



# The Environmental Notice

August 8, 2023

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



An open-air cultural entertainment venue is proposed in Waikiki; see the [Draft EA of the Kālia Cultural Entertainment Venue](#) for details

Image from the project's Draft EA

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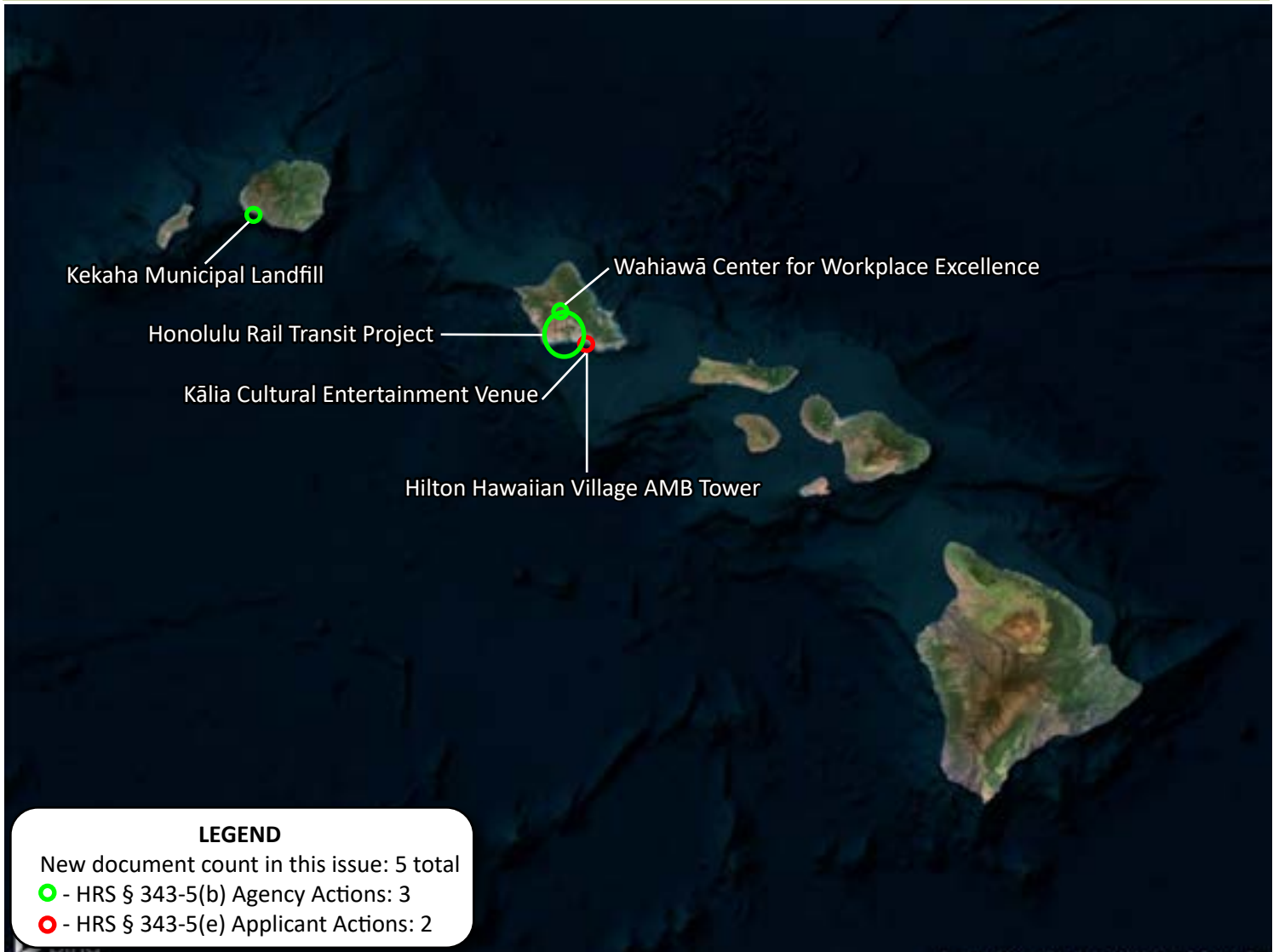
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STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



## O'AHU EAS/EISS

**Kālia Cultural Entertainment Venue--Draft EA (AFNSI)**

<b>HRS §343-5(a) Trigger</b>	(5) Propose any use within the Waikīkī area of O'ahu
<b>District(s)</b>	Honolulu
<b>TMK(s)</b>	(1) 2-6-006: 001 and 004
<b>Permit(s)</b>	<u>Federal</u> : Federal Emergency Management Agency, Title 44 of the Code of Federal Regulations Compliance; Federal Aviation Administration, FAA Form 7460.1. <u>State of Hawai'i</u> : Department of Land and Natural Resources, Chapter 6E, HRS, State Historic Preservation Law; Department of Health, Disability and Communication Access Board, Pollution Control - Noise Permit. <u>City and County of Honolulu</u> : Department of Planning and Permitting, Waikīkī Special District Major Permit, Building Permit, Grading Permit/Trenching Permit, Erosion and Sediment Control Plan, Certificate of Occupancy, Construction Dewatering, Wastewater Sewer Connection, Stormwater Drain Connection; Board of Water Supply, Water Connection, Water System Facilities Charges; Honolulu Fire Department, Plan Review; Department of Environmental Services, Sewer Connection
<b>Approving Agency</b>	City and County of Honolulu, Department of Planning and Permitting Gerald Toyomura, (808) 768-8056, <a href="mailto:gtoyomura@honolulu.gov">gtoyomura@honolulu.gov</a> 650 South King Street, 7th Floor, Honolulu, HI 96813
<b>Applicant</b>	2055 Kalākaua LLC; 2270 Kalākaua Avenue, Honolulu, HI 96815 Will Nguyen, (808) 738-8400, <a href="mailto:will@blacksandcapital.com">will@blacksandcapital.com</a>
<b>Consultant</b>	Wilson Okamoto Corporation; 1907 South Beretania Street, Suite 400, Honolulu, HI 96826 Dalton Beauprez, (808) 946-2277, <a href="mailto:DBeauprez@wilsonokamoto.com">DBeauprez@wilsonokamoto.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by September 7, 2023.</b> Please click on title link above to read the document, then send comments to the approving agency at <a href="mailto:DBeauprez@wilsonokamoto.com">DBeauprez@wilsonokamoto.com</a>

The Applicant is proposing to construct the Kālia Cultural Entertainment Venue (Project) which is envisioned as an open-air cultural entertainment venue which will encompass a stage with dressing room areas for events; a large table seating area; Flex activity space for Hawaiian Style activities such as lei making, games, and other cultural activities; a two-story multi-purpose building including vendor booth, office, bar areas, food preparation and buffet, restrooms, enclosed seating areas, tech booth, and lānai; pick-up/drop-off area and a loading zone; and support spaces including elevators, and janitorial rooms. The Project is anticipated to accommodate approximately 715 people and approximately 50 employees. Main access is anticipated from Kalākaua Avenue, and access from the adjacent Luana Hotel is being considered. The Project Site is occupied with the former Kyo-ya Restaurant and parking structure, which has not been operational since 2007 and will be demolished.

**Wahiawā Center For Workforce Excellence--Draft EA (AFNSI)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county fund
<b>District(s)</b>	Wahiawā
<b>TMK(s)</b>	(1) 7-4-004:070
<b>Permit(s)</b>	Various (see document)
<b>Proposing/Determining Agency</b>	State of Hawai'i, Department of Education William George, (808) 784-5125, <a href="mailto:william.george@k12.hi.us">william.george@k12.hi.us</a> 1390 Miller Street, Honolulu, HI 96813
<b>Consultant</b>	Wilson Okamoto Corporation; 1907 South Beretania Street, Suite 400, Honolulu, HI 96826 Dalton Beauprez, (808) 946-2277, <a href="mailto:DBeauprez@wilsonokamoto.com">DBeauprez@wilsonokamoto.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by September 7, 2023.</b> Please click on title link above to read the document, then send comments to the proposing/determining agency at <a href="mailto:publiccomment@wilsonokamoto.com">publiccomment@wilsonokamoto.com</a>

The Proposed Project includes the development and construction of the Center for Workforce Excellence on the grounds of the existing Wahiawā Public Library and DOE High Core Portables. The Proposed Project is anticipated to consist of a three-story facility with a parking structure that, at a minimum, will meet LEED Silver requirements as established by the US Green Building Council (USGBC) with a life expectancy of 50 years, or better. The Proposed Project is intended to provide space for the following three (3) agencies: the HSPLS, DOE, and UHCC. The facility is envisioned to accommodate HSPLS on the ground floor, DOE LMW on the second floor, and UHCC on the top floor.

## O'AHU EAS/EISS (CONTINUED)

Honolulu Rail Transit Project, Environmental Re-evaluation of Project Modifications--(Supplemental EIS determination)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	O'ahu-multiple
<b>TMK(s)</b>	Numerous (see document)
<b>Proposing/ Determining Agency</b>	City and County of Honolulu, Honolulu Authority for Rapid Transportation (HART) Lori Kahikina, (808) 768-6159, <a href="mailto:lkahikina@honolulu.gov">lkahikina@honolulu.gov</a> 1099 Alakea St., 17th Floor, Honolulu, HI 96813
<b>Accepting Authority</b>	Governor, State of Hawai'i, State Capitol, Executive Chambers, 415 South Beretania St., Honolulu, HI 96813 Josh Green, M.D., (808) 586-0034, <a href="https://governor.hawaii.gov/contact-us/contact-the-governor/">https://governor.hawaii.gov/contact-us/contact-the-governor/</a>
<b>Consultant</b>	Jacobs Engineering Group, 1003 Bishop St., Suite 1340, Honolulu, HI 96813 Kristen Nishimura, (808) 943-1133, <a href="mailto:kristen.nishimura@jacobs.com">kristen.nishimura@jacobs.com</a>
<b>Status</b>	The accepting authority has determined that no supplemental EIS is required.

HART proposes a temporary reduction of the Project to an 18.9-mile fixed guideway rail system with nineteen stations. An environmental re-evaluation of the Project Study Corridor was conducted to assess potential new, significant, or adverse impacts compared to the accepted NEPA-HEPA Final Environmental Impact Statement (FEIS) in 2011 and NEPA Final Supplemental Environmental Impact Statement (SFEIS) in 2013. This document builds on the FEIS and SFEIS findings, addressing potential impacts related to the Project Modifications. The re-evaluation indicates no new or substantially severe impacts on the environmental resources assessed in the FEIS or SFEIS that would require a supplemental analysis. No significant changes in circumstances, information, or mitigation measures were identified, and the impacts of the Project Modifications align with those described in the FEIS and SFEIS.

Hilton Hawaiian Tower, AMB Tower--(Acceptance of Final Supplemental EIS)

<b>HRS §343-5(a) Trigger</b>	(5) Propose any use within the Waikiki area of O'ahu
<b>District(s)</b>	Honolulu
<b>TMK(s)</b>	(1) 2-6-009: 004; 005; 006; 007; 009; 013
<b>Permit(s)</b>	Special Management Area Permit, Planned Development-Resort; Waikiki Special District Major; HRS Chapter 6E Review, Building, Grading, Trenching, Drain Connection, Sewer, Construction Plan Approvals
<b>Approving Agency/ Accepting Authority</b>	City and County of Honolulu, Department of Planning and Permitting Laura Mo, (808) 768-8025, <a href="mailto:laura.mo@honolulu.gov">laura.mo@honolulu.gov</a> 650 South King Street, 7th Floor, Honolulu, HI 96813
<b>Applicant</b>	Park Ala Moana LLC; 1775 Tysons Blvd., 7th Floor, Tysons, VA 22102 Jonathan Fuisz, (571) 302-5757, c/o: <a href="mailto:ambtower@g70.design">ambtower@g70.design</a>
<b>Consultant</b>	G70; 111 South King Street, Suite 170, Honolulu, HI 96813 Jeffrey Overton, (808) 523-5866, <a href="mailto:ambtower@g70.design">ambtower@g70.design</a>
<b>Status</b>	The approving agency/accepting authority accepted the <a href="#">Final Supplemental EIS</a> on July 28, 2023

Expansion of the Hilton Hawaiian Village by developing the Ala Moana Boulevard Tower on newly purchased parcels (4, 5, and 6), and on existing parcels. The Project will consist of an eight-story podium and 28-story tower, for a total of 36 stories (with a maximum height of 350 feet, exclusive of permitted rooftop equipment and structures). The podium will provide amenities and support spaces (lobby, reception, office, employee space, parking, retail and commercial space, a recreation deck, bar, and other amenities). The tower will provide approximately 515 hotel lodging units of varying size.

## KAUA'I EAS/EISS

[Kekaha Municipal Landfill Phase II Vertical Expansion--Draft EA \(AFNSI\)](#)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Waimea
<b>TMK(s)</b>	(4) 1-2-002:001 (portion) and :009
<b>Permit(s)</b>	Solid Waste Management Permit Modification; Covered Source Permit Modification (Title V Air Permit); HRS Chapter 6E Compliance (Historic Preservation Review); Federal Aviation Administration, Notice of Proposed Construction or Alteration
<b>Proposing/ Determining Agency</b>	County of Kaua'i, Department of Public Works Allison Fraley, (808) 241-4837, <a href="mailto:AFraley@kauai.gov">AFraley@kauai.gov</a> 4444 Rice Street, Mo'ikeha Building, Suite 275, Lihu'e, HI 96766
<b>Consultant</b>	Tetra Tech, Inc.; 737 Bishop Street, Suite 2000, Honolulu, HI 96813 Kayla Yost, (808) 441-6600, <a href="mailto:kayla.yost@tetrattech.com">kayla.yost@tetrattech.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by September 7, 2023.</b> Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The County of Kaua'i, Department of Public Works, Solid Waste Division is proposing a vertical expansion of Phase II operations at the Kekaha Municipal Solid Waste Landfill (KLF) located in Kekaha, Kaua'i, Hawai'i (Proposed Action). The KLF encompasses approximately 98 acres of land owned by the State of Hawai'i. The Proposed Action would provide additional air space volume for the placement of refuse while the siting, design, and construction of a new landfill facility or other long-term landfill capacity solutions are completed. The Proposed Action would extend Phase II operations upward from the currently permitted maximum elevation of 120 feet (ft) above mean sea level (amsl) to a maximum elevation of 171.5 ft amsl. This proposed vertical expansion would be within the existing permitted footprint of the Phase II landfill and would be constructed above the existing Subtitle D base liner.

## CHAPTER 25, REVISED ORDINANCES OF HONOLULU

Use of the Special Management Area (SMA) is not a trigger under HRS Chapter 343, but major developments in O'ahu's SMA must 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.

[56-155 Kamehameha Highway Residences in Kahuku--Draft EA \(AFNSI\)](#)

<b>District(s)</b>	Ko'olauloa
<b>TMK(s)</b>	(1) 5-6-001:033
<b>Permit(s)</b>	SMA Use Permit, and other development permits
<b>Approving Agency</b>	City and County of Honolulu, Department of Planning and Permitting Steve H. Tagawa, (808) 768-8024, <a href="mailto:stagawa@honolulu.gov">stagawa@honolulu.gov</a> 650 South King Street, 7th Floor, Honolulu, HI 96813
<b>Applicant</b>	Linda M. Donoso and Malaekahana LLC; c/o: 905 A Makahiki Way, Honolulu, HI 96826 Linda M. Donoso, c/o: (808) 425-0968, <a href="mailto:rachelokoji@enviroriskhawaii.com">rachelokoji@enviroriskhawaii.com</a>
<b>Consultant</b>	Environmental Risk Analysis LLC; 905 A Makahiki Way, Honolulu, HI 96826 Rachel Okoji, (808) 425-0968, <a href="mailto:rachelokoji@enviroriskhawaii.com">rachelokoji@enviroriskhawaii.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by September 7, 2023.</b> Please click on title link above to read the document, then send comments to the approving agency and copy the consultant.

The Project involves building 5 new 2-story, and 2, 1-story modular single-family dwellings, driveway, and individual septic systems w/leach fields, on a 1.47-acre shoreline parcel in R-5 Residential District. An existing 2-story dwelling on the site is to remain; access is off Kamehameha Highway via private road. Another dwelling, built in the 1940s, has since been removed. Ownership of the site is divided into eight condominium property regime (CPR) units pursuant to HRS, Chapter 514B. The City does not recognize CPR units (which have not been subdivided pursuant to Chapter 22, Revised Ordinances of Honolulu (ROH)), therefore, the Project must be evaluated collectively, under a single SMA Major application. No construction is proposed in the shoreline setback. The Project triggers the preparation of an EA under Chapter 25, ROH. Upon acceptance of a Final EA and a FONSI determination, DPP can accept the SMA application. Decision making will be made by the City Council.

## CHAPTER 25, REVISED ORDINANCES OF HONOLULU (CONTINUED)

### Zucco Single-Family Dwellings in Kahuku--Draft EA (AFNSI)

<b>District(s)</b>	Koʻolauloa
<b>TMK(s)</b>	(1) 5-6-001: 089
<b>Permit(s)</b>	SMA Use Permit, and construction permits
<b>Approving Agency</b>	City and County of Honolulu, Department of Planning and Permitting Christi Keller, (808) 768-8087, <a href="mailto:c.keller@honolulu.gov">c.keller@honolulu.gov</a> 650 South King Street, 7th Floor, Honolulu, HI 96813
<b>Applicant</b>	Sea Turtle Estates, LLC; c/o Consultant (see below)
<b>Consultant</b>	WHALE Environmental Services, LLC; P.O. Box 455, Kahuku, HI 96731 Mark Howland, (808) 294-9254, <a href="mailto:markahowland@hawaii.rr.com">markahowland@hawaii.rr.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by September 7, 2023.</b> Please click on title link above to read the document, then send comments to the approving agency at <a href="mailto:markahowland@hawaii.rr.com">markahowland@hawaii.rr.com</a>

The Project proposes of the demolition of one single-family, detached dwelling unit, and the construction of three new single-family, detached dwelling units with garages on a shoreline lot within the R-5 Residential District and Special Management Area (SMA). The dwellings are proposed for family use and will not be used for short-term rentals. All activities are proposed to occur outside of the shoreline setback area. The proposed development triggers the requirement for an EA and SMA Use Permit under Chapter 25, ROH, because three or more dwellings are considered a “larger development,” and the Project is anticipated to cost between \$1,500,000 and \$1,850,000. 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. **Comments are due August 22, 2023.** 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.

### HAWAI‘I

[Reese Single-Family Residence in Wa‘awa‘a--Draft EA \(AFNSI\)](#)

### MAUI

[Central Maui Wastewater Reclamation Facility--\(EIS Preparation Notice\)](#) A public scoping meeting will be held August 16, 2023 at 6:00 p.m. Waikapū Community Center (22 East Waiko Road, Waikapū, Maui)

### O‘AHU

[Waiāhole Valley Water System Improvements--Draft EA \(AFNSI\)](#)

[Mālama Honua Public Charter School Foundation & Hui Mālama o Ke Kai Improvement Plan--Draft EA \(AFNSI\)](#)

[Wai‘anae High School Track and Field Improvements--Draft EA \(AFNSI\)](#)

## PRIOR DETERMINATIONS

The County of Maui, Department of Housing and Human Concerns [has determined](#) that additional environmental review is not required for the proposed Department of Hawaiian Home Lands Waiehu Mauka Homestead Project ("Waiehu Homestead Project"), consisting of 343 single family lots and 55 half-acre rural lots along with associated infrastructure, roadways, and amenities. The project will occupy an approximately 238-acre parcel west of Kahekili Highway.

This determination, pursuant to HAR Section 11-200.1-11, is based on (1) the proposed project is substantially similar to the [Waiehu Residential Community Project](#), whose Final EA received a FONSI in 2022; (2) the effects of the proposed project are anticipated to be fewer than those analyzed in the 2022 EA; and (3) the proposed project fits within the range of alternatives analyzed in the 2022 EA.

## 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 July 2023; 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 Education](#)

[Department of Land and Natural Resources](#)

[Department of Transportation](#)

[University of Hawai'i](#)

[Hawaii Housing Finance Development Corp](#)

### County of Hawai'i

[Department of Environmental Management](#)

### County of Maui

[Department of Public Works](#)

[Department of Water Supply](#)

### City and County of Honolulu

[Department of Design and Construction](#)

## EXEMPTION NOTICES

The following agencies have declared the following actions exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#), and have voluntarily submitted them for publication:

### County of Hawai'i, Department of Environmental Management (DEM)

#### [Acquisition of Waiea Transfer Station Property](#)

DEM plans to purchase the 2.280-acre leased property that is the site of the existing Waiea Convenience Center. County ownership of the property will avoid the financial risk of investment of a leased site and promote cost-efficient and orderly repair, maintenance and upgrades in the future. The proposed action involves purchase and ownership transfer only; no change to existing operations would occur at this time. All future new activities and/or alteration of the site will be subject to analysis under Chapter 343 HRS and compliance with other State and County environmental laws to avoid or minimize impacts to the environment.

### State of Hawai'i, Department of Transportation

#### [Interstate Route H-1, Seismic Retrofit of Wai'alae Viaduct Inbound and Outbound Project](#)

The Project proposes to retrofit the Wai'alae Viaduct in accordance with HDOT Design Criteria to ensure the bridge will not collapse after an earthquake event. The Project consists of the following two components:

1. Wrap the "outrigger" portion of several existing bent caps with fiber reinforced polymers (FRP) to strengthen the beam torsional capacity and transfer the bending movement from the superstructure to the center column(s) due to loading in the longitudinal direction. This will also address potential bent cap shear problems due to loading in the transverse direction. Installation of the FRP will require demolition and reconstruction of a portion of various concrete planters atop the bentcaps; and
2. Thicken pilecaps in several locations and add a top layer of reinforcing steel and dowels. This work will require excavation and backfill work not to exceed five feet below the surface, and reconstruction of the sidewalk and median.

### State of Hawai'i, University of Hawai'i

#### [Waiale'e Research Station Capital Improvements Project](#)

This action involves filling and grading of an abandoned oxidation pond and sewer treatment system, installation of two (2) underground Individual Wastewater System (IWS) septic tanks and leach fields, demolition of seven (7) abandoned structures, and removal of two (2) interior doors.

## COASTAL ZONE MANAGEMENT NOTICES

### 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 the action listed below, contact Debra Mendes at (808) 587-2840 or [Debra.L.Mendes@hawaii.gov](mailto:Debra.L.Mendes@hawaii.gov). The CZM Program is required to adhere to federal review deadlines, therefore, **comments must be received by August 22, 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](mailto:Debra.L.Mendes@hawaii.gov)

#### **Amendment to the Fishery Ecosystem Plans (FEP) for the Hawaii Archipelago and the Pelagic Fisheries of the Western Pacific Region**

**Proposed Action:** National Marine Fisheries Service proposes to amend the FEP for the Hawaii Archipelago and the Pelagic Fisheries of the Western Pacific Region. If approved, this action would revise the descriptions of standardized bycatch reporting methodologies (SBRM) for federally managed fisheries in Hawaii for consistency with NMFS regulations. The proposed amendments to the FEPs are administrative in nature and do not implement new rules or requirements for any fishery.

**Location:** International waters

**Federal Action:** Activity by National Marine Fisheries Service

## 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](http://www.federalregister.gov).

#### **Notice: [Endangered Species; Receipt of Recovery Permit Applications](#) (published by the Fish and Wildlife Service on 07/24/2023)**

We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation and survival of endangered species under the Endangered Species Act, including in Hawai'i, the 'Alae 'ula, or Hawaiian common gallinule (*Gallinula galeata sandvicensis*); 'Alae ke'oke'o, or Hawaiian coot (*Fulica alai*); Ae'o, or Hawaiian stilt (*Himantopus mexicanus knudseni*); Koloa maoli (koloa), or Hawaiian duck (*Anas wyvilliana*), and 'Alalā (*Corvus hawaiiensis*). We invite the public and local, State 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 August 23, 2023**. Click on the title link above for further information on how to comment.

#### **Notice: [Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement](#) (published by the National Oceanic and Atmospheric Administration on 08/01/2023)**

NMFS announces a public meeting of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) on October 2–3, 2023. The meeting of the PAC will be held in Honolulu and via web conference each day from 9 a.m. to 5:30 p.m. HST (or until business is concluded). Members of the public may submit written comments on meeting topics or materials; **comments must be received by September 18, 2023**. Please click on the title link above for meeting topics and information on participating.



## 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).