



The Environmental Notice

May 23, 2023

Josh Green, M.D., Governor
Mary Alice Evans, Acting 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.



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ANNOUNCEMENT

The Environmental Advisory Council has partnered with the U.S. Fish and Wildlife Service (USFWS) to host a June 1, 2023 online meeting to increase awareness about the USFWS' Information for Planning and Consultation online tool and how it fits into the Section 7 consultation process under the Endangered Species Act of 1973, as amended. See [page 9](#) for further information.

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



HAWAII EAS/EISS

Bayfront Highway and Waiianuenu Avenue Intersection Improvements--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)	South Hilo
TMK(s)	(3) 2-3-002:022 (portion); 2-3-002-999 (portion); 2-3-003:003; 2-3-003:999 (portion); and 2-3-005:999 (portion)
Permit(s)	Special Management Area; Shoreline Setback Variance; Grading/Building Permits; Historic Preservation HRS 6E-8; National Historic Preservation Act - Section 106; Coastal Zone Management (CZM) Federal Consistency Review; HRS Chapter 195D; National Pollutant Discharge Elimination System (NPDES) Permit; Community Noise Permit; Noise Variance; Disability and Communication Access Board (DCAB) Document Review for ADA Compliance; Endangered Species Act – Section 7; National Environmental Policy Act (NEPA) Review; Jurisdictional Determination (USACE); Section 4(f) Review; Essential Fish Habitat (EFH) Review; Section D - Categorical Exclusion List
Proposing/ Determining Agency	State of Hawai'i, Department of Transportation Robert Sun, (808) 692-7578, robert.sun@hawaii.gov 869 Punchbowl Street, Honolulu, HI 96813
Consultant	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Dave Simpson, (808) 521-5631, dsimpson@pbrhawaii.com
Status	Statutory 30-day public review and comment period starts. Comments are due by June 22, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency at sysadmin@pbrhawaii.com

The proposed project includes improvements to the intersection of Bayfront Highway (Route 19) and Waiianuenu Avenue (Route 1950) to enhance multimodal connectivity and address ongoing concerns involving poor vehicular maneuverability, restricted access to the downtown Hilo area, pedestrian safety concerns, and overall congestion of roadways in the vicinity. A preferred alternative has been identified which includes reconstruction of roadways to allow for construction of an intersection single-lane roundabout, ADA compliant sidewalks and roadway crossings, drainage improvements, reconfiguration of parking, and other roadway improvements including new highway lighting, electrical infrastructure relocations, signage, pavement markings, pedestrian signals, raised crosswalks, landscape, and traffic management devices, and other utility adjustments as required. To minimize traffic impacts during construction, the project will include both day and night work.

Kea'au-Mountain View Public Library--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) 1-6-002:001 (por)
Permit(s)	MOA and E.O. for property for library use (pending), Plan Approval (County Planning Director) Building permit, electrical permit, plumbing permit, driveway permit, grading permit, grubbing and stockpiling permit, Permit to Perform Work Upon State Highways (work within state highway ROW); Permit to Operate or Transport Oversize and/or Overweight Vehicles & Loads Over State Highways (as required); Permit for the Occupancy and Use of State Highway ROW (as required)
Proposing/ Determining Agency	State of Hawai'i, Department of Accounting and General Services Brian Isa, (808) 586-0484, Brian.s.isa@hawaii.gov 1151 Punchbowl Street, Honolulu, HI 96813
Consultant	HHF Planners, 733 Bishop Street, Suite 2590, Honolulu, HI 96813 Leslie Kurisaki, (808) 457-3182, kurisaki@hhf.com
Status	Statutory 30-day public review and comment period starts. Comments are due by June 22, 2023. Please click on title link above to read the document; send comments to the proposing/determining agency at keaau-mtview-library@hhf.com

The Hawai'i State Public Library System (HSPLS) proposes a new 13,900 SF public library on a 1.7-acre site in Kea'au, adjacent to the Kea'au Middle School. The site is owned by the State of Hawai'i.

The Kea'au-Mountain View Public Library is one of two new libraries proposed in the Puna District to replace three outdated public and school libraries co-located within school campuses. The main library space will be a flexible open area with modular furnishings that can be reconfigured as needs change. A community meeting room is provided for special functions during or after library hours, and opens to a lanai for indoor-outdoor functions. Staff areas include offices, workspace, storage, and space for Friends of the Library. Two one-way driveways will provide access to the 42-stall parking lot. Accessible walkways will connect the library to the public sidewalk and the middle school.

HAWAII EAS/EISS (CONTINUED)

U.S. Geological Survey Hilo Research Facility--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) 2-4-001:122 (por)
Permit(s)	National Environmental Policy Act (NEPA) and HRS Chapter 343 Hawai'i Environmental Policy Act compliance; Use and Occupancy Agreement (University of Hawai'i); DCAB review (DCAB); 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); Form 7460-1 Notice of Proposed Construction or Alteration (Federal Aviation Administration)
Proposing/ Determining Agency	State of Hawai'i, University of Hawai'i at Hilo Jordan Sizemore, (603) 730-7743, jsizemore@usgs.gov c/o: USGS Environmental Management Branch, P.O. Box 25046, MS205, Lakewood, CO 80225
Consultant	HHF Planners, 733 Bishop Street, Suite 2590, Honolulu, HI 96813 Leslie Kurisaki, (808) 457-3182, kurisaki@hhf.com
Status	Finding of No Significant Impact (FONSI) determination

The U.S. Department of the Interior, U.S. Geological Survey (USGS) proposes a new research facility on 6.8 acres of State-owned land at Komohana Street and Nowelo Road in Hilo. The project provides a replacement facility 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. A related NEPA FONSI is available [here](#).

MAUI EAS/EISS

North Kihei Wastewater Collection and Transmission System--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)3-8-077:011; (2)3-9-001:147(por.); (2)3-9-052:037; (2)3-9-027:028; (2)2-2-024:023(por.); (2)2-2-002:042(por.); (2)2-2-002:087; (2)2-2-002:088; (2)2-2-002:084(por.); (2)2-2-024:010; (2)2-2-024:011; (2)3-9-001; (2)3-9-007; (2)2-3-9-002; (2)2-2-024; (2)2-2-002; (2)2-2-029; (2)2-2-999
Permit(s)	various (see document)
Proposing/ Determining Agency	County of Maui, Department of Environmental Management Deborah Aweau, (808) 270-8230, Deborah.Aweau@co.maui.hi.us 2200 Main Street, Wailuku, HI 96793
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Kari Nunokawa, (808) 244-2015, planning@munekiyohiraga.com
Status	Finding of No Significant Impact (FONSI) determination

The County of Maui, Department of Environmental Management (DEM), Wastewater Reclamation Division (WWRD) is proposing to upgrade the North Kihei Wastewater Collection and Transmission System. The system and certain elements of it are reaching their capacity limits and lack the capacity necessary to convey planned future wastewater flows from new development in its service area. The proposed project will include replacing the gravity sewerline to WWPS No. 3, replacing the gravity sewerlines to WWPS No. 4, a new force main starting at WWPS No. 4 that heads south on South Kihei Road, turns east on Pi'ikea Avenue, turns south on Liloa Drive, and transitions to a gravity sewerline for 500 feet (ft.) until it reaches the proposed new WWPS near the Kihei Aquatic Center, and a second new force main that heads south on Liloa Drive and continues on to the Kihei Wastewater Reclamation Facility (WWRF). The proposed project will also involve upgrading WWPS Nos. 2, 3, 4, and 5.

MOLOKA'I EAS/EISS

Nā'iwa Agricultural Subdivision--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)	Moloka'i
TMK(s)	(2) 5-2-003:001; and (2) 5-2-004: 001, 002, 004, 007, 046
Permit(s)	various (see document)
Proposing/ Determining Agency	State of Hawai'i, Department of Hawaiian Home Lands Solana Rosa-Tutop, (808) 620-9233, Solana.S.Rosa-Tutop@hawaii.gov P. O. Box 1879, Honolulu, HI 96805
Consultant	R. M. Towill Corporation; 2024 North King Street, Suite 200, Honolulu, 96819 Brian Takeda, (808) 842-1133, BrianT@rmtowill.com
Status	Statutory 30-day public review and comment period starts. Comments are due by June 22, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The State of Hawai'i Department of Hawaiian Home Lands proposes to construct infrastructure improvements in support of the Nā'iwa Agricultural Subdivision project located within the Ho'olehua region on the island of Moloka'i, Hawai'i. The improvements will occur on approximately 341.2 acres and formally subdivide agricultural lots for use by DHHL beneficiaries in accordance with the Hawaiian Homes Commission Act of 1920. The project involves the construction of the agricultural subdivision infrastructure improvements consisting of access roadways, electrical power, and irrigation and potable water for use by native Hawaiian beneficiaries. The project will also support the construction of homes and ancillary infrastructure by beneficiaries. The Nā'iwa Agricultural Subdivision seeks to provide native Hawaiians with an opportunity to return to the land and promote self-sufficiency through farming opportunities.

KAUA'I EAS/EISS

Kaua'i Bus Maintenance Facility Improvements for Electric Buses--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)	Līhu'e
TMK(s)	(4) 3-6-002:018 (portion)
Permit(s)	Use Permit, Class IV Zoning Permit, New Water Service Connection for Fire Protection, FAA Form 7460-1 (if necessary), NEPA Categorical Exclusion, Noise Permit, Building Permit
Proposing/ Determining Agency	County of Kaua'i, Transportation Agency Celia Mahikoa, (808) 246-8110, cmahikoa@kauai.gov 3220 Ho'olako Street, Līhu'e, HI 96766
Consultant	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Kimi Yuen, (808) 521-5631, kyuen@pbrhawaii.com
Status	Finding of No Significant Impact (FONSI) determination

Improvements to the existing Kaua'i Bus Maintenance Facility to support conversion of the fleet to battery electric buses (BEB). This will involve the construction of new maintenance bays adjacent to the existing maintenance building, improvements to the existing maintenance building, new office and support spaces, installation of charging equipment, and related site and infrastructure improvements.

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 23, 2023

O’AHU

[East Kapolei 215 R-1 3.0 Million Gallon Reservoir and 16-Inch Transmission Main--Draft EA \(AFNSI\)](#)

HAWAI’I

[Pohoiki Boat Ramp Dredging of Volcanic Debris--Draft EA \(AFNSI\)](#)

COMMENTS DUE JUNE 7, 2023

HAWAI’I

[Addition of Wastewater Services for the Puna District--Draft EIS](#)
[Kapāpala Koa Canoe Management Area Plan--Draft EA \(AFNSI\)](#)

COMMENTS DUE JUNE 22, 2023

HAWAI’I

[Puna Geothermal Venture Repower Project--Draft EIS, Appendices, and audio recording of scoping meeting](#)

EXEMPTION DECLARATION

The University of Hawai’i has declared the following action exempt from the requirement to prepare an EA, pursuant to [HAR § 11-200.1-16](#), and has voluntarily submitted it for publication:

[Packaged Air Conditioning Unit Replacement at the Submillimeter Array \(SMA\) on Maunakea, Hawai’i Island](#)

The action involves three exterior modifications to replace or upgrade components of a nearly-25 year old air conditioning and ventilation system which support SMA's operations: (a) The main packaged AC unit will be replaced; (b) Three auxiliary condensing units will be replaced by two units; and (c) air intake ducts on the building wall will be modified. These components are near the end of their service lifetimes and require increasing maintenance and repair. The replacement units will be functionally and visually similar to the existing units. Most of the work will be confined to the hangar. except for the replacement P ACU which rests on a concrete slab adjacent to the hangar. There will be no change to the developed footprint, expansion of use, or impacts to identified resources.

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: Puapua’a 2nd, North Kona District (7-5-020: 019 and 038)	After-the-Fact Interior Improvements and Conversion of Single-Family Residences to Duplex Residences (PL-SMM-2023-000044)	Magali Alvarez, Trustee
Kaua’i: Lihū’e (3-2-003: 058 Unit 13)	After the Fact Grading and Construction of a Concrete Drive-way, New Rock Wall Terraces, and New Gravel Driveway (SMA(M)-2023-19)	Val Sanjara/ Honua Engineering
Maui: Kihei (2-1-008: 079)	Construction of a 1,250 Square Feet Indigenous Hale Structure, Creation of a Plant Nursery and Garden, Relocation of an Existing Deer Fence, Landscaping (SM2 2023-00046)	Joshua Woodburn

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 June 7, 2023**. 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

Air Tour Management Plan for Haleakalā National Park, Maui

The Federal Aviation Administration and National Park Service propose to implement an air tour management plan (ATMP) for Haleakalā National Park (Park) pursuant to the National Parks Air Tour Management Act of 2000 (the Act) which was signed into law on April 5, 2000. The ATMP applies to all commercial air tours over the Park and commercial air tours within ½ mile outside the boundary of the Park. A commercial air tour subject to this ATMP is any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over the Park, or within ½ mile of the Park boundary, during which the aircraft flies: (1) below 5,000 feet above the ground level (except solely for the purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the FAA requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or (2) less than one mile laterally from any geographic feature within the Park (unless more than ½-mile outside the Park boundary).

The objective of the ATMP is to develop acceptable and effective measures to mitigate or prevent significant adverse impacts, if any, of commercial air tour operations on the Park's natural and cultural landscapes and resources, areas of historic and spiritual significance to Native Hawaiians, Wilderness character, and visitor experience. An ATMP describes conditions for the conduct of air tour operations over a park, including routes, altitudes, time-of-day restrictions, restrictions for particular events, maximum numbers of flights, or other provisions. An entry in the [Federal Notices section](#) of this issue relates to this action.

For additional information and details can be viewed at: <https://parkplanning.nps.gov/projectHome.cfm?projectId=103365>

Air Tour Management Plan for Hawai'i Volcano National Park, Hawai'i

The Federal Aviation Administration and National Park Service propose to implement an air tour management plan (ATMP) for Hawai'i Volcano National Park (Park) pursuant to the National Parks Air Tour Management Act of 2000 (the Act) which was signed into law on April 5, 2000. The ATMP applies to all commercial air tours over the Park and commercial air tours within ½ mile outside the boundary of the Park. A commercial air tour subject to this ATMP is any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over the Park, or within ½ mile of the Park boundary, during which the aircraft flies: (1) below 5,000 feet above the ground level (except solely for the purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the FAA requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or (2) less than one mile laterally from any geographic feature within the Park (unless more than ½-mile outside the Park boundary).

The objective of the ATMP is to develop acceptable and effective measures to mitigate or prevent significant adverse impacts, if any, of commercial air tour operations on the Park's natural and cultural landscapes and resources, areas of historic and spiritual significance to Native Hawaiians, Wilderness character, and visitor experience. An ATMP describes conditions for the conduct of air tour operations over a park, including routes, altitudes, time-of-day restrictions, restrictions for particular events, maximum numbers of flights, or other provisions. An entry in the [Federal Notices section](#) of this issue relates to this action.

Additional information and details can be viewed at: <https://parkplanning.nps.gov/projectHome.cfm?projectId=103522>

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

FEDERAL CONSISTENCY REVIEWS (CONTINUED)

Removal and Replacement of Park Maintenance Facilities at Pu’uhonua o Honaunau National Historic Park

Proposed Action: National Park Service proposes to remove existing maintenance facilities near the shoreline and construct new facilities and storage within the Puuhonua o Honaunau National Historic Park (Park) upland in areas where flooding and storm surge impacts are not expected to occur. During demolition of the existing maintenance facilities, visitors will be restricted from construction area within the Park but not be limited to shoreline access. Once the facilities are moved to an upland site, recreation in the area may include additional interpretation of cultural and historical resources for visitors of the Park.

The new construction includes a Resource Management building (approximately 5,500 square feet (sf)), Maintenance facility (approximately 4,200 sf), Storage building (approximately 600 sf), covered fleet vehicle parking (approximately 3,600 sf), and Storage/employee parking/vehicle wash area (approximately 9,400 sf). To avoid or minimize impacts to known archaeological features and to the existing landscape, these new buildings are planned for areas previously graded and disturbed. Exterior motion sensor lighting is proposed at all entry points and vulnerable perimeter points to deter vandalism and theft.

Additional information and details can be viewed at <https://parkplanning.nps.gov/puhorelocmaint>.

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-2034	91-319 Olai Street, O’ahu 96707	(1) 9-1-031:001	David Miran	State of Hawai’i/ Eurus Energy America
OA-2038	45-001B Waikalua Road, O’ahu 96707	(1) 4-5-007:032	Wesley Tengan	Jewell Tuitele
OA-2039	84-909 Moua Street, O’ahu 96707	(1) 8-4-005:008	George Yoshimura	Reid R. Shigemasa, Stephanie S. Shigemasa. James D. Chang, Stacey N. Chang, Allison K. Shinn-Yuen, Randall Yuen
OA-2040	2005 Kalia Road, O’ahu 96707	"(1) 2-6-008:005, 0 2 7 , 0 3 4 (1) 2-3-037:021"	Walter P. Thompson, Inc.	Hilton Hawaiian Village, LLC
KA-475	5252 Weke Road, Kaua’i 96714	(4) 5-5-002:007	Honua Engineering, Inc.	Hale Kauai Trust/ Laura A. Zwicker

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-2006	Proposed	45-277A Ka Hanahou Circle, O’ahu 96744	(1) 4-5-047:013	Kim Lu	Kim Lu & Beiting Gao
OA-2021	Proposed	4997 Kahala Avenue, O’ahu 96818	(1) 3-5-023:003, 038	Walter P. Thompson, Inc.	B.P. Bishop Trust Estate
OA-2025	Proposed	Kamehameha Highway, O’ahu 96730	(1) 5-1-002:ROAD (1) 5-1-009:ROAD	Control Point Surveying, Inc.	State of Hawai’i Department of Transportation
MA-795	Rejected	Makena Alanui Road, Maui 96753	(2) 2-1-07:072	Warren S. Unemori Engineering, Inc.	State of Hawai’i E.O. 3346 to County of Maui
MA-796	Rejected	4850 Makena Alanui Road, Maui 96753	(2) 2-1-007:095	Warren S. Unemori Engineering, Inc.	Makena Surf

ENVIRONMENTAL ADVISORY COUNCIL ANNOUNCEMENT

The State of Hawai‘i has partnered with the U.S. Fish and Wildlife Service to increase awareness about the U.S. Fish and Wildlife Service’s (USFWS) Information for Planning and Consultation (IPaC) online tool and how it fits into the Section 7 consultation process under the Endangered Species Act of 1973, as amended (ESA).

Through the Office of Planning and Sustainable Development, Environmental Advisory Council’s Information & Outreach Committee, the public can [participate in an online meeting](#) on **Thursday, June 1 from 9:00 to 10:30 AM HST** to learn how to incorporate the IPaC online tool into their project planning process. Topics covered will include when and how to create an Official Species List, how to navigate the features in the IPaC online tool, and what to do with the Official Species List once obtained. The IPaC online tool is now required for all consultations under Section 7 the Endangered Species Act of 1973, as amended.

The IPaC online tool also provides Official Species Lists for coordination with the USFWS under the Fish and Wildlife Coordination Act and can assist project proponents by providing a list of birds protected under the Migratory Bird Treaty Act that may occur within a project’s action area. The presenters will also share the USFWS’s vision for IPaC and future features under development. Carrie Harrington, endangered species biologist with the USFWS, Pacific Islands Fish and Wildlife Office is presenting in collaboration with Chelby Kilheffer, Endangered Species Biologist, and Victoria Foster, National IPaC Program Coordinator, from the USFWS’s Headquarters (HQ) IPaC Team in Washington DC. Click [here](#) for additional information.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents submitted for publication that have been prepared pursuant to NEPA, rather than Chapter 343, HRS (sometimes referred to as "HEPA"). Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and HEPA. In those cases, a separate Chapter 343, HRS, entry would be published in *The Environmental Notice* when a relevant document or determination is submitted to OPSD/ERP.

[Construction of a C-40 Aircraft Maintenance Hangar at MCBH \(EA-FONSI\)](#)

Island / District / TMK	O‘ahu / Ko‘olaupoko / (1) 4-4-008:001 0000
Proposing Agency	Naval Facilities Engineering Command, Pacific, 258 Makalapa Drive, Suite 100, Joint Base Pearl Harbor-Hickam, HI 96860-3134, (Contact John Bigay, 808-472-1196)
Approving Agency	US Navy (see above)
Status	Thirty (30) day comment period from May 17 to June 16, 2023. Mail comments to: Naval Facilities Engineering Command, Pacific, 258 Makalapa Drive, Suite 100, Joint Base Pearl Harbor-Hickam, HI 96860-3134, Attn: EV21 Project Mgr. MCBH C-40A Hangar EA Or Email to NFPAC-Receive@navy.mil

The Navy proposes to construct and operate a modified Type III aircraft hangar at Marine Corps Base Hawaii (MCBH), with an aircraft apron and other supporting infrastructure modifications, to support the Fleet Logistics Squadron 51 (VR-51) C-40A aircraft maintenance and operations. The environmental assessment analyzes two action alternatives and the No Action Alternative. Both action alternative sites (Hangar 104 Site and Green Field Site) are located on MCBH within the airfield area. Under the Hangar 104 Site alternative, existing Hangar 104 would be demolished and a Type III hangar would be constructed within its footprint. Under the Green Field Site Alternative, a Type III hangar would be constructed on a semi-vacant parcel bounded by Mokapu Road and the Marine Corps Air Station (MCAS) Terminal. The Navy is working with SHPO and consulting partners to develop a Memorandum of Agreement (MOA) to resolve adverse effects the Hangar 104 Alternative. Environmental effects of the Proposed Action would have less than significant effects as described in Section 3 of the draft EA. The Navy will implement several Best Management Practices and conservation measures to reduce environmental effects. Development of a MOA with SHPO would resolve adverse effects to historic properties.

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: [Western Pacific Fishery Management Council; Public Meetings](#) (published by the National Oceanic and Atmospheric Administration on 05/19/2023)

The Western Pacific Fishery Management Council will hold a hybrid (online and in-person) meeting of the Hawai‘i Archipelago Fishery Ecosystem Plan Advisory Panel Friday, on **June 9, from 9 a.m. to 4 p.m. HST** to discuss and make recommendations on fishery management issues in the region. Please click on the title link above for further details and information.

FEDERAL NOTICES (CONTINUED)

Notice: [Western Pacific Fishery Management Council; Public Meetings](#) (published by the National Oceanic and Atmospheric Administration on 05/16/2023)

The Western Pacific Fishery Management Council will hold its Social Science Planning Committee meeting to discuss and make recommendations on fishery management issues in the Western Pacific Region. **The meeting will be held by web conference on May 31, 2023**, from 1 p.m. to 5 p.m., HST. Please click on the title link above for agenda and further details.

Notice: [Evaluation of Heeia National Estuarine Research Reserve; Notice of Public Meeting; Request for Comments](#) (published by the National Oceanic and Atmospheric Administration on 05/15/2023)

The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management, will hold an in-person public meeting on **Tuesday, June 6, 2023, at 6 p.m. HST** to solicit input on the performance evaluation of the He'eia National Estuarine Research Reserve. NOAA also invites the public to submit written comments; all relevant written comments received by Friday, June 16, 2023 will be considered. Please click on the title link above for details of the meeting and information on submitting comments.

Notice: [Endangered Species; Receipt of Recovery Permit Applications](#) (published by the Fish and Wildlife Service on 05/18/2023)

The U.S. Fish and Wildlife Service has received two applications for permits to conduct activities in Hawai'i intended to enhance the propagation and survival of endangered species under the Endangered Species Act. The public and local, State, Tribal, and Federal agencies are invited to comment on these applications. Before issuing the requested permits, any information received during the public comment period will be taken into consideration. **Written comments must be received on or before June 20, 2023.** Please click on the title link above for further information.

Rule: [International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fish Aggregating Device Design Requirements in Purse Seine Fisheries, IMO Number Requirements, and Bycatch Restrictions](#) (published by the National Oceanic and Atmospheric Administration on 05/12/2023)

Under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act), NMFS issues this final rule establishing fish aggregating device (FAD) design requirements, International Maritime Organization (IMO) number requirements, and bycatch restrictions for sharks and rays. This action is necessary to satisfy the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), to which it is a Contracting Party. **This rule is effective on June 12, 2023.**

Notice: [Marine Mammals and Endangered Species](#) (published by the National Oceanic and Atmospheric Administration on 05/18/2023)

Notice is hereby given by the National Marine Fisheries Service that permits and permit amendments have been issued to the various entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable. Please click on the title link above for more information about these permits.

Notice: [Notice of Availability of Draft Air Tour Management Plans \(ATMP\) and Draft Environmental Assessments \(EA\) and Public Meetings](#) (published by the Federal Aviation Administration [FAA] on 05/18/2023)

The FAA, in cooperation with the National Park Service (NPS), has initiated development of ATMPs for Haleakalā National Park, Hawai'i Volcanoes National Park, Mount Rushmore National Memorial, and Badlands National Park (collectively referred to as the Parks) pursuant to the National Parks Air Tour Management Act of 2000 and its implementing regulations. This notice announces the public availability of the draft ATMPs and draft EAs for comment and the dates of the public meetings for each of the Parks. The purpose of the public meetings is to review the draft ATMPs with the public. The draft ATMPs provide acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the Parks' natural and cultural resources and visitor experiences, as well as on tribal lands. In accordance with section 106 of the National Historic Preservation Act, the FAA and the NPS are also seeking public comment on the potential of the draft ATMPs to cause adverse effects to historic properties.

For Haleakalā and Hawai'i Volcanoes National Parks, **virtual public meetings will be held on May 25 and June 7, 2023, respectively. Comments must be received on or before June 16, 2023**, by 8:00 p.m. HST. Please click on the title link above for additional information about participating in the meetings and submitting comments.

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).