

**MINUTES FOR THE
MEETING OF THE
NATURAL AREA RESERVES SYSTEM COMMISSION (NARSC)
HONOLULU, O‘AHU
MARCH 10, 2014**

COMMISSIONERS PRESENT:

DRAFT Subject to approval

Dr. John Sinton, Chair
Ms. Marie Bruegmann, Vice Chair
Mr. Trae Menard
Mr. Ronald Rapanot, Sr.
Mr. Nathan Yuen
Ms. Robin Newbold
Ms. Ulalia Woodside
Dr. Carl Christensen
Dr. Jonathan Price
Ms. Janis Matsunaga, for Chair, Board of Agriculture
Dr. Sheila Conant, for President, University of Hawai‘i
Ms. Rebecka Arbin, for Director Office of Planning

COMMISSIONERS ABSENT:

Mr. William Aila, Jr., Chair, Board of Land and Natural Resources

STAFF:

Ms. Linda Chow, Deputy Attorney General
Ms. Lisa Hadway, Division of Forestry and Wildlife Administrator
Mr. Randy Kennedy, Division of Forestry & Wildlife (DOFAW Admin. Office)
Ms. Betsy Gagné, DOFAW Admin.
Ms. Emma Yuen, DOFAW Admin.
Ms. Leah Laramee, DOFAW, Admin.
Ms. Charmian Dang, DOFAW Admin.
Mr. Nicholas Agorastos, DOFAW Hawai‘i Branch NARS Manager

VISITORS:

Mr. Mark White, The Nature Conservancy
Mr. Patrick Conant

ITEM 1. Call to order: Chair Sinton called the meeting to order at 9:01 a.m. followed by Commissioners introducing themselves.

MOTION: S. CONANT/BRUEGMANN moved that the NARSC move up agenda Item 7.a. Action Item: Special Use Permit Application by Ahiu Hawaii to conduct commercial tours in Kahauale‘a Natural Area Reserve, Hawai‘i Island: for discussion and recommendation to deny, approve, or other, to the Board of Land and Natural Resources. Motion carried unanimously. Staff Agorastos gave a brief overview of volcanic events that have led to continued closure of Kahauale‘a Natural Area Reserve (NAR) due to continuing hazards including fumes and burning vegetation from lava flows, with conditions changing without warning. There have been a number of people entering the area, disregarding the closure signs; it is on a number of websites

and in guide books. The applicant has been asked by the Division of Conservation and Resource Enforcement (DOCARE) to cease and desist, but he has ignored all such efforts and has continued to lead commercial hikes. There have even been advertisements on web sites like Expedia for commercial hikes; staff is in the process of contacting them to explain the closure of the area. They also installed hidden cameras which have recorded a number of people entering the closed area.

Member Woodside asked if the applicant or anyone else was attending the meeting to speak on this issue. Staff Agorastos said they did not plan on attending. Hawaiian Volcanoes Observatory (HVO) still considers the hazards to be a real and continuing concern, and for that reason the Board of Land and Natural Resources (BLNR), on recommendation of the NARSC, approved an additional two years of closure running from July 25, 2013 - July 24, 2015.

Member Christensen said that if they do not have a permit and continue their actions then it is an enforcement action. Staff Kennedy replied that the Department can now pursue administrative penalties, as it did with vessels in 'Āhihi-Kina'u NAR, before the BLNR. Staff Agorastos said multiple cease and desist orders have been given, some even thrown on the ground in front of DOCARE officers.

MOTION: S. CONANT/BRUEGMANN moved that the NARSC deny the Special Use Permit Application by Ahiu Hawaii to conduct commercial tours in Kahauale'a Natural Area Reserve, Hawai'i Island. Motion carried unanimously.

ITEM 2. Approval of the June 17, 2013 NARSC Meeting Minutes. Members noted a few typos to be corrected.

MOTION: WOODSIDE/BRUEGMANN moved that the NARSC approve the Minutes of the June 17, 2013 NARSC Meeting as amended. Motion carried unanimously.

ITEM. 3. Administrative Updates.

ITEM 3.a. Budget. Staff Kennedy distributed handouts to members detailing the budget and this was essentially a review of what was presented at the June 17, 2013 meeting. This is a biennium budget, running from FY 13 through FY 14 and includes allocations for 24 temporary NARS positions (13 Special Funds, 11 General Funds); Capitol Improvement Project (CIP) funding to fence the entire boundary of Manukā NAR, and continuing funding for other priority projects under the Natural Area Reserve Fund (NARF), followed by other projects subject to availability of funds. The NARF has received approximately \$7.1 million annually in recent years.

ITEM 3.b. Legislative Update for 2014: Staff Kennedy handed out a list of bills that could affect our programs in particular, and said that they are seeking to amend the Supplemental Budget for FY 15, increasing the current \$7.1 million to \$9.1 million to go into the NARF, to accommodate increases in the Conveyance Tax due to increased high end real estate transactions, so programs may be expanded and to add 9 more temporary

positions; trying to diversify with Civil Service and others on contract to more immediately implement on the ground actions. The money committees are asking a lot of questions, but now have a better understanding that DLNR is way underfunded and our testimony continues to point this out; we will know by end of session whether we are successful or not.

Member Christensen asked about the push to curtail or end Special Funds. Staff Kennedy said that it is not on the agenda because the audit came out last year calling for the end of special funds before the Department went through extensive Federal and State audits (these are usually done first) and to allow time for us to respond in advance; they then go through another audit to answer any questions. The principal complaint from the House Finance Committee was that there does not appear to be a nexus between the Conveyance Tax and conservation programs; even though past Legislature sessions have realized that it does have a nexus. This matter will likely extend past this session, giving us time to work further on the language to be more explicit; he thanked AG Linda Chow for helping to clarify the language.

Staff Yuen appreciated all the help on Rain Follows the Forest (RFTF); the budget bill is a vehicle for RFTF. The NARF has also provided funding for other sections including Hawai'i Invasive Species Council (HISC) for coconut rhinoceros beetles and little fire ants, for the Forestry to conduct restoration following a huge fire on Kaua'i last year, funds for Kure Atoll (to replace funds affected by Federal budget cuts) for transport to this remote area which is under O'ahu DOFAW jurisdiction. The RFTF continues to be successful, but hunters are now more organized and there is more pushback this year with concerns about being fenced out of and losing hunting areas. This has necessitated development of more effective outreach to inform hunters, the general public and legislators, and to show maps that break down by island the areas available for hunting, alongside priority watershed areas to be protected at a higher level. Also to find ways to increase access to hunting areas, which is more of a concern since there are many more acres available for hunting, and to clarify hunting rules.

Member Menard said that Kaua'i does not have enough DOCARE officers to enforce hunting rules and asked if there was any push by the Department to increase their numbers; Staff Kennedy said they were pushing to try and get more.

Member S. Conant asked about status of the Game Biologist position. Staff Kennedy said that there is a position under the Wildlife Program; Dr. Marie Morin is the new Program Manager and she is trying to fill the position with someone that has a professional game management background to better help the staff on the branches. They are looking to refill the position previously held by Jordan Jokiel to acquire access or actual parcels for hunting opportunities; increased access being of high priority. Staff Yuen said that there actually is an increase hunting areas, that 900,000 acres is available on state lands. She also mentioned the legislative briefing today at 2:30 p.m. in Senate Conference Room 225 to further explain the priority watershed areas and what is being done to respond to hunter's concerns. The presentation will be made by BLNR Chair William Aila and DOFAW Administrator Lisa Hadway.

MOTION: S. CONANT/BRUEGMANN Moved that the NARSC move up Item 6a. and 6.b. to accommodate AG Chow’s schedule. Motion carried unanimously.

ITEM 6a. Administrative Rules. Action Item: Restricting the use of or presence of dogs within the Pu‘u Ali‘i Natural Area Reserve, Moloka‘i, and Kahakuloa Section of West Maui Natural Area Reserve, Maui, pursuant to Hawaii Administrative Rules section 13-209-4.5 – Closure of Area, for a period of up to two years: discussion and recommendation of approval to the Board of Land and Natural Resources. Staff Yuen said that “dogs” had not been included in the body of the agenda. AG Chow agreed with the language, and said that this would be a temporary restriction.

MOTION: RAPANOT/S. CONANT moved that the NARS Commission restrict the use or presence of dogs within the Pu‘u Ali‘i Natural Area Reserve, Moloka‘i, and Kahakuloa Section of the West Maui Natural Area Reserve, Maui, pursuant to Hawaii Administrative Rules Chapter 13-209-4.5 – Closure of area, for a period of up to two years. Motion carried unanimously.

ITEM 6.b. Revisions to Hawaii Administrative Rules Chapter 13-209: Rules Regulating Activities within Natural Area Reserves: status and discussion; no action at this time. Staff Yuen said that they are still working on the Rules; particularly for parking; however need to revise the Statute (Chapter 195) so parking can be enforced with a parking ticket rather than under current wording which carries a heavy penalty that would be difficult to enforce; parking needs to be exempt from high fines as currently written.

MOTION: S. CONANT/RAPANOT moved that the NARS Commission move up Item 5.a. to accommodate Mr. Mark White, The Nature Conservancy (TNC). Motion carried unanimously.

ITEM 5.a. Action Item: East Maui Irrigation (EMI) Natural Area Partnership Program (NAPP) Application and Long-Range Management Plan: discussion and recommendation to the Board of Land and Natural Resources. Mr. White is Director of the Maui Nui Program for TNC, was pleased to present this proposal, which was 25 years in the making between Alexander and Baldwin (A&B) and EMI and TNC. This 3,721 acre parcel will be managed as an addition to Waikamoi Preserve, securing continuous protection for watershed and other critical resources along the entire upper north slope of Haleakalā. This will allow for more active management of the larger area. Mr. White gave a power point presentation which showed the area and resources.

Member Rapanot asked about hunting opportunities. Mr. White said they have a multi-prong approach: 1) EMI reserves priority for its staff to hunt for now; once numbers are reduced, 2) dog teams will be employed by TNC and Pono Pacific; also 3) some traps will be used along boundaries; 4) one-way gates will also be installed; and 5) snaring as a final action for fenced units once all other efforts have been deployed.

Member Woodside asked if there was a community hunting program. Mr. White replied that is not the location, due to remoteness, for a community program. They did have a public hunting program in Waikamoi Preserve, including hunters flying in to areas with staff; however that did not get the last few ungulates out of the area so final control was done by staff and Pro-Hunt (an outfit from New Zealand). Member Rapanot felt that local hunters knew areas better. Mr. White replied that they are trying to build up local capacity with Pono Pacific (a Hawai'i based private land managing company).

Member Bruegmann wanted to know if the management plan was including the participation of Hank Oppenheimer, Plant Extinction Prevention Program (PEPP) Coordinator for Maui Nui. Mr. White said that he was a great part of the efforts with rare plants in the entire area and would continue to do so.

MOTION: S. CONANT/RAPANOT moved that the NARS Commission recommend approval of the East Maui Irrigation (EMI) Natural Area Partnership Program (NAPP) application to the Board of Land and Natural Resources for final approval. Motion carried, with Member Menard recusing himself.

ITEM 4. NARS Enhancement.

ITEM 4.a. Kaluanui Natural Area Reserve: Staff Yuen reported the 400 acre Kaluanui Natural Area Reserve, O'ahu is officially a Natural Area Reserve (NAR), complete with an Executive Order; it is the first NAR in the Ko'olau mountains.

ITEM 4.b. Status of other proposed areas: Staff Yuen said that Poamoho (O'ahu) and 'Ilio Point (Moloka'i), mauka of Kanaio (Maui), and Manukā and Kīpāhoehoe parcels are still pending. 'Ilio still faces a huge problem with unexploded ordnance (UXO) issues. This is necessary for access, whether by staff or the public. Also need a public hearing to add the restored pasture lands to Pu'u Maka'ala (part of the Kulani extension).

Staff Yuen is currently also reviewing and updating the list based on criteria; including new areas that might be applicable for NAPP enrollment. Criteria will be based on Rain Follows the Forest which addresses priority areas most important for protection of watershed and improving water-gathering abilities of more areas.

ITEM 5.b. NAPP Subcommittee Update: Staff Yuen and Laramie are in the process of designing criteria for the NAPP subcommittee to consider at a meeting yet to be set.

Chair Sinton called for a short recess; reconvening at 10:30 a.m.

ITEM 3.b. Legislative Update: Staff Kennedy handed out an update and said that this session has many bills to keep an eye on. Climate change strategy is becoming an important issue; with the Department and Office of State Planning as leads. The issues with hunters primarily concern access to hunting areas, rather than loss of lands. There were many other bills that staff would be keeping track of during the session; to be reported at the next NARSC meeting.

ITEM 3.c. IUCN Update. Staff Kennedy recapped the lengthy application process that has gone on to attract the International Union of Conservation and Nature (IUCN) to hold its meeting in the United States in 2016, with Hawai‘i as the host state. The list has been shortened to the United States and Turkey. A group from IUCN visited Hawai‘i to view the potential conference venue and what the different islands had to offer for pre- and post-meeting tours (always a major part of the meetings). The final decision will be made in the second half of May. The steering committee, chaired by Chipper Wichman, Director of National Tropical Botanical Garden, felt Hawai‘i has a good chance of landing this very important meeting.

ITEM 8. Staff Updates and Announcements. Staff updates will be on next agenda. Most likely date for the meeting is June 9, 2014.

Pat Conant announced that the naio thrips is now known to have originated in New Zealand, traveled to California then to South Kohala, and is now all around the Big Island. The Department of Agriculture is pursuing special labeling for pesticides so they can control this pest around anchialine ponds, where naio grows. So far, it is only known from Big Island.

Lisa Hadway introduced herself as the new DOFAW Administrator, gave a quick background of herself, and invited members to attend the special briefing at 2:30 p.m. in Room 225 at the Capitol between House and Senate members on Rain Follows the Forest Initiative with presentations by William Aila and herself. She will be leaving for the mainland the following week for a meeting of the Endangered Species Joint Task Force to discuss national level impacts across the 8 western states involved with USFWS and the Endangered Species Act. We have one third of the endangered species in the US, so she views this as a great opportunity for Hawai‘i.

ITEM 9. Adjournment. Chair Sinton adjourned the NARSC Meeting at 11:43 a.m.

Respectfully submitted,

Betsy Harrison Gagné, Executive Secretary
Natural Area Reserves System Commission