



The Environmental Notice

August 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.



Governor Ige signs the new rules for the environmental review process, as OEQC Director Scott Glenn and Environmental Council Chair Onaona Thoene look on. *Photo credit: Governor's Office*

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ANNOUNCEMENTS

- This is the first issue of *The Environmental Notice (TEN)* under the new rules! As a reminder, going forward, all new EAs and EIS Preparation Notices (and subsequent documents) not grandfathered under the old rules (HAR Chapter 11-200) will need to comply with, and reference, the new rules (HAR Chapter 11-200.1).
- Starting with the September 8 issue of *TEN*, lists of the preceding month's exemption notices that are required to be submitted by State and County agencies will be published in the first issue of each month.
- Please pay attention to the [new submittal calendar](#) attached at the end of this issue, and available on the [OEQC website](#).
- Files for all new EA, EIS, etc. documents not grandfathered will be uploaded to a [new library](#) on the [OEQC SharePoint](#) site, while the files for any on-going/grandfathered actions will continue to be uploaded to the [1996-2019 library](#).

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS



NEW HAR CHAPTER 11-200.1

As noted previously, Governor Ige signed the new administrative rules for the environmental review process, HAR Chapter 11-200.1, which took effect on August 9, 2019. This issue of *The Environmental Notice* is the first published under the new rules.

Important Upcoming Dates

First bulletin under HAR Chapter 11-200.1	August 23 (Fri)
Next submittal deadline for grandfathered EAs and EISs (8 working days before publication)	August 27 (Tue)
Next submittal deadline for new EAs, new EISs, and Lists of Exemption Notices (5 working days before publication)	August 30 (Fri)
Second bulletin under HAR Chapter 11-200.1 (includes Lists of Exemption Notices)	September 8 (Sun)

- HAR Chapter 11-200.1 considers actions that have already started the environmental review process under the old rules (HAR Chapter 11-200) to be "grandfathered in" under the old rules. This means that if the action has published a Draft EA or EIS Preparation Notice in the August 9 issue of *TEN* or previously, pursuant to HAR Chapter 11-200, it must comply with all of the requirements of HAR Chapter 11-200 to complete the environmental review process.
- For actions that have published a Draft EA or EISPN in the August 9 issue of *TEN* or previously, continue using the 8-working day submittal deadline for all subsequent publications of Final EAs, Draft & Final EISs, Acceptance/Non-acceptance determinations, etc. Please see the [new Publication Calendar](#) attached at the end of this issue and use the left-most column.
- For new EAs & EISPNs published in this issue or afterwards, submittals must be electronic, using the 5-working day deadline for the new EA or EISPN and all subsequent publications of Final EAs, Draft & Final EISs, Acceptance/Non-acceptance determinations, etc. Please see the [new Publication Calendar](#) attached at the end of this issue and use the second from the left column. **Submitting prior to the deadline is strongly encouraged to prevent errors from precluding publication.**
- Comment submittal deadlines (30 days after publication of Draft EAs and EISPNs, 45 days after publication of Draft EISs) have not changed under the new rules.

The State Environmental Council and OEQC have prepared several tools to assist with the rules transition. The main online locations for these materials are the OEQC website (<https://health.hawaii.gov/oeqc/>), the Rules Update webpage (<https://health.hawaii.gov/oeqc/rules-update/>) and the OEQC SharePoint Site (<http://oeqc2.doh.hawaii.gov/>). The following files are particularly useful for orienting one's self to the new rules:

- HAR Chapter 11-200.1 in standard format (the official format for rules)
http://oeqc2.doh.hawaii.gov/Laws/v2.0-Proposed-HAR-11-200.1-Rules-Standard_Final.pdf
- HAR Chapter 11-200.1 rationale, which explains the changes made to the rules
http://oeqc2.doh.hawaii.gov/Laws/v2.0-Proposed-HAR-11-200.1-Rules-Rationale_Final.pdf
- HAR Chapter 11-200.1 unofficial Ramseyer version, which shows the changes from the old rules to the new rules
http://oeqc2.doh.hawaii.gov/Laws/v2.0-Proposed-HAR-11-200.1-Rules-Rationale-App-2-Ramseyer-Unofficial_96-2.0.pdf

In addition, the OEQC webpage for the Rules Update has a list of all meetings the Council held for rulemaking, agendas and meeting minutes, working drafts, comments on drafts, and responses to comments. These can be found here: <https://health.hawaii.gov/oeqc/rules-update/>.

The OEQC will continue to prepare guidance on the new rules so please check the website and the *Notice* for updates.

NEW HAR CHAPTER 11-200.1 (CONTINUED)

Major Themes in the Revisions to the Admin Rules

The purpose of environmental review, as stated in its enabling statute, Chapter 343, Hawai'i Revised Statutes:

"... [t]hat the quality of humanity's environment is critical to humanity's well being, that humanity's activities have broad and profound effects upon the interrelations of all components of the environment, and that an environmental review process will integrate the review of environmental concerns with existing planning processes of the State and Counties and alert decision makers to significant environmental effects which may result from the implementation of certain actions. The legislature further finds that the process of reviewing environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole."

The process also requires public participation and, as such, points the way for how agencies in general can involve the public in decision making. The EIS process requires notice of the action, public comment periods, and responses to comments for both EISs and EAs. The environmental review process can at times be the main, or even only, opportunity for the public to weigh in on proposed developments or agency use of public resources. The information gathered helps agencies make informed decisions about the impacts of a proposed action on the environment, defined broadly to include all the physical, economic, cultural, and social conditions that exist within the area affected by a proposed action, including land, human and animal communities, air, water, minerals, flora, fauna, ambient noise, and objects of historic, cultural, or aesthetic significance, among other things.

In choosing to pursue updating the rules, the Council adopted the following principles to guide its work: modernize government, be consistent with the statutes, bring greater alignment to statute, case law, and practice, increase clarity of process and requirements, look to NEPA where it makes sense to do so, and solve real problems

The major change to the Rules is a reorganization of the current Chapter 11-200, HAR, to more closely reflect the steps that agencies and applicants follow when preparing EAs or EISs. This is why HAR Chapter 11-200 is being repealed and the new HAR Chapter 11-200.1 is being adopted.

Other changes are legislatively driven. In 2012, the Legislature passed Act 50, requiring a cultural analysis as part of an EA or EIS. The Rules add "cultural" into the definition of environment and in several other places within the Rules as mandated by the Act. The new Rules also introduce a public scoping meeting requirement as part of the EISPN phase to help balance the legislatively created direct-to-EIS pathway, which allows applicants and agencies to prepare an EIS without first preparing an EA. The Council also integrated the State's Sea Level Rise Exposure Area into the significance criteria so that agencies would have to consider it in deciding whether to issue an exemption notices or require an EA or EIS for a particular action.

The Rules also update various definitions including new definitions for "project" and "program," encouraging the preparation of programmatic EAs and EISs, when appropriate, by more clearly distinguishing what level of information needs to be included in an EA or EIS prepared for a project from what needs to be included in an EA or EIS for a program.


The Rules require electronic submittal for publication in *The Environmental Notice*, and its distribution as well as for distributing exemption notices, EAs, and EISs. In addition to the above, the Rules address many issues, among which are:

- Clarifying roles and responsibilities of proposing agencies, approving agencies, and accepting authorities in the environmental review process;
- Clarifying exemptions; introducing *de minimis* actions and requiring the publication of lists of exemption notices;
- Clarifying significance criteria and incorporating climate change such as sea-level rise and greenhouse gases;
- Modernizing submittals and deadlines;
- Standardizing how to start from an EIS Preparation Notice so that all EIS Preparation Notices are standardized;
- Responding to comments in EAs and EISs for petitions, form letters, and common topics and issues; and
- Conducting joint federal-state environmental review (NEPA-HEPA).

As noted above, the OEQC will continue to prepare guidance on the rules transition, so please check with the OEQC, the website and SharePoint site, and future issues of the *Notice* for updates.

HAWAII

Puakea Guest Ranch--Draft EA (AFNSI)


HRS §343-5(a) Trigger	(4) Propose any use within any historic site as designated in the ... Hawai'i Register	
District(s)	North Kohala	
TMK(s)	(3) 5-6-001:082	
Permit(s)	Various (see document)	
Approving Agency	Planning Department, County of Hawai'i Michael Yee, Director, (808) 961-8288, michael.yee@hawaiicounty.gov 101 Pauahi Street, Suite 3, Hilo, HI 96720	
Applicant	Christie Cash, proprietor, The Historic Puakea Ranch; P.O. Box 190768, Hāwī, HI 96719 (808) 315-0805, christie@puakearanch.com	
Consultant	none	
Status	Statutory 30-day public review and comment period starts. Comments are due by September 23, 2019. Please send comments to the approving agency and copy the applicant.	

The owners of Puakea Ranch are requesting a Special Permit for use of a portion of the property, which is a collection of cottages, gardens and other structures listed on the State Register of Historic Places, as a Guest Ranch. The Proposed Action continues the vacation rentals and constructs facilities that allow for various functions including weddings and community events. It would involve adaptation of existing Puakea Ranch structures, four of which are currently used as vacation rentals, construction of new structures including accessible restrooms and mitigation measures to address noise concerns. Ranching and gardening uses of the property would continue and expand. The maximum occupancy of the vacation rentals would increase from 18 to 38, and guest and non-guest events with attendees up to 100 would be allowed (with two events a year at 350 people). A variety of restrictions would limit the hours, days of the week, and uses of various parts of the property. The action has been designed for adaptive re-use of historic structures that will foster interpretation of Kohala's historic heritage and provide for maintenance. No impacts to significant archaeological features would occur. Normal operational traffic is not expected to have any significant impact.

MOLOKA'I

Makakupa'ia Bridge Replacement--Final EA (FONSI)

Grandfathered under old rules

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Moloka'i	
TMK(s)	Highway right-of-way bordering TMKs (2) 5-4-017-various and 5-4-003-various	
Permit(s)	Various (see document)	
Proposing/ Determining Agency	Department of Transportation, State of Hawai'i Justin Rush, (808) 692-8427, justin.se.rush@hawaii.gov 601 Kamokila Boulevard, Room 609, Kapolei, HI 96707	
Consultant	EKNA Services, Inc. Elaine Tamaye, (808) 591-8553 ext 204, etamaye@eknahawaii.com 615 Pi'ikoi Street, Suite 300, Honolulu, HI 96814	
Status	Finding of No Significant Impact (FONSI) determination, processed pursuant to HAR Chapter 11-200	

The State of Hawaii Department of Transportation (HDOT) proposes to replace Makakupa'ia Bridge, located about 4 miles east of Kaunakakai town on Kamehameha V Highway (Route 450). The bridge was built in 1940 and is approximately 23 feet long and 28 feet wide and currently has two 11-foot lanes with 2-foot shoulders. The HDOT is proposing to demolish the existing bridge and construct a new bridge that will conform to current HDOT and American Association of State Highway and Transportation Officials and Federal Highway Administration standards. The replacement bridge will be a two-lane bridge with widened shoulders for pedestrians and cyclists. The new bridge will be 49 feet long by approximately 42 feet wide, and will be entirely within the existing highway right-of-way. A temporary bypass road will be constructed on the mauka side to allow traffic to remain open during construction. The bypass road will be removed after completion of the new bridge. A contractor staging area is located on the mauka side of the highway, east of the bridge.

MAUI

Stable Road West Groin Rehabilitation--Final EA (FONSI)

Grandfathered under old rules

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 (3) Propose any use within a shoreline area
District(s)	Wailuku
TMK(s)	(2) 3-8-002: 026, 025, 050
Permit(s)	Various (see document)
Approving Agency	Department of Land and Natural Resources, State of Hawai'i Tiger Mills, DLNR-OCCL, (808) 587-0377, Kimberly.Mills@hawaii.gov 1151 Punchbowl Street, Room 131, Honolulu, HI 96813
Applicant	Community Beach Restoration Foundation; 2406 Waipua Street, Pā'ia, HI 96779 Patricia Cadiz, (808) 283-5070, pbcs5@mac.com
Consultant	Sea Engineering, Inc.; Makai Research Pier, Waimānalo, HI 96795 David Smith, (808) 259-7966 x.30, dsmith@seaengineering.com
Status	Finding of No Significant Impact (FONSI) determination, processed pursuant to HAR Chapter 11-200



The project area is located on the north-central coast of Maui, just east of Wailuku/Kahului and seaward of the Kahului Airport. In the project area are seven rock groins that are believed to have been constructed pre-1944 and are presently in a deteriorated condition. The project area shoreline has historically been relatively stable over the long term, with shoreline recession typically being less than 1 foot per year. In recent years, however, there has been a dramatic increase in sand loss and shoreline recession. This is attributable to the continuing deterioration of the groins. The Japanese tsunami of 2011 damaged the groins and sustained large winter surf the past several years has further damaged the groins and eroded sand.

The proposed project is to repair Groins 1-2 and 4-7 to their original design and to replace Groin 3 with a new engineered groin. The objectives of the project are to maintain the groins so that they can continue to provide their intended stabilization of the beach resulting in recreational, environmental, and aesthetic benefits; to maintain existing lateral access along the shore; and to maintain the sandy shoreline as the first line of defense for the backshore area in the event of natural coastal hazards, such as storms, waves, or tsunamis.

O'AHU

Waipahu High School New Classroom Building--Final EA (FONSI)

Grandfathered under old rules

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	'Ewa
TMK(s)	(1) 9-4-008: 020 (por.) and 025 (por.)
Permit(s)	See document
Proposing/ Determining Agency	Department of Education, State of Hawai'i Office of School Facilities and Support Services, Facilities Development Branch 3633 Wai'ālae Avenue, Honolulu, HI 96816 Karynn Yoneshige, (808) 784-5127, Karynn_Yoneshige/FacilDev/HIDOE@notes.k12.hi.us
Consultant	PBR HAWAII & Associates; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Greg Nakai, (808) 521-5631, gnakai@pbhawaii.com
Status	Finding of No Significant Impact (FONSI) determination, processed pursuant to HAR Chapter 11-200



A New Classroom Building (approx. 60,700 gross square feet) with 24 classrooms is proposed at Waipahu High School to help alleviate the existing shortage of classrooms and provide necessary facilities to support the needs of the current student body and the evolving Natural Sciences, Culinary, and Hospitality programs. The new facilities will provide specialized spaces including science classrooms, culinary kitchens, computer and design thinking rooms, and a flexible indoor/outdoor dining area, as well as general classrooms, an administrative suite, and a fully self-contained special education classroom or other special function space. A new fire access road and a small parking area to serve the new building and staff are also proposed. In addition, to address the existing lack of onsite parking for students, a New Makai Parking Area (including approximately 214 parking stalls) within the currently undeveloped makai portion of the upper campus parcel is proposed for a future phase.

O'AHU (CONTINUED)

Ala Moana Regional Park & Magic Island Improvements--Final EIS Volumes 1, 2 & 3
Ala Moana Regional Park & Magic Island Improvements (Acceptance of Final EIS)

Grandfathered under old rules

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) 2-3-37: 001, 002 022, 023 and 025
Permit(s)	Various (see document)
Proposing/ Determining Agency	Department of Design and Construction, City and County of Honolulu Robert Kroning, Director, (808) 768-8480, alamoanaeis@bchdesign.com 650 S. King Street, 11th Floor, Honolulu, HI 96813
Accepting Authority	Office of the Mayor, City and County of Honolulu Mayor Kirk Caldwell, (808) 768-5885, alamoanaeis@bchdesign.com 530 South King Street, Room 300, Honolulu, HI 96813
Consultant	Belt Collins Hawaii, LLC; 2153 North King Street, Suite 200, Honolulu, HI 96819-4554 Joanne Hiramatsu, Director of Planning, (808) 521-5361, alamoanaeis@bchdesign.com
Status	FEIS submitted to, and accepted by, the Mayor as accepting authority on August 12, 2019, pursuant to HAR Chapter 11-200.



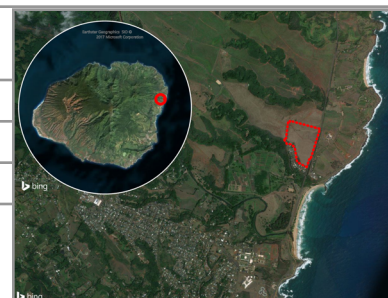
The City is proposing to restore, revitalize, enhance, and improve the Ala Moana Regional Park and Magic Island peninsula grounds and facilities as a result of a recent master plan process that outlined both long- & short-term improvement plans. The project area receives the most usage of any other park in the State and is also one of the oldest. Many park users visit daily or several times during the week. The City wishes to extend the Parks' longevity as a gradual increase in visits is forecasted for the foreseeable future. Some of the major improvements include sand replenishment, renovations to existing structures, improving pond edges, widening pedestrian access over the drainage canal along Ala Moana Blvd., and reconfiguring the parking.

KAUAI

Keālia Mauka Homesites (Acceptance of Final EIS)

Grandfathered under old rules

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Kauai
TMK(s)	Petition Area: (4) 4-7-004: por. 001; Off-Site Areas: 4-6-014 (por) & 4-7-003: 002 (por)
Permit(s)	See document
Approving Agency/ Accepting Authority	Land Use Commission, State of Hawai'i Daniel Orodener, Executive Officer, (808) 587-3822, daniel.e.oroedener@hawaii.gov Land Use Commission, P.O. Box 2359, Honolulu, HI 96804-2359
Applicant	Keālia Properties, LLC; c/o: Hawai'i Management Services LLC, P.O. Box 1630, Kōloa, HI 96756 Ms. Moana Palama, (808) 742-9784, moana@mskauai.com
Consultant	HHF Planners; 733 Bishop Street, Suite 2590, Honolulu, HI 96813 Scott Ezer, Vice President, (808) 457-3158, sezer@hhf.com
Status	The approving agency/accepting authority accepted the FEIS (and Appendices) on August 8, 2019.



Keālia Properties, LLC proposes a residential subdivision on 53.4 acres ("Petition Area") at Keālia, approximately 1.5 miles north of Kapa'a. Petitioner proposes approximately 235 lots (5,600 SF to 7,300 SF) with infrastructure. Project also includes off-site infrastructure and utility improvements to support the subdivision ("Off Site Areas"). The Petition Area is within the State Agricultural District, and a petition for State Land Use District Boundary amendment has been filed with the Land Use Commission (LUC) to reclassify the site to the Urban District. Off-Site Areas are not part of the LUC petition. HRS Chapter 343 environmental review is triggered by use of State and County lands for infrastructure improvements within public roadways (Kūhiō Highway, Keālia Road). Following the District Boundary Amendment, Petitioner will request a County zone change (agriculture to residential). Kauai County has confirmed the Proposed Action is consistent with the County General Plan land use map.

Project purpose is to provide lots for Kauai residents to address the need for single-family housing. Lots may be sold to individual buyers or blocks of lots could be sold to a single purchaser to develop. Lots are sized to keep prices manageable for local residents and will meet the workforce housing requirements of Kauai County Ordinance No. 860.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

COMMENTS DUE SEPTEMBER 6, 2019

O'AHU

[PVT ISWMF Relocation--Draft EIS Volume I and Volume II](#)

COMMENTS DUE SEPTEMBER 9, 2019

HAWAII

[Kukuioia and Village 9 Affordable Rental Community--Draft EA \(AFNSI\)](#)

[Grossbard/Bourzat Single-Family Residence at Keonepoko--Draft EA \(AFNSI\)](#)

O'AHU

[BWS Hālau Wai Mānoa--Draft EA \(AFNSI\)](#)

[Kalauha'īha'i Fishpond Management Plan--Draft EA \(AFNSI\)](#)

[Lā'ie Corporation Yard Master Plan--Draft EA \(AFNSI\)](#)

[Turtle Bay Resort Development--Draft EA \(AFNSI\)](#)

COMMENTS DUE SEPTEMBER 23, 2019

MAUI

[Kaheawa Wind Power II--Draft Supplemental EIS](#)

PRIOR AGENCY DETERMINATIONS

Pursuant to HAR Section 11-200.1-11, the County of Maui Department of Water Supply [has determined](#) that additional environmental review is not necessary for the construction of the new 1.5 million gallon (MG) tank at the Department's existing Kahului Water Tank site; an [FEA/FONSI](#) was published on October 8, 2013 for a similar 2 MG tank never built at the same site.

COASTAL ZONE MANAGEMENT NOTICES

FEDERAL CONSISTENCY REVIEWS

None in this issue

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
Kaua'i: Ha'ena (5-9-002: 050 and 051)	After-the-Fact Restoration of Drainage Way, and Installation of Subterranean Sand Bags to Protect Existing Single-Family Residence (SMA(M)-2019-13)	McCullough Family Trust
Kaua'i: Hanalei (5-5-002: 107)	Demolition of Garage, New 6-foot High Wood Fence, Conversion of the Existing Dwelling to an Accessory Structure, with Deck Addition, and Related Site Utilities. (SMA(M)-2019-14)	3 Palms LLC
Kaua'i: Hanalei (5-5-002: 003)	New Rock Wall (SMA(M)-2019-15)	Scott Sloan
Maui: Kīhei (3-9-051: 026)	New Warehouse (SM2 20190070)	Robert Wintner Trust
Maui: Lahaina (4-5-006: 001)	Exit Doors (SM2 20190071)	Donna Walden
Maui: Kahului (3-7-008: 005)	Sip Me Improvements (SM2 20190072)	Dean K Frampton
O'ahu: Kailua (4-3-016: 025)	Construction of a Two-Car Garage Addition to an Existing Single-Family Dwelling (2019/SMA-14)	Hawaii Architects, Inc.

SHORELINE NOTICES

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 this public notice of the application. For more information, call Ian Hirokawa at (808) 587-0420.

File No.	Location	TMK	Applicant	Owner
OA-1872	10 Sand Island Access Road, O'ahu	(1) 1-5-041: 006 por.	R.M. Towill Corporation	State of Hawai'i, Harbors Division
OA-1873	91-480 Malakole Street, O'ahu 96707	(1) 9-1-014: 010	R.M. Towill Corporation	IES Downstream, LLC
OA-1874	4 Lumahai Street, O'ahu 96825	(1) 3-9-013: 032	Walter P. Thompson, Inc.	CALSA LLC
OA-1875	91-173 'Ewa Beach Road, O'ahu 96706	(1) 9-1-023: 010	Walter P. Thompson, Inc.	Mark Suyama & Joty Manocha
KA-445	9884 Kahakai Road, Kaua'i 96796	(4) 1-6-007: 009	Esaki Surveying & Mapping, Inc.	M & K Ohana Rentals LLC
KA-446	4-856 Kūhiō Highway, Kaua'i 96746	(4) 4-3-009: 041	Esaki Surveying & Mapping, Inc.	Kauai Kailani AOA

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.

File No.	Status	Location	TMK	Applicant	Owner
MO-178	Proposed	2396 Kamehameha V Hwy, Moloka'i 96748	(2) 5-4-017: 012	Christopher Dang and Derek Kamiya, Members of HELG Administrative Services, LLC	Carolyn C. Anderson Trust
HA-574	Proposed	69-1081 Ku'uali'i Pl., Hawai'i	(3) 6-9-007: 015	Wes Thomas Associates	Waikoloa BC, LLC
HA-575	Proposed	69-1728 Puakō Beach Dr., Hawai'i	(3) 6-9-004: 014	Wes Thomas Associates	Mary Hugh Scott Trust
KA-436	Proposed	5-7444 Kūhiō Hwy., Kaua'i 96714	(4) 5-8-010: 024	Honua Engineering, Inc.	Lydgate Rinker Hale, LLC - Jennifer L. & Melody R. Rinker
KA-441	Proposed	Wailua, Līhu'e, Kaua'i	(4) 3-9-006: 001	Esaki Surveying and Mapping, Inc.	County of Kaua'i, Department of Parks and Recreation
KA-444	Proposed	Kūhiō Hwy., Kaua'i	(4) 5-8-012: 028	Honua Engineering, Inc.	Patrick Hammerle

APPLICATION FOR ACCRETION

Pursuant to HRS § 501-33, the following application for the registration of land accreted along the ocean has been submitted:

[Hall Amended Petition for Registration of Title to Accretion](#)

Applicable Law: Petition for Registration of Title to Accretion under HRS Chapter 501-33 and Rule 26 of the Rules of the Land Court

Type of Document: Amended Petition for Registration of Title to Accretion

Island/District/TMK: O'ahu / Kailua, District of Ko'olaupoko / (1) 4-3-007: 034

Applicant: Petitioner CHARLES L. HALL, Trustee of that certain unrecorded Charles L. Hall Revocable Living Trust U/A dated August 19, 1996, as amended and restated;
c/o Janna Ahu, Esq., Dentons US LLP, 1001 Bishop St., Suite 1800, Honolulu, HI 96813
(808) 524-1800

Authority: Land Court, State of Hawai'i

Status: First Amended Petition for Registration of Title to Accretion filed

Project Summary: YOU ARE HEREBY NOTIFIED that Petitioner CHARLES L. HALL, Trustee of that certain unrecorded Charles L. Hall Revocable Living Trust U/A dated August 19, 1996, as amended and restated, has filed a petition for registration of title to accretion in the Land Court, State of Hawai'i, L.D. No. 18-1-0771, to register title to accreted land within lands identified as Lot 20 as shown on Map 2 of Application No. 505, Tax Map Key No. (1) 4-3-007: 034, containing 0.29 acres, more or less, all situate, lying and being at Kailua, District of Ko'olaupoko, City and County of Honolulu, State of Hawai'i.

STATE NOTICES

[Hoku Kai Biofuels, LLC \(former Big Island Asphalt site\) Application for Hawai'i Voluntary Response Program](#)

The Hawai'i Department of Health, Hazard Evaluation and Emergency Response Office has received an application to participate in the Hawai'i Voluntary Response Program for a property located on Hawai'i Island at 794 Kalaniana'ole Street, Hilo, Tax Map Key (TMK) (3) 2-1-010: Parcel 043. The site is the former location of Big Island Asphalt Company Inc.

In accordance with the Hawai'i Environmental Response Law, HRS 128D, Sub-Section 31, a short summary of the details of the application follows:

The property is approximately 2.3 acres in the vicinity of Hilo Harbor. In 1962 Shell Oil Company purchased the property from the State of Hawai'i and began construction of an asphalt paving production facility. In 1963, the plant commenced operation. Liquid asphalt cement was off-loaded by pipeline from the nearby port of Hilo and stored in above-ground storage tanks (AST's). Later, asphalt cement was brought onto the property via ISO containers.

In December 1996, Makawao Sugar Plantation LP purchased the property and leased it to Big Island Asphalt. Asphalt paving was manufactured by Big Island Asphalt and transported off-site via truck. In October 2005, Big Island Asphalt shut down and asphalt storage and blending operations were terminated. No decommissioning of the facility occurred at the time operations were terminated and a variety of petroleum products and other asphalt product admixtures were left on-site.

In January 2013, Hoku Kai purchased the property from Makawao Sugar Plantation. The property is currently vacant and not in use. A variety of aboveground infrastructure from the former asphalt plant remains in place on the property.

Contamination at the site from historic asphalt production activities include surface contamination with medium and heavy weight petroleum products and remnant asphalt cement. Past environmental investigations have identified groundwater contamination in the southwest portion of the property that is believed to have been from an off-site source. Past releases have also been associated with the pipeline which extends to Hilo Harbor, but those past releases have reportedly been addressed to the satisfaction of the regulatory agencies. An underground storage tank (UST) was also formerly located at the site, but that UST has been removed with a site assessment completed. The full extent of contamination at the site has yet to be delineated.

Hoku Kai Biofuels, LLC intends to repurpose the site for the importation and storage of biofuel. Most of the existing structures at the site will be removed, except for a few of the larger tanks which will be refurbished for biofuel storage and as a water storage tank for fire suppression. The surface contamination will be largely removed during the site redevelopment activities, followed by an assessment of the remaining environmental concerns and development of a Remedial Action plan.

Please click on the linked title to this entry for additional information about this application.

FEDERAL NOTICES

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.

Rule: [Taking Marine Mammals Incidental to U.S. Navy Surveillance Towed Array Sensor System Low Frequency Active Sonar Training and Testing in the Central and Western North Pacific Ocean and Eastern Indian Ocean](#) (published by the National Oceanic and Atmospheric Administration on 08/13/2019)

NMFS, upon request from the U.S. Navy (Navy) issues these regulations pursuant to the Marine Mammal Protection Act (MMPA) to govern the taking of marine mammals incidental to the use of Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) sonar systems onboard U.S. Navy surveillance ships for training and testing activities conducted under the authority of the Secretary of the Navy in the western and central North Pacific Ocean and eastern Indian Ocean (SURTASS LFA sonar activities) beginning August 2019. These regulations, which allow for the issuance of a Letter of Authorization (LOA) for the incidental take of marine mammals during the described activities and timeframes, prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, and establish requirements pertaining to the monitoring and reporting of such taking. **Effective on August 12, 2019, through August 11, 2026.** *Click on the linked title to this entry for additional information.*

Notice: [Endangered Species; Receipt of Recovery Permit Application](#) (published by the Fish and Wildlife Service on 08/13/2019)

The U.S. Fish and Wildlife Service (USFWS) has received an application from Archipelago Research and Conservation, Kalaheo, HI for a permit to conduct activities intended to enhance the propagation and survival of endangered species [specifically Band-rumped storm-petrel or akeake (*Oceanodroma castro*) and Hawaiian petrel or uau (*Pterodroma sandwichensis*)] under the Endangered Species Act of 1973, as amended. The public and local, State, Tribal, and Federal agencies are invited to comment on this application. Before issuing the requested permit, USFWS will take into consideration any information received during the public comment period. **USFWS must receive your written comments on or before September 12, 2019.** *Click on the linked title to this entry for additional information.*

Notice: [Request for Applications: The Community Forest and Open Space Conservation Program](#) (published by the Forest Service on 08/08/2019)

The U.S. Forest Service requests applications for the Community Forest and Open Space Conservation Program (Community Forest Program or CFP). This is a competitive grant program whereby local governments, qualified nonprofit organizations, and Indian tribes are eligible to apply for grants to establish community forests through fee simple acquisition of private forest land from a willing seller. The purpose of the program is to establish community forests by protecting forest land from conversion to non-forest uses and provide community benefits such as sustainable forest management, environmental benefits including clean air, water, and wildlife habitat; benefits from forest-based educational programs; benefits from serving as models of effective forest stewardship; and recreational benefits secured with public access.

Eligible lands for grants funded under this program are private forest that is at least five acres in size, suitable to sustain natural vegetation, and at least 75 percent forested. The lands must also be threatened by conversion to non-forest uses, must be offered for sale by a willing seller, and if acquired by an eligible entity, must provide defined community benefits under CFP and allow public access. Interested local government and nonprofit applicants must submit applications to the State Forester. **All applications must be received by State Foresters by January 6th, 2020, who must then forward applications to the appropriate Forest Service Regional office or International Institute of Tropical Forestry by February 6th, 2020.** *Click on the linked title to this entry for additional information.*

Notice: [Changes in Flood Hazard Determinations](#) (published by the Federal Emergency Management Agency on 08/16/2019)

New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for the County of Hawai'i (as listed in the linked table) are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents. *Click on the linked title to this entry for additional information.*

GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

Projects or programs proposed by 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

Projects or programs proposed by 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 (EISPEN) along with the supporting Final EA. After the notice of the FEA-EISPEN 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 EISPEN 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. The agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPEN) with a completed OEQC publication form detailing the specifics of the action. This starts a 30-day scoping period in which the agency or applicant must hold a public scoping meeting for the preparation of the Draft EIS. Written comments and responses on the EISPEN must be incorporated into the subsequent Draft EIS and oral comments from the public scoping meeting must be recorded and submitted to the OEQC with the 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 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 EISPEN, 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 EISPEN 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. For Applicant projects, the Approving Agency is the Accepting Authority and must make a determination within 30 days or the FEIS is deemed 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

The Accepting Authority must be satisfied that the FEIS meets three criteria (process, content, response to comments) to accept it. If the FEIS is accepted, notice is published in this bulletin. The public has 60 days from publication to challenge 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.



Ko Olina Bay, O'ahu

Photo by [Floyd Manzano](#)

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. The Council just completed the repeal of Hawaii Administrative Rules (HAR) Chapter 11-200 and adoption of HAR Chapter 11-200.1.

Agency Exemption Lists

Government agencies may 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 11-200.1-16). 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).



Publication Calendar of the Office of Environmental Quality Control Periodic Bulletin, **HAR Chapter 11-200.1**

2019

Pursuant to Chapter 11-200.1, Hawai'i Administrative Rules (HAR), all items to be published in the periodic bulletin must be electronically submitted to the OEQC five working days prior to the publication date. For actions that have published a draft EA or EISPN on or before August 8, 2019, use the 1996 Rules Submittal Deadline column for determining the filing date for the Final EA, Draft EIS, Final EIS, Acceptance / Non-acceptance, supplemental determinations, and supplemental EISs.

1996 Rules Submittal Deadline	New Rules Submittal Deadline	Publication Date	EA or EISPN Comment 30-Day Deadline	EIS Comment 45-Day Deadline
Dec 12 Wed		Dec 23 2018 Sun	Jan 22 Tue	Feb 06 Wed
Dec 26 Wed		Jan 08 2019 Tue	Feb 07 Thu	Feb 22 Fri
Jan 10 Thu		Jan 23 Wed	Feb 22 Fri	Mar 11 Mon
Jan 29 Tue		Feb 08 Fri	Mar 11 Mon	Mar 25 Mon
Feb 12 Tue		Feb 23 Sat	Mar 25 Mon	Apr 09 Tue
Feb 26 Tue		Mar 08 Fri	Apr 08 Mon	Apr 22 Mon
Mar 13 Wed		Mar 23 Sat	Apr 22 Mon	May 07 Tue
Mar 27 Wed		Apr 08 Mon	May 08 Wed	May 23 Thu
Apr 10 Wed		Apr 23 Tue	May 23 Thu	Jun 07 Fri
Apr 26 Fri		May 08 Wed	Jun 07 Fri	Jun 24 Mon
May 13 Mon		May 23 Thu	Jun 24 Mon	Jul 08 Mon
May 29 Wed		Jun 08 Sat	Jul 08 Mon	Jul 23 Tue
Jun 12 Wed		Jun 23 Sun	Jul 23 Tue	Aug 07 Wed
Jun 25 Tue		Jul 08 Mon	Aug 07 Wed	Aug 22 Thu
Jul 11 Thu		Jul 23 Tue	Aug 22 Thu	Sep 06 Fri
Jul 29 Mon		Aug 08 Thu	Sep 09 Mon	Sep 23 Mon
Aug 12 Mon	Aug 15 Thu	Aug 23 Fri	Sep 23 Mon	Oct 07 Mon
Aug 27 Tue	Aug 30 Fri	Sep 08 Sun	Oct 08 Tue	Oct 23 Wed
Sep 11 Wed	Sep 16 Mon	Sep 23 Mon	Oct 23 Wed	Nov 07 Thu
Sep 26 Thu	Oct 01 Tue	Oct 08 Tue	Nov 07 Thu	Nov 22 Fri
Oct 11 Fri	Oct 16 Wed	Oct 23 Wed	Nov 22 Fri	Dec 09 Mon
Oct 29 Tue	Nov 01 Fri	Nov 08 Fri	Dec 09 Mon	Dec 23 Mon
Nov 13 Wed	Nov 18 Mon	Nov 23 Sat	Dec 23 Mon	Jan 07 Tue
Nov 26 Tue	Dec 02 Mon	Dec 08 Sun	Jan 07 Tue	Jan 22 Wed
Dec 11 Wed	Dec 16 Mon	Dec 23 2019 Mon	Jan 22 Wed	Feb 06 Thu
Dec 26 Thu	Dec 31 Tue	Jan 08 2020 Wed	Feb 07 Fri	Feb 24 Mon

- Section 11-200.1-4(a), HAR, establishes the publication schedule of the periodic bulletin to be on the eighth and twenty-third of each month. Publication may occur on weekends and holidays.
- Section 11-200.1-5(a), HAR, establishes the submittal deadline to be five working days before the publication date. The schedule does not count holidays and non-working days. Items must be submitted before the close of business (4:30 PM) on the submittal deadline. Note: Actions that have published the Draft EA or EISPN on or before August 8, 2019 shall file pursuant to Chapter 11-200, HAR, which requires filing eight working days before publication.
- Comment periods for EAs is 30 days and for EISs is 45 days from the publication date. Section 11-200.1-3 sets forth how to count the days from publication. The publication date is day zero. Holidays and weekends are counted. When the deadline falls on a state holiday or non-working day, the deadline is the next working day.