

**DRAFT MINUTES OF ENHANCEMENT SUBCOMMITTEE MEETING of the
NATURAL AREA RESERVES SYSTEM COMMISSION (NARSC) August 25,
2009, Honolulu.**

COMMISSIONERS PRESENT:

Dr. James Jacobi
Mr. Scott Derrickson, for Director, Office of Planning
Mr. Patrick Conant, for Director, Department of Agriculture
Dr. John Sinton
Dr. Dale Bonar, Chair

STAFF:

Mr. Randy Kennedy, DOFAW
Ms. Emma Yuen, DOFAW
Mr. Michael Constantinides, DOFAW
Mr. Bill Evanson, DOFAW (via speakerphone)
Mr. Bryon Stevens, DOFAW (via speakerphone)

VISITORS:

Mr. Steve Montgomery
Dr. Henry Loescher, NEON
Ms. Tanya Rubenstein, former coordinator for Three Mountain Alliance

ITEM 1. The meeting was called to order at 8:15 am.

ITEM 5. New acquisition opportunity: Lands surrounding Kulani Prison. Commissioner Jacobi described his conversation with Dept of Public Safety head of CIP staffer John Borders. Borders was hopeful that the Youth Challenge Academy could replace jobs that were lost for the Correctional Facility staff. It also was a good program that helps at risk youth. However, there is discussion about renovating the Boy's School, which Commissioner Jacobi described as a shell, with no plumbing, etc. If the correctional facility could open again, their idea was then they could move the Youth Challenge Academy to the Boy's School. Jacobi told Borders that it was one of the top areas in the State as far as natural resources, and that the landscape comes with obligatory stewardship requirements. Borders wants to continue to pursue the Safe Harbor and HCP, as well as the TMA agreement. Ms. Rubenstein clarified that they did not have the EA yet to have the tent structures in the ballpark, which might affect nene.

Commissioner Conant asked if there was a lot of open space still there, and Commissioner Jacobi clarified that there was a lot of General Subzone area which is the facility and a lot of extra land in it, and the rest was Resource Subzone. Also, the pastures were taken out in 2005. Ms. Rubenstein said that it was recovering nicely, even the *Rubus* could be suppressed with heavy cover. Commissioner Jacobi says that there is room to expand in the existing footprint of the facility. TMA has said that whatever is done in the footprint of the facility is alright, as long as it doesn't introduce weeds and affect the nene. Ms. Rubenstein said that the TMA agreement is just a handshake though, not compliance related. Commissioner Jacobi said that the DPS get good publicity with

TMA, and they have worked really well in the past. Now there is a new party – DOD – that has a lot of promise and could be really good too. They already have a Challenge Academy in Kalaeloa and they want to expand it.

Staff Yuen asked what issues we should discuss in the meetings being proposed. Commissioner Jacobi said that John Borders was the environmental compliance point of contact that has been consistent in the past. Staff Yuen asked if there is anyone else in DPS that may be able to help with this discussion that knows about the resources. Ms. Rubenstein mentioned the high level of turnover at DPS. Commissioner Jacobi recounted that John Borders were scheduling a meeting about this but didn't know if it ever happened, since it was contingent on the director's schedule. This may not be the highest on their priorities since they are dealing with people's jobs and lives. Staff Yuen listed the organizations to include – FWS, DPS, DOD, DOFAW, TMA. Commissioner Jacobi said that FWS was important for the compliance issue, and Loyal Merhoff should represent FWS. It is not clear if they need an HCP, but it would be sure that if they renovated the Boy's School, they would definitely need an HCP. They might not get it approved. The forest comes right up to the Boy's School, and it is in a flow that is mostly Ohia canopy, with Creeper and Akepa, and then in the 1942 flow there is koa where Akiapolaau can be found. Also *Cyanea shipmanii* are there.

Staff Yuen asked if the Commissioners had changes for the borders of the proposed DOD area around the facility. Staff Kennedy asked why DPS would want to fix up the Boy's School? Commissioner Jacobi said that they want to avoid "not in my back yard" backlash, and this area is remote and can be patrolled. This is an opportunity, and may not be a DOD option. Ms. Rubenstein said that they might not be telling DOD everything about the complications. Commissioner Jacobi said that is the reason why there needs to be a meeting with all these parties. Staff Kennedy said that the DOD wanted a Youth Challenge Academy in Pahole, but then determined that it was too remote, but Kulani is way more remote.

Commissioner Jacobi described when they made the Sewage treatment facility with the Olaa Kilauea Partnership, they were going to disturb forest, but then agreed to make the area in a deforested area which turned out to work really well. Ms. Rubenstein also said that the cinder pits were a weed issue, and surrounded by really nice forest. Commissioner Jacobi said that the DOD would be really good agency to work with, but we need a meeting.

Staff Yuen said that the proposed boundaries included the piggery (which is now an abandoned shell) and the greenhouse, as well as follows established roads or fence lines. Ms. Rubenstein said that the DOD would want the cinder pits, however the north pit is filled with trash. Commissioner Conant theorized that there might be hazardous waste issues. Commissioner Jacobi mentioned the trench between the cinder pit as an interesting geological feature that should not be excluded from the NAR. Staff Yuen confirmed that there was no other changes for boundaries? Ms. Rubenstein said the old warden's house was a nice area, with ornamental plants, and may not have a building. Commissioner Jacobi said that the cinder pits should be delineated by the disturbance boundaries, and a subdivision will have to be made. The footprint will be in the General Subzone.

There is no HCP yet, but a potential HCP will include weed control. Ms. Rubenstein said that there were issues about using herbicide because of liability for

inmates being exposed. Commissioner Jacobi said that in the past, access has been an issue during bird counts, but that it is better all the time. There were occasional lockdowns. Commissioner Conant said that in the Keaukaha Military Reservation gave him access really easily, so if there is an inside person that could help out, that would be great.

Staff Yuen asked if in this meeting they should discuss herbicide, access, etc. Ms. Rubenstein said that they should first give them briefing of biological resources, compliance, and management needs.

Commissioner Jacobi clarified that we don't want to make this a hunting area because of the resources. Staff Yuen wasn't sure if Laura Thielen has been briefed about this. Commissioner Jacobi said that the strategy of the meeting should have the highest ups in DOD and DPS and Laura Thielen should be involved, and they should spend a half an hour on the biological resources and compliance issues, and that they are aware of the area on that level. Should not explain the NAR nomination works yet, but says that the NARS are to identify and protect examples of representative natural communities, and that this area always has been that. This is an opportunity for NARS and DLNR to fulfill their mandate to protect these areas. Also, this is an opportunity for DPS to take care of their responsibilities. The transfer of management authority would not require an HCP or an EA. A transfer may require an MOU.

Staff Kennedy said that in the 1950s, when this area turned into a correctional facility, they would normally turn an entire parcel over, so the DPS does not necessarily want the entire area. Commissioner Jacobi said that the Boy's School was only operated for one year after someone died when they lost control of the boys. A big reason why the area was fenced was to remove the attractive nuisance of animals, and don't want to mix prisoners with guns by having hunters around. Also, in the 80s there was an agreement to use the Boy's School as a training area, with SWOT teams extract people, etc. During a bird survey, helicopters came at tree level for an assault, shooting from the air. Fish and Wildlife shut that down.

Staff Yuen said she did not know of any meeting or flyover scheduled. But that a meeting was the next step for this area. Staff Constantinides said that he didn't know that much about the area, but that he saw a response from Chairperson Thielen about the area coming to DOFAW with the tone that taking on more land in such a time was worrisome. But it wasn't based on the resources, and should be explained about the long term gain of this, rather than a cooperative agreement. These were initial thoughts.

Commissioner said that they need a safe harbor agreement for the area, at a minimum. This may help people realize the stewardship responsibilities for people. There are advantages to give DOFAW the land from the DPS's standpoint. There may be misinformation about being able to do agriculture, or cattle operations, etc.

ITEM 4. Enhancement: Recommend opportunities or strategies for conservation management and designation of Biologically Important areas statewide. Staff Yuen passed out a spreadsheet on biologically important areas with their current status. She said that discussion topics could include which are the highest priority areas to discuss since the Enhancement subcommittee meets so infrequently. Also, we could talk about additional conservation mechanisms, and giving the management guidelines teeth, or a campaign to help DOFAW increase conservation in addition to adding NARS.

Commissioner Jacobi asked staff Stevens about his highest priority areas. Staff Stevens said that Na Kula and getting a fence at Kanaio is the most important to him, and Ilio point since they are out at Molokai so much. Kanaio coast is not on his list, and doesn't deserve a full blown NAR. There is management to be done – fencing some of the vegetation, and clearing out the ponds. There are conflicts, with fishing and management, but especially the lack of resources across the whole lava field does not merit a NAR. They can do the management of the little areas without designating it a NAR. Commissioner Jacobi said that coastal areas are a different picture because they are a small strip, and that there should be management units of lowland dry forest and coastal areas. These units may be small, but above the botanical garden level, but will be surrounded by weeds and problems. However, based on the work that Rick Warshauer has done, the area seems to be NAR quality, even if it is not part of a larger landscape of native ecosystems. Staff Yuen gave a powerpoint of the makai area of Kanaio. This area has incredible archeological features in addition to diverse vegetation and marine resources. However, the vegetation is scattered and mostly kiawe, and the coastal vegetation is only at the most perhaps 40 feet by 300 feet long. There is still common lowland dry species above the coastal areas. Last week, staff surveyed the anchialine pools, which did not have unique features from Ahihi Kinau. Most of the coastal veg is concentrated near the Kanaio beach area, although there have been surveys from Kalaeloa point as well.

Staff Constantinides said that there should be smaller managed units for natural resources, in a landscape of multi-uses. Commissioner Jacobi said that some areas have multiple uses which may or may not be compatible with natural resource management. But that should not stop us from identifying them and trying to conserve them. Staff Constantinides asked whether the coastal veg areas were the same areas of the highest human use. Staff Yuen said yes, fishing and camping mostly happen near Kanaio beach, and there is a really rough road that leads along the coast there. There are no endangered species found in Warshauer's study. Anchialine pools are being silted in, although some are very healthy. TNC has included this area in their marine resources portfolio, so they are interested in conserving the offshore area. There are depressions that are being fed by fresh water, where there is a 100 feet by 300 feet hala forest. Staff Evanson said that he is pretty sure that area is private, and that there is a smaller house parcel. However, he doesn't think that Ulupalakua would be adverse to managing those areas. Staff Yuen clarified that it was state land, and that there was an exlosure in the east side of the parcel put in by the National Guard, which was not maintained.

Commissioner Jacobi said to keep on the table looking at smaller areas, and go smaller and protect things under the auspices of NAR, and has the long term designation. Commissioner Derrickson asked whether this unencumbered area has been discussed to be put into DOFAW. Staff Kennedy said that probably DOFAW is the best division to put this area into, although Land Division will want to put the entire parcel.

Staff Constantinides asked about the larger area above the coast's human use. Commissioner Jacobi said that there is uncontrolled poaching. Staff Stevens said it was fairly well used, and people get access from Ulupalakua ranch, and the uncontrolled road, and that hunters shoot goats all the time. Staff Evanson said in his site visit he didn't see too many goats and that it may be a result of human pressure. Most people are going down there to access the shoreline for fishing. It would take a lot of work with the

community and it would involve PASH rights to stop fishing. People think it is the last place on Maui where people can do whatever they want, like Nuu was before the National Park took it over. The area would be very problematic to control, but not impossible. The road would be impossible for managers to access. DOCARE doesn't have presence there, except there may be boat access. Staff Evanson said to call the area a public hunting area, and help people control goats. Commissioner Derrickson asked about the PASH rights issue. Staff Evanson said that his staffer from Kanaio has family and knows of people fishing there for many years, and that they are receptive to wanting to protect native plants. They would be fine restricting access to others.

Commissioner Conant asked whether it should be a Forest Reserve or a NAR. Staff Stevens said that it should not be a NAR. Staff Evanson said his site visit gave him the impression that it could be a great wilderness park, has archeological sites, amazing scenic value, recreational value, some scattered native vegetation, but not a NAR. But Parks would have to be convinced as they are stretched. Management of the area and enforcement is virtually impossible with the lack of access. You would need to improve the road. Commissioner Jacobi asked how the coastal strand piece would be managed if the area was a park? Staff Evanson said that there are some options for access, like an Ulupalakua road.

Commissioner Jacobi said that the area would be managed by NARS, so why not make it a NAR? Commissioner Conant said he is leery of adding a new Ahihi Kinau. Commissioner Jacobi said that the situation is different because the marine area was where the most conflicts are. Commissioner Conant said that there is important marine components here. Commissioner Jacobi said to not back away from areas because they have potential human use conflicts. Staff Evanson said that if it had an offshore reef it may be interesting, but it is more of a rocky coastline, etc. DAR doesn't have a strong feeling about this, and any marine protected area is good for them. It would be good to get another marine protected area. With rangers, you can't protect every fish from being taken, but as long they are preventing most of them, that's all you can expect.

Commissioner Jacobi said that the vegetation and the archeological sites are the highest priorities for protection and not keeping things status quo. Management for the coastal vegetation would include keeping out the animals and invasive species, and the windward exposure could keep it in good shape. We have good models for dealing with those threats. Staff Constantinides asked staff Evanson what human use should be controlled or stopped. Staff Evanson said that the topography makes the makai areas well regulated because of the aa. But mauka, there is dirt biking. The hunting, camping, fishing can continue in some fashion. Staff Constantinides said that it makes sense for the entire parcel to come over to DOFAW. There is hesitation to call the entire area a NAR, but think about the PuuWaawaa model, which is a technical forest reserve. But forestry staff doesn't have much activity there, except for Michael Donoho who is like a ranger coordinating area, and the NARS section is doing a lot of work, even though it is not a NAR. Because this area has been brought up from the NARS Commission and staff, maybe it should be brought into DOFAW as a GMA or a Forest Reserve, but managed by NARS. Staff Evanson said that DOFAW doesn't want that at all. He had asked Meyer Ueoka whether they wanted it as a hunting area, and they weren't interested. Staff Constantinides said that it should be brought in as a forest reserve or a NAR and NARS work on the smaller areas like coastal veg, and there would be status quo on the rest of

the area. Hunting would be legal. Staff Stevens said that the NARS would be happy to help clear out the ponds, weed areas, etc., but not make the area a NAR. Most of the issues are recreational, hunting. Also, the access is hard, the Ulupalakua road on the west then goes through part of the Hoapili trail, and you don't want to increase the use of driving on the trail. While DOFAW has a bulldozer and could improve the trail through the property, it would increase public access and all sorts of problems could happen. Staff Evanson said that Ulupalakua might not give DOCARE road access.

Commissioner Jacobi says that the next steps would be to get input from DAR, and see if the marine component is really important. While it doesn't seem so now from what is being said, it would be good to check. The coastal piece should be managed under some auspices, and would fit into NAR as a representative coastal area. But the entire area should not be a NAR. It makes sense to bring the entire area into DOFAW. We are in agreement that pieces are managed. Staff Constantinides said that it doesn't matter what it is called. The Forest Reserves have protections and flexibility. Commissioner Jacobi said that some portions should be designated a NAR to get in the portfolio of representativeness. Staff Constantines said that getting representativeness is esoteric, and is on paper, not on-the-ground management. This ties into the whole idea of whether we should try to formalize and adopt management guidelines. Commissioner Jacobi says that the guidelines are shaky, and are being de-prioritized and pushed back, but are really important anyway and are the framework for changing issues. Staff Kennedy said this should be a forest reserve. Commissioner Derrickson agreed, and said that the management conversation should continue. Staff Constantinides said that the forestry section would probably not take the entire parcel into active management in entirety. If NARS doesn't have an interest in 99% of the area, Land Division isn't doing anything to that area anyways, and it would afford the land more protection, and allow hunting. It would be doing the right thing on management of public land, that would be passively held. 100% should be a GMA or Forest Reserve, and NARS Maui should manage the conservation and archeological units in a more intensive area. Staff Stevens said that they are taking the NARS in Maui out of the hunting areas, so should not be a NAR.

Staff Evanson said that this area was heavily bombed. Staff Constantinides said to work with Barbara Lee from Land Division to make sure this is on the list to remove ordinances with the DOD. Staff Evanson said there are white markers mauka that show where the ordinance problems are, which is away from the coastal vegetation area. Staff Stevens said that the area with concrete blocks is a discrete rectangle near Puu Pimoe. It is not a large area.

Staff Yuen said that the next step would be another DOFAW meeting to discuss this and include DAR, and DOCARE. Commissioner Jacobi said it would be important to have staff Constantinides and staff Kennedy there. Staff Constantinides said that he doesn't necessarily need to be there, and his ideas could be communicated through other staff, but would want to talk to Staff John Cumming and Staff Glenn Shishido. Commissioner Jacobi said that DOFAW designation could recognize the values of the resources. Staff Constantinides said that if there was a piece to designate a NAR, should do it right now, rather than designate it a Forest Reserve and then change it into a NAR. However, if part of it is a NAR with the important area, maybe the rest should not be part of DOFAW, and should be leased. Staff Evanson said that Land Division does not want to subdivide the area, as happened in Kanaio, but it is not impossible. Staff Shishido was

not excited about the area becoming a Forest Reserve. Staff Kennedy said that they had the same discussion as Kamilo, and that it should be designated a Forest Reserve and managed for portions of small coastal vegetation. Commissioner Jacobi said that the NARSC should be involved to determine whether this should be a NAR.

Staff Evanson said that there is a possibility that the area could be developed for wind farms and geothermal.

Staff Yuen asked whether there are any areas people want to prioritize for discussion? Commissioner Jacobi said Namolokama, Upper Koaie, which Commissioner Menard has talked to Staff Alvin Kyono. Commissioner Jacobi said that Namolokama is easy to designate, and while there are difficulties for management, but not impossible, there are strategic areas. On Oahu, Kaluanui, and Kure, which makes a lot of sense for the NARS portfolio, but may not make sense to stretch NAR resources to do management out there. On Maui, Na Kula and Kanaio Coast, and on Hawaii, Mauna Loa Mosaic (which is steeped in controversy and conflicts but has tremendous value), and Waiea Tract.

Commissioner Conant said that he didn't know much, but Blue Hole didn't seem that great from earlier discussions. Commissioner Jacobi said that size and defensibility were issues there. Commissioner Conant also said that reading the discussions, it seems as if Kaluanui didn't seem great either. Ilio point is good, and should get Commissioner Rapanot's opinion on it.

Commissioner Jacobi said that Tract 22 has had a lot of work on. Ms. Rubenstein did not have ideas at the moment. Commissioner Conant asked if Lanaihale could be a NAR and not private. Staff Yuen clarified that these are not all for NAR designation, there are other options that we are here to explore, such as NAPP, easement, Legacy, etc. Commissioner Derrickson said that Ilio Point was high priority, and wondered what was happening with Kanepuu. They were continuing the TNC NAPP there, although they might want a local group to take over it. Commissioner Derrickson said that in Lanaihale, they should be careful as the energy coordinator of DBEDT has been given a lot of power and their focus is on economic development, not natural resources. They may need to consider conditions on energy development. Commissioner Jacobi said that it is not just Lanaihale, but along the summit of the island, and mesic zones which are still good and eroding daily. This is a good opportunity to build on the effort that DOFAW has there with Uau habitat, and define what the target area is there, rather than just pieces.

Commissioner Conant asked staff Stevens whether there are any areas that are high on his list. Staff Stevens said that none jumps out on them and they may be talked to death. Staff Yuen said that ¾ of them haven't been discussed within the NARS Enhancement Subcommittee, although they have all been discussed within DOFAW. Staff Yuen asked Staff Evanson if there are other areas to prioritize especially time sensitive areas, and he said no. Commissioner Jacobi said that we should keep in mind that a bunch of them have already been through the Enhancement Subcommittee. Staff Evanson said that he is satisfied with the ways things are going and that there has been a lot of work done and good discussions. Staff Constantinides had no areas to add.

Commissioner Sinton said that Kanaio beach is interesting geologically, and Puu Pimoe is geologically young. All of the flows have been mapped out. There are slightly older lavas than Ahihi Kinau, and there are good tube systems there, above and below the road in Kanaio. There are geological areas not represented in Ahihi Kinau, and made of

3-4,000 year old lavas. We know a lot about this area, and has had a lot of work done out there. There are beautiful aa flows, the nicest channels on Maui. South of La Perouse bay is a flow that's 900 years old. Commissioner Conant asked what the biggest threats to geological areas are – bulldozers? Staff Evanson said that the area has atv use and a lot of dirtbikers all over Puu Pimoe which had dug trenches and ripped up a big area. DOCARE could control that. However, they solved that in the Polipoli Forest Reserve by fencing areas. Staff Stevens requested that geological information be sent to him.

Staff Stevens said that Na Kula was the highest priority area for him, and nothing has changed his position. There was an internal discussion with DOFAW with consensus on an area. There was horsetrading between NARS and forestry about the boundaries. This removed a stumbling block and allowed them to move forward. There were issues in that meeting with the fence for the parrotbill, and that Forestry wanted koa restoration in the area above the fence to remain in forestry. The new boundaries preserve the biological resources.

Staff Yuen wanted to brief the subcommittee on the Kaluanui issue, and how DOFAW had sent a letter recommending the area be a Forest Reserve, not a NAR. There were problems with the intact-ness of the forest and strawberry guava infestations. Staff Conant said that in Oahu, the forest has been degraded enough that it they should take what they can get. Also, hopefully there will be a biocontrol for strawberry guava soon. There is potential for recovery. Staff Yuen recounted that she had spoken with Joby Rohr and Kapua Kawelo from the Army, as well as Steve Montgomery and Joel Lau and they had said that there wasn't much difference in vegetation quality between Kaluanui and the upper drainages to the north in Hauula or Kaipapau. Also, the army staff said that the area was the most possible for management because it was much flatter than the other drainages, and had the most pig exposure so would benefit the most from fencing.

Commissioner Derrickson asked whether SHPD had any comments on the area. Staff Yuen said that they said that the previous archeological survey was not sufficient and if they were going to build a fence they should conduct an archeological survey. Commissioner Derrickson was wondering more about the cultural values, as it was the traditional home of Kamapuaa. While information differs among people, Kamapuaa might represent the pigs that roamed the forest. Would there be a clash fencing pigs out of that area? It is an issue to keep in mind. Staff Yuen said that the public input that she was aware of was 99% related to areas makai of the waterfall. The discussion in the State Park Plan for Sacred Falls dedicated only a few paragraphs to the NAR portion, or any of the mauka areas. There hasn't been much input on that.

Staff Constantinides asked what the process would be if the NARSC recommended the area, since DOFAW recommended against the area. The BLNR will have to decide on that. DAR and SHPD should be involved in this discussion.

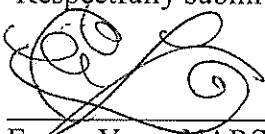
Staff Kennedy said that weeding may be easier in Hauula, but that there is potential to bring volunteers up in Castle trail so that would make Kaluanui easier to manage. Steve Montgomery said that he had recently been there, and that the flora was very diverse and in good shape. He is hopeful strawberry guava can be controlled with biocontrol. He hopes that the Commission will look at new approaches to manage State land, such as Olaa Forest, which will be managed by OHA. They could invite the army to help manage the areas, and transfer responsibility and expanse. The OHA option could come into play at Kanaio Coast. Staff Kennedy said that in the DOFAW meeting, there

was the desire not to cut up the Forest Reserve, and there was a possibility to transfer the Hauula Forest Reserve to NAR while the Kaluanui NAR goes to Forestry. Staff Constantinides said that it doesn't make sense to transfer a Forest Reserve to a NAR and an adjacent NAR to a Forest Reserve.

Staff Yuen thanked participants for coming and helping give expertise on these areas.

ITEM 7. Adjournment at 11:00am.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Emma Yuen', written over a horizontal line.

9/10/09

Emma Yuen, NARS Enhancement Coordinator

