



The Environmental Notice

November 8, 2017

David Y. Ige, Governor
Scott Glenn, 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.



Traditional Hawaiian Canoe (cropped from original)

Photo by Steve Cadman

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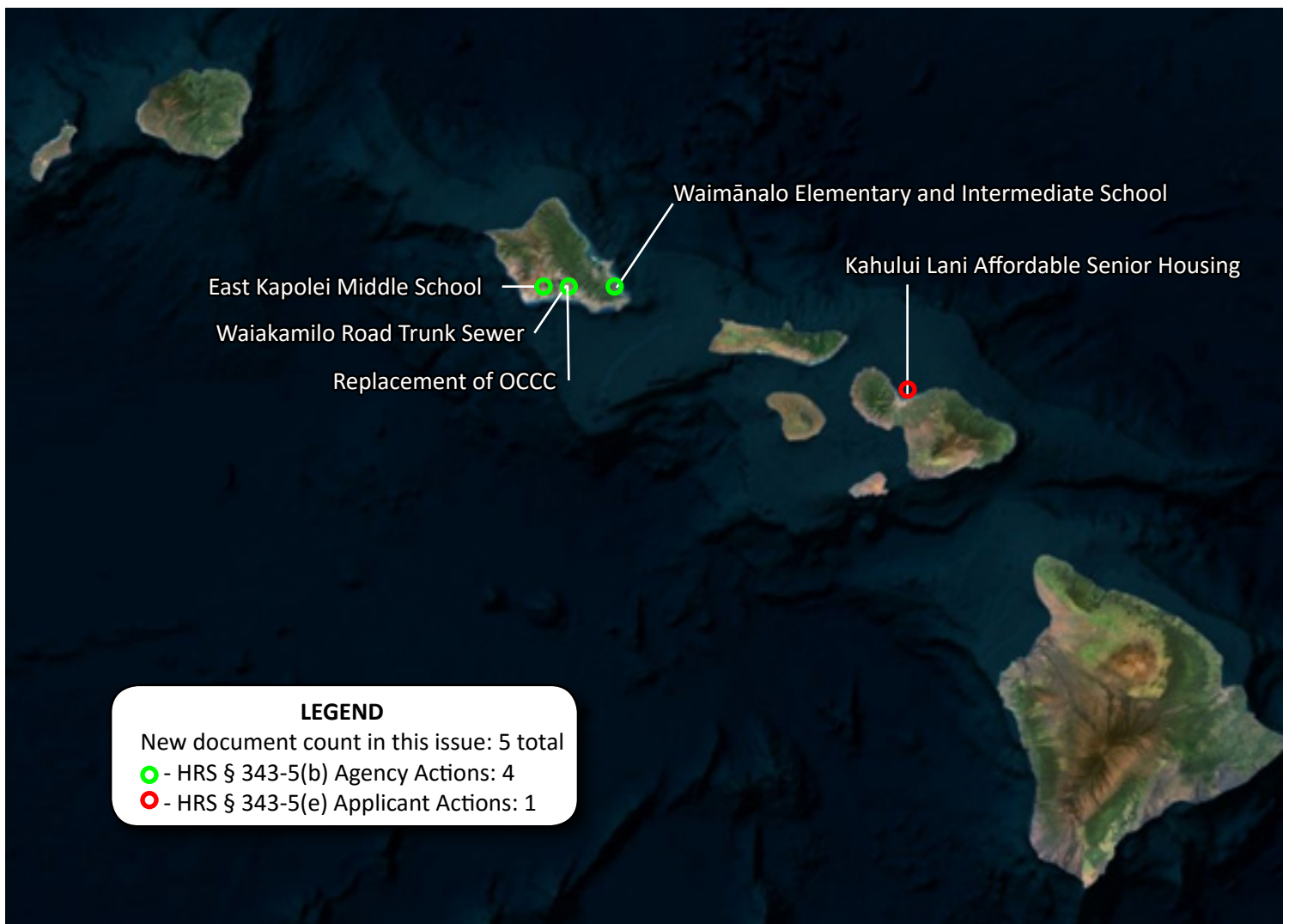
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ANNOUNCEMENTS

Please review this linked [Public Notice](#) about the proposed redevelopment of Mayor Wright Homes, which discusses both 1) a Notice of Intent to prepare a NEPA EIS for the project and 2) a notice of a public scoping meeting that will be held on November 29, 2017 to build on previous community input regarding the project.

As noted previously, the [Environmental Council](#) (EC) is updating Hawai'i Administrative Rules (HAR) Chapter 11-200, the environmental impact statement rules. The EC is requesting comments on [Version 0.3](#) by November 27, 2017. [Click here](#) for more information, including a timeline for the revision process, and [click here](#) to sign up for email updates on the rule revision process.

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS




LEGEND

New document count in this issue: 5 total

- - HRS § 343-5(b) Agency Actions: 4
- - HRS § 343-5(e) Applicant Actions: 1

MAUI


Kahului Lani Affordable Senior Housing--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Wailuku	
TMK(s)	(2) 3-7-005:003	
Permit(s)	Special Management Area Use Permit, Parking Waiver	
Approving Agency	Hawai'i Housing Finance and Development Corporation, State of Hawai'i Janice Takahashi, (808) 587-0634, janice.n.takahashi@hawaii.gov 677 Queen St., Suite 300, Honolulu, HI 96813	
Applicant	Catholic Charities Housing Development Corporation Gary Furuta, Project Manager, (808) 429-7815, gary@gsfhi.com 1288 Ala Moana Blvd. #35A, Honolulu, HI 96814	
Consultant	Munekiyo Hiraga Marisa Fujimoto, (808) 244-2015, planning@munekiyohiraga.com 305 High St., Suite 104, Wailuku, HI 96793	
Status	Finding of No Significant Impact (FONSI) determination.	

Catholic Charities Housing Development Corporation (CCHDC) is proposing the development of Kahului Lani in Kahului, Maui on 3.81 acres of land identified as TMK (2)3-7-005:003. The Project will include the development of two (2) six-story multi-family residential buildings, a two-story 7,500 sq. ft. multi-purpose building, parking, and related improvements. The proposed project will provide 164 one-bedroom units for rent to seniors who earn 60 percent or less of the County's median income and one (1) two-bedroom manager's unit. Catholic Charities Hawai'i will provide onsite case management services for residents.

O'AHU


Waimānalo Elementary and Intermediate School Science Technology and Media Building--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)	Ko'olaupoko	
TMK(s)	[1] 4-1-009: 012 por.	
Permit(s)	Historic Site Review, Variance from Pollution Controls, DCAB Review, Building Permit, Grading and Grubbing Permit, Certificate of Occupancy, Fire Protection	
Proposing/Determining Agency	Department of Education, State of Hawai'i Janna Mihara, Project Coordinator, OSSFS-Facilities Development Branch-PMS (808) 377-8314 janna_mihara@notes.K12.hi.us 3633 Waialae Ave. Honolulu, Hawaii 96816	
Consultant	Gerald Park Urban Planner Gerald Park, (808) 625-9626, gpark@gpup.biz 95-595 Kanamee St. #324 Mililani, HI 96789	
Status	Statutory 30-day public review and comment period starts. Comments are due by December 8, 2017. Please send comments to the proposing/determining agency and copy the consultant.	

The School's classroom buildings were constructed between 1951 and 1962 and currently does not have space to accommodate the School's STM program. The proposed project will provide a stand-alone facility where students can learn and apply rigorous scientific inquiry and engineering design as an educational process. It is also a facility where students can engage in video and multi-media production. A rectangular-shaped building with a footprint of approximately 4,543 gross square feet is proposed. Programmed space for the one-story structure is allocated for two Direct Instruction classrooms, one Lab area, and a covered open space separating the classrooms and lab. The cost of construction is estimated at \$3.44 million and will be funded by the State of Hawai'i. Construction is projected to start in Winter 2018 with completion by Winter 2019. The facility should be ready for occupancy in Spring 2020.

O‘AHU (CONTINUED)


Waiakamilo Road Trunk Sewer--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (9)(A) Propose any wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent	
District(s)	Honolulu	
TMK(s)	(1) 1-5 (portions of Waiakamilo Road) and 1-6 (portions of Houghtailing Street)	
Permit(s)	various (see document)	
Proposing/Determining Agency	Department of Environmental Services, City and County of Honolulu Clifford Kanda, P.E., Wastewater Engineering and Construction Division, (808) 768-8753, ckanda@honolulu.gov 650 S. King St., 14th Floor., Honolulu, HI 96813	
Consultant	Okahara and Associates, Inc. Edmund Yoshida, P.E., (808) 524-1224, eyoshida@okahara.com 677 Ala Moana Blvd., Suite 703, Honolulu, HI 96813	
Status	Finding of No Significant Impact (FONSI) determination.	

The City and County of Honolulu proposes to construct a new gravity flow trunk sewer line within Waiakamilo Road and Houghtailing Street from Nimitz Highway to School Street. The proposed “Waiakamilo Road Trunk Sewer” project will construct approximately 6,000 linear feet of new trunk sewer line including new sewer manholes, temporary sewer bypasses, and connections to existing sewer lines.

The purpose of this project is to comply with the Consent Decree jointly executed in year 2010 by the U.S. Environmental Protection Agency, the State of Hawai‘i, and the City and County of Honolulu. The Consent Decree identifies the existing Awa Street Wastewater Pump Station (WWPS) as at-risk for potential sewage spills or overflows due to the volume of sewer flows received at that facility. Therefore, to reduce the volume of sewer flows into the Awa Street WWPS and to mitigate the potential for sewage spills, the new trunk sewer will divert about 40 percent of the existing sewer flows away from the existing Awa Street WWPS and will redirect those flows to the existing Hart Street WWPS which has sufficient capacity to accept such flows.


East Kapolei Middle School--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	‘Ewa	
TMK(s)	(1) 9-1-017: 106	
Permit(s)	various (see document)	
Proposing/Determining Agency	Department of Education, State of Hawai‘i Ms. Brenda Lowrey, Planning Section, Facilities Development Branch (808) 784-5091, Brenda_Lowrey/FacilDev/HIDOE@notes.k12.hi.us 3633 Waialae Ave., Rm. C209, Honolulu, HI 96816	
Consultant	SSF International, Inc. Jared K. Chang, AICP, (808) 531-1308, jchang@ssfm.com 501 Sumner St., Suite 620, Honolulu, HI 96817	
Status	Finding of No Significant Impact (FONSI) determination.	

The State of Hawai‘i, Department of Education (DOE) is proposing to build a new middle school in East Kapolei, named East Kapolei Middle School (EKMS). EKMS will be located on an 18-acre parcel dedicated to the State DOE. The parcel is vacant and bound by Keahumoa Parkway on the south, Maunakapu Street on the west, and Maweke Street on the east. The proposed action involves the construction of a new middle school consisting of six (6) buildings organized around a central commons area with provisions for future classroom buildings. In addition to the school buildings and central commons areas, the campus includes physical education areas consisting of a covered play court, an open play court, and two play fields sized to accommodate soccer and softball. The school will be designed for an enrollment of 1,050 students with plans for expansion to accommodate an additional 350 students in the future. The site design includes provisions for the future construction of one additional House (House No.4) and five portable classrooms that will allow enrollment to increase to 1,400 students. In total, the school is expected to accommodate 1,520 students and staff.

O'AHU (CONTINUED)

Replacement of O'ahu Community Correctional Center--Draft EIS

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Honolulu, 'Ewa, Ko'olaupoko	
TMK(s)	(1) 1-2-013:002; 4-2-003:004, 024, 025, 026; 9-9-010:006, 046, 054, 057, 058; 9-9-010: 030; and 9-5-046:041, 042	
Permit(s)	Plan Review Use Approval, Building Permit, Grading Permit, NPDES Permit	
Proposing Agency	Department of Accounting and General Services (DAGS), State of Hawai'i Lance Maja, Public Works Division, Planning Branch (808) 586-0483, lance.y.maja@hawaii.gov 1151 Punchbowl St., Room 430 Honolulu, HI 96810	
Accepting Authority	Governor, State of Hawai'i The Honorable David Y. Ige, Executive Chambers, State Capitol (808) 586-0034, http://governor.hawaii.gov/contact-us/contact-the-governor/ 415 S. Beretania St., Honolulu, HI 96813	
Consultant	PBR Hawaii & Associates, Inc Vincent Shigekuni, (808) 521-5361, OCCC@pbrhawaii.com 1001 Bishop St., Suite 650, Honolulu, HI 96813	
Status	Statutory 60-day public review and comment period starts. Comments are due by January 8, 2018. Please send comments, preferably via the on-line portal noted below, to the accepting authority and copy the proposing agency and the consultant.	

The replacement of OCCC and the future expansion of the Women's Community Correctional Center (WCCC) is being proposed by the State of Hawai'i Department of Accounting and General Services (DAGS) on behalf of the State of Hawai'i Department of Public Safety (PSD). The alternatives considered included: "no action"; siting of the replacement OCCC at either: the existing State of Hawai'i Animal Quarantine Station (AQS) in Halawa, next to the existing Halawa Correctional Facility, on a portion of the current OCCC site in Kalihi, or at an undeveloped lot in Mililani Technology Park. Additionally, if the OCCC is relocated to the current site of the AQS in Halawa Valley, relocation of existing tenants, and a new, smaller AQS will be required.

PSD will be relocating female detainees currently housed at OCCC to the Women's Community Correctional Center (WCCC) to better accommodate the needs of their adult female population. This will require expansion of the existing WCCC, which is included in the proposed action of this draft environmental impact statement.

In accordance with Hawai'i Revised Statutes, Chapter 353, §353-16.35, the public comment period is 60 days. Comments may be submitted through postal mail or online at futureoccc.commentinput.com.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. Comments are due November 22, 2017 unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

HAWAI'I

[South Hilo Landfill Final Closure--Draft EA \(AFNSI\)](#)

O'AHU

[Salt Lake Debris Basins--Draft EA \(AFNSI\)](#)

[Sand Island Wastewater Treatment Plant Facility Plan \(EISPN\)](#)

A 30-day public comment period is underway for the following draft Exemption List, prior to potential concurrence by the Environmental Council. Upon concurrence, the listed types of actions may be exempt from the requirement to prepare an EA. Please review the document send comments to oeqchawaii@doh.hawaii.gov:

[Draft Exemption List for the Agribusiness Development Corporation](#) (Comments are due November 22, 2017)

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: Kalihiwai (5-2-010: 014)	After-the-Fact Hot Tub and Deck (SMA(M)-2018-3)	Elizabeth Kendrick
Kaua'i: Hanalei (5-5-003: 006)	New Gates (SMA(M)-2018-4)	Leontine, LLC
Kaua'i: Kapa'a (4-3-007: 028)	After-the-Fact Luau Tent (SMA(M)-2018-5)	Kaua'i Coconut Beach, LLC
Kaua'i: Kalihiwai (5-3-003: 056)	Swimming Pool and Spa (SMA(M)-2018-6)	Jim Bendis
Kaua'i: Kalihiwai (5-2-004: 079)	Swimming Pool and Spa (SMA(M)-2018-7)	Lincoln Watkins
Maui: Paia (2-6-010: 038)	Cottage and Accessory Dwelling (SM2 20170072)	Kelly Moore
Maui: Lahaina (4-3-010: 007)	Replace Panel Antennas (SM2 20170074)	Verizon Wireless
Maui: Lahaina (4-6-030: 029)	Install Lanai Cover with Cable Rail (SM2 20170076)	Valerie Waldrop
Maui: Lahaina (4-4-008: 001)	Grown on Maui Farmers Market (SM2 20170078)	Maui County Farmers Bureau
O'ahu: Waipahu (9-4-049: 046)	Installation of a Chain-link Fence and Sliding Gate (2017/SMA-37)	Michael Wiener / Bryce Uyehara
O'ahu: Hau'ula (5-4-004: 002 and 003)	Asia Pacific International School (2017/SMA-39)	Euysung Kim / M Squared Design
O'ahu: Lā'ie (5-5-002: 098)	A New Chain-link Fence and Electric Gate at Vacant Parcel (2017/SMA-41)	Benjamin Takayesu / Paul Jolley
O'ahu: Niu Valley (3-7-002: 018 and 077)	Kalauahaihai Fishpond (Lucas Spring) Demolition Package (2017/SMA-43)	Department of Land and Natural Resources Engineering Division / R. M. Towill Corporation

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 the public notice of the application. For more information, call Ian Hirokawa at (808) 587-0420.

File No.	Location	TMK	Applicant	Owner	Purpose
OA-1782	55-135 Kamehameha Highway, 96762	(1) 5-5-001:014	Gil P. Bumanglag	Mahakea: DTE LLC, Donald T. Eovino	Building setback line and/or construction of a fence
MA-683	65 Hāna Highway, 96779	(2) 2-6-002:010	Akamai Land Surveying, Inc.	Michael Baskin, Paia Bay Properties, LLC	SMA and shoreline setback assessment
HA-551	n/a	(3) 6-6-002:029	Roger Dean Fleenor	Naupaka LTD Partnership	Building permit

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. In those cases, a separate Chapter 343, HRS, entry would be published in *The Environmental Notice*.

[Environmental Assessment and Draft Finding of No Significant Impact for the Implementation of U.S. Army Garrison, Hawai'i and U.S. Army Garrison, Pōhakuoloa Integrated Cultural Resources Management Plans](#)

Island	O'ahu and Hawai'i
District(s)	multiple
TMK(s)	multiple
Permit(s)	N/A
Proposing Agency	United States Army Garrison, Hawai'i Directorate of Public Works Environmental Division (IMHW-PWE) Schofield Barracks, HI 96857-5013 Contact: Lisa Graham, NEPA Program Manager, usaghi.pao.comrel@us.army.mil
Approving Agency	same
Status	30-Day Comment Period for this Draft FNSI runs from 8 November 2017 through 8 December 2017. Written comments should be emailed to usaghi.pao.comrel@us.army.mil or mailed to the Directorate of Public Works, U.S. Army Garrison, Hawai'i, Environmental Division (IMHW-PWE), 947 Wright Avenue, Wheeler Army Airfield, Schofield Barracks, Hawai'i 96857-5013

The U.S. Army Garrison, Hawai'i (USAG-HI) and U.S. Army Garrison, Pōhakuoloa (USAG-Pōhakuoloa) propose to implement Integrated Cultural Resources Management Plans (ICRMPs) that will enable USAG-HI and USAG-Pōhakuoloa to support their training and readiness mission by managing cultural resources in accordance with Federal regulations and established practices of cultural resources management. The garrisons have prepared an Environmental Assessment (EA) that evaluates potential impacts of the ICRMPs. After reviewing the EA, the garrisons conclude that neither the Proposed Action nor the No Action Alternative result in any significant direct, indirect, or cumulative adverse impacts on the natural or human environment. This conclusion is documented in a Draft Finding of No Significant Impact (FNSI). An environmental impact statement will not be required.

After notice is published in the Honolulu Star-Advertiser, West Hawaii Today, and the Hawaii Tribune Herald, the public comment period runs 30 days (8 November – 8 December 2017). Copies of the ICRMPs, EA and Draft FNSI are available for review at the Hawai'i State Library, Waialua Public Library, Mililani Public Library, Wahiawā Public Library, Hilo Public Library, Kailua-Kona Public Library, and Waimea Public Library. Copies may also be obtained online at <http://www.garrison.hawaii.army.mil/NEPA/NEPA.htm> or from Lisa Graham, NEPA Program Manager, at usaghi.pao.comrel@us.army.mil.

FEDERAL NOTICES

As a courtesy, listed below are 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.

Rule: [Safety Zone; Mamala Bay, Oahu, HI](#) (published 10/24/2017)

On October 10, 2017, the fishing vessel PACIFIC PARADISE ran aground off of the navigable waters of Mamala Bay near Waikiki at Kaimana Beach, Oahu, Hawaii. The temporary safety zone currently stationary around the grounded vessel will become a moving safety zone during the salvage and removal operation and remain a moving safety zone so until the towing operation is complete. During salvage and removal operations, the zone will continue to encompass 500 yards in all directions around the vessel at all times. FOR FURTHER INFORMATION CONTACT: Lieutenant Commander John Bannon, Waterways Management Division, U.S. Coast Guard Sector Honolulu at (808) 541-4359 or john.e.bannon@uscg.mil.

Notice: [National Register of Historic Places; Notification of Pending Nominations](#) (published 10/26/2017)

The National Park Service is soliciting comments on the significance of properties nominated for listing or related actions in the National Register of Historic Places, including in Honolulu: Smith, Francis J., Apartment Building, 2240 Waikolu Way, Honolulu, SG100001818. **Comments should be submitted by November 13, 2017** to the address in the linked title.

FEDERAL NOTICES (CONTINUED)

Notice: [Pacific Island Fisheries; Western Pacific Stock Assessment Review; Public Meeting](#) (published 10/27/2017)

NMFS and the Western Pacific Fishery Management Council (Council) will convene a Western Pacific Stock Assessment Review (WPSAR) of a 2017 Benchmark Stock Assessment for the Main Hawaiian Islands (MHI) Deep 7 Bottomfish Complex. The meetings will run from 8:30 a.m. to 5 p.m., Monday, November 13 through Friday, November 17, 2017, and will be held at the NMFS Honolulu Service Center at Pier 38, 1129 N. Nimitz Hwy., Suite 220, Honolulu, HI 96817. FOR FURTHER INFORMATION CONTACT: Michael Seki, Director—Pacific Islands Fisheries Science Center, telephone: (808) 725-5360, or michael.seki@noaa.gov

Proposed Rule: [Pacific Island Fisheries; 2017 Annual Catch Limits and Accountability Measures](#) (published 10/30/2017)

NMFS proposes annual catch limits (ACLs) for Pacific Island crustacean, precious coral, and territorial bottomfish fisheries, and accountability measures (AMs) to correct or mitigate any overages of catch limits. The proposed ACLs and AMs would be effective for fishing year 2017. The proposed ACLs and AMs support the long-term sustainability of fishery resources of the U.S. Pacific Islands. FOR FURTHER INFORMATION, click the linked title to review supplemental information; as necessary, contact Sarah Ellgen, NMFS PIR Sustainable Fisheries, (808) 725-5173. **NMFS must receive comments by November 14, 2017.**

Notice: [Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Fresh Bananas From the Philippines Into Hawaii and U.S. Territories](#) (published 11/3/2017)

This notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the importation of fresh bananas from the Philippines into Hawaii and U.S. Territories. Please click on the titled link to review supplemental information. **All comments that are received on or before January 2, 2018 will be considered.**

Proposed Rule: [Endangered and Threatened Wildlife and Plants: Proposed Rulemaking To Designate Critical Habitat for the Main Hawaiian Islands Insular False Killer Whale Distinct Population Segment](#) (published 11/3/2017)

NMFS proposes to designate critical habitat for the Main Hawaiian Islands insular false killer whale (*Pseudorca crassidens*) distinct population segment by designating waters from the 45-meter (m) depth contour to the 3200-m depth contour around the main Hawaiian Islands from Ni'ihau east to Hawaii, pursuant to section 4 of the Endangered Species Act (ESA). Please click on the titled link for further information. A public hearing will be held on December 7, 2017 at the Manoa Grand Ballroom, Japanese Cultural Center, 2454 South Beretania Street, Honolulu, HI 96826. Doors open at 6:00 p.m., and a presentation and hearing will begin at 6:30 p.m. Parking is available and will be validated **Comments must be received no later than January 2, 2018.**



False Killer Whale (*pseudorca crassidens*) (cropped from original)

[NOAA Photo Library](#)

GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

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

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 actions' 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 Agency 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 a 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 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. Until administrative rules have been drafted, 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 to enable the public a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISPN must be incorporated into the subsequent 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 now 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

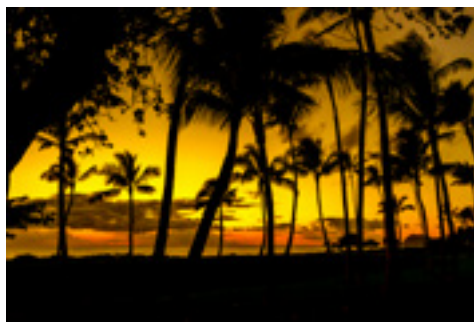
After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts 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. See here for style concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is 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

If the FEIS is accepted, notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate 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.



Ko Olina Bay, O'ahu

Photo by [Floyd Manzano](#)

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare an 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. OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

Conservation District

Any use of land in the State Conservation District requires 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. Notices of permit applications are published in this bulletin.

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 special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

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.

Administrative Exemption Lists

Government agencies must 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 11-200-8(d)). 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).