The Environmental Notice

February 23, 2019

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.
The Rules package is still under preparation for submittal to the Governor. Version 2.0 of the rules as approved by the Environmental Council is available on the OEQC SharePoint site (http://oeqc2.doh.hawaii.gov)

**STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS**

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**ANNOUNCEMENTS**

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Hawai‘i

Kealakehe Wastewater Treatment Plant R-1 Upgrade--Draft EIS

HRS §343-5(a) Trigger
(1) Propose the use of state or county lands or the use of state or county funds
(2) Propose any use within any land classified as a conservation district

District(s) North Kona

TMK(s) 7-4-008:058 and 073, 7-4-020:007 (por.)

Permit(s) Special Management Area, Conservation District Use Application

Proposing Agency Department of Environmental Management, County of Hawai‘i

Curtis Bailey, (808) 961-8279, Curtis.Bailey@hawaiicounty.gov

345 Kekūanāo‘a St., Suite 41, Hilo, HI 96720

Accepting Authority Office of the Mayor, County of Hawai‘i

West Hawai‘i office: 74-5044 Ane Keohokalole Hwy., Bldg C, Kailua-Kona, HI 96740

Consultant Wilson Okamoto Corporation; 1907 South Beretania St., Suite 400, Honolulu, HI 96826

Earl Matsukawa, (808) 946-2277, ematsukawa@wilsonokamoto.com

Status Statutory 45-day public review and comment period starts. Comments are due by April 9, 2019. Please send comments to the accepting authority and copy the proposing agency and the consultant.

The County of Hawai‘i Department of Environmental Management (DEM) is proposing improvements to the Kealakele Wastewater Treatment Plant (WWTP) that will provide additional treatment to produce R-1 standard water suitable for reuse in accordance with the State of Hawai‘i, Department of Health Reuse Guidelines. In addition, treated wastewater in excess of demand for reuse will be further treated through a proposed onsite subsurface flow constructed wetlands and then conveyed to a proposed offsite soil aquifer treatment (SAT) facility for even further treatment and disposal.

The recycled water will be used to irrigate a proposed landscaped buffer parcel surrounding the WWTP and the DEM also proposes to construct an underground recycled water transmission pipeline to the Old Kona Airport Park for irrigation within the park. A number of transmission pipelines will make the recycled water be available to other users in the area. An abandoned Department of Water Supply reservoir has been conveyed to DEM and will be converted to store recycled water. In future phases, underground transmission pipelines and another new storage tank will be constructed in road rights-of-way and easements for distribution of recycled water to other users.

West Hawai‘i Community Veterans Center--Draft EA (AFNSI)

HRS §343-5(a) Trigger
(1) Propose the use of state or county lands or the use of state or county funds

District(s) North Kona

TMK(s) 7-3-010: 056

Permit(s) Ground Lease, NPDES, Building Permits

Proposing/Determining Agency Department of Accounting and General Services, State of Hawai‘i

Joseph Earing, (808) 586-0486, joseph.m.earing@hawaii.gov

P.O. Box 119, Honolulu, HI 96810-1019

Consultant Environmental Communications, Inc.; P.O. Box 236097, Honolulu, HI 96823

Taeyong Kim, (808) 528-4661, tkim@environcom.com

Status Statutory 30-day public review and comment period starts. Comments are due by March 25, 2019. Please send comments to the proposing/determining agency and copy the consultant.

The West Hawai‘i Community Veterans Center (CVC) is a stand-alone facility that will be operated by a not-for-profit owner group. The facility will provide the community with meeting, educational, performance and a local food business incubator building service the West Hawai‘i community. The proposed project is located on a vacant parcel owned by the State of Hawai‘i. The site is approximately 1-mile east of Queen Ka‘ahumanu Highway and approximately 2-miles east of the Kona Airport. Other sites were considered with the proposed site selected as the preferred alternative.

The CVC will consist of a single-story building of approximately 5,700 square feet and 107 parking stalls located on the ground level. The facility will include open air pre-function areas, a lobby, large and small meeting rooms, a social room, commercial kitchen, office areas, toilets and supporting storage, mechanical, electrical and telephone rooms. The projected construction cost of this project is $12,000,000.
February 23, 2019 

The Environmental Notice

HAWAIʻI (CONTINUED)

Nakahili--Draft EA (AFNSI)

HRS §343-5(a) Trigger (9)(A) Propose any wastewater treatment unit,...

District(s) South Kohala

TMK(s) (3) 6-8-002:005, 006, 028, 029, 030

Permit(s) Chapter 201 H-38 Affordable Housing Exemption, SLUD Boundary Amendment, Other

Approving Agency Office of Housing and Community Development, County of Hawaiʻi
Neil Gyotoku, (808) 961-8379, Neil.Gyotoku@hawaiicounty.gov
50 Wailuku Dr., Hilo, HI 96720-2456

Applicant Work Force Developers, LLC; P.O. Box 1060, Lahaina, HI 96767
Greg Brown, (808) 662-3879, gregbrown@bdmaui.com

Consultant PBR HAWAII & Associates, Inc.; 1001 Bishop St., Suite 650, Honolulu, HI 96813
Tom Schnell, (808) 521-5631, tschnell@pbrhawaii.com

Status Statutory 30-day public review and comment period starts. Comments are due by March 25, 2019. Please send comments to the approving agency and copy the applicant and the consultant.

Nakahili will be a family agricultural community in the Waikoloa area of South Kohala on the Island of Hawaii. The community will be on approximately 1,559 acres near the intersection of Mamalahoa Highway with Waikoloa Road. When fully built out Nakahili will include approximately 1,158 apartments and farm dwellings.

As a family agricultural community Nakahili will: include farm dwellings on agricultural lots; allow for agricultural operations; and include a small neighborhood commercial “village” area with apartments, limited retail and light industrial uses, and a small wastewater treatment facility. Two parks are proposed: 1) a community green for community activities and events adjacent to the village area; and 2) an a large regional park. Community infrastructure will be provided on-site, including water wells, water tanks, a waste wastewater treatment facility to serve the village area, and several detention basins. Approvals for Nakahili are proposed to be processed under Chapter 201H, Hawaiʻi Revised Statutes, meaning that a majority of the dwellings (50% of the units, plus one additional unit) must be affordable to households with incomes at or below 140% of the area median income.

Smith-Otto SFR Renovation & Addition--Draft EA (AFNSI)

HRS §343-5(a) Trigger (3) Propose any use within a shoreline area

District(s) North Kona

TMK(s) (3) 7-8-014:084

Permit(s) Various (see document)

Approving Agency Planning Department, County of Hawaiʻi
Alex J. Roy, M.Sc., (808) 961-8140, alex.roy@hawaiicounty.gov
East Hawaiʻi office: 101 Pauahi St., Suite 3, Hilo, HI 96720

Applicant Otto-Smith Family Trust; 1630 Seacoast Dr., Imperial Beach, CA 91932
Deborah Otto-Brad Smith, (619) 417-3379, debotto7@gmail.com

Consultant Allenby and Associates; P.O. Box 2113, Kealakekua, HI 96750-2113
Lawton Allenby, Principal Architect, (808) 324-1600, lawton@kealaola.com

Status Statutory 30-day public review and comment period starts. Comments are due by March 25, 2019. Please send comments to the approving agency and copy the applicant and the consultant.

Mr. Brad Smith and Ms. Deborah Otto request a shoreline setback variance and a variance from zoning code to build a second floor addition (~1009 total square feet) over the existing dwelling’s footprint (~1325 total square feet single-bedroom dwelling, including lanai, decks, and covered porch) that was constructed in 1962-1963. This proposed development is designed to minimize any impact to the land. The existing single bedroom home does not meet the needs of the family. The revised floor plan adds a second story that provide the bedrooms, bathrooms, and space necessary to live in the home full time.

The Applicants are requesting approval based on the grounds of hardship, and the EA provides the background of why the requested variance should be granted, and why there is no other way of accommodating the family without it. They are specifically reviewing why the Hardship Exemption should be granted, and why it is a reasonable use of the land, and does not draw into question the reasonableness of the rule.
Adventist Health Castle Master Plan - Hawai‘i Loa Campus--Draft EIS

HRS §343-5(a) Trigger
(2) Propose any use within any land classified as a conservation district

District(s) Koʻolaupoko

TMK(s) (1) 4-5-035:10

Permit(s) Various (see document)

Approving Agency/Accepting Authority Department of Land and Natural Resources, State of Hawai‘i
Kimberly (Tiger) Mills, Office of Conservation and Coastal Lands
(808) 587-0382; kimberly.mills@hawaii.gov
1151 Punchbowl Street, Room 131, Honolulu, HI, 96813

Applicant Adventist Health Castle; 640 Ulukahiki St., Kailua, HI 96734
Kathryn Raethal, President, (808) 263-5142; RaetheKA@ah.org

Consultant G70; 111 South King St., Suite 170, Honolulu, HI 96813
Christine Mendes Ruotola, AICP, LEED AP, (808) 523-5866; AdvHealthCastle@g70.design

Status Statutory 45-day public review and comment period starts. Comments are due by April 9, 2019. Please send comments to the approving agency/accepting authority and copy the applicant and the consultant.

Adventist Health Castle (AHC) has been caring for the Windward O‘ahu community since Castle Memorial Hospital first opened its doors in 1963, and serves a population of more than 130,000 residents. Castle Medical Center currently provides 160 hospital beds supported by more than 1,000 associates, 330 medical staff and 140 volunteers. AHC’s patient-centered care extends well beyond hospital and clinical walls through its many programs that serve the health and medical needs of the community. AHC has determined it needs to modernize its inpatient care facility, to expand outpatient facilities to meet the projected increased demand and to offer treatments not currently available in Windward O‘ahu, and to consolidate its services in a centralized, natural healing environment. AHC purchased the 132-acre Hawai‘i Pacific University (HPU) campus in 2016, securing sufficient space to create a 21st Century health care campus to meet the community’s current and future needs. The privately-owned parcel lies within the State Conservation District and was authorized for educational use as the Hawaii Loa College Special Subzone under HAR §13-5. To transform the campus as guided by the AHC Master Plan requires approval from the Department of Land and Natural Resources (DLNR) to include a subzone use change.

Kalākaua Avenue Water System Improvements--Draft EA (AFNSI)

HRS §343-5(a) Trigger
(1) Propose the use of state or county lands or the use of state or county funds

District(s) Honolulu

TMK(s) (1) 2-3-034:033 [Ala Wai Promenade], (1) 2-3-Various, (1) 2-4-Various, (1) 2-6-Various, (1) 3-1-Various, Parcel: 000, Portion of County Road ROW

Permit(s) Various (see document)

Proposing/Determining Agency Board of Water Supply, City and County of Honolulu
Gregory Lee, P.E., (808) 748-5716, glee@hbws.org
Capital Projects Division, Design and Plan Review Branch, Design Section
630 S. Beretania St., Honolulu, HI 96843

Consultant Belt Collins Hawaii LLC; 2153 N. King Street, Suite 200, Honolulu, HI 96819-4554
Joanne Hiramatsu, Director of Planning, (808) 521-5361, jhiramatsu@bchdesign.com

Status Statutory 30-day public review and comment period starts. Comments are due by March 25, 2019. Please send comments to the proposing/determining agency and copy the consultant.

The Board of Water Supply is proposing to upgrade the flow capacity of the water main pipelines to current standards by replacing the existing eight-inch main within Kalākaua Avenue and the six-inch main within Saratoga Road. Once installed, the new mains will undergo hydrostatic pressure testing, and be reconnected to existing mains in the intersecting streets. Approximately 200 existing lateral services (fire hydrants and user connections) will also need to be reconnected to the new mains. The existing water mains within Kalākaua Avenue and Saratoga Road will be kept in place as a parallel relief line for reserve capacity.
Welch Family Residence--Final EA (FONSI)

HRS §343-5(a) Trigger
(2) Propose any use within any land classified as a conservation district

District(s) Honolulu

TMK(s) 2-5-014:028

Permit(s) CDUA, C&C Building Permit, Grading Permit

Approving Agency Department of Land and Natural Resources, State of Hawai‘i
Lauren Yasaka, Office of Conservation and Coastal Lands
(808) 587-0377; lauren.e.yasaka@hawaii.gov
1151 Punchbowl St., Room 131, Honolulu, HI, 96813

Applicant Darrell Welch, (808) 285-1988; 217 Prospect St., B-14, Honolulu, HI 96813

Consultant Welch and Weeks, LLC; P. O. Box 4557, Honolulu, HI 96812
Darrell Welch, (808) 585-8522, buckarooarchitect@gmail.com

Status Finding of No Significant Impact (FONSI) determination.

The Applicant intends to build a 4,517 sq. ft. family residence on a 1.003 ac. lot on Forest Ridge Way in the Tantalus community. The home will consist of 3 Bedrooms, 3 Baths, Living Rm., Dining Rm., Kitchen, Laundry, Foyer, Family, Lanais and Study, plus 2 car Garage and Storage areas. Water Catchment, Septic and Photovoltaic systems will serve the project, which will have surrounding areas for automobile access and parking. Lawn and garden areas utilizing native plants will be placed near the home, while the majority of the site will remain in natural condition. The exterior building materials will be cut lava rock, natural wood siding, standing seam metal roofing and insulated glass. The foundations will be concrete slab on grade for roughly half the footprint and concrete caissons on micro-piles for the other half. The dwelling will be connected to Forest Ridge Way by an existing driveway with security gate. The construction is expected to take 12 to 14 months to complete after the permit process is complete.

Previously Published Documents Open for Comment

Status: Public review and comment period for these projects began previously. Comments are due by March 25, 2019 unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

Hawai‘i

Kona Historical Society Gallery--Draft EA (AFNSI) Comments are due by March 11, 2019

O‘ahu

Ala Moana Regional Park and Magic Island Improvements--2nd Draft EIS and Appendices

Exemption Declaration

The Department of Transportation has declared the following action exempt from the requirement to prepare an EA pursuant to HAR § 11-200-8:

Capstar/Iheart Tower Alterations

The Proposed Action (also referred to as the Project) includes the individual actions necessary to reduce the height of the existing Tower located at 1111 Dillingham Boulevard, Honolulu, at the corner of Dillingham Blvd and Kokea Street. Specifically, the purpose of the Project is to lower the height of the Tower from its current height of 447 feet to 315 feet in order reduce the impacts of a known navigational obstruction and create an alternate emergency flight path for use under certain conditions.
CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Application(s) or receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in The Environmental Notice. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed for each project. CDUs can be found on the OCCL website at dlnr.hawaii.gov/occl.

File No.: SSBN OA-19-4
Name of Applicant: Office of Conservation and Coastal Lands
Location: Waikīkī Beach, Seaward of 2400 Kalākaua Ave. Honolulu, HI 96815
TMKs: (1) 2-6-001:008, (1) 2-6-001:003
Proposed Action: Small Scale Beach Nourishment and Groin Construction
343, HRS determination: Exempt
OCCL Staff Contact: Shellie Habel (808) 587-0049

File No.: SSBN KA-19-3830
Name of Applicant: Association of Unit Owners (AOUO) of the Kauai Kailani Condominiums
Location: Kauai Kailani Condominiums, 4-856 Kūhiō Highway, Kapa’a, HI, 96746
TMKs: (4) 3-009:041
Proposed Action: Small Scale Beach Nourishment and Groin Construction
343, HRS determination: Exempt
Applicant’s Contact: Michael Foley, Ph.D., P.E., Oceanit Laboratories, Inc. (808) 954-4184, mfoley@oceanit.com
OCCL Staff Contact: Shellie Habel (808) 587-0049

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 relevant county/state planning agency. Honolulu (768-8014); Hawai’i (East 961-8288, West 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: Hilo (2-3-009: 018 Por.) | Construct a Permanent Farmer’s Market Structure that Will Operate Seven Days a Week (Amendment to SMM 99-081) | Tammy Tran
Hawai’i: North Kona (7-8-010: 004) | Clearing and Routine Maintenance of a 20-foot Wide Firebreak along the Western and Southern Borders (SMM 19-406) | Kamehameha Schools
Maui: Pāia (3-8-002: 115) | Ferguson Farm Structures (SM2 20190007) | Dean K. Frampton
Maui: Lahaina (4-5-003: 030) | Roof Repair (SM2 20190008) | Jeremy Stooddart
Maui: Lahaina (4-5-001: 045) | Four Chinese Festivals (SM2 20190009) | Wo Hing Society
The following federal actions are being reviewed for consistency with the enforceable policies of the Hawai‘i Coastal Zone Management (CZM) Program, including the CZM objectives and policies in Hawai‘i Revised Statutes, Chapter 205A. Federal consistency, pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA), as amended, generally requires that federal actions, within and outside of the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state’s federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. This public notice is being provided in accordance with § 306(d)(14) of the CZMA, and federal regulations at 15 CFR § 930.2, § 930.42, and § 930.61. General information about federal consistency is available at the Hawai‘i CZM Program web site, or call (808) 587-2878.

For specific information or questions about an action listed below, contact the John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov. Comments must be received by March 11, 2019. Comments may be submitted by mail or electronic mail to:

Mail: Office of Planning
Department of Business, Economic Development and Tourism
P.O. Box 2359, Honolulu, HI 96804

Email: john.d.nakagawa@hawaii.gov

Honolulu Harbor Maintenance Dredging Phase II and Phase III, O‘ahu

**Proposed Action:** The U.S. Army Corps of Engineers, Honolulu District, proposes to continue Phase II and Phase III maintenance dredging of Honolulu Harbor and the entrance channel in areas not previously completed under Phase I that were avoided because either the sediments were unsuitable for ocean disposal or due to resource concerns. The purpose of the proposed action is to fulfill the Corps’ federal responsibility to maintain the original design depths by removing accumulated sediments from within the federal project limits. No new dredging is proposed. Phase II and Phase III are neither sequential nor consequential and have independent utility. Phase II will be conducted by barge-based mechanical (clamshell) dredging to remove approximately 31,786 cubic yards of accumulated unconsolidated sediments from four distinct areas of the inner harbor near the U.S. Coast Guard station, Pier 40, Pier 20, and Pier 18, with disposal of dredged material at both the South O‘ahu Ocean Dredged Material Disposal Site (SOODMDS) for suitable material, and at the PVT Landfill in Wai‘anae, O‘ahu. Dredged material will be transported by tug and barge to Barbers Point Harbor for upland dewatering at a 5.2-acre site located inland of the harbor. Phase II is expected to take up to 98 days of in-water work to complete. Phase III maintenance dredging by the Corps’ trailing suction hopper dredge, "Essayons", to remove approximately 30,792 cubic yards of accumulated unconsolidated sediments from the entrance channel and a portion of the inner harbor near Pier 40, with disposal of the dredged material at the SOODMDS. Phase III is expected to take up to 8 days of in-water work to complete.

**Location:** Honolulu Harbor entrance channel and inner harbor various locations, and dewatering location at Barbers Point Harbor, O‘ahu

**Federal Action:** Federal Agency (U.S. Army Corps of Engineers, Honolulu District) Activity

Electrical Renovations for U.S. Coast Guard Air Station Barbers Point, O‘ahu

**Proposed Action:** The U.S. Coast Guard (USCG) proposes to renovate the aging Navy underground electrical distribution system serving the USCG Air Station Barber Point (ASBP), which involves: (1) replacing the existing substandard distribution voltage of 4.160 kV with 12.47 kV on ASBP; and (2) installing a new transmission distribution system to connect the ASBP to the HECO island-wide grid. This CZM federal consistency review covers only the portion of the proposal that occurs on State of Hawaii Department of Transportation (HDOT) land located outside of the federal ASBP. Included in this CZM federal consistency review are two options. Option A includes the installation of a new 12 kV underground infrastructure system within the HDOT existing right-of-way (ROW) along Coral Sea Road between ASBP and the proposed new 12 kV distribution line associated with the proposed new solar power facility south of Tripoli Road. The approximate length of the Option A segment within the HDOT ROW is 4,480 feet (0.9 mile). Option B includes the installation of a new 12 kV combined underground and overhead infrastructure system within the HDOT ROW along Coral Sea Road between ASBP and an existing HECO service manhole just south of Roosevelt Avenue. The approximate length of this segment within the HDOT ROW is 14,500 feet (2.7 miles). Detailed information about the proposal can be found in the federal Draft EA published in The Environmental Notice on February 8, 2019.

**Location:** U.S. Coast Guard Air Station Barbers Point and Coral Sea Road, Kalaeloa, O‘ahu

**TMK(s):** (1) 9-1-13: 31, 63, 64

**Federal Action:** Federal Agency (U.S. Coast Guard) Activity
## Applications for Shoreline Certification

The shoreline certification applications below are available for review at the Department of Land and Natural Resources 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 (808) 587-0420.

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<tr>
<td>OA-1848</td>
<td>67-321 Kiapoko Pl., O‘ahu 96791</td>
<td>(1) 6-7-014: 008</td>
<td>Jaime F. Alimboyoguen</td>
<td>Torsten Johnson</td>
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<tr>
<td>OA-1851</td>
<td>91-1001 Kaimalie St., O‘ahu 96706</td>
<td>(1) 9-1-134: 007 &amp; 072</td>
<td>R.M. Towill Corporation</td>
<td>Haseko (Ewa), Inc. &amp; Hoakalei Corporation</td>
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<td>HA-571</td>
<td>69-1956 Puakō Beach Dr., Hawai‘i 96743</td>
<td>(3) 6-9-006: 007</td>
<td>Wes Thomas Associates</td>
<td>David Olson</td>
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<td>KA-436</td>
<td>5-7444 Kūhiō Hwy., Kaua‘i 96714</td>
<td>(4) 5-8-010: 024</td>
<td>Honua Engineering, Inc.</td>
<td>Lydgate Rinker Hale, LLC - Jennifer &amp; Melody Rinker</td>
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## Proposed Shoreline Certifications and Rejections

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources (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 Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai‘i 96813.

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<td>OA-1839</td>
<td>Proposed</td>
<td>21 Plīpī Pl., O‘ahu 96734</td>
<td>(1) 4-3-018: 046</td>
<td>Towill, Shigeoka &amp; Associates, Inc.</td>
<td>Cal &amp; Theresa Andreou</td>
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<td>OA-1840</td>
<td>Proposed</td>
<td>7 Kailuana Pl., O‘ahu 96734</td>
<td>(1) 4-3-022: 004</td>
<td>R.M. Towill Corporation</td>
<td>Dean E. Schmaltz Trust</td>
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As a courtesy, listed below are relevant entries from the Federal Register published since the last issue of The Environmental Notice. For more information, click on the title link, also available at www.federalregister.gov.

**Notice: Request for Renewal of the Incidental Take Permit and Habitat Conservation Plan for Incidental Take of Hawaiian Stilts; Cyanotech Aquaculture Facility, Hawai‘i (published by the Fish and Wildlife Service on 02/13/2019)**

We, the U.S. Fish and Wildlife Service (Service), have received an application from Cyanotech (applicant) for a renewal of an incidental take permit (ITP) under the Endangered Species Act. The applicant is requesting renewal of their ITP and their 2002 habitat conservation plan (HCP) for Hawaiian stilt at the Cyanotech aquaculture facility at Keahole Point, Hawai‘i. If renewed, the ITP would authorize the take of the Hawaiian stilt that may occur incidental to the operation and maintenance of the aquaculture facility. The ITP application includes a HCP renewal document describing the actions and measures the applicant will implement to avoid, minimize, mitigate, and monitor incidental take of the species. We are making the HCP renewal and the NEPA environmental action statement for categorical exclusion, available for public review and comment. To ensure consideration, please send your written comments by March 15, 2019. Click on the linked title for more information.

**Notice: Draft Safe Harbor Agreement for Nene at Haleakala Ranch, Maui (published by the Fish and Wildlife Service on 02/19/2019)**

We, the U.S. Fish and Wildlife Service (Service), have received an application from the Haleakala Ranch Company (the Ranch) for an enhancement of survival permit (permit) pursuant to the Endangered Species Act of 1973, as amended (ESA). The permit application includes a draft Safe Harbor Agreement (SHA) between the Ranch, the State of Hawai‘i Department of Land and Natural Resources (DLNR), and the Service. Implementation of the proposed SHA is intended to benefit the recovery of the nēnē (Hawaiian goose, Branta sandvicensis) on 3,056 acres of privately-owned Ranch land on the island of Maui. The proposed SHA conservation measures on the Ranch include nēnē habitat improvement and maintenance, establishment and maintenance of a nēnē release pen, and control of predators. The activities implemented under this SHA will aid in increasing the current range of the covered species, restoring this species to part of its historic range, and increasing the total population of the species, thus contributing to its overall recovery. The Service is making the permit application, including the proposed SHA, and the NEPA environmental action statement for categorical exclusion available for public review and invites comments, including the submission of written data. All comments from interested parties must be received on or before March 21, 2019.

**Notice: Western Pacific Fishery Management Council; Public Meetings (published by the National Oceanic and Atmospheric Administration on 02/13/2019)**

The Western Pacific Fishery Management Council (Council) will hold its 131st Scientific and Statistical Committee (SSC) meeting, Joint Advisory Panel (AP) meeting, 176th Council meeting and its associated meetings to take actions on fishery management issues in the Western Pacific Region. A portion of the Council’s Executive, Budget and Legislative Standing Committee meeting will be closed to the public. The meetings will be held at various venues in Honolulu between March 12 and March 21, 2019. For specific times and agendas, see SUPPLEMENTARY INFORMATION after clicking on the linked title.


EPA is making available for review and comment the data received from respondents of a voluntary survey, “2018 Clean Water Act Hazardous Substances Survey” (OMB Control No. 2050-0220). This data is being made available consistent with the preamble to the proposed action “Clean Water Act Hazardous Substances Spill Prevention” published on June 25, 2018. The data collected through the voluntary survey is available in Regulations.gov at Docket ID: EPA-HQ-OLEM-2017-0444. Comments on data from respondents of the voluntary survey posted in Docket ID: EPA-HQ-OLEM-2017-0444 must be received on or before March 5, 2019.
Draft Environmental Assessment

When an Agency or Applicant proposes an action that
trigger 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(d), 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 not to 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.

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(d), 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.

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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 705A, 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).