

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawaii 96813

October 12, 2012

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

Land Board Members:

**SUBJECT:** RESCIND APPROVAL IN PRINCIPLE OF DIRECT LEASE TO UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE FOR RESEARCH, EDUCATION, OFFICE AND HOUSING FACILITY PURPOSES AT THE PUU WAAWAA UNIT OF THE HAWAII EXPERIMENTAL TROPICAL FOREST, PUU WAAWAA FOREST RESERVE, NORTH KONA, HAWAII, TAX MAP KEYS: (3) 7-1-001: PORTIONS OF 004 & 006 AND REQUEST APPROVAL IN PRINCIPLE OF DIRECT LEASE FOR NEW LOCATION WITHIN PUUWAAWAA FOREST RESERVE, NORTH KONA, HAWAI'I, TAX MAP KEYS: (3) 7-1-001: Portion of 006

**APPLICANT:**

United States Department of Agriculture, Forest Service (USFS), whose business and mailing address is 60 Nowelo Street, Hilo, Hawaii 96720.

**LEGAL REFERENCE:**

Section 171-95(a) (2), Hawaii Revised Statutes (HRS), as amended.

**LOCATION:**

Portion of State of Hawaii Government lands situated at Pu'uwa'awa'a, North Kona, Hawai'i, identified by Tax Map Keys: (3) 7-1-001: portions of 004 & 006 (Exhibit A) and portion of Government lands situated at Pu'uwa'awa'a, North Kona, Hawaii, identified by Tax Map Keys: (3) 7-1-001: Portion of 006 (Exhibit B).

**AREA:** Rescind 11.66 acres and direct lease 5.7 acres, more or less.

**ZONING:** State Land Use District: Agriculture; County Zone: A-2-a

**TRUST LAND STATUS:**

Section 5(b) lands of the Hawaii Admission Act – Department of Hawaiian Homelands (DHHL) 30% entitlement lands pursuant to the Hawai'i State Constitution: DHHL is not

entitled to compensation for revenues on this parcel of land. This is ceded land; therefore, the Office of Hawaiian Affairs is entitled to 20% of any revenues generated from this parcel of land.

**CURRENT USE STATUS:**

Governor's Executive Order 4203, Pu'uwa'awa'a Forest Reserve – the location previously approved - was historically used as a gravel quarry and the new location was previously used as a landing strip.

**CHARACTER OF USE:**

Forest, watershed and natural resources research, education, workshop and housing facility purposes.

**LEASE TERM:** Sixty-five (65) years.

**COMMENCEMENT DATE:** The first day of the month to be determined by the Chairperson.

**ANNUAL RENT:** Gratis.

**PROPERTY CHARACTERISTICS:**

Utilities – Water, telephone, and electricity are accessible

Slope – Gently sloping to steep.

Elevation – 2800 to 2930 feet.

Rainfall - 19 to 29 inches.

NRCS Soil Series – 1) Puu Pa series consists of moderately deep, well drained soils that formed in material weathered from volcanic ash. 2) Mawae series consists of moderately deep, well drained soils that formed in organic material mixed with minor amounts of basic volcanic ash in aa lava.

Subdivision and Access – Legal subdivision of the proposed research and education facility lot through the Office of Conservation and Coastal Lands and the County of Hawai'i shall be the responsibility of the Applicant. Applicant shall be granted non-exclusive access to the proposed lot along existing roads as part of a potential lease agreement.

**CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:**

This action is a request for the Land Board's approval in principle of a lease to the USFS and to instruct the USFS to comply with Chapter 343, Hawai'i Revised Statutes, as amended.

**DCCA VERIFICATION:**

Not applicable - Government agency.

**APPLICANT REQUIREMENTS:**

Applicant shall be required to prepare, process or obtain at its own cost:

- 1) All necessary studies and documentation for compliance with Chapter 343, Hawai'i Revised Statutes, as amended;
- 2) Subdivide the proposed research and education facility lot; and
- 3) Survey maps and descriptions for the proposed research and education facility site, and associated non-exclusive road access from State Highway 190 along the existing "Main Rd" and "Airstrip Rd". The Main Road leads south from Highway 190 to the junction of the Airstrip Road. Airstrip Road leads roughly south-west to the proposed lease site.

**Background:** In 1992, President H.W. Bush signed into law the Hawai'i Tropical Experimental Forest Recovery Act (Public Law 102-574, 1992), to promote the recovery of Hawaii tropical forests. The Act brought recognition of the value that Hawaii's tropical forests provide to the nation and authorized the establishment of the Hawai'i Experimental Tropical Forest (HETF) to serve as a center for long-term research and a focal point for developing and transferring knowledge and expertise for the management of tropical forests.

On February 24, 2006, under Item C-1, the Board approved the Report of Findings for the Establishment of the Hawai'i Tropical Experimental Forest and recommended to the Governor the establishment of the HETF on approximately 12,343 acres ("Laupahoehoe Unit") of State lands comprising the Laupahoehoe Natural Area Reserve and the Laupahoehoe Section of Hilo

Forest Reserve in Hamakua, Hawai'i and 38,855 acres ("Pu'uwa'awa'a") comprising a portion of Pu'uwa'awa'a Forest Reserve, the Pu'uwa'awa'a Forest Bird Sanctuary, and State Parks lands near Kiholo, North Kona, Hawai'i. The Board also authorized the Department to develop a Memorandum of Agreement with the U.S. Forest Service to establish and administer the proposed sites on the HETF. On December 8, 2006, under Item C-5, the Board approved a Cooperative Agreement between the U.S. Forest Service and the BLNR for the establishment and administration of the HETF, and delegated authority to approve research permits within the HETF to the Division of Forestry and Wildlife (DOFAW) Hawai'i Island Branch manager.

On March 23, 2007, the HETF was established. On April 25, 2008, under Item D-9, the Board approved, in principle, a direct lease to the applicant for the HETF Laupahoehoe Unit. On October 23, 2009, under Item D-4 the Board approved in principle the direct lease to develop a research and education office and housing facility at the HETF Pu'uwa'awa'a unit, tax map keys: (3) 7-1-001: Portions of 004 & 006. This area had historically been used as a rock quarry. Following Board approval, a Phase 1 Environmental Site Assessment was prepared by the Forest Service in May 2009. Findings from the assessment included a partially buried fuel tank containing diesel and friable asbestos-containing material within a concrete building within the lease footprint.

During a July 21, 2011 meeting between the USDA Office of General Council and State Deputy Attorney General, it was determined that given the history of use and the associated potential liability issues, the Pu'uwa'awa'a Quarry Site was no longer viable as a potential site for HETF facilities. Thus, the HETF requests to rescind the approval in principle of direct lease of Tax Map Keys: (3) 7-1-001: Portions of 004 & 006.

Following the July 21, 2011 meeting other potential site locations were discussed with the Pu'uwa'awa'a Management Team on September 12, 2011. Following this discussion a site located on the northwest entrance of the Landing Strip was recommended located at Tax Map Keys: (3) 7-1-001: Portion of 006. On October 21, 2011 the Pu'uwa'awa'a Advisory Council confirmed this site to be an acceptable location for future HETF facilities.

**Analysis:** The HETF includes portions of the Pu'uwa'awa'a Forest Reserve, which was established by Executive Order No. 4203 on October 19, 2007. In support of the HETF, DOFAW and the USFS propose the establishment of research, educational, and housing facilities to support the work at the HETF Pu'uwa'awa'a Unit on approximately 5.7 acres of land in Pu'uwa'awa'a Forest Reserve.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. The Applicant does have another State lease – General Lease No. S-5649. This 30-acre site is in Hilo, near the University Of Hawai'i Hilo Campus Technology Park and contains buildings for research, outreach & education and training.

If Board approval in principal is obtained, the USFS will pursue compliance with Chapter 343, Hawai'i Revised Statutes, as amended and incorporate agency and community comments. The Division would subsequently seek Board approval of a formal lease, and would assume management of this lease. Based on advice from the Department of the Attorney General and pursuant to Hawai'i Revised Statutes §182-2, the applicant will be required to waive all mineral rights on the property.

#### RECOMMENDATIONS:

That the Board of Land and Natural Resources:

1. Rescind October 23, 2009, under Item D-4 the Board's approved approval in principle of a direct lease to the United States Department of Agriculture Forest Service (USFS) for Research, Education, Office and Housing Facility Purposes at the Pu'uwa'awa'a Unit of the Hawai'i Experimental Tropical Forest located at Tax Map Keys: (3) 7-1-001: Portions of 004 & 006 as discussed above.
2. Approve in principle, a direct lease to the United State Department of Agriculture Forest Service (USFS) for Research, Education, Office and Housing Facility Purposes at the Pu'uwa'awa'a Unit of the Hawai'i Experimental Tropical Forest located at Tax Map Keys: (3) 7-1-001: Portion of 006, and also subject to the following:
  - a) At its own cost, the USFS shall be responsible for compliance with Chapter 343, Hawai'i Revised Statutes, as amended;
  - b) The USFS shall provide survey maps and descriptions according to State Department of Accounting and General Services Survey Division standards at USFS's own cost;
  - c) USFS shall be responsible for processing subdivision of the proposed site, following all requirements from the County of Hawai'i; and

- d) Such other terms and conditions as may be prescribed by the Chairperson or the Department of the Attorney General to best serve the interests of the State.
3. Authorizes the USFS to act as agent of the landowner, State of Hawai'i Department of Land and Natural Resources, to process the subdivision of the proposed site comprising 5.7 acres, more or less.
- a) Such other terms and conditions as prescribed by the Chairperson of the Department.

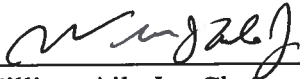
Respectfully Submitted,



DAVID SMITH,  
Acting, Administrator

Exhibit A: Map of the proposed Research, Education, Training, Office and Housing site at HETF Pu'uwa'awa'a Unit

APPROVED FOR SUBMITTAL:

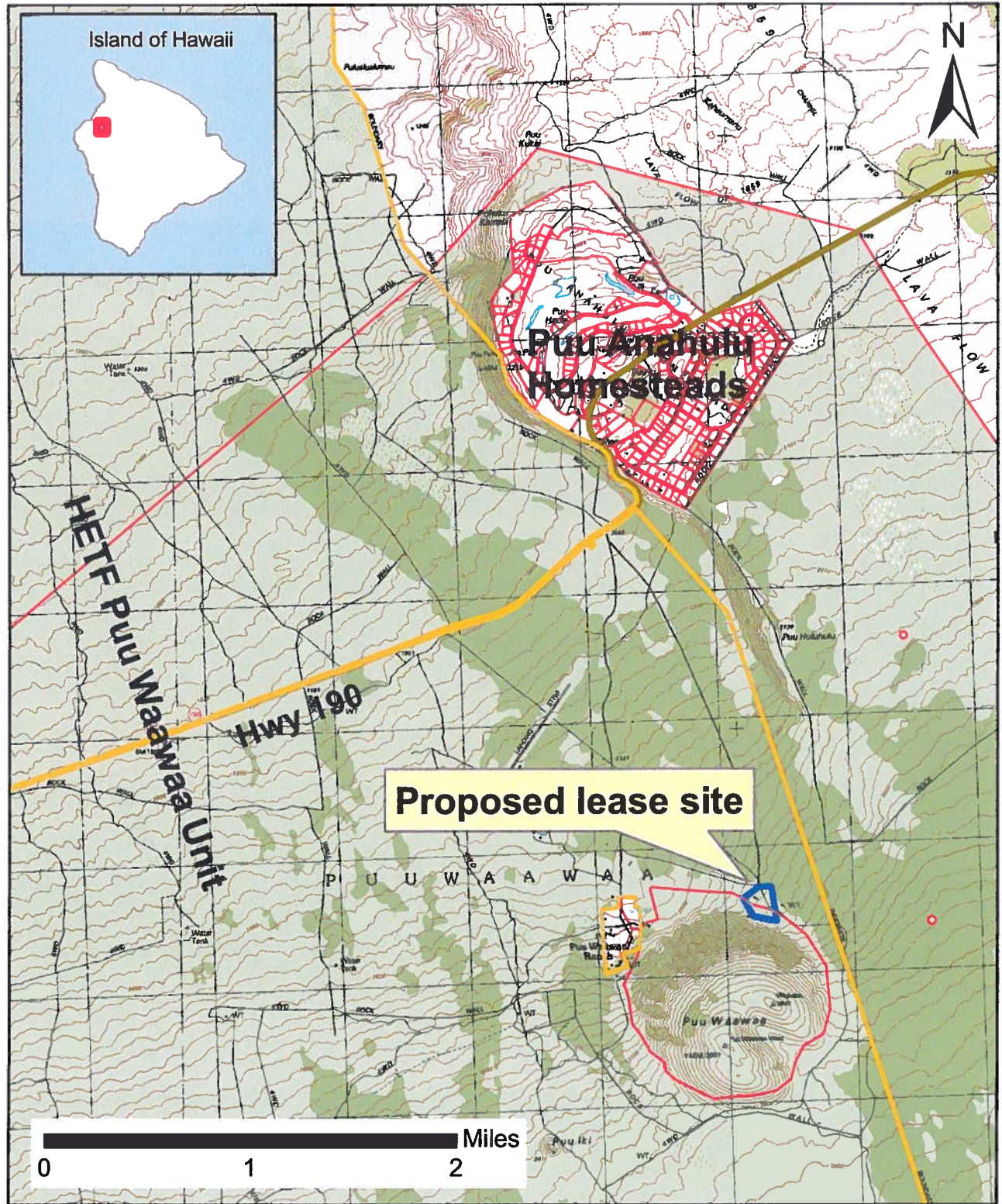







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William Aila Jr., Chairperson  
Board of Land and Natural Resources



# Exhibit A: Proposed Research, Education, Office and Housing Site at the HETF Puu Waawaa Unit



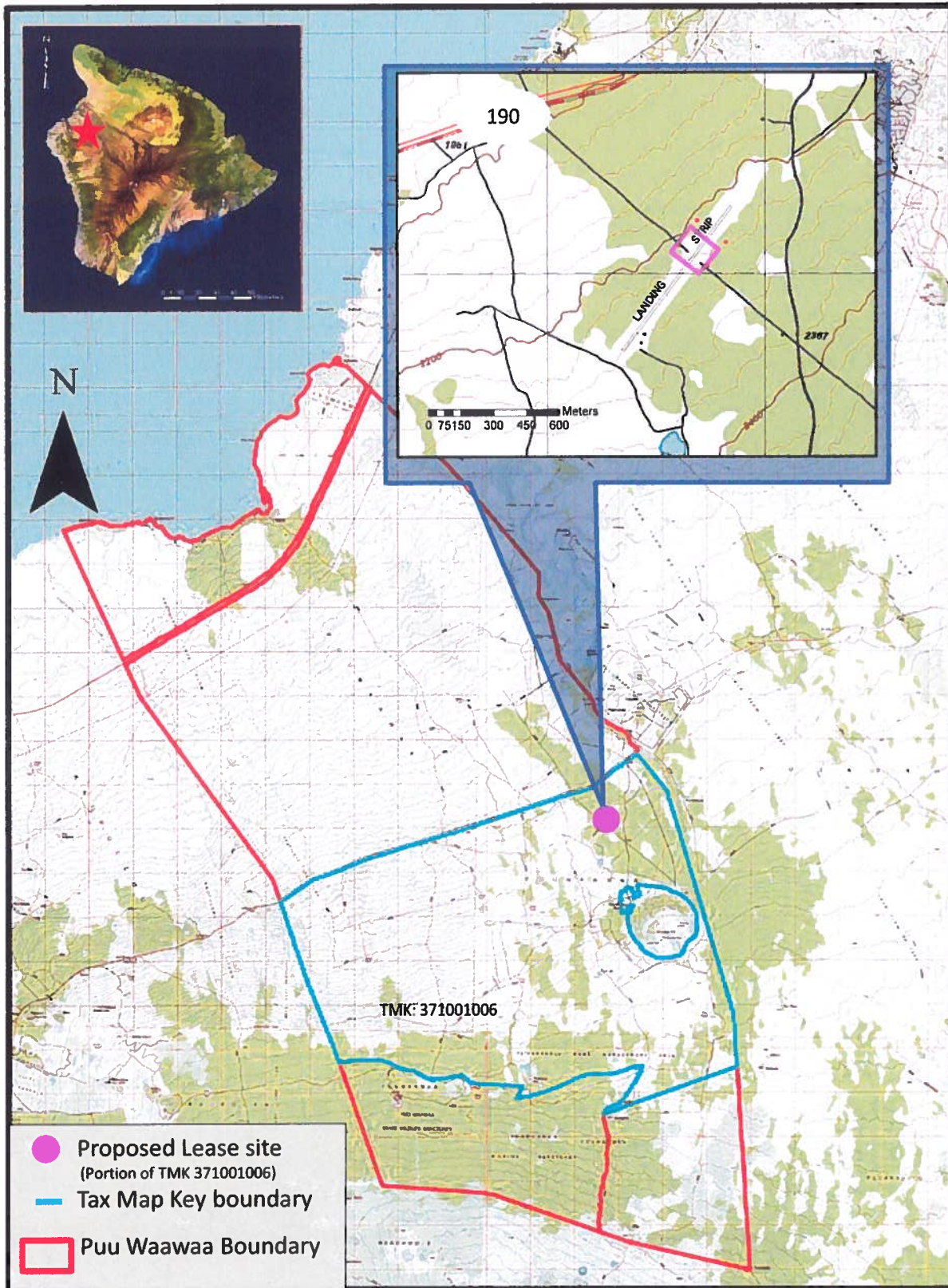
-  HETF Puu Waawaa lease area
-  HETF boundary
-  Puu Waawaa Forest Reserve
-  TMK boundary
-  Major roads

State of Hawaii  
 Department of Land and Natural Resources  
 Division of Forestry and Wildlife  
 J. Robson - Phone 808-587-4166  
 October 2009



# EXHIBIT B

## Hawaii Experimental Tropical Forest -- Puu Waawaa Proposed Lease Site



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Forestry and Wildlife Division  
Honolulu, Hawaii 96813

October 23, 2009

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

**Approved by the Board of  
Land and Natural Resources  
at its meeting held on**

10/23/09

Land Board Members:

**SUBJECT: APPROVAL IN PRINCIPLE OF DIRECT LEASE TO UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE FOR RESEARCH, EDUCATION, OFFICE AND HOUSING FACILITY PURPOSES AT THE PUU WAAWAA UNIT OF THE HAWAII EXPERIMENTAL TROPICAL FOREST, PUU WAAWAA FOREST RESERVE, NORTH KONA, HAWAII, TAX MAP KEYS: (3) 7-1-001: PORTIONS OF 004 & 006.**

**APPLICANT:**

United States Department of Agriculture, Forest Service (USFS), whose business and mailing address is 60 Nowelo Street, Hilo, Hawaii 96720.

**LEGAL REFERENCE:**

Section 171-95(a)(2), Hawaii Revised Statutes (HRS), as amended.

**LOCATION:**

Portion of Government lands situated at Puu Waawaa, North Kona, Hawaii, identified by Tax Map Keys: (3) 7-1-001: portions of 004 & 006 (Exhibit A).

**AREA:**

11.66 acres, more or less.

**ZONING:**

State Land Use District: Conservation (Resource).



**TRUST LAND STATUS:**

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

**CURRENT USE STATUS:**

Governor's Executive Order 4203, Puu Waawaa Forest Reserve – Specific location was previously a gravel quarry operation.

**CHARACTER OF USE:**

Forest, watershed and natural resources research, education, and housing facilities purposes.

**LEASE TERM:**

Sixty-five (65) years.

**COMMENCEMENT DATE:**

The first day of the month to be determined by the Chairperson.

**ANNUAL RENT:**

Gratis.

**PROPERTY CHARACTERISTICS:**

Utilities – Water, telephone, and electrical present.

Slope – Gently sloping to steep.

Elevation – 2800 to 2930 feet.

Rainfall - 19 to 29 inches.

NRCS Soil Series – 1) Puu Pa series consists of moderately deep, well drained soils that formed in material weathered from volcanic ash. 2) Mawae series consists of moderately

deep, well drained soils that formed in organic material mixed with minor amounts of basic volcanic ash in aa lava.

Subdivision and Access – Legal subdivision of the proposed research and education facility lot through the Office of Conservation and Coastal Lands and the County of Hawaii shall be the responsibility of the Applicant. Applicant shall be granted non-exclusive access to the proposed lot along existing roads as part of a potential lease agreement.

#### CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action is a request for the Land Board's approval in principle of a lease to the USFS and to instruct the USFS to comply with Chapter 343, Hawaii Revised Statutes, as amended.

#### DCCA VERIFICATION:

Not applicable - Government agency.

#### APPLICANT REQUIREMENTS:

Applicant shall be required to prepare, process or obtain at its own cost:

- 1) All necessary studies and documentation for compliance with Chapter 343, Hawaii Revised Statutes, as amended;
- 2) Subdivision of the proposed research and education facility lot; and
- 3) Survey maps and descriptions for the proposed research and education facility site, and associated non-exclusive road access from State Highway 190 along the existing "Volcanite Road", according to State DAGS Survey Division standards.

**Background:** In 1992, President H.W. Bush signed into law the Hawaii Tropical Experimental Forest Recovery Act (Public Law 102-574, 1992), to promote the recovery of Hawaii tropical forests. The Act brought recognition of the value that Hawaii's tropical forests provide to the nation and authorized the establishment of the Hawaii Experimental Tropical Forest (HETF) to serve as a center for long-term research and a focal point for developing and transferring knowledge and expertise for the management of tropical forests.

On February 24, 2006, under Item C-1, the Board approved the Report of Findings for the Establishment of the Hawaii Tropical Experimental Forest and recommended to the Governor the establishment of the HETF on approximately 12,343 acres ("Laupahoehoe Unit") of State lands comprising the Laupahoehoe Natural Area Reserve and the Laupahoehoe Section of Hilo Forest Reserve in Hamakua, Hawaii and 38,855 acres ("Puu Waawaa Unit") comprising a

portion of Puu Waawaa Forest Reserve, the Puu Waawaa Forest Bird Sanctuary, and State Parks lands near Kiholo, North Kona, Hawaii. The Board also authorized the Department to develop a Memorandum of Agreement with the U.S. Forest Service to establish and administer the proposed sites as the HETF. On December 8, 2006, under Item C-5, the Board approved a cooperative agreement between the U.S. Forest Service and the BLNR for the establishment and administration of the HETF, and delegated authority to approve research permits within the HETF to the Division of Forestry and Wildlife (DOFAW) Hawaii Island Branch manager.

On March 23, 2007, the HETF was established. On April 25, 2008, under Item D-9, the Board approved, in principle, a direct lease to the applicant for the HETF Laupahoehoe Unit.

**Analysis:** The HETF includes portions of the Puu Waawaa Forest Reserve, which was established by Executive Order No. 4203 on October 19, 2007. In support of the HETF, DOFAW and the USFS propose the establishment of research, educational, and housing facilities to support the work at the HETF Puu Waawaa Unit on approximately 11 acres of land in Puu Waawaa Forest Reserve.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. The Applicant has another State lease – General Lease No. S-5649. This 30-acre site is in Hilo, near the University of Hawaii Hilo Campus Technology Park and contains buildings for research, outreach, and education/training.

If Board approval in principal is obtained, the USFS will pursue compliance with Chapter 343, Hawaii Revised Statutes, as amended and incorporate agency and community comments.

The Division would subsequently seek Board approval of a formal lease, and would assume management of this lease. Based on advice from the Department of the Attorney General and pursuant to Hawaii Revised Statutes §182-2, the applicant will be required to waive all mineral rights on the property.

In addition, the applicant has inquired with DOFAW regarding the possibility of beginning site cleaning up work prior to issuance of a potential lease. The site was previously used as a gravel quarry operation from which debris remains onsite, including an underground diesel tank and what appear to be asbestos tiles inside an abandoned structure. The applicant will need to obtain State Department of Health Indoor and Radiological Health Branch's (asbestos removal) and Solid and Hazardous Waste Branch's (fuel tank removal) instructions and or/permits before starting these projects. In order to proceed with this preliminary site cleanup and mitigation of these two (2) items, the applicant would need to obtain a Special Use Permit from DOFAW and comply with any Chapter 343 requirements. Staff seeks Board authorization to issue such a

permit should the applicant make a formal request to proceed with the above-stated preliminary site cleanup work.

**RECOMMENDATIONS:**

That the Board of Land and Natural Resources:

1. Approves in principle, a new direct lease to the United States Department of Agriculture Forest Service (USFS) for Research, Education, Office and Housing Facility Purposes at the Puu Waawaa Unit of the Hawaii Experimental Tropical Forest as discussed above, and also subject to the following:
  - a) At its own cost the USFS shall be responsible for compliance with Chapter 343, Hawaii Revised Statutes, as amended;
  - b) The USFS shall provide survey maps and descriptions according to State Department of Accounting and General Services Survey Division standards and at USFS's own cost;
  - c) USFS shall be responsible to process subdivision of the proposed site, following all requirements of the Office of Conservation and Coastal lands and the County of Hawaii; and
  - d) Such other terms and conditions as may be prescribed by the Chairperson or the Department of the Attorney General to best serve the interests of the State.
2. Authorizes the USFS to act as agent of the landowner, State of Hawaii Department of Land and Natural Resources, to process the subdivision of the proposed site comprising 11.66 acres, more or less.
3. Authorizes DOFAW to issue a Special Use Permit to the USFS for preliminary site cleanup work as detailed above within the proposed site (11.66 acre, more or less) at Puu Waawaa Forest Reserve, North Kona, Hawaii, Tax Map Keys: (3) 7-1-001: portions of 004 & 006, for a term of one (1) year, or until completion of the site cleanup project, whichever is shorter, and further subject to the following:
  - a) The USFS shall consult with the State Department of Health for instructions and obtain any required permits before starting work;
  - b) The USFS shall comply with any HRS Chapter 343 requirements that may apply;
  - c) Standard terms and conditions of the most recent Special Use Permit form, as may be amended from time to time; and



- d) Such other terms and conditions as prescribed by the Chairperson of the Department

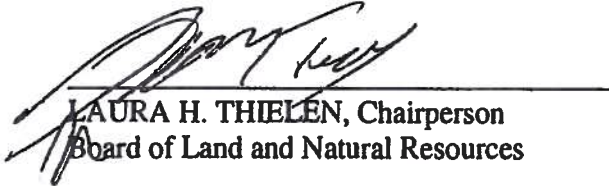
Respectfully Submitted,



PAUL J. CONRY  
Administrator

Exhibit A – Proposed Research, Education, Office and Housing site at HETF Puu Waawaa Unit

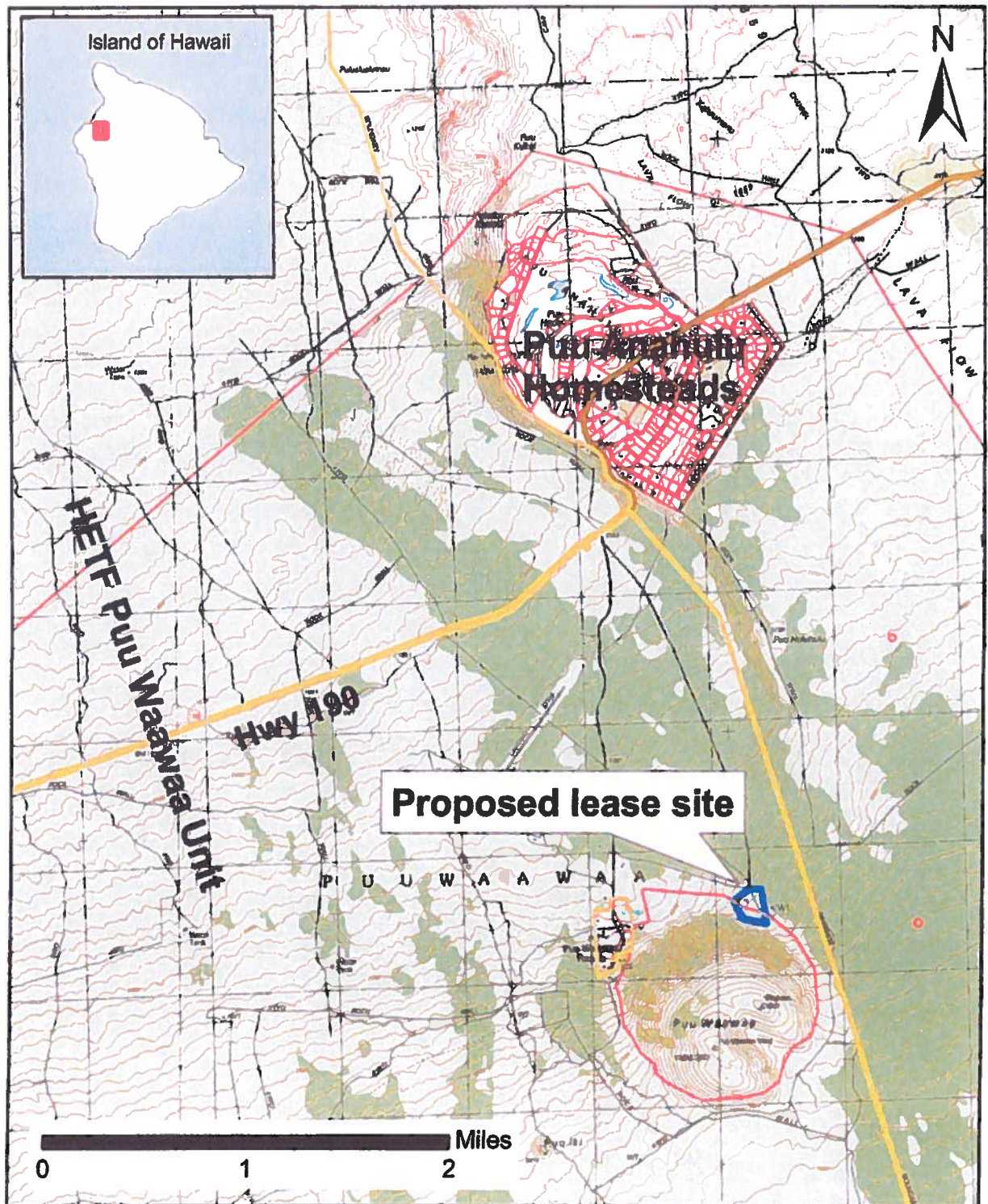
APPROVED FOR SUBMITTAL:








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LAURA H. THIELEN, Chairperson  
Board of Land and Natural Resources

# Exhibit A: Proposed Research, Education, Office and Housing Site at the HETF Puu Waawaa Unit



-  HETF Puu Waawaa lease area
-  HETF boundary
-  Puu Waawaa Forest Reserve
-  TMK boundary
-  Major roads

State of Hawaii  
 Department of Land and Natural Resources  
 Division of Forestry and Wildlife  
 J Robson - Phone 808-587-4166  
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