



The Environmental Notice

June 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.



From the past, into the future; an alignment of old and new transportation modes in 'Ewa, west O'ahu

Photo from [Draft EA for Farrington Highway Improvements](#)

TABLE OF CONTENTS

ANNOUNCEMENTS	2	New Hope Oahu Renovations & Addition--Draft EA (AFNSI) ..	6
STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS / DETERMINATIONS	2	PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT	6
HAWAI'I:		EXEMPTION LIST REVIEW	6
West Hawai'i Regional FMA Commercial Aquarium Permits (Non-acceptance of Final EIS)	3	CONSERVATION DISTRICT USE APPLICATIONS	7
Kīpāhoehoe NAR Fence Clearing & Access--Final EA (FONSI) ..	3	COASTAL ZONE MANAGEMENT NOTICES:	
MAUI:		Special Management Area (SMA) Minor Permits	7
Kānahā Hotel at Kahului Airport (EIS Preparation Notice) ..	4	SHORELINE NOTICES:	
O'AHU:		Applications for Shoreline Certification	8
Farrington Highway Improvements--Draft EA (AFNSI)	4	Proposed Shoreline Certifications and Rejections	8
Kapa'a Light Industrial Park (Supplemental EISPN)	5	NATIONAL HISTORIC PRESERVATION ACT (NHPA), SECTION 106 CONSULTATION	8
820 Isenberg St. Redevelopment (Withdrawal of EISPN)	5	STATE NOTICES	9
REVISED ORDINANCES OF HONOLULU, CHAPTER 25 DOCUMENT:		FEDERAL NOTICES	9
		GLOSSARY OF TERMS AND DEFINITIONS	10

ANNOUNCEMENTS

The Office of Environmental Quality Control (OEQC) takes this opportunity to remind those interested in Hawai'i's environmental quality that [HRS Chapter 341](#) established both OEQC and the Environmental Council (EC) as separate but interrelated programs "to stimulate, expand and coordinate efforts to determine and maintain the optimum quality of the environment of the State."

Both programs are attached to the Department of Health. The EC is a 15 member board--with no dedicated staff or line item budget--who are appointed by the Governor and includes the OEQC Director as an *ex officio* voting member. Their purpose is to serve as a liaison between the Director of OEQC and the general public by soliciting information, opinions, complaints, recommendations, and advice concerning ecology and environmental quality.

Notable amongst the powers and authorities of the EC conferred by [HRS Chapter 343](#) is their rule-making authority over the environmental review process (i.e., they promulgated Hawai'i Administrative Rules [Chapter 11-200.1](#)). Another power authorized by HRS Chapter 343 but rarely utilized is the ability for the EC to hear appeals by applicants over the non-acceptance of an Environmental Impact Statement by an approving agency. [HAR Chapter 11-201](#) establishes the rules and practices of the EC.

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS / DETERMINATIONS



HAWAII

West Hawai'i Regional FMA Commercial Aquarium Permits (Non-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	Grandfathered under old rules 
Districts/TMKs	multiple / N/A	
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	Department of Land and Natural Resources, State of Hawai'i David Sakoda, (808) 587-0104, david.sakoda@hawaii.gov 1151 Punchbowl Street, 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	The approving agency announced their determination to not accept the FEIS on May 30, 2020.	

Pursuant to HRS Section 343-5(e), the applicant has filed an appeal of this non-acceptance with the Environmental Council.

Kīpāhoehoe NAR Fence Clearing and Access--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 Kona	
TMK(s)	(3)-8-8-001:005	
Permit(s)	Conservation District Use Permit, Grading Permit, HRS Section 6E Consultation	
Proposing/Determining Agency	Department of Land and Natural Resources, State of Hawai'i Andrew Taylor, (808) 587-0061, andrew.taylor.researcher@hawaii.gov 1151 Punchbowl Street, Honolulu, HI 96813	
Consultant	None	
Status	Finding of No Significant Impact (FONSI) determination	

The overall purpose of the road and grubbing project is to 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 a hooved animal-proof fence that will protect approximately 2,600 acres, the Division of Forestry and Wildlife proposes creating a road and also clearing a section of the fenceline with a bulldozer. The Division is avoiding impact to sensitive ecosystems by locating the proposed activities on disturbed areas. The proposed road corridor is approximately 2,985 feet long and will be sited on lava flows. The road will be installed between the 90 and 91 mile markers off Highway 11. A 60 ft by 60 ft area for parking, storage, and helicopter landing will be cleared and leveled as part of the road construction. The fenceline proposed to be cleared is approximately 8,140 feet long and will disturb approximately 4.5 acres of land. Lengths are approximate and subject to change.

MAUI

Kanahā Hotel at Kahului Airport (EIS Preparation Notice)

HRS §343-5(a) Trigger	(6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation	
District(s)	Wailuku	
TMK(s)	(2) 3-8-103: 014 (portion), 015 (portion), 016, 017, 018	
Permit(s)	Numerous (see document)	
Approving Agency	Land Use Commission, State of Hawai'i Mr. Daniel E. Orodener, Executive Officer, (808) 587-3822, dbedt.luc.web@hawaii.gov P.O. Box 2359, Honolulu, HI 96804-2359	
Applicant	R.D. Olson Development; 520 Newport Center Drive, Suite 600, Newport Beach, CA 92660 Mr. Anthony Wrzosek, Vice President, (949) 271-1109, anthony.wrzosek@rdodevelopment.com	
Consultant	Chris Hart & Partners, Inc.; 115 North Market Street, Wailuku, Hawai'i 96793 Mr. Brett A. Davis, Senior Planner, (808) 242-1955, bdavis@chpmaui.com	
Status	Administrative 30-day public review and comment period starts. Comments are due by July 23, 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 Monday July 20, 2020 at 10:00am HST. 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://us02web.zoom.us/j/7021666279 The EIS scoping meeting will include a presentation by Project representatives, followed by a separate portion reserved for public oral comments; all oral comments will be audio recorded.	

It is anticipated that the hotel project will be constructed in a single phase — the construction will start in 2022 and the hotel will be open for business in 2024. The proposed action is to develop a 200-unit Hotel with associated infrastructure and landscaping. The proposed hotel building varies from one (1) two (2) and four (4) stories in height and will be massed toward the center of the Project Site with generous setbacks on all sides accommodating the width of a landscape buffer, the width of two parking stalls and a parking lot drive isle. A shuttle will provide free transportation within a 2 mile radius of the hotel, including pick up and drop off to and from the Kahului Airport. Amenities and uses include but are not limited to, swimming pool, dining area, and other typical and similar incidental support services and accessory uses for Hotel operation.

O'AHU

Farrington Highway 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/TMKs	'Ewa / numerous (see document)	
Permit(s)	Numerous (see document)	
Proposing/Determining Agency	Department of Design and Construction, City and County of Honolulu Charmaine Tadjvar, (808) 768-8820, ctadjvar@honolulu.gov 650 South King Street, 11th Floor, Honolulu, HI 96813	
Consultant	G70; 111 South King Street, Suite 170, Honolulu, HI 96813 Tracy Camuso, (808) 523-5866, tracyc@g70.design	
Status	Statutory 30-day public review and comment period starts. Comments are due by July 23, 2020. Click the title link above to read the document, then email comments to the proposing agency at farhwy@g70.design	

Improvements to Farrington Highway are being proposed to enhance sub-regional roadway connectivity and mobility, increase capacity for future transportation demands from adjoining developments, and accommodate multimodal transportation along an approximately three-mile section of Farrington Highway in the 'Ewa region. The project is planned to improve the two-lane section of Farrington Highway, between Kapolei Golf Course Road and Old Fort Weaver Road, to a four-lane roadway, as well as installation of a new roadbed, curbs, gutters, sidewalks, and a landscaped median strip. The project will require relocation of transmission and distribution utilities to accommodate improvements, along with new bridge construction and drainage improvements. The 'Ewa region is outgrowing existing infrastructure and will require upgrades to meet planning and design standards. The project will meet these demands through improvements to the transportation and utility infrastructure.

O‘AHU (CONTINUED)

Kapa‘a Light Industrial Park (Supplemental EIS Preparation Notice)

HRS §343-5(a) Trigger	(6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation	
District(s)	Ko‘olaupoko	
TMK(s)	(1) 4-2-015: 013 & 014	
Permit(s)	Numerous (see document)	
Approving Agency	Department of Planning and Permitting, City and County of Honolulu 650 South King Street, 7th Floor, Honolulu, HI 96813 Zack Stoddard, (808) 768-8019, zachary.stoddard@honolulu.gov	
Applicant	KAPAA I, LLC and KAPAA III, LLC; 905 Kalaniana‘ole Highway, Kailua, HI 96734 Paul and John King, (808) 261-8991, sustainableDC@gmail.com	
Consultant	Sustainable Design & Consulting, LLC; P.O. Box 25914, Honolulu, HI 96825 Manfred Zapka, (808) 265-6321, sustainableDC@gmail.com	
Status	Administrative 30-day public review and comment period starts. Comments are due by July 23, 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. A EIS Public Scoping meeting will be held online on July 2, 2020 at 2:30pm; register by emailing sustainableDC@gmail.com	

A supplemental EIS is being prepared for modifications to the Kapa‘a Industrial Park. The [Final EIS](#) for the project was accepted on 10/11/2011. There are 35 existing warehouses and 13 acres of outdoor equipment storage. The proposed modifications involve the stormwater management system, the number of structures and building area, grading, perimeter berms, the irrigation system, the wastewater system, and roadway access. The modifications require a supplemental EIS because they may have significant environmental impacts and because mitigating measures will not be implemented as described in the EIS.

820 Isenberg Street Redevelopment (Withdrawal of EIS Preparation Notice)

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)	Honolulu	
TMK(s)	(1) 2-7-008: 018 and 020	
Permit(s)	Numerous (see document)	
Proposing Agency	Department of Hawaiian Home Lands, State of Hawai‘i Darrell Ing, (808) 620-9276, darrell.h.ing@hawaii.gov P.O. Box 1879, Honolulu, HI 96805	
Consultant	None	
Status	The proposing agency is withdrawing the EISPN published on May 8, 2018	

The [EISPN](#) was published in the May 8, 2018 edition of The Environmental Notice, noting that DHHL anticipated releasing a request for proposals (RFP) for potential developers of the project site. A Draft EIS would follow to address the impacts of alternatives based on the proposals received during the RFP process.

Subsequently, DHHL decided to reformulate the RFP so that the developer will responsible for compliance with HRS Chapter 343 as well as all other applicable requirements. The RFP was issued, development proposals were received and evaluated, and a developer has been selected. The range of development options contemplated in the EISPN has now been narrowed to a specific proposal, the impacts of which can be identified and addressed in an anticipated Environmental Assessment, along with a rigorous evaluation of other alternatives for use of the site.

REVISED ORDINANCES OF HONOLULU, CHAPTER 25 DOCUMENT

Use of the Special Management Area (SMA) is not a trigger under HRS Chapter 343; however, pursuant to [Revised Ordinances of Honolulu, Chapter 25](#), major developments in O’ahu’s SMA are required to go through an environmental review process that mirrors the procedural requirements of [HRS Chapter 343](#). Developments being reviewed under ROH Chapter 25 appear here.

[New Hope Oahu Renovations and Addition--Draft EA \(AFNSI\)](#)

District/TMK	Honolulu / (1) 1-2-021: 026
Permit(s)	SMA Use Permit (Major), Building Permit, Grading/Grubbing Permit
Approving Agency	Department of Planning and Permitting, City and County of Honolulu 650 South King Street, 7th Floor, Honolulu, HI 96813 Jordan Dildy, (808) 768-8027, jdildy@honolulu.gov
Applicant	New Hope Oahu; 290 Sand Island Access Road, Honolulu, HI 96819 (808) 528-4661, tkim@environcom.com
Consultant	Environmental Communications, Inc.; P.O. Box 236097, Honolulu, HI 96823 Taeyong Kim, (808) 528-4661, tkim@environcom.com
Status	30-day public review and comment period starts. Comments are due by July 23, 2020. Click the title link above to access and read the document, then send comments to the approving agency and copy the applicant and the consultant.

The proposed action consists of improvements to an existing two-story warehouse-type building, the demolition of an existing single-story warehouse-type building, and the construction of a three-level parking garage.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. Please click on the links below to access, and send comments to the relevant agency and copy any relevant applicant and/or consultant.

COMMENTS DUE JULY 7, 2020

O’AHU

[BWS Beretania Complex Redevelopment--Draft EIS](#)

COMMENTS DUE JULY 8, 2020

HAWAI’I

[Garrett Single-Family Residence and Farm at Maku’u--Draft EA \(AFNSI\)](#)

MAUI

[Kahului Harbor Hawaiian Cement Facility Relocation--Draft EA \(AFNSI\)](#)

O’AHU

[Windward District Operations Base Station at Kailua Beach Park--Draft EA \(AFNSI\)](#)

EXEMPTION LIST REVIEW

The following agency exemption list has been submitted to the Environmental Council (EC) for review and concurrence. At the request of the EC, this draft exemption list is being published for public review and comment; please click on the link below to view the list, and **submit any comments by July 8, 2020** to: oeqchawaii@doh.hawaii.gov

[Department of Design and Construction, City and County of Honolulu](#) (reviewed by EC on June 2, 2020)

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 via the hyperlinked File No. below or on the OCCL website at dlnr.hawaii.gov/occl.

File No.: [CDUA OA-3867](#)
Name of Applicant: City & County of Honolulu, Dept. of Design and Construction
Name of Consultant: Oceanit Laboratories, Inc.
Proposed Action: [Waikīkī Seawall Mitigative Improvements Project](#)
Location: Waikīkī, Honolulu, O‘ahu
TMK(s): (1) 3-1-030: 001, 003, & 004, and (1) 3-1-031: 004 & 005, and seaward of all parcels
343, HRS determination: [FEA/FONSI](#) was published in December 8, 2017 issue of The Environmental Notice
Applicant’s Contact: Clifford Lau, (808) 768-8478, clau1@honolulu.gov
Consultant Contact: Cris Takushi, (808) 531-3017, ctakushi@oceanit.com
OCCL Staff Contact: Salvatore Saluga, (808) 798-6147, salvatore.j.saluga@hawaii.gov

COASTAL ZONE MANAGEMENT NOTICES

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

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

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai‘i: South Hilo (2-6-004: 008)	Conversion of Single-Family Dwelling to 3-Plex (SMM 20-000428)	Duncan Hoke & Debra McAuley
Kaua‘i: Kapa‘a (4-3-007: 017, 027 and 4-3-009: 041)	Temporary Stockpiling and Dewatering of Sand (SMA(M)-2020-22)	Association of Unit Owners, Kaua‘i Kailani Condominiums
Maui: Hāna (1-3-009: 070)	Construct 4 Agricultural Buildings, Tank and Site Work (SM2 20190048)	Frank Gasztonyi
Maui: Kahului (3-7-008: 017)	Hawaiian Canoe Club-OCI Addition (SM2 20200051)	Hawaiian Kamali‘i Inc.
Maui: Lahaina (4-2-002: 005)	Remove, Replace and Repair Pool Deck and Pool Equipment Enclosure (SM2 20200052)	Steve Hartford, President – Puna II AOA
Maui: Kahului (3-7-010: 009)	Closure of 2 Cesspools (SM2 20200053)	A&B Properties Hawaii, LLC
Maui: Kahului (3-8-001: 092)	Replacement Oil Aboveground Storage Tank (SM2 20200054)	Andrew Lazazzera
Maui: Lahaina (4-5-004: 024)	Demolition of Existing Dwelling and Carport (SM2 20200055)	David Rouda, Agent
O‘ahu: Maunaloa (3-9-026: 044)	Replace Existing Footbridge (2020/SMA-12)	Evershine II LP/Wilson Okamoto Corporation
O‘ahu: Diamond Head (3-1-042: 018 and 027)	Fort Ruger Building Alteration (2020/SMA-16)	Burns & McDonnell Engineering Company/Christine L. Kinimaka
O‘ahu: Kapolei (9-1-026: 049)	Allied Trucking Second Driveway (2020/SMA-21)	Michael Tanaka/JBC Engineering

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-1900	2957 Kalākaua Avenue, O'ahu 96815	(1) 3-1-032: 026, 027, & 028	Jaime F. Alimboyoguen	Barbara A. Mahon, President DHA
OA-1901	91-101, 91-295, 91-303, 91-309, and 91-317 Papipi Road, O'ahu 96706	(1) 9-1-011: 004 to 007; 9-1-134: 006 & 044	R.M. Towill Corporation	City and County of Honolulu, Department of Parks and Recreation
MA-739	100 Nohea Kai Drive, Maui 96761	(2) 4-4-013: 001	Warren S. Unemori Engineering Inc.	Maui Ocean Club
HA-588	Lot 11 Waikoloa Lot 2 Subdivision, Hawai'i	(3) 6-9-009: 011	Thomas Pattison	Naupaka 11 LLC
KA-454	4-856 Kūhiō Highway, Kaua'i 96746	(4) 4-3-009: 041	Esaki Surveying & Mapping, Inc.	Kauai Kailani AOA

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-1894	Proposed	41-505 Kalaniana'ole Highway, O'ahu 96795	(1) 4-1-002: 007	Kenn Nishihira	Waimanalo Paradise LLC
HA-586	Proposed	Hawai'i Belt Road (no assigned address), Hawai'i	(3) 3-2-001: 001	Daniel Berg, dlb & associates, LLC	Lili'uokalani Tr, George Hirowatari
KA-453	Proposed	3736, 3746 'Anini Road, Kaua'i	(4) 5-3-005: 005, 006, & 010	Esaki Surveying & Mapping, Inc.	County of Kaua'i

NATIONAL HISTORIC PRESERVATION ACT (NHPA), SECTION 106 CONSULTATION

[Waiaha Well B Project](#)

Island	Hawai'i
District / TMKs	North Kona / (3) 7-5-014: 016 and 7-5-015: 015
Proposing Agency	State of Hawai'i, Department of Health (DOH), Environmental Management Division, Safe Drinking Water Branch 2385 Waimano Home Road, Suite 110, Uluakupu Building 4, Pearl City, HI 96782-1400
Status	Send comments no later than August 24, 2020 to Proposing Agency, Attention: Ms. Joan Corrigan

The DOH initiates Section 106, NHPA consultation with the State Historic Preservation Division (SHPD) pursuant to 36 CFR Part 800. The U.S. Environmental Protection Agency (EPA) delegated DOH to act on EPA's behalf, pursuant to 36 CFR §800.2(c)(4) when initiating a Section 106, NHPA process for projects funded under the Hawai'i Drinking Water State Revolving Fund (DWSRF). Under the DWSRF, the DOH may provide funding to the County of Hawai'i, Department of Water Supply (DWS) for the Waiaha Well B Project. The Final Environmental Assessment for the project is available [here](#).

The use of federal funds 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 proposed project includes plans to construct: (i) a second production well, (ii) a 700-gallon per minute pump, (iii) a new pump control and chlorination building; and (iv) a chain link security fence around these new facilities. These additions would be built within DWS' existing Waiaha Well and Reservoir facility (State Well No. 3857-004) and are intended to improve reliability in the North Kona Water System. The DOH anticipates requesting SHPD's concurrence with its project determination of no historic properties affected.

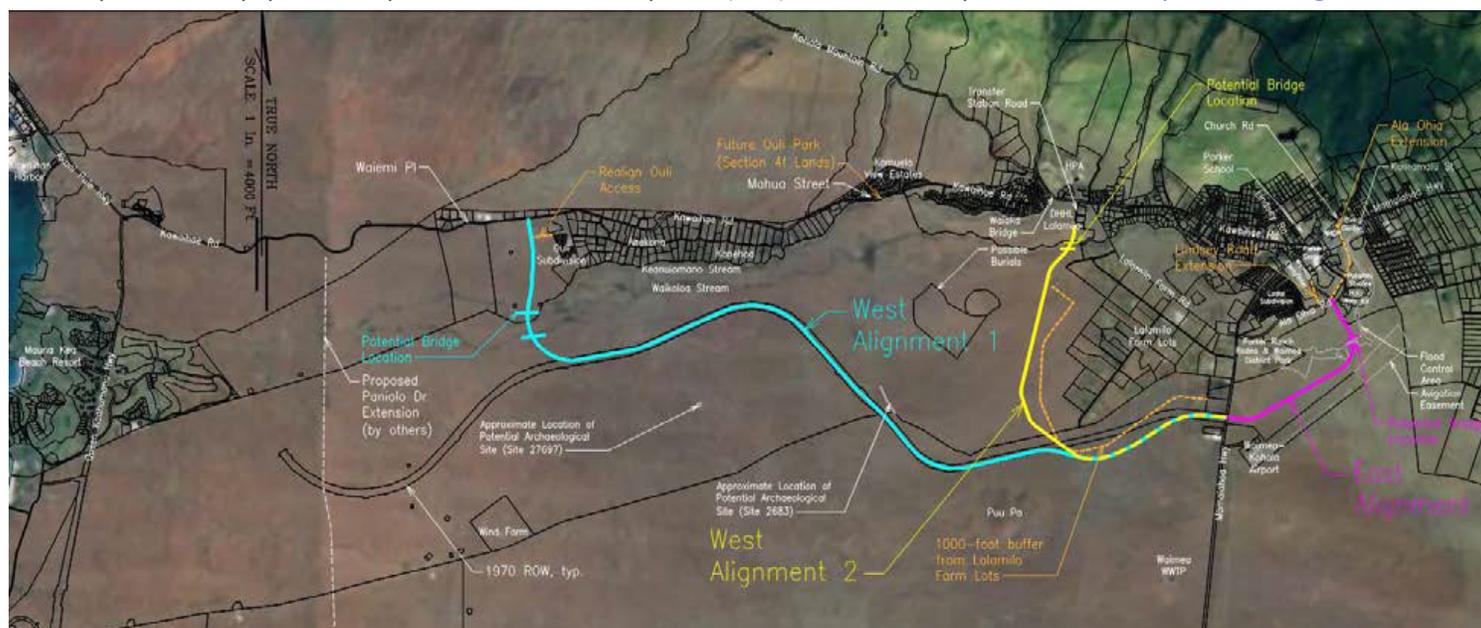
STATE NOTICES

Waimea Regional Safety Study

The Hawai'i Department of Transportation, Highways Division conducted a Planning and Environment Linkages (PEL) study for the Waimea Regional Safety Project, previously called the Kawaihae Mini-Bypass Project. A total of seven community meetings and one walk audit were held between October 2018 and August 2019. SSFM has prepared a PEL Report to document the PEL process and the recommended alternatives. The recommended alternatives documented in the PEL Report will undergo environmental review under HRS 343 and NEPA, as required.

The PEL Report is now available for download and review on the project website at <http://www.waimearegionalsafetystudy.com/> or by clicking the title link of this entry. If you would like to have a hard copy mailed to you, please contact Jennifer Scheffel at jscheffel@ssfm.com or (808) 356-1273. We would greatly appreciate your cooperation in **providing us with written comments by July 15, 2020**. Please address your written comments to Jennifer Scheffel at jscheffel@ssfm.com. You may also mail your comments to: SSFM International, Inc. (Attn: Jennifer Scheffel) 99 Aupuni Street, Suite 202, Hilo, HI 96720

Should you have any questions, please contact Brian Tyau at (808) 587-6390 or by email at brian.tyau@hawaii.gov.



Bypass options explored at one of various PEL meetings

Image from [PEL Report Appendices](#)

FEDERAL NOTICES

As a courtesy, listed below is a relevant entry published in the Federal Register since the last issue of *The Environmental Notice*. For more information, click on the title link, also available at www.federalregister.gov.

Rule: International Fisheries; Eastern Pacific Tuna Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Area of Overlap Between the Convention Areas of the Inter-American Tropical Tuna Commission and the Western and Central Pacific Fisheries Commission (published by the National Oceanic and Atmospheric Administration on 06/22/2020)

Under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA) and the Tuna Conventions Act, NMFS issues this final rule that revises the management regime for U.S. fishing vessels that target tunas and other highly migratory fish species in the area of overlapping jurisdiction in the Pacific Ocean between the Inter-American Tropical Tuna Commission (IATTC) and the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC). The rule applies all regulations implementing IATTC resolutions in the area of overlapping jurisdiction and some regulations implementing WCPFC provisions. NMFS is undertaking this action based on an evaluation of the management regime in the area of overlapping jurisdiction, in order to satisfy the obligations of the United States as a member of the IATTC and the WCPFC, pursuant to the authority of the WCPFCIA and the Tuna Conventions Act.

This rule is effective on July 22, 2020, except for 50 CFR 300.218, which is delayed. NOAA will publish a document in the Federal Register announcing the effective date. 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 (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 (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 discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

Draft Environmental Impact Statement

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigation measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPN comment period in a point-by-point manner.

Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a Final EIS (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. For Applicant projects, the Approving Agency is the Accepting Authority and must make a determination within 30 days or the FEIS is deemed accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

Acceptability

The Accepting Authority must be satisfied that the FEIS meets three criteria (process, content, response to comments) to accept it. If the FEIS is accepted, notice is published in this bulletin. The public has 60 days from publication to challenge the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a non-acceptance determination.



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).