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.

December 23, 2020

A beach improvement and maintenance program is being proposed for the iconic beach at Waikīkī; read about it inside!

Photo from EIS Preparation Notice for the project
December 23, 2020

The staff at OEQC wishes you all an appropriately-festive holiday season and a stable, secure, and enjoyable new year!

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**ANNOUNCEMENTS**

**STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS / DETERMINATIONS**

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**LEGEND**

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LĀNA‘I

Hōkūao 201H Residential Project--Draft EA (AFNSI)

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

District(s) Lāna‘i

TMK(s) (2) 4-9-002:061 (por.), 4-9-014:001 (por.) and 009 (por.)

Permit(s) County grading and building permits; County Subdivision Approval; HRS 201H-38 Affordable Housing Approval by Maui County Council and State Land Use Commission

Approving Agency Department of Housing and Human Concerns, County of Maui
Lori Tsuhako, (808) 270-7351, director.hhc@mauicounty.gov
2200 Main Street, Suite 546, Wailuku, HI 96793

Applicant Lanai Resorts, dba Pūlama Lāna‘i; 733 Bishop Street, Suite 1500, Honolulu, HI 96813
Keiki-Pua Dancil, (808) 237-2216, Kdancil@pulamalanai.com

Consultant Hookuleana LLC; 1534 Kanapu’u Drive, Kailua, HI 96734
Peter Young, (808) 226-3567, PeterYoung@hookuleana.com

Status Statutory 30-day public review and comment period starts. Comments are due by January 22, 2021. Click the title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant.

The proposed Hōkūao Housing Project comprises approximately 76-acres of land in the Kamoku Ahupua’a of Lāna‘i Island. Hōkūao is proposed to be developed as an affordable housing project under the provisions of HRS Chapter 201H. The Hōkūao project proposes: 150-single family homes (76 affordable homes for lease, 74-market rate homes for lease); lot sizes will be generally 8,000 square feet; and all homes will reflect the existing design vernacular of Lāna‘i City. Along the east edge bordering the school fields, the project provides a one-acre park, a 1,500-square foot community center for use by the Lāna‘i community, and 60-parking stalls for use by the Hōkūao project residents. An existing drainage swale on the western boundary carries storm water away from the existing town and community center. On the western flank, the project sets back from the existing wastewater treatment plant (WWTP) with a 600-foot buffer between the closest lot at the WWTP edge.

MAUI

Hale Pilina Family Affordable Rental Housing Project--Draft EA (AFNSI)

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

District(s) Wailuku

TMK(s) (2)3-7-013:026

Permit(s) Numerous (see document)

Approving Agency Department of Housing and Human Concerns, County of Maui
Lori Tsuhako, (808) 270-7351, director.hhc@mauicounty.gov
2200 Main Street, Suite 546, Wailuku, HI 96793

Applicant Catholic Charities Housing Development Corporation; 1388 Ala Moana Boulevard, Suite 7301, Honolulu, HI 96814
Gary Furuta, (808) 429-7815, gary@gsfhi.com

Consultant Munekiyo Hiraga; 305 South High Street, Suite 104, Wailuku, HI 96793
Kari Luna Nunokawa, (808) 244-2015, planning@munekiyohiraga.com

Status Statutory 30-day public review and comment period starts. Comments are due by January 22, 2021. Click the title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant.

In response to the current and projected shortage of affordable housing in Maui County, Catholic Charities Housing Development Corporation is proposing the development of the Hale Pilina Family Affordable Rental Housing Project. The project site is comprised of approximately 4.865 acres of land located in Kahului, Maui. The subject property is located in the Kahului urban core on Puʻunēnē Avenue, with South Kaulawahine Street bordering the project site to the west. The proposed project will consist of four (4) three-story buildings containing 178 apartment units for rent and related improvements. Of the 178 rental units, 108 units will be one-bedroom units, while the remaining 70 units will be two-bedroom units. An additional two-bedroom unit will be provided for the Resident Manager. Amenities on property include a community gathering space, mail room, office space for staff, parking stalls, and a private park.
O‘AHU

Waikīkī Beach Improvement and Maintenance Program--(EIS Preparation Notice)

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
(5) Propose any use within the Waikīkī area of O‘ahu

District(s) Honolulu
TMK(s) Seaward of numerous (see document)
Permit(s) Numerous (see document)
Proposing/Determining Agency Department of Land and Natural Resources, State of Hawai‘i
Sam Lemmo, (808) 587-0377, sam.j.lemmo@hawaii.gov
DLNR-Office of Conservation and Coastal Lands, 1151 Punchbowl St., Room 132, Honolulu, HI 96813

Accepting Authority Office of the Governor, State of Hawai‘i; Executive Chambers, State Capitol, 415 South Beretania St., Honolulu, HI 96813
The Honorable David Y. Ige, Governor, (808) 586-0034, http://governor.hawaii.gov/contact-us/contact-the-governor/

Consultant Sea Engineering, Inc.; 41-305 Kalaniana‘ole Highway, Waimānalo, HI 96795
David A. Smith, PhD, PE, (808) 259-7966 ext. 30, dsmith@seaengineering.com

Status Administrative 30-day public review and comment period starts. Comments are due by January 22, 2021. Click the title link above to access and read the document, then send comments to waikiki@seaengineering.com A virtual EIS Public Scoping meeting will be held via zoom on January 7, 2021 from 2-5 pm; connect at: https://zoom.us/j/94554967228

The Department of Land and Natural Resources proposes beach improvement and maintenance projects in the Fort DeRussy, Halekulani, Royal Hawaiian, and Kūhi‘o Beach sectors of Waikīkī. Projects would include the construction of new beach stabilization structures, and the recovery of offshore sand and its placement on the shoreline. The objectives of the proposed actions are to restore and improve Waikīkī’s public beaches, increase beach stability through improvement and maintenance of shoreline structures, provide safe access to and along the shoreline, and increase resilience to coastal hazards and sea level rise.

New Aloha Stadium Entertainment District--Draft EIS, Vol 2, Vol 3 and audio recording of Public Scoping Meeting

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) 9-9-003:061 and neighboring TMKs 9-9-003:055, 070, and 071
Permit(s) Numerous (see document)
Proposing/Determining Agency Department of Accounting and General Services, State of Hawai‘i
Chris Kinimaka, (808) 586-0499, chris.kinimaka@hawaii.gov
1151 Punchbowl Street, Honolulu, HI 96813

Accepting Authority Office of the Governor, State of Hawai‘i; Executive Chambers, State Capitol, 415 South Beretania St., Honolulu, HI 96813
The Honorable David Y. Ige, Governor, (808) 586-0034, http://governor.hawaii.gov/contact-us/contact-the-governor/

Consultant Wilson Okamoto Corporation; 1907 South Beretania Street, Honolulu, HI 96826
Keola Cheng, (808) 946-2277, NASED.EIS@wilsonokamoto.com

Status Statutory 45-day public review and comment period starts. Comments are due by February 8, 2021. Click the title link above to access and read the document, then send comments to NASED.EIS@wilsonokamoto.com

Aloha Stadium has effectively served its mission as a gathering place well beyond its practical life-span as a multi-purpose venue. Its numerous unaddressed deferred maintenance items are contributing to its obsolescence, and substantial ongoing investment is required to keep it functioning, accessible, and safe for public use.

The Proposed Action encompasses the construction of a new, modern stadium facility that will be supported by complimentary ancillary mixed-use development. The build out of the Proposed Action is anticipated to be accomplished through several construction phases and will ultimately deliver a vibrant, thriving community-centric entertainment district that will offer a range of resident and visitor amenities, invigorate economic development and job creation, and celebrate the State’s spirit of achievement and resiliency as well as the history and culture of Aloha Stadium and the communities that surround it.
**O‘AHU (CONTINUED)**

### Honouliuli Wastewater Conveyance Plan--Final EIS and Acceptance

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  
| | (9)(A) Propose any wastewater treatment unit ...
| District(s) | ‘Ewa
| TMK(s) | Zone 9 Sections 1 through 4 and Sections 6 through 9 and spans multiple properties
| Permit(s) | Numerous (see document)
| Proposing/Determining Agency | Department of Environmental Services, City and County of Honolulu  
Paul Christiansen, (808) 768-3470, p.christiansen@honolulu.gov  
1000 Ulu‘ohia Street, Suite 308, Kapolei, HI 96707
| Accepting Authority | Department of Environmental Services, City and County of Honolulu  
Lori Kahikina, (808) 768-3486, ikahikina@honolulu.gov  
1000 Ulu‘ohia Street, Suite 308, Kapolei, HI 96707
| Consultant | AECOM; 1001 Bishop Street, 16th Floor, Honolulu, HI 96813  
Rae Loui, (808) 529-7221, rae.loui@aecom.com
| Status | The authority for ENV to act as Accepting Authority for EISs for its Wastewater Program and Projects is pursuant to a memorandum from Mayor Kirk Caldwell dated October 26, 2017. Accordingly, this FEIS was accepted December 11, 2020. The City and County of Honolulu Department of Environmental Services’ (ENV) Proposed Action is a program to upgrade and expand the existing East Interceptor Wastewater Collection System of the Honouliuli sewer basin to accommodate wastewater flows projected through the planning period of 2050. The Proposed Action includes planned improvements to the East Interceptor System and a proposed new sewer conveyance system from the Waiawa area to the East Interceptor System. Two East Interceptor conveyance options and three Waiawa conveyance options are evaluated. ENV anticipates that subsequent to this programmatic plan, and following the development of additional details of the individual projects, there may be further consideration of potential environmental effects for decisionmaking on the projects. When sufficient design details are available, separate project-specific HRS Chapter 343 documents will be prepared and compliance with other laws and requirements will be demonstrated.

### Pat’s at Punaluu Wastewater Treatment System Replacement--Final EA (FONSI)

| HRS §343-5(a) Trigger | (9)(A) Propose any wastewater treatment unit ...
| District(s) | Ko‘olauloa
| TMK(s) | (1) 5-3-008:002
| Permit(s) | SMA, Underground Injection Control, Discharge, Building/Grading, Tank Installation
| Approving Agency | City and County of Honolulu, Department of Planning and Permitting  
Christi Keller, (808) 768-8087, c.keller@honolulu.gov  
650 South King Street, 7th Floor, Honolulu, HI 96813
| Applicant | Association of Apartment Owners at Pat’s at Punaluu; 53-567 Kamehameha Highway, Hau‘ula, HI 96717  
c/o Stephanie Davis, (808) 261-0740, s.davis@esciencei.com
| Consultant | Environmental Science International, Inc.; 354 Ulunui Street, Suite 304, Kailua, HI 96734  
Stephanie Davis, (808) 261-0740 ext. 142, s.davis@esciencei.com
| Status | Finding of No Significant Impact (FONSI) determination

The Project consists of replacement of the existing, non-functioning wastewater treatment system for the Pat’s at Punaluu Condominiums. The existing wastewater treatment system was installed in the 1970s and is in need of replacement due to deterioration, inability to adequately treat onsite wastewater, and potential for public health and beach and marine ecosystem hazards should the system stop functioning or spill over. The replacement wastewater treatment system will consist of a new, aboveground wastewater treatment system plant (WWTSP) that will be connected to the existing injection wells disposal system. The proposed WWTP will consist of the existing wet well/lift station/trash tank, a new primary treatment tank/system that includes an integrated clarifier tank and sludge holding tank, and the existing multiple injection well disposal system. The new WWTSP system components will all be constructed in the western, mauka parking lot area of the Project site.
December 23, 2020

**PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT**

**Status:** Public review and comment period for these projects began previously. Please click on the links below to access, and send comments to the relevant agency and copy any relevant applicant and/or consultant.

**COMMENTS DUE JANUARY 7, 2021**

**O‘AHU**

Kapaa Light Industrial Park–Draft Supplemental EIS  (audio recording of public scoping meeting available [here](#))

**COMMENTS DUE FEBRUARY 7, 2021**

**O‘AHU**

Wahiawā Civic Center-Court Facility and State Office Complex (EIS Preparation Notice)  (comment period was extended)

**EXEMPTION DECLARATION**

The County of Maui Office of the Mayor requests publication of their declaration that the following action is exempt from the requirement to prepare an EA pursuant to HAR § 11-200.1-16:

**DC Fast Charger Electric Vehicle Charger Upgrades, Job No. EV-01**

The action qualifies for approval because the existing electric vehicle (EV) charging stations are no longer operational. These units will be removed and disposed of according to approved best management practices (BMPs). They will then be replaced with upgraded units that will allow for public EV charging to be reinitiated at the identified County of Maui locations. The newly installed units will be located in the exact same location as the old units and will serve the same purpose of providing public EV charging with no expected significant negative environmental impacts.

**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).

<table>
<thead>
<tr>
<th>Location (TMK)</th>
<th>Description (File No.)</th>
<th>Applicant/Agent</th>
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<tbody>
<tr>
<td>Hawai‘i: Hāmākua (4-9-013: 001 por.)</td>
<td>Construct an approximately 1/3 Mile of Predator-proof Fence to Enclose 2.6 Acres (SMM 20-000436)</td>
<td>Department of Land and Natural Resources, Division of Forestry and Wildlife</td>
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<tr>
<td>Maui: Kapalua (4-2-004: 016)</td>
<td>Parking Lot and Sidewalk Improvements (SM2 20200085)</td>
<td>County of Maui Department of Parks and Recreation</td>
</tr>
<tr>
<td>Maui: Wailuku (3-2-015: 005)</td>
<td>Building New House (SM2 20200098)</td>
<td>Coastal Planners</td>
</tr>
<tr>
<td>Maui: Lahaina (4-6-009: 008)</td>
<td>Business ID Sign - Furtado Building (SM2 20200100)</td>
<td>Sunglass Hut</td>
</tr>
<tr>
<td>Maui: Lahaina (4-6-029: 024)</td>
<td>Installation of Split System Air Conditioner (SM2 20200101)</td>
<td>Peter Whitbeck</td>
</tr>
<tr>
<td>Maui: Kihei (3-9-018: 003)</td>
<td>Install 12 Additional parking Lot Light Poles (SM2 20200103)</td>
<td>Victoria Reyes, GM</td>
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<tr>
<td>O‘ahu: Waialua (6-1-005: 024, 6-1-009: 021 and 6-1-010: 019)</td>
<td>Laniakea Beach Boundary Fence (2020/SMA-38)</td>
<td>City and County of Honolulu Department of Parks and Recreation/Department of Design and Construction</td>
</tr>
<tr>
<td>O‘ahu: Diamond Head (3-1-042: 018 and 027)</td>
<td>Fort Ruger Building 900 - Replace Above Ground Fuel Storage Tank (2020/SMA-41)</td>
<td>State Department of Accounting and General Services</td>
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<tr>
<td>O‘ahu: Hale‘iwa (6-2-007: 013)</td>
<td>7-Eleven Haleiwa Wastewater Treatment System (2020/SMA-42)</td>
<td>Alan Okamoto</td>
</tr>
</tbody>
</table>
Coastal Zone Management Notices (continued)

Federal Consistency Reviews

The following federal actions are being reviewed for consistency with the enforceable policies of the Hawai‘i Coastal Zone Management (CZM) Program, including the CZM objectives and policies in Hawai‘i Revised Statutes, Chapter 205A. Federal consistency, pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA), as amended, generally requires that federal actions, within and outside of the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state’s federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. This public notice is being provided in accordance with § 306(d)(14) of the CZMA, and federal regulations at 15 CFR § 930.2, § 930.42, and § 930.61. General information about federal consistency is available at the Hawai‘i CZM Program web site, or call (808) 587-2878.

For specific information or questions about an action listed below, contact the CZM staff person identified for each action. The CZM Program is required to adhere to federal review deadlines, therefore, comments must be received by the date specified. Comments may be submitted by mail or electronic mail, to the addresses below.

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

Email: john.d.nakagawa@hawaii.gov

Ala Moana Regional Park Beach Nourishment, Honolulu, O‘ahu

Proposed Action: The City and County of Honolulu, Department of Design and Construction, is proposing to nourish the beach/shoreline at Ala Moana Regional Park by placing approximately 65,000 cubic yards of beach quality sand, 13,600 cubic yards of which will be placed below the high tide line over a 5.3 acre area. A dredge crane with clamshell bucket on a barge will dredge the sand to be used for nourishment from two sand sources located offshore of Ala Moana Regional Park. Active dredging areas at each of the sand recovery areas will be contained in partial-depth turbidity curtains. Dredged sand will be loaded into a hopper barge and transported to a marine staging barge that will be moored for the duration of the project in the corner of the Ala Wai Boat Harbor turning basin on the east side of Magic Island. The sand will be offloaded using a conveyor belt system, or similar, from the barge to dump trucks. Large rocks and debris will be screened out of the dredged material and will be disposed of at an approved upland disposal site. Dump trucks will transport sand from the barge to an approximately 5,000 square foot dewatering basin to be located on the beach at the west side of Magic Island. The dewatered sand will then be placed using front-end bucket loaders and bulldozers, or similar equipment, throughout the beach nourishment footprint. Sand placement will be conducted in 50 - 100-foot sections enclosed by turbidity curtains. The construction duration of the project is estimated to be three to six months. For details about the proposed action see the Final Environmental Impact Statement, which was published in the OEQC’s The Environmental Notice on August 23, 2019. Comments Due: January 6, 2021

Location: Ala Moana Regional Park, Honolulu, Oahu
Applicant: City and County of Honolulu, Department of Design and Construction
Consultant: Sea Engineering, Inc.
Federal Action: Federal Permit
Federal Agency: U.S. Army Corps of Engineers
CZM Contact: John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov
December 23, 2020

**APPLICATIONS FOR SHORELINE CERTIFICATION**

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.

<table>
<thead>
<tr>
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<th>TMK</th>
<th>Applicant</th>
<th>Owner</th>
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<tbody>
<tr>
<td>OA-1917</td>
<td>91-135 'Ewa Beach Road, O'ahu</td>
<td>(1) 9-1-023: 002</td>
<td>Wesley T. Tengan</td>
<td>Steven W.V. Ng</td>
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<tr>
<td>OA-1924</td>
<td>84-909 Mōua Street, O'ahu</td>
<td>(1) 8-4-005: 008</td>
<td>George Yoshimura (agent)</td>
<td>George Yoshimura (agent)</td>
</tr>
<tr>
<td>OA-1925</td>
<td>84-897 Farrington Highway, O'ahu</td>
<td>(1) 8-4-005: 003</td>
<td>Ailana Surveying &amp; Geomatics</td>
<td>Barry Sugita</td>
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<tr>
<td>MA-748</td>
<td>49 Hana Highway, Maui</td>
<td>(2) 2-6-002: 011</td>
<td>Michael Baskin</td>
<td>Paia Bay Properties, LLC</td>
</tr>
<tr>
<td>MA-749</td>
<td>65 Hana Highway, Maui</td>
<td>(2) 2-6-002:, 010</td>
<td>Michael Baskin</td>
<td>Paia Bay Properties, LLC (lessee)</td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>File No.</th>
<th>Status</th>
<th>Location</th>
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<tbody>
<tr>
<td>OA-1916</td>
<td>Proposed</td>
<td>2969 Kalākaua Avenue, O'ahu</td>
<td>(1) 3-1-032: 004</td>
<td>Ailana Surveying &amp; Geomatics</td>
<td>Diamond Head Apartments, Ltd.</td>
</tr>
<tr>
<td>MA-747</td>
<td>Proposed</td>
<td>4690 Makena Road, Maui</td>
<td>(2) 2-1-012: 016</td>
<td>Michael Russell Ichimaru</td>
<td>Michael Russell Ichimaru</td>
</tr>
<tr>
<td>HA-594</td>
<td>Proposed</td>
<td>56-102 Old Coast Guard Road, Hawai'i</td>
<td>(3) 5-6-001: 074</td>
<td>Engineers Surveyors Hawaii, Inc</td>
<td>Honoipu Hideaway LLC</td>
</tr>
<tr>
<td>HA-595</td>
<td>Proposed</td>
<td>77-6556 Ali'i Drive, Hawai'i</td>
<td>(3) 7-7-010: 014</td>
<td>Wes Thomas Associates</td>
<td>John Rozell and Sandra Fraser</td>
</tr>
</tbody>
</table>

**APPLICATION FOR ACCRETION**

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

**Paul and Sherry Lambert 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: Petition for Registration of Title to Accretion

Island/District/TMK: O'ahu / Kailua, District of Ko'olau’opoko/ (1) 4-3-007: 042

Applicant: Petitioners PAUL THOMAS LAMBERT and SHERRY DENISE LAMBERT;
c/o Janna Ahu, Esq., Dentons US LLP, 1001 Bishop St., Ste. 1800, Honolulu, HI 96813; (808) 524-1800

Authority / Status: Land Court, State of Hawaiʻi / Petition for Registration of Title to Accretion filed

Project Summary: YOU ARE HEREBY NOTIFIED that Petitioners PAUL THOMAS LAMBERT and SHERRY DENISE LAMBERT, have filed a petition for registration of title to accretion in the Land Court, State of Hawai‘i, 1LD181000770, to register title to accreted land within lands identified as Lot 272 as shown on Map 143 of Application No. 505, Tax Map Key No. (1) 4-3-007: 042, containing 0.42, more or less, all situate, lying and being at Kailua, District of Ko’olau’opoko, City and County of Honolulu, State of Hawai‘i.
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](http://www.federalregister.gov).

**Rule:** Pacific Islands Fisheries; 2020-2023 Annual Catch Limit and Accountability Measures for Hawaii Kona Crab (published by the National Oceanic and Atmospheric Administration on 12/11/2020)

In this final rule, NMFS implements an annual catch limit (ACL) of 30,802 lb (13,972 kg), and an annual catch target (ACT) of 25,491 lb (11,563 kg), of Hawaii Kona crab for fishing years 2020-2023. This rule also implements, as accountability measures (AM), an in-season closure of the fishery if catch is projected to reach the ACT, and a post-season adjustment if catch exceeds the ACL. This action support the long-term sustainability of the Hawaii Kona crab fishery. The final rule is effective January 11, 2021. The final rule is applicable in fishing years 2020, 2021, 2022, and 2023. For further information, click on the title link of this entry, or contact Kate Taylor, NMFS PIRO Sustainable Fisheries, 808-725-5182.

**Notice:** Applying the Supreme Court’s County of Maui v. Hawaii Wildlife Fund Decision in the Clean Water Act Section 402 National Pollutant Discharge Elimination System Permit Program (published by the Environmental Protection Agency on 12/10/2020)

The Environmental Protection Agency (EPA) is issuing a draft memorandum to provide guidance to the regulated community and permitting authorities on applying the recent decision of the United States Supreme Court in County of Maui v. Hawaii Wildlife Fund, 140 S. Ct. 1462 (2020), in the Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) permit program for point source discharges that travel through groundwater before reaching waters of the United States. Consistent with EPA Guidance; Administrative Procedures for Issuance and Public Petitions, published in the Federal Register on October 19, 2020, EPA is soliciting public comments on the draft memorandum for thirty days. The Agency may pursue a future rulemaking action to provide greater regulatory certainty concerning discharges subject to the NPDES permit program. This draft guidance document does not have the force and effect of law and it does not bind the public in any way. By issuing this draft guidance memorandum, the Agency intends only to provide clarity to the public regarding existing requirements under the law or Agency policies. Comments must be received on or before January 11, 2021. To get copies of the document or for further information, click on the title link of this entry, or contact Scott Wilson, Office of Wastewater Management, Water Permits Division (MC4203M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-6087; email address: wilson.js@epa.gov

**Notice:** Pacific Island Fisheries; Experimental Fishing Permit (published by the National Oceanic and Atmospheric Administration on 12/08/2020)

The Hawaii Longline Association (HLA) has applied for an experimental fishing permit (EFP) to test the conservation and management usefulness of tori lines (bird scaring streamers) in the Hawaii deep-set longline fishery. The National Marine Fisheries Service (NMFS) is soliciting comments on the EFP; NMFS must receive comments by January 7, 2021. For further information, click on the title link of this entry, or contact Sarah Ellgen, Sustainable Fisheries, NMFS Pacific Islands Regional Office, tel (808) 725-5173.
December 23, 2020

**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 (discretionary consent) 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 (AFINSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

**Final Environmental Assessment and Finding of No Significant Impact**
The action’s proponent shall respond in writing to comments on a DEA received during the 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to ask the Environmental Court to require the preparation of an EIS.

**Final Environmental Assessment and Environmental Impact Statement Preparation Notice**
An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and to make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an 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 to 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 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 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 shorefront 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).

![Maui sunset](Photo by Thomas Hawk)
Publication Calendar of the
Office of Environmental Quality Control
Periodic Bulletin, HAR Chapter 11-200.1

2021

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 shall occur on weekends and holidays, when appropriate.
• 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 ("1996 Rules"), which requires filing eight working days before publication.
• Comment periods for EAs are 30 days and for EISs are 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.

Contact OEQC at 808-586-4185  oeqchawaii@doh.hawaii.gov  November 10, 2020