



The Environmental Notice

December 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.



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ANNOUNCEMENTS

The website for the Environmental Review Program (ERP) is now live and can be accessed at <https://planning.hawaii.gov/erp/>. For now, links on the site will lead to our pre-existing SharePoint site, which houses a number of libraries of various documents. Soon, the documents will be transferred to a different server, and all the existing documents will have a new URL. More details will follow!

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS



KAUAI

Kai 'Ōlino Affordable Housing Development--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 (3) Propose any use within a shoreline area
District(s)	Kōloa
TMK(s)	(4) 2-1-010:062
Permit(s)	Building Permits, Received Approval for Project Development Use Permit PDU-2005-7, Class IV Zoning Permit Z-IV-2005-7, and SMA Use Permit SMA (U)-2005-4
Approving Agency	Kaua'i County Housing Agency Adam Roversi, (808) 241-4444, aroversi@kauai.gov 4444 Rice Street, Suite 330, Līhu'e, HI 96766
Applicant	Āhē Group; 157 Makawao Street, Kailua, HI 96734 Makani Maeva, (808) 263-7657, mm@ahgroup.com
Consultant	Dudek; 970 North Kalaheo Ave, Suite C206, Kailua, HI 96734 Kristin Arakawa, (808) 202-0022, dudekhawaii@dudek.com
Status	Statutory 30-day public review and comment period starts. Comments are due by January 24, 2022. Please click on 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 critical need for affordable housing, Āhē Group is proposing to repurpose the planned Kai 'Ōlino development for affordable housing in 'Ele'ele, Kaua'i. Originally part of a larger uncompleted residential project, the project site was partially developed by previous owners for condominiums. While the condominiums were not completed during the original construction, all the entitlements, investigative reports, and initial construction of the site, including mass clearing, grading, retaining walls, parking pads, roadways, and underground utilities were completed. Following the original construction plans, the proposed project would consist of three residential buildings for a total of 75 multi-family housing units, which would provide 48 new affordable rental units for low-income households and 27 new market rate residential units. The affordable housing would accommodate a blend of affordable incomes, as well as serve families and individuals experiencing homelessness.

MAUI

Waiehu Residential Community--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 (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) 3-3-002:031
Permit(s)	Numerous (see document)
Approving Agency	County of Maui, Department of Housing and Human Concerns Buddy Almeida, (808) 270-7351, Buddy.Almeida@co.maui.hi.us
Applicant	Genova Construction Development; 555 Corporate Drive, Suite 120, Ladera Ranch, CA 92694 Brad Cook, (949) 306-2943, brad@genovacd.com
Consultant	Chris Hart & Partners, Inc.; 2200 Main Street, Suite 527, Wailuku, HI 96793 Brett Davis, (808) 242-1955, Bdavis@chpmaui.com
Status	Statutory 30-day public review and comment period starts. Comments are due by January 24, 2022. 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 proposed action is to develop a portion of the existing undeveloped 238-acre land situated west of Kahekili Highway. Approximately 158 acres of land will be developed as a new 100% affordable, 752-unit residential community along with associated infrastructure, roadways, and amenities such as park space, walking trails, and landscaping. All units within the proposed community are for sale at prices determined by the Housing and Urban Development (HUD) annual price guidelines. Out of the proposed 752 dwelling units, 184 will be multi-family units and 568 will be single-family units. The proposed plan includes six (6) different types of single-family development in order to provide a variety of housing options to future residents. The proposed project also includes a retail space of an approximately 17,400 square feet and three (3) parks totaling 6.3 acres. The proposed project will be made through the entitlement process described in Section 201H-38 of the Hawai'i Revised Statutes.

MAUI (CONTINUED)

Mākena State Park Improvements--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)	Makawao
TMK(s)	(2) 2-1-006:030
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources (DLNR) Curt Cottrell, (808) 587-0300, curt.a.cottrell@hawaii.gov Division of State Parks, 1151 Punchbowl Street, Room 310, Honolulu, HI 96813
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Gwendolyn Leialoha Cheney Rivera, (808) 244-2015, planning@munekiyohiraga.com
Status	Statutory 30-day public review and comment period starts. Comments are due by January 24, 2022. Please click on title link above to read the document, then address comments to the DLNR at planning@munekiyohiraga.com

The Department of Land and Natural Resources, Division of State Parks proposes to develop two (2) new comfort stations, associated water and wastewater holding tank infrastructure improvements, and parking lot improvements within two (2) existing parking areas, which occupy approximately 1.75 acres within a 132.035 parcel within Mākena State Park, identified by Tax Map Key number (2)2-1-006:030. The comfort stations will feature flushing toilets, sinks, bottle filling stations, and outdoor showers. Wastewater from the comfort stations will be retained in two (2) below-ground wastewater containment tanks for removal by pump truck and offsite treatment. Showers will drain to an onsite drainage basin. Parking improvements include paving, striping, signage, guardrail, and related improvements to the existing unpaved parking areas along the access driveways within the existing parking areas.

Ka'anapali Beach Restoration and Berm Enhancement--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 (3) Propose any use within a shoreline area
District(s)	Lahaina
TMK(s)	Seaward of (2) 4-4-013:007, 006, 008, 013, 002, 001; 4-4-008:022, 019, 001, 002, 003, 005
Permit(s)	Numerous (see document)
Proposing Agency	State of Hawai'i, Department of Land and Natural Resources Kimberly Mills, (808) 587-0377, kimberly.mills@hawaii.gov 1151 Punchbowl St., Office of Conservation and Coastal Lands, Honolulu, HI 96813
Accepting Authority	State of Hawai'i, Office of the Governor State Capitol, Executive Chambers, 415 South Beretania Street, Honolulu, HI 96813 The Honorable David Ige, (808) 586-0034, transmit.docs@hawaii.gov
Consultant	N/A
Status	Final EIS has been submitted and is pending acceptance by the accepting authority

Beach restoration to the approximate condition of the 1988 shoreline is proposed for the section of Ka'anapali Beach between Hanakao'o Beach Park and Hanakao'o Point. Beach berm enhancement, which would raise the elevation of the dry beach by 3.5 feet for the section between Hanakao'o Point and Pu'u Keka'a. The approximately 75,000 cubic yards of sand needed for the proposed project would be recovered from an 8.5-acre sand deposit, located approximately 150 feet offshore of Pu'u Keka'a in 28 to 56 feet water depth. The proposed sand recovery method consists of a moored crane barge equipped with a clamshell bucket. Barges would be rotating between the sand deposit and two off-loading sites, where the barges would be moored to an elevated trestle or floating bridge to shore. The sand would be transferred to shore along the trestle or bridge system. Land-based equipment would then transfer the sand from the shoreline to the placement area where crews would spread sand along the shoreline.

O'AHU

Hale Moiliili 820 Isenberg Street--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)	Honolulu
TMK(s)	(1) 2-7-008: 018 and 020
Permit(s)	DOH NPDES, DOH Community Noise, City and County Building Permits
Approving Agency	State of Hawai'i, Department of Hawaiian Home Lands Darrell Ing, (808) 620-9276, darrell.h.ing@hawaii.gov P.O. Box 1879, Honolulu, HI 96805
Applicant	Hale Moiliili LP; 1100 Alakea Street, 27th Floor, Honolulu, HI 96813 Kaloa Robinson, (808) 537-5220, kaloa@stanfordcarr.com
Consultant	Environmental Communications, Inc.; P.O. Box 23609, Honolulu, HI 96823 Taeyong Kim, (808) 528-4661, tkim@environcom.com
Status	Statutory 30-day public review and comment period starts. Comments are due by January 24, 2022. 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 project site is located on lands that were formerly in use as the Bowl-O-Drome bowling alley and parking lot. The use was established in 1955 and ceased operations in 2004. The project will primarily provide beneficiaries of the Hawaiian Home Land Trust with access to much needed affordable rental housing in urban Honolulu. The project implements recommendations in the DHHL's O'ahu Island Plan adopted by the Hawaiian Homes Commission in 2014. The leases for the workforce and affordable residential units are anticipated to be for a 75-year term. A 210-foot tall tower and podium will contain 277 dwelling units in studio, one-bedroom, two- bedroom, three-bedroom and three-bedroom townhome configurations. The commercial component of the project will include 4,680 square feet of retail space located on the ground floor. Parking for the complex will consist of approximately 277 residential stalls and 18 retail/commercial stalls for a total of 295 parking stalls in conformance with the City and County of Honolulu Land Use Ordinance.

Sand Island Wastewater Treatment Plant Bioconversion Facility Upgrades--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 (3) Propose any use within a shoreline area (9)(A) Propose any wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent
District(s)	Honolulu
TMK(s)	(1) 1-5-041: 005 and 022 portion
Permit(s)	FAA Form 7460-1; Covered Source Air Permit; NPDES NOI Forms C, F, & G; HRS, Chapter 6E Review, SMA Major; Zoning Height Waiver; & Various other construction and building permit applications and construction plan review and approvals
Proposing/ Determining Agency	City and County of Honolulu, Department of Environmental Services Wesley Yokoyama, (808) 768-3486, dbrieck@honolulu.gov 1000 Uluohia Street, Suite 308, Kapolei, HI 96707
Consultant	R. M. Towill Corporation; 2024 North King Street, Suite 200, Honolulu, HI 96819 Brian Takeda, (808) 842-1133, briant@rmtowill.com
Status	Statutory 30-day public review and comment period starts. Comments are due by January 24, 2022. Please click on title link above to read the document, then address comments to the proposing/determining agency at briant@rmtowill.com

The Department of Environmental Services proposes the Sand Island Wastewater Treatment Plant (SIWWTP) Bioconversion Facility Upgrades project to provide additional solids stream treatment capacity for the phased buildout process to upgrade the SIWWTP to meet secondary treatment effluent standards for the facility's wastewater flow. The project will address the requirements of a 2010 Consent decree to meet secondary treatment effluent standards by 2035. Phase 1 will provide secondary treatment for a portion of the projected 2055 planning flows by 2026, and Phase 2 will provide secondary treatment of the annual average design flow by 2035. The action will upgrade the capacity of the solids stream process and facilities. Phased facilities will include digesters, sludge storage tanks and a control building with associated infrastructure. Future digesters would be installed during Phase 2 of the project.

O'AHU (CONTINUED)

Kamehameha Highway Pedestrian Safety Project, Vicinity of Laniakea--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area
District(s)	Waialua
TMK(s)	Kamehameha Highway (Route 83) right-of-way (ROW); 6-1-005: 026, 024; 6-1-009: 004, 021, 022; and 6-1-010: 019, 020
Permit(s)	HRS Chapter 6E-8 Review, Special Management Area Use Permit and Shoreline Setback Variance, Subdivision Application, National Pollutant Discharge Elimination System for Stormwater Discharges Associated with Construction Activities, Community Noise Permit, Community Noise Variance, Grading, Grubbing, Stockpiling, and Excavation Permit
Proposing/ Determining Agency	State of Hawai'i, Department of Transportation Brian Tyau, (808) 587-6390, Brian.Tyau@hawaii.gov 869 Punchbowl Street, Honolulu, HI 96813
Consultant	WSP USA Inc.; American Savings Bank Tower, 1001 Bishop Street, Suite 2400, Honolulu, HI 96813 Rachel Adams, (808) 566-2257, Rachel.Adams@wsp.com
Status	Finding of No Significant Impact (FONSI) determination

The Department of Transportation's Highways Division (HDOT) is proposing roadway improvements to address pedestrian safety, shoreline erosion, congestion, and roadway reliability along Kamehameha Highway (Route 83) in the vicinity of Laniakea Beach on the North Shore of O'ahu. The proposed action generally consists of realigning the roadway inland by about 80 feet from its current location from the Hale'iwa side of Lauhulu Stream Bridge to the Hale'iwa side of Kawailoa Stream Bridge.

Mānoa Well II Exploratory Well--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district
District(s)	Honolulu
TMK(s)	(1) 2-9-054:033
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	City and County of Honolulu, Board of Water Supply Rian Adachi, (808) 748-5943, radachi@hbws.org 630 South Beretania Street, Honolulu, HI 96843
Consultant	Shimabukuro, Endo & Yoshizaki, Inc.; 1126 12th Avenue #309, Honolulu, HI 96816 Howard Endo, (808) 737-1875, hendo@seyeng.com
Status	Finding of No Significant Impact (FONSI) determination

The Honolulu Board of Water Supply (BWS) proposes to improve the performance and reliability of the Metro Water System serving Mānoa and neighboring communities. A single well at the Mānoa Well II Station supplies potable water for Mānoa. Whenever this well needs service or maintenance, the region loses its water supply source and must rely on outside sources to supply Mānoa with potable water. The BWS proposes to add a second well to the Mānoa Well II Station to improve the overall reliability and performance of this urban water system. The production from the Station will remain the same even with the second well as only one well will be pumped at a time and no change in the Water Use Permit will be required. No adverse long-term impacts are anticipated from this project.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The 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 identified in the submission form that follows the initial agency letter.

COMMENTS DUE DECEMBER 23, 2021

HAWAI'I

[Meadow Gold Expansion--Draft EA \(AFNSI\)](#)

MAUI

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

LĀNA'I

[Miki Basin Industrial Park--2nd Draft EA \(AFNSI\)](#)

O'AHU

[58-2 Makaanale Single-Family Residences Project--Draft EA \(AFNSI\)](#) ROH Chapter 25

COMMENTS DUE JANUARY 7, 2022

MAUI

[Kanaha Hotel at Kahului Airport--Draft EIS Vol. 1, Vol. 2 and Scoping Meeting Audio recording](#)

O'AHU

[Interstate H1 Eastbound Improvements, Ola Lane to Likelike Highway Off-ramp--Draft EA \(AFNSI\)](#)

[Kanoelani Elementary School Shade Structure--Draft EA \(AFNSI\)](#)

[126 South Kalaheo Single-Family Residence--Draft EA \(AFNSI\)](#) ROH Chapter 25

NORTHWEST HAWAIIAN ISLANDS

[National Marine Sanctuary Designation Overlay at Papahānaumokuākea Marine National Monument \(EISPN\)](#)

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 [(808) 768-8014]; Hawai'i [East (808) 961-8288], [West (808) 323-4770]; Kaua'i [(808) 241-4050]; Maui [(808) 270-7735]; Kaka'ako or Kalaeloa Community Development District [(808) 587-2841]

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Hilo (2-1-014: 044, 045 and 046)	Clearing of Underbrush and Other Vegetation (PL-SMM-2021-000011)	Marguerite Vierra
Maui: Kahului (3-7-004: 003)	Proposed Sewer Manhole (SM2 20210087)	Munekiyo Hiraga
Maui: Wailea (2-1-029: 005)	Imagine Island Trust (SM2 20210090)	Marc Taron
Maui: Kīhei (3-9-046: 030)	Construct Accessory Structure, Cabana, Exercise Room with Lanai (SM2 20210091)	Solange Dotro Gamboa
Maui: Kīhei (2-1-008: 140)	Auto Owners Events (SM2 20210092)	MC&A Inc
Maui: Pā'ia (2-6-012: 019)	New Single-Family Garage (SM2 20210093)	Ben Walin
Maui: Hana (1-4-010: 001)	Construction of Four Ahu to Mark, the Burial Remains (SM2 20210094)	Edward Cashman
Maui: Hana (1-4-007: 001; 1-4-010: 004)	Remove Exposed IWI & Return Remains Further Mauka (SM2 20210095)	Edward Cashman
Maui: Lahaina (4-6-008: 006)	Holiday Events at Campbell Park (SM2 20210097)	Lahaina Restoration Foundation
O'ahu: Luualalei (8-6-015: 007)	Two-Family Detached Dwelling (2021/SMA-64)	Schuyler and Marilyn Cole/Team Real Estate, Inc.
O'ahu: Waialua (6-6-027: 010; 6-7-003: 011, 017 and 019)	Kaala Kino Agricultural Subdivision (2021/SMA-67)	Michael B. Pietsch/Mitsunaga & Associates, Inc.

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-1974	10 Kamani Place, O'ahu 96734	(1) 4-3-015: 055	Walter P. Thompson, Inc.	Jennifer A. Rainin 2007 Trust
OA-1975	59-549 Ke Iki Road, O'ahu 96712	(1) 5-9-003: 008	Kenn Nishihira	The Norcross Jenkins Family Trust
MA-769	2780 Keka'a Drive, Maui 96761	(2) 4-4-008: 007	Warren S. Unemori Engineering Inc.	Pleasant Travel Service
MA-770	22 and 23 Wa'a Place, Maui 96779	(2) 2-6-011: 023 & 024	Ailana Surveying & Geomatics, LLC	Tatiana Botton (parcel 024) and Mark Freiborg (parcel 023)
HA-615	Along Naupaka Kai Place, Hawai'i	(3) 6-9-009: 004	Wes Thomas Associates	Serenity on the Sea, LLC
KA-462	3532 Moloa'a Road, Kaua'i 96703	(4) 4-9-014: 026	Lucas Breckenridge & Associates, Inc.	Russell Calderone

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-1955	Proposed	68-229 Crozier Loop, O'ahu 96791	(1) 6-8-005: 032 por.	Leaps & Boundaries, Inc.	Crozier Ohana, LLC
OA-1969	Proposed	6973 Kalaniana'ole Highway, O'ahu 96825	(1) 3-9-002: 031	Austin Tsutsumi & Associates	NMG HI properties, LLC
HA-614	Proposed	39-3298 Old Mamalohoa Hwy, Hawai'i 96774	(3) 3-9-001: 024	Engineers Surveyors Hawaii, Inc	Dennis Schmitz

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 of any entry**, also available at www.federalregister.gov.

Rule: [Pacific Island Fisheries; 2022 Northwestern Hawaiian Islands Lobster Harvest Guideline](#) (published by the National Oceanic and Atmospheric Administration on 12/16/2021)

NMFS establishes the annual harvest guideline for the commercial lobster fishery in the Northwestern Hawaiian Islands (NWHI) for calendar year 2022 at zero lobsters.

Notice: [Pacific Island Fisheries; Experimental Fishing Permit Application](#) (published by the National Oceanic and Atmospheric Administration on 12/15/2021)

NMFS announces that the Hawaii Longline Association (HLA) has applied for an experimental fishing permit (EFP) to test tori lines (bird scaring devices) in the Hawai'i shallow-set longline fishery for swordfish. The intent of the EFP is to test new ways to discourage seabird interactions that also increase operational flexibility. **NMFS must receive comments by January 14, 2022.**

Notice: [Pacific Remote Islands Marine National Monument; Monument Management Plan](#) (published by the National Oceanic and Atmospheric Administration and the Fish and Wildlife Service on 12/21/2021)

NOAA & USFWS, as co-leads, announce their intention to prepare a Monument Management Plan (MMP) for the Pacific Remote Islands Marine National Monument. NOAA and USFWS are seeking input on issues, concerns, ideas, and suggestions for the future management of the Monument. NOAA and USFWS will also prepare a draft environmental assessment, concurrent with the management plan, to evaluate potential effects of implementing the proposed management alternatives for the Monument. Following the completion of the MMP, USFWS will prepare new individual Comprehensive Conservation Plans (CCPs) and revise existing CCPs for National Wildlife Refuges within the Monument, as appropriate. **Submit comments by January 20, 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).