

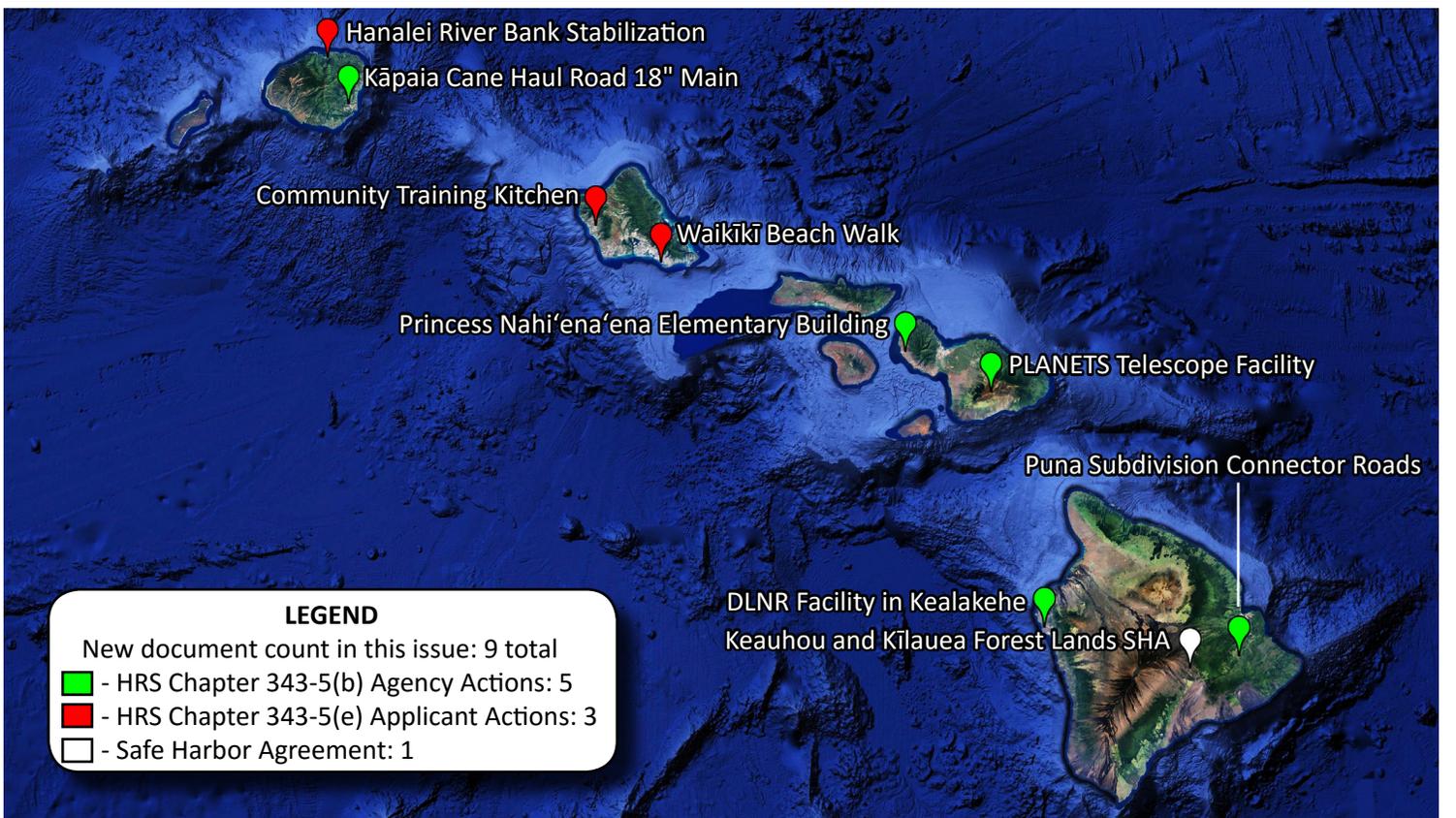


The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes (HRS), the Environmental Impact Statement Law. Along with publishing Environmental Assessments (EAs) and Environmental Impact Statements (EISs) for projects in Hawai'i, *The Environmental Notice* also includes other items related to the shoreline, coastal zone, and federal activities.

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STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



HAWAII

Department of Land and Natural Resources Facility in Kealakehe DEA (AFNSI)

HRS §343-5 Trigger(s)	Use of State lands and funds	
District(s)	North Kona	
TMK(s)	(3) 7-4-008: 003 (por.)	
Permit(s)	Various (see document)	
Proposing/ Determining Agency	Department of Land and Natural Resources, Engineering Division Brandon Kim, Project Engineer, Brandon.J.Kim@hawaii.gov , (808) 587-0248 1151 Punchbowl Street, Room 221, Honolulu, HI 96813	
Consultant	The Limtiaco Consulting Group Claire Oshiro, Environmental Planner, claire@tlcghawaii.com , (808) 596-7790 1622 Kananui Street, Honolulu, HI 96817	
Status	Statutory 30-day public review and comment period starts. Comments are due by November 22, 2016. Please send comments to the proposing/determining agency and copy the consultant.	

The Department of Land and Natural Resources (DLNR) proposes to develop a new community conference center and administration facility in Kealakehe that will allow the department to consolidate services at a single central location in West Hawai'i. The project is the development of a modern, energy efficient facility that accommodates present and future operational needs such as secure base yards, storage facilities, and spaces where division personnel can interact with the public it serves. The proposed facility includes a community conference center, a shared base yard and a separate climate-controlled collections warehouse. The community conference center will be contained within the new administration building and DLNR's divisions will share the proposed base yard. The project may be developed in phases due to funding options and constraints. DLNR's new facility will require the installation of infrastructure during the earliest phase of development. Base yards and storage areas will have access controls to protect government-owned vessels, vehicles, equipment, and tools; records; artifacts and disinterred remains (or iwi); and impounded vehicles. Parking areas and pedestrian circulation routes will be developed within the project site. A free-standing building to house the community center is proposed for a later phase of development.

Puna Subdivision Connector Roads to Volcano Highway DEA (AFNSI)

HRS §343-5 Trigger(s)	Use of County Land and Funds, Use of State Land and Funds	
District(s)	Puna	
TMK(s)	(3) 1-1-038:207, 1-1-072:067, 1-1-100:042 & 051, 1-8-004:102 ROW of Lauko and Pszyk Roads, and Old Volcano Trail Alignment in Plat 1-8-004	
Permit(s)	Various (see document)	
Proposing/ Determining Agency	County of Hawai'i Department of Public Works Kason Pacheco, Kason.Pacheco@hawaiicounty.gov , (808) 961-8931 101 Pauahi St #7, Hilo, HI 96720	
Consultant	Geometrician Associates Ron Terry, rterry@hawaii.rr.com , (808) 969-7090 PO Box 396, Hilo, HI 96721	
Status	Statutory 30-day public review and comment period starts. Comments are due by November 22, 2016. Please send comments to the proposing/determining agency and copy the consultant.	

The County of Hawai'i, Department of Public Works proposes to improve the connectivity of Puna subdivisions with Volcano Highway in the area centered on Fern Acres. The project would assist in response to floods, fires, automobile accidents, or other emergencies that block critical roads. It would also provide residents of Fern Acres and nearby subdivisions with permanent access alternatives to the South Kūlani Road outlet. It is in response to and in conformance with Puna Community Development Plan Action Committee proposals. The three component sub-projects under study are 1) the improvement and extension from Volcano Highway to Pūhala Road of South Lauko Road; 2) the improvement and extension from Volcano Highway to Pūhala Road of South Pszyk Road; and 3) the extension of Pūhala Road south to South Kopua Road. Depending on funding availability and other factors, the County may choose to construct one, two, all three, or none of the component projects under study, at various levels of road improvement ranging from compacted gravel to paved, with bridge or ford crossings at streams. The County would own and maintain the roads.

KAUA'I

Hanalei River Bank Stabilization FEA (FONSI)

HRS §343-5 Trigger(s)	HRS §343-5 (1) "Propose the use of state or county lands"	
District(s)	Hanalei	
TMK(s)	(4) 5-5-010:067	
Permit(s)	CWA Section 401 Water Quality Certification, Dept. of the Army Permit, CZM, SMA, SCAP	
Approving Agency	Hawai'i Department of Land and Natural Resources, Land Division, Kaua'i District Marvin Mikasa, marvin.t.mikasa@hawaii.gov , (808) 274-3491 3060 Eiwa St., Room 208, Lihu'e, HI 96766	
Applicant	Hanalei Traders Roger Ross, hanaleidolphin1@yahoo.com , (808) 326-2561 5-5016 Kūhiō Highway, Hanalei, HI 96714	
Consultant	Sustainable Resources Group Intn'l, Inc. Andrew Hood, comments@srgii.com , (808) 356-0552 111 Hekili Street, Suite A373, Kailua, HI 96734	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

Mr. Roger Ross owns the Hanalei Traders property located on the west bank of the Hanalei River at river mile one in Hanalei, Kaua'i. The 2.3 acre property hosts the Dolphin Restaurant, a fish market, gift shop, and five river front cottages. In total, 720 feet of the lot fronts the river. Along 450 feet of the river frontage the bank is eroding at an accelerated rate due in part to offsite impacts to the river system. The accelerated erosion has shifted the top of the river bank horizontally approximately 28 feet inland over the past 25 years. River bank erosion threatens structures on the property and is a chronic source of sediment into the river. In order to address erosion problems and to protect private property and existing infrastructure, the project proposes to stabilize the eroding areas by installing a bioengineered design. The project will install a 450 foot long bioengineered wall (biowall) along the eroding river bank comprised of boulders, geogrid fabric, geotextile bags, and native vegetation plantings.

Kāpaia Cane Haul Road 18" Main DEA Withdrawal

HRS §343-5 Trigger(s)	County lands and a portion of County funds will be used for the proposed project.		
District(s)	Līhu'e		
TMK(s)	(4) 3-8-003:001		
Permit(s)	Various (see document)		
Proposing/ Determining Agency	County of Kaua'i, Department of Water Bryan Wienand, bwienand@kauaiwater.org , (808) 245-5449 4398 Pua Loke St., Lihu'e, HI 96766		
Consultant	Kodani and Associates Engineers, LLC. Steven B. Macklin, steven@kodani.com , (808) 245-9591 3126 `Akahi Street, Līhu'e, HI 96766		
Status	The proposing agency is withdrawing the DEA published on September 8, 2016.		

The Kaua'i Department of Water (DOW) Kāpaia Cane Haul Road 18-inch Main project proposes 9,000 linear feet of 18-inch water line along Kāpaia Cane Haul Road from Ma'alo Road to Kūhiō Highway. The project is needed because the existing transmission facilities along Kūhiō Highway from Ma'alo Road to the Līhu'e area are not adequate to utilize the capacity from the Waiahi surface water treatment plant (SWTP) for the planned affordable housing development of the Līhu'e area. The new transmission line will also allow the DOW to provide adequate fire flow to Wilcox Memorial Hospital and Elsie H. Wilcox Elementary School. The increased flow for fire protection will benefit hospital patients and school students in the event of a fire. Lastly, the new water main will provide redundancy in the event of a main break in one of the existing transmission lines from the Waiahi SWTP to Līhu'e.

The DEA is being withdrawn due to an error in the consultant's mailing address. The DOW intends to resubmit an updated DEA and AFNSI in the future.

MAUI

Polarized Light from Atmospheres of Nearby Extra-Terrestrial Systems (PLANETS) Telescope Facility FEA (FONSI)

HRS §343-5 Trigger(s)	Use of land in a Conservation District	
District(s)	Haleakalā	
TMK(s)	(2) 2-2-007:008	
Permit(s)	Conservation District Use Permit, Haleakalā National Park Special Use Permit	
Proposing/ Determining Agency	The University of Hawai‘i, Institute for Astronomy (UH IfA) Mike Maberry, maberry@hawaii.edu , (808) 573-9528 34 Ohia Ku St. Room 216, Pukalani, HI 96768	
Consultant	KC Environmental, Inc. Dr. Charlie Fein, Charlie@kcnv.com , (808) 573-1903 P.O. Box 1208, Makawao, HI 96768	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

UH IfA is proposing to establish and operate the PLANETS telescope facility located within the Haleakalā High Altitude Observatory Site near the summit of Haleakalā in Waiakoa, Makawao District, on the island of Maui. The proposed project would be specifically designed for low scattered light and high-contrast nighttime observations and would house the world’s highest-contrast optical telescope. The proposed project involves the reuse and renovation of an existing structure that was formerly the University of Chicago Neutron Monitor Station to accommodate the proposed PLANETS telescope facility. The proposed project was specifically designed to fit within the existing facility with minimal alterations in order to reduce potential impacts to environmental and cultural resources.

The purpose of the proposed project is to establish the world’s most innovative and powerful instrument designed to study the atmospheres of planets around the sun and other stars. The proposed project would provide unprecedented scientific capabilities in the sciences of polarimetry and coronagraphy, and would have the potential to lead to discoveries in areas related to exoplanet detection, circumstellar environments, and extrasolar planetary atmospheres. No other telescopes currently exist that have these capabilities and are able to provide such a high level of contrast in low scattered light and during nighttime observations.

Princess Nahi‘ena‘ena Elementary School Classroom Building FEA (FONSI)

HRS §343-5 Trigger(s)	§343-5(a)(1) Use of State land and funds	
District(s)	Lahaina	
TMK(s)	(2) 4-6-018: 013 por.	
Permit(s)	NPDES General Permit, Variance from Pollution Controls, Historic Site Review, Building Permit, Grading and Grubbing Permit, Certificate of Occupancy, Fire Protection	
Proposing/ Determining Agency	Hawai‘i Department of Education, Office of School Facilities and Support Services Facilities Development Branch-Project Management Section Janna Mihara, Janna_Mihara/FacDev/HIDOE@notes.K12.hi.us , (808) 784-5120 3633 Wai‘alae Avenue, Honolulu, HI 96816	
Consultant	Gerald Park Urban Planner Gerald Park, (808) 625-9626, gpark@gpup.biz 95-595 Kanamee Street #324, Mililani, HI 96789	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

The Department of Education proposes to construct a two-story, 8 classroom building and outdoor learning area at Princess Nahi‘ena‘ena Elementary School. Located at the uppermost section of the campus, the approximately 2.0 acre site was previously graded and is currently covered by assorted dry grasses. The site is not used for school activities. The classroom building will be erected on a portion of an undeveloped site and the remainder improved for outdoor learning and activities. The outdoor learning area will be grassed, landscaped, and feature a covered structure to be built as a “classroom without walls”.

The cost of the project is estimated at \$7.24 million. Construction is projected to commence in April 2017 with completion by Summer 2018.

O‘AHU

Community Training Kitchen at Ohana Ola ‘O Kahumana FEA (FONSI)

HRS §343-5 Trigger(s)	Use of County lands		
District(s)	Wai‘anae		
TMK(s)	(1) 8-6-006:001		
Permit(s)	Various (see document)		
Approving Agency	Honolulu Department of Community Services Community Based Development Division Stephen Karel, (808) 768-7753, skarel@honolulu.gov 715 South King Street, Suite 311, Honolulu, HI 96813		
Applicant	Alternative Structures International (dba Kahumana) Tom McDonald, Executive Director, (808) 696-2655, kahumana.tom@gmail.com 86-660 Luualalei Homestead Road, Wai‘anae, HI 96792		
Consultant	PBR HAWAII & Associates, Inc. Catie Cullison, AICP, Senior Associate, (808) 521-5631, ccullison@pbrhawaii.com 1001 Bishop Street, Suite 650, Honolulu, HI 96813		
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.		

The proposed facility will serve an existing job training program at the Ohana Ola ‘O Kahumana transitional housing community. The Kitchen and associated development will occupy approximately one acre and will include a 2,800-to-3,000 sq. ft. building, an individual wastewater system, a parking/loading area for about twelve vehicles, and an entrance off Kuwale Road. The proposed project will utilize previously disturbed vacant land and is not expected to substantially degrade environmental quality. During the school year, the kitchen prepares approximately 1,100 healthy keiki meals per weekday from the Kitchen at Ulu Ke Kukui. The project objective is to maintain and grow the part-time, temporary trainee positions that prepare the lunches. The primary source for filling these trainee positions are adults at Ohana Ola. Secondary objectives include: uninterrupted continuation of a school lunch program, which feeds 1,100 underprivileged children every day; expand the school lunch program to respond to increasing demand; and utilize produce grown at Kahumana Farms to strengthen stewardship of the ‘āina.

Waikīkī Beach Walk - Outrigger Reef Waikīkī Beach Resort FSEIS and Acceptance

HRS §343-5 Trigger(s)	Located in Waikīkī and the Shoreline Area		
District(s)	Honolulu		
TMK(s)	(1) 2-6-002:014, 027; 2-6-003:001, 060, 061; 2-6-004:010		
Permit(s)	Various (see document)		
Approving Agency/ Accepting Authority	City and County of Honolulu Department of Planning and Permitting Malyne Simeon, (808) 768-8023, msimeon@honolulu.gov 650 S. King Street, 7th Floor, Honolulu, HI 96813		
Applicant	Outrigger Enterprises, Inc. Edward E. Case, Senior VP & Chief Legal Officer, (808) 921-6600, ed.case@outrigger.com 2375 Kūhiō Avenue, Honolulu, HI 96815		
Consultant	Group 70 International, Inc. Christine Ruotola, AICP, (808) 523-5866, cruotola@group70int.com 925 Bethel Street, 5th Floor, Honolulu, HI 96813		
Status	FEIS available for review. Document has been accepted by the Accepting Authority. Comments are not taken on this action.		

Outrigger is undertaking a revitalization of its Outrigger Reef Waikīkī Beach Resort. Envisioned in the revitalization of the Outrigger Reef is the demolition of the five-story beachfront Diamond Head tower and dated pool deck, which will be replaced with a resort pool, dining, and beach side lawn area. The redesign will bring a new conferencing center to support small to medium size meetings, including the corporate and incentive meeting market. Completing the transformation will be new hotel rooms connecting the existing Pacific and Ocean Towers on the site. The revitalization of the Outrigger Reef will be the capstone of Waikīkī Beach Walk, from Kalākaua Avenue to the sands of Waikīkī Beach. Implementation of the proposed project improvements will update and expand Outrigger’s offering of shopping, dining, entertainment, and hospitality options.

SAFE HARBOR AGREEMENT

Keauhou and Kīlauea Forest Lands Draft Safe Harbor Agreement

Applicable Law	HRS Chapter 195D	
Type of Document	Draft Safe Harbor Agreement	
Island	Hawai'i	
District(s)	Ka'u	
TMK(s)	Various (see document)	
Permits Required	Incidental Take License	
Applicant	Trustees of the Estate of Bernice P. Bishop, dba Kamehameha Schools Corbett A.K. Kalama, (808) 523-6200, ksinfo@ksbe.edu 567 South King Street, Honolulu, HI 96813	
Approving Agency	Department of Land and Natural Resources, Division of Forestry and Wildlife Katherine Cullison, (808) 587-4148, katherine.cullison@hawaii.gov 1151 Punchbowl Street, Room 325, Honolulu, HI 96813	
Consultant	None	
Status	Comments are due by December 22, 2016. Please send comments to the approving agency. The Division of Forestry and Wildlife will also hold a public hearing on Hawai'i to receive public comments on the draft SHA. The date and location of the public hearing will be made available to the public via legal notice.	

Pursuant to Hawai'i Revised Statutes Chapter 195D, Kamehameha Schools is requesting a 50-year Incidental Take License from the Board of Land and Natural Resources for a Safe Harbor Agreement (SHA) located near Volcano Village for an Enrolled Property of 32,280 acres on the Island of Hawai'i.

The SHA is a voluntary agreement between parties that is intended to promote recovery of endangered species. It covers 8 wildlife and 25 plant species. Baseline is a key concept for an SHA and is defined in the SHA as a quantified habitat area (in acres) or a specific number of listed individuals present on the Enrolled Property and that reflect how much habitat or how many individuals of a species are present at the start of the SHA. SHA conservation measures are intended to increase the baseline. Although unlikely, the enrolled property can be returned to baseline upon termination of the agreement. The SHA specifies the types of activities that would occur and that could result in incidental take. Overall, the plan will increase the likelihood of recovery of the covered species and result in a net environmental benefit through habitat improvement and resulting expanded species ranges and populations, and increased genetic diversity.

OPEN ENVIRONMENTAL REVIEW DOCUMENTS

Status: Public review and comment period for these projects began previously. Comments are due November 7, 2016 unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

[Hāna Pier Deck Removal EISPN \(Direct to EIS\)](#)

[Waihe'e Ridge Trail Improvements DEA \(AFNSI\)](#)

[Modified Kaunakakai Drainage System Improvements \(Phase 1B\) DEA \(AFNSI\)](#)

[Pāku'i Watershed Project DEA \(AFNSI\)](#)

[Kalani High School Girl's Athletic Locker Room Building DEA \(AFNSI\)](#)

[Thomas Square Park Renovation DEA \(AFNSI\)](#)

[Kawela Bridge and Nanahu Bridge Replacement Project, Kamehameha Highway, Route 83 DEA \(AFNSI\)](#)

[Hanakāpi'ai Stream Bridge Project DEA \(AFNSI\)](#)

[Pā'ia Trade Center DEA \(AFNSI\) \(comments due 10/24/16\)](#)

[Dillingham Ranch Agricultural Subdivision EISPN \(Direct to EIS\) \(comments due 10/24/16\)](#)

[Kawainui-Hāmākua Master Plan Project EISPN \(Direct to EIS\) \(comments due 10/24/16\)](#)

[Mayor Wright Homes Redevelopment EISPN \(Direct to EIS\) \(comments due 10/24/16\)](#)

[Wai'anae Wastewater Treatment Plant Improvements and Upgrade DEA \(AFNSI\) \(comments due 10/24/16\)](#)

[Hanapēpē-'Ele'ele Water Systems Improvements DEA \(AFNSI\) \(comments due 10/24/16\)](#)

[Replacement of Oahu Community Correctional Center \(OCCC\) EISPN \(Direct to EIS\) \(comments due 11/22/16\)](#)

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 (768-8014); Hawai'i (East 961-8288, West 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

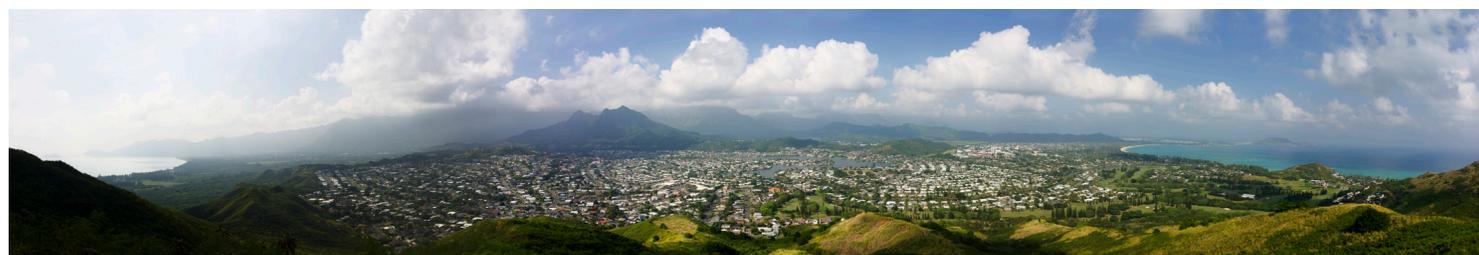
Location (TMK)	Description (File No.)	Applicant/Agent
Maui: Lahaina (4-3-010: 004)	Valley Isle Resort Emergency Beach Repair Project - Installation of Sandbags (SM2 20160040)	Sharon Wright
Maui: Kīhei (3-9-001: 006)	Conversion of Irrigation System (SM2 20160111)	Luana Kai
Maui: Kahului (3-7-011: 021)	Install Office Trailer (SM2 20160112)	Brothers LLC
Maui: Kīhei (3-9-001: 134)	Conversion of Irrigation System (SM2 201600113)	Koa Resort / Allison Oliva
Maui: Kaunakakai (5-7-008: 006)	New Single-Family Dwelling Construction with a Detached Carport (SM6 20160004)	Wade Curtis and Patricia A. Golebieski
O'ahu: Kahe Point (9-2-049: 006)	Security Office Expansion at the Kahe Generating Station (2016/SMA-47)	Hawaii Electric Company
O'ahu: Waikīkī (2-6-002: 005, 006 and 026)	Verizon Wireless – Sheraton Waikiki – Duke – Utility Installation, Type A (2016/SMA-53)	Cellco Partnership, dba Verizon / Mike Beason
O'ahu: Kāne'ohe (4-7-058: 010)	Kahaluu Telecommunications Facility (2016/SMA-55)	T-Mobile West Corp / Telecom Site Development Services, Inc.

SHORELINE NOTICES

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.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1717	Proposed Shoreline Certification	Lot 295 Land Court Application 1052 as Shown on Map 7 situate at Mākaha, Wai'anae, O'ahu Address: 84-245 Makau Street Purpose: Determine building setback line	Wesley T. Tengan/ Wayne S. Giancaterino Trust	(1) 8-4-009:020
OA-1720	Proposed Shoreline Certification	Lot 8 Land Court Application 1827 as Shown on Map 1 situate at Lualuelei, Wai'anae, O'ahu Address: 87-623 Farrington Highway Purpose: Determine building setback line	Wesley T. Tengan/ Vicente Ferrer Aquino	(1) 8-7-028:008
OA-1724	Proposed Shoreline Certification	Being Lots 3, 3-A, and 30 of the Wai'alaie Beach Lots, Section A being a portion of Royal Patent Number 4475, Land Commission Award Number 7713, 'Āpana 50 to V. Kamāmalu situate at Wai'alaie-Nui, Honolulu, O'ahu Address: 4663 Kāhala Avenue Purpose: Setback purposes	Austin Tsutsumi & Associates, Inc./ Estates of Kahala LLC	(1) 3-5-005: 006



Lanikai, O'ahu

Photo by [thai tran](#)

SHORELINE NOTICES (CONTINUED)

APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review 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). 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 the public notice of the application. For more information, call Ian Hirokawa at (808) 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1727	10/5/16	Lot 2 being a portion of R. P. 4475, L. C. Aw. 7713, Ap. 33 and L. C. Aw. 7715, Ap. 35 to V. Kamāmalu situate at Kawaihoa, Waialua, O’ahu Address: 61-263 Kamehameha Highway Purpose: Building setback	Jamie F. Alimboyoguen/ William Strachan/ Mary Lou Strachan	(1) 6-1-012: 002
OA-1730	9/29/16	Portion of Kalaniana’ole Beach Park (former Nānākuli Beach Park) Being portion of Executive Order No. 104 situate at Nānākuli, Wai’anae, O’ahu Address: 89-269 Farrington Highway Purpose: establish 40-foot shoreline setback	Imata & Associates, Inc./ State of Hawai’i	(1) 8-9-001: 002
MA-654	10/11/16	The Consolidation of Lots 8-A-2, 8-B & 9-A of the Kīhei Beach Lots being a portion of Royal Patent 8140, Land Commission Award 5230 to Keaweamahi situate at Kīhei, Wailuku, Maui Address: 73 North Kīhei Road Purpose: Permitting purposes	Akamai Land Surveying, Inc./ Nani Kai Hale	(2) 3-8-013: 010
MA-655	10/11/16	Lot 2-C (Map 2) and Lot 3 (Map 1) of Land Court Application 1791 situate at Honokōwai, Lahaina, Maui Address: 3559 Lower Honoapi’ilani Highway Purpose: Permitting purposes	Akamai Land Surveying, Inc./ AOA Maui Sands/ Maui Sands II	(2) 4-4-001:053 & 071
HA-536	10/3/16	Lot 12 68-1936 Puakō Beach Drive as shown on HTS Plat 414-A Puakō Beach Lots being all of Grant S-14,052 to Tsutomu Onomura situate at Lālāmilo, South Kohala, Hawai’i Address: 69-1936 Puakō Beach Drive Purpose: Building permit	Roger D. Fleenor/ Roy L. Wickland Family Trust	(3) 6-9-006:012
HA-537	10/7/16	Lot 331 of Kona Paradise Subdivision being a portion of Mahele Aw. 25, R.P. 7739 to Nāhua situate at Ka’ohe 4th, South Kona, Hawai’i Address: n/a Purpose: Obtain county permits	Wes Thomas Associates/ James Baker	(3) 8-7-019:030



Pa’ia, Maui

Photo by [Jessie Hodge](#)

FEDERAL NOTICES

As a courtesy, listed below are 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.

[Request for Applications: The Community Forest and Open Space Conservation Program \(published 10/20/2016\)](#)

The U.S. Department of Agriculture, Forest Service, State and Private Forestry, Cooperative Forestry staff, requests applications for the Community Forest and Open Space Conservation Program. This is a competitive grant program whereby local governments, qualified nonprofit organizations, and Indian tribes are eligible to apply for grants to establish community forests through fee simple acquisition of private forest land from a willing seller. The purpose of the program is to establish community forests by protecting forest land from conversion to non-forest uses and provide community benefits such as sustainable forest management, environmental benefits including clean air, water, and wildlife habitat; benefits from forest-based educational programs; benefits from serving as models of effective forest stewardship; and recreational benefits secured with public access.

Eligible lands for grants funded under this program are private forest that is at least five acres in size, suitable to sustain natural vegetation, and at least 75 percent forested. The lands must also be threatened by conversion to non-forest uses, must not be held in trust by the United States on behalf of any Indian Tribe, must not be Tribal allotment lands, must be offered for sale by a willing seller, and if acquired by an eligible entity, must provide defined community benefits under CFP and allow public access.

Applications must be received by January 13, 2017, and can be submitted to Katie Friday, 60 Nowelo St., Hilo, HI 96720, 808-854-2620 (phone), 503-808-2469 (fax), kfriday@fs.fed.us.

[Requested Administrative Waivers of the Coastwise Trade Laws \(published 10/19/2016\)](#)

The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. The following requests for such waivers have been received by MARAD for the Hawai'i region. The complete applications are given at <http://www.regulations.gov> by searching the docket number. Interested parties may comment on the effect these actions may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Comments should refer to the docket number and the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388. Submit comments on or before November 18, 2016 at <http://www.regulations.gov> or to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

[Vessel Shalimar](#) (Docket: MARAD-2016-0104)

Intended Commercial Use of Vessel: An exclusive private charter sailing vessel. Exclusive private Ecology tours, whale watching, dolphin watching, sunset sails, day sailing and live-aboard inter-island sailing charters.

[Vessel MY SUNSHINE](#) (Docket: MARAD-2016-0105)

Intended Commercial Use of Vessel: Day Charters & Overnight Charters throughout Hawaiian Islands.

[Vessel Kipu One](#) (Docket: MARAD-2016-0101)

Intended Commercial Use of Vessel: Tour boat 6 passenger.

[Vessel BLACK 1](#) (Docket: MARAD-2016-0098)

Intended Commercial Use of Vessel: Passenger transport for whale watching and coastal sight seeing.

[International Fisheries; Tuna and Tuna-Like Species in the Eastern Pacific Ocean; Silky Shark Fishing Restrictions and Fish Aggregating Device Data Collection and Identification \(published 10/11/2016\)](#)

NMFS proposes regulations under the Tuna Conventions Act to implement provisions of two Resolutions adopted by the Inter-American Tropical Tuna Commission (IATTC) in 2016: Resolution C-16-01 (Collection and Analyses of Data On Fish-Aggregating Devices) and Resolution C-16-06 (Conservation Measures for Shark Species, with Special Emphasis on the Silky Shark (*Carcharhinus Falciformis*) for the Years 2017, 2018, and 2019). Per Resolution C-16-01, these regulations would require the owner or operator of a U.S. purse seine vessel to ensure characters of a unique code be marked indelibly on each fish aggregating device (FAD) deployed or modified on or after January 1, 2017, in the IATTC Convention Area. The vessel owner or operator would also be required to record and submit information about the FAD. Per Resolution C-16-06, these regulations would prohibit the owner or operator of a U.S. purse seine vessel from retaining on board, transshipping, landing, or storing, in part or whole, carcasses of silky sharks caught by purse-seine vessels in the IATTC Convention Area. These regulations would also provide limits on the retained catch of silky sharks caught in the IATTC Convention Area. This proposed rule is necessary for the United States to satisfy its obligations as a member of the IATTC.

As of August 2016, the IATTC Regional Vessel Register lists 158 U.S. longline vessels that have the option to fish in the IATTC Convention Area. The majority of these longline vessels possess Hawai'i Longline Limited Access Permits (issued under [50 CFR 665.13](#)). Under the Hawai'i longline limited access program, no more than 164 permits may be issued.

U.S. longline vessels fishing in the IATTC Convention Area, whether under the Hawai'i Longline Limited Access Permit or the Pacific HMS permit, do not target silky shark and all those caught incidentally are released. From 2008 to 2015, logbook records recorded by vessel owners and operators of U.S. longline vessels fishing in the IATTC Convention Area showed a total of four silky sharks caught and released on four separate trips. During this same time period, observers did not record any catch of silky shark on longline vessels using shallow-set gear. The observer data for the Hawaii deep-set longline fishery showed a de minimis amount was occasionally caught and nearly all were released alive.

Comments must be submitted by November 10, 2016 at <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0106> or to Rachael Wadsworth, NMFS West Coast Region Long Beach Office, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier "NOAA-NMFS-2016-0106" in the comments.

[Draft 2016 Marine Mammal Stock Assessment Reports \(published 10/11/2016\)](#)

The National Marine Fisheries Service (NMFS) has reviewed the Alaska, Atlantic, and Pacific regional marine mammal stock assessment reports (SARs) in accordance with the Marine Mammal Protection Act. SARs for marine mammals in the Alaska, Atlantic, and Pacific regions were revised according to new information. In the Pacific region, SARs were revised for 23 stocks under NMFS jurisdiction (8 "strategic" and 15 "non-strategic" stocks).

In Hawai'i, SARs for the following "strategic" stocks were revised for 2016: Hawaiian monk seal, false killer whale (Main Hawaiian Islands Insular), false killer whale (Hawai'i Pelagic). The SAR for the false killer whale (Northwestern Hawaiian Islands) was the only Hawaiian "non-strategic" stock revised for 2016. Additional stocks with updated abundance and/or annual human-caused mortality and serious injury estimates include: Hawaiian monk seal, false killer whale (Hawai'i pelagic), false killer whale (Main Hawaiian Islands Insular), and false killer whale (Northwestern Hawaiian Islands).

Comments on the [draft 2016 SARs](#) must be received by January 9, 2017 and can be submitted at www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0101 or to Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226, Attn: Stock Assessments.



Silky Shark

Photo by [Lwp Kommunikáció](#)

Sleeping Hawaiian Monk Seal

Photo by [Jared Wong](#)

Monk Seal

Photo by [Doi](#)

GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

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

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 actions' 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 Agency 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 ask a court 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 OEQC, called an EIS Preparation Notice (EISPAN) along with the supporting Final EA. After the notice of the FEA-EISPAN is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISPAN 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. Until administrative rules have been drafted, the agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPAN) with a completed OEQC publication form detailing the specifics of the action to enable the public a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISPAN must be incorporated into the subsequent Draft EIS.

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 now 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 EISPAN, 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 mitigative measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPAN comment period in a point-by-point manner.

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. See here for [style](#) concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is 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

If the FEIS is [accepted](#), notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a non-acceptance determination.



Ko Olina Bay, O'ahu

Photo by [Floyd Manzano](#)

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare an 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](#). OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

Conservation District

Any use of land in the State Conservation District requires a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. Notices of permit applications are published in this bulletin.

Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

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 Council

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). [Agendas](#) of their regular meetings are posted on the Internet and the public is invited to attend.

Administrative Exemption Lists

Government agencies must 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 11-200-8\(d\)](#)). 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).