

OEQC BULLETIN



JOHN WAIHEE
GOVERNOR

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

DIRECTOR

VOLUME IV

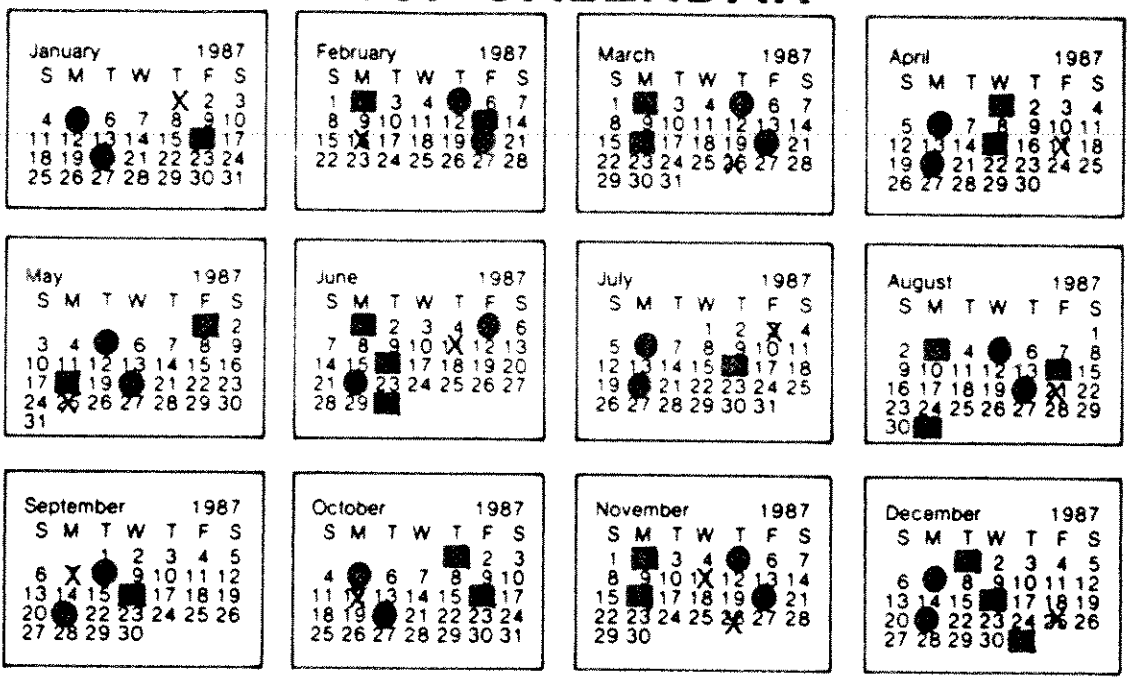
January 23, 1987

NUMBER 2

REGISTER OF CHAPTER 343, HRS DOCUMENTS

 NOTE: The VOLUME IV, NUMBER 01 issue of the OEQC BULLETIN should have been dated January 8, 1987. The calendar printed in the last OEQC BULLETIN contained some errors. Therefore, this is a corrected copy. We apologize for any confusion that may have been caused.

1987 CALENDAR



- Negatives and Preparation Notices due
- Official receipt days for EISs
- X Holidays

(The Bulletin is published on the 8th and 23rd of each month. Negatives and Prep. Notices are due five working days prior to the 8th and 23rd of each month. Draft and final EISs are due on the 5th and 20th of each month; if the 5th or 20th falls on a holiday or weekend, it is due on the next working day.)

If you wish to continue receiving copies of the OEOC BULLETIN, please send a copy of your mailing label to: OFC OF ENVIRONMENTAL QUALITY CONTROL 465 S. KING ST., RM. 104 HONOLULU, HAWAII 96813 Your mailing label must be received by February 17, 1987, in order for you to continue receiving our Bulletin. Send your label in today so that you will not miss any of our issues.

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.

UPPER MAKALEHA SPRINGS WATER RESOURCE DEVELOPMENT, MAKALEHA MOUNTAINS, KAUAI,
Dept. of Land and Natural Resources, Div. of Water and Land Development

The State Dept. of Land and Natural Resources, Div. of Water and Land Development, proposes to tap natural springs in the Makaleha Mountains on the east side of Kauai and to pipe the water to Kapaa for domestic purposes. The project will be located on a 2,335-acre parcel of land owned by the State of Hawaii, designated TMK: 4-6-01:1, which lies almost entirely within the boundaries of Kealia Forest Reserve and the Conservation District, Resource Subzone. This parcel encompasses the southeast quadrant of the Makaleha Mountains and, in particular, the watershed of Makaleha Stream from its origin at the mountain peaks to the Lihue Plantation Co. diversion dam near the million gallon water tank at the end of Kahuna Rd. The Upper Makaleha Springs will be tapped by catching its water in an underground basin and allowing it to flow via pipeline down the valley to Makaleha Tunnel No. 6. There the pipeline will join an existing waterline that supplies the million gallon tank at the end of Kahuna Rd. The underground basin at the springs need not be large--perhaps 2 or 3 thousand gal. in size. To minimize bacterial contamination, the basin should be completely enclosed and nestled close to

the source of the springs at the valley wall. An 8-in. diameter iron pipeline would carry the water away at a hoped-for rate of 500 to 1,000 gal. per min. (0.75 to 1.5 million gal. per day). The pipe would run underground where possible and above ground on pedestals where necessary, down the north edge of the valley. To transport construction materials and equipment up the valley, it will be necessary to cut an access road through the hau thicket. The pipeline and access road would be located as close to the valley wall and as high above the streambed as is practical in order to avoid damage from flash flooding. The exact locations of the basin, pipeline and road can only be determined after a topographic survey has been made.

Contact: Mr. Glenn Yamamoto
Portugal & Associates, Inc.
4334 Rice St., Suite 204
Lihue, Hawaii 96766

Deadline: February 23, 1987.

PACIFIC BASIN CONFERENCE CENTER, MAKAHA VALLEY, OAHU, Honolulu Federal Savings & Loan Assn./City and County of Honolulu Dept. of General Planning

The proposed project involves the development of the Pacific Basin Conference Center on a portion (about 23.5 acres) of the Mauna Olu Subdivision, adjacent to and above the two golf courses serving the Sheraton Makaha Resort and Country Club. Mauna Olu St. and a concrete drainage channel constitute the mauka site boundaries. The mauka area (to the east and northeast) bordering the site consists of the balance of the existing undeveloped Mauna Olu Subdivision (about 186.5 acres). An open space, designated Agriculture on the Development Plan Land

Use Map, lies immediately north and northwest of the project site. The 300 room Conference Center would be specially equipped and staffed to serve the business conference and meetings segment of the lodging and travel industry. Important attributes of a conference center hotel include an environment which minimizes distractions of business attendees, extensive recreation and fitness amenities, and specialized staff and facilities to accommodate both small and large meetings and conferences. Planned facilities include the following:

| | |
|-------------------|------------------------------|
| Hotel Rooms | 300 |
| Parking Spaces | 450 |
| Restaurants | 3 |
| Banquet Rooms | 4 |
| Cocktail Lounges | 2 |
| Auditorium A | 5,000 SF (230 persons) |
| Auditorium B | 3,000 SF (220 persons) |
| Conf. Room A | 2,500 SF (160 persons) |
| Conf. Room B | 1,200 SF (60 persons) |
| Conf. Room C | 1,200 SF (60 persons) |
| Conf. Room D | 900 SF (40 persons) |
| Conf. Room E | 900 SF (40 persons) |
| 19 Breakout Rooms | 100 to 400 SF (5-20 persons) |

The amenities planned include a health club, swimming pool, jogging trails and tennis courts. Existing facilities at the Sheraton Makaha and the two golf courses in Makaha Valley also would be available to Conference Center attendees. The proposed development is intended to create a much needed conference center hotel on Oahu.

Contact: Mr. F.J. Rodriguez
 Environmental
 Communications, Inc.
 P.O. Box 536
 Honolulu, HI 96809

Deadline: February 23, 1987.

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 EISs (EIS Rules 11-200-11). 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. Parties wishing to comment may submit written comments to the agency responsible for the determination (indicated in project title). The Office would appreciate a copy of your comments.

OAHU

NANAKULI RESIDENCE LOTS, SERIES 6, NANAKULI, OAHU, Dept. of Hawaiian Home Lands

The project proposes to develop approx. 8 acres of land for 38 single family houselots of approx. 7,000 sq. ft. each. The Nanakuli Residence Lots, Series 6 is located in Nanakuli, Oahu, TMK: 8-9-07. One tract of land totaling 8.25 acres will be developed under this project. The tract is constrained by established streets on three sides, Nanaikala St., Haleakala Ave. and Nanakuli Ave. and the Nanakuli Multi-School Complex on the fourth side.

SIDEWALK CONSTRUCTION ON 22ND AVENUE 29TH BRIGADE ARMORY, FORT RUGER, OAHU, Dept. of Accounting and General Services

This project involves the construction of a sidewalk 250 ft. in length along 22nd Ave. fronting the 29th Brigade Armory. The project will provide an improved walkway for a portion of 22nd Ave. for partial pedestrian safety. The major users will be the Army Reserve personnel and secondary users will be the students of Kaimuki Inter. School and the public. The estimated cost of construction is \$6,000.

SHAFTER FLATS RECORDS STORAGE CENTER EXPANSION, SHAFTER FLATS, HONOLULU, Dept. of Accounting and General Services

The proposed project involves the construction of additional building area

for records storage and includes improvements such as landscaping and paving. The proposed expansion will be a minimum of 14,000 sq. ft. The expansion is to be sited at the DAGS baseyard in Shafter Flats, Honolulu. The estimated cost of construction is \$1,500,000. Since the project will be constructed within the existing DAGS facility, no land will be removed from the tax base.

WATER LINE REPLACEMENT, KAHANA, OAHU,
Board of Water Supply

The Board of Water Supply proposes to replace approx. 350 ft. of 30-in. concrete cylinder pipe with ductile iron pipe on TMK: 5-2-05:3 at Kahana, Oahu. The new pipe will connect to the existing 30-in. main on the Punalu'u side of the bridge nearest to the Kahana State Park access road, traverse Kamehameha Hwy., parallel the bridge until it reaches the Kaaawa side, cross Kamehameha Hwy. again, and finally connect with the 30-in. main. The bypassed portion of the existing main will be abandoned in place. The temporary 20-in. main, hung alongside the bridge, will be removed. A concrete jacket will encase the entire length of the new pipe. The project will assure continuity of water service by minimizing the potential of a main break in this section of the transmission main that conveys water to Kailua, Waimanalo, and possibly Hawaii Kai and points west.

MAUI

LAHAINA WATERLINE IMPROVEMENT, PHASE I,
LAHAINA, MAUI, County of Maui Dept. of
Water Supply

This project is part of a total plan to improve the Lahaina area water system. The primary objective of the plan is to fulfill the increasing domestic and fire demands of the area (secondary impacts). The project, in general, is required to:

1. Improve fire protection.
2. Improve pressure and volume during peak usage.
3. Improve water distribution and transmission.

The project involves the construction of 16-in. water transmission and distribution lines to service the Lahaina area. This project consists of the following 2 parts:

Waterline "A":

The scope of work outlined for Waterline "A" involves the installation of approx. 2,400 ft. of 16-in. pipeline traversing Front St. from Fleming Rd. across Honoapiilani Hwy. to Kapunakea St., replacing the existing water system in that area.

Waterline "B":

The work involved in Waterline "B" consists of the installation of approx. 600 ft. of 16-in. pipeline along Fleming Rd. from Ainakea Rd. to Honoapiilani Hwy., to replace the existing system in the immediate vicinity.

Included in both projects are the installation of fire hydrants, new water service laterals and connection to existing water meters along the project site. Available funds shall determine whether Waterline "B" will be a part of the construction contract and if substitution of a 12-in. pipeline is necessary throughout the scope of the project. A portion of the Front St. right-of-way between Honoapiilani Hwy. and Kapunakea St. will be affected by the proposed project. Honoapiilani Hwy. will also be affected by the proposed alignment of the new pipeline in the vicinity of Fleming Rd.

ESTABLISHMENT OF THE PAUPAU PLANT
SANCTUARY, LAHAINA, MAUI, Dept. of Land
and Natural Resources, Division of
Forestry and Wildlife

The Dept. of Land and Natural Resources (DLNR) proposes to withdraw and subdivide a 30-acre portion of TMK: 4-6-18:7 within the Conservation District presently encumbered under Governor's Executive Order 251 to the Dept. of Education. This parcel will be placed under DLNR for management as Paupau Plant Sanctuary for the federally listed endangered species, Gouania hillebrandii. The area would be fenced to prevent the destructive encroachment by grazing livestock, but

would otherwise remain in a natural and unaltered condition.

HAWAII

CONSERVATION DISTRICT USE APPLICATION FOR GRUBBING AND GRADING USE AT PUNA, HAWAII, Philip Kahn/Dept. of Land and Natural Resources

The applicant proposes to grub and grade a portion of TMK: 1-3-2:34 to construct a driveway to the parcel identified as TMK: 1-3-2:98. The total graded area will involve less than 100 cu. yds. of material and no cuts or fills will be greater than 5 ft. The applicant also proposes to grub TMK: 1-3-2:98 to remove the overgrown vegetation on the property. Most of the large trees will be left on the property. Only the thick overgrown shrubs of guava, hala and weeds will be removed. This clearing work is needed in order to assess the existing topography of the parcel for the design and construction of a future residence. However, at this time, this application involves only the grubbing and grading he area.

CONSERVATION DISTRICT USE APPLICATION FOR SUBZONE BOUNDARY AMENDMENT AT HONAUNAU, HAWAII, Kamehameha Schools-Bishop Estate/Dept. of Land and Natural Resources

The applicant proposes to amend the boundary of the Limited Subzone and to create a Special Subzone located on property identified as TMK: 8-4-13:18, Honaunau, Hawaii. The subject parcel will be a part of the alternate learning center called Hale O Ho'oponopono. The initial improvement planned is the construction of a 1,950 sq. ft. multi-purpose building for program use.

ENVIRONMENTAL IMPACT STATEMENTS

EISs 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 EISs); 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).

Comments on the following EISS may be sent to: 1) the accepting authority; and 2) the proposing agency. Please note the deadline date for submitting written comments on the EIS.

SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT TO PERMIT ALTERNATIVE METHODS OF SEAWATER RETURN FLOW DISPOSAL AT NATURAL ENERGY LABORATORY OF HAWAII (NELH), KEAHOLE, NORTH KONA, HAWAII, NELH

Previously published January 8, 1987.

This EIS is also available for review at the Bond Memorial (Kohala), Holualoa, Kailua-Kona, Kealahakua, and Thelma Parker Memorial/Waimea Area Libraries.

Deadline: February 9, 1987.

RESIDENT/VISITOR ENTERTAINMENT ATTRACTION, EWA, OAHU, Amfac Hawaii, Inc./City and County of Honolulu Dept. of General Planning

The applicant is proposing to construct a major new resident/visitor entertainment attraction on vacant land in the vicinity of the proposed Secondary Urban Center on the Ewa Plain. The property is located north of and adjacent to the Farrington Hwy. and the Palailai Interchange and south of and adjacent to the Palailai cinder cone (Puu Palailai) in Ewa Judicial District, Oahu. The site is approx. 20 mi. west of Honolulu. The approx. 106-acre site consists of portions of TMK: 9-1-15:05, 17 and 9-1-16:09. The basic development concept of the entertainment attraction builds on the theme of Hawaii as the "Crossroads of the Pacific". The project will take both residents and visitors on a journey from Hawaii around the Pacific and Asian basin. Through representative architecture, multi-media and

special-effects presentation, live stage productions, cultural exhibits and displays, ethnic foods and merchandise. The project visitor will take a journey around the Pacific and Asian Basin in a 5-6 hr. stay. The facility will not contain thrill rides. Central elements of the project include the "park" site, plant nursery and a future commercial site. Major elements of the park include: international exhibitions, a lagoon system, employee/visitor parking, administration building and support/maintenance facilities. In order to develop this project, the Ewa Development Plan designations must be changed from Residential, Low Density Apartment, Medium Density Apartment and Agriculture to Commercial.

This EIS is also available for review at the Ewa Beach Community-School Library.

Deadline: February 23, 1987.

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

PUNALU'U RESORT, KA'U, HAWAII, C. Brewer Properties, Inc./County of Hawaii Planning Dept.

Punalu'u Resort, formerly known as Sea Mountain at Punalu'u, was started in 1972. The applicant is presently requesting that the County of Hawaii revise the Hawaii County General Plan for a portion of Punalu'u Resort mauka of the Hawaii Belt Hwy.; approve a change of zone; and issue an SMA permit to facilitate the completion of Punalu'u Resort in a form that provides the greatest net economic benefits to the community and developer. The total Resort project area encompasses approx. 433 acres not including the existing Colony I condominiums and Kalana I single-family residential lots. The following 20 parcels are included within the project area: TMK: 9-5-19: 11, 15, 1, 26, 30, 31, 33, 35; 9-6-01:01, 02, 3, 06, 11, 12, 13; and 9-6-02: 08, 37, 38, 41, 45 por. The proposed project

concept involves creating a low rise, low density, mixed use commercial and residential "Village" on the bluff overlooking the ocean and 8th golf hole "ocean" fairway. This would be accomplished by relocating 4 golf holes (2, 3, 4 and 8) and building a new section of Punalu'u Rd. (Alanui Rd.), presently a private road within the Resort that connects to the Hawaii Belt Hwy. and the County's Punalu'u Rd. The plan also provides for, or improves, additional development parcels with increased golf and recreational amenity frontage and/or open views. The development parcels include a mixture of single family residential, multifamily residential, commercial, hotel and recreational amenities. A Visitor Center and Lagoon Club, located adjacent to the proposed Punalu'u Village are planned and would be important facilities serving the Resort and nearby communities. Two hotel sites, a major one (325-450 rooms) adjacent to Ninole Cove and a minor one (150-210 rooms) adjacent to the existing Punalu'u Black Sand Restaurant, would also be developed. Ninole Cove would be restored to its former shoreline cove configuration by removing the sediments that have filled the cove due to several extraordinary storms since 1978. All development activities, with the exception of the Ninole Cove restoration, would occur within land presently designated Urban by the State Land Use Commission. Similarly, the majority of the proposed project would be developed within county zoned land uses that permit the proposed improvements with the exception of a few parcels that require a change in configuration and allowed density.

This EIS is also available for review at the Kailua-Kona, Keaau, Mountain View Community-School, Pahala Community-School and Pahoa Community-School Libraries.

Status: Currently being processed by the County of Hawaii Planning Department.

WAIAWA BY GENTRY, WAIAWA, CENTRAL OAHU, OAHU, The Gentry Companies/City and County of Honolulu Dept. of General Planning

The proposed Waiawa by Gentry represents the first increment of the total masterplanned Waiawa community. This first increment, which is the subject of the City and County of Honolulu Development Plan Review, will consist of 1,395 acres that can stand alone as a self-contained, planned community. When completed, the total Waiawa Master Plan community will total approx. 2,500 acres. The proposed development would result in the creation of 7,900 single family and apartment units. Approx. one half (4,000) of these units would be programmed for a retirement community which would be a central feature of the overall development. Other project features include commercial and light industrial areas (115 acres) and two 18-hole golf courses extending throughout the site. The 1,395 acre project site is located on the Waiawa plain of Central Oahu between Waiawa Gulch and the H-2 Freeway. The site is roughly triangular in shape with its apex directed southerly at the Waiawa Interchange. The Gentry and Crestview communities lie to the west of Waiawa and the 63 acre Pearl City Industrial Park is adjacent to the east. More specifically, the project site is identified as TMK: 9-4-06: por. 10 and 9-6-04: por. 1. The lands to be developed are currently vacant and fallowed by Oahu Sugar. Portions of the site are used for minor cattle grazing use. The fee land owner is the Bernice P. Bishop Estate. The initial action required for this project involves a Development Plan amendment of Agriculture and Preservation lands to Urban usage.

This EIS is also available for review at the Mililani and Waipahu Libraries.

Status: Currently being processed by the City and County of Honolulu Dept. of General Planning

CONSERVATION DISTRICT USE APPLICATION FOR A GOLF COURSE ON IOLANI SCHOOL PROPERTY, KANEHOHE, OAHU, Nitto Kogyo Co., Ltd./Dept. of Land and Natural Resources

Previously published January 8, 1987

This EIS is also available for review at the Kailua Library.

Status: Currently being processed by the Dept. of Land and Natural Resources.

ERADICATION OF MARIJUANA ON STATE-OWNED AND MANAGED CONSERVATION DISTRICT LANDS, ISLANDS OF HAWAII, MAUI AND MOLOKAI, Dept. of Land and Natural Resources

Previously published December 23, 1986.

This EIS is also available for review at the following libraries:

HAWAII

Bond Memorial (Kohala), Kailua-Kona, Kealakekua, Laupahoehoe Community-School, Mountain View Community-School, Pahala Community-School, Thelma Parker Memorial/Waimea Area.

MAUI

Kahului, Lahaina, Makawao.

MOLOKAI

Molokai.

Status: Currently being processed by the Office of Environmental Quality Control.

SUPPLEMENTAL EIS FOR THE PROPOSED HILO BAY OUTFALL SEWER EXTENSION, HILO, HAWAII, County of Hawaii Dept. of Public Works

Previously published December 23, 1986.

Status: Currently being processed by the Office of Environmental Quality Control.

MAKALAWENA RESORT, NORTH KONA, HAWAII,
Kamehameha Schools-Bernice Pauahi Bishop
Estate/County of Hawaii Planning Dept.

Previously published December 23, 1986.

This EIS is also available at the
Holualoa, Kailua-Kona, and Thelma Parker
Memorial/Waimea Area Libraries.

Status: Accepted by the County of Hawaii
Planning Department on
January 5, 1987.

NOTICES

NEPA DOCUMENT

The following documents have 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.

CONVERSION OF THE HAWAII AIR NATIONAL
GUARD (HANG) FROM F-4C AIRCRAFT TO
F-15A/B AIRCRAFT

Finding of No Significant Impact (FONSI)

Previously published January 8, 1987.

NOTE: This FONSI was submitted by the
Dept. of the Air Force,
Headquarters 15th Air Base Wing
(PACAF).

EROSION PROTECTION FOR SHORELINE, KANEOHE
KLIPPER COURSE, MARINE CORPS AIR STATION,
KANEOHE BAY, OAHU, Dept. of the Navy,
Pacific Division, Naval Facilities
Engineering Command (Makalapa, Hawaii)

Finding of No Significant Impact

Erosion of the berm adjoining the 13th
and 14th fairways of the Kaneohe Klipper
Golf Course in the vicinity of the North
Beach area of the Marine Corps Air
Station, Kaneohe Bay requires perpetual
costly maintenance. This project
proposes the installation of approx.

1,000 linear ft. of French drain and the
restoration of the berm that separates
the 13th and 14th fairways from North
Beach. The French drain should lessen
the quantity of ponded storm runoff,
precluding berm overtopping and the
corresponding erosional washouts during
storms within the design criterion of a
10-year recurrence interval frequency.
Protective measures for leveling and
revegetating the berm are an integral
part of the proposed erosion control
alternative to lessen damage from
overtopping during events that exceed the
design storm. The project is located
within the Mokapu Burial Area which is
listed on both the National and Hawaii
Registers of Historic Places.

DECLARATORY RULING NO. 86-03: Petition
for Declaratory Ruling from Life of the
Land Inc.

The above-captioned Petition for
Declaratory Ruling was reviewed and acted
upon at meetings of the State
Environmental Council held at the State
Capitol, 415 South Beretania Street,
Honolulu, Hawaii, on December 17, 1986
and January 7, 1987.

Having considered the aforementioned
Petition for Declaratory Ruling, the
memoranda filed herein, the testimony
presented, and the Motion for
Reconsideration submitted by East Maui
Irrigation Company, Ltd., the State
Environmental Council makes the following
ruling:

FINDINGS OF FACT

1. In this Petition for Declaratory
Ruling, the Petitioner asks the State
Environmental Council to reverse the
State Department of Land and Natural
Resources' negative declaration regarding
the proposed sale of a water lease, which
was published in the Office of
Environmental Quality Control's Bulletin
dated October 28, 1986, page 5, under the
title "Sale of Water Lease (License) at
Public Auction, Koolau Forest Reserve and
Hanawi Natural Area Reserve, Hana and
Makawao Districts, Maui," and to rule

that an environmental impact statement should be prepared.

2. Petitioner is a non-profit, tax-exempt Hawaii corporation funded with membership dues and donations. It was formed to advocate protection of Hawaii's natural environment and natural resources.

3. Although it appears that no member of Petitioner actually resides in the subject area on Maui, Petitioner has standing to bring this Petition for Declaratory Ruling under the liberalized standing doctrine set forth in such Hawaii Supreme Court decisions as Life of the Land v. Land Use Commission, 63 Hawaii 166, 171-177 (1981), and similar cases.

4. The proposed action is the issuance by the State Department of Land and Natural Resources through public auction of a lease for 30 years for the right to collect surface water from State lands in East Maui and to divert and transport the water to Central Maui.

5. On November 19, 1986, the Petitioner filed its Petition for Declaratory Ruling with the State Environmental Council.

6. The State Environmental Council reviewed and considered the Petition for Declaratory Ruling at public meetings held on December 10, 1986 and December 17, 1986.

7. The State Environmental Council heard and considered oral testimony on the Petition for Declaratory Ruling from Fred Paul Benco, Esq., on behalf of the Petitioner; Alan T. Murakami, Esq., on behalf of the Native Hawaiian Legal Corporation, which joined in the Petition for Declaratory Ruling; Deputy Attorneys General Arthur Y. Muraoka and William M. Tam, on behalf of the Department of Land and Natural Resources; Tamotsu Tanaka, Esq., on behalf of East Maui Irrigation Co., Ltd.; John Ford, a fishery biologist at the United States Department of the Interior, Fish and Wildlife Service; Doak Cox, emeritus

geophysicist, University of Hawaii; Henry Sakuda, director, aquatic resources division, Department of Land and Natural Resources; and Robert Warzecha, manager of the East Maui Irrigation Co., Ltd.

8. In addition, the State Environmental Council received and considered written comments on the Petition for Declaratory Ruling from the Petitioner (Life of the Land's Memorandum in Opposition to DLNR's Motion to Dismiss, dated December 15, 1986); Tamotsu Tanaka, Esq., on behalf of East Maui Irrigation Co., Ltd. (letter dated December 10, 1986; Memorandum in Opposition to Petition to Declare Negative Declaration Inadequate and Require an Environmental Impact Statement be Prepared, dated December 15, 1986; Supplemental Memorandum dated December 16, 1986); Deputy Attorney General Arthur Y. Muraoka, on behalf of the Department of Land and Natural Resources (Motion to Dismiss for Lack of Jurisdiction [or] Alternatively, Motion to Continue Hearing, dated December 10, 1986; Memorandum of the Department of Land and Natural Resources in Support of the Motion to Dismiss for Lack of Jurisdiction, dated December 15, 1986); Alan T. Murakami, Esq., on behalf of the Native Hawaiian Legal Corporation (Joinder on Separate Grounds in Request of Life of the Land for a Declaratory Ruling, dated December 10, 1986; Memorandum in Support of Life of the Land Petition for Declaratory Ruling, dated December 15, 1986; and Memorandum in Opposition to Motion to Dismiss for Lack of Jurisdiction, dated December 15, 1986); University of Hawaii Environmental Center (letter dated December 9, 1986); and United States Department of the Interior, Fish and Wildlife Service (letter dated December 9, 1986).

9. The Department of Land and Natural Resources and the East Maui Irrigation Co., Ltd., opposed the Petition for Declaratory Ruling and moved to dismiss it on the grounds that the State Environmental Council lacks jurisdiction under Chapter 343, Hawaii Revised Statutes, and its administrative rules to

review the Department of Land and Natural Resources' negative declaration.

10. The State Environmental Council took the issue of its jurisdiction under advisement, at the request of its deputy attorney general.

11. The letters and testimony from the University of Hawaii Environmental Center and the Fish and Wildlife Service of the United States Department of the Interior disclose that there is important information about the potential environmental impacts of the proposed sale of the water lease which was not considered by the Department of Land and Natural Resources when the negative declaration was issued.

12. At its public meeting on December 17, 1986, the State Environmental Council made the following conclusion and ruling on the Petition for Declaratory Ruling:

Without deciding the jurisdictional matter, the Council finds that the information presented here appears to be important and that it deserves consideration. The Council notes that the information may be new and that the Department of Land and Natural Resources is directed to purposefully consider this information in accordance with the requirements of Chapter 343, Hawaii Revised Statutes.

13. East Maui Irrigation Company, Ltd. filed a Motion for Reconsideration with the Council on December 22, 1986, requesting that the Council reconsider its previous conclusion and ruling and that it dismiss the Petition for Declaratory Ruling for lack of jurisdiction.

CONCLUSION AND RULING

~~At its public meeting on January 7,~~ 1987, after considering the Motion for Reconsideration, the State Environmental Council rescinded its previous conclusion and ruling and made the following

conclusion and ruling on the Petition for Declaratory Ruling:

The Council finds that the information provided by the University of Hawaii Environmental Center and the U.S. Fish and Wildlife Service is very pertinent, important and available and should have been considered by the Department of Land and Natural Resources as it conducted its assessment and determination process pursuant to Chapter 343, Hawaii Revised Statutes, and the Environmental Impact Statement Rules (Title 11, Chapter 200).