DEPARTMENT OF HAWAIIAN HOME LANDS
Planning Office

February 5, 2021

TO: Kahana Albinio, Land Management Division
Shelly Carreira, Land Management Division
Julie Cachola, Planning Office

THROUGH: Andrew Choy, Acting Planning Office Manager

FROM: Malia Cox, Planning Office

SUBJECT: Pa‘upena Community Development Corporation, Cattle and Farming Education and Demonstration Project, Waiohuli Ahupua‘a, Kula Moku, Makawao District, Island of Maui [TMK.(2) 2-2-034:026, 028] (Log # PO-20-304)

The Planning Office is transmitting a copy of the HRS Chapter 343 Exemption Declaration for the Pa‘upena Community Development, Cattle and Farming Education and Demonstration 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. Ailā, Jr., Chairman
Hawaiian Homes Commission

THROUGH: Andrew H. Choy, Acting Planning Program Manager

FROM: Malia M. Cox, Planner

SUBJECT: Pa’upena Community Development Corporation (PCDC), Cattle and Farming Education and Demonstration Project [TMK: (2) 2-2-034:026, 028] Exemption from HRS Chapter 343 Environmental Assessment Preparation, (Log# PO-20-304)

Recommended Action
That the Chairman exempt PCDC, Cattle and Farming Education and Demonstration Project [TMK: (2) 2-2-034:026, 028] from preparation of an environmental assessment per HRS Chapter 343.

Discussion
In compliance with Federal, State and County regulations, Planning Office offers the following recommendations to the Chairman on whether or not to exempt future proposed projects on DHHL lands from HRS Chapter 343. Per the statute, certain projects are exemptible from the environmental review process if the projects meet certain requirements as stated in Hawaii Administrative Rules (HAR) Section 11-200.1-8 subchapter 8 “Exempt Actions, List and Notice Requirements.” HAR Section 11-200.1 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 11-200.1 HAR exemption requirements and be approved by the state Environmental Council.

Based upon HAR Section 11-200.1 exemption criteria and DHHL’s approved exemption list, the Planning Office concluded that PCDC, Cattle and Farming Education and Demonstration Project [TMK: (2) 2-2-034:026, 028] is eligible for exemption from the environmental assessment process because the proposed actions are consistent with the listed actions on DHHL’s exemption list as well as HAR Section 11-200.1. The attached exemption declaration letter provides more detail about the proposed project and the Planning Office’s review and analysis of the project.

Concur
William J. Ailā, Jr., Chairman
Hawaiian Homes Commission
Attachments
TO: 1. Land Management Division, Department of Hawaiian Home Lands Public Files for Chapter 343 HRS Exemption Determinations
2. Office of Environmental Quality Control
3. Pa'upena Community Development Corporation

FROM: Chairman of the Hawaiian Homes Commission

SUBJECT: Exemption Notice for Proposed Pa'upena Community Development, Cattle and Farming Education and Demonstration Project (reference-file # PO-20-304)

DATE: February 5, 2021

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 Type 1, 2, 3, 4, & 6

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 Council on June 30, 2015.

- **Exemption List 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.
  - Item #2 Operation, maintenance, overhauling, repairing, repainting, reroofing, cleaning, polishing, greasing, oiling, and servicing of the following facilities, structures, and equipment:
    - (d) Fencing, curbing, gates, walls, and retaining walls

1 DHHL is re-organizing the 2015 exemption list approved by the environmental council. DHHL’s exemption Class #1 corresponds with HAR §200.1-15 Exemption Type 1
Exemption Declaration for Proposed Pa’upena Community Development, Cattle and Farming Education and Demonstration Project (reference-file # PO-20-304) on TMK’s (2) 2-2-034:026, 028

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(n) Exterior lighting, including, but not limited to, street lights, parking lot lights, security lighting, ball field and play court lighting, bollards, and wall sconces
   - Item #15 Chemical control of vector

- Exemption List 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.
   - Item #1 Replacement, reconstruction, alteration, modification (no change in use), or installation of any building, structure, facility, equipment, or utility, including, but not limited to:
     (k) Fencing, curbing, gates, walls, and retaining walls
     (l) Landscaping, clearing, grading, and grubbing
     (n) Utility support systems for exempt landscaping projects, including, but not limited to sprinkler systems installation

- Exemption Class #3: Construction and location of single, new, small facilities or structures and the alteration and modification of the same, including, but not limited to: (d) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements.
   - Item #1 Construction of new structures on DHHL lands (to include leased lands) of any of the following:
     (d) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such types of structures or facilities, including domestic water source development for homesteading purposes, with required permits
     (e) Accessory or appurtenant structures including domestic water source development for homesteading purposes, collection, distribution, and storage systems; small structures needed to house utilities, garages, carports, patios, swimming pools, driveways, swales, and individual and cluster unit mailboxes
   - Item #4 Installation of new, small ground water, surface water or atmospheric monitoring and data collection equipment and structures that house or protect them
   - Item #7 Construction, alterations or modification of small facilities which support department activities, to include lifeguard stations and similar public safety structures, comfort stations, and waterless or composting toilet facilities

- Exemption List Class #4: Minor alteration in the conditions of land, water, or vegetation.
   - Item #1 Removal and/or cutting of trees that are burned, destroyed or diseased, or otherwise endanger life or property

2 Class #2 of DHHL’s 2015 exemption list corresponds with HAR §200.1-15 Exemption Type 2
3 Class #3 of DHHL’s 2015 exemption list corresponds with HAR §200.1-15 Exemption Type 3
4 Class #4 of DHHL’s 2015 exemption list corresponds with HAR §200.1-15 Exemption Type 4
• **Exemption List 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.
  - Item #1 Surveys, research, and investigations into all aspects of water use, quantity, and quality
  - Item #12 Water quality surveys
  - Item #14 Ecological and botanical surveys for which no permit is required
  - Item #26 Collection of atmospheric data and conducting of climatological monitoring in accordance with the methods and practices of, or acceptable to, the National Weather Service and collection of data
  - Item #27 Installation of new, small ground water, surface water or atmospheric monitoring and data collection equipment and structures that house or protect them
  - Item #28 Installation of electrical and telemetry systems to serve data collection equipment and structures that house or protect them

• **Exemption List Class #6** Construction or placement of minor structures accessory to existing facilities.
  - Item #1 Installation of fencing for agricultural and cultural and natural resources management purposes
  - Item #5 Installation of utilities (telecommunications, electrical, drainage, waterlines and faucets, sewers) for use within a site/property
  - Item #11 Construction of utility storage sheds, maintenance sheds, electrical sheds, pump houses, trash enclosures, and portable modular buildings measuring less than 500 square feet in total area

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5 Class #5 of DHHL's 2015 exemption list corresponds with HAR §200.1-15 Exemption Type 6
6 Class #6 of DHHL's 2015 exemption list corresponds with HAR §200.1-15 Exemption Type 3
**Exemption List 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 Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. §470, as amended, or chapter 6E, HRS.

- Item #5 Demolition and removal of roadway paving, drainage structures, and security fencing

**DESCRIPTION OF ACTION**

Proposing Agency or Applicant: Pa‘upena Community Development Corporation

Project Name & Address/Location: Pa‘upena Community Development, Cattle and Farming Education and Demonstration Project, Waiohuli Ahupua‘a, Kula Moku

Anticipated Start Date: 1/1/2021

Anticipated End Date: indefinite

Island and District: O‘ahu Makawao

Tax Map Key(s) and other geolocation means: (2) 2-2-034:026, 028

All Necessary Permits and Approvals:
- United States Department of Agriculture (USDA)
- State Historic Preservation Division
- Planning Department- Construction Permits and Applications

**NARRATIVE**

Describe the action and why it qualifies for the exemption:

The project is intended to reconnect and provide agriculture and pastoral training resources to Hawaiian Home Land’s native Hawaiian beneficiaries on Maui awaiting land awards. The project area will be broken into five fields. Fields one through four are proposed various animal husbandry activities including pastures and animal paddocks. The four fields utilized for animal husbandry will range in size from 1.1 to 102.7 acres. The fifth field, a 1.4-acre area, is proposed for an educational agriculture demonstration site. The area is enclosed by fencing. See attached figure entitled, “Master Plan Map.” Actions necessary to support the project include (1) Restore the existing perimeter and boundary fencing by repairing existing fence and installing new fencing where missing, (2) Restore existing paddock fencing by repairing existing fence and installing new fencing where missing, (3) install water-catchment system and associated structure and photo-voltaic system, (4) install an irrigation transmission system for the agriculture demonstration area, and (5) repair and improve of existing dirt roads.

**RECEIVING ENVIRONMENT**

Describe the site, including any impacts on the receiving environment:

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7 Class #8 of DHHL’s 2015 exemption list corresponds with HAR §200.1-15 Exemption Type 6
The project area is about 124.6 acres broken into five fields within TMK's (2) 2-2-034:026, 028. It is characterized by rolling hills that grow increasingly steep in the mauka areas with elevations ranging from 640 feet above mean sea level (msl) to approximately 3,000 ft above msl. The project site is accessible to vehicular traffic via Kula Highway.

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 project’s primary purpose is to provide educational and training opportunities to beneficiaries in farming and ranching concepts and techniques. While the educational component is new use for the project site, the project will not change the existing land uses. The project site has been leased for agricultural activities (ranching) intermittently since 1968. The project will continue to be utilized for agricultural purposes. The site is located outside of any floodplains, 3.2-foot sea-level-rise exposure area, and special management area as well as habitat for threatened, rare and/or endangered species. The project site does not include any riparian resources or other wetland features. The project site is designated as Agriculture by the State Land Use, General
Agriculture by DHHL and zoned Agriculture by the County of Maui. The project actions are consistent with activities allowed on lands with these designations.

**MITIGATION**

Describe all mitigation measures and best management practices planned to address impacts during the project activities and after project completion:

DHHL, the lessee, and their respective contractors shall comply with all County, State, and Federal permit, and approval requirements.

The project will generate short-term construction related fugitive dust and noise impacts during construction. Best management practices need to be employed to reduce dust emissions. DHHL, the lessee and their respective contractors shall comply with HAR §11-46 relating to community noise control.

All activities should include erosion control and other best management practices to reduce/eliminate pollution generating activities from impacting the project site and the surrounding areas. The project proponent will follow the conservation management plan accepted by the USDA NRCS, and Central Maui Soil & Water Conservation District board.

The Hawaiian hoary bat (*Lasiurus cinereus semotus*) roosts in woody vegetation across all islands and will leave their young unattended in trees and shrubs when they forage. If trees or shrubs 15 feet or taller are cleared during the pupping season, June 1 through September 15, there is a risk that young bats could inadvertently be harmed or killed, since they are too young to fly or move away from disturbance. Hawaiian hoary bats forage for insects from as low as 3 feet to higher than 500 feet above the ground and can become entangled in barbed wire used for fencing.

To avoid and minimize impacts to the endangered Hawaiian hoary bat the following mitigation measures will be taken:

- Woody plants greater than 15 feet tall will not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15).
- Barbed wire will not be used for fencing.

If any human remains or funerary material are discovered during ground disturbing activities, all activity in the immediate area must stop. The State Historic Preservation Division (SHPD) and County Police shall be called. Work in the area may resume only after SHPD and County Police authorize activity in the area.

Comply with recommendations by SHPD.

**CONSULTATION**

The following parties have been consulted about this project and its environmental/cultural impacts...
EXEMPT 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. Aila, 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.

Attachments-
Figure- Pa‘upena CDC Project Area
Figure- Master Plan Map
Figure- Tax Map Key Pa‘upena CDC Project Area
Figure- DHHL’s Land Use Designations- Maui Island Plan
Figure- State Land Use Districts
Figure- County Zoning
Figure- Conservation Plan Map
CHAPTER 343-EXEMPTION DECLARATION for Proposed Pa’upena Community Development, Cattle and Farming Education and Demonstration Project (reference-file # PO-20-304) ON TMKs (2) 2-2-034:026, 028
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Figure- Soils Map
Figure- Rainfall Map
Figure- Land Study Bureau Detailed Land Classification
Figure- Agriculture Lands of Importance to the State of Hawai‘i
Figure- Critical Habitats, Threatened and Endangered Species
Figure- Critical Habitats
Figure- Wetlands
Figure- Special Management Area and Sea Level Rise Vulnerability
Figure- Flood Hazards
Figure- Pa'upena CDC Project Area
CHAPTER 343-EXEMPTION DECLARATION for Proposed Pa’upena Community Development, Cattle and Farming Education and Demonstration Project (reference-file # PO-20-304) ON TMKs (2) 2-2-034:026, 028
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Master Plan Map

| Customer(s): PA'UPENA COMMUNITY DEVELOPMENT  
| District: CENTRAL MAUI SOIL & WATER CONSERVATION DISTRICT  
| Approximate Acres: 124.6  
| Legal Description: TMK (2) 2-2-034:026, 028  
| Date: 3/11/2020

| Field Office: KAHULUI SERVICE CENTER  
| Agency: Maui Soil & Water Conservation Districts  
| Assisted By: Jason Hew  
| State and County: HI, Maui County, Hawaii  
| Land Unit: Farm# 1966 Tract # 1818

Legend

- Proposed Cross Fences
- Perimeter Fence (Improvements Required)
- Gate

Prepared with assistance from USDA-Natural Resources Conservation Service

Figure-Master Plan Map
Figure- Tax Map Key Pa‘upena CDC Project Area
Figure- DHHL's Land Use Designations- Maui Island Plan

Figure- State Land Use Districts
Maul County Zoning - Agriculture

This identifies the type of constraints that may affect a parcel.

Figure - County Zoning
CHAPTER 343-EXEMPTION DECLARATION for Proposed Pa‘upena Community Development, Cattle and Farming Education and Demonstration Project (reference-file # PO-20-304) ON TMKs (2) 2-2-034:026, 028
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Conservation Plan Map

Prepared with assistance from USDA-Natural Resources Conservation Service

Legend

- KA_PaupenaCommunityDevelopment
- Practice name
- Prescribed Grazing

Figure - Conservation Plan
CHAPTER 343-EXEMPTION DECLARATION for Proposed Pa’upena Community Development, Cattle and Farming Education and Demonstration Project (reference-file # PO-20-304) on TMKs (2) 2-2-034:026, 028

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Soils Map

Customer(s): PAUPENA COMMUNITY DEVELOPMENT
District: CENTRAL MAUI SOIL & WATER CONSERVATION DISTRICT
Approximate Acres: 124.6
Legal Description: TMK (2) 2-2-034:026, 028

Legend

- KGKC- Kameole very stony silt loam, 3-15% slopes
- KGKC- Kameole extremely stony silt loam, 3-15% slopes
- KoC- Kula loam, 4-12% slopes
- KoD- Kula loam, 12-20% slopes
- KoaD- Kula cobbly medial loam, 12-20% slopes
- KoaE- Kula-Rock outcrop complex, 12-40% slopes

Date: 12/17/2019
Field Office: KAHLULUI SERVICE CENTER
Agency: Maui Soil & Water Conservation Districts
Assisted By: Jason Hew
State and County: HI, Maui County, Hawaii
Land Units: Farm# 1956 Tract # 1818

Prepared with assistance from USDA-Natural Resources Conservation Service

Figure- Soils Map
Elevation and Rainfall Map

Date: 12/17/2019

Customer(s): PA'UPENA COMMUNITY DEVELOPMENT
District: CENTRAL MAUI SOIL & WATER CONSERVATION DISTRICT
Approximate Acres: 124.6
Legal Description: TMK (2) 2-2-034:026, 028

Field Office: KAHULUI SERVICE CENTER
Agency: Maui Soil & Water Conservation Districts
Assisted By: Jason Hew
State and County: HI, Maui County, Hawaii
Land Units: Farm# 1956 Tract # 1818

Legend
- 25 Ft. Contour
- KA_PaupenaCommunityDevelopment

Prepared with assistance from USDA-Natural Resources Conservation Service

Figure- Rainfall Map
Figure- Land Study Bureau Detailed Land Classification

Figure-Agriculture Lands of Importance to the State of Hawai'i
CHAPTER 343-EXEMPTION DECLARATION for Proposed Pa’upena Community Development, Cattle and Farming Education and Demonstration Project (reference-file # PO-20-304) ON TMKs (2) 2-2-034:026, 028
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Figure- Critical Habitats, Threatened and Endangered Species

Figure-Critical Habitats
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Wetlands

- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Forested/Shrub Wetland
- Freshwater Pond
- Lagoon
- Riverine
- Other

This identifies the type of constraints that may affect a parcel.

Figure - Wetlands

Special Management Area & Sea Level Rise Vulnerability

- Special Management Areas (SMA)
- SLR Passive Flooding - 3.2 ft Scenario
- SLR Exposure Area - 3.2 ft Scenario

This identifies the type of constraints that may affect a parcel.
Figure- Special Management Area and Sea Level Rise Vulnerability

Figure- Flood Hazards