



The Environmental Notice

October 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.



DHHL is proposing the Ho'olehua Scattered Lots Subdivision project in Ho'olehua, Moloka'i.

photo from the [project's Draft EA](#)

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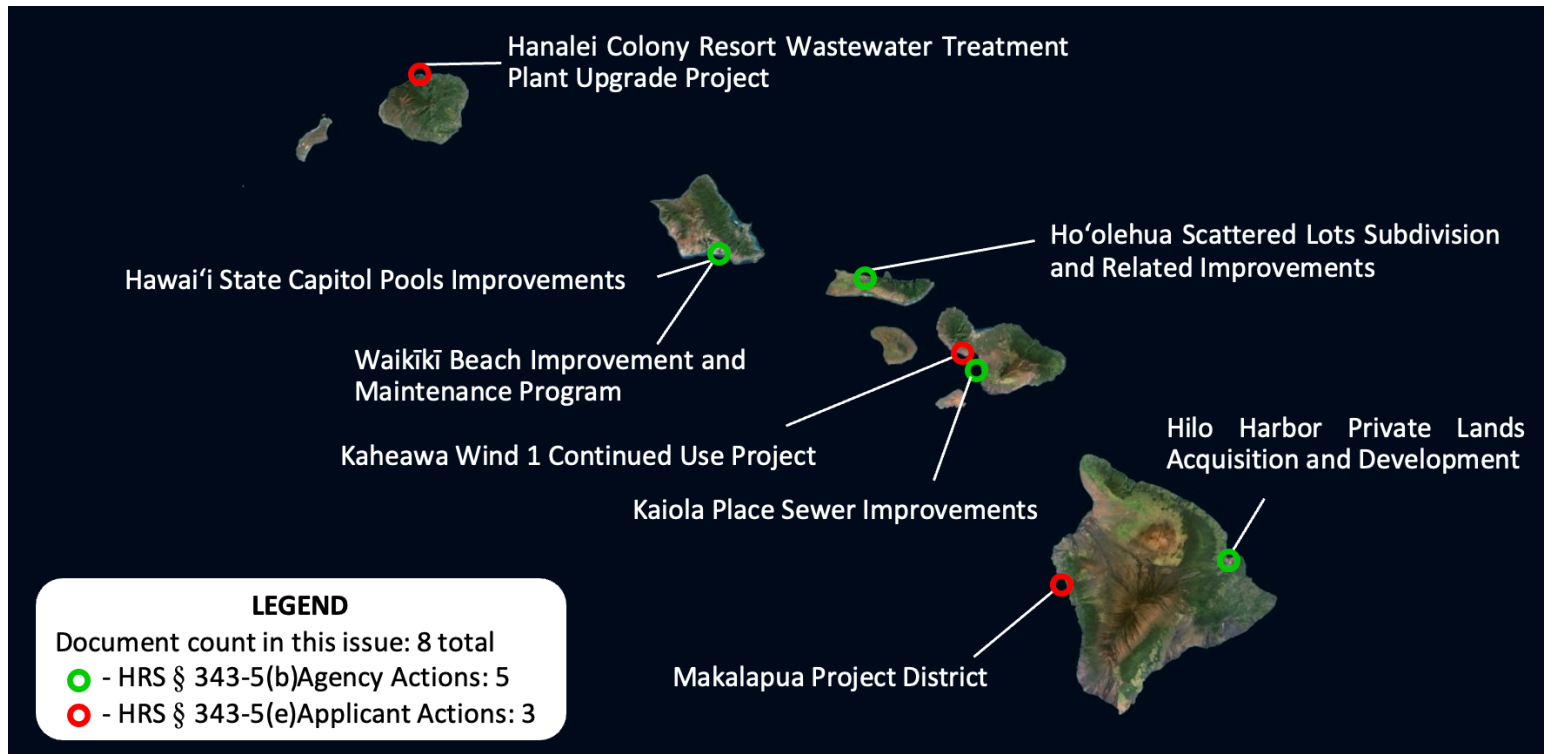
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STATEWIDE MAP OF EA/EIS DOCUMENTS AND DETERMINATIONS



HAWAII EAS/EISS

Makalapua Project District – Final EA (FONSI) Vol I; Vol II Part 1, Part 2, Part 3; & Vol III

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 Kona
TMK(s)	(3)7-4-008:002(por.); (3)7-4-010:009; (3)7-4-010:010; (3)7-4-025:001; (3)7-4-025:002; (3)7-4-025:003; (3)7-4-025:005; (3)7-4-025:015; (3)7-4-025:021
Permit(s)	See Chapter VIII of the Final Environmental Assessment
Approving Agency	County of Hawai'i Planning Department 101 Pauahi Street, Suite 3, Hilo, Hawai'i 96720 Zendo Kern, (808) 961-8288, planning@hawaiicounty.gov
Applicant	Lili'uokalani Trust; 1100 Alakea Street, Suite 1100, Honolulu, Hawai'i 96813 Bryan Esmeralda, (808) 203-6150, mpd@onipaa.org
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, Hawai'i 96793 Yukino Uchiyama, (808) 983-1233, planning@munekiyohiraga.com
Status	Finding of No Significant Impact (FONSI) determination

Lili'uokalani Trust proposes the development, enhancement, and refinement of approximately 69.5 acres of land in Kailua-Kona on the island of Hawai'i as the Makalapua Project District. The project is aimed at creating a vibrant and sustainable mixed-use community organized around an interconnected street network and will include approximately 600 residential units; 150 hotel rooms; 220,900 square feet of commercial use and a variety of open space features.

A District Boundary Amendment (DBA) application to amend a portion of the project from the State Agricultural District to the State Urban District and a County Change of Zone (Project District) application will be submitted for the project. The majority of the project area is also within the Special Management Area (SMA) for the County of Hawai'i and as such, a SMA Use Permit application will also be submitted for the project.

Hilo Harbor Private Lands Acquisition and Development – Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	South Hilo
TMK(s)	(3) 2-01-007: 004, 005 and 046 (3) 2-01-009: 003 and 004
Permit(s)	NPDES Permit, Chapter 6E, HRS Review, Permit to Perform Work Upon State Highways, County Plan Approval, Demolition Permit, Grading, Grubbing and Stockpiling Permit, Building Permit, Permit to Work within the County Right-of-Way
Proposing/Determining Agency	State Department of Transportation, Harbors Division 869 Punchbowl Street, Honolulu, Hawaii 96813 DreanaLee Kalili, (808) 587-3651, dreanalee.k.kalili@hawaii.gov
Consultant	Bowers and Kubota Consulting, Inc.; 2153 North King Street, Suite 200, Honolulu, Hawaii 96819 Ronald Sato, (808) 829-9387, rsato@bowersandkubota.com
Status	Finding of No Significant Impact (FONSI) determination

The State Department of Transportation, Harbors is proposing to acquire five privately-owned parcels that total about 9.38 acres of land. These parcels are contiguous to the Harbor's existing facilities and situated along Kalaniana'ole Street in the Hilo district on the island of Hawaii. The acquisition of parcels would allow for the expansion of their Hilo Harbor facility so that improvements can be made to help alleviate traffic congestion and improve mobility along a section of that street. The parcels would also provide increased cargo yard area to support operations. The acquired properties would be utilized to create a new stacking and storage lanes for semi-trailers, create a ground transportation staging area, include other roadway improvements, increase yard space for interisland and overseas cargo operations, and other accessory improvements.

MOLOKA'I EAS/EISS

Ho'olehua Scattered Lots Subdivision and Related 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)	Moloka'i
TMK(s)	(2)5-2-005:031; (2)5-2-026:003; (2)5-2-026:014; (2)5-2-026:016; and (2)5-2-026:017;
Permit(s)	Chapter 6E, HRS, Historic Preservation Compliance, Department of Health - National Pollutant Discharge Elimination System Permit, Department of Health - Noise Permit, as applicable, Construction and Operating Permits, Construction Permits (Building, Grading, and/or Grubbing), Lot consolidation and Subdivision approval.
Proposing/ Determining Agency	Department of Hawaiian Home Lands 91-5420 Kapolei Parkway, Kapolei, Hawai'i 96707 Neil Nugent, (808) 730-0319, cornelius.f.nugent@hawaii.gov
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, Hawai'i 96793 Emily Murai, (808) 983-1233, planning@munekiyohiraga.com
Status	Statutory 30-day public review and comment period starts. Comments are due by November 22, 2024. Please click on title link above to read the document, then send comments to planning@munekiyohiraga.com .

The State of Hawai'i, Department of Hawaiian Home Lands (DHHL) proposes the Ho'olehua Scattered Lots Subdivision and Related Improvements project in Ho'olehua, Moloka'i, Hawai'i. The project entails subdividing five (5) parcels within the Ho'olehua area on Moloka'i into twelve (12) lots to be designated for agricultural use and improving them for lease to DHHL beneficiaries. In addition, DHHL proposes to demolish a dilapidated house and greenhouse located on parcels identified by TMK (2)5-2-026:014 and (2)5-2-026:016, and would close a septic tank on TMK (2)5-2-026:014 in accordance with Department of Health regulations. The newer, abandoned home on portions of TMKs (2)5-2-026:016 and (2)5-2-026:003 will be assessed to determine if it can be leased.

MAUI EAS/EISS

Kaheawa Wind 1 Continued Use Project – (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)	Lahaina
TMK(s)	(2) 4-8-001:001, (2) 4-8-001:010, (2) 3-6-001:052, and (2) 3-6-001:014
Permit(s)	Board of Land and Natural Resources approval of state land lease; State Incidental Take License from Department of Land and Natural Resources/Division of Forestry and Wildlife and Federal Incidental Take Permit from U.S. Fish and Wildlife Service, see EISPN for more information
Approving Agency	State of Hawai'i Board of Land and Natural Resources Department of Land and Natural Resources, Land Division 1151 Punchbowl Street, Room 220, Honolulu, HI 96813 Lauren Yasaka, (808) 587-0431, lauren.e.yasaka@hawaii.gov
Applicant	Kaheawa Wind Power, LLC; 200 Liberty Street, 14th Floor, New York, NY 10281 Molly Stephenson, (612) 240-9830, molly.stephenson@brookfieldrenewable.com
Consultant	Tetra Tech, Inc.; 737 Bishop Street, Suite 2000, Honolulu, HI 96813 Leslie McClain, (503) 222-4536, leslie.mcclain@tetrattech.com
Status	Administrative 30-day public review and comment period starts. Comments are due by November 22, 2024. Please send comments to the consultant, the approving agency/accepting authority, and copy the applicant. A public scoping meeting will be held October 29, 2024/5:30-7:30 pm Malcom Center, 1305 N. Holocono Street, Suite 5, Kihei, HI 96753.

Continue operation of the existing Kaheawa Wind 1 wind generation facility for an additional 20-year period to provide 30 MW of clean, renewable energy to the island of Maui. No construction or physical improvements (beyond maintenance activities) are required as part of the proposed Project.

MAUI EAS/EISs (CONTINUED)

Kaiola Place Sewer 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)	Wailuku
TMK(s)	(2)3-9-001:032; (2)3-9-001:076; (2)3-9-001:139; (2)3-9-001:146; (2)3-9-001:150; (2)3-9-024:003; (2)3-9-024:004; (2)3-9-024:034; (2)3-9-029:021; and (2)3-9-029:022
Permit(s)	See Chapter VIII of the DEA.
Proposing/Determining Agency	Department of Environmental Management 2200 Main Street, One Main Plaza, Suite 610, Wailuku, HI 96793 Shayne Agawa, (808) 270-7417, environmental.mgmt@mauicounty.gov
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Cathleen Krueger, (808) 244-2015, planning@munekiyohiraga.com
Status	Statutory 30-day public review and comment period starts. Comments are due by November 22, 2024. Please click on title link above to read the document, then send comments to planning@munekiyohiraga.com .

The County of Maui, Department of Environmental Management (DEM), Wastewater Reclamation Division (WWRD) proposes to construct two (2) new 8-inch sewerlines along Kaiola Place and Ohukai Road and install 10 6-inch service laterals and eight (8) sewer manholes to connect 10 properties to the County wastewater system in Kihei, Maui, Hawai‘i. The subject properties are seven (7) developed residential lots and one (1) undeveloped residential lot along Kaiola Place and two (2) developed lots along Ohukai Road in urban Kihei. The proposed project area involves portions of the lots adjacent to Kaiola Place and Ohukai Road, as well as the Kaiola Place roadway itself and Ohukai Road. Project construction covers approximately 7,000 square feet.

KAUA‘I EAS/EISs

Hanalei Colony Resort Wastewater Treatment Plant Upgrade Project – Draft EA (AFNSI)

HRS §343-5(a) Trigger	(9)(A) Propose any wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent
District(s)	Hanalei
TMK(s)	(4) 5-8-011:027
Permit(s)	Special Area Management Permit
Approving Agency	Kauai County Department of Planning 4444 Rice Street, Ste A473, Lihue, Hawaii 96766 Romio Idica, (808) 241-4050, ridica@kauai.gov
Applicant	Hanalei Colony Resort AOA; 5-7130 Kuhio Hwy., Hanalei, Hawaii 96714 Joseph Kuharic, (808) 826-7222, joseph@hcr.com
Consultant	Laulea Engineering LLC; 1127 11th avenue Suite #302, Honolulu, HI 96816 Brian Carroll, (808) 389-8267, brian@lauleallc.com
Status	Statutory 30-day public review and comment period starts. Comments are due by November 22, 2024. Please click on title link above to read the document, then send comments to brian@lauleallc.com .

This Environmental Assessment was prepared on behalf of the Hanalei Colony Resort Association of Apartment Owners for the wastewater treatment plant replacement project, hereinafter referred to as the “Project”, at the Hanalei Colony Resort. The Project is located at 5-7130 Kuhio Highway in Hanalei, Hawaii, herein after referred to as the “Property”. The Property is identified as Tax Map Key No. (4) 5-8-011:027. The Project consists of replacing the existing wastewater treatment and effluent disposal system with a new advanced wastewater treatment

plant. The purpose of this Environmental Assessment is to determine whether or not the Project has the potential to cause significant environmental impacts in or around the Project area. The Environmental Assessment was conducted in compliance with the requirements of the Hawaii EIS Law (HRS Chapter 343) and in accordance with the Hawaii Administrative Rules 11-200.

O’AHU EAs/EISS

Hawai’i State Capitol Pools Improvements – 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 (4) Propose any use within any historic site as designated in the National Register or Hawai’i Register
District(s)	Honolulu
TMK(s)	(1) 2-1-024: 015
Permit(s)	HRS 6E Historic Preservation Review (DLNR-SHPD); Major Special District Permit (City); Building Permit (City)
Proposing/ Determining Agency	Department of Accounting and General Services 1151 Punchbowl Street, Rm 427, Honolulu, HI 96813 Brad Leveen, (808) 586-0473, brad.leeven@hawaii.gov
Consultant	Hhf Planners; 733 Bishop Street, Suite 2590, Honolulu, HI 96813 Gail Renard, (808) 457-3167, grenard@hhf.com
Status	Finding of No Significant Impact (FONSI) determination

The State of Hawaii Department of Accounting and General Services proposes to construct improvements at the Hawaii State Capitol Building. The action includes replacement of the original water-filled reflecting pools with plazas constructed of glass pavers suspended on pedestals to emulate the water’s surface, an expanded concrete perimeter walkway, modernization of architectural lighting, and other improvements and repairs. The pool basins would be reduced in area from about 78,000 SF to about 55,000 SF. The physical changes to the pool basins (e.g., pavers, pedestals, concrete walkway) would be reversible. The project is needed to address chronic repair and maintenance problems caused by the water-filled pools, such as corrosion, leakage, and persistent algae/odor. The project is intended to resolve these issues while maintaining the symbolic value and original design intent of the reflecting pools, and would enhance the public’s ability to interact with and experience the Capitol.

Waikiki Beach Improvement and Maintenance Program – Final EIS Vol 1, Vol 2, Vol 3, & Vol 4

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 (3) Propose any use within a shoreline area (5) Propose any use within the Waikiki area of O’ahu
District(s)	Honolulu
TMK(s)	(1) 2-6-001:003; (1) 2-6-004:007; (1) 2-6-005:001; (1) 2-6-008:029; (1) 2-6-002:026; (1) 2-6-001:019; (1) 2-6-004:012; (1) 2-6-002:017; (1) 2-6-001:013; (1) 2-6-001:012; (1) 2-6-001:002; (1) 2-6-001:015; (1) 2-6-001:008; (1) 2-6-004:006; (1) 2-6-004:005; (1) 2-6-001:017; (1) 2-6-004:008; (1) 2-6-004:009; (1) 2-6-004:010; (1) 2-6-001:018; (1) 2-6-005:006; (1) 2-6-001:004; (1) 2-6-002:006; (1) 2-6-002:005
Permit(s)	Multiple (see Chapter 17 of the FEIS)
Proposing Agency	Department of Business, Economic Development & Tourism No. 1 Capitol District Building, 250 S. Hotel Street, Honolulu, Hawai’i 96813 Mary Alice Evans, (808) 587-2833, maryalice.evans@hawaii.gov
Accepting Authority	Governor, State of Hawai’i Josh Green, (808) 586-0034, https://governor.hawaii.gov/contact-us/contact-the-governor/ Executive Chambers, State Capitol, 415 South Beretania St., Honolulu, Hawai’i 96813
Consultant	Sea Engineering, Inc.; Makai Research Pier, 41-305 Kalaniana’ole Highway, Waimānalo, Hawai’i 96795 David Smith, (808) 259-7966, dsmith@seaengineering.com
Status	Final EIS has been submitted and is pending acceptance by the accepting authority

The Hawai’i Department of Land and Natural Resources proposes beach improvement and maintenance projects in the Fort DeRussy, Halekūlani, Royal Hawaiian, and Kūhiō beach sectors of Waikiki. Projects would include the construction of new beach stabilization structures, and the recovery of offshore sand and its placement on the shoreline. The objectives of the proposed actions are to restore and improve Waikiki’s public beaches, increase beach stability through improvement and maintenance of shoreline structures, provide safe access to and along the shoreline, and increase resilience to coastal hazards and sea level rise.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

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

O'AHU

[Iwilei Infrastructure Improvement Master Plan and Liliha Civic Center Master Plan – Draft EIS Vol 1, Vol 2, and scoping meeting audio](#)

KAUA'I

[Lima Ola Subdivision Off-Site Water System Improvements – Draft EA \(AFNSI\)](#)

COASTAL ZONE MANAGEMENT NOTICES

FEDERAL CONSISTENCY REVIEWS

The following federal action is being reviewed for consistency with the enforceable policies of the Hawai'i Coastal Zone Management (CZM) Program, including [the CZM objectives and policies in Hawai'i Revised Statutes, Chapter 205A](#). Federal consistency, pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA), as amended, generally requires that federal actions, within and outside of the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. This public notice is being provided in accordance with § 306(d)(14) of the CZMA, and federal regulations at 15 CFR § 930.2, § 930.42, and § 930.61. General information about federal consistency is available at the [Hawai'i CZM Program web site](#), or call (808) 587-2878.

For specific information or questions about an action listed below, contact the CZM staff person identified for each action. The CZM Program is required to adhere to federal review deadlines, therefore, comments must be received by the date specified. Comments may be submitted by mail or electronic mail, to the addresses below.

*Mail: Office of Planning and Sustainable Development
Department of Business, Economic Development and Tourism
P.O. Box 2359, Honolulu, HI 96804*

Email: Debra.L.Mendes@hawaii.gov

US Coast Guard Construction of HC-130J Temporary Hangars at Air Station Barbers Point

Proposed Action: The US Coast Guard (USCG) proposes to construct new, temporary hangars for HC-130J fixed-wing aircraft with supporting facilities and utilities at the USCG Air Station Barbers Point (ASBP) near Kapolei, Oahu. The proposed construction activities include constructing three humidity-controlled tension membrane or relocatable fabric structures (TM/RFS) on concrete pads, relocating an aircraft wash rack and hot-fueling pad, relocating a parking area, and upgrading associated utilities. The new construction would occur within previously disturbed areas of ASBP.

Location: USCG Air Station Barbers Point, Kapolei, Oahu

TMK: (1) 9-1-013:063

Federal Action: Federal Agency Activity

Federal Agency: U.S. Coast Guard

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

Comments Due: November 8, 2024

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: Puna (1-3-008:016; 1-4-093:001, 039 and 041)	Reconstruction of Lava Inundated Roads (PL-SMM-2024-000066)	County of Hawai'i Department of Public Works
Maui: Lāhainā (4-4-001:098)	Equipment replacement, modification, or addition to an existing rooftop telecommunication facility (SM2 2024-00047)	Ashley May
O'ahu: Waimānalo (4-1-006:092)	Construction of a new single-family dwelling with an attached garage and a new perimeter rock wall (2024/SMA-88)	MC Architects

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
MA-840	3082 S. Kihei Road	96753	(2) 2-1-010:020	Akamai Land Surveying, Inc.	SK 3082 LLC/ Chris Malachowsky
HA-653	27-121 Mill Road	96781	(3) 2-7-004:118	Thomas G. Pattinson	Brian Clark Living Trust

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-2019	Correction*	55-133 Kamehameha Highway	96762	(1) 5-5-001:014-1 and -5	Gil P. Bumanglag	55-133 LLC
OA-2091	Rejection	49-479 Kamehameha Highway	96744	(1) 4-9-004:001	ParEn, Inc. dba Park Engineering	City & County of Honolulu
OA-2102	Proposed	91-127 Ewa Beach Road, Apt. 7	96706	(1) 9-1-005:019-7	Walter P. Thompson, Inc.	Francisco K. Valdez
OA-2106	Correction*	Malakole Street	96707	(1) 9-1-014:002 (1) 9-1-074:040	Ryan M. Suzuki, R.M. Towill Corporation	Kapolei Infrastructure LLC James Campbell Company LLC
OA-2113	Proposed	91-139 Ewa Beach Road	96706	(1) 9-1-023:003	Wesley P. Tengan	Abbie & Nolan Hanohano Trust
HA-642	Rejection	69-1854 Puako Beach Drive	96743	(3) 6-9-005:007	John L. Clare III	John L. Clare III & Susan L. Clare

* Please note: OA-2019 was originally reported on 06/23/2024 with the incorrect TMK. OA-2106 was originally reported on 06/08/2024 with an incorrect TMK and incomplete owner information.

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION

Kīlauea 466’ Water Tank Project

Island	Kaua’i
District(s)	Ko’olau
TMK(s)	(4) 5-1-005: 131
Proposing Agency	State of Hawai’i, Department of Health, Environmental Management Division, Safe Drinking Water Branch 2385 Waimano Home Road, Suite 110, Uluakupu Building 4 Pearl City, Hawai’i 96782-1400
Status	Comments due no later than November 23, 2024 , to: State of Hawai’i, Department of Health Environmental Management Division Safe Drinking Water Branch 2385 Waimano Home Road, Suite 110, Uluakupu Building 4 Pearl City, Hawai’i 96782-1400 Attn: Ms. Judy Hayducsko

The Department of Health (DOH) initiates Section 106, NHPA consultation with the State Historic Preservation Division (SHPD) pursuant to 36 CFR Part 800. The U.S. Environmental Protection Agency (EPA) delegated DOH to act on EPA’s behalf, pursuant to 36 CFR §800.2(c)(4) when initiating a Section 106, NHPA process for projects funded under the Hawai’i Drinking Water State Revolving Fund (DWSRF). Under the DWSRF, the DOH may provide funding to the County of Kaua’i, Department of Water f(KDOW) or the Kīlauea 466’ Water Tank Project. The Final Environmental Assessment for the project is available here: [2024-09-25_DOWtoERP-FEAsubmittal.pdf \(hawaii.gov\)](https://www.doh.hawaii.gov/2024-09-25_DOWtoERP-FEAsubmittal.pdf).

The use of federal funds is considered an undertaking, as defined by Section 106 of the NHPA, 54 U.S.C. §306101 et seq., and 36 CFR Part 800. KDOW proposes to replace the existing 100,000-gallon Kīlauea 466’ Water Tank with a new 1.0-million-gallon (MG) tank at the designated location. The new 1.0 MG tank will be constructed on the site of the existing tank. The project implements one element of the agency’s Water Plan 2020. The DOH anticipates requesting SHPD’s concurrence with its project determination of no historic properties affected.

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 <https://dlnr.hawaii.gov/occl/>.

PROJECT:

- File No.:** [CDUA OA-3950 \(Department’s Acceptance Letter\)](#)
- 343, Determination:** [Final Environmental Assessment](#)/AFONSI Published December 23, 2021, issue of the Environmental Notice
- Name of Applicant:** State of Hawaii Department of Transportation
- Agent:** WSP USA, Inc.
- Location:** Kawaiiloa, Waialua, Oahu
- TMK:** (1) 6-1-005:024, (1) 6-1-009:021, 022, (1) 6-1-010:019, 020 (seaward)
- Proposed Action:** [Highway Realignment](#)
- 343, HRS determination:** Final Environmental Assessment
- Agent’s Contact:** Todd Nishioka ph: (808) 566-2212, todd.nishioka@wsp.com
- OCCL Staff Contact:** Kariann Stark ph: (808) 587-0380, kariann.stark@hawaii.gov

APPLICATION FOR ACCRETION

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

[Hall Second Amended Petition for Registration of Title to Accretion](#)

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

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

Island/District/TMK: Oahu / Kailua, District of Koolaupoko / (1) 4-3-007: 034

Applicant: Petitioner CHARLES L. HALL, Trustee of that certain unrecorded Charles L. Hall Revocable Living Trust U/A dated August 19, 1996, as amended and restated
c/o Janna Ahu, Esq., Dentons US LLP, 1001 Bishop St., Suite 1800, Honolulu, HI 96813, 808-524-1800

Authority/Status: Land Court, State of Hawai`i / Second Amended Petition for Registration of Title to Accretion filed July 23, 2024

Project Summary: YOU ARE HEREBY NOTIFIED that Petitioner CHARLES L. HALL, Trustee of that certain unrecorded Charles L. Hall Revocable Living Trust U/A dated August 19, 1996, as amended and restated, has filed a petition for registration of title to accretion in the Land Court, State of Hawai`i, L.D. No. 18-1-0771, to register title to accreted land within lands identified as Lot 20 as shown on Map 2 of Application No. 505, Tax Map Key No. (1) 4-3-007: 034, containing 0.29 acres, more or less, all situate, lying and being at Kailua, District of Koolaupoko, City and County of Honolulu, State of Hawai`i.

DEPARTMENT OF HEALTH NOTICE

The State of Hawaii Department of Health will hold a public hearing for the proposed amendment of Hawaii Administrative Rules chapters 11-260.1 to 11-279.1, which regulate businesses that generate or handle hazardous wastes and used oil. **The public hearing will be at 10am on November 13, 2024** at the Solid & Hazardous Waste Branch at 2827 Waimano Home Rd #100 Pearl City. Proposed amendments align state regulations with updates to the US Environmental Protection Agency's federal hazardous waste management program, update the after-hours phone number for contacting Department on-scene coordinators in an emergency, and apply emergency preparedness requirements to intermediate and reclamation facilities handling hazardous secondary materials. Changes are also proposed to correct typographical errors and cross-references.

More information about the public hearing is available [on their website](#).

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: [Endangered Species; Receipt of Recovery Permit Application](#) (published by the Fish and Wildlife Service on 10/21/2024)

The U.S. Fish and Wildlife Service, have received an application for a permit to conduct activities intended to enhance the propagation and survival of endangered species under the Endangered Species Act. They invite the public and local, State, Tribal, and Federal agencies to comment on this application. Before issuing the requested permit, they will take into consideration any information that we receive during the public comment period. For more information, please click on the title link.

Notice: [Notice of Request for Public Comment on the Draft National Coral Reef Resilience Strategy](#) (published by the National Oceanic and Atmospheric Administration on 10/11/2024)

NOAA announces the request for written public comments on the draft National Coral Reef Resilience Strategy (National Strategy) in accordance with the Coral Reef Conservation Act of 2000 (CRCA), as reauthorized and amended by the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023. NOAA administers the Coral Reef Conservation Program (CRCP), which is implemented in the coastal areas and marine waters of Florida, Puerto Rico, the U.S. Virgin Islands, Gulf of Mexico, Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the U.S. Pacific Remote Island Area, and targeted international regions, including the wider Caribbean, the Coral Triangle, the South Pacific, and Micronesia. The reauthorized CRCA directs NOAA to develop the National Strategy within two years of enactment. The National Strategy will replace the existing CRCP Strategic Plan (2018). For more information, please 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).