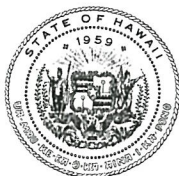


DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

JOSH GREEN  
LT. GOVERNOR  
STATE OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES  
DEPUTY TO THE CHAIRMAN

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

P. O. BOX 1879  
HONOLULU, HAWAII 96805

November 22, 2019

In reply refer to:  
PO-19-161

Mr. Daniel E. Orodenker, Executive Officer  
State of Hawai'i, Land Use Commission  
Department of Business, Economic Development & Tourism  
PO Box 2359  
Honolulu, Hawai'i 96804  
Daniel.e.orozenker@hawaii.gov

Attn: Mr. Bert Saruwatari

Dear Mr. Orodenker:

Subject: Environmental Impact Statement Preparation Notice (EISPN) for-  
Sanford's Service Center Leilani Quarry (3) 1-3-009:005 (por)

The Department of Hawaiian Home Lands acknowledges receiving the request for comments on the above-cited project. After reviewing the materials submitted, the project is located approximately 5-miles south-south-east of DHHL's Puna Moku land holdings, identified as Keonepokonui of the East Hawaii District in DHHL's Hawai'i Island Plan. DHHL has requests the following be evaluated and or addressed as part of the Draft Environmental Impact Statement (Draft EIS) development.

The Draft EIS should include a detailed description of the mining methodology employed currently as well as any changes that may be a result of the expanded operations. It should also provide information regarding the anticipated number of truck trips per day.

The EISPN does not describe how the buffer size was developed. The Draft EIS should provide a description of methodology utilized to determine the size of the buffer proposed of the EISPN as it relates to both noise and air emissions.

The U.S. Department of Transportation conducted a review and provided updates to the findings on levels of environmental noise requisite to protect public health and welfare with an adequate margin of safety. The final report can be found at:

[https://rosap.nrl.bts.gov/view/dot/41920/dot\\_41920\\_DS1.pdf](https://rosap.nrl.bts.gov/view/dot/41920/dot_41920_DS1.pdf)

The report should be utilized when evaluating impacts to public health and welfare in areas including, annoyance, sleep impacts, health effects, cognitive effects, and financial impacts.

Section 2.1.3 and Part 3-Determination of the EISPN discuss the impacts the project may have on Biological Resources, particularly endangered and threatened species and associated habitat. The Draft EIS should also consider mitigations measures to ensure regrowth of native species and habitat in areas that are no longer suitable for mining operations. Additionally, the Draft EIS should include measures to inhibit the propagation of invasive species into formerly mined locations.

Section 2.2.3, Cultural and Historic Resources appears to have a spelling error in paragraph two. The text states, "Following this battle Keoua Ku'ahulu'ula held K'u and a portion of Puna."

Section 2.5 of the EISPN identifies the County and State Plans and policies project proponent plans to evaluate for consistency within the Draft EIS. DHHL is a significant land holder on the island of Hawai'i with its nearest land holdings less than 5 miles away. The Draft EIS should assess the proposed project's potential impacts on Hawaiian Home Lands in the Puna Moku as well as DHHL's ability to implement its Maku'u Regional Plan and Hawai'i Island Plan.

The proposed project has the potential to impact DHHL's Hawai'i land holdings and beneficiaries. We highly encourage you to consult with Hawaiian Homestead community associations and other (N)ative Hawaiian organizations to better assess potential impacts to cultural and natural resources, access and other rights of Native Hawaiians. A list of some of our DHHL homestead associations may be found at <https://dhhl.hawaii.gov/homestead-associations/>

Mahalo for the opportunity to provide comments. If you have any questions, please call Malia Cox, at 620-9485 or contact via email at [malia.m.cox@hawaii.gov](mailto:malia.m.cox@hawaii.gov).

Aloha,



William J. 'Ailā Jr., Chairman  
Hawaiian Homes Commission

C: Mr. Graham Knopp- [GPknopp@gkenvllc.com](mailto:GPknopp@gkenvllc.com)  
Sanford Iwata- [sanscinc.kim@hawaiiantel.net](mailto:sanscinc.kim@hawaiiantel.net)



phone: (808) 938-8583 P.O. Box 1310 Honoka'a, Hawai'i 96727 [email: gpknopp@gkenvllc.com](mailto:gpknopp@gkenvllc.com)

Dear Agency Representative:

Your agency was previously sent a copy of the Environmental Impact Statement Preparation Notice (EISPN) entitled, "Sanford's Service Center Leilani Quarry State Land Use District Boundary Amendment EISPN". However, the cover letter sent with that document inadvertently left out the comment period deadline.

**Pursuant to the notice of the project published in the August 23, 2019 Environmental Notice, the comment period deadline is September 24, 2019.**

If you have not received a copy of this EISPN, please contact me as soon as possible.

Additionally, the EISPN may be accessed electronically through the website of the Office of Environmental Quality Control at:

[http://oeqc2.doh.hawaii.gov/The\\_Environmental\\_Notice/2019-07-23-TEN.pdf](http://oeqc2.doh.hawaii.gov/The_Environmental_Notice/2019-07-23-TEN.pdf)

Thank you,

A handwritten signature in black ink, appearing to read 'Graham Knopp', is written over a light blue circular stamp.

Graham Knopp


5013 707 52 WH 8: 52

OFFICE OF THE ATTORNEY GENERAL




## HAWAII

### Sanford's Service Center at Leilani Quarry--(EIS Preparation Notice)

<b>HRS §343-5(a) Trigger</b>	(7) Propose any reclassification of any land classified as a conservation district	
<b>District(s)</b>	Puna	
<b>TMK(s)</b>	(3) 1-3-009:005, portion	
<b>Permit(s)</b>	State Land Use District Boundary Amendment; Special Permit	
<b>Approving Agency/ Accepting Authority</b>	Land Use Commission, State of Hawai'i Department of Business, Economic Development & Tourism Daniel Orodener, Executive Officer, (808) 587-3822, <a href="mailto:daniel.e.oroedener@hawaii.gov">daniel.e.oroedener@hawaii.gov</a> P.O. Box 2359, Honolulu, HI 96804-2359	
<b>Applicant</b>	Sanford's Service Center, Inc.; P.O. Box 1321, Pāhoa, HI 96778 Sanford Iwata, (808) 965-8144, <a href="mailto:Sanscinc.Kim@hawaiiantel.net">Sanscinc.Kim@hawaiiantel.net</a>	
<b>Consultant</b>	GK Environmental LLC; P.O. Box 1310, Honoka'a, HI 96727 Graham Knopp, (808) 938-8583, <a href="mailto:gpknopp@gkenvllc.com">gpknopp@gkenvllc.com</a>	
<b>Status</b>	Administrative 30-day public review and comment period starts. <b>Comments are due by August 22, 2019.</b> Please send comments to the approving agency/accepting authority and copy the applicant and the consultant.	

Sanford's Service Center, Inc. ("Applicant"), in coordination with the property owner, the Trustees of the Estate of Bernice Pauahi Bishop dba Kamehameha Schools is seeking to amend the Land Use District boundaries of certain lands consisting of approximately 94.107 acres situated at Kauaea, Puna ("Petition Area") from the State Land Use Conservation District (Limited Subzone) to the Agricultural District. The Applicant is presently conducting mining and quarrying operations on a 30-acre portion of the Petition Area pursuant to non-conforming Conservation District Use Permits issued by the Board of Land and Natural Resources on April 7, 2008. In 2011, Conservation District Rules were amended such that mining and quarry operations are no longer identified land uses in the Limited Subzone. The existing quarry produces a low-density type of black-colored cinder that is highly valued by the nursery industry. If the Land Use District Boundary Amendment is granted, the Applicant's intent is to apply for a Special Permit with the LUC to expand their quarry operations over a 73.075-acre portion of the Petition Area. The remaining 21.033-acre portion will be buffer areas.

### Kaialua O Waikoloa--Final EA (FONSI)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	
<b>District(s)</b>	South Kohala	
<b>TMK(s)</b>	(3) 6-8-003:028	
<b>Permit(s)</b>	see document	
<b>Approving Agency</b>	Hawai'i Housing Finance and Development Corporation, State of Hawai'i Janice Takahashi, (808) 587-0639, <a href="mailto:janice.n.takahashi@hawaii.gov">janice.n.takahashi@hawaii.gov</a> 677 Queen Street, Suite 300, Honolulu, HI 96813	
<b>Applicant</b>	K00674 Waikoloa, LP; 2000 E. Fourth Street, Suite 220, Santa Ana, CA 92705 James Rock, (714) 835-3955, <a href="mailto:jrock@uhcllc.net">jrock@uhcllc.net</a>	
<b>Consultant</b>	Environmental Risk Analysis LLC; 905A Makahiki Way, Honolulu, HI 96826 Rachel Okoji, (808) 783-6840, <a href="mailto:rachelokoji@enviroriskhawaii.com">rachelokoji@enviroriskhawaii.com</a>	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination.	

The proposed development site encompasses 4.6 acres of land situated in Waikoloa on the west side of the Island of Hawai'i. Currently, this location is zoned for apartment homes. K00674 Waikoloa, LP. is proposing to develop an affordable rental complex of 60 units, consisting of 28 two-bedroom units, an estimated 25 three-bedroom units, and an estimated 7 four-bedroom units in Waikoloa. The development will include a community center and at least 75 parking stalls. The objective of this project is to produce an affordable rental development, while utilizing the least amount of State of Hawai'i resources. These apartments will target low income households earning less than 60 percent of the Area Median Income (AMI) for the County of Hawai'i. These units will address the dire need for affordable rentals for the households in this income bracket, many of whom are at risk of becoming homeless due to the severe housing shortage.





# The Environmental Notice

July 23, 2019

David Y. Ige, Governor  
Scott Glenn, Director

*The Environmental Notice* provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawai'i, *The Environmental Notice* also includes other items related to the shoreline, coastal zone, and federal activities.



Stable Road Beach, Maui before (top photos) and after (bottom photo) restoration

Photos by Stable Road Beach Restoration Foundation, Inc.



## GLOSSARY OF TERMS AND DEFINITIONS

### Agency Actions

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

### Applicant Actions

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

### Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether the action's environmental impact will be significant, and thus whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(e\)](#), for Applicant actions. For actions for which the proposing or approving agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

### Final Environmental Assessment and Finding of No Significant Impact

The action's proponent shall respond in writing to comments on a DEA received during the 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to ask the Environmental Court to require the preparation of an EIS.

### Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and to make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

### Act 172-2012, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)

Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISPN must be incorporated into the subsequent Draft EIS.

### Act 312-2012, Secondary Actions in the Highway or Public Right Of Way

Act 312-2012, amended HRS 343, by adding a new section (HRS 343-5.5., entitled "Exception to applicability of chapter.") HEPA now allows for a statutory exception for "secondary actions" (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related "primary action" (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

### Draft Environmental Impact Statement

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigation measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPN comment period in a point-by-point manner.

### Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a Final EIS (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. See here for style concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

### Acceptability

If the FEIS is accepted, notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a non-acceptance determination.

### National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare a Federal EA or EIS. In many ways it is similar to Hawai'i's law. Some projects require both a State and Federal EIS and the public comment procedure should be coordinated. Upon request by a federal agency, OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

### Conservation District

Proposed uses of land in the State Conservation District require a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. This bulletin will include EAs & EISs for actions proposed within the Conservation District.

### Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A portion of the SMA that is addressed by HRS 343 is the [Shoreline Area](#), which includes land between the State-certified shoreline and the county-determined shoreline setback line. This bulletin will include EAs & EISs for actions proposed within the Shoreline Setback Area.

### Shoreline Certifications

State law requires that Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

### Environmental Council

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). Agendas of their regular meetings are posted on the Internet and the public is invited to attend.

### Administrative Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are exempt from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence (HAR 11-200-8(d)). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

### Endangered Species

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for Habitat Conservation Plans (HCP), Safe Harbor Agreements (SHA), or Incidental Take Licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).



Ko Olina Bay, O'ahu

Photo by [Floyd Manzano](#)