

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

June 22, 2012

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

Board of Land and Natural Resources Members:

SUBJECT: REQUEST FOR APPROVAL TO EXTEND ACCESS RESTRICTIONS TO PORTIONS OF 'ĀHIHI-KINA'U NATURAL AREA RESERVE FOR A PERIOD OF TWO YEARS FROM AUGUST 1, 2012 THROUGH JULY 31, 2014.

BACKGROUND:

In 1973, 'Āhihi-Kina'u was designated as the first Natural Area Reserve (NAR), making it one of the most highly protected lands under state jurisdiction. By law, all resources within the Reserve are protected from harm or disturbance. The NAR includes rare and endangered natural and cultural resources, including anchialine pool ecosystems, near-shore marine ecosystems, lava flow formations and their associated habitats, extensive intact Hawaiian cultural and historic sites, as well as remnant native coastal dry shrublands and forests. At the time the area had little or no visitation.

On August 1, 2008, with approval from the 'Āhihi-Kina'u / Keone'ō'io Advisory Group (AK/KAG), the Natural Area Reserves System Commission (NARSC) and the Board of Land and Natural Resources (BLNR), staff restricted access to portions of the Reserve in order to conduct baseline surveys for geological, coastal, marine, anchialine, and cultural resources and to begin working with The Nature Conservancy of Hawaii to develop a long range management plan for the Reserve. Ten meetings were held to gather expert input and suggestions. Although significant progress was made and a first draft was almost completed, more efforts needed to be taken to finish the task.

The BLNR in June of 2010 approved a second request to continue access restrictions, from August 1, 2010 to July 31, 2012, to allow time for completion of the General Management Plan. A Draft Management Plan then was circulated for public review and

comment in the fall of 2010 and later approved by the Advisory Group in January of 2011. The NARSC requested revisions to the plan in March of 2011.

Then in April of 2011 all staff efforts required focus on addressing interests and concerns associated with the planning, organizing and implementing of extensive field surveys for Unexploded Ordnance (UXO) in the Reserve by the US Army Corp of Engineers (USACE); UXO in the Reserve is an issue which had been previously addressed but, not completely resolved.

A portion of the Reserve was one of four bombing targets on Maui used by the 14th Naval District of the U.S. Military in early 1945 through 1946. It is classified as a Formerly Used Defense Site (FUDS) and subject of the Defense Environmental Restoration Program (DERP). In July of 1996 a DERP visual survey and preliminary assessment of the site was conducted that identified a six inch naval projectile, a mechanical time fuse, a .50 caliber projectile, projectile fragments, and impact craters. The resulting DERP Project Summary Sheet dated September 1996 proposed a “surface and shallow subsurface sweep and removal” noting that “Public Access is unimpeded” and determined an existing Hazard Severity of “Critical” and a Hazard Probability of “Probable”. The next phase work on this Project was delayed and/or went unfunded for several years.

Between 2005 and 2007, prior to access restrictions, at least three pieces of high explosive ordinance were discovered by staff in the Reserve requiring the dispatch of Army Explosive Ordnance Disposal (EOD) personnel from O’ahu to safely dispose of those items. Two of those incidents required closing the nearby public road.

Partly due to the findings of UXO by staff combined with the fact the public access to the site remained unimpeded, the USACE conducted a Site Inspection in November 2007 “to determine whether the site warrants further munitions and explosives of concern or munitions constituents response action or no ... action.” A Final Site Inspection Report dated June 2008 noted that after four days of inspection, where approximately 21.4 miles of walked qualitative reconnaissance was conducted, one .50 caliber round and two intact 155mm shrapnel projectiles were discovered and debris including “numerous fragments from .50 caliber bullets, artillery projectiles, lead shrapnel and mortar fins.” were observed. It concluded that “it is highly likely that more...exist on the surface and in the cracks and crevasses of the lava fields...” So with a high risk, probability and likelihood of more UXO in an area with unimpeded public access, the Reserve then was ranked at the top of the list for site project funding requests by USACE which was then obtained in 2009 to continue the next phase of work.

In September of 2010 USACE began a series of Technical Project Planning (TPP) meetings on the Remedial Investigation/Feasibility Study (RI/FS) phase of the project and to discuss the technical approach and data gathering methodology. The project proposal involved more extensive surveys and sampling for UXO conducted by approximately 30 people on the ground and in the water following predetermined transect routes over a six week period starting in the summer of 2011. The TPP meetings

included USACE, their contractors along with the State DLNR and Department of Health (DOH) personnel. Planning became somewhat problematic when discussing the potential impacts from extensive field activities in a highly protected area with endangered species and their habitats. Especially, when considering the fact that if UXO was discovered during surveys but, not safe to move, it would need to be blown in place (BIP) and the resulting need to “consult” with appropriate agencies such as DLNR, USFW and NOAA on mitigating those potential impacts. To resolve concerns from USACE about the need to move sooner rather than later with implementing this project and others, the State acted to allow the projects to move forward in a timely manner by the issuance of a Governor’s proclamation exempting these projects state wide from State environmental review laws and procedures based on public safety. The USACE continued to work for the next year to address concerns and issues raised by all “stakeholders” including the State, USFW and NOAA. Finally, a public informational meeting about the project was held by USACE on Maui in September 2011 with surveys commencing shortly thereafter on October 4, 2011 finishing just before Thanksgiving (6 weeks). The data collected from the surveys was to be then gathered, analyzed and presented to the stakeholders for discussion starting in February 2012, with a Decision Document to follow some six months later. This part of the process has been delayed due to unforeseen circumstances per USACE, and is now slated to begin in July 2012.

ANALYSIS

DOFAW supports the request for continued closure to portions of ‘Āhihi-Kina‘u NAR for up to two additional years in order to complete the Management Plan and for the USACE process to more accurately determine the risk posed by the presence of UXO and provide management recommendations based on survey findings, from August 1, 2012 through July 31, 2014.

The most accessible and well-used portions of the Reserve will remain open for use during visitor hours as they have for the last four years; however, the other more remote and sensitive areas will remain closed to the general public. The open area was surveyed extensively last fall and determined to be safe for continued daily public use. It is important to incorporate the future USACE recommendations on UXO into the Management Plan to further determine how much and what types of human use to allow and where in the Reserve.

The current closure period ends July 31, 2012. The AK/KAG, at its April 24, 2012 meeting, recommended closure for one additional year to complete the Management Plan, obtain the USACE recommendations and fill vacant staff positions. The NARSC, at its June 4, 2012 meeting, recommended closure for two years, to allow for completion of the Management Plan and USACE final recommendations.

RECOMMENDATION:

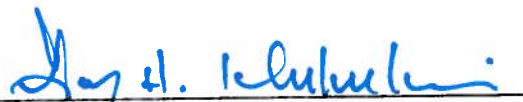
That the Board of Land and Natural Resources, continue the closure for two years, from August 1, 2012 – July 31, 2014, pursuant to HAR § 13.209-4.5, of portions of 'Āhihi-Kina'u Natural Area Reserve, to finish the Draft Management Plan and to allow time for the USACE to complete their process and provide management recommendations to incorporate into the Management Plan.

Respectfully Submitted,



PAUL J. CONRY, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



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