



The Environmental Notice

September 8, 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.



Waiakōali Diversion is one of numerous existing irrigation features that will be integrated into the innovative West Kaua'i Energy Project

Photo from [the project's 2nd Draft EA](#)

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ANNOUNCEMENTS

While our [online library](#) no longer has a filtering function, essentially the same benefit of filtering columns can be obtained by typing one or more relevant parameters from the various columns into the Search Box. For example, typing **Maui FEA 2020** into the Search Box will produce a list of the Final EAs for Maui published in 2020. Please use the lower of the two search boxes (the one just above the list of documents, not the one at the top of the webpage), and include a space--but no punctuation--between search terms. Please [contact us](#) should you wish additional support in finding documents in our online library.

STATEWIDE MAP OF NEW DOCUMENTS & DETERMINATIONS



O'AHU

The Hocking Building Adaptive Reuse--Final EA (FONSI)

HRS §343-5(a) Trigger	(4) Propose any use within any historic site as designated in the National Register or Hawai'i Register
District(s)	Honolulu
TMK(s)	(1) 1-7-003: 001
Permit(s)	Various (see document)
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Janet Meinke-Lau, (808) 768-8033, j.meinkelau@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813
Applicant	The Hocking Building LLC; 1600 Ala Moana Boulevard, Suite 103, Honolulu, HI 96815 Mark Hashem, (808) 388-7693, mhashme@sofoserealty.com
Consultant	Environmental Communications, Inc.; P.O. Box 236097, D504, Honolulu, HI 96823 Taeyong Kim, (808) 528-4661, tkim@environcom.com
Status	Finding of No Significant Impact (FONSI) determination

The Project consists of an adaptive reuse Project for affordable rental housing in downtown Honolulu. This Project will be restricted to qualified households within the 30 percent to 50 percent Area Median Income level.

Adaptive reuse of the building involves converting the commercial office space building into an affordable rental housing Project with 40 units. 25 units will be studio units, six units will be one-bedroom units, and nine units will be two-bedroom units. Tenant storage will be located in the basement. A community room, gym, laundry room, computer room and existing courtyard will be located on the ground floor. The building will retain its historic appearance and efforts have been made to restore the building close to its original exterior design. The proposed Project will involve the use of Federal Historic Tax Credits, State Low Income Housing Tax Credits, and Rental Housing Revolving Fund administered by the Hawai'i Housing Finance and Development Corporation.

Zweng Single-Family Residence--Final EA (FONSI)

HRS §343-5(a) Trigger	(2) Propose any use within any land classified as a conservation district
District(s)	Ko'olaupoko
TMK(s)	(1) 4-8-006:001
Permit(s)	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
Approving Agency	State of Hawai'i, Department of Land and Natural Resources Trevor Fitzpatrick, (808) 798-6660, trevor.j.fitzpatrick@hawaii.gov 1151 Punchbowl Street, Room 131, Honolulu, HI 96813
Applicant	Mr. Paul Zweng, Executive Director of Ohulehule Forest Conservancy c/o Bruce Tsuchida, President of Townscape, Inc.
Consultant	Townscape, Inc.; 900 Fort Street Mall, Suite 1160, Honolulu, HI 96813 Bruce Tsuchida, (808) 536-6999, bruce@townscapeinc.com
Status	Finding of No Significant Impact (FONSI) determination

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.

KAUA'I

West Kaua'i Energy Project--2nd Draft EA (AFNSI) Volumes I, II, III, IV, and V

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district
District(s)	Multiple
TMK(s)	(4) 1-2-001: 003, 007; 1-2-002: 001, 016, 018, 019, 023; 1-4-001: 002, 003, 013, 014; 1-4-002: 008, 035, 036, 048, 066, 067, 068, 085
Permit(s)	Various (see document)
Approving Agency	State of Hawai'i, Department of Land and Natural Resources Lauren Yasaka, (808) 587-0431, lauren.e.yasaka@hawaii.gov 1151 Punchbowl Street, Room 131, Honolulu, HI 96813
Applicant	Kaua'i Island Utility Cooperative and AES West Kaua'i Energy Project, LLC; 4463 Pahe'e Street, Suite 1, Lihu'e, HI 96766 Dawn Huff, (360) 483-6488, admin@joulegroup.com
Consultant	SSFM; 99 Aupuni Street, Suite 202, Hilo, HI 96720 Jared Chang, (808) 356-1242, jchang@ssfm.com
Status	Statutory 30-day public review and comment period starts. Comments are due by October 10, 2022. Please click on title links above to read the document, then send comments to the approving agency and copy the applicant and the consultant.

The Proposed Action involves the construction of a renewable energy and irrigation Project. The Proposed Action would utilize the existing Kōke'e Ditch Irrigation System and the Pu'u Lua, Pu'u 'Ōpae, and Mānā Reservoirs, and includes both rehabilitation of existing State infrastructure as well as new construction of irrigation infrastructure and solar and hydroelectric facilities. This Project will require a long-term (65-year) water lease from the Board of Land and Natural Resources (BLNR) to divert a multi-year rolling average of 11 MGD of water into the Kōke'e Ditch Irrigation System from the Waiakōali, Kawaikōi, Kaua'ikinānā, and Kōke'e Streams combined.

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.

Kim Residence in Kahala--Final EA (FONSI)

District(s)	Honolulu
TMK(s)	(1) 3-5-058: 011
Permit(s)	Special Management Area Use Permit, Minor Shoreline Structure, Building and Grading Permits
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Joette Yago - Land Use Permits Division, (808) 768-8034 , jyago@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813
Applicant	David Kim; 1001 Kaimoku Place, Honolulu, HI 96821
Consultant	Eiserloh Architects; 820 West Hind Drive, Suite 240139, Honolulu, HI 96824 Kristian Eiserloh
Status	Finding of No Significant Impact (FONSI) determination

The proposed Project includes the demolition and reconstruction of a single-family dwelling located on a shoreline lot at the end of Kaimoku Place. The Project parcel is a shoreline lot within the Special Management Area, and contains an existing seawall and other development within the shoreline setback area. The proposed dwelling contains over 7,500 square feet of floor area. The Project also involves various activities associated with the redevelopment of the new dwelling and pool, including partial demolition and filling of the existing pool within the shoreline setback area.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began previously. **Comments are due September 22, 2022.** 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.

O'AHU

[Kaimukī High School Girl's Athletic Locker Room--Draft EA \(AFNSI\)](#)

KAUA'I

[Ulupono Anahola Project--Draft EA \(AFNSI\)](#)

EXEMPTION NOTICES

The University of Hawai'i 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:

[Athletic Facility Relocation and Upgrades at Lower Campus, UH Mānoa campus](#)

This exemption covers the relocation of the existing track at the Clarence T.C. Ching Complex, and the reconstruction of the soccer field at UH Mānoa. The track will be relocated to the existing Cooke Field, which includes the football practice field and soccer field at the Athletic Complex at Lower Campus.

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 August 2022; contact the identified agency contact on each list for additional information about any specific exemption:

State of Hawai'i

[Department of Accounting and General Services](#)

[Department of Land and Natural Resources](#)

[Department of Transportation](#)

[University of Hawai'i, Community Colleges](#)

[University of Hawai'i, Mānoa](#)

County of Maui

[Department of Parks and Recreation](#)

[Department of Public Works](#)

[Planning Department](#)

City and County of Honolulu

[Department of Design and Construction](#)

[Department of Environmental Services](#)

[Department of Planning and Permitting](#)

PRIOR DETERMINATION

The University of Hawai'i Community Colleges (UHCC) [has determined](#) that additional environmental review is not required for the rezoning of a 153-acre portion of the Kaua'i CC property (located within the State Land Use Urban District) from the Kaua'i County's Agricultural and Open Space zones to University District, in anticipation of future development of the Kaua'i CC campus. A [Final Environmental Assessment and Finding of No Significant Impact](#) (FEA/FONSI) was prepared for the campus in 2012 to address potential direct, indirect, and cumulative impacts associated with the project. The UHCC has conducted their review of the 2012 FEA/FONSI and has determined that the proposed action is a component of, or is substantially similar to, actions that were identified in the document; is anticipated to have direct, indirect and cumulative effects similar to those analyzed; and was analyzed within the range of alternatives analyzed in the document.

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 (1-5-059: 059)	Single-Family Dwelling and Related Improvements (PL-SMM-2022-000028)	Kevin M. & Monica S. Barry
Hawai'i: North Kohala (5-7-003: 013)	Demolition and Removal of Pavilion, Restroom, and Wastewater Treatment System, and Other Related Improvements (PL-SMM-2022-000029)	Hawaii County Department of Parks and Recreation
Kaua'i: Hanalei (5-3-006:045)	Renovation of Existing Golf Course-Hole #7 (SMA(M)-2023-1)	PRW Princeville Development Company, LLC /Honua Engineering
Kaua'i: Kōloa (2-8-021:076)	Garage with Guest House above (no Kitchen), and Swimming Pool (SMA(M)-2023-2)	Makahuena-Preferred A LLC et. Al./ Cades Schutte, LLP
Kaua'i: Kōloa (2-8-021:077)	Swimming Pool (SMA(M)-2023-3)	Makahuena-Preferred A LLC et. Al./ Cades Schutte, LLP
Maui: West Maui (4-8-003: 124)	Removal of Invasive Species and Implementation of a Farm Plan (SM2 2022-00036)	Olowalu Shack
Maui: Kīhei-Makena (2-1-008: 140)	Golf Course Event (SM2 2022-00037)	Joy Hirata
Maui: Pā'ia-Haiku (2-9-005: 014)	Construct Accessory Agricultural Structures (current & future), Various Sizes & Locations on Site for Cultivation, Equipment & Storage/Maintenance (SM2 2022-00038)	Steven Ott
Maui: Kīhei-Makena (3-9-018: 022)	Minor Modifications to the Maui Coast Hotel including Adjustments to the Existing Parking Lot Layout and Pedestrian Paths (SM2 2022-00039)	Erin Mukai
Maui: Kīhei-Makena (3-9-013: 004)	Install New Sewer Line and Connect to County (SM2 2022-00040)	Michelle Spencer
Maui: Pā'ia-Haiku (2-5-004: 025)	Remove and Replace Lifeguard Tower at Ho'okipa Beach Park (SM2 2022-00041)	Cary Kayama
Maui: Kīhei-Makena (3-9-018: 002)	Repair and Replacement of a Portion of the Parking Lot and Irrigation Lines (SM2 2022-00043)	Erin Mukai Brendan Kennedy

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) 587-2878.

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

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

Email: Debra.L.Mendes@hawaii.gov

National Ocean Service Programmatic Mapping and Surveying Activities Undertaken in the Hawai'i Coastal Zone, 2023-2027

Proposed Action: The National Oceanic and Atmospheric Administration (NOAA) National Ocean Service (NOS) proposes recurring data collection projects throughout U.S. coastal and marine waters to characterize submerged features (habitat, bathymetry, marine debris) over 6 years from 2023-2027. NOS surveying and mapping activities include the use of a variety of equipment and technologies to gather accurate and timely data on the nature and condition of the marine and coastal environments. NOS would continue to conduct projects such as hydrographic surveys for nautical charts, underwater obstruction detection, marine debris surveys, and benthic (sea floor) habitat characteristic surveys. The Draft PEIS and additional information is available online at <https://oceanservice.noaa.gov/about/environmental-compliance/surveying-mapping.html>

Location: U.S. Exclusive Economic Zone

Federal Action: Federal Agency Activity

Federal Agency: NOAA, National Ocean Service

CZM Contact: Debra Mendes, (808) 587-2840, Debra.L.Mendes@hawaii.gov

Comments Due: 9/22/22

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 KA-3899](#)

Name of Applicant: County of Kaua'i- Dept. of Public Works

Location: Hanamā'ulu and Wailua, Līhu'e, Kaua'i

TMK(s): (4) 3-5-001:008 & 159; 3-7-002:001 & 002; 3-7-003:001 & 008; 3-9-002:004; 3-9-005:001, 002 & 009

Proposed Action: Ahukini-Lydgate Park Bicycle and Pedestrian Path

343, HRS determination: [FEA/FONSI](#) was published in the [July 8, 2016, issue of The Environmental Notice](#)

Applicant's Contact: Jared Chang, SSFM, (808) 356-1242, jchang@ssfm.com

OCCL Staff Contact: K. Tiger Mills, (808) 587-0382, kimberly.mills@hawaii.gov

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-2003	Kamehameha Hwy. F.A.P.3-D, O'ahu 96712	(1) 6-1-005:023 & 024; 6-1-009:021 & 022; 6-1-010: 019 & 020	ControlPoint Surveying, Inc.	State of Hawai'i, Various Owners
OA-2004	67-267 Kahaone Loop, O'ahu 96791	(1) 6-7-015:057	Constancio Galang	North Shore BeachHouse LLC, VGS LLC
OA-2005	84-677 Upena St., O'ahu 96792	(1) 8-4-007:006	Constancio Galang	Lee and Dominique Unrein
MA-791	Pualei St., Maui 96761	(2) 4-6-033:001	Loren E. Slentz	County of Maui, Parks and Recreation
MA-792	47640 Hana Hwy., Maui 96713	(2) 1-5-003:006	Loren E. Slentz	Lloyd Eric Cotsen Trust
MA-793	7 Kapalua Dr., Maui 96761	(2) 4-2-004:007	Austin Tsutsumi & Associates, Inc.	7 Kapalua Place LLC
MA-794	47640 Hana Hwy., Maui 96713	(2) 1-5-003:022	Loren E. Slentz	Lloyd Eric Cotsen Trust
HA-630	South Welea St., Hawai'i 96778	(3) 1-5-087:002	Daniel Berg c/o dlb & Associates, LLC	Bo Browne

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-1996	Proposed	68-617 Crozier Dr., O'ahu 96791	(1) 6-8-004:005	Wesley T. Tengan	Peter H. J. How
MA-788	Proposed	5000 Makena Rd., Maui 96753	(2) 2-1-7:103 & 107	Ailana Surveying & Geomatics, LLC	Geneva Pacific Investments II, LLC
HA-616	Proposed	69-1766 Puakō Beach Dr., Hawai'i 96743	(3) 6-9-004:005	Wes Thomas Associates	FD Investment Corp
HA-627	Proposed	15-1859 Beach Rd., Hawai'i 96749	(3) 1-5-032:049	Daniel Berg, dlb & associates, LLC	Patricia Sather, Stephen Else
KA-464	Proposed	5-7070 Kūhiō Hwy., Kaua'i 96714	(4) 5-8-011:049	Honua Engineering, Inc.	Bruce Holdings, LLC

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 (sometimes referred to as "HEPA"). Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and HEPA. In those cases, a separate Chapter 343, HRS, entry would be published in *The Environmental Notice* when a relevant document or determination is submitted to OPD/ERP.

[Home Basing of MQ-9 Marine Unmanned Aerial Vehicle Squadron and KC-130J Marine Aerial Refueler Transport Squadron--Draft EA](#)

Island/Location	O'ahu / Marine Corps Base (MCB) Hawaii Kaneohe Bay
Permit(s)	National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (MS4) permit.
Proposing & Approving Agency	Headquarters Marine Corps, Deputy Commandant, Aviation
Consultant	Stantec; 737 Bishop Street, Suite 3050, Honolulu HI 96813 Peer Amble, (805) 570-1313, peer.amble@cardno-gs.com
Status	The U.S. Marine Corps is extending the public review and comment period for this Draft Environmental Assessment. As the result of routine discussions with trusted public and community partners, MCBH requested and has been granted authorization to extend by 14 days the 30-day public comment period. Originally open from August 8th to September 7th, public comments will now be accepted through September 21st. Written comments on the Draft EA may be provided by mail to: ATTN: EV21 Project Mgr., MCB Hawaii Home Basing EA, Naval Facilities Engineering Systems Command, Pacific, 258 Makalapa Dr, Ste 100, Joint Base Pearl Harbor-Hickam, HI 96860-3134, or by email: NFPAC-Receive@navy.mil

The proposed action is to home base a Marine Corps MQ-9 Marine Unmanned Aerial Vehicle (UAV) (hereinafter "MQ-9") Squadron and a KC-130J Aerial Refueler Transport (hereinafter "KC-130J") Squadron at Marine Corps Base (MCB) Hawaii Kaneohe Bay as part of Marine Aircraft Group 24 (MAG-24). Each squadron consists of personnel, aircraft, equipment, and supporting infrastructure. Under the proposed action, the Marine Corps would replace and modify existing hangars and supporting infrastructure, perform aviation maintenance, provide training for operators and maintainers, conduct approximately 3,000 MQ-9 and 5,280 KC-130J annual aircraft operations, and station approximately 676 personnel (229 MQ-9 and 447 KC-130J personnel) plus dependents at MCB Hawaii Kaneohe Bay.

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.

Notice: [Western Pacific Fishery Management Council; Public Meetings](#) (published by NOAA on 09/01/2022)

Between September 13 and September 22, 2022, the Western Pacific Fishery Management Council (Council) will hold its 145th Scientific and Statistical Committee (SSC), Pelagic and International Standing Committee, Fishery Rights of Indigenous People Standing Committee, Executive and Budget Standing Committee, and 192nd Council meetings to take actions on fishery management issues in the Western Pacific Region. The meetings will be held in a hybrid format with in-person and remote participation (Webex) options available for the Council and SSC members, and public attendance limited to web conference via Webex. For additional information, including specific times and agendas, click on the title link above.

Notice: [Marine Mammals; File No. 26596](#) (published by NOAA on 08/24/2022)

Notice is hereby given that Robin Baird, Ph.D., Cascadia Research Collective, 218 1/2 West Fourth Avenue, Olympia, WA 98501, has applied in due form for a permit to conduct research on marine mammals, including some endangered species in Hawaiian waters. Click on the title link above for information about the application and commenting process. **Written or emailed comments must be received on or before September 23, 2022.**

Notice: [Marine Mammals; File No. 26594](#) (published by NOAA on 08/29/2022)

Notice is hereby given that Ann Zoidis, Cetos Research Organization, 51 Kebo Ridge Road, Bar Harbor, ME 04609, has applied in due form for a permit to conduct research on marine mammals, including some endangered species in Hawaiian waters. Click on the title link above for information about the application and commenting process. **Written or emailed comments must be received on or before September 28, 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 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).