

STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i

April 25, 2014

Chairpersons and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

SUBJECT: APPROVAL IN CONCEPT THE WITHDRAWAL OF TAX MAP KEY (3) 4-6-011:040, COMPRISING APPROXIMATELY 238 ACRES, FROM THE HĀMĀKUA FOREST RESERVE, HĀMĀKUA, HAWAI'I

APPROVAL IN CONCEPT FOR THE REDESIGNATION OF TAX MAP KEYS (3) 3-9-001: PORTION OF 013 AND 018, COMPRISING APPROXIMATELY 40.09 ACRES, FROM DEMONSTRATION FOREST PURPOSES, TO THE HUMU'ULA SECTION OF THE HILO FOREST RESERVE, NORTH HILO, HAWAI'I.

APPROVAL IN CONCEPT FOR THE REDESIGNATION OF TAX MAP KEYS (3) 4-9-001: PORTION OF 007, (3) 4-9-013: PORTION OF 001 AND (3) 4-9-014:001, 003-005, 008-011, 013-014, 017, AND 020-022, COMPRISING APPROXIMATELY 3431.48 ACRES, FROM WAIMANU NATIONAL ESTUARINE RESEARCH RESERVE, TO THE WAIMANU SECTION OF THE KOHALA FOREST RESERVE, HĀMĀKUA, HAWAI'I.

SUMMARY:

This Board submittal requests approval in concept for a withdrawal of lands from the Hāmākua Forest Reserve and redesignation of lands to the Hilo Forest Reserve and Kohala Forest Reserve on the Island of Hawai'i. These actions represent effort by the Division of Forestry and Wildlife (Division) to complete previously initiated processes and to correct past actions or oversights.

LEGAL REFERENCE:

Section 183-11, Hawaii Revised Statutes, as amended.

LOCATION AND AREA:

See Exhibit A.

ZONING AND TRUST LAND STATUS:

See Exhibit A.

BACKGROUND AND DISCUSSION:

Hāmākua Forest Reserve

Background: Tax map key (TMK) (3) 4-6-011:040 which is approximately 238 acres (Exhibit B), was included in Governor's Proclamation dated December 22, 1928, that established Hāmākua Forest Reserve. On April 15, 1966, The State of Hawai'i issued The Boy Scouts of America (BSA) a long term general lease (GL-4102) for TMK (3) 4-6-011:040, which was developed into an educational and recreational area called Camp Honokaia.

In 2004, the parcel was the subject of a land exchange between the Department of Land and Natural Resources (DLNR) and the BSA involving private land in Waikele, O'ahu, for public lands located on the islands of O'ahu, Kaua'i, and Hawai'i. After review and approval by the Department of the Attorney General, a land exchange was executed by the Governor and all appropriate parties and recorded in the Bureau of Conveyances on April 8, 2004.

Discussion: Given that the land exchange between the BSA and the State of Hawaii has been completed, the Division seeks to formally withdraw TMK (3) 4-6-011:040 which is no longer State land, from the Hāmākua Forest Reserve. The BSA has no objections to this removal of lands from the Hāmākua Forest Reserve.

Hilo Forest Reserve

Background: On July 10, 1998 Item D-1, the Board of Land and Natural Resources (Board) approved setting aside TMKs (3) 3-9-001: por. 013 and 018 (Exhibit C) which are State lands as well as former cane lands, to the Division "for potential demonstration forest projects." On July 28, 2000 Item C-2, the Board approved a Master Cooperative Agreement between the Division of Forestry and Wildlife, the Laupahoehoe Train Museum, the North Hilo Community Council and the Laupahoehoe High School, to conduct services relating to the "Ookala Community Forest", which was defined to be composed of TMKs (3) 3-9-001: por. 013 and 018. According to the Master Cooperative Agreement which was executed on September 26, 2000, the land in question would remain under the jurisdiction of the Division, and the community partners would mobilize resources needed to manage the land and implement projects that are mutually agreed to by the oversight committee. The State, in exchange, would allow the community continued access during the life of the agreement, which is still ongoing. On May 9, 2002, EO3992 was executed, officially setting aside both parcels to the Division of Forestry and Wildlife "FOR POTENTIAL DEMONSTRATION FOREST PROJECTS ALONG HAMAKUA COAST."

In September 2002, the Laupahoehoe Train Museum was awarded a Forest Stewardship Grant for management activities at the "Ookala Community Forest" and entered into an agreement to implement management activities outlined in their Forest Stewardship management plan. They are no longer receiving cost share assistance from the State under the grant and are currently in

the maintenance phase of their contract which terminates on June 30, 2030. In addition to the Forest Stewardship agreement, TMK (3) 3-9-001:013 is currently encumbered by two perpetual non-exclusive easements: Land Office Deed (LOD) 28504 with Verizon Wireless Inc. and LOD 28144 with Hawaii Electric Light Co. Inc.

Discussion: Under the current set aside, the demonstration forest designation threatens to jeopardize effective management, planning and related enforcement activities due to a lack of applicable rules and statutes. Changing the designation of these parcels to forest reserve would place the area under broad forest reserve management guidelines and afford it the protection of the statutes and administrative rules that exist for the Forest Reserve System.

The utility easements LOD 28504 and 28144 will not be affected by the change in designation. Additionally, the Division of Forestry and Wildlife currently has management jurisdiction of these lands, and would retain jurisdiction with their transfer to the Forest Reserve System. The Division will develop an appropriate land use agreement with the Laupahoehoe Train Museum to allow continued management and maintenance of the "Ookala Community Forest" as established in the Forest Stewardship Agreement. As such, management objectives for the area would not change with this transfer.

Therefore, the Division seeks the cancellation of Executive Order (EO) 3992, to be replaced by a new EO incorporating TMKs (3) 3-9-001: por.013 and 018 into the Forest Reserve System as part of the Humu'ula section of the Hilo Forest Reserve.

Kohala Forest Reserve

Background: In 1972, the United States Congress enacted the Coastal Zone Management Act (CZMA) to address the continued growth that was occurring in the coastal zone nationwide. The CZMA also created the National Estuarine Research Reserve System, which is administered by the National Oceanic and Atmospheric Administration (NOAA). The reserve system is a partnership between NOAA and coastal States for long-term research, water quality monitoring, education and coastal stewardship.

A National Estuarine Research Reserve (NERR) was established at Waimanu Valley on the Kohala Coast of the island of Hawai'i in 1978 (Exhibit D). At its April 11, 1975 meeting under agenda Item F-9, the Board approved the acquisition of various privately owned parcels of land in Waimanu Valley for the estuarine sanctuary. On April 12, 1990, the Board approved the withdrawal of public lands from the Kohala Forest Reserve for inclusion into the NERR and in the same board action set-aside both the public and private lands (13 parcels were acquired by the State) as the Waimanu NERR. Subsequently, EO3548 was issued withdrawing TMKs (3) 4-9-001: por. 007, (3) 4-9-013: por. 001 and (3) 4-9-014:010, comprising approximately 3381.35 acres from the Kohala Forest Reserve, and EO3555 was issued setting aside TMKs (3) 4-9-001: por. 007, (3) 4-9-013: por. 001 and (3) 4-9-014:001, 003-005, 008-011, 013-014, 017, and 020-022, comprising approximately 3543.48 acres, including a "Portion of the submerged area of Waimanu Bay" to the Division as the Waimanu NERR.

In 1996, Waimanu Valley was officially withdrawn by NOAA from the NERR System due to budget related issues that affected the State's ability to comply with the requirement and regulations governing the program.

Discussion: Since the withdrawal of Waimanu Valley from the NERR System by NOAA, staff has been unable to locate documentation cancelling EO3555 which established the NERR. Under the current set aside, the NERR designation threatens to jeopardize effective management, planning and related enforcement activities due to a lack of applicable rules and statutes. Changing the designation of these parcels to forest reserve would place the area under broad forest reserve management guidelines and afford it the protection of the statutes and administrative rules that exist for the Forest Reserve System.

Therefore, the Division seeks the cancellation of EO3555, to be replaced by a new EO incorporating TMKs (3) 4-9-001: por. 007, (3) 4-9-013: por. 001 and (3) 4-9-014:001, 003-005, 008-011, 013-014, 017, and 020-022, comprising approximately 3431.48 acres (Exhibit E), excluding the portion of submerged area of Waimanu Bay, into the Forest Reserve System as part of the Waimanu section of the Kohala Forest Reserve.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

RECOMMENDATION:

That the Board:

- 1) Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
- 2) Approve in concept the withdrawal of tax map key (3) 4-6-11:040, comprising approximately 238 acres, from the Hāmākua Forest Reserve, Hāmākua, Hawai'i.
- 3) Approve in concept the cancellation of Executive Order 3992, withdrawing tax map keys (3) 3-9-001: por. 013 and 018, comprising approximately 40.09 acres, from POTENTIAL DEMONSTRATION FOREST PROJECTS, North Hilo, Hawai'i.

- 4) Approve in concept the re-set aside of tax map keys (3) 3-9-001: por. 013 and 018, comprising approximately 40.09 acres, to the Division of Forestry and Wildlife for addition to the Humu'ula Section of the Hilo Forest Reserve, North Hilo, Hawai'i.
- 5) Approve in concept the cancellation of Executive Order 3555, withdrawing tax map keys (3) 4-9-001: por. 007, (3) 4-9-013: por. 001 and (3) 4-9-014:001, 003-005, 008-011, 013-014, 017, and 020-022, comprising approximately 3543.48 acres, from the Waimanu National Estuarine Research Reserve, Hāmākua, Hawai'i.
- 6) Approve in concept the re-set aside of tax map keys (3) 4-9-001: por. 007, (3) 4-9-013: por. 001 and (3) 4-9-014:001, 003-005, 008-011, 013-014, 017, and 020-022, comprising approximately 3431.48 acres, excluding the portion of submerged area of Waimanu Bay, to the Division of Forestry and Wildlife for addition to the Waimanu Section of the Kohala Forest Reserve, Hāmākua, Hawai'i.
- 7) Pursuant to HRS Section 183-11, as amended, authorize the Division of Forestry and Wildlife to conduct a public hearing on the Island of Hawai'i regarding the proposed additions to and withdrawals from the State Forest Reserve System on the Island of Hawai'i, and further, pursuant to 183-12, authorize the Chairperson to:
 - a. Set the date, location and time of the public hearing; and
 - b. Appoint a hearing master(s) for the public hearing.

Respectfully submitted,



LISA J. HADWAY, Administrator
Division of Forestry and Wildlife

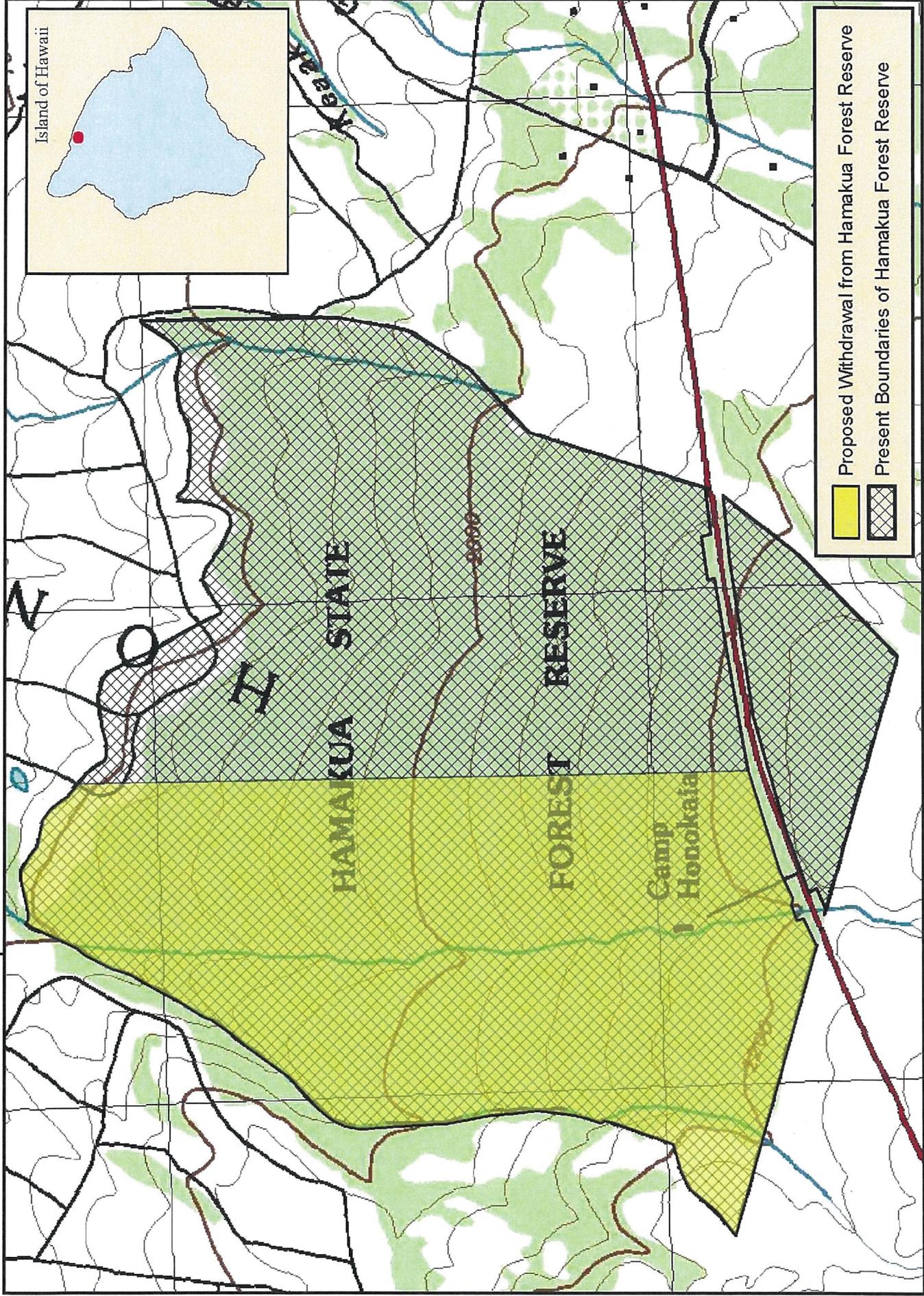
APPROVED FOR SUBMITTAL:



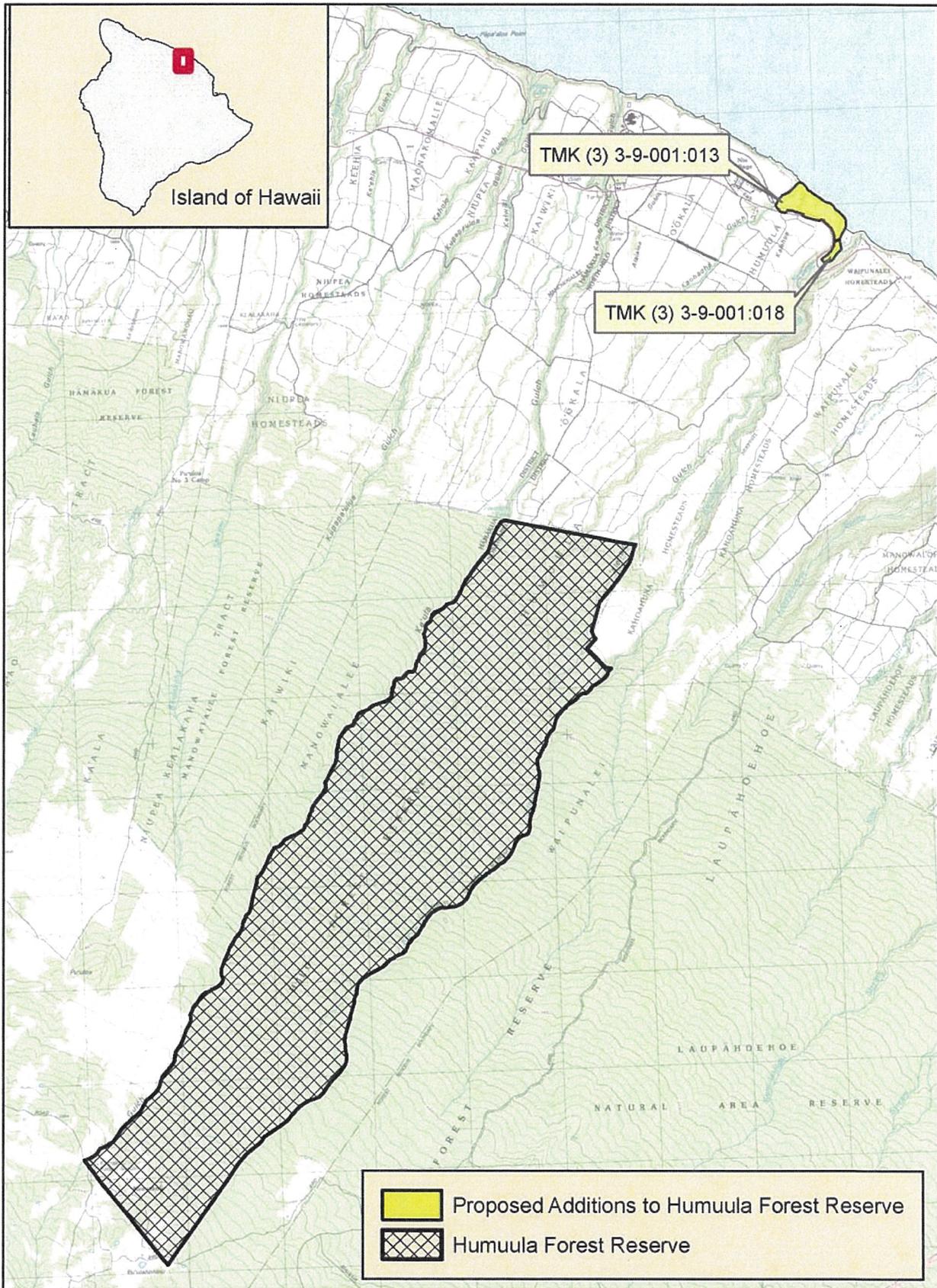
WILLIAM J. AILA, JR., Chairperson
Board of Land and Natural Resources

Proposed Withdrawal from Hamakua Forest Reserve

Exhibit B



Proposed Additions to Humuula Forest Reserve

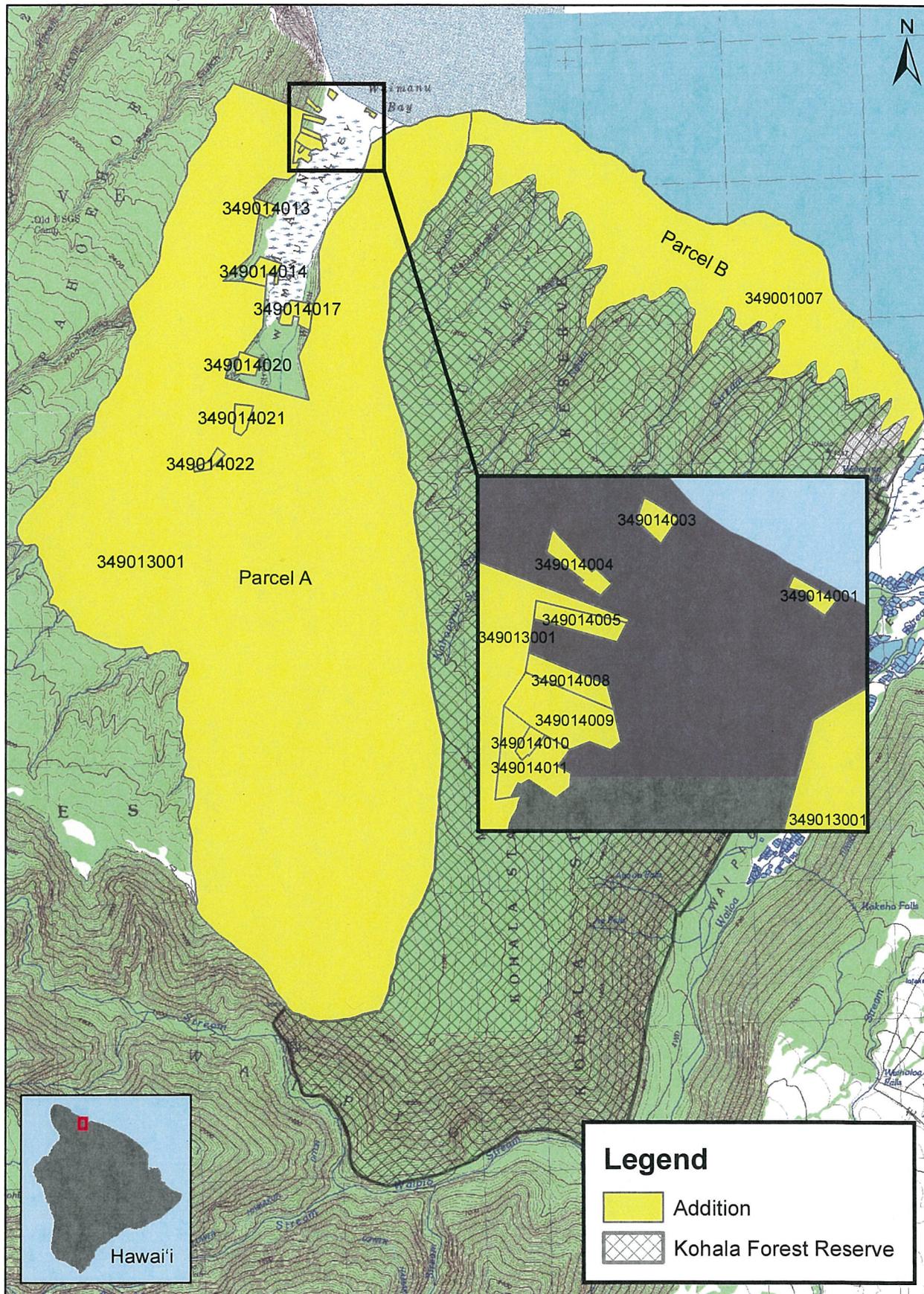


0 0.3 0.6 1.2 1.8 2.4 Miles



DLNR - DOFAW
October 2012

Exhibit D: Proposed Addition to Kohala Forest Reserve



0 0.45 0.9 1.8 Miles