

DOCKET NO. A19-809
LANA`I RESORTS (Miki Basin)

**TO CONSIDER ACCEPTANCE OF A
FINAL DRAFT ENVIRONMENTAL
ASSESSMENT/FINDING OF NO
SIGNIFICANT IMPACT**

STAFF REPORT

Action Meeting: February 16th and 17th, 2022

Submitted: February 14, 2022

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1. BACKGROUND

On August 23, 2019, Lana`i Resorts DBA Pulama Lana`i (“Petitioner”) filed a Petition for Land Use District Boundary Amendment to amend the Agricultural District Boundaries to the Urban Land Use District and Exhibits 1-9 (“Petition”) to reclassify approximately 200 acres of land, identified as Tax Map Key: (2) 4-9-002:061 (por.) (“Petition Area”) at Miki Basin, Island of Lana`i, State of Hawai`i.

The project known as Miki Basin Industrial Park (“Project”) proposed a 200-acre master- planned light and heavy industrial development adjacent to Lana`i Airport, Maui Electric powerplant and an existing 20-acre Miki Basin Industrial Condominium.

Pursuant to Hawai`i Revised Statutes (“HRS”) §§205-3.1(a), 343-5(a)(1), and 343-5(a)(7), , and HAR §§15-15-50(b), and 11-200.1, the Petitioner is required to comply with statutory requirements to disclose the environmental impacts of the proposed project.¹

On December 13, 2019, the Land Use Commission (“LUC”) (i) agreed to be the accepting authority pursuant to chapter 343, HRS, and (ii) determined that the LUC anticipates a finding of no significant impact on the environment (“AFONSI”).

On June 22, 2020, Petitioner filed a draft FEA (“FEA”).

On September 11, 2020, Petitioner filed a Letter of Acceptance from SHPD accepting its HRS 6E-42 Historic Preservation Review and its Final Archaeological Inventory Survey Report.

On October 30, 2020, Petitioner filed a Motion to Issue Notice of a Finding of No Significant Impact Final EIS (“FEIS”)². The 30-day period for LUC to take action ends on November 30, 2020.

On November 9, 2020, the LUC mailed its November 18, 2020 agenda and meeting notice to the Parties, Statewide and Maui email and mailing lists.

On November 12, 2020, OPSD filed a Response to Petitioner’s Motion for FONSI.

Between November 16-18, 2020, the Commission received 23 public testimonies by email.

On November 18, 2020, Petitioner provided the Commission by email a Notice of Withdrawal of Motion for FONSI prior to starting the scheduled LUC meeting that morning.

On November 19, 2020, The Commission received email testimony from Sulara James.

On December 1, 2020, Petitioner filed its Notice of Withdrawal of Miki Basin Industrial Park Final

¹ This petition and environmental compliance document was filed after OEQC’s new administrative rules had been signed; therefore, processing of its FEA is pursuant to OEQC’s new rules under HAR §11-200.1.

Environmental Assessment Without Prejudice

On November 3, 2021, Munekiyo Hiraga, consultants for Petitioner, notified the Commission by email that a 2nd Draft EA Package had been submitted to the OEQC website and was available.

On November 17, 2021, Petitioner filed its 2nd Draft EA, List of files, and CD with the Commission.

On November 24, 2021, Petitioner filed the following attachments: 2nd Draft EA Letter to Reviewing Agencies and 2nd Draft EA Agency Distribution List.

Between December 09, 2021, through Jan 07, 2022, The Commission received comments to the 2nd Draft EA from the following:

- Maui County, Dept of Transportation
- Maui County, Dept of Planning
- U.S. Fish and Wildlife Services
- Maui County, Dept of Water Supply
- DLNR Comments
- Sally Kaye Comments and Questions
- State of Hawai'i, Dept of Transportation
- UH of Manoa Comments
- Maui County, Dept of Parks and Recreation
- Maui County, Police Department
- David Tanoue, Vice president of R.M. Towill Corporation

On January 11, 2022, OPSD filed its Comments to 2nd Draft EA.

On February 1, 2022, the State Commission on Water Resources Management filed comments to the 2nd Draft EA.

On February 4, 2022, Petitioner filed a Motion to Issue Notice of a Finding of No Significant Impact ("Motion")

On February 7, 2022, the LUC mailed and emailed the February 16-17, 2022, meeting notice and agenda to the Parties, Statewide and County mailing lists.

On February 7, 2022, OPSD filed a Response to Motion for FONSI.

On February 7, 2022, Petitioner filed a digital copy of its Final Environmental Assessment for Miki Basin.²

On February 11, 2022, County of Maui filed Transmittal and Position Statement.

² LUC staff made the proposed FEA immediately available on its website thereafter.

2. LUC ACTION: Statutory and Procedural Requirements and Standards

The LUC, as the accepting agency pursuant to section 11-200.1-7(c), HAR, must evaluate the FEA to determine whether it fulfills the definition of an FEA and adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to agency and public comments.

Acceptance of the FEA (or EIS) is a condition precedent to determination that the Petition is a "proper filing" under the Commission's rules.³

Pursuant to HAR §11-200.1-22 (a) the LUC must make a determination using the significance criteria within 30 days of receiving the final EA; to either issue a notice of Finding of No Significant Impact (FONSI) or an EIS Preparation Notice (EISPN).

In the event the LUC accepts the FEA and issues a FONSI an aggrieved party⁴ who wishes to challenge the acceptance, the aggrieved party has 60 days from the date of publication of the notice of acceptance in *The Environmental Notice* to file suit in circuit court.

3. SUMMARY OF SIGNIFICANT ISSUES

The following federal state, and city agencies; public utility; community/non-profit organizations, and individuals provided responses on the DEA which must be addressed in the FEA [FEA pg. 170-171; and in Exhibits J and K]:

Federal

U.S. Fish and Wildlife Service

State of Hawai'i

Department of Business, Economic Development, and Tourism ("DBEDT") Office of Planning and Sustainable Development

Department of Education

Hawai'i State Library System

Department of Health

Clean Air Branch

Environmental Review Program/ OEQC

Department of Land & Natural Resources ("DLNR")

Commission on Water Resource Management

Engineering Division

Land Division

Department of Transportation

³ Acceptance of the FEA is only one criterion in determining whether the Petition is deemed a "proper filing" and accepted for processing. Once the Petition is deemed a "proper filing," the Commission must act within 365 days.

⁴ For the purpose of bringing judicial action under section 343-7(c), HRS, the EC, affected agencies, or persons who provided written comment during the consultation or review periods of the environmental review process may be adjudged aggrieved parties, provided that the contestable issues shall be limited to issues identified and discussed in the written comment.

Lāna‘i Public School and Library
Office of Hawaiian Affairs
State Land Use Commission

County of Maui

Department of Environmental Management
Department of Housing and Community Concerns
Department of Planning
Department of Public Works
Department of Transportation
Department of Water Supply
Office of Economic Development
Police Department

Private Companies, Organizations and Individuals

Debra Greene
Robin Kaye

4. POSITION OF PARTIES

Comments by State Office of Planning and Sustainable Development

Received November 12, 2020 regarding the initial DEA

OPSD has no objections to the LUC issuing a FONSI as they believe it adequately addresses OPSD’s concerns related to HAR §§11-200.1-9 and -18.

Received February 7, 2022 regarding the 2nd DEA and FEA/FONSI

OPSD reviewed the FEA/FONSI and found it had addressed their prior comments.

OPSD raised the following comments during its 2nd Draft EA review:

- The project’s proposed development timetable is beyond 10 years and needs to comply with provision of a phased development plan in the district boundary amendment filing.

OPSD finds the FEA meets the requirements under the OEQC administrative rules and therefore has not objections to Petitioner’s Motion for issuance of a FONSI.

Comments by Maui County Planning Department (County”) received February 11, 2022

The County has no objection to Petitioner’s Motion to issue a FONSI for the proposed industrial project. They state that their position was significantly influenced by the change in the project proposal in the 2nd DEA that now incorporates the 127-acre renewable energy project into the 200-acre light and heavy industrial project.

The County notes they had provided comments for both versions of the DEA and Petitioner has provided written responses to those comments in the Final EA. Further, the DEA was sent to the Lana`i Planning Commission for review at a public meeting and the Petitioner provided written responses to comments associated with that meeting.

5. ISSUES COVERED BY THE FEA

Archaeological, Historic, and Cultural Resources [FEA, File 1. Pgs 45-48; Appendix D-1 Archaeological Inventory Survey, Appendix D-2 SHPD Acceptance Letter, Appendix D-3 Data Recovery Plan, Appendix D-4 Cultural Impact Assessment]

The AIS found two historic properties associated with the Project and recommended data recovery. SHPD provided a letter of acceptance of the AIS dated August 4, 2020.

The CIA concluded that there was no evidence of any protected cultural practices occurring on the site. Therefore, the project will not have any significant negative impact on traditional and cultural practices.

Mitigation measures proposed were to comply with all applicable County, State, and Federal rules and laws; preparation and implementation of a data recovery plan and monitoring during construction.

A Ka Pa`akai analysis was done and concluded that there was not impact to traditional or customary practices and therefore no feasible action to protect native Hawaiian rights is required. [FEA, File 1, pg 48]

Biological Resources [FEA, File 1, pgs; 42-45; and Exhibit C Flora and Fauna Study]

The botanical survey found no federal or State-listed threatened or endangered plant species would be impacted by the proposed action and none were observed within the Petition Area.

The avian and mammalian survey found no federal or State-listed threatened or endangered plant species would be impacted by the proposed action and none were observed within the Petition Area; two indigenous native birds were observed – Pacific Golden Plover and pueo.

The invertebrate study found no federal or State-listed threatened or endangered plant species would be impacted by the proposed action and none were observed within the Petition Area.

Mitigation measures recommended were to hood any significant outdoor lights. The U.S. Fish and Wildlife Service provided more specific avoidance and minimization measures as it relates to the endangered `ua`u (Hawaiian petrel) that may occur in the vicinity to pass through the Project Area

Visual and Aesthetic Resources [FEA, File 1, pg 53]

The Property is not part of a scenic corridor and will not involve significant alteration of existing topography. Therefore, it should not affect scenic vistas and view plains.

Geology, Soils, and Slope Stability [FEA, File 1, pg 39]

The Property is mostly undeveloped except for adjacent MECO facility and Miki Basin Industrial Condominium site. Drainage will be collected by interceptor ditches along project boundary and conveyed to discharge offsite to Miki Basin and Palawai Basin. The Miki Basin and Palawai Basin have sufficient capacity to contain increased runoff.

Mitigation measures include maintaining existing drainage patterns, following Best Management Practices (BMP) for short-term construction and long-term maintenance and all other applicable laws. No significant impacts are anticipated.

Water Resources [FEA, File 1, pgs 62-68; and File 16, Appendix H-1, Pgs. 568-586, and H-2]

In the FEA, the Petitioner states the proposed water use for the full buildout of the Industrial Park is based on the existing demands on the Mānele Bay Water System (PWS 238) and potential development plans. The potential development plan includes an asphalt plant, CBP, renewable energy projects, infrastructure, and new industrial uses. [FEA File 16, Appendix H-1, Pg.571]

The Industrial Park's incremental or new estimated water demand on Mānele Bay Water System (PWS 238) is 159,625 gpd. The estimated water demand on Mānele Bay Water System (PWS 238) for the full buildout of the Industrial Park is 163,125 gpd. [FEA File 16, Appendix H-1, Pg.571]

In the FEA, the Petitioner states the sustainable yield for Lāna'i is 6 million gallons per day (MGD), with 3 MGD allocated to both the Leeward and Windward aquifer sector areas. The majority of the pumping wells are located in the Leeward Aquifer. [FEA File 16, Appendix H-1, Pg.572]

Petitioner states that water to support the project is intended to come from the Leeward and Windward aquifers. The existing water system does not have adequate source capacity and reservoir storage to support full buildout; and the transmission mains do not meet Water System Standards for fire flow protection. However, they note that the Industrial Park will be developed incrementally over a period of 30 years (not all at once). The needed improvements to support full buildout are identified [FEA, File 16, pg 571]. The current plan is to use available water capacity to handle the initial needs and as the park expands add new well capacity.

Petitioner intends to move ahead with development of the industrial park and use excess capacity in the existing water system and add capacity in the future. Full buildout will require the lowering of current water RPV, a new well or multiple wells to obtain an additional total minimum pump capacity of 426 gpm, and possibly assess/ replace off site existing pipes; however full buildout won't happen for about 30-years. The Petitioner plans to comply with associated regulatory entities as it relates to installation, inspection and maintenance of water systems. The promotion of conservation of water resources will be implemented through the design and operations of facilities. Petitioner believes the impact of the proposed project on water resources will not be significant [FEA, File 1, Pg.68].

Solid Waste and Material Management [FEA, File 1, pgs 58-59]

The County has a single island-wide landfill in Kaumālapa'u. The Petitioner mentions multiple mitigation efforts regarding solid waste. During the construction periods a construction-

generated waste disposal plan will be created and implemented to insure proper disposal of construction materials. Individual users of the Proposed Park will be responsible for disposing of solid waste, recyclables, and green waste consistent with State and County regulations and programs. The Petitioner does not assess or discuss the existing landfill regarding capacity to accommodate the proposed Project, however the Petitioner concludes the handling of solid waste will not have a significant impact. [FEA, File 1, Pgs. 58-59].

Drainage [FEA, File 1, pgs 71-72; and File 16, Appendix J, Pgs. 606-609]

Currently, offsite runoff that is generated from the area north of Miki Road sheet flows and is intercepted by an unlined ditch along Miki Road. Once in the unlined ditch, the runoff flows towards the southeast direction to a low point in Miki Road, this includes runoff generated from the MECO facility. The Petitioner proposes mitigation efforts including, the interception of offsite runoff before entering the area of the proposed project, the runoff will be collected in drainage ditches. The drainage design criteria will be to minimize any alterations to the natural pattern of the existing onsite surface runoff. Based on the mitigation efforts mentioned in the FEA, the Petitioner does not expect the development to have an adverse impact on any existing downstream properties.

Wastewater [FEA, File 1, pgs 68-71; and File 16, Appendix I, Pgs. 599-605]

The Petitioner mentions there is no existing County or privately owned or operated wastewater treatment system near the proposed Project. Wastewater is currently treated by onsite individual wastewater systems. The Petitioner proposes mitigation measures to ensure proper handling and treatment of wastewater generated by the project that would be in conformance with the requirements of the DOH and the County of Maui.

Socioeconomic Conditions and Public Service Facilities [FEA, File 1, pgs 54-56, and Appendix F – Economic, Population and Fiscal Impacts Report]

Petitioner states that because the project will be developed incrementally, that the County is not expected to realize significant additional increases in expenditures as a direct result of the project [FEA, pg. 92]. The Project is projected to generate about \$17 million per year in revenues and create about 60 new jobs. New tax revenues to the State are projected to be approximately \$670,000 annually; and to the County about \$380,000 annually. The Project will be a net beneficial impact to the local economy with increased employment and no significant negative impacts [FEA, File 1, pg. 56].

Transportation [FEA, File 1, pgs 60-62; and Exhibit G TIAR]

Petitioner has provided a TIAR that identifies roadway conditions and proposed mitigation measures. The location of the project primarily through undeveloped land and the relatively low volume of existing traffic on the island reduces the level of impacts to the roadway system.

Specific mitigation measures were recommended in the TIAR and will be incorporated into the project design when warranted. Petitioner concludes no significant impact to roadways. [FEA, File 1, pg. 62]

Electrical Power and Communication [FEA, File 1, pgs 72-73]

Petitioner states that the Project will not have a significant impact on the local utility's electrical grid or communication resources or services. The proposed project is adjacent to existing utilities.

Noise [FEA, File 1, pgs 51-52]

No noise sensitive areas are present within the project area. Portions of the project will be exposed to aircraft noise levels.

Petitioner states that the proposed project adjoining an existing airport and power plant will result in negligible noise increase and result in a less than significant impact.

Air Quality and Lighting [FEA, File 1, pgs 49-50]

Petitioner states that the Project will implement appropriate dust control measures during construction and other best management practices. Seabirds may be attracted to outdoor lighting and the project will mitigate potential impacts with low power lighting using shielding and limit light levels.

Petitioner states that the project will comply with all applicable regulations for control of air pollution. Petitioner concludes the project will not have a significant adverse impact on air quality or climate.

Greenhouse Gas Considerations [FEA, File 1, Pgs.50- 51]

The proposed project will include 127 acres for renewable energy projects, including photovoltaic equipment with battery energy storage, as well as relocate an existing concrete recycling and rock crushing operation, and an existing asphalt plant. During construction, earthmoving equipment and transportation of materials to and from the project site, will be short term and are not considered significant. Petitioner states that in the context of the Green House Gas Reporting Program administered by the Federal government, the proposed action does not fall within the mandatory GHG reporting threshold. The Petitioner believes the proposed action is not anticipated to create significant direct and indirect foreseeable GHG emissions.

Natural Hazards [FEA, File 1, pgs 39-42]

The project's location has identified the following natural hazard issues: seismicity is a concern due to proximity to Moloka'i Seismic Zone; potential to be affected by hurricanes; in the Zone X Flood Zone (minimal flood chance); in proximity to active volcano on Big Island; due to elevation not subject to tsunami or sea level rise. Wildfires may be an issue but are easily addressed through design.

The proposed project will not exacerbate any natural hazard conditions. The Project will mitigate potential for wildfires through landscape design. The Project faces similar issues as rest of mauka portions of island relative to natural hazards and will coordinate with State and County civil

defense on necessary mitigation measures.

Phase I Environmental Site Assessment [FEA, File 1, pgs 52-53; and Appendix E]

The Phase I ESA has revealed no evidence of a Recognized Environmental Condition (RECs) or Historical Recognized Environmental Conditions (HRECs). Petitioner concludes that impacts will be less than significant.

Impacts on Agriculture [FEA, file 1, pgs 34-38]

The Project will reduce the availability of agricultural land by about 200 acres but will not limit growth of diversified agriculture on the island as ample land is available. There will be about 18,000 acres of former plantation lands available for agricultural use on the island.

Due to limited potable water on the island, water is not available to support extensive diversified crop farming on former plantation lands.

No impacts to existing on-site agricultural operations since land has been fallow since 1992. Petitioner states that the impacts on agriculture will be less than significant.

Wastewater [FEA Section 4.16 pgs. 112-115; Exhibit H]

Petitioner states that depending on the development timeline, construction of a Wastewater Treatment Plant (WWTP) could be phased in. Petitioner mentions the possibility of using onsite Individual Wastewater Systems (IWS) and decentralized WWTP; but notes that no cesspools would be allowed.

Petitioner plans to move forward with the project incrementally over 30 years and will conform with all requirements of DOH and the County of Maui relating to handling wastewater on site. Therefore, Petitioner concludes impact of wastewater improvements will be less than significant [FEA, File 1, pg. 115]

Secondary and Cumulative Impacts [FEA, File 1, pgs 73-74]

Petitioner asserts that the industrial park will incorporate, to the extent feasible and practicable, measures to promote energy conservation, sustainable design, environmental stewardship and protection of natural and cultural resources.

Petitioner states the Project will require minor commitments of renewable and nonrenewable energy and material resources. All uses will conform to applicable County, State, and Federal laws, codes, rules, etc.

Petitioner concludes that the project will not involve any significant cumulative impacts.

Consistency with State/County plans [FEA, File 1, pgs 95-130; Appendix K-1 and K-2]

Maui County Plans [FEA, File 1, pgs. 93-95]

The Petitioner identifies sections of the County of Maui 2030 General Plan that is directly applicable, indirectly applicable, and not applicable to the Plan.

Lana`i Community Plan [FEA, File 1, pgs 95-100]

Currently designates the project area for light/heavy industrial use; however, under State land use classification and County zoning the area is designated “agricultural.” Petitioner states that the proposed project is consistent with the Community Plan as it calls for the 200-acre site to be in light and heavy industrial use.

County Comprehensive Zoning Ordinance [FEA, File 1 pgs 100-105]

The current County zoning for the site is “agricultural.”

Lana`i Water Use and Development Plan [FEA, File 1, pg 105]

The discussion on water demand is presented in Table 6 [FEA, File 1, pg 69] and Petitioner believes it is based on a more realistic projected water demand for projects that have been submitted for approval in the entitlement and permitting processes.

State of Hawai`i [FEA, File 1, pgs. 130-194]

The Project area is currently within the State Land Use Agricultural District and requires a boundary amendment. Petitioner does provide a discussion of how the Project meets the criteria for reclassification into the State Urban District [FEA, File 1, pg. 76-80].

Petitioner provides a discussion of the conformity of the proposed Project to the Coastal Zone Management Act [FEA, File 1, pgs. 105-112]. The Project is located inland of the coast and some of the objectives are not applicable.

Petitioner identifies sections of the Hawai`i State Plan that the Project is supportive of, not supportive of, or not applicable to [FEA, File 1, pgs. 80-92]. Petitioner concludes that the Project will contribute to the State’s economic base by generating economic benefits associated with economic activity on site.

Development Timeframe

Petitioner indicates that full buildout will occur incrementally and take approximately 20 years [FEA, File 1, pg. 30]. The master developer will develop the major common infrastructure, such as roads, electric and water utility lines (FEA, pg. 14). Petitioner has not provided a phased development plan in increments as requested by OPSD in its comments on the DEA and 2nd DEA.

Alternatives Considered [FEA, File 1, pgs 116-118]

Petitioner has provided for four alternatives as described. This appears to address this requirement sufficiently.

Alternatives to the Proposed Plan	Section 11-200.1-21(6), HAR, requires identification and analysis of impacts and alternatives be considered.	The Applicant dedicated Section 5 (Alternatives) to address this concern (FEA, File 1, pgs 116-118).
Alternatives	Considerations	
Preferred Alternative	Petitioner preferred alternative is to proceed with the Project as proposed. Petitioner states this alternative is consistent with and will implement the Lana`i Community Plan.	
No Action	Petitioner stated that the no action alternative would result in no industrial development and the land would remain agricultural; fallow and unused or underutilized.	
Deferred Action	Petitioner would defer the project at this time resulting in higher development costs and greater uncertainty. Not considered appropriate.	
Site Plan Alternatives	Petitioner has considered alternative site plans. Petitioner states that the Preferred Alternative is now more refined and identifies specific uses that would occur, including the renewable energy project and a mix of relocated and new industrial uses.	

6. ANALYSIS

The FEA, may be distinguished from the DEA in that it consists of the DEA revised to incorporate, among other things, the public’s comments and the responses to those comments. Table 1 outlines the content requirements for the FEA to satisfy therequirements specific to the FEA itself pursuant to HAR §11-200.1-21., and a determination by staff as to whether these requirements have been met in Petitioner’s proposed FEA.

Petitioner has provided an assessment of conformance to the Significance Criteria [FEA, File 1, pgs 119-124]

Table 1

FEA Content Requirements (HAR §11-200.1-21)	Meets Requirements ⁵
Identification of applicant or proposing agency; [FEA, File 1, pg 7]	√
Identification of the approving agency; [FEA, File 1, pg 7]	√
Identification of agencies, citizen groups, and individuals consulting in preparing the EA; [FEA. File 1, pgs 127-129]	√
General description of the action’s technical, economic, social, cultural, historical, and environmental characteristics; [FEa, File 1, pgs 32-74]	√
Summary description of the affected environment, including suitable and adequate regional, location, and site maps such as Flood Insurance Rate Maps, Floodway Boundary Maps, Unites States Geological Survey topographic maps, or State sea level rise exposure area maps; [FEA, File 1, pgs 12-22]	√
Identification and analysis of impacts and alternatives considered; [FEA, File 1, pgs 116-118]	√
Proposed mitigation measures; [FEA, File 1; pgs 12-22]	√
List of all required permits and approvals (state, federal, and county) and, identification of which approval necessitates chapter 343, HRS, environmental review; and [FEA, File 1, pgs 125-126]	√
Written comments, if any, and responses to the comments received, if any, pursuant to the early consultation provisions of section 11-200.1-18(a), HAR, and statutorily prescribed public review periods in accordance with section 11-200.1-20, HAR. [FEA, File 2 through File 5]	√

Staff believes that the Petitioner has minimally met the filing requirements identified in Table 1.

⁵ A “√” indicates that a particular requirement has been met, either in the DEA or subsequently in the draft FEA.

7. SUMMARY CONCLUSIONS

Based on review of the proposed FEA, and as noted in the preceding Tables 1 and 2, staff believes that Petitioner has generally complied with the minimum content requirements of an FEA; and, that the LUC determines that the proposed action is not likely to have a significant effect.

Staff recommends that the proposed FEA be determined as a FONSI pursuant to HRS Chapter 343, and HAR Chapter 11-200.1-22. Further, staff recommends that the Commission direct the Executive Officer to submit a record of their action and determination to the applicant and notice to OEQC (now Environmental Review Program “ERP”) by the March 9, 2022 deadline.