

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

January 10, 2019

TO: THE HONORABLE SCOTT GLENN, DIRECTOR
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
DEPARTMENT OF HEALTH

FROM: JADE T. BUTAY
DIRECTOR OF TRANSPORTATION

SUBJECT: REQUEST TO PUBLISH DECLARATION OF EXEMPTION FOR
INSTALLATION OF CARD LOCK OPERATION BY BIG ISLAND
ENERGY CO., LLC dba AKANA PETROLEUM AT KAWAIHAE
HARBOR, ISLAND OF HAWAII, TAX MAP KEY NO. (3) 6-1-03:
32 and 23 (PORTION)

The Department of Transportation hereby transmits a copy of the above-referenced declaration of exemption from the preparation of an environmental assessment under the authority of Chapter 343, Hawaii Revised Statutes and Title 11-200, Hawaii Administrative Rules for your files. We request that this declaration of exemption be published in the next available issue of The Environmental Notice. The project is situated at Tax Map Key: (3) 6-1-03: 32 and 23 (Por.) As shown on the enclosed Exhibit "A".

If there are any questions, please have your staff contact Mr. Eric Leong, Property Manager, at (808) 587-1943.

Enclosure

AGENCY PUBLICATION FORM

Project Name: Installation of card lock operation by Big Island Energy Co, LLC dba Akana Petroleum at Kawaihae Harbor, Island of Hawaii, Tax Map Key (3) 6-1-03 : 32 and 23 (Portion)

Project Short Name: Card Lock by BIEC dba Akana Petroleum at Kawaihae Harbor

HRS §343-5 Trigger(s): (a) (1)

Island(s): Hawaii

Judicial District(s): Portion of Kawaihae, 1st Kohala

TMK(s): (3) 6-1-03 : 32 and 23 (Portion)

Permit(s)/Approval(s): BLNR

Proposing/Determining Agency: Department of Transportation - Harbors Division (DOT-Harbors)

Contact Name, Email, Telephone, Address Eric Leong, eric.leong@hawaii.gov, 587-1943, 79 S. Nimitz Highway, Honolulu, HI 96813

Accepting Authority: (for EIS submittals only)

Contact Name, Email, Telephone, Address N/A

Consultant: N/A

Contact Name, Email, Telephone, Address N/A

Status (select one)

Submittal Requirements

- DEA-AFNSI Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEA, and 4) a searchable PDF of the DEA; a 30-day comment period follows from the date of publication in the Notice.
- FEA-FONSI Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; no comment period follows from publication in the Notice.
- FEA-EISPN Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; a 30-day comment period follows from the date of publication in the Notice.
- Act 172-12 EISPN ("Direct to EIS") Submit 1) the proposing agency notice of determination letter on agency letterhead and 2) this completed OEQC publication form as a Word file; no EA is required and a 30-day comment period follows from the date of publication in the Notice.
- DEIS Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEIS, 4) a searchable PDF of the DEIS, and 5) a searchable PDF of the distribution list; a 45-day comment period follows from the date of publication in the Notice.
- FEIS Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEIS, 4) a searchable PDF of the FEIS, and 5) a searchable PDF of the distribution list; no comment period follows from publication in the Notice.
- FEIS Acceptance Determination The accepting authority simultaneously transmits to both the OEQC and the proposing agency a letter of its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS; no comment period ensues upon publication in the Notice.
- FEIS Statutory Acceptance Timely statutory acceptance of the FEIS under Section 343-5(c), HRS, is not applicable to agency actions.
- Supplemental EIS Determination The accepting authority simultaneously transmits its notice to both the proposing agency and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that a supplemental EIS is or is not required; no EA is required and no comment period ensues upon publication in the Notice.

- Withdrawal Identify the specific document(s) to withdraw and explain in the project summary section.
- Other Contact the OEQC if your action is not one of the above items.

Project Summary

DOT Harbors Division issued RP at end of 2011 to Applicant. Applicant declared intent to install card lock operation which would streamline onsite operation to reduce environmental risks. Installing the card lock operation would involve negligible or no expansion or change in use of the subject area beyond that previously existing. The card lock operation will monitor which vehicles are involved on a day to day basis. Applicant will abide by Harbors Division rules for hours of operation. Along with other tenants Applicant updates its vehicle inventory annually to assist Harbors Division in determining any impact on regional traffic on a day-to-day basis. Applicant agreed to remove its storage tanks and card lock operation when its RP terminates. DOT has determined that there will be minimum traffic impact to the area. The proposed use will have no significant impacts, whether primary, secondary or cumulative, to the natural, environmental and/or cultural resources in the area. The proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

In accordance with HAR Subchapter 11-200, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 2 as listed on the Comprehensive Exemption List for the State of Hawaii Department of Transportation amended November 15, 2000, that states "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."

DECLARATION OF EXEMPTION

from the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS) and Hawaii Administrative Rules (HAR) § 11-200.

Project Title: Installation of card lock operation by BIG ISLAND ENERGY CO., LLC dba AKANA PETROLEUM (Applicant)

Project Location: Portion of Kawaihae Harbor, South Kohala, Island of Hawaii,
Tax Map Key No. 3rd/ 6-1-03: 32 and 23 (Portion)
Governor's Executive Order No. 1988

Project Description: Installation of card lock operation to facilitate terms and conditions of revocable permit (RP) for commercial storage and distribution of petroleum and petroleum products in bulk, including card lock operation.

Exemption Determination: Harbors Division issued RP at end of 2011 to Applicant for the same use of the State property in the past by Applicant's predecessor. Applicant declared its intent to install a card lock operation and streamlined the onsite operation to reduce environmental risks. Use in the interim has had no significant impacts, whether primary, secondary or cumulative, to the natural, environmental and/or cultural resources in the area. Installing the card lock operation would involve negligible or no expansion or change in use of the subject area beyond that previously existing. The card lock operation will monitor which vehicles are involved on a day-to-day basis. Applicant will abide by Harbor Division rules for hours of operation.

Along with other tenants Applicant updates its vehicle inventory annually to assist Harbors Division in determining any impact on regional traffic on a day-to-day basis.

Applicant agrees to remove its storage tanks and card lock operation when its RP expires.

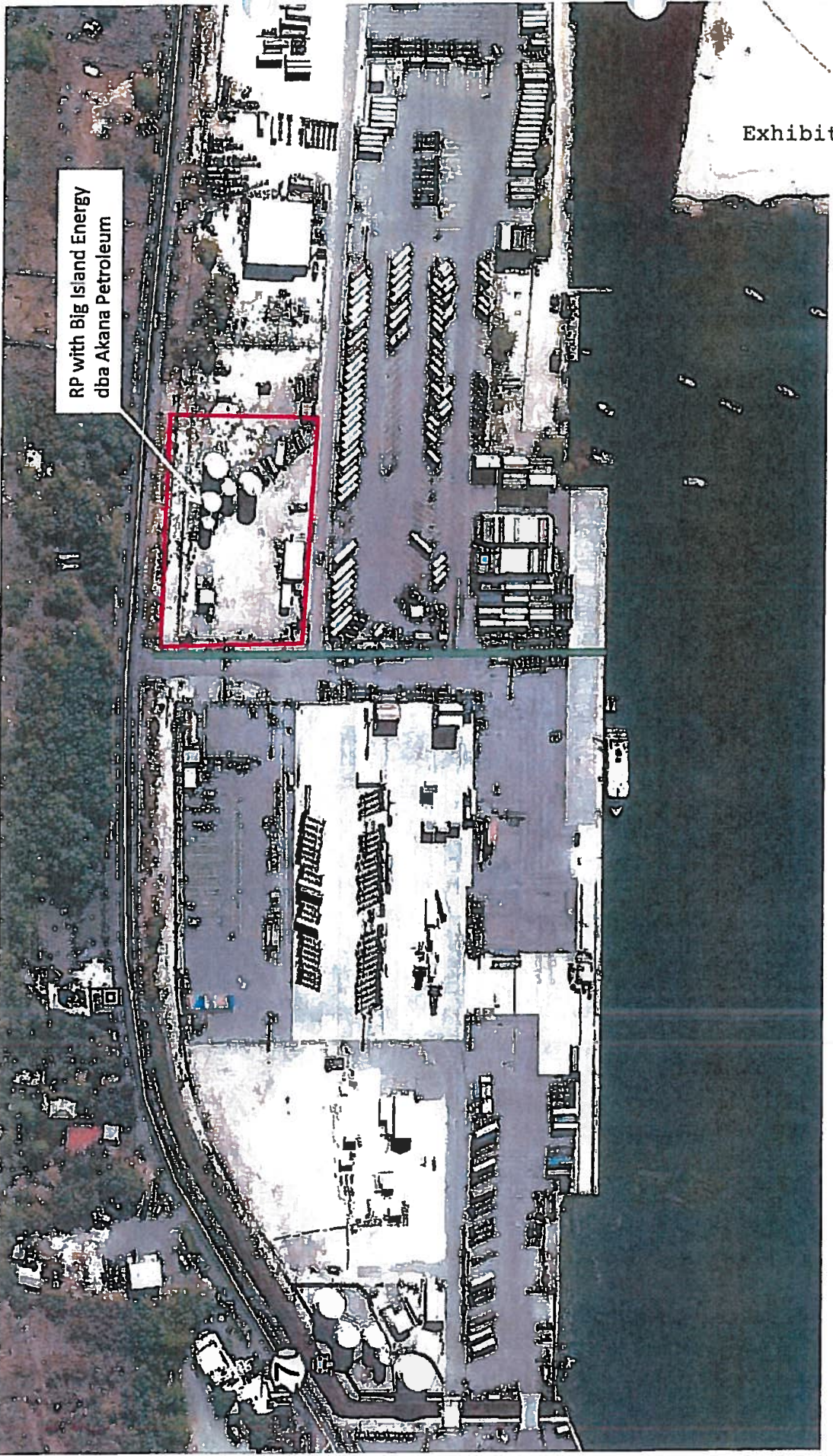
In accordance with HAR §11-200, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 2 as listed on the Comprehensive Exemption List for the State of Hawaii Department of Transportation amended November 15, 2000, that states "Replacement or 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."

Consulted Parties: Contacts were made by BIEC, LLC Senior Management by with longstanding business peers as reflected on the table that was submitted to Harbors Division. Those contacted include U.S. Department of the Interior, National Park Service.

Recommendation: We have considered the primary, secondary and cumulative effects of this use as provided by Chapter 343, HRS and HAR 11-200. We declare that this use will have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.


FORD N. FUCHIGAMI,
Director of Transportation

3.1.12
Date



RP with Big Island Energy
dba Akana Petroleum

Exhibit "A"