



DEPUTIES

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DONA L. HANAIKE

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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF WATER AND LAND DEVELOPMENT

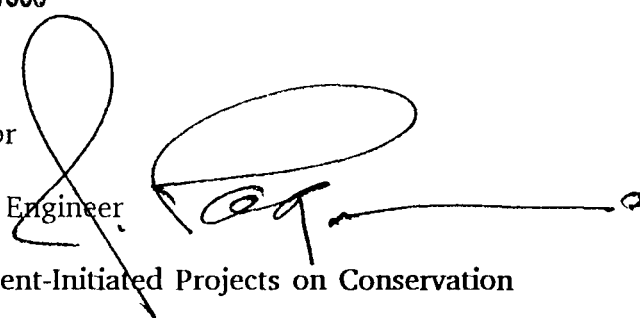
P. O. BOX 373  
HONOLULU, HAWAII 96809

MAR - 3 1993

TO: Ms. Dona Hanaike, Deputy Director

FROM: Manabu Tagomori, Manager-Chief Engineer

SUBJECT: Procedures for Review of Department-Initiated Projects on Conservation District Lands



Enclosure (1) - Chairperson, DLNR memo of May 29, 1992, same subject.  
Enclosure (2) - DOWALD memo of January 21, 1993, to OCEA, same subject.

Reference (A) - Foncon between Zosima Agraan and Roger Evans on February 16, 1993.

1. Enclosure (1) outlined the new responsibility for line divisions (vice OCEA) to process DLNR projects for submittal to the BLNR for approval; and indicated that OCEA was asked to provide a training session on this matter to assure a smooth transition.
2. Enclosure (2) indicated that DOWALD has several projects that require the subject process and requested the training session. Reference (A) indicated that you and I should discuss the matter and I know we have talked about it briefly but the following are pertinent.
3. We have reviewed Title 13, Chapter 2, Administrative Rules of DLNR, providing for land use within the Conservation District, but as indicated in Enclosure (1) it would be helpful that we not lose any coordination and consultation efficiency during this transition.
4. Two pressing items we have questions on now, so that we can begin the process, before we receive any training are:
  - a. Application filing fee: f13-2-20 (e) requires a filing fee of fifty (\$50.00)

dollars payable to the State of Hawaii. In the past, as required by the OCEA application, we have been paying the \$50.00 fee (to ourselves). This is a waste of time and energy (it probably cost \$250 to process the fee). We plan not to charge ourselves any fee when we process our projects and we feel that no fee should be charged for any state project. Eventually when the administrative rules are reviewed, a specific waiver clause should be added for state projects, and the fee should be increased for all others to reflect actual cost to process an application.

- b. List of Interested Entities: So as we do not miss advising interested organizations/entities on a proposed conservation district land use, we would like to know how OCEA determines in its process who (from a list?) are to be contacted. When should we publish anything in the daily newspapers?
5. There are other items and matters in the administrative rules that the line divisions will need to view and address on the same basis, or the resulting conclusions and recommendations to the BLNR will not be consistent. Of primary importance are zones and subzones, boundaries and the uncertainty of them, as well as the Departments central library of prior CDUA Board actions for reference. Also, it seems logical that certain Department actions should be waived in the administrative rule if signed by the Chairman as "consistent with the intent of the law", especially for "permitted uses". This would allow Department's projects to be expedited. It seems that "master permits" should be established for similar projects, not only for Department's projects but for other departments and entities.
6. We would also still want to have the training session and discuss the process with OCEA staffers.
7. An early response to the above will be greatly appreciated. If you have any questions, please call Edward Lau 70232, or myself at 70230.
- c: OCEA, DLNR
- bc: Project Development Br., DOWALD  
Design & Constr. Br., DOWALD  
Geothermal Program, DOWALD✓

CO:DLH:dc

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES: 58

May 29, 1992

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MEMORANDUM

TO: Divisions and Offices

FROM: William W. Paty, Chairperson

SUBJECT: Procedures for Review of Department-Initiated Projects on Conservation District Lands

DLNR  
OCEA

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The Department of Land and Natural Resources ("DLNR") is responsible for implementing various government programs which impact conservation district lands. Presently, government programs are processed via a two-track system:

- 1) the line division responsible for implementing a government program processes a particular project through the environmental review procedure and consults with the other divisions and affected governmental agencies before submitting the project for review and approval to BLNR; and
- 2) OCEA also processes the particular project by consulting with the other divisions and affected governmental agencies and submits the project for review and approval to the BLNR as a permitted use under our conservation district rules.

This procedure has created duplication of efforts between our line divisions and OCEA and has inhibited the implementation of government programs by DLNR. Further, with the loss of the Planning Office in DLNR, there is no need to centralize certain planning and environmental review processes in OCEA but rather, place these functions with the line division responsible for implementing the government program. Due to increasing demands on our staff and the need to coordinate processing of DLNR programs affecting conservation lands within DLNR, the following procedures shall be instituted.

When dealing with DLNR programs, the line divisions shall be responsible for the entire processing of a particular project for submittal to the BLNR for review and approval. DLNR programs are those government programs the department is charged to implement. This procedure shall not apply to projects for the use of State/conservation lands initiated by private parties or other State or governmental agencies. Further, this procedure shall not apply in those instances where DLNR is acting in its proprietary capacity (i.e. leasing of State lands to private parties).

The line division shall be responsible for undertaking the environmental review process under chapter 343, Hawaii Revised Statutes, and the consultation with the divisions, other governmental agencies, and appropriate citizen groups before submitting the project to BLNR for review and approval. This includes the resolution of conflicts and the mitigation of adverse impacts discovered as a result of the environmental review and consultation process prior to BLNR review.

OCEA shall no longer be responsible for processing the government project under a conservation district use application but shall serve as a commenting division to the line division regarding conservation district matters. The DLNR project shall be processed as a government/permitted use under the conservation district administrative rules by the line division which shall be responsible for submitting conservation district considerations to BLNR for their review and approval including the determination of the DLNR project's permitted/government use status.

After completion of the chapter 343 process and after consultation with the divisions, governmental agencies and appropriate citizen groups, the line divisions shall present the DLNR project for review and approval to the BLNR. This procedure will eliminate the duplication of environmental review posed by the EIS and CDUA processes. Further, the responsibility for planning and coordination of the DLNR project will lie with the line division responsible for the project which will insure better accountability and streamline the review process.

It is incumbent upon every affected division to set up a system for the preparation of environmental review documents and the solicitation of comments by the divisions, governmental agencies, and appropriate citizen groups. I have asked OCEA to provide a training session for all divisions to assure that we are not losing any of the coordination and consultation services this office provides. Further, I have asked OEQC to also provide a training session on how to prepare environmental review documents.



STATE OF HAWAII  
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DIVISION OF WATER AND LAND DEVELOPMENT

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JAN 21 1993

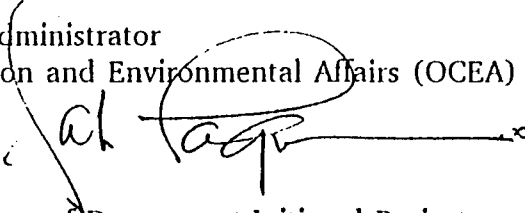
WILLIAM W. PATY, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

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DONA L. HANAIKE

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TO: Mr. Roger Evans, Administrator  
Office of Conservation and Environmental Affairs (OCEA)

FROM: Manabu Tagomori 

SUBJECT: Procedures for Review of Department-Initiated Projects on Conservation  
District Lands

Reference A - DLNR memo of May 29, 1992, same subject (attached)

Reference A indicated that each line division shall be responsible for undertaking the environmental review process under Chapter 343, Hawaii Revised Statutes.

Reference A also indicated that OCEA would provide a training session for all divisions to assure proper coordination and consultation services.

The Division of Water and Land Development (DOWALD) has several projects that require the subject process. We therefore request that OCEA provide a mini-session for DOWALD personnel so that we can initiate the process for these projects.

EL:lc

ENC.