



The Environmental Notice

August 23, 2023

Josh Green, M.D., Governor
Mary Alice Evans, Interim Director

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



While the fate of Lahaina's historic banyan tree remains precarious, it does represent hope after the devastating wildfires on Maui Photo by: [Governor Green](#)

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ANNOUNCEMENTS

On Tuesday, August 8, 2023, the State of Hawai'i faced a devastating natural disaster that has impacted the lives of thousands. The catastrophic event has displaced thousands of people during the evacuation and caused immeasurable damage to homes, historical sites, and businesses. The worst heartache comes from the lives that have been lost and the loved ones that are still missing. The Office of Planning and Sustainable Development (OPSD) offers our deepest condolences to those impacted by the fires that have occurred in the districts of Lahaina, Kula, and North and South Kohala. It will take time for those impacted to heal from the anguish of the event, but we hope that we as a community will continue to support them in their time of need.

It is also in this time that we acknowledge the work of first responders. We thank you for your service to the community in working to protect, despite the dangers. We also thank the many volunteers who continue to provide additional support to those impacted by the disaster. [Here](#) is information from the County of Maui to support Maui wildfire relief.



On August 13, 2023, Governor Josh Green’s Fifth Proclamation Relating to Wildfires went into effect. Under the proclamation, Chapter 343, Hawai'i Revised Statutes, environmental impact statements, was suspended to the extent necessary to respond to the emergency. Individual proposing or approving agencies will make the necessary determinations on how to implement this suspension.

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The Environmental Advisory Council (EAC) seeks members that will provide a balanced representation of educational, business, and environmental disciplines and professions to its 15-member council. The Council serves as a liaison between the OPSD Director and the public on matters concerning ecology and environmental quality. The Council also monitors the progress of county, state, and federal agencies in achieving the State’s environmental goals and policies. EAC members are appointed by the Governor, with the advice and consent of the Senate, and serve a maximum term of two, 4-year terms. The Council meets monthly with additional forums being conducted for various outreach activities throughout the year.

To apply to be on the Council, submit an [online application](#). For more information, please visit the [EAC webpage](#).

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began previously. **Comments are due September 7, 2023.** 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.

KAUA‘I

[Kekaha Municipal Landfill Phase II Vertical Expansion--Draft EA \(AFNSI\)](#)

O‘AHU

[Kālia Cultural Entertainment Venue--Draft EA \(AFNSI\)](#)

[Wahiawā Center For Workforce Excellence--Draft EA \(AFNSI\)](#)

[56-155 Kamehameha Highway Residences in Kahuku--Draft EA \(AFNSI\) \(ROH Chapter 25\)](#)

[Zucco Single-Family Dwellings in Kahuku--Draft EA \(AFNSI\) \(ROH Chapter 25\)](#)

PRIOR DETERMINATION

The City and County of Honolulu, Board of Water Supply (BWS), is initiating the development and construction of the Kalaeloa seawater desalination facility ("project") to provide freshwater supply for the Campbell Industrial Park. The project supports the ‘Ewa Development Plans directed growth policy with a drought-proof, high quality local water supply that is sustainable and resilient to climate change and reduces water transfers from Central Oahu. A [Final Environmental Impact Statement \(FEIS\)](#) for the project [was published on November 8, 2008](#). The project has not changed in size, scope, intensity, use or location and has not changed substantially in timing from what was discussed in the 2008 Final EIS. BWS [has determined](#) that the proposed action is consistent with the previously prepared Final EIS, and that a supplemental statement is not required. Therefore, the proposed action may proceed without further or additional HRS Chapter 343 environmental review.

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 District (2-8-008: 100)	After-the-Fact Construction and Demolition (PL-SMM-2022-000016)	Henry J. Correa Jr. Trust & Kristilee Correa Trust
Hawai‘i: North Hilo District (3-1-001: 011)	Single-Family Dwelling and Related Improvements (PL-SMM-2023-000048)	Crystal Hefner
Maui: Kahului (3-7-010: 009)	Modification to an Existing Unmanned Telecommunications Facility Consisting of: Remove (9) Remote Radio Units (SM2 2023-00063)	Ashley May
Maui: Kahului (3-7-008: 025)	Cafe O‘Lei Restaurant (Old Kahului Chart House) - Interior and Exterior Improvements to Bring the Building Back (SM2 2023-00064)	Cafe O'Lei at the Mill House/ Mune-kiyo Hiraga
O‘ahu: Wai‘alae-Kahala (3-1-042: 006 portion)	Diamond Head State Monument Improvements (2023/SMA-50)	State of Hawai‘i Department of Land and Natural Resources/Townscape, Inc.
O‘ahu: He‘eia (4-6-004: 020 portion)	Construction of Stormwater Improvements, including a New Parking Shed, Drainage Pipes, Skimmer Boxes, Curbs and Gutters, and Paved and Unpaved Swales; Replacement of Deteriorating Stockpiling Bins and Pavement with the Same; and Replacement of an Existing Concrete Rubble Masonry (CRM) Wall with a new CRM Wall and a Chain Link Fence (Minor Modification to 94/SMA-5)	City and County of Honolulu Board of Water Supply

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, contact Rebecca Anderson at rebecca.l.anderson@hawaii.gov.

File No.	Location	TMK	Applicant	Owner
OA-2051	608 Kaimalino Place, O'ahu	(1) 4-4-039:023	Ross K. Tanaka	Stuart Family Trust
OA-2052	61-821 Papa'iloa Road, O'ahu	(1) 6-1-004:097	Ross K. Tanaka	John D. and Marie-Neige H.S. Whittington
OA-2053	84-507 Upena Road, O'ahu	(1) 8-4-008:012	Benjamin E. K. Guieb	Jack Visin and Karen Wittkow Visin
OA-2054	68-223 Crozier Loop, O'ahu	(1) 6-8-05:055	Kenn Nishihira	Tessa Lin Ching Pang
OA-2055	55-119 & 5-113 Kamehameha Highway, O'ahu	(1) 5-5-001:013 & 056	Benjamin E. K. Guieb	Devin J. Moncur
OA-2056	68-407 Farrington Highway, O'ahu	(1) 6-8-003:047	Ailana Surveying & Geomatics	Mitch King
OA-2057	41-575 Kalaniana'ole Highway, O'ahu	(1) 4-1-003:040 (por.)	Kenn Nishihira	Department of Hawaiian Homelands
OA-2058	6973 Kalaniana'ole Highway, O'ahu	(1) 3-9-002:031	Clayton M. Kaneshiro	MNG Properties, LLC
OA-2059	4801-E Kahala Avenue, O'ahu	(1) 3-5-059:013	Engineers Surveyors Hawaii, Inc.	Jim George
MA-815	Hana Highway, Maui	(2) 1-6-010: ROAD	Austin Tsutsumi & Associates	County of Maui
KA-479	Kaumuali'i Highway, Kaua'i	(4) 1-2-013:001	Roger M. Caires	Cain Robinson

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-2031	Proposed	344 Wailupe Circle, O'ahu 96821	(1) 3-6-01:015	Walter P. Thompson, Inc.	AJW Investment LLC
OA-2030	Proposed	59-397 Ke Nui Rd, O'ahu 96712	(1) 5-9-020:065	Jaime F. Alimboyoguen	Martin A. Yester Trust
OA-2033	Proposed	5-349 Kamehameha Hwy, O'ahu 96762	(1) 5-5-002:030	Thomas Pattison	David Thielen
OA-2039	Proposed	84-909 Moua St, O'ahu 96792	(1) 8-4-005:008	George Yoshimura	Reid R. Shigemasa, Stephanie S. Shigemasa, James P. Chang, Stacey N. Chang, Allison K. Shinn-Yuen, Randall Yuen
OA-2041	Proposed	2969 Kalākaua Ave #206, O'ahu 96815	(1) 3-1-032:004	Ailana Surveying & Geomatics	Kainoa Gillette
OA-2045	Proposed	46-195 Yacht Club St, O'ahu 96711	(1) 4-6-023:041	ControlPoint Surveying, Inc.	City & County of Honolulu
MA-800	Rejected	475 Front St, Maui 96761	(2) 4-6-002:007	Leaps & Boundaries, Inc.	Lori Fisher, Lahaina Shores AOAO
MO-191	Proposed	8794 Kamehameha V Hwy, Moloka'i 96748	(2) 5-7-007:005	Bo Kim	Tomorri PLLC

DEPARTMENT OF HEALTH NOTICE

The Department of Health (DOH) Voluntary Response Program (VRP) was created by DOH to encourage property owners and prospective purchasers to voluntarily investigate and remediate property. The VRP offers participants technical guidance, oversight and regulatory agency assurance of completed cleanups. Pursuant to the VRP, the DOH is proposing a remedial response action for the Iwilei Center site located in Honolulu, O'ahu. Soil and groundwater at the site contain chemicals as a result of historic industrial operations. The site has been investigated and potential remedies have been evaluated under the VRP, which the current owner voluntarily entered upon acquiring the property. Based on recommendations from the site environmental consultant, as well as a review of the site investigation and remedial alternatives reports, DOH has tentatively selected an environmental remedy that includes preparation and implementation of an Environmental Hazard Management Plan and continued use of concrete and asphalt pavement as a barrier to prevent exposure to subsurface soil and groundwater contamination if the property remains in its current condition. Additional ex situ remedial actions are selected if future redevelopment of the property occurs. The purpose of this notice is to inform the public and obtain public comment about the environmental response action.

Pursuant to HARs 11-451-15(i), a Draft Response Action Memorandum (DRAM) detailing this proposed remedy is available for public review and comment. DOH is accepting comments on the DRAM for 30 days, after which DOH will evaluate all comments received and make a final remedy selection decision for the site. The DRAM, as well as supporting documentation, is available for review online at <https://eha-cloud.doh.hawaii.gov/iheer#!/site/2826/documents>. The DRAM and supporting documentation may also be reviewed at the Hawai'i State Public Library (478 South King Street, Honolulu, HI 96813). To receive a fact sheet about the project or to review detailed information regarding the project (including the DRAM) contact Sven Lindstrom at (808) 586-4249. **Oral and written comments on the DRAM will be accepted during the 30-day comment period deadline ending September 19, 2023.** Written comments should be mailed to: Sven Lindstrom, DOH, HEER Office, 2385 Waimano Home Road, #100, Pearl City, HI 96782, faxed to (808) 586-7537, or emailed to sven.lindstrom@doh.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: [Presidential Declaration of a Major Disaster for the State of HAWAII](#) (published by the Small Business Administration on 08/21/2023) Please click on the link above for further information on submitting loan applications.

This is a Notice of the Presidential declaration of a major disaster for the State of Hawaii (FEMA-4724-DR), dated 08/10/2023. Physical Loan Application Deadline Date: **10/10/2023**. Economic Injury (EIDL) Loan Application Deadline Date: 05/10/2024.

Notice: [Western Pacific Fishery Management Council; Public Meeting](#) (published by the National Oceanic and Atmospheric Administration on 08/18/2023)

The Western Pacific Fishery Management Council will hold a meeting of its Hawaii Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) to discuss and make recommendations on fishery management issues in the Western Pacific Region. The FEP AP meeting will be held on Tuesday, August 29, 2023, from 9 a.m. to 4 p.m. in a hybrid format with in-person and remote participation (Webex) options available for the members and the public. Click on the title link above for additional information.

Rule: [Special Local Regulation; Kailua Bay, Ironman World Championship, Kailua-Kona, HI](#) (published by the Coast Guard on 08/18/2023)

The Coast Guard will enforce a special local regulation for the Ironman Ho'ala practice swim and Ironman World Championship Triathlon on October 8, 2023, and October 14, 2023, to provide for the safety of life on navigable waterways during these events. Our regulation for marine events within the Fourteenth Coast Guard District identifies the regulated area for this event on certain waters of Kailua Bay, Kailua-Kona, Hawaii. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign. The regulations in 33 CFR 100.1402 will be enforced from 3:45 a.m. to 11 a.m. on October 8 and 14, 2023. Click link for further details.

Notice: [Final 2022 Marine Mammal Stock Assessment Reports](#) (published by the National Oceanic and Atmospheric Administration on 08/11/2023)

As required by the Marine Mammal Protection Act (MMPA), NMFS has considered public comments for revisions of the 2022 marine mammal stock assessment reports (SARs). This notice announces the availability of 25 final 2022 SARs that were updated and finalized. The 2022 Final SARs are available in electronic form via <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. Click on the title link for further 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).