The Planning Office is transmitting a copy of the HRS Chapter 343 Exemption Declaration for the Green Energy Team Albizia Tree Removal and Road Improvements project. Upon review, it has been determined that the proposed action will have minimal or no significant impact on the environment and is therefore exempt from the preparation of an environmental assessment.

The HRS Chapter 343 Exemption Declaration for this proposed action does not constitute DHHL approval of the proposed action. Final approval of the proposed action remains with the Land Management Division (LMD). The HRS Chapter 343 Exemption Declaration is documentation of compliance with HRS Chapter 343, should the project receive final approval from the LMD. As such, a copy of this HRS Chapter 343 Exemption Declaration should be kept in the respective files for the LMD.
TO: William J. Aila, Jr., Chairman
Hawaiian Homes Commission

THRU: Andrew H. Choy, Acting Planning Program Manager

FROM: Nancy McPherson, Planner

SUBJ: Green Energy Team LLC, Albizia Tree Removal and Road Improvements, Exemption from HRS Chapter 343 Environmental Assessment Preparation, TMKs (4)4-7-002:004, (4)4-8-002:001; (4)4-8-003:004 (por), 006 and 022, Anahola, Kaua‘i

Recommended Action

That the Chairman exempt the Green Energy Albizia Tree Removal and Road Improvements project from the requirement of preparing an Environmental Assessment (EA) per Chapter 343, HRS.

Discussion

In light of recent DHHL efforts to ensure that all activities on DHHL lands are in compliance with federal, state and county regulations, the Planning Office is offering recommendations to the Chairman on whether or not to exempt proposed actions on DHHL lands from the Chapter 343, HRS requirement to prepare an EA. Per the statute, projects are eligible for exemption from the environmental review process if they meet certain requirements as stated in Section 11-200-8(a) HAR. Section 11-200-8(a) HAR also states that state and county agencies can prepare their own Chapter 343 exemption list. Activities on agency exemption lists must be consistent with Section 11-200-8(a) HAR exemption requirements and be approved by the state Environmental Council.

Based upon Section 11-200-8(a) HAR exemption criteria and DHHL’s exemption list, the Planning Office has concluded that the “Green Energy Albizia Tree Removal and Road Improvements” project is eligible for exemption from preparing an environmental assessment because the proposed action is consistent with HAR Section 11-200-8(a). The attached exemption declaration letter provides more detail about the proposed project and the Planning Office’s review and analysis.

Concur

William J. Aila, Jr.

ATTACHMENTS
<table>
<thead>
<tr>
<th>Action Name</th>
<th>Exemption Notice, Green Energy Team Albizia Removal and Road Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Document/Determination</td>
<td>Exemption notice</td>
</tr>
<tr>
<td>HRS §343-5(a) Trigger(s)</td>
<td>(1) Propose the use of state or county lands or the use of state or county funds</td>
</tr>
<tr>
<td>Judicial district</td>
<td>Kawaihau, Kaua‘i</td>
</tr>
<tr>
<td>Tax Map Key(s) (TMK(s))</td>
<td>4)4-7-002:004; (4)4-8-002:001; (4)4-8-003:004 (por); (4)4-8-003:006; (4)4-8-003:022</td>
</tr>
<tr>
<td>Action type</td>
<td>Applicant</td>
</tr>
<tr>
<td>Other required permits and approvals</td>
<td>One Year Right of Entry, renewable yearly, approved by the Hawaiian Homes Commission</td>
</tr>
<tr>
<td>Discretionary consent required</td>
<td>One Year Right of Entry, renewable yearly, approved by the Hawaiian Homes Commission; EA Exemption, approved by the Chairman of the Hawaiian Homes Commission</td>
</tr>
<tr>
<td>Approving agency</td>
<td>State of Hawai‘i, Dept. of Hawaiian Home Lands</td>
</tr>
<tr>
<td>Agency contact name</td>
<td>Nancy McPherson</td>
</tr>
<tr>
<td>Agency contact email (for info about the action)</td>
<td><a href="mailto:nancy.m.mcpherson@hawaii.gov">nancy.m.mcpherson@hawaii.gov</a></td>
</tr>
<tr>
<td>Email address or URL for receiving comments</td>
<td><a href="mailto:nancy.m.mcpherson@hawaii.gov">nancy.m.mcpherson@hawaii.gov</a></td>
</tr>
<tr>
<td>Agency contact phone</td>
<td>(808) 620-9519</td>
</tr>
</tbody>
</table>
| Agency address              | PO Box 1879
Honolulu, Hawaii 96805
United States |
Map It
<table>
<thead>
<tr>
<th>Applicant</th>
<th>Green Energy Team</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Was this submittal prepared by a consultant?</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>Action summary</strong></td>
<td>One-time above-ground removal of invasive Albizia (Molucca falcataaria) trees on approx. 900 acres of fallow agricultural land formerly in plantation-scale sugar cane cultivation and cattle grazing; minor grading and resurfacing of existing plantation roads. Trees will be cleared only within confines of former cane fields. Areas too difficult to log due to slopes, soils or inaccessibility will not be cleared. Removal of Albizia is needed due to hazards posed by trees' height, mass and brittleness. Operations will follow a logging safety plan and employ BMP's and mitigation measures as outlined in DLNR-DoFAW’s “Best Management Practices for Maintaining Water Quality in Hawaii (Feb. 1996).” Stumps will remain in place. Once felled, trees will cure on site for several months, be chipped on site, and chips transported to a power generating facility in Koloa, Kauai. Existing agricultural roads will be improved with grading and application of reclaimed asphalt pavement to mitigate erosion.</td>
</tr>
<tr>
<td><strong>Authorized individual</strong></td>
<td>Nancy McPherson</td>
</tr>
<tr>
<td><strong>Authorization</strong></td>
<td>The above named authorized individual hereby certifies that he/she has the authority to make this submission.</td>
</tr>
</tbody>
</table>
TO: 1. Agency-Maintained Public Files for Chapter 343 HRS Exemption Determinations
     2. Office of Environmental Quality Control
     3. Green Energy Team LLC, Gilles Lebbe, President, 3-2600 Kaumuali‘i Hwy., Ste.
        1300, Lihu‘e, HI 96766

FROM: Chairman of the Hawaiian Homes Commission

SUBJECT: Exemption Notice for Albizia Tree Removal and Improvements/Maintenance of Existing
         Agricultural Roads, Anahola Mauka (reference-file # PO-20-030)

DATE: April 29, 2020

AGENCY OR APPLICANT ACTION

Check applicable box

☐ This exempted action is an agency action as defined by Section 343-5(b), Hawai‘i Revised
   Statutes (HRS), and Section 11-200.1-8, Hawai‘i Administrative Rules (HAR),

☒ This exempted action is an applicant action as defined by Section 343-5(e), HRS, and Section 11-
   200.1-9, HAR

EXEMPTION TYPE:

The Exemption Notice for the action described below is based on the general types enumerated in
Section 11-200.1-15(c), Hawai‘i Administrative Rules (HAR), Exemption Types 1, 2 & 4.

As applicable, the exemption for the action described below is also supported by the Exemption
List for the Department of Hawaiian Home Lands, reviewed and concurred to by the Environmental

- Exemption List Classes 1, 2 & 4.
- Item Numbers 1.1.b, 2.1, 4.2, 4.9 & 4.12
- Applicable language from the exemption list: 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. Fertilizing, sprinkling, mowing, weeding, trimming, brush cutting, clearing, grubbing,
     aerating, road clearing and patching, sweeping, removal of debris and other routine
     maintenance of the following agency-maintained lands and facilities: b. Streets, roads,
     highways, bike paths, pedestrian ways, trails, parking lots and appurtenances
Exemption Class #2: Replacement or reconstruction of existing structures 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, reconstruction, alteration, modification (no change in use), or installation
   of any building, structure, facility, equipment or utility, including, but not limited to: o.
   ☑ Pavements including, but not limited to, roadways, driveways, parking lots, carports,
   walkways, bikeways, sidewalks, jogging paths, multi-use pathways, and covered walkways.
Exemption Class #4: Minor alteration in the conditions of land, water, or vegetation.

1. Removal and/or cutting of trees that are burned, destroyed or diseased, or otherwise endanger life or property.
2. Removal of gravel, rocks, trees (non-endangered species) and/or other materials necessary to make agricultural lands more productive and useful for grazing, farming and other related agricultural purposes.
9. Re-grading of road shoulders and installation of pedestrian/bike sidewalks and bike paths.
12. Paving of previously existing graded parking areas and roadways.

DESCRIPTION OF ACTION

Proposing Agency or Applicant: Green Energy Team, LLC
Project Name & Address/Location: Albizia Tree Removal and Improvements/Maintenance of Existing Agricultural Roads, Anahola
Anticipated Start Date: 1/1/2020
Anticipated End Date: 12/31/2021
Island and District: Kaua‘i Kawaihau
Tax Map Key(s) and other geolocation means: (4)4-7-002:004, (4)4-8-002:001, (4)4-8-003:004 (por), 006, 022
All Necessary Permits and Approvals: One Year Right of Entry, renewable yearly; approved by the Hawaiian Homes Commission.

NARRATIVE

Describe the action and why it qualifies for the exemption: The action consists of a one-time above-ground removal of invasive tree growth of Albizia (*Molucca falcatoria*) on approximately 900 acres of fallow agricultural land formerly used for plantation-scale sugar cane cultivation and cattle grazing; and minor grading and resurfacing of plantation roads. Only the areas previously cultivated for sugar cane, within the confines of the former cane fields, will be cleared. Areas that are economically infeasible or otherwise too difficult to log due to slopes, soils or inaccessibility will not be cleared. Removal of Albizia is imperative for any use of the land, because of the hazard the trees pose due to their enormous size and tendency to fall over or have heavy branches break off and fall to the ground. The logging operation will follow a logging safety plan and will employ best management practices and mitigation measures as outlined in the DLNR-DoFAW document titled “Best Management Practices for Maintaining Water Quality in Hawaii (Feb. 1996).” Tree stumps will remain. Once felled, trees will cure on site for several months, then will be chipped on site, and the chipped material will be transported to a power generating facility in Koloa, Kaua‘i. Existing agricultural roads will be improved with grading and application of reclaimed asphalt pavement (RAP), which will reduce erosion during heavy rainfall.

RECEIVING ENVIRONMENT

Describe the site, including any impacts on the receiving environment: 900 acres of fallow agricultural land formerly used for plantation-scale sugar cane and pineapple cultivation and cattle grazing. Sugar cane was abandoned in the 1990’s, some cattle grazing followed, but by 2005 most of the area was entirely invaded by Albizia, which tends to choke out other species. The usable land has been heavily disturbed by past uses for pineapple and sugarcane, and besides the Albizia, vegetation is primarily post-plantation regrowth of non-native invasive species such as Guinea grass, lantana and Koster's Curse.
ENVIRONMENTAL ANALYSIS
I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

- Land Use and Zoning Conformance
- Traffic (Vehicles, Bicycles, Pedestrian)
- Infrastructure (Roads, Buildings, Utilities)
- Air Quality Pollutant Emissions
- Noise Emissions
- Solid, Hazardous, and Liquid Waste Management
- Social
- Economic
- Health and Safety
- Recreation
- Public Beach Access
- Cultural Resources and Practices
- Visual/Aesthetic
- Environmental Justice
- Rare, Threatened, and/or Endangered Species
- Surface and Ground Water Resources
- Wetlands
- Floodplains
- Riparian/Coastal Resources
- Other

Comments/summary of impact analysis: The area being logged is somewhat remote and is not bordered by any development. The removal of an extremely invasive, fast growing tree species, Albizia, will be beneficial to the environment because of the way it shades and suppresses the growth of native species. In addition, removal of the hazard created by the presence of Albizia will make the area safer for use by DHHL beneficiaries and current Right-of-Entry holders, who have been consulted about the logging project. The former cane fields on the property are predominantly flat with gentle slopes. There is no Critical Habitat identified on the property. The Property has been heavily disturbed by past and present agricultural activities. Therefore, it is highly unlikely that historic properties will be affected, as all work will be occurring within previously disturbed former sugar cane and pineapple fields. There do not appear to be any archaeological, cultural or historical resources on the surface of the subject property which will be affected by the removal of trees. Tree stumps will remain in place, minimizing ground disturbing activity. No new roads will be graded. Traffic impacts have been evaluated and there will be an estimated 6,300 loads of wood chips hauled out of the property over a period of 19 months. This amounts to 15 truckloads per working day. The hauling is not expected to have a significant impact on the roads. All trucks are of legal size and will operate within legal weight limits for public roads. There are no known traditional or customary practices of native Hawaiians that are presently occurring within the property that will be affected by the harvesting and removal of trees. There are no special gathering practices taking place within the property that will be affected. The removal of trees will not detrimentally affect: access to any streams; access to the shoreline or other adjacent shoreline areas; or gathering along any streams, the shoreline or in the ocean. There are no known religious practices taking place on the property. The Project will have no negative impact on any known traditional and customary practices on the property and will have a positive effect in that clearing the Albizia will improve access to these areas by native Hawaiians.
MITIGATION

Describe all mitigation measures and best management practices planned to address impacts during the project activities and after project completion: Green Energy Team LLC has committed to employing all appropriate BMP’s recommended in the DLNR-DoFAW manual “Best Management Practices to Maintain Water Quality in Hawaii” to mitigate any impacts to water quality, flooding and drainage, streams and riparian habitats. During harvesting, particular attention will be given to the two major types of water pollutants that can be generated from forest management disturbances to the surrounding ecosystems: sediments and debris. Harvesting will only occur on the former sugarcane parcels and not in wetlands, gulches, streams and other areas of potential environmental or historical interest. Green Energy Team LLC will comply with all State Dept. of Health rules about noise and air quality. No waste will be generated by the logging operation, and there is no impact on infrastructure in the area. All U.S. Fish and Wildlife Service-recommended mitigation measures for endangered species that could be present, such as the Hawaiian Hoary Bat, petrels and shearwaters, the Nene and the Hawaiian Coot, will be employed. Green Energy Team LLC will comply with all requirements of HRS Ch. 6E. In the event of inadvertent discovery of cultural resources or human remains, Green Energy will immediately stop all work in the vicinity of the find and contact the State Historic Preservation Division of the Department of Land and Natural Resources. In order to mitigate impacts to traffic in and around Kapa’a town, Green Energy intends to either (a) haul between 5:00AM and 12:00PM and between 5:00PM and 10:00PM, or (b) haul between 6:00PM and 6:00AM. Best practices for road grading and maintenance will be followed, and Reclaimed Asphalt Pavement (RAP) will be applied to the dirt roads after grading to minimize erosion.

CONSULTATION

The following parties have been consulted about this exemption declaration: Existing ROE holders in the project area; names on file with DHHL; Jan. 10, 2020; beneficiaries attending community meetings for the Anahola Kuleana Settlement Program Master Plan and Environmental Assessment project; Aug. 28, 2019 and Nov. 13, 2019.

EXEMPTION DECLARATION

The direct, cumulative, and potential impacts of the action described above have been considered pursuant to Chapter 343, Hawai‘i Revised Statutes and Chapter 11-200.1, Hawai‘i Administrative Rules. I declare that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the requirement to prepare an environmental assessment.

William J. Aha, Jr., Chairman
Hawaiian Homes Commission

☐ This document is on file in our office and is available for public review.

☐ This document has been submitted to the Office of Environmental Quality Control for publication in The Environmental Notice.
R3RBH - Upper Perennial Riverine system permanently flooded with rock bottom
R4SBCx - Intermittent Riverine system seasonally flooded with a class S streambed. This channel was modified through excavation
PUBHh - Palustrine (fresh water pond) system permanently flooded with unconsolidated bottom. This pond was modified with a barrier or dam