



# The Environmental Notice

July 8, 2021

David Y. Ige, Governor

*The Environmental Notice* provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawai'i, *The Environmental Notice* also includes other items related to the shoreline, coastal zone, and federal activities.



The Hawaiian stilt (*Himantopus mexicanus knudseni*) is the subject of a [reclassification action](#) by the U.S. Fish & Wildlife Service

Photo credit: [Laura Beauregard/USFWS](#)

235 South Beretania Street, Suite 702 • Honolulu, Hawai'i 96813 • (808) 586-4185 • [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov) • <http://health.hawaii.gov/oeqc>

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



## HAWAII

[Kaialu O Kapi'olani Housing Development--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</b>	North Hilo	
<b>TMK(s)</b>	(3) 2-4-025:048, 053, 080	
<b>Permit(s)</b>	Building and Grading Permits, Chapter 343, NPDES	
<b>Approving Agency</b>	State of Hawai'i, Hawai'i Housing Finance and Development Corporation Janice Takahashi, (808) 587-0639, <a href="mailto:janice.n.takahashi@hawaii.gov">janice.n.takahashi@hawaii.gov</a> 677 Queen Street, Suite 300 Honolulu, HI 96813	
<b>Applicant</b>	A0705 Hilo, L.P., 2000 E Fourth Street, Suite 220, Santa Ana, CA 92705 Grant Bigley, (714) 873-5687, <a href="mailto:gbigley@uhcllc.net">gbigley@uhcllc.net</a>	
<b>Consultant</b>	Environmental Risk Analysis LLC, 905A Makahiki Way, Honolulu, HI 96821 Rachel Okoji, (808) 783-6840, <a href="mailto:rachelokoji@enviroriskhawaii.com">rachelokoji@enviroriskhawaii.com</a>	
<b>Status</b>	Statutory 30-day public review and comment period starts. Comments are due by <b>August 9, 2021</b> . Please click on title link above to read the document, then send comments to the <b>approving agency</b> and copy the <b>applicant and the consultant</b> .	

A0705 Hilo, L.P. is proposing to develop an affordable rental complex of 64 units, consisting of 32 two-bedroom units, an estimated 24 three-bedroom units, and an estimated 8 four-bedroom units in Hilo. The development will include a community center for resident use and at least 80 parking stalls. The objective of this project is to produce an affordable rental development, while utilizing the least amount of State of Hawai'i resources. These apartments will target low income households earning 60 percent or less of the Area Median Income (AMI) for the County of Hawai'i. These units will address the dire need for affordable rentals for the households in this income bracket, many of whom are at risk of becoming homeless due to the severe housing shortage.

## MAUI

[Honokowai Master Plan, Department of Hawaiian Home Lands--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</b>	Lahaina	
<b>TMK(s)</b>	Numerous	
<b>Permit(s)</b>	Numerous	
<b>Proposing/Determining Agency</b>	State of Hawai'i, Department of Hawaiian Home Lands Julie-Ann Cachola, (808) 620-9500, <a href="mailto:julie-ann.cachola@hawaii.gov">julie-ann.cachola@hawaii.gov</a> P.O. Box 1879, Honolulu, HI 96805	
<b>Consultant</b>	PBR HAWAII & Associates, Inc., 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Selena Pang, (808) 521-5631, <a href="mailto:spang@pbrhawaii.com">spang@pbrhawaii.com</a>	
<b>Status</b>	Statutory 30-day public review and comment period starts. Comments are due by <b>August 9, 2021</b> . Please send comments to the <b>proposing/determining</b> agency and copy the <b>consultant</b> .	

DHHL engaged its beneficiaries in a master planning process to determine appropriate land uses for DHHL's approximately 850 acres of lands at Honokōwai including new agricultural homesteads, multi-family homes, and individual or community farming. As needed, a portion of the Master Plan Area will be set aside to accommodate County of Maui infrastructure and State of Hawai'i Department of Transportation (HDOT's) proposed Lahaina Bypass. The land uses in the Master Plan Area are anticipated to involve agricultural homesteads (subsistence and supplemental agriculture); residential homesteads (single-family and multifamily); community uses including agriculture, park, and commercial areas; conservation areas; industrial uses; roadways; and lands set aside to accommodate HDOT and County infrastructure.

## MAUI (CONTINUED)

### Wailuku River Bank Stabilization--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</b>	Wailuku	
<b>TMK(s)</b>	Numerous	
<b>Permit(s)</b>	Numerous	
<b>Proposing/ Determining Agency</b>	County of Maui, Department of Public Works Kristi Ono, (808) 270-7745, <a href="mailto:public.works@co.maui.hi.us">public.works@co.maui.hi.us</a> 200 S. High Street, 4th Floor, Wailuku, HI 96793	
<b>Consultant</b>	Munekiyo Hiraga, 305 High Street, Suite 104, Wailuku, HI 96793 Gwendolyn Rivera, (808) 244-2015, <a href="mailto:planning@munekiyohiraga.com">planning@munekiyohiraga.com</a>	
<b>Status</b>	Statutory 30-day public review and comment period starts. Comments are due by <b>August 9, 2021</b> . Please click on title link above to read the document, then send comments to the <b>proposing/determining</b> agency and copy the <b>consultant</b> .	

The County of Maui, Department of Public Works (DPW) proposes to restore an eroded embankment of the Wailuku River in the vicinity of the Wailuku Millyard light industrial subdivision and provide slope protection improvements. The existing earthen embankment of the Wailuku River, located on County property, has eroded beyond the bank to affect two (2) adjacent commercial properties. Proposed work involves excavation, regrading, and reinforcement of the river bank slope using grouted rip-rap (GRP) consisting of cobbles and boulders with concrete infill. Woven geotextile fabric will provide a filter interface between the GRP and the existing ground. Geo-composite drains will be used under the GRP to reduce hydrostatic pressure. A line of large boulders will be placed at the toe of the lined slope. To protect the toe from scour, a boulder filled concrete key will be excavated.

### Hale Pilina Family Affordable Rental Housing Project--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</b>	Wailuku	
<b>TMK(s)</b>	(2)3-7-013:026	
<b>Permit(s)</b>	Numerous	
<b>Approving Agency</b>	County of Maui, Department of Housing and Human Concerns Lori Tshako, (808) 270-7351, <a href="mailto:director.hhc@mauicounty.gov">director.hhc@mauicounty.gov</a> 2200 Main Street, Suite 546, Wailuku, HI 96793	
<b>Applicant</b>	Catholic Charities Housing Development Corporation, 1388 Ala Moana Boulevard, Suite 7301, Honolulu, HI 96814 Gary Furuta, (808) 429-7815, <a href="mailto:gary@gsfhi.com">gary@gsfhi.com</a>	
<b>Consultant</b>	Munekiyo Hiraga, 305 High Street, Suite 104, Wailuku, HI 96793 Kari Luna Nunokawa, (808) 244-2015, <a href="mailto:kari@munekiyohiraga.com">kari@munekiyohiraga.com</a>	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination.	

Catholic Charities Housing Development Corporation (CCHDC) is proposing the development of the Hale Pilina Family Affordable Rental Housing Project on approximately 4.865 acres of land identified as TMK (2)3-7-013:026. The subject property is located in the Kahului urban core on South Pu'unēnē Avenue with Kaulawahine Street forming the western boundary of the project site. The project will include the development of four (4) three-story multi-family residential buildings, an onsite park/open space area, a multi-purpose room for residents, laundry facilities, parking, bike racks and storage, and related improvements. The project will provide 108 one-bedroom units and 70 two-bedroom units for rent to families who earn 60 percent of less of the County's Housing and Urban Development (HUD) Area Median Income (AMI). In addition, one (1) unit will be provided for a resident manager. Hale Mahaolu will provide onsite property management.

O‘AHU

**Waiawa Correctional Facility Permits--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</b>	‘Ewa	
<b>TMK(s)</b>	(1) 9-6-005:011; (1) 9-6-005:012	
<b>Permit(s)</b>	Numerous	
<b>Proposing/ Determining Agency</b>	State of Hawai‘i, Department of Accounting and General Services Lance Maja, (808) 586-0483, <a href="mailto:lance.y.maja@hawaii.gov">lance.y.maja@hawaii.gov</a> 1151 Punchbowl Street, Room 430, Honolulu, HI 96813	
<b>Consultant</b>	SSFM International, Inc., 501 Sumner Street, Suite 620, Honolulu, HI 96817 Carah Kadota, (808) 531-1308, <a href="mailto:ckadota@ssfm.com">ckadota@ssfm.com</a>	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination.	

The Department of Public Safety’s Waiawa Correctional Facility (WCF) is located in the Waipahu district of O‘ahu. The original structures were constructed in the 1940s for use as a Federal military reservation. In 1985, the facility was turned over to the State under a 30-year quitclaim deed and repurposed to a minimum-security correctional facility. The County of Honolulu (City) Department of Planning and Permitting (DPP) notified PSD and DAGS that continued operations at WCF would require Plan Review Use (PRU) and Special Use Permit (SUP) approvals. WCF is located within the State Agricultural District. Correctional facilities are not permissible uses within the Agricultural District, necessitating a SUP. A PRU is required for prison use within any of the City’s zoning districts. The requirement to obtain the SUP and PRU include the use of State lands and funds, both of which trigger the preparation of an Environmental Assessment.

**Wahiawā Civic Center-Court Facility and State Office Complex--Draft EIS**

<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</b>	Wahiawā	
<b>TMK(s)</b>	Numerous	
<b>Permit(s)</b>	Numerous	
<b>Proposing/ Determining Agency</b>	State of Hawai‘i, Department of Accounting and General Services Sally Tamai, (808) 586-0400, <a href="mailto:sally.l.tamai@hawaii.gov">sally.l.tamai@hawaii.gov</a> 1151 Punchbowl Street, Office of the Comptroller, Honolulu, HI 96813	
<b>Accepting Authority</b>	State of Hawai‘i, Office of the Governor David Ige, (808) 586-0034, <a href="https://governor.hawaii.gov/contact-us/contact-the-governor/">https://governor.hawaii.gov/contact-us/contact-the-governor/</a> 415 South Beretania Street, Honolulu, HI 96813	
<b>Consultant</b>	Wilson Okamoto Corporation, 197 South Beretania Street, Suite 400, Honolulu, HI 96826 Keola Cheng, (808) 946-2277, <a href="mailto:Kcheng@wilsonokamoto.com">Kcheng@wilsonokamoto.com</a>	
<b>Status</b>	Statutory 45-day public review and comment period starts. Comments are due by <b>August 23, 2021</b> . Please send comments to <a href="mailto:PublicComment@wilsonokamoto.com">PublicComment@wilsonokamoto.com</a> , with copies to the <b>accepting authority</b> , and the <b>proposing agency</b> .	

The Proposed Action includes the development and construction of a new Wahiawā Civic Center comprised of a new District Court Facility, and State Office Complex on the grounds of the existing Wahiawā Civic Center, and the future redevelopment of the existing Wahiawā Public Library site as a new Resource and Education Center facility. The anticipated that the new Wahiawā Civic Center’s gross spatial programming needs include an area of approximately 61,000 SF for offices, courthouse space, and utilities. Of this 61,000 SF, the space requirements are anticipated to be approximately 39,000 SF for the Judiciary, and 22,000 SF for State and City agencies (the State Judiciary will be served by separate Utilities and Equipment).

## O'AHU (CONTINUED)

**Kapālama Canal Catalytic Project--Final EIS (Acceptance)**

Grandfathered under old rules

<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</b>	Honolulu	
<b>TMK(s)</b>	Numerous	
<b>Permit(s)</b>	Numerous	
<b>Proposing/ Determining Agency</b>	City and County of Honolulu, Department of Planning and Permitting Timothy Streitz, (808) 768-8042, <a href="mailto:tstreitz@honolulu.gov">tstreitz@honolulu.gov</a> 650 South King Street, 7th Floor, Honolulu, HI 96813	
<b>Accepting Authority</b>	Mayor of the City and County of Honolulu, 530 South King Street, Room 300, Honolulu, HI 96813 Mayor Rick Blangiardi, (808) 768-4141, <a href="http://www.honolulu.gov">www.honolulu.gov</a>	
<b>Status</b>	<b>Mayor Blandiargi</b> accepted the <a href="#">FEIS</a> on June 24, 2021.	

The Kapālama Canal Catalytic Project (Proposed Action) is the outcome of various community plans supported by the City & County of Honolulu Department of Planning and Permitting. These community plans include the Kalihi-Palāma Action Plan (2004) and the Kalihi Neighborhood Transit-Oriented Development Plan (2017), which provide visions for a linear park along Kapālama Canal, a waterfront promenade, and complete street improvements along Kōkea and Kohou Streets from Nimitz Highway to the H-1 Freeway. In addition to supporting the community's visions, the Proposed Action will address green infrastructure and water quality improvements, erosion control, bank stabilization, resiliency strategies as a defense against increased flooding anticipated due to sea level rise, and dredging. The intent of the Proposed Action is to catalyze broader neighborhood improvements and new mixed-use development in the area around the Kapālama rail transit station.

## CHAPTER 25, REVISED ORDINANCES OF HONOLULU

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

**Punalu'u Stream Restoration Project--Prior Determination**

<b>District(s)</b>	Ko'olauloa
<b>TMK(s)</b>	5-3-001: 041 and 052, and 5-3-003: 001
<b>Approving Agency</b>	City and County of Honolulu, Department of Planning and Permitting William Ammons, (808) 758-8025 650 South King St., 7th Floor, Honolulu, HI 96813
<b>Applicant</b>	Kamehameha Schools (Joey Char)
<b>Consultant</b>	ICF International (Brendan Selby)
<b>Status</b>	Additional Environmental Review Not Required

Pursuant to Section 11-200.1-11, Hawaii Administrative Rules, the Department of Planning and Permitting has reviewed the Applicant's proposal and has determined that the previous determination of a [Finding of No Significant Impact](#) is sufficient as the proposed Project does not have substantive changes in size, scope, intensity, use, location, or timing. For additional information, please click on the link above.

## PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

**Status:** Public review and comment period for these projects began previously. Comments are due **July 23, 2021** unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

### HAWAI'I

[North Kona Sewer Pump Station--Republished Draft EA \(AFNSI\)](#)

[Kaukalaelae Point and Makako Bay Installation of Day-use Moorings--Draft EA \(AFNSI\)](#)

### MAUI

[Pā'ia Elementary School Classroom Building--Draft EA \(AFNSI\)](#)

### O'AHU

[Waikīkī Beach Improvement and Maintenance Program--Draft EIS](#) and [Scoping Meeting Audio/Video files](#)  
[The Cove at Ko Olina Redevelopment \(EIS Preparation Notice\)](#)

[Irrigation System Improvements in Central O'ahu, Waialua and Wahiawā Districts--Draft EA \(AFNSI\)](#)

## 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 **June 2021**; contact the identified agency contact on each list for additional information about any specific exemption:

### State of Hawai'i

[Department of Education](#)

[Department of Land and Natural Resources](#)

[Department of Transportation](#)

### County of Hawai'i

[Office of Housing and Community Development](#)

### County of Maui

[Department of Public Works](#)

### City and County of Honolulu

[Board of Water Supply](#)

[Department of Design and Construction](#)

[Department of Planning and Permitting](#)

## EXEMPTION DECLARATION

**State of Hawai'i, Department of Land and Natural Resources** has declared the following action exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#):

### [Honolulu Museum of Art Kiln House](#)

Honolulu Museum of Art (HoMA) has received grant and donor funding for the construction of single, new, small facility for the Honolulu Museum of Art (HoMA) Art School Program, Art Learning Center. HoMA is proposing an expansion to the existing kiln house to create an Art Learning Center with glazing classroom spaces. While this new small facility would not be attached to the Linekona Building, it would share a parcel and be in reasonably close proximity to the historic structure. Therefore, the work will be in compliance with The Secretary of the Interior 's Standards for the Treatment of Historic Properties as to not adversely affect any of the character defining features of the historic building. Please click on link for more information.

## 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
Kaua'i: Hā'ena (5-9-002:052)	New Fence, Entry Gate, and Landscaping (SMA(M)-2021-17)	AD Ventures 22, LLC/ Cades Schutte, LLP
Maui: Kīhei (3-9-001: 001)	Ainakukoa Waiohui Kai Project (SM2 20200102)	Hui O Ainakukoa, Malama Kakanilua
Maui: Moloka'i (5-3-011: 016)	Remodel of Existing Dwelling (SM6 20210001)	Dustin Dudoit/Mahie McPherson

## 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-1951	23 Wilikoki Place, O'ahu, 96734	(1) 4-3-019: 049	Maurice R. Tanner Jr.	Beach Bums LLC

### PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources ([HRS § 205A-42](#) and [HAR § 13-222-26](#)). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Status	Location	TMK	Applicant	Owner
OA-1940	Proposed	61-673 Kamehameha Highway, O'ahu, 96712	(1) 6-1-010: 012	Wesley T. Tengan	Pacific Return, LLC
OA-1941	Proposed	91-175 Kaomi Loop, O'ahu, 96707	(1) 9-1-026: 047	Walter P. Thompson, Inc.	Watumull Ethanol LLC
OA-1944	Proposed	84-931 Farrington Hwy, O'ahu, 96786	(1) 8- 4-004: 021	Walter P. Thompson, Inc.	Ryan Dillon
OA-1945	Proposed	92-1089 Ali'inui Drive, O'ahu, 96707	(1) 9-1-057: 027	Walter P. Thompson, Inc.	Campbell Hawaii Investor, LLC
MO-186	Proposed	2904 Kamehameha V Highway, Unit C, Moloka'i, 96748	(2) 5-4-001: 028 por.	Katherine Z. Block, Trustee	Block Undurraga Family Trust U/T/A
HA-601	Proposed	78-6600 Ali'i Drive, Hawai'i, 96745	(3) 7-8-014: 054	Wes Thomas Associates	John A. & Susan B. Bowers
HA-602	Proposed	75-5434 Kona Bay Drive, Hawai'i	(3) 7-5-005: 095	Wes Thomas Associates	The Meneghetti Revocable Trust

## 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 and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews for 77 Species in Oregon, Washington, Idaho, and Hawai'i](#) (published by the Fish and Wildlife Service on 06/25/2021)**

The U.S. Fish and Wildlife Service, is initiating 5-year status reviews for 77 species in Oregon, Washington, Idaho, and Hawai'i under the Endangered Species Act of 1973. A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, they are requesting submission of any new information on these species that has become available since the last reviews. To ensure consideration in their reviews, they are requesting submission of new information no later than **August 24, 2021**. However, they will continue to accept new information about any species at any time. Please click on the link above for more details.

**Proposed Rule: [Endangered and Threatened Wildlife and Plants; Reclassification of the Hawaiian Stilt From Endangered to Threatened With a Section 4\(d\) Rule](#) (published by the Fish and Wildlife Service on 06/23/2021)**

The U.S. Fish and Wildlife Service (Service), recently proposed to reclassify the Hawaiian stilt (*Himantopus mexicanus knudseni*) from an endangered species to a threatened species with a rule issued under section 4(d) of the Endangered Species Act of 1973 (Act), as amended. They are reopening the proposed rule comment period to give all interested parties an additional opportunity to comment on the proposed rule. They also announce a public informational meeting and public hearing on the proposed rule. Comments previously submitted need not be resubmitted as they are already incorporated into the public record and will be fully considered in the final rule. Please click on the link above for more details.

**Notice: [Hawai'i; Major Disaster and Related Determinations](#) (published by the Federal Emergency Management Agency on 07/01/2021)**

This is a notice of the Presidential declaration of a major disaster for the State of Hawai'i (FEMA-4604-DR), dated **May 13, 2021**, and related determinations. The President has determined that the damage in certain areas of the State of Hawai'i resulting from severe storms, flooding, and landslides during the period of March 8 to March 18, 2021, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"). Please click on the link above for more details.

**Proposed Rule: [Pacific Island Fisheries; Amendment 9 to the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific; Modifications to the American Samoa Longline Fishery Limited Entry Program](#) (by the National Oceanic and Atmospheric Administration on 06/30/2021)**

The National Marine Fisheries Service (NMFS) announces that the Western Pacific Fishery Management Council (Council) proposes to amend the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (FEP). If approved, Amendment 9 would reduce regulatory barriers that may be limiting small vessel participation in the American Samoa longline fishery. Specifically, Amendment 9 would consolidate vessel class sizes, modify permit eligibility requirements, and reduce the minimum harvest requirements for small vessels. The Council recommended Amendment 9 to provide for sustained community and indigenous American Samoan participation in the small vessel longline fishery

**Rule: [International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Requirements To Safeguard Fishery Observers](#) (published by the National Oceanic and Atmospheric Administration on 07/07/2021)**

Effective **August 6, 2021**, and under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act), NMFS issues this final rule establishing requirements to safeguard fishery observers and establishing pre-trip notification procedures for observer placement. This action is necessary to satisfy the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), to which it is a Contracting Party.

## 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 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).