

# The Environmental Notice

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

## FEDERAL NOTICE OF INTENT FOR EIS – PROPOSED HE'EIA NATIONAL ESTUARINE RESEARCH RESERVE IN KANE'OHE BAY

The State of Hawai'i and the National Oceanic and Atmospheric Administration (NOAA) intend to conduct two public scoping meetings on **December 17, 2014**, in Kane'ohe, Hawai'i, and on **December 19, 2014**, in Honolulu, Hawai'i, as part of NOAA's draft environmental impact statement (DEIS) and draft management plan (DMP) process to solicit comments for the preparation of a DEIS and DMP on the proposed He'eia National Estuarine Research Reserve in Kane'ohe Bay, in accordance with section 315 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451–1466).

Found within the largest sheltered bay in the Hawaiian Islands, the He'eia estuary constitutes a range of diverse habitats, including uplands, wetland, and fringing coral reefs, and is representative of the estuarine habitats in the Insular biogeographic region. In addition, the site hosts numerous traditional Hawaiian practices, including an ancient Hawaiian fish pond and taro cultivation.

In July 2012, the Governor of Hawai'i sent NOAA a letter of interest in exploring the feasibility of designating a reserve within the Hawaiian Islands based on ongoing conversations with community groups and the University of Hawai'i. In February 2013, the State of Hawai'i undertook a site selection process to determine appropriate areas of the Hawaiian Islands that might be nominated for inclusion in the reserve System. Hawai'i, working with scientists, community organizations, and the public, gathered input and suggestions to inform the selection of a potential site for consideration as a national estuarine research reserve.

On May 21, 2014, the Governor of the State of Hawai'i nominated the He'eia estuary for consideration as a Hawai'i reserve. On October 27, 2014, NOAA accepted the site nomination document for the proposed He'eia reserve and initiated planning efforts with the Hawai'i Office of Planning HIMB.

The He'eia reserve is proposed to be administered by the State of Hawaii in cooperation with the Hawaii Office of Planning, the Hawai'i Department of Land and Natural Resources, the University of Hawai'i, Hawai'i Community Development Authority, and community organizations Kako'o 'O'iwi, Paepae o He'eia, Ko'olaupoko Hawaiian Civic Club, Kama'aina Kids, and The Nature Conservancy, with support from other state and county agencies and community members. The Hawai'i Office of Planning, in collaboration with those partners, is jointly developing an outline of a preliminary DMP. The outline is intended to identify specific needs and priorities related to research, education, and stewardship. At the public meetings, the Hawai'i Office of Planning and NOAA will provide a synopsis of the process for developing a DEIS and DMP and will solicit comments on the scope and the significant issues to be analyzed in a DEIS. [Click here more information](#) or see page 7.



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Genevieve Hilliard Photo

## HAWAI'I (HRS 343)

### 1. Haihai Fire Station FEA (FONSI)

**Island:** Hawai'i  
**District:** South Hilo  
**TMK:** (3) 2-4-051:001 (portion)  
**Permits:** Chapter 343, HRS Compliance; Plan Approval; National Pollutant Discharge Elimination System (NPDES) Permit; Subdivision Permit; Grading/Building Permits; Noise Permit

#### Proposing/Determination

**Agency:** County of Hawai'i Department of Public Works, Aupuni Center, 101 Pau'ahi Street, Suite 7, Hilo, HI 96720. Contact: David Yamamoto; (808) 981-8356; Fax (808) 981-2037

**Consultant:** PBR Hawaii & Associates, Inc., 1001 Bishop Street, Suite 650, Honolulu, HI 96813. Contact: Vincent Shigekuni; (808) 521-5631; Fax (808) 523-1402

**Status:** Finding of No Significant Impact Determination



The County of Hawai'i Department of Public Works is proposing to construct a new fire station near the Hilo Municipal Golf Course Driving Range. The proposed fire station would be located on State land on the southwest corner of Haihai Street and Laua Road.

The primary purpose for the Haihai Fire Station is to improve emergency services from Panaewa Makai to Waiakea Uka. The existing Kawailani Fire Station is limited in size (0.5 acre) and inadequate to meet the space requirements of the Fire Department. The Kawailani Fire Station is surrounded by residential homes, Kawailani Street and the Hilo Municipal Golf Course, and does not allow for future expansion. In addition, emergency services provided by the Hawai'i Fire Department from Kawailani Street Station now include Emergency Medical Services (EMS), and the required EMS personnel, vehicles and equipment can no longer be accommodated at the current location.

The proposed Haihai Fire Station will: 1) replace the existing fire station located on Kawailani Street; and 2) provide additional space required for EMS. The proposed Haihai Fire Station would provide a much needed public safety facility for the South Hilo District.

## MAUI (HRS 343)

### 2. Westin Maui Resort and Spa Master Plan FEA (FONSI)

**Island:** Maui  
**District:** Lahaina  
**TMK:** (2) 4-4-008:019  
**Permits:** SMA Use Permit, Shoreline Setback Variance, Building Permit  
**Applicant:** Westin Maui LLC, 2365 Kaanapali Parkway, Lahaina, HI 96761. Contact: Gregg Lundberg, (808) 661-2501

#### Approving

**Agency:** Maui Planning Commission, 2200 Main Street, Suite 619, Wailuku, HI 96793 Contact: Ann Cua, (808) 270-7521

**Consultant:** Munekiyo & Hiraga, Inc., 305 South High Street, Suite 104, Wailuku, HI 96793. Contact: Cheryl K. Okuma, (808) 244-2015

**Status:** Finding of No Significant Impact Determination



The Westin Maui Resort & Spa (Westin Maui) is proposing improvements to the existing resort to refresh and revitalize its existing facilities. The Westin Maui opened in 1988 and has not undergone a major renovation since then. Included in the proposed improvements are a new parking garage (not exceeding four (4) parking decks in height) in the existing south parking lot with the height of the fourth floor parking deck and parapet walls not to exceed 28 feet; including a new landscaping facility in the

lower level parking structure; renovations and expansion to the existing Convention Hall and Ballrooms to approximately 12,000 square feet and meeting rooms extended to 9,500 square feet; a new one-story back of house structure adjacent to the convention hall; expansion of the existing Spa facility within the building footprint; demolition of two (2) structures, removal of man-made mound and a portion of existing decking within the 150-foot Shoreline Setback Area and replacement of said structures with new pervious materials; installation of roof coverings approximately 2,570 square feet (near Sugar House Restaurant) and 4,120 square feet adjacent to Relish Restaurant over existing and new pervious decking areas. Improvements within the Shoreline Setback Area are the Sugar House Restaurant roof structure, 1,514 square feet for a portion of the Relish Restaurant roof, 3,015 square feet of new pervious deck area and 999 square feet of replacement pervious deck material; relocation of an existing County of Maui sewer line from the south parking area; and various related improvements including utility work, landscaping, and interior renovations, such as painting, replacement of fixtures, renovations to back of house areas, and curb cuts to the bus turn around area to the north of the Convention Hall.

The work within the Shoreline Setback Area and the relocation of the existing County sewer line are triggers for Chapter 343 HRS review. As the project will require a Special Management Area Use Permit and Shoreline Setback Variance approval to proceed, the Maui Planning Commission has been determined to be the approving agency for the EA document.

### O'AHU (HRS 343)

#### 3. Solomon Elementary School DEA (AFNSI)

**Island:** O'ahu  
**District:** Wahiawā  
**TMK:** (1) 7-7-001:007  
**Permits:** Chapter 343, HRS Compliance; Historic Preservation, Section 106; National Pollutant Discharge Elimination System (NPDES) Permit; Plan Approval; Building Permits; Occupancy Permit; Air Conditioning



#### **Proposing/Determination**

**Agency:** State of Hawai'i Department of Education, PO Box 2360, Honolulu, HI 96804  
 Contact: Brenda Lowrey; (808) 377-8312  
**Consultant:** PBR Hawaii & Associates, Inc., 1001 Bishop Street, Suite 650, Honolulu, HI 96813.  
 Contact: Catie Cullison, (808) 521-5631; Fax (808) 523-1402  
**Status:** Statutory 30-day public review and comment period starts; comments are due by January 7, 2015. Please send comments to the proposing/determination agency and consultant.

The Project will utilize State and Federal funds to construct improvements for a replacement school on the site of the existing Solomon Elementary School. Construction will be followed by the demolition of all existing buildings and portables. The new school will be approximately 162,000-square feet and will consist of a two-story classroom building, a two-story administration building, a cafeteria, a covered playcourt, a chiller building, two parking lots with a total of 178 stalls, and a grass playfield.

In 2011, the Department of Defense (DoD) prepared a Facilities Condition Assessment Report on the school based on compliance with DoD Education Activity (DoDEA) practices according to facility condition, spatial adequacy, capacity and technical readiness. The assessment found the school to be well maintained and a good learning environment; however, several building systems were found to be beyond their useful life. Solomon Elementary has been listed as 28th on the prioritized list of military impacted schools nationwide in need of facilities improvements. Needs identified in the report include: electrical system upgrades; windows in place of louvers; larger food service area, cafeteria, and library; eleven additional classrooms to accommodate enrollment that is already over capacity under DoD standards; and a covered play area.

**4. Exemption Declaration for Kewalo Basin Jetty Repairs**

The Hawai'i Community Development Authority (HCDA) proposes to repair the existing jetty located on the east side of the harbor entrance to Kewalo Basin, Honolulu, Hawai'i. The HCDA believes this proposed action to be exempt from the preparation of a Hawai'i Revised Statutes, Chapter 343 Environmental Assessment, as provided in §11-200-8(A), Hawai'i Administrative Rules.

The Kewalo Basin Jetty is a 100-ft makai extension of Kewalo Basin Park that was likely constructed around 1955. It is exposed to occasional high wave conditions and a portion of the jetty has been damaged as a result. The project consists of repairing the jetty tip with concrete reinforced masonry to the condition that existed before the stones were dislodged.

The Exemption Declaration is available on file at HCDA for public review. Please contact Stephen Miyamoto at (808) 594-0318 or [steve@hcdaweb.org](mailto:steve@hcdaweb.org) if there are any questions regarding the Kewalo Basin Jetty Repairs Project.

**COASTAL ZONE MANAGEMENT NOTICES**

**Special Management Area Minor Permits**

The SMA Minor permits below have been approved (HRS 205A-30). For more information, contact the county/state Planning Department. Honolulu (768-8014); Hawai'i (East HI 961-8288, West HI 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: North Kona (7-5-008: 003)	Construction of Shoulder Widening Improvements (SMM 14-320)	County of Hawai'i Department of Public Works
Maui: Lahaina (4-5-013: 027)	Lahaina Roads Sewall Repair (SM2 20110079)	Lahaina Roads AOA
Maui: Makena (2-1-005: 108)	Clubhouse Landscape Improvements (SM2 20130097)	ATC Makena N Golf LLC
Maui: Wailea (2-1-008: 062)	Garage Conversion Add-on (SM2 20140128)	Lori Huang
Maui: Kihei (3-9-001: 147)	Watershed Demonstration / Install Rain Garden (SM2 20140129)	Sarah Mclane
Maui: Lahaina (4-4-008: 001)	Retail Improvements – Unit A-5 (SM2 20140130)	Darin M Fukunaga
Maui: (4-3-010: 007)	Emergency Backup Generator (SM2 20140131)	AT & T
Maui: (2-5-005: 046 and 3-8-001: 071)	Construct Phase IV Bike Path (SM2 20140132)	County of Maui Department of Public Works

**SHORELINE NOTICES**

**Shoreline Certification Applications**

The shoreline certification applications above 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, Hawai'i 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-1626	11/17/14	Lot 8 of the Kaluanui Beach Lots, Section A R.P. 4475, L.C. Aw. 7713, Ap. 32 to V. Kamamalu situate at Kaluanui, Ko'olauloa, O'ahu Address: 53-633 Kamehameha Highway Purpose: Building permit	Hawaii Land Consultants/ Michael D. Grondin Trust	5-3-008:014

OA-1627	11/20/14	Lot 34-A as shown on Land Court Application 722 Map 8 situate at La'ie, Ko'olauloa, O'ahu Address: Kamehameha Highway Purpose: SMA permit requirements & subdivision approval for easement	Hawaii Land Consultants/ Property Reserve, Inc.	5-5-002:011
OA-1628	11/21/14	Lot 33 of File Plan 416 Wailupe Peninsula situate at Wailupe, Waikiki, Honolulu, O'ahu Address: 180 Wailupe Circle Purpose: Construction setback	Gil P. Bumanglag/ M.B. Clarkin	3-6-001:033
OA-1629	11/21/14	Lots 109 & 110 of Land Court Application 609, Map 24 situate at Mokuleia, Waiialua, O'ahu Address: 68-505 Crozier Drive Purpose: Development of property	Dennis K. Hashimoto/ Mark Button	6-8-004:018
MA-594	11/13/14	Lots A-7-C-1 and A-7-C-2 of the Kapalua Development Subdivision being a portion of Royal Patent 2236, Land Commission Award 8522-B, Apana 1 to Kale Davis situate at Honokohua, Lahaina, Maui Address: N/A Purpose: Setback purposes	Austin, Tsutsumi & Associates, Inc./ Honolua Associates, LLC & Honokahua Beach Hotel	4-2-004:014 & 021 (por.)
MA-595	11/14/14	Lot 86 as shown on Map 23 of Land Court Application 1804 situate at Honua'ula, Maui Address: 3650 Wailea Alanui Drive Purpose: Planned property improvements	ControlPoint Surveying, Inc./ Sunstone Hawaii 3-0, LLC	2-1-008:061
MA-596	11/13/14	Limited Common Element 10 of Lot 10-A-2-C-1 of Land Court Application 1846, Map 6 situate at Papa'anui, Waipao, Kalihi, Honua'ula, Makawao, Maui Address: 4950 Makena Road, Unit No. 10 Purpose: N/A	Akamai Land Surveying, Inc./ Makena 10, LLC	2-1-007:096
MA-597	11/21/14	Portions of R.P. 8130, L.C. Award 7714-B Apana 8 to M. Kekuaiwa R.P. 4586, L.C. Award 5766, Apana 4 to Kalalau situate at Honokohau, Ka'anapali, Lahaina, Maui Address: 8607 Honoapi'ilani Highway Purpose: Permits	Akamai Land Surveying, Inc./ GCP Maui LLC	4-1-002:008
HA-495	11/19/14	Portion of Lot B (C.S.F. 21,196) being portions of Grant 10,774 to Victor B. Harrel and Kona Coast State Park Parcel A (C.S.F. 22,262) situate at Kukio 2 <sup>nd</sup> and Maniniowali, North Kona, Island of Hawai'i Address: 72-3890 Mamalahoa Highway Purpose: Obtain County permits	Wes Thomas Associates/ DLNR Division of State Parks	7-2-004:009

### 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 Resource, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1609	Proposed Shoreline Certification	Lot 924 as shown on Map 24 of Land Court Application 1052 situate at Makaha, Wai'anae, O'ahu Address: 84-307 Makau Street Purpose: House extension	Constancio Galang/ Klingensmith, Janet/Scott Marital TR	8-4-009:010
OA-1612	Proposed Shoreline Certification	Lot 592 of Map 63 Land Court Application 1089 situate at Kamananui, Waiialua, O'ahu Address: 67-397 Waiialua Beach Road Purpose: Building setback line	Gil P. Bumanglag/ William Richard Deuchar	6-7-014:020
MA-590	Proposed Shoreline Certification	Portion of Honoapi'ilani Highway Right-of-Way (Olowalu-Pali Section) at Ukumehame, Lahaina, Maui Address: Honoapi'ilani Highway Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ State of Hawai'i	4-8-002:003 & 034 (por.)
HA-490	Proposed Shoreline Certification	Lot No. 18, Block 1 of "Miloli'i Beach Lots" being a portion of File Plan 789, Papa 2 <sup>nd</sup> , South Kona, Island of Hawai'i Address: N/A Purpose: Building permit	Thomas Pattision/ Marion B. Ordonez	8-8-005:095
OA-1580	Rejection	Lot 68 (Map 10) of Land Court Application 23 situate at Kaipapau, Ko'olauloa, O'ahu Address: 54-001 Ahinalu Place Purpose: Permitting purposes	Austin, Tsutsumi & Associates, Inc./ August J. and Veronica Q. Monge	5-4-003:035

## FEDERAL NOTICES

1. [Notice of Intent to Prepare an EIS for the He'eia National Estuarine Research Reserve in Kane'ohe Bay, O'ahu](#) – November 24, 2014

In accordance with section 315 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451-1466), the State of Hawai'i and the National Oceanic and Atmospheric Administration (NOAA) intend to conduct two public scoping meetings on December 17, 2014, in Kane'ohe, Hawai'i, and on December 19, 2014, in Honolulu, Hawai'i, as part of NOAA's draft environmental impact statement (DEIS) and draft management plan (DMP) process to solicit comments for the preparation of a DEIS and DMP on the Proposed He'eia National Estuarine Research Reserve in Kane'ohe Bay.

DATES: December 17, 2014, at 5:00-7:00 p.m. and December 19, 2014, at 5:00-7:00 p.m.

ADDRESSES: December 17 at the King Intermediate School, 46-155 Kamehameha Hwy., Kane'ohe, HI 96744, and December 19 at the NOAA Fisheries Honolulu Service Center, 1139 N. Nimitz Hwy., Ste. 220, Honolulu, HI 96817.

CONTACT: Rebecka Arbin, Hawai'i Office of Planning, P. O. Box 2359, Honolulu, HI 96804, at (808) 587-2831 or [rebecka.j.arbin@dbedt.hawaii.gov](mailto:rebecka.j.arbin@dbedt.hawaii.gov) or Joelle Gore, Acting Chief, Stewardship Division, Office for Coastal Management, National Ocean Service, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, at (301) 713-3155 ext. 177, or [Hawaii.nerr.comments@noaa.gov](mailto:Hawaii.nerr.comments@noaa.gov).

2. [Social Science in the Fishery Management Council Process Meeting](#) – November 25, 2014

The Western Pacific Fishery Management Council (Council) will hold a meeting in Hawai'i in December 2014 regarding social science in the fishery management council process.

DATES: The meeting will be held Wednesday, December 17, 2014, Thursday, December 18, 2014, and Friday, December 19, 2014 from 8:30 a.m. to 5 p.m.

The meeting will take place at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI; telephone: (808) 522-8220. Site visits for meeting participants to points of interest on the Fishing Community of O'ahu will be conducted on Friday, December 19, 2014. CONTACT: Kitty M. Simonds, (808) 522-8220.

3. [Management of Bottom fish and Yellow fin Tuna in the Main Hawaiian Islands Meeting](#) – November 17, 2014

The Western Pacific Regional Fishery Management Council's (Council) will hold public meetings to solicit public input on the management of bottom fish and yellow fin tuna in the Main Hawaiian Islands. DATES: The meetings will be held December 2 through December 13, 2014.

See [SUPPLEMENTARY INFORMATION](#) for specific times, dates, and agenda items. CONTACT: Kitty M. Simonds (808)-522-8220.

4. [Stock Assessment Update for Main Hawaiian Deep 7 Bottom Fish](#) - December 2, 2014

NMFS will convene a meeting to review a draft 2014 stock assessment update for main Hawaiian (MHI) Deep 7 bottom fish. The purpose of this meeting is to review a draft 2014 stock assessment update for MHI Deep 7 bottom fish, which uses up-to-date re-audited bottom fish catch and effort data from Hawaii state commercial catch reports for the years 1948-2013. This assessment update used the previous benchmark assessment data analysis, modeling, and stock projection approaches with improved CPUE standardization.

DATES: The meeting will be held on Tuesday, December 9, through Friday, December 12, 2014, starting at 9 a.m. each day. The meeting will conclude each day at 4 p.m., or when business for the day has been completed.

On Tuesday, December 9, and Wednesday, December 10, 2014, the meeting will be held at the NMFS Honolulu Service Center at Pier 38, 1129 N. Nimitz Hwy., Suite 220, Honolulu, HI 96817. On Thursday, December 11, and Friday, December 12, 2014, the meeting will be held at the University of Hawaii Campus Center, 2465 Campus Road, Honolulu, HI 96822. CONTACT: Gerard Dinardo, 808) 725-5397.

## 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).