

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

May 13, 2016

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: REQUEST FOR AUTHORIZATION TO NEGOTIATE AND SIGN A
CONTRACT(S) TO INSTALL UNGULATE-PROOF FENCING
WITHIN THE KAWAINUI MARSH WILDLIFE SANCTUARY, TMKs
4-2-13:05, 43, AND 10; 4-2-16:15; AND 4-2-17:20, OAHU

AND

REQUEST APPROVAL OF DECLARATION OF EXEMPTION TO
CHAPTER 343, HRS, ENVIRONMENTAL COMPLIANCE
REQUIREMENTS FOR THIS PROJECT

BACKGROUND

The Division of Forestry and Wildlife (“DOFAW”) proposes to install a four foot tall perimeter and predator fence along portions of Tax Map Keys (“TMKs”) 4-2-13:05, 43, and 10; 4-2-16:15; and 4-2-17:20 within Kawainui Marsh Wildlife Sanctuary. The purpose of the perimeter and predator fence is to protect natural and cultural resources within Kawainui Marsh Wildlife Sanctuary.

The State of Hawaii, federal government, and international community recognizes Kawainui Marsh for natural and cultural resources unique to Hawaii. The Ramsar Convention designated the Hamakua and Kawainui Marsh complex a Ramsar Wetland of International Importance in 2005 due to unique biological and cultural importance of the site.¹ Prior to 2005, the State of Hawaii and the City and County of Honolulu both owned parcels considered within Kawainui Marsh. In 2006, the legislature transferred ownership of property from the City and County of Honolulu to the State of Hawaii within Kawainui Marsh for public interest in perpetuity.² DOFAW manages Kawainui Marsh Wildlife Sanctuary as habitat for endemic and endangered

¹ Ramsar Convention, <http://www.ramsar.org/news/usa-designates-site-on-hawaiian-islands>, last visited April 8, 2016.

² HB 1899, Act 235 2007.

native Hawaiian bird species including four endangered waterbird species, the Hawaiian coot or alae keokeo (*Fulica alai*), Hawaiian moorhen or alae ula (*Gallinula chloropus sandvicensis*), Hawaiian duck or koloa (*Anas wyvilliana*), and Hawaiian stilt or aeo (*Himantopus mexicanus knudseni*).³ The United States Fish and Wildlife Service include Kawainui Marsh in their Second Draft Revised Recovery Plan for Hawaiian Waterbirds as a core supporting wetland for the recovery of these four endangered waterbird species.⁴ With respect to recognized cultural resources, Kawainui Marsh features the Ulupo Heiau, recognized on National and Hawaii's Register of Historic Places.⁵

On August 17, 2015, the governor approved the transfer of \$2,225,000 in general obligation bonds and permission to advertise bids for environmental clean-up and restoration actions at Kawainui Marsh. DOFAW received approval to apply \$940,000 in design funds, \$1,035,000 in construction funds, and \$250,000 in equipment funds to the project. Environmental clean-up and restoration actions would include permitting, soils testing, clearing, vegetation removal, grading and securing sites (Kapaa Vegetation Processing area, Mokapu site, Kahanaiki site, Mokulana site, and Hamakua site), and gate installation and/or perimeter predator fence.

The perimeter and predator fence would serve to protect natural and cultural resources of Kawainui Marsh Wildlife Sanctuary. The perimeter and predator fence would be four feet high woven wire, and run for approximately 7,000 m or 24,000 ft. within Kawainui Marsh Wildlife Sanctuary. The fence would also encompass lands under the management of the Division of State Parks (DSP). DOFAW staff have consulted and agreed to this project with DSP Staff, and will continuously work with DSP staff as the project is implemented. DOFAW would select a qualified vendor via request for quote through the electronic procurement system for contractor(s) to construct and install the perimeter and predator fence. The contractor(s) would be responsible for identifying native species during construction, and contacting DOFAW should any sensitive species be found. An archeological survey would be conducted prior and during installation.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT

In accordance with the requirements of Chapter 343, HRS, and Chapter 11-200-8(6), HAR, the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject project is exempt from the preparation of an environmental assessment pursuant to the exemption classes listed in Exhibit 2.

RECOMMENDATIONS

That the Board:

- 1) Declare that, after considering the potential effects of the proposed project as provided by Chapter 343, HRS and Chapter 11-200, HAR, this project will likely have minimal or no

³ HRS § 183D-4 (2001); See HAR § 13-126-5 (2010); HB 1899, Act 235 2007

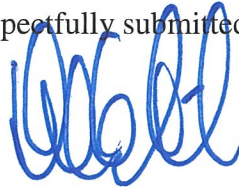
⁴ U.S. Fish and Wildlife Service, Draft Revised Recovery Plan for Hawaiian Waterbirds, Second Draft of Second Revision, May 2005, 155p.

⁵ HHF Planners, Kawainui-Hamakua Complex Master Plan, Draft May 2014, 153p.

significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

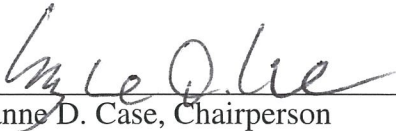
- 2) Delegate authority to the Chairperson to award, execute, and extend contract(s) for goods and services, subject to the availability of funds and approval by the Department of the Attorney General.

Respectfully submitted,



David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson
Board of Land and Natural Resources

Exhibit 1. Map

Exhibit 2. Declaration of Exemption

Exhibit 1. Project Area Map

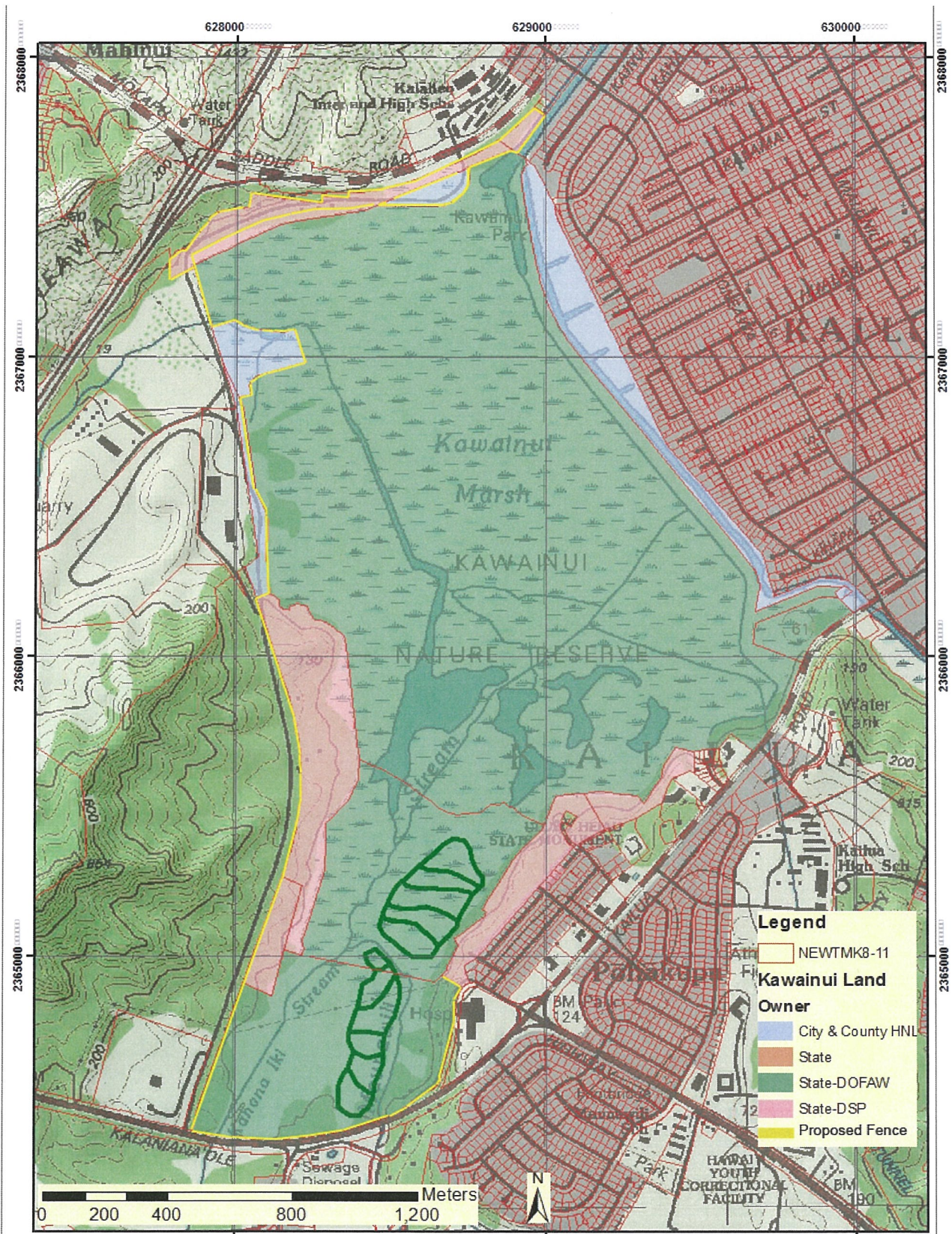


Exhibit 2. Declaration of Exemption

10334

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIKULAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DECLARATION OF EXEMPTION

From the preparation of an environmental assessment under the authority of Chapter 343, HRS, and Chapter 11-200, HAR.

Project Title: Kawainui Marsh Perimeter Fence

Project Description: The Project will occur in the Kailua District of Oahu including portions of Tax Map Keys 4-2-13: parcels 5, 43, and 10; 4-2-16:15; and 4-2-17:20. On August 17, 2015, Governor Ige approved a request to transfer CIP funds for design, construction, and equipment to perform environmental clean-up and restore endangered species habitat at Kawainui Marsh pursuant to Section 71 of Act 134, SLH 2013 Item D-4 as amended by Act 122, SLH 2014, Item D-4. The proposed fence construction is part of the Division of Forestry and Wildlife's ("DOFAW") on-going implementation of this approved CIP. This proposed fencing project involves replacing dilapidated portions and installation of new perimeter fencing that will exclude large predators, feral ungulates and prevent illegal entry and dumping. Exclusion is integral to provide protection of wetland habitat for the endangered species utilizing Kawainui Marsh's diverse habitats, by preventing unwanted activities in and around Kawainui. Public access, in designated areas, will be addressed by allowing limited access at entryways via gates. DOFAW will consult State Historic Preservation Division to ensure that historic or archaeological sites are not disturbed.

Exemption Class: Department of Land and Natural Resources Class 1

Exempt Item Number: 7

Exempt Item Description: Operation, repair and maintenance, of existing Department structure and facilities, including baseyards, offices, cabins, sheds, and fencing.


Exemption Class: Department of Land and Natural Resources Class 3


Exempt Item Number: 1


Exempt Item Description: Fences around or to manage rare, threatened, or endangered plants, covered or open areas for endangered species, game birds and mammals, auxiliary buildings for food or equipment storage, incubators and brooders, open-top breeding and release pens, field aviaries, and hacking boxes, and for watershed and native forest management and restoration. Fences shall contain step-overs or other features that permit pedestrian access for cultural and recreational use.

Date of Agency Exemption List: June 5, 2015

I have considered the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200, HAR. I declare that this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment under the above exemption classes.



Suzanne D. Case, Chairperson
Department of Land and Natural Resources 



Date

Original: Agency file
Copy: Project file

Appendix 1. Map of Proposed Project

