



# The Environmental Notice

December 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.



The Falls of Clyde in Honolulu Harbor.

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

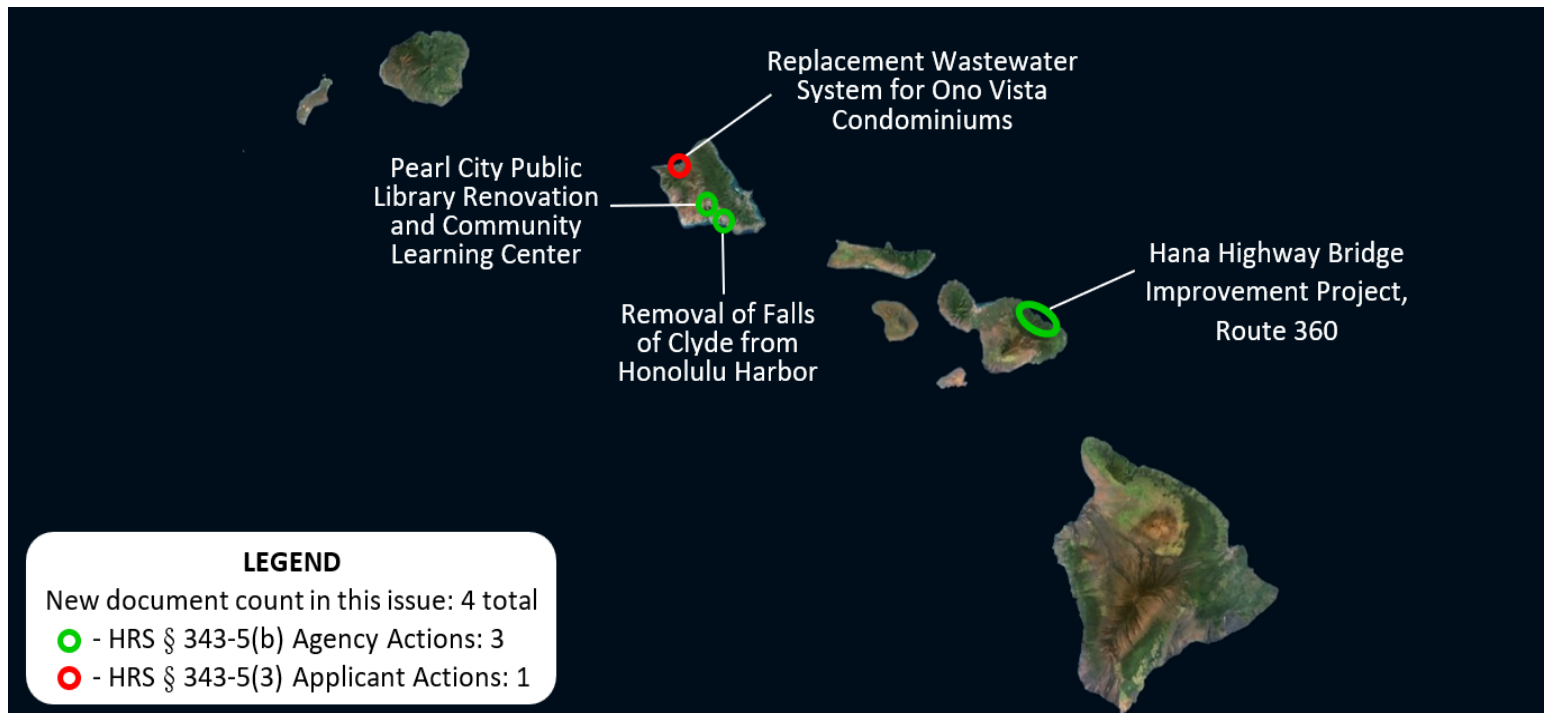
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## ANNOUNCEMENTS

- The Environmental Advisory Council (EAC) is seeking new members. To learn more about the work of the EAC, visit their [website](#). To apply to be on the EAC, submit [this online application](#) under Department of Business, Economic Development & Tourism - Environmental Advisory Council.
- The EAC has published their 2023 Annual Report which compiles their tasks and highlights for the year. Please access the report here: [2023 Environmental Advisory Council Annual Report](#).
- Please find the 2024 ERP Publication Calendar attached to the end of this issue; or [online!](#)

## STATEWIDE MAP OF NEW EA/EIS DOCUMENTS AND DETERMINATIONS



O’AHU EAs/EISS

**Pearl City Public Library Renovation and Community Learning Center – Final EA (FONSI)**

<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>	‘Ewa
<b>TMK(s)</b>	(1) 9-7-094: 026, 029
<b>Permit(s)</b>	Dust Control Plan; Noise Permit (if necessary); Americans with Disabilities Act Compliance; Board of Land and Natural Resources Disposition; Industrial Wastewater Discharge Permit (application submitted); Waiver Permit (to exceed maximum lot coverage); Grading, Grubbing, and Stockpiling Permits; Occupancy Permit; Building Permit (electrical, plumbing, civil); Site Development Master Application for Sewer Connection; Storm Drain Connection License (if necessary); Storm Water Quality Strategic Plan; and Rules Relating to Water Quality and Storm Drainage Standards Compliance
<b>Proposing/ Determining Agency</b>	State of Hawai‘i, Department of Accounting and General Services Lance Maja, (808) 586-0483, <a href="mailto:lance.y.maja@hawaii.gov">lance.y.maja@hawaii.gov</a> 1151 Punchbowl St., Room 430, Honolulu, HI 96810
<b>Consultant</b>	PBR HAWAII; 1001 Bishop St., ASB Tower, Suite 650, Honolulu, HI 96813 Bradley Furuya, (808) 954-6348, <a href="mailto:bfuruya@pbrhawaii.com">bfuruya@pbrhawaii.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The proposed Project involves the renovation of the existing library, including creating flexible meeting rooms, upgrading digital technology and equipment, creating inviting outdoor reading areas with Wi-Fi access, and removing an existing mechanical enclosure. The floor area of the library will be slightly reduced from approximately 24,064 square feet to approximately 23,500 square feet. The proposed Project also includes the construction of a new, approximately 2,400 square-foot Community Library Learning Center (CLLC) and approximately 2,700 square-foot Pre-Kindergarten facility on TMK 9-7-094: 029. The new CLLC is intended to support various community uses including early learning programs, childcare, library programs, kupuna classes, and a flexible meeting space. A small outdoor recreation area and community lawn will offer comfortable play and learning spaces for keiki. The existing parking lot will be reconfigured to accommodate the safe use of the improved library and CLLC.

**Removal of Falls of Clyde from Honolulu Harbor – 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>	Honolulu
<b>TMK(s)</b>	(1) 2-1-001:058
<b>Permit(s)</b>	see document
<b>Proposing/ Determining Agency</b>	Hawai‘i Department of Transportation DreanaLee Kalili, (808) 587-3651, <a href="mailto:dreanalee.k.kalili@hawaii.gov">dreanalee.k.kalili@hawaii.gov</a> 869 Punchbowl Street, Honolulu, HI 96813
<b>Consultant</b>	HHF Planners, 733 Bishop Street, Suite 2590, Honolulu, HI 96813 Scott Ezer, (808) 457-3182, <a href="mailto:falls-of-clyde@hhf.com">falls-of-clyde@hhf.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by January 22, 2024.</b> Please click on title link above to read the document, then send comments to proposing/determining agency at <a href="mailto:falls-of-clyde@hhf.com">falls-of-clyde@hhf.com</a> .

The Hawai‘i Department of Transportation (HDOT) proposes to remove the Falls of Clyde from Honolulu Harbor. The Falls of Clyde is a four-masted iron-hulled ship, owned by the non-profit Friends of Falls of Clyde and has been impounded by HDOT at Pier 7 since 2016. The ship is severely corroded, leaking, and has lost its structural and watertight integrity. It presents a risk of structural failure and sinking, threatening harbor safety and maritime operations. The HDOT will issue a Request for Proposal (RFP) for removal of the ship; the method of removal is to be determined by the selected contractor. The Falls of Clyde is listed in the National Register of Historic Places and is designated a National Historic Landmark (NHL). Due to deterioration, it has lost most of the qualities of historic significance and aspects of integrity. In November 2023, it was delisted from the Hawai‘i Register of Historic Places. Removal from the National Register and removal of its NHL status are pending.

## O‘AHU EAS/EISS (CONTINUED)

**Replacement Wastewater System for Ono Vista Condominiums – Final EA (FONSI)**

<b>HRS §343-5(a) Trigger</b>	(9)(A) Propose any wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent
<b>District(s)</b>	Waialua
<b>TMK(s)</b>	(1) 6-8-011:058
<b>Permit(s)</b>	Special Management Area Use Permit
<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>	Ono Vista AOA; 737 Bishop Street, Suite 3100, Honolulu, HI 96713 Ginger Gertsch c/o: Stephanie Davis, (808) 261-0740, <a href="mailto:sdavis@esciencei.com">sdavis@esciencei.com</a>
<b>Consultant</b>	Environmental Science International; 354 Uluniu Street, Suite 304, Kailua, HI 96734 Stephanie Davis, (808) 261-0740, <a href="mailto:sdavis@esciencei.com">sdavis@esciencei.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The Ono Vista Condominium Association of Apartment Owners (AOAO) proposes to replace the existing wastewater treatment system from the 1970s, with a new above-ground multi-chambered tanks which use membrane bioreaction technology. The existing system is beyond the typical service life of 40 years. The existing injections wells (3) are limited in capacity, so wastewater is currently pumped out and hauled off-site multiple times a week. An EA is required for wastewater systems which service at least 50 single-family dwelling or the equivalent units, and is also required as a prerequisite to the application for a Major SMA Use Permit to be processed by the Department of Planning and Permitting; with decision-making on the SMA application by the Honolulu City Council.

## MAUI EAS/EISS

**Hana Highway Bridge Improvements Project, Route 360 – Draft EA (AFNSI), and Appendices**

<b>HRS §343-5(a) Trigger</b>	(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 (4) Propose any use within any historic site as designated in the National Register or Hawai‘i Register
<b>District(s)</b>	Maui - multiple districts
<b>TMK(s)</b>	(2) 2-9-012:041; (2) 2-9-010:001; (2) 2-9-014:001; (2) 2-9-013:015; (2) 1-1-001:036; (2) 1-1-001:042; (2) 1-1-001:054; (2) 1-1-001:022; (2) 1-1-001:052; (2) 1-2-001:003; (2) 1-1-004:005; (2) 1-2-003:005; (2) 1-2-003:001; (2) 1-2-003:005; (2) 1-2-002:020; (2) 1-2-003:023; (2) 1-2-003:001; and Hana Highway right-of-way
<b>Permit(s)</b>	Flood Development Permit; Special Management Area Use Permit; Grading, Grubbing, or Stockpiling Permit; NEPA; Section 4(f) of the USDOT Act, Clean Water Act Section 404 Permit, Section 401 Water Quality Certification, and National Pollutant Discharge Elimination System Permit; Section 7 of the ESA; Section 106 of the NHPA; HRS 6E-8 Review; CZM Federal Consistency Review; Disability and Communication Access Board Review; Community Noise Permit; Community Noise Variance; Stream Channel Alteration Permit; and Conservation District Use Permit
<b>Proposing/Determining Agency</b>	State of Hawaii Department of Transportation Andrew Hirano, (808) 692-7546, <a href="mailto:Andrew.j.hirano@hawaii.gov">Andrew.j.hirano@hawaii.gov</a> 601 Kamokila Blvd. #688, Kapolei, HI 96707
<b>Consultant</b>	Federal Highway Administration, Central Federal Lands Highway Division Tomasz Kubicz, (720) 963-3498, <a href="mailto:Tomasz.kubicz@dot.gov">Tomasz.kubicz@dot.gov</a> 12300 West Dakota Avenue Suite 380, Lakewood, Colorado 80228
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by January 22, 2024.</b> Please click on title link above to read the document, then send comments to proposing/determining agency at <a href="mailto:tomasz.kubicz@dot.gov">tomasz.kubicz@dot.gov</a> .

The State of Hawaii Department of Transportation (HDOT) proposes to address existing structural deterioration and sub-standard structural conditions of six bridges on Hana Highway by improving them to be consistent with current standards and guidelines for load capacity, bridge railing and transitions, and seismic and scour standards. At five of the six bridge locations, Kailua Stream Bridge, Makanali Stream Bridge, Puohokamoa Stream Bridge, Ulaino Stream Bridge, and Mokulehua Stream Bridge, the proposed solution is to retain the existing substructure, including the character-defining abutments and piers, and provide a new single-span structure that spans over the existing supports. The concrete superstructures would be designed to match the existing historic features best while also meeting project design criteria. The proposed solution at Kopiliula Stream Bridge is to completely retain the existing bridge and construct a new, off-alignment bridge makai (oceanward) of the existing.



PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

**Status:** The comment period for these projects began previously. **Comments are due January 8, 2024.** 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.

**O’AHU**

[Ala Wai Canal Flood Risk Management Study – Draft Supplemental EIS](#)

**KAUA’I**

[Commercial Boat Facility and Residences at Kīkīaola – Draft EA \(AFNSI\)](#)

PRIOR DETERMINATION

The Hawaii Housing Finance and Development Corporation (HHFDC) [has determined](#) no additional environmental review is required for the Mayor Wright Homes Redevelopment Master Plan Project in Honolulu, O’ahu. Originally built in 1953 and renovated in 1984, the existing units are functionally obsolete and have outlasted their useful life. On April 24, 2018, the Governor accepted the Mayor Wright Homes Redevelopment [Final Environmental Impact Statement \(Final EIS\)](#) as satisfactory fulfillment of HRS 343 requirements. The Final EIS addressed the economic, social, cultural, and environmental impacts that will likely occur should the redevelopment project be implemented, along with mitigation measures. Since the acceptance of the Final EIS, the Hawaii Public Housing Authority (HPHA)’s development partner has changed from MWH Partners, LLC and is now HCDC Mayor Wright, LLC. In addition, the final design of the Project has been modified from the original concept as described in the determination. HHFDC as the approving agency is invoking Section 11-200.1-11, HAR, that the Final EA/FONSI is applicable to the Project and that additional environmental review is not required.

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: Hilo (2-3-009: 009)	Construction of Three Permanent Pavilions with Related Improvements (PL-SMM-2023-000057)	Giampaolo Boschetti
Kaua’i: Kilauea (5-2-010: 012)	Construction/ Swimming pool/Spa and Associated Site Improvements. (SMA(M)-2024-6)	Red Lake Management S.A./ Belles Graham LLP
Maui: Paia (2-6-010: 001)	Improvements to Existing Driveway, Including Grading, Fire Mitigation, and Debris Removal (SM2 2023-00092)	Mikal Torgerson
Maui: Kīhei (2-2-002: 043)	Sign Replacement and Trenching for Electrical Connection (SM2 2023-00093)	Zephyr Warren
Maui: Kīhei (2-1-008: 109)	Temporary Stages and Tent for Lighting and Sound Equipment (SM2 2023-00094)	Stephanie Chen
Maui: Kīhei (2-1-023: 004)	Replace Exterior North Lanai and Enclose Existing South Lanai (SM2 2023-00096)	Brenda Braun and Emma Kaimiola
O’ahu: Diamond Head (3-5-002: 003)	Gosselin Residence New Two-Car Garage, Swimming Pool, Spa, Covered Lanais, and Dwelling Alterations (2023/SMA-84)	Mark Gosselin/McPeak Architects
O’ahu: Wai’alae (3-5-058: 001)	Riggs Residence – New Swimming Pool Project (2023/SMA-86)	Robert Riggs/Munekiyo Hiraga
O’ahu: Kalokohanahou (4-5-001: 033)	Morgan Garage and Recreation Room Project (2023/SMA-87)	Lisa A. and William Morgan/Graham Builders
O’ahu: Kailua (4-2-016: Portion of 015)	Minor Modification to SMA Permit No. 93/SMA-6 – Restore Portions on the Makai Side of the Existing Earthen Levee, including Addition of Fill, Gravel, and Synthetic Fabric, and Construction of a 15-foot Wide Access Road	Division of Forestry and Wildlife and the Engineering Division of the Department of Land and Natural Resources/BOW Engineering & Development, Inc.

## EXEMPTION LIST REVIEW

The following agency exemption list, which serves as guidance for the agency in making exemptions, has been submitted to the Environmental Advisory Council (EAC) for review and concurrence. At the request of the EAC, this draft exemption list is being published for public review and comment. Please click on the following link to view the list and submit any comments by **January 8, 2024** to [dbedt.opsd.erp@hawaii.gov](mailto:dbedt.opsd.erp@hawaii.gov).

[County of Hawai'i, Office of Housing and Community Development](#)

## 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](mailto:rebecca.l.anderson@hawaii.gov).

File No.	Location	ZIP Code	TMK	Applicant	Owner
HA-639	76-6186 & 76-6188 Alii Drive	96740	(3) 7-6-017:032, 033 & 071	Wes Thomas Associates	Ian and Barbara Robertson Family Trust
HA-640	69-2006 Paniau Place	96743	(3) 6-9-001:007, 018, 020, 021, 023, 024, 025 & 026	Wes Thomas Associates	Nani Paniau Estate, LLC
OA-2078	84-111 Makau Street	96792	(1) 8-4-010:014	Wesley T. Tengan	Jonathan C. Narvaes

## 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	Zip Code	TMK	Applicant	Owner
OA-2042	Proposed	10 Kamani Place	96734	(1) 4-3-015:055	Waler P. Thompson, Inc.	Jennifer A. Rainin 2007 Trust
OA-2044	Proposed	126 S. Kalaheo Avenue	96734	(1) 4-3-012:030	Wesley T. Tengan	Ohana Makai, LLC
OA-2061	Proposed	66-489 Pikai Street	96712	(1) 6-6-030:031	Walter P. Thompson, Inc.	Juan Oliphant & Ocean Ramsey
OA-2066	Proposed	Kapiolani Regional Park, Kalakaua Avenue	96815	(1) 3-1-030:001 & 013 (portion) (1) 3-1-031:004, 005 & 006	ParEn, Inc.	City & County of Honolulu, Department of Parks & Recreation
HA-637	Proposed	75-5436 Kona Bay Drive	96740	(3) 7-5-005:094	Wes Thomas Associates	DJL Properties LLC c/o Suzanne Patterson

## 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.

### Marine Corps Base Hawaii Ground Forces Modernization – Draft EA (AFNSI)

<b>Location</b>	Marine Corps Base Hawaii Kaneohe Bay (Kāne’ohe, Kailua), Marine Corps Training Area Bellows (Waimānalo), and Pu’uloa Range Training Facility (‘Ewa)
<b>Permit(s)</b>	National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (MS4) permit
<b>Proposing/ Approving Agency</b>	G9 – Force Development, Marine Corps Forces, Pacific Camp H.M. Smith, HI 96861 Travis McWhirter, (808) 477-8434, <a href="mailto:travis.mcwhirter@usmc.mil">travis.mcwhirter@usmc.mil</a>
<b>Consultant</b>	Stantec; 737 Bishop Street, Suite 3050, Honolulu, HI 96813 Peer Amble, (805) 570-1313, <a href="mailto:peer.amble@cardno-gs.com">peer.amble@cardno-gs.com</a>
<b>Status</b>	<b>Draft EA comments must be postmarked or emailed on or before January 25, 2024.</b> Please address written comments to: Peer Amble, Stantec GS Inc., 737 Bishop Street, Suite 3050, Honolulu HI, 96813. Comments may also be submitted via email to: <a href="mailto:MCBH-EA@stantecgs.com">MCBH-EA@stantecgs.com</a> .

A printed copy is available at the Hawaii Documents Center (Hawaii State Public Library) and at the following libraries on O’ahu: ‘Ewa Beach Public Library, Hawai’i Kai Public Library, Kahuku Public & School Library, Kailua Public Library, Kaneohe Public Library, Kapolei Public Library, Mililani Public Library, Waialua Public Library, Wai’anae Public Library, and Waimānalo Library. A copy of the Draft EA and Section 106 consultation correspondence is also located at the following MCB Hawaii website: <https://www.mcbhawaii.marines.mil/Resources-Services/Pertinent-Information/Ground-Forces-Modernization-EA>.

The proposed action is the modernization of equipment, infrastructure, and training for Marine Corps ground forces in Hawai’i. The proposed equipment changes are evolutions of existing equipment and combat capabilities and have operational characteristics similar to those historically used by Marine Corps ground forces in Hawai’i. These modernized ground forces would continue to conduct activities within the footprint of Marine Corps Base (MCB) Hawaii and training ranges in Hawai’i. The training portions of the proposed action would occur at MCB Hawaii Kaneohe Bay, Marine Corps Training Area Bellows, and Pu’uloa Range Training Facility. The construction portion of the proposed action would occur at MCB Hawaii Kaneohe Bay.

## PROGRAMMATIC AGREEMENT NOTICE

### DHHL Expenditure of HUD Provided Funds under the NAHASDA

This Programmatic Agreement (PA) is designed to improve efficiencies at the Department of Hawaiian Home Lands (DHHL), the State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (ACHP) for the expenditure of US Housing and Urban Development (HUD) funds under the Native American Housing Assistance and Self-Determination Act (NAHASDA) for DHHL entitlement communities that meet the requirements outlined in the agreement document stipulations. This PA cannot be applied to all DHHL Section 106 consultations/undertakings. Undertakings must meet the previous agreed upon stipulations outlined within the agreement document and its associated reports and must follow all agreed upon identification and reporting requirements outlined in the stipulations of the PA. **Any comments relating to the PA must be received by DHHL by January 22, 2024.** Comments may be mailed to DHHL, attn: Malia Cox at P.O. Box 1879, Honolulu, Hawai’i, 96805 or hand-delivered to DHHL at 91-5420 Kapolei Parkway, Kapolei, Hawai’i 96707.

## 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).

**Rule: [Approach Regulations for Humpback Whales in Waters Surrounding the Hawaiian Islands Under the Marine Mammal Protection Act](#) (published by the National Oceanic and Atmospheric Administration on 12/21/2023)**

NMFS issues this final rule “Approach Regulations for Humpback Whales in Waters Surrounding the Islands of Hawaii under the Marine Mammal Protection Act” under the Marine Mammal Protection Act (MMPA). This rule prohibits the “take” of humpback whales (*Megaptera novaeangliae*), which means “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal,” within 200 nautical miles (nmi) (370.4 kilometers (km)) of the islands of Hawaii from the detrimental effects resulting from approach by humans. The rule is effective January 22, 2024. For more information, visit the title link.

**Notice: [Notice of Intent to Prepare an Environmental Impact Statement/Overseas Environmental Impact Statement for Hawaii-California Training and Testing Activities](#) (published by the Navy Department on 12/15/2023)**

Pursuant to the National Environmental Policy Act (NEPA) of 1969, and regulations implemented by the Council on Environmental Quality, the Department of the Navy (DoN) (including both the U.S. Navy and the U.S. Marine Corps) in cooperation with the U.S. Coast Guard, U.S. Army, and U.S. Air Force, announces its intent to prepare the Hawaii-California Training and Testing (HCTT) Environmental Impact Statement (EIS)/Overseas EIS (OEIS). The DoN is initiating a 45-day public scoping process to receive comments on the scope of the EIS/OEIS including identification of potential alternatives and environmental concerns, information and analyses relevant to the Proposed Action, issues the public would like to see addressed in the EIS/OEIS, and the project's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966. **The comment period will close on 01/29/2024.** For more information and to submit a formal comment, please visit the title link.

**Rule: [Safety Zone; Kaneohe Bay, Oahu, HI-Navy P8 Aircraft Salvage Operations](#) (published by the Coast Guard on 12/12/2023)**

The Coast Guard is establishing a 0.5 nautical mile radius temporary safety zone for navigable waters in Kaneohe Bay, HI encompassing the partially submerged Navy P8 aircraft. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by salvage operations of the Navy P8 aircraft. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Honolulu. For specific enforcement dates and times, click on the title link above.

**Rule: [Safety Zone; Lahaina Boat Basin, Maui, HI-Emergency Operations and Port Recovery](#) (published by the Coast Guard on 12/08/2023)**

The Coast Guard is establishing a temporary safety zone for the navigable waters in the vicinity of Lahaina Boat Basin, Maui, Hawaii. The temporary safety zone encompasses all waters extending 200 yards from shore from the northernmost boundary, 60 yards south of the intersection of Front Street and Baker Street, Maui, to the southernmost boundary, 20 yards south of the intersection of Front Street and Shaw Street, Maui. This action is necessary to provide for the safety of persons and the marine environment from the potential safety hazards associated with the damage assessment, debris management, vessel salvage, and port recovery of Lahaina Boat Basin and surrounding waters, through December 15, 2023. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Honolulu or designated representative. For more information, click on the title link above.



## 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).