

State of Hawai`i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

June 4, 2012

Chairperson and Members
Natural Area Reserves System Commission
State of Hawaii
Honolulu, Hawaii

Commission Members:

**SUBJECT: REQUEST FOR APPROVAL TO EXTEND ACCESS RESTRICTIONS
 TO PORTIONS OF ‘AHIHI-KINA‘U NATURAL AREA RESERVE
 FOR A PERIOD OF UP TO TWO YEARS.**

BACKGROUND:

In 1973, ‘Ahihi-Kina‘u was designated a Natural Area Reserve (NAR), making it one of the most highly protected lands under state jurisdiction. By law, all resources within the Reserve are protected from harm or disturbance. The NAR includes rare and endangered natural and cultural resources, including anchialine pool ecosystems, near-shore marine ecosystems, lava flow formations and their associated habitats, extensive intact Hawaiian cultural and historic sites, as well as remnant native coastal dry shrublands and forests. At the time the area had little or no visitation.

On August 1, 2008, with approval from the ‘Ahihi-Kina‘u / Keone‘o‘io Advisory Group (AK/KAG), the NARSC, and the BLNR, staff restricted access to portions of the Reserve in order to conduct baseline surveys for geological, coastal, marine, anchialine, and cultural resources and to begin working with The Nature Conservancy of Hawaii to develop a long range management plan for the reserve. Ten meetings were held to gather expert input and suggestions. Although significant progress was made and a first draft was almost completed, more efforts needed to be taken to finish the task.

The BLNR in June of 2010 approved a second request to continue access restrictions to allow time for completion of the General Management Plan. A Draft Management Plan then was circulated for public review and comment in the fall of 2010 and later approved by the Advisory Group in January of 2011. The NARSC requested revisions to the plan in March of 2011.

In April of 2011 all staff efforts required focus on addressing interests and concerns associated with the planning, organizing and implementing of extensive field surveys for Unexploded Ordinance (UXO) in the Reserve by the US Army Corp of Engineers (USACE). UXO in the Reserve is an issue which had been previously addressed, but not completely.

A portion of the Reserve is one of four bombing targets on Maui used by the 14th Naval District of the U.S. Military in early 1945 through 1946. It is classified as a Formerly Used Defense Site (FUDS) and subject of the Defense Environmental Restoration Program (DERP). In July of 1996 a DERP visual survey and preliminary assessment of the site was conducted that identified a six inch naval projectile, a mechanical time fuse, a .50 caliber projectile, projectile fragments, and impact craters. The resulting DERP Project Summary Sheet dated September 1996 proposed a “surface and shallow subsurface sweep and removal” noting that “Public Access is unimpeded” and determined an existing Hazard Severity of “Critical” and a Hazard Probability of “Probable”. The next phase work on this Project was delayed and/or went unfunded for several years.

Between 2005 and 2007, prior to access restrictions, at least three pieces of high explosive ordinance were discovered by staff in the Reserve requiring the dispatch of Army Explosive Ordinance Disposal (EOD) from O‘ahu to safely dispose of those items. Two of those incidents required closing the nearby public road.

Partly due to the findings of UXO by staff combined with the fact the public access to the site remained unimpeded, the USACE conducted a site inspection in November 2007 “to determine whether the site warrants further munitions and explosives of concern or munitions constituents response action or no ... action.” A Final Site Inspection Report dated June 2008 noted that after four days of inspection, where approximately 21.4 miles of walked qualitative reconnaissance was conducted, one .50 caliber round and two intact 155mm shrapnel projectiles were discovered and debris including “numerous fragments from .50 caliber bullets, artillery projectiles, lead shrapnel and mortar fins.” were observed. It concluded that “it is highly likely that more...exist on the surface and in the cracks and crevasses of the lava fields...” With a high risk, probability, and likelihood of more UXO in an area with unimpeded public access, the Reserve ranked at the top of the list for site project funding requests by USACE and funding was obtained in 2009 to continue the next phase of work.

In September of 2010 USACE began a series of Technical Project Planning (TPP) meetings on the Remedial Investigation/Feasibility Study (RI/FS) phase of the project and to discuss the technical approach and data gathering methodology. The project proposal involved more extensive surveys and sampling for UXO conducted by approximately 30 people on the ground and in the water following predetermined transect routes over a six week period starting in the summer of 2011. The TPP meetings included USACE, their contractors along with the State DLNR and Hawaii Dept. of Health (HDOH) personnel. Planning became somewhat problematic when discussing the potential impacts from extensive field activities in a highly protected area with endangered species and their habitats. Especially, when considering the fact that if UXO was discovered during surveys but, not safe to move, it would need to be blown in place (BIP) and the resulting need to “consult” with appropriate agencies such as DLNR, USFW and NOAA on mitigating those potential impacts. To resolve concerns from USACE about the need to move quickly with implementing this project and others, the

State acted to allow the projects to move forward in a timely manner by the issuance of a Governor's proclamation exempting these projects state wide from State environmental review laws and procedures based on public safety. The USACE continued to work for the next year to address concerns and issues raised by all "stakeholders" including the State, USFW and NOAA. Finally, a public informational meeting about the project was held by USACE on Maui in September of 2011 with surveys commencing shortly thereafter on Oct. 4, 2011 finishing just before Thanksgiving (6 weeks). The data collected from the surveys was to be then gathered, analysed and presented to the stakeholders for discussion starting in February of 2012 with a Decision Document to follow some six months later. This part of the process has been delayed due to unforeseen circumstances per USACE and is now slated to begin in July 2012.

ANALYSIS

DOFAW supports the request for continued closure to portions of 'Ahihi-Kina'u NAR for two additional years in order to complete the USACE process to more accurately determine the risk posed by the presence of UXO and provide management recommendations based on survey findings. In addition more time is required to complete the General Management Plan which will include those recommendations.

The most popular and well-used portions of the Reserve will remain open for use during visitor hours as they have for the last four years but, other more remote and sensitive areas will remain closed to the general public. The open area was surveyed extensively last fall and determined to be safe for continued daily public use. It is important to incorporate the future USACE recommendations on UXO into the General Management Plan to further determine how much and what types of human use to allow and where in the Reserve.

The AK/KAG, at an April 24, 2012 meeting, recommended closure for one additional year to complete the Management Plan, obtain the USACE recommendations and fill vacant staff positions.

RECOMMENDATION:

That the NARS Commission recommend approval of the proposed extension of up to two years of access restriction to the Board of Land and Natural Resources, pursuant to HAR § 13.209-4.5, to portions of 'Ahihi-Kina'u Natural Area Reserve to allow time for the USACE to complete their process and provide management recommendations to incorporate in and to finish the Draft General Management Plan.

Respectfully Submitted,

PAUL J. CONRY, Administrator
Division of Forestry and Wildlife