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

Append to FEA-EISPN Applicant Actions Checklist

Action (Project) Name: ___________________________________________  
Applicant: ______________________________________________________
Approving Agency 1: ____________________________________________
Island and Tax Map Key: ______

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)
6. Description of the environmental setting
   
   ____ 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 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 an 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

Practice and Implementation of HEPA, January 2012
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

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)

---

1 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].

2 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."