



# The Environmental Notice

February 23, 2018

David Y. Ige, Governor  
Scott Glenn, 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.



Hawaiian Hawk ('Io)

Photo by: [budgora](#)

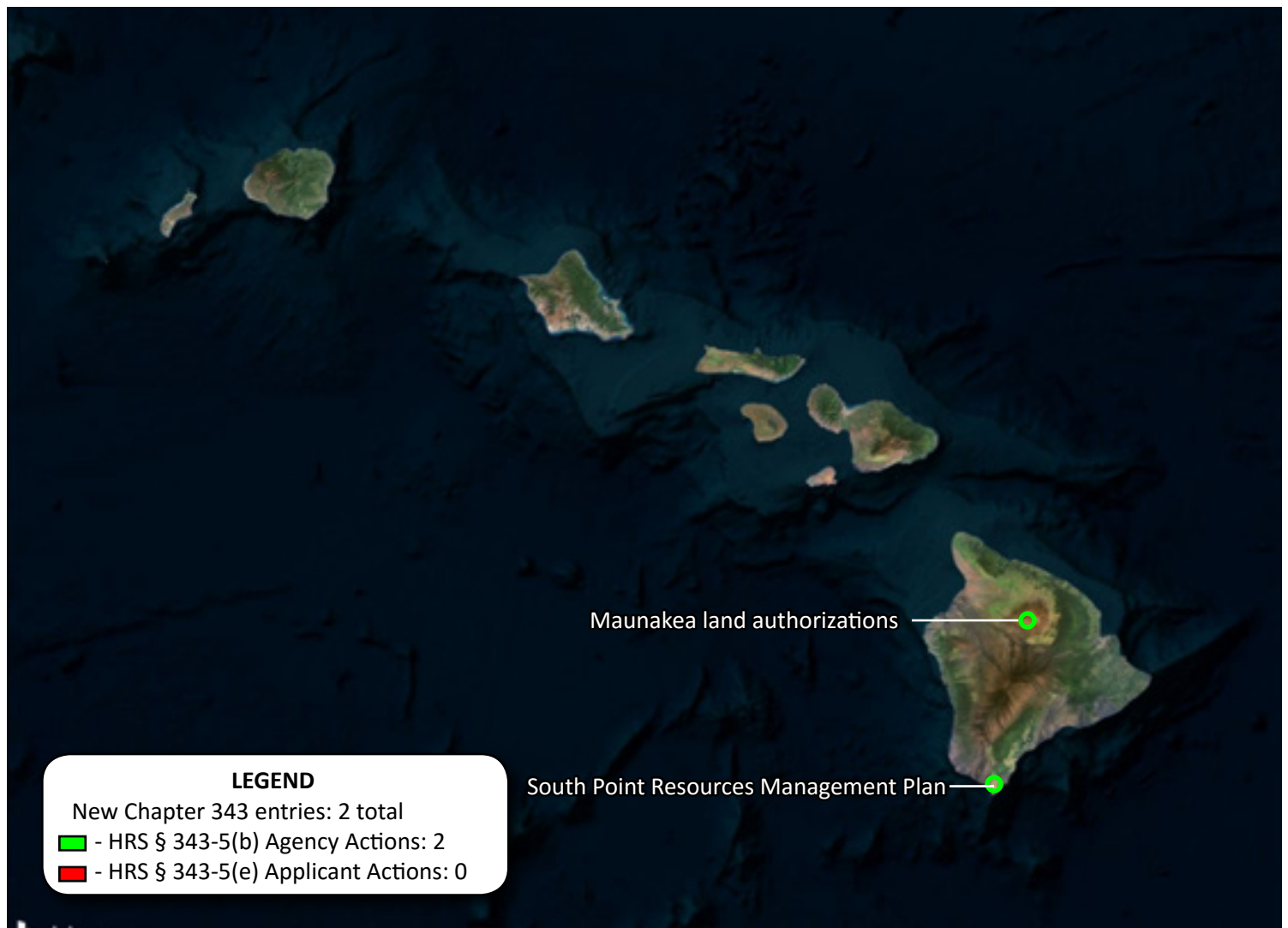
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## ANNOUNCEMENT


Version 0.4 of the proposed amendments to the administrative rules governing the environmental review process was introduced by the Environmental Council on February 20, 2018; here are links to the [PDF version](#) and to the [online platform](#) where you can review and provide comments. Additionally, [here](#) is a document that describes the process to update the rules. The Council will meet again for decision-making on the amendments on March 6, 2018; the agenda will be posted on the [Rules Update page](#) of the [OEQC website](http://health.hawaii.gov/oeqc/) (<http://health.hawaii.gov/oeqc/>) by February 28, 2018.

## STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



## HAWAII

**Land Authorizations for Long-Term Continuation of Astronomy on Maunakea--(EISPN)**

<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>	Hāmākua	
<b>TMK(s)</b>	(3) 4-4-015:009 (Mauna Kea Science Reserve), 4-4-015:012 (Halepōhaku Mid-Level Facility), and 4-4-015:001 por. (Mauna Kea Access Road)	
<b>Permit(s)</b>	Issuance of new land authorization(s) for a portion or all of the lands currently encumbered to UH	
<b>Proposing Agency</b>	University of Hawai'i Stephanie Nagata , Director, Office of Mauna Kea Management, (808) 933-3195, <a href="mailto:nagatas@hawaii.edu">nagatas@hawaii.edu</a> 200 W. Kawili St., Hilo, HI 96720	
<b>Accepting Authority</b>	Governor, State of Hawai'i The Honorable David Y. Ige, (808) 586-0034, <a href="http://governor.hawaii.gov/contact-us/contact-the-governor/">http://governor.hawaii.gov/contact-us/contact-the-governor/</a> Executive Chambers, State Capitol, 415 South Beretania St., Honolulu, HI 96813	
<b>Consultant</b>	Planning Solutions, Inc Jim Hayes, (808) 550-4559, <a href="mailto:jim@psi-hi.com">jim@psi-hi.com</a> 711 Kapi'olani Blvd., Suite 950, Honolulu, HI 96813	
<b>Status</b>	Administrative 30-day public review and comment period starts. Comments are due by March 27, 2018. Please send comments to the accepting authority and copy the proposing agency and the consultant. Comments can also be submitted on-line at <a href="http://MaunakeaLandAuth.CommentInput.com">http://MaunakeaLandAuth.CommentInput.com</a>	

The University of Hawai'i (UH) leases the 11,288-acre Mauna Kea Science Reserve (MKSR) under general lease S-4191, which expires on December 31, 2033, and the 19-acre Halepōhaku mid-level facility under general lease S-5529, which expires in 2041. In addition, UH holds non-exclusive Easement S-4697 for the Mauna Kea Access Road between the two leased properties, the easement area is roughly 71 acres and the easement expires on December 31, 2033. The two leased properties plus a 400-yard wide corridor on either side of the Mauna Kea Access Road, excluding areas within the adjacent Natural Area Reserve, make up the UH Management Area on Maunakea. UH is seeking to replace its two existing leases and easement with a new land authorization well before they expire.

UH is seeking a new land authorization for two principal reasons. The first is to incorporate the new Comprehensive Management Plan objectives into the authorization. The second is to provide an adequate planning horizon for ongoing and future scientific activity, something that is increasingly difficult as the remaining term of the existing Master Lease becomes shorter.

The Environmental Impact Statement Preparation Notice (EISPN) discusses a "No Action Alternative," an action alternative under which UH receives a new authorization for a much reduced land area relative to its current encumbered area, and an action alternative under which it receives a new authorization for the same areas it currently leases or holds an easement over. These three alternatives and potentially additional alternatives advanced by stakeholders during the EISPN review period will be evaluated in the Draft Environmental Impact Statement (DEIS).


The EISPN outlines the kinds of potential adverse and beneficial impacts that are likely to result from the alternatives being considered. These potential impacts and others identified by stakeholders during the review of the EISPN will be evaluated in the DEIS.

Public open house meetings will be held where exhibits will be available for viewing and attendees will have an opportunity to talk with various resource specialists, managers, and planners. The meetings will occur as follows:

- Waimea; Monday, March 12 – 5:30 to 8:30 p.m.; Department of Hawaiian Homelands – Kūhiō Hale, 64-756 Māmalahoa Highway
- Hilo; Tuesday, March 13 – 5:30 to 8:30 p.m.; 'Imiloa Astronomy Center of Hawaii – Moanahoku Hall, 600 'Imiloa Place
- Honolulu; Wednesday, March 14 – 5:30 to 7:30 p.m.; University of Hawai'i Cancer Center, Sullivan Conference Center, 701 Ilalo Street

## HAWAI‘I (CONTINUED)

### South Point Resources Management 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>	Ka‘ū	
<b>TMK(s)</b>	(3) 9-3-001:003	
<b>Permit(s)</b>	Archaeological Monitoring Plan Approval, Grubbing & Grading Permit, Building Permit, National Pollution Discharge Elimination System (NPDES)	
<b>Proposing/ Determining Agency</b>	Department of Hawaiian Home Lands (DHHL), State of Hawai‘i, Mr. Andrew Choy, (808) 620-9279, <a href="mailto:andrew.h.choy@hawaii.gov">andrew.h.choy@hawaii.gov</a> P.O. Box 1879, Honolulu, HI 96805	
<b>Consultant</b>	Townscape, Inc., 900 Fort Street Mall, Suite 1160, Honolulu, HI 96813 Angela Fa‘anunu, (808) 536-6999, <a href="mailto:Faanunu@Townscapeinc.com">Faanunu@Townscapeinc.com</a>	
<b>Status</b>	30-day public review and comment period starts. Comments are due by March 27, 2018. Please send comments to the proposing/determining agency and copy the consultant.	

Unregulated access to DHHL lands at South Point has compromised the integrity of its heritage sites and coastal ecosystems. To address these threats, the DHHL South Point Resources Management Plan 2016, was developed which proposes sixteen projects and strategies, consisting of near-term priority projects and long-term projects. Of the 16 projects proposed, seven have been selected as priority projects to be implemented in the near-term and the remaining projects are long-term strategies to be implemented over time. Priority projects include the following actions:

- (1) Restore and protect important cultural sites and natural resources within the DHHL’s property.
- (2) Plan, design, and construct a walking path that guides visitors around the cultural & natural resources near South Point.
- (3) Manage vehicular access at South Point.
- (4) Provide sanitary amenities and signage at South Point.
- (5) Institute a parking fee for South Point.
- (6) Plan, design and construct a service road and a pedestrian path to Māhana Bay.
- (7) Provide training and technical assistance to local people to become legal business entities on DHHL lands.



Green Sand Beach (Papakōlea) in Māhana Bay, modified from original

Photo by [David J. Laporte](#)

## CHAPTER 25, REVISED ORDINANCES OF HONOLULU

Use of the Special Management Area (SMA) is not a trigger under Chapter 343, but developments in O‘ahu's SMA are required to go through an environmental review process that mirrors the procedural requirements of HRS Chapter 343, pursuant to Revised Ordinances of Honolulu, Chapter 25. Developments being reviewed under Chapter 25 but not Chapter 343 appear here.

### Installation of SO2 Scrubbing System & Replacement of Karbate Gas Coolers, Kapolei Refinery--Final EA (FONSI)

<b>District(s)</b>	‘Ewa
<b>TMK(s)</b>	(1) 9-1-014:010
<b>Permit(s)</b>	Special Management Area Use Permit, Modification to Conditional Use Permit (CUP modification), Air Pollution Control Permit, Construction Permits
<b>Approving Agency</b>	Department of Planning and Permitting, City and County of Honolulu Sarah Afong, <a href="mailto:sarah.afong@honolulu.gov">sarah.afong@honolulu.gov</a> 650 S. King St., 7th Floor, Honolulu, HI 96813
<b>Applicant</b>	Island Energy Services; 91-480 Malakole Street, Kapolei, HI 96707 Marc Dexter, <a href="mailto:marc.dexter@islandenergyservices.com">marc.dexter@islandenergyservices.com</a>
<b>Consultant</b>	CH2M; 1132 Bishop Street, Suite 1100, Honolulu, HI 96813 Lisa Kettley, <a href="mailto:lisa.kettley@ch2m.com">lisa.kettley@ch2m.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination.

Island Energy Services, LLC (IES) owns and operates the Kapolei Refinery (formerly known as the Chevron Refinery), located in Campbell Industrial Park. IES is proposing to install an sulfur dioxide (SO2) scrubbing system and replace the existing karbate gas coolers within the refinery’s acid plant. The new scrubbing system would include an approximately 57-foot-tall SO2 scrubbing tower and an approximately 33-foot-tall acidulation stripping tower, with an approximately 59-foot-tall steel support structure. The system would function to reduce SO2 emissions generated by the acid plant to meet current industry best control practices. The existing karbate gas coolers, which are reaching the end of their design life, would be replaced with two new plate and frame heat exchangers. Replacement of the karbate gas coolers would improve equipment efficiency and allow the acid plant to operate at its design capacity. The proposed project area comprises the existing footprint of the acid plant, which is located within the special management area (SMA).



West end of O‘ahu, modified from original

Photo by: [Forest Starr](#) and [Kim Starr](#)

**PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT**

**Status:** Public review and comment period for these projects began previously. Comments are due **March 12, 2018** unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

**O’AHU**

- [Hale Mauliola Navigation Center--Draft EA \(AFNSI\)](#)
- [He’eia Wastewater Pump Station Improvements--Draft EA \(AFNSI\)](#)
- [Ililani Condominium Project--Draft EA \(AFNSI\)](#)

**KAUA’I**

- [Helios Hanalei Single Family Residence--Draft EA \(AFNSI\)](#)
- [Pua Loke Affordable Housing Development--Draft EA \(AFNSI\)](#)
- [Kapaia Cane Haul Road 18-inch Main--Draft EA \(AFNSI\)](#)

**NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION**

[‘Ōma’opio Tank Booster Pump and Controls Upgrade](#)

<b>Island</b>	Maui
<b>District(s)</b>	Makawao
<b>TMK(s)</b>	(2) 2-3-005:004 Por
<b>Proposing &amp; Approving Agency</b>	State of Hawai’i, Department of Health, Environmental Management Division, Safe Drinking Water Branch 2385 Waimano Home Road, Uluakupu Building 4, Pearl City, HI, 96782-1400 Contact Ms. Joan Corrigan (808) 586-4258
<b>Status</b>	Comments due no later than March 26, 2018. Send comments to Ms. Joan Corrigan, as noted above.

The Department of Health (DOH) will be initiating the NHPA Section 106 consultation with the State Historic Preservation Division (SHPD) in accordance with 36 CFR Part 800. In 2015, the U.S. Environmental Protection Agency (EPA) authorized the DOH to act on EPA’s behalf, pursuant to 36 CFR §800.2 (c) (4), when initiating NHPA Section 106 for projects funded under the Hawai’i Drinking Water State Revolving Fund (DWSRF).

The DWSRF program is providing funding to the County of Maui, Department of Water Supply for ‘Ōma’opio Tank Booster Pump and Controls Upgrade. The proposed project will utilize federal funding and is considered an undertaking, as defined by Section 106 of the NHPA, 54 U.S.C. §306101 et seq., and 36 CFR Part 800. The project proposes to replace one potable water pump and install an additional pump and associated electrical equipment to allow continued service to customers while one pump is maintained. The proposed project site is one mile east of Haleakala Highway through a restricted roadway with entrance near Mile Marker 5. Any comments for the project will be included as a part of the NHPA Section 106 consultation with SHPD.

**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 (768-8014); Hawai’i (East 961-8288, West 323-4770); Kaua’i (241-4050); Maui (270-7735); Kaka’ako or Kalaeloa Community Development District (587-2841).

<b>Location (TMK)</b>	<b>Description (File No.)</b>	<b>Applicant/Agent</b>
Kaua’i: Moloa’a (4-9-014: 006)	Chain Link Fencing, Rock Wall and Landscaping (SMA(M)-2017-22)	Campbell Murphy Investments, LLC
Maui: Kihei (3-9-006: 014)	After-the-Fact Alterations (SM2 20180005)	Christopher and Christy Van Wu
Maui: Wailea (2-1-008: 061)	Install New Rooftop Wireless Telecommunications (SM2 20180006)	T-Mobile West, LLC
O’ahu: Waipahu (9-4-011: 098)	Waipahu Kingdom Hall of Jehovah’s Witness - Renovation (2018/SMA-2)	Keli’i Conway / Joseph Apana
O’ahu: ‘Aiea (9-8-014: 025)	T-Mobile West, LLC – Utility Installation, Type A (2018/SMA-3)	T-Mobile West, LLC / Telecom Site Development Services

## COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

### FEDERAL CONSISTENCY REVIEWS

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

For specific information or questions about an action listed below, contact John Nakagawa at [john.d.nakagawa@hawaii.gov](mailto:john.d.nakagawa@hawaii.gov) or at (808) 587-2878. The CZM Program is required to adhere to federal review deadlines, therefore, **comments must be received by March 9, 2018**. Comments may be submitted by mail or electronic mail, to the addresses below.

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

**Email:** [john.d.nakagawa@hawaii.gov](mailto:john.d.nakagawa@hawaii.gov)

#### **Install Permanent Mooring Buoys at Huawai and Kaunolu Bay, Lana'i**

**Proposed Action:** Install two permanent single-point mooring buoys, one each at Huawai (Ridgeline dive site) and Kaunolu Bay (Coral Garden dive site), Lanai, for the exclusive day-use by Lanai Resorts LLC. The day-use moorings are intended for mooring boats for resort guests of Lanai Resorts LLC to participate in ocean-based activities, such as snorkel, SCUBA, SNUBA, stand-up paddle boarding, and fishing. The Huawai mooring will consist of a 4,000 pound pre-cast concrete anchor block attached to a 24-inch subsurface float and 15-foot storm pendant via 53 feet of ½-inch galvanized chain. The Huawai anchor block will be deadweight and will be located on un-colonized sandy seafloor. The Kaunolu Bay mooring will consist of a 4,000 pound pre-cast concrete anchor block attached to a 24-inch subsurface float and 15-foot storm pendant via 36 feet of ½-inch galvanized chain. The Kaunolu Bay anchor block will be deadweight and will be located on un-colonized rocky marine substrate and sandy seafloor. Subsurface floats will be located approximately 10 feet below the water surface.

**Location:** Huawai (Ridgeline dive site) and Kaunolu Bay (Coral Garden dive site), Lana'i  
**TMK(s):** (2) 4-9-17: 8; (2) 4-9-2: 1  
**Applicant:** Lanai Resorts, LLC  
**Contact:** Mr. Peter Young, Hookuleana LLC, (808) 226-3567, [petyoung@hookuleana.com](mailto:petyoung@hookuleana.com)  
**Federal Action:** Federal Permit  
**Federal Agency:** U.S. Army Corps of Engineers

#### **Hanalei River Bioengineered River Bank Stabilization, Hanalei, Kaua'i**

**Proposed Action:** Install a 450-foot long bioengineered wall (biowall) along the eroding Hanalei River bank. The biowall will be constructed in 50-foot increments, with each increment being completed before construction on the next increment begins. The biowall will be comprised of: (1) placement of 2 to 3-foot diameter boulders into the river against the bank from the toe of the bank and extending up to the ordinary high water mark (+1.3 feet mean sea level) to provide toe protection and foundation support; (2) placement of permeable geotextile roll bags filled with grow medium comprised of 80% sand and 20% compost by volume; (3) placement of geogrid fabric to secure and anchor the interlocking, permeable geotextile bags to the bank of the river; and (4) planting of native plants between each layer of the geotextile bags as they are being installed. Once the bio-wall has been completed in its entirety, native or Polynesian woody shrubs will be planted along the top of the river bank. No dredging or excavation will be required for the project. A Final Environmental Assessment was previously completed for the project and was [published in "The Environmental Notice" on October 23, 2016](#):

**Location:** 5-5016 Kuhio Highway, Hanalei, Kaua'i  
**TMK(s):** (4) 5-5-10: 67  
**Applicant:** Mr. Roger Ross, Hanalei Traders, Inc.  
**Contact:** Mr. Andrew Hood, Sustainable Resources Group Intn'l, Inc., (808) 356-0552, [ahood@srgii.com](mailto:ahood@srgii.com)  
**Federal Action:** Federal Permit  
**Federal Agency:** U.S. Army Corps of Engineers

## SHORELINE NOTICES

### APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review 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). 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, call (808) 587-0420.

File No.	Location	TMK	Applicant	Owner	Purpose
OA-1800	91-329, 91-333, 91-335, and 91-335A Papipi Road, O'ahu, 96706	(1) 9-1-011:001 & 002	R.M. Towill Corporation	Haseko (Ewa) Inc.	Permitting
OA-1801	Keoneula Boulevard, Oahu, 96706	(1) 9-1-134: 007 & 055	R.M. Towill Corporation	Haseko (Ewa) Inc. & Hoakalei Corporation	Permitting
OA-1802	10 Sand Island Access Road, O'ahu, 96819	(1)1-5-041: 006 por	R.M. Towill Corporation	State of Hawaii, DLNR	Permitting
MA-690	33 Hana Highway, Maui	(2) 2-6-002: 013	CDF Engineering LLC	Parker A. Ferguson	Establish shoreline
MA-691	281 Amala Place, Maui, 96732	(2) 3-8-001: 188	R.T. Tanaka Engineers, Inc.	County of Maui (Ie)	determine shoreline setback
MA-692	4401 Lower Honoapi'ilani Road, Maui, 96761	(2) 4-3-010: 009	James Barry	Hololani AOA	Shoreline protection
HA-554	15-2259 Government Beach Road, Hawai'i, 96778	(3) 1-5-010: 031	The Independent Hawaii Surveyors, LLC	Michael Scott Moore	SMA use permit application
HA-555	Lot 4 Kealohi Kai Place, Hawai'i, 96740	(3) 7-7-024: 004	Thomas Pattison	Kona Oasis Inc.	Building permit for swimming pool

### PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

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

File No.	Status	Location	TMK	Applicant	Owner	Purpose
OA-1771	Proposed	84-1099 Farrington Highway, O'ahu, 96792	(1) 8-4-003: 003	Wesley T. Tengan	Pomona Valley Hospital Medical Center Foundation	Establish building setback line
OA-1786	Proposed	84-931 & 84-939 Farrington Highway, O'ahu, 96792	(1) 8-4-004: 020 & 021	Wesley T. Tengan	Basami, LLC	Building setback line
OA-1787	Proposed	91-480 Malakole Street, O'ahu, 96707	(1) 9-1-014: 010	R.M. Towill Corporation	IES Downtown, LLC	Permitting
OA-1788	Proposed	609 Milokai Street, O'ahu, 96744	(1) 4-4-039: 007	Walter P. Thompson, Inc.	Castanon Family Trust	Building permit
OA-1795	Proposed	56-201 Kamehameha Highway, O'ahu, 96731	(1) 5-6-001: 084	Austin, Tsutsumi & Associates, Inc.	The Simon-Pahler Family Trust	Setback purposes
OA-1796	Proposed	4585 Kāhala Avenue, O'ahu, 97816	(1) 3-5-004: 001	Austin, Tsutsumi & Associates, Inc.	Wealth Sky LLC	Setback purposes
KA-423	Proposed	Kūhiō Highway, Kaua'i	(4) 5-8-012: 006 por.	Honua Engineering, Inc.	Timothy Smith	Determine shoreline setback



## NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents submitted for publication that have been prepared pursuant to NEPA, rather than Chapter 343, HRS. Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and Chapter 343, HRS. In those cases, a separate Chapter 343, HRS, entry would be published in *The Environmental Notice*.

### [Draft FONSI for Airfield Improvements and Building Demolition at Marine Corps Base Hawai'i](#)

<b>Island</b>	O'ahu
<b>District(s)</b>	Ko'olaupoko
<b>TMK(s)</b>	(1) 4-4-008:001
<b>Permit(s)</b>	various
<b>Proposing &amp; Approving Agency</b>	Department of the Navy Naval Facilities Engineering Command, Pacific 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860-3134
<b>Status</b>	Comments must be received or postmarked by March 10, 2018 to be considered Written comments on the Draft FONSI may be provided by e-mail to: <a href="mailto:NFPAC-Receive@navy.mil">NFPAC-Receive@navy.mil</a> or by mail to: Naval Facilities Engineering Command Pacific, 258 Makalapa Drive, Suite 100, JBPHH, Hawai'i 96860-3134, Attention: EV23 Project Mgr MCBH Airfield Improvements EA.

Pursuant to the Council on Environmental Quality Regulations implementing the National Environmental Policy Act, Marine Corps Base Hawaii (MCBH), provides notice that a Draft FONSI has been prepared, based on an Environmental Assessment (EA), for Airfield Improvements and Building Demolition at MCBH, Kaneohe Bay. The Draft FONSI considers findings from the formal Section 106 consultation conducted pursuant to Title 36 of the Code of Federal Regulations (CFR) Part 800, Protection of Historic Properties, Section 106 Regulations, regarding potential impacts to cultural resources from the proposed demolition of historic facilities located near the base airfield. The Draft FONSI & EA are available via the linked title to this entry.

## FEDERAL NOTICES

As a courtesy, listed below are 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: [U.S. Endangered Species; Receipt of Recovery and Interstate Commerce Permit Applications](#) (published 2/13/2018)**

The U.S. Fish and Wildlife Service invites the public to comment on applications for permits to conduct activities intended to enhance the propagation or survival of endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits certain activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA also requires that USFWS invites public comment before issuing these permits. To ensure consideration, **written comments must be received by March 15, 2018**; please click on the linked title to this entry for information about submitting comments.

### **Notice: [Western Pacific Fishery Management Council; Public Meetings](#) (published 2/20/2018)**

The Western Pacific Fishery Management Council (Council) will hold its Social Science Planning Committee (SSPC) meeting, 128th Scientific and Statistical Committee (SSC) meeting, 172nd Council meeting and its associated meetings to take actions on fishery management issues in the Western Pacific Region. A portion of the Council's Executive, Budget and Legislative Standing Committee meeting will be closed to the public. **The meetings will be held between March 5 and March 16, 2018**. For specific times and agendas, and for additional information, please click on the linked title to this entry.

### **Notice: [Notice of Intent To Repatriate Cultural Items: U.S. Department of the Interior, National Park Service, Kaloko-Honokōhau National Historical Park, HI](#) (published 2/22/2018)**

The U.S. Department of the Interior, National Park Service, Kaloko-Honokōhau National Historical Park, in consultation with the appropriate Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to Kaloko-Honokōhau National Historical Park. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants or Native Hawaiian organizations stated in this notice may proceed. **Lineal descendants or representatives of any Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Kaloko-Honokōhau National Historical Park at the address in this notice by March 26, 2018**. Please click on the linked title to this entry for additional information.

## GLOSSARY OF TERMS AND DEFINITIONS

### Agency Actions

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

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 actions' 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 Agency 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 ask a court 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 OEQC, 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 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. Until administrative rules have been drafted, the agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISPN must be incorporated into the subsequent Draft EIS.

### 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 now 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

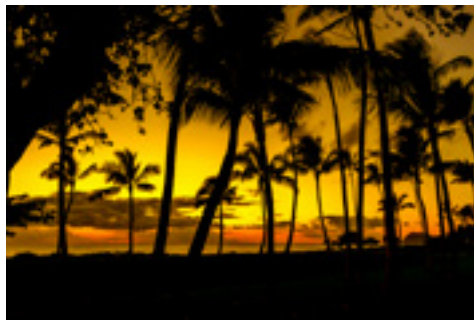
After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigation measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPN comment period in a point-by-point manner.

### 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. See here for style concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is 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

If the FEIS is accepted, notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a non-acceptance determination.



Ko Olina Bay, O'ahu

Photo by [Floyd Manzano](#)

### National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare an 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. OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

### Conservation District

Any use of land in the State Conservation District requires a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. Notices of permit applications are published in this bulletin.

### Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

### 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 Council

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). Agendas of their regular meetings are posted on the Internet and the public is invited to attend.

### Administrative Exemption Lists

Government agencies must 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 11-200-8(d)). 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).