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.
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Announcements

- As established in the new rules by HAR Section 11-200.1-17, this is the first issue to publish the Lists of Exemption Notices submitted by any state or county agency. OEQC recognizes that creating and submitting such lists is a new task for state and county agencies, and we stand ready to support and guide agencies as they implement it. Please contact OEQC if you need assistance on implementing this important new requirement.

- As a reminder, all items submitted for publication under the new rules (HAR Chapter 11-200.1) must be received by OEQC by Close Of Business (4:30PM) on the submittal deadline established in the revised 2019 Publication Calendar (attached for your convenience at the end of this issue); only one electronic file of required documents needs to be submitted. Grandfathered items must be submitted by the earlier deadline established under the old rules (HAR Chapter 11-200). To ensure submittal errors can be worked out and not prevent publication, we encourage early submittals, especially under the new rules!

Statewide Map of New HRS Chapter 343 Documents & Determinations

Legend
New document count in this issue: 5 total
- HRS § 343-5(b) Agency Actions: 2
- HRS § 343-5(e) Applicant Actions: 3
Huff Single-Family Residence at Kaiwiki--Draft EA (AFNSI)

HRS §343-5(a) Trigger
(2) Propose any use within any land classified as a conservation district

District(s) South Hilo
TMK(s) (3) 2-6-011:026
Permit(s) County: Plan Approval; Grubbing, Grading, and Building Permits
State: Conservation District Use Permit, Wastewater System Approval

Approving Agency
Department of Land and Natural Resources, State of Hawai‘i
Trevor Fitzpatrick, Planner, OCCL, (808) 587-0373, Trevor.J.Fitzpatrick@hawaii.gov
1151 Punchbowl Street, Room 131, Honolulu, HI 96813

Applicant
Jeffrey and Vanessa Huff; 1639 Ala Makani Place, Honolulu, HI 96819
C/O Zendo Kern (808) 333-4734; ZendoKern808@gmail.com

Consultant
Geometrician Associates LLC; P.O. 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 October 8, 2019. Please send comments to the approving agency and copy the applicant and the consultant.

Jeffrey and Vanessa Huff plan a single-family residence, garden and orchard within a 5-acre portion of their 19.89-acre property, located near the mauka end of Kaiwiki Road above Hilo. The plan consists of a single-story, 1,240-square foot structure with three bedrooms; two baths; a kitchen, dining and living area; lanai; covered parking; rooftop solar photovoltaic, IWS; and catchment water tank. Landscape features include small garden planters for vegetables; two orchards for fruit trees, and other features. An unnamed stream bisects the property, and all activity is on the road side of the stream, which has been a mown pasture for many decades. A botanist determined that no threatened or endangered plant species are present. Clearing timing restrictions will prevent impacts to endangered but widespread Hawaiian hoary bats and Hawaiian hawks. An archaeological inspection that found no archaeological sites was approved by SHPD, and a cultural assessment determined that no cultural resources or practices will be affected. Heavy forest surrounds the site and there are no direct views to or from scenic vantage points or other scenic impacts. Landclearing would occur only over a half-acre, with very minor short-term impacts to noise, air and water quality and scenery, mitigated by Best Management Practices.

Marine Science Center at Kawaihae Harbor--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) South Kohala
TMK(s) (3) 6-1-003:026 (portion)
Permit(s) Approval of long-term lease from DLNR-DOBOR, associated subdivision and construction permits, including permits for development in the SMA

Approving Agency
Department of Land and Natural Resources, State of Hawai‘i
Ed Underwood, (808) 587-1966, Ed.R.Underwood@hawaii.gov
4 Sand Island Access Road, Honolulu, HI, 96819

Applicant
Jupiter Research Foundation; 41 Puako Beach Drive, Kamuela, HI 96743
Beth Goodwin, (808) 443-1947, Beth@jupiterfoundation.org

Consultant
Ho'okuleana LLC; 1539 Kanapu‘u Drive, Kailua, HI 96734
Peter T. Young, (808) 226-3567, PeterYoung@Hookuleana.com

Status
Finding of No Significant Impact (FONSI) determination.

The Jupiter Research Foundation (Jupiter) is a 501(c)(3) Non-Profit Operating Foundation established in 2003, in part as a way to stream the humpback whale song in high quality live to the worldwide public from Jupiter’s website while the humpbacks are off Puako, Hawai‘i during their winter breeding season. Jupiter is planning an expansion of the Foundation to accommodate increased basic research in the broad areas of Marine Science, Oceanic Environment, Communications, and Electro-Biology, in keeping with its 15-years of study. Jupiter plans to construct a state-of-the-art Marine Science Center with an office building, with a conference room, a small kitchen, restrooms, a machine/electronics workshop, a storage area, and an attached garage for its research vessel. The main building would be approximately 14,000-square feet, and may be built in phases. The attached boat garage would be approximately 2,400-square feet.
MAUI

Auwahi Wind HCP Amendment  (Acceptance of Final Supplemental EIS)

HRS §343-5(a) Trigger
(1) Propose the use of state or county lands or the use of state or county funds
(2) Propose any use within any land classified as a conservation district
(these were triggers for original EIS; HCP Amendment is not a trigger, but a
Supplemental EIS was requested by DLNR)

District(s)  Makawao
TMK(s) (2)1-9-001:006 (por.)
Permit(s)  Major Amendment to Habitat Conservation Plan, Incidental Take License & IT Permit
Approving/ Accepting
Agency/ Authority
Department of Land and Natural Resources, State of Hawai‘i
Jim Cogswell, (808) 587-4187, james.m.cogswell@hawaii.gov
Division of Forestry and Wildlife, 1151 Punchbowl Street, Honolulu, HI 96813

Applicant  Auwahi Wind Energy, LLC; AEP Renewables, 655 W Broadway, Suite 650, San Diego, CA 92101
Marie VanZandt, (808) 495-5234, mlvanzandt@aepes.com

Consultant  Tetra Tech, Inc.; 737 Bishop Street, Suite 2340, Honolulu, HI 96813
Lisa Kettley, lisa.kettley@tetratech.com

Status  The approving agency/accepting authority accepted the Final EIS on August 23, 2019

The Project consists of eight 3-megawatt (MW) wind turbines augmented by an 11-MW battery storage system located on
‘Ulupalakua Ranch, on the eastern side of the island of Maui. An EIS for the Project was accepted by the County of Maui Planning
Commission in August 2011. The Project was constructed in 2012 and has been in operation since that time. The Project
operates under an approved Habitat Conservation Plan (HCP) and Incidental Take License (ITL) issued by the Department of
Land and Natural Resources (DLNR). The HCP and ITL provide coverage for incidental take of four listed wildlife species, includ-
ing the endangered Hawaiian hoary bat (Lasiurus cinereus semotus). Post-construction mortality monitoring data indicate that
the wind turbines are causing a greater number of endangered Hawaiian hoary bat fatalities than anticipated in the approved
HCP and authorized under the ITL. Accordingly, Auwahi Wind is seeking approval of a major amendment to the HCP as part of
the request to increase the amount of incidental Hawaiian hoary bat take authorized under the ITL. Given the increase in esti-
mated take of the Hawaiian hoary bat and the resulting increase in intensity of impact, an SEIS was required.

O’AHU

New Aloha Stadium Entertainment District (EIS Preparation Notice)

HRS §343-5(a) Trigger
(1) Propose the use of state or county lands or the use of state or county funds

District(s)  ʻEwa
TMK(s)  [1] 9-9-003:061 and neighboring TMKs 9-9-003:055, 070, and 071
Permit(s)  Various (see document)
Proposing/ Determining
Agency
Department of Accounting and General Services, State of Hawai‘i
Chris Kinimaka, (808) 586-0499, chris.kinimaka@hawaii.gov
1151 Punchbowl Street, Honolulu, HI 96813

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

Consultant  Wilson Okamoto Corporation; 1907 South Beretania Street, Honolulu, HI 96826
Keola Cheng, (808) 946-2277, KCheng@wilsonokamoto.com

Status  Administrative 30-day public review and comment period starts. Comments are due by October 8, 2019. Please send
comments to the accepting authority and copy the proposing agency and the consultant.
The Public Scoping meeting will be held at 7:00PM on September 25, 2019 at the Aloha Stadium Hospitality Room.

The State of Hawai‘i Department of Accounting and General Services, in response to the findings of the February 2017 Aloha
Stadium Conceptual Redevelopment Report, is proposing the construction of a new stadium facility in addition to related an-
cillary development that will serve to create a New Aloha Stadium Entertainment District on the grounds of the existing Aloha
Stadium site in Hālawa.
The Honolulu Board of Water Supply (BWS) proposes four (4) exploratory wells on an existing BWS owned site in Kunia, O'ahu. The purpose for this project is to drill, case, and test the exploratory wells for sufficient water capacity and acceptable water quality. Presently, the Kunia 665' Reservoir and a reservoir pad exist on-site. The reservoir pad is for a future proposed 2.0 million gallon tank. Placement of the proposed exploratory wells considers proximity to the reservoir pad and would not preclude the installation of the second reservoir tank in the future.

If the exploratory wells can be successfully developed for water production, they will be placed into service at a later date. When this happens, the wells will provide additional supply to meet the projected increase in water demand. Each of the wells is expected to produce 1.5 Million Gallons Per Day (MGD), for a total capacity of 6.0 MGD (4 wells) on the project site. Based on this expected yield, two wells will be needed to meet Average Daily Demand, and three wells will be needed to meet the Maximum Daily Demand. A fourth well is proposed for standby operations.

### Previously Published Documents Open for Comment

**Status**: Public review and comment period for these projects began previously. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

**Comments Due September 9, 2019**

**HAWAI’I**

- *Kukuiola and Village 9 Affordable Rental Community--Draft EA (AFNSI)* Grandfathered under old rules
- *Grossbard/Bourzat Single-Family Residence at Keonepoko--Draft EA (AFNSI)* Grandfathered under old rules

**O’AHU**

- *BWS Hālau Wai Mānoa--Draft EA (AFNSI)* Grandfathered under old rules
- *Kalauha’iha’i Fishpond Management Plan--Draft EA (AFNSI)* Grandfathered under old rules
- *Lā’ie Corporation Yard Master Plan--Draft EA (AFNSI)* Grandfathered under old rules
- *Turtle Bay Resort Development--Draft EA (AFNSI)* Grandfathered under old rules

**Comments Due September 23, 2019**

**HAWAI’I**

- *Puakea Guest Ranch--Draft EA (AFNSI)*

**MAUI**

- *Kaheawa Wind Power II--Draft Supplemental EIS* Grandfathered under old rules
LISTS OF EXEMPTION NOTICES

Pursuant to newly established HAR § 11-200.1-17, State and county agencies that have determined specific actions to be exempt from the requirement to prepare an EA are required to submit a listing of such exemptions made during the previous month. Following are lists of Exemption Notices submitted by various agencies for August 2019:

**State of Hawai‘i**
- Department of Land and Natural Resources
- Commission on Water Resource Management

**County of Maui**
- Department of Planning

EXEMPTION NOTICE

The Department of Transportation (State of Hawai‘i) requests the publication of their determination that the following action is exempt from the requirement to prepare an EA pursuant to HAR § 11-200.1-16:

**Revocable Permit at Pier 2, Honolulu Harbor, O‘ahu, to Honolulu Marathon Association**

Currently, Applicant occupies a portion of Pier 2 of Honolulu Harbor for a storage bay used for staging, storage, and minor fabrication of materials. The DOT Harbors has been reviewing all month-to-month permits to ensure compliance and applicability with Sections 171-17 and 171-55, HRS. The DOT has determined this action is exempt from the requirement to prepare an EA where "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

HABITAT CONSERVATION PLANS

**Kaua‘i Seabird**

<table>
<thead>
<tr>
<th>Applicable Law</th>
<th>HRS Chapter 195D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Document</td>
<td>Draft Habitat Conservation Plan</td>
</tr>
<tr>
<td>Island/Districts/TMKS</td>
<td>Kaua‘i / all / all</td>
</tr>
<tr>
<td>Permits Required</td>
<td>Incidental Take License</td>
</tr>
<tr>
<td>Approving Agency</td>
<td>Department of Land and Natural Resources, State of Hawai‘i Jim Cogswell, Division of Forestry &amp; Wildlife, Wildlife Manager, (808) 587-4187, <a href="mailto:james.m.cogswell@hawaii.gov">james.m.cogswell@hawaii.gov</a></td>
</tr>
<tr>
<td>Applicants</td>
<td>Hawai‘i Department of Transportation-Harbors Div.; County of Kaua‘i; Essex House Condominium Corp.; Kauai Coffee Company, LLC; The Princeville Resort Kauai; NCL (Bahamas), Ltd.; Sheraton Kauai Resort (Starwood Resorts)</td>
</tr>
<tr>
<td>Consultants</td>
<td>see document</td>
</tr>
</tbody>
</table>

Attraction to artificial lights is a known threat to seabirds that has been observed and documented on Kaua‘i for years. The draft Kaua‘i Seabird HCP (KSHCP) has been developed to address light attraction impacts on Kaua‘i to three seabird species protected under State & Federal endangered species laws: the Hawaiian Petrel (*Pterodroma sandwichensis*), the Newell's Shearwater (*Puffinus auricularis newelli*), and the Band-rumped Storm-petrel (*Oceanodroma castro*). The draft KSHCP also addresses the impacts of lights on the Central North Pacific distinct population segment of the listed Green Sea Turtle (*Chelonia mydas*).

Light attraction on Kaua‘i is an islandwide problem collectively attributable to many different entities; the structure of the KSHCP enables multiple Applicants on Kaua‘i to apply for Incidental Take Licenses (ITLs) under specific terms and conditions. Covered activities in the draft KSHCP are: the placement and operation of light structures that can cause disorientation of fledgling and adult seabirds, and hatchlings of the Green Sea Turtle; the placement and operation of new or future lights that have similar effects; and conservation and mitigation measures. The mitigation proposal would create a site for seabirds to nest and breed in a predator-free protected area. Compliance and effectiveness monitoring, and adaptive management, will be conducted to monitor take and to enable the Department of Land and Natural Resources to determine that mitigation actions are meeting conservation goals for the covered species. The proposed duration of the KSHCP and associated ITLs is 30 years.

The public may send comments to the Approving Agency contact listed above with a copy to the applicable Applicant(s)/Consultants. **Comments must be received by October 22, 2019.**
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).

<table>
<thead>
<tr>
<th>Location (TMK)</th>
<th>Description (File No.)</th>
<th>Applicant/Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawai‘i: South Hilo (2-2-005: 002)</td>
<td>Temporary Farmers’ Market with Pop Up Tents Twice a Week (SMM 19-000420)</td>
<td>Office of the Mayor, County of Hawai‘i</td>
</tr>
<tr>
<td>Hawai‘i: Puna (1-3-008: 097)</td>
<td>Volunteer Service Project (SMM 19-000421)</td>
<td>Department of Parks and Recreation, County of Hawai‘i</td>
</tr>
<tr>
<td>Maui: Ha‘ikū (2-8-004: 063)</td>
<td>Subdivision One Lot into Two Lots (SM2 20190073)</td>
<td>Brandon Murr</td>
</tr>
<tr>
<td>Maui: Makena (2-1-006: 089)</td>
<td>Installation of Underground Electrical Lines and Utilities (SM2 20190074)</td>
<td>Richard S. Young</td>
</tr>
<tr>
<td>Maui: Kihei (2-1-008: 061)</td>
<td>Modify Existing Wireless Telecommunication (SM2 20190075)</td>
<td>New Cingular Wireless PCS, LLC</td>
</tr>
<tr>
<td>Maui: Hāna (1-3-003: 053)</td>
<td>Kawela Aina Farms (SM2 20190076)</td>
<td>Joshua Mitchnick</td>
</tr>
<tr>
<td>Maui: Ka’anapali (4-4-013: 001)</td>
<td>Remove and Replace Telecommunication Facility (SM2 20190077)</td>
<td>AT&amp;T Mobility</td>
</tr>
<tr>
<td>O‘ahu: Waimānalo (4-1-003: 040)</td>
<td>Waimānalo Beach Park Playground Concrete Pad (2019/ SMA-20)</td>
<td>Department of Design and Construction, City and County of Honolulu</td>
</tr>
</tbody>
</table>

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 220, 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.

<table>
<thead>
<tr>
<th>File No.</th>
<th>Location</th>
<th>TMK</th>
<th>Applicant</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>OA-1876</td>
<td>91-004 Nalomeli Pl., O‘ahu 96708</td>
<td>(1) 9-1-005: 017</td>
<td>Kenn Nishihira</td>
<td>Chad A. and Christine M. Roe</td>
</tr>
<tr>
<td>OA-1877</td>
<td>20 Kalaka Pl., O‘ahu 96734</td>
<td>(1) 4-3-016: 014</td>
<td>Jaime F. Alimboyoguen</td>
<td>Adam Rosen</td>
</tr>
<tr>
<td>HA-577</td>
<td>Moana Kai Pali St., Hawai‘i</td>
<td>(3) 1-2-030: 009</td>
<td>Daniel Berg, dlb &amp; associates, LLC</td>
<td>Donald E. Leonard Tr</td>
</tr>
<tr>
<td>HA-578</td>
<td>89-1151 Miloli‘i Rd., Hawai‘i 96704</td>
<td>(3) 8-9-004: 001</td>
<td>Austin, Tsutsumi &amp; Associates</td>
<td>State of Hawai‘i</td>
</tr>
</tbody>
</table>

PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

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

<table>
<thead>
<tr>
<th>File No.</th>
<th>Status</th>
<th>Location</th>
<th>TMK</th>
<th>Applicant</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>HA-576</td>
<td>Proposed</td>
<td>56-102 Old Coast Guard Rd., Hawai‘i</td>
<td>(3) 5-6-001: 074</td>
<td>Engineers Surveyors Hawaii, Inc</td>
<td>Honoipu Hideaway LLC</td>
</tr>
<tr>
<td>KA-445</td>
<td>Withdrawal</td>
<td>9884 Kahakai Rd., Kaua‘i 96796</td>
<td>(4) 1-6-007: 009</td>
<td>Esaki Surveying &amp; Mapping, Inc.</td>
<td>M &amp; K Ohana Rentals LLC</td>
</tr>
</tbody>
</table>
The Department of Health (DOH) initiated Section 106 of the NHPA consultation with the State Historic Preservation Division (SHPD) in accordance with 36 CFR Part 800. In 1990, the U.S. Environmental Protection Agency (EPA) designated the DOH to act on EPA’s behalf, pursuant to 36 CFR §800.2 (c) (4), when initiating Section 106 of the NHPA process in connection with projects funded under the Hawai’i Clean Water State Revolving Fund (CWSRF). The DOH is providing funding under the CWSRF to the County of Kaua’i for the Wailua SPS #3 Rehabilitation. The proposed project will utilize federal funding and is considered an undertaking, as defined by Section 106 of the NHPA, 54 U.S.C. §306101 et seq., and 36 CFR Part 800.

The undertaking consists of rehabilitation of the Wailua Sewage Pump Station (“SPS”) #3 located in South Oloheana Ahupua’a, Kawaihau District, Island of Kaua’i. The facility, located at TMKs: (4) 4-3-002:012 and (4) 4-3-002:999 and is owned and operated by the County of Kaua’i. Rehabilitation work will include modification/reduction of influent gravity pipes into the wetwell, retrofit of the existing wetwell for installation of new submersible pumps and rails, installation of above ground piping for flow meter and isolation valves, installation of new gravity pipes, installation of a screened 6-foot chain link fence, and abandonment of the existing drywell. Ground disturbances for this project include removal of vegetation and pavement, excavation for the installation of the gravity sewer line and manhole, excavation of the existing wetwell for retrofit, excavation for above ground piping and associated pipe supports, ground preparation for concrete slab, and excavation for installation of chain link fence posts.

The DOH has engaged SHPD to determine the presence of potential sites of historic importance within the vicinity of the project area as well as the potential impact of the project on such sites, if present.
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 of any entry, also available at www.federalregister.gov.

Notice: Marine Mammals; File No. 22851 (published by the National Oceanic and Atmospheric Administration on 08/23/2019)
Notice is hereby given that Sea Life Park Hawaii, 41-202 Kalanianaole Highway #7, Waimānalo, HI 96795 (Valerie King, Responsible Party), has applied in due form for a permit to conduct activities intended to enhance the propagation and survival of endangered species [Aeō, Hawaiian stilt (Himantopus mexicanus knudseni); Alae keokeo, Hawaiian coot (Fulica alai); Alae ula, Hawaiian common gallinule (Gallinula chloropus sandvicensis)] under the Endangered Species Act of 1973, as amended. The public is invited to comment on this application. Before issuing the requested permit, the FWS will take into consideration any information received during the public comment period. Written comments must be received on or before September 30, 2019.

Notice: Endangered Species; Receipt of Recovery Permit Application (published by the Fish and Wildlife Service on 08/30/2019)
The U.S. Fish and Wildlife Service has received an application (TE-25955C-3) from Dr. Melissa Price, University of Hawai‘i at Mānoa, Honolulu, HI, for a permit to conduct activities intended to enhance the propagation and survival of endangered species [Aeō, Hawaiian stilt (Himantopus mexicanus knudseni); Alae keokeo, Hawaiian coot (Fulica alai); Alae ula, Hawaiian common gallinule (Gallinula chloropus sandvicensis)] under the Endangered Species Act of 1973, as amended. The public is invited to comment on this application. Before issuing the requested permit, the FWS will take into consideration any information received during the public comment period. Written comments must be received on or before September 30, 2019.

Rule: Endangered and Threatened Wildlife and Plants; Regulations for Listing Species and Designating Critical Habitat (published by the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration on 08/27/2019)
We, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively referred to as the “Services” or “we”), revise portions of our regulations that implement section 4 of the Endangered Species Act of 1973, as amended (Act). The revisions to the regulations clarify, interpret, and implement portions of the Act concerning the procedures and criteria used for listing or removing species from the Lists of Endangered and Threatened Wildlife and Plants and designating critical habitat. This final regulation is effective on September 26, 2019, and applies to classification and critical habitat rules for which a proposed rule was published after September 26, 2019.

Rule: Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation (published by the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration on 08/27/2019)
The U.S. Fish and Wildlife Service and National Marine Fisheries Service (collectively referred to as the “Services” or “we”) revise portions of our regulations that implement section 7 of the Endangered Species Act of 1973, as amended (“Act”). The revisions to the regulations clarify, interpret, and implement portions of the Act concerning the interagency cooperation procedures. This final rule is effective on September 26, 2019, and is available on the internet at http://www.regulations.gov at Docket No. FWS-HQ-ES-2018-0009. Substantial background information is available by clicking on the linked title to this entry.

This notice includes the City and County of Honolulu amongst communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRMs, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals. Please click on the title link to this entry for additional information.
Agency Actions
Projects or programs proposed by 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
Projects or programs proposed by 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 (AFNIS), 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 (FONIS). 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 FONIS 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 (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 to 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. 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. This starts a 30-day scoping period in which the agency or applicant must hold a public scoping meeting for the preparation of the Draft EIS. Written comments and responses on the EISPN must be incorporated into the subsequent Draft EIS and oral comments from the public scoping meeting must be recorded and submitted to the OEQC with the 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 allows for a statutory exception for “secondary actions” (those that involve infrastructure in the highway or public right-of-way) provided that the project 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. For Applicant projects, the Approving Agency is the Accepting Authority and must make a determination within 30 days or the FEIS is deemed 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
The Accepting Authority must be satisfied that the FEIS meets three criteria (process, content, response to comments) to accept it. If the FEIS is accepted, notice is published in this bulletin. The public has 60 days from publication to challenge the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a non-acceptance determination.

National Environmental Policy Act
The National Environmental Policy Act (NEPA) requires federal projects to prepare a Federal EA or EIS. In many ways it is similar to Hawaiʻi’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 343A, and county ordinances. 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 Hawaiʻi 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. The Council just completed the repeal of Hawaii Administrative Rules (HAR) Chapter 11-200 and adoption of HAR Chapter 11-200.1.

Agency Exemption Lists
Government agencies may 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 11-200.1-16). 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).
Pursuant to Chapter 11-200.1, Hawai‘i Administrative Rules (HAR), all items to be published in the periodic bulletin must be electronically submitted to the OEQC five working days prior to the publication date. For actions that have published a draft EA or EISPN on or before August 8, 2019, use the 1996 Rules Submittal Deadline column for determining the filing date for the Final EA, Draft EIS, Final EIS, Acceptance / Non-acceptance, supplemental determinations, and supplemental EISs.

- **Section 11-200.1-4(a), HAR**, establishes the publication schedule of the periodic bulletin to be on the eighth and twenty-third of each month. Publication may occur on weekends and holidays.
- **Section 11-200.1-5(a), HAR**, establishes the submittal deadline to be five working days before the publication date. The schedule does not count holidays and non-working days. Items must be submitted before the close of business (4:30 PM) on the submittal deadline. Note: Actions that have published the Draft EA or EISPN on or before August 8, 2019 shall file pursuant to Chapter 11-200, HAR, which requires filing eight working days before publication.
- **Comment periods for EAs is 30 days and for EISs is 45 days from the publication date. Section 11-200.1-3 sets forth how to count the days from publication. The publication date is day zero. Holidays and weekends are counted. When the deadline falls on a state holiday or non-working day, the deadline is the next working day.**

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