

2.5 Permits and Approvals That May Be Required for the Proposed Action

In addition to the environmental disclosure requirements of HRS Chapter 343 and the National Environmental Policy Act (NEPA), implementation of the Proposed Action would require coordination with federal, state, and county agencies for permits or approvals. The permits and approvals presented in **Table 8** may be required for the Proposed Action. Permit requirements will be determined through continued agency coordination during the HRS Chapter 343 and NEPA processes.

Table 8. Permits and Approvals That May Be Required for the Proposed Action

Permit or Approval	Description	Regulation(s)	Administrative Authority
Lease for Water Use	Long-term (65-year) lease to divert water from the Waiakōali, Kawaikōi, Kaua'ikinānā, and Kōke'e Stream diversions on the Kōke'e Ditch Irrigation System.	<ul style="list-style-type: none"> ● HRS Section 171-58 ● Act 216 (amendment to HRS Section 171-58) 	BLNR
Special Use Permit	Special Use Permit required to allow for the use of land within the State Agricultural District for the solar field.	<ul style="list-style-type: none"> ● HRS Section 15-15 	Land Use Commission (LUC)
National Pollutant Discharge Elimination System (NPDES) Permit	NPDES Individual Permit required for stormwater discharge associated with construction activities.	<ul style="list-style-type: none"> ● Clean Water Act, Section 401 ● HAR Section 11-55 	Department of Health (DOH)-Clean Water Branch (CWB)
NPDES, Dewatering Permit	NPDES Individual Permit required for discharges associated with construction activity dewatering.	<ul style="list-style-type: none"> ● HAR Section 11-55 	DOH-CWB
Community Noise Permit/Community Noise Variance	Required for construction projects exceeding 78 decibels (dBA) or has a total cost of more than \$250,000.	<ul style="list-style-type: none"> ● HRS Chapter 342F ● HAR Title 11, Chapter 46 	DOH-Indoor and Radiological Health Branch
Conservation District Use Permit	Required for projects located within the Conservation District	<ul style="list-style-type: none"> ● HRS Chapter 183C ● HAR Title 13, Chapter 5 	Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands
Historic Preservation Review	Required for projects that may affect historic property or a burial site. Required for projects that require a federal permit.	<ul style="list-style-type: none"> ● HRS Chapter 6E ● Section 106, National Historic Preservation Act 	DLNR, State Historic Preservation Division (SHPD)
Section 404 Individual Permit	Required for any project that will discharge dredged or fill material into waters of the United States.	<ul style="list-style-type: none"> ● Clean Water Act, Section 404 	U.S. Army Corps of Engineers

Section 401 Water Quality Certification	Required for all projects that require a federal permit or may result in discharge into State waters.	<ul style="list-style-type: none"> ● Clean Water Act, Section 401 ● Hawai'i Administrative Rules, Section 11-54 	DOH-CWB
Endangered Species Review	Required for projects that require a federal permit.	<ul style="list-style-type: none"> ● Section 7, Endangered Species Act 	U.S. Fish and Wildlife Service
Stream Channel Alteration Permit	Required for any project that would alter a stream channel	<ul style="list-style-type: none"> ● HAR Title 13, Chapter 169 	DLNR, Commission on Water Resource Management (CWRM)
Stream Diversion Works Permit	Required for the construction of a new stream diversion structure or alteration of an existing structure require an SDWP.	<ul style="list-style-type: none"> ● HAR Title 13, Chapter 168 	DLNR-CWRM
Dam Safety Permit	Required for the construction, enlargement, repair or alteration of dams, Applies to Pu'u Lua, Pu'u Opa and Mānā Reservoirs	<ul style="list-style-type: none"> ● HAR 179D ● Title 13, Sub-title 7 Chapter 190.1 	DLNR Engineering Division
Certificate of Approval to Impound	Required for the impoundment of water at a dam or reservoir. Applies to Pu'u Lua, Pu'u 'Ōpae and Mānā Reservoirs	<ul style="list-style-type: none"> ● HAR Title 13, Chapter 190.1 	DLNR, Engineering Division
Use Permit/Zoning Permit	Required for projects that are not a designated "permitted" use as per the County Zoning Ordinance.	<ul style="list-style-type: none"> ● County of Kaua'i Ordinance No. 935 	County of Kaua'i Department of Planning
Grading, Grubbing, and Stockpiling Permit	Required for all projects proposing to grade, grub, and/or stockpile in the County of Kaua'i.	<ul style="list-style-type: none"> ● County of Kaua'i Ordinance No. 808 	County of Kaua'i Department of Public Works, Engineering Division
Building Permit	Required for construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures within the County inland of the shoreline in the County of Kaua'i.	<ul style="list-style-type: none"> ● County of Kaua'i Ordinance No. 929 	County of Kaua'i Department of Public Works, Building Division