TO: Kahana Albinio, Land Management Division

THROUGH: Andrew C. Choy, Acting Planning Office Manager

FROM: Malia Cox, Planning Office

SUBJECT: DHHL Land Management Division’s Acquisition of Private Land and Structures of TMKs (2) 4-9-002:061(por)

The Planning Office is transmitting a copy of the HRS Chapter 343 Exemption Declaration for the DHHL Acquisition of Private Land and Structures. Upon review, it has been determined that the proposed action will have minimal or no significant impact on the environment and is therefore exempt from the preparation of an environmental assessment.

The HRS Chapter 343 Exemption Declaration for this proposed action does not constitute DHHL approval of the proposed action. Final approval of the proposed action remains with the Land Management Division (LMD). The HRS Chapter 343 Exemption Declaration is documentation of compliance with HRS Chapter 343, should the project receive final approval from the LMD. As such, a copy of this HRS Chapter 343 Exemption Declaration should be kept in the respective files for the LMD.
DEPARTMENT OF HAWAIIAN HOME LANDS
Planning Office

March 1, 2021

TO: William J. Aila, Jr., Chairman
Hawaiian Homes Commission

THROUGH: Andrew H. Choy, Acting Planning Program Manager

FROM: Malia Cox, Planner

SUBJECT: Land Management Division’s Acquisition of Private Land and Structures
Exemption from HRS Chapter 343 Environmental Assessment Preparation

Recommended Action

That the Chairman exempt Land Management Division’s Acquisition of Private Land and Structures from preparation of an environmental assessment per HRS Chapter 343.

Discussion

In light of recent DHHL efforts to ensure that all activities on DHHL lands are in compliance with Federal, State and County regulations, Planning Office will be offering recommendations to the Chairman on whether or not to exempt future proposed projects on DHHL lands from HRS Chapter 343. Per the statute, certain projects are exemptible from the environmental review process if the projects meet certain requirements as stated in Hawaii Administrative Rules (HAR) Section 11-200.1-8 subchapter 8 “Exempt Actions, List and Notice Requirements.” HAR Section 11-200.1 also states that State and County agencies can prepare their own Chapter 343 exemption list. Activities on agency exemption lists must be consistent with Section 11-200.1 HAR exemption requirements and be approved by the state Environmental Council.

Based upon HAR Section 11-200.1 exemption criteria and DHHL’s approved exemption list, the Planning Office concluded that Land Management Division’s Acquisition of Private Land and Structures is eligible for exemption from the environmental assessment process because the proposed actions are consistent with the listed actions on DHHL’s exemption list as well as HAR Section 11-200.1. The attached exemption declaration letter provides more detail about the proposed project and the Planning Office’s review and analysis of the project.

Concur

William J. Aila, Jr., Chairman
Hawaiian Homes Commission

Attachments
March 1, 2021

In reply refer to:
PO-21-033

To: 1. Office of Environmental Quality Control via 
OEQC electronic intake process

2. Peter Kahana Albinio, Acting Land Management Division Administrator 
DHHL, Land Management Division 
91-5420 Kapolei Parkway 
Kapolei, Hawai‘i 96707

FROM: Chairman of the Hawaiian Homes Commission

SUBJECT: Exemption Notice for Acquisition of Private Land and Structures of TMKs (2) 4-9-002:061, Kamoku Ahupua‘a, Lahaina Moku, Lanai (reference-file # PO-21-033)

DATE: March 1, 2021

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 Type 8

As applicable, the exemption for the action described below is also supported by the Exemption List for the Department of Hawaiian Home Lands, reviewed, and concurred to by the Environmental Council on June 30, 2015.

- Exemption Class #10: Continuing administrative activities including, but not limited to purchase of supplies and personnel-related actions.

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1 Class #10 of DHHL’s 2015 exemption list corresponds with HAR §200.1-15 Exemption Type 8
Item#9 Acquisition, but not improvement of property, for DHHL use (including easements) and minor subdivision and consolidation of parcels for acquisition of property for DHHL use (including rounding corners and minor street widening)

DESCRIPTION OF ACTION
Proposing Agency or Applicant: DHHL, Land Management Division
Project Name & Address/Location:

Anticipated Start Date: 3/5/2021
Anticipated End Date: indefinite
Island and District: Lāna‘i

Tax Map Key(s) and other geolocation means:

<table>
<thead>
<tr>
<th>Tax Map Key</th>
<th>Location</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) 4-9-002:061</td>
<td>20.786 North by -156.956 West</td>
<td>15</td>
</tr>
<tr>
<td>(2) 4-9-002:061</td>
<td>20.815 North by -156.919 West</td>
<td>10</td>
</tr>
</tbody>
</table>

All Necessary Permits and Approvals: None
- Historic Preservation Chapter 6E
- Land Court Consolidation 170 subdivision

NARRATIVE
Describe the action and why it qualifies for the exemption:
DHHL is pursuing the acquisition of these parcels, to add lands to the inventory that will provide future opportunities for its beneficiaries and the Department to support the purposes of the HHCA. In October 2010, the Board of Land and Natural Resources approved the conveyance of the two parcels to satisfy the Act 14 settlement. The approval stated, “DHHL will assume the State’s interest in the 25 acres of land and shall finalize the conveyance of these sites from the private landowner directly to DHHL, which will include legal subdivision of the two proposed lots.” 25.4 acres total.

RECEIVING ENVIRONMENT
Describe the site, including any impacts on the receiving environment:
The short-term use will not change the parcels land use, physical or environmental conditions. The short-term plans will not require any upgrades nor additional demands on the existing infrastructure. Long-term use of the parcels has not yet been determined. Any future use will require a separate evaluation for compliance with Chapter 343 at that time.

ENVIRONMENTAL ANALYSIS
I have considered the potential effects of the proposed project and all related activities against the criteria checked below:
Not Applicable

- Land Use and Zoning Conformance
- Traffic (Vehicles, Bicycles, Pedestrian)
- Infrastructure (Roads, Buildings, Utilities)
- Air Quality Pollutant Emissions
- Noise Emissions
- Solid, Hazardous, and Liquid Waste Management
- Social
- Economic
- Health and Safety
- Recreation
- Public Beach Access
- Cultural Resources and Practices
- Visual/Aesthetic
- Environmental Justice
- Rare, Threatened, and/or Endangered Species
- Surface and Ground Water Resources
- Wetlands
- Floodplains
- Riparian/Coastal Resources
- Other

Comments/summary of impact analysis:
The acquisition and proposed short-term uses conform with existing land uses and zoning. No changes to traffic, infrastructure, air, noise, waste management, view planes will occur as a result of the acquisition. The site is located outside of any floodplains, 3.2-foot sea-level-rise exposure area, and special management area as well as habitat for threatened, rare and/or endangered species. The project site does not include any riparian resources or other wetland features. The project site is designated as Agriculture by the State Land Use and zoned Interim Use by the County of Maui. This is an acquisition project, therefore, DHHL has not designated a land use for either parcel. Acquisition is 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:
This exemption only covers the acquisition of lands and the use of State funds. Any redevelopment, rehabilitation, etc. conducted after the acquisition will require an evaluation to determine if an environmental assessment pursuant to Chapter 343 is required.

CONSULTATION
The following parties have been consulted about this declaration exemption:
State Historic Preservation Division
County of Maui
Information from the following agencies was collected from their digital reference materials between February 18-20, 2021.
Federal- U.S. Census Bureau
USDA, National Resources Conservation Service
Federal Emergency Management Agency
U.S. Fish and Wildlife Service
State- Department of Agriculture
Department of Land and Natural Resources
Department of Health, Clean Water Branch

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.

[Signature]
William J. Aina, Jr., Chairman
Hawaiian Homes Commission

☐ This document is on file in our office and is available for public review.
☒ This document has been submitted to the Office of Environmental Quality Control for publication in The Environmental Notice.

Attachments:
Project location Plat Mat
Project Location- 10-acre parcel
Project Location- 15-acre parcel
State Land Use Districts
Maui County Zoning Districts
Flood Hazards
Tsunami Evacuation Zones
Special Management Area and Sea Level Rise Exposure Areas
Wetlands and Critical Habitats
Land Study Bureau Detailed Land Classification
Agriculture Lands of Importance to the State of Hawai‘i
Project Location-Plat Mat
Exemption Notice: Acquisition of Private Land and Structures of TMKs (2) 4-9-002:061(port), PO-21-035
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Project Location- 10-acre parcel
Exemption Notice: Acquisition of Private Land and Structures of TMKs (2) 4.9-002:061(por), PO-21-035
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Project Location- 15-acre parcel
Exemption Notice: Acquisition of Private Land and Structures of TMKs (2) 4-9-002:061(por), PO-21-035
March 1, 2021
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Special Management Area and Sea Level Rise Exposure Areas

Wetlands and Critical Habitats
Exemption Notice: Acquisition of Private Land and Structures of TMKs (2) 4-9-002:061(por), PO-21-035
March 1, 2021
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Land Study Bureau Detailed Land Classification

Agriculture Lands of Importance to the State of Hawai‘i