

STATE OF HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawai'i

January 13, 2017

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

Land Board Members:

**SUBJECT: ACCEPTANCE OF HEARING OFFICER'S REPORT ON A PUBLIC HEARING FOR ONE PROPOSED ADDITION TO THE FOREST RESERVE SYSTEM ON THE ISLAND OF O'AHU.**

**APPROVAL AND RECOMMENDATION TO THE GOVERNOR REGARDING ISSUANCE OF AN EXECUTIVE ORDER FOR ADDITION OF TAX MAP KEY (1) 9-8-001:001, COMPRISING APPROXIMATELY 635 ACRES, TO THE 'EWA FOREST RESERVE, KALAUAO SECTION, KALAUAO, 'EWA, O'AHU.**

**SUMMARY:**

This Board submittal requests acceptance of a Hearing Officer's Report for one proposed addition to the Forest Reserve System on the Island of O'ahu, and approval and recommendation to the Governor, issuance of an Executive Order (EO) for the addition of land to the 'Ewa Forest Reserve, Kalauao Section.

**LEGAL REFERENCE:**

Section 183-11, Hawai'i Revised Statutes (HRS), as amended.

**LOCATION AND AREA:**

See Exhibit A.

**ZONING AND TRUST LAND STATUS:**

See Exhibit A.

**BACKGROUND:**

At its meeting on May 27, 2016, under agenda item D-16, the Board approved the acquisition of privately owned TMK (1) 9-8-001:001 (approximately 635 acres) for the purpose of adding it to

was jointly funded by grants from the Legacy Land Conservation Program and the US Fish and Wildlife Service Recovery Land Acquisition program. The acquisition was executed by all appropriate parties and recorded in the Bureau of Conveyances on August 4, 2016.

Kalauao Valley is a significant watershed in the Ko‘olau Mountain Watershed Partnership management area. It contains critical habitat for rare and endangered species, supports a healthy native Hawaiian ecosystem, and is a well-used recreation area. Addition of Kalauao Valley to the Forest Reserve System would enable the Department to protect this area in perpetuity, manage compatible recreational and educational opportunities, and facilitate management actions for the recovery of threatened and endangered species and the critical habitats which they depend on. DOFAW is requesting Board approval to add TMK (1) 9-8-001:001 (approximately 635 acres) to the ‘Ewa Forest Reserve, Kalauao Section.

#### DISCUSSION:

Approval to hold a public hearing for the proposed FR addition described above was obtained from the Board of Land and Natural Resources on May 27, 2016 item D-16. Approval to hold the public hearing and to appoint Ryan Peralta, Forest Management Supervisor I, as the Hearing Officer was obtained from the Chairperson on September 28, 2016.

On October 30, 2016, a Notice of Public Hearing was published in the Sunday editions of the Garden Island, Honolulu Star-Advertiser, Maui News, West Hawai‘i Today, and Hawai‘i Tribune-Herald newspapers, for a public hearing that was held on November 16, 2016, to receive public input on the subject item.

Eleven members of the public attended the public hearing, the proceedings of which are summarized in the attached Hearing Officer’s report (Exhibit B). Five verbal testimonies were given regarding this item during the meeting. No written testimony was received during or after the meeting.

#### CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action does not trigger the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343, HRS, environmental requirements apply to the Applicants use of the lands, the Applicants shall be responsible for compliance with Chapter 343, HRS, as amended.

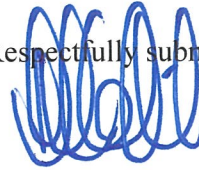
#### RECOMMENDATION:

That the Board:

- 1) Accept and approve the Hearing Officer’s report and minutes for the public hearing held on November 16, 2016, for the one proposed addition to the Forest Reserve System on the island of O‘ahu.

- 2) Approve of and recommend to the Governor issuance of an executive order setting aside Tax Map Key (1) 9-8-001 001, comprising approximately 635 acres, to the 'Ewa Forest Reserve, Kalauao Section, Kalauao, 'Ewa, O'ahu. This recommendation is made subject to the following:
- a. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - b. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - c. Review and approval by the Department of the Attorney General; and
  - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



---

David G. Smith, Administrator  
Division of Forestry and Wildlife

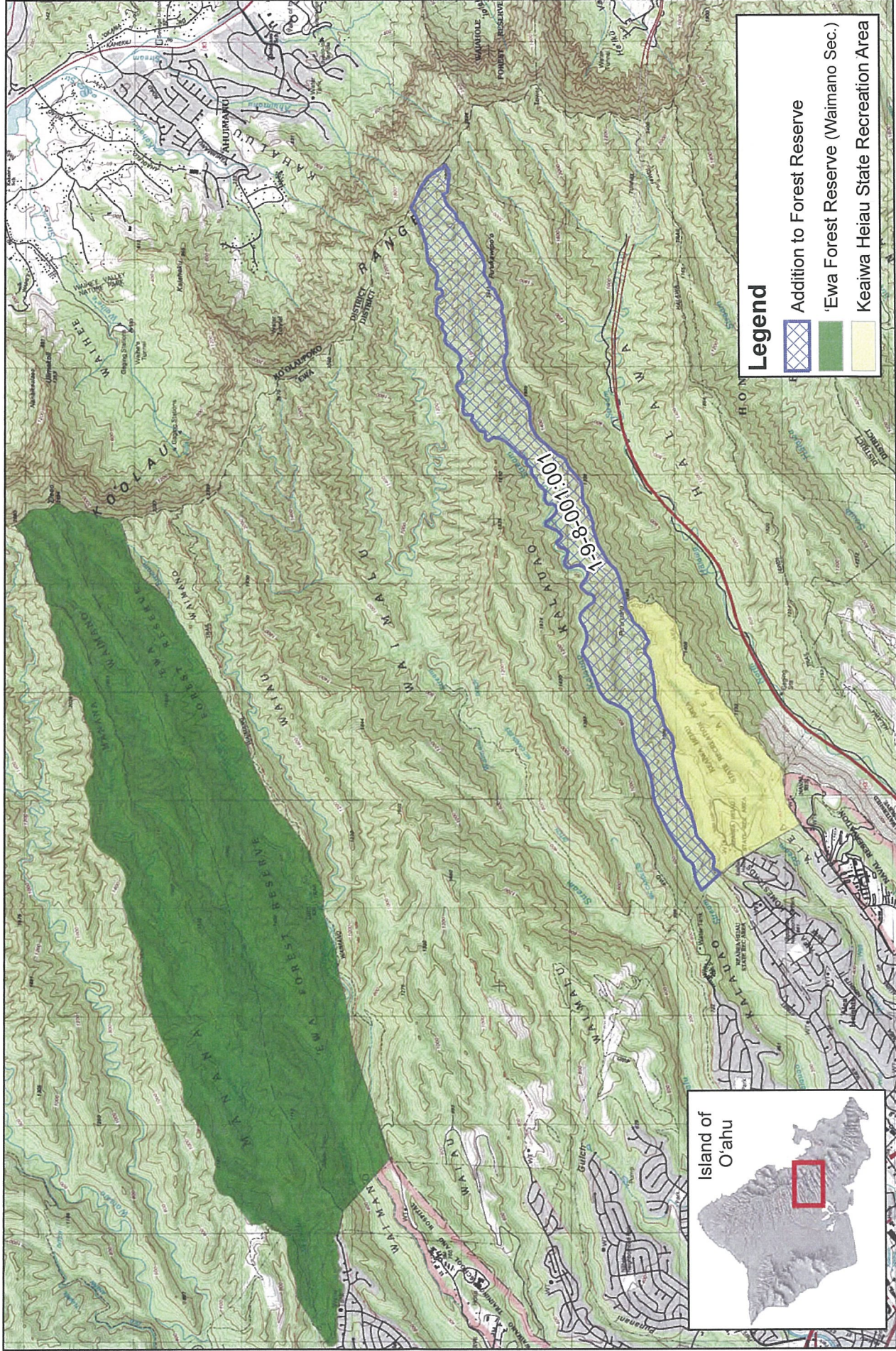
APPROVED FOR SUBMITTAL:



---

SUZANNE D. CASE, Chairperson  
Board of Land and Natural Resources







**HEARING OFFICER'S REPORT AND MINUTES OF:**

**Public Hearing for One (1) Proposed Change Affecting the Area of  
Government Forest Reserve Lands on the Island of O'ahu**

Kalanimoku Building  
Land Board Conference Room 132  
1151 Punchbowl Street, Honolulu, Hawaii, 96813  
5:30pm

November 16, 2016

**SUMMARY OF TESTIMONIES RECEIVED**

*Written testimonies are kept on file in the Division of Forestry and Wildlife for public review.*

**Five oral testimonies were provided:**

*Gregory Carter*

Fully supports the proposed addition. He wants the sign for the heiau to be corrected to show "Keāiwa" as the correct spelling, with the macron (kahakō) over the 'a' instead of the 'i'. He said that scientists may want to see if the endangered sphinx moth is present in Kalauao Valley, as he may have encountered one while hiking there in the 1980's. Given the existing camping sites in the state park, he did not see a need for additional camping sites. He also felt that the area is not suitable for anything except what is being proposed.

*Makana Chai*

Lives makai of Kalauao Valley, and likes idea of putting it into forest reserve. She was concerned that the area will be turned into a zipline.

*Mary James*

Wants DLNR, specifically the Division of State Parks, to work with the care takers of the cat colonies on the Aiea Loop Trail before proceeding with any actions that may affect the cats.

*Miwa Tamanaha*

Supports the proposed addition.

*Anthony DeLuze*

He felt the addition would be good for ewa moku if management is done as described.

**No written testimonies were received.**

**I. SUMMARY OF PUBLIC HEARING PROCEEDINGS**

Exhibit B

- A. The public hearing was called to order at 5:30 pm. In attendance were the following staff members from the Department of Land and Natural Resources:

Division of Forestry and Wildlife:

Ryan Peralta – Hearing Officer

Marissa Chee

Jason Misaki

Jan Pali

Forest Management Supervisor 1

Oahu Forestry Specialist

Wildlife Biologist V

Forestry & Watershed Planner

- B. 11 members of the public attended the meeting, five of whom provided oral testimony. No written testimony was submitted at the public hearing or by mail/email. The information that the Division of Forestry and Wildlife had prepared regarding these item was presented as planned.
- C. The public hearing was adjourned at 6:10 pm.

**II. APPROVALS AND NOTICES OF PUBLIC HEARING**

- A. Approval to hold a public hearing on the proposed forest reserve addition was obtained from the Board of Land and Natural Resources on May 27, 2016.
- B. Approval to hold the public hearing and to appoint Ryan Peralta as the Hearing Officer was obtained from the Chairperson on September 28, 2016.
- C. Notice of this public hearing was published on October 30, 2016, in the Sunday editions of The Garden Island, Honolulu Star-Advertiser, The Maui News, West Hawaii Today, and Hawaii Tribune-Herald newspapers.

Minutes prepared and respectfully submitted by Ryan Peralta.