



The Environmental Notice

May 8, 2017

David Y. Ige, Governor
Scott Glenn, Director

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.



Sleeping Tihoohōpikauāua (Hawaiian monk seal), Kāua'i (cropped from original)

Photo by [Jared Wong](#)

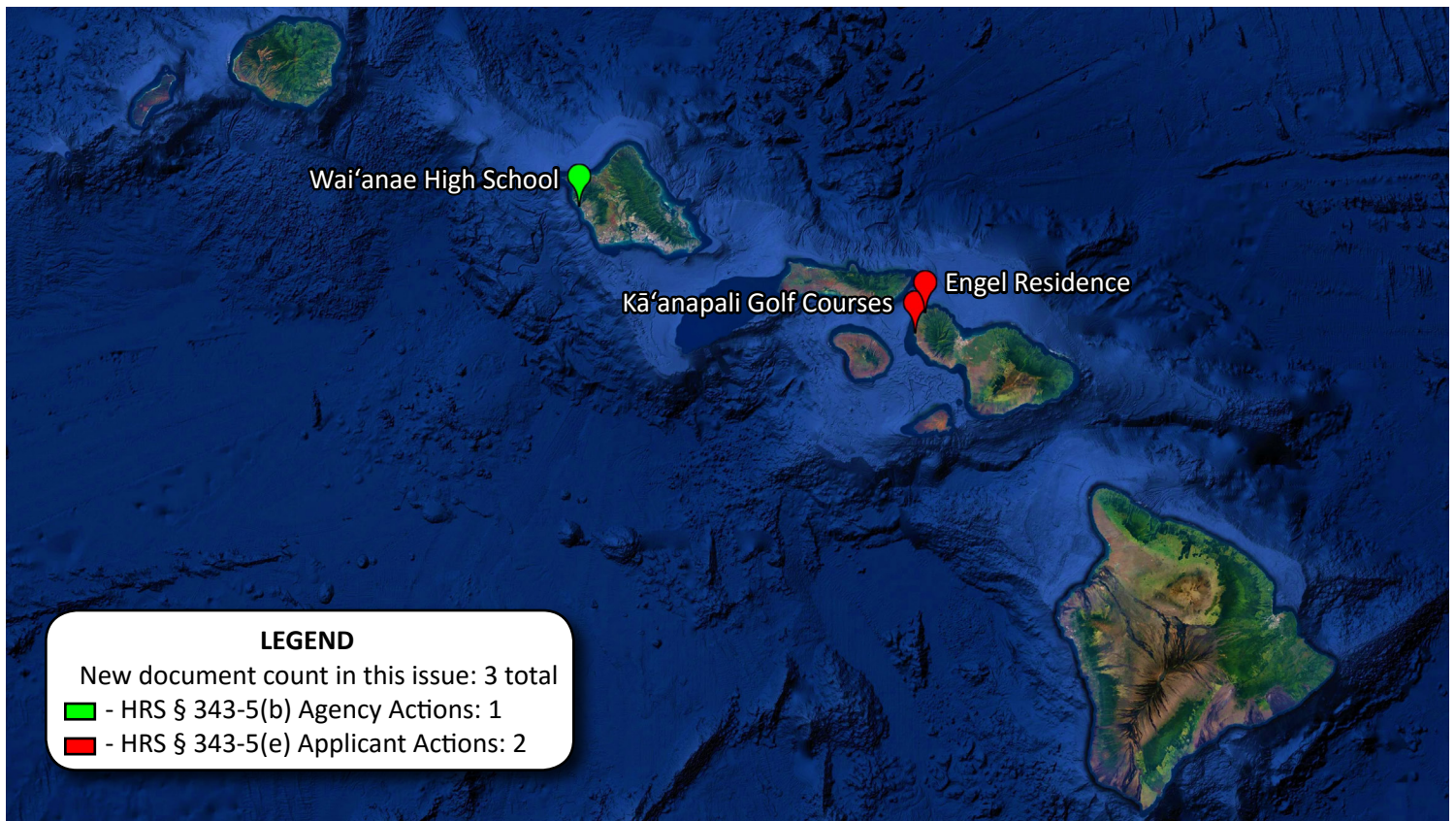
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ANNOUNCEMENTS

- The OEQC will be transitioning its online library of EAs, EISs, *The Environmental Notice*, guidance, forms, and all related files from the [current SharePoint 2003 site](#) to a [new SharePoint 2013 site](#) with enhanced search functionality, a more intuitive organizational structure, and other features. The new site is a work in progress. It is currently available on an "as is" basis to the public as a "soft rollout." The OEQC continuously adds new content to it so please be sure to check it frequently. The SharePoint 2003 site will no longer be available after June 8, 2017 and all links to it will be redirected to the SharePoint 2013 front page. Links on [the OEQC's website](#) will continue to direct users to the online library, which is now hosted on the new SharePoint 2013 site. If you see any errors or omissions, please contact the OEQC at oeqchawaii@doh.hawaii.gov or (808) 586-4185.
- Please see [the federal notices on page 8](#) for a U.S. Department of the Interior press release listing national monuments under review (including Papahānaumokuākea) and the announcement of a public comment period beginning May 12.
- The National Science Foundation (NSF) will hold a public meeting on May 25, 2017 for its proposed National Ecological Observatory Network field site at the Pu'u Maka'ala Natural Area Reserve, Hawai'i Island. The NSF plans on releasing a Draft EA in May, pursuant to both the National Environmental Policy Act (NEPA) and HRS Chapter 343. The meeting will serve two purposes: to provide information and allow for public comment on the Draft EA, and to provide a summary of the findings of NSF's Cultural Resources Assessment of Effects. The meeting will be held at 5:30 pm at the Division of Forestry and Wildlife office located at 19 E Kawili St, Hilo, HI 96720.

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS




MAUI

Engel Residence FEA (FONSI)

HRS §343-5(a) Trigger	(2) Propose any use within any land classified as a conservation district	
District(s)	Lahaina	
TMK(s)	(2) 4-2-004:019 & 062	
Permit(s)	Conservation District Use Permit, Building Permit	
Approving Agency	Board of Land & Natural Resources, State of Hawaii K. Tiger Mills, (808) 587-0382, Kimberly.mills@hawaii.gov 1151 Punchbowl Street, Honolulu, HI 96813	
Applicant	William E. Engel, (858) 414-6569, bengel@peglion.com 590 15th Street, Del Mar, CA 92014	
Consultant	Chris Hart & Partners, Inc. R. Raymond Cabebe, (808) 242-1955 x556, rcabebe@chpmaui.com 115 N. Market Street, Wailuku, HI 96793	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this determination.	

The applicant proposes to dismantle and relocate the existing 1,012 square foot structure offsite to construct an approximately 3,498 square foot, two-story, single-family residence with two car garage, covered decks, driveway, retaining walls, and related landscape plantings and site amenities. The existing carport will be demolished. A portion of the existing driveway and retaining wall will be removed and the driveway will be realigned to the new garage. The project site has a total area of 33,914 square feet which includes a 15,426 square foot access easement on the adjoining parcel. The project site has been in residential use since before the 1848 Māhele, according to the cultural study. Since the project site lies within the State Conservation District (Resource Subzone), the applicant is submitting a Conservation District Use Application to the DLNR for review and approval.

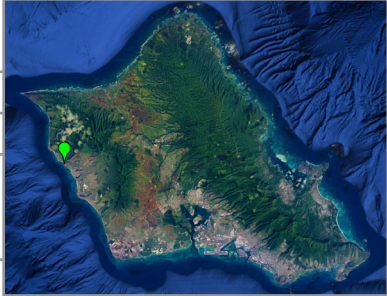
Kā'anapali Golf Courses Revitalization EISPN

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation	
District(s)	Lahaina	
TMK(s)	(2) 4-4-008:009, 010, 018; (2) 4-4-013:003, 012; (2) 4-4-006:010, 013, 014, 028, 057, 071, 077	
Permit(s)	Various (see document)	
Approving Agency/ Accepting Authority	County of Maui, Maui Planning Commission William Spence, Director, (808) 270-7735, William.Spence@co.maui.hi.us 2200 Main Street, Suite 315, Wailuku, HI 96793	
Applicant	Low Enterprises Investors, Project Manager for the State of Hawai'i Employees' Retirement System Theodore R. Lennon, Senior Vice President, (310) 571-4211, TLennon@LoweEnterprises.com 11777 San Vicente Boulevard, Suite 900, Los Angeles, CA 90049	
Consultant	Munekiyo Hiraga Gwendolyn Rivera, Senior Associate, (808) 244-2015, planning@munekiyohiraga.com 305 High Street, Suite 104, Wailuku, HI 96793	
Status	Administrative 30-day public review and comment period starts. Comments are due by June 7, 2017. Please send comments to the approving agency/accepting authority and copy the applicant and the consultant.	

The State of Hawai'i Employees' Retirement System has engaged Lowe Enterprises Investors to enhance its 305-acre Kā'anapali Golf Course properties by reconfiguring two 18-hole championship golf courses into one 27-hole championship course and one 9-hole par 3 course. Portions of the properties currently in use for golf will be repurposed for other resort-related uses, including condominium units, hotel units, commercial retail space, and recreation areas. In total, approximately 51 acres of the project area will be repositioned from golf to other uses. Updated golf holes and improved landscaping, park areas and open space will encompass the remaining 113 acres of the project area. The proposed actions will require that the West Maui Community Plan Land Use Map be amended and the respective underlying County zoning designations be changed. Additionally, the proposed revitalization improvements may require that work be performed within government roadway rights-of-way.

O‘AHU

Wai‘anae High Building Connection FEA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Wai‘anae	
TMK(s)	(1) 8-5-002: 018, 8-5-015: 001	
Permit(s)	Variance from Pollution, Chapter 6E Review, Perform Work Within a State Highway Right-of-Way, Special Management Area Permit, Waiver to Height and Lot Coverage, Grubbing Grading and Stockpiling, Building Permit, Certificate of Occupancy	
Proposing/ Determining Agency	Department of Education, Office of School Facilities and Support Services Robert W. Purdie, Jr., Project Management Section, Facilities Development Branch (808) 784-5117, robert_purdie@notes.k12.hi.us 3633 Wai‘alae Avenue, Honolulu, HI 96816	
Consultant	Gerald Park Urban Planner Gerald Park, (808) 625-9626, gpark@gpup.biz 95-595 Kaname‘e Street #324, Mililani, HI 96789	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this determination.	

A two-story building will be erected connecting Building SP (Searider Productions) and Building T a two-classroom building. Both buildings are located on the western (or northwest) side of the campus between the existing Gymnasium and swimming pool. A two-story structure, elevator tower, open courtyard, and lanai comprise the major design elements.

Measured from grade to top of the roof the new building is approximately 28-feet in height and the elevator tower approximately 30-feet.

The above ground swimming pool will be demolished and approximately one-third of the pool site repurposed for at-grade parking for 28 vehicles.

An existing two-way driveway will be widened to 20 feet (from 15 feet) and the driveway apron at Farrington Highway widened to accommodate a fire apparatus. Improvements associated with the widening include removing guardrails at specified locations, removing and relocating a drainage headwall, and installing concrete aprons over sections of existing drain lines along the driveway shoulders.

The cost of the project is estimated at \$7.265 million and will be funded by the State of Hawai‘i. The improvements will be constructed in one phase tentatively scheduled to commence in early 2018 with completion in 12 to 18 months.

The proposed action will not permanently displace any school activity. For the duration of construction, however, activities in both buildings will be temporarily displaced and relocated to other available space on campus.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. Comments are due May 23, 2017 unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

HAWAI‘I

- [Kealakekua Bay State Historical Park Master Plan Improvements EISPN](#)
- [Saddle Road Extension DEIS \(comments due June 7, 2017\)](#)

O‘AHU

- [Ha‘ikū Stairs Study EISPN](#)
- [The Kahala Hotel & Resort Beach Enhancements DEA \(AFNSI\)](#)
- [Kapālama Canal Catalytic Project EISPN](#)
- [Pūpūkea Rural Community Commercial Center EISPN \(Chapter 25, Revised Ordinances of Honolulu\)](#)

COASTAL ZONE MANAGEMENT NOTICES

FEDERAL CONSISTENCY REVIEWS

The following federal actions are being reviewed for consistency with the enforceable policies of the Hawai'i Coastal Zone Management (CZM) Program, including the CZM objectives and policies in Hawai'i Revised Statutes, Chapter 205A. Federal consistency, pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA), as amended, generally requires that federal actions, within and outside of the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. This public notice is being provided in accordance with § 306(d)(14) of the CZMA, and federal regulations at 15 CFR § 930.2, § 930.42, and § 930.61. General information about federal consistency is available at the [Hawai'i CZM Program web site](#), or call (808) 587-2878.

For specific information or questions about an action listed below, contact the CZM staff person identified for each action. The CZM Program is required to adhere to federal review deadlines, therefore, comments must be received by the date specified. Comments may be submitted by mail or electronic mail, to the addresses 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

ʻĪao Stream Flood Control Project Modification, Wailuku, Maui

Proposed Action: The U.S. Army Corps of Engineers is proposing to implement engineering designs to address existing flood hazards and provide the authorized level of reduced flood risk along ʻĪao Stream. The proposed action is needed to restore the reliability of the existing flood control structures and to protect the health and well-being of the Wailuku community. The proposed action consists of features intended to reconnect the main channel with the floodplain to reduce damaging flows along the main channel and right bank levees. The reconnection would be accomplished by lowering a portion of the left bank, grading the overflow area, and constructing a diversion wall to force flood flows to enter the existing flood plain on the left bank. A portion of the left bank would be raised downstream to contain the overflow within the floodplain. Further downstream, the left bank would be lowered to allow the return of the overflow into the main channel. The proposed action also includes bank stabilization and reconstruction of the existing revetment to prevent further erosion of the stream bank. [The Draft EA for the project](#) was published in *The Environmental Notice* on June 23, 2015.

Location: ʻĪao Stream Flood Control Project, Wailuku, Maui
TMK(s): (2) 3-4-20; 3-4-30; 3-4-31; 3-4-32
Federal Action: Federal Agency Activity
Federal Agency: U.S. Army Corps of Engineers, Honolulu District
Contact: Ms. Lorayne Shimabuku, (808) 835-4030, lorayne.p.shimabuku@usace.army.mil
CZM Contact: John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov
Comments Due: May 22, 2017

Lahaina Bypass Project Phase 1B-2, Lahaina, Maui

Proposed Action: The Federal Highway Administration is proposing to implement the next phase of the Lahaina Bypass Project by constructing a new highway approximately 2.7 miles long and 150 feet wide. The roadway will accommodate two 12-foot travel lanes with 10-foot shoulder lanes. Associated improvements include new intersections at Hokiokio Place and Kai Hele Ku Street, a new underpass structure at Punakea Loop, a new designated bicycle path from Kai Hele Ku Street to the Southern Terminus, and new drainage structures. Connection to the previously completed segments of the Lahaina Bypass will be made at the Phase 1B-1 terminus at Hokiokio Place, which will be slightly realigned to provide a smooth transition to the new Phase 1B-2 segment. A South Connector Road just south of Launiupoko Stream will also connect the Lahaina Bypass to Honoapiʻilani Highway. [The Final EA for the project](#) was published in *The Environmental Notice* on December 23, 2015.

Location: Mauka of Honoapiʻilani Highway, between Puamana and the former Olowalu Landfill
TMK(s): (2) 4-7-1:22, 30, 39; 4-7-3:32; 4-7-13:2, 5, 8, 10, 11, 12; 4-7-14:1-11, 14
Federal Action: Federal Agency Activity
Federal Agency: Federal Highway Administration, Central Federal Lands Highway Division
Contact: Mr. Thomas Parker, (720) 963-3688, thomas.w.parker@dot.gov
CZM Contact: John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov
Comments Due: May 22, 2017

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

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).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Hilo (2-8-008: 003 (Por.) and 038)	Construction of a Fence and Tree Removal with Planting of Naupaka (SMM 17-371)	Blake and Colby McNaughton
Maui: Lahaina (4-2-004: 037)	In-N-Out Event (SM2 20170041)	MC & A
O'ahu: Kamanamu (6-6-013: 012 and 6-6-014: 015)	Hale'iwa Elementary School – Equipment Enclosure Fence (2017/SMA-12)	State of Hawai'i Department of Education / OpTerra Energy Service

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.

File No.	Date	Location	Applicant/Owner	TMK
OA-1753	4/24/17	Lot A-1-E of Map 3 Land Court Application 1477 situate at Ka'alaea, Ko'olaupoko, O'ahu Address: 47-01 Nukuwai Place Purpose: Building setback line	Gil P. Bumanglag/ Kathleen Richard E. Peterson	(1) 4-7-017:023
OA-1754	4/26/17	Lot 33 Land Court Application 51 situate at Kane'ohe, Ko'olaupoko, O'ahu Address: 45-119 Mahalani Circle Purpose: Application for an easement	Walter P. Thompson, Inc./ Martha K. Bush	(1) 4-5-058:033
KA-418	4/24/17	Parcel 13 Land Court Application 1771 situate at Hanalei, Halelea, Kaua'i Address: Hanalei Road, Hanalei, Kaua'i Purpose: Shoreline setback	Princeville Hanalei Plantation, LLC/ Ohana Hanalei LLC	(4) 5-4-004:013

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.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1737	Proposed Shoreline Certification	Lot A T.M.K.: 4-5-030:Por.1 situate at Kane'ohe, Ko'olaupoko, O'ahu Address: 45-285 Kane'ohe Bay Drive Purpose: Lot subdivision	Park Engineering/ Windward Church of the Nazarene	(1) 4-5-030:001 por.
OA-1748	Proposed Shoreline Certification	Lot 82 of Map 9 Land Court Application 776 situate at La'ie, Ko'olaupoko, O'ahu Address: 55-69 Naupaka Street Purpose: Building purposes	Gil P. Bumanglag/ Mark O. & Choon H. James	(1) 5-5-010:015
KA-417	Proposed Shoreline Certification	A portion of Grant 1416 to Eke Oponui situate at Weliweli, Kōloa, Kaua'i Address: Weliweli, Kōloa, Kaua'i Purpose: Building setback	Esaki Surveying & Mapping, Inc./ CIRI Land Development Company	(4) 2-8-021:041

FEDERAL NOTICES

As a courtesy, listed below are relevant entries from the Federal Register (except the first entry, which is a press release published on the U.S. Department of the Interior's website) published since the last issue of *The Environmental Notice*.

Press Release: [Interior Department Releases List of Monuments Under Review, Announces First-Ever Formal Public Comment Period for Antiquities Act Monuments](#) (published 5/5/2017)

The Department of the Interior announced the first ever formal public comment period on monument designations under the Antiquities Act of 1906, and the Department released a list of monuments under review under the President's Executive Order 13792, issued April 26, 2017. In a separate but related process, the Department of Commerce will lead a review of certain Marine National Monuments, including Papahānaumokuākea in Hawai'i. The Department will shortly publish a notice in the Federal Register officially opening a public comment period of 60 days (15 days for the Bears Ears National Monument). **Comments may be submitted online after May 12** at <http://www.regulations.gov> by searching for "DOI-2017-0002" or by mail to Monument Review, MS-1530, U.S. Department of the Interior, 1849 C Street NW, Washington, DC 20240.

Proposed Rule: [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the U.S. Air Force 86 Fighter Weapons Squadron Conducting Long Range Strike Weapons System Evaluation Program \(LRS WSEP\) at the Pacific Missile Range Facility \(PRMF\) at Kaua'i, Hawai'i](#) (published 5/5/2017)

The National Marine Fisheries Service (NMFS) has received an application from the U.S. Air Force 86 Fighter Weapons Squadron for authorization to take marine mammals incidental to LRS WSEP activities in the Barking Sands Underwater Range Expansion area of the PRMF off Kaua'i for the period of August 23, 2017, through August 22, 2022. NMFS is proposing regulations to govern that take, and requests comments on the proposed regulations. **Comments and information must be received no later than June 5, 2017**, and can be submitted at www.regulations.gov or to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910.

Proposed Rule: [Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to U.S. Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar](#) (published 4/27/2017)

The National Marine Fisheries Service (NMFS) has received a request from the U.S. Navy for authorization to take marine mammals, by harassment, incidental to conducting operations of Surveillance Towed Array Sensor System Low Frequency Active sonar in areas of the world's oceans (with the exception of Arctic and Antarctic waters and certain geographic restrictions), from August 15, 2017 through August 14, 2022. The NMFS is requesting comments on its proposal to issue regulations to govern the incidental take of marine mammals by Level B harassment during the specified activity. **Comments and information must be received no later than May 30, 2017** and can be submitted at www.regulations.gov/#!docketDetail;D=NOAA-HQ-2017-0037 or to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

Rule: [Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Training Activities in the Gulf of Alaska Temporary Maritime Activities Area](#) (published 4/27/2017)

The National Marine Fisheries Service is issuing regulations to govern the unintentional taking of marine mammals - including koholā (humpback whales) from the Hawai'i distinct population segment - incidental to the training activities conducted in the Gulf of Alaska Temporary Maritime Activities Area Study Area from May 2017 through May 2022. **This final rule is effective April 26, 2017 through April 26, 2022.**

Notice: [Endangered Species; Recovery Permit Applications](#) (published 4/26/2017)

The U.S. Fish and Wildlife Service invites the public to comment on the listed applications for permits to conduct activities intended to recover and enhance the survival of endangered species. Two of the listed applications relate to Hawai'i: one initiated by Haleakalā National Park to amend a permit to survey, collect, propagate, and outplant plant species on Maui; and another initiated by the State of Hawai'i's Department of Land and Natural Resources, Division of Forestry and Wildlife, to issue a new permit to capture, handle, captive propagate, and release Lāna'i tree snails, Newcomb's tree snails, and O'ahu tree snails on the islands of Lāna'i, Maui, and O'ahu. To ensure consideration, **please send your written comments by May 26, 2017** to permitsR1ES@fws.gov or to Program Manager, Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232-4181.

Notice: [Endangered Species; Issuance of Recovery Permits](#) (published 4/26/2017)

The U.S. Fish and Wildlife Service (USFWS) has issued a summary of its permit issuances for the second half of 2016 to conduct activities with endangered and threatened species.

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 (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 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 form 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

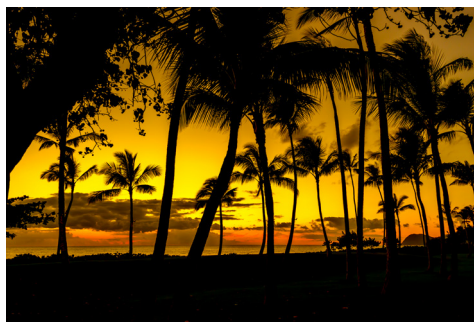
After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigation 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.



Ko Olina Bay, O'ahu

Photo by [Floyd Manzano](#)

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 Hawai'i'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 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).