

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

December 8, 2022

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

Land Board Members:

SUBJECT: APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE DIVISION OF FORESTRY AND WILDLIFE AND THE BIG ISLAND RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL, INC. FOR WATERSHED MANAGEMENT IN THE HANA, KOOLAU, AND KAHIKINUI FOREST RESERVES, AND THE NAKULA, KANAIO, AND HANAWI NATURAL AREA RESERVES, AND OTHER STATE LANDS, MAUI, TAX MAP KEYS: (2) 2-3:005:002, (2) 1-8:001:006, (2) 1-8:001:009, (2) 1-8:001:005, (2) 1-1:002:002, (2) 1-2:004:005, (2) 1-2:004:007, (2) 1-3:001:001, (2) 1-4:001:001, (2) 1-5:001:001, (2) 2-1:003:050 (por.), (2) 2-1:003:054, (2) 2-1:002:002

AND

REQUEST APPROVAL OF A DECLARATION OF EXEMPTION FROM CHAPTER 343, HRS ENVIRONMENTAL COMPLIANCE REQUIREMENTS FOR THE PROJECT

AND

REQUEST FOR DELEGATION OF AUTHORITY TO THE CHAIRPERSON TO NEGOTIATE, APPROVE, AND EXECUTE A MEMORANDUM OF UNDERSTANDING, RIGHT-OF-ENTRY, AND RELEASE OF LIABILITY AGREEMENTS, FOR THE BIG ISLAND RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL, INC. FOR WATERSHED PROTECTION MANAGEMENT IN THE SUBJECT PARCELS

SUMMARY:

This Board Submittal requests approval of a Memorandum of Understanding (MOU) between the Division of Forestry and Wildlife (Division) and the Big Island Resource

Conservation and Development Council, Inc. (Big Island RC&D), a private non-profit 501(c)(3) organization, for management of watershed forests in various parcels on Maui (Exhibit A). The Division also requests approval of a declaration of exemption from Chapter 343, HRS environmental compliance requirements, and delegation of authority to the Chairperson to negotiate, approve and execute future MOUs, right-of-entry (ROE) agreements, and/or release of liability agreements, as appropriate, with the Big Island Resource Conservation and Development Council, Inc. related to this project.

BACKGROUND:

The Big Island Resource Conservation and Development Council, Inc. is working in partnership with the East Maui Watershed Partnership to assist with the management of watershed lands in east Maui. The East Maui Watershed Partnership is the longest-standing Watershed Partnership in the state, established in 1991. Since then, the partnership has been frequently contracted to conduct watershed forest management actions by the Division of Forestry and Wildlife. These actions include invasive plant removal, native tree planting, fence maintenance, hooved animal removal, and survey and monitoring. Big Island RC&D is proposed as a cooperator with the partnership as there is no Maui-based Resource Conservation and Development Council. Big Island RC&D is seeking multiple sources of funding from public and private sources to conduct this management work.

The East Maui Watershed Partnership has created management plans that are reviewed and approved by the partners (including the Division) to guide the management of the core watershed forests of East Maui. These management plans are consistent with DOFAW's *Kahikinui Forest Reserve Management Plan*, which was published in 2021, the *Nakula Natural Area Reserve Management Plan*, published in 2015, and the *Hanawi Natural Area Reserve Management Plan*, published in 1989. The area proposed for the MOU includes areas in the Koolau and Hana Forest Reserves, as well as other State lands proposed for forest reserve or natural area reserve designation such as the recently acquired Kamehamenui parcels.

DISCUSSION:

The Division is interested in a Memorandum of Understanding with Big Island RC&D for the proposed term of twenty years, for the continued management of east Maui watershed land areas. An MOU would help to establish a long-term Division/Big Island RC&D partnership to implement the management plans for east Maui.

This MOU would not be exclusive as there are other community organizations who are interested in contributing to management for this large area in a complementary way.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the requirements of Chapter 343, HRS, Hawaii Administrative Rule Section 11-200-8(6), the Exemption List for the Division of Forestry and Wildlife,

Department of Land and Natural Resources as reviewed and concurred upon by the Environmental Council on November 10, 2020, the subject project is exempt from the preparation of an environmental assessment pursuant to the following exemption classes:

From the DLNR November 10, 2020, Exemption List:

General Exemption Type 1, Part 1

4. Operation, repair, and maintenance, of existing structures and facilities, including base yards, offices, cabins, sheds, and fencing.

General Exemption Type 3, Part 2

1. 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...

General Exemption Type 4, Part 1

3. 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...

5. Establish temporary or permanent vegetative cover including trees, shrubs, grasses, and sod for landscaping, reforestation, soil stabilization, watershed protection, native wildlife habitat, native ecosystem restoration, and rare plant preservation...

9. 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.

RECOMMENDATIONS:

That the Board:

1. Approve a Memorandum of Understanding between the State of Hawai'i Division of Forestry and Wildlife and the Big Island Resource Conservation and Development Council, Inc. for watershed protection management in the Hana, Koolau, and Kahikinui Forest Reserves, and the Nakula, Kanaio, and Hanawi Natural Area Reserves, and other State lands as appropriate, Maui, to include Tax Map Keys: (2) 2-3:005:002, (2) 1-8:001:006, (2) 1-8:001:009, (2) 1-8:001:005, (2) 1-1:002:002, (2) 1-2:004:005, (2) 1-2:004:007, (2) 1-

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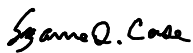
2. Declare that, after considering the potential effects of the proposed dispositions provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will likely have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
3. Delegate to the Chairperson the authority to negotiate, approve and execute a periodic memorandum of understanding, right-of-entry, and release of liability agreement, as appropriate, between the State of Hawai'i Division of Forestry and Wildlife and Big Island Resource Conservation and Development Council, Inc. for watershed management on Division-owned East Maui Watershed Partnership lands, further subject to the following:
 - a. Review and approval as to form by the Department of the Attorney General; and
 - b. 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

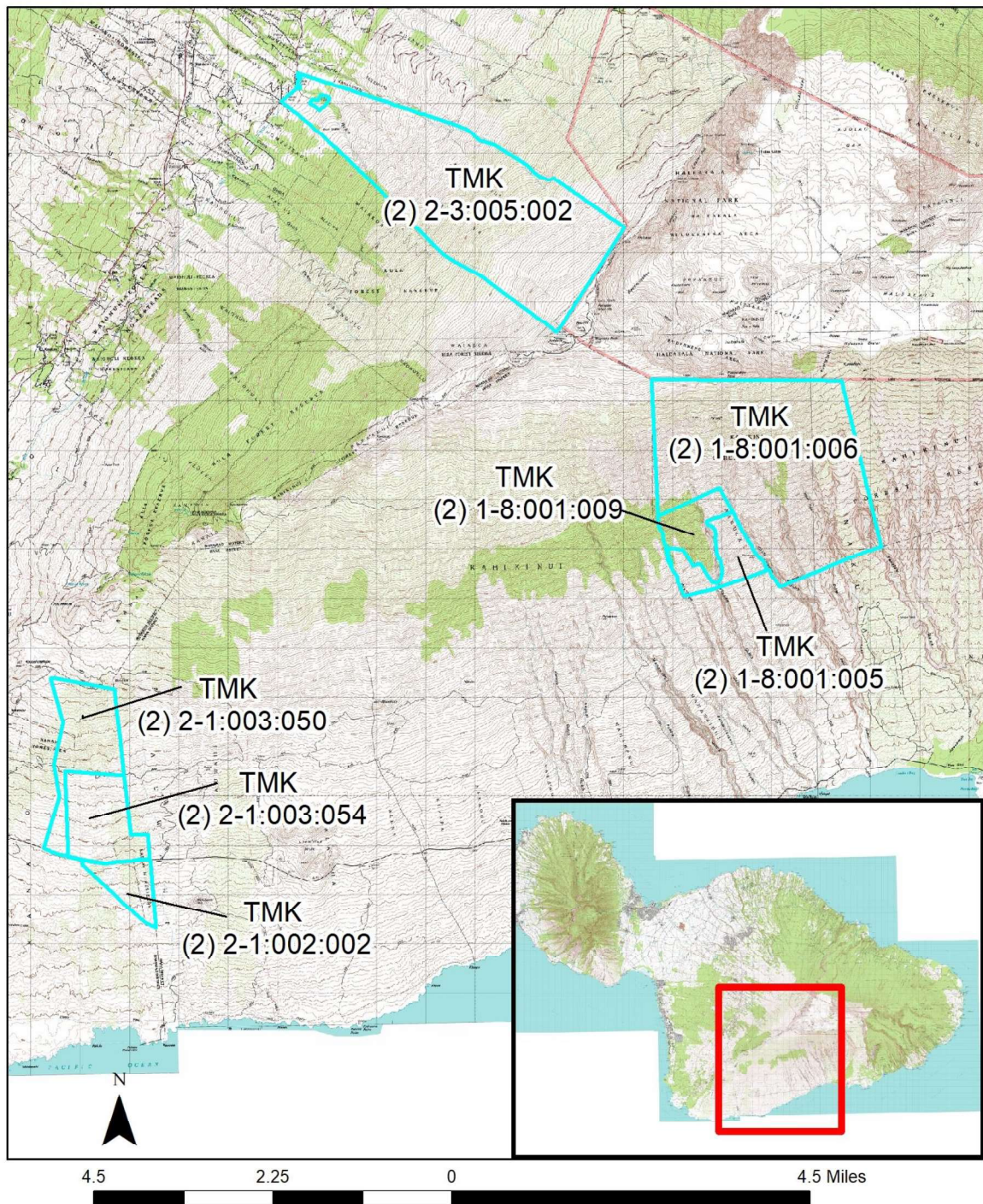
APPROVED FOR SUBMITTAL:



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

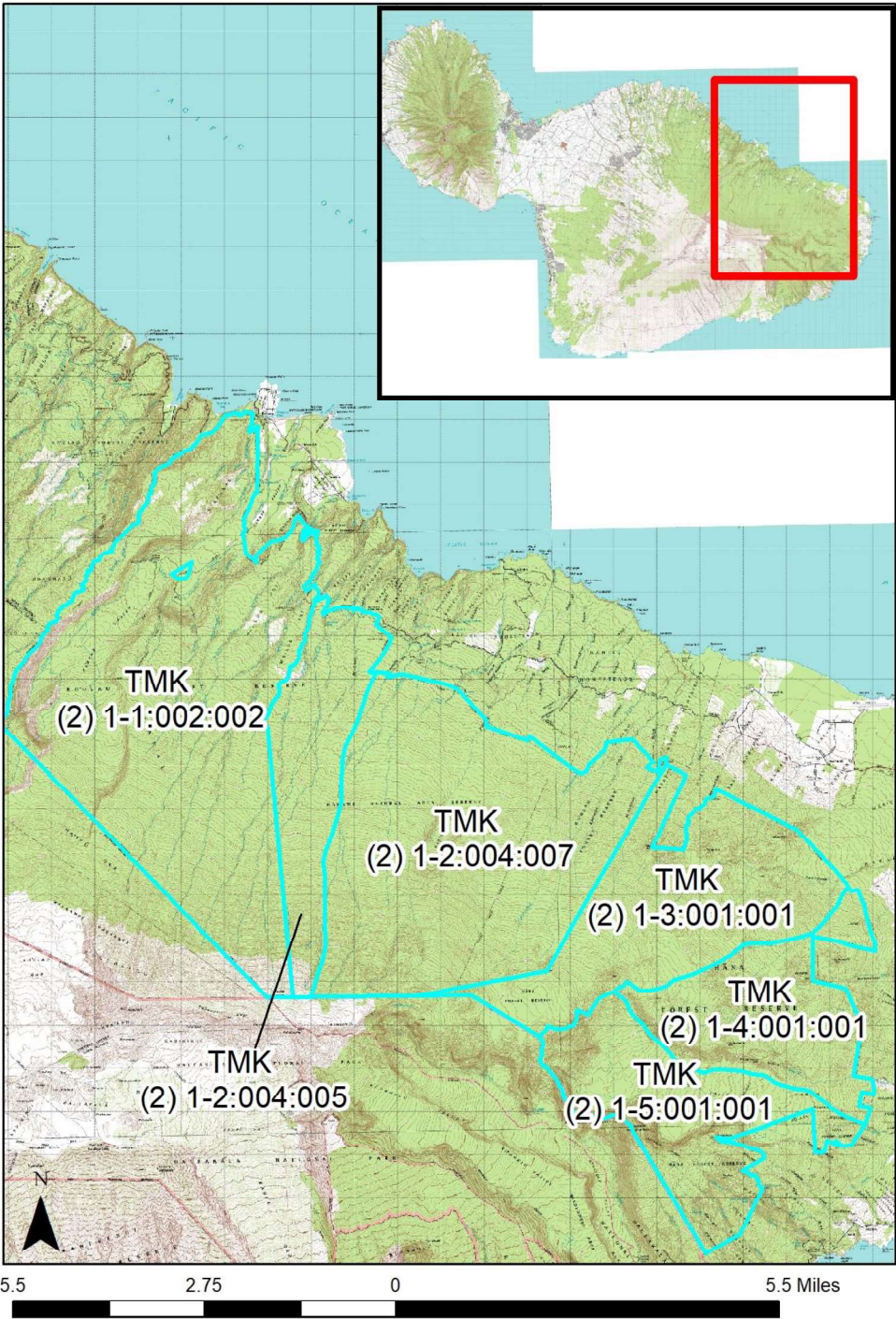
Exhibit A: Maps

Parcels for Proposed MOU with BIRC&D (Map 1 of 2)



Features approximate and subject to change. DOFAW Oct 2022. (808) 587-4170.

Parcels for Proposed MOU with BIRC&D (Map 2 of 2)



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