



The Environmental Notice

January 8, 2020

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.



Extreme close up of the 'io or Hawaiian hawk (*Buteo solitarius*)

Photo credit: [Makuahine Pa'i Ki'i](#)

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ANNOUNCEMENTS

As a reminder for HRS Chapter 343 items being published under the new rules, no paper copies of Environmental Assessments or Environmental Impact Statements should be submitted to OEQC; only one digital file is required, and can be submitted with the relevant letter via the [online submittal platform](#) or delivered on a disk (with a [Publication Form](#)) to our office.

To coincide with the first publication of the new year, the OEQC [2020 Publication Calendar](#) is attached at the end of this issue.

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS

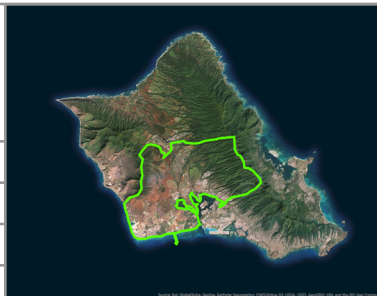


O'AHU

Honouliuli Wastewater Conveyance Plan--Draft EIS

Grandfathered under old rules

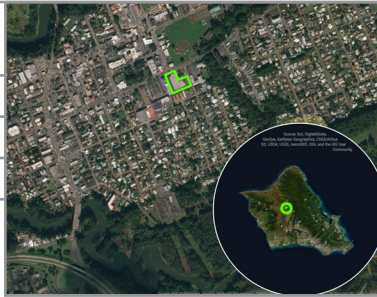
HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area (9)(A) Propose any wastewater treatment unit ...
District(s)	‘Ewa
TMK(s)	Zone 9-Sections 1 through 4, and Sections 6 through 9, and spans multiple properties.
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	Department of Environmental Services, City and County of Honolulu Paul Christiansen, (808) 768-3470, p.christiansen@honolulu.gov 1000 Ulu’ohia St., Suite 308, Kapolei, HI 96707
Accepting Authority	Department of Environmental Services, City and County of Honolulu Lori Kahikina, (808) 768-3486, lkahikina@honolulu.gov 1000 Ulu’ohia St., Suite 308, Kapolei, HI 96707
Consultant	AECOM Technical Services, Inc.; 1001 Bishop St., Suite 1600, Honolulu, HI 96707 Rae Loui, (808) 529-7221, rae.loui@aecom.com
Status	Statutory 45-day public review and comment period starts. Comments are due by February 24, 2020. Please send comments to the accepting authority and copy the proposing agency and the consultant.



The City and County of Honolulu Department of Environmental Services’ (ENV) Proposed Action is a program to upgrade and expand the existing East Interceptor Wastewater Collection System of the Honouliuli sewer basin to accommodate wastewater flows projected through the planning period of 2050. The Proposed Action includes planned improvements to the East Interceptor System and a proposed new sewer conveyance system from the Waiawa area to the East Interceptor System. Two East Interceptor conveyance options and three Waiawa conveyance options are evaluated. ENV anticipates that subsequent to this programmatic plan, and following the development of additional details of the individual projects, there may be further consideration of potential environmental effects for decisionmaking on the projects. When sufficient design details are available, separate project-specific HRS Chapter 343 documents will be prepared and compliance with other laws and requirements will be demonstrated.

Leeward CC Value-Added Product Development Center--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	
District(s)	Wahiawā	
TMK(s)	(1) 7-4-012:016	
Permit(s)	Numerous (see document)	
Proposing/ Determining Agency	University of Hawai'i, State of Hawai'i Denise Yoshimori-Yamamoto, (808) 956-8373, dfyoshim@hawaii.edu 1601 East-West Road, Burns Hall #4018, Honolulu, HI 96848	
Consultant	Wilson Okamoto Corporation: 1907 South Beretania St., Suite 400, Honolulu, HI 96826 Keola Cheng, (808) 946-2277, KCheng@wilsonokamoto.com	
Status	Finding of No Significant Impact (FONSI) determination.	

The University of Hawai‘i (UH) is proposing to construct the Value-Added Product Development Center (VAPDC) located at 1001 California Avenue in downtown Wahiawa. The project will repurpose an existing metal warehouse that formerly housed Tamura’s Wholesale Outlet, which was acquired by the State of Hawai‘i Department of Agriculture’s (DOA) Agribusiness Development Corporation in 2013 to advance agriculture in Hawai‘i. The goal of the project is to repurpose the existing warehouse as the VAPDC that will be jointly managed by University of Hawai‘i Community Colleges (UHCC) and the DOA’s Agribusiness Development Corporation. The VAPDC will offer a set of programs, services, and training that promote innovation and entrepreneurship within the agricultural industry.

O'AHU (CONTINUED)

Lā'ie Corporation Yard Master Plan--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
District(s)	Ko'olaupua
TMK(s)	(1) 5-6-006: 001
Permit(s)	Numerous (see document)
Proposing/ Determining Agency	Department of Design and Construction, City and County of Honolulu Anthony Macawile, Architect, (808) 786-8404, amacawile@honolulu.gov 650 South King St., Honolulu, HI 96813
Consultant	Gerald Park Urban Planner; 95-595 Kaname'e St., #324, Mililani, HI 96789 Gerald Park, (808) 625-9626, gpark@gpup.biz
Status	Finding of No Significant Impact (FONSI) determination.



The Facilities Master Plan for the Lā'ie Corporation Yard (Corp Yard) is a guide for renewing Department of Facility Maintenance Division of Road Maintenance facilities at the Corp Yard. The Corp Yard has been in existence since 1951 and is one of the City's oldest Road Maintenance facilities. The Department of Environmental Services Division of Refuse is also based at the Corp Yard. In total, the entire facility is challenged by obsolete operational and staffing accommodations, aged buildings and facilities, and constrained site conditions.

The Master Plan prescribes a blueprint and sequence for reconstructing aged facilities and providing sufficient garage, storage, workroom, office, and employee accommodations (lunchroom, lockers/showers). Large structures will be demolished and replaced by a new Administration Building, Storage Building, and two separate garages for Division of Road Maintenance and Division of Refuse vehicles. Two new facilities that are not currently at the Corp Yard--a Wash Rack Facility for vehicles and a Dewatering Facility for sorting and dewatering "wet" materials collected off-site by road maintenance crews--will improve environmental quality and replace existing practices. The projected construction cost is \$10.0 million and will be funded by the State of Hawai'i. A two-stage construction schedule is outlined over a projected two (2) year period.

KAUAI

HoKua Place (Acceptance of Final EIS)

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
District(s)	Kawaihau
TMK(s)	(4) 4-3-003: 001 (portion)
Permit(s)	Numerous (see document)
Approving Agency/ Accepting Authority	Land Use Commission, State of Hawai'i Scott A.K. Derrickson, AICP, (808) 587-3822. dbedt.luc.web@hawaii.gov P.O. Box 2359, Honolulu, HI 96804
Applicant	HG Kaua'i Joint Venture; 9911 South 78th Ave., Hickory Hills, IL 60457 Greg Allen, (808) 645-4500, gregallenbiz@gmail.com
Consultant	Agor Jehn Architects, LLC; 119 Merchant St., Suite 605A, Honolulu, HI 96813 Ron Agor, (808) 947-2467, ron@agorjehnarch.com
Status	The approving agency/accepting authority accepted the Final EIS on December 17, 2019.



HoKua Place is a proposed 97-acre residential subdivision to contain approximately 683 multi-family units and 86 single-family lots and homes. The Project will also include 14 acres of greenways, a 3.1-acre park, and 1.4 acres for neighborhood commercial use.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. **Comments are due January 22, 2020.** Please send comments to the relevant agency and copy any relevant applicant and/or consultant, unless noted otherwise.

HAWAI'I

[Church Conservation District Boundary Amendment--Draft EA \(AFNSI\)](#)

O'AHU

[Maunawili Estates WWPS Force Main Repairs--Draft EA \(AFNSI\)](#)

STATEWIDE

[Erythrina Gall Wasp Biological Control--Draft EA \(AFNSI\)](#) Please submit comments to the proposing/determining agency using the "Submit Comment" button at <https://dlnr.hawaii.gov/hisc/info/biocontrol/latest-biocontrol/erythrina-gall-wasp/>

LISTS OF EXEMPTION NOTICES

Pursuant to [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 December 2019; please contact the identified agency contact on each list for additional information about any specific exemption:

County of Hawai'i

[Department of Public Works](#)

[Office of Housing and Community Development](#)

County of Maui

[Department of Planning](#)

City and County of Honolulu

[Department of Planning and Permitting](#)

State of Hawai'i

[Commission on Water Resources Management](#)

[Department of Accounting and General Services](#)

[Department of Education](#)

[Department of Hawaiian Home Lands](#)

[Department of Land and Natural Resources](#)

[Department of Transportation](#)

PRIOR AGENCY DETERMINATIONS

Pursuant to [HAR Section 11-200.1-11](#), the State of Hawai'i Department of Land and Natural Resources [has determined](#) that additional environmental review is not required for the construction of a Rehabilitation Center at Hāna Health Community Health Center at Kawaipapa, Hāna, Maui, on Tax Map Key: (2) 1-4-003:024 (Parcel 24). A [Finding of No Significant Impact \(FONSI\)](#) was published in [The Environmental Notice on December 8, 2004](#), for a much larger Community Health and Wellness Village (Wellness Village) on Parcel 24 and an adjacent parcel designated as Tax Map Key: (2) 1-4-003:022. The proposed Rehabilitation Center serves one of the functions contemplated by the Wellness Village, but is a much smaller project on Parcel 24 only.



Aerial view of Hāna, Maui

Photo credit: [Brandy Saturley](#)

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 john.d.nakagawa@hawaii.gov or (808) 587-2878. The CZM Program is required to adhere to federal review deadlines, therefore, **comments must be received by January 22, 2020**. Comments may be submitted by mail or electronic mail, to the addresses below.

Mail: Office of Planning (Attn: CZM Program)
P.O. Box 2359, Honolulu, HI 96804

Email: john.d.nakagawa@hawaii.gov

National Marine Fisheries Service (NMFS) Pacific Islands Region Fisheries and Ecosystem Research

Proposed Action: The NMFS Pacific Islands Fisheries Service Center (PIFSC) is proposing to continue for five years, fisheries and ecosystem research throughout the Pacific Islands Region, including the Hawaiian Archipelago. The purpose of these research activities is to improve NMFS understanding of ocean ecosystems and support National Oceanic and Atmospheric Administration's (NOAA) mission of science, service and stewardship. The PIFSC implements a multidisciplinary research strategy including scientific analysis and an ecosystem observation system to support an ecosystem-based approach to the conservation, management, and restoration of living marine resources. PIFSC conducts a wide range of activities including resource surveys and stock assessments, fisheries monitoring, oceanographic research and monitoring, critical habitat evaluation, life history and ecology studies, advanced oceanographic and ecosystem modeling and simulations, and economic and sociological studies. These research activities are conducted using NOAA ships and charter vessels as research support platforms. Before and during implementation of the research activities, PIFSC intends to conduct measures to mitigate potential adverse effects on coastal uses and resources including: trawl surveys - visual monitoring for protected species; longline gear adjustments when conducting longline research; using precautionary small boat and diver operations; and removing marine debris in accordance with established protocols and avoiding historic and cultural features.

Location: Ocean surrounding Hawaiian Archipelago
Action/Agency: Federal Agency Activity by NMFS Pacific Islands Fisheries Service Center
Contact: Ms. Hoku Johnson, (808) 725-5323, hoku.johnson@noaa.gov

Hanalei Valley Viewpoint, Princeville, Kaua'i

Proposed Action: The U.S. Fish and Wildlife Service (USFWS) is proposing to develop the Hanalei Valley Viewpoint at the Hanalei National Wildlife Refuge (NWR). The viewpoint will be located on a 5.4-acre site, situated along the eastern ridge of Hanalei Valley, that was formerly a tree farm and nursery located south of Kūhiō Highway on a high bluff overlooking the NWR. According to the USFWS, the project is needed because the existing overlook has inadequate parking, uncontrolled vehicular access from Kūhiō Highway, a viewing area too close to the highway that detracts from visitors' experience, and does not contain adequate space for informational displays or stationing of NWR staff or volunteers to provide information to the public. There are no changes proposed for the existing overlook that would function independently of the proposed viewpoint. Construction of the viewpoint would clear and grub approximately 1.5 acres of degraded woodland at the abandoned nursery that is presently dominated by common, primarily non-native plant species. Approximately 0.5 acre would be paved for parking and approximately 0.1 acre would be paved for pedestrian trails. Approximately 0.9 acres would be landscaped with native and beneficial non-native plants and seeded to prevent soil erosion. The remaining 4 acres of the site would not be disturbed by the proposed project. For detailed information about the proposed action refer to the [Final EA](#) for the project, which was published in ["The Environmental Notice" on December 8, 2019](#).

Location: off Kūhiō Highway, Princeville, Kaua'i [TMK: (4) 5-3-1: 16]
Action/Agency: Federal Agency Activity by U.S. Fish and Wildlife Service
Contact: Alex Schwartz, (503) 736-4723, alex_schwartz@fws.gov

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
Kaua'i: Princeville (5-4-004: 046)	Four-foot High Posts Fencing (SMA(M)-2020-9)	John Bohm
Kaua'i: Kōloa (2-6-016: 027)	Swimming Pool, Outdoor Grill/Bar and Stone Wall Shower. (SMA(M)-2020-10)	Adrian Velicescu and George Tutunaru
Maui: Lahaina (4-6-029: 017)	Photovoltaic to Roof (SM2 20190119)	Rising Sun Solar
Maui: Lahaina (4-6-028: 023)	Collins Puamana Remodel (SM2 20190120)	David Collins
Maui: Makena (2-1-006: 083)	Lots 83 and 89 – Add New Power Pole (SM2 20190121)	Richard S. Young
Maui: Ka'anapali (4-4-013: 008)	Install New Antennas and Accessory Equipment (SM2 20190122)	Cellco Partnership dba Verizon Wireless
Maui: Kihei (2-1-008: 062)	Renovation to Enclose Courtyard (SM2 20190123)	Lori Huang
Maui: Kapalua Bay (4-2-004: 028)	Montage Kapalua Bay Unit 2604 (SM2 20190124)	Shirley Christiansen – Pro Draft Inc.
O'ahu: Kaka'ako (2-1-058: 129)	Food Trucks, Tent and Food Market Activities (SMA/19-2)	Diamond Parking Services LLC

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 via the hyperlinked File No. below or on the OCCL website at dlnr.hawaii.gov/occl.

File No.: [CDUA KA-3856](#)
Name of Applicant: County of Kaua'i, Department of Public Works
Name of Consultant: Oceanit Laboratories, Inc.
Location: 'Aliomanu Road, Anahola, Kaua'i
TMKs: (4) 4-8-018: 028 & 029, and seaward of both parcels
Proposed Action: ['Aliomanu Road Repair and Revetment Project](#)
343, HRS determination: [Final EA/FONSI](#) published March 23, 2018
Applicant's Contact: Lyle Tabata; ltabata@kauai.gov; 241-4994
Consultant Contact: Dayan Vithanage; dvithanage@oceanit.com; 531-3017
OCCL Staff Contact: Salvatore Saluga; salvatore.j.saluga@hawaii.gov; 587-0399

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: [Western Pacific Fishery Management Council; Public Meeting](#) (published by the National Oceanic and Atmospheric Administration on 12/31/2019)

The Western Pacific Fishery Management Council (Council) will hold an Archipelagic Plan Team (APT) meeting to discuss and make recommendations on fishery management issues in the Western Pacific Region. **The APT will meet on Thursday, January 23, 2020**, in Honolulu between 1 p.m. and 5 p.m., Hawai'i Standard Time. For specific times and agendas, and information about accessing the meeting via teleconference or webinar, please click on the linked title to this entry.

FEDERAL NOTICES (CONTINUED)

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.

Rule: [Endangered and Threatened Wildlife and Plants; Removing the Hawaiian Hawk From the Federal List of Endangered and Threatened Wildlife](#) (published by the Fish and Wildlife Service on 01/02/2020)

Under the authority of the Endangered Species Act of 1973, as amended (Act), the U.S. Fish and Wildlife Service (Service) is removing the Hawaiian hawk ('io) (*Buteo solitarius*) from the Federal List of Endangered and Threatened Wildlife. This determination is based on a thorough review of the best available scientific and commercial data, including comments received, that indicates the Hawaiian hawk no longer meets the definition of an endangered species or a threatened species under the Act.

The 'io was placed on the List as an endangered species using the best available science of 1967. Since then, improved monitoring, the species's demonstrated resilience, and partner-led landscape-scale conservation efforts have led the Service to conclude that the 'io no longer meets the definition of endangered (currently at risk of extinction) or threatened (at risk of becoming an endangered species in the foreseeable future) under the Act. Despite concerns regarding stressors on the 'io's viability expressed during the 2008, 2009, 2014, and 2018 comment periods (summarized in the final rule), the 'io has demonstrated resilience to maintain itself over time through periods of habitat loss and degradation (e.g., development, drought, volcanic eruption, and the introduction of nonnative species), alterations in food resources (i.e., less native species and more nonnative species), shooting, rodenticide use, and disease (i.e., avian pox and avian malaria). 'Io have adapted to occupy a variety of habitat types including native, native-exotic, and exotic forest, and feed on nonnative prey species such as rats, mongoose, and mice. Cumulative data show that the 'io has sustained a population abundance of approximately 2,500 to 3,000 individuals since the mid-1980s, with the most current estimate at 3,000 individuals. Over the past 20 years, conservation efforts have increased and there have been changes to agriculture and forestry practices that benefit 'io by providing an increase in forest areas, particularly native forest, that provide potential nesting and foraging habitats. The Service's review of the status of this species shows that the rangewide population estimates have been stable for at least 30 years, and that the species is not currently, nor is likely to become again, an endangered species within the foreseeable future in all or a significant portion of its range. **This rule is effective February 3, 2020.**

Notice: [National Register of Historic Places; Notification of Pending Nominations and Related Actions](#) (published by the National Park Service on 12/26/2019)

The National Park Service is soliciting comments on the significance of properties nominated before December 7, 2019, for listing or related actions in the National Register of Historic Places, including the following two properties located in the County of Hawai'i:

- Awong Brothers Store, (Honoka'a Town, Hawai'i MPS), 45-3600 Mamane St., Honoka'a, MP100004873
- Honoka'a Public Library, (Honoka'a Town, Hawai'i MPS), 45-3380 Mamane St., Bldg. # 3, Honoka'a, MP100004874

Please click on the title link to this entry for specific information about submitting comments. **Comments should be submitted by January 10, 2020.**

Notice: [Marine Mammals; File No. 23577](#) (by the National Oceanic and Atmospheric Administration on 12/23/2019)

Notice is hereby given that the BBC Studios Ltd., Natural History Unit Productions, Broadcasting House, Whiteladies Road, Bristol, BS8 2LR, UK, (Responsible Party: Rowan Crawford), has applied in due form for a permit to conduct commercial or educational photography of humpback whales (*Megaptera novaeangliae*). The applicant proposes to film humpback whales in Hawai'i to obtain footage for an episode of a wildlife television series focusing on female animal behavior. Up to 315 humpback whales will be targeted for filming using a vessel, underwater divers, and an unmanned aircraft system (UAS). Activities would include behavioral observations, photography/videography, UAS operation, and passive acoustic recordings. Filmmakers may incidentally harass up to 30 short-beaked common dolphins (*Delphinus delphis*), 60 bottlenose dolphins (*Tursiops truncatus*), 342 spinner dolphins (*Stenella longirostris*), and 324 short-finned pilot whales (*Globicephala macrorhynchus*) during filming. The permit would expire on March 31, 2020. In compliance with the National Environmental Policy Act of 1969, an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement. **Written, telefaxed, or email comments must be received on or before January 22, 2020.** Please click on the title link of this entry for additional information and for submitting comments.

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 (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 to 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. 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. 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 EISPEN 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 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. 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.



Maui sunset

Photo by [Thomas Hawk](#)

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).



Publication Calendar of the Office of Environmental Quality Control Periodic Bulletin, **HAR Chapter 11-200.1**

2020

Pursuant to Chapter 11-200.1, Hawai'i Administrative Rules (HAR), all items to be published in the periodic bulletin must be electronically submitted to the OEQC five working days prior to the publication date. For actions that have published a draft EA or EISPN on or before August 8, 2019, use the 1996 Rules Submittal Deadline column for determining the filing date for the Final EA, Draft EIS, Final EIS, Acceptance / Non-acceptance, supplemental determinations, and supplemental EISs.

1996 Rules Submittal Deadline	New Rules Submittal Deadline	Publication Date	EA or EISPN Comment 30-Day Deadline	EIS Comment 45-Day Deadline
Dec 11 Wed	Dec 16 Mon	Dec 23 2019 Mon	Jan 22 Wed	Feb 06 Thu
Dec 26 Thu	Dec 31 Tue	Jan 08 2020 Wed	Feb 07 Fri	Feb 24 Mon
Jan 10 Fri	Jan 15 Wed	Jan 23 Thu	Feb 24 Mon	Mar 09 Mon
Jan 29 Wed	Feb 03 Mon	Feb 08 Sat	Mar 09 Mon	Mar 24 Tue
Feb 11 Tue	Feb 14 Fri	Feb 23 Sun	Mar 24 Tue	Apr 08 Wed
Feb 26 Wed	Mar 02 Mon	Mar 08 Sun	Apr 07 Tue	Apr 22 Wed
Mar 11 Wed	Mar 16 Mon	Mar 23 Mon	Apr 22 Wed	May 07 Thu
Mar 27 Fri	Apr 01 Wed	Apr 08 Wed	May 08 Fri	May 26 Tue
Apr 13 Mon	Apr 16 Thu	Apr 23 Thu	May 26 Tue	Jun 08 Mon
Apr 28 Tue	May 01 Fri	May 08 Fri	Jun 08 Mon	Jun 22 Mon
May 13 Wed	May 18 Mon	May 23 Sat	Jun 22 Mon	Jul 07 Tue
May 27 Wed	Jun 01 Mon	Jun 08 Mon	Jul 08 Wed	Jul 23 Thu
Jun 10 Wed	Jun 16 Tue	Jun 23 Tue	Jul 23 Thu	Aug 07 Fri
Jun 25 Thu	Jun 30 Tue	Jul 08 Wed	Aug 07 Fri	Aug 24 Mon
Jul 13 Mon	Jul 16 Thu	Jul 23 Thu	Aug 24 Mon	Sep 08 Tue
Jul 29 Wed	Aug 03 Mon	Aug 08 Sat	Sep 08 Tue	Sep 22 Tue
Aug 11 Tue	Aug 14 Fri	Aug 23 Sun	Sep 22 Tue	Oct 07 Wed
Aug 26 Wed	Aug 31 Mon	Sep 08 Tue	Oct 08 Thu	Oct 23 Fri
Sep 11 Fri	Sep 16 Wed	Sep 23 Wed	Oct 23 Fri	Nov 09 Mon
Sep 28 Mon	Oct 01 Thu	Oct 08 Thu	Nov 09 Mon	Nov 23 Mon
Oct 13 Tue	Oct 16 Fri	Oct 23 Fri	Nov 23 Mon	Dec 07 Mon
Oct 27 Tue	Oct 30 Fri	Nov 08 Sun	Dec 08 Tue	Dec 23 Wed
Nov 10 Tue	Nov 16 Mon	Nov 23 Mon	Dec 23 Wed	Jan 07 Thu
Nov 25 Wed	Dec 01 Tue	Dec 08 Tue	Jan 07 Thu	Jan 22 Fri
Dec 11 Fri	Dec 16 Wed	Dec 23 2020 Wed	Jan 22 Fri	Feb 08 Mon
Dec 28 Mon	Dec 31 Thu	Jan 08 2021 Fri	Feb 08 Mon	Feb 22 Mon

- Section 11-200.1-4(a), 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 11-200.1-5(a), HAR, establishes the submittal deadline to be five 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. Note: Actions that have published the Draft EA or EISPN on or before August 8, 2019 shall file pursuant to Chapter 11-200, HAR, which requires filing eight working days before publication.
- Comment periods for EAs is 30 days and for EISs is 45 days from the publication date. Section 11-200.1-3 sets forth how to count the days from publication. The publication date is day zero. Holidays and weekends are counted. When the deadline falls on a state holiday or non-working day, the deadline is the next working day.