



# The Environmental Notice

October 8, 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.



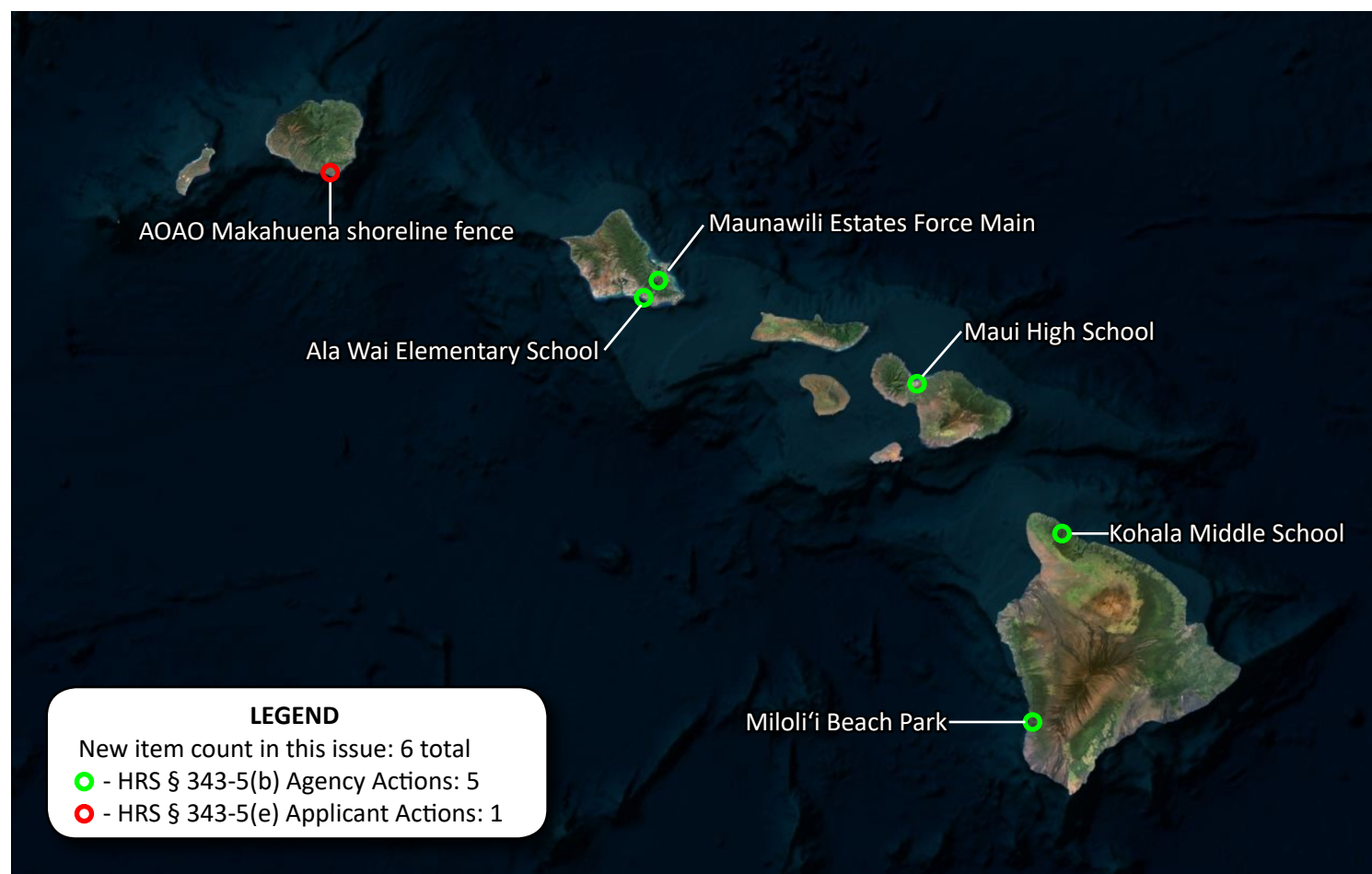
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## ANNOUNCEMENTS

OEQC is aware of an occasional glitch in the [SharePoint section](#) of our website (<https://health.hawaii.gov/oeqc/>), where viewers are erroneously asked for login credentials when they try to download certain documents. We are working to resolve this situation, but in the meantime, should this happen to you just click on "cancel" to make the login dialog screen disappear. If you need further guidance, please don't hesitate to call (808-586-4185) or email ([oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov)) for assistance.

## STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS / DETERMINATIONS






## HAWAII


Miloli'i Beach Park Accessibility Improvement Project--Republished Draft EA (AFNSI)

<b>HRS §343-5(a) Trigger</b>	(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
<b>District(s)</b>	South Kona
<b>TMK(s)</b>	(3) 8-9-004:001
<b>Permit(s)</b>	Numerous (see document)
<b>Proposing/ Determining Agency</b>	Department of Parks and Recreation, County of Hawai'i Jeffrey Ochi, (808) 961-8411, <a href="mailto:jeffrey.ochi@hawaiicounty.gov">jeffrey.ochi@hawaiicounty.gov</a> 101 Pauahi Street, Suite 6, Hilo, HI 96720
<b>Consultant</b>	Bow Engineering & Development, Inc.; 1953 S. Beretania Street, PH-A, Honolulu, HI 96826 Korey Johnson, (808) 369-8214, <a href="mailto:kjohnson@bowengineering.com">kjohnson@bowengineering.com</a>
<b>Status</b>	The proposing agency is republishing the Draft EA originally published on August 8, 2020. Another statutory 30-day public review and comment period starts. <b>Comments are due by November 9, 2020.</b> The Final EA must include comments from all comment periods; previously submitted comments do not need to be resubmitted. Click the title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.



The Department of Parks and Recreation proposes to improve Miloli'i Beach Park building and amenities to comply with current Americans with Disabilities Act (ADA) guidelines. The proposed project includes: replacement of the existing pavilion with proper permits to meet current ADA standards; replacement of the comfort station to meet current ADA standards; replacement of the non-potable water storage and booster pump station for the new comfort station; improvement of the parking lot to be ADA accessible; improvement of the walkways connecting the comfort station with the parking area and park facilities to ADA accessible; reconstruction and resurfacing of the basketball/volleyball courts; construction of the new playground; designation of a boat turnaround area; and installation of vehicular barriers to prevent unauthorized vehicles from accessing the shoreline and pavilion.

Kohala Middle School Covered Play Court--Draft EA (AFNSI)


<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	
<b>District(s)</b>	North Kohala	
<b>TMK(s)</b>	(3) 5-3-010:056	
<b>Permit(s)</b>	Numerous (see document)	
<b>Proposing/ Determining Agency</b>	Department of Education, State of Hawai'i Jolene Velasco, (808) 784-5129, <a href="mailto:jolene.velasco@k12.hi.us">jolene.velasco@k12.hi.us</a> 3633 Wai'ala'e Avenue, Honolulu, HI 96813	
<b>Consultant</b>	AGY LLC; 1100 Ward Avenue, Suite 1020, Honolulu, HI 96814 Aolani Yamasato-Gragas, (808) 741-6089, <a href="mailto:aolani_y@yahoo.com">aolani_y@yahoo.com</a>	
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by November 9, 2020.</b> Click the title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.	

The proposed action will provide the students of Kohala Middle School a sheltered area for physical education classes, play during recess and a flexible space for various school related activities. The proposed one-story structure will be located in an open area in the middle of the property and behind the classroom buildings along Akoni Pule Highway.

The structure is approximately 8,653 square feet. The play court will provide one regulation size basketball court, four half-court basketball courts, one regulation size volleyball court and two practice volleyball courts. The covered structure will be completely enclosed and secured by a continuous chain link fence with locking gates.

## MAUI

### Maui High School STEM Building and Autism Center--Final EA (FONSI)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	
<b>District(s)</b>	Wailuku	
<b>TMK(s)</b>	[2] 3-8-007: 098	
<b>Permit(s)</b>	Numerous (see document)	
<b>Proposing/ Determining Agency</b>	Department of Education, State of Hawai'i Denise Gibo, (808) 784-5130, <a href="mailto:denise.gibo@k12.hi.us">denise.gibo@k12.hi.us</a> 3633 Wai'ālae Avenue, Honolulu, HI 96813	
<b>Consultant</b>	Gerald Park Urban Planner; 95-595 Kaname'e Street #324, Mililani, HI 96789-1431 Gerald Park, (808) 625-9626, <a href="mailto:gpark@gpup.biz">gpark@gpup.biz</a>	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination	


The proposed action will provide a permanent structure for accommodating the Maui High School STEM program and an Autism Center for Maui District school children. The uses will occupy separate spaces in the structure.

Maui High School does not have sufficient classroom space and does not have a flexible STEM/Science Lab for multi-purpose collaborative learning, research, design, and experiments for STEM students. A dedicated space for the STEM program will foster and promote the Department of Education goal to expose and develop student interest and grow STEM programs in all public schools.

The Autism Center will accommodate special needs children who are not able to be mainstreamed into the general student population. Currently there is no permanent Maui facility specifically designed to accommodate the special needs children.

## O'AHU

### Maunawili Estates Wastewater Pump Station Force Main Crossing No. 1 Repair--Final EA (FONSI)


<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	
<b>District(s)</b>	Ko'olaupoko	
<b>TMK(s)</b>	N/A	
<b>Permit(s)</b>	Various (see document)	
<b>Proposing/ Determining Agency</b>	Department of Environmental Services, City and County of Honolulu Clifford Kanda, (808) 768-8753, <a href="mailto:ckanda@honolulu.gov">ckanda@honolulu.gov</a> 650 South King Street, 14th Floor, Honolulu, HI 96813	
<b>Consultant</b>	Fukunaga & Associates, Inc.; 1357 Kapi'olani Blvd., Suite 1530, Honolulu, HI 96814 Wei Chen, (808) 944-1821, <a href="mailto:wchen@fukunagaengineers.com">wchen@fukunagaengineers.com</a>	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination	

The project proposes to plug a void beneath an existing concrete structure encasing the 8-inch diameter wastewater force main crossing under Maunawili Stream downstream of the Maunawili Wastewater Pump Station and to restore the eroded stream-bed and stream banks in the vicinity, which will restore protection and support to the force main. The original design plans of the force main indicate an 8-inch ductile iron pipe encased in a reinforced concrete jacket buried beneath the stream bed and overlaid by a cement rubble masonry (CRM) layer to provide additional protection.

Investigations have revealed that the CRM layer has been washed away and the original stream bed and stream banks have eroded, creating a void under the concrete jacket leaving it partially suspended and unsupported. The actions of the proposed project will greatly reduce the risk of a structural failure of the force main that would result in the discharge of untreated wastewater into Maunawili Stream.

## O'AHU (CONTINUED)

Ala Wai Elementary School Covered Play Court--Draft EA (AFNSI)


<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	
<b>District(s)</b>	Honolulu	
<b>TMK(s)</b>	(1) 2-7-036: 007	
<b>Permit(s)</b>	Numerous (see document)	
<b>Proposing/ Determining Agency</b>	Department of Education, State of Hawai'i Mitch Tamayori, (808) 784-5116, <a href="mailto:Mitch.Tamayori@k12.hi.us">Mitch.Tamayori@k12.hi.us</a> 3633 Wai'alae Avenue, Honolulu, HI 96813	
<b>Consultant</b>	Gerald Park Urban Planner; 95-595 Kaname'e Street #324, Mililani, HI 96789-1431 Gerald Park, (808) 625-9626, <a href="mailto:gpark@gpup.biz">gpark@gpup.biz</a>	
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by November 9, 2020.</b> Click the title link above to read the document, then send comments to the proposing/determining agency at <a href="mailto:gpark@gpup.biz">gpark@gpup.biz</a> .	

The proposed action will provide a permanent structure where students can engage in outdoor play during inclement weather. Secondly the structure will serve as a covered, multi-purpose facility for school activities and functions. A rectangular-shaped single-story facility of approximately 8,816 square feet is proposed. One regulation basketball court, two cross basketball courts, one regulation volleyball court and two cross volleyball courts will be provided. The volleyball courts also could be used for tennis.

Underlying soil conditions will require the structure to be supported in part by micropiles placed around the perimeter. The height of the structure is approximately 32 feet. A height waiver will be required to exceed the height of the Diamond Head Special District. Construction costs are estimated at \$3.8 million and will be funded by the State of Hawai'i. A one phase construction timetable is proposed at 8 to 12 months.

## KAUAI

AOAO Makahuena Shoreline Safety Fence--Final EA (FONSI)

<b>HRS §343-5(a) Trigger</b>	(3) Propose any use within a shoreline area	
<b>District(s)</b>	Kōloa	
<b>TMK(s)</b>	(4) 2-8-020:003	
<b>Permit(s)</b>	Shoreline Setback Variance for Bluff Fence	
<b>Approving Agency</b>	Planning Department, County of Kauai Ka'āina S. Hull, Planning Director, (808) 241-4050, <a href="mailto:khull@kauai.gov">khull@kauai.gov</a> 4444 Rice Street, Suite A473, Līhu'e, HI 96766	
<b>Applicant</b>	Association of Apartment Owners of Makahuena; 4-1579 Kūhiō Highway, Suite 102A, Kapa'a, HI 96746 Ms. Judy Foss, <a href="mailto:judyfoss@comcast.net">judyfoss@comcast.net</a>	
<b>Consultant</b>	Belles Graham LLP; 4334 Rice Street, Suite 202, Līhu'e, HI 96766 Ian K. Jung, Esq., (808) 245-2163, <a href="mailto:ikj@kauai-law.com">ikj@kauai-law.com</a>	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination	

The Applicant proposes to install a safety fence around the perimeter of the south (makai), east and west portions of the Subject Property. The purpose of the fencing is to protect guests, owners, and members of the public from possible dangers from the abrupt change in elevation at the southern (makai) side of the Subject Property.

A portion of the proposed fencing will be on the bluff edge above the certified shoreline at elevations of ten (10) to seventy-five (75) feet above mean sea level. The fencing is also proposed to be six (6) feet tall on the eastern and western portion of the Subject Property and four (4) feet on the southern (makai) portion of the Subject Property. The fencing is proposed to be constructed of colonial aluminum by manufacturer Master Halco, Inc.

## 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 the documents, then send comments to the relevant agency and copy any relevant applicant and/or consultant.

### COMMENTS DUE OCTOBER 8, 2020

#### HAWAII

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

#### MAUI

[Wastewater Improvements At Pulehunui--Draft EA \(AFNSI\)](#)

#### O'AHU

[Mixed-Use Affordable Housing at the University of Hawai'i at Mānoa Campus--Draft EA \(AFNSI\)](#)

#### KAUA'I

[Waimea River Ford Crossing--Draft EA \(AFNSI\)](#)

### COMMENTS DUE OCTOBER 14, 2020

#### HAWAII

[Army Training Land Retention at Pōhakuloa Training Area \(EIS Preparation Notice\)](#)

### COMMENTS DUE OCTOBER 23, 2020

#### HAWAII

[North Kona Mid-Level Exploratory Well Project--Draft EA \(AFNSI\)](#)

## PRIOR AGENCY DETERMINATIONS (pursuant to HAR Section 11-200.1-11)

The University of Hawai'i, State of Hawai'i [has determined](#) that additional environmental review is not required for the the Kapi'olani Community College Culinary Institute of the Pacific Project, located on Tax Map Key No. (1) 3-1-042: 011. A Finding of No Significant Impact (FONSI) determination was made for the [Final EA](#) (and [appendices](#)), [published March 23, 2009](#), prepared to address the potential direct, indirect, and cumulative impacts associated with the project. UH has conducted a review of the 2009 Final EA and FONSI due to the passage of time and desire to complete the next phase of the project, which includes the Restaurant/Auditorium Building and Innovation Center. This determination is warranted because this phase would be constructed at the same site location as described in the 2009 Final EA and consist of the same or similar instructional uses. Further, the current project will implement the minimization, mitigation, and design measures as stipulated in the 2009 Final EA.

The Department of Transportation, State of Hawai'i [has determined](#) that additional environmental review is not required for the widening of a security gate at Hilo International Airport (ITO). The [Hilo International Airport Final Environmental Assessment](#) (FEA) and Finding of No Significant Impact was published in [The Environmental Notice on May 8, 2003](#); the current project is consistent with the 2003 FEA that evaluated the impacts of the "cargo building, access roads and driveways, a vehicular parking lot, aircraft parking apron improvements, utilities, and security fences." Accordingly, appropriate mitigation measures from the 2003 FEA and DOT-Airports best management practices will be implemented to address the minimal project impacts.

## LISTS OF EXEMPTION NOTICES

Pursuant to [HAR § 11-200.1-17](#), State and county agencies that have determined specific actions to be exempt from the requirement to prepare an EA are required to submit a listing of such exemptions made during the previous month. Following are Lists of Exemption Notices submitted by various agencies for September 2020; refer to the identified agency contact on each list for additional information about any specific exemption:

#### State of Hawai'i

[Commission on Water Resource Management](#)  
[Department of Accounting and General Services](#)  
[Department of Education](#)  
[Department of Land and Natural Resources](#)  
[Department of Transportation](#)  
[University of Hawai'i at Mānoa](#)

#### County of Maui

[Department of Planning](#)  
[Department of Public Works](#)

#### City and County of Honolulu

[Department of Design and Construction](#)  
[Department of Environmental Services](#)  
[Department of Planning and Permitting](#)



## EXEMPTION DECLARATION

The Honolulu Board of Water Supply requests publication of their declaration that the following action is exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#):

### Honolulu BWS Halawa Xeriscape Garden Improvements

Improvements to the xeriscape garden, which include improvements to the existing parking and path to meet the ADA accessible requirements, install new ADA parking, new security fencing, repairs to existing building structure, new landscaping and irrigation system, and new trees and shrubs.

## 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-1912	91-115 Kaomi Loop, O'ahu	(1) 9-1-026: 058	R.M. Towill Corporation	Copart, Inc.
OA-1913	59-637 Ke Iki Road, O'ahu	(1) 5-9-003: 073	Kenn Nishihira	Michael E. Lorne
MA-744	0 Keawa Place, Maui	(2) 1-4-004: 011	Akamai Land Surveying, Inc.	Hana Canoe Club

### 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-1905	Proposed	251 Portlock Road, O'ahu	(1) 3-9-002: 002	Walter P. Thompson, Inc.	Rachel Geike
MA-743	Proposed	4100 Wailea Alanui Drive, Maui	(2) 2-1-023: 003	Warren S. Unemori Engineering Inc.	HMC Kea Lani LP
MO-183	Proposed	Kamehameha V Hwy, Moloka'i	(2) 5-7-010: 004	Akamai Land Surveying, Inc.	James Stephen Goodfellow
HA-591	Proposed	75-5956 Ali'i Drive, Hawai'i	(3) 7-5-019: 020	Wes Thomas Associates	Gregg Frey

## 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: S. Hilo (2-6-004: 008)	Conversion of Single-Family Dwelling to Duplex (SMM 20-000432)	Duncan Hoke & Debra McAuley
Hawai'i: S. Kona (8-9-014: 042-047)	Construction of Utility Structures and Storage (SMM 20-000433)	Pa'a Pono Miloli'i
Kaua'i: Hanalei (4-5-001: 018)	Conversion of Workshop/Storage into Single-Family Dwelling (SMA(M)-2021-3)	Lorraine D. Newman/Belles Graham
Maui: Ha'ikū (1-1-001: 022)	Construction Surplus Material Storage (SM2 20200078)	Hawaiian Dredging Construction Co. Inc.
Maui: Hana (1-2-002: 021)	Cesspool Closure (SM2 20200079)	Hideo Kawahara
O'ahu: Wai'anae (8-7-008: 012)	Pacific Shopping Mall – Type A Utility Installation (2020/SMA-30)	T-Mobile West, LLC/Telecom Site Development Services

## COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

## 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](mailto: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 October 22, 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](mailto:john.d.nakagawa@hawaii.gov)

## U.S. Army Corps of Engineers 2020 Nationwide Permits Re-issuance

**Proposed Action:** The U.S. Army Corps of Engineers (Corps) is proposing to reissue 52 existing Nationwide Permits (NWP), issue 5 new NWPs, and associated general conditions and definitions, with some modifications. NWPs are general permits issued by the Corps on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. The current NWPs were reissued in 2017 and have an expiration date of March 18, 2022, unless modified before that date. In 2017 the Hawai'i CZM Program conducted a federal consistency review of the 52 proposed NWPs and on February 22, 2017, issued concurrences for 33 NWPs (Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 15, 16, 18, 19, 20, 22, 23, 25, 27, 28, 30, 31, 32, 33, 35, 36, 37, 38, 41, 43, 46, 48, 53), conditional concurrences for 6 NWPs (Nos. 12, 13, 14, 40, 45, 51), and objections for 6 NWPs (Nos. 8, 17, 29, 39, 42, 54), with 7 NWPs being revoked by the Corps Honolulu District (Nos. 21, 24, 34, 44, 49, 50, 52). For NWPs that were issued CZM consistency objections, full CZM federal consistency reviews are required for individual actions qualifying for Corps of Engineers authorization under those NWPs.

For full details about the Corps of Engineers 2020 Nationwide Permits refer to the Federal Register, September 15, 2020: <https://www.federalregister.gov/documents/2020/09/15#engineers-corps>

Also, refer to the Corps of Engineers, Honolulu District, public notice (September 16, 2020), for additional information on the NWP regional conditions as they apply to Hawai'i: <https://www.poh.usace.army.mil/Missions/Regulatory/Public-Notices/Article/2349519/2020-nationwide-permit-reissuance-request-for-comments/>

**Location:** State of Hawai'i

**Federal Action:** Federal Agency Activity by U.S. Army Corps of Engineers

## NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION

## Proposed Periodic Depot Maintenance at USSF Ka'ena Point Satellite Tracking Station

<b>Island/Districts/TMKS</b>	O'ahu / Wai'anae and Waialua / (1) 6-9-003: 005
<b>Proposing Agency</b>	United States Space Force, Ka'ena Point Satellite Tracking Station Lance Hayashi, (808) 697-4314, <a href="mailto:Lance.Hayashi@spaceforce.mil">Lance.Hayashi@spaceforce.mil</a> Detachment 3, 21 Space Operations Squadron/CC, 10 Hickam Court, Unit 4, JBPHH, HI 96853-5208
<b>Status</b>	Click on the title link to access the consultation document; hard copies will also be available for review at the Wai'anae and Waialua Public Libraries during the <b>review period ending on November 9, 2020</b> .

The US Space Force (USSF) Detachment 3, 21 Space Operations Squadron (Det 3, 21 SOPS) proposes to conduct Periodic Depot Maintenance (PDM) on Buildings 39005 & 39006 at Ka'ena Point Satellite Tracking Station (KPSTS). All repairs and work to be performed will be done as minor in-kind repairs or replacements of building or site features, elements or materials as part of routine maintenance. This work will not change the visual qualities of the buildings and there will be no change to the original/significant historic fabric of the buildings.

KPSTS has requested SHPD's concurrence with its conclusion that the proposed undertaking will have "no adverse effect" on Archeological, Native Hawaiian Cultural Resources or Historic Properties.



## 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](http://www.federalregister.gov).

**Notice: [Endangered Species; Receipt of Recovery Permit Application](#) (published by the Fish and Wildlife Service on 09/23/2020)**

We, the U.S. Fish and Wildlife Service, have received an application from Hawaii Marine Mammal Alliance, Inc., Kailua, HI for a permit to conduct activities intended to enhance the propagation and survival of endangered species [Green sea turtle (*Chelonia mydas*); Hawksbill sea turtle (*Eretmochelys imbricata*); Leatherback sea turtle (*Dermochelys coriacea*); Loggerhead sea turtle (*Caretta caretta*)] under the Endangered Species Act of 1973, as amended. We invite the public and local, State, Tribal, and Federal agencies to comment on this application. Before issuing the requested permit, we will take into consideration any information that we receive during the public comment period. **We must receive your written comments on or before October 23, 2020.** Click on the linked title to this entry for additional information and addressed to submit comments.

**Rule: [Pacific Island Fisheries; 2020 U.S. Territorial Longline Bigeye Tuna Catch Limits for American Samoa](#) (published by the National Oceanic and Atmospheric Administration on 10/07/2020)**

NMFS announces a valid specified fishing agreement that allocates up to 1,000 metric tons (t) of the 2020 bigeye tuna limit for American Samoa to U.S. longline fishing vessels. The agreement supports the long-term sustainability of fishery resources of the U.S. Pacific Islands, and fisheries development in American Samoa. The specified fishing agreement was valid as of August 25, 2020. The start date for attributing 2020 bigeye tuna catch to American Samoa was September 6, 2020.

The Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific describes specified fishing agreements and is available from the Western Pacific Fishery Management Council, 808-522-8220, or <http://www.wpcouncil.org>.

NMFS prepared environmental analyses that describe the potential impacts on the human environment that would result from the action. The analyses, identified by NOAA-NMFS-2020-0120, are available from <https://www.regulations.gov/docket?D=NOAA-NMFS-2020-0120>, or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818. For further information, click on the title link to this entry or call Lynn Rassel, NMFS PIRO Sustainable Fisheries, 808-725-5184.

**Rule: [Plan for Periodic Review of Regulations](#) (published by the National Oceanic and Atmospheric Administration on 09/24/2020)**

NMFS announces the availability of a list of the rules it is reviewing, as required, under section 610 of the Regulatory Flexibility Act. We are required to notify the public of our review of existing regulations that we have determined had, or will have, a significant impact on a substantial number of small entities, such as small businesses, small organizations, and small governmental jurisdictions. The intended effect of this notice is to inform the public of the rules under review, to outline NMFS' review process, and to provide an opportunity to comment. **Written comments must be received by October 26, 2020.**

We will ensure that all rules are reviewed within 10 years of the year in which they were originally issued. The item below is from the list of 56 rules issued between January 1, 2011, and December 31, 2013, that we will be reviewing during 2020. We anticipate completing the reviews for all of these rules by March 31, 2021:

**39. Taking of Marine Mammals Incidental to Commercial Fishing Operations: False Killer Whale Take Reduction Plan.** RIN 0648-BA30 (77 FR 71260; November 29, 2012). The final rule issued the False Killer Whale Take Reduction Plan (FKWTRP), and regulatory measures and non-regulatory measures and recommendations to reduce mortalities and serious injuries of false killer whales in Hawaii-based longline fisheries. Regulatory measures include gear requirements, longline prohibited areas, training and certification in marine mammal handling and release, captains' supervision of marine mammal handling and release, and posting of NMFS-approved placards on longline vessels. In this rule, NMFS also recommended research and data collection programs. This final rule also revised the boundaries of the longline prohibited area around the main Hawaiian Islands to be consistent with the prohibited area established under the FKWTRP regulations. The FKWTRP was based on consensus recommendations submitted to NMFS by the False Killer Whale Take Reduction Team (Team), with certain modifications described herein that were determined to be necessary to meet the requirements of the MMPA. This final rule was necessary because current mortality and serious injury levels of the Hawaii Pelagic and Hawaii Insular stocks of false killer whales incidental to the Hawaii-based pelagic longline fisheries are above the stocks' potential biological removal (PBR) levels, and are therefore inconsistent with the short- and long-term goals of the Marine Mammal Protection Act (MMPA). The FKWTRP was intended to meet the requirements of the MMPA.

## 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).