



Office of Environmental Quality Control
THE ENVIRONMENTAL NOTICE

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

David Y. Ige, Governor

Scott Glenn, Director

235 South Beretania Street, Suite 702 • Honolulu, Hawai'i 96813

Telephone: (808) 586-4185 • Fax: (808) 586-4186

Toll Free: Kaua'i (800) 274-3141, ext. 64185

Moloka'i/Lanai (800) 468-4644, ext. 64185

Hawai'i (800) 974-4000, ext. 64185

Maui (800) 987-2400, ext. 64185

Email: oeqchawaii@doh.hawaii.gov

Website: <http://health.hawaii.gov/oeqc>

April 23, 2016

CORRECTION

(April 27, 2016)

The April 23, 2016 issue of The Environmental Notice omitted the Comment Due Date for the following Federal Consistency project originally published on page 11. Also, the following Shoreline Notice tables contain corrected information, and supersede those originally published on pages 13 & 14. Mahalo for your understanding.

Interim Final Rule under the Marine Mammal Protection Act (MMPA) to Implement Approach Regulations for Humpback Whales in Ocean Waters Surrounding State of Hawai'i

Proposed Action: National Marine Fisheries Service (NMFS) is proposing an interim final rule that is intended to provide protections for humpback whales in Hawai'i from human activities that cause "take" or disturbance under the MMPA. Measures taken under this interim final rule will provide protections for Hawai'i's humpback whales similar to approach regulations established under the Endangered Species Act (ESA), which would be subject to removal if Hawai'i's population is no longer listed under the ESA. If implemented, this rule would apply in the waters within 200 nautical miles from shore of the islands of the State of Hawai'i and would make it unlawful to: 1) operate an aircraft within 1,000 feet of a humpback whale; 2) approach, by any means, within 100 yards of a humpback whale; 3) cause vessel, person, or any other object to approach within 100 yards of a humpback whale; 4) approach a humpback whale by interception (i.e., placing an aircraft, vessel, person, or other object in the path of a humpback whale so that the whale surfaces within 1,000 feet of the aircraft or 100 yards of the vessel, person, or object, a.k.a. "leapfrogging"); and 5) disrupt the normal behavior or prior activity of a whale by any other act or omission. The proposed rule would include the following exceptions: 1) federal, state, or local government vessels or persons operating in the course of their official duties such as law enforcement, search and rescue, or public safety; 2) vessel operations necessary to avoid an imminent and serious threat to a person, vessel, or the environment; 3) vessels restricted in their ability to maneuver which, because of this restriction, are not able to comply with approach restrictions; 4) vessels or persons authorized under permit or authorization issued by NMFS to conduct scientific research that may result in taking of humpback whales.

Location: Ocean waters within 200 nautical miles from shore of islands of State of Hawai'i
Federal Action: Federal Agency Activity
Federal Agency: National Marine Fisheries Service, Pacific Islands Regional Office
Informational Contact: Ms. Susan Pultz (808) 725-5150
CZM Contact: John Nakagawa (808) 587-2878 john.d.nakagawa@hawaii.gov
Comments Due: **May 9, 2016**

Comments may be submitted by mail, electronic mail or fax.

Mail: Office of Planning
Department of Business, Economic Development and Tourism
P.O. Box 2359 Honolulu, HI 96804

Email: john.d.nakagawa@hawaii.gov

Fax: (808) 587-2899

SHORELINE NOTICES

Shoreline Applications

The shoreline certification applications below are available for review at the Department of Land and Natural Resources Offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS 205A-42 and HAR 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, 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 (808) 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1698	3/28/16	Lot 39 of "Laie Beach Lots" as shown on Map 1 of Land Court Application 772 situate at Laie, Koolauloa, Oahu Address: 55-473 Kamehameha Highway Purpose: Subdivision application file number 2015/SUB-198	Ace Land Surveying LLC/ Lance M. Inouye, Trust	(1) 5-5-002:021
OA-1699	4/1/16	Lot 75 "Pupukea-Paumalu Beach Lots" Being also Grant 8131 to L. L. Fish situate at Pupukea-Paumalu, Koolauloa, Oahu Address: 59-205 Ke Nui Road Purpose: Building permit	ParEn, Inc. dba Park Engineering/ Terra-pin Pacific LLC	(1) 5-9-002:059
MA-637	3/28/16	Lot 19 Maalaea Beach Lots Subdivision situate at Waikapu, Wailuku, Maui Address: 280 Hauoli Street Purpose: Renovation purposes	Authur P. Valencia/ Honokai Condominium	(2) 3-8-014:002
MA-638	3/29/16	Lot 2 of Land Court Consolidation 204 (Map 1) situate at Haou, Hana, Maui Address: 0 Hana Highway Purpose: County permit to construct a driveway from Hana Highway to the property	Thomas G. Foley, Jr./ Thomas G. Foley, Jr. and Patricia Foley	(2) 1-5-004:005
MA-639	3/30/16	The Broms Lonie, Inc. Consolidation No. 1 Being Portions of L.C. Aw. 11216, Ap. 28 to M. Kekauonohi, R.P. 7997, L.C. Aw. 3765, Ap. 1 to Aio and R.P. 4590, L.C. Aw. 3988, Ap. 2 to Hilahila situate at Honokowai, Lahaina, Maui Address: 3615 Lower Honoapiilani Highway Purpose: Seawall repairs	Akamai Land Surveying, Inc./ Paki Maui	(2) 4-4-001:050 & 051
MA-640	3/30/16	Lot 8-A of Boteilho Subdivision and Portion of Lot 16 of Nahiku Homesteads Being Portions of Royal Patent 4488, Land Commission Award 10512 to Nahuina, Grant 4522 to Manoel Cabral and Grant 4579 to Jacinth D'Estrella situate at Koolau, Nahiku, Maui Address: Old King's - Lower Nahiku Road Purpose: SLU District Boundary purposes	Reed M. Ariyoshi/ Mangalam Limited	(2) 1-2-003:010 & 049
MA-641	3/31/16	Lot 7 of Puunooa Subdivision No. 2 situate at Kainehe, Lahaina, Maui Address: 1045 Front Street Purpose: Lender/County	Stanley Dunn/ Stanley Dunn	(2) 4-5-003:025
HA-530	3/28/16	Parcel 2-A, Being a Portion of Grant 1016 to Peleula situate at Ahalanui, Puna, Hawaii Address: n/a Purpose: Determine makai setback	Daniel Berg/ Rulin Xiu	(3) 1-4-093:045
KA-412	3/28/16	Parcel 13 Land Court Application 1771 situate at Hanalei, Halelea, Kauai Address: Hanalei Road Purpose: Shoreline setback	Princeville Hanalei Plantation LLC/ Ohana Hanalei LLC	(4) 5-4-004:013

Shoreline Certifications and Rejections

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

File No.	Proposed/ Rejected	Location	Applicant/Owner	TMK
OA-1682	Proposed Shoreline Certification	Lot 2 being a portion of R.P. 4475, L.C. Aw. 7713, Ap. 33 to V. Kamamalu situate at Kawailoa, Waialua, Oahu Address: 61-205 Kamehameha Highway Purpose: Building setback	Jaime F. Alimboyoguen/ Sumo Properties, LLC	6-1-003:040
OA-1692	Proposed Shoreline Certification	A Portion of Makaha Beach Park situate at Makaha, Waianae, Oahu Address: 84-369 Farrington Highway Purpose: Permitting purposes	R.M. Towill Corporation/ City and County of Honolulu	(1) 8-4-001:Por. 012
MA-633	Proposed Shoreline Certification	Lot 48-A-1 of the Mailepai Hui Partition Subdivision (LUCA File No. 4.805) situate at Kaanapali, Lahaina, Maui Address: 40 Hui Road E Purpose: Marketing and tree removal	Ursula Gebert (c/o Ralph Scheuer)/ Maia Finn LLC	4-3-015:004
HA-529	Proposed Shoreline Certification	Unit "A" of Puako Sands Ekahi C.P.R. Map No. 2557 of Lot A of Puako Beach Lots being a Portion of Grant S-13670 to Arthur C.W. Ireton, Jr. situate at Lalamilo, S. Kohala, Hawaii Address: 69-1644 Puako Beach Drive Purpose: Obtain County permits	Wes Thomas Associates/ Nann Hylton c/o Nanea Studios, Inc.	(3) 6-9-003:016 CPR 001
OA-1661	Rejection	Lot 158 as shown on Map 5 of Land Court Application 1052 situate at Makaha, Waianae, Oahu Address: 84-715 Upena Street Purpose: Building setback purposes	Jaime F. Alimboyoguen/ Evelyn Li	8-4-006:011
MA-618	Rejection	Lot 1 of separate lot determination letter dated December 1, 2007 and Lot 4 of separate lot determination letter dated May 6, 2006 being portions of Grant 226 to W.L. Lee, Grant 383 to Richard Armstrong, Grant 594 to Daniel Li and Grant 3080 to Haiku Sugar Co. situate at Pauwela & Easy Kuiha, Hamakualoa, Makawao, Maui Address: Hana Highway Purpose: Subdivision and development	Control Point Surveying, Inc./ Alexander & Baldwin, LLC	2-7-004:001, 003 & 050; 2-7-007:004
MA-619	Rejection	Lots 78 & 85 of Land Court Application 1804 (Map 27) situate at Honouaula, Maui Address: 3600 Wailea Alanui Purpose: N/A	Akamai Land Surveying, Inc./ Wailea Elua Village AOA	2-1-008:069 & 070
OA-1695	Withdrawal	Parcel 3 being a portion of R. P. 4475, L. C. Aw. 7713, Ap. 33 to V. Kamamalu situate at Kawailoa, Waialua, Oahu Address: 61-269 Kamehameha Highway Purpose: Building setback purposes	Jaime F. Alimboyoguen/ Mitchell McAllister	(1) 6-1-012:003
OA-1697	Withdrawal	Lot 167-A (Map 99) Land Court Application 323 situate at Kailua, Koolaupoko, Oahu Address: 396 Dune Circle Purpose: Determine building setback	Leaps & Boundaries, Inc./ Jason L. Pahl, Trust	(1) 4-3-017:033

THE ENVIRONMENTAL NOTICE

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

David Y. Ige, Governor
Scott Glenn, Director

235 South Beretania Street, Suite 702 • Honolulu, Hawai'i 96813
Telephone: (808) 586-4185 • Fax: (808) 586-4186
Toll Free: Kaua'i (800) 274-3141, ext. 64185
Moloka'i/Lanai (800) 468-4644, ext. 64185
Hawai'i (800) 974-4000, ext. 64185
Maui (800) 987-2400, ext. 64185
Email: oeqchawaii@doh.hawaii.gov
Website: <http://health.hawaii.gov/oeqc>



April 23, 2016

The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i. This is mandated under [Section 343-3, Hawai'i Revised Statutes](#) (HRS), the Environmental Impact Statement Law. Along with publishing Environmental Assessments (EAs) and Environmental Impact Statements (EISs) for projects in Hawai'i, The Environmental Notice also covers other items related to the shoreline, coastal zone, and federal actions

HAPPY EARTH DAY!

[EISPN Scoping Meeting for Haleiwa Improvement District](#)

The City and County of Honolulu is holding a scoping meeting on Wednesday, May 4 from 6:30-8:30 pm at the Waialua Elementary School Cafeteria (67-020 Waialua Beach Road, Waialua, HI 96791). The purpose of the meeting is to gain community feedback on conceptual design alternatives, complete streets features, and relevant environmental, social, and technical issues for the EIS to analyze.

Environmental Council

The Environmental Council is meeting on Tuesday, May 10 from 1:00-3:30 PM at the Leiopapa A Kamehameha Building, 235 S. Beretania Street, 15th Floor Conference Room. Please check <http://calendar.ehawaii.gov> for the finalized time and meeting agenda, as well as for any of the committees. For anyone using an RSS feed, click [this link](#) to add the calendar to your RSS feed so you can receive automatic updates when any Environmental Council activities are scheduled.

Mahalo Nui and Aloha to Meg DeLisle

Meg DeLisle will be leaving the OEQC on April 29, 2016. She first joined us as a volunteer in 2014. She supported both the OEQC and the Environmental Council with policy research and development. During the OEQC's transition over the past year she has filled in as planning staff for the Office, and has helped publish issue after issue of The Environmental Notice. We look forward to following Meg's career in environment and conservation. Mahalo nui for all your help!



Waikīkī Sunset

All photos in the issue courtesy of Meg DeLisle

TABLE OF CONTENTS

FRONT PAGE..... 1

TABLE OF CONTENTS 2

STATEWIDE MAP OF NEW HRS CHAPTER 343 PROJECTS 3

HAWAII

1. Waiākea Timber Management Area Sustainable Commercial Timber Harvest DEA (AFNSI) 3

2. Church Single Family Residence DEA (AFNSI) 4

MAUI

3. Hoku Nui Maui Community DEA (AFNSI)..... 4

O’AHU

4. Agriculture Infrastructure Development DEA (ANFSI) 5

5. Block M Queen Street Improvements DEA (AFNSI)..... 5

6. Mālaekahana State Recreation Area Improvements DEA (AFNSI) 6

7. Na Pua Makani Wind Project 2nd DEIS and Appendices 1, 2, and 3..... 7

KAUA’I

8. Wainiha Temporary Bridges Replacement DEA (AFNSI)..... 8

OPEN HRS CHAPTER 343 DOCUMENTS..... 9

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Redevelopment of Marine Forces, Pacific HQ/OPS Center 9

COASTAL ZONE MANAGEMENT NOTICES

Federal Consistency Review..... 10

Special Management Area Permits..... 11

SHORELINE NOTICES

Shoreline Certification Applications 12

Shoreline Certifications and Rejections 13

FEDERAL NOTICES..... 14

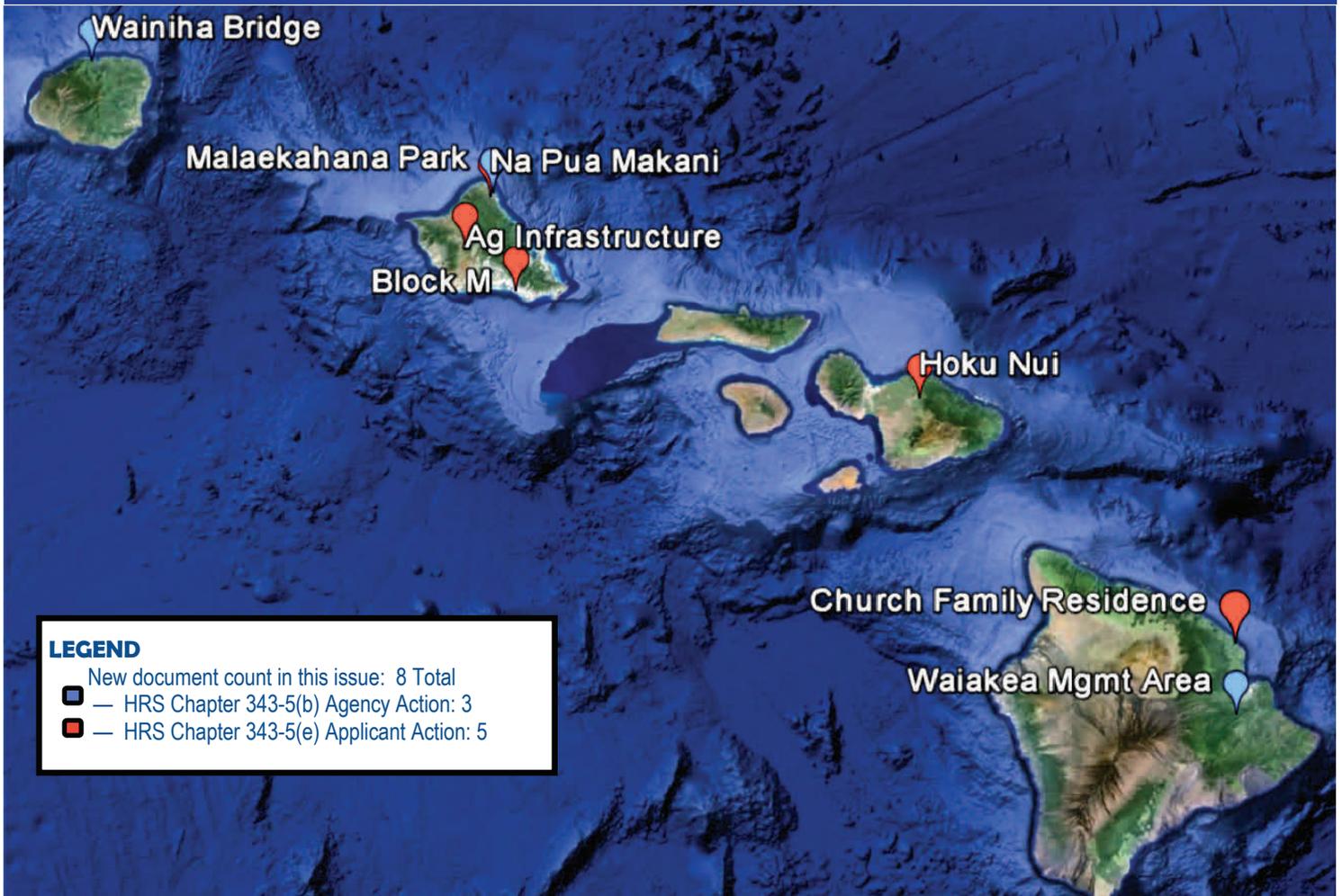
SECTION 106 CONSULTATION

Waimea Wastewater Treatment Plant..... 14

GLOSSARY 15



STATEWIDE MAP OF NEW HRS CHAPTER 343 PROJECTS



LEGEND

New document count in this issue: 8 Total

- — HRS Chapter 343-5(b) Agency Action: 3
- — HRS Chapter 343-5(e) Applicant Action: 5

HAWAI'I

1. Waiākea Timber Management Area Sustainable Commercial Harvest of Timber DEA (AFNSI)

HRS §343-5 Trigger(s) Use of State lands

District: South Hilo and Puna

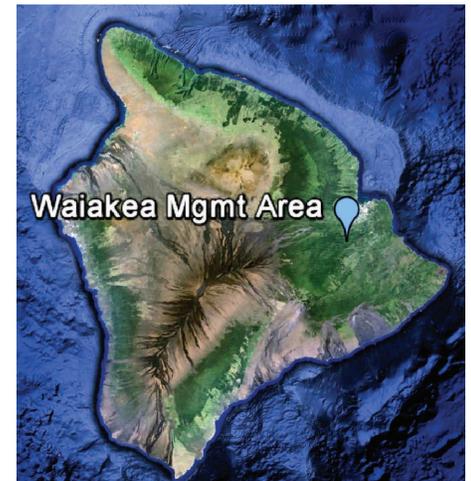
TMK: (3) 1-8-012:001; (3) 2-4-008:001; (3) 2-4-008:006; (3) 2-4-008:010; (3) 2-4-008:022

Permits: BLNR approval; potential NPDES

Proposing/ Determining Agency: Department of Land and Natural Resources
1151 Punchbowl St, Room 325, Honolulu, HI 96813
Sheri Mann, sheri.s.mann@hawaii.gov (808)-587-4172

Consultant: N/A

Status: Finding of No Significant Impact (FONSI) Determination; comments are not taken on this action.



The Division of Forestry and Wildlife (DOFAW) proposes to commercially harvest timber from the Waiākea Timber Management Area (WTMA) through a Request for Proposal process and subsequent issuance of a timber land license. An environmental assessment was previously prepared in 1999 for similar activities, resulting in a finding of no significant impact.

The project area is located in the Upper Waiākea, Waiākea and 'Ōla'a Forest Reserves. The WTMA was established to create a forest resource base that could provide a consistent wood and forest products supply to

stimulate the forest product industry in Hawai'i. Major planting efforts began in 1959; timber inventory data indicates that the WTMA in its current configuration contains approximately 16,000,000 cubic feet of gross merchantable timber, primarily composed of the non-native timber species Queensland maple (*Flindersia brayleyana*) and *Eucalyptus saligna* and *grandis*.

Project activities will include road maintenance, timber harvesting, site preparation, reforestation and other forest management practices for timber stand improvement. Primary anticipated impacts of project activities include the potential spread of invasive species, temporary disruption of existing recreational activities within the WTMA, and impacts on local traffic.

2. Church Single Family Residence DEA (AFNSI)

HRS §343-5 Trigger(s): Use of land in a Conservation District, Use within a shoreline area, Use within any historic site

District: South Hilo

TMK: (3) 2-9-003:029 and 060

Permits: Conservation District Use Permit, County grading permit, SMA exemption or permit, Building permit including related permits ie. electrical, plumbing, Septic tank and leeching field permit

Approving Agency: Department of Land and Natural Resources
1151 Punchbowl St, Rm 131, Honolulu, HI 96813
Lauren Yasaka, lauren.e.yasaka@hawaii.gov (808) 587-0386

Applicant: Ken Church, dockline3@yahoo.ca

Consultant: N/A

Status: Statutory 30-day public review and comment period starts; comments are due by May 23, 2016. Please send comments to the approving agency, and copy the consultant and applicant.



A 4,649 square foot single family residence (SFR) is being proposed. The SFR site and access road is currently maintained as lawn. The proposed SFR is slab on grade construction and consists of two bedrooms, two and a half baths, a laundry room, a living room, and a covered deck area. There will also be an attached bale/hot tub area with an associated mechanical room, a swimming pool, a carport, and a detached outdoor cooking structure.

This action will also include restoration of an access road section from an existing paved driveway and utilities supply point to the property. The proposed restored road area was once part of the former historic railroad that ran through the property which was also historically used as a field road. The residence will serve as the applicant's primary residence and is necessary in order to better maintain the property and dynamic management of the applicant's current legal agricultural uses of the property.

MAUI

3. Hoku Nui Maui Community DEA (AFNSI)

HRS §343-5 Trigger(s): Use of county lands

District: Makawao

TMK: (2) 2-4-012:005, and 039 through 046

Permits: HRS§201H-38 Affordable Housing Project

Approving Agency: County of Maui, Department of Housing and Human Concerns
2200 Main Street, Suite 546, Wailuku, HI 96793
Buddy Almeida, Buddy.Almeida@co.maui.hi.us (808) 270-7351

Applicant: Hoku Nui Maui, LLC, P.O. Box 1347, Makawao, HI 96768
Joshua Chavez, chavezmaui@hotmail.com (808) 268-9726

Consultant: Munekiyo Hiraga, 305 High Street, Suite 104, Wailuku, HI 96793
Charlene Shibuya, planning@munekiyohiraga.com (808) 244-2015

Status: Statutory 30-day public review and comment period starts; comments are due by May 23, 2016. Please send comments to the approving agency, and copy the consultant and applicant.



Applicant proposes the development of a comprehensively planned 258-acre sustainable agricultural community in Pi'iholo, Makawao District, Maui, utilizing the provisions of Section 201H-38, Hawai'i Revised (HRS), to support the inclusion of affordable housing for the project. Twenty-one (21) market homes and twenty-two (22) affordable homes are proposed. Majority of the housing units are clustered within 20-acres of the project area with the remaining 238-acres farm lot primarily dedicated to agriculture with support facilities such as a Farm Market and Commercial Kitchen to sell and process agricultural products. Other elements of the project are to incorporate a native habitat restoration area and integrate a hula halau facility to perpetuate Hawaiian cultural practices.

Related site improvements are to develop a drainage system to capture and retain stormwater runoff in a series of onsite retention ponds for irrigation. Also, subdivision road connections to Pi'iholo Road will provide vehicular access for the homes, agricultural activities, native habitat restoration, and hula halau facility use.

O'AHU

4. Agriculture Infrastructure Development DEA (AFNSI)

HRS §343-5 Trigger(s): Use of State land
District: 'Ewa
TMK: 9-4-012:002
Permits: Water Allocation from DLNR/CWRM
Approving Agency: Hawaii Department of Agriculture
 1428 S. King St. Honolulu HI 96814
 Linda Murai, linda.h.murai@hawaii.gov (808) 973-9741
Applicant: Waikele Farms Inc, P.O. Box 27, Kunia, HI 96759
 Larry Jefets, ljefets@aloha.net (808) 688-2892
Consultant: North Shore Consultants, LLC, 2091 Round Top Dr.
 Honolulu, HI 96822; David Robichaux,
 robichaud001@hawaii.rr.com (808) 368-5352
Status: Statutory 30-day public review and comment period starts; comments are due by May 23, 2016.
 Please send comments to the approving agency, and copy the consultant and applicant.



Waikele Farms Inc. has leased 487 acres of agricultural land from the State of Hawai'i and intends to place the land in service for production of crops for local consumption. The lessee has determined that the water infrastructure is inadequate and at risk and plans to improve the land by 1) drilling a new source well for agricultural water, 2) installing up to three reservoirs for water storage, and 3) construction of accessory buildings including, but not limited to, two tractor sheds and miscellaneous greenhouses to support farming operations. The proposed action will require a Water Allocation permit, Soil Conservation Plan and building permits. Pending receipt of comments, the proponent and approving agency anticipate a finding of no significant impact.

5. Block M Queen Street Improvements DEA (AFNSI)

HRS §343-5 Trigger(s): Use of State lands and funds
District: Honolulu
TMK: [1] 2-3-003:087
Permits: Grading Permit, Authorization to construct street improvements on HCDA land, National Pollutant Discharge Elimination System Permit for Construction Stormwater Discharges, Chapter 6E, HRS, State Historic Preservation Law
Approving Agency: Hawai'i Community Development Authority (HCDA)
 547 Queen Street, Honolulu, HI 96813
 Deepak Neupane, deepak.neupane@hawaii.gov (808) 594-0300
Applicant: Howard Hughes Corporation, 1240 Ala Moana Blvd, Ste. 200,
 Honolulu, HI 96814
 Lee Cranmer, lee.cranmer@howardhughes.com (808) 426-7683
Consultant: Wilson Okamoto Corporation, 1907 South Beretania St, Suite 400, Honolulu, HI 96826
 Earl Matskawa, ematsukawa@wilsonokamoto.com (808) 946-2277
Status: Statutory 30-day public review and comment period starts; comments are due by May 23, 2016.
 Please send comments to the approving agency, and copy the consultant and applicant.



The Howard Hughes Corporation's proposed improvements along the Queen Street frontage of its Block "M" project are intended to realign the sidewalk to lie mostly within that property. This is in anticipation of street widening that will occur when the Honolulu Rail Transit project constructs its elevated guideway along this section of Queen Street. In conjunction with the realignment of the sidewalk, the proposed improvements in the project area will do the following:

- Demolish the existing sidewalk, curb and railing, and a chain link fence/gate at the aforementioned private driveway;
- Realign and extend the existing curb and street drainage gutters, the result of which will lengthen the existing makai lane on Queen Street by an additional 230 feet in the 'Ewa direction, although most of this extension will be beyond the project site;
- Relocate three HECO utility poles and a municipal fire hydrant behind (makai of) the new curb;
- Extend portions of two new driveways and a paved equipment maintenance access from the Block M project to the new curb;
- Pave/repave, then re-stripe portions of the street following construction;
- Fill most of the area between the new curb and realigned sidewalk with gravel as a temporary finish since the improvements within the project site are slated for demolition or relocation when the Honolulu Rail Transit's elevated guideway is built.

In addition to the street and sidewalk improvements, the following two underground utility lines will be constructed in the project site to serve the Block M project. These will not be subsequently affected by the rail project:

- A new sewer line crossing beneath Queen Street and extending a short distance mauka on Kamakee Street;
- A new electrical conduit for HECO crossing beneath Queen Street on the Diamond Head side of the Kamakee Street intersection.

6. Mālaekahana State Recreation Area Improvements DEA (AFNSI)

HRS §343-5

Trigger(s): Use of State lands and funds

District: Ko'olauloa

TMK: (1) 5-6-001: 024, 025, 045 to 047, 049, 051, and 053 to 065

Permits: State of Hawai'i National Pollutant Discharge Elimination System Permit, Community Noise Permit and Variance, Non-Covered and/or Covered Source Permit (Air Quality), Lane Use Permit for Construction Work, Oversized and Overweight Vehicles on State Highways Permit; City and County of Honolulu Building Permits, Grubbing/Grading/Stockpiling Permits, Special Management Area Use Permit (Major)

Proposing/ Determining

Agency: Department of Land and Natural Resources, Division of State Parks, 1151 Punchbowl Street, Room 310, Honolulu, HI 96813; Lauren Tanaka, Lauren.A.Tanaka@hawaii.gov (808) 587-0293

Consultant: The Limtiaco Consulting Group, 1622 Kananui Street, Honolulu, HI 96817
Joe Kwan, joe@tlcgohawaii.com (808) 596-7790,

Status: Statutory 30-day public review and comment period starts; comments are due by May 23, 2016.
Please send comments to the Proposing/Determining Agency and copy the consultant.



The Department of Land and Natural Resources (DLNR) proposes to improve the Mālaekahana State Recreation Area - Kahuku Section for continued recreational use including camping, lodging and day use activities. On-site infrastructure that was installed prior to the acquisition of the property in 1980 warrants replacement due to wear, obsolescence and more stringent standards for regulatory compliance. The current lessee was awarded a short-term lease to manage the project site and has sited temporary lodging structures and restrooms pursuant to the terms and conditions of its lease.

There is no municipal sewer system in the immediate project area. DLNR's project includes the replacement of the administration office, a security office and seven (7) cabins along with related improvements intended to help

maintain user capacity at levels no greater than what had previously existed. Improvements will include the installation of new infrastructure and construction of a comfort station and satellite restroom facilities. The structures and associated infrastructure would be sited to optimize the functionality and spatial aesthetics within the project site. State Parks may be authorized to proceed in phases based on the availability of funds such that a long-term lessee may complete the park improvements described in the EA.

7. Na Pua Makani Wind Project 2nd DEIS and Appendices 1, 2, and 3

HRS §343-5

Trigger(s): Use of State lands
District: Koʻolaupua
TMK: TMK (1)5-6-005:018 (portion); (1)5-6-006:018, 47, 51, 55; and (1)5-6-008:006 (portion)
Permits: Various, please see document for full list
Approving Agency: Department of Land and Natural Resources, 1151 Punchbowl St. Honolulu, HI 96813; Suzanne Case, Chairperson, dlnr@hawaii.gov (808) 587-0400
Applicant: Champlin Oahu Wind Holdings, LLC; 2020 Alameda Padre Serra, Suite 105, Santa Barbara, CA 93103
 Mike Cutbirth, mcutbirth@champlinwind.com (805) 568-0300
Consultant: Tetra Tech, Inc., 737 Bishop St., Suite 2340, Honolulu, HI 96813; Brita Woeck, brita.woeck@tetrattech.com (808) 441-6600
Status: Statutory 45-day public review and comment period starts; comments are due by June 7, 2016. Please send comments to the approving agency, and copy the consultant and applicant.



Na Pua Makani Power Partners, LLC (NPMPP) has prepared a Second Draft Environmental Impact Statement (EIS) for the proposed 25-megawatt Na Pua Makani Wind Project near Kahuku, HI. The purpose of the proposed Project is to provide clean, renewable wind energy for the island of Oahu. The energy delivered by the proposed Project would help HECO meet its Renewable Portfolio Standard (RPS), established in HRS § 269-92 and the state of Hawai'i goal of increasing energy independence through the development of additional sources of renewable energy. The original Draft EIS for the Project was published on June 8, 2015. In response to public comments related to visual impacts and consideration of fewer turbines with larger generating capacities (to reduce the total number of turbines), NPMPP reevaluated the proposed turbine locations and turbine models considered in the original Draft EIS. Through this effort, NPMPP was able to reduce the maximum number of turbines needed to meet the target generating capacity for the Project from 10 to 9 wind turbines through consideration of larger turbines with greater generating capacity. This Second Draft EIS is intended to inform stakeholders of modifications to the proposed Project since the publication of the original Draft EIS.



KAUA'I

8. Wainiha Temporary Bridges Replacement DEA (AFNSI)

**HRS §343-5
Trigger(s):**

Use of State lands and funds; Use within a conservation district; Use within a shoreline area; Use within a historic site Hanalei

District:

TMK:

Permits:

Various, see document for full list
 Department of the Army Permit (Clean Water Act Section 404), Section 401 Water Quality Certification, Stream Channel Alteration Permit, National Historic Preservation Act Section 106/HRS 6E Consultation, Endangered Species Act Section 7 Consultation, Coastal Zone Management Act Consistency Review, Conservation District Use Permit, Special Management Area Permit, Shoreline Setback Determination, National Pollutant Discharge Elimination System Permit, State of Hawai'i Department of Transportation Occupancy and Use of State Highway Right of Way Permit, Community Noise Permit/Variance, Grading/Grubbing/Stockpiling Permit



**Proposing/
Determining
Agency:**

Department of Transportation, Highways Division, 869 Punchbowl Street, Honolulu, Hawaii 96813
 Christine Yamasaki, christine.yamasaki@hawaii.gov (808) 692-7572

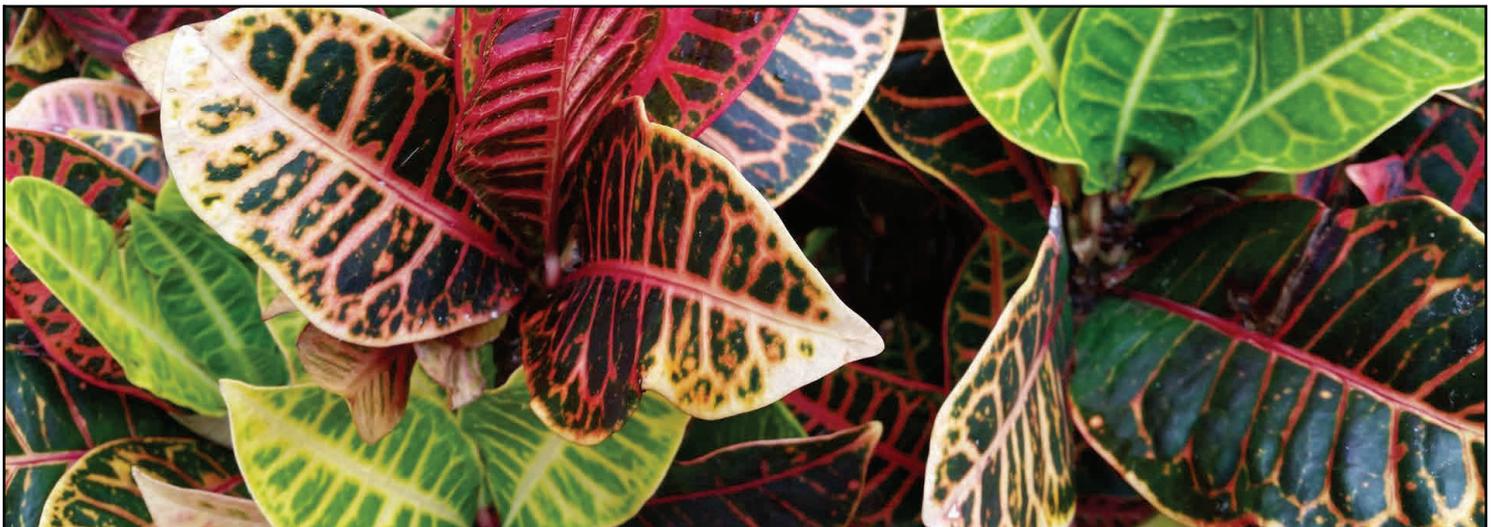
Consultant:

Federal Highway Administration, Central Federal Lands Highway Division, 12300 West Dakota Ave., Suite 380, Lakewood, CO 80228; Michael Will, michael.will@dot.gov (720) 963-3647

Status:

Statutory 30-day public review and comment period starts; comments are due by May 23, 2016. Please send comments to the Proposing/Determining Agency, and copy the consultant.

The proposed project includes the replacement of three temporary “ACROW Panel” modular steel bridges on Kūhiō Highway (Route 560) near the mouth of the Wainiha Stream on the island of Kaua’i. These bridges were installed as a temporary emergency measure until permanent bridges could be installed. The existing Wainiha temporary ACROW structures would be replaced with new one-lane bridges that closely match the existing horizontal alignment. A slight curve improvement between Bridges 2 and 3 would be provided, and the elevation of the road and bridges would be lowered closer to pre-ACROW conditions. The new bridges would be more visually consistent with the surrounding roadway corridor. Traffic during construction would be maintained makai of the Wainiha bridges. The project also involves the placement of temporary structures adjacent to or over Wai’oli, Waipā, and Waikoko streams to accommodate construction loads. All temporary structures would be removed upon completion of the project, and the sites restored. Scour protection, approach road re-paving, utility relocations, and temporary staging areas are also included in the project. Short-term construction related impacts (noise, dust, erosion, vegetation removal, and traffic) would occur, but the implementation of best management practices would minimize the effects to the environment.



OPEN HRS CHAPTER 343 DOCUMENTS

Status: Statutory public review and comment period for these projects began April 8, 2016; comments are due May 9, 2016. Please send comments to the relevant agency, and copy any relevant applicant or consultant.

- [Former Kealakehe Metal Salvage Facility Remediation and Closure DEA](#)
- [Hawai'i Electric Light Easement Modification at Pu'uwa'awa'a DEA](#)
- [Hana Affordable Housing Development DEA](#)
- [Princess Nahi'ena'ena Elementary School Classroom Building DEA](#)
- [Wai'anae Elementary School Administration/Student Support Center DEA](#)

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

As a courtesy, listed below are documents submitted for publication that have been prepared pursuant to NEPA rather than Chapter 343, HRS; accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and Chapter 343, HRS, in those cases, a separate entry would be published in a relevant section of The Environmental Notice.

Redevelopment of Marine Corps Forces, Pacific HQ/OPS Center

Island: O'ahu
District: 'Ewa
TMK: 9-9-010: 007
Permits: N/A

**Proposing/
Approving
Agency:**

Commanding Officer, Marine Corps Base Hawai'i, P.O. Box 63002 Kaneohe Bay, HI 96863-3002

Contact: MARFORPAC HQ/OPS Center Project Manager, Code EV21 Naval Facilities Engineering Command Pacific 258 Makalapa Drive, Suite 100 Pearl Harbor, HI 96860-3134

Consultant: HHF Planners Glenn Tadaki Pacific Guardian Center, Makai Tower 733 Bishop Street, Suite 2590 Honolulu, HI 96813, (808) 457-3179

Status: Comment Period: April 23, 2016 – May 23, 2016. Written comments on the Draft FONSI may be provided by e-mail to: NFPACReceive@navy.mil or by mail to: Naval Facilities Engineering Command Pacific, 258 Makalapa Drive, Suite 100, JBPHH, HI 96860-3134, Attention: MARFORPAC HQ/OPS Center Project Manager, Code EV21

Pursuant to the National Environmental Policy Act, Marine Corps Base Hawai'i has prepared a Draft Finding of No Significant Impact (FONSI) based on an Environmental Assessment for the redevelopment of the existing Marine Forces, Pacific (MARFORPAC) headquarters and operations center (HQ/OPS) known as the Building 1 Complex. Located at Camp H.M. Smith, Hālawa Heights, O'ahu, the redevelopment project will have a footprint of 367,500 gross square feet (GSF) and be about 15,000 GSF less than the existing facility. The project will take approximately ten years to complete with new construction occurring first to minimize operational impacts, followed by renovation, and then demolition. The Draft FONSI also considers findings from the formal Section 106 consultation process regarding potential impacts to cultural resources. Because of its age, condition, and World War II-era use (Aiea Heights Naval Hospital), the Building 1 Complex is functionally obsolete, has building and infrastructure deficiencies, and lacks sufficient usable space to have a secure, consolidated, functionally-adequate facility. When completed, the new HQ/OPS Center will result in a more compact and secure facility that will provide MARFORPAC and other commands with a functional, efficiently-configured command and control facility that will effectively support their mission-critical activities and provide opportunities for co-location and spatial proximity.

COASTAL ZONE MANAGEMENT NOTICES

Federal Consistency Review

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, HRS. 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 Hawai'i CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lāna'i & Moloka'i: 468-4644 x72878, Kaua'i: 274-3141 x72878, Maui: 984-2400 x72878 or Hawai'i: 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 by mail, electronic mail or fax.

Mail: Office of Planning
Department of Business, Economic Development and Tourism
P.O. Box 2359 Honolulu, HI 96804

Email: john.d.nakagawa@hawaii.gov

Fax: (808) 587-2899

Interim Final Rule under the Marine Mammal Protection Act (MMPA) to Implement Approach Regulations for Humpback Whales in Ocean Waters Surrounding State of Hawai'i

Proposed Action: National Marine Fisheries Service (NMFS) is proposing an interim final rule that is intended to provide protections for humpback whales in Hawai'i from human activities that cause "take" or disturbance under the MMPA. Measures taken under this interim final rule will provide protections for Hawai'i's humpback whales similar to approach regulations established under the Endangered Species Act (ESA), which would be subject to removal if Hawai'i's population is no longer listed under the ESA. If implemented, this rule would apply in the waters within 200 nautical miles from shore of the islands of the State of Hawai'i and would make it unlawful to: 1) operate an aircraft within 1,000 feet of a humpback whale; 2) approach, by any means, within 100 yards of a humpback whale; 3) cause vessel, person, or any other object to approach within 100 yards of a humpback whale; 4) approach a humpback whale by interception (i.e., placing an aircraft, vessel, person, or other object in the path of a humpback whale so that the whale surfaces within 1,000 feet of the aircraft or 100 yards of the vessel, person, or object, a.k.a. "leapfrogging"); and 5) disrupt the normal behavior or prior activity of a whale by any other act or omission. The proposed rule would include the following exceptions: 1) federal, state, or local government vessels or persons operating in the course of their official duties such as law enforcement, search and rescue, or public safety; 2) vessel operations necessary to avoid an imminent and serious threat to a person, vessel, or the environment; 3) vessels restricted in their ability to maneuver which, because of this restriction, are not able to comply with approach restrictions; 4) vessels or persons authorized under permit or authorization issued by NMFS to conduct scientific research that may result in taking of humpback whales.

Location: Ocean waters within 200 nautical miles from shore of islands of State of Hawai'i

Federal Action: Federal Agency Activity

Federal Agency: National Marine Fisheries Service, Pacific Islands Regional Office

Informational Contact: Ms. Susan Pultz (808) 725-5150

CZM Contact: John Nakagawa (808) 587-2878 john.d.nakagawa@hawaii.gov





Special Management Area Permits

The SMA Minor permits below have been approved (per HRS 205A-30). For more information, contact the relevant county/State planning agency. Honolulu (768-8014); Hawai'i (East 961-8288, West 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Hilo (2-1-014: 043)	Additions to the Residential Duplex (SMM 14-322)	Christopher Michael Owens
Hawai'i: South Hilo (2-6-001: 024, 025 & 026)	Tree Removal and Routine Maintenance (SMM 16-347)	Hymen and Lisa Zucker
Maui: Makawao (2-8-003: 075)	Various Farm Improvements (SM2 20160029)	Lew & Maria Abrams
Maui: Kahului (3-7-011: 002)	Parking Lot Improvements (SM2 20160030)	Terry Mcbarnet
O'ahu:Kaka'ako (2-1-059: 003)	To Widen the Existing Driveway Entrance (SMA/16-2)	Cutter Mazda of Honolulu
O'ahu: Kalaeloa Barbers Point Harbor (9-1-014: 024 and 039)	Kalaeloa Barbers Point Harbor Stockpile Removal (2016/SMA-10)	Kapiolani Hawaii Property Company LLC / Belt Collins

SHORELINE NOTICES

Shoreline Applications

The shoreline certification applications below are available for review at the Department of Land and Natural Resources Offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS 205A-42 and HAR 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, 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 (808) 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1697	2/29/16	Lot 167-A (Map 99) Land Court Application 323 situate at Kailua, Ko'olaupoko, O'ahu Address:396 Dune Circle Purpose: Determine building setback	Leaps & Boundaries, Inc./ Jason L. Pahl, Trust	(1) 4-3-017:033
MA-635	3/7/16	A Portion of Lot 13-A-5 of the Mailepai Hui Land situate at Ka'anapali, Lāhainā, Maui Address:5295 Lower Honoapli'ilani Road, Unit no. C460 Purpose: Permitting purpose	Fukumoto Engineering, Inc./ Napili Point 1 AOA	(2)4-3-002:021
HA-529	3/1/16	Unit "A" of Puako Sands Ekahi C.P.R. Map No. 2557 of Lot A of Puako Beach Lots being a Portion of Grant S-13670 to Arthur C.W. Ireton, Jr. situate at Lālamilo, S.Kohala, Hawai'i Address:69-1644 Puako Beach Drive Purpose: Obtain County permits	Wes Thomas Associates/ Nann Hylton c/o Nanea Studios, Inc.	(3)6-9-003:016
KA-408	2/29/16	Allotment 9-A Moloaa Hui Land situate at Moloa Hui Lots, Kawaihau, Kaua'i Address:6610 Moloaa Road Purpose: Shoreline setback	Esaki Surveying & Mapping, Inc./Bill Campbell	(4)4-9-014:007
KA-409	2/29/16	Portion of Allotment 10-AMoloaaHui Land situate at Moloaa Hui Lots, Kawaihau, Kauai Address: Moloaa Road Purpose: Shoreline setback	Esaki Surveying & Mapping, Inc./Bill Campbell	(4)4-9-014:006



SHORELINE NOTICES

Shoreline Certifications and Rejections

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

File No.	Proposed/ Rejected	Location	Applicant/Owner	TMK
OA-1688	Proposed Shoreline Certification	Dwelling Area 12 Ewa Oceanside Condominium Project Lot 785 Land Court Application 242 situate at Pu'uloa Beach, 'Ewa, O'ahu Address: 91-69 Fort Weaver Road Purpose: Property Sale	Walter P. Thompson, Inc./ Randall Chew Num Chun & Valerie Kam Hung Chun	(1) 9-1-005:Por. 011
OA-1690	Proposed Shoreline Certification	Lot 604 Land Court Application 1089 as shown on Map 64 situate at Kamananui, Waialua, O'ahu Address: 67-011 Kaimanu Place Purpose: Building setback	Wesley T. Tengan/ John Borsa Jr.	(1) 6-7-014:028
OA-1691	Proposed Shoreline Certification	Lot 11-G Land Court Application 242 as shown on Map 10 situate at Pu'uloa Beach, 'Ewa, O'ahu Address: 91-319 'Ewa Beach Road Purpose: Building setback	Wesley T. Tengan/ Ronald R. Nagamine	(1) 9-1-024:005
OA-1693	Proposed Shoreline Certification	Lot 273 Land Court Application 505 situate at Kailua, Ko'olaupoko, O'ahu Address: 974 Mokulua Drive Purpose: Building permit	Walter P. Thompson, Inc./ James Yang c/o Geminis Group	(1) 4-3-007:066
MA-634	Proposed Shoreline Certification	Portion of Lot 2 of the Paukūkalo Beach Access Subdivision situate at Wailuku, Maui Address: 0 Lilihua Place Purpose: Determine shoreline setback	Akamai Land Surveying, Inc./ O Lilihua LLC	(2) 3-4-029:036
KA-406	Proposed Shoreline Certification	Lot 3, Land Court Application 889 situate at Waipouli, Kawaihau, Kaua'i Addresses: 650 Aleka Loop Purpose: Setback for proposed structure	Esaki Surveying & Map- ping, Inc./ Kauai Coconut Beach, LLC	(4) 4-3-007:028
OA-1694	Withdrawal	Lot 9 Section C, Kawailoa Beach Lots situate at Kawailoa, Waialua, O'ahu Address: 61-459 Kamehameha Highway Purpose: Building permit	Walter P. Thompson, Inc./ James Eichler	(1) 6-1-008:014

FEDERAL NOTICES

As a courtesy, listed below are relevant entries from the Federal Register, gleaned from a search of Hawai'i-based entries published since the last issue of The Environmental Notice. For the PDF file click on the title link, also available at <http://www.gpo.gov/fdsys/>

1. [Notice of Inventory Completion: Pu'uhonua o Hōnaunau National Historical Park](#)

The U.S. Department of the Interior, National Park Service has completed an inventory of human remains, in consultation with the appropriate Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Native Hawaiian organizations. Lineal descendants or representatives of any Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Pu'uhonua o Hōnaunau National Historical Park. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants or Native Hawaiian organizations stated in this notice may proceed.

DATES: Written requests for transfer of remains must be submitted by May 20, 2016.

Click [here](#) for more information (See 81 FR 23327 April 20, 2016)

SECTION 106 CONSULTATION

[Waimea Wastewater Treatment Plant, R-1 Recycled Water Distribution System](#)

Island: Kaua'i
District: Waimea
TMK: (4) 1-2-006: 036, 009 (por.)
Permits: N/A
Applicant/Proposing Agency: State of Hawai'i, Department of Health, Environmental Division, Wastewater Branch 919 Ala Moana Blvd, Room 309 Honolulu, HI, 96814, Ms. Sue Liu, (808) 586-4294
Approving Agency: State of Hawai'i, Department of Health, Environmental Division, Wastewater Branch Contact, Ms. Sue Liu, (808) 586-4294
Consultant: N/A
Status: Comments due no later than May 22, 2016 to: 919 Ala Moana Boulevard, Room 309 Honolulu, HI, 96814
 Attn: Ms. Sue Liu, Email: wwb@doh.hawaii.gov

The Department of Health (DOH) initiated Section 106 of the NHPA consultation with the State Historic Preservation Division (SHPD) in accordance with 36 CFR Part 800. In 1990, the U.S. Environmental Protection Agency (EPA) designated the DOH to act on EPA's behalf, pursuant to 36 CFR §800.2 (c) (4), when initiating Section 106 of the NHPA process in connection with projects funded under the Hawai'i Clean Water State Revolving Fund (CWSRF). The DOH is providing funding under the CWSRF to the County of Kaua'i Department of Public Works (DPW) for the Waimea Wastewater Treatment Plant, R-1 Recycled Water Distribution System Project. The proposed project will utilize federal funding and is considered an undertaking, as defined by Section 106 of the NHPA, 54 U.S.C. §306101 et seq., and 36 CFR Part 800. The County of Kaua'i DPW proposes to construct an above ground 400,000 gallon recycled water storage tank on the southeast corner of the Waimea WWTP property. In addition to the storage tank, on-site improvements will include a new recycled water pump station located adjacent to the tank and would be a maximum of 44 inches by 44 inches and 60 inches in height. The pump will regulate water pressure on the distribution system to a setpoint that is 10 pounds per square inch (psi) lower than the potable water distribution system. Based on a review of previously conducted archaeological studies/surveys of the area it is not anticipated that any sites of historic importance are present in the vicinity of the project. However, the DOH has engaged SHPD to determine the presence of potential sites of historic importance within the vicinity of the project area as well as the potential impact of the project on such sites, if present.

GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

Applicant Actions

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether the actions' environmental impact will be significant, and thus whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(e\)](#), for Applicant actions. For actions for which the proposing or approving agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments on a DEA received during the 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to ask a court to require the preparation of an EIS.

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

Act 172-2012, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)

Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISPN must be incorporated into the subsequent Draft EIS.

Act 312-2012, Secondary Actions in the Highway or Public Right Of Way

Act 312-2012, amended HRS 343, by adding a new section (HRS 343-5.5., entitled "Exception to applicability of chapter.") HEPA now allows for a statutory exception for "secondary actions" (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related "primary action" (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

Draft Environmental Impact Statement

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The [content requirements](#) of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their 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 non-acceptance 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.

Administrative Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are [exempt](#) from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence ([HAR 11-200-8\(d\)](#)). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

Endangered Species

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for [Habitat Conservation Plans](#) (HCP), [Safe Harbor Agreements](#) (SHA), or [Incidental Take Licenses](#) (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).

