

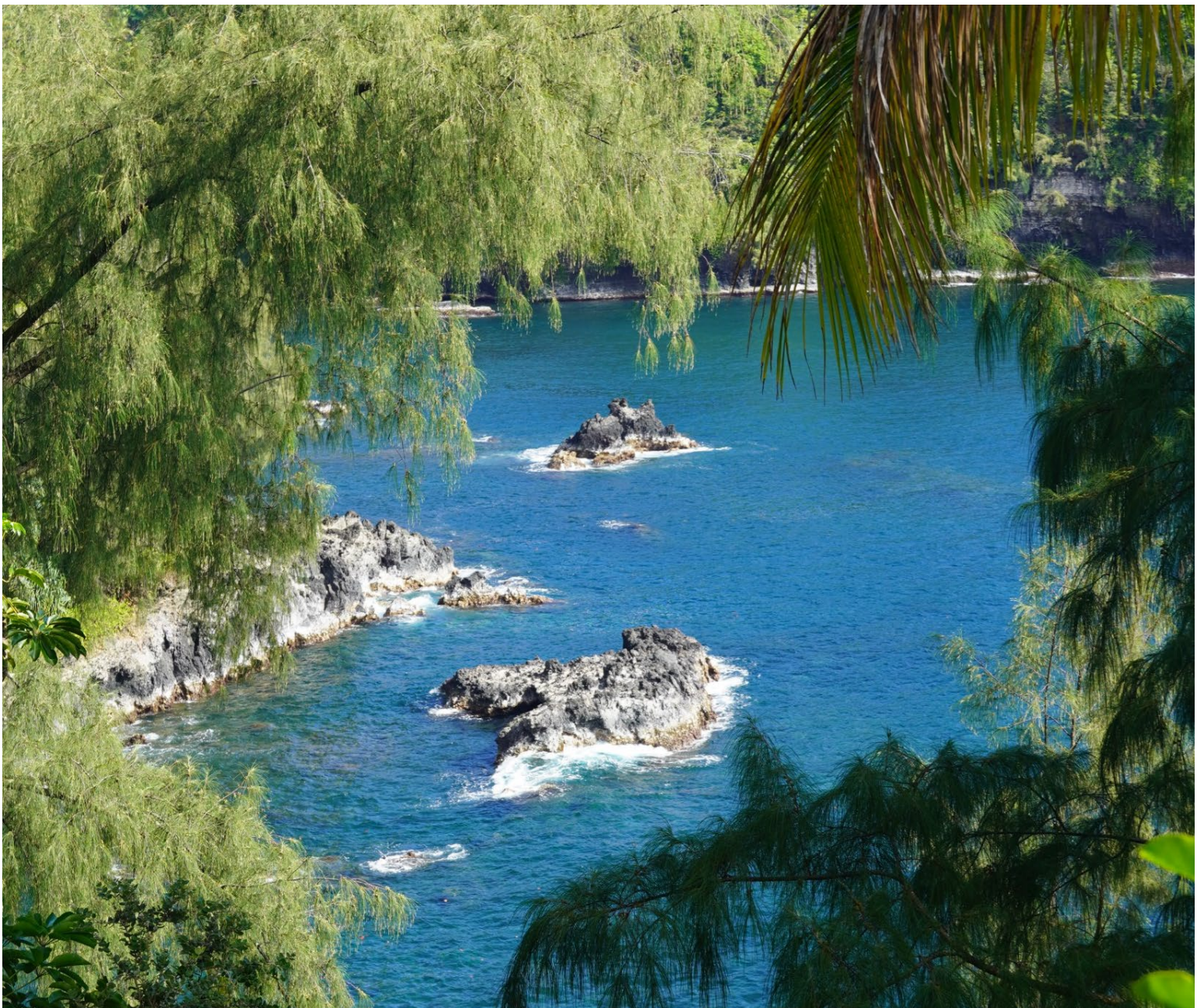


The Environmental Notice

August 23, 2024

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



A photo of Onomea Bay, along the Hamakua coast.

photo courtesy of [Sofia Luczak](#)

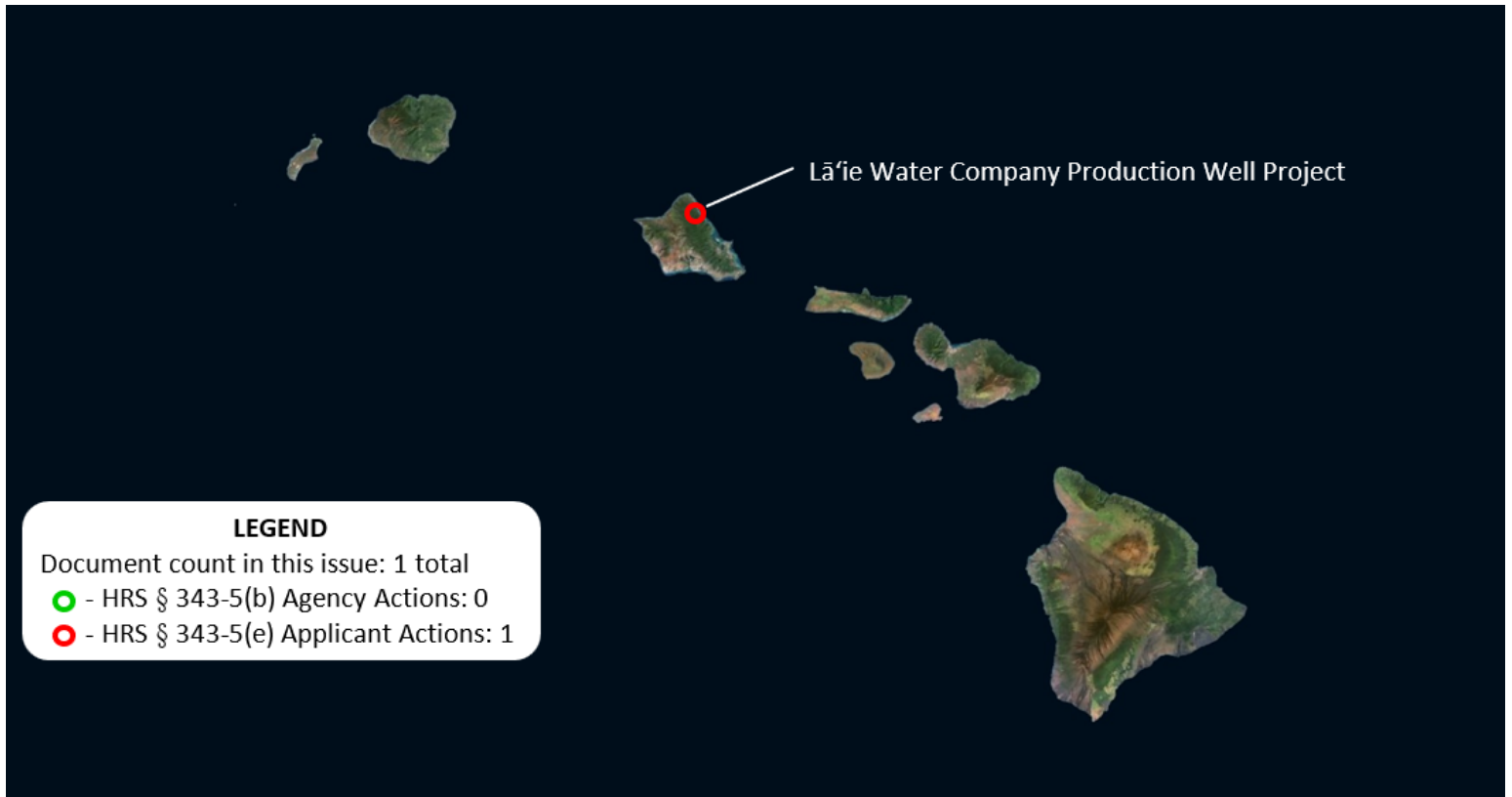
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ANNOUNCEMENTS

The Environmental Advisory Council (EAC) is still seeking new members. To learn more about the work of the EAC, visit their [webpage](#). To apply to be on the EAC, submit this [online application](#) under Department of Business, Economic Development & Tourism - Environmental Advisory Council.

STATEWIDE MAP OF EA/EIS DOCUMENTS AND DETERMINATIONS



O’AHU EAs/EISS

Lā’ie Water Company Production Well Project – Final EA (FONSI)

HRS §343-5(a) Trigger	(2) Propose any use within any land classified as a conservation district
District(s)	Ko’olauloa
TMK(s)	(1) 5-5-007:001 (portion)
Permit(s)	Conservation District Use Permit, HRS § 6-E Historic Preservation Review, Water Use Permit (transfer), Well Construction Permit, Pump Installation Permit, and a grading permit
Approving Agency	Department of Land and Natural Resources, Office of Conservation and Coastal Land Kariann Stark, (808) 587-0382, kariann.stark@hawaii.gov P.O. Box 621, Honolulu, HI 96809
Applicant	Lā’ie Water Company; 55-510 Kamehameha Hwy., Suite 12, Laie, HI 96762 Jeff Tyau, (808) 293-6432, tyauj@hawaiireserves.com
Consultant	Planning Solutions, Inc.; 711 Kapi’olani Boulevard Suite 950, Honolulu, HI 96813 Makena White, (808) 550-4538, makena@psi-hi.com
Status	Finding of No Significant Impact (FONSI) determination

The Laie Water Company (LWC) is proposing to construct two new production wells near its existing 2.0 MG storage tank located on a roughly 1.1-acre portion of TMK No. 5-5-007:001 in Lā’ie, O’ahu, Hawai’i. The new wells would be built to meet current standards and have a depth similar to others in the region. The wells would be in the Ko’olauloa Aquifer System, which has a sustainable yield of 35 million gallons a day (MGD). LWC’s Water Use Permit allocation would remain unchanged, at 1.375 MGD; the project would not result in more groundwater being withdrawn from the aquifer. The project would ensure LWC’s ability to reliably provide safe, high-quality potable water to its customers.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began previously. **Comments are due September 9, 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.

MAUI

[Honolua to Honokōhau Management Plan – Draft EA \(AFNSI\)](#)

O’AHU

[Hawai’i State Capitol Pools Improvements – Draft EA \(AFNSI\)](#)

[Tradewinds Garden – Draft EA \(AFNSI\)](#)

PRIOR DETERMINATION

The [Final Environmental Impact Statement Vol 1](#) and [Vol 2](#) for Ho’opili on Oahu was accepted by the Land Use Commission and the Honolulu City Council in 2008 and was published in the [August 23, 2008 issue of The Environmental Notice](#). The EIS assessed potential environmental impacts and provided mitigation measures for the full build-out of the Ho’opili Master Planned Community. The Applicant proposes to build affordable rentals on a 12.22-acre parcel within that community to meet housing demand, which will replace the business/commercial use initially contemplated on that parcel and in the EIS.

After careful analysis and [as described in the attachment](#), HHFDC as the approving agency is invoking HAR 11-200.1-11 that the EIS is applicable to the Project and that additional environmental review is not required. This document accounts for the change in use on the subject parcel.

EXEMPTION NOTICES

The State of Hawai'i, Hawai'i Housing Finance and Development Corporation has declared the following action exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#), and has voluntarily submitted this Exemption Notice for publication:

State of Hawai'i, Hawai'i Housing Finance and Development Corporation

[Aikanaha Residences Phase 1 and Phase 2 Affordable Housing Project \(Project\)](#)

Aikanaha Partners LP (Applicant) is proposing to build the Project, consisting of 212 affordable rental units that will accommodate households earning up to a maximum of 60% of the area median income plus two manager's units. The Applicant will commit to set aside all non-manager units as affordable for at least 66 years and comply with all permit conditions required to mitigate construction-related impacts.

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 (2-6-001:024-026; 012)	Construct Veterans War Memorial- Wailoa River State Park (PL-SMM-2024-000065)	Basil Simon
Kaua'i: Hanalei (5-5-010:073)	Operation of 6 food trucks with associated structures (Deck, fence, pavilion, tables with umbrellas). (SMA(M)-2025-1)	Jason and Nicole Welsh/ Belles Graham
Kaua'i: Hanalei (5-5-009:022)	Installation of Two (2) EV Charging Stations and metal bollards. (SMA(M)-2025-2)	Hanalei Commercial INC/ Matthew Schaller, Architect
Maui: Lahaina (4-3-008:006)	Replacement of unpermitted fence with new vinyl fence/wall, reroofing and building repairs (SM22024-00036)	Nicole Olafson
O'ahu: Kahaluu (4-7-019:076 and 080)	Knox Hoversland Dwelling Addition (2024/SMA-59)	David A Knox and Beverly J. Hoversland

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	ZIP Code	TMK	Applicant	Owner
OA-2118	91-545 Fort Weaver Road	96706	(1) 9-1-007:058	Ailana Surveying & Geomatics	Tip Top Investments LLC; Jeff Chen
OA-2119	91-433 & 91-439 Ewa Beach Road	96706	(1) 9-1-024:027	Poni LLC	Poni LLC
MA-834	South Kihei Road	96753	(2) 3-9-001: 147 (portion)	Kevin J. Clarke	County of Maui Wastewater Reclamation Division
MA-835	3701 Lower Honoapiilani Road	96761	(2) 4-3-006:063	Marcelle Anderson	The Pikake Association of Apartment Owners
MA-836	1033 Front Street	96761	(2) 4-5-003:024	Akamai Land Surveying, Inc.	Lynn Barr
HA-650	69-1616 Puako Beach Drive	96743	(3) 6-9-002:026	Wes Thomas Associates	Sean Sullivan and Cheryl Dalrymple c/o Mike O'Toole Pacific Island Homes

SHORELINE NOTICES (CONTINUED)

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	Zip Code	TMK	Applicant	Owner
OA-2078	Proposed	84-111 Makau Street	96792	(1) 8-4-010:014	Wesley T. Tengan	Jonathan C. Navaes
OA-2099	Proposed	55-337 Kamehameha Highway	96762	(1) 5-5-002:023	Walter P. Thompson, Inc.	Western Community Crossroads LC
OA-2112	Proposed	111 Kailuana Loop	96734	(1) 4-3-083:008	Walter P. Thompson, Inc.	Beachside LLC
MA-824	Proposed	11777 Honoapiilani Highway	96761	(2) 4-8-003:124	Kevin J. Clarke	Olowalu Hale LLC
MA-825	Proposed	4933 Uakea Road	96713	(2) 1-4-005:019	Kevin J. Clarke	Hana Aku LLC
HA-648	Proposed	Lot 107, Block 11 Ala Heiau Road	96749	(3) 1-5-032:033	Daniel Berg c/o dlb & Associates, LLC	Mohammad Ali Khan & Mahjabeen Khan
HA-649	Proposed	75-6092 Alii Drive	96740	(3) 7-5-020:021	Wes Thomas Associates	Boaz LLC
HA-639	Rejected	76-6186 & 76-6188 Alii Drive	96740	(3) 7-5-020:021	Wes Thomas Associates	Ian & Barbara Robertson Family Trust

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Application or interested in receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in the Environmental Notice. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed for each project. CDUAs can be found on the OCCL website at dlnr.hawaii.gov/occl.

PROJECT:

File No.: [CDUA HA-3955 \(Department's Acceptance Letter\)](#)
Name of Applicant: Crown Castle Tower 06-2 LLC
Agent: Martin Pacific Properties
Location: 73-4229 Queen Ka'ahumanu Highway, Kailua-Kona, Hawai'i 96740
TMK: (3) 7-3-049:038
Proposed Action: [Kona Airport Monopole](#)
343, HRS determination: Final Environmental Assessment published in the June 8, 2016, edition of The Environmental Notice with a FONSI
Agent Contact: Danette Martin | ph: (808) 895-3569, Email: danette@martinpacific.com
OCCL Staff Contact: Alyssa Accardo | ph: (808) 587-0048, Email: alyssa.m.accardo@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: [Western Pacific Fishery Management Council; Public Meetings](#) (published by the National Oceanic and Atmospheric Administration on 08/21/2024)

The Western Pacific Fishery Management Council (Council) will hold its American Samoa Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP), Mariana Archipelago FEP Commonwealth of the Northern Mariana Islands (CNMI) AP, Fishing Industry Advisory Committee (FIAC), Hawaii Archipelago FEP AP, and the Mariana Archipelago FEP Guam AP to discuss and make recommendations on fishery management issues in the Western Pacific Region. Click on the title link above to see more information on meeting dates, times, location, and agenda.

Notice: [Pacific Island Fisheries; Western Pacific Stock Assessment Review; Public Meeting](#) (published by the National Oceanic and Atmospheric Administration on 08/21/2024)

The Western Pacific Fishery Management Council (Council) and NMFS will convene a Western Pacific Stock Assessment Review (WPSAR) of the main Hawaiian Islands *Aprion virescens* (locally known as uku or gray/green jobfish) stock assessment update. The WPSAR meeting will be held September 9-10, 2024 from 9 a.m. to 4 p.m. Hawaii Standard Time (HST). Click on the title link above to see more information on meeting dates, times, location, and agenda.

Notice: [Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; Coral Reef Conservation Program](#) (published by the National Oceanic and Atmospheric Administration on 08/16/2024)

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. They invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps them assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the Federal Register on April 30, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments. For more information, click on the title link above.

Proposed Rule: [Spring 2024 Semiannual Agenda of Regulations](#) (published by the Commerce Department on 08/16/2024)

In compliance with Executive Order 12866, entitled "Regulatory Planning and Review," and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the Federal Register an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to pre-rulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the publication of the Fall 2023 Unified Agenda. The purpose of the Agenda is to provide information to the public on regulations that are currently under review, being proposed, or recently issued by Commerce. It is expected that this information will enable the public to participate more effectively in Commerce's regulatory process. Commerce's Spring 2024 Unified Agenda includes regulatory activities that are expected to be conducted during the period July 1, 2024, through June 31, 2024. For more information, click on the title link above.

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).