



The Environmental Notice

October 23, 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.



A pilot project will evaluate the suitability of east Maui as habitat for 'alalā, or the endangered Hawaiian crow

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

TABLE OF CONTENTS

ANNOUNCEMENTS2

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS2

HAWAI’I EAs/EISS

[North Kawaihae Small Boat Harbor Breakwater Improvements--Draft EA \(AFNSI\)](#)3

[Addition of Wastewater Services for the Puna District--\(Acceptance of Final EIS\)](#)3

MAUI EAs/EISS

[Pilot Release of ‘Alalā on East Maui--Draft EA \(AFNSI\)](#)4

MOLOKA’I EAs/EISS

[Pūko’o Fire Station Relocation--Draft EA \(AFNSI\)](#)4

O’AHU EAs/EISS

[August Ahrens Elementary School \(AAES\) New Classroom Building--Final EA \(FONSI\)](#)5

[Wai’anae High School Track and Field Improvements--Final EA \(FONSI\)](#)5

[Wahiawā Center For Workforce Excellence--Final EA \(FONSI\)](#)6

KAUA’I EAs/EISS

[Wolbachia-based Suppression of Mosquitoes on Kaua’i--Final EA \(FONSI\)](#)6

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT7

EXEMPTION NOTICES7

SHORELINE NOTICES

 Applications for Shoreline Certification7

 Proposed Shoreline Certifications and Rejections8

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION8

COASTAL ZONE MANAGEMENT NOTICES

 Special Management Area (SMA) Minor Permits9

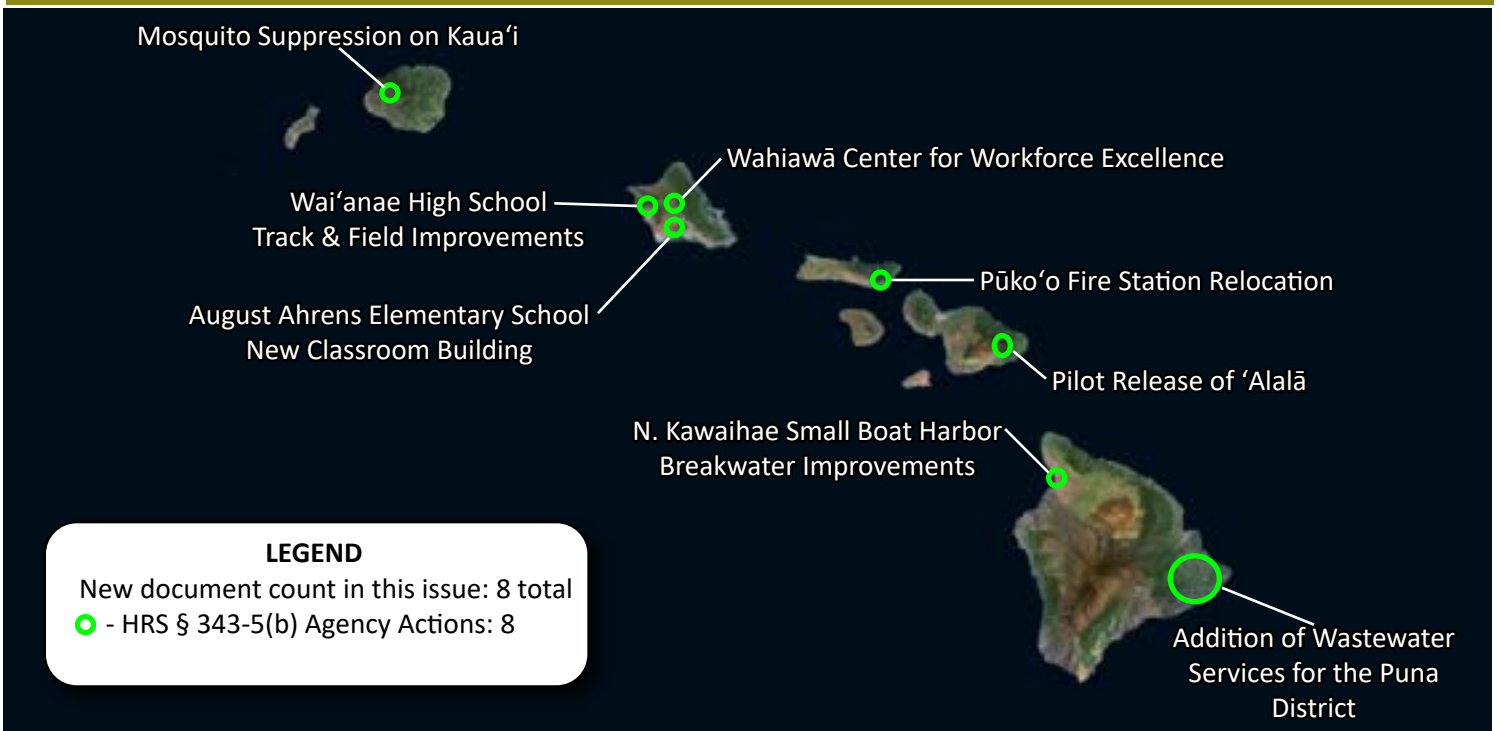
FEDERAL NOTICES9

GLOSSARY OF TERMS AND DEFINITIONS10

ANNOUNCEMENTS

We plan to begin offering training sessions in the environmental review process; [contact](#) the ERP office if you are interested!

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



HAWAII EAS/EISS

North Kawaihae Small Boat Harbor Breakwater 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 (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area
District(s)	North Kohala
TMK(s)	(3) 6-1-003: 023 & 045
Permit(s)	Section 10, Work in Navigable Waters of the U.S. (USACE); Section 404, Clean Water Act, for Fill in Waters of the U.S. (USACE); Section 401 Water Quality Certification; Essential Fish Habitat review; Endangered Species Act Review; Conservation District Use Permit; Coastal Zone Management Federal Consistency
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Finn McCall, (808) 587-3250, finn.d.mccall@hawaii.gov 4 Sand Island Access Road, Honolulu, HI 96819
Consultant	Oceanit; 828 Fort Street Mall, Suite 600, Honolulu, HI 96813 Berna Senelly, (808) 531-3017, bsenelly@oceanit.com
Status	Statutory 30-day public review and comment period starts. Comments are due by November 22, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency at NKSBH@oceanit.com

DLNR's Division of Boating and Ocean Recreation proposes to redesign and improve the damaged North Kawaihae Small Boat Harbor (NKSBH) main breakwater to better withstand winter swells. The existing breakwater elevation will be raised four (4) feet from six (6) feet above mean lower low water (MLLW) to ten (10) feet MLLW. The breakwater section will be ten (10) feet wide at its crest to accommodate maintenance equipment and have 1.5H:1V side slopes. The bottom width of the structure will be below the waterline and vary from about 40 to 60 feet. The modified breakwater will be designed to withstand larger wave forces and reduce wave intrusion into the harbor, thus minimizing damage to harbor structures and vessels that use the harbor. The breakwater structure will be extended approximately 80 feet landward from the existing end of the breakwater to prevent siltation of the boat ramp during high wave conditions.

Addition of Wastewater Services for the Puna District--(Acceptance of Final EIS)

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)	Numerous (see document)
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	County of Hawai'i, Department of Environmental Management Kelly Hartman, (808) 961-8512, Kelly.Hartman@hawaiicounty.gov 345 Kekūanāo'a Street, Suite 41, Hilo, HI 96720
Accepting Authority	Office of the Mayor, County of Hawai'i; 25 Aupuni Street, Hilo, HI 96720 Mitch Roth, (808) 961-8211, mitchd.roth@hawaiicounty.gov
Consultant	AECOM; 1001 Bishop Street, Suite 1600, Honolulu, HI 96813 Rae Loui, (808) 529-7221, rae.loui@aecom.com
Status	The Mayor accepted the Final EIS on October 4, 2023.

The Proposed Action is the addition of wastewater collection, treatment, and disposal infrastructure and services for the Project Area. The action would provide efficient, technologically advanced, and resilient wastewater collection, treatment, and disposal infrastructure and services, primarily to town and village centers in the Project Area.

MAUI EAS/EISS

Pilot Release of ‘Alalā on East Maui--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district
District(s)	Hāna
TMK(s)	Numerous (see document)
Permit(s)	Various (see document)
Proposing/ Determining Agency	State of Hawai‘i, Department of Land and Natural Resources Lindsey Nietmann, (808) 223-6139, lindsey.nietmann@hawaii.gov 1151 Punchbowl St, Room 325, Honolulu, HI 96813
Consultant	N/A
Status	Statutory 30-day public review and comment period starts. Comments are due by November 22, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency at thealalaproject@gmail.com

The ‘alalā or Hawaiian crow (*Corvus hawaiiensis*) is extinct in the wild, but a captive population survives in conservation breeding centers in Hawai‘i. Previous attempts to release captive-bred ‘alalā on Hawai‘i Island failed, largely due to predation of ‘alalā by ‘io or Hawaiian hawk (*Buteo solitarius*). The ‘alalā is known historically from the Hawai‘i Island and ‘alalā or a similar species also occurred on Maui prehistorically. The purpose of this short duration pilot project is to evaluate the suitability of east Maui as ‘alalā habitat. Montane native forest on east Maui is similar to native forest on Hawai‘i island, except east Maui is generally wetter, and ‘io are not present on Maui. The proposed project will allow managers to evaluate whether ‘alalā will survive and breed in east Maui and have better survival in habitat absent of ‘io. The project supports ‘alalā recovery by improving understanding of release methods and habitat conditions for ‘alalā reintroduction and breeding.

MOLOKA‘I EAS/EISS

Pūko‘o Fire Station Relocation--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) 5-6-002:002, 001 (por.) and 036 (por.)
Permit(s)	Grading and Grubbing Permits, Building Permits
Proposing/ Determining Agency	County of Maui, Department of Fire and Safety Rylan Yatsushiro, (808) 270-5542, rylan.yatsushiro@co.maui.hi.us 200 Dairy Road, Kahului, HI 96732
Consultant	G70; 111 S. King Street, Honolulu, HI 96813 Barbara Natale, (808) 523-5866, UalapueFireHouse@g70.design
Status	Statutory 30-day public review and comment period starts. Comments are due by November 22, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency at UalapueFireHouse@g70.design

The Maui Department of Fire and Safety (MFD) plans to relocate its Pūko‘o Fire Station on Moloka‘i to ‘Ualapu‘e. MFD acquired a property in ‘Ualapu‘e with an existing single-family residence and will renovate the residence with new support facilities. Site improvements will consist of grading and earthwork, truck and personal vehicle parking, landscaping, vehicular access and driveway improvements. Utility infrastructure will consist of installation of upgrades to main electrical service wires and new sewage utilities. The interior of the residence will be remodeled with new flooring, cabinets, and appliances. The facility will not be a full-service fire station but rather a fire house, used as a base for a crew of firefighters.

O‘AHU EAS/EISS

August Ahrens Elementary School (AAES) New Classroom Building--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) 9-4-059: Portions of 072, 073, and 074, and Mahoe Street and Waipahu Street rights-of-way (no TMK)
Permit(s)	Various (see document)
Proposing/ Determining Agency	State of Hawai‘i, Department of Education Aaron Geonzon, (808) 784-5053, aaron.geonzon@k12.hi.us DEPARTMENT OF EDUCATION, KA ‘OIHANA HO‘ONA‘AUAO, P.O. BOX 2360, HONOLULU, HI 96804
Consultant	R.M. Towill Corporation; 2024 North King Street, Suite 200, Honolulu, HI 96819 Brian Takeda, (808) 842-1133, BrianT@rmtowill.com
Status	Finding of No Significant Impact (FONSI) determination

The State of Hawai‘i, DOE, proposes to construct a new permanent two-story classroom building, a new play court and concrete masonry unit wall, new walkways, and a new small parking area at the AAES in Waipahu to provide necessary facilities to support the needs of the current and future student body and staff. The new classroom building (approximately 26,900 square feet) will provide approximately 13 new classrooms designed to be flexible, mixed-use spaces to support a more modern learning environment that can be adapted for student or teacher needs. The new classroom building will also incorporate other support spaces including, but not limited to, activity hubs, a special education room, a faculty room, storage rooms, electrical rooms, restrooms, an elevator, and IT rooms. The design will complement the style of other adjacent buildings and facilities within the school campus. The project will support the existing student population and will not increase enrollment.

Wai‘anae High School Track and Field Improvements--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Wai‘anae
TMK(s)	(1) 8-5-015:001; 8-5-002:018
Permit(s)	National Pollutant Discharge Elimination System (NPDES), Notice of General Permit Coverage (NGPC); Disability and Communication Access Board (DCAB) Document Review; Chapter 6E-8 Historic Preservation Review; Community Noise Permit, if applicable; Special Management Area Use Permit –Major Permit; Grading Permit; Building Permit
Proposing/ Determining Agency	State of Hawai‘i, Department of Education Mitch Tamayori, (808) 784-5116, mitch.tamayori@k12.hi.us Facilities Development Branch, Project Management Section, 3633 Wai‘alae Avenue, Room B-201, Honolulu, HI 96816
Consultant	Fukunaga and Associates, Inc.; 1357 Kapi‘olani Blvd, Suite 1530, Honolulu, HI 96814 Amanda Waki, (808) 944-1821, awaki@fukunagaengineers.com
Status	Finding of No Significant Impact (FONSI) determination

The proposed project includes the following work: replacement of the existing track and field with a new synthetic turf field and a new synthetic surface track; relocation of track events, including pole vault, long jump, high jump, and shotput; concrete sidewalk and slab improvements, primarily consisting of replacement of an existing accessible sidewalk to the visitor’s bleachers; and drainage improvements and other miscellaneous items. The proposed project will support educational programs and activities by providing better athletic facilities.

O'AHU EAS/EISS (CONTINUED)

Wahiawā Center For Workforce Excellence--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)	Wahiawā
TMK(s)	(1) 7-4-004:070
Permit(s)	Various (see document)
Proposing/ Determining Agency	State of Hawai'i, Department of Education William George, (808) 784-5125, william.george@k12.hi.us 1390 Miller Street, Honolulu, HI 96813
Consultant	Wilson Okamoto Corporation; 1907 South Beretania Street, Suite 400, Honolulu, HI 96826 Dalton Beauprez, (808) 946-2277, DBeauprez@wilsonokamoto.com
Status	Finding of No Significant Impact (FONSI) determination

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.

KAUA'I EAS/EISS

Wolbachia-based Suppression of Mosquitoes on Kaua'i--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 (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area
District(s)	Kaua'i-multiple
TMK(s)	Numerous (see document)
Permit(s)	see document
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Paul Radley, (808) 295-1123, paul.m.radley.researcher@hawaii.gov 1151 Punchbowl St, Room 325, Honolulu, HI 96813
Consultant	SWCA; 1200 Ala Moana Boulevard. #380, Honolulu, HI 96814 Richard Pender, (808) 226-2328, richard.pender@swca.com
Status	Finding of No Significant Impact (FONSI) determination

Populations of endangered Hawaiian forest birds have decreased substantially over the last 20 years, and at least two more species are predicted to be extinct in the next 2 to 10 years. The primary cause of declines in native forest birds is avian malaria, which is spread by the non-native southern house mosquito. This purpose of this project is to substantially suppress or eliminate these mosquitoes in threatened and endangered forest bird habitat on Kaua'i, thereby reducing the risk of their extinction and contributing to the recovery of these species. The proposed action consists of repeatedly releasing incompatible male mosquitoes to reduce the reproductive potential of wild mosquitoes. When conducted repeatedly over time, releases of incompatible mosquitoes would suppress the wild mosquito population by at least 90%. The primary tool proposed for release of mosquitoes on the landscape is drones and, to a lesser extent, helicopters, fixed-wing aircraft, and ground-based methods.

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 OCTOBER 23, 2023

KAUA’I

[Wailua Wastewater Treatment Plant And Effluent Disposal Improvements – Draft EA \(AFNSI\)](#)

COMMENTS DUE NOVEMBER 7, 2023

O’AHU

[Ko’olauloa Community Resilience Hub--Draft EA \(AFNSI\)](#)

[Pearl City Public Library Renovation and Community Library Learning Center--Draft EA \(AFNSI\)](#)

[Helemano Elementary School Administration/Library Building--Draft EA \(AFNSI\)](#)

EXEMPTION NOTICES

The listed 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 Exemption Notices for publication:

State of Hawai’i, Hawai’i Community Development Authority

[Alterations to Kolowalu Park \(Mauka and Makai\), Kaka’ako, O’ahu](#)

The Hawai’i Community Development Authority will make alterations to the existing park amenities at Kolowalu Park, Mauka and Makai, in Kaka’ako. The alterations will include; adding site furniture (i.e., outdoor exercise equipment, park tables, benches, trash cans), modifications to existing irrigation system, and signage. The alterations will include connecting to existing water utility services. All alterations will be made in the identified parcel, TMK 2-3-004: 080. The proposed alterations will have minimal impacts on the environment and is, therefore, a general action that is eligible for exemption from the preparation of an environmental assessment.

County of Kaua’i, Department of Public Works

[Hanapēpē Bridge Rehabilitation Project](#)

Hanapēpē Bridge is located in Hanapēpē on the island of Kaua’i. The bridge carries Hanapēpē Road, a County roadway, over the Hanapēpē River. The bridge was built in 1911 and is in poor condition as determined by the September 2018, 2020, and 2022 Bridge Inspection Reports prepared for the County’s Department of Public Works. This County project will rehabilitate the bridge to restore its load capacity. In addition, the elevated walkway will be restored to operational condition by installing new, pre-formed concrete slabs for the walkway surface. The project will be federally funded.

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, contact Rebecca Anderson at rebecca.l.anderson@hawaii.gov

File No.	Location	TMK	Applicant	Owner
OA-2069	6067 Summer Street, O’ahu 96821	(1) 3-8-02:001	Benjamin E. K. Guieb	Japjit S. and Rebeca C. Tusli
OA-2070	57-320 Punalua Place, O’ahu 96831	(1) 5-7-003:049	Walter P. Thompson, Inc.	Modern Development LLC
OA-2071	59-585 D Ke Iki Road, O’ahu 96712	(1) 5-9-003:016	Walter P. Thompson, Inc.	Ke Iki North Shore LLC
OA-2072	Paumalū Bridge, Hoalua St & Kamehameha Hwy. , O’ahu 96712	(1) 5-9-001:038	ControlPoint Surveying, Inc.	City & County of Honolulu, Department of Parks & Recreation

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
MA-809	Rejected	130 W. Ka‘ahumanu Avenue, Maui 96732	(2) 3-7-003:007	David M. Thompson	PHOTA-BR-AROE Maui Owner, LLC
OA-2037	Approved	91-175 Kaomi Loop, O‘ahu 96707	(1) 9-1-026:047	David Miran	Stoney Samson & Maria Samson, LLC
OA-2054	Approved	68-223 Crozier Loop, O‘ahu 96791	(1) 6-8-005:055	Kenn Nishihara	Tessa Lin Ching Pang

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION

North Kona Sewer Pump Station

Island	Hawai‘i
District(s)	Honokōhau and Kealakehe Ahupua‘a, North Kona District
TMK(s)	portions of (3) 7-4-008:072, 077, 078, and 090 (formerly 077 por. 1); and (3) 7-3-009:999
Proposing / Approving Agency	State of Hawai‘i, Department of Health, Environmental Management Division, Wastewater Branch 2827 Waimano Home Road, Rm. 207, Pearl City, HI 96782 Chane Hayashida, (808) 586-4294, Chane.Hayashida@doh.hawaii.gov
Consultant	Wilson Okamoto Corporation; 1097 S. Beretania Street, Suite 400, Honolulu, HI 96814 Keola Cheng, (808) 946-2277, kcheng@wilsonokamoto.com
Status	Comments due no later than November 22, 2023 to Proposing/Approving agency

The original NHPA Section 106 notice was published in *The Environmental Notice* on September 8, 2023 and comments were due no later than October 9, 2023. The Department of Health (DOH) is republishing the original letter dated August 31, 2023 and is extending the comment period.

The DOH initiated Section 106 of the NHPA consultation with the State Historic Preservation Division (SHPD) in accordance with 36 CFR Part 800. In 1990, the U.S. Environmental Protection Agency (EPA) designated the DOH to act on EPA’s behalf, pursuant to 36 CFR §800.2 (c) (4), when initiating Section 106 of the NHPA process in connection with projects funded under the Hawai‘i Clean Water State Revolving Fund (CWSRF). The DOH is providing funding under the CWSRF to the County of Hawai‘i for the North Kona Sewer Pump Station. The proposed project will utilize federal funding and is considered an undertaking, as defined by Section 106 of the NHPA, 54 U.S.C. §306101 et seq., and 36 CFR Part 800.

The undertaking consists of a below-grade pump station, above-grade operations, an emergency generator building, and a fuel storage tank. The North Kona SPS also includes the construction of two new sewer lines: a gravity line and a dual force main. The work is located in Honokōhau and Kealakehe Ahupua‘a, North Kona District, Island of Hawai‘i. The proposed pump station would be located makai (seaward) of the Māmalahoa Trail (State Inventory of Historic Places [SIHP] #50-10-27-00002), and the above-grade operations building and fuel storage would be located mauka (inland, toward the mountains) of the trail, approximately 260 feet (ft) upslope of the pump station. Both portions of the facility will be connected by a 12- to 15-ft-wide access driveway crossing the Māmalahoa Trail. The below-grade pump station will be located just mauka from existing manholes to allow connection to sewer lines constructed by the State Department of Transportation along the Queen Ka‘ahumanu Highway.

The DOH has engaged SHPD to determine the presence of potential sites of historic importance within the vicinity of the project area as well as the potential impact of the project on such sites, if present.

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
Kaua'i: Kōloa (2-6-016: 007)	Construction of a Swimming Pool/Spa, Pool Equipment Area, a Six (6) Foot High Lava Rock Wall, and a Four (4) Foot High Gate (SMA(M)-2024-4)	William A. Eddy and Ann L. Sokei/ John Underwood II, Architect
Hawai'i: Punalu'u (9-6-002: 038 and 9-5-019: 015)	Establish Farmers Market, Reconstruct Single-Family Residence, and Reestablishment of Fire Break Roads (PL-SMM-2023-000050)	Black Sand Beach, LLC
Hawai'i: Hakalau (3-1-001: 001 and 002)	Hakalau Bridge Repair Project Staging Areas (PL-SMM-2023-000051)	State of Hawai'i Department of Transportation
Maui: Lahaina (4-4-001: 029)	Construct a New Office Building and Golfcart Storage (SM2 2023-00074)	Maui Beachfront Two, LLC
Maui: Kīhei (2-1-023: 005)	Enclose Existing Lanai with Folding Door System, Remove Two Kitchen Columns and Replace with One Column, Modify the Stairs from the Lanai to the Yard (SM2 2023-00075)	K2N Crest
O'ahu: Kawaihoa (6-1-008: 012)	Horack Residential Addition (2023/SMA-66)	David Michael Horack/Hawaii Architects

FEDERAL NOTICES

As a courtesy, listed below are some relevant entries from the Federal Register published since the last issue of *The Environmental Notice*. **For more information, click on the title link of any entry;** also available at www.federalregister.gov.

Rule: [Endangered and Threatened Wildlife and Plants; Removal of 21 Species From the List of Endangered and Threatened Wildlife](#) (published by the Fish and Wildlife Service on 10/17/2023)

We, the U.S. Fish and Wildlife Service (Service or USFWS), are removing 21 species (including 9 species of birds once found in Hawai'i) from the Federal List of Endangered and Threatened Wildlife due to extinction. This action is based on a review of the best available scientific and commercial information, which indicates that these species are no longer extant and, as such, no longer meet the definition of an endangered species or a threatened species under the Endangered Species Act of 1973, as amended (Act). Please click on the title link of this entry for additional information.

Proposed Rule: [Endangered and Threatened Wildlife and Plants; Removing *Phyllostegia glabra* var. *lanaiensis* From the List of Endangered or Threatened Plants](#) (published by the Fish and Wildlife Service on 10/17/2023)

We, the U.S. Fish and Wildlife Service (Service), withdraw the proposal to remove *Phyllostegia glabra* var. *lanaiensis* from the Federal List of Endangered and Threatened Plants (List). This withdrawal is based on new surveys conducted over the past 3 years since completing the 5-year review for the species; these surveys have identified new suitable habitats comprised of native vegetation within the former range of *P. glabra* var. *lanaiensis*. Therefore, we determined that additional information is needed before concluding that the species is extinct. With this withdrawal of the proposal, *P. glabra* var. *lanaiensis* will remain on the List as endangered. Elsewhere in this issue of the Federal Register, we publish a final rule removing 21 species that were part of our September 30, 2021, proposed rule. The proposal to remove *P. glabra* var. *lanaiensis* from the Federal List of Endangered and Threatened Plants, which published on September 30, 2021 (86 FR 54298), is withdrawn on October 17, 2023.

Proposed Rule: [Pacific Island Fisheries; Modification of Seabird Interaction Mitigation Measures in the Hawaii Deep-Set Longline Fishery](#) (published by the National Oceanic and Atmospheric Administration on 10/17/2023)

NMFS proposes to modify seabird interaction mitigation measures to require federally permitted Hawaii deep-set longline vessels that set fishing gear from the stern to use a tori line (bird scaring streamer) in place of the currently required thawed, blue-dyed bait and strategic offal (fish, fish parts, or spent bait) discharge when fishing above 23° N latitude. This action is expected to improve the overall efficacy and operational practicality of required seabird mitigation measures by reducing seabird bycatch and creating operational and administrative efficiency for fishermen and NMFS. **Comments due by November 16, 2023.**

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).