

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawaii**

July 22, 2009

Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii

REGARDING: Conservation District Enforcement File KA 09-12
Regarding Unauthorized Clearing

BY: Paradise Ranch, LLC.

LANDOWNERSHIP: Waioli Corporation

TMK: (4) 5-1-003: 003

AREA OF USE: ≈ 10,000 ft²

AREA OF PARCEL: ≈ 561 acres

LOCATION: Lepeuli, Hanalei, Kauai

SUBZONE: Limited

DESCRIPTION OF AREA:

The subject area exists on the northeastern coast of the island of Kauai within Lepeuli ahupua'a in the Hanalei District. Paradise Ranch leases approximately 600-acres from the Waioli Corporation for cattle. Parcel 3 contains the majority of land makai of Koolau Road. The Conservation District Limited subzone runs along the coast adjacent to the shoreline within and along the makai boundary of the property (**Exhibit 1, 2 & 3**).

The long offshore shallow reef known as Kaakaaniu (rolling coconut) is famous for its limu kohu. The beach is narrow and approximately two miles long. Access may be gained from Koolau Road via a dirt road and trail. This area is also known as Larsen's Beach, named after the Kilauea sugar plantation manager, L. David Larsen. The beach is secluded and a number of individuals have drowned here. Nude sunbathers are known to frequent the area.¹ The adjacent Limited subzone Conservation District land had been left fallow with no maintenance for years.

ALLEGED UNAUTHORIZED LAND USES:

Land that lies within the Conservation District was cleared without authorization (**Exhibit 4, 5 & 6**).

¹ Public nudity considered as open lewdness is prohibited pursuant to §707-734, HRS & §712-1217, HRS.

CHRONOLOGY

September 28, 2008-Based upon an anonymous complaint of bulldozing on the beach, an Officer to the Division of Conservation and Resource Enforcement (DOCARE) conducted a site inspection of the subject area. No bulldozing was observed, however the Officer noted, "Area above Larsen Beach had been cleared."

October 2, 2008-The OCCL received various complaints about land clearing at Larsen's Beach.

October 6, 2008-The County of Kauai conducts a site inspection regarding a complaint of grading. It was noted that tree-clearing activities were conducted in the vicinity of Larsen's Beach. There was no evidence of bare areas or uprooting of the trees and bushes. Trees and shrubbery were cut at grade and removed from the area. No grubbing violations or grading violations were observed. The County concluded that the tree clearings and cuttings along Larsen's Beach may be within the Conservation District and Special Management Area.

October 10, 2008- A Notice and Order is issued (**Exhibit 7**).

October 30, 2008-Bruce Laymon of Paradise Ranch contacts OCCL and explains that a Brush Management Plan had been developed with the Natural Resources Conservation Service (NRCS) for his leased area. He also stated that he was having problems with squatters, trespassing, vandalism, and dumping. He had stated that the NRCS Brush Management Plan hopefully would address some of the problems that he had. In addition, he had also received complaints regarding the trash and the people accumulating in the brush in addition to nudity on the beach. Staff requested that he respond to the Notice and Order in writing.

November 21, 2008-The OCCL is in receipt of a correspondence from Laymon. According to his information, trespassing; squatting; vandalism to equipment, fence lines and water systems; dumping; and public nudity were challenges that were inherited with the lease of the fallow land along the coast (**Exhibit 8 & 9**).

The Natural Resources Conservation Service (NRCS) prepared a Conservation Plan for Paradise Ranch's leased area and has been implementing the plan since 2005. The Conservation Plan included a brush management plan to remove, reduce or manipulate non-herbaceous plants within the subject area that is part of the brush management plan for Field 12. The purpose was to remove alien plants that reduce wildlife habitat integrity and hopefully enhance vigor of the native plant community (**Exhibit 10**).

According to the NRCS report, "While the wildlife habitat has deteriorated, it currently provides hiding covers for transients. This has become a significant resource concern because of vandalism to facilitating practices such as fences and stock water systems. Management would prefer to enhance wildlife habitat and eliminate the frequency of trespass transients that are not only camping illegally but also potentially impacting endangered and or protected species."

According to the NRCS plan, wildlife that utilizes the area includes the Monk Seal and albatross. However stray dogs and people, illegal camping and the encroachment of alien woody flora have led to the deterioration of this habitat area. The NRCS recommended removal of alien trees, shrubs and herbaceous plants using a combination of mechanical and chemical treatments. Species targeted for removal included: Java Plum, Ironwood, Christmasberry, Koa haole, Large leaf lantana and Catsclaw utilizing chainsaws, hand saws, weed whips and other hand tools. A rubber track mini excavator was also used to pull thorny plants such as cat's claw and to load the green waste into small dump trucks to be taken elsewhere on the property to convert into mulch to be applied to the soil. Herbicide concentration was applied to the stumps of felled trees immediately. No grubbing and grading were conducted.

Although the majority of the work may be considered maintenance, the clearing of brush and the cutting of trees require authorization within the Conservation District. No authorization was obtained prior to conducting the clearing work within the Conservation District.

RESOLUTION OF UNAUTHORIZED LAND USES:

Conservation District

Chapter 13-5, Hawaii Administrative Rules (HAR) and Chapter 183C, Hawaii Revised Statutes (HRS), regulate land uses in the Conservation District by identifying a list of uses that may be allowed by Conservation District Use Permit. The chapters also provide for penalties (§13-5-6, HAR), collection of administrative costs and damages to state land for uses that are not allowed or for which no permit has been obtained (§183C-7, HRS). Chapter 13-5, HAR defines "land use" in part as: the placement or erection of any solid material on land or the grading, removing or dredging of any material or natural resource on land or the construction, reconstruction, demolition, or alteration of any structure, building, or facility on land.

At a minimum, landscaping defined as alteration (including clearing) of plant cover, requires a Departmental permit. Tree removal also requires a permit from the Department or the Board of Land and Natural Resources dependent upon the amount and size of trees removed. These actions are two separate land uses that occurred in the Conservation District Limited subzone without approval, and therefore allegedly violate the above chapters. This report and staff recommended conditions seek to resolve the two Conservation District violations. Pursuant to Chapter 183C-7, HRS, the maximum fine for a conservation district violation is \$15,000.00 per violation, or \$15,000.00 per day.

DISCUSSION:

Staff believes Paradise Ranch, by consulting with the NRCS, acted in good faith in regards to the stewardship of the land. The Natural Resources Conservation Service is a branch of the U.S. Department of Agriculture dedicated to conserving soil, water, and other natural resources on America's private lands. NRCS works in partnership with other government agencies and community conservation and agriculture groups.

One of Paradise Ranch's goals of the NRCS Management Plan was to improve the area for wildlife habitat and recreation. An ongoing issue along Larsen's Beach was trespassing and illegal occupancy of private land as the fallow land deteriorated and alien species took over and provided cover for transients. The Conservation Plan developed for the area recognizes the potential risks posed by the illegal campers to the environment, to wildlife and to the general public's health and safety. As stated in the plan for this particular area, the major purpose of the brush management plan was to *"remove invasive alien plants that reduce wildlife habitat integrity (and) enhance vigor of the native plant community."*

Unbeknownst to the Ranch, approval to work within the Conservation District was not gained prior to implementation of the brush removal plan in that area. The unauthorized work is an identified land use within the Conservation District that could be applied for and requires a Board permit. Staff believes the intent of the conducted work is to improve the land, create a safe environment for the general public and to improve security for ranch operations. Staff understands the challenges that land management presents, however, trees have been cut and land has been cleared without review or authorization within the Conservation District.

Staff believes that Paradise Ranch/Paradise Grounds Care, as a ranch and landscaping business that has worked on various properties in Kauai must familiarize themselves with Hawaii State Land Use law and acquire full knowledge that approvals will be required from the State Department of Land & Natural Resources prior to initiation of identified land uses within the Conservation District. Staff believes that the landowner and lessee have the responsibility to insure that the laws of the Conservation District are adhered to on property that lies within the Conservation District.

Although trees were removed, Staff believes the unauthorized work conducted constitutes as one violation of land clearing as no grubbing was conducted and the species targeted for removal (Java Plum, Ironwood, Christmasberry, Koa haole, Large leaf lantana and Catsclaw) have been identified as noxious and were removed utilizing hand held tools.

Staff has customarily recommended the maximum penalty for Conservation District violations that come before the Board. However in this particular case, staff believes the work conducted has improved the land for habitat, wildlife, and the general public. Trash and noxious plants under the guidance of a NRCS Management Plan were removed creating a safer open environment.

Staff notes, as work has been halted, Paradise Ranch LLC has not been able to complete the NRCS Management Plan that may include additional clearing, mechanical land treatments to increase moisture storage/infiltration and construction of a fence for use as a barrier to wildlife, livestock or people. Once this matter is resolved, the additional land uses may be applied for within the Conservation District. This submittal and notice of the Board's meeting will be sent to Paradise Ranch LLC's Counsel by certified mail.

FINDINGS:

1. That the Natural Resources Conservation Service (NRCS) prepared a Conservation Plan for Paradise Ranch's leased area;
2. That Paradise Ranch LLC. did in fact, authorize, cause or allow unauthorized clearing of vegetation on the subject parcel to occur; and
3. That the unauthorized land use occurred within the State Land Use Conservation District, Limited subzone.

AS SUCH, STAFF RECOMMENDS AS FOLLOWS:

That, pursuant to Chapter 183C, Hawaii Revised Statutes (HRS), the Board finds Paradise Ranch LLC. in violation of Chapter 183C-7, HRS and Chapter 13-5-6, Hawaii Administrative Rules (HAR), and is subject to the following:

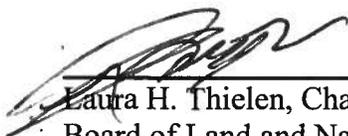
1. Paradise Ranch is fined a total of \$2,000.00 for one Conservation District violations;
2. Paradise Ranch, LLC. is fined an additional \$500.00 for administrative costs associated with the subject violations;
3. Paradise Ranch, LLC. shall pay all designated fines and administrative costs (total \$2,500.00) within (60) days of the date of the Board's action;
4. That in the event of failure of Paradise Ranch LLC. to comply with any order herein, Paradise Ranch shall be fined an additional \$15,000.00 per day until the order is complied with;
5. That in the event of failure of Paradise Ranch, LLC to comply with any order herein, the matter shall be turned over to the Attorney General for disposition, including all administrative costs.

Respectfully submitted,



K. Tigger Mills, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:



Laura H. Thielen, Chairperson
Board of Land and Natural Resources

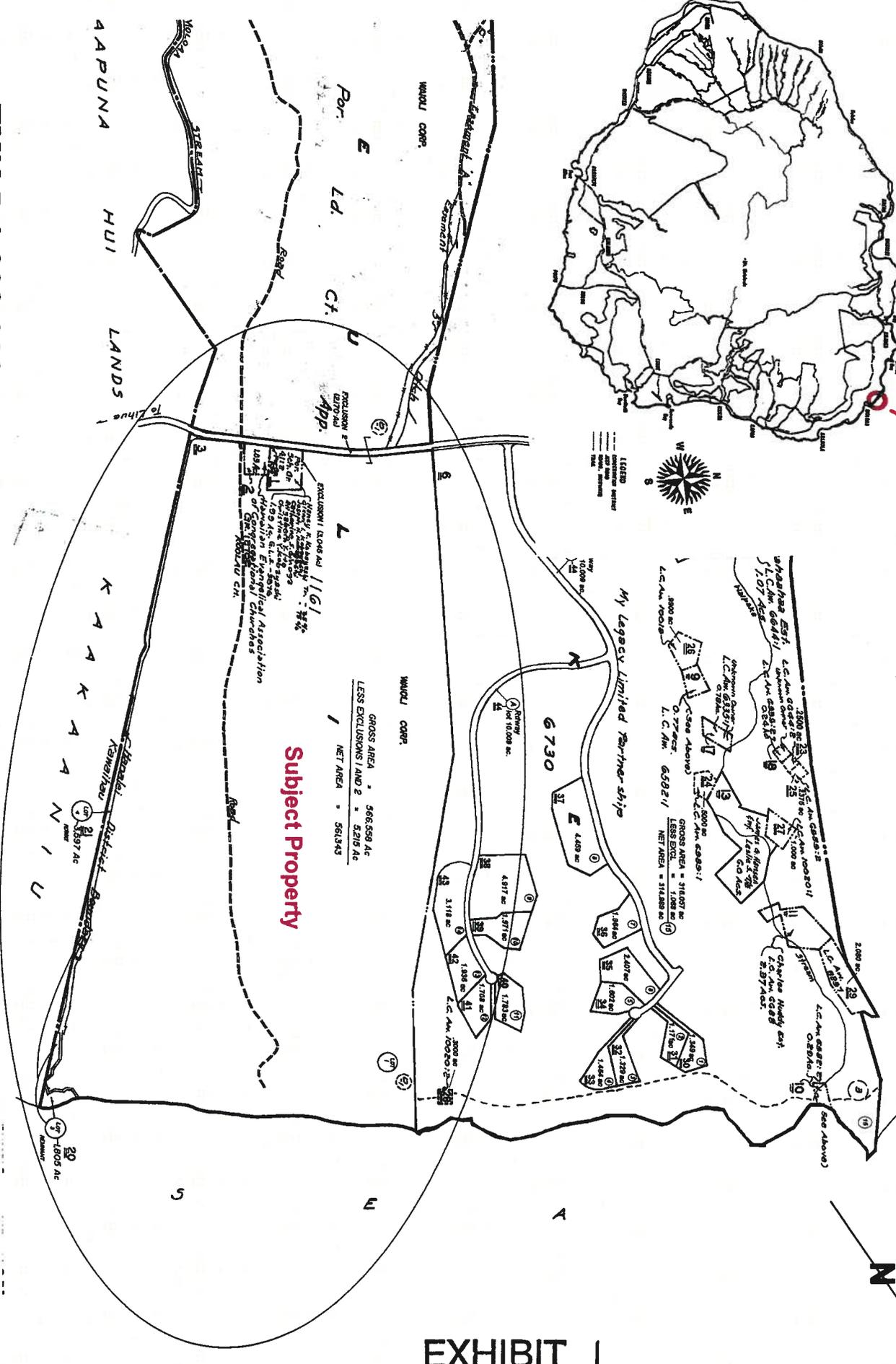
KAUAI



Subject Area

8550-B

PLAT A 04



Subject Property

GROSS AREA = 566,558 Ac
LESS EXCLUSIONS I LAND 2 = 5,215 Ac
NET AREA = 561,343

My Legacy Limited Partnership

TMK 5-1-003:003

Waioli Corp.

11/05/08

EXHIBIT 1



EXHIBIT 2

TMK 5-1-003:003

Waioli Corp.

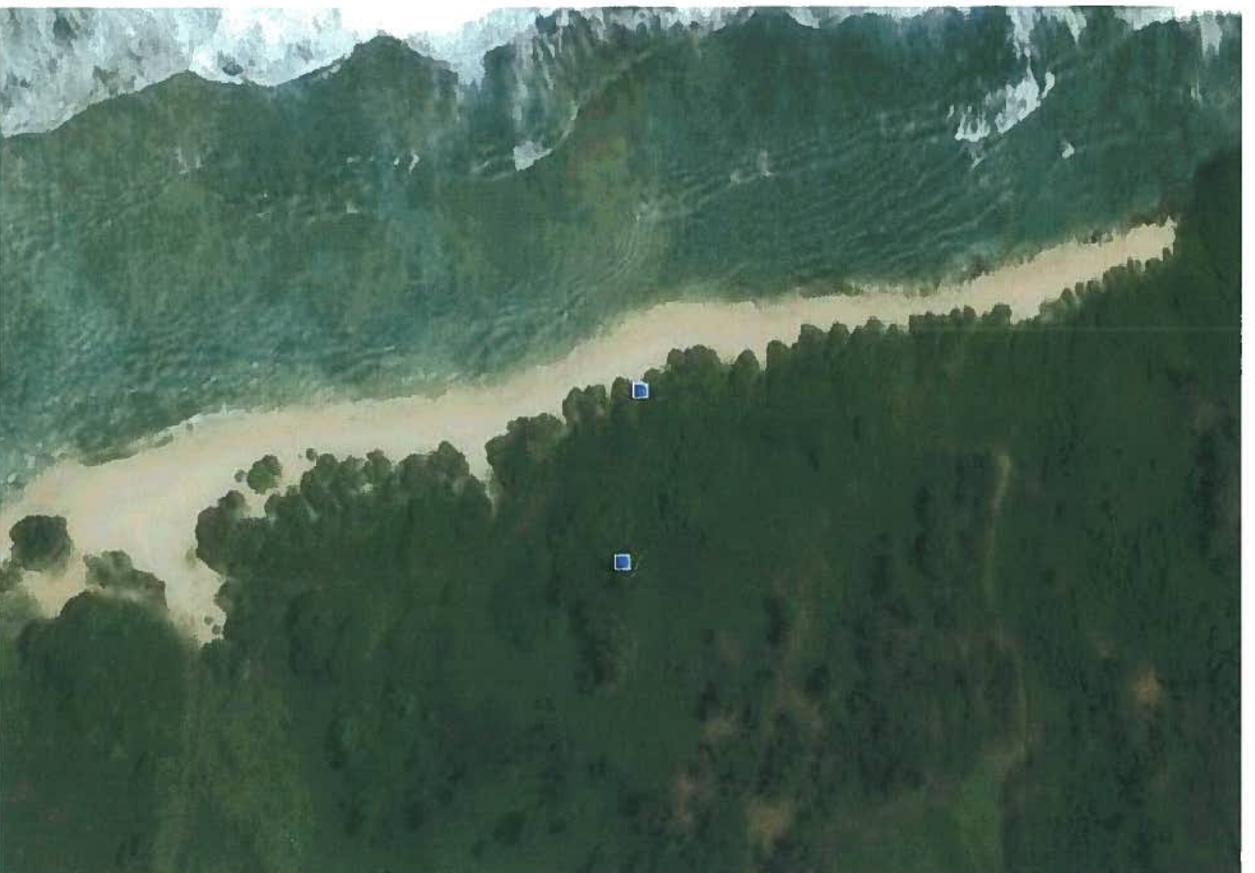
9/18/08 aerial



9/18/08 Aerial

TMK 5-1-003:003

Waioli Corp.



2003 Aerial

11/05/08

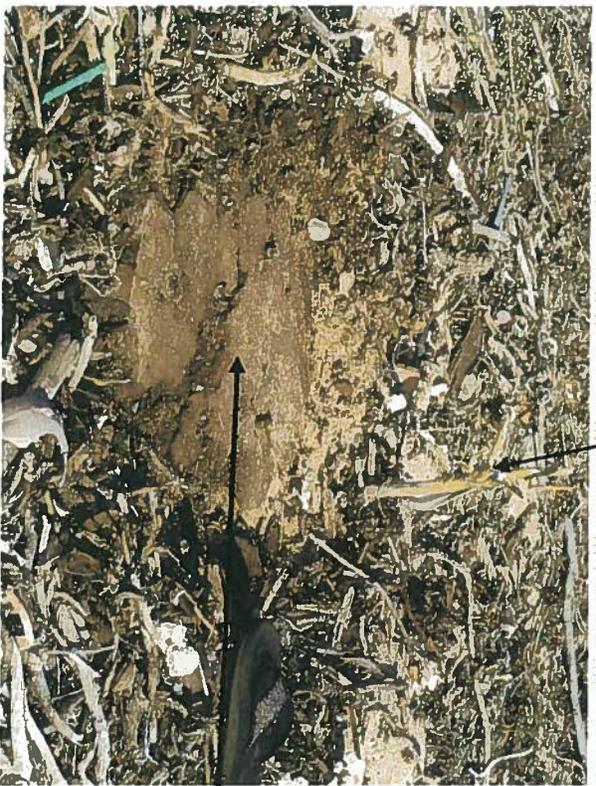


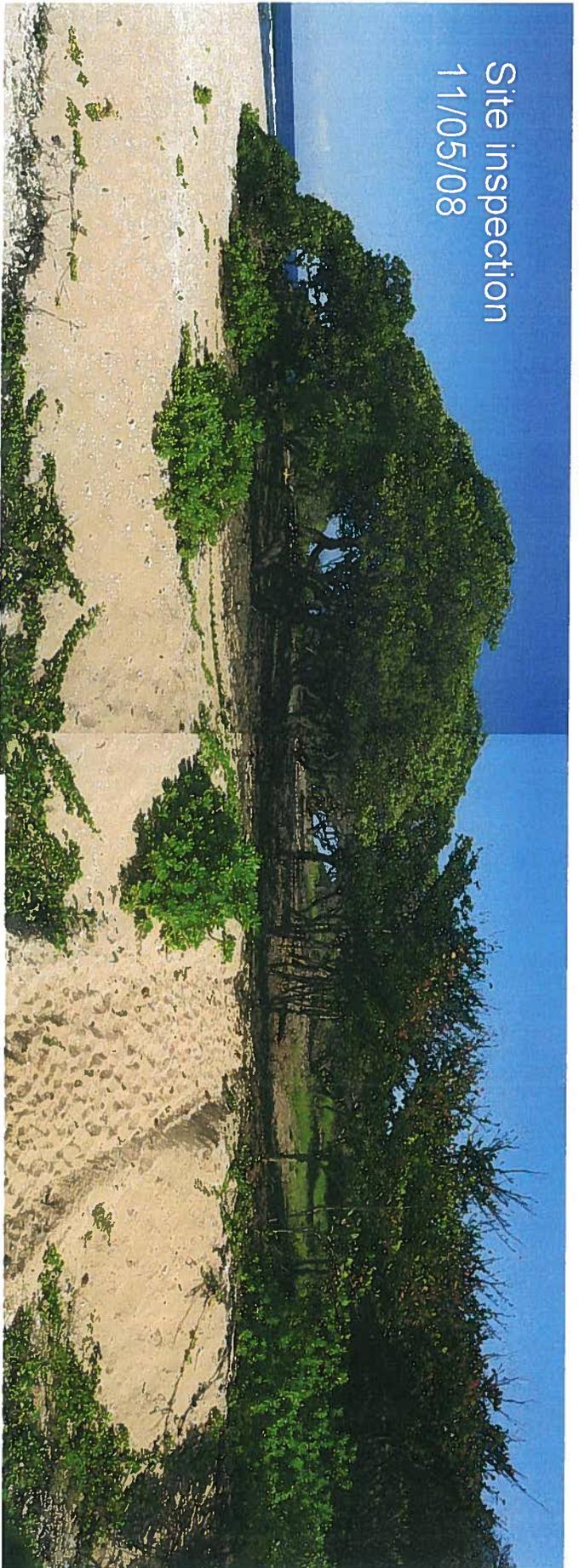
EXHIBIT 5

TMK 5-1-003:003

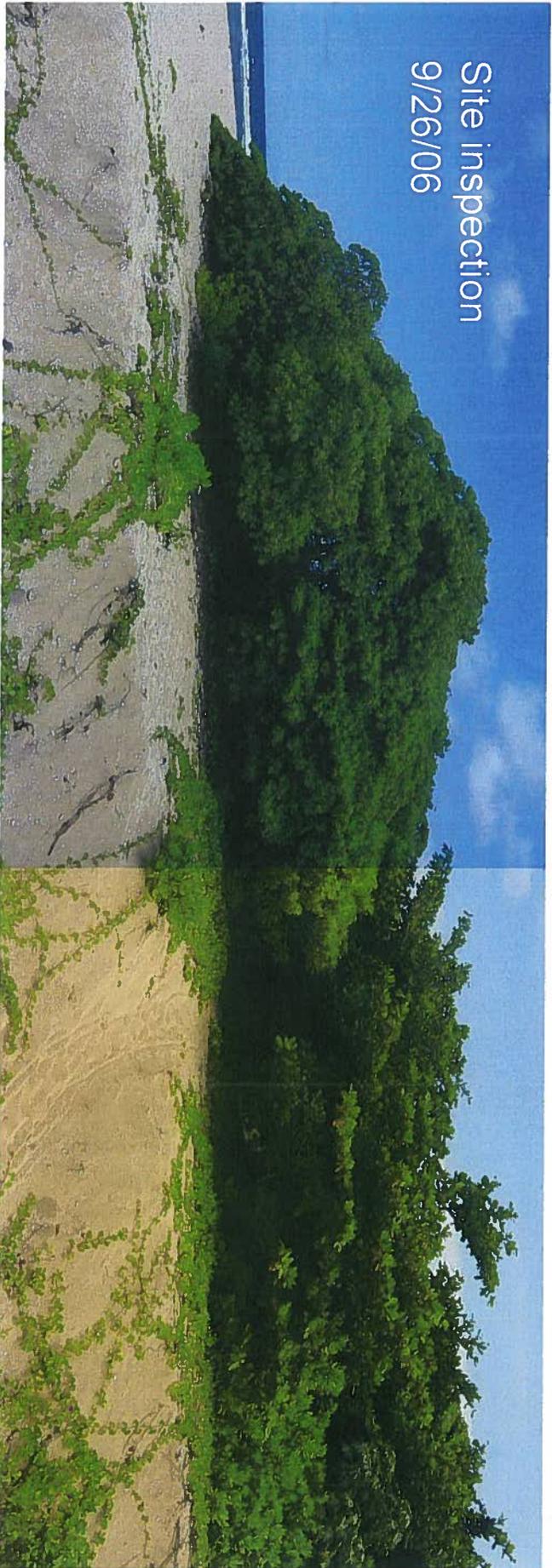
Waioli Corp.

11/05/08

Site inspection
11/05/08



Site inspection
9/26/06



TMK 5-1-003:003

Waioli Corp.

11/05/08

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

NOTICE AND ORDER

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

OCT 10 2008

Waioli Corporation
PO Box 1631
Lihue, Kauai 96766

c/o Robert J. Schleck
4050 Nawiliwili Road
Lihue, Kauai 96766

SUBJECT: Illegal Activity in the Conservation District Identified as Tax Map Key:
(4) 5-3-003:003

NOTICE IS HEREBY GIVEN that you are in violation of Hawaii Administrative Rules (HAR) Title 13, Chapter 5, entitled "Conservation District" providing for land use within the Conservation District, enacted pursuant to Chapter 183C, Hawaii Revised Statutes (HRS).

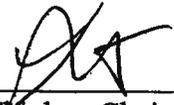
An inspection of the premises on which the alleged illegal activity has been conducted was made on October 3, 2008 by the Department of Land and Natural Resources. We have determined that:

- 1) The subject property, identified as tax map key: (4) 5-3-003:003, is in the Conservation District Limited Subzone;
- 2) The following use was conducted on the subject premises: unauthorized clearing; and
- 3) The use was not authorized by the Department of Land and Natural Resources under Chapter 13-5.

YOU ARE HEREBY ORDERED TO CEASE any further activity on the subject premises. Should you fail to cease such illegal activity immediately, the Board of Land and Natural Resources may subject you to fines up to \$15,000 per day pursuant to Chapter 183C, HRS and 13-5, HAR,

Please contact Sam Lemmo of the Office of Conservation and Coastal Lands at (808) 587-0377, to clear this matter.

By: _____


Laura H. Thielen, Chairperson
Board of Land and Natural Resources

cc: DOCARE (Kauai)
County of Kauai, Planning Department

EXHIBIT 7



Paradise Grounds Care

LANDSCAPE - MAINTENANCE - DESIGN
P.O. BOX 645 KAPAA, HI 96746
(808) 822-7611

November 19, 2008

Mr. Sam Lemmo
Office of Conservation and Coastal Lands
P. O. Box 621
Honolulu, HI 96809

Aloha,

In response to your letter to Waioli Corporation regarding their Lepeuli property which I lease for my cattle operation, I am sending this information to you in cooperation with the NRCS and the land owner, Waioli Corporation.

On this property (approximately 600 plus acres) we have been working with the NRCS with an approved conservation plan in place from 2005. Work began mauka over the past couple of years working our way down to the makai area. In January of 2008 the lower section of the property along the coast was addressed and included in the overall plan.

However, I was unaware of the plans not being forwarded to your office. It was explained to me that the NRCS' policy of confidentiality which requires me to give them written permission for release before they can be sent to anyone. For this I sincerely apologize.

After Meadow Gold Dairies closed their operation, this property, which they leased, was basically left fallow with no maintenance. When we acquired the lease I approached the NRCS to ask for help in getting this property back in shape and put on a responsible management plan. This plan was in place in 2005. My biggest problem I inherited was the out of control trespassing, squatting, and vandalism to my equipment, fence lines, gates, water troughs, etc. Not to mention all the nudity and littering on the property. You can image my excitement when the NRCS approved the inclusion of the costal areas to help me put in new fencing, gates and deal with the invasive species. However, we all knew that the added benefit to this plan was not only to protect the coastline, but to clean-up all the mess and hopefully eliminate the squatting, littering and vandalism.

I know there are some who do not want to see this work take place; many are in these enclosed pictures. Being a life long resident on Kauai and an avid beach goer with my

EXHIBIT 8

family, I am ecstatic about this coastal area being responsibly taken care of and protected.

A [REDACTED], a resident along the public access road and a representative of the homeowners association in this area, called me to thank us for finally cleaning up the beach. They believe this will help eliminate all the problems in this area including all the vandalism and theft that they have been experiencing from these transients, help eliminate the littering and nudity and encourage more local residents to come with their families to enjoy this area and especially "feel safe" as he put it. He also mentioned that he was going to approach the homeowners association for it to write a letter to the editor praising the work and getting the work out to the community about the positive benefits of our plan. I thanked him very much for his compliments and concern.

Believe me; I have every intention of doing the right thing for this coastal area having a cattle ranch adjacent to it. My initial goal is to repair and/or replace the lower fencing which will prevent any cattle from going into this area and working with the NRCS on an ongoing basis, annually to maintain the buffer area.

I hope this information helps you

We have suspended all work in this area from the 1st of October until this matter is resolved. Thank you for your attention to this matter. Please advise me at your earliest convenience. You can contact me at the above number [REDACTED].

Mahalo,



BRUCE A. LAYMON

Pictures taken on a typical weekend. All pictures taken on the same day

(1-7)

At least 15 people were on this beach naked, several of them are transients illegally camping (living) in the thick brush in background.

Many of them have approached us in the nude during our clean-up of the beach and invading their camp sites (living areas).

One woman went so far as to throw the household trash that we had piled up to take to the county dump, back into the bushes.

(8-11)

Typical of over grown areas along bluff and lower areas. Picture 8 is a prime example of invasive overgrowth and cover to allow illegal squatting on property. These areas are also typical sites where we find large piles of household rubbish being discarded on property.

(12-15)

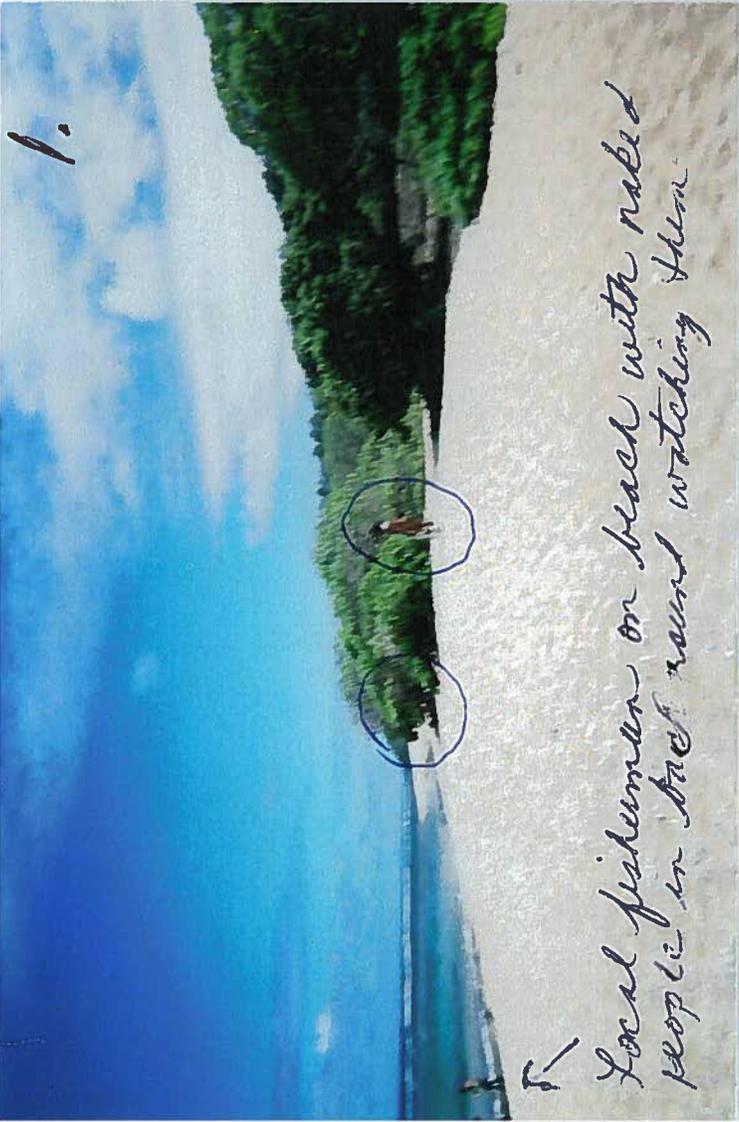
Typical of dead debris and rubbish we have been removing from coastal area.

(16-18)

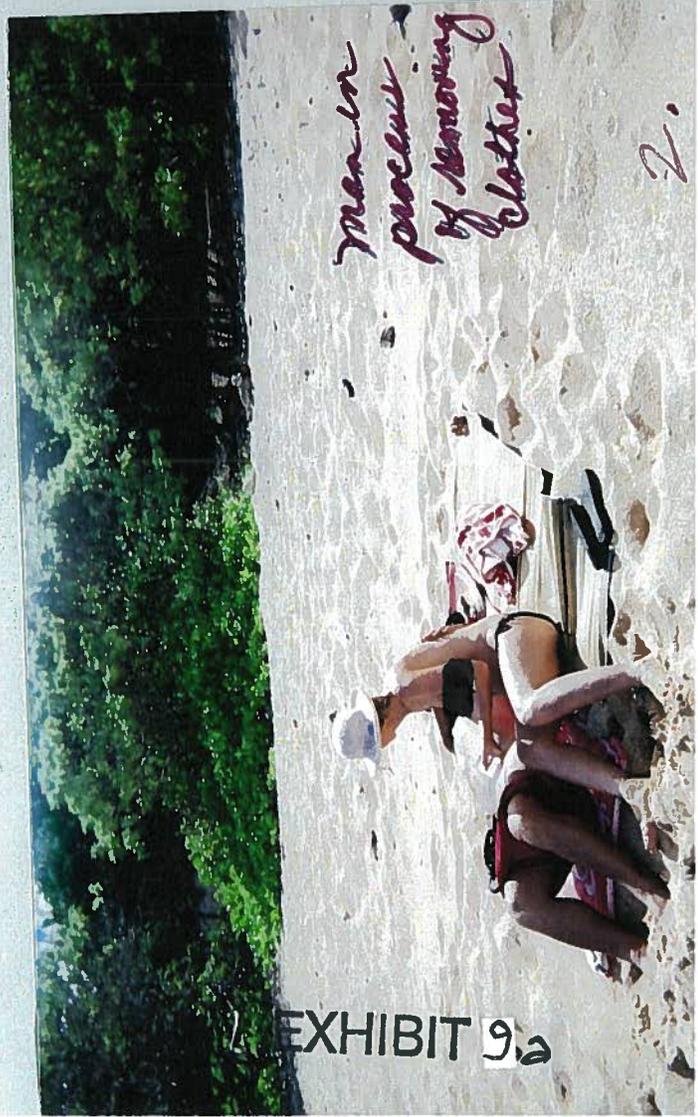
Show work being done to exposed original fence line in disrepair along beach access road, which provides buffer on coastline.

(19-20)

Example of work on coastal areas where we hand clear rubbish, remove dead plant matter, household rubbish, trash, and trim all lower branches which have grown all the way to the ground.



Local fishermen on beach with naked people in back round watching them



men in process of removing clothes

EXHIBIT 9a

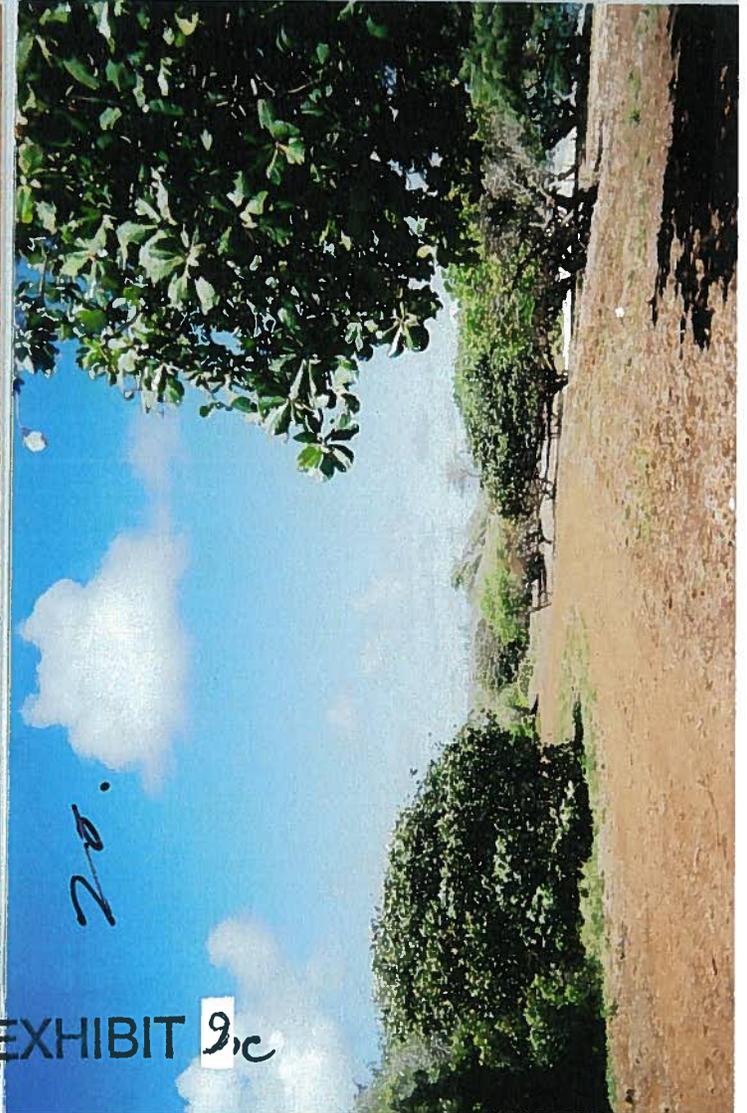
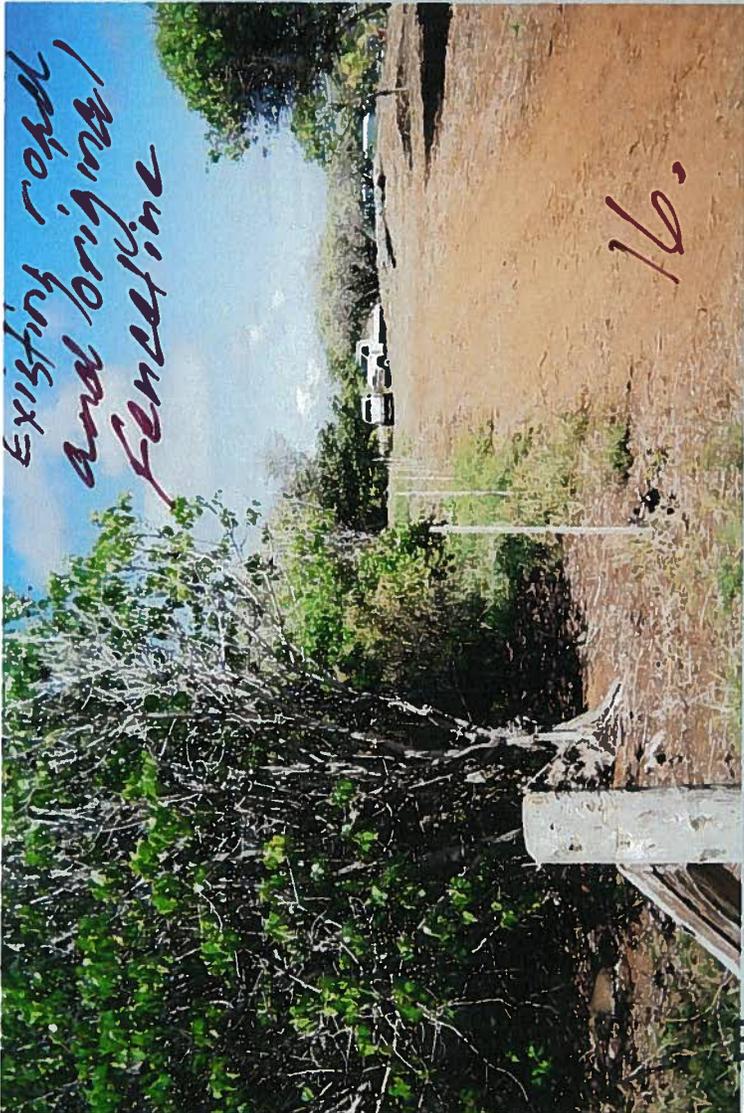


EXHIBIT 9c

NATURAL RESOURCES CONSERVATION SERVICE

JOBSHEET

BRUSH MANAGEMENT

(acre)
CODE 314

RECEIVED
 OFFICE OF CONSERVATION
 AND COASTAL LANDS
 2008 NOV 21 A 8:11
 DEPT. OF LAND &
 NATURAL RESOURCES
 STATE OF HAWAII

Prepared for: Business Name Paradise Ranch LLC
 Client Name Bruce Laymon Owner Operator
 Field or Treatment Unit: Field 12 Acres: 18 acres
Prepared by: Name/ Title: Lex Riggle Date 8.6.2008

I. PURPOSE OF JOBSHEET

This jobsheet provides the client with the requirements for installing, operating and maintaining the practice on the specified field or treatment unit to achieve its intended purpose(s).

II. PRACTICE DEFINITION

Brush management is the removal, reduction, or manipulation of non-herbaceous plants.

III. PURPOSE OF CLIENT APPLYING PRACTICE

- A. Major purpose(s): Remove invasive alien plants that reduce wildlife habitat integrity.
- B. Other purpose(s) or benefits: Enhance vigor of the native plant community.

IV. SPECIES TO BE MANAGED (target species):

Java plum, Iron wood, Christmas berry, cats claw, lantana, koa haole

V. SPECIES TO BE BENEFITED:

Beach naupaka

VI. AREAS TO BE TREATED

- A. Total acres to be treated: 18

VII. BRUSH / TREE STAND INFORMATION

A. The following table shows the target species, the species density before treatment, and the species density after treatment or the minimum required treatment level.

Target Species	Density Before Treatment ^{1/}	Density After Treatment ^{1/}
1. Java Plum	1	15
2. ironwood	1	5
3. Christmas berry	3	10
4. Cats claw	0	5

VIII. INSTALLATION REQUIREMENTS

A. If Mechanical Treatment to be Used

1. Type of equipment to be used:

Bulldozer

Rotary Brush Mower

Brush Disk

Grubber

Rolling Chopper

Root Plow or Undercutter

2. Modifications necessary to enable the equipment to adequately complete the job (if any):

Small footprint mini excavator with a thumb attachment on the bucket will be used.

3. Dates of treatment: August 2008

4. Equipment operation instructions: No digging or grubbing

5. Techniques or procedures to be followed: Cut trees as close to ground surface as practical, excavator will load invasive plants into trucks and hauled to adjacent field 10 or 11 for grinding and/or burning. See attachment 1 for additional detail.

B. If Chemical Treatment to be Used:

1. Name of herbicide to be used: Per CTHAR recommendation

2. Rate of application and spray volumes: Per CTHAR recommendation

3. Acceptable dates of application: August

4. Mixing instructions (if applicable):

5. Any special application techniques, timing consideration, or other factors that must be considered to ensure the safest, most effective application of the herbicide:

Herbicide concentrate applied to stumps immediately after felling.

6. Read and follow all instructions on the herbicide container label.

7. Environmental risk analysis tools (such as WIN-PST Soil Pesticide Interaction Loss Potential and Hazard Rating Report) used in formulating alternatives:

8. Note that you will be required to complete special documentation, if a restricted chemical is to be used. Contact the Hawaii State Department of Agriculture for the specifics regarding special documentation requirements, before using a restricted chemical.

C. If Biological Treatment to be Used:

1. Kind of biological agent or grazing animal to be used: _____

2. Timing, duration and intensity of grazing or browsing: _____

3. Desired degree of grazing or browsing to be used for effective control of target species: _____

4. Maximum allowable degree of use on desirable non-target species: _____

-
5. Special precautions or requirements when using insects or plants as control agents:
-

D. Management Requirements

1. Before treatment: See attachment 1
-
2. After treatment: All areas should be excluded from grazing and closely monitored for both plant community and wildlife responses.
-

IX. OPERATION AND MAINTENANCE REQUIREMENTS

A. Operation

Brush Management practices shall be applied using approved materials and procedures. Operations will comply with all local, state, and federal laws and ordinances.

Success of the practice shall be determined by evaluating regrowth or reoccurrence of target species after sufficient time has passed to monitor the situation and gather reliable data. Evaluation periods will depend on the methods and materials used.

B. Maintenance

Following initial application, some regrowth, resprouting, or reoccurrence of brush should be expected. Spot treatment of individual plants or areas needing retreatment should be done as needed.

C. Additional or special operation and maintenance requirements, if any:

X. REVEGETATION REQUIREMENTS (only if area to be treated will require revegetation)

- A. Revegetation practice to be applied: _____
- B. Method of replanting to be used: (seed and/or vegetative material) _____
- C. Timing of revegetation operations: Revegetation operations that are needed should be carried out as soon as possible after brush clearing has been completed.
-
- D. Timing of brush clearing operations: Brush clearing operations should be completed as close to the start of the rainy season as possible.
-
- E. Considerations for wildlife: Consider leaving brush piles for wildlife use.
-

Attachment 1
314 Brush Management
Field 12

Background: Field 12 is a land unit of about 18 acres adjacent to the Pacific Ocean. Monk seals have been observed on the beaches. Field evidence suggests that albatross nest under Ironwood trees along the mauka edge of the field. These nesting site also exist on the same geomorphic surfaces on the adjacent properties. Unfortunately many birds have fell victim to stray dogs. In recent years the encroachment of alien woody species has led to the deterioration of the native habitat within field 12. While the wildlife habitat has deteriorated, it currently provides hiding cover for transients. This has become a significant resource concern because of vandalism to facilitating practices such as fences and stock water systems. Management would prefer to enhance wildlife habitat and eliminate the frequency of trespass transients that are not only camping illegally but also potentially impacting endangered and or protected species.

To address concerns management has chose to remove alien trees, shrubs and herbaceous plants using a combination of mechanical and chemical treatments. Some of the species targeted for removal include: Java Plum (*Syzygium cumini*), Ironwood (*Casuarina equisetifolia*), Christmasberry (*Schinus terebinthifolius*), Koa haole (*Leucaena leucocephalla*), Largeleaf lantana (*Lantan camara*), and Catsclaw (*Caesalpinia decapetala*)

Mechanical: No grubbing or Digging will occur. Hand labor will be used to cut the plants using chain saws, hand saws, weed whips and other hand tools. A rubber track mini excavator, with a thumb attachment to the bucket, will be used to load the green waste into small dump trucks. The material will be hauled to adjacent fields 10 and 11 for grinding and burning. The mulch can then be reapplied to enhance soil quality and suppress the sprouting of weeds from the soil seed bank. To eliminate contact with thorny plants such as cats claw, the excavator will also be used to pull and the materials for transport.

Chemical: Species that are known to sprout: fresh cut stumps will immediately be treated with the appropriate herbicide. Small areas of lantana or Joee (*Stachytarpheta dichotoma*) may be sprayed using the appropriate herbicide per CTHAR Herbicidal Weed Control Methods for Pastures and Natural Areas of Hawaii; Weed Control WC-8, Nov. 2002. Prior to herbicide applications, NRCS will use the risk assessment tool, Windows Pesticide Screening Tool version 3.0 to evaluate risk and identify mitigation strategy. Applications rate will be based on CTHAR and manufactures label instructions.