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

November 23, 2016

David Y. Ige, Governor
Scott Glenn, Director
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ANNOUNCEMENTS

The submittal deadline for the January 8, 2017 issue of The Environmental Notice is incorrect in the 2016 publication calendar. The correct submittal deadline is December 27, 2016.

Please find publication calendars for The Environmental Notice for 2017 and 2018 attached at the end of this issue, and on our SharePoint site here. The 2017 publication calendar has the correct submittal date for the January 8, 2017 issue.

The OEQC has also uploaded an unofficial compilation of Hawaiʻi’s environmental review laws. Please find it here.

Statewide Map of New HRS Chapter 343 Actions

LEGEND

New document count in this issue: 1 total
- HRS § 343-5(b) Agency Actions: 0
- HRS § 343-5(e) Applicant Actions: 1
Hale‘iwa Mixed Use Parcel FEA (FONSI)

HRS § 343-5 Trigger(s) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation

District(s) Waialua

TMK(s) (1) 6-2-005:002

Permit(s) National Pollutant Discharge Elimination System (NPDES), Wastewater System review and approvals, Construction Noise Permit, Change in Zone, State Land Use District Boundary Amendment, Subdivision, Haleiwa Special District Permit (Major), Joint Development Agreement (JDA) and Conditional Use Permit (Minor), Building Permit, Grading, Grubbing and Stockpiling Permit, Demolition Permit, Water System approval, Street Usage Permit, and Trenching Permit

Approving Agency Department of Planning and Permitting, City and County of Honolulu

Applicant Backyard Haleiwa, LLC

Consultant SSFM International, Inc.

Status Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.

Backyard Haleiwa, LLC is proposing to develop a mixed-use project within the Hale‘iwa Special District on a 7.5-acre parcel between the Joseph P. Leong Highway and Kamehameha Highway in northern Hale‘iwa. The vision for the proposed development is a mix of residential and commercial land uses. At full build-out, the development would include a maximum total of 156 two-bedroom apartment units and a 30,000 gross-square-feet commercial development with studios, shops, galleries, a restaurant, and a 6,000 square-foot indoor Farmer's Market. The project would require up to 328 tenant and guest parking stalls, as well as 115 commercial parking stalls for customers of the commercial uses. It may also provide up to 100 public parking stalls, so that the City's Hale‘iwa Improvement District Project can follow through with its tentative plan to remove a large number of unofficial parking stalls that line Kamehameha Highway in this area.

The proposed action requires a change in zoning from general preservation (P-2) and restricted agricultural (AG-1) to low-density apartment (A-1) and neighborhood business (B-1), plus a State Land Use District Boundary Amendment from Agricultural to Urban, and a Special District Permit (Major).

Open Environmental Review Documents

Status: Public review and comment period for these projects began previously. Comments are due December 8, 2016 unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

Kaua‘i

Nāwiliwili Harbor Liquefied Petroleum Gas Storage Facility DEA (AFNSI)

Maui

Po‘okela Well "B" Exploratory/Backup DEA (AFNSI)

O‘ahu

Ala Wai Canal Dredging and Improvements EISPN (Direct to EIS)

Hawai‘i State Hospital New Patient Facility and Campus Master Plan Development DEIS (comments due 1/9/2017)

Kahanahou Wastewater Pump Station Upgrade and Sewer Improvements DEA (AFNSI)

Shangri La Breakwater Safety Initiative and Shoreline Stabilization Project DEA (AFNSI)
November 23, 2016 The Environmental Notice

**SHORELINE NOTICES**

**APPLICATIONS FOR SHORELINE CERTIFICATION**

The shoreline certification applications below are available for review at the Department of Land and Natural Resources offices on Kaua‘i, Hawai‘i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS § 205A-42 and HAR § 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at (808) 587-0420.

<table>
<thead>
<tr>
<th>File No.</th>
<th>Date</th>
<th>Location</th>
<th>Applicant/Owner</th>
<th>TMK</th>
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</thead>
<tbody>
<tr>
<td>OA-1733</td>
<td>11/7/16</td>
<td>Lot 3 of Ward Avenue Extension Kaka‘ako Improvement District 6 as shown on File Plan 2351, Being portions of Royal Patent 4483, Land Commission Award 7712, ‘Āpana 6, Part 1 to M. Kekūana‘a (No V. Kamāmalu), The Former Sea Fishery of Kukuluā‘e'o situate at Ka‘ākaukukui, Honolulu, O‘ahu Address: Kewalo Basin Purpose: Recertification/setback</td>
<td>Miles Horie/ Hawai‘i Community Development Authority</td>
<td>(1) 2-1-058: 128 por.</td>
</tr>
<tr>
<td>MA-659</td>
<td>11/9/16</td>
<td>Lot 47 of the Kama‘ole Beach Lots (Keawekapu Section) [H.T.S. Plat 1086] situate at Kama‘ole, Wailuku, Maui Address: 3016 South Kihei Road Purpose: SMA and building permits</td>
<td>Darien Zanolini/ 3016 Realty LLC</td>
<td>(2) 3-9-004:103</td>
</tr>
</tbody>
</table>

**PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS**

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources (HRS § 205A-42 and HAR § 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai‘i 96813.

<table>
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<tr>
<th>File No.</th>
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<tr>
<td>OA-1729</td>
<td>Proposed Shoreline Certification</td>
<td>Lots 303 and 304 (Map 161) of Land Court Application 323 situate at Kailua, Ko‘olau, O‘ahu Address: 572-C Kalāheo Avenue Purpose: Setback purposes</td>
<td>Austin, Tsutsumi &amp; Associates, Inc./ Liu Xin and Ma Meyi</td>
<td>(1) 4-3-018: 020</td>
</tr>
<tr>
<td>OA-1730</td>
<td>Proposed Shoreline Certification</td>
<td>Portion of Kalaniana‘ole Beach Park (former Nānākuli Beach Park) Being portion of Executive Order No. 104 situate at Nānākuli, Wai‘anae, O‘ahu Address: 89-269 Farrington Highway Purpose: Establish 40-foot shoreline setback</td>
<td>Imata &amp; Associates, Inc./ State of Hawai‘i</td>
<td>(1) 8-9-001: 002</td>
</tr>
<tr>
<td>MA-636</td>
<td>Proposed Shoreline Certification</td>
<td>The Hale Kai Condominium Lot being R.P. 4591, L.C. Aw. 3930, Ap. 1 to Nawele; R.P. 4564, L.C. Aw. 4620, Ap. 5 to Kauaiuka and Grant 2-14008 to Haruko Kubo Omura; Lot 1 – Grant 12,920 to M. Kawaguchi (CSF 10572) and a portion of Lot 4 – Honokowai Government Remnants situate at Honokōwai, Lahaina, Maui Address: 3695 L. Honoapi‘ilani Road Purpose: Amendment to Easement</td>
<td>Akamai Land Surveying, Inc./ AOAO Hale Kai</td>
<td>(2) 4-4-001:042</td>
</tr>
</tbody>
</table>
COASTAL ZONE MANAGEMENT NOTICES

FEDERAL CONSISTENCY REVIEWS

The Hawai‘i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, HRS. This public notice is being provided in accordance with section 306(d) (14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawai‘i CZM Program at (808) 587-2878. For neighboring islands, use the following toll free numbers: Lana‘i & Moloka‘i: 468-4644 x72878, Kaua‘i: 274-3141 x72878, Maui: 984-2400 x72878, or Hawai‘i: 974-4000 x72878. For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review. Comments may be submitted by mail or electronic mail, as indicated below.

Mail: Office of Planning
      Department of Business, Economic Development and Tourism
      P.O. Box 2359, Honolulu, HI 96804

Email: john.d.nakagawa@hawaii.gov

Hawai‘i Experimental Tropical Forest: Pu‘u Wa‘awa‘a Research and Education Facility

Proposed Action: The USDA Forest Service, Pacific Southwest Research Station in Hilo, Institute of Pacific Islands Forestry, proposes to construct a research and education facility at the Department of Land and Natural Resources, Division of Forestry and Wildlife, Pu‘u Wa‘awa‘a Forest Reserve. The facility will be located on State of Hawai‘i lands lease by the Forest Service. The project would provide one bunkhouse building of approximately 1,100 square feet, with double occupancy capacity for up to 10 visiting scientists, restrooms, kitchen facilities, and common use areas; one education and demonstration pavilion of approximately 400 square feet suitable for conference, meeting, and classroom use; and a designated occasional-use tent area for up to 15 individuals. Access would involve improvement of approximately 2,500 feet of existing roads and construction of parking areas for 10 vehicles. Overall ground disturbance would be less than one acre. No utility connections would be required. The draft environmental assessment for the project was previously published in The Environmental Notice on August 23, 2016:


Location: Off of Highway 190 approximately 10 miles south-southwest of Waikoloa Village and approximately 20 miles south-southwest of Waimea

TMK: (3) 7-1-1: 6 (portion)

Applicant: USDA Forest Service, Institute for Pacific Island Forestry

Contact: John Slown, (406) 329-3749, jslown@fs.fed.us

Federal Action: Federal Agency Activity

Federal Agency: U.S. Forest Service

CZM Contact: John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov

Comments Due: December 7, 2016

Lydgate Park-Kapa‘a Bike/Pedestrian Path, Phase D & Portion of Phase C, Kaua‘i

Proposed Action: Use federal funds from the Federal Highway Administration to construct a shared use path for pedestrians, bicyclists, and other users from Papaloa Road to Uhelekawawa Canal. This review covers Phase D and a portion of Phase C of the path. Phase D is the portion of the path being constructed by the County of Kaua‘i that starts at Papaloa Road between the Kaua‘i Shores Hotel and Coconut Marketplace, then turns south through the County’s beach access and runs along the coastal bench makai of Islander on the Beach and Kaua‘i Coast Resort Beachboy, roughly 2,210 linear feet. The Phase C portion runs along the coastal bench makai of the Courtyard Kaua‘i at Coconut Plantation. The path then turns mauka along Mokihana of Kaua‘i, following an existing County beach access. The project corridor traverses through Mokihana of Kaua‘i and a privately owned parcel and along Uhelekawa Canal. The path crosses Uhelekawawa Canal on the makai side of Kūhiō Highway and ends at the sidewalk connection to Waipouli Beach Resort. This portion of the path is approximately 2,420 linear feet. The overall project also includes enlarging and upgrading an existing parking lot (behind Kaua‘i Missionary Church) and a new comfort station, which will serve as a trailhead for the path. The project will close a key gap in the recently constructed shared use paths - Phases A and B, thereby increasing the connectivity of the existing network.
November 23, 2016

The Environmental Notice

Location: Papaloa Road to Uhelekawawa Canal, Kapa’a, Kaua‘i
TMK: Portions of (4) 4-3-2: 1, 12, 13, 14, 19; 4-3-7: 9, 11, 27, 28; 4-3-8: 16
Applicant: County of Kaua‘i Department of Public Works
Contact: Malie Espin, Parsons Brinckerhoff; (808) 566-2235; espin@pbworld.com
Federal Action: Federal Funding
Federal Agency: Federal Highway Administration
CZM Contact: John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov
Comments Due: December 7, 2016

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

The SMA Minor permits below have been approved (HRS § 205A-30). For more information, contact the relevant county/state planning agency. Honolulu (768-8014); Hawai‘i (East 961-8288, West 323-4770); Kaua‘i (241-4050); Maui (270-7735); Kaka‘ako or Kalaeloa Community Development District (587-2841).

<table>
<thead>
<tr>
<th>Location (TMK)</th>
<th>Description (File No.)</th>
<th>Applicant/Agent</th>
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<tbody>
<tr>
<td>Maui: Pā‘ia (3-8-001: 063)</td>
<td>Swimming Pool/Spa (SM2 20160122)</td>
<td>Jochanan Aronowicz</td>
</tr>
<tr>
<td>Maui: Ha‘ikū (2-9-002: 056)</td>
<td>Barn and Water Tank (SM2 20160123)</td>
<td>Patrick Spaulding</td>
</tr>
<tr>
<td>Maui: Lahaina (4-3-003: 017)</td>
<td>Apartment Alteration Unit 2 (SM2 20160124)</td>
<td>Ralph Dinwiddie</td>
</tr>
<tr>
<td>O‘ahu: Wai‘anae (8-7-008: 012)</td>
<td>Pacific Shopping Mall Utility Installation, Type A – Equipment Addition (2016/SMA-64)</td>
<td>T-Mobile West LLC / Telecom Site Development Services, Inc.</td>
</tr>
</tbody>
</table>

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION

Kihei Force Main No. 16 Replacement

Island | Maui
District(s) | Paeahu and Palaua Ahupua’a, Makawao District
TMK(s) | (2) 2-1-023:999 and 2-1-007:999
Proposing/Approving Agency | State of Hawai‘i, Department of Health, Environmental Division, Wastewater Branch
Sue Liu, (808) 586-4294, wwb@doh.hawaii.gov
919 Ala Moana Boulevard, Room 309, Honolulu, HI 96814
Status | Submit comments to the agency by December 22, 2016

The Department of Health (DOH) initiated Section 106 of the NHPA consultation with the State Historic Preservation Division (SHPD) in accordance with 36 CFR Part 800. In 1990, the U.S. Environmental Protection Agency (EPA) designated the DOH to act on EPA’s behalf, pursuant to 36 CFR § 800.2 (c) (4), when initiating Section 106 of the NHPA process in connection with projects funded under the Hawai‘i Clean Water State Revolving Fund (CWSRF).

The DOH is providing funding under the CWSRF to the County of Maui, Department of Environmental Management for the Kihei Force Main No. 16 Replacement Project. The proposed project will utilize federal funding and is considered an undertaking, as defined by Section 106 of the NHPA, 54 U.S.C. § 306101 et seq., and 36 CFR Part 800.

The proposed project includes the new force main, which will be approximately 1.5 miles long. It will be constructed of green PVC pipe along with ductile iron fittings and convey wastewater from the Kihei Wastewater Pump Station No. 16 across the southbound lane of Mākena Alanui Road to the northbound lane. It will then extend beneath the northbound lane toward the Four Seasons Resort Maui at Wailea to a new transition sewer manhole. The construction method planned for the new force main alignment will consist of both open trench installation and horizontal directional drilling (HDD) with the depth of excavation in open trench sections estimated between 5 and 7 ft. In total, construction of the new force main will include approximately 1,704 linear ft. of open trenching and 6,566 linear ft. of HDD.

The DOH has engaged SHPD to determine the presence of potential sites of historic importance within the vicinity of the project area as well as the potential impact of the project on such sites, if present.
As a courtesy, listed below are relevant entries from the Federal Register published since the last issue of The Environmental Notice. For more information, click on the title link, also available at www.federalregister.gov.

**Western Pacific Fishery Management Council Public Meeting** (published 11/21/2016)
The Western Pacific Fishery Management Council will hold public meetings and scoping sessions to discuss fishery management regulations for the Monument Expanded Area in the Northwestern Hawaiian Islands. **Meetings will be held statewide from Tuesday, December 6 through Saturday, December 17, 2016.** Follow the link for specific dates, times, locations, and agendas.

**Final Habitat Conservation Plan and Supplemental Final Environmental Impact Statement; Na Pua Makani Wind Energy Project** (published 11/17/2016)
Na Pua Makani Power Partners, LLC, has applied for an incidental take permit, which would authorize the take of one threatened and six endangered species caused by covered activities associated with a wind energy generation project on the island of O‘ahu. The permit application included the proposed Na Pua Makani Wind Energy Project Habitat Conservation Plan (HCP), which described the activities that may result in the incidental taking of listed species, and the measures the applicant will take to minimize, mitigate, and monitor for adverse impacts to the covered species. The applicant modified the proposed action in the HCP in response to public comments and the modified HCP is available for public review pursuant to this notice. A Supplemental Final Environmental Impact Statement (SEIS) addressing the modified proposed action in accordance with the requirements of the National Environmental Policy Act is also available. If issued, the permit would authorize incidental take of the covered species that may occur as a result of the construction and operation of the Na Pua Makani Wind Energy Project over a 21-year period. The permit application package, including the modified HCP and SEIS, is available for public review and comment. **Submit comments by December 19, 2016** to NaPuaMakanihcp@fws.gov or to Mary Abrams, Field Supervisor; U.S. Fish and Wildlife Service; Pacific Islands Fish and Wildlife Office; 300 Ala Moana Boulevard, Room 3-122; Honolulu, HI 96850.

**Protective Regulations for Hawaiian Spinner Dolphins Under the Marine Mammal Protection Act; Reopening of Public Comment Period** (published 11/16/2016)
The National Marine Fisheries Service is reopening the public comment period on the proposed rule under the Marine Mammal Protection Act to prohibit swimming with and approaching a Hawaiian spinner dolphin within 50 yards (45.7 m) (for persons, vessels, and objects), including approach by interception. The comment period for the proposed rule that was published on August 24, 2016 (81 FR 57854) closed on October 23, 2016. The public comment period is being reopened for an additional 15 days to provide the public with additional time to submit information and to comment on this proposed rule. **Submit comments by December 1, 2016** at www.regulations.gov/#!docketDetail; D=NOAA-2005-0226 or to Susan Pultz, Chief, Conservation Planning and Rulemaking Branch, Protected Resources Division, National Marine Fisheries Service, Pacific Islands Regional Office, 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818, Attn: Hawaiian Spinner Dolphin Proposed Rule.

**Draft Safe Harbor Agreement and Receipt of Application for an Enhancement of Survival Permit for the Kamehameha Schools; Keaouh and Kilauea Forest Lands, Hawai‘i Island** (published 11/8/2016)
Kamehameha Schools has applied for an enhancement of survival permit. The permit application includes a draft Safe Harbor Agreement. Kamehameha Schools is proposing to conduct proactive conservation activities to promote the survival and recovery of 32 federally endangered species and one species currently proposed for listing across the Keaouh and Kilauea Forest Lands, which comprise 32,280 acres on the southeastern slope of Mauna Loa, Hawai‘i Island. The U.S. Fish and Wildlife Service invites comments from all interested parties on the permit application, including the draft SHA and a draft environmental action statement (EAS) prepared pursuant to the requirements of the National Environmental Policy Act. **Submit comments by December 8, 2016** to KamehamehaSchoolsSHA@fws.gov (include “Kamehameha Schools SHA and draft EAS” in the subject line of the message) or by mail to Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Honolulu, HI 96850.

**Changes to the Coastal Zone Management Act Program Change Procedures** (published 11/8/2016)
This proposed rule provides a more efficient process for states and the National Oceanic and Atmospheric Administration (NOAA) to make changes to state management programs, remove unnecessary requirements in the current regulations, establish program change documentation that all states would adhere to, continue to ensure that federal agencies and the public have an opportunity to comment to NOAA on a state’s proposed change to its management program, and comply with the requirements of the CZMA and other applicable federal law. **Submit comments by January 9, 2017** at www.regulations.gov (keyword search NOAA-NOS-2016-0137) or to Mr. Kerry Kehoe, Federal Consistency Specialist, Office for Coastal Management, NOAA, 1305 East-West Highway, 10th Floor, N/OCM6, Silver Spring, MD 20910. Attention: CZMA Program Change Comments.
State and County Notices

Public Hearing on Updates to Regulations for Businesses Generating Hazardous Wastes and Used Oil in Hawaiʻi
The State of Hawaiʻi Department of Health (DOH) will hold a public hearing regarding proposed changes to Hawaiʻi Administrative Rules (HAR) regulating businesses that generate or handle hazardous wastes and used oil in Hawaiʻi. The proposed repeal of HAR Title 11 chapters 260 to 280 and adoption of chapters 260.1 to 279.1 will primarily align the state regulations with updates to the United States Environmental Protection Agency’s federal hazardous waste management program. The proposed new chapters incorporate federal regulations by reference, with some modifications.

A detailed description of the proposed changes is available at [http://health.hawaii.gov/shwb/hazwaste/](http://health.hawaii.gov/shwb/hazwaste/). The rules proposed to be adopted and repealed can be reviewed in person at 919 Ala Moana Blvd #212 Honolulu, HI 96814, Mon-Fri, 8am-4pm (except state holidays) and are posted at [http://health.hawaii.gov/opppd/administrative-rules/](http://health.hawaii.gov/opppd/administrative-rules/).

The public hearing will be held in Honolulu on Tuesday, December 13 at 919 Ala Moana Blvd 5th floor from 9am to 11am.

Any person unable to attend or wishing to present additional comments may send written testimony by **12/20/2016** to Attn: Hazardous Waste Rulemaking 919 Ala Moana Blvd #212 Honolulu, HI 96814, or noa.klein@doh.hawaii.gov.

In conjunction with the public hearing, DOH will also hold several public informational meetings to present and discuss the proposed rules and answer related questions, as follows:

**Oʻahu**
- Honolulu: Wed, Nov 16, 1-3pm, AAFES Bldg, 919 Ala Moana Blvd 5th floor
- Kapolei: Fri, Dec 2, 10am-12pm, State Office (Kakuhiheawa) Bldg, 601 Kamokila Blvd Room 577A

**Maui**
- Wailuku: Tue, Nov 22, 10am-12pm, State Office Bldg, 54 S High St 3rd floor Conf Room B

**Hawaiʻi**
- Hilo: Tue, Nov 29, 10am-12pm, Environmental Health Bldg, 1582 Kamehameha Ave
- Kona: Tue, Nov 29, 5-7pm, West Hawaiʻi Civic Center, 74-5044 Ane Keohokalole Hwy Community Meeting Hale

**Kauaʻi**
- Līhuʻe: Mon, Dec 5, 10am-12pm, Līhuʻe Health Center, 3040 ʻUmi St

Kauaʻi General Plan Discussion Draft
The Discussion Draft of the Kauaʻi County General Plan is available for public review and comment. The Plan can be downloaded at [www.plankauai.com](http://www.plankauai.com) and printed copies are on reserve at public libraries. The Discussion Draft is based on input provided during public outreach events over the course of 16 months including community, small group, neighborhood association, major landowners, and government agencies meetings as well as at special events and via social media. The Discussion Draft contains a vision, goals, policies, actions and land use maps that are intended to guide Kauaʻi’s future growth. Comments will be used to inform the Departmental Draft of the General Plan Update.

**Comments on the Discussion Draft are due December 16, 2016** and can be emailed to plankauai@kauai.gov or mailed to Kauaʻi County Planning Department, Attn: Long Range Division, 4444 Rice Street, Suite A473, Līhuʻe, HI 96766.
# Glossary of Terms and Definitions

## Agency Actions
Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per HRS 343-2.

## Applicant Actions
Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per HRS 343-2.

## Draft Environmental Assessment
When an Agency or Applicant proposes an action that triggers HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether the actions’ environmental impact will be significant, and thus whether an environmental impact statement shall be required per HRS 343-5(b), for Agency actions and HRS 343-5(e), for Applicant actions. For actions for which the proposing or approving agency anticipates a Finding of No Significant Impact (FONSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

## Final Environmental Assessment and Finding of No Significant Impact
The Agency shall respond in writing to comments on a DEA received during the 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to ask a court to require the preparation of an EIS.

## Final Environmental Assessment and Environmental Impact Statement Preparation Notice
An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (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, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)
Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication detailing the specifics of the action to enable the public a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISPN must be incorporated into the subsequent Draft EIS.

## Act 312-2012, Secondary Actions in the Highway or Public Right Of Way
Act 312-2012, amended HRS 343, by adding a new section (HRS 343-5.5., entitled “Exception to applicability of chapter.”) HEPA now allows for a statutory exception for “secondary actions” (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related “primary action” (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

## Draft Environmental Impact Statement
After receiving the comments on the 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 non-acceptance 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. Notices of permit applications are published in this bulletin.

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

## Shoreline Certifications
State law requires that Hawai‘i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

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

## Administrative Exemption Lists
Government agencies must keep a list describing the minor activities they regularly perform that are exempt from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence (HAR 31-200-8(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).

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**Ko Olina Bay, O‘ahu** Photo by Floyd Manzano
## OFFICE OF ENVIRONMENTAL QUALITY CONTROL

Publication Calendar of The Environmental Notice for publication in compliance with HRS Chapter 343

For Draft Environmental Assessments (EAs), Anticipated Findings of No Significant Impacts (AFNSIs), Final EAs, Findings of No Significant Impact (FONSIs), Environmental Impact Statement (EIS) Preparation Notices (EISPNs), Draft EISs, Final EISs, EIS Acceptance or Non-acceptance determinations, Supplemental EISPNs, Supplemental EISs, revised and resubmitted documents, withdrawals, and other notices required to be published in the bulletin.

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