



The Environmental Notice

December 8, 2021

David Y. Ige, Governor
Mary Alice Evans, Director

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 reef fish and other invaluable resources of Papahānaumokuākea Marine National Monument may become a National Marine Sanctuary

Photo by: John Burns/NOAA, 2017

235 South Beretania Street, Suite 702 • Honolulu, Hawai'i 96813 • (808) 586-4185 • dbedt.opsd.erp@hawaii.gov • <http://health.hawaii.gov/oecq>

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ANNOUNCEMENTS

- When submitting files for publication, please remember to provide UNLOCKED/UNSECURED documents. We can not publish items if they are Secured, which can occur if the document has been signed electronically.
- Attached at the end of this issue is our 2022 Publication Calendar with dates of deadlines for submittals and comment periods for each issue of *The Environmental Notice*. Please contact us at dbedt.opsd.erp@hawaii.gov with any questions.

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS



O'AHU

Interstate H1 Eastbound Improvements, Ola Lane to Likelike Highway Off-ramp--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) 1-3; Interstate H1 Right-of-Way
Permit(s)	Department of the Army Permit (Section 404. Clean Water Act) Section 401 Water Quality Certification National Pollutant Discharge Elimination System (NPDES) Permit Stream Channel Alteration Permit Section 106 Consultation, National Historic Preservation Act HRS Chapter 6E Historic Preservation Review Americans with Disabilities Act Compliance Community Noise Permit/Variance Street Use Permit, Honolulu Department of Transportation Services Demolition, Grading, Grubbing, and Stockpiling Permits
Proposing/ Determining Agency	State of Hawai'i, Department of Transportation Holly Yuen, (808) 692-7548, Holly.yuen@hawaii.gov 601 Kamokila Boulevard, Room 688, Kapolei, HI 96707
Consultant	Jacobs; 1132 Bishop Street, Suite 1100, Honolulu, HI 96813 Kathleen Chu, (808) 220-1576, kathleen.chu@outlook.com
Status	Statutory 30-day public review and comment period starts. Comments are due by January 7, 2022. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

Interstate H1 eastbound from the Ola Lane overpass to the Likelike Highway off-ramp would be widened to accommodate an auxiliary lane. The change is intended to improve safety, in part by eliminating the merge between traffic on H1 and H201, the Moanalua Freeway. To accommodate the widened freeway, modifications and improvements would be made to slopes, retaining walls, and fencing; signs and striping; and traffic monitoring equipment. The Gulick Avenue bridge would be lengthened and modifications made to the intersection of Gulick Avenue and Beckley Street and adjacent sidewalks and driveways. The Kalihi Stream bridge would be widened on the south (oceanward, or makai) side of the freeway. Detour routes would be provided for vehicular traffic, bicycles, and pedestrians, as needed, throughout the construction period. The project would also include adjustments to drainage lines and structures to accommodate altered stormwater flows, utility relocations, and temporary staging and laydown.

Kanoelani Elementary School Shade Structure--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)	'Ewa
TMK(s)	(1) 9-4-115: 023
Permit(s)	Variance from Pollution Control, DCAB Review, Historic Site Review (Chapter 6E HRS), Board of Water Supply Plan Review, Grubbing, Grading and Stockpiling, Building, Electrical, Plumbing, and Demolition Work, Honolulu Fire Department Plan Check
Proposing/ Determining Agency	State of Hawai'i, Department of Education William George, (808) 768-5125, William.george@k12.hi.us 3633 Wai'ala'e Avenue, Honolulu, HI 96816
Consultant	Gerald Park Urban Planner; 95-595 Kaname'e Street #324, Mililani, HI 96789-1431 Gerald Park, (808) 625-9626, gpark@gpup.biz
Status	Statutory 30-day public review and comment period starts. Comments are due by January 7, 2022. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The Department of Education, State of Hawai'i, proposes to construct improvements at Kanoelani Elementary School, in 'Ewa, O'ahu. The proposed action will increase the cafeteria capacity to accommodate the growing student population with remote food service and / or a dining facility.

The project is proposed at the south end of the campus on a grass lawn that is free of structures. A covered structure open on three sides will be constructed. Exterior walls are not proposed except the side facing Building C will be enclosed by a CMU wall. A capacity of 378 students is projected. Roof runoff from the structure will be piped to an underground stormwater retention system to be constructed on the hillside to the east of the building site. The system is designed to hold approximately 4,000 cubic feet of water which would percolate into the ground. The cost of the project is estimated at \$7.0 million.

HAWAII

Caltech Submillimeter Observatory (CSO) Decommissioning--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district
District(s)	Hāmākua
TMK(s)	(3) 4-4-015:009
Permit(s)	Numerous (see document)
Approving Agency	State of Hawai'i, Department of Land and Natural Resources Rachel Beasley, (808) 798-6481, rachel.e.beasley@hawaii.gov Office of Conservation and Coastal Lands, 1151 Punchbowl St., Rm 131, Honolulu, HI 96813
Applicant	California Institute of Technology (Caltech); Mail Code 206-31, Caltech, 1200 E. California Blvd., Pasadena, CA 91125 David Tirrell, (626) 395-6336, provostoffice@caltech.edu
Consultant	Planning Solutions, LLC; 711 Kapi'olani Blvd., Suite 950, Honolulu, HI 96813 Jim Hayes, (808) 550-4559, jim@psi-hi.com
Status	Finding of No Significant Impact (FONSI) determination

The applicant proposes to decommission the CSO to conclude its use of the site and surrender its sublease while satisfying its obligations, via Sublease H09176 and other agreements, to UH and the State of Hawai'i. The proposed decommissioning will include removal of all aboveground and underground CSO components within the site including, but not limited to, the observatory, outbuilding, foundations, cesspool, utilities, and grounding grid. Decommissioning will also include site restoration, to include: (1) remove fill placed on the site during construction; (2) fill cavities where excavation occurred (e.g. cesspool); and (3) place fine ash and small rocks on the site in order to return the topography to its pre-construction condition, to the greatest extent possible. The CSO's total site area is 1.3 acres, including the sublease area and other minor adjacent areas that were disturbed during the original construction or will be disturbed during the proposed CSO decommissioning.

Honalo Marshalling Yard Improvements--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	North Kona
TMK(s)	(3) 7-9-016: 018; 004
Permit(s)	Grading, Grubbing and Driveway Permits (County DPW) • Building Permits and Plan Approval (County DPW and Planning) • Chapter 6e, HRS, Determination from State Historic Preservation Division on Historic Property Effects • Disability and Communication Access Board (DCAB) plan review and approval • Approval of Water Meter And Related Infrastructure (County DWS) • Wastewater System Approval (State DOH, Wastewater Branch)
Proposing/ Determining Agency	State of Hawai'i, Department of Agriculture Janice Fujimoto, (808) 973-9473, Janice.Fujimoto@hawaii.gov 1428 S. King Street, Honolulu, HI 96814
Consultant	GEOMETRICIAN ASSOCIATES, LLC; 10 Hina Street, Hilo, HI 96720 Ron Terry, (808) 987-5239, rterry@hawaii.rr.com
Status	Finding of No Significant Impact (FONSI) determination

A 1.9-acre State property is leased by the Department of Agriculture to the Kona Producers Cooperative, which subleases it to the Hawai'i 'Ulu Cooperative to process 'ulu and other crops. The goal of the project is to build, expand or improve processing infrastructure including an industrial blast freezer; a temperature-controlled packing room; a detached, dedicated receiving station with commercial scale, access to an electric reach-in forklift, and chill storage located outside the building; improvements to washing and sanitizing processes; and utility upgrades. This will enable a five-fold increase in 'ulu production to 8,000 pounds per day and support thriving commercial 'ulu and sweet potato industries. The site is fully developed and no impacts to biological, historic, cultural or scenic resources would occur. There will be no permanent traffic impacts. Erosion and sedimentation impacts will be avoided by adherence to BMPs.

MAUI

Īao Stream Levee 27 Repair--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Wailuku
TMK(s)	(2) 3-4-032:001; 3-4-030:888 Parcel C; 3-4-020:075; and Imi Kala Street and Eha Street (no TMK)
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	County of Maui, Department of Public Works Kristi Ono, (808) 270-7745, Kristi.Ono@co.maui.hi.us Engineering Division, 200 South High Street, Room 410, Wailuku, HI 96793
Consultant	R. M. Towill Corporation; 2024 North King Street, Suite 200, Honolulu, HI 96819 Brian Takeda, (808) 842-1133, BrianT@rmtowill.com
Status	Finding of No Significant Impact (FONSI) determination

The County of Maui, Department of Public Works, proposes to repair an approximately 240 feet long section of the Wailuku River (formerly Īao Stream) stream bank. The project will repair the right stream bank (looking downstream) located downstream of Imi Kala Street bridge and upstream of the Īao Stream Levee 27. This action will prevent further erosion of the bank, protect the downstream levee, and provide reduced flood risk in Wailuku. The project includes removal of the existing concrete boulder fill slope and grading the slope; excavation to deepen the protection along the toe of the slope to be below the scour depth; and construction of a new revetment system consisting of a reinforced soil slope, grouted riprap face slope, under-drain pipes, and dumped riprap at the toe of the slope to protect against scour. The size and depth of the boulders for the grouted and dumped riprap will be designed to withstand the stream velocity during the 100-year recurrence interval storm event.

NORTHWEST HAWAIIAN ISLANDS

National Marine Sanctuary Designation Overlay at Papahānaumokuākea Marine National Monument (EISPN)

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 (4) Propose any use within any historic site as designated in the National Register or Hawai'i Register
District(s)	Honolulu
Permit(s)	Federal, State, and local permits, authorizations or consultations may be required for the Proposed Action, including consultation under the Endangered Species Act, 16 U.S.C. 1531 et seq., Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., National Historic Preservation Act, 54 U.S.C. 300101 et seq., Hawai'i Historic Preservation Review, HRS Chapter 6E-8 and HAR Chapter 13-275, consistency review under the Coastal Zone Management Act, 16 U.S.C. 1451 et seq., and Hawai'i Coastal Zone Management Act, Hawai'i Conservation District, HRS Chapter 183C and HAR Chapter 13-5, and possibly reviews under other laws and regulations determined to be applicable to the proposed action. To the fullest extent possible, NOAA and the State of Hawai'i will prepare the Draft EIS concurrently with, and integrated with, analyses required by other federal environmental review requirements, and the DEIS will list all federal permits, licenses, and other authorizations that must be obtained in implementing the proposed action.
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Ryan Okano, (808) 753-0476, Ryan.ly.okano@hawaii.gov 1151 Punchbowl St., Honolulu, HI 96813
Accepting Authority	State of Hawai'i, Office of the Governor; State Capitol, Executive Chambers, 415 South Beretania Street, Honolulu, HI 96813 David Ige, (808) 586-0034, https://governor.hawaii.gov/contact-us/contact-the-governor/
Status	Administrative public review and comment period starts. Comments are due by January 31, 2022. Please send comments to https://www.regulations.gov/document/NOAA-NOS-2021-0114-0001 and copy the proposing agency. Virtual Public Scoping meetings will be held on Wednesday, December 8, 2021, 6 p.m. HST; Saturday, December 11, 2021, 12 p.m. HST; Tuesday, December 14, 2021, 6 p.m. HST; and Thursday, December 16, 2021, 3 p.m. HST. To register, scroll to Public Meetings at: https://www.papahanaumokuakea.gov/sanctuary-designation/public-comment/

The State of Hawai'i Department of Land and Natural Resources in coordination with the Office of Hawaiian Affairs, the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration Office of National Marine Sanctuaries are to begin scoping and preparation of an Environmental Impact Statement for a national marine sanctuary designation overlay at Papahānaumokuākea Marine National Monument as directed by the U.S. Congress.

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.

[126 South Kalaheo Single-Family Residence--Draft EA \(AFNSI\)](#)

District(s)	Ko'olaupoko
TMK(s)	(1) 4-3-012: 030
Permit(s)	Various (see document)
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Christi Keller, (808) 768-8087, c.keller@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813
Applicant	Brandon Wey; 616 Kaumaka Place, Honolulu, HI 96825 (808) 308-6402, vshigekuni@pbrhawaii.com
Consultant	PBR Hawaii; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Vincent Shigekuni, (808) 521-5631, vshigekuni@pbrhawaii.com
Status	30-day public review and comment period starts. Comments are due by January 7, 2022. Please send comments to the approving agency and copy the consultant.

The Project proposes the development of a two-story, single-family detached dwelling unit with a garage and accessory structures on a 37,180-square-foot shoreline lot within the R-10 Residential District and SMA in Kailua, O'ahu. The site was previously developed with a single-family dwelling, but is currently vacant and occupied with scattered vegetation and remnants from the previous residence. The property is located within Flood Zone X, and is not within the 3.2-foot Sea Level Rise Exposure Area. The closest structure to the Pacific Ocean is proposed to be set back approximately 80 feet from the certified shoreline.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

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

COMMENTS DUE DECEMBER 8, 2021

MAUI

[Boys & Girls Clubs of Maui Paukūkalo Clubhouse--Draft EA \(AFNSI\)](#)

O'AHU

[Hilton Hawaiian Village – Village Master Plan Improvements AMB Tower--\(Supplemental EIS Preparation Notice\)](#)

[First Responders Technology Campus \(EIS Preparation Notice\)](#)

[Wai'anae Wastewater Treatment Plant Outfall Improvements and Rehabilitation--Draft EA \(AFNSI\)](#)

[1 Lumahai Street Residence--Draft EA \(AFNSI\)](#) ROH Chapter 25

[61-551 Pohaku Loa Way Residence--Draft EA \(AFNSI\)](#) ROH Chapter 25

COMMENTS DUE DECEMBER 23, 2021

HAWAI'I

[Meadow Gold Expansion--Draft EA \(AFNSI\)](#)

MAUI

[Kahana Bay Erosion Mitigation--2nd Draft EIS](#)

LĀNA'I

[Miki Basin Industrial Park--2nd Draft EA \(AFNSI\)](#)

O'AHU

[58-2 Makanale Single-Family Residences Project--Draft EA \(AFNSI\)](#) ROH Chapter 25

COMMENTS DUE JANUARY 7, 2022

MAUI

[Kanaha Hotel at Kahului Airport--Draft EIS Vol. 1, Vol. 2 and Scoping Meeting Audio recording](#)

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

State of Hawai'i

[Department of Accounting and General Services](#)
[Department of Land and Natural Resources](#)
[Hawai'i Housing and Finance Development Corporation](#)

[Department of Education](#)
[Department of Transportation](#)
[University of Hawai'i, Mānoa](#)

County of Maui

[Department of Planning](#)

[Department of Public Works](#)

City and County of Honolulu

[Department of Design and Construction](#)

[Department of Planning and Permitting](#)

PRIOR DETERMINATION

The State of Hawai'i, Department of Transportation (DOT) [has determined](#) that additional environmental review is not required for the installation and operation of gantry cranes by Pasha Hawaii at the Kapālama Container Terminal project at Honolulu Harbor. The [Kapalama Container Terminal and Tenant Relocations Environmental Impact Statement](#) (EIS) was published in *The Environmental Notice* on August 23, 2014 and [accepted](#) by the Governor of Hawai'i on October 30, 2014. The proposed action includes the construction and operation of the new Kapālama Container Terminal with gantry cranes and associated utilities needed to support its operations. At the time the EIS was published and accepted, the exact height of the gantry cranes was not known. Subsequently, a legal determination has been made indicating that the follow-on United States Department of Transportation, Federal Aviation Administration (FAA) aeronautical study (reference: Aeronautical Studies Nos. 2017-AWP-10106-OE through 2017-AWP-10113-OE), which concluded there were no impacts to aviation and resulted in an FAA issued on October 30, 2018, sufficiently satisfied HRS 343 requirements.

This [linked file](#) documents the activities that have transpired since the acceptance of the EIS that has led to the resolution of this issue.

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
Maui: Ha'ikū (2-2-7-036: 036)	Construct Two Shelters for Storage and Agricultural Activities (SM2 20210088)	Marco Rossi
O'ahu: Lā'ie (1-5-5-011: 073)	New Concrete Rock Masonry Retaining Wall (2021/SMA-66)	Blue Hawaii Drafting Services Inc.
O'ahu: Ka'a'awa (1-5-1-001: 001)	AT&T Telecommunication Facility (2021/SMA-72)	New Cingular Wireless PCS, LLC/J5 Infrastructure Partners

SHORELINE NOTICES

APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review and comment 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](#)). **Maps and photos of each application file can be viewed [here](#). 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-1973	3037 Kalākaua Ave., O'ahu 96815	(1) 3-1-033: 006 (Lot B)	Walter P. Thompson, Inc.	Tonggs Holdings
OA-1974	10 Kamani Place, O'ahu 96734	(1) 4-3-015: 053	Walter P. Thompson, Inc.	Jennifer A. Rainin 2007 Trust

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-1963	Proposed	1326 Mokulua Drive, O'ahu 96734	(1) 4-3-004: 077	Austin Tsutsumi & Associates	Fairwater Hawaii LLC, Sandbags LLC
OA-1966	Proposed	84-081 Makau Street, O'ahu 96792	(1) 8-4-010: 021	Team Real Estate, Inc.; Monique Cole &/or Doug Cole	Schuyler E. and Marilyn J. Cole
MA-761	Proposed	One Kapalua Place, Lot 1, Maui 96761	(2) 4-2-004: 001	Akamai Land Surveying, Inc.	Joyce Chung, Rene Lacerte, Nene Irrevocable Trust
MA-767	Proposed	50 Hauoli Road, Maui 96793	(2) 3-8-014: 022	Tanci Mintz, Milowai Maalaea Board of Directors President	Milowai-Maalaea AOA
MO-189	Proposed	Ho'oulu Place, Moloka'i 96748	(2) 5-4-018: 007	Arthur H. Parr	Paragas, Raymond P./ Elsa P. Trust
HA-611	Proposed	Paradise Ala Kai, Hawai'i	(3) 1-5-058: 053	Daniel Berg, dlb & associates, LLC	KDNA LLC
HA-612	Proposed	Paradise Ala Kai, Hawai'i	(3) 1-5-059: 052	Daniel Berg, dlb & associates, LLC	KDNA LLC
HA-613	Proposed	Kai Avenue Lot#22, Hawai'i 96704	(3) 8-8-005: 091	Alia Legaux	Randy Lovernich
MA-756	Rejection	140 Waikoloa Road, Maui 96713	(2) 1-4-005: 033	William Cohen	William Cohen
MA-757	Rejection	4000 Wailea Alanui Drive, Maui 96753	(2) 2-1-023: 005 and 006	Warren S. Unemori Engineering Inc.	Matt Chierek

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents submitted for publication that have been prepared pursuant to NEPA, rather than Chapter 343, HRS. Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and Chapter 343, HRS (sometimes referred to as "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 the Environmental Review Program.

Wake Atoll Rat Eradication Program Final Environmental Assessment - USAF FONSI-FONPA

Island	Wake Atoll
Proposing Agency	Richard Mauser, 907-726-7981, richard.mauser@us.af.mil U.S. Air Force, 611th Civil Engineer Squadron/CEIE 10471 20th Street, Suite 325 Joint Base Elmendorf-Richardson, Alaska 99506
Status	The U.S. Air Force will accept comments for a 14-day public comment period beginning on 10 December and ending on 24 December 2021 . Send comments to Richard Mauser, 611th Civil Engineer Squadron, EAIP/NEPA Coordinator, 10471, 20th St., Ste 302, JBER 99506 or Email: richard.mauser@us.af.mil or call (907) 726-7981.

The Environmental Assessment has been published previously and finalized by USDA as the lead agency. The U.S. Air Force under their guiding regulations requires a FONSI-FONPA be published as a cooperating agency. The purpose of the proposed action is to eradicate the invasive Pacific rat (*Rattus exulans*) from Wake Atoll. The Pacific rat is an invasive species that poses a threat to human health and native flora and fauna. The proposed eradication project is a cooperative effort between the U.S. Department of Agriculture Animal and Plant Health Service - Wildlife Services, US Air Force, US Fish and Wildlife Service, and Island Conservation. The eradication program at Wake Atoll will consist of a primary eradication effort followed by post-eradication activities that will increase the likelihood of eradication of the Pacific rat. The primary tool for eradication will be rodenticide(s) applied using various aerial and ground-based application methods that are designed to increase the likelihood of a successful eradication and minimize the risk to human health and the environment.

FEDERAL NOTICES

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

Notice: [Marine Mammal Protection Act; Establishment of Time-Area Closures for Hawaiian Spinner Dolphins; Public Hearing \(published by the National Oceanic and Atmospheric Administration on 11/23/2021\)](#)

NMFS will hold a public hearing related to the proposed rule to establish time-area closures for Hawaiian spinner dolphins (*Stenella longirostris longirostris*) under the Marine Mammal Protection Act. The proposed rule to establish time-area closures for Hawaiian spinner dolphins published on September 28, 2021 (86 FR 53844), and provided for a public comment period to end on December 27, 2021. **Comments must be received by December 27, 2021**; click on the title link above for information about submitting comments. **The public hearing will be held online on December 9, 2021 from 17:00 to 20:00 HST.**

To join the hearing, or to register for the public hearing in advance, click on the title link above and scroll down to ADDRESSES.

Notice: [Notice of Lodging of Proposed Consent Decree Under the Clean Water Act \(published by the Justice Department on 11/24/2021\)](#)

On November 18, 2021, the Department of Justice filed a Complaint under the Clean Water Act and lodged a proposed Consent Decree with the United States District Court for the District of Hawaii in the lawsuit entitled *United States of America v. JM Fisheries LLC et al.*, Civil Action No. 1:21-cv-00452. The Complaint alleges that the identified companies and individuals are liable for violations related to the commercial fishing vessel Capt. Vincent Gann and operations in and around American Samoa. The Complaint addresses the discharge of oil, including oily bilge waste, into Pago Pago Harbor, American Samoa, in April 2018. The Complaint also includes Clean Water Act claims for violations of the Coast Guard's pollution control regulations related to the defendants' operation of the vessel. The publication of this notice opens a period for public comment on the proposed Consent Decree. Click on the title link above for details and information on addressing and submitting comments. **All comments must be submitted no later than thirty (30) days after the publication date (November 24, 2021) of this notice.**

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 challenge the FONSI in the Environmental Court and seek a ruling 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 OPSD 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 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 OPSD with the Draft EIS.

HEPA

While technically there is no "Hawai'i Environmental Policy Act," HRS 343 is often referred to by this term.

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.

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. Whether the FEIS is accepted or not accepted, notice of the Acceptance Determination is published in this bulletin. The public has 60 days from publication to legally challenge the acceptance of a FEIS. For both Applicant and Agency actions, 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, OPSD 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/denied by the Department or 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; 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. Some projects going through the SMA permit process on O'ahu are also required to go through an environmental review process that mirrors HRS 343; these "ROH Chapter 25" EAs/EISs are included in this bulletin.

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 Advisory Council

The [Environmental Advisory Council](#) is a 14-member citizen board appointed by the Governor. They serve as a liaison between the Director of OPSD and the general public concerning ecology and environmental quality. Agendas of their regular meetings are posted on the Internet and the public is invited to attend.

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).



Publication Calendar of the
Environmental Review Program
Periodic Bulletin, **HAR Chapter 11-200.1**

2022

Pursuant to Chapter 11-200.1, Hawai'i Administrative Rules (HAR), all items to be published in the periodic bulletin must be electronically submitted (see, <https://health.hawaii.gov/oeqc/submittal-form/>) to the Environmental Review Program (ERP) five working days prior to the publication date. For actions that have published a draft EA or EISPN on or before August 8, 2019, use the 1996 Rules Submittal Deadline column for determining the filing date for the Final EA, Draft EIS, Final EIS, Acceptance / Non-acceptance, supplemental determinations, and supplemental EISs.

1996 Rules Submittal Deadline	Current Submittal Deadline	Publication Date	EA or EISPN Comment 30-Day Deadline	EIS Comment 45 Day Deadline
Dec 13 Mon	Dec 16 Thu	Dec 23 2021 Thu	Jan 24 Mon	Feb 07 Mon
Dec 28 Tue	Jan 03 Mon	Jan 08 2022 Sat	Feb 07 Mon	Feb 22 Tue
Jan 11 Tue	Jan 14 Fri	Jan 23 Sun	Feb 22 Tue	Mar 09 Wed
Jan 27 Thu	Feb 01 Tue	Feb 08 Tue	Mar 10 Thu	Mar 28 Mon
Feb 10 Thu	Feb 15 Tue	Feb 23 Wed	Mar 28 Mon	Apr 11 Mon
Feb 24 Thu	Mar 01 Tue	Mar 08 Tue	Apr 07 Thu	Apr 22 Fri
Mar 11 Fri	Mar 16 Wed	Mar 23 Wed	Apr 22 Fri	May 09 Mon
Mar 29 Tue	Apr 01 Fri	Apr 08 Fri	May 09 Mon	May 23 Mon
Apr 12 Tue	Apr 18 Mon	Apr 23 Sat	May 23 Mon	Jun 07 Tue
Apr 27 Wed	May 02 Mon	May 08 Sun	Jun 07 Tue	Jun 22 Wed
May 11 Wed	May 16 Mon	May 23 Mon	Jun 22 Wed	Jul 07 Thu
May 26 Thu	Jun 01 Wed	Jun 08 Wed	Jul 08 Fri	Jul 25 Mon
Jun 13 Mon	Jun 16 Thu	Jun 23 Thu	Jul 25 Mon	Aug 08 Mon
Jun 27 Mon	Jun 30 Thu	Jul 08 Fri	Aug 08 Mon	Aug 22 Mon
Jul 13 Wed	Jul 18 Mon	Jul 23 Sat	Aug 22 Mon	Sep 06 Tue
Jul 27 Wed	Aug 01 Mon	Aug 08 Mon	Sep 07 Wed	Sep 22 Thu
Aug 10 Wed	Aug 15 Mon	Aug 23 Tue	Sep 22 Thu	Oct 07 Fri
Aug 26 Fri	Aug 31 Wed	Sep 08 Thu	Oct 10 Mon	Oct 24 Mon
Sep 13 Tue	Sep 16 Fri	Sep 23 Fri	Oct 24 Mon	Nov 07 Mon
Sep 28 Wed	Oct 03 Mon	Oct 08 Sat	Nov 07 Mon	Nov 22 Tue
Oct 12 Wed	Oct 17 Mon	Oct 23 Sun	Nov 22 Tue	Dec 07 Wed
Oct 27 Thu	Nov 01 Tue	Nov 08 Tue	Dec 08 Thu	Dec 23 Fri
Nov 10 Thu	Nov 16 Wed	Nov 23 Wed	Dec 23 Fri	Jan 09 Mon
Nov 28 Mon	Dec 01 Thu	Dec 08 Thu	Jan 09 Mon	Jan 23 Mon
Dec 13 Tue	Dec 16 Fri	Dec 23 2022 Fri	Jan 23 Mon	Feb 06 Mon
Dec 27 Tue	Dec 30 Fri	Jan 08 2023 Sun	Feb 07 Tue	Feb 22 Wed

- Section 11-200.1-4(a), HAR, establishes the publication schedule of the periodic bulletin to be on the eighth and twenty-third of each month. Publication shall occur on weekends and holidays, when appropriate.
- Section 11-200.1-5(a), HAR, establishes the submittal deadline to be five working days before the publication date. The schedule does not count holidays and non-working days. Items must be submitted before the close of business (4:30 PM) on the submittal deadline. Note: Actions that have published the Draft EA or EISPN on or before August 8, 2019 shall file pursuant to Chapter 11-200, HAR ("1996 Rules"), which requires filing eight working days before publication.
- Comment periods for EAs are 30 days and for EISs are 45 days from the publication date. Section 11-200.1-3 sets forth how to count the days from publication. The publication date is day zero. Holidays and weekends are counted. When the deadline falls on a state holiday or non-working day, the deadline is the next working day.