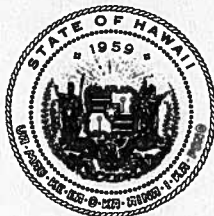


DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

ROBERT K. MASUDA
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

REF: OCCL: AJR

CDUA: KA-3817

Acceptance Date: April 20, 2018

180 Day Expiration Date: October 17, 2018

Jim Fields
c/o Kalihiwai Investors, Inc.
3762 Keli'i Place
Princeville, HI 96722

APR 20 2018

NOTICE OF ACCEPTANCE AND PRELIMINARY ENVIRONMENTAL DETERMINATION
Conservation District Use Application (CDUA) File No. KA-3817
(DEPARTMENTAL PERMIT)

Dear Mr. Fields,

This acknowledges the receipt and acceptance for the processing of a Conservation District Use Application (CDUA) regarding a proposed agriculture (i.e., native tree planting) located on Tax Map Key (TMK): (4) 5-3-001:016. The project area is in the Hanalei District, on the Island of Kaua'i. For reference the entire project area is located within the State Land Use (SLU) Conservation District *Resource* Subzone.

PROPOSED USE:

At this time the applicant (*Kalihiwai Investors, LLC*) is proposing to plant native hardwood tree species on approximately 0.67 acres of the subject parcel as part of a larger, proposed 10-acre tree farm. The objective of the proposed activity *within the Conservation District* is to plant native species (i.e., *Ohia Lehua* and *Hawaiian Kou*) that may be utilized in the future for use on the applicants 175-acre parcel. Staff notes that this proposed action includes only 0.67-acres within the Conservation District. Additionally, the use of this site also makes it possible for the applicant to donate adjacent lands to the *United State Fish and Wildlife Service* (USFWS) for use as a scenic overlook of the Hanalei Valley.

The cultivation of native trees requires minor installation of PVC tubing for drip irrigation to the saplings during the first few years of establishing the tree farm. The cultivation of hardwoods has a 20 to 25-year cycle in which i) saplings are planted, ii) maturing trees are thinned as necessary to promote strong growth, iii) after 20-25 years, mature trees are harvested *as needed*, and iv) new saplings are planted to restart the cycle. Staff notes the trees being propagated in the Conservation District are for use by the landowner/applicant; no commercial activity (i.e., commercial logging) is planned in the Conservation District.

The number of trees to be planted will depend on correct spacing of saplings and adequate planting area. Additionally, as the area is relatively flat, no grubbing or grading is proposed at this time.

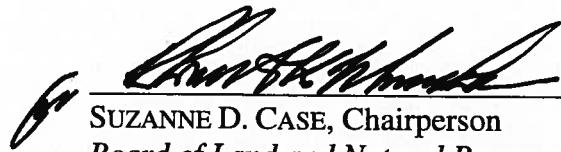
ANALYSIS:

- The planting of a 0.67-acre area with native trees for personal use is considered an identified land use in the Conservation District *Resource* Subzone pursuant to Hawaii Administrative Rules (HAR) §13-5-23, L-1 **AGRICULTURE (C-1) Agriculture, within an area of one acre or less, defined as the planting, cultivating, and harvesting of horticultural crops, floricultural crops, or forest products, or animal husbandry;** and
- In conformance with §343, Hawaii Revised Statutes (HRS), as amended, and HAR, §11-200-8, the OCCL has determined this project *may* be considered exempt from the preparation of an Environmental Assessment pursuant to **DLNR Exemption Class 4 (14) – Minor ground adjustments (e.g., grading, grubbing, cutting, or filling) that do not require grading permits, 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.** Concurrence for these exemptions is being coordinated through the DLNR – Division of Forestry and Wildlife (DOFAW).
- Pursuant to HAR §13-5-40 Hearings, a public hearing will not be required for this project; and
- While staff notes the proposed action does not appear to be located in the County's Special Management Area (SMA), please be informed that, it is the applicant's responsibility to comply with the provisions of Hawaii's Coastal Zone Management law (Chapter 205A, HRS) that pertain to the SMA requirements administered by the various counties. Negative action by the BLNR on this application can be expected should you fail to obtain and provide us, at least thirty (30) days prior to BLNR action, one of the following from the appropriate county:
 1. An official determination that the proposal is exempt from the provisions of the county rules relating to the SMA;
 2. An official determination that the proposed development is outside the SMA; or
 3. An SMA Use Permit for the proposed development.

The OCCL will submit a copy of the submitted *Conservation District Use Application* (CDUA) for publication in the next available edition of the Office of Environmental Quality Control's (OEQC) *Environmental Notice*.

Should you have any questions on this correspondence, please contact Alex J. Roy, M.Sc. of our Office of Conservation and Coastal Lands staff at 808-587-0316 or via email at alex.j.roy@hawaii.gov

Sincerely,



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

CC: *Kaua'i Land Board Member*
KDLO
SHPD
DOFAW
USFWS, 911 NE 11th Ave. 4E, Portland, OR 97232, Attn: Alex Schwartz
County of Kaua'i – Planning Department
County of Kaua'i – Public Works Department