

# The Environmental Notice

A Semi-Monthly Bulletin pursuant to Section 343-3, Hawai'i Revised Statutes

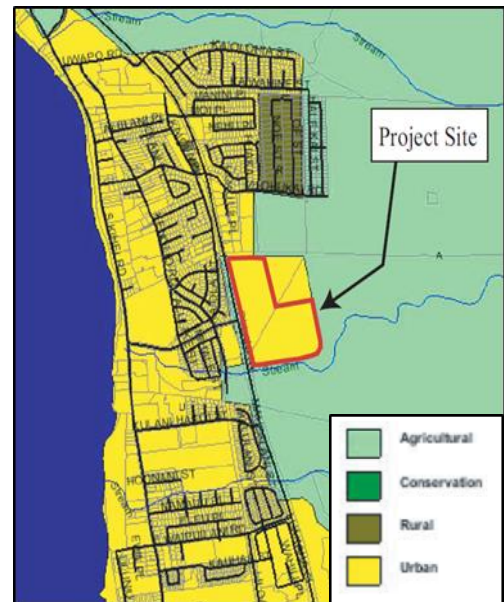
## Kapalāma Terminal Final EIS

The Final Environmental Impact Statement for the Kapalāma Terminal proposed by the Department of Transportation Harbors Division is now available. The project consists of the development of approximately 94-acre container yard with necessary support buildings and other ancillary features. On the waterfront, a pier would be constructed with berthing capacity for two container ships. Construction of this main pier would require dredging along the waterfront and in the harbor channel to achieve the desired water depth for the docking ships. Page 4 has more information.



## Pi'ilani Promenade Draft EIS

The development of light industrial, business/ commercial and multi-family land uses on approximately 75 acres of land in North Kihei is proposed. The project will include associated onsite and offsite infrastructure improvements including but not limited to water, sewer, roads, drainage, electrical, bicycle, and pedestrian pathways and landscaping. A Maui Electric Company (MECO) substation is also proposed on the project site. Offsite improvements include re-routing the County's existing 36-inch high pressure water main which traverses the property, installing a 1.0 million gallon drinking water tank and transmission lines, and providing utility system connections and an access easement mauka and the north of the project site which will provide for future access and connectivity to Ohukai Road. The project will also provide road-widening lots and improve the intersection of Piilani Highway at Kaonoulu Street.



Please submit comments to the Land Use Commission by October 7<sup>th</sup>, 2014.

The Governor recently released funding for state infrastructure and highway projects. Check out these links for more information: [\\$13.9 million for DOT highways and facilities](#) and [\\$22 million for State Infrastructure Improvements](#).

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## MAUI (HRS 343)

### 1. Pi'ilani Promenade (DEIS) Appendices Volume 1 & Volume 2

**Island:** Maui  
**District:** Wailuku  
**TMK:** (2) 3-9-001: 016, 170-174  
**Permits:** Driveway Permit, Building Permit, Wastewater Discharge (Hookup) Permit, Grading and Grubbing Permit, NPDES Permit, Air Pollution Control Permit, Community Noise Permit, Easements for Utilities and Roadways, Drainage Approval, Permit to Perform Work Within the State ROW

**Applicant:** Pi'ilani Promenade North LLC and Pi'ilani Promenade South LLC.  
c/o Sarofim Realty Advisors  
8115 Preston Road, Ste. 400  
Dallas, Texas 75225  
Contact: Mr. Robert Poynor (214) 692-4227

**Approving Agency:** Department of Business Economic Development & Tourism, Land Use Commission  
P.O. Box 2359, Honolulu, HI 96804-2359  
Contact: Mr. Daniel E. Orodener (808) 587-3822

**Consultant:** Chris Hart and Partners, Inc., 115 N. Market St., Wailuku, HI 96793  
Contact: Mr. Jordan E. Hart (808) 242-1955

**Status:** Statutory 45-day public review and comment period starts; comments are due by October 07, 2014. Please send comments to the applicant, approving agency and consultant.

The proposed project is to develop a mix of Light Industrial and Business/Commercial uses with approximately 226 apartment units on a total of approximately 75 acres. The project will include associated onsite and offsite infrastructure improvements including but not limited to water, sewer, roads, drainage, electrical, bicycle and pedestrian pathways and landscaping. A Maui Electric Company (MECO) substation is also proposed on the project site.

Off-site improvements include re-routing the existing Maui County high pressure water line which runs through the property, installing a 1 million gallon drinking water tank, water transmission lines, offsite access to Ohukai road and utility connections. The project will also provide road widening lots and improve the intersection of Pi'ilani Highway at Kaonoulu Street. An access easement will be provided mauka of the project site to increase future connectivity to Ohukai Road north of the project site



### 2. Hospice Maui Care Facility FEA (FONSI)

**Island:** Maui  
**District:** Wailuku  
**TMK:** (2) 3-8-046:017  
**Permits:** Construction permits; noise permit  
**Applicant:** Hospice Maui, 400 Mahalani Street, Wailuku, Hawaii 96793  
Contact: Dr. Gregory LaGoy (808) 244-5555





**Approving**

**Agency:** Maui County, Department of Housing & Human Concerns, 2200 Main St., Suite 546, Wailuku, HI 96793.

Contact: JoAnne Ridao (808) 270-7805.

**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Ste 104, Wailuku, HI 96793.

Contact: Erin Mukai (808) 244-2015.

**Status:** Finding of No Significant Impact Determination.

Hospice Maui proposes to develop a five-bedroom care facility totaling 4,500 sq. ft. at 400 Mahalani Street in Wailuku, Maui, Hawai'i. Hospice Maui is a nonprofit organization dedicated to providing quality, compassionate services to patients and their families needing care and support during the final stages of life. The proposed care facility will allow Hospice Maui to offer in-patient services to patients who may require more full-time care needs.

The 3.96-acre project site is identified by TMK (2)3-8-046:017 (Parcel 17) and is located on Mahalani Street at its intersection with Maui Lani Parkway. The proposed care facility will be developed adjacent to and east of the existing Hospice Maui offices and multi-purpose building located on the same property.

Parcel 17 is owned by the County of Maui and leased by Hospice Maui. Hospice Maui has secured County funds to construct the proposed project.

The use of County lands and funds are triggers for Chapter 343, Hawai'i Revised Statutes (HRS). As such, an Environmental Assessment (EA) has been prepared pursuant to Chapter 343, HRS, and Chapter 200 of Title 11, Hawai'i Administrative Rules (HAR), Environmental Impact Statement Rules. This EA documents the project's technical characteristics and environmental impacts, and advances findings and conclusions relative to the significance of the project.

**O'AHU (HRS 343)**

**3. Kapālama Container Terminal and Tenant Relocations FEIS**

**Island:** O'ahu

**District:** Honolulu

**TMK:** Kapālama site: 1-2-25: 02, 09, 12, 16, 17, 30, 40, 42, 44 to 47, 49 to 53, 55, 58 to 68, 71, 73, 74 to 78, 80, 82, 83, 86, 88, 92, 94, 97, 98, 108 to 112, and portions of 11 and 54; and 1-5-32: portions of 2, 8 and 43; and Pier 24-28 site: 1-5-38: 11, 17, 55, 72, 73, 74, and portions of 1, 4 and 5.

**Permits:** U.S. Department of the Army Permit (Clean Water Act Section 404); Marine Protection Research and Sanctuaries Act, Section 103 Permit; Rivers and Harbors Act, Section 10 and 14 Permits; Clean Water Act, Section 401 – Water Quality Certification; Coastal Zone Management (CZM) Federal Consistency Certification; and National Pollutant Discharge Elimination System (NPDES) Permit.



**Proposing**

**Agency:** Department of Transportation, Harbors Division, 79 S. Nimitz Highway, Honolulu, HI 96813.

Contact: Carter Luke (808) 587-1862.

**Accepting**

**Authority:** Governor, State of Hawai'i, c/o Office of Environmental Quality Control

**Consultant:** Belt Collins Hawai'i LLC, 2153 North King Street, Honolulu, HI 96819.

Contact: Joanne Hiramatsu (808) 521-5361.

**Status:** Availability of Final Environmental Impact Statement; the accepting authority is processing the acceptance.

The State of Hawai'i Department of Transportation, Harbors Division, is proposing to develop a new container terminal at the former Kapālama Military Reservation (Kapālama site) in Honolulu Harbor to increase existing overseas container terminal capacity for the state. The Proposed Action consists of the development of a new pier with berthing capacity for two container ships and an approximately 94-acre container yard with necessary support buildings, entry and exit gates, security fencing, parking, gantry cranes, container-handling equipment, on-site utilities, outdoor lighting, and other ancillary facilities. Improvements will also include widening an adjacent slip for inter-island barges and strengthening a pier for heavy loading and unloading operations. A direct access connection to an adjacent inter-island barge service at Auiki Street would provide efficient container transfers for neighbor island shipments and reduce traffic impacts on local streets. The truck ingress and egress for the container yard will be located on Sand Island Access Road. Also, the Proposed Action will include land improvements associated with Piers 24 through 28 to accommodate maritime-dependent operators currently at the Kapālama site.

The Proposed Action is needed to accommodate the anticipated demand of overseas cargo volumes associated with projected growth of the state of Hawai'i through 2039. Demolition at the Kapālama site is expected to begin in 2014. Construction will begin after the design is finalized and permits are secured.

#### 4. [Monge Residence Extension and Seawall at Ahinalu Place FEA \(FONSI\)](#)

**Island:** O'ahu  
**District:** Koolauloa  
**TMK:** 5-4-003:035  
**Permits:** Conservation District Use Permit, Shoreline Setback Variance, Minor Structure Approval, Special Management Area Permit, Building Permit.

#### **Proposing/ Determination**

**Agency:** City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, HI, 96813.

**Consultant:** The Limtiaco Consulting Group, 1622 Kakanui Street, Honolulu, HI 96817.  
Contact: Jason Nakata (808) 596-7790.

**Status:** Finding of No Significant Impact Determination.



August and Veronica Monge seek various after-the-fact permits for various structures on their property, including the following: enclosed lanai, seawall, wooden fence, concrete driveway and tile walkway. Required permits include (but are not limited to) a Shoreline Setback Variance from the City and County of Honolulu and a Conservation District Use Permit from the State of Hawai'i. This Environmental Assessment is pre-requisite to the aforementioned permits. There are no substantive environmental impacts resulting from these structures. Construction activities may have resulted in minimal impacts to air quality and ambient noise levels; however these impacts were temporary in nature and ceased upon completion of construction.

5. [Consolidated Kalihi-Palama Health Center DEA \(AFNSI\)](#)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 1-7-031:052  
**Permits:** ADA Accessibility; Sewer Connection Permits; Department of Health Wastewater Permit; Grubbing, Grading and Stockpiling Permit; Building Permits

**Applicant:** Kalihi-Palama Health Center, P.O. Box 17460, Honolulu, Hawai'i 96817  
 Contact: Emmanuel Kintu (808) 848-1438

**Approving Agency:** City and County of Honolulu, Department of Community Services, 715 S. King Street, Suite 311, Honolulu, HI 96813  
**Consultant:** PBR Hawai'i & Associates, Inc., 1001 Bishop Street, Suite 650, Honolulu, HI 96813  
 Contact: Vincent Shigekuni (808) 521-5631

**Status:** Statutory 30-day public review and comment period starts; comments are due by September 22, 2014. Please send comments to the applicant, approving agency and consultant.



The Kalihi-Palama Health Center (KPHC) proposes to redevelop a commercial building and a parking lot, by adding a new building (with parking) over the existing parking lot and renovating the existing building. The project site is located at the Ewa/mauka corner of North King Street and Pua Lane.

The proposed development will consolidate the three existing Kalihi facilities within a single structure, while at the same time increasing the square footage in order to serve a growing number of patients and to provide space for new services. The Chinatown location will remain. The Kalihi-Palama Health Center will have beneficial impacts on the existing community by providing additional health services and improved facilities to administer health programs. The consolidated facility will make it easier for patients to access multiple services in a single visit.

**KAUAI (HRS 343)**

6. [Kukuiofono 0.5 MG, 866' Tank FEA \(FONSI\)](#)

**Island:** Kaua'i  
**District:** Kālaheo  
**TMK:** (4) 2-3-05: Por. 02, 06 and 25  
**Permits:** NPDES (Hydro testing water and Storm Water Associated with Construction Activity), Community Noise Permit; Conservation District Use Permit; Building Permit; Class IV Zoning Permit, Variance Permit and Use Permit

**Proposing/Determination**

**Agency:** County of Kauai, Department of Water, 4398 Pua Loke Street, Līhu'e, HI 96766.  
 Contact: Keith Aoki (808) 245-5411.

**Consultant:** Esaki Surveying and Mapping, INC., 1610 Haleukana Street, Līhu'e, HI 96766.  
 Contact: Maren Arismendez-Herrera (808) 246-0625

**Status:** Finding of No Significant Impact Determination.



The County of Kauai, Department of Water proposes to develop a new 0.5 MG water tank to service the 866' pressure zone in Kālaheo, Kaua'i in the state of Hawai'i. The existing 0.2 MG tank is currently inactive and in need of replacement.

There are two existing water tanks, one located on Parcel 6 (0.2 MG tank) and one on Parcel 25 (0.25 MG tank). As part of this project, the existing water tank on Parcel 6 will be demolished and 0.5 MG replacement tank will be constructed on Parcel 25.

7. [Upper Kapahi Reservoir Dam Replacement FEA \(FONSI\)](#)

**Island:** Kaua'i  
**District:** Puna  
**TMK:** (4) 4-6-007:011  
**Permits:** Section 401 Water Quality Certification, authorization for NPDES General Permit

**Proposing/Determination**

**Agency:** Department of Accounting and General Services, Public Works Division, 1151 Punchbowl Street, Room 426, Honolulu, HI 96813  
Contact: James Kurata (808) 586-0526

**Consultant:** GEI Consultants, Inc., 700 NE Multnomah Street, Suite 230, Portland, Oregon 97232  
Contact: Ginger Gillin (503) 342-3777

**Status:** Finding of No Significant Impact Determination.



The proposed action is for construction of a new dam on Upper Kapahi Reservoir to provide some agricultural storage to supplement some of the water storage lost when the existing dam was decommissioned. The proposed new dam will be within the footprint of the existing reservoir, a short distance upstream from the existing dam. Storage capacity would be reduced. No significant impacts are anticipated from construction or operation of the new dam. Construction activities are expected to result in short-term increases in noise and traffic, and there is the potential for short-term adverse effects on the air quality, soils, biological resources, and water quality. Use of best management practices and other recommended actions would minimize or eliminate any impacts. Beneficial effects of construction of the new dam would include a short-term effect on socioeconomics from the employment of local people and the purchase of local materials, a long-term benefit to agricultural users once the reservoir could again store water, and a long-term benefit to recreation as the reservoir could potentially be used for swimming, wading, or fishing in a limited capacity. Water bird populations may also benefit from the restoration of habitat once the reservoir is again functional.

**NEPA NOTICE**

1. [Critical Fuel Break Management and Dip Tank Project FEA \(FONSI\)](#)

**Island:** Hawai'i  
**District:** Waikoloa, Kohala (Kahua), Waimea, and Pu'u Anahulu, Puako  
**Proposing Agency:** Hawai'i Wildfire Management Organization (HWMO)  
**Approving Agency:** Department of Homeland Security, Federal Emergency Management Agency

**Status:** Based on information contained in the Final EA, a review of applicable environmental laws and orders, and in compliance with FEMA's regulations at 44 CFR Par 10 (Environmental Considerations), the following is concluded:



A Finding of No Significant Impact. Therefore, an Environmental Impact Statement will not be prepared. For more information, contact (510) 627- 7027 (messages only) or [fema-rix-ehp-documents@fema.dhs.gov](mailto:fema-rix-ehp-documents@fema.dhs.gov).

The Hawai'i Wildfire Management Organization (HWMO) has applied, through the State of Hawai'i State Civil Defense (SCD), to the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) for funding under the Hazard Mitigation Grant Program (HMGP) to (1) implement fuel break management measures in two locations to reduce hazardous vegetative fuel for wildfires and (2) install three new dip tanks to provide water resources for aerial wildfire suppression activities. The proposed activities would be implemented to reduce wildfire hazards for several communities on the west side of Hawai'i Island. The electronic copy of the Final EA can be found in the following link:

<http://www.fema.gov/media-library/assets/documents/97568>

## FEDERAL NOTICES

### 1. [Requesting Nominations for the Na Hoa Pili O Kaloko-Honokohau National Historical Park Advisory Commission](#) - August 4, 2014

The National Park Service proposes to appoint new members to an advisory commission for the Kaloko-Honokohau National Historical Park. Established in 1978, the advisory commission is formally known as "Na Hoa Pili O Kaloko-Honokohau", translating to "The Friends of Kaloko-Honokoha". The purpose of the Commission is to advise the Director of the National Park Service on the historical, archeological, cultural, and interpretive programs of the Park.

The Superintendent, Tammy Duchesne, is requesting nominations for qualified persons to serve as members of the Commission. The National Park Service is seeking nominations for individuals to represent native Hawaiian interests. Nominations must be postmarked by **October 14, 2014**. Nominations should be sent to Tammy Duchesne at 73-4786 Kanalani Street, Suite 14, Kailua-Kona, HI 96740.

**Contact:** Jeff Zimpfer, National Park Service, Environmental Protection Specialist, Kaloko-Honokohau National Historical Park, (808) 329-6881, ext. 1500, or email [jeff\\_zimpfer@nps.gov](mailto:jeff_zimpfer@nps.gov).

### 2. [Upcoming Teleconference on Ecosystem Functions In Context Of Climate Change](#) - August 12, 2014

The U.S. Fish and Wildlife Service announces a public teleconference to inspire and enable natural resource professionals and other decision makers to take action to conserve the nation's fish, wildlife, plants, and ecosystem functions. In addition, the teleconference will focus on topics surrounding the human uses and values these natural systems provide, in the context of climate change. The teleconference is of the Joint Implementation Working Group for the National Fish, Wildlife, and Plants Climate Adaptation Strategy.

At this meeting, current strategies, future approaches, stakeholder comments and upcoming plans will be discussed. In addition, with the new Stakeholder Engagement Plan, the U.S. Fish and Wildlife Service announces that all meetings going forward will be open. For information on this meeting and all future meetings, please visit the website: [www.wildlifeadaptationstrategy.gov](http://www.wildlifeadaptationstrategy.gov)

This teleconference will take place on **September 15, 2014**, from 1 p.m. to 3 p.m. Participants should call the toll-free number 877-913-8254; when prompted, enter participant passcode 5547760. Also, the public is encouraged to submit written questions for the Working Group to consider during the teleconference. Please submit questions to Mark Shaffer (see Contact information below) by September 11, 2014.

**Contact:** Mark Shaffer, Office of the Science Advisor (703)358-2603 [wildlifeadaptationstrategy@fws.gov](mailto:wildlifeadaptationstrategy@fws.gov)



**COASTAL ZONE MANAGEMENT NOTICES**

**Special Management Area (SMA) Minor Permits**

The SMA Minor permits below have been approved (HRS 205A-30). For more information, contact the county/state Planning Department. Honolulu (768-8014); Hawai'i (East HI 961-8288, West HI 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: North Kona (7-7-015: 071)	Construction of a HI-5 Redemption Center (SMM 14-306)	Jeri Pankey, HMP, Inc., dba Business Services Hawai'i
Maui: Lahaina (4-5-013: 027)	Lahaina Roads Seawall Repair (SM2 20110079)	Lahaina Roads AOAO
Maui: Kihei (3-8-013: 006)	Condo Unit Attic Strengthening (SM2 20140085)	Brandon Erickson
Maui: Kihei (3-8-013: 006)	Construct Water Well (SM2 20140088)	Alpha Inc.
Maui: Kalua'aha (5-7-009: 002)	New Dwelling (SM6 20130008)	David Burrows

**SHORELINE NOTICES**

**Shoreline Certification Applications**

The shoreline certification applications above are available for review at the DLNR Offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS 205A-42 and HAR 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1609	7/31/14	Lot 924 as shown on Map 24 of Land Court Application 1052 situate at Makaha, Waianae, Oahu Address: 84-307 Makau Street Purpose: House extension	Constancio Galang/ Klingensmtih, Janet/Scott Marital TR	8-4-009:010
MA-587	7/30/14	Lot 13 Keanae Homesteads First Series being Land Patent Grant S-14821 to Harry Kahuhu, Jr. situate at Keanae, Hana (Koolau), Maui Address: Keanae Road Purpose: Obtain Land Use Boundary Interpretation	ControlPoint Surveying, Inc./ Lois E. Hiranaga	1-1-003:005
MA-588	8/7/14	Lot 5 of Waipio Bay Partition being a portion of Grant 2079, Ap. 3 to Kaiewe situate at Puolua, Hamakualoa, Maui Address: 328 Door of Faith Road Purpose: N/A	Akamai Land Surveying, Inc./ Kevin Pena	2-9-007:049

HA-490	8/4/14	Lot No. 18, Block 1 of "Milolii Beach Lots" being a portion of File Plan 789, Papa 2 <sup>nd</sup> , South Kona, Island of Hawaii Address: N/A Purpose: Building permit	Thomas Pattision/ Marion B. Ordonez	8-8-005:095
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### Shoreline Certification and Rejections

The shoreline notices below have been proposed for certification or rejection by DLNR (HRS 205A-42 and HAR 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resource, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1592	Proposed Shoreline Certification	Lot 16 of Lae O Niu Tract situate at Niu, Waikiki, Oahu Address: 94 Niu Iki Circle Purpose: Development of property	Dennis K. Hashimoto/ Thomas C. & Sandra G. Young	3-7-002:045
MA-574	Proposed Shoreline Certification	Lot 462 of Land Court Application 1804 situate at Honualua, Makawao, Maui Address: 3800 Wailea Alanui Drive Purpose: Planning for future use of parcel	Warren S. Unemori Engineering, Inc./ AOAO Wailea Beach Villas	2-1-008:091
MA-575	Proposed Shoreline Certification	Lot 71 of Land Court Application 1744 situate at Hanakaoo, Lahaina, Maui Address: 100 Nohea Kai Drive Purpose: Planning for future use of parcel	Warren S. Unemori Engineering, Inc./ Maui Ocean Club	4-4-013:001
HA-486	Proposed Shoreline Certification	Portion of Grant 4856 to John Hind and whole of Grant 10,644 to Ichiro Goto situate at Lalamilo, South Kohala, Island of Hawaii Address: 69-1532 & 69-1536 Puako Beach Drive Purpose: Determine building setbacks for planning process	West Point Corporation/ One Puako Bay Associates, LLC	6-9-002:001, 002 & 030
KA-382	Rejection	Lot 16 of Map of Partition Haena Hui Land situate at Haena, Halelea, Kauai Address: 7550 Kuhio Highway Purpose: Establish landscaping parameters	Geoffrey Noble/ Chulack Family Trust	5-9-002:033

## GLOSSARY

### **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 an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(c\)](#), for Applicant actions. For actions for which the 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 Agency shall respond in writing to comments on a DEA received during the review and prepare a Final EA (FEA) to determine whether an environmental impact statement shall be required. The FEA must respond to all public comments. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement will not be required and the project may then be implemented. The public has 30 days from the notice of a FONSI in this bulletin to ask a 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 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, Environmental Impact Statement Preparation Notice (with no EA)**

Act 172-2012, 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 is

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 to request for a period of thirty-days, to be consulted parties in the preparation of the Draft EIS. Comments and responses must be incorporated into the subsequent Draft EIS.

### **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 mitigative 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 nonacceptance determination.

### **National Environmental Policy Act**

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

### **Conservation District**

Any use of land in the State Conservation District requires 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. Notices of permit applications are published in this bulletin.

### **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 special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

### **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.

### **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).