

**HRS 343-5(c), APPLICANT ACTION ENVIRONMENTAL IMPACT STATEMENT CHECKLIST**

*Append to FEA-EISPN Applicant Actions Checklist*

Action (Project) Name: \_\_\_\_\_

Applicant: \_\_\_\_\_

Approving Agency<sup>1</sup> \_\_\_\_\_

Island and Tax Map Key \_\_\_\_\_

<b>FOR OEQC USE ONLY</b>
Date DEIS Received:
Date of Publication:
Comment Deadline:

**PART A: DRAFT ENVIRONMENTAL IMPACT STATEMENT (filed by the applicant simultaneously with OEQC and the Approving Agency with OEQC Publication Form and Distribution List for verification by OEQC - with 45-day public comment period)**

**Content Requirements (see Section 11-200-17, HAR)**

- \_\_\_ 1. Summary sheet (abstract) which concisely discusses the following:
  - \_\_\_ Brief description of the action
  - \_\_\_ Significant beneficial and adverse impacts (including cumulative and secondary impacts)
  - \_\_\_ Proposed mitigation measures
  - \_\_\_ Alternatives considered
  - \_\_\_ Unresolved issues
  - \_\_\_ Compatibility with land use plans and policies
  - \_\_\_ Listing of permits or approvals
  
- \_\_\_ 2. Table of contents
  
- \_\_\_ 3. Statement of purpose and need for the proposed action
  
- \_\_\_ 4. Project description which shall include the following:
  - \_\_\_ A detailed map (U. S. Geological Survey topographic, Flood Insurance Rate Maps, or Floodway Boundary Maps) and a related regional map
  - \_\_\_ Statement of objectives
  - \_\_\_ General description of the action's technical, economic, social and environmental characteristics
  - \_\_\_ Use of public funds or lands for the action (if any)
  - \_\_\_ Phasing and timing of action
  - \_\_\_ Summary of technical data, diagrams and other information necessary to permit an evaluation of potential environmental impact by commenting agencies and the public
  - \_\_\_ Historic (archaeological and cultural) perspective
  
- \_\_\_ 5. Discussion of alternatives that could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected
  - \_\_\_ Rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions
  - \_\_\_ Alternatives that enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks (if any)
  - \_\_\_ No action alternative
  - \_\_\_ Alternatives requiring actions of a significantly different nature that would provide similar benefits with different environmental impacts (if any)
  - \_\_\_ Alternatives related to different designs or details of the proposed actions, which would present different environmental impacts (if any)

- \_\_\_ Alternative of postponing the action pending further study (if any)
- \_\_\_ Alternative locations for the proposed project (if any)
- \_\_\_ Comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative
- \_\_\_ Detailed explanation(s) why alternatives were rejected

\_\_\_ 6. Description of the environmental setting

- \_\_\_ Description of the environment<sup>2</sup> in the vicinity of the action as it exists before commencement of the action from a local and regional perspective
- \_\_\_ Environmental resources that are rare or unique to the region and the project site (including natural or human-made resources of historic, archaeological, contemporary cultural, or aesthetic significance)
- \_\_\_ Reference to related projects, public and private, existent or planned in the region
- \_\_\_ Population and growth characteristics, population and growth assumptions used to justify the action
- \_\_\_ Identification of data sources used to identify, qualify, or evaluate any and all environmental consequences

\_\_\_ 7. Relationship to land use plans, policies, and controls

- \_\_\_ Discussion of how the proposed action may conform or conflict with objectives and specific terms of approved or proposed land use plans, policies, and controls, if any
- \_\_\_ Where a conflict or inconsistency exists, reasons why the agency or applicant has decided to proceed notwithstanding the absence of full reconciliation
- \_\_\_ List and status of necessary approvals from governmental agencies, boards or commissions or other similar groups having jurisdiction

\_\_\_ 8. Probable impact (using the environmental setting described above as the backdrop for analysis and discussion)

- \_\_\_ Impacts (direct, indirect, and cumulative) of the project on the environment
- \_\_\_ Impacts (direct, indirect, and cumulative) of the natural physical and human environment on the project
- \_\_\_ Consideration of all phases of the action and consideration of all environmental consequences
- \_\_\_ Discussion of direct and indirect effects
- \_\_\_ Discussion of cumulative environmental impacts in the reasonably foreseeable future of the proposed action in relation to other projects
- \_\_\_ Population and growth impacts of an action
- \_\_\_ Discussion and incorporation of necessary data (if the proposed action constitutes a direct or indirect source of pollution determined by a government agency)

\_\_\_ 9. Relationship between local short-term uses of humanity's environment and the maintenance and enhancement of long-term productivity

- \_\_\_ Discussion of the extent to which the proposed action involves trade-offs among short-term and long-term gains and losses
- \_\_\_ Discussion of the extent to which the proposed action forecloses future options, narrows the range of beneficial uses of the environment

NOTE: *Short-term and long-term do not necessarily refer to any fixed time periods, but shall be viewed in terms of the environmentally significant consequences of the proposed action.*

\_\_\_ 10. Separate and distinct section containing the description of all irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented

- \_\_\_ Identification of unavoidable impacts
- \_\_\_ Identification of the extent to which the action makes use of non-renewable resources during the phases of the action

NOTE: *Agencies shall avoid construing the term "resources" to mean only the labor and materials devoted to an action. "Resources" also means the natural and cultural resources committed to loss or destruction by the action.*

\_\_\_ 11. Addresses all probable adverse environmental effects which cannot be avoided

- Water or air pollution
  - Urban congestion
  - Threats to public health
  - Consequences adverse to environmental goals and guidelines established by environmental response laws, coastal zone management laws, pollution control and abatement laws, and environmental policy
  - Rationale for proceeding with proposed action notwithstanding unavoidable effects
  - Discussion of other interests and considerations of governmental policies that are thought to offset the adverse environmental effects of the proposed action.
  - Discussion of the extent to which stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects.
12. Mitigation measures proposed to avoid, minimize, rectify or reduce impact
- Provision for compensation for losses of cultural, community, historical, archaeological, fish and wildlife resources, including the acquisition of land, waters and interests therein (if any)
  - Discussion of measures to reduce significant, unavoidable, adverse impacts to insignificant levels, and the basis for considering these levels acceptable
  - Where a particular mitigation measure has been chosen from among several alternatives, the measures have been discussed and the reasons for the choice have been disclosed
  - Timing of each step in the mitigation process
  - What performance bonds (if any) may be posted
  - Provisions proposed to assure that the mitigation measures will be taken
13. Separate and distinct section summarizing unresolved issues
- Discussion of how such issues will be resolved prior to commencement of the action or discussion of the overriding reasons for proceeding without resolving the problems
14. Separate and distinct section containing a list that identifies all government agencies, other organizations and private individuals consulted in preparing the statement (consulted parties and commenters during the FEA-EISPN process)
- Identity of all persons, firms, or agency preparing the statement by contract or by authorization
15. Separate and distinct section containing reproduction of all substantive comments and responses made during the consultation process
- List of persons or agencies who were consulted and had no comment

**EIS Style (see Section 11-200-19, HAR)**

- 1. The draft EIS is written in a way that conveys the required information succinctly in a form easily understood by members of the public and public decision makers
- 2. The scope of the draft EIS is commensurate with the scope of the proposed action and its impact
- 3. Data and analyses in the draft EIS are commensurate with the importance of the impact
- 4. Less important material is summarized, consolidated, or simply referenced
- 5. The draft EIS indicates at appropriate points in the text any underlying studies, reports and other information obtained and considered in preparing the draft EIS including cost benefit analyses and reports required under other legal authorities
- 6. The draft EIS focuses on important issues
- 7. The draft EIS is an essentially self-contained document, capable of being understood by the reader without the need for undue cross-reference

**Filing of an EIS (see Section 11-200-20, HAR, 2008 Distribution Policy)**

- 1. The applicant filed the draft EIS with the approving agency along with the minimum amount of copies required by the approving agency
- 2. The applicant simultaneously filed four printed copies (or alternatively, one electronic copy and two hard copies) of the draft EIS with the Office of Environmental Quality Control
- 3. The applicant signed the draft EIS and indicated that the draft EIS and all ancillary documents were prepared under the applicant's direction or supervision and that the information submitted, to the best of the applicant's knowledge fully addresses document content requirements as set for in Section 11-200-17, HAR

**Distribution (see Section 11-200-21, HAR, and 2008 Distribution Policy)**

- 1. The applicant submitted a distribution list with the draft EIS for verification by the Office of Environmental Quality Control
- 2. The Office of Environmental Quality Control issued a written verification of the distribution list before the issue date of The Environmental Notice announcing the draft EIS
- 3. The Office received the fifth printed copy (or the third copy for applicants submitting an electronic copy) of the draft EIS by mail/courier, thus confirming the distribution of the document on \_\_\_\_

**PART B: FINAL ENVIRONMENTAL IMPACT STATEMENT (filed by the applicant simultaneously with OEQC and the Approving Agency with OEQC Publication Form and Distribution List for verification by OEQC – with public comment period).**

**Content Requirements (see Section 11-200-18, HAR)**

- 1. The draft EIS was revised as the final EIS to incorporate substantive comments received during the 45-day public review period
- 2. Reproductions of all timely-received letters received containing substantive comments and, as applicable, summaries of any scoping meetings
- 3. A list of persons, organizations, and public agencies commenting on the draft EIS
- 4. The point-by-point responses of the applicant to each substantive question, comment, or recommendation received in the review and consultation process
- 5. The text of the final EIS is written in a format that allows the reader to easily distinguish changes made to the draft EIS

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Date FEIS Received:
Date of Decision: <input type="checkbox"/> Acceptance <input type="checkbox"/> Non-acceptance
Statutory Hammer falls <input type="checkbox"/> Yes (date _____) <input type="checkbox"/> No
Date Decision Received:
Date Decision Published:

**EIS Style (see Section 11-200-19, HAR)**

- 1. The final EIS is written in a way that conveys the required information succinctly in a form easily understood by members of the public and public decision makers
- 2. The scope of the final EIS is commensurate with the scope of the proposed action and its impact

- 3. Data and analyses in the final EIS are commensurate with the importance of the impact
- 4. Less important material is summarized, consolidated, or simply referenced
- 5. The final EIS indicates at appropriate points in the text any underlying studies, reports and other information obtained and considered in preparing the final EIS including cost benefit analyses and reports required under other legal authorities
- 6. The final EIS focuses on important issues
- 7. The final EIS is an essentially self-contained document, capable of being understood by the reader without the need for undue cross-reference

**Filing of an EIS (see Section 11-200-20, HAR, 2008 Distribution Policy)**

- 1. The applicant filed the final EIS with the approving agency along with the minimum amount of copies required by the approving agency
- 2. The applicant simultaneously filed two printed copies (or alternatively, one electronic copy and two hard copies) of the final EIS with the Office of Environmental Quality Control
- 3. The applicant signed the final EIS and indicated that the final EIS and all ancillary documents were prepared under the applicant's direction or supervision and that the information submitted, to the best of the applicant's knowledge fully addresses document content requirements as set forth in Sections 11-200-17 and 11-200-18, HAR

**Distribution (see Section 11-200-21, HAR, and 2008 Distribution Policy)**

- 1. The applicant submitted a distribution list with the final EIS for verification by the Office of Environmental Quality Control
- 2. The Office of Environmental Quality Control issued a written verification of the distribution list before the issue date of The Environmental Notice announcing the final EIS
- 3. The Office received the fifth printed copy (or the third copy for applicants submitting an electronic copy) of the final EIS by mail/courier, thus confirming the distribution of the document on \_\_\_\_

**Public Review Requirements (see Section 11-200-22, HAR)**

- 1. The responses to timely received (postmark or time stamped) comments includes:
  - Point-by-point discussion of the validity, significance, and relevance of comments
  - Discussion as to how each comment was evaluated and considered in planning the proposed action
  - Response letters reproduced in the final EIS indicate verbatim changes that have been made to the text of the draft EIS
  - Response letters describe the disposition of significant environmental issues raised
  - Issues raised when the applicant's position is at variance with the recommendations and objections raised in the comments are addressed in detail, giving reasons why specific comments were not accepted, and factors of overriding importance warranting an override of the suggestions

NOTE: *An addendum document to the draft environmental impact statement shall reference the original draft environmental impact statement it attaches to and comply with all applicable filing, public review, and comment requirements set forth in Sub-Chapter 7, Chapter 11-200, HAR*

**Determination of Acceptability (see Section 11-200-23, HAR)**

- \_\_\_\_ 1. Certification of satisfactory completion of the procedures for environmental assessment (Section 11-200-9, HAR), consultation (Section 11-200-15, HAR), public review (Section 11-200-22, HAR), preparation and submission of the statement (Sub-Chapter 7, HAR 11-200)
- \_\_\_\_ 2. Certification of satisfactory completion of the content requirements (for environmental assessment and environmental impact statement (Chapter HAR 11-200)
- \_\_\_\_ 3. Certification that comments received during the review process have received responses satisfactory to the approving agency (or agency with authority to determine acceptability - see end note 1)

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<sup>1</sup> Section 343-5(c), HRS, states in pertinent part that "[t]he authority to accept a final statement shall rest with the agency initially receiving and agreeing to process the request for approval. The final decision-making body or **approving agency** for the request for approval is not required to be the accepting authority. The planning department for the county in which the proposed action will occur shall be a permissible accepting authority for the final statement." [Emphasis supplied].

<sup>2</sup> Section 11-200-2, HAR, defines "environment" as "humanity's surroundings, inclusive of all the physical, economic, cultural and social conditions that exist within the area affected by a proposed action, including land, human and animal communities, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."