

June 5, 2018
Agenda Item IV.A

To: KIRC Commissioner

From: Michael K. Naho‘opi‘i, Executive Director

Subject: KIRC Operations and Education Center Environmental Assessment

RECOMMENDED MOTION:

The KIRC finds that the May 2000 Final Environmental Assessment and associated Finding of No Significant Impacts to be valid for the current KIRC Education and Operations Center at Kīhei project and fulfills the requirements of Chapter 343, Hawaii Revised Statutes.

BACKGROUND

The 8.26-acre property in Kihei transferred to the KIRC by Executive Order No. 3963 for the purposes of an office/information center, boathouse/storage facility and native Hawaiian plant nursery. The site is currently improved with KIRC's boathouse that shelters vessels and equipment, including our landing craft 'Ohua. The site is also improved with a modest Native Hawaiian plant nursery, traditional thatched hale, interpretive trails and educational signage.

In May 2000, the KIRC issued a Finding of No Significant Impact for a Final EA that contemplated the same use in the same location. The May 2000 Final EA identified the proposed improvements as occupying several structures ranging from 1,000 to 2,500 square feet each; together these would have a footprint of approximately 10,000 square feet. The site plan also showed other non-structural site improvements such as pā hula and other gathering spaces. Today, we intend to propose similar non-structural site improvements, and a two-story structure that would have a footprint of approximately 10,000 square feet (total square footage approximately 22,500 square feet).

DISCUSSION

At the end of June 2018, the KIRC intends to submit to the County of Maui a Special Management Area permit application with the expectation of starting the construction of the KIRC Kīhei center in the near future. HAR 11-200-26 requires that a supplemental statement to our EA be prepared if there is substantial change to the size, scope, intensity of use, location or timing of the proposed action that could have a significant effect.

The KIRC does not intend to prepare a new EA or provide a supplemental statement to the May 2000 EA since the current design parameters are being restricted so as not to substantially change the size, scope, intensity of use, or timing of the proposed project in a manner that would create any significant effect. As part of the SMA permit application, the KIRC is intending to update the traffic study, infrastructure report, topographic survey and shoreline certification.

Because the project is an agency action under Chapter 343, Hawaii Revised Statutes, the agency, in this case the KIRC, determines how to satisfy Chapter 343. The KIRC can therefore determine whether the May 2000 EA that it prepared and the Finding of No Significant Impact that it issued are still valid.

We have received a letter from the Maui County Planning Director dated March 2, 2018 that the Department would not object to processing the SMA application without the KIRC preparing a new or amended EA.

Therefore, it is necessary for the KIRC to determine that the May 2000 Final Environmental Assessment and the associated Finding of No Significant Impacts are valid and fulfill the requirements of Chapter 343, Hawaii Revised Statutes.

LEGAL AUTHORITY:

The relevant provisions of Chapter 343, Hawai'i Revised Statutes and Hawaii Administrative Rules Chapter 11 read as follows:

HRS 343-5 Applicability and requirements. (a) Except as otherwise provided, an environmental assessment shall be required for actions that:

- (1) Propose the use of state or county lands or the use of state or county funds, other than funds to be used for feasibility or planning studies for possible future programs or projects that the agency has not approved, adopted, or funded or funds to be used for the acquisition of unimproved real property; provided that the agency shall consider environmental factors and available alternatives in its feasibility or planning studies; provided further that an environmental assessment for proposed uses...

HAR 11-200-26 Supplemental Statements, General provision. **HAR 11-200-27** A statement that is accepted with respect to a particular action is usually qualified by size, scope, location, intensity, use and timing of the action among other things. A statement that is accepted with respect to a particular action shall satisfy the requirement of this chapter and no other statement for that proposed action shall be required, to the extent that the action has not changed substantially in size, scope, intensity of use, location or timing among other things. If there is any change in any of these characteristics which may have a significant effect, the original statement that was changed shall no longer be valid because an essential different action would be under consideration and a supplemental statement shall be prepared and reviewed as provided by this chapter. As long as there is no change in a proposed action resulting in individual or cumulative impacts not originally disclosed, the statement associated with that action shall be deemed to comply with this chapter.

RECOMMENDATION

Approve that the size, scope, intensity of use, location and timing for the planned KIRC Education and Operations Center at Kīhei project has not substantially changed from the conditions set forth in the May 2000 Environmental Assessment and Findings of No Significant Impact issued by the KIRC for the KIRC Office/Information Center, Boat House/Storage Facility and Native Hawaiian Plant Nursery in a manner that would create any significant effect.