



The Environmental Notice

September 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.



These beetle larvae have been tested to only devour the noxious weed Cane Tibouchina and other related weed species

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

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ANNOUNCEMENTS

Please continue to use the [Contact Us page](#) as the primary means to submit questions to ERP. Our goal is to respond within 1 to 2 business days. ERP staff continues to tele-work, and responses to phone calls may be delayed.

Zoom meeting recordings of the Environmental Advisory Council (starting 4/2020) are now available via a [link](#) on our [website](#) or at <https://www.youtube.com/channel/UCYPkBGf0mCcjHPUHuoXPMGg>

STATEWIDE MAP OF NEW DOCUMENTS & DETERMINATIONS



STATEWIDE

Field Release of *Euselasia Chrysippe* for Biological Control of Miconia in Hawai'i--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district
District(s)	Statewide
TMK(s)	n/a
Permit(s)	see document
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Andy Cullison, (808) 436-8122, james.a.cullison@hawaii.gov 1151 Punchbowl St #325, Honolulu, HI 96813
Consultant	SWCA Environmental Consultants; 307a Kamani Street, Honolulu, HI 96813 Danielle Frohlich; (808) 548-7922; DFrohlich@swca.com
Status	Finding of No Significant Impact (FONSI) determination

The Hawai'i Department of Land and Natural Resources propose the field release on State lands in Hawai'i of a butterfly with gregarious larvae, *Euselasia chrysippe* for biological control of miconia, *Miconia calvescens*. Miconia is a Hawai'i State noxious weed native to Central and South America. In Hawai'i, large infestations exist on the islands of Hawai'i and Maui, and populations can also be found on Kaua'i and O'ahu. Miconia is shade tolerant, establishing in the understory of other species in mesic to wet forests. It shades and outcompetes other species, effectively forming a monoculture.

E. chrysippe is a natural herbivore of miconia in the plant's native range in Costa Rica. *E. chrysippe* was found to be the most promising leaf-feeding biocontrol for miconia. Extensive testing has shown it to be host-specific to miconia and other closely related members of the melastome family, all of which are non-native weeds in Hawai'i.

Field Release of the Brazilian Beetle for Biological Control of Noxious Weed Cane Tibouchina--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district
District(s)	Statewide
TMK(s)	n/a
Permit(s)	see document
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Andy Cullison, (808) 436-8122, james.a.cullison@hawaii.gov 1151 Punchbowl St #325, Honolulu, HI 96813
Consultant	Garcia and Associates; 146 Hekili St., Suite 101, Kailua, HI 96734 Huang-Chi Kuo; kuo@garciaandassociates.com
Status	Finding of No Significant Impact (FONSI) determination

The Hawai'i Department of Land and Natural Resources proposes the field release on State lands in Hawai'i of a beetle from Brazil, *Syphraea uberabensis*, for biological control of cane tibouchina, *Tibouchina herbacea*.

Tibouchina is a noxious weed native to South America. In Hawai'i, it is naturalized and is locally abundant in mesic to wet forest on the islands of Hawai'i, Lāna'i, Maui, Moloka'i, and O'ahu. It is able to invade native forests, and once established it forms dense stands and displaces native vegetation.

S. uberabensis is a natural herbivore of *T. herbacea* in the plant's native range in Brazil. Of the potential natural control agents evaluated, *S. uberabensis* demonstrated the most potential for successful control of *T. herbacea*. Further testing has shown that *S. uberabensis* is narrowly host-specific to *T. herbacea* and four related weed species, all of which are non-native weeds in Hawai'i.

HAWAII

Waiākea Uka Park Master Plan Implementation Project--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)	South Hilo
TMK(s)	(3) 2-4-035:001, 002, 004
Permit(s)	HRS Chapter 6E, Community Noise Permit/Variance, NPDES General Permit Coverage, Individual Wastewater System Approval to Construct and Occupy, Flood Zone No-Rise Certification, County Grading Permit, County Building Permit, County Site Plan Approval
Proposing/Determining Agency	County of Hawai'i, Department of Parks and Recreation Kevin Sakai, (808) 961-8939, kevin.sakai@hawaiiicounty.gov 101 Pauahi Street, Suite 6, Hilo, HI 96720
Consultant	SSFM International, Inc.; 99 Aupuni Street, Suite 202, Hilo, HI 96720 Jennifer Scheffel, (808) 375-6038, jscheffel@ssfm.com
Status	Statutory 30-day public review and comment period starts. Comments are due by October 24, 2022. Please click on the title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The County of Hawai'i Department of Parks and Recreation (DPR) plans to implement the park improvements and enhancements proposed by the Waiākea Uka New Community Center Master Plan (SSFM, 2020), which include a new community center, additional parking, vehicular pattern modifications, realignment of the lower ball field, a new stand-alone restroom facility, and landscaping at Waiākea Uka Park and Gymnasium in the South Hilo District of Hawai'i Island.

University of Hawai'i at Hilo New Educational Telescope Facility--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district
District(s)	Hāmākua
TMK(s)	(3) 4-4-015:012 (por.)
Permit(s)	HRS Chapter 6E, Conservation District Use Permit, County Grading Permit, County Building Permit
Proposing/Determining Agency	State of Hawai'i, University of Hawai'i at Hilo Gregory Chun, Facilities Planning & Construction, (808) 933-0734, gchun711@hawaii.edu 640 North Aohoku Place, Hilo, HI 96720
Consultant	SSFM International, Inc.; 99 Aupuni Street, Suite 202, Hilo, HI 96720 Jennifer Scheffel, (808) 375-6038, jscheffel@ssfm.com
Status	Statutory 30-day public review and comment period starts. Comments are due by October 24, 2022. Please click on the title link above to read the document, then send comments to the proposing/determining agency at jscheffel@ssfm.com

The University of Hawai'i at Hilo's (UH Hilo) current observatory site on the summit of Maunakea, named Hōkū Ke'a, is targeted for decommissioning by 2023. The UH Hilo Department of Physics and Astronomy needs a state-of-the-art educational telescope for training students and for communicating science to the public. Therefore, UH Hilo is proposing to construct a new educational telescope facility at the Halepōhaku Mid-Level Support Facility on Maunakea.

The Proposed Action includes the construction and operation of a new educational telescope at the existing Halepōhaku Mid-Level Support Facility to support UH Hilo's Department of Physics and Astronomy. Halepōhaku was selected as the proposed site because it provides suitable sky conditions for astronomical observations and is conveniently located. The specific area for the new telescope is currently used for equipment storage.

HAWAII (CONTINUED)

Addition of Wastewater Services for the Puna District (EIS Preparation Notice)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (9)(A) Propose any wastewater treatment unit ...
District(s)	Puna
TMK(s)	Numerous (see document)
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	County of Hawai'i, Department of Environmental Management Kelly Hartman, (808) 961-8512, Kelly.Hartman@hawaiicounty.gov 345 Kekūanāo'a Street, Suite 41, Hilo, HI 96720
Accepting Authority	County of Hawai'i, Office of the Mayor Mayor Mitch Roth, (808) 961-8211, https://www.hawaiicounty.gov/our-county/mayor/comments-and-concerns 25 Aupuni Street, Hilo, HI 96720
Consultant	AECOM; 1001 Bishop Street, 16th Floor, Honolulu, HI 96813 Rae Loui, (808) 529-7221, rae.loui@aecom.com
Status	Administrative 30-day public review and comment period starts. Comments are due by October 24, 2022. Please click on the title link above to read the document, then send comments to the proposing agency and copy the accepting authority and the consultant. An EIS Public Scoping meeting will be held on October 12, 2022 from 5-7PM at Kea'au High School Cafeteria (Building C), 16-725 Kea'au-Pāhoa Road, Kea'au, HI 96749

The Proposed Action is the addition of wastewater collection, treatment, and disposal infrastructure and services for the Project Area. The action would provide efficient, technologically advanced, and resilient wastewater collection, treatment, and disposal infrastructure and services, primarily to town and village centers in the Project Area.

O'AHU

Honokea Surf Village--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	'Ewa
TMK(s)	(1) 9-1-013:068
Permit(s)	State Historic Preservation Division, Chapter 6E-42; Various Site, Grading, Building and Infrastructure Approvals
Approving Agency	State of Hawai'i, Hawai'i Community Development Authority Craig Nakamoto, (808) 594-0300, craig.k.nakamoto@hawaii.gov 547 Queen Street, Honolulu, HI 96813
Applicant	Honokea Kalaeloa, LLC; 74 Kihapai St., Kailua, HI 96734 Kenan Knieriem, Owner, (808) 295-2146
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Kawika McKeague, (808) 523-5866, honokeakalaeloa@g70.design
Status	Statutory 30-day public review and comment period starts. Comments are due by October 24, 2022. Please click on the title link above to read the document, then send comments to the approving agency and copy the consultant.

The Honokea Surf Village will provide state of the art, professional level facilities for a variety of sports, specifically for the sport of surfing. These top tier training facilities are allowing adaptive surfers opportunities to surf that have never been possible in the ocean. Blind surfers can now surf unassisted due to the machine-like repeatability of the waves and the controlled environment that cannot be replicated in the ocean. This technology can be seen as a new school classroom where the values of life, wellness, culture, and life safety can be shared and promoted. Honokea Surf Village is a unique project that contributes to fulfilling the vision, core values, and guiding principles for Kalaeloa; and in doing so, also aligns with the local community's aspirations and values as shared through the project's current consultation process. The project creates a recreation area that propagates economic enterprises for Kalaeloa based on education, sports, and culture.

O‘AHU (CONTINUED)

New Aloha Stadium Entertainment District--Final EIS Volumes 1, 2, 3, 4 & 5 and Acceptance

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	‘Ewa
TMK(s)	(1) 9-9-003:061 and neighboring TMKs 9-9-003:055, 070, and 071
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	State of Hawai‘i, Department of Accounting and General Services Chris Kinimaka, (808) 586-0499, chris.kinimaka@hawaii.gov 1151 Punchbowl Street, Honolulu, HI 96813
Accepting Authority	Governor, State of Hawai‘i; Executive Chambers, 415 South Beretania Street, Honolulu, HI 96813 Governor David Ige, (808) 586-0034, https://governor.hawaii.gov/contact-us/contact-the-governor/
Consultant	Wilson Okamoto Corporation; 1907 South Beretania Street, Suite 400, Honolulu, HI 96826 Dalton Beauprez, (808) 946-2277, DBeauprez@wilsonokamoto.com
Status	The FEIS was submitted for publication and has been accepted by the Governor.

Aloha Stadium has effectively served its mission as a gathering place well beyond its practical life-span as a multi-purpose venue. Its numerous unaddressed deferred maintenance items are contributing to its obsolescence, and substantial ongoing investment is required to keep it functioning, accessible, and safe for public use.

The Proposed Action encompasses the construction of a new, modern stadium facility that will be supported by complimentary ancillary mixed-use development. The build out of the Proposed Action is anticipated to deliver a vibrant, thriving community-centric entertainment district that will offer a range of amenities, invigorate economic development and job creation, and celebrate the State’s spirit of achievement and resiliency as well as the history and culture of Aloha Stadium and the communities that surround it.

ENV Support Facilities Access Road & Utility Improvements and ‘Ewa Refuse Convenience Center Relocation Project--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (4) Propose any use within any historic site as designated in the National Register or Hawai‘i Register
District(s)	‘Ewa
TMK(s)	(1) 9-1-013:007; 9-1-069:003; 9-1-069:004; 9-1-126:014; Roosevelt Ave Right-of-Way (ROW); Geiger Road ROW; Oahu Railway and Land (OR&L) railway ROW
Permit(s)	Multiple (see document)
Proposing/ Determining Agency	City and County of Honolulu, Department of Environmental Services Paul Christiansen, (808) 768-3470, p.christiansen@honolulu.gov 1000 Ulu‘ohia Street, Suite 201, Kapolei, HI 96707-2040
Consultant	AECOM; 1001 Bishop Street, 16th Floor, Honolulu, HI 96813 Rae Loui, (808) 529-7221, rae.loui@aecom.com
Status	Finding of No Significant Impact (FONSI) determination

This project will provide two new access points to the property accommodating the Department of Environmental Services (ENV) Support Facilities adjacent to the Honouliuli Wastewater Treatment Plant (WWTP) and will retain a third access point without improvements. The two new accesses will provide entry to the ENV Support Facilities from Renton Rd and Roosevelt Ave. The work includes widening Roosevelt Ave to install a median left-turn lane, reconstructing Malio St, improving the existing Malio St crossing of the OR&L railway, installing underground utilities along Malio St and an existing cell tower access driveway, and installing a driveway off Roosevelt Ave. The project also will construct a potable water main extension between the existing main at Geiger Road and Kamakana St and the existing main at Renton Rd. Also, the existing ‘Ewa Refuse Convenience Center will be relocated within the WWTP site.

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.

Stiles Residence in Waialua--Final EA (FONSI)

District(s)	Waialua
TMK(s)	(1) 6-7-013:034
Permit(s)	Special Management Area (SMA) Use Permit, Building Permit, Individual Wastewater System Approval
Approving Agency	City and County of Honolulu, Department of Planning and Permitting; 650 South King Street, 7th Floor, Honolulu, HI 96813 Zack Stoddard, 808-768-8019, zachary.stoddard@honolulu.gov
Applicant	Ken Stiles; 2895 Kalākaua Avenue, Apartment 1705, Honolulu, HI 96815 917-603-1392, kstiles@byrequestct.com
Consultant	Ryan Facer; 67-431 Waialua Beach Road, Waialua, HI 96791 949-228-6740, ryan.g.facer@gmail.com
Status	Finding of No Significant Impact (FONSI) determination

The Applicant (Ken Stiles) is proposing a new single-family dwelling on a 20,001-square-foot lot within the R-5 Residential District in Waialua. The Applicant owns the northern (makai) half of the lot, where the new dwelling is proposed. The southern (mauka) half of the lot has a separate landowner and is developed with a single-family dwelling. The development requires approval of a SMA Use Permit from the Honolulu City Council.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for this project began previously. **Comments are due October 10, 2022.** Please click on the link below to read the 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 in Volume I.

KAUAI

[West Kauai Energy Project--2nd Draft EA \(AFNSI\) Volumes I, II, III, IV, and V](#)

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 previously submitted for publication, but inadvertently not published; contact the identified agency contact on the list for additional information about any specific exemption:

County of Maui

[Department of Water Supply](#)

City and County of Honolulu

[Department of Transportation Services](#)

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 a specific exemption. The listed types of actions may be exempt from the requirement to prepare an EA. The EAC's date of concurrence is posted on the list. Click on the link to view or download the list.

[County of Kauai, Department of Water](#)

EXEMPTION LIST REVIEW

The following agency exemption list, which serves as guidance for the agency in making exemptions, has been submitted to the Environmental Advisory Council (EAC) for review and concurrence. At the request of the EAC, this draft exemption list is being published for public review and comment; please click on the following link to view the list and **submit any comments by October 7, 2022** to: dbedt.opsd.erp@hawaii.gov

[State of Hawai'i, Hawai'i Housing and Finance Development Corporation](#) (reviewed by EAC on Sept 6, 2022)

COASTAL ZONE MANAGEMENT NOTICES

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

Hawaiian Electric Company, Inc. (HECO) Campbell Industrial Park Air Permit Modification

Proposed Action: HECO proposes modifications to an existing air permit to allow the combustion turbine (CIP1) to near minimum load, with higher loads allowed only during periods when no other HECO steam units are reasonably available to meet the electrical grid needs. Instead, HECO would like the flexibility to operate CIP1 to satisfy peak system demands irrespective of the status of other steam units. The requested change will allow CIP1 to operate more often at higher and more efficient loads during highest demand periods, which typically occur between 5pm and 9pm each day. The purpose is to allow the system to more efficiently adjust to variations in generation from intermittent renewable energy sources (i.e., wind and solar). The proposed change will allow CIP1 to serve as a true peaking unit with its operation projected to remain considerably below its annual maximum capacity.

HECO's requested permit change includes the following: Removal of the current permit requirement that limits the turbine to operate within 10 megawatts of the minimum operating mode except under limiting circumstances (e.g., testing, other Hawaiian Electric steam units not reasonably available, etc.); Addition of a new permit condition limiting annual NOx and CO emissions of the turbine (consistent with assumptions in the updated BACT analysis.); Removal of the performance text requirements; and changes to the monitoring, recordkeeping, notification, and reporting requirements consistent with the above proposed changes. The proposed change will not require any construction, earthwork, grading, clearing, grubbing, or stockpiling.

Location/TMK: 91-196 Hauna Street, Kapolei, O'ahu / (1) 9-01-14:14
Applicant: Hawaiian Electric Company, Inc
Federal Action: Federal Permit from U.S. Environmental Protection Agency
CZM Contact: Debra Mendes, (808) 587-2840, Debra.L.Mendes@hawaii.gov
Comments Due: **October 7, 2022**

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: South Kona (8-8-005: 091)	Single-Family Residence and Related Improvements (PL-SMM-2022-000024)	Mark Krzyzanowski
Kaua'i: Hanalei (5-6-002: 002)	Concrete Masonry Unit (CMU) Memorial Wall (SMA(M)-2023-4)	Hanalei Nihonjin Japanese Cemetery
Kaua'i: Anahola (4-9-004: 027) Unit 4	Swimming Pool and Decking (SMA(M)-2023-5)	Robert Morrell/ Bonsai Architecture Designs
Maui: Kihei-Makena (2-1-008: 061)	Addition and Replacement of Cell Equipment (SM2 2022-00042)	Mark Bullard

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-2006	45-277A Ka Hanahou Circle, O'ahu 96744	(1) 4-5-047:013	Kim Lu	Kim Lu
MA-795	Makena Alanui Road, Maui 96753	(2) 2-1-007:072	Warren S. Unemori Engineering Inc.	State of Hawai'i E.O. 3346 to County of Maui
MA-796	4850 Makena Alanui Road, Maui 96753	(2) 2-1-007:095	Warren S. Unemori Engineering Inc.	Makena Surf

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-1991	Proposed	4895 Kalaniana'ole Highway, O'ahu 96821	(1) 3-5-058:001	Engineers Surveyors Hawaii, Inc.	Robert P. Riggs Trust
OA-1993	Proposed	57-335 Pahipahi'alu Street, O'ahu 96731	(1) 5-7-003:058	Gil P. Bumanglag	Lance and Rochelle Blaisdell
MA-786	Proposed	off of Stable Road, Kahului, Maui 96779	(2) 3-8-095:020 & 3-8-002:010	Action Survey LLC	E Paepae Ku Pukoa Association
OA-1979	Rejection	53-549 Kamehameha Hwy, O'ahu 96717	(1) 5-3-008:001	Ailana Surveying & Geomatics	Association of Apartment Owners of Hanohano Hale

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-3891
Name of Applicant:	Kaua'i Island Utility Cooperative
Location:	Na Pali Coast, Na Pali, Kaua'i
TMK(s):	(4) 5-9-001:021
Proposed Action:	Predator proof fence, expansion of endangered seabird social attraction efforts, and associated resource management actions (control of invasive plants and predators, maintenance of fencing, and installation of two 400 sq. ft. management shelters).
343, HRS determination:	Exempt
Applicant's Contact:	Trae Menard, Joule Group, 808-482-1836, tmenard@joulegroup.com
OCCL Staff Contact:	Rachel Beasley, (808) 798-6481

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: [Endangered Species; Receipt of Recovery Permit Applications](#) (published by the Fish and Wildlife Service on 09/21/2022)

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 some in Hawai'i, under the Endangered Species Act. 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, which ends October 21, 2022**. Click the title link above for additional information on these applications and how to submit comments.

Notice: [Changes in Flood Hazard Determinations](#) (published by the Federal Emergency Management Agency on 09/14/2022)

This notice lists communities (including within the County of Hawai'i) where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. Please click on the title link for additional information.

Notice: [Marine Mammals and Endangered Species](#) (published by the National Oceanic and Atmospheric Administration on 09/13/2022)

Notice is hereby given that permits, permit amendments, and permit modifications have been issued to various entities (including one in Hawai'i) under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable. The permits and related documents are available for review upon written request via email to NMFS.Pr1Comments@noaa.gov. Please click on the title link for additional information.

Notice: [Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement](#) (published by the National Oceanic and Atmospheric Administration on 09/09/2022)

NMFS announces a **public meeting** of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) **on October 27-28, 2022** at the Ala Moana Hotel, 410 Atkinson Drive, Honolulu, HI 96814—in the Garden Lanai Meeting Room, and will also be broadcast via web conference. Click on the title link above for information on Meeting topics and for details on how to join via web conference. Members of the public may submit written comments on meeting topics or materials; **comments must be received by October 22, 2022**.

Proposed Rule: [List of Fisheries for 2023](#) (published by the National Oceanic and Atmospheric Administration on 09/09/2022)

The National Marine Fisheries Service (NMFS) publishes its proposed List of Fisheries (LOF) for 2023, as required by the Marine Mammal Protection Act (MMPA). The LOF for 2023 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 (TRP) requirements. Please click on the title link above for further information about fisheries and on submitting comments. **Comments must be received by October 11, 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).