

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i 96813

June 13, 2008

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

Land Board Members:

SUBJECT: REQUEST TO MODIFY MANAGEMENT POLICIES OF
THE NATURAL AREA RESERVES SYSTEM (NARS)
RELATING TO THE NARS
NOMINATIONS/MODIFICATIONS PROCESS

APPLICANT: Department of Land and Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl St. Rm. 325
Honolulu, HI 96813

BACKGROUND:

The policies of the Natural Area Reserves System (NARS) were produced by the Natural Area Reserves System Commission in consultation with Division of Forestry and Wildlife (DOFAW) staff, to help guide management activities within the NARS. These policies were approved by the Board of Land and Natural Resources on May 23, 1997. The management policies are required by law (HRS Chapter 195-7), and recommend required controls and permitted uses of areas which are part of the Reserves System.

Appendix C (Exhibit 1) of the Management Policies lists the Reserve Designation Process. On April 21, 2008, the Natural Area Reserves System Commission recommended a modification to the Reserve Designation Process where the NARS Commission forwards any proposal for a new NAR to the Division of Forestry and Wildlife for its recommendation. This recommendation is meant to advise the NARS Commission, and if none is received within 90 days, the NARS Commission will then proceed with a recommendation on the nomination. Additionally, the modified process states that the Commission may decide to hold public meetings on the island of the nominated NAR prior to making its recommendation.

STAFF ANALYSIS:

Proposed changes (Exhibit 2) to the process for NARS Designation have been distributed to DOFAW staff for comments, which were discussed in the April 21, 2008 NARS Commission meeting. Additionally, the deputy Attorney General has reviewed

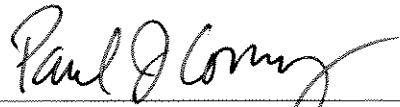
these changes. These modifications reflect staff recommendations for a process that clarifies when DOFAW is consulted in the NARS Commission's recommendations. Additionally, NARS Commissioners wanted the option to receive public input before their recommendation, which has been added in step 5 of the modified process.

RECOMMENDATION:

That the Board:

- 1) Approve the modifications to the Natural Area Reserves System Nomination/Modification Process (Exhibit 2).

Respectfully submitted,



PAUL J. CONRY, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN, Chairperson
Board of Land and Natural Resources

Attachments:

- Exhibit 1: Appendix C of the Management Policies of the Natural Area Reserves System:
Process for Designation of Natural Area Reserves
Exhibit 2: Proposed Natural Area Reserves System Nomination/Modification Process

Appendix C - Reserve Designation Process

PROCESS FOR DESIGNATION OF NATURAL AREA RESERVES

BACKGROUND

The Natural Area Reserves System Commission is responsible for establishing criteria for selecting Natural Area Reserves. The Commission acts in an **advisory** capacity to the Board of Land and Natural Resources, which makes the actual designations, followed by an Executive Order (EO) signed by the Governor to officially add the reserve to the system. In doing this, the Commission must interpret the purposes of Chapter 195 that establishes the Natural Area Reserves System.

CHAPTER 195-1 Findings and declaration of necessity. The legislature finds and declares that (1) the State of Hawaii possesses unique natural resources, such as geological and volcanological features and distinctive marine and terrestrial plants and animals, many of which occur nowhere else in the world, that are highly vulnerable to loss by the growth of population and technology; (2) these unique natural assets should be protected and preserved, both for the enjoyment of future generations, and to provide base lines against which changes which are being made in the environments of Hawaii can be measured; (3) in order to accomplish these purposes the present system of preserves, sanctuaries and refuges must be strengthened, and additional areas of land and shoreline suitable for preservation should be set aside and administered solely and specifically for the aforesaid purposes; and (4) that a statewide natural area reserves system should be established to preserve in perpetuity specific land and water areas which support communities, as relatively unmodified as possible, of the natural flora and fauna, as well as geological sites, of Hawaii.

There are currently 19 Natural Area Reserves protecting approximately 110,000 acres of Hawaii's most valuable natural heritage. The first, Ahihi-Kinohi'o on Maui was designated in 1973; the latest, Kanaio, also on the island of Maui, was designated in 1991.

CRITERIA FOR SELECTING NATURAL AREAS

Adopted by Natural Area Reserves System Commission February 25, 1971.

The Commission asserts that the word "enjoyment" used in the act does not mean on site recreation use, but does mean cultural or scientific enrichment or satisfaction. The Commission has determined that the Natural Area Reserves System shall have the objective of preserving in as natural a condition as practicable, and in perpetuity, areas of land and/or water in the State of Hawaii which (1) form representative units of ecosystems containing the diversity of terrestrial or aquatic biota of the islands, (2) have unique geologic or physiographic significance, or (3) are necessary for preserving endangered species of Hawaiian fauna or flora. Such areas are to be used, as feasible for research in natural sciences, as teaching laboratories, for reservoirs of natural genetic materials (gene pools), or for preserving valuable illustrations of original natural heritage. Resources within Natural Areas are not to be subjected to consumptive use or to experimentation

other than that specifically approved and judged not to be deleterious to the area.

The following criteria are adopted as important guides for the Commission in selecting areas for the Natural Area Reserves System. However, the Commission shall exercise its prerogative of judgment with regard to these criteria and other criteria in selecting and recommending areas to be included in the Natural Area Reserves System.

Representativeness: Each selected Natural Area shall be representative of one or more major, natural, relatively unmodified ecosystems, geologic or physiographic features, or habitats containing endangered species of fauna or flora. The description of a proposed area shall include details of the features that make the area distinctive, unique, significant, or representative. The term representative as applied to ecosystems, shall be interpreted in relation to macroclimatic zonation to ensure a balanced geographic distribution of natural areas as representative ecosystems.

Scientific Value: Each Natural Area shall have significant potential for scientific study, for teaching, for preservation of distinctive biota or other natural features, or for preserving natural genetic material. The description of a proposed area shall include details of the scientific attributes of the area.

Administrative: Each Natural Area shall be identifiable on maps and on the ground. It should be reasonably protectable from pests and from physical damage and, legally, from encroachment. Access to the area should be in conformance with the nature and purpose of the area. Utilities, communication facilities, and other right of way developments should be avoided as much as possible. Administrative or management factors should be detailed in the description of each proposed area.

Size of Areas: Each Natural Area shall be large enough, but no larger than necessary, to accomplish the particular purpose of establishing that Natural Area. A desired size is that which will provide essentially unmodified conditions in the interior portion. The cost and feasibility of protecting the area will have a bearing on the size. Some areas may be less than an acre while others may exceed 10,000 acres, where a special need is demonstrated.

Number of Areas: As many as possible of the major terrestrial and aquatic plant and animal communities and distinctive geologic features on each island should be represented in the Natural Area Reserves System. However, the Natural Area Reserves System shall not include unnecessary duplications of ecosystems or geologic features already protected in Federal Wildlife Refuges, National Parks, or private conservation groups.

Ownership: Natural Areas shall be composed of lands owned or legally controlled by the State in perpetuity. Privately owned areas desired for the Natural Area Reserves System may be obtained by gift, devise, purchase, or eminent domain as specified in the Act. Federal lands shall not be designated as Natural Areas under Act 139.

THE PROCESS

1. Anyone (public or private) may submit a nomination to the Natural Area Reserves System Commission for consideration at any time. The Commission itself may prepare site nominations.
2. These nominations are presented at regular (public) meetings of the Commission. These meetings are open to the public, where comments may be received in regards to these nominations. The Commission may then recommend that further action be taken to prepare the nomination.
3. Staff refine the nomination and prepare it for public hearing on the island where is located. This may include an on-site visit to the proposed area.
4. A public hearing is held on the particular island, preceded by legal notification of newspapers and circulation of the nomination to interested parties.
5. Following the public hearing, the nomination is further refined and a Board Submittal is prepared.
6. The nomination then goes before the Board of Land and Natural Resources for designation.
7. Upon designation by the Board of Land and Natural Resources, the proposed new Natural Area goes to the Governor for an Executive Order, which officially places it within the Natural Area Reserves System.
8. Any changes to a Reserve, such as de-designation or modification of established boundaries also require a public hearing process before any significant action is taken.

Exhibit 2.

Natural Area Reserves System (NARS) Nomination/Modification Process

1. Anyone (public or private) may submit a nomination to the Natural Area Reserves System Commission for consideration at any time. The Commission itself may prepare site nominations.
2. These nominations are presented at regular (public) meetings of the Commission. These meetings are open to the public, where comments may be received in regards to these nominations.
3. The NARS Commission forwards the proposals to the Division of Forestry and Wildlife (DOFAW) Administrator for staff review and comments.
4. DOFAW will respond to the NARS Commission with a recommendation or comments within 90 days. If no recommendation is received within the allotted time period, the Commission will proceed with the review process.
5. After receiving recommendations from DOFAW, if any, the Commission makes a decision as to whether to recommend to the governor and the department the proposal for inclusion of suitable areas within the reserves system. The Commission may decide to hold a public meeting on the island of the proposal to solicit public comment prior to making its recommendation.
6. Upon recommendation by the Commission, staff prepares the nomination for public hearing. Staff publishes required legal notices in newspapers and circulates the nomination to interested parties. This phase may include an on-site visit to the proposed area by staff.
7. A public hearing is held, preferably on the particular island where the proposed expansion area is located.
8. Following the public hearing, comments are compiled and the nomination is prepared for submission to the Board.
9. The nomination then goes before the Board of Land and Natural Resources for a resolution to designate the proposed area into the reserves system.
10. Upon resolution by the Board of Land and Natural Resources, the proposed new Natural Area goes to the Governor for set aside by Executive Order into the Natural Area Reserves System.

Any changes to a Reserve, such as revocation or modification of the executive order that set aside lands for the reserves system also require a public hearing process before any action is taken.