



The Environmental Notice

January 23, 2020

David Y. Ige, Governor

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.



Stepping in the mist high atop Pu'u Keahiakahoe on the closed Ha'ikū Stairs, during a sanctioned expedition as part of the Ha'ikū Stairs Study

Photo credit: Rachel Shaak

TABLE OF CONTENTS

ANNOUNCEMENTS	2
STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS	2
HAWAII	
Perry Single-Family Residence at Piha--Draft EA (AFNSI)	3
Wai'aha Well B--Final EA (FONSI)	3
O'AHU	
Ha'ikū Stairs Study--Final EIS	4
STATEWIDE	
Tibouchina Biological Control--Draft EA (AFNSI)	4
PREVIOUSLY PUBLISHED DOCUMENT OPEN FOR COMMENT	5
EXEMPTION LIST REVIEW	5
SHORELINE NOTICES	
Applications for Shoreline Certification	5
Proposed Shoreline Certifications and Rejections	5
COASTAL ZONE MANAGEMENT NOTICES	
Special Management Area (SMA) Minor Permits	6
CONSERVATION DISTRICT USE APPLICATIONS	6
FEDERAL NOTICES	6
GLOSSARY OF TERMS AND DEFINITIONS	7

ANNOUNCEMENTS

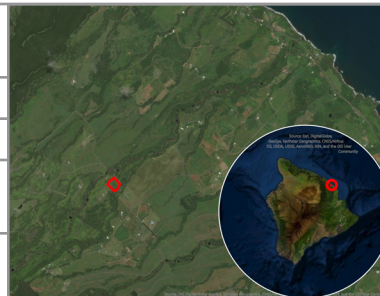
For submittals still operating under the old rules (i.e., a Draft EA or an EIS Preparation Notice was published for the action on or before August 8, 2019), please recall that while those rules require four copies of the EA or EIS document to be submitted to OEQC, only one of those copies at most should be paper! The remaining three, or even all four copies can be electronic (and then use our [electronic submittal form](#)). Please contact our office for guidance as appropriate.

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS



HAWAII


Perry Single-Family Residence at Piha--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(2) Propose any use within any land classified as a conservation district	
District(s)	North Hilo	
TMK(s)	(3) 3-2-004: 040	
Permit(s)	Plan Approval, Grubbing/Grading, Building Permits, Wastewater System Approval CDUP	
Approving Agency	Department of Land and Natural Resources, State of Hawai'i Trevor Fitzpatrick, (808) 587-0373, trevor.j.fitzpatrick@hawaii.gov 1151 Punchbowl St. #131, Honolulu, HI 96813	
Applicant	Nicholas Perry (with Rodrigo Gonzalez, landowner); 2185 Pretty Lane, Apt #3, West Palm Beach, FL 33415 c/o: James Leonard, (808) 896-3459, jmleonard@mac.com	
Consultant	Geometrician Associates; P.O. Box 396, Hilo, HI 96721 Ron Terry, (808) 969-7090, rterry@hawaii.rr.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by February 24, 2020. Please send comments to the approving agency and copy the applicant and the consultant.	

Applicant proposes a home and farm on 3 acres of former sugar cane land at 1,178 feet in elevation near Ninole. The home is designed to use the minimum of energy and materials. Much of the land will be hand-cleared for fruit orchards and vegetable gardens for home consumption, along with native hapu'u and neneleau shrubs. A paved driveway, a fence, and an IWS will also be built. Current vegetation is dominated by strawberry guava, melastomes and uluhe fern. No archaeological sites are present. No valuable cultural resources and practices such as forest access, fishing, gathering, hunting, or access to ceremonial sites would be affected. Grading will be minimal and mitigated by BMPs. A no-clearing area will buffer a steep slope on the property's eastern edge. Clearing timing restrictions will help prevent impacts to Hawaiian hawks and endangered Hawaiian hoary bats.

Wai'aha Well B--Final EA (FONSI)

Grandfathered under old rules

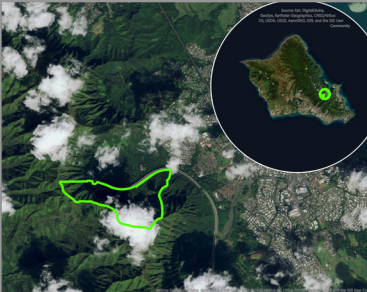
HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	North Kona	
TMK(s)	(3) 7-5-014: 016, 7-5-015: 015	
Permit(s)	Various (see document)	
Proposing/ Determining Agency	Department of Water Supply, County of Hawai'i Shari Uyeno, (808) 961-8070, suyeno@hawaiiidws.org 345 Kekuanaoa St., Suite 20, Hilo, HI 96720	
Consultant	Planning Solutions, Inc.; 711 Kapi'olani Blvd., Suite 950, Honolulu, HI 96813 Makena White, (808) 550-4538, makena@psi-hi.com	
Status	Finding of No Significant Impact (FONSI) determination.	

The County of Hawai'i, Department of Water Supply proposes to construct and operate a new well ("Well B") at its existing Wai'aha Well and Reservoir facility as a source for its North Kona Water System. The project will also include a new pump control and chlorination building and installation of ancillary power and pump equipment.

O'AHU

Ha'ikū Stairs Study--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 (2) Propose any use within any land classified as a conservation district	
District(s)	Ko'olaupoko	
TMK(s)	(1) 4-6-015: 007 & 011; 4-6-041: 005; 1-1-013: 003	
Permit(s)	Site Plan Approval; Historic Preservation Review under HRS 6E-8; various building, demolition, and highway use approvals for removal work	
Proposing/ Determining Agency	Board of Water Supply, City and County of Honolulu Kathleen Pahinui, Public Information Officer, (808) 748-5319, haikustairseis@hbws.org 630 South Beretania St., Honolulu, HI 96813	
Accepting Authority	Department of Planning and Permitting, City and County of Honolulu Raymond Young, Planner, (808) 768-8049, haikustairseis@honolulu.gov 650 South King St., Honolulu, HI 96813	
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeff Overton, AICP, (808) 523-5866, haikustairs@g70.design	
Status	FEIS has been submitted and is pending acceptance by the accepting authority.	

The Ha'ikū Stairs are a potential liability for the Board of Water Supply (BWS) because of hikers who continue to illegally climb them. The mission of BWS is to provide safe, dependable, and affordable water now and into the future. The BWS objective is to eliminate its liability as continued management and operation of Ha'ikū Stairs is not consistent with its mission. Eliminating BWS liability can be accomplished in two ways: 1) the proposed action to remove Ha'ikū Stairs, or 2) the alternative to convey the Ha'ikū Stairs parcel to a public or private entity. Therefore, reviewers should consider both the proposed action, and the conveyance alternative.

The Final EIS assesses the removal of Ha'ikū Stairs as the BWS' proposed action, and a range of alternatives that includes: no-action; partial removal of the stair modules; and conveyance of the land and Ha'ikū Stairs to a public or private entity. The conveyance alternative discusses the need for a managed access plan, evaluates several access routes, and provides conceptual planning for the preferred access route.

STATEWIDE

Tibouchina Biological Control--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	MAP UNAVAILABLE
District(s)	Statewide	
Permit(s)	USDA-APHIS-PPQ and Board of Agriculture (HDOA Plant Quarantine Branch)	
Proposing/ Determining Agency	Department of Agriculture (DOA), State of Hawai'i Christopher Kishimoto, (808) 832-0581, christopher.m.kishimoto@hawaii.gov 1849 Auiki St., Honolulu, HI 96819	
Consultant	Garcia and Associates; 146 Hekili St., Suite 101, Kailua, HI 96734 Huang-Chi Kuo, kuo@garciaandassociates.com ; please use Proposing Agency contact for any questions	
Status	Statutory 30-day public review and comment period starts. Comments are due by February 24, 2020. Please send comments to the proposing/determining agency and copy the consultant.	

The DOA, in collaboration with the Hawai'i Department of Land and Natural Resources, proposes the release of a beetle, *Syphraea uberabensis*, for biocontrol of invasive cane tibouchina, *Tibouchina herbacea*, and related weeds. Tibouchina and its relatives are noxious weeds in Hawai'i, where they form dense stands in pastures and forests, outcompeting native species.

Syphraea uberabensis is a small beetle whose adults and larvae feed on cane tibouchina in its native region of Brazil, causing extensive damage to the leaves as well as the soft exterior of young stems. Heavy feeding is expected to reduce plant density and prevent reproduction and spread to new areas, benefiting native ecosystems in Hawai'i. This Draft EA supports the release of the biocontrol agent, *Syphraea uberabensis*, to control cane tibouchina and related weeds. Observations in Brazil and extensive testing in Brazil and Hawai'i have shown that *S. uberabensis* is narrowly host-specific to cane tibouchina and a few closely related plants that are also weeds in Hawai'i.

PREVIOUSLY PUBLISHED DOCUMENT OPEN FOR COMMENT

Status: Public review and comment period for this project began previously. **Comments are due February 24, 2020.** Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

O'AHU

[Honouliuli Wastewater Conveyance Plan--Draft EIS](#)

EXEMPTION LIST REVIEW

Pursuant to [HAR §11-200.1-16\(d\)](#), the following agency exemption list has been submitted to the Environmental Council (EC) for review and concurrence. At the request of the EC, this draft exemption list is being published for public review and comment; please click on the link to view the list, and **submit any comments by February 24, 2020** to: oeqchawaii@doh.hawaii.gov

[Department of Land and Natural Resources, State of Hawai'i](#) (reviewed by EC on January 7, 2020)

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-1884	2199 Kalia St., O'ahu	(1) 2-6-004: 005, 006, 007, & 008	R.M. Towill Corporation	Halekulani Corp.
OA-1885	61-821 Papailoa Rd., O'ahu, 96712	(1) 6-1-004: 097	Kenn Nishihira	Jon and Marie-Neige Whittington
OA-1886	58-131 & 58-139 Napo'onala Pl., O'ahu, 96712	(1) 5-8-006: 036 & 037	Engineers Surveyors Hawaii, Inc.	Modern Development, LLC
OA-1887	6973 Kalaniana'ole Hwy., O'ahu, 96825	(1) 3-9-002: 031	Austin, Tsutsumi & Associates, Inc.	Sushil K. Garg
MA-725	409 Front St., Maui, 96761	(2) 4-6-002: 002	Arthur P. Valencia	Smith Family Trust
MA-726	5271 L. Honoapi'ilani Rd, Maui, 96761	(2) 4-3-002: 043	Arthur P. Valencia	Napili Point II
MO-180	4670 Pohakuloa Rd., Moloka'i	(2) 5-1-008: 038	Akamai Land Surveying, Inc.	Bernard and Joyce Xavier
HA-582	238 Kealohi Kai Pl., Hawai'i 96740	(3) 7-7-024: 004	Ali Ghalamfarsa	Steven and Lynn Nisco
KA-448	5-7480 Kūhiō Hwy, Kaua'i, 96756	(4) 5-8-010: 014	Honua Engineering, Inc.	Keely & Pierce Brosnan
KA-449	4792 Lāwa'i Rd., Kaua'i, 96734	(4) 2-6-012: 009	Honua Engineering, Inc.	Mark McCaslin - Malama KKL, LLC

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
OA-1877	Proposed	20 Kalaka Place, O'ahu 96734	(1) 4-3-016: 014	Jaime F. Alimboyoguen	Adam Rosen

COASTAL ZONE MANAGEMENT NOTICES

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

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

Location (TMK)	Description (File No.)	Applicant/Agent
O'ahu: Kalihi-Kai (1-2-025: 020 & 021)	New Prefabricated Power Distribution Center and Various Electrical Distribution Equipment Upgrades (2019/SMA-42)	Hawaii Fueling Facilities Corporation/Burns and McDonnell Engineering Company, Inc.

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Application(s) or receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in *The Environmental Notice*. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed for each project. CDUAs can be found via the hyperlinked File No. below or on the OCCL website at dlnr.hawaii.gov/occl.

File No.: [CDUA OA-3859](#)
Applicant: City & County of Honolulu, Dept. of Design and Construction
Consultant: Oceanit Laboratories, Inc.
Location/TMKs: Kailua, O'ahu / (1) 4-3-009:001, and seaward; 4-3-010: 084 and 088
Proposed Action: [Kawailoa Road Drainage Improvements Project](#)
343, HRS determination: [Final EA/FONSI](#) published November 8, 2019
Applicant's Contact: Brent Uechi; (808) 768-8819; buechi@honolulu.gov
Consultant Contact: Cris Takushi; (808) 531-3017; ctakushi@oceanit.com
OCCL Staff Contact: Salvatore Saluga; (808) 587-0399; salvatore.j.saluga@hawaii.gov

FEDERAL NOTICES

As a courtesy, listed below are some relevant entries from the Federal Register published since the last issue of *The Environmental Notice*. For more information, click on the title link, also available at www.federalregister.gov.

Notice: [Western Pacific Fishery Management Council; Public Meeting](#) (published by the National Oceanic and Atmospheric Administration on 01/22/2020)

The Western Pacific Fishery Management Council (Council) will hold public meetings and scoping sessions to discuss management of small-boat pelagic fisheries in Hawai'i. The Council will hold meetings in Honolulu, O'ahu on Tuesday, February 4, 2020, between 6 p.m. and 8 p.m.; in Kona, Hawai'i Island on Wednesday, February 5, 2020, between 6 p.m. and 8 p.m.; in Hilo, Hawai'i Island on Thursday, February 6, 2020, between 6 p.m. and 8 p.m.; in Kahului, Maui on Monday, February 10, 2020, between 6 p.m. and 8 p.m.; in Lihue, Kaua'i on Tuesday, February 11, 2020, between 6 p.m. and 8 p.m.; and in Kane'ohe, O'ahu on Thursday, February 13, 2020, between 6 p.m. and 8 p.m. For specific locations and agendas, please click in the title link of this entry.

Notice: [Changes in Flood Hazard Determinations](#) (published by the Federal Emergency Management Agency [FEMA] on 01/09/2020)

This notice identifies Maui County as a community where the addition or modification of Base Flood Elevations, base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by FEMA for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision, in accordance with Federal Regulations. Please click on the title link of this entry for additional information about this change.

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.



Maui sunset

Photo by [Thomas Hawk](#)

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).