

The Environmental Notice

A Semi-Monthly Bulletin pursuant to Section 343-3, Hawai'i Revised Statutes

Solar Thermal Process Heat Project

Chevron Technology Venture) proposes to construct and operate a Concentrated Solar Thermal Process (CSP) system on a 15.5 acre site located within the existing Chevron Refinery near Kapolei, Oahu. The proposed concentrated solar thermal process system is a demonstration project of solar thermal technology applied in a manufacturing environment. The solar technology will utilize reflectors that focus the sun's rays onto pipes carrying water or some other heat transfer fluid. As the fluid flow through the solar field, the temperature rises, and it then flows through a steam generator where the steam is transferred to the desired process stream in the refinery. The project will offset burning of fossil fuels used to generate steam for the Refinery's internal use.

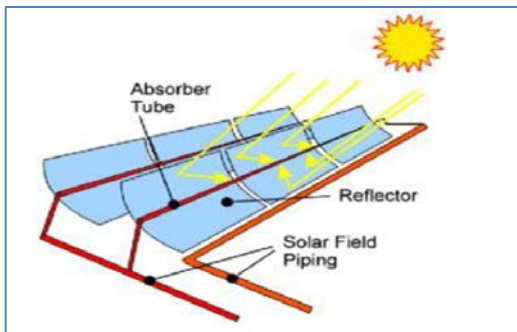


Figure 1: Representative Parabolic Trough Concentrated Solar Thermal Process (CSP). Picture courtesy of NREL (document pg. 2-1) CSP technologies utilize mirrors to focus sunlight onto a piping system where heat transfer fluid is heated within a closed system to a high enough temperature to produce steam in a generator which will then be fed into the current refinery steam system

SUBMITTAL GUIDELINES TO THE ENVIRONMENTAL NOTICE

The bi-monthly submittal of documents for publication in The Environmental Notice is still a challenge for some agencies, applicants and consultants. There is still confusion with regards to the use of proper terminology as defined in §343-2, Hawai'i Revised Statutes, and Chapter 11-200, Hawai'i Administrative Rules. OEQC advises that you check [The Environmental Assessment Preparation Toolkit](#) for the latest information and make sure you have the proper and necessary forms for your project submittal.



The Environmental Notice informs the public of environmental assessments and other documents that are available for review and comment per HRS 343-3 and is issued on the 8th and 23rd of each month on the Office of Environmental Quality Control's website. If you would like to be notified when it is issued, send us your email address and we'll put you on our mailing list.



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Website: <http://hawaii.gov/health/environmental/oeqc/index.html/>

Toll Free: Kaua'i: 274-3141 ext. 64185 · Maui: 984-2400 ext. 64185 · Moloka'i/Lāna'i: 1-800-468-4644 ext. 64185 Hawai'i: 974-4000 ext. 64185

Note: If you get a message saying that the file is damaged when you click on the link, then the file is too big to open within your web browser. To view the file, download directly to your hard drive by going to File and select Save As in your web browser.

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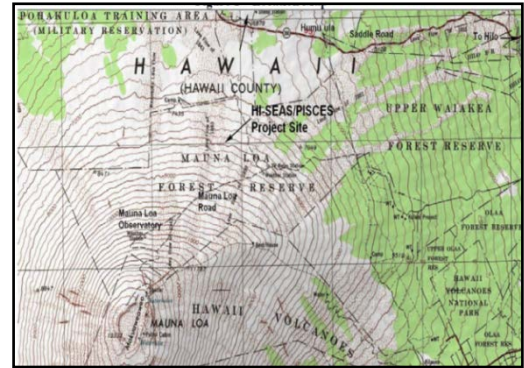
HAWAII (HRS 343)

1. HI-SEAS/PISCES Mars Habitat Project FEA (FONSI)

Island: Hawai'i
District: North Hilo
TMK: (3rd.) 3-8-001:001 (por.)
Permits: Conservation District Use Permit; Forest Reserve Special Use Permit; State Historic Preservation Division Determination of No Effect

Proposing/Determination

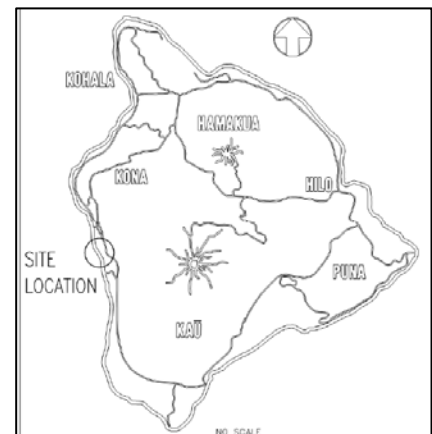
Agency: University of Hawai'i, 2440 Campus Road, Box 368, Honolulu, HI 96822
 Contact: Dr. Kim Binsted, (808) 398-1300, binsted@hawaii.edu
Consultant: Geometrician Associates, PO Box 396, Hilo, HI 96721
 Contact: Ron Terry, (808) 969-7090
Status: Finding of No Significant Impact Determination



The Department of Information and Computer Sciences at the University of Hawai'i at Mānoa UHM, in collaboration with Cornell University and the Pacific International Space Center for Exploration Systems (PISCES), seeks to prepare and manage a temporary experimental site at the 8,000-foot elevation on Mauna Loa, on Hawai'i Island. The site is on a cinder cone ridge surrounded by lava flows and closely resembles the surface of mars. Experiments conducted over five years would utilize a small, portable "habitat" similar to the one that might be constructed for Mars to focus on issues astronauts will experience as they explore the solar system. The central experiment will focus on food needs during long-term planetary exploration missions. The project will also partner with schools for student participation through internships, classes and outreach with K-12 students. The project would install the habitat within an area of about 0.5 acres of State land on a disturbed part of the former quarry in Mauna Loa Forest Reserve. All wastewater and biological waste will be contained for regular servicing and removal. Power will be supplied by an ultra-quiet and efficient generator. The site contains little vegetation, no rare, threatened or endangered species, and no archaeological sites or cultural practices. In order to keep the site isolated, the quarry access road would be gated and locked at a point about 2,300 feet west of Mauna Loa Road during the five years of the experiment. After five years, the project would terminate, the habitat would be removed, and the site would be cleared of any debris or traces of the experiment. After five years, the project would terminate, the habitat would be removed, and the site would be cleared of any debris or traces of the experiment.

2. Schattauer Single Family Residence DEA (AFNSI)

Island: Hawai'i
District: North Kona
TMK: (3) 7-9-006:014
Permits: Conservation District Use Permit
Applicant: Kainaliu Kahakai LLC, PO Box 2300, Kealahou, HI 96750. Contact: George Schattauer
Approving Agency: Office of Conservation and Coastal Lands, DLNR, PO Box 621, Honolulu, HI 96809
 Contact: Michael Cain, (808) 587-0048
Consultant: Ali'i Architects, 75-5742 Kuakini Highway, Suite 205, Kailua Kona, 96740. Contact: Ali Ghalanfarsa, (808) 329-8777



Status: Statutory 30-day public review and comment period starts, comments are due by March 27, 2013. Send comments to the proposing/determination agency and consultant.

The applicant proposes to build a one-story two-bedroom single family residence on a 2.35-acre coastal parcel. The total developed area of the residence will be 2448 square feet. The foundation will be a combination of post and concrete piers and shear footings. The finished height will be nineteen feet above grade.

The proposed residence will be set back 40 feet from the shoreline, and 33 feet mauka from an existing rock wall that runs parallel to the shore. Access will be via an unpaved driveway. No additional landscaping is proposed.

The soil is stony silt loam with underlying *pāhoehoe* lava. The slope ranges from six to twelve percent, with a maximum height of 14-feet above mean sea level. The vegetation is dominated by non-native grasses, *kiawe*, *koa haole*, tamarind, and coconut palms. An archaeological survey identified ten sites of interest: a well system, stone walls, a house platform, and pre-Contact *papamū*, *poho*, water basins, and petroglyphs. The applicant has proposed passive protection of these through the establishment of two preservation easements.

Traditional uses of the property include pole fishing, throw net fishing, 'opihi gathering, and crabbing. The applicant states that they both support and participate in these activities.

MAUI (HRS 343)

3. Lower Kula Bypass Waterline Improvements DEA (AFNSI)

Island: Maui

District: Makawao

TMK: (2)2-3-004:032 and 013 (por.)

Permits: Grading (as applicable)

Proposing/ Determination

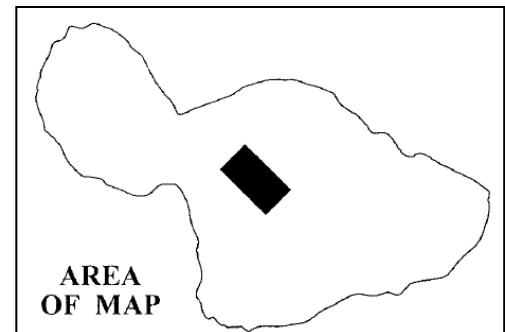
Agency: Department of Hawaiian Home Lands, 91-5420
Kapolei Parkway, Kapolei, HI 96805

Contact: Stewart Matsunaga, (808) 620-9270

Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite
104, Wailuku, HI 96793

Contact: Mitsuru "Mich" Hirano, (808)244-2015

Status: Statutory 30-day public review and comment period starts, comments are due by March 27, 2013. Send comments to the proposing/determination agency and consultant.



The proposed project is located in Kula, Maui approximately 0.5 mile east of the intersection of Kula Highway and Omaopio Road. The proposed project involves installing an 18-inch ductile iron bypass waterline from the 2 million gallon Kula Kai Water Tank and connecting to an existing 12-inch waterline at the Kula Kai Booster Pump Station located approximately 1,274 feet to the southwest at elevation 2,730 feet mean sea level (msl). The new 18-inch waterline will supplement an existing 18-inch waterline currently servicing the tank. Water from the existing 18-inch waterline is shared at times during high demand with the Upper Kula Water System to provide additional source supply to the upper system. The new waterline will directly supply the booster pumping station to provide water to the upper system when needed, thereby eliminating the need to share water using the existing waterline. The new waterline will be designed and constructed by the Department of Hawaiian Home Lands and will be turned over to the County of Maui, Department of Water Supply (DWS) upon completion. The County of Maui has a 15-foot easement for the existing and new waterline from the landowner, Haleakala Ranch.

Kaua'i (HRS 343)

4. Lāwa'i Kai Special Subzone Master Plan and Management Plan FEA (FONSI)

Island: Kaua'i
District: Koloa
TMK: (4) 2-6-002:001, 004-009 and (4) Submerged Lands
Permits: Conservation District Use Permit
Applicant: National Tropical Botanical Garden, 3530 Papalina Rd., Kalaheo, HI 96741
Approving Agency: Office of Conservation and Coastal Lands, DLNR, Kalanimoku Building, 1151 Punchbowl Street, Room 131, Honolulu, HI 96813
 Contact: Samuel J. Lemmo, (808) 587-0377
Consultant: NKN Project Planning, 4849 I'iwi Rd., Kapa'a, HI 96754
Status: Finding of No Significant Impact Determination



The current State Land Use District of the National Tropical Botanical Garden (NTBG) is the Conservation District Limited and Resource Subzones. The applicant is proposing (petitioning) to modify the existing Conservation District Subzone from its current designation into the Lawa'i Kai Special Subzone.

The applicant is proposing to continue using the privately-owned portions of the proposed Special Subzone as a botanical garden dedicated to conservation, research and education, and to continue using the publically-owned portions of the proposed Special Subzone for conservation with managed public recreational use. No new development is planned within the proposed Special Subzone other than upgrades, repairs and maintenance of the existing infrastructure and facilities. The proposed Lawa'i Kai Special Subzone Master Plan recommends maintaining the current level of public use of the beach and bay, and to effectively preserve the natural and cultural shoreline resources.

CHAPTER 25, Revised Ordinances of Honolulu

5. Chevron Refinery Concentrated Solar Thermal Process Project

Island: O'ahu
District: 'Ewa
TMK: (1) 9-1-014-010
Permits: National Historic Preservation Act, Section 106 Consultation, National Pollutant Discharge Elimination System Permit, Community Noise Permit Application, Chapter 200, Title 11, HAR Environmental review and Determination, SMA Permit, Building Permit
Applicant: Chevron, 91-480 Malakole Street, Kapolei, O'ahu, HI 96707
 Contact: Chris Cavote, (808) 682-2215
Approving Agency: City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, HI 96813
 Contact: Nelson Armitage, (808) 768-8014
Consultant: URS Corporation, 615 Pi'ikoi Street, Suite 900, Honolulu Hawaii 96814
 Contact: Darla Guerrero, (808) 593-1116



Chevron is developing a demonstration project of solar thermal technology applied in a manufacturing environment. The project will be utilized to offset burning of fossil fuels used to generate heat and steam for internal use.

The area for this project is located within the Chevron Kapolei Refinery, parallel with the shoreline, and is approximately 15.5 acres (460 ft. by 1575 ft.). The site is currently being used to store equipment and as a temporary staging and working area for other projects on the refinery. The site is within the Special Management Area and will require a SMA permit.

The Proposed Action would have no significant impacts to any environmental resource areas. The implementation of standard Best Management Practices will ensure no significant impacts occur to geological and soil resources and water resources. Shielding of exterior lighting will ensure that no significant impacts occur to biological resources. The Proposed Action would no contribute to any significant cumulative impacts or reasonably foreseeable direct or indirect effects on any coastal use or resource of the State's coastal zone.

The Proposed Action would have no indirect, secondary, or cumulative impacts to any environmental resource areas.

ENVIRONMENTAL COUNCIL NOTICE

The Environmental Council has a tentative meeting scheduled for Thursday, March 21, 2013. Please go to the State [Calendar](#) website six days prior to the meeting date to review the agenda. For more information, contact the Council at oeqchawaii@doh.hawaii.gov or call 586-4185.

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 county/state Planning Department. Honolulu (768-8014); Hawaii (East Hi, 961-8288; West Hi, 323-4770); Kauai (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: Puna (1-5-057: 013)	Construction and Drilling of Water Well (SMM 13-258)	Thomas M. Mullen
Hawai'i: South Kona (8-3-004: portion of 001 and 8-3-005: portion of 001)	Ke'ei Waterline Improvements Project (SMM 13-259)	Kamehameha Schools Bishop Estates
Kaua'i: Kapa'a (4-3-009: 003)	Demolition of Existing Residence and Rebuild Single-family Residence (SMA(M)-2013-15)	Jim Molz
Kaua'i: Moloa'a (4-9-014: 003)	Installation of Private Water Well (SMA(M)-2013-16)	Norman D. Thompson
Kaua'i: Kīlauea (5-2-010: 031)	Proposed 6-foot Wide Maintenance Trail, Approximately 430 Lineal Feet (SMA(M)-2013-17)	Gary Stewart
Maui: Kihei (3-9-018: 017)	Lobby Addition (SM2 20130008)	Scott Medeiros
Maui: Wailea (2-1-008: 151)	Parking Lot Alterations (SM2 20130009)	Steven Marlette
Maui: Hana (1-3-002: 039)	Restroom Facility (SM2 20130010)	Kahanu Gardens (Claudia Kalaola)
O'ahu: Kaka'ako (2-1-015: 052)	Soil Test Borings (SMA/13-1)	University of Hawai'i/ Wilson Okamoto Corporation
O'ahu: Haleiwa (6-2-007: 020)	Haleiwa Retail Buildings Repair (Ishimoto Store) – Minor Modifications, Alterations, Repairs, and Additions to the Historic Structures (2012/SMA-47)	66-526 Kamehameha Highway, LLC/PlanPacific, Inc.
O'ahu: Maunaloa (3-9-011: 002, 005 and 007)	Makapu'u Lighthouse Roadway Improvements (2012/SMA-50)	Department of Land and Natural Resources/Mitsunaga and Associates

SHORELINE NOTICES

SHORELINE CERTIFICATION APPLICATIONS

The shoreline certification applications above are available for review at the DLNR 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 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
MA-537	2/6/13	Lot 45 of the Waiohuli-Keokea Beach Lots, Second Series situate at Waiohuli-Keokea, Kihei, Wailuku, Maui Address: 1716 Halama Street Purpose: N/A	Akamai Land Surveying, Inc./ George & Nancy Hecht Trust	3-9-011:004
HA-461	2/5/13	Block 1, Lot 8 of Miloli'i Beach Lots Subdivision being a portion of Grant No. 3723 to J.M. Monsarrat situate at Papa 2 nd , South Kona, Island of Hawai'i Address: Kai Ave. Purpose: New construction	Thomas Pattison/ Donald & Debra McNamee	8-8-005:105
KA-373	1/31/13	Lot 1-A Land Court Consolidation 125 (Map 2) situate at Koloa, Kaua'i Address: 2253 Po'ipū Road Purpose: SMA emergency application	Portugal Surveying, LLC/ Moana Development Corp.	2-8-017:027

Shoreline Certifications and Rejections

The shoreline notices below have been proposed for certification or rejection by DLNR (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 Resource, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
MA-524	Proposed Shoreline Certification	Land Court Application 1820 (Map 1) being also Grant 2677 to Hanai, Hekiku and Kapeke situate at Mokae-Nui, Hana, Maui Address: 0 Haneo'o Road Purpose: Obtain permits to replace cesspool system with an aerobic septic system	Akamai Land Surveying, Inc./ Heavenly Hana LLC	1-4-010:001
OA-1496	Rejection	Lot 34-D Kahala Cliffs Subdivision situate at Kahala, Honolulu, O'ahu Address: 4162 Black Point Road Purpose: Sale of property	Walter P. Thompson, Inc./ Kevin Fialko	3-5-001:004
MA-513	Rejection	Royal Patent 4376, Land Commission Award 6225, Apana 1 to Naholowa'a situate at Halaka'a, Lahaina, Maui Address: 313 Front Street Purpose: Renovation permit	Akamai Land Surveying, Inc./ Steven R. & Deana Campbell	4-6-003:007

FEDERAL NOTICES

1. [State Implementation Plans: Response to Petition for Rulemaking](#)
Federal Register. Proposed Rules. Proposed rule. RIN 2060-AR68. Friday, February 22, 2013.
...California; Air Division, 75 **Hawai'i** and the Pacific Hawthorne...copy of this proposal **notice** will also be available...Arizona, California, **Hawai'i**, and Nevada State Implementation Plans; **Notice** of proposed rulemaking...Arizona, California, **Hawai'i**, and Nevada...[More Information](#)
2. [RFS Renewable Identification Number \(RIN\) Quality Assurance Program](#)
Federal Register. Proposed Rules. Proposed rule. RIN 2060-AR72. Thursday, February 21, 2013.
...in the 48 U.S. contiguous states and **Hawai'i**. Any other use in the 48 U.S. contiguous states

and **Hawai'i** is a violation of 40 CFR 80.1460(g...in the 48 U.S. contiguous states and **Hawai'i**. Any other use in the 48 U.S....[More Information](#)

3. [Approval and Promulgation of Implementation Plans; State of Hawai'i](#)
Federal Register. Rules and Regulations. Final rule; notice of administrative change. Thursday, February 21, 2013.
...Implementation Plans; State of **Hawai'i**; Update to Materials...ACTION: Final rule; **notice** of administrative change...submitted by the State of **Hawai'i** that are incorporated...et seq. Subpart M--**Hawaii** 0 2. Section 52.620...of the approval, and **notice** of any change in...[More Information](#)
4. [Western Pacific Fisheries; Fishing in the Marianas Trench, Pacific Remote Islands, and Rose Atoll](#)
Federal Register. Proposed Rules. Proposed rule; request for comments. RIN 0648-BA98. Thursday, February 21, 2013.
...Pacific Remote Islands (PRI), **Hawai'i**, and western Pacific pelagic...Fisheries, as stated in the **Notice** of Availability published...vessels in the Territories and in Hawai'i would be considered small entities...visiting Palmyra Atoll from **Hawai'i**. Fishing effort,...[More Information](#)
5. [Submission for OMB Review; Comment Request](#)
Federal Register. Notices. Tuesday, February 19, 2013.
...33 (Tuesday, February 19, 2013)] [**Notices**] [Page 11626] [FR Doc No: 2013-03680...statutes including Florida Statute 120.54, **Hawai'i** Revised Statute 201M-2, New Jersey...within 30 days of publication of this **notice** to...[More Information](#)
6. [Western Pacific Fishery Management Council; Public Meetings](#)
Federal Register. Notices. Notice of public meetings and hearings. RIN 0648-XC50. Tuesday, February 19, 2013.
...February 19, 2013)] [**Notices**] [Pages 11628-11630...NOAA), Commerce. ACTION: **Notice** of public meetings and hearings...7 Re-consultation of the **Hawai'i** Deep-set Longline Fishery...Fishery B. American Samoa and **Hawai'i** Longline Quarterly...[More Information](#)
7. [Federal Property Suitable as Facilities To Assist the Homeless](#)
Federal Register. Notices. Notice. Friday, February 15, 2013.
...amended, HUD is publishing this **Notice** to identify Federal buildings...properties identified in this **Notice** (i.e., acreage, floor...ea. time to access facility **HAWAII** BUILDING Bldg. 849 Property...BLDG. TT; poor conditions **HAWAII** BUILDING P-88 Property...[More Information](#)
8. [Importation of Plants for Planting](#)
Federal Register. Proposed Rules. Proposed rule. RIN 0579-AD47. Tuesday, February 12, 2013.
...District of Columbia, Guam, **Hawai'i**, Kansas, and the Northern...broker's document, or a **notice** form provided for that purpose...319--FOREIGN QUARANTINE **NOTICES** 0 1. The authority citation...District of Columbia, Guam, **Hawai'i**, Kansas, and the...[More Information](#)
9. [Changes in Flood Hazard Determinations](#)
Federal Register. Notices. Final Notice. Monday, February 11, 2013.
...Management Agency, DHS. ACTION: Final **Notice**...community listed in the table below. **Notice** of these modified flood hazard determinations...100 10th Street, Columbus, GA 31901. **Hawai'i**: Honolulu (FEMA Docket City and...[More Information](#)
10. [To establish uniform administrative and enforcement authorities for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act](#)
Congressional Bills. 113th Congress. Introduced in Senate. Monday, February 11, 2013.
...designated by the Secretary after **notice** and an opportunity for a hearing...United States for the District of **Hawai'i**. Each violation shall be a separate...be open to the public, and prior **notice** of meetings shall be made public...[More Information](#)

11. [To prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures Congressional Bills. 113th Congress. Introduced in Senate. Monday, February 11, 2013.](#)
...application by the United States and after **notice** to such person, shall have jurisdiction...the purpose of this section, for **Hawai'i** or any possession of the United States...is found by the Secretary (after **notice** and opportunity for a hearing in...[More Information](#)
12. [Interstate Movement of Sharwil Avocados From Hawai'i](#)
Federal Register. Proposed Rules. Proposed rule. RIN 0579-AD70. Thursday, February 7, 2013.
...part 318, ``State of **Hawaii** and Territories Quarantine **Notices**" (referred to below...Cottonseeds, Fruits, Guam, **Hawai'i**, Plant diseases and...PART 318--STATE OF **HAWAII** AND TERRITORIES QUARANTINE **NOTICES** 0 1. The authority...[More Information](#)
13. [Commercial and Industrial Solid Waste Incineration Units: Reconsideration and Final Amendments](#)
Federal Register. Rules and Regulations. Final rule; notice of final action on... RIN 2060-AR15, 2060-AR15. Thursday, February 7, 2013.
...agreed to undertake further **notice** and comment proceedings related...same day, the EPA issued a **notice** that it intended to reconsider...Hovensa L.L.C. and Tesoro **Hawai'i** Corp., Industry Coalition...18, 2011, the EPA issued a **notice** to postpone the effective...[More Information](#)
14. [Regulation of Fuels and Fuel Additives: 2013 Renewable Fuel Standards](#)
Federal Register. Proposed Rules. Proposed rule. RIN 2060-AR43. Thursday, February 7, 2013.
...calendar year, thereby providing advance **notice** and certainty to obligated parties...included in the public docket without prior **notice**. If you have any questions about CBI...flexibility analysis of any rule subject to **notice** and comment rulemaking requirements...[More Information](#)
15. [Importation of Fresh Bananas From the Philippines into the Continental United States](#)
Federal Register. Rules and Regulations. Final rule. RIN 0579-AD61. Thursday, February 7, 2013.
...United States takes place in **Hawai'i**, where most if not all of...will not be allowed entry into **Hawai'i**. Under these circumstances...Federal Register providing **notice** of what action we plan to take...319--FOREIGN QUARANTINE **NOTICES** 0 1. The authority...[More Information](#)
16. [Cyanotech Corporation v. U.S. Nutraceuticals, LLC et al](#)
United States Courts Opinions. United States District Court District of Hawaii. ORDER Granting Defendants' Motion To Dismiss in re 10. Signed by JUDGE J. MICHAEL SEABRIGHT on 2/7/13. (gls,)CERTIFICATE OF SERVICEParticipants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not.... Thursday, February 7, 2013.
...STATES DISTRICT COURT FOR THE DISTRICT OF **HAWAII** CYANOTECH CORPORATION, Plaintiff...contacts (or lack of contacts) with the **Hawai'i** forum that might be otherwise be relevant...develops a microalgae in Kailua Kona, **Hawai'i** that contains astaxanthin, an...[More Information](#)



GLOSSARY

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 an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(c\)](#), for Applicant actions. For actions for which the 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 review and prepare a Final EA (FEA) to determine whether an environmental impact statement shall be required. The FEA must respond to all public comments. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement will not be required and the project may then be implemented. 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 (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 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, Environmental Impact Statement Preparation Notice (with no EA)

Act 172-2012, 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, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public to request for a period of thirty-days, to be consulted parties in the preparation of the Draft EIS. Comments and responses must be incorporated into the subsequent Draft EIS.

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 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 EISPN 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 nonacceptance determination.

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 Hawaii'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. Notice 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 Hawaii 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.

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).