



The Environmental Notice

December 8, 2019

David Y. Ige, Governor

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.



Giant manta rays (*Manta birostris*) are renowned as gentle giants

Photo credit: [Arend Kuester](#)

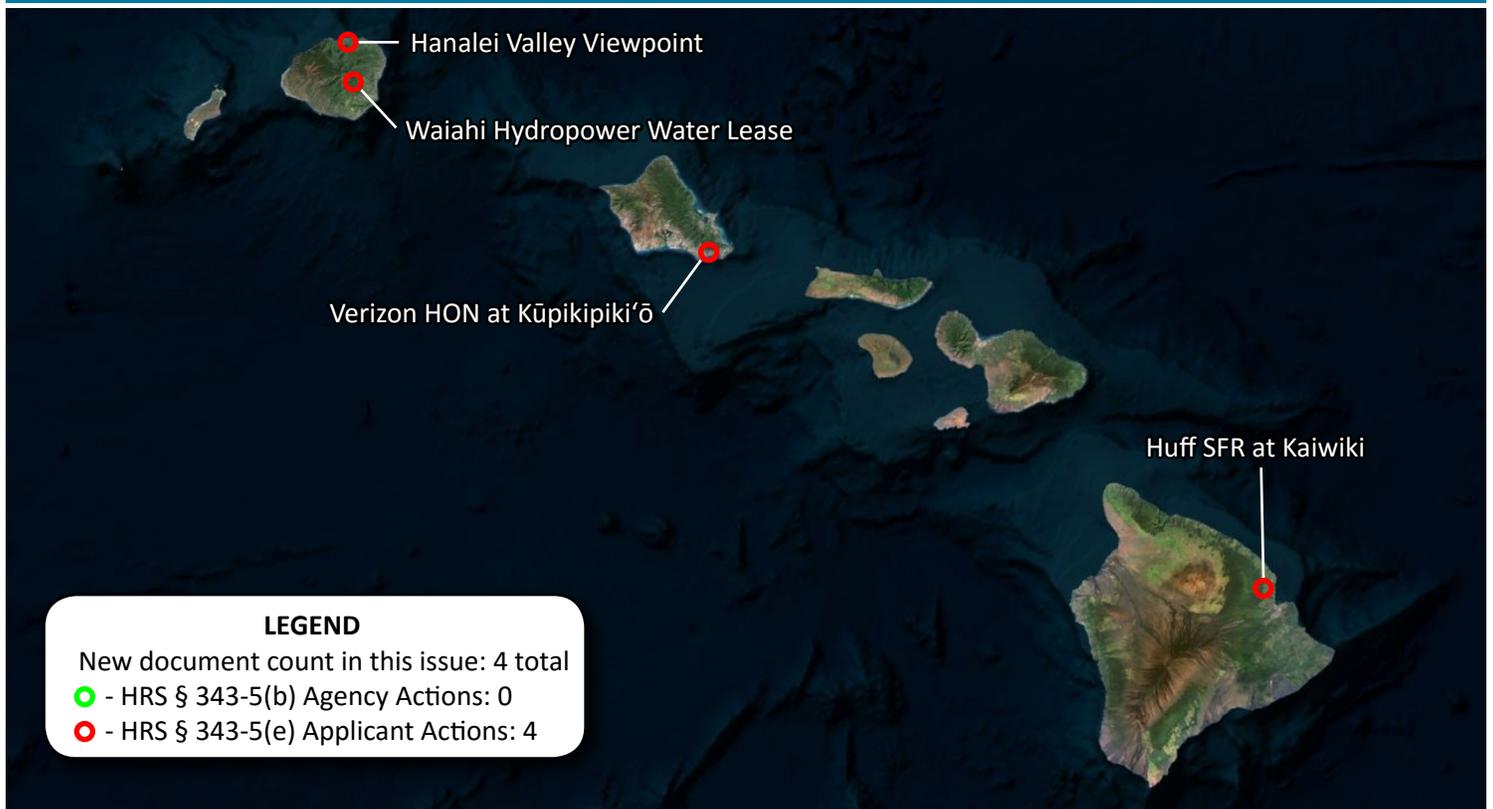
TABLE OF CONTENTS

ANNOUNCEMENTS	2
STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS	2
HAWAI'I	
Huff Single-Family Residence at Kaiwiki--Final EA (FONSI)	3
O'AHU	
Verizon HON at Ku'pikipiki'o--Draft EA (AFNSI)	3
KAUA'I	
Waiahi Hydropower Long-Term Water Lease--Republication of Draft EA (AFNSI)	4
Hanalei Valley Viewpoint at the Hanalei National Wildlife Refuge--Final EA (FONSI)	4
CHAPTER 25, REVISED ORDINANCES OF HONOLULU	
Turtle Bay Resort Development--Final EA (FONSI)	5
PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT	5
EXEMPTION NOTICES	6
LISTS OF EXEMPTION NOTICES	6
COASTAL ZONE MANAGEMENT NOTICES	
Special Management Area (SMA) Minor Permits	6
SHORELINE NOTICES	
Applications for Shoreline Certification	7
Proposed Shoreline Certifications and Rejections	7
CONSERVATION DISTRICT USE APPLICATIONS	7
STATE AND COUNTY NOTICES	8
FEDERAL NOTICES	8
GLOSSARY OF TERMS AND DEFINITIONS	9

ANNOUNCEMENTS

Due to chronic and substantial short-staffing levels at OEQC, we recommend submitting material for publication in advance of deadlines; your kokua is appreciated!

MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS



HAWAII

Huff Single-Family Residence at Kaiwiki--Final EA (FONSI)

HRS §343-5(a) Trigger	(2) Propose any use within any land classified as a conservation district	
District(s)	South Hilo	
TMK(s)	(3) 2-6-011:026	
Permit(s)	County of Hawai'i: Plan Approval and Grubbing, Grading, and Building Permits State of Hawai'i: Conservation District Use Permit, Wastewater System Approval	
Approving Agency	Department of Land and Natural Resources, State of Hawai'i Trevor Fitzpatrick, (808) 587-0373, trevor.j.fitzpatrick@hawaii.gov 1151 Punchbowl St., Room 220, Honolulu, HI 96813	
Applicant	Jeffery and Vanessa Huff C/O Zendo Kern of Zendo Kern Planning Consultant 1639 Ala Makani Pl., Honolulu, HI 96819 Jeffery Huff, (808) 333-4734, ZendoKern808@gmail.com	
Consultant	Geometrician Associates LLC; P.O. Box 396, Hilo, HI 96721 Ron Terry, (808) 969-7090, rterry@hawaii.rr.com	
Status	Finding of No Significant Impact (FONSI) determination.	

Jeffrey and Vanessa Huff plan a single-family residence, garden and orchard within a 5-acre portion of their 19.89-acre property, located near the mauka end of Kaiwiki Road above Hilo. The plan consists of a single-story, 1,240-square foot structure with three bedrooms; two baths; a kitchen, dining and living area; lanai; covered parking; rooftop solar photovoltaic, IWS; and catchment water tank. Landscape features include small garden planters for vegetables; two orchards for fruit trees, and other features. An unnamed stream bisects the property, and all activity is on the road side of the stream, which has been a mown pasture for many decades.

O'AHU

Verizon HON at Kūpikipiki'ō--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)	Honolulu	
TMK(s)	(1) 3-1-042: 034	
Permit(s)	Various (see document)	
Approving Agency	Department of Land and Natural Resources, State of Hawai'i Barry Cheung, (808) 587-0430, Barry.w.cheung@hawaii.gov 1151 Punchbowl St., Room 220, Honolulu, HI 96813	
Applicant	Verizon Wireless c/o Synergy, 1923 NE 134th Pl., Portland, OR 97230 Robyn Kahalelehua, (916) 640-6324, rkahalelehua@synergy.cc	
Consultant	Synergy, 1923 NE 134th Pl., Portland, OR 97230 Robyn Kahalelehua, (916) 640-6324, rkahalelehua@synergy.cc	
Status	Statutory 30-day public review and comment period starts. Comments are due by January 7, 2020. Please send comments to the approving agency and copy the applicant and the consultant.	

Verizon Wireless is proposing to place a new telecommunications facility which will provide wireless service for the Diamond Head and Honolulu areas of O'ahu. Verizon's project consists of installing a new 65' stealth monopole with accompanying equipment and structures. The monopole, cabinets, and generator will be enclosed within a chain link security fence which will always remain locked. Landscaping will be installed around the perimeter of the new fence. Electrical power and telephone service are provided by new overhead lines via an existing overhead route. The compound area will be approximately 25'x25' (625 sf). While the monopole will be visible from several vantage points in the neighborhood, Verizon will camouflage the monopole as a palm tree to mitigate visual impact.

Verizon is proposing this new facility because of the increased demand for Verizon service by the residents located near the Special Education Center of Hawai'i property. Verizon will be providing a service which will contribute to the safety and general welfare of the surrounding neighborhood.

KAUA'I

Waiahi Hydropower Long-Term Water Lease--Republication of 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)	Līhu'e	
TMK(s)	(4) 3-9-001: 001; 3-8-001: 001, 002, and 003	
Permit(s)	Numerous (see document)	
Approving Agency	Department of Land and Natural Resources, State of Hawai'i Ian Hirokawa, (808) 587-0420, ian.c.hirokawa@hawaii.gov 1151 Punchbowl St., Room 220, Honolulu, HI 96813	
Applicant	Kauai Island Utility Cooperative (KIUC) Dawn Huff, (360) 483-6488, dhuff@joulegroup.com 5362 Kumole St., Kapa'a, HI 96746	
Consultant	SSFM International, Inc. Jennifer Scheffel, (808) 375-6038, jscheffel@ssfm.com 99 Aupuni St., Suite 202, Hilo, HI 96720	
Status	Statutory 30-day public review and comment period starts. Comments are due by January 7, 2020. Please send comments to the approving agency and copy the applicant and consultant.	

KIUC is republishing the Draft EA for the Waiahi Hydropower Long-Term Water Lease project to allow for distribution of the Draft EA to agencies, elected officials, and non-governmental organizations. All comments received during earlier comment periods will be included in the Final EA, along with comments received during the comment period for this republished Draft EA.

KIUC has requested a 65-year long-term water lease from the Board of Land and Natural Resources for the diversion of water from the North Fork Wailua River and Waikoko Stream for the Upper and Lower Waiahi Hydropower Plants to replace the existing revocable permit authorizing the diversion of water from the North Fork Wailua River and Waikoko Stream Diversions.

Hanalei Valley Viewpoint at the Hanalei National Wildlife Refuge--Final EA (FONSI) **Grandfathered under old rules**

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) 5-3-001: 006	
Permit(s)	Conservation District Use Permit	
Approving Agency	Department of Transportation, State of Hawai'i Karen Chun, (808) 692-7544, karen.chun@hawaii.gov H-DOT Design Branch, 601 Kamokila Blvd., Room 668, Kapolei, HI 96707	
Applicant	U. S. Fish and Wildlife Service Heather Tonneson, (808) 692-7544, heather_tonneson@fws.gov	
Consultant	None	
Status	Finding of No Significant Impact (FONSI) determination.	

The U.S. Fish and Wildlife Service (Service) proposes to build the Hanalei Valley Viewpoint at Hanalei National Wildlife Refuge (Refuge or NWR). The proposed project would allow the Service to deliver our mission more fully to the local community and visitors to the North Shore of Kaua'i, connect the public with the Refuge, and provide an alternative for visitors wishing to learn more about the Refuge.

The viewpoint would serve to welcome and orient visitors to Hanalei Valley and Hanalei NWR, and would feature views of Hanalei Bay, Valley, River, and Refuge. It would provide an engaging and educational experiences for visitors of all ages and learning styles related to the Refuge's wildlife, endangered species recovery goals, cultural resources, and the history of the area. The location would provide safe access to and from Kūhiō Highway, parking stalls for cars and tour buses, short trails to overlooks, an orientation kiosk, and interpretive signage.

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.

[Turtle Bay Resort Development--Final EA \(FONSI\)](#)

District(s)	Ko'olauloa
TMK(s)	(1) 5-6-003 002, 003, 043, 054, 061 and 062; 5-7-001: 043, 046, 047, 052, 053, 054, 055 and 056; 5-7-006: 028 and 030
Permit(s)	Various (see document)
Approving Agency	Department of Planning and Permitting, City and County of Honolulu Malyne Simeon, (808) 768-8023, msimeon@honolulu.gov 650 South King St., 7th Floor, Honolulu, HI 96813
Applicant	BRE/Turtle Bay Resort LLC; 57-091 Kamehameha Hwy, Kahuku, HI 96731 Samatha Canon, (808) 447-6958, scanon@tbrdevelopment.com
Consultant	Wilson Okamoto Corporation; 1907 South Beretania St., Suite 400, Honolulu, HI 96826 Rebecca Candilasa, (808) 946-2277, rcandilasa@wilsonokamoto.com
Status	Finding of No Significant Impact (FONSI) determination.

The Applicant is proposing renovations to the Turtle Bay Hotel that consist of: repairs to the main hotel building, interior and exterior improvements to the visitor arrival and registration areas, on-site vehicular and pedestrian circulation improvements, and repair and reconfiguration of the pool and recreation areas. Existing public shoreline access through internal circulation paths throughout the hotel will not be affected by the proposed project. Upon completion of the project's new retail outlet in the hotel, an additional internal path will also provide public access of the shoreline. The Turtle Bay Hotel's Beach Cottages and their support facilities will also be renovated.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. Please click on the links below to access, and send comments to the relevant agency and copy any relevant applicant and/or consultant.

COMMENTS DUE DECEMBER 9, 2019

HAWAI'I

[Barry Family SFR at Kea'au--Republished Draft EA \(AFNSI\)](#)

O'AHU

[Sea Life Park Improvements--Republished Draft EA \(AFNSI\)](#)

[Leeward Community College Value-Added Product Development Center--Draft EA \(AFNSI\)](#)

KAUA'I

[Aukahi Farm Hapa Road Easement--2nd Draft EA \(AFNSI\)](#)

COMMENTS DUE DECEMBER 23, 2019

LANA'I

[Miki Basin Industrial Park--Draft EA \(AFNSI\)](#)

O'AHU

[Waikupanaha Agricultural Lots--Draft EA \(AFNSI\)](#)

[567 Portlock Road Replacement Footbridge--Draft EA \(AFNSI\)](#)

COMMENTS DUE JANUARY 7, 2020

HAWAI'I

[Issuance of Commercial Aquarium Fishing Permits for the Island of Hawai'i--Draft EIS](#)

EXEMPTION NOTICES

The County of Maui's Department of Housing and Community Concerns has declared the following proposed actions exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-17](#):

Liloa Hale Senior Affordable Housing

The action involves the construction of 150 affordable senior apartments in a single four-story elevator-served building, on an approximately 4.9-acre site. Units will provide one or two bedrooms. Onsite parking will also be provided. The project's amenities will include a lobby and common areas, club room, fitness center, landscaped courtyard, and exterior walking paths. The trigger for compliance with Chapter 343 is work to occur within the adjoining County roadway rights-of-way for utility system installation and connections, and possible improvements to the County roadways.

Hale Kaiola Workforce Housing

The action involves the construction of 40 for-sale workforce housing units in a duplex configuration, on an approximately 3.0-acre site. Eighteen of the duplex buildings will be single-story structures, and two will be two-stories. Units will provide two or three bedrooms. A total of 88 parking stalls will be provided, along with a neighborhood community space with a gathering pavilion, playground, and barbeque area. The trigger for compliance with Chapter 343 is work to occur within the adjoining County roadway rights-of-way for utility system installation and connections, and possible improvements to the County roadway.

LISTS OF EXEMPTION NOTICES

Pursuant to newly established [HAR § 11-200.1-17](#), State and county agencies that have determined specific actions to be exempt from the requirement to prepare an EA are required to submit a listing of such exemptions made during the previous month. Following are lists of Exemption Notices submitted by various agencies for November 2019; contact the identified agency contact on each list for additional information about any specific exemption:

State of Hawai'i

[Department of Accounting and General Services](#)

[Department of Land and Natural Resources](#)

[Hawai'i Housing Finance Development Corporation](#)

[Department of Education](#)

[Department of Transportation](#)

City and County of Honolulu

[Department of Design and Construction](#)

[Department of Planning and Permitting](#)

County of Maui

[Department of Housing and Human Concerns](#)

[Department of Planning](#)

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); Kaula'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Kaua'i: Hanalei (5-5-004: 021)	Garden Shed (SMA(M)-2020-7)	Sunset Junction, LLC
Maui: Lahaina (4-6-029: 004)	Install Split System Air Conditioner in Two Units (SM2 20190102)	Mary Kraszewski
Maui: Lahaina (4-6-031: 026)	Remodel of Interior Kitchen and Baths (SM2 20190103)	Carlsen Trust
Maui: Pā'ia (3-8-001: 199)	Pa'ani Place – Grading Property (SM2 20190104)	Paani Investors, LLC
Maui: Lahaina (4-7-001: 017)	Launiupoko Beach Park Greywater Project (SM2 20190105)	Robert De Robles
Maui: Ha'ikū (2-8-003: 006)	Stream Resources Quonset Huts (SM2 20190106)	Stream Resources Inc.
Maui: Lahaina (4-4-008: 005)	Maui Invitational (SM2 20190107)	Sheraton Maui Resort & Spa
Maui: Hana (1-2-003: 024)	Construction of a New Well (SM2 20190108)	Plauche, Elisa W
O'ahu: Kahe (9-2-003: 002)	Kahe Generating Station Pole-Mounted Security Camera (2019/SMA-37)	Hawaiian Electric Company, Inc./ Planning Solutions

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 Ian Hirokawa at (808) 587-0420.

File No.	Location	TMK	Applicant	Owner
OA-1882	44-605 Kāne'ōhe Bay Dr., O'ahu 96744	(1) 4-4-016: 016	Walter P. Thompson, Inc.	20 Baldwin Partners LLC & Phillip K. Binney 2018 Irrevocable Trust
OA-1883	55-295 Kamehameha Hwy., O'ahu 96762	(1) 5-5-002: 005	Park Engineering	Laie Cove LLC
HA-580	59-123 Lauipala Pl., Hawai'i	(3) 5-9-016: 013	Wes Thomas Associates	Rocking Kohola LLC
HA-581	33 'Apapane Rd., Hawai'i	(3) 2-1-011: 003	Daniel Berg, dlb & associates, LLC	Rose Cheung
KA-447	4287 'Anini Rd. Kaua'i, 96754	(4) 5-3-007: 011	Lucas Breckenridge & Associates, Inc.	Anini Beach LLC

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
MA-724	Proposed	621 Hāna Hwy., Maui 96779	(2) 2-6-010: 025 & 026	Akamai Land Surveying, Inc.	Kaimana Maui LLC
MO-179	Proposed	30 Oki Pl., Moloka'i 96748	(2) 5-3-006: 028	Helen Kekalia, CEO, Molokai Ohana Health Care, Inc.	Molokai Ohana Health Care, Inc.
OA-1881	Withdrawal	67-25 Kaimanu Pl., O'ahu 96791	(1) 6-7-014: 025	Gil P. Bumanglag	Kyle K. Madison

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 KA-3857
Name of Applicant:	Department of Water, County of Kaua'i
Location:	Wainiha, Hanalei, Kaua'i
TMKs:	(4) 5-8-002:003, 007
Proposed Action:	Hā'ena 0.2 MG Storage Tank
343, HRS determination:	Final EA/FONSI published April 23, 2018
Applicant's Contact:	Kelsey S. Yamaguchi, McCorriston Miller Mukai MacKinnon LLP; yamaguchi@m4law.com ; (808) 529-7300
OCCL Staff Contact:	Michael Cain; (808) 587-0048; michael.cain@hawaii.gov

STATE AND COUNTY NOTICES

Public Hearing Notice

The State of Hawai'i Department of Health will hold a public hearing for the proposed amendment of Hawai'i Administrative Rules chapter 11-280.1. **The proposed amendment removes the limitation on the amount of time the department has to take action on a complete application for an Underground Storage Tank (UST) system permit and removes the automatic approval of a permit when that time limit is exceeded.** The proposed change eliminates an unintended potential consequence of the current rules: namely, that a contested permit is automatically "deemed approved" if the department is unable to take action on the permit within one hundred eighty (180) days of receiving a complete application. This change creates no new obligations for tank owners and operators and should have no impact on the issuance of routine UST system permits that are not the subject of dispute, particularly permit renewals for existing systems.

The proposed amendment can be viewed at 2827 Waimano Home Rd #100, Pearl City, Mon-Fri, 8am-4pm (except state holidays) and is posted online at health.hawaii.gov/shwb/ust-har. 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 December 30, 2019 at the State Lab auditorium at 2725 Waimano Home Rd, Pearl City. All interested parties may attend to present relevant information and individual opinion. Anyone unable to attend may send written testimony to Attn: sec. 11-280.1-327; 2827 Waimano Home Rd #100 Pearl City, HI 96782 or noa.klein@doh.hawaii.gov. **Testimony must be received by January 6, 2020.** 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 roxanne.kwan@doh.hawaii.gov by **December 19.**

FEDERAL NOTICES

As a courtesy, listed below are some 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: [Plants for Planting Whose Importation Is Not Authorized Pending Pest Risk Analysis; Notice of Availability of Data Sheets for Taxa of Plants for Planting That are Quarantine Pests or Hosts of Quarantine Pests \(published by the Animal and Plant Health Inspection Service on 11/25/2019\)](#)

The Animal and Plant Health Inspection Service, USDA is advising the public that they have determined that 26 taxa of plants for planting are quarantine pests, and that all *Myrtaceae* taxa (when destined to Hawai'i), all subfamily *Bambusoideae* taxa, and 43 other taxa of plants for planting are hosts of 18 quarantine pests, and therefore should be added to their lists of taxa of plants for planting whose importation is not authorized pending pest risk analysis. They have prepared data sheets that detail the scientific evidence being evaluated in making the determination that the taxa are quarantine pests or hosts of quarantine pests. They are making these data sheets available to the public for review and comment, and will consider **all comments that are received on or before January 24, 2020.**

Notice: [Endangered and Threatened Species; Determination on the Designation of Critical Habitat for Giant Manta Ray \(published by the National Oceanic and Atmospheric Administration on 12/05/2019\)](#)

We, NMFS, have determined that a designation of critical habitat is not prudent at this time. Based on a comprehensive review of the best scientific data available, we find that there are no identifiable physical or biological features that are essential to the conservation of the giant manta ray (*Manta birostris*) within areas under U.S. jurisdiction. We also find that there are no areas outside of the geographical area occupied by the species under U.S. jurisdiction that are essential to its conservation. As such, we find that there are no areas within the jurisdiction of the United States that meet the definition of critical habitat for the giant manta ray. This finding was made on December 5, 2019. For supplementary and background information, please click on the linked title to this entry.

GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

Projects or programs proposed by 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

Projects or programs proposed by 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 action's 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 action's proponent 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 the Environmental 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 to 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. 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. This starts a 30-day scoping period in which the agency or applicant must hold a public scoping meeting for the preparation of the Draft EIS. Written comments and responses on the EISPN must be incorporated into the subsequent Draft EIS and oral comments from the public scoping meeting must be recorded and submitted to the OEQC with the 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 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. For Applicant projects, the Approving Agency is the Accepting Authority and must make a determination within 30 days or the FEIS is deemed 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

The Accepting Authority must be satisfied that the FEIS meets three criteria (process, content, response to comments) to accept it. If the FEIS is accepted, notice is published in this bulletin. The public has 60 days from publication to challenge 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 a Federal 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. Upon request by a federal agency, OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

Conservation District

Proposed uses of land in the State Conservation District require 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. This bulletin will include EAs & EISs for actions proposed within the Conservation District.

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 portion of the SMA that is addressed by HRS 343 is the [Shoreline Area](#), which includes land between the State-certified shoreline and the county-determined shoreline setback line. This bulletin will include EAs & EISs for actions proposed within the Shoreline Setback Area.

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. The Council just completed the repeal of Hawaii Administrative Rules (HAR) Chapter 11-200 and adoption of HAR Chapter 11-200.1.

Agency Exemption Lists

Government agencies may 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 11-200.1-16). 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).