



# The Environmental Notice

March 23, 2024

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.



Images from above and below the surface in the Papahānaumokuākea Marine National Monument, which is proposed to be redesignated as a National Marine Sanctuary

NOAA photos from the [proposal's Draft EIS](#)

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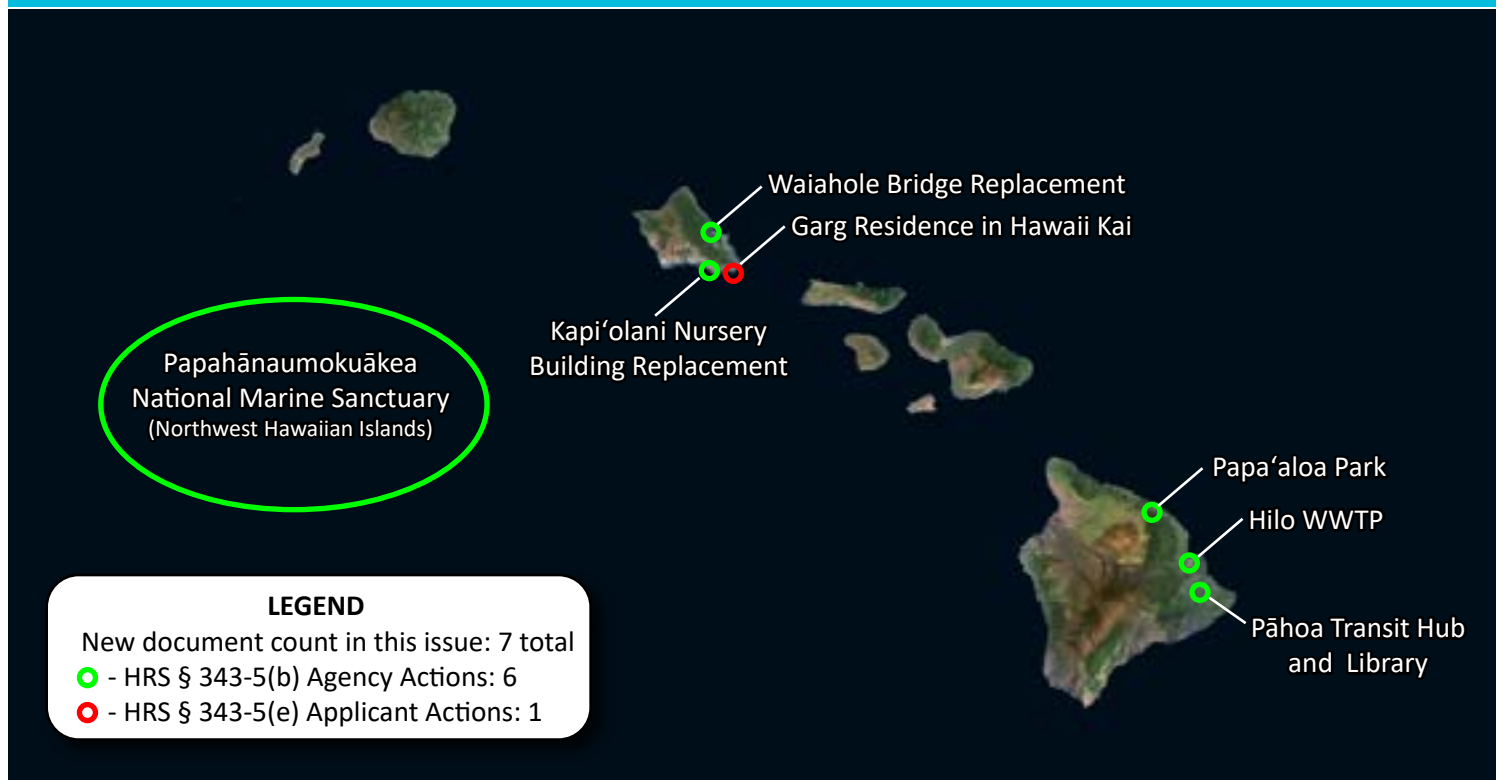
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## ANNOUNCEMENTS

The Environmental Advisory Council (EAC) is still 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.

## MAP OF HEPA EA/EIS DOCUMENTS & DETERMINATIONS BEING PUBLISHED



## HAWAII EAS/EISS

### Pāpa‘aloa Park Master Plan and Phase I Development--2nd 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>	North Hilo
<b>TMK(s)</b>	(3) 3-5-003:035 and 088
<b>Permit(s)</b>	Special Management Area (SMA) Use Permit – Major; Plan Approval; Grading, Grubbing, and Building Permits; National Pollutant Discharge Elimination System (NPDES) Permit; Drainage Report Approval; Work in the County Right-of-Way Approval; Department of Water Supply Approval; Individual Wastewater System Approval
<b>Proposing/ Determining Agency</b>	County of Hawai‘i, Department of Parks and Recreation Kevin Sakai, (808) 961-8311, <a href="mailto:kevin.sakai@hawaiiicounty.gov">kevin.sakai@hawaiiicounty.gov</a> 101 Pauahi Street, Suite 6, Hilo, HI 96720
<b>Consultant</b>	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Greg Nakai, (808) 521-5631, <a href="mailto:gnakai@pbrhawaii.com">gnakai@pbrhawaii.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by April 22, 2024.</b> Please click on title link above to read the document, then send comments to the proposing/determining agency at <a href="mailto:PapaaloaPark@pbrhawaii.com">PapaaloaPark@pbrhawaii.com</a>

The Pāpa‘aloa Park Master Plan would involve: a new covered play court facility (and its future expansion); a new community center building; a skate park; a playground; picnic pavilions; a perimeter walking path; and other park related facilities to be determined; associated on-site and off-site infrastructure and utility improvements/modifications; replacement, improvement, and/or modification of existing park amenities and recreational features impacted by any new/required work; and related improvements necessary to connect all new and existing features of the park physically and with administrative functions in mind. The Phase I Development will be limited to TMK (3) 3-5-003: 088 (4.963 acres). If funding is available, demolition of one or more plantation era structures will occur in TMK (3) 3-5-003: 035 during the Phase I Development. **This 2nd Draft EA is being published to include the findings of a final Cultural Impact Assessment which were not included in the 1st Draft EA.**

### Pāhoa Transit Hub and Library--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>	Puna
<b>TMK(s)</b>	(3) 1-5-007:007, 005, 004, 076, 082, 083
<b>Permit(s)</b>	HRS Chapter 6E-8, NPDES Stormwater Discharge, County Grading, Community Noise, Individual Wastewater System Approval to Construct, County Building, County Site Plan Approval, Special Permit (or State Land Use District Boundary Amendment)
<b>Proposing/ Determining Agency</b>	County of Hawai‘i Mass Transit Agency and Hawai‘i State Public Library System Victor Kandle, (808) 961-8555, <a href="mailto:victor.kandle@hawaiiicounty.gov">victor.kandle@hawaiiicounty.gov</a> 25 Aupuni Street, Hilo, HI 96720
<b>Consultant</b>	SSFM International, Inc.; 99 Aupuni Street, Suite 202, Hilo, HI 96720 Jennifer Scheffel, (808) 356-1273, <a href="mailto:jscheffel@ssfm.com">jscheffel@ssfm.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by April 22, 2024.</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 Hawai‘i Mass Transit Agency and Hawai‘i State Public Library System propose to construct a transit hub and public library with a variety of civic services and community amenities in Pāhoa Village. This would include a mass transit facility and a library with a broad range of community programs and services. There would also be sufficient space to include a day care center and other facilities to accommodate community needs, provide learning resources, and create a gathering space for the surrounding Puna community.

## HAWAII EAS/EISS (CONTINUED)

### Hilo Wastewater Treatment Plant Rehabilitation and Replacement--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>	South Hilo
<b>TMK(s)</b>	(3) 2-1-013:002 (por.)
<b>Permit(s)</b>	Various (see document)
<b>Proposing/ Determining Agency</b>	County of Hawai'i, Department of Environmental Management Mark Grant, (808) 961-8083, <a href="mailto:MarkJ.Grant@hawaiicounty.gov">MarkJ.Grant@hawaiicounty.gov</a> 345 Kekūanāo'a St., Hilo, HI 96720
<b>Consultant</b>	Wilson Okamoto Corporation; 1907 S Beretania St., Honolulu, HI 96826 Harlee Meyers, (808) 946-2277, <a href="mailto:hmeyers@wilsonokamoto.com">hmeyers@wilsonokamoto.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The CoH-DEM is proposing to pursue efforts to replace and improve the treatment processes at the WWTP to address identified deficiencies. These replacement facilities and improvement projects may be completed as one single project, or may be phased-in over time, subject to available funding and other factors. The replacement facilities contemplated under this project are to be sited nearby or adjacent to the ones being replaced within the existing developed area of the WWTP and within areas previously cleared adjacent to the plant. The proposed rehabilitated, replacement, and new facilities are needed to ensure continued current operations and to meet future needs at the WWTP. Also, facilities have been identified which are needed to meet current code requirements and to ensure the long-term operation of the plant functions.

## O'AHU EAS/EISS

### Waiahole Bridge Replacement--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>	Ko'olaupoko
<b>TMK(s)</b>	(1) 4-8-001:010; 4-8-002:001; 4-8-008:018, 021, 022, 023, 024, and 025; 4-8-009:001 and 006
<b>Permit(s)</b>	
<b>Proposing/ Determining Agency</b>	State of Hawai'i, Department of Transportation Henry Kennedy, (808) 692-7551, <a href="mailto:henry.kennedy@hawaii.gov">henry.kennedy@hawaii.gov</a> 869 Punchbowl Street, Honolulu, HI 96813
<b>Consultant</b>	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Catie Cullison, (808) 521-5631, <a href="mailto:ccullison@pbrhawaii.com">ccullison@pbrhawaii.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The State of Hawaii, Department of Transportation, Highways (HDOT) proposes to replace an existing ridge that crosses Waiahole Stream at Kamehameha Highway. This bridge replacement is needed because the current bridge is no longer functionally viable or structurally safe; the bridge is over a century old (built in 1922) and is unable to handle the current volume of traffic on Kamehameha Highway. The bridge is also lacking important safety features such as shoulders and pedestrian accessways per the American Association of State Highway Transportation Officials standards.

The project includes highway realignment, construction of a new bridge, demolition of the existing bridge, utility relocations, stream channel alterations, temporary business access, and use of a temporary staging area during construction.

O’AHU EAS/EISS (CONTINUED)

**Garg Residence in Hawaii Kai--Draft EA (AFNSI)**

<b>HRS §343-5(a) Trigger</b>	((3) Propose any use within a shoreline area
<b>District(s)</b>	Honolulu
<b>TMK(s)</b>	(1) 3-9-002:031
<b>Permit(s)</b>	• Special Management Area Use Permit • Shoreline Setback Variance • Certified Shoreline Survey • Chapter 6E HRS Compliance Historic Resources • Noise Permit • Sewage Connection Permit • Water Use Permit • Street Usage Permit • Building Permits (Demolition, Buildings, Electrical, Plumbing)
<b>Approving Agency</b>	City & County of Honolulu, Department of Planning and Permitting Michael Kat, (808) 768-8013, <a href="mailto:michael.kat@honolulu.gov">michael.kat@honolulu.gov</a> 650 South King Street, Honolulu, HI 96813
<b>Applicant</b>	NMG HI Properties LLC; 2000 North Fashion Show Drive, #2407 Las Vegas, NV 89109 c/o Roy Irei, (808) 533-2092, <a href="mailto:roy@hawaiiengineering.net">roy@hawaiiengineering.net</a>
<b>Consultant</b>	Hawaii Engineering Group, Inc.; 1088 Bishop Street, Suite 2506, Honolulu, HI 96813 Roy Irei, (808) 533-2092, <a href="mailto:roy@hawaiiengineering.net">roy@hawaiiengineering.net</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by April 22, 2024.</b> Please click on title link above to read the document, then send comments to the approving agency and copy the consultant.

The Applicant seeks an Shoreline Setback Variance and a Major Special Management Area (SMA) Use Permit to construct a new residence that is located within the SMA and on a shoreline parcel in Hawaii Kai. The Project involves the demolition of an existing two-story single-family dwelling and the construction of an approximately 4,748 square foot, two-story, single-family dwelling. The new proposed structure will encroach approximately 443 square feet into the 40-foot shoreline setback area. The site is a narrow shoreline lot along Kalanianaʻole Highway that is protected by a rock breaker wall that serves as the boat entranceway to the Hawaii Kai Marina. While the shoreline shows signs of accretion, a Shoreline Setback Variance is necessary as the certified shoreline follows the high water mark of an earlier field survey.

**Kapi’olani Nursery Building Replacement--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] 3-1-043: 001 por.
<b>Permit(s)</b>	Special Management Area, Special District, Grading, Building, Excavation, Building Permit Application (BWS), Street Usage, Building Plan Review (HFD), Variance from Pollution Controls, DCAB Approval, Chapter 6E Historic Site Review
<b>Proposing/ Determining Agency</b>	City and County of Honolulu, Department of Design and Construction Anthony Macawile, (808) 768-8404, <a href="mailto:DCCFD@honolulu.gov">DCCFD@honolulu.gov</a> 650 S. King Street, 9th Floor, Honolulu, HI 96813
<b>Consultant</b>	Gerald Park Urban Planner; 95-595 Kaname’e Street #324, Mililani, HI 97813 Gerald Park, (808) 625-9626, <a href="mailto:gpark@gpup.biz">gpark@gpup.biz</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by April 22, 2024.</b> Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The purpose of the project is to replace an aged and deteriorating office building complex currently occupied by the Division of Urban Forestry, Department of Parks and Recreation including the Horticulture Services Branch and its Arboriculture and Nursery and Landscape Sections. The building is in poor condition with extensive termite damage, a leaking roof, and insufficient working space. The proposed Kapi’olani Nursery Building will provide a modern, sustainable, and code compliant structure. Space in the approximately 5,371 square foot building is allocated for the Horticulture Services Branch and Nursery and Landscape Sections. The construction cost for the proposed improvements is estimated at \$3.6 million including demolition and site work costs. The project will be funded through the Capital Improvements Program (CIP) of the City and County of Honolulu.

NORTHWEST HAWAIIAN ISLANDS EAS/EISS

**Proposed Papahānaumokuākea National Marine Sanctuary--Republished Draft EIS and Public Scoping Meetings**

<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 (3) Propose any use within a shoreline area (4) Propose any use within any historic site as designated in the National Register or Hawai'i Register
<b>District(s)</b>	N/A
<b>Proposing/ Determining Agency</b>	State of Hawai'i, Department of Land and Natural Resources Ryan Okano, (808) 587-0100, <a href="mailto:ryan.ly.okano@hawaii.gov">ryan.ly.okano@hawaii.gov</a> 1151 Punchbowl Street #330, Honolulu, HI 96813
<b>Accepting Authority</b>	Office of the Governor, State of Hawai'i The Honorable Josh Green MD, (808) 586-0034, <a href="https://governor.hawaii.gov/contact-us/contact-the-governor/">https://governor.hawaii.gov/contact-us/contact-the-governor/</a> Executive Chambers, 5th floor, 415 South Beretania St., Honolulu, HI 96813
<b>Consultant</b>	N/A
<b>Status</b>	Per HRS Chapter 343, another 45-day public review and comment period starts with this publication; <b>comments are due by May 7, 2024</b> . The public can submit comments through the <a href="#">Federal eRulemaking Portal</a> . <b>The docket number is NOAA-NOS-2021-0114</b> and comments will be accepted in both English and 'ōlelo Hawai'i (Hawaiian language).

NOAA proposes to designate marine portions of Papahānaumokuākea Marine National Monument (Monument) as Papahānaumokuākea National Marine Sanctuary to protect nationally significant biological, cultural, and historical resources. The State of Hawai'i (the State) through the Department of Land and Natural Resources Division of Aquatic Resources proposes to include all State waters. The purpose of this action is to provide comprehensive and coordinated management of the marine areas of Papahānaumokuākea to protect nationally significant biological, cultural, and historical resources. The proposed action would supplement the existing provisions for management of the Monument and further protect resources in the Northwest Hawaiian Islands. The DEIS describes the purpose and need for the proposed action of designating a national marine sanctuary, identifies a range of alternatives including the preferred alternative, provides an assessment of resources and uses in the area, and evaluates the potential environmental consequences of the proposed designation including by comparing the beneficial and adverse impacts among alternatives.

As this is a joint state/federal DEIS, to better align the HRS Chapter 343 (HEPA) and NEPA public comment periods, **DLNR has resubmitted the DEIS for publication in the March 23, 2024 issue of *The Environmental Notice* so the comment periods will end together on May 7, 2024.**

**PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT**

**Status:** The comment period for these projects began previously. Please click on the links below to read a document, then send comments to the relevant agency and copy any relevant applicant and/or consultant identified in the submission form that follows the initial agency letter.

**COMMENTS DUE MARCH 25, 2024**

**HAWAI‘I**

[University of the Nations, Kona, Inc. Master Plan Update--Draft EIS](#) and [scoping meeting audio recording](#)

**MAUI**

[Kūlanihāko‘i High School Pedestrian Overpass--Draft EA \(AFNSI\)](#)

[Makawao Public Library Improvements, Renovation, and Expansion--Draft EA \(AFNSI\)](#)

**O‘AHU**

[Ke‘ehi Lagoon Park Comfort Stations 1 and 2--Draft EA \(AFNSI\)](#)

[Waikīkī Aquarium Upgrades--Draft EA \(AFNSI\)](#)

**COMMENTS DUE APRIL 8, 2024**

**HAWAI‘I**

[Makalapua Project District--Draft EA \(FONSI\) Vol I; Vol II Part I, Part II & Part III; and Vol III 34 Rainbow Drive, Hilo--Draft EA \(AFNSI\)](#)

[Waikoloa Drive/Paniolo Avenue Roundabout--Draft EA \(AFNSI\)](#)

**MAUI**

[Ledcor South Maui Properties and Improvements--Draft EIS](#) and [scoping meeting audio](#)

[DHHL Wailuku Single Family Residential Subdivision--Draft EA \(FONSI\)](#)

**O‘AHU**

[ENV Collection System Maintenance \(CSM\) Pearl City Warehouse--Draft EA \(AFNSI\)](#)

**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: Hanalei (5-5-002: 033)	Construction/ New fence, Outdoor Shower, and an After-the-Fact Construction of a Shed (SMA(M)-2024-11)	Hale Kaua‘i TR/ Belles Graham LLP
Maui: Lahaina (4-3-002: 056)	Construction of a New Swimming Pool and Renovation of an Existing Pool (SM2 2024-00010)	David Sellers
Maui: Lahaina (4-3-010: 007)	Collocation of New Transmission Equipment on the Rooftop of the Existing Building as an Expansion of the Existing Telecommunications Facility (SM2 2024-00011)	Robyn Kahalelehua
O‘ahu: Hale‘iwa (6-2-006: 013)	Waialua Community Association Rockwall (2024/SMA-1)	Waialua Community Association
O‘ahu: Kane‘ohe (4-5-047: 013)	Gao-Lu Residential Addition and Alteration (2024/SMA-2)	Beiting Gao and Kim Lu/G70
O‘ahu: Kailua (4-3-005: 092)	Hamlet Residence (2024/SMA-12)	Peter Vincent Architects

## 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	TMK	Applicant	Owner
MA-820	4640 & 4650 Makena Road, Maui 96753	(2) 2-1-012:009 & 010	Action Survey LLC	4640 Makena LLC & 4650 Makena LLC
MA-821	3002 South Kihei Road, Maui 96753	(2) 3-9-004:105	Loren Slentz	3002 Kihei LLC c/o Lenard Liberman
OA-2096	61-673 Kamehameha Hwy, O’ahu 96712	(1) 6-1-010:012	Wesley T. Tengan	Armand B. Erpf Trust & Danielle F. Erpf Trust
OA-2097	68-211 Au Street, O’ahu 96791	(1) 6-8-012:052	Leaps & Boundaries, Inc.	Clinton M. Otake
OA-2098	58-207H Kamehameha Hwy, O’ahu 96712	(1) 5-8-001:021	Leaps & Boundaries, Inc.	Edward Weldon & Katie Weldon
OA-2099	55-337 Kamehameha Hwy, O’ahu 96762	(1) 5-5-002:023	Walter P. Thompson, Inc.	Western Community Crossroads
OA-3000	Nānākuli Beach Park , O’ahu 96792	(1) 8-9-001:002 & 004	Clayton M. Kaneshiro	Department of Hawaiian Homelands

### PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources ([HRS § 205A-42](#) and [HAR § 13-222-26](#)). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai’i 96813.

File No.	Status	Location	TMK	Applicant	Owner
OA-2049	Proposed	5641 Kalaniana’ole Highway, O’ahu 96821	(1) 3-7-001:001	Wesley T. Tengan	Bernardus Brugman
OA-2050	Proposed	87-591 Farrington Highway, O’ahu 96792	(1) 8-7-028:013	Wesley T. Tengan	Sidney D. Passman III & Bridgette G. Passman
OA-2063	Proposed	59-265 Ke Nui Road, O’ahu 96712	(1) 5-9-019:045	Ailana Surveying & Geomatics	T. Courtney Dubar
OA-2074	Proposed	87-579 Farrington Highway, O’ahu 96792	(1) 8-7-028:015 & 016	Anil Wilson	Anil Wilson
OA-2089	Proposed	1056, 1064 & 1070 Mokulua Drive, O’ahu 96734	(1) 4-3-006:058, 105 & 106	Ryan M. Suzuki	1056 Mokulua LLC & Mokulua Windward LLC
OA-2048	Rejected	91-433 ‘Ewa Beach Road, O’ahu 96706	(1) 9-1-024:027	Moana Bjur	Poni, LLC

## 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: [Notice of Intended Disposition: The United States Army Garrison-Hawaii, Pōhakuloa Training Area, Hilo, HI \(published by the National Park Service on 03/20/2024\)](#)**

In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the United States Army Garrison-Hawaii (USAG–HI) Pōhakuloa Training Area (PTA) intends to carry out the disposition of human remains, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice. **Disposition of the human remains or cultural items in this notice may occur on or after April 19, 2024.** If no claim for disposition is received by March 20, 2025, the human remains or cultural items in this notice will become unclaimed human remains or cultural items. For additional information, please click on the title link of this entry.



FEDERAL NOTICES (CONTINUED)

**Notice: [Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews for 100 Species in American Sāmoa, California, Hawaii, Idaho, Oregon, and Washington](#) (published by the Fish and Wildlife Service on 03/20/2024)**

We, the U.S. Fish and Wildlife Service, are initiating 5-year status reviews for 100 species in American Sāmoa, California, Hawaii, Idaho, Oregon, and Washington under the Endangered Species Act of 1973. A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any new information on these species that has become available since the last reviews. To ensure consideration in our reviews, **we are requesting submission of new information no later than May 20, 2024**. However, we will continue to accept new information about any species at any time. Please click on the title link above for additional information.

**Notice: [Marine Mammals; File No. 27548](#) (published by the National Oceanic and Atmospheric Administration on 03/15/2024)**

Notice is hereby given that Lars Bejder, Ph.D., University of Hawai‘i at Mānoa, 46–007 Lilipuna Road, Kane‘ohe, Hawai‘i 96744, has applied in due form for a permit to conduct research on cetaceans. **Written comments must be received on or before April 15, 2024**. Please click on the title link above for additional information on the proposed research.

**Rule: [Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for 12 Species on Hawai‘i Island](#) (published by the Fish and Wildlife Service on 03/12/2024)**

We, the U.S. Fish and Wildlife Service (Service), designate critical habitat for 12 federally endangered species on the island of Hawai‘i under the Endangered Species Act of 1973 (Act), as amended. In total, approximately 119,326 acres (48,289 hectares) on the island of Hawai‘i, in the State of Hawaii, fall within the boundaries of the critical habitat designation. This rule extends the Act's protections to these species' designated critical habitats. **This rule is effective April 11, 2024**. Please click on the title link to this entry for additional information.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

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

**[Seagoing Buoy Tender Mooring and Structural Pier Upgrades at US Coast Guard Base Honolulu, Hawaii--Draft EA](#)**

<b>Island/ District/TMK</b>	O‘ahu / Honolulu / (1) 1-5-041:042
<b>Permit(s)</b>	USACE CWA Permits
<b>Proposing Agency</b>	U.S. Coast Guard; 5505 Robin Hood Road, Suite K, Norfolk, CA, 23513 (757) 852-3404
<b>Consultant</b>	WSP USA, Inc.; 104 W Anapamu Street, Suite 204A, Santa Barbara, CA 93101 Aaron Goldschmidt, (805) 252-0060, <a href="mailto:aaron.goldschmidt@wsp.com">aaron.goldschmidt@wsp.com</a>
<b>Status</b>	Please provide any comments related to the technical sufficiency and adequacy of the EA to Mr. Aaron Goldschmidt at <a href="mailto:aaron.goldschmidt@wsp.com">aaron.goldschmidt@wsp.com</a> . <b>Comments must be received no later than April 22, 2024</b> .

In 2022, the USCG identified the need for an extension to Berth G to create permanent berthing for the second WLB that is returning from mid-life maintenance availability. The Draft EA evaluates the USCG proposal to extend Berth G by constructing a fixed, pile-supported pier extending approximately 110 feet eastward from Berth G. This extension would allow for mooring of the second WLB, including fenders, mooring hardware, and services. The USCG would also demolish and dispose of the existing floating dock currently sited at Berth G, to include removal of foundations and piles, but excluding the floating gangway which may be reused. In addition to the Proposed Action, the Draft EA also considered two alternatives: an option to construct a new precast concrete floating dock that would attach to the new fixed Pier G, occupying space off Berth F; and construction of a small pier extension to fill a gap which would arise between Berth F and the new Berth G extension.

## 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).