

DEPARTMENT OF HAWAIIAN HOME LANDS
Planning Office

May 26, 2021

TO: Stewart Matsunaga, Land Development Division
Richard Speer, Land Development Division

THROUGH: Andrew C. Choy, Acting Planning Office Manager *AC*

FROM: Malia Cox, Planning Office *MC*

SUBJECT: Land Development Division, Waiokeola Stream and Drainage Channel
Improvements, Waimānalo, Ko'olaupoko, O'ahu Exemption from HRS Chapter
343 Environmental Assessment Preparation (PO-21-129)

The Planning Office is transmitting a copy of the HRS Chapter 343 Exemption Declaration for the Land Development Division, Waiokeola Stream and Drainage Channel Improvements. 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 Development Division (LDD). The HRS Chapter 343 Exemption Declaration is documentation of compliance with HRS Chapter 343, should the project receive final approval from the LDD. As such, a copy of this HRS Chapter 343 Exemption Declaration should be kept in the respective files for the LDD.

DEPARTMENT OF HAWAIIAN HOME LANDS
Planning Office

May 26, 2021

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

THROUGH: Andrew H. Choy, Acting Planning Program Manager *AC*

FROM: Malia Cox, Planner *MC*

SUBJECT: Land Development Division, Waiiokeola Stream and Drainage Channel
Improvements, Waimānalo, Ko'olaupoko, O'ahu Exemption from HRS Chapter 343
Environmental Assessment Preparation (PO-21-129)

Recommended Action

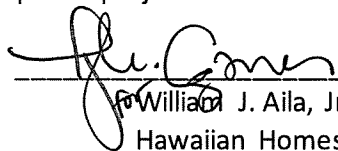
That the Chairman exempt Land Development Division, Waiiokeola Stream and Drainage Channel Improvements from preparation of an environmental assessment per HRS Chapter 343.

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 Development Division, Waiiokeola Stream and Drainage Channel Improvements 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.

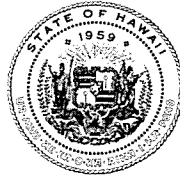
Concur



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

Attachments

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

JOSH GREEN
L.T. GOVERNOR
STATE OF HAWAII

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

TO: 1. Agency-Maintained Public Files for Chapter 343 HRS Exemption Determinations
2. Office of Environmental Quality Control

FROM: Chairman of the Hawaiian Homes Commission

SUBJECT: Exemption Notice for Land Development Division, Waiiokeola Stream and Drainage Channel Improvements, Waimānalo, Ko‘olaupoko, O‘ahu (reference-file # PO-21-129)

DATE: May 26, 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.

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 April 6, 2021.

- Part I: De Minimis Activities¹
- Exemption List Type 1.
- Item Number 10.
- Applicable language from the exemption list:

Part I, Type 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

10. Clearing of earth berms, drainage swales, culverts, stream banks, and streams including, but not limited to streams with direct outlet to the ocean
 - a. Routine maintenance and removal of dirt, rock, debris, and accumulated boulders from canals, streams, and flood-control debris basins and

¹ The proposed action is an exempt activity listed in part I of DHHL's approved exemption list. Due to the scale and coordination requirements DHHL has determined that the action is not considered de minimis and requires an exemption declaration.

debris/catchment structures where such removal will not have an adverse impact on downstream waters, bays, or the environment
b. Vegetation clearing from streams, improved and unimproved drainage ditches, or swales. Work may involve removing and cutting of debris, brush, grasses, and trees

DESCRIPTION OF ACTION

Proposing Agency or Applicant: DHHL, Land Development Division

Project Name & Address/Location: Waiokeola Stream and Drainage Channel Improvements, Waimānalo, Ko'olaupoko, O'ahu

Anticipated Start Date: 6/1/2021

Anticipated End Date: 1/31/2022

Island and District: O'ahu Ko'olaupoko

Tax Map Key(s) and other geolocation means: (1)4-1-008:001

All Necessary Permits and Approvals:

- City and County of Honolulu Environmental Services,
- City and County of Honolulu- Grubbing and Grading Permit
- Army Corps of Engineers, Jurisdictional Determination- received 4/29/20
- Department of Land and Natural Resources (DLNR), Commission on Water Resource Management-Stream Channel Alteration Permit- received 2/10/21
- DLNR- State Historic Preservation Division Chapter 6E-8 Historic Preservation Review

NARRATIVE

Describe the action and why it qualifies for the exemption:

The proposed action will involve the repair, replacement, and stabilization of approximately 3,000 linear feet of 30 -foot-wide existing earthen drainage swale. A drainage analysis was completed for the existing Waiokeola Stream and drainage channel that have experienced sediment buildup and erosion, leading to serious flooding and erosion along the stream and drainage channel. The proposed action will allow the existing Waiokeola Stream and drainage channel to adequately discharge the storm water runoff. The drainage channel will not be widened, or re-directed. All actions proposed are within the existing drainage channel.

The existing AREA 1 (Sta 0+00 to Sta 5+00 Baseline A) steam channel shall be re-graded to a constant 2.5% slope that will allow the stream channel to function more efficiently with a constant velocity and a consistent flow. The existing AREA 2 (Sta5+00 to Sta 8+00 Baseline A) drainage channel shall be regraded to a constant 6.0% slope that will allow the channel to function more efficiently with a constant velocity and a consistent flow. The existing AREA 3 (Sta 0+00 to Sta 22+00 Baseline B) channel shall be re-graded to a constant 0.5% slope along with the installation of a concrete swale that will allow the channel to function at a minimum velocity and a consistent flow. Sediment and debris shall be removed from the existing stream and drainage channel areas, and from the 15'-0"x3'-6" concrete box culvert at Waiokeola Street. Once the existing stream and drainage channels are re-graded at constant channel slopes (2.5% for AREA 1, 6.0% for AREA 2, and 0.5% for AREA 3), the stream and drainage

channel areas shall be stabilized using riprap and/or other erosion control measures to prevent erosion of the existing stream and drainage channels and channel banks.

RECEIVING ENVIRONMENT

Describe the site, including any impacts on the receiving environment:

The proposed action will occur within the existing Waiokeola stream/drainage channel adjacent to approximately 20 residential Hawaiian homestead lots in Waimānalo.

ENVIRONMENTAL ANALYSIS

I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

	Not Applicable
<input checked="" type="checkbox"/> Land Use and Zoning Conformance	<input type="checkbox"/>
<input checked="" type="checkbox"/> Traffic (Vehicles, Bicycles, Pedestrian)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Infrastructure (Roads, Buildings, Utilities)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Air Quality Pollutant Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Noise Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Solid, Hazardous, and Liquid Waste Management	<input type="checkbox"/>
<input checked="" type="checkbox"/> Social	<input type="checkbox"/>
<input checked="" type="checkbox"/> Economic	<input type="checkbox"/>
<input checked="" type="checkbox"/> Health and Safety	<input type="checkbox"/>
<input checked="" type="checkbox"/> Recreation	<input type="checkbox"/>
<input type="checkbox"/> Public Beach Access	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cultural Resources and Practices	<input type="checkbox"/>
<input checked="" type="checkbox"/> Visual/Aesthetic	<input type="checkbox"/>
<input checked="" type="checkbox"/> Environmental Justice	<input type="checkbox"/>
<input checked="" type="checkbox"/> Rare, Threatened, and/or Endangered Species	<input type="checkbox"/>
<input checked="" type="checkbox"/> Surface and Ground Water Resources	<input type="checkbox"/>
<input checked="" type="checkbox"/> Wetlands	<input type="checkbox"/>
<input checked="" type="checkbox"/> Floodplains	<input type="checkbox"/>
<input checked="" type="checkbox"/> Riparian/Coastal Resources	<input type="checkbox"/>
<input type="checkbox"/> Other	<input type="checkbox"/>

Comments/summary of impact analysis:

The primary purpose of the project is to restore existing flood control structures to provide flood protection to the surrounding homesteads. It will not change the any existing uses. The project site is located outside of any floodplains, 3.2-foot sea-level-rise exposure area, special management area as well as habitat for threatened, rare and/or endangered species. The western portion of the project site (approximately 450 linear feet) is proposed within an area identified as an existing fresh water emergent wetland feature by USFWS National Wetlands Inventory Maps (NWI) based on remote, ortho-imaging, a portion of the project area was assigned an inferred classification. On January 28, 2020, DHHL consulted with the Honolulu District, U.S.

Army Corps of Engineers (Corps) to determine if a Department of Army (DA) permit was required for fill or grading. The Corps responded in a letter dated, April 29, 2020 (POH-2020-00030) that the proposed actions did not require a DA permit. The letter stated, "*The Waiokelola Drainage Channel within the area of review does not include a water of the U.S., including wetlands or navigable waters of the U.S.... Therefore, a DA permit under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 is not required.*"

Most of the project site is designated as Urban, with the remaining designated as Agriculture by the State Land Use Board. The project is located within DHHL's General Agriculture Land Use designation and the City and County of Honolulu's AG-2 zoning. The actions proposed are 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:

- DHHL, and its contractors shall comply with all County, State, and Federal permit, and approval requirements
- Utilize only herbicides approved for aquatic use.
- Obtain C&C- grubbing and grading permits.
- Due to the proximity to the shoreline protection of Hawaiian seabirds, Hawaiian petrel (*Pterodroma sandwichensis*), Threatened Newell's shearwater (*Puffinus auricularis newelli*), and Endangered Hawaii Distinct Population Segment of the band-rumped storm petrel (*Oceanodroma castro*) is necessary. Hawaiian seabirds may traverse the project area at night during the breeding season (March 1 to December 15). Outdoor lighting could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may become exhausted and collide with nearby wires, buildings, or other structures or they may land on the ground. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable. To avoid and minimize potential project impacts to seabirds, the following applicable measures will be taken:
 - All outdoor lights will be fully shielded so the bulb can only be seen from below bulb height and only used when necessary.
 - Nighttime construction will be avoided during the seabird fledging period, September 15 through December 15.
- The project may generate short-term fugitive dust and noise impacts during construction of structural controls and during vegetative management. Best management practices need to be employed to reduce dust emissions. Additionally, DHHL and its contractors shall comply with HAR §11-46 relating to community noise control.

- All activities should include erosion control and other best management practices to reduce/eliminate pollution generating activities from impacting the project site and the surrounding areas.
- 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.

CONSULTATION

The following parties have been consulted about this declaration exemption (Name, affiliation, consultation date):

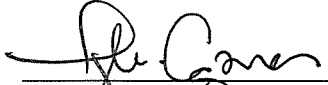
Honolulu District, U.S. Army Corps of Engineers-Response received 4/29/20, POH-2020-00030
Department of Land and Natural Resources, Commission of Water Resources- response received 2/10/21, RFD.5578.3

Information from the following agencies was collected from their digital reference material from May 5, 2021 through May 19, 2021.

County- Department of Planning and Permitting
Department of Facility Maintenance
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
U.S. Fish and Wildlife Service

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.


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

05.10.21

Date

Attachments:

- Figure-Location Map
- Figure- Example Cross Section (F-F STA 2+50)
- Figure- DHHL's Land Use Designations- (O'ahu Island Plan- Figure 7.3)
- Figure- State Land Use Districts
- Figure- City and County of Honolulu Zoning
- Figure- Land Study Bureau
- Figure- Agriculture Lands of Importance to the State of Hawai'i
- Figure- Critical Habitats, Wetlands & Flood Hazards
- Figure- Special Management Area & 3.2-ft Sea Level Rise Exposure Area

- 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*.

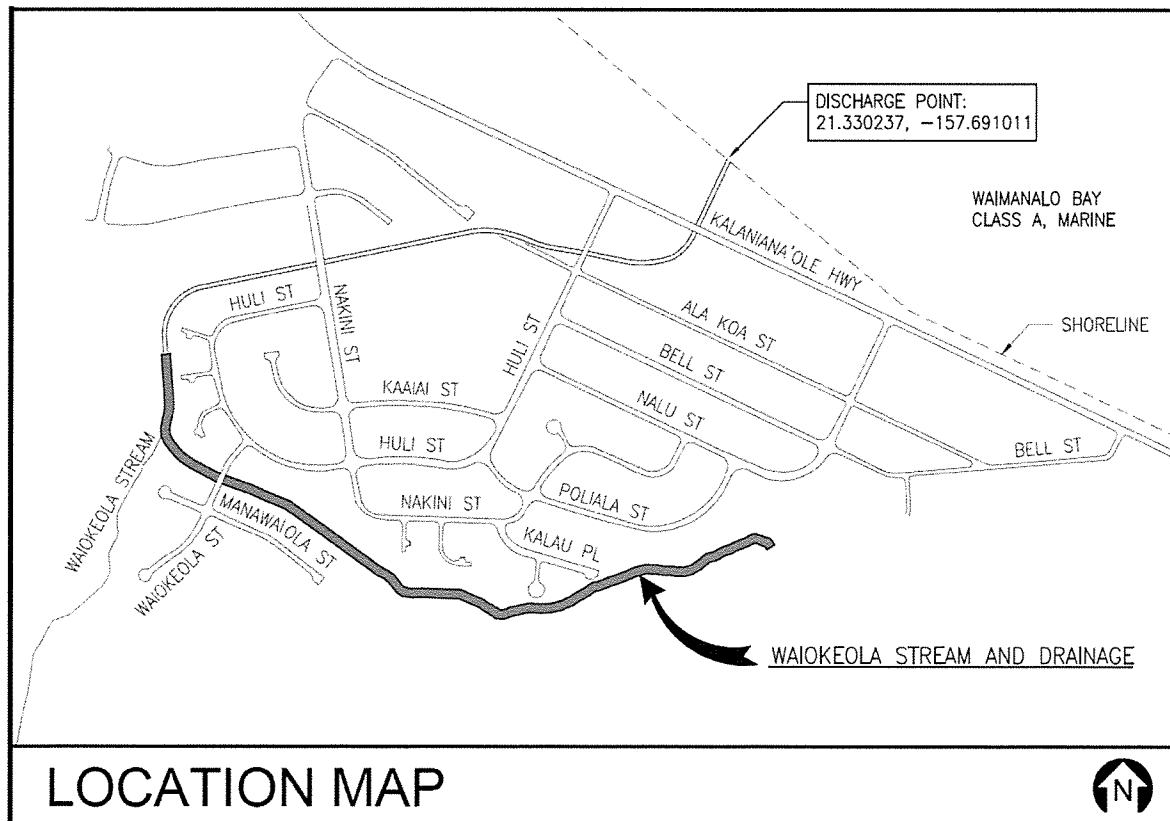


Figure- Location Map

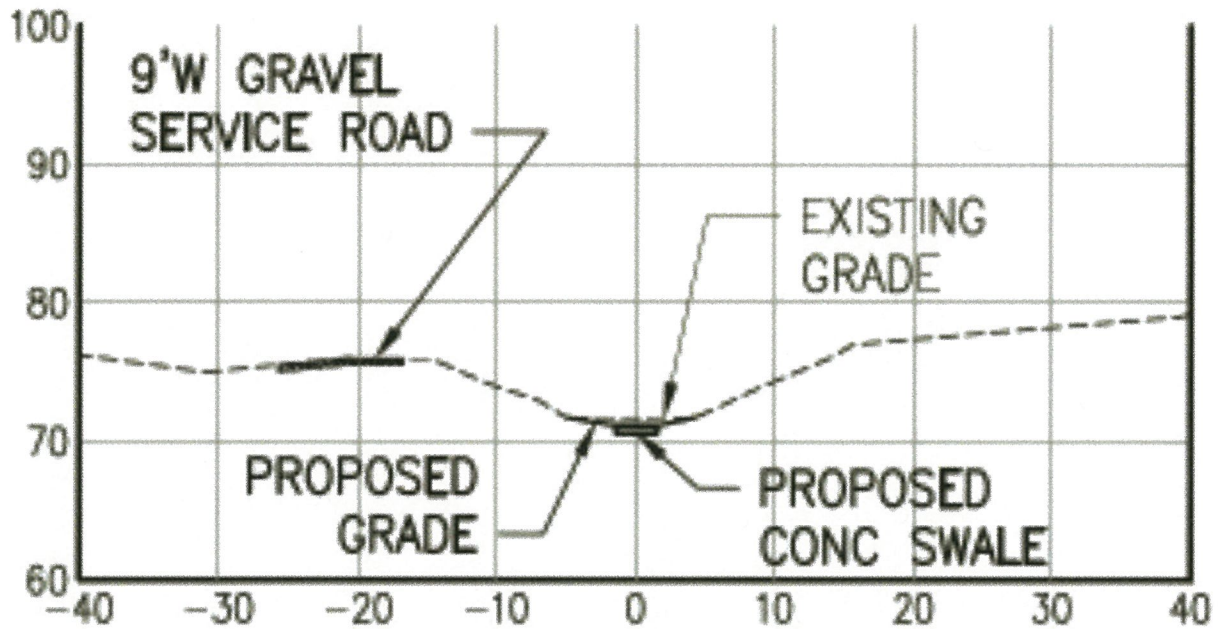


Figure- Example Cross Section (F-F STA 2+50)

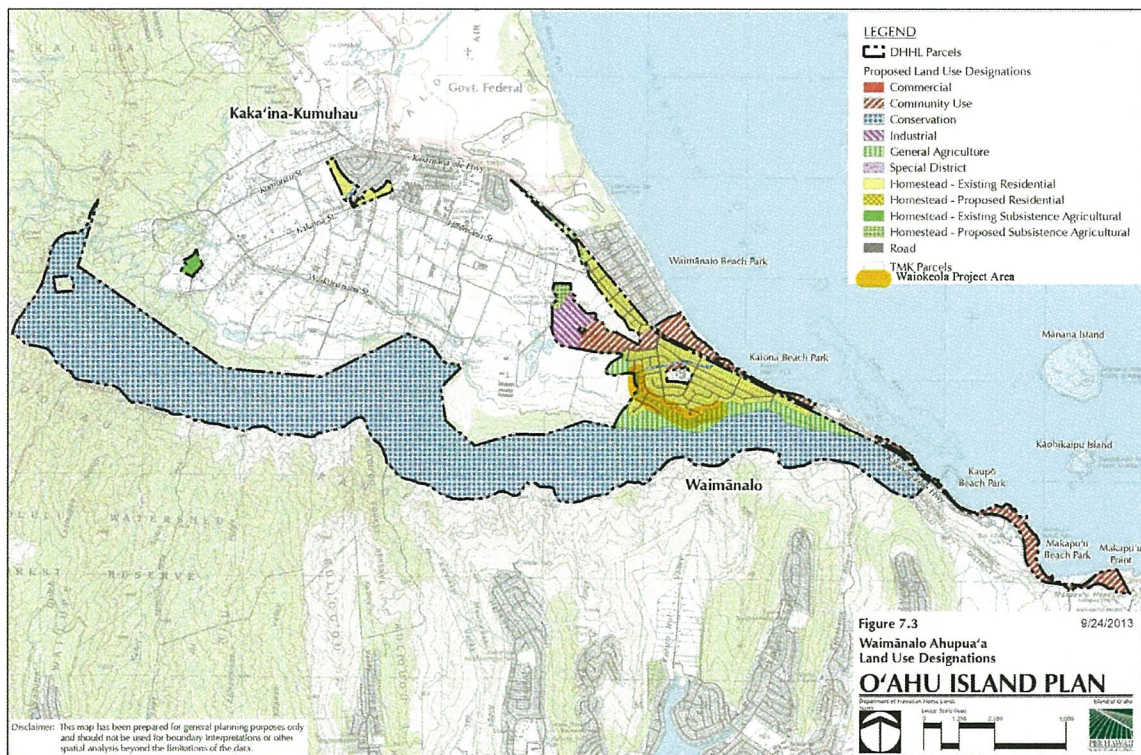


Figure- DHHL's Land Use Designations- (O'ahu Island Plan- Figure 7.3)



Figure- State Land Use Districts

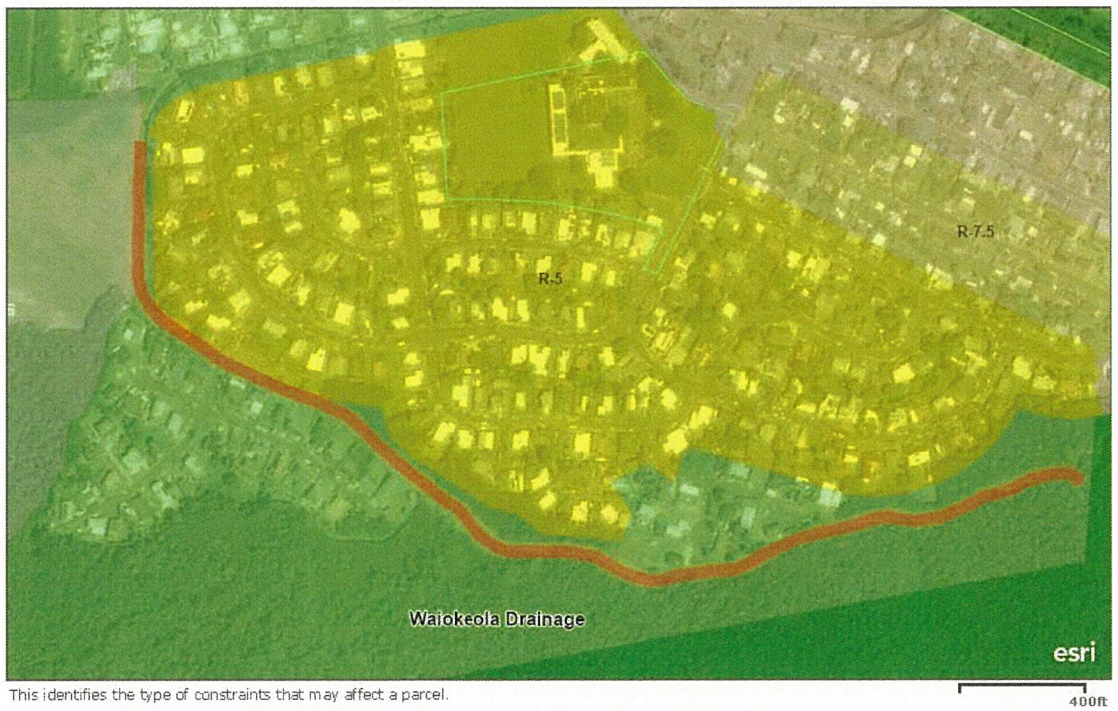
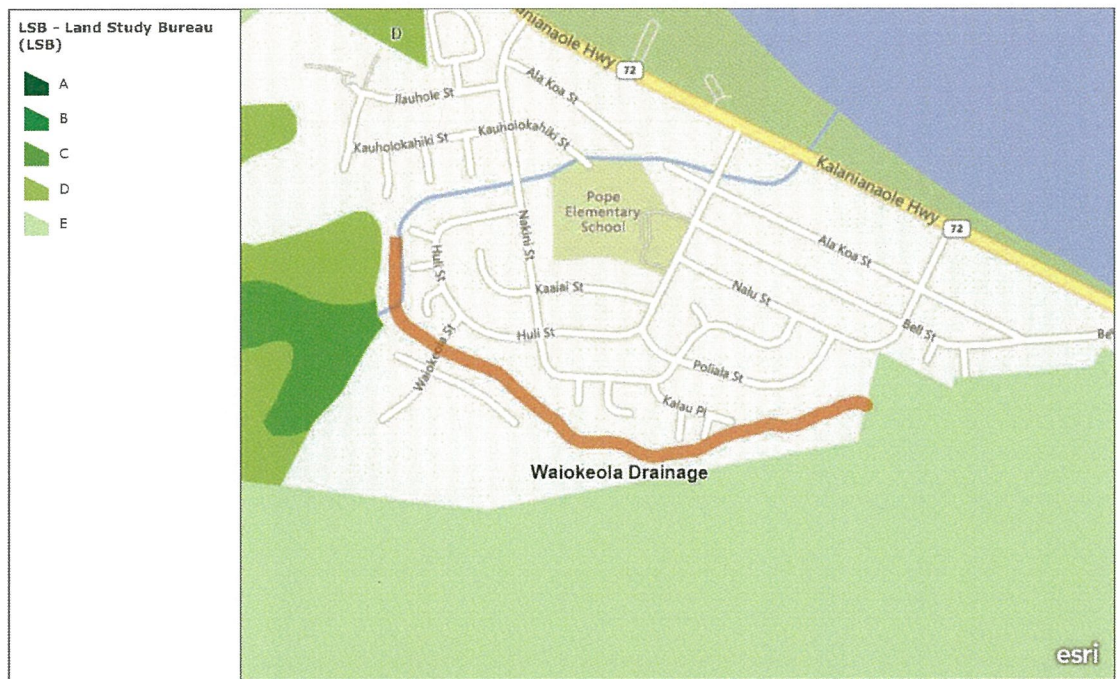


Figure- City and County of Honolulu Zoning



This identifies the type of constraints that may affect a parcel.

600ft

Figure- Land Study Bureau



This identifies the type of constraints that may affect a parcel.

600ft

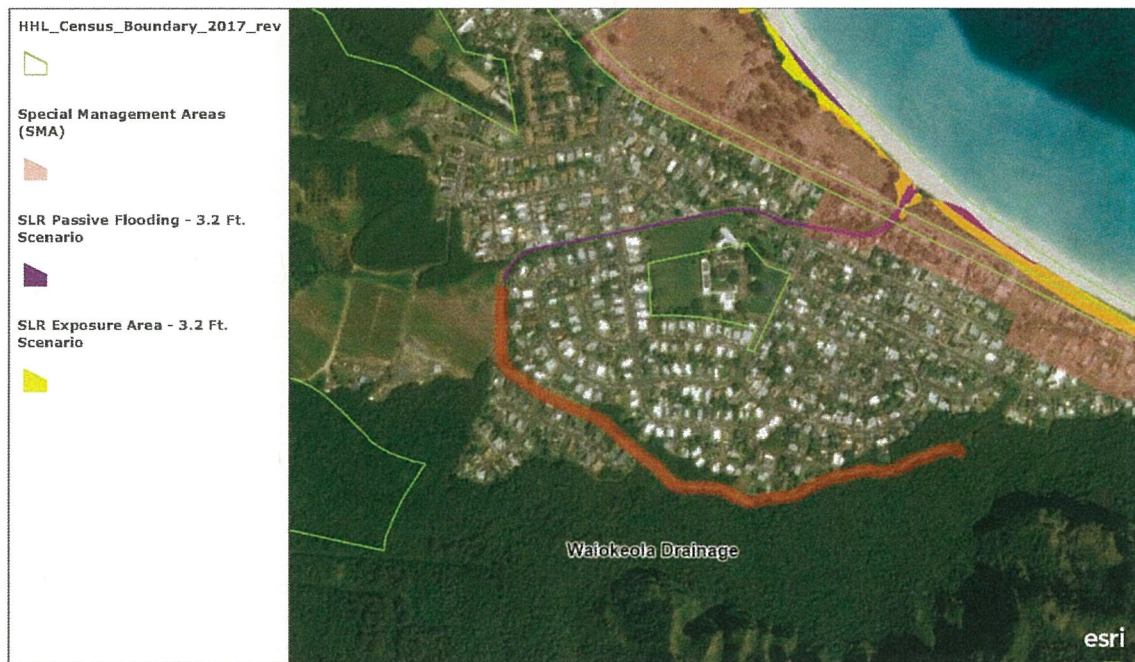
Figure- Agriculture Lands of Importance to the State of Hawai'i



This identifies the type of constraints that may affect a parcel.

0.3mi

Figure- Critical Habitats, Wetlands & Flood Hazards



This identifies the type of constraints that may affect a parcel.

600ft

Figure- Special Management Area & 3.2-ft Sea Level Rise Exposure Area