OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT

The Environmental Notice

March 23, 2023

Josh Green, M.D., Governor
Scott Glenn, Director, OPSD

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.

Dredging of Kahawainui stream, near Lā'ie on the windward coast of O'ahu, is planned to remove accumuated sediment near Kamehameha Highway Photo from the project's Draft EA

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Statewide Map of New EA/EIS Documents & Determinations

Kaua'i EAs/EISs

Kaua'i Bus Maintenance Facility Improvements for Electric Buses--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)	Līhu'e
TMK(s)	(4) 3-6-002:018 (portion)
Permit(s)	Use Permit, Class IV Zoning Permit, New Water Service Connection for Fire Protection, FAA Form 7460-1 (if necessary), NEPA Categorical Exclusion, Noise Permit, Building Permit
Proposing/ Determining Agency	County of Kaua'i, Transportation Agency Celia Mahikoa, (808) 246-8110, cmahikoa@kauai.gov 3220 Ho'olako Street, Līhu'e, HI 96766
Consultant	PBR Hawaii & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Ty Shiramizu, (808) 521-5631, tshiramizu@pbrhawaii.com
Status	Statutory 30-day public review and comment period starts. Comments are due by April 24, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

Improvements to the existing Kaua'i Bus Maintenance Facility to support conversion of the fleet to battery electric buses. This will involve the construction of new maintenance bays adjacent to the existing maintenance building, improvements to the existing maintenance building, new office and support spaces, installation of charging equipment, and related site and infrastructure improvements.

Waimea High School Gymnasium Complex--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
District(s)	Waimea
TMK(s)	(4)1-6-010: 004
Permit(s)	Use Permit, Class IV Zoning Permit, Grubbing, Grading and Building Permits
Proposing/ Determining Agency	State of Hawai'i, Department of Education Richard Bass, (808) 831-6731, rbass@bowersandkubota.com 8633 Wai'alae Ave., Building B, Room 201, Honolulu, HI 96816
Consultant	Environmental Communications, Inc.; P.O. Box 236097, Honolulu, HI 96823 Taeyong Kim, (808) 528-4661, tkim@environcom.com
Status	Finding of No Significant Impact (FONSI) determination

The proposed action consists of a replacement for the original gymnasium which has been in operation since 1948. The existing gymnasium is in poor condition and does not meet the National Federation of State High School Associations (NFSHSA) and is not suitable for interscholastic competition. The replacement structure consists of the construction of a 19,374 square foot gymnasium complex. The single story structure will include the main gym floor, wrestling room, multi-purpose team room, concession stand, lobby and ticket booth, office space, restrooms, locker rooms, support and utility spaces and general circulation.

Appurtenant to the complex are two separate parking areas. A lot consisting of 78 regular and handicap parking stalls will be accessed by Tsuchiya Road and Makeke Road on the western portion of the campus. A second small parking lot for 20 vehicles will be located on the eastern corner of the campus.

Maui EAs/EISs

Pu'unēnē Avenue Safety Improvements and Road Widening--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
District(s)	Wailuku
TMK(s)	Various (see document) and (2) 3-8:ROW
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	State of Hawai'i, Department of Transportation Holly Yuen, (808) 692-7548, Holly.Yuen@hawaii.gov 869 Punchbowl Street, Honolulu, HI 96813-5097
Consultant	AECOM; 1001 Bishop Street, Suite 1400, Honolulu, HI 96813 Gavin Wong, (808) 529-7208, Gavin.Wong@aecom.com
Status	Finding of No Significant Impact (FONSI) determination

This project aims to increase roadway safety and capacity by adding two (2) additional vehicle lanes and shared shoulders. Project work would consist of constructing new sidewalks on both sides of Pu'unēnē Avenue, linking Wakea Avenue to Kuihelani Highway. Bioswales and a shallow underground drainage system would be installed along the length of Pu'unēnē Avenue to improve water quality and reduce the impact that roadway stormwater would have on the existing drainage system. Traffic signal poles at Papa Avenue would be relocated to accommodate the roadway widening.

O'ahu EAs/EISs

Kahawainui Stream Maintenance Dredging--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 (3) Propose any use within a shoreline area
District(s)	Ko'olauloa
TMK(s)	(1) 5-5-5:022 (por.); 5-5-009:007 (por.), 008 (por.), 009 (por.), 010 (por.), 011 (por.), 047 (por.), 061 (por.); 5-6-001:004 (por.)
Permit(s)	Various (see document)
Proposing/ Determining Agency	City and County of Honolulu, Department of Design and Construction Kristie Ching, (808) 768-8800, kching1@honolulu.gov 650 South King St., 11th Floor, Honolulu, HI 96813
Consultant	Bowers + Kubota Consulting, Inc.; 2153 N. King St., Suite 200, Honolulu, HI 96819 Jared Chang, (808) 836-7787, jchang@bowersandkubota.com
Status	Statutory 30-day public review and comment period starts. Comments are due by April 24, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The Project will consist of maintenance dredging of the Kahawainui Stream, between the intersection of Lā'ie Wai Stream to the sand berm at the Kahawainui Stream mouth. The sand berm will be excluded from dredging activities.

The purpose of the maintenance dredging project is to maintain sufficient flow capacity to prevent flooding of the adjacent areas. Approximately 2,955 cubic yards of sediment and debris will be dredged. The dredged material will be utilized for beneficial reuse or disposed at a Hawai'i Department of Health-approved disposal site.

O'AHU EAS/EISS (CONTINUED)

August Ahrens Elementary School (AAES) New Classroom Building--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) 9-4-059: Portions of 072, 073, and 074, and Mahoe Street and Waipahu Street rights-of-way (no TMK)
Permit(s)	Various (see documents)
Proposing/ Determining Agency	State of Hawai'i, Department of Education Aaron Geonzon, (808) 784-5053, aaron.geonzon@k12.hi.us P.O. Box 2360, Honolulu, HI 96804
Consultant	R. M. Towill Corporation; 2024 North King Street, Suite 200, Honolulu, HI 96819 Brian Takeda, (808) 842-1133, BrianT@rmtowill.com
Status	Statutory 30-day public review and comment period starts. Comments are due by April 24, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The State of Hawai'i, DOE, proposes to construct a new permanent two-story classroom building, a new play court and concrete masonry unit wall, new walkways, and a new small parking area at the AAES in Waipahu to provide necessary facilities to support the needs of the current and future student body and staff. The new classroom building (approximately 26,900 square feet) will provide approximately 13 new classrooms designed to be flexible, mixed-use spaces to support a more modern learning environment that can be adapted for student or teacher needs. The new classroom building will also incorporate other support spaces including, but not limited to, activity hubs, a special education room, a faculty room, storage rooms, electrical rooms, restrooms, an elevator, and IT rooms. The design will complement the style of other adjacent buildings and facilities within the school campus. The project will support the existing student population and will not increase enrollment.

Palisades Elementary School Covered Play Court--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) 9-7-093: 016 por.
Permit(s)	Variance from Pollution Control, Disability and Communications Access Board, Chapter 6E Review, Building Permit and Construction Plan Review, Grubbing Grading and Stockpiling, Building Permit, Waiver, Street Usage, Fire Department Plan Check
Proposing/ Determining Agency	State of Hawai'i, Department of Education Aaron Geonzon, (808) 784-5053, aaron.geonzon@k12.hi.us Office of Facilities and Operation, 3633 Wai'alae Avenue, Honolulu, HI 96816
Consultant	Gerald Park Urban Planner; 95-595 Kaname'e Street #324, Mililani, HI 96789 Gerald Park, (808) 625-9626, gpark@gpup.biz
Status	Statutory 30-day public review and comment period starts. Comments are due by April 24, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The project will provide the School and its students a covered structure for recreational use and protection during inclement weather and "hot" days.

O'AHU EAs/EISs (CONTINUED)

Honokea Surf Village--2nd 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
District(s)	'Ewa
TMK(s)	(1) 9-1-013:068
Permit(s)	Hawai'i Community Development Authority Development Permit, 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 Street, Kailua, HI 96734 Kenan Knieriem, (808) 295-2146, keno@honokea.com
Consultant	G70; 111 S. King Street, Honolulu, HI 96813 Kawika McKeague, (808) 523-5866, honokeakalaeloa@g70.design
Status	Finding of No Significant Impact (FONSI) determination; This Second Final EA updates the original February 23, 2023 FEA by including the unintentionally omitted comment letters in Appendix K.

The Honokea Surf Village is a culturally rooted recreational development that will provide state of the art facilities for a variety of sports, specifically surfing. The project will service multiple sectors of the local community who would otherwise have limited access to the surfing experience. The project's primary element is a 5.5-acre engineered lagoon that generates waves for surfing, which will be surrounded by approximately 8 acres of non-surfing recreation and supporting program spaces, including world class training facilities, one and two-story pavilions, sports outfitting spaces, a multi-purpose conference center, cultural museum and education center, and food services. Honokea fulfills the vision, core values, and guiding principles for Kalaeloa and aligns with community aspirations and values shared through the project's consultation process. This Second FEA updates the original February 23, 2023 FEA by including the unintentionally omitted comment letters in Appendix K.

Kaka'ako Block C Development--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
District(s)	Honolulu
TMK(s)	(1) 2-1-054: 001
Permit(s)	Chapter 201H, HRS, FAA approval, NPDES, Building Permits
Approving Agency	Hawai'i Housing Finance and Development Corporation Dean Watase, (808) 587-0639, dean.k.watase@hawaii.gov 677 Queen Street, Honolulu, HI 96813
Applicant	Stanford Carr Development; 1100 Alakea Street, 27th Floor, Honolulu, HI 96813 Kevin Kasai, (808) 537-1801, kevink@stanfordcarr.com
Consultant	Environmental Communications, Inc.; P.O. Box 236097, Honolulu, HI 96813 Taeyong Kim, (808) 528-4661, tkim@environcom.com
Status	Finding of No Significant Impact (FONSI) determination

The Applicant is proposing the development of 861 housing units in a mixed configuration of market, workforce, affordable for sale and affordable rental housing units and a unique live/work unit type in a fully integrated block.

A 400-foot tall tower with 43 floors will contain 449 for sale market units. A second 295-foot tall tower with 31 floors will include 276 affordable for-sale units. The podium beneath the 300-foot tall tower will include 124 affordable rental units. Additionally, 12 Live/Work units located in the podium will be offered for sale at market rates. The podium will also include 39,915 square feet of ground floor commercial space. All rental units of the project will be rented at rates determined to be for residents qualified at the 30- 70% and 70-100% levels of the Area Median Income (AMI). The proposed project will involve the use of Private Activity Bonds, State Low Income Housing Tax Credits (LIHTC), and Rental Housing Revolving Fund (RHRF) administrated by the Hawai'i Housing Finance and Development Corporation (HHFDC). Projects using State funds must meet the provisions of Chapter 343 of the Hawai'i Revised Statutes (HRS).

O'AHU EAs/EISs (CONTINUED)

Newtown 550' Exploratory Well in Waimalu--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
District(s)	Honolulu
TMK(s)	(1) 9-8-062:099
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	City and County of Honolulu, Board of Water Supply (BWS) Erwin Kawata, (808) 748-5066, ekawata@hbws.org 630 South Beretania Street, Honolulu, HI 96843
Consultant	The Limtiaco Consulting Group; 1622 Kanakanui Street, Honolulu, HI 96817 Ian Arakaki, (808) 596-7790, ian@tlcghawaii.com
Status	Finding of No Significant Impact (FONSI) determination

BWS proposes to install an exploratory well and test pump at its existing facility at 98-1876 Piki Street in Waimalu, O'ahu to collect data about the quantity and quality of the underlying groundwater source. The project site involves land that was previously disturbed for the development of the Newtown 550' Reservoir facility. The testing data will allow BWS to determine if the project site is a suitable location for a permanent groundwater well.

In early December 2021, BWS shut down its Halawa Shaft and halted pumping at the Aiea and Halawa Wells due to contamination of the groundwater aquifer by petroleum fuel releases from the Navy's Red Hill Bulk Fuel Storage Facility and Pipeline. The project is proposed at this time in response to the ongoing emergency situation and the uncertainty of returning all previously used water sources to full production. Once water testing is completed, the test pump would be removed and the well would be covered with a well cap.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began previously. Please click on the links below to read a document, then send comments to the relevant agency and copy any relevant applicant and/or consultant identified in the submission form that follows the initial agency letter.

COMMENTS DUE MARCH 24, 2023

KAUA'I

Kauai Island Utility Cooperative Habitat Conservation Plan--Draft HCP

COMMENTS DUE MARCH 28, 2023

HAWAI'I

U.S. Geological Survey (USGS) Hilo Research Facility--Draft EA (AFNSI)

O'AHU

Moody Single-Family Dwelling in Hale'iwa--Draft EA (AFNSI) **(ROH Chapter 25)**

COMMENTS DUE APRIL 10, 2023

O'AHU

Kealia Farms in Mokuleia--Draft EA (AFNSI) **(ROH Chapter 25)**

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: South Hilo (2-1-006: 056, 057, 058, 059 and 086)	Paving of Parking Lot and New Walls (SMM-21-000448 Amended)	SCP Hilo, LLC
Hawai'i: Kea'au, Puna (1-5-059: 061)	Single-Family Residences and Related Improvements (PL-SMM-2023-000041)	Mark Cruz
Kaua'i: Kapa'a (4-3-002:012)	New Equipment Enclosure Platform and 6-foot High Chain Link Fence (SMA(M)-2023-17)	Kennedy Jenks / County of Kaua'i, Department of Public Works, Waste-water Management
Maui: Pā'ia (2-5-005: 017)	Installation of Concrete Post and Wood Rail Fencing and Re-movable Bollards along the Mauka Side of the North Shore Greenway Path (SM2 2023-00018)	County of Maui Department of Public Works
Maui: Kīhei (3-9-006: 004)	Demolition of Garage and Construction of 2,434 Square Feet Addition to Existing Dwelling (SM2 2023-00021)	Robert Hollifield
Maui: Ha'iku (2-7-004: 036)	After-the-Fact Placement of Three 8'x20' Shipping Containers Used for Storage and Removal of Trash, Debris, and Structures. Addition of One 8'x40' Container for Storage, Workshop and a Deck (SM2 2023-00022)	Rulan Waikiki
Maui: Lahaina (4-3-006: 043)	Construction of Two Accessory Dwelling Units (SM2 2023-00024)	3806 Properties LLC
Maui: Kīhei (3-9-004: 141)	Staging Area for Construction Materials (SM2 2023-00025)	Danny Sumner
Maui: Kīhei (3-9-002: 083)	AT&T Proposed New Telecommunication Facility Located on the Rooftop of the Kihei Plaza (SM2 2023-00026)	Ashley May
Maui: Huelo (1-1-004: 011)	Construction of After-the-Fact Taro Patch Farm Shed (SM2 2023-00027)	Ladawn Federline Terry Akuna
Maui: Lahaina (4-6-007: 016)	200 Waiola Church Anniversary Celebration (SM2 2023-00031)	Jen Mather
Maui: Wailuku (3-3-001: 104)	A New Retaining Wall along the Northern an Eastern Borders of the Property as well as Associated Grading. A New Sewer Clean Out and Upgrade Existing Water Meter (SM2 2023-00033)	Michael Minhyung Lee
Maui: Wailuku (3-3-001: 052)	Demolition of the House and Ohana, and Rebuilding a New House and Ohana. A New Retaining Wall along the Northern Border of the Property (SM2 2023-00034)	Jerry Euihyung Lee
O'ahu: Kalihi Kai (1-2-025: 019)	Construction of a Perimeter Security Fence at the Existing Sand Island Bulk Fuel Storage Terminal (Minor Modification to 2020/SMA-24)	Quality General Inc.
O'ahu: Kane'ohe (4-4-021: 034)	Merriman Residence (2023/SMA-1)	Robert and Cynthia Merriman/ WHALE Environmental Services LLC
O'ahu: Lāi'e (5-5-003: 018)	LRF Laie Residence (2023/SMA-4)	LRF Development V, LLC / Yumi Seavey

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

Kapala'alaea Dam and Reservoir Removal, Ha'iku, Maui Island

Proposed Action: The Kapalaalaea Dam and Reservoir will be breached according to the Hawai'i DLNR Guidelines. The DLNR regulations and guidelines require that the breach of the existing dam be designed for the threshold of the 1% annual exceedance storm event (100-year event) for the existing dam extents. The DLNR also requires that the PMF be routed through the proposed breach to verify that the decommissioned structure is no longer jurisdictional.

The bottom width of the breach channel will be approximately 130 feet at the upstream toe, and then taper to approximately 100 feet at the downstream toe, with the top of the riprap-lined channel at EL¬¬±560 feet, approximately 40 feet below the maximum crest elevation of the existing embankment dam. The embankment material from the excavated section will be graded onto upland areas adjacent to the reservoir on EMI property. The proposed channel, including the breach section, will be armored with riprap at the bottom of the channel extending up to the slope banks to the 100-year flood water surface elevation. Riprap will help to prevent erosion and scour of the upstream and downstream channel during flood events. The slope of the proposed breach alighment will be similar to the existing downstream channel slope and has been designed to connect to the existing Papalua Stream channel below the dam to the existing elevation of the current reservoir bottom.

A proposed grade control beam at the upstream end of the proposed channel will prevent headcutting into the impoundment area and will prevent channel migration around the proposed channel. The grade control beam will provide stability across the floodplain and direct flow into the proposed channel.

Disturbed areas at the site will be seeded after construction is completed. The site will be returned to a condition similar to before the dam was constructed. No new ground or previously undisturbed ground will be impacted by the dam breach work. No water will be stored behind the dam once it is decommissioned; the channel in the reservoir will be free flowing and floodplains are expected to form within the reservoir bottom.

Location: Between towns of Ha'iku and Huelo, Maui Island
TMK: (2) 2-8-007:001
Applicant: East Maui Irrigation Company, LLC
Federal Action: Federal Permit
Federal Agency: U.S. Army Corps of Engineers
CZM Contact: Debra Mendes, (808) 587-2840, Debra.L.Mendes@hawaii.gov
Comments Due: April 7, 2023

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-2027	58-207 Kamehameha Hwy, O'ahu 96712	(1) 5-8-01:021	Leaps & Boundaries, Inc.	Edward & Katie Weldon
OA-2028	4388 Royal Place, O'ahu 96816	(1) 3-5-02:003	Engineers Surveyors Hawaii, Inc.	Mark Gosselin
OA-2029	68-419 Farrington Hwy, O'ahu 96791	(1) 6-8-003:046	Leaps & Boundaries, Inc.	Lio Kai LLC
MA-811	611 Front Street, Maui 96761	(2) 4-6-002:013 & :014	Bo Kim	County of Maui (013) State of Hawai'i (014)
LA-031	State Highway #44, Lāna'i 96763	(2) 4-9-003:010 (2) 4-9-002:001por	Ryan M. Suzuki	Lanai Resorts LLC
HA-635	Hawai'i Belt Road, South Kona, Hawai'i 96704	(3) 8-7-014:002	Daniel Berg c/o dlb & Associates, LLC	The Kona Estates Fund I LLC, The Kona Estates Fund II LLC

Proposed Shoreline Certifications and Rejections

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources (HRS § 205A-42 and HAR § 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Status	Location	TMK	Applicant	Owner
OA-2009	Proposed	45-21 Likeke Place, O'ahu 96744	(1) 4-5-104:028	Ailana Surveying & Geometrics	Paula Lee-Valkov
HA-634	Proposed	14-3791 Government Beach Road, Hawai'i 96778	(3) 1-4-028:033	Daniel Berg c/o dlb & Associates, LLC	Erik Gerald Georg Jung & Christina Kallmayer
KA-473	Proposed	8224 B 'Elepaio Road, Kaua'i 96752	(4) 1-3-003:021	Roger M. Caires	Roger M. Caires

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.

Rule: List of Fisheries for 2023 (published by the National Oceanic and Atmospheric Administration on 03/21/2023)

The National Marine Fisheries Service (NMFS) publishes its final 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 requirements. The effective date of this final rule is April 20, 2023.

Notice: Endangered Species; Receipt of Recovery Permit Application (published by the Fish and Wildlife Service on 03/20/2023)

The U.S. Fish and Wildlife Service (FWS) has received an application for a permit to conduct activities intended to enhance the propagation and survival of endangered species under the Endangered Species Act, including `A kohekohe (*Palmeria dolei*), Maui Parrotbill/Kiwikiu (*Pseudonestor xanthophrys*), Akikiki (*Oreomystis bardii*). The public is invited to comment on this application. Before issuing the requested permit, FWS will take into consideration any information that is received during the public comment period. Written comments must be received by April 19, 2023.

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 discretional 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 satisified 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).