



The Environmental Notice

February 23, 2023

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

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.



Biological control is evaluated to mitigate the devastating effects of the coffee borer beetle

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

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STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



HAWAII EAS/EISS

U.S. Geological Survey (USGS) Hilo Research Facility--Draft EA (AFNSI)

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|--|--|
| 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) 2-4-001:122 (por) |
| Permit(s) | National Environmental Policy Act (NEPA) compliance; Use and Occupancy Agreement (University of Hawai'i); NPDES (Department of Health); Section 106 NHPA/Chapter 6E compliance (DLNR SHPD); County site plan approval (application) (County Planning Department); grading, grubbing and stockpiling permits (County Dept. of Public Works) |
| Proposing/ Determining Agency | State of Hawai'i, University of Hawai'i at Hilo Jordan Sizemore, (603) 730-7743, jsizemore@usgs.gov USGS Environmental Management Branch, P.O. Box 25046, MS205, Lakewood, CO 80225 |
| Consultant | HHF Planners; 733 Bishop Street, Suite 2590, Honolulu, HI 96813 Scott Ezer, (808) 457-3182, USGS-Hilo-HVO-PIERC@hhf.com |
| Status | Statutory 30-day public review and comment period starts. Comments are due by March 28, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant. |

The project provides a replacement facility on 6.8 acres of State-owned land near Komohana Street and Nowelo Road in Hilo for the Hawaiian Volcano Observatory (HVO), whose existing facilities in Hawai'i Volcanoes National Park were irreparably damaged by the 2018 Kilauea volcano eruption. The facility will also accommodate the Pacific Islands Ecosystem Research Center (PIERC), currently located in Hawai'i Volcanoes National Park.

The project site is near the University of Hawai'i at Hilo campus and other federal research institutions. This location allows HVO and PIERC to work collaboratively with university faculty and students and strengthen academic and research partnerships. The site is part of a larger parcel granted to the University of Hawai'i by Executive Order 3814 in 2000. The UH Hilo fully supports the project and will execute a Use and Occupancy Agreement with USGS.

MAUI EAS/EISS

Kahului HDOT Baseyard--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) 3-8-079:018 (por.) |
| Permit(s) | Numerous (see document) |
| Proposing/ Determining Agency | State of Hawai'i, Department of Transportation (HDOT) 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 | Finding of No Significant Impact (FONSI) determination |

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.

O‘AHU EAS/EISS

Waikīkī Aquarium Water System Update--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) | (3) 3-1-031:006 |
| Permit(s) | Special Management Area Major, Shoreline Setback Permit, Underground Injection Control Permit Permit |
| Proposing/ Determining Agency | State of Hawai‘i, University of Hawai‘i Brandon Shima, (808) 956-0282, bshima@hawaii.edu 2444 Dole Street, Bachman Hall 109H, Honolulu, HI 96822 |
| Consultant | Oceanit; 828 Fort Street Mall, Suite 600, Honolulu, HI 96815 Berna Senelly, (817) 422-1372, WAq@oceanit.com |
| Status | Finding of No Significant Impact (FONSI) determination |

Upgrade wastewater discharge system to comply with regulatory requirements. The Proposed Action includes installation of a wastewater discharge/transfer sump and pumps, two (2) onsite injection wells and associated appurtenances and equipment for disposal of aquarium exhibit wastewater and upgrading the piping inside the existing building and the property. Three (3) pumps connected to the discharge/transfer sump will pump the wastewater from the sump to a filter house structure on the south side of the property for filtration prior to discharge into the two injection wells.

Honokea Surf Village--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) | ‘Ewa |
| TMK(s) | (1) 9-1-013:068 |
| Permit(s) | Hawai‘i Community Development Authority Development Permit, State Historic Preservation Division, Chapter 6E-42; Various Site, Grading, Building and Infrastructure Approvals |
| Approving Agency | State of Hawai‘i, Hawai‘i Community Development Authority Craig Nakamoto, (808) 594-0300, craig.k.nakamoto@hawaii.gov 547 Queen Street, Honolulu, HI 96813 |
| Applicant | Honokea Kalaeloa, LLC; 74 Kihapai Street, Kailua, HI 96734 Kenan Knieriem, (808) 295-2146, keno@honokea.com |
| Consultant | G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Kawika McKeague, (808) 523-5866, honokeakalaeloa@g70.design |
| Status | Finding of No Significant Impact (FONSI) determination |

The Honokea Surf Village will provide state of the art, professional level facilities for a variety of sports, specifically for the sport of surfing. These top tier training facilities are allowing adaptive surfers opportunities to surf that have never been possible in the ocean. Blind surfers can now surf unassisted due to the machine-like repeatability of the waves and the controlled environment that cannot be replicated in the ocean. This technology can be seen as a new school classroom where the values of life, wellness, culture, and life safety can be shared and promoted. Honokea Surf Village is a unique project that contributes to fulfilling the vision, core values, and guiding principles for Kalaeloa; and in doing so, also aligns with the local community’s aspirations and values as shared through the project’s current consultation process. The project creates a recreation area that propagates economic enterprises for Kalaeloa based on education, sports, and culture.

STATEWIDE EAS/EISS

[Biological Control of the Coffee Borer Beetle--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) | Statewide |
| Permit(s) | USDA APHIS; Hawai'i Dept of Agriculture |
| Proposing/ Determining Agency | State of Hawai'i, University of Hawai'i at Mānoa Mark Wright, CTAHR, (808) 271-2037, markwrig@hawaii.edu 3050 Maile Way, Rm 310, Honolulu, HI 96822 |
| Consultant | n/a |
| Status | Finding of No Significant Impact (FONSI) determination |

Field Release of *Phymastichus coffea* (Hymenoptera: Eulophidae) for the Biological Control of Coffee Berry Borer, *Hypothenemus hampei* (Coleoptera: Scolytinae) in Hawai'i.

EAS PER 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.

[Moody Single-Family Dwelling in Hale'iwa--Draft EA \(AFNSI\)](#)

| | |
|-----------------------------|--|
| District(s) | Waialua |
| TMK(s) | (1) 6-6-005:046 |
| Permit(s) | SMA Use Permit; Development Permits |
| 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 | Mele and Sean Moody c/o WHALE Environmental Services, LLC; P.O. Box 455, Kahuku, HI 96731 Mark Howland, (808) 294-9254, markahowland@hawaii.rr.com |
| Consultant | WHALE Environmental Services, LLC; P.O. Box 455, Kahuku, HI 96731 Mark Howland, (808) 294-9254, markahowland@hawaii.rr.com |
| Status | Thirty-day public review and comment period starts. Comments are due by March 28, 2023 . 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 Project proposes the construction of a new single-family dwelling with an Accessory Dwelling Unit on a vacant lot in the R-5 Residential District and Special Management Area (SMA). The proposed development triggers the requirement for an EA and SMA Use Permit under Chapter 25, ROH. Upon acceptance and publication of the Final EA with a DPP-issued Finding of No Significant Impact (FONSI), the Applicant must submit an application for an SMA Use Permit, which is subject to approval by Resolution of the City Council.

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 MARCH 10, 2023

O'AHU

[Replacement Wastewater System for Ono Vista Condominiums--Draft EA \(AFNSI\)](#)

[Red Hill Elementary School Covered Play Court--Draft EA \(AFNSI\)](#)

[Cluster Development at 91-603 Pohakupuna Road--Draft EA \(AFNSI\)](#) (ROH Chapter 25)

COMMENTS DUE MARCH 24, 2023

KAUA'I

[Kauai Island Utility Cooperative Habitat Conservation Plan--Draft HCP](#)

PRIOR DETERMINATIONS

The Natural Energy Laboratory of Hawai'i Authority has [determined](#) that additional environmental review is not required for establishment of a new Ridge to Reef Restoration Center on NELHA land. Two prior Environmental Impact Statements describe anticipated impacts of development of the Hawai'i Ocean Science and Technology Park - including on land proposed for this project. These evaluations assessed build-out scenarios intended to include future improvements, allowing for flexibility to adapt to current market and technology conditions. NELHA has determined that the proposed development is consistent with the location, types and scale of scenarios evaluated in the prior EIS documents, and that the potential direct, indirect, and cumulative impacts of that development have been adequately disclosed and evaluated therein, and therefore that the Findings of No Significant Impact (FONSI) in those reports satisfy the requirements of HRS Chapter 343 pursuant to HAR Section 11-200.1-11

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 (7-7-024: 005) | Removal of One Dead Heliotrope Tree (SMM-16-000350 Amended) | Lynn Kohlmeier and Steven Joseph Nisco |
| Hawai'i: Kea'au, Puna (1-5-058: 018) | Proposed Tree Removal, Grubbing and Grading Activities (PL-SMM-2023-000040) | Dmitrii Karataev |
| Kaua'i: Kōloa (2-8-020: 010) | New Swimming Pool with Associated Decking (SMA(M)-2023-14) | Gabriel Prieto/ KimaniKoa Drafting and Design, Donivan Konno |
| Kaua'i: Hanalei (5-5-010: 077) | New Swimming Pool with Associated Decking (SMA(M)-2023-15) | James Pepper/Eric Speir, Architects Kaua'i, Inc. |
| Maui: Kīhei (3-9-051: 036) | After-the-Fact Structures (SM2 2023-00004) | Architectural Drafting Service/ Luigi Manera |
| Maui: Kīhei (4-4-001: 098) | Modification to an Unmanned Telecommunications Facility at the above Project Location (SM2 2023-00005) | Ashley May |
| Maui: Kīhei (2-1-008: 140) | One 80' x 120' Main Tent, Two 20' x 20' Kitchen Tents, Two 20' x 20' Dressing Tents, One 16' x 32' Stage, One 24' x 30' Dance Floor (SM2 2023-00006) | Joy Hirata |
| Maui: Kīhei (2-1-008: 140) | Temporary Setup of (one) 46' X 65' Main Tent, (one) 20' x 40' Catering Tent, (one) 24' x 44' Catering Tent, (one) 20' x 20' Food Tent, (four) 10' x 10' Food Tents, (one) 8' x 12' Stage, and (one) 12' x 16' Stage, for a Special Event Occurring on February 7, 2023 (SM2 2023-00007) | Shea Festejo |
| Maui: Kīhei (2-1-008: 130) | Offsite Staging Area for R2022-00011 Project; Material Stockpiling; with Fencing and Dust Fence Installed around Yard Perimeter (SM2 2023-00008) | Armstrong Buildings |
| Maui: Hana (1-2-002: 051) | Construction of Three Permanent Storage Sheds and Two Semi-permanent Pre-Manufactured Tent Structures to Be Used for Plant Nurseries and Equipment Storage/Parking (SM2 2023-00016) | Ilima Small Wood |
| Maui: Kahului (3-7-009: 004 and 015) | Installation of New Sewer Lift Station (SM2 2023-00017) | Sharon Wright |
| Maui: Kahului (3-7-009: 006) | Mounted Carport Photovoltaic System (SM2 2023-00019) | Commercial Development |
| O'ahu: Hale'iwa (6-1-004: 097) | Construction of a 12,240-gallon Swimming Pool and Spa, with New Fencing (2022/SMA-87) | Jon and Marie-Neige Whittington/ WHALE Environmental Services, LLC |

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

FEDERAL CONSISTENCY REVIEWS

The following federal actions are being reviewed for consistency with the enforceable policies of the Hawai'i Coastal Zone Management (CZM) Program, including [the CZM objectives and policies in Hawai'i Revised Statutes, Chapter 205A](#). Federal consistency, pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA), as amended, generally requires that federal actions, within and outside of the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. This public notice is being provided in accordance with § 306(d)(14) of the CZMA, and federal regulations at 15 CFR § 930.2, § 930.42, and § 930.61. General information about federal consistency is available at the [Hawai'i CZM Program web site](#), or call (808) 587-2878.

For specific information or questions about an action listed below, contact Debra Mendes, (808) 587-2840, Debra.L.Mendes@hawaii.gov The CZM Program is required to adhere to federal review deadlines, therefore, comments must be received by the date specified. Comments may be submitted by mail or electronic mail, to the addresses below.

Mail: Office of Planning and Sustainable Development
Department of Business, Economic Development and Tourism
P.O. Box 2359, Honolulu, HI 96804

Email: Debra.L.Mendes@hawaii.gov

Kalaupapa National Historical Park Electrical Grid Rehabilitation and Upgrade, Moloka'i Island

Proposed Action: Rehabilitate the Kalaupapa National Historic Park settlement's single and three-phase aboveground electrical distribution system to a looped system and connect the existing water pump house and backup generator locations. Improvements would meet current industry standards and codes, remove safety hazards, improve reliability, address deferred maintenance, and reduce dependency on the diesel generator for electricity. Within the existing distribution system alignment and settlement area, the proposed action would: replace 110 power poles; replace 56 existing pole-mounted light fixtures with dark sky-compliant lighting; upgrade 13 poles from single phase to three phases; upgrade insulators and attachment hardware for all poles; replace and upgrade 39,000 linear feet of aboveground cable as needed; replace 2 pad-mounted and 23 pole-mounted transformers; and install a new alignment of 20 poles along Kamehameha Street to reduce potential impacts on cultural resources and documented archeological sites and facilitate access for pole maintenance. Construction is expected to occur over approximately one year. Disturbance would be limited to a 10-foot-wide maximum clearance on each side of the electrical line (for a maximum width of 20-feet). To connect the water pump and backup generator locations to the electrical distribution system, the proposed action would also: remove the diesel generator, fuel tank, and backup power generation equipment and demolish existing structures down to the concrete pads; install the new supply equipment and outlet to the existing backup generator; and install two new poles with cross arms, insulators, and hardware in existing pole locations near the east end of the settlement.

Federal Action: Federal Agency Activity by National Park Service

Comments Due: **March 8, 2023**

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-2025 | Kamehameha Highway, O'ahu 96746 | (1) 5-1-002:road (1) 5-1-009:road | ControlPoint Surveying, Inc. | State of Hawai'i, Department of Transportation |
| MA-809 | 130 W Ka'ahumanu Ave, Maui 96732 | (2) 3-7-003:007 | Walter P. Thompson, Inc. | PHOTO-BR-AROZ Maui Owner, LLC |
| KA-473 | 8224 B 'Elepaio Rd., Kaua'i 96752 | (4) 1-3-003:021 | Roger M. Caires | Roger M. Caires |

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-2015 | Proposed | 53-623 Kamehameha Hwy | (1) 5-3-008:012 | Walter P. Thompson, Inc. | Steven McBride |
| OA-2018 | Proposed | 68-303 Crozier Drive | (1) 6-8-05:048 | Walter P. Thompson, Inc. | Steven Wee |
| OA-2023 | Proposed | 57-275 (Lot 13) & 57-145 (Lot 14) Kamehameha Hwy | (1)5-7-001:048 (1) 5-7-001:049 | Engineers Surveyors Hawaii, Inc | Lot 13 BRE Turtle Bay Dev, LLC Lot 14 BRE Turtle Bay Resort LLC |
| MA-803 | Proposed | Keawa Pl. and Uakea Rd. | (2) 1-4-004:road | ControlPoint Surveying, Inc. | County of Maui, Dept of Environmental Management |
| MA-804 | Proposed | 2435 Ka'anapali Parkway | (2) 4-4-008:001 | R. T. Tanaka Engineers, Inc. | WV Sub LLC c/o Brookfield Properties, Inc. |
| MA-784 | Rejected | 130 Kai Malina Parkway | (2) 4-4-014:006 | Austin Tsutsumi & Associates, Inc. | Honua Kai Condominium Association, Inc. |

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Application(s) or receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in *The Environmental Notice*. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed for each project. CDUAs can be found via the hyperlinked File No. below or on the OCCL website at dlnr.hawaii.gov/occl.

File No.: [CDUA OA-3913 \(Department's Acceptance Letter\)](#)
Name of Applicant: State of Hawai'i
Agent: Dept. of Land and Natural Resources, Land Division
Location: 4055 Papu Circle, Honolulu, HI 96816
 Ka'alawai, Honolulu, Island of O'ahu
TMK(s): (1) 3-1-041:seaward of 005
Proposed Action: [Diamond Head Breakwater Safety Project](#)
343, HRS determination: [Final EA & FONSI](#) published in the [June 23, 2017](#) issue of *The Environmental Notice*
Applicant's Contact: Ian Hirokawa ph: (808) 587-0419, ian.c.hirokawa@hawaii.gov
OCCL Staff Contact: Cal Miyahara ph: (808) 798-6147, cal.miyahara@hawaii.gov



The Diamond Head Breakwater at Shangri La (near Diamond Head, O'ahu) is slated for removal

Photo by [Daniel Ramirez](#) (cropped from original)

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 on each entry, click on the title link below**, also available at www.federalregister.gov.

Notice: [Notice of Intent To Prepare a General Reevaluation Report/Supplemental Environmental Impact Statement for the Ala Wai Canal Flood Risk Management Study, Honolulu, HI](#) (published by the Engineers Corps on 02/22/2023)

In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and pursuant to the Hawaii Revised Statutes (HRS) Chapter 343 (Hawaii Environmental Policy Act (HEPA)), the Pittsburgh District, U.S. Army Corps of Engineers (Corps) is preparing a draft General Reevaluation Report/Supplemental Environmental Impact Statement (GRR/SEIS) to evaluate the opportunities to reduce the risk to life, safety and economic damages from flooding throughout the Ala Wai Watershed in Oahu, Hawaii. The Ala Wai Canal Flood Risk Management Study was authorized under Section 209 of the Flood Control Act of 1962. The study was completed in 2017 and resulted in a recommendation that was subsequently authorized for construction under Section 1401 of the Water Resources Development Act of 2018 (Authorized Project). The purpose of the GRR/SEIS is to reevaluate the Authorized Project and either confirm the Authorized Project or make a new recommendation that will include modifications to the Authorized Project. The non-Federal sponsor for this study is the City and County of Honolulu.

To ensure consideration, **all comments** concerning the scope of the GRR/SEIS, potential alternatives, and identification of relevant information and studies **must be received by March 24, 2023**.

Notice: [Marine Mammals; File No. 27099](#) (published by the National Oceanic and Atmospheric Administration on 02/17/2023)

Notice is hereby given that the Pacific Whale Foundation (Responsible Party: Jens Curie), 300 Ma'alaea Rd. Ste. 211, Wailuku, HI 96793, has applied in due form for a permit to conduct research on 22 species of cetaceans within waters of the Hawaiian Islands. Written, telefaxed, or email **comments must be received on or before March 20, 2023**.

Notice: [Process for Distinguishing Serious From Non-Serious Injury of Marine Mammals; Revisions to Procedural Directive](#) (published by the National Oceanic and Atmospheric Administration on 02/07/2023)

The National Marine Fisheries Service (NMFS) announces final revisions to the Process for Distinguishing Serious from Non-Serious Injury of Marine Mammals. NMFS has incorporated public comments into the final Procedural Directive and provides responses to public comments. This final Procedural Directive became effective as of February 7, 2023.

Notice: [Guidelines for Preparing Stock Assessment Reports Pursuant to the Marine Mammal Protection Act; Final Revisions to Procedural Directive](#) (published by the National Oceanic and Atmospheric Administration on 02/07/2023)

NMFS has incorporated public comments on the draft revisions to the Guidelines for Preparing Stock Assessment Reports Pursuant to the Marine Mammal Protection Act (NMFS Procedural Directive) and is now finalizing the revisions and making them available to the public. This final Procedural Directive became effective as of February 7, 2023.

Notice: [Endangered and Threatened Species; Receipt of Recovery Permit Applications](#) (published by the Fish and Wildlife Service on 02/22/2023)

We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act of 1973 (Add new species— Mexican long-nosed bat (*Leptonycteris nivalis*) and **Hawaiian hoary bat** (*Lasiurus cinereus semotus*)—to existing authorized species). We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of 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 March 24, 2023**.

Notice: [Changes in Flood Hazard Determinations](#) (published by the Federal Emergency Management Agency [FEMA] on 02/10/2023)

This notice lists communities (**including Honolulu, HI**) where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the FEMA for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations.

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).