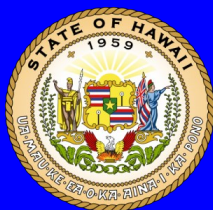


THE ENVIRONMENTAL NOTICE

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

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Aloha and mahalo for reading The Environmental Notice.

The Environmental Notice provides public notice for actions undergoing environmental review in Hawai'i. This is mandated under [Section 343-3, Hawai'i Revised Statutes](#), the Environmental Impact Statement Law, also commonly referred to as the Hawai'i Environmental Policy Act (HEPA). Along with publishing Hawai'i's Environmental Assessments and Environmental Impact Statements, The Environmental Notice publishes other items related to the shoreline, coastal zone, and federal activities.

Over the next several months, The Environmental Notice will undergo changes in look and feel. Please be assured that it will maintain its core content and prescribed schedule.

The 2016 Calendar of Submittal Deadlines is shown on page 12. The calendar has factored in weekends and holidays (see, HRS 1-29, HRS 8-1). By rule (HAR 11-200-3(c)), the submittal deadline is eight working days before publication; holidays and weekends are not counted when calculating the submittal date. When the deadline falls on a state holiday or nonworking day, the deadline is the next working day. The calendar also shows review and comment deadlines. An Adobe PDF copy of the calendar can be downloaded by clicking (or pasting in your favorite browser) the following URL: <http://goo.gl/wV6rEA>



A northwesterly view of the shoreline at Lanikūhonua, 'Ewa, O'ahu, with the Wai'ānae mountains in the background. Photograph courtesy of Meg DeLisle.



GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

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

Applicant Actions

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

Draft Environmental Assessment

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

Final Environmental Assessment and Finding of No Significant Impact

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

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

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

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

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

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

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

Draft Environmental Impact Statement

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The [content requirements](#) of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigative measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPN comment period in a point-by-point manner.

Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a [Final EIS](#) (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. See here for [style](#) concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

Acceptability

If the FEIS is [accepted](#), notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a non-acceptance determination.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare an EA or EIS. In many ways it is similar to Hawaii's law. Some projects require both a State and Federal EIS and the public comment procedure should be [coordinated](#). OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

Conservation District

Any use of land in the State Conservation District requires a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. Notices of permit applications are published in this bulletin.

Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

Shoreline Certifications

State law requires that Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

Environmental Council

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). [Agendas](#) of their regular meetings are posted on the Internet and the public is invited to attend.

Administrative Exemption Lists

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

Endangered Species

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

POLLUTION CONTROL NOTICES

DRAFT Environmental Management Division Enforcement Report for July-Sept 2015

The data in the spreadsheet below was submitted by the Department of Health's Environmental Planning Office. If you have any questions regarding this submittal, please contact Laura McIntyre at (808) 586-4337.

	<i>Complaints</i>	<i>Field Inspections</i>	<i>Warning Notices</i>	Field Citations	Enforcement Cases Issued	Formal Cases Pending	Formal Cases Resolved
	Informal	Informal	Informal	Formal	Formal	July-Sept 2015	Formal
Clean Air Branch TOTAL	518	652	11	3	5	20	4
Solid & Hazardous Waste Branch TOTAL	59	138	45	6	3	32	58
Clean Water Branch TOTAL	10	43	2	8	9	9	1
Wastewater Branch TOTAL	37	41	13	4	2	14	0
Safe Drinking Water Branch TOTAL	1	4	6	0	0	0	0
Environmental Mgt Div TOTAL	625	878	77	21	19	75	63

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area Minor Permits

The SMA Minor permits below have been approved (HRS 205A-30). For more information, contact the county/state Planning Department. Honolulu (768-8014); Hawai'i (East 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: North Kona (7-8-010: portion of 040)	Construct a Telecommunication Facility on the Roof-top of Building "C" (SMM 15-342)	Cellco Partnership dba Verizon Wireless
Maui: Paia (2-6-002: 002)	After-the-Fact Restaurant Alteration (SM2 20150054)	Francis E Skowronski
Maui: Wailuku-Kahului (3-2-012: 002; 3-8-001: 019 and 119; 3-8-007: 123)	Civil Defense Emergency Warning Siren Replacements (SM2 20150078)	County of Maui
Maui: Lahaina (4-6-001: 009)	Lighting of Banyan Tree (SM2 20150080)	Lahaina Town Action Committee
Maui: Lahaina (4-6-001: 009)	Lighting of Banyan Tree (SM2 20150081)	Lahaina Town Action Committee
Maui: Lahaina (4-6-001: 009)	Lighting of Banyan Tree (SM2 20150082)	Lahaina Town Action Committee
Maui: Lahaina (4-6-001: 009)	Lighting of Banyan Tree (SM2 20150083)	Lahaina Town Action Committee
Maui: Lahaina (4-6-001: 009)	Lighting of Banyan Tree (SM2 20150084)	Lahaina Town Action Committee
Maui: (3-7-009: 004)	Whole Foods Market - Restroom Addition (SM2 201500085)	Anthony Riecke-Gonzales
Maui: Lahaina (4-6-031: 004)	Demolish Building, New 2-Story Building (SM2 20150086)	Cary Branch
Maui: Haiku (2-6-002: 015)	Emergency Warning Sirens (SM2 20150087)	County of Maui
Maui: (3-7-009: 004)	Demolition of Tower and Add New Fountain (SM2 20150088)	Anthony Riecke-Gonzales
O'ahu: Pupukea (5-9-011: 069)	59-716 Kamehameha Community Events and Retail Buildings (2015/SMA-47)	Gregory A. Quinn