The Environmental Notice

September 8, 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.
**ANNOUNCEMENTS**

The Environmental Council is updating Hawai‘i Administrative Rules (HAR) Chapter 11-200, the environmental impact statement rules. This chapter establishes the procedures, content requirements, criteria and definitions for applying Hawai‘i Revised Statutes (HRS) Chapter 343, the environmental impact statement law. Click here to review and comment on version 0.2 of the proposed changes, which was initially considered by the Environmental Council on September 5. Click here for more information, including a timeline for the revision process, and click here to sign up for email updates on the rule revision process.

On September 6, the Supreme Court of Hawai‘i released a decision on the Umberger versus the Department of Land and Natural Resources case, regarding aquarium fish collecting and the Hawai‘i environmental review process.

**STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS**

- Wailua Well No. 1 Project Kūhiō Highway FEA (FONSI)
- Special Management Area (SMA) Minor Permits
- Proposed Shoreline Certifications and Rejections
- Applications for Shoreline Certification
- Maui
  - Renewable energy conversion and sludge processing for the Wailuku - Kahului Wastewater Reclamation Facility EISPN Withdrawal
  - Renewable energy conversion and sludge processing for the Wailuku - Kahului Wastewater Reclamation Facility EISPN Resubmittal
- Kaua‘i
  - Wailua Well No. 1 Project Kūhiō Highway FEA (FONSI)
- Oʻahu
  - The Kāhala Hotel & Resort Beach Enhancements DEA Withdrawal
  - Mayor Wright Homes Redevelopment DEIS, Appendices A-B, Appendix C, and Appendices D-O

**ANNOUNCEMENTS**

- The Environmental Council is updating Hawai‘i Administrative Rules (HAR) Chapter 11-200, the environmental impact statement rules. This chapter establishes the procedures, content requirements, criteria and definitions for applying Hawai‘i Revised Statutes (HRS) Chapter 343, the environmental impact statement law. Click here to review and comment on version 0.2 of the proposed changes, which was initially considered by the Environmental Council on September 5. Click here for more information, including a timeline for the revision process, and click here to sign up for email updates on the rule revision process.

- On September 6, the Supreme Court of Hawai‘i released a decision on the Umberger versus the Department of Land and Natural Resources case, regarding aquarium fish collecting and the Hawai‘i environmental review process.
Renewable energy conversion and sludge processing for the Wailuku - Kahului Wastewater Reclamation Facility (WKWWRF) EISPN Withdrawal

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) Wailuku
TMK(s) (2) 3-8-001:188 (portion)
Permit(s) Various (see document)

Approving Agency/Accepting Authority
County of Maui, Department of Environmental Management
Stewart Stant, Director, (808) 270-7431, stewart.stant@co.maui.hi.us
2050 Main Street, Suite 2B, Wailuku, HI 96793

Applicant
Maui All Natural Alternative, LLC (MANA)
Jeff Walsh, (808) 729-1495, (760) 436-8870 X-108, jeff.walsh@anaergia.com
5780 Fleet Street, Suite 310, Carlsbad, CA 92008

Status
At the applicant’s request, the EISPN published on June 23, 2017 has been withdrawn.

The EISPN published on June 23, 2017 has been withdrawn and a new EISPN is published below listing additional triggers.

Renewable energy conversion and sludge processing for the Wailuku - Kahului Wastewater Reclamation Facility (WKWWRF) EISPN Resubmittal

HRS §343-5(a) Trigger
(1) Propose the use of state or county lands or the use of state or county funds
(2) Propose any use within any land classified as a conservation district
(3) Propose any use within a shoreline area
(9)(A) Propose any wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent
(9)(E) Propose any power-generating facility

District(s) Wailuku
TMK(s) (2) 3-8-001:188 (portion)
Permit(s) Various (see document)

Approving Agency/Accepting Authority
County of Maui, Department of Environmental Management
Stewart Stant, Director, (808) 270-7431, stewart.stant@co.maui.hi.us
2050 Main Street, Suite 2B, Wailuku, HI 96793

Applicant
Maui All Natural Alternative, LLC (MANA)
Jeff Walsh, (808) 729-1495, (760) 436-8870 X-108, jeff.walsh@anaergia.com
5780 Fleet Street, Suite 310, Carlsbad, CA 92008

Status
Administrative 30-day public review and comment period starts. Comments are due by October 9, 2017. Please send comments to the approving agency/accepting authority and copy the applicant.

The County selected Maui All Natural Alternative, LLC (“MANA”) at the conclusion of an RFP process for a renewable energy and sludge drying solution. MANA proposed to install an anaerobic digester and associated appurtenances onsite, which will anaerobically digest energy crops grown on former Hawaiian Commercial & Sugar (HC&S) plantation lands and sourced locally from Central Maui Feedstocks, LLC. The product of the anaerobic digestion process is renewable methane in the form of biogas that is treated on site and used to fuel a combined heat and power (CHP) engine for electrical power generation. Recovery heat from the CHP with additional biogas will provide the heat for the drying of all the municipally generated wastewater biosolids produced on Maui. The Project is not designed to export electrical energy to the grid. The entire facility will be located on the west side of the existing aerobic blower building and well within the confines of the WKWWRF. All energy crops will be grown on existing agricultural land.

The Project goals are to provide locally sourced renewable energy to assist the County of Maui in achieving its renewable goals and to provide a long term sustainable solution for biosolids management.
### O‘AHU

**The Kāhala Hotel & Resort Beach Enhancements DEA Withdrawal**

<table>
<thead>
<tr>
<th>HRS §343-5(a) Trigger</th>
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<tbody>
<tr>
<td>(1) Propose the use of state or county lands or the use of state or county funds</td>
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<tr>
<td>(2) Propose any use within any land classified as a conservation district</td>
</tr>
<tr>
<td>(3) Propose any use within a shoreline area</td>
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**District(s)**

Honolulu

**TMK(s)**

(1) 3-5-023:041, (1) 3-5-023:039 por.

**Permit(s)**

Conservation District Use Permit (CDUP), Non-exclusive easement, SMA Use Permit (minor), Grading/Building Permits

**Applying Agency**

State of Hawai‘i Department of Land and Natural Resources
Barry Cheung, O‘ahu District Land Agent, (808) 587-0430, barry.w.cheung@hawaii.gov
1151 Punchbowl Street, Honolulu, HI 96809

**Applicant**

Resorttrust Hawaii, LLC
Gerald Glennon, General Manager, The Kāhala Hotel & Resort, (808) 739-8888, gglennon@kahalaresort.com
5000 Kāhala Avenue, Honolulu, HI 96816

**Consultant**

PBR HAWAII & Associates, Inc.
Greg Nakai, (808) 521-5631, kahalaresort@pbrhawaii.com
1001 Bishop Street, Suite 650, Honolulu, HI 96813

**Status**

At the request of the applicant, the DEA published on April 23, 2017 has been withdrawn.

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**Mayor Wright Homes Redevelopment DEIS, Appendices A-B, Appendix C, and Appendices D-O**

<table>
<thead>
<tr>
<th>HRS §343-5(a) Trigger</th>
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**District(s)**

Honolulu

**TMK(s)**

(1) 1-7-029:003

**Permit(s)**

Various (see document)

**Proposing Agency**

Hawai‘i Public Housing Authority (HPHA)
Hakim Ouansafi, Executive Director, (808) 832-4682, Hakim.Ouansafi@hawaii.gov
1002 N. School Street, Honolulu, HI 96817

**Accepting Authority**

Governor, State of Hawai‘i
Executive Chambers, State Capitol, 415 South Beretania Street, Honolulu, HI 96813

**Consultant**

PBR HAWAII & ASSOCIATES, Inc.
Kimi Yuen, Principal, (808) 521-5631, kyuen@pbrhawaii.com
1001 Bishop Street, Suite 650, Honolulu, HI 96813

**Status**

Statutory 45-day public review and comment period starts. Comments are due by October 23, 2017. Please send comments to the accepting authority and copy the proposing agency and the consultant.

The Mayor Wright Homes Redevelopment Project will convert the existing Mayor Wright Homes into a new mixed-income, mixed-use transit oriented development (TOD) that will be an integral part of the Kalihi-Pālama neighborhood. Up to 2,500 residential rental units are proposed; two-thirds are targeted for affordable units including at minimum a one-for-one replacement of the existing 364 public housing units. Up to 80,000 square feet of commercial space is also proposed and may include a mix of retail, office space, and community services to support the new residential uses and complement the surrounding neighborhood. Open spaces are envisioned throughout including a new community center, parks, community gardens, and recreational decks. New internal streets will be designed as complete streets to support safe pedestrian and bicycle circulation and will also include traffic calming measures to slow vehicle traffic through the site. Convenient pedestrian and bicycle access will also be provided to the surrounding transit facilities. The Hawai‘i Public Housing Authority is partnering with MWH Partners, LLC under a master development agreement to redevelop the property with the goals of improving housing conditions for the existing residents as well as increasing the amount of affordable housing provided in this critical TOD neighborhood.
Wailua Well No. 1 Project Kūhiō Highway FEA (FONSI)

<table>
<thead>
<tr>
<th>HRS §343-5(a) Trigger</th>
<th>(1) Propose the use of state or county lands or the use of state or county funds</th>
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</thead>
<tbody>
<tr>
<td>District(s)</td>
<td>Līhuʻe</td>
</tr>
<tr>
<td>TMK(s)</td>
<td>(4) 3-9-002:012 (portion)</td>
</tr>
<tr>
<td>Permit(s)</td>
<td>Well Construction Permit 2</td>
</tr>
<tr>
<td>Proposing/Determining Agency</td>
<td>Department of Hawaiian Home Lands</td>
</tr>
<tr>
<td></td>
<td>Stewart Matsunaga, Master Planned Community Branch Manager, (808) 620-9283, <a href="mailto:Stewart.t.matsunaga@hawaii.gov">Stewart.t.matsunaga@hawaii.gov</a></td>
</tr>
<tr>
<td></td>
<td>91-5420 Kapolei Parkway, Kapolei, HI 96707</td>
</tr>
<tr>
<td>Consultant</td>
<td>Akinaka &amp; Associates, Ltd. Scott A. Kunioka, P.E., (808) 836-1900 x 684, <a href="mailto:sak@akinaka.com">sak@akinaka.com</a></td>
</tr>
<tr>
<td></td>
<td>1100 Alakea Street, Suite 1800, Honolulu, HI 96813</td>
</tr>
<tr>
<td>Status</td>
<td>Finding of No Significant Impact (FONSI) determination.</td>
</tr>
</tbody>
</table>

The purpose of the project is to develop a potable water well to help DHHL provide potable water to its lands in Wailua for homesteading and other related uses. The property is located in the Wailua ahupua'a in the Puna District on the east side of the Island of Kauaʻi, approximately 6 miles north of Līhuʻe. The project site is situated on a broad coastal plain at the base of the Kalepa Forest Reserve, directly south of the Wailua River. The project site is in the mauka portion of DHHL’s property on Kūhiō Highway.

The project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources, nor will it involve a substantial degradation of environmental quality.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

**Status:** Public review and comment period for these projects began previously. Comments are due September 22, 2017. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

**HAWAIʻI**

- Waiʻaha Transmission Water Line DEA (AFNSI)

**MAUI**

- Honoapiʻilani Highway Rehabilitation of Honolua Bridge DEA (AFNSI)
- Lower Waiohilu Trail Improvements and Re-Alignment DEA (AFNSI)

**OʻAHU**

- Hawaiʻi Public Housing Authority Administrative Offices (School Street) Redevelopment EISPN

**KAUAʻI**

- Līhuʻe Airport Runway 3-21 Runway Safety Area Improvements DEA (AFNSI)
- Nāwiliwili Harbor Improvements DEA (AFNSI)

EXEMPTION LIST CONCURRENCE

Pursuant to HAR § 11-200-8, the Environmental Council has reviewed and concurred upon the following agency exemption list. The listed types of actions may be exempt from the requirement to prepare an EA or EIS. The Environmental Council's date of concurrence is posted on the list. Click on the link to view or download the list.

- Natural Energy Laboratory of Hawaiʻi Authority (May 9, 2017)
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 Kalaela Community Development District (587-2841).

<table>
<thead>
<tr>
<th>Location (TMK)</th>
<th>Description (File No.)</th>
<th>Applicant/Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawai‘i: North Kona (7-7-008: 020)</td>
<td>Amendment to SMM 12-208 to Add a Bikeshare Rack (SMM 12-208)</td>
<td>Tina Clothier</td>
</tr>
<tr>
<td>Hawai‘i: North Kona (8-1-034: 027)</td>
<td>Construction of a Restroom Facility, 28-Stall Parking Lot, and Related Improvements (SMM 17-374)</td>
<td>1250 Oceanside, LLC</td>
</tr>
<tr>
<td>Maui: Lahaina (4-4-001: 026)</td>
<td>Parking Lot (SM2 20170062)</td>
<td>James Knuppe</td>
</tr>
<tr>
<td>Maui: Lahaina (4-6-001: 009)</td>
<td>Event September 16 and 17, 2017 (SM2 20170063)</td>
<td>Lahaina Town Action Committee</td>
</tr>
<tr>
<td>Maui: Lahaina (4-3-002: 083)</td>
<td>Building Cottage 2 Bedrooms (SM2 20170064)</td>
<td>Elisabeth Coste</td>
</tr>
<tr>
<td>Maui: Pā‘ia (3-8-002: 115)</td>
<td>Drill New Irrigation Well (SM2 20170065)</td>
<td>Gavin Ferguson</td>
</tr>
<tr>
<td>Maui: Lahaina (4-6-008: 041)</td>
<td>Reinforce Trusses / Interior Work (SM2 20170066)</td>
<td>Rowan G. K. Lee, Sr.</td>
</tr>
<tr>
<td>O‘ahu: Kailua (4-3-005: 068 and 070)</td>
<td>Utility Installation Type A (2017/SMA-28)</td>
<td>AT&amp;T / Telecom Site Development Services</td>
</tr>
</tbody>
</table>

SHORELINE NOTICES

PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

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

<table>
<thead>
<tr>
<th>File No.</th>
<th>Proposed/Rejected</th>
<th>Location</th>
<th>Applicant/Owner</th>
<th>TMK</th>
</tr>
</thead>
<tbody>
<tr>
<td>LA-016</td>
<td>Proposed Shoreline Certification</td>
<td>Portion of Lot 93-A as shown on Map 28 and 125-A-6 as shown on Map 33 of Land Court Consolidation 170 situate at Island of Lāna‘i</td>
<td>R.M. Towill/Lanai Resorts, LLC</td>
<td>(2) 4-9-017:por 002 &amp; 008</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>File No.</th>
<th>Date</th>
<th>Location</th>
<th>Applicant/Owner</th>
<th>TMK</th>
</tr>
</thead>
<tbody>
<tr>
<td>OA-1772</td>
<td>8/15/17</td>
<td>Lot 1264 (Map 180) of Land Court Application 1095 situate at Malaekahana, Ko‘olauloa, O‘ahu.</td>
<td>R.M. Towill Corporation/ Mark Van Mourick, et al.</td>
<td>(1) 5-6-001:087</td>
</tr>
<tr>
<td>OA-1773</td>
<td>8/15/17</td>
<td>Parcel 58 Being all of Lots 551-A-1, 551-B-1 and 552-B of Land Court Application 578 situate at Kuliʻouʻou 1st, Honolulu, O‘ahu.</td>
<td>Jaime F. Alimboyo-guen/ George Liu/ Yun J. Zhu</td>
<td>(1) 3-8-001:058</td>
</tr>
<tr>
<td>OA-1774</td>
<td>8/15/17</td>
<td>Lot 1130-B as shown on Map 276 of Land Court Application 677 situate at Kailua, Ko‘olaulaoko, O‘ahu.</td>
<td>Jaime F. Alimboyo-guen/ Stanley Brown</td>
<td>(1) 4-3-012:045</td>
</tr>
<tr>
<td>OA-1775</td>
<td>8/15/17</td>
<td>Lot 1066 as shown on Map 253 of Land Court Application 677 situate at Kâne‘ohe, Ko‘o’olaulaoko, O‘ahu.</td>
<td>Jaime F. Alimboyo-guen/ Medford Dyer</td>
<td>(1) 4-4-039:028</td>
</tr>
<tr>
<td>OA-1776</td>
<td>8/15/17</td>
<td>Being portions of Deed: Kamehameha III to Charles Gordon Hopkins dated September 10, 1851 and recorded in Liber 5, page 153 and all of Exclusion 23 of Land Court Application 1095 situate at Kahuku, Ko‘olauloa, O‘ahu.</td>
<td>Jaime F. Alimboyo-guen / Makai Ranch LLC</td>
<td>(1) 5-6-003:053</td>
</tr>
<tr>
<td>KA-422</td>
<td>8/16/17</td>
<td>Lot V-2-C-1 Land Court Application 1233 situate at Kekaha, Waimea, Kaua‘i.</td>
<td>Esaki Surveying &amp; Mapping, Inc. / George A. Magoon</td>
<td>(4) 1-3-005:040</td>
</tr>
</tbody>
</table>
Proposed Undertaking to Conduct Periodic Depot Maintenance (PDM) at Buildings 39005 & 39006, USAF Kaena Point Satellite Tracking Station (KPSTS)

Island: O‘ahu

District(s): Wai‘anae and North Shore

TMK(s): Project within (1) 6-9-003:005

Proposing and Approving Agency: United States Air Force (USAF), Ka‘ena Point Satellite Tracking Station
Lance Hayashi, Detachment 3, 21 Space Operations Squadron/CC, (808) 697-4314
10 Hickam Court, Unit 4, JBPHH, HI 96853-5208

Status: Comments due to the agency no later than September 28, 2017.


All repairs and work to be performed at these facilities and associated equipment will be done as minor in-kind repair or replacement of building or site features, elements or materials as part of routine maintenance. This work will not change the visual qualities of the buildings and there will be no change to the original/significant historic fabric of the buildings.

KPSTS has requested SHPD’s concurrence with its conclusion that the proposed undertaking will have “no adverse effect” on Archeological, Native Hawaiian Cultural Resources or Historic Properties.

The Section 106 consultation document will also be available for review at the Wai‘anae Public Library and the Waialua Public Library during the review period ending on September 28, 2017.

Draft FONSI for Demolition of an Abandoned Pier

Island: O‘ahu

District(s): Ko‘olaupoko

TMK(s): Various

Permit(s): Various

Proposing and Approving Agency: Department of the Navy
Naval Facilities Engineering Command, Pacific
EV21 Project Mgr MCBH Pier EA, NFPAC-Receive@navy.mil
258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860-3134

Status: Written or email comments on the Draft FONSI must be received by the agency or postmarked by September 21, 2017.

Pursuant to the Council on Environmental Quality Regulations implementing the National Environmental Policy Act, Marine Corps Base Hawai‘i (MCBH), provides notice that a Draft FONSI has been prepared, based on an Environmental Assessment (EA), for the demolition of an abandoned pier at MCBH, Kāne‘ohe Bay.

The Draft FONSI considers findings from consultations conducted pursuant to Section 7 of the Endangered Species Act and the Essential Fish Habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act, regarding potential impacts of the proposed project upon endangered species and essential fish habitat.

The Draft FONSI and the EA are available for viewing or download at:
http://www.mcbhawaii.marines.mil/unit-home/featured-information/pier-demolition/
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.

Notices: Requested Administrative Waiver of the Coastwise Trade Laws: Vessels SEA TREAT and VIRGO MOON; Invitation for Public Comments (published 9/7/17)
Requests for waivers of the U.S.-build requirement of the coastwise laws have been received for vessels SEA TREAT and VIRGO MOON. The intended commercial use of SEA TREAT is "environmentally friendly sightseeing tours of various types—sailing sunset cruises, coastline and marine wildlife viewing, snorkeling and catch & release sport fishing with a family oriented focus on healthy marine interactions and ecotourism." The intended commercial use of VIRGO MOON is "uninspected passenger vessel with 6 or less passengers for hire for sailing adventure to remote destinations within the Hawaiian Islands." Submit comments by October 10, 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.

Notice: Western Pacific Fishery Management Council; Public Meetings (published 9/6/17)
The Western Pacific Fishery Management Council will hold a meeting of its Mariana Archipelago, American Samoa Archipelago, and Hawai‘i Archipelago Fishery Ecosystem Plan (FEP) Advisory Panels (AP) to discuss and make recommendations on fishery management issues in the Western Pacific Region. The Hawai‘i Archipelago FEP AP will meet on Friday, September 29, 2017, between 1 p.m. and 4 p.m. at the Council Office, 1164 Bishop St. Suite 1400, Honolulu, HI 96813.

Rule: Safety Zone; Pacific Ocean, North Shore, Oahu, HI-Recovery Operations (published 8/31/2017)
The Coast Guard is establishing a temporary safety zone for the navigable waters of the North Shore of O‘ahu near Ka‘ena Point. The temporary safety zone encompasses all waters extending 3 nautical miles in all directions from position 21°34.88′ N.; 158°17.90′ W. The safety zone is needed to protect personnel, vessels and the marine environment from potential hazards associated with ongoing operations to salvage a downed helicopter in this area. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Honolulu. This rule is effective without actual notice from August 31, 2017 until 8:00 a.m. on September 15, 2017. For the purposes of enforcement, actual notice will be used from August 22, 2017, until August 31, 2017.

The National Marine Fisheries Service proposes a 2017 limit of 2,000 metric tons (mt) of longline-caught bigeye tuna for each U.S. Pacific territory (American Samoa, Guam, and the Northern Mariana Islands). Each territory would be allowed to allocate up to 1,000 mt each year to U.S. longline fishing vessels in a specified fishing agreement that meets established criteria. The proposed catch allocation limits and accountability measures the same as those for 2016. Comments must be received by September 15, 2017 and can be submitted at http://www.regulations.gov or to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

a Letter of Authorization has been issued to the U.S. Air Force 86 Fighter Weapon Squadron to take marine mammals incidental to Long Range Strike Weapons System Evaluation Program exercises on the Barking Sands Underwater Range Expansion area of the Pacific Missile Range Facility off Kaua‘i. These activities are considered military readiness activities. Authorization is valid from August 21, 2017, through August 20, 2022. Air-to-surface exercises involving surface and slightly subsurface live munition detonations are the stressors most likely to result in impacts on marine mammals that could rise to the level of harassment.

Proposed Rule: Semiannual Regulatory Agenda, Spring 2017 (published 8/24/2017)
This agenda provides summary descriptions of regulations being developed in agencies of the U.S. Department of Agriculture. It includes an amendment to the Animal and Plant Health Inspection Service's regulations governing the interstate movements of fruits and vegetables from Hawai‘i and the U.S. territories and the removal of phytosanitary requirements from those regulations. This action will allow for the consideration of requests to authorize the importation or interstate movement of new fruits and vegetables in a manner that enables a more flexible and responsive regulatory approach to evolving pest situations in both the United States and exporting countries. It will not, however, alter the science-based process in which the risk associated with importation or interstate movement of a given fruit or vegetable is evaluated or the manner in which risks associated with the importation or interstate movement of a fruit or vegetable are mitigated.
**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(d), 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 (FONSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

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

**Final Environmental Assessment and Environmental Impact Statement Preparation Notice**
An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

**Act 172-2012, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)**
Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication detailing the specifics of the action to enable the public a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISPN must be incorporated into the subsequent Draft EIS.

**Act 312-2012, Secondary Actions in the Highway or Public Right Of Way**
Act 312-2012, amended HRS 343, by adding a new section (HRS 343-5.5., entitled “Exception to applicability of chapter”) HEPA now allows for a statutory exception for “secondary actions” (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related “primary action” (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

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

**Final Environmental Impact Statement**
After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a Final EIS (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. See here for style concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

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

**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 landowners 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).