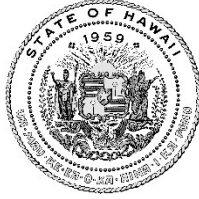


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June 18, 2024

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ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Chairperson and Members
Natural Area Reserves System Commission
State of Hawai'i
Honolulu, Hawai'i

NARS Commission Members:

SUBJECT: REQUEST TO AMEND DELEGATION OF AUTHORITY TO THE BRANCH MANAGERS OR THE ADMINISTRATOR OF THE DIVISION OF FORESTRY AND WILDLIFE TO ISSUE PERMITS FOR "COLLECTION OF PLANT AND WILDLIFE SAMPLES FOR LABORATORY, GREENHOUSE, OR HERBARIUM SAMPLING, PROPAGATION, OR OTHER CONSERVATION PURPOSES" FOR HAWAII ADMINISTRATIVE RULES CHAPTER 13-209, RULES REGULATING NATURAL AREA RESERVES

BACKGROUND:

Section 13-209-5 of Hawaii Administrative Rules provides the board or its authorized representative, with the approval of the commission or its authorized representative, may issue permits to conduct activities otherwise prohibited by section 13-209-4 for research, education, management, or for any other purpose consistent with chapter 195, Hawaii Revised Statutes.

The Natural Area Reserves System Commission has delegated the branch managers or the Administrator of the Division of Forestry and Wildlife the ability to recommend approval of special use permits, after discussion and approval by Branch staff for various activities listed in Exhibit 1. Currently, the delegation includes: "Collection of plant and insect samples that are from common, exotic, and abundant taxa for laboratory, greenhouse, or herbarium sampling (excluding all listed T&E species)."

DISCUSSION:

Staff recommends expanding that delegation to: "Collection of plant and wildlife samples for laboratory, greenhouse, or herbarium sampling, propagation, or other conservation purposes." The purpose of this delegation is to further streamline the permitting process, particularly for the promotion of conservation purposes, as scheduling a Commission meeting for permit applications is difficult and can be impractical. About 70 NARS permits are issued annually. Many researchers or other permittees

are working in partnership with DOFAW to recover rare species and these activities can be time-sensitive if a rare species must be collected soon before succumbing to predation, weather events, or other threats.

Overall, the goals of this revision are to keep NARS Commission oversight on larger, long-term and significant activities that are more likely to pose potential threats to the natural condition of the Reserve. However, through time and experience, staff are recommending types of activities that are not likely to warrant full Commission review because they are less risky or because other experts are involved in the review process. Even with this delegation, DOFAW staff may always seek full Commission review on an item if there is uncertainty or if additional public and expert consultation is prudent.

RECOMMENDATION:

That the Commission delegate authority to the Branch Managers or the Administrator of the Division of Forestry and Wildlife to issue permits for the “collection of plant and wildlife samples for laboratory, greenhouse, or herbarium sampling, propagation, or other conservation purposes” for Hawaii Administrative Rules Chapter 13-209, Rules regulating Natural Area Reserves.

Respectfully submitted,



Emma. K. Yuen, NEPM Program Manager
Division of Forestry and Wildlife

Attachment

Exhibit 1

Types of permit activities currently delegated to the DOFAW Administrator as the authorized representative for the Board of Land and Natural Resources

1. Hikes or visits by educational groups larger than ten
2. Incidental traditional and customary practices (e.g.; collection of maile, mokihana)
3. The following research activities:
 - a. Non-destructive inventory, measurements, censuses, and monitoring of trees, ferns, understory plants, birds, mammals, invertebrates, and aquatic organisms where there is no harm to the organisms (includes both ground-based and remotely-sensed measures).
 - b. Non-destructive inventory, measurements, and monitoring of the forest floor, dead and downed wood, and soils.
 - c. Non-destructive inventory, measurements, and monitoring of streams, ponds, and other aquatic ecosystems.
 - d. Non-destructive hydrological and geomorphic studies which do not involve the erection of structures or long term placement of equipment.
 - e. Erection of small protective fences and barriers less than or equal to ten acres in area (and the removal of exotic species within such plots).
 - f. Construction of temporary blinds and field observation structures.
 - g. Soil and plant nutrient cycling research.
 - h. Biocontrol research to control invasive plants and animals – manipulate densities of state and federally permitted biocontrol agents through redistribution and experimental methods, including caging plants or parts of plants.
 - i. Sampling air and gasses (plant and soil respiration) within the experimental forest.
 - j. Placement of temporary electronic devices for environmental monitoring or sampling (for periods of less than or equal to 36 months).
 - k. Non-destructive collection of plant material (excluding all listed T&E plants), soils, and water samples for laboratory analysis.
 - l. Collection of plant and insect samples that are from common, exotic, and abundant taxa for laboratory, greenhouse, or herbarium sampling (excluding all listed T&E species).
 - m. Maintenance of a trail system for access.

For purposes of this delegation, “non-destructive” means an activity that does not destroy or harm the object of analysis.

Signature:



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