

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

January 8, 2021

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

Land Board Members:

SUBJECT: ACCEPTANCE OF A HEARING MASTER'S REPORT, SET ASIDE OF
APPROXIMATELY 1,260 ACRES AS THE WAIEA NATURAL AREA
RESERVE, TMK (3) 8-6-001:003, SOUTH KONA, HAWAII

BACKGROUND:

Approximately 1,260 acres of unencumbered State lands is proposed as the Waiea Natural Area Reserve (NAR), under the Division of Forestry and Wildlife (DOFAW). Attachment 1 contains the Waiea NAR proposal which includes maps and a description of the resources that led to this nomination.

The proposed Waiea NAR is within the ahupua'a of Waiea. The lowest elevation section of the proposed Reserve is approximately a mile *mauka* of Highway 11 in the South Kona district of Hawai'i island. From this lower border the Reserve would follow the borders of the ahupua'a heading *mauka*.

The proposed NAR contains 'ōhi'a-dominated forests. The inclusion of this area into the NARS would increase the representation of unique mesic and wet forest ecosystems that evolved under a summer wet season. This is an important and unique aspect as most other wet forest ecosystems in Hawai'i have evolved in a winter wet season regime on the windward sides of the islands. Additionally, the forest in this region has an extraordinarily closed canopy 'ōhi'a forest, estimated at 50-75% canopy, above the normal range for native Hawaiian forests.

Waiea is in the Agricultural District. No public access is available; however, management access may be gained through the adjacent Refuge to reach various 4WD roads in the parcel, which may have been used for logging or to open up areas in the forest for cattle.

ITEM C-2

On October 15, 2020, the NAR Commission recommended designation of the Waiea NAR. Approval to hold a public hearing was granted by the Board of Land and Natural Resources on October 23, 2020. Notice of public hearing was published pursuant to §195, Hawai‘i Revised Statutes. A press release and notice of the hearing was issued to newspapers and to interested parties. A virtual public hearing was held on November 30, 2020. DLNR staff and 9 members of the public attended. Testimony from individuals included: 4 in support, 0 in opposition and 2 attendees asked questions. Attachment 2 contains the hearing master’s report as well as the full text of the testimony received on the proposal.

DISCUSSION

The Division of Forestry and Wildlife (DOFAW) recommends this area to fulfill the NARS’ mission to preserve in perpetuity specific land and water areas which support communities, as relatively unmodified as possible, of the natural flora and fauna, as well as geological sites, of Hawai‘i. Designation of this area as a NAR will add representative samples of the natural communities found in the South Kona District. Conservation management actions to protect the remaining native dominated vegetation are being planned.

The testimony contains requests for access to Waiea, and the ability to conduct traditional cultural practices. If Waiea is designated a NAR, hiking and nature study in groups with sizes of 10 or less is permitted. Additionally, requests for traditional cultural practices is permissible via a special use permit application. The NARS Commission has a statutorily appointed member with expertise in native Hawaiian culture, who would assist with the review of applications.

While Waiea will be open for access if designated, it is landlocked. DOFAW does not currently have the ability to ensure public access to Waiea, which is surrounded by private and Federal lands.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

This action before the Board represents a transfer in management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. The Division of Forestry and Wildlife shall be responsible for compliance with Chapter 343, HRS, as amended for NARS program activities on the land that are not otherwise included in existing environmental compliance documents for that parcel. Pursuant to HAR § 11-200-8, foreseeable uses of the State lands by the NARS program include:

General Exemption Type: DLNR, Division of Forestry and Wildlife, Class 1, Item 2

Exempt Item Description: Rescue of threatened or endangered species.

General Exemption Type: DLNR, Division of Forestry and Wildlife, Class 1, Item 4

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

General Exemption Type: Department of Land and Natural Resources Class 3, Item 1

Exempt Item Description: Natural resource management actions that the Department declares are designed specifically to monitor, conserve, or enhance the status of native species or native species' habitats, such as fences around or to manage rare, threatened or endangered plants. Fences shall contain step-overs or other features that permit pedestrian access for cultural and recreational use.

General Exemption Type: Department of Land and Natural Resources Class 3, Item 2

Exempt Item Description: Construction and location of new, small facilities or structures necessary to support or enhance safe and effective management of lands and waters, such as baseyards, caretaker's residences, work cabins and shelters, sanitation facilities, and other similar structures.

General Exemption Type: Department of Land and Natural Resources Class 4, Item 2

Exempt Item Description: Minor vegetation clearing and management, including mowing, pruning, trimming, and application of federal and state approved herbicides in conformance with label instructions.

General Exemption Type: Department of Land and Natural Resources Class 4, Item 3

Exempt Item Description: Removal of invasive vegetation utilizing cutting, mowing, application of federal and state approved herbicides in conformance with label instructions, distribution of biocontrol agents already approved and permitted by the State of Hawaii, and other approved methods. This exemption would not apply to issuing permits for initial releases of biocontrol of invasive species which are regulated and permitted by the Department of Agriculture or commercial logging.

General Exemption Type: Department of Land and Natural Resources Class 4, Item 9

Exempt Item Description: Control of pests utilizing federal and state approved pesticides, herbicides, fungicides, and toxicants in conformance with label instructions; traps, snares, lures, and repellents; and other approved methods.

General Exemption Type: Department of Land and Natural Resources Class 4, Item 14

Exempt Item Description: Fire management activities, including prevention and restoration measures, when conducted in accordance with Departmental and Division procedures.

General Exemption Type: Department of Land and Natural Resources Class 4, Item 17

Exempt Item Description: Establishment of helispots for fire control, natural resource management, and rescue.

General Exemption Type: Department of Land and Natural Resources Class 5, Item 1

Exempt Item Description: Conduct surveys or collect data on existing environmental conditions (e.g, noise, air quality, water flow, water quality, etc.).

General Exemption Type: Department of Land and Natural Resources Class 5, Item 2

Exempt Item Description: Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.

General Exemption Type: Department of Land and Natural Resources Class 5, Item 15

Exempt Item Description: Game and non-game wildlife surveys, vegetation and rare plant surveys, aquatic life surveys, inventory studies, new transect lines, photographing, recording, sampling, collection, culture, and captive propagation.

General Exemption Type: Department of Land and Natural Resources Class 5, Item 16

Exempt Item Description: Research to identify, monitor, control, or eradicate introduced species.

Dates of Agency Exemption List: November 10, 2020

RECOMMENDATIONS: That the Board:

- 1) Accept the Hearing Master's Report (Attachment 2).
- 2) Approve of and recommend to the Governor the issuance of an executive order setting aside approximately 1,260 acres in the South Kona District, TMK (3) 8-6-001:003, Waiea, Hawai'i, to the State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife, for the Waiea Natural Area Reserve, and further 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 Smith

David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:

Suzanne D. Case

Suzanne D. Case., Chairperson

Attachments

Attachment 1

PROPOSAL FOR THE WAIEA NATURAL AREA RESERVE

August 2020

I EXECUTIVE SUMMARY

A 1,260-acre tract in Waiea, South Kona, on the island of Hawai‘i, is proposed for inclusion in the State of Hawai‘i Natural Area Reserve System (NARS). The proposed Waiea NAR contains unique lowland and montane mesic (moist) forest, closed canopy wet forest, and montane mesic forest ecosystems on the western flank of Mauna Loa, and is habitat for rare forest birds. A major benefit to designating this area as a Natural Area Reserve would be to create a large contiguous area under conservation management because adjacent lands are designated as Federal Refuges and National Parks. Protecting this area will improve the watershed that the South Kona residents rely on for fresh water and reduce erosion into nearshore waters.

II INTRODUCTION (General)

This Reserve would include an area of approximately 1,260 acres in the Waiea ahupua‘a. The lowest section of the Reserve is approximately a mile *mauka* of Highway 11. This area is in the South Kona district of Hawai‘i island, TMK (3) 8-6:001:003 (Figure 1).

The proposed NAR contains ‘ōhi‘a-dominated forests. The inclusion of this area into the NARS would increase the representation of unique mesic and wet forest ecosystems that evolved under a summer wet season. This is an important and unique aspect as all other wet forest ecosystems in Hawaii have evolved in a winter wet season regime.

While surveys of rare species have not been completed, adjacent lands have populations of federally listed Akiapola‘au, ‘Akepa, ‘Alawī, ‘I‘iwi forest birds. Scattered populations of endangered plant taxa *Cyanea hamatiflora*, *Cyanea marksii*, and *Cyanea stictophylla* are found locally. These species are so endangered that there are fewer than 50 known individuals remaining. The area supported ‘Alalā populations until the mid-1990s, and contains an aviary dedicated to that species.

Geologically, this area is composed of Ka‘ū basalt ranging from various flows between 750-5,000 years old.

Proposed Waiea Natural Area Reserve

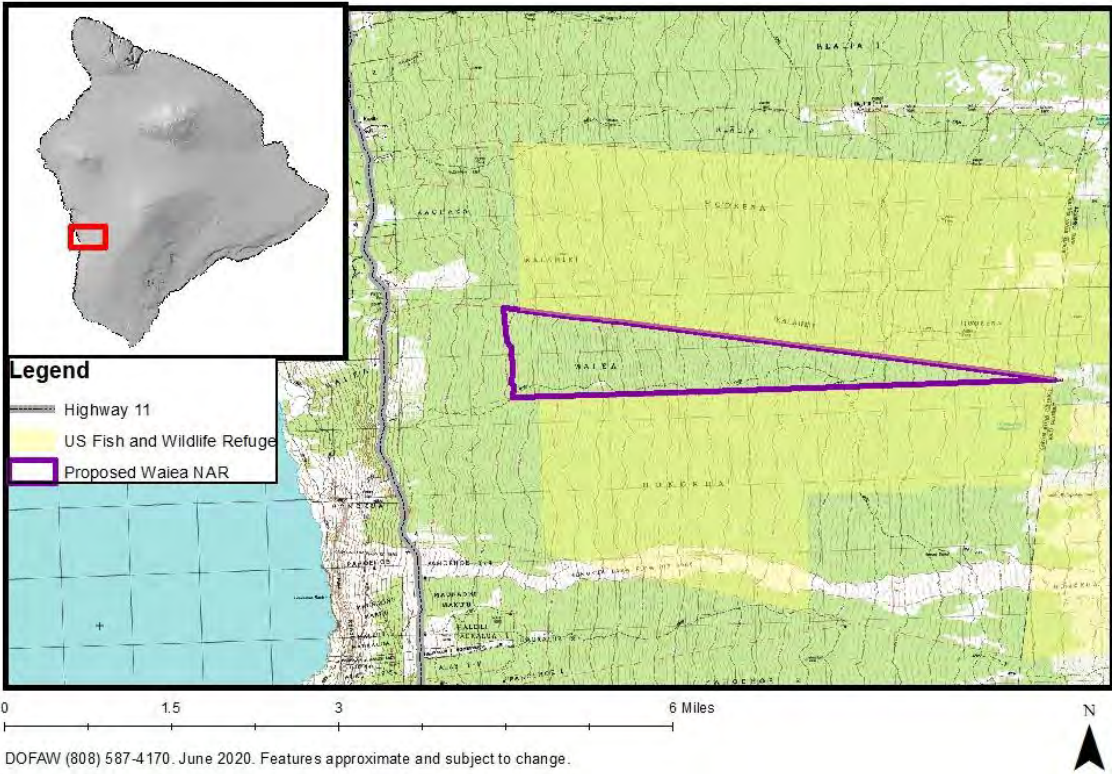


Figure 1: Topographic map of the proposed Waiea Natural Area Reserve.

Proposed Waiea Natural Area Reserve

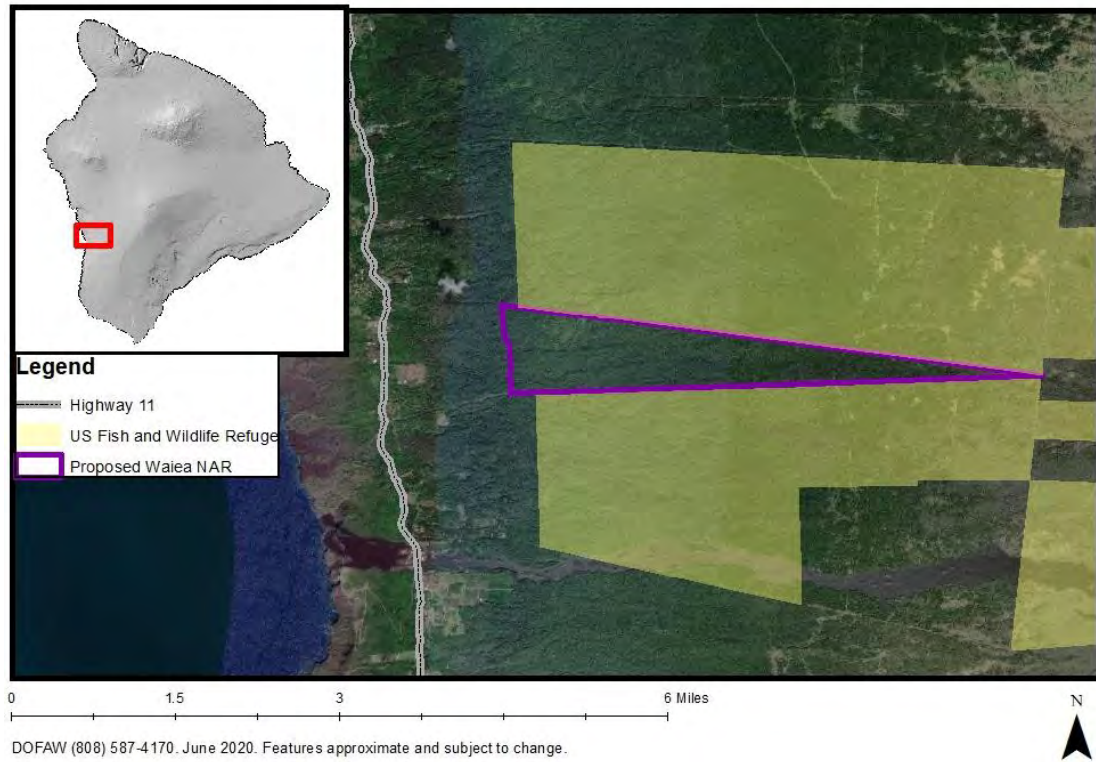


Figure 2. Imagery map of the proposed Waiea Natural Area Reserve.



Figure 3: 'Ōhi 'a and uluhe-dominated vegetation at the proposed Waiea Natural Area Reserve.

III BACKGROUND AND HISTORY

Past Land Use, Previous Studies, and Conservation History

This area was leased to McCandless Ranch, which previously owned many of the adjacent parcels. Until the mid-1990s, the area was managed for conservation of 'alalā, as it contained one of the last wild populations of this species. In the mid-1990s, the US Fish and Wildlife Service purchased a 5,300-acre portion of McCandless Ranch immediately north of the proposed Reserve to establish a National Wildlife Refuge, part of the Big Island complex. Recently, US Fish and Wildlife has purchased additional adjacent areas to create a complex of conservation areas that will complement the Natural Area Reserve.

The South Kona Refuge has conducted various forest bird surveys revealing the presence of all endangered Hawai'i island forest birds (except the 'alalā).

A fence runs along the northern boundary of Waiea, constructed by the South Kona Refuge.

Present Land Use and Access

Waiea is unencumbered land in the Agricultural District. No public access is available, however, management access may be gained through the adjacent Refuge to reach various 4WD roads in the parcel, which may have been used for logging or to open up areas in the forest for cattle.

Cultural/Recreational Uses

While Natural Area Reserves are generally open to the public, Waiea is landlocked so no public access is anticipated.

DLNR conducted a cultural study for the Kīpahoe Natural Area Reserve and adjacent lands, which lie at approximately the same elevational gradient around 10 miles south of Waiea. While pre-contact use of these lands were believed to be concentrated near the coastlines, the uplands may have been used for harvest of koa logs and birds for feathers.ⁱ

IV JUSTIFICATION (Specifics)

Scientific Value

Waiea is part of a larger contiguous tract of ‘ōhi‘a-dominated forest containing rare forest bird habitat and endangered plant habitat. It is also essential watershed in the central Kona region. The forest in this region has an extraordinarily closed canopy, estimated at 50-75% canopy, far above the normal range for native Hawaiian forests. There also is montane mesic forest with mature stands of ‘iliahi.

Representativeness

Waiea would provide an example of wet and mesic ‘ōhi‘a dominated forest in a geological substrate unique to the Natural Area Reserves System on the western flank of Mauna Loa.

Natural Communities and their Status

Portions of the proposed Reserve have been invaded by *Psidium cattleianum* (Strawberry Guava), *Clidemia hirta* (Koster’s Curse), *Shinus terebithifolius* (Christmasberry). Feral cattle and other ungulates have grazed on much of the understory, particularly in the upper sections, which has an intact canopy but has a ground cover dominated by *Microlaena stipoides* (Meadow rice grass). Despite these major threats, as well as the threats posed by less established alien species, a relatively intact native ecosystem remains.

This parcel contains Priority 1 watershed forests, and services the water supplies of South



Figure 4: Feral cattle in the proposed Waiea Natural Area Reserve.

Rarity

Waiea is biologically important because of its closed canopy ‘ōhi‘a forests and it is expected that the full range of endangered forest birds (except ‘alalā) exist, based on surveys of the adjacent refuge. Additional surveys may yield rare plants.

Biological/Ecological Design

Designating Waiea as a NAR would create a contiguous band of conservation land, which is largely surrounded by a US Fish and Wildlife Refuge.

Location and Size

This parcel is approximately 1,260-acre area of sloping terrain from 1,600 ft to 6,000 ft in elevation. It is situated in the South Kona region, and will be surrounded on two sides by federal refuge lands.

Threats (Human/Biological)

High priority threats to Waiea ecosystems are invasive plant species, feral ungulates, particularly feral cattle, and forest conversion. Additionally, rats, cats, mongoose, and mosquito-spread avian malaria are threatening forest birds.

Present Level of Protection

This area is within the Agricultural District, which allows intensive land use. In 2020 it was included in legislation to be transferred to the Department of Agriculture to be used for cattle ranching, however that bill did not pass. It also is outside any watershed partnership. If designated a NAR, the area would become part of the watershed partnership and be designated for perpetuity for conservation of the native ecosystems. The proposed NAR would benefit from landscape-scale conservation planning, management and a permanent status prohibiting uses inconsistent with conservation of native ecosystems.

Long-term Ecological Viability/Environmental Consequences of No Action/Urgency

Designating this important section of the South Kona native forest a NAR would enhance the ability of the System to participate and contribute to conservation and restoration actions across the entire region.

As this area is under threat from forest conversion and currently has robust populations of feral pigs, sheep, and cattle, it is projected that no management action would soon lead to imminent loss of this forest.

V. MANAGEMENT NEEDS

Threats Requiring Management

Management priorities include, fencing to remove feral ungulates, which trample and devour vegetation and spread the seeds of invasive weeds. Removal of invasive plant species is also a very high priority management action. Removing or reducing the amounts of predatory mammals will aid forest bird populations. Outplanting could enhance populations of rare species that inhabit this ecological zone. Infrastructure to support management may also be required, including helicopter landing zones, monitoring equipment and small remote field camps.

VI. PUBLIC SUPPORT

*Agencies, Organizations, and Individuals Contacted**

*Interested parties will be notified and a formal public hearing and comment period will occur for this nomination pursuant to Hawai'i Revised Statutes § 195-4.

ⁱ Kumu Pono Associates, 2002. Kīpāhoehoe Ma Kapalilua – Kona Hema, Hawai‘i: A Cultural Study of Kīpāhoehoe and Neighboring Lands in Kapalilua, South Kona, Island of Hawai‘i.

<https://dlnr.hawaii.gov/ecosystems/files/2013/07/Kipahoe-Cultural-Study.pdf>

ⁱⁱ Department of Land and Natural Resources. 2011. The Rain Follows the Forest – A Plan to Replenish Hawaii’s Source of Water.

Attachment 2

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809



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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

November 30, 2020

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

Land Board Members:

SUBJECT: MASTER'S REPORT ON PUBLIC HEARING

In accordance with the Notice of Public Hearing published in the newspaper of Honolulu Star Advertiser and West Hawaii Today on November 4, 2020, meeting the legal requirement of publication at least twenty days in advance of the public hearing. A notice of the public hearing was also sent to various agencies and organizations identified as having an interest in the subject area. As authorized by the Board of Land and Natural Resources, I have conducted a public hearing relative to the set aside of approximately 1,260 acres as the Waiea Natural Area Reserve, TMK (3) 8-6-001-003, South Kona, Hawai'i. The hearing was held virtually via Zoom on November 30, 2020 at 6:00 pm.

A presentation on the proposed Natural Area Reserve was provided by Joshua Pang-Ching, Natural Area Reserves Specialist. After the presentation, the floor was opened to public testimony in the order provided in the sign-up sheet.

PUBLIC TESTIMONY

Cory Harden: Cory harden speaking on behalf of myself in support of the Waiea reserve. If the Waiea forest is not protected, it'll probably be severely impacted in the near future by feral pigs, sheep and cattle. That would be a great loss because the forest recharges the south Kona aquifer. This is vital with sea level rise, increasing the risk of saltwater intrusion into aquifer. In addition, Kona well pumps keep breaking down, possibly because they have to pump water up from pretty far down, we don't want to exacerbate that. The Waiea forest prevents erosion that could send sediment into the ocean, which would damage corals. Waiea provides habitat for endangered 'I'iwi, 'Ākepa, 'Akiapōlā'au, and 'alawi' birds and for rare insects and plants. It's a valuable forest because it has a much higher percentage of close canopy than most Hawaiian forests and that may also make it a good release site for alala providing hiding places from the 'Io. A protected Waiea could become part of a large contiguous protected forest with the neighboring federal refuges and national parks.

Protecting Waiea would also protect cultural practices associated with the area and with its plants

and animals. With NARS status, Waiea could become part of a watershed partnership and public access might be allowed. Thank you for holding this hearing.

Clarence A Medeiros Jr: Aloha, I am Clarence Medeiros Jr. I live in boundary of Waiea, two hours north and I am nearly seventy years old. This land is very healthy, this land is thriving. It is nice, and the animals is healthy, I see the birds are healthy, everything is healthy. When humans get involved, that's when everything starts going downhill. Just like the Alala. You know, I support the project, but sometimes the human is the problem. Most of my life, I have been hunting, cutting ohia for stuff. We are part of ecosystem, the native tenants. And also, Waiea has a trail called Kuanene trail at top of parcel around the 4500 elevation that goes through these parcels so we need to address that also and the native tenants. That's my testimony. But I support watershed, and the perpetuity forever, we need water, but like I said the animals and plants are healthy. Sometimes the humans is the problem. Thank you. *Nick Agarastos asks to repeat the trail name.* It is in the report, the fish and wildlife final report for the fencing. If you read that, the book they did in 2007, it's in there. It crosses over the Kalahiki and Waiea Honokua.

Diane Ware: This is Diane. Can you hear me? Ok, I am going to read something here, turn off my video and read from something else, comments for the Sierra Club Hawaii Island Group. We thank you for this opportunity to testify. We are in strong support of including Waiea into the NARS system. We have worked years with various groups in DOFAW, you can ask Jackson Bauer about that. We have worked with him a lot on Mauna Kea to protect forests for the Palila. The Hawaii Island Mokulua group represents 800 members on this island and we are in strong support of adding this track, Waiea in south Kona to the NAR system. The system seeks to restore and protect native Hawaiian forest ecosystems, the whole ecosystems, which is so important, to not have fragmented sections or areas that are inundated with alien and invasive species that undermines the ecosystem. This benefits diminishing and decreasingly endangered forest birds, including now the iconic 'I'iwi, which has been decreasing in numbers and added to endangered species list. Protection of the plant and endemic bird species also perpetuates the culture, as Nainoa Thompson has stated some years ago, each time we lose another Hawaiian plant or bird or forest we lose a living part of are ancient culture. And that is exactly what happened with the Alala there, although there are some left, they again are not surviving in our diminished forests, so they are back in captivity. The forests also protect valuable watershed as already mentioned, capturing water in the form of mist, fog and rain, absorbing it and releasing it to streams and underground aquifers, which reduces erosion and flooding of our more developed coastal lands and near shore reefs. As you see, just recently, there have been several areas with brown water warnings along our coasts, right now, reeds bay and two spots on the west side. Also, with the attacks on ROD and global warming effects and wildfires, it is very important to increase our protected forest. Two years ago, thousands of acres in the Hawaii Volcanoes National Park were burned by wildfire and we lost a lot of protected forests there. Thank you very much for considering Waiea for inclusion into NARS. We will be sending a written comment to Emma shortly, thank you.

Nick Koch: I'd like to testify, thank you for your time, aloha and good evening. I have been a forester in Hawaii for the last twenty years. I lead a company or land management in Hawaii, and last year alone we planted about 140,000 native trees and shrubs, so needless to say we are in the green economy, and this project is a part of that. I would like to testify in favor of this action, I think it is sorely needed in south Kona. I worked in this area for those twenty years that I've been in Hawaii. These forests are unique, there is not a lot of south Kona in the world, there is not even a lot of South Kona in Hawaii, and it is deteriorated quickly. The soils there are thin, the forests are relatively fragile compared to other forests where there is thicker soils and a more resilient

environment. Added to that is the effect of ROD and its combination of feral ungulates which over time really deteriorates forests. So, this move, if it results in protecting it, together with the Fish and Wildlife parcels, really puts a solid block in south Kona of contiguous forest that is in one land use designation. One thing I've noticed of the south Kona forests is the 'I'iwi, are quite common there. I'm an amateur when it comes to birds, is the best way to put it, but there is enough of them there, that even a person like me notices how many of them there are. And I don't see them in other parts of the island, as many. And of course, this is very much coming from an amateur, from my own observation. But it is a special place in that regard alone. For that reason, it deserves to get additional protection. So when you combine the fact that it is relatively fragile, when there is a ROD threat there that is real and palpable, it makes sense, that this project and parcel to be managed in a liked sense, and really why from a pragmatic point of view, from a forester point of view, from a land manager point of view, and even from a business point of view, it makes a lot of sense to preserve this area. Thank you that is my testimony this evening.

After the testimonies were complete, there were several questions from audience members.

Audience member – Nolan Chock: Does the state has any other NAR in the region?

NARS Specialist, Joshua Pang-Ching: There is Kipahoe and Manuka to the south.

Nolan Chock: If this area gets that NAR status, will that be included with those other two areas, would the protection be the same or similar?

NARS Specialist, Joshua Pang-Ching: Each property presents its own issues that need to be addressed, management wise. For the most part it would fall under general NAR guidelines and restrictions.

Nolan Chock: Does federal government (Fish and Wildlife) have plans to protect their area there?

NARS Specialist, Joshua Pang-Ching: In general, management is underway.

Nolan Chock: Has there been any discussion about joint management with them?

NARS Specialist, Joshua Pang-Ching: Any management action at this point is very preliminary.

Nolan Chock: Is that Waiea area fenced?

NARS Specialist, Joshua Pang-Ching: It is not fenced.

Audience member –Lincoln Medeiros: When this thing goes forward, I'm all for this, what kind of job opportunities are you giving forth to this project? Is the state going to put the fence, can it be private companies that can bid on the job?

NARS Specialist, Joshua Pang-Ching: We don't quite know yet.

Lincoln Medeiros: I come from there, I am a fourth generation. From Waiea, that is my backyard, that is my icebox, that is how I provide food for my family. It is something that we need but at the same time, I would like to see what kind of opportunities are out there for myself if this is happening. Like the animals and stuff, going up there all my life, yes there are a lot of animals that are taking over the forest, at the same time, it is not overpopulated that it is destroying the forest. And like ROD there is dead growth but there is also new growth.

I see the changes good and bad, I would like to know more about all of this as it goes on.

At this point Emma Yuen asks that Lincoln please contact her at her email address, and she will inform him when the management plans are more concrete.

The meeting was adjourned at 6:42pm after providing the public a description of how to send in additional testimony and the process for decision making on the set aside.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nicholas Agorastos', with a stylized flourish at the end.

Nicholas Agorastos,
Natural Area Reserves System Hawaii Manager

Attachment 3

Aloha,

My name is Deborah J Ward, and I am chair of the Hawaii Island Group of Sierra Club. I am testifying on my own behalf, as our Group testimony is being provided by Diane Ware. I am strongly in support of the addition of 12,600 acres of TMK (3) 8-6-001:003 into the Natural Area Reserves System. This land contains highly valuable and a rare assemblage of native flora and fauna, and while it may be impacted negatively by the presence of cattle through grazing, it still contains one of the best forests in the state. My main concern is the restricted access issue that has impacted the care and protection of this area for far too many years. I hope that you will redouble efforts to resolve the access so that it is no longer contentious. I was fortunate to work with staff of the Smithsonian museum to curate the bones of extinct birds in caves in this region, and I believe there are far more areas of value to be explored. Thank you for taking the initiative to protect this area.

Sincerely, Deborah Ward cordylincolor@gmail.com 808-769-2403

Dear Ms. Yuen -

I would like to add my full support for the addition of the Waiea parcel to the Hawaii Natural Area Reserve system. Protecting this area of forest will benefit the long-term survival of both native plants and native birds. It will also protect the watershed for this area. Keeping this area in native forest will avoid an increase in harmful runoff into the ocean. As someone who dives and snorkels on the reef at Ho'okena, protection of the coral reef from siltation and nutrient overload caused by terrestrial runoff is an issue of personal importance.

Thank you for your efforts to protect the aina.

Sincerely,
Doug Perrine

Aloha,

I'm writing to you to offer support in the designation of the parcel of land in South Kona to be protected as a Natural Area Reserve. I think it is important to preserve wild lands for our future generations to access, study, and enjoy. I hope this parcel and many more will gain such designations.

Jake Boggs

Aloha,

I am writing in response to the proposed designaon of some 1,200 plus acres in South Kona to be added to the Hawai'i Natural Area Reserve System.

I support the proposal. I would like to see this special area preserved and would support opening the area to hiking and foot traffic, however, I would suggest making the area accessible by appointment and permit only and that any hiking or nature study explorers on applicants be educated about the area and it's fauna and it's flora and that anyone entering the area must thoroughly clean their footwear and clothing, ensuring they are free of invasive seeds, etc. If there are trails, that the hikers remain on the trails so as to not disturb the landscape and that the trails be regularly maintained and kept free of any lower land grasses and weeds (which is usually the case on other trails), and that hiking occurs only during certain months of the year and probably during Kona's dry season.

Thank you for this opportunity to comment and as importantly, the proposal to include the area into the Hawai'i Natural Area Reserve System.

Sincerely,

James Long
Naalehu, HI

I support DNLR's proposal to make this South Kona acreage a Natural Area Reserve. We have little land and our Aina and weather are dramatically effected by deforestation. It is a pristine area that is home to flora and fauna unique to our island. I have distant Polynesian connection. It is important to maintain such areas for keiki and future genera ons as well as native birds.

Mahalo, Dr. Katherine Buckovetz
808 464-5738

Aloha

I am unable to join the Zoom hearing 11/30 6p, have never been to that parcel, but feel that Hi county should acquire & protect such areas whenever possible, both for protection of native and/or endangered plants & animals, & for the enjoyment of hikers - if this parcel is acquired & eventually made accessible I would likely take advantage of the opportunity for a day-hike

Please keep me posted on progress

Aloha

Lee Lorenz

Aloha,

I would like to submit testimony strongly in support of the proposed addition of Waiea to the Natural Area Reserve System on Hawai'i Island.

As pointed out in the proposal, this is a unique ecosystem including amazing botanical resources and habitat for rare birds, an important watershed area, and currently bounded by conservation lands so it's designation would create an even larger contiguous protected area in South Kona. Additionally, there is currently no public access or hunting on that parcel, so no access would be lost. This is a win on all fronts and a slam dunk for conservation on Hawai'i Island.

South Kona is such a unique place in terms of vegetation assemblages, but unfortunately one that has been absolutely decimated by feral cattle. Much of this is owed to the geography of land divisions and the patchwork of ownership throughout the district, which make management difficult. That being said, the State owned parcels in this area have languished with little/no management for decades, or been part of the unexplainable strategy of leasing some of the most precious (and previously intact) natural areas for cattle ranching. How many more *Cyanea marksii* (or other similarly threatened things) need to be eaten or trampled by feral cattle?! The State has sat back and watched this area get destroyed for too long. It's me to make it a NAR and have it's stewardship under a group with a clear mandate to manage for conservation, and an actual desire to implement that mandate. NARS has been and continues to be the gold standard for the management of State lands in conversation, and Waiea, it's resources, and the people of Hawai'i Island deserve that level of stewardship for this special place.

Mahalo,
Mark Wasser
Hilo, HI

Ms. Emma Yuen
Division of Forestry and Wildlife
Department of Land and Natural Resources
1151 Punchbowl St., Rm. 325
Honolulu, HI 96813

Re: Waiea NAR

Aloha e Ms. Yuen,

This letter expresses my support for the proposed Waiea Natural Area Reserve in S. Kona, Hawai'i. As a resident for over 20 years and as an environmental scientist, it is abundantly clear that vast tracts of ecosystem habitats are critical for its resilience and survival.

I have had the unique opportunity to experience the region's mauka ecosystem at the largess of the Youngers. As you know, they have been working hard to help protect the region's rare birds, especially the 'Alalā.

Importantly, these forested lands are in the mauka rainfall belt and critically serve to harvest dew moisture from the clouds. Both of these environmental services are critical to groundwater resource sustainability.

DLNR needs to be aware and prepare mitigations for the feral goat populations in the immediate area. Absent predators and sufficient herd control from hunting, these voracious herbivores threaten many habitats in S. Kona.

Since I have had the opportunity to experience these mauka forested lands, I can see the habitat in my mind's eye. It was amazing to understand this too is Hawai'i nei and needs our protection. It will be useful for DNLR to have resources such that people can appreciate this ecosystem's uniqueness virtually.

I applaud and fully support this addition to our forest reserves.

Malama pono,

Richard Benne PhD



It is a shame that we live on the Big Island of Hawaii but it is really small..

Due to the fact most land is private.. And whatever land is Federal, State or County controlled.. Is not for use by the people who tax money has purchased it.. How is land protected from its own peoples right to use in anyway they choose to enjoy a crime.. Land should be free range for all visitors and residents. I totally disagree with blocking more land in the name of protecting..from whom children running laughing playing..God forbid yelling screaming or singing from the top of thier lungs..this land is our land not some political or law enforcements monopoly game they are playing..let us use open space for the people..just my point of view..to bad you will not listen.. To the people ur employer..

Stephen E. Graham

Oceanview home owner and resident.

November 30, 2020

To: Ms. Emma Yuen, Native Ecosystems Program Manager

From: Patrick Conant, Former Member, NARSC
Sheila Conant, Ph. D., Former Member, NARSC

Subject: Comments on Proposal for Waiea Tract to Become a NAR

We strongly support the effort to add the Waiea Tract to the NAR System, as described in the memo dated Oct 23, 2020 to the Board of Land and Natural Resources. The native forest on the parcel is considered mesic forest, a classification of plant communities based on rainfall. Mesic native forests throughout the State are in peril, and in South Kona in particular. We should do all we can to protect the native species that make up the mesic native forests because we could lose most of them to weeds, land development (especially in S. Kona) and feral ungulates.

Regarding the latter threat, since there is no public access to the parcel, there is no legal public hunting possible, but ungulates can be removed and fenced out. Since the USFWS South Kona Refuge almost surrounds the parcel, fencing costs should be relatively low. Surely some cooperative solution is possible that will protect both parcels from ungulates.

The list of rare native birds and plants in the general area is impressive, and once fencing is secure, nursery propagated rare plants could be outplanted to build up populations. Iliahi (sandalwood) still occurs in the area and could also be restored via outplanting in open areas. Christmasberry is listed in the Proposal as one of the weed threats, and coincidentally the Hawaii Department of Agriculture is studying an insect that has already been released to control the weed in Florida. It has the potential to reduce seed production and spread of the weed in mesic forests such as Waiea, helping the forest to restore itself naturally. Any new action that conserves the watershed that parcel is a part of, is a bonus for sustainable water for the entire South Kona district.

I strongly support the proposal for the Natural Area Reserve for South Kona to protect 1,260 acres at Waiea. It is critical to protect our remaining forest lands from development. Hawaii has a very fragile ecosystem and much of our forest land has been lost forever. I also support the plan to have the area open for hiking and nature study.

Thank You,

William Harlan

Teacher-Kealakehe Intermediate

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DATE: December 2, 2020
TO: Emma Yuen, DFW
FROM: Clarence A. Medeiros, Jr.
SUBJECT: Waiea nomination for Natural Area Preserve designation

Aloha Emma,

Mahalo for the opportunity to attend and provide testimony for the Waiea nomination for NAR designation. After reading the proposal and viewing the presentation, I would like to provide additional comments and testimony.

I support the nomination of Waiea to be designated as a Natural Area Reserve based on its objective to improve the watershed and reduce erosion in the South Kona area. However, there are areas of concern that I would like to address:

Ownership of Waiea

In 1991, I was a defendant in a civil action, Civil No. 91-146K, Elizabeth Marks Stack, McCandless Land & Cattle Co., et al., Plaintiffs vs. Albert Medeiros, et al, Defendants, involving Grant 1586 in Waiea. In a nutshell, McCandless Ranch's action to eject my uncle Albert from a parcel of land he purchased in Waiea was dismissed without prejudice by the Court, supported by the 1997 Findings of Facts and Conclusion of Law:

- The naming, service of process and joinder of all the defendants is necessary.
- Rule 19 of the HRS of Civil Procedure, the Court must join necessary parties to the action if feasible.
- Any judgement rendered absent of the parties could be prejudicial to them.
- The Court had no measures to protect the unnamed parties.
- Allowing the matter to proceed but limiting the determination of land boundaries to only the named parties, there would be no binding effect on any unnamed defendant and any subsequent challenge by unnamed parties would cause the entire matter to be renewed.

So the McCandless ejectment action was dismissed without prejudice because absent defendants were indispensable. In other words, McCandless Ranch is not the only landowner of Waiea and the ownership status of Waiea is undivided interest. I was conveyed a significant amount of land in Grant 1586 so I need to be included in any access agreement.

Native Tenant Rights

Although no public access is anticipated, it should not preclude giving access to Native Tenants.

The rights of Native Tenants are created and preserved in Article XII, §7 of the Constitution of the State of Hawaii and by HRS §7-1. The rights of Native Tenants are also preserved in HRS §1-1 that states the “State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua‘a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778.

My native tenant rights originate from Keaweheulu, one of the four great chiefs of Kona during the early 1700s. His estates were the lands of Kapalilua that encompasses the lands from Ka‘awaloa to Ho‘opuloa, which includes the ahupua‘a of Waiea. Keaweheulu was my great-great-great-great-great-grandfather who validates my native tenant rights and my descendancy from a native Hawaiian who resided and possessed the ahupua‘a of Waiea prior to 1778.

My family and I would like to continue to exercise our native tenant rights in and to Waiea:

- Generations of my family continue to exercise our family custom and practice to go to the uplands of Waiea and the adjoining ahupua‘a to get logs to make canoes, tiki, hālau and poi boards. Waiea was known for its nice, straight ‘ohi‘a trees perfect to make bars to construct wood fences.
- Generations of my family continue to exercise our family custom and practice to go to the uplands of Waiea and the adjoining ahupua‘a to gather foliage and flowers for Hawaiian celebrations, religious ceremonies, hula performances and for medicinal purposes.
- Generations of my family continue to exercise our family custom and practice to go to the uplands of Waiea and the adjoining ahupua‘a to hunt wild animals such as cattle, pigs, goats, sheep, and turkey and to gather ho‘i‘o, kukui, kakumu, bamboo shoots, etc. for subsistence.

Management

One of the comments made at the hearing was the prevention of fires. In times of drought, dry grass is literally fuel for fire. Feral ungulates feed on the grass and provide natural management of the grass that when dry can become potential fuel for fire during drought periods. As a farmer and rancher, I see the harm that feral ungulates can cause to the environment. But if managed properly, feral ungulates can provide some benefits as far fire management and a food and income source.

One of the ways to fight a fire is to bring in a dozer to cut fire breaks. But in the 1980s, it was the dozer that brought tiny seeds of invasive plants, namely Koster’s Curse, to South Kona. When the dozers were brought in to clear boundary lines and cut roads for surveys, that’s when Koster’s Curse found a place to thrive in South Kona. I can

remember walking the uplands of Honokua and Waiea before the invasion of Koster's Curse. Not effectively managing the grass in Waiea will increase the chances of a fire during a drought and create a situation for a dozer to potentially bring other invasive plants to Waiea.

Access

A significant known archaeological feature in Waiea is the Kaunene Trail that runs across the mauka forest between the 4500' and 6000' elevations. All lateral and mauka-makai trails within the proposed NAR need to be protected and preserved and accessible to native tenants of the area. Native tenants should be allowed to partner in the protection, restoration, preservation and maintenance of these trails.

Yes, the forest and the living things within it are endangered and must be protected. But the Hawaiian people and their culture are also endangered. If we do not perpetuate and pass our customs and practices on to the next generation, then along with the 'alalā, 'akepa, akiapola'au, 'alawī, and 'i'iwi, we will need to be protected from extinction as well.

My family and I are a part of the life cycle of the Waiea forest. We have co-existed with and have been co-dependant on the forest in the past and we need to continue that co-existence and co-dependancy for the mutual preservation of the 'āina and the kama'aina of Waiea.

In 1995, I was given conditional approval with no expiration date for access through the State's land parcel of Waiea, TMK (3) 8-6-01:03. The proposed NAR designation for Waiea should not affect my conditional access to Waiea. Refer to attached documentation (1994 easement access request and 1995 Waiea conditional access approval).

September 29, 1994

Glenn Toguchi
Dept. of Land & Natural Resources
Division of Land Management
P.O. Box 936
Hilo, Hawaii 96720

Dear Mr. Toguchi,

R.P. 5127

I am writing in reference to the telephone conversation we had with regards to the State's leased land of 1,258 acres in Waiea, South Kona, specifically identified by Permit 5127, G. L. 1781, TMK (3) 8-6-01-3. You told me that the lease will be terminated very shortly, pending easement rights to be settled between the State and the present lessee through Grant 1586, Waiea, South Kona. I own an undivided interest in Grant 1586, Waiea, South Kona and I should be included in any easement agreement with the State involving this property.

The attached copy of a letter to the Dept. of Public Works also asserts to my undivided interest in Waiea. I have been paying real property taxes on Grant 1586 and can provide documentation of such at your request. So I am justified in requesting to be involved in the easement agreement in Waiea that we talked about.

I, as an owner of undivided interest in Waiea, Grant 1586, agree to allow the State an easement through Grant 1586 to access the State's land identified by G. L. 1781. Reciprocally, I request the use of the State's easement through G. L. 1781 to access my undivided interest in the adjoining Ahupua'a of Honokua, LCA 7713:9. I would be willing to maintain the easement after a mutual easement agreement has been attained between the involved parties.

At approximately the 4500' elevation in G. L. 1781, the present lessee has put up a locked gate. If and when an easement agreement is drawn up, this gate needs to be unlocked or I would need to have a key to access the easement.

Please refer to the enclosed map to follow what I am about to explain. G. L. 1781 is located in the middle of Waiea. Its north boundary is next to Kalahiki and its boundary to the south is next to Honokua. On the southern boundary of G. L. 1781 which is shared by Honokua, there is a bulldozed road that runs from the 6000' elevation down to about the 5500' elevation, which physically marks the boundary between Waiea and Honokua. From that point down to the 2000' level, there is no fence or visible sign to accurately position the Waiea/Honokua boundary. So the existing 4WD road that runs through G. L. 1781 crosses over into Honokua in certain places.

I hope that the Information I have provideEFf ou is sufficient for your office to proceed with your easement agreement. Thank you for your kind attention and I hope my request meets with your favorable approval.

Sincerely,

Clarence A. Medeiros, Jr
86-3672 Gov't. Main Road
Capt. Cook, Hdwali96704
328-1074

CAM:njm

B 15 1995

Dr.

February 7, 1995

MEMORANDUM:

TO: Glenn Y. Taguchi, Hawaii Land Agent

FROM: **Howard Horiuchi, Acting DOFAW District Manager**4f

SUBJECT: State Land Disposition, TMK: 3-8-6-01:03
Waiea, South Kona, Hawaii
Applicant: Clarence A. Medeiros, Jr.

The DOFAW district staff recommends that Mr. Medeiros should be given a none exclusive access through the State's land parcel of Waiea to access his interests in Honokua. In reciprocation, the State should be given access from the highway to the State's land parcel of Waiea. Whenever this land parcel becomes available, it should be considered for a Forest Bird Sanctuary because the area is being utilized by the last remaining Alala population on the Big Island.

Attachment

cc: Jon Giffin
Ronald Bachman

Handwritten signature and initials in the bottom right corner.

FROM: Land Management.

RECEIVED

Date Received: 1-1-1991

Suspense Date: Two weeks from
Date receivedGlenn Y. Taguchi
District Land Agent, J4 H., 3...**FORSWf1:1.k:fNB: DISPOSITION**Location Waiea, South Kena, Jti'IP1 STRICT

rea: to be determined Sq

Tax Map • Key: Jrd/8-6-01:03

or ----- Acr

Survey Division Map: -----

EASEM

--- Sale --- Lease --- Permit --- E.O. --- X: O

Present Encumbrance: RPS-5127 to Elizabeth Marks Stack, Les MarProspective Applicant: Clarence A. Medeiros, Jr. Cynthia MarIntended Use: Access alley, dba

LUC Zoning: ----- McCandless

County Zoning: -----

County General Plan: -----

*See Attachments

Other Govt. Agency Referral:

• COUNTY - Public Works

DLNR Referrals:

Aquatic Resources

Planning Dept.-X- OOCARE
Forestry & WildlifeSTATE - OSP

State Parks

DHHL

X Water and Land

OHA

Fiscal

Dept. of Agri.

X Historic Sites

FEDERAL - U.S. Fish and Wildlife

X OCEA Steve Lau

USO of Agr - SCS

X Land Agent... Eric Leong

'McCandless Land and Cattle Co.

X Ag. Specialist

Special Conditions (if any,):

-!- Na Ala Hele

Requested

Land Agent

ENDORSEMENT:--- Approved as submitted

--- Not Applicable

K Disapproved or Conditional
Approval**

Extra Review Period

--- Requested*

1-10-W
review

VISION

Division

Date

'Attach Map-

., • Attach Explanation

- COPY -

DBPU-01 D M Dtm L RBSODRCB8
Division of Forestry and Wildlife
Hawaii District

MfflQRANDQM

February 3, 1995

TO: Ronald Bachman, District Wildlife Biologist (3)

FROM: Jon Giffin, Wildlife Biologist

SUBJECT: comments on easement Request - Land of Waiea, south Kona, HI.

The following points should be considered prior to changing land use or granting easements over the land of waiea:

1. A Right-of Entry Permit was issued to the U.S. Fish and Wildlife Service on March 1, 1993 for the purpose of constructing, operating, maintaining, and repairing an alala (Hawaiian crow) hacking facility on the land of Waiea. This permit expires on February 28, 1998.

2. The U.S. Fish and Wildlife Service (USFWS) is in the process of purchasing privately owned lands adjacent to Waiea tract (Kalahiki and Hookena sections) for the purpose of creating a Kona Forest Bird Refuge.

3. A proposal has been made by the Big Island Board member to place the land of waiea in the State Forest Reserve System.

comment 1: The waiea tract should not be placed in the State Forest Reserve System. If designation would be an inappropriate

USFWS and the State of Hawaii should conflict with the acquisition of adjacent private lands. Waiea should remain undeveloped until such time as the federal acquisition of adjacent private lands is completed. Waiea should

then be included in the Kona Forest Bird Refuge system (through cooperative agreements) and be jointly managed by the USFWS and the Division of Forestry and Wildlife. If the USFWS fails to develop a refuge, then waiea should be dedicated as an alala release site.

comment 2: Legal access to Waiea is needed. The best possible route would be along the southern boundary of the tract. If M. Medeiros can provide access to the state parcel, we should grant him access over Waiea so he can

easements should not be wanted enter his lands at Honokua. by the Division of Land

Management, however, until all parties holding undivided interests in Waiea and Honokua have agreed to provide the state with access to the state parcel at Waiea.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawai'i 96850



In Reply Refer To:
01EPIF00-2021-TA-0074

December 2, 2020

Ms. Emma Yuen
1151 Punchbowl St., Room 325
Honolulu, Hawai'i 96813

Subject: Letter of Support of Waiea Natural Area Reserve Designation

Dear Ms. Yuen:

The purpose of this letter is to support the addition of the proposed Waiea Natural Area Reserve (NAR) on the island of Hawai'i to the State of Hawai'i Natural Area Reserve System (NARS). The addition of this unit to the NARS will protect habitat for federally threatened and endangered forest birds and complement contiguous conservation areas adjacent to the site including Hakalau Forest National Wildlife Refuge Kona Unit.

The proposed Waiea NAR includes 1,260 acres of lowland mesic forest, closed canopy wet forest, and montane mesic forest habitats dominated by 'ōhi'a located on the western flank of Mauna Loa. There is no public access to the parcel. This area is an integral part of the watershed that supplies fresh water to the residents of South Kona.

Intensive surveys for rare species have not been conducted in the area, but the proposed NAR likely supports several threatened or endangered species. Hawaiian hoary bats (ōpe'ape'a, *Lasiurus cinereus semotus*) most certainly use the area and Hawaiian geese (nēnē, *Branta sandvicensis*) may also be present. Adjacent lands are occupied by endangered forest birds including akiapola'au (*Hemignathus wilsoni*), 'akepa (*Loxops ochraceus*), 'alawī (*Oreomystis mana*), and 'i'iwi (*Drepanis coccinea*), as well as endangered plants such as hāhā (*Cyanea hamatiflora*, *Cyanea marksii*, and *Cyanea stictophylla*).

The Service supports the designation of the Waiea NAR and requests the NARS Commission approve the designation for the benefit of the people of Hawai'i, the protection of threatened and endangered species, and the conservation of native ecosystems.

INTERIOR REGION 9
COLUMBIA-PACIFIC NORTHWEST

IDAHO, MONTANA*, OREGON*, WASHINGTON
*PARTIAL

INTERIOR REGION 12
PACIFIC ISLANDS

AMERICAN SAMOA, GUAM, HAWAII, I,
NORTHERN MARIANA ISLANDS

If you have any questions, please contact me at melissa_cady@fws.gov or by telephone at 808-933-6963.

Sincerely,

Acting Maui Nui and Hawai'i Island Team
Manager
Pacific Islands Fish and Wildlife Office