

From: [Patricia B Cadiz](#)
To: [DBEDT OPSD Environmental Review Program](#)
Subject: [EXTERNAL] Proposed Exemption List, Department of Land and Natural Resources (February 3, 2026)
Date: Thursday, March 26, 2026 1:02:57 PM

Aloha Chair Hegger-Nordblom, Vice Chair Stone, and Council members:

I respectfully urge the Environmental Advisory Council to reject Proposed General Exemption Type 4, Part 1, No. 21 or include language that would exclude extractive activities from exemption.

I further urge the Council to reject the Proposed General Exemption Type 8, Part 1, Nos. 6–10.

1. Proposed General Exemption Type 4, Part 1, No. 21

Issue permits, licenses, registrations, and rights-of-entry that are routine in nature, involving negligible impacts beyond that previously existing and result in minor alterations in the conditions of land, water, or vegetation.

As currently drafted, Proposed General Exemption Type 4, Part 1, No. 21 fails to distinguish between minor administrative renewals and the continuation of large-scale, extractive uses of public trust resources including commercial-scale aquarium collection which has a history of significantly harming natural and cultural resources.

In *Umberger*, the Hawai'i Supreme Court rejected the argument that repeated renewals of commercial licenses for aquarium fish collection were routine or exempt, concluding that the activity had potential significant environmental effects that required environmental review regardless of how long it had been occurring. Proposed Exemption Type 4, Part 1, No. 21 authorizes the very conduct the courts have condemned, treating the continuation of extractive activities as routine and exempt, without any examination of cumulative harm to public trust resources.

To comply with the law and prevent DLNR from repeating the conduct that the courts have already condemned, the proposed exemption must be narrowed to exclude extractive activities as follows:

Amended Proposed General Exemption Type 4, Part 1, No. 21

*Issue permits, licenses, registrations, and rights-of-entry that are routine in nature, involving **non-extractive activities** with negligible impacts beyond that previously existing and result in minor alterations in the conditions of land, water, or vegetation.*

2. Proposed New Exemptions for Continuing Administrative Activities – General Exemption Type 8, Part 1, Nos. 6–10.

- *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.*
- Transfer of title to land.
- Acquisition of land or interests in land.
- Creation or termination of easement, covenants, or other rights in structures or land.
- Subdivision or consolidation of lots not previously subdivided.

The use of state land is an agency action that triggers environmental review. Because

Proposed General Exemption Type 8, Part 1, Nos. 6–9 seeks to exempt from HEPA the very uses explicitly identified in that provision, the exemption effectively and improperly attempts to rewrite that rule. A wholesale exemption of an entire trigger category is beyond DLNR’s authority and should not be entertained. I respectfully urge the Environmental Advisory Council to reject Proposed General Exemption Type 4, Part 1, No. 21 and Proposed General Exemption Type 8, Part 1, Nos. 6–10.

Thank you for the opportunity to provide input.

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