



The Environmental Notice

February 8, 2024

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

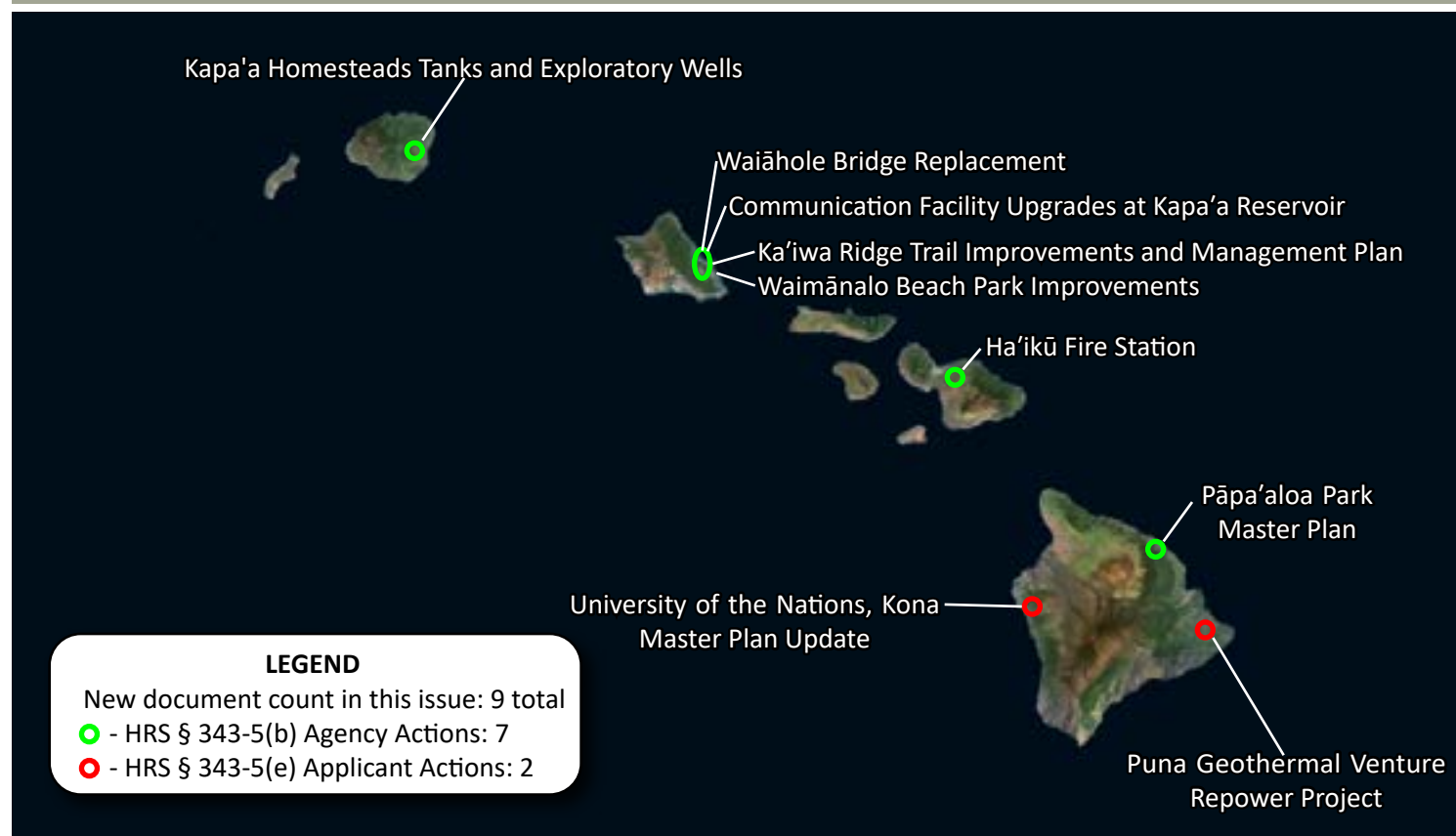
The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in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



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STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



HAWAII EAS/EISS

University of the Nations, Kona, Inc. Master Plan Update--Draft EIS and scoping meeting audio recording

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 Kona
TMK(s)	(3) 7-5-010:085; 7-5-017:006
Permit(s)	various (see document)
Approving Agency/ Accepting Authority	State of Hawai'i, Land Use Commission Martina Segura, (808) 587-3825, martina.t.segura@hawaii.gov P.O. Box 2359, Honolulu, HI 96804
Applicant	University of the Nations, Kona Inc.; 75-5851 Kuakini Highway, Kailua-Kona, HI 96740 David Hamilton, (808) 326-7228, studentservices@uofnkona.edu
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeff Overton, (808) 523-5866, uofnkona@g70.design
Status	Statutory 45-day public review and comment period starts. Comments are due by March 25, 2024. Please send comments to the approving agency/accepting authority at uofnkona@g70.design

The Proposed Action is the University of the Nations, Kona, Inc.'s proposed expansion of its existing campus, located in Kailua-Kona on the Island of Hawai'i, onto two neighboring parcels, identified by Tax Map Keys: (3) 7-5-010:085 and 7-5-017:006, that were reclassified to the State Land Use Urban District by the State of Hawai'i Land Use Commission in Docket No. A02-737. Fully developed, the Proposed Action will include student housing, academic instruction buildings, student center, lower school, athletic facilities, chapel, maintenance and storage facilities, and support infrastructure which includes expansion of the existing "spine road", a secondary access point off Kuakini Highway, and necessary roadway improvements. The Proposed Action will require the Applicant to file a motion with the LUC to amend its Findings of Fact, Conclusions of Law, and Decision and Order for a Land Use District Boundary Amendment, dated August 8, 2003, and Change of Zone.

Pāpa'aloa Park Master Plan and Phase I Development--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)	North Hilo
TMK(s)	(3) 3-5-003:035; 3-5-003:088
Permit(s)	Special Management Area (SMA) Use Permit – Major; Plan Approval; Grading, Grubbing, and Building Permits; National Pollutant Discharge Elimination System (NPDES) Permit; Drainage Report Approval; Work in the County Right-of-Way Approval; Department of Water Supply Approval; Individual Wastewater System Approval
Proposing/ Determining Agency	County of Hawai'i, Department of Parks and Recreation Kevin Sakai, (808) 961-8311, kevin.sakai@hawaiiicounty.gov 101 Pauahi Street, Suite 6, Hilo, HI 96720
Consultant	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Greg Nakai, (808) 521-5631, gnakai@pbrhawaii.com
Status	Statutory 30-day public review and comment period starts. Comments are due by March 11, 2024. Please send comments to the proposing/determining agency at PapaaloaPark@pbrhawaii.com

The Pāpa'aloa Park Master Plan would involve: a new covered play court facility (and its future expansion); a new community center building; a skate park; a playground; picnic pavilions; a perimeter walking path; and other park related facilities to be determined; associated on-site and off-site infrastructure and utility improvements/modifications; replacement, improvement, and/or modification of existing park amenities and recreational features impacted by any new/required work; and related improvements necessary to connect all new and existing features of the park physically and with administrative functions in mind. The Phase I Development will be limited to TMK (3) 3-5-003: 088 (4.963 acres). If funding is available, demolition of one or more plantation era structures will occur in TMK (3) 3-5-003: 035 during the Phase I Development.

HAWAII EAS/EISS (CONTINUED)

Puna Geothermal Venture Repower Project--Acceptance of Final EIS

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Puna
TMK(s)	(3) 1-4-001: 001, 002, and 019
Permit(s)	Building Permit (County), Grading Permit (County), DOH non-covered source permit (for Phase 2, upgrades to 60 MW)
Approving Agency/ Accepting Authority	County of Hawai'i, Planning Department April Surprenant, (808) 961-8288, planning@hawaiicounty.gov 101 Pauahi Street, Suite 3, Hilo, HI 96720
Applicant	Puna Geothermal Venture; P.O. Box 30, Pahoa, HI 96778 Michael Kaleikini, (808) 369-9094, mkaleikini@ormat.com
Consultant	Stantec Consulting Services Inc.; P.O. Box 191, Hilo, HI 96721 Michele Lefebvre, (808) 791-9872, michele.lefebvre@stantecgs.com
Status	The approving agency/accepting authority accepted the Final EIS (with Appendices) on January 22, 2024.

Puna Geothermal Venture is currently authorized for and operating a geothermal power plant in the Puna District and proposes to replace the current 12 operating power-generating units with up to four energy converters. The project would increase the production of renewable energy at the existing facility (within the current site fence line) using new, more efficient units on a smaller land footprint compared to the existing units. The project would increase power production from 38 to 46 megawatts in Phase 1 and further increase production to 60 megawatts in Phase 2. The overall property size would remain the same. Most of the existing infrastructure and buildings would remain for the Project including administration buildings, the control room, maintenance areas, well pads, and the gathering system. The proposed new units would continue to safely supply reliable power from renewable geothermal resources with more efficient and quieter equipment.

MAUI EAS/EISS

Ha'ikū Fire Station and Related Improvements--2nd Draft EA Vol I and Vol II

Grandfathered under old rules

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) 2-7-007:008 (Por.)
Permit(s)	various (see document)
Proposing/ Determining Agency	County of Maui, Department of Fire & Public Safety Bradford Ventura, (808) 270-7561, Bradford.Ventura@co.maui.hi.us 200 Dairy Road, Kahului, HI 96732
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Cathleen Krueger, (808) 244-2015, hoku@munekiyohiraga.com
Status	The proponent is publishing a modified version of the Draft EA published on January 8, 2011 . Another statutory 30-day public review and comment period starts. Comments are due by March 11, 2024. The Final EA must include comments from all comment periods. Please send comments to the proposing/determining agency at planning@munekiyohiraga.com .

The County of Maui, Department of Fire and Public Safety (DF&PS) proposes to construct a new approximately 10,360 square-foot fire station and related improvements in the vicinity of the Hāna Highway-East Kuiaha Road Intersection in Ha'ikū. The proposed project will be located on a 6.1-acre portion of a 27.9-acre parcel of land.

It is noted that the original Draft Environmental Assessment (DEA) was published in the Office of Environmental Quality Control's [Environmental Notice on January 8, 2011](#) for the proposed project. However, since the original plans for the proposed project in the DEA generated some community concerns, additional community consultation, studies, and agency coordination were carried out, resulting in design refinements. In light of the refinements and reduction in project scope, the DF&PS has decided to publish a 2nd DEA (titled as "Updated Draft EA") to disclose the revised scope of the project, evaluate its potential impacts, and obtain public review and comments.

O‘AHU EAs/EISs

Waimānalo Beach Park Improvements--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Ko‘olaupoko
TMK(s)	(1) 4-1-003:016; 019; 020; and 040
Permit(s)	Special Management Area Permit, Major; HRS § 6E Historic Preservation Review; Zoning Waiver; Building
Proposing/ Determining Agency	City and County of Honolulu, Department of Design and Construction Bonnie Tung, (808) 768-8451, DDCFD@honolulu.gov 650 South King Street, 9th Floor, Honolulu, HI 96813
Consultant	Planning Solutions, Inc.; 711 Kapi‘olani Boulevard, Suite 950, Honolulu, HI 96813 Makena White, (808) 550-4538, makena@psi-hi.com
Status	Statutory 30-day public review and comment period starts. Comments are due by March 11, 2024. Please send comments to the proposing/determining agency at makena@psi-hi.com

The City is proposing improvements at Waimānalo Beach Park to continue to provide the Waimānalo community with facilities that support recreation. Park improvements are needed because existing and/or former facilities at the park have deteriorated or been removed due to age, weathering, vandalism, and other factors. For example, a pavilion, constructed in 1960, and dedicated to the memory of Gabby “Pop” Pahinui had to be removed in 2019 because it had become a safety concern.

Proposed improvements include the construction of a new pavilion that would be very similar to the former pavilion, the replacement of the two comfort stations, the restoration of the crafts building, and the periodic replacement of other existing park facilities as they wear out or are damaged. **A public meeting regarding the project will be held on Wednesday, February 21, 2024, from 6:30 p.m. to 8:30 p.m. at Waimānalo District Park Gymnasium.**

Waiāhole Bridge Replacement--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Ko‘olaupoko
TMK(s)	(1) 4-8-001:010; 4-8-002:001; 4-8-008:018, 021, 022, 023, 024, and 025; 4-8-009:001, and 006
Permit(s)	various (see document)
Proposing/ Determining Agency	State of Hawai‘i, Department of Transportation Evan Kimoto, (808) 692-7551, evan.kimoto@hawaii.gov 869 Punchbowl Street, Honolulu, HI 96813
Consultant	PBR HAWAII & Associates, Inc; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Catie Cullison, (808) 521-5631, ccullison@pbrhawaii.com
Status	Statutory 30-day public review and comment period starts. Comments are due by March 11, 2024. Please send comments to the proposing/determining agency at sysadmin@pbrhawaii.com

The Department of Transportation, Highways (HDOT) proposes to replace an existing bridge that crosses Waiāhole Stream at Kamehameha Highway. This bridge replacement is needed because the current bridge is no longer functionally viable or structurally safe; the bridge is over a century old (built in 1922) and is unable to handle the current volume of traffic on Kamehameha Highway. The bridge is also lacking important safety features such as shoulders and pedestrian accessways per the American Association of State Highway Transportation Officials standards.

The project includes highway realignment, construction of a new bridge, demolition of the existing bridge, utility relocations, stream channel alterations, temporary business access, and use of a temporary staging area during construction.

O'AHU EAS/EISS (CONTINUED)

Honolulu Police Department Communication Facilities Upgrade at Kapa'a Reservoir--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district
District(s)	Ko'olaupoko
TMK(s)	(1) 4-2-017:016
Permit(s)	Conservation District Use Permit, Building Permit
Proposing/ Determining Agency	City and County of Honolulu, Department of Design and Construction Clyde Higa, (808) 768-8424, clyde.higa@honolulu.gov 650 South King Street, 11th Floor, Honolulu, HI 96813
Consultant	AGY LLC; 615 Piikoi Street, Suite 1806, Honolulu, HI 96814 Aolani Yamasato-Gragas, (808) 741-6089, aolani_y@yahoo.com
Status	Statutory 30-day public review and comment period starts. Comments are due by March 11, 2024. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The City and County of Honolulu Department of Design and Construction (DDC), Department of Information Technology (DIT), and Honolulu Police Department (HPD), intend to upgrade the public safety radio communication system at the Board of Water Supply Kapa'a Reservoir parcel in Kāne'ohe, O'ahu. Situated on Oneawa Ridge between Kāne'ohe and Kailua, this property is identified as Tax Map Key 4-2-017:016. The existing communication facility, integral to Honolulu's emergency communications network, serves state, federal, and local public safety agencies, prohibiting public or commercial use. The project aims to replace one microwave truss tower with an 80-foot monopole tower, install a concrete sidewalk, replace propane tanks with a single diesel tank, modify the building's interior, and upgrade the building and all critical appurtenances to withstand Category IV hurricanes. The project will cover approximately 305 square feet of improvements.

Ka'iwa Ridge Trail Improvements and Management Plan--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)	Ko'olaupoko
TMK(s)	(1) 4-2-002:017; 016 (POR); 048 (POR); 4-3-007:077 (POR); 018 (POR)
Permit(s)	National Pollutant Discharge Elimination System (NPDES) Permit, Community Noise Permit, Special Management Area Use Permit, Conservation District Use Permit, Grubbing, Grading and Trenching Permit
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Marigold Zoll, (808) 286-6378, marigold.s.zoll@hawaii.gov 2135 Makiki Heights Drive, Honolulu, HI 96822
Consultant	PBR HAWAII and Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Catie Cullison, (808) 521-5631, ccullison@pbrhawaii.com
Status	Finding of No Significant Impact (FONSI) determination

The project proposes to improve the Ka'iwa Ridge Trail by implementing a trail management plan concurrently with the installation of physical improvements to the trail corridor. Proposed improvements include a combination of surface treatments, erosion control measures, fencing or other barriers, and trail signage throughout the trail corridor.

KAUA'I EAS/EISS

[Kapa'a Homesteads 325' Tanks and Exploratory Well--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)	Kawaihau
TMK(s)	(4) 4-6-011:003; 125
Permit(s)	various (see document)
Proposing/ Determining Agency	County of Kaua'i, Department of Water Scott Suga, (808) 245-5411, sisuga@kauaiwater.org 4398 Pua Loke Street, Lihu'e, HI 96766
Consultant	Bowers + Kubota Consulting, Inc.; 2153 N. King Street, 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 March 11, 2024. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The County of Kaua'i, Department of Water is proposing to construct two 0.5-million gallon (MG) reservoirs, named Kapa'a Homesteads Tanks at the Ornellas Tank Site in Kawaihau, Kaua'i, Hawai'i. The new tanks will supplement the site's existing 0.2-MG storage facility. An exploratory well will also be drilled at this site adjacent to the tanks. The overall objective of the proposed action is to improve water service for the Wailua-Kapa'a community. A new drainage pipe and outlet for the tanks and well are planned to be constructed on a non-contiguous, privately-owned parcel along Ka'apuni Road.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began previously. **Comments are due February 22, 2024.** Please click on the links below to read a document, then send comments to the relevant agency and copy any relevant applicant and/or consultant identified in the submission form that follows the initial agency letter.

HAWAII

[Hilo Wastewater Treatment Plant Rehabilitation and Replacement--Draft EA \(AFNSI\)](#)

O'AHU

[DOE High Core / Storefront School--Draft EA \(AFNSI\)](#)[Hale O Lipoa Affordable Housing--Draft EA \(AFNSI\)](#) (ROH Chapter 25)

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 January 2024; 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 Land and Natural Resources](#)[Hawai'i Housing Finance Development Corp.](#)

County of Maui

[Department of Environmental Management](#)[Department of Public Works](#)[Department of Water Supply](#)

County of Kaua'i

[Department of Water](#)

County of Hawai'i

[Department of Environmental Management](#)

City and County of Honolulu

[Department of Design and Construction](#)[Department of Planning and Permitting](#)

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 Mendes, (808) 587-2840, Debra.L.Mendes@hawaii.gov. 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

Ka'anapali Temporary Group Housing

Proposed Action: FEMA is proposing the development of approximately 214 temporary housing units with curbed and guttered asphalt roadways with parking and sidewalks. Sewer and water mains will be installed underground within or adjacent to roads. Sewer and water connections will be made along Kaka'alaneo Drive. Electricity will be installed underground, within or adjacent to roads and may require the installation of wooden poles to bring it to the site located east of Halawai Drive. The group site is intended to be operational for up to 18 months and extended depending on the needs of the disaster

Location: Ka'anapali, Lahaina, Island of Maui
TMK(s): (2) 4400039
Federal Action: Federal Agency Activity
Federal Agency: Federal Emergency Management Agency
Comments Due: February 22, 2024

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

The SMA Minor permits below have been approved ([HRS § 205A-30](#)). For more information, contact the relevant county/state planning agency: Honolulu [(808) 768-8015]; Hawai'i [East (808) 961-8288], [West (808) 323-4770]; Kaua'i [(808) 241-4050]; Maui [(808) 270-7735]; Kaka'ako or Kalaeloa Community Development District [(808) 587-2846]

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Kona (1-3-002: 111)	Cleaning Vegetation and Fence Construction (PL-SMM-2024-000058)	George Rosenberg
Kaua'i: Hanalei (5-5-002: 040)	Construction/Electric Vehicle Charging Station and an Electric Vehicle Ready Space (SMA(M)-2024-9)	Ching Young Village/Matthew Schaller, Architect
Maui: Kahului (3-7-010: 009)	Install New Carrier on Existing Telecommunications Tower (SM2 2024-00002)	Lisa Alvine
Maui: Kihei (3-9-003: 001)	Co-location of New Telecommunications Equipment at Existing Base Station Telecommunications (SM2 2024-00003)	Robyn Kahalelehua
Maui: Ha'ikū (2-9-012: 042)	Construction of Two New Farm Dwellings, Two New Water Tanks and All Associated Driveways/Utilities; After-the-Fact Installation of Two Individual Wastewater Systems (SM2 2024-00004)	Brandon Murr
Maui: Kihei (3-9-051: 024)	Lot Improvements including Modification of Parking Area, Landscaping, and Addition of a 25' x 15' Training Yard Consisting of Two Utility Poles (SM2 2024-00005)	Duane Fukumoto
O'ahu: Hale'iwa (6-6-030: 042)	Kiopaa Residence Addition (2023/SMA-102)	Elizabeth Friebe/Jimmy Wu
O'ahu: Waikkī (2-6-023: 002)	Eggs 'n Things – Exterior Improvements and Outdoor Dining (2023/SMA-104)	RM Architects, LLC

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-2085	Pohaku Loa Way, O'ahu 96712	(1) 6-1-009:020	Clayton M. Kaneshiro	Carl Hodel
OA-2087	84-939 Farrington Highway, O'ahu 96792	(1) 8-4-004:020	Wesley T. Tengan	Kim Yem Cook Trust
OA-2088	68-617 Crozier Drive, O'ahu 96791	(1) 6-8-004:005	Wesley T. Tengan	Peter H. J. How
MA-818	590 Stable Road, Maui 96779	(2) 3-8-002:094	Akamai Land Surveying, Inc.	Mana Realty Holding Inc. & Peter Klint Martin Trust
MA-819	111 Aleiki Place, Maui 96779	(2) 2-6-012:072	Action Survey LLC	111 Aleiki Place LLC
HA-641	76-6176 & 76-6178 Ali'i Drive, Hawai'i 96740	(3) 7-6-017:037 & 039	Wes Thomas Associates	Jason Block & Alii Residence 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-2076	Proposed	84-135 Makau Street, O'ahu 96792	(1) 8-4-010:011	Austin Tsutsumi & Associates, Inc.	Kevin C. McGinnis Trust, Karin L. Bootsma Trust
OA-2077	Proposed	1330 Mokulua Drive, O'ahu 96734	(1) 4-3-004:096	City & County of Hawai'i	Lanikai Association
KA-482	Proposed	650 Aleka Loop, Kaua'i 96746	(4) 4-3-007:028	Lucas Breckenridge & Associates, Inc.	KHS, LLC
MA-813	Rejected	3875 Lower Honoapi'ilani Road, Maui 96761	(2) 4-3-006:041	Ailana Surveying & Geomatics LLC	Charles J. Iannello
KA-476	Rejected	4914 Weke Road, Kaua'i 96714	(4) 5-5-001:013	Honua Engineering, Inc.	Weke Road Sands, LLC/ Michael Alpert
KA-477	Rejected	4922 Weke Road, Kaua'i 96714	(4) 5-5-001:014	Honua Engineering, Inc.	Blue Makai Properties, LLC
KA-478	Rejected	4936 Weke Road, Kaua'i 96714	(4) 5-5-001:015	Honua Engineering, Inc.	Hanalei Sun Holdings LLC

APPLICATION FOR ACCRETION

Pursuant to HRS § 501-33, the following application for the registration of land accreted along the ocean has been submitted:

[Torsten Matthew Johnson Amended Petition for Registration of Title to Accretion](#)

Applicable Law: Petition for Registration of Title to Accretion under HRS Chapter 501-33 and Rule 26 of the Rules of the Land Court

Type of Document: Amended Petition for Registration of Title to Accretion

Island/District/TMK: O'ahu / Mokulē'ia, District of Waialua/ (1) 6-7-014: 008

Applicant: Petitioner TORSTEN MATTHEW JOHNSON;
c/o Janna Ahu, Esq., Dentons US LLP, 1001 Bishop St., Ste. 1800, Honolulu, HI 96813; (808) 524-1800

Status: Land Court, State of Hawai'i / Amended Petition for Registration of Title to Accretion filed January 26, 2024

Project Summary: YOU ARE HEREBY NOTIFIED that Petitioner TORSTEN MATTHEW JOHNSON, has filed an amended petition for registration of title to accretion in the Land Court, State of Hawai'i, 1CLD-20-0001714, to register title to accreted land within lands identified as Lot 1-A-9 as shown on Map 40 of Application No. 1089, Tax Map Key No. (1) 6-7-014: 008, containing 0.22 acres, more or less, all situate, lying and being at Mokulē'ia, District of Waialua, City and County of Honolulu, State of Hawai'i.

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: [Pacific Island Fisheries; Annual Catch Limits and Accountability Measures for Main Hawaiian Islands Kona Crab for Fishing Years 2024-2026](#) (published by the National Oceanic and Atmospheric Administration on 02/05/2024)

NMFS proposes to implement an annual catch limit (ACL) and an annual catch target (ACT) for main Hawaiian Islands (MHI) Kona crab for fishing years 2024, 2025, and 2026. This proposed action would not revise, add, or remove current accountability measures (AMs) in the regulations. NMFS will close Federal waters to Kona crab fishing for the remainder of the fishing year if NMFS projects the fishery will reach the ACT. NMFS will reduce the ACT and ACL the subsequent fishing year by the overage if landings exceed the ACL. This proposed rule supports the long-term sustainability of MHI Kona crab. Please click on the title link above for additional information and details on submitting comments. **NMFS must receive comments by March 6, 2024.**

Notice: Draft 2023 [Marine Mammal Stock Assessment Reports](#) (published by the National Oceanic and Atmospheric Administration on 01/29/2024)

NMFS reviewed the Alaska, Atlantic, and Pacific regional marine mammal stock assessment reports (SAR) in accordance with the Marine Mammal Protection Act (MMPA). SARs for marine mammals in the Alaska, Atlantic, and Pacific regions were revised according to new information. NMFS solicits public comments on the draft 2023 SARs. NMFS is also requesting new information for strategic stocks that were not updated in 2023. Please click on the title link above for additional information and details on submitting comments. **NMFS must receive comments by April 29, 2024.**

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).