# The Environmental Notice

## July 23, 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.

Makahiku Falls, Haleakalā National Park, Maui (cropped from original) Photo by Angela Sevin

235 South Beretania Street, Suite 702 • Honolulu, Hawai'i 96813 • (808) 586-4185 • oeqchawaii@doh.hawaii.gov • http://health.hawaii.gov/oeqc

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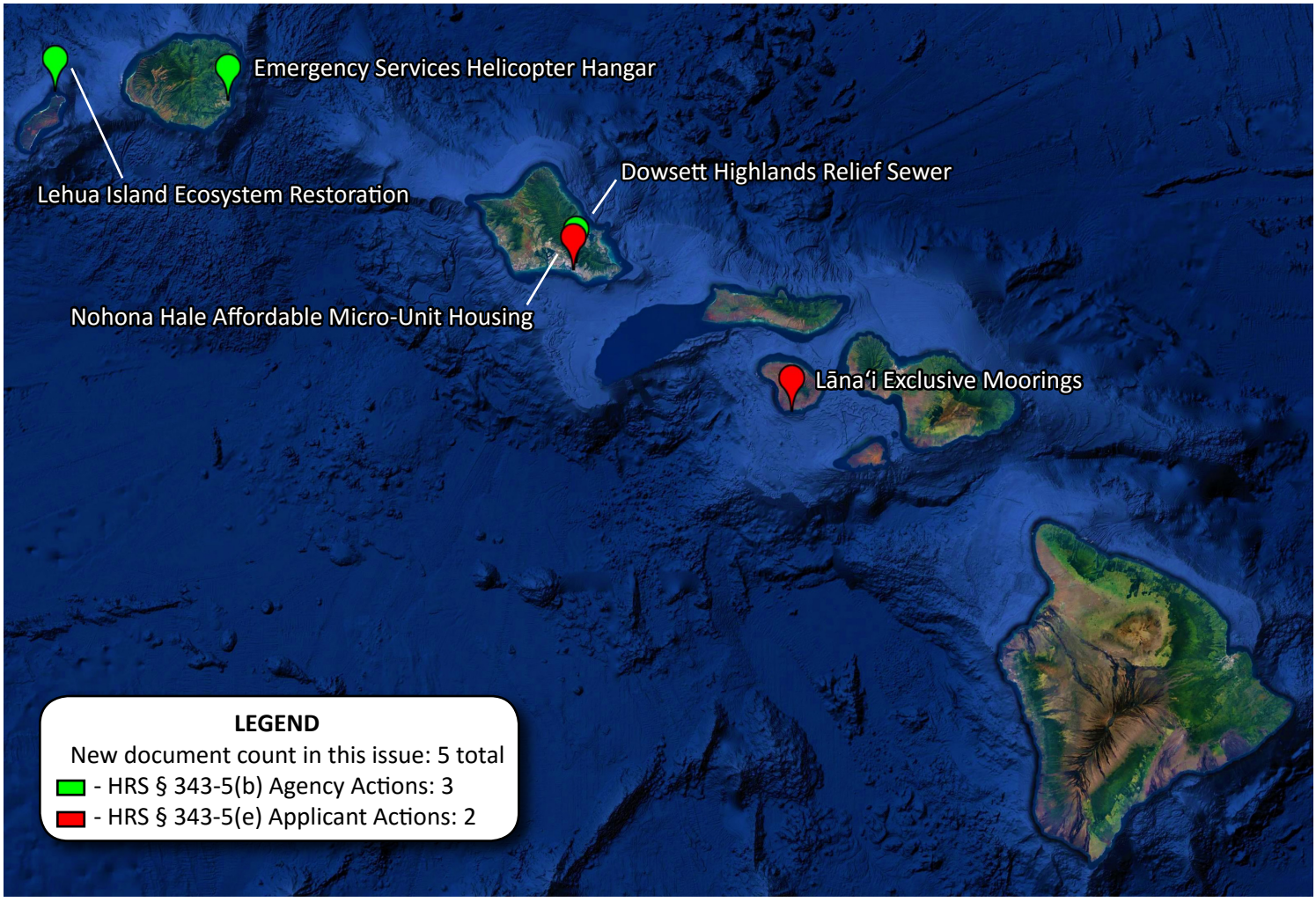
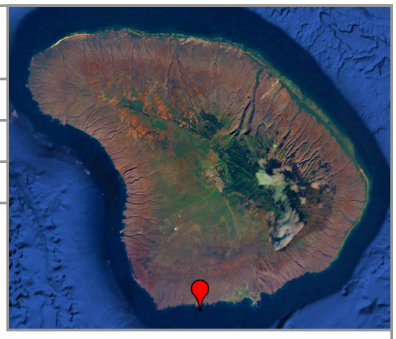
# Statewide Map of New HRS Chapter 343 Actions



## Lānaʻi

### Lānaʻi Exclusive Moorings DEA (AFNSI)

| | |
|---|---|
| **HRS §343-5(a) Trigger** | (1) Propose the use of state or county lands or the use of state or county funds<br>(2) Propose any use within any land classified as a conservation district |
| **District(s)** | Lānaʻi |
| **TMK(s)** | Seaward of Mānele Boat Harbor and Lānaʻi South Shore |
| **Permit(s)** | Various (see document) |
| **Approving Agency** | State of Hawaiʻi Department of Land and Natural Resources (DLNR)<br>Ed Underwood, Division of Boating and Ocean Recreation, (808) 587-1966, Ed.R.Underwood@hawaii.gov<br>4 Sand Island Access Road, Honolulu, HI 96819 |
| **Applicant** | Pūlama Lānaʻi<br>Lynn McCrory, (808) 237-2001, lmccrory@pulamalanai.com<br>733 Bishop Street, Suite 2000, Honolulu, HI 96813 |
| **Consultant** | Hoʻokuleana LLC<br>Peter T Young, (808) 226-3567, PeterYoung@Hookuleana.com<br>1539 Kanapu`u Drive, Kailua, HI 96734 |
| **Status** | Statutory 30-day public review and comment period starts. Comments are due by August 22, 2017. Please send comments to the approving agency and copy the applicant and the consultant. |

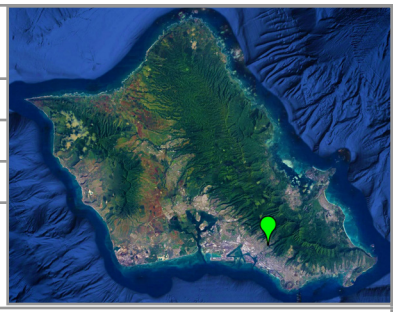


Pūlama Lānaʻi is proposing two types of boat moorings: (a) exclusive, permanent mooring offshore of Mānele Boat Harbor (there will be four mooring sites off of Mānele Boat Harbor; however, at this time only two are intended to be installed and used) and (b) exclusive, day use dive site moorings offshore of the South Shore of Lānaʻi, two are proposed (1-near Moku Naio (referred to as 'Coral Garden') and the other near Poʻopoʻo (referred to as 'Ridgeline')). The day use moorings are intended for mooring boats for guests to participate in activities, such as Snorkel, SCUBA and SNUBA, Stand-up Paddle boarding and Fishing (no netting or spear fishing). This will be a commercial venture, with approved Lānaʻi-based vendor vessels or Pūlama Lānaʻi-owned vessels transporting guests to the day use moorings from the Mānele Small Boat Harbor. Day-use moorings are an effective tool to help prevent coral damage from boat anchors. The day-use mooring design uses a buoy submerged below the surface, however, surface buoys with a pickup or tagline may be considered. While existing publicly accessible day use moorings are available in the general area, the proposed moorings in this action will be exclusive to Pūlama Lānaʻi and its vendors/guests.

## Oʻahu

### Dowsett Highlands Relief Sewer DEA (AFNSI)

| | |
|---|---|
| **HRS §343-5(a) Trigger** | (1) Propose the use of state or county lands or the use of state or county funds |
| **District(s)** | Honolulu |
| **TMK(s)** | N/A |
| **Permit(s)** | Various (see document) |
| **Proposing/ Determining Agency** | City and County of Honolulu, Department of Design and Construction<br>Shelle Silva, P.E., Wastewater Division, (808) 768-8763, shelle.silva@honolulu.gov<br>650 South King Street, 14th Floor, Honolulu, HI 96813 |
| **Consultant** | Fukunaga & Associates, Inc.<br>Lance Fukumoto, P.E., (808) 944-1821, lfukumoto@fukunagaengineers.com<br>1357 Kapiolani Blvd., Suite 1530, Honolulu, HI 96814 |
| **Status** | Statutory 30-day public review and comment period starts. Comments are due by August 22, 2017. Please send comments to the proposing/determining agency and copy the consultant. |

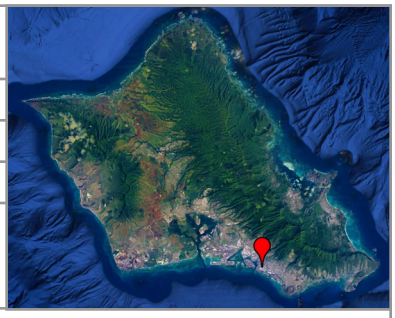


The proposed project will improve the City and County of Honolulu's sanitary sewer system by addressing hydraulic capacity inadequacy in existing trunk sanitary sewers, while also addressing structural and operation and maintenance issues. These improvements primarily include the construction of new relief sewers within city and state right-of-ways, and also include replacement/relief sewers, and repair and rehabilitation of existing sewers, to address local conditions. The project will involve the design and construction of approximately 14,500 linear feet of 8-inch to 24-inch diameter new gravity relief sewers with a main alignment along Nuʻuanu Pali Drive, Dowsett Avenue, Pali Highway and Nuʻuanu Avenue, ending at School Street.

## O'AHU (CONTINUED)

### Nohona Hale Affordable Micro-Unit Housing DEA (AFNSI)

| | |
|---|---|
| **HRS §343-5(a) Trigger** | (1) Propose the use of state or county lands or the use of state or county funds |
| **District(s)** | Honolulu |
| **TMK(s)** | (1) 2-1-051:014 |
| **Permit(s)** | Hawai'i Revised Statutes §201H-38 |
| **Approving Agency** | Hawai'i Housing Finance & Development Corporation<br>Ken Takahashi, (808) 587-0547, ken.t.takahashi@hawaii.gov<br>677 Queen Street, Honolulu, HI 96813 |
| **Applicant** | Bronx Pro Group LLC<br>David Mosey, (718) 294-5840, dmosey@bronxprogroup.com<br>1615 Dr. Martin L. King Jr. Blvd., Bronx, NY 10453 |
| **Consultant** | Wilson Okamoto Corporation<br>Keola Cheng, (808) 946-2277, kcheng@wilsonokamoto.com<br>1907 South Beretania Street, Suite 400, Honolulu, HI 96826 |
| **Status** | Statutory 30-day public review and comment period starts. Comments are due by August 22, 2017. Please send comments to the approving agency and copy the applicant and the consultant. |



Nohona Hale is envisioned as a "living" prototype of new building technologies blended with a traditional Hawaiian sense of "'Ohana". Encompassing approximately 111 affordable rental micro-units (approximately 300 sq. ft. each), Nohona Hale will be constructed as a 16-story tower set upon a two level podium which will house the lobby, living room, community spaces and management offices.

In keeping with the traditional Hawaiian sense of "'Ohana", Nohona Hale will be home to a diverse demographic of ages and backgrounds, living under "one roof." The energy efficient micro-units will be marketed to qualified low-income individuals and couples earning 60% and below of the Area Median Income (AMI), and 10% of the project's units will be set aside to specifically serve families earning 30% AMI or less.

Nohona Hale will offer a new type of mixed-use, mixed-income affordable housing development to Hawai'i residents earning lower incomes through the creation of highly social spaces and amenities paired with modern accommodations.

## KAUA'I

### Emergency Services Helicopter Hangar DEA (AFNSI)

| | |
|---|---|
| **HRS §343-5(a) Trigger** | (1) Propose the use of state or county lands or the use of state or county funds |
| **District(s)** | Līhu'e |
| **TMK(s)** | (4) 3-5-001:008 DOT Lot 004124 |
| **Permit(s)** | COK Use, Zoning, and Building permits |
| **Proposing/ Determining Agency** | Kaua'i Fire Department<br>Douglas Haigh, (808) 241-4849, dhaigh@kauai.gov<br>4444 Rice Street, Līhu'e, HI 96766 |
| **Status** | Statutory 30-day public review and comment period starts. Comments are due by August 22, 2017. Please send comments to the proposing/determining agency. |

The project is the development of a 4,500 SF helicopter hanger, including office and restroom facilities. The site is located within the Līhu'e Airport Complex on a leased lot in the General Aviation Subdivision. County of Kaua'i's emergency services helicopter is to be stored within the hanger. No maintenance or fueling services will occur onsite.

# Kaua'i (Continued)

## Lehua Island Ecosystem Restoration Project 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)** | Waimea |
| **TMK(s)** | (4) 1-1-001:002 |
| **Permit(s)** | Federal:<br>National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Marine Mammal Protection Act of 1972, as amended, Water Pollution Control Act of 1948, as amended, Coastal Zone Management Act of 1972, as amended<br><br>State:<br>Hawai'i Administrative Rules 13-124, Hawai'i Revised Statutues 343, Various permits under the above Federal laws have been delegated to the State to administer.<br><br>Further authorities for action can be found under section 2.5, Authority for Action and Regulations Governing Action of the Final EA |
| **Proposing/ Determining Agency** | Department of Land and Natural Resources<br>Patrick Chee, (808) 587-4191, LehuaRestoration@hawaii.gov<br>1151 Punchbowl Street, Room 325, Honolulu, HI 96813 |
| **Status** | Finding of No Significant Impact (FONSI) determination. Comments are not taken on this determination. |

The Hawai'i Department of Land and Natural Resources' (DLNR) Division of Forestry and Wildlife (DOFAW), in cooperation with the members of the Lehua Island Restoration Steering Committee (see EA for membership) are proposing a conservation intervention to continue the restoration of Lehua Island.

Lehua Island is a sanctuary for many birds and it has great potential to become a sanctuary for several more threatened and endangered birds and native plants. Unfortunately, the island is inhabited with Pacific rats that eat bird eggs, chicks and even adults on nests. They also consume a wide variety of the island's plants. For Lehua to reach its conservation potential, the rats must be eradicated.

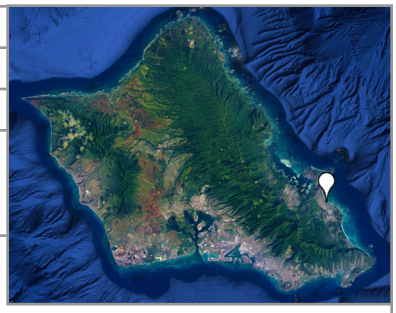
DOFAW is proposing the eradication of rats from Lehua using rodenticide. DOFAW acknowledges there are risks using rodenticide and they can be mitigated for as set forth in this EA. In addition, the potential long term benefits outweigh the temporary risks posed by this proposed action. If successful, an eradication of rats from Lehua could have lasting benefits for native species on Lehua, especially seabirds, as they face habitat loss due to future sea level rise.

View of Lehua looking east Photo by Tkasmai

## Chapter 25, Revised Ordinances of Honolulu

Use of the Special Management Area (SMA) is not a trigger under Chapter 343, but developments in O'ahu's SMA are required to go through an environmental review process that mirrors the procedural requirements of HRS Chapter 343, pursuant to Revised Ordinances of Honolulu, Chapter 25. Developments being reviewed under Chapter 25 but not Chapter 343 appear here.

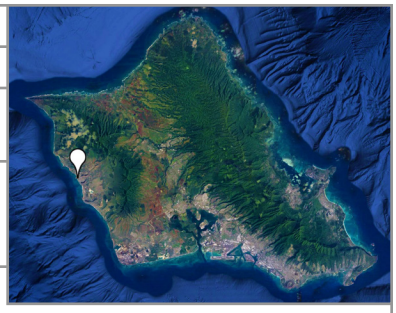
### The Ka'apuni Residences DEA (AFNSI)



| | |
|---|---|
| **District(s)** | Ko'olaupoko |
| **TMK(s)** | (1) 4-3-013:039 |
| **Permit(s)** | SMA Use Permit Major, Street Usage, Building Permits, Minor Shoreline Structure |
| **Approving Agency** | City and County of Honolulu, Department of Planning and Permitting<br>Jordan Dildy, (808) 768-8027, jdildy@honolulu.gov<br>650 South King Street, 7th Floor, Honolulu, HI 96813 |
| **Applicant** | SL Development LLC<br>Laura Brancato, laura@yett.com<br>6021 173rd Avenue SE, Bellevue, WA 98006 |
| **Consultant** | Hawaii Planning LLC<br>Dennis Silva, Jr., (808) 347-3999, dsilvajr@hawaiiplanningllc.com<br>1031 Nu'uanu Avenue, Suite 2306, Honolulu, HI 96817 |
| **Status** | 30-day public review and comment period starts. Comments are due by August 22, 2017. Please send comments to the approving agency and copy the applicant and the consultant. |

The proposed residential development consists of three houses on the 44,356 square feet (1.02 acres) site. The zoning is R-10 Residential, which allows for one residential unit per 10,000 square feet of land. Therefore, the proposed three residential units are under the maximum houses allowed based on the Revised Ordinances of Honolulu, Chapter 21, Land Use Ordinance R-10 Residential zoning development standards. The Project Site is within the Special Management Area (SMA) and requires an SMA Use Permit Major processed through the City and County of Honolulu, Department of Planning and Permitting.

### Lualualei Homestead Road 21-Lot Residential Subdivision DEA (AFNSI)



| | |
|---|---|
| **District(s)** | Wai'anae |
| **TMK(s)** | (1) 8-6-015: 053 |
| **Permit(s)** | SMA Use Permit (Major), Building Permit, Subdivision Approval, Utility Connection Permits/Approval, Park Dedication, NPDES Permit, Grading/Grubbing Permit |
| **Approving Agency** | City and County of Honolulu, Department of Planning and Permitting (DPP)<br>Jordan Dildy, (808) 768-8027, jdildy@honolulu.gov<br>650 South King Street, 7th Floor, Honolulu, HI 96813 |
| **Applicant** | CJ Group LLC<br>Miner Zhang, (808) 670-6934, newlookjoey@hotmail.com<br>419 Atkinson Drive, Suite 1101, Honolulu, HI 96814 |
| **Consultant** | AIA NCARB,<br>Allen Ng, (808) 389-0904, anaarch99@yahoo.com<br>1720 Ala Moana Boulevard, Suite A-6, Honolulu, HI 96815 |
| **Status** | 30-day public review and comment period starts. Comments are due by August 22, 2017. Please send comments to the approving agency and copy the applicant and the consultant. |

The Applicant, CJ Group LLC Developer proposes to subdivide one 3.175-acre vacant lot into 21 zoning lots and develop 21 single-family, middle-income residential units within the SMA. The site is bordered by Pōka'i Bay Street and residential properties to the west, Lualualei Homestead Road to the north, commercial properties to the east, and a lined drainage canal to the south.

## Previously Published Documents Open for Comment

**Status:** Public review and comment period for these projects began previously. Comments are due August 7, 2017 unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

### Hawai'i

Keakealani Campus Development for the Volcano School of Arts and Sciences DEA (AFNSI)

### Maui

Kahului Lani Affordable Senior Housing DEA (AFNSI)

Hāna Pier Deck Removal DEIS **(comments due August 22, 2017)**

Renewable energy conversion and sludge processing for the Wailuku - Kahului Wastewater Reclamation Facility (WKWWRF) EISPN **(comments due July 24, 2017)**

### O'ahu

Aloha Solar Energy Fund II - Kalaeloa DEA (AFNSI)

'Aiea High School Girls Athletic Locker Room – Weight Training Facility DEA (AFNSI) **(comments due July 24, 2017)**

East Kapolei Middle School DEA (AFNSI) **(comments due July 24, 2017)**

### Kaua'i

Opaeka'a Bridge Replacement DEA (AFNSI)

The 'ā, or brown booby Photo by Mark Watson

# 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

### Hawaiian Islands Humpback Whale National Marine Sanctuary CetaBuoy - Live-streaming Moored Hydrophone Passive Acoustic Research

**Proposed Action:** Install a moored fiberglass buoy with an attached hydrophone to use passive acoustic data to research and monitor humpback whales in sanctuary waters. The project will record, monitor, and analyze humpback whale vocalizations and other ambient sounds using real-time acoustic data. The data will provide a better understanding of: effects of vessel noise; habitat usage, including arrival/departure time and whale distribution; estimates of humpback whale numbers/densities; humpback whale song; ambient sounds; and marine mammal vocalizations. The project will also create an immersive educational opportunity for the public by live-streaming the soundscape to visitor centers around the Main Hawaiian Islands. The mooring itself will be a single-point mooring consisting of a fiberglass float, mooring line connected to 400 pounds of steel plates with a 25 pound claw or plow-type anchor, set in approximately 200 feet of water.

**Location:** 4 nm SSE of Lahaina, 1.3 nm offshore Olowalu, Maui
**Federal Action:** Federal Agency Activity
**Federal Agency:** Hawaiian Islands Humpback Whale National Marine Sanctuary
**Contact:** Allen Tom, (808) 879-2818, ext. 225, allen.tom@noaa.gov
**CZM Contact:** John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov
**Comments Due:** August 7, 2017

## 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: Pāhoa (1-5-088: 042 and 043) | Amend SMM 11-176 to Allow for Interior Landscape Improvements and Routine Maintenance on Parcel 042 (SMM 11-176) | Shonan Sanaiwaland Bright Co., Ltd. |
| Hawai'i: Ka'alāiki, Ka'ū (9-5-016: 006 and 030) | Amend SMM 14-309 to Allow for Solarization of Invasive Plant Species (SMM 14-309) | Hawai'i Wildlife Fund |
| Kaua'i: Moloa'a (4-9-005: 013) | Fence (SMA(M)-2017-18) | Kaua'i Makai |
| Maui: Lahaina (4-4-001: 098) | Fabric Erosion Protection Skirt (SM2 20170057) | Ka'anapali Beach Club |
| O'ahu: Wai'anae (8-5-011: Portion 001, 016, 017, 018 and 028) | Waianae Store Platform – Mounted Emergency Generator (2017/SMA-17) | Okimoto Corporation Holding LLC / Interface Engineering |

# 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-1769 | 7/6/17 | Lot 2697 (Map 274) and Lots 158 and 159 (Map 26) of Land Court Application 1069, Lots 297 and 157 (Document No. A-49131424), and Lot 1 (DPP File No. 2014/SUB-68) Being a Portion of Royal Patent 6971, Land Commission Award 11216, Apana 8 to M. Kekauonohi situate at Honouliuli, 'Ewa, O'ahu<br>Address: One'ula Beach Park; 91-295, 91-303, & 91-309 Papipi Road<br>Purpose: Permitting | R.M. Towill Corporation/ Department of Parks and Recreation, City and County of Honolulu | (1) 9-1-011:004, 005, 006, 007 & 9-1-134:006 & 044 |

## 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-1756 | Proposed Shoreline Certification | Portion of Laniakea Beach situate at Kawailoa, Waialua, O'ahu<br>Address: Kamehameha Highway, Laniākea Beach Park<br>Purpose: State of Hawai'i, DOT to establish appropriate jurisdiction for permitting and environmental requirements | WSP Parsons Brinckerhoff, on behalf of State of Hawaii DOT/ State of Hawaii, Department of Transportation | (1) 6-1-009:021 & 022; (1) 6-1-010:019 & 020; (1) 6-1-005:023 |
| OA-1766 | Proposed Shoreline Certification | Lot 12-A as shown on Map 6 of Land Court Application 1640, Lot 6-A-1 as shown on Map 10 of Land Court Application 1525, Section 6 as shown on Map 6 of Land Court Application 945, Lot 5 as shown on Map 1 of Land Court Application 1185, Lot 5 as shown on Map 1 of Land Court Application 1525 situate at Waiau and Waimano, 'Ewa, O'ahu<br>Address: 475 Kamehameha Highway<br>Purpose: Setback/SMA determination | David McCurdy/ Hawaiian Electric Company, Inc. | (1) 9-7-018:012; 9-8-003:001; 9-8-004:002 |
| MA-678 | Withdrawal | A Portion of Royal Patent 1725, Land Commission Award 559 to Kauliokamoa (307 Front Street Property) situate at Lahaina, Maui<br>Address: 307 Front Street Property<br>Purpose: Determine shoreline setback | R.T. Tanaka Engineers, Inc./ Dr. Christine Ho | (2) 4-6-003:006 |

# Federal Notices

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.

**Notice: Changes in Flood Hazard Determinations (published 7/19/2017)**

This notice lists communities where the addition or modification of flood hazard determinations is appropriate because of new scientific or technical data. The communities listed include Honolulu and Maui, and **those modifications will become effective September 8, 2017**.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

**Notice: National Register of Historic Places; Notification of Pending Nominations and Related Actions (published 7/18/2017)**

The National Park Service is soliciting comments on the significance of properties nominated before June 24, 2017, for listing or related actions in the National Register of Historic Places. The nominees in Hawai'i are:

Hawai'i County

- Honoka'a United Methodist Church, (Honoka'a Town, Hawai'i MPS), 45-3525 Māmane St., Honoka'a, MP100001413
- Masaaki Sakata Property, (Honoka'a Town, Hawai'i MPS), 45-3577 Māmane St., Honoka'a, MP100001414
- Teiji Yamatsuka Store, (Honoka'a Town, Hawai'i MPS), 45-3590 Māmane St., Honoka'a, MP100001415

Honoka'a, Hawai'i Photo by Martha Heinemann Bixby

Honolulu County

- TWO BROTHERS (New England Whaling Ship) Shipwreck, Address Restricted, French Frigate Shoals vicinity, SG100001416
- Cooper Apartments, 413 Seaside Ave., Honolulu, SG100001417

Comments should be submitted by August 2, 2017 to National Register of Historic Places, National Park Service, 1849 C St. NW., MS 7228, Washington, DC 20240.

**Notice: U.S. Endangered Species; Receipt of Recovery Permit Applications (published 7/12/2017)**

The U.S. Fish and Wildlife Service invites the public to comment on applications for permits to conduct activities intended for scientific purposes that promote recovery or to enhance the propagation or survival of endangered species. These applications involve the Hawaiian plant and animal species listed on the link. **Comments must be received by August 11, 2017** and can be submitted to permitsR1ES@fws.gov or 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.

# 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 discretional 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).