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BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809



November 18, 2020

**MEMORANDUM**


TO: **DLNR Agencies:**  
 Div. of Aquatic Resources  
 Div. of Boating & Ocean Recreation  
 Engineering Division  
 Div. of Forestry & Wildlife  
 Div. of State Parks  
 Commission on Water Resource Management  
 Office of Conservation & Coastal Lands  
 Land Division – Hawaii District  
 Historic Preservation (via email: [DLNR.Intake.SHPD@hawaii.gov](mailto:DLNR.Intake.SHPD@hawaii.gov))

FROM: Russell Y. Tsuji, Land Administrator *Russell Tsuji*  
SUBJECT: Petition for a Land Use District Boundary Amendment:  
Land Use Commission Docket No. A18-806, **Barry Family Trust**  
LOCATION: Keaau, Puna, Island of Hawaii; TMK: (3) 1-5-059:059  
APPLICANT: Office of Planning on behalf of the Barry Family Trust

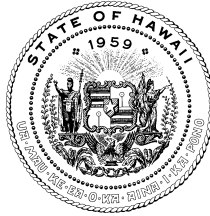
Transmitted for your review and comment is information on the above-referenced subject matter. Please submit comments by **December 14, 2020**.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Darlene Nakamura at 587-0417 or by email at [darlene.k.nakamura@hawaii.gov](mailto:darlene.k.nakamura@hawaii.gov). Thank you.

- We have no objections.
- We have no comments.
- Comments are attached.

Signed:   
Print Name: DAVID G. SMITH, Administrator  
Date: Dec 16, 2020

Attachments  
cc: Central Files



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF FORESTRY AND WILDLIFE  
1151 PUNCHBOWL STREET, ROOM 325  
HONOLULU, HAWAII 96813

December 14, 2020

MEMORANDUM

Log no. 2896

**TO:** RUSSEL Y. TSUJI, Administrator  
Land Division

**FROM:** DAVID G. SMITH, Administrator  
Division of Forestry and Wildlife

**SUBJECT: Division of Forestry and Wildlife Comments for the Petition for a Land Use District Boundary Amendment: Land Use Commission Docket No. A18-806, Barry Family Trust**

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) has received your inquiry regarding the petition for a land use district boundary amendment for the Barry Family Trust in Puna on Hawai'i Island, TMK: (3) 1-5-059:059. The proposed amendment consists of reclassifying a 0.51-acre parcel along the coastline in the Hawaiian Paradise Park subdivision from State Land Use Conservation District to Agricultural District.

The State listed Hawaiian Hawk or 'Io (*Buteo solitarius*) is known to occur in the project vicinity. DOFAW recommends surveying the area to ensure no Hawaiian Hawk nests are present if trees are to be cut. 'Io nests might be present during the breeding season from March to September.

The State listed Hawaiian Hoary Bat or 'Ōpe'ape'a (*Lasiurus cinereus semotus*) has the potential to occur in the vicinity of the project area and may roost in nearby trees. If any site clearing is required this should be timed to avoid disturbance during the bat birthing and pup rearing season (June 1 through September 15). If this cannot be avoided, woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed without consulting DOFAW.

DOFAW recommends minimizing the movement of plant or soil material between worksites, such as in fill. Soil and plant material may contain invasive fungal pathogens (e.g. Rapid 'Ōhi'a Death), vertebrate and invertebrate pests (e.g. Little Fire Ants, Coconut Rhinoceros Beetles), or invasive plant parts that could harm our native species and ecosystems. We recommend consulting the Big Island Invasive Species Committee at (808) 933-3340 in planning, design, and construction of the project to learn of any high-risk invasive species in the area and ways to mitigate spread. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species. Gear that may contain soil, such as work boots and vehicles, should be thoroughly cleaned with water and sprayed with 70% alcohol solution to prevent the spread of Rapid 'Ōhi'a Death and other harmful fungal pathogens.

To prevent the spread of Rapid 'Ōhi'a Death (ROD), if 'ōhi'a trees are present and will be removed, trimmed, or potentially injured DOFAW requests that the information and guidance at the following website be reviewed and followed: <https://cms.ctahr.hawaii.edu/rod>.

DOFAW recommends using native plant species for landscaping that are appropriate for the area (i.e. climate conditions are suitable for the plants to thrive, historically occurred there, etc.). Please do not plant invasive species. DOFAW recommends consulting the Hawai'i-Pacific Weed Risk Assessment website to determine the potential invasiveness of plants proposed for use in the project (<https://sites.google.com/site/weedriskassessment/home>). We recommend that you refer to [www.plantpono.org](http://www.plantpono.org) for guidance on selection and evaluation for landscaping plants.

We note that artificial lighting can adversely impact seabirds that may pass through the area at night by causing disorientation. This disorientation can result in collision with manmade artifacts or grounding of birds. For nighttime lighting that might be required, DOFAW recommends that all lights be fully shielded to minimize impacts. Nighttime work that requires outdoor lighting should be avoided during the seabird fledging season from September 15 through December 15. This is the period when young seabirds take their maiden voyage to the open sea. For illustrations and guidance related to seabird-friendly light styles that also protect the dark, starry skies of Hawai'i please visit: <https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>.

We appreciate your efforts to work with our office for the conservation of our native species. Should the scope of the project change significantly, or should it become apparent that threatened or endangered species may be impacted, please contact our staff as soon as possible. If you have any questions, please contact Koa Matsuoka, Protected Species Habitat Conservation Planning Associate at (808) 587-4149 or [koa.matsuoka@hawaii.gov](mailto:koa.matsuoka@hawaii.gov).