

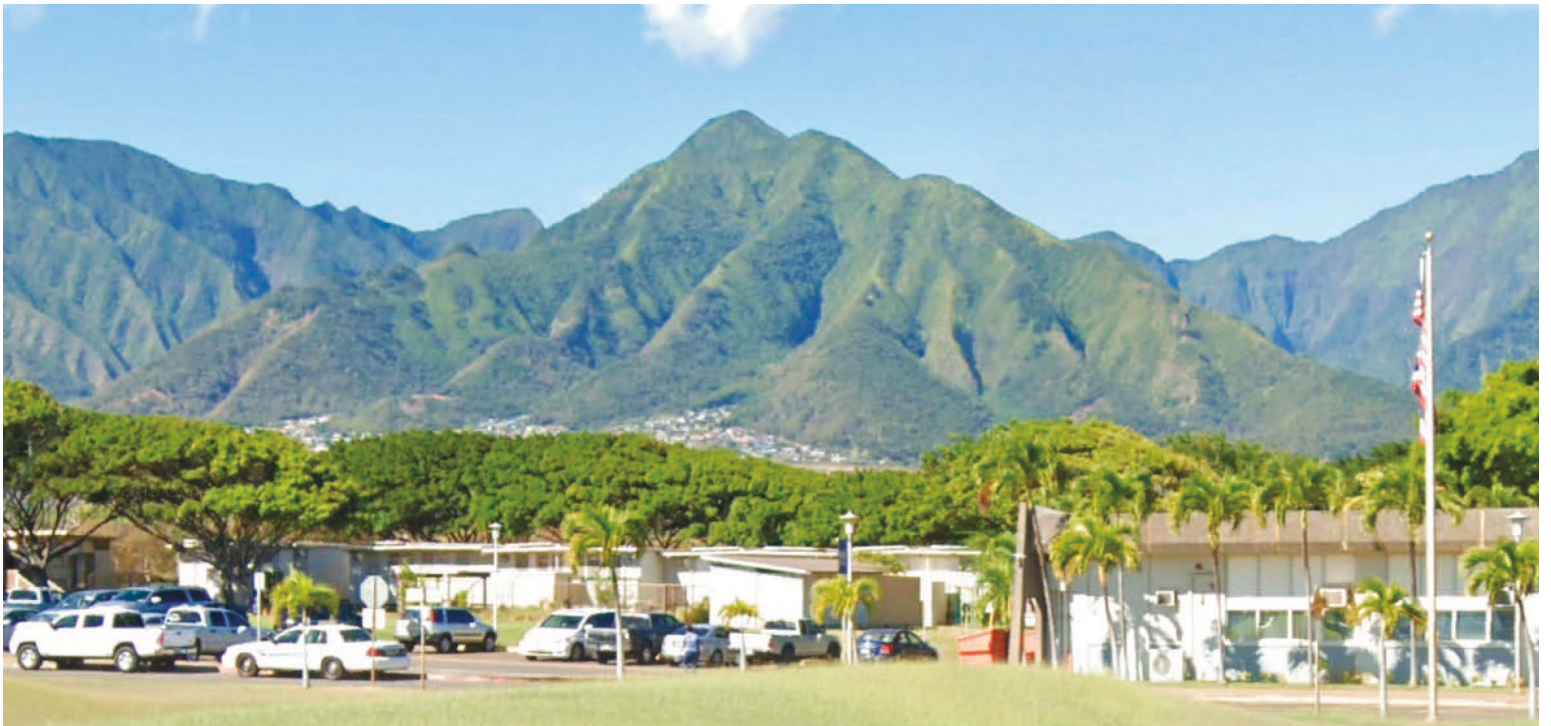


# The Environmental Notice

February 8, 2025

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.



DOE will relocate and develop two new buildings on an undeveloped area used by Maui High School.

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

235 South Beretania Street, Suite 702 • Honolulu, Hawai'i 96813 • (808) 586-4185 • [dbedt.opsd.erp@hawaii.gov](mailto:dbedt.opsd.erp@hawaii.gov) • <https://planning.hawaii.gov/erp/>

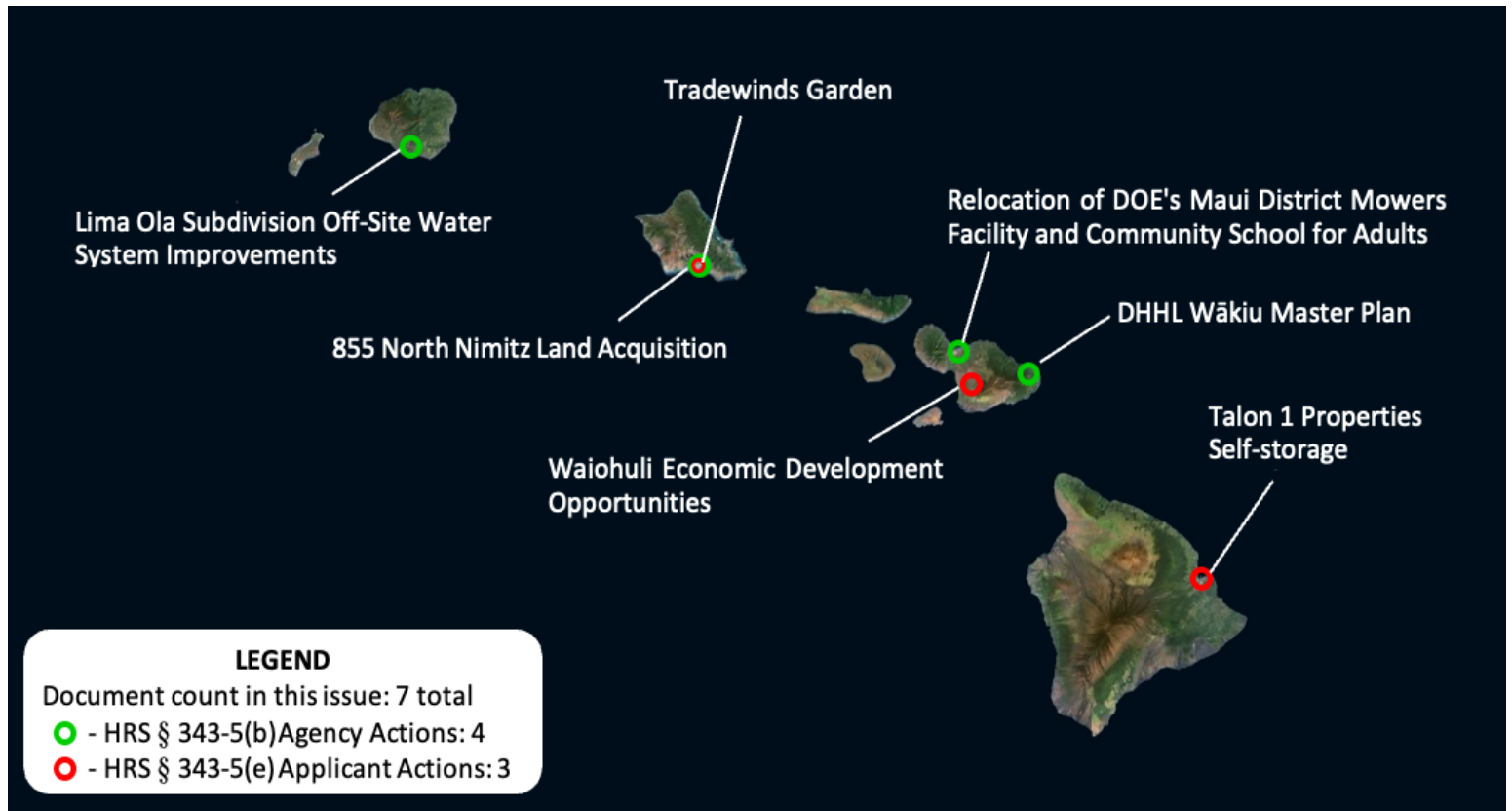
TABLE OF CONTENTS

ANNOUNCEMENTS .....	2	KAUA’I EAS/EISS .....	6
STATEWIDE MAP OF EA/EIS DOCUMENTS AND DETERMINATIONS....	2	<b>Lima Ola Subdivision Off-Site Water System Improvements – Final EA (FONSI)</b> .....	6
HAWAI’I EAs/EISS.....	3	PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT.....	6
<b>Talon 1 Properties Self-storage Warehouse – Draft EA (AFNSI)</b> .....	3	EXEMPTION NOTICES.....	6
MAUI EAs/EISS .....	3	LISTS OF EXEMPTION NOTICES .....	7
<b>Relocation of DOE's Maui District Mowers Facility and Community School for Adults - Final EA (FONSI)</b> .....	3	PRIOR DETERMINATION .....	7
<b>DHHL Wākiu Master Plan – Draft EA (AFNSI)</b> .....	4	COASTAL ZONE MANAGEMENT NOTICES .....	7
<b>Waiohuli Economic Development Opportunities – Final EA (FONSI)</b> .....	4	Special Management Area (SMA) Minor Permits.....	7
O’AHU EAs/EISS.....	5	SHORELINE NOTICES.....	8
<b>855 North Nimitz Land Acquisition - Final EA (FONSI)</b> .....	5	Applications for Shoreline Certification.....	8
<b>Tradewinds Garden – Final EA (FONSI)</b> .....	5	Proposed Shoreline Certifications and Rejections .....	8
		FEDERAL NOTICES.....	8
		GLOSSARY OF TERMS AND DEFINITIONS .....	9

ANNOUNCEMENTS

- For purposes of the submission deadline in HAR Section 11-200.1-5(a), the term "close of business" means 11:59 P.M.
- 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



HAWAI‘I EAS/EISS

**Talon 1 Properties Self-storage Warehouse – Draft EA (AFNSI)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	South Hilo
<b>TMK(s)</b>	(3) 2-2-033: 011
<b>Permit(s)</b>	Plan Approval, Grading and Grubbing Permit; Building Permit; Sewer Extension Application; NPDES; SWPPP; Noise Permit
<b>Approving Agency</b>	County of Hawai‘i, Planning Department Alex Roy, (808) 961-8140, <a href="mailto:alex.roy@hawaiicounty.gov">alex.roy@hawaiicounty.gov</a> COUNTY OF HAWAI'I PLANNING DEPARTMENT, 101 PAUHI STREET, SUITE 3, Hilo, HI 96720
<b>Applicant</b>	Talon 1 Properties LLC; 347 Andrews Ave., Hilo, HI 96720 Matthew Kilgore, (808) 217-6707, <a href="mailto:mkilgore@koaarchitects.com">mkilgore@koaarchitects.com</a>
<b>Consultant</b>	KOA Architects LLC; 65-1285C Kawaihae Rd., Kamuela, HI 96743 Matthew Kilgore, (808) 217-6707, <a href="mailto:mkilgore@koaarchitects.com">mkilgore@koaarchitects.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by March 10, 2025.</b> Please click on title link above to read the document, then send comments to <a href="mailto:planning@hawaiicounty.gov">planning@hawaiicounty.gov</a> .

The proposed use is for a three-floor self-storage warehouse with accompanying restrooms and elevators to serve the tenants. The design includes two porte-cochere on either end, North and South, to allow for large trucks and ADA parking stalls to park under roofed shelter and load/unload to the storage warehouse. The conceptual floor plan includes 88 storage units per floor for a total of 264 storage units within the warehouse. The self-storage warehouse schematic site plan includes 24' wide two-way access driveways at Piilani Street and Mililani Street. The site plan provides for 28 total full size parking stalls including 2 ADA van accessible stalls. The site plan also provides for seven 12x50 foot loading zones for customer convenience.

MAUI EAS/EISS

**Relocation of DOE's Maui District Mowers Facility and Community School for Adults – Final EA (FONSI)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Wailuku
<b>TMK(s)</b>	(2) 3-08-007: 098
<b>Permit(s)</b>	NPDES General Permit, Chapter 6E HRS Review, Grading Permit, Building Permit, Permit to Work within the County Right-of-Way, Water Use Permit, Sewage Connection, Community Noise Permit
<b>Proposing/ Determining Agency</b>	State of Hawai‘i, Department of Education, Facilities Development Branch Jenny Ho, (808) 784-5122, <a href="mailto:jenny.ho@k12.hi.us">jenny.ho@k12.hi.us</a> P.O. Box 2360, Honolulu, Hawaii 96804
<b>Consultant</b>	Bowers + Kubota Consulting, Inc.; 2153 North King Street, Suite 200, Honolulu, Hawaii 96819 Matthew Fernandez, (808) 836-7787, <a href="mailto:mfernandez@bowersandkubota.com">mfernandez@bowersandkubota.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The State of Hawai‘i, Department of Education (DOE), Facilities Development Branch is proposing to relocate and develop two new buildings on an undeveloped area within a larger State-owned property that is used by Maui High School. The project area would use approximately 2.2-acres of the 6.5-acres of the school property’s undeveloped space.

The proposed DOE buildings are to be a new one-story building and parking lot for the Maui District Mowers Facility, and a new one-story building and parking lot for the McKinley School for Adults Maui Campus program. The proposed action will also involve constructing one new driveway to connect the new facilities to West Papa Avenue, landscaping, perimeter fencing around the site, and provide electrical, telecommunications, water, sewer, and drainage utilities and infrastructure to service the proposed facilities. O‘ahu EAs/EISS

## MAUI EAS/EISs (CONTINUED)

**DHHL Wākiu Master Plan – Draft EA (AFNSI)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Hāna
<b>TMK(s)</b>	(2) 1-3-004:011; (2) 1-3-004:012; (2) 1-3-004:017; (2) 1-3-004:018
<b>Permit(s)</b>	Approval of Master Plan and Land Use Designation Amendment; Administrative Rule Amendment for Beneficiary Preference; HRS Chapter 6E Compliance; HAR Chapter 11-55, National Pollutant Discharge Elimination System Permits; Construction Plan Review Permit to Excavate Public Right-of-Way; Building Permits for Building, Electrical, Plumbing, Sidewalk/Driveway, and Demolition Work; Grubbing, Excavation, Grading, and Stockpiling
<b>Proposing/Determining Agency</b>	State of Hawai'i, Department of Hawaiian Home Lands Julie-Ann Cachola, (808) 620-9480, <a href="mailto:julie-ann.cachola@hawaii.gov">julie-ann.cachola@hawaii.gov</a> P.O. Box 1879, Honolulu, HI 96805
<b>Consultant</b>	G70; 111 S. King St., Suite 170, HONOLULU, HI 96813 Kawika McKeague, (808) 523-5866, <a href="mailto:dhhleastmauimp@g70.design">dhhleastmauimp@g70.design</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by March 10, 2025.</b> Please click on title link above to read the document, then send comments to <a href="mailto:dhhleastmauimp@g70.design">dhhleastmauimp@g70.design</a> .

The Project is intended to develop a portion of the approximately 656 acres of land in Wākiu for DHHL beneficiaries. These lands were transferred to DHHL as a result of the 1995 settlement of claims between the State of Hawai'i and DHHL that transferred over 16,800 acres from the State to DHHL's land inventory. The purpose of the Master Plan is to identify developable lands and allowable land uses based on existing conditions and engagement with beneficiaries. This includes homestead lot types, sizes, and configurations that fulfill the vision and values of the community based upon multiple outreach and charrette sessions.

**Waiohuli Economic Development Opportunities – Final EA (FONSI)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Makawao
<b>TMK(s)</b>	(2) 2-2-028:181 (portion); and (2) 2-2-002:014 (portion)
<b>Permit(s)</b>	•Land Use Designation Updates (DHHL); •Grading/Building Permits (Maui County); •Historic Preservation HRS 6E-8 (SHPD); •Chapter 195D, HRS (DOFAW) (DAR); •National Pollutant Discharge Elimination System (NPDES) Permit (DOH); •Community Noise Permit (DOH); •Noise Variance (DOH); •Disability and Communication Access Board (DCAB) Document Review for ADA Compliance (DOH); •National Historic Preservation Act - Section 106 (SHPD) - if a federal nexus is identified; •Endangered Species Act – Section 7 (USFWS, NOAA-NMFS) - if a federal nexus is identified; •National Environmental Policy Act - if a federal nexus is identified
<b>Approving Agency</b>	State of Hawai'i, Department of Hawaiian Home Lands Julie-Ann Cachola, (808) 620-9500, <a href="mailto:julie-ann.cachola@hawaii.gov">julie-ann.cachola@hawaii.gov</a> P.O. Box 1879, Honolulu, Hawaii 96805
<b>Applicant</b>	Waiohuli Hawaiian Homesteaders Association, Inc.; P.O. Box 698, Kula, Hawaii 96790 Perry Artates, (808) 357-0831, <a href="mailto:perryartates@gmail.com">perryartates@gmail.com</a>
<b>Consultant</b>	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, Hawaii 96813 Dave Simpson, (808) 521-5631, <a href="mailto:dsimpson@pbrhawaii.com">dsimpson@pbrhawaii.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The project is a public-private collaboration to combine traditional construction of a development plan with community-based job opportunities derived from development of infrastructure, agricultural cultivation, renewable energy, and water source development to create long-term economic sustainability for the Waiohuli community. While the purpose of the project is to build capacity and economic development for the Waiohuli community, the project has been assessed under a potential full buildout scenario to gain a comprehensive understanding of all possible impacts in compliance with HRS Chapter 343. The potential full buildout includes community training facilities, infrastructure training and implementation sites, agricultural training sites, renewable energy training and implementation sites, water resource development and distribution, community conservation, and roadways.

## O'AHU EAs/EISS

**855 North Nimitz Land Acquisition – Final EA (FONSI)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Honolulu
<b>TMK(s)</b>	(1) 1-5-035:006
<b>Permit(s)</b>	None
<b>Proposing/ Determining Agency</b>	State of Hawai'i, Department of Transportation, Harbors Celia Shen, (808) 587-2013, <a href="mailto:celia.y.shen@hawaii.gov">celia.y.shen@hawaii.gov</a> 869 Punchbowl Street, Honolulu, Hawaii 96813
<b>Consultant</b>	SSFM International, Inc.; 501 Sumner Street, Suite 620, Honolulu, Hawaii 96817 Jennifer Scheffel, (808) 356-1273, <a href="mailto:jscheffel@ssfm.com">jscheffel@ssfm.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

No significant impacts are anticipated to result from acquisition of the property. Land use and operations on the parcel will not change in the immediate term. As a part of the negotiations for sale of the property, HECO has indicated that it may enter into a lease to remain at the parcel and DOT is open to the issuance of a lease back to HECO. Plans for this parcel and necessary expansion of the harbor will be assessed in subsequent environmental review documentation when such plans for the property are developed.

**Tradewinds Garden – Final EA (FONSI)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Honolulu
<b>TMK(s)</b>	(1) 2-1-001:057 ; (1) 2-1-001:058 ; (1) 2-1-014:006
<b>Permit(s)</b>	See Section 4.3 of the FEA.
<b>Approving Agency</b>	State of Hawai'i, State Department of Transportation- Harbors Division DreanaLee K. Kalili, (808) 587-3651, <a href="mailto:dreanalee.k.kalili@hawaii.gov">dreanalee.k.kalili@hawaii.gov</a> 869 Punchbowl Street, Honolulu, HI 96813-5097
<b>Applicant</b>	Garden Art, LLC; 1050 West Ewing Street, Seattle, WA 98119 Jeff Wright, (808) 444-5099, <a href="mailto:project@gardenartllc.com">project@gardenartllc.com</a>
<b>Consultant</b>	Wilson Okamoto Corporation; 1907 South Beretania Street, Suite 400, Honolulu, HI 96826 Keola Cheng, (808) 946-2277, <a href="mailto:KCheng@wilsonokamoto.com">KCheng@wilsonokamoto.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The Proposed Project aims to revitalize the waterfront by introducing a contemporary garden and art exhibition. This new exhibition is anticipated to offer a wide range of experiences at the water's edge, promote and expand creative arts in Hawai'i, and serve as an educational hub designed to enlighten the public about art. Simultaneously, the Proposed Project seeks to commemorate the past by honoring the rich tapestry of Hawai'i's history.

KAUA‘I EAS/EISS

**Lima Ola Subdivision Off-Site Water System Improvements – Final EA (FONSI)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Kōloa
<b>TMK(s)</b>	(4) 2-1-001: 049; (4) 2-1-001: 046
<b>Permit(s)</b>	HRS 6E Compliance, County Grubbing and Grading Permit, County Building Permit, 24 CFR Part 58 Compliance
<b>Proposing/ Determining Agency</b>	County of Kaua‘i, Housing Agency Adam Roversi, (808) 241-4440, <a href="mailto:aroversi@kauai.gov">aroversi@kauai.gov</a> 4444 Rice Street, Suite 330, Lihue, HI 96766
<b>Consultant</b>	Kaimana Environmental Solutions LLC; PO Box 11890, Honolulu, HI 96828 Max Solmssen, (808) 341-3546, <a href="mailto:max@kaimanaenv.com">max@kaimanaenv.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The proposed project includes the design and construction of one (1) 0.3 million gallon County municipal water storage tank that would be located adjacent to the existing 0.2 million gallon County municipal water storage tank within TMK parcel (4) 2-1-001: 049. The proposed project also includes the upsizing of two existing booster pumps that serve the two existing 0.4 million gallon water storage tanks, which are located approximately 2,200 feet southwest of the existing 0.2 million gallon water tank, along Kaunuali‘i Highway, within TMK parcel (4) 2-1-001: 046. The booster pumps are planned to be upsized from 120 gallons per minute to 350 gallons per minute. The planned project includes required potable water service upgrades as part of the County of Kaua‘i Lima Ola affordable housing subdivision, which is located southwest of the project site.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

**Status:** The comment period for these projects began previously. **Comments are due February 24, 2025.** 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**

**[DHHL North Kona Wells Project - Gianulias Well Site – Draft EA \(AFNSI\)](#)**

**MAUI**

**[Honoapi‘ilani Highway Improvements, West Maui, Ukumehame to Launiupoko – Draft EIS Vol 1, Vol 2, Vol 3, Appendices, Daytime Scoping Meeting Audio Recording, Evening Scoping Meeting Audio Recording, & In-Person Scoping Meeting Audio Recording](#)**

**O‘AHU**

**[West Loch Estates Wastewater Pump Station Upgrade Project – Draft EA \(AFNSI\)](#)**

EXEMPTION NOTICES

The following agency has declared a certain 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, University of Hawai‘i*

**[Repair Access Road and Waterline at Lilipuna Pier](#)**

The project consists of the replacement/repair of an existing roadway pavement and waterline at the entrance of Hawai‘i Institute of Marine Biology (HIMB) Lilipuna parking lot - Coconut Island, Kaneohe, Oahu. The existing pavement was damaged due to a failed waterline causing the undermining of the pavement and damaging its supporting system. Undermining has caused collateral damage to a wooden shed foundation which is causing it to lean outwards and a gate barrier arm and its sensors within the pavement were damaged. Work includes a temporary pedestrian walkway to bypass the damaged area. The repair project addresses the replacement of approximately 50 ft of the upper portion of the driveway. A portion of improvements is the installation of a 30 If section of sewer line under the pavement. The pipe will be capped at both ends for future use. This section of pipe would have been installed under the Coconut Island Repair Sewer Lines project ([declared and published in the June 8, 2023 "The Environmental Notice"](#)) but will be installed under this project to reduce future disturbance to the existing roadway. This action qualifies for an exemption because the work will reconstruct and replace the existing damaged waterline, roadway, and related equipment.

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 2025, unless noted otherwise**; 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](#)

[Natural Energy Laboratory of Hawai‘i](#)

[University of Hawai‘i](#)

**City and County of Honolulu**

[Department of Design and Construction](#)

[Department of Environmental Services](#)

PRIOR DETERMINATION

The County of Maui, Department of Planning [has determined](#), pursuant to HAR Section 11-200.1-11, that additional environmental review is not required for construction of six units of Workforce Housing and a Specialty Clinic at the Hana Health facility in Hana, on TMK No. (2) 1-4-003:022. The determination is based on Environmental Assessments (EAs) prepared in [2000](#) and [2004](#), which were issued Findings of No Significant Impact (FONSIs) by the Office of the Mayor of the County of Maui and the State Department of Land and Natural Resources (DLNR), respectively. Both previous EAs analyzed projects much larger and more intensive than what Hana Health is currently proposing. Both project included a similar number of residential units of a similar size as the proposed workforce housing, and facilities similar in size and function to the proposed specialty clinic. The Project was within the range of alternatives considered in the prior EAs, and will have no greater direct, indirect, and cumulative effects.

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
Kaua‘i: ‘Ele‘ele (2-1-003:038)	Construction of a ground mounted sign. (SMA(M)-2025-10)	Pape Machinery/ Ramsay Signs
Maui: Ha‘ikū (2-7-007:003)	Peahi Reserve Water Well Installation (SM22025-00001)	Will Spence
Maui: Kihei (4-7-001:999)	17th Maui Oceanfront Marathon on January 19, 2025. Route along South Kihei Rd, North Kihei Rd and Honoapi‘lani Hwy (SM22024-00064)	Alfred Wright
Maui: Lāhainā (4-6-028:001)	Puamana Entry Gate - After The Fact Approval of an existing entry gate and 10 proposed public beach access parking stalls and 1 proposed beach access loading zone with signage (SM22025-00003)	Dean Frampton
Maui: Lāhainā (4-6-032:001)	Puamana Berm - Cobble Berm Coastal Erosion Mitigation at south end of Puamana property. Project has been approved by the State DLNR-OCCL and will occur on approximately 330 linear feet of shoreline (SM22025-00002)	Trevor Guernsey
Maui: Kihei (2-1-008:154; 2-1-008:127)	Ledcor Kalai Wa‘a Baseyard - portion of vacant land to be used as a temporary offsite construction staging area for Four Seasons improvements (SM22025-00004)	Four Seasons Maui Casey Lamb
O‘ahu: Makaha (8-4-010:014)	Construction of a new two-story single-family dwelling (2024/SMA-127)	Jonathan C. and Jennifer K.L. Narvaes

## 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](mailto:rebecca.l.anderson@hawaii.gov).

File No.	Location	ZIP Code	TMK	Applicant	Owner
KA-490	Kaumualii Highway	96752	(4) 1-2-013:001	Roger Caires	Cain Robinson

## PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources ([HRS § 205A-42](#) and [HAR § 13-222-26](#)). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Status	Location	Zip Code	TMK	Applicant	Owner
OA-2104	Rejected	1588 Mokulua Drive	96734	(1) 4-3-001:014	Benjamin E.K. Guib	Joseph Bismark
OA-2107	Rejected	55-289 Kamehameha Highway	96762	(1) 5-5-002:004	Alvin Alimboyoguen	Greg and Anne Link 2020 Living Trust
OA-2120	Proposed	56-225 Kamehameha Highway	96731	(1) 5-6-001:078	Kenn Nishihara	Noelle E. Remington
OA-2125	Proposed	68-319 Crozier Drive	96791	(1) 6-8-005:015	Ailana Surveying & Geomatics	Robert Vavul
OA-2126	Proposed	4957 Kahala Avenue	96816	(1) 3-5-023:003 & 038	Walter P. Thompson, Inc.	B.P. Bishop Trust Estate
OA-2127	Proposed	53-623 Kamehameha Highway	96717	(1) 5-3-008:012	Walter P. Thompson, Inc.	Steven McBride

## 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](http://www.federalregister.gov).

**Notice: [Nominations for the Western and Central Pacific Fisheries Commission Permanent Advisory Committee \(published by the National Oceanic and Atmospheric Administration on 01/21/2025\)](#)**

National Marine Fisheries Service (NMFS) is soliciting nominations (which may include self-nominations) to the Advisory Committee to the U.S. Section to the Permanent Advisory Committee (PAC) as established under the Western and Central Pacific Fisheries Convention (WCPFC) Implementation Act (Act). The PAC, composed of individuals from groups concerned with the fisheries covered by the Western and Central Pacific Fisheries Convention (Convention), provides recommendations to the U.S. Commissioners to the Western and Central Pacific Fisheries Commission (Commission) regarding the deliberations and decisions of the Commission. Nominations must be received by March 24, 2025. 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).