



The Environmental Notice

October 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.



Lava "waterfall" from Kilauea volcano flowing into the ocean (cropped from original)

Photo by [Dhilung Kirat](#)

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ANNOUNCEMENTS

As noted previously, the [Environmental Council](#) is updating Hawai'i Administrative Rules (HAR) Chapter 11-200, the environmental impact statement rules. This chapter establishes the procedures, content requirements, criteria and definitions for applying Hawai'i Revised Statutes (HRS) Chapter 343, the environmental impact statement law. [Click here](#) to review and comment on version 0.2 of the proposed changes, which was initially considered by the Environmental Council on September 5. [Click here](#) for more information, including a timeline for the revision process, and [click here](#) to sign up for email updates on the rule revision process.

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



MAUI

Lahainaluna High School Classroom Building 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)	Lahaina	
TMK(s)	(2) 4-6-018:005 por.	
Permit(s)	Historic Site Review, NPDES General Permit, Variance from Pollution Controls, DCAB Review, building Permit, Grading and Grubbing Permit, Certificate of Occupancy, Fire Protection	
Proposing/ Determining Agency	Department of Education, State of Hawaii Janna Mihara, Project Coordinator, Facilities Development Branch, (808) 377-8314, janna_mihara@notes.K12.hi.us 3633 Wai'ala'e 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	Statutory 30-day public review and comment period starts. Comments are due by November 7, 2017. Please send comments to the proposing/determining agency and copy the consultant.	

The classroom building is needed to accommodate growth in enrollment of high school age students in the Lahaina area and West Maui. A two level, rectangular-shaped building with a ground floor building footprint of approximately 9,975 square feet is proposed. Two general classrooms, a self-contained Special Education classroom, and Itinerant room are programmed for the ground floor. Space also is set aside for a faculty center, conference room, two offices, faculty and student restrooms, elevator, mechanical room, electrical room, telcom room, janitor's closet, and storage. The second level of approximately 8,515 square feet provides five general classrooms, restrooms for faculty and students, elevator, electrical room, and a janitor's room. In total, seven general classrooms and a self-contained Special Education room are proposed. General classroom occupancy is projected at 20 - 25 students and 10 -15 students for the Special Education classroom. An accessible walkway over the Lahainaluna Ditch will connect the new building with school facilities to the east of the building.

LANA'I

Lāna'i Exclusive Moorings FEA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district	
District(s)	Lāna'i	
TMK(s)	Seaward of Mānele Boat Harbor and Lāna'i South Shore	
Permit(s)	Various (see document)	
Approving Agency	Department of Land and Natural Resources (DLNR), State of Hawai'i Ed Underwood, Division of Boating and Ocean Recreation, (808) 587-1966, Ed.R.Underwood@hawaii.gov , 4 Sand Island Access Road, Honolulu, HI 96819	
Applicant	Pūlama Lāna'i Lynn McCrory, (808) 237-2001, lmccrory@pulamalanai.com 733 Bishop Street, Suite 2000 Honolulu, HI 96813	
Consultant	Ho'okuleana LLC Peter T Young, (808) 226-3567, PeterYoung@Hookuleana.com 1539 Kanapu'u Drive, Kailua, HI 96734	
Status	[FEA-FONSI] Finding of No Significant Impact (FONSI) determination.	

Pūlama Lāna'i is proposing two types of boat moorings: (a) exclusive, permanent moorings 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 off the South Shore of Lāna'i; two are proposed: one near Moku Nairo (aka 'Coral Garden') and the other near Po'opo'o (aka 'Ridgeline'). The day-use moorings are intended for mooring boats for guests to participate in commercial recreational activities, with approved Lāna'i-based vendor vessels or Pūlama Lāna'i-owned vessels transporting guests to the moorings from the Mānele Boat Harbor. While existing publicly accessible day-use moorings are available in the general area, the proposed moorings in this action will be exclusive to Pūlama Lāna'i and its vendors/guests.

O‘AHU

Dowsett Highlands Relief Sewer FEA (FONSI)

HRS §343-5(a) Trigger	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	Department of Environmental Services, City and County of Honolulu Ms. Shelle Silva, P.E., (808) 768-8763, shelle.silva@honolulu.gov Division of Wastewater Engineering & Construction 650 South King Street, 14th Floor, Honolulu, HI 96813	
Consultant	Lance Fukumoto, (808) 944-1821, P.E. lfukumoto@fukunagaengineers.com 1357 Kapiolani Blvd., Suite 1530, Honolulu, HI 96814	
Status	Finding of No Significant Impact (FONSI) determination.	

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 primary project to implement these improvements will be the City and County of Honolulu, Department of Environmental Services, Division of Wastewater Design and Construction’s Dowsett Highlands Relief Sewer Project, Job Nos. 05-17 and 06-17, which will involve the design and construction of approximately 16,850 linear feet of 8-inch to 24-inch diameter new gravity relief sewers with a main alignment of 14,500 linear feet along Nu‘uanu Pali Drive, Dowsett Avenue, Pali Highway and Nu‘uanu Avenue, ending at School Street. The proposed project will have short-term traffic impacts associated with construction which will be coordinated with city and state agencies and the general public. No long-term impacts are anticipated.

Kamehameha Highway Wastewater Pump Station Force Main System Improvements FEA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district	
District(s)	Honolulu	
TMK(s)	Portions of [1] 1-1-003: 004, 138, 204, 205, 206, 207, 212 & 239; 1-2-021:035 & 036	
Permit(s)	Department of the Army Permit (Rivers and Harbors Act Section 10), Clean Water Act Section 401 Water Quality Certification, Special Management Area Permit, NPDES, Conservation District Use Permit, Permit to Perform Work Upon State Highways, Community Noise Permit/Variance	
Proposing/ Determining Agency	Department of Environmental Services, City and County of Honolulu Kim Suzuki, (808) 768-8410, ksuzuki2@honolulu.gov 650 South King Street, 14th Floor, Honolulu, HI 96813	
Consultant	CH2M HILL Tony Ali, (808) 440-0208, Tony.Ali@ch2m.com 1132 Bishop Street, Suite 1100, Honolulu, HI 96813	
Status	Finding of No Significant Impact (FONSI) determination.	

The Department of Environmental Services proposes to construct a new 36-inch sewer force main between the Kamehameha Highway Wastewater Pump Station located adjacent to Ke‘ehi Lagoon Park and the Kapālama Interceptor Relief Sewer located in the Kalihi Kai industrial area off Sand Island Access Road. The new force main would provide a backup facility to divert flows if the active 42-inch force main fails. This diversion capability is required under the First Amended 2010 Wastewater Consent Decree. The total length of the new force main is estimated at 3,100 linear feet. Of this length, approximately 2,000 linear feet would be installed by horizontal directional drilling and 1,100 linear feet using open trench construction. No in-water construction activity is expected because the new force main would be pulled through a tunnel at an elevation well below the depth of the existing streams. The project would also include temporary staging areas, bypass facilities, access roads, utility connections and relocations (as needed), and site restoration. Short-term, construction-related impacts (noise, dust, and erosion) would be mitigated with best management practices to minimize effects to the environment. Adverse impacts from operation of the new facility are not anticipated.

O‘AHU (CONTINUED)

Nohona Hale Affordable Micro-Unit Housing 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)	Honolulu	
TMK(s)	(1) 2-1-051: 014	
Permit(s)	Hawai‘i Revised Statutes §201H-38	
Approving Agency	Hawai‘i Housing Finance & Development Corporation Ken Takahashi, (808) 587-0547, ken.t.takahashi@hawaii.gov 677 Queen Street, Honolulu, HI 96813	
Applicant	Bronx Pro Group LLC David Mosey, (718) 294-5840, dmosey@bronxprogroup.com 1615 Dr Martin L King Jr. Blvd., Bronx, NY 10453	
Consultant	Wilson Okamoto Corporation Keola Cheng, (808) 946-2277, kcheng@wilsonokamoto.com 1907 South Beretania Street, Suite 400, Honolulu, HI 96826	
Status	Finding of No Significant Impact (FONSI) determination.	

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 14-story tower set upon a two-level podium that will house the lobby, living room, community spaces and management offices. In keeping with the traditional Hawaiian sense of “Ohana,” Nohona Hale is expected to 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

‘Aliomanu Road Repair Update DEA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area	
District(s)	Kawaihau	
TMK(s)	(4) 4-8-18: 028, 029	
Permit(s)	Various (see document)	
Proposing/ Determining Agency	Department of Public Works, County of Kaua‘i Donald Fujimoto, (808) 241-4882, dfujimoto@kauai.gov 4444 Rice Street, Suite 175, Lihue, HI 96766	
Consultant	Oceanit Dayan Vithanage, (808) 531-3017, dvithanage@oceanit.com 828 Fort Street Mall, Suite 600, Honolulu, HI 96813	
Status	Statutory 30-day public review and comment period starts. Comments are due by November 7, 2017. Please send comments to the proposing/determining agency and copy the consultant.	

This Environmental Assessment (EA) was prepared to update a previous EA published for the repair of ‘Aliomanu Road. The subject road is located along the shoreline in Anahola Bay. Wave induced erosion has severely undermined the road and has caused collapse of a portion of the pavement into the ocean. The EA describes the potential impact of projected sea level rise on the proposed road repair project and evaluates alternative means for re-establishing a safe and reliable vehicular access. The proposed repair includes rebuilding the damaged road section into a two-lane road, with a supporting rock revetment on the makai side to protect the road from long term erosion and prevent soil erosion from running off and contaminating the ocean. The revetment design consists of boulder rocks and a concrete curve along the roadway. The design retains the rocky nature of the existing shoreline; the contractor may use boulders that exist on the project footprint for the revetment structure.

KAUA'I (CONTINUED)

‘Ōpaeka‘a Bridge Replacement 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)	Kawaihau	
TMK(s)	(4) 4-2-002	
Permit(s)	Compliance with Chapter 343 and NEPA National Pollutant Discharge Elimination System (NPDES) Permit ; Community Noise Control Permit; Historic Sites Review (Section 106 of NHPA and Chapter 6e, HRS); Work in County Right-of-Way; Subdivision Approval (potential) Grading, Grubbing, Excavating and Stockpiling Permits	
Proposing/ Determining Agency	Department of Public Works, County of Kaua'i Troy Tanigawa, (808) 241-4154, ttanigawa@kauai.gov 4444 Rice Street, Suite 275 Līhu'e, HI 96766-1340	
Consultant	Geometrician Associates Ron Terry, (808) 969-7090, rterry@hawaii.rr.com P.O. Box 396, Hilo, HI 96721	
Status	Finding of No Significant Impact (FONSI) determination.	

The project would replace ‘Ōpaeka‘a Bridge by implementing structural and safety improvements that retain the bridge’s original one-lane width, length and basic appearance. It would provide a safe bridge accommodating any legal weight of truck or bus, maximize safety for motor vehicles, pedestrians and bicycles, be practical to maintain, and preserve the bridge’s historic character. New concrete abutments will be created behind the existing ones, with no alteration to the stream bank. The new concrete deck will rest atop pre-stressed concrete plank girders, which will be extended to the new abutments. The deck will have an asphalt pavement overlay. The design retains and repairs existing visible trusses, and includes steel crash-tested railings inside trusses. For bicycle safety, the deck will be marked with a bicycle “sharrow” symbol to indicate a shared lane and promote driver awareness. The historic character of the bridge is being preserved through a number of design elements that help retain the existing appearance. Extensive mitigation to prevent erosion and sedimentation and impacts to water quality and wildlife will be implemented.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

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

MAUI

- [Renewable energy conversion and sludge processing for the Wailuku - Kahului Wastewater Reclamation Facility \(WKWWRF\) EISPN Resubmittal \(comments due 10/9\)](#)
- [Wailuku Apartment Rental Housing Project DEA \(AFNSI\)](#)

O‘AHU

- [Mayor Wright Homes Redevelopment DEIS, Appendices A-B, Appendix C, and Appendices D-O](#)
- [Hale‘iwa Improvement District Project EISPN \(Direct to EIS\)](#)
- [Kapālama Terminal Jet Fuel Pipeline DEA \(AFNSI\)](#)

HABITAT CONSERVATION PLANS

Draft Habitat Conservation Plan Amendment, Kaheawa Wind Power II

Applicable Law	HRS Chapter 195D
Type of Document	Draft Habitat Conservation Plan (HCP) Amendment
Island	Maui
District(s)	Wailuku, Lahaina
TMK(s)	[2] 3-6-001:014, 4-8-001:001
Permits Required	Incidental Take License
Applicant	Kaheawa Wind Power II (KWP II) Mr. Mitchell Craig, (808) 633-3723, mcraig@terraform.com 3000 Honoapi'ilani Hwy., Wailuku, HI 96793
Approving Agency	Department of Land and Natural Resources, State of Hawai'i Glenn Metzler, Habitat Conservation Planning Associate, (808) 587-4149, glenn.m.metzler@hawaii.gov 1151 Punchbowl St., Room 325, Honolulu, HI, 96813

KWP II operates a 21-megawatt wind energy generation facility on leased State of Hawai'i Conservation District lands near Ma'alaea on Maui, Hawai'i, supplying electricity to Maui Electric Company Ltd. The project has an approved HCP and associated Incidental Take License (ITL) that was issued January 5th, 2012 for take of three bird species and one bat species protected under state and federal endangered species laws. Estimated take for two of those species, the Hawaiian hoary bat and Nēnē, have been higher than anticipated in the original HCP. As a result the applicant has requested an amended HCP and amended ITL that increase the incidental take request for these two species over the remaining 20-year permit term. KWP II would implement avoidance and minimization measures and monitoring, and provide mitigation commensurate with the new take levels. Mitigation would include funding research, restoration of habitat, and/or control of threats relevant to each species.

The public may send comments to the Approving Agency Contact listed above. Comments must be received by December 7, 2017. The Division of Forestry and Wildlife will also hold a public hearing on Maui to receive comments. The date and location of the public hearing will be made available via legal notice.

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION

Dowsett Highlands Relief Sewer

Island	O'ahu
District(s)	Honolulu
TMK(s)	[1] 1-7, 1-8, 1-9, and 2-2
Proposing & Approving Agency	Department of Health (DOH), Environmental Division, Wastewater Branch State of Hawai'i Ms. Sue Liu, (808) 586-4294, wwb@doh.hawaii.gov 919 Ala Moana Blvd., Room 309, Honolulu, HI, 96814
Status	Comments due no later than November 7, 2017 to Sue Liu: wwb@doh.hawaii.gov

The project involves design and construction of approximately 16,850 linear feet of 8-inch to 24-inch diameter new gravity sanitary sewers. The main alignment is proposed to begin along Nu'uuanu Pali Drive, follow along Pali Highway, Dowsett Avenue, Pali Highway and Nu'uuanu Avenue, and end at School Street. Branch sewers intercepting or replacing existing sewer mains are proposed along Wyllie Street, Lā'imi Road, Pelekane Drive, Jack Lane and Ahi Place.

DOH has engaged the State Historic Preservation Division (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. A selective architectural reconnaissance level survey to properly identify, document and address potential effects to any surface historic properties within the area of potential effect has been submitted SHPD. In addition, an archaeological monitoring plan, meeting the requirements of HAR Chapter 13-279-4, has been developed for all ground disturbance work and submitted to SHPD for review and approval.

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-1781	9/14/17	Lot 24 and Lot 24A Waimanalo Beach Lots Plat 2046 situate at Waimānalo, Ko’olaupoko, O’ahu Address: 41-891 Laumilo Street Purpose: Improvements and renovations	Sam O. Hirota, Inc./ Cavolo Trust, Michael Milligan and Jeanne Milligan Trustees	(1) 4-1-005:056
OA-1784	9/27/17	Lot 1267 Land Court Application 1095 situate at Kahuku, Ko’olaupoko, O’ahu Address: 56-155 Kamehameha Highway Purpose: Building permit	Walter P. Thompson, Inc./ Ma-laekahana Bay LLC	(1) 5-6-001:090
KA-424	9/25/17	Lot 18 Wainiha Hui Land Being a Portion of R.P. 7194 L.C. Aw. 11216, Ap. 5 to M. Kekauonohi situate at Wainiha, Hanalei, Kaua’i Address: 7214 Alamo’o Road Purpose: Building permit	Honua Engineering, Inc./ Aninini-na, LLC - Mike L. Fleiss, Trustee of Sole Member c/o Mr. Chris Mays, Armanino, LLP	(4) 5-8-008:040

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
HA-544	Proposed Shoreline Certification	Lot No. 5 of “Waikoloa Lot 2 Subdivision” File Plan No. 2288 situate at Anaeho’omalu, South Kohala, Hawai’i Address: Napaka Kai Place Purpose: Future construction (residence)	Thomas Pattison/ Geary Family Revocable Trust	(3) 6-9-009:005
HA-546	Proposed Shoreline Certification	Lot 36 as shown on Map 6 of Land Court Consolidation 129 situate at Waika, North Kohala, Hawai’i Address: 59-105 Pakuikui Place Purpose: Obtain county permits	Wes Thomas/ Tom Lee Trust and Katherine Lee Trust	(3) 5-9-016:024
MA-667	Rejection	Lot 21 and 5’ Road Lot of the Sunset Beach Lots situate at Kuau, Makawao, Maui Address: 133 Aleiki Place Purpose: Permit	Akamai Land Surveying, Inc./ Ed M. & Leslie W. Davies	(2) 2-6-012:031

COASTAL ZONE MANAGEMENT NOTICES

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

The SMA Minor permits below have been approved (HRS § 205A-30). For more information, contact the 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
Kaua‘i: Niumalu (3-2-003: 009)	After-the-Fact Fence, Gate, Grading, Walkway, Driveway (SMA(M)-2017-6)	Kamal Salibi
Kaua‘i: ‘Anini (5-3-005: 001)	Renovations to Four Buildings and After-the-Fact Fence and Gate (SMA(M)-2018-1)	Hawaiian Preservation Trust
Kaua‘i: Hanalei (5-4-004: 009 and 010)	Proposed Milking Shed with Wastewater Disposal and Septic, Rubber Feeding Troughs with Corrugated Roof, and Conversion of Existing Warehouse to Creamery (SMA(M)-2018-2)	William F. Mowry
Maui: Ka‘anapali (4-4-008: 016)	Five-Lot Subdivision (SM2 20130014)	Kaanapali Investments LLC
Maui: Haiku (2-8-006: 007)	Pouring Concrete Over Gravel (SM2 20170070)	Charles Spence
O‘ahu: Honolulu (2-3-037: 001)	Addition of Skylights to the Ala Moana Regional Park Diamond Head Bathhouse (2017/SMA-32)	Department of Design and Construction, City and County of Honolulu
O‘ahu: Kailua (4-3-005: 068 and 070)	Verizon Wireless – Lanikai – Telecommunications Facility (2017/SMA-35)	Cellco Partnership dba Verizon Wireless / General Dynamics

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.

Rule: [Safety Zone; Pacific Ocean, Kīlauea Lava Flow Ocean Entry on Southeast Side of Island of Hawai‘i, HI \(published 9/29/2017\)](#)

The Coast Guard is extending, for an additional six months, the existing temporary safety zone surrounding the entry of lava from the Kīlauea volcano into the navigable waters of the Pacific Ocean on the southeast side of the Island of Hawai‘i, HI. The extension of this safety zone is necessary to protect persons and vessels from hazards associated with molten lava entering the ocean while the proposed rule is reviewed. **This rule is effective from September 28, 2017 through March 28, 2018.**

Notice: [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Geophysical Survey in the Central Pacific Ocean \(published 9/25/2017\)](#)

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the University of Hawai‘i (UH) to incidentally take, by Level A and Level B harassment only, marine mammals during a marine geophysical survey in the Central Pacific Ocean. **This Authorization is valid from September 14, 2017 through September 13, 2018**



Lava Into the Sea at Night (cropped from original)

Photo by [Rennett Stowe](#)

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).