

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
1151 Punchbowl St. Rm 325, Honolulu HI 96813

March 11, 2016

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

OAHU

Land Board Members:

SUBJECT: Issuance of Management Right-of-Entry; City and County of Honolulu, Hamakua and Kawainui Marsh Wildlife Sanctuaries, Kailua, Koolaupoko, Oahu, Tax Map Key: (1) 4-2-3:30, (1) 4-2-16:02, and (1) 4-2-16:15, respectively.

APPLICANT:

City and County of Honolulu, government agency

LEGAL REFERENCE:

Sections 171-30 and 183D-4, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of State of Hawaii lands situated at Kailua, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-2-3:30, (1) 4-2-16:02, and (1) 4-2-16:15 shown on the attached map labeled **Exhibit A**.

AREA:

13 acres, more or less.

ZONING:

TMK: (1) 4-2-3:30
State Land Use District: Urban
City & County of Honolulu LUO: P2

TMK: (1) 4-2-16:15
State Land Use District: Conservation
City & County of Honolulu LUO: P1

TMK: (1) 4-2-16:02
State Land Use District: Urban
City & County of Honolulu LUO: R5/P2

TRUST AND LAND STATUS:

Acquired after Statehood, i.e. non-ceded.

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

CURRENT USE STATUS:

Parcel 30:

Encumbered by Governor's Executive Order No. 3712 setting aside to the Division of Forestry and Wildlife for State Wildlife Sanctuary.

Parcel 15:

Encumbered by Governor's Executive Order No. 4258 setting aside to the Division of Forestry and Wildlife for Habitat Restoration and Marsh Wildlife Sanctuary.

Parcel 2:

Encumbered by Governor's Executive Order No. 4128 setting aside to the Division of Forestry and Wildlife for Establishment, Preservation, and Protection of Kawainui Marsh as Part of the Kawainui Marsh Resource Management purposes.

CHARACTER OF USE:

The City and County of Honolulu would contract services to remove invasive mangrove.

CONSIDERATION:

Gratis. See Remarks Section.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

According to a letter from the City and County of Honolulu to the Department of Land and Natural Resources, Division of Forestry and Wildlife dated December 24, 2015, the City and County of Honolulu declared actions exempt from the preparation of an environmental assessment. "Vegetation clearing from stream" falls under "Exemption Class 1, Operations, repairs or maintenance of existing structures, facilities, equipment or topographic features, involving negligible or no expansion or change of use beyond the previously existing," from Exemption List for the City and County of Honolulu,

Department of Public Works as Review and Concurred Upon by the Environmental Council (Docket 91-EX-4) February 19, 1992 (**Exhibit B**).

DCCA VERIFICATION:

Not applicable.

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Abide by conditions set in the permit.
2. Coordinate actions and activities with DOFAW.

REMARKS:

The Department of Land and Natural Resources, Division of Forestry and Wildlife (“DOFAW”) is requesting approval to issue a Right-of-Entry permit (“ROE”) to the City and County of Honolulu (“City and County”) to remove invasive mangrove from Hamakua and Kawianui State Wildlife Sanctuaries. Mangrove vegetation has clogged the canals of Hamakua Marsh, Kaelepulu Stream, and Kawainui Stream posing an increased flood risk to the Kailua community. Eradicating mangrove would ameliorate this flood risk. The City and County would contract services to eradicate invasive mangrove from the banks and waterway inside Hamakua Marsh Wildlife Sanctuary and Kawainui Marsh Wildlife Sanctuary, TMK (1) 4-2-3: parcel 30, and 4-2-16: parcel 02 and 4-2-16: parcel 15, respectively . The ROE would provide the City and County and its contractors permission to enter and operate at both Hamakua and Kawainui.

The Hawaii State Legislature appropriated \$800,000 in Capital Improvement Project (“CIP”) funding to the City and County for “mangrove eradication” at Hamakua Marsh and Kaelepulu and Kawainui Streams, pursuant to Act 134, SLH 2013, amended by Act 122 SLH 2014. The responsible agency, the City and County of Honolulu Department of Facility Maintenance (“DFM”), would solicit bids for mangrove cut, removal, and herbicide application. Contractors would return to the area six and twelve months after the initial treatment, treating approximately thirteen acres for mangrove eradication. Before work begins, DOFAW and DFM would vet and agree upon all requirements outlined in the draft scope of work, Specifications for Mangrove Removal from the City and County, to ensure definition of safety and environmental standards and compliance issues.

On December 24, 2015, the City and County declared actions exempt from preparation of an environmental assessment pursuant to Chapter 343 HRS and Chapter 11-200 HAR, stating “‘Vegetation clearing from stream’ is listed under ‘Exemption Class 1, Operations, repairs, or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion of change of use beyond that previously existing,’” from the Exemption List for the City and County of Honolulu Department of Public Works as Review and Concurred Upon by the Environmental Council (Docket 91-EX-4) February 19, 1992 (**Exhibit B**).

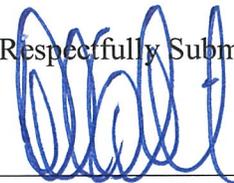
The City and County conducted mangrove removal in the area in 2008 and 2009. The project was also done under the City's exemption list. The lands were transferred to DOFAW in 2009. DOFAW is an agreement with the City that this project will be beneficial to both agencies for the long term management of the Kailua waterways.

DOFAW manages Hamakua and Kawainui Marsh for wildlife sanctuary purposes in for protection of wetland ecosystems, endangered species conservation and limited public use, in accordance with HAR §13-124. The draft Kawainui-Hamakua Complex Master Plan explains that mangrove removal is a management action for the benefit of Hamakua Marsh and Kawainui Marsh Wildlife Sanctuaries (HHF Planners, Draft Kawainui-Hamakua Complex Master Plan, May 2014). Other parcels proposed for mangrove eradication are TMKs 4-2-16:13, 4-2-16:30, and 4-2-77:106, owned by the City and County; and 4-2-1:055, owned by Alexander and Baldwin. DOFAW supports DFM in its efforts to eradicate mangrove from Hamakua Marsh Wildlife Sanctuary, Kaelepu Stream, and Kawainui Stream.

RECOMMENDATION: That the Board:

1. Authorize the DLNR Chairperson to issue a management Right of Entry permit to the City and County of Honolulu, covering the subject area for mangrove eradication purposes 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 document from, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

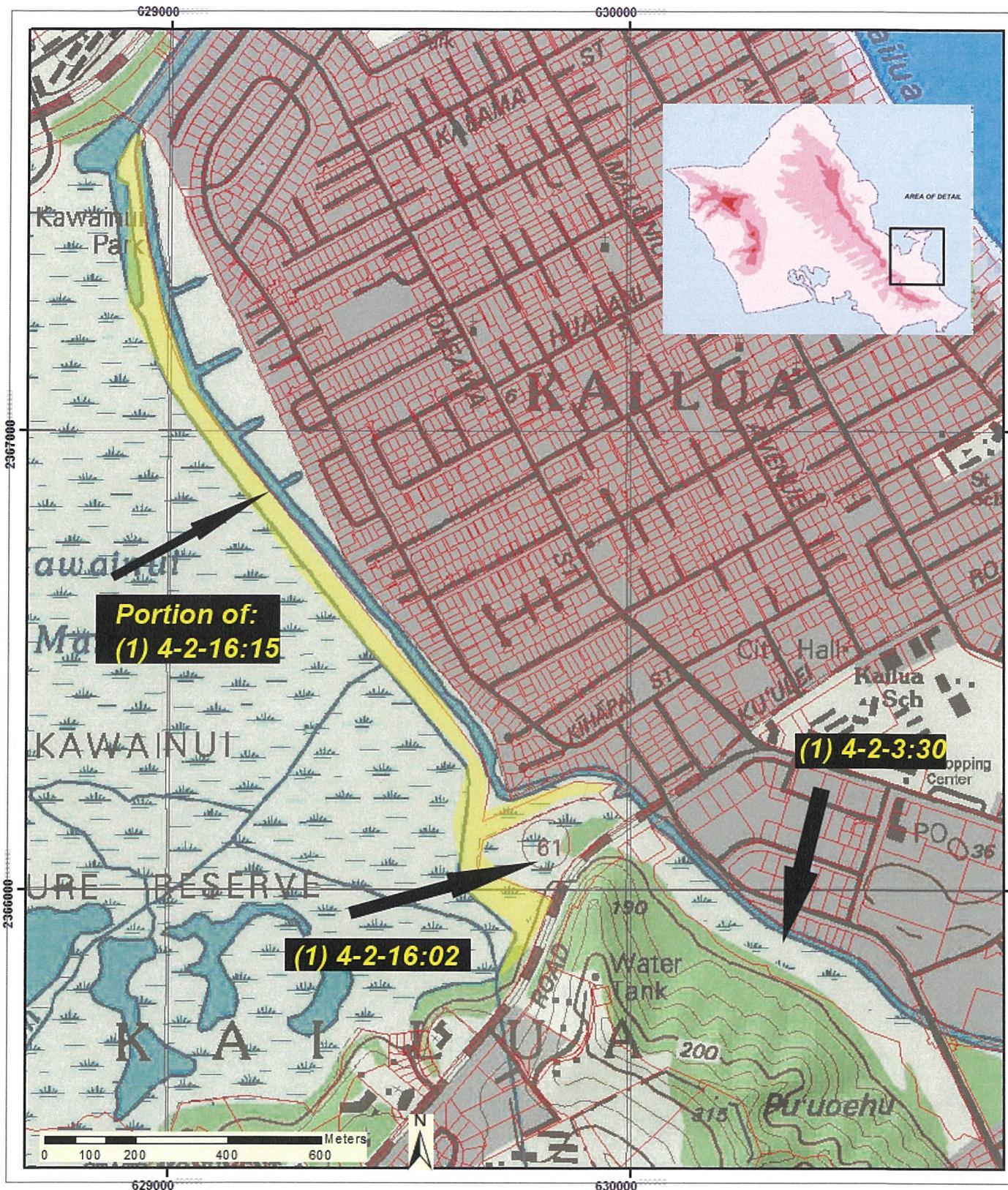


David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources



**Mangrove Removal Project
2/24/2016**

EXHIBIT A



Exhibit B

DEPARTMENT OF FACILITY MAINTENANCE
CITY AND COUNTY OF HONOLULU

1000 Ulu'ohia Street, Suite 215, Kapolei, Hawaii 96707
Phone: (808) 768-3343 • Fax: (808) 768-3381
Website: www.honolulu.gov

KIRK CALDWELL
MAYOR

ROSS S. SASAMURA, P.E.
DIRECTOR AND CHIEF ENGINEER

EDUARDO P. MANGLALLAN
DEPUTY DIRECTOR



IN REPLY REFER TO:
15-359

December 24, 2015

Mr. Scott Fretz
Acting Administrator
State of Hawaii
Department of Land & Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

Dear Mr. Fretz:

Pursuant to Act 134, SLH 2013, as amended by Act 122 SLH 2014, Item K-17, the Hawaii State Legislature appropriated \$800,000 in Capital Improvement Project (CIP) funding to the City and County of Honolulu for the Mangrove Eradication at Hamakua Marsh and Kaelepulu and Kawainui Streams. Mangrove is a non-native species that has been shown to decrease both water quality and native habitat diversity in Hawaii. The mangrove in Hamakua Marsh and Kaelepulu and Kawainui streams currently poses a threat to the Kailua community due to the increased flood risk caused by the inability of the vegetation-clogged canal to convey storm water run-off.

The City and County of Honolulu Department of Facility Maintenance (DFM) is the city agency responsible for vegetation maintenance for portions of the Hamakua Marsh and Kaelepulu and Kawainui Streams, while other portions are maintained by the State of Hawaii Department of Land and Natural Resources (DLNR). In response to the state appropriation, DFM is in the process of putting together a solicitation bid to have the mangrove cut, removed, and to have herbicide applied to the remaining portions of the cut mangrove. For this initiative, DFM would like to also include the portions of Hamakua Marsh and Kaelepulu and Kawainui Streams DLNR is responsible to maintain as part of its scope of work. Attached for your reference is the Statement of Work DLNR and DFM collaborated on for the solicitation.

In total, a conservative estimate of the areas affected by the mangrove is approximately 13 acres. However, in light of the requirement to have contractors come back to the same areas approximately six (6) and twelve (12) months after the initial eradication for follow-up eradication, removal and applying herbicide to new seedlings, the \$800,000 may only be enough for a portion of the 13 acres. The final acreage will be finalized when the bids come in.

Mr. Scott Fretz
December 24, 2015
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Section 343-6(7) of the Hawaii Revised Statutes authorizes the Environmental Council to establish procedures whereby specific types of actions, because they will probably have minimal or no significant effects on the environment, are declared exempt from the preparation of an environmental assessment. Under the Exemption List for the City and County of Honolulu, Department of Public Works (later changed to DFM) as Review and Concurred Upon by the Environmental Council (Docket 91-EX-4) February 19, 1992, 'Vegetation clearing from stream' is listed under "Exemption Class 1, 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 [HAR §11-200-8(a)(1)]." DFM respectfully requests for an exemption for an Environmental Assessment to remove mangrove under DFM's and DLNR's jurisdictions from the Hamakua Marsh and Kaelepuu and Kawainui Streams under the existing Exemption Class 1 'Vegetation clearing from stream'.

EXEMPTION CLASS #1:

Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change or use beyond that previously existing [HAR §11-200-8(a)(1)].

EXEMPTION WITHIN CLASS #1 - #20:

Vegetation Clearing from Stream.

DATE OF AGENCY EXEMPTION LIST:

February 19, 1992.

I have considered the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR. I declare that this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment under the Department of Public Works (DFM) Exemption Class #1.

If you have any questions, please contact me by telephone at 768-3343 or by email at rsasamura@honolulu.gov.

Sincerely,



Ross S. Sasamura, P.E.
Director and Chief Engineer

Attachment