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

August 26, 2011

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

Land Board Members:

SUBJECT: Acceptance of Hearing Officer's Report on a Public Hearing for Three Proposed Withdrawal and Five Proposed Additions to the Forest Reserve System on the Island of Oahu.

Approval and Recommendation to the Governor Issuance of an Executive Order to Withdraw Approximately 80.35 acres from Waimanalo Forest Reserve, Kailua, Koolaupoko District, Oahu, Tax Map Key (1) 4-2-010:004

Approval and Recommendation to the Governor Issuance of an Executive Order to Withdraw Approximately 64.8 acres from Pupukea Forest Reserve, Pupukea and Paumalu, Koolauloa District, Oahu, Tax Map Keys (1) 5-9-005:002 and (1) 5-9-005:077.

Approval and Recommendation to the Governor Issuance of an Executive Order to Withdraw Approximately 0.59 acres from Round Top Forest Reserve, Makiki, Honolulu, Oahu, Tax Map Key (1) 2-5-019:006.

Approval and Recommendation to the Governor Issuance of an Executive Order for Addition of Approximately 1,413.93 acres to Honolulu Watershed Forest Reserve, Nuuanu, Pauoa, Manoa, Palolo, and Wailupe, Honolulu, Oahu, Tax Map Key parcels (1) 2-2-047:001, (1) 2-5-011:007, (1) 2-9-051:001, (1) 2-9-055:014, (1) 3-4-010:portions of 009, (1) 3-4-022:portions of 001, (1) 3-6-004:004, and (1) 3-6-004:026.

Approval and Recommendation to the Governor Issuance of an Executive Order for Addition of Approximately 2.5 acres to Waimanalo Forest Reserve, Waimanalo, Koolaupoko District, Oahu, Tax Map Key parcel (1) 4-1-010:094.

Approval and Recommendation to the Governor Issuance of an Executive Order for Addition of Approximately 25 acres to Mokuleia Forest Reserve, Mokuleia 2, Aukuu and Kikahi, Wainae, Oahu, Tax Map Key parcel (1) 6-8-003:041.

Approval and Recommendation to the Governor Issuance of an Executive Order for Addition of Approximately 695 acres to Re-establish the Lualualei Forest Reserve, Waianae, Waianae, Oahu, Tax Map Key parcel (1) 8-8-001:010.

Approval and Recommendation to the Governor Issuance of an Executive Order for Addition of Approximately 3,592.78 acres to Establish the Honouliuli Forest Reserve, Honouliuli, Ewa, Oahu, Tax Map Key parcel (1) 9-2-005:025.

Background: At its meeting of April 21, 2011, item D-11, the Board approved in concept the removal of approximately 80.35 acres from Waimanalo Forest Reserve, Kailua, Koolaupoko District, Oahu, Tax Map Key (1) 4-2-010:004 (**Exhibit A**). The parcel was set aside to the State Department of Agriculture (DOA) for an agricultural research facility and agricultural-related purposes by Governor's Executive Order 3726 in 1998. Corresponding documentation for the removal of parcel 004 from the Waimanalo Forest Reserve has not been found in forest reserve records maintained by Division of Forestry and Wildlife (DOFAW). As this area has already been set aside to another agency, DOFAW seeks to remove it from Waimanalo Forest Reserve.

At its meeting of April 21, 2011, item D-11, the Board approved in concept the removal of approximately 64.8 acres from Pupukea Forest Reserve, Pupukea and Paumalu, Koolauloa District, Oahu, Tax Map Keys (1) 5-9-005:002 and (1) 5-9-005:077 (**Exhibit B**). In 2004, these two parcels were part of a land exchange between DLNR and the Boy Scouts of America, involving the exchange of private lands in Waikele, Oahu, for public lands located on the islands of Oahu, Kauai, and Hawaii. As title for these two parcels has already been transferred to the Boy Scouts, DOFAW seeks to remove them from Pupukea Forest Reserve.

At its meeting of April 21, 2011, item D-11, the Board approved in concept the removal of approximately 0.59 acres from Round Top Forest Reserve, Makiki, Honolulu, Oahu, Tax Map Key (1) 2-5-019:006 (**Exhibit C**). On April 20, 1934, under Executive Order 615, this parcel was re-set aside as a reservoir site to be under management and control of the Board of Water Supply. As this area has already been set aside to another agency, DOFAW seeks to remove it from Round Top Forest Reserve.

At its meeting of April 21, 2011, item D-11, the Board approved in concept the addition of approximately 1,413.93 acres to Honolulu Watershed Forest Reserve, Nuuanu, Pauoa, Manoa, Palolo, and Wailupe, Honolulu, Oahu, Tax Map Key parcels (1) 2-2-047:001, (1) 2-5-011:007, (1) 2-9-051:001, (1) 2-9-055:014, (1) 3-4-010: portions of 009, (1) 3-4-022: portions of 001, (1) 3-6-004:004, and (1) 3-6-004:026 (**Exhibit D**). Over the years, the Territorial and State governments acquired several parcels of private land within the Reserve, often as exchanges with landowners who had steep lands that were unsuitable for development but suitable for watershed purposes. DOFAW, in cooperation with the Land Division, has discovered several such parcels that have not been formally added to the Forest Reserve System as public lands. The Division seeks to formally add these parcels as public lands within Honolulu Watershed Forest Reserve, following the intent of the original forest reserve designations as important watershed areas by the Territorial Government.

At its meeting of April 21, 2011, item D-11, the Board approved in concept the addition of approximately 2.5 acres to Waimanalo Forest Reserve, Waimanalo, Koolaupoko District, Oahu, Tax Map Key parcel (1) 4-1-010:094 (**Exhibit A**). The primary objective of this proposal would be to consolidate the parcel with adjacent state lands that are already part of Waimanalo Forest Reserve. The Division therefore seeks to add this parcel to Waimanalo Forest Reserve for administrative housekeeping purposes.

At its meeting of April 21, 2011, item D-11, the Board approved in concept the addition of approximately 25 acres to Mokuleia Forest Reserve, Mokuleia 2, Aukuu and Kikahi, Waianae, Oahu, Tax Map Key parcel (1) 6-8-003:041 (**Exhibit E**). Governor's Executive Order 3780, dated August 23, 1999, set aside this parcel to DOFAW as the Mokuleia Forest Reserve Road Right Of Way. The Division does not have an official land designation for right of ways, and therefore has no associated statutes and rules governing such an area. The Division seeks re-designation of the parcel as an addition to Mokuleia Forest Reserve in order to afford the forest reserve access road the protections provided by statutes and rules of the Forest Reserve System.

At its meeting of April 21, 2011, item D-11, the Board approved in concept the addition of approximately 695 acres to re-establish the Lualualei Forest Reserve, Waianae, Waianae, Oahu, Tax Map Key parcel (1) 8-8-001:010 (**Exhibit F**). Lualualei Forest Reserve was created by Governor's Proclamation dated November 30, 1906, consisting of approximately 3,743 acres. By Governor's Proclamation dated March 2, 1923, 31.05 acres were removed from the Reserve. Governor's Proclamation dated February 3, 1930, removed all remaining lands from the Reserve and placed them under the jurisdiction of the Land Division. Lualualei Forest Reserve effectively ceased to exist by the combined actions of these Governor's Proclamations. Recently, DOFAW and the Land Division have concurred that the best management designation for a portion of this area would be as a forest reserve for watershed and other purposes. TMK parcel (1) 8-8-001:010 is currently unencumbered State land. Re-establishing the Lualualei Forest Reserve would place this parcel under the protections provided by statutes and rules of the Forest Reserve System. These lands will be managed primarily for watershed purposes, animal control efforts and threatened and endangered species.

At its meeting of February 11, 2010, item D-16, the Board approved in concept the addition of approximately 3,592.78 acres to establish the Honouliuli Forest Reserve, Honouliuli, Ewa, Oahu, Tax Map Key parcel (1) 9-2-005:025 (**Exhibit G**). This property was previously owned by the James Campbell Company, LLC and was managed by the Nature Conservancy from 1990 until the time of its acquisition by the State of Hawaii in 2010. Acquisition of the property was made possible through the Trust for Public Land with the contribution of funds from:

- The US Army Garrison Hawaii through an Army Compatible Use Buffer Zone program grant.
- The US Fish and Wildlife Service Recovery Land Acquisition Program.
- State Legacy Lands Program.
- City and County of Honolulu' Clean Water and Natural Lands Fund.

This is one of the most biologically rich areas on Oahu and is home to over 90 species of rare and endangered plants and animals. Addition of these lands to Forest Reserve System provides these lands with the protections provided by associated statutes and rules and also makes available a new opportunity for public enjoyment.

Approval to hold a public hearing on the subject proposed forest reserve additions and withdrawals were obtained from the Board of Land and Natural Resources at its meetings on February 11, 2010, item D-16 and April 21, 2011, item D-11. Approval to hold the public hearing and to appoint David Smith, the Division's Oahu Branch Manager, as the Hearing Officer was obtained from the Chairperson on April 27, 2011.

On May 8, 2011, a Notice of Public Hearing was published in the Sunday editions of the Garden Island, Honolulu Star-Advertiser, Maui News, West Hawaii Today, and Hawaii Tribune-Herald newspapers, for a public hearing that was held on May 25, 2011 to receive public input on the subject items.

No members of the public attended this meeting, the proceedings of which are summarized in the attached Hearing Officer's report (Exhibit H). No verbal testimony was received regarding these items. No written testimonies were received by mail after the meeting. Based on these results, staff recommends final processing of the proposed transfers.

RECOMMENDATIONS:

That the Board of Land and Natural Resources:

1. Accept and approve the Hearing Officer's report and minutes for the public hearing held on May 25, 2011 for the three proposed withdrawals and the five proposed additions to the Forest Reserve System on the Island of Oahu.

2. Approve of and recommend to the Governor issuance of an executive order to withdraw approximately 80.35 acres from Waimanalo Forest Reserve, Kailua, Koolaupoko District, Oahu, Tax Map Key (1) 4-2-010:004.

3. Approve of and recommend to the Governor issuance of an executive order to withdraw approximately 64.8 acres from Pupukea Forest Reserve, Pupukea and Paumalu, Koolauloa District, Oahu, Tax Map Keys (1) 5-9-005:002 and (1) 5-9-005:077.

4. Approve of and recommend to the Governor issuance of an executive order to withdraw approximately 0.59 acres from Round Top Forest Reserve, Makiki, Honolulu, Oahu, Tax Map Key (1) 2-5-019:006.

5. Approve of and recommend to the Governor issuance of an executive order setting aside approximately 1,413.93 acres to Honolulu Watershed Forest Reserve, Nuuanu, Pauoa, Manoa, Palolo, and Wailupe, Honolulu, Oahu, Tax Map Key parcels (1) 2-2-047:001, (1) 2-5-011:007, (1) 2-9-051:001, (1) 2-9-055:014, (1) 3-4-010: portions of 009, (1) 3-4-022: portions of 001, (1) 3-6-004:004, and (1) 3-6-004:026 as described above.

6. Approve of and recommend to the Governor issuance of an executive order setting aside approximately 2.5 acres to Waimanalo Forest Reserve, Waimanalo, Koolaupoko District, Oahu, Tax Map Key parcel (1) 4-1-010:094).

7. Approve of and recommend to the Governor issuance of an executive order setting aside approximately 25 acres to Mokuleia Forest Reserve, Mokuleia 2, Aukuu and Kikahi, Waianae, Oahu, Tax Map Key parcel (1) 6-8-003:041.

8. Approve of and recommend to the Governor issuance of an executive order setting aside approximately 695 acres to re-establish the Lualualei Forest Reserve, Waianae, Waianae, Oahu, Tax Map Key parcel (1) 8-8-001:010.

9. Approve of and recommend to the Governor issuance of an executive order setting aside approximately 3,592.78 acres to establish the Honouliuli Forest Reserve, Honouliuli, Ewa, Oahu, Tax Map Key parcel (1) 9-2-005:025.

10. Recommendation Nos. 2 through 9 are further made subject to the following:

    A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;

B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;

C. Review and approval by the Department of the Attorney General; and

D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,

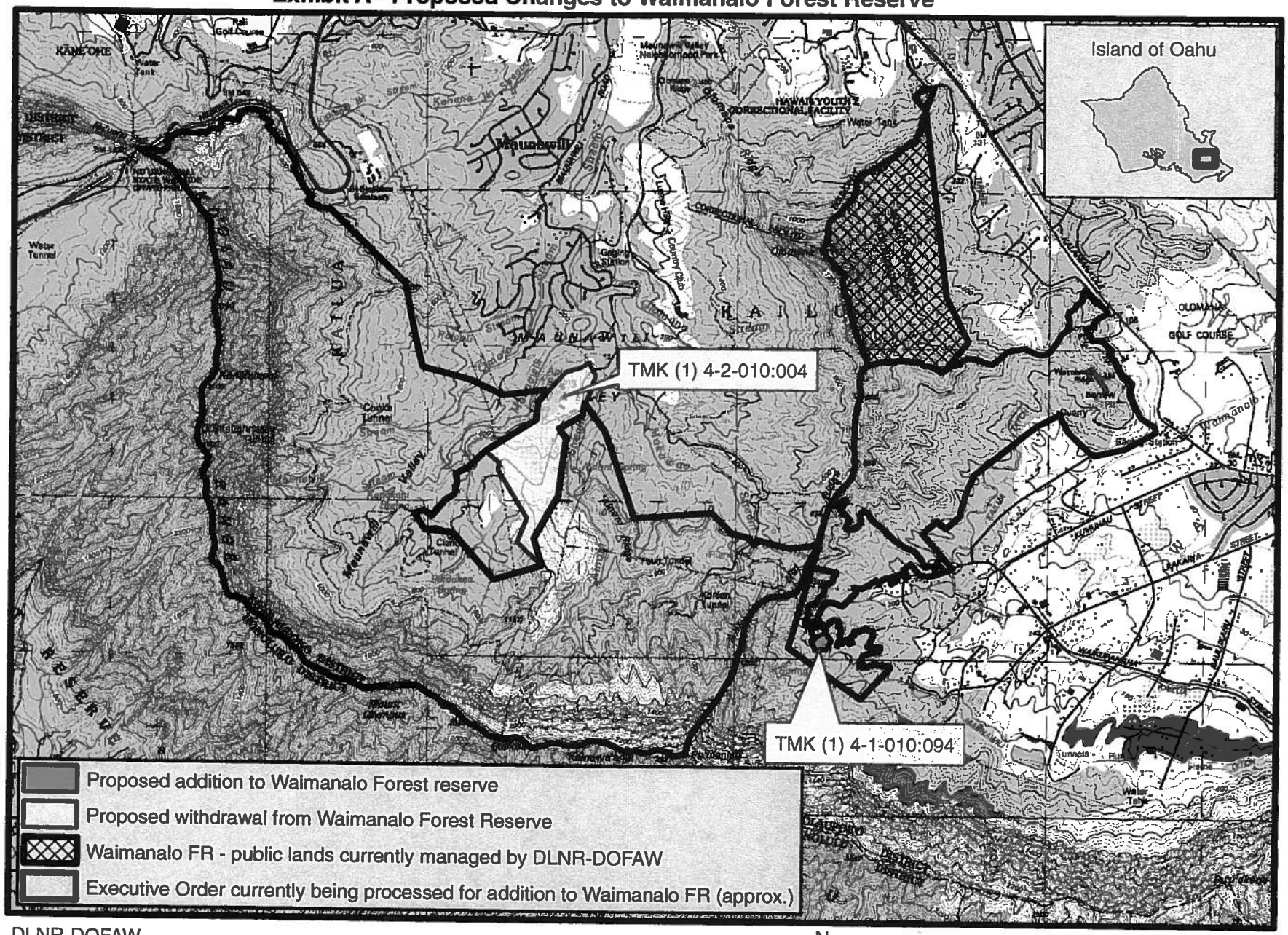
PAUL J. CONRY
Administrator

Attachments
Exhibit A – Proposed changes to Waimanalo Forest Reserve
Exhibit B – Proposed withdrawal from Pupukea Forest Reserve
Exhibit C – Proposed withdrawal from Round Top Forest Reserve
Exhibit D – Proposed addition to Honolulu Watershed Forest Reserve
Exhibit E – Proposed addition from Mokuleia Forest Reserve
Exhibit F – Proposed addition to Lualualei Forest Reserve
Exhibit G – Proposed addition to Honouliuli Forest Reserve
Exhibit H – Hearing Officer's Report

APPROVED FOR SUBMITTAL:

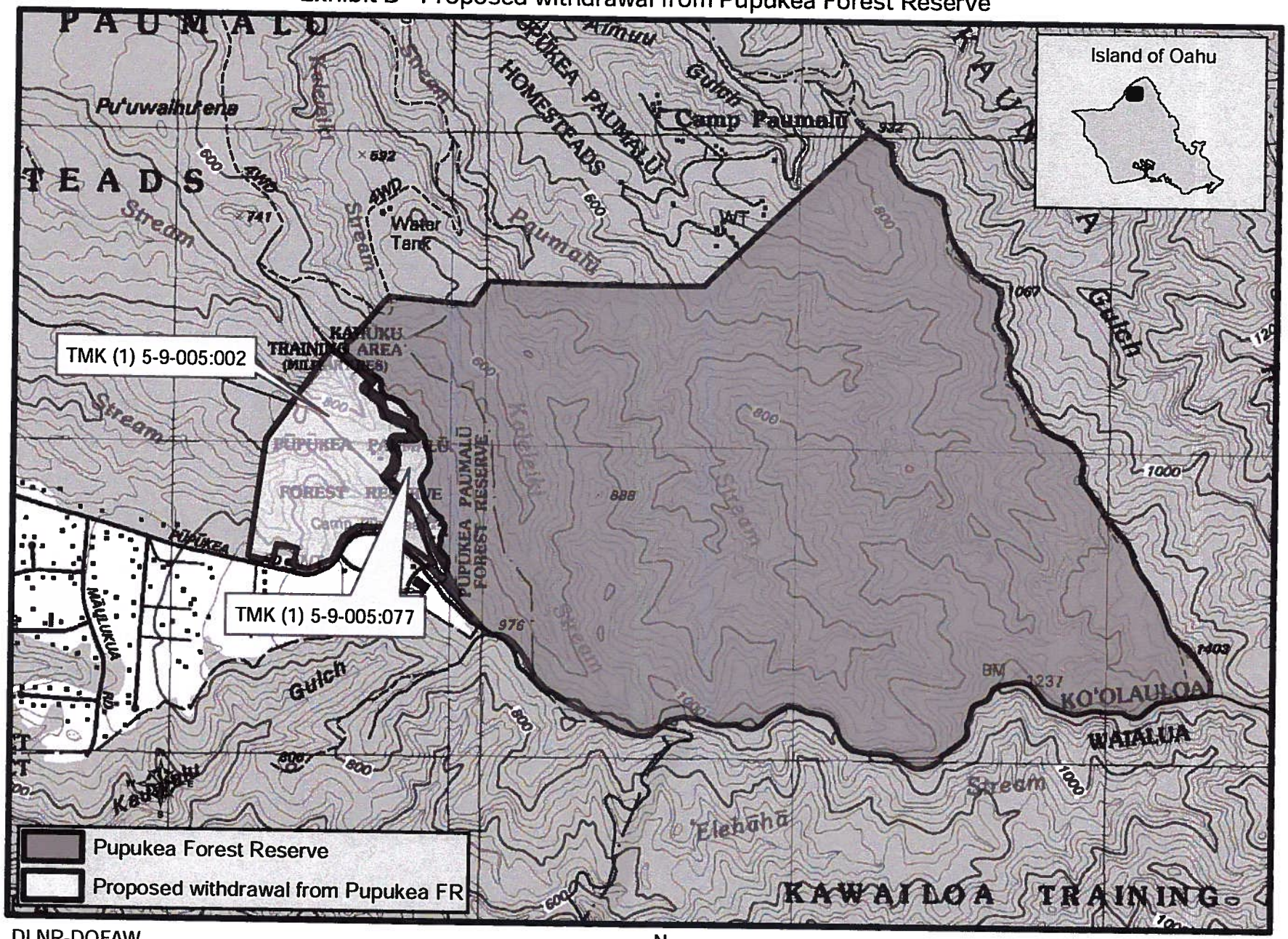
William J. Aila, Jr., Chairperson
Board of Land and Natural Resources

Exhibit A - Proposed Changes to Waimanalo Forest Reserve



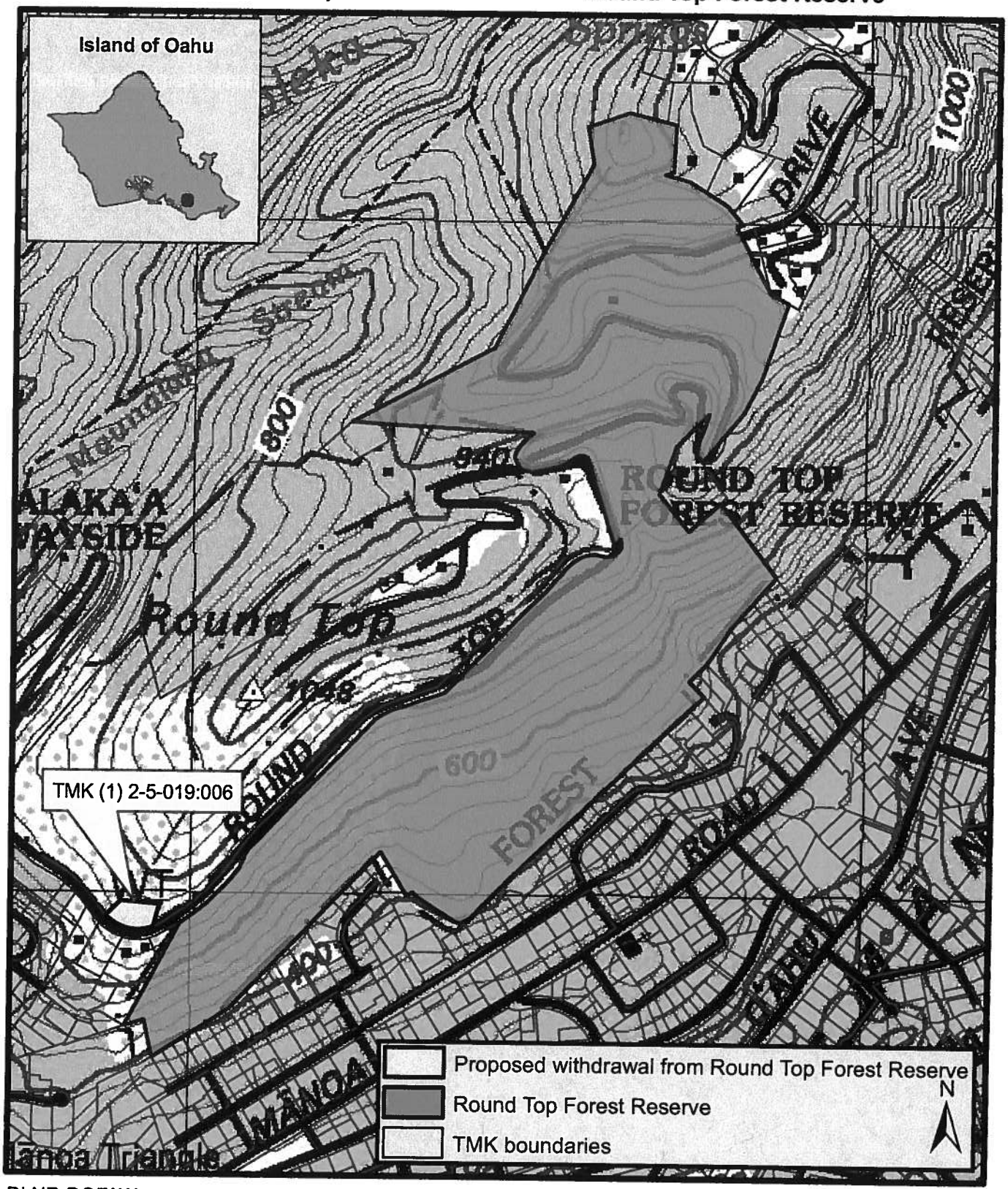
DLNR-DOFAW
April 2011

Exhibit B - Proposed withdrawal from Pupukea Forest Reserve



DLNR-DOFAW
January 2011

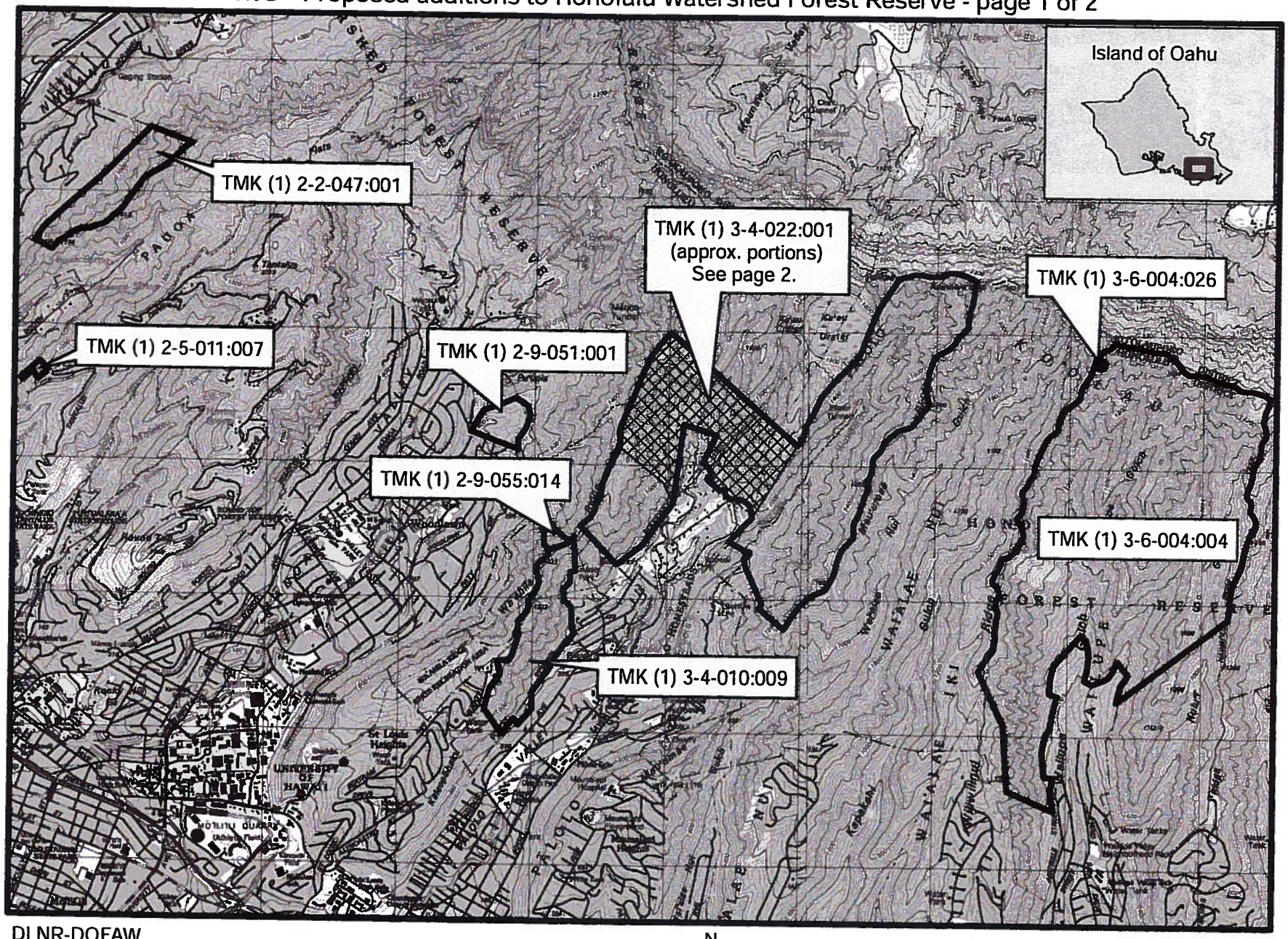
Exhibit C: Proposed withdrawal from Round Top Forest Reserve



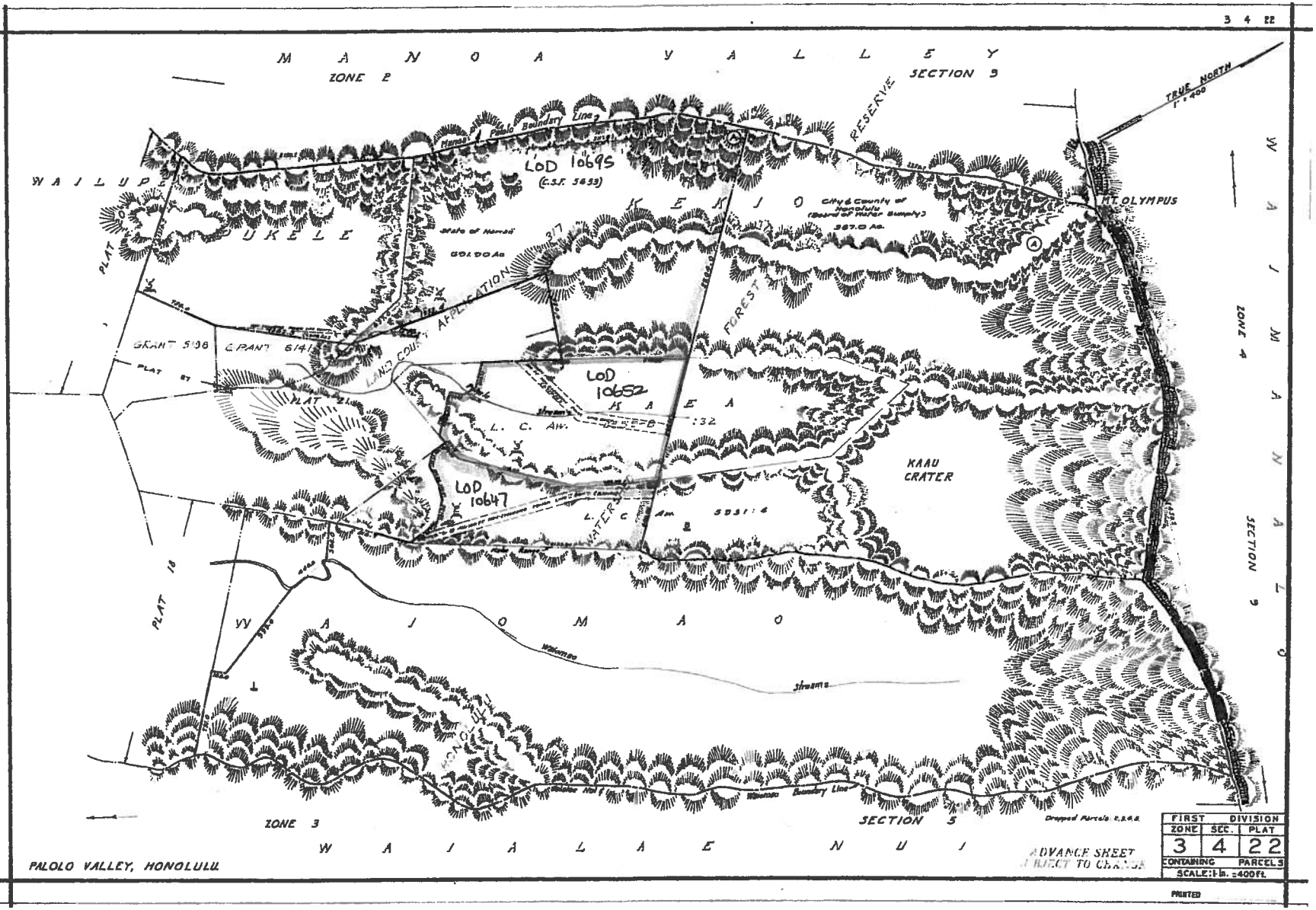
DLNR-DOFAW
January 2011

0 0.125 0.25 0.5 Miles

Exhibit D - Proposed additions to Honolulu Watershed Forest Reserve - page 1 of 2



DLNR-DOFAW
January 2011

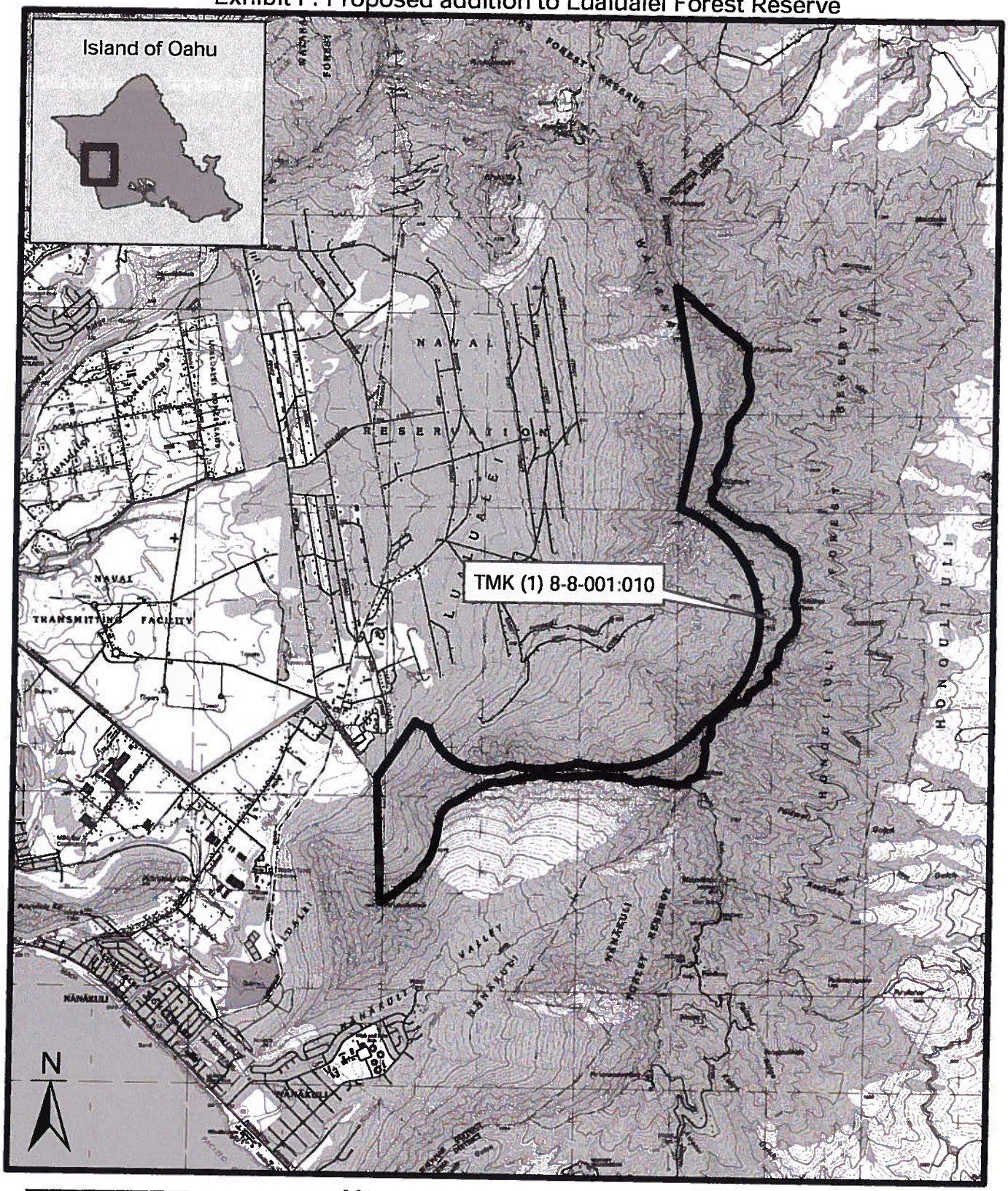


3 4 22
M A N O A V A L L E Y
ZONE 2
SECTION 3
TRUE NORTH
1" = 400
RESERVE
Manoa & Palolo Boundary Line
LOD 10695
(C.S.F. 5653)
W A I L U P E
U K E L E
K E K I O
City & County of Honolulu (Board of Water Supply)
567.0 Ac.
MT. OLYMPUS
State of Hawaii
601.00 Ac.
LAND COURT APPLICATION 317
FOREST
GRANT 5198
GRANT 6141
PLAT 27
PLAT 2
LOD 10652
K A E A
L. C. Aw.
:32
KAAU CRATER
LOD 10647
L. C. Aw.
5931:4
WATER
PLAT 18
W A I O M A O
Waiomao
Streams
Waiomao Boundary Line
ZONE 4
SECTION 9
W A I M A N A L O
ZONE 3
SECTION 5
W A I A L A E N U I
Dropped Parcels 2,3,4,5
PALOLO VALLEY, HONOLULU
ADVANCE SHEET
SUBJECT TO CHANGE
FIRST DIVISION
ZONE 3
SEC. 4
PLAT 22
CONTAINING PARCELS
SCALE: 1 in. = 400 ft.
PRINTED

Exhibit E - Proposed addition to the Mokuleia Forest Reserve

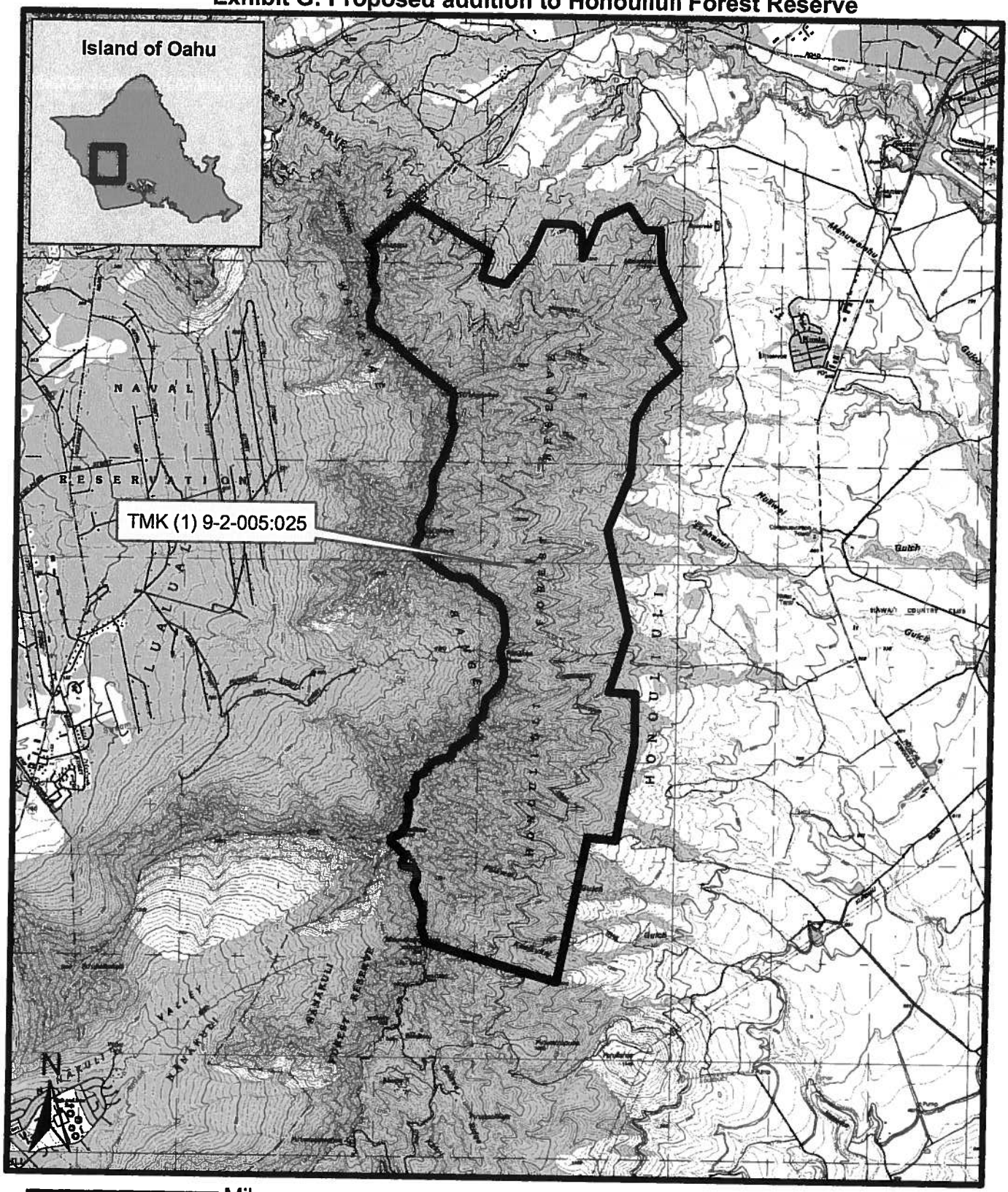
DLNR-DOFAW
January 2011

Exhibit F: Proposed addition to Lualualei Forest Reserve



DLNR-DOFAW
September 2010

Exhibit G: Proposed addition to Honouliuli Forest Reserve



DLNR-DOFAW
June 2011

Exhibit H

HEARING OFFICER'S REPORT AND MINUTES OF:

Public Hearing for Eight (8) Proposed Changes Affecting the Area of Government Forest Reserve Lands on the Island of Oahu

State of Hawaii
Division of Forestry and Wildlife
Makiki Baseyard Conference Room
2135 Makiki Heights Drive
Honolulu, HI 96822

6:00 pm

May 25, 2011

SUMMARY OF TESTIMONIES RECEIVED

Written testimonies are kept on file in the Division of Forestry and Wildlife for public review.

No oral testimonies were received.

No written testimonies were received.

I. SUMMARY OF PUBLIC HEARING PROCEEDINGS

A. The public hearing was called to order at 6:00 pm. In attendance were the following staff members from the Department of Land and Natural Resources:

Division of Forestry and Wildlife:

David Smith – Hearing Officer	Oahu Branch Manager
Ryan Peralta – Recorder	Forestry Manager, Oahu Branch

B. No members of the public attended the meeting, thus no written or oral testimony was collected in regards to the proposed Forest Reserve additions during the meeting. The information that the Division of Forestry and Wildlife had prepared regarding these items was not presented as there were no attendees other than staff.

C. The public hearing was adjourned at 6:30 pm.

II. APPROVALS AND NOTICES OF PUBLIC HEARING

A. Approval to hold a public hearing on the proposed forest reserve additions and withdrawals was obtained from the Board of Land and Natural Resources on February 11, 2010 and April 27, 2011.

B. Approval to hold the public hearing and to appoint David Smith, the Division's Oahu Branch Manager, as the Hearing Officer was obtained from the Chairperson on April 27, 2011.

C. Notice of this Public Hearing was published in the Sunday editions of the Garden Island, Honolulu Star-Advertiser, Maui News, West Hawaii Today, and Hawaii Tribune-Herald newspapers on May 8, 2011.

Minutes prepared and respectfully submitted by David Smith.