

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 24, 2017

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 16KD-010

KAUAI

Issuance of Right-of-Entry Permit to Kauai Invasive Species Committee (KISC), on Lands Encumbered by Revocable Permit No. S-7805 to Garden Island Racing Association for Eradication of the Long-Thorn Kiawe Plant, Kekaha, Waimea, Kauai, Tax Map Keys: (4) 1-2-002:por. of 036 and 040.

APPLICANT:

Kauai Invasive Species Committee (KISC)

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kekaha situated at Kekaha, Waimea, Kauai, identified by Tax Map Keys: (4) 1-2-002:por. of 036 and 040, as shown on the attached map labeled Exhibit A.

AREA:

Tax Map Key: (4) 1-2-002:036 3.912 acres, more or less.
Tax Map Key: (4) 1-2-002:040 0.230 acres, more or less.
Total Area: 4.142 acres, more or less.

ZONING:

Tax Map Key: (4) 1-2-002:036 State Land Use District: Agriculture/Conservation
County of Kauai CZO: Agriculture
Tax Map Key: (4) 1-2-002:040 State Land Use District: Conservation
County of Kauai CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7805, Garden Island Racing Association, Permittee, for motorized sports purposes. Revocable Permits are month-to-month, reviewed for renewal annually.

CHARACTER OF USE:

For eradication purposes of the long-thorn kiawe plants.

TERM OF RIGHT-OF-ENTRY:

February 13, 2017 until February 13, 2018.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached below as Exhibit D.

DCCA VERIFICATION:

Kauai Invasive Species Committee (KISC), a non-profit agency under the University of Hawaii Pacific Cooperative Studies Unit, is a volunteer partnership of government, private and non-profit organizations, is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from Garden Island Racing Association and adjust work schedules to their racing schedule.

REMARKS:

Via email letter dated December 22, 2015, Bill Lucey, Project Manager, Kauai Invasive Species Committee, requested a right-of-entry permit onto State encumbered lands for eradication of the long-thorn kiawe plant which is considered very invasive and is on the Hawaii State Noxious Weed List. KISC works to prevent, control or eliminate the most threatening invasive plant and animal species in order to preserve Kauai's native biodiversity and minimize adverse ecological, economic and social impacts.

This is an on-going project with the National Fish and Wildlife Foundation to complete the island-wide eradication of long-thorn kiawe from Kauai. They have already worked on the Pacific Missile Range Facility at Barking Sands in Mana and are working their way towards the east. Most of the project area will use the hydro-ax technique where the shredder is attached to a machine and lifted over the long-thorn kiawe plant and in place leaving behind only wood chips and mulch behind. After a few months, KISC comes back to do a seedling suppression stage of post treatment of the area. See Exhibit B.

This request will be issued at gratis. This is a government-sponsored project and permittee will not profit monetarily as the intended use is strictly for eradication, maintenance and replanting purposes.

The applicant has acquired a Site Plan Approval from the Office of Conservation and Coastal Lands (OCCL) for the proposed project site. Please see Exhibit C.

Comments were solicited from the agencies identified below with the results indicated.

State Agencies:

DLNR- Conservation and Coastal Lands	No further response by suspense date.
Department of Health	"The waste that is generated by the project shall be disposed of at a solid waste disposal facility that complies with the applicable provisions of Title 11, Hawaii Administrative Rules, chapter 11-58.1, "Solid waste Management Control", the open burning of any of these wastes on or off site is prohibited."

County Agencies:

Public Works	No objections.
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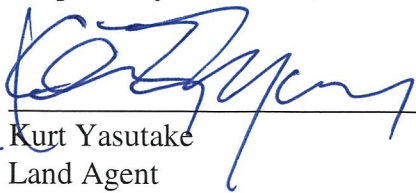
Other Agencies:

Office of Hawaiian Affairs	No response by suspense date.
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RECOMMENDATION: That the Board

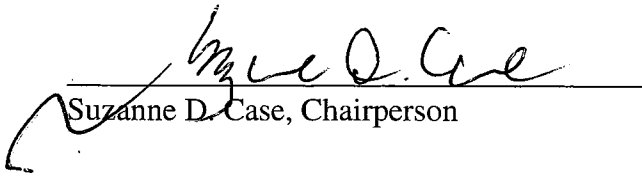
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant requirements above, authorize the issuance of a right-of-entry permit to Kauai Invasive Species Committee (KISC), its consultants, contractors, and/or persons acting for or on its behalf, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. This right-of-entry shall be effective upon the date of acceptance and shall be for a term of one (1) year, and expiring upon completion of the eradication project and seedling suppression post treatment of the area.
 - C. This permit shall be issued at gratis;
 - D. KISC shall obtain written concurrence from Garden Island Racing Association prior to entering and commencing any eradication work activities;
 - E. KISC shall implement typical Best Management Practices (BMP) while working within the conservation district;
 - F. Authorize the Chairperson to issue term extensions as necessary and/or future right-of-entries to the Applicant in relation to this project within the subject area, and
 - G. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Kurt Yasutake
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

*KISC/NFWF "Pulling Together" Program August 2016
Statement of Work - Long Thorn Kiawe Removal Mana Dragstrip*

Kauai Invasive Species Committee

August 10, 2016

Statement of Work
Mana Raceway Park - Long Thorn Kiawe Removal
Kauai, Hawaii



Exhibit B

*KISC/NFWF "Pulling Together" Program August 2016
Statement of Work - Long Thorn Kiawe Removal Mana Dragstrip*

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1.0 Introduction

This project is the final large scale removal of Long Thorne Kiawe (LTK, *Prosopis juliflora*) on Kaua'i. This effort was preceded by two control efforts on PMRF and one at the HIARNG Firing Range effectively reducing LTK range to the Mana Racetrack. A final shoreline survey will be conducted to locate small satellite populations.

2.0 Description of Area

The distribution of the LTK at Mana Racetrack is divided by an access road that runs along the fence line on the Western edge of the racetrack to the beach. The majority of the LTK is in a continuous stand on reaching from the grass area along the racetrack to the beach (see map).

3.0 Methodology

3.1 Initial Removal and Disposition of Material

Staffing

Contractor will conduct the initial removal effort in partnership with KISC. Contractor staffing will consist of a heavy equipment operator and a refueling operation. KISC will provide one field supervisor who will monitor progress and safety protocols as the site safety coordinator, and up to five crew members. Heavy equipment operator should have extensive experience with their equipment and will be licensed to operate such machinery, as required by law. Access management is controlled by Marvin Mikasa, DLNR Lands Division, Kauai Branch.

Equipment

Machines used during removal may be either of the common excavators sizes fitted with a mulching head. Both the larger 16,000 to 25,000-pound excavator and the smaller 7,000 to 10,000-pound excavators have been used for this project over the years depending on tree height/age. The

*KISC/NFWF "Pulling Together" Program August 2016
Statement of Work - Long Thorn Kiawe Removal Mana Dragstrip*

contractor will provide operator and excavator operations. KISC crews will perform hand labor. Hand labor includes cuttings trunks and limbs larger than six inches with chainsaws. Avoiding the larger diameter kiawe limits downtime for equipment repair, and allows for the use of less intrusive equipment (chainsaw). Backpack or handheld herbicide sprayers may also be used during initial clearing by KISC crews after heavy equipment operations have passed at a safe distance (> 100').

Operations

The large or small hydro-axe will mulch in-place all LTK vegetation to a height of approximately 3 feet above grade. Mature trees that are too high to be accessed with the large hydro-axe will be felled by KISC crews using chainsaws to three feet above grade. Trunks and limbs larger than a six inch diameter will be felled with chainsaws to avoid potential mechanical breakdown of the hydro-axe. These larger limbs will be cut to 3-foot lengths and stockpiled along the mauka perimeter of project area. In addition, chainsaws will cut any trunks or limbs larger than six inches in diameter to the same height. Hydro-axe activity will occur at a safe distance from KISC chainsaw crews, who will flush cut remaining LTK stumps using chainsaw and immediately apply Garlon/crap oil mixture to fresh cut at a 50/50 ratio. All herbicide use will be reported by KISC and are *not* the responsibility of the contractor.

Safety Protocol

All personnel will have read the relevant Standard Operating Procedures prior to the start of operations. The SOPs will be available on site at all times for reference. All personnel are responsible to maintain personal protective equipment (PPE) necessary for their function at all times. The KISC Operations Supervisor will ensure that each team member is trained for the equipment they are listed as approved for use. At the start of each day, the KISC Field Supervisor will conduct a tailgate meeting, reviewing the pertinent safety concerns that could be encountered during the day. If natural or cultural resource concerns are relevant in the area the team will be working, appropriate information and protocols to protect these resources will also be discussed during the morning meeting.

The KISC Field Supervisor and crew will create a safety zone around the perimeter of all activity, designating a public exclusion zone of a minimum of 100 feet distance from the hydro-axe, while in operation. Hand crews will serve as extra flagmen as necessary during heavy equipment operation.

Protection of Archaeological and Biological Resources

There are no identified areas of archaeological resources within the project area. Regardless, mulching operations will be conducted in such a manner as to not excavate surface sand leaving the sub-surface undisturbed, with roots and stumps left in place for ongoing maintenance herbicide application. If specific resources are identified as part of pre-planning, these areas will be clearly marked prior to the onset of operations.

According to USFWS consultation during the project development, the one possible biological resource of concern is the Hawaiian Hoary Bat which pups during summer. Operations will occur in the fall and will therefore not interact with the Hoary Bat's rearing cycle. KISC also has a botanist on staff who will periodically inspect operations for ESA plants, though these are not likely to occur in the dense monotypic LTK stands.

*KISC/NFWF "Pulling Together" Program August 2016
Statement of Work - Long Thorn Kiawe Removal Mana Dragstrip*

3.2 Post-clearance Maintenance

Past KISC experience has shown that several years of post-treatment control work are necessary to suppress the seed bank. KISC will be responsible for all post-maintenance.

KISC crews will sweep entire treatment area once a month for the first three months post treatment to locate potential re-sprouting stumps and new seedlings. This will occur one month after clearing is concluded and is estimated to begin in January of 2017. After each treatment an assessment will be made to determine regrowth rates and if maintenance efforts are adequate. After the initial high intensity sweeps of the first quarter, crews will return to quarterly monitoring, sweeping the full project area.

Individual small plants will be pulled and suspended on neighboring vegetation to desiccate. Larger seedlings will be cut with hand clippers and spot treated with garlon. Larger areas of high seedling concentration will be treated with garlon through drizzle sprayer

KISC crews are fully trained and operate under three licensed commercial pesticide applicators. All applications are logged and reported to ensure chemical applications do not exceed EPA rules for volume per acre.

3.3 Reporting

A detailed map of the area will be provided to the contractor indicating, with accompanying text describing the estimated extent of trees identified for removal and the level of effort expected for complete removal of all LTK.

Beginning with the onset of the short-term control actions, the contractor will provide a weekly status report of the progress, including issues and relevant comments for the KISC Operations Supervisor, Ray Kahaunaele. These reports may be delivered verbally to the onsite KISC Field Supervisor, Larry Kaneholani, who will track progress and confer with Operations Supervisor. Each report will provide an accounting of the man-hours expended, total area and numbers of LTK removed, a percent complete of the area, and any relevant issues or comments that may require coordination with KISC.

The level of effort to complete the removal of LTK presented in this report is shown by the attached map. KISC will discuss options when the actual level of effort exceeds the estimated effort by 10% for any given area. As appropriate, operations will be adjusted to address this overrun by completing work with KISC crews or locating additional funding.

4.0 Operation estimates and site description

4.1 Personnel and Site Description

KISC's project manager, Bill Lucey, is responsible for coordinating overall project, ensuring these activities adhere to relevant state and federal regulations. Mr. Lucey will maintain communication with the KISC field Supervisor Larry Kaneholani, and the KISC Operations Supervisor Ray Kahaunaele, ensuring the project is completed as outlined in this work plan.

KISC will also provide up to five field crew for operating chainsaws, slash management and herbicide treatment.

KISC will provide staff to carry out post-removal maintenance for seedling control

*KISC/NFWF "Pulling Together" Program August 2016
Statement of Work - Long Thorn Kiawe Removal Mana Dragstrip*

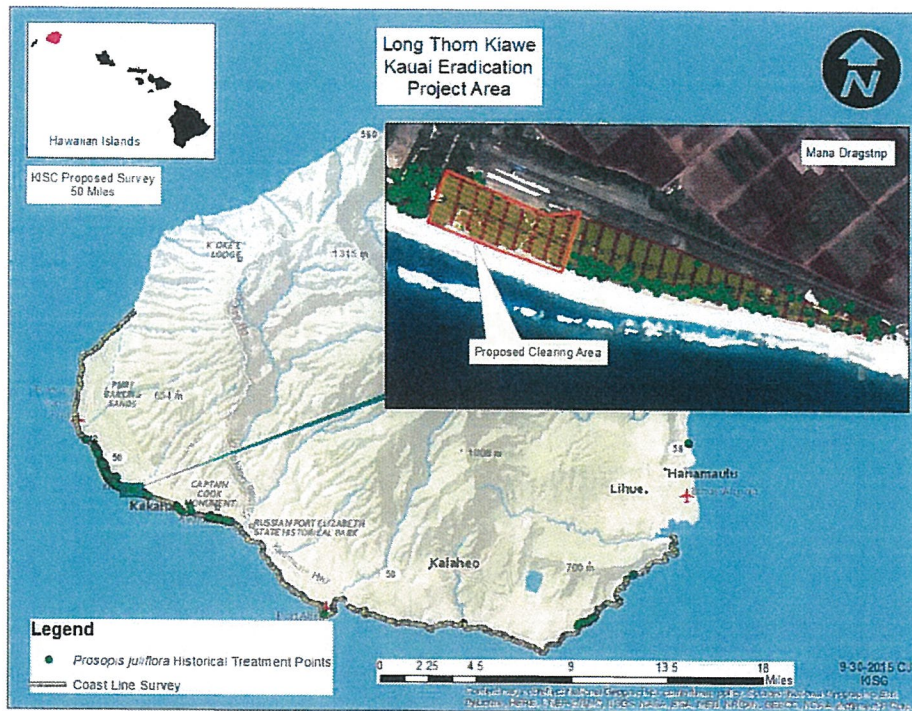
Race Track Project Site Description

There is an estimated 15± acres of LTK in this area. Heavy equipment operations are estimated to take three weeks at approximately 1 acre per day. Full clearing operations with chainsaw work, slash management and herbicide treatment will last an additional 2-3 weeks for a total of up to 7 weeks of crew time. Seedling maintenance will be required for an additional 3-5 years post clearing.

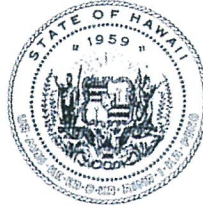
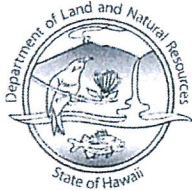
5.0 REFERENCES

Kaua'i Invasive Species Committee. 2014. *Prosopis juliflora* on Kaua'i. February, 12 pp.

Tetra Tech, Inc. 2015. *Invasive Plants Control for Joint Base Pearl Harbor-Hickam and Pacific Missile Range Facility: Field Survey Report and Recommendations for Barking Sands, Kaua'i, Hawai'i.* Prepared for Naval Facilities Engineering Command Hawaii under contract N62470-13-D-8016; Task Order No. KB01. March 12, 18 pp.



DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS
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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL: AJR

SPA: KA-17-23

William Lucey
c/o Kauai Invasive Species Committee
7370 Kuamo'o Rd.
Kapa'a HI 96746

OCT 31 2016

SUBJECT: SITE PLAN APPROVAL (KA-17-23) FOR THE KAUA'I INVASIVE SPECIES COMMITTEE (KISC) LONG THORN KIAWE REMOVAL PROJECT
Waimea District, Island of Kaua'i
TMKs: (4) 1-2-002:036 & 040

Dear Mr. Lucey,

The Office of Conservation and Coastal Lands (OCCL) are in receipt of your Site Plan Approval (SPA) application to conduct invasive species removal along the coastal portions of the subject parcels (**Exhibit 1**). For reference, the project area is located within the State Land Use (SLU) Conservation District, *Limited* Subzone (**Exhibit 2**).

BACKGROUND/EXISTING USE:

The proposed project site is a beach dune system on the south-western shore of the Island of Kaua'i that extends mauka (landward) to form "sandy" uplands (**Exhibit 3**). The dominant vegetation in this area is the Long Thorn Kiawe (*Prosopis juliflora*) (LTK) (**Exhibit 4**), although recent studies reveal that additional low-lying vegetation, such as beach naupaka, beach vitex (*phinahina*), beach morning glory, seashore rushgrass (*akiaki*), and other coastal plants may also be found at the site.

The shoreline area fronting the project site is characterized by small sand dunes and low-relief, solid carbonate "pavement" rock; some turf-algae is present immediately offshore. It should be noted that maps indicate that no "Live Coral Reef" is present in the sand and calcareous substrate directly offshore of the project site. The beach fronting the project site is highly dynamic, with the potential to have large swings in width. Northwest swells and Kona storm waves typically transport sand to the east, while south swells and trade wind waves transport sand to the west. While sediment transport is seasonally cyclical, imbalances can occur, and periods of extended shore break can reduce the beach width quickly.

As the project site is located at the shoreline it potentially serves as habitat for a number of threatened and endangered seabirds, such as the Hawaiian petrel, Newell's shearwater, band

Exhibit C

rumped storm petrel, Hawaiian stilt, Hawaiian common moorhen, Hawaiian coot, Hawaiian duck, Nene, and Hawaiian hoary bat. Additionally, this site has habitat potential for both the green sea turtle, and the Hawaiian monk seal due primarily to the adequate and stable beach sections in this area.

The LTK is a dense growing Kiawe species that tends to create impenetrable hedges along the coast with branches that have 3-inch long spikes; while the origins of this plant are unknown, it is found throughout the island of Kaua'i (although largely restricted to the west side of the island). The *Kauai Invasive Species Committee* (KISC) has been involved with the eradication of LTK on Kaua'i since 2001. Previous efforts to conduct LTK removal include several spot treatment areas of small stands, as well as two (2) large control efforts; one at the nearby Pacific Missile Range Facility (PMRF) and one at the Hawaii Air National Guard Firing Range. These efforts have effectively reduced the current LTK range to the subject parcels and as such, are the focus of this approval. Currently, the project parcels are owned by the State of Hawaii, DLNR; nearby, a portion of the parcels are leased to the Garden Isle Racing Association (GIRA) who maintain a drag strip mauka of the project site.

PROPOSED LAND USES:

According to the information provided in the application, the KISC is proposing to cut down to stump approximately 15 acres of LTK located on the subject parcels (**Exhibit 5**). The objective of the proposed use is to, 1) remove a highly invasive and dangerous tree, and 2) promote the native seed bank in this area to expand the native dune habitat. The current methodology for LTK removal at this site (refined during previous removal efforts) is listed below:

Staffing: A contractor will conduct the initial removal effort in partnership with the KISC and will include of a heavy equipment operator, site safety coordinator, and up to five (5) crew members. Access to the site will be managed by the Department of Land and Natural Resources (DLNR) Land Division – Kaua'i Branch.

Equipment/Operations: Machines used during this removal may be either of the common excavators fitted with a mulching head (an example of that equipment is shown in **Exhibit 6**). Both the larger (16,000-25,000 lbs.) and smaller (7,000-10,000 lbs.) excavators have been used previously at other removal sites; the excavator size needed is dictated by the tree height and age. While the contractor is working with the mulching head, the KISC crews will perform hand labor. Hand labor includes cutting trunks and limbs larger than six (6) inches in diameter using chainsaws. By avoiding the larger diameter Kiawe trees there is less potential for equipment failure and repair, and less intrusive removal methods (i.e., chainsaws) can be used effectively. Backpack or handheld herbicide applicators may also be used during initial clearing by KISC crews after heavy equipment has controlled an area.

The excavator with mulching head will mulch in-place all LTK vegetation to height of approximately three (3) feet above the current grade. Mature trees that are too high to be accessed with the large mulching excavator will felled by KISC crews using chainsaws. These larger limbs will be cut to three (3) foot lengths and stockpiled along the mauka perimeter of the project site for removal from the project area for proper upland disposal. The mulching excavator will be

working a safe distance from KISC crews, who will be simultaneously “flush-cutting” the remaining LTK stumps using a chainsaw; immediate application of *Garlon*/crop oil mixture to the exposed stumps will be conducted by trained KISC crews once the mulching excavator has completed an area (**Exhibit 7**).

Protection of Archeological and Biological Resources: The applicant has stated that there are no identified areas of archeological resources within the project area as presented in the recently completed Mana Drag Strip Environmental Assessment (EA). Regardless, KISC has designed the project to not excavate surface sand deposits which will leave the sub-surface undisturbed, with all roots and stumps left in place for ongoing maintenance and herbicide application. It is believed that this process for removal presents the least amount of potential impact to archeological resources. If, however, any inadvertent cultural and/or archeological finds are discovered, KISC will immediately cease all activities and contact the *State Historic Preservation Division* (SHPD) to determine protection strategies.

According to the US Fish and Wildlife Service (USFWS) consultation during project development, the one potential biological resource of concern is the Hawaiian Hoary Bat which pups during summer, and could be affected. Operations will occur in the fall and will therefore not interact with the Hoary Bat’s rearing cycle. KISC also has a botanist on staff who will periodically inspect site operations for any *Endangered Species Act* (ESA) rated plants, though these are not likely to occur in the dense monotypic LTK stands.

Maintenance and Reporting: Past KISC LTK removal projects have revealed that several years of post-treatment control work are necessary to suppress the seed bank completely; KISC will be responsible for all post-project maintenance. KISC crews will sweep the entire treatment area once a month for the first three (3) months following treatment to locate potential regrowth and new seedlings. The monitoring will occur one month after clearing is concluded and is estimated to begin January 2017. After each treatment is concluded, an assessment will be made to determine regrowth rates and if maintenance efforts are adequate. After the initial high intensity monitoring during the first three (3) months, KISC crews will move to quarterly (every three months) monitoring, sweeping the full treatment area. Individual plants, found during monitoring efforts, will be pulled and suspended on neighboring vegetation to desiccate. Larger seedlings will be cut with hand clippers and spot treated with *Garlon*. Larger areas of high seedling concentration will be treated with *Garlon* via drizzle sprayer to continue controlling the LTK seedbank.

Beginning with the onset of the short-term (monthly) control actions, the contractor will provide a monthly status report on the progress of the removal activity. The report will include issues and relevant comments for the KISC operations supervisor to track progress; the report will provide an accounting of the man-hours expended, total area and number of LTK removed, a percent of completed areas, and any relevant issues or comments that may require coordination with KISC.

There is an estimated 15 acres of LTK in this area. Heavy equipment operations are estimated to take three (3) weeks at approximately one (1) acre treated each day. Full clearing operations with chainsaw work, managed cutting, and herbicide treatment will last an additional 2-3 weeks for a total of up to 7 weeks of crew time. Seedling control will use approved non-restricted use pesticides

at quantities far below State and federal acreage limits and all within label guidelines. A vegetative barrier will be maintained to screen the existing drag strip from public use on the beach.

It was stated that revegetation of the site will be done naturally using seed plants occurring in the vicinity of the treatment area. While native species will be promoted, natural re-vegetation of the site may allow non-native species to take over (besides the LTK); this removal project will provide the landowner (State- DLNR) an opportunity for native beach restoration activities in the future.

MODIFICATION OF CONSTRUCTION TIMING:

Pursuant to Hawaii Administrative Rules (HAR) §13-5-42 (a)(8), construction must be initiated within one (1) year of a Site Plan Approval and must be completed within three (3) years of the approval. However, the KISC is seeking a Site Plan Approval to conduct invasive species removal and management over a 15-acre site which requires long-term maintenance. While the initial tree cutting, mulching, and removal activities will occur within the first year of the project, long-term maintenance of the site will be necessary to maintain the invasive species removal and promote native vegetation recolonization. Based on the need to continue maintenance and management of the site after initial removal actions have ceased, the applicant is requesting five (5) years be added to the standard complete-construction deadline to provide the necessary time to continue monitoring progress of the LTK removal site.

ANALYSIS:

1. At this time, the removal of Kiawe trees over an approximately 15 acre area for ecosystem and habitat restoration appears to be an identified land use pursuant to Hawaii Administrative Rules (HAR) §13-5-22, P-4 **REMOVAL OF INVASIVE SPECIES (B-1)** *Removal of invasive species including chemical and mechanical control methods, in an area greater than one acre, in accordance with state and federal laws and regulations, for the purpose of protecting, preserving, or enhancing native species, native habitat, or native ecosystem functions that results in no, or only minor ground disturbance. The department or board reserves the right to require departmental or board approval if it is determined that the proposed action may cause significant negative secondary impacts on natural and cultural resources, or the surrounding community. Any replanting shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to the State; and*
2. Additionally, as stated by the applicant, the objective of the proposed project is to, 1) restore the native habitat and ecosystem in this area, 2) continue an island-wide invasive species eradication program, and 3) should result in only a minor impact to land and resources within the Conservation District, staff acknowledges that the proposed project may be minor in scope and could be considered an exempt action pursuant to Hawaii Revised Statutes (HRS), §343, as amended, and Hawaii Administrative Rules (HAR), §11-200-5, Environmental Impact Statement Rules, and §11-200-8, Exempt Classes of Action, **DLNR Exemption Class 4 (8)** *Removal of invasive vegetation utilizing cutting, mowing, application of federal and state approved herbicides in conformance with label instructions, distribution of biocontrol agents approved by the state of Hawaii, and other approved methods and* **DLNR Exemption Class (4) 22** *Natural resource management*

actions that the Department declares are designed specifically to monitor, conserve, or enhance the status of native species or native species habitats, such as removal of introduced vegetation, reintroduction of native species into their historic range, or construction of fencing.

Therefore, authorization is hereby granted for the proposed KISC Long Thorn Kiawe Removal Project located in the Waimea District, Kaua'i on TMKs: (4) 1-2-002:036 & 040 subject to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall comply with all applicable department of health administrative rules;
4. The permittee shall obtain appropriate authorization from the department for the occupancy of state lands, if applicable;
5. *Unless otherwise authorized, any work or construction to be done on the land shall be initiated within three (3) years of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within eight (8) years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;*
6. *The applicant will provide the OCCL with a final report once the removal activities have concluded;*
7. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
8. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
9. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply;
10. Provisions for access, parking, drainage, fire protection, safety, signs, lighting, and changes on the landscape shall be provided;
11. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;

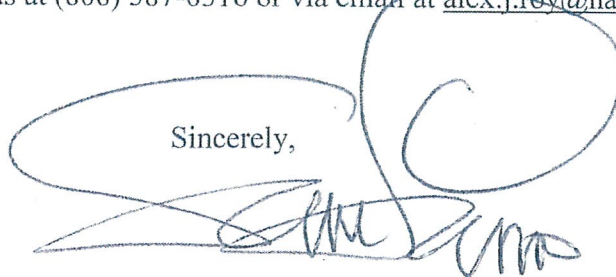
12. Obstruction of public roads, trails, **lateral shoreline access**, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;
13. Except in case of public highways, access roads shall be limited to a maximum of two lanes;
14. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
15. Use of the area shall conform with the program of appropriate soil and water conservation district or plan approved by and on file with the department, where applicable;
16. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;
17. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law; and
18. Other terms and conditions as prescribed by the chairperson.
19. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below.

Please sign two copies. Retain one copy and return the other copy to this office within 30 days.

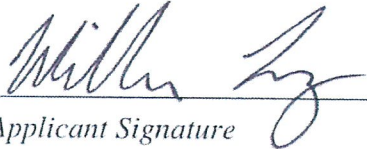
Should you have any questions, please feel free to contact Alex J. Roy, M.Sc. of our Office of Conservation and Coastal Lands at (808) 587-0316 or via email at alex.j.roy@hawaii.gov

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

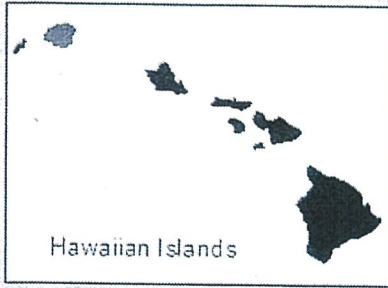
I concur with the conditions of this approval:


Applicant Signature

9 NOV 16
Date

CC: Chairperson
KDLO
DOFAW
County of Kaua'i – Planning Department

Attachments: Exhibits 1 - 7

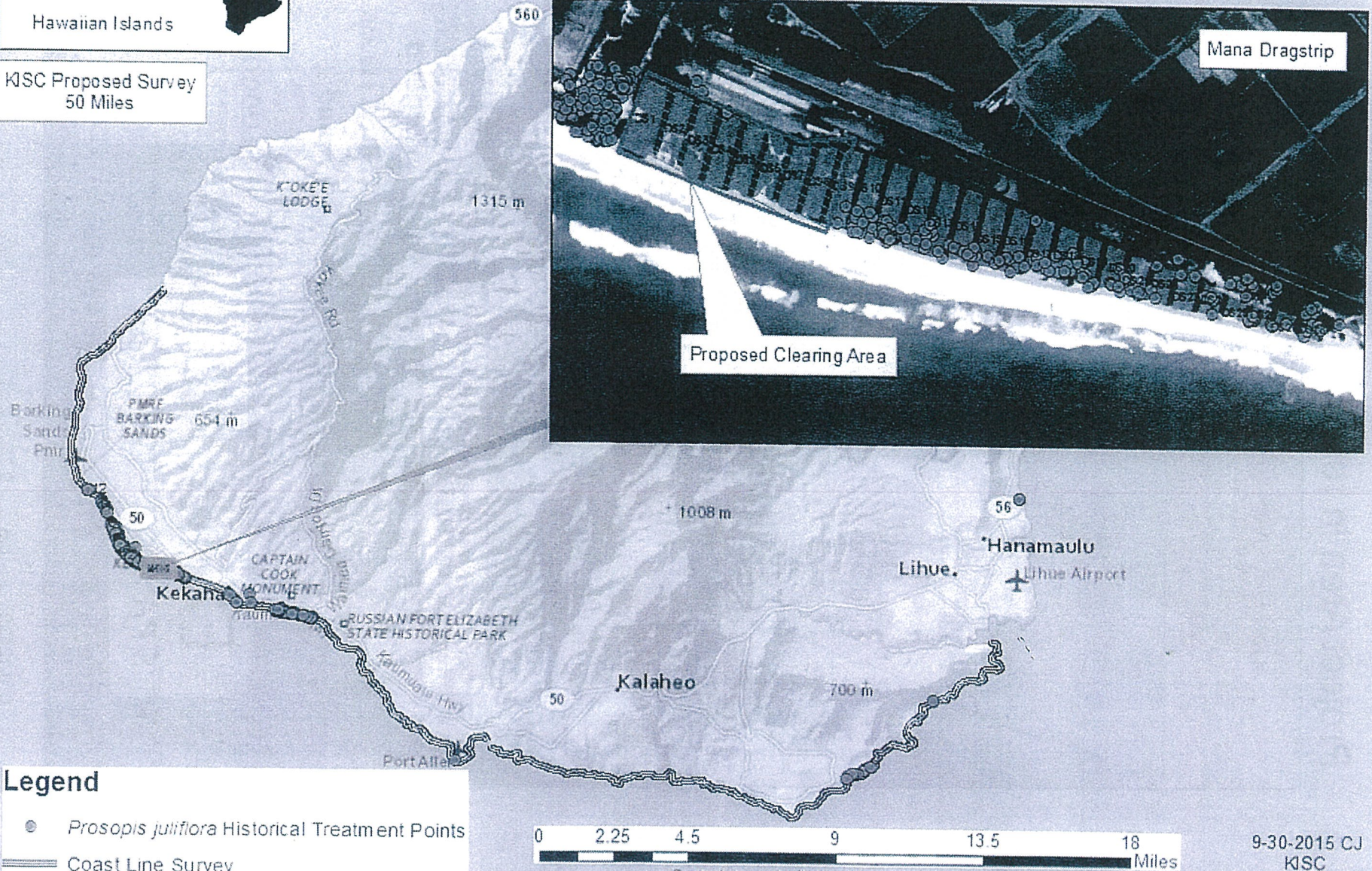


Hawaiian Islands

KJSC Proposed Survey
50 Miles

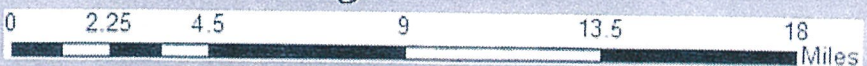
Long Thorn Kiawe
Kauai Eradication
Project Area

EXHIBIT I
SPA: KA-17-23



Legend

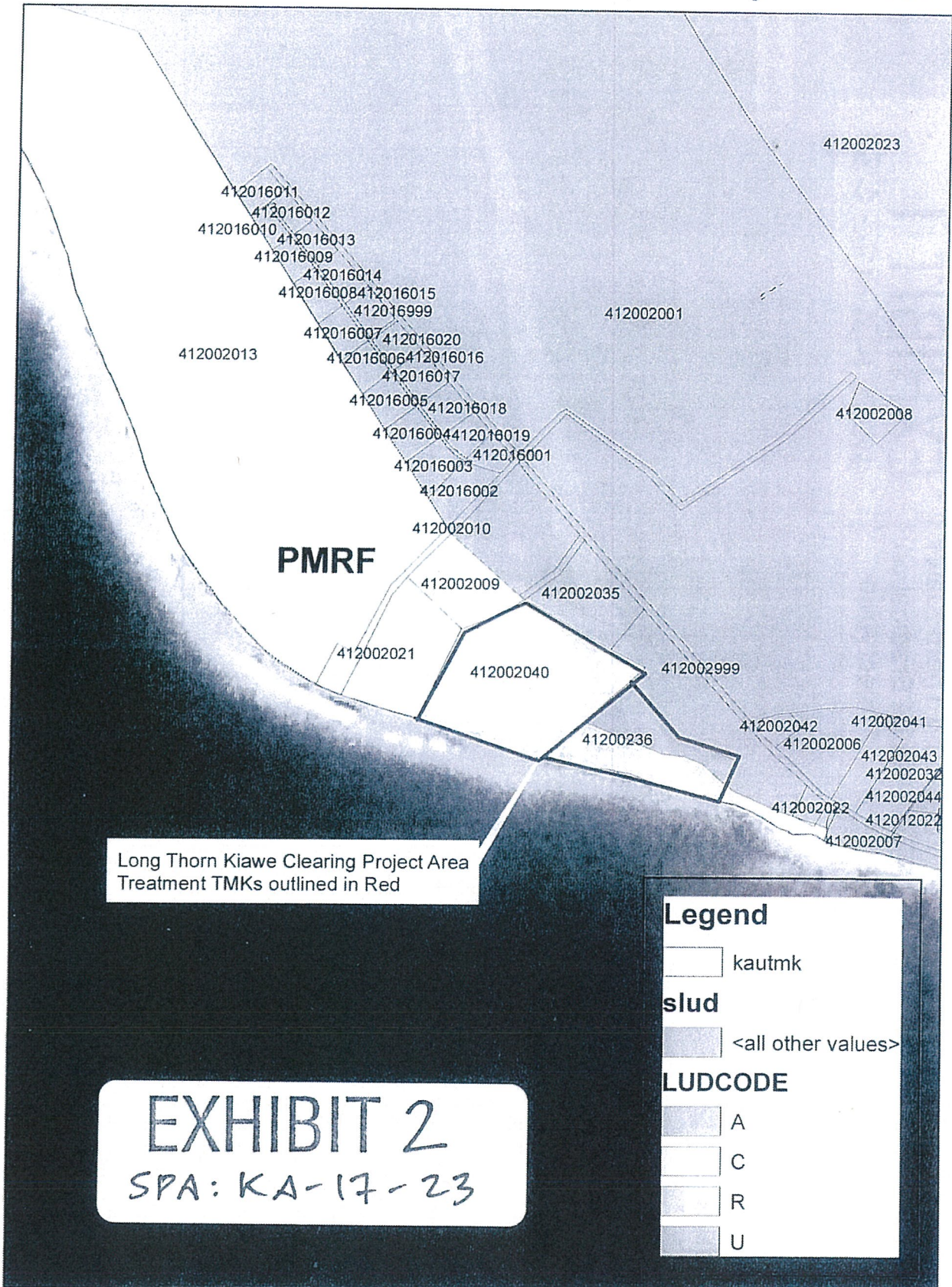
- *Prosopis juliflora* Historical Treatment Points
- ══ Coast Line Survey

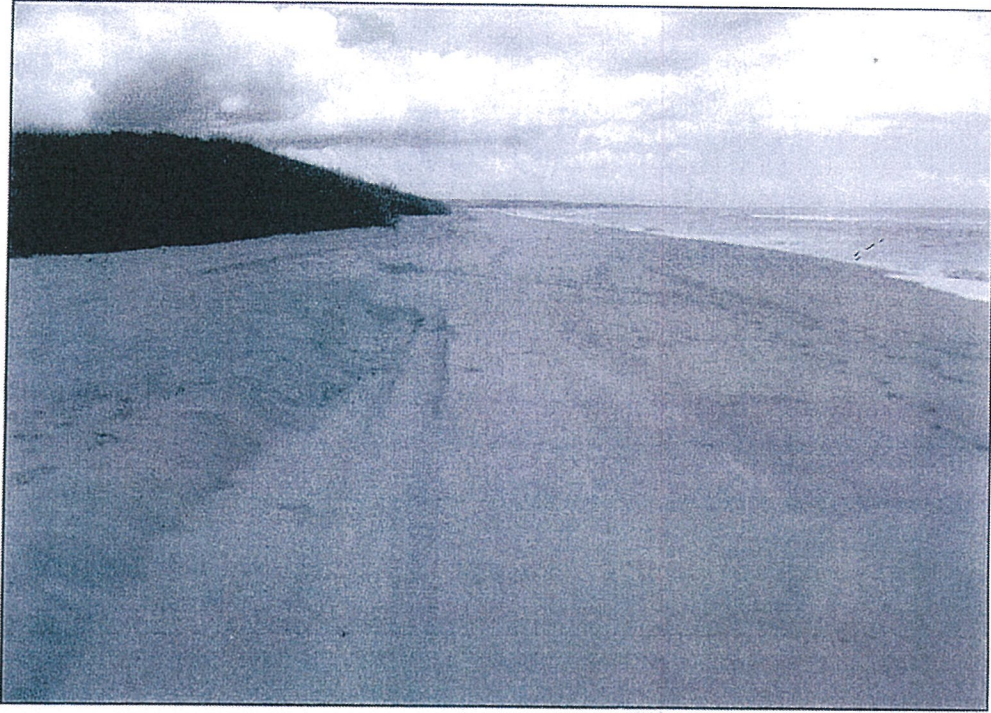


9-30-2015 CJ
KJSC

Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, DeLorme, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

Project Area in relation to TMK - County of Kauai





View of beach looking east



View of vegetation line facing west

EXHIBIT 3
SPA: KA-17-23

Long Thorn Hedge at Mana



EXHIBIT 4
SPA: KA-17-23



Previously Treated LTC
Hedge - Hawaii Air
National Guard



Staging and refueling
Area

Mana Dragstrip

a Site Map
ive Species Committee
Removal
-24

EXHIBIT 5
SPA: KA-17-23

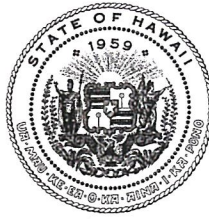


EXHIBIT 6
SPA: KA-17-23



EXHIBIT 7
SPA: KA-17-23

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 24, 2017

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKO A KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

TO: Land Division

THROUGH: Suzanne D. Case, Chairperson

FROM: Kauai Invasive Species Committee (KISC)

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR ISSUANCE OF RIGHT-OF-ENTRY PERMIT TO KAUAI INVASIVE SPECIES COMMITTEE (KISC) FOR ERADICATION OF LONG-THORNE KIAWE PLANTS, POR. KEKHAHA, WAIMEA, KAUAI, TMK: (4) 1-2-002:POR. 036 & 040.

The following permitted activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR:

Project Title:

Issuance of Right-of-Entry Permit to Kauai Invasive Species Committee (KISC) for Eradication of Long-Thorn Kiawe Plants.

PSF Number:

16KD-010

Project Description:

Kauai Invasive Species Committee, requested a right-of-entry permit onto State encumbered lands for eradication of the long-thorn kiawe plant which is considered very invasive and is on the Hawaii State Noxious Weed List. KISC works to prevent, control or eliminate the most threatening invasive plant and animal species in order to preserve Kauai's native biodiversity and minimize adverse ecological, economic and social impacts.

Most of the project area will use the hydro-ax technique where the shredder is attached to a machine and lifted over the long-thorn kiawe plant and in place leaving behind only wood chips

and mulch behind. After a few months, KISC comes back to do a seedling suppression stage of post treatment of the area.

Consulted Parties:

Office of Conservation and Coastal Lands (OCCL), Department of Health (DOH), County of Kauai – Public Works and Office of Hawaiian Affairs (OHA).


Exemption Determination:

After reviewing HAR § 11-200-(8), DLNR has concluded that the activities under this permit would have minimal or no significant effect on the environment and that issuance of the permit is categorically exempt from the requirement to prepare an environmental assessment.

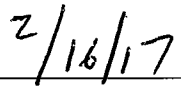
According to the Exemption List for the Department of Land and Natural Resources, as Reviewed approved by the Environmental Council on June 5, 2015, Exemption Class No.1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing [HAR § 11-200-8(a)(46)]", exempt items 33. "Maintenance of state lands and waters to remove weeds, brushes, grass and other unwanted vegetation" and 34. "Routine pruning, trimming, thinning, and removal of trees, excluding commercial logging."

Conclusion:

It is recommended that the Board declare that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



Suzanne D. Case, Chairperson
Board of Land and Natural Resources



Date