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.

February 8, 2020

Loggerhead turtles, along with other sea turtles, are the subject of various fisheries-oriented conservation efforts to reduce their vulnerability.

Photo credit: Debora Sujono
**Announcements**

Governor Ige has nominated Kathleen S.Y. Ho as director of the Office of Environmental Quality Control, subject to Senate confirmation. She has been serving as deputy attorney general in the Health Division since 1992. In addition, she was an adjunct professor at the William S. Richardson School of Law (UH-Mānoa), deputy corporation counsel for the City and County of Honolulu, and has worked in private practice in Honolulu. She has also served as an advisor to OEQC and the Environmental Council. Pending confirmation, her starting date has not yet been established.

**Statewide Map of New HRS Chapter 343 Documents & Determinations**
### Hilo Medical Center Oncology Center Addition and Rural & Telehealth Center Unit—Draft EA (AFNSI)

<table>
<thead>
<tr>
<th>HRS §343-5(a) Trigger</th>
<th>(1) Propose the use of state or county lands or the use of state or county funds</th>
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<td>TMK(s)</td>
<td>2-3-031:019</td>
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<tr>
<td>Permit(s)</td>
<td>Hawaii'i County: Building Division Approval, Planning Department Plan Approval</td>
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<td>Hawaii'i State Department of Health: Underground Injection Control Permit (potential)</td>
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<td>Proposing/Determining Agency</td>
<td>Hawaii Health Systems Corporation, State of Hawaii'i</td>
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<td></td>
<td>Lisa Shiroma, (808) 932-3111, <a href="mailto:lshiroma@hhsc.org">lshiroma@hhsc.org</a></td>
</tr>
<tr>
<td></td>
<td>1190 Waianuenue Ave., Hilo, HI 96720</td>
</tr>
<tr>
<td>Consultant</td>
<td>Geometrician Associates; P.O. Box 396, Hilo, HI 96721</td>
</tr>
<tr>
<td></td>
<td>Ron Terry, (808) 969-7090, <a href="mailto:rterry@hawaii.rr.com">rterry@hawaii.rr.com</a></td>
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<tr>
<td>Status</td>
<td>Statutory 30-day public review and comment period starts. Comments are due by March 9, 2020. Please send comments to the proposing/determining agency and copy the consultant.</td>
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</tbody>
</table>

Hilo Medical Center seeks to expand the Hawaii Pacific Oncology Center and construct the Rural & Telehealth Center Unit in Hilo. The project would take place on a graded, unpaved 0.5308-acre lot next to the existing Hawaii Pacific Oncology Center building. The first floor will be utilized by the Hawaii Pacific Oncology Center and will include a pharmacy, a medication oncology infusion room, and accessory rooms and facilities. The second floor will house the Hilo Rural Health & Telehealth Center, which will offer primary care, multiple medical specialties, urgent care and telemedicine access to off-island specialties that are not available on-island. It will include a registration area, a nursing station, exam rooms, and accessory rooms and facilities. No significant water, biological, historic or cultural resources are present, and construction noise will be mitigated per a DOH permit, as applicable.

### Gregg Single-Family Residence—Draft EA (AFNSI)

<table>
<thead>
<tr>
<th>HRS §343-5(a) Trigger</th>
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<td>Permit(s)</td>
<td>Conservation District Use Permit, SMA Exemption, County Building Permits</td>
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<tr>
<td>Approving Agency</td>
<td>Department of Land and Natural Resources, State of Hawaii'i</td>
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<tr>
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<td>Samuel Lemmo, (808) 587-0373, <a href="mailto:sam.j.lemmo@hawaii.gov">sam.j.lemmo@hawaii.gov</a></td>
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<td>P. O. Box 621, Honolulu, HI 96809</td>
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<tr>
<td>Applicant</td>
<td>Frederick W. Gregg, Jr.; 75-170 Hualalai Rd., Ste. B-303, Kailua-Kona, HI 96740</td>
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<td>c/o: Randy Vitousek, (808) 521-9345, <a href="mailto:rvitousek@cades.com">rvitousek@cades.com</a></td>
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</tr>
</tbody>
</table>

Mr. Gregg applies to build a 2-story, 1-bedroom retirement home for himself with a footprint of 2,016 sq. ft.; decks, lanais and living area will be 3,234 sq. ft. with rooftop solar and photovoltaic equipment for electrical power, an individual wastewater system. He has owned the property for almost 30 yrs. The property is located approx. 500 ft. from the shoreline and is accessed by Ho‘okena Beach Rd. The home will be set back from all property lines, roughly in the center of the lot, with a gravel driveway and some landscaping, including fruit trees. Limited grading/leveling will be required for the building pad. An AIS concluded that the property is a historic era residence, was assessed as significant, the information was documented for importance of understanding historic habitation of the Ho‘okena Village area; no preservation was recommended and no burial sites were reported. Environmental impacts will be minimal to resume the historic use of the property.
Yamada and Sons Rock Quarry--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 Hilo

TMK(s) (3) 2-1-013:002

Permit(s) Board of Land and Natural Resources: Approval of License for Quarrying; Windward Planning Commission and State Land Use Commission: Special Permit; State DOH: National Pollutant Discharge Elimination System Permit (potential) County Department of Public Works: Grubbing and Grading Permits

Approving Agency Department of Land and Natural Resources, State of Hawai‘i

Candace Martin, (808) 961-9590, candace.m.martin@hawaii.gov

1151 Punchbowl St., Honolulu, HI 96813

Applicant Yamada and Sons, Inc.; 733 Kanoehau Ave., Hilo, HI 96720

Harry Yada, (808) 640-7813, yadah001@hawaii.rr.com

Consultant Geometrician Associates; P.O. Box 396, Hilo, HI 96721

Ron Terry, (808) 969-7090, rterry@hawaii.rr.com

Status Finding of No Significant Impact (FONSI) determination

Yamada and Sons proposes to develop a 37.882-acre portion of a State property for use as a rock quarry. The site is adjacent to their existing quarry, a landfill, a stockpile area, skeet range and baseyard. It is undeveloped and vegetated primarily with large, invasive trees that grew up after decades of surface quarrying. The quarry would allow the manufacture of base course, hot mix asphalt and concrete needed for the construction of many public and private projects. Yamada and Sons would acquire a license with the DLNR and pay royalties to the State. Excavated rock would either be stockpiled on-site or removed and trucked off-site to Yamada and Sons’ quarry baseyard located off of Railroad Avenue for crushing/processing and sale. 25,000 tons would be extracted per month, and with the excavation reaching a depth of 80 feet, the quarry is expected to have an active lifetime of roughly thirty years. No significant water, biological, historic or cultural resources are present.

Moloka‘i

Molokai Education Center Expansion--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) Moloka‘i

TMK(s) (2) 5-3-003: 013 & 014

Permit(s) State Land Use District Boundary Amendment (less than 15 acres), Change of Zoning, Special, Management Area Permit, Lot Consolidation

Proposing/Determining Agency University of Hawai‘i, State of Hawai‘i

Shawn Kodani, (808) 956-0864, kodani@hawaii.edu

2327 Dole St., Honolulu, HI 96822

Consultant PBR Hawaii & Associates; 1001 Bishop St., Suite 650, Honolulu, HI 96813

Tom Schnell, (808) 521-5631, tschnell@pbrhawaii.com

Status Finding of No Significant Impact (FONSI) determination

The University of Hawai‘i (UH) proposes the expansion of the Molokai Education Center (MEC), including: 1) a new multi-purpose classroom building connected to the existing MEC building; 2) a new storage building; and 3) additional parking. The multi-purpose classroom building will accommodate up to 250 people for classes, community events, and graduation ceremonies. The expansion will extend from the existing MEC building on TMK (2) 5-3-003:014 to the adjacent TMK (2) 5-3-003:013. UH owns both parcels. Permitting required for the expansion includes: 1) a State Land Use District Boundary Amendment (less than 15 acres) from the State Agricultural District to the State Urban District; 2) a Change in Zoning from Interim to Public/Quasi-Public; 3) a Special Management Area Use Permit; and 4) consolidation of the two TMK parcels. The Moloka‘i Island Community Plan already designates the parcels as Public/Quasi-Public Use.
Hunt Kalaeloa Subdivision Roads--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
(2) Propose any use within any land classified as a conservation district

District(s) ‘Ewa
TMK(s) Various (see document)
Permit(s) Various (see document)

Approving Agency Hawai‘i Community Development Authority, State of Hawai‘i
Tesha Malama, (808) 620-9643, tesha.malama@hawaii.gov
547 Queen St., Honolulu, HI 96813

Applicant Hunt Companies; 737 Bishop St., Suite 2750, Honolulu, HI 96813
Jinny Cheung, (808) 792-3754, jinny.cheung@huntcompanies.com

Consultant R. M. Towill Corporation; 2024 North King St., Suite 200, Honolulu, HI 96819
Brian Takeda, (808) 842-1133, briant@rmtowill.com

Status Statutory 30-day public review and comment period starts. Comments are due by March 9, 2020. Please send comments to the approving agency and copy the applicant and the consultant.

Hunt Communities Hawai‘i LLC, proposes to construct improvements to roadways, intersections and utility systems within the former Barbers Point Naval Air Station property in ‘Ewa, O‘ahu. The project site is bound by the existing Franklin D. Roosevelt (FDR) Avenue to the north, Kamokila Boulevard to the west, Franklin Street to the east, and Saratoga Avenue to the south. The proposed improvements will involve an area of approximately 42.73 acres comprised of the following: approximately 32.31 acres for improvements to existing road right-of-ways, approximately 0.56 acres for installation of an on-site sewer line, and approximately 10.42 acres for the construction off-site improvements including drainage facilities and left turn lanes, and installation or modification of traffic signals. When complete, the project will support the future development of public, residential and commercial uses within the State of Hawai‘i, Kalaeloa Community Development District (Kalaeloa CDD).

Haʻikū Stairs Study--(Acceptance of Final 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

District(s) Koʻolaupoko
TMK(s) (1) 4-6-015:007 & 011; 4-6-041:005; 1-1-013:003
Permit(s) Various (see document)

Proposing/Determining Agency Board of Water Supply, City and County of Honolulu
Kathleen Pahinui, Public Information Officer, (808) 748-5319, haikustairseis@hbws.org
630 South Beretania St., Honolulu, HI 96843

Accepting Authority Department of Planning and Permitting, on behalf of the Mayor of the City and County of Honolulu
Raymond Young, Planner, (808) 768-8049, haikustairseis@honolulu.gov
650 South King St., Honolulu, HI 96813

Consultant G70; 111 S. King St., Suite 170, Honolulu, HI 96813
Jeff Overton, AICP, (808) 523-5866, haikustairs@g70.design

Status The Accepting Authority accepted the Final EIS on January 24, 2020.

The Haʻikū Stairs are a potential liability for the Board of Water Supply (BWS) because of hikers who continue to illegally climb them. The mission of BWS is to provide safe, dependable, and affordable water now and into the future. The BWS objective is to eliminate its liability as continued management and operation of Haʻikū Stairs is not consistent with its mission. Eliminating BWS liability can be accomplished in two ways: 1) the proposed action to remove Haʻikū Stairs, or 2) the alternative to convey the Haʻikū Stairs parcel to a public or private entity. Therefore, reviewers should consider both the proposed action and the conveyance alternative. The Final EIS assesses the removal of Haʻikū Stairs as the BWS’ proposed action, and a range of alternatives that includes: no-action; partial removal of the stair modules; and conveyance of the land and Haʻikū Stairs to a public or private entity. The conveyance alternative discusses the need for a managed access plan, evaluates several access routes, and provides conceptual planning for the preferred access route.
O‘AHU (CONTINUED)

‘Ewa Villages R-1 Replacement Project--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 ... site as designated in the National or Hawaiʻi Register

District(s) ‘Ewa
TMK(s) Various (see document)
Permit(s) Various (see document)
Proposing/Determining Agency Department of Facility Maintenance, City and County of Honolulu
Eduardo Manglallan, (808) 768-3343, emanglallan@honolulu.gov
1000 Uluohia St., Suite 215, Kapolei, HI 96707

Consultant HHF Planners; 733 Bishop St., Suite 2590, Honolulu, HI 96813
Corlyn Orr, (808) 545-2055, colsonorr@hhf.com

Status Finding of No Significant Impact (FONSI) determination

The City and County of Honolulu Department of Facility Maintenance is proposing to construct a R-1 (non-potable) water line along Renton Road to upgrade existing irrigation water service to the ‘Ewa Villages community. The proposed R-1 line consists of roughly one-mile of 12-inch and 8-inch PVC pipe trenched underground within the City’s Renton Road right-of-way between Ka Makana Ali‘i Shopping Center and Park Row, via a new connection to an existing 16-inch R-1 water main that runs parallel to Ka Makana Ali‘i Shopping Center’s eastern boundary. System improvements are needed to bypass the ‘Ewa Villages Golf Course irrigation pond (where R-1 water is stored) and deliver R-1 water directly from the Honouliuli Water Recycling Facility. Construction staging and equipment storage would occur on one of two City-owned properties on Renton Road: either the vacant parcel directly across from Leialoalo Street or next to the ‘Ewa Plantation Manager’s Home which is currently underutilized. Project funding would be from City funds and U.S. HUD-CDBG funds.

PVT Integrated Solid Waste Management Facility Relocation--Final EIS & (Acceptance) Grandfathered under old rules

HRS §343-5(a) Trigger
(9)(C) Propose any landfill

District(s) Wai‘anae
TMK(s) (1) 8-7-009: 007
Permit(s) Various (see document)
Approving Agency & Accepting Authority Department of Planning and Permitting, City and County of Honolulu
Franz P. Kraintz, AICP, (808) 768-8046, fkraintz@honolulu.gov
7th Floor, 650 South King St., Honolulu, HI 96813

Applicant PVT Land Company, Ltd; 87-2020 Farrington Hwy, Wai‘anae, HI 96792
Stephen E. Joseph, Vice-President, (808) 668-4561, Steve@pvtland.com

Consultant Hart Crowser, Inc.; 7 Waterfront Plaza, 500 Ala Moana Blvd., Ste. 7-240, Honolulu, HI 96813
Karl Bromwell, (808) 587-7747, karl.bromwell@hartcrowser.com

Status The FEIS was submitted and was accepted on January 27, 2020.

PVT owns and operates the only publicly-available, commercial construction and demolition (C&D) debris management facility on Oahu, Tax Map Keys 8-7-009: 025 and 8-7-021: 026. Its facility is part of the City and County of Honolulu’s solid waste management plan and provides a critical service to the construction industry and the City’s disaster response efforts. PVT’s materials recovery facility reuses or recycles 80% of the C&D debris received. While this has extended the life of the landfill, the construction boom on O‘ahu has generated more C&D debris than anticipated. PVT is initiating landfill closure activities in accordance with its permit.

The PVT facility closure would leave O‘ahu without a C&D landfill and materials recovery facility. PVT proposes to (1) relocate its existing C&D debris receiving, recycling, and disposal operation to a parcel, owned by a PVT-affiliate, on the opposite (eastern) side of Lualualei Naval Road from its current location, (2) upgrade its recycling operations by installing two materials recovery and processing lines, and (3) install renewable energy facilities (a gasification unit or anaerobic digestion system and photovoltaic panels) to power its operations. The relocation will allow uninterrupted C&D debris management, focusing on the diversion of 80% of construction debris from the landfill through reuse and recycling.
**PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT**

**Status:** Public review and comment period for these projects began previously. Comments are due February 24, 2020. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

**HAWAIʻI**  
**Perry Single-Family Residence at Piha--Draft EA (AFNSI)**

**OʻAHU**  
**Honouliuli Wastewater Conveyance Plan--Draft EIS**

**STATEWIDE**  
**Tibouchina Biological Control--Draft EA (AFNSI)**

**EXEMPTION LIST REVIEW**

Pursuant to [HAR § 11-200.1-16(d)], the following agency exemption list was submitted to the Environmental Council (EC) for review and concurrence. At the request of the EC, this draft exemption list has been published for public review and comment; please click on the link to view the list, and submit any comments by February 24, 2020 to: oeqchawaii@doh.hawaii.gov

**Department of Land and Natural Resources, State of Hawaiʻi (reviewed by EC on January 7, 2020)**

**LISTS OF EXEMPTION NOTICES**

Pursuant to [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 January 2020; refer to the identified agency contact on each list for additional information about any specific exemption:

**State of Hawaiʻi**  
Department of Agriculture  
Department of Design and Construction  
Department of Education  
Department of Environmental Services  
Department of Land and Natural Resources  
Department of Transportation

**City and County of Honolulu**  
Department of Design and Construction  
Department of Environmental Services  
Department of Transportation Services

**County of Hawaiʻi**  
Office of Housing and Community Development  
Planning Department

**County of Maui**  
Planning Department

**COASTAL ZONE MANAGEMENT NOTICES**

**SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS**

The SMA Minor permits below have been approved ([HRS § 205A-30](https://legislative.state.hawaii.us/Statutes/HRS/205A/30/)). For more information, contact the relevant county/state planning agency. Honolulu (768-8014); Hawaiʻi (East 961-8288, West 323-4770); Kauaʻi (241-4050); Maui (270-7735); Kakaʻako or Kalaeloa Community Development District (587-2841).

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<th>Location (TMK)</th>
<th>Description (File No.)</th>
<th>Applicant/Agent</th>
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<tr>
<td>Kauaʻi: Kōloa (2-8-008: 066)</td>
<td>Six-foot High Concrete Masonry Unit Fence (SMA(M)-2020-11)</td>
<td>Janet Mitchell</td>
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<td>Kauaʻi: Kōloa (2-6-015: 025)</td>
<td>Six-foot High Rock Wall (SMA(M)-2020-12)</td>
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<td>Maui: Hāna (2-9-012: 038)</td>
<td>Remove Cesspool Cover, Pump Out Contents (SM2 20200004)</td>
<td>Hideo Kawahara</td>
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<td>Maui: Lahaina (4-5-001: 045)</td>
<td>Chinese New Year Event (SM2 201200008)</td>
<td>Judy Kinser</td>
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<td>Maui: Kihei (3-9-001: 075)</td>
<td>Rooftop Telecommunications Facility (SM2 20200010)</td>
<td>Adrian Catalan</td>
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<td>Maui: Lahaina (4-6-008: 006)</td>
<td>Maui Plein Air Painting Invitational Youth Paint Out (SM2 20200011)</td>
<td>Maui Arts League</td>
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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-1888** Various, O‘ahu 96815 (1) 3-1-030: 001 & por.003; 3-1-031: 004, 005, & 006 Park Engineering City & County of Honolulu - Department of Parks & Recreation

**OA-1889** Kamehameha Hwy vicinity of Laniakea Beach Park, O‘ahu 96712 (1) 6-1-009: 021 & 022; 6-1-010: 019 & 020; 6-1-005: 023 WSP Parsons Brinckerhoff, on behalf of State of Hawai‘i DOT State of Hawai‘i, Department of Transportation

**OA-1890** 53-137 Kamehameha Hwy, O‘ahu 96717 (1) 5-3-001: 015 Leaps & Boundaries, Inc. Trustees of the Estate of Bernice Pauahi Bishop

**MA-727** 1 Ritz Carlton Dr, Maui 96761 (2) 4-2-004: por.014 & por.021 Fukumoto Engineering, Inc. BRE RC Kapalua LLC

### 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-1882** Proposed 44-605 Kane‘ohe Bay Dr, O‘ahu 96744 (1) 4-4-016: 016 Walter P. Thompson, Inc. 20 Baldwin Partners LLC & Phillip K. Binney 2018 Irrevocable Trust

**OA-1883** Proposed 55-295 Kamehameha Hwy, O‘ahu 96762 (1) 5-5-002: 005 Park Engineering Laie Cove LLC

**KA-447** Proposed 4287 ‘Anini Rd, Kaua‘i 96754 (4) 5-3-007: 011 Lucas Breckenridge & Associates, Inc. Anini Beach LLC

### Conservation District Use Applications

Persons interested in commenting on the following Conservation District Use Applications must submit comments to the Department of Land and Natural Resources within thirty days from this date of publication. Comments may be sent to the Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI 96809.

**CDUA KA-3862**
- **Name of Applicant:** State Department of Transportation
- **Location/TMK:** Halele‘a, Hanalei, Kaua‘i / (4) 5-3-001: 016
- **Proposed Action:** Hanalei Valley Lookout
- **343, HRS determination:** Final EA / FONSI published December 8, 2019
- **Applicant’s Contact:** David Sacamano, WSP USA, 210 East 13th Street, Suite 300, Vancouver, WA 98660-3231; (360) 823-6117, david.sacamano@wsp.com
- **OCCL Staff Contact:** Michael Cain, (808) 587-0048, michael.cain@hawaii.gov

**CDUA HA-3863**
- **Name of Applicant:** Frederick W. Gregg Jr.
- **Location/TMK:** Ho‘okena, South Kona, Hawai‘i / (3) 8-6-013: 009
- **Proposed Action:** Single-Family Residence, Landscaping, and Related Improvements
- **343, HRS determination:** Draft EA / AFONSI published February 8th, 2020
- **Applicant’s Contact:** Roy A. Vitousek III, Esq., Cades Schutte LLP, 75-170 Hualalai Rd, Suite B-303, Kailua-Kona, HI 96740 (808) 329-5811, rvitousek@cedes.com
- **OCCL Staff Contact:** Trevor Fitzpatrick, (808) 587-0373, trevorj.fitzpatrick@hawaii.gov
February 8, 2020

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents submitted for publication that have been prepared pursuant to NEPA, rather than Chapter 343, HRS. Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and Chapter 343, HRS (sometimes referred to as "HEPA"). In those cases, a separate Chapter 343, HRS, entry would be published in The Environmental Notice when a relevant document or determination is submitted to OEQC.

Magazines for Long Ordnance, JBPHH West Loch Annex -- FONSI

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<td>Proposing Agency</td>
<td>Department of the Navy</td>
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<td></td>
<td>Naval Facilities Engineering Command Pacific, 258 Makalapa Drive, Suite 100, JBPHH, HI 96860-3134; Attn: EV21KF</td>
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<tr>
<td></td>
<td>Kyle Fujimoto, (808) 472-1442, <a href="mailto:NFPAC-Receive@navy.mil">NFPAC-Receive@navy.mil</a></td>
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<tr>
<td>Consultant</td>
<td>HHF Planners, 733 Bishop Street, Suite 2590, Honolulu, HI 96813; Tom Fee (808) 457-3159</td>
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<tr>
<td>Status</td>
<td>The Navy’s Finding of No Significant Impact (FONSI) is available for download for a 30-day period ending March 9, 2020 For additional information email to: <a href="mailto:NFPAC-Receive@navy.mil">NFPAC-Receive@navy.mil</a> or by mail to: ATTN: Code EV21KF, Naval Facilities Engineering Command Pacific, 258 Makalapa Drive, Suite 100, JBPHH, HI 96860</td>
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The United States Department of the Navy (the Navy) proposes construction of new magazines and secondary development at Joint Base Pearl Harbor-Hickam, West Loch Annex, Oʻahu. The proposed action is necessary for current ordnance storage requirements and safe ordnance operations. The Navy is the lead agency for the Proposed Action, which includes construction of magazines; magazine access roads and concrete aprons; electrical, water, communication, and site drainage improvements; fire hydrants; construction staging areas; perimeter fence and associated patrol road; entry control point at Iroquois Road; gate at North Road and Iroquois Avenue; and closure of public access to West Loch Drive and portions of Iroquois Road and North Road for safety and security considerations. The Proposed Action includes a new bypass road that would replace the function of current public access along West Loch Drive to provide a new public connection extending from Iroquois Road to North Road.

FEDERAL NOTICES

As a courtesy, listed below are some 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.

Proposed Rule: Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (published by the Council on Environmental Quality (CEQ) on 01/10/2020)

In this action, the CEQ is proposing to update its regulations for implementing the procedural provisions of the NEPA. CEQ has not comprehensively updated its regulations since their promulgation in 1978. This proposed rule would modernize and clarify the regulations to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies in connection with proposals for agency action. The proposed amendments would advance the original goals of the CEQ regulations to reduce paperwork and delays, and promote better decisions consistent with the national environmental policy set forth in section 101 of NEPA. If finalized, the proposed rule would comprehensively update and substantially revise the 1978 regulations. CEQ invites comments on the proposed revisions by March 10, 2020. Click on the link above for more information.

Proposed Rule: Pacific Island Fisheries; Sea Turtle Limits in the Hawaii Shallow-Set Longline Fishery (published by the National Oceanic and Atmospheric Administration on 02/04/2020)

NMFS proposes to revise measures that govern interactions between the Hawai’i shallow-set pelagic longline fishery and sea turtles. Based on recommendations from the Western Pacific Fishery Management Council (Council), NMFS would lower the annual fleet interaction limit (“hard cap”) for leatherback sea turtles from 26 to 16, and remove the annual fleet hard cap for North Pacific loggerhead turtles (currently 17). NMFS would also create individual trip interaction limits of two leatherback and five North Pacific loggerhead turtle interactions, with accountability measures for reaching a limit. The proposed rule would provide managers and fishermen with the necessary tools to respond to and mitigate changes in North Pacific loggerhead and leatherback turtle interactions, to ensure a continued supply of fresh domestic swordfish to U.S. markets, consistent with the conservation needs of these sea turtles. The action also ensures that the Hawai’i shallow-set longline fishery operates in compliance with the Reasonable and Prudent Measures and associated Terms and Conditions of a biological opinion issued by NMFS on June 26, 2019. NMFS must receive comments by March 20, 2020. Click on the link above for more information.
Proposed Rule: **Pacific Island Fisheries; Sea Turtle Limits in the Hawaii Shallow-Set Pelagic Longline Fishery** (published by the National Oceanic and Atmospheric Administration on 01/23/2020)

NMFS announces that the Western Pacific Fishery Management Council (Council) proposes to amend the Fishery Ecosystem Plan for the Pelagic Fisheries of the Western Pacific (FEP). Amendment 10 would facilitate management of Hawai’i’s shallow-set longline fishery interactions with sea turtles to ensure a continued supply of fresh domestic swordfish to U.S. markets, consistent with sea turtle conservation. The proposed action would also ensure that the fishery operates in compliance with the Reasonable and Prudent Measures and associated Terms and Conditions of a recent NMFS biological opinion. NMFS must receive comments by March 23, 2020. [Click on the link above for more information.](https://www.federalregister.gov/d/2020-01180)

**Notice: Pacific Island Fisheries; Western Pacific Stock Assessment Review; Public Meeting** (published by the National Oceanic and Atmospheric Administration (NOAA) on 01/31/2020)

NMFS and the Western Pacific Fishery Management Council (Council) will convene a Western Pacific Stock Assessment Review of a 2020 benchmark stock assessment for Hawai’i gray jobfish (uku). The meeting will run from February 24 through 28, 2020, and will be held at the Council office, 1164 Bishop St., Suite 1400, Honolulu, HI 96813. For further information, click on the link above or contact Michael Seki, Director, NMFS Pacific Islands Fisheries Science Center, (808) 725-5360, michael.seki@noaa.gov

**Notice: Marine Mammals; Issuance of Permits** (published by NOAA on 02/04/2020)

Notice is hereby given that individuals and institutions have been issued Letters of Confirmation (LOC) for activities conducted under the General Authorization for Scientific Research on marine mammals. The requested LOC have been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.), and the regulations governing the taking and importing of marine mammals (50 CFR part 216). The General Authorization allows for bona fide scientific research that may result only in taking by Level B harassment of marine mammals. The LOC issued in Fiscal Year 2019 (October 1, 2018-September 30, 2019) included the following one related to Hawai’i:

File Nos. 18101-04 and 18101-05: Issued to Pacific Whale Foundation (Principal Investigator: Jens Currie), 300 Ma‘alaea Road, Suite 211, Wailuku, HI 96793, on June 21, 2019, extended the expiration date of the LOC until August 14, 2019. The LOC was extended for an additional 30 days on August 14, 2019, to expire on September 15, 2019. The objectives do not change from those authorized under LOC No. 18101-03. The research authorizes counts, photo-identification, behavioral observations, focal follows, underwater photography/videography, and photogrammetry of 15 species of cetaceans during vessel line transect surveys within the waters of Maui County, Hawai‘i. The objectives did not change from those previously authorized. LOC No. 18101-05 was subsequently terminated on August 27, 2019, when amended permit No. 21321-01 was issued to Pacific Whale Foundation (84 FR 48600, September 16, 2019).

**Proposed Rule: International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions for Silky Shark, Fish Aggregating Device, and Observer Safety in the Eastern Pacific Ocean** (published by NOAA on 01/24/2020)

NMFS proposes regulations under the Tuna Conventions Act to implement Resolutions C-19-01 (Amendment to Resolution C-18-05 on the Collection and Analyses of Data on Fish-Aggregating Devices); C-19-05 (Amendment to the Resolution C-16-06 Conservation Measures for Shark Species, with Special Emphasis on the Silky Shark (Carcharhinus falciformis), for the Years 2020 and 2021); and C-18-07 (Resolution on Improving Observer Safety at Sea: Emergency Action Plan) of the Inter-American Tropical Tuna Commission (IATTC). NMFS also proposes regulations under the Marine Mammal Protection Act to implement Resolution A-18-03 (On Improving Observer Safety At Sea: Emergency Action Plan) of the Agreement on the International Dolphin Conservation Program (AIDCP). This proposed rule is necessary for the United States to satisfy its obligations as a member of the IATTC and Party to the AIDCP. Comments on the proposed rule and supporting documents must be submitted in writing by February 24, 2020. Click on the link above for additional information.

**Proposed Rule: 2020 Annual Determination To Implement the Sea Turtle Observer Requirement** (published by NOAA on 01/23/2020)

The NMFS publishes this proposed Annual Determination (AD) for 2020, pursuant to its authority under the Endangered Species Act. Through the AD, NMFS identifies U.S. fisheries operating in the Pacific Ocean and elsewhere that will be required to take fisheries observers upon NMFS’ request. The purpose of observing identified fisheries is to learn more about sea turtle interactions in a given fishery, evaluate measures to prevent or reduce sea turtle takes, and implement the prohibition against sea turtle takes. Fisheries identified on the 2020 AD will remain on the AD for a five-year period from the effective date of the final rule and will be required to carry observers upon NMFS’ request. Comments must be received by February 24, 2020. Click on the link above 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(d), 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 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 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 shall 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.

Glossary of Terms and Definitions

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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 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 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).

Maui sunset
Photo by Thomas Hawk