

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

October 11, 2024

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

Oahu

SUBJECT: ISSUANCE OF A REVOCABLE PERMIT AND IMMEDIATE MANAGEMENT RIGHT-OF-ENTRY PERMIT TO MR. HENRY EDWARD "BUD" GIBSON FOR GRAZING PURPOSES IN THE WAIMANALO FOREST RESERVE, WAIMANALO, OAHU, HAWAII, TAX MAP KEY: 1-4-1-010: PORTION OF 107.

APPLICANT:

Henry E "Bud" Gibson, in his individual capacity.

LEGAL REFERENCE:

Sections 171-55, 183-1.5, Hawaii Revised Statutes, as amended.

LOCATION:

A portion of government lands situated in Waimanalo Forest Reserve, Waimanalo, Oahu, Hawaii, Tax Map Key: 1-4-1-010: portion of 107 as shown on the attached map labeled Exhibit 1 and 2, located adjacent to TMKs 1-4-008:059 and 1-4-1-008:054

AREA:

38 acres, more or less.

ZONING:

State Land Use District: Conservation and Agriculture
City and County of Honolulu LUO: AG - 2

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:

Cattle are currently grazing intermittently in the subject area to mitigate wildfire fuel load without formal approval from the Board of Land and Natural Resources.

CHARACTER OF USE:

Grazing purposes primarily for the reduction of fire fuels to mitigate fire hazards.

MONTHLY RENT:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Per the Exemption List for the Department of Land and Natural Resources (DLNR) reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment per General Exemption Type 1, "Operations, repairs or maintenance of existing ... topographical features, involving negligible or no expansion or change of use beyond that previously existing. "

Part 1, Item 26. "Maintenance of existing landscaping, including planting, trimming, mowing, and irrigation."

Part 1, Item 27. "Maintenance of lands and waters to remove weeds, brushes, grass, and other unwanted vegetation."

Although the area under consideration may be managed for multiple forest reserve uses in the future, it has been grazed intermittently over time, and interim grazing is vital to mitigating the fire hazard in this area that is currently not under active management for forest reserve purposes.

REMARKS:

TMK 1-4-1-010: 107 was transferred from the DLNR Land Division to the Division of Forestry and Wildlife via EO 4390 in 2011. Before the transfer, it was unencumbered state land. Upon transfer of the parcel, the Division of Forestry and Wildlife determined that Mr. Gibson was grazing in the forest reserve without proper authorization. A site visit to the property showed that the forest reserve adjacent to the grazed portion consists of vegetation typical of fallow agricultural lands, including rank Guinea grass and koa haole and various introduced trees

and shrubs. The area currently grazed by Mr. Gibson is kept in a preferable condition of green grass and low fuel loads. As the area is seasonally dry, it presents a wildland fire risk, and the grazing helps to mitigate this risk. The Division of Forestry and Wildlife plans to work this parcel into its outdoor recreation and improved forest management programs, but at present the focus is on wildfire risk abatement and fuel load mitigation, and we seek to use grazing for these purposes. The area is dominated by non-native light flashy fuels, as described above. Mr. Gibson has installed fencing and gates in the subject area, which restrict his cattle to the area closest to Kalaniana'ole Highway, which is most at risk of fire ignition.

In the last few decades, wildfires have burned on this parcel. As the Waimanalo Forest Reserve abuts dozens of properties and homes, fuel load mitigation is essential for protecting life and property. Currently, grazing is the only practical means of controlling the fire hazard. Recognizing the need to be proactive and timely in managing the fire hazard in these areas, the staff recommends that the Board permit periodic grazing within the subject area via a Revocable Permit. This authorization will allow the Division of Forestry and Wildlife to manage the fire fuel load in these areas through a partnership with the neighboring lessee. This action is an interim measure designed to address an immediate need and in no way suggests that the Division of Forestry and Wildlife has any interest in giving up management of the property as a forest reserve.

Staff also recommends that the Board authorize the issuance of an immediate management right-of-entry to the applicant, which shall expire upon executing the requested revocable permit.

RECOMMENDATION:

That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of immediate management right-of-entry permit covering the subject area for grazing purposes, 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; and
 - b) Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

3. Authorize the issuance of a Revocable Permit covering the subject area for grazing purposes 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 revocable permit form, as may be amended from time to time;
 - b) Review and approval by the Department of the Attorney General; and
 - c) Such other terms and conditions as maybe prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



David G. Smith, Administrator

APPROVED FOR SUBMITTAL:

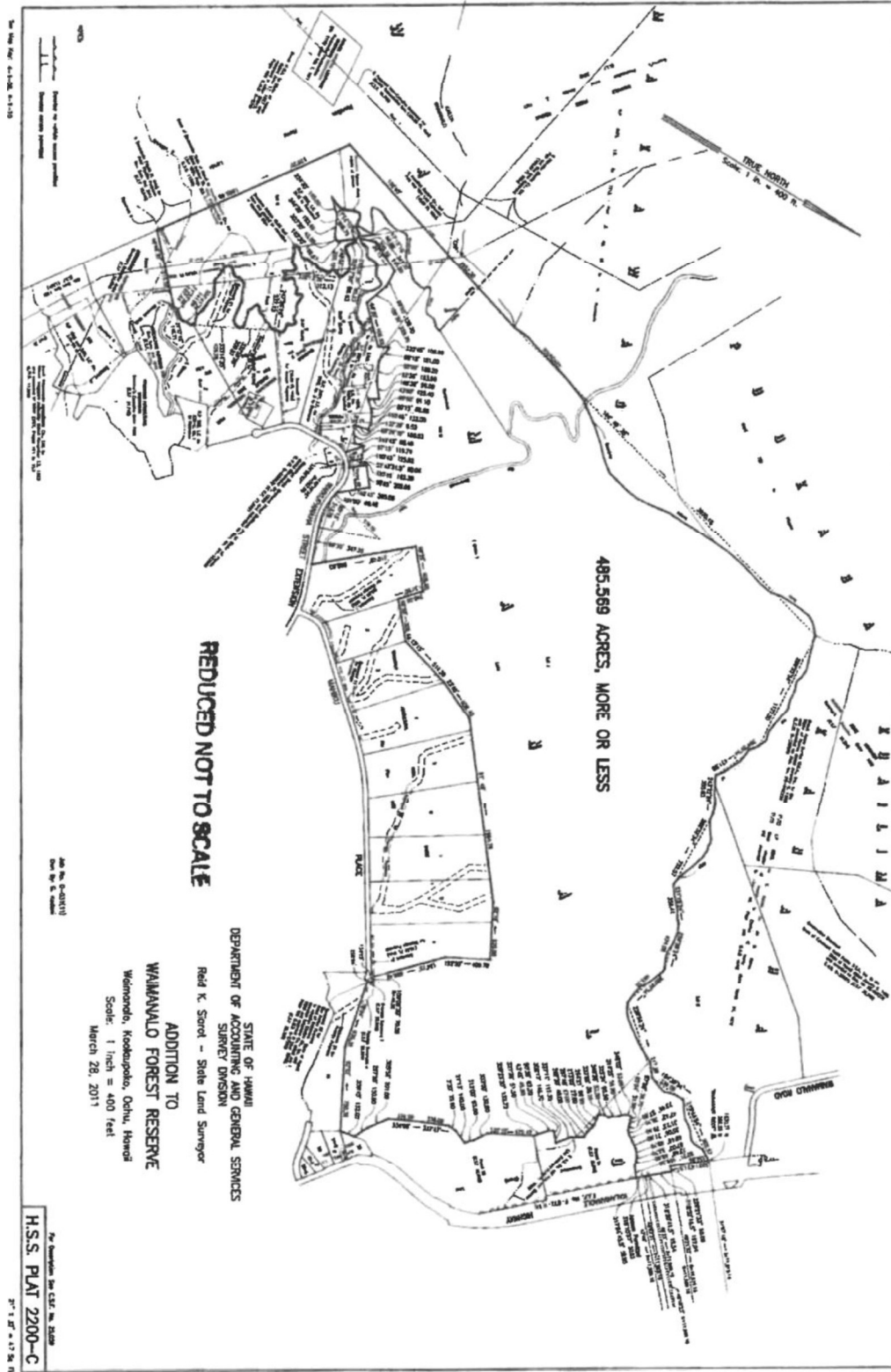


DAWN N.S. CHANG, Chairperson

Exhibits 1 and 2 – location maps

BLNR: ISSUANCE OF A REVOCABLE PERMIT AND IMMEDIATE MANAGEMENT RIGHT-OF-ENTRY PERMIT TO MR. HENRY EDWARD "BUD" GIBSON FOR GRAZING PURPOSES IN THE WAIMANALO FOREST RESERVE, WAIMANALO, OAHU, HAWAII, TAX MAP KEY: 1-4-1-010: PORTION OF 107

Exhibit 1 – Location Map



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Exhibit 2 – Location Map

Waimanalo FR Revocable Permit Area

