



The Environmental Notice

October 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.



Pumpkins in Kula, Maui (cropped from original)

Photo by Forest and Kim Starr

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ANNOUNCEMENTS

As noted previously, the [Environmental Council](#) (EC) 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. The EC accepted comments on version 0.2 of the proposed changes, which can be reviewed [here](#). Version 0.3 is expected to be released by October 31 for review and comment. [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.


The OEQC is exploring a new, map-based approach of presenting the information published in *The Environmental Notice*. Stay posted as this exciting development evolves!

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



HAWAI‘I


South Hilo Landfill Final Closure 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) | South Hilo | |
| TMK(s) | (3) 2-1-013: 152, 156 and 162 | |
| Permit(s) | FAA Form 7460-1: Notice of Proposed Construction or Alteration; Traffic Assessment; Authorization for use of TMK (3) 2-1-013:162; State Department of Health approvals; NPDES Permit for Storm Water Discharges from Construction Activities; Final drainage system design approval; Grading Permit | |
| Proposing/ Determining Agency | Department of Environmental Management, County of Hawai‘i Gene Quiamas, (808) 961-8270, Gene.Quiamas@hawaiiicounty.gov 345 Kekūanāo‘a Street, Suite 41, Hilo, HI 96720 | |
| Consultant | Wilson Okamoto Corporation Rebecca Candilasa, (808) 946-2277, rcandilasa@wilsonokamoto.com 1907 South Beretania St., Suite 400, Honolulu, HI 96826 | |
| Status | Statutory 30-day public review and comment period starts. Comments are due by November 22, 2017. Please send comments to the proposing/determining agency and copy the consultant. | |

The Department's Solid Waste Division is planning to permanently close the South Hilo Sanitary Landfill (SHSL) located in East Hawai‘i. Based on the available airspace and current daily loads, the SHSL is expected to reach its permitted maximum capacity within the next two years. With limited capacity at the existing landfill, significant constraints to expanding the existing landfill or establishing a new landfill in East Hawai‘i, and a steady East Hawai‘i waste stream, closure of the SHSL is imminent. Therefore, the proposed action is to close the existing landfill in compliance with State and federal rules and regulations while continuing to meet long-term waste management objectives by implementing waste diversion strategies and hauling residual waste from the East Hawai‘i waste stream to the West Hawai‘i Sanitary Landfill (WHSL) in Pu‘uanahulu. Proposed improvements associated with final closure of the landfill are described in the draft Environmental Assessment for the project.

O‘AHU


Salt Lake Debris Basins DEA (AFNSI)

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|--------------------------------------|--|---|
| 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) | 1-1-063:018 | |
| Permit(s) | NPDES, Grading, Grubbing, Stockpiling, Building, CZM, NWP, 401-WQC, Street Usage, HPR, ADA | |
| Proposing/ Determining Agency | Department of Facility Maintenance, City & County of Honolulu Randall Wakumoto, (808) 768-3242, rwakumoto@honolulu.gov 1000 Uluohia Street, Suite 212, Kapolei, HI 96707 | |
| Consultant | Oceanit Jeremy Michelson, (808) 531-3017, jmichelson@oceanit.com 828 Fort Street Mall, Suite 600, Honolulu, HI 96813 | |
| Status | Statutory 30-day public review and comment period starts. Comments are due by November 22, 2017. Please send comments to the proposing/determining agency and copy the consultant. | |

This project is located in Salt Lake on the island of O‘ahu in the upper reaches of an existing drainage channel along Likini Street, at the base of the southern-facing exterior slopes of Āliamanu Crater. The purpose of this proposed project is to improve water quality of Salt Lake by constructing two grass-lined debris basins in the upper watershed which will intercept rocks, coarse sediment, trash and debris and prevent those pollutants from depositing into Salt Lake. The Salt Lake waterways are 303(d) listed by the EPA as impaired waters for the parameters of turbidity and trash. By intercepting the pollutants before they reach the receiving waterways, the proposed debris basins will help to improve the water quality of Salt Lake. Decreasing the sediment and sediment-bound nutrients in Salt Lake will help reduce the growth of algae and other vegetation in the waterways, which can contribute to an improvement in the current odor problem.

O‘AHU (CONTINUED)


Sand Island Wastewater Treatment Plant Facility Plan (EISPN)

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|--------------------------------------|---|---|
| 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) 1-5-041:005 and 022 | |
| Permit(s) | Various (see document) | |
| Proposing/ Determining Agency | Department of Environmental Services, City and County of Honolulu Lisa Kimura, P.E., ENV Project Manager, (808) 768-3486, lkimura1@honolulu.gov 1000 Uluohia St., Suite 308, Kapolei, HI 96707 | |
| Accepting Authority | Department of Environmental Services, City and County of Honolulu Lori M. K. Kahikina, Director, (808) 768-3486, lkahikina@honolulu.gov 1000 Uluohia St., Suite 308, Kapolei, HI 96707 | |
| Consultant | R. M. Towill Corporation James Niermann, Planning Project Coordinator, (808) 842-1133, jimn@rmtowill.com 2024 North King St., Suite 200, Honolulu, HI 96819 | |
| Status | Administrative 30-day public review and comment period starts. Comments are due by November 22, 2017. Please send comments to the accepting authority/proposing agency and copy the consultant. | |

The City and County of Honolulu (CCH) Department of Environmental Services (ENV) proposes to undertake the SIWWTP Facility Plan Project (“project”), to expand and upgrade the existing SIWWTP facility to provide secondary treatment and to upgrade and develop various non-process support facilities. The existing SIWWTP is located on a 50-acre parcel of land identified by TMK: (1) 1-5-041:005. The ENV proposes to expand the SIWWTP into an approximately 13.949-acre portion of the adjacent parcel 022. Parcels 005 and 022 are owned by the State of Hawai‘i; the SIWWTP facility is owned and operated by the ENV.

In 2010, the CCH, State of Hawai‘i, Department of Health (DOH), and the U. S. Environmental Protection Agency (EPA) entered into the Consent Decree Civil No. 94-00765DAE-KSC (“2010 Consent Decree”), which requires the CCH to upgrade the municipal wastewater collection system to eliminate sanitary sewer overflows (SSO) and upgrade the WWTPs to provide full secondary treatment for all effluent discharge. The primary purpose of the project is to complete construction of the SIWWTP secondary treatment facilities, in accordance with the 2010 Consent Decree; and accommodate projected wastewater flows from the Sand Island Sewer Basin through 2055.


Sand Island Wastewater Treatment Plant Outfall Shoreline Revetment FEA (FONSI)

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|--------------------------------------|--|---|
| 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) | Honolulu | |
| TMK(s) | (1) 1-5-041:006 and 003 | |
| Permit(s) | Various (see document) | |
| Proposing/ Determining Agency | Department of Environmental Services, City and County of Honolulu Cindy Masuoka, (808) 768-8761, cmasuoka@honolulu.gov 650 South King St., 11th floor, Honolulu, HI 96813 | |
| Consultant | SSFm International Jennifer M. Scheffel, (808) 356-1273, jscheffel@ssfm.com 501 Sumner St., Suite 620, Honolulu, HI 96817 | |
| Status | Finding of No Significant Impact (FONSI) determination. | |

A new revetment structure is proposed at the location of the existing Sand Island WWTP Outfall structure along the shoreline on the southwest point of Sand Island in Honolulu, Hawai‘i. The revetment is needed to protect the Sand Island WWTP outfall, which is critical infrastructure for the City of Honolulu, as this is the only wastewater outfall servicing the Honolulu area. Failure of or damage to the outfall could have catastrophic health, environmental, and economic consequences. The progressive shoreline erosion is a serious potential threat that could eventually expose and compromise the outfall pipeline. The proposed revetment would be approximately 450 feet long and would armor the shoreline to prevent further erosion. The revetment is proposed to extend from the approximate location where the outfall extends into the ocean northward along the shoreline to the dredged channel. The revetment structure would be an un-cemented rock rubble mound of boulder-size rocks.

O‘AHU (CONTINUED)

[Aloha Solar Energy Fund II - Kalaeloa 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) | ‘Ewa | |
| TMK(s) | (1) 9-1-013:070 (HCDA owned) and portion of 30-foot-wide State Highways Division Right-of-Way along the eastern edge of Coral Sea Road (see document for details) | |
| Permit(s) | HCDA Development Permit; DOH NPDES Construction Stormwater General Permit; DLNR Chapter 6E-42 Historic Preservation Review; C&CH Building Permit | |
| Approving Agency | Hawai‘i Community Development Authority (HCDA) Jesse K. Souki, Executive Director, (808) 594-0300, dbedt.hcda.contact@hawaii.gov 547 Queen St, Honolulu, HI 96813 | |
| Applicant | Aloha Solar Energy Fund II, LLC Kevin McCaskill, Project Manager, (808) 486-3707, kmccaskill@ecc.net 2969 Mapunapuna Pl., Suite 220, Honolulu, HI 96819 | |
| Consultant | Group 70 International, Inc. Jeff Overton, Principal Planner, (808) 523-5866, ASEF@g70.design 925 Bethel St., 5th Floor, Honolulu, HI 96813 | |
| Status | Finding of No Significant Impact (FONSI) determination. | |

Aloha Solar Energy Fund II LLC is proposing to lease and develop a 5 megawatt solar power utility installation to be built on approximately 44.28 acres of lands owned by the HCDA in Kalaeloa, O‘ahu. Power generated by this facility would be transferred along an approximate 1.78 mile 12 kilovolt (kV) interim electrical distribution line that would be routed along the eastern side of Coral Sea Road, eventually connecting to the Hawaiian Electric Company (HECO) grid within its existing right of way. This environmental review only evaluates the utility installation and line and does not include assessing the actual HECO connection.

The purpose of the ASEF II project is to be a contributor of renewable energy in the form of solar electric power to HECO’s existing power grid. The project would help the State in achieving its renewable portfolio standard goals while also improving the environment by reducing: 1) greenhouse gas emissions, 2) dependency on foreign imports of fossil fuels, and 3) the environmental risk of spills during the transport and storage of fossil fuel to the State.

KAUA‘I

[Kauai Museum Expansion 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) | Līhu‘e | |
| TMK(s) | (4) 3-6-005:005 | |
| Permit(s) | Class IV Zoning, ST-P Use Permit and Building Permit | |
| Approving Agency | Planning Department, County of Kaua‘i Michael Dahilig, Director, (808) 241-4057, mdahilig@kauai.gov 4444 Rice St., Līhu‘e, HI 96766 | |
| Applicant | Kauai Museum Maryanne Kusaka, (808) 652-6500, MKusaka@hawaii.rr.com 4428 Rice St., Līhu‘e, HI 96766 | |
| Consultant | Agor Jehn Architects, LLC Ron Agor-Architect, (808) 947-2467, ron@agorjehnarch.com 460 Ena Rd., Suite 303, Honolulu, HI 96815 | |
| Status | Finding of No Significant Impact (FONSI) determination. | |

The purpose of this project is for additional office/storage space and to have the upper floors of both the Rice Museum and the Kaua‘i Museum buildings ADA accessible. The project entails a 1000 square feet second story addition with an elevator to the Rice Museum Building. The design substantially matches the existing Rice Museum Building. The new space will be used for office/storage of displays. The space under the elevated addition will continue to be used for outdoor events. Within the Kaua‘i Museum Building, the project includes a chair lift from the first floor to the upper museum floor.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. Comments are due November 7, 2017 unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

MAUI: [Lahainaluna High School Classroom Building DEA \(AFNSI\)](#)

KAUA'I: ['Aliomanu Road Repair Update DEA \(AFNSI\)](#)

EXEMPTION LIST CONCURRENCE

A 30-day public comment period has begun for the following draft Exemption List, prior to potential concurrence by the Environmental Council. Upon concurrence, the listed types of actions may be exempt from the requirement to prepare an EA. Please send comments to oeqchawaii@doh.hawaii.gov.

[Draft Exemption List for the Agribusiness Development Corporation](#) (Comments are due November 22, 2017)

COASTAL ZONE MANAGEMENT NOTICES

FEDERAL CONSISTENCY REVIEWS

The following federal action is being reviewed for consistency with the enforceable policies of the Hawai'i Coastal Zone Management (CZM) Program, including the CZM objectives and policies in Hawai'i Revised Statutes, Chapter 205A. Federal consistency, pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA), as amended, generally requires that federal actions, within and outside of the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. This public notice is being provided in accordance with § 306(d)(14) of the CZMA, and federal regulations at 15 CFR § 930.2, § 930.42, and § 930.61. General information about federal consistency is available at the [Hawai'i CZM Program web site](#), or call (808) 587-2878. The CZM Program is required to adhere to federal review deadlines, therefore, comments must be received by the date specified. Comments may be submitted by mail or electronic mail, to the addresses below.

Mail: Office of Planning
 Department of Business, Economic Development and Tourism
 P.O. Box 2359, Honolulu, HI 96804

Email: john.d.nakagawa@hawaii.gov

Wainiha Bridges Replacement Project, Kapa'a, Kaua'i

Proposed Action: The Federal Highway Administration (FHWA) is proposing to replace the three existing temporary Wainiha Bridges, referred to as Wainiha Bridges 1, 2, and 3, with permanent one-lane bridges designed for a 75-year service life. Bridge 1 is located at Milepost (MP) 6.44 and is the easternmost bridge located closest to Hanalei. Bridges 2 and 3 are located at MP 6.7 and MP 6.73, respectively. The existing bridges were installed as temporary bridges to keep the roadway open until design and environmental compliance for the new structures could be completed. The existing bridges are prefabricated, modular bridges, and were not intended to serve as permanent structures. The new bridges would closely match the existing horizontal alignment and would be located where the existing bridges stand. To provide minor improvements to the operational and maintenance considerations, a slight curve improvement between Bridges 2 and 3 would be provided, and the elevation of the road and bridges would be lowered to previous conditions. Construction access to Bridges 1, 2, and 3, via the roadway can only be provided from east of the project location due to Kuhio Highway terminating approximately 3.5 miles west of the project location. East of the project along Kuhio Highway, there are three historic load-restricted bridges: Waioli Bridge (MP 3.39); Waipa Bridge (MP 3.90); and Waikoko Bridge (MP 4.22). For construction equipment to access the project location, temporary crossings would be required at the load-restricted bridges as part of this project. The draft environmental assessment for the project was published in *The Environmental Notice* on April 23, 2016.

- Location:** Kuhio Highway; Wainiha Bridge 1 - MP 6.44; Wainiha Bridge 2 - MP 6.7; Wainiha Bridge 3 - MP 6.73
- TMK(s):** various
- Contact:** Mr. Thomas Parker, (720) 963-3688, thomas.w.parker@dot.gov
- Federal Action:** Federal Agency Activity
- Federal Agency:** Federal Highway Administration, Central Federal Lands Highway Division
- CZM Contact:** John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov
- Comments Due:** November 6, 2017

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

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: Waiākea, Hilo (2-2-032: 024) | Temporary Ka 'Umeke Kā'eo Charter School for Grades K-2 (SMM 17-376) | Ka 'Umeke Kā'eo Charter School |
| Kaua'i: Kīlauea (5-2-004: 091) | Swimming Pool, Spa, Deck, BBQ, Walkways, Walls and Landscaping (SMA(M)-2017-25) | Robert & Suzie Leonard |
| Maui: Kīhei (3-9-001: 001) | Install 5-foot Wood Pole (SM2 20170071) | Maui Electric (MECO) |
| Maui: Lahaina (4-2-004: 058) | Cell Tower Alterations (SM2 20170075) | Verizon Wireless |
| Maui: Moloka'i (5-9-001: 008) | Remove and Replace Cesspool to Septic Tank (SM2 20170001) | Department of Parks and Recreation, County of Maui |
| O'ahu: Wai'anae (8-4-004: 006) | Installation of Three Panel Antennas along with Three Radio Remote Units, and to Remove and Relocate Two Existing Panel Antennas (2017/SMA-29) | T-Mobile West, LLC / Telecom Site Development Services |
| O'ahu: Kailua (4-2-014: 004) | Two Aluminum Canopy Structures (2017/SMA-30) | Structural Hawaii, Inc. |
| O'ahu: Hau'ula (5-3-008: 002) | Type A Utility Installation (2017/SMA-33) | T-Mobile West, LLC / Telecom Site Development Services |

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-1780 | 9/29/17 | Lot 65-B as shown on Map 36 of Land Court Application 776 situate at Lā'ie, Ko'olauloa, O'ahu Address: 55-143 Naupaka Street Purpose: Building setback purposes | Jaime F. Alim-boyoguen/ Robert Rogers | (1) 5-5-011:077 |
| OA-1783 | 9/29/17 | Lot 4-A Section A Kawaihoa Beach Lots Being a Portion of Royal Patent 4475, Land Commission Award 7713, Apana 33 to V. Kamamalu situate at Kawaihoa, Waialua, O'ahu Address: 61-673 Kamehameha Highway Purpose: Determine building setback line | Wesley T. Tengan/ Pacific Return, LLC | (1) 6-1-010:012 |
| OA-1785 | 9/26/17 | Lots 4, 4-A, 5, and 5-A of the Kahala Subdivision Being Portion of Royal Patent 7721, Land Commission Award 228, Apana 2 to Kaleiheana situate at Kāhala, Honolulu, O'ahu Address: 4607 Kāhala Avenue Purpose: Setback purposes | Austin, Tsutsumi & Associates, Inc./ 4607 Kahala LLC | (1) 3-5-005:016 |
| KA-425 | 10/12/17 | Parcel 8, Hanapepe Beach Lots Royal Patent No. 4761, Ap. 2 L.C. Aw. 9116 to Koolau and Royal Patent No 4755, Ap. 3 L.C. Aw. 9189 & 10657 to Keawe situate at Hanapēpē, Waimea, Kaua'i Address: n/a Purpose: Building permit | Roger M. Caires/ Roger M. Caires | (4) 1-9-008:008 |

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-1749 | Proposed Shoreline Certification | Portion of Kaiaka State Park situate at Pa'ala'a-Kai, Waialua, O'ahu Address: 66-449 Hale'iwa Road Purpose: Setback line for design and construction of drainage improvements | Lance T. Stevens/ City and County of Honolulu | (1) 6-6-007:007 |
| OA-1759 | Proposed Shoreline Certification | Land Court Application 323 Consolidation of Lot 10 as shown on Map 42 and Lot 280 as shown on Map 153 and Resubdivided into Lots A, B, and C situate at Kailua, Ko'olaupoko, O'ahu Address: 188 N. Kalaheo Avenue and 10 Kamani Kai Place Purpose: Building permit | Walter P. Thompson, Inc./ Jennifer A. Rainin 2007 Trust | (1) 4-3-015:031 & 048 |
| OA-1774 | Proposed Shoreline Certification | Lot 1130-B as shown on Map 276 of Land Court Application 677 situate at Kailua, Ko'olaupoko, O'ahu Address: 200 S. Kalaheo Avenue; Purpose: Building setback | Jaime F. Alim-boyoguen/ Stanley Brown | (1) 4-3-012:045 |
| OA-1776 | Proposed Shoreline Certification | 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; Address: 56-1095 Kamehameha Highway Purpose: For any lawful purpose | Jaime F. Alim-boyoguen / Makai Ranch LLC | (1) 5-6-003:053 |
| OA-1778 | Proposed Shoreline Certification | Land Court Application 677 as shown on Map 254 situate at Kailua, Ko'olaupoko, O'ahu Address: 144 Ka'apuni Drive Purpose: Establish building set-back line | Wesley T. Tengan/ SL Development, LLC | (1) 4-3-013:039 |
| MA-671 | Proposed Shoreline Certification | Lot 42 "Waiohuli Keokea Beachlots, 2nd Series" situate at Waiohuli-Keokea, Kihei, Maui Address: 1688B Halama Street Purpose: Future building permit | Ailana Surveying & Geomatics, LLC/ Reconstruct Holdings USA, Inc. | (2) 3-9-011:008 CPR 0002 |
| MA-672 | Proposed Shoreline Certification | Lots C, D, & E of Section B of the Puamana Planned Unit Development, Unit 1, File Plan 1056 being all of Royal Patent 2714, Land Commission Award 6870, Apana 3 to Popule and Royal Patent 2715, Land Commission Award 6209, Apana 2 to Kamohai being also Portions of Royal Patent 1197, Land Commission Award 4878-CC, Apana 1 to Kaiwiopio; Land Patent 8403, Land Commission Award 8525-B, Apana 6, Part 1 to J. A. Kauwa, (Certificate of Boundaries 220); Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea; Royal Patent 4490, Land Commission Award 10,474, Apana 7 to N. Namauu (Certificate of Boundaries 26) and Royal Patent 1187, Land Commission Award 310, Apana 3 to Pikanele situate at Makila & Pahoia, Lahaina, Maui; Address: 0 Front Street; Purpose: Shoreline setback | Austin Tsutsumi & Associates, Inc./ Puamana Community Association | (2) 4-6-028:001 |
| MA-680 | Proposed Shoreline Certification | Being a Portion of Royal Patent Grant 3202 to Haleole situate at Hamakualoa, Makawao, Maui Address: Mokupapa Road Purpose: Planning for future use of the parcel | Warren S. Unemori Engineering Inc./ Melissa Kalilikane | (2) 2-9-002:001 |
| OA-1742 | Rejection | Lot 131 of Map 10 Land Court Application 242 (Amended) situate at Pu'uoloa, 'Ewa, O'ahu; Address: 91-475 'Ewa Beach Road Purpose: Building purposes | Gil P. Buman-glag/ Albert W. & Ann B. Y. Kim | (1) 9-1-006:006 |

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.

- **Notice:** [Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Navy Training and Testing Activities in the Hawaii-Southern California Training and Testing Study Area \(published 10/20/2017\)](#)
NMFS has received a request from the U.S. Navy for authorization to take marine mammals incidental to training and testing activities conducted in the Hawaii-Southern California Training and Testing Study Area for a period of five years, from December 26, 2018 through December 25, 2023. Pursuant to regulations implementing the Marine Mammal Protection Act, NMFS is announcing receipt of the Navy's request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on the Navy's application and request. **Comments and information must be received no later than November 20, 2017.**

- **Notice:** [Notice of Public Meetings of the Draft Environmental Impact Statement/Overseas Environmental Impact Statement for Hawaii-Southern California Training and Testing \(published 10/13/2017\)](#)
The Department of the Navy (DoN) has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS). It is the role of DoN to maintain, train and equip combat ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas. To fulfil its role, the DoN will continue ongoing military readiness activities, which include training and research, development, testing, and evaluation activities (hereafter referred to as "training and testing") conducted within the Hawaii-Southern California Training and Testing (HSTT) EIS/OEIS Study Area (hereafter referred to as the "Study Area"). In the Draft EIS/OEIS, the DoN re-evaluates potential environmental impacts associated with training and testing in the study area. The National Marine Fisheries Service (NMFS) is a cooperating agency for this EIS/OEIS. This notice announces the dates and locations of the public meetings and provides supplementary information about the environmental planning effort.

Public meetings will be held in Hawaii from 4:00 to 8:00 p.m. A DoN presentation and public oral comment session will occur twice during the meetings. Public meetings will be held on the following dates and at the following locations:

1. Monday, November 6, 2017, at Oahu Veterans Center, Fred Ballard Hall, Kukila St., Honolulu, HI 96818.
2. Tuesday, November 7, 2017, at Maui High School, Cafeteria, 660 S. Lono Ave., Kahului, HI 96732.
3. Wednesday, November 8, 2017, at Kauai Veterans Center, Main Ballroom, 3215 Kapule Highway, Lihue, HI 96766.
4. Thursday, November 9, 2017, at Waiakea High School, Cafeteria, 155 W. Kawili St., Hilo, HI 96720.

Attendees will be able to submit oral and written comments during the public meetings. Oral comments from the public will be recorded by a court reporter and each speaker's comments will be limited to three (3) minutes. Equal weight will be given to oral and written statements. Comments may also be mailed to Naval Facilities Engineering Command Pacific, Attention: HSTT EIS/OEIS Project Manager, 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860-3134, or electronically via the project Web site (www.HSTTEIS.com). All comments, oral or written, submitted during the 60-day public comment period will become part of the public record and substantive comments will be addressed in the Final EIS/OEIS. **Comments must be postmarked or received online by December 12, 2017**, for consideration in the Final EIS/OEIS.

Concurrent with the NEPA public involvement process, the DoN is conducting National Historic Preservation Act section 106 consultations regarding potential effects on historic properties. Historic properties include districts, sites, buildings, structures, or objects listed or eligible for listing in the National Register of Historic Places. During each of the meetings, an information station will be available, where subject matter experts will explain the section 106 process and solicit input.

- **Proposed Rule:** [List of Fisheries for 2018 \(published 10/12/2017\)](#)
The National Marine Fisheries Service (NMFS) publishes its proposed List of Fisheries (LOF) for 2018, as required by the Marine Mammal Protection Act (MMPA). The LOF for 2018 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of mortality and serious injury of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. **Comments must be received by November 13, 2017.**

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 (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 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 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

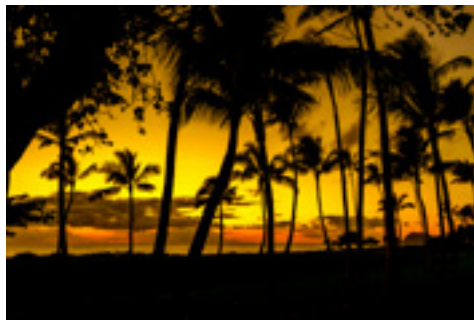
After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts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



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).