



The Environmental Notice

June 23, 2021

David Y. Ige, Governor

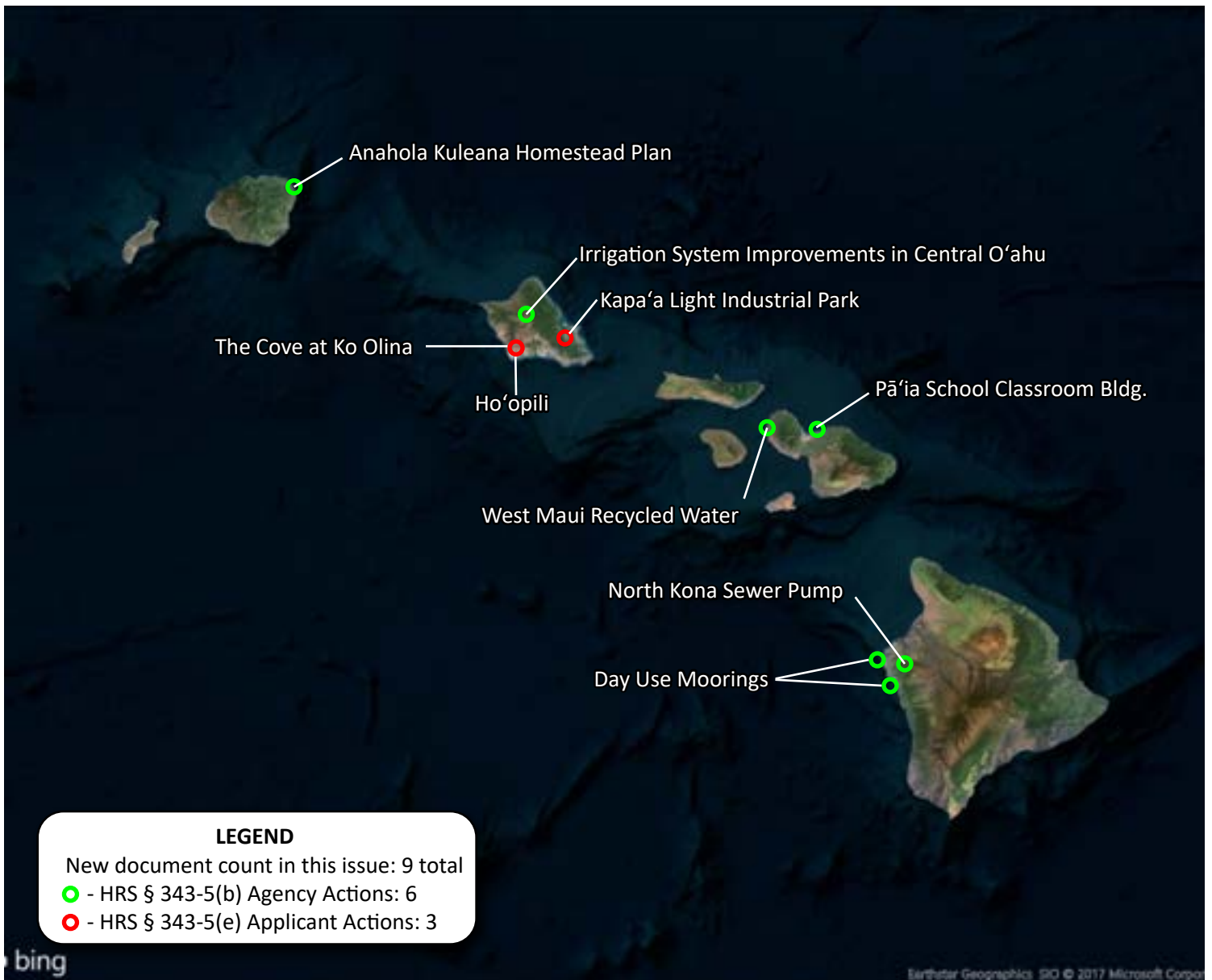
The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawai'i, *The Environmental Notice* also includes other items related to the shoreline, coastal zone, and federal activities.



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STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS




HAWAII

Kaukalaelae Point and Makako Bay Installation of Day-use Moorings--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	North Kona	
TMK(s)	Seaward of (3) 7-5-043: 042 and (3) 7-8-010: 038	
Permit(s)	Numerous	
Proposing/Determining Agency	State of Hawai'i, Department of Land and Natural Resources, Division of Boating and Ocean Recreation, Clifford Inn, (808) 587-1972, clifford.g.inn@hawaii.gov 4 Sand Island Access Road, Honolulu, HI 96819	
Consultant	Hawai'i Coral Reef Initiative, 2424 Maile Way, Saunders Hall #718, Honolulu, HI 96822 Kirsten Moy, (919) 928-1851, kmoy@hawaii.edu	
Status	Statutory 30-day public review and comment period starts. Comments are due by July 23, 2021. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.	

The Department of Land and Natural Resources, Division of Boating and Ocean Recreation proposes work at the two manta viewing sites, Kaukalaelae Point and Makako Bay, on the Kona side of Hawai'i Island involving the reconfiguration of existing moorings and installation of a total of 12 and 13 moorings at each site, respectively. The sites presently have no permitted moorings maintained or managed by the State, and the new configuration will accommodate more of the boats utilizing these sites on a nightly basis to conduct the highly popular manta ray viewing tours. Moorings will furthermore reduce overcrowding and offset anchoring on sensitive benthic habitat at the sites. The configuration of all moorings would maintain clearance from the US Coast Guard navigation channel, provide recreational opportunity for motorized vessels, and ensure continued use of the areas by non-motorized recreational users such as swimmers, paddlers, and other traditional uses of the site.


North Kona Sewer Pump Station--Republished 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	North Kona	
TMK(s)	(3) 7-4-008:090; (3) 7-4-008:077; (3) 7-4-008:072; (3)7-4-009:999	
Permit(s)	Numerous	
Proposing/Determining Agency	County of Hawai'i, Department of Environmental Management Mark Grant, (808) 961-8589, mark.grant@hawaiicounty.gov 345 Kekūānāo'a Street, Suite 41, Hilo, HI 96720	
Consultant	Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, HI 96826 Keola Cheng, (808) 946-2277, Kcheng@wilsonokamoto.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by July 23, 2021. Please send comments to PublicComment@wilsonokamoto.com	

The Draft EA is being republished to correct a clerical error that resulted in the incorrect listing of contact information. The Project will be constructed with funds provided by the County of Hawai'i (COH) Dept. of Environmental Management (DEM). The Project consists of a below grade sewer pump station, a temporary access road, an operations building, and two segments of sewer lines, one a gravity line and the other a force main. The Project will convey sewage to the Kealakehe Wastewater Treatment Plant (WTP) from the industrial and commercial areas primarily located to the north of the Project and from the COH Dept. of Housing and Community Development. The Project will allow COH DEM to close the existing package WWTP and disposal plant located at The Homes of Ulu Wini project. Additionally, the Project serves to connect to existing and planned developments in the Kaloko industrial area, thereby allowing closure and elimination of on-site and disposal systems. The Project will also provide for sewage transport from the planned West Hawaii Business Park and future developments in the area.


MAUI

[Pā'ia Elementary School Classroom Building--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	Makawao	
TMK(s)	(2) 2-5-005:004	
Permit(s)	Variance from Pollution Control, NPDES General Permit, DCAB Review, Chapter 6E, HRS, Historic Site Review, Building Permit, Grading Permit, Certificate of Occupancy, Fire Protection	
Proposing/ Determining Agency	State of Hawai'i, Department of Education Arnold Fukunaga, (808) 745-5110, Arnold_Fukunaga@notes.k12.hi.us Office of School Facilities and Support Services 3633 Wai'ālae Avenue, Honolulu, HI 96816	
Consultant	Gerald Park Urban Planner, 95-595 Kaname'e Street, #324, Mililani, HI 96789 Gerald Park, (808) 625-9626, gpark@gpup.biz	
Status	Statutory 30-day public review and comment period starts. Comments are due by July 23, 2021. Please click on title link above to read the document, then send comments to Arnold_Fukunaga@notes.k12.hi.us .	

The project is to construct a two-story, 8-classroom building to accommodate English and Hawaiian Language Immersion Program students. Space for the School's Administrative office, Computer Resource/Media /Video classroom, Special Education, Faculty Center, restrooms, and support areas will be provided. The building footprint is approximately 9,828 square feet and the second floor 9,320 square feet. A single-level classroom building will be attached to the northwest wing of the larger building. The approximately 1,400 square foot building will provide a self-contained classroom, shower, and toilet for Pre-Kindergarten children. The structures will be sited at the front of the School adjoining the existing Cafeteria. A covered bus stop in the area will be demolished and replaced with a new covered bus stop integrated with the new building. The \$13.0 million construction cost will be funded by the State of Hawai'i. Construction is projected to commence in 2022.


[West Maui Recycled Water System--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	Lahaina	
TMK(s)	Various	
Permit(s)	Numerous; see Section 9 for list of permits and approvals	
Proposing/ Determining Agency	County of Maui, Department of Environmental Management Albert Hahn, (808) 270-7421, albert.hahn@co.maui.hi.us 2200 Main Street, Suite 610, Wailuku, HI 96793	
Consultant	Fukunaga and Associates, Inc., 1357 Kapiolani Blvd, Suite 1530, Honolulu, HI 96814 Amanda Tanaka, (808) 944-1821, atanaka@fukunagaengineers.com	
Status	Finding of No Significant Impact (FONSI) determination.	

The County of Maui, Department of Environmental Management, Wastewater Reclamation Division operates the Lahaina WWRF which produces R-1 recycled water, the highest grade of recycled water for non-potable use, and distributes this valuable water resource through the West Maui Recycled Water System. The purpose of this project is to upgrade the West Maui Recycled Water System. The proposed action includes renovating the existing Honokowai Reservoir to improve its function as elevated recycled water storage, replacing an aging 20-inch recycled waterline (RW) with a new 24-inch RW, and constructing a new reuse pump station and recycled water storage basin at the Lahaina WWRF. The improvements will provide a more reliable recycled water supply to users and will facilitate connecting additional users to the system. Overall, the proposed improvements will help to decrease demand on potable water resources and decrease the use of injection wells for effluent disposal.


O'AHU

Irrigation System Improvements in Central O'ahu, Waialua and Wahiawā Districts--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 (2) Propose any use within any land classified as a conservation district	
District(s)	O'ahu-multiple	
TMK(s)	Various	
Permit(s)	Numerous	
Proposing/ Determining Agency	State of Hawai'i, Agribusiness Development Corporation James Nakatani, (808) 586-0087, James.Nakatani@hawaii.gov 235 S. Beretania Street, Room 205, Honolulu, HI 96813	
Consultant	The Limtiaco Consulting Group, 1622 Kananui Street, Honolulu, HI 96817 Claire Oshiro, (808) 596-7790, claire@tlcgohawaii.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by July 23, 2021. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.	

The Agribusiness Development Corporation (ADC) proposes to improve its existing irrigation system to allow the utilization of two non-potable water sources for agricultural irrigation purposes: surface water from the Wahiawā Reservoir (which is also known as Lake Wilson); and the highest quality of reclaimed water that is produced at the Wahiawā Wastewater Treatment Plant (WWTP). The project would install irrigation infrastructure consisting of both underground and above-ground system components on or across portions of publicly-owned and privately-owned parcels. The project will allow non-potable water sources to be utilized for non-potable irrigation purposes, which would improve the redundancy and reliability of irrigation system infrastructure in the project area in Central O'ahu. The project involves the installation of a 14-MG reservoir, a backup disposal system, two pump stations, connecting pipelines, and supporting elements such as access roads.


Ho'opili Hawaiian Humane Society--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	'Ewa	
TMK(s)	(1) 9-1-181: 042	
Permit(s)	Numerous; see Section 8 of the Draft EA	
Approving Agency	City and County of Honolulu, Department of Community Services Pablo Venenciano, (808) 768-7762, pvenenciano@honolulu.gov 925 Dillingham Boulevard, Suite 200, Honolulu, HI 96817	
Applicant	Hawaiian Humane Society, 2700 Wai'ālae Avenue, Honolulu, HI 96826 Anna Neubauer, (808) 356-2221, aneubauer@hawaiianhumane.org	
Consultant	R. M. Towill Corporation, 2024 North King Street Suite 200, Honolulu, HI 96819 Brian Takeda, (808) 842-1133, briant@rmtowill.com	
Status	Finding of No Significant Impact (FONSI) determination.	

The Hawaiian Humane Society proposes to develop a new West O'ahu Campus on an approximately 5.473-acre parcel, Tax Map Key (1) 9-1-181:042, that falls within the Ho'opili master-planned community. The proposed site is bordered by Fort Weaver Road to the east and Old Fort Weaver Road to the north. The proposed facility will include an approximately 20,745 square foot (sf) building containing facilities for admissions, vet services, education, adoption, storage, maintenance, dog/cat kennels, and offices. The facility will also include parking and loading areas, dog park, three approximately 1,620 sf dog pavilions, two approximately 825 sf cat pavilions, two approximately 324 sf dog acquaintance areas, an approximately 554 sf small animal pavilion, two approximately 156 sf gazebos, and an onsite detention basin.


O‘AHU (CONTINUED)

The Cove at Ko Olina Redevelopment (EIS Preparation Notice)

HRS §343-5(a) Trigger	(3) Propose any use within a shoreline area	
District	‘Ewa	
TMK(s)	(1) 9-1-057: 027	
Permit(s)	Numerous	
Accepting Authority	City and County of Honolulu, Department of Planning and Permitting Malyne Simeon, (808) 768-8023, msimeon@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813	
Applicant	James Campbell Company, LLC, 1001 Kamokila Boulevard, Kapolei, HI 96707 Matthew Caires, (808) 674-3272, mattc@jamescampbell.com	
Consultant	G70, 111 South King Street, Suite 170, Honolulu, HI 96813 Tracy Camuso, (808) 523-5866, thecovekoolina@g70.design	
Status	Administrative 30-day public review and comment period starts. Comments are due by July 23, 2021. Please send comments to the accepting authority at thecovekoolina@g70.design . A public scoping meeting will be held on July 7, 2021 at 6:00 PM. Please go to the following URL to participate: https://g70design.zoom.us/j/99536447944	

The Applicant proposes to redevelop the existing Paradise Cove (The Cove) at Ko Olina. The 10.85-acre property is a shoreline property and is within the Special Management Area. The Project improvements will include a new entertainment/performing arts venue, small-scale retail shops, restaurants, and open space/common areas. Potential programming may include cultural arts workshops or programs such as hula or music programs, educational programs, or coordinated events with local organizations. Enhanced pedestrian walkways will be integrated throughout the site to provide circulation within the property and safe connectivity to the surrounding resort area. Design themes and extensive landscaping and screening will be incorporated.


Kapa‘a Light Industrial Park (Acceptance of Final Supplemental EIS)

HRS §343-5(a) Trigger	(6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation	
District	Ko‘olaupoko	
TMK(s)	(1) 4-2-015:013; (1) 4-2-015:014	
Permit(s)	Numerous	
Accepting Authority	City and County of Honolulu, Department of Planning and Permitting Zack Stoddard, (808) 768-8019, zachary.stoddard@honolulu.gov	
Applicant	KAPAA I, LLC and KAPAA III, LLC, 905 Kalaniana‘ole Highway, Honolulu, HI 96734 John and Paul King, (808) 265-6321, sustainableDC@gmail.com	
Consultant	Sustainable Design & Consulting, LLC, P.O. Box 25914, Honolulu, HI 96825 Manfred Zapka, (808) 265-6321, sustainableDC@gmail.com	
Status	The approving agency accepted the Supplemental FEIS on June 1, 2021.	

This supplemental EIS was required for proposed modifications to the stormwater management system, the number of structures and building area, grading, perimeter berms, the irrigation system, the wastewater system, and roadway access. The accepting authority has determined that: the FSEIS adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments; the procedures for assessment, consultation, review, and the preparation and submission of the FSEIS have all been completed satisfactorily as specified in the environmental impact statement regulations; and the content requirements of those regulations have been satisfied.

KAUA'I

Anahola Kuleana Homestead Settlement Plan--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	Kawaihau	
TMK(s)	(4) 4-8-002:001 (por.); (4) 4-8-003:006 (por.); (4) 4-7-002:004 (por.)	
Permit(s)	Numerous	
Proposing/ Determining Agency	State of Hawai'i, Department of Hawaiian Home Lands / Hawaiian Homes Commission Julie-Ann Cachola, (808) 620-9500, julie-ann.cachola@hawaii.gov 91-5420 Kapolei Pkwy, Kapolei, HI 96707	
Consultant	G70, 111 South King Street, Suite 170, Honolulu, HI 96813 Kawika McKeague, (808) 523-5866, kawikam@g70.design	
Status	Finding of No Significant Impact (FONSI) determination.	

The Department of Hawaiian Home Lands (DHHL) is proposing the Anahola Kuleana Homestead Settlement Plan to offer 115 homestead lots (14 Pastoral and 101 Subsistence Agriculture) on 432 acres on the Island of Kaua'i. According to HAR Chapter 10-3-30 Kuleana Homestead Leases, DHHL agrees to survey, stake and award lots and provide an unpaved roadway suitable to access the lots. As a nontraditional program, the Kuleana Homestead Program places responsibility for development of infrastructure in the hands of native Hawaiian beneficiaries. This arrangement provides beneficiaries land within a shorter time frame than the traditional DHHL awarding process, as well as the opportunity to create a new self-sufficient community. The Project is proposing the following DHHL land uses: Subsistence Agriculture, Pastoral, Community Use and Special District. These uses are intended to integrate the Settlement Plan area with the Anahola Town Center to create an intact contemporary ahupua'a.

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.

Moore Residence--Final EA (FONSI)

District	Waialua	
TMK(s)	(1) 6-6-001-029	
Permit(s)	Numerous	
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Janet Meinke-Lau, (808) 768-8033, j.meinkelau@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813	
Applicant	Dale and Patricia Moore (808)-927-0404, mooreohana@gmail.com 59-589 Ke Iki Road F, Hale'iwa, HI 96712	
Consultant	envision.design.build, LLC Gazelle Garner, (808) 445-4625, gazelle@edbhawaii.com P.O. Box 1105, Hale'iwa, HI 96712	
Status	Finding of No Significant Impact (FONSI) determination.	

The Applicant proposes to build a new detached two-family dwelling on a 15,984-square-foot (sq. ft.) lot. The plan for the detached two-family dwelling consists of a two-story, 2,958-sq. ft. structure with three bedrooms; four baths; two half-baths, an open plan kitchen, dining and living area; a lanai and stairs; a den and an entertainment room; and two parking garages. The proposed detached two-family dwelling will be built identical to an existing detached two-family dwelling, which was recently constructed on the same property. For utilities, an individual wastewater system is designed and approved, meeting all regulatory requirements

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. Please click on the links below to access, and send comments to the relevant agency and copy any relevant applicant and/or consultant.

COMMENTS DUE JULY 8, 2021

KAUA'I

[Wai'oli Valley Taro Hui Long-Term Water Lease for Traditional Lo'i Kalo Cultivation--Draft EA \(AFNSI\)](#)

O'AHU

[Hale Lau'ula--Draft EA \(AFNSI\)](#)

[Pearl Haven Pavilion and Master Plan--Draft EA \(AFNSI\)](#)

MAUI

[Wailuku State Office Building 3--Draft EA \(AFNSI\)](#)

COMMENTS DUE JULY 23, 2021

O'AHU

[Waikiki Beach Improvement and Maintenance Program--Draft EIS](#) and [Scoping Meeting Audio/Video files](#)

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 Ian Hirokawa at (808) 587-0420.

File No.	Location	TMK	Applicant	Owner
OA-1950	830 Mokulua Drive, O'ahu, 96734	(1) 4-3-008: 045	Austin, Tsutsumi & Associates, Inc.	Pacific Coast Real Estate Investment Services, Inc.

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
OA-1915	Proposed	68-361 Crozier Drive, O'ahu 96791	(1) 6-8-005: 009	Jaime F. Alimboyoguen	Joseph Lee
KA-458	Proposed	8808 Kaumuali'i Hwy, Kaua'i 96752	(4)1-3-005: 053	Esaki Surveying and Mapping, Inc.	Lee A. Evslin Trust, Monica A. Evslin Trust
OA-1914	Rejection	55-559 Kamehameha Hwy, O'ahu 96762	(1) 5-5-003:018	Leaps & Boundaries, Inc.	LRF Development V, LLC

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).

Location (TMK)	Description (File No.)	Applicant/Agent
Maui: Kīhei (2-2-030: 006)	Lessen Pre-Existing Roof to 54' and Add Two Wooden Posts (SM2 20210042)	Williams, Christopher James
Maui: Kīhei (3-9-001: 075)	Rooftop Telecommunications Facility (SM2 20210044)	Adrian Catalan
O'ahu: Waikīkī (2-6-005: 005 through 008)	Halekulani Hotel Temporary Sandbag Protection Project (2021/SMA-21)	Halekulani Corporation/Palekana Permitting and Planning
O'ahu: Kāne'ohe (4-4-007: 011)	New Pool and Spa (2021/SMA-26)	William L. Clemente/Structural Hawaii, Inc.

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 (sometimes referred to as "HEPA"). In those cases, a separate Chapter 343, HRS, entry would be published in *The Environmental Notice* when a relevant document or determination is submitted to OEQC.

[Naval Special Operations Training in the State of Hawai'i--NEPA Final EA \(FONSI\)](#)

Island(s)	O'ahu, Kaua'i, Hawai'i, Maui, Moloka'i, Lāna'i
District(s)	Multiple
TMK(s)	Multiple
Permit(s)	Multiple (see document)
Proposing Agency	United States Navy, Naval Special Warfare Command (NSWC) EA prepared by Naval Facilities Engineering Systems Command, Pacific 258 Makalapa Drive, Ste 100 (EV21) Pearl Harbor, HI 96860-3134
Consultant	ManTech Advanced Systems International 420 Stevens Ave., Ste 300, Solana Beach, CA 92075
Status	Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) is being issued under the National Environmental Policy Act (NEPA) for Navy Special Operations (NSO) training on land and in nearshore waters that are under Federal control. Determination of status under the Hawai'i Environmental Policy Act (Hawai'i Revised Statutes Chapter 343 and its implementing regulations), covering proposed NSO training on non-Federal land and nearshore waters will be made by the Hawai'i Department of Land and Natural Resources via separate notice.

NSWC is the Navy's special operations force and maritime component of the U.S. Special Operations Command. Pursuant to the Council on Environmental Quality Regulations implementing NEPA, the NSWC gives notice of availability of its FONSI for NSO training in the State of Hawai'i. NSWC has prepared a Final EA evaluating the potential environmental impacts of conducting multi-variant land-, water-, and air-based training activities for NSO personnel in the coastal nearshore waters and selected shoreline and inland locations throughout the state of Hawai'i. Based on the analysis presented in the Final EA, and in coordination with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, Hawai'i State Historic Preservation Officer, and the Hawai'i Coastal Zone Management Program office, the Navy has determined that the proposed action will not significantly impact the quality of the human environment. As a result there is no requirement to prepare an Environmental Impact Statement under NEPA. The EA (with FONSI) and the EA Appendices documents are available on the NAVFAC Pacific public website via the following shortcut URL: <https://go.usa.gov/xUnDC>

FEDERAL NOTICES

As a courtesy, listed below are some relevant entries from the Federal Register published since the last issue of *The Environmental Notice*. For more information, click on the title link, also available at www.federalregister.gov.

Rule: [Pacific Island Fisheries; 2021 Northwestern Hawaiian Islands Lobster Harvest Guideline](#) (published by the National Oceanic and Atmospheric Administration on 06/17/2021)

NMFS establishes the annual harvest guideline for the commercial lobster fishery in the Northwestern Hawaiian Islands (NWHI) for calendar year 2021 at zero lobsters. NMFS manages the NWHI commercial lobster fishery under the Fishery Ecosystem Plan for the Hawaiian Archipelago. The regulations at 50 CFR 665.252(b) require NMFS to publish an annual harvest guideline for lobster Permit Area 1, comprised of Federal waters around the NWHI.

Regulations governing the Papahānaumokuākea Marine National Monument in the NWHI prohibit the unpermitted removal of monument resources (50 CFR 404.7), and establish a zero annual harvest guideline for lobsters (50 CFR 404.10(a)). Accordingly, NMFS establishes the harvest guideline for the NWHI commercial lobster fishery for calendar year 2021 at zero lobsters. Harvest of NWHI lobster resources is not allowed. For additional information, please click on the title link to this entry.

Proposed Rule: [Pacific Island Fisheries; Electronic Logbooks for Hawaii and American Samoa Pelagic Longline Fisheries](#) (published by the National Oceanic and Atmospheric Administration on 06/09/2021)

NMFS proposes to require the use of electronic logbooks in Hawai'i pelagic longline fisheries and on Class C and D vessels in the American Samoa pelagic longline fishery. This proposed rule is intended to reduce human error, improve data accuracy, save time for fishermen and NMFS, and provide more rigorous monitoring and forecasting of catch limits. **NMFS must receive comments by July 9, 2021.**



Harvest of NWHI lobster resources is not allowed for calendar year 2021.

Photo credit: [NOAA Photo Library](#)

GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

Projects or programs proposed by any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

Applicant Actions

Projects or programs proposed by any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether the action's environmental impact will be significant, and thus whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(e\)](#), for Applicant actions. For actions for which the proposing or approving agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

Final Environmental Assessment and Finding of No Significant Impact

The action's proponent shall respond in writing to comments on a DEA received during the 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to ask the Environmental 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 to make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

Act 172-2012, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)

Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. The agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action. This starts a 30-day scoping period in which the agency or applicant must hold a public scoping meeting for the preparation of the Draft EIS. Written comments and responses on the EISPN must be incorporated into the subsequent Draft EIS and oral comments from the public scoping meeting must be recorded and submitted to the OEQC with the 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 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. For Applicant projects, the Approving Agency is the Accepting Authority and must make a determination within 30 days or the FEIS is deemed accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

Acceptability

The Accepting Authority must be satisfied that the FEIS meets three criteria (process, content, response to comments) to accept it. If the FEIS is accepted, notice is published in this bulletin. The public has 60 days from publication to challenge 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.



Maui sunset

Photo by [Thomas Hawk](#)

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare a Federal EA or EIS. In many ways it is similar to Hawai'i's law. Some projects require both a State and Federal EIS and the public comment procedure should be coordinated. Upon request by a federal agency, 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 along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A portion of the SMA that is addressed by HRS 343 is the [Shoreline Area](#), which includes land between the State-certified shoreline and the county-determined shoreline setback line. This bulletin will include EAs & EISs for actions proposed within the Shoreline Setback Area.

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. The Council just completed the repeal of Hawaii Administrative Rules (HAR) Chapter 11-200 and adoption of HAR Chapter 11-200.1.

Agency Exemption Lists

Government agencies may keep a list describing the minor activities they regularly perform that are exempt from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence (HAR 11-200.1-16). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

Endangered Species

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for Habitat Conservation Plans (HCP), Safe Harbor Agreements (SHA), or Incidental Take Licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).