



The Environmental Notice

January 8, 2010

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[Oral Arguments before the Supreme Court - Kuilima Hotel and Supplementary EIS's](#). This case arises from the proposed expansion of the Kuilima Resort at Turtle Bay on the North Shore of Oahu for which an environmental impact statement (EIS) was completed and accepted in 1985 by the Department of Land Utilization. The dispute centers around whether Kuilima’s subdivision application, filed in 2005, triggered the need for a Supplemental EIS. This link enables you to hear the oral arguments before the Supreme Court.

The Environmental Notice informs the public of environmental assessments and other documents that are available for review and comment per HRS §343-3 and is updated on the 8th and 23rd of each month on the Office of Environmental Quality Control’s website. If you would like to be notified when it is updated, send us your email address and we’ll put you on our mailing list.

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OAHU (HRS 343)

1. Ted Makalena Golf Course Cart Path Realignment (FEA)

Island: Oahu
District: Ewa
TMK: 9-3-02:34
Proposing Agency: Dept of Design and Construction, City and County of Honolulu, 650 South King Street, Honolulu, HI 96813. Dan Takamatsu, 768-8461
Approving Agency: Same
Consultant: Gerald Park Urban Planner, 95-595 Kanamee Street #324, Mililani, HI 96789. 625-9626
Comments: FEA accepted by the Approving Agency. There is no comment period
Permits: Special Management Area, Grading and Grubbing, Building Permit, NPDES General Permit, Variance from Pollution Controls

The Department of Design and Construction, City and County of Honolulu, proposes to construct improvements at Ted Makalena Golf Course. New 8-foot wide concrete cart paths will be constructed for all 18 holes. In the vicinity of tees and greens, the cart path will be widened to 12 feet allowing carts to park on the path with room for other carts to pass. In total, approximately 3.4 miles of cart paths will be constructed. A new golf cart wash area will be constructed on the site of the existing wash area located between the cart barn and clubhouse. Wash water will be discharged into a concrete detention basin to be constructed in the vicinity of two existing maintenance buildings *mauka* of the 9th hole. Wash water will collect in the 8,820 square foot basin and allowed to evaporate. The cost of the improvements is estimated at \$4.44 million.

Construction will temporarily affect air quality and the acoustical environment for golfers. Best Management Practices will be implemented to minimize erosion and construction related runoff. Storm water will be directed to and detained in low areas and allowed to evaporate or percolate into the ground. There are no plans for tree removal but grassed areas and the existing asphalt cart paths will be removed to make way for the new cart paths.

The project is expected to benefit golf course operations, improve the recreational experience for golfers, and increase play. For players, the new cart paths will help to define the golf holes from tee to green, safely transport players from tee to green, prevent damage to the tee boxes, fairways, and greens, and improve the overall utility and appearance of the recreation facility. There are no historic resources on the premises and based on available information it is unlikely that the proposed project will affect on-going cultural practices.

2. Hauula Fire Station Relocation (FEA)

Island: Oahu
District: Koolauloa
TMK: 5-4-18:64, 65
Proposing Agency: Dept of Design and Construction, City and County of Honolulu, 650 S. King Street, Honolulu, HI 96813. Curtis Kushimaejo, 768-8455
Approving Agency: Same
Consultant: Gerald Park Urban Planner, 95-595 Kanamee Street #324, Mililani, HI 96789. 625-9626
Comments: FEA accepted by the Approving Agency. There is no comment period

Permits: Conditional Use Permit, Grubbing, Grading and Stockpiling; Building, Permit to Excavate Public Right-of-Way, Water and Water System Requirements, Street Usage, Flammable and Combustible Liquids, Liquefied Petroleum Gases, NPDES, Variance from Pollution Control, Individual Wastewater System, Perform Work within a State Highway Right-of-Way, Historic Site Review

There are no significant environmental resources associated with the two lots. The lots are flat and not located in an area of natural resources. There are no surface archaeological features, surface waters such as stream or wetlands, rare, threatened, and endangered flora and fauna, hazardous materials or hazardous material sites within 1 mile, and both lots are not within identified flood hazard of coastal high hazard areas. The proposed use is a permitted use in the B-1 zoning district. Placement of the station on the site does not call into question the reasonableness of the commercial and zoning standards for the zoning district. Since staffing levels will remain unchanged from the existing station, there will be no significant increase in water consumption and wastewater discharge. Energy consumption will increase due to the inclusion of air conditioning, vehicle charging systems, and other equipment not installed in the existing station. Design measures to be incorporated into the building design will aid in reducing energy usage. Furthermore the station will be designed in accordance with LEED principles for sustainability. A new fire station will provide for proper living and working conditions of all fire fighters assigned to the station. With a properly programmed, designed, and sized station, the HFD will be able to deploy the most current firefighting resources, equipment, skilled personnel, and materials available.

LANAI (HRS 343)

3. Aircraft Rescue Fire Fighting Station, Fueling Facility and Hangar at Lanai Airport (FEA)

Island: Lanai
District: Lanai
TMK: (2) 4-9-02:41(por.)
Applicant: State Dept of Transportation, Airports Division, 400 Rodgers Boulevard, Suite 700, Honolulu, HI 96819-1898. Van Johnson, 838-8830, **and** Castle & Cooke Aviation, 155 Kapalulu Place, Honolulu, HI 96819

Approving

Agency: Same
Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI 96793. Mich Hirano, 244-2015

Comments: FEA accepted by the Approving Agency. There is no comment period

Permits: NPDES, Grading and Building Permit (for Hangar)

The State Department of Transportation, Airports Division proposes construction of a replacement Aircraft Rescue Fire Fighting (ARFF) station to replace the existing substandard ARFF facility at the Lanai Airport. The replacement ARFF station will include: spaces for two (2) fire fighting trucks and one (1) trailer; chemical and equipment storage rooms; watch room; office; kitchen/training room; three (3) dormitory rooms; fitness room; lockers, showers, and toilets; emergency generator; extension of onsite water system; improvements for onsite wastewater treatment and disposal; and security fencing.

In coordination with the Airports Division, Castle & Cooke Aviation proposes to construct a 25,200 sq. ft. aircraft hangar to the west of the ARFF station and install two (2) 15,000 gallon fuel tanks for Jet-A fuel and a single 3,000 gallon tank for aviation gas. The tanks will be located to the west of the hangar and will be placed above ground on a concrete slab measuring 40 feet by 140 feet (including a 40 feet by 20 feet vehicle ramp).

The Approving Agency, the State Department of Transportation, Airports Division, has reviewed the Final Environmental Assessment and determined a Finding of No Significant Impact (FONSI).

MAUI (HRS 343)

4. Waiehu Mauka Affordable Housing (FEA)

Island: Maui
District: Wailuku
TMK: (2) 3-3-01:102 and 16 (por.)
Applicant: Lokahi Pacific, 1935 Main Street, Suite 204, Wailuku, HI 96793. Kamaile Sombelon, Executive Director, 242-5761

Approving Agency: County of Maui, Dept of Housing and Human Concerns, 200 South High Street, Wailuku, HI 96793. Lori Tshako, Director, 270-7805

Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI 96793. Carol Matasci, Planner, 244-2015

Comments: FEA accepted by the Approving Agency. There is no comment period

Permits: Section 201H-38 Application, State Land Use Commission District Boundary Amendment, Subdivision Approval, NPDES, Construction permits

Lokahi Pacific, in partnership with Pacific Rim Land, Inc., proposes to develop the Waiehu Mauka Affordable Housing project, which involves the construction of 100 affordable multi-family units and six (6) market price single-family residential lots on an approximately 8-acre parcel of land. The 100 multi-family units will include 42 rental units housed in seven (7) apartment buildings, offered to households making 50 percent and below the area median income (AMI). There will also be 58 for-sale units housed in 13 buildings, targeting households making between 51 and 120 percent of the AMI.

The proposed action involves an Application for Affordable Housing Development, pursuant to Section 201H-38, HRS. The project site is currently designated "Agricultural" by the State Land Use Commission, and a District Boundary Amendment will be requested.

Waiehu Mauka will provide a benefit to the community through the provision of affordable housing, in keeping with Lokahi Pacific's mission to improve the quality of life, both economically and socially, for residents of the County of Maui.

HAWAII (HRS 343)

5. Replacement of Manowaiopae Reservoir (FEA)

Island: Hawaii
District: North Hilo
TMK: (3rd) 3-6-03:35, 36 and 03 (por.)

Proposing Agency: Hawaii County, Dept of Water Supply, 345 Kekuanaoa Street, Suite 20, Hilo, HI 96720. Jason Killam, 961-7249

Approving Agency: Same

Consultant: Geometrician Associates, PO Box 396, Hilo, HI 96721. Ron Terry, 969-7090

Comments: FEA accepted by the Approving Agency. There is no comment period

Permits: Building Division Approval and Building Permit; Approval and Consolidation-Resubdivision Permit (in process); Grading; Construct Within Right of Way; NPDES

The County of Hawaii, Department of Water Supply (DWS), plans to remove the existing 0.10 million gallon capacity (Mg) Manowaiopae Reservoir and construct a new 0.50 Mg reservoir nearby off Manowaiopae Homestead Road in Laupahoehoe. The improvements are necessary because the

existing reservoir has reached the end of its service life, is undersized for current needs, requires expensive maintenance, and does not meet current DWS standards. The new reinforced concrete reservoir will have five times the capacity of the existing tank and will be better able to meet future demands in its water service area. New or relocated improvements also include a new pump building and control, site piping, site asphalt paving, perimeter fencing and a paved driveway along an easement from Manowaiopae Homestead Road to the reservoir site. Once existing water services are reconnected to the new tank, the existing reservoir will be demolished and the site landscaped to match the surrounding area and reduce visual impacts. The improvements will promote public health and safety by improving water storage capacity for the Laupahoehoe area.

The contractor will obtain an NPDES permit and develop and implement Best Management Practices to contain sediment and storm water runoff during construction. Implementation of the project would have only a very minor effect on local traffic. Hazardous substances will be abated by appropriate measures during construction and demolition. The new reservoir site is a former sugar cane field. Biological surveys and coordination with the State Historic Preservation Division (SHPD) has confirmed that no significant biological, archaeological or cultural resources are present. If archaeological resources or human remains are encountered during land-altering activities, work in the immediate area of the discovery will be halted and SHPD will be contacted.

6. [Hilo Bayfront Trails](#) (DEA)

- Island:** Hawaii
District: South Hilo
TMK: (3rd Division): 2-1-1:12, 102; 2-1-3:01, 19; 2-1-5:01; 2-1-6:10; 2-1-9:07; 2-2-2:01, 27, 35; 2-2-3:03, 46; 2-2-4:01, 02, 25, 28, 35, 56, 60; 2-2-5: 02; 2-2-6:01, 26, 27; 2-2-7:18; 2-2-11:01; 2-2-12:16; 2-2-13:03; 2-2-14:02; 2-2-29:01, 08, 27; 2-2-31:01, 15; 2-2-53:19, 20, 23; 2-3-1:02 and 2-3-4:01; Various County and State rights-of-way adjacent to above parcels
- Proposing Agency:** Hawaii County, Dept of Research and Development, 25 Aupuni Street, Room 1301, Hilo, HI 96720. Beth Dykstra, 961-8035
- Approving Agency:** Same
Consultant: Geometrician Associates, PO Box 396, Hilo, HI 96721. Ron Terry, 969-7090
Comments: DEA 30-day comment period starts from the date of this Notice. Address comments to the Proposing Agency and Consultant
- Permits:** Building Permit Application plan review and approval; County Traffic plan review and approval; Grading, Drainage; Variance or exemption from HCC Chapter 27 – Flood Control; SMA; Variance to Shoreline Setback (potential); NPDES (potential); UIC (potential); Disability and Communication Access Board plan review; State highway review; Certified shoreline survey (potential); State Historic Preservation Division inventory survey review; Conservation District Use Permit or other approval (potential).

The Hilo Bayfront Trails project would provide multimodal paths, pedestrian sidewalks, dedicated bicycle lanes, and shared roads for bicycles spanning the approximately two-mile distance between Hilo Harbor and the Wailuku River in Hilo. The project also includes loops for downtown, Wailoa River State Park and Bayfront Beach Park, providing a cohesive system of non-motorized transportation opportunities for both tourists and residents. It would complement and enhance the attributes of the Hilo Bayfront: dramatic views of Hilo Bay and Mauna Kea, green spaces, historical interest, cultural and community events, and a variety of recreational activities. Aside from the trails themselves, the project would build several new parking areas and interpretive signs denoting areas of interest.

The project directly involves 40 separate parcels of land and rights-of-way within 17 named County and State roadways. Landowners, businesses, citizen organizations and others have participated in a series of meetings to develop the project. Best management practices will be implemented to prevent erosion and sedimentation. The area is subject to both riverine and coastal flooding, including tsunami, but is already heavily used for recreation; structures are minimal, and no inappropriate development of floodplains or high hazard areas would occur. Valuable biological resources will not be adversely affected. The project has been designed with community input to enhance cultural resources and practices. Signage on Hawaiian land divisions, historic events and current practices will increase resident and visitor understanding and appreciation of the host culture. The County will require archaeological monitoring for any construction involving surface alteration. If archaeological resources, cultural items or human remains are encountered, work in the immediate area of the discovery will be halted and the State Historic Preservation Division will be contacted.

7. Bilinsky Single Family Residence (FEA)

Island: Hawaii
District: Puna
TMK: (3) 1-4-28:09
Applicant: Edward and Mariko Bilinsky, 78-7045 Kaluna St #105, Kailua-Kona, HI 96741. Ed Bilinsky, 557-0500
Approving Agency: Department of Land and Natural Resources, PO Box 621, Honolulu, HI 96809. Kimberly Mills, 587-0382
Consultant: Island Planning, 1405 Waiianuenue Ave., Hilo, HI 96720. Jeffrey Melrose, 989-8322
Comments: FEA accepted by the Approving Agency. There is no comment period
Permits: SMA, CDUP, Building Permit

The Applicant proposes to construct a one-story, single family on a 0.894-ac parcel in the Waawaa subdivision, makai of the Old Government Road. The project involves 2,940 sf of improvements, including a 236 sf lap pool with surrounding landscaping. Sixty percent of the parcel will be preserved and managed for its current native plant material including hala and coastal naupaka. Approximately 40 hala trees will be removed to construct the home. Improvements will be set back over 150' from the shoreline and will be screen from the coast road by terrain and native vegetation.

COASTAL ZONE NOTICES

Federal Consistency Reviews

The Hawaii Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies (HRS 205A). This public notice is being provided in accordance with Section 306(d)(14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawaii CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lanai & Molokai: 468-4644 x72878, Kauai: 274-3141 x72878, Maui: 984-2400 x72878 or Hawaii: 974-4000 x72878. For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review. Comments may be submitted to: Office of Planning, Department of Business, Economic Development and Tourism, P.O. Box 2359, Honolulu, HI 96804. Email: jnakagaw@dbedt.hawaii.gov or Fax: (808) 587-2899.

1. Kawainui Marsh Restoration Project, Kailua, Oahu

Federal Action: Federal Agency Activity
 Federal Agency: U.S Army Corps of Engineers
 Contact: Ms. Joanne Hiramatsu, Oceanit, 531-3017
 Location: Kawainui Marsh, Kailua, Oahu
 TMK: (1) 4-2-13: 5, 22
 CZM Contact: John Nakagawa, 587-2878, jnakagaw@dbedt.hawaii.gov
 Proposed Action: The proposed project to restore habitat at the Kawainui Marsh Flood Control Project for four endemic endangered waterbirds is being developed jointly by the U.S. Army Corps of Engineers and the State Department of Land and Natural Resources, Division of Forestry and Wildlife. The proposal includes creation of 24 acres of mudflats and shallow ponds, installation of 8.040 linear feet of predator control fencing, implementation of a trapping program, and construction of two access roads to construct, operate and maintain the pond system. The total project area will encompass 37.8 acres.
 Comments Due: January 22, 2010

Special Management Area (SMA) Minor Permits

The following is a list of SMA Minor permits that have been approved or are pending by the respective county/state agency (HRS §205A-30). For more information, please contact the appropriate county/state Planning Department. Honolulu (523-4131); Hawaii (961-8288); Kauai (241-6677); Maui (270-7735); Kakaako (Honolulu) or Kalaeloa Community Development District (587-2840).

Location (TMK)	Description (File No.)	Applicant/Agent
Oahu: Kaunala (5-8-06:45)	Construction of Open-Work Fence on Vacant Residential Lot (2009/SMA-61)	Donald G. Horner Trust/Hank Reese
Hawaii: South Hilo (2-6-01:15)	Installation of Telecommunication Antennas and Appurtenant Equipment (SMM 09-134)	New Cingular Wireless PCS, LLC dba: AT & T Mobility Land
Maui: (4-2-04:24)	Kapalua Bay Golf Course Subdivision (SM2 20090090)	Maui Land and Pineapple
Maui: (3-9-01:85)	Remove & Replace One Cook Pine Tree (SM2 20090091)	AOAO Menehune Shores
Maui: (4-5-05:11)	Tenant Improvement from Retail to Restaurant (SM2 20090092)	Joslin Service Corp.
Maui: (4-4-01: 57, 58 & 59)	ABC 47 Honokowai Storage Addition (SM2 20090093)	Fukunaga, Darin

Shoreline Notices - Certifications and Rejections

The following shorelines have been proposed for certification or rejection by DLNR (HRS §205A-42 and HAR §13-222-26). Any person or agency wishing to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of the public notice. The notice of appeal shall be sent to the Board of Land and Natural Resource, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1325	Proposed Shoreline Certification	Lots 11 and 11-A and a 10 ft. wide lane of Kahala Subdivision as shown on Bishop Estates Maps 1063 and 4530, being a part of Royal Patent 7721, Land Commission Award 228, Apana 2 to Kaleiheana situate at Kahala, Honolulu, Oahu Address: 4551 Kahala Avenue Purpose: Renovations to property	Dennis K. Hashimoto/ James L. McMillan, Linsey McMillan Co-Trustees	3-5-04:06
HA-414	Proposed Shoreline Certification	Lot C-1 being a portion of R.P. 4513, Mahaele Award 32 to Kanele situate at Kahauloa 2nd, South Kona, Island of Hawaii Address: None assigned Purpose: Obtain County building permits	Wes Thomas Associates/ Allen C. Wilcox Trust, Barbara S. Wilcox Trust	8-3-05:12

POLLUTION CONTROL PERMITS

The following is a list of some pollution control permits currently before the State Department of Health (HRS 342B and HAR §11-60.1). For more information, please contact the number below.

Branch Permit Type	Applicant and Permit Number	Project Location	Date	Proposed Use
Clean Air Branch, 586-4200, Non-Covered Source Permit	Puna Geothermal Venture NSP No. 0008-02-N Renewal Application No. 0008-09	14-3860 Kapoho-Pahoa Road, Pahoa, HI 96778	Issued: 12/15/09	Geothermal Power Plant, Well field, and Geothermal Exploratory/ Developmental Wells
Clean Air Branch, 586-4200, Covered Source Permit	E.M. Rivera & Sons, Inc. CSP No. 0603-01-CT Application for Significant Modification No. 0603-03	Various Temporary Sites Statewide	Issued: 12/18/09	730 TPH and 505 TPH Portable Crushing Plants
Clean Air Branch, 586-4200, Covered Source Permit	Maui Electric Co., Ltd. CSP No. 0232-01-C Renewal Application No. 0232-04 Application for Modification No. 0232-03	200 Hobron Avenue, Kahului, Maui	Issued: 12/23/09	Electrical Generating Facility
Clean Air Branch, 586-4200, Non Covered Source Permit	Jas. W. Glover, Ltd. NSP No. 0267-01-NT Application Renewal No. 0267-07	Various Temporary Sites Statewide	Issued: 12/23/09	140 TPH Sand Plant

Clean Air Branch, 586-4200, Covered Source Permit	Covanta Honolulu Resource Recover Venture (CHRRV) Application for Modification No. 0255-05	91-174 Hanua Street Kapolei, Oahu	Issued: 12/23/09	H-Power Municipal Waste Combustor Facility
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FEDERAL NOTICES

Naval Station Pearl Harbor Integrated Natural Resources Management Plan, Oahu

The public review draft of the Naval Station Pearl Harbor Integrated Natural Resources Management Plan, Oahu, Hawaii will be available for review and comments from January 15, 2010 to February 15, 2010 at the following public libraries on Oahu: (1) Salt Lake Branch, 3225 Salt Lake Blvd, Honolulu, HI 96818; (2) the Pearl City Branch, 1138 Waimano Home Road, Pearl City, HI 96782; (3) the Ewa Beach Branch, 91-950 North Road, Ewa Beach, HI 96706; (4) the Waianae Branch, 85-625 Farrington Highway, Waianae, HI 96792; (5) the Wahiawa Branch, 820 California Avenue, Wahiawa, HI 96786; (6) the Kapolei Branch, 1020 Manawai Street, Kapolei, HI 96707; and (7) the Hawaii State Public Library, Hawaii Documents Center, 478 South King Street, Honolulu, HI 96813. Please contact Dr. Cory Campora, Naval Facilities Engineering Command, Pacific, Pearl Harbor, HI, at (808) 472-1408 or cory.campora@navy.mil for comment sheets, electronic copies, and more information.

GLOSSARY

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 an environmental impact statement shall be required per [HRS §343-5\(b\)](#), for Agency actions and [HRS §343-5\(c\)](#), for Applicant actions. For environmental assessments for which a Finding of No Significant Impact is anticipated, 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 per (HRS §343-3), also known as The Environmental Notice.

Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments received during the review and prepare a Final EA (FEA) to determine whether an environmental impact statement shall be required. The FEA must respond to all public comments. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement will not be required and the project may then be implemented. 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). After the notice of the 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.

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 mitigative 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. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority. 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, the Approving Agency must make a determination on acceptance within 30 days of receipt of the FEIS or the FEIS is deemed accepted. For Applicant actions, the law provides for an administrative appeal of a non-acceptance to the Environmental Council.

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 Hawaii'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. Notice 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 Hawaii 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.

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).