

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

January 9, 2015

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

PSF No: 97OD-038

OAHU

Amend Prior Board Action of March 13, 2009, Item D-5; Approval in Principle to Set Aside to the Department of Land and Natural Resources, Division of Forestry and Wildlife for Waimanalo Forest Reserve Purposes; Rescind Prior Approval dated June 26, 1992, Item F-9; Authorize the Division of Forestry and Wildlife to Conduct an After-the-fact Public Hearing Relating to Waimanalo Forest Reserve; at Kailua, Kaneohe, and Waimanalo, Koolaupoko, Oahu, Tax Map Key (1) 4-1-008:013, 4-1-010:074, 091 & 093, 4-2-005:001, and 4-2-010:portion of 001

The Amendment is Regarding the Acreages for TMK (1) 4-2-010:portion of 001 for the Set Aside.

BACKGROUND:

At its meeting of March 13, 2009, under agenda item D-5, the Board approved the subject matter regarding the set aside of multiple State parcels for the Waimanalo Forest Reserve. A copy of the approved submittal is attached as **Exhibit 1**.

Pursuant to the 2009 approval, the Division of Forestry and Wildlife (“DOFAW”) conducted the public hearing on May 26, 2009. On August 28, 2009, under agenda item C-5 (see **Exhibit 2**)¹, DOFAW recommended the acceptance of the Hearing Officer’s report and minutes for the public hearing, and authorized the issuance of executive orders for forest reserve purposes.

REMARKS:

DOFAW noticed that a revision needs to be made to the State parcel identified as tax map key (1) 4-2-010:portion of 001, under the proposed set aside action. The area for this portion

¹ Exhibits to the August 28, 2009, Item C-5 submittal, comprising of maps and March 13, 2009 submittal, are not attached herein.

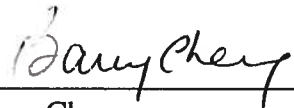
was inadvertently noted as 1,544 acres in the two Board submittals mentioned above and the material for the public hearing. In fact, the acreage of the subject portion is 1,744.538 acres, more or less, as shown on the map attached as **Exhibit 3**. Staff discussed with DOFAW and reviewed relevant records, both agencies agreed that an amendment to previous approval would be in order before any document is processed.

In addition, staff recommends the Board authorize DOFAW to conduct a public hearing pertaining to this revision in the area as part of the set aside for forest reserve process.

RECOMMENDATION: That the Board:

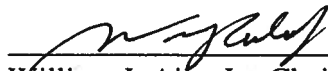
1. Amend its prior Board action of March 13, 2009, under agenda item D-5, by changing any reference in the submittal regarding the area of TMK (1) 4-2-010:portion of 001 in the proposed set aside to read “1,744.538 acres, more or less”;
2. Authorize the Chairperson to set the date and time for a public hearing to be conducted by the Division of Forestry and Wildlife, and appoint a Hearing Master; and
3. All terms and conditions listed in its March 13, 2009 approval to remain the same.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

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

March 13, 2009

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

PSF No.: 97od-308

OAHU

Approval in Principle to Set Aside to the Department of Land and Natural Resources, Division of Forestry and Wildlife for Waimanalo Forest Reserve Purposes; Rescind Prior Approval dated June 26, 1992, Item F-9; Authorize the Division of Forestry and Wildlife to Conduct an After-the-fact Public Hearing Relating to Waimanalo Forest Reserve; at Kailua, Kaneohe, and Waimanalo, Koolaupoko, Oahu, Tax Map Key (1) 4-1-008:013, 4-1-010:074, 091 & 093, 4-2-005:001, and 4-2-010:portion of 001

APPLICANT:

Department of Land and Natural Resources, Division of Forestry and Wildlife

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Waimanalo, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-1-008:013, 4-1-010:074, 091 & 093, 4-2-005:001, 4-2-010:portion of 001, as shown on the attached map labeled Exhibit A.

AREA:

(1) 4-1-008:013	362.192	Acres;
(1) 4-1-010:074	33.553	Acres;
(1) 4-1-010:091	1.000	Acres;
(1) 4-1-010:093	59.000	Acres;
(1) 4-2-010:portion of 001	1,544.538	Acres.
Total	2,000.283	Acres, more or less.

Exact area to be determined by the Department of Accounting and General Services, Survey Division.

[Note: (1) 4-2-005:001 has been set aside pursuant to Governor's Executive Order No. 3652. Therefore, its area is not included in this section. See Remarks Section relating to (1) 4-2-005:001.]

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

March 13, 2009

EXHIBIT " 1 "

D-5

ZONING:

State Land Use District: Agriculture and Conservation
City & County of Honolulu LUO: AG-2 and P-1

TRUST LAND STATUS:

(1) 4-1-008:013, 4-2-010:074, 091, & 093
Section 5(b) lands of the Hawaii Admission Act

(1) 4-2-010:001
Acquired after Statehood, i.e. non-ceded

All parcels
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

PURPOSE:

Waimanalo Forest Reserve Purposes.

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 is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant and Land Division will provide survey maps and descriptions according to State DAGS standards.

REMARKS:

On June 26, 1992, under agenda item F-9, the Board approved to recommend to the Governor the issuance of an executive order setting aside State lands in Waimanalo and Maunawili to Division of Forestry and Wildlife (DOFAW) for Waimāhālo Forest Reserve purposes. A copy of the 1992 approved submittal is attached as Exhibit B. State lands involved in 1992 also included some lands owned by the Department of Hawaiian Home Lands (DHHL). DOFAW planned to enter into a license agreement with DHHL relating to designating their land for forest reserve purpose. Subsequently, staff noted that DHHL

has its own rules pertaining to managing forest reserves. Staff decided that there was no need for DOFAW to manage the forest reserve owned by DHHL. The 1992 approval should be amended to address the non-DHHL lands only. Due to a lot of staff movement, the request for other non-DHHL parcels was inadvertently misplaced.

Recently, staff discussed the subject request with DOFAW and both divisions agreed that we should move this request forward.

This request covers only the non-DHHL parcels mentioned in the 1992 approval. DOFAW has reviewed the list of parcels to be transferred to them and has no objection to the request in principle. Prior to the transfer, Land Division staff will continue to work with DOFAW in ensuring the smooth transfer, including installation of fencing along a portion of the boundary for (1) 4-1-008:013 to control unauthorized access, assisting in the preparation of the map and description required for this disposition, and assisting in the clean-up of the illegal dumping site(s), if necessary.

A portion of (1) 4-2-010:001 is encumbered by Revocable Permit No. 7242 (RP) issued to Luluku Banana Growers Co-operative for cultivation of banana. DOFAW inspected the RP area and met with the farmers. The farmers want to continue the farming activities, and wish to pass on their agricultural operations to their children. The farmers' plan is not consistent with the intent of the Forest Reserve System. Therefore, the RP area is excluded from the proposed set aside.

Further, (1) 4-2-010:001 and other parcels were originally covered in the Governor's Proclamation dated January 3, 1923 as the Waimanalo Forest Reserve. For housekeeping purposes, staff recommends the Board document the designation of the subject area of (1) 4-2-010:001 as a forest reserve pursuant to a Governor's executive order.

Land Division and DOFAW will work with the Department of Accounting and General Services, Survey Division to prepare the necessary map, and a Conservation District Use Application, if necessary. Subject to the outcome of the map work, staff may recommend the Board revise the boundary for RP 7242 at a later date.

The proposed use by DOFAW is appropriate for the subject parcels and is considered to be the best and highest use of these undeveloped watershed lands.

Staff did not solicit comments from other agencies on this request because it is basically a housekeeping matter seeking to follow-up on the 1992 action.

Furthermore, DOFAW is required to conduct a public hearing regarding the proposed set-aside to Waimanalo Forest Reserve. Staff is unaware of further pertinent issues or concerns, and Board authorization is hereby requested.

Further, on October 14, 1994, under agenda item no. F-9, the Board approved a settlement agreement between the State of Hawaii and Asahi Kanko U.S.A. Inc. relating to lands at Olomana, Kailua, Koolau-poko District. As part of the settlement agreement,

parcel (1) 4-2-005:001 was to be added to Waimanalo Forest Reserve, with the additional overlay designating the parcel as part of the Mount Olomana State Monument as mandated by Hawaii Revised Statutes Chapter 6E-32.5. Though this set aside was formally executed via Governor's Executive Order No. 3652, dated April 26, 1995, neither the Land Division or DOFAW can find record of an associated public hearing relating to this proposed forest reserve addition. As such, staff recommends that the Board approve an after-the-fact public hearing to add parcel (1) 4-2-005:001 to the Forest Reserve System to correct the record on that transaction.


Upon conclusion of the public hearing, staff will return to the Board for a formal approval on the proposed set aside.

RECOMMENDATION:

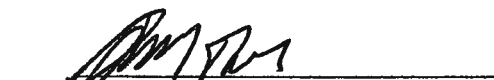
That the Board, subject to Applicant fulfilling the Applicant Requirements above:


1. Approve in principle the set aside of parcels (1) 4-1-008:013, (1) 4-1-010:074, 091, 093 and (1) 4-2-010:portion of 001 comprising approximately 2,000.283 acres to the Division of Forestry and Wildlife, and the addition of parcels (1) 4-1-008:013, (1) 4-1-010:074, 091 & 093 at Kailua, Kaneohe, and Waimanalo to Waimanalo Forest Reserve under provisions of HRS §183-11, Government Land for Forest Reserves and §183-12, Notice of Hearing.
2. Authorize the Division of Forestry and Wildlife to conduct an after-the-fact public hearing regarding the proposed addition of parcel (1) 4-2-005:001, comprising approximately 209.237 acres at Kailua, to the State Forest Reserve System, under provisions of HRS §183-11, Government Land for Forest Reserves and §183-12, Notice of Hearing.
3. Authorize the Chairperson to set the date and time for a public hearing, and appoint a Hearing Master.

Respectfully Submitted,

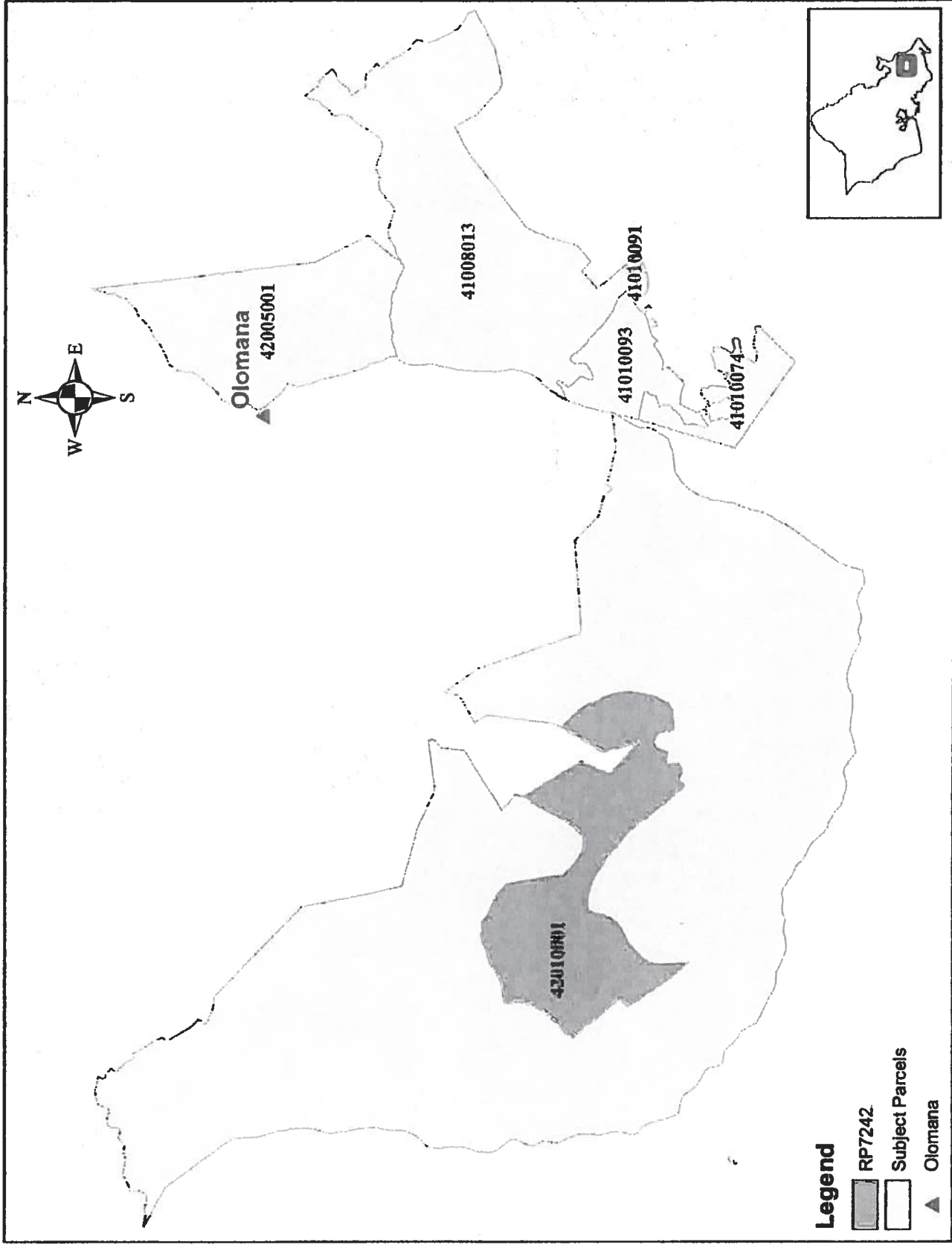

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 

Proposed Waimanalo Forest Reserve



JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

June 26, 1992

Board of Land and
Natural Resources
Honolulu, Hawaii

OAHU

Subject: Set Aside of State Land for the Waimanalo Forest Reserve and Addition to the Waimanalo Forest Reserve, and Re-Designation of the Former Waimanalo Forest Reserve at Waimanalo, Koolaupoko, Oahu

STATUTE: Chapter 171, Hawaii Revised Statutes

APPLICANT: DIVISION OF FORESTRY AND WILDLIFE

FOR:

- (1) Set Aside by Executive Order of +1,934 acres contained in Parcel 1 of TMK: 4-2-10 as the Waimanalo Forest Reserve;
- (2) Set Aside by Executive Order of +410 acres contained in Parcel 13 of TMK: 4-1-08, Parcel 93 (Portion), as the addition to the Waimanalo Forest Reserve of TMK: 4-1-10, and Parcel 74 (Portion) of TMK: 4-1-10;
- (3) Re-designation of the former Waimanalo Forest Reserve comprised of +1,500 acres contained in Parcel 1 of TMK: 4-1-11 and Parcels 8 and 15 of TMK: 4-1-14 as the Waimanalo Forest Reserve.

LOCATION &
AREA:

<u>TMK</u>	<u>Land Title</u>	<u>Encumbrance</u>	<u>Proposed Use</u>	<u>Acres</u>
4-1-8:13	5-B	DLNR unencumbered	Addition to Waimanalo F.R.	366.931
4-1-10:93 (Por.)	5-B	DLNR RP S-6625 (Williams)	Addition to Waimanalo F.R.	+20
4-1-10:74 (Por.)	5-B	DLNR unencumbered	Addition to Waimanalo F.R.	+20
4-1-11:1		DHHL	Waimanalo F.R.	1305.583
4-1-14:8		DHHL	Waimanalo F.R.	106.83
4-1-14:15		DHHL HHL GL 181 (Teixeira)	Waimanalo F.R.	82.735
4-2-10:1	5-A	DLNR unencumbered	Waimanalo F.R. (Maunawili Sec.)	1934.538

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

June 26, 1992

ITEM F-9

EXHIBIT "B"

June 26, 1992

Approximately +3,836.617 acres (Exact area to be determined by the Department of Accounting & General Services, Survey Division)

ZONING: State Land Use Commission: Agriculture/
Conservation
City & County of Honolulu Development Plan:
Agriculture/Preservation
City & County of Honolulu Zoning:
Agriculture/Preservation

CONSIDERATION: Gratis

EIS REQUIRE-
MENTS: Currently being completed by applicant

REMARKS: DLNR proposes to redesignate State lands in the Koolaupoko District as the Waimanalo State Forest Reserve. The proposed Forest Reserve includes parcels previously delineated as the Waimanalo Forest Reserve, and in addition a portion of State owned land on the east flank of Olomana. By doing so, the resources of this area will be comprehensively managed by the Division of Forestry and Wildlife. As a Forest Reserve the area would benefit from management activities that include protection and enhancement in: watershed, fire prevention, erosion control, forest management, unique native plant and animal habitat, and public recreation through the Na Ala Hele (NAH) trail and access program.

The goal is to increase the State's ability to manage and enhance forested watershed areas by placing them directly under the jurisdiction of the Division directed by statute to do so. Chapter 183 (HRS) directs DOFAW to devise ways and means of protecting, extending, increasing and utilizing the forests. Also, the State Recreation Functional Plan (DLNR, 1990) has indicated that it is desirable to emphasize activities away from the beaches in order to reduce the impact on these areas, and that the demand for hiking and related activities are likely to grow. DOFAW includes recreation in the management strategies for Forest Reserves.

The objective is to proactively manage this area by assessing the resource management needs, perform necessary tasks for fire prevention and suppression, and to increase the potential for public recreation in this area. The proposed Koolaupoko trail complex, as described in the NAH Program Plan (DLNR, 1991), is comprised of a series of trails to be located in the environs of the Maunawili Valley and Olomana. The NAH program has completed the first three miles of the Maunawili Demonstration Trail, and as of May, 1992, has started

construction of the next two miles. Redesignation of the Waimanalo Forest Reserve will facilitate the NAH program's ability to explore the possibility of trail linkages to areas adjacent to Olomana and the Waimanalo community. This also expedites NAH's ability to foster equestrian trail recreation in an area that is not only environmentally suitable for equestrian activities, but also adjacent to State's highest concentration of equestrian owners.

The Maunawili portion of the project area was condemned by the State for watershed protection: State vs. Castle, et al., Civ. No. 86-3057, First Circuit. The remaining area, excluding the DHHL lands, are owned by the State. A portion of the area is also under a revocable permit for pasture to Stanley E. Williams, Jr. (RP No. S-6625). The area proposed for use has a very steep terrain located approximately between the ridgeline and the existing ditch. We will withdraw the area from the permit.

Because the former Waimanalo Forest Reserve is owned by the Department of Hawaiian Home Lands, and we cannot legally set aside DHHL lands, we recommend that the BLNR designate the area as a Forest Reserve subject to finalizing an agreement with DHHL. This is intended to allow DOFAW to manage and control activities in the entire area using the existing DOFAW Rules and Regulations.

We have not yet secured a written agreement with DHHL to use their lands. We have, however, discussed this with the DHHL staff and they had no objections with the understanding that this will be subject to us reaching some type of agreement, between the two departments, on the future use of the property (i.e., lease or surrender agreement).

RECOMMENDATION:

That the Board of Land and Natural Resources:

- A. Authorize the withdrawal of approximately 20 acres from Revocable Permit No. S-6625 to Stanley E. Williams.
- B. Approve and recommend to the Governor the issuance of an executive order (set aside) for:
 1. Waimanalo Forest Reserve (Maunawili Section)
 2. Addition to the Waimanalo Forest Reserve, subject to the following conditions:
 1. Review and approval of the set aside documents by the Attorney General's Office.
 2. Other terms and conditions as may be prescribed by the Chairperson.

Board of Land and
Natural Resources

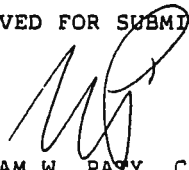
June 26, 1992

- C. Re-designate the former Waimanalo Forest Reserve situated on DHHL lands as the Waimanalo Forest Reserve subject to the following:
1. Finalization of an agreement to use the area between DHHL (landowner) and DLNR (user).
 2. Other terms and conditions as may be prescribed by the Chairperson.
- D. Grant immediate right of entry for the State (DLNR) owned lands to DOFAW to facilitate their management of the area subject to our standard right of entry conditions.

Respectfully submitted,


W. MASON YOUNG
Land Management Administrator

APPROVED FOR SUBMITTAL:


WILLIAM W. PATY, Chairperson

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

August 28, 2009

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

Land Board Members:

SUBJECT: Amend Prior Board Action of March 13, 2009, item D-5: "Approve in Principle to Set Aside to the Department of Land and Natural Resources, Division of Forestry and Wildlife, for Waimanalo Forest Reserve Purposes; Rescind Prior Approval dated June 26, 1992, Item F-9; Authorize the Division of Forestry and Wildlife to Conduct an After-the-fact Public Hearing Relating to Waimanalo Forest Reserve at Kailua, Kaneohe, and Waimanalo, Koolaupoko, Oahu, Tax Map Key (1) 4-1-008:013, (1) 4-1-010:074, 091, & 093 4-2-005:001, and 4-2-010: portion of 001."

Acceptance of Hearing Officer's Report on a Public Hearing for Five Proposed Changes to the Forest Reserve System on Oahu.

Approval and Recommendation to the Governor for an Executive Order to Amend Governor's Proclamation dated January 3, 1923 Changing the Status of the Lands within Waimanalo Forest Reserve Defined as TMK (1) 4-2-010: portion of 001, Comprising Approximately 1,544 acres, from Private to Public (State) Ownership Under the Control and Management of the Department of Land and Natural Resources Division of Forestry and Wildlife.

Approval and Recommendation to the Governor the Issuance of Executive Orders for: 1) Addition of approximately 456 acres to Waimanalo Forest Reserve, Koolaupoko District, Oahu; 2) Removal of approximately 28 acres from Pupukea Forest Reserve, Koolauloa District, Oahu; and 3) Set Aside 28 acres to the Department of Land and Natural Resources Division of State Parks, Koolauloa District, Oahu.

Confirm and Adopt Prior Board Action and Recommend to the Governor the Issuance of Executive Orders for: 1) Cancellation of Governor's Executive Order 4172, dated August 28, 2006 for the Makua-Keaau Public Hunting Area, Waianae District, Oahu and 2) Addition of approximately 584 acres to Makua-Keaau Forest Reserve, Waianae District, Oahu.

EXHIBIT " 2 "

ITEM C-5

Background: The following items were previously considered and recommended by the Board of Land and Natural Resources:

1. Board meetings of October 14, 1994, item F-9 and March 13, 2009, item D-5: The addition of approximately 209 acres (TMK (1) 4-2-005:001) to the Waimanalo Forest Reserve, Koolaupoko District, Oahu, with an additional overlay designation of Mount Olomana State Monument was approved in 1994 (Exhibit A). This set aside was formally executed via Executive Order No. 3652 dated April 26, 1995, but documentation of an associated public hearing was not found in Division of Forestry and Wildlife records. The Board approved an after-the-fact public hearing for this forest reserve addition at its March 13, 2009 meeting under agenda item D-5.

Board meeting of March 13, 2009, item D-5: Addition of approximately 2000 acres to the Waimanalo Forest Reserve, Koolaupoko District, Oahu, consisting of TMK (1) 4-1-008:013, (1) 4-1-010:074, 091, & 093, and (1) 4-2-010: portion of 001 (Exhibit B). This represents a proposed transfer of unencumbered lands from Land Division to the Division of Forestry and Wildlife (Division). Following the Board's action on March 13, 2009, item D-5, the Division determined that pursuant to Governor's Proclamation dated January 3, 1923, entitled "Waimanalo Forest Reserve, Proclamation of Forest Reserve in the District of Koolaupoko, City and County of Honolulu, Island of Oahu, Territory of Hawaii," TMK (1) 4-2-010: portion of 001 comprising approximately 1,544 acres (Exhibit B) lies within the current boundary of Waimanalo Forest Reserve.

The Division notes that due to a practice of the Territorial Government in the early 20th century, both public and private lands were sometimes included within proclaimed forest reserve boundaries. As a result, the lands that now comprise TMK (1) 4-2-010: portion of 001 were included in the January 3, 1923 Proclamation that established Waimanalo Forest Reserve as private lands. This private acreage was included in the area condemned by the State in 1990 for watershed purposes. Between 1990 and the present, the Department assumed that these lands had unencumbered status. The portion of parcel 001 discussed above is an example of this practice, and while its status has changed to State ownership, it technically still lies within the boundary of Waimanalo Forest Reserve.

Rather than representing a potential addition of approximately 2,000 acres to the Forest Reserve System as requested of the Board on March 13, 2009, under item D-5 (Exhibit C), staff request that the Board **amend** item D-5 by identifying approximately 1,544 acres of parcel 001 as a set-aside from Land Division to the Division of Forestry and Wildlife and reducing the area recommended for addition to Waimanalo Forest Reserve from approximately 2,000 to 456 acres. In order to accomplish this, staff now requests that the Board approve of and recommend to the Governor an Executive Order to amend Governor's Proclamation dated January 3, 1923 for the currently existing Waimanalo Forest Reserve changing the status of the lands defined as TMK (1) 4-2-010: portion of 001, comprising approximately 1,544 acres, from private to public (State) ownership. These proposed amendments would return a majority of parcel 001 to the Division for

management under its original purpose as forest reserve as well as add parcels 013, 074, 091, and 093 to the Forest Reserve System.

A portion of TMK (1) 4-2-010:001 is currently encumbered by Revocable Permit No. 7242 issued to the Luluku Banana Growers Cooperative by Land Division. The area covered by this or a similar future revocable permit would be excluded from the proposed set-aside to DOFAW and remain under Land Division jurisdiction.

2. Board meeting of May 25, 2007, item D-3: Withdrawal of approximately 28 acres, consisting of TMK (1) 5-9-006:003 & 007 from Pupukea Forest Reserve, Koolauloa District, Oāhu (Exhibit D). These two parcels, historically referred to as Water Reserve Parcels A & B, would be added to a proposed State Park. Both parcels are completely surrounded by lands already set aside to the Division of State Parks. The proposed change is likely to increase public access and recreational opportunities to the subject lands and consolidate land use in the area under one DLNR Division.
3. Board meeting of December 12, 2008, item C-3: Addition of approximately 584 acres, consisting of TMK (1) 8-3-001:009 & 018, to the Makua-Keaau Forest Reserve, Waianae District, Oahu (Exhibit E). Pursuant to Governor's Executive Order No. 4172 dated August 28, 2006, these parcels were designated as the Makua-Keaau Public Hunting Area under the jurisdiction of the Division. However, there is no formal land designation category called "public hunting area" with associated statutes and administrative rules. As such, the Division seeks to transfer the subject lands to the currently existing and adjacent Makua-Keaau Forest Reserve. This action will merely change the designation of the area from Public Hunting Area to Forest Reserve, placing the area under the protection of statutes and rules associated with the Forest Reserve System.

Approval to hold public hearings on the proposed forest reserve additions and withdrawals were obtained from the Board of Land and Natural Resources on May 25, 2007 (Pupukea withdrawals), December 12, 2008 (Makua-Keaau addition), and March 13, 2009 (Waimanalo additions). Approval to set the date of the public hearing and to appoint Michael Constantinides as the Hearing Officer was obtained from the Chairperson on March 24, 2009.

In accordance with Notices of Public Hearing published in the Honolulu Star-Bulletin, the Garden Island, the Maui News, the West Hawaii Today, and the Hawaii Tribune-Herald newspapers on Sunday, May 10, 2009, a public hearing was held on May 26, 2009 to receive public input on all of the proposed forest reserve additions and withdrawals discussed above, inclusive of the after-the-fact public hearing item discussed in Section 1 above. No members of the public attended this hearing, the proceedings of which are summarized in the Hearing Officer's report (Exhibit F). No verbal or written testimony was received regarding these items. Based on these results, staff recommends final processing of the proposed transfers.

Division staff consulted with the Office of the Attorney General in preparing this submittal regarding the amendments proposed for their input and concurrence.

RECOMMENDATIONS:

That the Board of Land and Natural Resources:

1. Amend its prior Board action of March 13, 2009, under agenda item D-5 by:
 - a. Changing the "Area" Section to exclude TMK (1) 4-2-010: portion of 001 for a net addition of approximately 456 acres to Waimanalo Forest Reserve.
 - b. Striking Recommendation No. 1 in its entirety and replacing it with the following language:

"1. Approve in principle the set aside of TMK (1) 4-1-008:013, (1) 4-1-010:074, 091, & 093 at Kailua and Waimanalo, Koolaupoko, Oahu, comprising approximately 456 acres, as an addition to Waimanalo Forest Reserve, and approve in principle an amendment of Governor's Proclamation dated January 3, 1923 changing the status of the lands within Waimanalo Forest Reserve defined as TMK (1) 4-2-010: portion of 001, and comprising approximately 1,544 acres, from Private to Public (State) Ownership Under the Control and Management of the Department of Land and Natural Resources Division of Forestry and Wildlife."
2. Accept and approve the Hearing Officer's report and minutes for the public hearing held on May 26, 2009 relating to proposed Forest Reserve System additions and withdrawals on Oahu as described above.
3. Approve of and recommend to the Governor an Executive Order to amend Governor's Proclamation dated January 3, 1923 changing the status of the lands defined as TMK (1) 4-2-010: portion of 001, comprising approximately 1,544 acres, from private to public (State) ownership, and as such that these lands now fall under management of the Department of Land and Natural Resources Division of Forestry and Wildlife as part of the Waimanalo Forest Reserve.
4. Approve of and recommend to the Governor issuance of an executive order setting aside approximately 456 acres to the Waimanalo Forest Reserve, Koolaupoko District, Oahu, consisting of TMK (1) 4-1-008:013, (1) 4-1-010:074, 091, & 093 as described above.
5. Approve of and recommend to the Governor issuance of two (2) executive orders, one withdrawing approximately 28 acres, consisting of TMK (1) 5-9-006:003 & 007 from Pupukea Forest Reserve, Koolauloa District, Oahu and a second to re-set aside said acreage to the Division of State Parks for State Park Reserve purposes as described above.
6. Based on the results of the public hearing held on July 13, 2009, on the island of Oahu, the Board confirm and adopt its prior recommendations made at the Board meeting of December 12, 2008, item C-3 - That the Governor issue two (2) executive orders, one cancelling Governor's Executive Order 4172, dated August 28, 2006 for the Makua-

Keaau Public Hunting Area, representing approximately 584 acres (TMK (1) 8-3-001:009 & 018), Waianae District, Oahu, and a second to re-set aside said acreage to the Division of Forestry and Wildlife for addition to Makua-Keaau Forest Reserve, as described above.

7. Recommendation Nos. 4 through 6 are further 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,



PAUL J. CONRY
Administrator

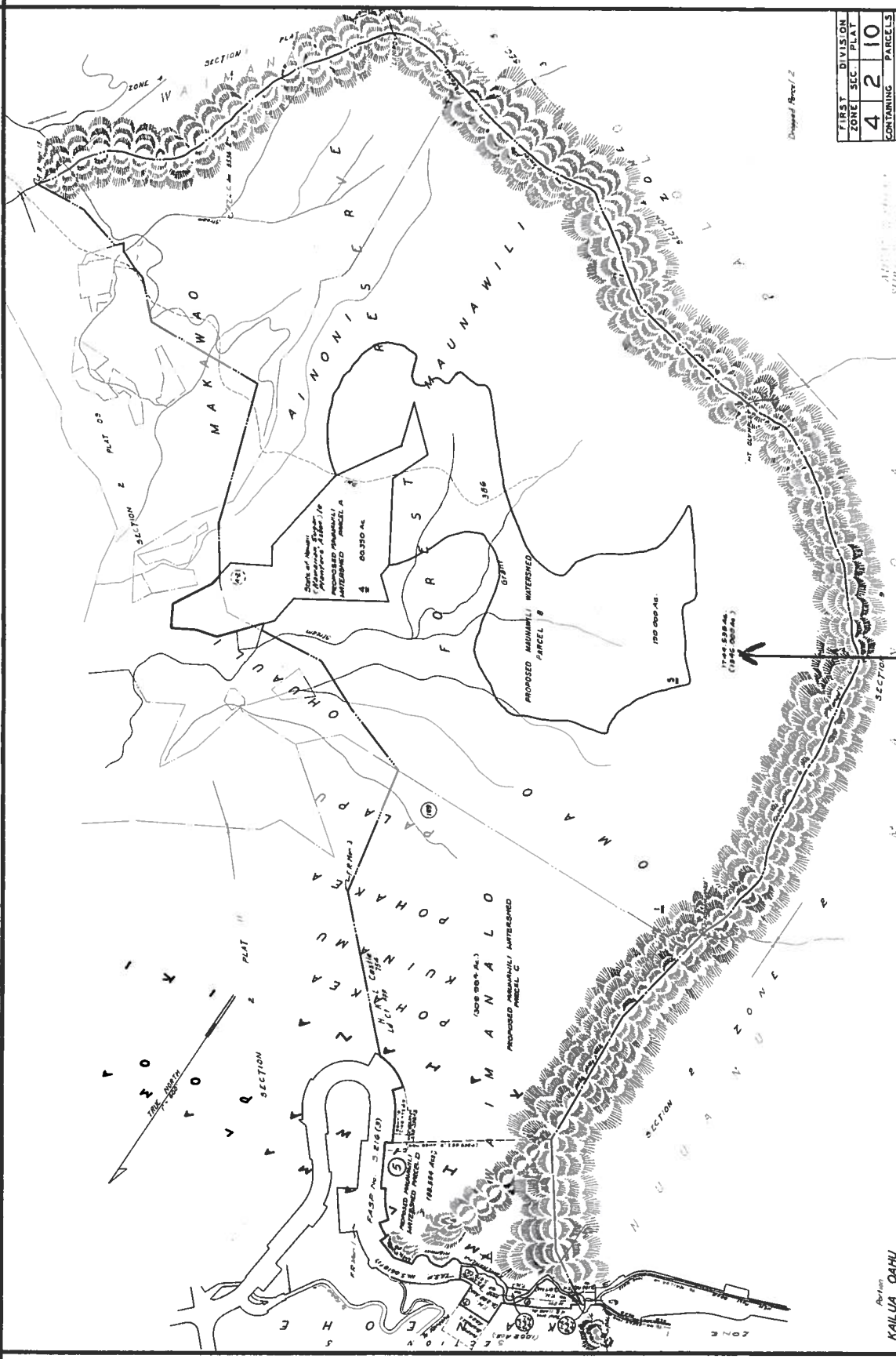
Attachments

APPROVED FOR SUBMITTAL:



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

4 2 10



FIRST DIVISION	4
ZONE	2
SECTION	10
PLAT	
CONTAINING PARCELS	
SCALE: 1 in. = 600 FT.	

PRINTED

Subject Location

KAILUA OAHU

EXHIBIT "3"

1. DATE OF SURVEY
 2. NAME OF SURVEYOR
 3. NAME OF CLIENT
 4. NAME OF PROJECT
 5. NAME OF MAP
 6. NAME OF SHEET
 7. NAME OF PLAT
 8. NAME OF SECTION
 9. NAME OF ZONE
 10. NAME OF DIVISION

Date No. 1/13/51
 BY YAL L. H. K. S. J.
 SOURCE: THE TERRITORY
 SURVEY SWAY 194