



(DOFAW) is requesting the closure and fencing of Pua Loke Arboretum in order to make state and county facilities enhancements. The state will use approximately one and a half to two acres of the approximately four acre arboretum area to expand its DOFAW baseyard and native plant nursery, and the county will utilize the balance of the current arboretum area for park and/or Ohana Zone use.

DISCUSSION:

DOFAW has been looking at using part of the Pua Loke Arboretum to expand their adjacent baseyard. Kauai County has requested use of a portion of Pua Loke Arboretum for Ohana Zone housing. The county is currently doing an assessment of need in the Lihue urban-core, and has identified the parcel as one they would like to utilize to help balance park and homeless/vagrant activity in town.

In order to clean and assess the area, DOFAW is seeking permission to temporarily close the Pua Loke Arboretum to public use. DOFAW will fence a portion of the arboretum to expand their adjacent baseyard, perform urban tree maintenance, and address a vagrancy problem which has become a health and safety issue for the surrounding community. Final disposition of a portion of the property will be negotiated with the county.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the requirements of Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200-8, Hawaii Administrative Rules (HAR), the subject project is exempt from the preparation of an environmental assessment pursuant to the following exemption class:

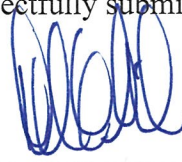
Exemption Class 3: Construction and location of single new, small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same...(Exhibit 3).

RECOMMENDATION:

That the Board of Land and Natural Resources:

1. Authorize the temporary closure of the Pua Loke Arboretum to clean and assess the area, fence the area to provide security, and begin DOFAW baseyard and plant nursery expansion.
2. Authorize the Department to negotiate with Kauai County regarding a county-use disposition of a portion of the property, the final disposition to be approved by the board;
3. Authorize the Chairperson to sign a Declaration of Exemption from Chapter 343 authorizing closure, fencing and improvements to the area (Exhibit 4).

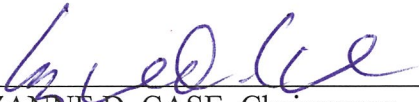
Respectfully submitted,



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DAVID G. SMITH, Administrator  
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



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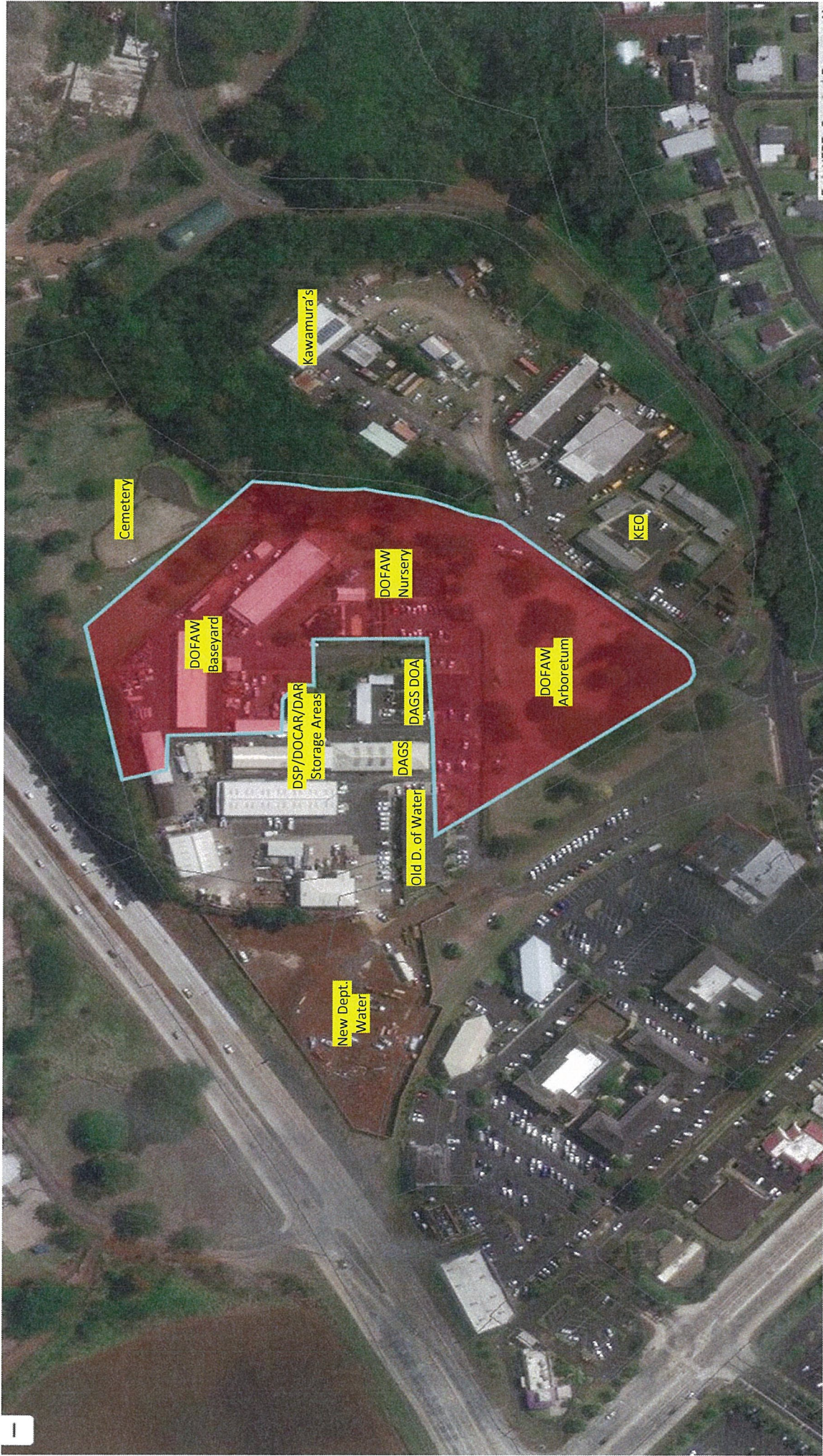
SUZANNE D. CASE, Chairperson  
Board of Land and Natural Resources

OK  
Suzanne

EXHIBITS:

- 1) Aerial map of Pua Loke Arboretum with parcels identified;
- 2) Governor's Executive Order No. 3564
- 3) DLNR Exemption List June 5 2015
- 4) Declaration of Exemption from Chapter 343

Exhibit 1



**Executive Order No. 3564****Setting Aside Land for Public Purposes**

By this Executive Order, I, the undersigned, Governor of the State of Hawaii, by virtue of the authority in me vested by Section 171-11, Hawaii Revised Statutes, and every other authority me hereunto enabling, do hereby order that the public land hereinafter described be, and the same is, hereby set aside for the following public purposes:

**FOR DEPARTMENT OF LAND AND NATURAL**

**RESOURCES BASEYARD, PLANT NURSERY AND ARBORETUM SITE, to be under the control and management of the Division of Forestry and Wildlife, Department of Land and Natural Resources, State of Hawaii, being that certain parcel of land situate at Nawiliwili, Lihue, Kauai, Hawaii, identified as "Department of Land and Natural Resources Baseyard, Plant Nursery and Arboretum Site," containing an area of 7.319 acres, more or less, TOGETHER with Perpetual Non-Exclusive Access and Utility Easement 2 over and across Multi-Agency Site (C.S.F. No. 21,642), containing an area of 0.120 acre, more of less, SUBJECT, HOWEVER, to the following easements:**

1. Perpetual Non-Exclusive Waterline Easement covered by Grant of Easement from State of Hawaii to Board of Water Supply of the County of Kauai dated May 4, 1987 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 21,034 on page 668 (Land Office Deed S-27,635).

2. Perpetual Non-Exclusive Electric Transmission Line Easement covered by Grant of Easement from State of Hawaii to Citizens Utilities Company dated December 24, 1987 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 21,729 on page 209 (Land Office Deed S-27,664).

RESERVING to the State of Hawaii, its successors and assigns, the following easements as shown on the map attached hereto and made a part hereof:

1. Perpetual Non-Exclusive Utility Easement 2.

2. Perpetual Non-Exclusive Access and Utility Easement 1.

3. Perpetual Non-Exclusive Access Easement.

All more particularly described on Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, being C.S.F. No. 21,644 and dated December 17, 1991.

SUBJECT, further, to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Hawaii to be affixed.

Done at the Capitol at Honolulu this 8<sup>th</sup> day of September, Nineteen Hundred and 92

0168E

Approved as to form:

William M. Han  
Deputy Attorney General

Id. Usihue  
Governor of the State of Hawaii

Dated: 6/10/92



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

C.S.F. No. 21,644

December 17, 1991

DEPARTMENT OF LAND AND NATURAL RESOURCES  
BASEYARD, PLANT NURSERY AND ARBORETUM SITE

Nawiliwili, Lihue, Kauai, Hawaii

Being a portion of Grant 188, Apana 1 to W. L. Lee within the Ahupuaa of Nawiliwili (R.P. 4478, L.C.Aw. 7713, Apana 2, Part 2 to V. Kamamalu) conveyed to the Territory of Hawaii by the following:

- A. Waiahi Electric Company, Limited to Territory of Hawaii by deed dated September 20, 1920 and recorded in Liber 577 on pages 11-16 (Land Office Deed 1971).
- B. Lihue Plantation Company, Limited to Territory of Hawaii by deed dated February 16, 1938 and recorded in Liber 1425 on pages 195-206 (Land Office Deed 5836).

Beginning at the most westerly corner of this parcel of land, at the southwest corner of the Board of Water Supply Baseyard and Office Site, Governor's Executive Order 2313 and on the northeast side of Pua Loke Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KILOHANA" being 7897.44 feet South and 18,776.62 feet West, thence running by azimuths measured clockwise from True South:-

- 1. 269° 40'                      370.00 feet along Board of Water Supply Baseyard and Office Site, Governor's Executive Order 2313, Addition to Board of Water Supply Baseyard and Office Site and Multi-Agency Site;
- 2. 179° 40'                      177.00 feet along Multi-Agency Site;
- 3. 89° 40'                        94.00 feet along Multi-Agency Site;
- 4. 179° 40'                      22.00 feet along Multi-Agency Site;
- 5. 129° 42'                      32.65 feet along Multi-Agency Site;

6. 89° 40' 66.00 feet along Multi-Agency Site;
7. 179° 40' 145.00 feet along Addition to Board of Water Supply Baseyard and Office Site;
8. 89° 40' 5.00 feet along Addition to Board of Water Supply Baseyard and Office Site;
9. 179° 40' 30.00 feet along Board of Water Supply Baseyard and Office Site, Governor's Executive Order 2879;
10. 89° 40' 87.29 feet along Board of Water Supply Baseyard and Office Site, Governor's Executive Order 2879;
11. 166° 00' 74.31 feet along Board of Water Supply Baseyard and Office Site, Governor's Executive Order 2313;
12. 257° 50' 319.18 feet along the remainder of Grant 188, Apana 1 to W. L. Lee within the Ahupuaa of Nawiliwili (R.P. 4478, L.C.Aw. 7713, Apana 2, Part 2 to V. Kamamalu);
13. 312° 27' 366.65 feet along the remainder of Grant 188, Apana 1 to W. L. Lee within the Ahupuaa of Nawiliwili (R.P. 4478, L.C.Aw. 7713, Apana 2, Part 2 to V. Kamamalu);
14. 356° 55' 30" 16.94 feet along the west side of Wehe Road;
15. Thence along the west side of Wehe Road on a curve to the right with a radius of 290.00 feet, the chord azimuth and distance being:  
1° 38' ~ 45" 47.73 feet;
16. 6° 22' 126.19 feet along the west side of Wehe Road;
17. Thence along the west side of Wehe Road on a curve to the right with a radius of 490.00 feet, the chord azimuth and distance being:  
13° 21' 119.15 feet;
18. 20° 20' 83.37 feet along the west side of Wehe Road;
19. 40° 59' 354.49 feet along the northwest side of Wehe Road;



- 20. Thence along the north corner of the intersection of Wehe Road and Pua Loke Street on a curve to the right with a radius of 60.00 feet, the chord azimuth and distance being:  
66° 59' 30" 52.62 feet;
- 21. Thence along the north corner of the intersection of Wehe Road and Pua Loke Street on a curve to the right with a radius of 36.00 feet, the chord azimuth and distance being:  
118° 00' 45" 30.44 feet;
- 22. 143° 01' 30" 109.10 feet along the northeast side of Pua Loke Street;
- 23. 143° 23' 353.12 feet along the northeast side of Pua Loke Street to the point of beginning and containing an AREA OF 7.319 ACRES.

Together with Perpetual Non-Exclusive Access and Utility Easement 2 over and across Multi-Agency Site and more particularly described as follows:

Being a portion of Grant 188, Apana 1 to W. L. Lee within the Ahupuaa of Nawiliwili (R.P. 4478, L.C.Aw. 7713, Apana 2, Part 2 to V. Kamamalu) conveyed to the Territory of Hawaii by Waiahi Electric Company, Limited by deed dated September 20, 1920 and recorded in Liber 577 on pages 11-16 (Land Office Deed 1971).

Beginning at the southeast corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KILOHANA" being 7895.83 feet South and 18,500.62 feet West, thence running by azimuths measured clockwise from True South:-

- 1. 89° 40' 25.00 feet along the Department of Land and Natural Resources Baseyard, Plant Nursery and Arboretum Site;
- 2. 179° 40' 220.00 feet along the remainder of Multi-Agency Site;
- 3. 309° 40' 32.65 feet along the Department of Land and Natural Resources Baseyard, Plant Nursery and Arboretum Site;

4. 359° 40' 199.00 feet along the Department of Land and Natural Resources Baseyard, Plant Nursery and Arboretum Site and the remainder of Multi-Agency Site to the point of beginning and containing an AREA OF 0.120 ACRE.

SUBJECT, HOWEVER, to the following easements:

1. Perpetual Non-Exclusive Waterline Easement covered by Grant of Easement from State of Hawaii to Board of Water Supply of the County of Kauai dated May 4, 1987 and recorded in Liber 21,034 on page 668 (Land Office Deed S-27,635).
2. Perpetual Non-Exclusive Electric Transmission Line Easement covered by Grant of Easement from State of Hawaii to Citizens Utilities Company dated December 24, 1987 and recorded in Liber 21,729 on page 209 (Land Office Deed S-27,664).

Reserving to the State of Hawaii, its successors and assigns, the following easements as shown on plan attached hereto and made a part thereof:

1. Perpetual Non-Exclusive Utility Easement 2.
2. Perpetual Non-Exclusive Access and Utility Easement 1.
3. Perpetual Non-Exclusive Access Easement.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: Donald T. Oyama  
Donald T. Oyama  
Land Surveyor gm

Compiled from Govt. Survey  
Records.



EXEMPTION LIST FOR THE  
DEPARTMENT OF LAND AND NATURAL RESOURCES

Approved by the Environmental Council on June 5, 2015

GENERAL NOTES

This exemption list for the Department of Land and Natural Resources (“Department” or “DLNR”) was reviewed and concurred on by the Environmental Council on June 5, 2015. This list supersedes all previous exemption lists of the DLNR and its Divisions, including the following:

- (1) December 4, 1991 DLNR Department-wide list
- (2) January 19, 1976 DLNR Division of Fish and Game list
- (3) September 19, 1984 DLNR Division of Water and Land Development list
- (4) April 28, 1986 DLNR Division of Land Management list
- (5) December 4, 1991 DLNR State Parks list
- (6) March, 1995 DLNR Division of Boating and Ocean Recreation list
- (7) June 12, 2008 DLNR Division of Forestry and Wildlife list
- (8) July 13, 2011 DLNR additions to Department-wide list
- (9) May 17, 2012 DLNR addition to Department-wide list

Hawaii Revised Statutes (“Haw. Rev. Stat.”) Chapter 343 authorizes the Environmental Council to establish procedures to exempt specific types of action from the preparation of an environmental assessment because the action will have minimal or no significant effect on the environment. The Department, through time and experience, developed the following exemption list identifying particular activities that fall within the exempt classes described in Hawaii Administrative Rules (“HAR”) §11-200-8. Pursuant to HAR §11-200-8(b), these exemptions are inapplicable when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.

**Exemption Class 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.*

1. Mitigation of any hazardous conditions that present imminent danger as determined by the Department Director and that are necessary to protect public health, safety, welfare, or public trust resources.
2. Upon determination by the Department Director that an emergency exists, emergency mitigation and restoration work to prevent damage from continuing to occur and to restore the topographical features and biological resources.

3. Removal of boulders, rocks, hazardous trees, marine debris, and other similar hazards necessary to maintain state lands and waters in a safe condition.
4. Fire management activities, including prevention and restoration measures, when conducted in accordance with Departmental and Division procedures.
5. Rescue of threatened or endangered species.
6. Maintenance dredging of small quantities of material from existing launching ramps, navigation channels, and berthing areas, not to exceed their originally designed depths and as permitted by the U.S. Army Corps of Engineers, Honolulu District, under a Nationwide Permit 35 (Maintenance Dredging of Basins), with disposal of dredged material at approved landfill sites or the placement of sand on adjacent areas in accordance with Haw. Rev. Stat. § 205A-44.
7. Operation, repair and maintenance, of existing Department structures and facilities, including baseyards, offices, cabins, sheds, and fencing.
8. Repair or maintenance of existing signs, buoys, markers, and aids to navigation.
9. Operation, repair and maintenance of existing fisheries facilities, involving capture, containment, sustaining, experimentation, and husbandry of various freshwater, estuarine, and marine fishes, invertebrates, and other aquatic organisms.
10. Operation, repair and maintenance of existing fish aggregating devices and artificial reefs.
11. Operation, repair and maintenance of existing nurseries, arboreta, and captive propagation facilities.
12. Operation, repair and maintenance of existing loading docks, piers, piles, boat launch ramps, offshore mooring facilities, and other similar support structures, as permitted by the U.S. Army Corps of Engineers, Honolulu District, under a Nationwide Permit 3 (Maintenance).
13. Operation, repair and maintenance of existing recreational facilities, such as campsites, cabins, shelters, and other similar structures, and the appurtenant support facilities and structures.
14. Operation, repair or maintenance of existing fire tool caches, fuel breaks, and helispots.
15. Minor alterations and repairs required to bring existing buildings, structures, facilities, and equipment into compliance with current building codes and applicable federal and state regulations.
16. Repair and maintenance of existing bollards, walls, gates, fences, lighting, and other similar items necessary for the security or continued operation of a facility or structure.

17. Repair and maintenance of existing utilities and drainage systems.
18. Repairs and modifications to existing sewage and water pumping stations and treatment facilities to maintain established codes and standards, provided that modifications that expand the capacity or geographical service area of existing facilities shall not be exempt.
19. Repairs to existing ground water, surface water, or climatological monitoring equipment, and other similar monitoring and data collection equipment, and the structures that house or protect them.
20. Repairs necessary to maintain existing electrical, telemetry or communications systems and the structures that house or protect them.
21. Repair and maintenance of existing state owned bridges and flumes.
22. Repair and maintenance of existing water diversions and intake structures, including valves, gates, intake boxes, and lines, in order to collect or improve the collection at the location of the existing water source diversion works.
23. Repair and maintenance of existing water tanks, water catchment basins, water units, pumps and controls, pipes, channels, dikes, and moats.
24. Repair, modify, and clear existing drainageways and waterways to maintain in safe working condition.
25. Repair and maintenance of existing dam or reservoir structures and appurtenant features, including outlet works repair, gate replacements, ditch clearing, replacement of catwalk and access ways, spillway modifications to safely pass anticipated flood waters, and spillway reconstruction to mitigate possible failures.
26. Repair, maintenance, or relining of conveyance structures associated with existing dam or reservoir structures.
27. Repair and maintenance work on or the breaching of existing dam or reservoir structures of an emergency nature due to storm, earthquake, or other natural disaster or other forms of damage, latent defects in construction, and conditions not previously observed during routine inspections that results in a condition that poses a significant hazard to public safety and the environment. The work necessary to mitigate the danger posed to the environment and public safety includes emergency clearing and grading for breaching or stabilization work, installation and operation of siphons and pumping systems to discharge water from the reservoir, construction of seepage drains, and the construction of seepage monitoring berms.
28. Repair and maintenance of historic and archaeological sites to maintain the integrity of

historic structures, archaeological features and sites.

29. Maintenance of existing boardwalks, trails and unpaved roads.

30. Maintenance of state-owned right-of-way other than public right-of-ways.

31. Repair and maintenance of existing roadways, roadway shoulders, road structures and signage, parking areas, walkways, bikeways, multi-use pathways, driveways, and boat launch ramps (includes grading, resurfacing, infilling, sealing, grooving, cleaning, chipping, painting and patching).

32. Maintenance of existing landscaping, including planting, trimming, mowing, and irrigation.

33. Maintenance of state lands and waters to remove weeds, brushes, grass and other unwanted vegetation.

34. Routine pruning, trimming, thinning, and removal of trees, excluding commercial logging.

35. Termite and pest control treatment using Environmental Protection Agency and State Department of Agriculture approved pesticides under the supervision of certified applicators provided that treatment is limited to existing structures, facilities, or equipment.

36. Repair and maintenance of existing machinery, equipment, vessels, and vehicles used to support Departmental operations.

37. Clearing, grading, and grubbing, for which grading permits are not required.

38. Removal and disposal of rubbish and debris from state lands and waters.

39. Removal of silt, debris, sand and limu from above high water mark, from river and stream mouths, and from boat launching ramps.

40. Clearing of shoreline areas and submerged lands of non-natural hazardous objects and materials such as sunken/derelict craft remnants, oil spill residues, etc.

41. Storage of construction equipment and materials for a limited period of time as necessary to support planned or existing construction or repair.

42. Actions that are intended to maintain or support the sustainability of those natural resources under the jurisdiction of the Department, including law enforcement, regulation compliance, resources and environmental monitoring, debris or property removal, and other administrative and management measures.

43. Transfer of management authority over state-owned land, such as setting aside of state lands

to or from other government agencies through a Governor's executive order.

44. Transfer of title to land.

45. Acquisition of land or interests in land.

46. Creation or termination of easement, covenants, or other rights in structures or land.

47. Leases of state land involving negligible or no expansion or change of use beyond that previously existing.

48. Subdivision or consolidation of lots not previously subdivided.

49. The award of grants under Haw. Rev. Stat. Chapter 173A provided that the grant does not fund an activity that causes any material change of use of land or resources beyond that previously existing.

50. Conduct public meetings and hearings for the purpose of the collection and dissemination of public information, to discuss matters under the jurisdiction of the Department, to develop administrative rules, guidelines or other public policy, and other similar purposes.

51. Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.

52. Use of state lands and waters by those exercising traditional and customary practices for minor non-commercial purposes or for the gaining of traditional ecological knowledge.

53. Granting to a person the privilege to conduct operations involving the provision of goods, wares, merchandise, or services to the general public including, but not limited to, tours, food and beverage operations, retail operations, rental operations, or communications and telecommunications services in or on an existing building, facility, or area.

### **Exemption Class 2**

*Replacement or reconstruction of existing structure and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.*

1. Replacement or reconstruction of existing Department structures and facilities, including baseyards, offices, cabins, sheds, and fencing.

2. Replacement or reconstruction of existing signs, markers, buoys, or aids to navigation.

3. Replacement or reconstruction of existing fisheries facilities.



4. Replacement or reconstruction of fish aggregating devices or artificial reefs.
5. Replacement or reconstruction of existing nurseries, arboreta, and captive propagation facilities.
6. Replacement or reconstruction of existing loading docks, piers, piles, boat launch ramps, offshore mooring facilities, and other similar support structures, not to exceed the footprint of the existing facility, as permitted by the U.S. Army Corps of Engineers, Honolulu District, under a Nationwide Permit 3 (Maintenance).
7. Replacement or reconstruction of existing recreational facilities, such as campsites, cabins, shelters, and other similar structures, and the appurtenant support facilities and structures.
8. Replacement or reconstruction of existing bollards, walls, gates, fences, lighting and other similar items necessary for the security or continued operation of a facility or structure.
9. Minor upgrades or replacement of existing utilities and drainage systems on state lands. Drainage improvements will generally consist of the installation of culverts, pipes, and construction of gutters or other similar infrastructure where minor flooding occurs.
10. Replacement of cesspools with individual wastewater systems located generally on the same site with substantially the same purpose and capacity.
11. Replacement or reconstruction of existing sewage and water pumping stations and treatment facilities to maintain established codes and standards, provided that reconstructions that expand the capacity or geographical service area of existing facilities shall not be exempt.
12. Replacement or reconstruction of existing ground water, surface water, or climatological monitoring equipment, and other similar monitoring and data collection equipment, and the structures that house or protect them.
13. Replacement or reconstruction of existing electrical, telemetry, or communications systems and the structures that house or protect them.
14. Replacement or reconstruction of existing state-owned bridges and flumes.
15. Replacement or reconstruction of existing water diversions and intake structures, including valves, gates, intake boxes, and lines, in order to collect or improve the collection at the location of the existing water source diversion works.
16. Replacement or reconstruction of existing water tanks, water catchment basins, water units, pumps and controls, pipes, channels, dikes, and moats, in a size commensurate with existing system and source capacities and requirements to provide service in existing water systems.

17. Replacement or reconstruction of existing drainageways and waterways.
18. Replacement or reconstruction of existing dam or reservoir structures and appurtenant features, including outlet works repair, gate replacements, ditch clearing, replacement of catwalk and access ways, spillway expansion or improvements, and spillway reconstruction to mitigate possible failures.
19. Rehabilitation and restoration of existing structures and features at historic and archaeological sites.
20. Replacement or reconstruction of existing boardwalks, trails, and unpaved roads.
21. Replacement or reconstruction of existing roadways, roadway shoulders, road structures and signage, parking areas, walkways, bikeways, multi-use pathways, driveways, and boat launch ramps.
22. Replacement or renovation of existing landscaping or vegetation.
23. Re-vegetate burned or eroded areas to encourage the succession of selected plant species to prevent soil erosion and promote the goals of the Department.
24. Replacement or reconstruction of existing machinery, equipment, vessels, or vehicles used to support Departmental operations.

### **Exemption Class 3**

*Construction and location of single new, small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to: (A) Single family residences not in conjunction with the building of two or more such units; (B) Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures; (C) Stores, offices and restaurants designed for total occupant load of twenty persons or less, if not in conjunction with the building of two or more such structures; and (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; and (E) accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences.*

1. Fences around or to manage rare, threatened or endangered plants, covered or open areas for endangered species, game birds and mammals, auxiliary buildings for food or equipment storage, incubators and brooders, open-top breeding and release pens, field aviaries, and hacking boxes, and for watershed and native forest management and restoration. Fences shall contain step-overs or other features that permit pedestrian access for cultural and recreational use.

2. Construction and location of new, small facilities or structures necessary to support or enhance natural resource management actions on state lands and waters that the Department declares are designed specifically to monitor, conserve, or enhance native species or native species' habitat, such as nurseries, helispots, and other similar structures.
3. Construction and location of new, small facilities or structures necessary to support or enhance safe and effective management of state lands and waters, such as baseyards, caretaker's residences, work cabins and shelters, utility sheds, storage buildings, sanitation facilities, plant nurseries, trash containers, fire caches, radio repeaters, tollbooths, gates, installation of signage, safety enhancements (e.g., handrails, lighting), and other similar structures.
4. Construction and location of new, small facilities or structures necessary to support or enhance public recreational use of state lands and waters, such as comfort stations and related individual wastewater disposal systems, sanitation facilities, outdoor showers, signage, interpretive kiosks, viewing platforms, pavilions, shelters, tables, grills, cabins, campgrounds, lifeguard stations, improvements necessary for compliance with the Americans with Disabilities Act, and other similar structures.
5. Construction on state lands of roadways with distances less than 1,000 yards (excluding access roads) and walkways.
6. Construction of off-street parking facilities having capacities of up to 25 passenger vehicle stalls, on state lands.
7. Improvement of existing trails and construction or improvement of boardwalks on existing trails for recreation, education, and management.
8. Water catchment systems with less than 20,000 gallon capacity and above ground, non-destructive irrigation systems.
9. Construction of security features, including fencing, gates, cameras, lighting, and other similar items.
10. Installation of weatherports and radio repeaters and other similar communications equipment and related infrastructure for natural resource management purposes or for emergency response.
11. Installation of automatic fish feeding devices in reservoirs, ponds, or other impoundments, rearing pens for cage culture of fishes and aquatic organisms, and fish aggregating devices within pre-approved sites.
12. Installation of marine vessel sewage pump out stations and supporting facilities.
13. Installation of new, small groundwater, surface water, or climatological monitoring and data collection equipment, structures that house or protect this equipment, and installation of

electrical, telemetry, or communications systems to service this equipment.

14. Construction of drainage swales and structures and other similar surface runoff management techniques with minimal or no effect on the environment.

15. Utility service connection and installation.

16. Construction of irrigation ditches, flumes and structures having less than 200 gpm.

17. Installation and removal of irrigation systems.

18. Construction of Civil Defense emergency system facilities.

19. Re-burial of previously identified or inadvertently discovered remains over fifty (50) years old, with Department and landowner approval and according to guidelines provided in HAR Chapter 13-300.

#### **Exemption Class 4**

*Minor alteration in the conditions of land, water, or vegetation.*

1. Upon determination by the Department Director that an emergency exists, emergency mitigation and restoration work to prevent further damage from occurring and to restore the topographical features and biological resources.

2. Construction of walkways and pathways and installation of guard rails, handrails, ramps, and other similar items.

3. Improvement of existing trails and construction or improvement of boardwalks on existing trails for recreation, education, and management.

4. Improvements of previously existing graded parking and storage yard areas, including paving, infilling, grading and compacting.

5. Establishment of helispots for fire control, natural resource management, and rescue.

6. Minor vegetation clearing and management, including mowing, pruning, trimming, and application of federal and state approved herbicides in conformance with label instructions.

7. Clearing of fuel breaks and other similar fire pre-suppression actions to reduce fire potential and minimize fire severity.

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.

9. Vegetation clearing and removal work on or near the embankment, spillway, or outlet works of a dam facility of vegetation that could pose a threat to the embankment or impede inspection of the facility.

10. Vegetation clearing and grading work to stabilize existing slopes and mitigate rockfall, including work required to mobilize equipment.

11. Controlled burning of vegetation less than ten (10) acres in size to improve wildlife habitat where non-native vegetative cover constitutes greater than 75% of the area.

12. Establish temporary or permanent vegetative cover including trees, shrubs, grasses, and sod for landscaping, reforestation, soil stabilization, watershed protection, native wildlife habitat, native ecosystem restoration, and rare plant preservation; provided, however, that this exemption shall not apply to vegetation that is likely to be invasive or for tree plantings for which harvesting is planned or is reasonably foreseeable.

13. Gathering plant seed, cuttings, or other vegetative matter for propagation.

14. Minor ground adjustments (e.g., grading, grubbing, cutting, or filling) that do not require grading permits.

15. Minor alterations in state waters, including restoration of native species and control of invasive weeds, algae, invertebrates, fishes or other invasive aquatic organisms.

16. Control of pests utilizing federal and state approved pesticides, herbicides, fungicides, and toxicants in conformance with label instructions; traps, snares, lures, and repellents; distribution of biocontrol agents approved by the state of Hawaii; and other approved methods.

17. Management of surface water runoff, including installation of minor drainage ditches and implementation of other stormwater best management practices and low impact development techniques (e.g., bioretention areas, permeable pavers, etc.).

18. Minor alteration of retaining walls.

19. Removal or filling of unused or unusable cesspools pursuant to federal and state regulations.

20. Beach restoration, sand dune restoration, and sand pushing activities of less than 10,000 cubic yards of beach quality sand.

21. Construction, in accordance with established state standards, required to seal production, monitoring, and geothermal wells, that have been permanently discontinued, that are unsealed, leaking, polluting, deteriorating in quality, uncontrollable, buried, or that are in such a state of

disrepair that continued use is impractical or unsafe.

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. This exemption would not apply to biocontrol of invasive species or commercial logging.

### **Exemption Class 5**

*Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.*

1. Conduct surveys or collect data on existing environmental conditions (e.g, noise, air quality, water flow, water quality, etc.).
2. Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.
3. Conduct topographic, sounding, wave, littoral transport, bathymetric, and location surveys.
4. Periodic collection of data by the State Office of Conservation and Coastal Lands ("OCCL") for the purpose of monitoring existing state beaches to include identification, mapping, and analysis of offshore sand deposits, bathymetry mapping, sub-bottom profiling (to measure the thickness of existing sand deposits), vibracore sampling (to conduct grain size analysis to determine suitability of a sand source for beach restoration), deposit depth probing (jet probing of sand depths), and marine biological and water quality surveys to identify sensitive resources or areas of concern.
5. Installation of climatological stations and equipment and streamflow gaging stations and equipment, and other similar equipment necessary to measure environmental factors and collect data.
6. Construct or rehabilitate groundwater monitoring stations in accordance with established state standards, install groundwater monitoring equipment, and collect data.
7. Conduct subsurface investigations (borings) provided the average surface area disturbed is less than one square foot and the implementing division consults with the State Historic Preservation Division on exempting such borings or investigations.
8. Construction of test wells with casing diameter of not more than 12 inches to provide ground truth for water resources investigations, the suggested size will enable the aquifer to be tested for its physical, chemical, biological qualities, as well as providing a pumping test to determine the specific capacity of the aquifer. Test wells shall not be developed to serve water unless an EIS or

negative declaration is prepared.

9. Installation of staff gages, water monitoring and reporting equipment at dam facilities and appurtenant works to include trenching work and construction of supporting features such as equipment sheds, transmitting devices, solar panels, and minimal site grading and improvements for the safe operations and installation of these features.

10. Phase II Investigation work on a dam or reservoir, including soil sampling and drilling, water monitoring, and/or test pit excavations. This may include clearing or construction of site improvements needed to mobilize equipment or personnel to accomplish the task.

11. Conduct geothermal exploration activity that involves non-invasive geophysical operations for testing and analysis. Activities conducted under this exemption shall comply with all applicable federal, state and county laws, rules, regulations, guidelines and standards. This exemption would not apply in Urban or Conservation land use districts or in sensitive environments.

12. Conduct terrestrial and marine archaeological surveys.

13. Research or experimental management actions that the Department declares are designed specifically to monitor, conserve, or enhance native species or native species' habitat.

14. Implanting transponders and affixing tags, transmitters, markers, or other similar devices to birds, mammals, invertebrates, or aquatic organisms to record movement, longevity, growth, distribution, behavior, and other activities; taking disease or blood samples from birds, mammals, invertebrates, or aquatic organisms; and placing remote monitoring devices (to determine animal movement), cameras, equipment and feeders.

15. Game and non-game wildlife surveys, vegetation and rare plant surveys, aquatic life surveys, inventory studies, new transect lines, photographing, recording, sampling, collection, culture, and captive propagation.

16. Captive propagation of birds, mammals, invertebrates, or aquatic organisms; cultivation of plants. Housing, care, feeding, veterinarian examination, breeding (pairing, hatching, brooding, fledgling, rearing), cross fostering, double clutching nests, and experimental studies of native species (including those which are rare, threatened or endangered), game birds and game mammals.

17. The reintroduction or supplementation (e.g., stocking) of native, formerly native, or established species into suitable habitat within their historic or established range, where no or negligible environmental disturbances are anticipated.

18. Research or experimental wildlife and plant management actions, including controlled grazing or burning as a management tool and outplanting.

19. Research or experimental management actions to identify, monitor, control, or eradicate introduced species.
20. Conduct assessment, survey, and removal of unexploded ordnance.
21. Appraisal of real property for land exchange proposals, determination of acquisition/sales price, rental establishment or the establishment of royalties.
22. Conduct planning and feasibility studies.
23. Permission to enter state lands for the purpose of conducting those activities listed above.

**Exemption Class 6**

*Construction or placement of minor structures accessory to existing facilities.*

1. Construction, placement or installation of signage, pavement markings, buoys, or other similar structures.
2. Placement of aerators for increasing the dissolved oxygen content for fish populations in reservoirs, nurseries, ponds.
3. Installation and operation of automatic feeding devices in reservoirs, ponds or other impoundments.
4. Installation of glare screens, bollards, guard rails, vehicular access barriers, and other similar appurtenances designed to protect the public on state lands.
5. Construction or placement of utilities (telecommunications, electrical, solar panels, drainage, waterlines, sewers) and related equipment (such as transformers, poles, cables, wires, pipes) accessory to existing facilities on state lands.
6. Construction or placement of lighting systems for street lights, facility lighting, and security lighting.
7. Alarm systems, camera systems, and similar surveillance items on state lands for security and safety purposes.
8. Construction of walls, fencing, or screens around buildings, structures, facilities, or equipment on state lands.
9. Construction of interior roadways, driveways, parking areas, sidewalks, pathways, aisles, curbs, gutters, and other similar items on state lands.



10. Water tanks with less than 20,000 gallon capacity.
11. Water catchment systems, lines, and faucets.
12. Placement or construction of gas tanks for fueling cooking stoves installed in or near existing structures.
13. Placement or construction of accessory structures such as utility sheds, storage or maintenance sheds, office trailers, trash enclosures, comfort stations or sanitation facilities and related individual wastewater disposal systems, bus shelters, pavilions or picnic shelters, parking and fee collection facilities, checking stations, interpretive kiosks and displays, dock boxes, mooring cleats, bumpers, and mooring buoys, blocks and piles, and other similar structures accessory to existing facilities on state lands and waters.
14. Hurricane or wind protection devices and other minor structural accessories that will facilitate resistance to damaging effects of natural hazards on state lands.
15. Rearing pens for cage culture of various freshwater, estuarine, and marine fishes, invertebrates, and other aquatic organisms.
16. Installation of weatherports and radio repeaters for natural resource management purposes or for emergency response.

**Exemption Class 7**

*Interior alterations involving things such as partitions, plumbing, and electrical conveyances.*

1. Interior alterations and renovations to offices, buildings or structures that do not increase the floor area or change the maximum occupancy to include:
  - a. installation of office partitions, utility outlets or connections, air conditioning, lighting, and security systems;
  - b. renovations required to bring existing structures into compliance with current building codes and applicable health, safety, and access regulations;
  - c. renovations that will result in energy or other operational/cost savings; or
  - d. other similar interior alterations.
2. Expand utilities as need dictates in existing structures.
3. Construction required to maintain or upgrade existing utilities.

**Exemption Class 8**

*Demolition of structures, except those structures located on any historic site as designated in the*

*National Register or Hawaii Register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, or Chapter 6E, Hawaii Revised Statutes.*

1. Construction, in accordance with established state standards, required to seal wells, that have been permanently discontinued, that are unsealed, leaking, polluting, deteriorating in quality, uncontrollable, buried, or that are in such a state of disrepair that continued use is impractical or unsafe.
2. Demolition and removal of existing structures, facilities, utilities, and other improvements on state lands, except those structures located on any historic site as designated in the National Register or Hawaii Register as provided for in the National Historic Preservation Act of 1966, 16 U.S.C §§470 et. seq., as amended, or Haw. Rev. Stat. Chapter 6E.
3. Demolition and removal of experimental devices or other equipment, when such devices or equipment are no longer used or needed.
4. Demolition and removal of abandoned private property from state lands.
5. Demolition and removal of unauthorized improvements from state property.

**Exemption Class 9**

*Zoning variances except shoreline setback variances.*

1. Application for zoning variance for use of state lands disposed to private parties or to governmental agencies, except shoreline setback variances.

**Exemption Class 10**

*Continuing administrative activities including, but not limited to, purchase of supplies and personnel-related actions.*

1. Purchase of supplies, equipment, materials, motor vehicles, boats, and services.
2. Contracts for small purchases, professional services, competitive sealed proposals, competitive sealed bidding, or purchase of goods and services which are exempt from Haw. Rev. Stat. Chapter 103D.
3. Requests for federal, state, county or private assistance grants to support ongoing operations or implement programs of the Department.
4. Personnel-related actions.
5. Training, environmental interpretation, public safety efforts and other educational activities.

**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS Chapter 11-200 HAR.

**Project Title:** Build a Fence around the Pua Loke Arboretum, which will connect to the existing fence at the Pua Loke Baseyard

**Project/Reference No:** Not Applicable

**Project Location:** Pua Loke Baseyard, Lihue, Kauai TMK (4) 3-8-005:002

**Project Description** The Kauai community wishes to establish the Pua Loke Children’s Peace Arboretum, which was envisioned over 20 years ago to honor Spark Matsunaga and to help to heal Kauai after Hurricane ‘Iniki. New irrigation, native plants and artwork are envisioned. Fencing will ensure the security of the area which is currently frequented by people drinking at night.

**Chapter 343 Trigger:** Use of State Land

**Exemption Class No.** In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No 3, item 9, “Construction of security features, including fencing, gates, cameras, lighting and other similar items.”

The subject request is necessary for the security of the Pua Loke arboretum and base yard.

**Consulted Parties:** Department of Accounting and General Services, Kauai Governor’s Office, Kauai Economic Opportunity, Kauai Division of Conservation and Resources Enforcement, DLNR Chair’s Office, Kauai Mayor’s Office, Kauai County Council, Kauai County Office of Planning, Ed Kawamura (Local Businessman), Howard Shapiro (Performing and Fine Arts for World Peace), Kauai County Human Services, Division of State Parks

**Recommendation:** That the Board finds this project will probably have minimal or no significance effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.