



The Environmental Notice

April 8, 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.



The 'iwi makapōlena is one of the forest birds in East Maui that may benefit from the effort to reduce avian malaria

Photo from Maui Forest Bird Recovery Project, in the project's Final EA

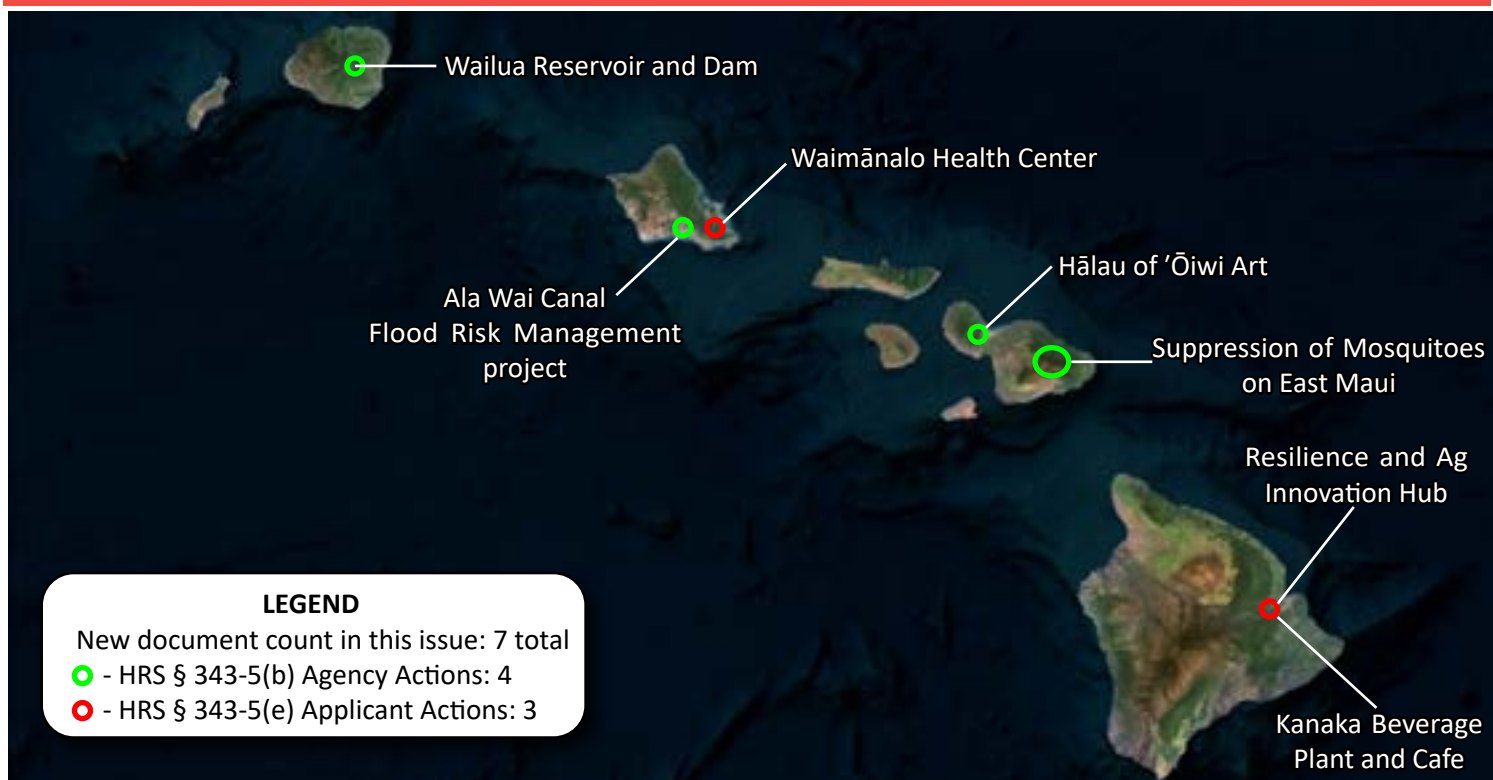
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ANNOUNCEMENTS

Please remember to access older EAs and EISs by searching our [online libraries](#), rather than clicking links in issues of TEN (prior to 2022) as these links lead to a server that is no longer in service. All files were transferred to the current server.

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



HAWAII EAS/EISS

Hawaiian Kingdom Brands Kanaka Beverage Plant and Café--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) 2-2-033:011
Permit(s)	Extension of County Sewer line and County Road (within County Right of Way); Special Management Area Use Permit; Plan Approval; Grading and Grubbing Permit; Building Permit; Sewer Extension Application; NPDES Permit; SWPPP Permit; CWRM Well Permit; DOH Drinking Water Permit; Time Extension Request
Approving Agency	County of Hawai'i, Planning Department Alex Roy, (808) 961-8288, alex.roy@hawaiiicounty.gov 101 Pauahi Street, Suite 3, Hilo, HI 96720
Applicant	Hawaiian Kingdom Brands LLC; 347 Andrews Ave., Hilo, HI 96720 c/o: John Pipan, (808) 333-3393, info@landplanninghawaii.com
Consultant	Land Planning Hawaii LLC; 194 Wiwo'ole St., Hilo, HI 96720 John Pipan, (808) 333-3393, info@landplanninghawaii.com
Status	Statutory 30-day public review and comment period starts. Comments are due by May 8, 2023. Please click on title link above to read the document, then send comments to the Approving Agency at planning@hawaiiicounty.gov and copy the consultant.

Hawaiian Kingdom Brands (HKB) is proposing to construct a beverage bottling plant and café on the subject parcel. HKB intends to produce bottled water and coffee products for resale in local and non-local markets and construct a café with a drive-through for sit-down and takeaway customers. Preliminary plans include a 30,000 square foot warehouse/manufacturing plant for bottling beverages, a new 1,000-foot-deep potable water well, and a 1,360 square foot café with a drive-through. A community kitchen is also proposed for public use. On-site infrastructure is expected in the form of driveways, parking, electrical, water supply, storm water management, and wastewater disposal. County water will be used for onsite potable uses and the new potable water well is proposed to serve the bottling plant for water and coffee products.

Keaukaha Pana'ewa Farmers Association - Resiliency and Agricultural Innovation Hub--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) 2-1-025:091
Permit(s)	State Historic Preservation Division Chapter 6E-42 and 6E-08; Various Site, Grading, Building and Infrastructure Permits, long-term lease with DHHL
Approving Agency	State of Hawai'i, Department of Hawaiian Home Lands Andrew Choy, (808) 620-9279, andrew.h.choy@hawaii.gov 91-5420 Kapolei Pkwy, Kapolei, HI 96707
Applicant	Keaukaha Pana'ewa Farmers Association; P. O. Box 6844, Hilo, HI 96720-8935 Maile Lu'uwai, (808) 959-5026, maile@luuwailaw.com
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Mark Kawika McKeague, (808) 441-4120, kawikam@g70.design
Status	Statutory 30-day public review and comment period starts. Comments are due by May 8, 2023. Please click on title link above to read the document, then send comments to the Approving Agency at RAIH@g70.design .

To further support local agricultural education and build community resilience, the Keaukaha Pana'ewa Farmers Association (KPPFA) is developing the Resilience and Agriculture Innovation Hub project in Hilo, Hawai'i. This project involves the construction of six ADA accessible pavilions complete with one certified kitchen. The improvements proposed in this Environmental Assessment provide the community an opportunity to engage in sustainable farming practices, keiki and kūpuna care, and resilience before, during and after natural disasters. The project will also house farming, and debris removal equipment as well as educational materials to support KPPFA's operations in agricultural education, and community resiliency.

MAUI EAS/EISS

Hālau of 'Ōiwi Art--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)	Wailuku
TMK(s)	(2) 3-4-013: 051 (portion)
Permit(s)	US Housing and Urban Development (HUD) National Environmental Policy Act, National Historic Preservation Act Section 106; Federal Aviation Authority Notice of Construction or Alteration FAA Form 7460-1; State Historic Preservation Review Section 6E, HRS; State Department of Health National Pollutant Discharge Elimination System (NPDES), Construction Noise Permit; Maui County Department of Management Chapter 343, HRS Compliance; Maui Redevelopment Agency Wailuku Redevelopment Area Administrative Review Permit, Design Review (may be referred to Urban Design Review Board); Maui County Department of Public Works Building Permits, Grading Permits, Driveway Permit; Maui Fire Prevention Bureau Assembly Permit
Proposing/ Determining Agency	County of Maui, Department of Management Kekuhaupio Akana, (808) 270-7855, MD.Office@mauicounty.gov 200 South High Street, 9th Floor, Wailuku, HI 96793
Consultant	PBR Hawaii and Associates, Inc.; 1001 Bishop Street Suite 650, Honolulu, HI 96813 Kimi Yuen, (808) 521-5631, kyuen@pbrhawaii.com
Status	Statutory 30-day public review and comment period starts. Comments are due by May 8, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency and the consultant.

The Hālau of 'Ōiwi Art (H.O.A.) will be a Hawaiian cultural and community center to help advance hula and native and local arts. It will be a two-story building with an estimated total gross building floor area of ~46,000 SF including an intermediary mezzanine. It will include a mix of workshop, studio, and learning space, a flexible event space, a kitchen, support office space, and an exhibit/reception area. In addition, there will be smaller retail/restaurant spaces along Vineyard Street, an internal courtyard, and an outdoor gathering space with landscaped areas. The H.O.A. replaces the three-story County building that was originally proposed for the site as part of the Wailuku Civic Complex project that included the municipal parking structure that is currently under construction and the streetscape and utility improvements to Vineyard and Church Streets which are nearly complete.

Suppression of Invasive Mosquito Populations to Reduce Transmission of Avian Malaria to Threatened and Endangered Forest Birds on East Maui--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)	Maui-multiple
TMK(s)	Numerous (see document)
Permit(s)	see document
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Cynthia King, (808) 587-0019, cynthia.b.king@hawaii.gov 1151 Punchbowl Street, Room 325, Honolulu, HI 96813
Consultant	Tetra Tech; 350 Indiana Street, Golden, CO 80401 Keith Pohs, (928) 600-2958, Keith.Pohs@tetrattech.com
Status	Finding of No Significant Impact (FONSI) determination

Populations of endangered Hawaiian forest birds have decreased substantially over the last 20 years, and it is predicted that at least two more species could be extinct in the next 2 to 10 years. The primary cause of declines in native forest birds is avian malaria, which is spread by non-native mosquitoes. The purpose of the project is to substantially suppress or eliminate non-native mosquitoes in threatened and endangered forest bird habitat on East Maui, thereby reducing the risk of their extinction and contributing to the recovery of these species. The approved action consists of repeatedly releasing incompatible male mosquitoes, which will reduce the reproductive potential of wild mosquitoes. When conducted repeatedly over time, releases of incompatible mosquitoes will suppress the wild mosquito population by at least 90%. The primary tool used to release mosquitoes on the landscape will be drones and, to a lesser extent, helicopters and ground-based methods

O'AHU EAS/EISS

Ala Wai Canal Flood Risk Management Project--Supplemental Determination and 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 (5) Propose any use within the Waikīkī area of O'ahu
District(s)	Honolulu
TMK(s)	Various TMKs in Zone 2, Sections 3-4 and Sections 6-9 (see document)
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	City and County of Honolulu, Department of Design and Construction Haku Milles, (808) 768-8480, Dominic.Milles@Honolulu.gov 650 South King St, 11th Floor, Honolulu, HI 96813
Accepting Authority	Mayor - City and County of Honolulu Rick Blangiardi, (808) 768-4141, alawai@honolulu.gov 530 South King St. Rm 300, Honolulu, HI 96813
Consultant	N/A
Status	The Accepting Authority has determined that a Supplemental EIS is required, and a 30-day public review and scoping period begins with the publication of this EIS Preparation Notice. Comments are due by May 8, 2023. Please click on the title link above to read the document, then send comments to the accepting authority at alawai@honolulu.gov . A virtual EIS Public Scoping meeting will be held online on Monday, April 24, 2023 from 5:30-6:45 pm; information about the project and participating in the scoping meeting will be available by April 12 at the project website (https://www.honolulu.gov/alawai)

The City and County of Honolulu and U.S. Army Corps of Engineers (USACE) are preparing a General Reevaluation Report / Supplemental Environmental Impact Statement (GRR/SEIS) to reevaluate the effects potential rainfall and flood events may have on the Ala Wai Watershed on O'ahu, Hawai'i. This project includes re-evaluations of ways to improve public health and safety, and opportunities that can reduce economic damages.

The original Ala Wai Canal Flood Risk Management Study was completed in 2017 and resulted in a recommendation that was subsequently authorized for construction under Section 1401 of the Water Resources Development Act of 2018 (Authorized Project). The purpose of the GRR/SEIS is to reevaluate the Authorized Project and either confirm original recommendations or provide new or modified Authorized Project recommendations.

New Waimānalo Health Center Facility--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)	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 Barry Cheung, (808) 587-0430, barry.w.cheung@hawaii.gov PO Box 621, Honolulu, HI 96809
Applicant	Waimānalo Health Center; 41-1347 Kalaniana'ole 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	Finding of No Significant Impact (FONSI) determination

Waimānalo 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 Department of Land and Natural Resources 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.

KAUA'I EAS/EISS

Management of Wailua Reservoir Dam and Diversion--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
District(s)	Kawaihau
TMK(s)	Numerous (see document)
Permit(s)	To be determined (see document)
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Gary Hashiro, (808) 587-0235, gary.a.hashiro@hawaii.gov 1151 Punchbowl Street, Honolulu, HI 96813
Accepting Authority	Office of the Governor, State of Hawai'i Governor Josh Green MD, (808) 586-0034, https://governor.hawaii.gov/ State Capitol, Honolulu, HI 96813
Consultant	Gannett Fleming; 3838 North Central Avenue, Suite 1900, Phoenix, AZ 85012 Tamara Pearl, (212) 884-2291, tpearl@gfnet.com
Status	Administrative 30-day public review and comment period starts. Comments are due by May 8, 2023. Please send comments to the accepting authority at tpearl@gfnet.com . A virtual EIS Public Scoping meeting will be held online on April 26, 2023 at 6:00 pm; information about the project and participating in the scoping meeting will be available at the project website (https://www.wailuareservoir.com).

The Department of Land and Natural Resources (DLNR) is proposing to evaluate alternatives for the future of the Wailua Reservoir Dam and the diversion from the North Fork Wailua River. The Proposed Action would consist of removing DLNR's responsibility for operation and maintenance of Wailua Reservoir Dam and Diversion. The Wailua Reservoir Dam was originally constructed to store water for large scale commercial agriculture irrigation, but due to this industry's decline, the reservoir no longer serves its original purpose. The dam is classified as high hazard and poses a public safety risk to the downstream population in the event of a dam breach. The project will evaluate alternatives remove DLNR from responsibility and costs for operation, maintenance, and dam safety requirements associated with the Wailua Reservoir Dam and Diversion.

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 APRIL 10, 2023

O'AHU

[Kealia Farms in Mokuleia--Draft EA \(AFNSI\) \(ROH Chapter 25\)](#)

COMMENTS DUE APRIL, 24, 2023

O'AHU

[Palisades Elementary School Covered Play Court--Draft EA \(AFNSI\)](#)

[August Ahrens Elementary School \(AAES\) New Classroom Building--Draft EA \(AFNSI\)](#)

[Kahawainui Stream Maintenance Dredging--Draft EA \(AFNSI\)](#)

KAUA'I

[Kaua'i Bus Maintenance Facility Improvements for Electric Buses--Draft EA \(AFNSI\)](#)

LISTS OF EXEMPTION NOTICES

Pursuant to [HAR § 11-200.1-17](#), State and county agencies that have determined specific actions to be exempt from the requirement to prepare an EA are required to submit a listing of such exemptions made during the previous month. Following are Lists of Exemption Notices submitted by various agencies for March 2023; contact the identified agency contact on each list for additional information about any specific exemption:

State of Hawai'i

- [Department of Accounting and General Services](#)
- [Department of Education](#)
- [Department of Land and Natural Resources](#)
- [Department of Transportation](#)
- [Hawai'i Housing Finance Development Corporation](#)

County of Hawai'i

- [Department of Public Works](#)
- [Department of Environmental Management](#)

County of Maui

- [Department of Public Works](#)

City and County of Honolulu

- [Department of Planning and Permitting](#)

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-2030	59-397 Ke Nui Road, O'ahu 96712	(1) 5-9-020:065	Jaime Alimboyoguen	Martin A. Yester Trust
KA-474	4401 Alamo'o Road, Kaua'i 96714	(4) 5-8-008:033	Esaki Surveying & Mapping, Inc.	4401 Alamo 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-1998	Proposed	12 Kailua Road, O'ahu 96734	(1) 4-3-012:001	Walter P. Thompson, Inc.	Highmark Capital. LLC
OA-2002	Proposed	55-381 B Kamehameha Hwy, O'ahu 96762	(1) 5-5-002:065	Ailana Surveying & Geomatics	Property Reserve, Inc.
MA-798	Proposed	166 & 172 Lower Waiehu Beach Road, Maui 96793	(2) 3-2-015:003 (2) 3-2-015:022	Akamai Land Surveying, Inc.	Russell & Hazel Cunningham
KA-469	Proposed	1382 Inia Street, Kaua'i 96746	(4) 4-5-011:008	Lucas Breckenridge & Associates, Inc.	Veronica Rose - Agent: Cannon, Walter & Rose Veronica Living Trust
HA-628	Rejected	15-2711 Welea Street, Hawai'i 96778	(3) 1-5-087:002	Daniel Berg c/o/ dlb & Associates, LLC	Borti Petrich

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 Debra.L.Mendes@hawaii.gov or (808) 587-2840. The CZM Program is required to adhere to federal review deadlines, therefore, **comments must be received by April 22, 2023**. 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

Army Training Land Retention - Pohakuloa Training Area, Hawai'i Island

Proposed Action: The Army proposes to retain up to approximately 23,000 acres of State-owned land at PTA in support of continued military training. Retention would consist of the Army obtaining a land interest that would provide for continued use of the land. The Army would arrange for retention and continued use of the State-owned land prior to expiration of the 1964 lease to ensure training is not interrupted. Following retention of the State-owned land, the Army would continue to conduct currently ongoing activities on the retained land (such as military training; facility, utility, and infrastructure maintenance and repair activities; and resource management actions). The Army would also continue to permit and coordinate activities on the retained land by other PTA users including other DoD agencies, international partners, local agencies, and the community. These currently ongoing activities would continue to include training and other activities such as public use programs.

Location: Plateau between Mauna Loa, Mauna Kea, and Hualalai, Hawai'i Island
TMK(s): (3) 7-1-004:007, (3) 4-4-015:008, (3) 4-4-016:005, (3) 3-8-001:013, (3) 3-8-001:022
Federal Action: Federal Agency Activity
Federal Agency: U.S. Army Garrison Hawaii

Kalaupapa National Historic Park Fencing Project

Proposed Action: The National Park Service (NPS) is proposing to rehabilitate up to 9 miles of fence within the boundaries of the park, which includes removal and replacement of existing fences. The proposed action would remove and replace in the same location all existing fence posts, mesh, and associated objects within the project area. The new fence would remain in the same alignment as the existing fencing. The fence sections will be of three different assembly types to strategically meet the varying demands of the park's perimeter fencing. T-posts would be driven or predrilled into the substrate, while wood posts would be constructed with a concrete foundation. For the majority of the length, the fence would be comprised of one wood post alternating with three Class III galvanized T-posts. In coastal areas (coastal fence, coastal divide fence, and a portion of the airport fence), replacement would include all wood posts. A floppy fence top would be added along coastal fence segments and a portion of the airport fence to enclose the proposed coastal zone. All fence assemblies would be 6-feet tall and have a predator skirt placed horizontally at the base of the fence. To prevent uplift, the skirts would be secured to the ground with rocks. At one location north of the Papaloa Cemetery, the fence runs through the rocky shoreline and ends at the water's edge. The fence does not enter the water, but high waves or high tide could reach the fence line. At a location adjacent to Ho'olehua Beach, the fence does not enter the shoreline but ends at the edge of a rocky shelf with tidepools. Within the coastal zone, pressure-treated wood posts set in concrete would be used for longevity.

Location: Kalaupapa National Historic Park, Moloka'i Island
Federal Action: Federal Agency Activity
Federal Agency: National Park Service

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

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: Kea'au, Puna (1-5-058: 045)	Single-Family Residence and Related Improvements (PL-SMM-2023-000042)	Ciro Podany
Maui: Kihei-Makena (3-9-040: 070)	Construction of Second Accessory Dwelling Unit on Property, Removal and Relocation of Storage Sheds, Additional Concrete to Existing Driveway (SM2 2023-00029)	Kai Grissom
Maui: Kihei-Makena (3-9-062: 019; 3-9-001: 162; 3-9-001: 164)	Dredging and Removal of Accumulated Silt from the Existing Drainage Way to Mitigate Flooding Concerns (SM2 2023-00037)	William Spence
Maui: Lahaina (4-4-013: 001)	Telecom Modification to Existing Facility (SM2 2023-00039)	Ashley May
O'ahu: Waiialua (6-7-015: 057)	New One-Story Single-Family Dwelling on a Shoreline Lot (2023/SMA-11)	North Shore Beach House LLC & VGS LLC / Jeffrey Matsuki
O'ahu: Kahalu'u (4-7-019: 077)	Single-Family Dwelling (2023/SMA-13)	David A. Knox Trust & Beverly J. Hoversland Trust / Knox Hoversland Architects

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.

Proposed Rule: [Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for 12 Species, and Not Prudent Determination for 2 Species, on Hawai'i Island](#) (published by the Fish and Wildlife Service on 03/29/2023)

We, the U.S. Fish and Wildlife Service (Service), propose to designate critical habitat for 12 federally endangered species on the island of Hawai'i under the Endangered Species Act of 1973 (Act), as amended. In total, approximately 122,277 acres (49,484 hectares) on the island of Hawai'i fall within the boundaries of the proposed critical habitat designation. We announce an online public informational meeting and public hearing on, and the availability of a draft economic analysis for, this proposed designation. In addition, we announce our determination that designation of critical habitat is not prudent for two federally endangered species on the island of Hawai'i under the Act. **We will accept comments received or postmarked on or before May 30, 2023. On April 20, 2023, we will hold a public informational meeting from 6 to 6:45 p.m. HST followed by a public hearing from 6:45 to 8 p.m. HST.** Click on the title link above for additional information and to participate in the meetings.

Presidential Document: [Conserving the Natural and Cultural Heritage of the Pacific Remote Islands](#) (published by the Executive Office of the President on 03/30/2023)

Click on the link above to access a Presidential Memorandum for the Secretaries of the Interior and Commerce intended to ensure the protection of Howland, Baker, Jarvis, and Wake Islands; Johnston and Palmyra Atolls; and Kingman Reef, and the surrounding reefs, seamounts, and ocean.

Notice: [Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews for 133 Species in Oregon, Washington, Idaho, Montana, California, Nevada, Hawaii, Guam, and the Commonwealth of the Northern Mariana Islands](#) (published by the Fish and Wildlife Service on 03/23/2023)

We, the U.S. Fish and Wildlife Service, are initiating 5-year status reviews for 133 species in Oregon, Washington, Idaho, Montana, California, Nevada, Hawai'i, Guam, and the Commonwealth of the Northern Mariana Islands under the Endangered Species Act of 1973; a variety of plants, insects, birds and a mammal are found in Hawai'i. Two of these species also occur outside of United States jurisdiction in Canada and Palau. A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any new information on these species that has become available since the last reviews. To ensure consideration in our reviews, **we are requesting submission of new information no later than May 22, 2023.** Click on the title link above for additional information and to submit 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).