

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

July 22, 2011

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

Board Members:

**SUBJECT: REQUEST APPROVAL FOR ISSUANCE OF A WILDLIFE
SANCTUARY RIGHT OF ENTRY PERMIT TO THE ARMY
CORPS OF ENGINEERS, HONOLULU DISTRICT FOR THE
CONSTRUCTION OF THE KAWAINUI MARSH
ENVIRONMENTAL RESTORATION PROJECT**

SUMMARY:

This permit is for entry into the Kawainui Marsh State Wildlife Sanctuary, under management of the Division of Forestry and Wildlife (DOFAW) Oahu Branch, and is necessary to authorize access to the Army Corps of Engineers (ACOE) for construction of the Kawainui Marsh Environmental Restoration Project. The restoration project is designed to improve habitat for native water birds that inhabit the marsh.

BACKGROUND:

The Kawainui Marsh Environmental Restoration Project was authorized under section 1135 of the Water Resources Development Act of 1986 (WRDA). The modifications proposed were designed to improve the quality of the environment in the public interest. Kawainui Marsh is the largest remaining lowland emergent wetland in Hawaii, and has been identified as an important area for the recovery of endangered Hawaiian waterbirds. The project involves construction of terraced ponds separated by low earthen berms, creating cells that can be drained or filled to control water to benefit waterbirds. Shallow wells will be drilled to provide a source of water for the ponds. Construction requires removal of soils and vegetation, and construction of a perimeter fence. The total project area will encompass approximately 60 acres.

HRS CHAPTER 343

The Department issued a finding of no significant impact for the project in the DLNR Kawainui Marsh Management Plan Final Environmental Assessment, dated April 23,

2000. The Board approved a CDUP for the Kawainui Marsh Management Plan and USACE habitat restoration project on December 12, 2001. A finding of no significant impact for the Kawainui Marsh Environmental Restoration Project Final Supplemental Environmental Assessment was issued on March 4, 2009. The Board approved the entry into the Project Partnership Agreement on June 10, 2010.

DISCUSSION:

DOFAW has been working with the ACOE on the specifications of the project and details for construction. The Wildlife Sanctuary Right of Entry permit is being issued under authority of the Wildlife Sanctuary Rules, HAR Chapter 13-126, and grants access to the site to initiate and complete construction of the project which is expected to take 2 years. Any additional permits, consultation, compliance or other documents that are required will be secured by the ACOE before the project is started.

RECOMMENDATION:

That the Board approve the issuance of a Wildlife Sanctuary Right of Entry Permit to the Army Corps of Engineers, Honolulu District, for construction of the Kawainui Marsh Environmental Restoration Project, and authorized the Chairperson to negotiate and issue the permit, including amendments, extensions and renewals, as needed, subject to the following:

1. The standard terms and conditions of the Wildlife Sanctuary permits;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



PAUL J. CONRY
Administrator

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA JR., CHAIRPERSON
Board of Land and Natural Resources