

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 20-21, 2022 Item F-2

To: Chairman and Members, Hawaiian Homes Commission

Thru: Peter "Kahana" Albinio, Jr., Acting Administrator
Land Management Division *VA*

From: Joseph Kualii Camara, Property Development Agent *JC*
Land Management Division

Subject: Authorization for Issuance of Right Of Entry Permit (ROE) to Ka Ohana O Kahikinui, Inc. for the removal of feral cattle from DHHL Lands in Kahikinui, Maui

APPLICANT:

Ka Ohana O Kahikinui, Inc. – PERMITEE

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) authorize the issuance of ROE to Ka Ohana O Kahikinui, inc. for approximately 16,300 acres, TMK(s) (2)1-9-001:007 and (2) 1-9-001:003 (portion) for the purpose of capture and removal of feral cattle from DHHL lands in Kahikinui.

Approval and issuance of ROE shall be subject to the following conditions:

1. Authorize the issuance of ROE to Ka Ohana O Kahikinui covering the subject area, approximately 16,300 acres of Hawaiian Home Lands TMK(s) (2) 1-9-00-1:007 and portion of (2)1-9-001:003 for the purpose of capture and removal of feral cattle, which are by this reference incorporated herein and further subject to the following:
 - A. Standard Terms and Conditions for DHHL Non-Exclusive ROE
 - B. The term of the Right of Entry shall be month to month for up to (18) months, the sole commencing discretion upon of execution, PERMITTOR; with the option of 1 additional twelve (12) month extension at sole discretion of PERMITTOR
 - C. The fee for this ROE will be gratis
 - D. PERMITTOR authorizes PERMITEE to capture, take ownership and remove feral cattle and feral goats from Premises for community use or sale by PERMITEE.
 - E. PERMITEE will sign and abide by Ungulate Management Plan prepared by PERMITTOR during all cattle removal activities. Ungulate Management Plan will include but not limited to:

- a. Authorized and acceptable activities of feral cattle management and removal.
- b. Timeline(s) for feral cattle and ungulate removal.
- c. Partner Roles in Ungulate Management
- d. Different Priority Zones for ungulate management.

LOCATIONS

4500 acres fenced “Wao Akua”: Hawaiian Home Lands situated in Kahikinui, Island of Maui, portions of Tax Map Keys: (2)1-9-001:007; (2)1-9-001:003. Intact native forest and watershed mauka of Kahikinui Homestead community fenced by DLNR to allow for forest recovery.

Lands Surrounding Kahikinui Homestead Community, mauka of Piilani Highway approximately 11,800 acres: Hawaiian Home Lands situated in Kahikinui Island of Maui, portions of Tax Map Keys: (2) 1-9-001:003; (2) 1-9-001:007. Areas surrounding Kahikinui Community Mauka of Piilani Highway. Homestead lots are not included in ROE

PLANNING AREA:

Kahikinui, Island of Maui

LAND USE DESIGNATION:

DHHL TMK (2)1-9-001:007 covering the fenced Wao Akua, is zoned Conservation.

DHHL TMK (2)1-9-001:003 surrounding and including the Kahikinui homestead community is zoned Special District, with limited areas zoned Conservation.

DHHL 2011 Kahikinui Regional Plan identifies Watershed Conservation and Silviculture as planned land uses for parcel :007 and identifies Homesteading, Grazing and Silviculture as planned uses for parcel :003. Unmanaged feral cattle affect all land uses in these areas.

CHARACTER OF USE:

Parcel :003 - Kahikinui Homestead Community, Kuleana Homestead lease lots. Community is surrounded by unmanaged pasture containing numerous archeological sites.

Parcel :007 - Contains 4,500 acre fenced conservation area with some of the best remaining native forest and watershed on Leeward Haleakala. Unfenced areas contain unmanaged pasture, remnant forest and alpine shrubland.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

1995 Kahikinui Kuleana Homestead Project Environmental Assessment:

The activities authorized through this ROE are covered in 1995 Kahikinui Kuleana Homestead Project Environmental assessment which was received and posted by OEQC with a determination of Negative Declaration.

No construction other than temporary traps and holding pens is proposed under this ROE and all activities are temporary and will leave the land in a state equivalent to current conditions.

The direct, cumulative, and potential impacts of the action described have been considered pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. The action as proposed has been determined to have minimal or no significant impact on the environment. The Planning Office has reviewed the proposed action and determines it is in accordance with the 1995 Kahikinui Kuleana Homestead Project Environmental Assessment.

DISCUSSION:

Native dry and mesic forests once formed a contiguous watershed around Haleakalā, Maui, providing habitat for hundreds of species of plants and animals found nowhere else on earth. The forests of leeward Haleakalā were striking in stature and rich in species, dominated by towering canopies of koa and ‘ōhi‘a, and carpeted in a diversity of understory trees, shrubs, lichens, and ferns that formed complex and stable ecosystems that supported communities with sustainable fresh water and forest products. Following western contact, cattle, goats, and deer were introduced to the islands with devastating impacts to the forests of leeward Haleakalā. These forests are now experiencing extreme degradation from grazing and trampling, invasion by alien plant species, and habitat fragmentation. In old growth forests, feral ungulates destroy native understory plants, leading to the loss of culturally important species, and facilitating invasion by noxious weeds. Ungulates can also facilitate the increase of Rapid Ohia Death (ROD) by damaging trees and creating openings for the disease to spread. While large canopy tree species often persist for some time despite ungulate disturbance, forest understory declines dramatically, soils become exposed, and erosion cycles take hold. More importantly, this disturbance suppresses the natural regeneration of canopy species. Without recruitment, the stands eventually age and die, leaving no keiki, and leading eventually to total forest destruction.

In 1995, a visionary group of kupuna, community leaders, scientists, and land managers developed the Kahikinui Forest Reserve Community Management Conceptual Plan to reverse the decline of the native forests on Hawaiian Homelands in the Kahikinui moku as part of their plan for the resettlement and restoration of the ahupua‘a of Kahikinui. Key partners in the development of the plan were the Department of Hawaiian Home Lands (DHHL), Ka ‘Ohana o Kahikinui (KOOK), Living Indigenous Forest Ecosystems (LIFE), and Kahikinui Game and Land Management ‘Ohana (KGLMO). The plan articulated as its guiding principles, a vision to restore traditional management principles and ensure the

long-term sustainability of the forest to support the community. Central to that vision, was a commitment to the removal of all feral ungulates within the 7,500-acre forest restoration area, and a recognition that fencing within the restoration area would be needed to keep them out. The plan was approved by the Hawaiian Homes Commission in 1995.

In the years that followed the approval of the plan, community partners convened numerous meetings and discussions as work progressed to implement the 1995 plan. From those discussions, additional guiding documents were developed, including the 2003 Leeward Haleakalā Watershed Restoration Partnership (LHWRP) Memorandum of Understanding, the 2011 DHHL Kahikinui Regional Plan, the 2018 LHWRP Management Plan, and detailed environmental and cultural assessments. These documents outline some of the details of the forest protection effort and articulate the goal of fencing and the complete removal of ungulates from within the forest restoration area as a guiding principle.

Management efforts following completion of the 1995 plan included a hunting program employed to control feral ungulates within the forest restoration area. However, securing the significant funds required to complete an ungulate-proof fence for such a large and remote area proved challenging. In the absence of a fence, the numbers of feral ungulates grew and the forest continued to decline. Aerial surveys for feral cattle in 2009 estimated the feral cattle population at 294 head. In 2011, the survey was repeated using the same methods and the population had risen to 650 cattle. In 2016, a more thorough survey using modern technologies determined the population of cattle had risen to a minimum of 988, with 114 of those being calves. The 2016 census also included other species of ungulates, recording a minimum of 1324 goats, 449 deer, and 124 pigs in the 7,500-acre forest restoration area (Figure 1). Since 13% of the survey area was visually unavailable due to tree cover, these numbers are likely below the true total number of ungulates. The 2016 surveys also provided population numbers for the feral ungulates contained within a 4,500-acre management unit that was proposed within the larger forest restoration area identified in the plan. Those numbers were estimated to be 389 cattle, 931 goats, 131 deer, and 89 pigs (Figure 1).

In 2016, construction started on a fenced management unit (Figure 1) within the larger forest restoration area. This 16.27-mile fence was completed in 2020 and encloses 4,500 acres of watershed forest, located at 3,600-9,800 feet elevation in the eastern portion of the forest restoration lands identified in the 1995 plan (Figure 2). The area was selected for fencing because it contains the last remaining native koa-`ōhi`a (*Acacia koa*-*Metrosideros polymorpha*) forest in the 1995 plan area, as well as upland māmane (*Sophora chrysophylla*) forest, subalpine shrubland, and alpine rocklands of high conservation and cultural value. In 2018, with the fence nearing completion, KIA Hawai`i, Ltd requested a month-to-month Right of Entry (ROE) from the DHHL and the Hawaiian Homes Commission to conduct feral ungulate removal for the protection and restoration of the watershed forest at Kahikinui. The ROE was approved, and KIA proceeded with the removal of all large, aggressive, problematic bulls from the interior and exterior of the fence. This effort, also known as The Kahikinui Project, was supported by KOOK, but ended after a year. DHHL, DOFAW, KOOK and its partners are now proceeding with the challenging task of removing all remaining feral ungulates from within the 4,500-acre unit (Figure 2, Zone 1) and are planning for cattle removal in the adjacent lands (Figure 2, Zones 2 and 3) where wild cattle threaten homestead areas. In 2021, a survey was completed for feral ungulates throughout the homestead lands makai of the 2016 survey area (Figure 1).

Authorization by DHHL for KOOK to remove Feral Cattle allows for transparent access by the community to the resources of Kahikinui as envisioned from the beginning of Kahikinui Kuleana homesteads. Community led ungulate management provides pathways to utilizing animal resources that are a nuisance and would otherwise be wasted, honoring the values of the Kahikinui Community, and assures that Ka Ohana o Kahikinui will centrally involved in natural resource management planning and implementation.

BENEFITS TO THE HAWAIIAN HOMES TRUST:

Removal of Feral Cattle from Kahikinui will:

- Allow for natural forest regeneration and manual reforestation efforts to take place within the 4,500-acre fenced area, increasing the trust lands watershed and habitat value.
- Remove hazardous animals from in and around Kahikinui Homestead Community.
- Improve the health and well-being of the Kahikinui Forests, making them more resilient and resistant to invasive species like gorse and to pathogens like *Ceratocystis lukuohia*.
- Provide a valuable service to DHHL at no cost.
- Provide resources for beneficiaries, KOOK and partners will be able to provide a valuable meat resource to beneficiaries throughout the term of ROE
- Damage to homes, fence-lines and other infrastructure will be reduced

RECOMMENDATION:

Land Management Division and Planning Office recommends approval of the requested motion/action as stated.

