



The Environmental Notice

December 8, 2022

Josh Green, M.D., Governor
Scott Glenn, OPSD 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.



TABLE OF CONTENTS

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS	2
HAWAI'I EAs/EISs	
‘Upolu Well and Agricultural Water Distribution System/Agricultural Park--Final EA (FONSI)	3
Waiākea-Uka Park Master Plan Implementation--Final EA (FONSI)	3
MAUI EAs/EISs	
Ledcor South Maui Properties and Improvements--(EIS Preparation Notice)	4
Ka'anapali Beach Restoration and Berm Enhancement--(Acceptance of 2nd Final EIS)	4
Kahului HDOT Baseyard--Draft EA (AFNSI)	5
Suppression of Mosquitoes to Reduce Transmission of Avian Malaria to Forest Birds on East Maui--Draft EA (AFNSI)	5
Mākena State Park Improvements--Final EA (FONSI)	6
KAUA'I EAs/EISs	
Waimea High School Gymnasium Complex--Draft EA (AFNSI)	6
STATEWIDE EAs/EISs	
Biological Control of the Coffee Berry Borer--Draft EA (AFNSI)	7
PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT	7
LISTS OF EXEMPTION NOTICES	
SHORELINE NOTICES	
Applications for Shoreline Certification	8
Proposed Shoreline Certifications and Rejections	8
COASTAL ZONE MANAGEMENT NOTICES	
Special Management Area (SMA) Minor Permits	9
FEDERAL NOTICES	9
GLOSSARY OF TERMS AND DEFINITIONS	10

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



HAWAII EAS/EISS

'Upolu Well and Agricultural Water Distribution System/Agricultural Park--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 Kohala
TMK(s)	(3) 5-5-006:002 and surrounding lands
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Brandon Kim, (808) 587-0248, brandon.j.kim@hawaii.gov 1151 Punchbowl St., Rm 131, Honolulu, HI 96813
Consultant	Geometrician Associates; 10 Hina Street, Hilo, HI 96720 Ron Terry, (808) 969-7090, rterry@hawaii.rr.com
Status	Finding of No Significant Impact (FONSI) determination

State agencies plan to convert an existing USGS observation well on State land near 'Upolu Road to a well supplying water for farming, dairying and ranching, to help replace water lost when the Kohala Ditch was severely damaged. Pump tests show the well can supply 384,000 gallons per day. A 20-foot tall, 660,000-gallon reservoir and water lines running to the east and west would be built. The State may operate the system or lease it to a private operator. Farmers or cooperatives would privately design and fund simple facilities to convey the water to their use areas. The initial phase involves no significant impacts to native biota, water quality or sustainable yield, traffic, archaeological sites, or cultural practices. The program's future phases may convert part of the property to an Agricultural Park and expand the Park to nearby State properties, if sufficient water and demand exist. Follow-up HRS 343 compliance would evaluate future phase actions, impacts and mitigation.

Waiākea-Uka Park Master Plan Implementation--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)	South Hilo
TMK(s)	(3) 2-4-035:001, 002, 004
Permit(s)	HRS Chapter 6E, Historic Preservation; National Pollutant Discharge Elimination System, Construction Stormwater Permit; Community Noise Permit/Variance; Site Plan Approval
Proposing/ Determining Agency	County of Hawai'i, Department of Parks and Recreation Kevin Sakai, (808) 961-8939, kevin.sakai@hawaiicounty.gov 101 Pauahi Street, Suite 6, Hilo, HI 96720
Consultant	SSFM International, Inc.; 99 Aupuni Street, Suite 202, Hilo, HI 96720 Jennifer Scheffel, (808) 375-6038, jscheffel@ssfm.com
Status	Finding of No Significant Impact (FONSI) determination

The County of Hawai'i Department of Parks and Recreation (DPR) plans to implement the park improvements and enhancements proposed by the Waiākea-Uka New Community Center Master Plan (SSFM, 2020), which include a new community center, additional parking, vehicular pattern modifications, realignment of the lower ball field, a new stand-alone restroom facility, and landscaping at Waiākea-Uka Park and Gymnasium in the South Hilo District of Hawai'i Island.

MAUI EAS/EISS

Ledcor South Maui Properties and Improvements--(EIS Preparation Notice)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Maui-multiple
TMK(s)	Numerous (see document)
Permit(s)	Numerous (see document)
Approving Agency/ Accepting Authority	County of Maui, Department of Planning for the Maui Planning Commission Michele McLean, (808) 270-7735, Michele.McLean@co.maui.hi.us One Main Plaza, Room 315, 2200 Main Street, Wailuku, HI 96793
Applicant	Ledcor Maui LP; 590 Līpoa Parkway, Suite 259, Kīhei, HI 96753 David Goode, (808) 807-2363, ledcorsouthmauipermitting@gmail.com
Consultant	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Kimi Yuen, (808) 521-5631, ledcorsouthmauipermitting@gmail.com
Status	Administrative 30-day public review and comment period starts. Comments are due by January 9, 2023. Please post comments to the approving agency/accepting authority at http://www.ledcorsouthmauipermitting.com/ A public scoping meeting will be held on Thursday, December 15, 2022 between 5:00-6:30 PM at The Malcolm Center located at 1305 N. Holopono Street in Kīhei's Research and Technology Park

A mix of single-family and multifamily residential communities are proposed for eight properties, which have a permitted density of over 1,991 residential units (or up to 2,137 residential units with permitted Planned Development (PD) bonuses). Ledcor is proposing an estimated total of 925-975 units and will be developing comprehensive plans for these remaining owned, leased, and potential acquisition infill parcels in the Kīhei and Wailea Resort communities. Community open spaces, amenities, and pedestrian paths will be integrated within these communities. Required workforce housing, park dedication, and related infrastructure improvements will also be provided and otherwise satisfied. The plans will also include Ledcor's fair share portion of the improvements to Pi'ilani Highway at Kilohana Drive.

Ka'anapali Beach Restoration and Berm Enhancement--(Acceptance of 2nd Final EIS) Grandfathered under old rules

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area
District(s)	Lahaina
TMK(s)	Seaward of numerous (see document)
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Tiger Mills, (808) 587-0377, kimberly.mills@hawaii.gov 1151 Punchbowl St., Rm 131, Honolulu, HI 96813
Accepting Authority	State of Hawai'i, Office of the Governor, State Capitol, Executive Chambers, 415 South Beretania Street, Honolulu, HI 96813 The Honorable David Ige, (808) 586-0034, transmit.docs@hawaii.gov
Consultant	Sea Engineering, Inc.; 41-305 Kalaniana'ole Highway, Waimānalo, HI 96795 Christopher Conger, Coastal Scientist, (808) 259-7966 ext. 26, cconger@seaengineering.com
Status	The Governor accepted the 2nd Final EIS on November 17, 2022.

Beach restoration to the approximate condition of the 1988 shoreline is proposed for the section of Ka'anapali Beach between Hanakao'o Beach Park and Hanakao'o Point. Beach berm enhancement, which would raise the elevation of the dry beach by 3.5 feet for the section between Hanakao'o Point and Pu'u Keka'a. The approximately 75,000 cubic yards of sand needed for the proposed project would be recovered from an 8.5-acre sand deposit, located approximately 150 feet offshore of Pu'u Keka'a in 28 to 56 feet water depth. The proposed sand recovery method consists of a moored crane barge equipped with a clamshell bucket. Barges would be rotating between the sand deposit and two off-loading sites, where the barges would be moored to an elevated trestle or floating bridge to shore. The sand would be transferred to shore along the trestle or bridge system. Land-based equipment would then transfer the sand from the shoreline to the placement area where crews would spread sand along the shoreline.

MAUI EAS/EISS (CONTINUED)

Kahului HDOT Baseyard--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)	Wailuku
TMK(s)	(2) 3-8-079:018 (por.)
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	State of Hawai'i, Department of Transportation Ty Fukuroku, Highways Division, Maui District, (808) 873-3535, ty.h.fukuroku@hawaii.gov 650 Palapala Drive, Kahului, HI 96732
Consultant	The Limtiaco Consulting Group; 1622 Kananui Street, Honolulu, HI 96817 Yvonne Turro, (808) 687-8738, yvonne@tlcghawaii.com
Status	Statutory 30-day public review and comment period starts. Comments are due by January 9, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

HDOT proposes to make various permanent site improvements at its existing Kahului Baseyard, which was constructed approximately 40 years ago. The facilities at the baseyard are approaching the end of their useful life and in need of refurbishment. Site improvements will include several upgrades to the existing fuel station along with associated equipment, concrete pavement, and traffic bollards. The electrical system throughout the baseyard will also be upgraded. Replacement of the aging fuel station canopy and vehicle wash rack, and the installation of photovoltaic systems may occur in future phases of the project. Completion of the project would allow HDOT to accommodate present and future operational needs by improving baseyard facilities and onsite infrastructure. The project represents the continued presence of HDOT in the Kahului Airport District. The baseyard facility will essentially retain all of the functions that currently occur at the transportation operations baseyard.

Suppression of Non-native Wild Mosquito Populations to Reduce Transmission of Avian Malaria to Threatened and Endangered Forest Birds on East Maui--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 (2) Propose any use within any land classified as a conservation district
District(s)	Maui-multiple
TMK(s)	Numerous (see document)
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Cynthia King, (808) 587-0019, cynthia.b.king@hawaii.gov 1151 Punchbowl St., Rm 325, Honolulu, HI 96813
Consultant	Tetra Tech; 350 Indiana St., Golden, CO 80401 Keith Pohs, (928) 600-2958, Keith.Pohs@tetrattech.com
Status	Statutory 30-day public review and comment period starts. Pursuant to HRS Chapter 343, comments are due by January 9, 2023. Please click on title link above to read the document, then post comments to the proposing/determining agency at https://parkplanning.nps.gov/HALE-mosquito (The National Park Service, which is collaborating with the Hawai'i DLNR, is accepting comments at this link through January 23rd)

Populations of certain endangered Hawaiian forest birds have decreased substantially over the last 20 years, and it is predicted that at least two more species could be extinct in the next 2–10 years. The primary cause of declines in these native forest birds is avian malaria, which is spread by non-native mosquitoes. The purpose of the project is to substantially suppress or eliminate non-native mosquitoes and, thus, avian malaria in threatened and endangered forest bird populations on East Maui, thereby reducing extinction risks and contributing to the recovery of these species. The proposed action consists of repeatedly releasing incompatible male mosquitoes which reduce the reproductive potential of wild mosquitoes. When conducted repeatedly over time, releases of incompatible mosquitoes will suppress the wild mosquito population by perhaps 90%. The primary mosquito release mechanism would be through the use of drones and to a lesser extent helicopters and ground methods.

MAUI EAS/EISS (CONTINUED)

Mākena State Park 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)	Makawao
TMK(s)	(2) 2-1-006:030
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Curt Cottrell, Division of State Parks, (808) 587-0300, curt.a.cottrell@hawaii.gov 1151 Punchbowl St., Rm 310, Honolulu, HI 96813
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Gwendolyn Leialoha Cheney Rivera, (808) 244-2015, planning@munekiyohiraga.com
Status	Finding of No Significant Impact (FONSI) determination

The Department of Land and Natural Resources, Division of State Parks proposes to develop two (2) new comfort stations, associated water and wastewater holding tank infrastructure improvements, and parking lot improvements within two (2) existing parking areas within Mākena State Park, identified by Tax Map Key (TMK) number (2) 2-1-006:030. The comfort stations will feature flushing toilets, sinks, bottle filling stations, and outdoor showers (or foot rinse stations). Wastewater from the comfort stations will be retained in two (2) belowground wastewater containment tanks for removal by pump truck and offsite treatment. Showers will drain to an onsite drainage basin. Parking improvements include paving, striping, signage, guardrail, and related improvements to the existing unpaved parking areas along the access driveways within the existing parking areas.

KAUA'I EAS/EISS

Waimea High School Gymnasium Complex--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)	Waimea
TMK(s)	(4) 1-6-010: 004
Permit(s)	Use Permit, Class IV Zoning Permit, Building Permits
Proposing/ Determining Agency	State of Hawai'i, Department of Education Richard Bass, (808) 831-6731, rbass@bowersandkubota.com HDOE FDB Project Management, 3633 Wai'ālae Ave., Building B, Room 201, Honolulu, HI 96816
Consultant	Environmental Communications, Inc.; P.O. Box 236097, Honolulu, HI 96823 Taeyong Kim, (808) 256-9064, tkim@environcom.com
Status	Statutory 30-day public review and comment period starts. Comments are due by January 9, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The proposed action consists of a replacement for the original gymnasium which has been in operation since 1948. The existing gymnasium is in poor condition and does not meet the National Federation of State High School Associations (NFSHSA) and is not suitable for interscholastic competition. The replacement structure consists of the construction of a 19,374 square foot gymnasium complex. The single story structure will include the main gym floor, wrestling room, multi-purpose team room, concession stand, lobby and ticket booth, office space, restrooms, locker rooms, support and utility spaces and general circulation.

Appurtenant to the complex are two separate parking areas. A lot consisting of 78 regular and handicap parking stalls will be accessed by Tsuchiya Road and Makeke Road on the western portion of the campus. A second small parking lot for 20 vehicles will be located on the eastern corner of the campus.

STATEWIDE EAS/EISS

[Biological Control of the Coffee Berry Borer--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)	Statewide
TMK(s)	Numerous across the State of Hawai'i
Permit(s)	USDA-APHIS; HDoA
Proposing/ Determining Agency	University of Hawai'i, College of Tropical Agriculture and Human Resources (CTAHR) Mark Wright, (808) 271-2037, markwrig@hawaii.edu 3050 Maile Way, Rm 310, Honolulu, HI 96822
Consultant	N/A
Status	Statutory 30-day public review and comment period starts. Comments are due by January 9, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

CTAHR, in collaboration with the USDA-ARS, proposes the release of a parasitoid wasp from Kenya, *Phymastichus coffea*, for biological control of invasive coffee berry borer, *Hypothenemus hampei*. Coffee berry borer is a significant pest of coffee in Hawai'i. *Phymastichus coffea* is a small parasitic wasp whose larvae feed on adult coffee berry borer in the native range in Africa, causing beetle death before it can penetrate the coffee berry and lay eggs. High levels of parasitism of coffee berry borer by *P. coffea* is expected in Hawai'i, with anticipated suppression of the pest resulting. This Draft Environmental Assessment supports the release of the biocontrol agent, *P. coffea*, to control coffee berry borer in Hawai'i. Extensive testing in quarantine studies has shown that *P. coffea* is host specific to *Hypothenemus* species (none of which are native to Hawai'i) and does not attack any native beetles in the same family as the target pest.

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. [Contact our office](#) for further assistance, as necessary.

COMMENTS DUE DECEMBER 8, 2022**HAWAII**

[Waimea Nui Regional Community Development Initiative Kipuka o ke Ola Clinic Relocation--Draft EA \(AFNSI\)](#)

O'AHU

[Waikiki Aquarium Water System Upgrade--Draft EA \(AFNSI\)](#)

[Kaka'ako Block C Development--Draft EA \(AFNSI\)](#)

[Chinatown Hotel Development--Draft EA \(AFNSI\)](#)

[Waimalu 217' Exploratory Well in 'Aiea--Draft EA \(AFNSI\)](#)

COMMENTS DUE DECEMBER 23, 2022**MAUI**

[Honoapi'ilani Highway Improvements, West Maui, Ukemehame to Launiupoko--\(EIS Preparation Notice\)](#)

O'AHU

[New Waimanalo Health Center Facility--Draft EA \(AFNSI\)](#)

[King Farm Project--Draft EA \(AFNSI\)](#) per ROH Chapter 25

[Pueo Farm Project--Draft EA \(AFNSI\)](#) per ROH Chapter 25

[Konane Slope Stabilization Project--Draft EA \(AFNSI\)](#) per ROH Chapter 25

COMMENTS DUE JANUARY 9, 2023**O'AHU**

[Hilton Hawaiian Village - Ala Moana Blvd Tower--Draft Supplemental EIS and Scoping Meeting Audio](#)

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 2022; 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](#)

City and County of Honolulu

[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: North Kona (7-8-010: 044)	Site Improvements for Existing Boating Facility (PL-SMM-2022-000031)	Sea Quest Hawai'i
Kaua'i: Kīlauea (5-2-004:093 Unit 1)	Construction of a 495 square-foot Guest House with no Kitchen. (SMA(M)-2023-10)	Douglas and Kim Blackburn/ Laurel Loo
Maui: Pā'ia (2-5-004: 085)	Beach Restoration and Landscaping at Kuau Cove (SM2 2022-00054)	Floyd Christenson
Maui: Kīhei (2-1-008: 156)	Retaining Wall, Pool, Spa and BBQ (SM2 2022-00057)	Laurie and Glen Calkins
Maui: Kīhei (3-9-020: 001)	Add New Telecommunication Facility including Antennas on Rooftop, Equipment Platform and Emergency Generator on Ground Space (SM2 2022-00058)	Danette Martin
Maui: Kīhei (3-9-001: 002)	Installation of a Sewer Manhole over an Existing 8" Sewer Line (SM2 2022-00059)	Brenda Braun and Emma Kaimiola
Maui: Hana (2-8-004: 122)	Fence, Water Tank, Driveway, Storage Cargo Container, Shed, Grubbing and Grading (SM2 2022-00060)	Nicolas Dramisino

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-2019	66-441 Pikai St., O'ahu 96712	(1) 6-6-030:042	Gil P. Bumanglag	Kiopaa Family Trust
MA-800	475 Front Street, Maui 96761	(2) 4-6-002:007	Leaps & Boundaries, Inc.	Lori Fisher President, Lahaina Shores AOA

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-2001	Proposed	580 C N. Kalahea Ave., O'ahu 96734	(1) 4-3-018:025	Leaps & Boundaries, Inc.	Chase and Kendl Tanner
OA-2003	Proposed	Kamehameha Hwy. F.A.P.3-D, , O'ahu 96712	(1) 6-1-005:023 & 024, (1) 6-1-009:021 & 022, (1) 6-1-010:019 & 020	ControlPoint Surveying, Inc.	State of Hawai'i, Various Owners
HA-631	Proposed	77-222 Ke Alohi Kai Pl., Hawai'i 96740	(3) 7-7-024:002	Thomas Pattison	Timothy & Kerie Dinehart
HA-632	Proposed	Hilo Bayfront Highway, Hawai'i 96720	(3) 2-3-004:001 & 013; (3) 2-3-003:001 & 004; (3) 2-3-002:011 & 016	ControlPoint Surveying, Inc.	State of Hawai'i (DOT)

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: [Endangered Species; Receipt of Recovery Permit Applications](#) (published by the Fish and Wildlife Service on 11/29/2022)

We, the U.S. Fish and Wildlife Service, have received applications from Hawaii Volcanoes National Park and the Hawaii Division of Forestry and Wildlife for permits to conduct activities intended to enhance the propagation and survival of various endangered species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing the requested permits, we will take into consideration any information that we receive during the public comment period. **We must receive your written comments on or before December 29, 2022.** Click on the title link above for further information about this proposal and for details on submitting comments.

Proposed Rule: [Pacific Island Fisheries; 2022-2025 Annual Catch Limits and Accountability Measures for Main Hawaiian Islands Deepwater Shrimp and Precious Coral Fisheries](#) (published by the National Oceanic and Atmospheric Administration on 12/05/2022)

The National Marine Fisheries Service (NMFS) proposes to implement annual catch limits (ACL) and accountability measures (AM) for main Hawaiian Islands (MHI) deepwater shrimp and precious coral for each fishing year in the time period between 2022 and 2025. As a post-season AM, if NMFS determines that the most recent three-year average total catch exceeded an ACL in a fishing year, we would reduce the ACL for the following fishing year by the amount of the overage. This proposed rule supports the long-term sustainability of MHI deepwater shrimp and precious coral. **NMFS must receive comments by January 4, 2023.** Click on the title link above for further information about this proposal and for details on submitting comments.



Hawaiian Gold Coral (*Kulamanamana haumeaee*)



Heterocarpus ensifer

(Photos from Wikipedia)

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).



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

2023

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://planning.hawaii.gov/erp/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 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
Jan 10 Tue	Jan 13 Fri	Jan 23 Mon	Feb 22 Wed	Mar 09 Thu
Jan 27 Fri	Feb 01 Wed	Feb 08 Wed	Mar 10 Fri	Mar 28 Tue
Feb 10 Fri	Feb 15 Wed	Feb 23 Thu	Mar 28 Tue	Apr 10 Mon
Feb 24 Fri	Mar 01 Wed	Mar 08 Wed	Apr 10 Mon	Apr 24 Mon
Mar 13 Mon	Mar 16 Thu	Mar 23 Thu	Apr 24 Mon	May 08 Mon
Mar 28 Tue	Mar 31 Fri	Apr 08 Sat	May 08 Mon	May 23 Tue
Apr 12 Wed	Apr 17 Mon	Apr 23 Sun	May 23 Tue	Jun 07 Wed
Apr 26 Wed	May 01 Mon	May 08 Mon	Jun 07 Wed	Jun 22 Thu
May 11 Thu	May 16 Tue	May 23 Tue	Jun 22 Thu	Jul 07 Fri
May 26 Fri	Jun 01 Thu	Jun 08 Thu	Jul 10 Mon	Jul 24 Mon
Jun 13 Tue	Jun 16 Fri	Jun 23 Fri	Jul 24 Mon	Aug 07 Mon
Jun 27 Tue	Jun 30 Fri	Jul 08 Sat	Aug 07 Mon	Aug 22 Tue
Jul 12 Wed	Jul 17 Mon	Jul 23 Sun	Aug 22 Tue	Sep 06 Wed
Jul 27 Thu	Aug 01 Tue	Aug 08 Tue	Sep 07 Thu	Sep 22 Fri
Aug 10 Thu	Aug 15 Tue	Aug 23 Wed	Sep 22 Fri	Oct 09 Mon
Aug 28 Mon	Aug 31 Thu	Sep 08 Fri	Oct 09 Mon	Oct 23 Mon
Sep 13 Wed	Sep 18 Mon	Sep 23 Sat	Oct 23 Mon	Nov 07 Tue
Sep 27 Wed	Oct 02 Mon	Oct 08 Sun	Nov 07 Tue	Nov 22 Wed
Oct 11 Wed	Oct 16 Mon	Oct 23 Mon	Nov 22 Wed	Dec 07 Thu
Oct 27 Fri	Nov 01 Wed	Nov 08 Wed	Dec 08 Fri	Dec 26 Tue
Nov 13 Mon	Nov 16 Thu	Nov 23 Thu	Dec 26 Tue	Jan 08 Mon
Nov 28 Tue	Dec 01 Fri	Dec 08 Fri	Jan 08 Mon	Jan 22 Mon
Dec 13 Wed	Dec 18 Mon	Dec 23 2023 Sat	Jan 22 Mon	Feb 06 Tue
Dec 26 Tue	Dec 29 Fri	Jan 08 2024 Mon	Feb 07 Wed	Feb 22 Thu

- 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.