

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

July 23, 2021

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

PSF No.21HD-022

Hawaii

Issuance of Right-of-Entry-Permit to the Division of Forestry and Wildlife (DOFAW) on Unencumbered State Lands for Lowland Dry Forest Management Purposes; Authorize Memorandum of Understanding (MOU) between the University of Hawaii and DOFAW to Collaboratively Steward and Manage Lands; Request Delegation of Authority to the Chairperson to Negotiate, Finalize and Execute the MOU Subject to Approval as to Form by The Department of the Attorney General, at Palamanui, North Kona, Hawaii, Tax Map Key Numbers: (3) 7-3-010:032, (3) 7-3-010: Portion of 046, and (3) 7-3-010: Portion of 062

APPLICANT

University of Hawaii and State of Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife.

LEGAL REFERENCE

Sections 171-6 and -55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at North Kona, Hawaii, identified by Tax Map Keys: (3) 7-3-010:032, (3) 7-3-010: portion of 046, and (3) 7-3-010: portion of 062, as shown on the attached map labeled as **Exhibit 1**.

AREA:

Combined Parcel Area: Approximately 837 acres, more or less.

Right-of-Entry Area: 706 acres, more or less.

Consisting of:

- 1) TMK 7-3-010:062 (portion of ~414 acre parcel), = ~285 acres
- 2) TMK 7-3-010:046 (portion of ~11 acre parcel), = ~9 acres
- 3) TMK 7-3-010:032 (entire ~412 acre parcel).

Total = 706.

ZONING:

State Land Use District: Agriculture and Urban  
County of Hawaii CZO: A-5a (Agriculture, 5 acre minimum)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Unencumbered.

CHARACTER OF USE:

For lowland dry forest management purposes in collaboration with the University of Hawaii.

TERM OF RIGHT OF ENTRY:

One year, subject to annual renewals with Chairperson approval.

CONSIDERATION:

Gratis

HRS CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on November 10, 2020, the subject action is exempt from the preparation of an environmental assessment pursuant to General Exemption Types 4 and 5. See **Exhibit 2** attached for more information.

DCCA VERIFICATION:

Not applicable. UH and DOFAW are both State agencies or divisions thereof and are not required to register with DCCA.

REMARKS:

The subject lands comprise approximately 706 acres of unencumbered lands adjacent to the University of Hawaii (UH) Hawaii Community College Palamanui Campus. The area contains existing and remnant lowland dry forest, which is a critically endangered

ecosystem with less than 5% of its original extent remaining in the Hawaiian Islands. Among the most diverse ecosystems in the state and home to many rare and endangered plant and animal species, the remaining lowland dry forests in Hawai‘i face threats such as wildfire, grazing, invasive species, and land development.

Over the past several years, faculty, staff, and students of the UH Palamanui Campus have been identifying rare native trees surrounding the campus and working towards protection of the forest resources of the area. In 2018, the Division of Forestry and Wildlife (DOFAW) and UH Palamanui Campus and Office of Sustainability conducted a site visit to discuss options for protecting the area from natural resource threats, primarily feral goats and wildfire, and the ultimate restoration of this tropical dryland forest. During this meeting and in following discussions with Land Division, the parties identified the need for collaborative management of the forest, as well as recognized the opportunity to build and support knowledge transfer between the Department of Land and Natural Resources (Department), UH faculty and students, and the surrounding community.

DOFAW seeks to form a partnership with UH to help protect, conserve, and manage the existing and remnant native lowland dry forest and the unique endemic species surrounding the UH Palamanui Campus from threats such as grazing from feral animals and wildfire. DOFAW will provide support and technical expertise in stewarding the lands for these purposes. The subject lands are currently unencumbered and under the Land Division’s management.

The purpose of the MOU is to establish a cooperative agreement to steward the subject lands and support the parties to pursue additional funding and resources to help meet both the conservation and education goals for the Department and UH. The parties intend to collaboratively steward and manage the subject lands to protect the unique and sensitive natural and cultural resources while providing educational and service-learning opportunities for UH students and other groups ranging from school children to continuing education for land managers, natural resource professionals, surrounding community, and the general public. UH seeks to develop and utilize the subject lands as a learning laboratory and place where applied research and vocational learning can occur in the areas of tropical forestry, ecology, hydrology, conservation biology, and natural resource management.

The parties have worked together to draft an MOU, attached as **Exhibit 3**. The Land Division has no objection to the execution of the MOU, subject to review and approval by the Department of the Attorney General.

Land Division is therefore recommending the issuance of a right-of-entry permit, to DOFAW over the subject lands for lowland dry forest management purposes in collaboration with UH through the MOU. DOFAW and UH will collaboratively steward these significant resources and support each other in building knowledge on the restoration and conservation of this rare forest type.

The following State and County of Hawaii agencies were consulted on this action with the results indicated:

Agency:	Comment:
Division of Forestry and Wildlife (DOFAW)	DOFAW is the applicant
Office of Conservation and Coastal Lands	No comments
Historic Preservation	No response by suspense date
Hawaii District Land Office	No response by suspense date
University of Hawaii	No response by suspense date
Department of Agriculture	No response by suspense date
Department of Hawaiian Home Lands	No response by suspense date
Office of Hawaiian Affairs	No response by suspense date
County of Hawaii Planning Department	No objections. Comments attached as <b>Exhibit 4</b> .

RECOMMENDATION: That the Board:

1. Authorize the issuance of a right-of-entry permit to the Department of Land and Natural Resources, Division of Forestry and Wildlife covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
  - B. The Chairperson is authorized to extend the right-of-entry annually for good cause shown; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Authorize the Division of Forestry and Wildlife to enter into a Memorandum of Understanding with the University of Hawaii to collaboratively steward and manage the lands under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current memorandum of understanding form, as may be amended from time to time;
  - B. Authorize the Chairperson to negotiate, finalize and execute, or delegate authority to the Administrator of the Division of Forestry and Wildlife to execute, the Memorandum of Understanding, subject to approval as to form by the Department of Attorney General; and

- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

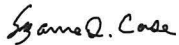
Respectfully Submitted,



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Michael H. Ferreira, Land Agent

APPROVED FOR SUBMITTAL:



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Suzanne D. Case, Chairperson *RT*

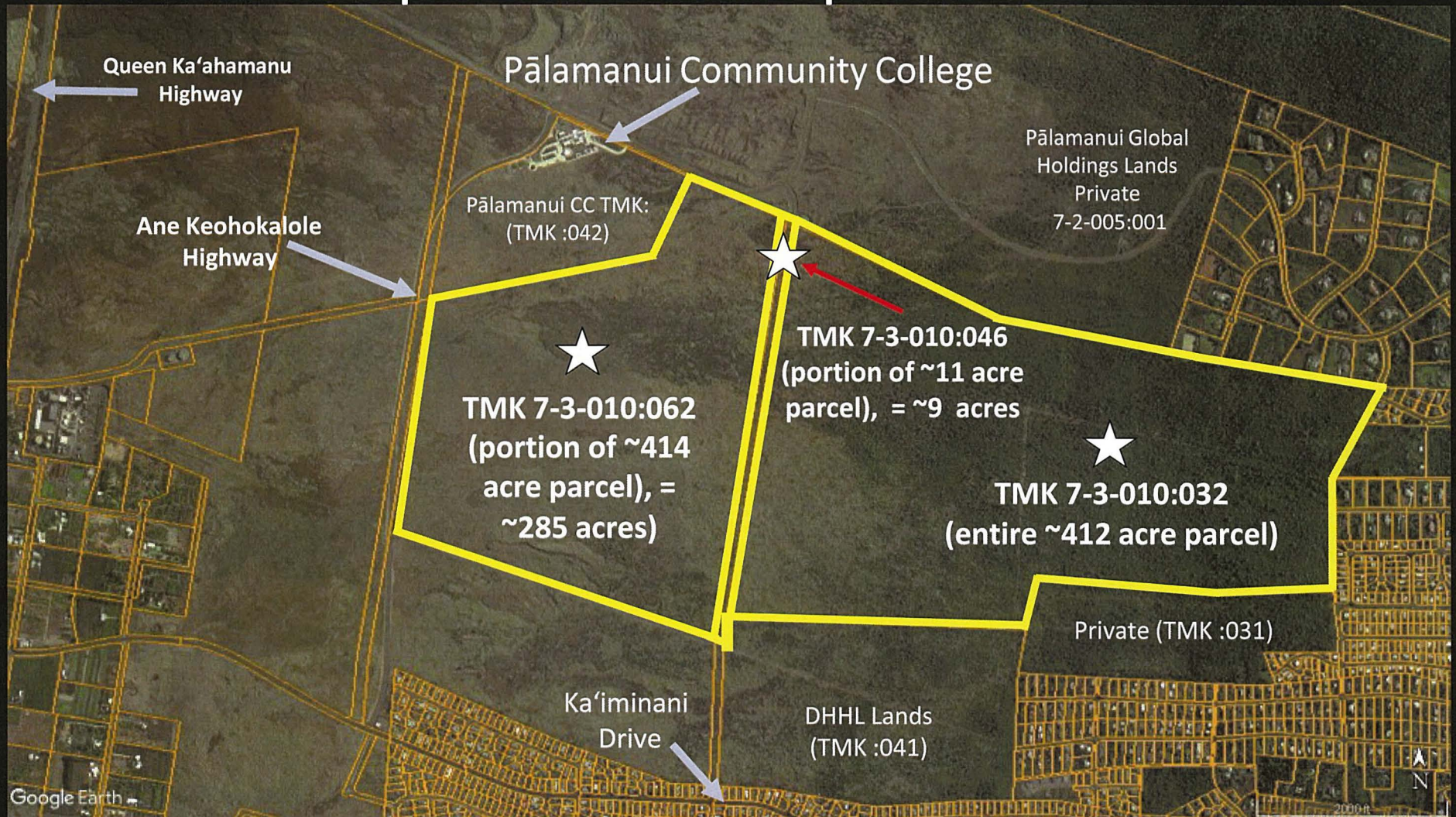
ATTACHMENTS:

- Exhibit 1. Palamanui Area Map
- Exhibit 2. Exemption Notification
- Exhibit 3. Draft Memorandum of Understanding
- Exhibit 4. Response from County of Hawaii Planning Dept.



# Proposed Pāalamanui Campus Reserve

EXHIBIT 1





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

July 23, 2021

**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200.1, Hawaii Administrative Rules (HAR):

<b>Project Title:</b>	Issuance of Right-of-Entry-Permit to the Division of Forestry and Wildlife (DOFAW) on Unencumbered State Lands for Lowland Dry Forest Management Purposes; Authorize Memorandum of Understanding (MOU) between the University of Hawaii and DOFAW to Collaboratively Steward and Manage Lands; Request Delegation of Authority to the Chairperson to Negotiate, Finalize and Execute the MOU Subject to Approval as to Form by the Department of the Attorney General
<b>Project / Reference No.:</b>	PSF No. 21HD-022.
<b>Project Location:</b>	At Palamanui, North Kona, Hawaii.
<b>Project Description:</b>	TMKs: (3)7-3-010:32, (3) 7-3-10: Por of 046, and (3) 7-3-010: Por of 062
<b>Chap. 343 Trigger(s):</b>	Use of State Land
<b>Exemption Class No. and Description:</b>	<p>In accordance with HAR § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on November 10, 2020, the subject request for approval of an MOU is exempt from the preparation of an environmental assessment pursuant to <b>General Exemption Type 4</b>.</p> <p>Minor alterations in the conditions of land, water, or vegetation. PART 1</p> <p>2. 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.</p>

	<p>5. Gathering plant seed, cuttings, or other vegetative matter for propagation.</p> <p>6. Minor ground adjustments (e.g., grading, grubbing, cutting, clearing, or filling) that do not require grading permits.</p> <p><b>General Exemption Type 5</b></p> <p>Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that do not result in a serious or major disturbance to an environmental resource.</p> <p>PART 1</p> <ol style="list-style-type: none"> <li>1. Conduct surveys or collect data on existing environmental conditions (e.g, noise, air quality, water flow, water quality, etc.).</li> <li>2. Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.</li> <li>12. Conduct terrestrial and marine archaeological surveys.</li> <li>15. 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.</li> <li>16. Research to identify, monitor, control, or eradicate introduced species.</li> </ol>
<p><b>Cumulative Impact of Planned Successive Actions in Same Place Significant?</b></p> <p><b>Action May Have Significant Impact on Particularly Sensitive Environment?:</b> <b>Analysis:</b></p>	<p>No, the requested locations will be used for same uses upon approval of the MOU.</p> <p>No. The project is intended to protect a sensitive environment and its rare and endangered plant and animal species through lowland dry forest management.</p>
<p><b>Analysis:</b></p>	<p>The request involves the issuance of a management right-of-entry to DOFAW and an MOU between DOFAW and UH for lowland dry forest management purposes. Staff believes that the request would involve negligible or no expansion or change in use of the subject land</p>

## Exhibit 2



	beyond that previously existing. The ROE and MOU are intended to protect this rare ecosystem and its rare and endangered plant and animal species.
<b>Consulted Parties</b>	Agencies listed in submittal.
<b>Recommendation:</b>	That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE UNIVERSITY OF HAWAI‘I  
AND  
STATE OF HAWAI‘I  
DEPARTMENT OF LAND AND NATURAL RESOURCES,  
DIVISION OF FORESTRY AND WILDLIFE**

This Memorandum of Understanding (“Agreement”) is made this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by and between the University of Hawai‘i, whose principal place of business is 2444 Dole Street, Honolulu, Hawai‘i 96822 (hereinafter “UH”), and the State of Hawai‘i (“State”), Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife, a public agency of the State whose principal place of business is 1151 Punchbowl Street, Rm 325, Honolulu, HI 96813 (hereinafter “DOFAW”). UH and DOFAW are each referred to herein individually as a “party” and collectively as the “parties.”

**BACKGROUND**

The UH Hawai‘i Community College Pālanui Campus (“Pālanui”) is located in an area with native lowland tropical dry forest on or nearby lands that are owned by the State and under the management of the DLNR (“Pālanui Lands”), which in Hawai‘i is a critically endangered ecosystem with less than 5% of its original area remaining since human settlement of the Hawaiian Islands.

As part of the UH’s commitment to promoting lifelong learning while emphasizing knowledge and experience necessary for its students to pursue academic achievement and workforce readiness, faculty and students have been partnering with various community organizations on trail restoration, protective fencing and outplanting of native species since the campus opened in Fall 2015.

DOFAW seeks to form partnerships to help protect and conserve the native lowland dry forest and its unique endemic species to fulfill the agency’s mission to enhance, conserve and manage Hawai‘i’s unique and limited natural, cultural, and historic resources held in public trust for current and future generations of the people of Hawai‘i nei, and its visitors, in partnership with others from the public and private sectors.

UH is uniquely situated to partner with DOFAW to promote conservation actions in the state lands surrounding Pālanui as the Pālanui Lands may serve as a place for students to learn about natural resource management, conservation, natural history, biology, and the threats Hawai‘i’s unique ecosystems face.

**PURPOSE AND SCOPE**

The purpose of this Agreement is to support the parties to pursue additional funding and resources to help meet both the conservation and education goals for DOFAW and UH.

The parties agree to cooperate and pursue the following objectives:

- A. Collaboratively steward and manage the Pāalamanui Lands to protect the unique and sensitive natural and cultural resources while providing educational and service opportunities for UH students and other groups ranging from school children to continuing education for land managers, natural resource professionals, and the general public.
- B. Utilize the Pāalamanui Lands as a learning laboratory and place where applied research and vocational learning can occur in the areas of tropical forestry, ecology, hydrology, conservation biology, and natural resource management. This will advance our understanding of and ability to protect and restore tropical dry forests in the Pacific and native ecosystems and cultural sites.
- C. Unite UH students, faculty and staff and members of the community by exploring, learning about, and protecting the Pāalamanui Lands together.
- D. Provide greenspace and a place for appropriate recreational opportunities.
- E. Protect and restore native lowland tropical dry forest and archaeological and culturally significant sites and reduce the harmful effects of threats to the Pāalamanui Lands.
  - a. Threats include wildfire, non-native and/or invasive species including non-native grasses, herbs, shrubs, and trees; insects; and ungulates including sheep, goats, pigs and cattle.
  - b. Efforts may include developing a multi-resource management plan; non-native species reduction and removal; managed public hunting opportunities; native plant species seed collection for propagation and seed bank storage; reintroduction of native plant species; collaboration with other agencies; and construction and maintenance of infrastructure including fences, access roads and trails, fire mitigation measures, and other structures to facilitate conservation or restoration activities.

## TERMS & CONDITIONS

In furtherance of the purpose and objectives listed above, the parties agree to the following:

- A. The parties shall establish an Advisory Committee consisting of at least one UH representative and one DOFAW representative who will advise on management, education, research, and demonstration activities on the Pāalamanui Lands.
- B. The parties shall freely exchange information and findings and consult with each other to coordinate activities and develop land management plans and/or policies that advance the objectives above.
- C. This Agreement is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds, transfer of property, services or

## EXHIBIT 3



MEMORANDUM OF UNDERSTANDING  
BETWEEN THE UNIVERSITY OF HAWAII  
AND STATE OF HAWAI'I, DIVISION OF FORESTRY AND WILDLIFE

anything of value between the parties will be handled in accordance with applicable laws, rules, regulations, and procedures. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by the appropriate statutory authority. Nothing in this Agreement shall be interpreted as obligating unappropriated funds by either entity.

- D. This Agreement shall be effective upon full execution of this Agreement and may be terminated by either party at any time by providing sixty (60) days' prior written notice.

**SIGNATURES**

I hereby agree to the terms of this Agreement:

STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES,  
DIVISION OF FORESTRY AND WILDLIFE

\_\_\_\_\_  
David Smith, Division of Forestry and Wildlife Administrator

\_\_\_\_\_  
Date

Approved as to Form: \_\_\_\_\_

UNIVERSITY OF HAWAI'I

\_\_\_\_\_  
Rachel Solemsaas, Chancellor, Hawai'i Community College

\_\_\_\_\_  
Date

\_\_\_\_\_  
Erika Lacro, Vice President for Community Colleges

\_\_\_\_\_  
Date

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

May 26, 2021

**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  
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CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

PSF No.21HD-022

MEMORANDUM

TO:


**State Agencies:**

- ☒ DLNR-Forestry & Wildlife
- ☐ DLNR-State Parks
- ☐ DLNR-Engineering
- ☒ DLNR-Historic Preservation
- ☒ DLNR-Conservation and Coastal Lands
- ☐ DLNR-Commission on Water Resource Management
- ☒ DLNR-Hawaii District Land Office
- ☒ Department of Hawaiian Home Lands
- ☒ Office of Hawaiian Affairs
- ☒ Department of Agriculture
- ☒ University of Hawaii

**County of Hawaii Agencies:**

- ☒ Planning Department
- ☐ Department of Public Parks
- ☐ Department of Water Supply

FROM:

Michael Ferreira, Land Agent V 

SUBJECT:

Issuance of Right-of-Entry-Permit to the Division of Forestry and Wildlife (DOFAW) on Unencumbered State Lands for Lowland Dry Forest Management Purposes; Authorize Memorandum of Understanding (MOU) between the University of Hawaii and DOFAW to Collaboratively Steward and Manage Lands; Request Delegation of Authority to the Chairperson to Negotiate, Finalize and Execute the MOU Subject to Approval as to Form by the Department of the Attorney General.

LOCATION: Palamanui, North Kona Hawaii, TMKs: (3)7-3-010:32, (3) 7-3-10:Por of 046, and (3) 7-3-010: Por of 062.

APPLICANT: University of Hawaii and Department of Land and Natural Resources, Division of Forestry and Wildlife

EXHIBIT 4

Transmitted for your review and comment is a draft Board submittal of the above referenced request involving State lands. We would appreciate your comments on this application. Please submit any comments by June 16, 2021. If no response is received by this date, we will assume that you have no comments. If you have any questions about this request, please contact me at my office at 587-0421, or email [Michael.H.Ferreira@hawaii.gov](mailto:Michael.H.Ferreira@hawaii.gov). Thank you.

Enclosure

- ☒ We have no objections.
- ☐ We have no comments.
- ☒ Comments are attached.

Signed: \_\_\_\_\_



EXHIBIT 4



Mitchell D. Roth  
*Mayor*

Lee E. Lord  
*Managing Director*

West Hawai'i Office  
74-5044 Ane Keohokālole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563



**County of Hawai'i**  
**PLANNING DEPARTMENT**

Zendo Kern  
*Director*

Jeffrey W. Darrow  
*Deputy Director*

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

June 4, 2021

Michael Ferreira, Land Agent  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809

Dear Mr. Ferreira,

**Subject:** Issuance of Right -of -Entry -Permit to the Division of Forestry and Wildlife (DOFAW) on Unencumbered State Lands for Lowland Dry Forest Management Purposes; Authorize Memorandum of Understanding (MOU) between the University of Hawaii and DOFAW to Collaboratively Steward and Manage Lands; Request Delegation of Authority to the Chairperson to Negotiate, Finalize and Execute the MOU Subject to Approval as to Form by the Department of the Attorney General.

**Applicant:** University of Hawaii and Department of Land and Natural Resources, Division of Forestry and Wildlife

**TMK:** (3) 7-3-010:032, (3) 7-3-010: Por of 046, and (3) 7-3-010: Por of 062. Palamanui, North Kona Hawaii, Island of Hawai'i

Thank you for including us in consultation for this draft Board submittal. The County of Hawaii is supportive of the MOU objectives A - E and we have no objections overall.

It is notable that the Land Use Pattern Allocation Guide (LUPAG) of the County's 2005 General Plan denotes these parcels for 'Urban Expansion'. Obviously, this may be inconsistent with public trust duties to preserve critical or endangered habitats. Potentially confounding this may be that the associated Zoning is Agriculture, with minimum 5 acre lot size.

The proposal also underscores the synergistic nature of the Kona Community Development Plan (KCDP) which calls for masterplans to be developed collaboratively in this area, partially through formal agreements<sup>1</sup>.

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<sup>1</sup> Kona Community Development Plan, Page 4-124. Policy ECON-1.4: Actions ECON-1.4a

Michael Ferreira, Land Agent  
Department of Land and Natural Resources  
June 4, 2021  
Page 2

Finally, a comprehensive review of the General Plan is underway; providing an opportunity to modify future land uses to create better consistency with long-term stewardship visions that “protect, conserve and manage the existing and remnant native lowland forests and unique endemic species”.

Sincerely,

A handwritten signature in blue ink, appearing to be 'ZENDO KERN', with a long horizontal stroke extending to the right.

ZENDO KERN  
Planning Director

KKS:kvs  
\\coh01\planning\public\USERS\Kevin Sullivan\PalamanuiDryForestComments