



# The Environmental Notice

May 23, 2018

David Y. Ige, Governor  
Scott Glenn, Director

This periodic bulletin 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.



Pulehunui, also known as Pu'unēnē, in Central Maui (modified from original)

Photo by Forest and Kim Starr

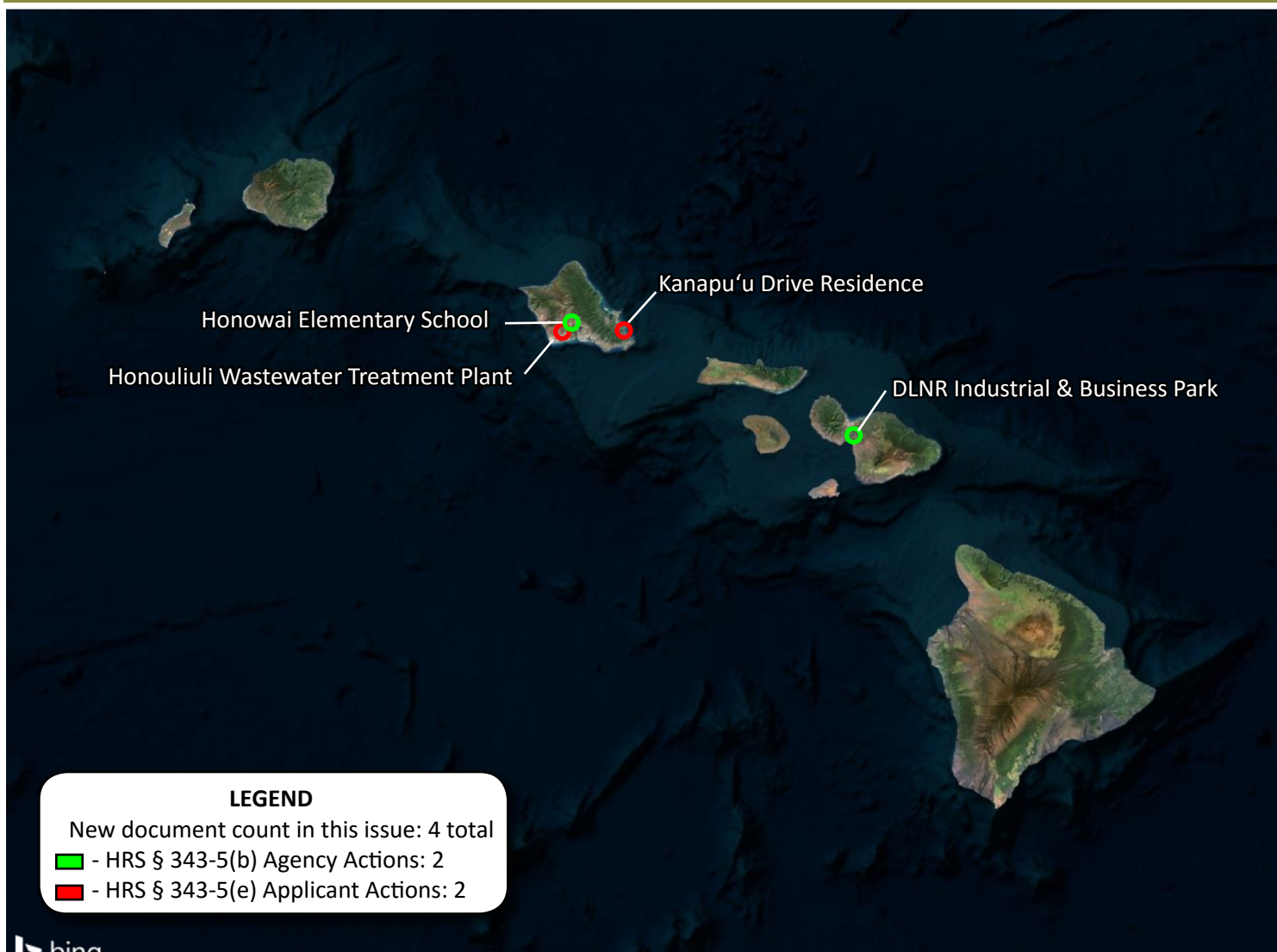
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## ANNOUNCEMENTS

As mentioned in previous issues, public hearings are being held statewide presently to solicit comments on the proposed revisions to the administrative rules implementing the environmental review process. [Here](#) is the notice announcing the public hearings; the deadline to submit any written comments on the proposed rules is June 5, 2018.


## STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS





## MAUI

**DLNR Industrial and Business Park--Draft EIS and Appendices A-F and G-P**


<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds (6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation (9)(A) Propose any wastewater treatment unit...	
<b>District(s)</b>	Wailuku	
<b>TMK(s)</b>	(2) 3-8-008:001 (por.)	
<b>Permit(s)</b>	various (see document)	
<b>Proposing/ Determining Agency</b>	Department of Land and Natural Resources, State of Hawai'i Russell Tsuji, Land Division Administrator, (808) 587-0419, <a href="mailto:Russell.Y.Tsuji@hawaii.gov">Russell.Y.Tsuji@hawaii.gov</a> P.O. Box 621, Honolulu, HI 96809	
<b>Accepting Authority</b>	Governor, State of Hawai'i The Honorable David Y. Ige, (808) 586-0034, <a href="http://governor.hawaii.gov/contact-us/contact-the-governor/">http://governor.hawaii.gov/contact-us/contact-the-governor/</a> Executive Chambers, State Capitol, 415 South Beretania St., Honolulu, HI 96813	
<b>Consultant</b>	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Tessa Munekiyo Ng, AICP, (808) 983-1233, <a href="mailto:planning@munekiyohiraga.com">planning@munekiyohiraga.com</a>	
<b>Status</b>	Statutory 45-day public review and comment period starts. Comments are due by <b>July 9, 2018</b> . Please send comments to the accepting authority and the proposing agency and copy the consultant.	

The Department of Land and Natural Resources (DLNR) proposes the DLNR Industrial and Business Park, with a mix of light industrial, commercial, and public/quasi-public uses at Pulehunui, Maui. The action encompasses approximately 280 acres, including a 20.3 acre site for the proposed Division of Forestry and Wildlife administrative facilities and baseyard. Key components of the plan include development of small, medium and large lots to meet varying needs of future lessees, along with the provision of required infrastructure systems (i.e., wastewater, water, and drainage). In addition to the infrastructure systems, internal roadway networks will be developed which will be accessed via a proposed signalized intersection off of Maui Veterans Highway, as well as the existing Kama'aina Road, South Firebreak Road and the Maui Raceway Park access road. The proposed project, which is located in the Urban Growth Boundary of the Maui Island Plan, is intended to generate long-term lease revenues to support DLNR's various programs including conservation, forestry and wildlife programs, and State Parks, among others.

## O'AHU

**Honouliuli Waste Water Treatment Plant Biogas Project--Final EA (FONSI)**


<b>HRS §343-5(a) Trigger</b>	(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
<b>District(s)</b>	‘Ewa
<b>TMK(s)</b>	(1) 9-1-013:007 (por.)
<b>Permit(s)</b>	various (see document)
<b>Approving Agency</b>	Department of Environmental Services, City and County of Honolulu Mr. Cyril Hamada, (808) 768-5979, <a href="mailto:chamada@honolulu.gov">chamada@honolulu.gov</a> 1000 Ulu‘ōhi‘a Street, Suite 308, Kapolei, HI 96707
<b>Applicant</b>	The Gas Company, LLC dba Hawai‘i Gas; 745 Fort Street, Suite 1800, Honolulu, HI 96813 Mr. Richard DeGarmo, (808) 596-1415, <a href="mailto:rdegarmo@hawaiigas.com">rdegarmo@hawaiigas.com</a>
<b>Consultant</b>	Sheehan Group Pacific, LLC; 133 Ku‘ukama Street, Kailua, HI 96734 Mr. Neil Sheehan, (808-282-2153), <a href="mailto:nsheehan@sheehangrouppacific.com">nsheehan@sheehangrouppacific.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination.



The Department of Environmental Services (ENV) operates Honouliuli Waste Water Treatment Plant (HWWTP). The secondary stage of treatment at HWWTP produces raw biogas, which is currently used to fuel a boiler that warms sludge to temperatures optimal for anaerobic digestion and excess biogas is discarded by burning it off in an on-site flare. Hawai'i Gas, in partnership with ENV, is now proposing to purchase, construct, and operate biogas purification equipment on approximately 2,500 ft.<sup>2</sup> 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 Hawai'i Gas pipeline along Kapolei Parkway.


## O'AHU (CONTINUED)

1711 Kanapu'u Drive Residence and Stewardship--Draft EA (AFNSI)

<b>HRS §343-5(a) Trigger</b>	(2) Propose any use within any land classified as a conservation district	
<b>District(s)</b>	Ko'olaupoko	
<b>TMK(s)</b>	(1) 4-2-004:001	
<b>Permit(s)</b>	Conservation District Use Permit; Building Permit; Grading Permit	
<b>Approving Agency</b>	Office of Conservation and Coastal Lands, Department of Land and Natural Resources Alex J. Roy, (808) 587-0316, <a href="mailto:alex.j.roy@hawaii.gov">alex.j.roy@hawaii.gov</a> 1151 Punchbowl St., Kalanimoku Bldg. Room 131, Honolulu, HI 96813	
<b>Applicant</b>	MDHE LLC; 129 South Kalaheo Ave., Kailua, HI 96734 Dawn Horn, (808) 225-7873, <a href="mailto:manager@1711kanapuu.com">manager@1711kanapuu.com</a>	
<b>Consultant</b>	G70, 111 S. King St.; Suite 170, Honolulu, HI 96813 Jeffrey H. Overton, (808) 523-5866, <a href="mailto:kanapuu_drive@g70.design">kanapuu_drive@g70.design</a>	
<b>Status</b>	Statutory 30-day public review and comment period starts. Comments are due by <b>June 22, 2018</b> . Please send comments to the approving agency and copy the applicant and the consultant.	

The applicant proposes full-time occupancy of its undeveloped privately-owned land with construction of a single-family residence, and intends to improve vegetation diversity and soil conditions through forest stewardship and land conservation activities. The home will be accessed through the 81-home subdivision of Kailua Bluffs, and will tie into City sewer and drinking water infrastructure. A roof-top mounted photovoltaic system will provide for the home's energy needs. The two-story single-family home will be constructed within the maximum developable area as defined by the Conservation District Rules Single Family Residential standards, leaving 99.7 percent of the 36.9-acre parcel as open space. The home has been purposefully sited below a primary ridgeline to prevent silhouette and behind an existing grove of mature Formosa koa trees. Roof color and finishes will be selected to blend with the surrounding environment. A subsistence garden approximately .6 acres in size will be established near the home site to provide fruits and vegetables for the family's use. Under a State-approved Forest Stewardship Management Plan, 6 acres of low-benefit, non-native dominated forest will be transformed to a native and Hawaiian-canoe plant dominated lowland mesic forest. Additional soil conservation measures will be implemented to improve soil conditions

Honowai Elementary School Eight Classroom Building--Final EA (FONSI)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	
<b>District(s)</b>	‘Ewa	
<b>TMK(s)</b>	[1] 9-4-053: 007	
<b>Permit(s)</b>	various (see document)	
<b>Proposing/ Determining Agency</b>	Department of Education, State of Hawai‘i Benjamin Miura, Coordinator, (808) 784-5122, <a href="mailto:Benjamin_miura@notes.k12.hi.us">Benjamin_miura@notes.k12.hi.us</a> 3633 Wai‘alae Ave., Honolulu, HI 96816	
<b>Consultant</b>	Gerald Park Urban Planner; 95-595 Kaname‘e St. #324, Mililani, HI 96789 Gerald Park, (808) 625-9626, <a href="mailto:gpark@gpup.biz">gpark@gpup.biz</a>	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination	

The new classroom building will be erected on a sloping site at the northeast corner of the campus. The three level structure will house three general classrooms on the Lower Level, Medically Fragile and Special Education programs at Ground Level, and media production, wet and dry lab spaces for the STEAM program, and a maker lab on the Upper Level.

A new paved drop off area is proposed off Honowai Street in the vicinity of the new classroom building. The drop off area should ease congestion in the main parking lot and traffic queueing on Honowai Street. A one-way circulation pattern is proposed. Thirteen parking stalls will be provided near the entry driveway. A walkway/ramp system will replace an existing walkway that will be demolished for construction of the classroom building. Located near the center of campus, the new walkway/ramp system will connect a sidewalk from the top of slope behind Building E-2 to the level play area at the bottom. The ramp will maintain 1:12 maximum slope for ADA accessibility. An existing planting area at the top of slope will be renovated and re-landscaped. Construction costs are estimated at \$14.6 million and will be funded by the Department of Education, State of Hawai'i. Construction is projected to take 14 months commencing in September 2018 and ending in November 2019.



## 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.

### [Lualualei Homestead Road Residential Subdivision--Final EA \(FONSI\)](#)

<b>District(s)</b>	Wai'anae
<b>TMK(s)</b>	(1) 8-6-015: 053
<b>Permit(s)</b>	SMA Use Permit (Major), Building Permit, Subdivision Approval, Utility Connection Permits/Approval, Park Dedication, NPDES Permit, Grading/Grubbing Permit
<b>Approving Agency</b>	Department of Planning and Permitting, City and County of Honolulu, 650 South King St., 7th Floor, Honolulu, HI 96813 Jordan Dildy, (808) 768-8027, <a href="mailto:jdildy@honolulu.gov">jdildy@honolulu.gov</a>
<b>Applicant</b>	CJ Group LLC; 419 Atkinson Dr., Suite 1101, Honolulu, HI 96814 Zoe Miner Zhang, (808) 670-6934, <a href="mailto:newlookjoey@hotmail.com">newlookjoey@hotmail.com</a>
<b>Consultant</b>	NCARB, 1720 Ala Moana Blvd, Suite A-6, Honolulu, HI 96815 Allen Ng AIA, (808) 389-0904, <a href="mailto:anaarch99@yahoo.com">anaarch99@yahoo.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

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 Pokai 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 **June 7, 2018** unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

### **HAWAI'I**

#### [Matsuyama Commercial Center on NELHA Land--Draft EA \(AFNSI\)](#)

### **MOLOKA'I**

#### [Makakupa'ia Bridge Replacement--Draft EA \(AFNSI\)](#)

#### [Moloka'i Landfill Improvements--Draft EA \(AFNSI\)](#)

### **O'AHU**

#### [Department of Hawaiian Home Lands 820 Isenberg Street Redevelopment--\(EIS Preparation Notice\)](#)

#### [Grossman Scour Apron--Draft EA \(AFNSI\)](#)

#### [Wong Residence and Seawall--Draft EA \(AFNSI\)](#)

#### [Hale'iwa Beach House--Draft EA \(AFNSI\)](#)

### **KAUA'I**

#### [Keālia Mauka Homesites--Draft EIS \(comments due by \*\*June 22, 2018\*\*\)](#)

## EXEMPTION LIST CONCURRENCE

The public comment period began previously for the following draft Exemption List; potential concurrence by the Environmental Council may follow after the end of the comment period. Upon concurrence, the listed types of actions may be exempt from the requirement to prepare an EA. Please send comments to [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov)

#### [County of Hawaii Department of Housing and Community Development \(Comments are due \*\*June 8, 2018\*\*\)](#)

## 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: Po'ipū (2-8-014: 018; 2-8-016: 007; 2-8-017: 009, 010, 026 and 027)	Parkway Lighting, Chain Link Fencing and Cement Pathway (SMA(M)-2018-24)	Association of Beach House Owners of Kiahuna Planation
Maui: Wailea (2-1-008: 118)	New Retaining Walls (SM2 20180027)	Steven Marlette
Maui: Kihei (3-9-018: 022)	String and Rectifier Telecom Facility (SM2 20180028)	AT & T Mobility
Maui: Kihei (3-9-051: 006)	Install Office Trailer / Storage Lot (SM2 20180029)	Timothy Lara
Maui: Lahaina (4-5-002: 045)	Kite Festival (SM2 20180030)	Judy Kinser
Maui: Hāna (1-4-004: 021)	26th Annual East Maui Taro Festival (SM2 20180031)	Judy Kinser
O'ahu: Kahuku (5-7-001: 046)	Modify Existing Rooftop Telecommunications Facility (2018/ SMA-21)	AT&T / Telecom Site Development Services, Inc.
O'ahu: Kewalo Basin (2-1-058: 137)	Expansion of Four Concrete Platform Slabs (SMA/18-4)	HCDA

## 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 this public notice of the application. For more information, call (808) 587-0420.

File No.	Location	TMK	Applicant	Owner	Purpose
OA-1809	3603 Diamond Head Road, 96816, O'ahu	(1) 3-1-038: 012	Line of Sight LLC	Jayhawker12 Properties LLC	Stairway improvement to shoreline
MA-698	529 Hāna Highway, 96770, Maui	(2) 2-6-009: 011	Akamai Land Surveying, Inc.	Robert James Lincoln	Prepare to build home
LA-018	State Highway #44, Lana'i	(2) 4-9-003: 010 & 4-9-002: 001 por	R.M. Towill	Lanai Resorts, LLC	Permitting
HA-557	75-6092 Ali'i Drive, 96740, Hawai'i	(3) 7-5-020: 021	Wes Thomas Associates	Boaz LLC	Obtain county permits

### 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.	Status	Location	TMK	Applicant	Owner	Purpose
MA-692	Proposed	4401 Lower Honoapi'ilani Road, 96740, Maui	(2) 4-3-010: 009	James Barry	Hololani AOA	Shoreline protection
MA-693	Proposed	3850 Wailea Alanui Drive, 96753, Maui	(2) 2-1-008: 109	Fukumoto Engineering, Inc.	GWR Wailea Property LLC	Determine shoreline setback
OA-1779	Rejection	45-02 Holowai Street, 96744, O'ahu	(1) 4-5-007: 075	Gil P. Bumanglag	Gary C. Barnes & Jeri V. Barnes	Building set-back line
OA-1805	Withdrawal	210A S. Kalaheo Avenue, 96734, O'ahu	(1) 4-3-012: 022	Jaime F. Alimboyoguen	Xu Qing	Building setback



## NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents submitted for publication that have been prepared pursuant to NEPA, rather than Chapter 343, HRS. Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and Chapter 343, HRS. In those cases, a separate Chapter 343, HRS, entry would be published in *The Environmental Notice*.

### FONSI for Airfield Improvements and Building Demolition at Marine Corps Base Hawaii, Kaneohe Bay

<b>Island</b>	O'ahu
<b>District(s)</b>	Ko'olaupoko
<b>TMK(s)</b>	various
<b>Permit(s)</b>	various
<b>Proposing Agency</b>	Department of the Navy, Naval Facilities Engineering Command, Pacific 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860-3134
<b>Approving Agency</b>	Department of the Navy, Naval Facilities Engineering Command, Pacific 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860-3134
<b>Status</b>	Notice of Availability of EA and FONSI For further information, contact: Naval Facilities Engineering Command Pacific, 258 Makalapa Drive, Suite 100, JBPHH, Hawai'i 96860-3134, Attention: EV21 Project Mgr MCBH Airfield EA

Pursuant to the Council on Environmental Quality Regulations implementing the National Environmental Policy Act, Marine Corps Base Hawaii (MCBH), provides notice that an Environmental Assessment has been prepared, and an Environmental Impact Statement (EIS) is not required, for airfield improvements and building demolition at MCBH, Kaneohe Bay. The FONSI and EA are available at: <http://www.mcbhawaii.marines.mil/Resources/Featured-Information/Airfield-Improvements/>

## 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](http://www.federalregister.gov).

**Notices: Two Presidential Declarations of Major Disasters for Public Assistance Only for the State of Hawai'i** (published [5/16/2018](#) [for Severe Storms, Flooding, Landslides, and Mudslides 04/13/2018 through 04/16/2018] and [5/18/2018](#) [for Kilauea Volcanic Eruption and Earthquakes 05/03/2018 and continuing])

**Rule: [Pacific Island Fisheries; Closure of the 2018 Hawai'i Shallow-Set Longline Fishery; Court Order](#)** (published [5/11/2018](#))

This final rule closes the Hawai'i shallow-set pelagic longline fishery in compliance with an order of the U.S. District Court for the District of Hawai'i, effective May 8, 2018, through December 31, 2018.

**Rule: [Safety Zone; Pacific Ocean, Kilauea Lava Flow Ocean Entry on Southeast Side of Island of Hawai'i, HI](#)** (published [5/11/2018](#))

The Coast Guard is establishing a safety zone surrounding the area of entry of lava from the Kilauea volcano, effective without actual notice May 11, 2018.

**Notice: [Proposed Information Collection; Comment Request; NOAA's Papahānaumokuākea Marine National Monument and University of Hawaii Research Internship Program](#)** (published [5/11/2018](#))

The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections. **Written comments must be submitted on or before July 10, 2018**

**Proposed Rule: [International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Limits in Purse Seine and Longline Fisheries, Restrictions on the Use of Fish Aggregating Devices in Purse Seine Fisheries, and Transshipment Prohibitions](#)** (published [5/10/2018](#))

NMFS seeks comments on this proposed rule issued under authority of the Western and Central Pacific Fisheries Convention Implementation Act; **comments on the proposed rule must be submitted in writing by May 25, 2018.**

**Notice: [Western Pacific Fishery Management Council; Public Meetings](#)** (published [5/22/2018](#))

Between June 6 and 13, 2018 on Maui, the Council will hold its 129th Scientific & Statistical Committee meeting and its 173rd Council & associated meetings to take actions on fishery management issues in the Western Pacific Region. *Click title for details.*

## 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 (EISPEN) along with the supporting Final EA. After the notice of the FEA-EISPEN 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 EISPEN 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, EISPEN) 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 EISPEN 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 EISPEN, 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 EISPEN 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).