



The Environmental Notice

January 23, 2022

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

As the evolution of ERP's [new website](#) continues, you may notice that some URLs already lead to a [new server](#) (planning.hawaii.gov), while others continue to lead to our [old SharePoint server](#) (oeqc2). Soon all the existing and future files we add will be uploaded to the new server, and the links to files in old issues of *The Environmental Notice (TEN)* will no longer function as they lead to the old server that will eventually be shut down. Accordingly, we encourage you to find old files by searching on our website, and not by clicking links in old issues of *TEN*, even when those issues reside on the new server. Rest assured that future issues of *TEN* will continue to have links that lead to the relevant documents being published in those issues.

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS



MAUI

Kahului Civic Center Mixed-Use Complex--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Wailuku
TMK(s)	(2) 3-7-004:003 (por.)
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	State of Hawai'i, Hawaii Housing Finance & Development Corporation Sery Berhanu, (808) 587-0546, Sergut.berhanu@hawaii.gov 677 Queen Street, Suite 300, Honolulu, HI 96813
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeff Overton, (808) 523-5866, jeff@g70.design
Status	Statutory 30-day public review and comment period starts. Comments are due by February 22, 2022. Please click on title link above to read the document, then address comments to the proposing/determining agency at kahuluieacomments@g70.design

The State of Hawai'i (State), Department of Business, Economic Development & Tourism, Hawai'i Housing Finance & Development Corporation (HHFDC) is proposing to undertake the "Kahului Civic Center Mixed-Use Complex" (Project) on Tax Map Key: (2) 3-7-004:003 (por.), located at the intersection of West Ka'ahumanu Avenue and Kane Street. The Project is a collaborative effort between the HHFDC and State, Department of Accounting and General Services. The Project primarily involves the construction of affordable and market-rate multi-family housing (multi-family housing) and a State Kahului Civic Center (Civic Center). Approximately 300 multi-family dwelling units (mixture of 1-, 2-, and 3-bedroom units) with approximately 414 parking spaces will be developed. An approximately 66,000-square foot Civic Center with approximately 182 parking spaces will be developed.

O'AHU

Wahiawā Civic Center--2nd Final EIS

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Wahiawā
TMK(s)	Numerous (see document)
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	State of Hawai'i, Department of Accounting and General Services Sally Tamai, (808) 586-0400, sally.l.tamai@hawaii.gov 1151 Punchbowl Street, Office of the Comptroller, Kalanimoku Building, Honolulu, HI 96813
Accepting Authority	State of Hawai'i, Office of the Governor The Honorable David Ige, (808) 586-0034, https://governor.hawaii.gov/contact-us/contact-the-governor/ 415 South Beretania Street, State Capitol, Executive Chambers, Honolulu, HI 96826
Consultant	Wilson Okamoto Corporation; 1907 S Beretania St., #400, Honolulu, HI 96826 Keola Cheng, (808) 946-2277, PublicComment@wilsonokamoto.com
Status	The proponent is publishing a corrected version of the FEIS originally published on November 8, 2021. This 2nd FEIS has been submitted to and is pending acceptance by the accepting authority.

The Proposed Action includes the development and construction of a new Wahiawā Civic Center comprised of a new District Court Facility, and State Office Complex on the grounds of the existing Wahiawā Civic Center, and the future redevelopment of the existing Wahiawā Public Library site as a new Resource and Education Center facility.

The new Wahiawā Civic Center will provide the Central O'ahu, North Shore, and Wahiawā communities with a consolidated and centralized facility housing State, City and County of Honolulu (City), and Judicial services. The new Civic Center will include a new District Court Facility and a new State Office Complex that will house State offices and City offices such as a Satellite City Hall and Driver's Licensing. This facility would be supported by on- and off-site infrastructure improvements, as well as on-site parking.

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.

[Waiehua I Single-Family Residences--Draft EA \(AFNSI\)](#)

District(s)	Ko'olaupoko
TMK(s)	(1) 4-7-014: 051; 4-7-014: 052 and 4-7-014: 055
Permit(s)	SMA Use Permit; Building Permits; Development Permits; Street Usage Permit, Occupancy Permit; Community Noise Permit; Individual Wastewater System Permit
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	Waiehua I, LLC; 2046 S. King Street, Honolulu, HI 96826 c/o: Graham Knopp, (808) 841-1800, gpknopp@gkenvllc.com
Consultant	GK Environmental, LLC; P.O. Box 1310, Honoka'a, HI 96727 Graham Knopp, Principal, (808) 938-8583, gpknopp@gkenvllc.com
Status	30-day public review and comment period starts. Comments are due by February 22, 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 overall Project involves the development of 10 zoning lots with 10 single-family, detached dwelling units in the Special Management Area in Kahalu'u, O'ahu (Project). Building permits were previously obtained for four of the ten dwelling units. Approval of a Special Management Area Use Permit is required prior to the issuance of building permits for the remaining six dwelling units. The Subdivision application to allow the consolidation and subdivision of three lots into 10 lots received tentative approval in February, 2021. Other than the two dwelling units already constructed, the majority of the site is currently vacant with overgrown vegetation. The site is in Flood Zone X, and site runoff flows into a drainage along the northern side of the property. The Army Corps determined there are no jurisdictional wetlands on the site.

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 preceding agency letter.

COMMENTS DUE JANUARY 24, 2022

MAUI

[Waiehu Residential Community--Draft EA \(AFNSI\)](#)

[Mākena State Park Improvements--Draft EA \(AFNSI\)](#)

O'AHU

[Hale Moiliili 820 Isenberg Street--Draft EA \(AFNSI\)](#)

[Sand Island Wastewater Treatment Plant Bioconversion Facility Upgrades--Draft EA \(AFNSI\)](#)

KAUA'I

[Kai 'Ōlino Affordable Housing Development--Draft EA \(AFNSI\)](#)

COMMENTS DUE FEBRUARY 7, 2022

O'AHU

[Kamehameha Highway at Ka'a'awa Erosion Mitigation--Draft EA \(AFNSI\)](#)

[James Campbell High School Athletic Complex Facilities and Master Plan--Draft EA \(AFNSI\)](#)

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-1979	53-549 Kamehameha Hwy., O'ahu 96717	(1) 5-3-008: 001	Ailana Surveying & Geomatics	Association of Apartment Owners of Hanohano Hale
MA-772	3300 Wailea Alanui Dr., Maui 96753	(2) 2-1-008: 064	Warren S. Unemori Engineering Inc.	Wailea Ekahi Condominium
HA-616	69-1766 Puakō Beach Dr., Hawai'i 96743	(3) 6-9-004: 005	Wes Thomas Associates	FD Investment Corp
HA-617	Government Beach Rd., Hawai'i 96778	(3) 1-4-028: 039	Daniel Berg, dlb & associates, LLC	Stefanie Nolff
HA-618	76-6174 B & 76-6174 C Ali'i Dr., Hawai'i	(3) 7-6-017: 040 & por. 028	Wes Thomas Associates	Kona Beach Creations, LLC
KA-464	5-7070 Kūhiō Hwy., Kaua'i	(4) 5-8-011: 049	Honua Engineering, Inc.	Bruce Holdings, LLC

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-1965	Proposed	Kapi'olani Regional Park, O'ahu	(1) 3-1-030: 001-004, por.005 and 3-1-031: 004, 005, por.006	ControlPoint Surveying, Inc.	City and County of Honolulu, Dept of Parks and Recreation
OA-1971	Proposed	84-955 Farrington Hwy., O'ahu 96734	(1) 8-4-004: 018	Wesley T. Tengan	Gene T. Ochi
OA-1972	Proposed	59-637 Ke Iki Rd., O'ahu 96712	(1) 5-9-003: 073	Kenn Nishihira	Michael E. Lorne
HA-600	Rejection	69-1802 Puakō Beach Dr., Hawai'i 96743	(3) 6-9-005: 017	Wes Thomas Associates	Richard D. Ednie Trust, Sandra F. Ednie Trust, and James D. Thain Jr. Trust
KA-459	Rejection	5242 Weke Rd., Kaua'i 96714	(4) 5-5-002: 107	Honua Engineering, Inc.	Tahiti, LLC

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 Kalaehoa Community Development District [(808) 587-2841]

Location (TMK)	Description (File No.)	Applicant/Agent
Maui: Lahaina (4-8-003: 005)	Install New Aerobic Wastewater System (SM2 20210099)	Olowalu Elua Associates LLC
Maui: Kahului (3-8-025: 008)	Maui Full Gospel Church (SM2 20220002)	Maui Full Gospel Church
Maui: Kihei (2-1-006: 016)	Lorien Picnic Shelter (SM2 20220003)	Lorien Makena LLC - Ashton Rank, Agent
Maui: Lahaina (4-6-001: 007)	Maui Oceanfront Marathon (SM2 20220004)	A. Leslie Wright
O'ahu: Kailua (4-2-015: 014)	New Office and Storage Containers, Fence, and Utility Pole (2021/SMA-75)	Laie Trucking Co. Ltd.

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

FEDERAL CONSISTENCY REVIEWS

The following federal actions are being reviewed for consistency with the enforceable policies of the Hawai'i Coastal Zone Management (CZM) Program, including [the CZM objectives and policies in Hawai'i Revised Statutes, Chapter 205A](#). Federal consistency, pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA), as amended, generally requires that federal actions, within and outside of the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. This public notice is being provided in accordance with § 306(d)(14) of the CZMA, and federal regulations at 15 CFR § 930.2, § 930.42, and § 930.61. General information about federal consistency is available at the [Hawai'i CZM Program web site](#), or call (808) 587-2840.

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

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

Email: debra.l.mendes@hawaii.gov

Hawaii Kai Marina construction and maintenance of docks

Proposed Action: The Hawaii Kai Marina Community Association proposes after-the-fact authorization for installation of 119 individual floating docks; proposed installation of up to 155 new individual floating docks over the next ten years; the proposed in-kind replacement of any existing individual property dock; after-the-fact authorization for the installation of an extension to the existing floating community dock at the Peninsula at Hawaii Kai complex; and the proposed installation of a new fuel dock, all located within the Hawaii Kai Marina.

Location: Hawaii Kai Marina, Honolulu, O'ahu
Applicant: Hawaii Kai Marina Community Association
Federal Action: Federal Permit
Federal Agency: U.S. Army Corps of Engineers
CZM Contact: Debra Mendes, (808) 587-2840, debra.l.mendes@hawaii.gov
Comments Due: February 8, 2022

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Application(s) or receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in *The Environmental Notice*. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed for each project. CDUAs can be found via the hyperlinked File No. below or on the OCCL website at dlnr.hawaii.gov/occl.

File No.: [CDUA HA-3878](#)
Name of Applicant: Kelly Holcomb, Trustee of the Holcomb Family Trust
Location: Malamalama Iki, S. Hilo, Hawai'i
TMK(s): (3) 2-8-012:028
Proposed Action: Single-family residence and related improvements
343, HRS determination: The [Final Environmental Assessment/FONSI](#) was published in *The Environmental Notice* on [November 23, 2021](#) (Department of Land and Natural Resources was the approving agency)
Applicant's Consultant: Steven S.C. Lim, Esq. Carlsmith Ball, LLP
Consultant's Contact: Jason Knable, Carlsmith Ball, LLP (808) 935-6644
OCCL Staff Contact: Rachel Beasley (808) 798-6481

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents submitted for publication that have been prepared pursuant to NEPA, rather than Chapter 343, HRS. Accordingly, these entries may have unique comment periods.

[Space Control Squadron \(SPCS\) Beddown for the Fourth \(SPCS #4\) & Fifth \(SPCS #5\) Basing Actions--Draft EA](#)

Islands	Kaua'i and O'ahu
Proposing Agency	United States Air Force - Air National Guard Christine Yott, (240) 612-8422, christine.yott.1@us.af.mil 3501 Fetchet Ave., Joint Base Andrews, Maryland 20762-5157
Consultant	Environmental Assessment Services, LLC; 350 Hills St., Suite 112, Richland, Washington 99354 Danielle Cemprola, (803) 727-0698, danielle.cemprola@easbio.com
Status	30-day public review and comment period starts. Comments are due by February 22, 2022. Please click on title link above to read the document, then send comments to the proposing agency at NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil with the subject titled as ATTN: SPCS EA

The Proposed Action analyzes three candidate locations for Air National Guard (ANG) Space Control Squadron (SPCS) #4 and ANG SPCS #5: Pacific Missile Range Facility-Barking Sands and Joint Base Pearl Harbor-Hickam, Hawaii, and Andersen AFB, Guam. The Air Force proposes to construct and operate facilities for the beddown of a total of two SPCS missions, one offensive and one defensive, at the three candidate locations. Under the Proposed Action, each SPCS would require the construction or renovation of facilities to support the mission. Each SPCS would require the relocation of additional personnel in order to support the SPCS mission, including a sufficient number of ANG space operators and operations support personnel. SPCS #4 would require between 88 and 115 new ANG personnel in support of an offensive mission, while SPCS #5 would require the addition of between 62 and 105 ANG personnel in support of a defensive mission.

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION

[Kīhei No. 7 Force Main Replacement](#)

Island	Maui
District(s)	Kama'ole Ahupua'a, Makawao District (Traditional District of Kula)
TMK(s)	(2) 3-9-005:030 and 999 (South Kīhei Road Row)
Proposing Agency	State of Hawai'i, Department of Health, Environmental Management Division, Wastewater Branch 2827 Waimano Home Road, Rm. 207, Pearl City, HI 96782 Jon Nagato, (808) 586-4294, jonathan.nagato@doh.hawaii.gov
Consultant	R T Tanaka Engineers Inc; 871 Kolu St #201, Wailuku, HI 96793 Kirk Tanaka, (808) 242-6861, mail@tanakaeng.com
Status	Comments due no later than February 22, 2022 to Proposing Agency at wwb@doh.hawaii.gov

The Department of Health (DOH) initiated Section 106 of the NHPA consultation with the State Historic Preservation Division (SHPD) in accordance with 36 CFR Part 800. In 1990, the U.S. Environmental Protection Agency (EPA) designated the DOH to act on EPA's behalf, pursuant to 36 CFR §800.2 (c) (4), when initiating Section 106 of the NHPA process in connection with projects funded under the Hawai'i Clean Water State Revolving Fund (CWSRF). The DOH is providing funding under the CWSRF to the County of Maui for the Kīhei No. 7 Force Main Replacement. The proposed project will utilize federal funding and is considered an undertaking, as defined by Section 106 of the NHPA, 54 U.S.C. §306101 et seq., and 36 CFR Part 800.

The undertaking consists of replacing the force main at Kīhei No. 7 pump station located in Kama'ole Ahupua'a, Makawao District, Island of Maui. The project consists of replacing the existing 20-inch ductile iron force main with a new 20-inch PVC force main that will be constructed in parallel along the same corridor. The new 20-inch force main extends approximately 1,550 linear feet along South Kīhei Road, starts from the Kīhei No. 7 Pump Station near Kama'ole Beach Park No. 1, and reconnects to the existing sewer system near Kaiiau Place. The entirety of the project is within the South Kīhei Road paved roadway except for a small portion which is contained within the Kīhei No. 7 Pump Station site.

The DOH has engaged SHPD to determine the presence of potential sites of historic importance within the vicinity of the project area as well as the potential impact of the project on such sites, if present.

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION (CONTINUED)

Kīhei No. 8 Force Main Replacement

Island	Maui
District(s)	Kama'ole Ahupua'a, Makawao District (Traditional District of Kula)
TMK(s)	(2) 3-9-004:142 and 999 (South Kīhei Road Row)
Proposing Agency	State of Hawai'i, Department of Health, Environmental Management Division, Wastewater Branch 2827 Waimano Home Road, Rm. 207, Pearl City, HI 96782 Jon Nagato, (808) 586-4294, jonathan.nagato@doh.hawaii.gov
Consultant	R T Tanaka Engineers Inc; 871 Kolu St #201, Wailuku, HI 96793 Kirk Tanaka, (808) 242-6861, mail@tanakaeng.com
Status	Comments due no later than February 22, 2022 to Proposing Agency at wwb@doh.hawaii.gov

The Department of Health (DOH) initiated Section 106 of the NHPA consultation with the State Historic Preservation Division (SHPD) in accordance with 36 CFR Part 800. In 1990, the U.S. Environmental Protection Agency (EPA) designated the DOH to act on EPA's behalf, pursuant to 36 CFR §800.2 (c) (4), when initiating Section 106 of the NHPA process in connection with projects funded under the Hawai'i Clean Water State Revolving Fund (CWSRF). The DOH is providing funding under the CWSRF to the County of Maui for the Kīhei No. 8 Force Main Replacement. The proposed project will utilize federal funding and is considered an undertaking, as defined by Section 106 of the NHPA, 54 U.S.C. §306101 et seq., and 36 CFR Part 800.

The undertaking consists of replacing the force main at Kīhei No. 8 pump station located in Kama'ole Ahupua'a, Makawao District, Island of Maui. The project consists of replacing the existing 18-inch ductile iron force main with a new 18-inch PVC force main that will be constructed in parallel along the same corridor. The new 18-inch force main extends approximately 2,000 linear feet along South Kīhei Road, starts from the Kīhei No. 8 Pump Station near Kilohana Drive, and reconnects to the existing sewer system near the Kīhei Boat Ramp driveway. The entirety of the project is within the South Kīhei Road paved roadway except for a small portion which is contained within the Kīhei No. 8 Pump Station site. The DOH has engaged SHPD to determine the presence of potential sites of historic importance within the vicinity of the project area as well as the potential impact of the project on such sites, if present.

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; Annual Catch Limit and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish for Fishing Years 2021-2024](#) (published by NOAA on 01/20/2022)

In this final rule, NMFS implements an annual catch limit (ACL) of 492,000 lb (223,167 kg) for Deep 7 bottomfish in the main Hawaiian Islands (MHI) for each of the three fishing years 2021-22, 2022-23, and 2023-24. As an in-season accountability measure (AM), if NMFS projects that the fishery will reach the ACL in any given fishing year, we would close the commercial and non-commercial fisheries in Federal waters for the remainder of the fishing year. As a post-season AM, if NMFS determines that the catch exceeded the ACL in a fishing year, we would reduce the ACL for the following fishing year by the amount of the overage. This rule supports the long-term sustainability of Deep 7 bottomfish. **The final rule is effective February 22, 2022.**

Proposed Rule: [Pacific Island Fisheries; Pelagic Longline Gear and Operational Requirements](#) (published by the National Oceanic and Atmospheric Administration on 01/19/2022)

NMFS proposes to prohibit the use of wire leaders in the Hawaii deep-set longline fishery, and require the removal of fishing gear from any oceanic whitetip shark caught in all of the region's domestic longline fisheries. The proposed action is intended to increase post-hooking survival of oceanic whitetip sharks. **NMFS must receive comments by February 18, 2022.**

Notice: [Endangered Species; Receipt of Recovery Permit Applications](#) (published by the Fish and Wildlife Service on 01/13/2022)

The U.S. Fish and Wildlife Service has received applications for permits to conduct activities intended to enhance the propagation and survival of endangered species including Hawaiian petrel (*Pterodroma sandwichensis*) and O'ahu 'elepaio (*Chasiempis ibidis*) under the Endangered Species Act of 1973, as amended. **Comment are welcome on or before February 14, 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).