

STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i 96813

July 14, 2017

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

SUBJECT: REQUEST FOR DELEGATION OF AUTHORITY TO THE ADMINISTRATOR OF THE DIVISION OF FORESTRY AND WILDLIFE TO TEMPORARILY CLOSE OR RESTRICT PUBLIC USE IN NATURAL AREA RESERVES FOR PERIODS OF UP TO NINETY (90) DAYS FOR THE PROTECTION OF THE NATURAL, GEOLOGICAL, OR CULTURAL RESOURCES OF THE AREA OR THE SAFETY AND WELFARE OF PERSONS OR PROPERTY

BACKGROUND & DISCUSSION

Occasionally, the Division needs to temporarily close areas for hazards such as fires, hurricanes, and other natural disasters, or management needs such as animal removal. In practice, these temporary closures have lasted a few days each or less, and often are unforeseeable. However, closures in the Natural Area Reserves System (NARS) require approval of the NARS Commission and the Board of Land and Natural Resources under § 13-209-4.5, Hawaii Administrative Rules. It is impractical to convene both a NARS Commission meeting and receive Board approval for an action in a time period of less than ninety days.

While the current NARS rules require a more involved consultation process, that must be balanced with the need for natural resource managers to act quickly to ensure public safety or respond immediately to management needs. This delegation of authority to close areas or restrict public use in areas for periods of up to ninety days represents the minimum amount of time the Division needs to deal with these situations immediately while going through the existing consultation process if a more extended period is needed.

The Natural Area Reserves System Commission approved this request during its March 31, 2017 meeting.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

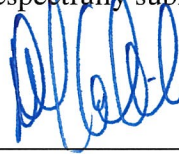
Hawaii Revised Statutes §343-5 does not apply to this requested delegation of authority.

RECOMMENDATION:

That the Board:

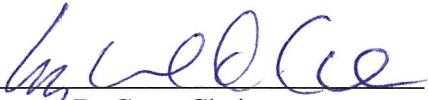
1. Delegate authority to temporarily close or restrict public use in Natural Area Reserves for periods of up to ninety days for the protection of the natural, geological, or cultural resources of the area or the safety and welfare of persons or property, to the Administrator of the Division of Forestry and Wildlife, Department of Land and Natural Resources.

Respectfully submitted,



David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



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