The Environmental Notice

August 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.
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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

- Keālia Mauka Homesites
- Waipahu High School
- Ala Moana Regional Park
- Makakupa‘ia Bridge
- Puakea Guest Ranch

**Legend**

- New document count in this issue: 6 total  
  - HRS § 343-5(b) Agency Actions: 3  
  - HRS § 343-5(e) Applicant Actions: 3
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

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>First bulletin under HAR Chapter 11-200.1</td>
<td>August 23 (Fri)</td>
</tr>
<tr>
<td>Next submittal deadline for grandfathered EAs and EISs (8 working days before publication)</td>
<td>August 27 (Tue)</td>
</tr>
<tr>
<td>Next submittal deadline for new EAs, new EISs, and Lists of Exemption Notices (5 working days before publication)</td>
<td>August 30 (Fri)</td>
</tr>
<tr>
<td>Second bulletin under HAR Chapter 11-200.1 (includes Lists of Exemption Notices)</td>
<td>September 8 (Sun)</td>
</tr>
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</table>

- 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/](https://health.hawaii.gov/oeqc/)), the Rules Update webpage ([https://health.hawaii.gov/oeqc/rules-update/](https://health.hawaii.gov/oeqc/rules-update/)) and the OEQC SharePoint Site ([http://oeqc2.doh.hawaii.gov/](http://oeqc2.doh.hawaii.gov/)). The following files are particularly useful for orienting one’s self to the new rules:


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/](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.
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.

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

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

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) ‘Ewa

TMK(s) (1) 9-4-008: 026, 025, 050

Proposing/Determining Agency

Department of Education, State of Hawai‘i
Office of School Facilities and Support Services, Facilities Development Branch
3633 Wai‘alae 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)

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, alamonaeis@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.

KAUʻAI

Keālia Mauka Homesites (Acceptance of Final EIS)

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

District(s)  Kawaihau

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 Orodenker, Executive Officer, (808) 587-3822, daniel.e.orodenker@hawaii.gov
Land Use Commision, 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). Kaua‘i County has confirmed the Proposed Action is consistent with the County General Plan land use map.

Project purpose is to provide lots for Kaua‘i 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 Kaua‘i County Ordinance No. 860.
August 23, 2019

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**

**HAWAI’I**

Kukuiola and Village 9 Affordable Rental Community--Draft EA (AFNSI)

Grossbard/Bourzat Single-Family Residence at Keonepoko--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); Hawaiʻi (East 961-8288, West 323-4770); Kauaʻi (241-4050); Maui (270-7735); Kakaʻako or Kalaeloa Community Development District (587-2841).

<table>
<thead>
<tr>
<th>Location (TMK)</th>
<th>Description (File No.)</th>
<th>Applicant/Agent</th>
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<tbody>
<tr>
<td>Kaua‘i: Hanalei (5-5-002: 107)</td>
<td>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)</td>
<td>3 Palms LLC</td>
</tr>
<tr>
<td>Maui: Kihei (3-9-051: 026)</td>
<td>New Warehouse (SM2 20190070)</td>
<td>Robert Wintner Trust</td>
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<tr>
<td>Maui: Lahaina (4-5-006: 001)</td>
<td>Exit Doors (SM2 20190071)</td>
<td>Donna Walden</td>
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<tr>
<td>Maui: Kahului (3-7-008: 005)</td>
<td>Sip Me Improvements (SM2 20190072)</td>
<td>Dean K Frampton</td>
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</tbody>
</table>
The shoreline certification applications below are available for review at the Department of Land and Natural Resources offices on Kauaʻi, Hawaiʻi, 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.

### APPLICATIONS FOR SHORELINE CERTIFICATION

<table>
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<tr>
<th>File No.</th>
<th>Location</th>
<th>TMK</th>
<th>Applicant</th>
<th>Owner</th>
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<tr>
<td>OA-1872</td>
<td>10 Sand Island Access Road, Oʻahu</td>
<td>(1) 1-5-041: 006 por.</td>
<td>R.M. Towill Corporation</td>
<td>State of Hawaiʻi, Harbors Division</td>
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<tr>
<td>OA-1873</td>
<td>91-480 Malakole Street, Oʻahu 96707</td>
<td>(1) 9-1-014: 010</td>
<td>R.M. Towill Corporation</td>
<td>IES Downstream, LLC</td>
</tr>
<tr>
<td>OA-1874</td>
<td>4 Lumahai Street, Oʻahu 96825</td>
<td>(1) 3-9-013: 032</td>
<td>Walter P. Thompson, Inc.</td>
<td>CALSA LLC</td>
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<tr>
<td>OA-1875</td>
<td>91-173 ʻEwa Beach Road, Oʻahu 96706</td>
<td>(1) 9-1-023: 010</td>
<td>Walter P. Thompson, Inc.</td>
<td>Mark Suyama &amp; Joty Manocha</td>
</tr>
<tr>
<td>KA-445</td>
<td>9884 Kahakai Road, Kauaʻi 96796</td>
<td>(4) 1-6-007: 009</td>
<td>Esaki Surveying &amp; Mapping, Inc.</td>
<td>M &amp; K Ohana Rentals LLC</td>
</tr>
<tr>
<td>KA-446</td>
<td>4-856 Kühiō Highway, Kauaʻi 96746</td>
<td>(4) 4-3-009: 041</td>
<td>Esaki Surveying &amp; Mapping, Inc.</td>
<td>Kauai Kailani AOAO</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, Hawaiʻi 96813.

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<tr>
<th>File No.</th>
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<tr>
<td>MO-178</td>
<td>Proposed</td>
<td>2396 Kamehameha V Hwy, Molokaʻi 96748</td>
<td>(2) 5-4-017: 012</td>
<td>Christopher Dang and Derek Kamiya, Members of HELG Administrative Services, LLC</td>
<td>Carolyn C. Anderson Trust</td>
</tr>
<tr>
<td>HA-574</td>
<td>Proposed</td>
<td>69-1081 Kuʻualii Pl., Hawaiʻi</td>
<td>(3) 6-9-007: 015</td>
<td>Wes Thomas Associates</td>
<td>Waikoloa BC, LLC</td>
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<tr>
<td>HA-575</td>
<td>Proposed</td>
<td>69-1728 Puakō Beach Dr., Hawaiʻi</td>
<td>(3) 6-9-004: 014</td>
<td>Wes Thomas Associates</td>
<td>Mary Hugh Scott Trust</td>
</tr>
<tr>
<td>KA-441</td>
<td>Proposed</td>
<td>Wailua, Līhuʻe, Kauaʻi</td>
<td>(4) 3-9-006: 001</td>
<td>Esaki Surveying and Mapping, Inc.</td>
<td>County of Kauaʻi, Department of Parks and Recreation</td>
</tr>
<tr>
<td>KA-444</td>
<td>Proposed</td>
<td>Kühiō Hwy., Kauaʻi</td>
<td>(4) 5-8-012: 028</td>
<td>Honua Engineering, Inc.</td>
<td>Patrick Hammerle</td>
</tr>
</tbody>
</table>
APPLICATION FOR ACCRECTION

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: Oʻahu / Kailua, District of Koʻolaupoko / (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 Hawaiʻi

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 Hawaiʻi, 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 Koʻolaupoko, City and County of Honolulu, State of Hawaiʻi.

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**State Notices**

**Hoku Kai Biofuels, LLC (former Big Island Asphalt site) Application for Hawaiʻi Voluntary Response Program**

The Hawaiʻi Department of Health, Hazard Evaluation and Emergency Response Office has received an application to participate in the Hawaiʻi Voluntary Response Program for a property located on Hawaiʻi Island at 794 Kalanianaole 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 Hawaiʻi 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 Hawaiʻi 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.
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 Hawaiʻi (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.
The Environmental Notice

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(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 (AFONSI), 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 proposer 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 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, EISPN) 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 EISPN 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 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. 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.

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 316A, 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).
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.

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- 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.