

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

March 25, 2021

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

Land Board Members:

SUBJECT: AUTHORIZE THE DIVISION OF FORESTRY AND WILDLIFE TO CONDUCT A PUBLIC HEARING REGARDING THE PROPOSED ADDITION OF TAX MAP KEYS (3) 2-4-008:004 & 017 COMPRISING APPROXIMATELY 216.837 ACRES, TO UPPER WAIĀKEA FOREST RESERVE, WAIĀKEA, SOUTH HILO, HAWAII.

SUMMARY:

This Board submittal requests approval to conduct a public hearing for the proposed addition of land to Upper Waiākea Forest Reserve (FR).

LEGAL REFERENCE:

Section 183-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Waiākea, South Hilo, Hawaii identified by Tax Map Key (TMK) (3) 2-4-008:004 and 017 as shown on attached map labeled as **Exhibit 1**.

AREA:

(3) 2-4-008:004	205.337 acres
(3) 2-4-008:017	11.50 acres
Total:	216.837 acres

ZONING:

State Land Use District:	Conservation / Protected
County of Hawaii CZO:	Conservation District

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL entitlement lands pursuant to the Hawaii State Constitution:

(3) 2-4-008:004: YES _____ NO X
(3) 2-4-008:017: YES _____ NO X

CURRENT USE STATUS:

(3) 2-4-008:004: Unencumbered but contains the Pu'u O'o Saddle House Cabin and is regularly used by forest management staff and the public.

(3) 2-4-008:017: Vacant and unencumbered

BACKGROUND AND DISCUSSION:

From March 15, 1923 to December 31, 1939, TMKs (3) 2-4-008:004 and (3) 2-4-008:017 were encumbered by a lease (GL 1467), issued to W.H. Shipman. Upon expiry, the lease was extended for one year until December 31, 1940. From January 1, 1941, another 21-year term pasture lease (GL 2786) was issued to W.H. Shipman. This lease covered a much larger area, but still included the aforementioned parcels. When lease GL 2786 expired, it was extended for one year but no other leases were issued to Shipman for the area. Subsequent leases were issued to other entities for the adjacent pasture lands. However, parcels 004 and 017 were not included in any of those land use agreements and they remained unencumbered to present-day.

The Pu'u Ō'ō Saddle Road House is located on parcel (3) 2-4-008:004. Shipman stopped using the facility when the ranch lost the lease to the adjacent pasture. DOFAW assumed management of the cabin and the surrounding area in the early 1990s when it was mistakenly concluded that that this area was part of the Upper Waiākea Forest Reserve. Further research into the jurisdiction of these parcels revealed that the area was excluded from the Governor's Proclamation dated January 3, 1923, that set the current boundary of the forest reserve.

The addition of TMK's (3) 2-4-008:004 and (3) 2-4-008:017 into the Forest Reserve System would ensure continued access and management of the area by the Division. It would also place the area under the protections afforded by the statutes and administrative rules that exist for the Forest Reserve System. Therefore, DOFAW is seeking approval to conduct a public hearing for the proposed addition of TMK (3) 2-4-008:004 and (3) 2-4-008:017, approximately 216.837 acres to the Upper Waiākea FR. The Department of Land and Natural Resources Hawaii District Land Division was contacted and they have no objections to this proposed addition.

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:

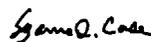
- 1) Pursuant to Section 183-11, HRS, as amended, authorize the Division of Forestry and Wildlife to conduct a public hearing regarding the proposed addition of Tax Map Keys (3) 2-4-008:004 and (3) 2-4-008:017 comprising approximately 239.561 acres. Further, pursuant to 183-12, HRS, authorize the Chairperson to:
 - a. Set the date, location and time of the public hearing; and
 - b. Appoint a hearing master(s) for the public hearing.

Respectfully submitted,



DAVID G. SMITH, Administrator
Division of Forestry and Wildlife

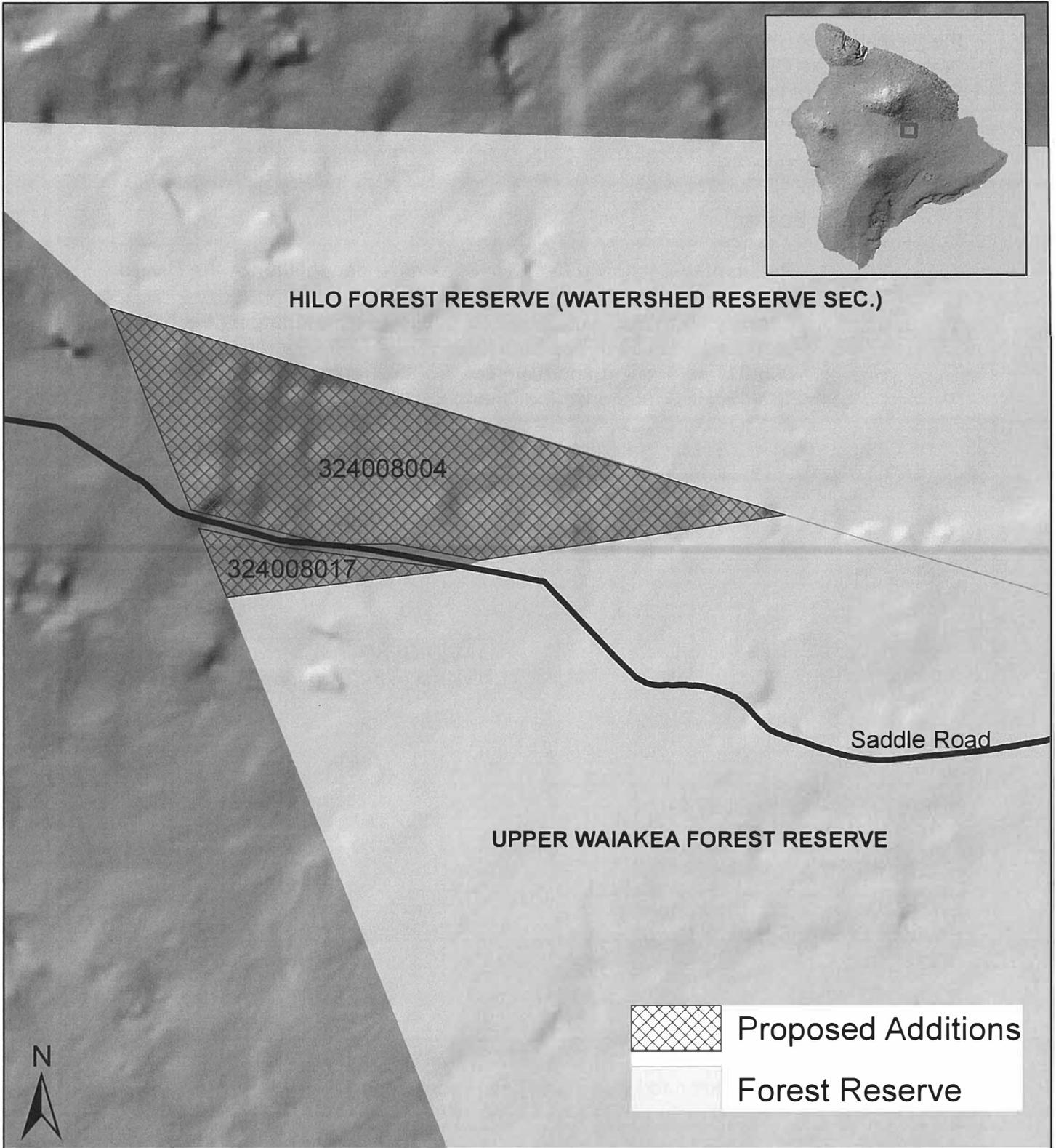
APPROVED FOR SUBMITTAL:



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

Exhibit 1: Proposed Addition to Upper Waiākea Forest Reserve

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State of Hawaii

Department of Land and Natural Resources

Division of Forestry and Wildlife

(808) 587-0166

January 2021

