



# The Environmental Notice

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

Office of Environmental Quality Control

September 23, 2016

David Y. Ige, Governor

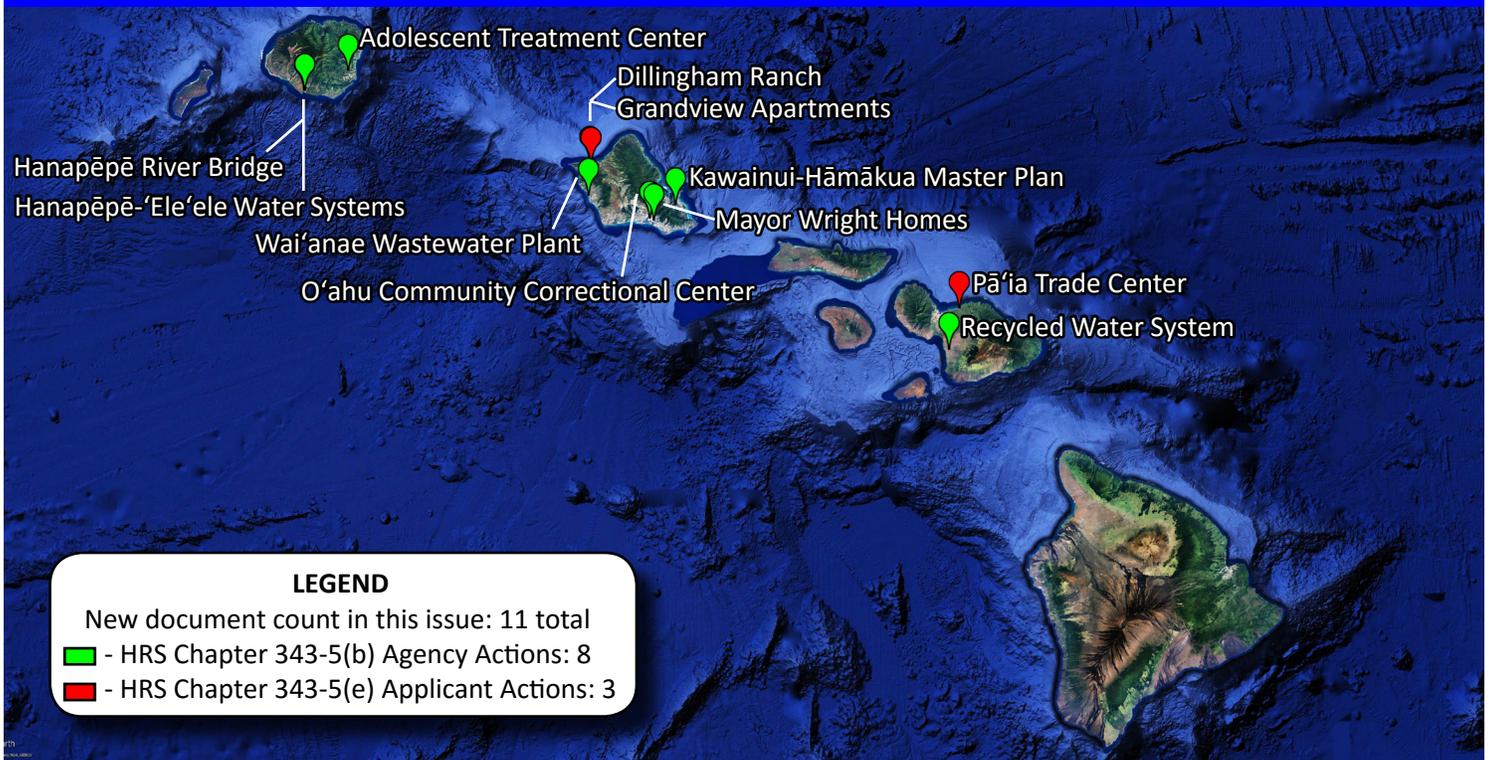
Scott Glenn, Director

*The Environmental Notice* provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes (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 includes other items related to the shoreline, coastal zone, and federal activities.

## TABLE OF CONTENTS

<b>MAUI</b>	<b>EXEMPTION LIST CONCURRENCE</b> .....	7
<a href="#">Pā'ia Trade Center DEA (AFNSI)</a> .....	<b>EXEMPTION DECLARATION</b> .....	7
<a href="#">South Maui Recycled Water System Expansion FEA (FONSI)</a> .....	<b>OPEN ENVIRONMENTAL REVIEW DOCUMENTS</b> .....	7
<b>O'AHU</b>	<b>COASTAL ZONE MANAGEMENT NOTICES</b>	
<a href="#">Dillingham Ranch Agricultural Subdivision EISP</a> .....	Federal Consistency Reviews.....	8
<a href="#">Grandview Apartments Boulder Revetment FEA (FONSI)</a> .....	Special Management Area (SMA) Minor Permits.....	9
<a href="#">Kawainui-Hāmākua Master Plan Project EISP</a> .....	<b>SHORELINE NOTICES</b>	
<a href="#">Mayor Wright Homes Redevelopment EISP</a> .....	Applications for Shoreline Certification.....	9
<a href="#">Oahu Community Correctional Center Replacement EISP</a> .....	Proposed Shoreline Certifications and Rejections.....	10
<a href="#">Wai'anae Wastewater Treatment Plant Upgrade DEA (AFNSI)</a> .....	<b>CONSERVATION DISTRICT USE APPLICATION</b> .....	11
<b>KAUAI</b>	<b>NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS</b> .....	11
<a href="#">Adolescent Treatment and Healing Center FEA (FONSI)</a> .....	<b>FEDERAL NOTICES</b> .....	12
<a href="#">Hanapēpē River Bridge Replacement FEA (FONSI)</a> .....	<b>GLOSSARY OF TERMS AND DEFINITIONS</b> .....	13
<a href="#">Hanapēpē-'Ele'ele Water Systems DEA (AFNSI)</a> .....		

## STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



## MAUI

**Pā'ia Trade Center DEA (AFNSI)**

<b>HRS §343-5 Trigger(s)</b>	Community Plan Amendment	
<b>District(s)</b>	Makawao	
<b>TMK(s)</b>	(2) 2-6-005:005	
<b>Permit(s)</b>	Community Plan Amendment, Change in Zoning, Building Permit	
<b>Approving Agency</b>	Maui Planning Department William Spence, Director, <a href="mailto:william.spence@mauicounty.gov">william.spence@mauicounty.gov</a> , (808) 270-7735 2200 Main Street, Suite 315, Wailuku, HI 96793	
<b>Applicant</b>	Vintage Rentals, LLC Tricia Young, <a href="mailto:cincoyoung@hawaii.rr.com">cincoyoung@hawaii.rr.com</a> , (808) 870-3042 P.O Box 791687 Pā'ia, HI 96779	
<b>Consultant</b>	Chris Hart & Partners, Inc. R. Raymond Cabebe, <a href="mailto:rcabebe@chpmaui.com">rcabebe@chpmaui.com</a> , (808) 242-1955 x556 115 N. Market Street, Wailuku, HI 96793	
<b>Status</b>	Statutory 30-day public review and comment period starts. Comments are due by October 24, 2016. Please send comments to the approving agency and copy the applicant and the consultant.	

The applicant proposes to renovate an existing 948 square foot single family residence to a commercial building. The existing garage and storage buildings will be demolished and three parking stalls will be provided along with a sidewalk and new landscape plantings. The single floor plantation style building will remain at 948 square feet on post and pier foundation in keeping with the existing residential scale. The main access to the building will be through an 80 square foot porch fronting Hāna Highway. The interior space will consist of 873 square feet of business area and a 75 square foot restroom. The building exterior will retain its existing lap siding and gabled roof and adhere to the Pā'ia Town Design Guidelines to be consistent with the character of Pā'ia Town. There are existing commercial uses to the north and to the west.

The Applicant is requesting a a Community Plan Amendment from Residential to Business/Commercial and Change in Zoning from R-1 Residential to B-CT Country Town Business for the 4,402 square foot substandard parcel.

**South Maui Recycled Water System Expansion Project FEA (FONSI)**

<b>HRS §343-5 Trigger(s)</b>	Use of County lands and funds	
<b>District(s)</b>	Makawao	
<b>TMK(s)</b>	(2) 2-024:010 & (2) 2-002:075	
<b>Permit(s)</b>	NPDES Permit & Community Noise Permit, as applicable; Department of Health Approval to Construct and Approval to Use; Construction Permits	
<b>Proposing/Determining Agency</b>	Maui Department of Environmental Management, Wastewater Reclamation Division Joanie Gushiken, <a href="mailto:Joanie.Gushiken@co.maui.hi.us">Joanie.Gushiken@co.maui.hi.us</a> , (808)270-1763 2200 Main Street, Suite 610, Wailuku, HI 96793-2155	
<b>Consultant</b>	Fukunaga & Associates, Inc. Lynn Malinger, <a href="mailto:lmalinger@fukunagaengineers.com">lmalinger@fukunagaengineers.com</a> , (808) 944-1821 1357 Kapiolani Boulevard, Suite 1530, Honolulu, HI 96814	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

The County of Maui, Wastewater Reclamation Division operates the Kīhei Wastewater Reclamation Facility which produces R-1 recycled water, the highest grade of recycled water for non-potable use, and distributes this valuable water resource through the South Maui Recycled Water System. During the summer months, the Wastewater Reclamation Division delivers approximately 1.8 million gallons per day of recycled water to approximately 30 customers in South Maui. The proposed second 1.0 MG tank would be located on the existing County site adjacent to the existing 1.0 MG R-1 tank, and the proposed pipeline improvements would occur at the Kīhei Wastewater Reclamation Facility. The proposed improvements will create a more robust system that can accommodate the increase in recycled water demands during the peak summer months, provide redundancy and greater reliability, and allow for an increase in the number of recycled water customers. The overall effect would provide an alternate water source to meet non-potable demands and thereby reserve potable water for potable needs, as well as decrease the use of injection wells for effluent disposal.

## O'AHU

**Dillingham Ranch Agricultural Subdivision EISPN (Direct to EIS)**

<b>HRS §343-5 Trigger(s)</b>	Wastewater Treatment Plant; use of State lands (intersection improvements)	
<b>District(s)</b>	Waialua	
<b>TMK(s)</b>	(1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, and (1) 6-8-002: 006	
<b>Permit(s)</b>	Various (see document)	
<b>Approving Agency</b>	City and County of Honolulu, Department of Planning and Permitting Joette Yago, <a href="mailto:jyago@honolulu.gov">jyago@honolulu.gov</a> , (808) 768-8034 650 South King Street; Honolulu, HI 96813	
<b>Applicant</b>	Dillingham Ranch 'Aina, LLC Dave Eadie, <a href="mailto:deadie@kennedywilson.com">deadie@kennedywilson.com</a> , (714) 619-7877 3200 Bristol Street, Suite 640, Costa Mesa, CA 92626	
<b>Consultant</b>	HHF Planners Glenn Tadaki, <a href="mailto:gtadaki@hhf.com">gtadaki@hhf.com</a> , (808) 457-3179 733 Bishop Street, Suite 2590, Honolulu, HI 96813	
<b>Status</b>	Administrative 30-day public review and comment period starts. Comments are due by October 24, 2016. Please send comments to the approving agency and copy the applicant and the consultant.	

Dillingham Ranch 'Aina, LLC proposes to consolidate and re-subdivide approximately 2,721 acres of land at Dillingham Ranch in Mokulē'ia. Dillingham Ranch has been involved in agriculture since the 1880s when the land was used for ranching and rice cultivation. Agricultural uses today include equestrian activities and facilities for recreational riders and polo players, a palm tree plantation, and limited cattle grazing. The Dillingham Lodge is used commercially for weddings, retreats, and other special events. Under the proposed action, the palm tree and Lodge operations will continue, equestrian facilities will be expanded, and areas for diversified agriculture, Ranch employee dwellings, and 70 agricultural lots will be provided. Existing infrastructure and utility systems will be upgraded to support the additional uses. The proposed action represents a low-intensity use of agricultural land that is consistent with the historic uses that have occurred at the Ranch. In addition to maintaining existing agricultural land uses and the rural, open space character of Dillingham Ranch, the proposed project is consistent with State land use law, the North Shore Sustainable Communities Plan, and Honolulu's agricultural zoning for the property.

**Grandview Apartments Grouted Boulder Revetment FEA (FONSI)**

<b>HRS §343-5 Trigger(s)</b>	Use of Conservation District lands, use of shoreline area, use of County lands	
<b>District(s)</b>	Waialua	
<b>TMK(s)</b>	(1) 6-8-010:011, :012 & :013	
<b>Permit(s)</b>	After-the-fact Shoreline Setback Variance, Zoning Variance, Building Permits, US Army Corps of Engineers Permit, Conservation District Use Permit	
<b>Approving Agency</b>	City and County of Honolulu, Department of Planning and Permitting Steve Tagawa, <a href="mailto:stagawa@honolulu.gov">stagawa@honolulu.gov</a> , (808) 768-8024 650 South King Street, 7th Floor, Honolulu, HI 96813	
<b>Applicant</b>	Grandview Apartments, Inc. Ed Saffery c/o Goodsill Anderson Quinn & Stifel, <a href="mailto:esaffery@goodsill.com">esaffery@goodsill.com</a> , (808) 547-5736 999 Bishop Street, Suite 1600, Honolulu, HI 96813	
<b>Consultant</b>	Ho'okuleana LLC Peter T Young, <a href="mailto:PeterYoung@Hookuleana.com">PeterYoung@Hookuleana.com</a> , (808) 226-3567 1539 Kanapu'u Drive, Kailua, HI 96734	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

The Applicant seeks an after-the-fact Shoreline Setback Variance to keep an existing grouted boulder revetment constructed along two shoreline parcels and a 10-foot-wide public shoreline access at Mokulē'ia Beach, on O'ahu's North Shore. The revetment is partially grouted, about 130 feet long, and varies in height. It was built by the Applicant in 2013, following high surf events which severely undermined a nonconforming seawall on Parcel 13 and a rubble revetment on Parcel 11 that had been previously authorized by a Shoreline Setback Variance (No. 90/SV-11) from the Department of Planning and Permitting (formerly Department of Land Utilization) on December 24, 1990.

**Kawainui-Hāmākua Master Plan Project EISPN (Direct to EIS)**

<b>HRS §343-5 Trigger(s)</b>	Use of State lands and funds; use of Conservation District lands	
<b>District(s)</b>	Ko'olaupoko District	
<b>TMK(s)</b>	(1) 4-2-003: 017 and 030; 4-2-013: 005, 010, 022 and 038; 4-2-016: 002 and 015; 4-2-017: 020; 4-2-103: 018 and 035; and 4-4-034: 025	
<b>Permit(s)</b>	Special Management Area Use Permit, Conservation District Use Permit, Department of the Army Permit	
<b>Proposing Agency</b>	Hawai'i Department of Land and Natural Resources, Division of Forestry and Wildlife Marigold Zoll, O'ahu Forestry and Wildlife Manager, <a href="mailto:Marigold.S.Zoll@hawaii.gov">Marigold.S.Zoll@hawaii.gov</a> , (808) 973-9787 P.O. Box 621, Honolulu, HI 96809	
<b>Accepting Authority</b>	Governor, State of Hawai'i The Honorable David Y. Ige, <a href="http://governor.hawaii.gov/contact-us/contact-the-governor/">http://governor.hawaii.gov/contact-us/contact-the-governor/</a> , (808) 586-0034 Executive Chambers, State Capitol, 415 South Beretania Street, Honolulu, HI 96813	
<b>Consultant</b>	HHF Planners Ronald Sato, AICP, <a href="mailto:rsato@hhf.com">rsato@hhf.com</a> , (808) 457-3172 733 Bishop; Street, Suite 2590, Honolulu, HI 96813	
<b>Status</b>	Administrative 30-day public review and comment period starts. Comments are due by October 24, 2016. Please send comments to the proposing agency and copy the accepting authority and the consultant.	

This 986 acre project area in Kailua includes the Kawainui wetland and upland areas, Hāmākua Marsh Wildlife Sanctuary, and Pu'uoehu hillside. Proposed improvements are needed to support the Division of Forestry and Wildlife and the Division of State Parks efforts in achieving their agency missions, to sustain and enhance the natural and cultural resources associated with this area, and increase public access and outdoor recreational opportunities. Proposed improvements fall into three major categories: 1) natural resource management; 2) cultural resource management; and 3) educational and recreational initiatives. Natural resource management include wetland restoration, upland reforestation, storm water improvements, and support for management operations. Cultural resource initiatives would support traditional Hawaiian cultural practices in the area. Educational and recreational improvements would increase public access, provide passive outdoor recreational use, and support educational programs and stewardship.

**Mayor Wright Homes Redevelopment EISPN (Direct to EIS)**

<b>HRS §343-5 Trigger(s)</b>	Use of State or County lands and funds.	
<b>District(s)</b>	Honolulu	
<b>TMK(s)</b>	(1) 1-7-029:003	
<b>Permit(s)</b>	Various (see document)	
<b>Proposing Agency</b>	Hawai'i Public Housing Authority (HPHA) Hakim Ouansafi, Executive Director, <a href="mailto:Hakim.Ouansafi@hawaii.gov">Hakim.Ouansafi@hawaii.gov</a> , (808) 832-5961 1002 N. School Street, Honolulu, HI 96817	
<b>Accepting Authority</b>	Governor, State of Hawai'i The Honorable David Y. Ige, <a href="http://governor.hawaii.gov/contact-us/contact-the-governor/">http://governor.hawaii.gov/contact-us/contact-the-governor/</a> , (808) 586-0034 Executive Chambers, State Capitol, 415 South Beretania Street, Honolulu, HI 96813	
<b>Consultant</b>	PBR HAWAII & Associates, Inc. Kimi Yuen, <a href="mailto:Principal.kyuen@pbrhawaii.com">Principal.kyuen@pbrhawaii.com</a> , (808) 521-5631 1001 Bishop Street, Suite 650, Honolulu, HI 96813	
<b>Status</b>	Administrative 30-day public review and comment period starts. Comments are due by October 24, 2016. Please send comments to the proposing agency and copy the accepting authority and the consultant.	

Mayor Wright Homes is a State public housing community that was built in 1953 and modernized in 1984. A Physical Needs Assessment completed in May 2009 shows a substantial amount of capital improvements would be needed to revitalize the community. Therefore, HPHA has partnered with Hunt Companies under a development agreement to redevelop the property into a mixed-use, mixed-income, mixed-financed community to improve housing conditions for the existing residents as well as to increase the amount of affordable and market rate housing provided in this critical Transit Oriented Development neighborhood. It is envisioned as a catalytic project that can transform the area while providing much needed housing close to Downtown Honolulu and the future Honolulu Authority for Rapid Transit (HART) line.

**Replacement of the Oahu Community Correctional Center (OCCC) EISPN (Direct to EIS)**

<b>HRS §343-5 Trigger(s)</b>	Use of State lands, Use of State funds	
<b>District(s)</b>	Honolulu, 'Ewa and Ko'olaupoko	
<b>TMK(s)</b>	(1) 1-2-013:002; (1) 9-9-010: 030 (por); (1) 4-2-003:004, 024, 025, 026	
<b>Permit(s)</b>	Plan Review Use Approval, Building Permit, Grading Permit, NPDES Permit	
<b>Proposing Agency</b>	Department of Accounting and General Services, Public Works Division Lance Maja, <a href="mailto:lance.y.maja@hawaii.gov">lance.y.maja@hawaii.gov</a> , (808) 586-0483 Planning Branch, 1151 Punchbowl Street, Room 430, Honolulu, HI 96810	
<b>Accepting Authority</b>	Governor, State of Hawai'i The Honorable David Y. Ige, <a href="http://governor.hawaii.gov/contact-us/contact-the-governor/">http://governor.hawaii.gov/contact-us/contact-the-governor/</a> , (808) 586-0034 Executive Chambers, State Capitol, 415 South Beretania Street, Honolulu, HI 96813	
<b>Consultant</b>	PBR Hawaii & Associates, Inc. Vincent Shigekuni, <a href="mailto:OCCC@pbrhawaii.com">OCCC@pbrhawaii.com</a> , (808) 521-5631 1001 Bishop Street, Suite 650, Honolulu, HI 96813	<b>November 22, 2016</b>
<b>Status</b>	Administrative 30-day public review and comment period starts. Comments are due by <del>October 24, 2016</del> . Please send comments to the proposing agency and copy the accepting authority and the consultant. A <a href="#">public scoping meeting</a> is scheduled for September 28, 2016 at the Farrington High School cafeteria from 6 to 8 pm.	

The current OCCC is located in Kalihi on an approximately 16-acre parcel at the south west corner of Kamehameha Highway/Dillingham Boulevard and Pu'uhale Road. The OCCC serves the Island of O'ahu and acts as the local detention center for the First Circuit Court. OCCC is PSD's largest detention facility and it is in immediate need of replacement. Currently, two sites serving a corrections function are under consideration for the replacement facility: 1) the current OCCC site; and 2) a portion of the Hālawā Correctional Facility. Both locations vary in land area, and preliminary site planning and layout will be conducted to determine the type and configuration of facilities that could be accommodated at each location to address the required space program (area requirements); and whether the necessary facilities could be accommodated via a low-rise (one- to two-stories) campus arrangement or multi-story (mid- or high-rise) development. The proposed action may affect the Laumaka Work Furlough Center and accommodations needed for the maximization of O'ahu's community-based programs for adult males transitioning back to the community. The proposed action will also relocate female prisoners to a separate facility. This may involve reconfiguring the existing Women's Community Correctional Center in Olomana, Kailua.

**Wai'anae Wastewater Treatment Plant Improvements and Upgrade DEA (AFNSI)**

<b>HRS §343-5 Trigger(s)</b>	Use of State or County lands or funds, Wastewater treatment unit	
<b>District(s)</b>	Wai'anae	
<b>TMK(s)</b>	(1) 8-6-001: 044	
<b>Permit(s)</b>	Various (see document)	
<b>Proposing/Determining Agency</b>	City and County of Honolulu, Department of Design and Construction Christine Imada, <a href="mailto:cimada@honolulu.gov">cimada@honolulu.gov</a> , (808) 768-8762 650 South King Street, 14th Floor, Honolulu, HI 96813	
<b>Consultant</b>	CH2M Robin Hirano, <a href="mailto:Robin.Hirano@ch2m.com">Robin.Hirano@ch2m.com</a> , (808) 440-0208 1132 Bishop Street, Suite 1100, Honolulu, HI 96813	
<b>Status</b>	Statutory 30-day public review and comment period starts. Comments are due by October 24, 2016. Please send comments to the proposing/determining agency and copy the consultant.	

The City and County of Honolulu is proposing to upgrade the Wai'anae Wastewater Treatment Plant (WWTP) by constructing the following facility wide improvements:

- Rehabilitation of the primary clarifiers, primary effluent boxes and piping, and a new odor control facility
- Utility water system improvements
- Demolition of chlorine contact tank and construction of a new effluent flow monitoring facility
- Replacement of the headworks screens and associated equipment
- Rehabilitation of the grit removal system and preaeration tanks and channels

All of the above listed improvements will be constructed within the Wai'anae WWTP site. Construction of these improvements will help the WWTP to maintain its continued ability to meet regulatory requirements.

## KAUA'I

Adolescent Treatment and Healing Center FEA (FONSI)

<b>HRS §343-5 Trigger(s)</b>	Use of State or County funds	
<b>District(s)</b>	Lihue	
<b>TMK(s)</b>	(4) 3-8-002:001 (por)	
<b>Permit(s)</b>	State Land Use Special Permit; Class IV Use Permit, Zoning, Subdivision, Building	
<b>Proposing/ Determining Agency</b>	Mayor, County of Kaua'i Theresa Koki, Coordinator, Life's Choices Kaua'i, <a href="mailto:tkoki@kauai.gov">tkoki@kauai.gov</a> , (808) 241-4925 4444 Rice Street, Suite 235, Lihue, HI 96766	
<b>Consultant</b>	Belt Collins Hawaii LLC John Kirkpatrick, <a href="mailto:jirkpatrick@bchdesign.com">jirkpatrick@bchdesign.com</a> , (808) 521-5361 2153 N. King Street, Suite 200, Honolulu, HI 96819	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

Life's Choices Kaua'i, an agency of the County of Kaua'i, proposes to develop a substance abuse treatment and healing center for adolescents. The County plans to contract with an experienced service provider or a coalition of providers to operate the facility.

The center would offer residential long-term care, outpatient treatment for youth, along with mental health/substance use assessment services. Family counseling would likely also be available. Residential treatment would be physically separate from assessment and outpatient services. Initial space plans call for approximately 10,300 square feet under roof, including housing for eight clients, classroom, kitchen, office spaces, assessment and visitor facilities. Treatment programs would include use of part of the site for agriculture.

Hanapēpē River Bridge Replacement FEA (FONSI)

<b>HRS §343-5 Trigger(s)</b>	Use of State lands and funds	
<b>District(s)</b>	Waimea	
<b>TMK(s)</b>	[4] 1-9-007: 001 por. Hanapepe River, 013 por., and 034 por., and [4] 1-9-010: 014 por., 015 por., 046 por., and 050 por., Kaunualii Highway and Iona Road Rights-of-Way	
<b>Permit(s)</b>	Various (see document)	
<b>Proposing/ Determining Agency</b>	State of Hawai'i, Department of Transportation Christine Yamasaki, <a href="mailto:christine.yamasaki@hawaii.gov">christine.yamasaki@hawaii.gov</a> , (808) 692-7572 601 Kamokila Boulevard, Room 609, Kapolei, HI 96707	
<b>Consultant</b>	CH2M HILL (under contract to Federal Highway Administration, Central Federal Lands Highway Division) Kathleen Chu, <a href="mailto:kathleen.chu@ch2m.com">kathleen.chu@ch2m.com</a> , (808) 440-0283 1132 Bishop Street, Suite 1100, Honolulu, HI 96813	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

The State of Hawai'i Department of Transportation proposes to replace the Hanapēpē River Bridge on the island of Kaua'i. This project would replace the existing three-span structure with a slightly longer and wider three-span bridge that would accommodate two 12-foot travel lanes, two 8-foot shoulders, and two 5-foot sidewalks. A temporary two-lane bypass route would be provided on the mauka (mountainward) side of the highway throughout construction. The project also includes scour protection, supporting walls and slopes, utility relocations, and temporary staging areas. This project is needed to maintain mobility for highway users, address existing structural deficiencies, and meet current design standards for roadway width, load capacity, barrier railing and transitions, and approach roadways.

This project would not result in significant adverse impacts to protected plant and animal species. The proposed bridge railings and an arched substructure are intended to reflect the aesthetics and historic character of the existing bridge such that impacts to historic and visual resources would be less than significant. Because highway capacity would not increase, the project would not result in secondary or cumulative effects on land use or population growth. Short-term construction impacts, such as noise, dust, and erosion, would be mitigated through best management practices.

**Hanapēpē-‘Ele‘ele Water Systems Improvements DEA (AFNSI)**

<b>HRS §343-5 Trigger(s)</b>	Use of County Land and Funds, Use of State Land and Funds	
<b>District(s)</b>	Waimea and Kōloa	
<b>TMK(s)</b>	Properties and County and State Rights-of-way in TMK Plats: (4) 1-8-008, 1-9-004, 1-9-005, 1-9-006, 1-9-007 & 1-9-010; 2-1-002, 2-1-003	
<b>Permit(s)</b>	Various (see document)	
<b>Proposing/ Determining Agency</b>	County of Kaua‘i Department of Water Bryan Wienand, Civil Engineer V, <a href="mailto:bwienand@kauaiwater.org">bwienand@kauaiwater.org</a> , (808) 245-5449 P.O. Box 1706, Līhu‘e, HI 96766	
<b>Consultant</b>	Geometrician Associates Joni C. Tanimoto, P.E./Ron Terry, (808) 836-1900 x674, <a href="mailto:rterry@hawaii.rr.com">rterry@hawaii.rr.com</a> PO Box 396, Hilo, HI 96721	
<b>Status</b>	Statutory 30-day public review and comment period starts. Comments are due by October 24, 2016. Please send comments to the proposing/determining agency and copy the consultant.	

The County of Kaua‘i, Department of Water (DOW), plans two related component projects in Hanapēpē and ‘Ele‘ele. One involves installation of about a half-mile of new water lines parallel to Kaunualii Highway to interconnect the Hanapēpē and ‘Ele‘ele water systems, providing a critically important alternative source of water for ‘Ele‘ele. The other component replaces aging 6-inch and 4-inch iron water mains along a half-mile length of Hanapēpē Road with one 12-inch main. The replacement water line would cross Hanapēpē Stream on the historic Hanapēpē Bridge. The design would install the 12-inch water line inside of and along the bridge’s downstream parapet wall, topped by a 5-foot wide sidewalk consisting of grating material. Archaeological monitoring will be conducted at all times during work within Hanapēpē Town, and intermittently in the Kaunualii Highway ROW. No permanent or physical effect to the historic structures in Hanapēpē Town would occur. The DOW has closely coordinated design with historic preservation agencies and has requested concurrence with a finding of no adverse effects to significant historic sites. Construction will elevate noise, cause minor air quality and visual impacts, and disrupt traffic during periods varying between several days and several weeks. These impacts will occur over about six months, as construction moves from one end of the work area to the other. A set of Best Management Practices will protect water quality. Timing of vegetation removal will avoid impacts to Hawaiian hoary bats.

**EXEMPTION LIST CONCURRENCE**

Pursuant to Section 11-200-8, Hawai‘i Administrative Rules, the Environmental Council has reviewed and concurred upon the following agency exemption list. The listed types of actions may be exempt from the requirement to prepare an EA or EIS. The Environmental Council's date of concurrence is posted on the list. Click on the link to view or download the list.

**[City and County of Honolulu, Department of Parks and Recreation \(July 20, 2016\)](#)****EXEMPTION DECLARATION**

County of Maui, Department of Environmental Management, Wastewater Reclamation Division has declared the following action exempt from the requirement to prepare an EA pursuant to Section 11-200-8 HAR:

**[Lahaina Wastewater Reclamation Facility Modifications Stage 1A](#)**

Modifying and constructing facilities at the Lahaina Wastewater Reclamation Facility to restore secondary treatment capacity to 9.0 million gallons per day in order to reliably meet current permit requirements, to accommodate maintenance of the existing facilities built in 1985, and to replace the aging and obsolete portion of the facility built in 1975, which is currently out of service.

**OPEN ENVIRONMENTAL REVIEW DOCUMENTS**

**Status:** Public review and comment period for these projects began previously. Comments are due October 10, 2016. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

**[East Hawai‘i Organics Facility DEA \(AFNSI\)](#)****[Kealakehe Elementary School New Classroom Building DEA \(AFNSI\)](#)****[Kāpaia Cane Haul Road 18" Main DEA \(AFNSI\)](#)****[Waiiau Generating Station Non-Character Altering Projects: 2016-2025 DEA \(AFNSI\)](#)**

## COASTAL ZONE MANAGEMENT NOTICES

### FEDERAL CONSISTENCY REVIEWS

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, Hawai'i Revised Statutes. 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 (808) 587-2878. For neighboring islands, use the following toll free numbers: Lana'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 or electronic mail, as indicated below.

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

**Email:** [john.d.nakagawa@hawaii.gov](mailto:john.d.nakagawa@hawaii.gov)

#### Install Mooring Buoy within Kihei Offshore Mooring Zone, Mā'alaea Bay, Maui

**Proposed Action:** Install a new single-point mooring for a 39-foot commercial barge within the Kihei Offshore Mooring Zone, Mā'alaea Bay, Maui. The mooring will be installed approximately 3,200 feet offshore in water depths of approximately 37 feet, using Manta Ray Mooring Anchors and subsurface and surface buoys. The mooring field site is characterized by a sandy bottom. The proposed mooring will be used by the applicant fireworks company, Pyro Spectaculars North, Inc., solely for the purpose of mooring their aluminum decked fireworks display barge. No fireworks, fireworks related equipment, or volatile materials of any kind will ever be stored at the mooring location, nor will fireworks ever be loaded or discharged at the mooring location. All fireworks loading and discharging will occur at permitted locations other than the proposed mooring site.

**Location:** Kihei Offshore Mooring Zone, Mā'alaea Bay, Maui  
**Applicant:** Pyro Spectaculars North, Inc.  
**Contact:** Mr. Dan Ramsauer, (408) 749-1067, [dramsauer@pyrospec.com](mailto:dramsauer@pyrospec.com)  
**Federal Action:** Federal Permit  
**Federal Agency:** U.S. Army Corps of Engineers  
**CZM Contact:** John Nakagawa, 587-2878, [john.d.nakagawa@hawaii.gov](mailto:john.d.nakagawa@hawaii.gov)  
**Comments Due:** October 7, 2016

Mā'alaea Bay, Maui

Photo by [Sean Munson](#)



#### Uniform National Discharge Standards for Vessels of the Armed Forces - Phase II Batch One

**Proposed Action:** The U.S. Environmental Protection Agency and Department of Defense are developing Uniform National Discharge Standards (UNDS) to control certain discharges incidental to the normal operation of a vessel of the Armed Forces into the navigable waters of the United States, the territorial seas, and the contiguous zone. The proposed discharge performance standards are intended to reduce the adverse environmental impacts associated with the discharges, stimulate the development of improved pollution control devices, and advance the development of environmentally sound ships by the Armed Forces. Details about the proposal are available at:

<https://www.epa.gov/vessels-marinas-and-ports/unds-phase-ii-batch-one-national-consistency-determination>

**Federal Action:** Federal Agency Activity  
**Federal Agencies:** U.S. Environmental Protection Agency and Department of Defense  
**CZM Contact:** John Nakagawa, 587-2878, [john.d.nakagawa@hawaii.gov](mailto:john.d.nakagawa@hawaii.gov)  
**Comments Due:** October 7, 2016

## SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

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

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Hilo (2-2-005: 002)	Construct a Temporary Skate Park (SMM 16-356)	Hilo Skate Plaza Coalition
Maui: Kā'anapali (4-4-008: 016)	Five-Lot Subdivision (SM2 20130114)	Kaanapali Investments, LLC
Maui: Kā'anapali (4-4-014: 003)	Change Diesel to Propane Tank (SM2 20160067)	JDC Designs and Consulting Services
Maui: Wailea (2-1-008: 109)	Improvements and Maintenance (SM2 20160101)	Grand Wailea Resort
Maui: Lahaina (4-3-002: 084)	Construct Ohana Dwelling (SM2 201600102)	Dennis and Marsha Nakamura
Maui: Lahaina (4-5-001: 016)	Sewer Manhole and Fire Backflow Preventer (SM2 20160103)	Friedman Investment Group-Mariners LLC
O'ahu: Hau'ula (5-3-008: 002)	Renovations to an Existing Maintenance Shop and Conversion of an Existing Office to a Resident Manager's Dwelling Unit (2016/SMA-40)	AOAO Pat's at Punaluu / Prowork Pacific Inc.
O'ahu: Kāne'ohē (4-7-058: 011)	Tokoro Warehouse Renovation (2016/SMA-41)	Tokoro Kerry and Yukiko / Stanford Lee
O'ahu: Mākaha Beach Park (8-4-001: 012; 8-4-002: 059)	Southeast Asia-United States Fiber-Optic Telecommunication Cable System (2016/SMA-43)	NEC Corporation of America / R. M. Towill Corporation
O'ahu: Hale'iwa (5-9-004: 019)	Improvements and Repairs to Existing Comfort Station (2016/SMA-45)	City and County of Honolulu Department of Design and Construction / Jeffrey Nishi

## SHORELINE NOTICES

### APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review at the Department of Land and Natural Resources Offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS 205A-42 and HAR 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at (808) 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1724	8/29/16	Being Lots 3, 3-A, and 30 of the Waialae Beach Lots, Section A being a portion of Royal Patent Number 4475, Land Commission Award Number 7713, 'Āpana 50 to V. Kamāmalu situate at Waialae-Nui, Honolulu, O'ahu Address: 4663 Kāhala Avenue Purpose: Setback purposes	Austin Tsutsumi & Associates, Inc./ Estates of Kahala LLC	(1) 3-5-005: 006
OA-1725	9/6/16	Lots 104-A and 104-B of Land Court Application 609 situate at Mokulē'ia, Waialua, O'ahu Address: 68-415 & 68-407 Crozier Drive Purpose: Permitting	R. M. Towill Corporation/ Michelle K. Ho Trust & Schneider Family Trust	(1) 6-8-005:002 & 003
OA-1726	9/7/16	Being Lots 87 & 88 (Map 4) of Land Court Application 979 and Parcels 11 (C.S.F. 14244) and 12 (C.S.F. 14245) of Filled Area of Kāne'ohē Bay situate at Kāhala'u, Ko'olaupoko, O'ahu Address: 47-115 Kamehameha Highway Purpose: Setback purposes	Austin, Tsutsumi & Associates, Inc./ Dynasty Coachwork International, Inc.	(1) 4-7-019:073

## PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

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

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1689	Proposed Shoreline Certification	Lot 376 (Map 164) of Land Court Application 616 situate at Kailua, Ko'olaupoko, O'ahu Address: 1240 Mokulua Drive Purpose: Permitting purposes	Towill, Shigeoka, & Associates, Inc./ Elizabeth Rice Grossman	(1) 4-3-005:094
OA-1706	Proposed Shoreline Certification	Lots 4608 & 4609 Land Court Application 1069 situate at Honouliuli, 'Ewa, Oahu Address: 92-120 Kamoana Place & 92-101 Waialii Place Purpose: Pending sale	Walter P. Thompson, Inc./ TAT Ko Olina 25 LLC, & HRT Realty LLC Ko Olina Hotel #7 LLC	(1) 9-1-057:006 & 007
OA-1710	Proposed Shoreline Certification	Camp Erdman Shoreline Certification situate at Ka'ena, Waialua, O'ahu Address: 69-385 Farrington Highway Purpose: Setback for future redevelopment	Sam O. Hirota, Inc./ YMCA of Honolulu	(1) 6-9-004:003
OA-1712	Proposed Shoreline Certification	Lots 109 & 110 (Map 24) Land Court Application 609 situate at Mokulē'ia, Waialua, O'ahu Address: 68-505 Crozier Drive Purpose: Home remodel	Leaps & Boundaries, Inc./ Mark & Diane Button	(1) 6-8-004:018
OA-1715	Proposed Shoreline Certification	Lot 2 of "Mokulē'ia Beach Tract" being a portion of Grant 242 to Kaiaikawaha as shown on Map 1 of Land Court Application 609 situate at Mokulē'ia, Waialua, O'ahu Address: 68-617 Crozier Drive Purpose: Building permit	Ace Land Surveying LLC/ Irmgard Degener	(1) 6-8-004:005
OA-1718	Proposed Shoreline Certification	Lot 80 Land Court Application 609 as Shown on Map 4 situate at Mokulē'ia, Waialua, O'ahu Address: 68-245 Crozier Loop Purpose: Calculate building potential and obtain building permit	Wesley T. Tengan/ Joseph & Ikuyo Pavsek	(1) 6-8-005:029
OA-1719	Proposed Shoreline Certification	Lot 16 Land Court Consolidation 51 as Shown on Map 1 situate at Kāne'ohe, Ko'olaupoko, O'ahu Address: 45-217 Mahalani Circle Purpose: Determine building setback line	Wesley T. Tengan/ Kaimalu LLC	(1) 4-5-058:016
OA-1721	Proposed Shoreline Certification	Lot 316 Land Court Application 1052 as Shown on Map 7 situate at Mākaha, Waianae, O'ahu Address: 84-111 Makau Street Purpose: Calculate building potential and obtain building permit	Wesley T. Tengan/ Billie M. Pring, Tr	(1) 8-4-010:014
OA-1722	Proposed Shoreline Certification	Lot 99 as Shown on Map 19 of Land Court Application 776 situate at Lā'ie, Koolauloa, O'ahu Address: 55-076 Naupaka Street Purpose: Building setback	Jaime F. Alimboyoguen/ Adam Chen	(1) 5-5-010:008
OA-1711	Withdrawal	Lots 1 and 2 of Evershine VIII Tract (File Plan 2271) Lot 5 of Portlock Subdivision No. 2 (File Plan 2193) and Lot 4-A situate at Maunaloa, Honolulu, O'ahu Address: 525 Portlock Road Purpose: Construction	Sam O. Hirota, Inc./ Evershine II LP	(1) 3-9-026:044, 045, 047, & 048

## CONSERVATION DISTRICT USE APPLICATION

Persons interested in commenting on the following Conservation District Use Application(s) or receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in *The Environmental Notice*. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed for each project. CDUAs can be found on the OCCL website at [dlnr.hawaii.gov/occl](http://dlnr.hawaii.gov/occl).

**File No.:** CDUA OA-3780  
**Name of Applicant:** Thomas Giambelluca  
**Location:** Upper Makaha Valley, O'ahu  
**TMK(s):** (1) 8-4-002:001  
**Proposed Action:** Data Collection  
**343, HRS determination:** Exempt  
**Applicant's Contact:** Aurora Kagawa-Viviani: (808) 956-7390  
**OCCL Staff Contact:** Tiger Mills Phone: (808) 587-0382

## NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

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

### Environmental Assessment (EA) for U.S. Marine Corps Aviation Training on Kaua'i and Ni'ihau, Hawai'i

<b>Island</b>	Kaua'i and Ni'ihau
<b>District(s)</b>	N/A
<b>TMK(s)</b>	N/A
<b>Proposing/ Approving Agency</b>	Commanding Officer Marine Corps Base Hawai'i Box 63002, Kane'ohe Bay, HI 96863-3002
<b>Contact</b>	Project Manager, EA for USMC Aviation Training on Kaua'i and Ni'ihau Naval Facilities Engineering Command Pacific 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860-3134
<b>Consultant</b>	ManTech Karen Waller 420 Stevens Avenue, Suite 300, Solana Beach, CA 92075
<b>Status</b>	Comment Period: September 23, 2016 – October 23, 2016. Written comments can be provided by email to <a href="mailto:NFPAC-Receive@navy.mil">NFPAC-Receive@navy.mil</a> or by mail to the agency contact address above.

The proposed action involves Terrain-Following (TERF) and Confined Area Landing (CAL) training on the islands of Kaua'i and Ni'ihau, in support of MV-22 Osprey tilt-rotor aircraft, and CH-53 and H-1 helicopters that are either based at MCBH or transiting through Hawai'i. Two TERF routes currently exist within the project study area: one on Kaua'i, in the mountain valleys east of Barking Sands; and one on Ni'ihau. On Kaua'i, there is an existing single-aircraft helicopter landing zone (LZ) at Mākaha Ridge, and a 4-aircraft LZ within the TERF route. These areas have not been used in recent years by the U.S. Marine Corps (USMC), which proposes to re-establish their use, and to establish up to four new CAL LZs on the northern end of Ni'ihau. The proposed action is needed to address a lack of TERF and CAL training areas for USMC tilt-rotor and helicopter aircraft crews in Hawai'i.

Pursuant to NHPA 36 CFR §800.2(d) and 800.3(b) and (e), MCBH solicits questions or comments on this undertaking and its effects on historic properties. Members of the public, and members of Native Hawaiian Organizations, who wish to be involved as consulting parties in the NHPA Section 106 process associated with this undertaking must provide written notification (letter or e-mail, with phone contact) within 30 days of the publication of this notice.

## FEDERAL NOTICES

As a courtesy, listed below are relevant entries from the Federal Register published since the last issue of *The Environmental Notice*. For more information, click on the title link, also available at [www.federalregister.gov](http://www.federalregister.gov).

### [Threatened Species Status for the ‘i‘iwi \(\*Drepanis coccinea\*\), or scarlet honeycreeper \(published 9/20/16\)](#)

The U.S. Fish and Wildlife Service is proposing to list the ‘i‘iwi (*Drepanis coccinea*), or scarlet honeycreeper, as threatened under the Endangered Species Act. Large colonies of ‘i‘iwi inhabit the islands of Hawai‘i, Maui, and Kaua‘i, with smaller colonies on Moloka‘i and O‘ahu. However, the ‘i‘iwi no longer occurs across much of its historical range. The primary threats to the ‘i‘iwi are its susceptibility to avian malaria and the expected reduction in disease-free habitat as a result of increased temperatures caused by climate change. Although not identified as primary threat factors, rapid oh‘ia death, a disease that affects the tree species required by ‘i‘iwi for nesting and foraging, and impacts from nonnative invasive plants and feral ungulates, contribute to the degradation and curtailment of the ‘i‘iwi's remaining, disease-free native oh‘ia forest habitat.

Comments are due by 11/21/16 and can be submitted at <http://www.regulations.gov> or to Public Comments Processing, Attn: FWS-R1-ES-2016-0057; U.S. Fish and Wildlife Service Headquarters, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803.



Photo by [Michael Klotz](#)



Photo by [Carla Kishinami](#)

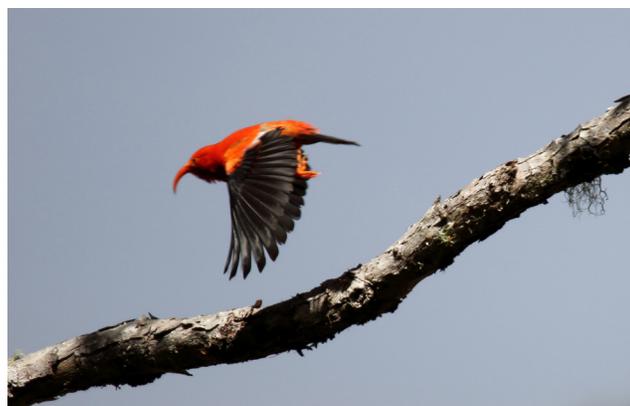


Photo by [Dominic Sherony](#)

### [Western Pacific Fishery Management Council Public Meetings \(published 9/16/16\)](#)

The Western Pacific Fishery Management Council (Council) will hold its 124th Scientific and Statistical Committee (SSC) meeting, Fishing Industry Advisory Committee and its 168th Council meeting to take actions on fishery management issues in the Western Pacific Region. The meetings will be held between October 4 and October 14. For specific dates, times and agendas, click the link and see Supplementary Information.

### [Approach Regulations for Humpback Whales in Waters Surrounding the Islands of Hawai‘i Under the Marine Mammal Protection Act \(published 9/8/16\)](#)

NMFS is issuing regulations under the Marine Mammal Protection Act (MMPA) to prevent take by protecting humpback whales (*Megaptera novaeangliae*) from the detrimental effects resulting from approach by humans within 200 nautical miles (370.4 km) of the islands of Hawai‘i. These regulations are necessary because existing regulations promulgated under the Endangered Species Act (ESA) protecting humpback whales from approach in Hawaii will no longer be in effect upon the effective date of a final rule published elsewhere in today's issue of the Federal Register that separates humpback whales into 14 Distinct Population Segments (DPSs) and identifies the “Hawai‘i DPS” as neither endangered nor threatened. These MMPA regulations prohibit operating an aircraft within 1,000 feet (304.8 m) of a humpback whale, approaching within 100 yards (91.4 m) of a humpback whale by any means, causing a vessel, person or other object to approach within 100 yards (91.4 m) of a humpback whale, or approaching 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 approaches within a restricted distance). The regulations also prohibit the disruption of normal behavior or prior activity of a humpback whale by any act or omission. Certain vessels and activities are exempt from the prohibition. NMFS finds that there is good cause to waive public notice and comment prior to implementation of these regulations in order to avoid a gap in protections for the whales. However, we are requesting comments on the regulations and Environmental Assessment; NMFS will subsequently publish a final rule with responses to comments and any revisions, if appropriate.

### [Western Pacific Fishery Management Council Public Meeting \(published 9/8/16\)](#)

The Western Pacific Fishery Management Council will hold a meeting of its American Samoa Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) and Hawai'i Archipelago FEP AP to discuss and make recommendations on fishery management issues in the Western Pacific Region. The Hawai'i Archipelago FEP AP will meet on Thursday, September 29, 2016, between 9 a.m. and 11 a.m. at the Council Office, 1164 Bishop St., Suite 1400, Honolulu, HI 96813 and by teleconference. The teleconference will be conducted by telephone. The teleconference numbers are: U.S. toll-free: 1-888-482-3560 or International Access: +1 647 723-3959, and Access Code: 5228220.

### [Endangered and Threatened Species; Identification of 14 Distinct Population Segments of the Humpback Whale \(\*Megaptera novaeangliae\*\) and Revision of Species-Wide Listing \(published 9/8/16\)](#)

The NMFS issued a final determination to revise the listing status of the humpback whale (*Megaptera novaeangliae*) under the Endangered Species Act (ESA). The globally listed endangered species are divided into 14 distinct population segments (DPS), remove the current species-level listing, and in its place list four DPSs as endangered and one DPS as threatened. Based on their current statuses, the remaining nine DPSs do not warrant listing. At this time, the NMFS finds that critical habitat is not determinable for the three listed DPSs that occur in U.S. waters (Western North Pacific, Mexico, Central America); the NMFS will consider designating critical habitat for these three DPSs in a separate rulemaking.

Maui

Photo by [Sheila Sund](#)Photo by [thundafunda](#)Photo by [David Bacon](#)

Lāhainā, Maui

Photo by [Scott Moore](#)

## 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.



Ko Olina Bay, O'ahu

Photo by [Floyd Manzano](#)

### 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 Hawai'i'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).