



The Environmental Notice

April 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.



Kōke'e State Park on Kaua'i, near the proposed location of a Seabird Preserve to help mitigate the incidental take of a'o'o, 'ua'u, and 'akē'akē caused by nighttime lighting

Photo credit: [Eli Duke](#)

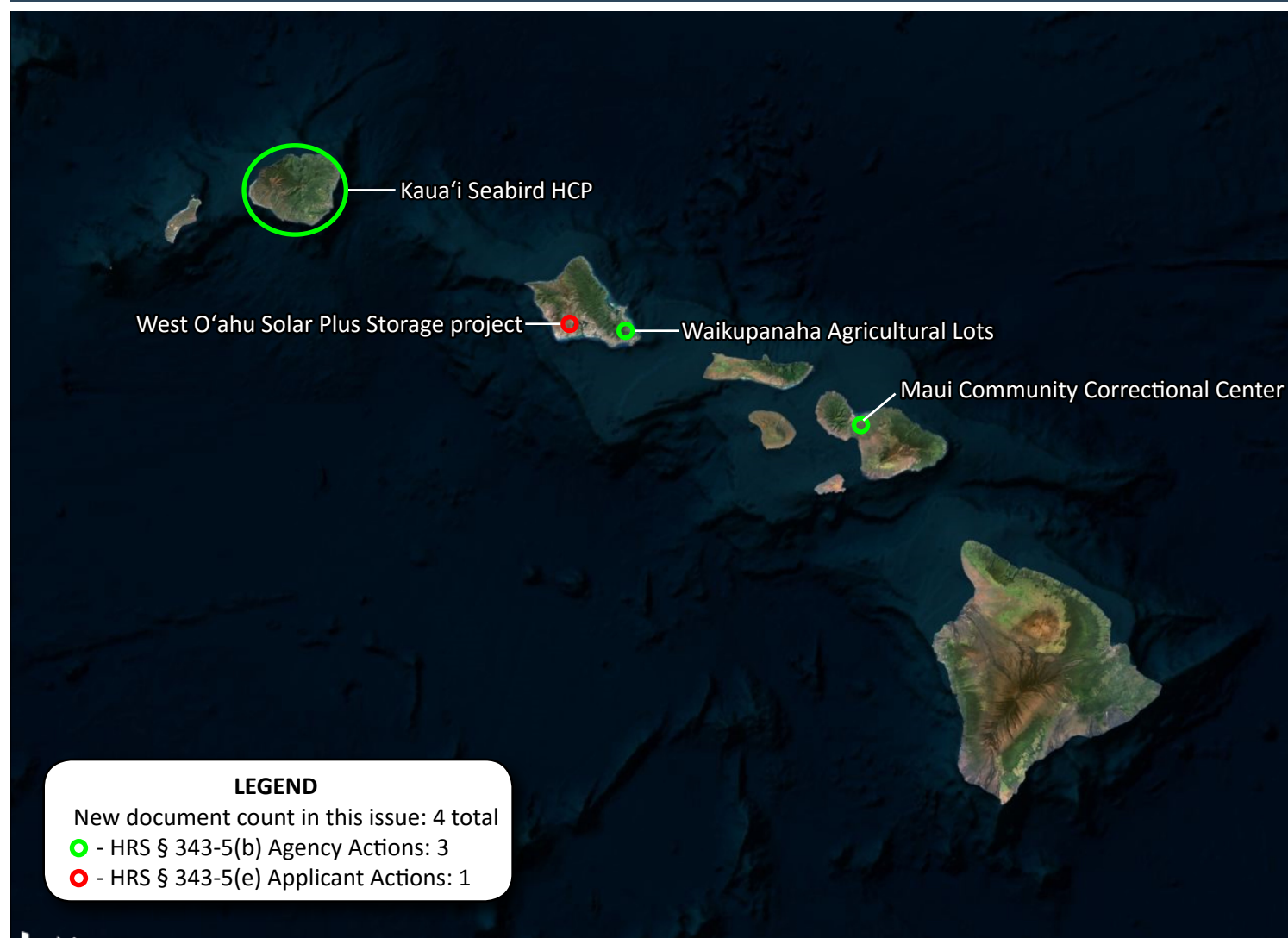
TABLE OF CONTENTS

ANNOUNCEMENTS	2	LISTS OF EXEMPTION NOTICES	5
STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS	2	EXEMPTION DECLARATION	5
O'AHU		PRIOR AGENCY DETERMINATIONS	5
West Oahu Solar Plus Storage Project--Draft EA (AFNSI)	3	SHORELINE NOTICES	
Waikupanaha Agricultural Lots--Final EA (FONSI)	3	Applications for Shoreline Certification.....	6
MAUI		Proposed Shoreline Certifications and Rejections.....	6
New Housing at Maui Community Correctional Center--Final EA (FONSI)	4	COASTAL ZONE MANAGEMENT NOTICES	
KAUA'I		Special Management Area (SMA) Minor Permits.....	6
Kaua'i Seabird Habitat Conservation Plan--Draft EA (AFNSI)	4	Federal Consistency Reviews.....	7
PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT	5	NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS	8
		FEDERAL NOTICES	8
		GLOSSARY OF TERMS AND DEFINITIONS	9

ANNOUNCEMENTS

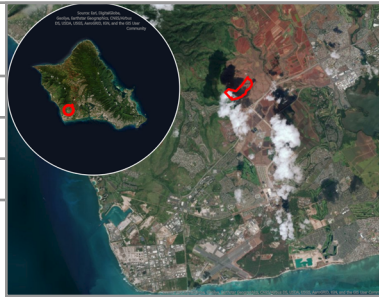
Under the current circumstances, Staying At Home is the best way to limit the spread of the Corona virus; accordingly, our [Online Submittal Form](#) is an optimal way to submit Chapter 343 documents to OEQC for publication in *The Environmental Notice*. Feel free to contact us by phone (808-586-4185) or email (oeqchawaii@doh.hawaii.gov) with questions about submittal or any other aspect of the environmental review process.

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS




O'AHU

West O'ahu Solar Plus Storage Project--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)	'Ewa	
TMK(s)	(1) 9-2-002:007	
Permit(s)	Various (see document)	
Approving Agency	Department of Planning and Permitting, City & County of Honolulu Raymond Young, (808) 768-8049, rcsyoung@honolulu.gov 650 S. King Street, 7th Floor, Honolulu, HI 96813	
Applicant	AES West O'ahu Solar, LLC; 282 Century Place, #2000, Louisville, CO 80027 Nick Molinari, (303) 524-4368, nick.molinari@aes.com	
Consultant	Tetra Tech, Inc.; 737 Bishop Street, Suite 2340, Honolulu, HI 96813 Lisa Kettley, (808) 441-6651, lisa.kettley@tetrattech.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 8, 2020. Click the title link above to access and read the document, then send comments to the approving agency and copy the applicant and the consultant.	

AES West Oahu Solar, LLC is proposing the West O'ahu Solar Plus Storage Project on land owned by University of Hawai'i, approximately 3 miles northeast of Kapolei. The Project would provide up to 12.5 MW of solar energy and 50 MWh of battery storage, helping the State of Hawai'i achieve its energy goals of generating 100 percent of the state's energy from renewable sources. The Project would interconnect with Hawaiian Electric's island-wide grid via an existing 46-kV sub-transmission line that traverses the Project area. The power generated by the Project would be sold to Hawaiian Electric under a new 25-year power purchase agreement. At the end of the Project's operational life, the facilities would be decommissioned and the Project area would be returned to substantially the same condition as existed prior to Project development. The Project area occupied by the solar energy facility would be made available for compatible agricultural uses pursuant to HRS 205-4.5(a)(21).

Waikupanaha Agricultural Lots--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Ko'olaupoko	
TMK(s)	(1) 4-1-008: 002 (por.), 093, 094, 095 and 096	
Permit(s)	NPDES, Community Noise Permit, Non-Covered and/or Covered Source Permit (Air Quality), Lane Use Permit for Construction Work, Oversized and Overweight Vehicles on State Highways Permit; County Building Permits, Grubbing/Grading/Stockpiling Permits, Permit to Work Within County Right-of-Way	
Proposing/ Determining Agency	Department of Hawaiian Home Lands, State of Hawai'i Darrell Ing, (808) 620-9276, darrell.h.ing@hawaii.gov P.O. Box 1879, Honolulu, HI 96805	
Consultant	The Limtiaco Consulting Group; 1622 Kanakanui St., Honolulu, HI 96817 Claire Oshiro, (808) 596-7790, claire@tlcgchawaii.com	
Status	Finding of No Significant Impact (FONSI) determination.	

The proposed development of Hawaiian Home Lands will allow the agency to award approximately 30 agricultural lots. Each homestead lot will be approximately 0.5 to 0.75 acres in size. DHHL's project will consolidate and re-subdivide several contiguous parcels located along Waikupanaha Street and will require onsite infrastructure and connections to existing nearby municipal infrastructure, which is primarily along Hihimanu Street.


The project site consists of several contiguous parcels identified as Tax Map Keys (1) 4-1-008: 002 (por.), 093, 094, 095 and 096. DHHL's parcels consist of partially improved land that are currently utilized for non-homesteading uses.

The project site currently contains buildings and structures associated with observed agricultural activity. Field observations and available land use information suggests that the project site has been altered by land-disturbing activities associated with agriculture, animal husbandry and a quarrying operation.

MAUI

New Housing at Maui Community Correctional Center--Final EA (FONSI)

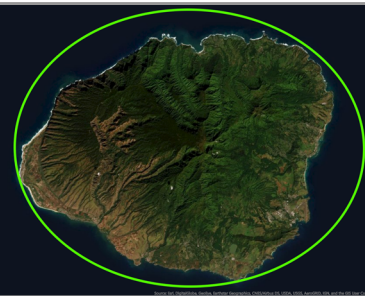
Grandfathered under old rules

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Wailuku	
TMK(s)	(2) 3-8-46: 005, 006	
Permit(s)	Construction Permits	
Proposing/Determining Agency	Department of Accounting and General Services, State of Hawai'i Reynaldo Rios, Project Management Br., (808) 586-0468; reynaldo.d.rios@hawaii.gov 1151 Punchbowl Street, Room 430, Honolulu, HI 96813	
Consultant	WSP USA Solutions, Inc.; 412 Mt. Kemble Avenue, Morristown, NJ 07962 Robert J. Nardi, PP, Vice President, (973) 407-1681, robert.nardi@wsp.com	
Status	Finding of No Significant Impact (FONSI) determination.	

The Hawai'i Department of Public Safety (PSD) is moving forward with efforts to improve its corrections infrastructure. This includes alleviating crowding that exists at the Maui Community Correctional Center (CCC), Hawai'i CCC, and Kaua'i CCC by developing new housing units for inmates who are currently housed at each facility. The proposed Maui CCC housing unit will accommodate up to 80 inmates to address the crowded conditions; provision of such housing is not intended to increase the inmate population beyond its current number. The housing unit, designed and constructed to state and national standards, would help achieve a safe, secure, and humane environment for the care and custody of male and female offenders held at the facility and is representative of PSD's overall program of improving its facilities. At the present time, funds have been appropriated to construct only a portion of the total 80 beds with construction of the balance to be undertaken in subsequent phase(s) as additional construction funds are appropriated by the Hawai'i State Legislature. No significant adverse impacts are anticipated from implementation of the proposed project at the Maui CCC.

KAUA'I

Kaua'i Seabird Habitat Conservation Plan--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)	Kaua'i-multiple	
TMK(s)	Kaua'i-multiple	
Permit(s)	Incidental Take License, DLNR lease	
Proposing/ Determining Agency	Department of Land and Natural Resources, State of Hawai'i Kate Cullison, (808)-223-0459, Katherine.cullison@hawaii.gov 1151 Punchbowl Street #325, Honolulu, HI 96813	
Consultant	None	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 8, 2020. Click the title link above to access and read the document, then send comments to the proposing/determining agency.	

The proposed action is for the implementation of the Kaua'i Seabird Habitat Conservation Plan in conjunction with State of Hawai'i Department of Land and Natural Resources issuing Incidental Take Licenses to qualifying Applicants that request authorization for incidental take of Newell's shearwater ('a'o), Hawaiian petrel ('ua'u), and the band-rumped storm-petrel ('akē'akē) (Covered Species) caused by Covered Activities based on the Applicants' commitment to implement the Plan. Under the Plan, minimization measures emphasize reducing the amount of artificial, night-time light that shines upward and reducing the amount of light output or intensity, which have been shown to reduce the effects of light attraction on the Covered Species. Mitigation activities include creating and managing a Seabird Preserve, and conducting predator control to reduce depredation on existing nearby seabirds and colonies. The proposed Seabird Preserve comprises about 5 acres along the Nā Pali Coast at about 4,000 feet above sea level. The site occupies a portion of an area known as "Kahuama'a Flat," on Conservation District land owned by the State of Hawai'i and managed by DLNR Division of State Parks (por. 5-9-001:016 (Kōke'e State Park (Resource subzone)) and por. 5-9-001:001 (Nāpali Coast State Wilderness Park (Protective subzone))).

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

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

O'AHU (CHAPTER 25, ROH)

[Kahe Battery Energy Storage System--Draft EA \(AFNSI\)](#)

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 March 2020; refer to 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 Hawaiian Home Lands](#)

[Department of Land and Natural Resources](#)

[Department of Transportation](#)

[University of Hawai'i](#)

County of Hawai'i

[Department of Public Works](#)

[Office of Housing and Community Development](#)

City and County of Honolulu

[Department of Design and Construction](#)

[Department of Environmental Services](#)

[Department of Planning and Permitting](#)

County of Maui

[Planning Department](#)

EXEMPTION DECLARATION

The Department of Hawaiian Home Lands (DHHL), State of Hawai'i, has declared the following action exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#):

[Subdivision of Lots 7 & 22 within the Greater Pu'ukapu Region including Kūhiō Villages & Pu'ukapu Supplemental Agriculture Lots](#)

The project will provide DHHL with two additional lots that can be utilized to further its mission of elevating the lahui through homestead opportunities. Attendees that participated in the development of the 2012 Waimea Nui Regional Plan identified, "vacant and returned lots should be re-awarded" and "The moratorium on releasing new agriculture lots should be lifted" as regional opportunities. This project will be conducted in three phases. Phase I and II will be conducted by DHHL and their contractors. Phase III will be conducted by the lessees and their contractors. *Click on link above for further details.*

PRIOR AGENCY DETERMINATIONS

The City and County of Honolulu, Department of Design and Construction (DDC) is proposing a "Coastal Wetlands Aviary" as an updated design for the "Hawaii Biome" concept described in the Honolulu Zoo Master Plan. The new design is intended to reflect updated priorities of the Honolulu Zoo's education, conservation, and animal welfare programs by highlighting unique features of Hawaiian topography, landscape, and culture.

Pursuant to [HAR Section 11-200.1-11](#), DDC has [determined](#) that the proposed "Coastal Wetlands Aviary" remains within the parameters of the [Environmental Assessment prepared for the Honolulu Zoo Master Plan](#) and is consistent with the existing Findings of No Significant Impact (FONSI). Therefore, DDC may proceed with proposed project without further Chapter 343 environmental review.

SHORELINE NOTICES

APPLICATIONS FOR SHORELINE CERTIFICATION

None this issue

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-727	Proposed	1 Ritz Carlton Dr., Maui 96761	(2) 4-2-004: por. 014 & por. 021	Fukumoto Engineering, Inc.	BRE RC Kapalua LLC
MA-730	Proposed	3900 Wailea Alanui Dr., Maui 96753	(2) 2-1-023: 007	Akamai Land Surveying, Inc.	3900 WA Associates DBA Four Seasons Resort Maui
MA-734	Proposed	2760 South Kihei Rd. & South Kihei Rd., Maui 96753	(2) 3-9-004: por. 048 & 3-9-005: 031	Control Point Surveying, Inc.	Dep't of Land and Natural Resources, State of Hawai'i
LA-022	Proposed	State Highway #44, Lana'i	(2) 4-9-002: por. 001 & 4-9-003: por. 010	R.M. Towill	Lanai Resorts, LLC
LA-023	Proposed	Kaunolu Trail, Lana'i	(2) 4-9-002: por. 001	R.M. Towill	Lanai Resorts, LLC
MO-180	Proposed	4670 Pohakuloa Rd., Moloka'i	(2) 5-1-008: 038	Akamai Land Surveying, Inc.	Bernard and Joyce Xavier
HA-584	Proposed	Papaikou, Hawai'i	(3) 2-7-004: 025	Daniel Berg, dlb & associates, LLC	Shropshire Group LLC

COASTAL ZONE MANAGEMENT NOTICES

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

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

Location (TMK)	Description (File No.)	Applicant/Agent
Kaua'i: Hā'ena (5-9-002: 052)	Temporary Dust Fence (SMA(M)-2020-17)	AD Venture 22, LLC
Kaua'i: Kilauea (5-2-021: 041)	After-the-Fact 8' Wide and 150' Long Foot Path (SMA(M)-2020-18)	Michael A. Kaplan, Trustee; Michael A. Kaplan, Revocable TR
Maui: Lahaina (4-5-003: 026)	Garage Restoration (SM2 20200032)	Steve Herbert
Maui: Kapalua (4-2-004: 028)	Montage Kapalua Bay Unit 2404 (SM2 20200033)	Shirley Christiansen Pro Draft Inc.
Maui: Wailea (2-1-029: 008)	Wailea Ridge Eight LLC (SM2 20200034)	Marc Ahmadi
Maui: Wailea (2-1-008: 061)	After-the-Fact Guestroom Improvements (SM2 20200035)	Sunstone Hawaii 3-0, LLC
Maui: Wailea (2-1-023: 004)	Wailea Point 2302 (SM2 20200036)	Brenda Braun

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

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 April 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

Kauai Kailani Beach Restoration, Kapa'a, Kaua'i

Proposed Action: The proposed action includes a beach nourishment and construction of a temporary sand bag groin, as well as subsequent placement and grading of additional sand for nourishment as needed in subsequent years. Approximately 540 cubic yards (cy) of beach material (compliant with state standards for grain size, calcium carbonate composition, and free of contaminants) will be excavated from the Waipouli Drainage Canal. Of this dredged sand, approximately 440 cy of beach quality sand will be placed for beach nourishment. The temporary groin will be approximately 12 feet wide by approximately 80 feet long, 60 feet of which will be below the high tide line, and will be constructed using approximately 100 cy of sand to fill a total of 29 geotextile sandbags (each bag 8 ft x 5 ft x 2 ft) underlain by 28 cy of stone in a stone-filled filter mattress. Prior to placement of fill, the footprint of the groin would first be graded by movement of loose rubble stone and sand. The proposed temporary groin and beach nourishment will encompass 0.135 acres along 170 feet of shoreline at Kauai Kailani beach. Subsequent placement and grading of additional sand for nourishment repairs, as needed, during the 10 year duration of the project is also proposed. Approximately 100-200 cy of sand are expected to be needed every 3 years following the initial nourishment event.

Location: 4-856 Kūhiō Hwy, Kapa'a, Kaua'i; TMK: (4) 4-3-9: 41
Applicant: Association of Unit Owners Kauai Kailani
Consultant: Michael Foley, Oceanit, mfoley@oceanit.com
Action/Agency: Federal Permit by U.S. Army Corps of Engineers

Improvements to Collector Roads, Portions of Olohena Road, Kukui Street & Ulu Street – Phase I, Kapa'a, Kaua'i

Proposed Action: The proposed action is to rehabilitate and resurface roadways along roughly 2.5 miles of Olohena Road and widen the roadway's shoulders by up to six feet in each direction in areas where the right-of-way can accommodate the proposed widening. Also, the Project will modify drainage facilities and utilities, including relocation and replacement where necessitated by pavement widening/rehabilitation. There will be ancillary improvements, including guardrail adjustments and installations, and other safety improvements. Lastly, the Project will include improvements to Olohena Bridge No. 2, including widening the bridge to two lanes, along with ancillary utility relocations and end treatments/safety rail transitions. Some work may extend beyond the roadway right-of-way (ROW). The project area is defined as approximately 10 feet on either side of the ROW along the affected segment of Olohena Road, as well as approximately 10 feet below the surface for most of its footprint, though it may be deeper at Olohena Bridge No. 2 depending on final project design.

Location: Kapa'a, Kaua'i; TMK: (4) 4-3-3: 999; 4-4-5: 999; 4-4-6: 999
Applicant: County of Kaua'i, Department of Public Works
Consultant: Ms. Nami Ohtomo, WSP, nami.ohtomo@wsp.com
Action/Agency: Federal Funding by Federal Highway Administration

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents provided for publication that have been prepared pursuant to federal NEPA requirements, rather than Hawai'i's Chapter 343, HRS (sometimes referred to as "HEPA"). Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and HEPA; in those cases, a separate Chapter 343, HRS, entry would be published in *The Environmental Notice* when a relevant document or determination is submitted to OEQC.

Halewai'olu Senior Residences--NEPA EA

Island/District/TMK	O'ahu / Honolulu / (1) 1-7-006:012
Permit(s)	201H
Approving Agency	Department of Land Management, City and County of Honolulu Sandra S. Pfund, Director, (808) 768-4277, spfund@honolulu.gov 558 South King Street, Honolulu, HI 96813
Applicant	Halewai'olu Senior Development, LLC; 737 Bishop Street, Suite 1520, Honolulu, HI 96813 Karen Seddon, Vice President, (808) 691-9446, kseddon@tmo.com
Consultant	R. M. Towill Corporation; 2024 North King Street, Suite 200, Honolulu, HI 96819 Keith Kurahashi, Principal Planner, (808) 842-1133, keithk@rmtowill.com
Status	30-day public & agency comment period starts. Comments due by May 8, 2020. Send comments to the Consultant, and copy the Approving Agency (attention Seiji Ogawa at seiji.ogawa@honolulu.gov)

Applicant proposes to demolish an existing vacant commercial building and parking lot on the Project Site and construct a new affordable rental housing facility for seniors aged 62 and over. The new 17-story residential facility will include 155, 1- and 2-bedroom units for seniors earning 80% and below of Area Median Income (AMI), and one resident manager's unit. Eight units will be designated for seniors earning 30% AMI or below; 131 units will be designated for seniors earning 60% AMI or below; and the remaining 16 units will be available for seniors earning 80% AMI or below. The residential facility will also include a multi-purpose room, social services office, property management offices, lobby, courtyard, and retail space. Project will remain affordable for a maximum term of 75 years. It will be about 174 feet tall with a 4-story podium. Various affordable housing and LUO exemptions under the City's HRS, 201H program are being requested.

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 Meetings (published by the National Oceanic and Atmospheric Administration on 04/06/2020)

The Western Pacific Fishery Management Council (Council) will hold meetings of its Archipelagic Plan Team (APT) and the Data Collection Subpanel (DCSP) of the Fishery Data Collection and Research Committee—Technical Committee (FDCRC-TC) by web conference to discuss fishery management issues and develop recommendations for future management of fisheries in the Western Pacific Region.

The APT will be held on April 20-22, 2020. The DCSP will be held on April 23-24, 2020. For specific times and agendas, click on the title link above. The meetings will be held by web conference. Audio and visual portions of the web conference can be accessed at: <https://wprfmc.webex.com/join/info.wpcouncilnoaa.gov>. Web conference access information will also be posted on the Council's website at www.wpcouncil.org. For assistance with the web conference connection, contact the Council office at (808) 522-8220.

Notice: Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews for 25 Southeastern Species (published by the Fish and Wildlife Service on 03/25/2020)

We, the U.S. Fish and Wildlife Service, are initiating 5-year status reviews of 25 species (including the hawksbill sea turtle [*Eretmochelys imbricata*] found in Hawai'i) under the Endangered Species Act, as amended. A 5-year review is an assessment of the best scientific and commercial data available at the time of the review. We are requesting submission of information that has become available since the last reviews of these species. To allow us adequate time to conduct these reviews, **we must receive your comments or information on or before May 26, 2020.** However, we will continue to accept new information about any listed species at any time. For instructions on how to submit information and review information that we receive on these species, please click on the title link 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 Chapter 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).