



The Environmental Notice

December 8, 2016

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.



Waipi'o, Hawai'i Island (cropped from original)

Photo by [paul bica](#)

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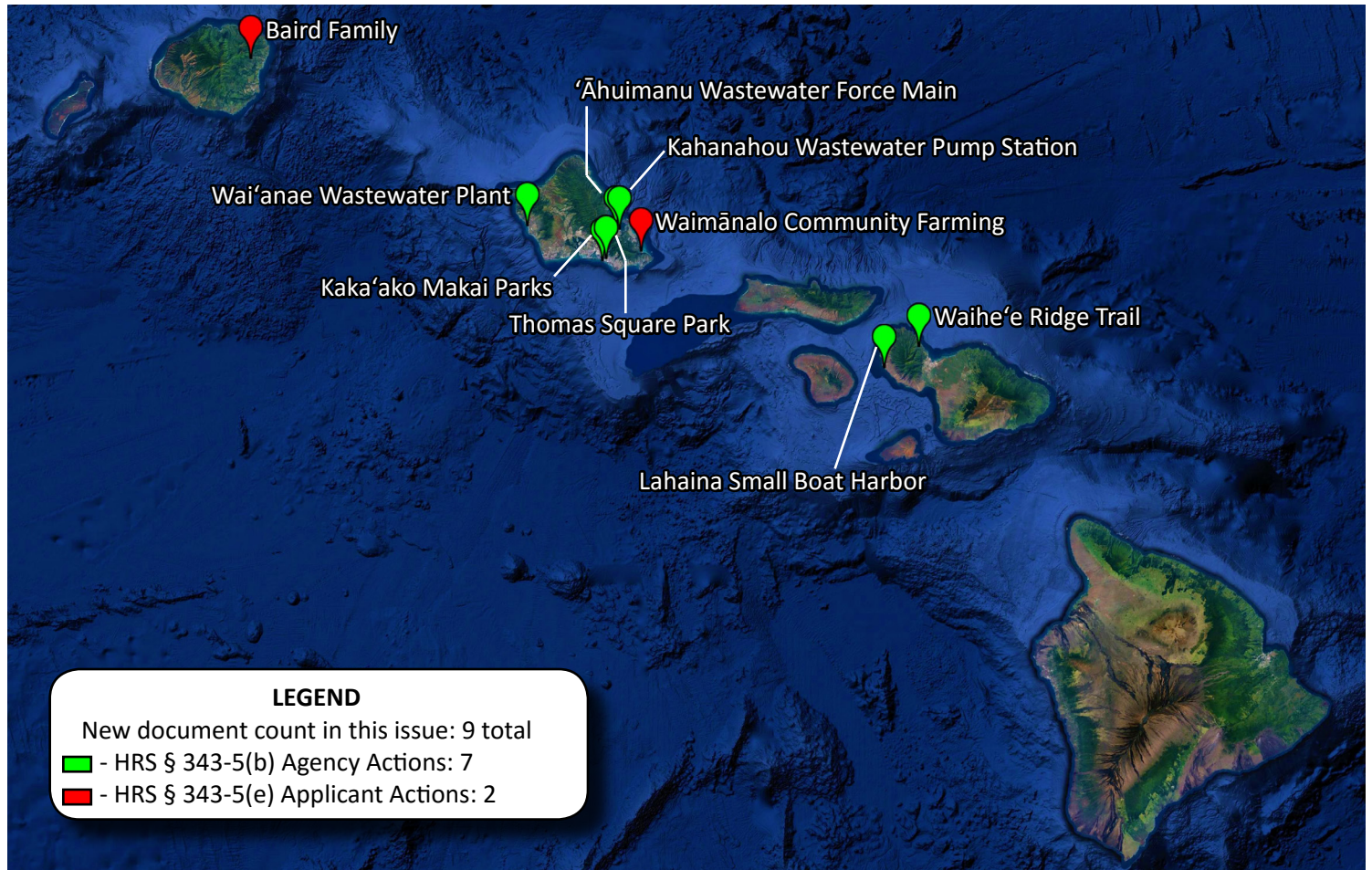
ANNOUNCEMENTS

As a reminder, the correct submittal deadline for the January 8, 2017 issue of *The Environmental Notice* is **December 27, 2016**.

Please find publication calendars for *The Environmental Notice* for 2017 and 2018 attached at the end of this issue and on our SharePoint site [here](#). The 2017 publication calendar has the correct submittal date for the January 8, 2017 issue.


The OEQC has also uploaded an unofficial compilation of Hawai'i's environmental review laws. Please find it [here](#).

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



MAUI

Lahaina Small Boat Harbor Ferry Pier Improvements Determination that No Supplemental EIS is Required


HRS §343-5 Trigger(s)	Proposed use of State Land and State Funds, Conservation District, Historic District, Shoreline Area	
District(s)	Lahaina	
TMK(s)	(2)4-6-01:02, 12, 14, and 17	
Permit(s)	NEPA Categorical Exclusion, 404 Department of Army, Conservation District Use Permit, 401 Water Quality Certification, Coastal Zone Management Consistency, Special Management Area Use Permit (as applicable), Shoreline Setback Approval/Variance (as applicable), Historic District Approval, Construction Permits	
Proposing/ Determining Agency	Department of Land and Natural Resources Kalanimoku Building, 1151 Punchbowl Street, Honolulu, HI Valerie Suzuki, (808) 587-0275, Valerie.s.suzuki@hawaii.gov P.O. Box 373, Honolulu, HI 96809	
Status	The agency has determined that no supplemental EIS is required. Comments are not taken on this action.	

The Hawai'i Department of Land and Natural Resources proposes to build a new ferry pier to the north of the existing pier at the Lahaina Small Boat Harbor. Within the limits of the harbor are an existing pier and a berthing area formerly for the Carthaginian 11, a replica of a historic whaling ship. The proposed ferry pier will involve work in the areas occupied by the existing harbor pier, the berthing area, the waters of the harbor, and an adjacent parcel. The proposed ferry pier will be used to accommodate the Lana'i/Maui and Moloka'i/Maui ferries, as well as cruise ship tenders, commercial, and recreational vessels.

Following publication of the [Draft EIS](#) in *The Environmental Notice* on February 8, 2008, the proposed action was modified to address public comments. The modified action involves construction of a new interisland ferry pier approximately 60 feet to the north of the existing pier. The new pier will be approximately 115 feet long and 20 feet wide, supported on piles, and able to accommodate approximately 100 passengers. A low-rise, open-sided structure on the deck of the new pier is proposed to provide shade and shelter for pier users. Ancillary actions include construction of two sewage pump-out stations; construction of a concrete pedestrian walkway measuring 15 feet by 60 feet to connect the existing pier with the new pier structure; replacement of the existing Harbor Master's office; improvements to the passenger loading and drop off area; sidewalk expansion along the northwestern portion of Hotel Street; and resurfacing of a portion of Wharf Street.

Subsequent to acceptance of the [FEIS](#) published in *The Environmental Notice* on June 23, 2014, the proposed project has been modified to increase the distance between the proposed new ferry pier and existing public pier from 60 feet to 70 feet, to accommodate the increasing widths of new ferry vessels. This project change will also require a 10' extension of the gangway.

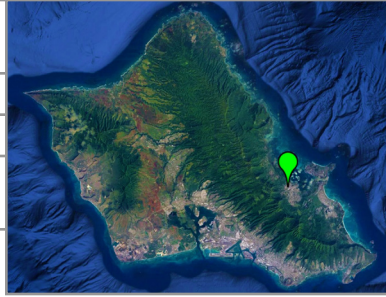
Waihe'e Ridge Trail Improvements FEA (FONSI)

HRS §343-5 Trigger(s)	Use of State and County lands and funds	
District(s)	Wailuku	
TMK(s)	(2) 3-1-006:001 and (2) 3-1-001:028	
Permit(s)	County Special Use Permit (possible); building permit	
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Torrie Nohara, (808) 984-8100, torrie.l.nohara@hawaii.gov 54 South High Street, Wailuku, HI 96793	
Consultant	WHALE Environmental Services LLC Mark Howland, (808) 294-9254, markahowland@hawaii.rr.com P.O. Box 455, Kahuku, HI 96731	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

The Hawai'i Department of Natural Resources (DLNR), Division of Forestry and Wildlife is proposing to implement trail improvements and related structures on the Waihe'e Ridge Trail located at Kahakuloa. The property is owned by the DLNR. These trail improvements are intended to update the trail to address public safety concerns as related to hikers and/or other trail users through surface improvements, drainage upgrades, and vegetative management. Related improvements include the construction of two observation platforms and associated support structures which are intended to enhance the existing trail system experience and bring the trail up to current trail improvement design standards.

O'AHU

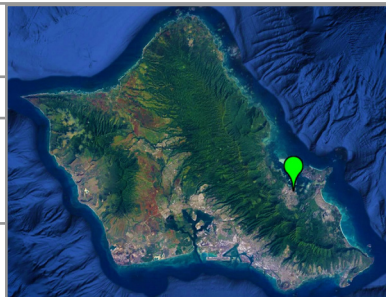
Āhuimanu Wastewater Pre-Treatment Facility Force Main - Ha'ikū Road Bypass Sewer FEA (FONSI)

HRS §343-5 Trigger(s)	Use of State Lands, Use of County Land and Funds	
District(s)	Honolulu	
TMK(s)	(1) 4-6-011, (1) 4-6-018, (1) 4-6-024, (1) 4-6-026, (1) 4-6-031	
Permit(s)	National Pollutant Discharge Elimination Permit, Building Permit, Grading and Stockpiling Permit	
Proposing/ Determining Agency	City and County of Honolulu, Department of Design and Construction Robert J. Kroning, P.E., Director, (808) 768-8480, rkroning@honolulu.gov 650 South King Street, 11th Floor, Honolulu, HI 96813	
Consultant	R.M. Towill Corporation Jim Niermann, Planning Project Coordinator, (808) 842-1133, jimn@rmtowill.com 2024 North King Street, Suite 200, Honolulu, HI 96819	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

The City and County of Honolulu, Department of Design and Construction plans to modify portions of the existing Āhuimanu wastewater collection system by installing a new, approximately 3,650 linear foot, 18-inch diameter bypass gravity sewer main, including sewer manholes and appurtenant structures, along Ha'ikū Road between Kahekili Highway and Kamehameha Highway in Kāne'ōhe. The new sewer main will connect the existing Āhuimanu force main in Kahekili Highway to the Kamehameha gravity main along Kamehameha Highway. The new bypass sewer main will allow existing segments of the Āhuimanu wastewater collection system located downstream from the Ha'ikū Road intersection to be temporarily removed from service as necessary for maintenance and repair work and to be used as a redundant backup facility. The purpose of the project is to:

1. Ensure continued compliance with the Consent Decree executed among the Environmental Protection Agency, the State of Hawai'i and the City and County of Honolulu.
2. Ensure continued reliability of the existing wastewater collection system that services the residents and businesses of Ko'olaupoko District, and minimize the potential for sanitary sewer overflows from the existing Āhuimanu Sewer FM.

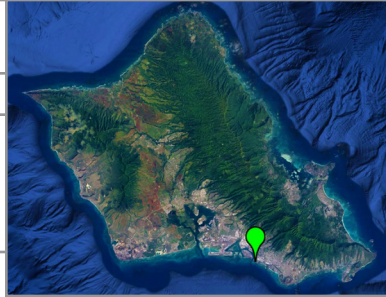
Kahanahou Wastewater Pump Station and Sewer Force Main Upgrades DEA Withdrawal

HRS §343-5 Trigger(s)	Use of County lands and funds	
District(s)	Ko'olaupoko	
TMK(s)	4-5-047:095 (Kahanahou WWPS), 4-5-047:093 (Kahanahou Place), 4-5-047:127 (Kahanahou Place), 4-5-057:015 (Miyazaki), 4-5-057:018 (Lilipuna Place), 4-5-002:001 (Makani Kai Marina), 4-5-002:014 (Various Landowners)	
Permit(s)	City & County OPP: Shoreline Setback Variance, Sewer Connection Application, Trenching Permit, Grading and Grubbing Permit. City & County DTS: Street Usage Permit. State DOH: NPDES permit, Community Noise Permit and Noise Variance. State SHPD: Archaeological Monitoring Plan and possibly Archaeological Inventory Survey (AIS)	
Proposing/ Determining Agency	City & County of Honolulu, Department of Design and Construction Megan Inouye, (808) 768-8739, Minouye3@honolulu.gov 650 South King Street, Honolulu HI 96813	
Consultant	Townscape, Inc. Sherri Hiraoka, (808) 536-6999, sherri@townscapeinc.com 900 Fort Street Mall, Suite 1160, Honolulu HI 96813	
Status	The proposing/determining agency is withdrawing the DEA published on August 23, 2015.	

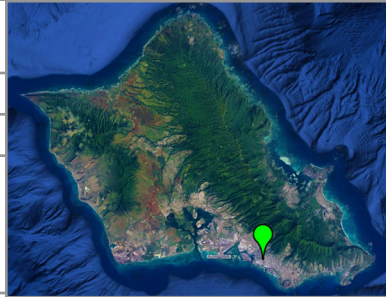
The City and County of Honolulu, Department of Design and Construction (DOC), Wastewater Division, is withdrawing the [DEA-AFONSI](#) for the proposed Kahanahou Wastewater Pump Station and Sewer Force Main Upgrades published in *The Environmental Notice* on August 23, 2015. Since publication of the DEA-AFONSI, the City DOC selected an alternative route for the sewer line upgrade. Thus, a DEA ([Draft Environmental Assessment for the proposed Kahanahou Wastewater Pump Station Upgrade and Sewer Improvements, Kāne'ōhe, O'ahu](#)) was completed to reflect the alternative route chosen for the project. The new DEA-AFONSI was published in *The Environmental Notice* on November 8, 2016.

O'AHU (CONTINUED)

Kaka'ako Makai Parks Active Use Facilities Master Plan FEIS Acceptance

HRS §343-5 Trigger(s)	Use of State lands and funds; Use within a shoreline area	
District(s)	Honolulu	
TMK(s)	Kaka'ako Waterfront Park: (1) 2-1-060:008, (1) 2-1-060:029 (por.), (1) 2-1-060:030 (por.); Kaka'ako Gateway Park: (1) 2-1-060:007, (1) 2-1-059:023, (1) 2-1-059:024, (1) 2-1-059:025, (1) 2-1-059:026, (1) 2-1-060:030 (por.); and Kewalo Basin Park: (1) 2-1-058:131 (por.)	
Permit(s)	Amendment to Kaka'ako Makai Area Plan Amendment to Chapter 15-23, HAR Special Management Area (SMA) Makai Area Development Permit National Pollutant Discharge Elimination System (NPDES) Permit Grading/Building Permits Compliance with DOH Rules for Ash Landfill Re-Contouring	
Proposing Agency	Hawai'i Community Development Authority (HCDA) Deepak Neupane, P.E., AIA, Director of Planning & Development, (808) 594-0300, deepak.neupane@hawaii.gov HCDA, State of Hawai'i, 547 Queen Street, Honolulu, HI 96813	
Accepting Authority	Governor, State of Hawai'i The Honorable David Y. Ige, Governor, (808) 586-0034, http://governor.hawaii.gov/contact-su/contact-the-governor State of Hawai'i Executive Chambers, State Capitol, Honolulu, HI 96813	
Status	The governor accepted the FEIS on November 4, 2016. Comments are not taken on this action.	

Thomas Square Park Renovation FEA (FONSI)

HRS §343-5 Trigger(s)	Use of County lands and funds; action within a site on the National Register of Historic Places	
District(s)	Honolulu	
TMK(s)	(1) 2-4-001-001	
Permit(s)	Compliance with Chapter 343, Hawai'i Revised Statutes; Compliance with Chapter 6E, Hawai'i Revised Statutes; Special District Permit; Special Design District Amendment; Zoning Waiver; Grading and Building Permits, Street usage permit for construction-related work in right of ways or lane closures	
Proposing/ Determining Agency	City and County of Honolulu, Department of Design and Construction Robert J. Kroning, P.E., (808) 768-8480, rkroning@honolulu.gov 650 South King Street, 11th Floor, Honolulu, HI 96813	
Consultant	PBR HAWAII & Associates, Inc. Catie Cullison, AICP, (808) 521-5631, ccullison@pbrhawaii.com 1001 Bishop Street, Suite 650, Honolulu, HI 96813	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

The City and County of Honolulu has prepared a master plan for the renovation of Thomas Square Park. The purpose of the renovation is to:

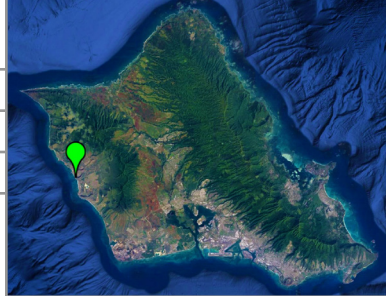
- Honor the past, especially the Restoration of the Hawaiian Monarchy on July 31, 1843.
- Embody art, history, and culture at the center of the Thomas Square/Honolulu Academy of Arts Special District.
- Revitalize and reactivate the Park to make it a fun place for passive, self-directed outdoor recreation.

The Renovation Plan includes but is not limited to: elements to honor Kauikeaouli (King Kamehameha III) and the restoration of the Hawaiian Kingdom on July 31, 1843; upgraded connections to surrounding arts and institutional uses; an allee of trees along widened sidewalks on Victoria Street and Ward Avenue; renovation of comfort station and maintenance buildings to include space for serving food or event preparations; performance space for the Royal Hawaiian Band; seating terraces to face the performance space; temporary food truck parking area parallel to Victoria Street; repairs of the central fountain; security lighting; and, new landscape beds, benches, bike racks, and trash receptacles.

The Renovation is not expected to have an adverse effect on the environment, provided that mitigation measures discussed in the Environmental Assessment are implemented.

O'AHU (CONTINUED)

Wai'anae Wastewater Plant Improvements and Upgrade FEA (FONSI)

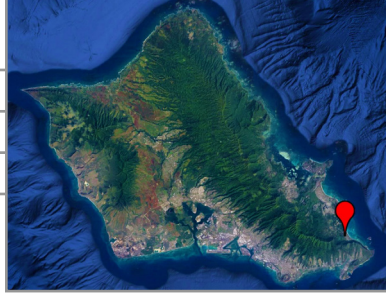
HRS §343-5 Trigger(s)	Use of State or County lands or funds; Wastewater treatment unit	
District(s)	Wai'anae	
TMK(s)	(1) 8-6-001: 044	
Permit(s)	Various (see document)	
Proposing/ Determining Agency	City and County of Honolulu, Department of Design and Construction Christine Imada, (808) 768-8762, cimada@honolulu.gov 650 South King Street, 14th Floor, Honolulu, HI 96813	
Consultant	CH2M Robin Hirano, (808) 440-0208, Robin.Hirano@ch2m.com 1132 Bishop Street, Suite 1100, Honolulu, HI 96813	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

The City and County of Honolulu is proposing to upgrade the Wai'anae Wastewater Treatment Plant (WWTP) by constructing the following facility wide improvements:

- Rehabilitation of the primary clarifiers, primary effluent boxes and piping, and a new odor control facility
- Utility water system improvements
- Demolition of chlorine contact tank and construction of a new effluent flow monitoring facility
- Replacement of the headworks screens and associated equipment
- Rehabilitation of the grit removal system and preaeration tanks and channels

All of the above listed improvements will be constructed within the Wai'anae WWTP site. Construction of these improvements will help the WWTP to maintain its continued ability to meet regulatory requirements. The determination for this Final EA is a Finding of No Significant Impact.

Waimānalo Community Farming DEA (AFNSI)

HRS §343-5 Trigger(s)	Use of State land	
District(s)	Ko'olaupoko	
TMK(s)	(1) 4-1-008:008	
Permit(s)	Various (see document)	
Approving Agency	Department of Land and Natural Resources, Land Division Barry Cheung, (808) 587-0430, barry.w.cheung@hawaii.gov 1151 Punchbowl Street, Room 220, Honolulu, HI 96813	
Applicant	Pū'ā Foundation and Hui Mahi'ai Pū'ā Foundation - Toni Bissen, (808) 221-6656, toni.bissen@puafoundation.net P.O. Box 11025, Honolulu, HI 96828 Hui Mahi'ai - Blanche McMillian, (808) 341-5548, anuhea00@gmail.com 41-902 Oluolu Street, Waimānalo, HI 96795	
Status	Statutory 30-day public review and comment period starts. Comments are due by January 9, 2017. Please send comments to the approving agency and copy the applicant.	


Pū'ā Foundation and Hui Mahi'ai, both non-profit organizations, are in the process of applying for a lease of the property, pending the outcome of the Environmental Assessment. The use of State lands triggers HRS Section 343-5(a).

The applicants' proposed action for the DLNR property is for community gardening and subsistence farming utilizing ahupua'a land management approaches and incorporating Native Hawaiian traditional and cultural practices to support the development of our youngest community members, primarily to create a source of healthy, fresh, low cost nutritious foods for community consumption to support Waimānalo residents and the distribution to the needy through faith-based organization's food banks. Production of other crops, as appropriate are also planned.

The overall goal of the proposed action is to reinvigorate the land, be in service to the community within an educational and healing context, and for the promotion of wellness.

KAUA'I

Baird Family General Plan Amendment FEA (FONSI)

HRS §343-5 Trigger(s)	Amendment to County General Plan	
District(s)	Kawaihau	
TMK(s)	(4) 4-4-013:002	
Permit(s)	General Plan and Zoning Amendment	
Approving Agency	County of Kaua'i, Planning Department Dale Cua, (808) 241-4050, dcua@kauai.gov 4444 Rice Street, Suite A-273, Lihu'e, HI 96766	
Applicant	Baird Family Ltd. Partnership Mark Baird, (808) 822-9393, mabdds@gmail.com 4-976 Kūhiō Highway, Kapa'a, HI 96746	
Consultant	Shiramizu, Loo & Nakamura LLLP Galen Nakamura, (808) 632-2267, galen.nakamura@hawaiiintel.net 4357 Rice Street, Suite 102, Lihu'e, HI 96766	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

Applicant proposes to re-designate entire parcel's Kaua'i General Plan land use designation from Agriculture to Residential Community. This re-designation will then make the parcel's State Land Use District designation eligible to be changed from Agriculture to Rural, and the County's land use zoning district designation eligible to be changed from Open and Agriculture to Residential (R-1). Upon such re-zoning, subject parcel's total residential density would change from one to three dwellings.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The public comment period for this project began previously. Comments are due January 9, 2017. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

O'AHU

[Hawai'i State Hospital New Patient Facility and Campus Master Plan Development DEIS](#)

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Application(s) or receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in *The Environmental Notice*. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed for each project. CDUAs can be found on the OCCL website at dlnr.hawaii.gov/occl.

- File No.:** CDUA HA-3782
- Name of Applicant:** DLNR, State Parks Division
- Location:** North Kona District, Island of Hawai'i
- TMK(s):** (3) 7-2-005:002, 003 & 007; (3) 7-3-043:001; (3) 7-2-004:003, 009, 017 & 019
- Proposed Action:** Kekaha Kai State Park Improvement Project
- 343, HRS determination:** FEA Published October 8, 2016
- Applicant's Contact:** Carty Chang, (808) 587-0230
- OCCL Staff Contact:** Alex J. Roy, (808) 587-0316

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 the public notice of the application. For more information, call Ian Hirokawa at (808) 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1734	11/14/16	Lot 1149 of Land Court Application 677 (Map 269) situate at Kailua, Ko'olaupoko, O'ahu Address: 52 South Kalāheo Avenue Purpose: Subdivision	Park Engineering/ Robert Caldwell Bellas Jr Living Trust dated Sept 9, 2016, Terrye Lynn Bellas Living Trust dated Sept 9, 2016	(1) 4-3-013:006
MA-660	11/15/16	Lot 66-A and Lot 66-B Land Court Application 1744 being a portion of Lot 66 of Land Court Application 1744 as shown on Map 29, which lot was deregistered on May 25, 2012 by Deregistration of Certificate of Title 673,152 recorded in the Bureau of Conveyances of the State of Hawai'i as Document Number A-45280599 situate at Hanaka'ō'ō, Lahaina, Maui Address: 200 Nohea Kai Drive Purpose: Permit purposes	David Miran/ HMC Maui LP c/o Host Hotels & Resorts	(2) 4-4-013:008
MA-661	11/16/16	Royal Patent 4376, Land Commission Award 6225, 'Āpana 1 to Naholowaa situate at Halaka'a, Lahaina, Maui Address: 313 Front Street Purpose: Permit	Akamai Land Surveying, Inc./ Steven & Deana Campbell	(2) 6-4-003:007
MA-662	11/17/16	Lot 33 The Kū'au Sunset Beach Lots (File Plan 302) situate at Kū'au, Hamakuapoko, Maui Address: 61 Aleiki Place Purpose: Permit	Akamai Land Surveying, Inc./ Wesly A. Stauffer	(2) 2-6-011:012
MA-663	11/18/16	Lot 1-A Berlin Consolidation Subdivision No. 3.1179 situate at Ukumehame, Wailuku, Maui Address: 4005 Mā'alaea Bay Place Purpose: Building setback	Arthur P. Valencia/ David and Susan Devries	(2) 3-6-001:024
HA-538	11/14/16	Being portions of Lot 1 as shown on Map 1 of Ld. Ct. App. 1854, Lot 8, R. P. 1930 to Asa Thurston on a Portion of L. C. Aw. 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions and Grant 13083 to Manuel Gomes situate at Wai'aha 1st, North Kona, Hawai'i Address: 75-5888 Ali'i Drive Purpose: Obtain County permits	Wes Thomas Associates/ Kona Reef	(3) 7-5-018:071

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Photo by [Loren L.](#)

SHORELINE NOTICES (CONTINUED)

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.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1703	Proposed Shoreline Certification	Lots 6 (Map 2) and 7-B (Map 23) of the Lanikai Beach Tract Subdivision being Portion of Land Court Application 505 situate at Kailua, Ko'olaupoko, O'ahu Address: 766 Mokulua Drive Purpose: Determine building set-back	Austin Tsutsumi & Associates, Inc./ Walter J. Sousa and Karin R. Sousa, Trustees of The Sousa Family Trust	(1) 4-3-008:041
MA-656	Proposed Shoreline Certification	Lot 5 of the Waipi'o Bay Partition being a portion of Grant 2079, Ap. 3 to Kaiewe situate at Puulua, Hamakualoa, Maui Address: 328 Door of Faith Road Purpose: Permitting purposes	Akamai Land Surveying, Inc./ Kevin Pena	(2) 2-9-007: 049
KA-416	Proposed Shoreline Certification	Parcel 8 Royal Patent 7060, Land Commission Award 8559-B, 'Āpana 40 to William C. Lunalilo, Parcels 14 and 32 Royal Patent 4045, Land Commission Award 6261 to Kane situate at Pīla'a, Kīluea, Kaua'i Address: Pīla'a, Kīluea, Kaua'i Purpose: Subdivision Conditions	Esaki Surveying & Mapping, Inc./ Pīla'a International LLC	(4) 5-1-004:008, 014, & 032

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
Hawai'i: North Kona (7-5-018: 030)	Replace the Three Antennas with Nine Antennas and Ancillary Equipment (Amendments to SMM 04-161)	Cellco Partnership dba Verizon Wireless
Hawai'i: North Hilo (3-2-002: 071)	As-Built Construction of 'Ohana Dwelling Unit (SMM 16-361)	Nematollah and Tina Marie Najibi
Maui: Hāmoa (1-4-010: 001)	Replace Cesspool with Septic System (SM2 20130043)	Dave Roth
Maui: Ha'ikū (2-7-007: 080)	Single Family Dwelling Unit (SM2 20160126)	Courtlandt Gates
O'ahu: Wai'anae (8-9-002: 065)	Nānāikapono Elementary School (2016/SMA-54)	Ronald N. S. Ho & Associates, Inc. / OpTerra Energy Services
O'ahu: Wai'anae (8-5-008: 001)	Removal and Replacement of Four Panel Antennas at an Existing Communications Facility and Addition of Two New Panel Antennas and Six New Remote Radio Units (2016/SMA-58)	T-Mobile West Corp / Telecom Site Development Services, Inc.

Ka'iwa Ridge Trail, O'ahu

Photo by [Hilton Lim](#)

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.

[International Fisheries; Tuna and Tuna-Like Species in the Eastern Pacific Ocean; Silky Shark Fishing Restrictions and Fish Aggregating Device Data Collection and Identification](#) (published 12/2/2016)

National Marine Fisheries Service is issuing regulations, **effective January 1, 2017**, (1) requiring the owner or operator of a U.S. purse seine vessel to ensure characters of a unique code be marked indelibly on each fish aggregating device deployed or modified on or after January 1, 2017, in the IATTC Convention Area; and (2) prohibiting the owner or operator of a U.S. purse seine vessel from retaining on board, transshipping, landing, or storing, in part or whole, carcasses of silky sharks caught by purse-seine vessels in the IATTC Convention Area. These regulations also provide limits on the retained catch of silky sharks caught in the IATTC Convention Area.

[Endangered and Threatened Wildlife and Plants Candidate Notice of Review](#) (published 12/2/2016)

The U.S. Fish and Wildlife Service presents an updated list of plant and animal species native to the United States that are regarded as candidates for or, have proposed for addition to the Lists of Endangered and Threatened Wildlife and Plants under the Endangered Species Act of 1973, as amended. The review includes the September 30, 2016 final listing of 49 Hawaiian species as endangered.

[Petition for Objection to Permit for Hu Honua Bioenergy Facility Denied](#) (published 11/23/2016)

The EPA Administrator signed an Order, dated September 14, 2016, denying a petition to object to a Clean Air Act title V operating permit proposed by the Clean Air Branch, Environmental Management Division, Hawaii Department of Health (HDOH) for the Hu Honua Bioenergy Facility, LLC (Hu Honua) in Pepeekeo, Hawaii. The petition, received by the EPA September 13, 2014, requested that the EPA object to the title V operating permit proposed on March 14, 2014 by HDOH, for the Hu Honua Bioenergy Facility, which is an electricity generating facility that consists primarily of a single biomass-fired steam boiler. On February 18, 2016, HDOH issued a final permit for Hu Honua.

A petitioner may seek judicial review in the United States Court of Appeals for the appropriate circuit of those portions of the petition which EPA denied. **Any petition for review shall be filed within 60 days** from the date this notice appears in the Federal Register.

[Requested Administrative Waiver of the Coastwise Trade Laws: Vessel HO'ONANEA](#) (published 11/23/2016)

The vessel HO'ONANEA is applying for a waiver of the coastwise trade laws. Its intended use is passenger charters: Snorkeling, Scuba, Whale watching, Sport fishing (not commercial). The complete application is given in DOT docket MA-RAD-2016-0118 at <http://www.regulations.gov>. **Submit comments by December 23, 2016** at <http://www.regulations.gov> or to Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

[Endangered Species; Recovery Permit Applications](#) (published 11/22/2016)

The public are invited to comment on the following applications for recovery permits to conduct activities with the purpose of enhancing the survival of endangered species:

TE-04236C

James W. Gore, Paragould, Arizona, requests a new permit to take (survey, monitor, identify roosts, capture, handle, measure, band, attach transmitters, and release) Hawaiian hoary bat (*Lasiurus cinereus semotus*) in conjunction with research, survey, and population monitoring activities in Hawai'i, for the purpose of enhancing the species' survival.

TE-146777

Arleone Dibben-Young, Kaunakakai, Hawaii, requests a permit amendment to take (mark with leg flags, collect blood and feather samples) the ae'o or Hawaiian stilt (*Himantopus mexicanus knudseni*) on the island of Molokai, Hawai'i, for the purposes of scientific research and enhancing the species' survival.

Send written comments by December 22, 2016 to Program Manager, Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232-4181. Please refer to the permit number for the application when submitting comments.

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 (EISPAN) along with the supporting Final EA. After the notice of the FEA-EISPAN 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 EISPAN 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, EISPAN) 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 EISPAN 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

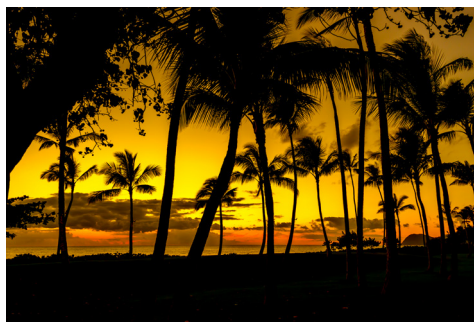
After receiving the comments on the EISPAN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The [content requirements](#) of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigative 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 EISPAN 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).



OFFICE OF ENVIRONMENTAL QUALITY CONTROL
 Publication Calendar of The Environmental Notice
 for publication in compliance with HRS Chapter 343

2017

For Draft Environmental Assessments (EAs), Anticipated Findings of No Significant Impacts (AFNSIs), Final EAs, Findings of No Significant Impact (FONSIs), Environmental Impact Statement (EIS) Preparation Notices (EISPNs), Draft EISs, Final EISs, EIS Acceptance or Non-acceptance determinations, Supplemental EISPNs, Supplemental EISs, revised and resubmitted documents, withdrawals, and other notices required to be published in the bulletin.

Submittal Deadline	Publication Date	EA or EISPN Comment 30-Day Deadline	EIS Comment 45-Day Deadline
2016 Dec 27 Tue	2017 Jan 08 Sun	2017 Feb 07 Tue	2017 Feb 22 Wed
2017 Jan 10 Tue	Jan 23 Mon	Feb 22 Wed	Mar 09 Thu
Jan 27 Fri	Feb 08 Wed	Mar 10 Fri	Mar 28 Tue
Feb 10 Fri	Feb 23 Thu	Mar 28 Tue	Apr 10 Mon
Feb 24 Fri	Mar 08 Wed	Apr 07 Fri	Apr 24 Mon
Mar 13 Mon	Mar 23 Thu	Apr 24 Mon	May 08 Mon
Mar 29 Wed	Apr 08 Sat	May 08 Mon	May 23 Tue
Apr 11 Tue	Apr 23 Sun	May 23 Tue	Jun 07 Wed
Apr 26 Wed	May 08 Mon	Jun 07 Wed	Jun 22 Thu
May 11 Thu	May 23 Tue	Jun 22 Thu	Jul 07 Fri
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Nov 13 Mon	Nov 23 Thu	2017 Dec 26 Tue	2018 Jan 08 Mon
Nov 28 Tue	Dec 08 Fri	2018 Jan 08 Mon	2018 Jan 22 Mon
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Notes

- Section 11-200-3(c), Hawai'i Administrative Rules (HAR), establishes the publication schedule of the periodic bulletin to be on the eighth and twenty-third of each month. Publication may occur on weekends and holidays.
- Section 11-200-3(c), HAR, establishes the submittal deadline to be eight working days before the publication date. The schedule does not count holidays and non-working days. Items must be submitted before the close of business (4:30 PM) on the submittal deadline.
- Hawai'i Revised Statutes (HRS) Section 343-5 sets the comment periods for EAs as 30 days and for EISs as 45 days from the publication date. For counting purposes, the publication date is day zero. Holidays and weekends (see HRS § 1-29 and HRS § 8-1) are counted. When the deadline falls on a state holiday or non-working day, the deadline is the next working day.



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