State of Hawai`i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai`i 96813

July 28, 2006

Chairperson and Members
Board of Land and Natural Resources
State of Hawai`i
Honolulu, Hawai`i

Board members:

SUBJECT: REQUEST FOR APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE 50TH SPACE WING, SCHRIEVER AFB, COLORADO, U.S. DEPARTMENT OF THE INTERIOR AND THE STATE OF HAWAI`I, DEPARTMENT OF LAND AND NATURAL RESOURCES FOR A FLORA AND FAUNA CONSERVATION PROGRAM FOR THE KAENA POINT TRACKING STATION

SUMMARY:

This Board Submittal requests approval of a Memorandum of Understanding (MOU) to establish a written agreement for a conservation program for Fauna (animals) and Flora (plants) between the 50th Space Wing and the U.S. Department of the Interior and the State of Hawai`i, Department of Land and Natural Resources at Kaena Point Satellite Tracking Station installation, which is under the administrative control of the Commander, 50th Space Wing, Schreiver AFB, State of Colorado. The primary purpose of the MOU is to identify the Parties' roles and responsibilities in managing and conserving natural resources at the installation.

BACKGROUND:

The 153-acre Kaena Point Satellite Tracking Station installation is a remote tracking station of the Air Force Satellite Control Network whose mission is to provide uninterrupted support, including command, tracking and data retrieval to all satellites supported by the Air Force Satellite Control Network. On the station grounds, there are hiking and hunting trails, as well as a camping site about 10 miles inland called Peacock Flats. This MOU is a continuation of a Department of Defense agreement for access to Kuaokala Game Management Area, and an MOU has been developed because of a change in command for the base from within Hawaii to Colorado. The U.S Air Force Integrated Natural Resources Management Plan (INRMP) requires that conservation and

management activities by the Department of Land and Natural Resources operate under an MOU.

RECOMMENDATION:

The Division of Forestry and Wildlife requests that the Board authorize and approve this Memorandum of Understanding.

Respectfully submitted,

PAUL J. CONRY, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:

PETER T. YOUNG, Chairperson
Board of Land & Natural Resources

MEMORANDUM OF UNDERSTANDING

BETWEEN

50th SPACE WING, SCHRIEVER AFB, COLORADO,

U. S. DEPARTMENT OF THE INTERIOR,

AND

STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

1. PURPOSE: To establish a written agreement for a conservation program for Fauna (animals) and Flora (plants) between the 50th Space Wing and the U. S. Department of Interior and the State of Hawaii Department of Land and Natural Resources.

2. AUTHORITY: DODI 4000.19, Interservice and Intragovernment Support
Title 10, U.S. Code, Section 2671, Public Law 87-797, as amended by
Public Law 93-452
16 USC 661-667e, 668aa-668cc-6
Hawaii Revised Statutes, Chapters 26, 183D, and 195D
Public Law 91-190
National Environmental Policy Act 42 USC 4321, 43314335 and 4341-4347
Public Law 86-517 (16 USC 528-531)
Endangered Species Act (Public Law 93-205)

3. GENERAL:

SCOPE: This memorandum of understanding is applicable to the 50th Space Wing and the U. S. Department of the Interior and the Department of Land and Natural Resources, State of Hawaii. It applies to the Kaena Point Satellite Tracking Station installation which is under the administrative control of the Commander, 50th Space Wing, Schriever AFB, State of Colorado.

4. RESPONSIBILITIES:

a. There shall be jointly completed by representatives of the three above named participating agencies, at the earliest practical time, a general inventory review of fauna and flora resources presently existing on the installation. This inventory will encompass the following objectives:

(1) Locate principal land and water areas suitable for fauna and flora.

(2) List the principal species of fauna and flora and their status, distribution, and abundance on the installations.

(3) Describe water areas as to location, type, and acreage, with principal fish species known to be present and observations on the quality of the aquatic habitat.

(4) Define the areas that necessarily are restricted and those areas suitable and available for use under this agreement.

(5) Outline a long-range general program with a detailed five (5) year plan of the immediate objectives and potential for fauna and flora resources.

b. To implement that phase of the conservation program which is of mutual interest to the Department of the Air Force, the U. S. Department of Interior, and the State of Hawaii, the following representation is recognized:

(1) The 50th Mission Support Group Commander, 50th Space Wing (hereafter Commander), is hereby recognized as the official representative of the 50th Space Wing.

(2) The Field Supervisor, Ecological Services is hereby recognized as the official representative of the Department of Interior with responsibility to share in the protection, conservation, and restoration of endangered and threatened species, and the management of migratory birds.

(3) The Chairperson, Board of Land and Natural Resources, State of Hawaii, is hereby designated as the official representative of the Department of Land and Natural Resources for the purpose of this agreement.

(4) The Department of Land and Natural Resources, State of Hawaii, the U.S. Fish and Wildlife Service, the U. S. Department of the Interior and the commander will assist each other in preparing and carrying out a well-balanced fauna and flora program for the installation.

(5) The U.S. Fish and Wildlife Service, Department of the Interior, and the Department of Land and Natural Resources, State of Hawaii, will aid the Commander by providing, within the limits of available funds, the following plans and services:

(a) Assistance in development of a master fauna and flora management plan for the installation, as previously listed; the plan will be placed in operation only after they have the approval of the Commander and the Chairperson. Such plan will be made a part of this memorandum on approval.

(b) Furnish such personnel as may be available to review the management plan and advise in the development and improvement of the designated fauna and flora areas.

c. The Commander, within the limitations of the assigned military mission and the availability of funds and manpower, will:

(1) Execute the master fauna and flora management and habitat improvement plans, mutually approved by the three agencies.

(2) Ensure use of chemical toxicants for the control of nuisance wildlife species on Air Force lands will be in accordance with the policy contained in Executive Order 11643, and applicable State Laws or rules.

(3) Ensure hunting and fishing on Air Force Installations comply with applicable Federal Laws, rules, and regulations of the State of Hawaii and the Federal Government.

(4) Initiate the necessary steps, in the event Air Force regulations or procedures or Federal law require action in respect to lands of the installations be taken or approved by an authority other than the Commander to obtain such approval or action in respect to such actions concerning said lands as is mutually agreeable to the Commander and the Field Supervisor, Ecological Services and the Chairperson, Board of Land and Natural Resources .

d. Stocking or trapping and transplanting of fauna or flora will be done only by mutual consent of the three agencies.

e. Officers of the Department of Land and Natural Resources, State of Hawaii, and the U.S. Fish and Wildlife Service, Department of the Interior shall have authority to enforce applicable State and Federal laws in accordance with their respective jurisdiction.

f. Employees of the Department of Land and Natural Resources, State of Hawaii, and the U.S. Fish and Wildlife Services, Department of the Interior should provide a valid form of state-issued identification to gain access to military installations for official business.

5. AGREEMENT AND ADMINISTRATION:

a. This cooperative agreement recognizes the primary goal of the installation is to accomplish its military mission. Due to the security requirements of the installation, the public will be allowed to participate in the harvest of fish and game only as authorized by the commander of the installation. Hunting is otherwise allowed at Kaena Point Tracking Station (KPTS).

b. Licenses, permits, and fees for hunting, fishing, and trapping shall be required in accordance with applicable State and Federal laws.

c. The Field Supervisor, within the limitations of funds and personnel, will provide technical guidance and direct assistance in developing and furthering the fauna and flora management plans, and for protecting and recovering endangered and threatened species and their habitats. The State of Hawaii, through its Department of Land and Natural Resources, will designate the State agencies to provide technical guidance and assistance to the Commander in fauna and flora management. The assistance rendered will be given by separate activities as time and budgetary limitations permit.

d. This memorandum is effective upon the date of last signature. It may be modified, amended, or terminated only by the authorized representatives of the three agencies if the base (KPTS) or requirements of National Defense make it necessary to do so. This agreement will

become effective upon the date subscribed by the last signatory and shall supersede all previous agreements. 50 LRF/LGRR, 210 Falcon Parkway, Suite 2106, Schriever AFB, is responsible for the maintenance of this document.

STATE DEPARTMENT OF LAND AND NATURAL RESOURCES

Chairman, Board of Land and Natural Resources (Date)

Member, Board of Land and Natural Resources (Date)

Approved as to Form:

Deputy Attorney General (Date)
State of Hawaii

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

Field Supervisor, Ecological Services, Pacific Island Office (Date)

DEPARTMENT OF THE AIR FORCE

L7COL, 23 Jan 06

50th Mission Support Group (Date)