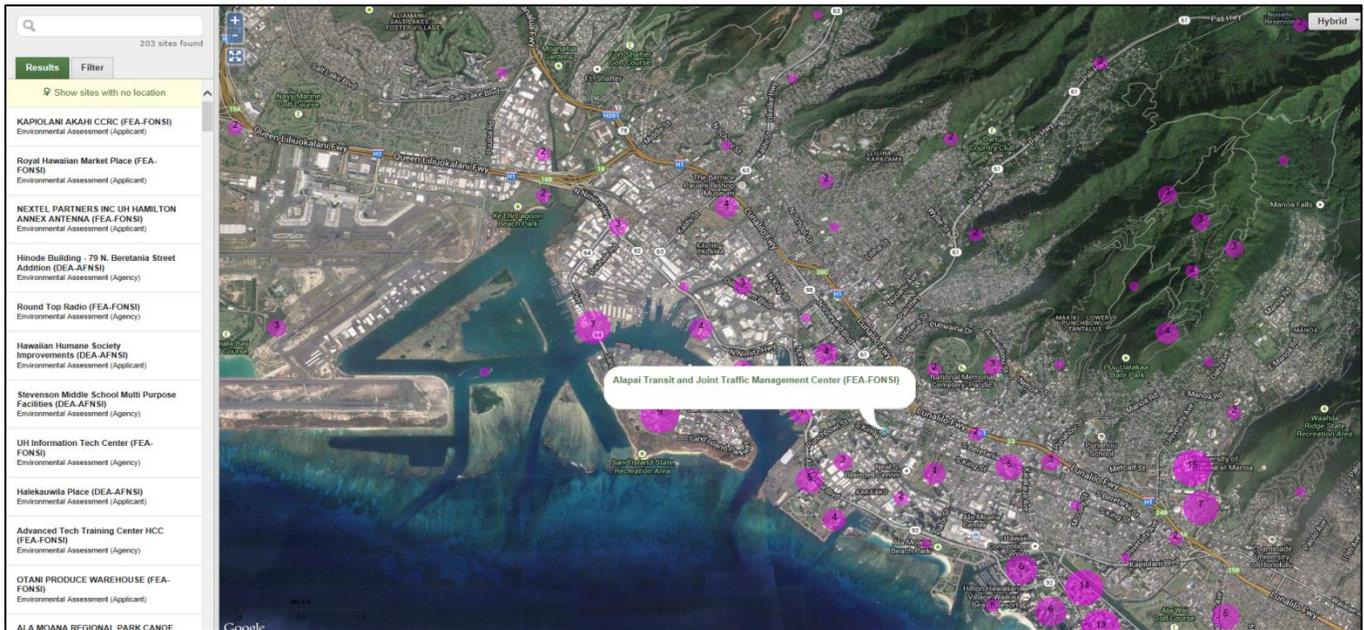


The Environmental Notice

A Semi-Monthly Bulletin pursuant to Section 343-3, Hawai'i Revised Statutes

OEQC Introduces Online Viewer



OEQC is pleased to announce the release of our [online viewer](#) that links the environmental review documents published in the Environmental Notice to geographic locations across the state. The public, government agencies, and industry will all benefit from this new application. The viewer will ultimately house environmental review documents dating back to the inception of the Hawaii Environmental Policy Act in 1974. Environmental review documents dating back to 2003 are currently available via the online viewer. The office plans to digitize and upload the remaining documents within the next year.

The online viewer is a product of an effective public-private partnership that increases transparency and efficiency. OEQC partnered with Windsor Solutions, Inc. to not only create this [online viewer](#) that houses historical documents but also design a database system that streamlines the submissions, review and publication of Environmental Assessments and Environmental Impact Statements. The work on this database has started, however future funding is needed to implement all these functionalities.

Please visit the [OEQC's Online Viewer](#) and learn more about this effort.

Special thanks to the former UH Environmental Center staff members: Dave Penn and Sarah Bolduc for their help with this large and varied project.

We'd also like to thank our volunteer of year: Yijia Li! Yijia worked exceptionally well on individual areas of the historical data input using her own initiative to help with this project. Mahalo Yijia!

ANNOUNCEMENTS:

The Department of Health is currently accepting written comments and will hold a public hearing on proposed changes to the Hawai'i Administrative Rules (HAR) Chapter 11-62, Wastewater Systems. Proposed changes include prohibiting the installation of new cesspools and requiring connections or upgrades of existing cesspools to septic systems within 180 days after the sale of a property.

The proposed changes are available on the [DOH Wastewater Branch website](#).

The public hearing will be held at 10:30 am on Thursday, **October 2, 2014**. Please see the [public hearing notice](#) for locations.

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Neil Abercrombie, Governor · Jessica Wooley, Director · Office of Environmental Quality Control · 235 South Beretania Street, Suite 702 · Honolulu, Hawai'i 96813 · Tel: 586-4185 · Fax: 586-4186 · Email: oeqchawaii@doh.hawaii.gov
 Website: <http://health.hawaii.gov/oeqc/>
 Toll Free: Kaua'i 274-3141, ext. 64185 · Maui 984-2400, ext. 64185 · Moloka'i/Lāna'i 1-800-468-4644, ext. 64185 · Hawai'i 974-4000, ext. 64185

HAWAI'I (HRS 343)

1. Hoku Kai Biofuels Easement at Port of Hilo DEA (AFNSI)

Island: Hawai'i
District: South Hilo
TMK: (3) 2-1-009: portions of parcels 007 & 031
Applicant: Hoku Kai Biofuels LLC/ Summit Biofuel LLC
Approving Agency: Department of Land and Natural Resources, Land Division, 75 Hupuni Street, Room 204, Hilo, HI 96720
Contact: Candace Martin
Consultant: Insight Environmental LLC, HC3 Box 13132, Keaau, HI 96749
Contact: Evan Pfaff
Status: Statutory 30-day public review and comment period starts; comments are due by October 23, 2014. Please send comments to the applicant, approving agency and consultant.

The proposed action is the purchase of an easement through state and county land at the Port of Hilo. The easement would extend from Pier 2 & 3 to the south side of Kalaniana'ole Avenue along the route of an existing petroleum pipeline. The existing pipeline and associated vaults and appurtenances are currently not in use. The applicant proposes to use the existing infrastructure for bulk offloading and onloading of biofuels from marine vessels to shore-based bulk offloading and onloading of biofuels from marine vessels to shore-based storage tanks. The capacity currently does not exist within the State of Hawaii. The purpose of the proposed action is to utilize the existing pipeline as part of the establishment of a biofuel storage and distribution facility.

MOLOKA'I (HRS 343)

2. Proposed Kualapu'u School Waterline Improvements Project FEA (FONSI)

Island: Moloka'i
District: Manowainui
TMK: (2)5-2-013:027
Permits: Department of Transportation Work to Perform Permit; National Pollutant Discharge Elimination System (NPDES), if applicable; Approval from Department of Health, Safe Drinking Water Branch; Noise Permit, if applicable; Construction Permits (Grubbing and Grading), as applicable.



Proposing / Determination

Agency: Department of Education, P.O. Box 2360, Honolulu, HI 96804
Contact: Robert Purdie (808) 586-0448
Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI 96793
Contact: Michael Munekiyo (808) 244-2015
Status: Finding of No Significant Impact.

The State of Hawaii, Department of Education proposes to construct a new waterline to service Kualapu'u School, located at 260 Farrington Avenue in Kualapu'u, Moloka'i, Hawai'i. The proposed project encompasses the construction of a new 12-inch waterline offsite, to be connected to the onsite school system, as well as improvements to the onsite domestic and irrigation water service and fire protection lines. The purpose of this project is to provide more reliable service to the school and to upgrade the fire protection water service.

O'AHU (HRS 343)

3. [Ola Ka'ilima Artspace Lofts DEA \(AFNSI\)](#)

Island: O'ahu
District: Honolulu
TMK: (1) 2-3-003: 040
Permits: Kaka'ako Mauka Area Development Permit, Variance from Pollution Controls (Noise Permit), Building Permits, Dewatering Permit, Grading, Grubbing, Stockpiling, Trenching, Construction Dewatering Permit, Sewer Connection Permit, Street Usage Permit.

Applicant: Artspace Projects, Inc., 250 Third Avenue Suite 400, Minneapolis, MN 55401
Contact: Greg Handberg

Approving Agency: Hawai'i Housing Finance and Development Corporation (HHFDC), 677 Queen Street Honolulu, HI 96813
Contact: Ms. Janice Takahashi (808) 587-0639

Consultant: Bureau Veritas North America, Inc., 841 Bishop Street, Suite 1100, Honolulu, HI 96813.
Contact: Lori Ford (808) 531-6708

Status: Statutory 30-day public review and comment period starts; comments are due by October 23, 2014. Please send comments to the applicant, approving agency and consultant.

The proposed action consists of an eight-level mixed-use property that will include residential, commercial, parking, and community use areas. This mixed-use development project is intended to serve the broader Hawaiian community by developing a traditional Hawaiian Cultural Center with classroom space, space for teaching and performing Hula, music and other traditional practices, as well as 84 units of affordable multi-ethnic artist housing for artists and their families.



4. [Kalaeloa Barbers Point Harbor Fuel and Harbor Improvements FEA \(EISPN\)](#)

Island: O'ahu
District: 'Ewa
TMK: (1) 9-1-014:008 (portion); 024 (portion), 025, 030, 031, 037, 038 & 040 (1) 9-1-074:037 (portion) & 038 (portion)

Permits: Rivers and Harbors Act Sections 10 & 404; Marine Protection, Research and Sanctuaries Act (MPRSA) Section 102, 103, & 108; Community Noise for Construction Activities; Department of Health (DOH) Section 401 Water Quality Certification; DOH National Pollutant Discharge Elimination System Permit; agency consultation for the Endangered Species Act Section 7, Fish and Wildlife Coordination Act, Coastal Zone Management Act, and Chapter 6E-42 Historic Preservation Review

Proposing Agency: Department of Transportation, Harbors Division, 79 S. Nimitz Highway, Honolulu, HI 96813
Contact: Carter Luke (808) 587-1862



Accepting

Authority: Governor, State of Hawai'i (c/o Office of Environmental Quality Control)
Consultant: Group 70 International, Inc., 925 Bethel Street, 5th Floor, Honolulu, HI 96813
 Contact: Jeffrey H. Overton (808) 523-5866

Status: Statutory 30-day public review and comment period starts; comments are due by October 23, 2014. Please send comments to the proposing agency, accepting authority and consultant

Kalaeloa Barbers Point Harbor (KBPH) is the second busiest commercial harbor in the state. KBPH serves as the primary 'bulk' harbor for liquid-bulk (i.e., petroleum products, biofuels and asphalt) and dry-bulk (i.e., coal, cement, sand and aggregate) cargos. The purpose of the Proposed Action is to add berthing space and optimize cargo handling efficiencies at KBPH.

The Proposed Action will create a dedicated Fuel Pier at Piers 3 and 4 within KBPH, adding 1,325 lineal feet of berth space with industry-standard infrastructure to modernize the facility. Separation of liquid- and dry-bulk cargo transfers will improve efficiency and enhance safety. Fuel Pier development will displace an existing tenant from Pier 3, and will require demolition of a Finger Pier used for harbor support vessels. Relocation of the tenant to Pier 9 and construction of a pier for support vessels at Pier 8 are proposed as part of the Fuel Pier project. Additional improvements identified in the concurrent *Kalaeloa Barbers Point Harbor 2040 Master Plan* to optimize harbor use of Piers 7 and 10, and on fastland to provide for harbor users, are proposed as actions independent from Fuel Pier development.

5. [Kalaeloa Heritage Park FEA \(FONSI\)](#)

Island: O'ahu
District: 'Ewa
TMK: 9-1-013:067 and 9-1-013:069
Permits: Hawai'i Community Development Authority: Development Permit. NPDES permit. SHPD: Archaeological Preservation Plan and Burial Treatment Plan. Grading and Grubbing Permit, Building Permit.

Proposing / Determination

Agency: Hawai'i Community Development Authority, 461 Cooke St. Honolulu HI 96813
 Contact: Tesha Malama, Telephone (808) 620-9643, tesha@hcdaweb.org

Consultant: Townscape, Inc., 900 Fort Street Mall, Suite 1160, Honolulu HI 96813
 Contact: Gabrielle Sham, Telephone: (808) 536-6999, gabrielle@townscapeinc.com

Status: Finding of No Significant Impact.



The Hawai'i Community Development Authority (HCDA), in partnership with the Kalaeloa Heritage and Legacy Foundation, is working to create the Kalaeloa Heritage Park (KHP) in 'Ewa, O'ahu. Located just east of the Kalaeloa Airport, the 77-acre KHP contains significant cultural, historical, and natural resources unique to the 'Ewa Plain.

Proposed actions for developing the KHP complex will include a multi-purpose cultural center, botanical greenhouse, maintenance shed, and caretaker/security cottage. The KHP complex will support the existing "interpretative area" where visitors are guided along a trail which includes remnants of an ancient Hawaiian village. The majority of the proposed development will be located in an area that has been previously bulldozed for military purposes in order to minimize disturbance to the remainder of the site.

The proposed project will not have a significant cumulative effect upon the environment. The proposed project will have short term impacts on traffic, noise, and air quality during construction, but

will be mitigated through use of Best Management Practices. No long-term impacts are expected. The KHP will promote the stewardship of natural, cultural and historical resources on the 'Ewa Plain, and educate visitors about the past. The proposed development of the KHP will support the goals of the HCDA and City and County of Honolulu to preserve open space and provide recreational and educational opportunities in 'Ewa.

KAUAI (HRS 343)

6. Field's Single-Family Residence in the Conservation District FEA (FONSI) Appendix A & B

Island: Kaua'i
District: Hanalei/Halele'a
TMK: (4) 5-3-001:016
Permits: Conservation District Use Permit; Building Permit; Grading Permit; Grubbing Permit; Driveway approach Permit; County Permits for electrical conduits and potable water lines within right-of-way; Permit for traffic management (if required)
Applicant: Kalihiwai Investors, LLC, 3762 Keli'i Place, Princeville, HI 96722
Contact Person: James Fields (347) 804-80



Approving Agency: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, 1151 Punchbowl Street, Room 131, Kalanimoku Building, Honolulu, HI 96813
Contact: Alex J. Roy (808) 587-0316
Status: Finding of No Significant Impact.

Proposal to construct a single-family residence in the Conservation District portion of TMK(4) 5-3-001:016, Princeville, Kaua'i. The lot encompasses 174 acres; 146 in the Conservation District, 28 zoned agriculture, no portion in the SMA.

The dwelling site is a two-acre, level bluff bordered by Kapaka Street (east) and Hanalei Valley *pali* (west). Kapaka Street is a developed neighborhood, including 45+ residences on the street's east side. The street's west side (including the lot and proposed dwelling site) is abandoned pasture covered with invasive foliage. The dwelling:

- Is one story (maximum height of 19'8").
- Has 3,833 square feet of living space ("maximum developable area" of 4,941 square feet).
- Is set back between 60 and 80 feet from the *pali* overlooking Hanalei Valley.
- Uses finishes conforming to the natural environment, including green slate roofing and exterior walls of Hawaiian rock and earthen-brown plaster.
- Replaces the site's invasives with native foliage, obscuring and blending the structure with its surroundings.

The dwelling is consistent with the neighborhood's development. The dwelling and landscaping minimize impact and improve the site. After construction, the ~two miles (108 acres) of Conservation District land south of the site will remain undeveloped.

STATEWIDE (HRS 343)

7. [Field Release of *Fopius ceratitivorus* for Biological Control of Mediterranean fruit fly FEA \(FONSI\)](#)

Island: Statewide

Permits: USDA-APHIS-PPQ Permit No. 69250

Proposing / Determination

Agency: University of Hawai'i, College of Tropical Agriculture and Human Resources, Office of the Associate Dean for Research, 3050 Maile Way, Room 202, Honolulu, Hii. Contacts: Dr. J. Kenneth Grace (808) 956-8131 or Dr. Russell Messing (808) 822-7837

Status: Finding of No Significant Impact

The University of Hawaii (UH) proposes to introduce the natural enemy *Fopius ceratitivorus* (Hymenoptera: Braconidae) into Hawaii as a biological control agent of *Ceratitis capitata*, the Mediterranean fruit fly (Medfly). Host specificity studies have been completed in the Hawaii Dept. of Agriculture (HDOA) Insect Quarantine Facility, and *F. ceratitivorus* was found to attack only medfly, not any species of non-target insects. The release of this natural enemy is expected to contribute to long-term control of an important invasive pest. The medfly attacks a wide range of fruit and vegetable crops. The objective of this project is for the natural enemy to reduce medfly populations to lower levels in the field, and reduce the overall amount of crop damage occurring in the state.

WITHDRAWAL

In accordance with HAR 11-200-23(f), the Hawaii Housing Finance and Development Corporation (HHFDC) withdraws the [Ola Ka'ilima Artspace FEA \(FONSI\)](#) published in the September 8, 2014 edition of the Environmental Notice. Concurrently, the HHFCC resubmitted the Ola Ka'ilima Artspace Lofts Draft Environmental Assessment and Anticipated Finding of No Significant Impact (DEA-AFNSI) for publication in this Notice. The public comment for this project is now open until October 23, 2014. Please see page 4 for more details.

FEDERAL NOTICES

1. [Major Disaster Presidential Declaration for Public Assistance in Hawaii](#) – September 22, 2014

This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Hawaii (FEMA-4194-DR), dated 09/12/2014.

Incident: Tropical Storm Iselle

Incident Period: 08/07/2014 through 08/09/2014.

Effective Date: 09/12/2014.

Physical Loan Application Deadline Date: 11/12/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 06/12/2015.

Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

Contact: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

As a result of the President's major disaster declaration on 09/12/2014, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations. Hawaii and Maui County are the primary areas determined to be adversely affected by the disaster.

2. [ESA Take Application for Sea Turtles](#) – September 22, 2014

NMFS Pacific Islands Regional Office, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814 [Responsible Party: Michael Tosatto], has applied in due form for a permit to take hawksbill (*Eretmochelys imbricata*), olive ridley (*Lepidochelys olivacea*), leatherback (*Dermochelys imbricata*), loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) sea turtles for purposes of scientific research.

The applicant requests a five-year permit to conduct research on sea turtles bycaught in three longline fisheries in the Pacific Ocean around Hawaii and American Samoa to assess sea turtle post-hooking survival, movements, and ecology in pelagic habitats.

The application and related documents are available for review on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 18688 from the list of available applications. Comments can be emailed to NMFS.Pr1Comments@noaa.gov (include the File No. in the subject line of the email)

Comments must be received on or before October 22, 2014.

3. [Proposal to Streamline Regulation Performance Standard for Importation of Fruits and Vegetables](#) - September 9, 2014

The Animal and Plant Health Inspection Service (APHIS) proposes that we amend our regulations on the importations of fruits and vegetables by broadening our existing performance standard to provide for approval using a notice-based process. APHIS also proposes removing the region- or commodity- specific phytosanitary requirements currently found in these regulations. Likewise, an equivalent revision of the performance standard would apply in Hawaii and the U.S. territories. Overall, if implemented, this proposal would enable a more flexible and responsive regulatory approach to pest situations in both the United States and exporting countries.

The public is encouraged to comment on this proposal. Please enter your comments before November 10, 2014 at the Federal eRulemaking Portal: <http://www.regulations.gov#!docketDetail>

Contact: Nicole L. Russo, Assistant Director, Regulatory Coordination and Compliance, APHIS at (301) 851-2159.

4. [Final Determination to List 20 Reef-Building Coral Species as Threatened](#) - September 10, 2014

The National Marine Fisheries Service (NMFS) is publishing this final rule to list the following 20 species as threatened: five in the Caribbean (*Dendrogyra cylindrus*, *Orbicella annularis*, *Orbicella faveolata*, *Orbicella franksi*, and *Mycetophyllia ferox*); and 15 in the Indo-Pacific (*Acropora globiceps*, *Acropora jacquelineae*, *Acropora lokani*, *Acropora pharaonis*, *Acropora retusa*, *Acropora rudis*, *Acropora speciosa*, *Acropora tenella*, *Anacropora spinosa*, *Euphyllia paradivisa*, *Isopora crateriformis*, *Montipora australiensis*, *Pavona diffluens*, *Porites napopora*, and *Seriatopora aculeata*). NMFS also determined that a total of 43 proposed species do not warrant listing as endangered or threatened species.

The effective date of this final rule is October 10, 2014. Responses following the rule and critical habitat designation must be received by November 10, 2014. Please submit responses to the National Marine Fisheries Service, Pacific Islands Regional Office, NOAA Inouye Regional Center, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818. A list of the literature cited in this rule is available at <http://coral.sero.nmfs.noaa.gov>.

<http://coral.sero.nmfs.noaa.gov>.

Contact: Lance Smith, NMFS, Pacific Island Regional Office, at 808-725-5131.

SHORELINE NOTICES

Shoreline Certification Applications

The shoreline certification applications above are available for review at the DLNR 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 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1610	8/25/14	Parcel 14 Filled Land of Kaneohe Bay Fronting Lot 90 Land Court Application 979 situate at Kahaluu, Koolaupoko, Oahu Address: 47-123 Kamehameha Highway Purpose: Building permit	Walter P. Thompson, Inc./ Beverly Hoversland & David Knox	4-7-019:078
OA-1611	9/10/14	Lot 3 of Ward Avenue Extension Kakaako Improvement District 6 as shown on File Plan 2351 portions of Royal Patent 4483, Land Commission Award 7712, Apana 6, Part 1 to M. Kekuanaoa (No V. Kamamalu), The Former Sea Fishery of Kukuluaeo situate at Kaakaukui, Honolulu, Oahu Address: 1125 Ala Moana Boulevard Purpose: Setback purposes	Engineers Surveyors Hawaii/ Hawaii Community Development Association	2-1-058:128 (por.)
MA-589	9/5/14	Lot 23 of the Waiohuli-Keokea Beach Lots Second Series (H.T.S. Plat 1071) (Grant 12,575 to Fumio & Betty Tsuji) situate at Waiohuli-Keokea, Kula, Maui Address: 1536 Halama Street Purpose: New residential construction	Alexander Macdonald II & Augusta G. Macdonald/ Alexander Macdonald II & Augusta G. Macdonald	3-9-010:011
MA-590	9/8/14	Portion of Honoapiilani Highway Right-of-Way (Olowalu-Pali Section) at Ukumehame, Lahaina, Maui Address: Honoapiilani Highway Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ State of Hawaii	4-8-002:003 & 034 (por.)
MA-591	9/11/14	Lot 1 of the Michael Ruben Subdivision being a portion of Grant 3343 to Claus Spreckels situate at Spreckelsville, Wailuku Commons, Maui Address: 598 Spreckelsville Beach Road Purpose: Building setback & other permitting purposes	Newcomer-Lee Land Surveyors, Inc./ Puka Lani Kai LLC	3-8-002:026
HA-491	8/28/14	Portions of Lot 1 as shown on Map 1 of Ld. Ct. App. 1854, Lot 8, R.P. 1930 to Asa Thurston on a Portion of L.C. Aw. 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions and Grant 3083 to Manuel Gomes situate at Waiaha 1 st , North Kona, Island of Hawaii Address: 75-5888 Alii Drive Purpose: Obtain County permits	Wes Thomas Associates/ Kona Reef	7-5-018:071

SHORELINE NOTICES

Shoreline Certification and Rejections

The shoreline notices below have been proposed for certification or rejection by DLNR (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 Resource, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1590	Proposed Shoreline Certification	Lot 228 Land Court Application 828 situate at Waialae-Iki, Honolulu, Oahu Address: 5000 Kahala Avenue Purpose: Building setback	Walter P. Thompson, Inc./ Kahala Hotel Investors, LLC	3-5-023:039
OA-1595	Proposed Shoreline Certification	Portion of Lots 3 and 4 of Paa Haa Lots being a portion of Royal Patent 4498, Land Commission Award 6175, Apana 1 to Kamiha No Malaea situate at Waikiki, Honolulu, Oahu Address: 5415 and 5435 Kalaniana'ole Highway Purpose: Setback purposes	Austin, Tsutsumi & Associates, Inc./ Outrigger Canoe Club	3-6-003:004 & 005
OA-1602	Proposed Shoreline Certification	Lot 56 as shown on Map 1 of Land Court Application 609 situate at Mokuleia, Waialua, Oahu Address: 68-287 Crozier Loop Purpose: Building setback requirement	Jaime F. Alimboyoguen/ William Angel & Michael Montgomery	6-8-005:018
MA-578	Proposed Shoreline Certification	Lots 2, 3, 4, 5 and portion of Lot 6 of Kihei Beach Lots portions of Grant 3152 to Henry Cornwell and R.P. 8140, L.C. Aw. 5230 to Keaweamahi situate at Pulehunui & Waikapu, Kihei, Maui Address: 145 North Kihei Road Purpose: SMA application approval	ControlPoint Surveying, Inc./ Association of Apartment Owners of Sugar Beach Resort	3-8-013:014
MA-581	Proposed Shoreline Certification	Portion of Grant 548 to J.Y. Kanehoa situate at Paeahu, Honaula, Maui Address: 3200 South Kihei Road Purpose: N/A	Akamai Land Surveying, Inc./ Thomas Weisel	2-1-010:023
MA-585	Proposed Shoreline Certification	Lot 38-A The Kuau Sunset Beach Lots (File Plan 302) situate at Kuau, Hamakuapoko, Makawao, Maui Address: 35 Maile Place Purpose: N/A	Steven E. Jackson/ Steven E. Jackson	2-6-011:028
KA-390	Proposed Shoreline Certification	Lot 2-B Land Court App. 956 situate at Koloa, Kauai Address: 2185 Hoone Road Purpose: Building permit	Honua Engineering, Inc./ Evan M. & Cynthia M. Goldberg	2-8-017:021
KA-384	Rejection	Lot 9 Wainiha Hui Land R.P. 7194 L.C. Aw. 11216 Ap. 5 to M. Kekaunohi situate at Wainiha, Halelea, Kauai Address: 7292 Alamo Road Purpose: Building permit	Honua Engineering, Inc./ Nat Goldhaber	5-8-008:046

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 actions for which the 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 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) 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, Environmental Impact Statement Preparation Notice (with no EA)

Act 172-2012, 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 is

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 to request for a period of thirty-days, to be consulted parties in the preparation of the Draft EIS. Comments and responses must be incorporated into the subsequent Draft 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 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 nonacceptance determination.

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. 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.

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).