



The Environmental Notice

February 8, 2019

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.



Honolulu Skyline from Ala Moana Regional Park (edited from original)

Photo credit: [Edmund Garman](#)

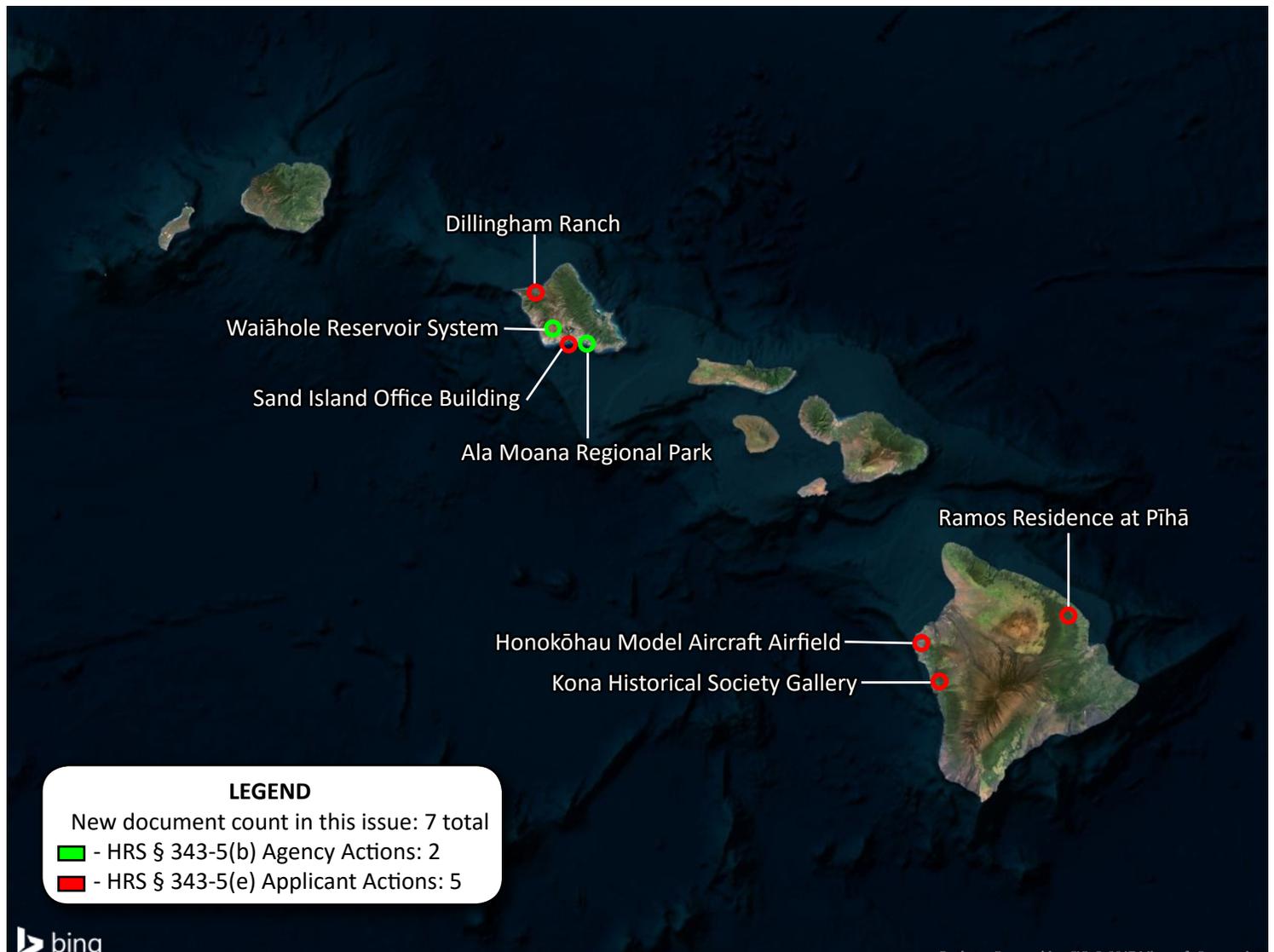
TABLE OF CONTENTS

ANNOUNCEMENTS	2	Waiāhole Reservoir System Improvements--Final EA (FONSI) ..	6
STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS	2	PREVIOUSLY PUBLISHED DOCUMENT OPEN FOR COMMENT	6
HAWAII		SHORELINE NOTICES	
Kona Historical Society Gallery--Draft EA (AFNSI)	3	Applications for Shoreline Certification	6
Ramos Residence at Pīhā--Final EA (FONSI)	3	Proposed Shoreline Certifications and Rejections	7
Honokōhau Model Aircraft Airfield-- Withdrawal of FONSI		COASTAL ZONE MANAGEMENT NOTICES	
and Republication of FEA (FONSI)	4	Federal Consistency Reviews	7
O'AHU		Special Management Area (SMA) Minor Permits	7
Ala Moana Regional Park and Magic Island Improvements--		NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS	8
2nd Draft EIS and Appendices	4	FEDERAL NOTICES	8
Dillingham Ranch Agricultural Subdivision-(FEIS Acceptance) ..	5	OEQC DATA	8
SIBA New Office Building--Final EA (FONSI)	5	GLOSSARY OF TERMS AND DEFINITIONS	9

ANNOUNCEMENTS

The Small Business Regulatory Review Board has reviewed the proposed new rules for the environmental review process ([Chapter 11-200.1, Hawai'i Administrative Rules](#)), and has unanimously [agreed to pass the rules](#) on to the Governor for adoption. OEQC is presently preparing the final rules package to submit to the Governor. Keep posted here for further developments!

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



HAWAII

Kona Historical Society Gallery--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 (4) Propose any use within any historic site as designated in the National Register	
District(s)	South Kona	
TMK(s)	(3) 8-1-004:043	
Permit(s)	Various (see document)	
Approving Agency	Planning Department, County of Hawai'i Michael Yee, Director, (808) 961-8288, Michael.Yee@HawaiiCounty.gov 101 Pauahi St., Suite 3, Hilo, HI 96720	
Applicant	Kona Historical Society; P.O. Box 398, Captain Cook, HI 96704 Joy Holland, Executive Director, (808) 323-3222, Joy@konahistorical.org	
Consultant	Geometrician Associates LLC; P.O. Box 396, Hilo, HI 96721 Ron Terry, (808) 969-7090, rterry@hawaii.rr.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by March 11, 2019. Please send comments to the approving agency and copy the applicant and the consultant.	

The Kona Historical Society (KHS) comprises the National Register-listed H.N. Greenwell Historic Store Museum, the Portuguese Stone Bread Oven and the Kona Coffee Living History Farm. KHS serves 60,000 patrons annually onsite and through outreach. The proposed two-story, 1,360 square-foot Gallery will blend into the historic landscape, resembling a 19th century Kona ranch structure but with a modern “white cube” interior for exhibits, cultural activities, and community space. It will be climate-controlled and capable of hosting traveling exhibits as well as exhibits from KHS’s rich collections. Utilities are available onsite. A new IWS and minor drainage facilities will be built. The site is currently lawn with shrubs and low trees. Land disturbance will be limited to the project site through contractor orientation and orange fencing. KHS’s functions of interpreting significant historic resources and providing education in Hawaiian cultural traditions will be enhanced. Impacts to the islandwide-ranging endangered Hawaiian hoary bats will be avoided through vegetation removal timing. Given the current negligible level of traffic generation, and the concentration of current and future traffic in non-peak hours, no adverse effect to traffic flow is expected. Short-term noise, air, and water quality impacts associated with grading and landscaping would be mitigated.

Ramos Residence at Pihā--Final EA (FONSI)

HRS §343-5(a) Trigger	(2) Propose any use within any land classified as a conservation district	
District(s)	North Hilo	
TMK(s)	(3) 3-2-004:038	
Permit(s)	Various (see document)	
Approving Agency	Department of Land and Natural Resources, State of Hawai'i Sam Lemmo, Administrator, DLNR-OCCL, (808) 587-0377, dlnr.occl@hawaii.gov 1151 Punchbowl St., Room 131, Honolulu HI 96813	
Applicant	Pedro Pablo Ramos; 3193 Scrub Oak Trail, Oviedo, FL 32765-9743 C/O James Leonard, (808) 896-3459; jmleonard@mac.com	
Consultant	Geometrician Associates LLC; P.O. Box 396, Hilo, HI 96721 Ron Terry, (808) 969-7090, rterry@hawaii.rr.com	
Status	Finding of No Significant Impact (FONSI) determination.	

Pedro Ramos plans a single-family residence on his 18.3-acre Conservation District property near Nīnole, Hawai'i. The home would have a total of 3,554 square feet of developed area. Other features include an improved driveway, solar panels, and an individual wastewater system. The location of structures and the driveway has been planned to maximize use of already disturbed area. Landclearing over less than a quarter-acre would produce short-term impacts to noise, air and water quality, and scenery, mitigated by Best Management Practices. A botanical survey has determined that no threatened or endangered plant species are present. The native 'ōhi'a and tree ferns scattered in the area will be almost completely conserved, and some invasive species will be removed to make way for native and Polynesian species meant to provide an attractive setting near the home and restore native forest surrounding it. Impacts to the islandwide-ranging endangered Hawaiian hoary bat & Hawaiian hawk will be avoided through vegetation removal timing. An archaeological survey has been conducted that found no archaeological sites, and a cultural impact assessment has determined that no cultural site or practices would be affected.

HAWAII (CONTINUED)

Honokōhau Model Aircraft Airfield--[Withdrawal of FONSI](#) and [Republication of FEA \(FONSI\)](#)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	North Kona	
TMK(s)	(3) 7-4-8:71 (portion of Lot 2)	
Permit(s)	County Special Management Area Permit, DLNR Revocable Lease	
Approving Agency	Department of Land and Natural Resources, State of Hawai'i Carl Young, Property Manager, DOBOR, (808) 587-1965, carl.g.young@hawaii.gov 4 Sand Island Access Rd., Honolulu, HI 96819	
Applicant	Kona RC Flyers, Inc.; c/o Doug Lanterman, 77-6436 Kilohana St., Kailua Kona, HI 96740 (808) 327-9395 or Cell: (808) 989-6676; doug.linda@hawaii.rr.com	
Consultant	None	
Status	Finding of No Significant Impact (FONSI) determination.	

As described by the Division of Boating and Ocean Recreation (DOBOR), "The FEA-FONSI for Honokōhau Model Aircraft Field was originally posted on the OEQC webpage on 9/8/18. At the 1/11/2019 Land Board Meeting, as a matter of procedure, the FEA-FONSI should have been posted on the OEQC webpage after Submitting the action to the Land Board. Therefore, DOBOR is requesting that the 9/8/18 posting be withdrawn and that the FEA-FONSI be re-posted on the OEQC website so that it is posted after the 1/11/2019, Land Board Meeting consistent with proper procedures."

This project will allow The Kona RC Flyers, Inc. (KRCF) to proceed with obtaining permits to use their already developed airfield that was constructed and utilized for the flying of model aircraft between 2011 and 2015, with the permission of DOBOR. KRCF was given a Notice to Vacate September 16, 2016, as a result of a nearby squatter. KRCF has been attempting to obtain permits since that time.

O'AHU

Ala Moana Regional Park and Magic Island Improvements--[2nd Draft EIS](#) and [Appendices](#)

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	
TMK(s)	(1) 2-3-37: 001, 002 022, 023 and 025	
Permit(s)	Various (see document)	
Proposing Agency	Department of Design and Construction, City and County of Honolulu Robert Kroning, Director, (808) 768-8480, alamoanaeis@bchdesign.com 650 S. King St., 11th Floor, Honolulu, HI 96813	
Accepting Authority	Office of the Mayor, City and County of Honolulu Mayor Kirk Caldwell, 530 S. King St., Room 300, Honolulu, HI 96813 (808) 768-5885, alamoanaeis@bchdesign.com	
Consultant	Belt Collins Hawaii LLC; 2153 N. King St., Suite 200, Honolulu, HI 96819-4554 Joanne Hiramatsu, Director of Planning, (808) 521-5361, alamoanaeis@bchdesign.com	
Status	The proponent is publishing a modified version of the DEIS published on July 8, 2018. Another statutory 45-day public review and comment period starts. Comments are due by March 25, 2019. The FEIS must include comments from all comment periods. Please send comments to the accepting authority and copy the proposing agency and the consultant.	

The City is proposing to restore, revitalize, enhance, and improve the Ala Moana Regional Park (AMRP) and the Magic Island peninsula grounds and facilities as a result of a recent master plan process that outlined both long-term and short-term improvement plans. The project area receives the most usage of any other park in the State and is also one of the oldest. Many park users visit daily or several times during the week. The City wishes to extend the Parks' longevity as a gradual increase in visits is forecasted for the foreseeable future. Some of the major improvements include sand replenishment, renovations to existing structures, improving pond edges, widening pedestrian access over the drainage canal along Ala Moana Boulevard, create a wider shared use path along Ala Moana Park Drive and reconfiguring the parking. This Second Draft Environmental Impact Statement is being published because additional studies were prepared or updated; these include a new Cultural Impact Assessment, an updated Beach Nourishment report that discusses a new sand source off AMRP, and an update on the Playground.

O'AHU (CONTINUED)

Dillingham Ranch Agricultural Subdivision--(Acceptance of Final EIS)

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	
District(s)	Waialua	
TMK(s)	(1) 6-8-002: 006 and 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040	
Permit(s)	Various (see document)	
Approving Agency/ Accepting Authority	Department of Planning and Permitting, City and County of Honolulu Joette Yago, (808) 768-8034, jyago@honolulu.gov 650 S. King St., 7th Floor, Honolulu, HI 96813	
Applicant	Dillingham Ranch Aina, LLC; 3200 Bristol St., Suite 640; Costa Mesa, CA 92626 Dave Eadie, (714) 619-7877, deadie@kennedywilson.com	
Consultant	HHF Planners; 733 Bishop St., Suite 2590; Honolulu, HI 96813 Scott Ezer, (808) 457-3158, sezer@hhf.com	
Status	The approving agency/accepting authority accepted the FEIS on January 14, 2019	

The proposed Project involves the subdivision of 2,721 acres of Dillingham Ranch land at Mokuleia. Agricultural uses on the Ranch have occurred since the 1880s, with present land uses including a mango orchard, palm tree plantation, cattle ranching, equestrian facilities, and special events at the Dillingham Lodge. Under the Project, Lodge and palm tree operations will continue; the mango orchard will be increased (5 to 10 acres); five acres for hydroponic farming will be provided; cattle ranching will be expanded; equestrian facilities will be improved (exercise trials, barns, paddocks); and a maintenance complex for the Ranch will be built. Four employee housing units and 70 agricultural lots will also be provided. The farm lots will range from 3 to 428 acres, with each lot containing a 5,000 square foot developable footprint for a farm dwelling and accessory structures as allowed by agricultural district zoning. The remaining area on each lot will be used for crop cultivation and open space. As part of the Project, the private water system serving the Ranch and the Mokuleia area will be upgraded; a private wastewater system and treatment plant will be constructed; internal roadways and drainage improvements will be built; and electrical and communication systems will be extended to service the Project. The Project is consistent with the State land use law, North Shore Sustainable Communities Plan, and City and County zoning.

SIBA New Office Building--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)	Honolulu	
TMK(s)	(1) 1-5-041:077	
Permit(s)	Various (see document)	
Approving Agency	Department of Land and Natural Resources, State of Hawai'i Russell Tsuji, Administrator, Land Division, (808) 587-0422, Russell.Y.Tsuji@hawaii.gov P.O. Box 621, Honolulu, HI 96809	
Applicant	Sand Island Business Association (SIBA); 1115 Makepono St., Honolulu, HI 96819 Milton Holt, Executive Director, (808) 842-1359, milton@sibahawaii.org	
Consultant	PBR HAWAII & Associates, Inc.; 1001 Bishop St., ASB Tower, Suite 650, Honolulu, HI 96813 Greg Nakai, Planner, (808) 521-5631, gnakai@pbrhawaii.com	
Status	Finding of No Significant Impact (FONSI) determination.	

The Sand Island Business Association (SIBA) is a 501(c)(3) non-profit that holds a 73-acre lease over Sand Island Industrial Park. Lands leased by SIBA are sublet to tenants operating 85 businesses with approximately 3,000 employees. Most of the businesses are land-intensive industrial uses with limited employee parking, resulting in employees parking illegally on-street, double parking in the subdivision, or parking on the undeveloped Project Site. For 26 years, SIBA has operated from a temporary office trailer at 1115 Makepono Street. The trailer is aging and undersized to house SIBA staff and operations, thus a new office space is desired. SIBA proposes to develop Lot 113 [1115 Makepono Street], a 1.29-acre parcel with an approximately 2,000 square-foot office building and parking lot. The office building is intended for use by SIBA, and will replace the existing temporary office trailer. The much-needed parking spaces are intended to serve both the SIBA office as well as overflow employee parking for SIBA tenants, and would also generate parking revenue to assist with development costs, lease rent, and real property taxes.

O‘AHU (CONTINUED)

Waiāhole Reservoir System Improvements--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) 9-2-001: 001, (1) 9-4-003: 001	
Permit(s)	Various (see document)	
Proposing/ Determining Agency	Agribusiness Development Corporation, State of Hawai‘i Ken Nakamoto, (808) 586-0087, ken.t.nakamoto@hawaii.gov 235 S. Beretania St., Room 205, Honolulu, HI 96813 in coordination with: U.S. Army Corps of Engineers [Derek Chow, (808) 835-4026, derek.j.chow@usace.army.mil]	
Consultant	HDR, Inc.; 1132 Bishop St., Suite 1200, Honolulu, HI 96813 Linda Fisher, (916) 817-4962, linda.fisher@hdrinc.com	
Status	Finding of No Significant Impact (FONSI) determination.	

Reservoirs 155 and 225, within the Waiāhole Ditch Irrigation System, have lost holding capacity due to years of sediment accumulation. Both reservoirs are unlined, earthen storage basins used to store irrigation water for adjacent farmers. The 1999 Dam Safety Inspection of Reservoir 155 Report summarized a Phase 1 inspection by USACE to determine the current state of the reservoir in meeting the State of Hawai‘i criteria. The results showed deficiencies associated with erosion at the stop logs, intakes, and spillway, excessive vegetation on the slopes and crown, and oversteepened slopes. Reservoir 225 is assumed to have similar deficiencies as Reservoir 155 due to the proximity, size, and common history of both reservoirs. In order to increase safety and reduce risk of failure, the Proposed Action would lower the reservoirs to eliminate erosion sites at the dam crest, remove vegetation and fill any existing holes with compacted fill, and flatten the slopes. The Proposed Action would include excavation of the existing embankments, removal of sediment from the interior of the reservoirs, reconstruction of the embankments, reduction in water storage capacities of both reservoirs, and lining the reservoirs to reduce water losses and leakage in the system.

PREVIOUSLY PUBLISHED DOCUMENT OPEN FOR COMMENT

Status: Public review and comment period for this project began previously. **Comments are due February 22, 2019.** Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

O‘AHU

PVT Integrated Solid Waste Management Facility (ISWMF) Relocation--(EISPN)

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-1846	56-1095 Kamehameha Hwy, O‘ahu 96731	(1) 5-6-003: 053	Jaime F. Alimboyoguen	Makai Ranch LLC	For any lawful purpose
OA-1847	57-091 Kamehameha Hwy, O‘ahu 96731	(1) 5-7-006: 046	Engineers Surveyors Hawaii, Inc.	BRE Turtle Bay Resort LLC	SMA application
HA-570	15-2733 Welea St., Hawai‘i 96778	(3) 1-5-063: 006	Daniel Berg, dlb & associates, LLC	Sonja Koch, Wilhelm Alexander Wessinger	Determine setback

SHORELINE NOTICES (CONTINUED)

PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

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

File No.	Status	Location	TMK	Applicant	Owner	Purpose
MA-704	Proposed	100 Nohea Kai Drive, 96761 Maui	(2) 4-4-013: 001	Warren S. Unemori Engineering Inc.	Maui Ocean Club	Future use of subject parcel

COASTAL ZONE MANAGEMENT NOTICES

FEDERAL CONSISTENCY REVIEWS

None this issue

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
Hawai'i: Hilo (2-6-003: 024)	Demolition of Existing Structure and Construction of a New Structure (SMM 19-405)	Calvin and Ronaleen Mateo
Kaua'i: Po'ipū (2-8-028: 070)	New Swimming Pool (SMA(M)-2019-8)	Michael Stekoll and Deborah Hansen
Kaua'i: Wainiha (5-8-012: 024)	Three After-the-Fact Storage Containers, Exterior Stairs and Electrical Panel (SMA(M)-2019-9)	Caitlin Palmer
Maui: Lahaina (4-3-006: 004)	Wireless Telecom Facility (SM2 20180043)	Sprint Wireless
Maui: Lahaina (4-6-008: 006)	Lahaina Friday Events (SM2 20190002)	Lahaina Town Action Committee
Maui: Lahaina (4-6-008: 006)	Craft Fair (SM2 20190003)	Arts Education for Children Group
Maui: Kīhei (2-1-005: 118)	Four Rural Residential Lots (SM2 20190005)	Michael Newbro
Maui: Hāna (1-3-009: 053)	Farm Structure (SM2 20190006)	Jennifer Jacobsen
O'ahu: Hale'iwa (5-8-001: 051)	Site Improvements (2018/SMA-59)	Hoola Na Pua/Hi-Lo Studio
O'ahu: Mā'ili (8-7-015: 022)	Mā'ili Beach Park Ocean Safety Storage Container (2018/SMA-69)	Honolulu Emergency Services Department/K. Nichols Butterbaugh, Architect
O'ahu: Waikīkī (2-6-002: 005, 006, and 026)	Sheraton Waikiki – Energy Storage System (2019/SMA-1)	Stem, Inc./John Schofield
O'ahu: Kailua (4-2-003: 017 and 030)	Hāmākua Marsh Driveway, Staging, and Access Road Improvements (2019/SMA-2)	State of Hawai'i Department of Land and Natural Resources/HHF Planners



Panoramic perspective from the far makai end of the Magic Island peninsula, O'ahu (Edited from original)

Photo credit: [Daniel Ramirez](#)

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 at some point in *The Environmental Notice*.

Electrical Renovations for US. Coast Guard Air Station Barbers Point--Draft EA (AFNSI)

Island/District	O'ahu/'Ewa
TMK(s)	(1) 9-1-013:031, 063, 064 and State of Hawai'i DOT ROW
Permit(s)	NPDES Permit, Permit to perform work in the State Right of Way
Proposing Agency	United States Coast Guard Facilities Design and Construction Center, Detachment Seattle Raven J. Smith 206-220-7402, Raven.j.smith@uscg.mil 915 2nd Ave., Room 2664, Seattle, WA 98174
Approving Agency	Captain, U.S. Coast Guard John F. Barresi, Commanding Officer, Facilities Design & Construction Center 5505 Robin Hood Rd., Suite K, Norfolk, VA 23513 (757) 852-3400
Consultant	AECOM Technical Services, Inc.; 1001 Bishop St., Suite 1600, Honolulu, HI 96813 Lesley Matsumoto, (808) 529-7259, lesley.matsumoto@aecom.com
Status	The 30-day public comment period will close on March 11, 2019. Please provide any comments no later than March 11, 2019, to the proposing agency contact as noted above.

The US Coast Guard proposes to renovate the electrical utility system for Air Station Barbers Point in Kalaeloa, O'ahu. Renovations include installation of a transmission distribution system in the State of Hawai'i Department of Transportation right-of-way. The action is needed to respond to the Navy's planned disposition of the existing system that is past its life expectancy.

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.

Notice: Endangered and Threatened Wildlife and Plants; 26 Draft Recovery Plan Amendments for 42 Species Across the United States (published by the Fish and Wildlife Service on 01/31/2019, and corrected on 2/5/2019)

The U.S. Fish and Wildlife Service (Service), announces the availability of 26 draft recovery plan amendments for 42 endangered and threatened species. The Service is amending recovery criteria to better assist in determining when an endangered species has recovered to the point that it may be reclassified as threatened, or that the protections afforded by the Endangered Species Act of 1973, as amended (Act), are no longer necessary and the endangered species may be removed from the Act's protections. The Service requests review and comments on these draft recovery plan amendments from local, State, Tribal, and Federal agencies, nongovernmental organizations, and the public. In order to be considered, **comments on the draft recovery plan amendments must be received on or before April 1, 2019.**

OEQC DATA

Appended to the end of this issue are pages extracted from the [2018 Annual Report](#) of the Environmental Council that discuss and analyze the various individual actions and entries published in The Environmental Notice during 2018.

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 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. 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 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.

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).

Publications of EAs and EISs in *The Environmental Notice*

OEQC publication data is still being finalized. This section will present the information in a similar format to how the 2017 report presented it.

The OEQC publishes EAs, EISs, and other environmental review documents on the 8th and 23rd of each month, per statutory and administrative requirement.

Tracking a project or program (which are considered "an action" by the statute) as it goes through environmental review can range from straightforward to complex. Most actions are EAs that have a draft and final and then are finished. In the case of a typical EA, the OEQC counts the action itself as 1 (referred to as "unique") and the draft and final publications as 2, because it is the same action published twice (draft and final). For EISs, typically one action has 3-4 publications (preparation notice, draft, final, and acceptance).

Counting becomes more complex when an action changes over time or repeats steps in the process. For example, an action may be republished as a draft EAs to give the public more opportunity to comment. OEQC counts this as 1 action and 3 publications (draft, republished draft, and final).

The four tables included here show the distribution of unique actions based on stage of the process, location, and agencies.

Table 1 shows the total publications by stage of the process. This year OEQC published 181 entries in *The Environmental Notice*.

Table 1. Total Publications (Agencies and Applicants)

Document/Determination	2018	2017
Draft EA	75	58
Final EA	64	58
EIS Preparation Notice	10	19
Draft EIS	10	8
Final EIS	9	8
EIS Acceptance	7	4
EIS Non-acceptance	0	1
Supplemental EIS Required	1	1
No Supplemental EIS Required	1	1
Withdrawal	3	6
Other	1	0
Total Publications	181	164

Table 2 shows how many unique projects and programs are done by island. The statewide category is for actions that occur across the state. For 2018, 122 unique actions underwent review.

Table 2. Unique Actions by Island (Agencies and Applicants)

Island	2018	2017
Statewide	1	1
Hawai'i	22	20
Kaua'i	16	15
Lāna'i	1	1
Maui	20	26
Moloka'i	6	3
O'ahu	56	51
Total Unique Actions	122	117

Environmental Council Annual Report 2018
January 31, 2019

Table 3 shows which state and county agencies proposed actions and how many each proposed. Table 3 orders the proposing agencies by jurisdiction then alphabetically.

Table 3. Unique Agency Actions

Jurisdiction and Proposing Agency	2018	2017
State of Hawai'i	43	39
Agribusiness Development Corporation	1	1
Department of Accounting and General Services	2	2
Department of Education	9	7
Department of Hawaiian Home Lands	5	3
Department of Land and Natural Resources	9	10
Department of Transportation	12	11
Hawai'i Housing and Finance Development Corporation	0	1
Hawai'i Public Housing Authority	2	2
Natural Energy Laboratory of Hawai'i Authority	1	0
University of Hawai'i	2	1
Volcano School of Arts and Sciences	0	1
City and County of Honolulu	12	17
Board of Water Supply	2	3
Department of Design and Construction	6	6
Department of Environmental Services	2	6
Department of Facility Maintenance	1	1
Department of Land Management	1	0
Department of Planning and Permitting	0	1
Hawai'i County	4	6
Department of Environmental Management	3	3
Department of Public Works	0	2
Department of Water Supply	1	1
Kaua'i County	6	4
Department of Public Works	3	3
Department of Water	2	0
Fire Department	0	1
Housing Agency	1	0
Maui County	4	5
Department of Environmental Management	2	0
Department of Management	1	0
Department of Public Works	1	4
Department of Water Supply	0	1
Total Unique Agency Actions	69	71

Environmental Council Annual Report 2018
January 31, 2019

Table 4 shows which state and county agencies were responsible for applicants going through environmental review and how many unique projects and programs they oversaw. Table 3 orders the approving agencies by jurisdiction then alphabetically.

Table 4. Unique Applicant Actions by Approving Agency

Jurisdiction and Approving Agency	2018	2017
State of Hawai'i	31	28
Department of Business, Economic Development, and Tourism	1	0
Department of Hawaiian Home Lands	2	0
Department of Health	0	1
Department of Land and Natural Resources	18	14
Department of Transportation	2	3
Hawai'i Community Development Authority	1	1
Hawai'i Housing and Finance Development Corporation	4	4
Land Use Commission	2	5
Natural Energy Laboratory of Hawai'i Authority	1	0
City and County of Honolulu	13	7
Department of Environmental Services	1	0
Department of Planning and Permitting	12	7
Hawai'i County	5	4
Department of Parks and Recreation	1	0
Planning Department	4	4
Kaua'i County	1	1
Housing Agency	1	0
Planning Department	0	1
Maui County	3	6
Department of Environmental Management	1	1
Department of Housing and Human Concerns	0	1
Department of Public Works	0	1
Planning Department	1	3
Maui Planning Commission	1	0
Total Unique Applicant Actions	53	46

The OEQC continues to improve its internal data collection and tracking. Each of the tables shows 2017 data for comparison. In the future, the OEQC will be able to include more of a time series to provide a better sense of activity over time.