The Environmental Notice

September 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.

The ford crossing of the Waimea River on Kaua‘i isn’t much different today than it was over 100 years ago

Photo from the Waimea River Ford Crossing Draft EA (Hawai‘i State Archives)
**TABLE OF CONTENTS**

**ANNOUNCEMENTS** .......................................................... 2

**STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS / DETERMINATIONS** .......................................................... 2

**HAWAI‘I**
- Army Training Land Retention at Pōhakuloa Training Area (EIS Preparation Notice) .......................................................... 3
- Hilo Scrap Metal Yard Closure and Remediation--Final EA (FONSI) .................................................................................. 3
- Royal Vistas Housing Project--Republished Draft EA (AFNSI) .................................................................................. 4

**MAUI**
- Wastewater Improvements At Pulehunui--Draft EA (AFNSI) .................................................................................. 4

**O‘AHU**
- Mixed-Use Affordable Housing at the University of Hawai‘i at Mānoa Campus--Draft EA (AFNSI) .......................................................... 5

**KAUA‘I**
- Waimea River Ford Crossing--Draft EA (AFNSI) .................................................................................. 5

**PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT** .................................................................................. 6

**LISTS OF EXEMPTION NOTICES** .......................................................... 6

**COASTAL ZONE MANAGEMENT NOTICES** .......................................................... 7
- Special Management Area (SMA) Minor Permits .................................................................................. 7

**SHORELINE NOTICES** .......................................................... 7
- Applications for Shoreline Certification .................................................................................. 7
- Proposed Shoreline Certifications and Rejections .................................................................................. 7

**FEDERAL NOTICE** .......................................................... 7

**GLOSSARY OF TERMS AND DEFINITIONS** .......................................................... 8

---

**ANNOUNCEMENTS**

In response to the continuing COVID-19 pandemic, OEQC reiterates that the online submittal form is the preferred means of transmitting documents and files for publication. Please make an appointment if you desire to visit our office; unannounced walk-ins can not be accommodated at this time. Contact OEQC via email at oeqchawaii@doh.hawaii.gov or call (808) 586-4185.

**STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS / DETERMINATIONS**

---

**LEGEND**

New item count in this issue: 6 total

- HRS § 343-5(b) Agency Actions: 3
- HRS § 343-5(e) Applicant Actions: 3
Hawai’i

Army Training Land Retention at Pōhakuloa Training Area (EIS Preparation Notice)

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) Hāmākua and North Hilo
TMK(s) (3) 4-4-015:008; 4-4-016:005; 7-1-004:007; 3-8-001:013; 3-8-001:022
Permit(s) Numerous (see document)

Approving Agency/ Accepting Authority
Board of Land and Natural Resources, State of Hawai’i
Russell Tsuji, DLNR, Land Division, (808) 587-0419, dlnr.land@hawaii.gov
1151 Punchbowl St., Room 220, Honolulu, HI 96813

Applicant U.S. Army Garrison-Hawaii & U.S. Army Installation Management Command
Gregory Wahl, (808) 656-3093, Gregory.t.wahl.civ@mail.mil for questions, or usarmy.hawaii.nepa@mail.mil to cc comments
U.S. Army Garrison Hawaii Directorate of Public Works - Environmental
948 Santos Dumont Ave., Building 105, 3rd Floor, Wheeler Army Airfield, Schofield Barracks, HI 96857-5013

Consultant G70; 111 S. King Street, Suite 170, Honolulu, HI 96813
Jeff Overton, (808) 523-5866, ATLR-PTA-EIS@g70.design

Status Administrative public review and comment period starts. Comments are due by October 14, 2020. Click the title link above or navigate to https://home.army.mil/hawaii/index.php/PTAEIS to access and read the document, then address comments to the approving agency/accepting authority at http://atlrptaegis.commentinput.com and copy the applicant and the consultant. A virtual public scoping meeting will be held on September 23, 2020 4 - 9 p.m; to participate, navigate to https://home.army.mil/hawaii/index.php/PTAEIS

The Pōhakuloa Training Area (PTA) on Hawai’i Island encompasses approximately 133,000 acres of federally-owned and state-owned land. The U.S. Government leases approximately 23,000 acres at PTA from the State. The 65-year lease expires on August 16, 2029. The Army proposes to retain up to 23,000 acres of State-owned land in support of continued military training. The retention will preserve access between major parcels of U.S. Government-owned land in PTA, retain substantial Army infrastructure investments, and allow for future facility and infrastructure modernization. Loss of this land would substantially impact the ability of the Army to meet training requirements and mission of readiness. The Proposed Action does not involve new training, construction, or resource management activities at PTA. Instead, it is a real estate action that would enable continued military use of the land. A Notice of Intent for this action has also been published in the Federal Register.

Hilo Scrap Metal Yard Closure and Remediation--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) South Hilo
TMK(s) (3) 2-1-013:150 (por.)
Permit(s) Numerous (see document)

Proposing/ Determining Agency
Department of Environmental Management, County of Hawai’i
Gene Quiamas, (808) 961-8270, Gene.Quiamas@hawaiicounty.gov
345 Kekūanāo’a Street, Suite 41, Hilo, HI 96720

Consultant Wilson Okamoto Corporation; 1907 S. Beretania Street, Suite 400, Honolulu, HI 96826
Rebecca Candilasa, (808) 946-2277, rcandilasa@wilsonokamoto.com

Status Finding of No Significant Impact (FONSI) determination

The County of Hawai’i Department of Environmental Management is planning to permanently close and remediate the site of the former Hilo Scrap Metal Yard located in Hilo on Hawai’i Island. The proposed action consists of excavating and disposing of all waste materials and all lead contaminated soils in the project area. As an alternative, DEM is also analyzing the cost benefits of only disposing of excavated non-recyclable waste materials and consolidating the lead-contaminated soils onsite, grading to optimize future use, and capping with an engineered cover system to prevent direct contact exposure to the lead-contaminated soil. Other activities may include conducting site assessments, post-extraction confirmation sampling, grading, backfilling portions of the site with clean aggregate, and vegetating. Once the site has been remediated, DEM plans to use the site in the future for consolidation of existing solid waste management program components in the area.
**Royal Vistas Housing Project--Republished Draft EA (AFNSI)**

<table>
<thead>
<tr>
<th>HRS §343-5(a) Trigger</th>
<th>(1) Propose the use of state or county lands or the use of state or county funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>District(s)</td>
<td>North Kona</td>
</tr>
<tr>
<td>TMK(s)</td>
<td>(3) 7-6-021: 016 - 019</td>
</tr>
<tr>
<td>Permit(s)</td>
<td>Numerous (see document)</td>
</tr>
<tr>
<td>Approving Agency</td>
<td>Planning Department, County of Hawai‘i</td>
</tr>
<tr>
<td></td>
<td>Michael Yee, (808) 961-8288, <a href="mailto:planning@hawaiicounty.gov">planning@hawaiicounty.gov</a></td>
</tr>
<tr>
<td></td>
<td>101 Pauahi St., Suite 3, Hilo, HI 96720</td>
</tr>
<tr>
<td>Applicant</td>
<td>Kona Three LLC; 101 Hualalai Street, Hilo, HI 96720</td>
</tr>
<tr>
<td></td>
<td>Richard Wheelock, (808) 753-3167, <a href="mailto:richard@eastwestrealty.org">richard@eastwestrealty.org</a></td>
</tr>
<tr>
<td>Consultant</td>
<td>Stantec Consulting; P.O. Box 191, Hilo, HI 96721</td>
</tr>
<tr>
<td></td>
<td>Michele Lefebvre, (808) 494-2039, <a href="mailto:michele.lefebvre@stantec.com">michele.lefebvre@stantec.com</a></td>
</tr>
<tr>
<td>Status</td>
<td>The proponent is republishing the Draft EA originally published on August 8, 2020 to provide for another statutory 30-day public review and comment period. Comments are due by October 8, 2020. The Final EA must include comments from all comment periods, so previously submitted comments do not need to be resubmitted. 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.</td>
</tr>
</tbody>
</table>

The proposed project is located approximately 2.7 miles south of downtown Kailua-Kona and would consist of necessary improvements to construct up to 450 multi-family residential units in clusters of two- and three-story buildings on approximately 70 acres. Units would target local renters and buyers in the “market” price points. The project is the final phase of the original zoning ordinance (No. 84-23) signed on May 15, 1984, and includes the multi-family zoned land which was planned for workforce housing. Electrical and sewer would be extended from nearby utility grid terminus and water commitments have already been purchased for the project. The proposed project has been designed to minimize impacts from surface water run-off. Traffic impacts would be minimized with a new un-signalized intersection off Queen Ka‘ahumanu Highway. No impacts to biological resources, historic or archaeological resources, or cultural sites or practices are expected from the project.

**MAUI**

**Wastewater Improvements At Pulehunui--Draft EA (AFNSI)**

<table>
<thead>
<tr>
<th>HRS §343-5(a) Trigger</th>
<th>(9)(A) Propose any wastewater treatment unit ...</th>
</tr>
</thead>
<tbody>
<tr>
<td>District(s)</td>
<td>Wailuku</td>
</tr>
<tr>
<td>TMK(s)</td>
<td>(2)3-8-104:017 (por.) and 030 (por.)</td>
</tr>
<tr>
<td>Permit(s)</td>
<td>Department of Health: HAR Title 11, Chapter 62 Compliance &amp; Solid Waste Permit; County of Maui: Construction Permits</td>
</tr>
<tr>
<td>Approving Agency</td>
<td>Department of Public Works, County of Maui</td>
</tr>
<tr>
<td></td>
<td>Rowena Dagdag-Andaya, (808) 270-7845, <a href="mailto:public.works@mauicounty.gov">public.works@mauicounty.gov</a></td>
</tr>
<tr>
<td></td>
<td>200 S. High Street, 4th Floor, Wailuku, HI 96793</td>
</tr>
<tr>
<td>Applicant</td>
<td>Valley Isle Pumping; 231-A Lower Kula Road, Kula, HI 96768</td>
</tr>
<tr>
<td></td>
<td>Sal Marino, (808) 280-5505, <a href="mailto:sal@valleyislepumping.com">sal@valleyislepumping.com</a></td>
</tr>
<tr>
<td>Consultant</td>
<td>Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793</td>
</tr>
<tr>
<td></td>
<td>Gwendolyn Rivera, (808) 244-2015, <a href="mailto:planning@munekiyohiraga.com">planning@munekiyohiraga.com</a></td>
</tr>
<tr>
<td>Status</td>
<td>Statutory 30-day public review and comment period starts. Comments are due by October 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.</td>
</tr>
</tbody>
</table>

Valley Isle Pumping (VIP) is proposing the development of a new wastewater pretreatment facility on a private parcel of land owned by 2Q LLC, leased by VIP, and located in the Pulehunui Industrial Park (TMK No. (2)3-8-104-017). The pretreatment facility will process private domestic wastewater generated offsite prior to its treatment at the Pulehunui Industrial Park’s wastewater treatment plant (WWTP) located on a private parcel owned by CMBY 2011 Investment, LLC (TMK No. (2)3-8-104-030). VIP also proposes improvements to the WWTP which will increase its capacity from its current maximum of 20,000 gallons per day (GPD) to approximately 40,000 GPD in order to accommodate the increased flow from the new pretreatment facility.
Mixed-Use Affordable Housing at the University of Hawai‘i at Mānoa Campus--Draft EA (AFNSI)

<table>
<thead>
<tr>
<th>HRS §343-5(a) Trigger</th>
<th>(1) Propose the use of state or county lands or the use of state or county funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>District(s)</td>
<td>Honolulu</td>
</tr>
<tr>
<td>TMK(s)</td>
<td>(1) 2-8-023:009</td>
</tr>
<tr>
<td>Permit(s)</td>
<td>see document</td>
</tr>
</tbody>
</table>
| Proposing/Determining Agency | University of Hawai‘i at Mānoa;  
Jan Gouveia, (808) 956-6405, jgouveia@hawaii.edu  
2444 Dole Street, Bachman 109H, Honolulu, HI 96822 |
| Consultant             | Belt Collins Hawaii; 2153 North King Street, Suite 200, Honolulu, HI 96819  
Allen Kam, (808) 521-5361, akam@bchdesign.com |
| Status                 | Statutory 30-day public review and comment period starts. Comments are due by October 8, 2020. Click the title link above to access and read the document, then address comments to the proposing/determining agency at akam@bchdesign.com |

The University of Hawai‘i at Mānoa has partnered with Greystar Development Services, LLC to design, build, finance, operate and maintain a multi-family mixed-use rental housing project for graduate students and faculty on its campus. The Proposed Action will demolish three existing structures at the Project Site and construct a new building that includes 2 adjoining towers connected by a 2-story podium ranging from 12 to 18 stories in height. The project will be comprised of up to 400 individual housing units, placed within with a mix of studios, one-, two- and three-bedroom apartment units. The first 2 floors of the housing complex will be dedicated to childcare center, retail and circulation.

Waimea River Ford Crossing--Draft EA (AFNSI)

<table>
<thead>
<tr>
<th>HRS §343-5(a) Trigger</th>
<th>(1) Propose the use of state or county lands or the use of state or county funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>District(s)</td>
<td>Waimea</td>
</tr>
<tr>
<td>TMK(s)</td>
<td>(4) 1-6-001:027 (por.); 888 (por.)</td>
</tr>
<tr>
<td>Permit(s)</td>
<td>Numerous (see document)</td>
</tr>
</tbody>
</table>
| Proposing/Determining Agency | Department of Public Works, County of Kaua‘i  
Christie Bagley, (808) 241-4885, cbagley@kauai.gov  
4444 Rice Street, Suite 275, Līhu‘e, HI 96766 |
| Consultant             | Bow Engineering & Development, Inc.; 1953 S. Beretania Street, PH-A, Honolulu, HI 96826  
Korey Johnson, (808) 369-8214, kjohnson@bowengineering.com |
| Status                 | Statutory 30-day public review and comment period starts. Comments are due by October 8, 2020. Click the title link above to access and read the document, then send comments to the proposing/determining agency at publicworks@kauai.gov and copy the consultant. |

The County of Kaua‘i Department of Public Works proposes to replace the existing Waimea River earthen crossing with a concrete crossing to prevent erosion of the crossing and to reduce the amount of maintenance required. The existing river crossing includes an earthen and gravel ford crossing. During periods of extremely high storm flows, the roadway materials are transported downstream. As a result, vehicular access to the east bank is not available until storm flows recede and maintenance crews reconstruct a new earthen roadway. The County Department of Public Works has identified the following objectives of the Waimea River Ford Crossing Project:

- To protect the health and safety of the public.
- To provide reliable access for residents and farmers across the Waimea River.
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 September 8, 2020**

**Hawai’i**
Royal Vistas Housing Project--Draft EA (AFNSI)  *This Draft EA is being republished, so new comment deadline is October 8, 2020*
Miloli’i Beach Park Accessibility Improvement Project--Draft EA (AFNSI)

**Maui**
Kanahā Hotel at Kahului Airport (2nd EIS Preparation Notice)

**O’ahu**
Waihe’e Lo’i Restoration and Riparian Learning Center--Draft EA (AFNSI)

**Comments Due September 22, 2020**

**Maui**

**O’ahu**
Kapālama Canal Catalytic Project--Draft EIS
Hale Makana O Mo’ili’ili--Draft EA (AFNSI)
Pat’s at Punaluu Wastewater Treatment System Replacement--Draft EA (AFNSI)

**Comments Due October 7, 2020**

**Maui**
Ka’anapali Beach Restoration and Berm Enhancement--Draft EIS

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 August 2020; refer to the identified agency contact on each list for additional information about any specific exemption:

**State of Hawai’i**
Department of Agriculture
Department of Land and Natural Resources
Department of Transportation
Commission on Water Resource Management

**County of Maui**
Department of Parks and Recreation
Planning Department
Department of Public Works

**City and County of Honolulu**
Department of Planning and Permitting

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.

<table>
<thead>
<tr>
<th>File No.</th>
<th>Location</th>
<th>TMK</th>
<th>Applicant</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>OA-1908</td>
<td>86 S. Kalaeo Avenue, O‘ahu 96734</td>
<td>(1) 4-3-013: 001</td>
<td>Wesley T. Tengan</td>
<td>Bumblebee LLC</td>
</tr>
<tr>
<td>MA-743</td>
<td>4100 Wailea Alanui Drive, Maui</td>
<td>(2) 2-1-023: 003</td>
<td>Warren S. Unemori Engineering Inc.</td>
<td>HMC Kea Lani LP</td>
</tr>
</tbody>
</table>
SHORELINE NOTICES (CONTINUED)

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.

<table>
<thead>
<tr>
<th>File No.</th>
<th>Status</th>
<th>Location</th>
<th>TMK</th>
<th>Applicant/Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>MO-182</td>
<td>Proposed</td>
<td>1300 Kamehameha V Highway, Moloka‘i 96748</td>
<td>(2) 5-4-002: 001</td>
<td>Control Point Surveying, Inc.</td>
</tr>
<tr>
<td>KA-455</td>
<td>Proposed</td>
<td>Moanalai Road, Kaua‘i</td>
<td>(4) 4-5-002: 003</td>
<td>Lucas Breckenridge &amp; Associates, Inc.</td>
</tr>
</tbody>
</table>

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).

<table>
<thead>
<tr>
<th>Location (TMK)</th>
<th>Description (File No.)</th>
<th>Applicant/Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawai‘i: North Kona (7-6-017: 036, 037 and 039)</td>
<td>Consolidate and Re-subdivide Three Lots into Two Lots; Remove Unpermitted CRM Seawall, Stairs, and Wood Deck within the Shoreline Area; Demolish Two Existing Dwellings and Related Improvements; Remove Wood Fence and Gate, and Replace with a New Lava Rock Wall and Three Gates; and Construct a Single-Family Dwelling and Guest House with Related Improvements (SMM 20-000431)</td>
<td>Fritz Harris-Glade</td>
</tr>
<tr>
<td>Maui: Ha‘ikū (2-9-005: 017)</td>
<td>New Covered Deck &amp; Increase Bedroom (SM2 20200070)</td>
<td>Elizabeth C Starr</td>
</tr>
<tr>
<td>Maui: Lahaina (4-3-006: 006)</td>
<td>Swimming Pool (SM2 20200071)</td>
<td>Pool Pro Inc.</td>
</tr>
<tr>
<td>Maui: Kihei (3-9-041: 032)</td>
<td>Subdivision (SM2 20200073)</td>
<td>Dominic Crosarioi</td>
</tr>
<tr>
<td>O‘ahu: Diamond Head (3-1-042: 014)</td>
<td>Diamond Head Road Rockfall Mitigation Improvements (2020/SMA-31)</td>
<td>City &amp; County of Honolulu, Dept of Design &amp; Construction/AECOM</td>
</tr>
</tbody>
</table>

FEDERAL NOTICE

As a courtesy, listed below is a relevant entry 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.

Proposed Rule: Guidelines for Safely Deterring Marine Mammals (published by the National Oceanic and Atmospheric Administration on 08/31/2020)

The Marine Mammal Protection Act (MMPA) allows for specified persons to employ measures to deter marine mammals from damaging fishing gear and catch, damaging personal or public property, or endangering personal safety, as long as these measures do not result in death or serious injury of marine mammals. The MMPA directs the Secretary of Commerce, through NOAA’s NMFS, to publish a list of “guidelines” for use in safely deterring marine mammals under NMFS’ jurisdiction and to recommend “specific measures,” which may be used to nonlethally deter marine mammals listed under the Endangered Species Act (ESA). While the guidelines and specific measures are not mandatory, the MMPA provides protection from liability under the MMPA for take resulting from such deterrence measures by specifying that any actions taken to deter marine mammals that are consistent with the guidelines or specific measures are not a violation of the act. NMFS has not evaluated these deterrents for effectiveness. This rulemaking also includes prohibitions on certain deterrent methods that NMFS has determined, using the best available scientific information, would have a significant adverse effect on marine mammals.

Click on the title link to this entry for information on submitting comments, which must be received by October 30, 2020.
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 (discretionary consent) 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(d), 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 (AFANSI), 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 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.

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’s 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 shorefront 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). Among other things, it 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 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).

Maui sunset
Photo by Thomas Hawk