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.

May 8, 2019

David Y. Ige, Governor
Scott Glenn, Director
Announcements

Governor Ige has set July 30, 2019 as the date he will sign the new rules for the state Environmental Impact Statement process. The new rules will take effect on August 9, 2019. The governor set the signing date so that all stakeholders have sufficient time to prepare for the adoption of the new rules. The OEQC publication date for The Environmental Notice on August 8, 2019 will be the last issue under the current (1996) rules. The August 23, 2019 issue will be the first one for the new rules, although any action initially published under the current rules (i.e., through August 8, 2019) will remain under those rules through the action’s final publication. For more information, go to the OEQC webpage, which includes links to all of the rules documents and a timeline of the effort: http://health.hawaii.gov/oeqc/rules-update/.

Statewide Map of New HRS Chapter 343 Documents & Determinations

Previously Published Documents Open for Comment

Coastal Zone Management Notices

Special Management Area (SMA) Minor Permits

Shoreline Notices

Applications for Shoreline Certification
Proposed Shoreline Certifications and Rejections

Application for Accretion

National Environmental Policy Act (NEPA) Actions

Federal Notices

Glossary of Terms and Definitions
Kohala Shoreline Six-Lot Subdivision--Draft EA (AFNSI)

HRS §343-5(a) Trigger
(1) Propose the use of state or county lands or the use of state or county funds

District(s) North Kohala
TMK(s) (3) 5-9-001:008
Permit(s) Various (see document)

Approving Agency
Planning Department, County of Hawai‘i
Michael Yee, Director, (808) 961-8288, Michael.Yee@HawaiiCounty.gov
Hawai‘i County Planning Dept., 101 Pauahi Street, Suite 3, Hilo, HI 96720

Applicant
Kohala Shoreline, LLC; 121 Waianuenue Avenue, Hilo, HI 96720
Steven Lim, (808) 523-2583, slim@carlsmith.com

Consultant
Geometrician Associates LLC; P.O. Box 396, Hilo, HI 96721
Ron Terry, (808) 969-7090, rterry@hawaii.rr.com

Status
Statutory 30-day public review and comment period starts. Comments are due by June 7, 2019. Please send comments to the approving agency and copy the applicant and the consultant.

Kohala Shoreline, LLC proposes to develop a 6-lot subdivision makai of Akoni Pule Highway on a 37.88-acre parcel 3 miles north of Kawaihae. The owner proposes to downzone from Single-Family Residential (RS-15) to Residential and Agricultural (RA-5a) to permit less dense development. The project includes an existing lateral shoreline access, planned public parking and a mauka-makai shoreline access, and planned accommodation of the Ala Kahakai National Historic Trail on the existing Ala Loa/jeep trail. In contrast to previous proposals on this property, all building sites would be located mauka of the Ala Loa, with the 50 to 250-foot wide shoreline area below dedicated as an easement for public use. No threatened or endangered plant species are present, and wide-ranging endangered vertebrates would be protected by construction timing and project design. Implementation of archaeological preservation, data recovery plans and burial treatment plans will mitigate impacts to historic sites. Cultural impacts on traditional gathering along the shoreline will be avoided by the large shoreline buffer and public access provisions. Due to 25-foot height restrictions, low density and setbacks from both the highway and shoreline, visual effects will be minor. Water quality effects were calculated considering water extraction, wastewater infiltration and irrigation return, and they will be negligible.

West Hawai‘i Community Veterans Center--Final EA (FONSI)

HRS §343-5(a) Trigger
(1) Propose the use of state or county lands or the use of state or county funds

District(s) North Kona
TMK(s) (3)-7-3-010: 056
Permit(s) Ground Lease, NPDES, Building Permits

Proposing/Determining Agency
Department of Accounting and General Services
Joseph Earing, (808) 586-0486, joseph.m.earing@hawaii.gov
P.O. Box 119, Honolulu, HI 96810-1019

Consultant
Environmental Communications, Inc.; P.O. Box 236097, Honolulu, HI 96823
Taeyong Kim, (808) 528-4661, tkim@environcom.com

Status
Finding of No Significant Impact (FONSI) determination.

The West Hawai‘i Community Veterans Center (CVC) is a stand-alone facility that will be operated by a not-for-profit owner group to provide the community with meeting, educational, performance and a local food business incubator building service. The proposed project is located on a vacant parcel owned by the State of Hawai‘i, approximately 1-mile east of Queen Ka‘ahumanu Hwy and approximately 2-miles east of the Kona Airport. The CVC will consist of a single-story building of approximately 5,700 square feet and 107 parking stalls located on the ground level. The facility will include, open air pre-function areas, a lobby, large and small meeting rooms, a social room, commercial kitchen, office areas, toilets and supporting storage, mechanical, electrical and telephone rooms. A ground lease must be secured for this use. Other permits required for the project are ministerial building and building related permits. Other sites were considered with the proposed site selected as the preferred alternative. The no-action alternative was not considered needed as this facility is in alignment with the State Office of Veterans Services and the U.S. Department of Veterans Affairs plans for Hawai‘i. The projected construction cost of this project is $12,000,000.
Honouliuli Wastewater Conveyance Plan--(EIS Preparation Notice)

| HRS §343-5(a) Trigger | (1) Propose the use of state or county lands or the use of state or county funds  
(2) Propose any use within any land classified as a conservation district  
(3) Propose any use within a shoreline area  
(9)(A) Propose any wastewater treatment unit... |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>District(s)</td>
<td>ʻEwa</td>
</tr>
<tr>
<td>TMK(s)</td>
<td>TMK Zone 9 Sections 1 through 4 and Sections 6 through 9 (multiple properties)</td>
</tr>
<tr>
<td>Permit(s)</td>
<td>Numerous (see document)</td>
</tr>
</tbody>
</table>
| Proposing/Determining Agency | Department of Environmental Services, City and County of Honolulu  
Paul Christiansen, (808) 768-3470, p.christiansen@honolulu.gov  
1000 Uluʻohia Street, Suite 308, Kapolei, HI 96707 |
| Accepting Authority | Department of Environmental Services, City and County of Honolulu  
Lori Kahikina, (808) 768-3486, lkahikina@honolulu.gov  
1000 Uluʻohia Street, Suite 308, Kapolei, HI 96707 |
| Consultant | AECOM Technical Services, Inc.; 1001 Bishop Street, 16th Floor, Honolulu, HI 96813  
Lesley Matsumoto, (808) 529-7259, Lesley.Matsumoto@aecom.com |
| Status | Administrative 30-day public review and comment period starts. Comments are due by June 7, 2019. Please send comments to the accepting authority and copy the proposing agency and the consultant. |

The City and County of Honolulu Department of Environmental Services (ENV) proposes to improve, rehabilitate and/or upgrade the existing East Interceptor Wastewater Collection System, which includes the system of sewer lines, pump stations, and force mains conveying flows from ʻEwa, Waimalu, Pearl City and Waipahu to the Honouliuli Wastewater Treatment Plant, to accommodate wastewater flows projected through the planning period of 2050. The action to be evaluated in the ENV’s Environmental Impact Statement (EIS) is the planned improvements to the East Interceptor System and a proposed new sewer conveyance system from the Waiawa area to the East Interceptor System. Two East Interceptor conveyance options and three Waiawa conveyance options will be evaluated in the EIS. The options vary as to location, whether new or existing locations are considered, and/or type of conveyance system. ENV anticipates that subsequent to this programmatic plan, and following the development of additional details of the individual projects, there may be further consideration of potential environmental effects for decision-making on the projects. When sufficient design details are available, separate project-specific Chapter 343 documents will be prepared and compliance with other laws (e.g., HRS Chapter 6E Historic Preservation) will be demonstrated.

Kakaʻako Transpacific Broadband Conduit--Draft EA (AFNSI)

<table>
<thead>
<tr>
<th>HRS §343-5(a) Trigger</th>
<th>(1) Propose the use of state or county lands or the use of state or county funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>District(s)</td>
<td>Honolulu</td>
</tr>
<tr>
<td>TMK(s)</td>
<td>(1) 2-1-015: 052, 2-1-060-008, and 009</td>
</tr>
<tr>
<td>Permit(s)</td>
<td>Various (see document)</td>
</tr>
</tbody>
</table>
| Proposing/Determining Agency | Hawaiʻi Community Development Authority (HCDA)  
Amy Mutart, (808) 594-0300, amy.mutart@hawaii.gov  
546 Queen Street, Honolulu, HI 96813 |
| Consultant | Wilson Okamoto Corporation; 1907 South Beretania Street, Suite 400, Honolulu, HI 96826  
Keola Cheng, (808) 946-2277, broadband@wilsonokamoto.com |
| Status | Statutory 30-day public review and comment period starts. Comments are due by June 7, 2019. Please send comments to the proposing/determining agency and copy the consultant. |

HCDA is proposing to construct a new Broadband Conduit in Kakaʻako Makai in the vicinity of Kakaʻako Waterfront Park. The Broadband Conduit consists of a shorelanding conduit housing, which would have the capacity to accommodate multiple conduit landings, and a conduit station connected by a dry-line. It is anticipated that these future conduit landings would be constructed under public-private-partnerships. The proposed project will supplement Hawaiʻi’s existing broadband capacity and provide additional security and resiliency through redundancy. The proposed project will provide a foundation for the development of future terrestrial broadband initiatives in Hawaiʻi, is in alignment with the vision outlined by the State’s Broadband Initiative, and is intended to facilitate the future expansion of the State’s broadband infrastructure to meet existing and future data needs, as well as to catalyze the development of the high-tech industry within Honolulu’s urban core.
### OʻAHU

**Kawailoa Wind Farm--Draft Supplemental EIS**

<table>
<thead>
<tr>
<th>HRS §343-5(a) Trigger</th>
<th>(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district</th>
</tr>
</thead>
<tbody>
<tr>
<td>District(s)</td>
<td>Waialua</td>
</tr>
<tr>
<td>TMK(s)</td>
<td>(1) 6-1-006:001, 6-1-007:001 and 6-2-011:001</td>
</tr>
<tr>
<td>Permit(s)</td>
<td>Amendment to Habitat Conservation Plan, Incidental Take (IT) License and IT Permit</td>
</tr>
<tr>
<td>Approving Agency/</td>
<td>Department of Land and Natural Resources, State of Hawaiʻi</td>
</tr>
<tr>
<td>Accepting Authority</td>
<td>Glenn Metzler, Division of Forestry and Wildlife, <a href="mailto:Glenn.M.Metzler@hawaii.gov">Glenn.M.Metzler@hawaii.gov</a></td>
</tr>
<tr>
<td></td>
<td>1151 Punchbowl Street, Room 325, Honolulu, HI 96813</td>
</tr>
<tr>
<td>Applicant</td>
<td>Kawailoa Wind, LLC; 1166 Avenue of the Americas, 9th Floor, New York, NY 10036</td>
</tr>
<tr>
<td></td>
<td>Brita Woeck, <a href="mailto:BRIWO@orsted.com">BRIWO@orsted.com</a></td>
</tr>
<tr>
<td>Consultant</td>
<td>Tetra Tech, Inc.; 737 Bishop Street, Suite 2340, Honolulu, HI 96813</td>
</tr>
<tr>
<td></td>
<td>Lisa Kettley, <a href="mailto:lisa.kettley@tetratech.com">lisa.kettley@tetratech.com</a></td>
</tr>
<tr>
<td>Status</td>
<td>Statutory 45-day public review and comment period starts. Comments are due by June 24, 2019. Please send comments to the approving agency/accepting authority and copy the applicant and the consultant.</td>
</tr>
</tbody>
</table>

The Kawailoa Wind Project is an approximately 69-megawatt wind farm located approximately 5 miles northeast of Haleʻiwa town on the north shore of Oʻahu. An EIS for the Project was accepted by the State of Hawaiʻi Department of Business, Economic Development, and Tourism in July 2011. The Project was constructed in 2012 and has been in operation since that time. The Project operates under an approved Habitat Conservation Plan (HCP) and Incidental Take License (ITL) issued by the State of Hawaiʻi Department of Land and Natural Resources (DLNR) Division of Forestry and Wildlife (DOFAW), pursuant to HRS Chapter 195D. The HCP and ITL provide coverage for incidental take of state listed wildlife species, including the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*). Post construction mortality monitoring data indicate that operation of the wind turbines is resulting in a greater number of endangered Hawaiian hoary bat fatalities than anticipated in the approved HCP and authorized under the ITL. As such, Kawailoa Wind is pursuing an amendment to the HCP as part of the request to increase the amount of Hawaiian hoary bat take authorized by the ITL. Additionally, Kawailoa Wind is requesting to add take authorization for the endangered Hawaiian petrel (*Pterodroma sandwichensis*). Given that the impacts to the Hawaiian hoary bat and Hawaiian petrel are greater than anticipated, DOFAW requested that an SEIS be prepared to support its decision making for the requested amendment to the HCP and ITL. A separate but parallel HCP Amendment and environmental review process is being conducted in compliance with federal requirements, pursuant to the Endangered Species Act and National Environmental Policy Act.

### Hawaiian Memorial Park Expansion (Acceptance of Final EIS)

<table>
<thead>
<tr>
<th>HRS §343-5(a) Trigger</th>
<th>(7) Propose any reclassification of any land classified as a conservation district</th>
</tr>
</thead>
<tbody>
<tr>
<td>District(s)</td>
<td>Koʻolaupoko</td>
</tr>
<tr>
<td>TMK(s)</td>
<td>(1) 4-5-033:001 (portion)</td>
</tr>
<tr>
<td>Permit(s)</td>
<td>Various (see document)</td>
</tr>
<tr>
<td>Approving Agency/</td>
<td>Land Use Commission, State of Hawaiʻi</td>
</tr>
<tr>
<td>Accepting Authority</td>
<td>Daniel E. Orodenker, Executive Officer, (808) 587-3822, <a href="mailto:dbedt.luc.web@hawaii.gov">dbedt.luc.web@hawaii.gov</a></td>
</tr>
<tr>
<td></td>
<td>P.O. Box 2359, Honolulu, HI 96804-2359</td>
</tr>
<tr>
<td>Applicant</td>
<td>Hawaiian Memorial Life Plan Ltd.; 1330 Maunakea Street, Honolulu, HI 96813</td>
</tr>
<tr>
<td></td>
<td>Mr. Jay Morford, (808) 522-5233, <a href="mailto:jay.morford@Dignitymemorial.com">jay.morford@Dignitymemorial.com</a></td>
</tr>
<tr>
<td>Consultant</td>
<td>HHF Planners; 733 Bishop Street, Suite 2590, Honolulu, HI 96813</td>
</tr>
<tr>
<td></td>
<td>Mr. Ronald Sato, (808) 457-3172, <a href="mailto:rsato@hhf.com">rsato@hhf.com</a></td>
</tr>
<tr>
<td>Status</td>
<td>The approving agency/accepting authority accepted the <strong>FEIS</strong> on April 26, 2019.</td>
</tr>
</tbody>
</table>

Hawaiian Memorial Life Plan, Ltd. is seeking to reclassify approximately 53.45 acres from the State Conservation District to the State Urban District in Koʻolaupoko, Oʻahu, to allow for the expansion of the cemetery to meet future community needs for burial plots. The project would include approximately 28 acres for cemetery expansion, 3 acres of internal roadways, 7.75 acres of open space, and a 14.5 acre Cultural Preserve.
Previously Published Documents Open for Comment

Status: Public review and comment period for these projects began previously. Comments are due by May 23, 2019 unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

Hawai‘i
Kaloko Affordable Housing--Draft EA (AFNS1)

O‘ahu
Queen Emma Building Adaptive Reuse for Affordable Housing--Draft EA (AFNS1)
Ahuwale Ditch Storm Drainage Improvements--Draft EA (AFNS1)

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).

<table>
<thead>
<tr>
<th>Location (TMK)</th>
<th>Description (File No.)</th>
<th>Applicant/Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawai‘i: South Kohala (6-6-002: 029)</td>
<td>Proposed Second Single-Family Dwelling (SMM 19-411)</td>
<td>James Hobbs, Oyster Property LLC</td>
</tr>
<tr>
<td>Hawai‘i: North Kona (7-4-008: 071)</td>
<td>Continued Use of Honokōhau Model Aircraft Airfield (SMM 19-412)</td>
<td>Kona RC Flyers, Inc.</td>
</tr>
<tr>
<td>Hawai‘i: Puna (1-5-057: 087)</td>
<td>Proposed One-Bedroom Bed and Breakfast (SMM 19-413)</td>
<td>Susan Kim</td>
</tr>
<tr>
<td>Kaua‘i: Hanalei (5-5-007: 023)</td>
<td>Water Well &amp; Septic System (SMA(M)-2019-10)</td>
<td>2024 Tacoma/Glowlight Tetra</td>
</tr>
<tr>
<td>Kaua‘i: Pakala (1-7-006: 012)</td>
<td>Water Well (SMA(M)-2019-11)</td>
<td>Randy &amp; Laura Gail Weir</td>
</tr>
<tr>
<td>Maui: Lahaina (4-6-001: 009)</td>
<td>Prince Kuhio Celebration (SM2 20190024)</td>
<td>Council of Native Hawaiian Advancement</td>
</tr>
<tr>
<td>Maui: Hāna (1-3-009: 084)</td>
<td>After-the-Fact Convert Garage (SM2 20190037)</td>
<td>Sharon Jahns</td>
</tr>
<tr>
<td>Maui: Lahaina (4-4-014: 004)</td>
<td>Roof Expansion (SM2 20190038)</td>
<td>VSE Pacific Inc</td>
</tr>
<tr>
<td>Maui: Kahului (3-7-009: 013)</td>
<td>Parking Stall Addition (SM2 20190039)</td>
<td>Finance Factors LTD</td>
</tr>
<tr>
<td>Maui: Kihei (3-9-008: 017)</td>
<td>Improvements to McDonald Restaurant (SM2 20190040)</td>
<td>Michael Muyco</td>
</tr>
<tr>
<td>Maui: Kihei (3-9-011: 023)</td>
<td>Install Pool (SM2 20190041)</td>
<td>Micheline Deberadine</td>
</tr>
<tr>
<td>Maui: Lahaina (4-5-001: 045)</td>
<td>Four Chinese Festivals (SM2 20190042)</td>
<td>Theo Morrison/Lahaina Restoration Foundation</td>
</tr>
</tbody>
</table>
**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 220, 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 Ian Hirokawa at (808) 587-0420.

<table>
<thead>
<tr>
<th>File No.</th>
<th>Location</th>
<th>TMK</th>
<th>Applicant</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>OA-1865</td>
<td>46-77 Ipuka Street (He‘eia Fish Pond), O‘ahu</td>
<td>(1) 4-6-005: 001</td>
<td>ControlPoint Surveying, Inc.</td>
<td>Kamehameha Schools</td>
</tr>
<tr>
<td>OA-1866</td>
<td>59-417 Ke Nui Road, O‘ahu</td>
<td>(1) 5-9-020: 050</td>
<td>Engineers Surveyors Hawaii, Inc.</td>
<td>Stephen and Diane McGillin 2002 Trust</td>
</tr>
<tr>
<td>MO-176</td>
<td>Kamehameha V Highway, Moloka‘i</td>
<td>(2) 5-4-017: 042</td>
<td>Akamai Land Surveying, Inc.</td>
<td>Rex Kuwasaki</td>
</tr>
<tr>
<td>KA-439</td>
<td>Kekaha, Kaua‘i</td>
<td>(4) 1-3-005: 053</td>
<td>Esaki Surveying &amp; Mapping, Inc.</td>
<td>Lee A. Evslin Trust, Monica A. Evslin Trust</td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>File No.</th>
<th>Status</th>
<th>Location</th>
<th>TMK</th>
<th>Applicant</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>OA-1847</td>
<td>Proposed</td>
<td>57-091 Kamehameha Hwy, O‘ahu 96731</td>
<td>(1) 5-7-006: 046</td>
<td>Engineers Surveyors Hawaii, Inc.</td>
<td>BRE Turtle Bay Resort LLC</td>
</tr>
</tbody>
</table>

**APPLICATION FOR ACCRETION**

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

**Polivka Amended Petition for Registration of Title to Accretion**

**Applicable Law:** Petition for Registration of Title to Accretion under HRS Chapter 501-33 and Rule 26 of the Rules of the Land Court

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

**Island/District/TMK:** O‘ahu / Mokulē‘ia, District of Waialua / (1) 6-8-004:023

**Applicant:** Petitioner G. Markus Polivka, Trustee of the G. Markus Polivka Revocable Living Trust; c/o Janna Ahu, Esq., Dentons US LLP, 1001 Bishop St., Suite 1800, Honolulu, HI 96813 (808) 524-1800

**Authority:** Land Court, State of Hawai‘i

**Status:** First Amended Petition for Registration of Title to Accretion filed

**Project Summary:** YOU ARE HEREBY NOTIFIED that Petitioner G. Markus Polivka, Trustee, has filed a petition for registration of title to accretion in the Land Court, State of Hawai‘i, L.D. No. 18-1-0063, to register title to accreted land within lands identified as Lot 26 as shown on Map 1 of Application No. 609, Tax Map Key No. (1) 6-8-4-23, containing 0.15 acres, more or less, all situate, lying and being at Mokulē‘ia, District of Waialua, City and County of Honolulu, State of Hawai‘i.
As a courtesy, listed below is a relevant entry from the Federal Register published since the last issue of *The Environmental Notice*. For more information about an entry, click on the title link, also available at [www.federalregister.gov](http://www.federalregister.gov).

**Notice:** Draft Programmatic Environmental Impact Statement and Draft Habitat Conservation Plan and Amendments; Receipt of Applications for Incidental Take Permits for Four (4) Wind Energy Projects in Hawai‘i (published by the Fish and Wildlife Service on 04/26/2019)

The U.S. Fish and Wildlife Service (Service) announces the availability of a habitat conservation plan (HCP) and three amendments to existing HCPs in support of requests for new or amended incidental take permits (ITPs) under the Endangered Species Act authorizing the take of endangered species from four similar wind energy projects. The proposed permit actions involve a new HCP for the Pakini Nui Wind Farm on the Island of Hawai‘i and major amendments to three existing HCPs—for the Auwahi Wind and Kaheawa Wind Power II projects, both located on Maui, and the Kawailoa Wind project on O‘ahu. All four wind energy facilities are already constructed and in operation. The proposed new ITP and ITP amendments would address take of one or more of the following three endangered species: The Hawaiian hoary bat, Hawaiian goose, and the Hawaiian petrel. Also available for review is the Service’s draft programmatic environmental impact statement (PEIS), which was prepared in response to these four applications. We are seeking public comments on the draft HCP and draft HCP amendments, and the draft PEIS.

To ensure consideration, please send your written comments by June 10, 2019. The Service will consider all written or verbal comments on the scope of the analysis that are received or postmarked by this date. In addition, the Service will host the following public meetings during the public comment and review period:

- **O‘ahu:** Tuesday, May 21, 2019, from 6 to 8 p.m. at Waialua Elementary School, 67-020 Waialua Beach Rd, Waialua
- **Maui:** Wednesday, May 22, 2019, from 6 to 8 p.m. at Kula Elementary School, 5000 Kula Hwy, Kula
- **Hawai‘i:** Thursday, May 23, 2019, from 6 to 8 p.m. at Na‘alehu Community Center, 95-5635 Mamalahoa Hwy, Na‘alehu

To view the pertinent documents for this proposal, request further information, or submit written comments, please click on the title link of this entry.
The Environmental Notice

May 8, 2019

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 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 ask the Environmental Council 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 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 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.

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, OEQC 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 by the 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 the coast-line of all islands and development in this area is generally regulated by HRS 305A, 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.

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).

Ko Olina Bay, O‘ahu

Photo by Floyd Manzano