



The Environmental Notice

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

October 8, 2016

David Y. Ige, Governor

Office of Environmental Quality Control

Scott Glenn, Director

ANNOUNCEMENTS

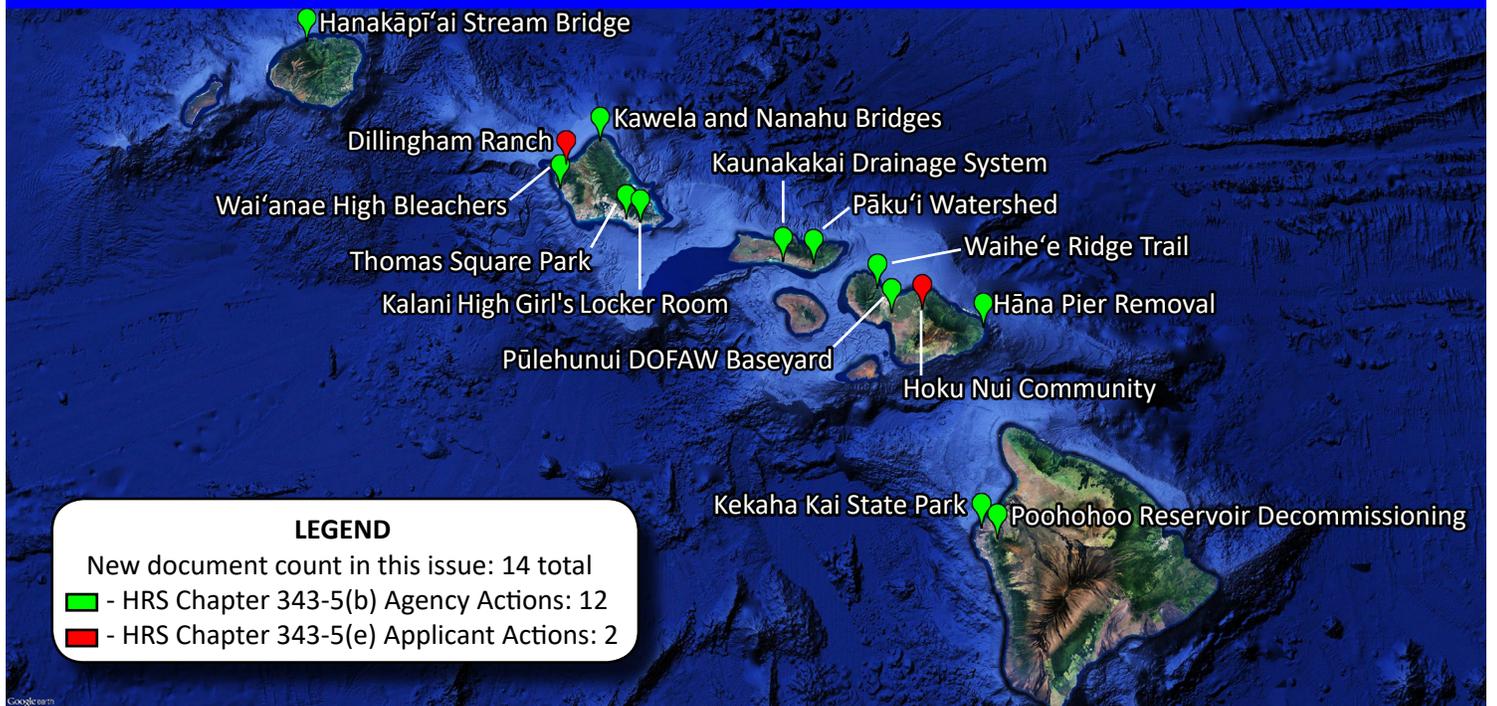
The Governor has extended the comment period for the [OCCC EISPN](#) from 30 days to 60 days. Comments now due 11/22/16.

The [Dillingham Ranch Agricultural Subdivision withdrawal](#) applies to the [DEA](#) published on 12/23/14, not the [EISPN of the same name](#) published on 9/23/16.

TABLE OF CONTENTS

HAWAI'I	Thomas Square Park Renovation DEA (AFNSI)	7
Kekaha Kai State Park Improvements FEA (FONSI)	2	Kawela Bridge and Nanahu Bridge Replacement DEA (AFNSI) 8
Poohohoo Reservoir No.2 Decommissioning FEA (FONSI)	2	KAUA'I
MAUI	Hanakāpī'ai Stream Bridge Project DEA (AFNSI)	8
Hāna Pier Deck Removal EISPN (Direct to EIS)	3	OPEN ENVIRONMENTAL REVIEW DOCUMENTS
Hoku Nui Community DEA Withdrawal	3	SHORELINE NOTICES
Pūlehunui DOFAW Baseyard FEA (FONSI)	4	Applications for Shoreline Certification
Waihe'e Ridge Trail Improvements DEA (AFNSI)	4	Proposed Shoreline Certifications and Rejections
MOLOKA'I	COASTAL ZONE MANAGEMENT NOTICES	
Kaunakakai Drainage System Improvements DEA (AFNSI)	5	Federal Consistency Reviews
Pāku'i Watershed Project DEA (AFNSI)	5	Special Management Area (SMA) Minor Permits
O'AHU	CONSERVATION DISTRICT USE APPLICATION	12
Dillingham Ranch Agricultural Subdivision DEA Withdrawal	6	NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS
Kalani High School Girl's Athletic Locker Room DEA (AFNSI)	6	FEDERAL NOTICES
Wai'anae High School Athletic Field Bleachers FEA (FONSI)	7	GLOSSARY OF TERMS AND DEFINITIONS
		15

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



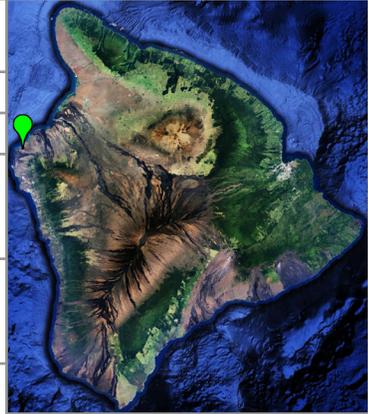
LEGEND

New document count in this issue: 14 total

- - HRS Chapter 343-5(b) Agency Actions: 12
- - HRS Chapter 343-5(e) Applicant Actions: 2

HAWAII

Kekaha Kai State Park Phase II Improvements FEA (FONSI)

HRS §343-5 Trigger(s)	(1) Use of State lands and funds (2) Use within conservation district	
District(s)	North Kona	
TMK(s)	(3) 7-2-05: 02, 03 & 07; 7-3-43: por. 01; 7-2-04: 03, 09, 17 & 19	
Permit(s)	Conservation District Use Permit, Shoreline Setback Determination, Special Management Area Permit, National Pollutant Discharge Elimination System Permit, Disability and Communication Access Board, County of Hawaii Building Permit	
Proposing/ Determining Agency	Department of Land and Natural Resources, Engineering Division Carty Chang, Chief Engineer, (808) 587-0230, carty.s.chang@hawaii.gov 1151 Punchbowl Street, Room 221, Honolulu, HI 96813	
Consultant	Geometrician Associates Ron Terry, (808) 969-7090, rterry@hawaii.rr.com P.O. Box 396, Hilo, HI 96721	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

This is a re-publishing of the FEA-FONSI for the Kekaha Kai State Parks Phase II Improvements which was originally published in *The Environmental Notice* on February 23, 2015. This FEA-FONSI was inadvertently published prior to its approval by the Board of Natural Land and Natural Resources and therefore was withdrawn on June 23, 2016. This current FEA-FONSI being submitted for publishing has not been edited or changed from the previous one published on February 23, 2015.



Kekaha Kai State Park, Hawaii



Heliotrope trees

Photo by [troy mckaskle](#)

Decommissioning of DLNR Poohohoo Reservoir No. 2 FEA (FONSI)

HRS §343-5 Trigger(s)	Use of State Land and State Funds	
District(s)	North Kona	
TMK(s)	(3rd) 7-1-001:006 (por.)	
Permit(s)	Chapter 6E, HRS, determination (Historic Properties)	
Proposing/ Determining Agency	Department of Land and Natural Resources, Engineering Division Gayson Ching, Gayson.Y.Ching@Hawaii.gov , (808) 587-0232 1151 Punchbowl St., Room 221, Honolulu, HI 96813	
Consultant	Geometrician Associates Ron Terry, rterry@hawaii.rr.com ; Jason Inaba, (808) 961-3727 PO Box 396, Hilo, HI 96721	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

DLNR plans to decommission Poohohoo Reservoir No. 2, an abandoned earthen structure located on the makai flanks of a cinder cone at 3,800 feet in elevation in the Pu'uwa'awa'a Forest Reserve. The reservoir was built in 1968 as part of a system of catchments, tanks and pipelines supplying ranch water, but it was damaged shortly after construction and has not held water since. As it is currently unused and not needed or suitable for future use, it will be decommissioned by removing the liner remnants and excavating and breaching the embankments. No threatened or endangered species or historic sites or cultural practices would be affected by the action. Project plans include precautions to minimize erosion and sedimentation and ensure that the area is geologically stable and can be eventually restored to a native forest condition. Temporary visual impacts from removing the artificial topography will be minor, and after regrowth of koa trees, the scenic character will improve.

MAUI

Hāna Pier Deck Removal EISPN (Direct to EIS)

HRS §343-5 Trigger(s)	Use of State lands and funds	
District(s)	Wainanalua Ahupua'a, Hāna District	
TMK(s)	N/A North of TMK (2) 1-4-004:036	
Permit(s)	Federal Department of the Army (Note: Specific permits to be identified by the U.S. Army Corps of Engineers) * Section 10, Rivers and Harbors Act - work in navigable waters of the U.S. State Department of Health * National Pollutant Discharge Elimination System (NPDES) Permit– potentially required for construction laydown/staging area if total area is greater than one acre * Construction Noise Permit Department of Business, Economic Development and Tourism * Coastal Zone Management Consistency Certification	
Proposing Agency	Department of Transportation, Harbors Division Sandra Rossetter, Project Manager, Sandra.c.rossetter@hawaii.gov , (808) 587-1886 Attn: Planning Section, 79 South Nimitz Highway, Honolulu, HI 96813	
Accepting Authority	Governor, State of Hawai'i The Honorable David Y. Ige, http://governor.hawaii.gov/contact-us/contact-the-governor/ , (808) 586-0034 Executive Chambers, State Capitol, 415 South Beretania Street, Honolulu, HI 96813	
Consultant	HHF Planners Gail Renard, grenard@hhf.com , (808) 457-3167 733 Bishop Street, Suite 2590 Honolulu, HI 96813	
Status	Administrative 30-day public review and comment period starts. Comments are due by November 7, 2016. Please send comments to the proposing agency and copy the consultant.	

The proposed action is to remove the superstructure of Hāna Pier and access trestle at Hāna Harbor. The concrete pier and its access trestle are condemned due to the deteriorated condition of its superstructure (i.e., deck, beams, pile caps, and trestle guardrails). The existing piles would remain in place to avoid adversely impacting corals that have colonized on the piles. The purpose of the action is to remove the public safety hazard presented by the deteriorated pier. A second purpose is to respect the community's opposition to commercial use that would be required under DOT-H's mission if the pier were to be repaired instead of demolished. The action is needed because individuals continue to access the deteriorated pier and place themselves at risk, despite barrier fencing and warning signage that are repeatedly installed, repaired, and replaced by DOT-H. In its current condition, the pier serves as an attractive nuisance—a facility that attracts use by community members despite its condemned status, the hazards posed by its unsafe condition, and the physical barriers and warning signs installed by DOT-H. Continued unauthorized use of the pier places community members at risk of injury and presents DOT with ongoing exposure to liability.

Hoku Nui Community DEA Withdrawal

HRS §343-5 Trigger(s)	Use of County Lands (Pi'iholo)	
District(s)	Makawao	
TMK(s)	(2) 2-4-012:005, and 039 through 046	
Permit(s)	HRS§201H-38 Affordable Housing Project	
Approving Agency	County of Maui, Department of Housing and Human Concerns Buddy Almeida, Buddy.Almeida@co.maui.hi.us , (808) 270-7351 2200 Main Street, Suite 546, Wailuku, HI 96793	
Applicant	Hoku Nui Maui, LLC Joshua Chavez, chavezmaui@hotmail.com , (808) 268-9726 P.O. Box 1347, Makawao, HI 96768	
Consultant	Munekiyo Hiraga Charlene Shibuya, planning@munekiyohiraga.com , (808) 244-2015 305 High Street, Suite 104, Wailuku, HI 96793	
Status	The applicant is withdrawing the DEA published on April 23, 2016.	

HNM has identified an alternate land planning and development program intended to meet the original objective of a sustainable agricultural community. This new planning concept does not trigger Chapter 343, HRS. Accordingly, the DEA previously published in the OEQC's *Environmental Notice* is being withdrawn.

MAUI (CONTINUED)

Pūlehunui Division of Forestry and Wildlife Baseyard FEA (FONSI)

HRS §343-5 Trigger(s)	Use of State Lands and Funds	
District(s)	Wailuku	
TMK(s)	(2)3-8-008:001 (Por.)	
Permit(s)	State Land Use Commission Special Use Permit, County Conditional Permit, Building Permits, Construction Permits (Grading, Electrical, Plumbing)	
Proposing/ Determining Agency	Department of Land and Natural Resources Gayson Ching, Engineering Division, gayson.y.ching@hawaii.gov , (808)587-0232 P.O. Box 373, Honolulu, HI 96809	
Consultant	Munekiyo Hiraga Tessa Munekiyo Ng, planning@munekiyohiraga.com , (808) 983-1233 305 High Street, Suite 104, Wailuku, HI 96793	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

The Division of Forestry and Wildlife currently operates at an existing baseyard on 3 acres located on Kuleana Street in Kahului. DLNR is proposing the development of a new baseyard on 20.3 acres of a State owned parcel at Pūlehunui. At full buildout, the baseyard will include offices, warehouse, lab, parking and equipment storage, nursery, dryland forest restoration, training field, helicopter landing zone, and other ancillary uses. Buildings will not exceed one-story in height. The main vehicular access will be off of the existing Kama‘aina Road with a secondary access off South Firebreak Road.

While the proposed baseyard is DLNR’s preferred alternative for this project, renovation of the existing Kahului Baseyard may be considered if funding is not available to develop the Pūlehunui Baseyard. Therefore, renovation of the Kahului Baseyard is also assessed in this Draft EA as a secondary alternative. The renovation would include upgrading the existing warehouse, employee support facilities, plant nursery, and covered parking, relocation of the existing auto repair shop, and development of additional parking and a new multi-story office building. The Kahului Baseyard renovation project would involve lands designated as TMK (2)3-8-079:018 and (2)3-8-001:019.

Waihe‘e Ridge Trail Improvements DEA (AFNSI)

HRS §343-5 Trigger(s)	Use of State and County Funds; Use of State Lands	
District(s)	Wailuku	
TMK(s)	TMK (2) 3-1-006:001 and TMK (2)3-1- 001:028 (Parcel 28)	
Permit(s)	Maui County Special Use Permit, building permit	
Proposing/ Determining Agency	State of Hawai‘i, Department of Land and Natural Resources Torrie Nohara, (808) 984-8100, torrie.l.nohara@hawaii.gov 54 South High Street, Wailuku, HI 96793	
Consultant	WHALE Environmental Services LLC Mark Howland, markahowland@hawaii.rr.com , (808) 294-9254 P.O. Box 455, Kahuku, HI 96731	
Status	Statutory 30-day public review and comment period starts. Comments are due by November 7, 2016. Please send comments to the proposing/determining agency and copy the consultant.	

The Division of Forestry and Wildlife is proposing to implement trail improvements and related structures on the Waihe‘e Ridge Trail located at Kahakuloa, Maui, Hawai‘i. The property is owned by the DLNR.

These trail improvements are intended to update the trail to address public safety concerns as related to hikers and/or other trail users through surface improvements, drainage upgrades, and vegetative management. Related improvements include upgrades to the viewing platforms from the trail, including the construction of two new observation platforms, and associated support structures which are intended to enhance the existing trail system experience and bring the trail up to current trail improvement design standards.

MOLOKA'I

Modified Kaunakakai Drainage System Improvements (Phase 1B) DEA (AFNSI)

HRS §343-5 Trigger(s)	Use of State/County lands and County funds and State Land Use Conservation District Land	
District(s)	Moloka'i	
TMK(s)	(2)5-3-001:003 and 008, (2)5-3-005:006 and 007, and (2)5-3-001:999 (rights-of-way)	
Permit(s)	Conservation District Use Permit, Special Management Area Use Permit, and Shoreline Setback Assessment/Determination	
Proposing/ Determining Agency	County of Maui Department of Public Works Kristi Ono, Kristi.Ono@co.maui.hi.us , (808) 270-7745 200 South High Street, 4th Floor, Wailuku, HI 96793	
Consultant	Munekiyo Hiraga Marisa Fujimoto, planning@munekiyohiraga.com , (808) 244-2015 305 High Street, Suite 104, Wailuku, HI 96793	
Status	Statutory 30-day public review and comment period starts. Comments are due by November 7, 2016. Please send comments to the proposing/determining agency and copy the consultant.	

The Maui Department of Public Works proposes drainage improvements, including a new culvert which will connect to the existing culvert at the southeast corner of the intersection of Maunaloa Highway/Kamehameha V Highway and Kaunakakai Place. The new culvert will continue west, along TMK (2)5-3-001:008 (por.) and the rights-of-way. The culvert will turn south adjacent to the County's sewer lift station and will outlet into an energy dissipation basin to capture sediment and limit erosion as the flow transitions into the natural existing swale. A flood wall is also proposed along the fence line of the County lift station, as well as an earthen berm extending from the eastside of sewer lift station to a location near the Moloka'i Yacht Club.

The proposed project is a component of the 1992 Kaunakakai Drainage Master Plan, which the Department of Public Works is implementing in phases. The Department of Public Works began construction of Kaunakakai Drainage System "B" in 1998 to address flooding in the Kaunakakai area. The proposed drainage improvements were realigned to avoid contaminated soils discovered during construction.

Pāku'i Watershed Project DEA (AFNSI)

HRS §343-5 Trigger(s)	§343-5(1) and (2)	
District(s)	Moloka'i	
TMK(s)	Pua'ahala (TMK: 5-6-06-002), Ka'amola (TMK: 5-6-06-003), Keawa Nui (TMK: 5-6-06-007; 5-6-06-025), West 'Ōhi'a (TMK: 5-6-06-010), East 'Ōhi'a (TMK: 5-6-06-011; 5-6-06-018), Manawai (TMK: 5-6-06-013), Kahananui (TMK: 5-6-06-014), 'Ualapu'e (TMK: 5-6-06-026), Kalua'aha (TMK: 5-7-05-001)	
Permit(s)	Conservation District Use Permit	
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife Katie Erbak, Katie.C.Ersbak@hawaii.gov , (808) 587-4189 1151 Punchbowl Street, Honolulu, HI 96816	
Consultant	The Nature Conservancy, Moloka'i Program on behalf of the East Moloka'i Watershed Partnership Stephanie Dunbar-Co, sdunbar-co@TNC.ORG , (808) 553-5236 x6590 PO Box 220, Kualapuu, HI 96757	
Status	Statutory 30-day public review and comment period starts. Comments are due by November 7, 2016. Please send comments to the proposing/determining agency and copy the consultant.	

The Division of Forestry and Wildlife, in collaboration with The Nature Conservancy, Moloka'i Program and the East Moloka'i Watershed Partnership, is proposing to construct a protective fence through the upper Pua'ahala, Ka'amola, Keawa Nui, West 'Ōhi'a, East 'Ōhi'a, Manawai, Kahananui, 'Ualapu'e, and Kalua'aha ahupua'a (land divisions), collectively referred to as the Pāku'i Unit on the Island of Moloka'i. The proposed fence will be approximately 5.5 miles in length and protect approximately 2,080 acres of vital watershed. The entire 2,080 acre proposed project is a mixture of public and private lands located in the Conservation and Agriculture Districts. The Pāku'i Watershed Project is part of a larger vision to care for southeast Moloka'i's remaining native Hawaiian forests. These forests sit atop and help recharge the 'Ualapu'e aquifer - the source of residential water supplied by the County of Maui in Mana'e. Less than 15% of the original native Hawaiian ecosystems are left on Moloka'i. The protection of this natural, cultural resource is imperative to the health of the island and its residents. The fence will expand the protection of the native forest, which are some of the healthiest remaining in the State.

O'AHU

Dillingham Ranch Agricultural Subdivision DEA Withdrawal

HRS §343-5 Trigger(s)	Roadway Connection to Farrington Highway and Wastewater Treatment Plant	
District(s)	Waialua	
TMK(s)	(1) 6-8-3: 6 and 15	
Permit(s)	Section 404 Permit; 401 Water Quality Certification; Public Water System approval; Wastewater System approval; National Pollutant Discharge Elimination System Permit; Community Noise Permit; Historic Resources Review; Stream Channel Alteration Permit; Well Drilling and Pump Installation Permits; approval of Work-to-Perform in the State Highway Right-of-Way; Grubbing, Grading, and Stockpiling Permits; Construction Plans approval; Final Subdivision approval; Building, Driveway, Electrical, and Plumbing Permits; Certificates of Occupancy	
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Joette Yago, jyago@honolulu.gov , (808) 768-8034 650 South King Street, Honolulu, HI 96813	
Applicant	Dillingham Ranch Aina, LLC Dave Eadie, deadie@kennedywilson.com , (714) 619-7877 3200 Bristol Street, Suite 640, Costa Mesa, CA 92626	
Consultant	HHF Planners Glenn Tadaki, gtadaki@hhf.com , (808) 457-3179 733 Bishop Street, Suite 2590, Honolulu, HI 96813	
Status	The applicant is withdrawing the DEA published on December 23, 2014.	

A DEA-AFNSI for the proposed action was published in *The Environmental Notice* on December 23, 2014. Dillingham Ranch Aina, LLC proposed an Agricultural Subdivision on approximately 934 acres of the 2,742-acre Dillingham Ranch to include 91 lots for sale each with a minimum size of 5.0 acres. Two subdivided lots were intended to be for an agricultural cluster with approximately 15 farm dwellings. Subdivision lot owners were intended to be able to build a farm dwelling and non-agricultural accessory uses with a development area not to exceed 5,000 square feet on a single lot per the Land Use Ordinance. New roads were proposed to be developed to access the subdivided lots and agricultural operations. The remaining acreage of 1,808 acres were to be resubdivided into seven bulk parcels to serve the pasturage and equestrian operations, agricultural and ranch operations, and protected open space. After review of the DEA with the City Department of Planning and Permitting, Dillingham Ranch Aina will now proceed with an EIS for a reconfigured project.

Kalani High School Girl's Athletic Locker Room Building DEA (AFNSI)

HRS §343-5 Trigger(s)	Use of County land and State funds	
District(s)	Honolulu	
TMK(s)	(1) 3-5-020:004	
Permit(s)	Dept. of Health Individual Wastewater System, Disability and Communications Access Board, State Historic Preservation Division, Dept. of Planning and Permitting Grading, Sitework, and Building Permits	
Proposing/Determining Agency	Department of Education Facilities Development Branch Project Management Section Arnold Fukunaga, AIA, (808) 586-0440, Arnold_Fukunaga/FacilDev/HIDOE@notes.k12.hi.us Kalanimoku Building, Room 431, 1151 Punchbowl Street, Honolulu, HI 96813	
Consultant	PlanPacific, Inc. Lisa Leonillo Imata, limata@planpacific.com , (808) 521-9418 P.O. Box 892735, Mililani, HI 96789	
Status	Statutory 30-day public review and comment period starts. Comments are due by November 7, 2016. Please send comments to the proposing/determining agency and copy the consultant.	

Modernize the Kalani High School campus with construction of a new Girl's Athletic Locker Room building, a new Judo/Wrestling building, and renovation of the existing Girl's P.E. Locker/Shower Area. An additive alternative to demolish the existing field restrooms and construct a new field restroom building is included. This project will address gender inequality in athletic facilities as well as substandard building area conditions.

O‘AHU (CONTINUED)

Wai‘anae High School Athletic Field Remove/Replace Bleachers FEA (FONSI)

HRS §343-5 Trigger(s)	§343-5(a)(1) Propose the use of state or county lands or state or county funds	
District(s)	Wai‘anae	
TMK(s)	8-5-002: 018 por.	
Permit(s)	Special Management Area, Variance from Pollution Control (Noise), Building, Grading, Grubbing, and Stockpiling	
Proposing/ Determining Agency	State of Hawai‘i, Department of Education, Facilities Development Branch Robert Purdie, (808) 586-0448, Robert_Purdie/FacilDev/HIDOE@note.k12.hi.us 3633 Wai‘alae Avenue, Honolulu, HI 96816	
Consultant	Gerald Park Urban Planner Gerald Park, (808) 625-9626, gpark@gpup.biz 95-595 Kanamee Street, #324, Mililani, HI 96789	
Status	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

The Department of Education proposes improvements at Wai‘anae High School Athletic Field. The action will remove existing wood and steel bleachers on the Visitor’s side of the field and replace them with new aluminum bleachers featuring 15-tier seating, space for 17 wheelchairs, ADA accessibility, and seating for up to 2,065 spectators.

The project also proposes constructing a new accessible walkway from the Mākaha end of the field (in the vicinity of a concession stand) to the Visitor’s bleachers and to a performance stage behind the Visitor’s bleachers and replacing two concrete athletic field light poles with two new steel poles of the same nominal height in back of the new bleachers.

The cost of the project is estimated at \$1.66 million. Construction will commence after all approvals are received and should take 12 months to complete.

Thomas Square Park Renovation DEA (AFNSI)

HRS §343-5 Trigger(s)	Use of County lands and funds; action within a site on the National Register of Historic Places	
District(s)	Honolulu	
TMK(s)	(1) 2-4-001-001	
Permit(s)	Compliance with Chapter 6E, Hawai‘i Revised Statutes; Special District Permit-minor; Special Design District Amendment; Grading and Building Permits, Street usage permit for construction-related work in right of ways or lane closures	
Proposing/ Determining Agency	City and County of Honolulu, Department of Design and Construction Robert J. Kroning, P.E., (808)768-8480, rkroning@honolulu.gov 650 S. King Street, 11th Floor, Honolulu, HI 96813	
Consultant	PBR HAWAII & Associates, Inc. Catie Cullison, AICP, (808) 521-5631, ccullison@pbrhawaii.com 1001 Bishop Street, Suite 650, Honolulu, HI 96813	
Status	Statutory 30-day public review and comment period starts. Comments are due by November 7, 2016. Please send comments to the proposing/determining agency and copy the consultant.	

The City and County of Honolulu has prepared a master plan for the renovation of Thomas Square Park. The purpose of the renovation is to:

- * Honor the past, especially the Restoration of the Hawaiian Monarchy on July 31, 1843.
- * Embody art, history, and culture at the center of the Thomas Square/Honolulu Academy of Arts Special District.
- * Revitalize and reactivate the Park to make it a fun place for passive, self-directed outdoor recreation.

The Renovation Plan includes but is not limited to: elements to honor Kauikeaouli (King Kamehameha III) and the restoration of the Hawaiian Kingdom on July 31, 1843; upgraded connections to surrounding arts and institutional uses; an allée of trees along widened sidewalks on Victoria Street and Ward Avenue; renovation of comfort station and maintenance buildings to include space for serving food or event preparations; performance space for the Royal Hawaiian Band; seating terraces to face the performance space; temporary food truck parking area parallel to Victoria Street; repairs of the central fountain; security lighting; and, new landscape beds, benches, and trash receptacles.

O‘AHU (CONTINUED)

Kawela Bridge and Nanahu Bridge Replacement Project, Kamehameha Highway, Route 83 DEA (AFNSI)

HRS §343-5 Trigger(s)	Use of State Lands and Funds	
District(s)	Ko‘olauloa	
TMK(s)	Various (see document)	
Permit(s)	Various (see document)	
Proposing/ Determining Agency	State of Hawai‘i, Department of Transportation Kevin Ito, (808) 692-7548, Kevin.Ito@hawaii.gov 601 Kamokila Boulevard, Room 688A, Kapolei, HI 96707	
Consultant	CH2M HILL (under contract to Federal Highway Administration, Central Federal Lands Highway Division [FHWA-CFLHD]) Kathleen Chu, (808) 440-0283, Kathleen.Chu@ch2m.com 1132 Bishop Street, Suite 1100, Honolulu, HI 96813	
Status	Statutory 30-day public review and comment period starts. Comments are due by November 7, 2016. Please send comments to the proposing/determining agency and copy the consultant.	

The Department of Transportation proposes to replace Kawela Bridge and Nanahu Bridge on Kamehameha Highway. The existing single-span bridges would be replaced with longer and wider single-span bridges with slight changes in the highway alignment for both bridges. The project would improve mobility for highway users, address existing structural deficiencies, reduce maintenance costs, and better meet current design standards for roadway width, load capacity, barrier railing and transitions, and approach roadways.

Project implementation would result in short-term, construction-related impacts (noise, dust, and erosion), but best management practices would be implemented to minimize the environmental effects. State and Federally-protected wildlife species (including the Hawaiian coot, Hawaiian moorhen, Hawaiian stilt, Hawaiian duck, Hawaiian goose, Hawaiian hoary bat, Hawaiian monk seal, green sea turtle, and hawksbill sea turtle) have the potential to occur in the project vicinity. Critical habitat for Hawaiian Monk seal exists within the action area for the Kawela Bridge. Conservation measures including restrictions on construction timing would be implemented to avoid and minimize long-term effects to the species. Effects to historic architectural resources and archaeological resources are not anticipated because no eligible historic properties are located within the project area. The project would permanently incorporate approximately 4,108 square feet of land from a Section 4(f)-eligible parcel owned by the City and County of Honolulu for a permanent easement to install and maintain riprap along Kawela Stream. As the project is not expected to adversely affect any existing or planned recreational features, attributes, or activities qualifying the property for protection under Section 4(f), the project would be expected to result in de minimis impacts.

KAUA‘I

Hanakāpī‘ai Stream Bridge Project DEA (AFNSI)

HRS §343-5 Trigger(s)	Use of State lands and State funds; Use of State Conservation District Land	
District(s)	Hanalei	
TMK(s)	4-5-9-001:001	
Permit(s)	SMA Major Use Permit, Conservation District Use Permit	
Proposing/ Determining Agency	State of Hawai‘i, Department of Land and Natural Resources, Division of State Parks Lauren Tanaka, (808) 587-0293, lauren.a.tanaka@hawaii.gov 1151 Punchbowl Street, Room 310, Honolulu, HI 96813	
Consultant	Tetra Tech, Inc. Alison Andrews, (808) 441-6651, ali.andrews@tetrattech.com 737 Bishop Street, Suite 2340, Honolulu, HI 96813	
Status	Statutory 30-day public review and comment period starts. Comments are due by November 7, 2016. Please send comments to the proposing/determining agency and copy the consultant.	

The Department of Land and Natural Resources, through the Division of State Parks and the Engineering Division, proposes to install a 4-foot wide, 82-foot long aluminum truss pedestrian bridge across Hanakāpī‘ai Stream and construct approximately 50 feet of new trail to connect the bridge to the existing Kalalau Trail in the Nāpali Coast State Wilderness Park, on Kaua‘i Island, Hawai‘i.

OPEN ENVIRONMENTAL REVIEW DOCUMENTS

Status: Public review and comment period for these projects began previously. Comments are due October 24, 2016 unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

[Pā'ia Trade Center DEA \(AFNSI\)](#)

[Dillingham Ranch Agricultural Subdivision EISPN \(Direct to EIS\)](#)

[Kawainui-Hāmākua Master Plan Project EISPN \(Direct to EIS\)](#)

[Mayor Wright Homes Redevelopment EISPN \(Direct to EIS\)](#)

[Replacement of Oahu Community Correctional Center \(OCCC\) EISPN \(Direct to EIS\) \(comments due 11/22/16\)](#)

[Wai'anae Wastewater Treatment Plant Improvements and Upgrade DEA \(AFNSI\)](#)

[Hanapēpē-'Ele'ele Water Systems Improvements DEA \(AFNSI\)](#)

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-1728	9/20/16	Being Lot 224 (Map 79) of Land Court Application 505 situate at Kailua, Ko'olaupoko, O'ahu Address: 1020 Mokulua Drive Purpose: Building setback	Engineers Surveyors Hawaii, Inc./ Lee, Sung Tr.	(1) 4-3-006: 055
OA-1729	9/28/16	Lots 303 and 304 (Map 161) of Land Court Application 323 situate at Kailua, Ko'olaupoko, O'ahu Address: 572-C Kalāheo Avenue Purpose: Setback purposes	Austin, Tsutsumi & Associates, Inc./ Liu Xin and Ma Meyi	(1) 4-3-018: 020
MA-653	9/19/16	Allotments 41-A and 47-A and portion of Allotment 2 of Mailepai Hui Partition being a portion of Royal Patent 1663, Land Commission Award 5524, 'Āpana 1 to L. Konia situate at Nāpili 2 & 3, Lahaina, Maui Address: 5505 Lower Honoapi'ilani Road and Hui Road "H" Purpose: Planning for future use	Warren S. Unemori Engineering Inc./ Napili Kai Ltd.	(2) 4-3-002:026, 027, & 028
HA-533	9/20/16	Lot 1-F Unit 2 Land Court Application No. 1618 as shown on Map 2 Ilima Condominium Project being a portion of Grant 10,860 to Leslie W. Wishard situate at Lālāmilo, South Kohala, Hawai'i Address: n/a Purpose: Building permit	Roger Dean Fleenor/ Naupaka LTD Partnership	(3) 6-6-002:029



Kepuhi Beach and Kaiaka Rock (Heiau site), Moloka'i

Photo by [Rose Braverman](#)

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-1714	Proposed Shoreline Certification	Lot 12, Land Court Application 609 situate at Mokulē'ia, Waialua, O'ahu Address: 68-549 Crozier Drive Purpose: Building permit	Walter P. Thompson, Inc./ Frederick & Bonnie Fong	(1) 6-8-004:014
OA-1716	Proposed Shoreline Certification	Lot 47 File Plan 863 Mokulē'ia Beach Subdivision situate at Kamananui, Waialua, O'ahu Address: 68-235 Au Street Purpose: Building permit	Walter P. Thompson, Inc./ Pat Ferraris Trust	(1) 6-8-012: 047
MA-641	Proposed Shoreline Certification	Lot 7 of Pu'unoa Subdivision No. 2 situate at Kainehe, Lahaina, Maui Address: 1045 Front Street Purpose: Lender/County	Stanley Dunn/ Stanley Dunn	(2) 4-5-003:025
MA-651	Proposed Shoreline Certification	Being Portions of Royal Patent 6962, Land Commission Award 3931 'Āpana 2 to Naiwimawaho and Land Patent 8129, Land Commission Award 8559-B, 'Āpana 23 to Wm. C. Lunalilo situate at Honolua, Lahaina, Maui Address: 6245 Honoapi'ilani Highway Purpose: Building setback	Arthur Valencia/ William & Mary Engel	(2) 4-2-004:019
MA-652	Proposed Shoreline Certification	Shoreline along Honoapi'ilani Highway Federal Aid Project No. HI STP SR 30(1) Lahaina Bypass 1B-2 Portion of Tax Map Key (2) 4-7-001:003 & (2) 4-8-003:006 situate at Launiupoko, Lahaina, Maui Address: Honoapi'ilani Highway Purpose: Permitting purposes	Control Point Surveying, Inc./ State of Hawai'i – Department of Transportation	(2) 4-7-001:003 & (2) 4-8-003:006
HA-528	Rejection	Parcel No. 6 Being a Portion of Royal Patent No. 8021 Land Commission Award No. 226-B Apana 2 to Kekoa situate at Waipunaula, South Kona, Hawai'i Address: 82-6033 Manini Beach Road Purpose: Setback Determination	Thomas Pattison/ Lynn Tilton	(3) 8-2-005:006



Nā Pali Coast, Kaua'i

Photo by [Dhilung Kirat](#)

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

National Oceanic and Atmospheric Administration (NOAA) Designation of the He'eia National Estuarine Research Reserve (NERR), Kāne'ohe Bay, O'ahu

Proposed Action: The NOAA Office for Coastal Management is proposing to designate the He'eia NERR in Kāne'ohe Bay, O'ahu, and approve the State of Hawai'i developed management plan. Designation of the He'eia site as the 29th reserve in the national system will provide a more coordinated approach to managing the estuarine system that fosters collaboration in reaching common goals for research, education, and resource/cultural stewardship. The proposed He'eia NERR is located within the Kāne'ohe Bay region on the windward side of O'ahu and would represent the only reserve within the Hawaiian Islands. The proposed site encompasses 1,385 acres of coastal habitats including uplands, wetlands, and marine habitats, and includes He'eia State Park, He'eia Fishpond, and Moku o Lo'e (Coconut Island). Designation does not alter existing state or federal regulations and authorities of the resource agencies, land owners, and lessees of the lands and waters contained within the proposed boundaries. The proposed NERR will be operated by the University of Hawai'i Institute of Marine Biology in partnership with NOAA and multiple state and local entities, and be eligible for annual operational funding from NOAA. The Draft Environmental Impact Statement and Draft Management Plan can be viewed at: <https://www.coast.noaa.gov/czm/compliance/>

Location: He'eia, Kāne'ohe Bay, O'ahu
Federal Action: Federal Agency Activity
Federal Agency: NOAA Office for Coastal Management
Informational Contact: Mr. Matt Chasse, (240) 533-0808, matt.chasse@noaa.gov
CZM Contact: John Nakagawa, 587-2878, john.d.nakagawa@hawaii.gov
Comments Due: October 24, 2016

Residential Boat Dock in Kāne'ohe Bay at 46-194 Na Kao Place, Kāne'ohe, O'ahu

Proposed Action: Construct a new residential boat dock to replace an existing pier in Kāne'ohe Bay, O'ahu. The dock will run along 22 feet of an existing concrete rubble masonry wall and extend seaward 16 feet, for a total of approximately 352 square feet. The dock construction will consist of structural plastic lumber for the deck and will involve the placement of six pre-cast concrete pier footings placed into position by crane-lift. The purpose of the dock is to provide berthing of a private boat and recreational use of the residential dock.

Location: 46-194 Na Kao Place, Kāne'ohe, O'ahu
TMK(s): (1) 4-6-3:7
Applicant: Mr. Clyde Kaneshiro
Contact: Mr. Mike Saito, Agent, 792-0109
Federal Action: Federal Permit
Federal Agency: U.S. Army Corps of Engineers
CZM Contact: John Nakagawa, 587-2878, john.d.nakagawa@hawaii.gov
Comments Due: October 24, 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
Maui: Mākena (2-1-006: 037)	Open Cabana Structure (SM2 20160104)	Washington- Hawai'i Capital, LLC
Maui: Lahaina (4-6-001: 009)	Aloha Festivals-Banyan Tree Hoolaleua (SM2 20160105)	Lahaina Town Action Committee
Maui: Ha'ikū (2-8-011: 018)	Ground Mount Photovoltaic Array (SM2 20160106)	Tiffany Wagner
Maui: Kahului (3-8-007: 001)	Fuel Tank Replacement (SM2 201600107)	County of Maui
Maui: Ha'ikū (2-9-011: 003)	Consolidate / Re-subdivide (SM2 20160108)	Lynnette Knox
Maui: Kahului (3-7-002: 020)	Alterations-Verizon Rooftop (SM2 20160109)	Verizon Wireless
Maui: Lahaina (4-3-010: 009)	Repair Existing Revetment (SM2 20160110)	Scott Brothers Construction
O'ahu: Kāne'ohē (4-5-002: 001)	Makani Kai Marina Existing Nonconforming Seawall Repair and Partial Reconstruction (2016/SMA-50)	Uaitemata Ungounga

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.

Polarized Light from Atmospheres of Nearby Extra-Terrestrial Systems (PLANETS) Astronomy Facility

File No.: CDUA MA-3779
Name of Applicant: University of Hawai'i, Institute for Astronomy
Location: Haleakalā High Altitude Observatories Site at Waiakoa, Makawao District, Maui
TMK(s): (2) 2-2-007:008
Proposed Action: PLANETS astronomy facility
343, HRS determination: Draft Environmental Assessment published July 23, 2016
Applicant's Contact: Dr. Charlie Fein, KC Environmental, Inc. (808) 573-7837

Persons interested in commenting on the following Conservation District Use Application (Board Permit) must submit comments to the Department of Land and Natural Resources within thirty days from the initial date that the notice was published in *The Environmental Notice*. Comments may be sent to the Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, Hawai'i 96809. For more information, please contact Michael Cain of the Office of Conservation and Coastal Lands staff at 587-0048.



Haleakalā, Maui

Photo by [Jason Carpenter \(Cropped\)](#)

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*.

Pali Kilo Cottages Expansion Project at Marine Corps Base Hawai'i, Kāne'ōhe Bay FONSI

Island	O'ahu
District(s)	Ko'olaupoko
TMK(s)	(1) 4-4-008: portion of 001
Proposing/ Approving Agency	Commanding Officer, Marine Corps Base Hawai'i Box 63002, Kāne'ōhe Bay, HI 96863-3002 Naval Facilities Engineering Command Pacific (NFECP) Building 258, Makalapa Drive, Suite 100, Pearl Harbor, Hawai'i 96860-3134 Attn: Pali Kilo Beach Cottages EA Project Manager, Code EV 21 Telephone: (808) 472-1450
Consultant	HHF Planners Ronald Sato, AICP, (808) 457-3172, rsato@hhf.com Pacific Guardian Center, Makai Tower, 733 Bishop Street, Suite 2590, Honolulu, Hawai'i 96813
Status	For further information, please contact NFECP (above)

Pursuant to the National Environmental Policy Act, Marine Corps Base Hawai'i hereby provides notice that a Finding of No Significant Impact has been determined for the Pali Kilo Beach Cottages Expansion Project at Marine Corps Base Hawai'i, Kāne'ōhe Bay, O'ahu, Hawai'i based on an Environmental Assessment. The project proposes developing new recreational cottages on about 16.8 acres in the Pali Kilo district of the Base. This would increase the number of recreational cottages to meet current and future demand, and promote the overall morale and welfare of the U.S. Department of Defense community. The project consists of new recreational cottages and an Efficiency Unit complex (total of 49 units). As part of the National Historic Preservation Act, Section 106 consultation with the State Historic Preservation Officer and other consulting parties, MCB Hawai'i decided to reduce the number of lodging units from 49 to 33 to avoid certain historic properties as a means of mitigating adverse effects. The cottages would be single-story, wood-framed buildings, and range in size from 950 (single unit) to 2,600 square feet (duplex unit). The EU complex consists of a cluster of single-story buildings and a maintenance building. Studio units would have a floor area of about 450 square feet. The EU complex would be constructed on a previously developed site used to store emergency generators and other portable equipment. The equipment would be relocated to a vacant area within the Base along D Street.



Ko'olau Range and Kāne'ōhe Bay, O'ahu

Photo by [Robert Linsdell](#)

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.

[Taking Marine Mammals Incidental to the U.S. Air Force 86 Fighter Weapons Squadron Conducting Long Range Strike Weapon Systems Evaluation Program at the Pacific Missile Range Facility at Kaua'i \(published 10/3/2016\)](#)

An incidental harassment authorization has been issued to the U.S. Air Force 86 Fighter Weapons Squadron to incidentally harass marine mammals during Long Range Strike Weapons System Evaluation Program activities in the Barking Sands Underwater Range Extension area of the Pacific Missile Range Facility at Kaua'i.

[Marine Mammals; File No. 17845 \(published 10/3/2016\)](#)

Rachel Cartwright, Ph.D., Keiki Koholā Project, has applied for an amendment to Scientific Research Permit No. 17845 to authorize Level B playbacks for humpback whales to estimate their hearing range using behavioral observation audiometry. Sounds will be presented to a maximum of 300 humpback whales and their behavioral responses will be measured through visual and acoustic recordings including an unmanned aerial system.

[Endangered Status for 49 Species From the Hawaiian Islands \(published 9/30/2016\)](#)

The U.S. Fish and Wildlife Service determined endangered status under the Endangered Species Act of 1973, as amended, for 10 animal species, including the Hawai'i distinct population segment of the band-rumped storm-petrel (*Oceanodroma castro*), the orangeblack Hawaiian damselfly (*Megalagrion xanthomelas*), the anchialine pool shrimp (*Procaris hawaiiensis*), and seven yellow-faced bees (*Hylaeus anthracinus*, *H. assimulans*, *H. facilis*, *H. hiliaris*, *H. kuakea*, *H. longiceps*, and *H. mana*), and for 39 plant species from the Hawaiian Islands. This rule adds these species to the Federal Lists of Endangered and Threatened Wildlife and Plants.

Orangeblack Hawaiian damselfly



Photo by [Forest and Kim Starr](#) (cropped from original)

Band-rumped storm-petrel



Photo by [Julio Mulero](#)

Native yellow-faced bee



Photo by [Forest Starr and Kim Starr](#)

[Injurious Wildlife Species; Listing 10 Freshwater Fish and 1 Crayfish \(published 9/30/2016\)](#)

10 freshwater fish and 1 crayfish have been added to the list of species injurious to the interests of agriculture, wildlife, or wildlife resources of the US. These listings will prohibit the importation or interstate transportation of any live animal, gamete, viable egg, or hybrid in the US, except as specifically authorized. Species that have climate matches to Hawai'i are: the crucian carp and Nile perch (high climate matches), the Prussian carp (medium climate match, in regions of Hawai'i), and the European perch (ranges from low to high climate matches). If introduced, each is likely to spread and become established in the wild.

[Nominations to the Marine Mammal Scientific Review Groups \(published 9/29/2016\)](#)

Secretary of Commerce established three independent regional scientific review groups (SRGs) to provide advice on a range of marine mammal science and management issues. NMFS has conducted a membership review of the Alaska, Atlantic, and Pacific SRGs, and is soliciting nominations for new members to fill vacancies and gaps in expertise. Nominees should possess demonstrable expertise in the areas specified in this notice, be able to conduct thorough scientific reviews of marine mammal science, and be able to fulfill the necessary time commitments associated with a thorough review of documents and to attend one annual meeting. Nominations must be received by October 31, 2016 and can be emailed to Shannon.Bettridge@noaa.gov or mailed to: Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226, Attn: SRGs.

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 (EISPEN) along with the supporting Final EA. After the notice of the FEA-EISPEN 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 EISPEN 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, EISPEN) 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 EISPEN 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 EISPEN, 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 EISPEN 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).