



The Environmental Notice

May 8, 2022

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.



Recreational trail and shoreline lava flats and tidepools near the proposed Visitor Center and Innovation Center at Kona's NELHA facility

Photo from [the project's Draft EA](#)

TABLE OF CONTENTS

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS 2

HAWAI'I

[Campus Expansion for the Arts and Sciences Center in Puna--Draft EA \(AFNSI\)](#) 3

[NELHA's Innovation Center and Hale Wawaloli Visitor Center--Draft EA \(AFNSI\)](#) 3

MAUI

[Kahului Civic Center Mixed-Use Complex--Final EA \(FONSI\)](#) 4

[Maui High School Girls Athletic Locker Room and Other Facilities--Final EA \(FONSI\)](#) 4

O'AHU

[First Responder Technology Campus--Draft EIS and Appendices Volume](#) 5

[Spillway Rehabilitation and Vegetation Clearing at the Decommissioned Tai Lee Reservoir--Draft EA \(AFNSI\)](#) 5

[Hale Moiliili at 820 Isenberg Street--Final EA \(FONSI\)](#) 6

CHAPTER 25, REVISED ORDINANCES OF HONOLULU

[Arnold-Tripier Residence at Niu--Draft EA \(AFNSI\)](#) 6

[Wheatley Residence in Honolulu--Final EA \(FONSI\)](#) 7

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT 7

LISTS OF EXEMPTION NOTICES 8

COASTAL ZONE MANAGEMENT NOTICES

 Special Management Area (SMA) Minor Permits 8

SHORELINE NOTICES

 Applications for Shoreline Certification 8

 Proposed Shoreline Certifications and Rejections 9

FEDERAL NOTICES 9

GLOSSARY OF TERMS AND DEFINITIONS 10

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS



HAWAII

Campus Expansion for the Arts and Sciences Center in Puna--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)	Puna
TMK(s)	(3) 1-5-006: 002, 012 & 026
Permit(s)	Building Code/Structural Permits, Grubbing/Grading Permits, Electrical Review, Mechanical/Plumbing Review, Septic System Review, Fire Review, Engineering Review, Sanitation Review, Potential Noise Permit, Special Use Permit, Wastewater System Approval and a National Pollutant Discharge Elimination System (NPDES) Permit.
Approving Agency	County of Hawai'i, Planning Department Natasha Soriano, (808) 961-8712, natasha.soriano@hawaiicounty.gov 101 Pauahi Street, Suite 3, Hilo, HI 96720
Applicant	Arts and Sciences Center; P.O. Box 2091, Pāhoa, HI 96778 Steve Hirakami, (808) 938-2933, ascpuna@gmail.com
Consultant	Land Planning Hawaii; 194 Wiwo'ole St., Hilo, HI 96720 John Pipan, (808) 333-3391, john@landplanninghawaii.com
Status	Statutory 30-day public review and comment period starts. Comments are due by June 7, 2022. Please click on title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant.

The proposed action involves the construction of six (6) buildings over four (4) phases and include a gateway/community workforce development/technology center, an industrial and skilled trades development center, an agricultural center, an event/auditorium and atrium, a vocational school, and a maintenance/repair shop. In addition to these buildings, the grounds will also be designed for community focused agriculture, aquaponics and aquaculture, outdoor workshop spaces, outdoor learning areas, treatment ponds and water storage, stream ecology, ethnobotanical gardens, an amphitheater, community athletic and outdoor activity fields, walking paths, a greenhouse, composting and green waste areas, parking lots and drop off locations. The proposed multi-functioning gathering spaces will be designed to act as shelter during times of natural disasters. On-site infrastructure is expected in the form of driveways, parking, electrical, water supply, storm water management, and wastewater disposal facilities. Off-site infrastructure improvements will be required to support traffic for the proposed expansion.

NELHA's Innovation Center and Hale Wawaloli Visitor Center--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)	North Kona
TMK(s)	(3) 7-3-043:051, 100, and 088 (portion)
Permit(s)	County of Hawai'i: Department of Public Works, Building Division Approval and Building Permit; Engineering Division, Grading Permit and Drainage Plan; State of Hawai'i: Department of Health, NPDES Permit; State Historic Preservation Division, Chapter 6E Historic Sites Clearance
Proposing/Determining Agency	State of Hawai'i, Natural Energy Laboratory of Hawai'i Authority Gregory Barbour, (808) 327-9585, nelha@nelha.org 73-4460 Queen Ka'ahumanu Highway, #101, Kailua-Kona, HI 96740-2637
Consultant	Stantec Consulting Services Inc.; P.O. Box 191, Hilo, HI 96721 Michele Lefebvre, (808) 494-2039, michele.lefebvre@stantec.com
Status	Statutory 30-day public review and comment period starts. Comments are due by June 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 proposed project is located just southwest of the Kona International Airport and consists of the construction and operation of a new Innovation Center for the Natural Energy Laboratory of Hawai'i Authority (NELHA) as well as a separate Hale Wawaloli Visitor Center for the Hawai'i Ocean Science and Technology Park (HOST Park). The Innovation Center would be an expansion of the existing Research Village. The current research facility is essentially at full capacity and the expansion would provide for program growth for the foreseeable future. The Innovation Center would include offices, conference spaces, laboratories, indoor and outdoor research spaces, and meeting areas. The Hale Wawaloli Visitor Center would be an addition to the existing Wawaloli Beach Park facilities, and would serve as NELHA's shoreline visitor education center. The proposed project has been designed to complement the visual character of the area and minimize impacts to coastal resources.

MAUI

Kahului Civic Center Mixed-Use Complex--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) 3-7-004:003 (por.)
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	State of Hawai'i, Hawai'i Housing Finance & Development Corporation Stan Fujimoto, (808) 587-0541, stanley.s.fujimoto@hawaii.gov 677 Queen Street, Suite 300, Honolulu, HI 96813
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeff Overton, (808) 523-5866, jeff@g70.design
Status	Finding of No Significant Impact (FONSI) determination

The State of Hawai'i (State), Department of Business, Economic Development & Tourism, Hawai'i Housing Finance & Development Corporation (HHFDC) is proposing to undertake the "Kahului Civic Center Mixed-Use Complex" (Project) on Tax Map Key: (2) 3-7-004:003 (por.), located at the intersection of West Ka'ahumanu Avenue and Kane Street. The Project is a collaborative effort between the HHFDC and State, Department of Accounting and General Services. The Project primarily involves the construction of affordable and market-rate multi-family housing (multi-family housing) and a State Kahului Civic Center (Civic Center). Approximately 300 multi-family dwelling units (mixture of 1-, 2-, and 3-bedroom units) with approximately 414 parking spaces will be developed. An approximately 66,000-square foot Civic Center with approximately 182 parking spaces will be developed.

Maui High School Girls Athletic Locker Room and Other Facilities--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) 3-8-007: 098
Permit(s)	Variance from Pollution Control, Disability and Communication Access Board, Chapter 6E Review, Building, Grading and Grubbing, Certificate of Occupancy, Fire Protection, Temporary Water Permit
Proposing/ Determining Agency	State of Hawai'i, Department of Education Mitch Tamayori, (808) 784-5116, Mitch.Tamayori@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 Gerald Park, (808) 625-9626, gpark@gpup.biz
Status	Finding of No Significant Impact (FONSI) determination

The Department of Education, State of Hawai'i, proposes to construct a Girls Athletic Locker Room on the campus of Maui High School. The primary purpose of the proposed action is to meet Title IX Education Act Amendments of 1972 by providing equitable sports facilities for girl athletes and sports. A second purpose is to correct a shortage of lockers available for girls P.E.

The Locker Room will be constructed as a rectangular shaped, one-story structure with a floor area of approximately 6,350± square feet. Program spaces include a locker area, showers, restrooms, classroom, coach's office, laundry, and storage.

A Multi-Purpose Building will be constructed to the southeast of the new Locker Room. The one-story, 1,800 square foot structure will provide space for large meetings/functions or can be separated into two smaller meeting rooms.

The current construction cost budget is \$6.1 million and will be funded by the State of Hawai'i.

O'AHU

First Responder Technology Campus--Draft EIS, Appendices Volume, and Scoping Meeting Audio

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	O'ahu-multiple
TMK(s)	(1) 9-5-002:039 and 057
Permit(s)	Various (see document)
Proposing Agency	State of Hawai'i, Hawai'i Technology Development Corporation Len Higashi, (808) 539-3814, len@htdc.org 521 Ala Moana Blvd, Suite 255, Honolulu, HI 96813
Accepting Authority	State of Hawai'i, Office of the Governor; 415 South Beretania Street, State Capitol, Executive Chambers, Honolulu, HI 96813 The Honorable David Ige, (808) 586-0034, https://governor.hawaii.gov/contact-us/contact-the-governor/
Consultant	SSFM International, Inc.; 501 Sumner St., Suite 620, Honolulu, HI 96817 Jared Chang, (808) 356-1242, jchang@ssfm.com
Status	Statutory 45-day public review and comment period starts. Comments are due by June 22, 2022. Please send comments to the accepting authority and to the proposing agency at jchang@ssfm.com

The Hawai'i Technology Development Corporation (HTDC) proposes to develop the First Responder Technology Campus (FRTC) located in Mililani on the island of O'ahu. The campus would be located on parcels owned by HTDC identified as Tax Map Keys (1) 9-5-002: 039 and 057, which are approximately 3-acres and 150-acres, respectively. The FRTC is envisioned to be a state-of-the-art facility and will include various uses ranging from office, classroom and warehouse uses to fitness facilities, indoor shooting range and other various types of training facilities for first responder agencies. In addition, the FRTC may have accessory uses such as a hotel/dormitory and workforce housing. The FRTC will include facilities for multiple Federal, State of Hawai'i and City and County of Honolulu first responder agencies within one campus centrally located on O'ahu for operations, training and disaster preparedness purposes.

Spillway Rehabilitation and Vegetation Clearing at the Decommissioned Tai Lee Reservoir--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)	Ko'olaupoko
TMK(s)	(1) 4-1-024:068
Permit(s)	Various (see document)
Proposing/Determining Agency	State of Hawai'i, Department of Agriculture, Glenn Okamoto, (808) 973-9436, glenn.m.okamoto@hawaii.gov 1428 South King Street, Honolulu, HI 96814
Consultant	Townscape, Inc.; 900 Fort Street Mall, Suite 1160, Honolulu, HI 96813 Gabrielle Sham, (808) 536-6999, gabrielle@townscapeinc.com
Status	Statutory 30-day public review and comment period starts. Comments are due by June 7, 2022. Please send comments to the proposing/determining agency at gabrielle@townscapeinc.com

The State of Hawai'i Department of Agriculture is seeking to rehabilitate a spillway and clear vegetation within the decommissioned Tai Lee reservoir in Waimānalo on the island of O'ahu. The former irrigation reservoir is located on a 3.04 acre parcel, Tax Map Key 4-1-024: 068. Proposed improvements are needed to address existing ponding issues that occur on the property during heavy rain events and to address issues with debris clogging the culvert crossing Mokulama Street. As a result of the clogged culvert, stormwaters have overtopped the roadway. The Proposed Action consists of: clearing vegetation on approximately 91,069 square feet and re-vegetating the cleared area with grass; install two rows of staggered bollards to capture debris; and grading approximately 37,436 feet of the property.

O'AHU (CONTINUED)

Hale Moiliili at 820 Isenberg Street--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)	Honolulu
TMK(s)	(1) 2-7-008: 018 and 020
Permit(s)	Building Permits
Proposing/ Determining Agency	State of Hawai'i, Department of Hawaiian Home Lands Darrell Ing, (808) 784-5127, darrell.h.ing@hawaii.gov P.O. Box 879, Honolulu, HI 96805
Consultant	Environmental Communications, Inc.; P.O. Box 236097, Honolulu, HI 96823 Taeyong Kim, (808) 256-9064, tkim@environcom.com
Status	Finding of No Significant Impact (FONSI) determination

The project site is located on lands that were formerly in use as the Bowl-O-Drome bowling alley and parking lot that ceased operations in 2004. The project will primarily provide beneficiaries of the Hawaiian Home Land Trust with access to much needed affordable rental housing in urban Honolulu. The project implements recommendations in the DHHL's O'ahu Island Plan adopted by the Hawaiian Homes Commission in 2014. The leases for the workforce and affordable residential units are anticipated to be for a 75-year term. A 210-foot tall tower and podium will contain 277 dwelling units in studio, one-bedroom, two-bedroom, three-bedroom and three-bedroom townhome configurations. The commercial component of the project will include 4,680 square feet of retail space located on the ground floor. Parking for the complex will consist of approximately 277 residential stalls and 18 retail/commercial stalls for a total of 295 parking stalls in conformance with the Honolulu Land Use Ordinance.

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.

Arnold-Tripier Residence at Niu--Draft EA (AFNSI)

District(s)	Honolulu
TMK(s)	(1) 3-7-002:081
Permit(s)	Special Management Area Use Permit, Shoreline Certification, Building Permit, Grading Permit, Sewer Connection Permit
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Zack Stoddard, (808) 768-8019, zachary.stoddard@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813
Applicant	Jean Tripier/Jean M. Arnold Trust; 5699 Kalaniana'ole Highway, Honolulu, HI 96821 (415) 810-0300, jeankarnold@gmail.com
Consultant	Planning Solutions, Inc.; 711 Kapi'olani Boulevard, Suite 950, Honolulu, HI 96813 Makena White, (808) 550-4538, makena@psi-hi.com
Status	30-day public review and comment period starts. Comments are due by June 7, 2022. Please click on title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant.

The Applicant is proposing two new dwellings on a 31,728-square-foot lot within the R-10 Residential District in Niu. The lot is developed with an existing single-family dwelling that will be demolished. A new dwelling, pool house, and garage will be constructed first, and the pool house will be converted into a second dwelling once a sewer connection permit is approved. The lot is protected by an existing seawall on the property immediately adjacent to the south. The development requires approval of a Special Management Area Use Permit from the Honolulu City Council.

CHAPTER 25, REVISED ORDINANCES OF HONOLULU (CONTINUED)

Wheatley Residence in Honolulu--Final EA (FONSI)

District(s)	Honolulu
TMK(s)	(1) 3-1-013: 032
Permit(s)	Special Management Area (SMA) Use Permit, grading, building, NPDES, Underground Injection Control permits
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Steve Tagawa, (808) 768-8024, stagawa@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813
Applicant	Mr. Robert M. Wheatley and Ms. Sue J. Lee
Consultant	Environmental Risk Analysis LLC; 905-A Makahiki Way, Honolulu, HI 96826 Vincent Yanagita, (808) 397-0480, vincentyanagita@enviroriskhawaii.com
Status	Finding of No Significant Impact (FONSI) determination

The demolition of an existing single-family residence located at 4 Lumahai Street in East Honolulu and the construction of a new 3,914 square-foot, two-story modular residence and a 524-square-foot garage on a 21,0639-square-foot cliff-side shoreline parcel in the SMA. The irregularly shaped rocky parcel slopes steeply downward from the street, with an elevation that ranges from 141 to 30 feet above mean sea level. The site is adjacent to the 10-foot-wide public shoreline access to the "Spitting Caves" which are located immediately below the site. The lower 3,500-square-foot portion of the parcel is designated as a public access easement and a 1,466-square-foot portion of the parcel has been lost to erosion.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The 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 identified in the submission form that follows the initial agency letter.

COMMENTS DUE MAY 9, 2022

HAWAI'I

[Hilo Abandoned Vehicle Facility--Draft EA \(AFNSI\)](#)

[Frey Single-Family Residence--Draft EA \(AFNSI\)](#)

[Nakoa Single-Family Residence at Honalo--Draft EA \(AFNSI\)](#)

O'AHU

[West Loch Affordable Housing Project--Draft EA \(AFNSI\)](#)

[Mā'ili Residential Development at the former Voice of America site--Draft EA \(AFNSI\)](#)

COMMENTS DUE MAY 23, 2022

MAUI

[Keokea Homestead Farm Lots Association Master Plan--Draft EA \(AFNSI\)](#)

O'AHU

[Zweng Single-Family Residence--Draft EA \(AFNSI\)](#)

['Āhuimanu Wastewater Pre-Treatment Facility Improvements and Equalization Facility--Draft EA \(AFNSI\)](#)

[Paullin Residence--Draft EA \(AFNSI\)](#) ROH Chapter 25

COMMENTS DUE JUNE 7, 2022

HAWAI'I

[Army Training Land Retention at Pōhakuloa Training Area--Draft EIS](#)

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 April 2022 (*unless noted otherwise*); 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](#)

[Department of Transportation](#)

[University of Hawai'i Community Colleges \(FY 2020\)](#)

[University of Hawai'i Community Colleges \(FY 2021\)](#)

County of Maui

[Department of Management](#)

[Department of Parks and Recreation \(March 2022\)](#)

City and County of Honolulu

[Department of Design and Construction](#)

[Department of Planning and Permitting](#)

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 [(808) 768-8015]; Hawai'i [East (808) 961-8288], [West (808) 323-4770]; Kaua'i [(808) 241-4050]; Maui [(808) 270-7735]; Kaka'ako or Kalaeloa Community Development District [(808) 587-2846]

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Hilo (2-2-030: 003)	Rooftop Photovoltaic Power System and New Carport (PL-SMM-2022-000017)	Waiakea Villas
O'ahu: Wai'anae (8-7-024: 004)	Mauna Hele Two-Family Detached Dwelling (2022/SMA-20)	Mauna Hele/Uptech Inc.
O'ahu: Kaka'ako (2-1-060: 009 and 007 por.)	Alterations to the Existing Shell Structure and Exterior Improvements for the Development of the Ho'ōla Early Phase Clinical Research Center (SMA/22-1)	University of Hawai'i Cancer Center/ Bowers + Kubota Consulting

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-1986	4 Lumahai Street, O'ahu 96825	(1) 3-9-013: 032	Walter P. Thompson, Inc.	Robert M. Wheatley
OA-1987	61-431 Kamehameha Hwy., O'ahu, 96712	(1) 6-1-008: 007	Walter P. Thompson, Inc.	David Fisher
OA-1988	4915 Kalaniana'ole Hwy., O'ahu 96821	(1) 3-5-022: 017	Walter P. Thompson, Inc.	ALJ OAHU LLC
MA-778	220 Hauoli Street, Maui 96793	(2) 3-8-014: 008	Akamai Land Surveying, Inc.	Nellie's on Maui, Ltd.
MA-779	1772 Halama Street, Maui 96753	(2) 3-9-012: 006	Action Survey LLC	Surf & Ski LLC
MA-780	37764 Pi'ilani Highway, Maui 96714	(2) 1-7-001: 050	Jorn Weisbrodt	Rufus Wainwright & Jorn Weisbrodt
KA-468	Kūhiō Hwy, Kaua'i	(4) 5-8-012: 034	Honua Engineering, Inc.	Timothy Smith

SHORELINE NOTICES (CONTINUED)

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-1975	Proposed	59-549 Ke Iki Road, O'ahu 96712	(1) 5-9-003: 008	Kenn Nishihira	The Norcross Jenkins Family Trust
OA-1981	Proposed	59-205 Ke Nui Road, O'ahu 96712	(1) 5-9-002: 059	Gil P. Bumanglag	South Sea Holdings, LLC (by Donna Y. Baker)

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 of each entry**, also available at www.federalregister.gov.

Rule: [Pacific Island Fisheries; Pelagic Longline Gear and Operational Requirements](#) (published by the National Oceanic and Atmospheric Administration on 04/28/2022)

In this final rule, NMFS prohibits the use of wire leaders in the Hawai'i deep-set longline fishery, and requires the removal of fishing gear from any oceanic whitetip shark caught in all of the region's domestic longline fisheries. The rule is intended to increase post-hooking survival of threatened oceanic whitetip sharks. **The final rule is effective May 31, 2022.** For further information, click on the title link above or contact David O'Brien, NMFS Pacific Islands Regional Office, Sustainable Fisheries, 808-725-5038.

Proposed Rule: [Hawaii: Authorization of State Hazardous Waste Management Program Revisions](#) (published by the Environmental Protection Agency on 05/03/2022)

The Environmental Protection Agency (EPA) is proposing to authorize changes to Hawaii's hazardous waste program under the Resource Conservation and Recovery Act (RCRA). These changes were outlined in an application to the EPA and correspond to certain federal rules promulgated between July 1, 2016 and June 30, 2020 (also known as RCRA Clusters XXV to XXVIII) and for authorization of state-initiated changes that are equivalent to or more stringent than the federal program. The EPA reviewed Hawaii's application and has determined that these changes satisfy all requirements needed to qualify for final authorization. We are authorizing Hawaii for these changes as a direct final authorization without a prior proposed action. If we receive no adverse comment, we will not take further action on this proposed authorization. **Comments must be received on or before June 2, 2022.**

Presidential Document: [National Hurricane Preparedness Week, 2022](#) (published by the Executive Office of the President on 05/05/2022)

Each May, we raise awareness about the threat posed by hurricanes so that Americans living in potentially affected areas are more prepared for these powerful storms. Over the last several years, hurricanes, typhoons, and tropical storms have occurred with greater frequency and intensity, causing tremendous destruction across the United States. From the Gulf Coast and Caribbean Territories to New England, Hawai'i, and the Pacific Territories, severe winds and flooding have cost lives, damaged homes, and caused financial setbacks for families. During National Hurricane Preparedness Week, we recommit to improving our Nation's resilience to hurricanes and to stopping climate change from exacerbating the impact of climate-related catastrophes in the future.

I have proposed more than \$18 billion for climate resilience programs across the Federal Government in next year's budget. Federal investments will also incorporate new flood standards so that our communities are more resilient to flooding. We are strengthening Federal coordination on meteorological services. We are working with State and local governments to strengthen and adopt building codes so, when disasters strike, buildings and the people in them are safer.

But the Government cannot address hurricane and extreme weather resilience alone—every individual and family living in a part of the country that is threatened by these storms has an important role to play. Staying informed, making sure your insurance policies are up to date, and having an emergency kit and plan ready are all important preparation steps. More information on how to prepare for hurricane season is available on the Federal Emergency Management Agency's Ready.gov website.

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 15-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).