

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

June 14, 2024

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

Land Board Members:

SUBJECT: ACCEPTANCE OF HEARING OFFICER'S REPORT ON A PUBLIC HEARING FOR TWO PROPOSED ADDITIONS TO THE FOREST RESERVE SYSTEM ON THE ISLAND OF HAWAI'I;

APPROVAL AND RECOMMENDATION TO THE GOVERNOR FOR ISSUANCE OF AN EXECUTIVE ORDER FOR ADDITION OF TAX MAP KEY (3) 4-1-006:002, COMPRISING APPROXIMATELY 162 ACRES, TO MANOWAIALE'E FOREST RESERVE, HĀMĀKUA, HAWAI'I;

AND

APPROVAL AND RECOMMENDATION TO THE GOVERNOR FOR ISSUANCE OF AN EXECUTIVE ORDER FOR ADDITION OF TAX MAP KEY (3) 9-8-001: PORTION OF 010, COMPRISING APPROXIMATELY 7,042 ACRES, TO KAPĀPALA FOREST RESERVE, KA'Ū, HAWAI'I.

SUMMARY:

This Board submittal requests acceptance of a Hearing Officer's Report (**Exhibit A**) for two proposed additions to the Forest Reserve System on the Island of Hawai'i, and approval and recommendation to the Governor for the issuance of Executive Orders for the addition of land to the Manowaiiale'e Forest Reserve, and to the Kapāpala Forest Reserve.

LEGAL REFERENCE:

Section 183-11. Hawai'i Revised Statutes (HRS), as amended.

LOCATION:

Portions of state lands situated at Hāmākua and Ka'ū, Hawai'i, identified by Tax Map Key (TMK): (3) 4-1-006:002 and (3) 9-8-001: portion of 010, as shown on attached maps labeled **Exhibits B** and **C**.

AREA:

(3) 4-1-006:002	162 acres
(3) 9-8-001: 010 (por.)	7,042 acres

ZONING:

State Land Use District:	Agricultural
County of Hawai'i CZO:	(3) 4-1-006:002 - Agricultural (A40) (3) 9-8-001:010 - Agricultural (A20)

TRUST LAND STATUS:

Section 5(b) Lands of the Hawai'i Admission Act
DHHL 30% entitlement lands according to the Hawai'i State Constitution: No

CURRENT USE STATUS:

(3) 4-1-006:002 – Parcel is encumbered by a Revocable Permit No. 7476 for pasture purposes.

(3) 9-8-001:010—The Parcel, encumbered under General Lease No. S-5374 is for agricultural purposes, including pasture, single-family residential, employee residential, and eco-tourism.

BACKGROUND:

Addition to the Manowaiale'e Forest Reserve

At its meeting on October 27, 2023, under agenda item C-4, the Board of Land and Natural Resources (Board) authorized the Division of Forestry and Wildlife (Division) to conduct a public hearing for the proposed addition of TMK (3) 4-1-006:002 (approximately 162 acres) to the Manowaiale'e Forest Reserve, Hāmākua, Hawai'i (**Exhibit B**). The parcel is encumbered by Revocable Permit No. 7476, issued to Mr. John Souza by the Department of Land and Natural Resources (DLNR) Land Division for pasture purposes. The Division notified Mr. Souza in 2022 and 2023 of its intentions to incorporate this area into the Forest Reserve and reforest the area, which will

eventually require the removal of all cattle. The Division intends to keep the permittee on Parcel 2 through a special use permit to allow for continued grazing for fuel control purposes until the Division begins to reforest the area. The Division will need to construct a fence on the western edge of the parcel before reforestation efforts begin.

This parcel is directly mauka of the Manowaiale'e Forest Reserve, and adjacent to the Humu'ula section of the Hilo Forest Reserve. It is also near Mana Road and the Keanakolu Ranger and Bunkhouse Cabins, which will facilitate public and management access. Approximately 90 acres of grassland will be targeted for reforestation, with approximately 50 acres of dense non-native *Eucalyptus* and 20 acres of fragmented native forest. This parcel's koa forest restoration potential is high as there is likely a healthy seed bank with a diverse native species component. Restoration of koa forests at Manowaiale'e will improve the watershed function of this fragmented forest, mitigate global warming by sequestering carbon, and expand habitat for native forest birds that require high-elevation forests above the mosquito line.

Addition to the Kapāpala Forest Reserve

At its meeting on August 25, 2023, under agenda item D-5, the Board approved withdrawing a portion of TMK (3) 9-8-001:010 (approximately 7,000 acres) from General Lease No. S-5374 for addition to Kapāpala Forest Reserve, Ka'ū, Hawai'i (**Exhibit C**). The remainder of lands under General Lease No. S-5374 (approximately 15,684 acres) is to be subdivided and set aside for the Department of Agriculture (DOA), allowing for the continuation of the grazing lease in the productive grasslands. The Division worked with Kapāpala Ranch, the current lessee, to determine the boundary of the proposed subdivision of the parcel. This land transfer is being done according to Act 90, Session Laws of Hawai'i 2003 (Act 90), as agreed upon by DLNR and DOA.

The lands leased to Kapāpala Ranch were all originally native koa-'ōhi'a forests, interspersed with rocky lava flows and native shrublands. The long history of cattle ranching has led to widespread deforestation. Still, the higher elevation sections of these lands, particularly TMK (3) 9-8-001:010, and areas furthest away from intensive grazing have retained closed canopy native forests. These forests are very important habitats for declining populations of forest birds in Hawai'i, which require native forests at higher elevations where mosquitoes cannot breed and/or avian disease is not transmissible. Areas largely converted to grasslands by ranching near these high-elevation native forests are also strategic for restoration because the soil still contains a seed bank of koa and other native plants. The Division seeks to protect the existing closed-canopy forest in this area, restore additional forest, manage public hunting, create new trails, and improve road access for public use.

DISCUSSION:

Approval to hold a public hearing on the proposed changes to the forest reserve system was obtained from the Board on August 25, 2023, and October 27, 2023. Approval to set the date, location, and time of the hearing and to appoint Jay Hatayama, the Hawai'i District Forestry Management Supervisor II, as the Hearing Officer was obtained from the Chairperson on February 1, 2024. Notice of this public hearing was published on March 10, 2024, in the Sunday edition of the Honolulu Star-Advertiser and Hawai'i Tribune-Herald newspapers, and on Saturday, March 9, 2024, in the Maui News, West Hawai'i Today, and The Garden Island newspapers.

Seven members of the public attended the hearing in person, and one person attended via Zoom. Two people jointly provided oral testimony at the hearing, and ten written testimonies were submitted by email. A summary of the testimony and proceedings of the hearing can be found in the attached Hearing Officer's Report (**Exhibit A**). Most of those who submitted testimony on the matter at hand supported the proposed additions to the Forest Reserve System. Several testifiers submitted comments about the management of the Kapāpala addition regarding the type of material to be used in the construction of new fence lines, fire fuel management, access to the forest reserve, camping opportunities, and the interests of the hunting community. Based on these results, staff recommends approval of the two proposed additions to the State Forest Reserve System.

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. Therefore, this action does not trigger the provisions of Chapter 343, HRS, relating to environmental impact statements. Since the environmental requirements of Chapter 343, HRS, apply to the Division's use of the lands, the Division shall be responsible for compliance for those projects with Chapter 343, HRS, as amended.

RECOMMENDATION:

That the Board:

- 1) Accept and approve the Hearing Officer's report and minutes for the public hearing held on March 28, 2024, for two proposed additions to the Forest Reserve System on the island of Hawai'i.
- 2) Approve and recommend to the Governor the issuance of an executive order setting aside Tax Map Key (3) 4-1-006:002, comprising approximately 162 acres, to the Manowaiiale'e Forest Reserve, Hāmākua, Hawai'i.
- 3) Approve and recommend to the Governor the issuance of an executive order setting aside Tax Map Key (3) 9-8-001 portion of 010, comprising

approximately 7,042 acres, to the Kapāpala Forest Reserve, Ka'ū, Hawai'i.

- 4) Recommendation numbers 2 and 3 are further made 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 a 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 following the date of the set 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 G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



DAWN N.S. CHANG, Chairperson
Board of Land and Natural Resources

Exhibit A – Hearing Officer's Report and Minutes of Public Hearing
Exhibit B – Map of Proposed Addition to Manowaiale'e Forest Reserve
Exhibit C – Map of Proposed Addition to Kapāpala Forest Reserve

EXHIBIT A

HEARING OFFICER'S REPORT AND MINUTES OF:

Public Hearing for Two (2) Proposed Changes Affecting the Area of Government Forest Reserve Lands on the Island of Hawai'i

Hybrid Meeting on Zoom and in person at:

Hawai'i Island Division of Forestry and Wildlife
Conference Room
19 E. Kawili Street, Hilo, Hawai'i

March 28, 2024, 5:30 PM

SUMMARY OF TESTIMONIES RECEIVED

Written testimonies are kept on file in the Division of Forestry and Wildlife for public review.

Agenda Item #1

Four written testimonies were received for agenda item #1, the proposed addition of Tax Map Key (3) 4-1-006:002, comprising approximately 162 acres, to the Manowaiale'e Forest Reserve in Hāmākua, Hawai'i.

Molly Pruyn – Provided written testimony in support of both proposed changes to the forest reserve system. She believes that the addition of both parcels will benefit the residents and the land. She states that there is already too much pressure on residents and the land from development and says that the preservation and restoration of the land is the only path forward.

Jessica Middleton – Provided written testimony in support of both proposed changes to the forest reserve system. She states, "Healthy forests equal resilient islands."

Alan Holt and Deborah Armbruster – Jointly provided written testimony in strong support of both proposed changes to the forest reserve system.

Agenda Item #2

Two oral testimonies and ten written testimonies were received for agenda item #2, the proposed addition of Tax Map Key (3) 9-8-001:010 (por.), comprising approximately 7,042 acres, to the Kapāpala Forest Reserve in Ka'ū, Hawai'i.

See agenda item #1 above for testimony in support of the proposed change provided by Molly Pruyn, Jessica Middleton, Alan Holt, and Deborah Armbruster.

Lani and Bill Petrie – Jointly provided oral testimony in support and with comments. Lani stated that she and her husband, Bill Petrie, are from Kapāpala Ranch. She would like to encourage DOFAW to keep the 7,000-acre withdrawal as an active game management area. They understand that they will need to remove the cattle, but for fire mitigation purposes they would like to see the sheep be there to keep fuel loads down. She also stated that they would like to see the sheep be actively managed for public hunting purposes. Kapāpala Ranch has always supported the interests of the hunting community. They will continue to maintain the 'Ainapō access for hunters as an easy place to get to the public hunting area. They know the mouflon sheep will browse *Myrica faya* (fire tree), which is the biggest invasive weed threat within those 7,000 acres.

Jillian Marohnic – Provided written testimony with comments. Jillian states that there is currently no unlocked access into the Kapāpala Forest Reserve and the only way to get to the forest reserve is to contact Kapāpala Ranch in advance to gain access through the locked gates. She says that the forest reserve is blocked from the public and now we're adding more land to the reserve but still not creating access. Jillian believes that it would be more beneficial to the public if we acquired an additional triangle of land that would extend from Hawai'i Volcanoes National Park's Power Line Road to where there is an existing gate on Kapāpala Ranch. If DOFAW added that parcel, she believes that the public would have ready access to the reserve without the inconvenience of having to plan ahead, contact the ranch, and have access to a 4-wheel drive vehicle to reach the reserve. Instead, it would be a short hike down Power Line Road from the paved and conveniently accessible Mauna Loa (Strip) Road in Hawai'i Volcanoes National Park. Jillian says that if it's not possible to add the additional triangle of land to the reserve then she'd like to at least have an access trail from the Power Line Road gate.

Kyle Otsuka – Provided written testimony but did not state if he was in support of or opposed to the proposed changes to the forest reserve system. He did submit comments pertaining to the management of the proposed addition to Kapāpala Forest Reserve. He regularly accesses the Kapāpala Forest Reserve for hiking and hunting (recreation and sustenance purposes). Kyle is in favor of keeping the forest reserve as it is with isolated forests and limited access. He would like to see the same rules, regulations, and public access as the current forest reserve apply to the proposed addition. He is against increased advertisement, activities, and access. He is also against fencing that will close off areas for public access and any type of fencing material that inhibits the free movement of ungulates (except cattle). If fencing is required, Kyle would like a 5-strand barbed wire fence to be built. If management of ungulates is needed, he would like to primarily see public hunting as a means of control, and not eradication initiatives or programs. Kyle believes that properly managed ungulates can be a useful tool for wildfire and invasive weed mitigation and would like to see mouflon remain in the forest reserve for public hunting for recreation and sustenance. Recently, he noticed an increase in wild dog populations in the forest reserve and ranch and recommends it be given attention before

it gets worse. He would like to see updates on the Kapāpala forest reserve made available to the public.

Chris Choy – Provided written testimony supporting the proposed addition to Kapāpala Forest Reserve with additional comments. Chris is glad the hunters will be gaining 7,000 acres but is concerned about the fencing. He would like to see barbed wire used rather than bull wire fencing, as barbed wire will give roaming game animals a chance to pass through.

John Miles – Provided written testimony with comments. He is a hunter who has frequented Kapāpala Forest Reserve for many years and is against any fencing with bull wire. He prefers the use of barbed wire, which he states can be maintained easier than any other material.

Keith Robinson – Provided written testimony with comments. Keith stated that he has hunted in Kapāpala Forest Reserve for most of his life and it means a lot to him and other hunters, who he feels are unaware of this change. He is against the use of bull wire fencing along the new boundary. Lani Petrie has told him that she is not against a standard barbed wire fence between the ranch and FR. He wants to continue to hunt animals and pass on traditional ways to be able to feed themselves and not rely on high-priced meats at the stores. He feels that a bull wire fence boundary would negatively affect the animals' existence and their opportunities to gather in the future. He stated that hunters use Kapāpala Forest Reserve more than anyone. He believes the forest reserve expansion is part of a deal with the Kapāpala Ranch to switch their land to agriculture and that hunters should be a part of this deal. Hunters should have a choice or say on what the future changes of the Kapāpala Forest Reserve will be.

Jesse Simonson – Provided written testimony conditionally supporting the proposed addition to the Kapāpala Forest Reserve along with additional comments. Jesse has been accessing the reserve for the past 26 years both as a hiker and a hunter and is a long-time friend of the Cran family (Kapāpala Ranch). He is in support of the addition as long as it is in the best interests of the public who use the area for recreation, and the ranchers who have always been very supportive of the small hunting/hiking community that uses the land. He wants any fence that needs to be built to be barbed wire, which will keep the cattle out but still allow for other ungulate movement patterns and consistent browsing management for fire prevention. He states that pigs and sheep should not be eradicated from the reserve, and that their populations have always been under control. He says the access roads should remain the same with slight upkeep after storms, and that the way the forest reserve has been managed for the past decades seems to work just fine for everyone's use. In terms of new opportunity, he would like to be able to camp overnight without having to stay at the Halewai cabin. Jesse states that the forest reserve is very large and is a great place for such an activity, especially for families to teach the next generation about our native forests balanced with using it as a place to harvest food. He

hopes that the decisions made for this area remain on the Big Island and not in the hands of the O'ahu office.

SUMMARY OF PUBLIC HEARING PROCEEDINGS

The public hearing was called to order at 5:30 pm. In attendance were the following staff members from the Department of Land and Natural Resources Division of Forestry and Wildlife:

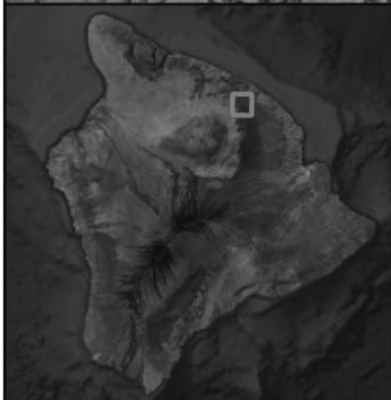
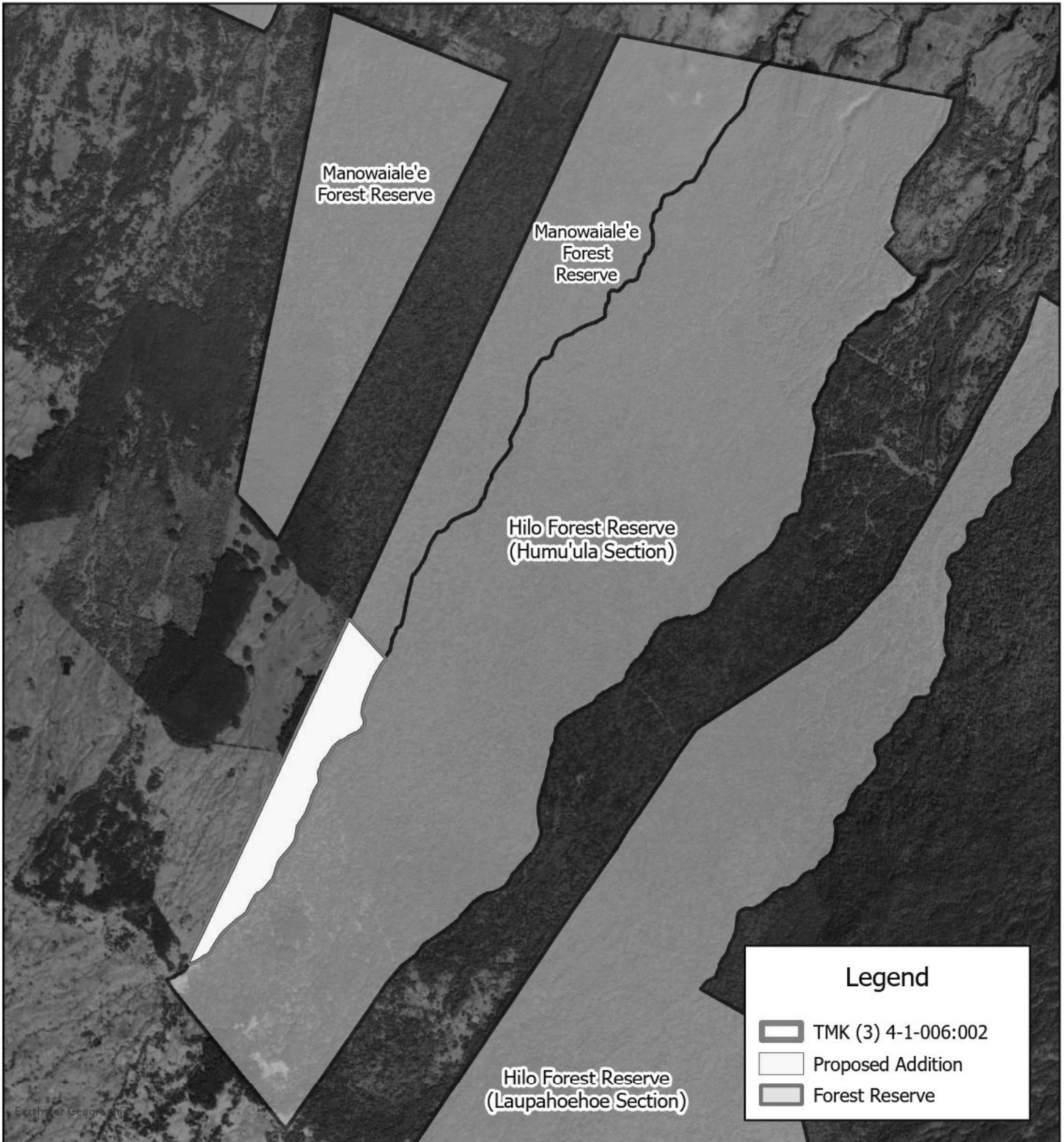
Jay Hatayama – Hearing Officer	Hawai'i District Forest Management Supervisor
Steve Bergfeld	Hawai'i District Branch Manager
Ian Cole	East Hawai'i Wildlife Program Manager
Jan Pali	Forestry Planner
Brittany Lawton	Forestry Associate
Kim Kahaleua	Forestry Associate

Seven members of the public attended the meeting in person and one person joined virtually via Zoom. Out of the eight people in attendance, two people jointly provided oral testimony. A total of ten written testimonies were submitted by email. The information that the Division of Forestry and Wildlife had prepared for this public hearing was presented as planned.

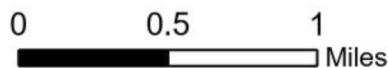
The public hearing was adjourned at 6:00 pm.

APPROVALS AND NOTICES OF PUBLIC HEARING

- A. Approval to hold this public hearing on the proposed forest reserve items was obtained from the Board of Land and Natural Resources on August 25, 2023, and October 27, 2023.
- B. Approval to hold the public hearing and to appoint Jay Hatayama, Hawai'i District Forestry Management Supervisor II, as the Hearing Officer was obtained from the Chairperson on February 1, 2024.
- C. Notice of this public hearing was published on March 10, 2024, in the Sunday edition of the Honolulu Star-Advertiser and Hawai'i Tribune-Herald newspapers, and on Saturday, March 9, 2024, in the Maui News, West Hawai'i Today, and The Garden Island newspapers.

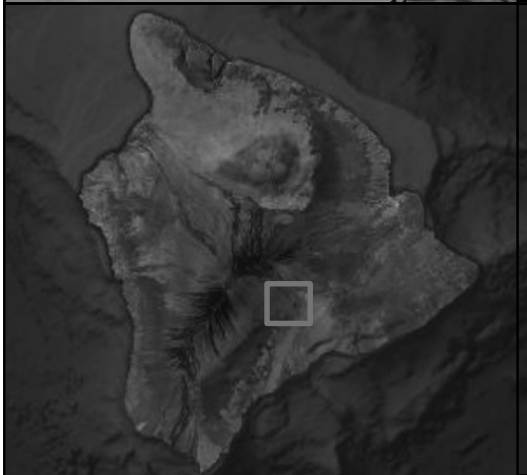
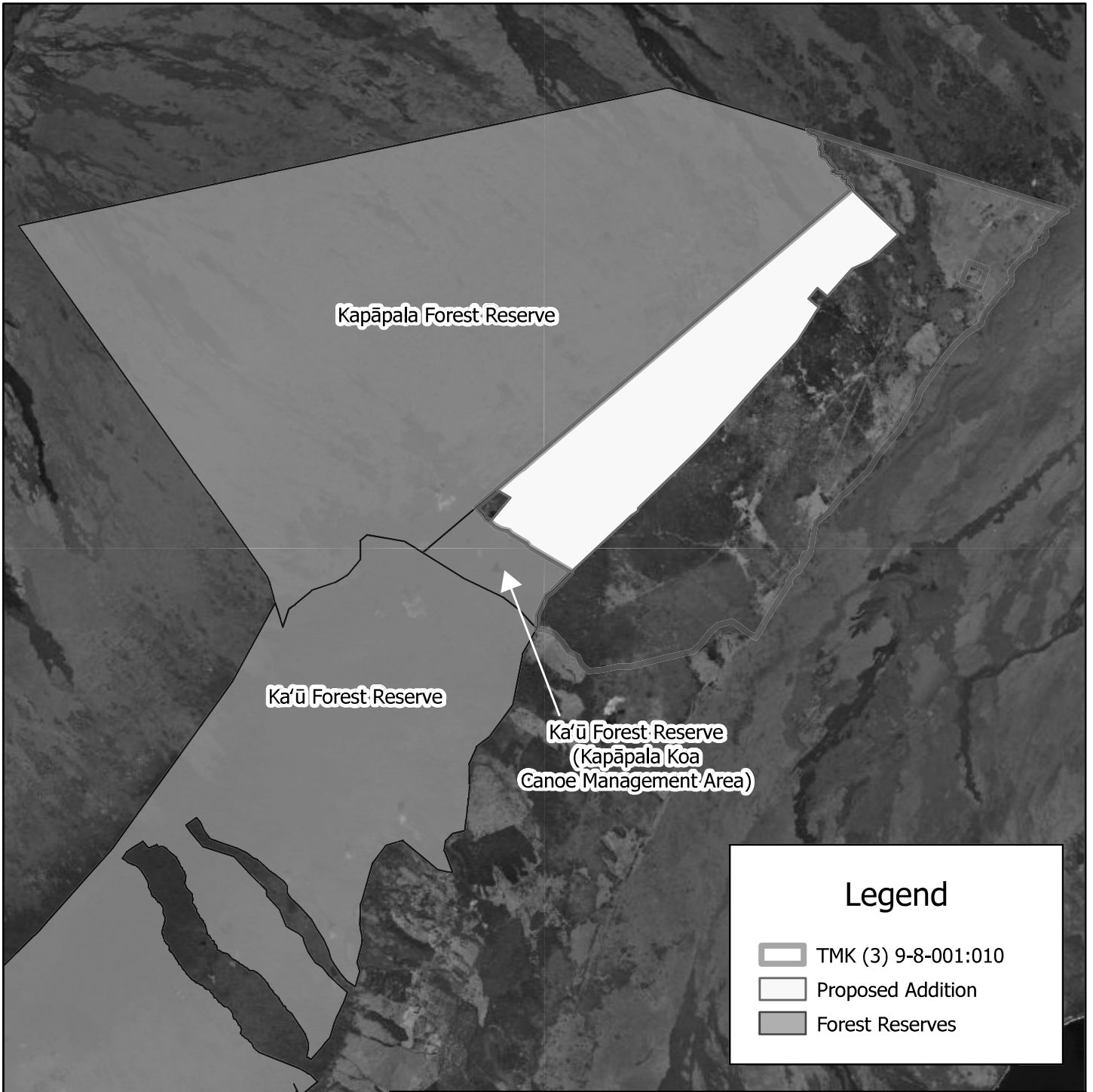


Proposed Manowaiale'e Forest Reserve Addition

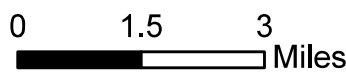
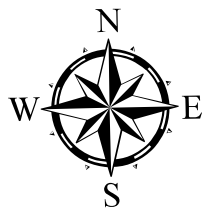


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(808) 587-0166
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Proposed Kapāpala Forest Reserve Addition



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