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

November 14, 2014

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

Land Board Members:

SUBJECT: ACCEPTANCE OF A HEARING MASTER'S REPORT; SET ASIDE OF APPROXIMATELY 342 ACRES AS AN EXTENSION OF THE PUU MAKAALA NATURAL AREA RESERVE, TMK 2-4-08:09 POR, SOUTH HILO, HAWAII; AND SET ASIDE OF APPROXIMATELY 169 ACRES AS AN EXTENSION OF THE KIPAHOEHOE NATURAL AREA RESERVE, TMK 8-8-01:08 POR, SOUTH KONA, HAWAII

BACKGROUND:

Approximately 342 acres is proposed as an extension of the Puu Makaala Natural Area Reserve (NAR), TMK 2-4-08:09, por, and approximately 169 acres as an extension of the Kipahoehoe NAR, TMK 8-8-01:08, por, under the Division of Forestry and Wildlife (DOFAW). Attachment 1 and 2 contains maps and nominations of these proposed extensions.

Approval to hold a public hearing was granted by the Board of Land and Natural Resources on January 13, 2012. Notice of public hearing was published pursuant to §195, Hawaii Revised Statutes. The notice was also sent to various agencies and organizations. Attachment 3 contains the hearing master's report as well as the written testimony received on the proposal.

DISCUSSION

Testimony in support of the proposals encouraged additional protection of native species and ecosystems.

Testimony not in favor of the proposals opposed fencing and hunting bans, and removal of game animals. Opposing testimony was also concerned that the NARS cannot manage the areas it already has.

The Division of Forestry and Wildlife (DOFAW) recommends these NAR additions to protect the native forests that remain, and aid in further recovery. Neither of the additions are within public hunting areas. The additions are already fenced and no game mammals remain, so designation is not anticipated to affect game mammal hunting opportunities.

ITEM C-1

Also, these additional areas are relatively small, so do not represent a significant additional management burden on the NARS. Rather, the additions are expected to simplify management by consolidating landlocked portions of unencumbered State lands, and provide the NARS the authority to conduct conservation management in these areas.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

This action before the Board represents a transfer in 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. The Division of Forestry and Wildlife shall be responsible for compliance with Chapter 343, HRS, as amended for NARS program activities on the land that are not otherwise included in existing environmental compliance documents for that parcel. Pursuant to HAR § 11-200-8, foreseeable uses of the State lands by the NARS program include:

Exemption Class: DLNR, Division of Forestry and Wildlife, Class 1, Item 8
Exempt Item Description: Weed, brush and noxious tree control using hand tools, small motorized equipment (chainsaws and weedeaters), and approved herbicides on DOFAW program areas, campsites, picnic grounds, viewpoints, baseyards, wildlife water units, trails, captive propagation facilities, arboreta, plant nurseries, checking stations, and public use facilities.

Exemption Class: DLNR, Division of Forestry and Wildlife, Class 1, Item 17
Exempt Item Description: Animal damage control actions, when needed to maintain resource values, in Division of Forestry and Wildlife (DOFAW) program areas, including application of approved rodenticides, and ungulate removal.

Exemption Class: Department of Land and Natural Resources Class 4, Item 1
Exempt Item Description: Establishment of helispots.

Exemption Class: Department of Land and Natural Resources Class 4, Item 7
Exempt Item Description: Establish temporary or permanent vegetative cover including trees, shrubs and grasses for landscaping, reforestation, soil stabilization, and wildlife habitat.

Exemption Class: Department of Land and Natural Resources Class 5, Item 2
Exempt Item Description: Game and non-game wildlife surveys, inventory studies, new transect lines, photographing, recording, sampling, collection and captive propagation (involves walking, driving, and flying in the field, helicopters, light aircraft), use of nets and firearms, temporary traps including snares, mist nets, corral traps, drop door traps or leg hold traps.

Dates of Agency Exemption List: June 12, 2008

RECOMMENDATIONS: That the Board:

1) Accept the Hearing Master's Report (Attachment 3).

2) Approve of and recommend to the Governor the issuance of an executive order setting aside approximately 342 acres, TMK 2-4-08:09 por, South Hilo, Hawaii, to the State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife, for addition to the Puu Makaala Natural Area Reserve, under the terms and conditions cited above, which are by reference incorporated herein and subject further to the following:

   a. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
   b. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
   c. Review and approval by the Department of the Attorney General; and
   d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

3) Approve of and recommend to the Governor the issuance of an executive order setting aside approximately 169 acres, TMK 8-8-01:08 por, South Kona, Hawaii, to the State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife, for addition to the Kipahoehoe Natural Area Reserve, under the terms and conditions cited above, which are by reference incorporated herein and subject further to the following:

   a. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
   b. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
   c. Review and approval by the Department of the Attorney General; and
   d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Randy Kennedy
for LISA J. HADWAY, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:

WILLIAM J. AILA, JR., Chairperson

Attachments

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

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 provide habitat for endangered forest birds and plants.

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 sandwicensis),* 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. 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-ʻōhiʻa-Laka, is a defied guardian of the ʻōhiʻa growth of ʻŌlaʻa; Ua-kuahine, is the body form of a goddess of the rains in ʻŌlaʻa; 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://dlnr.hawaii.gov/ecosystems/nars/reserves/hawaii-island/puu-makaala/

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. More information may be found in the Long Range Management Plan for the Reserve, available at the above link.

IV JUSTIFICATION (Specifics)

Scientific Value

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 `alala release. This area is adjacent to potential release sites. Addition to NAR would facilitate future `alala 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 NAR is also threatened by palm grass (*Setaria*

palmaefolia), blackberry (*Rubus argutus*), kāhili ginger (*Hecychium 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.

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/Urgency

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.

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.

A Long Range Management Plan was completed for the Reserve in September 2013, available at: http://dlnr.hawaii.gov/ecosystems/nars/reserves/hawaii-island/puu-makaala/

VI. PUBLIC OUTREACH

Agencies, Organizations, and Individuals Notified

The Natural Area Reserves System Commission recommended this extension during its public meeting on May 5, 2010. The Board of Land and Natural Resources approved a request to conduct a public hearing on January 13, 2012.

FEDERAL AGENCIES
US Fish & Wildlife Service
US Geological Survey
US National Park System - Hawaii Volcanoes National Park

STATE AGENCIES
Office of Hawaiian Affairs
Senator Gilbert Kahele
Senator Josh Green
Representative Richard Onishi
Representative Richard Creagan
Governor Neil Abercrombie
Department of Public Safety

COUNTY
Office of the Mayor

Councilmember J Yoshimoto
Councilmember Brenda Ford
Game Management Advisory Commission

ORGANIZATIONS
Three Mountains Alliance Watershed Partnership
Sierra Club
Conservation Council of Hawaii
The Nature Conservancy of Hawaii
Hawaii Audubon Society
Hawaii Conservation Alliance
Hawaiian Botanical Society
Association of Hawaiian Civic Clubs
Plant Extinction Prevention Program
Aha Kiole Council
Yee Hop Ltd.
Kamehameha Schools

VII. BIBLIOGRAPHY/REFERENCES

Atkinson, C.T., K.L. Woods, R.J. Dusek, L.S. Sileo and W.M. Iko. 1995. Wildlife disease and conservation in Hawai`i: Pathogenicity of avian malaria (*Plasmodium relictum*) in experimentally infected i'iwi (*Vestiaria coccinea*). Parasitology (111):S59-S69.

LaPointe, D.A. Distribution and disease vector potential of mosquitoes in Hawaiian forest bird habitat. Final Report to National Biological Service, Pacific Islands Science Center. 1996.

Lease, J.K., R.J. Dusek, and C.T. Atkinson. 1996. Feral pig control is effective in reducing mosquito populations. Hawai'i Conservation Conference 1996 Poster.

National Audubon Society 2009. Important Bird Areas in the U.S.
Available at http://www.audubon.org/bird/iba 08/2009

U.S. Dept of the Interior, US Geological Survey. 2006. *A Gap Analysis of Hawai`i*, Final Report. http://higap.org

Division of Forestry and Wildlife (DOFAW) 2009. DOFAW Management Guidelines. Accessed on August 12, 2009 from: http://Hawai`i.gov/dlnr/dofaw/guidelines.

U.S. Fish and Wildlife Service (USFWS), 2006. Revised Recovery Plan for Hawaiian Forest Birds. Region 1, USFWS. Portland, OR

Ecoregional Planning Team, The Nature Conservancy Hawai`i. 2006. *An Ecoregional Assessment of Biodiversity Conservation for the Hawaiian High Islands.*
http://www.Hawai`iecoregionplan.info/home.html

Division of Forestry and Wildlife, 1989. Management Plan for the Pu`u Maka`ala Natural Area Reserve. Accessed on August 12, 2009 at: http://Hawai`i.gov/dlnr/dofaw/nars/reserves/big-island/Pu`uMaka`alamp.PDF

Kumu Pono Associates, 2004. He Moolelo Aina: A Cultural Study of Pu`u Maka`ala Natural Area Reserve, Districts of Hilo and Puna, Island of Hawai`i. Accessible at: http://Hawai`i.gov/dlnr/dofaw/nars/reserves/big-island/Pu`uMaka`ala

Gorresen, M., R. Camp, T. Pratt, B. Woodworth. 2005. Status of Forest Birds in the Central Windward Region of Hawai`i Island: Population Trends and Power Analyses: U.S. Geological Survey, Biological Resources Discipline, Open-File Report 2005-1141, 81 p.

Hawai`i National Guard (HING), 2009. About Us: Hawai`i National Guard Youth Challenge Program. Accessed on August 13, 2009 at http://www.ngycp.org/site/state/hi/node/2262

Olaa-Kīlauea Partnership (OKP), 2003. Olaa Kīlauea Accomplishments Report at Kūlani Correctional Facility.

Olaa-Kīlauea Partnership (OKP), 1999. Final Environmental Assessment for the Olaa Kīlauea Management Area Natural Resources Management Plan. Published in the July 23, 1999 *OEQC Bulletin.* Accessible at: http://oeqc.doh.Hawai`i.gov/Shared%20Documents/EA_and_EIS_Online_Library/Hawai`i/1990s/1999-07-23-HA-FEA-OLAA-KĪLAUEA-MANAGEMENT-AREA.pdf

Mitchell, C, C Ogura, DW Meadows, A Kane, L Strommer, S Fretz, D Leonard, and A McClung. October 2005. *Hawai`i's Comprehensive Wildlife Conservation Strategy.* Department of Land and Natural Resources. Honolulu, H. 722pp.

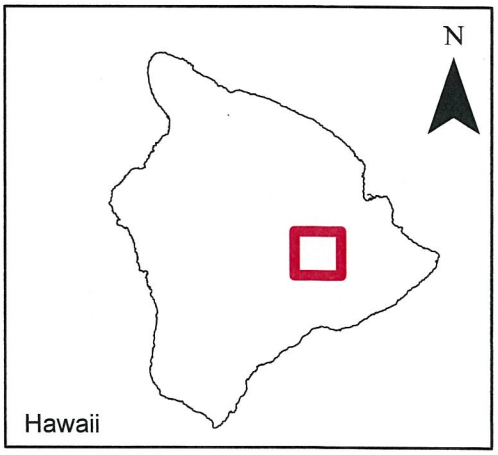
Proposed Puu Makaala Natural Area Reserve Extension

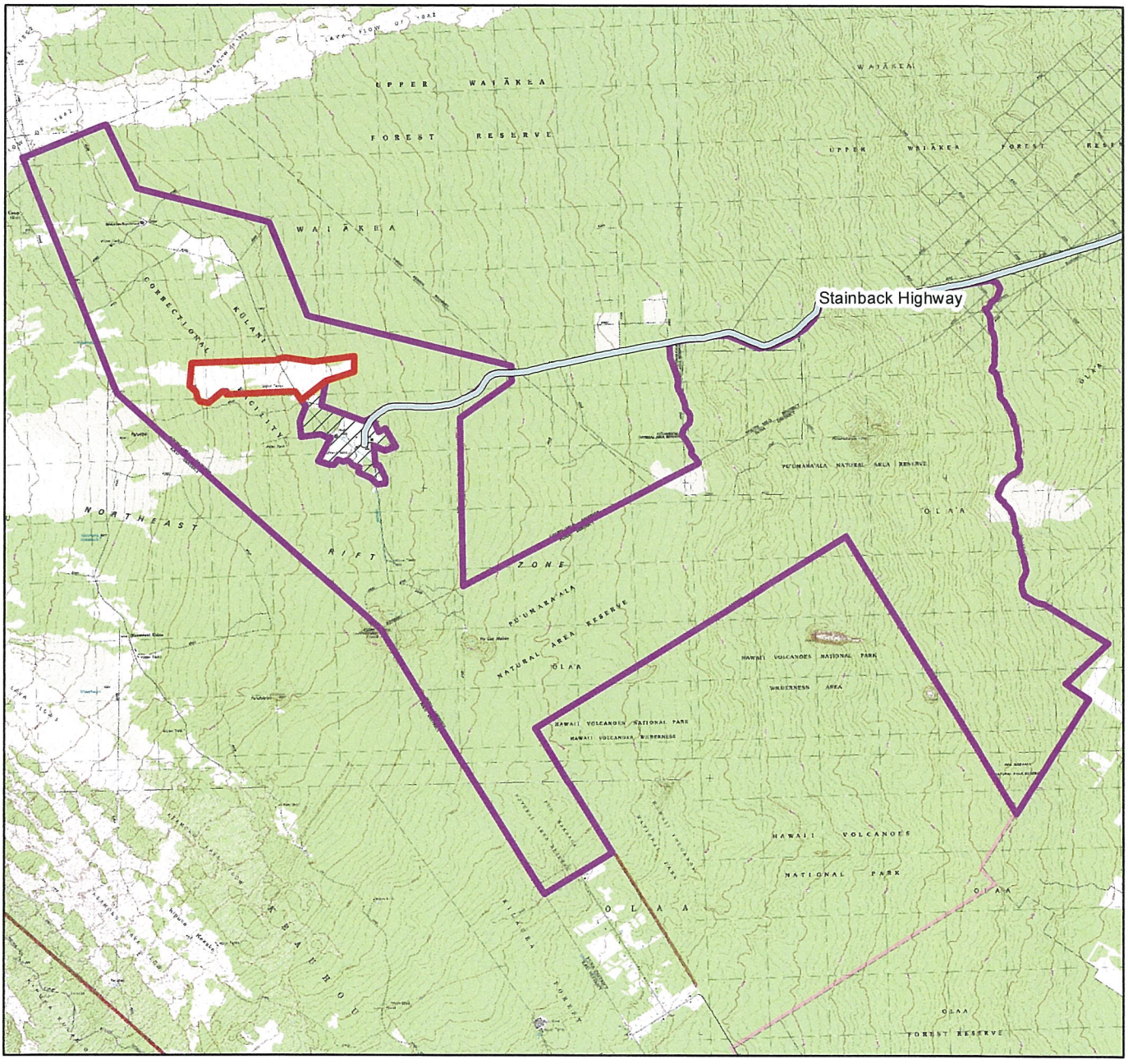
Stainback Highway

Proposed NAR Extension

Puu Makaala NAR

Area Excluded from NAR (Facility)





0 2.5 5 10 Miles

DOFAW (808) 587-4170. April 2014. Features approximate and subject to change.

PROPOSAL FOR THE EXTENSION OF KĪPĀHOEHOE NATURAL AREA RESERVE

I EXECUTIVE SUMMARY

An approximately 169–acre parcel is proposed to be added to the Kīpāhoehoe Natural Area Reserve (NAR) on the southwestern slope of Mauna Loa. NAR designation will facilitate management access, restoration and protection of the native forest and shrubland.

II INTRODUCTION (General)

The Kīpāhoehoe NAR was designated to protect a rare lowland dry grassland, mesic forests, lava tubes, and montane wet and mesic forests. This proposed extension of the NAR is adjacent to Hawaii Volcanoes National Park, the Kona Hema Preserve, and Yee Hop Ranch. This unencumbered State land was logged in 2001 and is in the Agricultural State land use district.

III BACKGROUND AND HISTORY

Past and Present Land Use and Conservation History

A cultural study prepared for the NAR System in 2002 details land tenure and use of Kīpāhoehoe NAR and vicinity (Maly, 2002)[1]. In the mid 1800s large portions of the existing Kīpāhoehoe NAR and surrounding areas were leased for pasturage. In 1911, the Kīpāhoehoe section of the South Kona Forest Reserve was established adjacent to the proposed parcel. Ralph Hosmer, Superintendent of Forestry testified to the Board of Commissioners of Agriculture and Forestry that especially valuable koa timber grows in the Forest Reserve and commercial use, rather than protective use for watershed values should be pursued on this land. Koa was harvested in this region, especially in adjacent Yee Hop property where a mill was located. In 1982, the Kīpāhoehoe Section of the South Kona Forest Reserve was set aside as the Kīpāhoehoe Natural Area Reserve. Since the mid-1800s and into the present, cattle trespass into the then-Forest Reserve and the Natural Area Reserve and adjacent areas has been documented.

In 2001, contractors hired to log koa on adjacent then-Damon Estate property constructed haul roads and logged koa and other native trees from this property and the adjacent NAR. Subsequently, a team from the Division of Forestry and Wildlife (DOFAW) surveyed the parcel and assessed that approximately 200 trees were felled or harvested and half an acre was disturbed for landing construction and haul roads (DLNR, 2003).

Following an environmental assessment finding of no significant impact in 2002, NARS staff constructed ungulate-proof fences on the upper portion of the NAR above approximately the 3,200-ft elevation. The NAR fence to the north and a Kona Hema fence to the south delineate portions of the parcel's boundary. Access roads have been constructed which connect to the Kona Hema Preserve of The Nature Conservancy and follow the southwestern boundary of the

[1] The Cultural Study may be viewed online at http://hawaii.gov/dlnr/dofaw/nars/reserves/big-island/Kīpāhoehoecs.pdf or by requesting a paper copy of the 135-page document to the NARS Enhancement Coordinator at (808) 587-4170.

parcel. Non-native plant and animal control is ongoing in the adjacent properties designated for conservation.

In 2003, the Kahuku Ranch which forms the eastern boundary of the parcel was purchased from Damon Estate and included in the Hawaii Volcanoes National Park. These adjacent conservation areas are included in the Three Mountain Alliance watershed partnership. Due to the conservation efforts on surrounding lands, the area is believed to not contain game animals.

Cultural and Historical Significance
Historically, human habitation in the Kīpāhoehoe region concentrated along the coast and along the belt road (Highway 11), which is approximately 6 miles makai of the proposed parcel (Maly, 2002). The uplands where this parcel is located were used throughout the last 200 years for koa harvesting and cattle pastures (Maly, 2002).

IV JUSTIFICATION (Specifics)

Scientific Value and Natural Communities and their Status
This parcel contains `ōhi`a dry forest and montane shrubland, pioneer vegetation on lava (from the 1919 lava flow that covers approximately 1/3 of the parcel) and the koa-`ōhi`a montane mesic forest. The latter native community is the most diverse and likely to contain rare species.

Representativeness and Rarity
While portions of this parcel were logged a decade ago, with restoration this parcel can provide habitat for rare species. This area is above the range of mosquitoes and is within the range or recovery habitat of the endangered Hawaii creeper (*Oreomystis mana*), `akepa (*Loxops coccineus coccineus*), `io (*Buteo solitarius*), and `akiapōlā`au (*Hemignathus munroi*), and is within critical habitat for the `alalā (*Corvus hawaiiensis*) (Mitchell, *et.al.,* 2005).

Biological/Ecological Design
This small parcel lies between the Kīpāhoehoe NAR, Hawaii Volcanoes National Park, and the Kona Hema Preserve. The NARS Commission has indicated that it would be beneficial for Reserves to be adjacent to areas currently managed for conservation so that management activities could be leveraged. This parcel also contains roads that, if included in the NAR, would facilitate access to the adjacent conservation lands.

Location and Size
The approximately 169-acre parcel is southeast of the Kīpāhoehoe NAR, identified by TMK (3) 8-8-01:08 in the South Kona district of Hawaii island. Elevation of this rectangular parcel ranges from 5,200-5,800 ft and it is approximately 1.6 miles long and 0.25 miles wide.

Threats (Human/Biological)

Non-native grasses such as rice grass (*Ehrharta stipoides*) and kikuyu (*Pennisetum clandestinum*) replace the native understory vegetation. Other grasses such as fountain grass (*Pennisetum setaceum*), beardgrass (*Schyzachrium condensatum*), and broomsedge (*Adropogon virginicus*) could become established in this area as well, creating a fire hazard. Fires could also be ignited by vehicles or people traversing the area. Rats (*Rattus* ssp.), dogs (*Canis familiarus)*, cats (*Felis catus)*, mice (*Mus musculus)*, and mongoose (*Herpestes javanicus*) prey on endangered birds, native insects, and damage native plants.

This parcel is not protected by Conservation District rules so future uses of the area could include cattle grazing, timber harvest, and other agricultural uses.

Present Level of Protection and Long-term Ecological Viability
This area is currently within the Agricultural District. It is surrounded on three sides by lands designated for conservation, however threats from both human use and invasive species continue.

Environmental Consequences of No Action/Urgency
Designating this area a NAR would enhance the ability of the Division of Forestry and Wildlife to participate and contribute to conservation and restoration actions in this area.

V. MANAGEMENT NEEDS

Threats Requiring Management
Reducing and/or eliminating invasive species and illegal human activities are the highest management priorities for this parcel. Re-planting native vegetation in areas disturbed by logging could aid restoration.

VI. PUBLIC NOTIFICATION

Agencies, Organizations, and Individuals Contacted
The Natural Area Reserves System Commission recommended this extension during its public meeting on November 18, 2011. The Board of Land and Natural Resources approved a request to conduct a public hearing on January 13, 2012.

FEDERAL AGENCIES
US Fish & Wildlife Service
US Geological Survey
US National Park System - Hawaii Volcanoes National Park

STATE AGENCIES
Office of Hawaiian Affairs
Senator Gilbert Kahele
Senator Josh Green
Representative Richard Onishi

Representative Richard Creagan
Governor Neil Abercrombie
Department of Public Safety

COUNTY
Office of the Mayor
Councilmember J Yoshimoto
Councilmember Brenda Ford
Game Management Advisory Commission

ORGANIZATIONS
Three Mountains Alliance Watershed Partnership
Sierra Club
Conservation Council of Hawaii
The Nature Conservancy of Hawaii
Hawaii Audubon Society
Hawaii Conservation Alliance
Hawaiian Botanical Society
Association of Hawaiian Civic Clubs
Plant Extinction Prevention Program
Aha Kiole Council
Yee Hop Ltd.
Kamehameha Schools

VII. BIBLIOGRAPHY/REFERENCES

DLNR, 2002. Kīpāhoehoe Natural Area Reserve Management Plan. Department of Land and Natural Resources, Division of Forestry and Wildlife, Natural Area Reserves System. Available online at: http://hawaii.gov/dlnr/dofaw/nars/reserves/big-island/Kīpāhoehoemp1.pdf

DLNR, 2002. Final Environmental Assessment for Kīpāhoehoe Natural Area Reserve. Department of Land and Natural Resources, Division of Forestry and Wildlife, Natural Area Reserves System. Published September 23, 2002 in the *OEQC Bulletin* of the Office of Environmental Quality Control. Available online at: http://hawaii.gov/dlnr/dofaw/nars/reserves/big-island/Kīpāhoehoeea1.PDF

DLNR, 2003. Enforcement Action Involving Removal of Koa Timber on State Unencumbered Lands, Steve's Ag Services, Ltd. and Contract Milling, Alleged, South Kona, Hawai`i; Tax Map Key: (3) 8-8-01:08. Submittal from the Land Division for the June 26, 2003 meeting of the Board of Land and Natural Resources, Agenda Item D-16.

Maly, K., Maly, O. 2002. Kīpāhoehoe Ma Kapalilua – Kona Hema, Hawai`i: A Cultural Study of Kīpāhoehoe and Neighboring Lands in Kapaplilua, South Kona, Island of Hawaii (TMK 8-8-01:5,6,7,10,11,12,13). Prepared for the Natural Area Reserves System by Kumu Pono Associates, Hilo, HI. Available online at: http://hawaii.gov/dlnr/dofaw/nars/reserves/big-island/Kīpāhoehoecs.pdf

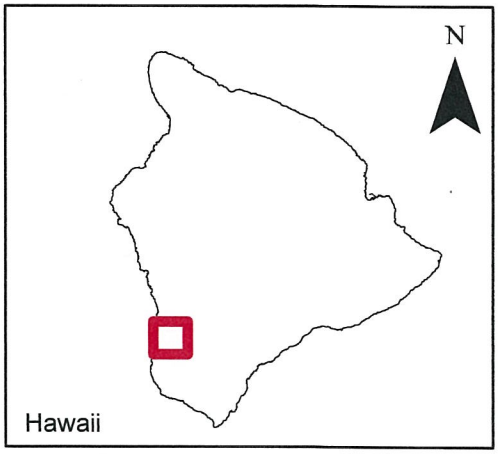
Mitchell, C., C. Ogura, D.W. Meadows, A. Kane, L. Strommer, S. Fretz, D. Leonard, and A. McClung. 2005. Hawaii's Comprehensive Wildlife Conservation Strategy. Department of Land and Natural Resources. Available online at: http://www.state.hi.us/dlnr/dofaw/cwcs/index.html

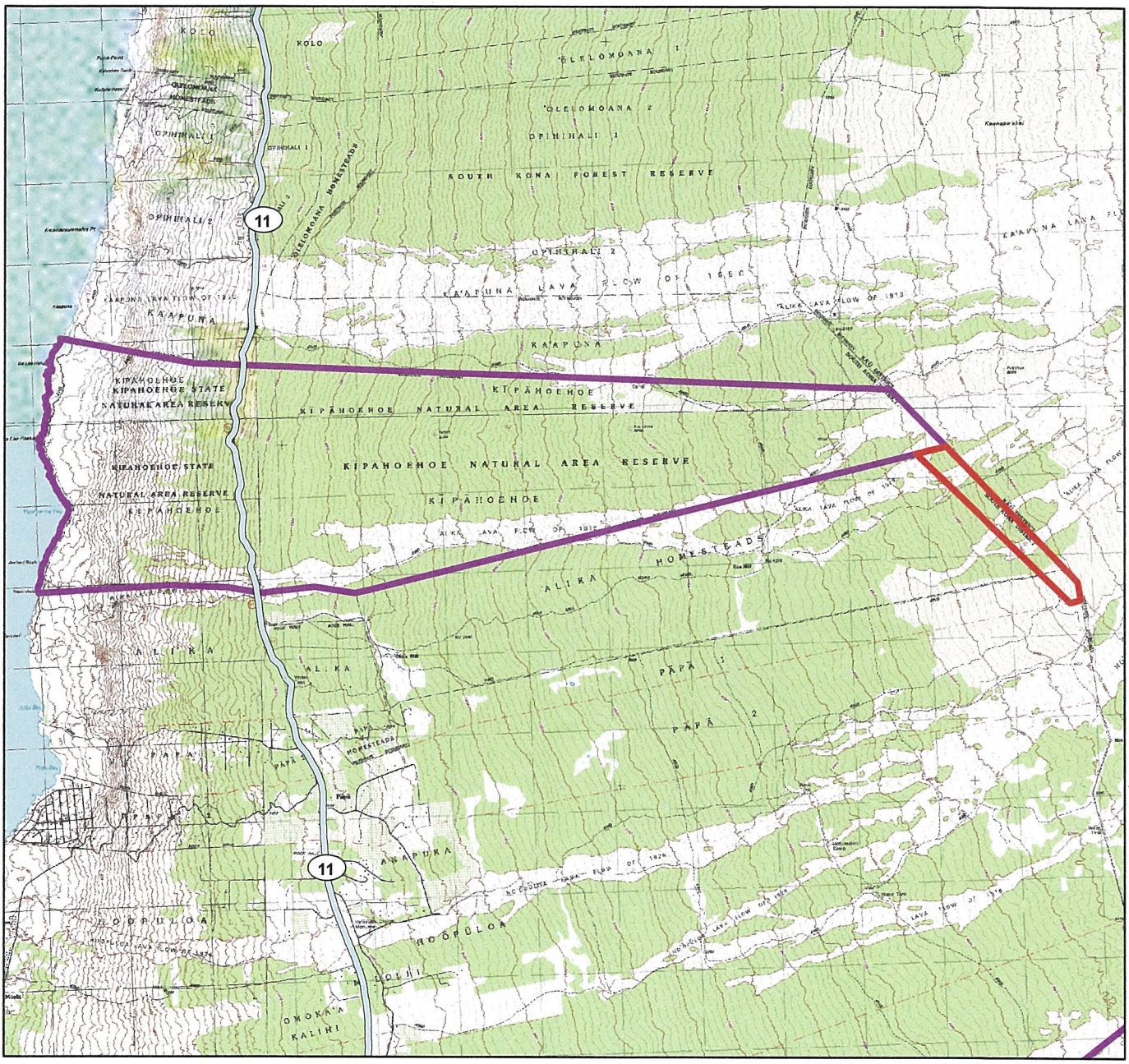
Proposed Kipahoehoe Natural Area Reserve Extension

Highway 11

Proposed NAR Extension

Kipahoehoe NAR





0 1.75 3.5 7 Miles

DOFAW (808) 587-4170. April 2014. Features approximate and subject to change.

Attachment 3

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 30, 2014

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

Land Board Members:

SUBJECT: MASTER'S REPORT ON PUBLIC HEARING

In accordance with the Notice of Public Hearing published in the *Honolulu Star Advertiser* and *Hawaii Tribune Herald* on May 12, 2014 and the *West Hawaii Today* May 13, 2014, and as authorized by the Board of Land and Natural Resources, I have conducted a public hearing relative to the set aside of approximately 342 acres as an extension of the Puu Makaala Natural Area Reserve, TMK 2-4-08:09 por, South Hilo, Hawaii, and a set aside of approximately 169 acres as an extension of the Kipahoehoe Natural Area Reserve, TMK 8-8-01:08 por, South Kona, Hawaii. The hearing was held on June 5, 2014 at 6:30 pm at the Volcano School of Arts & Sciences 99-128 Old Volcano Road Volcano, Hawaii 96785-0845. DLNR-DOFAW staff in attendance were Steve Bergfeld, J. Kualii Camara, Ian Cole, Jennifer Randall, Emma Yuen, and Lisa Shizuma.

A presentation on the proposed Natural Area Reserve was provided by J. Kualii Camara, Natural Area Reserves System Technician. After answering some clarifying questions, the floor was opened to public testimony in the order provided in the sign-up sheet.

PUBLIC TESTIMONY

Patrick Conant: I support both extensions, I'll address Puu Makaala first. The portion was fenced years ago, and it is recovering, its an experiment itself. I'm convinced that NARS needs to manage strictly for weed control alone. Himalayan raspberry, and a lot of other bad things could show up there if they don't have control over that. It's not a big piece, and the fact that it is critical habitat for 7 endangered species makes it difficult for Kulani to use that area, I don't think that teaching livestock compares with what they could learn from the greenhouses. Nowadays you need to practically be born into the cattle industry to be a part of it.

What was the access like for hunting? It is a very small parcel, very close to the facility itself, I don't think that access is practical for this area.

The Kipahoehoe area will be good access, and it is a smaller area. It was quite difficult for the agencies to get up to this area. NAR designation will make it easier for NARS to access this area.

It's already fenced, and there's restoration on the forest area already, it sounds like. So why not use it for what they to use it for? That one doesn't provide access to hunters.

That's a big issue though. I'd like to see DLNR refill that hunter access position and maybe make two positions – the funding fell through and it was gone.

Mark Johnson – I had a chance to be in both areas, and they are both nice, I think they'd be a great addition to the NARS.

Rick Warshauer – I'll address both areas. I strongly support both additions. The two natural areas are very different, they all have their own attributes. The one in Kulani is very special, one of the highest biological diversity in the islands. Unfortunately, this was one of the areas that was degraded in the prison days, they took out the koa forest. I'm glad to know that they are planning to replace the forest because a lot of the species depend on them. The areas of both Kipahoehoe and Kulani were both subject to lava flows, 1942 and 1984 brushed up against this area. We know it is on the northeast rift zone, so in the future more areas will be covered over. As areas are going to disappear, the more that is forest, the more area to help increase the diversity which is highest with lowest, medium and older areas.

The same is true for Kipahoehoe, where you don't have the same degree, but it is similar. This area runs along the contour, right angles to the flows, so some of it is going to be hanging in there.

John Griffiths: Bear with me, this gentlemen spoke well, good testimony. Let me talk about the animals. The animals were brought here by Hawaiians, the pig was brought here by the Hawaiians, it was used for ceremonial purposes, it was used in present days for hakaka, baby luaus, today, for spiritual practices. And the black pigs were used, not the pink pig, this is how we practice things here today.

Now lets talk about the mouflon. The mouflon is evolved into a new species - that it evolved. Ok – So, saying that said, in the 1700s Captain Vancouver brought the sheep, cattle, and goats to Kamehameha himself. That's how we got the paniolo cowboy, we had a mauka to makai system at that time. They had a time to gather, and a time to let the animals rest.

Now going to the plants now, we had 90,000 years since the plants came here. Its science again. And we always argue with science, how this happens, that happens. What we know is that at that time we had the Hawaiian botanists. Now with the science we have, we got the strawberry guava that we talk about, well now that they are going to let go of the small scale insect and they never did an EIS to find what is going to happen to the native birds that feed off the nectar when the guava is gone. I'm not a scientist, don't hold me to this. I'm a user of the forest, 24/7, this is how we live.

NARS – is Emma Yuen here? Hi Emma. I spoke with you on the phone a few years back, about the 2,300 acres in Wright road which is of NARS jurisdiction, and back when we spoke, you were going to do eradication of another 5,000 acres that's adjacent to it. But the 2,300 acres you have, you can't remove the invasive plants. And you have designated almost 19,000 acres. That's just one spot there. When is enough is enough? We can't manage what you folks have taken. It's already black and white. You don't do management, you don't do corrective fencing. You don't have a game management plan for the State of Hawaii, we don't know the carrying capacity of

animals, 49 other states do it, only Hawaii doesn't do it. This gentlemen here knows I have testified on this.

When are we doing corrective fencing? Every hunter and gatherer knows you have to have corrective fencing. You need a caretaker of the forest. You can't take 2,300 acres of the forest, fence it, eradicate it, and nobody goes out there after and takes out the invasive plants. Instead, we could save millions of dollars and do corrective fencing, and then the animals, the people – which we should be first – we are putting the carriage before the horse- and we'd be able to use the resources and have a balance, and then we'd be the users and caretakers of the forest. [*Audience: What is corrective fencing?*] By preponderance of DLNR's evidence, in an area of 10,000 acres, they'd only fence 100 acres, not fence the whole 10,000 acres, because they can only manage that for invasive plants. And the same time, you'd eradicate the people, us. We've lost about 3 million acres on this island to fencing and preservation. They are in preservation. How do we get access? We just talked about access? This 340 acres is lost to access. How would we get there? By foot? [*Audience: How did the ancient Hawaiians get there?]* I don't know, I'm only speculating. We are trying to work with you and not against you.

Now we talked about the carrying capacity of Maui and Oahu on human beings and aquifers. 2008 the State did an aquifer research. 2011 the Feds came back and said that that research was bogus. But with the rain follows the forest, it said we are going to lose 480,000 acres, just from this island, from fencing and eradications, which comes from Kohala to Waipio valley. What happens to us? We are on the invasive species list. What happens to us? What happens to common sense? We aren't dealing with common sense. 480,000 acres are lost. The Feds aren't wrong. They tell us we have choke water. They've never done a carrying capacity for humans like we've never a carrying capacity for animals.

Fires have been happening more and more because they are getting rid of the sheep and the goats. In Mauna Kea, when they took out the sheep and the goats – they got videocameras, we did it with Brenda, she was here in our hearings, where we passed the animal eradication, where there isn't flying anymore, you guys remember that with the helicopters? And now those animals are now out of there, the palila bird is getting more extinct, now you guys want to do another alala crow sanctuary? We can't show one success with alala. We have evidence from Miles Nakahara, who is the retired State wildlife biologist, says "show me one success before you do another one." No success, but all these areas have alala crow attached to it.

Now my other question, why is TNC is another stakeholder in our state lands? Well TNC is a partner with the State lands. Aren't we the partners? Aren't we supposed to say, hey government, hey DLNR, our bridge is broken, how do we rebuild that bridge and work with you? TNC is a huge corporation, they are a huge corporation we can't fight against. We don't have money and influence like they do, they are lobbying, they are in front of our legislature all the time, they aren't supposed to, they are a 501ck, but they are there lobbying. How do we fight against these people? We are put at a major disadvantage.

Thanks for listening to me, but this is our concerns and what we want to say. So we shouldn't have any more fencing, until we have a game management plan, or corrective fencing. So, I'm totally against any more fencing, until we can look at corrective fencing and we can save millions of dollars statewide.

Terry Napeahi – My name is Terry Napeahi. I'm a member and Hilo rep of the Aha Moku council, which is legislatively a bill that gives our native Hawaiian community the right to speak on behalf of our traditional and customary practices.

Something that everyone should be reminded of is the rights that are already in place for our people, based on traditional and customary practices that allow our people to continue to subsistence gather. It is law Article 12 Section 7 (HRS 7-1) just need to remind the DLNR that when we make rule making packages, these are the laws you have to abide by. And the fact that our traditional customary practicers do it as ceremonial. We are part of the aina. We were 100% subsistence here, knowing how to traditionally take care of our islands, care for our lands. We were the conservationists for this land. We are still here, our population has lessened, but we are still practicing. That is our first amendment right, to religiously practice, practice to feed our family. I want to remind you that this is what we are doing.

We have an exemptions campaign, that saves Hawaiians from all fishing and hunting bans. This exemption campaign has already started. I just want to remind you hunters and gatherers that we are also fisherman of the sea. I don't know how many of you know this that from Upolu point to south point there are bans, like the Kaupulehu ban, the Hookena ban. I want to remind people that this ban doesn't stop Hawaiians from gathering. It is law. I've been at meetings at the west side. Telling them the same thing, about the infraction you do that the migratory patterns of that place. The fencing changes the migration of the pigs, and it makes the pigs go to residential areas, so it looks like there is a lot of pigs. In the hunting areas, the pigs are being eradicating.

This exemption campaign is a reminder to DLNR that we have rights. And that it is a religious right to practice. This exemption campaign is going to be given to William Aila, and this is posted on our website, and it is an amazing to people, all around the world, who are appalled by the fact that Hawaiian people are not allowed to be traditional practitioners. I'm going to read, what we are doing right now:

We the undersigned Hawaiians should be exempt from the current fishing and hunting regulations and bans, for the purpose of traditional and customary practices as the purposes states in the Hawaii State constitution Article 7, Section 7. The State shall uphold these practices. This is not a petition for commercialization. This is strictly for the benefits of our future Hawaiian children to gather hunt and fish in perpetuity.

Hawaiians are being persecuted for practicing their traditions to hunt, fish, and gather food and medicines from the ocean and forests. Hawaiians are threatened with fines and possible jail time for doing customary practices. More and more, Hawaiians are portrayed as common criminals for living as they have since before these regulations and bans were set in place. Hawaiians are a part of the natural world around them and should be protected as any plant or animal in their nature habitat. Exemption for the Hawaiians is only pono as our population is a small minority in the face of invasive species and peoples. Unchain the original custodians of the land and let the Hawaiians protect as they have done since voyaging here centuries ago.

Just to reminder, that Hawaiians have rights to gather, in perpetuity as long as Hawaiians stick around. And that is something to remind people because, without it, that could cause litigation. Litigation happens when we participate. We allow our Hawaiians to have their advantage. It is a violation of our human rights, to allow people to make conservation decisions without our

traditional voice. That is something I will leave with you, I will leave you my exemption, we are statewide. We have the Aha Moku representatives from each island pushing this exemption.

Koa Akana – My name is Koa Akana, and I'm against the proposed NARS extension – the reason I feel this is because I feel that the NARS has enough area, and that you already are unable to take care of what you have. Basically that is what it comes down to. This area is landlocked, so now they want to be able to take over the – use the area within their area, because they are unable to use it before. Like our presenter had said, he said that this area in Puu Makaala, this is a great place to show rehabilitation of the forest, and it has easy access, and you can go and walk through there, plant plants – yeah its beautiful, it's a big nice open area. It would be really easy to show success, if you had it. Because in other areas you don't have that. I've seen it personally. I've been in forest that is currently occupied as NARS areas, I don't' feel like they are being managed. In your presentation, you stated that the whole thing, the whole motive is to protect native ecosystems. Well, I don't feel that NARS is protecting the native ecosystem in our forest. Especially in our deep inaccessible, hard-to-reach forset. I think NARS needs a place to show that this works, easy to access, because they know that this doesn't work, that what they are doing isn't working.

I wanna know how often do NARS representatives, leaders, groups, go in and monitor forests? [*Hearing Officer (HO): We are in there every day, not necessarily in the same area*] When was the last time you went to the end of Wright road what were you doing? [HO: *last week, staff doing fence checks, monitoring, we've gridded out the whole area and done weed control. We've done substantial weed control throughout the whole area, we have monitoring transects that span the entire length, using and staff partners and volunteers*) How long does this take? Because it takes a long time to get to boundary road. [*HO: takes years – when we get to one end we start again.*] I think the pigs do a better job. I was in Wright road, not long ago, when was our last meeting with Lisa Hadway, a year ago, March, I didn't see much improvement. I still walked all the way to Kulani boundary, and when I got into the area where the pigs inhabited it was a lot easier to walk for me. Yeah, the main trail, and fences, hey you guys have great fences.

I don't think that the zoning – were going to use the word zoning because you don't like the word fencing – I think that the zoning for the proposed NARS extension I'm against because the NARS should show us what you can do now, and show what you can manage in the forest before you can go and add the pasture.

Dustin Wamar – I strongly oppose any more additional zoning or fencing. This is not about fencing, but zoning. You just stated that you have been doing Upper Wright road for years, how many? [*HO: Probably 3-5 years*] – In those 5 years, how many acres from you have successfully removed from invasive plants? [*HO: of the unit, only half of 2,300 acres that is state land, the other half is Kamehameha Schools land. Of that, we sweep blocks, and we do our best to get everything, but we do it successively year after year after year. I don't have the data in front of me - we have a monitoring specialist that crunches our data, and sees whether we are making progress, or know if we are not, or if this particular weed has declined, but this one is going bananas. I doubt we will ever be done managing it. That's not our intention.*]

So why are you adding the areas down the road, why 1,700 acres need to be added on? When Wright road is not even done – so your goal is to remove all the invasive species. I can see if you guys work on this 345 acre. That seems reasonable, maybe you can do that in 3-5 years but the 1,700 acres. [*HO: its not a 'once and be done with it' management.*] You don't have the money,

and manpower. We can't finish what we started. I talked to David Ige and he stated that you don't have enough money. That's my opposition.

No additional participants indicated that they wanted to provide testimony. Subsequently, participants engaged the hearing officer in a more informal discussion, which is reproduced below for the record.

Tom Lodge - I don't have testimony, just comments. My name is Tom Lodge. We have been involved with you folks for many years, what many of these people are saying is, you have acquired so much lands that you don't have the means to manage it. You've talked about the area in Puu Makaala before. Why don't you take out the fencing and let people manage it put the game back in there. Because when you have hunters in there, you get the game numbers so low, you say you need zero tolerance, you literally manage this area to see what is zero tolerance. In my opinion zero tolerance is not very good. You are not managing the forest for the game management. You are not doing any kind of management to see if the game management are compatible, you don't have any partnerships with anyone in the public here, you don't have any partnerships with us, you have partnerships with TNC, but you are not partnering with hunters. They are the ones that are most effective. Terry talked about the hunters and the gathering rights, they are the most effective.

In your narrative, which you have, going into this rain follows the forest thing, says half of our forests are gone, because of pigs sheep goats and deer. It gives the impression that ungulates, game mammals are the problem. But it started with us, humans, the Hawaiians that have these animals in our lives. We have a water problem, but its from human interaction. The aquifers in this island – we don't have a water problem here. I'll refer to this island, to say that there is a watershed issue here, if you take an invasive plant, and you replace it with a native plant, with half of it going to recharge, only half of it is gained, and you have millions and millions of gallons of rainwater. I say that the narrative is misleading. You are taking the priority 1 and 2 areas and turning all our forest areas into NARS. And you already have too much land.

You should start managing these watershed areas for game management, and then you'd have a productive and have a partnership. When we talk about partnerships with hunters, with opportunities, what do we have with these programs? These opportunities are only to eradicate, not for sustainable game management for the future generations. What these people are talking about today, why I'm here today, is to have something sustainable for the future. Our animals were brought here because they didn't have any, and they were brought here as resources, like the banana. And they were brought here as resources, someday we are going to need those resources. And we need to have a way to have them as resources. And taking care of hunters.
[*HO: In GMAC meetings, Lisa testified that there will always be hunting areas, and it will be a patchwork, with things appropriate in certain places and not in others. And we are trying].*

One of the things that we've bought forth from the hunting community, over and over and over, is managing the watershed areas. And that was rejected by DLNR every step of the way. That is the change in paradigm. That's a paradigm shift.

John Griffiths – [*After back and forth questioning about plant and animal removal methods]* Snaring causes way more suffering than a hunting pack of 20 dogs, they are left there for weeks, with disease, infection, twisting, starvation and dehydration. What is your policy, is it checked, is it blanketed? In those 345 acres, were snares used? There is trackline, where they check every 24

hours, so the animal isn't inhumanely treated [*HO: To my knowledge there is no set policy, there was a working group convened to address that, to my knowledge that did not progress to a set policy, and that came from both sides, to my knowledge. I was not part of that group]* Have you seen the snares, or the dogs, or any animal, they die terrible terrible deaths. *[HO: With relation to the areas up for discussion right now, there is none of that they are already animal free].*How did you get animals out of this area? Did you use sterilization, poison, you know Kamehameha Schools had problems with poison a few years back? [*HO: Most of the animals in here were trapped out, and put in the tree planting road area.*] That's a great idea. You know, the 345 acres, that's great, corrective fencing. Saving the forests, I'm all for it – spot fencing here and there – that is fantastic [*HO: I want to remind you that there is no fencing proposed here, the area is already fenced. Basically it is an administrative thing to make the land designations the same because one, it would be confusing to the department, and two, it would be confusing to the public. And the DPS doesn't want the area].*

Audience member – I've been a corrections officer for 20 years, and there is a program where they can pick up prisoners, for fencing. There are so many inmates just sitting there, watching TV. Hopefully you guys can get help, you can get help from the Governor, whoever, so they can help you. I can clean my own yard, but I can't clean my whole neighborhood, unless I have help. Some people talk about taking stuff out from the outside, but you need help from the inside. It's something to think about. [*HO: We have in the past had a person on staff trained to work with the inmates. The facility selects which inmates have been utilized, and they have participated in fence construction, tree planting, weed removal, habitat management for nene. I can say we could use more help. It's something we are interested in restarting once the prison reactivates.*] I know they are out there, just pick them up, five or so. It would make more sense. Give them work, give them something.

Dustin Wamar - Hunters could help with things, they could volunteer. I speak for the hunters. There's been no balance for all these years, big chunks of land taken, I know what your doing. These are all prime areas on the mountains. Animals don't want to go uphill. They breed, and they filter down from the mountains. And you think you guys know that they are going to hunt them out, but there is no heart anymore, I see that all over the place. Hakalau goes all the way up to Mauna Kea, same with Puu Makaala, that's the top that's the heart. That's where the prison was. If you have smaller fences, more reasonable fencing, how about a proposal to give back rather than proposal to give more. If you guys take take take take no one is going to want to help. [*HO: I can only give you my personal opinions – I encourage you to be proactive and tell us your ideas, specifically. You guys are the authorities, you know about hunting. I for one am open for your ideas, to hear specific ideas.]*

Terry Napeahi - Do you have exemption from Environmental Impact Statement? *[HO: We didn't get an exemption for this fencing project, we did an Environmental Assessment, not an Environmental Impact Statement, and it included a Cultural Impact Assessment]* So the Cultural Assessment addresses the impact it has on our native Hawaiian culture. You have the right saying that it doesn't affect. Because now, with Kau, we are doing litigation with DLNR for the Kau fencing project. And we went to court, Judge Hara, and we went to the appeals court, and one of the things we want addressed is to do an Environmental Impact Statement, and this is a much more thorough than an Environmental Assessment, where you get a FONSI.

One of the arguments we have is that you, on the BLNR, have been testifying regarding our traditional and customary rights. Who has, among the BLNR and NARS the right to speak on our

behalf? Who wrote the criteria and qualifications for that particular Board to speak on our behalf? Bill Aila said, Sam Gon is on the BLNR, he is the cultural practitioner. But when the Board is talking about Kau, Sam Gon leaves. So I ask Bill Aila, you just told me that this man speaks for our behalf. But then I was told, this man, he works for TNC. That's a total conflict of interest. All these years, for over 50 years, the State of Hawaii has been making decisions of Finding Of No Significant Impact, without a qualified member on the Commission speaking on our behalf. We have making the decisions that there is no impact on the community, those that have been practicing for hundreds of years, there is no impact. So right now there is legislation to put a practitioner on the NARS and the BLNR. Who writes the criteria on who is it? The person has to actually practices? Not someone who is probably from a different state, who doesn't know how to practice.

This is our religious right, asking for people to be practitioners. Need to recognize my religious right, like any other religion, that the thing that we put in our mouth is also part of our ceremony. It is a reminder that the food we put in is going back into the ground, into our iwi kupuna. And it comes back around, that we are part of our environment. We are being ignored. It is total ignorance. Ignoring rights of our religious practice. How can that be Finding Of No Significant Impact, when you destroyed the very food that comes into our people? That is totally not right. And that is something that I am here to tell you and remind you, that this is our religious right, the first amendment of our government is being ignored. That is something we are going to court for, and many Native Americans have been through the same thing. That we should be given the right to be exempt to continue to feed ourselves. And not to destroy our food, and force us to the store and feed ourselves, and we don't have the money. We can feed ourselves. We have been doing that for all these years. Ignoring that is a civil rights issue. It is so sickening that we have to go over and over that to me. It is racism to me. It is suppression. You shake your head, but that is suppression.

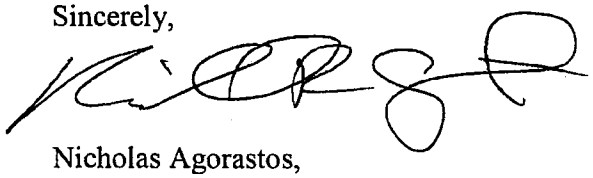
Rick Warshauer - I do appreciate the NARS program, and I'm asking for balance, one of the things I've seen is a decline in the native diversity, extinction and decline. All plants have Hawaiian names except for a few, Hawaiians recognize the individual plants and their uses. Hawaiians knew and appreciated everything that was out there otherwise they don't have a name. I'm glad to see they are in use – and the NARS is trying to protect these areas and species. Ungulates remove these species. Years later, after diversity or decline, forest areas are reduced. Fences go in, and animals removed, areas recovered. After a while, the only forest left will be in the National Parks, the NARS, a few areas.

Ungulates spread weeds though hooves or kukae – I've watched places that have been fenced, the wounds of forest cover up, and the native plants can restore its own diversity and it has balance, the only way to get balance is to remove all ungulates. I've been to many Pacific islands and these areas don't have feral animals – everyone's pigs and goats are tied up, in pens. The ridges are covered, and streams are clear. Areas where there are goats, the areas erode and bays covered in silt. Archeologists have said that in Hawaii and elsewhere, Hawaiians had pigs in pens. We'd all do well into doing more digging into how traditional people live.

I can't see anything wrong with what the NARS is doing, to protect native diversity. I don't want people to get beat up. It really bothers me. I am sorry that it is restricted to NARS areas, because that is such a small part of our state, and areas that are not part of NARS or parks or other preserves, are going to be lost. I've been in the field for well over 40 years, and I have seen a hell of a lot of degradation, and it is really heartbreaking to see that.

The meeting was adjourned at 8:30pm after providing the public a description of how to send in additional testimony and the process for decisionmaking on the set aside.

Sincerely,



Nicholas Agorastos,
Natural Area Reserves System Hawaii Manager