

STATE OF HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawai'i 96813

April 24, 2015

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

Land Board Members:

**SUBJECT: REQUEST APPROVAL OF DECLARATION OF EXEMPTION TO CHAPTER 343, HAWAI'I REVISED STATUTES, ENVIRONMENTAL COMPLIANCE REQUIREMENTS FOR THE GRANT-IN-AID TO THE 501(C)(3) NONPROFIT ORGANIZATION, MALAMA O PUNA, IN THE KEAU'OHANA FOREST RESERVE TAX MAP KEY: (3) 1-2-009:004 IN THE PUNA DISTRICT OF HAWAI'I ISLAND**

**BACKGROUND:**

During the Regular Session of 2014, the Twenty-seventh Legislature authorized funds for a grant-in-aid (GIA) to Malama O Puna. In support of this project, the Governor has released operating funds, appropriated by Act 122, Session Laws of Hawai'i 2014, for Malama O Puna to conduct weed control and native outplantings to restore approximately 100 acres of native lowland wet forest within the Keauohana Forest Reserve (Tax Map Key: (3) 1-2-009:004) in the Puna District of Hawaii Island. Due to considerable tree fall from Hurricane Iselle within the project area, Malama O Puna may also clear downed trees from principle trails for ease of passage to accomplish the restoration. This project will restore native lowland wet forest to provide habitat for rare native species and protect biota of biological significance. As the expending agency, the Department of Land and Natural Resources (Department), Division of Forestry and Wildlife must develop the contractual documents and specifications necessary to implement the GIA. The Board of Land and Natural Resources, at its January 23, 2015, meeting authorized the Chairperson to sign and approve the necessary documents pertaining to the GIA to Malama O Puna, subject to approval as to from by the Department of the Attorney General (Attachment 1). In order to provide funds to Malama O Puna for the project, the Department needs to finalize a contract as well as adhere to all applicable statutes or rules.

**CHAPTER 343, HAWAI'I REVISED STATUTES – ENVIRONMENTAL ASSESSMENT:**

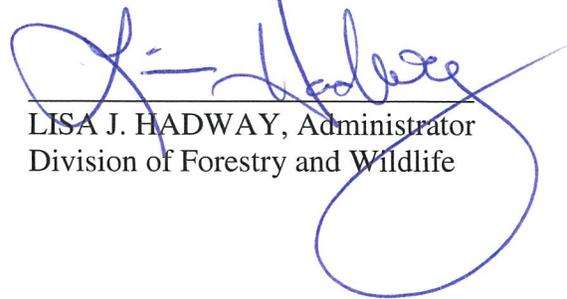
In accordance with the requirements of Chapter 343, Hawai'i Revised Statutes (HRS), and Section 11-200-8, Hawai'i Administrative Rules (HAR), and the Exemption List for the Division of Forestry and Wildlife of the Department as reviewed and concurred upon by the

Environmental Council on June 12, 2008, the native lowland wet forest restoration of a portion of the Keau'ohana Forest Reserve by Malama O Puna is exempt from the preparation of an environmental assessment pursuant to the exemption classes listed in Attachment 2.

RECOMMENDATION:

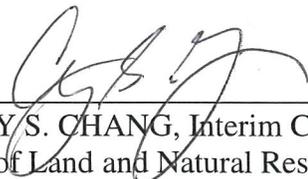
That the Board of Land and Natural Resources declares, after considering the potential effects of the proposed project as provided by Chapter 343, HRS, and Chapter 11-200, HAR, the native lowland wet forest restoration of a portion of the Keau'ohana Forest Reserve by Malama O Puna will likely have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

Respectfully Submitted,



LISA J. HADWAY, Administrator  
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



CARTY S. CHANG, Interim Chairperson  
Board of Land and Natural Resources

Attachment 1: January 23, 2015, Board of Land and Natural Resources Submittal Relating to the GIA to Malama O Puna

Attachment 2: Declaration of Exemption

STATE OF HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawai'i 96813

January 23, 2015

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

Land Board Members:

**SUBJECT: DELEGATION OF AUTHORITY TO THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO APPROVE DOCUMENTS PERTAINING TO THE GRANT-IN-AID TO THE 501(C)(3) NONPROFIT ORGANIZATION, MALAMA O PUNA, IN THE KEAU'OHANA FOREST RESERVE TAX MAP KEY: (3) 1-2-009:004 IN THE PUNA DISTRICT OF HAWAI'I ISLAND**

**BACKGROUND:**

Pursuant to Chapter 42F, Hawai'i Revised Statutes, the Hawai'i State Legislature (Legislature) may authorize funds for grant-in-aids (GIA) that promote a public purpose. State funds are awarded by the Legislature, by an appropriation to a specified recipient, and released by the Department of Budget and Finance. An appropriation for a GIA is required to be disbursed by a contract between the state agency that is designated as the expending agency for the appropriation and the recipient of the GIA.

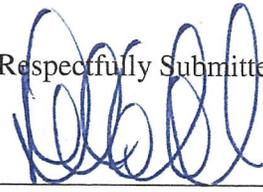
**REMARKS:**

During the Regular Session of 2014, the Twenty-seventh Legislature authorized funds for a GIA to Malama O Puna. In support of this project, the Department of Budget and Finance has released the necessary funds. As the expending agency, the Department of Land and Natural Resources, Division of Forestry and Wildlife must develop the contractual documents and specifications necessary to implement the GIA. The specifications include deliverable items, payment dates, and adherence to all applicable state laws.

**RECOMMENDATION:**

That the Board of Land and Natural Resources authorize the Chairperson to sign and approve the necessary documents pertaining to the GIA to Malama O Puna, subject to approval as to form by the Department of the Attorney General.

Respectfully Submitted,



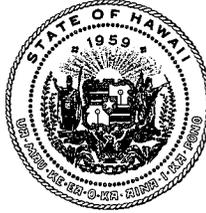
 LISA J. HADWAY, Administrator  
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



CARTY S. CHANG, Acting Chairperson  
Board of Land and Natural Resources

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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CARTY S. CHANG  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

W. ROY HARDY  
ACTING 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

DECLARATION OF EXEMPTION

from the preparation of an environmental assessment under the authority of Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200, Hawaii Administrative Rules (HAR)

**Project Title:** Restoring Priority Area of Keauohana Native Lowland Wet Forest

**Project Description:** During the Regular Session of 2014, the Twenty-seventh Legislature authorized funds for a grant-in-aid to Malama O Puna to restore approximately 100 acres within the Keauohana Forest Reserve (Tax Map Key: (3) 1-2-009:004) in the Puna District of Hawaii Island. This project, including conducting weed control and native outplantings, will restore native lowland wet forest to provide habitat for rare native species and protect biota of biological significance. Due to considerable tree fall from Hurricane Iselle in the project area, Malama O Puna may also clear downed trees from principle trails for ease of passage to accomplish the restoration.

**Exemption Class:** Department of Land and Natural Resources, Division of Forestry and Wildlife, 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.

**Exempt Item Number:** 1

**Exempt Item Description:** Trail maintenance on DOFAW Program areas, using hand tools and small motorized equipment such as chain saws and weed eaters; involves clearing spaces 4 feet wide and 10 feet high from grade on existing trails.

**Exemption Class:** Department of Land and Natural Resources, Division of Forestry and Wildlife, 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.

**Exempt Item Number:** 8

**Exempt Item Description:** Weed, brush and noxious tree control using hand tools, small motorized equipment (chainsaws and weed eaters), and approved herbicides on DOFAW program areas, campsites, picnic grounds, viewpoints, baseyards, wildlife water units, trails, captive propagation facilities, arboreta, plant nurseries, checking stations, and public use facilities.

**Exemption Class:** Department of Land and Natural Resources, Division of Forestry and Wildlife, 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.

**Exempt Item Number:** 11

**Exempt Item Description:** Gathering plant seed for propagation, commercial and non-commercial.

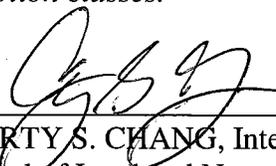
**Exemption Class:** Department of Land and Natural Resources, Division of Forestry and Wildlife, Class 4: Minor alteration in the conditions of land, water, or vegetation.

**Exempt Item Number:** 7

**Exempt Item Description:** Establish temporary or permanent vegetative cover including trees, shrubs and grasses for landscaping, reforestation, soil stabilization, and wildlife habitat provided, however, that this exemption shall not apply to tree plantings for which harvesting is planned or is reasonably foreseeable.

**Date of Agency Exemption List:** June 12, 2008

*I have considered the potential effects of the above listed project as provided by Chapter 343, HRS, and Chapter 11-200, HAR. I declare that this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment under the above exemption classes.*

  
\_\_\_\_\_  
CARTY S. CHANG, Interim Chairperson  
Board of Land and Natural Resources

4/9/15  
Date

Original: Agency file  
Copy: Project file