



The Environmental Notice

April 23, 2018

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.



Lightning over Diamond Head during the recent storms (modified from original)

Photo by [Anthony Quintano](#)

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ANNOUNCEMENTS

- Congratulations to the following members of the Environmental Council who recently were confirmed by the Legislature to a second four-year term: Mary Begier, Stephanie Dunbar-Co, Robert Parsons, N. Mahina Tuteur
- The timeline for public hearings on the proposed changes to the administrative rules for implementing HRS Chapter 343 has been set! Nine hearings will be held throughout the State between May 21 and 31. Here is the [link to the public notice](#)
- Click [here](#) to go to the rules update page for more details on the draft language, public hearing schedule, and public hearing locations

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



HAWAII

Kea'au Zero Waste Facility--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Puna	
TMK(s)	(3) 1-6-151: 002	
Permit(s)	various (see document)	
Proposing/ Determining Agency	Agribusiness Development Corporation, Department of Agriculture, State of Hawai'i Ken Nakamoto, Project Manager, (808) 586-0087, Ken.T.Nakamoto@hawaii.gov 235 S. Beretania St., Room 205, Honolulu, HI 96813	
Consultant	The Limtiaco Consulting Group; 1622 Kananui St., Honolulu, HI 96817 Claire Oshiro, Environmental Planner, (808) 596-7790, claire@tlcgohawaii.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 23, 2018. Please send comments to the proposing/determining agency and copy the consultant.	

The Agribusiness Development Corporation (ADC) proposes to develop a new Zero Waste Facility at the W. H. Shipman Business Park near the town of Kea'au in the Puna District. The state-owned project site is immediately adjacent to the existing Big Island Biodiesel facility. ADC's Zero Waste Facility will be a demonstration project that aims to successfully grow algae on a commercial scale using the waste product from produce. ADC's project may ultimately help advance agriculture and energy initiatives by utilizing the waste product from locally grown produce. No animal waste will be used in the waste conversion process. If the algae can be successfully grown at the proposed facility, the process could then be used for the development of byproducts such as a locally-produced livestock feed (for fish, chicken, and hogs) and biofuels. ADC's project involves the installation of a pre-manufactured building on an undeveloped site in an existing industrial area and related site improvements such as the construction of internal roadways, parking areas, utility systems and drywells. Driveway access and egress will be from Kipimana Street, which may be temporarily affected by construction activities. Perimeter fencing and manual gates at access points will be installed.

MAUI

Kealaloe Tank Exploratory Well--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Makawao	
TMK(s)	(2) 2-3-007:037	
Permit(s)	various (see document)	
Proposing/ Determining Agency	Department of Land and Natural Resources, State of Hawai'i Gayson Ching, (808) 587-0232, Gayson.Y.Ching@hawaii.gov DLNR Engineering Division, 1151 Punchbowl St., Room 221, Honolulu, HI 96813	
Consultant	Geometrician Associates; PO Box 396, Hilo, HI 96721 Ron Terry, (808) 969-7090, rterry@hawaii.rr.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 23, 2018. Please send comments to the proposing/determining agency and copy the consultant.	

DLNR proposes to develop an exploratory potable water well on a pasture property owned by Haleakalā Ranch, near the Maui Department of Water Supply (MDWS) Kealaloe Tank Site in Makawao. The well is intended to determine potential groundwater resources and their potential to provide potable water for future State projects. Because of the context of the well site and drilling practices, no adverse impact upon the aquifer should occur as a result of drilling and testing the exploratory well. The site is on lightly wooded pasture land adjacent to a site that has been completely converted to water utility uses, and no sensitive native flora or fauna or historic sites are present. Noise, traffic and visual impacts will be negligible. If a water source of adequate quality and quantity is determined to be present, the well could be converted to a production well at the appropriate time in the future, if and when sufficient demand exists. DLNR would likely 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. If a production well is proposed, another EA will be conducted. That EA would address the specific impacts of the use of the water, based on the proposed rate of withdrawal, proposed land uses, and the contexts of the aquifer and the municipal water system as they exist at that time.

MAUI (CONTINUED)

Hāna Highway Rockfall Mitigation--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Hāna	
TMK(s)	(2) 1-1-001: por. 044 and 021	
Permit(s)	various (see document)	
Proposing/ Determining Agency	Department of Transportation, State of Hawai'i Fred Gutierrez, P.E., (808) 873-3419, fred.c.gutierrez@hawaii.gov HDOT Maui District Office, 650 Palapala Dr., Kahului, HI 96732	
Consultant	R. M. Towill Corporation; 2024 North King St., Suite 200, Honolulu, HI 96819-3494 Brian Takeda, Planning Project Manager, (808) 842-1133, briant@rmtowill.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 23, 2018. Please send comments to the proposing/determining agency and copy the consultant.	

The Department of Transportation, Highways Division proposes the construction of rockfall mitigation measures along Hāna Highway Milepost (MP) 12 within and adjacent to the HDOT right-of-way in Hāna, Maui. The proposed work involves stabilizing steep, unstable cliffs along an approximately 0.63-mile segment of Hāna Highway at three (3) sites: (1) Site 1, MP 12.06 to MP 12.12; (2) Site 2, MP 12.49 to MP 12.57; and (3) Site 3, MP 12.59 to 12.69. Proposed work includes the installation of anchored erosion control matting and wire mesh paneling. Rockfall mitigation along the downslope makai side of the highway is only proposed at Site 1 and includes the installation of anchored reinforced shotcrete to stabilize the downslope side of the highway.

The purpose of the project is to reduce the incidence of rockfall and mitigate the potential for damage to property and human life, and road closures resulting from falling rocks, boulders, and associated debris. The planned improvements will also result in increased reliability for users of the Hāna Highway (Route 360), a major collector road and popular tourist attraction, and the only developed roadway between Kahului and Hāna on Maui.

O'AHU

Toell U.S.A. Nimitz Factory--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Honolulu	
TMK(s)	(1) 1-5-038: 004, 005, 055, 058	
Permit(s)	C&C Demolition, Building, Electrical, Plumbing, DOT Harbors Plan Review, DLNR SHPD	
Approving Agency	Department of Transportation, State of Hawai'i Calvert Chun, Property Manager, (808) 587-1942, calvert.jt.chun@hawaii.gov Harbors Division, 79 South Nimitz Highway, Honolulu, HI 96813-4898	
Applicant	Toell U.S.A; 98-790 Moanalua Rd, Aiea, HI 96701 Mina Kusaka, (808) 487-8487, minaxminax@gmail.com	
Consultant	Environmental Communications, Inc.; P.O. Box 236097, Honolulu, HI 96823 Taeyong Kim, Planner, (808) 528-4661, tkim@environcom.com	
Status	Finding of No Significant Impact (FONSI) determination.	

The project site presently consists of large industrial warehouse located adjacent to Pier 23 of Honolulu Harbor. The existing structure, which will be subject of the proposed improvements, is located on parcels 055 and 058. Parcel 004 is a split parcel which generally consists of an access road located immediately south of the project building, and a small sliver of land located to the north, between the building and Nimitz Highway. This northern sliver is required for air-cooled condensing units that will be secured by a chain link fence. The project also includes an abandoned warehouse on Parcel 005 which was formerly in use as a corn husk storage warehouse.

The proposed action consists of minor site improvements and the renovation of the existing warehouse building. The new use of the warehouse will consist of a water bottling plant that will form PET bottles, purify and bottle water, and store the filled bottles for future shipping. The existing building shell will be retained with minor excavation within the structure and the removal of some concrete paving and air conditioning equipment outside of the building. The former husk building will be demolished and used as at-grade parking.

KAUAI

Hā'ena 0.2 MG Storage Tank--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Hanalei	
TMK(s)	(4) 5-8-002: 003 (por) & 007	
Permit(s)	Conservation District Use Permit, County building permits, Individual NPDES Permit, Community Noise Permit (if req'd)	
Proposing/ Determining Agency	Department of Water, County of Kauai Bryan Wienand, P.E., (808) 245-5449, bwienand@kauaiwater.org 4398 Pua Loke St., Līhu'e, HI 96766	
Consultant	Shiramizu, Loo & Nakamura LLLP Galen Nakamura, galen.nakamura@hawaiiintel.net 4357 Rice St., Suite 102, Līhu'e, HI 96766	
Status	Finding of No Significant Impact (FONSI) determination.	

The County of Kauai Department of Water (“KDOW”) proposes to construct a 0.2 MG potable water storage tank in Hanalei, Kauai, on a portion of (4) 5-8-002-003. Electrical improvements ancillary to the project will occur on adjoining tax map key parcel (4) 5-8-002-007. KDOW’s Water Plan 2020 (“Plan”) projected future water demands from the Wainiha-Hā'ena area on Kauai are projected to grow approximately 15% between 2000 and 2020. In response to the Plan’s projected water demand and an analysis of future water storage needs, KDOW’s capital improvement program proposed a new 200,000 gallon storage tank to serve this area.

Pua Loke Affordable Housing Development--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Līhu'e	
TMK(s)	(4) 3-8-005-028 & 029	
Permit(s)	NPDES Permit Coverage, Grading Permit, Project Development Use Permit/Approval, Trenching Permit, Building Permit	
Proposing/ Determining Agency	Kauai County Housing Agency, County of Kauai Kananifu Fu, Housing Director, (808) 241-4444, kananifu@kauai.gov 4444 Rice St., Suite 330, Līhu'e, HI 96766	
Consultant	Environet, Inc Max Solmssen, (808) 833-2225, Ext. 1012, msolmssen@environetinc.com 1286 Queen Emma St., Honolulu, HI 96813	
Status	Finding of No Significant Impact (FONSI) determination.	

The Proposed Action is the development of the Pua Loke Affordable Housing Development; a County of Kauai affordable housing project that would provide the growing county population with much needed affordable rental housing, as well as serve families and individuals experiencing homelessness. The development would include a maximum of 60 dwelling units to provide multi-family (MF) rental housing units to accommodate a blend of affordable incomes, as well as designated units to serve those experiencing homelessness. The Proposed Action would be located along Pua Loke Street and Haleko Road in the town of Līhu'e on the east side of Kauai.

CHAPTER 25, REVISED ORDINANCES OF HONOLULU

Use of the Special Management Area (SMA) is not a trigger under Chapter 343, but developments in O'ahu's SMA are required to go through an environmental review process that mirrors the procedural requirements of HRS Chapter 343, pursuant to Revised Ordinances of Honolulu, Chapter 25. Developments being reviewed under Chapter 25 but not Chapter 343 appear here.

The Kaapuni Residences--Final EA (FONSI)

District(s)	Ko'olaupoko
TMK(s)	(1) 4-3-013: 039
Permit(s)	SMA Use Permit Major, Street Usage, Building Permits, Minor Shoreline Structure
Approving Agency	Department of Planning and Permitting, City and County of Honolulu Jordan Dildy, (808) 768-8027, jdildy@honolulu.gov 650 South King St., 7th Floor, Honolulu, HI 96813
Applicant	SL Development LLC; 6021 173rd Avenue SE, Bellevue, WA 98006 Laura Brancato, laura@yett.com
Consultant	Hawaii Planning LLC; 1031 Nuuanu Avenue, Suite 2306, Honolulu, HI 96817 Dennis Silva, Jr, (808) 347-3999, dsilvajr@hawaiiplanningllc.com
Status	Finding of No Significant Impact (FONSI) determination

The proposed residential development consists of three (3) houses on the 44,356 square feet (1.02 acres) site. The zoning is R-10 Residential, which allows for one (1) residential unit per 10,000 square feet of land. Therefore, the proposed three (3) residential units are under the maximum houses allowed based on the Revised Ordinances of Honolulu, Chapter 21, Land Use Ordinance R-10 Residential zoning development standards. The Project Site is within the Special Management Area (SMA) and requires an SMA Use Permit Major processed through the City and County of Honolulu, Department of Planning and Permitting.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. **Comments are due May 9, 2018** unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

HAWAI'I

[La'aloa Avenue New Park--Draft EA \(AFNSI\)](#)

[Issuance of Commercial Aquarium Permits for the Island of Hawai'i--Draft EA \(AFNSI\)](#)

MAUI

[Ke'anae Road Safety Improvements--Draft EA \(AFNSI\)](#)

[Wailuku Apartment Rental Housing Project--Draft EA \(AFNSI\)](#)

O'AHU

[OM Kuhio at Waikiki--Draft EA \(AFNSI\)](#)

[Issuance of Commercial Aquarium Permits for the Island of O'ahu--Draft EA \(AFNSI\)](#)

KAUA'I

[New Kaua'i Landfill--Draft EIS \(comments due May 23, 2018\)](#)

COASTAL ZONE MANAGEMENT NOTICES

FEDERAL CONSISTENCY REVIEWS

The following federal actions are 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.

For specific information or questions about an action listed below, contact the CZM staff person identified for each action. 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

U.S. Army Garrison-Hawaii New Perimeter Security Fence & Appurtenances at Field Station Kunia, O'ahu

Proposed Action: The U.S. Army Garrison-Hawaii proposes to construct and operate a new perimeter security fence and appurtenances at Field Station Kunia (FSK), O'ahu, to provide required Anti-Terrorism Force Protection setbacks to infrastructure supporting FSK. Appurtenances would include: interior and exterior roadways abutting the new fence for security patrols; a new access road for operations and maintenance; two new vehicular access gates with vehicle barriers; two new personnel turnstile access points; additional lighting and intrusion detection devices; a blast wall constructed between neighboring water wells and the new fence line; and, the routing of electrical, and telecommunication lines to provide infrastructure support for power and communications. Site preparation work would include grubbing and grading of the affected area. Detailed information about the proposal can be requested from the CZM contact below.

Location: U.S. Army Field Station Kunia, O'ahu
TMK(s): (1) 9-2-5: por. 22; 9-4-12: pors. 6, 3
Federal Action: Federal Agency Activity
Federal Agency: U.S. Army Garrison-Hawaii
Contact: Ms. Lisa Graham, (808) 656-3075, lisa.m.graham52.civ@mail.mil
CZM Contact: John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov
Comments Due: **May 7, 2018**

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: South Kohala (6-9-007: 014)	Proposed Upgrades to the AT&T Facility (SMM 12-253)	Wireless Network Support
Hawai'i: North Kona (7-7-008: 022)	Amendment to Add a Rock Wall with Bollard, a Grease Interceptor, and to Replace the Tent with a Portable Snack Cart on Wheels (SMM 18-383)	Ulu Development LLC
Maui: Lahaina (4-6-010: 001)	Scared Hearts School Annual Bazaar (SM2 20180017)	Roman Catholic Church
Maui: Paia (2-5-004: 029)	After-the-Fact Main Farm Dwelling Addition (SM2 20180018)	Stice, Tracy Steven & Laura Townsend TR
Maui: Ma'alaea (3-8-014: 021)	Repair Sinkhole Under Stairs (SM2 20180019)	Roger Greene
O'ahu: Kalaeloa (9-1-013: 070)	Installation of a Vinyl-coated Chain Link Perimeter Fence (SMA/18-2)	Aloha Solar Energy Fund II, LLC / Group 70 International, Inc.

SHORELINE NOTICES

APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review at the Department of Land and Natural Resources offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS § 205A-42 and HAR § 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of this public notice of the application. For more information, call (808) 587-0420.

File No.	Location	TMK	Applicant	Owner	Purpose
OA-1806	41-505 Kalaniana'ole Highway, O'ahu 96795	(1) 4-1-002: 007	Kenn Nishihira	Waimanalo Paradise LLC	Subdivision
OA-1807	One'ula Beach Park: 91-295, 91-303, & 91-309 Papiapi Road, O'ahu	(1) 9-1-011: 004 to 007; and (1) 9-1-134: 006 & 044	R.M. Towill Corporation	Department of Parks and Recreation, City and County of Honolulu	Permitting
MA-695	505 Front Street, Maui, 96761	(2) 4-6-002: 007 por.	R.T. Tanaka Engineers, Inc.	FPA Lahaina Shores Associ- ates, LLC	Determine shoreline setback
MA-696	2920 S. Kihei Road, Maui	(2) 3-9-004: 001 por & 061	Sam O. Hirota, Inc.	State of Hawai'i	Construction of new facility

PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

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

File No.	Status	Location	TMK	Applicant	Owner	Purpose
MA-689	Proposed	111 N. Kihei Road, Maui 96753	(2) 3-8-013: 025	Fukumoto Engi- neering, Inc.	Lee Anderson & Carl Anderson	Determine shoreline setback
KA-430	Proposed	4890 Lāwa'i Road, Kaua'i 96756	(4) 2-6-012: 001	Esaki Surveying & Mapping, Inc.	David Jorgensen	Determine shoreline setback

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: [Western Pacific Fishery Management Council; Public Meetings](#) (published 4/10/2018)

The Western Pacific Fishery Management Council (Council) will hold its Marine Planning and Climate Change Committee (MPCCC) meeting to review relevant sections of the draft 2017 annual Stock Assessment and Fishery Evaluation (SAFE) report for the Pacific Pelagic Fishery Ecosystem Plan (FEP), American Samoa Archipelago FEP, Hawaii FEP, Mariana Archipelago FEP and Pacific Remote Island Areas (PRIA) FEP. The MPCCC will also receive updates on matters related to fishery management and may make recommendations on these topics. **The meetings will be held on April 10 & 11, 2018 at the Council office in Honolulu, HI.**

Notice: [Western Pacific Fishery Management Council; Public Meetings](#) (published 4/11/2018)

The Council will convene a meeting of its Archipelagic Fishery Ecosystem Plan Team (AFEP) and the Fishery Data Collection and Research Committee—Technical Committee (FDCRC-TC). The AFEP Team will review the fishery performance, ecosystem consideration, and data integration chapter of the Stock Assessment and Fishery Evaluation Report for the Western Pacific region, evaluate the 2017 catches to the 2017 Annual Catch Limits for the coral reef, crustacean, and Territory bottomfish fisheries, review of the ecosystem component action, aquaculture, and crustacean Essential Fish Habitat review. The FDCRC-TC will review the status of the data collection improvement efforts in the Western Pacific region, progress on the Pacific Island Fisheries Research Program, discuss the collection of fisheries data for management unit species and Ecosystem Component Species, and the implementation of the Marine Recreational Information Program — Pacific Islands Regional Implementation Plan. **The AFEP Team meeting will be held on April 30—May 1, 2018, the FDCRC-TC will be held on May 2-3, 2018; both in Honolulu.**

FEDERAL NOTICES (CONTINUED)

Rule: [International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions for Tropical Tuna in the Eastern Pacific Ocean for 2018 to 2020 \(published 4/11/2018\)](#) Please click on linked title for additional information

The National Marine Fisheries Service is issuing regulations under the Tuna Conventions Act to implement the C-17-02, fishing management measures for tropical tuna (i.e., bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*), and skipjack tuna (*Katsuwonus pelamis*)) in the eastern Pacific Ocean (EPO). Effective May 11, 2018, this final rule imposes the following on purse seine vessels with carrying capacity greater than 182 metric tons (mt) fishing for tropical tuna in the EPO: A 72-day EPO-wide closure, a 31-day area closure, and a requirement that—with some exceptions—all tropical tuna be retained and landed. In addition, this final rule revises the restrictions for exemptions due to force majeure, establishes a bigeye tuna catch limit of 750 mt for U.S. longline vessels greater than 24 meters in overall length, and regulates the use and design of fish aggregating devices. This final rule is necessary for the conservation of tropical tuna stocks in the EPO and for the United States to satisfy its obligations as a member of the IATTC.

FEDERAL ANNOUNCEMENT

On April 9, 2018, the Administration announced the release of an interagency Memorandum of Understanding (MOU) implementing the One Federal Decision (OFD) policy of Executive Order 13807 (EO), issued by the President in August 2017. The EO directed the Office of Management and Budget and the Council on Environmental Quality to develop a framework for implementing OFD in consultation with the Federal Permitting Improvement Steering Council (Permitting Council), of which the Advisory Council on Historic Preservation (ACHP) is a member. The ACHP provided input during the framework drafting process and is a signatory to the MOU.

OFD anticipates that major infrastructure projects subject to federal approvals will be guided by a lead federal agency coordinating all required federal environmental reviews and result in a unified federal decision (i.e. a single Record of Decision, or ROD), with limited exceptions. It also addresses the EO's goal of reducing the time to complete environmental reviews and permitting decisions for such projects to an agency average of no more than two years. Major infrastructure projects are those requiring multiple authorizations for which an Environmental Impact Statement (EIS) will be prepared and for which "the project sponsor has identified the reasonable availability of funds sufficient to complete the project."

The OFD framework directs lead agencies to develop permitting timetables for major infrastructure projects, coordinate with other federal agencies on the preparation of a single EIS/single ROD, and put in place procedures for elevating disputes about environmental reviews. OFD does not alter the requirements of Section 106 or other environmental laws but rather aims to better synchronize review processes across the federal government.

The ACHP anticipates that implementation of OFD for major infrastructure projects, while confined to a limited segment of all infrastructure undertakings, will result in greater emphasis on pre-application communication and coordination as federal agencies work to align their review processes. It is also likely to generate increased interest in strategies for integrating NEPA and Section 106. OFD incorporates elements, such as the development of project-specific timetables and the conduct of concurrent reviews where feasible, similar to permitting improvements established by Title 41 of the Fixing America's Surface Transportation Act of 2015.

Where more than one federal agency with a role in the environmental review and permitting process for a major infrastructure project is also responsible for National Historic Preservation Act compliance, designation of a Section 106 lead agency may offer additional efficiencies. The ACHP is developing a set of FAQs on lead federal agencies in Section 106 review to be released this spring.

Link to MOU: <https://www.whitehouse.gov/wp-content/uploads/2018/04/MOU-One-Federal-Decision-m-18-13-Part-2-1.pdf>.

For updates on OFD, please visit the ACHP's infrastructure web page: <http://www.achp.gov/infrastructure/coordination.html>.

For information on NEPA and Section 106 integration, please see NEPA and NHPA: A Handbook for Integrating NEPA and Section 106 at http://www.achp.gov/docs/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf and the ACHP's E-Learning courses on this topic at <http://www.achp.gov/elearning.html>.

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).