The Environmental Notice

November 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.

Honolulu Board of Water Supply building, a portion of the complex not under consideration for possible redevelopment (photo modified from original) Photo by Bill Sodeman

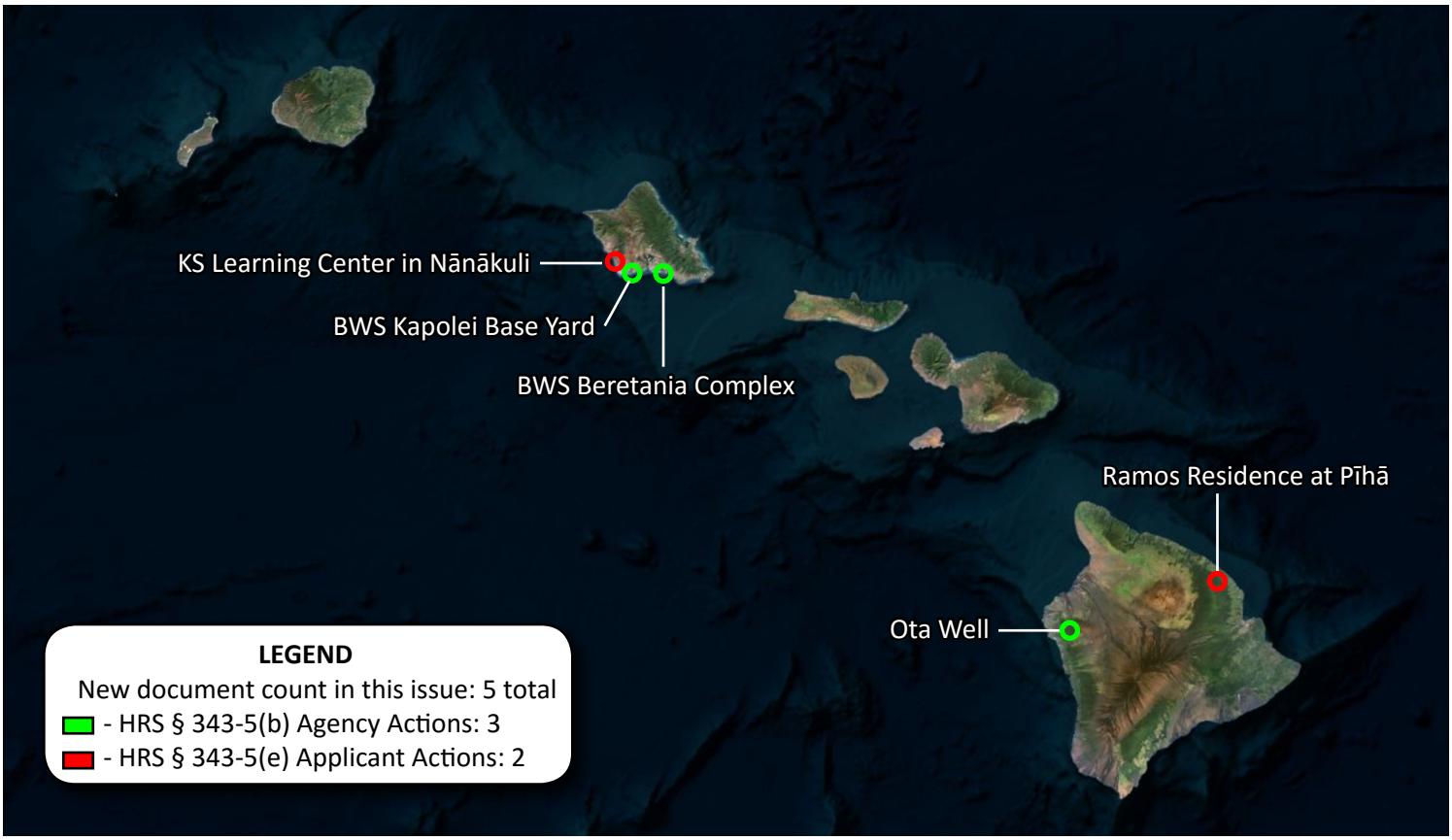
Table of Contents

Announcements 2
Statewide Map of New HRS Chapter 343 Actions 2
Hawai'i
Ramos Residence at Pīhā--Draft EA (AFNSI) 3
Ota Well Project--Final EA (FONSI) 3
O'ahu
BWS Beretania Complex Redevelopment--(EISPN) 4
BWS Kapolei Base Yard and Brackish Desalination Plant--Final EA (FONSI) 4
Kamehameha Schools Kalaniho'okaha Cope Learning Center in Nānākuli--(Confirmation of prior FONSI) 5
Previously Published Documents Open for Comment 5
Exemption List Concurrence 5
Shoreline Notices
Applications for Shoreline Certification 6
Proposed Shoreline Certifications and Rejections 6
Coastal Zone Management Notices
Federal Consistency Reviews 7
Special Management Area (SMA) Minor Permits 8
State and County Notices 8
Glossary of Terms and Definitions 9

Announcements

The Environmental Council continues its work on developing revised rules that govern the environmental review process. Visit our webpage to find updates on their efforts.

Statewide Map of New HRS Chapter 343 Actions



Hawai‘i

Ramos Residence at Pīhā--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(2) Propose any use within any land classified as a conservation district
District(s)	North Hilo
TMK(s)	(3) 3-2-004: 038
Permit(s)	see document
Approving Agency	Department of Land and Natural Resources, State of Hawai‘i Sam Lemmo, Administrator, DLNR-OCCL, (808) 587-0377, dlnr.occl@hawaii.gov 1151 Punchbowl St., Room 131, Honolulu, HI 96813
Applicant	Pedro Pablo Ramos C/O James Leonard, (808) 896-3459, jmleonard.mac.com 3193 Scrub Oak Trail, Oviedo, FL 32765-9743
Consultant	Geometrician Associates LLC Ron Terry, (808) 969-7090, rterry@hawaii.rr.com P.O. Box 396, Hilo, HI 96721
Status	Statutory 30-day public review and comment period starts. Comments are due by December 24, 2018. Please send comments to the Approving agency and copy the applicant and the consultant.

Pedro Ramos plans a single-family residence on his 18.3-acre property near Nīnole, Hawai`i. The home would have a total of 3,554 square feet of developed area including a great room w/kitchen, 2 bedrooms, 2 baths, several lanai, a carport, and a water tank. Other features include an improved driveway, solar panels, and an individual wastewater system. The location of structures and the driveway has been planned to maximize use of already disturbed area. Landclearing over less than a quarter-acre would produce short-term impacts to noise, air and water quality, and scenery, mitigated by Best Management Practices. A botanical survey has determined that no threatened or endangered plant species are present. The native ‘ōhi‘a and tree ferns scattered in the area will be almost completely conserved, and invasive strawberry guava, eucalyptus and various melastomes will be removed to make way for native and Polynesian species meant to provide an attractive setting near the home and restore native forest surrounding it. Impacts to the islandwide-ranging endangered Hawaiian hoary bat and Hawaiian hawk will be avoided through vegetation removal timing. An archaeological survey has been conducted that found no archaeological sites, and a cultural impact assessment has determined that no cultural site or practices would be affected.

Ota Well Project--Final EA (FONSI)

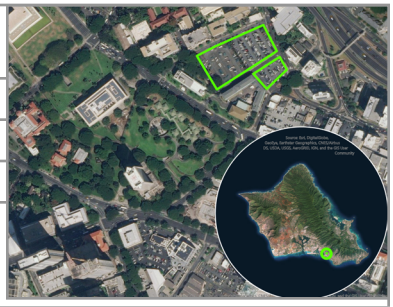
HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	North Kona
TMK(s)	(3) 7-5-001: 015 (por.) and 165 (por.)
Permit(s)	National Pollutant Discharge Elimination System–Notice of Intent (Form C), Special Use Permit, Noise Permit and/or Noise Variance, Grubbing, Grading, and Stockpiling Permits, Building Permits, Construction with State Road Right-of-Way.
Proposing/ Determining Agency	Natural Energy Laboratory of Hawai‘i Authority (NELHA), State of Hawai‘i Alex Leonard, Ph.D., Administrative and Projects Coordinator (808) 292-5157, alexander.leonard@hawaii.gov 73-4460 Queen Ka‘ahumanu Hwy., #101, Kailua-Kona, HI 96740-2637
Consultant	Planning Solutions, Inc. Mākena White, AICP, (808) 550-4538, makena@psi-hi.com 711 Kapi‘olani Blvd., Suite 950, Honolulu, HI 96813
Status	Finding of No Significant Impact (FONSI) determination

NELHA, in collaboration with the Hawai‘i Housing Finance and Development Corporation, is proposing new production wells in Hōlualoa, Hawai‘i. The project will be developed in three phases: (i) an exploratory well will be installed and tested; if tests show good production; (ii) the well will be fitted for production and a storage tank will be built; and (iii) an additional production well and storage tank will be added. Ancillary facilities associated with the project include pumps, a control building, pipeline, and access road. When completed, the new wells and associated facilities would be turned over to the County of Hawai‘i Department of Water Supply for operaton.

O'AHU

Board of Water Supply Beretania Complex Redevelopment--(EISPN)

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) 2-1-036: 001 & 005 (portion)
Permit(s)	Construction and building permits
Proposing Agency	Board of Water Supply, City and County of Honolulu Ernest Y. W. Lau, P.E., Manager and Chief Engineer, bwsredevelopmenteis@hhf.com (808) 748-5061, 630 South Beretania St., Honolulu, HI 96843
Accepting Authority	Mayor, Kirk Caldwell, City and County of Honolulu c/o Board of Water Supply, 630 South Beretania St., Honolulu, HI 9683 (808) 748-5061; bwsredevelopmenteis@hhf.com
Consultant	HHF Planners; 733 Bishop St., Suite 2590, Honolulu, HI 96813 Scott Ezer, Vice President, (808) 457-3158, bwsredevelopmenteis@hhf.com
Status	Administrative 30-day public review and comment period starts. Comments are due by December 24, 2018. Please send comments to the accepting authority and copy the proposing agency and the consultant.

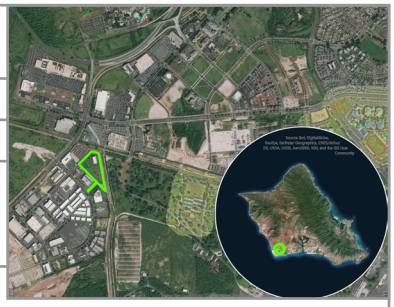


The Board of Water Supply (BWS) intends to issue a Request for Proposals to redevelop approximately 128,100 square feet of its 6.3 acre Beretania Complex located at 630 South Beretania Street, Honolulu. The purpose of the proposed action is to provide a revenue stream to help offset a portion of BWS's operating expenses and capital improvements costs. BWS will enter into a development contract with a qualified developer and issue a ground lease for the use of a portion of the Beretania Complex. The lease term will not exceed 65 years and will provide for continued and uninterrupted use of existing BWS buildings and operational facilities. Redevelopment will occur on areas currently being used as ground level parking for BWS employees, equipment and staff vehicles. All lost parking spaces will be replaced in the redevelopment.

Future redevelopment of the Beretania Complex will be determined by the selected developer. But, three possible redevelopment scenarios will be evaluated in the EIS. The redevelopment scenarios are: 1) Assisted Care Living Facility and Office Building; 2) Affordable Senior Rental Apartments and Office Building; and 3) Parking Structure and Office Building. All of these uses are allowed under the property's A-2 Medium Density Apartment zoning.

Board of Water Supply Kapolei Base Yard and Brackish Desalination Plant--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)	'Ewa
TMK(s)	(1) 9-1-075: 039, 053
Permit(s)	Compliance with Chapter 6E, HRS; Public Infrastructure Map (PIM) Amendment; Grading permit; Building permit; Infrastructure permit; Joint Development Agreement or Subdivision/Consolidation; Quitclaim; NPDES permit
Proposing/ Determining Agency	Board of Water Supply, City and County of Honolulu Barry Usagawa, P.E., Water Resources Program Administrator, busagawa@hbws.org (808) 748-5900, 630 South Beretania St., Honolulu, HI 96843
Consultant	PBR HAWAII & Associates, Inc Catie Cullison, AICP, (808) 521-5631, ccullison@pbrhawaii.com 1001 Bishop St., Suite 650, Honolulu, HI 96813
Status	Finding of No Significant Impact (FONSI) determination.



The Board of Water Supply Kapolei Base Yard and Brackish Desalination Plant Master Plan includes administrative, operations, and warehouse buildings; storage and vehicle parking areas; a brackish water desalination plant and water tank; as well as associated utility infrastructure and landscaping. The proposed improvements will facilitate a more efficient use of BWS resources and land, as they will allow the base yard to accommodate trucks, machinery, and office space for BWS operations in the 'Ewa and Wai'anae districts. This will improve water service response times for the repair of main breaks and maintenance of water sources and distribution system facilities. The Base Yard will also provide a hardened centralized facility for natural disaster response. The improvements will resume a former use of the Site, brackish water desalination using reverse osmosis technology, which will increase the capacity BWS to meet the growing water demand of West O'ahu.

Oʻahu (Continued)

Kamehameha Schools Kalaniho'okaha Cope Learning Center in Nānākuli--(Confirmation of prior 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)	Waiʻanae
TMK(s)	(1) 8-9-02:001 and :067
Permit(s)	Building Permit and other construction related permits
Approving Agency	Department of Hawaiian Home Lands Kaleo Manuel, (808) 620-9481, kaleo.l.manuel@hawaii.gov Hale Kalaianaʻole, 91-5420 Kapolei Parkway, Kapolei, HI 96707
Applicant	Kamehameha Schools; 567 South King St. #200, Honolulu, HI 96813 Scott Abrigo, (808) 843-9642, scabrigo@ksbe.edu
Consultant	PBR HAWAII and Associates, Inc.; 1001 Bishop St., Suite 650, Honolulu, HI 96813 Grant Murakami, (808) 521-5631, gmurakami@pbrhawaii.com
Status	Confirmation of prior Finding of No Significant Impact (FONSI) determination.

Kamehameha Schools is proposing to build the Agnes Kalaniho'okaha Cope Community Learning Center (previously referred to as the Nānākuli Community Center) on an approximately 2.9-acre parcel within the central portion of the Nānākuli Hawaiian Homestead Community Association's (NHHCA) Nānākuli Community Center project on State of Hawai'i, Department of Hawaiian Home Lands (DHHL). In January 2006, the City and County of Honolulu Department of Community Services (DCS) reviewd the FEA and made a FONSI determination for the project. The FEA/FONSI, prepared for the NHHCA, was based on a phased plan on two TMK parcels totaling 13.57 acres. The project included the Nānākuli Community Center (the Kalaniho'okaha Cope Community Learning Center), a Commercial Center/Kupuna (Affordable) Housing complex, and the Boys and Girls Club of Hawai'i "Clubhouse" facility. Portions of the project have been completed, the commercial center is currently under construction, and the Kalaniho'okaha Cope Community Learning Center is the final phase of the project. DHHL has reviewed the environmental documentation for the project and has found that the prior analysis and conclusions of the project are still relevant and that the project remains in compliance with Chapter 343, Hawai'i Revised Statutes requirements.

Previously Published Documents Open for Comment

Status: Public review and comment period for these documents began previously. Comments are due December 10, 2018 unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

Hawai'i

Pāhala Large Capacity Cesspool Replacement--Republished Draft EA (AFNSI)

Maui

Pūlehunui Regional Infrastructure Master Plan--Draft EIS **(Comments due December 24, 2018)**

Oʻahu

Waikīkī War Memorial Complex--Draft EIS **and** Appendices **(Comments due December 24, 2018)**

Neal S. Blaisdell Center Master Plan--Draft EA (AFNSI)

Welch Family Residence--Draft EA (AFNSI)

Kaua'i

HoKua Place--2nd Draft EIS **(Comments due December 24, 2018)**

Statewide

Naval Special Operations Training Hawai'i--Draft EA (AFNSI)

Exemption List

Department of Environmental Management, County of Hawai'i (submit comments to oeqchawaii@doh.hawaii.gov)

Exemption List Concurrence

Pursuant to HAR § 11-200-8, the Environmental Council has reviewed and concurred upon the following agency exemption list. The listed types of actions potentially may be exempted by the agency from the requirement to prepare an EA or EIS. The Environmental Council's date of concurrence is posted on the list. Click on the link to view or download the list.

Department of Defense, State of Hawai'i

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-1838	Kamehameha Hwy, vicinity of Laniakea Beach Park, O'ahu 96712	(1) 6-1-009: 021 & 022; 6-1-010: 019 & 020; 6-1-005: 023	WSP, on behalf of State of Hawai'i DOT	State of Hawai'i, Department of Transportation	Re-establish jurisdiction for permitting
OA-1839	21 Pilipu Place, O'ahu 96734	(1) 4-3-018: 046	Towill, Shigeoka & Associates, Inc.	Cal & Theresa Andreou	Permitting
MA-709	4593 Lower Honoapi'ilani Road, Maui 96761	(2) 4-3-019: 046	Arthur P. Valencia	Mahalo 4593 LLC	Permitting
MA-710	355 Front Street, Maui 96761	(2) 4-6-003: 011	Arthur P. Valencia	David & Catherine Medina	Permitting
KA-431	Wainiha Stream Bridges, Kūhi'ō Highway, Kaua'i 96714	(4) 5-8-006: 026-029 & por. 030	ControlPoint Surveying, Inc.	County of Kaua'i	Shoreline setback variance

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
OA-1827	Proposed	3641 Diamond Head Road, O'ahu 96816	(1) 3-1-038: 006	Kenn Nishihira	Mary C. Heyer	Permitting
OA-1829	Proposed	61-667 Kamehameha Highway, O'ahu 96712	(1) 6-1-010: 009	Kenn Nishihira	Ryan Ockey	Permitting
OA-1830	Proposed	61-759 Papailoa Road, O'ahu 96712	(1) 6-1-004: 098	Towill, Shigeoka & Associates, Inc.	Jeanne M. Ritchie & TVS Properties, LLC c/o Thomas Ritchie	Permitting
OA-1832	Proposed	41-853 Laumilo Street, O'ahu	(1) 4-1-004: 020	Engineers Surveyors Hawaii, Inc.	Margaret K. & Edward L. Ralston III	Building new house
OA-1834	Proposed	1326 Mokulua Drive, O'ahu 96734	(1) 4-3-004: 077	Austin, Tsutsumi & Associates, Inc.	Fairwater Hawaii LLC, Sandbags LLC	Setback purposes
OA-1836	Proposed	59-317 Ke Nui Road, O'ahu 96712	(1) 5-9-020: 013	Gavin Hirano	Peter Halford Tr, Diane Halford Tr	Building permit
HA-561	Proposed	Lot 6 Naupaka Place, Hawai'i 96743	(3) 6-9-009: 006	Alan Brockman	Avalon LLC	New construction
HA-564	Proposed	69-1774 Puakō Beach Drive, Hawai'i	(3) 6-9-004: 003	Wes Thomas Associates	Ohana Revocable Trust	Obtain county permits
HA-565	Proposed	Lot 24, Kohala Waterfront, North Kohala, Hawai'i	(3) 5-9-016: 012	Thomas Pattison	Rosehill Properties, LLC	Future residence

Coastal Zone Management Notices

Federal Consistency Reviews

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

For specific information or questions about an action listed below, contact John Nakagawa at (808) 587-2878 or john.d.nakagawa@hawaii.gov. The CZM Program is required to adhere to federal review deadlines, therefore, comments must be received by December 7, 2018. Comments may be submitted by mail or electronic mail, to the following addresses:

Mail: Office of Planning
Department of Business, Economic Development and Tourism
P.O. Box 2359, Honolulu, HI 96804

Email: john.d.nakagawa@hawaii.gov

Kūhiō Highway Emergency Slope Stabilization, Vicinity of Kalihiwai Bridge, Halelei, Kaua'i

Proposed Action: Repair damage caused by flooding and landslides from early March 2012. Historically, landslides, mudslides, and falling trees have occurred along Kūhiō Highway near the Kalihiwai Bridge, occasionally blocking traffic lanes. In 2012, under a Governor's emergency proclamation, clearing and rock scaling were performed to restore roadway operations. A temporary rockfall protection barrier was also installed along a stretch of the mauka highway shoulder to protect the safety of highway users. However, the barrier placement has removed the useable paved highway shoulder for Lihue-bound traffic. The proposed current project would provide permanent repairs that will address issues of public safety by stabilizing critical portions of the slope adjacent to, and mauka of the highway, including tree removal, slope scaling, and installing wire mesh on portions of the slope. In some areas, the wire mesh will be anchored using soil nails. A chain link fence would be installed at the top of the slope as a safety measure to deter pedestrians from traversing the steep slope. Kalihiwai Stream flows through a portion of the project area, but no work will occur in or around the steam or stream banks.

TMK(s): (4) 5-3-1: 15, 999; 5-2-17: 999, 14, 16; 5-3-3: 58
Applicant: State Department of Transportation, Highways Division, Kaua'i District
Contact: Fred Reyes, (808) 241-3017, fred.reyes@hawaii.gov
Federal Action: Federal Assistance
Federal Agency: Federal Highway Administration

Ala Wai Canal Dredging and Improvements, Waikīkī, O'ahu

Proposed Action: Maintain and improve the Ala Wai Canal and the Mānoa-Pālolo Drainage Canal by conducting the following activities. (1) Maintenance dredging of an approximately 9,500-foot long section within the Ala Wai Canal, from the Ala Moana Blvd Bridge to the Kapahulu Library (234,800 cubic yards), and an approximately 2,300-foot long section within the Mānoa-Pālolo Drainage Canal, between Date Street and the Ala Wai Canal (32,000 cubic yards). Dredged material is proposed to be disposed of at the U.S. EPA South O'ahu Ocean Dredged Material Disposal Site, or alternatively, for dredged material that is not approved by EPA, at the PVT Landfill in Nānākuli, the Reef Runway at Daniel K. Inouye International Airport, or other approved land disposal site. (2) Replace a 750-foot long section of wall in the Ala Wai Canal adjacent to Ala Wai Community Park, involving the removal of the existing concrete wall and replacing it with a new concrete wall. (3) Remove four sections of existing HECO cables and twelve concrete slabs in the Ala Wai Canal, near its confluence with the Mānoa-Pālolo Drainage Canal. The removed materials will either be recycled or disposed of at an approved land-based facility such as the PVT Landfill. The Final EIS for the project was published in *The Environmental Notice* on January 8, 2018.

TMK(s): (1) 2-3-036: 000; 2-3-034: 000
Applicant: State of Hawai'i Department of Land and Natural Resources
Agent/Consultant: Brian Takeda, R.M. Towill Corporation, (808) 842-1133, briant@rmtowill.com
Federal Action: Federal Permit
Federal Agency: U.S. Army Corps of Engineers

Coastal Zone Management Notices (continued)

Special Management Area (SMA) Minor Permits

The SMA Minor permits below have been approved (HRS § 205A-30). For more information, contact the relevant county/state planning agency. Honolulu (768-8014); Hawai'i (East 961-8288, West 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Hilo (2-8-008: 156)	Cutting of Six Ironwood Trees (SMM 18-398)	Paul Ely and Darlene Ely
Kaua'i: Nāwiliwili (3-2-003: 058)	Placement of a Storage Container (SMA(M)-2019-7)	Jacqueline Gardner
Maui: Ha'ikū (2-8-003: 024)	Construction of Farm Dwelling (SM2 20180080)	Luigi Manera
Maui: Ha'ikū (2-9-007: 046)	After-the-Fact Jacuzzi, Pond, Agricultural Shed (SM2 20180081)	Douglas K. Self
O'ahu: Mākaha (8-4-010: 020)	Utility Installation, Type A (2018/SMA-52)	AT&T Mobility/Wireless Network Support
O'ahu: Diamond Head (3-1-043: 001 (Portion)	Waikīkī Shell Stage Truss System (2018/SMA-54)	Department of Design and Construction, City and County of Honolulu/R.M. Towill Corporation
O'ahu: Kāne'ohe (4-7-010: 026)	Reconfigure Existing Parking Lot, Driveway & Walkways, and Install a New Wall & Other Site Improvements (2018/SMA-55)	St. John's by the Sea/KCA Architects, LLC

State and County Notices

Department of Health public notice of permit application received (published 11/23/2018)

The Department of Health (DOH) received a permit application for a hazardous waste treatment and storage facility from E-Opala, Inc. on October 30, 2018. The proposed facility, to be located at 1708 Mary Street in Honolulu, plans to disassemble and shred electronic items in preparation for recycling. *Click on the linked title to this entry for additional information, such as being added to a mailing list for future notices regarding this permit review.*

Nēnē - Endangered Hawaiian goose (modified from original) Photo by Caleb Slemmons

Glossary of Terms and Definitions

Agency Actions

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per HRS 343-2.

Applicant Actions

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per HRS 343-2.

Draft Environmental Assessment

When an Agency or Applicant proposes an action that triggers HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether the actions' environmental impact will be significant, and thus whether an environmental impact statement shall be required per HRS 343-5(b), for Agency actions and HRS 343-5(e), for Applicant actions. For actions for which the proposing or approving agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments on a DEA received during the 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to ask a court to require the preparation of an EIS.

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

Act 172-2012, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)

Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISPN must be incorporated into the subsequent Draft EIS.

Act 312-2012, Secondary Actions in the Highway or Public Right Of Way

Act 312-2012, amended HRS 343, by adding a new section (HRS 343-5.5., entitled "Exception to applicability of chapter.") HEPA now allows for a statutory exception for "secondary actions" (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related "primary action" (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretional approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

Draft Environmental Impact Statement

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigation measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPN comment period in a point-by-point manner.

Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a Final EIS (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. See here for style concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

Acceptability

If the FEIS is accepted, notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a non-acceptance determination.

Ko Olina Bay, O'ahu Photo by Floyd Manzano

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare an EA or EIS. In many ways it is similar to Hawai'i's law. Some projects require both a State and Federal EIS and the public comment procedure should be coordinated. OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

Conservation District

Any use of land in the State Conservation District requires a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. Notices of permit applications are published in this bulletin.

Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by HRS 205A, and county ordinance. A special subset of the SMA that is regulated by HRS 343, is the Shoreline Setback Area. Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

Shoreline Certifications

State law requires that Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

Environmental Council

The Environmental Council is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). Agendas of their regular meetings are posted on the Internet and the public is invited to attend.

Administrative Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are exempt from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence (HAR 11-200-8(d)). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

Endangered Species

This bulletin is required by HRS 343-3(c), to publish notice of public comment periods or public hearings for Habitat Conservation Plans (HCP), Safe Harbor Agreements (SHA), or Incidental Take Licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

Publication Calendar of *The Environmental Notice*
for publication in compliance with HRS Chapter 343

2019

For Draft Environmental Assessments (EAs), Anticipated Findings of No Significant Impacts (AFNSIs), Final EAs, Findings of No Significant Impact (FONSIs), Environmental Impact Statement (EIS) Preparation Notices (EISPNs), Draft EISs, Final EISs, EIS Acceptance or Non-acceptance determinations, Supplemental EISPNs, Supplemental EISs, revised and resubmitted documents, withdrawals, and other notices required to be published in the bulletin.

Submittal Deadline	Publication Date	EA or EISPN Comment 30-Day Deadline	EIS Comment 45-Day Deadline
2018 Dec 26 Wed	**2019 Jan 08** Tue	2019 Feb 07 Thu	2019 Feb 22 Fri
2019 Jan 10 Thu	**Jan 23** Wed	Feb 22 Fri	Mar 11 Mon
Jan 29 Tue	**Feb 08** Fri	Mar 11 Mon	Mar 25 Mon
Feb 12 Tue	**Feb 23** Sat	Mar 25 Mon	Apr 09 Tue
Feb 26 Tue	**Mar 08** Fri	Apr 08 Mon	Apr 22 Mon
Mar 13 Wed	**Mar 23** Sat	Apr 22 Mon	May 07 Tue
Mar 27 Wed	**Apr 08** Mon	May 08 Wed	May 23 Thu
Apr 10 Wed	**Apr 23** Tue	May 23 Thu	Jun 07 Fri
Apr 26 Fri	**May 08** Wed	Jun 07 Fri	Jun 24 Mon
May 13 Mon	**May 23** Thu	Jun 24 Mon	Jul 08 Mon
May 29 Wed	**Jun 08** Sat	Jul 08 Mon	Jul 23 Tue
Jun 12 Wed	**Jun 23** Sun	Jul 23 Tue	Aug 07 Wed
Jun 25 Tue	**Jul 08** Mon	Aug 07 Wed	Aug 22 Thu
Jul 11 Thu	**Jul 23** Tue	Aug 22 Thu	Sep 06 Fri
Jul 29 Mon	**Aug 08** Thu	Sep 09 Mon	Sep 23 Mon
Aug 12 Mon	**Aug 23** Fri	Sep 23 Mon	Oct 07 Mon
Aug 27 Tue	**Sep 08** Sun	Oct 08 Tue	Oct 23 Wed
Sep 11 Wed	**Sep 23** Mon	Oct 23 Wed	Nov 07 Thu
Sep 26 Thu	**Oct 08** Tue	Nov 07 Thu	Nov 22 Fri
Oct 11 Fri	**Oct 23** Wed	Nov 22 Fri	Dec 09 Mon
Oct 29 Tue	**Nov 08** Fri	Dec 09 Mon	Dec 23 Mon
Nov 13 Wed	**Nov 23** Sat	2019 Dec 23 Mon	2020 Jan 07 Tue
Nov 26 Tue	**Dec 08** Sun	2020 Jan 07 Tue	2020 Jan 22 Wed
Dec 11 Wed	**2019 Dec 23** Mon	2020 Jan 22 Wed	2020 Feb 06 Thu
2019 Dec 26 Wed	**2020 Jan 08** Wed	2020 Feb 07 Fri	2020 Feb 24 Mon

Notes

- Section 11-200-3(c), Hawai'i Administrative Rules (HAR), establishes the publication schedule of the periodic bulletin to be on the eighth and twenty-third of each month. Publication may occur on weekends and holidays.
- Section 11-200-3(c), HAR, establishes the submittal deadline to be eight working days before the publication date. The schedule does not count holidays and non-working days. Items must be submitted before the close of business (4:30 PM) on the submittal deadline.
- Hawai'i Revised Statutes (HRS) Section 343-5 sets the comment periods for EAs as 30 days and for EISs as 45 days from the publication date. For counting purposes, the publication date is day zero. Holidays and weekends (see HRS § 1-29 and HRS § 8-1) are counted. When the deadline falls on a state holiday or non-working day, the deadline is the next working day.