

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 18, 2015

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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LAND
STATE PARKS

POSTAL MAIL AND E-MAIL

Marjorie Ziegler
Conservation Council for Hawaii
PO Box 2923
Honolulu, HI 96802
mz@conservehi.org

Re: Comments on Proposed DLNR Exemption List

Dear Ms. Ziegler:

Thank you for your comments dated May 8, 2015 on the proposed DLNR Exemption List. The Department appreciates your participation in the public review process and your support of the proposed exemptions relating to native Hawaiian species and habitat conservation, including Exemption Class 1, # 4 and 5, Exemption Class 3, #1 and 2, Exemption Class 4, #6, 8, 11, 13, 15, 16, and 22, and Exemption Class 5, #13, 15, 18, and 19.

For Exemption Class 4, #12, you objected to the inclusion of establishing temporary or permanent vegetative cover for the purpose of supporting introduced game birds and mammals because of the potential impacts these animals have on watersheds, native species and water quality. Many parcels of State-managed lands accommodate multiple uses, including public hunting (as protected by HRS § 183-2). The establishment of vegetative cover may serve a variety of purposes at once (reduce erosion and improve wildlife habitat), and in degraded areas (due to fire, drought, erosion, or the dispersal of invasive plants), it is of particular importance to be able to revegetate quickly without the cost or delays associated with completing an environmental assessment. However, we agree that the establishment of vegetative cover for the sole purpose of improving habitat for game animals should not be exempt. Therefore, we have changed the exemption to read: "Establish temporary or permanent vegetative cover including trees, shrubs, grasses, and sod for landscaping, reforestation, soil stabilization, watershed protection, *native* wildlife habitat, native ecosystem restoration, and rare plant preservation; provided, however, that this exemption shall not apply *to vegetation that is likely to be invasive or for tree plantings for which harvesting is planned or is reasonably foreseeable*".

For Exemption Class 5, #16, you objected to the clause “may involve hybridization of game birds or mammals.” This phrase is contained in the existing DOFAW exemption list, but upon further review by DOFAW, this phrase will be removed from the proposed exemption list as it is no longer relevant to the current activities of the Department.

For Exemption Class 5, #17, you objected to the application of this exemption for introduced grazing and browsing mammals and game birds because of the animals' destructive nature in island ecosystems. This proposed exemption is identical to the existing US Fish and Wildlife categorical exclusion, and the Department believes consistency with the Federal language would streamline review of actions that trigger both Chapter 343 and NEPA. In addition, the language “where no or negligible environmental disturbances are anticipated” would prevent the use of this exemption to introduce game animals into areas where they are not currently found. Therefore, no changes to this exemption is proposed.

The Department will continue to discuss the proposed exemption list with the Environmental Council; further changes may be made before the Council concurs on a final list. Again, thank you for your participation in the public review process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Suzanne Case', written in a cursive style.

Suzanne Case
Chairperson, DLNR

cc: OEQC