

CHAPTER 4: SUPPORT OF THE BIOLOGICAL ASSESSMENT AND OPINION

4.1 INTRODUCTION

The Biological Assessment (USAG 2002) and Biological Opinion (USFWS 2003) identified areas of PTA that are to be protected by large-scale fence units. There are several issues to be addressed to prepare for fence construction. The issues include: determination of fence lines, property boundary determination and surveys, natural and cultural resource surveys, renegotiation of state lease agreements, writing and publishing an Environmental Assessment, and funding a budget for materials, supplies, and personnel. These issues must be addressed by appropriate personnel and agencies or departments within CEMML, the State of Hawai'i, and the US Army Garrison – Hawai'i.

4.2 ISSUES ADDRESSED BY CEMML

CEMML, as a contracted agency, is limited in the issues it can address related to conducting large-scale fencing. Within CEMML's authority or responsibility are the determination of fence lines, determining property boundaries from state and federal agency surveys, surveying of the proposed fence lines for federally listed plant and animal surveys as well as archaeological resources, and once funded, providing materials, supplies, and personnel.

4.2.1 Determination of Fence Lines

Listed plant locations and sites to be protected were identified during consultations between the US Fish and Wildlife Service and Natural Resource Managers representing PTA. The plant locations and habitat identified for protection were addressed in the Biological Assessment (USAG-HI PTA 2002) and Biological Opinion (USFWS 2003).

From those documents Natural Resource Managers coordinated with Cultural Resource Managers to prepare preliminary routes for the fence lines (Figure 4.2.1-1). In May 2004 a survey in Training Area 22 and 23 was conducted along the boundary of these training areas and the Impact Area. Further surveys awaited the finalization of the Environmental Assessment (EA).

4.2.2 Preparation of a Programmatic Environmental Assessment

The CEMML staff was tasked by the Army Biologist with the preparation of an EA for the construction of large-scale fence units for the west, north, and east side of the Installation. During the reporting period the document was brought to a draft status and awaited contributions by the Cultural Resources Staff.

4.3 ISSUES REMAINING TO BE ADDRESSED

4.3.1 Fence Line Surveys

Once a finding for the EA has been issued surveys for natural and cultural resources can be conducted. Surveys can be addressed the Natural and Cultural Resource Managers at PTA.

4.3.2 Property Boundaries

The PTA boundary with neighboring landowners is uncertain. The boundary needs to be clarified to ensure that the fence units once constructed are within the borders of PTA and not encroaching on neighboring lands. Natural Resources Managers at PTA can propose resolution of this issue but ultimately the decision to proceed has to be made by the Garrison's Real Estate Office.

4.3.3 Lease Agreements

Training Areas 1-20 as well as portions of 21 and 22 are state lease land. The lease agreement between the State of Hawai'i and the US Army is pre-dates the Endangered Species Act and does not provide for the placement of permanent structures, such as large-scale fence units.

There are important listed plants found on the lands leased from the State of Hawai'i. The current lease, negotiated in 1965, does not allow for the construction of large-scale fence units. Resolution of this issue is important to proceed with the provisions of the BA and BO. Lease agreements must be renegotiated by the State of Hawai'i and the Garrison's Real Estate Office.

4.3.4 Funding of the Fencing Program

Funding of a fencing program is of extreme importance as well. Without proper funding the provisions of the BA and BO cannot be satisfied by the established timelines. Funding for this will have to be provided by the Garrison through DPW and eventually to CEMML.

4.4 RECOMMENDATIONS

Clear time-lines for the completion of large-scale fence units and ungulate removal were provided in the BO. Fence units are required to be completed by December of 2008 and ungulate removal by December of 2010. Failure to meet these time-lines has the potential to expose the Army to litigation from third party organizations and negatively impact the training mission at PTA. Therefore, the fencing program should be given the highest priority to ensure the training mission continues.