

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

May 24, 2019

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

Land Board Members:

SUBJECT: ACCEPTANCE OF HEARING OFFICER'S REPORT ON A PUBLIC HEARING FOR TWO PROPOSED ADDITIONS TO THE FOREST RESERVE SYSTEM ON THE ISLAND OF O'AHU.

APPROVAL AND RECOMMENDATION TO THE GOVERNOR REGARDING ISSUANCE OF AN EXECUTIVE ORDER FOR ADDITION OF TAX MAP KEYS (1) 6-3-001:003, (1) 6-4-004:011, (1) 7-1-002:011, AND (1) 7-2-001:003, COMPRISING APPROXIMATELY 2,881.626 ACRES, TO THE 'EWA FOREST RESERVE (HELEMANO SECTION), PA'ALA'A-UKA, WAIALUA, AND WAHIAWA, O'AHU.

APPROVAL AND RECOMMENDATION TO THE GOVERNOR REGARDING ISSUANCE OF AN EXECUTIVE ORDER FOR ADDITION OF TAX MAP KEY (1) 3-4-015:034, COMPRISING APPROXIMATELY 25,731 SQUARE FEET, TO THE HONOLULU WATERSHED FOREST RESERVE, WAIMAO, PALOLO, O'AHU.

SUMMARY:

This Board submittal requests acceptance of a Hearing Officer's Report for two proposed additions to the Forest Reserve System on the Island of O'ahu, and approval and recommendation to the Governor regarding the issuance of an Executive Order (EO) for the addition of land to the 'Ewa Forest Reserve (Helemano Section), and the addition of land to the Honolulu Watershed Forest Reserve.

LEGAL REFERENCE:

Section 183-11, Hawai'i Revised Statutes (HRS), as amended.

LOCATION, AREA, AND ZONING:

See Exhibit A

BACKGROUND:

Addition to 'Ewa Forest Reserve (Helemano Section)

At its meeting on September 14, 2018, under agenda item C-1, the Board approved the acquisition of privately owned Tax Map Keys (TMKs) (1) 6-3-001:003, (1) 6-4-004:011, (1) 7-1-002:011, and (1) 7-2-001:003 (approximately 2,881.626 acres), for the purpose of adding it to the 'Ewa Forest Reserve (Helemano Section), Pa'ala'a-Uka, Waialua, and Wahiawa, O'ahu (Exhibit B). The acquisition of this area, also known as the Helemano Wilderness Area, was jointly funded through contributions from the US Forest Service Forest Legacy Program, US Navy Region Hawaii Encroachment Partnering Program, Kawailoa Wind, LLC, US Fish and Wildlife Service Habitat Conservation Planning Acquisition, State of Hawai'i Legacy Land Conservation Program, and the US Fish and Wildlife Service Pittman-Robertson Fund Program. The acquisition was executed by all appropriate parties and recorded in the Bureau of Conveyances on October 17, 2018.

The Helemano Wilderness Area contains high priority watersheds and native forest habitat for many native plants and animals. It also adds significant public access and acreage for hunters, hikers, campers, cultural practitioners, and other outdoor recreationists. Other benefits include educational opportunities, timber production, agroforestry, and non-timber forest products. Addition of the Helemano Wilderness Area to the Forest Reserve System will enable the Department to protect this area in perpetuity, manage compatible recreational and educational opportunities, and facilitate management actions for the conservation, protection, and restoration of watershed and native habitat. DOFAW is requesting Board approval to add TMKs (1) 6-3-001:003, (1) 6-4-004:011, (1) 7-1-002:011, and (1) 7-2-001:003 (approximately 2,881.626 acres) to the 'Ewa Forest Reserve (Helemano Section), Pa'ala'a-Uka, Waialua, and Wahiawa, O'ahu.

Addition to Honolulu Watershed Forest Reserve

At its meeting on November 17, 2000, under agenda item D-16, the Board approved the acquisition of TMK (1) 3-4-015:034 together with nonexclusive easements for surface access purposes over and across Easements G and H, after it was deemed unsafe following a rockfall incident in 1997 (Exhibit C). The parcel was acquired via condemnation by the State on June 19, 2015. At its meeting on October 13, 2017, under agenda item D-6, the Board amended its prior action of November 17, 2000, item D-16, to allow the Division of Forestry and Wildlife to conduct a public hearing regarding the proposed addition of this parcel to the Honolulu Watershed Forest Reserve. DOFAW is requesting Board approval to add (1) 3-4-015:034 (approximately 25,731 square feet) to the Honolulu Watershed Forest Reserve, Waiomao, Palolo, O'ahu.

In 2004, Engineering Division executed a contract with Alliance Contracting, LLC to demolish, haul, and dispose of structures within the property. The contract also included allowance items to test and remediate hazardous materials. The demolition project was put on hold due to the condemnation process, so a Notice to Proceed was never issued. There is \$169,449.68 remaining on the contract. Alliance Contracting, LLC has since dissolved and is in the process of changing their name and restructuring the company, so the contractor's license

is currently invalid. Once the company is set up, Engineering will execute a supplemental contract to update the company name and proceed with the contract.

DISCUSSION:

Approval to hold a public hearing for the two proposed forest reserve additions described above was obtained from the Board of Land and Natural Resources on October 13, 2017 agenda item D-6, and September 14, 2018 item C-1. Approval to hold the public hearing and to appoint Marigold Zoll, Forestry and Wildlife Manager, as the Hearing Officer was obtained from the Chairperson on November 26, 2018.

On December 2, 2018, a Notice of Public Hearing was published in the Sunday editions of the Garden Island, Honolulu Star-Advertiser, Maui News, West Hawai'i Today, and Hawai'i Tribune-Herald newspapers, for a public hearing that was held on December 21, 2018, to receive public input on the proposed forest reserve system changes. Two members of the public attended the public hearing, the proceedings of which are summarized in the attached Hearing Officer's report (Exhibit D).

One oral testimony was given regarding the proposed addition of Tax Map Keys (1) 6-3-001:003, (1) 6-4-004:011, (1) 7-1-002:011, and (1) 7-2-001:003 to 'Ewa Forest Reserve (Helemano Section). Given Kawaihoa Wind Farm's financial contribution to the acquisition, the testifier did not want to see windmills constructed on the property. DOFAW staff responded that windmills will not be constructed, and that Kawaihoa Wind Farm received mitigation credit to offset the take of hoary bats.

No written testimony was received during or after the meeting.

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 does not trigger the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343, HRS, environmental requirements apply to DOFAW use of the lands, DOFAW shall be responsible for compliance for those projects with Chapter 343, HRS, as amended.

RECOMMENDATION:

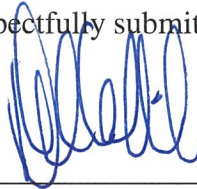
That the Board:

- 1) Accept and approve the Hearing Officer's report and minutes for the public hearing held on December 21, 2018, for the two proposed additions to the Forest Reserve System on the island of O'ahu.
- 2) Approve of and recommend to the Governor issuance of an executive order setting aside Tax Map Keys (1) 6-3-001:003, (1) 6-4-004:011, (1) 7-1-002:011,

and (1) 7-2-001:003, comprising approximately 2,881.626 acres, to the 'Ewa Forest Reserve (Helemano Section), Pa'ala'a-Uka, Waialua, and Wahiawa, O'ahu.

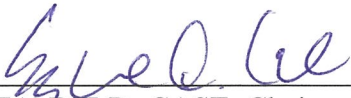
- 3) Approve of and recommend to the Governor issuance of an executive order setting aside Tax Map Key (1) 3-4-015:034, comprising approximately 25,731 square feet, to the Honolulu Watershed Forest Reserve, Waiomao, Palolo, O'ahu.
- 4) This recommendation is made subject to the following:
 - a. The standard 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,



David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:

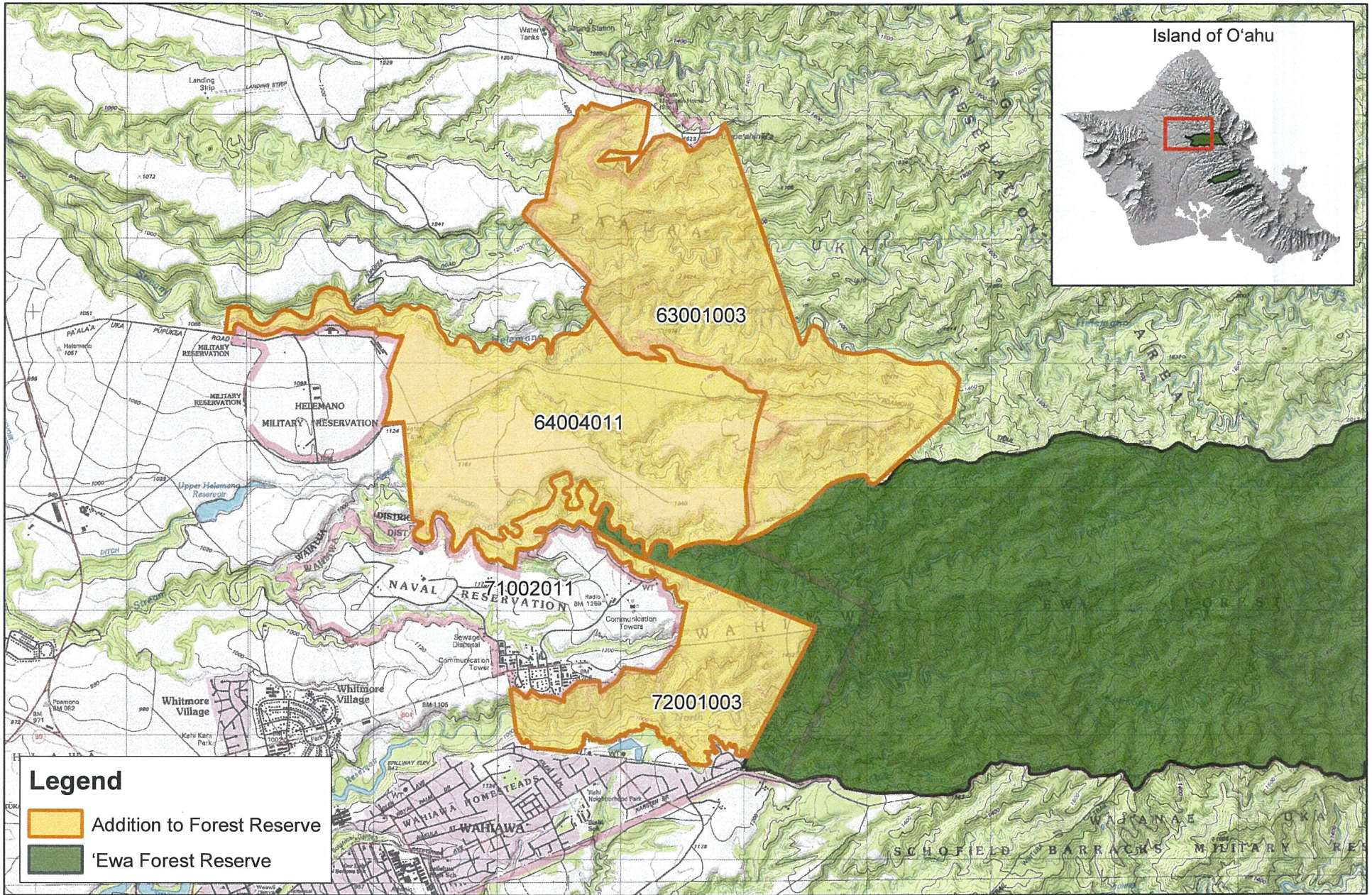


SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Exhibit A

Tax Map Key	Location	Acres (more or less)	State Land Use	County Zoning
'Ewa Forest Reserve				
(1) 6-3-001:003	Waialua	1,143.490	Conservation	Preservation
(1) 6-4-004:011	Waialua	1,247.697	Agriculture	Agriculture
(1) 7-1-002:011	Waialua	58.540	Agriculture	Agriculture
(1) 7-2-001:003	Wahiawa	431.899	Conservation	Preservation
Honolulu Watershed Forest Reserve				
(1) 3-4-015:034	Palolo	0.59	Conservation	Preservation

Exhibit B: Division of Forestry and Wildlife - Addition to 'Ewa Forest Reserve



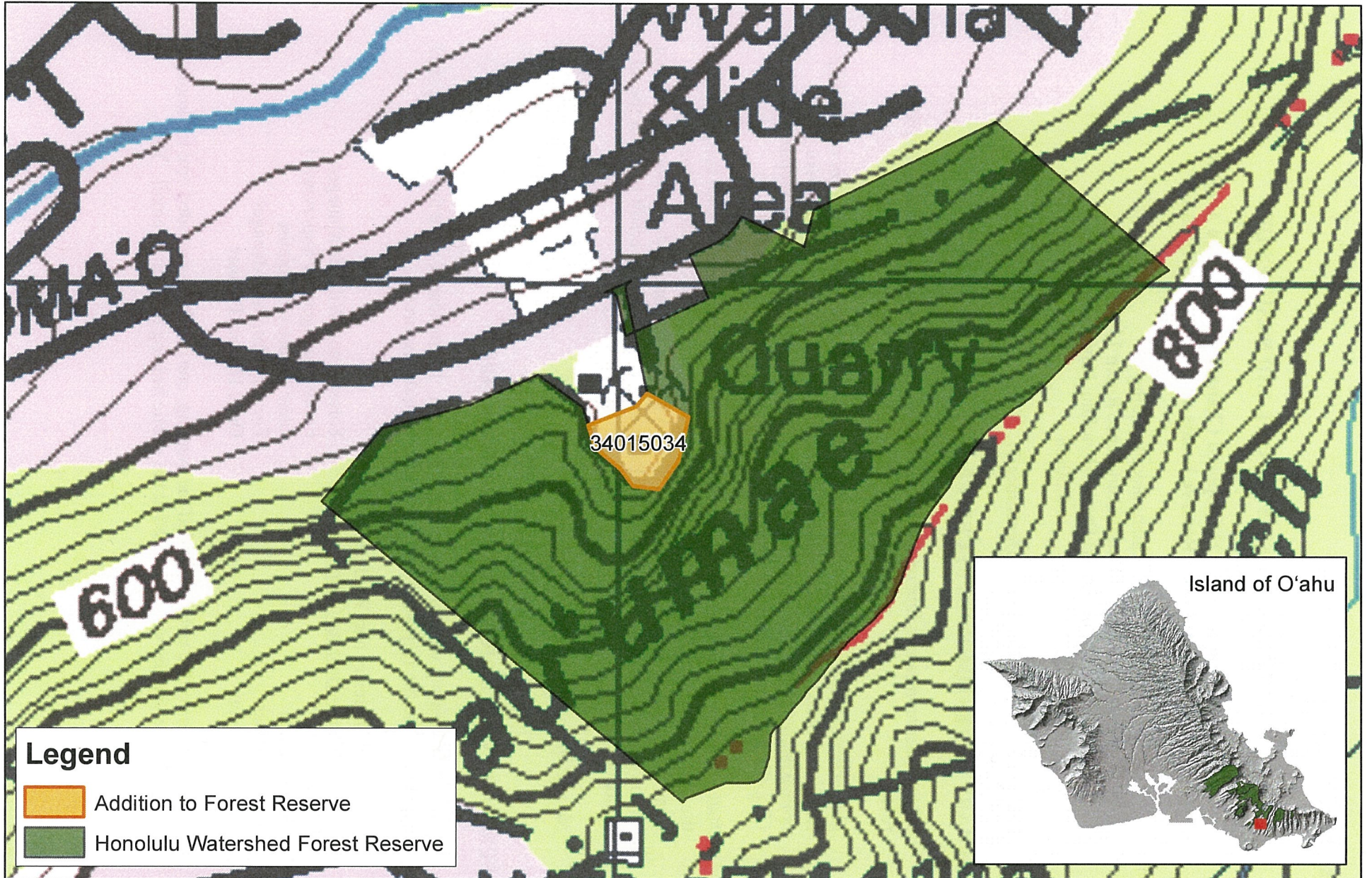
State of Hawai'i
 Department of Land and Natural Resources
 Division of Forestry and Wildlife
 (808) 587-0160
 November 2018




0 0.25 0.5 1 Miles



Exhibit C: Division of Forestry and Wildlife - Addition to Honolulu Watershed Forest Reserve



Legend

-  Addition to Forest Reserve
-  Honolulu Watershed Forest Reserve



State of Hawai'i
Department of Land and Natural Resources
Division of Forestry and Wildlife
(808) 587-0160
November 2018



0 0.05 0.1 Miles



Exhibit D

HEARING OFFICER'S REPORT AND MINUTES OF:

Public Hearing for Two (2) Proposed Changes Affecting the Area of Government Forest Reserve Lands on the Island of O'ahu

Kalanimoku Building
Land Board Conference Room 132
1151 Punchbowl Street, Honolulu, Hawaii, 96813
5:30pm

December 21, 2018

SUMMARY OF TESTIMONIES RECEIVED

Written testimonies are kept on file in the Division of Forestry and Wildlife for public review.

One oral testimony was provided for Agenda Item #1, the proposed addition of Tax Map Keys (1) 6-3-001:003, 6-4-004:011, 7-1-002:011, and 7-2-001:003, comprising approximately 2,881.626 acres, to the 'Ewa Forest Reserve (Helemano Section), Paalaa-Uka, Waialua, and Wahiawa, Oahu.

Nathan Garcia - Mr. Garcia stated that he had a small ranch and hunted on the property in the past. He does not want to see windmills constructed given Kawaihoa Wind Farm's financial contribution to the acquisition. DOFAW Staff responded that windmills will not be constructed, and that Kawaihoa Wind Farm received mitigation credit to offset the take of hoary bats.

No written testimonies were received.

I. SUMMARY OF PUBLIC HEARING PROCEEDINGS

- A. The public hearing was called to order at 5:41 pm. In attendance were the following staff members from the Department of Land and Natural Resources:

Division of Forestry and Wildlife:

Marigold Zoll - Hearing Officer

Ryan Peralta

Marissa Chee

Irene Sprecher

Landin Johnson

Forestry and Wildlife Manager

Forest Management Supervisor 1

Oahu Forestry Specialist

Forestry Program Manager

Oahu District Planner

- B. Two members of the public attended the meeting, one of whom provided oral testimony. No written testimony was submitted at the public hearing or by mail/email. The

Exhibit D

information that the Division of Forestry and Wildlife had prepared regarding this item was presented as planned.

- C. The public hearing was adjourned at 6:04 pm.

II. APPROVALS AND NOTICES OF PUBLIC HEARING

- A. Approval to hold a public hearing on the proposed forest reserve addition was obtained from the Board of Land and Natural Resources on September 14, 2018.
- B. Approval to hold the public hearing and to appoint Marigold Zoll as the Hearing Officer was obtained from the Chairperson on November 26, 2018.
- C. Notice of this public hearing was published on December 2, 2018, in the Sunday editions of The Garden Island, Honolulu Star-Advertiser, The Maui News, West Hawaii Today, and Hawaii Tribune-Herald newspapers.

Minutes prepared and respectfully submitted by Marigold Zoll.