



# The Environmental Notice

April 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.



The mauka view from the Keokea Homestead Farm Lots in Upcountry Maui, where the Farm Lots Association has proposed a comprehensive master plan

Photo from the [project's Draft EA](#)

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## STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS



## HAWAII

### Roehrig Single-Family Residence in Wa‘awa‘a--Final EA (FONSI)

<b>HRS §343-5(a) Trigger</b>	(2) Propose any use within any land classified as a conservation district
<b>District(s)</b>	Puna
<b>TMK(s)</b>	(3) 1-4-028:008
<b>Permit(s)</b>	<u>County of Hawai‘i</u> : Special Management Area Permit Plan Approval, Grubbing, Grading, and Building Permits, Driveway Access Permit; <u>State of Hawai‘i</u> : Conservation District Use Permit, Wastewater System Approval, Chapter 6E SHPD Approval of Archaeological Survey
<b>Approving Agency</b>	State of Hawai‘i, Department of Land and Natural Resources Trevor Fitzpatrick, (808) 798-6660, <a href="mailto:trevor.j.fitzpatrick@hawaii.gov">trevor.j.fitzpatrick@hawaii.gov</a> 1151 Punchbowl Street #131, Honolulu, HI 96813
<b>Applicant</b>	Christopher and Wendi Roehrig; 64-629 Kololala Place, Kamuela, HI 96743 c/o: James Leonard, (808) 987-4826, <a href="mailto:jmleonard@mac.com">jmleonard@mac.com</a>
<b>Consultant</b>	GEOMETRICIAN ASSOCIATES, LLC; 10 Hina Street, Hilo, HI 96720 Ron Terry, (808) 987-5239, <a href="mailto:rterry@hawaii.rr.com">rterry@hawaii.rr.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI)

Applicants propose a home on their 0.459-acre shoreline property within a subdivision in Puna. The 1-story home will be set back 70 feet from the shoreline and will have 2,356-square of interior space, 2 bedrooms, 2 baths, a front fence and gate, and a garage and lanai. The off-grid home will have rooftop solar PV. The project includes landscaping with the natural hala/naupaka vegetation and replaces hala trees that need to be removed within areas that have or will have invasive trees removed. No threatened and endangered plants are present, and no archaeological sites are present. Grading will be minimal and mitigated by BMPs. Clearing timing restrictions will help prevent impacts to endangered Hawaiian hoary bats. Cultural practices in the form of fishing and gathering sometimes occur makai of the lot and would not be adversely affected.

## MAUI

### Keokea Homestead Farm Lots Association Master Plan--Draft EA (AFNSI)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Makawao
<b>TMK(s)</b>	(2) 2-2-002:067; 068
<b>Permit(s)</b>	Numerous (see document)
<b>Approving Agency</b>	State of Hawai‘i, Department of Hawaiian Home Lands Julie-Ann Cachola, (808) 779-5084, <a href="mailto:julie-ann.cachola@hawaii.gov">julie-ann.cachola@hawaii.gov</a> P.O. Box 1879, Honolulu, HI 96805
<b>Applicant</b>	Keokea Homestead Farm Lots Association; 1245 Keanuhea Place, Kula, HI 96790 c/o: Alika and Pi‘ilani Akana, (808) 378-6810, <a href="mailto:alikaakana@yahoo.com">alikaakana@yahoo.com</a>
<b>Consultant</b>	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Vincent Shigekuni, (808) 521-5631, <a href="mailto:vshigekuni@pbrhawaii.com">vshigekuni@pbrhawaii.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by May 23, 2022.</b> 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 master plan developed by the Keokea Homestead Farm Lots Association (KHFLA) would include: a Cultural Education Center, Native Food and Medicinal Plant Gardens, Child and Senior Care Complex, Multipurpose Community Center Complex, Amphitheater, local small business and food venue, and native forest restoration efforts.

## MAUI (CONTINUED)

### Hale Makua Expansion Rehabilitation Facility--Final EA (FONSI)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Wailuku
<b>TMK(s)</b>	(2) 3-9-007:097
<b>Permit(s)</b>	County Grubbing, Grading and Building Permits, HRS 6E Compliance, NPDES Construction Permit Coverage, land lease or conveyance
<b>Approving Agency</b>	County of Maui, Department of Parks and Recreation Samual Marvel, (808) 270-7230, <a href="mailto:samual.marvel@co.maui.hi.us">samual.marvel@co.maui.hi.us</a> 700 Halia Nakoia Street, Unit 2, Wailuku, HI 96793
<b>Applicant</b>	Hale Makua Health Services; 472 Kaulana Street, Kahului, HI 96732 Wesley Lo, (808) 243-1722, <a href="mailto:wes.lo@ohanapacific.com">wes.lo@ohanapacific.com</a>
<b>Consultant</b>	Kaimana Environmental Solutions LLC; P.O. Box 11890, Honolulu, HI 96828 Max Solmssen, (808) 341-3546, <a href="mailto:max@kaimanaenv.com">max@kaimanaenv.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The proposed project includes expansion of the existing Hale Makua Health Services Kahului care facility, that would include construction of a new rehabilitation facility on adjacent County land that would be leased or conveyed by the County to Hale Makua Health Services. The proposed rehabilitation facility would include an approximately 76,200 square foot two-story commercial building, as well as associated parking area. The proposed facility would provide much needed health services such as physical, occupational and speech therapy, as well as home health and nursing services to the Kahului community, as well as to greater Maui County.

## O'AHU

### Zweng Single-Family Residence--Draft EA (AFNSI)

<b>HRS §343-5(a) Trigger</b>	(2) Propose any use within any land classified as a conservation district
<b>District(s)</b>	Ko'olaupoko
<b>TMK(s)</b>	(1) 4-8-006:001
<b>Permit(s)</b>	State of Hawai'i: Conservation District Use Permit, Wastewater System Approval, Road Access Approval, Chapter 6E City and County of Honolulu: Grubbing, Grading, and Building Permits
<b>Approving Agency</b>	State of Hawai'i, Department of Land and Natural Resources Trevor Fitzpatrick, (808) 798-6660, <a href="mailto:trevor.j.fitzpatrick@hawaii.gov">trevor.j.fitzpatrick@hawaii.gov</a> 1151 Punchbowl Street #131, Honolulu, HI 96813
<b>Applicant</b>	Mr. Paul Zweng, Executive Director of Ohulehule Forest Conservancy c/o Bruce Tsuchida, President of Townscape, Inc.
<b>Consultant</b>	Townscape, Inc.; 900 Fort Street Mall, Suite 1160, Honolulu, HI 96813 Bruce Tsuchida, (808) 536-6999, <a href="mailto:bruce@townscapeinc.com">bruce@townscapeinc.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by May 23, 2022.</b> 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 applicant is proposing to construct an approximately 4,955 sq. ft single-story slab-on-grade single-family residence consisting of 4 bedrooms, 3.5 bathrooms, kitchen, living and dining room, laundry room, carport and large covered lanai space. Electrical (via a Hawaiian Electric Company connection as well as photovoltaic system), a rainwater catchment system, and an independent septic system for wastewater disposal are also proposed to support the residence. Additionally, the applicant is proposing to utilize and extend the existing driveway to the proposed residence as well as install landscaping over an approximate area of 0.90-acres (39,204 sq. ft) consisting of non-invasive plantings including trees, hedges, and areas of grass lawn near the proposed driveway and dwelling.

O‘AHU

**[‘Āhuimanu Wastewater Pre-Treatment Facility Improvements and Equalization Facility--Draft EA \(AFNSI\)](#)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Ko‘olaupoko
<b>TMK(s)</b>	(1) 4-7-004:006 por.; 4-7-037:030
<b>Permit(s)</b>	Various (see document)
<b>Proposing/ Determining Agency</b>	City and County of Honolulu, Department of Environmental Services Ashlee Saito, (808) 768-8760, <a href="mailto:ashlee.saito@honolulu.gov">ashlee.saito@honolulu.gov</a> 1000 Uluohia Street, Suite 308, Kapolei, HI 96707
<b>Consultant</b>	R. M. Towill Corporation; 2024 North King Street, Suite 200, Honolulu, HI 96819 Jaime Nishikawa, (808) 842-1133, <a href="mailto:jaimen@rmtowill.com">jaimen@rmtowill.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by May 23, 2022.</b> Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The ENV plans to:

1. Rehabilitate the onsite wastewater storage system to prevent wastewater spills during storage events (force main or pump station failure or maintenance/conditional assessment shutdown) or projected peak wet weather flow conditions.
2. Renovate the Headworks to accommodate new screening and grit removal equipment and replace the non-functional odor control system.
3. Renovate the Influent Pump Station Building to accommodate an office/bathroom and rehabilitate interior equipment and utilities.
4. Replace deteriorating equipment located within the existing Effluent Pump Station and Auxiliary Generator and Blower Buildings, upgrade SCADA and security systems, demolish non-operational Sludge Dewatering Building and other general landscape/drainage improvements.

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.

**[Paullin Residence--Draft EA \(AFNSI\)](#)**

<b>District(s)</b>	Ko‘olauloa
<b>TMK(s)</b>	(1) 5-7-003: 057
<b>Permit(s)</b>	Special Management Area Use Permit, Building, Individual Wastewater System
<b>Approving Agency</b>	City and County of Honolulu, Department of Planning and Permitting Alex Beatty - Land Use Permits Division, (808) 768-8032, <a href="mailto:abeatty@honolulu.gov">abeatty@honolulu.gov</a> 650 South King Street, 7th Floor, Honolulu, HI 96813
<b>Applicant</b>	Barbara Paullin; 2510 Via Campesina, Palos Verdest Estates, CA 90724 (310) 968-2346
<b>Consultant</b>	Planning Solutions Inc.; 711 Kapi‘olani Boulevard, Suite 950, Honolulu, HI 96813 James Hayes, (808) 550-4483, <a href="mailto:jim@psi-hi.com">jim@psi-hi.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by May 23, 2022.</b> Please click on title link above to read the document, then send comments to the approving agency and copy the consultant.

The proposal consists of the the following actions: (a) removal of existing structures, and (b) development of a new single-family residence. The new structure will (a) have a total interior area of roughly 1,700 square feet; (b) comply with all land use requirements, including yard, height, and shoreline setback; and (c) be elevated so that the living area is above the base flood elevation.

## 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 MAY 9, 2022

#### HAWAI‘I

[Hilo Abandoned Vehicle Facility--Draft EA \(AFNSI\)](#)

[Frey Single-Family Residence--Draft EA \(AFNSI\)](#)

[Nakoa Single-Family Residence at Honalo--Draft EA \(AFNSI\)](#)

#### O‘AHU

[West Loch Affordable Housing Project--Draft EA \(AFNSI\)](#)

[Mā‘ili Residential Development at the former Voice of America site--Draft EA \(AFNSI\)](#)

### COMMENTS DUE JUNE 7, 2022

#### HAWAI‘I

[Army Training Land Retention at Pōhakuloa Training Area--Draft EIS](#)

## EXEMPTION NOTICE

The County of Maui Office of the Mayor has declared the following action exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#), and has voluntarily submitted it for publication:

### [Installation of EV chargers at various sites across the County of Maui](#)

The 14 sites identified for EV chargers are at various Maui County Sites, Lahaina Civic Center, Kihei Aquatic Center, Kalana O Maui Building, Ho‘okele Service Center, Lahaina Aquatic Center, Papohaku Park, Ha‘iku Community Center, Eddie Tam Memorial Center, Cooke Memorial Pool, Hana Community Center, Kualapu‘u Community Center, Lāna‘i Community Center, Hannibal Tavares Community Center, Kula Community Center. These are predisturbed sites, the installation of these chargers will be on existing parking lots, and there is no expected adverse impacts to the environment.

## 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 determined exempt from the requirement to prepare an EA or EIS. 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, Board of Water Supply \(April 5, 2022\)](#)

## USE OF PRIOR DETERMINATIONS

The County of Maui, Department of Environmental Management (DEM) [has determined](#) that pursuant to HAR, Section 11-200.1-11, additional environmental review is not required for the proposed interim activity of composting greenwaste with biosolids for commercial and domestic use.

The proposed use will occur for an interim period prior to the development of the complete preferred alternative outlined in [a Final EA/FONSI published August 8, 2019](#). The composting facility and ancillary storm water basin will be constructed and operated on an approximately 17-acre portion of the previously analyzed solid waste diversion facility at the existing Central Maui Landfill located at Pulehu Road, Pu‘unene, Island of Maui. The proposed composting use was occurring on the same parcel at the time of the 2019 Final EA/FONSI evaluation, however was located approximately 750 feet to the south and east of the study area. The composting use did constitute a portion of the existing conditions analyzed for the Central Maui Landfill facility and vicinity. Potential direct, indirect and cumulative effects as well as appropriate mitigation measures will be substantively comparable and proportional to those associated with the proposed uses analyzed by the preferred alternative in the 2019 Final EA/FONSI. After careful examination and comparison of the proposed use and the 2019 Final EA/FONSI, the DEM has concluded that additional environmental review is not required.

## 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) 768-8015]; 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) 587-2846]

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: Puna (1-5-010: 027 and 028)	After-the-Fact Fencing, Rock Wall, Concrete Slab and Entry Gate (PL-SMM-2022-000019)	Laura Melella
Maui: Pā'ia (3-8-095: 020)	After-the-Fact Vegetation and Beach Access Maintenance (SM2 20220018)	E Paepae Ka Puko'a Association
Maui: Kīhei (3-9-011: 010)	1670 Halama LLC – Stone Privacy Fence (SM2 20220021)	Mikal Torgenson
Maui: Wailea (2-1-008: 140)	Temporary Setup for Event 4/7/22-Wailea (SM2 20220025)	Envisions Entertainment and Productions Inc
Maui: Hana (1-4-003: 056)	Demolition of Existing Outdoor Dining Pavilion (SM2 20220026)	Mani HTC Hana (DE) LLC
Maui: Kīhei (2-1-008: 140)	Special Event for Farmers Mutual Hall (SM2 20220027)	MC & A Inc
Maui: Lahaina (4-4-001: 046 and 047)	Honokowai Beach Park Playground Improvements (SM2 20220028)	Kristofer Baptist

## 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](http://dlnr.hawaii.gov/occl).

**File No.:** [CDUA OA-3893](#) ([Department's Acceptance Letter](#))  
**Name of Applicant:** Paul Zweng, Executive Director of Ohulehule Forest Conservancy  
**Location:** 48-479 Waiahole Valley North Branch Road, Waikane, Ko'olaupoko, O'ahu  
**TMK(s):** (1) 4-8-006: 001  
**Proposed Action:** [Zweng Single-Family Residence](#)  
**343, HRS determination:** Draft Environmental Assessment /AFNSI [Published April 23rd, 2022](#)  
**Applicant's Contact:** Bruce Tsuchida, (808) 536-6999 (x3), [bruce@townscapeinc.com](mailto:bruce@townscapeinc.com)  
**OCCL Staff Contact:** Trevor Fitzpatrick, (808) 798-6660, [trevor.j.fitzpatrick@hawaii.gov](mailto:trevor.j.fitzpatrick@hawaii.gov)

## FEDERAL NOTICES

As a courtesy, listed below are some relevant entries from the Federal Register published since the last issue of *The Environmental Notice*. **For more information, click on the title link**, also available at [www.federalregister.gov](http://www.federalregister.gov).

**Rule:** [List of Fisheries for 2022](#) (published by the National Oceanic and Atmospheric Administration on **04/19/2022**)

The National Marine Fisheries Service (NMFS) publishes its final List of Fisheries (LOF) for 2022, as required by the Marine Mammal Protection Act (MMPA). The LOF for 2022 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of mortality and serious injury of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. **The effective date of this final rule is May 19, 2022.**

## FEDERAL NOTICES (CONTINUED)

**Notice: [Endangered Species; Receipt of Recovery Permit Applications](#) (published by the Fish and Wildlife Service on 04/07/2022)**

We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation and survival of endangered species including Hawaiian coot (*Fulica americana alai*), Hawaiian duck (*Anas wyvilliana*), and Hawaiian stilt (*Himantopus mexicanus knudseni*) under the Endangered Species Act of 1973, as amended. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing the requested permits, we will take into consideration any information that we receive during the public comment period. **We must receive your written comments on or before May 9, 2022.**

## 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-1983	111 Kailuana Loop, O'ahu 96734	(1) 4-3-083: 008	Walter P. Thompson, Inc.	Beachside LLC
OA-1984	44-006 Aumoana Place, O'ahu 96744	(1) 4-4-022: 008	Austin, Tsutsumi & Associates, Inc.	Donald W. and Brenda J. McClure
OA-1985	58-002 Makaanale Street	(1) 5-8-003: 012	R.M. Towill Corporation	John R. and Fumi Winebarger
MA-775	5165 L. Honoapi'ilani Road, Maui 96761	(2) 4-3-007: 003	Hana Skoda & Alan Loh	Hana Skoda & Alan Loh
MA-776	2980 S. Kihei Road, Maui 96753	(2) 3-9-004: 029	Loren E. Slentz	Ruby & Sons Hospitality LLC (Leasee)
MA-777	3040 Kahekili Highway, 96793	(2) 3-2-001: 002	Kevin J Clarke	Maui Ocean Front LLC, c/o Kusai Aziz
MO-190	2414 Kamehameha V Hwy, Moloka'i 96748	(2) 5-4-017: 010	Garry Mitchell	Garry Mitchell
HA-624	Paradise Ala Kai, Hawai'i	(3) 1-5-058: 045	Daniel Berg, dlb & associates, LLC	Floyd Beadle, legal owner via non-trust custodial IRA and AET
HA-625	Ala Heau Rd. (no number assigned), Hawai'i	(3) 1-5-032: 043	Daniel Berg, dlb & associates, LLC	Multan Properties, LLC; attn: Genet Singh

## 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-1970	Proposed	20 Pu'ukani Place, O'ahu 96734	(1) 4-3-012: 014	Wesley T. Tengan	Kristy M. Stephenson
OA-1977	Proposed	55-587 Kamehameha Hwy, O'ahu 96762	(1) 5-5-003: 045	Hawaii Engineering Group, Inc.	Robert Dahms
OA-1982	Proposed	1226a Mokulua Drive, O'ahu 96734	(1) 4-3-005: 056	Austin Tsutsumi & Associates	Hale Mokulua LLC
MA-774	Proposed	89 Aleiki Place, Maui 96779	(2) 2-6-011: 016	Ailana Surveying & Geomatics, LLC	Michael & Jodi Ottman and Coral Reef Ventures LLC
HA-622	Proposed	59-111 Pakuikui Place, Hawai'i	(3) 5-9-016: 023	Wes Thomas Associates	Malino Ke Kai Properties LLC, Attn. David Johnson
HA-623	Proposed	Not assigned, Hawai'i	(3) 8-7-019: 030	Wes Thomas Associates	David Chong c/o Matthew R. Kilgore
KA-466	Proposed	No address available, Kaua'i	(4) 1-2-013: 001	Roger M. Caires	Roger M. Caires



## 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. Major 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 15-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).