

EXEMPTION NOTICE FORM

The University of Hawai'i
Harold L. Lyon Arboretum
3860 Manoa Rd.
Honolulu, HI 96822

TO: 1. Agency-Maintained Public Files for Chapter 343 HRS Exemption Determinations
2. Office of Planning and Sustainable Development, if publication is desired

FROM: Don Drake, Director of Harold L. Lyon Arboretum

SUBJECT: Lyon Arboretum Fencing Installation and Recurring Maintenance

DATE: 2/25/2025

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 Installation of a new fence and minor vegetation/lawn area alterations.

As applicable, the exemption for the action described below is also supported by the Exemption List for the University of Hawai'i, reviewed and concurred to by the Environmental Council on 10/31/2014

- Exemption List Class 3 & 4.
- Item Number 3e & 4.1,2, & 3.
- Applicable language from the exemption list: 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: (e) accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements. Exemption Class 4: Minor alterations in the conditions of land, water, or vegetation. 1. Grubbing and mowing of landscaped and lawn areas, 2. Planting of trees, other plants, and sod, and 3. Pruning of trees and shrubs.

DESCRIPTION OF ACTION

Proposing Agency or Applicant: University of Hawai'i, Harold L. Lyon Arboretum

Project Name & Address/Location: Lyon Arboretum Fencing Installation and Recurring Maintenance, 3860 Manoa Road, Honolulu, Hawai'i 96822

Anticipated Start Date: 5/1/2025

Anticipated End Date: 1/2/2026

Island and District: O`ahu Honolulu

Tax Map Key(s) and other geolocation means: (1) 2-9-055:006

All Necessary Permits and Approvals:

State of Hawai'i Department of Land and Natural Resources T&E Permit

State Historic Preservation Division determination of no historic properties affected by ground-disturbing activities

U.S. Fish and Wildlife Service Endangered Species Act Section 7 Consultation for effects on listed species and critical habitat

NARRATIVE

Describe the action and why it qualifies for the exemption: The primary goal is to safeguard the genetic diversity of ten T&E plant species by constructing a 2.48-acre ungulate-fenced enclosure at Lyon Arboretum (LA). This site will create a resource for collecting plant material, improving conservation management strategies for endangered species without impacting wild populations, and developing long-term options to maintain species that require alternative storage methods. The fencing will be split into two sections, one in the T&E Enclosure (Zone 3) and another in the Upper Hawaiian Section (Zone 2). Four catchment tanks with gravity-fed drip irrigation will be installed to provide follow-up watering. The enclosure will be designed for long-term accessibility, with six gates total. Five pedestrian gates: one in the T&E enclosure (Zone 3) and four in the Upper Hawaiian Section (Zone 2), and one vehicle gate in the Upper Hawaiian Section, allowing multiple entry points to allow public access into the fenced areas. The Harold L. Lyon Arboretum declares that this project will likely have minimal or no significant impact on the environment and is therefore exempt from the preparation of an environmental assessment under the above exemption classes.

RECEIVING ENVIRONMENT

Describe the site, including any impacts on the receiving environment: Lyon Arboretum is located at the back of Mānoa Valley on the leeward side of the island of O‘ahu. The elevation range is 450 – 850 feet above sea level. The Arboretum is composed of steep slopes dissected by ‘Aihualama Stream. Annual precipitation averages range from 3,048 to 5,410 mm. The soils in the project area are composed primarily of Tantalus Silt Loam and Rough Mountainous Land with small areas of Hanalei stony silty clay. Tantalus Silt Loam is formed on volcanic spurs and cinder cones on the uplands. The surface layer is ~45 cm thick. Permeability in this soil is moderately rapid, runoff is medium, and the erosion hazard is moderate. Rough Mountainous Land occurs in areas of very steep land broken by numerous intermittent drainage channels. The thin soil mantle ranges from 2.5 cm to 25 cm over saprolite, which is soft and permeable to roots and water. Permeability is moderate, runoff is slow, and the erosion hazard is slight. As a managed botanical garden and research facility, vegetation within the arboretum is highly diverse. Non-native/invasive species in the project area will be removed by hand or small power tools by the Lyon Arboretum Grounds and Collections Department. The Lyon Arboretum should have minimal impact on the environment because the work is short-duration with minimal groundwork disturbance. No standing native trees shall be cut. The work will consist of shallow-depth trenching for the fence post and grubbing to level ground not to exceed 2” in depth. If grubbing in certain areas is not possible, or if large, immovable objects cannot be avoided, fence panels may be cut to fit the shape of the terrain. Materials will be staged using 4x4 utility carts driven along pre-existing access roads within LA’s grounds.

ENVIRONMENTAL ANALYSIS

I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

- | | Not Applicable |
|----------------------------------------------------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> Land Use and Zoning Conformance | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Traffic (Vehicles, Bicycles, Pedestrian) | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Infrastructure (Roads, Buildings, Utilities) | <input type="checkbox"/> |

- | | |
|-----------------------------------------------------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> Air Quality Pollutant Emissions | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Noise Emissions | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Solid, Hazardous, and Liquid Waste Management | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Social | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Economic | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Health and Safety | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Recreation | <input type="checkbox"/> |
| <input type="checkbox"/> Public Beach Access | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> Cultural Resources and Practices | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Visual/Aesthetic | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Environmental Justice | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Rare, Threatened, and/or Endangered Species | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Surface and Ground Water Resources | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Wetlands | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Floodplains | <input type="checkbox"/> |
| <input type="checkbox"/> Riparian/Coastal Resources | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Other | <input checked="" type="checkbox"/> |

Comments/summary of impact analysis: Pursuant to Section 7(a)(1) and 7(a)(2) of the USFWS Endangered Species Act, it has been determined that no federally and state-listed wild species are present in the proposed project area. Lyon Arboretum is a managed botanical garden and research facility where deliberate plantings are made from individuals sourced from the LA greenhouse. No observations of these species have been reported during routine surveys, maintenance, and planting within or near the project area. LA intends to work with the state to comply with any additional botanical and cultural surveys before breaking ground to construct the fenced enclosure. The project site is located outside of any floodplains and does not include any riparian resources or other wetland features. The work is in a managed botanical garden and is minimal, not requiring many crews to perform the work. The work will be performed during the day to minimize the impact of noise on the neighboring parcels. The fence line is routed with a 10' wide corridor to avoid any archeological features found at LA during an Archeological Inventory Survey (AIS) on June 1-3, 2016 (per Log No. 2015.01867) and during a review of previous archeological studies and observations from adjacent projects. Concerning the potential impacts of the proposed fence on the historic 'Aihualama Falls Trail, Lyon Arboretum has considered two types of potential impacts: 1) impacts to the physical footprints of the trails and 2) impacts to the integrity of the trails during the transportation of materials for staging. Concerning the documented segment of the 'Aihualama Falls Trail, because the trail is currently in use and is being actively maintained, and because it is anticipated that the fence can be designed with a gate and accessible from alternative trails that will preserve the ability of the trail to be used as a mauka-makai travel corridor, the effects of the proposed fence construction on that trail are expected to be minimal. 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: LA will not select a site for introduction containing any listed plant that could be adversely impacted during restoration efforts. No harm to listed plants, invertebrates, or vertebrates is expected to occur. Should we come across an unknown plant that is potentially rare or endangered, LA has qualified botanists available to help identify and avoid impacts. If found, wild populations of listed species will be reported immediately to the necessary personnel. Conservation measures include activities that avoid and minimize effects or benefit listed species and habitats. Conservation measures are part of the project description. Therefore, the effects analyses are based on the project described in this consultation, including all conservation measures. If the project description or conservation measures change, additional effects on species may not be considered, and consultation may need reinitiated. These include changes to, modifications of, or failure to implement the conservation measures. Biosecurity protocols are followed to minimize the likelihood of the spread of invasive species via vehicles, equipment, or personnel. Likewise, early detection and rapid response protocols would be followed if any new pest species were detected. Non-native vegetation will be precluded from becoming established in disturbed areas because these areas will be re-vegetated when they are no longer required to remain clear of vegetation. Re-vegetation will use appropriate, location-specific, native vegetation. All out-planting conducted throughout this project will be completed by arboretum staff in consultation with the DLNR-Division of Forestry and Wildlife botanists, Lyon and Army Natural Resources Program, O'ahu horticultural staff, Plant Extinction Prevention Program (PEPP) staff, and will follow Hawaii Rare Plant Restoration Group (HRPRG) protocols and best management practices. The HRPRG is a consortium of biologists, researchers, and managers from public and private organizations across the state that meets to develop guidance on rare plant monitoring, collections, propagation, reintroduction, and restoration projects. The group has drafted reintroduction guidelines for rare plant species and Phyto-sanitation standards (<http://laukahi.org/hrprg/>), which all LA projects strive to adhere to. LA's current T&E monitoring schema will be applied to this project to ensure that if fitness declines, actions are taken to promote the health of the individuals. The fence will also be monitored to ensure functionality, and actions will immediately be taken to repair or secure integrity. LA staff are thoroughly trained in pest identification, and routine, integrated pest management (IPM) techniques are used to manage and document pest control efforts. Current environmental indicators of the project site are described in LA's 2022-2025 NRCS Conservation Plan and Assessment.


CONSULTATION

The following parties have been consulted about this declaration exemption (Name, affiliation, consultation date): The following parties have been consulted about this declaration exemption between January 24 and February 24, 2025. The State of Hawai'i Department of Land and Natural Resources, U.S. Fish and Wildlife Service, Army Natural Resources Program, O'ahu, Office of Hawaiian Affairs, O'ahu Burial Council, O'ahu Aha Moku Representative, City and County of Honolulu Neighborhood Commission Office

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.

**Donald R
Drake**

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Drake
Date: 2025.02.26 09:46:26
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Don Drake, Director
Harold L. Lyon Arboretum

Date

This document is to be kept on file in the agency's records and made available for public review.

- Please check here if this document is being submitted to the Office of Planning and Sustainable Development for voluntary publication in *The Environmental Notice*.