

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

February 26, 2016

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

PSF No.: 13MD-189

Maui

Set Aside to State of Hawaii, Department of Land and Natural Resources,
Division of Forestry and Wildlife, for Wildlife Sanctuary Purposes, Kula, Maui,
Tax Map Key: (2) 2-2-007:005 & 006.

APPLICANT:

State of Hawaii, Department of Land and Natural Resources, Division of Forestry and
Wildlife

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended

LOCATION:

Portion of Government lands of Kula situated at Makawao, Maui, identified by Tax Map
Key: (2) 2-2-007:005 & 006, as shown on the attached map labeled Exhibit A.

AREA:

289 acres, more or less

ZONING:

State Land Use District: Conservation
Conservation Subzone(s): Resource, Limited and General

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES__ NO X

CURRENT USE STATUS of PARCEL 005:

General Lease S-3749 to USACE for Access Purposes
Land Office Deed 24475 to FAA for Access Purposes
Land Office Deed 26914 to MECO for Utility Purposes

CURRENT USE STATUS of PARCEL 006:

Vacant and unencumbered

OTHER ADJACENT USES / ACTIVITIES WITHIN TAX MAP PLAT (2) 2-2-007:

Parcel 007: Executive Order 1413 to FAA for Repeater Station Site; Executive Order 1808 to FAA for Haleakala Peripheral Hi Site; and Land Office Deed 24475 to FAA for Access Purposes

Parcel 008: Executive Order 1987 to University of Hawaii for Haleakala High Altitude Observatory Site

Parcel 012: General Lease S-4028 to Hawaiian Telcom, Inc. for Microwave Station Site

Parcel 014 & 015: Revocable Permit S-7420 to Television Broadcasters (Pending)

PURPOSE for SET ASIDE to DOFAW:

Wildlife Sanctuary purposes

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.

APPLICANT REQUIREMENTS:

Applicant shall be required to provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

In 1951, Executive Order 1411 authorized the withdrawal of 320 acres from the Kula and Kahikinui Forest Reserve for communication purposes (Repeater Station & Inter-island Radio Telephone Station Site). Of the 320 acres that were withdrawn, 289 acres (more or less) are recommended to be returned to a "reserve" status via transfer of land

management back to the State Department of Land and Natural Resources' Division of Forestry and Wildlife (DOFAW) for designation and management as a Wildlife Sanctuary.

The subject lands represent a unique, alpine and subalpine ecosystem characterized by former and remnant shrub lands. Vegetation is sparse, due to the high elevation and harsh dry environment, as well as a history of periodic browsing by feral goats. Notable native plant species include Pūkiawe (*Styphelia tamieameiae*), 'Ōhelo (*Vaccinium reticulatum*), Na'e na'e (*Dubautia menziesii*) Bracken fern (*Pteridium aquilinum*), and the endangered Haleakalā Silversword (*Argyroxiphium sandwicense subsp. Macrocephalum*). Faunal surveys have been somewhat limited, but there most likely exists a diverse assemblage of native arthropods commonly found in Hawai'i's high elevation Aeolian ecosystems.

While all indigenous resources occurring in the proposed Wildlife Sanctuary will be afforded protection, the primary species identified for protection at the subject location is the Hawaiian petrel, or 'U'au (*Pterodroma sandwichensis*), a federally listed endangered species. The summit area of Haleakalā, which includes the subject lands, contains the highest known population of Hawaiian petrels in the state. It is believed this is due in large part to a long history of active management by resource management staff at Haleakalā National Park, an adjacent landowner.

Presently, the subject lands are included as a mitigation site for the Advanced Technology Solar Telescope (ATST) Habitat Conservation Plan, which includes management activities to protect 'U'au and other biological and cultural resources. Under the plan, the lands would be managed by the ATST for a period of 6-10 years, after which it is expected that the Department's Division of Forestry and Wildlife will assume full management responsibility for the area. Set aside of the unencumbered subject lands as a Wildlife Sanctuary will build upon the conservation success of the actions undertaken pursuant to the ATST HCP, as well as help ensure long term protection for the natural resources of the parcels. Management and protection activities will include maintenance of an ungulate proof fence, which is being built by ATST, vegetation and invasive species management, an intensive predator control program, and population monitoring of the petrel colony.

Pursuant to Chapter 13-126, Hawai'i Administrative Rules (HAR), the purpose of the State Wildlife Sanctuary system is to conserve, manage, and protect indigenous wildlife and their habitats. HRS Chapter 195D provides broad authority to the Department of Land and Natural Resources for the management of indigenous species and provides protection of those species by prohibiting take. Within the Department, DOFAW has been delegated the management responsibility for terrestrial wildlife. Designation of the subject lands as a Wildlife Sanctuary will enable the Division to support and expand habitat protection and predator control operations to further protect sensitive resources.

The subject lands are within the conservation district, and wildlife there are currently protected species, therefore the effect upon existing users adjoining this proposed wildlife

sanctuary is not expected to be significant. This action is simply an administrative adjustment to allow the proper agency—that is equipped to manage the subject resources pursuant to its mandate—to assume the responsibility.

The Division of Forestry and Wildlife has been in communication with users at the summit. Existing users within the area have separate parcels which will remain under jurisdiction and oversight of the DLNR Land Division.

RECOMMENDATION That the Board:

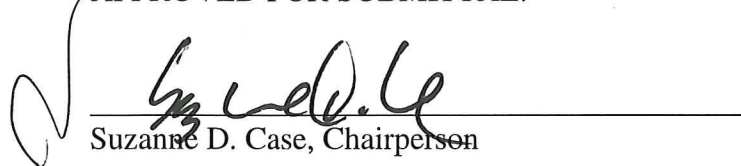
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Department of Land and Natural Resources, Division of Forestry and Wildlife under the terms and conditions cited above, which are by this 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,



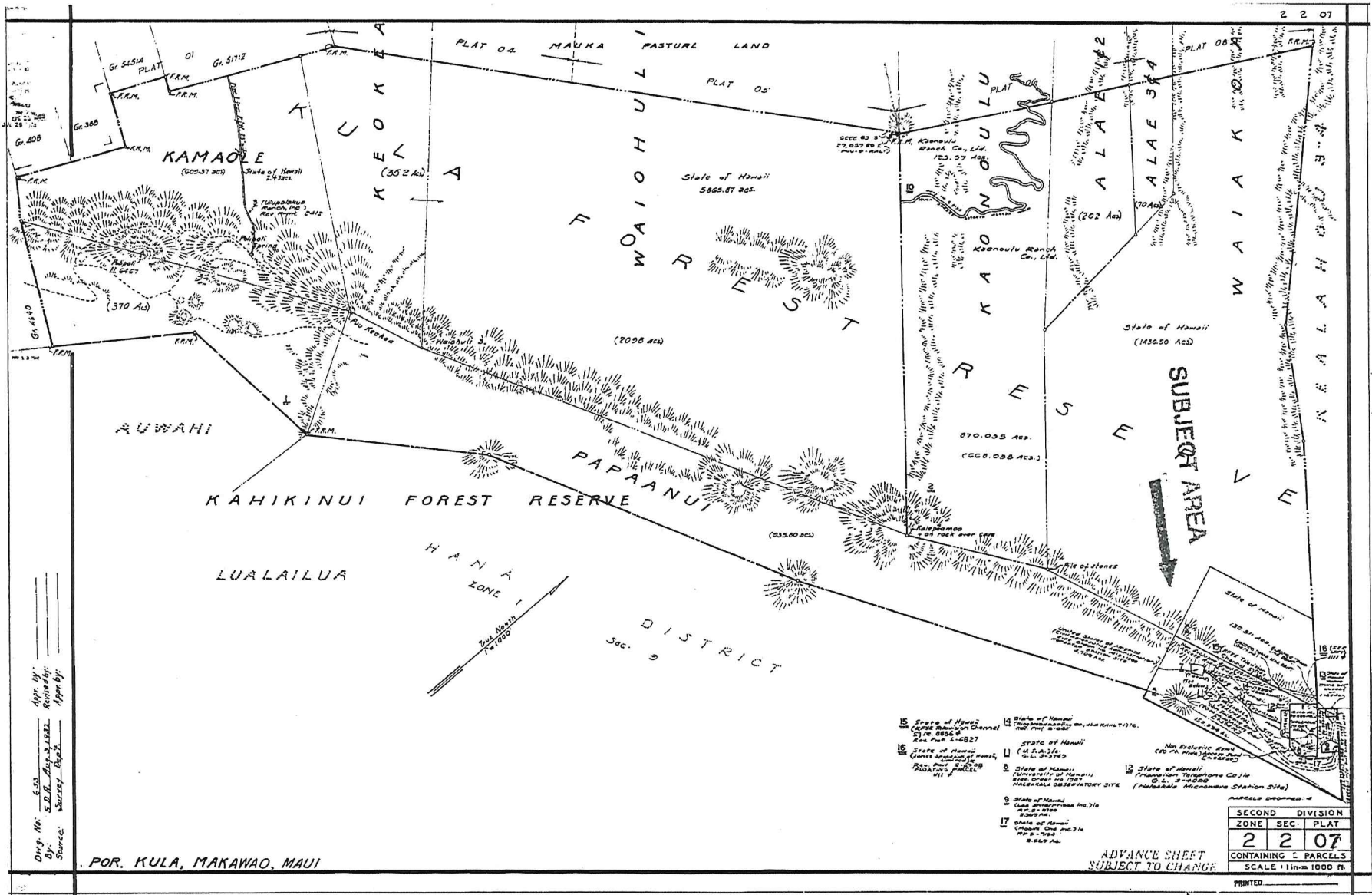
Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

EXHIBIT A



Date: 6-53
 By: S.D.R. May 4, 1952
 Survey: Topog.
 Source:

POR. KULA, MAKAWAO, MAUI

- 15 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 16 State of Hawaii
Lower Kula Forest Reserve
S.P. 8864
244 Pct 5-6827
- 17 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 18 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 19 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 20 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 21 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 22 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 23 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 24 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 25 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 26 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 27 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 28 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 29 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827
- 30 State of Hawaii
Cape Kumukahi Channel
S.P. 8864
244 Pct 5-6827

PARCELS SHOWN - 4		
SECOND DIVISION	ZONE	SEC. PLAT
2	2	07
CONTAINING 2 PARCELS		
SCALE 1 in = 1000 ft.		
PRINTED		

ADVANCE SHEET
SUBJECT TO CHANGE

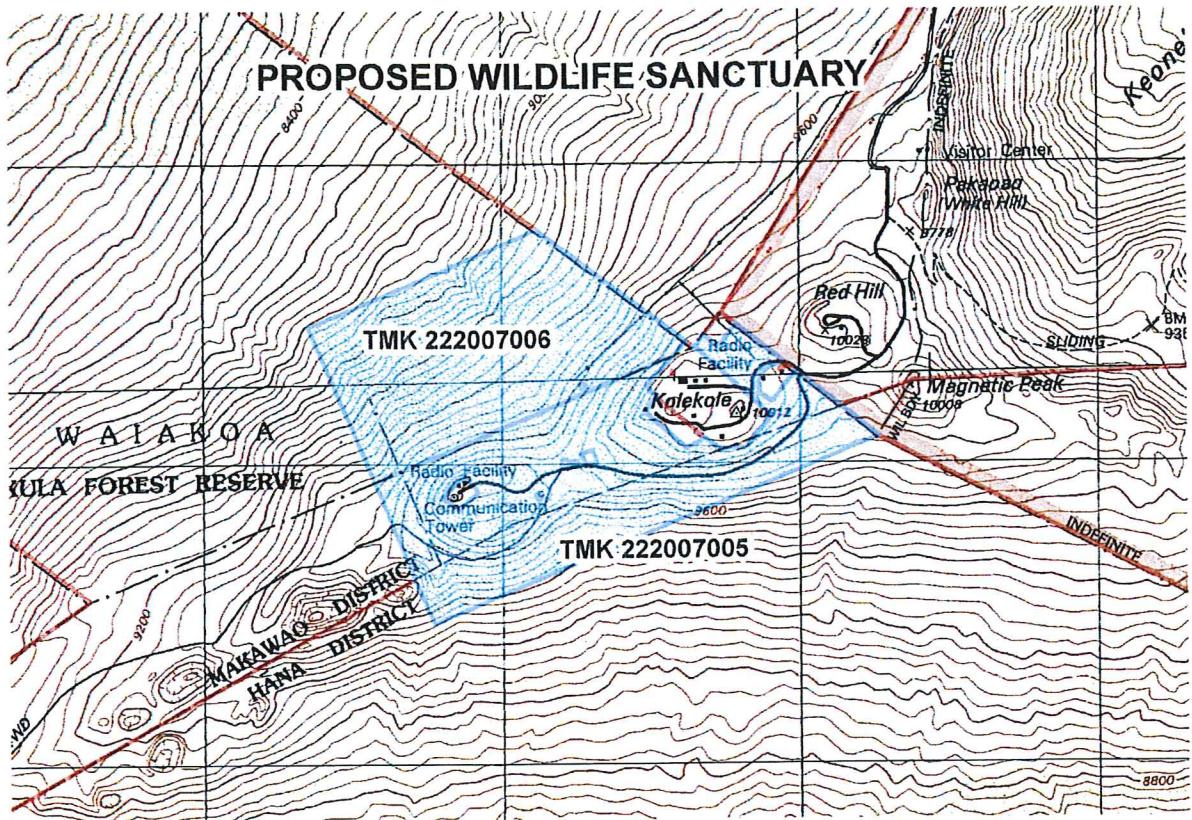
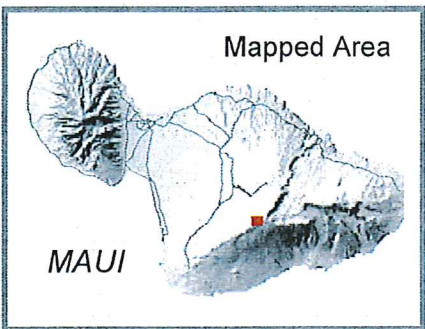
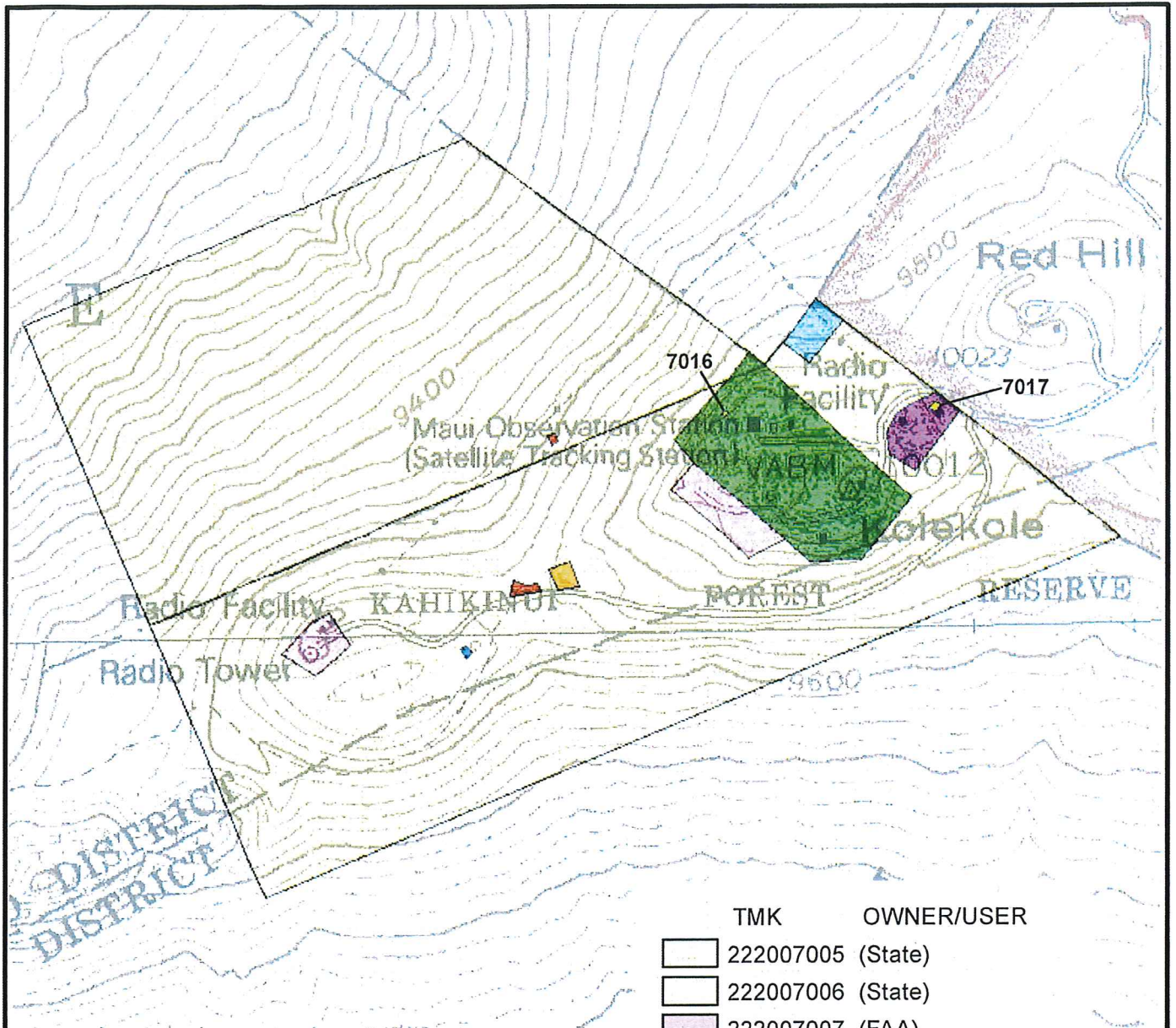


Exhibit B



TMK	OWNER/USER
222007005	(State)
222007006	(State)
222007007	(FAA)
222007008	(Univ. of Hawaii)
222007009	(NOAA)
222007011	(US Dept. of Energy)
222007012	(Hawaiian Telcom)
222007013	(MECO)
222007014	(Racom National)
222007015	(Racom National)
222007016	(State LD)
222007017	(State LD)



Map No. FW - 1134 (06/2013)

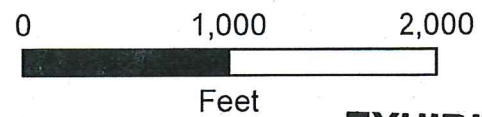
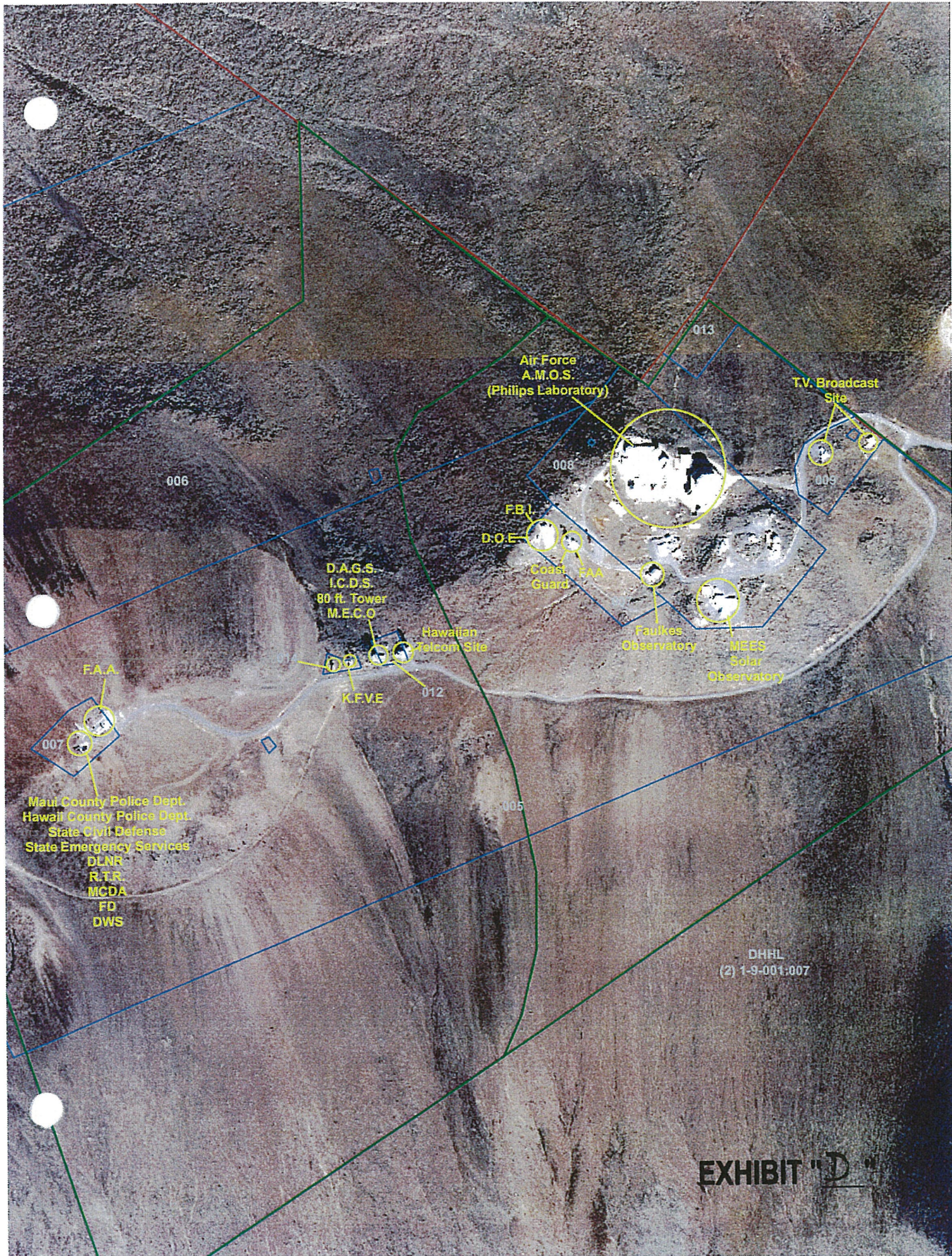


EXHIBIT "C"



Air Force
A.M.O.S.
(Philips Laboratory)

T.V. Broadcast
Site

006

013

008

009

FBI
D.O.E.

Coast
Guard

FAA

D.A.G.S.
I.C.D.S.
80 ft. Tower
M.E.C.O.

Hawaiian
Telcom Site

Faulkes
Observatory

MEES
Solar
Observatory

FAA

007

KEVE

012

Main County Police Dept.
Hawaii County Police Dept.
State Civil Defense
State Emergency Services
DLNR
R.T.R.
MCDA
FD
DWS

005

DHRL
(2) 1-9-001:007

EXHIBIT "D"

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKO A KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON
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

February 26, 2016

EXEMPTION NOTIFICATION

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

Project Title: Set Aside to State DLNR Division of Forestry and Wildlife (DOFAW) for Wildlife Sanctuary Purposes

Project / Reference No.: 13MD-189


Project Location: Kula, Maui, Tax Map Key: (2) 2-2-007:005 & 006

Project Description: Set aside of vacant unencumbered lands back to State DLNR DOFAW to better protect unique existing flora and fauna.


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

Exemption Class No. and Description: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that 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 Item No. 7, which states "Operations, repair and maintenance, of existing Department structures and facilities, including baseyards, offices, cabins, sheds, and fencing."

Recommendation: It is anticipated that the intended use will have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



 Suzanne D. Case, Chairperson

 Date: 2/18/16