



The Environmental Notice

September 8, 2021

David Y. Ige, Governor
Mary Alice Evans, Director

The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawai'i, *The Environmental Notice* also includes other items related to the shoreline, coastal zone, and federal activities.



The Casltech Submillimeter Observatory (CSO) is not the only one on Mauna Kea undergoing decommissioning

Photo from the [Draft EA for the CSO Decommissioning Project](#)

235 South Beretania Street, Suite 702 • Honolulu, Hawai'i 96813 • (808) 586-4185 • dbedt.opsd.erp@hawaii.gov • <http://health.hawaii.gov/oecq>

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ANNOUNCEMENTS

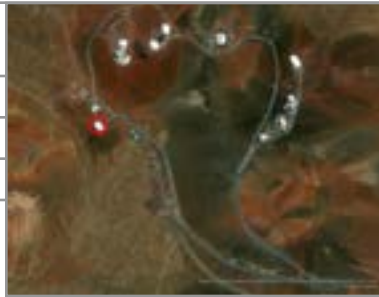
Due to continuing precautions regarding the Covid pandemic, the Environmental Review Program has transitioned to a telecommuting arrangement. Accordingly, the office will generally not be open for walk-in visits or submittals. Please continue to use the existing telephone [(808) 586-4185] and email [dbedt.opsd.erp@hawaii.gov] contacts for the program, and use the online submittal form [<https://health.hawaii.gov/oeqc/submittal-form/>] to submit documents for publication. We appreciate your kokua during these challenging times.

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS



HAWAII

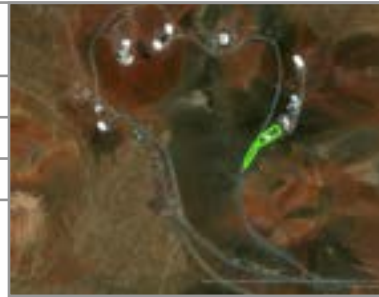
Caltech Submillimeter Observatory Decommissioning--Draft EA (AFNSI), Appendix Vol 1, and Appendix Vol 2

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)	Hāmākua	
TMK(s)	(3) 4-4-015:009 por	
Permit(s)	CDUA; 6E; State Hwys permit; Construction Permit; Grading permit; ROE	
Approving Agency	Department of Land and Natural Resources Rachel Beasley, (808) 798-6481, rachel.e.beasley@hawaii.gov 1151 Punchbowl Street # 131, Honolulu, HI 96813	
Applicant	California Institute of Technology; Mail Code 206-31, 1200 E. California Blvd., Pasadena, CA 91125 David Tirrell, (626) 395-6336, provostoffice@caltech.edu	
Consultant	Planning Solutions, Inc.; 711 Kapiolani Boulevard, Suite 950, Honolulu, HI 96813 Jim Hayes, (808) 550-4559, jim@psi-hi.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by October 8, 2021. Please click on title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant.	

The CSO is a 10.4-meter (34 ft) diameter telescope that was engaged in astronomical observations from 1986 until September 8, 2015. Existing aboveground structures present on the CSO Site include: the observatory building; outbuilding; water pump shed; and electrical equipment cabinets for generator and transformer. The CSO is now being decommissioned and all site structures are proposed to be removed.

The purpose of the CSO Decommissioning project is to enable Caltech to conclude its use of the site and surrender its sublease while satisfying its obligations, via Sublease H09176 and other agreements, to UH and the State of Hawai'i. Pursuant to the Decommissioning Plan, a subplan of the Mauna Kea Comprehensive Management Plan, the decommissioning of an astronomy facility in the Science Reserve is a multi-step process involving 1) a notice of intent, 2) an environmental due diligence review, 3) a site deconstruction and removal plan, and 4) a site restoration plan.

Hōkū Ke'a Observatory Decommissioning--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 (2) Propose any use within any land classified as a conservation district	
District(s)	Hāmākua	
TMK(s)	(3) 4-4-015:009 por	
Permit(s)	HRS Chapter 6E, CDUA, County Grading & Building (Demolition) Permit	
Proposing/Determining Agency	University of Hawai'i at Hilo Ligaya Hill, (808) 932-7947, ligayah@hawaii.edu 200 W. Kawili Street, Hilo, HI 96720	
Consultant	SSFM International, Inc.; 99 Aupuni Street, Suite 202, Hilo, HI 96720 Jennifer Scheffel, (808) 356-1273, jscheffel@ssfm.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by October 8, 2021. Please send comments to the proposing/determining agency at jscheffel@ssfm.com	


The Proposed Action would have short-term and temporary impacts during deconstruction and site restoration activities that would be less than significant to biological resources, geology and soils, water resources, air quality, the existing noise environment, traffic and transportation, socioeconomics, public facilities and services, and natural hazards. Best management practices (BMPs) and other measures would be implemented to minimize impacts, as applicable.

The Proposed Action would have beneficial impacts to the visual environment, cultural practices, and archaeological and historic resources.

The Proposed Action would have indirect and secondary impacts related to a reduction of teaching, training, and research opportunities for Hawai'i students in the field of astronomy. These adverse impacts are intended to be offset, to an extent, by construction of a new observatory facility at the Halepōhaku Mid-Level Facility on Maunakea. It has been determined that the beneficial impacts of decommissioning and removal of the Hōkū Ke'a facilities outweigh the adverse impacts of relocating the student facility to a less optimum location. However, if the lower elevation facility is not constructed, the result would be a more significant, and possibly permanent, loss and adverse impact on Hawai'i's astronomy students.

HAWAII (CONTINUED)

Lālāmilo 10 MG Tank Reservoir--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	
District(s)	South Kohala	
TMK(s)	(3) 6-8-001:001	
Permit(s)	NPDES, Building & Grading Permits, Historic Preservation HRS Chapter 6E Approval	
Proposing/ Determining Agency	County of Hawai'i, Department of Water Supply Shari Uyeno, (808) 961-8070, suyeno@hawaiiidws.org 345 Kekuanaoa Street, Suite 20, Hilo, HI 96720	
Consultant	GEOMETRICIAN ASSOCIATES, LLC; 10 Hina Street, Hilo, HI 96720 Ron Terry, (808) 987-5239, rterry@hawaii.rr.com	
Status	Finding of No Significant Impact (FONSI) determination	

The Hawai'i County DWS proposes to build a 10-million gallon , 36-ft high prestressed concrete water tank on property currently owned by Parker Ranch, to be subdivided to create a 3-acre lot. Also included are accessory waterlines and a gate, access road, security lighting and fence.

The project would provide more storage for reserve water and fire protection within the Lālāmilo Water System and energy-efficient critical redundancy. Filling may occur when wind power from the nearby Lālāmilo Windfarm Repowering Project was available, reducing pumping costs, fossil fuel use and greenhouse gas emissions. Only very minor construction-phase impacts mitigated by BMPs would occur at the isolated site, a goat and sheep pasture.

LANA'I

Kō'ele Project District Amendment--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation	
District(s)	Lāna'i	
TMK(s)	(2)4-9-001:021, 024, 025, 027, 030; 4-9-002:001(por.), 061(por.); 4-9-018:001, 002, 003, 004, 005; 4-9-020:020; 4-9-021:009	
Permit(s)	State Land Use Commission District Boundary Amendment; Project District Phase 1 Amendment; Community Plan Amendment; Change of Zoning	
Approving Agency	Lāna'i Planning Commission c/o Kurt Wollenhaupt, (808) 270-8205, kurt.wollenhaupt@co.maui.hi.us County of Maui Planning Dept, 2200 Main Street, Suite 619, Wailuku, HI 96793	
Applicant	Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i Keiki-Pua Dancil, (808) 237-2001, kdancil@pulamalanai.com 733 Bishop Street, Suite 1500, Honolulu, HI 96813	
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Bryan Esmeralda, (808) 640-9636, planning@munekiyohiraga.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by October 8, 2021. Please click on title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant.	


Pūlama Lāna'i seeks to reduce the density in the Kō'ele Project District by decreasing the Residential and Multi-Family (sub-designations) acreage, increasing Open Space and Park acreage, and reducing Golf Course acreage. The proposed amendments increases the acreage in the Hotel sub-designation accounting for existing uses as well as future uses, and also creates a new Resort Commercial sub-designation for existing and future uses which will support the Sensei Lāna'i, A Four Seasons Resort. The amendments will reduce the total acreage in the Project District by 8 percent.

Pūlama Lāna'i also seeks to revise the Kō'ele Project District Ordinance as outlined in Chapter 19.71 of the Maui County Code. The proposed amendments include changes to the Project District map, which outlines the limits of the Project District area as well as the sub-designations, as well as language related to permitted uses, special accessory uses, and development standards for the Project District.

MAUI


East Maui Water Lease--corrected Final EIS Vol 1, Vol 2, Vol 3, Vol 4, and Vol 5

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)	Maui-multiple	
TMK(s)	(2) 1-2-004:005, 007; 1-1-002:002; 1-1-001:44, 50; and 2-9-014:001, 005, 11, 12, 17	
Permit(s)	Application for a long-term lease of State land in the Nāhiku, Ke‘anae, Honomanū, and Huelo License Areas	
Approving Agency/ Accepting Authority	State of Hawai‘i, Board of Land and Natural Resources Mr. Ian Hirokawa, (808) 587-0400, ian.c.hirokawa@hawaii.gov 1151 Punchbowl St. Honolulu, HI 96813	
Applicant	Alexander & Baldwin Inc. (A&B) / East Maui Irrigation Company, Limited (EMI), collectively referred to as “A&B” A&B / EMI, waterleaseeis@wilsonokamoto.com	
Consultant	Wilson Okamoto Corporation; 1907, S. Beretania Street, Suite 400 Honolulu, HI 96826 Mr. Keola Cheng, (808) 946-2277, waterleaseeis@wilsonokamoto.com	
Status	Final EIS has been submitted and is pending acceptance by the approving agency/accepting authority, which has 30 days from date of receipt to determine acceptability.	

The Proposed Action constitutes the issuance of a long-term (30-year) Water Lease from the BLNR that grants the lessee the "right, privilege, and authority to enter and go upon" the License Area for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing EMI Aqueduct System which supplies water to domestic and agricultural water users. The Water Lease, which will be awarded by public auction, will enable the lessee to enter upon lands owned by the State of Hawai‘i in order to maintain and repair existing access roads and trails used as part of the EMI Aqueduct System, and will allow for the continued operation of the EMI Aqueduct System to deliver water to the MDWS for domestic and agricultural water needs in Upcountry Maui, including the agricultural users at the KAP and the planned 262-acre KAP expansion, as well as for the Nāhiku community, which, through the MDWS, draws up 20,000 to 45,000 gallons per day (gpd), dependent on weather, directly from the EMI Aqueduct System. It will also allow the continued provision of water to approximately 30,000 acres of agricultural lands (formerly in sugarcane) in Central Maui.

Wailuku State Office Building 3--Withdrawal of Draft EA and 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) 3-4-013:014	
Permit(s)	Numerous	
Proposing/ Determining Agency	State of Hawai‘i, Hawai‘i Housing Finance and Development Corporation Stan S. Fujimoto, (808) 587-0541, stanley.s.fujimoto@hawaii.gov 677 Queen Street, Suite 300, Honolulu, HI 96813	
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeffrey H. Overton, (808) 441-2104, jeff@g70.design	
Status	The proposing/determining agency is withdrawing the Draft EA published on June 23, 2021	


The State of Hawai‘i, Hawai‘i Housing Finance and Development Corporation is requesting to withdraw the “Wailuku State Office Building (SOB) 3” Draft Environmental Assessment-Anticipated Finding of No Significant Impact (DEA-AFNSI) that was published in the June 8, 2021 edition of The Environmental Notice.

A new Draft Environmental Assessment (DEA) will be prepared under the State, Department of Accounting and General Services (the new Proposing and Determining Agency) to supersede the withdrawn “Wailuku SOB 3” DEA-AFNSI. Comments previously received during early consultation and the 30-day DEA public comment period of the withdrawn “Wailuku SOB 3” DEA-AFNSI, will be used to guide the development of the new DEA.

O'AHU

O'ahu Commercial Aquarium Permits--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)	multiple	
TMK(s)	N/A	
Permit(s)	Commercial Aquarium Fishing Permits issued pursuant to HRS §188-31, Commercial Marine License issued pursuant to HRS 189-2,3	
Approving Agency/ Accepting Authority	State of Hawai'i, Department of Land and Natural Resources David Sakoda, (808) 587-0104, david.sakoda@hawaii.gov 1151 Punchbowl St. Room 330 Honolulu, HI 96813	
Applicant	Pet Industry Joint Advisory Council (PIJAC); 1615 Duke St., #100 Alexandria, VA 22314 Jim Lynch, (425) 463-8396, lynchjm.wa@gmail.com	
Consultant	Stantec Consulting Services Inc; 2300 Swan Lake Blvd., Suite 202, Independence, IA 50644 Terry VanDeWalle, (319) 334-3755, terry.vandewalle@stantec.com	
Status	Final EIS has been submitted and is pending acceptance by the approving agency/accepting authority, which has 30 days from date of receipt to determine acceptability.	

The purpose of the Applicant's action is to ensure that commercial aquarium fish collection allows for the lawful, responsible, and sustainable commercial collection of various fish species from nearshore habitats. The objective of the proposed action is for the Department of Land and Natural Resources (DLNR) to issue 15 Aquarium Permits and 15 corresponding Commercial Marine Licenses for the island of O'ahu, create a "White List" of 31 fish species and 4 invertebrates that can be collected, and implement individual catch quotas for the 35 species on the proposed White List.

The need for the Applicant's action is to allow for commercial aquarium collection in compliance with all applicable laws, rules, and regulations pertaining to the industry.


Waiāhole Water System Improvements--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	
District(s)	Ewa	
TMK(s)	(1) 9-2-001: 020; 9-2-004: 006	
Permit(s)	Commission on Water Resource Management Water Use Permit, Well Construction Permit and Pump Installation Permit; ACOE Section 10; NPDES Permit for Construction Stormwater; Use & Occupancy Permit (HDOT); CCH/DPP Grading, Grubbing and Stockpiling Permit; Temporary Use Approval (TUA).	
Proposing/ Determining Agency	State of Hawai'i, Agribusiness Development Corporation (ADC) Ken Nakamoto, (808) 586-0087, Ken.T.Nakamoto@hawaii.gov	
Consultant	R.M. Towill Corporation; 2024 North King Street, Suite 200, Honolulu, HI 96819-3470 Brian Takeda, (808) 842-1133, briant@rmtowill.com	
Status	Finding of No Significant Impact (FONSI) determination	

The State of Hawai'i Agribusiness Development Corporation proposes to construct improvements to a portion of the Waiāhole Ditch Irrigation System in Kunia, Central O'ahu, Hawai'i. ADC operates and maintains the Waiāhole Ditch Irrigation System, including an existing reservoir within this system. This reservoir, located to the west of Kunia Road, is an unlined, earthen storage basin used to store irrigation water for adjacent farmers which is fed directly by the Waiāhole Ditch. The reservoir has lost holding capacity due to years of sediment accumulation. The proposed project will have no significant adverse impact to air and water quality, existing utilities, noise, archaeological or cultural sites, or wildlife habitat. Anticipated impacts will be temporary and will not adversely impact the environmental quality of the area. The planned improvements will correct the existing loss of water capacity and provide for the long-term preservation of the Waiāhole Water System.

O'AHU

Krueger Residence Seawall Modification and Repair--Final EA (FONSI)

HRS §343-5(a) Trigger	(3) Propose any use within a shoreline area	
District(s)	Ko'olaupoko	
TMK(s)	(1) 4-4-005:056	
Permit(s)	Shoreline Setback Variance and Special Management Area Use Permit; building, grading, grubbing, stockpiling and trenching permits	
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Steve Tagawa, (808) 768-8024, stagawa@honolulu.gov 650 South King Street, Honolulu, HI 96813	
Applicant	David and Terri Krueger; c/o: 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeff Overton, (808) 523-5866, jeff@g70.design	
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeff Overton, (808) 523-5866, jeff@g70.design	
Status	Finding of No Significant Impact (FONSI) determination	

To modify a nonconforming concrete seawall located at the makai boundary of the 18,376-square foot shoreline parcel at 1226A Mokulua Drive in Lanikai. The modification involves inserting sheet piles in back (mauka) of the 105-foot long seawall. The sheet piles will be driven 9 feet below the existing seawall and capped with a concrete cap secured to the seawall. A 1-foot high concrete splash lip extension to the top of seawall is also proposed. This assembly will be anchored by steel rods connected to concrete deadman constructed 25 feet mauka and below the existing grade.

The subject property and three adjacent parcels to the southeast (Waimānalo) are protected by a boulder rip-rap or "rock blanket" which was authorized by both the State and the City in 1968. The existing boulder rip-rap of the adjacent parcel to the north (Kailua) is unauthorized. The project requires both a Shoreline Setback Variance and Major SMA permit.

Verizon Wireless Lanikai Telecom Project--Final EA (FONSI)

HRS §343-5(a) Trigger	(2) Propose any use within any land classified as a conservation district	
District(s)	Ko'olaupoko	
TMK(s)	(1) 4-3-005:068 and 4-3-005:070	
Permit(s)	CDUA; SMA Permit; Helicopter Flight Permit; Airport Glideslope Clearance; Building Permit; Community Noise Permit	
Approving Agency	State of Hawai'i, Department of Land and Natural Resources Rachel Beasley, (808) 798-6481, rachel.e.beasley@hawaii.gov 1151 Punchbowl St. Room 131, Honolulu, HI 96813	
Applicant	Verizon Wireless; 1255 Nu'uuanu Ave., #1100 Honolulu, HI 96817 Grant Nakaya, (808) 990-0658, gnakaya.ntp@gmail.com	
Consultant	SWCA Environmental Consultants; 1200 Ala Moana Blvd., Honolulu, HI 96814 Jaap Eijzenga, (808) 892-3270, jeijzenga@swca.com	
Status	Finding of No Significant Impact (FONSI) determination	

Applicant proposes one stealth enclosure, in the form of a faux rock, and two equipment enclosures. The faux rock enclosure would be located on the ridge (parcel 070) at approximately 230 feet above mean sea level (AMSL). The enclosure would be approximately 75 square feet in area and would measure approximately 8 feet in height. The enclosure would be installed on concrete piers anchored to the ridge's rock face. This faux rock enclosure would house the proposed 5 panel antennas and associated equipment.

The antennas and equipment located within the faux rock enclosure would be connected to the equipment enclosures via a conduit traveling along the existing conduit route, used by existing telecommunication facilities. The proposed equipment enclosures (located on parcel 068) would consist of two platforms approximately 56 square feet and 36 square feet in area. Both enclosures will be located 90 feet below the proposed faux rock enclosure approximately 140 feet AMSL.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. **Comments are due September 22, 2021.** Please click on the link to read the document, then send comments to the relevant agency and copy any applicant and/or consultant.

O'AHU

[Kamehameha Highway Pedestrian Safety Project, Vicinity of Laniakea--Draft EA \(AFNSI\)](#)

KAUA'I

[West Kaua'i Energy Project--Draft EA \(AFNSI\) Vol. 1 and Vol. 2](#)

LISTS OF EXEMPTION NOTICES

Pursuant to [HAR § 11-200.1-17](#), State and county agencies that have determined specific actions to be exempt from the requirement to prepare an EA are required to submit a listing of such exemptions made during the previous month. Following are Lists of Exemption Notices submitted by various agencies for August 2021; contact the identified agency contact on each list for additional information about any specific exemption:

County of Maui

[Department of Planning](#)

[Department of Public Works](#)

[Department of Water Supply](#)

State of Hawai'i

[Department of Land and Natural Resources](#)

[Department of Transportation](#)

City and County of Honolulu

[Department of Planning and Permitting](#)

PRIOR DETERMINATION

The Natural Energy Laboratory of Hawai'i Authority [has determined](#) that additional environmental review is not required for establishment of a new algae production facility on NELHA land. Two prior Environmental Impact Statements describe anticipated impacts of development of the Hawai'i Ocean Science and Technology Park - including on lands proposed for this project. These evaluations assessed build-out scenarios intended to include future improvements, allowing for flexibility to adapt to current market and technology conditions. NELHA has determined that the proposed development is consistent with the location, types and scale of scenarios evaluated in the prior EIS documents, and that the potential direct, indirect, and cumulative impacts of that development have been adequately disclosed and evaluated therein, and therefore that the Findings of No Significant Impact (FONSI) in those reports satisfy the requirements of HRS Chapter 343 pursuant to HAR Section 11-200.1-11.

COASTAL ZONE MANAGEMENT NOTICES

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

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

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Kona (8-4-013: 016)	Reconstruction of Existing Single-Family Residence (PL-SMM-2021-000001)	Sheri Parish-Hamilton
Kaua'i: Kalihiwai (5-3-003: 029)	Large Tree Trunk Placement to Prohibit Vehicular Beach Access. (SMA(M)-2022-1)	Department of Land and Natural Resources, Land Division
Maui: Kihei (3-9-001: 025 and 087)	Beach Restoration and Sand Relocation (SM2 20210059)	Vernon Kalanikau
Maui: Kihei (2-1-008: 109)	Add New Telecommunication Equipment (SM2 20210061)	Steven Sung
Maui: Ha'ikū (2-9-012: 042)	Tillotson Farm (SM2 20210063)	Brandon Murr, CDF Engineering LLC
Maui: Olowalu (4-8-003: 002)	Landscaping and Dwelling Renovations (SM2 20210064)	William and Zenda Stakelbeck
Maui: Lahaina (4-4-001: 055)	Sinkhole Repair by Grouting, Drainage (SM2 20210066)	Brad Wells
O'ahu: Waiialua (6-7-014: 020)	New Carport and Storage (2021/SMA-39)	William Deuchar
O'ahu: Diamond Head (3-1-042: 006)	Leahi Fire Control Station – Diamond Head State Monument (2021/SMA-40)	Department of Land and Natural Resources

COASTAL ZONE MANAGEMENT NOTICES

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 John Nakagawa at john.d.nakagawa@hawaii.gov or (808) 587-2878. 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 and Sustainable Development
Department of Business, Economic Development and Tourism
P.O. Box 2359, Honolulu, HI 96804

Email: john.d.nakagawa@hawaii.gov

Hale'iwa Small Boat Harbor Maintenance Dredging and Beach Restoration, Hale'iwa, O'ahu

Proposed Action: The U.S. Army Corps of Engineers proposes the Hale'iwa Small Boat Harbor Maintenance Dredging and Beach Restoration, which consists of beneficial use from the Federal Navigation Channel maintenance dredging to 13 ft mean lower low water (MLLW), a shoaling deposit caused by a state-owned breakwater, referred to as State Breakwater Settling Basin, and the Offshore Sand Borrow Area. The proposed action involves the beneficial use of dredged material from these locations for the purposes of restoring aquatic habitat and reducing storm damage to property and infrastructure. The dredged material from these locations that is beach suitable will be used to nourish the beach which is part of the Hale'iwa Beach Shore Protection Project, adjacent to Hale'iwa Beach Park. Dredging from these locations will yield approximately 22,638 cubic yards (cy) of beach suitable sand and will be used to restore approximately 4.2 acres of Hale'iwa Beach to its original extent. The fine-grained dredged material from the Federal Navigation Channel that is not suitable for beach restoration, approximately 2,000 cy, will be transported by scow and taken to the South O'ahu Ocean Dredged Material Disposal Site. The non-federal sponsor for this project is the State of Hawai'i as represented by the State of Hawai'i Department of Land and Natural Resources Office of Conservation and Coastal Lands and the Division of Boating and Ocean Recreation.

Location: Offshore and along the shoreline from Hale'iwa Small Boat Harbor to Hale'iwa Beach Park, O'ahu,

Federal Action: Federal Agency Activity

Federal Agency: U.S. Army Corps of Engineers

Comments Due: September 22, 2021

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
MA-762	49 Hale Malia Place, Maui 96761	(2) 4-3-003: 092	Lester Domingo	Jim and Dana Bozich
HA-605	69-1778 Puakō Beach Drive, Hawai'i	(3) 6-9-004: 002	Wes Thomas Associates	Klekala LLC
HA-606	69-1544 & 69-1548 Puakō Beach Drive, Hawai'i	(3) 6-9-002: 035 & 036	Wes Thomas Associates	Jake-Puako Holdings, LLC

SHORELINE NOTICES (CONTINUED)

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-1933	Proposed	91-173 'Ewa Beach Road, O'ahu 96706	(1) 9-1-023: 010	Ailana Surveying & Geomatics	Suzie Mai-French
OA-1939	Proposed	91-173 'Ewa Beach Road, O'ahu 96706	(1) 9-1-023: 010	Gerald Y.K. Goo	Victoriano and Telly Estoesta
OA-1947	Proposed	59-287 Ke Nui Road, O'ahu 96712	(1) 5-9-020: 001	Towill, Shigeoka & Associates, Inc.	Gregg Fujimoto & Patrice Kaplan-Fujimoto Trust
OA-1957	Proposed	68-231 Au Street, O'ahu, 96791	(1) 6-8-012: 048	Kenn Nishihira	Edwin K. Horio
OA-1929	Rejection	230 Paikō Drive, O'ahu 96821	(1) 3-8-001: 005	Ailana Surveying & Geomatics	Thomas Coulson

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 Meetings](#) (published by the National Oceanic and Atmospheric Administration on 08/26/2021)

The Western Pacific Fishery Management Council (Council) will hold its 141st Scientific and Statistical Committee (SSC), Fishery Data Collection and Research Committee (FDCRC), Executive and Budget Standing Committee, and 187th Council meetings to take actions on fishery management issues in the Western Pacific Region. **The meetings will be held by web conference via WebEx between September 14 and September 23, 2021.** For specific times and agendas, click on the title link to this entry and scroll to SUPPLEMENTARY INFORMATION.

Notice: [Endangered Species; Receipt of Recovery Permit Applications](#) (published by the Fish and Wildlife Service on 09/03/2021)

We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation and survival of endangered species under the Endangered Species Act of 1973, as amended, including the Hawksbill sea turtle (*Eretmochelys imbricata*) and Olive ridley sea turtle (*Lepidochelys olivacea*) in Hawai'i. We invite the public and local, State, and Federal agencies to comment on these applications. Before issuing the requested permits, we will take into consideration any information that we receive during the public comment period. **We must receive your written comments on or before October 4, 2021.** For further information on the permits and to submit comments, click on the title link to this entry.



Hawksbill (left) and Olive ridley (right) sea turtles

Photos courtesy of Wikipedia

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 Chapter 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 Chapter 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 OPSD, 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 Chapter 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 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 OPSD along with the Draft EIS.

Act 312-2012, Secondary Actions in the Highway or Public Right Of Way

Act 312-2012, amended HRS Chapter 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.

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 commensurate manner to all timely comments on the DEIS, which also 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, OPSD 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 Advisory Council

The [Environmental Advisory 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).