

**MINUTES OF THE JUNE 20, 2011 NATURAL AREA RESERVES SYSTEM
COMMISSION (NARSC) MEETING, HONOLULU, O`AHU**

COMMISSIONERS PRESENT:

DRAFT Subject to approval

Dr. Dale Bonar, Chair
Dr. John Sinton, Vice Chair
Ms. Rebecca Alaka`i
Mr. Trae Menard
Ms. Marie Bruegmann
Dr. R. Flint Hughes
Mr. Ronald Rapanot
Ms. Marnie Meyer, for Director, Office of Planning
Dr. Guy Kaulukukui, for Chair, Board of Land and Natural Resources (BLNR)
Dr. Sheila Conant for President, University of Hawai`i
Mr. Pat Conant, for Chair, Board of Agriculture

COMMISSIONERS ABSENT:

Ms. Sydney Iaukea for Superintendent, Department of Education

STAFF:

Ms. Linda Chow, Deputy Attorney General (AG)
Mr. Randy Kennedy, Division of Forestry and Wildlife (DOFAW)
Ms. Betsy Gagné, DOFAW
Ms. Tanya Rubenstein, DOFAW
Ms. Vickie Caraway, DOFAW
Ms. Charmian Dang, DOFAW
Ms. Leah Laramee, DOFAW
Ms. Lisa Hadway, DOFAW
Mr. Bill Evanson, DOFAW, Maui
Mr. Talbert Takahama, DOFAW
Ms. Marigold Zoll, DOFAW
Ms. Amanda Hardman, DOFAW
Ms. Sheri Mann, DOFAW
Ms. Cynthia King, DOFAW
Ms. Kimberly Mills, Office of Coastal and Conservation Lands (OCCL)
Ms. Barbara Lee, Land Division (Land)
Mr. Morris Atta, Land
Mr. David Gulko, Division of Aquatic Resources (DAR)

VISITORS:

Mr. Randy Ching (NARSC hiker representative, term starting July 1, 2011)
Dr. Jim Kauahikaua, Chief Scientist, Hawaiian Volcano Observatory (HVO)
Ms. Teresa Dawson, Environment Hawai`i
Mr. Dan Nakamura, Army Corps of Engineers
Mr. Kevin Nishimura, Army Corps of Engineers
Mr. Ryan Yamauchi, Element Environmental, LLC

ITEM 1. Call to order. Chair Bonar called the meeting to order at 9:05 a.m. followed by Commissioners introducing themselves followed by others. Approval of Minutes will

be taken up later in the meeting. Mr. Randy Ching, newly designated hiker representative to the NARSC was present for training purposes, but cannot participate until his term officially begins July 1, 2011. Chair Bonar called for any items to be moved up on the agenda to accommodate off-O`ahu items and those on tight timelines.

MOTION: S. CONANT/SINTON moved that the NARS Commission move up the following items on the agenda before returning to the regular order: Item 5.b., Item 5.c., Item 5.a., Item 5.d., Item 5.e., Item 5.f., Item 2.a., Item 5.d to be deferred or dropped if staff unable to attend. Motion carried unanimously.

ITEM 5.b. Continued Closure of Kahauale`a NAR, Hawai`i, due to volcanic hazards: discussion and recommendation of approval to the BLNR for approval at its July 8, 2011 meeting. Staff Hadway gave a power point presentation tracing the history of volcanic eruptions in the vicinity of the National Park, Kahauale`a (with an additional 5,000 acres including Tract 22 to the NAR) and other neighboring lands. Increasing volcanic hazards and people trying to hike into the area requiring rescues, led Hawaiian Volcano Observatory (HVO), the National Park Service (NPS), Civil Defense, and other organizations tasked with health and safety issues to recommend that the NAR be closed. The NARSC and BLNR closed the NAR from April 2009 until July 2011. Staff Hadway introduced Dr. Jim Kauahikaua, Chief Scientist at HVO, who backed up her presentation, saying he was so concerned about this that he came to Honolulu for this meeting.

MOTION: HUGHES/RAPANOT moved that the NARS Commission recommend continued closure of Kahauale`a NAR, Hawai`i, due to volcanic hazards, to the Board of Land and Natural Resources for action at their July 8, 2011 meeting. Motion carried unanimously.

ITEM 5.c. Special Use Permit Application: Hawaiian Volcano Observatory request to upgrade volcano monitoring equipment in Mauna Kea Ice Age NAR, which will include a new site: discussion and recommendation to the BLNR for approval, deferral or denial. Staff Hadway gave another power point presentation showing a recent site visit to the existing station as well as the proposed new adjacent site to give everyone an idea of the location and lack of visibility from the road. A survey of the proposed site was made by Department of Land and Natural Resources (DLNR) and NPS archaeologists to determine if any cultural resources or sites would be affected; determination was made that none occurred on this site. Dr. Kauahikaua explained that Congress mandated that volcano monitoring be carried out for safety concerns. The existing site, which monitors Mauna Loa and Hualalai, sends data back to HVO. Funding was recently secured to upgrade the system to digital; however, the new equipment has to be up and running before the old system is discontinued, hence the need for the new site adjacent to the old one, which will also remain as a back up site, since it is already disturbed.

Chair Bonar asked if there were any cultural concerns. Staff Hadway said there were no specific sites in the area, but they would be taking this to the Kahu Ku Mauna Council

which advises the Office of Mauna Kea and Management Board. Member S. Conant agreed that it was good to inform them in advance so as not to surprise them. Member Bruegmann asked if there were any Wekiu bugs present. Staff Hadway replied that the area had been surveyed in the past but the area was determined to not be suitable habitat, cinder cones being the primary sites. Member Hughes asked if another site might be better. Dr. Kauahikaua said that other sites were not as accessible or good for their needs. Ms. Kimberly Mills, Planner from the Office of Coastal and Conservation Lands (OCCL), introduced herself and explained that HVO would also need a site plan through OCCL due to the area being zoned conservation, to alleviate any harm to the resources.

MOTION: SINTON/HUGHES moved that the NARS Commission recommend approval of a Special Use Permit to Hawaiian Volcano Observatory to upgrade monitoring equipment in Mauna Kea Ice Age NAR, which will include a new site adjacent to the old, and that this be forwarded to the BLNR for its approval. Motion carried unanimously.

ITEM 5.a. Review of existing delegation of authority; discussion and action on possible new delegation of authority. Staff Gagné gave a brief overview for information only.

ITEM 5.e. `Ahihi-Kina`u NAR/Kanahena Point, Maui: discussion of proposed Work Plan by the U. S. Army Corps of Engineers (USACE) to survey for ordnance within the Reserve; as well as recommendation that Department staff be delegated authority to add further conditions as deemed necessary; approve defer, or make other recommendations that will be incorporated into a Right of Entry (ROE) being prepared by the Land Division, to be issued by the BLNR for ordnance survey and removal. Staff Evanson introduced Land Division and USACE staff that have been working together since 2010; now bringing this to the Commission for further action. He then gave a brief summary of the area's history stemming from its use being as a designated bombing target by the Navy 1945-46. Subsequent recent discoveries of ordnance were enough to bring in the USACE to determine risks of its presence, through a number of steps over the several years. Numerous meetings have been held to deal with the technical nature of the proposed feasibility survey. He introduced Mr. Dan Nakamura, USACE Branch Chief at Fort Shafter and Ryan Yamauchi, a contractor working with the Corps on this project. Mr. Nakamura gave a powerpoint presentation, prefacing his remarks with mention of the front page story dated June 19 about ordnance removal from Waikane Valley as an issue that is being addressed across the State, with remedial inventory funded for this initial phase. The original target (Kanahena Point; also referred to as the project site) has been expanded to include the whole NAR including land and water portions, due to known and potential target misses; he noted that Staff Evanson had touched on many of the points he would be making (for a detailed accounting of the entire process, see the attached powerpoint attachment), and that now that they are in Phase 2, they are bringing this to the NARS Commission for input. He turned over remainder of the presentation to Mr. Ryan Yamauchi, who talked about more of the details of the earlier surveys which dealt with presence/absence (qualitative) with the now more quantitative surveys dealing with ordnance size, type, nature and extent,

munition constituents, and assess risk to human health and safety of the environment as well as to weigh impacts of possible removal of non-fused ordnance or for fused rounds to Blow In Place (BIP), in both mauka and makai parts of the NAR; including areas currently open to the public.

There are numerous stakeholders involve in this process: State of Hawai'i Department of Land and Natural Resources Divisions (DOFAW for overall protection and management of the NAR; DAR for marine ecosystems concerns; State Historic Preservation for burial and other cultural resource concerns; Land for preparation of ROE; and DOCARE for enforcement issues), along with the Department of Health (Health/Hazard Evaluation and Risk). On the Federal level, the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) under the Department of Commerce have oversight for Threatened and Endangered Species (T&E). The USACE-Hawai'i Engineering District also has oversight from the National office in Huntsville, Alabama.

The RI is the current focus; RI/FS major tasks to be addressed: 1) develop a work plan, 2) perform field investigation, 3) prepare RI report; 4) prepare feasibility study; and 5) prepare a decision document, to determine nature and extent of the MEC, determine presence, nature and extent of MEC.

Surveys in the marine environment will be to determine as above but using snorkeling, side scan sonar, and a remotely operated vehicle (ROV) and video camera to focus on anomalies, particularly in deeper water. Results will be used to further expand investigations.

On land, contractors will be utilizing a statistical program with parallel transects 100 m apart sweeping with mine machines to identify targets, then analyze for target size. Due to resource concerns, archaeologists and biologists will walk first, trying to avoid sensitive habitats. The problem is fused munition: if it cannot be moved then it will need to be blown in place; the safety and liability requirements of USACE state they **have** to do this within 24 – 48 hours. This is primarily an on-land concern; as well as the two shallow coves currently open to the public. Deeper portions of the NAR are not as great a concern due to the large volume of water.

Member Rapanot asked how far to sea this would be taking place. Mr. Yamauchi replied that the whole NAR boundary and within would be covered. Member Menard hypothesized a fused mechanism being discovered that triggered the 48-hour window; what was the process for biologists and archaeologists and others to address. Mr. Yamauchi replied that they have the biologists and archaeologists go back and visit the map to see what is around the area; technicians go first to clear a path for them. There will be an Explosive Site Plan to identify different options for use of sand bags to lessen or avoid radial impact; public will also have to be cleared from the area.

Member Sinton asked about impact size, with concerns that geological features might be negatively impacted as well as other features. Mr. Yamauchi said that impacts are

expected to be within the staging area, but may blow and shred bags out within a 10 m radius; however the 200 m safety zone is anticipated to be larger than size of the BIP. He emphasized that the 24 – 48 hour rule is not only for safety concerns but for cost containment: they have to hire extra guards 24/7 to keep everyone away from the site and these costs can quickly escalate.

Member Menard asked about the process with regards to T&E species in such a situation. Mr. Yamauchi said in the case of nesting season for stilts; surveys in their habitat range will be conducted at other times; for any Hawaiian monk seals or sea turtles encountered hauled up on shore, they will wait until they leave. Member Menard said that he was concerned about how they would be affected by explosions after the windows of his house in Kapa`a, Kaua`i, were rattled 3 weeks ago without warning.

Member Hughes was concerned about independence to those doing surveys, that they be fair and impartial in their surveys as well as their recommendations, as well as having local experience. Mr. Yamauchi said that the biologist hired is from O`ahu and has a great deal of experience with sensitive botanical resources.

Chair Bonar and Member Hughes were also concerned about cultural resources being disturbed. Concerns were also expressed about how this appears to be fast-tracked; that there should be consultation with agencies before taking action; that DLNR needs to have conditions placed in the ROE that will insure protection of the resources. Each agency should have principal contacts to remain in touch with field manager on site, for notification of finds on a daily basis.

Member P. Conant asked if Ilio Point was on any lists for cleanup. Mr. Nakamura replied that it does not qualify as a FUDS because the State was aware that it had been used as a target but accepted it anyway; now is responsible for any ordnance or its removal.

Staff Gulko, coral reef ecologist with DAR raised concerns about the proposed activities in the most highly protected marine area in the state, where **all features are protected**, and the impacts of such a proposed intense survey may cause even more impact than finding and disposing of any ordnance; staff should accompany survey crews to insure that damage is minimized. There should be no boating or anchoring within the small remote coves (they will not). He expressed concern about using biologists that are not familiar with Hawaiian species of coral in particular. He also expressed concerns about any chemicals released in efforts to remove or defuse ordnance in place.

Chair Bonar again emphasized that NARS staff should be kept in the loop and asked if staff be delegated authority to add conditions as deemed necessary. Mr. Yamauchi said that from the liability side this would have to be addressed in the ROE to cover NARS staff for safety procedures and concerns about who assumes liability for NARS or other staff. If it is not possible to have staff on site, then contractors will take photographs and immediately send them for review. Member Bruegmann asked what the consequences would be if they do not go in and survey and determine whether the areas is clear or not,

will this shift future management/use of the area. Mr. Yamauchi said that the liability issue would still be there. Mr. Nakamura said that as per the management plan, you would need to have specific access points and signs throughout the place noticing the possibility of UXO in the area. Member Menard: so no alternative action could be taken. Mr. Nakamura said they would have to come up with alternative actions that **may** exclude everyone including staff; this could also impact staff management as well as other agencies or individuals. Member Sinton expressed concerns that mitigation could itself cause further damage and that would be a no go.

MOTION: SINTON/S. CONANT moved that the NARS Commission delegate further authority to NARS staff to add further conditions as deemed necessary that will be incorporated into a Right of Entry (ROE) being prepared by the Land Division, to be issued by the Board of Land and Natural Resources. Motion carried unanimously.

ITEM 5. f. Special Use Permit Application: Installation of a small weather station at Pu`u Ali`i NAR, Moloka`i by the National Park Service/Kalaupapa National Historical Park: discussion and recommendation to the Board of Land and Natural Resources for approval, deferral or denial. Staff Evanson said that he is in support of this remote weather station; that this has been identified as a good site (at the edge of the current landing zone); that it is replacing a previous structure so that it will cause little or no further disturbance of the site and will provide information for the entire island; being the first such station on the island. The National Park Service is helping us to conduct monitoring and management; data will be shared; the Park Service will be installing and maintaining the station. Member S. Conant asked that they be careful; with any guide wires, to make them visible so that endangered birds and bats are not harmed. Member Bruegmann wanted to be sure that long term maintenance of the site would also include monitoring of the site for additional weeds that might be introduced.

MOTION: RAPANOT/P. CONANT moved that the NARS Commission recommend approval of the installation of a small weather station at Pu`u Ali`i NAR, Moloka`i, by the National Park Service/Kalaupapa National Historical Park.

Motion carried unanimously.

ITEM 2. Legislative Update. Staff Kennedy passed out a handout of bills that may affect the natural area management, including one for cargo inspection fees which would provide more long-term protection from invasive species, Act 100 to increase the ceiling of NAR; SB 1555 for DLNR to create a public land development corporation to help find more funding for the Department. SB 1154, South Kona Wilderness Bill, while well intentioned, is an unfunded mandate and according to Staff Hadway, there is little or no vehicle access to remote portions. Kulani Lands are still alright; NARS is working with DOD (Youth Challenge Academy) while Public Safety determines whether or not or when the Kulani prison will re-open (but surrounding acreage remains a part of Pu`u Maka`ala NAR).

ITEM 2. a. Budget Update: Staff Kennedy passed out handouts, said the Legacy Act of 2005 created 15 new temporary positions through Watershed Partnership Program funding for five years, which they are now asking to fill on a permanent basis; this is more housekeeping, not creating new positions. Spending cap was increased to reflect conveyance tax increase. Ten new vehicles were approved for the branches; we did well in the budget this year, had money to cover furloughs.

Chair Bonar called for a lunch break at 11:45 p.m.

Meeting reconvened at 1:40 p.m. by Vice Chair Sinton, to follow order of agenda.

ITEM 1. Approval of NARSC Minutes of March 5 -7, 2011 Site Visits and March 7, 2011 NARSC Meeting.

MOTION: S. CONANT/ALAKAI moved that the NARS Commission approves the NARSC Minutes of March 5 - 7, 2011 Site Visits and March 7, 2011 NARSC Meeting. Motion carried unanimously.

ITEM 2. b. Joint Consultation Committee of the Forest Stewardship Advisory Committee and NARS Commission: discussion and appointment of same or new members from the NARSC to meet at a future date. Staff Gagné introduced staff members Sheri Mann, who, with Irene Sprecher is acting as Forestry Program Manager with the departure of Michael Constantinoides. In the past, consultation was done before budgets were done; we have gotten off-schedule and need now to look ahead to FY 13.

Chair Bonar returned to meeting and resumed conducting the meeting.

The committee ideally has 2 - 3 members and staff from each program to look at the overall picture and how current distribution is working or needs to be amended. While distribution is up to the DOFAW Administrator, it is important to keep both groups informed. Staff Mann said that the Forest Stewardship Committee hoped to meet in December or January to work on their Strategic Plan, and at that time would recommend several dates to the NARSC to hold a future joint consultation meeting. The following members volunteered, subject to availability: S. Conant, P. Conant, T. Menard, and F. Hughes.

ITEM 3. Enhancement.

ITEM 3.a. Kulani Lands Status. Staff Hadway said that the forested lands are still considered top be within the NAR; there are also 300 additional acres of former pasture lands to also go to the NAR; another 300 acres would be part of Kulani Prison, should it be re-opened by DPS (right now it is the DOD parcel under transition back to DPS. Member Hughes asked about status of the Boys Home. Staff Hadway replied that NARS staff boarded and locked it up to reduce hazards. Kulani lands are a potential release site for endangered `alala, as well as ongoing recovery of Mauna Loa silverswords and

Clermontia peleana. Staff Rubenstein said that Pu`u Maka`ala Management Plan will be held until final disposition of Kulani lands.

ITEM 3.b. New Nakula Natural Area Reserve. Staff Evanson said that 1500 acres of forest on the south slope of Haleakala are now protected as the 20th Natural Area Reserve; featured TV and newspaper clips; no negative response, due likely to high level of public outreach throughout the process.

ITEM 3.c. Ka`ena Point Natural Area Reserve Extension: proposal for discussion and action for referral to DOFAW for further review. Landowners and staff visited this small but significant parcel that is just on the State Park Reserve boundary and could act as a buffer; it is now subject to appraisal price. O`ahu DOFAW and NARS staff is now also in support of this acquisition, having reviewed the proposal and participated in one or more site visits.

MOTION: HUGHES/S. CONANT moved that the NARS Commission receive recommendations from the Division of Forestry and Wildlife, and approve recommendation to the Board of Land and Natural Resources and Governor, the proposal for the extension of Ka`ena Point Natural Area Reserve (TMK #6-9-2-12), O`ahu. Motion carried unanimously.

ITEM 3.d. Extension of Kipahoe Natural Area Reserve, Hawai`i: proposal for discussion and action for referral to the Division of Forestry and Wildlife for further review. Staff Hadway explained that there is a very tiny section that was requested for acquisition in 2001, as a way to drive into the NAR. The DOFAW Administrator at the time (Mike Buck) said there would be no further extensions to NARS. Meanwhile staff discovered a massive koa rustling in the area; Michael Constantinides help to resolve landownership and other issues to help secure this parcel, which is unencumbered land. This could be a low hanging fruit to help protect strategic areas as well as allow access for management.

MOTION: ALAKAI/RAPANOT moved that the NARS Commission recommend acquisition of this parcel be added to Kipahoe Natural Area Reserve. Motion carried unanimously.

ITEM 3.e. Updates on status of the Natural Area Reserves System Enhancement Project. Members and staff wanted to be sure that the system was strengthened, that staff continued to receive funding for management; while looking at areas that are also practically managed.

ITEM 4. `Ahihi-Kina`u Natural Area Reserve Draft Management Plan Status: Staff Evanson reported that since the March NARSC Meeting, he met with Emily Fielding (TNC Maui) to re-order priorities. Meanwhile, 2 of the 4 rangers resigned and RCUH raised concerns about ranger duties and whether it would continue to support such a program, citing safety, liability, enforcement, lack of training for safety concerns, and so on. They felt the jobs were more enforcement and less resource management. Staff

Kennedy said that Matt Ramsey's position as lead ranger is being held for filling until the new fiscal year. Staff Evanson said there are 2 vacancies, 1 to be filled (other than Matt's position). Staff Kennedy said that funding for the Volunteer position was applied for by Staff Rubenstein and Evanson, but need clarification from RCUH whether such a position may be placed under RCUH. Chair Bonar again expressed his frustration with lack of forward progress to solve the above issues. Staff Kennedy again said that RCUH cannot cover enforcement positions. Chair Bonar asked what the alternatives were. Staff Kennedy said hiring security guards through Tri-Isle could be an option. Staff Hadway said that Office of Mauna Kea is able to hire their Rangers through RCUH; staff Kennedy said that was under a different program. Chair Bonar felt it was time to take this to the Chairperson's attention to move this along; need other drivers since not seeing solutions coming. Staff Evanson reported that he had a satellite phone and 5 new digital radios on order; also a purchase order for power pole so can run power to the trailer for a functional office for on-site operations at Kanahena. Have a generator on-site, but it needs to be secured on a daily basis; a storage container is on order for the generator. Member P. Conant asked about the radio repeater. Staff Evanson said it is still not fully operable as yet; however most cell phones have 911 capability. For boats in the Reserve over the weekend, new protocols to call supervisors first is no longer in effect for DOCARE; call 634-DLNR the Honolulu hotline. Chair Bonar was astounded at this information. Staff Evanson said that with reductions in Ranger staff, shifts are now 8:00 a.m. – 4:30 p.m., due not only to vacancies but also to bad staff attendance (security company has been hired for opening and closing of gates to comply with visiting hours).

Staff Kennedy said it is non-constitutional to block the road and charge for public roads; there is a law that prohibits that. Chair Bonar said then that we cannot charge for entry; staff Kennedy replied that was what he had heard. Staff Evanson said could institute fee collection at the Kanahena Parking area; Chair Bonar asked what that would take. Staff Evanson said he is working with ADA and Engineering on how to make stalls improved without being paved.

Chair Bonar once again emphasized how critically important it is to get a volunteer program going!

ITEM 6. Invertebrate Conservation Strategy. Staff King introduced herself as being hired in 2009 to build up a native invertebrate program for the Division, which until now had no cohesive program coordination on what is happening statewide. The program includes issuing Invertebrate Permits, grant writing, research, monitoring, control projects in conjunction with HDOA, planning, education and outreach, reviewing of environmental impacts and assessments, mitigation, and habitat conservation plans. The program issued 85 permits and 8 T&E permits since 2009. Grant proposals have resulted in joint studies of gall wasps and naio thrips with HDOA. The program also includes land snails; so there is even an initiative called the snail extinction prevention program, modeled after the plant extinction prevention program.

Current planning is underway for an Invertebrate Conservation Strategy, established through a consortium of invertebrate biologists with various state, federal, public and

private entities in the State as well as mainland universities, and facilitated by the Entomologist position. Purpose is to identify location priorities, conduct bioblitzes (rapid assessments or surveys), improving the overall statewide protection and management of invertebrates, bring them to the public's attention and involvement, further research by participants while informing managers of species presence and distributions. In March 2010, 40 people participated in a bioblitz at Pahole NAR; another has been planned for September 2011 to be held in Kulani lands of Pu`u Maka`ala NAR. Ultimate goal is to share data sources; to that end hiring a database manager would be most efficient.

Item 7. Announcements. Member P. Conant said there are credible sightings and now photographs of axis deer in Ka`u; however the landowners do not want to be identified as they do not want unauthorized people on their land. The Big Island Invasive Species Committee (BIISC) has hired a deer specialist to track them as well as train others. Surrounding land owners are on board with confirming and eliminating deer from the island if it is not too late, as this has the potential to be a huge financial burden for those trying to grow agricultural crops as well as watershed and natural area protection and management. Some felt it was a challenge to identify different tracks. Member Rapanot said he could tell the difference between goat and deer tracks (they are longer, narrower and pointed); but agreed 100% accuracy is not always possible.

ITEM 8. Adjournment. Chair Bonar adjourned the NARSC Meeting at 3:35 p.m.

Respectfully submitted,



Betsy Harrison Gagné, Executive Secretary
Natural Area Reserves System Commission