



The Environmental Notice

January 23, 2018

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.



humuhumunukunūpua'a (Rhinecanthus rectangulus or Reef Trigger Fish)

Photo by Bernard Spragg

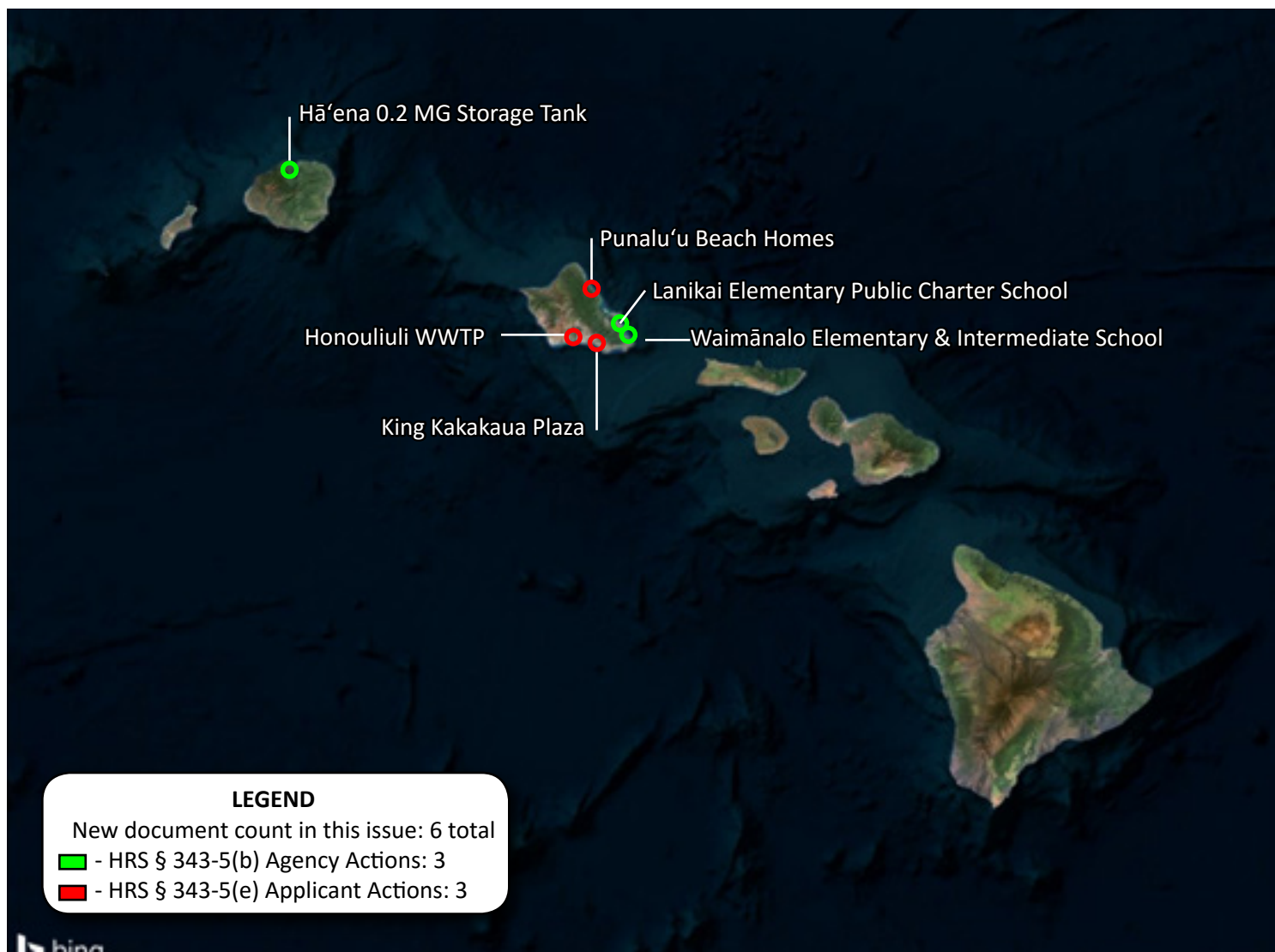
TABLE OF CONTENTS

ANNOUNCEMENTS	2	KAUAI	
STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS	2	Hā'ena 0.2 MG Storage Tank --Draft EA (AFNSI).....	5
O'AHU		PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT	6
Lanikai Elementary Public Charter School Cafetorium --Draft EA (AFNSI).....	3	CONSERVATION DISTRICT USE APPLICATIONS	6
Waimānalo Elementary and Intermediate School; Science, Technology & Media Building --Final EA (FONSI).....	3	STATE AND COUNTY NOTICES	6
Honouliuli WWTP Biogas Project --DEA (AFNSI).....	4	COASTAL ZONE MANAGEMENT NOTICES	
Punalu'u Beach Homes Shoreline Protection Project --Final EA (FONSI).....	4	Federal Consistency Reviews.....	7
King Kalākaua Plaza Renovation --Final EA (FONSI).....	5	Special Management Area (SMA) Minor Permits.....	7
		FEDERAL NOTICES	8
		GLOSSARY OF TERMS AND DEFINITIONS	9

ANNOUNCEMENTS


- As a reminder, the [Environmental Council](#) is updating Hawaii Administrative Rules (HAR) Chapter 11-200, the environmental impact statement rules, which were last amended in 1996. While the extended comment deadline on [Version 0.3](#) has passed, stay tuned for the next version. [Click here](#) for more information, including a timeline for the revision process, and [click here](#) to sign up for email updates.

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



O‘AHU

Lanikai Elementary Public Charter School Cafetorium--Draft EA (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)	Ko‘olaupoko	
TMK(s)	[1] 4-2-055: 012	
Permit(s)	various (see document)	
Proposing/ Determining Agency	Department of Education, State of Hawai‘i Robert W. Purdie, Jr., (808) 784-5117, robert_purdie@notes.K12.hi.us 3633 Wai‘alae Ave, Honolulu, HI 96816	
Consultant	Gerald Park Urban Planner Gerald Park, (808) 625-9626, gpark@gpup.biz 95-595 Kaname‘e St. #324, Mililani, HI 96789	
Status	Statutory 30-day public review and comment period starts. Comments are due by February 22, 2018. Please send comments to the proposing/determining agency and copy the consultant.	

Lanikai Elementary School currently lacks a venue large enough for communal dining, kitchen facilities for meal service, student and parent assembly, and a place for student and curriculum performances and presentations. The existing Cafeteria was designed and built in 1964 according to DOE standards at that time. Additions over the years have helped prolong the life and use of the structure but the existing Cafeteria is substandard.

The site will be grubbed and graded, and an existing monkey pod tree relocated to an open “courtyard” space between the Cafeteria and Office and Art Program portables. Two detached portable buildings to the south of the building site housing the School’s Office and Health Room and Art Program will be demolished. The existing Cafeteria will be renovated and re-purposed for use as the School Office. Improvements will be confined to the interior with limited exterior work. A new, 900 square foot classroom building for the Art Program will be constructed between the Cafeteria and Library.

The proposed Cafetorium will replace the existing serving kitchen built in 1964. The new building will provide a serving kitchen, dining room, and spaces for back-of-house functions. In addition to food service, back-of-house and dining functions, the structure will accommodate and provide facilities for school activities. A stage will be provided to allow for student performances, assemblies, and displays. Open space areas can be used for passive recreation and activities, parent gatherings, and community meetings. The approximately 7,000 square foot Cafetorium can also serve as an emergency shelter as needed. The projected construction cost is \$10.0 million and will be funded by the State of Hawai‘i. A two-stage construction schedule is outlined over a projected two-year period.


Waimānalo Elementary and Intermediate School; Science, Technology & Media Building--Final EA (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)	Ko‘olaupoko	
TMK(s)	[1] 4-1-009: 012 por	
Permit(s)	various (see document)	
Proposing/ Determining Agency	Department of Education, State of Hawai‘i Janna Mihara, (808) 784-5120, janna_mihara@notes.K12.hi.us 3633 Wai‘alae Ave, Honolulu, HI 96816	
Consultant	Gerald Park Urban Planner, 95-595 Kaname‘e St. #324, Mililani, HI 96789 Gerald Park, (808) 625-9626, gpark@gpup.biz	
Status	Finding of No Significant Impact (FONSI) determination.	

The school’s classroom buildings were constructed between 1951 and 1962 and currently do not have space to accommodate the school’s STM program. A rectangular-shaped building with a footprint of approximately 4,543 gross square feet is proposed as a stand-alone facility where students can learn and apply rigorous scientific inquiry and engineering design as an educational process, in addition to video and multi-media production. Programmed space for the one-story structure is allocated for two Direct Instruction classrooms, one Lab area, and a covered open space separating the classrooms and lab. The cost of construction is estimated at \$3.44 million and will be funded by the State of Hawai‘i. Construction is projected to start in Winter 2018 with completion by Winter 2019. The facility should be ready for occupancy in Spring 2020.


O‘AHU (CONTINUED)

Honouliuli WWTP Biogas Project--DEA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (9)(B) Propose any waste-to-energy facility	
District(s)	‘Ewa	
TMK(s)	(1) 9-1-013:007 (por.)	
Permit(s)	PUC Authorization to Commit Funds, HAR §11-60.1 Noncovered Source Air Permit, Street Usage; Noise; Grubbing, Grading, and Stockpiling; and Building Permits.	
Approving Agency	Department of Environmental Services, City and County of Honolulu Mr. Cyril Hamada, (808) 768-5979, chamada@honolulu.gov 1000 Ulu‘ōhi‘a St., Suite 308, Kapolei, HI 96707	
Applicant	The Gas Company, LLC (dba Hawai‘i Gas), 745 Fort St., Suite 1800, Honolulu, HI 96813 Mr. Richard DeGarmo, (808) 596-1415, rdegarmo@hawaiiigas.com	
Consultant	Sheehan Group Pacific, LLC, 133 Ku‘ukama St., Kailua, HI 96734 Mr. Neil Sheehan, (808) 282-2153, nsheehan@sheehangrouppacific.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by February 22, 2018. Please send comments to the approving agency and copy the applicant and the consultant.	

The City and County of Honolulu, Department of Environmental Services (DES) operates Honouliuli Waste Water Treatment Plant (HWWTP). The secondary stage of treatment at HWWTP produces raw biogas, which is currently discarded by burning it off in an on-site flare. Hawai‘i Gas, in partnership with DES, is now proposing to purchase, construct, and operate biogas purification equipment on approximately 2,500 ft.2 at HWWTP. It will use this installation to purify the raw biogas produced at HWWTP into utility-grade renewable natural gas, which will be compressed and injected into its pipeline system for distribution to Hawai‘i Gas customers. It will also construct an approximately 1-mile length of new underground pipeline to connect the biogas purification equipment to the nearby Hawaii Gas pipeline along Kapolei Parkway.


Punalu‘u Beach Homes Shoreline Protection--Final EA (FONSI)

HRS §343-5(a) Trigger	(3) Propose any use within a shoreline area	
District(s)	Ko‘olauloa	
TMK(s)	(1) 5-3-002:032, 033, 034, 035, 041, 046, 051	
Permit(s)	Certified Shoreline Survey; Shoreline Setback Variance; Building Permits Grading, Grubbing, Trenching, and Stockpiling	
Approving Agency	Department of Planning and Permitting, City and County of Honolulu Steve Tagawa, (808) 768-8024, stagawa@honolulu.gov 650 South King St., 7th Floor, Honolulu, HI 96813	
Applicant	Punaluu Beach Lots Business Management Association, 1308 Lusitania St. #401, Honolulu, HI 96813 Douglas Johnson, (808) 531-7541, punaluubeachlots@gmail.com	
Consultant	Group 70 International, Inc. (dba G70), 925 Bethel St., 5th Floor, Honolulu, HI 96813 Jeff Overton, AICP, LEED AP, (808) 523-5866, punaluu@g70.design	
Status	Finding of No Significant Impact (FONSI) determination.	

The Applicant proposes to construct a 634-foot-long concrete rubble masonry shore protection structure on seven beachfront lots along Kamehameha Highway in Punalu‘u. As a result of comments received during the review of the DEA, the proposed sloped revetment has been revised with larger boulders and will no longer primarily be grouted. The boulder will be two- to three-foot in diameter (0.8 - 1.4-ton) and set in a slope of 1:2 (1 vertical to 2 horizontal), with a small vertical section at the top. Segments at the west (Kahuku) and east (Kane‘ohe) end of the structure will be nearly vertical (12:1). The structure will range in height between four to six feet above the existing sandy beach, and will be between 12 and 14 feet wide. A geotextile fabric will line the back of the structure, which will be set on sand wrapped in a heavy-duty geotextile fabric. The project site is in the R-5 Residential District. All of the lots but one (Parcel 32), are developed with existing dwellings, which range between 5 and 30 feet from the current shoreline (not certified). The Department of Land and Natural Resources has issued a citation for the placement of boulders and concrete debris along the shoreline fronting Parcel 33. Parcels 34, 35, 46, and 51 are currently protected by sandbags or a combination sandbags and material blankets, which were authorized by DLNR on an emergency basis.

O'AHU (CONTINUED)

King Kalākaua Plaza Renovation--Final EA (FONSI)


HRS §343-5(a) Trigger	(5) Propose any use within the Waikīkī area of O'ahu	
District(s)	Honolulu	
TMK(s)	(1) 2-6-016: 023 and 026	
Permit(s)	various (see document)	
Approving Agency	Department of Planning and Permitting, City and County of Honolulu Joette Yago, Urban Design Branch, (808) 768-8020, jyago@honolulu.gov 650 South King St., 7th Floor, Honolulu, HI 96813	
Applicant	Kalaimoku-Kuhio Development Corp. John M. Manavian, (310) 855-8484, tschnell@pbrhawaii.com 120 N. Robertson Blvd., Los Angeles, CA 90048	
Consultant	PBR HAWAII & Associates, Inc Tom Schnell, Principal, (808) 521-5631, tschnell@pbrhawaii.com 1001 Bishop St., Suite 650, Honolulu, HI 96813	
Status	Finding of No Significant Impact (FONSI) determination	

KKDC intends to renovate and repurpose King Kalākaua Plaza for hotel use, with hotel-related retail uses on the ground floor. The renovation includes: 1) replacing the above-ground portion of the existing building with a new structure having substantially the same footprint as the existing building, a total of seven floors, and a height of approximately 85 – 100 feet; 2) a new porte-cochere; and 3) landscaping improvements. The underground portion of the existing building, containing two existing underground parking floors will be retained.

To determine whether renovating and repurposing the property for hotel use may significantly impact the physical and human environment, all phases and expected consequences of the proposed project have been evaluated, including potential primary, secondary, short-range, long-range, and cumulative impacts. The renovations represent an investment in the long-term well-being of the surrounding community, and ensure that the building is a sustainable improvement to Waikīkī. King Kalākaua Plaza will make its most significant contribution to a sustainable development by retaining the: 1) two existing underground parking floors of the building; and 2) the loading zone portion of the structure along Kūhiō Avenue. This provides a substantially reduced environmental impact compared to the complete demolition of the existing structure.

KAUAI

Hā'ena 0.2 MG Storage Tank--Draft EA (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	
District(s)	Hanalei	
TMK(s)	(4) 5-8-002: 003 (por) and 007	
Permit(s)	Conservation District Use Permit, building permits, Community Noise Permit (if req'd), Individual NPDES Permit	
Proposing/Determining Agency	Department of Water, County of Kauai Bryan Wienand, P.E., (808) 245-5449, bwienand@kauaiwater.org 4398 Pua Loke St., Līhu'e, HI 96766	
Consultant	Shiramizu, Loo & Nakamura LLLP, 4357 Rice St., Suite 102, Līhu'e, HI 96766 Galen Nakamura, galen.nakamura@hawaiiantel.net	
Status	Statutory 30-day public review and comment period starts. Comments are due by February 22, 2018. Please send comments to the proposing/determining agency and copy the consultant.	

The County of Kauai, Department of Water ("KDOW") proposes to construct a 0.2 MG potable water storage tank in Hanalei, Kauai, on a portion of (4) 5-8-002-003. Electrical improvements ancillary to the project will occur on adjoining tax map key parcel (4) 5-8-002-007. Under KDOW's Water Plan 2020 ("Plan"), future water demands from the Wainiha-Hā'ena area on Kauai are projected to grow approximately 15% between 2000 and 2020. In response to the Plan's projected water demand and an analysis of future water storage needs, KDOW's capital improvement program proposed a new 200,000 million gallon storage tank to serve this area.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. Comments are due **February 7, 2018** unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

MAUI

- [Renewable Energy Conversion & Sludge Processing at the Wailuku-Kahului Wastewater Reclamation Facility \(WKWWRF\)--Draft EIS](#) (comments due February 6, 2018)
- [Kaiwahine Village--Draft EA \(AFNSI\)](#)

O'AHU

- [Hawai'i Public Housing Authority Administrative Offices Redevelopment--Draft EIS](#) (comments due February 22, 2018)
- [Dillingham Ranch Agricultural Subdivision--Draft EIS](#) (comments due February 22, 2018)
- [Noelani Elementary School Library--Draft EA \(AFNSI\)](#)
- [Hale'iwa Road Drainage Improvements--Draft EA \(AFNSI\)](#)

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Application(s) or receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in *The Environmental Notice*. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed for each project. CDUAs can be found on the OCCL website at dlnr.hawaii.gov/occl.

File No.:	CDUA HA-3812
Name of Applicant:	University of Hawai'i at Hilo
Location:	Hale Pōhaku Mid-level Facilities, Ka'ōhe, Hāmākua, Hawai'i
TMK(s):	(3) 4-4-015:012
Proposed Action:	Infrastructure improvements at the Mauna Kea Visitor Center
343, HRS determination:	FEA-FONSI published August 7, 2017
Applicant's Contact:	Kristin Duin, President, Sustainable Resources Group Intn'l, Inc. (808) 356-0552
OCCL Staff Contact:	Michael Cain, (808) 587-0048

STATE AND COUNTY NOTICES

The State of Hawai'i Department of Health will hold a public hearing for the proposed amendment of Hawai'i Administrative Rules Title 11 chapters 260.1 to 279.1. The proposed amendments update rules regulating businesses that generate or handle hazardous wastes and used oil in Hawai'i to align state regulations with updates to the US Environmental Protection Agency's federal hazardous waste management program.

The proposed amendments can be viewed at 2827 Waimano Home Rd., SHWB Bldg., Pearl City, Mon-Fri, 8am-4pm (except state holidays) and are posted online at health.hawaii.gov/shwb/hazwaste. Copies will be mailed on request and payment of a 5 cent/page copy fee and postage; call 808-586-4226 to request.

The public hearing will be at 9am on February 16, 2018 at 2827 Waimano Home Rd., SHWB Bldg., Pearl City. All interested parties may attend to present relevant information and individual opinion. Anyone unable to attend may send written testimony to noa.klein@doh.hawaii.gov or Attn: HW Rules, 2827 Waimano Home Rd., Pearl City, HI 96782. Testimony must be received by February 23, 2018. To request an auxiliary aid or service (e.g. ASL interpreter, large print) for the hearing, call 808-586-4226 (voice/TDD) or e-mail noa.klein@doh.hawaii.gov by February 9.

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.

Koa Ridge Offsite Detention Basin, Mililani/Waipio, O'ahu

Proposed Action: Construct an offsite detention basin to mitigate the increase of the peak stormwater discharge from the Koa Ridge Makai development into Kīpapa Stream. Since land within the Koa Ridge Makai development area could not be obtained for the detention basin, the proposal situates the detention basin upstream of the development area. The offsite detention basin is intended to intercept stormwater runoff originating from the lower half of Mililani Mauka. The outlet structure on the basin will control the flow of peak stormwater runoff such that the increased runoff from the Koa Ridge Makai development area downstream will be mitigated. The result will be no net increase of discharge into Kīpapa Stream at the point directly below the development area's runoff contribution. An estimated total of 683 cubic yards of fill material would be discharged into 0.14-acre of Kīpapa Stream and an unnamed tributary to Kīpapa Stream.

Location: Kīpapa Stream, Mililani/Waipio, O'ahu
TMK(s): (1) 9-5-3: 14
Applicant: Castle & Cooke Homes Hawaii, Inc.
Agent: Doraine Young, Engineering Concepts, Inc., (808) 591-8820, dyoung@ecihawaii.com
Federal Action: Federal Permit
Federal Agency: U.S. Army Corps of Engineers
CZM Contact: John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov
Comments Due: February 6, 2018; comments may be submitted by mail or electronic mail, to the addresses below:
Mail: Office of Planning, P.O. Box 2359, Honolulu, HI 96804 **Email:** john.d.nakagawa@hawaii.gov

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: Hakalau (2-9-002: 079 and 081)	Consolidation and Resubdivision of Two Lots into Two Lots and Establishment of a Distillery, Food Manufacturing and Processing Operation, Watchman's Quarters, Brewery, Tasting Room, Restaurant, and Related Improvements including Fencing of the Arsenic Contamination Area, Landscaping, and the "As-built" Carport (SMM 17-378)	Shropshire Group, LLC
Maui: Kahului (3-8-103: 019)	Install Two 16-Box Cluster Mailbox Units (SM2 20170094)	A&B Properties Hawaii, LLC, Series T
Maui: Wailuku (3-4-029: 042)	Church Expansion (SM2 20170095)	Iglesia Ni Cristo
Maui: Lahaina (4-4-001: 098)	Install Three Antennas and Remote Radio Units (SM2 20180001)	T-Mobile West LLC
Maui: Kīhei (3-9-005: 052)	Playground Shade Structures (SM2 20180002)	County of Maui, Department of Parks & Recreation
O'ahu: Kalihi-Kai (1-2-021: 031)	New Transformer, w/Raised Platform & Trenching (2017/SMA-50)	United Laundry, LLC

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: [Western Pacific Fishery Management Council; Public Meeting](#) (published 1/11/2018)

The Western Pacific Fishery Management Council (Council) will hold an Archipelagic Plan Team (APT) meeting to discuss and make recommendations on fishery management issues in the Western Pacific Region. The APT meet on **Friday, January 26, 2018**, between 8:30 a.m. and 5 p.m. HST; the meeting will be held at the Council office, 1164 Bishop St. Suite 1400, Honolulu, HI 96813 and by teleconference and webinar. The teleconference numbers are U.S. toll-free: 1-888-482-3560 or International Access: +1 647 723-3959, and Access Code: 5228220. The webinar can be accessed at: <https://wprfmc.webex.com/join/info.wpcouncilnoaa.gov>. For agendas and further information, click on the linked title to this entry or contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council at (808) 522-8220.

Notice: [Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews for 12 Species in Hawai'i](#) (published 1/22/2018)

The U.S. Fish and Wildlife Service (Service) is initiating 5-year status reviews for 18 species in Hawaii, Oregon, Washington, Idaho, and Canada under the Endangered Species Act of 1973, as amended (Act). A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, they are requesting submission of any new information on these species that has become available since the last review. Submit information on any of the 12 species in Hawaii (click on the linked title of this entry and then see table under What Species Are Under Review?) via U.S. mail to: Field Supervisor, Attention: 5-Year Review, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Blvd., Room 3-122, Honolulu, HI 96850, or by email to pifwo_admin@fws.gov. To ensure consideration in their reviews, **the Service is requesting submission of new information no later than March 23, 2018**. However, they will continue to accept new information about any listed species at any time.

Rule: [Endangered and Threatened Wildlife and Plants; Final Rule To List the Giant Manta Ray as Threatened Under the Endangered Species Act](#) (published 1/22/2018)

Effective February 21, 2018, the National Marine Fisheries Service (NMFS) announces a final rule to list the giant manta ray (*Manta birostris*) as threatened under the Endangered Species Act (ESA). NMFS has reviewed the status of the giant manta ray, including efforts being made to protect this species, and considered public comments submitted on the proposed rule as well as new information received since publication of the proposed rule. NMFS made the final determinations based on the best scientific and commercial data available. At this time, they conclude that critical habitat is not determinable because data sufficient to perform the required analyses are lacking; however, they solicit information on habitat features and areas in U.S. waters that may meet the definition of critical habitat for the giant manta ray. For further information, click on the linked title to this entry or contact Maggie Miller, NMFS, Office of Protected Resources, (301) 427-8403.



Giant oceanic manta ray (*Manta birostris*)

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

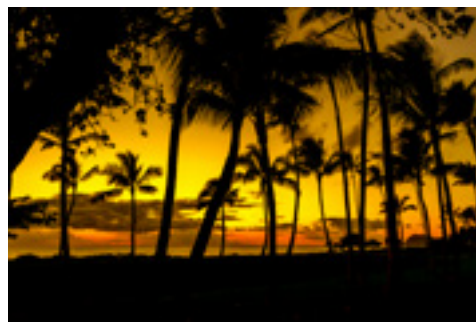
After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts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