



The Environmental Notice

November 23, 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 structure and grounds on this long-used and previously abandoned site on Oahu's North Shore are planned for adaptive re-use

Image from the [project's Final EA](#)

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ANNOUNCEMENTS

In preparation for the new year, please find the 2022 Publication Calendar attached to the end of this bulletin. Generally all submittals will use the deadlines identified in the 2nd column (**Current Submittal Deadline**); only those submittals relating to actions first published prior to August 9, 2019 will use the "1996 Rules Submittal Deadline." Aim to submit prior to the deadline to reduce the likelihood that submittal problems will prevent publication. And as always, feel free to [contact our office](#) with questions related to submitting items for publication.

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS



HAWAII

Meadow Gold Expansion--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)	South Hilo
TMK(s)	(3) 2-1-012: 025, 005, and 004(por.)
Permit(s)	Numerous (see document)
Approving Agency	State of Hawai'i, Department of Land and Natural Resources Gordon Heit, (808) 961-9590, gordon.c.heit@hawaii.gov 1151 Punchbowl Street, Honolulu, HI 96813
Applicant	Meadow Gold; 11 Railroad Avenue, Hilo, HI 96720 Bahman Sadeghi, (949) 678-4726, Bahman_Sadeghi@mgdhawaii.com
Consultant	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Brittany Wheatman, (808) 521-5631, bwheatman@pbrhawaii.com
Status	Statutory 30-day public review and comment period starts. Comments are due by December 23, 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.

Meadow Gold is proposing the expansion of its existing facilities in Hilo, currently located on a 1.42-acre parcel of State land identified as Tax Map Key (TMK) parcel number (3) 2-1-012: 025 (hereinafter referred to as the "Project site"). The expansion of Meadow Gold's facilities will require expansion into portions of other State lands from adjoining users (TMK 2-1-012: 005, County of Hawai'i Department of Parks and Recreation [DPR]; and TMK 2-1-012: 004, Jas. W. Glover, Ltd.), hereinafter referred to as the "Project." Five existing parcels will be consolidated and resubdivided into five reconfigured parcels in order to create the Project Site. The Project will also provide adequate land area for the adjacent DPR base yard, minimize the impact to adjacent Jas. W. Glover operations, and provide a roadway lot that would allow the extension of Leilani Street. DPR is planning an additional small building to consolidate small storage structures that presently exist.

Holcomb Single-Family Residence in Honomū--Final EA (FONSI)

HRS §343-5(a) Trigger	(2) Propose any use within any land classified as a conservation district
District(s)	South Hilo
TMK(s)	(3) 2-8-012:028
Permit(s)	County of Hawai'i: Special Management Area Permit Plan Approval and Grubbing, Grading, and Building Permits State of Hawai'i: Conservation District Use Permit, Wastewater System Approval, Water Well Construction Permit and Pump Installation Permit, Chapter 6E SHPD Approval of Archaeological Survey
Approving Agency	State of Hawai'i, Department of Land and Natural Resources Rachel Beasley, (808) 798-6481, rachel.e.beasley@hawaii.gov 1151 Punchbowl Street #131, Honolulu, HI 96813
Applicant	Kelly Holcomb; 121 Waianuenue Avenue, Hilo, HI 96720 c/o Jason Knable, (808) 935-7975, jknable@carlsmith.com
Consultant	GEOMETRICIAN ASSOCIATES, LLC; 10 Hina Street, Hilo, HI 96720 Ron Terry, (808) 969-7090, rterry@hawaii.rr.com
Status	Finding of No Significant Impact (FONSI) determination

Applicant proposes a home on his 6.485-acre property near Honomū. The 1-story home will be set back 130 ft from the seacliff and will have 3,018 sf of interior space, 3 bedrooms and 3.5 baths, and a garage, lanai, pool, and utilities room. The off-grid home will have rooftop solar PV and a water well. The project would remove invasive albizia, ironwood and fiddlewood trees. Native, Polynesian and non-invasive ornamental vegetation and fruit trees and vegetables would be planted. Over a century of sugarcane farming altered the original landscape and no threatened and endangered plants are present. Two sugarcane-era archaeological sites are present but no adverse effects will occur. Grading will be minimal and mitigated by BMPs. Clearing timing restrictions will help prevent impacts to Hawaiian hawks and endangered Hawaiian hoary bats. The cultural practice of descending the tall seacliff via ladders and ropes to fish will be preserved through access easements to a fishing association.

LĀNA'Ī

Miki Basin Industrial Park--2nd 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'ī
TMK(s)	(2) 4-9-002:061 (por.)
Permit(s)	Numerous (see document)
Approving Agency	State of Hawai'i, Land Use Commission Dan Orodener, (808) 587-3822, dbedt.luc.web@hawaii.gov P. O. Box 2359, Honolulu, HI 96804-2359
Applicant	Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'ī 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 Chris Sugidono, (808) 244-2015, planning@munekiyohiraga.com
Status	The proponent is publishing a modified version of the Draft EA published on November 23, 2019 . Another statutory 30-day public review and comment period starts. Comments are due by December 23, 2021 . The Final EA must include comments from all comment periods. Please send comments to the approving agency and copy the applicant and the consultant.

Pūlama Lāna'ī seeks to develop the Miki Basin Industrial Park, a 200-acre master-planned light and heavy industrial development on land adjoining the Lāna'ī Airport, the Maui Electric Company power plant, and the existing Miki Basin Industrial Condominium. The project implements the vision for placement of industrial land uses on Lāna'ī and expands upon the much-needed industrially zoned land area called for in the Lāna'ī Community Plan. The project will include 127 acres for renewable energy projects, 20 acres for infrastructure purposes, 12.5 acres for the relocation of an existing asphalt plant, and 26 acres for new industrial uses. The remaining 14.5 acres will be used for the relocation of an existing concrete recycling and rock crushing operation, and for the storage/stockpiling of aggregate and construction materials. Possible new future industrial uses include warehouse space for cold storage, laboratory/testing facilities, automotive services, animal hospital and other uses.

MAUI

Kanaha Hotel at Kahului Airport--Draft EIS Vol. 1, Vol. 2 and Scoping Meeting Audio recording

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)	Wailuku
TMK(s)	(2) 3-8-103:014 (portion), 015 (portion), 016, 017, and 018
Permit(s)	Numerous (see document)
Approving Agency/ Accepting Authority	State of Hawai'i, Land Use Commission Scott Derrickson, (808) 587-3921, scott.a.derrickson@hawaii.gov 235 South Beretania Street, Suite 406, Honolulu, HI 96804
Applicant	R.D. Olson; 520 Newport Center Drive, Suite 600, Newport Beach, CA 92660 Anthony Wrzosek, (949) 271-1100, anthony.wrzosek@rdodevelopment.com
Consultant	Chris Hart and Partners, Inc.; 220 Main Street, Suite 527, Wailuku, HI 96793 Brett Davis, (808) 242-1955, bdavis@chpmaui.com
Status	Statutory 45-day public review and comment period starts. Comments are due by January 7, 2022 . Please send comments to the approving agency/accepting authority and copy the applicant and the consultant.

The Applicant is seeking to construct a 200-room business-oriented hotel adjacent to the Kahului Airport including on and offsite infrastructure. Implementation will require a Motion to Amend the State Land Use Commission Decision and Order of Docket No. A03-739, Wailuku-Kahului Community Plan amendment from "LI" Light Industrial to "H" Hotel, and text amendment to the definition of Hotel, and a change in County Zoning from "LI" Light Industrial to "H-M" Hotel, and a Special Management Area Use Permit.

O'AHU

Pearl Haven Pavilion and Master Plan--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)	Ko'olauloa
TMK(s)	(1) 5-8-001:051
Permit(s)	Numerous (see document)
Approving Agency	State of Hawai'i, Department of Land and Natural Resources Barry Cheung, (808) 587-0419, barry.w.cheung@hawaii.gov P.O. Box 621, Honolulu, HI 96809
Applicant	Ho'ola Nā Pua, Inc.; P.O. Box 22551, Honolulu, HI 96823 Jessica Munoz, (808) 445-3131, jessica.munoz@hoolanapua.org
Consultant	North Shore Consultants; 66-031 Mahaulu Lane, Haleiwa, HI 96712 David Robichaux, (808) 368-5352, robichaud001@hawaii.rr.com
Status	Finding of No Significant Impact (FONSI) determination

Ho'ola Nā Pua is a non-profit agency committed to providing care for children who have been sexually exploited. Its Pearl Haven facility on the North Shore of O'ahu is a recently completed residential care facility on state land within the SMA which provides a safe and supportive environment designed to re-integrate its residents. Pearl Haven was the subject of a [previous EA/FONSI](#) (June 2015). The facility received a certificate of occupancy in February of 2021 and began operations shortly thereafter.

Having met its requirements for this mission, Ho'ola NāPua seeks to renovate the former boys dormitory that remains in ruins on the property. The structure was originally built in 1903 and it is now dangerous because of rusted metal and unstable walls. Following renovation, it will remain an open-air pavilion to be used for meetings, training, and meditation. Additional amenities include gardens, sports courts, agricultural structures, staff housing and hiking trails.

KAUA'I

West Kaua'i Field Operations Facility--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)	Waimea
TMK(s)	(4) 1-8-008: 020
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Dani Yoo, (808) 587-0258, dani.yoo@hawaii.gov 1151 Punchbowl Street, Room 221, Honolulu, HI 96813
Consultant	SSFM International, Inc.; 501 Sumner Street, Ste 620, Honolulu, HI 96817 Jared Chang, (808) 356-1242, jchang@ssfm.com
Status	Finding of No Significant Impact (FONSI) determination

The State of Hawai'i, Department of Land and Natural Resources is proposing to construct a new field operations base yard for efficient and economical response to emergency incidents, as well as daily management operations. The proposed facility will include office space, a conference room, restrooms, showers, secured storage space for confiscated items, parking, fueling facilities, and a nursery to raise endangered plants, and a pen for endangered geese. Due to funding availability, the project will be completed in phases.

CHAPTER 25, REVISED ORDINANCES OF HONOLULU

Use of the Special Management Area (SMA) is not a trigger under Chapter 343, but developments in O'ahu's SMA are required to go through an environmental review process that mirrors the procedural requirements of [HRS Chapter 343](#), pursuant to [Revised Ordinances of Honolulu, Chapter 25](#). Developments being reviewed under Chapter 25 but not Chapter 343 appear here.

58-2 Makaanale Single-Family Residences Project--Draft EA (AFNSI)

District(s)	Ko'olauloa
TMK(s)	(1) 5-8-003: 012
Permit(s)	SMA Use Permit; Building Permits; Erosion and Sediment Control Plan; Community Noise Permit; Sewer Connection Permit; Board of Water Supply Plan Approval; Hawaiian Electric Company Plan Approval
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	John and Fumie Winebarger; 4-42-15 Daizawa, Setagaya-ku, Tokyo, Japan 155-0032 +81-90-6493-7711, john.winebarger@ascent-dev.com
Consultant	SWCA Environmental Consultants; 1200 Ala Moana Boulevard, Suite 380, Honolulu, HI 96814 Stephanie Nagai, (808) 892-3432, snagai@swca.com
Status	30-day public review and comment period starts. Comments are due by December 23, 2021. Please send comments to the approving agency and copy the applicant and the consultant.

The Project proposes the development of two single-family detached dwelling units, two swimming pools, two garages, and landscaping elements on a 37,884-square-foot shoreline lot within the R-5 Residential District and SMA on the North Shore of O'ahu (Project). The site was previously developed with a single-family dwelling, but is currently vacant and occupied with scattered vegetation. Kaunala Stream also runs through the property, and a portion of the property is located within the Coastal High Hazard Area, or Flood Zone VE. The closest structure to the Pacific Ocean is proposed to be set back approximately 90 feet from the certified shoreline, and all structures will be located outside of the Kaunala Stream building setback line.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

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

COMMENTS DUE DECEMBER 8, 2021

MAUI

[Boys & Girls Clubs of Maui Paukūkalo Clubhouse--Draft EA \(AFNSI\)](#)

O'AHU

[Hilton Hawaiian Village – Village Master Plan Improvements AMB Tower--\(Supplemental EIS Preparation Notice\)](#)

[First Responders Technology Campus \(EIS Preparation Notice\)](#)

[Wai'anae Wastewater Treatment Plant Outfall Improvements and Rehabilitation--Draft EA \(AFNSI\)](#)

[1 Lumahai Street Residence--Draft EA \(AFNSI\)](#) ROH Chapter 25

[61-551 Pohaku Loa Way Residence--Draft EA \(AFNSI\)](#) ROH Chapter 25

COMMENTS DUE DECEMBER 23, 2021

MAUI

[Kahana Bay Erosion Mitigation--2nd Draft EIS](#)

EXEMPTION LIST CONCURRENCE

The following agency exemption lists, which serve as guidance for agencies in making exemptions, have been submitted to the Environmental Advisory Council (EAC) for review and concurrence. At the request of the EAC, these draft exemption lists are being published for public review and comment; please click on the following links to view the lists, and **submit any comments by December 8, 2021** to dbedt.opsd.erp@hawaii.gov:

[Department of Transportation, State of Hawai'i](#)

[Department of Transportation Services, City and County of Honolulu](#)

EXEMPTION DECLARATION

The University of Hawai'i at Mānoa has declared the following action exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#):

[Waikīkī Aquarium Test Injection Well Construction](#)

The proposed action involves construction of a test injection well for the Waikīkī Aquarium for disposal of aquarium exhibit wastewater. The well will be located on the south side of the property. The well will then be tested for suitability and performance for exhibit wastewater disposal as well as for water quality for a possible additional saltwater supply well. This action qualifies for an exemption because the test well construction and testing are for basic data collection and will not result in a major disturbance to an environmental resource. If tests go well, future improvements at the Aquarium will include converting the test well into a permanent injection well and constructing other injection wells, at which time a formal Chapter 343 Environmental Review Process will be conducted for the permanent well, and an Approval to Operate (ATO) will be sought.

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 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 and Sustainable Development
Department of Business, Economic Development and Tourism
P.O. Box 2359, Honolulu, HI 96804

Email: keelan.mk.barcina@hawaii.gov

Hydrographic Survey of the Main Hawaiian Islands

Proposed Action: The National Oceanic and Atmospheric Administration (NOAA) Office of Coast Survey plans to conduct a hydrographic survey of a 14,000-square nautical mile area off the coast of the Main Hawaiian Islands. The project would begin in February 2022, ending in October 2022. The actual limits of the survey area could change slightly, and survey dates could be affected by unforeseen circumstances. Such changes would be minor and would not affect the nature of the work or its effects. NOAA Ship Rainer, and its smaller, attending boats would survey this area with a combination of single beam and multibeam echo sounders and side scan sonar. These echo sounders would operate at frequencies no lower than 30 kilohertz (kHz). These survey activities could take place at any time of day or night. During the survey, Rainier may anchor. Rainier and its boats may deploy a total of no more than 30 expendable bathythermographs (XBTs). XBTs are small probes that are dropped over the side of a ship. As it falls through the water, it measures temperature; small wires transmit the temperature data back to the ship where it is recorded for further analysis. Once the probe has reached its maximum depth, the probe is detached and left on the seafloor; the thin line is retracted back to the ship. This information is needed to make accurate depth measurements in waters of at least 300-meter depth. Crews would also deploy one or more Uncrewed Aircraft Systems (UAS, commonly referred to as "drones") from the vessels to an altitude of no more than 400 feet to photograph the shoreline. All UAS flights would return to the vessel after flight and take place only during the day. Additional information on the nature of Coast Survey work can be found in a 2013 Programmatic Environmental Assessment, available at: <https://nauticalcharts.noaa.gov/about/docs/regulations-and-policies/2013-18-nepa-ocs-final-pea.pdf>

Location: Coastal and offshore waters of Kaua'i, O'ahu, Moloka'i, Lāna'i, Maui, Kaho'olawe, and Hawai'i
Federal Action: Federal Agency Activity by National Oceanic and Atmospheric Administration, Office of Coast Survey
CZM Contact: Keelan Barcina, (808) 587-2803, keelan.mk.barcina@hawaii.gov
Comments Due: **December 7, 2021**

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

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
Maui: Kihei (2-1-012: 013)	Residential Improvements (SM2 20210085)	Tom Gonser
Maui: Kapalua (4-2-004: 049)	Modification to Telecom Facility (SM2 20210086)	Crown Castle OBO T-Mobile
O'ahu: Hale'iwa (6-6-003: 045)	Residence Concrete Wall (2021/SMA-52)	Pierre Pang/Glen Kawamoto
O'ahu: Makaha (8-5-018: 018)	Seven-Eleven Fuel Dispenser System Replacement Project (2021/SMA-55)	Par Hawaii, Inc/Munekiyo Hiraga

SHORELINE NOTICES

APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review and comment 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](#)). **Maps and photos of each application file can be viewed [here](#). 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-1968	47-123 Kamehameha Hwy., O'ahu 96744	(1) 4-7-019: 078	Walter P. Thompson, Inc.	Beverly Hoversland and David Knox
OA-1969	6973 Kalaniana'ole Highway, O'ahu 96825	(1) 3-9-002: 031	Austin Tsutsumi & Associates	NMG HI properties, LLC
OA-1970	20 Pu'ukani Place, O'ahu 96734	(1) 4-3-012: 014	Wesley T. Tengan	Kristy M. Stephenson
OA-1971	84-955 Farrington Highway, O'ahu 96734	(1) 8-4-004: 018	Wesley T. Tengan	Gene T. Ochi
OA-1972	59-637 Ke Iki Rd., O'ahu 96712	(1) 5-9-003: 073	Kenn Nishihira	Michael E. Lorne
MA-768	575 Stable Road, Maui 96779	(2) 3-8-014: 022	Ailana Surveying & Geomatics, LLC	William Fleischer
HA-614	39-3298 Old Mamaloha Hwy, 96774	(3) 3-9-001: 024	Engineers Surveyors Hawaii, Inc	Dennis Schmitz

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-1938	Proposed	No physical address	(1) 6-8-008: 022	Ailana Surveying & Geomatics	EMS Properties, LLC
OA-1962	Proposed	230 Paikō Drive, O'ahu 96821	(1) 3-8-001: 005	Ailana Surveying & Geomatics	Thomas Coulson
MO-188	Proposed	22 Ho'oulu Place, Moloka'i 96748	(2) 5-4-018: 006	Mark Zaengle	Mark Zaengle

FEDERAL NOTICES

As a courtesy, listed below is a relevant entry 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: [Notice of Intent To Conduct Scoping and To Prepare an Environmental Impact Statement for the Proposed Designation of a National Marine Sanctuary Within Papahānaumokuākea Marine National Monument](#) (published by the National Oceanic and Atmospheric Administration on 11/19/2021)

Click on the title link above to learn more about this notice, for the dates and times of the virtual public scoping meetings, and for information on [submitting comments by the deadline of January 31, 2022](#).

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 challenge the FONSI in the Environmental Court and seek a ruling 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 (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and to make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

Act 172-2012, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)

Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. The agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed publication form detailing the specifics of the action. This starts a 30-day scoping period in which the agency or applicant must hold a public scoping meeting for the preparation of the Draft EIS. Written comments and responses on the EISPN must be incorporated into the subsequent Draft EIS and oral comments from the public scoping meeting must be recorded and submitted to OPSD with the Draft EIS.

HEPA

While technically there is no "Hawai'i Environmental Policy Act," HRS 343 is often referred to by this term.

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

Act 312-2012, amended HRS 343, by adding a new section (HRS 343-5.5., entitled "Exception to applicability of chapter"). HEPA allows for a statutory exception for "secondary actions" (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related "primary action" (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

Draft Environmental Impact Statement

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigation measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS.

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. Whether the FEIS is accepted or not accepted, notice of the Acceptance Determination is published in this bulletin. The public has 60 days from publication to legally challenge the acceptance of a FEIS. For both Applicant and Agency actions, 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/denied by the Department or 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; 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. Some projects going through the SMA permit process on O'ahu are also required to go through an environmental review process that mirrors HRS 343; these "ROH Chapter 25" EAs/EISs are included in this bulletin.

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 14-member citizen board appointed by the Governor. They serve as a liaison between the Director of OPSD and the general public concerning ecology and environmental quality. Agendas of their regular meetings are posted on the Internet and the public is invited to attend.

Agency Exemption Lists

Government agencies may keep a list describing the minor activities they regularly perform that are exempt from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence (HAR 11-200.1-16). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

Endangered Species

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for Habitat Conservation Plans (HCP), Safe Harbor Agreements (SHA), or Incidental Take Licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).



Publication Calendar of the
Environmental Review Program
Periodic Bulletin, **HAR Chapter 11-200.1**

2022

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

1996 Rules Submittal Deadline	Current Submittal Deadline	Publication Date	EA or EISPN Comment 30-Day Deadline	EIS Comment 45 Day Deadline
Dec 13 Mon	Dec 16 Thu	Dec 23 2021 Thu	Jan 24 Mon	Feb 07 Mon
Dec 28 Tue	Jan 03 Mon	Jan 08 2022 Sat	Feb 07 Mon	Feb 22 Tue
Jan 11 Tue	Jan 14 Fri	Jan 23 Sun	Feb 22 Tue	Mar 09 Wed
Jan 27 Thu	Feb 01 Tue	Feb 08 Tue	Mar 10 Thu	Mar 28 Mon
Feb 10 Thu	Feb 15 Tue	Feb 23 Wed	Mar 28 Mon	Apr 11 Mon
Feb 24 Thu	Mar 01 Tue	Mar 08 Tue	Apr 07 Thu	Apr 22 Fri
Mar 11 Fri	Mar 16 Wed	Mar 23 Wed	Apr 22 Fri	May 09 Mon
Mar 29 Tue	Apr 01 Fri	Apr 08 Fri	May 09 Mon	May 23 Mon
Apr 12 Tue	Apr 18 Mon	Apr 23 Sat	May 23 Mon	Jun 07 Tue
Apr 27 Wed	May 02 Mon	May 08 Sun	Jun 07 Tue	Jun 22 Wed
May 11 Wed	May 16 Mon	May 23 Mon	Jun 22 Wed	Jul 07 Thu
May 26 Thu	Jun 01 Wed	Jun 08 Wed	Jul 08 Fri	Jul 25 Mon
Jun 13 Mon	Jun 16 Thu	Jun 23 Thu	Jul 25 Mon	Aug 08 Mon
Jun 27 Mon	Jun 30 Thu	Jul 08 Fri	Aug 08 Mon	Aug 22 Mon
Jul 13 Wed	Jul 18 Mon	Jul 23 Sat	Aug 22 Mon	Sep 06 Tue
Jul 27 Wed	Aug 01 Mon	Aug 08 Mon	Sep 07 Wed	Sep 22 Thu
Aug 10 Wed	Aug 15 Mon	Aug 23 Tue	Sep 22 Thu	Oct 07 Fri
Aug 26 Fri	Aug 31 Wed	Sep 08 Thu	Oct 10 Mon	Oct 24 Mon
Sep 13 Tue	Sep 16 Fri	Sep 23 Fri	Oct 24 Mon	Nov 07 Mon
Sep 28 Wed	Oct 03 Mon	Oct 08 Sat	Nov 07 Mon	Nov 22 Tue
Oct 12 Wed	Oct 17 Mon	Oct 23 Sun	Nov 22 Tue	Dec 07 Wed
Oct 27 Thu	Nov 01 Tue	Nov 08 Tue	Dec 08 Thu	Dec 23 Fri
Nov 10 Thu	Nov 16 Wed	Nov 23 Wed	Dec 23 Fri	Jan 09 Mon
Nov 28 Mon	Dec 01 Thu	Dec 08 Thu	Jan 09 Mon	Jan 23 Mon
Dec 13 Tue	Dec 16 Fri	Dec 23 2022 Fri	Jan 23 Mon	Feb 06 Mon
Dec 27 Tue	Dec 30 Fri	Jan 08 2023 Sun	Feb 07 Tue	Feb 22 Wed

- 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.