



The Environmental Notice

November 23, 2022

David Y. Ige, Governor
Mary Alice Evans, Director
(Acting)

The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawai'i, *The Environmental Notice* also includes other items related to the shoreline, coastal zone, and federal activities.



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DIRECTOR'S MESSAGE

Aloha –

As we approach a change in Administration, I appreciate this opportunity to share with you my gratitude to the Environmental Review staff, Tom Eisen, Les Segundo, and Jen Ching, for working to make the transfer of the former OEQC program from DOH to OPSD go so well. It wasn't always easy, but they persevered with patience, creativity and very little resources.

I am also grateful for the opportunity to meet and work with the members of the Environmental Advisory Council (all unpaid volunteers) who make Chapter 343 and the environmental review process understandable to state and county agencies and community members. The job of assessing the environmental impacts of projects on state and county lands or using state and county funds can be complicated, however the new rules that the Council members and the previous Director of OEQC, Scott Glenn, developed have made a huge improvement. Mahalo, Mary Alice

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



MAUI EAS/EISS

Honoapi'ilani Highway Improvements, West Maui, Ukemehame to Launiupoko--(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 (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area
District(s)	Lahaina
TMK(s)	Portions of Tax Map Key (TMK) Plats (2) 4-7-001, 4-8-001, 002, 003, 004, and Honoapi'ilani Highway Rights-of-Way
Permit(s)	HRS Chapter 6E-8 Review, Special Management Area Use Permit, NPDES for Stormwater Discharges, other possible Federal and State natural resource permits, State Community Noise Permit and Noise Variance, County Building and Grading permits
Proposing/Determining Agency	State of Hawai'i, Department of Transportation (HDOT) Genevieve Sullivan, (808) 587-1834, genevieve.h.sullivan@hawaii.gov Highways Division -- Planning Branch, 869 Punchbowl Street, Room 301, Honolulu, HI 96813
Accepting Authority	Governor, State of Hawai'i Honorable David Ige, (808) 586-0034, https://governor.hawaii.gov/contact-us/contact-the-governor 415 South Beretania Street, State Capital, Executive Chambers, 5th Floor, Honolulu, HI 96813
Consultant	WSP USA; 1001 Bishop Street, Suite 2400, Honolulu, HI 96813 Wayne Yoshioka, (808) 566-2218, wayne.yoshioka@wsp.com
Status	Administrative 30-day public review and comment period starts. Pursuant to HEPA, comments are due by December 23, 2022 . Please send comments to the project website at https://www.honoapiilanihwyimprovements.com and also to the accepting authority . Public scoping meetings will be held on December 14, 2022 at 12 p.m and 6 p.m. and December 15, 2022 at 6 p.m. Meetings will be virtual and/or in-person. Please refer to the project website for meeting information.

HDOT is issuing this notice to invite comment and advise the public that an Environmental Impact Statement will be prepared to study potential improvements to the Honoapi'ilani Highway (State Route No. 30) between Ukemehame and Launiupoko in West Maui. Improvements are needed to provide a reliable transportation facility that would not be inundated by the predicted 3.2-foot sea level rise and undermined by coastal erosion. The FHWA, as the Federal lead agency pursuant to the National Environmental Policy Act (NEPA) and HDOT as the project sponsor and joint lead agency pursuant to HRS Chapter 343 (HEPA), will prepare the EIS for the Honoapi'ilani Highway Project.

O'AHU EAS/EISS

New Waimanalo Health Center 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
District(s)	Ko'olaupoko
TMK(s)	(1) 4-1-009:279
Permit(s)	Numerous (see document)
Approving Agency	State of Hawai'i, Department of Land and Natural Resources (DLNR) Barry Cheung, Land Division, (808) 587-0430, barry.w.cheung@hawaii.gov P.O. Box 62, Honolulu, HI 96809
Applicant	Waimanalo Health Center; 41-1347 Kalia Highway, Waimānalo, HI 96795 Guy Bowker, (808) 954-7121, GBowker@waimanalohealth.org
Consultant	The Limtiaco Consulting Group; 1622 Kananui Street, Honolulu, HI 96817 Claire Oshiro, (808) 596-7790, claire@tlcgohawaii.com
Status	Statutory 30-day public review and comment period starts. Comments are due by December 23, 2022 . Please send comments to the approving agency and copy the applicant and the consultant.

Waimanalo Health Center (WHC) is proposing a new, one-story health care facility to replace existing health care facilities on the project site. In 2015, the DLNR awarded a 65-year lease to the Applicant. The new facility will house the programs and services that WHC currently provides at the project site. WHC's project includes improvements to site infrastructure and the reconfiguration of the parking lot to increase patient parking space. Tree removal will occur to allow equipment to access and demolish old buildings. WHC intends to operate and deliver services to its patients during the various phases of demolition and construction. Sustainable building design concepts will be utilized in the design and construction of the new facility. The recent pandemic provided opportunities to adjust waiting and gathering areas to achieve safe distancing requirements; the design of the proposed facility will incorporate outdoor space considerations.

O'AHU EAS/EISS (CONTINUED)

Hilton Hawaiian Village - Ala Moana Blvd Tower--Draft Supplemental EIS and Scoping Meeting Audio

HRS §343-5(a) Trigger	(5) Propose any use within the Waikīkī area of O'ahu
District(s)	Honolulu
TMK(s)	Numerous (see document)
Permit(s)	Planned Development-Resort Amendment/Major Modification, Waikīkī Special District Permit (Major) and Special Management Area Use Permit (Major) numerous others
Approving Agency/ Accepting Authority	City and County of Honolulu, Department of Planning and Permitting Alex Beatty, (808) 768-8032, abeatty@honolulu.gov 650 S King St., 7th Floor, Honolulu, HI 96813
Applicant	Hilton Hawaiian Village Beach Resort & Spa, Park Ala Moana LLC, and SMK, Inc. Jonathan Fuisz, (571) 302-5757, ambtower@g70.design 1775 Tysons Blvd., 7th Floor, Tysons, Virginia 22102
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeffrey Overton, (808) 523-5866, ambtower@g70.design
Status	Statutory 45-day public review and comment period starts. Comments are due by January 9, 2023. Please send comments to the approving agency/accepting authority at ambtower@g70.design

In 2011, the Hilton Hawaiian Village (HHV) Master Plan was designed as the next chapter of HHV's continuing dedication to support Waikīkī as a premier visitor destination. The Applicant proposes to expand the HHV Master Plan to include a 0.46-acre site along Ala Moana Boulevard. This expansion includes replacing existing structures at the site with the new AMB Tower, which will provide hotel lodging accommodations that will reflect Hawai'i's rich heritage and cultural diversity in a contemporary form. The AMB Tower will reinvigorate and revitalize Ala Moana Boulevard as the primary 'Ewa gateway to Waikīkī, and enhance the Village experience for both Waikīkī visitors and local residents. The new tower will include a lobby area, porte cochere, ground floor retail accessible to pedestrians, landscaping, pedestrian walkways, food and beverage offerings, pool and recreation area, fitness center, and parking. The project is anticipated to produce new jobs through construction and operation.

Waikīkī Shell Improvements--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)	Honolulu
TMK(s)	(1) 3-1-043: 001 (por.) and 018
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	City and County of Honolulu, Department of Design and Construction John Condrey, (808) 768-8480, jcondrey@honolulu.gov 650 South King Street, 11th Floor, Honolulu, HI 96813
Consultant	R.M. Towill Corporation; 2024 North King Street, Suite 200, Honolulu, HI 96819 Isaiah Sato, (808) 842-1133, isaiahs@rmtowill.com
Status	Finding of No Significant Impact (FONSI) determination

The City and County of Honolulu proposes to provide improvements to the Tom Moffatt Waikīkī Shell that include the following:

- A. Replacement of sign structure at the west public entry.
- B. Replacement of the existing open air food concession.
- C. Modification of orchestra pit area to better accommodate seating.
- D. Installation of fixed seating on the concrete slab fronting the orchestra pit.
- E. Replacement of existing seating with new seats.
- F. Installation of a tensile structure over the existing seating area. At a maximum, the footprint of the tensile structure will cover the fixed seating and be of similar height to the Shell.
- G. Replacement of the existing sound bunker.
- H. Installation of new fixed seating (up to 2,000) in the existing lawn seating area.
- I. Installation of sound baffles and pedestrian covering at the rear of the seating area. The sound baffles and pedestrian covering is anticipated to be 10 - 20 feet tall.

CHAPTER 25, REVISED ORDINANCES OF HONOLULU EAS

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.

King Farm Project--Draft EA (AFNSI)

District(s)	Waialua
TMK(s)	(1) 6-8-003: 047
Permit(s)	SMA Use Permit; Development Permits; Well Permit
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Christi Keller, (808) 768-8087, c.keller@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813
Applicant	Mitch King; 400 East Jefferson Street, Suite 1200, Springfield, IL 62701 (217) 341-2766, mitchking01@frontier.com
Consultant	WHALE Environmental Services, LLC Mark Howland, (808) 294-9254, markahowland@hawaii.rr.com P.O. Box 455, Kahuku, HI 96731
Status	Thirty-day public review and comment period starts. Comments are due by December 23, 2022. Please click on title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant.

The Project proposes the construction of farm with agribusiness components for the propagation of coastal seashore landscaping plant stock, inclusive of a barn structure, garage structure, and an accessory farm dwelling. The Project site is an undeveloped shoreline lot within the SMA, the AG-2 General Agricultural District, and the State Land Use Agricultural District. All activities are proposed to occur outside of the Shoreline Setback area. The proposed development of a farm dwelling and agribusiness components triggers the requirement for an EA and SMA Use Permit under Chapter 25, ROH. Upon publication of the Final EA with a DPP-issued Finding of No Significant Impact (FONSI), the Applicant must submit an application for the SMA Use Permit, which is subject to approval by Resolution of the City Council.

Pueo Farm Project--Draft EA (AFNSI)

District(s)	Waialua
TMK(s)	(1) 6-8-003: 045
Permit(s)	SMA Use Permit; Development Permits; Well Permit
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Christi Keller, (808) 768-8087, c.keller@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813
Applicant	Paul D. Alston; 2120 Pu'uuali'i Place, Honolulu, HI 96822 (808) 294-9254, Paul.alston@dentons.com
Consultant	WHALE Environmental Services, LLC Mark Howland, (808) 294-9254, markahowland@hawaii.rr.com P.O. Box 455, Kahuku, HI 96731
Status	Thirty-day public review and comment period starts. Comments are due by December 23, 2022. Please click on title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant.

The Project proposes the construction of an ornamental plant farm with agribusiness components, and two accessory farm dwellings. The Project site is an undeveloped shoreline lot within the SMA, the AG-2 General Agricultural District, and the State Land Use Agricultural District. All activities are proposed to occur outside of the Shoreline Setback area. The proposed development of farm dwellings triggers the requirement for an EA and SMA Use Permit under Chapter 25, ROH. Upon publication of the Final EA and the issuance of a FONSI, the Applicant must submit an application for the SMA Use Permit, which is subject to approval by Resolution of the City Council.

CHAPTER 25, REVISED ORDINANCES OF HONOLULU EAS (CONTINUED)

Konane Slope Stabilization Project--Draft EA (AFNSI)

District / TMK	Ko'olaupoko / (1) 4-6-001:002, 060, and 062
Permit(s)	SMA, Development Permits; NPDES NOI-C
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Christi Keller, (808) 768-8087, c.keller@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813
Applicant	Puu Alii Community Association; 46-40, 50, and 70 Konane Place, Kane'ohe, HI 96744 Shawn Scott, (706) 593-4332, sjscott91266@gmail.com
Consultant	Planning Solutions, Inc.; 711 Kapi'olani Boulevard, Suite 950, Honolulu, HI 96813 Makena White, (808) 550-4538, makena@psi-hi.com
Status	Thirty-day public review and comment period starts. Comments are due by December 23, 2022. Please click on title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant.

The Puu Alii Community Association (PCA) is proposing to implement a slope stabilization project on a portion of its property in Kane'ohe, O'ahu, Hawai'i. The purpose of the project is to stabilize the slope between PCA structures and City-owned Lilipuna Road in a manner that provides for a shoulder/swale on Lilipuna Road. The project design employs Best Management Practices to reduce the potential for erosion and stormwater quality degradation.

10 Kamani Kai Place--Final EA (FONSI)

District / TMK	Ko'olaupoko / (1) 4-3-015: 055
Permit(s)	SMA, Building
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Laura Mo, (808) 768-8025, laura.mo@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813
Applicant	Jennifer Rainin 2007 Trust; 155 Grand Avenue, Oakland, CA 94612 c/o Bradley Furuya, (808) 521-5631, bfuruya@pbrhawaii.com
Consultant	PBR Hawaii; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Bradley Furuya, (808) 521-5631, bfuruya@pbrhawaii.com
Status	Finding of No Significant Impact (FONSI) determination

The applicant proposes to build a one-story, two-family detached residence on a vacant lot in the R-10 zoning district in Kailua. The main residence is comprised of three bedrooms, three and one-half baths, and three covered lanais. The secondary dwelling consists of three bedrooms, three baths, a lanai and connects to a 3-car garage. A pool courtyard will include a pavilion for exercise and a pool bath. The project is entirely within the Special Management Area, with all development outside of the Shoreline Setback area.

Arnold-Tripiier Residence--Final EA (FONSI)

District / TMK	Honolulu / (1) 3-7-002:081
Permit(s)	SMA Use Permit, Shoreline Certification, Building Permit, Grading Permit, Historic Preservation Review
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Zack Stoddard, (808) 768-8019, zachary.stoddard@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813
Applicant	Jean Tripiier/Jean M. Arnold Trust; 5699 Kalaniana'ole Highway, Honolulu, HI 96821 (415) 810-0300, jeankarnold@gmail.com
Consultant	Planning Solutions, Inc.; 711 Kapi'olani Boulevard, Suite 950, Honolulu, HI 96813 Makena White, (808) 550-4538, makena@psi-hi.com
Status	Finding of No Significant Impact (FONSI) determination

The Applicant is proposing one new dwelling on a 31,728-square-foot lot within the R-10 Residential District in Niu. The lot is developed with an existing single-family dwelling that will be demolished. A new dwelling, pool house, and garage will be constructed. The lot is protected by an existing seawall on the property immediately adjacent to the south. The development requires approval of a Special Management Area Use Permit from the Honolulu City Council.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began previously. **Comments are due December 8, 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.

HAWAII

[Waimea Nui Regional Community Development Initiative Kipuka o ke Ola Clinic Relocation--Draft EA \(AFNSI\)](#)

O'AHU

[Waikiki Aquarium Water System Upgrade--Draft EA \(AFNSI\)](#)

[Kaka'ako Block C Development--Draft EA \(AFNSI\)](#)

[Chinatown Hotel Development--Draft EA \(AFNSI\)](#)

[Waimalu 217' Exploratory Well in 'Aiea--Draft EA \(AFNSI\)](#)

SMALL SCALE BEACH NOURISHMENT (SSBN) APPLICATIONS

[Kona Village Resort Beach Nourishment](#)

File No.	SSBN HA-23-10
Action	Application for Category II Small Scale Beach Nourishment Permit
Location	Hawaii / Kailua-Kona / (3) 7-2-010:010
Applicant	Kona Village Resort; 72-300 Maheawalu Dr., Kailua-Kona, HI 96740 Michael Eadie, (949) 933-9725
Approving Agency	State of Hawaii, Department of Land and Natural Resources Amy Wirts, (808) 798-7556; amy.e.wirts@hawaii.gov Office of Conservation and Coastal Lands (OCCL), 1151 Punchbowl Street, Room 131 Honolulu, HI 96813
Status	Please submit comments prior to the December 23, 2022 deadline to the Approving Agency.

The Office of Conservation and Coastal Lands (OCCL) staff has received a Small-Scale Beach Nourishment (SSBN) application from the Kona Village Resort. According to the applicant's information, they are proposing to place up to 740 cubic yards of beach-quality sand on the shoreline as part of a beach nourishment project located seaward of the subject property at Kona Villages Resort. The project would utilize sand that originated on the beach and was displaced mauka of the shoreline by the 2011 Tohoku tsunami. The tsunami wave pushed a portion of the dry beach sand mauka, removing the sediment from the active littoral cell and exposing underlying beach rock which was previously buried. The displaced sand was transported inland and stored on the property. The proposed project will consist of transport of the stockpiled sand from a location on the subject property and placement on the beach above the mean high water mark.

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]; Hawaii [East (808) 961-8288], [West (808) 323-4770]; Kauai [(808) 241-4050]; Maui [(808) 270-7735]; Kaka'ako or Kalaheo Community Development District [(808) 587-2846]

Location (TMK)	Description (File No.)	Applicant/Agent
Hawaii: North Kona (7-5-007: 020)	Repairs and Upgrades to Hulihe's Palace (PL-SMM-2022-000035)	Department of Land and Natural Resources Division of State Parks
Hawaii: Napapa'a North Kohala (5-3-007: 041)	Grading, Grubbing and Installation of Fencing (PL-SMM-2022-000036)	Katherine Luga
Maui: Kihei (3-9-002: 102, 103 and 104)	Remove All Kiawe Trees except the Ones along the Property Line to Remain as a Natural Fence, and Replace with 4" of Gravel per Fire Department's Request (SM2 2022-00055)	3 H & S LLC
O'ahu: Kailua (4-3-011: 074)	Kailua Beach Park – Bikeway Bridge Railing Reconstruction (2022/SMA-71)	City and County of Honolulu Department of Design and Construction

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-2017	3735-C Diamond Head Rd, O'ahu 96821	(1) 3-1-039:065 por.	Austin, Tsutsumi & Associates, Inc.	Michael Fergus and Janice Lau
OA-2018	68-303 Crozier Drive, O'ahu 96821	(1) 6-8-005:048	Walter P. Thompson, Inc.	Steven Wee
MA-799	2960 S. Kīhei Road, Maui 96753	(2) 3-9-004:023	Akamai Land Surveying, Inc.	Mana Kai Maui AOA
KA-468	Kikiaola, Waimea, Kaua'i 96752	(4) 1-2-013:039	Roger M. Caires	Roger M. Caires

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-2004	Proposed	67-267 Kahaone Loop, O'ahu 96791	(1) 6-7-015:057	Constancio Galang	North Shore Beach House LLC, VGS LLC
OA-2008	Proposed	5699 Kalaniana'ole Hwy, O'ahu 96821	(1) 3-7-002:081	Austin, Tsutsumi & Associates	Jean Tripier and Jean Arnold
OA-2012	Proposed	3 Po'ipū Drive, O'ahu 96825	(1) 3-9-028:001	Walter P. Thompson, Inc.	RNO Trust
OA-2014	Proposed	91-153 Kaomi Loop, O'ahu 96707	(1) 9-1-026:046	Walter P. Thompson, Inc.	CMZ of Hawaii, Inc.
MA-776	Proposed	2980 S. Kīhei Road, Maui 96753	(2) 3-9-004:029	Loren E. Sletz	Ruby & Sons Hospitality LLC (Leasee)
MA-797	Proposed	104 Ka'anapali Shores Pl., Maui 96761	(2) 4-4-001:098	Ailana Surveying & Geomatics, LLC	Kaanapali Beach Vacation Resort

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-3906 \(Department's Acceptance Letter\)](#)
Name of Applicant: University of Hawai'i, Hilo
Location: Mauna Kea Science Reserve, Ka'ohē Mauka, Hāmākua, Island of Hawai'i
TMK(s): (3) 4-4-015:009
Proposed Action: [Hōkū Ke'a Observatory Decommissioning Project](#)
343, HRS determination: [Final Environmental Assessment & FONSI](#) published on [June 23, 2022 in The Environmental Notice](#)
Applicant's Contact: Jennifer Scheffel, (808) 375-6038, jscheffel@ssfm.com
OCCL Staff Contact: Trevor Fitzpatrick, (808) 798-6660, 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.

Notice: [Environmental Impact Statement; Maui, Hawaii](#) (published by the Federal Highway Administration on 11/22/2022)

The FHWA, in coordination with the Hawai'i Department of Transportation (HDOT), is issuing this notice to invite comment and advise the public that an Environmental Impact Statement (EIS) will be prepared to study potential improvements to the Honoapi'ilani Highway (State Route No. 30) between Ukumehame and Launiupoko in West Maui. Improvements are needed to provide a reliable transportation facility that would not be inundated by the predicted 3.2-foot sea level rise and undermined by coastal erosion. The FHWA, as the Federal lead agency, and HDOT as the project sponsor and joint lead agency, will prepare an EIS for the Honoapiilani Highway Improvements Project, Ukumehame to Launiupoko, covering the 6-mile segment between milepost 11 in the vicinity of Papalaua Wayside Park in Ukumehame (southeastern terminus) and milepost 17 in Launiupoko, where Honoapi'ilani Highway currently connects with the existing southern terminus of the Lahaina Bypass (northwestern terminus of the project).

Comments must be received by December 31, 2022. Written comments received by the submittal deadline will be published in the Draft EIS. **Public meetings will be held on December 14, 2022, and December 15, 2022.** Meetings will be virtual and/or in-person. Please refer to the [project website](#) for meeting information. *Since the FHWA is adhering to NEPA requirements in their preparation of this joint EIS, some deadlines are different than those required by HEPA as noted in the project's related entry on page 3 of this issue of TEN.*

Notice: [Western Pacific Fishery Management Council; Public Meetings](#) (published by the National Oceanic and Atmospheric Administration on 11/14/2022)

The Western Pacific Fishery Management Council (Council) will hold its 146th Scientific and Statistical Committee (SSC), Hawaii Archipelago & Pacific Remote Island Areas (PRIA) Standing Committee, Executive and Budget Standing Committee, and 193rd Council meetings to take actions on fishery management issues in the Western Pacific Region. **The meetings will be held between November 29 and December 8, 2022**, some in-person and some by web conference. For specific details, times and agendas, please click on the title link above

Notice: [Marine Mammals; File No. 26727](#) (published by the National Oceanic and Atmospheric Administration on 11/09/2022)

Notice is hereby given that Aaron Lynton, 986 Kupulau Drive, Kihei, HI 96853, has applied in due form for a permit to conduct commercial and educational photography on humpback whales (*Megaptera novaeangliae*). Written, telefaxed, or email **comments must be received on or before December 9, 2022**. Please click on title link above for details on submitting comments.

Notice: [Establishment of the Marine and Coastal Area-Based Management Advisory Committee and Solicitation of Nominations for Membership](#) (published by the National Oceanic and Atmospheric Administration on 11/17/2022)

Pursuant to the Federal Advisory Committee Act, the Under Secretary of Commerce for Oceans and Atmosphere (Under Secretary) announces the establishment of the Marine and Coastal Area-based Management Advisory Committee (MCAM AC). The MCAM AC shall advise the Under Secretary on science-based approaches to area-based protection, conservation, restoration, and management in coastal and marine areas, including the Great Lakes. The scope of the Committee's advice will include, but not be limited to, efforts consistent with the America the Beautiful initiative, as well as other relevant issues that may be requested by the Under Secretary. The MCAM AC shall terminate 2 years from the date of its charter's filing with the appropriate U.S. Senate and House of Representatives committees unless earlier terminated or renewed by the proper authority. This notice also requests nominations for membership on the MCAM AC (see "Structure" and "Nominations and Applications" on website for more detail).

Nominations and applications to serve on the inaugural membership of the MCAM AC should be sent to the web address specified on the website and **must be received on or before January 17, 2023**. Nominations and applications will continue to be accepted on an ongoing basis for a period of 1 year and may be considered in case of vacancies. Please click on the title link above for additional information.

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).