

STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i 96813

April 13, 2012

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

Land Board Members:

SUBJECT: APPROVAL OF LAND LICENSE AGREEMENT BETWEEN THE DIVISION OF FORESTRY AND WILDLIFE AND THE CITY AND COUNTY OF HONOLULU BOARD OF WATER SUPPLY TO CONDUCT ANIMAL CONTROL ACTIVITIES ON BOARD OF WATER SUPPLY LANDS IN MĀKAHA, O'AHU, TAX MAP KEY: (1) 8-4-002:001 AND (1) 8-4-002:014

AND

REQUEST FOR DELEGATION OF AUTHORITY TO THE CHAIRPERSON TO (1) NEGOTIATE, APPROVE, AND EXECUTE LAND LICENSE AGREEMENTS, RIGHT-OF-ENTRY AND RELEASE OF LIABILITY AGREEMENTS, AND MEMORANDUMS OF UNDERSTANDING FOR THE DIVISION OF FORESTRY AND WILDLIFE TO CONDUCT ANIMAL CONTROL ACTIVITIES ON LANDS IN THE WAI'ANAЕ MOUNTAINS WATERSHED PARTNERSHIP; AND (2) DETERMINE AND APPROVE CHAPTER 343, HRS ENVIRONMENTAL COMPLIANCE REQUIREMENTS, INCLUDING APPROVAL OF DECLARATIONS OF EXEMPTIONS FROM ENVIRONMENTAL ASSESSMENT(S) FOR THE DIVISION OF FORESTRY AND WILDLIFE FOR AGREEMENTS WITH PARTNERS OF THE WAI'ANAЕ MOUNTAINS WATERSHED PARTNERSHIP RELATED TO ANIMAL CONTROL ACTIVITIES

SUMMARY:

This Board Submittal requests approval of Land License Agreement for the Division of Forestry and Wildlife (DOFAW) to conduct ungulate control activities on the City and County of Honolulu Board of Water Supply (BWS) land in Mākaha Valley on O'ahu (Exhibit A). The Division also request delegation of authority to the Chairperson to approve future Land License Agreements, Right-Of-Entries (ROE) and Release of Liability Agreements or Memorandums of Understanding (MOU), as appropriate, with the Wai'anāe Mountains Watershed Partnership partners for animal control activities and to determine and approve Chapter 343, HRS, environmental compliance requirements, including approval of declarations of exemptions, as

appropriate.

BACKGROUND:

Feral ungulates are destroying vegetation and water resources in Mākaha Valley. Control or elimination of non-native ungulates is an important part to maintaining watershed health in many areas. Mākaha Valley is part of a larger effort by multiple landowners to conduct ungulate control operations across the majority of Leeward Wai‘anae Mountains. Participating landowners include the State of Hawai‘i Land Division, State of Hawai‘i Division of Forestry and Wildlife, United States Navy and the City and County of Honolulu Board of Water Supply. All parties are agreeable to the ungulate control operations, but documentation in the form of a Land License Agreement, Right of Entry and Release of Liability Agreement or Memorandum of Understanding is required for DOFAW to assist with management activities on private or other government lands.

The BWS controls and manages approximately 4,000 acres in Mākaha Valley, TMKs (1)8-4-002:001 and 014, that they have proposed for animal control as identified through discussions with the Wai‘anae Mountains Watershed Partnership. Since 1992, the Department has entered into agreements with private and public landowners to allow DOFAW to conduct animal control activities on their property. The Division proposes to enter into an agreement with BWS to remove the feral ungulates in the area in conjunction with activities through the Wai‘anae Mountains Watershed Partnership. The BWS has requested the Division of Forestry and Wildlife enter into a Land License Agreement with the City and County of Honolulu Board of Water Supply to facilitate the animal control activities on their property.

DISCUSSION:

One of DOFAW’s missions is to protect and manage forested watersheds for production of fresh water supply for public uses now and into the future. The Division has the technical training and experience in ungulate control to conduct activities on a landscape scale; therefore, it is reasonable that DOFAW lends it’s kokua to such endeavors. Currently, DOFAW has contracted a wildlife biologist to conduct aerial surveys of the Wai‘anae Mountains to establish locations, herd size and movement patterns of goats. To date, four surveys have been completed and a fifth shall be completed by February. Animal control operations will be performed following the completion of the initial surveys and all areas will be surveyed again upon completion of control activities. The effectiveness of animal control treatments shall be continuously evaluated and adjusted for maximum efficiency. Overall coordination, public outreach, and planning of animal control activities shall be conducted by the Wai‘anae Mountains Watershed Partnership to ensure proper execution of an operation on a landscape scale. Further, DOFAW will not proceed with any aerial control activities until the necessary compliance and documentation, as required in the DLNR’s Aerial Shooting Policy for Feral Animals, is completed and approved.

The Land License Agreement with BWS allows for specific forms of hunting such as dog and knife, archery, snaring and aerial shoot by trained personnel. Public hunting shall be permitted provided that DOFAW can adequately manage it for BWS. Total eradication is not possible without fencing the entire Wai‘anae Mountain Range; however, some goat herds have been

observed to contain over a hundred individuals, and immediate treatments for herd culling should be performed in order to protect forested watershed areas from further damage from browsing.

Additional areas considered for animal control activities within the Wai‘anae Mountains Watershed Partnership include Lualualei, Nānākuli, and Mākua Kea‘au (Exhibit B). DOFAW is required to enter into agreements similar to the BWS agreement in these areas and involvement will be based on landowner interest and need. These areas will be evaluated as planning in the watershed partnership continues.

TERM OF LAND LICENSE AGREEMENT:

The term of the Land License Agreement shall be for a period of five years.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

The Division requests that the Board approve a declaration of exemption to the Chapter 343, HRS environmental compliance requirements for this project as it falls under DOFAW’s Exemption Class 1, No. 17:

“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.”

RECOMMENDATIONS:

That the Board:

1. Approve in concept a Land License Agreement between the State of Hawai‘i Division of Forestry and Wildlife and the City and County of Honolulu Board of Water Supply to conduct animal control activities in Mākaha, O‘ahu, Tax Map Key: (1) 8-4-002:001 and (1) 8-4-002:014.
2. Authorize the Chairperson to negotiate, approve and execute Land License Agreement between the State of Hawai‘i Division of Forestry and Wildlife and the City and County of Honolulu Board of Water Supply to conduct animal control activities in Mākaha, O‘ahu, Tax Map Key: (1) 8-4-002:001 and (1) 8-4-002:014, subject to review and approval as to form by the Department of the Attorney General.
3. Approve declaration of exemption to Chapter 343, HRS environmental compliance requirements for the Land License Agreement with the City and County of Honolulu Board of Water Supply to conduct ungulate control activities in Mākaha under Exemption Class 1, No. 17.
4. Authorize the Chairperson to negotiate, approve and execute Land License Agreements, Right-Of-Entries and Release of Liability Agreements or Memorandums of Understanding, as appropriate, for the Division of Forestry and Wildlife to conduct animal control activities on lands in the Wai‘anae Mountains Watershed Partnership,

subject to review and approval by the Department of the Attorney General.

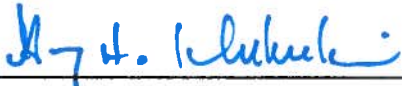
5. Authorize the Chairperson to determine and approve Chapter 343, HRS environmental compliance requirements for agreements with partners of the Wai'anāe Mountain Watershed Partnership related to animal control activities, including approval of declaration of exemptions as permitted under Chapter 11-200, HAR.

Respectfully submitted,



PAUL J. CONRY,
Administrator

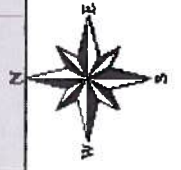
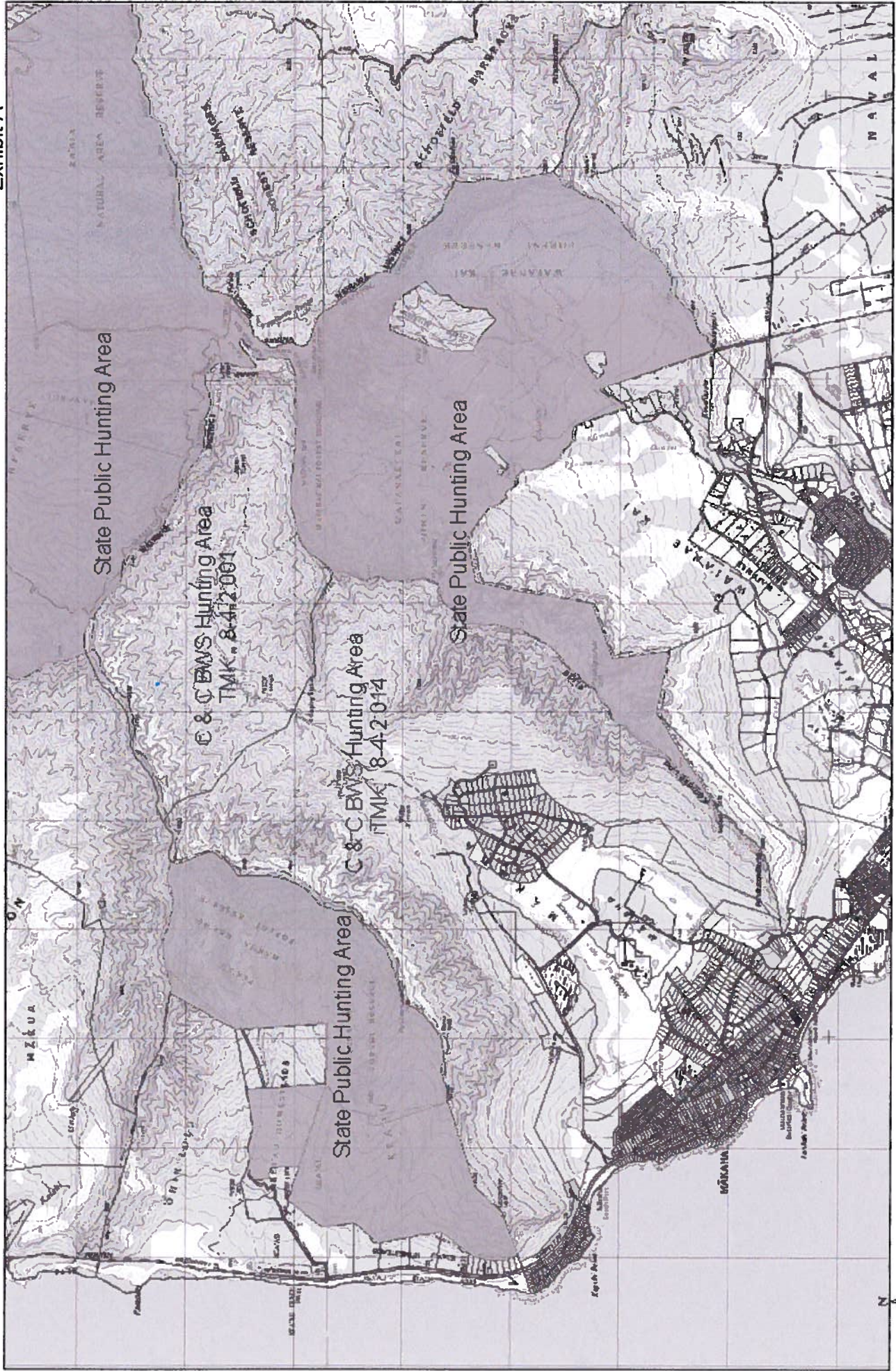
APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR., Chairperson
Board of Land and Natural Resources

BWS Hunting Areas: Makaha

Exhibit A



Made by: Ryan K Peralta
January 27, 2011



Legend

Forest Reserves

Exhibit B: Potential Additional Ungulate Control Areas

