TO: 1. DHHL, Land Management Division-Maintained Public Files for Chapter 343 HRS Exemption Determinations  
2. Office of Environmental Quality Control  
3. NAHASDA Program Office  

FROM: Chairman of the Hawaiian Homes Commission  

SUBJECT: Exemption Notice for NAHASDA Program Office, Yorktown Transitional Housing Rehabilitation Project Reference-file # PO-21-040)  

DATE: March 7, 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 1, 2, 3, 6.  

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 List Class #1 Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing.  
  - Item #1 Fertilizing, sprinkling, mowing, weeding, trimming, brush cutting, clearing, grubbing, aerating, road clearing and patching, sweeping, removal of debris and other routine maintenance of the following agency-maintained lands and facilities:  
    - Streets, roads, highways, bike paths, pedestrian ways, trails, parking lots and appurtenances  

1 DHHL is re-organizing the 2015 exemption list approved by the environmental council. DHHL's exemption Class #1 corresponds with HAR §200.1-15 Exemption Type 1
- e. Landscaped areas
  o Item #2 Operation, maintenance, overhauling, repairing, repainting, reroofing, cleaning, polishing, greasing, oiling, and servicing of the following facilities, structures, and equipment:
    - a. Existing buildings, offices, and community facilities
    - c. Structures required for essential utilities, including
      i. Water system components such as pumps, valves and controls, pipes and channels, water storage tanks, wells, and other water sources
      ii. Water and sewage handling and treatment systems
      iii. Sanitary sewage systems
      iv. Drainage systems
      v. Electrical systems
      vi. Communication systems
      vii. Irrigation systems
      viii. Gas systems
      ix. Energy systems
    - e. Steps and stairways
    - f. Handicapped accessibility improvements, including walkways, stairways, ramps, and handrails
    - h. Signage
    - n. Exterior lighting, including, but not limited to, street lights, parking lot lights, security lighting, ball field and play court lighting, bollards, and wall sconces
  o Item #10 General actions involving the rehabilitation or restoration of existing structures at historic sites

- Exemption List Class #5

  2 Class #5 of DHHL's 2015 exemption list corresponds with HAR §200.1-15 Exemption Type 6
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- **Exemption List Class #6**: Construction or placement of minor structures accessory to existing facilities.
  - Item #9 Installation of items to facilitate compliance with construction best management practices procedures and requirements
  - Item #10 Installation of signage (regulatory, directional, informational) and pavement markings
  - Item #16 Installation of hurricane protection devices and other minor structural accessories that will facilitate resistance to damaging effects of natural hazards

- **Exemption Class #7**: Interior alterations involving things such as partitions, plumbing, and electrical conveyances. Interior alterations to buildings or structures that do not increase the floor area or change the occupancy, including but not limited to:
  - Item #1 Construction work to maintain existing utilities
  - Item #2 Expansion of utilities as need dictates in existing structures
  - Item #5 Renovations and reconstruction required to bring existing structures into compliance with current building codes and applicable health and safety regulations
  - Item #7 Installation of security lights and alarms
  - Item #8 Normal removal and replacement of windows, doors, partitions, floors, ceiling, roof, and other building accessories/components due to wear and tear. This exemption does not include procedures needed to handle lead paint, asbestos, and other toxic substances

**DESCRIPTION OF ACTION**
Proposing Agency or Applicant: DHHL, Land Management Division for NAHASDA Program Office
Project Name & Address/Location: 91-1071 Yorktown Street, Kapolei, HI 96707
Anticipated Start Date: 5/1/2021
Anticipated End Date: 5/31/2022
Island and District: O'ahu ʻEwa Moku
Tax Map Key(s) and other geolocation means: (1) 9-1-013:024 (por)
All Necessary Permits and Approvals:
  - US Fish and Wildlife Informal Consultation
  - US Housing and Urban Development
  - State Historic Preservation Division
  - Planning Department- Construction Permits and Applications

**NARRATIVE**

3 Class #6 of DHHL’s 2015 exemption list corresponds with HAR §200.1-15 Exemption Type 3
4 Class #7 of DHHL’s 2015 exemption list corresponds with HAR §200.1-15 Exemption Type 2. Actions occurring within the interior of facilities are considered de minimis actions under HAR §200.1-16
Describe the action and why it qualifies for the exemption:
The proposed undertaking is the expenditure of NAHASDA and HOME funds for the rehabilitation of a former military personnel quarters building at TMK: (1) 9-1-013:024 (por) into 18-20 studio units. These rehabilitated studio units will be utilized as transitional housing for homeless native Hawaiian beneficiaries currently on the Department of Hawaiian Home Lands Wait List. This Transitional Housing facility will allow DHHL to assist those beneficiaries that may not be able to afford traditional housing via market rental or home ownership. While all units in the building will be studio units, each can provide support for individuals, couples, or a small family to become housed instead of continuing to be homeless on the streets or beaches. Each housing unit within the building will be equipped with bathroom facilities, a refrigerator, a microwave, and fan. A communal area will include coin-operated laundry and office space for administration of social services provided to residents.

The following activities are expected to be required as part of the building rehabilitation:
- Rehabilitation and/or replacement of water lines within the building
- Sealing of the utility lines between floors
- Rehabilitation and/or replacement of electrical system throughout the building
- Replacement and/or installation refrigerators, microwaves, fans, etc.
- Installation of broadband internet services
- Re-painting of interior and exterior of the building
- Re-placement of flooring in the building
- Repair of damaged walls, windows, screens, etc.
- Repair/painting/numbering of stalls in the parking lot
- Installation of motion activated security night lights
- Installation of security cameras around the buildings and parking lot
- Connection to new electrical services lines on Enterprise Street.

The building is currently connected to existing, operational sewer, water, electrical and communication services. Except for electrical, the level of service provided by the existing utilities has been deemed adequate at this time to service the proposed rehabilitated building. The electrical service line is being improved along Enterprise Street. The project may require subsurface work to connect to the new electrical service line. Rehabilitation of the remaining utilities is not being proposed as part of this project.

RECEIVING ENVIRONMENT
Describe the site, including any impacts on the receiving environment:
This project involves the re-habilitation of former military personnel quarters designed as 20 temporary housing units. The building is located at TMK: (1) 9-1-013:024 (por). The proposed project will rehabilitate the existing 20 units into 18-20 studio units. The surrounding area can be characterized as mixed-use. Several nearby buildings have also been converted to transitional housing. There is a private K-12 school and a joint civilian-military airfield located less than 0.25 miles away.
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ENVIRONMENTAL ANALYSIS
I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

- ☒ 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

Not Applicable

Comments/summary of impact analysis:

The project’s primary purpose is to rehabilitate an existing building to provide housing for native Hawaiian beneficiaries in need of housing and shelter. The site is suitable for the proposed use and there are no adverse health or environmental conditions. 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 Urban by the State Land Use, Industrial DHHL and zoned F-1 by the City and County of Honolulu. The project actions are consistent with activities allowed on lands with these designations.

The project is within 15,000 feet of a military airport or within 2,500 of a civilian airport. However, it is not within an APZ or RPZ/CZ. The closest airport is the Kalaeloa Airport (JRF) approximately 0.25 miles away. JRF is a joint civil-military regional airport of the State of Hawaii that is part of the State of Hawaii Airport System and is owned and operated by the State of Hawaii Department of Transportation (DOT). The project is in compliance with Airport Hazards requirements. The project is in compliance with Airport Hazards requirements.
The project is modernization or minor rehabilitation of an existing residential property. A preliminary noise screening was performed, and found the following: The project is within 3 miles of JRF, adjacent to Enterprise Street. Based on the airport’s day/night average sound level (Ldn) map, project is located outside area of impact for airport noise. A cumulative noise impact assessment resulted in combined day/night noise level for the project site of approximately 57 decibels, below the sound level maximum as described in HRS §342F-31.5.

The EJSCREEN Report done to evaluate environmental justice issues for the one-mile ring surrounding the project sites as provided by the DOH notes that the project site rates high in four of the eleven environmental indexes for State, EPA region, and national percentiles, lead paint, superfund proximity, RMP proximity, and wastewater discharge indicator. This is likely due to its proximity to the Kalaeloa Airport, as well as the former military facilities at Kalaeloa Barbers Point. The report also notes that there are currently no Superfund sites, and one hazardous waste treatment, storage, or disposal facility (TSDF) located within the EJSCREEN search area. The proposed residential rehabilitation is in line with the DHHL’s ability to carry out their core mission, which is to manage the Hawaiian Home Lands trust effectively and to develop and deliver lands to native Hawaiians, while partnering with others towards developing self-sufficient and healthy communities. The long-term result will enhance the social fabric and well-being of West O‘ahu to positively contribute to Hawaii’s social and economic well-being. As such the notion of environmental justice has been evaluated and the project is not anticipated to create discrimination or isolation of minority or low-income individuals based on the siting or purpose of the project.

MITIGATION
Describe all mitigation measures and best management practices planned to address impacts during the project activities and after project completion:
DHHL, the lessee, and their respective contractors shall comply with all County, State, and Federal permit, and approval requirements.

The project will generate short-term construction related fugitive dust and noise impacts during construction. Best management practices need to be employed to reduce dust emissions. DHHL, the lessee and their respective contractors shall comply with HAR §11-46 relating to community noise control.

The Hawaiian hoary bat (Lasiurus cinereus semotus) roosts in woody vegetation across all islands and will leave their young unattended in trees and shrubs when they forage. If trees or shrubs 15 feet or taller are cleared during the pupping season, June 1 through September 15, there is a risk that young bats could inadvertently be harmed or killed, since they are too young to fly or move away from disturbance. Hawaiian hoary bats forage for insects from as low as 3 feet to higher than 500 feet above the ground and can become entangled in barbed wire used for fencing.
To avoid and minimize impacts to the endangered Hawaiian hoary bat the following mitigation measures will be taken:

- Woody plants greater than 15 feet tall will not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15).
- Barbed wire will not be used for fencing.

If any human remains or funerary material are discovered during ground disturbing activities, all activity in the immediate area must stop. The State Historic Preservation Division (SHPD) and County Police shall be called. Work in the area may resume only after SHPD and County Police authorize activity in the area.

Comply with recommendations by SHPD.

**CONSULTATION**

The following parties have been consulted about this project:

State Historic Preservation Division, (HICRIS project # (2021PR00116) February 3, 2021
US Fish and Wildlife Services February 4, 2021
Office of Hawaiian Affairs (OHA) February 5, 2021
Nanakuli Housing Corporation February 5, 2021
Malu’ōhai Residents Association February 5, 2021
Kapolei Community Development Corporation February 5, 2021
Sovereign Council of Hawaiian Homestead Associations February 5, 2021
Association of Hawaiians for Homestead Lands February 5, 2021
Ahupua’a o Nanakuli Hawaiian Homestead February 5, 2021
Kānehili Community Association February 5, 2021
Kaupe’a Homestead Association February 5, 2021

Information from the following agencies was collected from their digital reference materials between January 25 and February 13, 2021.

County- Department of Planning and Permitting
State- Department of Agriculture
Department of Land and Natural Resources
Department of Health, Clean Water Branch
Federal- U.S. Census Bureau
USDA, National Resources Conservation Service
Federal Emergency Management Agency
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.

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

3/10/21

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-
- Figure-Regional Location Map
- Figure-Project Site
- Figure- DHHL’s Land Use Designations- (O‘ahu Island Plan- Figure 5.5)
- Figure- State Land Use Districts
- Figure- City and County of Honolulu Zoning
- Figure- Agriculture Lands of Importance to the State of Hawai‘i
- Figure- Critical Habitats
- Figure- Surface Water
- Figure- Special Management Area
- Figure- 3.2-ft Sea Level Rise Exposure Area
- Figure- Tsunami Evacuation Zone
- Figure- Flood Hazards
### LEGEND

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**City and County of Honolulu Zoning**

**Yorktown**

Source: City & County of Honolulu, 2021. GIS Division. Base map.

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.
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- Project Site
- Sea Level Rise Exposure Area (3.2 ft)

3.2-ft Sea Level Rise Exposure Area

Source: DOI/CCD; Photo: Inc., 2017, SRI; Reina Benaquista.
Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretation or within special areas.
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FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND
(Note: legend does not correspond with map)

SPECIAL FLOOD HAZARD AREAS (SFHA) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 0.2% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

- Zone A: No BFE determined.
- Zone AE: BFE determined.
- Zone AH: Flood depths of 1 to 3 feet (usually areas of pending); BFE determined.
- Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depth determined.
- Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
- Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
- Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

- Zone X (ineluded): Areas of 0.2% annual chance flood. Areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- Zone D: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS
- Zone D: Untilled areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase apply, but coverage is available in participating communities.

Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the inaccuracy, completeness, and timeliness of any information contained in this report. Users of this information are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use or reliance on this information.

If this map has been identified as "PRELIMINARY", please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.