



The Environmental Notice

April 23, 2020

David Y. Ige, Governor

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.



The Golden Sombermark butterfly (*Euselasia chrysippe*) is being proposed as an agent in the battle against extremely invasive Miconia trees

Photo credit: [creaturesnapper](#)

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ANNOUNCEMENTS


During this unprecedented COVID-19 emergency when people have been ordered to shelter at home, several boards have used technology to hold virtual public meetings so that they can continue to do their important work with public participation while keeping everyone safe from infection. The State Office of Information Practices has collected tips and best practices from boards that have held virtual meetings. For the benefit of our readership, the guidance is posted [here](#) and [here](#) on our Sharepoint site. Along these lines, an EIS Public Scoping meeting (noted on [page 5](#) of this issue) will be held in a virtual format.

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS



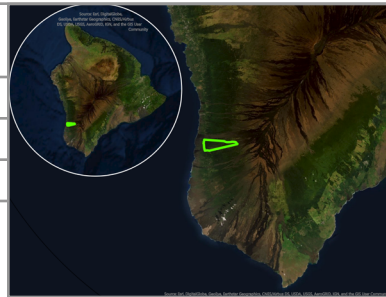
HAWAII

Magic Sands Beach Park Accessibility Improvements--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	North Kona	
TMK(s)	(3) 7-7-008:017, 094, 107; 7-7-010:036 (pors.); ROW of Ali'i Drive	
Permit(s)	• Grading, Grubbing and Driveway Permits (County DPW) • Building Permits and Plan Approval (County DPW and Planning) • Chapter 6E, HRS, determination from State Historic Preservation Division on historic property effects (obtained) • Disability and Communication Access Board plan review and approval • Special Management Area (SMA) Permit/Approval	
Proposing/ Determining Agency	Department of Parks and Recreation (P&R), County of Hawai'i Kevin Sakai, (808) 969-7090, kevin.sakai@hawaiicounty.gov 101 Pauahi St., Suite 6, Hilo, HI 96720	
Consultant	Geometrician Associates; 10 Hina St., Hilo, HI 96720 Ron Terry, (808) 969-7090, rterry@hawaii.rr.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 26, 2020. Click the title link above to access and read the document, then send comments to the proposing/determining agency and copy the consultant.	

P&R proposes to eliminate architectural barriers through replacement of a noncompliant comfort station with an accessible and environmentally improved facility, as well as new accessible parking, showers, walkways, ramps, a picnic table and a barbecue grill. Also included are improvements to drain sumps, and interceptors, utility tie-ins and waterlines, pavement reconstruction and restriping, as well as removal of several trees. No impacts to terrestrial flora or fauna would occur, and the coastal waters and marine biota they support will be protected through extensive BMPs. Traffic impacts are minimal and will be mitigated, no historic sites are present in the area of disturbance, and impacts to cultural resources related to retention of a comfort station in a sensitive area will be mitigated through optimal design.

Kīpāhoehoe NAR Fenceline Clearing and Access--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)	South Kona	
TMK(s)	(3) 8-8-001-005	
Permit(s)	Conservation District Use Permit, Grading Permit and HRS Section 6E Consultation	
Proposing/ Determining Agency	Department of Land and Natural Resources (DLNR), State of Hawai‘i Andrew Taylor, (808) 587-0061, andrew.taylor.researcher@hawaii.gov Division of Forestry and Wildlife, 1151 Punchbowl St., Honolulu, HI 96813	
Consultant	None	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 26, 2020. Click the title link above to access and read the document, then send comments to the proposing/determining agency.	

This project will facilitate native ecosystem preservation of the Kīpāhoehoe Natural Area Reserve in the South Kona District of Hawai'i Island. To gain access and clear for the construction of an ungulate-proof fence that will protect approximately 2,600 acres, the DLNR proposes creating a road and clearing a section of the fenceline with a bulldozer. The DLNR is avoiding impact to sensitive ecosystems by locating the proposed activities on disturbed areas. The proposed road corridor is approximately 2,985 feet long, will be sited on lava flows and installed between the 90 and 91 mile markers off Highway 11. A 60 ft² area for parking, storage, and helicopter landing will be created as part of the road construction. The fenceline being bulldozed is approximately 8,140 feet long and will disturb approximately 4.5 acres of land predominantly composed of invasive strawberry guava with sparse 'ōhi'a overstory. Lengths are approximate and subject to change.

HAWAII (CONTINUED)

West Hawai'i Regional FMA Commercial Aquarium Permits--Final 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	
District(s)	Hawai'i-multiple	
TMK(s)	offshore (no TMKS involved)	
Permit(s)	Commercial Aquarium Fishing Permits issued pursuant to HRS §188-31, Commercial Marine License issued pursuant to HRS 189-2,3, West Hawai'i Aquarium Permit issued pursuant to HAR 13-60.4	
Approving Agency/ Accepting Authority	Department of Land and Natural Resources, State of Hawai'i David Sakoda, (808) 587-0104, david.sakoda@hawaii.gov 1151 Punchbowl St., Room 330, Honolulu, HI 96813	
Applicant	Pet Industry Joint Advisory Council (PIJAC); 925 Fourth Ave., Suite 2900, Seattle, WA 98104 Jim Lynch, (206) 370-6587, jim.lynch@klgates.com	
Consultant	Stantec Consulting Services Inc.; 2300 Swan Lake Blvd., Suite 202 Independence, IA 50644 Terry VanDeWalle, (319) 334-3755, terry.vandewalle@stantec.com	
Status	Final EIS has been submitted to, and is pending acceptance by, the approving agency/accepting authority, which has 30 days from date of receipt to determine acceptability.	

The purpose of the Applicant's action is to ensure that commercial aquarium fish collection allows for the lawful, responsible, and sustainable commercial collection of various fish species from nearshore habitats of the West Hawai'i Regional Fishery Management Area (WHRFMA), except in those areas already designated as no collection areas such as Fish Replenishment Areas. The objective of the proposed action is for the Department of Land and Natural Resources to issue 10 Aquarium Permits for the WHRFMA. Since the release of the Draft EIS, the proposed action has changed, reducing the number of Commercial Aquarium Permits from 14 to 10. This change has resulted in changes to the environmental consequences in Section 5.0 for the Limited Permit Issuance Alternative.

The need for the Applicant's action is to continue commercial aquarium fishers' livelihoods in compliance with all applicable laws, rules, and regulations pertaining to the industry.


Kolekole Gulch Park Accessibility Improvements--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 (2) Propose any use within any land classified as a conservation district	
District(s)	South Hilo	
TMK(s)	(3) 2-8-015:015	
Permit(s)	Plan Approval and Grubbing/Grading, and Building Permit; Conservation District Use Permit; Wastewater System Approval	
Proposing/ Determining Agency	Department of Parks and Recreation (P&R), County of Hawai‘i Kevin Sakai, (808) 961-8939, kevin.sakai@hawaiicounty.gov 101 Pauahi St., Suite 6, Hilo, HI 96720	
Consultant	Geometrician Associates; 10 Hina St., Hilo, HI 96720 Ron Terry, (808) 969-7090, rterry@hawaii.rr.com	
Status	Finding of No Significant Impact (FONSI) determination.	

P&R proposes to eliminate architectural barriers at the park to create safe, appropriate and compliant access for all. Used for decades for picnics, camping and enjoying Kolekole Stream, the park was closed in 2016 to deal with soil lead contamination derived mainly from an adjacent DOT bridge. That issue is being addressed through interagency cooperation. The project would convert restrooms, upgrade septic, renovate pavilions, and conduct drainage, parking, utility, landscaping and accessory facility upgrades. No impacts to terrestrial flora or fauna would occur, and the stream, ocean and aquatic resources they support will be protected through extensive BMPs. No historic sites are present, and the cultural value of the park will be restored through the action.

MAUI

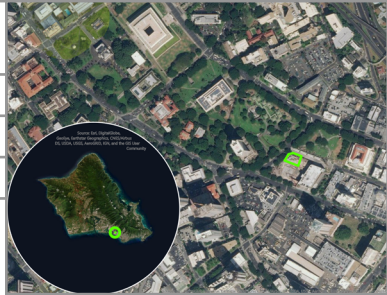
[Auwahi 2 Wind Farm Project--\(EIS Preparation Notice\)](#)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district	
District(s)	Makawao	
TMK(s)	Numerous (see document)	
Permit(s)	County: Special Use Permit, Special Management Area Use Permit; State: Conservation District Use Permit, Incidental Take Permit/License	
Approving Agency/ Accepting Authority	Planning Commission, County of Maui Kurt Wollenhaupt, (808) 270-8205, kurt.wollenhaupt@mauicounty.gov 2200 Main Street, Suite 315, Wailuku, HI 96793	
Applicant	Auwahi Wind 2, LLC; 655 W. Broadway, Suite 950, San Diego, CA 92101 Marie VanZandt, (619) 228-7340, mlvanzandt@aepes.com	
Consultant	Tetra Tech, Inc.; 737 Bishop Street, Suite 2340, Honolulu, HI 96813 Alicia Oller, (808) 441-6655, Alicia.oller@tetrattech.com	
Status	Administrative 30-day public review and scoping comment period starts. Comments are due by May 26, 2020. Click the title link above to access and read the document, then send comments to the approving agency/accepting authority and copy the applicant and the consultant. Pursuant to HAR 11-200.1-23, an EIS public scoping meeting will be held on Thursday, April 30, 2020 at 5 PM. Based on current restrictions associated with the coronavirus pandemic, a virtual format will be used for the scoping meeting, including both phone-based and online-based options for participation. Interested parties can join the meeting by going to https://bit.ly/Auwahi2Wind Participants can also dial in to 833-380-0624. The EIS scoping meeting will include a presentation by Project representatives, followed by a separate portion reserved for oral public comments; all oral comments will be audio recorded.	

Auwahi Wind 2, LLC is proposing to construct a wind farm with a generating capacity of up to 35 megawatts, augmented with an energy storage system. In addition to wind turbines, the Project would include a substation and 34.5 kilovolt generator-tie lines that are planned to be located adjacent to the existing Auwahi Wind Project infrastructure. The existing Auwahi Wind Project operations and maintenance facility, meteorological tower, and construction access route along existing public roadways and pastoral roads (pastoral roads are collectively referred to as Pāpaka Road) would be used with minor modifications.

O'AHU

[City and County of Honolulu Emergency Operations Center--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)	Honolulu	
TMK(s)	(2) 1-042: 013	
Permit(s)	Various (See document)	
Proposing/ Determining Agency	Department of Design and Construction, City and County of Honolulu John Condrey, (808) 768-8486, HonoluluEOC@g70.design 650 S. King St., 11th Floor, Honolulu, HI 96813	
Consultant	G70; 111 S. King St., Suite 170, Honolulu, HI 96813 Mark Kawika McKeague, (808) 523-5866, HonoluluEOC@g70.design	
Status	Finding of No Significant Impact (FONSI) determination.	

The City and County of Honolulu Department of Design and Construction proposes to construct a new Emergency Operations Center (EOC) on City & County of Honolulu property in Honolulu. The EOC is a critical facility that serves as a centralized control center where public safety, emergency response, and support agencies can plan, prepare and respond to a wide variety of hazard events. The new facility will support the Department of Emergency Management (DEM) and the Office of Climate Change, Sustainability and Resiliency (CCSR) by providing a new EOC with ancillary support facilities and offices that will support an increase in staff and consolidate DEM and CCSR functions into one space. Currently EOC operations are situated in the basement level of the Frank F. Fasi Municipal Building, which lacks adequate space when activated. The new EOC will provide the adequate operational space needed to accommodate all required personnel during activation.

STATEWIDE

Miconia Biological Control--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	MAP UNAVAILABLE
District(s)	Statewide	
Permit(s)	USDA-APHIS-PPQ and Board of Agriculture (HDOA Plant Quarantine Branch)	
Proposing/ Determining Agency	Department of Agriculture (HDOA), State of Hawai'i Christopher Kishimoto, (808) 832-0566, christopher.m.kishimoto@hawaii.gov 1849 Auiki St., Honolulu, HI 96819	
Consultant	SWCA Environmental Consultants; 307a Kamani St., Honolulu, HI 96813 Danielle Frohlich, (808) 548-7922, DFrohlich@swca.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 26, 2020. Click the title link above to access and read the document, then send comments to the proposing/determining agency and copy the consultant.	

The HDOA with support from the Hawai'i Department of Land and Natural Resources proposes the field release of a small butterfly, *Euselasia chrysippe*, for biological control of the noxious weed *Miconia calvescens*, which is a fast-growing tree in the melastome family (*Melastomataceae*), and a major threat to forest ecosystems in Hawai'i. Native to Central and South America, miconia is considered one of Hawai'i's most invasive plants. With its exceptionally large leaves, it shades and outcompetes other species, effectively forming a monoculture. Uncontrolled growth can overwhelm highly diverse native wet forest ecosystems that are home to critically endangered species and essential to our freshwater resources.

Euselasia chrysippe is a natural herbivore of miconia in the plant's native range of Costa Rica whose caterpillars feed externally on the leaves of several species of miconia. Extensive testing has shown *E. chrysippe* to be host-specific to miconia and other closely related members of the melastome family, all of which are non-native weeds in Hawai'i. Because *E. chrysippe* is limited to feeding on a small pool of closely related species, all of which are invasive, its release is expected to be beneficial to Hawai'i's forests and hydrology, and adverse effects are expected to be negligible.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. **Comments are due Month 8, 2020.** Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

O'AHU

West O'ahu Solar Plus Storage Project--Draft EA (AFNSI)

KAUA'I

Kaua'i Seabird Habitat Conservation Plan--Draft EA (AFNSI)

EXEMPTION DECLARATION

The Department of Land Management, City and County of Honolulu, has declared the following action exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#):

Kapolei Parkway Mixed-Use TMK: (1) 9-1-160: Portion of 018 [Lots 6 (6.015 acres) and 7 (4.232 acres)]

This Project will be processed under Chapter 201H HRS, which offers flexibility in design and permitting requirements to projects created for lower and moderate income households. The affordable rental units will include 21 units designated for households earning 30% of the Area Median Income (AMI) or below and 383 units designated for households earning 60% of the AMI or below and an additional unit will be used for an onsite resident manager. The Project would remain affordable for a term of 73 years and would meet the City requirements for affordable housing and processing under the 201H Program.

PRIOR AGENCY DETERMINATIONS

The Department of Parks and Recreation (DPR), County of Maui has analyzed the improvements of the proposed Lāna'i Youth Center, which will provide a range of community facilities focused on education, recreation, and community gatherings, against the location, types, and scale of uses evaluated in the 2011 [Final Environmental Assessment and Findings of No Significant Impact \(FONSI\)](#) for the Lāna'i High and Elementary School Master Plan that includes the subject TMK. Accordingly, pursuant to [HAR Section 11-200.1-11](#), DPR has [determined](#) that the proposed Lāna'i Youth Center is consistent with the 2011 FONSI and the proposed project may proceed without further Chapter 343 environmental review.

COASTAL ZONE MANAGEMENT NOTICES

FEDERAL CONSISTENCY REVIEWS

The following federal actions are being reviewed for consistency with the enforceable policies of the Hawai'i Coastal Zone Management (CZM) Program, including [the CZM objectives and policies in Hawai'i Revised Statutes, Chapter 205A](#). Federal consistency, pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA), as amended, generally requires that federal actions, within and outside of the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. This public notice is being provided in accordance with § 306(d)(14) of the CZMA, and federal regulations at 15 CFR § 930.2, § 930.42, and § 930.61. General information about federal consistency is available at the [Hawai'i CZM Program web site](#), or call (808) 587-2878.

For specific information or questions about an action listed below, contact the CZM staff person identified for each action. The CZM Program is required to adhere to federal review deadlines, therefore, comments must be received by the date specified. Comments may be submitted by mail or electronic mail, to the addresses below.

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

Email: john.d.nakagawa@hawaii.gov

FAA Kona International Airport Wind Equipment F-40 Series (WEF) Antenna Demolition and Site Restoration, Kailua-Kona, Hawai'i

Proposed Action: The FAA proposes to demolish and remove two separate wind instruments, Wind Equipment F-40 Series (WEF) antenna and associated structures, at the Kona International Airport, and restore both sites to their original airport condition. The two sites are located near the runway on the makai side, with one site located at the north end of the runway and the second site located at the south end. The demolition will involve the removal of a 30-foot pole, a 4-foot by 4-foot foundation, and power panel at each of the WEF instrument sites. Both sites will be restored to their original airport condition.

Location: Ellison Onizuka Kona International Airport, Kailua-Kona, Hawai'i

Federal Action: Federal Agency Activity

Federal Agency: Federal Aviation Administration (FAA)

Consultant: Ms. Cheryl Quaine, Parsons TSSC

CZM Contact: John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov

Comments Due: May 7, 2020

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: North Kona (7-4-025: 015)	Implementation of Burial Treatment Plan (SMM 20-000427)	Lili'uokalani Trust
Maui: Waiehu (3-2-013: 006)	Replace Grease Interceptor (SM2 20200037)	County of Maui Department of Parks and Recreation
O'ahu: Hale'iwa (6-6-018: 021)	Nowicki Parking Lot and Fencing (2020/SMA-7)	Mitchell Nowicki
O'ahu: Hau'ula (5-3-008: 002)	Type A Utility Installation (2020/SMA-8)	T-Mobile West, LLC/Telecom Site Development Services

SHORELINE NOTICES

APPLICATIONS FOR SHORELINE CERTIFICATION

None

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-1888	Proposed	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 and Recreation
KA-450	Proposed	874 Niulani Rd., Kaua'i, 96746	(4) 4-3-009: 049	Esaki Surveying & Mapping, Inc.	Martine Borges
KA-446	Rejection	4-856 Kūhiō Hwy, Kaua'i, 96746	(4) 4-3-009: 041	Esaki Surveying & Mapping, Inc.	Kauai Kailani AOA

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents provided for publication that have been prepared pursuant to federal NEPA requirements, rather than Hawai'i's Chapter 343, HRS (sometimes referred to as "HEPA"). Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and 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.

[Pōhakuloa Training Area \(PTA\) Real Property Master Plan \(RPMP\) Adoption, Hawai'i Island, Hawai'i](#)

Island/District	Hawai'i / Hamakua, North Hilo, North Kona, South Kohala
TMK(s)	(3) 3-8-001; 4-4-015; 4-4-016; 6-1-003; 6-7-001; 7-1-004 (various parcels)
Proposing & Approving Agency	U.S. Army Garrison, Hawaii (USAG-HI) 947 Wright Avenue, Bldg. 105, Wheeler Army Airfield Schofield Barracks, HI 96857-5013 Greg Wahl, NEPA Program Manager, USAG-HI, usarmy.hawaii.nepa@mail.mil
Consultant	HHF Planners; Pacific Guardian Center, Makai Tower 733 Bishop Street, Suite 2590, Honolulu, HI 96813 Gail Renard, (808) 457-3167, grenard@hhf.com
Status	Programmatic Environmental Assessment (PEA) and Draft Finding of No Significant Impact. Written comments must be received by May 19, 2020 to be considered. Comments may be provided via email to: usarmy.hawaii.nepa@mail.mil (reference "PTA RPMP PEA" in subject line) or mailed to: Directorate of Public Works, Environmental Division (IMHW-PWE), Attn: Greg Wahl, 947 Wright Avenue, Bldg. 105, Wheeler Army Airfield, Schofield Barracks, HI 96857-5013.

Pursuant to the National Environmental Policy Act, U.S. Army Garrison, Hawaii provides notice that a Draft Finding of No Significant Impact has been prepared based on the findings of a Programmatic Environmental Assessment (PEA) and that an Environmental Impact Statement is not required for the adoption of the Pōhakuloa Training Area Real Property Master Plan, Hawai'i Island, Hawai'i.

Adoption of the PTA RPMP (proposed action) is in accordance with Army Regulation 210-20, Real Property Master Planning for Army Installations and reflects the Army's mission requirements and future facility and infrastructure needs for PTA generally over a 20-year time frame. The adoption of the PTA RPMP is an administrative action that would not involve new development, ground disturbance, alteration of any real estate, facility or infrastructure, or changes to activities at PTA. Each individual project listed in the RPMP may be subject to NEPA review when and if adequate information is available for analysis.

Copies of the PEA and Draft FNSI are available for public review at the Hilo Public Library, Kailua-Kona Public Library, and Thelma Parker Memorial Public Library. Copies can also be obtained by contacting the Army via email at usarmy.hawaii.nepa@mail.mil (reference "PTA RPMP PEA" in subject line) or online at <https://home.army.mil/hawaii/index.php/garrison/dpw/nepa>

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS (CONTINUED)

Dillingham Waterline for Ka'ena Point Satellite Tracking Station (KPSTS) Final EA and FONSI/FONPA

Island/District	O'ahu / Waialua
TMK(s)	(1) 6-9-003: 002 & 004; 6-9-001: 004; 6-9-005: 005, 006 & 007; 6-9-004: 019, 021 & 023
Permit(s)	General Stormwater Permits for Construction Activities and Hydrotesting, Community Noise Permit, and DLNR Right-of-Entry Permit
Proposing & Approving Agency	United States Space Force, Detachment 3, 21st Space Operations Squadron 10 Hickam Ct., Unit 4, JBPHH, HI 96853-5208 Contact: Lance Hayashi, (808) 697-4314
Status	Publication of Final EA and FONSI/FONPA. Inquiries regarding this document should be directed to agency contact.

This is the Final EA and FONSI/FONPA for the Dillingham Waterline repair, upgrade, or replacement project. The first draft EA and anticipated FONSI were originally published in the OEQC Bulletin for public comment on August 8, 2013, and a second draft was published on February 23, 2020. The Proposed Action involves repair, upgrade, or replacement, maintaining current size and capacity, of up to 4 miles of the existing water transfer system within the existing right-of-way from YMCA Camp Erdman to Building 30 at KPSTS to provide KPSTS with a reliable source of potable water and to minimize worker exposure to potentially hazardous conditions during repair activities along the waterline. The Proposed Action and No Action Alternative have been reviewed in accordance with NEPA as implemented by the regulations of the CEQ and 32 CFR Part 989. Implementation of the Proposed Action would not result in significant impacts to the quality of the human or natural environment.

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.

Notice: [Hydrographic Services Review Panel Meeting](#) (published by the National Oceanic and Atmospheric Administration on 04/08/2020)

This announcement is a correction and replaces the prior public meeting notice for a meeting scheduled for April 28-30, 2020. The meeting originally scheduled for April 28-30, 2020, which will focus on Hawaii and the Pacific, has been postponed to the week of September 21, 2020, in O'ahu, Hawai'i. This serves as a correction and **notice of a new meeting for the Hydrographic Services Review Panel (HSRP) who will have a virtual public meeting on April 28, 1 p.m. EDT, by webinar**. For the virtual public meeting on April 28, 2020, 1 p.m. EDT, the public comments are requested in advance and/or during the public comment period. Information about the HSRP meetings, agendas, presentations, and advance webinar registration, is posted and updated online. Please click on the title link for meeting documents available for download and for information about connecting to the meeting.

The panel is convening on issues relevant to NOAA's navigation services, including stakeholder use of navigation services data, products and services, Seabed 2030 and ocean mapping plans, hydrographic surveys, nautical charting including the Five-Year Plan for Sunsetting Traditional NOAA Paper Charts, the National Spatial Reference System (NSRS) and datums updates for 2022, legislative priorities and other topics. Navigation services include the data, products, and services provided by the NOAA programs and activities that undertake geodetic observations, gravity modeling, shoreline mapping, bathymetric mapping, hydrographic surveying, nautical charting, tide and water level observations, current observations, flooding, inundation and sea level rise, marine modeling, and related topics. This suite of NOAA products and services support safe and efficient navigation, resilient coasts and communities, and the nationwide positioning information infrastructure to support America's commerce. The Panel will hear about the mission and use of NOAA's navigation services, the value these services bring, and what improvements could be made.

Notice: [Western Pacific Fishery Management Council; Public Meetings](#) (published by the National Oceanic and Atmospheric Administration on 04/20/2020)

The Western Pacific Fishery Management Council (Council) will hold a meeting of the Pacific Pelagics Fishery Ecosystem Plan (FEP) Plan Team (PT) to discuss fishery management issues and develop recommendations to the Council for future management of pelagic fisheries in the Western Pacific region. The meeting will be held by web conference on May 6-8, 2020. Audio and visual portions of the web conference can be accessed at: <https://wprfmc.webex.com/join/info.wpcouncilnoaa.gov> Web conference access information is available on the Council's website at www.wpcouncil.org and by clicking on this entry's title link.

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 (discretionary consent) for a proposed action per [HRS 343-2](#).

Draft Environmental Assessment

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

Final Environmental Assessment and Finding of No Significant Impact

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

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPEN) along with the supporting Final EA. After the notice of the FEA-EISPEN is published in this bulletin, the public has 30 days to request to become a consulted party and to make written comments. The public (including the Applicant) has 60 days from the notice of the EISPEN in this bulletin to ask a court to not require the preparation of an EIS.

Act 172-2012, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)

Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. The agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPEN) with a completed OEQC publication form detailing the specifics of the action. 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 EISPEN 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 EISPEN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigation measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPEN comment period in a point-by-point manner.

Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a Final EIS (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. 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.



Maui sunset

Photo by [Thomas Hawk](#)

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).