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STATE OF HAWAII
Department of Land and Natural Resources
Land Division
Planning Branch
Honolulu, Hawaii

D-9

August 11, 2000

File No.: MA-2983
180-Day Exp. Date: 10/30/00

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

REGARDING: Conservation District Use Permit to
Subdivide Public Lands to be Set Aside by
Executive Order for Military Purposes to the
Hawaii Army National Guard

APPLICANT: LTC Richard Young
Hawaii Army National Guard
Engineering/Environmental Section
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495

LANDOWNER: STATE OF HAWAII

LOCATION/ Makawao, Maui
TMK: (2) 2-1-02: 01

AREA OF PARCEL: 5,948 acres

AREA OF USE: 4,707 acres

SUBZONE: General

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

August 11, 2000.

DESCRIPTION OF THE AREA/BACKGROUND:

The Hawaii Army National Guard (HIARNG) is currently using a 4,707 acre portion of a 5,948 acre parcel owned by the State of Hawaii for military training purposes. The training area, known as the Kanaio National Guard Training Area (KNTA), is located on the southern slopes of Haleakala, southeast Maui and extends from the coastline up to Piilani Highway at about 1800 feet above mean sea level. Contiguous lands on the east, northeast, north and west of KNTA are owned by the State although several

smaller parcels and a few inholdings are privately-owned (Exhibits 1 & 2).

One dirt road running from Piilani Highway to Kanaio Beach provides 4-wheel drive or Hum-Vees access to the training area. The King's Trail runs east to west beyond the southern boundary of the parcel and is excluded from this request. Currently, the area is uninhabited.

The KNTA is host to cave-adapted insects, rare and endangered dryland forest trees, an anchialine pool, and rare coastal strand vegetation. However, over the century, the ecosystem has been degraded by browsing, grazing, and trampling by ungulates and by invasion of alien plant species, particularly, grasses.

In 1965, Land License I-65 was issued to the Department of Defense establishing the land use for military training purposes: Up to twelve weekends a year, units of the HIARNG engage in ground maneuvers consisting of light infantry training (maneuvering on foot), air assault, and supply and engineering support operations (involving equipment and personnel transportation as well as excavation and earth-moving operations). Live fire exercises and the use of tracked vehicles such as tanks and armored personnel carriers have been excluded, and as a result, environmental impacts like vegetation loss, soil compaction and erosion, are not as damaging as those resulting from mechanized training.

At KNTA, all cultural and historic features have been identified and are declared "off-limits" to troops and personnel. No hunting of animals or destruction of vegetation is allowed and Guard personnel are prohibited from entering the caves and training at Kanaio Beach. To prevent the invasion of alien plant species, there is an established protocol wherein all personnel are required to thoroughly clean their equipment and clothing before training. Barricades and warning signs are erected during training to prohibit unauthorized entry.

In 1997, the HIARNG prepared a Historic Preservation Plan for the Kanaio Training Area to meet federal and State historic preservation responsibilities. The plan included recommendations to restrict training in areas identified as culturally sensitive.

In addition to the use of the lands for military training purposes, the HIARNG has also implemented management actions to conserve and protect Kanaio's natural and cultural resources.

In 1995, the Natural Resources Management Plan for the Kanaio Training Area was completed. The plan was the result of an initiative by the U.S. Department of Defense to systematically conserve biological diversity within the context of military training by planning for and appropriately managing natural and cultural resources in areas under their jurisdiction.

The plan describes the resources and the threats by ungulates, weeds, fire, and small populations of rare plant species; general principles for management of the primary biological resources; measures which can be taken to protect the 'ohai, a native shrub of the pea or legume family that is federally listed as endangered; and recommendations for projects that could be used to enhance the biological diversity and integrity of the KNTA.

In 1999, the Board approved Conservation District Use Permit, MA-2928 for the HIARNG's installation of approximately 2.5 miles of game fencing at three sites located around Puu Pohakea and Puu Pimoe in Kanaio. The purpose of the fencing is to protect the rare and endangered species from feral ungulate browsing and is part of an ongoing effort by the National Guard to restore native dryland forest/shrubland through the exclusion of ungulates, weed control, seeding and out-planting. The National Guard Bureau (NGB) provided funds in the amount of \$239,000 for the project (Exhibit 3).

Natural resource protection at Kanaio is focused on the recovery of federally listed species and other significant resources. Management actions taken by the Guard to date include surveying and identifying significant plant and animal communities, protection by fencing sensitive ecosystems, and propagating and out-planting native species into the wild with the long-term goal being the establishment of a biological preserve for native dryland forest communities.

The lands proposed for the subdivision are in the General Subzone of the Conservation District (Exhibit 4).

PROPOSED USE:

The Hawaii Army National Guard has requested that a 4,707 acre portion of a parcel be set aside by an Executive Order. In order to begin the process for the set aside, the land area known as the Kanaio National Guard Training Area will require a subdivision.

Jurisdiction of the Kanaio National Guard Training Area will assure the HIARNG that the land used for military training is continued and as a more secure land disposition, they will be able to qualify for additional Federal funding for land management operations, including alien grass suppression, weed surveys, and endangered species recovery and management.

The proposed subdivision will involve a 5,948 acre parcel owned by the State that is currently unencumbered. The boundaries for the training area are identified in Exhibit 5. Actual metes and bounds will be required for the creation of an executive order that will be reviewed and scheduled for action by the Board of Land and Natural Resources.

AGENCY COMMENTS:

The application was referred to the following agencies for review and comment: the U.S. Fish and Wildlife Service; the State Departments of Health, Hawaiian Home Lands, the Office of Hawaiian Affairs and the Office of Environmental Quality Control and the County of Maui's Planning Department.

Within the Department of Land and Natural Resources, the Divisions of Aquatic Resources, Conservation and Resources Enforcement, Forestry and Wildlife, Historic Preservation, the Maui District Land Office and the Commission on Water Resource Management also provided comments.

UNITED STATES DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

The KNTA is a dry, mid-elevation area, primarily made up of aa lava and alien vegetation although native plants and at least one endangered plant are known from the area.

The HIARNG is providing the best possible management of the land to accommodate the protection and recovery of federally listed

species and other significant resources while allowing them to complete their training mission. HIARNG's current use of KNTA is appropriate and in accordance with the Conservation District zoning. We do not anticipate significant impacts to fish and wildlife resources resulting from the proposed action.

DEPARTMENT OF LAND AND NATURAL RESOURCES

Conservation and Resources Enforcement

At the time Enforcement Officer Stanley Okamoto conducted the site inspection, three areas had been fenced off: two one-half acre areas next to the hillside and approximately 20 acres of an area near the ocean.

Forestry and Wildlife

The National Guard has implemented management actions including surveying, fencing sensitive ecosystems, propagating species and out-planting native species in the wild. We agree with their protection of these endangered species and efforts to sustain them for the future.

Maui District Land Office

Due to its present condition and future use of the land, the jurisdiction of the subject area should be set aside by executive order to the Department of Defense.

ANALYSIS:

Following review and acceptance of the application for processing, the Applicant was notified on May 18, 2000 that:

1. The proposed project is an identified land use in the Conservation District (P-6 Public Purpose Use D-1) within the General Subzone, according to section 13-5-22, Hawaii Administrative Rules (HAR);
2. Pursuant to section 13-5-40, HAR, a public hearing will not be required; and
3. The proposed action is an exempt class of action pursuant to section 11-200-8(a)(1), HAR.

By letter of July 14, 2000, the County of Maui Planning Department stated that an SMA permit is not necessary.

The following discussion evaluates the merits of the proposed land use by applying the criteria established in section 13-5-30, HAR:

1. The proposed land use is consistent with the purpose of the Conservation District.

The primary mission of the Hawaii Army National Guard is to maintain combat readiness for national defense, and to assist and coordinate local efforts during natural disasters and civil disobedience. Equally important to the HIARNG is to maintain a non-degraded training environment by conserving and managing natural resources. Consistent with this purpose are the actions HIARNG has implemented at Kanaio to restore native ecosystems by surveying, fencing sensitive habitats, propagating and out-planting native species.

The 4,707 acre portion of the parcel to be set aside is located in the General Subzone of the Conservation District and is currently unencumbered State lands. The primary purposes for the set aside are to ensure that the KNTA continues in use for military training and to justify a continuation of federal funding for natural resource conservation programs within Kanaio.

2. The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur.

The objective of the General Subzone is to designate open space where specific conservation uses may be defined, but where urban use would be premature.

For compliance with Federal and Army mandates (Section 7, Endangered Species Act of 1973, as amended, and Army Regulation 200-3) the HIARNG is required to consult the USFWS if proposed activities such as operations, training, and development may affect listed threatened or endangered species. To this end, one of the goals of HIARNG is to integrate natural, historic and cultural resources management into the planning and conduct of military training and other land use decisions.

3. The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes, entitled "Coastal Zone Management," where applicable.

One of the Coastal Zone Management Program's objectives is the protection of valuable coastal ecosystems from disruption, and in 1999, the Army installed approximately two and one-half miles of game fencing around three sites at Puu Pohakea and Puu Pimoe, which included a twenty acre kipuka (patch of vegetation) and a cinder gulch. The project is part of their ongoing efforts to restore diverse native drylandforest/shrubland through the exclusion of ungulates, weed control, seeding and out-planting.

4. The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community, or region.

Environmental impacts from HIARNG training include direct vegetation and wildlife disturbance (trampling or injuring), erosion, noise, dust, fire threats, and alien species introduction.

In January 1998 the USFWS submitted a manual to the HIARNG entitled: "Environmental Awareness Training and Operations Manual: Rare and Endangered Species Protection on Hawaii Army National Guard Facilities and Training Areas, Hawaiian Islands". It contains standard operating procedures for training and operations in sensitive areas and includes a protocol to prevent the invasion of non-native species by limiting the spread of noxious weeds and pests between training areas.

5. The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.

At KNTA there is nominal infrastructure development. There are no permanent facilities for troop housing, support or supply. The only structures are two sheds and approximately 2.5 miles of game fencing.

6. The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.

During the twelve weekends per year, the ground maneuver training will cause minimal substrate disturbance and some noise and air pollution from human activity. However, these impacts will not adversely affect the environment. The natural resource conservation activities implemented at KNTA represent the HIARNG's commitment to restore and protect the biologically diverse and endangered natural communities at Kanaio.

7. Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.

The subdivision is a prerequisite for setting aside by Executive Order, 4,707 acres to the HIARNG. The proposed action will establish the Hawaii Army National Guard's control and jurisdiction of an area that has been used for military training since 1965.

The HIARNG has no plans to build new structures or to increase training activities at Kanaio. Current training activities will be maintained.

8. The proposed land use will not be materially detrimental to the public health, safety and welfare.

The Environmental Awareness and Training Manual which outlines standard operating procedures to reduce the threat of fire, wetland disturbance, and alien species introduction demonstrates the HIARNG's commitment to minimizing negative species impacts and proper stewardship of Hawaii's unique biological resources.

Staff has no objections to the proposed subdivision and the subsequent set aside of the land by Executive Order.

Staff therefore, has the following recommendation:

RECOMMENDATION:

That the Board of Land and Natural Resources **APPROVE** the subdivision of parcel 1 of TMK: 2-1-02 into two legal lots. One

lot will contain 4,707 acres and is to be set aside by Executive Order to the Hawaii Army National Guard. The second lot consisting of approximately 1,241 acres is to remain as public lands, subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules and regulations of the federal, State and County governments, and applicable parts of Section 13-5-42, HAR;
2. The applicant shall comply with applicable Department of Health rules;
3. All representations relative to mitigation and implementation set forth in the application (including the Final Historic Preservation Plan for Hawaii Army National Guard Kanaio Training Area, September 1997, the Natural Resources Management Plan Kanaio National Guard Training Area, August 1995), and the Environmental Awareness Training and Operations Manual: Rare and Endangered Species Protection on Hawaii Army National Guard Facilities and Training Areas, Hawaiian Islands, January 1998 for this project are hereby incorporated as conditions of the permit;
4. If evidence of historic sites or subsurface features, including burials, are discovered during the conduct of military training exercises, all activity in the vicinity of the find shall cease and the applicant shall contact the Maui Archaeologist of the Historic Preservation at 243-5169;
5. All activities connected with the project shall be contained within the project area as identified in the application for a Conservation District Use Permit;
6. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
7. That in issuing the permit, the Department has relied on the information and data that the applicant has provided in

connection with the permit application. If, subsequent to the issuance of the permit, such information and data prove to be false, incomplete or inaccurate, the permit may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;

8. That the applicant provide the Maui District Land Office with a State and County of Maui certified survey of the lands they want set aside to them by Executive Order;
9. The applicant shall file a final subdivision map with the Department within 60 days of the approval of the subdivision;
10. That failure to comply with any of these conditions shall render this Conservation District Use permit null and void;
and
11. All other terms and conditions as prescribed by the Chairperson.

Respectfully submitted,

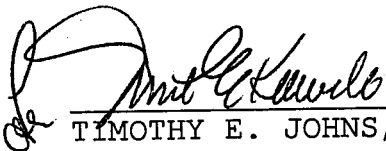
Lauren A. Tanaka

LAUREN A. TANAKA
Staff Planner



Attachment(s)

APPROVED FOR SUBMITTAL:

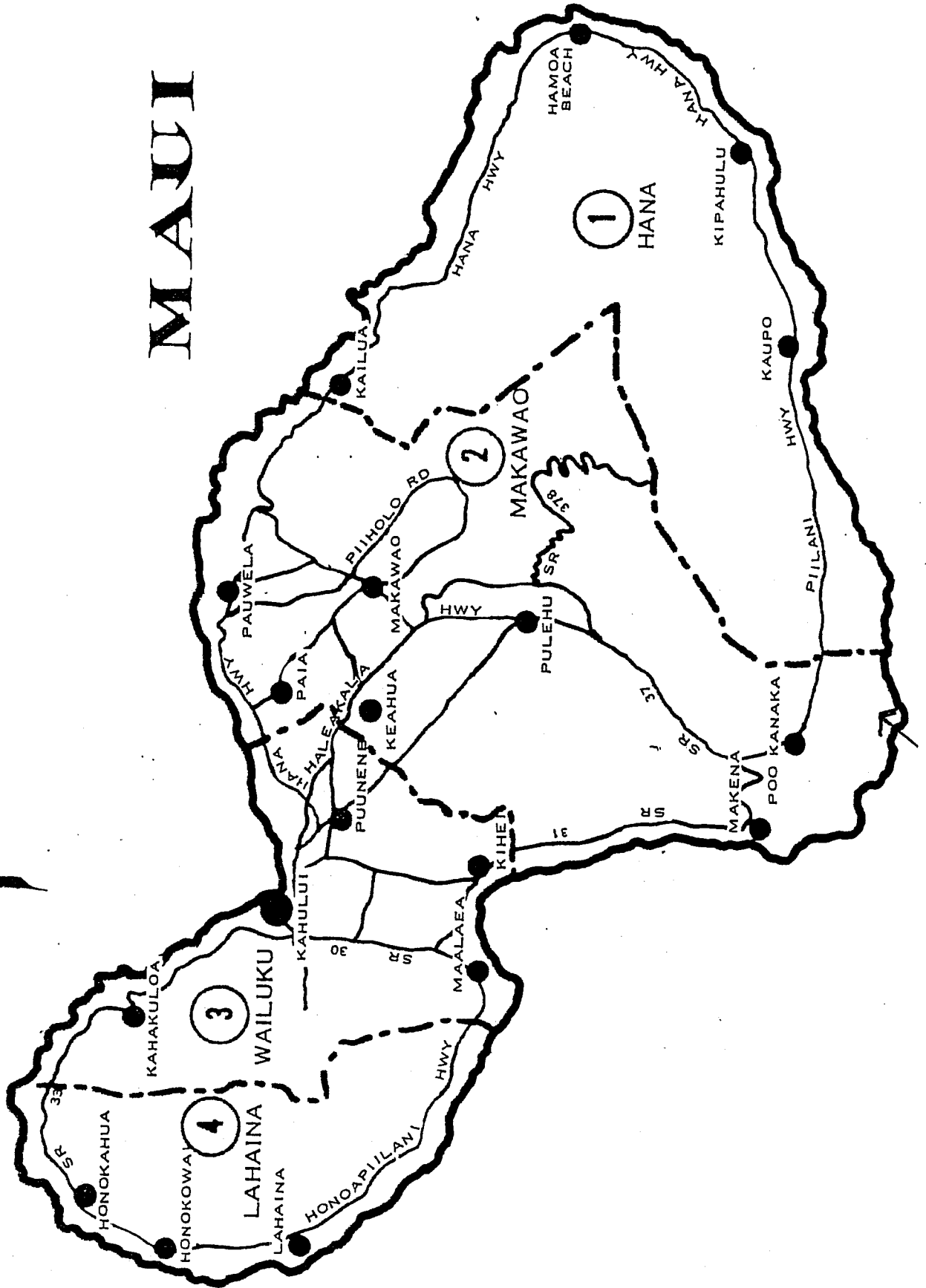


TIMOTHY E. JOHNS, Chairperson
BOARD OF LAND AND NATURAL RESOURCES

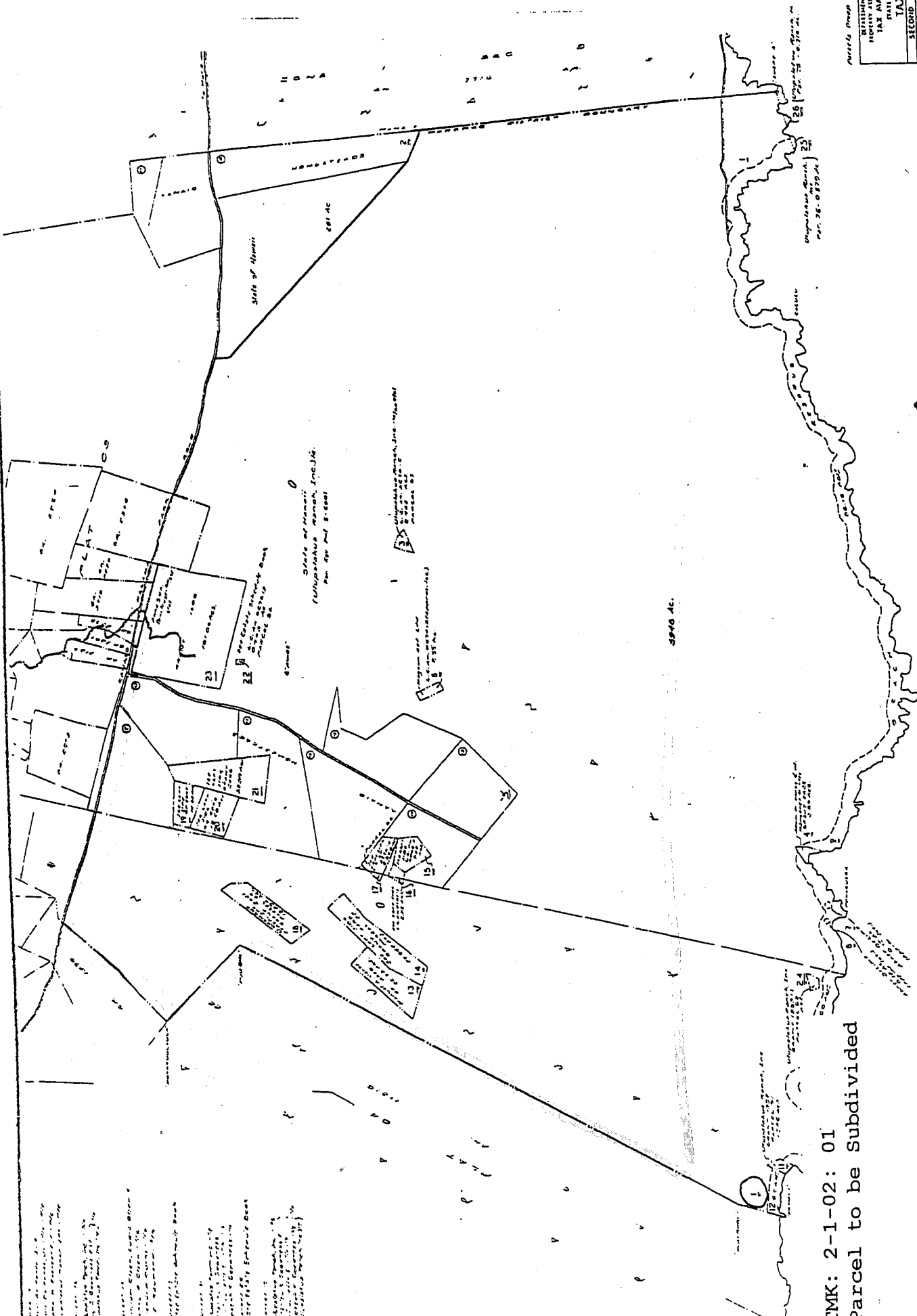
Exhibits:

1. Area Map
2. Tax Map Key
3. Fencing Project Areas
4. Conservation District Subzone Map
5. Proposed Boundaries for Subdivision

MAUI



Project Area



TMK: 2-1-02: 01
Parcel to be Subdivided

STATEMENT OF TAXATION	
PROPERTY IDENTIFICATION SECTION	
TAX MAPS BRANCH	
TAX MAP	
SECOND EDITION	DATE
2	11
02	
DATE: 1-24-1999	

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

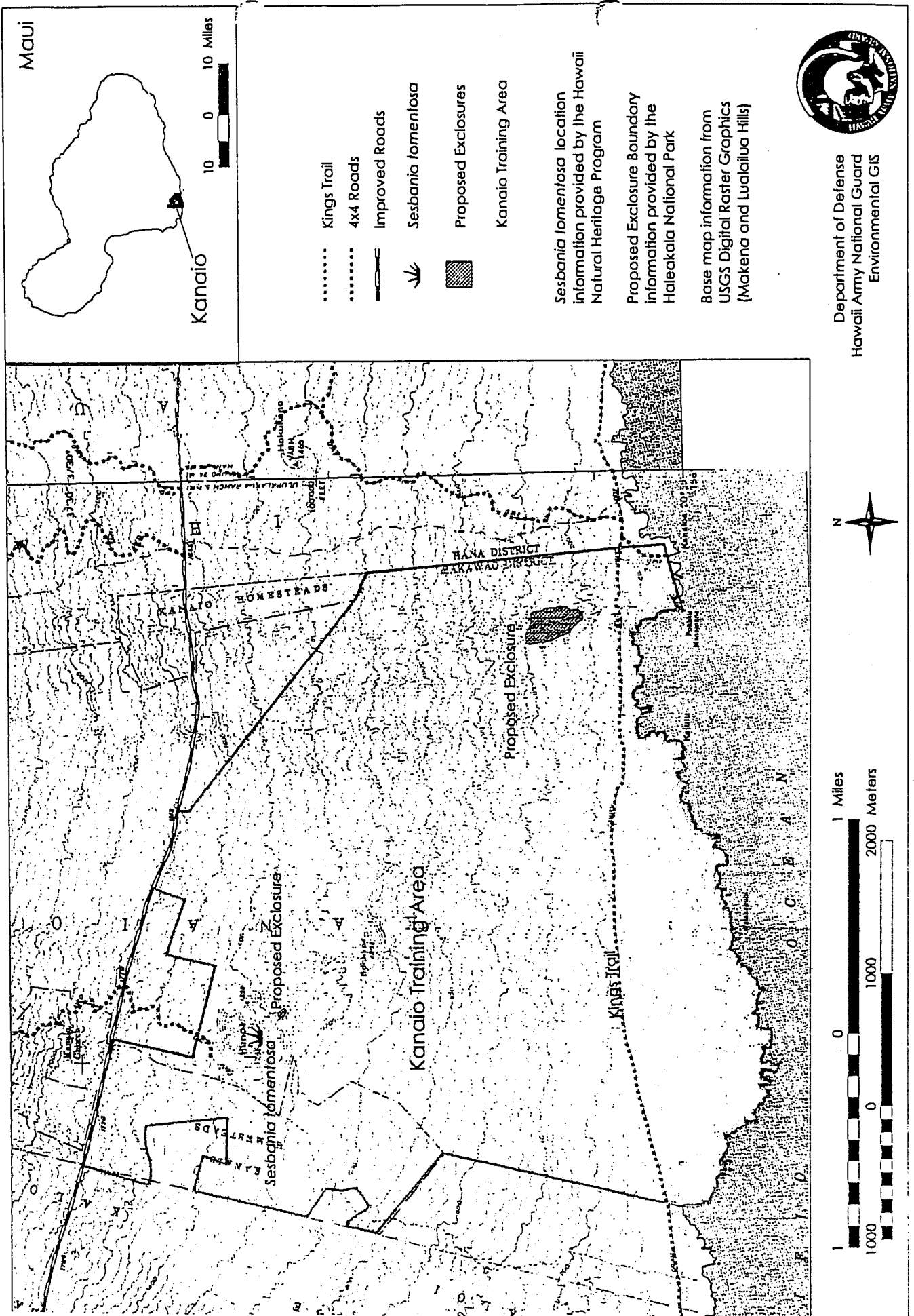
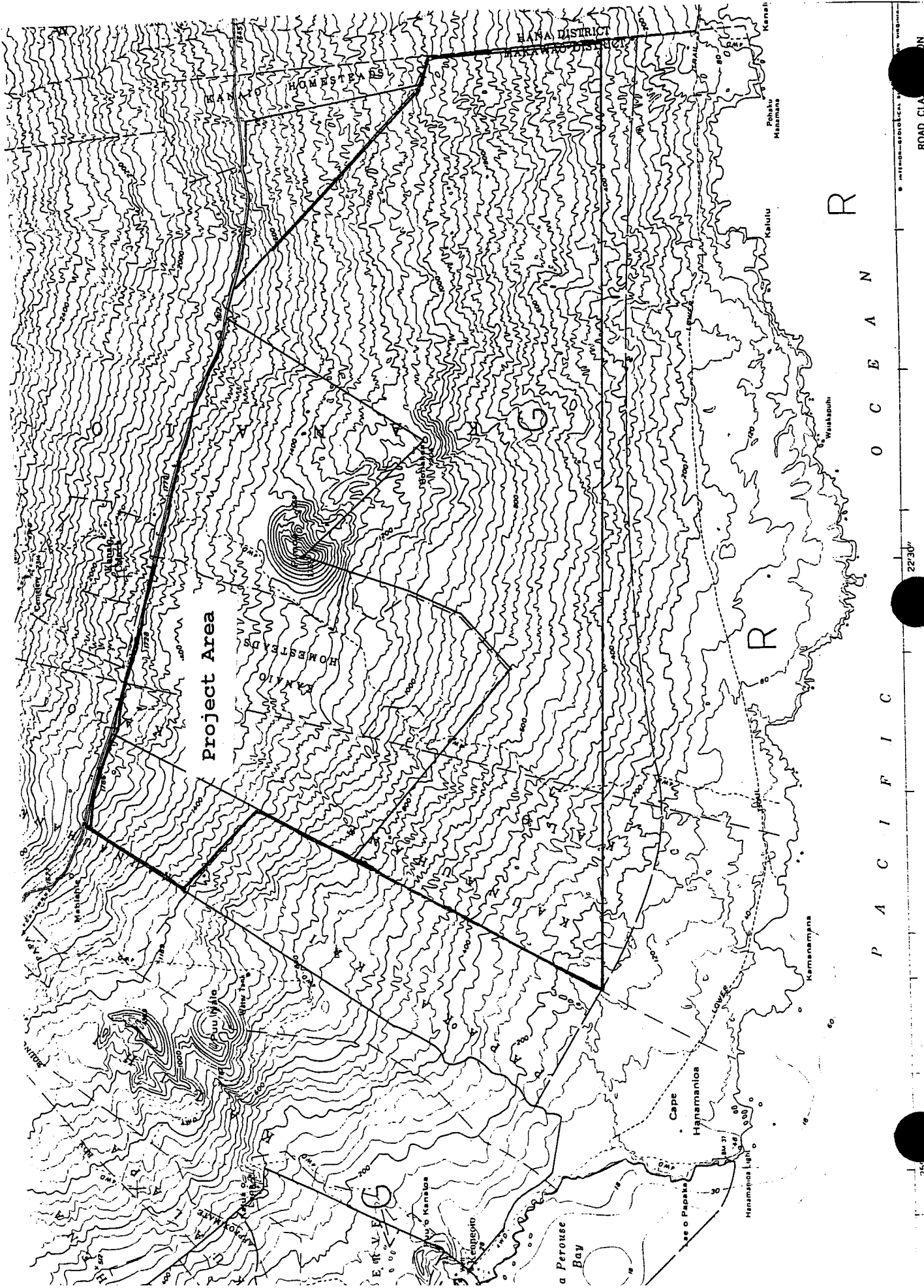


Figure 1. Proposed Site Locations

— Project Area

Exhibit 4

Conservation District Use Permit MA-2983



ROAD CLAS

P A C I F I C O C E A N

2230'

25

