



The Environmental Notice

January 23, 2021

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.



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ANNOUNCEMENTS


As the State Legislature begins the 2021 session, now is a time to exercise your ability to engage and participate in the legislative process. The Legislative Reference Bureau's [Public Access Room](#) offers information, facilities and services to assist you. While OEQC is presently not aware of any proposed legislation to amend the environmental review process established in [HRS Chapter 343](#), we encourage readers to stay up to date and work to ensure the process is fair, effective and meaningful.

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS




O‘AHU

Leeward Base Yard and Convenience Center Site Improvements--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) 9-1-026:033, 034 and 035	
Permit(s)	Underground Injection Control Permit; Modification to Existing Solid Waste Management Permit; Well Construction/Pump Installation Permit; Notice of General Permit Coverage NPDES Construction Stormwater Discharge Permit; Erosion and Sediment Control Plan, Clean Water Pollution Plan, Post-Construction Best Management Practices Plan; Grading, Grubbing, Trenching and Stockpiling Permits; Building Permits; Honolulu Fire Department Plan Review; Water Connection Approval; and Community Noise Permit	
Proposing/ Determining Agency	Department of Environmental Services, City and County of Honolulu Gaudencio “Dennis” Lopez, (808) 768-3428, Gaudencio.lopez@honolulu.gov 1000 Uluohia Street, Suite 201, Kapolei, HI 96707	
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeff Merz, (808) 523-5866, LeewardBaseYard@g70.design	
Status	Statutory 30-day public review and comment period starts. Comments are due by February 22, 2021. Please click on title link above to read the document, then send comments to the proposing/determining agency at LeewardBaseYard@g70.design	

The City & County of Honolulu (City) Department of Environmental Services (ENV) Refuse Division proposes to relocate operations of the Pearl City Refuse Collection Fleet from the existing Pearl City Corporation Yard to a newly constructed Leeward Base Yard & Convenience Center located on three City-owned parcels in James Campbell Industrial Park. The Proposed Action will include a new publicly available Convenience Center for depositing residential municipal solid waste (MSW). Related accessory uses are proposed & include the use of an existing Enhanced Materials Recovery Facility to house an Ash Recycling Facility & storage area; construction of a Material Recovery Facility & Glass Recycling Lot; installation of an onsite package domestic wastewater treatment plant; construction of an internal roadway connection to the adjacent Honolulu Program of Waste Energy Recovery (H-POWER) facility; installation of building-mounted wind turbines; and construction of underground injection wells.


Kawailoa Transfer Station Improvements--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)	Waialua	
TMK(s)	(1) 6-1-005:018 (por.)	
Permit(s)	Special Management Area Use Permit – Major, Modification to Existing Solid Waste Management Permit, Grading, Grubbing, Trenching and Stockpiling Permits, Building Permits	
Proposing/ Determining Agency	Department of Environmental Services, City and County of Honolulu Gaudencio “Dennis” Lopez, (808) 768-3428, Gaudencio.lopez@honolulu.gov 1000 Uluohia Street, Suite 201, Kapolei, HI 96707	
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeff Overton, (808) 523-5866, jeffo@g70.design	
Status	Statutory 30-day public review and comment period starts. Comments are due by February 22, 2021. Please click on title link above to read the document, then send comments to the proposing/determining agency at Kawailoats@g70.design	

Kawailoa Transfer Station (KTS) is owned and operated by the City Department of Environmental Services (ENV). ENV plans to provide a second loadout at KTS similar to other O‘ahu transfer stations, allowing for operational flexibility and reliability to support both refuse and green waste collection. Site improvements will be limited to the developed portion of the site. New construction will include extending the paved staging area to a new second loadout station; installing a new vehicle weigh scale, trench drain, and leachate holding tank at the existing and proposed loadouts; building a new mechanical/electric room; and adding a new 400 square foot office. Development of the site will involve vegetation clearing, minor grading and excavation, paving and general construction. The second loadout will allow for green waste to be received and transferred separately, as well as provide a redundant loadout in the case of the first loadout failure.

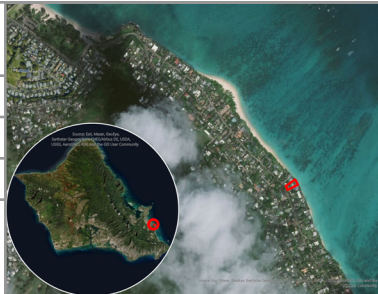
O‘AHU (CONTINUED)

Security Fencing at Diamond Head 180 Reservoir--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)	Honolulu	
TMK(s)	(1) 3-1-042:007	
Permit(s)	DPP Special Management Area Use Permit, Determination of Exemption from Special District Permit requirements; DCAB construction plan review; OCCL Site Plan Approval; SHPD HRS Chapter 6E effect determination	
Proposing/ Determining Agency	Board of Water Supply, City and County of Honolulu Kathleen Elliot-Pahinui, (808) 748-5319, kelliott-pahinui@hbws.org 630 South Beretania Street, Honolulu, HI 96843	
Consultant	AECOM; 1001 Bishop Street, Suite 1600, Honolulu, HI 96813 Puna Kaneakua, (808) 529-7258, puna.kaneakua@aecom.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by February 22, 2021. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.	

The Proposed Action is to paint the existing security fencing surrounding Diamond Head 180 Reservoir and to revegetate disturbed areas to minimize the visual impact of the fence. Construction of the existing fence was substantially complete prior to the determination that a SMA Use Permit and an EA would be required. This after-the-fact EA seeks to bring the project into regulatory compliance. Because construction of the security fencing was substantially complete prior to a determination that a SMA Use Permit and supporting EA would be required, the typical No Action alternative of not constructing the security fencing is moot. Therefore, the No Action alternative is to leave the existing security fencing and adjacent cleared areas as they are, without further modification. The Proposed Action is limited to modifications of the existing fence and adjacent cleared areas to minimize the visual impact.

Krueger Residence Seawall Modification and Repair--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(3) Propose any use within a shoreline area	
District(s)	Ko‘olaupoko	
TMK(s)	(1) 4-3-005:056	
Permit(s)	building, grading, grubbing, stockpiling and trenching permits	
Approving Agency	Department of Planning and Permitting, City and County of Honolulu Steve Tagawa, (808) 768-8024, stagawa@honolulu.gov 650 South King Street, Honolulu, HI 96813	
Applicant	David and Terri Krueger; c/o Consultant	
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeffrey Overton, (808) 523-5866, jeff@g70.design	
Status	Statutory 30-day public review and comment period starts. Comments are due by February 22, 2021. Please click on title link above to read the document, then send comments to the approving agency and copy the consultant.	

The Applicant proposes to modify an existing nonconforming concrete seawall located at the makai boundary of the 18,376-square-foot shoreline parcel at 1226A Mokulua Drive in Lanikai. The project involves the insertion of sheet piles in back (mauka) of the dilapidated seawall that extends along the 105-foot boundary of the site. The sheet piles will be driven into the hard substrate 9 feet below the existing seawall. The sheet piles will be capped with a concrete cap secured to the seawall with dowels.

The sheet pile cap will then be secured by 25-foot long steel tie rods spaced at 10 foot intervals anchored to the concrete deadman built further mauka and below the existing grade. The subject property and three adjacent parcels to the east (Waimānalo) are protected by a boulder rip-rap or "rock blanket" which was authorized by both the State and the City in 1968.

The project requires both a Shoreline Setback Variance and Major SMA permit.

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 FEBRUARY 7, 2021

O'AHU

[Wahiawā Civic Center-Court Facility and State Office Complex \(EIS Preparation Notice\)](#) (comment period was extended)

COMMENTS DUE FEBRUARY 8, 2021

O'AHU

[New Aloha Stadium Entertainment District--Draft EIS, Vol 2, Vol 3](#) and [audio recording of Public Scoping Meeting McKinley High School Athletic Complex Master Plan Amendment--Draft EA \(AFNSI\)](#)

COMMENTS DUE MARCH 10, 2021

O'AHU

[Waiawa Correctional Facility permits--Draft EA \(AFNSI\)](#)

EXEMPTION LIST CONCURRENCE

Pursuant to [HAR § 11-200.1-16](#), the Environmental Council has reviewed and concurred upon the following agency exemption lists, which are guidance documents for the referenced agency's use in considering the propriety of a specific exemption. The listed types of actions may be exempt from the requirement to prepare an EA or EIS. The Environmental Council's date of concurrence is posted on the list. Click on the link to view or download the list.

[Department of Public Works, County of Hawai'i \(January 5, 2021\)](#)

[Commission on Water Resource Management, State of Hawai'i \(January 5, 2021\)](#)

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
Maui: Ka'anapali (4-4-008: 016)	Five-Lot Subdivision (SM2 20130114)	Kaanapali Investments LLC
Maui: Kihei (3-9-018: 023)	Complete Tech Studies on Vacant Land (SM2 20190034)	Pacific Rim Land Inc.
Maui: Hāna (1-4-005: 019)	Convert Storage into Accessory Dwelling (SM2 20190035)	Gary Passon, Char Schulenburg
Maui: Lahaina (4-6-007: 026)	Renovate Existing House (SM2 20200089)	Steve Wuertz
Maui: Pā'ia (2-6-008: 013)	Mantokuji Mission Temple Shoreline Protection (SM2 20200095)	Mantokuji Mission Temple
Maui: Kihei (3-9-001: 044)	Kihei Holiday Condo Stair Repairs (SM2 20200106)	Robert Eikenberry
Maui: Ha'ikū (2-5-004: 025)	Ho'okipa Seabird Educational Signage (SM2 20200107)	DLNR
Maui: Lahaina (4-3-006: 004)	Repair Driveway and Parking Lot; Seal Coat, Pothole Repairs, Removal of Parking Islands (SM2 20200108)	Bud Kilmer
Maui: Kihei (3-9-051: 006)	After-the-Fact Storage Building (SM2 20200109)	Hawaiian Paddle Sports, LLC
Maui: Kihei (3-9-029: 000)	Installation of Wood Pole (SM2 20200110)	Kinaole MECO Pole
O'ahu: Waikīkī (2-6-005: por. of 001; 2-6-008: 001 to 003, 005, 007, 012 to 019, 023, 024, 027, 031, 034, 037 and 038; 2-6-009: 001 to 003, 007 and 009 to 013)	T-Mobile Utility Installation, Type A (2020/SMA-46)	T-Mobile West, LLC/Telecom Site Development Services, Inc.
O'ahu: Kahala (3-1-041: 005)	Installation of a New Guardrail on an Existing Seawall (2020/SMA-52)	Mason (Barbara Shideler)

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, john.d.nakagawa@hawaii.gov, (808) 587-2878. The CZM Program is required to adhere to federal review deadlines, therefore, **comments must be received by February 8, 2021**. Comments may be submitted by mail or electronic mail, to the addresses below.

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

Email: john.d.nakagawa@hawaii.gov

Naval Special Operations Reconnaissance Training, Ka'ena Point, O'ahu

Proposed Action: The U.S. Naval Special Warfare Command proposes to conduct special reconnaissance training at Ka'ena Point adjacent to the U.S. Air Force Kaena Point Satellite Tracking Station on State of Hawai'i owned land under the Department of Land and Natural Resources. Only special reconnaissance training activities would occur within the Kaena Point training area. Upon arrival at an area to conduct special reconnaissance training, trainees would hike to a designated observation point. Trainees are taught the techniques for conducting reconnaissance without alerting anyone to their presence or location. Trainees would remain undetected for a period of time with the goal of leaving no trace of their presence behind. This includes no vegetation trampled, no branches broken, no footprints visible, or any other indicators that they were there. Trainees would use observation techniques, following procedures, and reporting back on a scenario involving role-play with military instructors or support staff. No reconnaissance would be intentionally performed on activities other than those staged and pre-arranged for training purposes. The purpose of the proposed training is to build trainees' skills, experience, and confidence by challenging them in a variety of locations with dynamic ocean conditions and land types in a warm-weather environment. As part of the training, the trainees learn skills needed to avoid detection along with the goal of leaving no trace of their presence during or after training activities. To support the intent of the training, there is no use of live-fire ammunition, explosives, off-road driving, digging, tree climbing, construction, or the building of camp fires or infrastructure. Additionally, as part of the training objective that the activities be undetected, the support personnel teach trainees that no expended equipment, human waste, or transported liquids remain on site after the training activity is completed. During a typical training event, there would be up to 20 trainees and up to 15 support personnel (or up to 35 people in total) at a training site within the training study area. Training events are progressive in nature and would range between 2 and 72 hours depending on the activity.

Location: Ka'ena Point, O'ahu, adjacent to the U.S. Air Force Kaena Point Satellite Tracking Station
TMK(s): (1) 6-9-3: 2, 3, 4
Federal Action: Federal Agency Activity
Federal Agency: U.S. Naval Special Warfare Command

COASTAL ZONE MANAGEMENT NOTICES

FEDERAL CONSISTENCY REVIEWS (CONTINUED)

Waialele Stream Flood Risk Management Feasibility Study, Lā'ie, O'ahu

Proposed Action: The U.S. Army Corps of Engineers has initiated a feasibility study to assess flood risk management solutions for the Waialele Stream in the community of Lā'ie, O'ahu. Flood-related problems on this stretch of stream derive from the steep, short nature of the stream's watershed which lead to short-duration, high-flow events. This study evaluated a number of alternatives based on economic, engineering, environmental, and other factors. The tentatively selected plan maximizes the net National Economic Development benefits and has been selected as the National Economic Development Plan. The tentatively selected plan involves the following construction items:

- Improvements to the existing Waialele Stream streambed to include changing channel geometry
- Construction of a major drainage feature to capture overland sheet flows and divert them into the improved existing channel
- Construction of an overflow channel with an approximate bottom width of 50 feet and an approximate depth of 8 feet throughout its length. This channel would be capable of working in conjunction with the existing natural channel to pass the 0.01 annual chance of exceedance event and would discharge its flows into a confined estuary
- Construction of a weir at the divergence of the existing channel and the overflow channel to divert flows greater than 675 cubic feet per second
- Placing three culverts underneath the Kamehameha Highway
- Appurtenant structures (such as erosion protection and energy dissipaters) as required to ensure proper project operation

For detailed information about the proposed action, please contact the Hawai'i CZM Program.

Location: Waialele Stream, Lā'ie, O'ahu
TMK(s): (1) 5-5-6: 1 por.; 5-5-1: 18 por.
Federal Action: Federal Agency Activity
Federal Agency: U.S. Army Corps of Engineers, Honolulu District

STATE AGENCY NOTICES

The State of Hawai'i Department of Health will hold a public hearing for the proposed amendment of Hawai'i Administrative Rules chapters 11-260.1 to 11-279.1, which regulate businesses that generate or handle hazardous wastes and used oil. The proposed amendments align state regulations with updates to the US Environmental Protection Agency's federal hazardous waste management program, make hazardous waste solar panels universal waste, remove electronic nicotine distribution systems from the definition of pharmaceutical but allow management under subpart P, and allow both PHRM and PHARMS codes on manifests. Changes are also proposed to improve clarity and consistency and to correct typographical errors and cross-references.

The proposed amendments are posted online at health.hawaii.gov/shwb/hazwaste and can be viewed at 2827 Waimano Home Rd #100, Pearl City, Mon-Fri, 8am-4pm (except state holidays). Copies will be mailed on request and payment of a 5 cent/page copy fee and postage; call 808-586-4226 to request.

The public hearing will be held at 9am on February 23, 2021 via zoom. All interested parties may attend to present relevant information and individual opinion. Join online at zoom.us/j/91497764408 or by telephone at 253-215-8782 with webinar ID 91497764408. Anyone unable to attend may send written testimony to Attn: HW Rules, 2827 Waimano Home Rd #100, Pearl City, HI 96782 or noa.klein@doh.hawaii.gov. **Testimony must be received by March 2, 2021.** To request an auxiliary aid or service (e.g. ASL interpreter, large print) for the hearing, call 808-586-4226 (voice/TDD) or e-mail noa.klein@doh.hawaii.gov by February 16.

SHORELINE NOTICES

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
OA-1920	Proposed	91-243 'Ewa Beach Road, O'ahu	(1) 9-1-023: 022	Kenn Nishihira	Rachel K. Haili
MA-745	Proposed	130 Ka'ahumanu Avenue, Maui	(2) 3-7-003: 007	Walter P. Thompson, Inc.	MPV Holding Company LLC
OA-1895	Rejection	59-541 Ke Iki Road, O'ahu	(1) 5-9-003: 068	Jaime F. Alimboyoguen	Quentin Gillette

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: [Applying the Supreme Court's County of Maui v. Hawaii Wildlife Fund Decision in the Clean Water Act Section 402 National Pollutant Discharge Elimination System Permit Program](#) (published by the Environmental Protection Agency [EPA] on 01/21/2021)

The EPA is issuing a memorandum to provide guidance to the regulated community and permitting authorities on applying the recent decision of the United States Supreme Court in *County of Maui v. Hawaii Wildlife Fund*, 140 S. Ct. 1462 (2020), in the Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) permit program for point source discharges that travel through groundwater before reaching a water of the United States. Consistent with EPA Guidance; Administrative Procedures for Issuance and Public Petitions, published in the Federal Register on October 19, 2020, EPA solicited public comments on the draft guidance for thirty days, beginning on December 10, 2020. EPA has developed a responsiveness summary to address major concerns and comments, and it is available in the docket for this action. This guidance does not have the force and effect of law and it does not bind the public in any way. By issuing this guidance, the Agency intends only to provide clarity to the public regarding existing requirements under the law or Agency policies. FOR FURTHER INFORMATION, click on the title link or contact: Scott Wilson, Office of Wastewater Management, Water Permits Division (MC4203M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; (202) 564-6087; email address: wilson.js@epa.gov

Notice: [Changes in Flood Hazard Determinations](#) (published by the Federal Emergency Management Agency [FEMA] on 01/12/2021)

This notice lists communities, including the County of Hawai'i, where the addition or modification of Base Flood Elevations, base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by FEMA for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. FOR FURTHER INFORMATION, click on the title link or contact Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbibit@fema.dhs.gov; or visit https://www.floodmaps.fema.gov/fhm/fmx_main.html

Rule: [Pacific Island Pelagic Fisheries; 2021 U.S. Territorial Longline Bigeye Tuna Catch Limits](#) (published by the National Oceanic and Atmospheric Administration on 01/12/2021)

NMFS specifies a 2021 limit of 2,000 metric tons (t) of longline-caught bigeye tuna for each U.S. Pacific territory (American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands [the territories]). NMFS will allow each territory to allocate up to 1,500 t in 2021 to U.S. longline fishing vessels through specified fishing agreements that meet established criteria. The overall allocation limit among all territories, however, may not exceed 3,000 t. As an accountability measure, NMFS will monitor, attribute, and restrict (if necessary) catches of longline-caught bigeye tuna, including catches made under a specified fishing agreement. These catch limits and accountability measures support the long-term sustainability of fishery resources of the U.S. Pacific Islands. FOR FURTHER INFORMATION, click on the title link or contact the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, or www.wpcouncil.org

GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

Projects or programs proposed by any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

Applicant Actions

Projects or programs proposed by any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

Draft Environmental Assessment

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

Final Environmental Assessment and Finding of No Significant Impact

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

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

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

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

Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. The agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action. This starts a 30-day scoping period in which the agency or applicant must hold a public scoping meeting for the preparation of the Draft EIS. Written comments and responses on the EISPN must be incorporated into the subsequent Draft EIS and oral comments from the public scoping meeting must be recorded and submitted to the OEQC with the Draft EIS.

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

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

Draft Environmental Impact Statement

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

Final Environmental Impact Statement

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

Acceptability

The Accepting Authority must be satisfied that the FEIS meets three criteria (process, content, response to comments) to accept it. If the FEIS is accepted, notice is published in this bulletin. The public has 60 days from publication to challenge the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a non-acceptance determination.



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 recently completed the repeal of Hawai'i 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).