OFFICE OF ENVIRONMENTAL QUALITY CONTROL

The Environmental Notice

September 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.

A new stadium facility is being proposed for the site of the existing Aloha Stadium, near Pearl Harbor on O'ahu

Photo credit: Sarah Richter

235 South Beretania Street, Suite 702 • Honolulu, Hawai'i 96813 • (808) 586-4185 • oeqchawaii@doh.hawaii.gov • http://health.hawaii.gov/oeqc

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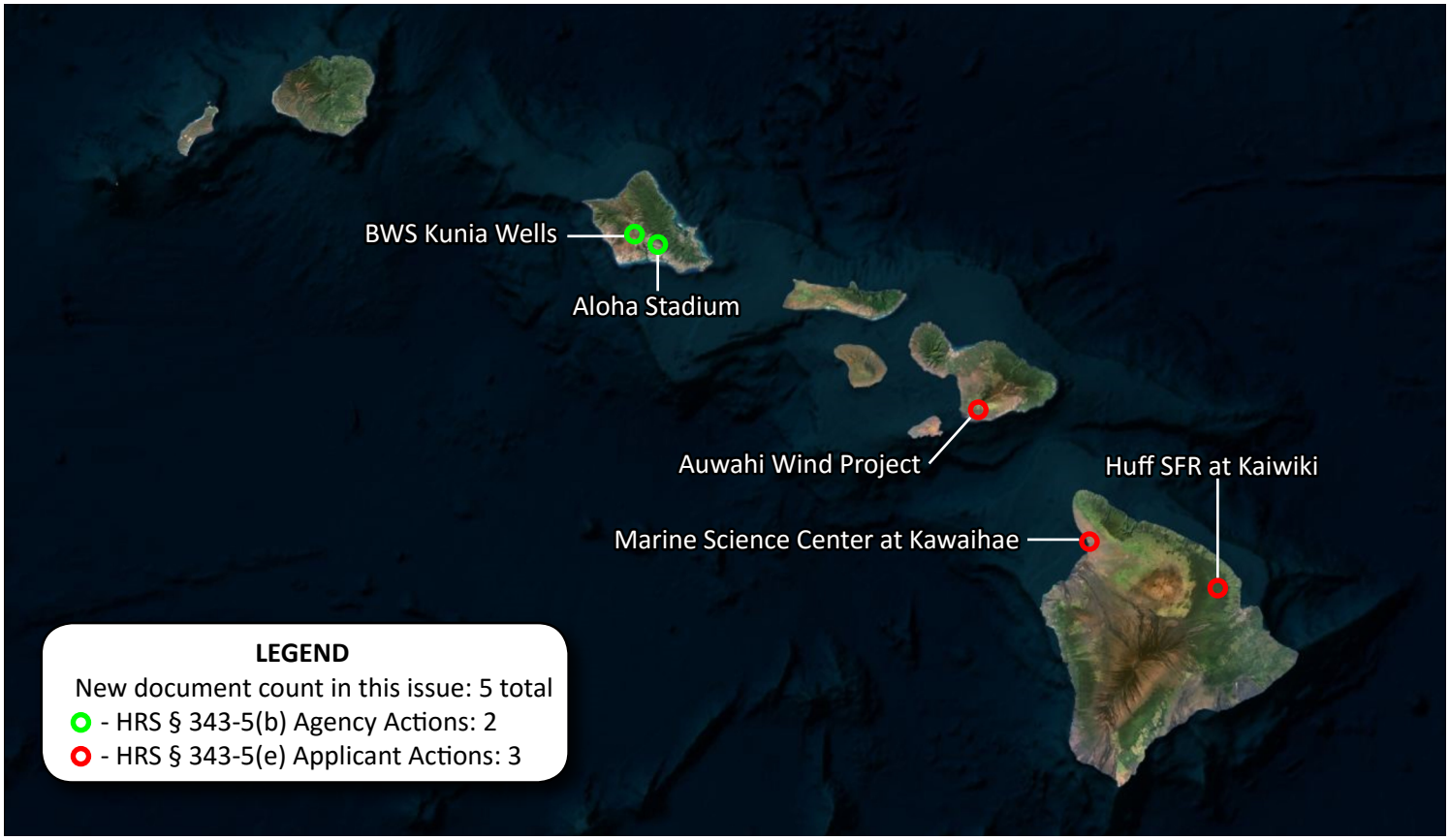
Announcements

- 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



Hawai'i

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 over only 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)

Grandfathered under old rules

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)

Grandfathered under old rules

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 Agency/ Accepting 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, including 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 estimated 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)

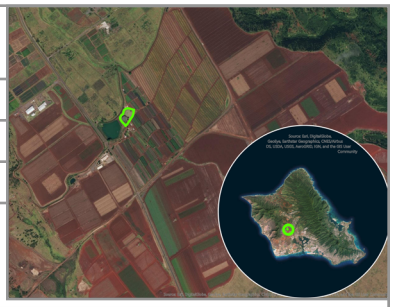
HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	'Ewa
TMK(s)	[1] 9-9-003:061 and neighboring TMKs 9-9-003:055, 070, and 071
Permit(s)	Various (see document)
Proposing/ Determining Agency	Department of Accounting and General Services, State 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 The Honorable David Y. Ige, (808) 586-0034, http://governor.hawaii.gov/contact-us/contact-the-governor/ 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 ancillary development that will serve to create a New Aloha Stadium Entertainment District on the grounds of the existing Aloha Stadium site in Hālawa.

O'AHU (CONTINUED)

BWS Kunia Wells IV Exploratory Wells Project--Final EA (FONSI)

Grandfathered under old rules



HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	'Ewa
TMK(s)	(1) 9-4-003:010
Permit(s)	Various (see document)
Proposing/ Determining Agency	Board of Water Supply, City and County of Honolulu Arlen Ledward, {808) 748-5061, aledward@hbws.org 630 S. Beretania St., Honolulu, HI 96843
Consultant	Belt Collins Hawaii; 2153 North King Street, Suite 200, Honolulu, HI 96819 Joanne Hiramatsu, {808) 846-3309, jhiramatsu@bchdesign.com
Status	Finding of No Significant Impact (FONSI) determination.

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

Applicable Law	HRS Chapter 195D
Type of Document	Draft Habitat Conservation Plan
Island/Districts/TMKS	Kaua'i / all / all
Permits Required	Incidental Take License
Approving Agency	Department of Land and Natural Resources, State of Hawai'i Jim Cogswell, Division of Forestry & Wildlife, Wildlife Manager, (808) 587-4187, james.m.cogswell@hawaii.gov
Applicants	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)
Consultants	see document

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).

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

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
OA-1876	91-004 Nalomeli Pl., O'ahu 96708	(1) 9-1-005: 017	Kenn Nishihira	Chad A. and Christine M. Roe
OA-1877	20 Kalaka Pl., O'ahu 96734	(1) 4-3-016: 014	Jaime F. Alimboyoguen	Adam Rosen
HA-577	Moana Kai Pali St., Hawai'i	(3) 1-2-030: 009	Daniel Berg, dlb & associates, LLC	Donald E. Leonard Tr
HA-578	89-1151 Miloli'i Rd., Hawai'i 96704	(3) 8-9-004: 001	Austin, Tsutsumi & Associates	State of Hawai'i

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
HA-576	Proposed	56-102 Old Coast Guard Rd., Hawai'i	(3) 5-6-001: 074	Engineers Surveyors Hawaii, Inc	Honoipu Hideaway LLC
OA-1868	Withdrawal	91-765 & 91-765A One'ula Pl., O'ahu 96706	(1) 9-1-025: 004	Leaps & Boundaries, Inc.	John N. and Linda G. Spadaro
KA-445	Withdrawal	9884 Kahakai Rd., Kaua'i 96796	(4) 1-6-007: 009	Esaki Surveying & Mapping, Inc.	M & K Ohana Rentals LLC

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 HA-3853
Name of Applicant: County of HI-Dept. of Water Supply
Location: Kaloko, North Kona, Hawai'i
TMK(s): (3) 7-3-009:027
Proposed Action: After the Fact Subdivision for Public Purpose
343, HRS determination: Exempt
Applicant's Contact: Makena White: (808) 550-4539
OCCL Staff Contact: Tiger Mills: (808) 587-0382

National Historic Preservation Act, Section 106 Consultation

Wailua SPS #3 Rehabilitation

Island/District/TMK	Kaua'i / South Olohena Ahupua'a, Kawaihau District / (4) 4-3-002:012 and 999
Proposing Agency	State of Hawai'i, Department of Health, Environmental Management Division, Wastewater Branch 2827 Waimano Home Rd., Rm. 207, Pearl City, HI 96782 Jon Nagato, (808) 586-4294, jonathan.nagato@doh.hawaii.gov
Consultant	Kennedy/Jenks Consultants, Inc. 707 Richards St., Suite 528 Honolulu, HI 96813 Kyle Okino, (808) 218-6030, kokino@KennedyJenks.com
Status	Send comments no later than October 8, 2019 to Proposing agency

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 Olohena 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 maintain up to four non-releasable adult Hawaiian monk seals (*Neomonachus schauinslandi*) for enhancement purposes. These seals would be animals removed from the wild under separate permits for stranding response and enhancement and will be animals that have been deemed non-releasable to the wild. A public conservation and education lecture will be conducted daily concerning the status of Hawaiian monk seals, and educational descriptive signs with current information are on display at the monk seal exhibit. In addition, these animals will be made available for scientific studies by researchers whose research protocols are approved by the Sea Life Park Hawaii Curator and staff veterinarian and authorized under separate permits. The requested duration of this permit is five years. Comments must be received on or before September 23, 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 [Aeo, 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.*

Notice: Changes in Flood Hazard Determinations (published by the Federal Emergency Management Agency on 08/29/2019)

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 FIRM, 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.*

Glossary of Terms and Definitions

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 (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 (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 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 discretional 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 satisified 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.

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. 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).

Publication Calendar of the Office of Environmental Quality Control Periodic Bulletin, HAR Chapter 11-200.1

2019

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.

1996 Rules Submittal Deadline		New Rules Submittal Deadline		Publication Date		EA or EISPN Comment 30-Day Deadline		EIS Comment 45-Day Deadline	
Dec 12	Wed			**Dec 23 2018**	Sun	**Jan 22**	Tue	**Feb 06**	Wed
Dec 26	Wed			**Jan 08 2019**	Tue	**Feb 07**	Thu	**Feb 22**	Fri
Jan 10	Thu			**Jan 23**	Wed	**Feb 22**	Fri	**Mar 11**	Mon
Jan 29	Tue			**Feb 08**	Fri	**Mar 11**	Mon	**Mar 25**	Mon
Feb 12	Tue			**Feb 23**	Sat	**Mar 25**	Mon	**Apr 09**	Tue
Feb 26	Tue			**Mar 08**	Fri	**Apr 08**	Mon	**Apr 22**	Mon
Mar 13	Wed			**Mar 23**	Sat	**Apr 22**	Mon	**May 07**	Tue
Mar 27	Wed			**Apr 08**	Mon	**May 08**	Wed	**May 23**	Thu
Apr 10	Wed			**Apr 23**	Tue	**May 23**	Thu	**Jun 07**	Fri
Apr 26	Fri			**May 08**	Wed	**Jun 07**	Fri	**Jun 24**	Mon
May 13	Mon			**May 23**	Thu	**Jun 24**	Mon	**Jul 08**	Mon
May 29	Wed			**Jun 08**	Sat	**Jul 08**	Mon	**Jul 23**	Tue
Jun 12	Wed			**Jun 23**	Sun	**Jul 23**	Tue	**Aug 07**	Wed
Jun 25	Tue			**Jul 08**	Mon	**Aug 07**	Wed	**Aug 22**	Thu
Jul 11	Thu			**Jul 23**	Tue	**Aug 22**	Thu	**Sep 06**	Fri
Jul 29	Mon			**Aug 08**	Thu	**Sep 09**	Mon	**Sep 23**	Mon
Aug 12	Mon	**Aug 15**	Thu	**Aug 23**	Fri	**Sep 23**	Mon	**Oct 07**	Mon
Aug 27	Tue	**Aug 30**	Fri	**Sep 08**	Sun	**Oct 08**	Tue	**Oct 23**	Wed
Sep 11	Wed	**Sep 16**	Mon	**Sep 23**	Mon	**Oct 23**	Wed	**Nov 07**	Thu
Sep 26	Thu	**Oct 01**	Tue	**Oct 08**	Tue	**Nov 07**	Thu	**Nov 22**	Fri
Oct 11	Fri	**Oct 16**	Wed	**Oct 23**	Wed	**Nov 22**	Fri	**Dec 09**	Mon
Oct 29	Tue	**Nov 01**	Fri	**Nov 08**	Fri	**Dec 09**	Mon	**Dec 23**	Mon
Nov 13	Wed	**Nov 18**	Mon	**Nov 23**	Sat	**Dec 23**	Mon	**Jan 07**	Tue
Nov 26	Tue	**Dec 02**	Mon	**Dec 08**	Sun	**Jan 07**	Tue	**Jan 22**	Wed
Dec 11	Wed	**Dec 16**	Mon	**Dec 23 2019**	Mon	**Jan 22**	Wed	**Feb 06**	Thu
Dec 26	Thu	**Dec 31**	Tue	**Jan 08 2020**	Wed	**Feb 07**	Fri	**Feb 24**	Mon

- 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.