



The Environmental Notice

April 8, 2019

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.



High in the watershed of the West Maui Mountains (modified from original)

[Photo by BirdsEyePix](#)

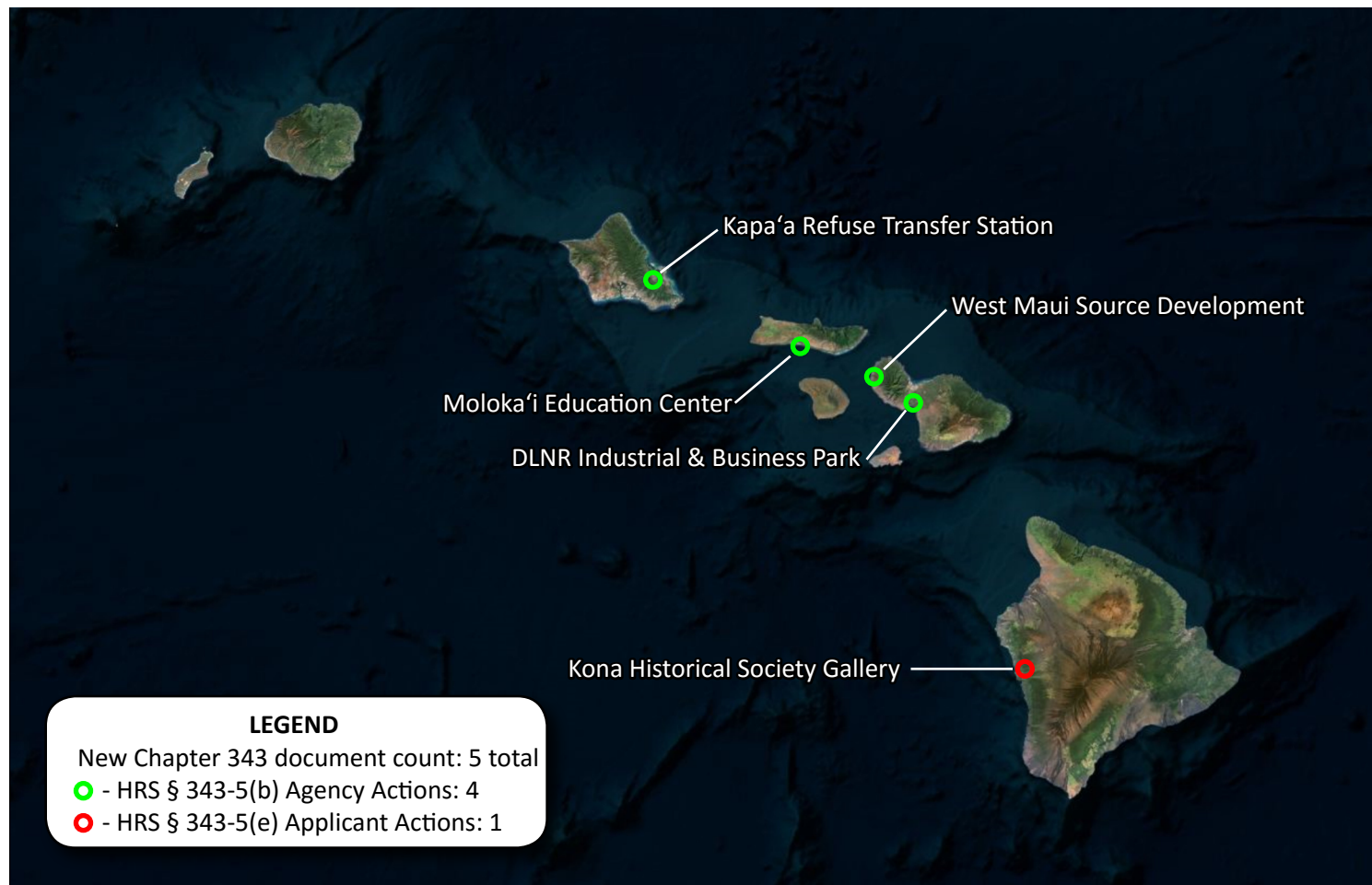
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ANNOUNCEMENTS


- Please click [here](#) to access multimedia information about the Invasive Species and Biosecurity forum that was recently held at the UH law school; the various presentations were recorded and are available via links within the referenced media plan.
- On April 12, the Senate will hold a hearing to confirm 2 Environmental Council members (Ronald Terry, Barbara Kaau-moana) and OEQC Director Scott Glenn). Please click [here](#) for the hearing notice and instructions on submitting testimony.
- The new Rules package has been submitted to the Governor for consideration and signature; please click [here](#) to access the rules and associated documents in various formats.

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



HAWAII


Kona Historical Society Gallery--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 (4) Propose any use within any historic site as designated in the ... Hawai'i Register	
District(s)	South Kona	
TMK(s)	(3) 8-1-004:043	
Permit(s)	Various (see document)	
Approving Agency	Planning Department, County of Hawai'i Michael Yee, Director, (808) 961-8288, Michael.Yee@HawaiiCounty.gov 101 Pauahi St., Suite 3, Hilo. HI 96720	
Applicant	Kona Historical Society Dance Aoki, Acting Executive Director, (808)323-3222, Dance@konahistorical.org P.O. Box 398, Captain Cook, HI 96704	
Consultant	Geometrician Associates LLC Ron Terry, (808) 969-7090, rterry@hawaii.rr.com P.O. Box 396, Hilo, HI 96721	
Status	Finding of No Significant Impact (FONSI) determination.	

The Kona Historical Society (KHS) comprises the National Register-listed H.N. Greenwell Historic Store Museum, the Portuguese Stone Bread Oven and the Kona Coffee Living History Farm. KHS serves 60,000 patrons annually onsite and through outreach. The proposed two-story, 1,360 square-foot Gallery will blend into the historic landscape, resembling a 19th century Kona ranch structure but with a modern “white cube” interior for exhibits, cultural activities, and community space. It will be climate-controlled and capable of hosting traveling exhibits as well as exhibits from KHS’s rich collections. Utilities are available onsite. A new IWS and minor drainage facilities will be built. The site is currently lawn with shrubs and low trees. Land disturbance will be limited to the project site through contractor orientation and orange fencing. KHS’s functions of interpreting significant historic resources and providing education in Hawaiian cultural traditions will be enhanced. Impacts to the islandwide-ranging endangered Hawaiian hoary bats will be avoided through vegetation removal timing. Given the current negligible level of traffic generation, and the concentration of current and future traffic in non-peak hours, no adverse effect to traffic flow is expected. Short-term noise, air, and water quality impacts associated with grading and landscaping would be mitigated.

MOLOKA'I


Moloka'i Education Center Expansion-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)	Moloka'i	
TMK(s)	(2) 5-3-003:013 & 014	
Permit(s)	Various (see document)	
Proposing/ Determining Agency	University of Hawai'i Shawn Kodani, (808) 956-0864, kodani@hawaii.edu 2327 Dole St., Honolulu, HI 96816	
Consultant	PBR Hawaii & Associates; 1001 Bishop St., Suite 650, Honolulu, HI 96813 Tom Schnell, (808) 521-5631, tschnell@pbrhawaii.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 8, 2019. Please send comments to the proposing/determining agency and copy the consultant.	

As the Moloka'i Education Center (MEC) matures into a regional higher learning facility, its campus must evolve to meet the growing needs of its student body, faculty, administration, and the greater Moloka'i community. Accordingly, the University of Hawai'i is proposing adding a new multi-purpose classroom to the MEC building. The classroom will accommodate up to 250 people for classes, community events, and graduation ceremonies. The addition will extend from the existing MEC building on TMK (2) 5-3-003:014 to the adjacent TMK (2) 5-3-003:013 and require consolidation of the two parcels. Both parcels are located within the State Agricultural District, with the MEC permitted under a Special Use Permit. A State Land Use District Boundary Amendment will be sought. A Change in Zoning will also be required. Parcel 14, where the existing campus is located, is out of the SMA, but parcel 13 is in the SMA; therefore, an SMA Use Permit will be required.


MAUI

West Maui Source Development Project--Draft EA (AFNSI) and Appendices

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Lahaina	
TMK(s)	(2) 4-3-001:017(por.), and 084(por.); 4-4-002:014(por.), 015(por.), and 018(por.); 4-4-004:009(por.), 011(por.), and 019(por.)	
Permit(s)	Various (see document)	
Proposing/ Determining Agency	Department of Water Supply, County of Maui Curtis Eaton, P.E., (808) 270-7835, DWS.Engineering@mauicounty.gov 200 South High St., 5th Floor, Wailuku, HI 96793	
Consultant	Munekiyo Hiraga; 305 High St., Suite 104, Wailuku, HI 96793 Yukino Uchiyama, Associate, (808) 983-1233, planning@munekiyohiraga.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 8, 2019. Please send comments to the proposing/determining agency and copy the consultant.	

The County of Maui, Department of Water Supply (DWS) is proposing the West Maui Source Development Project, which involves the development of existing exploratory wells, the Mahinahina Well (Well No. 6-5638-004) and the Kahana Well (Well No. 6-5738-002), into production wells and related improvements to integrate the wells into the DWS West Maui Water System. Related improvements include the construction of a 500,000-gallon control tank, transmission waterlines, electrical lines, and access roads. The project is located in the Lahaina District approximately three (3) miles eastward of Honokowai Beach Park. The Project will provide additional water source and system reliability to the DWS West Maui Water System. DWS has drilled and tested both exploratory wells at these locations and results indicated these wells have reliable capacity.

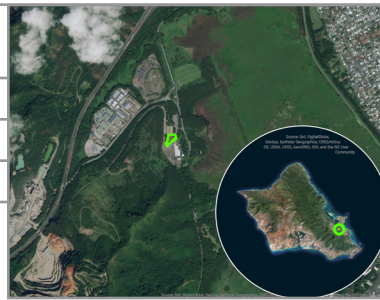
DLNR Industrial and Business Park--Final EIS, Volume II (Appendices A-F) and Volume III (Appendices G-Q1)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation (9)(A) Propose any wastewater treatment unit ...	
District(s)	Wailuku	
TMK(s)	(2) 3-8-008:001 (por.)	
Permit(s)	Various (see document)	
Proposing Agency	Department of Land and Natural Resources, State of Hawai'i Russell Tsuji, Administrator, Land Division, (808) 587-0419, Russell.Y.Tsuji@hawaii.gov P.O. Box 621, Honolulu, HI 96809	
Accepting Authority	Governor of the State of Hawai'i The Honorable David Y. Ige, (808) 586-0034, Fax: (808) 586-0006 http://governor.hawaii.gov/contact-us/contact-the-governor/ Executive Chambers, State Capitol, 415 S. Beretania St., Honolulu, HI 96813	
Consultant	Munekiyo Hiraga; 305 High St., Suite 104, Wailuku, HI 96793 Tessa Munekiyo Ng, AICP, (808) 983-1233, planning@munekiyohiraga.com	
Status	FEIS has been submitted and is pending acceptance by the accepting authority.	

The State of Hawai'i, Department of Land and Natural Resources (DLNR) proposes the DLNR Industrial and Business Park, with a mix of light industrial, commercial, and public/quasi-public uses at Pulehunui, Maui. The proposed action encompasses approximately 280 acres, including a 20.3 acre site for the proposed Division of Forestry and Wildlife administrative facilities and baseyard. Key components of the plan include development of small, medium and large lots to meet varying needs of future lessees, along with the provision of required infrastructure systems (i.e., wastewater, water, and drainage). In addition to the infrastructure systems, internal roadway networks will be developed which will be accessed via a proposed signalized intersection off of Maui Veterans Highway, as well as the existing Kama'aina Road, South Firebreak Road and the Maui Raceway Park access road. The proposed project, which is located in the Urban Growth Boundary of the Maui Island Plan, is intended to generate long-term lease revenues to support DLNR's various programs including conservation, forestry and wildlife programs, and State Parks, among others.

O'AHU

Kapa'a Refuse Transfer Station Renovation--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)	Ko'olaupoko	
TMK(s)	(1) 4-2-015:005	
Permit(s)	Various (see document)	
Proposing/ Determining Agency	Department of Environmental Services, City and County of Honolulu Josh Nagashima, (808) 768-3430, josh.nagashima@honolulu.gov Refuse Division; 1000 Uluohia St., Suite 201, Kapolei, HI 96707	
Consultant	AECOM; 1001 Bishop St., 16th Floor, Honolulu, HI 96813 Jeff Merz, (808) 356-5318, jeff.merz@aecom.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 8, 2019. Please send comments to the proposing/determining agency and copy the consultant.	

The City and County of Honolulu, Department of Environmental Services (ENV) proposes to improve the existing green waste handling process at the Kapa'a Transfer Station, Kailua, O'ahu. Site improvements would include a new loading bay to be used exclusively for green waste, a new knuckle boom crane for compacting material in top-loaded trucks, an integral truck scale within the proposed loading bay, a metal frame building over the new loading bay and crane, a new concrete pad for public off-loading of green waste, construction and upgrading of retaining walls, upgraded stormwater control systems, and relocation of existing utilities as needed. The approximately one-acre project site is part of the larger Corporation Yard Facility owned by the City and County of Honolulu. The project's use of county funds and lands triggers the environmental documentation requirements as set forth in HRS Chapter 343 and HAR 11-200.

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.

Par Hawaii SPM-MPM Pipeline Manifold Project--Final EA (FONSI)

District/TMK	'Ewa / (1) 9-1-031: 002 and 9-1-026: 026
Permit(s)	Various (see document)
Approving Agency	Department of Planning and Permitting, City and County of Honolulu Lila Youn, (808) 768-8016, lila.youn@honolulu.gov 650 South King St., 7th Floor, Honolulu, HI 96813
Applicant	Par Hawaii Refining, LLC; 1132 Bishop St., Suite 2500, Honolulu, HI 96813 Eric Wright, Senior Vice President, (808) 535-5999, ewright@parpacific.com
Consultant	Environmental Science International, Inc; 354 Uluniu St., Suite 304, Kailua, HI 96734 Howard West, (808) 261-0740 ext. 132, hauwahine@esciencei.com
Status	Finding of No Significant Impact (FONSI) determination.

Par Hawaii owns and operates the Par Hawaii Refinery, one of two refineries in the state that supply fuel to all the islands. The other refinery is the IES Refinery, which is owned and operated by IES. Par Hawaii is acquiring select refinery assets from IES and IES will continue to operate the terminal portion of the IES Refinery. For Par Hawaii to be able to operate both the Par Hawaii refinery and the newly acquired refining assets, it is essential for both refineries to be able to receive crude oil from both the Par Hawaii Single-Point Mooring (SPM) marine pipelines and the IES Multi-Point Mooring (MPM) marine pipelines and to be able to transfer petroleum products between the two refining operations. To accomplish this, Par Hawaii is proposing to construct a manifold that will interconnect the two pipeline systems and allow crude oil and other petroleum products to be transferred through the SPM pipelines and the MPM pipelines to either the Par Hawaii Refinery or Par Hawaii's newly acquired refining assets. The estimated Project cost is \$10.4 million and will be funded by Par Hawaii (Par Hawaii Capital).

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. Comments are due **April 22, 2019** unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

HAWAII

[Kealakehe Wastewater Treatment Plant R-1 Upgrade--Draft EIS](#) Comments are due April 9

[Marine Science Center at Kawaihae Harbor--Draft EA \(AFNSI\)](#)

O'AHU

[Adventist Health Castle Master Plan - Hawai'i Loa Campus--Draft EIS](#) Comments are due April 9

[Whitmore Community Food Hub Complex--Draft EA \(AFNSI\)](#)

EXEMPTION DECLARATION

The State Department of Transportation has declared the following action exempt from the requirement to prepare an EA pursuant to HAR § 11-200-8:

[Gangway Replacement at Pier 2, Honolulu Harbor](#)

Applicant and its permitted agents (assignees, contractors, sub-contractors, and agents) requests approval to remove the existing gangway, refurbish the existing scissors lift, construct and install a new extending gangway that articulates with the surge into the harbor, at the Harbors Division's Honolulu Harbor pier improvements. Currently, Applicant has an existing month-to-month permit under Revocable Permit No. H 07-2605 for the existing gangway.

There will be minimum traffic impact to the area. The proposed use will have no significant impacts, whether primary, secondary or cumulative, to the natural, environmental and/or cultural resources in the area. The proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

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 Ian Hirokawa at (808) 587-0420.

File No.	Location	TMK	Applicant	Owner
MA-713	10450 Kamehameha V Hwy., Maui 96748	(2) 5-7-003: 005	Peter Fukunaga	Peter's Paradise LLC (Peter Fukunaga)
MA-714	1772 Halama St., Maui 96753	(2) 3-9-012: 006	Ailana Surveying & Geomatics, LLC	HI20181772 Liability Company
KA-439	Kekaha, Kaua'i	(1) 4-3-007: 036	Esaki Surveying & Mapping, Inc.	Lee A. Evslin Trust, Monica A. Evslin Trust

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
OA-1853	Proposed	4055 Papu Circle, O'ahu 96816	(1) 3-1-041: 005	Wesley T. Tengan	Doris Duke Foundation for Islamic Art
MA-708	Proposed	Lahaina, Maui	(2) 4-6-032: 001	Austin Tsutsumi & Associates, Inc.	Puamana Community Association
MA-711	Proposed	4865 Uakea Rd., Maui 96713	(2) 1-4-005: 040	Susan J. Pu	Hana Kai - Maui AOA
KA-437	Proposed	Līhu'e, Kaua'i	(4) 3-5-001: 008	Esaki Surveying & Mapping, Inc.	State of Hawai'i; Department of Transportation

COASTAL ZONE MANAGEMENT NOTICES

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

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

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Hilo (2-6-016: 038)	Second Dwelling (SMM 19-409)	Roger A. Evans
Maui: Napili-Honokowai (4-4-001: 010)	Food Truck Lot with Parking Area (SM2 20190021)	Island Catering LLC
Maui: Ha'ikū (2-9-005: 017)	After-the-Fact Farm Dwelling Addition and Alteration (SM2 20190022)	Elizabeth Lisa Starr
Maui: Kīhei (3-9-006: 004)	New Residence, Ohana, Pool and SPA (SM2 20190023)	Gregory and Lisa Guthrie
Maui: Lahaina (4-6-001: 009)	Prince Kūhiō Celebration (SM2 20190025)	Council of Native Hawaiian Advancement
Maui: Lahaina (4-6-001: 009)	Prince Kūhiō Celebration (SM2 20190026)	Council of Native Hawaiian Advancement
Maui: Kīhei (2-1-023: 005)	Renovations (SM2 20190027)	Robert Elsen
Maui: Lahaina (4-6-010: 001)	Sacred Hearts School BAZAAR (SM2 20190030)	Roman Catholic Church
Maui: Kīhei (2-1-007: 095)	Condo Renovation (SM2 20190031)	Satish Gholkar

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 or on the next page, contact John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov. **Comments must be received by April 22, 2019.** Comments may be submitted by mail or electronic mail to:

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

Email: john.d.nakagawa@hawaii.gov

Lahaina Small Boat Harbor Ferry Pier Improvements, Lahaina, Maui

Proposed Action: Construct a new ferry pier at the Lahaina Small Boat Harbor (SBH) located seaward of the existing U.S. Coast Guard (USCG) lighthouse adjacent to the Lahaina SBH and approximately 70 feet north of the existing public pier. The new pier will be 20 feet by 115 feet long with an open sided 14-foot tall one-story trellis shade structure constructed above the pier surface. The project also includes: installing vessel utilities, such as a pump-out unit, hose bibs, and lighting on the pier; installation of a new combination concrete and aluminum gangway, 15 feet by 70 feet long, connecting the new and existing piers; repair the seawall fronting the USCG lighthouse; and, demolition and reconstruction of the existing administration office building. Detailed information about the proposal is contained in the [Final EIS](#) for the project, which was published in The Environmental Notice on June 23, 2014, and is available from the OEQC Online Library of EAs and EISs. Also, a notice of no Supplemental EIS required for modifications to the original design was [published](#) in The Environmental Notice on March 23, 2018.

Location: Lahaina Small Boat Harbor, Lahaina, Maui
TMKs: (2) 4-6-1: 3, 9, 14, 17
Applicant: State of Hawai'i Department of Land and Natural Resources, Division of Boating and Ocean Recreation
Contact: Mr. Finn McCall, (808) 587-3250, finn.d.mccall@hawaii.gov
Federal Action: Federal Permit
Federal Agency: U.S. Army Corps of Engineers

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

FEDERAL CONSISTENCY REVIEWS (CONTINUED)

O'ahu Stream Maintenance Activities

Proposed Action: The City and County of Honolulu Department of Facility Maintenance (DFM) is proposing to conduct repeated stream maintenance activities at 79 locations around O'ahu over a five-year period. The 79 stream maintenance locations include 16 stream mouth breach opening locations and 63 stream maintenance locations in mauka/upstream locations. The stream mouth breach opening activities would involve using heavy equipment (e.g., excavator, bulldozer, backhoe, or loader) to dredge an approximately one to three-foot side channel through the natural sand plug/berm at the stream mouth, allowing the water backed up behind the sand plug/berm to flow through and naturally widen the dredged channel. The sand dredged from channel would be placed in the uplands outside the channel. Green waste, silt, debris, or other unsuitable materials would be handled separately, removed and disposed at an approved upland disposal site. All of the 16 stream mouth breach opening locations are in the DFM's Laie District. The frequency of the stream mouth breach opening activities varies with each location. The stream maintenance activities at the remaining 63 locations would primarily consist of removal of accumulated sediment, trash, and debris by heavy equipment staged in the channel or in the uplands next to the channel. Two of the stream maintenance activities would consist of clearing of one existing boulder basin and one existing catchment basin. The frequency of stream maintenance activities varies with each location. Best Management Practices would be required to minimize potential impacts to the streams. Contact CZM for information about the proposed stream maintenance locations and activities

Location/TMKS: Various locations throughout O'ahu

Applicant: City and County of Honolulu, Department of Facility Maintenance

Consultant: Ms. Courtney Cacace, AECOM, (808) 529-7297, courtney.cacace@aecom.com

Federal Action: Federal Permit

Federal Agency: U.S. Army Corps of Engineers

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; Correction](#) (published by the National Oceanic and Atmospheric Administration on 04/01/2019)

The Western Pacific Fishery Management Council (Council) will hold its 177th Council meeting by teleconference and webinar to take actions on fishery management issues in the Western Pacific Region. The Council will also hold a Biological Opinion Review Advisory Panel meeting by teleconference and webinar. This notice corrects the dates and times for these two meetings and the deadline for written public comments for the 177th Council meeting. The Biological Opinion Review Advisory Panel meeting and the 177th Council meeting will be held on April 12, 2019. *For additional information, specific times and agendas, click on linked title to this entry and see SUPPLEMENTARY INFORMATION.*

Rule: [Pacific Island Fisheries; Closure of the 2019 Hawaii Shallow-Set Pelagic Longline Fishery](#) (published by the National Oceanic and Atmospheric Administration on 03/28/2019)

This final rule closes the Hawai'i shallow-set pelagic longline fishery north of the Equator for all vessels registered under the Hawai'i longline limited access program. The shallow-set fishery has reached the annual limit of 17 physical interactions with North Pacific loggerhead sea turtles, so NMFS must close the fishery for the remainder of the calendar year, or until further notice. This action is necessary to comply with regulations that establish maximum annual limits on the numbers of interactions that occur between longline fishing gear and sea turtles. Effective March 27, 2019, through December 31, 2019. *Please click on linked title to this entry for additional information.*

Proposed Rule: [Policies and Responsibilities for Implementation of the National Environmental Policy Act Within the Department of the Navy](#) (published by the Navy Department on 04/01/2019)

The Department of the Navy (DoN) proposes to revise portions of its internal regulations that establish the responsibilities and procedures for complying with the National Environmental Policy Act (NEPA). An agency may determine that certain classes of actions normally do not individually or cumulatively have significant environmental impacts and therefore do not require further review under NEPA. Establishing these categories of activities, called categorical exclusions (CATEXs), in the agency's NEPA implementing procedures is a way to reduce unnecessary paperwork and delay. This revision clarifies what types of activities fall under CATEXs and normally do not require additional NEPA analysis. *Please click on linked title to this entry for additional information.* **Comments must be received by May 1, 2019.**

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 action's 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 action's proponent 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 the Environmental 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 (EISPEN) along with the supporting Final EA. After the notice of the FEA-EISPEN is published in this bulletin, the public has 30 days to request to become a consulted party and to make written comments. The public (including the Applicant) has 60 days from the notice of the EISPEN 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, EISPEN) 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 EISPEN 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

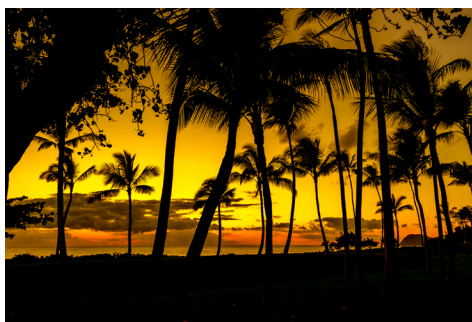
After receiving the comments on the EISPEN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts 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 EISPEN 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 a Federal 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. Upon request by a federal agency, OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

Conservation District

Proposed uses of land in the State Conservation District require 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. This bulletin will include EAs & EISs for actions proposed within the Conservation District.

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 portion of the SMA that is addressed by HRS 343 is the [Shoreline Area](#), which includes land between the State-certified shoreline and the county-determined shoreline setback line. This bulletin will include EAs & EISs for actions proposed within the Shoreline Setback Area.

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).