was set aside to the State of Hawaii, Department of Defense (DOD), to operate a Youth Challenge Academy.

When DOD's set aside was before the Board at the September 9, 2010 meeting, Item D-3, DOD requested permission to conduct military training on the land, primarily in the subject restoration area. The Board action amended Item D-3 to prohibit military training at Kulani. One consequence on the military training prohibition was that DOD no longer had use for the subject restoration area. Following a cancellation of the DOD's set aside by Senate Concurrent Resolution 14, the 622 acres returned to in inventory of the DLNR as unencumbered land.

At its meeting of October 28, 2011, Item D-15, the Board approved, among other actions, an immediate management right-of-entry to DOFAW for the 342.24 acres for data collection, surveys, and conservation activities, noting that DOFAW was processing the addition of the area to the NAR.

DISCUSSION:

Pursuant to HRS §195-4, a public hearing is required to designate State lands into the Natural Area Reserves System. Extending the Puu Makaala NAR would afford long-term protection to restoration areas that provides habitat for endangered forest birds and plants where significant conservation management has already occurred. The area is also a priority for the future release of the *Alala*. Designation of this restoration site as a NAR will provide a foundation for continued conservation work, training, and service learning programs. NAR designation will assist with NAR management, as it will be easier to delineate a clear boundary between the NAR and the facility through fencing and signage.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

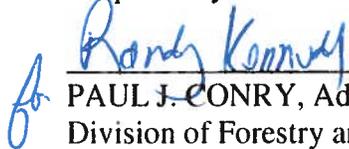
In accordance with the requirements of Chapter 343, HRS, and Hawaii Administrative Rules (HAR) § 11-200-8 (A) (10) Continuing administrative activities including, but not

limited to purchase of supplies and personnel-related actions, this subject action is exempt from the preparation of an environmental assessment.

RECOMMENDATION: That the Board:

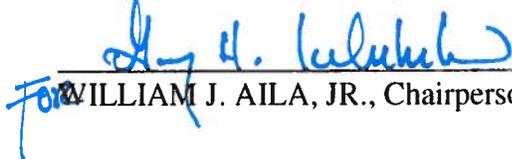
- 1) Declare that, after considering the potential effects of the proposed action as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this action will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
- 2) Grant permission to conduct a public hearing on Hawaii Island to add approximately 342.24 acres into the Natural Area Reserves System;
- 3) Authorize the Chairperson to set the dates and times for the public hearing and;
- 4) Authorize the Chairperson to appoint a hearing master for the public hearing.

Respectfully Submitted,



PAUL J. CONRY, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR., Chairperson

Attachment



PROPOSAL FOR THE EXTENSION OF PU`U MAKA`ALA NATURAL AREA RESERVE

December 2011

I EXECUTIVE SUMMARY

Approximately 342.24 undeveloped acres north of the former Kūlani Correctional Facility, TMK (3) 2-4-08:09, are proposed for inclusion in the State of Hawai`i Natural Area Reserve System (NARS). Extending the Pu`u Maka`ala NAR would afford long-term protection to restoration areas that provides habitat for endangered forest birds and plants where significant conservation management has already occurred.

II INTRODUCTION (General)

In November 2010, an approximately 6,600-acre portion of forested and undeveloped land near the former Kūlani Correctional Facility (KCF), in the South Hilo district of Hawai`i, was designated part of the Pu`u Maka`ala Natural Area Reserve. This proposal nominates an additional adjacent area that also provides important habitat for endangered species. This tract of land contains open areas for viewing rare native birds. NARS rules permit, among other activities, "Hiking and nature study of group size of ten or less are permitted except where restricted pursuant to sections 13-209-4.5 and 13-209-4.6."

While this area was formerly used as a pasture, it is reforesting after ungulates were removed in 2005 and contains montane wet ecosystems. Federal Critical Habitat is designated for seven plant species within the parcel, and the proposed extension is part of a corridor of high elevation native forest that provides habitat for the endangered Hawaiian Goose, nēnē, (*Nesochen sandwichensis*), Hawaiian bat, `ope`ape`a, (*Lasiurus semotus cinereus*), Hawai`i creeper (*Oreomystis mana*), Hawai`i `akepa (*Loxops coccineus*), `akiapōlā`au (*Hemignathus munroi*), Hawaiian dark rumped petrel (*Pterodroma phaeopygia sandwichensis*), and band-rumped storm petrel (*Oceanodroma castro*) (Candidate) (OKP, 1999).

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) and the Three Mountain Alliance have partnered with the Kūlani Correctional Facility to co-manage this area on a landscape scale to protect the rare species and important natural habitats that span property boundaries.

III BACKGROUND AND HISTORY

Past and Present Land Use

The southern section of the Kūlani Correctional Facility (KCF) was established as the Upper Ola`a Forest Reserve in 1913, and the northern sections were proclaimed the Upper Waiākea Forest Reserve in 1923. In 1948, Executive Order (EO) 1224 withdrew 5,600 acres of the Upper Waiākea and Upper Ola`a Forest Reserves to be set aside as the

Kūlani Prison Farm (EO 1225) under the control and management of the then-Department of Institutions. EO 1588 set aside an additional 2300.27 acres of Upper Waiākea Forest Reserve to add to the Prison Farm in 1953. In 1981, EO 3092 withdrew 656 acres of the southernmost part of the prison set aside that surrounds Kūlani cone to become part of the Pu`u Maka`ala Natural Area Reserve.

The 7,244.27-acre KCF began in 1946 and grew to include a 200-bed facility. For years, approximately 900 acres of the parcel were used as pastures for cattle grazing and a piggery for job training in agricultural industries. The general public had restricted access to this area as part of the management of the Correctional Facility.

The Department of Public Safety and the DLNR – Division of Forestry and Wildlife joined the Ola`a- Kīlauea Partnership in 1994 by signing a Memorandum of Understanding. In 2007, that partnership expanded to become the Three Mountain Alliance (TMA). TMA works through partnering to expand watershed protection and management to over one million acres across the volcanoes of Mauna Loa, Kīlauea and Hualālai, thus making it the largest cooperative land management effort in the state of Hawai`i. Three Mountain Alliance and the Department of Public Safety have implemented conservation projects to successfully protect Kūlani from ungulates and have worked to control invasive plant species. This includes fencing the entire Kūlani parcel combined with units in the Pu`u Maka`ala NAR and vicinity.

Beginning in 1994, the Department of Public Safety provided important in-kind support for TMA projects by providing staff and inmate assistance with critical conservation activities. TMA and NARS work at Kūlani included fence maintenance, pig control, weed control, native habitat restoration, and providing work training to Kūlani inmates. Management success has already been demonstrated with koa and `ōhi`a forest restoration occurring in areas relieved from feral ungulate pressure and the removal of domestic cattle from former pastures in 2005.

In July 2009, the Department of Public Safety announced the closing of the correctional facility and a proposal with the State Department of Defense (DOD) to create a Youth Challenge Academy (YCA) in the facility, run by the Hawai`i National Guard. In November 2010, an approximately 600-acre tract of land that contained the facility was set aside as a YCA by then-Governor Lingle, however in 2011 the Senate cancelled that set aside and related easements through Senate Concurrent Resolution 14 which sought to re-establish the correctional facility. On October 28, 2011, the DOD was granted a revocable permit for approximately 279.76 acres for the Youth Challenge Academy, while DOFAW was granted a management right-of-entry for the remaining 342.24 acres, among other actions.

Cultural/Recreational Uses

The State Historical Preservation Division noted in 1998 that there were no known records of archeological surveys in this area, and predicted that few sites would be found in the forested area which is well inland of the zone of pre-contact Hawaiian permanent settlement (OKP, 1998).

In 2004, a cultural study of the Pu`u Maka`ala Natural Area Reserve was conducted for the NARS. This study included cultural information on uses, beliefs, etc that also could apply to Kūlani, such as:

Kū-ka-`ōhi`a-Laka, is a defied guardian of the `ōhi`a growth of `Ōla`a; Ua-kuahine, is the body form of a goddess of the rains in `Ōla`a; and Kū-lili-ka-ua is the god of the thick mists that envelop the forests of the upper Puna.

(Kumu Pono Associates, 2004)

This cultural study also documents traditional accounts, bird catching practices, visitor descriptions from the historical period, land tenure documents, surveys and government communications about this area and may be found at:

<http://Hawaii.gov/dlnr/dofaw/nars/reserves/big-island/puumakaala>

Previous Studies

This area has been surveyed for biological resources including vegetation and endangered plant species, forest bird populations, avian diseases, yellowjacket wasps, and alien plant and ungulate levels. The studies done in this area have been documented by the Ola`a-Kīlauea Partnership and may be read by viewing a previous nomination for a larger extension that as designated in 2010 at:

<http://Hawaii.gov/dlnr/dofaw/nars/pm.doc>.

IV JUSTIFICATION (Specifics)

Scientific Value

This area is of high scientific value and has been used as a research site for many studies. Kūlani provides a study site to test the effectiveness of management activities such as outplanting, invasive weed control and predator control in areas protected from ungulates. This area also may serve as a test site to determine native regeneration in areas previously used as pasture.

Representativeness

Protecting additional areas of forest bird habitat is a major justification for designating this area as a NAR. The ecosystems of Kūlani are important for the representation of forest bird habitat, especially as climate change is forecasted to increase disease vector ranges. Kūlani has some of the highest densities of native forest birds areas on the island and is very important as most of the area is above 5,000 feet, where climate restricts mosquitoes and development of malarial parasites (US DOI, 2006). This area has been designated an “Important Bird Area” by the Audubon society, as one of the most important remaining concentrations of endemic Hawaiian birds, including populations of four species that are endemic to Hawai`i Island and are listed under the U.S. Endangered Species Act (National Audubon Society, 2009). This area is also a potential `alalā release site.

Researchers have documented various soil microarthropods, damselflies (*Megalagrion*), picture wing (*Drosophila*) flies, and common *Succenia* tree snails. Lava tubes may harbor additional undocumented invertebrates (OKP, 1999).

Natural Communities and their Status

Large areas of native trees remain in some of the former pasture areas, and with cattle removal in 2005, regeneration of native forest is already occurring. This is an ongoing restoration site as the areas are surrounded by high-quality native forest.

Rarity

Federal Critical Habitat is designated for seven species of plants in Kūlani. This area is also within the current ranges and Recovery Area for the Hawai'i creeper, `akiapōlā`au, and the Hawai'i `akepa (USFWS, 2006). The NAR has been identified as a priority site for `alalā release. This area is adjacent to potential release sites. Addition to NAR would facilitate future `alalā release efforts and provide additional protected habitat for this highly endangered species.

Biological/Ecological Design

The boundaries of this proposed NAR are meant to extend the current Pu`u Maka`ala NAR into areas that demonstrate the ability of disturbed areas to reforest after ungulate removal. With reforestation, this area provides a habitat corridor for high densities of forest birds, and unique endangered plant species. This will allow the Pu`u Maka`ala NAR to be more defensible as a larger contiguous area is designated and managed for long-term ecosystem preservation.

Location and Size

The area is approximately 342.24 acres within the area formerly set aside to the DOD (approximately 622 acres), however only undeveloped and reforesting portions of the property are proposed as a NAR extension. The NAR proposal does not include the developed site of the facility. The area is identified by TMK (3) 2-4-08:09, and is approximately 1.5 miles long and 0.5 miles wide. The elevational gradient is from approximately 5,100 ft elevation to 5,800 ft.

To the south is the developed area of the facility. The Pu`u Maka`ala NAR almost entirely surrounds the proposed extension. Stainback Highway accesses the parcel, and terminates in the prison facility. An unpaved road goes north from the facility that bisects the proposed NAR, and other unpaved roads and fencelines follow other sections of the boundaries of the proposed NAR extension.

Threats (Human/Biological)

Grazing cattle in this area in the future or other land uses inconsistent with conservation is a major threat. While the area is fenced and pig free, mouflon sheep and goats may be a threat as their numbers increase in the State lands to the north (OKP, 2003). Pigs are still a threat to the area if fences are not regularly maintained as high populations of pigs occur in Forest Reserve lands to the east.

The TMA has identified the following high priority weeds for the entire partnership area: miconia (*Miconia calvescens*), firetree (*Morella faya*), banana poka (*Passiflora tarminiana*), yellow Himalayan raspberry (*Rubus ellipticus*), and strawberry guava (*Psidium cattleianum*). The 1989 Management Plan for the Pu`u Maka`ala NAR also included Palm grass (*Setaria palmaefolia*), blackberry (*Rubus argutus*), kähili ginger (*Hecyhium gardnerianum*) and clidemia (*Clidemia hirta*), and Firetree (*Myrica Faya*) as priority weed threats. Recovering native species will compete with the established pasture grasses present in the area. Invertebrates are threatened by the yellowjacket wasp and extermination of plant species that are specifically needed to complete their life cycle (OKP, 2003).

Studies of bird populations since 1977 have shown that at least five native birds (`akiapōlā`au , creeper, `elepaio, `oma`o and i`iwi) in this area may be declining in occurrence and/or density (Gorresen *et al*, 2005). `Akepa trends were variable, which may leave a downward trend undetected (Gorresen *at al*, 2005). `Amakihi and `apapane were the only birds that showed increasing or stable trends in this area (Gorreson, *et al*, 2005). Native forest birds are threatened by mosquitoes (*Culex quinquefasciatus*) which transmit avian malaria and pox, and increases in the density and impacts of predator populations, particularly rats (*Rattus rattus*, *R. exulans*) (OKP, 2003). Small mammal predators also are threats to native plants, as they devour seeds and seedlings. Habitat degradation as well as the loss of genetic diversity also cause the decline of these birds. Observed birds such as the Japanese white-eye (*Zosterops japonicus*) and redbilled leiothrix (*Leiothrix lutea*) may also compete, spread invasive species, and act as disease reservoirs. The Japanese bush warbler (*Cettia diphone*) is present nearby in Waiākea but has not been recorded in Kūlani (Gorreson *et al*, 2005). Non-native forest birds exhibited declines in occurrence/and or density in Kūlani since 1977 (Gorreson *et al*, 2005).

Present Level of Protection

Development is regulated by the rules of the State Conservation District (in the General and Resource Subzones) as well as State and Federal endangered species rules.

Additionally, the presence of endangered species and critical habitat are additional regulatory layers. Designation of critical habitat requires Federal agencies to consult with the Fish and Wildlife Service on actions the Federal agency carries out, funds, or authorizes, to ensure that their actions will not destroy or adversely modify critical habitat. Activities that modify or degrade the habitat for these species could constitute an incidental take of species which would require a license and/or a Habitat Conservation Plan.

In Kūlani, conservation management activities have been ongoing since 1992, and it currently has one of the highest levels of management protection in Hawai`i. The inclusion of this area in the Ola`a-Kīlauea Partnership, which later became the Three Mountain Alliance, resulted in a major increase in conservation activities in this area, as Kūlani is in the core of the partnership. However, TMA members are bound by a Memorandum of Understanding that is voluntary and can be terminated at any time.

NAR designation would best allow partners to follow through on the current path to protect this recovering forest and the endangered species that it sustains.

Long-term Ecological Viability

While this area was formerly pasture, the complete fencing and ongoing management of the area greatly increases the long-term viability of this forest. There has been extensive native forest recovery in the area since cattle were removed in 2005. Surrounding areas have high habitat quality and will aid in the restoration of the area as native seeds spread naturally in the property. Additionally, the presence of the Three Mountain Alliance and the management efforts on adjacent lands will also benefit Kūlani. However, without binding commitments for continued access and management capabilities, the future of this area is uncertain.

Environmental Consequences of No Action

The environmental consequences of no action would be to lose an opportunity to designate an important conservation area during a key time of transition. Environmental consequences of no action would mean less long-term management protection and future hurdles to implement proactive conservation projects such as active efforts to increase existing populations of endangered species.

Urgency

This window of opportunity to facilitate access and conservation management agreements may be lost if NAR designation does not occur during this transition of management jurisdiction.

V. MANAGEMENT NEEDS

Threats Requiring Management

Management needs include:

- Fence and infrastructure maintenance.
- Maintenance of ungulate-free management units.
- Weed control.
- Predator (e.g. small mammals and predatory non-native invertebrates) control.
- Native habitat restoration, natural and managed (including monitoring of rare species).
- Continue vocational training: Horticulture program/greenhouse, native species restoration.

Administrative

The Department of Land and Natural Resources proposes further discussions and coordination with other State agencies, including the Department of Public Safety and the Department of Defense regarding future plans for the adjacent areas including the former correctional facility.

VI. PUBLIC OUTREACH

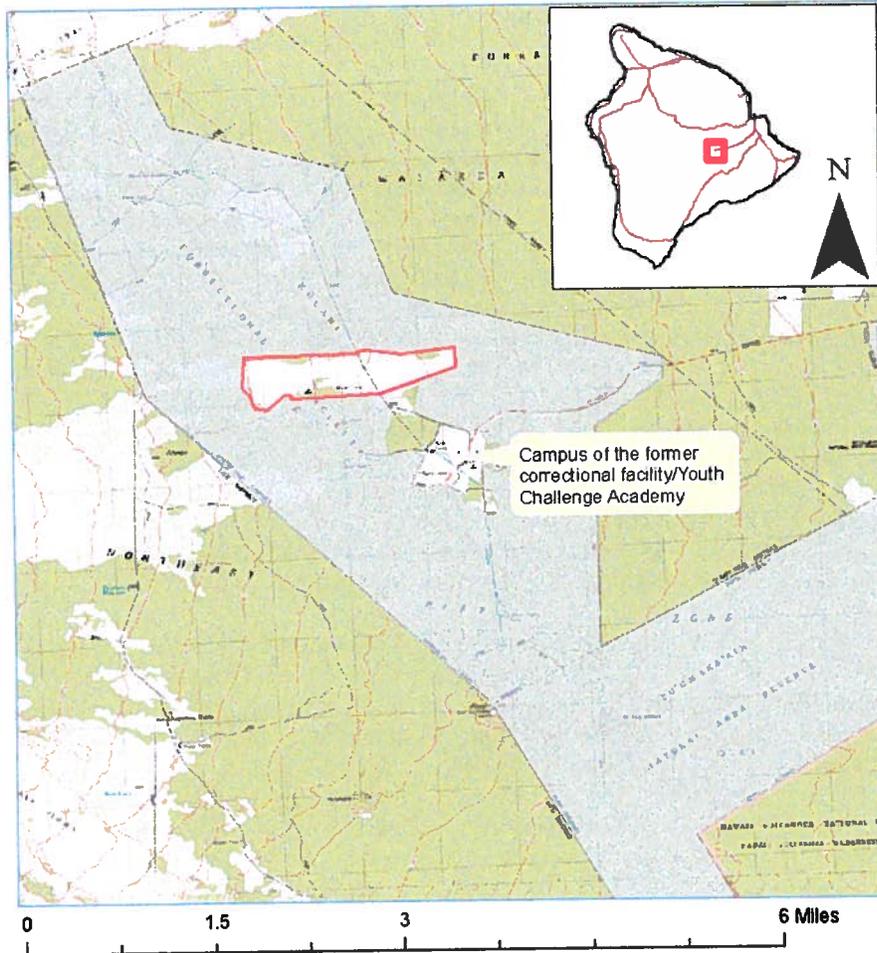
*Agencies, Organizations, and Individuals Notified**

*Interested parties will be notified and a formal public hearing and comment period will occur for this nomination pursuant to Hawai'i Revised Statutes § 195-4.

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Extension of the Puu Makaala NAR



Legend

-  Pu'u Maka'ala NAR
-  Proposed NAR Extension

Final survey will determine exact boundaries, map contains approximate location and is subject to change.