

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

August 22, 2014

PSF No.: 14HD-113

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

HAWAII

Issuance of Right-of-Entry to the Big Island Invasive Species Committee (BIISC), Pursuant to Hawaii Senate Resolution 41 for Conducting Strategic Management Plans for Control of Invasive Albizia Trees at Piihonua, South Hilo, Hawaii, Tax Map Keys: (3) 2-3-029:012 and 2-5-010:001.

APPLICANT:

Big Island Invasive Species Committee (BIISC)

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Piihonua, South Hilo, Hawaii, Tax Map Keys: (3) 2-3-029:012 and 2-5-010:001, as shown on the attached maps labeled **Exhibit A**.

TMK/ DISTRICT/ ZONING/ ENCUMBRANCE/ AREA:

TAX MAP KEY	DISTRICT	ZONING		ENCUMBRANCE	AREA (Acres)
		SLU	CZO		
(3) 2-3-029:012	Piihonua, South Hilo	Cons	Cons	Unencumbered	12.038
(3) 2-5-010:001	Piihonua, South Hilo	Urban	RS/Cons	Unencumbered	17.780

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CHARACTER OF USE:

For conducting strategic management plans to control invasive Albizia Tree purposes.

TERM OF RIGHT-OF-ENTRY:

6-months, commencing on September 1, 2014 and expiring on March 31, 2015.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached below as **Exhibit B**.

DCCA VERIFICATION:

Big Island Invasive Species Committee (BIISC), a non-profit agency under the University of Hawaii Pacific Cooperative Studies Unit, is a volunteer partnership of government, private and non-profit organizations, is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrences and coordinate proposed survey and work activities with State Parks prior to entering the subject right-of-entry area.
- 2) Obtain special permits if required from the Office of Conservation and Coastal Lands, prior to entering and commencement of any work activities relating to the above project.

REMARKS:

At its meeting of August 8, 1997, agenda item D-35, the Board of Land and Natural Resources approved a set aside to State Parks for its Wailuku River State Park, which included Boiling Pots and Rainbow Falls. Research of the file indicates that in the course of processing, it was discovered that a parcel number was inadvertently omitted from the Board action. For reasons unknown, processing of the request never continued and as a result, an amendment of the prior Board action to correct the TMK numbers referenced was never prepared.

Staff will revisit the file to assure processing of the set aside to State Parks is completed to properly transfer the management jurisdiction of subject lands to State Parks as

intended.

Via email letter dated June 3, 2014, Joel Brunger, Field Supervisor, Big Island Invasive Species Committee, requested a right-of-entry onto State properties of Boiling Pots, situated at Piihonua, South Hilo, Hawaii, identified as Tax Map Keys: (3) 2-3-029:012 and 2-5-010:001. Purpose of the right-of-entry is to allow BIISC to enter State properties to conduct its surveys and control activities for Albizia Trees, which was prompted by Hawaii Senate Resolution 41, which urges a statewide strategic management plan for invasive Albizia (*Falcataria moluccana*). BIISC conducts surveys and control activities for invasive plant species and other serious pests on the island of Hawaii. BIISC is a public/private partnership between the Pacific Cooperative Studies Unit, Hawaii Invasive Species Council, USDA Forest Service, US Fish & Wildlife Service, Hawaii Department of Land and Natural Resources, Hawaii Volcanoes National Park, Hawaii Department of Agriculture, and managers and communities across Hawaii Island.

The project on the subject lands is to create an "Albizia-free" buffer zone along the borders of the Wailuku River State Park and the Wailuku River. The control activity will utilize a "hack & squirt" method of herbicide delivery, which consists of making 6" cuts every 8-10" around the entire circumference at the base of the trees and injecting 0.5-1 ounce of an unrestricted herbicide into the cuts. The anticipated results of the treatment will be defoliation within 3 weeks and systemic death soon thereafter. BIISC will be monitoring the treated trees for 1-2 years and will be keeping records of the trees' conditions.

The Office of Conservation and Coastal Lands was consulted and by letter dated July 28, 2014 (COR:HA-15-18), the Office of Conservation and Coastal Lands has determined that no special permit is required. The project is minor in scope and may be considered an exempt action pursuant to the Hawaii Revised Statutes, Chapter 343, as amended, and Hawaii Administrative Rules, Chapter 11-200-8 (a)(4) Minor alterations in the conditions of land, water, or vegetation. **(Exhibit C)**

This request will be issued at gratis. This is a government-sponsored project and Permittee will not profit monetarily as the intended use is strictly for survey and maintenance purposes.

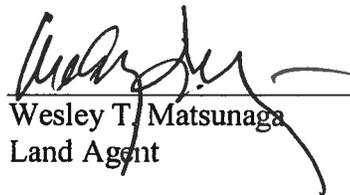
No comments were solicited, as the request will not require any new dispositions or involve a change in land use.

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.

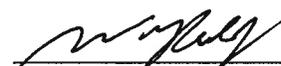
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a right-of-entry permit to the Big Island Invasive Species Committee (BIISC), its consultants, contractors, and/or persons acting for or on its behalf, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. This right-of-entry shall be effective upon the date of acceptance and shall be for a term of six (6) months, and expiring upon completion of the survey and control activities, whichever is sooner.
 - C. This permit shall be issued at gratis;
 - D. BIISC shall obtain written concurrences from State Parks, prior to entering and commencing with any survey and control work activities;
 - E. BIISC shall implement typical Best Management Practices (BMP) while conducting any land use in the conservation district;
 - F. Authorize the Chairperson to issue term extensions as necessary and/or future right-of-entries to the Applicant in relation to its project for strategic management plan for Albizia purposes within the subject area, and
 - G. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Interim Chairperson

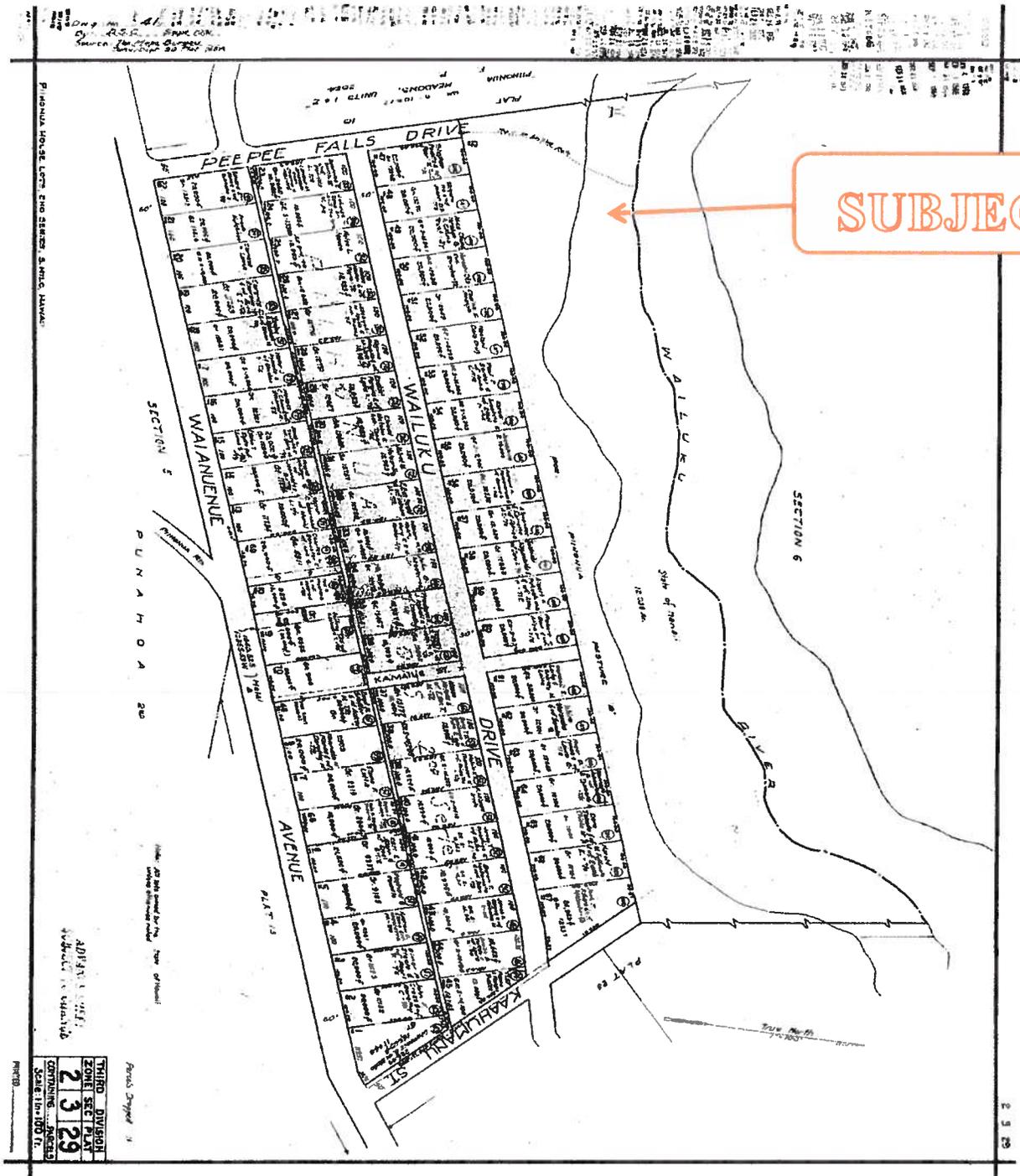


EXHIBIT A

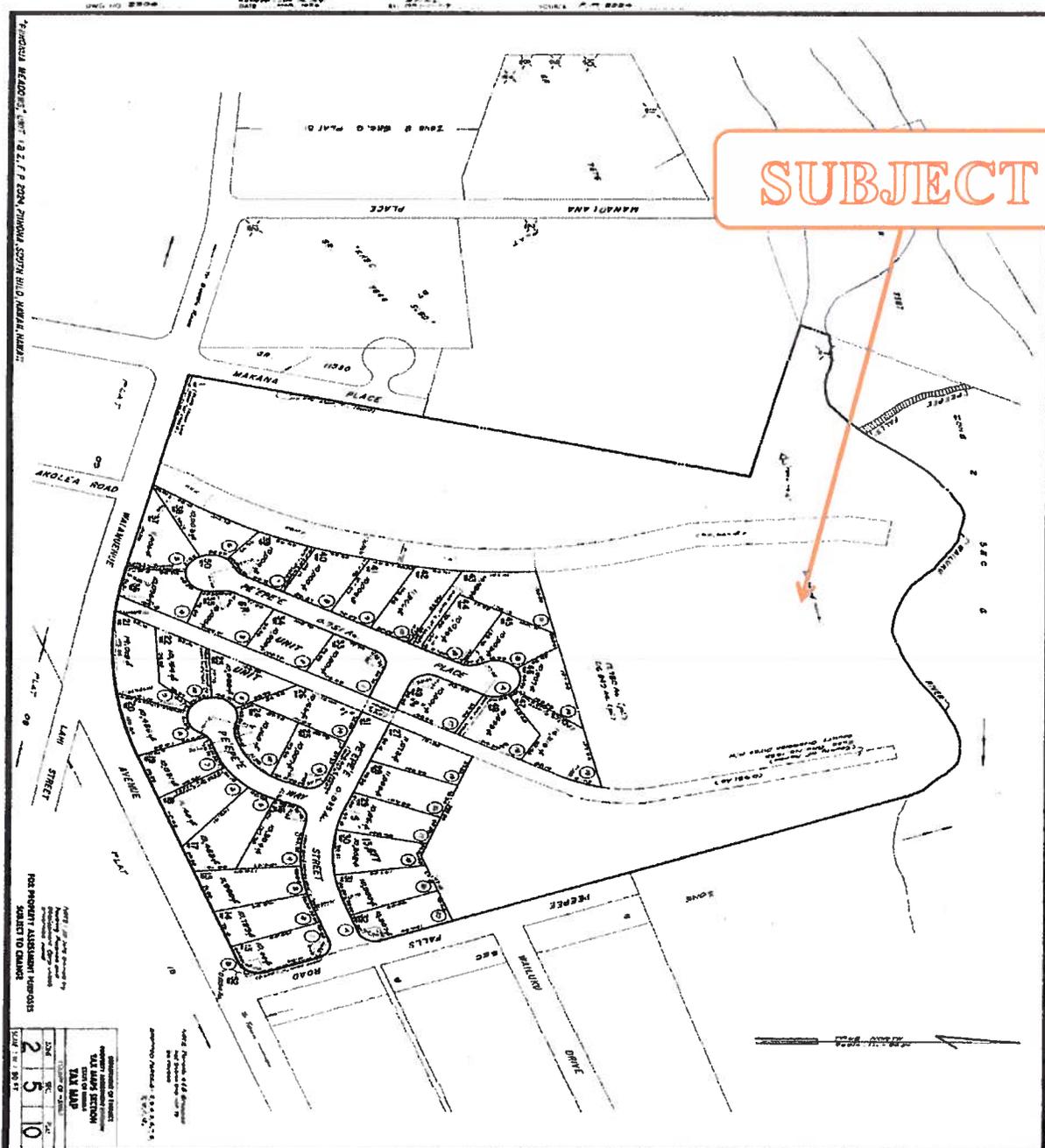


EXHIBIT A

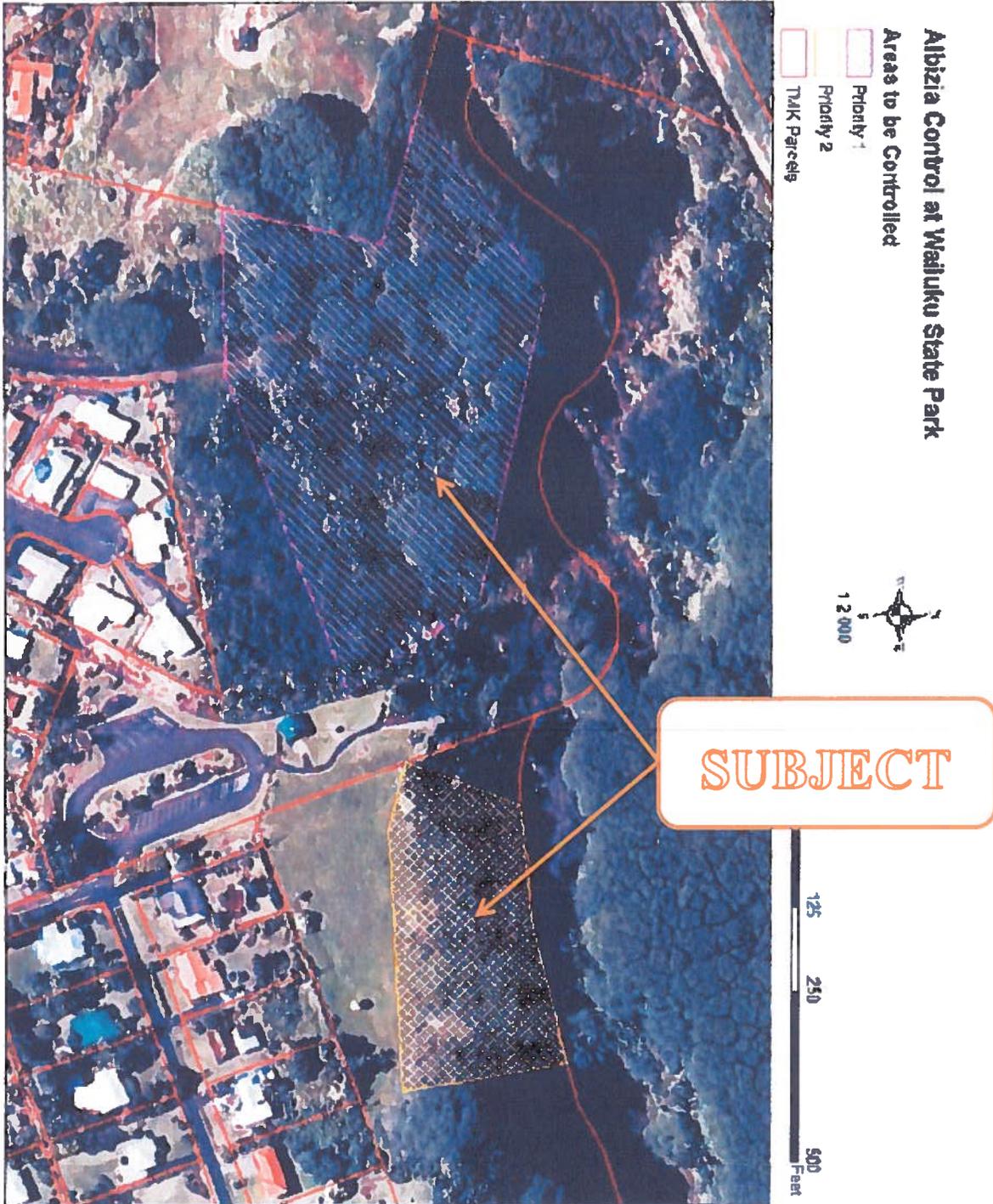


EXHIBIT A

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 22, 2014

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Right of Entry Permit to the Big Island Invasive Species Committee (BIISC) for Survey and Control Activities of Albizia Trees.

Project / Reference No.: PSF No.: 14HD-113

Project Location: Piihonua South Hilo, Island of Hawaii.

Project Description: To authorize BIISC personnel to enter State lands to control invasive Albizia Trees, pursuant Hawaii Senate Resolution 41, which urges a statewide strategic management plan for invasive Albizia (*Falcataria moluccana*). To cut, herbicide and remove overgrown Albizia trees on State lands. The proposed activity is for 90 days, to be conducted between the hours of 8:30am to 3:30pm, daily.

Chap. 343 Trigger(s): Use of State Lands.

Exemption Class No. and Description: In accordance with the Division of Land Management Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to:

Exemption Class No. 1, which states, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." and

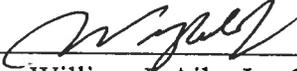
Exemption Class No. 4, which states, "Minor alterations in

EXHIBIT B

Exemption Item Description from Agency Exemption List: the conditions of land, water or vegetation.” Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

Consulted Parties: Minor alterations in the conditions of land, water or vegetation. The Office of Conservation and Coastal Lands and State Parks.

Recommendation: It is recommended that the Land Board find that the issuance of a right-of-entry permit to BIISC is exempt from Chapter 343, HRS, as it will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



William J. Aila, Jr., Chairperson



Date

EXHIBIT B

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



2014 JUL 29 P 1:21

STATE OF HAWAII RECEIVED
DEPARTMENT OF LAND AND NATURAL RESOURCES AND DIVISION
HONO. HAWAII
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. ALLA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
JESSE K. SOUKI
FIRST DEPUTY
WILLIAM M. TAM
DEPUTY DIRECTOR - WATER
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL: AJR

COR: HA-15-18

Joel Brunger
c/o Big Island Invasive Species Committee

JUL 28 2014

Hilo, HI 96720

SUBJECT: INVASIVE SPECIES REMOVAL AT WAILUKU RIVER STATE PARK
South Hilo District, Island of Hawaii
TMKs: (3) 2-5-010:001 & (3) 2-3-029:012

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your letter regarding a proposal to conduct invasive species removal (albizia trees) at the existing Wailuku River State Park which is located in the State Land Use Conservation District Resource Subzone (Exhibit 1).

According to the information provided to this office the Big Island Invasive Species Committee (BIISC) has identified a number of invasive albizia trees (*Falcataria moluccana*) located on the subject parcels within the Wailuku River State Park (Exhibit 2, 2a). Albizia trees are fast growing, and can invade native forests rapidly. The tree grows very tall thus shading out light for competing native species such as the ohia in this area. The tree is also considered extremely brittle with a weak root system, making it a potential hazard to visitors of the State Park. At this time you have requested a special use permit in conjunction with the Hawaiian Tourism Authority to conduct this work; that request is conditional on approval from the Office of Conservation and Coastal Lands (OCCL).

Invasive species removal of the albizia trees will be completed with a "hack and squirt" method of plant control using herbicide. This method involves using a machete or hatchet to make incisions into the base of the tree, every 8-10 inches, around the entire circumference. Approximately 0.5 to 1.0 ounces of herbicide is injected into each incision. The tree will lose its leaves within a few days, after a month the tree will begin to disintegrate and rot in place. The proposed work site is located away from tourist sites, and any trees within 100-feet of any structure or public area will be avoided unless they are considered "non-hazard trees". Non-hazard trees have a diameter of less than two (2) inches and a height of less than twelve (12) feet. These trees will be cut down to the ground and the small stumps will be treated with herbicide. No removal of green waste is necessary or proposed as all material will eventually mulch in place, or disintegrate completely.

EXHIBIT C

BIISC staff will concentrate efforts on the area upriver of the scenic overlook (Priority 1) to accommodate a better experience for park visitors. If support is provided by the State Parks Division a second area, downriver of the scenic overlook (Priority 2), will be roped off from the

public and the invasive species removal process outlined above will be conducted in that area. Additionally, any non-hazardous trees that are located in the riverbed area, or around the scenic overlook, will also be treated and removed (**Exhibit 3**).

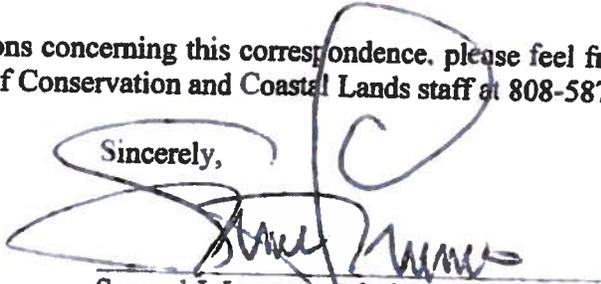
The removal of invasive albizia trees is an identified land use in the Conservation District Resource Subzone pursuant to Hawaii Administrative Rules (HAR) §13-5-22, P-4 **REMOVAL OF INVASIVE SPECIES, (A-1) Removal of invasive species including chemical and mechanical control methods, not to exceed one acre, in accordance with state and federal laws and regulations, for the purpose of protecting, preserving, or enhancing native species, native habitat, or native ecosystem functions that results in no, or only minor ground disturbance.** Therefore the Office of Conservation and Coastal Lands (OCCL) has no objections to your request to conduct invasive species removal on the subject parcels.

Pursuant to Hawaii Administrative Rules (HAR) §13-5, these actions are considered land uses for which no permit is required. The OCCL requests that the correspondent adhere to the following general conditions:

1. That in issuing this letter, the Department and Board has relied on the information and data that the correspondent has provided in connection with the letter. If, subsequent to this letter, such information and data prove to be false, incomplete or inaccurate, this letter may be modified, suspended or revoked;
2. The correspondent shall implement typical Best Management Practices (BMP) while conducting any land use in the conservation district;
3. The proposed project is minor in scope and may be considered an exempt action pursuant to Hawaii Revised Statutes (HRS), §343, as amended, and Hawaii Administrative Rules (HAR) §11-200-8 (a)(4) *Minor alterations in the conditions of land, water, or vegetation;* and
4. If the scope of the project changes or the cumulative natural resource impacts is perceived to be moderate or major, the department may require additional authorizations or approvals for the proposed land use.

Should you have any questions concerning this correspondence, please feel free to contact Alex J. Roy, M.Sc. of our Office of Conservation and Coastal Lands staff at 808-587-0316.

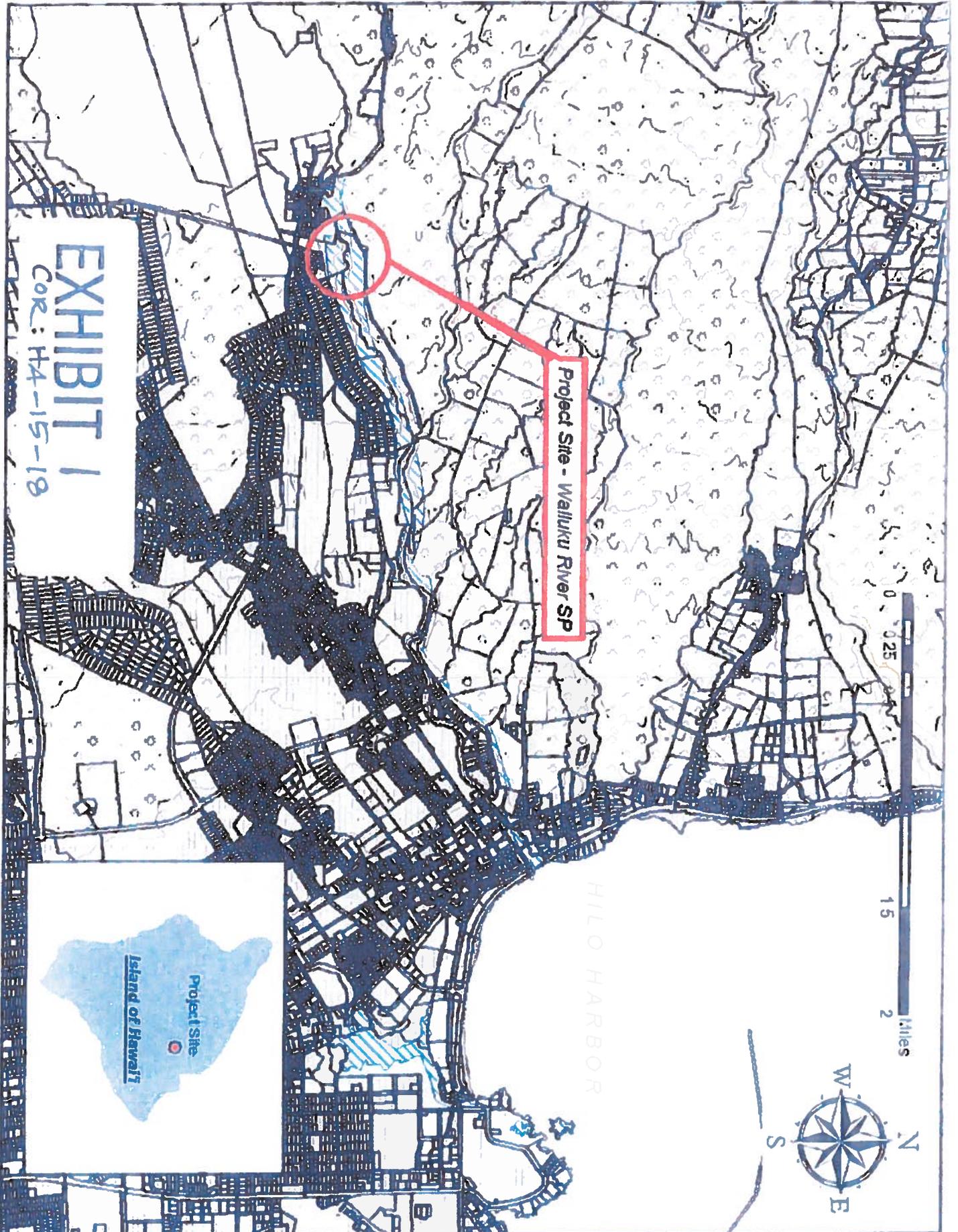
Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

CC: Chairperson
DLNR - HDLO
DLNR - DOFAW
County of Hawaii - Planning Department

Attachments: Exhibits 1, 2, 2a, 3



Project Site - Wailuku River SP

EXHIBIT 1
COR: HA-15-18



Priority 1.



EXHIBIT 2 COR: HA-15-18

23 East Kawili Street, Hilo, HI 96720
Phone: (808) 933-3340 www.biisc.org

Priority 2.



EXHIBIT 2A

COR: HA-15-18

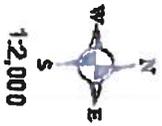
Albizia Control at Wailuku State Park

Areas to be Controlled

 Priority 1

 Priority 2

 TMK Parcels



1:2,000

EXHIBIT 3

CDR: HA-15-18

