



The Environmental Notice

August 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.



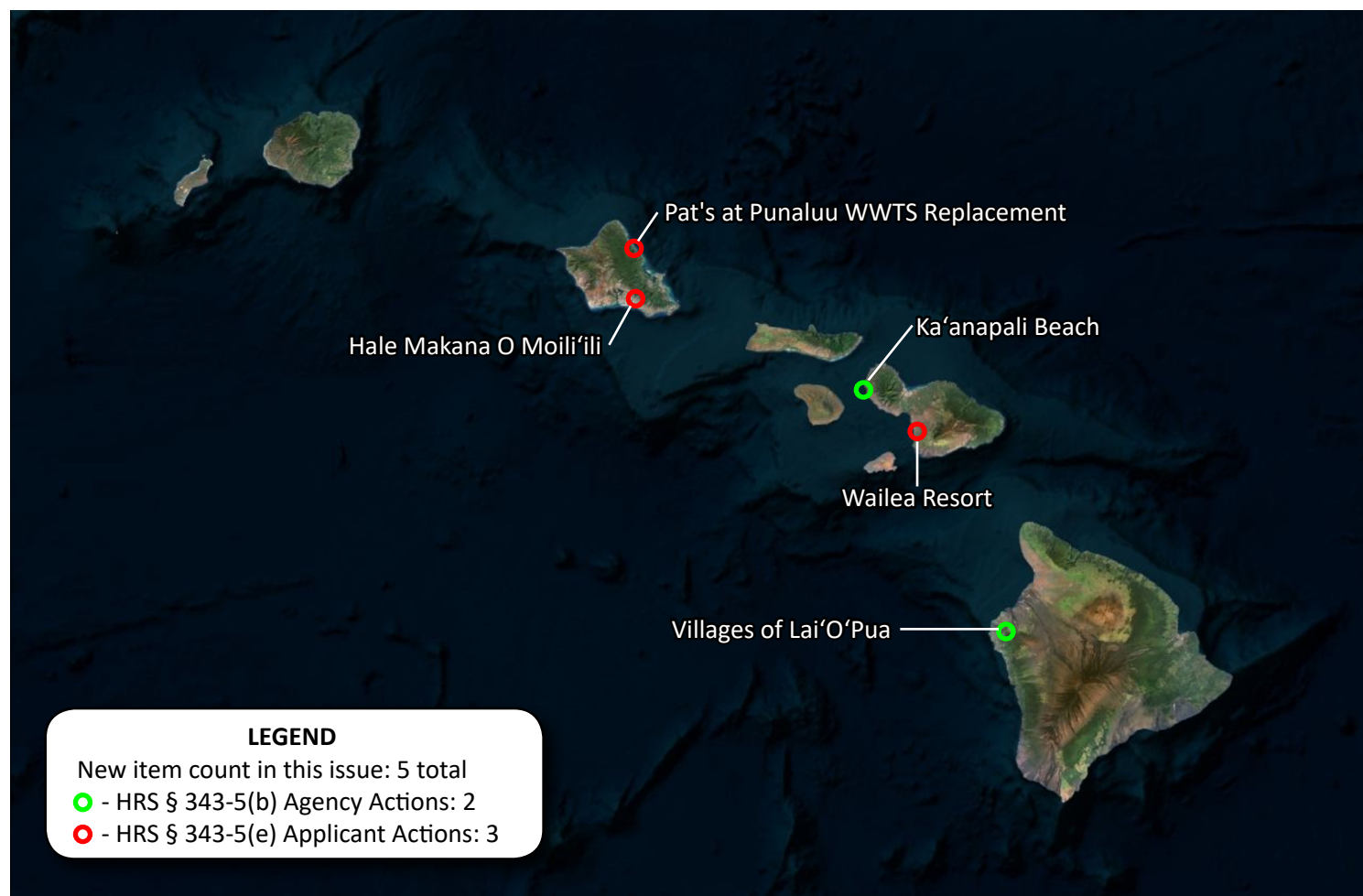
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ANNOUNCEMENTS


For users of OEQC's [Online Submittal Form](#), we are aware of occasional problems with uploading large files over 100MB and are working to resolve this situation. As always, we encourage filers to submit prior to the deadline, thereby providing ample time to work through any problems if they are encountered. Feel free to contact the office by phone [(808) 586-4185] or [email](#) if you need guidance or support with submittals.

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS / DETERMINATIONS



MAUI

Wailea Resort SF-7A/MF-12/MF-13 Residential Project Volume I and Volume II--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)	Makawao	
TMK(s)	(2) 2-1-008:130	
Permit(s)	Special Management Area (SMA) Use Permit, Planned Development Steps II and III Approvals, and County Special Use Permit; numerous others (see document)	
Approving Agency	County of Maui, Maui Planning Commission c/o Tara Furukawa, (808) 270-7735, Tara.Furukawa@co.maui.hi.us Department of Planning, 2200 Main Street, One Main Plaza, Room 315, Wailuku, HI 96793	
Applicant	Wailea Resort Phase 2 Development LLC; 590 Lipoa Parkway, Suite 259, Kihei, HI 96753 Paul Woodward, (808) 829-4067, planning@munekiyohiraga.com	
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Yukino Uchiyama, (808) 983-1233, planning@munekiyohiraga.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by September 22, 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.	

Wailea Resort Phase 2 Development LLC proposes to develop a resort residential project and related improvements on approximately 46.2 acres of land at TMK No. (2) 2-1-008:130 in Wailea, Maui. The proposed project will consist of a total of 289 units including 51 zero lot line homes, 92 townhome/duplex homes and 146 multi-family units of which approximately 23 will be transient vacation rental units (consisting of up to 50 bedrooms). The residential units will be developed under a Condominium Property Regime. Various residential amenities and related infrastructure improvements are also proposed as part of the project.

The proposed action involves infrastructure improvements along Okolani Drive, a County right-of-way, which is a trigger for the preparation of a Chapter 343, Environmental Assessment. In addition, a Special Management Area Use Permit, Planned Development Step II and Step III approvals, and County Special Use Permit will be required for the project.

Ka'anapali Beach Restoration and Berm Enhancement--Draft 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 (3) Propose any use within a shoreline area	
District(s)	Lahaina	
TMK(s)	Numerous (see document)	
Permit(s)	Numerous (see document)	
Proposing/ Determining Agency	Department of Land and Natural Resources, State of Hawai'i Sam Lemmo, (808) 587-0377, sam.j.lemmo@hawaii.gov 1151 Punchbowl St., Honolulu, HI 96813	
Accepting Authority	Governor, State of Hawai'i; Executive Chambers, State Capitol, 415 S. Beretania St., Honolulu, HI 96813 David Ige, (808) 586-0034, https://governor.hawaii.gov/contact-us/contact-the-governor	
Consultant	Sea Engineering Inc.; Makai Research Pier, 41-305 Kalaniana'ole Hwy., Waimānalo, HI 96795 Christopher Conger, (808) 259-7966, cconger@seaengineering.com	
Status	Statutory 45-day public review and comment period starts. Comments are due by October 7, 2020. Click the title link above to access and read the document, then send comments to the accepting authority and copy the proposing agency and the consultant.	

Beach restoration is proposed for the section of Ka'anapali Beach between Hanakao'o Beach Park and Hanakao'o Point. Beach berm enhancement, which would raise the elevation of the dry beach by 3.5 feet, is proposed for the section between Hanakao'o Point and Pu'u Keka'a. The approximately 75,000 cubic yards of sand needed for the proposed project would be recovered from an 8.5-acre sand deposit, located approximately 150 feet offshore of Pu'u Keka'a in 28 to 56 feet water depth. The proposed sand recovery method consists of a moored crane barge equipped with a clamshell bucket. Barges would be rotating between the sand deposit and two off-loading sites, where the barges would be moored to an elevated trestle or floating bridge to shore. The sand would be transferred to shore along the trestle or bridge system. Land-based equipment would transfer sand from the shoreline to the placement area for the sand to be spread along the shore and berm enhancement areas.

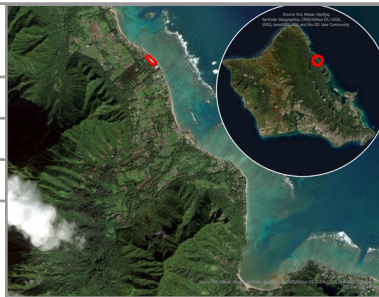
O'AHU

Hale Makana O Mo'ili'ili--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)	Honolulu	
TMK(s)	(1) 2-07-07:016 & 051	
Permit(s)	Numerous (see document)	
Approving Agency	Hawai'i Housing Finance Development Corporation, State of Hawai'i Janice Takahashi, Chief Planner, (808) 587-0639, Janice.n.takahashi@hawaii.gov 677 Queen St. #300, Honolulu, HI 96813	
Applicant	Hawaiian Community Development Board; 1188 Bishop Street, Suite 907, Honolulu, HI 96813 Kali Watson, (808) 529-0404, 6kali9@gmail.com	
Consultant	Environmental Planning & Assessments; P.O. Box 6082, Kaneohe, HI 96744 Patti Barbee, (808) 358-3633, pattibarbee@gmail.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by September 22, 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.	

This project will involve the demolition of an outdated (circa 1928) low-density apartment complex and a small single-family home with a total of 27 rental units and transformation of the site into a modern kupuna 105-unit mid-rise rental housing project with covered parking stalls and an onsite Community Resource Center. The project will provide 80 studio units and 25 one-bedroom units at rental rates affordable to households earning 30%- 60% AMI, in a location that offers convenient access to a wide range of retail businesses, health and social services, public facilities and community resources. The project will remain affordable for 61 years. All of the planning for the project has focused on the objective of developing safe, secure, long-term rental housing for low-income seniors that provides a positive, supportive living environment and enables them to maintain independence in their “golden years”.


Pat's at Punaluu Wastewater Treatment System Replacement--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(9)(A) Propose any wastewater treatment unit ...	
District(s)	Ko'olauloa	
TMK(s)	(1) 5-3-008: 002	
Permit(s)	SMA, Underground Injection Control, Discharge, Building/Grading, Tank Installation	
Approving Agency	Department of Planning and Permitting, City and County of Honolulu Christi Keller, (808) 768-8087, c.keller@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813	
Applicant	Association of Apartment Owners at Pat's at Punaluu; 53-567 Kamehameha Hwy, Hau'ula, HI 96717 Allen DeLaney-Kolby, President, (763) 218-4802, allen.delaney-kolby@patsatpunaluu.com	
Consultant	Environmental Science International, Inc.; 354 Uluniu Street, Suite 304, Kailua, HI 96734 Stephanie Davis, (808) 261-0740 ext. 142, sdavis@esciencei.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by September 22, 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 Project consists of replacement of the existing, non-functioning wastewater treatment system for the Pat's at Punaluu Condominiums (Project). The existing wastewater treatment system was installed in the 1970s and is in need of replacement due to deterioration, inability to adequately treat onsite wastewater, and potential for public health and beach and marine ecosystem hazards should the system stop functioning or spill over. The replacement wastewater treatment system will consist of a new, above-ground wastewater treatment plant (WWTP) that will be connected to the existing injection wells disposal system. The proposed WWTP will consist of the existing wet well/lift station/trash tank, a new primary treatment tank/system that includes an integrated clarifier tank and sludge holding tank, and the existing multiple injection well disposal system. The new WWTP system components will all be constructed in the western, mauka parking lot area of the Project site.

HAWAII

Villages of La'i'Opua - Village 4 Akau (No Supplemental EIS Required)

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) 7-4-028:001 through 017, and 019 through 061	
Permit(s)	Building/Grading and Grubbing permits	
Proposing/ Determining Agency	Department of Hawaiian Home Lands, State of Hawai'i Andrew Choy, (808) 620-9481, Andrew.H.Choy@hawaii.gov Planning Office, 91-5420 Kapolei Parkway, Kapolei, HI 96707	
Accepting Authority	Governor, State of Hawai'i; 415 S. Beretania St., Honolulu, HI 96813 Sara Lin, (808) 586-0805, sara.n.lin@hawaii.gov	
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Tessa Munekiyo Ng, (808) 983-1233, planning@munekiyohiraga.com	
Status	The accepting authority has determined that no Supplemental EIS is required	

The proposed 60 unit Villages of La'i'Opua - Village 4 Akau Rent with Option to Purchase project part of the Villages of La'i'Opua master planned community located on land owned by DHHL in Kailua-Kona, Hawai'i. The proposed project will be developed by A0597 Kona, L.P. on approximately 9.6 acres of land in Village 4 Akau according to a project lands agreement with DHHL. The sixty (60) two-, three-, and four-bedroom single-family homes will be built and offered for rent to Native Hawaiian households earning no more than 60 percent of the area median income. Related improvements already in place and approved by the County of Hawai'i include roadways, sidewalks, and utility infrastructure. DHHL committed \$5,000,000 of Trust funds and HHFDC committed \$7,620,000 of Rental Housing Revolving Funds to complete the construction of this project. The proposed project and related improvements have been assessed in the [Final EIS for the Kealakehe Planned Community](#) accepted by the Governor on September 27, 1990 and published in [The Environmental Notice \(TEN\) on October 8, 1990](#).

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 AUGUST 24, 2020

MAUI

[Wailea Resort SF-S Residential Project--Draft EA \(AFNSI\)](#)

COMMENTS DUE SEPTEMBER 8, 2020

HAWAII

[Royal Vistas Housing Project--Draft EA \(AFNSI\)](#)

[Miloli'i Beach Park Accessibility Improvement Project--Draft EA \(AFNSI\)](#)

MAUI

[Kana'hā Hotel at Kahului Airport \(2nd EIS Preparation Notice\)](#)

O'AHU

[Waihe'e Lo'i Restoration and Riparian Learning Center--Draft EA \(AFNSI\)](#)

COMMENTS DUE SEPTEMBER 22, 2020

O'AHU

[Kapālama Canal Catalytic Project--Draft EIS](#)

ENVIRONMENTAL COUNCIL NOTICES

Pursuant to [HAR § 11-201-30](#), the Environmental Council has issued the its [Findings of Fact, Conclusions of Law, and Decision and Order](#) in the matter of Pet Industry Joint Advisory Council (Applicant) v. Board of Land and Natural Resources (Respondent), regarding the appeal of a [non-accepted Final Environmental Impact Statement](#).

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 John Nakagawa, john.d.nakagawa@hawaii.gov (808) 587-2878. The CZM Program is required to adhere to federal review deadlines, therefore, **comments must be received by September 8, 2020**. 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

Hawaii Kai Marina Entrance Channel Groin Replacement, Maunalua Bay, O'ahu

Proposed Action: The Hawaii Kai Marina Community Association (HKMCA) proposes to replace the existing temporary entrance channel groin with a stable, engineered rock rubble mound revetment and groin. The objective of the proposed project is to reduce the rate of sediment accumulation in the entrance channel. This will increase the time between maintenance dredging operations necessary to keep the channel navigable. The proposed action is a rock rubble mound revetment and groin, a sloping uncemented structure built using boulder-size rock. Sand that accumulates on the Portlock Beach side of the groin will be mechanically backpassed to the east end of Portlock Beach, where erosion is threatening the backshore and private properties. Sand backpassing is the process of harvesting sand from areas of accretion, and placing it in areas of erosion. This will take place on an as-needed basis, estimated to be approximately every 4 years, when the rock groin reaches its maximum sediment carrying capacity. Sand backpassing will be initiated during construction by moving 400 cubic yards of sand that has accumulated since reconstruction of the temporary sandbag groin in 2013. The sand will be used to restore the heavily eroded shoreline fronting TMKs (1) 3-9-002:001, 002, 003, 004, and 034. The placed sand will increase dry beach width by an average of 7 feet over a length of 280 feet of shoreline. For details about the proposed action see the [Final Environmental Assessment](#), which was published in the OEQC's [The Environmental Notice on August 8, 2017](#).

Location: Hawaii Kai Marina entrance channel, Maunalua Bay, O'ahu
TMK(s): Seaward of TMKs (1) 3-9-008:035 & 3-9-002:029
Applicant: Hawaii Kai Marina Community Association
Consultant: Sea Engineering, Inc.
Federal Action: Federal Permit
Federal Agency: U.S. Army Corps of Engineers

Waiakea and Palai Streams Flood Risk Management Feasibility Study, Hilo, Hawai'i Island

Proposed Action: The U.S. Army Corps of Engineers, in conjunction with the County of Hawai'i Department of Public Works, is evaluating flood risk management problems and opportunities on the Waiakea and Palai Streams near Hilo. The feasibility study analyzes alternatives to reduce flood risk within the Waiakea-Palai Watersheds, including the Waiakea and Palai Streams, as well as a portion of Four Mile Creek. The purpose of the proposed federal action is to reduce flood risks to structures, property, and critical infrastructure in the two watersheds. The tentatively selected and recommended plan is to implement a combination plan that includes the Kupulau Ditch Levee/Floodwall with Detention and the Hilo Golf Course Detention alternatives. For details about the plan and a copy of the study, email the CZM contact listed above.

Location: Waiakea Stream and Palai Stream watersheds, and a portion of Four Mile Creek, Hilo, Hawai'i
TMK(s): (3) 2-4-various
Federal Action: Federal Agency Activity
Federal Agency: U.S. Army Corps of Engineers
Non-Federal Sponsor: County of Hawai'i Department of Public Works

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

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
Maui: Kihei (2-1-023: 008 and 010)	Parking Lot and Sidewalk Improvements (SM2 20200067)	Chris Hart & Partners, Inc.
Maui: Makena (2-1-005: 108)	New Golf Cart Storage Barn (SM2 20200068)	Makena Golf and Beach Club
Maui: Kihei (3-9-006: 008)	Addition of Covered Lanai and Accessory Dwelling Reconstruction (SM2 20200069)	Harry Vant Groenewout Trust
O'ahu: He'eia (4-6-016)	He'eia Stream Bridge Street Lighting Replacement (2020/SMA-25)	Department of Design and Construction, City and County of Honolulu/MK Engineers, Ltd.
O'ahu: Wai'anae (8-4-004: 006)	Replacement Antennas and New Equipment for an Existing Rooftop Telecommunications Facility (2020/SMA-28)	T-Mobile West, LLC/Telecom Site Development Services

SHORELINE NOTICES

CORRECTION

The shoreline notices below, from the August 8, 2020 Proposed Certification and Rejection table, have corrected information regarding the Applicant and Owner for each respective file.

File No.	Status	Location	TMK	Applicant	Owner
OA-1900	Proposed	2957 Kalākaua Ave., O'ahu 96815	(1) 3-1-032: 026, 027, & 028	Jaime F. Alimboyoguen	Barbara A. Mahon, President DHA
OA-1901	Proposed	91-101, 91-295, 91-303, 91-309, & 91-317 Papiipi Rd., O'ahu 96706	(1) 9-1-011: 004 to 007; 9-1-134: 006 & 044	R.M. Towill Corporation	City & County of Honolulu, Dept. of Parks & Rec.
OA-1902	Proposed	1326 Mokulua Dr., O'ahu 96734	(1) 4-3-004: 077	Austin, Tsutsumi & Associates, Inc.	Fairwater Hawaii LLC, Sandbags LLC
OA-1903	Proposed	He'eia Fish Pond, O'ahu 96744	(1) 4-6-005: 001 (por.)	ControlPoint Surveying, Inc.	Kamehameha Schools
MA-739	Proposed	100 Nohea Kai Dr., Maui 96761	(2) 4-4-013: 001	Warren S. Unemori Engineering Inc.	Maui Ocean Club
MA-740	Proposed	Waiapananapa Rd., Maui 96713	(2) 1-3-005: 009 (por.)	R.T. Tanaka Engineers, Inc.	DLNR, Division of State Parks
MO-181	Proposed	8714 Kamehameha V Hwy, Moloka'i 96748	(2) 5-7-007: 055	Zelie K Duvauchelle	Zelie K Duvauchelle
HA-588	Proposed	Lot 11 Waikoloa Lot 2 Subdivision, Hawai'i	(3) 6-9-009: 011	Thomas Pattison	Naupaka 11 LLC
KA-454	Proposed	4-856 Kūhiō Hwy., Kaua'i 96746	(4) 4-3-009: 041	Esaki Surveying & Mapping, Inc.	Kauai Kailani AOA

SHORELINE NOTICES (CONTINUED)

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-1907	918 Hanua Street, O'ahu	(1) 9-1-026: 026	R.M. Towill Corporation	918 Hanua Street LLC c/o Copart Inc.
MO-183	Kamehameha V Highway, Moloka'i	(2) 5-7-010: 004	Akamai Land Surveying, Inc.	James Stephen Goodfellow
HA-591	75-5956 Ali'i Drive, Hawai'i 96740	(3) 7-5-019: 020	Wes Thomas Associates	Gregg Frey

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
MA-741	Proposed	146 & 160 Lower Waiehu Beach Rd., Maui	(2) 3-2-015: 002 & 024	Akamai Land Surveying, Inc.	J. Russell Cunningham
HA-589	Proposed	12-7205 Moana Kai Place	(3) 1-2-030: 002	Daniel Berg, dlb & associates, LLC	Daniel Mardones
HA-590	Proposed	12-7209 Moana Kai Place	(3) 1-2-030: 004	Daniel Berg, dlb & associates, LLC	Daniel Mardones

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.

[Breach of Ku Tree Dam at Schofield Barracks-East Range--Environmental Assessment and Draft FONSI](#)

Island/District/TMK	O'ahu / Wahiawā / (1) 7-6-001 :001
Permit(s)	Various (see document)
Proposing & Approving Agency	U.S. Army Garrison, Hawaii (USAG-HI) Greg Wahl, NEPA Program Manager, USAG-HI, usarmy.hawaii.nepa@mail.mil 947 Wright Avenue, Bldg. 105 3rd Floor, Wheeler Army Airfield, Schofield Barracks, HI 96857-5013
Consultant	R. M. Towill Corporation; 2024 North King Street, Suite 200, Honolulu, HI 96819-3494 Brian Takeda, (808) 842-1133, BrianT@rmtowill.com
Status	Written comments must be received or postmarked by September 22, 2020 to be considered. Send comments via email or postal mail to the Agency contact noted above

Pursuant to the National Environmental Policy Act, U.S. Army Garrison, Hawai'i provides notice that a Draft Finding of No Significant Impact (FNSI) has been prepared based on the findings of an Environmental Assessment (EA) and that an Environmental Impact Statement is not required for the Proposed Breach of Ku Tree Dam, Schofield Barracks, O'ahu Island, Hawai'i.

The proposed action would include breaching the dam by excavating a 500-foot long natural channel through the hillside that supports the existing spillway. The excavation of the hillside would match the elevation of the existing streambed allowing water flows to be diverted to the natural channel, skirting the dam, thus permanently removing the threat of dam failure and the associated safety hazards that could impact downstream areas. Copies of the EA and Draft FNSI are available for public review at the Wahiawā and Mililani Public Libraries. Copies can also be obtained by clicking on the title link above or contacting the Army via email at usarmy.hawaii.nepa@mail.mil or online at <https://home.army.mil/hawaii/index.php/garrison/dpw/nepa>.

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.

Rule: [Pacific Island Pelagic Fisheries; False Killer Whale Take Reduction Plan; Reopening of the Southern Exclusion Zone to the Hawaii Deep-Set Longline Fishery](#) (published by the National Oceanic and Atmospheric Administration on 08/19/2020)

In accordance with the Marine Mammal Protection Act of 1972, and the False Killer Whale Take Reduction Plan, NMFS hereby reopens the Southern Exclusion Zone to deep-set longline fishing for all vessels registered under the Hawaii longline limited access program. At least one of the Southern Exclusion Zone reopening criteria defined in the False Killer Whale Take Reduction Plan regulations has been met. **Effective August 25, 2020.** For further information, click on title link or contact Diana Kramer, NMFS Pacific Islands Region, (808) 725-5167, Diana.Kramer@noaa.gov; or Kristy Long, NMFS Office of Protected Resources, (301) 427-8402, Kristy.Long@noaa.gov.

Notice: [Western Pacific Fishery Management Council; Public Meeting](#) (published by the National Oceanic and Atmospheric Administration on 08/12/2020)

The Western Pacific Fishery Management Council (Council) will hold a virtual Fishers Forum and Public Meeting to review the Hawaii Small-boat Fishery. The Council will solicit comments on removing existing fishery closures and options for amending the Hawaii Archipelago Fishery Ecosystem Plan (FEP) and Pacific Pelagics FEP to require mandatory federal fishing permits and associated reporting requirements for the small-boat fishery in the Exclusive Economic Zone around Hawaii. **The public meeting will be held by web conference on Thursday, August 27, 2020, from 6 p.m. to 8 p.m.** For agenda, click on this entry's title link.

Notice: [Western Pacific Fishery Management Council; Public Meeting](#) (published by the National Oceanic and Atmospheric Administration on 08/12/2020)

The Western Pacific Fishery Management Council (Council) will hold a meeting of its Hawaii Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) to discuss and make recommendations on fishery management issues in the affected region. The FEP AP will meet by web conference on Thursday, August 27, 2020, from 9 a.m. to 11 a.m. Click on the title link for additional info.

Rule: [Pacific Island Fisheries; 2020 U.S. Territorial Longline Bigeye Tuna Catch Limits](#) (published by the National Oceanic and Atmospheric Administration on 08/19/2020)

NMFS specifies a 2020 limit of 2,000 metric tons (t) of longline-caught bigeye tuna for each U.S. Pacific territory (American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI)). NMFS will allow each territory to allocate up to 1,500 t each year to U.S. longline fishing vessels in a specified fishing agreement that meets established criteria, but the overall allocation limit among all territories may not exceed 3,000 t. As an accountability measure, NMFS will monitor, attribute, and restrict (if necessary) catches of longline-caught bigeye tuna, including catches made under a specified fishing agreement. These catch limits and accountability measures support the long-term sustainability of fishery resources of the U.S. Pacific Islands. **The final specifications are effective August 17, 2020, through December 31, 2020.** The deadline to submit a specified fishing agreement pursuant to 50 CFR 665.819(b)(3) for review is December 17, 2020. Click on title link for more information.

Notice: [Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement](#) (published by the National Oceanic and Atmospheric Administration on 08/20/2020)

NMFS announces a public meeting of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) on October 14-16, 2020. Click on the title link for Meeting topics and additional information. **The meeting of the PAC will be held via web conference on October 14, 15 and 16, 2020, from 10 a.m. to 1 p.m. HST each day (or until business is concluded).**

Notice: [Request for Applications: The Community Forest and Open Space Conservation Program](#) (published by the Forest Service on 08/14/2020)

The U.S. Department of Agriculture (USDA), Forest Service requests applications for the Community Forest and Open Space Conservation Program (CFP). The CFP is a competitive grant program whereby local governments and qualified nonprofit organizations are eligible to apply for grants to establish community forests that provide community benefits through fee simple acquisition of private forest land. Interested applicants must submit applications to the State Forester. **All applications must be received by State Foresters by January 11th, 2021.** State Foresters must forward applications to the appropriate Forest Service Regional office or International Institute of Tropical Forestry by February 8th, 2021. Click on title link 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).