



# The Environmental Notice

August 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.



Improvements have been proposed to address pedestrian safety, congestion, shoreline erosion and roadway reliability near Laniakea Beach, North Shore, O'ahu Photo from the [project's Draft EA](#)

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## ANNOUNCEMENTS

As ERP's transition into the Office of Planning and Sustainable Development progresses, a new email address is now available to contact the re-named Environmental Review Program: [dbedt.opsd.erp@hawaii.gov](mailto:dbedt.opsd.erp@hawaii.gov) Please use this email address to contact the program with any issues you may have; alternatively, the office phone number [(808) 586-4185] will not change. IT staff is working on shifting our [website](#) and [SharePoint site](#) (which houses the vast online library of EAs and EISs); until further notice, please continue to use the present links to access these online resources.


## STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS & DETERMINATIONS



## MAUI

### East Maui Water Lease--Withdrawal of submitted Final EIS

Grandfathered under old rules

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	
<b>District(s)</b>	Maui-multiple	
<b>TMK(s)</b>	(2) 1-2-004:005, 007; 1-1-002:002; 1-1-001:44, 050; 2-9-014:001, 005, 011, 012, 017	
<b>Permit(s)</b>	Various (see document)	
<b>Approving Agency</b>	State of Hawai'i, Board of Land and Natural Resources Mr. Ian Hirokawa, (808) 587-0400, <a href="mailto:ian.c.hirokawa@hawaii.gov">ian.c.hirokawa@hawaii.gov</a> 1151 Punchbowl Street, Honolulu, HI 96813	
<b>Applicant</b>	Alexander & Baldwin Inc. (A&B)/East Maui Irrigation Company, Limited (EMI), collectively referred to as "A&B;" c/o Wilson Okamoto Corporation, <a href="mailto:waterleaseeis@wilsonokamoto.com">waterleaseeis@wilsonokamoto.com</a>	
<b>Consultant</b>	Wilson Okamoto Corporation; 1907 S. Beretania Street, Suite 400, Honolulu, HI 96826 Keola Cheng, (808) 946-2277, <a href="mailto:waterleaseeis@wilsonokamoto.com">waterleaseeis@wilsonokamoto.com</a>	
<b>Status</b>	At the applicant's request, this entry provides notice that the Final EIS submitted for publication in the August 8, 2021 issue of <i>The Environmental Notice</i> was withdrawn prior to publication to correct some errors in the submitted document.	

Certain production-related (printing) errors and typographical errors occurred during the finalization of the FEIS document which will be corrected and refiled as explained in the linked document.

## O'AHU

### Kamehameha Highway Pedestrian Safety Project, Vicinity of Laniakea--Draft EA (AFNSI)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area	Image not available
<b>District(s)</b>	Waialua	
<b>TMK(s)</b>	Kamehameha Highway (Route 83) right-of-way (ROW); (1) 6-1-005: 023 and 024; 6-1-009: 004, 021, and 022; and 6-1-010:019 and 020	
<b>Permit(s)</b>	HRS Chapter 6E-8 Review, Special Management Area Use Permit and Shoreline Setback Variance, National Pollutant Discharge Elimination System for Stormwater Discharges Associated with Construction Activities, Community Noise Permit, Community Noise Variance, Grading, Grubbing, Stockpiling, and Excavation Permit	
<b>Proposing/Determining Agency</b>	State of Hawai'i, Department of Transportation Brian Tyau, (808) 587-6390, <a href="mailto:Brian.Tyau@hawaii.gov">Brian.Tyau@hawaii.gov</a> 869 Punchbowl Street, Honolulu, HI 96813	
<b>Consultant</b>	WSP USA Inc.; 1001 Bishop Street Suite 2400, Honolulu, HI 96813 Rachel Adams, (808) 566-2257, <a href="mailto:rachel.adams@wsp.com">rachel.adams@wsp.com</a>	
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by September 22, 2021.</b> Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.	

The Department of Transportation, Highways Division (HDOT) is proposing roadway improvements to address pedestrian safety concerns along Kamehameha Highway in the vicinity of Laniakea Beach. Potential conflicts between pedestrians and roadway traffic occur when vehicles park on the mauka side of Kamehameha Highway and then proceed to cross through traffic to access the beach. Pedestrians crossing the highway are usually doing so for the purpose of seeing resting sea turtles. In addition to pedestrian safety, HDOT seeks to address shoreline erosion, congestion, and roadway reliability caused by wave inundation in the project area. This Draft EA evaluates and discloses environmental impacts associated with four separate conditions: the No Build Alternative, the No Build Settlement Alternative, a Transportation System Management (TSM) Alternative, and a Pedestrian Shift Alternative.

## KAUA'I

**West Kaua'i Energy Project--Draft EA (AFNSI) Vol. 1 and Vol. 2**

<b>HRS §343-5(a) Trigger</b>	(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	Image not available
<b>District(s)</b>	Waimea	
<b>TMK(s)</b>	(4) 1-2-001:003, 007; 1-2-002:001, 016, 018, 019, 023, 999; 1-4-001:002, 003, 013; 1-4-002:008, 035, 036, 048, 066, 067, 068, 085	
<b>Permit(s)</b>	HRS Chapter 6E, Lease for Water Use, Special Permit, NPDES Construction Stormwater, NPDES Dewatering, Community Noise Permit/Variance, Conservation District Use, Stream Channel Alteration, Stream Diversion Works, Dam Safety, Certificate for Approval to Impound, Use/Zoning, Grading/Grubbing/Stockpiling, Building, Sections 401 & 404, Section 7, Section 106	
<b>Approving Agency</b>	State of Hawai'i, Department of Land and Natural Resources Mr. Ian Hirokawa, (808) 587-0420, <a href="mailto:ian.c.hirokawa@hawaii.gov">ian.c.hirokawa@hawaii.gov</a> 1151 Punchbowl Street, Honolulu, HI 96813	
<b>Applicant</b>	Kauai Island Utility Cooperative; 5362 Kumole Street, Kapa'a, HI 96746 Dawn Huff, (808) 356-0302, <a href="mailto:dhuff@joulegroup.com">dhuff@joulegroup.com</a>	
<b>Consultant</b>	SSFM International; 99 Aupuni Street, Suite 202, Hilo, HI 96720 Jennifer Scheffel, (808) 375-6038, <a href="mailto:jscheffel@ssfm.com">jscheffel@ssfm.com</a>	
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by September 22, 2021.</b> Please click on title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant.	

The Proposed Action involves the construction of a renewable energy and irrigation project. The Proposed Action would utilize the existing Kōke'e Ditch Irrigation System and the Pu'u Lua, Pu'u 'Ōpae, and Mānā Reservoirs, and includes both rehabilitation of existing State infrastructure as well as new construction of irrigation infrastructure and solar and hydroelectric facilities.

## 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 AUGUST 23, 2021**

## HAWAI'I

**[Holcomb Single-Family Residence at Honomū--Draft EA \(AFNSI\)](#)**

## O'AHU

**[Wahiawā Civic Center, Court Facility and State Office Complex--Draft EIS and Scoping Meeting Audio/Video files](#)**  
**[Irrigation System Improvements in Central O'ahu--Republished Draft EA \(AFNSI\)](#)**  
**[4439 Kahala Avenue Single Family Residence--Draft EA \(AFNSI\) Chapter 25, ROH](#)**

## KAUA'I

**[Kaua'i Police Department Kapa'a Substation--Draft EA \(AFNSI\)](#)**

**COMMENTS DUE SEPTEMBER 1, 2021**

## O'AHU

**[Army Training Land Retention on State Lands on O'ahu \(EIS Preparation Notice\)](#)**

**COMMENTS DUE SEPTEMBER 7, 2021**

## HAWAI'I

**[Hale Ola O Mohouli Affordable Housing--Draft EA \(AFNSI\)](#)**

## MAUI

**[Īao Stream Levee 27 Repair--Draft EA \(AFNSI\)](#)**

## O'AHU

**[4585 Kahala Avenue--Draft EA \(AFNSI\) Chapter 25, ROH](#)**

## COASTAL ZONE MANAGEMENT NOTICES

### FEDERAL CONSISTENCY REVIEWS

The following federal actions are being reviewed for consistency with the enforceable policies of the Hawai'i Coastal Zone Management (CZM) Program, including [the CZM objectives and policies in Hawai'i Revised Statutes, Chapter 205A](#). Federal consistency, pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA), as amended, generally requires that federal actions, within and outside of the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. This public notice is being provided in accordance with § 306(d)(14) of the CZMA, and federal regulations at 15 CFR § 930.2, § 930.42, and § 930.61. General information about federal consistency is available at the [Hawai'i CZM Program web site](#), or call (808) 587-2878.

For specific information or questions about an action listed below, contact John Nakagawa at [john.d.nakagawa@hawaii.gov](mailto:john.d.nakagawa@hawaii.gov) or (808) 587-2878. The CZM Program is required to adhere to federal review deadlines, therefore, **comments must be received by September 7, 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](mailto:john.d.nakagawa@hawaii.gov)

#### **Secure Integration Support Lab (SISL) for Air Force Research Laboratory (AFRL), Kīhei, Maui**

**Proposed Action:** The AFRL Detachment 15, under the U.S. Air Force Materiel Command, proposes to construct the permanent, government-owned SISL on approximately 10 acres in the Maui Research and Technology Park (MRTP) in Kīhei, Maui. The purpose of the Proposed Action is to construct a permanent, government-owned SISL on the island of Maui, Hawai'i, that would consolidate operations from the multiple existing Detachment 15 AFRL facilities on the island into one location, provide adequate space to meet current mission needs, and provide a direct connection to the MSSC at the summit of Mount Haleakalā using existing dedicated fiber optic cables. The SISL would be a two-story, approximately 56,000-square-foot building. It would have the capacity to provide workspace for about 180 government personnel and would include a modern, high-performance data center; laboratories; a remote telescope operations center; rooftop and ground-level telescope domes; secure areas and facilities where classified information could be processed; administrative spaces; a secure entry control point; warehouse functions; and connection to fiber optic communications cables from within the MRTP to existing MSSC fiber optic cables.

**Location:** Maui Research and Technology Park, Kīhei, Maui

**TMK(s):** (2) 2-2-24: 15, 16

**Federal Action:** Federal Agency Activity by U.S. Air Force, U.S. Space Force

#### **Kaunakakai Harbor Maintenance Dredging, Kaunakakai, Moloka'i**

**Proposed Action:** The Army Corps of Engineers proposes to restore the authorized depth within the federal limits of Kaunakakai Harbor by mechanical, clamshell removal of accumulated sediments within shoaled areas in the entrance channel and the inner harbor. Dredged material has been analyzed according to USEPA requirements and has been determined suitable for ocean disposal at the Kahului Ocean Dredged Material Disposal Site. No new dredging and no change to the authorized depths of the project is proposed. Dredging is limited to removal of soft sediments only for the purpose of project maintenance. No dredging of hard substrate is proposed. Work is expected to begin by the Winter of 2021 and will be completed within 18 months of contract award (performance period) via barge-based mechanical (clamshell) excavator affixed with an environmental bucket. Up to 41,000 cubic yards of accumulated unconsolidated sediments and overdredge material from both the inner harbor and the entrance channel will be removed to restore the authorized depth to -23 feet Mean Lower Low Water (MLLW). The Corps anticipates the dredge operation will require use of a barge to stage the dredge equipment, a scow to hold and transport dredged material prior to disposal, an ancillary tug vessel to assist with positioning and a second assist vessel to transport crew and/or conduct water quality monitoring. The Corps anticipates dredging operations to be a 24 hour, 7 day per week schedule, with the exception of no nighttime dredging (1800 to 0600) between September 15 and December 15, as a mitigation measure for endangered fledgling seabirds. The number of days necessary to complete is currently estimated at between 20 and 30 days, dependent upon the daily work window. The final construction schedule has not yet been negotiated.

**Location:** Kaunakakai Harbor, Kaunakakai, Moloka'i

**Federal Action:** Federal Agency Activity by U.S. Army Corps of Engineers, Honolulu District

## FEDERAL CONSISTENCY REVIEWS (CONTINUED)

### Kamehameha Highway Lā'ieloa Stream Bridge Replacement, Lā'ie, O'ahu

**Proposed Action:** The proposed action is to use FHWA funds to construct a new Lā'ieloa Stream Bridge to replace the existing sub-standard bridge within a State-owned right-of-way along Kamehameha Highway, Route 83, in Lā'ie, O'ahu. The replacement bridge is located over Lā'ieloa Stream, an intermittently flooded brackish stream which is tidally influenced to some degree. The right-of-way is dedicated to the State of Hawai'i, Department of Transportation and is 50-feet wide at the project location. There is a wooden pedestrian walkway bridge located on the mauka side of the highway bridge. The proposed replacement bridge is approximately 46 feet wide, and with a 55-foot-long span. The replacement bridge will be a single-spanned concrete structure consisting of two 11-foot vehicular travel lanes for two-way traffic, an 11-foot paved shoulder on both sides, to be used as a shared use path for pedestrians and cyclists, compliant with current Americans with Disabilities Act (ADA) guidelines, and 1-foot wide bridge railings on each side. The widened shoulders will better accommodate wheelchairs, pedestrians, and cyclists, possibly encouraging use of alternative modes of travel for short trips and recreational walking and cycling.

**Location:** Kamehameha Highway at Lā'ieloa Stream, Lā'ie, O'ahu  
**TMK(s):** (1) 5-5-3:201; 5-5-6:8; 5-5-11:68, 70; 5-5-13:75-80; 5-5-14:1  
**Applicant:** State of Hawai'i Department of Transportation  
**Federal Action:** Federal Assistance (funding) by Federal Highway Administration

### REVISED: ʻĪao Stream Flood Control Project Repairs, Addition of Public Flood Warning

**Proposed Action:** The proposed action within the ʻĪao Stream Flood Control Project (FCP) by the U.S. Army Corps of Engineers is to install a pre-formed scour hole, i.e., engineered stabilization of the scoured invert consisting of a boulder-concrete sloped toe with buried key and backfilled with natural material consistent with the existing channel bottom. The objective of the proposed installation of a pre-formed scour hole is to address localized erosion occurring at the transition between the lined stream channel and the unlined stream channel upstream of the Market Street Bridge. This installation would repair existing erosion and prevent future, imminent erosion, thereby reducing downstream erosion and risk to community safety. Also included in the proposed action is the installation of a public flood warning system, which will involve installing a stream gage or other climate gage as part of a public flood warning system at either ʻĪao Valley Road Bridge or at the existing USGS gage between the ʻĪao Stream FCP debris basin and the Market Street Bridge. An additional element of the Corps proposal under review is the removal of Revetment X (currently Alternative 2), which was previously reviewed for CZM federal consistency in 2017 as a component of then Alternative F, and is currently being re-evaluated for inclusion in this review. All activities of the proposed action will occur within the lateral limits of the existing ʻĪao Stream FCP that is owned and operated by the County of Maui.

**Location:** ʻĪao Stream Flood Control Project, upstream of Market Street Bridge, Wailuku, Maui  
**TMK(s):** (2) 3-4-30:888  
**Federal Action:** Federal Agency Activity by U.S. Army Corps of Engineers

## SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

The SMA Minor permits below have been approved ([HRS § 205A-30](https://www.dhs.gov/hqs/2015/07/20/2015-07-20-205a-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: Kīhei (2-1-008: 109)	Add New Telecommunication Equipment (SM2 20210061)	Steven Sung
Maui: Wailuku (3-1-001: 042)	Mendes Ranch Wells #1 and #2 (SM2 20210062)	Allan J Mendes
O'ahu: Ka'a'awa (5-1-005: 009 and 010)	New Retaining Wall and Conversion of an Existing Cottage to a Meeting Facility (2020/SMA-45)	AFC Corporation/Munekiyo Hiraga
O'ahu: Waialua (6-7-013: 034 portion)	New Single-Family Dwelling (2021/SMA-35)	Ryan Facer

## 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.

File No.	Location	TMK	Applicant	Owner
OA-1959	57-329 Pahipahialua Street, O'ahu 96731	(1) 5-7-003: 057	Jaime F. Alimboyoguen	Barbara Paullin
OA-1960	57-275 Kamehameha Highway, O'ahu	(1) 5-7-001: 050	Engineers Surveyors Hawaii, Inc.	Turtle Bay Resort, LLC
MA-761	One Kapalua Place, Lot 1, Maui 96761	(2) 4-2-004: 001	Akamai Land Surveying, Inc.	Joyce Chung, Rene Lacerte, Nene Irrevocable Trust
LA-027	Manele, Lana'i	(2) 4-9-017: por 002 & 008	R.M. Towill	Lanai Resorts, LLC
HA-604	69-1542 Puakō Beach Drive, Hawai'i	(3) 6-9-002: 034	Wes Thomas Associates	Mark Anthony Grassi & Jami Lee Grassi / 1992 Grassi Family Trust

### 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-1935	Proposed	61-715 Papailoa Road, O'ahu 96712	(1) 6-1-004: 070	Walter P. Thompson, Inc.	Waialua Oceanview LLC
MO-187	Proposed	8778 Kamehameha V Hwy, Moloka'i 96748	(2) 5-7-007: 008	Arthur H. Parr	Ninneweb Maha, LLC

## 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](http://www.federalregister.gov).

### **Proposed Rule: [List of Fisheries for 2022](#) (published by NOAA on 08/09/2021)**

The National Marine Fisheries Service (NMFS) publishes its proposed List of Fisheries (LOF) for 2022, as required by the Marine Mammal Protection Act (MMPA). The LOF for 2022 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of mortality and serious injury of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. **Comments must be received by September 8, 2021.**

### **Notice: [Western Pacific Fishery Management Council; Public Meeting](#) (published by NOAA on 08/16/2021)**

The Western Pacific Fishery Management Council (Council) will hold meetings of its Non-commercial Fisheries Advisory Committee (NCFAC), Hawaii Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP), American Samoa Archipelago FEP AP, Mariana Archipelago FEP-Guam AP, Fishing Industry Advisory Committee (FIAC), and Mariana Archipelago FEP-Commonwealth of the Northern Mariana Islands (CNMI) AP to discuss and make recommendations on fishery management issues in the Western Pacific Region. **The meetings will be held from Wednesday, September 1, 2021 through Saturday, September 11, 2021.** For specific dates, times and agendas, click on title link above and scroll to SUPPLEMENTARY INFORMATION.

### **Notice: [Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement](#) (published by NOAA on 08/13/2021)**

NMFS announces a public meeting of the Permanent Advisory Committee to advise the U.S. Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean on **October 13-15, 2021**. For meeting topics and details, click on title link above and scroll to SUPPLEMENTARY INFORMATION.

## 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 just completed the repeal of Hawaii Administrative Rules (HAR) Chapter 11-200 and adoption of HAR Chapter 11-200.1.

### Agency Exemption Lists

Government agencies may keep a list describing the minor activities they regularly perform that are exempt from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence (HAR 11-200.1-16). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

### Endangered Species

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for Habitat Conservation Plans (HCP), Safe Harbor Agreements (SHA), or Incidental Take Licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).