

**KALIHIWAI INVESTORS, LLC**  
**Supplement to CDUA KA-3817**  
**TMK# (4) 5-3-001:016**

March 5, 2018

The following material responds to questions from the OCCL (letter dated January 19, 2018) regarding CDUA: KA-3817. The item numbers below correspond to question numbers in the OCCL letter.

**1. Details on Trees to be Cultivated in the 0.67 Acres of the Conservation District.** Approximately 350 saplings, 50% Ohia Lehua (*Metrosideros polymorphaname*) and 50% Hawaiian Kou (*Cordia subcordata*).<sup>1</sup> Planting is in straight rows with saplings 8 to 10 feet apart. **Exhibits 1 and 2** show the location of the .067-acre site and the planting pattern for that area. Weeds will be controlled through regular mowing in and around the trees. Harvesting is expected in approximately 20 to 25 years (thinning is expected to occur during the intervening period depending upon growth patterns). After harvesting is completed, the trees will be replaced with the same or comparable species of hardwoods.

**2. Presence of Nene and Mitigation Measures.** Nene (*Branta sandvicensis*) have been frequently observed in open field, grassy areas of TMK (4) 5-3-001:016, neighboring the proposed 0.67-acre site. Nene have also been frequently observed on the Prince Golf Course, across Kuhio Highway from the site. When acquired by applicant, the condition of

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<sup>1</sup> **Tree Farm Background.** On July 1, 2012, Kalihiwai Investors, LLC (“KI”) submitted a tree farm plan (the “Plan”) covering approximately 10 acres of TMK# (4) 5-3-001:016 to Kauai County’s Real Property Tax Division (the “County”). The County determined the Tree Farm qualified for the exemption from County real property taxes under Kauai County Code Sec. 5A-11.26 by Notice of Approval dated November 13, 2013. The Plan has been subsequently amended in 2014 and 2016.

The Plan provides for planting more than 3,000 hardwood saplings, comprised of seven hardwood species. Approximately 75% of the saplings are indigenous species (i.e., Kou, Koa’ai, Koa, Ohia Lehua, Kamani, and Wiliwili). The 0.67 acres of land subject of the CDUA will become part of the Tree Farm. As noted in the CDUA, the 0.67 acres replaces Agriculture-zoned land which land is needed to accommodate ingress and egress with respect to the proposed USFWS Hanalei Valley scenic overlook. The remainder of the Tree Farm is located on Agriculture-zoned land.

the proposed .067-acre site was such that it was not hospitable for Nene foraging (no open grassy areas, instead the area was largely covered with brush and abandoned nursery materials, e.g., weed cloth). Nene had not been observed in that area, notwithstanding their presence nearby in open fields of TMK (4) 5-3-001:016. We expect that Nene will be found on the site now that debris and invasive weeds and shrubs have been removed.

The applicant has spoken to the DLNR Division of Forestry and Wildlife regarding appropriate practices when Nene are observed in the area. That information and our practices with respect to the Tree Farm can be summarized as follow:

- 1) If Nene are observed, maintain reasonable distance to avoid injuring them with equipment or disrupting their foraging. Mowing and other similar activities are not, in and of themselves, a problem.
- 2) During nesting season (September to January), be alert for nests, though generally nests are not in open fields (Nene tend to nest in shrub trees and other hidden areas to be safe from predators).
- 3) If any Nene is found injured or dead, contact the Kauai DLNR office to assist the bird or deal with the situation.
- 4) The Kauai DLNR office will be allowed access to the lot to enable it to survey and headcount with respect to the Nene population.

### ***3. Site Preparation.***

*No grading.* The 0.67-acre area is generally flat with a mild grade to the northwest. Storm water does not pond and drains to Kuhio Highway and Hanalei Valley. Therefore, cultivation of trees can be accommodated without any grading or other similar ground work.

*No Grubbing; Removal of invasive plants and nursery debris.* Grubbing was not necessary. Invasive weeds, tall grasses and shrubs have been removed using weedwhackers, mowers and similar equipment. Nursery materials/debris have been removed (e.g., old weed cloth).

*Limited Ground Disturbance.* For all areas of the Tree Farm, including the .067-acre site, saplings are planted 8 to 12 inches below the surface in rows, eight to ten feet apart. In addition, shallow furrows are dug to accommodate drip irrigation lines along the sapling rows which is helpful during the first three to five years after planting.

#### **4. BMPs.**

A tree farm management plan (the “Tree Farm Plan”) with respect to the 10+acre Tree Farm (which would be applicable to the .067-acre site) has been accepted by the County. We would be glad to submit that plan for OCCL’s review.

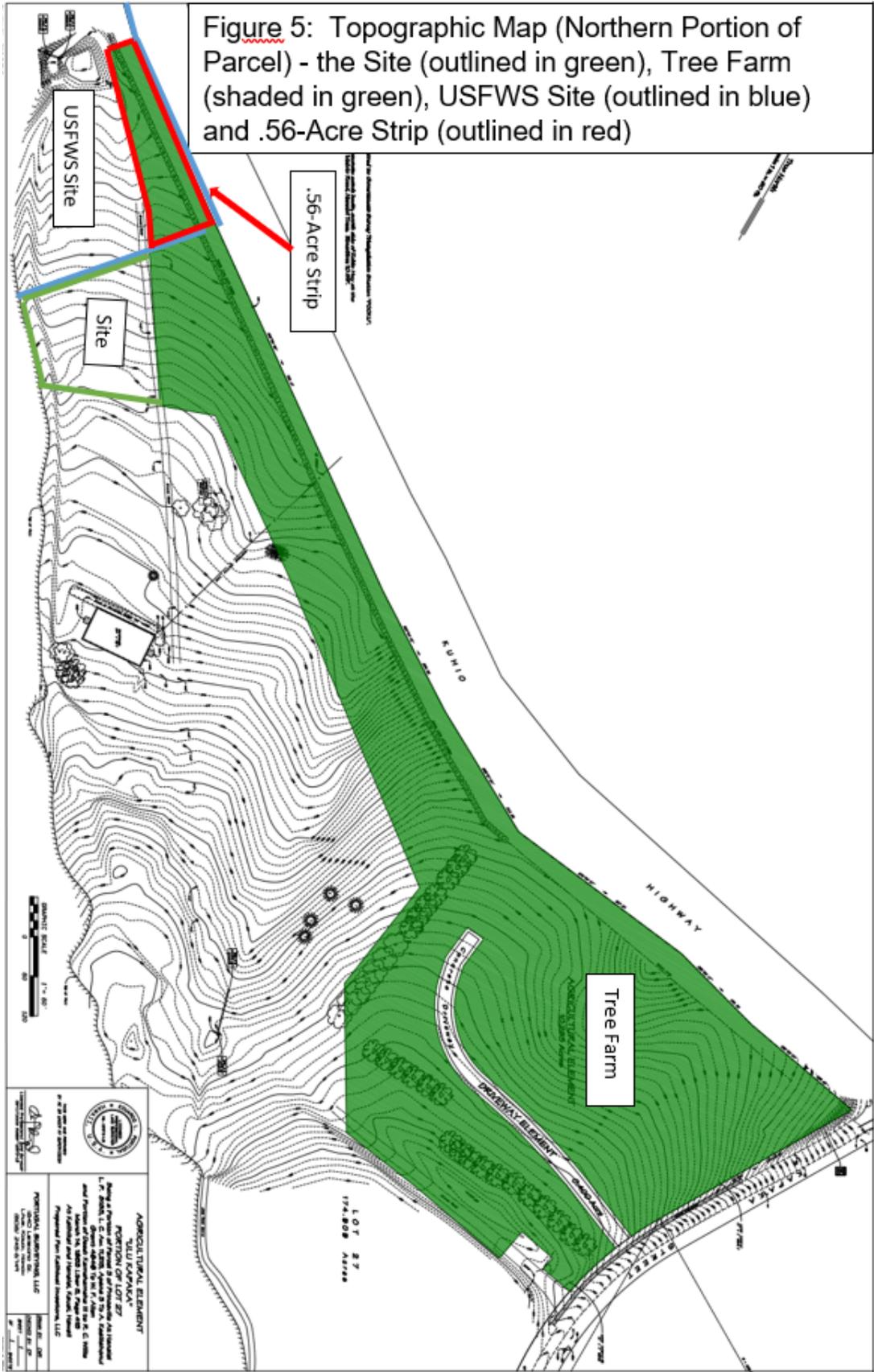
In addition to following the outline of the Tree Farm Plan, the farm will follow “*Best Management Practices for Maintaining Water Quality in Hawaii*,” DLNR Division of Forestry and Wildlife, February 1996. The following delineates how the seven core requirements of that publication apply to the site.

1. Road Construction. Not applicable, as we do not plan to construct any roads within the .067-acre area.
2. Harvesting. The trees will not overhang any streams and, accordingly, BMPs regarding felling into or near streams are not applicable. Given the size of the .067-acre area and the presence of a service road bordering the site, a flatbed truck with a boom will be used to load logs directly from the site onto the truck; “skidding” will not be applicable. Equipment fuel and lubricants will not be dumped or changed in the area. Logging debris and trash will be promptly disposed of in licensed disposal sites; in no event will debris or trash be left in or block streams (as there are no streams on site).
3. Chemical Management. At present we do not intend to use pesticides to manage weeds and grasses in the planting area. Regular mowing should keep grasses under control.

Depending upon future conditions, it might be necessary to apply pesticides to protect the trees themselves from a future infestation. In that event, biopesticides will be used as the first option. Only if biopesticides were not effective, would more “toxic” pesticides be used; and in that event, pesticides would be selected to minimize water solubility, maximize soil absorption and maximize breakdown rate. No pesticides or other chemicals will be stored on site. All used pesticide containers will be properly disposed of following manufacturer recommendations.

4. Streamside Management Zone. Not applicable.
5. Fencing. There is existing fencing between the Tree Farm and Kuhio Highway. Fencing will be installed along the boundary with the adjacent USFWS scenic overlook property (if the proposed USFWS plan is adopted). No fencing is planned for the border of the .067-acre area along the Hanalei Valley rim. It might become necessary to use a “pig fence” in that area if pigs become a regular nuisance, disrupting the soil and damaging the saplings.
6. Wildfire Control. The County of Kauai Fire Department (“KFD”) maintains a fully-staffed and equipped fire station within one-half mile of the site (the site is accessible from the station). Accordingly, any wildfire would be managed by KFD. If there were a fire, affected areas would be re-vegetated expeditiously. No burns will be used given the size and location of the site.
7. Reforestation. Replanting will be by hand; BMPs are not required for hand-planting.

# Exhibit 1: Northern Portion of Parcel – Figure 5 from CDUA



## Exhibit 2: 0.67-Acre Site Sapling Planting Layout

● = Ohia Lehua – Hawaiian Kou Sapling

