



The Environmental Notice

June 8, 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.



In tribute to the Kapoho tidepools

Photo by [Rafael Bergstrom](#)

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ANNOUNCEMENTS

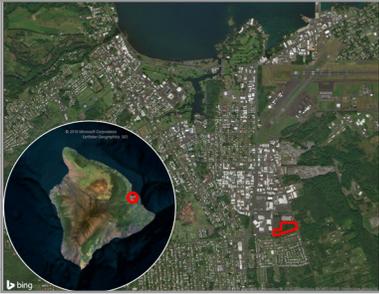
- We appreciate and thank everyone who attended the recent public hearings and submitted comments on the proposed changes to the EIS rules (Chapter 11-200, HAR). The Environmental Council will review the comments received and will consider further changes to the language in the draft rules.
- June 8 is World Oceans Day; a global day of ocean celebration and collaboration for a better future. [This site](#) serves as a central coordinating platform for World Oceans Day, with free resources and ideas for everyone – no matter where you live – to help expand the reach and impact of World Oceans Day today and year-round.

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



HAWAII

Project Kamoleao Community-Based Master Plan--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) | South Hilo | |
| TMK(s) | (3) 2-2-047:075 | |
| Permit(s) | various (see document) | |
| Approving Agency | Department of Hawaiian Home Lands; 91-5420 Kapolei Parkway, Kapolei, HI 96707 Andrew Choy, (808) 620-9279, Andrew.h.choy@hawaii.gov | |
| Applicant | William "Bill" Brown, President Pana'ewa Hawaiian Home Lands Community Association, P.O. Box 4788, Hilo, HI 96720 | |
| Consultant | PBR Hawaii & Associates, Inc; 1001 Bishop St., Suite 650, Honolulu, HI 96813 Ann Bouslog, (808) 521-5631, ProjectKamoleao@gmail.com | |
| Status | Statutory 30-day public review and comment period starts. Comments are due by July 9, 2018. Please send comments to the approving agency and copy the applicant and the consultant at ProjectKamoleao@gmail.com . | |

Project Kamoleao is a manifestation of the Pana'ewa Homestead community's long-standing vision for the economic, social, health and cultural well-being of native Hawaiians in Pana'ewa Homestead and neighboring communities. Through a license agreement between the Pana'ewa Hawaiian Home Lands Community Association/Pana'ewa Community Alliance and the DHHL, an approximately 12.77-acre site was earmarked for community development for the benefit of the Pana'ewa Homestead community. The site is defined as Tax Map Key (3) 2-2-047:075, located on the corner of Pūainako Street and Railroad Avenue. This site is known as Kamoleao, and together with the enterprises to be undertaken there, is referred to as Project Kamoleao.

Today's Project Kamoleao adapts previous plans, with updates to better address community needs in a comprehensive master plan and EA. While planning for the entire site, Project Kamoleao focuses on Phase 1 and its Community Center and Certified Kitchen, which would cater first to Pana'ewa Homestead community members. Two commercial projects, the 'Ohu'ohu Street Shops and a Light Industrial area are also proposed in Phase 1 for economic support. Phase 2 would incorporate a Health & Wellness Complex with related street modifications, while Phase 3 conceptualizes potential further sites for future community and/or commercial developments.

Kea'au Zero Waste Facility--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) | Puna | |
| TMK(s) | (3) 1-6-151: 002 | |
| Permit(s) | various (see document) | |
| Proposing/Determining Agency | Department of Agriculture, Agribusiness Development Corporation, 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@tlcghawaii.com | |
| Status | Finding of No Significant Impact (FONSI) determination. | |

The Department of Agriculture, 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 premanufactured 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

HAWAII (CONTINUED)

DHHL South Point Resources Management Plan--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) | Ka'ū | |
| TMK(s) | (3)-9-3-001:003 | |
| Permit(s) | Grubbing, Grading, Building Permits; NPDES; Archaeological Monitoring Plan Approval | |
| Proposing/ Determining Agency | Department of Hawaiian Home Lands, State of Hawai'i Andrew Choy, (808) 620-9279; Andrew.h.choy@hawaii.gov 91-5420 Kapolei Parkway, Kapolei, HI 96707 | |
| Consultant | Townscape, Inc; 900 Fort Street Mall, Suite 1160, Honolulu, HI 96813 Angela Fa'anunu, (808) 536-6999, Faanunu@Townscapeinc.com | |
| Status | Finding of No Significant Impact (FONSI) determination. | |

Unregulated access to DHHL lands at South Point has compromised the integrity of its heritage sites and coastal ecosystems. To address these threats, the DHHL South Point Resources Management Plan 2016, was developed which proposes sixteen projects and strategies, consisting of near-term priority projects and long-term projects. Of the 16 projects proposed, seven have been selected as priority projects to be implemented in the near-term and the remaining projects are long-term strategies to be implemented over time. Priority projects include the following actions:

- (1) Restore and protect important cultural sites and natural resources within the DHHL's property.
- (2) Plan, design, and construct a walking path that guides visitors around the cultural & natural resources near South Point.
- (3) Manage vehicular access at South Point.
- (4) Provide sanitary amenities and signage at South Point.
- (5) Institute a parking fee for South Point.
- (6) Plan, design and construct a service road and a pedestrian path to Māhana Bay.
- (7) Provide training and technical assistance to local people to become legal business entities on DHHL lands.

MAUI

Hāna Pier Deck Removal--Final EIS

| | | |
|------------------------------|--|---|
| 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) | North of TMK (2) 1-4-004:036 | |
| Permit(s) | various (see document) | |
| Proposing Agency | Department of Transportation, State of Hawai'i Ms. Sandra Rossetter, Project Manager, (808) 587-1886, hanapiereis@hhf.com Attn: Harbors Division Planning Section, 79 South Nimitz Hwy, Honolulu, HI 96813 | |
| Accepting Authority | Governor, State of Hawai'i, The Honorable David Y. Ige http://governor.hawaii.gov/contact-us/contact-the-governor/ (808) 586-0034, Executive Chambers, State Capitol, 415 South Beretania St., Honolulu, HI 96813 | |
| Consultant | HHF Planners; 733 Bishop St., Suite 2590, Honolulu, HI 96813 Gail Renard, (808) 457-3167, hanapiereis@hhf.com | |
| Status | FEIS has been submitted and is pending acceptance by the accepting authority. | |

The proposal is to remove the superstructure of Hāna Pier and access trestle at Hāna Harbor, Maui. The concrete pier and its access trestle are currently condemned due to the deteriorated condition of its superstructure (i.e., deck, beams, pile caps, and trestle guardrails). The existing piles would remain in place to avoid adversely impacting corals that have colonized on the piles.

The project purpose is (1) to further address and resolve what could be a public safety hazard and potential legal liability and (2) to ensure all facilities under the jurisdiction and management of the DOT-H meet and support its mission and the requirements of Chapter 266, HRS, which defines a "commercial harbor," while simultaneously respecting the Hāna community's objections to the pier's use for commercial purposes. In its current deteriorated state, the pier is a potential public safety hazard. To address this potential hazard and unsafe conditions, physical barriers and warning signs were installed and are periodically repaired by DOT-H; however, unauthorized access to the pier continues despite these efforts. The project is intended to further address this potential public safety hazard.

O'AHU

Homeland Defense Radar - Hawaii--(EISPN)

| | | |
|------------------------------|---|---|
| HRS §343-5(a) Trigger | (1) Propose the use of state or county lands or the use of state or county funds (9)(E) Propose any power-generating facility |  |
| District(s) | Ko'olauloa, Waialua, Wai'anae | |
| TMK(s) | (1) 5-8-002-006, 002; 5-7-002-001, 002; 6-9-003-002 | |
| Permit(s) | various (see document) | |
| Approving Agency | Department of Land and Natural Resources, State of Hawai'i Marigold Zoll, O'ahu Forestry & Wildlife Manager, marigold.s.zoll@hawaii.gov 2135 Makiki Heights Drive, Honolulu, HI 96822, (808) 973-9787 | |
| Applicant | U.S. Department of Defense, Missile Defense Agency; 5700 18th Street, Fort Belvoir, VA 22060-5573 MDA Public Affairs, (256) 450-1599, MDAPressOperations@mda.mil | |
| Consultant | KFS-LLC; Wes Norris, (256) 713-1616, norrisw@kfs-llc.com , 303 Williams Ave, Ste 116, Huntsville, AL 35801 | |
| Status | Administrative 45-day public review and comment period starts. Comments are due by July 23, 2018. Please send comments to the approving agency and copy the applicant & consultant at: MDA.HDR.H.EIS@kfs-llc.com , by FAX @ (256) 713-1617, or by U.S. Postal Service to: KFS, LLC, Attn: MDA HDR-H EIS, 303 Williams Ave, Suite 116, Huntsville, AL 35801. | |

The Missile Defense Agency (MDA) announces its intention to prepare an EIS to analyze the proposed construction and operation of a Homeland Defense Radar-Hawaii or HDR-H (a radar to identify, track, and classify long-range ballistic missile threats in mid-course flight), an In-Flight Interceptor Communication System Data Terminal (a facility that provides communication [incorporating data provided by HDR-H] between the Ground-Based Midcourse Defense fire control system and the interceptor that are both stationed elsewhere), and associated support facilities and infrastructure on O'ahu. The purpose is to support the United States ballistic missile defense system and enhance homeland defense capabilities in the Pacific region including Hawai'i.

Deployment of the HDR-H would be within an approximate 160-acre area at either Kuaokala Ridge, on mostly State land adjacent to the U.S. Air Force Kaena Point Satellite Tracking Station, or on the U.S. Army Kahuku Training Area. If deployed at Kuaokala Ridge, long-term use of approximately 160 acres of State land within the Agricultural District, as well as long-term right of access to the site, would be required. In addition to the build alternatives, the No Action Alternative will also be analyzed.

Public open house meetings on the project will be held where exhibits will be available for viewing and attendees will have opportunities to talk with various managers and specialists. The meetings will occur as follows:

- Hale'iwa: Tuesday, June 19 -- 6:00 to 9:00 p.m. -- Sunset Beach Elementary School, 59-360 Kamehameha Highway
- Honolulu: Wednesday, June 20 -- 6:00 to 9:00 p.m. -- Ke'ehi Lagoon Memorial Park, 2685 N. Nimitz Highway
- Wai'anae: Thursday, June 21 -- 6:00 to 9:00 p.m. -- Wai'anae High School, 85-251 Farrington Highway

Leeward Bikeway--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) | 'Ewa | |
| TMK(s) | various (see document) | |
| Permit(s) | various (see document) | |
| Proposing/Determining Agency | Department of Transportation, State of Hawai'i (HDOT) Rob Sun, (808) 692-7578, Robert.sun@hawaii.gov Highways Div, Technical Design Section, Rm. 688, 601 Kamokila Blvd, Kapolei, HI 96707 | |
| 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 | Finding of No Significant Impact (FONSI) determination. | |

HDOT, Highways Division proposes to construct the Leeward Bikeway within the 40-foot former O'ahu Railway and Land Company right-of-way to create an alternative transportation mode in Leeward O'ahu. Project work would include the construction of the bikeway, retrofitting of two bridges (i.e., Waikele and Kapakahi Stream Bridges), storm drain improvements near Kapolei Parkway, relocation of utility lines and poles, construction of retaining walls, relocation and replacement of existing fencing, and installation of bollards, signage and striping. The bikeway sections would be linked by the existing West Loch Bike Path on either end to form a continuous path. Along most of its length, the Leeward Bikeway would be separated from vehicular traffic.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. Comments due by **June 22, 2018** unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

MAUI

[DLNR Industrial and Business Park--Draft EIS and Appendices A-F and G-P](#)

O'AHU

[1711 Kanapu'u Drive Residence and Stewardship--Draft EA \(AFNSI\)](#)

KAUA'I

[Keālia Mauka Homesites--Draft EIS](#)

CONSERVATION DISTRICT USE APPLICATIONS

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

File No.: CDUA OA-3807
Name of Applicant: State of Hawai'i – Department of Transportation
Location: Ko'olau Loa District, Island of O'ahu
TMK(s): (1) 5-2-005:001, 022, 023; (1) 5-2-002:001
Proposed Action: South Kahana Stream Bridge Replacement Project
343, HRS determination: Exempt under Session 2012, Act 218 and Session 2017, S.B. No. 1016
Applicant's Contact: Brian A. Lock (808) 946-2277
OCCL Staff Contact: Alex J. Roy (808) 587-0316

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION

[Īao Surface Water Treatment Plant Upgrades](#)

| | |
|-------------------------|--|
| Island | Maui |
| District(s) | Wailuku |
| TMK(s) | (2) 3-5-001:121, 091 Por., 100 Por., 111 Por., 112 Por. |
| Proposing Agency | State of Hawai'i, Department of Health, Environmental Management Division, Safe Drinking Water Branch Uluakupu Building 4, 2385 Waimano Home Road, Suite 110, Pearl City, HI 96782-1400 Contact Ms. Joan Corrigan (808) 586-4258 |
| Approving Agency | same |
| Status | Sent comments to Ms. Joan Corrigan, no later than July 9, 2018 |

The Department of Health (DOH) will be initiating Section 106 of the NHPA consultation with the State Historic Preservation Division (SHPD). In 2015, the U.S. Environmental Protection Agency (EPA) designated the DOH to act on EPA's behalf when initiating Section 106 of the NHPA process for projects funded under the Hawai'i Drinking Water State Revolving Fund (DWSRF).

The DOH is providing funding under the DWSRF to the County of Maui, Department of Water Supply for Īao Surface Water Treatment Plant (WTP) Upgrades. The proposed project will utilize federal funding and is considered an undertaking. The project proposes to construct a new WTP in an adjacent parcel to the existing WTP and 3.0 MG tank. The existing WTP was meant to be temporary, so a new, permanent WTP is necessary. The WTP will treat up to 1.7 MGD of treated water which will be withdrawn from the Īao-Waikapu Ditch. Any comments for the project will be included as part of the NHPA Section 106 consultation with SHPD.

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

Mount Ka'ala Road Repair Project, Mount Ka'ala, Waialua, O'ahu

Proposed Action: The U.S. Air Force and Federal Aviation Administration jointly propose to undertake road repair work at five sites along the 10.8-kilometer Mount Kaala Road. Mount Kaala Road is an asphalt paved one-lane government road that provides access to a tracking station at the summit of Mount Kaala. The road is under the jurisdiction and joint management of the U.S. Air Force, Federal Aviation Administration, and U.S. Army, and is restricted to government employees, contractors, and local ranchers.

Location: Mount Ka'ala Road, Mount Ka'ala, Waialua, O'ahu
TMK(s): (1) 6-8-7: 2; 6-8-1: 1
Federal Action: Federal Agency Activity
Federal Agency: U.S. Air Force and Federal Aviation Administration
Contact: Kevin Nishimura, U.S. Army Corps of Engineers, (808) 835-4086, kevin.h.nishimura@usace.army.mil
CZM Contact: John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov
Comments Due: **June 22, 2018**

U.S. Navy Hawaii-Southern California Training and Testing (HSTT) Activities within the Hawaii Range Complex

Proposed Action: The U.S. Navy has submitted a Coastal Zone Management Act (CZMA) consistency determination for training and testing activities within the Hawaii Range Complex. For details about the proposed military readiness activities refer to the Hawaii and Southern California Training and Testing Draft EIS and other informational documents, which are available at: <https://hstteis.com/>. The proposed action is described in detail in Chapter 2 of the Draft EIS (see above) and includes training and testing activities, which may include the use of active sonar and explosives at sea off the coast of the Hawaiian Islands, and at select Navy pier-side and harbor locations. The primary training mission areas are: air warfare; amphibious warfare; anti-submarine warfare; electronic warfare expeditionary warfare; mine warfare; and surface warfare. Testing activities include, but are not limited to: basic and applied scientific research and technology development; testing, evaluation, and maintenance of systems (e.g., missiles, radar, and sonar) and platforms (e.g., surface ships, submarines, and aircraft); and acquisition of systems and platforms to support Navy missions.

Location: Pacific Ocean, including the State of Hawai'i
Federal Action: Federal Agency Activity
Federal Agency: U.S. Department of the Navy
Contact: John Van Name, U.S. Pacific Fleet, (808) 471-1714, john.vannname@navy.mil
CZM Contact: John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov
Comments Due: **June 22, 2018**

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 (2-1-006: 024) | Grubbing and Grading to Install a Food Trailer with Related Improvements (SMM 18-388) | Aaron Watkins |
| Maui: Lahaina (4-5-001: 050) | Repairs and Renovations (SM2 20180032) | Richard Young |
| Maui: Kīhei (3-9-010: 001) | Demolish and Construction (SM2 20180033) | Robert S and Jennifer S Larson |

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-1810 | 85-101 C Farrington Highway, O'ahu 96792 | (1) 8-5-017:004, 005, 006, & 007 and (1) 8-5-018: 001por | ParEn, Inc. | City & County of Honolulu, Dept of Parks & Recreation | Construction of breakwater for Mauna Lahilahi beach park |
| MA-699 | 10 Kai Ala Place, Maui 96761 | (2) 4-4-014: 001 | James Lecron | Eugene Roddenberry | New single family residence |

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-695 | Proposed | 505 Front Street, Maui 96761 | (2) 4-6-002: 007 por. | R.T. Tanaka Engineers, Inc. | FPA Lahaina Shores Associates, LLC | Determine shoreline setback |
| HA-552 | Proposed | 75-107 Kaiolu Dr., Hawai'i 96740 | (3) 7-5-020: 047 | Wes Thomas Associates | John Edwards | Obtain County permits |
| HA-556 | Proposed | Hawai'i; Street address not assigned | (3) 6-9-009: 010 | Wes Thomas Associates | Quinta Properties, LLC | Obtain County permits |

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: Hawai'i; Major Disaster and Related Determinations (published [6/04/2018](#) [related to severe storms, flooding, landslides, and mudslides in April 2018] and [6/06/2018](#) [related the ongoing Kilauea volcanic eruption and earthquakes]) These are notices of the Presidential declarations of major disasters for the State of Hawai'i.

Notice: [Notice of Intent To Prepare an Environmental Impact Statement for Construction and Operation of a Homeland Defense Radar in Hawaii](#) (published [6/01/2018](#))

The Missile Defense Agency (MDA) is proposing to construct and operate a Homeland Defense Radar-Hawaii or HDR-H (a radar to identify, track, and classify long-range ballistic missile threats in mid-course flight), an In-Flight Interceptor Communication System Data Terminal or IDT (a facility that provides communication (incorporating data provided by HDR-H) between the Ground-Based Midcourse Defense fire control system and the interceptor that are both stationed elsewhere), and associated support facilities and infrastructure on the island of Oahu, Hawaii. The purpose of the Proposed Action is to support the United States (U.S.) ballistic missile defense system and enhance homeland defense capabilities in the Pacific region including Hawaii. The MDA invites public comments on the scope of the HDR-H federal EIS during a 45-day public scoping period beginning with publication of this notice in the Federal Register. **Comments on this federal EIS will be accepted on or before July 16, 2018.**

Notice: [Pacific Island Fisheries; Western Pacific Stock Assessment Review; Public Meeting](#) (published [6/05/2018](#)) NMFS and the Western Pacific Fishery Management Council (Council) will convene a Western Pacific Stock Assessment Review of a draft 2018 benchmark stock assessment for main Hawaiian Islands Kona crab. **The meeting will be held from June 25 to June 29, 2018**, at the Council office at 1164 Bishop St., Suite 1400, Honolulu, HI 96813..

Presidential Document: [National Ocean Month, 2018](#) (published [6/05/2018](#))

The President of the United States of America proclaims June 2018 as National Ocean Month, and calls upon Americans to reflect on the value and importance of oceans not only to our security and economy, but also as a source of recreation, enjoyment, and relaxation.

Notice: [Notice of Intent To Prepare a Programmatic Environmental Impact Statement Addressing the Issuance of Incidental Take Permits for Four Wind Energy Projects in Hawai'i](#) (published [6/01/2018](#))

The U.S. Fish and Wildlife Service (Service) intends to prepare a draft programmatic environmental impact statement addressing the potential impacts on the human environment caused by alternatives described in habitat conservation plans (HCPs) for four similar wind energy projects. The HCPs were submitted to the Service in support of requests for incidental take permits (ITPs) under the Endangered Species Act authorizing the take of endangered species. The proposed permit actions involve a new HCP for the Pakini Nui Wind Farm on the Island of Hawai'i and major amendments to three existing HCPs addressing the Auwahi Wind and Kaheawa Wind Power II projects, both located on Maui, and the Kawailoa Wind Power project, located on O'ahu. All four wind energy facilities are already constructed and in operation. The proposed ITP and proposed ITP amendments would address take of three endangered species: The Hawaiian hoary bat, the Hawaiian goose, and the Hawaiian petrel.

The public scoping period begins with the publication of this notice in the Federal Register and will continue through July 2, 2018. The Service will consider all written comments on the scope of the analysis that are received or postmarked by this date. The Service will hold three public scoping meetings during the scoping period: Hawai'i: June 18; Maui: June 20; O'ahu: June 21.

Notices: Notices of Lodging of Proposed Consent Decrees Under the Clean Water Act (published [6/01/2018](#))

On May 24, 2018, the Department of Justice lodged two proposed Consent Decrees with the United States District Court for the District of Hawai'i, one in the lawsuit entitled [United States of America v. Triple Dragon](#) LLC et al., Civil Action No. 1:18-cv-152, and another in the lawsuit entitled [United States of America v. Capt. Millions III](#), LLC et al., Civil Action No. 1:18-cv-196.

The Complaints allege that companies and individuals are liable for violations related to the commercial longline fishing vessels' operations based out of Honolulu, Hawai'i. The Complaints address discharges of oily bilge waste from the vessels while fishing for tuna off Hawai'i. The Complaints also include Clean Water Act claims for violations of the Coast Guard's pollution control regulations, including failure to provide sufficient capacity to retain all oily bilge water onboard the vessels. The United States seeks civil penalties and injunctive relief to deter future violations by the defendants and others in the industry. The publication of this notice opens a period for public comment on the proposed Consent Decree. **All comments must be submitted no later than thirty (30) days after 6/1/2018**; please click on the links above for information about submitting comments.

GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

Applicant Actions

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether the actions' environmental impact will be significant, and thus whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(e\)](#), for Applicant actions. For actions for which the proposing or approving agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

Final Environmental Assessment and Finding of No Significant Impact

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

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (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).