

The Environmental Notice

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

Lāna'i Airport Runway Safety Area Improvement Project

The State of Hawai'i, Department of Transportation - Airports (HDOT- A) proposes to implement Runway Safety Area Improvements at Lāna'i Airport, Lāna'i, HI. A Draft Environmental Assessment (DEA) has been prepared pursuant to the requirements of the National Environmental Policy Act (NEPA), and the Airport and Airway Improvement Act of 1982, as amended. The DEA has also been prepared to comply with the Federal Aviation Administration (FAA) design standards. The proposed improvements at Lāna'i Airport include: grading and fill activities at various locations on Lāna'i Airport including the Runway Safety Area at the south end of Runway 3-21; the installation of a blast pad on the south end of the Runway to reduce soil erosion in the improved Runway Safety Area due to jet blast; the removal and reinstallation of security fencing; and the relocation of aircraft navigational aids. On the north end of the runway, the FAA may either install frangible couplings or relocate its Localizer antenna (a navigational aid) and associated equipment shelter.

As of June 14, 2013, the NEPA DEA is available for public review at the following locations:

- Lāna'i Airport Administrative Office, 1 Airport Road, Lāna'i City, HI
- Lāna'i Public Library, 555 Fraser Avenue, Lāna'i City, HI
- Hawai'i State Public Library, 478 South King Street, Honolulu, HI
- State of Hawai'i, Department of Transportation, Airports Division, Honolulu, International Airport, 400 Rodgers Boulevard, 7th Floor, Honolulu, HI
- Federal Aviation Administration, Honolulu Airports District Office, 300 Ala Moana Boulevard, Suite 7-128, Honolulu, HI

Comments must be received by 5:00 pm on Monday July 15, 2013. Written comments may be submitted by mail or fax to: Hawai'i Department of Transportation, Airports Division, Engineering Branch, 400 Rodgers Boulevard, 7th Floor, Honolulu, HI, 96819. Fax: (808) 838-8753. Attention: Jeffery Chang (808) 838-8835



Neil Abercrombie, Governor · Genevieve Salmonson, Interim Director · Office of Environmental Quality Control · 235 South Beretania Street, Suite 702 · Honolulu, HI 96813
Tel: 586-4185 · Fax: 586-4186 · Email: oeqchawaii@doh.hawaii.gov ·
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

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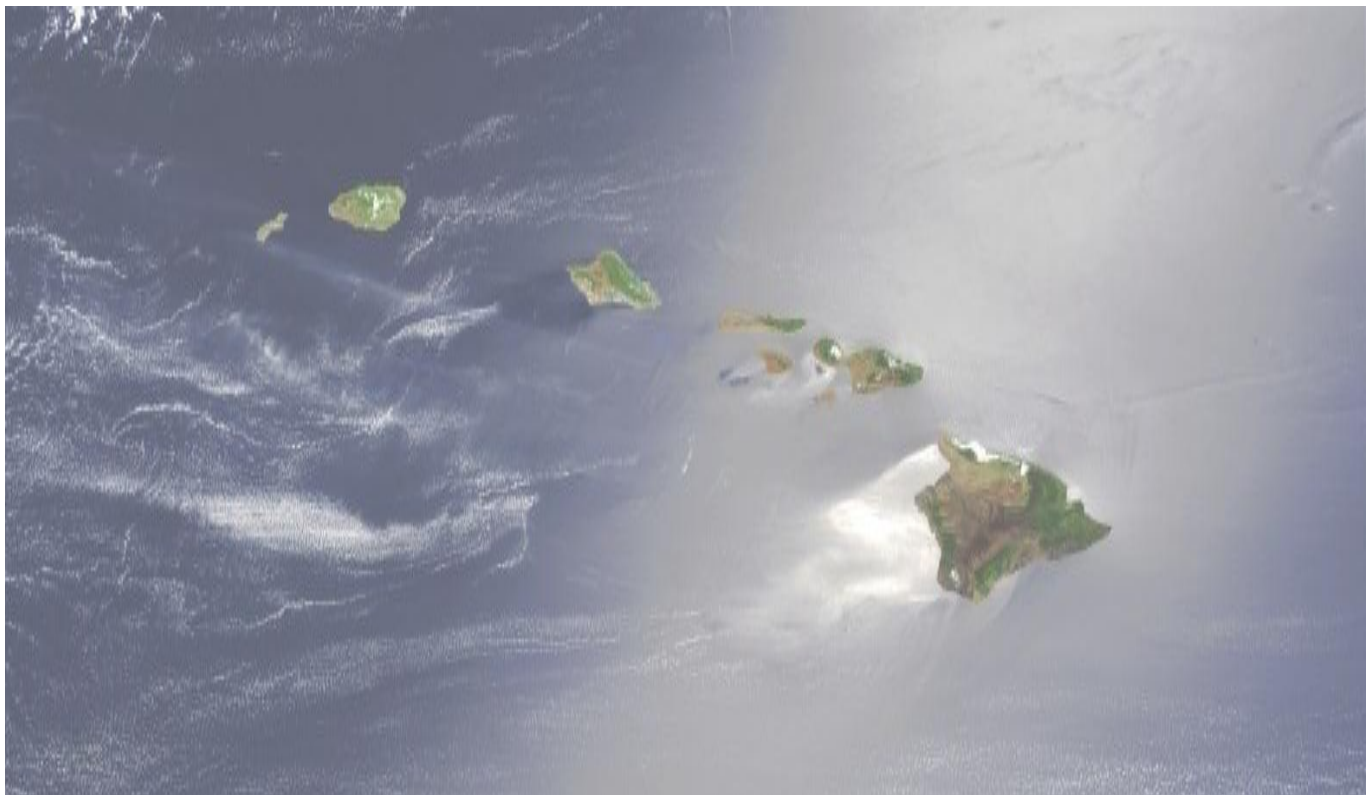
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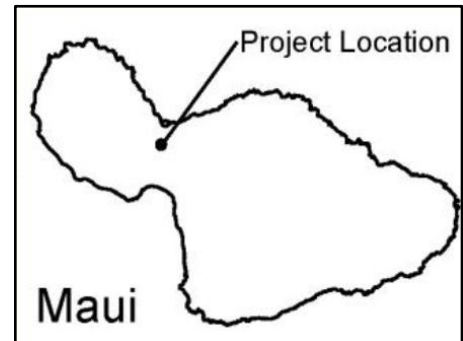
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MAUI (HRS 343)

1. Central Maui Regional Park FEA (FONSI)

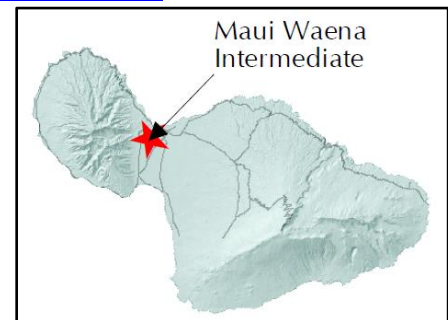
Island: Maui
District: Wailuku and Waikapu
TMK: (2) 3-8-007:101 (portion)
Permits: CWB-Individual NPDES Form C and SSCBMP
Proposing/Determination Agency: Department of Land and Natural Resources
Engineering Division, 1151 Punchbowl Street, Room 221, Honolulu, HI 96813
Contact: Carty S. Chang, (808) 587-0230
Consultant: R.M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, HI 96819-3494
Contact: Chester Koga, (808) 842-1133
Status: Finding of No Significant Impact Determination



This project entails the construction of a regional park for the general public in the expanding area of Central Maui. The park will have sports fields and comfort stations/refreshment stands, parking lot, lighting and softball, soccer and baseball fields. In addition, facilities for irrigation water, equipment storage and stormwater detention will be provided at the park. The park will cover an area of approximately 65 acres. The planned Central Maui Regional Park will border a community center and cultural preserve to the west as well as county housing, a middle school and commercial areas to the south. Kuihelani Highway will border the park area to the east. To the north, the park will border the Maui Lani residential area. The park will provide schoolchildren and the general public with recreational opportunities, a venue for sports tournaments and a stormwater retention basin for the Wai'ale development. The Wailuku-Kahului area has high projected growth and there is a need to incorporate new recreational spaces into development in the region. The construction of the Central Maui Regional Park would help to meet this need.

2. Maui Waena Intermediate School Eight-Classroom Building FEA (FONSI)

Island: Maui
District: Wailuku
TMK: (2) 3-8-007: 002 (portion)
Permits: Project District Development Phase III, Height Variance, Compliance with Chapter 6E, HRS, and Grading/Building Permits
Proposing/ Determination Agency: Department of Education, Facilities Development Branch, P.O. Box 2360, Honolulu, HI 96804
Contact: Mr. Ryan Yamamoto, (808) 586-0966.
Consultant: PBR HAWAII, 1001 Bishop Street, Suite 650, Honolulu, HI 96813
Contact: Mr. Vincent Shigekuni, (808) 521-5631
Status: Finding of No Significant Impact Determination



Maui Waena Intermediate School is the largest middle school on the island of Maui and has serviced students predominantly from Kahului as part of the Kekaulike Complex since 1989. Existing facilities are inadequate to meet the State Department of Education's (DOE) design enrollment for the school, and the shortage of classroom space results in overcrowded classrooms and limited class offerings.

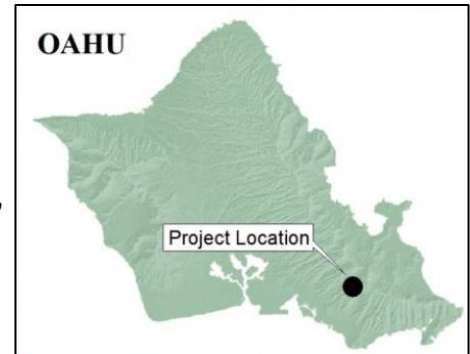
The DOE proposes to build a new two-story, eight-classroom building at Maui Waena Intermediate School (TMK: 3-8-007: 002 [portion]). The two-story, 34-foot tall, building will have approximately 20,080 square feet of total floor area. The new building will include three science classrooms, three general education classrooms, one choral room, and one computer resource center. The building will require infrastructure improvements and connection to existing utilities.

The classroom building will displace existing play courts that have been relocated to an open lawn adjacent to an existing school building. A small parking lot has also been constructed adjacent to the relocated play courts.

O'AHU (HRS 343)

3. Nu'uuanu Reservoir No. 4 Repair Project FEA (FONSI)

Island: O'ahu
District: Honolulu
TMK: (1) 2-2-54: 001 (portion)
Permits: CWB-Individual NPDES Form C and SSCBMP
Proposing/ Determination Agency: Board of Water Supply, City and County of Honolulu, 630 South Beretania Street, Honolulu, HI 96843
 Contact: Michael Matsuo, (808) 748-5951
Consultant: R.M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, HI 96819
 Contact: Chester Koga, (808) 842-1133
Status: Finding of No Significant Impact Determination

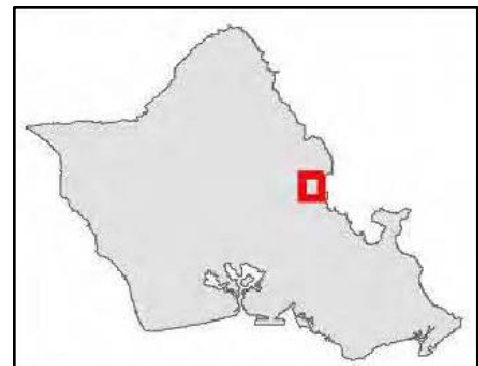


The purpose of the project is to undertake priority maintenance and repair work identified in the most recent DLNR Dam Safety Program inspection report, dated January 13, 2010, and a Phase 1 Investigation Report previously commissioned by DLNR for the Nu'uuanu Reservoir No. 4. The repair work is required in order maintain the integrity and operational adequacy of the Nu'uuanu Reservoir No. 4 dam infrastructure for purposes of safety and control.

Repair work will include, but is not limited to: excavation of the reservoir near the intake tower to remove accumulated debris, repairing and rehabilitation of the intake tower structure and bridge, construction of downstream measuring weirs, improvements to the outlet receiving area, inspection and cleaning of the outlet tunnel structure, restoration of the downstream embankment, repairing and repaving the access road on top of the dam, and inspection and repairing of CRM riprap deficiencies on the dam slope.

4. Ōhulehule Forest Conservancy Commercial Cacao Farm Project DEA (AFNSI)

Island: O'ahu
District: Ko'olaupoko
TMK: (1) 4-8-006:001
Permits: Conservation District Use Permit, National Pollutant Discharge Elimination Permit, as applicable, Noise Permit, as applicable, Grading Permit
Applicant: Ōhulehule Forest Conservancy, LLC, 1236 A'alapapa Drive, Kailua, HI 96734
 Contact: Paul Zweng, (808) 377-1947



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: Townscape, Inc. 900 Fort Street Mall, Suite 1600, Honolulu, HI 96813
 Contact: Bruce Tsuchida, (808) 244-2015

Status: Statutory 30 day public review and comment period starts, comments are due by July 23, 2013. Please send comments to the applicant, approving agency and consultant.

The Ōhulehule Forest Conservancy, LLC is proposing to create a five (5) acre pilot cacao agroforestry farm for future commercial operations. The project will consist of establishing basic site infrastructure such as roads and irrigation, developing and constructing an on-site plant nursery to establish cacao seedlings and other native plants, to develop a commercial fermentation and drying facility to process the harvested cacao and to prepare and develop a five (5) acre shaded cacao farm.

The overall goal of the cacao farm project is to operate a profitable, organically-based cacao farm using agroforestry principles. A secondary goal of the overall cacao farm project is the creation of a Waiāhole-Waikāne cacao appellation which may permit the cacao harvested in this area to command premium prices. The five (5) acre pilot farm project is also being proposed to provide the Ōhulehule Forest Conservancy vital information and data necessary to determine successful farming techniques in this area and to assess whether commercial cacao production in Waikāne Valley is feasible.

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); Hawai'i (East Hi, 961-8288; West Hi, 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 |
|------------------------------|--|-----------------------------|
| Hawai'i: Puna (1-3-008: 014) | Temporary Lease Concession (SMM 13-270) | Clayton S. Honma |
| Hawai'i: Hilo (2-2-002: 034) | Temporary Lease Concession (SMM 13-271) | Clayton S. Honma |
| Hawai'i: Hilo (2-2-005: 002) | Temporary Lease Concession (SMM 13-272) | Clayton S. Honma |
| Hawai'i: Hilo (2-2-007: 018) | Temporary Lease Concession (SMM 13-273) | Clayton S. Honma |
| Maui: Lahaina (4-4-008: 023) | Remove and Replace Windows (SM2 20100068) | Rodney and Deborah Conklin |
| Maui: Lahaina (4-6-032: 005) | Enlarge Two Doors for Handicap (SM2 20120068) | Bill Salawich |
| Maui: Lahaina (4-4-001: 042) | Replace Old for New Railings (SM2 20120072) | Jeannie Murrell |
| Maui: Haiku (2-8-004: 058) | 32,000 Gallon Water Tank (SM2 20130059) | Juan Jose Gilberto |
| Maui: Wailuku (3-3-001: 037) | Pool and SPA (SM2 20130060) | Rick J McGovern |
| Maui: Wailea (2-1-023: 007) | Lokelani Suites Improvements (SM2 20130061) | Four Seasons Resort Maui |
| Maui: Lahaina (4-2-004: 054) | Interior Alteration (SM2 20130062) | Darin Fukunaga |
| Maui: Paia (2-6-012: 024) | Dismantle Old/Build New House (SM2 20130063) | Gary Meola |
| Maui: Lahaina (4-3-007: 016) | Main Dwelling Addition and Alteration (SM2 20130064) | Marc A Taron |
| Maui: Kihei (2-1-007: 069) | Grading and Drainage Improvements (SM2 20130065) | Lynn Hankins |
| Maui: Kihei (3-8-013: 010) | Swimming Pool Deck Repairs (SM2 20130066) | Marie Kimmey |
| Maui: Lahaina (4-4-008: 017) | Tenant Improvement C-1 and C-2 (SM2 20130067) | Marie Kimmey |
| Maui: Wahiee (3-2-010: 001) | Educational Operation (SM2 20130068) | Hawaiian Islands Land Trust |
| Maui: Paia (2-6-005: 033) | Refurbish and Renovate Restaurant (SM2 20130069) | William Frampton |

SHORELINE NOTICES

Shoreline Certification Applications

The shoreline certification application below is 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 |
|----------|--------|---|--|----------------------|
| KA-376 | 6/5/13 | Lots 2 & 3 Land Court Application No. 1469 Waipa Beach Lots situate at Waipa, Halelea, Kaua'i Address: 5528 Weke Road Purpose: Building permit | Honua Engineering, Inc./ KauaiNS, LLC | 5-5-005:009 & 010 |

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 |
|----------|--------------------|---|--|-----------------|
| KA-366 | Rejection | Lot 1 "Spouting Horn Tract" Portion of Royal Patent 6714, Land Commission Award 7714-B Apana 2 to Moses Kekuaiwa no M. Kekuanaoa Address: 4546 Lawa'i Road Purpose: Determine building setback line | Ailana Surveying & Geomatics/ Graham Macmillan | 2-6- 003:006 |

POLLUTION CONTROL PERMITS – CLEAN AIR BRANCH

Below are some pollution control permits before the State Department of Health Clean Air Branch (HRS 342B and HAR 11-60.1). For more information, contact the number given.

| Branch Permit Type | Applicant and Permit Number | Project Location | Date | Proposed Use |
|---|---|--|-------------------------------|--|
| Clean Air Branch, 586-4200, Covered Source Permit | AES Hawai'i, Inc. Minor Modification Application No. 0087-06 Amendment of CSP No. 0087-02-C | Located at: 91-086 Kaomi Loop, Campbell Industrial Park, Kapolei, O'ahu | Issued: 5/30/2013 | 203 MW Coal-Fired Cogeneration Plant |
| Clean Air Branch, 586-4200, - Covered Source Permit | Maui Asphalt X-IV, LLC Significant Modification Application No. 0737-02 CSP No. 0737-01-CT | Located at: Various Temporary Sites, State of Hawai'i | Issued: 5/30/2013 | 225 TPH Portable Drum Mix Asphalt Plant with 910 HP Diesel Engine |
| Clean Air Branch, 586-4200, Non-Covered Source Permit | Hawaiian Linen Supply Permit Renewal Application No. 0521-04 NSP No. 0521-01-N | Located at: 865 Kino'ole Street, Hilo, Hawai'i | Issued: 5/31/2013 | One (1) 150 hp Boiler and One (1) 200 hp York-Shipley Boiler |
| Clean Air Branch, 586-4200, Covered Source Permit | Covanta Honolulu Resource Recovery (CHRRV) Honolulu Program of Waste Energy Recovery (H-POWER) Application for Significant Modification | Located at: 91-174 Hanua Street, Kapolei, O'ahu | Comments Due: 7/12/2013 | H-POWER Mass-Burn Facility |

| | | | | |
|---|---|--|-------------------------------|--|
| | No. 0255-08 CSP No. 0255-02-C | | | |
| Clean Air Branch, 586-4200, Covered Source Permit | Hawaiian Electric Company, Inc. Permit Renewal Application No. 0238-03 CSP No. 0238-01-C | Located at: 170 Ala Moana Boulevard Honolulu, O'ahu | Comments Due: 7/12/2013 | Two (2) Boilers |
| Clean Air Branch, 586-4200, Covered Source Permit | Road and Highway Builders, LLC Application for Significant Modification No. 0726-02 CSP No. 0726-01-CT | Located at: Various Temporary Sites State of Hawai'i | Issued: 6/7/2013 | 400 TPH Portable Drum Mix Asphalt Plant |
| Clean Air Branch, 586-4200, Covered Source Permit | Maui Asphalt X-IV, LLC Significant Modification Application No. 0745-02 CSP No. 0745-01-CT | Located at: Various Temporary Sites, State of Hawai'i | Issued: 6/7/2013 | 160 TPH Portable Drum Mix Asphalt Plant with 742 HP Diesel Engine |

FEDERAL NOTICES

1. [National Marine Fisheries Service \(NMFS\) Plan for Periodic Review of Regulations](#)

The Regulatory Flexibility Act (RFA) requires that the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) periodically review existing regulations that have a significant economic impact on a substantial number of small entities, such as small businesses, small organizations, and small governmental jurisdictions. This plan describes how NMFS will perform this review and describes the regulations that are being proposed for review during the current review-cycle.

Written comments must be received by NMFS by July 22, 2013. Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail; Submit written comments to Wendy Morrison, National Marine Fisheries Service, NOAA, Office of Sustainable Fisheries, 1315 East-West Highway, Silver Spring, MD 20910 (mark outside of envelope "Comments on 610 review"; Fax: 301-713-1193; Attn: Wendy Morrison. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change.

2. [National Marine Fisheries Service \(NMFS\) Proposed Rule for Bigeye Tuna Catch Limit in Longline Fisheries for 2103 and 2014.](#)

NMFS proposes regulations under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act) to establish a catch limit of 3,763 metric tons (mt) of bigeye tuna (*Thunnus obesus*) for vessels in the U.S. pelagic longline fisheries operating in the western and central Pacific Ocean (WCPO) for each of the calendar years 2013 and 2014. The limit would not apply to vessels in the longline fisheries of American Samoa, Guam, or the Commonwealth of the Northern Mariana Islands (CNMI). Once the limit of 3,763 mt is reached in 2013 or 2014, retaining, transshipping, or landing bigeye tuna caught in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), which comprises the majority of the WCPO, would be prohibited for the remainder of the calendar year, with certain exceptions. This action is necessary for the United States to satisfy its obligations under the Convention, to which it is a Contracting Party.

Comments must be submitted in writing by July 18, 2013. Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail; Submit written comments to Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Regional Office (PIRO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change.

3. [USDA Forest Service, Hilo, HI, Endangered And Threatened Wildlife and Plants: Recovery Permit Application](#)

The U.S. Fish and Wildlife Service, invite the public to comment on the following application for a recovery permit to conduct activities with the purpose of enhancing the survival of endangered species. The Endangered Species Act of 1973, as amended prohibits certain activities with endangered species unless a Federal permit allows such activity.

Applicant: USDA Forest Service, Hilo, Hawaii. Permit Number: TE-06459B. The applicant requests a new recovery permit to remove and reduce to possession (collection of seeds and cuttings) *Stenogyne angustifolia* (no common name), remove and reduce to possession (collection of cuttings) *Neraudia ovata* (no common name), and remove and reduce to possession (collection of seeds) *Colubrina oppositifolia* (kauila), *Haplostachys haplostachya* (honohono), *Pleomele hawaiiensis* (halapepe), *Portulaca sclerocarpa* (ihi makole), *Silene lanceolata* (lanceolate catchfly), *Spermolepis hawaiiensis* (Hawaiian spermolepis), *Stenogyne angustifolia* (narrowleaf stenogyne), and *Zanthoxylum hawaiiense* (ae) for the purpose of enhancing their survival.

To ensure consideration, please send your written comments by July 15, 2013. Submit comments to the Endangered Species Program Manager, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE. 11th Avenue, Portland, OR 97232-4181. Please refer to the permit number for the application when submitting comments. CONTACT: Colleen Henson, Fish and Wildlife Biologist, at the above address or by telephone (503-231-6131) or fax (503-231-6243).

4. [Notice of Contract Proposals \(NOCP\) for the Advanced Biofuels Payment Program](#)

The Notice of Contract Proposals announces the acceptance of applications and the availability of \$98.6 million to make payments to advanced biofuel producers for the production of eligible advanced biofuels. Of the \$98.6 million, \$68.6 million will be available for Fiscal Year 2013 production and the remainder of approximately \$30 million is for payments for production in prior fiscal years. This funding for Fiscal Year 2013 is in accordance with The Consolidated and Further Continuing Appropriations Act, 2013, Public Law 113-6.

The Rural Business-Cooperative Service, United States Department of Agriculture (USDA). Fiscal Year 2013 Applications for the Advanced Biofuel Payment Program: An applicant (unless the applicant is an individual) must have a Dun and Bradstreet Data Universal Numbering System (DUNS) number, which can be obtained at no cost via a toll-free request line at 1-866-705-5711 or online at <http://fedgov.dnb.com/webform>. Complete applications must be submitted to the Rural Development State Office in the State in which the applicant's principal place of business is located. The Rural Development Energy Coordinator in Hawaii: Tim O'Connell, USDA Rural Development, Federal Building, Room 311, 154 Waiuanue Avenue, Hilo, HI 96720, (808) 933-8313, tim.oconnell@hi.usda.gov.

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's 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).