Shoreline erosion in Kaʻaʻawa, on the windward side of Oʻahu, requires the stabilization of adjacent and critical Kamehameha Highway.

Photo from the Draft EA for the project
235 South Beretania Street, Suite 702  •  Honolulu, Hawaiʻi  96813  •  (808) 586-4185  •  dbedt.opsd.erp@hawaii.gov  •  https://planning.hawaii.gov/erp/
January 8, 2022
The Environmental Notice

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ANNOUNCEMENTS

• The 2022 Publication Calendar is attached at the end of this issue; you may also access it on our [website](#)!  
• While we reserve the right to make edits to correct errors on submitted Publication/web forms, we certainly prefer that information is reviewed and corrected prior to submittal. Please submit early so that complete and accurate documents have been received by the deadline; the rules say documents can not be added, corrected or exchanged after the deadline!  
• Information will be provided about new URLs/hyperlinks for existing and future files as a new server for our evolving website comes online. While we hope for a seamless transition, please be patient as hiccups and wrinkles are bound to appear!

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS

LEGEND

New document count in this issue: 3 total
• - HRS § 343-5(b) Agency Actions: 2
• - HRS § 343-5(e) Applicant Actions: 1
O‘AHU

Kamehameha Highway at Ka‘a‘awa Erosion Mitigation--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
(3) Propose any use within a shoreline area

District(s) Ko‘olaaloa
TMK(s) (1) 5-1-002:025

Permit(s) Department of the Army (NWP 3-Maintenance), Conservation District Use Permit

Proposing/Determining Agency
State of Hawai‘i, Department of Transportation
Jiangli Guo, (808) 832-3405, jiangli.guo@hawaii.gov
2530 Likelike Highway, Honolulu, HI 96819

Consultant
Sea Engineering, Inc.; 41-305 Kalaniana‘ole Highway, Waimānalo, HI 96795
Scott Sullivan, (808) 460-3437, ssullivan@seaengineering.com

Status
Statutory 30-day public review and comment period starts. Comments are due by February 7, 2022. Please click on title link above to read the document, then address comments to the proposing/determining agency at ssullivan@seaengineering.com

The project site is an approximately 450-foot length of roadside shoreline along Hawai‘i State Route 83 (HI-83), known as Kamehameha Highway. Kamehameha Highway is the only highway serving windward O‘ahu coastal communities, and is the primary access for police, fire, and emergency medical services. The project site is located on the makai side of the highway, in the community of Ka‘a‘awa, and is located directly seaward of Ka‘a‘awa Elementary School. A 400-foot-long section of Kamehameha Highway has become undermined due to shoreline erosion. The undermining has destabilized the highway shoulder, and if it continues it may result in damage to the highway itself. The proposed action is to construct an engineered sloping rock riprap revetment to mitigate the erosion threat to the highway. The revetment crest will be +8 feet, and the structure will be approximately 25 feet wide and approximately 450 feet long.

James Campbell High School Athletic Complex Facilities and Master Plan--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) ‘Ewa
TMK(s) (1) 9-1-001: 002

Permit(s) City and County of Honolulu Building Permits

Proposing/Determining Agency
State of Hawai‘i, Department of Education
Karynn Yoneshige, (808) 784-5127, karynn.yoneshige@k12.hi.us
P.O. Box 2360, Honolulu, HI 96804

Consultant
Environmental Communications, Inc.; P.O. Box 236097, 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 February 7, 2022. Please click on title link above to read the document, then address comments to the proposing/determining agency and copy the consultant.

The proposed project is a programmatic document for future improvements on the James Campbell High School campus as well as an environmental assessment that specifically address improvements for the athletic facilities for the campus. Presently funded is a new athletic complex that will consist of new bleachers, girls and boys locker rooms, fitness and trainer rooms, broadcast booth, weight training rooms, a new ticket booth, concession stand and public toilets and other support services.

Other future master plan components include renovated fields, new parking areas, relocation of portable buildings to facility a new internal circulation road, new covered play courts to replace Ilima Intermediate’s outdoor courts, a new parking garage, a new multipurpose building, additional play courts, replacement of visitor’s bleachers and other modernization improvements.

The proposed project cost is $18,000,000.
**OʻAHU (CONTINUED)**

### Barbers Point Solar Project--Final EA (FONSI) Vol 1, Vol 2, and Vol 3

| HRS §343-5(a) Trigger | (1) Propose the use of state or county lands or the use of state or county funds  
| | (4) Propose any use within any historic site as designated in the National Register or Hawaiʻi Register  
| District(s) | ʻEwa  
| TMK(s) | (1) 9-1-013:038 and 040; and 9-1-016:027  
| Permit(s) | Hawaiʻi Community Development Authority (HCDA) Conditional Use Permit, Development Permit, and Variance; HRS Chapter 6E Compliance (Historic Preservation Review); Hawaiʻi Department of Transportation (HDOT) Use and Occupancy Permit and Permit to Perform Work Upon State Highways, National Pollutant Discharge Elimination System (NPDES) Permit; Hawaiʻi Department of Health Community Noise Permit; City and County of Honolulu Building Permit and Grading and Grubbing Permit; Federal Aviation Administration (FAA) Notice of Proposed Construction or Alteration  
| Approving Agency | State of Hawaiʻi, Department of Hawaiian Home Lands  
| | Andrew Choy, (808) 620-9500, dhhl.planning@hawaii.gov  
| | P.O. Box 1879, Honolulu, HI 96805  
| Applicant | Barbers Point Solar, LLC; 3636 Nobel Drive, Suite 360, San Diego, CA 92122  
| | Julia Mancinelli, (604) 345-4009, barberspointsolar@innergex.com  
| Consultant | Tetra Tech, Inc.; 737 Bishop Street, Suite 2340, Honolulu, HI 96813-3201  
| | Leslie McClain, (503) 222-4536, leslie.mcclain@tetratech.com  
| Status | Finding of No Significant Impact (FONSI) determination  

The proposal involves the construction and operation of a 15 megawatt (MW) solar photovoltaic system coupled with a 60 MW-hour battery energy storage system as well as ancillary support infrastructure in east Kalaeloa, Oʻahu. The solar arrays will be located on DHHL lands and the project would interconnect with Hawaiian Electric’s island-wide grid via an approximately 1.2-mile overhead and underground generation-tie line that would extend from the Project’s substation, north along Coral Sea Road within HDOT Right-of-Way, to a termination point on an existing transmission line located on TMK 9-1-016:027. Power generated from the Project would be sold to Hawaiian Electric under a 25-year power purchase agreement. The Project will be decommissioned at the end of its useful life and the Project area would be returned to substantially pre-development condition.

### Previously Published Documents Open for Comment

**Kaua’i**

*Kai ʻŌlino Affordable Housing Development--Draft EA (AFNSI)*

**OʻAHU**

*Hale Moiliili 820 Isenberg Street--Draft EA (AFNSI)*

*Sand Island Wastewater Treatment Plant Bioconversion Facility Upgrades--Draft EA (AFNSI)*

**MAUI**

*Mākena State Park Improvements--Draft EA (AFNSI)*

*Waiehu Residential Community--Draft EA (AFNSI)*

### Exemption List Concurrence

Pursuant to [HAR § 11-200.1-16](#), the Environmental Advisory Council (EAC) has reviewed and concurred upon the following agency exemption list, which is a guidance document for the referenced agency's use in considering the propriety of specific exemptions. The listed types of actions may be exempted from the requirement to prepare an EA. The EAC's date of concurrence is posted on the list. Click on the link to view or download the list.

*City and County of Honolulu, Department of Transportation Services*
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 December 2021; please reach out to the identified agency contact on each list for additional information about any specific exemption:

State of Hawaiʻi
Department of Accounting and General Services
Department of Education
Department of Land and Natural Resources
Department of Transportation

City and County of Honolulu
Department of Design and Construction
Department of Land Management

County of Maui
Department of Planning

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 Kauaʻi, Hawaiʻi, 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.

<table>
<thead>
<tr>
<th>File No.</th>
<th>Location</th>
<th>TMK</th>
<th>Applicant</th>
<th>Owner</th>
</tr>
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<tbody>
<tr>
<td>OA-1976</td>
<td>57-091 Kamehameha Highway, Oʻahu 96731</td>
<td>(1) 5-7-001: 048 &amp; 049</td>
<td>Engineers Surveyors Hawaii, Inc.</td>
<td>Lot 13 BRE Turtle Bay Development LLC/Lot 14 BRE Turtle Bay Resort LLC</td>
</tr>
<tr>
<td>OA-1977</td>
<td>55-587 Kamehameha Highway, Oʻahu 96762</td>
<td>(1) 5-5-003: 045</td>
<td>Hawaii Engineering Group, Inc.</td>
<td>Robert Dahms</td>
</tr>
<tr>
<td>OA-1978</td>
<td>55-559 Kamehameha Highway, Oʻahu 96762</td>
<td>(1) 5-5-003: 018</td>
<td>Leaps &amp; Boundaries, Inc.</td>
<td>LFR Development V, LLC</td>
</tr>
<tr>
<td>MA-771</td>
<td>5157 Lower Honoapiʻilani Rd.</td>
<td>(2) 4-3-007: 002</td>
<td>Action Survey LLC</td>
<td>BJ Ohana Partnership</td>
</tr>
<tr>
<td>KA-463</td>
<td>3610 Rice Street</td>
<td>(4) 3-5-002: 002</td>
<td>Honua Engineering, Inc.</td>
<td>RMR Group, Inc.</td>
</tr>
</tbody>
</table>

PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources (HRS § 205A-42 and HAR § 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawaiʻi 96813.

<table>
<thead>
<tr>
<th>File No.</th>
<th>Status</th>
<th>Location</th>
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<th>Applicant</th>
<th>Owner</th>
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</thead>
<tbody>
<tr>
<td>OA-1968</td>
<td>Proposed</td>
<td>47-123 Kamehameha Hwy., O‘ahu 96744</td>
<td>(1) 4-7-019: 078</td>
<td>Walter P. Thompson, Inc.</td>
<td>Beverly Hoversland and David Knox</td>
</tr>
<tr>
<td>OA-1973</td>
<td>Proposed</td>
<td>3037 Kalākaua Ave., O‘ahu 96815</td>
<td>(1) 3-1-033: 006 (Lot B)</td>
<td>Walter P. Thompson, Inc.</td>
<td>Tonggs Holdings</td>
</tr>
<tr>
<td>MA-759</td>
<td>Proposed</td>
<td>5050 Old Makena Road, Maui 96753</td>
<td>(2) 2-1-007: 100</td>
<td>Akamai Land Surveying, Inc.</td>
<td>Arden Companies, LLC</td>
</tr>
</tbody>
</table>
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]

<table>
<thead>
<tr>
<th>Location (TMK)</th>
<th>Description (File No.)</th>
<th>Applicant/Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>O‘ahu: Kailua (4-3-020: 051)</td>
<td>Marut Residence Second Floor Addition (2021/SMA-62)</td>
<td>Paul C. Marut/Owner Built Design</td>
</tr>
<tr>
<td>O‘ahu: Ka‘alawai (3-1-041: 027)</td>
<td>Ako Residence - New Fence (2021/SMA-78)</td>
<td>Jason and Rhona Ako</td>
</tr>
</tbody>
</table>

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.

**Proposed Rule: Pacific Island Fisheries; 2022-2025 Annual Catch Limits and Accountability Measures for Main Hawaiian Islands Uku (Gray Jobfish)** (published by the National Oceanic and Atmospheric Administration on 12/27/2021)

NMFS proposes to implement an annual catch limit (ACL) of 295,419 lb (134 metric tons (t)), an annual catch target (ACT) of 291,010 lb (132 t), and accountability measures (AM) for main Hawaiian Islands (MHI) uku for fishing years 2022, 2023, 2024, and 2025. These ACLs and ACTs apply to the total combined commercial and non-commercial catch of uku. As an in-season accountability measure, if NMFS projects that the total catch will reach the ACT in any given fishing year, we would close commercial and non-commercial uku fisheries in Federal waters for the remainder of the fishing year. As a post-season AM, if NMFS determines that the most recent three-year average total catch exceeded the ACL in a fishing year, we would reduce the ACL and ACT for the following fishing year by the amount of the overage. The proposed rule supports the long-term sustainability of MHI uku.

NMFS must receive comments by January 26, 2022. Please click on the title link above for more information and how to submit comments.
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(d), for Agency actions and HRS 343-5(e), for Applicant actions. For actions for which the proposing or approving agency anticipates a Finding of No Significant Impact (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.

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 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 705A, 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’s 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 Incident 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).
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://planning.hawaii.gov/erp/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.

- 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.