

EVOLUTION OF PTA PALILA CRITICAL HABITAT RULES
(COMPILED 2 DEC 99, S. HENDERSON)

- 26 SEPT 1975 - PALILA DESIGNATED ENDANGERED SPECIES
- 11 AUG 1977 - PALILA CRITICAL HABITAT DESIGNATED
(ON MAUNA KEA; INCLUDED SOME ON PTA;
REF. FEDERAL REGISTER, 8/11/77, V. 42, NO. 155)
- 1 JUNE 1978 - SECTION 7 CONSULTATION COMPLETED ON PTA
CRITICAL HABITAT. USF&WS OPINION THAT
ARMY'S ACCOUNTING OF MILITARY ACTIVITIES
IN HABITAT MAY JEOPARDIZE PALILA
- 9 AUG 1978 - ARMY PRESENT TRAINING RESTRICTIONS LIST TO
USF&WS. IN TURN, PRESENTED TO PALILA
RECOVERY TEAM
- 20 SEPT 1983 - RECONSULTATION WITH USF&WS RESULT IN
PRESENT RULES AS LISTED IN EXT SOP



United States Department of the Interior

FISH AND WILDLIFE SERVICE
LLOYD 500 BUILDING, SUITE 1692
500 N.E. MULTNOMAH STREET
PORTLAND, OREGON 97232

June 1, 1978

In reply refer to:
AFA-SE

Colonel Carl P. Rodolph
Director of Facilities Engineering
Department of the Army
Fort Shafter, Hawaii 96858

Dear Colonel Rodolph:

This is in response to your letter of February 1, 1978, in which you requested formal consultation as provided for in the Interagency Cooperation Regulations (Federal Register of January 4, 1978) for implementing Section 7 of Public Law 93-205, the Endangered Species Act of 1973. The request concerned possible effects of military training activities on the welfare of the Palila, an endangered species, and that part of its critical habitat which lies within Areas 1 and 6 of the Pohakuloa Training Area, Hawaii.

We have conducted a threshold examination of this project and are of the opinion that military activities in Area 1 as they now occur adversely modify critical habitat of the Palila as described in the Federal Register (Volume 42, No. 155) and may jeopardize the continued existence of this species. This area contains excellent habitat for the Palila. Cooperative surveys by the U.S. Fish and Wildlife Service and the Hawaii Division of Fish and Game, plus other observations by wildlife biologists, reveal minimal but significant use of this area by Palila. Criteria for designation of critical habitat calls for inclusion of habitat not only needed to maintain a minimal viable population, but also habitat which has potential to enable reasonable expansion or recovery of the species. This can mean former as well as present range. One of the reasons use of this area by the Palila is minimal at present could be because of disturbance caused by military operations.

(8/11/77)

Page two
June 1, 1978

We also considered Area 1 to be part of the total critical habitat because it includes the full range of altitudinal and geographical sites needed by the Palila for normal life cycle movements. Such movements include the response of the bird to shifting seasonal and annual patterns of flowering seed set and pod development of the mamane.

Information supplied us by Army officials responsible for training of troops using the area and those responsible for administration reveal that in Area 1, up to 1,700 troops are present at one time. It is used about 11 months of the year by troops which not only train in the area but also bivouac for periods as long as a month at a time. There are 13 artillery firing points within the area and another immediately adjacent to the south. Each point is 20 meters in diameter and capable of being used by up to five field pieces (105 mm and 155 mm howitzers) simultaneously. Jeep, truck, and tracked personnel carrier traffic is heavy during training. Frequent low level helicopter flights occur and such aircraft not only land and take off in the area but as many as 35-40 may be parked there from time to time.

Firing of blanks by small arms also takes place during training exercises as do movements of units on foot.

An on-site investigation revealed numerous vehicle trails and roads now honeycomb much of the area, far more than were present 15 years ago. Trees are mangled by vehicles and regrowth is crushed. Limbs of trees have been used to camouflage equipment or as supports for camouflage nets. In several cases, trees have been destroyed by fire. Extensive areas have been graveled to hold down dust generated by the use of wheeled and tracked activity. Concussions from the firing of artillery field pieces have been felt as far as the Pohakuloa Ranger Station. An ornithological survey conducted in 1977 revealed that use of the area by Amakiki, another native forest bird, was about half that of another area of similar habitat in the Pohakuloa area.

Our conclusions for Area 6 are different. This area is covered primarily by grasses although the upper limits do contain mamane. Use by the Army is light and occurs almost entirely in the lower portion. The only danger is that heavy growths of grass accidentally catch fire and such fires are carried uphill into good habitat. A good illustration of what can happen is last winter's fire, reportedly caused by off-duty Army personnel, which destroyed over

Page three
June 1, 1978

600 acres of prime habitat above Area 6. However, it is our opinion that present Army activities here would not adversely affect Palila critical habitat nor further jeopardize continued existence of the species provided no open fires are permitted.

We regret not being able to provide you with a more favorable report, and appreciate that locating adequate training areas is becoming increasingly difficult.

This terminates this consultation, but we would like to hear of your plans in view of the above opinion.

Sincerely yours,


R. Kahler Martensen
Regional Director

With formal consultation completed it is now Army's responsibility to present a plan for training that is acceptable to USFWS. It is possible that reduced activity in "Red" part of area may be acceptable. Also, we must know the cutoff point at which activity becomes so restricted that area must be abandoned for training activities.

AFZV-RI-TD

JUN 13 1978

SUBJECT: Pohakuloa Training Area Use

Commander
25th Infantry Division
ATTN: AFVC-PT
Schofield Barracks, Hawaii 96857

1. Reference letter from US Department of the Interior, Fish and Wildlife Service, dated 1 June 1978, inclosed.
2. The inclosed letter will be of interest to you. The letter addresses the Army's activities in Area #1 and Area #6 of Pohakuloa Training Area, Hawaii. Essentially, the letter states that a threshold examination of our activities was conducted with the result being that our activities in Area #1 are considered to be adversely affecting the critical habitat of the Palila. Our activities within Area #6 are not considered to be adversely affecting the habitat.
3. USASCH intends to request the Fish and Wildlife Service re-examine our activities in Area #1; and hopefully receive a favorable response. In the request for a re-examination, the command desires to present a much more accurate account of our activities than that which is contained in the inclosed letter. Although the number of troops, field pieces, and aircraft cited as being in Area #1 at any given time are essentially permissible under current regulations, those numbers do not represent realistic accounts of our activities.
4. To prepare the request for re-examination, an ad hoc committee will convene on 6 July 1978 at 0900 in the DPTI:IT conference room. A Division representative is requested to attend. The committee will address:
 - a. Compilation of data reflecting a true picture of our current activities in Area #1.
 - b. Recommendations for changes to current regulations which will prohibit the out of proportion figures shown in the inclosed letter.

AFZV-RI-TD

JUN 13 1978

SUBJECT: Pohakuloa Training Area Use

c. Recommended reductions in our current activities in an effort to allow our continued use of the area without adversely affecting the habitat. In this light, it is strongly recommended that you consider the effect on training if future use of Area #1 as a bivouac site were prohibited. Consider also the possibility of relocating the firing points, of imposing a minimum altitude for helicopter overflight, of prohibiting the use of blank ammunition, and open fires.

d. Establish the point at which training in the area could no longer be profitable for our use because of the imposed training restrictions.

4. It is established that the Endangered Species Act of 1973 does not allow for mitigation. An activity reduction, and a resultant favorable review by the Fish and Wildlife Service does not preclude litigation should a private citizen or association choose to file suit because of our activities.

FOR THE COMMANDER:

1 Incl
as

for Signed MITCHELL RANDALL
WALTER G. MITCHELL, JR., MAJ, GS
For RUSSELL L. JOHNSON
Colonel, GS
Dir of Plans, Tng, and Intel

MFR: Self-explanatory

MAJ. Randall

AFZV-FE-EE

AUG 09 1978

MEMORANDUM FOR: CHIEF OF STAFF

SUBJECT: Overlap of Critical Habitat for the Endangered Palila With Areas I and VI, Pohakuloa Training Area (PTA), Island of Hawaii

1. A meeting was held at 1300 on 7 August 1978 with the US Fish and Wildlife Service in their conference room in the new Federal Building at 300 Ala Moana Boulevard, Honolulu. Attendance list is at Inclosure 1.
2. The problem of overlap of Palila critical habitat and Army Training Areas I and VI was reviewed. The Endangered Species Act of 1973, identification of the Palila as an endangered species on 26 September 1975, and designation of the Palila critical habitat on 11 August 1977 were discussed. Threshold examination and formal consultation with US Fish and Wildlife Service (USFWS) were completed on 1 June 1978. The USFWS biological opinion issued at the end of formal consultation requested Army advise what its future plans are for the area.
3. The following inconsistencies in USFWS letter of 1 June 1978 were brought to the attention of USFWS representatives:
 - a. The maximum number of troops expected to be within Training Area I at any one time is 700 to 900. The figure of 1,700 troops used by USFWS represents the maximum capability of the entire PTA installation, not Training Area I.
 - b. Artillery firing points are 100 meters in diameter, not 20 meters. The base piece must be located within 20 meters of the surveyed point with the remaining howitzers tactically deployed within 100 meters of the surveyed point.
 - c. The maximum number of helicopters allowed to fly into the critical habitat area is 30 during the month the 3/4 Cavalry trains at PTA. The remainder of the year no more than 7 helicopters would fly into the area.
4. USASCH representatives identified the following restrictions as possible

AUG 09 1978

AFZV-PE-EE

SUBJECT: Overlap of Critical Habitat for the Endangered Palila With Areas I and VI, Pohakuloa Training Area (PTA), Island of Hawaii

means of reducing adverse impact on the Palila and its habitat:

- a. No artillery firing from within the critical habitat.
- b. Limit the number of howitzers firing from Training Area I to one battery at a time.
- c. Limit the number of troops authorized to bivouac within the critical habitat to one company, i.e., approximately 200 troops maximum.
- d. Schedule the 3/4 Cavalry to train at PTA during April - prior to the late Spring nesting of the Palila. Army will consider any alternative schedule recommended by USFWS for 3/4 Cavalry as the training period places up to 30 helicopters in Area I.
- e. Prohibit CH-47 helicopters from flying into Training Area I.
- f. Prohibit helicopters from flying low level over the Pohakuloa Ranger Station.
- g. Increase self enforcement of existing restrictions as follows:
 - (1) No cutting of vegetation.
 - (2) No open fires.
 - (3) Use only existing roads and trails.
- h. Eliminate the following support activities within the critical habitat:
 - (1) Refueling activities.
 - (2) Food preparation activities.
 - (3) Vehicle maintenance.
- i. Prohibit pyrotechnics or simulators in critical habitat area.
- j. Improve the present environmental education program from a briefing given to commanders and staff to a presentation for all personnel scheduled for deployment to PTA.

AUG 09 1978

AFZV-FE-EE

SUBJECT: Overlap of Critical Habitat for the Endangered Palila With Areas I and VI, Pohakuloa Training Area (PTA), Island of Hawaii

(1) Phase 1 - Prepare a script (tape) and 35mm slide show to inform all individuals scheduled to go to PTA of the significance of PTA to endangered wildlife. The script will stress the importance of the mamane-naio ecosystem to survival of the Palila in Area I. The presentation will include a brief philosophical message, together with information on how the soldier can help endangered wildlife survive. Schedule for preparation of the Phase I program is at Inclosure 2.

(2) Phase 2 - Prepare a professional level video tape depicting information described above which can be used with company video display equipment.

5. The following comments were made by USFWS representatives after Army representatives had presented their proposal:

a. Mr. Kridler inquired about the possibility of a study of the effect of helicopters on other native birds within the critical habitat in order to determine effect of the aircraft on the Palila. It was noted that few, if any, Palila remain in Area I although it is an ideal habitat for that species. Dr. Shallenberger replied that the effects on endemic and exotic birds would not necessarily relate to the impacts on the Palila.

b. Mr. Kridler commented that terrain in the eastern and northern portions of Area I are difficult to traverse with vehicles. It was recommended that consideration be given to zoning the critical habitat for dismounted troops, ground vehicles, aircraft, or artillery use.

c. Mr. Hansen provided his opinion of the types of activity that are most disturbing to the Palila, in order of importance.

- (1) Helicopters.
- (2) Large guns.
- (3) Tanks and other tracked vehicles.
- (4) Large trucks.

d. Mr. Hansen and Mr. Kridler offered to provide professional support for development of an educational slide presentation/TV tape.

6. It was the consensus of Army representatives that any further restrictions on training activities in Area I would make that area no longer useful

AFZV-FE-RE

AUG 09 1976

SUBJECT: Overlap of Critical Habitat for the Endangered Palila With Areas I and VI, Pohakuloa Training Area (PTA), Island of Hawaii

for training even though a long term lease remains in effect, i.e. 65 years beginning in 1964. Area I is the only area at Pohakuloa providing good tree cover for bivouac and concealment. Unfortunately, the trees are primarily mamane-naio which provide food and nesting sites for the Palila.

7. A committee of four (Major Hall, LT Albright, Dr. Shallenberger, and Mr. Caywood) was appointed to obtain materials and prepare a video tape to present to troop units prior to their departure for training at Pohakuloa. Milestone schedule for completing this project is at Inclosure 2.

8. The meeting disbanded at 1500 on an optimistic note that a resolution of the problem could be made through joint meetings between Army and USFWS representatives and the troop education program. USFWS will present the proposed reductions in training activities to the Palila recovery team to determine if the adverse modification of Palila's critical habitat has been eliminated.

9. This Memorandum has been coordinated with DPTINT, POD and 25th Infantry Division G-3.

Original signed by

CARL P. RODOLPH
Colonel, CE
Director of Facilities Engineering

- 2 Incl
1. Attendance List
2. Milestone Schedule for Preparation of Audio-Visual Wildlife Presentation.

PTA
EUC
for EP's

ATTENDANCE LIST

COL Carl P. Rodolph, DFE, USASCH
LTC R. G. Miller, DPTINT, USASCH
LTC H. R. Mosley, G3, 25th Infantry Division
LTC Walter Mitchell, DPTINT, USASCH
MAJ Ronald S. Hall, DPTINT, USASCH
CPT Dale Becker, G3, 25th Infantry Division
Mr. Henry A. Hansen, Hawaii Administrator, USFWS
Mr. Eugene Kridler, Endangered Species Coordinator, USFWS
Dr. Darrel Harbat, Botanist, USFWS
Mr. Ronald L. Walker, Fish & Game Division, State of Hawaii
Mr. Ernest Kosaka, Fish & Game Division, State of Hawaii
Dr. Robert Shallenberger, Environmental Resources Section, POD
Mr. Robert Caywood, DFE, USASCH

MILESTONE SCHEDULE

ENVIRONMENTAL EDUCATION PRESENTATION FOR TROOPS PRIOR TO TRAINING AT POHAKULOA TRAINING AREA

Principal Action Office: DFE

PHASE I

- 11 August Plan script for slide show. Begin assembling information.
- 18 August Review information and prepare script to accompany slides.
- 4 September Submit final slide show to DFE for approval.
- 11 September Present slides and script to USFWS for approval.
- 25 September Record script on tape and synchronize to slide presentation.

PHASE II

Development of a TV tape for a more sophisticated presentation of the above program.

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY SUPPORT COMMAND, HAWAII
Fort Shafter, Hawaii 96858

USASCH Regulation
No. 210-11

23 November 1981

Expires 22 November 1984
Installations
POHAKULOA RANGES AND TRAINING AREA REGULATIONS

This revision updates guidance, responsibilities, and procedures for the use of Pohakuloa Ranges and Training Areas.

	Paragraph	Page
Section I. GENERAL		
Purpose	1	2
Applicability	2	2
Entry Onto Ranges	3	3
Range Police	4	3
Range Fire Prevention and Firefighting	5	3
Medical Requirements	6	4
Dud Handling, Reporting, and Marking Procedures	7	5
Misfires and Malfunctions	8	5
Construction and Modification of Ranges	9	6
Danger Areas and Impact Zones	10	6
II. PRINCIPAL HABITABLE AREAS		
Maneuver Restrictions for Training Areas 1 and 6.	11	6
III. RESPONSIBILITIES		
Deputy Installation Commander, PTA	12	7
Directorate of Engineering and Housing, USASCH.	13	7
Installation Range Officer.	14	7
Commanders.	15	8
Officer in Charge of Firing or Training	16	8
Safety Officer.	17	9
IV. KNOWN DISTANCE RANGES AND LIVE FIRE COURSES		
Known Distance Ranges and Live Fire Courses	18	9
Use of Known Distance Ranges.	19	9
Fully Automated Scoring Target System (FAST).	20	10
Incendiary and Tracer Ammunition.	21	10
V. FIRING OF HIGH EXPLOSIVE AMMUNITION AND USE OF IMPACT ZONE		
Impact Zone	22	10
Gun Position Areas.	23	11

*This regulation supersedes USASCH Reg 210-11, 23 January 1978.

	Paragraph	Page
Conduct of Fire	24	11
Coordination of Airborne Activities and High Trajectory Firing	25	12
Tank Firing and Tracked Vehicle Maneuvers	26	12
Firing Limitations Due to Weather	27	13
Safety	28	13
 VI. TACTICAL TRAINING AREAS		
Blanks, Pyrotechnics, and Simulators.	29	14
Speed Limits and Use of Roads	30	14
Explosive Ordnance Disposal (EOD)	31	15
 VII. AIR ACTIVITIES		
Control and Use of Airspace	32	15
Airborne Activities	33	16
Air to Ground Live Fire Training.	34	16
 VIII. RANGE REQUESTS		
Range Requests.	35	16
 IX. CLEARANCE		
Range Clearance	36	17
 X. RANGE COMMUNICATIONS SYSTEM		
Range Control	37	17
Radio/Telephone Procedure	38	17
Range Radio Nets.	39	17
 XI. ERRATIC FIRING REPORT		
Erratic Firing.	40	18
Weapon or Ammunition Malfunction.	41	19
 APPENDIX A. KNOWN DISTANCE RANGES		
B. FIRE INDEX AND WEAPONS AND EXPLOSIVE FIRING LIMITATIONS DUE TO WEATHER		
C. DEFINITIONS		
D. REFERENCES		

Section I. GENERAL

1. PURPOSE. This regulation establishes procedures and provides instructions for training range facilities and maneuver areas at the Pohakuloa Training Area (PTA) on the island of Hawaii. The term "Range Control" as used throughout this regulation denotes "Range Control, PTA."

2. APPLICABILITY. The provisions of this regulations are applicable to any person, military or civilian, utilizing any portion of the Pohakuloa Training Area to include the airspace and non-US Army lands for the conduct of military training. The words "he," "him," and "his" when used in this regulation, represent both the masculine and the feminine genders, unless otherwise stated.

(3) Ensure that the weapon and ammunition involved are retained intact.

9. CONSTRUCTION AND MODIFICATION OF RANGES.

a. Construction of ranges which will result in a permanent man-made fixture is prohibited unless approved by DEH, Commander, USASCH, or DA, as applicable.

b. Modification of ranges (e.g., parapets, tank obstacles, bunkers) will not be permitted unless approved by Range Control 48 hours prior to anticipated requirement. Request must be accompanied by a 1:25,000 overlay containing the following:

- (1) Exact location of project.
- (2) Unit and OIC's name.
- (3) Proposed restoration date.

10. DANGER AREAS AND IMPACT ZONES.

a. General. A description of the impact zone and its surrounding danger area is listed below. Entry into danger areas is prohibited without clearance from Range Control. The true size and shape of the impact zone and danger areas may change due to the type of exercise being conducted.

b. The PTA Danger Area is that area generally bounded on the eastern side by Redleg Trail, the northern side by Lava Road, and the western side by Kuluwa to Kona Highway to Bobcat Trail.

Section II. ~~CRITICAL HABITAT RESTRICTIONS~~

11. MANEUVER RESTRICTIONS FOR TRAINING AREAS 1 AND 6.

a. The following are restrictions that all units using areas 1 and 6 must adhere to. These restrictions apply to the green shaded areas found on the PTA map sheet (Serial W833S, Sheet 1, 1:25,000) and labeled Critical Habitat Palila.

- (1) No artillery firing from within the critical habitat.
- (2) No more than one artillery battery will fire from training areas 1 and 6 at any given time. This restriction applies to all of area 1.
- (3) Limit number of troops authorized to bivouac within the critical habitat to one company (approximately 200 troops).
- (4) Prohibit cargo helicopters from flying into the critical habitat.
- (5) Prohibit all helicopters from flying below 9,000 feet MSL within a 1,500 meter radius of the Pohakuloa Ranger Station.
- (6) Prohibit the use of pyrotechnics or simulators.
- (7) No occupation of positions or displacements during the hours of darkness.

(8) Use only those existing roads and well defined trails south of Infantry Road.

(9) No cutting of vegetation and no open fires.

(10) Prohibit all refueling, food preparation, and vehicle maintenance activities within the critical habitat.

(11) Limit the number of helicopters authorized in the critical habitat to seven at any given time. The 3/4 Cavalry will be authorized 30 helicopters in the critical habitat at any given time.

b. The following restrictions are applicable to training areas 5 and 7 (Endangered Species of Plants).

(1) The area identified by the US Fish and Wildlife Service as being of "High Botanical Value" extends approximately 2,000 meters to the north and south of the old Kona Highway separating areas 5 and 7 and into the impact area around Puu's Kalua and Moana. In this area, it is essential that we prohibit the use of pyrotechnics and incendiary-type munitions to preclude the possibility of an inadvertent fire.

(2) Vehicular traffic to the firing points along the old Kona Highway will be restricted to the established road network. This does not preclude foot movement of soldiers throughout the area.

c. In addition, the Palila (Hawaiian Honeycreeper) and the Nene (Hawaiian goose) and known or suspected archaeological sites will not be disturbed.

Section III. RESPONSIBILITIES

12. DEPUTY INSTALLATION COMMANDER, PTA (DIC PTA). DIC PTA will:

a. Support the training of units at PTA with range support, equipment, and personnel as assigned.

b. Review and approve training plans and range requests for units training at PTA.

c. Ensure compliance with all Army regulations and USASCH regulations.

d. Be the proponent for this regulation and review and update as required.

e. Be the approval authority for waivers to this regulation.

13. DIRECTORATE OF ENGINEERING AND HOUSING, USASCH. DEH, USASCH, is responsible for providing engineer technical assistance and performing maintenance for fixed ranges which are real property facilities.

14. INSTALLATION RANGE OFFICER. The Installation Range Officer will:

a. Be responsible for the enforcement of the Installation Range Safety Program (AR 385-63).

APZV-FEV (18 Feb 83) 1st Ind
SUBJECT: Review of Critical Habitat - Palila

HQ, US ARMY SUPPORT COMMAND, HAWAII, Fort Shafter, Hawaii 96858 APR 29 1983

TO: Commander, US Army Western Command, ATTN: APOP-TRL, Fort Shafter,
Hawaii 96858

1. Background information concerning the establishment of present training restrictions in Area 1, Pohakuloa Training Area (PTA), is contained at Inclosure 1 (reference: FONECON between LTC Muir, G5, 25th Infantry Division, and Mr. L. Hirai, Environmental Management Office (EMO), 12 April 1983, subject as above).

2. Per informal conversations with Mr. Lucian Kramer, US Fish and Wildlife Service (USFWS) Endangered Species Section 7 consultant in Hawaii, and other wildlife biologists, the following information is provided for your consideration regarding alternatives and possible impacts:

a. Delisting of Palila Critical Habitat Within PTA. The delisting effort would probably take more than one year, involving the preparation by the Army of a delisting petition; submittal of the petition to the USFWS main office in Washington, D.C.; and publication of the proposed action in the Federal Register for public review and comment. It is probable that comments from local and national conservation groups will be strongly unfavorable. Because the subject area is leased from the State of Hawaii, their comments would also be critical in the outcome of the proposed action. Because this proposed action apparently would be the first effort by a Federal Agency at delisting an area designated as critical habitat, national attention may be generated and result in present military activities at PTA being more closely scrutinized for compliance/noncompliance with environmental laws.

b. Removing All Current Training Restrictions in Area 1. The proposed action would result in Army activities returning to pre-1978 status. As stated in the USFWS biological opinion at that time (USFWS letter, dated 1 June 1978, Inclosure 1), "unrestricted" training activities in Area 1 were adversely impacting the continued existence of the Palila. This would probably still be the USFWS position to the Army's request to eliminate current training restrictions. Once an agency has had meaningful endangered species consultation with USEWS, the final decision on whether or not to proceed with the activity lies with the agency. The USFWS will not bring court action against another Federal agency if that agency decides to proceed with an action that the USFWS has indicated would be detrimental to the existence of an endangered species. However, implementation of "unrestricted" training activities could be contrary to Army environmental regulations, including AR 420-74, and/or challenged in court by conservation organizations, non-Federal agencies, and interested individuals.

APR 29 1983

APZV-FEV

SUBJECT: Review of Critical Habitat - Palila

c. Lessening, Not Eliminating, Current Training Restrictions in Area 1.

The proposed action would be accomplished as it is done presently, on a case-by-case basis via informal and formal consultation between USASCH and the USFWS Hawaii office. Easing of training restrictions could include such actions as designating sites where cooking/opened fires would be permitted and increasing the number of troops training and bivouacking within Area 1.

3. Present Status of Palila at PTA. The accomplishment of any of the above proposed alternatives will not free the Army from Section 7 consultation requirements under the Endangered Species Act. The Army would still be required to seek from USFWS a biological opinion on the impacts that any proposed project or activity might have on the Palila or critical habitat. Consultation would be required for proposed activities in Area 1 of PTA if: (1) the Palila were present and the area were delisted as critical habitat, or (2) the Palila were not present but there were possible impacts to the bird or critical habitat located on adjacent non-Army lands. Although the Palila has not been seen for many years in Area 1 of PTA, there are other informed, knowledgeable sources who feel that the area is used, at least seasonally, by the Palila. Further, there are those who contend that the area is potential prime habitat for the bird and, as such, must be saved for future Palila recolonization/repopulation. Therefore, it appears that any effort to delist Army lands as critical habitat based on the possibility/probability that the Palila is not present would be contested and generate public controversy.

4. Recommendation. Based on the above, it is our recommendation that USASCH initiate informal, then formal, consultation with USFWS to lessen current restrictions within Area 1 upon receipt of a specific proposal from WESTCOM, DICPTA, and the 25th Infantry Division. If, after thorough review of the alternatives and possible impacts discussed above, the command decides to proceed with the delisting effort, recommend that an attempt be made in FY 1984 when the Palila Recovery Plan is scheduled for review and the status of the species on PTA lands can be formally discussed by all parties involved.

5. POC: Mr. Lawrence Hirai, Environmental Management Office, 655-0694.

FOR THE COMMANDER:

1 Incl
as


RONALD A. BORRELLO
COL, CE
Director of Facilities Engineering

Copies Furnished:
25th Infantry Division

ATTN: G3
G5

USASCH

ATTN: DICPTA
SJA

WESTCOM

ATTN: ✓ EN

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CHAR
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APZV-FEV (12 Jul 83)
SUBJECT: Review of Critical Habitat - Palila

DDIR

TO DIOPTA

FROM DFE

DATE SEP 28 1983 CMT 3
Mr. Char/mg/655-0691

1. Pursuant to the Endangered Species Act of 1973, as amended, formal consultation with the U.S. Fish and Wildlife Service (USFWS) was initiated concerning changes to training restrictions in Area 1 at PTA. USFWS concurrence to the following two changes is contained at Inclosure 1.

a. The number of troops authorized to move through and bivouac within the critical habitat portion of Area 1 may be increased from one company (approximately 200 men) to one battalion (approximately 500 men).

b. The number of artillery units permitted to utilize Area 1 may be increased from one battery (six guns) to one battalion (three to four batteries), with new firing points sited in the non-critical habitat portion of Area 1.

2. Request you initiate revisions to applicable training regulations.

3. We will continue to pursue the elimination of all training restrictions/delisting of critical habitat in Area 1 during the official review of the Palila Recovery Plan in FY 1984. Until officially revised or eliminated, recommend that the other training restrictions be adhered to and vigorously enforced, especially the prohibitions concerning open fires and cutting of vegetation.

Original signed by

RONALD A. BORRELLO
Colonel, CE
Directorate of Facilities Engineering

1 Incl
as

CF:
CDR, USASCH
SJA *w/incl*
DPT *w/incl*

10/28/83 10:00 AM



United States Department of the Interior

FISH AND WILDLIFE SERVICE

300 ALA MOANA BOULEVARD
P. O. BOX 50167
HONOLULU, HAWAII 96850

IN REPLY REFER TO:

1-2-83-F-39

SEP 20 1983

Mr. R.C. Brenneman
Acting Director of Facilities Engineering
Headquarters, U.S. Army Support Command, Hawaii
Fort Shafter, Hawaii 96858

Dear Mr. Brenneman:

This responds to your July 28, 1983 request for consultation under Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531, et seq. (ESA). At issue are the possible effects of three proposed alterations in Army training which may affect listed species at the Pohakuloa Training Area (PTA) on the island of Hawaii. Those species which may be affected by the actions are:

Palila (Psittirostra bailleui)
Haplostachys haplostachya var. angustifolia
Stenogyne angustifolia var. angustifolia
Lipochaeta venosa

Army actions may also affect the designated Palila Critical Habitat.

This letter represents the biological opinion of the U.S. Fish and Wildlife Service (FWS) as directed by Section 7 of the ESA, "Interagency Cooperation Regulations" (50 CFR 402, 43 FR 870), on the proposed Army actions.

On September 16, 1983 we completed our review of the information provided by you along with other related information in our files. We also contacted some of those familiar with the biology, management, and recovery of the species involved. Copies of pertinent materials and documentation are contained in an administrative record maintained in this office. Our reference number for this consultation is 1-2-83-F-39.

BIOLOGICAL OPINION

It is our biological opinion that the three proposed actions which will alter training restrictions at PTA are neither likely to jeopardize the continued existence of the Palila or the three endangered plants at PTA listed above nor result in the destruction or adverse modification of the Palila Critical Habitat.

Background information on the proposals and biological information on the species at issue in this determination follow.



Save Energy and You Serve America!

PROPOSAL DESCRIPTIONS AND BACKGROUND INFORMATION

The three proposals presented in your July 28 letter are summarized below:

a. In August 1978, the U.S. Army Support Command, Hawaii (USASCH) established restrictions on military training activities in Areas 1 and 6 of PTA, including those areas designated as Critical Habitat for the Palila. A map of the areas and a description of the restrictions enacted are enclosed. Restriction 11a(3) limits the number of troops using the area to one company, or approximately 200. Battalion-size units maneuvering near the area must terminate their activities at the eastern boundary of PTA and be transported by military vehicles to bivouac sites farther within the installation, but outside the Palila Critical Habitat. This element of artificiality results in training that is not completely satisfactory to the Army. Accordingly, it is proposed that the number of troops authorized to move through and bivouac within the Critical Habitat portion of Area 1 be increased from the current limit of one company to one battalion (approximately 500 troops). All other restrictions, such as prohibitions against open fires or cooking and the cutting of vegetation, will still apply.

b. It is proposed that the number of artillery units permitted to utilize Area 1 be increased from the current limit of one battery (six guns) to one battalion (three to four batteries). This will result in the need to establish one or two new firing points, but these firing points will be sited, as are the existing seven, in the non-critical habitat portion of Area 1.

c. To increase the maneuver area within PTA, it is proposed that approximately 1,500 acres located in the northwest sector of the impact area be cleared of unexploded ordnance. To facilitate this clearing, a program of controlled burning to remove covering vegetation, predominantly fountain grass, is to be initiated. Although no listed or proposed species occur in the area to be burned, Kipuka Kalawamauna, which lies just west of the area is habitat for the three listed plants mentioned previously. The controlled burning operations will be conducted in accordance with fire safety procedures and with adequate personnel and equipment.

SPECIES ACCOUNTS

Palila. This member of the endemic Hawaiian honeycreepers (subfamily Drepanidinae) received federal recognition as an endangered species in 1967. The primary reasons for this status classification were that it no longer occupied a significant

portion of its historical range (now occupying approximately 10% of its estimated 19th century range), its present habitat was being adversely modified by the browsing of feral ungulates and its total population had decreased to an estimated low hundreds. In response to these circumstances of declining population, a critical habitat was designated for the Palila on August 11, 1977.

Originally occurring widely over the island of Hawaii, its present range is believed to be limited to the mamane-naio ecosystem above approximately 6,000 feet on Mauna Kea. Although the exact details of this decline are not well known, feral sheep browsing on mamane trees (the seeds of which are the birds' major food) is established as the major factor in the birds' decline. Because mamane provides food, nesting sites, and shelter for the Palila, the implications of the trees' decline can be easily recognized.

Haplostachys haplostachya var. angustifolia
Stenogyne angustifolia var. angustifolia
Lipochaeta venosa

All three plants were determined to be endangered on October 30, 1979. They are known from populations within Kipuka Kalawamauna on the island of Hawaii, although all were once more widely distributed on that island. A kipuka is a vegetated area surrounded by relatively recent lava flows. The extirpation of historic populations of these taxa has apparently been due to human disturbance, fires and the impact of feral animals and introduced weedy vegetation. The Federal Register publication determining these plants to be endangered cited trampling by military units using PTA, accidental fires touched off by military ordnance, and the introduction of exotic weed seeds by hunters and military personnel and equipment as factors adding to their decline.

ANALYSIS OF IMPACTS

Proposals a and b concern the Palila; proposal c, the three listed plants. As such, actions a and b will be considered together and proposal c will be discussed separately.

Proposals a and b

The most recent survey of Palila, conducted earlier this year, indicated that their total population may be between 2000 and 2,500 individuals. During this survey of the entire known range of the bird, none were observed in the area of consideration of this consultation. The area, although within the Palila Critical

Habitat, has shown to be consistently poor bird habitat. The area is currently used by the military for unit maneuvers and bivouac, but the Army's activities there to present have not been shown to be the cause of this paucity of Palila. Units have generally complied with fire and vegetation cutting restrictions. It is our belief that if current restrictions are continued to be strictly maintained, the increase in troop numbers using the area from approximately 200 to 500 will not be likely to jeopardize the Palila or result in the destruction or adverse modification of Palila Critical Habitat.

Likewise, we would not expect the increase in the number of firing points to have a significant effect on the Palila. Current firing does not appear to have any negative impact on the species, and the new placements will not appreciably widen the zone of sonic disturbance.

Proposal c

Controlled burning of vegetation in the impact areas will have no immediate effect on the three listed plants at Kipuka Kalawamauna if the fire does not get out of control. It appears that adequate measures will be taken to insure, to as great a degree as is possible, that control will be maintained. It is reasonable to assume, however, that fountain grass will begin to grow again soon after this initial burning. It may, in fact, come back in denser stands and over a greater range than prior to the burn. Fountain grass is highly flammable, and with the area scheduled to be used for maneuvering, there is a high probability that fires may be started in the future. Protection of the Kipuka from such fires continues to be a major concern.

Although we are aware of the engineering difficulties involved, we remain disappointed that the firebreak planned to protect the Kipuka remains unconstructed. We have addressed this concern in previous Section 7 consultations regarding Field Training Exercises and other activities at PTA. Our February 18, 1983 letter to Colonel Borrello suggested other, less mechanically demanding, methods of firebreak construction, but these remain undone as well. Again, we stress the importance of the firebreak as a protective device at PTA.

Similarly, we continue to maintain that the elimination of routine or training-related traffic on the Kipuka is necessary for optimum fire protection. Current jeep traffic on the Kipuka, within the proposed firebreak, may itself cause fires due to sparks or heat from the vehicles' catalytic converters or from cigarettes which might be thrown from those vehicles. As proposed previously, jeep trails should be re-routed off the

Kipuka, and, if the firebreak is constructed, jeep roads should be placed on the side of that firebreak away from the Kipuka.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Endangered Species Act also requires federal agencies in consultation with this Service to utilize their authorities to carry out programs for the conservation of listed species. We believe the Army has the opportunity to comply with this directive in relation to its activities within Palila Critical Habitat and near Kipuka Kalawamauna by:

1. All current restrictions on open fires and cutting of vegetation within maneuver or bivouac areas in Palila Critical Habitat must be maintained and enforced.
2. Troops should continue to be thoroughly briefed on the potential dangers of fires at PTA, with fire response plans current and firefighting equipment serviced and manned during high fire hazard periods.
3. A concerted effort should be made to complete the construction of a firebreak to protect Kipuka Kalawamauna. We are ready to help you in any way we can in that effort.
4. The rerouting of jeep traffic so as to exclude the use of Kipuka Kalawamauna should be undertaken.

This concludes formal consultation on this action. Should any significant changes be made in the proposed actions or should new species be listed which are not addressed in this letter which may be affected by the action, you must reinitiate consultation with this office.

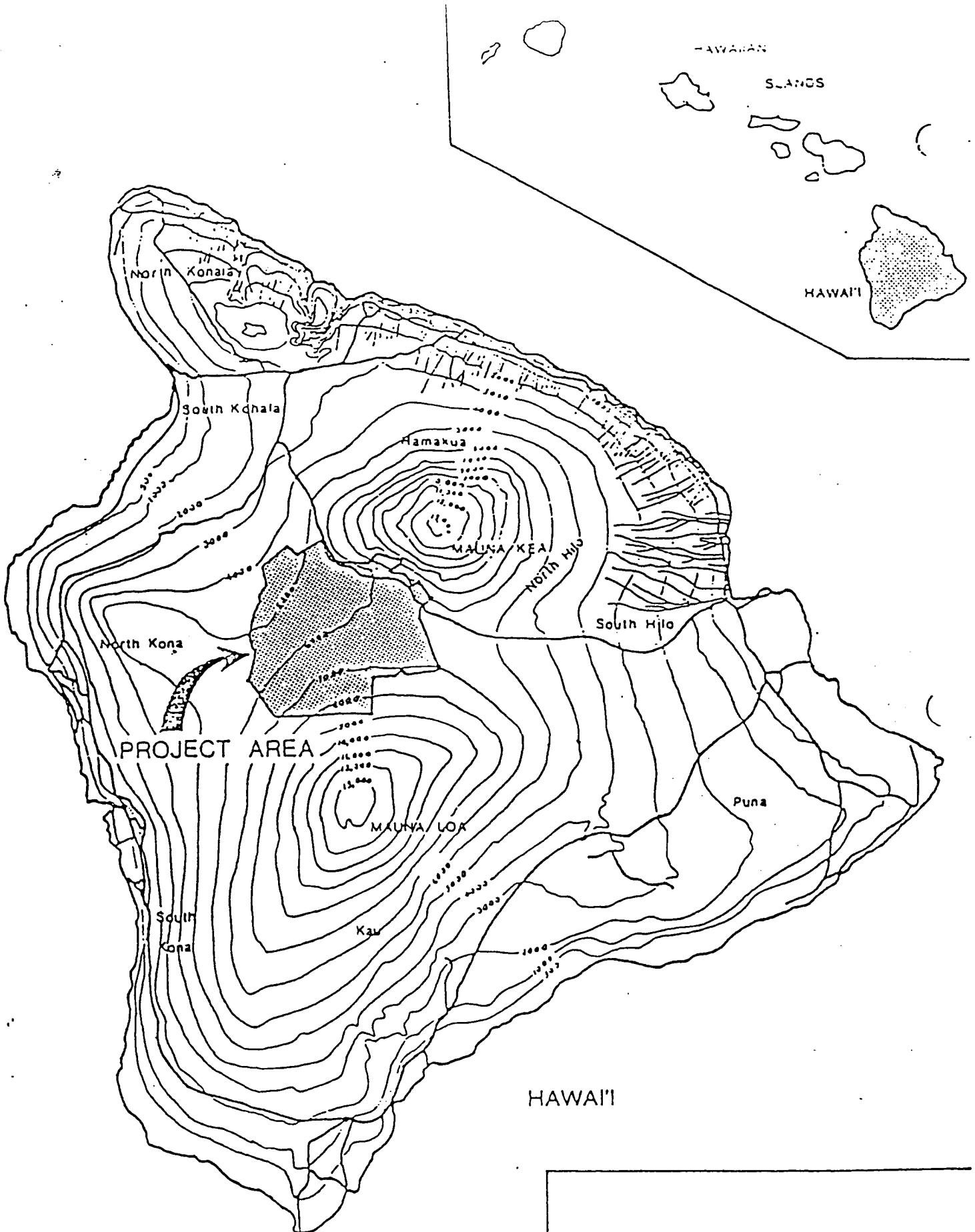
Sincerely yours,



Robert J. Shallenberger, Ph.D.
Acting Pacific Islands Administrator

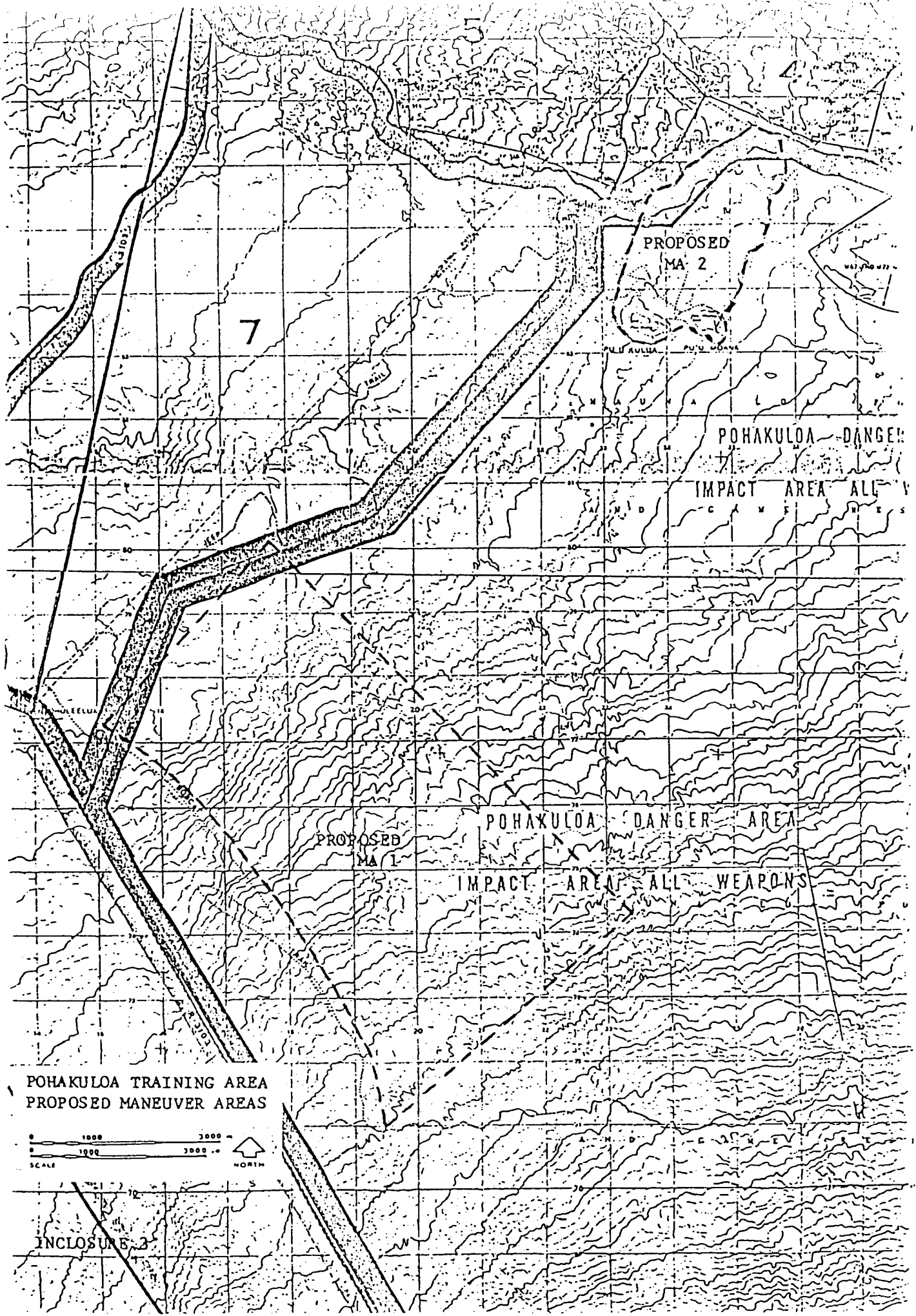
Enclosures (2)

cc: Regional Director, FWS, Portland, OR (AFA-SE)



LOCATION MAP
POHAKULOA TRAINING AREA





POHAKULOA TRAINING AREA
PROPOSED MANEUVER AREAS



INCLOSURE 3

