

OEQC BULLETIN



GEORGE R. ARIYOSHI
GOVERNOR

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DIRECTOR

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

Vol. II

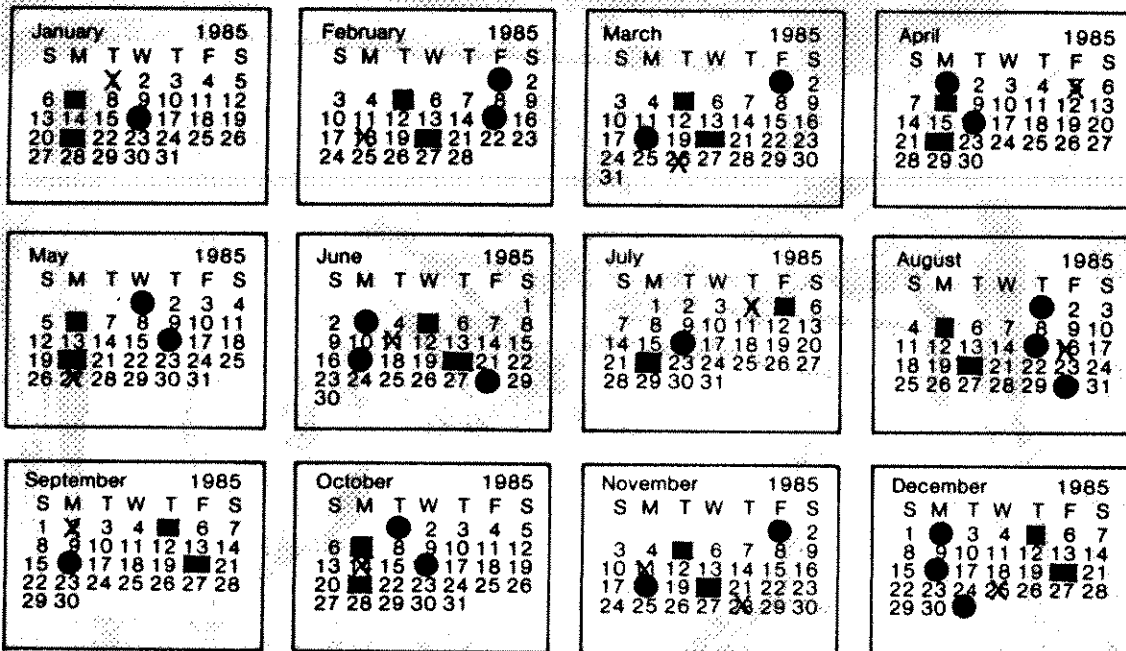
January 8, 1985

No. 01

REGISTER OF CHAPTER 343, HRS DOCUMENTS

To preparers of Chapter 343, HRS documents, a calendar of deadline dates for your information and use. HAPPY NEW YEAR!!

1985 CALENDAR



● Negatives and Prep. Notices due

■ Official receipt days for EISs

X Holidays

EIS PREPARATION NOTICES

The following proposed actions have been determined to require an environmental impact statement. Anyone can be consulted in the preparation of the EIS by writing to the listed contacts. 30 days are allowed for requests to be a consulted party.

SEWER TUNNEL RELIEF PROJECT, HONOLULU, OAHU, City and County of Honolulu Dept. of Public Works

Previously published December 23, 1984.

Contact: Mr. Edward Arakawa
Division of Wastewater
Management
Department of Public Works
City and County of Honolulu
Honolulu Municipal Building
650 South King Street,
14th Floor
Honolulu, Hawaii 96813

Deadline: January 22, 1985.

DEVELOPMENT OF AN INDUSTRIAL PARK AT KAPAA VALLEY, KAILUA, KOOLAUPOKO, OAHU, Michael C. Baldwin Trust, et. al./City and County of Honolulu Dept. of Land Utilization

Previously published December 23, 1984.

Contact: Mr. Bernard P. Kea
Community Planning Inc.
700 Bishop Street, Suite 608
Honolulu, Hawaii 96813

Deadline: January 22, 1985.

NEGATIVE DECLARATIONS

The following are Negative Declarations or determinations made by proposing or approving agencies that certain proposed actions will not have significant effects on the environment and therefore do not require EIS's (EIS Reg. 1:4p). Publication in the Bulletin of a

Negative Declaration initiates a 60-day period during which litigation measures may be instituted. Copies are available at 25 cents per page upon request to the Office. Written comments should be submitted to the agency responsible for the determination (indicated in project title). The Office would appreciate a copy of your comments.

OAHU

PROPOSED 1.0 MILLION GALLON LULUKU "500" RESERVOIR, KANEOHE, KOOLAUPOKO, OAHU, City and County of Honolulu Board of Water Supply

The proposed project is the construction of a 1.0 million gallon reservoir to increase the storage capacity of the Kaneohe high service system which is supplied mainly with tunnel sources. The reservoir will allow water from well sources to be pumped into the reservoir and to be utilized for developments in the high service areas extending above the 272 ft. elevation. The reservoir will be approx. 96 ft. in diameter, with a height of about 23 ft., and constructed of reinforced concrete. The project also includes site grading and preparation, construction of an access road to the reservoir site from Likelike Hwy., and installation of approx. 4,150 lineal ft. of 16-in. diameter transmission main connecting the reservoir to the existing system. The total area affected by this project is approx. two acres. The proposed project site is located approx. 200 yds. west of Likelike Hwy. This 1.0 million gallon reservoir will occupy 2+ acres of land presently designated as conservation by the State Land Use Commission. The lands are now owned by Iolani School. The proposed reservoir will bring storage capacity up to the Board's standards and provide a back up to the tunnel sources. This is consistent with the Board of Water Supply's policy of providing proper water supply management and achieving the best use of the groundwater resources.

WAIPAHU INTERMEDIATE SCHOOL FENCING FOR
SPECIAL EDUCATION BUILDING, WAIPAHU,
OAHU, Dept. of Accounting and General
Services for the Dept. of Education

This project is to install approx. 530 linear ft. of 4 ft. high fencing behind Special Education Building S, Waipahu Intermediate School, located at 94-455 Farrington Hwy. Since the project will be constructed within the existing school campus, no land will be removed from the tax base. The project will provide a secure outdoor area to operate the Special Education program in accordance with the Educational Specifications.

LANAKILA ELEMENTARY SCHOOL SECURITY
FENCING AND DRIVE GATES, HONOLULU, OAHU,
Dept. of Accounting and General Services
for the Dept. of Education

This project is to install 3 drive gates and approx. 1,000 ft. of 6-ft. high chain link fence within the existing school campus. The project will provide such needed security to minimize vandalism to the school. The estimated cost of construction of \$35,000.

MAUKA LANI ELEMENTARY SCHOOL RETAINING
WALL, MAKAKILO, OAHU, Dept. of
Accounting and General Services for the
Dept. of Education

This project is to construct a retaining wall near the main entryway to Mauka Lani Elementary School. The wall will be approx. 6 ft. high and 120 ft. long. The project will prevent water runoff and the deposition of mud onto the parking lot area. Since the project will be constructed within the existing school campus, no land will be removed from the tax base. The estimated cost of construction is \$52,000.

EWA BEACH ELEMENTARY SCHOOL CHAIN LINK
FENCE, EWA BEACH, OAHU, Dept. of
Accounting and General Services for the
Dept. of Education

This project is to install approx. 460 linear ft. of 6 ft. high chain link fence between Ewa Beach Elementary School and Ewa Beach Shopping Center. Since the project will be constructed within the existing school campus, no land will be removed from the tax base. The project will provide security for the school.

WILSON ELEMENTARY SCHOOL PARKING LOT
DRIVEWAY, KAHALA, OAHU, Dept. of
Accounting and General Services for the
Dept. of Education

This project is to construct an additional driveway for an existing parking lot. The driveway will be approx. 3,600 sq. ft. and will include loading and unloading areas. The project will be constructed within the existing school campus and will correct a hazardous situation at the school.

WAHIAWA ELEMENTARY SCHOOL CHAIN LINK
FENCING, WAHIAWA, OAHU, Dept. of
Accounting and General Services for the
Dept. of Education

The project is to install approx. 500 linear ft. of 6 ft. high chain link fence along the property line on the northeast corner of Wahiawa Elementary School. The estimated cost of construction is \$15,000. Since the project will be constructed within the existing school campus, no land will be removed from the tax base. The project will provide a security barrier between the school and neighboring residents to minimize vandalism of the school and residences.

NIU VALLEY INTERMEDIATE SCHOOL EXPANSION
AND RENOVATION OF LIBRARY, NIU VALLEY,
OAHU, Dept. of Accounting and General
Services for the Dept. of Education

The project consists of the design and construction of a 1060 sq. ft. expansion to the existing library at Niu Valley Intermediate School. This expansion is

the second phase of a previous expansion project. The proposed library expansion will provide the school with additional library space to implement its program in accordance with the Educational Specifications. The estimated \$132,000 project will be constructed entirely within the existing school campus.

PEARL CITY HIGH SCHOOL ATHLETIC COMPLEX,
PEARL CITY, OAHU, Dept. of Accounting
and General Services for the Dept. of
Education

The project is to construct a 5,000 seat concrete bleacher including fencing, ticket booth, broadcast booth with movie platform, restrooms, and storage; a sprinkler system and a scoreboard within the existing campus of Pearl City High School. The \$1,011,000 project will provide the school with much-needed facilities to accommodate the athletic program in accordance with the Educational Specifications.

CAMPBELL HIGH SCHOOL SECURITY SCREENS
AND CHAIN LINK FENCING, EWA BEACH, OAHU,
Dept. of Accounting and General Services
for the Dept. of Education

The project consists of the installation of security screens for the exterior 1st floor windows of Building G and 1150 linear ft. of 4 ft. high chain link fence for the front of the school campus. The proposed chain link fence will be installed between North Rd. and the school campus. The estimated \$50,000 project will provide the school with much-needed improvements to secure its campus and a building from unauthorized entries.

CONSTRUCTION OF A NEW OFFICE ANNEX FOR
THE PACIFIC BEACH HOTEL, WAIKIKI SPECIAL
DESIGN DISTRICT (WSDD), WAIKIKI, OAHU,
Pacific Beach Hotel/City and County of
Honolulu Dept. of Land Utilization

This is an amendment to a negative declaration previously published in the November 8, 1984 OEQC Bulletin. Additional information has been provided in "III. Areas Requiring Further Study" regarding archaeological resources. Although the subject parcel is not listed on the State or National Register of Historic Sites, there may be significant subsurface archaeological resources on the parcel. Considering that a significant amount of excavation is proposed to accommodate a basement level, further study of archaeological resources is necessary and to be required as a condition of the Waikiki Development Conformance Certificate.

MAUI

BACKUP IMPROVEMENTS FOR KAHULUI HARBOR,
PIER 2, KAHULUI, MAUI, State Dept. of
Transportation, Harbors Division

The proposed project consists of demolishing four wooden buildings on the site and clearing and grubbing the area in preparation for pavement construction and installation of fencing and gates for security. The proposed improvements will remove the old wooden buildings and clear the area of overgrown weeds and shrubs to open the area for better utilization. There is no planned landscaping except saving some coconut trees on the site. This recently acquired parcel adjacent to Pier 2 must be improved before it can be utilized as a backup area for short-term storage. This would benefit the shippers, merchants, and consumers of goods being transported through Kahului Harbor. The project location is Kahului Harbor, Maui. The area to be paved is about 150 ft. southwest of the Pier 2 shed. This 0.7 acre, triangular-shaped parcel is wedged between the Pier 2 end of Wharf St., the rockwall revetment and the recently constructed Ota warehouse on Wharf St.

MOLOKAI

ESTABLISHMENT OF PUBLIC BEACH ACCESS
USES WITHIN SEVEN EASEMENTS SITUATED
WITHIN THE STATE CONSERVATION DISTRICT,
PAPOHAKU RANGLANDS SUBDIVISION,
KALUAKOI, MOLOKAI, County of Maui Dept.
of Recreation

7. Easement 165--fronting Beach Access No. 6 (Easement 92) and consisting of 0.20 acre.

Also, within Easement 213, 200, 184, and 175, the following improvements or work are proposed:

1. Minor cleaning, grubbing, selective tree trimming and grading;
2. The installation of 4-1/2 ft. high fencing to consist of 6-in. diameter Kiawe poles set 10 ft. apart with three strands of No. 9 gauge smooth fencing wire. The fencing will be installed along two sides of the easement and will generally extend from the existing paved parking lots along the northern and southern boundaries of the easements.
3. The installation of informational signs, as appropriate.

The purpose for these improvements is to define these public beach accesses and to prevent encroachment onto the adjoining property within the State Conservation District. Presently, Lot 403 and the seven subject easement areas are unimproved and maintained in open space use. There are no structures within these areas. Public access is currently available from Maunaloa Hwy. and Kaluakoi Rd. to the Papohaku Beach Park and six beach accesses abutting the seven subject easement areas within Lot 403. The improvements to the 10.4 acre Papohaku Beach Park include 25 paved parking stalls, a restroom and shower facilities, identification signs, and landscape planting. Each of the six public beach rights of way are improved with 10 paved parking stalls, landscape plantings, identification signs and shower facilities.

HAWAII

The proposal is to establish public recreational beach access uses and to construct related improvements within the State Conservation District and makai of the Papohaku Ranchlands Subdivision at TMK: 5-1-06: por. of 156. The proposed public beach accesses would abut an existing improved public beach park facility and six existing improved public beach access facilities constructed, as part of the Papohaku Ranchlands Subdivision, situated immediately mauka of Lot 403. The County of Maui granted final subdivision approval for the Papohaku Ranchlands Subdivision on September 25, 1984. The proposed public beach accesses within Lot 403 would be confined to the following easements (as shown on Map 19 of Land Court application 1683 dated January 28, 1982):

1. Easement 223--fronting the 10.4 acre Papohaku Beach Park (Lot 399) and consisting of 2.20 acres;
2. Easement 213--fronting Beach Access No. 1 (Easement 116) and consisting of 0.21 acre;
3. Easement 200--fronting Beach Access No. 2 (Easement 108) and consisting of 0.20 acre;
4. Easement 189--fronting Beach Access No. 3 (Easement 102) and consisting of 0.03 acre;
5. Easement 184--fronting Beach Access No. 4 (Easement 100) and consisting of 0.27 acre;
6. Easement 175--fronting Beach Access No. 5 (Easement 95) and consisting of 0.13 acre; and

CONSTRUCTION OF THE 0.1-MG KAWAIHAE RESERVOIR NO. 1 PROJECT, LALAMILO, SOUTH KOHALA, HAWAII, County of Hawaii Dept. of Water Supply

The project consists of constructing a 0.10 million gallon (MG) reinforced concrete reservoir, installing connecting waterlines and appurtenances, landscaping, grading and installing a chain link fence. The proposed reservoir site, TMK: 6-6-01:05 (portion) contains approx. 32,000 sq. ft. It is located along Kawaihae Rd., approx. 0.44 mile east of the Kawaihae-Kohala Mountain Rd. intersection. The proposed reservoir project floor elevation will be 2,500+ ft., overflow 2515+ ft., height 16+ ft., and diameter 38+ ft. The purpose of the project is to replace the existing Kawaihae Tank No. 1, a 20,000-gal. steel pressure breaker tank with a new concrete reservoir. The new concrete reservoir will serve as a pressure breaker tank as well as a storage reservoir for fire protection. The South Kohala Water System is primarily a surface water supply system fed by the Waikoloa and Kohakohau Streams. The water is treated at the Waimea Treatment Plant and is served to 2 consumption areas: 1) the Puukapu-Nienie section extending from the Waimea Treatment Plant to Hamakua; and 2) the Waimea-Kawaihae section extending westward from the treatment plant to the Kawaihae coast. Flow from the streams vary considerably with weather changes. During periods of low rainfall, the surface sources are not sufficient to meet the demand of the water system. Reliable reservoirs of adequate storage capacity are therefore required to sustain an adequate supply during drought periods. The water system within the Waimea Village area has reservoirs with a combined storage capacity of 128.5-MG. Upon completion of the proposed 0.10-MG reservoir, the total storage capacity of the system will be approx. 128.6 MG. The additional storage will benefit consumers within the service area

extending westward from the Kawaihae-Kohala Mountain Rd. intersection toward the Kawaihae coast.

CONSERVATION DISTRICT USE APPLICATION FOR CONSOLIDATION AND RESUBDIVISION USE AT PUUEO, SOUTH HILO, HAWAII, Mauna Kea Agribusiness, Inc./Dept. of Land and Natural Resources

The applicant proposes consolidation and resubdivision of lands identified as TMK: 2-6-09:1, 3, 12, 14 and 18 at Puueo, South Hilo, Hawaii. The project area encompasses approx. 2,321 acres of land owned by Mauna Kea Agribusiness Co., Inc. located immediately north of Hilo along the Hamakua Coast. The Wailuku River and Waiiau Stream form the southern border of the project site while Pukihae Stream runs along the project site's northern border. The applicant proposes to reconfigure the existing parcels of record such that their geometry and form can be more logically consistent with the physical characteristics of the land and to make all parcels more serviceable and in closer conformance with existing Hawaii County zoning designations. There are 62 existing parcels of record within the project area, many of which are currently inaccessible due to topographic conditions and/or location of existing roadways. Fifty-five of the parcels are substandard in size according to existing County zoning laws. The proposed parcel consolidation plan reconfigures the 62 existing parcels into conforming size lots ranging in size from 20 acres to 560 acres. Topography, access, other physical characteristics and legal factors were the primary considerations utilized in determining the resultant configuration of each parcel. One of the 62 existing parcels falls within the conservation district. Seven lots within the final reconfiguration plan will include portions of conservation districted lands. No actual use or change in use is proposed within the conservation district. The only change proposed will be the repositioning of

property-line boundaries which will occur in map form only. No effect or change in the present physical condition of the conservation land designated Resource (R) subzone will occur.

CONSERVATION DISTRICT USE APPLICATION FOR CONSOLIDATION AND RESUBDIVISION AT PAUKAA, SOUTH HILO, HAWAII, Mauna Kea Agribusiness, Inc./Dept. of Land and Natural Resources

The applicant proposes parcel consolidation and boundary reconfiguration of conservation districted land at Paukaa, South Hilo, Hawaii, identified as TMK: 2-7-03: 32, 34, 83, and 2-7-02: 01, 09. The project area encompasses approx. 1332 acres of land owned by Mauna Kea Agribusiness Co., Inc. and is located 2.3 miles north of Hilo along the Hamakua Coast. Honolii Stream forms the southern border and the old government road runs along the makai portion of the project area. The Paukaa Village community is immediately adjacent to the proposed site. The applicant proposes to reconfigure the existing parcels of record such that their geometry and form can be more logically consistent with the physical characteristics of the land and to make all parcels more serviceable and in closer conformance with existing Hawaii County zoning designations. There are 17 existing parcels of record within the project area, many of which are currently inaccessible due to topographic conditions and/or location of existing roadways. Fifteen of the parcels are substandard in size according to existing County zoning laws. The proposed parcel consolidation plan reconfigures the 17 existing parcels into 15 conforming size lots (greater than 20 acres) and creates 2 substandard lots of approx. 6 acres each. Five of the 17 existing parcels of record include portions of the conservation district. Ten lots within the final reconfiguration plan out of 17 will include portions of conservation districted lands. Topography, access, other physical characteristics and legal

factors were the primary considerations utilized in determining the resultant configuration of each parcel. No actual use or change in use is proposed within the conservation district. The only change proposed will be the repositioning of property-line boundaries which will occur in map form only. No effect or change in the present physical condition of the conservation land designated Limited (L) subzone will occur.

PROPOSED IMPROVEMENTS TO A SINGLE FAMILY DWELLING WITHIN THE TWENTY-FOOT SHORELINE SETBACK AREA, KAILUA-KONA, HAWAII, Wendell K. S. Foo/County of Hawaii Planning Dept.

The proposed project includes the construction of an approx. 700 sq. ft. third story addition and the conversion of the ground level bedroom to covered parking within the existing non-conforming single family dwelling structure (already situated within the minimum twenty-ft. shoreline setback area). The third story addition will not project beyond the existing wall line of the structure. The applicant also proposes to apply new stucco to the existing railings and to construct a new driveway and a new cap to an existing seawall. The property, which is approx. 2,850 sq. ft., is located along Alii Dr., Kahului 1st and 2nd, North Kona, Hawaii, TMK: 7-5-19:16. It is bordered by a single-family residence on the south, a vacant lot on the north, and the ocean on the west. All other adjacent properties are zoned for hotel resort uses.

REGISTER OF SHORELINE PROTECTION ACT DOCUMENTS

The projects listed in this section have been filed with County agencies pursuant to Chapter 205A, HRS as amended, relating to the Special Management Area of each county. For additional information, please call the pertinent county agency:

Hawaii Planning Dept. 961-8288;
Hnl. Dept. of Land Utilization 523-4077;
Kauai Planning Dept. 245-3919;
Maui Planning Dept. 244-7735.

and controlled camping on the site, although no formal plans for these activities have been developed. The project site, identified as TMK 5-6-3:10, consists of dunelands extending from limestone outcrops at the shore to the generally flat terrain of the old Kahuku Airfield. South of the old runway and taxi strips is an area of ironwoods within which would be located the proposed improvements. Alterations and construction within the dunelands would be limited to such measures as required to prevent access by ORV's to Conservation District Lands. The lands are zoned AG-1 and P-1 (City and County of Honolulu) and, with the exception of a narrow strip along the seaward property boundary, are included within the State Agriculture District. The development does not contemplate any major or adverse alterations to the existing land forms on the sites. Proposed site improvements include a ticket office (360 sq. ft.), pavilion and restrooms (3,500 sq. ft.), security cabin (500 sq. ft.), maintenance building (800 sq. ft.), and petrol storage area. The ticket office and parking area accommodating up to 30 cars presently exist on the site. The construction of structures would be limited to areas already cleared of scrub vegetation, and if necessary located outside of the SMA. Structures will be limited to one story in height. Security will be provided on a 24 hour basis to guard against misuse of the land or vehicles. Much of the property would be devoted to use by All-Terrain or Off-the-Road Vehicles, rented on an hourly basis for outdoor recreation. The vehicles have three wheels, 8-1/2 horsepower engines, weigh less than 300 lbs. and are governed to operate at low speeds (maximum 15 mph). The total number of vehicles proposed is 30. The facility would remain open from 9 AM to 6 PM, seven days a week. The surrounding land is in open space and agriculture uses. Most of the area intended for use by ORVs is occupied by the remains of the old Kahuku Airfield constructed around 1940. The seaward portion of the property is within the

DEVELOPMENT OF A 7-LOT RESIDENTIAL
SUBDIVISION WITHIN THE SPECIAL
MANAGEMENT AREA, KAWAILOA, HALEIWA,
OAHU, Donald H. Ikeda and Edgar S. Childs/City and County of Honolulu Dept. of Land Utilization

Negative Declaration

This is an amendment to a previously published proposal for the creation and development of a 6-lot subdivision within the Special Management Area, Kawailoa, Oahu (EQC Bulletin, August 8, 1983).

The applicants propose to subdivide a 59,058 sq. ft. parcel into 7 lots for the development of new single-family dwellings on 6 of the lots. An existing dwelling will remain on one of the lots. The lot containing the existing dwelling will be approx. 24,120 sq. ft. and the remaining 6 lots will range in size from approx. 5,000 to 6,760 sq. ft. The project site is located at 61-284 Ihuwai Pl., approx. 1.0 mile west (towards Haleiwa) of the entrance to Waimea Bay Beach Park. It is identified as TMK: 6-1-11:20 and is entirely within the SMA.

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
THE VENTURE VEHICLES PROJECT WITHIN THE
SPECIAL MANAGEMENT AREA AT KAHUKU, OAHU,
Venture Vehicles/City and County of Honolulu Dept. of Land Utilization

Draft Environmental Impact Statement

The applicant is presently operating a recreational vehicle (ORV) facility on approx. 70 acres of land located off Kahuku Airport Rd. (also called Marconi Rd.), Oahu and plans to establish an outdoor recreational facility centered around ORV rental. Consideration has been given to including horseback riding

State Conservation District. No archaeological sites are located on the property, although dune areas may contain hidden burial or habitation sites. Most of the site was severely altered by construction of the airfield. The significant potential adverse impact would be the destruction of dune vegetation in areas designated by the City and County of Honolulu as P-1 Preservation. Lands within the Conservation District would not be accessible to ORV operators from the Venture Vehicles concern. Noise level measurements and evaluations have been made of the Venture Vehicles operation of recreational vehicles. Based upon the vehicle noise levels and the background noise generated by the surf, it is concluded that the operations will comply with the noise regulations enforced by the Department of Health on Oahu. Public access to Hanaka'ilio Beach may be restricted by the project. With the proposed development, use of the area will be controlled to ensure the protection of the scenic environment, and only the slow moving All-Terrain vehicles will be permitted in the area. These will be excluded from environmentally sensitive areas. Establishment of barriers to unauthorized ORV activities within the Conservation District constitutes a beneficial impact of the project.

Deadline: February 7, 1985.

NEPA DOCUMENT

The following document has been prepared pursuant to the requirements of the National Environmental Policy Act of 1969. Contact the Office of Environmental Quality Control for more information at 548-6915.

SUPPLEMENTAL EIS FOR PROPOSED DESIGNATION OF CRITICAL HABITAT FOR THE HAWAIIAN MONK SEAL IN THE NORTHWESTERN HAWAIIAN ISLANDS, U.S. Dept. of Commerce, National Oceanic and Atmospheric Administration

Supplemental Environmental Impact Statement (SEIS)

Previously published December 23, 1984.

Any written comments or questions on the above document should be submitted to:

E. C. Fullerton
 Director, Southwest Region
 National Marine Fisheries Service
 300 South Ferry Street
 Terminal Island, California 90731

A copy should also be sent to:

Joyce M. T. Wood
 Chief
 Ecology and Conservation District
 Room 6111, PP2, U.S. Department of Commerce
 Washington, D. C. 20230.

Deadline: February 15, 1985.

ENVIRONMENTAL IMPACT STATEMENTS

EIS's listed in this section are available for review at the following public depositories: Office of Environmental Quality Control; Legislative Reference Bureau; Municipal Reference and Records Center (Oahu EIS's); Hamilton Library; State Main Library and the Kaimuki, Kaneohe, Pearl City, Hilo, Wailuku and Lihue Regional Libraries. Statements are also available at State Branch Libraries that are in proximity to the site of a proposed action (indicated by project description).

EIS'S SUBMITTED FOR ACCEPTANCE. The following EIS's have been submitted for acceptance and contain comments and responses made during the review and response period.

FINAL ENVIRONMENTAL IMPACT STATEMENT FOR YACHT HARBOUR PROJECT, WAIKIKI, OAHU, Jack E. Myers/City and County of Honolulu Dept. of Land Utilization

Previously published December 23, 1984.

On December 27, 1984 the applicant submitted an addendum to the Final EIS to the Department of Land Utilization. The Final EIS as revised by the subsequent addendum was evaluated by the Department of Land Utilization for acceptability.

This EIS and the Addendum are also available for review at the Waikiki-Kapahulu Library.

Status: Accepted by the City and County of Honolulu Dept. of Land Utilization on December 31, 1984.

NOTICE

PETITION FOR DECLARATORY RULING

The Petition for Declaratory Ruling on the Makena Rd. abandonment and exchange project was reviewed and acted upon by the Environmental Council at its December 11, 1984 meeting. Having considered the Makena Rd. proposal, the Petition for Declaratory Ruling filed, and the testimony presented, the Environmental Council makes the following ruling:

FINDINGS OF FACT

1. The County of Maui had proposed to abandon a portion of Makena Road, identified as TMK: 2-1-05: por. of road lot, so that the State may include this property in a subsequent exchange of lands with Seibu Hawaii, Inc.
2. By letter dated September 28, 1984, the State Department of Land and Natural Resources authorized Seibu Hawaii, Inc. and/or its agent to process an application with the County of Maui for the subdivision and consolidation of the various State-owned parcels required for the proposed land exchange.

3. The State Department of Land and Natural Resources has contracted for an appraisal report for the proposed exchange and will share the cost equally with Seibu Hawaii, Inc.
4. The State Department of Land and Natural Resources has prepared an environmental assessment on the proposed land exchange and determined that a negative declaration should be filed with the Office of Environmental Quality Control. The negative declaration was filed on December 11, 1984 and includes the portion of Makena Road that is to be abandoned as one of the parcels to be exchanged.
5. The County of Maui has announced its intentions to directly exchange the portion of Makena Road in question for lands owned by Seibu Hawaii, Inc.

CONCLUSIONS

1. Pursuant to Chapter 343-5(a), an environmental assessment is required for actions which "Propose the use of state or county lands" Makena Road is a county-owned parcel. Therefore, if Makena Road is proposed to be used as part of a land exchange, an environmental assessment must be prepared.
2. Whenever an agency proposes to use county lands, that agency shall prepare an environmental assessment for such action at the earliest practicable time to determine whether an environmental impact statement shall be required. "Agency" is defined as "any department of the state or county government which is a part of the executive branch of that government."
3. The situation has changed since the petition was originally submitted in that the County of Maui has announced its intention to exchange the portion of Makena Road directly with Seibu Hawaii, Inc.

RULING

o further administrative actions with regard to this proposed use of county lands should be taken by County of Maui agencies or the Department of Land and Natural Resources until an environmental assessment has been completed by the proposing agency and a determination made and filed with the Office of Environmental Quality Control in accordance with Chapter 343, HRS.