



The Environmental Notice

February 23, 2017

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.



Nā Pali Coast from Kalalau Trail, Kaua'i

Photo by [paul.bica](#)

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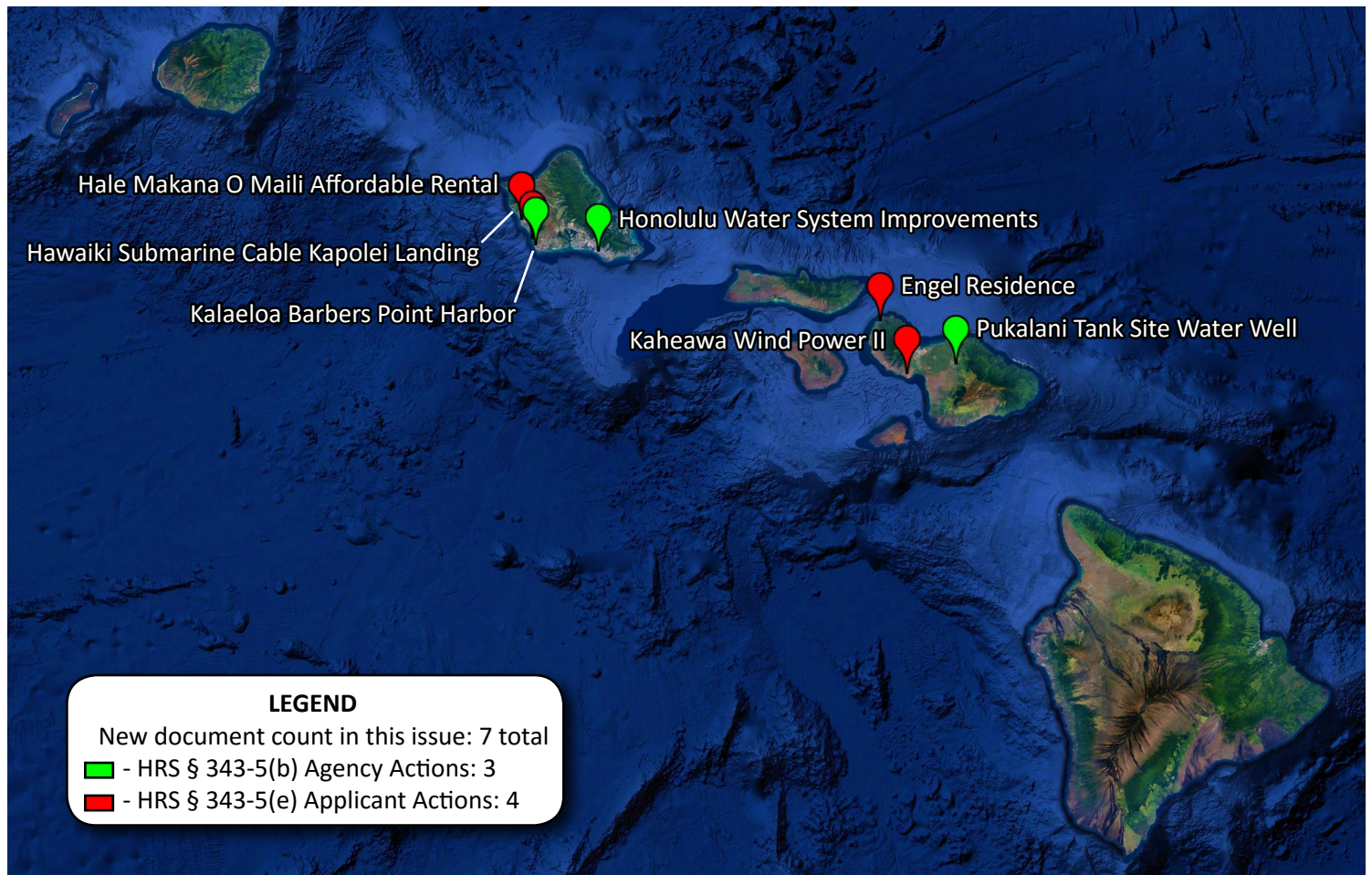
ANNOUNCEMENTS

The OEQC and the National Disaster Preparedness Training Center (NDPTC) at the University of Hawai'i at Mānoa (ndptc.hawaii.edu) are examining the need for a FEMA-certified training course on Environmental Impact Assessment (EIA). Please consider taking this survey investigating how the EIA process has been used as a platform to analyze and disclose climate change impacts:

https://manoahawaiiiss.az1.qualtrics.com/jfe/form/SV_ebODgarKO72KjNb


The purpose of the survey is to determine the levels of interest in using EIA procedures to document and disclose the impacts of climate change on projects and the extent to which projects mitigate or adapt to climate impacts.

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



MAUI


Engel Residence DEA (AFNSI)

HRS §343-5(a) Trigger	(2) Propose any use within any land classified as a conservation district	
District(s)	Lahaina	
TMK(s)	(2) 4-2-004:019 & 062	
Permit(s)	Conservation District Use Permit, Building Permit	
Approving Agency	Board of Land & Natural Resources, State of Hawai'i K. Tiger Mills, (808) 587-0382, kimberly.mills@hawaii.gov 1151 Punchbowl Street, Room 131, Honolulu, HI 96813	
Applicant	William E. Engel, (858) 414-6569, bengel@peglion.com 590 15th Street, Del Mar, CA 92014	
Consultant	Chris Hart & Partners, Inc. R. Raymond Cabebe, (808) 242-1955 x556, rcabebe@chpmaui.com 115 N. Market Street, Wailuku, HI 96793	
Status	Statutory 30-day public review and comment period starts. Comments are due by March 28, 2017. Please send comments to the approving agency and copy the applicant and the consultant.	

The applicant proposes to dismantle and relocate the existing 1,012 square foot structure offsite in order to construct an approximately 3,498 square foot, two-story, single-family residence with two car garage, covered decks, driveway, retaining walls, and related landscape plantings and site amenities. The existing carport will be demolished. A portion of the existing driveway and retaining wall will be removed and the driveway will be realigned to the new garage.

The project site has a total area of 33,914 square feet which includes a 15,426 square foot access easement on the adjoining parcel. The project site has been in residential use since before the 1848 Mahele, according to the cultural study.


Kaheawa Wind Power II Habitat Conservation Plan Amendment EISPN

HRS §343-5(a) Trigger	(2) Propose any use within any land classified as a conservation district	
District(s)	Lahaina	
TMK(s)	(2) 4-8-001:001, 3-6-001:014	
Permit(s)	Incidental Take License	
Approving Agency/ Accepting Authority	Department of Land and Natural Resources, Division of Forestry and Wildlife Glenn Metzler, Habitat Conservation Planning Associate, (808) 587-4149, Glenn.M.Metzler@hawaii.gov 1151 Punchbowl Street, Room 325, Honolulu, HI 96813	
Applicant	Kaheawa Wind Power II, LLC Mitchell Craig, (808) 633-3723, mcraig@sunedison.com P.O. Box 567, Wailuku, HI 96793	
Consultant	SWCA Environmental Consultants Amanda Childs, (503) 224-0333 x6256, achilds@swca.com 1220 SW Morrison, Suite 700, Portland, OR 97205	
Status	Administrative 30-day public review and comment period starts. Comments are due by March 28, 2017. Please send comments to the approving agency/accepting authority and copy the applicant and the consultant.	

KWP II operates a 21-megawatt wind energy generation facility on leased State of Hawai'i Conservation District lands near Mā'alaea on Maui, Hawai'i, supplying electricity to Maui Electric Company Ltd. The project has an approved HCP to monitor and mitigate for take of three bird species and one bat species protected under state and federal Endangered Species laws. The DLNR proposes to issue an amended ITL and approve an amended HCP to increase incidental take for the Hawaiian hoary bat from 11 to 62 adults (or juveniles surviving to adult), and for nēnē from 30 to 48 adults (or juveniles surviving to adult) during the remaining 20-year permit that was issued in 2012. KWP II would implement avoidance and minimization measures and monitoring, and provide mitigation commensurate with the new take levels. The proposed action would result in benefits at the local and state level by producing clean, renewable energy in line with Hawai'i's clean energy goals. Effects to the Hawaiian hoary bat and nēnē would be offset by funding research, restoration, or land acquisition to mitigate for the take of each species. Based on the mitigation efforts, no adverse impacts to either species is anticipated.

MAUI (CONTINUED)


Pukalani Tank Site Exploratory Water Well DEA Withdrawal

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Makawao	
TMK(s)	(2) 2-3-007:030 and 035; ROW of Kula Highway	
Permit(s)	State of Hawai'i Commission on Water Resource Management (CWRM) Well Construction/ Pump Installation Permit. County of Maui Dept. of Public Works (DPW) Grading Permit; State of Hawai'i Dept. of Health (DOH) National Pollutant Discharge Elimination System (NPDES) Permit. State of Hawai'i DOH Noise Variance.	
Proposing/ Determining Agency	State of Hawai'i Department of Land and Natural Resources, Engineering Division - Project Planning Section Gayson Ching, (808) 587-0232, Gayson.Y.Ching@hawaii.gov 1151 Punchbowl Street, Room 221, Honolulu, HI 96813	
Consultant	None	
Status	The proposing/determining agency is withdrawing the DEA published on January, 8, 2014.	

With the DEA published on January 8, 2014 in *The Environmental Notice*, DLNR proposed to develop an exploratory potable water well at the Maui Department of Water Supply (MDWS) Pukalani Tank Site on Kula Highway. The well was intended primarily to provide potable water for future State of Hawai'i projects, including school projects for the Department of Education and residential developments of the Department of Hawaiian Home Lands. DLNR intended to enter into an agreement with MDWS to integrate this new source into the existing MDWS water system and transfer ownership to the County of Maui. Since publication of the DEA-AFONSI, DLNR has determined that the proposed well site is unsuitable and is investigating another site, we will be preparing another DEA for the proposed well at the alternate site.

O'AHU

Hale Makana O Maili (HMoM) Affordable Rental Project DEA (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)	Wai'anae	
TMK(s)	(1) 8-7-001:016	
Permit(s)	Chapter 201H, HRS; LIHTC & RHRF; Chapter 343 HRS; GET Exemption; Building, Grading and Grubbing; Street Usage and Stockpiling; Sewer Connection; Water Connection; Water Quality/ NPDE; AIS Acceptance; Access Plan.	
Approving Agency	Hawai'i Housing Finance Development Corporation Janice Takahashi, Chief Planner, (808) 587-0639, janice.n.takahashi@hawaii.gov 677 Queen Street, Honolulu, HI 96813	
Applicant	Laulima Development, LLC Kali Watson, (808) 282-5991, 6kali9@gmail.com 1188 Bishop Street, Suite 907, Honolulu, HI 96813	
Consultant	Hawaiian Community Development Board Patti Barbee, (808) 358-3633, pattibarbee@gmail.com 1188 Bishop Street, Suite 907, Honolulu, HI 96813	
Status	Statutory 30-day public review and comment period starts. Comments are due by March 28, 2017. Please send comments to the approving agency and copy the applicant and the consultant.	

The proposed project is a 52-unit, low-rise, multi-family affordable rental housing development on a 1.95 acre portion of a 2.78 acre parcel in Mā'ili, Wai'anae. The development will consist of 6 buildings, a central park, adequate parking and a perimeter fence. The primary purpose of the project is to provide much-needed, long-term affordable housing to Wai'anae Coast communities. It is designed to serve very low and extremely low-income families and individuals (30-60% AMI) with quality, affordable housing options. According to the 2010 U.S. Census, 23.1% of persons in Mā'ili live in poverty. According to Ricky Cassidy in the Affordable Rental Demand Study, the Wai'anae Coast is "the least affordable housing market in the nation" due in large part to the "limited supply of land, very high costs of production and very strong housing demand." According to the Hawai'i Housing Planning Study, 2011, "Failure to produce sufficient units for low- and moderate-income households will cause pent-up demand in these market segments." For over 25 years, there has been a high and unmet demand for affordable housing units.


O‘AHU (CONTINUED)

Hawaiki Submarine Cable Kapolei Landing Second DEA (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 (3) Propose any use within a shoreline area		
District(s)	‘Ewa		
TMK(s)	(1) 9-2-049:005, (1) 9-2-049:002, (1) 9-2-049:001, (1) 9-2-051:011, and (1) 9-2-051:001; (1) 9-2-051:010		
Permit(s)	Various (see document)		
Approving Agency	Department of Natural Resources, Office of Conservation and Coastal Lands Alex Roy, Planner, (808) 587-0316, alex.j.roy@hawaii.gov Kalanimoku Building, 1151 Punchbowl St., Rm 131 P.O. Box 621, Honolulu, HI 96809-0621		
Applicant	Hawaiki Submarine Cable USA Richard Howarth, richard.howarth@hawaikicable.co.nz 2/A 3 Ceres Court, Rosedale, Auckland, 0632, New Zealand	TE SubCom Catherine Brady, cbrady@subcom.com 250 Industrial Way West, Eatontown, New Jersey 07724	
Consultant	Tetra Tech, Inc. Megan Higgins, (808) 441-6600, Megan.higgins@tetratech.com 737 Bishop St., Suite 2340, Mauka Tower, Honolulu, HI 96813		
Status	A second statutory 30-day public review and comment period starts. Comments are due by March 28, 2017. Comments from both the first DEA (published on December 23, 2016) and the second DEA will be responded to in the FEA. Please send comments to the approving agency and copy the applicant and the consultant.		

This project includes installation of subsea fiber optic (F/O) cable and associated telecommunications infrastructure in Kapolei. The F/O cable would be landed via construction of one subterranean horizontal directionally drilled (HDD) conduit extending from a beach manhole (BMH) on land to a subsea punch-out exit point, located approximately 2,520 feet seaward from the shoreline, into which the F/O cable would be installed. Onshore infrastructure include the BMH, a cable landing station building, two diesel generators, and a parking area. The purpose is to provide direct and affordable telecommunications connectivity between Hawai‘i, the mainland U.S., Australia, New Zealand and other Pacific islands. Subsequent refinements after the first DEA shifted the punch-out exit point and HDD conduit to the north, adding two new TMK parcels to the project.

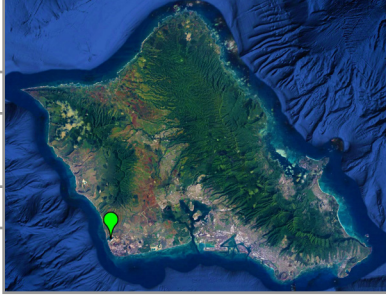
Honolulu Water System Improvements FEA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds		
District(s)	Honolulu		
TMK(s)	(1) 1-5, 1-7, 2-1, 2-3, 2-4 and 2-6		
Permit(s)	Various (see document)		
Proposing/ Determining Agency	Honolulu Board of Water Supply Iris Oda, (808) 748-5946, IODA@hbws.org 630 South Beretania Street, Honolulu, HI 96843		
Consultant	Gray, Hong, Nojima & Associates, Inc. Sheryl Nojima, (808) 521-0306, snojima@grayhongnojima.com 201 Merchant Street, Ste 1900, Honolulu, HI 96813		
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.		

The Board of Water Supply is proposing to undertake the replacement and upgrade (increase in size) of various water mains within the Iwilei, Downtown, Kaka‘ako, Ala Moana, Waikīkī and Makiki neighborhoods of Honolulu. Direct impacts resulting from construction activities include increased traffic congestion, disruption of residential/business activities, noise, dust, and utility interruptions due to possible relocations. With the prescribed mitigation measures, no long-term adverse indirect, secondary and cumulative impacts to environmental, natural, social, cultural, archeological and economic resources are anticipated. Beneficial long-term impacts include reduction in water main break occurrences and improvement in the reliability of the Honolulu Water System in meeting future increases in demands and fire suppression capabilities. The rough order of magnitude construction cost estimate is \$43.6 M and will be funded by the BWS operating funds, and possibly Water System Facility Charges and the State of Hawai‘i’s Drinking Water State Revolving Fund. The various water main improvement projects are expected to be released for construction over several years with the first project anticipated to commence approximately in 2017-2018.

O‘AHU (CONTINUED)

Kalaeloa Barbers Point Harbor Fuel Pier & Harbor Improvements DEIS

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	‘Ewa	
TMK(s)	(1) 9-1-014: 008 (portion), 024 (portion), 025, 026 (portion), 030, 031, 037, 039 (portion), and 040.; (1) 9-1-074:037 (portion) and 038 (portion)	
Permit(s)	Various (see document)	
Proposing Agency	Hawai‘i Department of Transportation, Harbors Division Carter Luke, P.E., (808) 587-1862, Carter.Luke@hawaii.gov 79 S. Nimitz Highway, Honolulu, HI 96813	
Accepting Authority	Governor, State of Hawai‘i Governor David Y. Ige, w(808) 586-0034, http://governor.hawaii.gov/contact-su/contact-the-governor Executive Chambers, State Capitol, Honolulu, HI 96813	
Consultant	G70 Jeffrey H. Overton, Principal Planner, (808) 523-5866, jeff@g70.design 925 Bethel Street, 5th Floor, Honolulu, HI 96813	
Status	Statutory 45-day public review and comment period starts. Comments are due by April 10, 2017. Please send comments to the proposing agency and copy the consultant. DOT-H will hold a public meeting to update interested parties and solicit input on the DEIS on 3/1/17 from 6-8 pm at the DHHL Hale Pono‘i Meeting Room, 91-5420 Kapolei Parkway, Kapolei, O‘ahu.	

Kalaeloa Barbers Point Harbor (KBPH) is the second busiest commercial harbor in the state and serves as the primary ‘bulk’ harbor for liquid-bulk (i.e., petroleum products, biofuels and asphalt) and dry-bulk (i.e., coal, cement, sand and aggregate) cargos. The purpose of the Proposed Action is to add berthing, yard space and other infrastructure to optimize operational efficiencies. Separating liquid- from dry-bulk cargo transfers that currently occur at Piers 5 and 6 will improve efficiency and enhance safety. The Proposed Action will create a dedicated Fuel Pier at Piers 3 and 4, adding 1,325 lineal feet of berth space with industry-standard infrastructure to modernize the facility. Fuel Pier development will displace an existing tenant from Pier 3, and will require demolition of a Finger Pier used for harbor support vessels. Relocation of the tenant to the Pier 9 area and construction of a pier for support vessels at Pier 8 are proposed. Additional improvements include construction of the Pier 7 Extension and the Pier 10 Layberth, and to provide supporting infrastructure on fastlands for tenant use.

CHAPTER 25, REVISED ORDINANCES OF HONOLULU

Waiau Generating Station Non-Character Altering Projects: 2016-2025 FEA

District(s)	‘Ewa
TMK(s)	(1) 9-8-003:001 and 010; 9-7-018:012; and 9-8-004:002 and 003
Permit(s)	Various (see document)
Approving Agency	City and County of Honolulu, Department of Planning and Permitting William Ammons, (808) 768-8025 650 South King Street, 7th Floor, Honolulu, HI 96813
Applicant	Hawaiian Electric Company, Inc. Rouen Q. W. Liu, (808) 543-7245 P.O. Box 2750, Honolulu, HI 96840-0001
Consultant	Planning Solutions, Inc. Makena B. White, (808) 550-4538 210 Ward Avenue, Suite 330, Honolulu, HI 96814
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.

Hawaiian Electric proposes to apply for a SMA Permit (SMP) Major for a variety of minor Projects to be phased over the next nine years at its Waiau Generating Station. The SMP Major will cover Projects to replace, upgrade, remove, and add facilities within the station that do not change its character or use. Hawaiian Electric frequently requires minor projects as a result of unanticipated equipment failures and changing regulatory requirements. This creates a regulatory bottleneck, where the need for minor projects requiring SMPs exceeds the annual limits on SMA minors. Also, due to the size of the facility, the complexity of activities, and the high-tech nature of the use, the proposed Projects have a value that exceeds \$500,000 but which will not change the character or use of the facility.

EXEMPTION LIST CONCURRENCE

A 30-day public comment period has begun for the following draft exemption list prior to concurrence by the Environmental Council. The listed types of actions may be exempt from the requirement to prepare an Environmental Assessment. Please send comments to oeqchawaii@doh.hawaii.gov.

[Draft Exemption List for the Natural Energy Laboratory of Hawai'i](#) (Comments are due by March 28, 2017)

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. Comments are due March 10, 2017. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

MAUI

[East Maui Water Lease EISPN](#)

O'AHU

[Honolulu Harbor Piers 24-29 Subdivision DEA \(AFNSI\)](#)

[Board of Water Supply Kapolei Base Yard and Brackish Desalination Plant DEA \(AFNSI\)](#)

[O'ahu Society for the Prevention of Cruelty to Animals \(OSPCA\) Animal Sanctuary DEA \(AFNSI\)](#)

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-1740	1/29/17	Lots: 20, 21, and 27 (Map 2), 23-B (Map 7), 264, 265, and 266 (Map 138), 272 (Map 143) of Land Court Application 505 situate at Kailua, Ko'olaupoko, O'ahu Address: 914, 922, 928, 936, 958, and 966 Mokulua Drive Purpose: Accretion application	Ryan M. Suzuki/ Charles L. Hall Trust; Johnson Family Trust; Paul & Tanya Alston; Margaret Rigler Taylor Trust, Linda Rigler Rasmussen, Donald & Malia Rigler Trust; Paul & Sherry Lambert; & Mokulua Holdings Ltd	(1) 4-3-007:034, 35, 36, 39, 42, & 43
OA-1742	2/10/17	Lot 131 of Map 10 Land Court Application 242 (Amended) situate at Pu'uloa, 'Ewa, O'ahu Address: 91-475 'Ewa Beach Road Purpose: Building purposes	Gil P. Bumanglag/ Albert W. & Ann B. Y. Kim	(1) 9-1-006:006
MA-671	2/9/17	Lot 42 "Waiohuli Keokea Beachlots, 2nd Series" situate at Waiohuli-Kēōkea, Kīhei, Maui Address: 1688B Halama Street Purpose: Future building permit	Ailana Surveying & Geomatics, LLC/ Reconstruct Holdings USA, Inc.	(2) 3-9-011:008 CPR 0002

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
MA-668	Proposed Shoreline Certification	Lot 2 of Land Court Consolidation 204 (Map 1) situate at Hā'ō'ū, Hāna, Maui Address: 0 Hāna Highway Purpose: County permit to construct a driveway from Hāna Highway to the property	Thomas G. Foley, Jr./ Thomas G. Foley, Jr. and Patricia Foley	(2) 1-5-004:005

COASTAL ZONE MANAGEMENT NOTICES

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

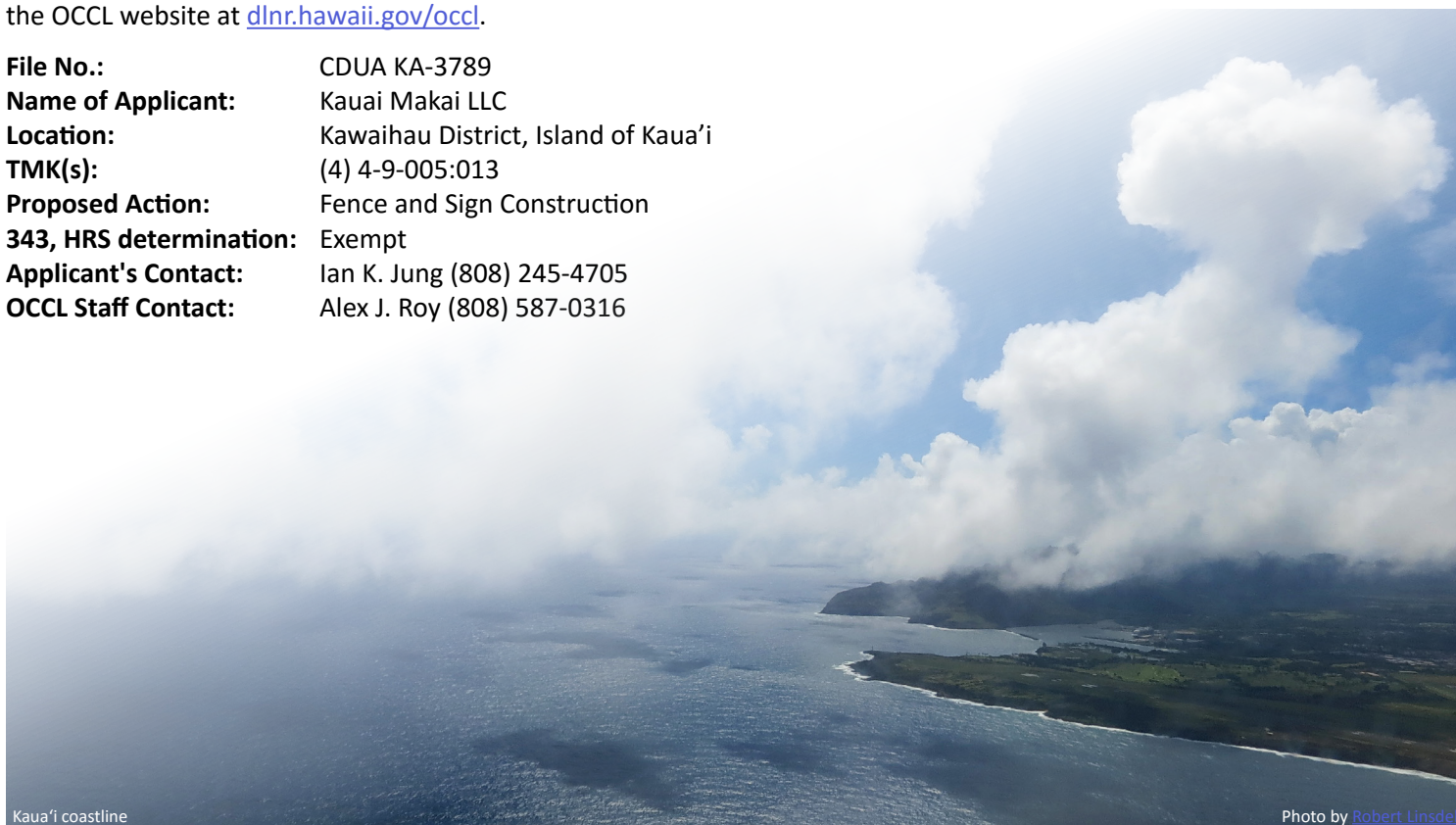
The SMA Minor permits below have been approved (HRS § 205A-30). For more information, contact the relevant county/state planning agency. Honolulu (768-8014); Hawai'i (East 961-8288, West 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Maui: Lahaina (4-6-001: 002, 007, 008 and 009)	Maui Oceanfront Marathon 2017-2021 (SM2 20170005)	A. Leslie Wight
Maui: Maalea (3-8-014: 011)	Wastewater Treatment System (SM2 20170013)	Pam Daoust
Maui: Kaanpali (4-4-008: 009)	Special Event (SM2 20170014)	MC & A Inc.
Maui: Lahaina (4-6-028: 032)	Demolish Existing New Construct (SM2 20170015)	Todd and Annette Waltze
Maui: Lahaina (4-6-033: 027)	Encroach, Tear Down, Dormer Remodel (SM2 20170016)	Victorine and Peter Merriman
Maui: Mākena (2-1-005: 135)	Disposal Well (SM2 20170017)	Nohelani U'u
Maui: Kahului (3-7-005: 012)	Construct New Two-Story Building (SM2 20170018)	Wayne Arakaki
Maui: Lahaina (4-3-017: 070)	Construct an Additional Bedroom and Bathroom (SM2 20170019)	Christopher Dudley & Tiffany Kessner

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 KA-3789
Name of Applicant: Kauai Makai LLC
Location: Kawaihau District, Island of Kaua'i
TMK(s): (4) 4-9-005:013
Proposed Action: Fence and Sign Construction
343, HRS determination: Exempt
Applicant's Contact: Ian K. Jung (808) 245-4705
OCCL Staff Contact: Alex J. Roy (808) 587-0316



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.

[Marine Mammals and Endangered Species \(published 2/21/2017\)](#)

A permit amendment has been issued to Rachel Cartwright, Ph.D., with the [Keiki Koholā Project](#). The permit was issued on January 25, 2014 authorizing Level A and B harassment of koholā (humpback whales) during photo-identification, behavioral follows, and surface and underwater observations in Hawai'i, Alaska, and California. The amendment authorizes Level B playbacks for koholā in Hawai'i to estimate their hearing range using behavioral observation audiometry. The sounds will be presented to a maximum of 300 koholā and their behavioral responses will be measured through visual and acoustic recordings including an unmanned aerial system. Only koholā will be targeted for active playback, but incidental harassment to additional species may occur including bottlenose dolphins (*Tursiops truncatus*), spinner dolphins (*Stenella longirostris*), false killer whales (*Pseudorca crassidens*), melon headed whales (*Peponocephala electra*), and short-finned pilot whales (*Globicephala macrorhynchus*). **The permit is valid through January 31, 2019.**

[Taking Marine Mammals Incidental to the Kodiak Transient Float Replacement Project \(published 2/16/2017\)](#)

The National Marine Fisheries Service has issued an incidental harassment authorization to the City of Kodiak, Alaska to incidentally harass, by Level B harassment only, marine mammals during construction activities associated with pile driving and removal and down hole drilling activities. This includes authorization of six Level B koholā (humpback whale) takes, and the probability is that five of the koholā that would be taken through Level B acoustic harassment would be from the Hawai'i Distinct Population Segment. Level B harassment is defined as causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering. Koholā are rare in the action area. One solitary animal was observed in March 2016 during 110 days monitoring of the Kodiak Ferry Terminal and Dock Improvements Project. Conservatively, it assumed that one individual could be present in the area on half of the days of in-water construction. **This Authorization is effective from January 1, 2017 through December 31, 2017.**

[Requested Administrative Waiver of the Coastwise Trade Laws: Vessel PRETTY WOMAN \(published 2/14/2017\)](#)

The vessel PRETTY WOMAN is applying for a waiver of the coastwise trade laws. Its intended commercial use is "30 minute Japanese wedding cruises for wedding pictures." **Submit comments by March 16, 2017** at <http://www.regulations.gov> or to the 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.

[Pacific Island Pelagic Fisheries; Deep-Set Tuna Longline Fisheries \(published 2/13/2017\)](#)

The National Marine Fisheries Service intends to prepare a Programmatic Environmental Impact Statement (PEIS) to analyze the environmental impacts of the continued authorization and management of U.S. Pacific Island deep-set tuna longline fisheries under the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific and other applicable laws. The analysis would include certain longline fisheries based in Hawai'i, the U.S. west coast, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. Publication of this notice begins the public scoping process to determine the scope of the environmental issues for consideration in the PEIS and allowing interested parties to suggest fishery management issues to be considered in the PEIS. **Comments must be received by April 14, 2017** and can be submitted at a scoping meeting (see webpage), at <http://www.regulations.gov/docket?D=NOAA-NMFS-2017-0010>, or to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

[Migratory Bird Hunting: Proposed Frameworks for Migratory Bird Hunting Regulations \(published 2/9/2017\)](#)

The U.S. Fish and Wildlife Service is proposing to establish the 2017-18 hunting regulations for certain migratory game birds. The proposed regulations for Hawai'i are:

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 65 days (75 under the alternative) for mourning doves.

Bag Limits: Not to exceed 15 (12 under the alternative) mourning doves.

Submit comments by March 13, 2017 at <http://www.regulations.gov> or to Public Comments Processing, Attn: FWS-HQ-MB-2016-0051; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041-3803.

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

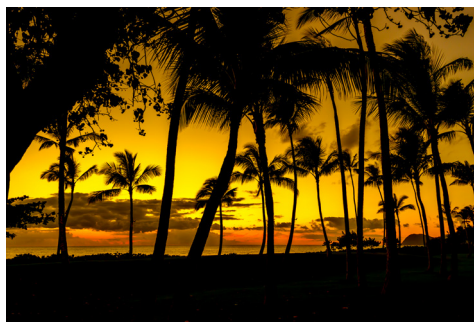
After receiving the comments on the EISPAN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The [content requirements](#) of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative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