

**MINUTES OF THE AUGUST 25, 2009 NATURAL AREA RESERVES SYSTEM  
COMMISSION (NARSC) MEETING, HONOLULU**

**COMMISSIONERS PRESENT:**

**DRAFT Subject to approval**

Dr. Dale Bonar, Chair  
Dr. James Jacobi  
Dr. John Sinton  
Dr. R. Flint Hughes  
Ms. Rebecca Alakai  
Mr. Ronald Rapanot, Sr.  
Dr. Arlene Buchholz  
Dr. Sheila Conant, for President, University of Hawai'i (UH)  
Mr. Scott Derrickson, for Director, Office of Planning (OP)  
Mr. Patrick Conant for Director, Department of Agriculture (DOA)  
Ms. Laura H. Thielen, Director, Department of Land and Natural Resources (DLNR)

**COMMISSIONERS ABSENT:**

Mr. Trae Menard  
Ms. Colleen Murakami, for Superintendent, Department of Education

**STAFF:**

Ms. Linda Chow, Deputy Attorney General (AG)  
Mr. Paul Conry, Administrator, Division of Forestry and Wildlife (DOFAW)  
Ms. Betsy Gagné, DOFAW  
Mr. Randy Kennedy, DOFAW  
Ms. Vickie Caraway, DOFAW  
Ms. Lisa Hadway, DOFAW (attending on own travel time)  
Mr. Brent Liesemeyer, DOFAW  
Mr. Matt Ramsey, DOFAW (attending on own travel time)  
Ms. Emma Yuen, DOFAW  
Ms. Cynthia King, DOFAW  
Ms. Charmian Dang, DOFAW  
Mr. Michael Constantinides, DOFAW  
Mr. Talbert Takahama, DOFAW  
Dr. Dan Polhemus, Administrator, Division of Aquatic Resources (DAR)  
Mr. Alan Hanaïke, ICSD

**VISITORS:**

Ms. Teresa Dawson, Environment Hawaii  
Dr. Henry Loescher, NEON  
Dr. Sam Gon, The Nature Conservancy (TNC)  
Ms. Pauline Sato, Malama Hawai'i  
Dr. Lindsay Young, Pacific Rim Conservation  
Ms. Tanya Rubenstein

**ITEM 1. Call to order.** Chair Bonar called the meeting to order at 12:05 p.m., followed by Commissioners introducing themselves. Staff Caraway brought note cards of endangered plants and invertebrates (along with a letter of explanation) to NARSC Members; produced by the Plant Extinction Prevention Program (PEPP) with a grant from the USFWS; she also gave a quick update on staff and program initiatives for this important program dealing with the rarest of the rare plants.

**ITEM 2. Approval of Minutes of the May 26, 2009 NARSC Meeting.**

**MOTION: Derrickson/S. Conant moved that the NARS Commission accept the Minutes of the May 26, 2009 NARSC Meeting as corrected. Motion carried unanimously.**

**ITEM 3. Set meeting schedule/frequency for the year, for up to four full Commission Meetings and four Subcommittee Meetings, and potential agenda items for quarterly meetings; subject to further additions or deletions.** Chair Bonar recommended that staff work on scheduling through Doodle; polling members as to best available days of the week for meetings before setting the schedule; all this is subject to availability of funds for travel, now subject to stringent quarterly allotments.

**ITEM 4. Updates from Randy Kennedy: Legislative Agenda for 2010, Status of Native Ecosystem Protection and Enhancement Section personnel, NAR Fund status, and NARS Budget update for FY10.**

**ITEM 4.a. Discussion and recommendations on contingency planning to address budget restrictions and potential loss of staff critical to carrying out the NARS Strategic Plan.** Staff Kennedy introduced Administrator Conry, who said that Director Thielen was still at a Cabinet meeting; the budget process is “uncertain” but allocated on a quarterly basis only; Fiscal has just released the second quarter allocation. The Council of Revenue Management will be making a report on Friday; currently there is a 14% reduction in payroll and the current strategy is to look at the whole Department and borrow from Special Funds to go to the General Fund to make payroll. Contract negotiations are underway; meanwhile the Governor has instigated a Reduction In Force (RIF) for a salary savings; to take place by November at earliest; however savings would not be realized until the third or fourth quarter. The uncertain budget scenario pretty much sets the tone for the 2010 Legislative session when legislators have a shot at the plan. There will likely be a lot of pressure on all the Special Funds to deal with the budget deficit as a whole. Having seen a downturn in the economy this quarter, there could be an additional downturn by the Council.

The overall strategy for FY 10/11 is how to utilize the \$6 million in the NARF, bring in additional Federal stimulus funding, Watershed Partnerships and NARS one million per year with one million in carryover for FY 10 – 11, because of the real crunch in FY 11.

Chair Bonar said that watershed partnerships and members of the environmental community met on August 24, 2009 to consider strategy for the 2010 Legislative Session, focusing primarily on the NARF, Legacy Lands, and Affordable Housing Rental Trust

Fund (AHRTF); all of which receive a percentage of the Conveyance tax. The entire group strategized to identify the best overall message, approach, key players; to best integrate and protect all entities.

AG Chow reiterated to Director Thielen, that the COR would likely forecast more of a downturn; however there will be no special session before the Legislature convenes in January 2010 and so there will be enormous pressure on Special Funds.

Director Thielen asked Chair Bonar what details he wanted. Chair Bonar's main concern was the RIF appeared to be heading for the November deadline and with no special session, he and other Members (not to mention staff) were quite concerned. Director Thielen quickly ran through how we arrived where we are now:

- Last session there were budget reductions statewide, with a \$2 billion shortfall in the biennium budget; \$10 billion over 2 years in the General Fund, but \$2 billion evaporated as of last COR's last session. This was met by cutting General Funds as DLNR and other departments took a 20% cut.
- COR, post session, further downgraded their projections.
- Now the State is **another** \$800 million in the red, on **top** of the \$2 billion already; even with Department cuts, and increases in the Transient Accommodation Tax (TAT), Corporate income tax, and Conveyance tax, we were **not** able to make up the deficit; real money collected was below last year, **even** with the increase.
- Hotels are discounting and a new sort of visitor is arriving that would rather go to Safeway than to Gucci, so restaurants are also experiencing an overall downturn.
- So the Governor is chasing another \$800 million and proposed a 3-day/month furlough; each Department came up with their own plan for scheduling; but the Unions challenged this, saying the Governor cannot unilaterally call for furloughs.
- The process then went to 3 parallel tracks: **1)** appealed; appellate court to rule in favor of the Governor or not; unsure how long the decision-making process will be; **2)** contract negotiations continued to be discussed; but with no special legislative session, but perhaps this helped focus more effort into the negotiations; but under contract negotiations with HGEA and Public Safety, Binding Arbitration is set to begin on September 4, 2009 split into two tracks: **informal** binding Arbitrators to the table have until December 21, 2009 to reach a determination; the Arbitration panel, if not settled before that; then decides. The panel is made up of 1 from the Employer, 1 from the Unions, and 1 mainland labor association; and the RIF track is started, with the state developing a proposal eliminate 1,100 positions/people across the State; anticipating that this would **not** meet full labor savings compared to the furloughs due to bumping and red circle protection (based on seniority).
- RIF is **not** firing a person; it **eliminates a position**. The person in that position may end up in another position within the organization; as Director, went through the organizational chart to see how many people were in positions that were General Funded; and made up the notice to eliminate positions. Those whose positions have been eliminated have an internal process based on Bargaining Units (i.e. HGEA BU 13 cannot go to a United Public Worker (UPW) BU 3. **1)** After a Departmental search, some **may** be offered other jobs; then that creates

- more movement; however if **not** placed within the Department, **2)** then go Statewide, where Seniority (service credits) and same class are factors.
- The organizational chart had **no** names, only salary, functioning as Special Funded or general Funded, and so on to maintain functions; collapse or merge skeletal programs to come up with a Departmental Plan which eliminated 27 positions occupied by people; other Departments lost many more.
  - Department of Human Resource Development (DHRD) reviewed the related class information for the first round of subsequent notices.
  - Talked with Administrators but told them they could **not** talk with staff; could not be transparent in this process as difficult as that was; but necessary due to collective bargain negotiations, and the Union filed charges of unfair labor practices already; therefore have **not** been able to say much.
  - The final decision was **mine**, **not** the Administrators.
  - There is a **huge** amount of anxiety already, and this is not a good time to get a notice; there are still many unknowns at this time; do not want to say one way or another; these were hard choices.
  - If I say I do not know, I do not have all the information or am not legally allowed to say anything.
  - Have videotaped staff meetings; asked staff to e-mail with specific questions; have sought comments; remote areas such as some State Parks, help those that do not have access to e-mail so they are informed and able to understand the process.
  - Overall it is a junk situation with no good choices to make: \$3 billion is gone; the elephant in the room.
  - With labor costs accounting for 70% of the budget; the preference would be to go to furloughs to realize immediate savings without losing positions or going through the bumping process.

Chair Bonar asked if there were any “unfilled” positions that staff could bump into; Director Thielen replied that there were few unfilled positions are left. Some Divisions are nearly or fully Special Funded (Boating, Land, Bureau of Conveyances), some are mixed; none 100% General Funded. Those with Special Funds helped out (i.e. Boating supplied some lifeguards for State Parks). The Departments of Transportation and Consumer Affairs are 100 % Special Funded, so they were largely unaffected; although others may bump in there, and DLNR may get outside folks too. Chair Bonar asked about Research Corporation of the University of Hawai`i (RCUH) employees; Director Thielen explained that RIF is **only** “State” employees; positions identified for elimination can be permanent, temporary, and exempt from civil service (but each has different rules on bumping, etc., spelled out in their contracts). Chair Bonar asked about the range of NARS staff; Administrator Conry replied they were mostly Unit 13 (professional class) and tech level and forestry worker.

Staff Hadway asked if stimulus funds could be used to shift permanent positions to Special Funds if General Funds are hard to get; but temporary positions are easily lost, and there is a loss of program functionality to consider.

Director Thielen did what she could; however RIF is a crude tool and **only** the Legislature can change the funding of positions (permanent to temporary); this is not a reorganization, a RIF is for reduction of money, it is **not** to eliminate workers you do not want; reorganization and discipline is how to deal with “unwanted staff”. General-funded positions support core functions of the Department, **but** shifting to less than 1/3 from the general Fund. Chair Bonar thanked Director Thielen for taking the time to come to the meeting (which she left at 1:05 p.m.).

Chair Bonar asked Staff Kennedy if there was more in Item 4; Staff Kennedy suggested going over the budget while Administrator Conry was still present to go over the spread sheets that Staff Kennedy handed out at the meeting. Lost \$288k out of General Fund operating budget, which hurts because it is kaput save for 22 General Funded positions (refer to budget forms for details). Staff Kennedy gave the data mark status: \$4 million in the account but most is encumbered already (particularly for the Natural Area Partnership Program; \$2.9 million is all we have left available for spending; of that \$2 million goes to Hawai'i Invasive Species Council (HISC), \$100k to Forest Stewardship, \$1.2 million to Forest Reserve Management, Watershed Partnerships, Youth Conservation Corps; all from the conveyance tax coming into the Natural Area Reserve Fund (NARF).

The American Recovery and Reinvestment Act (ARRA) has given \$500k to Americorps for 45 interns for 10 months each, starting October 1 to cover NARS, Watersheds, etc, through the NARF; with 2 grants from the Forest Service for \$2 million in Fire control and prevention and \$4 million for invasive plant control (\$1million each to Forest Reserves, NARS, Watershed Partnerships and Invasive Species.

Member Hughes was concerned that valuable staff like Nick Agorastos and Ian Cole may be out and expressed concern who is going to lead in the field, and what is the point of all the new interns when you do not have anyone to lead them. Administrator Conry said they have to sign off on the RIF plans; elimination of a portion of General Funded salaries is the bottom line; tried to keep it to a minimum impact. Staff Hadway disagreed; saying it was a **major** impact for her program. Member Derrickson asked if the ARRA stimulus funds are subject to being raided. Staff Kennedy said no, that they are contracts. Member Derrickson: but if no funding, then no contract. Administrator Conry: Federal funds are secure, contracts can be amended to expend them, but whoever is on the ARRA funds **has** to work on that project. Staff Caraway felt money could go to support existing programs through RCUH. Staff Hadway: but not according to the Board Chair. Administrator Conry replied it depends on whether the contract is negotiated or not.

Chair Bonar was still worried, for example with the loss of Nick and Ian's positions, who else can do the work? Administrator Conry: if there are no vacancies. Staff Hadway replied that vacancies will not be filled by the permanent people; they do **not** want to go to temporary positions; that is considered to be a demotion. There is a great deal of animosity between RCUH and the Union out on the branches; but if all programs went

through RCUH there would be a Union court challenge since the Union is sensitive to outsourcing.

Members expressed concern at being able to protect positions. Staff Liesemeyer said that DHRD, with their related classes is the rub; they do not understand our program. Member Hughes wanted to be sure that key programs continue and to evaluate the long-lasting effects. Administrator Conry said that Director Thielen set it up and 1) shifted positions to vacancies; did this to not eliminate/fire anyone, and 2) shift to other means of finance, but no guarantee by Budget & Finance or Governor. Director Thielen tried to retain as many positions as she could.

Chair Bonar: the Commission advises the Governor and Board; can we make a statement regarding our concerns. AG Chow: can, but outside of scope; more limited to NARS enhancement and management policies **not** the program itself. Member Jacobi wondered why the RIF had to come from the NARS; does the department have discretion; our concern is loss of key staff is a tremendous setback to our program. Administrator Conry: the plan went to the Governor/Budget & Finance; been approved; now a done deal; it is a Governor-level decision.

Member Derrickson: limited to General Fund cuts only, so the pool is small because lots are on Special Funds. The last RIF was not as many warm bodies as this time; now it is triage; have gone past the relatively easy to the hard: every cut is to the bone. The 27 positions are **gone**, and those functions technically; expect who is left fills in somehow. Member Hughes asked if they were gone. Staff Hadway said that 2 permanent NARS Specialists positions are **gone**. Member Derrickson: that is what we have to grasp. Member Hughes: then the Big Island loss of function is complete. Chair Bonar asked what can be done. Staff Kennedy said that there were three temporary positions and two NARS Specialist IV's and one Botanist V. Staff Hadway said that one of the NARS Specialist positions is a watershed planner, a temporary position that she does not even supervise; the Branch Manager, Roger Imoto, supervises it. Plus, Staff Hadway will be going on leave shortly and Temporary Assignment (TA) budgets have been cut. Staff Kennedy said he would talk with Branch Manager Imoto to see what could be done, including temporarily moving other staff to the Big Island.

Member Buchholz asked about hiring contract workers. Staff Hadway said that cannot be done because RCUH/PCSU workers **cannot** supervise permanent civil service workers. Chair Bonar: so to TA, has to come from within the permanent employees. Staff Hadway said that all she has left is one Temporary Specialist III and 1 Permanent Tech (two staff members left to take other jobs prior to the RIFS); concern is remaining staff might not be capable of acting in her absence.

Chair Bonar asked if she had any contingency plans. Staff Hadway replied that she was trying to make staff feel competent, finish Management plans, make sure have equipment inventoried; will not be able to fulfill Federal grants; how to do less; need to lean on watershed partnerships (Kohala and Three Mountain Alliance); it will be hard until figure out 'bumping'. It might be possible for Staff Agorastos to take Section 6 rare plant

program projects with him. It is **critical** that existing staff have a purpose and plan; but others will have to pick up on archaeological survey contracts, etc. Chair Bonar asked about O`ahu. Staff Liesemeyer said it was a Forestry Worker II position that was lost; the NARS Program was spared this round. Chair Bonar reiterated that **if** cuts come, need to decide the **most** important functions to keep covered, like shifting some to Big Island. Administrator Conry said 1) will know by November 14 and 2) outside bumping process may lose some staff this way; DHRD-related classes and susceptible junior staff.

Member Jacobi asked about the Maui situation. Chair Bonar said that the Maui NARS Manager position is gone. Member Jacobi asked if field staff is still there. Administrator Conry said that Maui staff answers to the Branch Manager; Departments **may** be able to reorganize the pieces. Member Jacobi wondered at the logic with no supervisor on Maui. Administrator Conry: Last RIF there were retirement options based on service points; not the same situation this time around. Chair Bonar: Until we know who goes where it is hard, **but** critical functions need to be covered. Member S. Conant: as things get settled, she asked that remaining staff let NARSC Members know how to help; we need to encourage staff. Chair Bonar asked if staff can be requested to provide input, such as Special Fund protection. Administrator Conry said that next budget cycle would re-establish positions with Special Funds, since have a hard time competing with Public Safety and Education for General Funds; best to go to Special Funds.

Staff Kennedy felt that environmental protection is a high priority. Chair Bonar asked about permanent or temporary positions. Administrator Conry: yes, the Legislature decides, however. Staff Kennedy: only looking for \$; can move dollars; but still face a 14% reduction. Administrator Conry: but **only** legislative act can create permanent positions. Member Derrickson: Legislature can make positions or the Governor can request them. However, the philosophy of the current Administration appears to be moving toward a “temporary government” (more easily eliminated); why we are in this position now.

Member Jacobi: so the option is not to shift; they have already decided to eliminate. Member Derrickson said to staff that NARSC members really appreciate them. Member Hughes asked when Big Island NARS staff won Team of the Year for DLNR; Staff Hadway said 2006. Member Jacobi was concerned about maintaining positions but losing capacity. Member Derrickson felt there would probably be a RIF, **plus** some level of furloughs, through the next two-year contract. Chair Bonar asked to convey to managers that members care and will do whatever they can to support the Special Fund. Staff Hadway appreciated that, but also hopes there will be internal help.

Chair Bonar called for a short recess; reconvening at 2:15 p.m., with a shift in the order of the agenda as follows through motion to cover change in order.

**MOTION: DERRICKSON/S. CONANT moved that the NARS Commission shift the order of the agenda to take the following items: Item 4b, 5d (table 5c until next meeting); 7a. , 7b.; 8. (depending on when DAR Administrator Polhemus was**

available to discuss 8a. ii. Kaluanui); then 6, followed by 5e. Motion carried unanimously.

**ITEM 4.b. Discussion and Action to appoint members of the NARSC to a joint consulting committee for NARSC and Forest Stewardship Advisory Committee, to meet as a subcommittee for consultation on dispersal of NAR funds.** AG Chow said at least three NARSC Members are needed for the Subcommittee.

**MOTION: JACOBI/RAPANOT moved that the NARS Commission appoint the following Members to the Joint Consultation Subcommittee: Ms. Rebecca Alakai, Dr. Sheila Conant, Dr. Flint Hughes, and Dr. Arlene Buchholz. Motion carried unanimously.**

**ITEM 5.d. Ka`ena Point Ecosystem Restoration Project: Action by the NARSC to review, approve, defer make other recommendations, or deny recommendation to the Board of Land and Natural Resources for implementation of this project.** Dr. Lindsay Young gave a Powerpoint presentation summarizing the funding and permitting process for the Predator Fence proposed to be built at Ka`ena Point to protect the NAR, its recovering coastal dune ecosystem and its plants and animals. Dr. Young conducted research on the Laysan albatross population in the Reserve for her Ph.D., and was hired by The Wildlife Society (TWS) to coordinate efforts between the USFWS (providing funds for the fence), TWS, and DLNR. Developed in New Zealand, where their own native plants and animals are under threat by introduced predators, this would be the first such fence of its kind built in the US. This fence excludes all predators, but will allow people to enter with their fishing poles and nets, and bicycles (as long as they remain on designated paths), by passing through double doors, similar to the double doors of aviaries (though they are designed to keep birds in; this fence is designed to keep predators out). One set of double doors will be at each end of the fence, with a third located above the Leina Ka Uthane to provide access to mauka cultural sites and as a tribute to the cultural significance of the Leina.

Threats include predation on eggs, young and adult seabirds; rats and mice feed on seeds and can modify ecosystems through their actions; dogs not only prey on seabirds, but they can pass distemper virus directly to seals. The fence would exclude dogs, cats, mongoose, rats, and mice, preventing their climbing over with a rolled hood, and a buried apron to prevent digging under the fence. The mesh is small enough to prevent rats and mice from entering through the mesh.

The USFWS tested a similar fence at Kona Hema on the Big Island in 2005; October 2006 150 wedge-tailed shearwaters were killed by dogs at Ka`ena; November 2006 money became available from the Kona Hema project, to be transferred to Ka`ena; December 2006 the USFWS, TWS, and DLNR entered into a cooperative partnership; October 2007 more seabirds were killed.

To prepare for the permitting process:



- outreach staff conducted 1800 direct personal contacts, attended many meetings, conducted 10 site visits (including 3 with OHA), conducted 4 user surveys (including questions on why visit Ka`ena, attitudes on management of the area, with results finding a majority of users support the need to better protect and manage the Reserve).
- Staff also wrote a Hawai`i Tourism Authority (HTA) grant proposal to hire a “Resource Ambassador” for Ka`ena as an on-site presence and voice for the area. Staff also worked on a project website, conducted media outreach including printed articles, TV segments, etc.
- December 2007 a Draft Environmental Assessment (DEA) was produced.
- July 2008 modification of fence design was made based on comments/concerns voiced during the DEA process; including the question of whether the Leina (soul’s leap) should be within or outside the fence. Responses from the community supported having it inside the fence for further protection, and the addition of the third set of gates. An artistic rendering of how the fence would look as built made it barely visible from a distance.
- July 2008 began biological monitoring of predators and native species by establishing a baseline grid to conduct **all** levels of monitoring over the long term so can more readily track how the ecosystem changes over time with removal of predators.
- Seabirds have been monitored since 1992; UH Botany faculty and graduate students have begun a comprehensive pollination study; predator monitoring for rats and mice have found that reproduction peaks in the spring, but want to control when numbers are relatively low (i.e. winter); mice are two times as abundant as rats; that was a surprise that would not have been known without baseline studies.
- October 2008: Memorandum of Understanding (MOA) between each of the entities involved in the project. Contractor estimates four to five weeks for actual fence construction; hopefully to begin by end of the year (subject to all permitting being complete).
- October 5, 2009, the City has scheduled a Special Management Area (SMA) hearing from 10:00 a.m. to 12:00 noon at Waiialua District Park.

Chair Bonar thanked her for her presentation and asked what the estimated cost of the fence was by the foot. Dr. Young said cost is estimated by Contractor to be \$330 per linear foot; this includes cost of materials transport, and actual construction.

**MOTION: SINTON/JACOBI moved that the NARS Commission recommend approval to the Board of Land and Natural Resources for the implementation of the Ka`ena Point Restoration Project; specifically construction of a predator fence to protect and secure the Ka`ena Point Natural Area Reserve. Motion carried unanimously.**

**MOTION: JACOBI/S. CONANT: moved that the NARS Commission move up Item 8.a.ii., Kaluanui Natural Area Reserve, O`ahu. Motion carried unanimously.**

Staff Yuen summarized that Kaluanui was nominated at a previous meeting and following NARSC review and recommendation, the nomination went to DOFAW staff for review. DOFAW staff (Brent Liesemeyer, Talbert Takahama, Randy Kennedy, and Emma Yuen) conducted a site visit. Some staff recommended it not be added as a NAR, feeling ecosystem quality was not sufficient: there were no fish in the upper reaches, there were numerous weeds, and they felt it was better as a Forest Reserve (the area at present is under State Parks jurisdiction; the actual NAR boundary would begin above the lower waterfall and extend up to the ridge top).

Dr. Dan Polhemus, DAR Administrator, said that in his previous surveys of the area there were significant arthropods including damselflies, flightless crane flies and others; and it appears that the options here include: 1) the NARSC could override DOFAW; 2) send back to DOFAW; 3) not nominate it; or consider other options. This area was part of the Hawai'i Stream Survey which Administrator Polhemus conducted in association with Bishop Museum, focusing on native invertebrates in and around streams; and results were partially responsible for this nomination. There are not many intact streams remaining on O`ahu: its mountains are more worn, are naturally intermittent, and most streams have been vastly modified, tunneled and de-watered. Six years ago, DAR staff Biologists Dr. Robert Nishimoto and Glenn Higashi recognized Kaluanui as one of the few undiverted streams and not channeled in the lower reaches; so from mauka to makai it is unaltered and with a full assemblage of native gobiid fish, even the lower portions would be appropriate for a "native fish reserve". Any further action was halted following the rock fall and long-term closing of the area. State Parks is still considering options for the area and discussions included the upper area being added to the NARS. Weeds aside, it is geologically significant **and** significant for invertebrates (two of the three known O`ahu damselflies: *Megalagrion oceanicum* with 5 known remaining populations, and *M. nigrohamatum nigrolineatum* with 30-40 remaining known populations; **all** in related catchments and **all** are within critical habitat designation). It is a high value stream and since the NARS also considers geological features: the area is significant because it contains the highest waterfalls on O`ahu, created by headwater erosion not a slipped flank like the eastern end of the Ko`olau Range, which is **very** significant. While recognizing that vegetation may not be intact, there are native plants and terrestrial invertebrates such as *M. koelense*, notable for its larvae living in leaf axils of `ie `ie (*Freycinetia arborea*) and pa`iniu (*Astelia*) rather than in streams or seeps like other damselflies. Many less obvious native invertebrates are still there. DAR staff feels that the aquatic invertebrates retain significant biological value and should not be discounted, not just for themselves but they reflect the underlying geological features that provide their habitat.

Member Buchholz asked if there were other areas as significant. Administrator Polhemus replied that other adjacent areas such as Ma`akua Gulch and Kaipapa`u all have various combinations of native stream invertebrates but **not** as high on damselflies as Kaluanui; it also has the best native fish assemblage, and the lower reaches of other streams in Hau`ula are largely channeled and highly altered. He reiterated the overall geological importance of the area with its original slopes and very narrow valleys cut into the dike complex, providing key oases for native stream biota. Additionally, the upper

hanging catchments then funnel water into the lower valley, making rock fall a continuing concern.

Chair Bonar asked if the Enhancement Subcommittee had any strong feelings. Member Jacobi felt that with O`ahu NARS staff concerns that more discussion is needed. Staff Yuen recommended that the NARSC defer on this and ask for more discussion. Member Jacobi agreed, given the negative staff recommendation.

Staff Liesemeyer explained his staff's primary reasons for not recommending the area: after the field trip looking at botanical resources and the TNC surveys, those ecosystems are under represented, but staff felt areas north of that in the Forest Reserve are more appropriate under botanical focus rather than damselflies and streams; do not have any NARS directive towards damselflies, rather, it is ecosystems.

Chair Bonar asked if O`ahu NARS staff would be in favor of re-looking at this proposal. Staff Liesemeyer asked if NARS is better protection than Forest Reserve; can Forest Reserve-level management be appropriate. Member Jacobi felt that other options need to be looked at, such as is it of "high quality" high enough to qualify for protection if it were to become a NAR. Staff Liesemeyer said there is a gap between DAR's rules and regulations and do not have a mechanism for protecting wild streams. Administrator Polhemus said **that** lies with the Water Resources Commission's Stream Protection and Management Program (CWRM SPAM), also known as Wai Malama, which ranked **all** stream biota and abiotic resources to come out with a cumulative ranking; however East Maui has taken all available time and other rankings are not yet complete. DAR is faunally chauvinistic with fresh water resources; taking a closer look at water-related factors.

Chair Bonar asked if O`ahu staff opposed deferring it back for further consideration. Staff Liesemeyer said they followed the deadline for reply. Staff Takahama said he would be open to more discussion, although this opposition is from DOFAW not just O`ahu NARS.

**MOTION: S. CONANT/P. CONANT moved that the NARS Commission refer this nomination back to the Enhancement Subcommittee for further discussion and report back to the Commission the most protective mechanism.**

Member P. Conant asked about the timeline; with Endangered Species status and Critical Habitat (CH) designation; perhaps that might be more appropriate. Member Jacobi suggested starting the clock again.

Administrator Polhemus said that Member P. Conant has a salient point, for a pan-O`ahu CH designation would sooner than later affect federally funded activities. Staff Yuen was alright with referring it back to the Subcommittee. There was further discussion about vegetation quality and Staff Liesemeyer expressed concern that the lower trails and areas in the State Park are a liability.

Member Derrickson felt that besides botanical and stream resources there are also geological and cultural resources, so want to make sure not knocking this out because the botanical resources are not as good; NARS encompass **all factors** so we need to look at all the resources.

Staff Constantinides asked Administrator Polhemus what he thought of the proposal if it moved forward in the mauka portion of the stream. Administrator Polhemus replied that the recommended NAR boundary is **above** the first fall (in other words not in the State Park's liability-prone section). The stream below the falls, however is a special subzone because there is no stream channelization. Dr. Sam Gon said that TNC ranked it the number one stream for O`ahu; Administrator Polhemus agreed.

**MOTION: RAPANOT/S. CONANT moved that the NARS Commission refer the Kaluanui NAR proposal back to the Enhancement Subcommittee for further discussion and recommendations. Motion carried unanimously.**

**ITEM 8.c. Pu`u Maka`ala NAR Extension: proposal for further Discussion and Action for referral to DOFAW for further review.** Member P. Conant was most interested in taking up this item before his early departure. Staff Yuen gave an overview of the proposed extension, which is currently under the control of Kulani Prison (scheduled to cease operations and shift to other uses). Much of the forested area is already fenced and managed jointly under the Tri-Mountain Alliance (which includes DLNR) with a dedicated fence crew which has fenced and removed ungulates over the past 16 years with active participation from Kulani inmates. Ungulates have been removed and cow pastures being restored to back forest. There are eleven endangered plant species known with federal Critical Habitat and the area supports a large number of the remaining endangered forest birds on the island. It is critically important to maintain the existing fences, particularly for ungulate free areas. Member S. Conant asked the location of any sea birds. Member Jacobi said Hawaiian petrels are up mauka in Keauhou and National Park Service lands.

Staff Yuen showed a map with photo points of fenced units. Future needs will be continued maintenance of fences and to make **sure** the forested area is in the Conservation and Resources and General Subzones to avoid degradation that happens on agricultural lands. Adding this area will provide greater protection for the existing NAR. The Camp would remain within the Departments of Defense (DOD), or Public Safety (DPS), for a Youth Challenge Camp, patterned after the one at Kalaeloa, O`ahu. Next steps will be to meet with DOD/DPS, DLNR Chair and other interested parties including US Fish and Wildlife Service (USFWS) and FEMA to help with long-term protection to preserve what has already been and being done to protect and manage the surrounding forest; also recommend that the NARSC forward this nomination to DOFAW for 90-day review as part of the process.

Staff Hadway was **very** interested in the area becoming a part of the Natural Area Reserve; many have been interested in this area for a long time. She identified boundaries on the map and stated that regardless of our staff's status (two positions

abolished; two positions vacated) this is a high priority area into the future. Member Jacobi agreed, stating that though the camp itself is vastly altered the surrounding area is **definitely** NARS quality. The Ola`a-Kilauea Group and now Tri-Mountain Alliance have worked with DOD to manage the area and they helped build fences, conduct out-plantings; could get youth to help but **not** alter the forest; need solid long-term protection for the area.

Member S. Conant remarked that when Kahuku Ranch was added to the National Park, she was very pleased, but this is even more fantastic. Member Alakai asked about existing uses such as the nursery. Staff Yuen said they would not be in the NAR; they are a part of the facility. Member Jacobi said it is one of the largest watersheds on the island and it is currently a part of a watershed partnership (Tri-Mountain Alliance), and resources are spread across all members including National Park Service.

Administrator Conry said this is on the Chairperson's radar screen; General Lee (State Adjutant General) is aware of our interest; NARSC needs to look at meeting the needs of DOD as well as our own while protecting the native forest; will the 300 acre camp facility be enough for them, or will they need an expanded area.

Member Jacobi said that some conflicts will come up; primarily use of federal money and the Endangered Species Act; Kulani being particularly noted for many endangered plants and birds. Chair Bonar asked if it was time to start the clock. Member Jacobi said absolutely on biological resources. Administrator Conry said that the NARSC is part of the process.

**MOTION: JACOBI/S. CONANT moved that the NARS Commission recommend referral of extension of Pu`u Maka`ala NAR (Kulani) to the Division of Forestry and Wildlife for further review. Motion carried unanimously.**

**ITEM 7. a. Presentation by Henry Loescher, Ph.D., NEON Team Leader for the Fundamental Instrument Unit (all tower/soil-based measurements) that are key for site-based design.** Dr. Loescher gave a power point summary to go with handouts on the overall rationale that there was no national model for ecology. This would enable forecast of global climate change by providing infrastructure for research through different platforms (including airborne observations), which would be available to policy-makers.

Member Derrickson asked about LIDAR imagery, because due to dense clouds year round at many locations, how well would this work; Member Hughes said it works well. Chair Bonar asked about the technology; Dr. Loescher said that low and high level data products would be produced. Member Jacobi said that most likely the future state of endangered species may be based on decisions made now, with such studies; providing a starting point with systematic data collection over time and space.

Dr. Loescher said that progress to date includes preliminary planning, five year construction and guaranteed 30-year operating funding from NSF, and identification of

Laupahoehoe as highest-ranked area for tower site (at 1800 meter contour line). Member Jacobi asked where the proposed tower would be in relation the NAR. Dr. Loescher replied it would be close to the edge of the NAR, where there is intact soil as well as forest; important for accountable flow patterns and eddy covariance (how the forest breathes). Member Alakai asked why not sited above that line. Dr. Loescher said that this basic tower appeared to be best located at this present site, but was open for debate; it would bear 30 years of traffic (including walkways around towers and 5 soil replicates to determine biologically active soil horizons). Staff Caraway asked about the walk ways and how high off the ground they would be. Dr. Loescher replied the walkways would be 8 inches off ground and the tower would be 8 meters above the canopy.

Member Alakai asked if this would be part of the Draft Environmental Assessment (DEA), the NARSC would want to see a rendering of what this would actually look like. Administrator Conry asked if the wiring would be placed underground; Dr. Loescher said yes. CH2MHill is doing the EA and is aware that this is a sensitive area that also requires additional permit review. Based on community concerns from an initial review, there would be no generators and only one advanced tower due to large cost of generators, fuel transport, and batteries; the second tower was removed from the proposal. Member Alakai asked about how energy would be transported to the tower. Dr. Loescher said it is in the EA to bring it up under the road if the Forest Service brings it to their proposed structure (below the Experimental Forest within the unencumbered parcel); Hawai'i Electric Company says lines could run under center of road. Staff Hadway said that the EA has not come out yet. Dr. Loescher said that NSF requires an EZ so they know high-risk sites; NSF is coordinating with CH2MHill on this, including webcasts which interested parties can attend directly, to include Chapter 343 (EA process), development of a working group (scoping requirement), use agreement with state, and investigation of electrical codes. Administrator Conry mentioned that Dr. Bolyard previously mentioned that alternative power supplies would not be sufficient for the project. Dr. Loescher said they would have a much larger impact. Long-term ecological research stations use conventional power rather than dams or generators, or other alternative power sources, finding that conventional power has **less** impact and lower operating costs. Member Alakai asked what would happen if the EA did not meet local and state requirements. Member Derrickson asked if there were any local consultants. Dr. Loescher said that they contracted with CH2MHill. Member Alakai asked what would happen if the tower was not allowed on NARS lands, where would it be placed. Chair Bonar felt it was not appropriate unless identified or justified as the only site.

Member Jacobi felt that NEON should have come to the NARSC **three years** ago when "scientists" were consulted, and **no** mention of this was made while the creation of the Experimental Forest was under way, so the May 2009 NARSC meeting was a **big** surprise for many. Dr. Loescher said that the Forest Service never told NEON that part of the Experimental Forest was a NAR; we are playing 20-20 hindsight; member Jacobi was not happy about this.

Chair Bonar asked if there is a better place to put this than in a NAR, and should a working group be formed to address this. Member Jacobi wanted to know if the benefits

out weigh the negatives of such a large structure with large power needs; perhaps tremendous information, but at what cost to the ecosystems. Chair Bonar said that the NARSC can recommend anything to the Board. Member Jacobi felt it was a late time to have this discussion; it should have begun much earlier.

**ITEM 7.b. Discussion and action for appointment of a Task Force or Subcommittee to help oversee the permitting process, as discussed at the May 26, 2009 NARSC Meeting.** AG Chow suggested that it be a Subcommittee (which can meet once or up to 6 times, and it is faster; a Task Force meets for a specific meeting time, refers item to NARSC and then NARSC acts on it at the following meeting). Chair Bonar then asked for volunteers; Members Jacobi, Hughes, Derrickson, S. Conant, and Alakai agreed.

**MOTION: BUCHHOLZ/P. CONANT moved that the NARS Commission establish a Subcommittee comprised of Members Jacobi, Hughes, Derrickson, S. Conant and Alakai to work with NEON staff on this permitting process.**

Member Sinton asked if NEON has considered alternate sites, since this is a NAR. Dr. Loescher said that it meets our scientific requirements the best. We looked at potential other sites but local scientists said this was ok.

Staff Hadway said that she had been a thorn in the side of NEON; this is the **third iteration**; the third time she had tried to express to CH2MHill that **Laupahoehoe NAR is a part of the Experimental Forest, but the NARSC still has jurisdiction over such potentially large-scale projects.** She suggested on more than one occasion that it go into the Forest reserve portion of the Experimental Forest; CH2MHill does **not** understand that the NAR is first and the Experimental Forest overlay is second; she appreciated the NARSC creating a Subcommittee. Member Alakai wondered if language was part of the lease agreement. Staff Hadway wondered if it could be pulled out of the NAR (not unless it went through a formal public hearing; the reverse order of adding lands to a NAR). Member S. Conant wished NEON had come to the NARSC earlier. Dr. Loescher agreed. Chair Bonar felt there appeared to be zero communication between the Forest Service and others. Member Sinton said the science sounds good, **but** is that sufficient justification. Member Hughes said with 8 meters above the canopy, it would be a 30 meter-plus tall tower.

**Motion carried unanimously.** NARSC Executive Secretary to create an e-mail group for NARSC NEON Subcommittee members and staff, along with NEON and Forest Service staff, to work on meeting schedule.

**ITEM 8. Enhancement.** Staff Yuen said that all of the areas were on the website to be considered.

**ITEM 8. b. Na Kula NAR, East Maui.**

**MOTION: S. CONANT/ALAKAI moved that the NARS Commission recommend the Na Kula NAR, Maui, proposal to the Division of Forestry and Wildlife for further review.**

**Motion carried unanimously.**

**ITEM 8. a. i. `Ilio Point NAR, Moloka`i.**

**MOTION: JACOBI/RAPANOT moved that the NARS Commission recommend `Ilio Point, Moloka`i, as a Natural Area Reserve to the Board of Land and Natural Resources.**

**Motion carried with only Member Buchholz voting no; stating a concern that there were insufficient resources to manage an area with ordnance.**

**ITEM 8.a. iii. Extension of Kahauale`a Natural Area Reserve, Hawai`i.**

**MOTION: S. CONANT/ALAKAI moved that the NARS Commission recommend the addition of Tract 22 as an extension to Kahauale`a NAR, Hawai`i, to the Board of Land and Natural Resources.**

**Motion carried unanimously.**

**ITEM 5.b. Special Use Permit Application Fee Waiver: Discussion and Action to grant a waiver for animal control special use permits in Kahauale`a Natural Area Reserve, Hawai`i.** Staff Hadway explained that HVO recommended the entire Reserve be closed; however hunters still access portions of the Reserve that are up rift from volcanic activity. Hunters are willing to consider a permitting process, which staff is willing to do; however application fee waiver was not part of the original action. Member P. Conant felt this was not a problem.

**MOTION: HUGHES/RAPANOT moved that the NARS Commission recommend approval of an application fee waiver for animal control special use permits in Kahauale`a NAR to the Board of Land and Natural Resources.**

**Motion carried unanimously.**

**ITEM 6. Update on *Myoporum* (naio) thrips, discussion and recommendation to recognize the importance of protecting Hawaii's dominant trees as well as recommending a letter be sent to the Department of Agriculture urging them to develop rules and regulations to further protect these dominant native forest trees.** Member P. Conant reported that the list of plants was whittled down from 16 to 13 to agree with the list sent to the USDA APHIS for their consideration at the federal level to give added protection to our native species.



**MOTION: JACOBI/DERRICKSON moved that the NARS Commission send a letter to the Department of Agriculture through the Department of Land and Natural Resources.**

**Motion carried unanimously.**

**ITEM 5.e. Update on `Ahihi-Kina`u NAR: progress to date on closure and other issues.** Staff Ramsey gave a brief update on closure activities and introduced Mr. Alan Hanaïke to talk about status of the repeater; explaining that staff is trying to identify appropriate repeater to be shared by numerous divisions along with police and other emergency groups in the state. Chair Bonar asked how much longer, we have been waiting **two years** and need to set up our volunteer program in the face of staff cuts but cannot until there is a repeater to allow for more reliable communication in a reserve as remote `Ahihi-Kina`u. Member Jacobi agreed. Staff Hanaïke was glad to attend the meeting to hear this concern directly. Chair Bonar reiterated the danger in the field. Staff Hanaïke said they were hoping to cost-share with others at a site at Ulupalakua (including Police and other emergency and safety entities).

**ITEM 9. Announcements.** Next meeting subject to restrictions on travel or other restrictions, and based on items needing to be addressed; no set date as of this meeting; members will be contacted when anticipated meeting is set.

**ITEM 10. Adjournment.** Chair Bonar adjourned meeting at 4:25 p.m.

Respectfully Submitted,



Betsy Harrison Gagné, Executive Secretary  
Natural Area Reserves System Commission