



The Environmental Notice

July 23, 2021

David Y. Ige, Governor
Mary Alice Evans, Director

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.



Sooty Tern colony that stands to benefit, along with other inhabitants of Wake Atoll, from a rat eradication program

Image from the [NEPA Draft EA for this project](#)

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ANNOUNCEMENTS

Aloha Readers of *The Environmental Notice*!

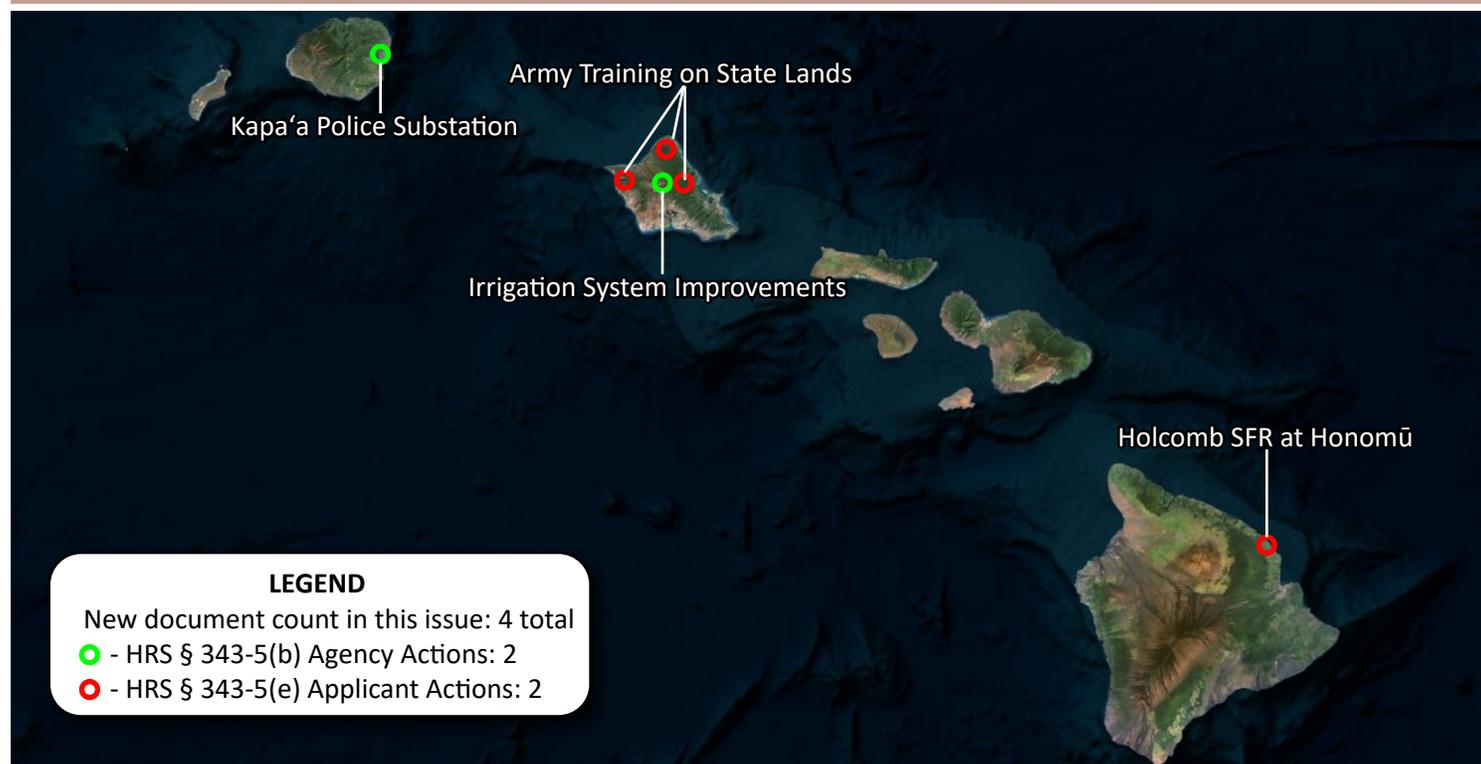
On July 1, the Office of Environmental Quality Control (OEQC) was transferred from the Department of Health to the Office of Planning and Sustainable Development (OPSD) by Act 152, SLH 2021. The OEQC is now known as the State Environmental Review Program within OPSD. All contact information remains the same until changed by the State's Office of Enterprise Technology Services. TEN will update you, its readers, when any change occurs.

The Act directs OPSD to ensure that all rules, policies, procedures, and guidelines adopted by the OEQC to implement the provisions of Chapter 343 shall remain in full force and effect until the rules can transferred to OPSD pursuant to Chapter 91, HRS, the Administrative Procedures Act. All employees were transferred to OPSD with all rights, benefits and privileges. All current members serving on the Environmental Council shall continue to serve for the remainder of their respective terms.

OPSD is fortunate to have the opportunity to support the Environmental Council and the Environmental Review Program in achieving the State's long-term environmental quality goals.

Mahalo, Mary Alice Evans, Director, OPSD

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS



HAWAII

Holcomb Single-Family Residence at Honomū--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(2) Propose any use within any land classified as a conservation district	
District(s)	South Hilo	
TMK(s)	(3) 2-8-012:028	
Permit(s)	County: Special Management Area Permit or Exemption, Plan Approval and Grubbing, Grading, and Building Permits; State: Conservation District Use Permit, Wastewater System Approval, Water Well Permit, Ch. 6E SHPD Archaeological Survey Approval	
Approving Agency	State of Hawai'i, Department of Land and Natural Resources Rachel Beasley, (808) 798-6481, rachel.e.beasley@hawaii.gov 1151 Punchbowl Street #131, Honolulu, HI 96813	
Applicant	Kelly Holcomb c/o Carlsmith Ball; 10 Hina Street, Hilo, HI 96720 c/o Ron Terry, (808) 987-4826, arleneterry@hotmail.com	
Consultant	Geometric Associates; 10 Hina Street, Hilo, HI 96720 Ron Terry, (808) 987-5239, rterry@hawaii.rr.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by August 23, 2021. Please click on title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant.	

Applicant proposes a home on his 6.485-acre property near Honomū. The 1-story home will be set back 130 feet from the sea cliff and will have 3,018 sf of interior space, 3 bedrooms and 3.5 baths, and a garage, lanai, pool, and utilities room. The off-grid home will have rooftop solar PV and a water well. The project would remove albizia and other invasive trees; native, Polynesian and non-invasive ornamentals along with fruit trees, herbs and vegetables would be planted. A century of sugarcane farming altered the original land and no threatened and endangered plants are present. Two sugarcane-era archaeological sites are present but no adverse effects will occur. Grading will be minimal and mitigated by BMPs. Clearing timing restrictions will help prevent impacts to Hawaiian hawks and endangered Hawaiian hoary bats. The cultural practice of descending the tall seacliff via ladders and ropes to fish will be preserved through access easements in favor of a local fishing association.

O'AHU

Irrigation System Improvements in Central O'ahu--Republished 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)	O'ahu-multiple	
TMK(s)	Numerous (see document)	
Permit(s)	Numerous (see document)	
Proposing/Determining Agency	State of Hawai'i, Agribusiness Development Corporation James Nakatani, (808) 586-0087, James.Nakatani@hawaii.gov 235 S. Beretania Street, Room 205, Honolulu, HI 96813	
Consultant	The Limtiaco Consulting Group; 1622 Kananui Street, Honolulu, HI 96817 Claire Oshiro, (808) 596-7790, claire@tlcgohawaii.com	
Status	The proponent is republishing the Draft EA originally published on June 23, 2021. Another statutory 30-day public review and comment period starts. Comments are due by August 23, 2021. The Final EA must include comments from all comment periods. Please send comments to the proposing/determining agency and copy the consultant.	

The Agribusiness Development Corporation (ADC) proposes to improve its existing irrigation system to allow the utilization of two non-potable water sources for agricultural irrigation purposes: surface water from the Wahiawā Reservoir (which is also known as Lake Wilson); and the highest quality of reclaimed water that is produced at the Wahiawā Wastewater Treatment Plant (WWTP). The project would install irrigation infrastructure consisting of both underground and above-ground system components on or across portions of publicly-owned and privately-owned parcels.

The project will allow non-potable water sources to be utilized for non-potable irrigation purposes, which would improve the redundancy and reliability of irrigation system infrastructure in the project area in Central O'ahu. The project involves the installation of a 14-MG reservoir, a backup disposal system, two pump stations, connecting pipelines, and supporting elements such as access roads.

O'AHU (CONTINUED)

Army Training Land Retention on State Lands on O'ahu (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	
Districts/TMKs	O'ahu-Numerous (see document)	
Permit(s)	Numerous (see document)	
Approving Agency	State of Hawai'i, Department of Land and Natural Resources Russell Tsuji, (808) 587-0419, dlnr.land@hawaii.gov 1151 Punchbowl St., Room 220, Honolulu, HI 96813	
Applicant	U.S. Army Garrison-Hawai'i & U.S. Army Installation Management Command Daisy Pate, (808) 222-3227, daisy.b.pate@usace.army.mil U.S. Army Garrison Hawai'i, Directorate of Public Works - Environmental Building 105, 3rd Floor, Wheeler Army Airfield 948 Santos Dumont Ave., Schofield Barracks, HI 96857-5013	
Consultant	G70; 111 S King St., Suite 170, Honolulu, HI 96813 Jeff Merz, (808) 523-5866, ATLR-OAHU-EIS@g70.design	
Status	Administrative public review and comment period starts. Comments are due by September 1, 2021. Please send comments to usarmy.hawaii.nepa@mail.mil and copy the consultant. Hybrid in-person/online EIS Public Scoping meetings will be held August 10 & 11, 2021, 6 - 9 p.m. at Leilehua Golf Course (199 Leilehua Golf Course Rd, Wahiawā, HI); attend one of the meetings or Live stream available through website: https://home.army.mil/hawaii/index.php/OahuEIS	

The Army training lands on the island of O'ahu at Kahuku Training Area (KTA), Kawaihoa-Poamoho (Poamoho), and Makua Military Reservation (MMR) include approximately 18,060 acres of State-owned and federally-owned properties. The U.S. Government leases up to approximately 6,300 acres of State lands and these leases expire on August 16, 2029.

The Army proposes to retain these lands in support of continued military training. Retaining use of these training areas will allow the military to continue to meet current and future training requirements on Army-managed lands to meet its mission of readiness. The Proposed Action does not involve new training, construction, or resource management activities at the subject areas. Instead, it is a real estate action that would enable the continuation of existing military use and/or management of the land. A Notice of Intent for this action will be published in the Federal Register.

KAUAI

Kauai Police Department Kapa'a Substation--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)	Kawaihou	
TMK(s)	(4) 4-6-014: 013	
Permit(s)	Use Permit, Building Permits	
Proposing/Determining Agency	County of Kauai, Department of Public Works Doug Haigh, Building Division Chief, (808) 241-4854, dhaigh@kauai.gov 4444 Rice Street, Suite 175, Lihu'e, HI 96766-1340	
Consultant	Environmental Communications, Inc.; P.O. Box 236097 Honolulu, HI 96823 Taeyong Kim, 808-528-4661, tkim@environcom.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by August 23, 2021. Please send comments to the proposing/determining agency and copy the consultant.	

The project site consists of vacant land and a single story single-family dwelling that is used for overflow parking from the adjacent Samuel Mahelona Memorial Hospital. The site is open and grassed along its Kawaihou Road frontage and slopes towards a natural ravine. The proposed action consists of the construction of a 7,020 square foot police substation. The building will include standard police functions such as administrative offices, locker rooms, training areas, holding cell and interview rooms, and a multipurpose room. Appurtenant to the main building are 45 parking stalls including ADA accessible stalls and two spaces reserved for large police vehicles. The subject facility is required to properly maintain police services within the growing Kapa'a and North Shore population centers. Presently, the only structure where police officers can perform paperwork is a temporary location at the Armory building. Intake, briefings and other typical functions must presently occur at the Lihu'e Station.

The estimated construction cost for the project is \$8,000,000.00.

CHAPTER 25, REVISED ORDINANCES OF HONOLULU

Use of the Special Management Area (SMA) is not a trigger under Chapter 343, but developments in O'ahu's SMA are required to go through an environmental review process that mirrors the procedural requirements of [HRS Chapter 343](#), pursuant to [Revised Ordinances of Honolulu, Chapter 25](#). Developments being reviewed under Chapter 25 but not Chapter 343 appear here.

[4439 Kahala Avenue Single Family Residence--Draft EA \(AFNSI\)](#)

District(s)	Honolulu
TMK(s)	(1) 3-5-003:007
Permit(s)	SMA Use; Building; Grading, Grubbing, and Stockpiling; Sewer Connection; BWS Approval; HECO Approval; Street Usage
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Christi Keller, (808) 768-8087, c.keller@honolulu.gov 650 South King St., 7th Floor, Honolulu, HI 96813
Applicant	4439 Kahala LLC; 125 Merchant St., Suite 200, Honolulu, HI 96813 Janice Lau, (808) 545-1700, janjlau@gmail.com
Consultant	G70; 111 S. King St., Suite 170, Honolulu, HI 96813 Jeffrey Overton, (808) 523-5866, jeff@g70.design
Status	30-day public review and comment period starts. Comments are due by August 23, 2021. Please address comments to the approving agency and send them to jeff@g70.design

The Project consists of the redevelopment of a 35,428-square-foot lot with a new 4,500-square-foot single-story, single family dwelling unit, and a new 980-square-foot guest cottage on a shoreline lot located in the Kahala community within the SMA (Project). The proposed primary dwelling unit will consist of four bedrooms, a lanai and a separate three-car garage under a pitched roof. The site is currently vacant, with areas of remnant concrete slab foundations from the prior residential use, and scattered areas of non-native plants, shrubs, and weedy vegetation. The primary residence will be the closest structure to the presumed shoreline (existing nonconforming seawall), and set back approximately 61 feet from the seawall.

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 JULY 23, 2021

HAWAI'Ī

[North Kona Sewer Pump Station--Republished Draft EA \(AFNSI\)](#)

[Kaukalaelae Point and Makako Bay Installation of Day-use Moorings--Draft EA \(AFNSI\)](#)

MAUI

[Pā'ia Elementary School Classroom Building--Draft EA \(AFNSI\)](#)

O'AHU

[Waikīkī Beach Improvement and Maintenance Program--Draft EIS](#) and [Scoping Meeting Audio/Video files](#)
[The Cove at Ko Olina Redevelopment \(EIS Preparation Notice\)](#)

COMMENTS DUE AUGUST 9, 2021

HAWAI'Ī

[Kaiāulu O Kapi'olani Housing Development--Draft EA \(AFNSI\)](#)

MAUI

[Honokowai Master Plan, Department of Hawaiian Home Lands--Draft EA \(AFNSI\)](#)

[Wailuku River Bank Stabilization--Draft EA \(AFNSI\)](#)

COMMENTS DUE AUGUST 23, 2021

O'AHU

[Wahiawā Civic Center, Court Facility and State Office Complex--Draft EIS](#) and [Scoping Meeting Audio/Video files](#)

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: Hanalei (5-5-008:041)	Agricultural Shed (SMA(M)-2021-18)	Richard Henkels and Judy Kwon
Kaua'i: Wailua (3-9-006:019)	Repair, maintenance, and upgrade of Sewer Pump Station 1 (SMA(M)-2021-19)	County of Kaua'i, Department of Public Works Wastewater Division/ The Limitiaco Consulting Group
Maui: Ha'ikū (2-7-007: 004)	Shade Structure for Livestock (SM2 20210043)	Robert S Nichols
Maui: Pā'ia (3-8-001: 042)	Concrete Walkways, Swimming Pool (SM2 20210048)	Jeffrey A Lundahl
Maui: Lahaina (4-4-008: 005)	T-Mobile Sheraton Maui resort (SM2 20210049)	T-Mobile West LLC
Maui: Ha'ikū (2-8-004: 115)	Peri-Kogan Farm (SM2 20210051)	Yelena Kogan & Hiram Peri

SHORELINE NOTICES

APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review and comment 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](#)). **Maps and photos of each application file can be viewed [here](#). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of this public notice of the application.** For more information, call Ian Hirokawa at (808) 587-0420.

File No.	Location	TMK	Applicant	Owner
OA-1952	68-415 Crozier Drive, O'ahu 96786	(1) 6-8-005:002	R.M. Towill Corporation	Michelle K. Ho Trust
OA-1953	928 Mokulua Drive, O'ahu 96734	(1) 4-3-007: 036	R.M. Towill Corporation	Xin Liu & Meiyi Ma
OA-1954	68-545 Crozier Drive, O'ahu 96791	(1) 6-8-004: 015	Walter P. Thompson, Inc.	Kenneth A. Martyn Tr./ Kendra D. Martyn Tr.
MA-759	5050 Old Mākena Road, Maui 96753	(2) 2-1-007: 100	Akamai Land Surveying, Inc.	Arden Companies, LLC
MO-187	8778 Kamehameha V Highway, Moloka'i 96748	(2) 5-7-007: 008	Arthur H. Parr	Ninneweb Maha, LLC

PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources ([HRS § 205A-42](#) and [HAR § 13-222-26](#)). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Status	Location	TMK	Applicant	Owner
OA-1937	Proposed	No physical address	(1) 6-8-008: 027	Ailana Surveying & Geomatics	Carol H. Titcomb
OA-1942	Proposed	91-329,-333, -335, & -335A Pāpipi Rd.	(1) 9-1-134: 045 & 046	R.M. Towill Corporation	Haseko (Ewa) Inc.
OA-1943	Proposed	91-101 Pāpipi Road	(1) 9-1-134: 007 & 078	R.M. Towill Corporation	Haseko (Ewa) Inc. & Hoakalei Corporation
OA-1948	Proposed	91-101,-295,-303,-309, &-317 Pāpipi Road	(1) 9-1-011:004 to 007, (1) 9-1-134: 006 & 044	R.M. Towill Corporation	Department of Parks and Recreation, City and County of Honolulu
OA-1950	Proposed	830 Mokulua Drive	(1) 4-3-008: 045	Austin, Tsutsumi & Associates, Inc.	Pacific Coast Real Estate Investment Services, Inc.
OA-1921	Rejection	3641 Diamond Head Road	(1) 3-1-038: 006	Kenn Nishihira	Mary C. Heyer

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents submitted for publication that have been prepared pursuant to NEPA, rather than Chapter 343, HRS. Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and Chapter 343, HRS (sometimes referred to as "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.

Wake Atoll Rat Eradication Program

Island	Wake Atoll
Permit(s)	NPDES
Proposing/ Approving Agency	USDA – Animal and Plant Health Inspection Service, PPD - Environmental and Risk Analysis Services Jim E. Warren PhD, Environmental Protection Specialist/Environmental Toxicologist, (202) 316-3216, jim.e.warren@usda.gov 1200 Cherry Brook Drive, Suite 100, Little Rock, AR 72211
Consultant	None
Status	The 30-day public comment period will begin on July 23rd and end on August 22nd, 2021. Comments can be posted to regulations.gov (Docket #: APHIS-2021-0045) or they can be submitted to the above contact.

The purpose of the proposed action is to eradicate the invasive Pacific rat (*Rattus exulans*) from Wake Atoll. The Pacific rat is an invasive species that poses a threat to human health and native flora and fauna. The proposed eradication project is a cooperative effort between the U.S. Department of Agriculture Animal and Plant Health Service - Wildlife Services, US Air Force, US Fish and Wildlife Service, and Island Conservation. The eradication program at Wake Atoll will consist of a primary eradication effort followed by post-eradication activities that will increase the likelihood of eradication of the Pacific rat. The primary tool for eradication will be rodenticide(s) applied using various aerial and ground-based application methods that are designed to increase the likelihood of a successful eradication and minimize the risk to human health and the environment.

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 of each entry**, also available at www.federalregister.gov.

Rule: [Safety Zone; Pacific Ocean, Offshore Barbers Point, Oahu, HI-Recovery Operations](#) (published by the Coast Guard on 07/14/2021)

The Coast Guard is establishing a temporary safety zone for the navigable waters of the Southwest shores of O'ahu, Hawai'i, near Barbers Point. The temporary safety zone encompasses all waters extending 3 nautical miles in all directions from position 21°16'36" N, 158°01'42" W. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with ongoing operations to salvage a downed aircraft in this area. Entry of vessels or persons in this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Honolulu. **This rule is effective without actual notice from July 14, 2021 until 12 p.m. on July 30, 2021. For the purposes of enforcement, actual notice will be used from July 2, 2021, until July 14, 2021.**

Proposed Rule: [Pacific Island Fisheries; Modifications to the American Samoa Longline Fishery Limited Entry Program](#) (published by the National Oceanic and Atmospheric Administration on 07/19/2021)

NMFS proposes to modify the American Samoa longline fishery limited entry program to consolidate vessel class sizes, modify permit eligibility requirements, and reduce the minimum harvest requirements for small vessels. The intent of this proposed rule is to reduce regulatory barriers that may be limiting small vessel participation in the fishery, and provide for sustained community and indigenous American Samoan participation in the fishery. This proposed rule also makes several administrative updates to remove outdated regulations. **NMFS must receive comments by September 2, 2021.**

Notice: [Marine Mammals; File No. 24054](#) (published by the National Oceanic and Atmospheric Administration on 07/08/2021)

Notice is hereby given that Terrie Williams, Ph.D., University of California at Santa Cruz, Long Marine Lab, Center for Ocean Health, 115 McAllister Way, Santa Cruz, CA 95060, has applied in due form for a permit to conduct research on captive marine mammals including 3 Hawaiian monk seals (*Neomonachus schauinslandi*) at Long Marine Laboratory and up to 10 Hawaiian monk seals at other permitted facilities. **Written, telefaxed, or email comments must be received on or before August 9, 2021.** Click on the title link to review the application and related documents, and for information on submitting comments.

GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

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

Applicant Actions

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

Draft Environmental Assessment

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

Final Environmental Assessment and Finding of No Significant Impact

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

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPAN) along with the supporting Final EA. After the notice of the FEA-EISPAN 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 EISPAN 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, EISPAN) 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 EISPAN 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 EISPAN, 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 EISPAN 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).