



December 16, 2022

Mr. Ron Terry, Chair  
Exemption Committee  
Environmental Advisory Council  
c/o Environmental Review Program  
State Office of Planning and Sustainable Development  
235 South Beretania Street, Suite 702  
Honolulu, Hawai'i 96813

Dear Mr. Terry:

Subject: Environmental Council Review of HPHA's Updated Exemption List

Thank you for the Exemption Committee and the Environmental Advisory Council's review and comments of the State Hawai'i Public Housing Authority's (HPHA) updated comprehensive exemption list for actions that would be exempt from preparing an Environmental Assessment (EA) under Title 11, Chapter 200.1, Hawai'i Administrative Rules.

After publication of HPHA's draft exemption list in the November 8, 2022 edition of *The Environmental Notice*, we understand from Environmental Review Program staff that no public comments were received during the comment period on HPHA's exemption list. No public comments were received by HPHA as well. We did receive some comments from a member of the Environmental Advisory Council.

Based upon those comments, HPHA has revised their exemption list and is submitting this to the Exemption Committee for review and recommendation to the Environmental Advisory Council for their action. We have included a version showing the proposed revisions and a "clean" version of the updated Exemption List. We have the following responses related to the comments received.

1. Most comments reflected minor revisions to HPHA's exemption list. These comments were thus incorporated.
2. Comments suggested that two action items could be moved from Part 1 Actions to the list of Part 2 Actions.
  - *HPHA believes these two action items should remain as Part 1 Actions and revisions to their descriptions have been added as discussed below. In addition, it is noted that this exemption list is most applicable to repair and rehabilitation improvements implemented by HPHA as any new housing developments would require at least an Environmental Assessment along with compliance with federal HUD requirements.*

- a. Type 4, Item No. 10, involving removal of unexploded ordnance.
- *This situation would occur where an existing housing development may encounter an unexploded ordnance (UXO) after being exposed from natural causes or site repair work being undertaken. This typically applies to a few housing developments located on the Island of Hawai‘i because there were former military training areas. If any UXO were encountered, it would be properly addressed and removed by the Department of Defense (DoD) following their protocols and requirements.*
  - *HPHA is concerned with the time needed to prepare documents that would be used for publication and comments under the Part 2 Actions protocols. Such work may practically take several months, which includes time for soliciting comments from agencies and organizations. UXOs encountered would pose a safety hazard for residents at the housing project that needs to be addressed immediately and having several months delay to complete the Part 2 Action requirements is not practicable.*
  - *Preparing documents “after-the-fact” to address Part 2 Action requirements would not be an efficient and practical process for HPHA. That effort would create additional work for HPHA staff when the removal is already completed, taking time away from working on other repair projects. There would also be no practical way to comply with agency or organization comments or requirements since the work is completed, creating a somewhat irrelevant consultation process. Further, the removal work performed by the DoD would have to follow their protocols and requirements.*
  - *To clarify this UXO removal action, the following revision is proposed:  
“Conduct removal of unexploded ordnance [encountered at existing housing projects in accordance with Department of Defense requirements.](#)”*
- b. Type 8, Item No. 5, involving subdivision of property.
- *This action item should remain under Part 1 Actions because other agencies similarly have this action item listed as Part 1 in their exemption lists. This includes for example:*
    - *State Hawai‘i Housing Finance and Development Corporation (2022): Type 9, Part 1, Item 2: “Subdivide and consolidate lands without change in existing land use.”*
    - *State Department of Hawaiian Home Lands (2021): Part 1, Type 8, Item 8: “Subdivision consolidation of public lands to facilitate their transfer between the city and state for continuing public use without change in existing land use.”*
    - *State Department of Transportation (2022): Type 8, Part 1, Item 8.b.: “Subdivide or consolidate public lands through subdivision to facilitate transfer between DOT and public agencies for continued public use, including but not limited to:”*

- *HPHA's existing housing projects are within State property and would not need to be subdivided for purposes similar to a private residential subdivision project. If a parcel needs to be subdivided or consolidated, it would typically not be associated with repair and rehabilitation improvements that would be covered under this exemption list. Major redevelopment of an existing housing project that may then require subdivision or consolidation would already need to complete at least an EA because that action (redevelopment) would not be covered under this Exemption List. The later subdivision or consolidation of property would then really be an administrative action.*
- *To clarify this subdivision and consolidation action, the following revision is proposed:*  
"Subdivision or consolidation of real property [without change to existing land use.](#)"

We appreciate the Exemption Committee's review of this revised HPHA Exemption List (updated December 2022) for submittal to the Environmental Advisory Council for action. We believe HPHA's revisions to the Exemption List along with these responses to comments received are reasonable and what the agency believes is appropriate. We would like to be placed on the next available Exemption Committee meeting and Environmental Advisory Council meeting for action if possible.

If you have any questions or comments, please contact me at (808) 457-3172 or by email at [rsato@hhf.com](mailto:rsato@hhf.com). Thanks for your assistance with this.

Sincerely,

HHF Planners



Ronald A. Sato, AICP, Senior Associate

cc: Mr. Leslie Segundo, ERP  
Ms. Lisa Izumi, HPHA

Attachments: Revised Exemption List