

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

February 28, 2025

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

Land Board Members:

SUBJECT: APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE DIVISION OF FORESTRY AND WILDLIFE AND THE BIG ISLAND RESOURCE CONSERVATION & DEVELOPMENT COUNCIL, INC. FOR THE MANAGEMENT OF NATURAL AREA RESERVES AND FOREST RESERVES ON HAWAII ISLAND, TAX MAP KEYS:

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AND

REQUEST APPROVAL OF 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 MEMORANDUM OF
UNDERSTANDING, RIGHT-OF-ENTRY AND RELEASE OF LIABILITY
AGREEMENTS, FOR THE BIG ISLAND RESOURCE CONSERVATION &
DEVELOPMENT COUNCIL, INC. FOR THE MANAGEMENT OF
NATURAL AREA RESERVES AND FOREST RESERVES ON HAWAII
ISLAND.

SUMMARY:

This Board Submittal requests approval of Memorandum of Understanding (MOU) between the Division of Forestry and Wildlife (DOFAW) and the Big Island Resource Conservation & Development Council, Inc. (BIRC&D), a private non-profit 501(c)(3) organization, for the management of Natural Area Reserves and Forest Reserves on Hawaii island (See map in 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 MOU's, Right-Of-Entries (ROE) and/or Release of Liability Agreements, as appropriate, with the BIRC&D related to this project.

BACKGROUND:

BIRC&D partners with the Big Island Invasive Species Committee, Mauna Kea Watershed Alliance, Mauna Kea Forest Bird Recovery Project, and other organizations to support natural resource management projects on Hawaii island. BIRC&D also has an MOU with DOFAW to support management of certain Reserves on Maui, which was approved by the Board on December 9, 2022, Item C-1. The Division is seeking this non-exclusive MOU across this large area to provide flexibility for BIRC&D to respond to unforeseen needs, such as new invasive species populations. The natural resource management actions include native plantings, invasive plant removal, fence maintenance, non-native animal removal, and monitoring. BIRC&D also is seeking funding from other public and private sources to conduct this management.

DISCUSSION:

DOFAW is interested in a Memorandum of Understanding with BIRC&D for the term of twenty years, for the continued management of the areas BIRC&D is supporting, as well as the ability to manage new areas. A MOU would further establish the long-term DOFAW/BIRC&D partnership to conduct natural resource management actions. These actions would support implementation of the management plans for these Reserves and would be coordinated with DOFAW.

This MOU would not be exclusive as there are also other community organizations who are interested in implementing the management plans for this large area in a complementary way. For example, The Kohala Center and the Three Mountain Alliance Foundation also have non-exclusive MOUs with DOFAW for the management of a subset of these Hawaii island Reserves.

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 baseyards, 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. Fences shall contain step-overs or other features that permit pedestrian access for cultural and recreational use.

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 in concept a Memorandum of Understanding between the State of Hawai'i Division of Forestry and Wildlife and Big Island Resource Conservation & Development Council for management of Natural Area Reserves and Forest Reserves in Hawaii Island, Tax Map Keys:

(3) 7-1:001:001, (3) 7-1:001:004, (3) 7-1:001:006, (3) 7-1:001:010, (3) 7-1:002:001, (3) 7-1:002:013, (3) 7-1:003:016, (3) 7-1:004:018, (3) 4-4:016:003 (por), (3) 4-5:011:001, (3) 4-7:006:009, (3) 4-2:008:001, (3) 4-6:011:007, (3) 4-6:011:041, (3) 4-2:008:005 (por), (3) 4-4:014:001 (por), (3) 4-4:014:001 (por), (3) 4-8:003:003, (3) 4-8:003:004, (3) 4-3:010:001, (3) 4-3:010:007, (3) 4-3:011:005, (3) 4-3:003:001 (por), (3) 4-3:003:001, (3) 3-7:001:004, (3) 3-7:001:008, (3) 3-7:001:009, (3) 2-8:001:003, (3) 2-

9:005:001, (3) 3-3:001:001, (3) 2-7:001:003, (3) 2-5:001:002, (3) 2-5:001:006, (3) 2-5:001:008, (3) 2-5:001:015, (3) 2-5:001:016, (3) 2-5:001:017, (3) 2-5:001:018, (3) 2-5:002:004, (3) 2-5:002:014, (3) 2-5:002:016, (3) 2-4:008:003, (3) 3-7:001:002, (3) 3-7:001:012 (por), (3) 3-9:001:013, (3) 3-9:001:018, (3) 3-3:001:006, (3) 3-3:001:004, (3) 2-6:018:004, (3) 2-6:018:013, (3) 7-4:001:002, (3) 7-4:001:003, (3) 7-4:001:004, (3) 7-4:002:007, (3) 7-5:001:022, (3) 7-5:013:013, (3) 7-5:013:022, (3) 7-3:001:002, (3) 9-8:001:004, (3) 9-7:001:001, (3) 9-7:001:014, (3) 9-7:001:015, (3) 9-7:001:016, (3) 9-7:001:017, (3) 9-7:001:018, (3) 9-7:001:019, (3) 9-7:001:020, (3) 9-7:001:021, (3) 9-7:001:022, (3) 9-6:006:009, (3) 9-6:006:010, (3) 9-6:006:015, (3) 9-6:006:018, (3) 9-5:006:010, (3) 9-8:001:014, (3) 1-2:009:004, (3) 4-9:012:002, (3) 4-9:012:003, (3) 4-9:015:002, (3) 4-9:015:009, (3) 4-9:015:010, (3) 5-1:001:003, (3) 6-1:001:001, (3) 6-3:001:005 (por), (3) 6-3:001:007 (por), (3) 4-9:001:007 (por), (3) 4-9:013:001 (por), (3) 4-9:014:001, (3) 4-9:014:003, (3) 4-9:014:004, (3) 4-9:014:005, (3) 4-9:014:008, (3) 4-9:014:009, (3) 4-9:014:010, (3) 4-9:014:011, (3) 4-9:014:013, (3) 4-9:014:014, (3) 4-9:014:017, (3) 4-9:014:020, (3) 4-9:014:021, (3) 4-9:014:022, (3) 5-1:001:005, (3) 5-1:001:019, (3) 4-9:001:007 (por), (3) 4-9:012:041, (3) 4-9:012:005, (3) 6-3:001:002 (por), (3) 6-3:001:003, (3) 6-3:001:004 (por), (3) 6-3:001:006, (3) 6-4:001:056, (3) 1-3:007:001, (3) 1-3:007:006, (3) 1-3:007:007, (3) 1-3:007:025, (3) 1-3:007:026, (3) 1-3:007:027, (3) 4-1:006:005, (3) 4-1:006:001, (3) 4-3:010:009, (3) 4-4:014:009, (3) 4-4:015:001 (por), (3) 4-4:015:002 (por), (3) 4-4:015:005 (por), (3) 4-4:016:003, (3) 4-4:015:001 (por), (3) 3-8:001:001 (por), (3) 4-4:016:001 (por), (3) 1-4:003:017, (3) 1-4:001:004, (3) 1-4:090:014, (3) 1-4:034:026, (3) 1-4:034:027, (3) 1-4:003:008, (3) 1-8:012:001, (3) 1-8:009:019, (3) 1-8:009:020, (3) 1-8:010:045, (3) 1-9:001:004, (3) 4-4:016:005 (por), (3) 3-8:001:001 (por), (3) 8-7:012:002, (3) 8-7:012:005, (3) 8-7:012:006, (3) 8-7:001:003, (3) 8-7:001:008, (3) 8-9:001:002, (3) 8-7:001:001, (3) 8-7:001:012, (3) 2-4:008:001 (por), (3) 2-4:008:006 (por), (3) 2-4:008:008 (por), (3) 7-4:001:007, (3) 7-5:014:008, (3) 2-4:008:001 (por), (3) 2-4:008:005, (3) 2-4:008:006 (por), (3) 2-4:008:010, (3) 2-4:008:022, (3) 2-4:008:001 (por), (3) 1-1:001:001 (por), (3) 1-1:001:001 (por), (3) 8-8:001:005, (3) 8-8:001:006, (3) 8-8:001:007, (3) 8-8:001:008, (3) 8-8:001:010, (3) 8-8:001:011, (3) 8-8:001:012, (3) 3-7:001:012 (por), (3) 8-9:006:001, (3) 8-9:006:002, (3) 8-9:006:014, (3) 8-9:006:017, (3) 9-1:001:002, (3) 9-1:001:003 (por), (3) 9-1:001:006 (por), (3) 9-1:001:007 (por), (3) 4-4:015:011, (3) 4-4:015:009 (por), (3) 4-4:015:010, (3) 1-8:012:003, (3) 1-9:001:001, (3) 2-4:008:009, (3) 2-4:008:019, (3) 2-4:008:021, (3) 2-4:008:025, (3) 4-9:013:001 (por), (3) 6-1:001:001 (por), (3) 6-2:001:001, (3) 6-2:001:002, (3) 6-3:001:002 (por), (3) 6-3:001:004 (por), (3) 6-3:001:005 (por), (3) 6-3:001:007 (por), (3) 2-4:008:023, (3) 8-6:001:003

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 periodic Memorandum of Understanding, Right-Of-Entries and Release of Liability Agreements, as appropriate, between the State of Hawai'i Division of Forestry and Wildlife and Big Island Resource Conservation & Development Council, Inc. for the management of Natural Area Reserves and Forest Reserves on Hawaii island, 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:



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

Exhibit A: Map and Parcel List

RESERVE	TMK
PUU WAAWAA FOREST RESERVE	(3) 7-1:001:001, (3) 7-1:001:004, (3) 7-1:001:006, (3) 7-1:001:010, (3) 7-1:002:001, (3) 7-1:002:013, (3) 7-1:003:016, (3) 7-1:004:018,
GILBERT KAHELE RECREATION AREA	(3) 4-4:016:003 (por)
HAMAKUA FOREST RESERVE (AHUALOA SEC.)	(3) 4-5:011:001
HAMAKUA FOREST RESERVE (HANAPAI SEC.)	(3) 4-7:006:009
HAMAKUA FOREST RESERVE (HOEA KAAO SEC.)	(3) 4-2:008:001
HAMAKUA FOREST RESERVE (HONOKAIA SEC.)	(3) 4-6:011:007, (3) 4-6:011:041
HAMAKUA FOREST RESERVE (KAINEHE SEC.)	(3) 4-2:008:005 (por)
HAMAKUA FOREST RESERVE (KALOPA SEC.)	(3) 4-4:014:001 (por)
HAMAKUA FOREST RESERVE (KALOPA SEC.) / KALOPA GMA	(3) 4-4:014:001 (por)
HAMAKUA FOREST RESERVE (KEAA SEC.)	(3) 4-8:003:003, (3) 4-8:003:004
HAMAKUA FOREST RESERVE (PAAUILO SEC.)	(3) 4-3:010:001, (3) 4-3:010:007, (3) 4-3:011:005
HAMAKUA FR (KALOPA SEC.) / KALOPA STATE REC. AREA	(3) 4-3:003:001 (por)
HAUOLA FOREST RESERVE	(3) 4-3:003:001
HILO FOREST RESERVE (HUMUULA SEC.)	(3) 3-7:001:004, (3) 3-7:001:008, (3) 3-7:001:009
HILO FOREST RESERVE (KAIWIKI SEC.)	(3) 2-8:001:003, (3) 2-9:005:001
HILO FOREST RESERVE (KAMAEE SEC.)	(3) 3-3:001:001
HILO FOREST RESERVE (KAUKU SEC.)	(3) 2-7:001:003
HILO FOREST RESERVE (KUKUAU SEC.)	(3) 2-5:001:002, (3) 2-5:001:006, (3) 2-5:001:008, (3) 2-5:001:015, (3) 2-5:001:016, (3) 2-5:001:017, (3) 2-5:001:018, (3) 2-5:002:004, (3) 2-5:002:014, (3) 2-5:002:016
HILO FOREST RESERVE (KUKUAU SEC.)	(3) 2-4:008:003
HILO FOREST RESERVE	(3) 3-7:001:002, (3) 3-7:001:012

(LAUPAHOEHOE SEC.)	(por)
HILO FOREST RESERVE (OOKALA SEC.)	(3) 3-9:001:013
HILO FOREST RESERVE (OOKALA SEC.)	(3) 3-9:001:018
HILO FOREST RESERVE (OPEA SEC.)	(3) 3-3:001:006
HILO FOREST RESERVE (PIHA SEC.)	(3) 3-3:001:004
HILO FOREST RESERVE (WATERSHED RESERVE SEC.)	(3) 2-6:018:004, (3) 2-6:018:013
HONUULA FOREST RESERVE	(3) 7-4:001:002, (3) 7-4:001:003, (3) 7-4:001:004, (3) 7-4:002:007, (3) 7-5:001:022, (3) 7-5:013:013, (3) 7-5:013:022
HONUULA FOREST RESERVE	(3) 7-3:001:002
KAPAPALA FOREST RESERVE	(3) 9-8:001:004
KAU FOREST RESERVE	(3) 9-7:001:001, (3) 9-7:001:014, (3) 9-7:001:015, (3) 9-7:001:016, (3) 9-7:001:017, (3) 9-7:001:018, (3) 9-7:001:019, (3) 9-7:001:020, (3) 9-7:001:021, (3) 9-7:001:022, (3) 9-6:006:009, (3) 9-6:006:010, (3) 9-6:006:015, (3) 9-6:006:018
KAU FOREST RESERVE (KAMILO SECTION)	(3) 9-5:006:010
KAU FOREST RESERVE (KAPAPALA SEC.)	(3) 9-8:001:014
KEAUOHANA FOREST RESERVE	(3) 1-2:009:004
KOHALA FOREST RESERVE	(3) 4-9:012:002
KOHALA FOREST RESERVE	(3) 4-9:012:003
KOHALA FOREST RESERVE	(3) 4-9:015:002, (3) 4-9:015:009, (3) 4-9:015:010, (3) 5-1:001:003, (3) 6-1:001:001, (3) 6-3:001:005 (por), (3) 6-3:001:007 (por)
KOHALA FOREST RESERVE	(3) 4-9:001:007 (por)
KOHALA FOREST RESERVE	(3) 4-9:013:001 (por), (3) 4-9:014:001, (3) 4-9:014:003, (3) 4-9:014:004, (3) 4-9:014:005, (3) 4-9:014:008, (3) 4-9:014:009, (3) 4-9:014:010, (3) 4-9:014:011, (3) 4-9:014:013, (3) 4-9:014:014, (3) 4-9:014:017, (3) 4-9:014:020, (3) 4-9:014:021, (3) 4-9:014:022
KOHALA FOREST RESERVE (POLOLU SEC.)	(3) 5-1:001:005, (3) 5-1:001:019
KOHALA FOREST RESERVE	(3) 4-9:001:007 (por), (3) 4-

(WAIMANU SEC.)	9:012:041, (3) 4-9:012:005,
KOHALA WATERSHED FOREST RESERVE	(3) 6-3:001:002 (por), (3) 6-3:001:003, (3) 6-3:001:004 (por), (3) 6-3:001:006, (3) 6-4:001:056
MALAMA KI FOREST RESERVE	(3) 1-3:007:001, (3) 1-3:007:006, (3) 1-3:007:007, (3) 1-3:007:025, (3) 1-3:007:026, (3) 1-3:007:027
MANOWAIALEE FOREST RESERVE	(3) 4-1:006:005
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