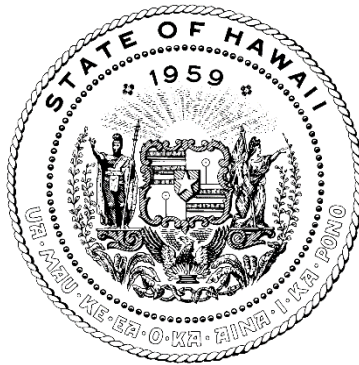


**REPORT TO THE THIRTY-SECOND LEGISLATURE
STATE OF HAWAI‘I
2023 REGULAR SESSION**

**RELATING TO HOUSE CONCURRENT RESOLUTION 82
URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
EXPLORE THE POSSIBILITY OF EXPANDING THE MOUNT KA‘ALA NATURAL
AREA RESERVE TO INCLUDE THE SLOPES OF MOUNT KA‘ALA,
PARTICULARLY IN THE WAIALUA DIRECTION**



Prepared by

THE STATE OF HAWAI‘I
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE

In Response to House Concurrent Resolution 82, Regular Session of 2022

Honolulu, Hawai‘i

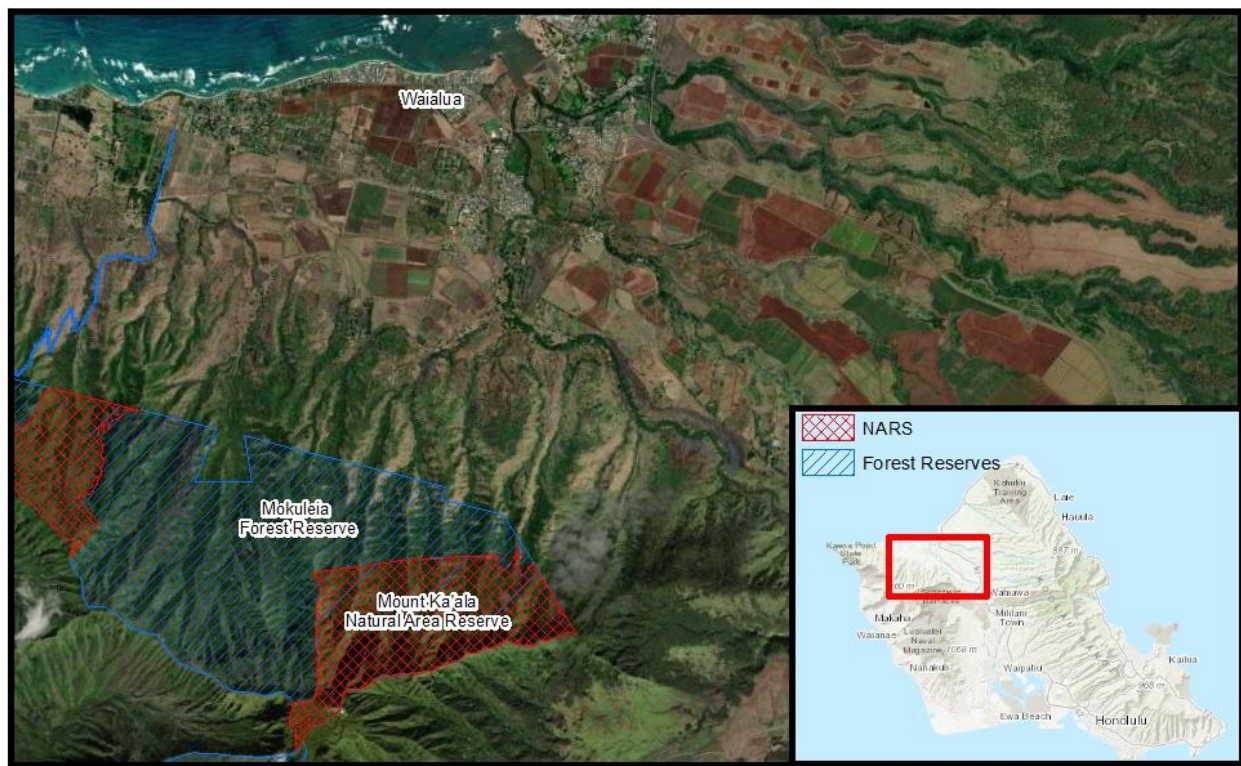
October 2022

RELATING TO HOUSE CONCURRENT RESOLUTION 82

**URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
EXPLORE THE POSSIBILITY OF EXPANDING THE MOUNT KA‘ALA NATURAL
AREA RESERVE TO INCLUDE THE SLOPES OF MOUNT KA‘ALA,
PARTICULARLY IN THE WAIALUA DIRECTION**

The Department of Land and Natural Resources (Department) has explored the option to expand the Mount Ka‘ala Natural Area Reserve, particularly in the Waialua direction. A map is attached which shows the Reserve, and the adjacent Mokule‘ia Forest Reserve which is also managed by the Department’s Division of Forestry and Wildlife for native ecosystem, watershed, and other resources. Below (north) of those Reserves is private land.

Mt. Ka'ala Natural Area Reserve



DOFAW (808) 587-4170. March 2022. Features approximate and subject to change.

BACKGROUND

During the Legislative Session of 2022, the Department contacted the office of the introducer of the concurrent resolution, Representative Sean Quinlan, to understand the background of this legislation. The office responded by providing the contact information of a constituent who had made the request.

The Department contacted the constituent who had made the request. They indicated that they were concerned about additional non-agricultural development occurring along the lower slopes of Mt. Ka`ala, particularly directly *mauka* (upland) of Waialua. They indicated that the area should remain open space and continue to be scenic, however there was a recent uptick in development which was a worrisome trend.

The Department explained that Natural Area Reserves (NAR) can only be designated on State land. The only other State land in that area was the Mokule`ia Forest Reserve. Changing the designation of the Forest Reserve to a NAR would not result in the constituent's intended outcome because 1) the Forest Reserve is not the area of interest and 2) Forest Reserves share similar purposes as NARs and it would be unlikely that development would occur under each designation because that would be contrary to the purpose of the Reserves.

The Department also explained that the area of interest (in the lowlands) was outside of the Conservation District so the Department currently had limited regulatory authority over additional development. Rather than designating the area as a NAR, the Department said that the only way to limit development in the region would be to:

1. Amend the County zoning codes or request the County to inspect and enforce violations, if any.
2. Amend the Conservation District boundaries to include the lands of interest, which are currently in the Agricultural District. However, this would have negative consequences on the existing agricultural use of the properties.
3. Purchase the land or a conservation easement on the land. The land is privately-owned and the Department is not aware of any interest by the landowners to sell. If the land was for sale, the area could be considered by the Department of Agriculture or other agricultural entity for a proposal to the Legacy Land Conservation Program due to its agricultural and scenic resources.

The Department is not advocating for any of these options at this time; they are provided for information only.

In the House Water and Land Committee hearing of March 22, 2022, the Department also explained that the area of interest (in the lowlands) was outside of the Conservation District, so the Department currently had limited regulatory authority over additional development. The only other testifier on this measure stated:

Raquel Achiu. "Yes, I heard Ms. Yuen's testimony, and yes, I did speak with her. As important as I do feel this matter is, Mt. Ka`ala is definitely in a very risky situation. We were able to have a very healthy conversation on options that I will very likely pursue, in hopes to get further support if it comes your way again. The mountain is very much worthy of this consideration, in any aspect that we can attain it. Thank you."

During the hearing of April 18, 2022, of the Senate Water and Land Committee, discussions indicated that the main issue of concern was development, which would not be solved by a NAR designation. The committee report included that:

Your committee notes the testimony of the Department of Land and Natural Resources regarding the expansion of the Mount Kaala Natural Area Reserve. While the Department of Land and Natural Resources is willing to consider expansion, there is uncertainty regarding ownership and zoning of the impacted lands. Therefore, further information is required for the Department of Land and Natural Resources to gauge the feasibility of expanding the Mount Kaala Natural Area Reserve.

RECOMMENDATION

Areas below (north) of the Reserves are highly degraded with a long legacy of agricultural use. No rare or endangered species or substantial native ecosystems are known to occur in the area. Further, the Department acknowledges that these lands are actively in agricultural use and that a NAR designation would discontinue the agricultural use. The purpose of the natural area reserve system is to preserve in perpetuity representative examples of Hawaiian ecosystems and geologic features. The agricultural lands at issue don't meet that definition as they are badly degraded and/or their former ecosystem types are already represented in the lower elevation portions of the existing Mt. Ka'ala NAR.

Thus, the Department does not recommend NAR designation for these areas.

The Department presented this recommendation to the Natural Area Reserves System Commission on August 18, 2022.

The Commission determined that the area does not have high-quality native ecosystem or species resources. The likelihood of the area to be restored to a native ecosystem is also low. The Commission confirmed that a Natural Area Reserve was not appropriate for the area.

CONTACT INFORMATION

Department/DOFAW Native Ecosystem Section Manager at Emma.Yuen@hawaii.gov or (808) 587-4170.