

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 10, 2014

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

13HD-192

Hawaii

Issuance of Right-of-Entry to the United States Department of Agriculture Forest Service, Institute of Pacific Islands Forestry, for the Purpose of Conducting Research on Hawaiian Forest Recovery After Cataclysmic, Man-Made Disturbance and to Exterminate All Invasive Albizia Trees Within the Research Area, Kapaahu, Puna, Hawaii, Tax Map Key: (3) 1-2-008:001 portion.

APPLICANT:

United States of America, Department of Agriculture, Institute of Pacific Islands Forestry.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kapaahu, Puna, Hawaii, identified by Tax Map Key: (3) 1-2-008:001 portion, as shown on the attached map labeled Exhibit A.

AREA:

Approximately 900 acres

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: Agriculture (A-20a)

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:

One hundred (100) acres encumbered by Revocable Permit No. S-7670 to Edward A.K. and Lucia R. Lee, Lessee, for pasture purposes.

CHARACTER OF USE:

For the purpose of conducting field surveys and collecting data on the current recovery status of a previously man-made, cataclysmic deforestation event on native Hawaiian forest in the research area. Also, to exterminate all invasive Albizia trees within the research area.

TERM OF RIGHT-OF-ENTRY:

This right-of-entry is for two years, commencing upon approval by the Board of Land and Natural Resources, and expiring upon its second anniversary, or upon completion of the survey/exploration work, whichever is the sooner.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 4 and Exemption Class No. 5. Refer to attached Exhibit B.

DCCA VERIFICATION:

The applicant, as a federal agency, is not required to register with the DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from all State tenants of the subject land.

REMARKS:

The subject parcel consists of 2,526.2 acres of land adjacent to Wao Kele O Puna Forest Reserve. The southeast corner (100 acres) of the parcel is under a revocable permit to Edward Lee for pasture purposes. The Lees have been tenants since February 1984. The western half of the parcel was covered with lava during the 1986-

1990 Kupaianaha vent eruptions, which also covered the ancient Hawaiian fishing villages of Kapaahu and Kalapana. Excluding the pasture area and the section covered by lava, the remaining area of the parcel is approximately 900 acres, known as Ki'ula, and is the area that is the subject of this request.

In 1984, Campbell Estate (the owners at the time), converted this forested area to pasture in order to generate lease income and open the area up for geothermal resource exploration. At the same time, the collapse of the sugar industry prompted Hawaii Electric Light Company to seek alternative biomass sources with which to maintain energy production via biomass burning. These combined forces resulted in the complete deforestation of the subject area.

The large public outcry against the loss of native forest resulted in a land exchange between the State of Hawaii and Campbell Estate wherein the State acquired this parcel and 3 adjacent properties.

The United States Department of Agriculture – Forest Service (US Forest Service) proposes to document the status and recovery of the current 28 year post-disturbance succession of Ki'ula. The project entails sampling within a number of circular forest plots for identification of species, size of individuals, number per species, diversity of species and overall biomass accumulation rate. This will produce a better understanding of natural native forest recovery and succession.

Further, US Forest Service proposes to exterminate all invasive Albizia trees within the subject area. This will be accomplished using the newly registered and approved Milestone herbicide. The method of herbicide delivery consists of making cuts around the base of the trees and injecting herbicide into the cuts. The anticipated results of the treatment will be defoliation within 3 weeks and systemic death soon thereafter. The Albizia areas will be monitored to document the effects of Albizia removal on subsequent forest regeneration.

The current timeframe for data collection, invasive Albizia tree extermination and monitoring is 2 years. The applicant requests the right-of-entry to cover this timeframe.

The US Forest Service is in the process of obtaining written concurrence from all State tenants of the parcel.

No comments were solicited, as the request will not require any new dispositions or involve a change in land use.

This request will be issued at gratis. This is a government-sponsored project and the applicant will not profit monetarily as the intended use is strictly for survey, data collection and invasive Albizia extermination.

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to the United States Department of Agriculture Forest Service, Institute of Pacific Islands Forestry covering the subject area 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 permit form, as may be amended from time to time;
 - B. This right-of-entry shall be issued at gratis;
 - C. Permittee shall obtain written concurrence from all State tenants of the subject parcel prior to entering and commencing with data collection and extermination activities;
 - D. Permittee shall provide DLNR with a copy of its final findings/report on the resource information gathered; and
 - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Candace Martin
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



EXHIBIT A



NEIL ABERCROMBIE
GOVERNOR OF HAWAII

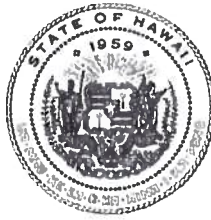


EXHIBIT B

WILLIAM J. AHL, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 3, 2014

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Right-of-Entry to the United States Department of Agriculture Forest Service, Institute of Pacific Islands Forestry, for the Purpose of Conducting Research on Hawaiian Forest Recovery After Cataclysmic, Man-Made Disturbance and to Exterminate All Extant Albizia Trees Within the Research Area

Project / Reference No.: PSF 13HD-192

Project Location: Kapaahu, Puna, Hawaii, Tax Map Key: (3) 1-2-008:001 portion

Project Description: The United States Department of Agriculture Forest Service, Institute of Pacific Islands Forestry, proposes to document the status and recovery of the current 28 year post-disturbance succession of the subject area. The project entails sampling within a number of circular forest plots for identification of species, size of individuals, number per species, diversity of species and overall biomass accumulation rate. This will produce a better understanding of natural native forest recovery and succession.

Further, they propose to exterminate all invasive Albizia trees within the subject area. This will be accomplished using the newly registered and approved Milestone herbicide. The method of herbicide delivery consists of making cuts around the base of the trees and injecting herbicide into the cuts. The anticipated results of the treatment will be defoliation within 3 weeks and systemic death soon thereafter. The Albizia areas will be monitored to document the effects of Albizia removal on subsequent forest regeneration.

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council

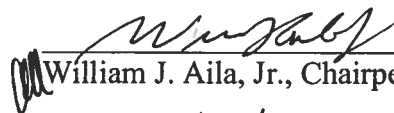
and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing"; Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation"; and Class No. 5, that states "Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource."

Consulted Parties

Not applicable

Recommendation:

That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



William J. Aila, Jr., Chairperson

12/10/13

Date

