

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

December 13, 2024

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

OAHU

Issuance of Right-of-Entry Permit to Department of Land and Natural Resources, Division of Forestry and Wildlife, for Access for Coqui Frog Control and Reforestation Purposes; Waimanalo, Koolaupoko, Oahu, Tax Map Keys (1) 4-1-010:001 and 4-1-027:013.

APPLICANT:

Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW).

LEGAL REFERENCE:

Section 171-55 Hawaii Revised Statutes (HRS), as amended, and authority granted by the Board of Land and Natural Resources at its meeting on June 14, 2013, agenda item D-11, as amended.

LOCATION:

Portion of Government lands situated at Waimanalo, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-1-010:001 and 4-2-017:013, as shown on **Exhibit A**.

AREA:

(1) 4-1-010:001 – 47.879 acres; and
(1) 4-1-027:013 – 47.900 acres.

ZONING:

State Land Use District: Agriculture
City and County of Honolulu LUO: AG-1

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:

Portions of the subject parcels are encumbered by the following Governor's Executive Order (EO):

- A. No. 1651 setting aside to the Department of Agriculture (DOA) for addition to Maunawili Reservoir site (6.441 acres);
- B. No. 2642 setting aside to the City and County of Honolulu for water pipeline easements (42,074 square feet); and
- C. No. 3709 setting aside to the City and County of Honolulu for water pipeline purposes (7,782 square feet).

Upon checking the EOs mentioned above, staff notes they pertain to non-exclusive water pipelines easements¹ over discrete portions of the subject parcels, which have an area of approximately 48 acres each, and the remaining portions of the parcels are unencumbered.

CHARACTER OF USE:

Coqui Frog Control and Reforestation Purpose.

RIGHT-OF-ENTRY TERM:

One year upon acceptance of terms and conditions, or completion of the project, whichever is the earlier.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Government agency. Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15 and -16, Hawaii Administrative Rules (HAR), and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, which states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing", *Part 1, Item No. 44* that states "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing".

¹ The square footage for the easements under the executive orders is not available. They are shown on the excerpt of tax maps, which have been shared with DOFAW.

General Exemption Type 4, which states “Minor alterations in the conditions of land, water, or vegetation”, *Part 1, Item No. 3* that states “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”, and *Part 1, Item No. 9* that states “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”.

The subject request is a de minimis action that will probably have minimal or no significant effect on the environmental and should be declared exempt from the preparation of an environmental assessment and the requirements of Section 11-200.1-17, HAR, as a de minimis action.

DCCA VERIFICATION:

Government agency. Not applicable.

REMARKS:

DOFAW together with the Department of Agriculture (DOA), Oahu Invasive Species Committee, Koolau Mountains Watershed Partnership, and the community is forming a partnership to combat a population of coqui frogs in Waimanalo. Many of the frogs are on parcels owned by the Department of Hawaiian Home Lands and appropriate permission was recently received from the Hawaiian Homes Commission for the proposed control project.

The requested State parcels are also the targeted areas and fall under the jurisdiction of Land Division. Therefore, DOFAW, as the lead of the partnership, is requesting a right-of-entry permit noting that the project could last three (3) to five (5) years. In view of the urgency of the project, a crew has started a survey of the area to delimit the population on the requested parcels.

The project team will be doing habitat modification (cutting trees), application of citric acid via helicopter, drone, and ground hose (including portable pvc piping), hand capture, and acoustic monitoring. Applicant intends to utilize the community to conduct some of these activities. The community is also interested in being involved with reforestation and stewardship of the area moving forward.

The visits by the project team to the subject parcels range from a few times per week but possibly up to daily once the control project gets established. Staff recommends deferring the decision on frequency to DOFAW. Also, the requested right-of-entry will only be good for one year pursuant to applicable law. If any extension is needed after the initial one-

year period, staff will request an extension from the Chairperson. DOFAW has indicated that the project team will not perform any activities on the encumbered portions of the lands as noted in the Current Use Status section. Department of Agriculture does not have any comment to the subject request.

Applicant has not had a lease, permit, easement, or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. There are no other pertinent issues or concerns. Staff recommends the issuance of the requested right-of-entry for the purpose stated above.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15 and -16, 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 as a de minimis action.
2. Authorize the issuance of a right-of-entry permit to the Department of Land and Natural Resources, Division of Forestry and Wildlife for coqui frog control and reforestation purposes 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. DOFAW shall not conduct any coqui frog control or reforestation activities on the encumbered portions of the lands noted in the Current Use Status section;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
 - D. The Chairperson may extend the right of entry permit for good cause.

Respectfully Submitted,

Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson

RT

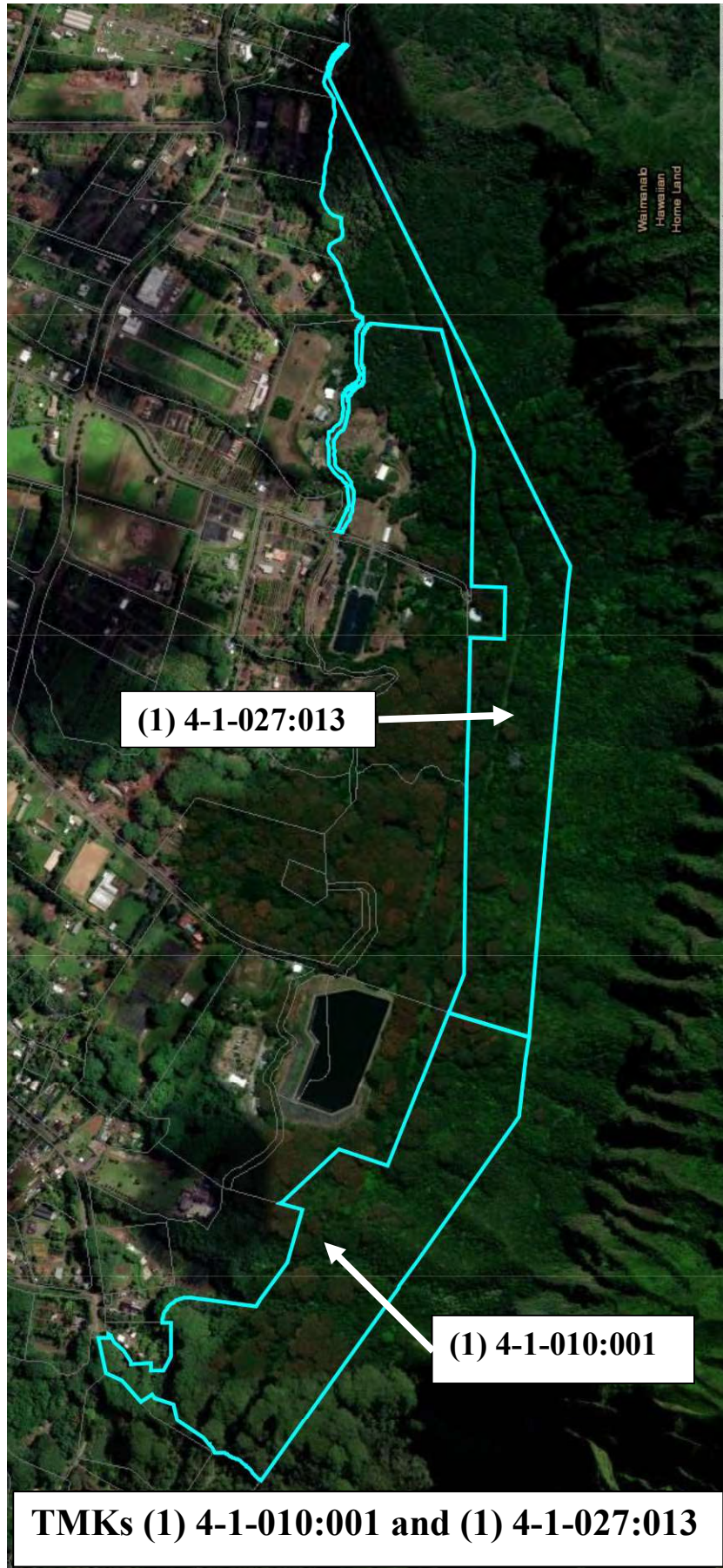


EXHIBIT A