



# The Environmental Notice

September 23, 2021

David Y. Ige, Governor  
Mary Alice Evans, 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, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawai'i, *The Environmental Notice* also includes other items related to the shoreline, coastal zone, and federal activities.



New day-use moorings off Kona, Hawai'i are proposed to improve the management of Manta Ray viewing sites

Photo from the [Final EA for the Installation of Day-Use Mooring Buoys](#)

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## STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS




## HAWAII

[DLNR Administration Building and Base Yard in North Kona--Final EA \(FONSI\)](#)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	
<b>District(s)</b>	North Kona	
<b>TMK(s)</b>	(3) 7-3-010: 061 (por.)	
<b>Permit(s)</b>	Numerous	
<b>Proposing/ Determining Agency</b>	State of Hawai'i, Department of Land and Natural Resources Brandon Kim, (808) 587-0248, <a href="mailto:brandon.j.kim@hawaii.gov">brandon.j.kim@hawaii.gov</a> P.O. Box 621, Honolulu, HI 96809	
<b>Consultant</b>	The Limtiaco Consulting Group, 1622 Kananui St., Honolulu, HI 96817 Claire Oshiro, (808) 596-7790, <a href="mailto:claire@tlcghawaii.com">claire@tlcghawaii.com</a>	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination	

The Department of Land and Natural Resources (DLNR) proposes to develop a new administration facility in North Kona that will allow the department to consolidate services in West Hawai'i. The project is the development of a modern, energy efficient facility that accommodates present and future operational needs. Site security with respect to theft and vandalism is a high priority due to the enforcement functions and missions of DLNR's divisions. The proposed facility will include three, separate, but similar administration buildings that have the same structural system. There are storage areas, a conference room, a secured base yard and two parking areas. DLNR's divisions will share the new administration building and each division may have a base yard. The project may be developed in phases due to funding options and constraints. DLNR's new facility will require the installation of infrastructure during the earliest phase of development.


[Kaukalaelae Point and Makako Bay Installation of Day-Use Mooring Buoys--Final EA \(FONSI\)](#)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	
<b>District(s)</b>	North Kona	
<b>TMK(s)</b>	Seaward of (3) 7-5-043: 042 and (3) 7-8-010: 038	
<b>Permit(s)</b>	Numerous	
<b>Proposing/ Determining Agency</b>	State of Hawai'i, Department of Land and Natural Resources Clifford Inn, (808) 587-1972, <a href="mailto:clifford.g.inn@hawaii.gov">clifford.g.inn@hawaii.gov</a> 4 Sand Island Access Road, Honolulu, HI 96819	
<b>Consultant</b>	Hawai'i Coral Reef Initiative, 2424 Maile Way, Saunders Hall #718, Honolulu, HI 96822 Kirsten Moy, (919) 928-1851, <a href="mailto:kmoy@hawaii.edu">kmoy@hawaii.edu</a>	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination	

The Hawai'i Department of Land and Natural Resources, Division of Boating and Ocean Recreation, proposes work at the two manta ray viewing sites, Kaukalaelae and Makako Bay, on the Kona side of Hawai'i Island involving the reconfiguration of existing moorings and installation of a total of 12 and 13 moorings at each site, respectively. The sites presently have no sanctioned, permitted moorings that are maintained and managed by the State, and the new configuration will accommodate more ocean users utilizing these sites on a nightly basis to conduct the highly popular viewing tours. Moorings will furthermore reduce overcrowding and offset anchoring on sensitive benthic habitat at the sites. The configuration of all moorings would maintain clearance from the US Coast Guard navigation channel, provide recreational opportunity for motorized vessels, and ensure continued use of the areas by nonmotorized recreational users such as swimmers, paddlers, and other traditional uses of the site.


## HAWAII (CONTINUED)

**Pāhoā Public Library Site Selection--Final EA (FONSI)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	
<b>District</b>	Puna	
<b>TMK(s)</b>	(3) 1-5-007:017; (3) 1-5-002:020; (3) 1-5-008:001	
<b>Permit(s)</b>	Numerous (see document)	
<b>Proposing/ Determining Agency</b>	State of Hawai'i, Department of Accounting and General Services Brian Isa, (808) 586-0484, <a href="mailto:brian.s.isa@hawaii.gov">brian.s.isa@hawaii.gov</a> 1151 Punchbowl St., Honolulu, HI 96813	
<b>Consultant</b>	G70, 111 S. King St., Suite 170, Honolulu, HI 96813 Kawika McKeague, (808) 441-2120, <a href="mailto:kawikam@g70.design">kawikam@g70.design</a>	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination	

Currently, the Puna region is served by three libraries, all of which are co-located with school campuses. The properties where the libraries are located are Executive Ordered for the use of the Hawai'i State Public Library System (HSPLS). Due to both the nature of school security issues, as well as the large amount of growth in the Puna region, the HSPLS is looking to consolidate facilities off of DOE land and create new libraries to support this region. The library will also play an important role in providing community access to broadband and will utilize available marginal or nonessential agricultural lands for appropriate urban use, which helps support the use of lands in the State Agricultural District in alignment with HRS §226-104(B)(2). The proposed construction of the library will include 8,000 square feet (SF) of enclosed, air-conditioned, interior space and 1,000 SF of indoor-outdoor entry lanai activity area.

**Royal Vistas Housing Project--Final EA (FONSI)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	
<b>District</b>	North Kona	
<b>TMK(s)</b>	(3) 7-6-021:016; (3) 7-6-021:017; (3) 7-6-021:018; (3) 7-6-021:019	
<b>Permit(s)</b>	Numerous	
<b>Approving Agency</b>	County of Hawai'i, Planning Department Alex Roy, (808) 961-8140, <a href="mailto:alex.roy@hawaiicounty.gov">alex.roy@hawaiicounty.gov</a> 101 Pauahi St., Suite 3, Hilo, HI 96720	
<b>Applicant</b>	Kona Three LLC, 101 Hualalai St., Hilo, HI 96720 Richard Wheelock, (808) 753-3167, <a href="mailto:richard@eastwestrealty.org">richard@eastwestrealty.org</a>	
<b>Consultant</b>	Stantec Consulting and Geometrician Associates LLC, P.O. Box 191, Hilo, HI 96721 Michele Lefebvre, (808) 494-2039, <a href="mailto:michele.lefebvre@stantec.com">michele.lefebvre@stantec.com</a>	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination	

The proposed project is located approximately 2.7 miles south of downtown Kailua-Kona and would consist of necessary improvements to construct up to 450 multi-family residential units in clusters of two and three-story buildings on approximately 70 acres. Units would target local renters and buyers in the "market" price points. The project is the final phase of the original zoning ordinance (No. 84-23) signed on May 15, 1984, and includes the multi-family zoned land which was planned for workforce housing. Electrical and sewer would be extended from nearby utility grid terminus and water commitments have already been purchased for the project. The proposed project has been designed to minimize impacts from surface water run-off. Traffic impacts would be minimized with a new un-signalized intersection off Queen Ka'ahumanu Highway. No impacts to biological resources, historic or archaeological resources, or cultural sites or practices are expected from the project.


## MAUI

### Hale Mahaolu Ke Kahua Affordable Housing Community--Draft EA (AFNSI)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	Image not available
<b>District</b>	Wailuku	
<b>TMK</b>	(2) 3-3-001:106	
<b>Permit(s)</b>	Numerous	
<b>Approving Agency</b>	County of Maui, Department of Housing and Human Concerns Lori Tshako, (808) 270-7351, <a href="mailto:planning@munekiyohiraga.com">planning@munekiyohiraga.com</a> 2200 Main St., Suite 546, Wailuku, HI 96793	
<b>Applicant</b>	Waiehu Housing, LP, 330 West Victoria St., Gardena, CA 90248 Monte Heaton, (424) 258-2910, <a href="mailto:monte.heaton@housingpartners.com">monte.heaton@housingpartners.com</a>	
<b>Consultant</b>	Munekiyo Hiraga, 305 High St., Suite 104, Wailuku, HI 96793 Chris Sugidono, (808) 244-2015, <a href="mailto:planning@munekiyohiraga.com">planning@munekiyohiraga.com</a>	
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by October 25, 2021.</b> Please send comments to the approving agency and copy the applicant and the consultant.	

The proposed Hale Mahaolu Ke Kahua Affordable Housing Community comprises approximately 11.476 acres in Waiehu, Maui, Hawai'i. The project is proposed to be developed as an affordable housing project under the provisions of Chapter 2.97 (Maui County Code). The proposed project will be 100 percent affordable, providing rental housing for residents earning 60 percent or less of the Area Median Income and will be developed in cooperation with Hale Mahaolu. The project will consist of 120 multi-family residential units, housed in 13 2-story buildings, including 28 1-bedroom units, 60 2-bedroom units, and 32 3-bedroom units, as well as a 3,477 square foot (sq. ft.) non-profit building, a 3,231 sq. ft. clubhouse, landscaping, and related improvements. A total of 264 parking stalls and two (2) loading stalls will also be provided. Access to the project site will be provided by three (3) driveway entrances off Kahekili Highway.

### Pā'ia Elementary School Classroom Building--Final EA (FONSI)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	
<b>District</b>	Makawao	
<b>TMK</b>	(2) 2-5-005:004	
<b>Permit(s)</b>	Numerous	
<b>Proposing/ Determining Agency</b>	State of Hawai'i, Department of Education Arnold Fukunaga, (808) 784-5110, <a href="mailto:Arnold_Fukunaga@notes.k12.hi.us">Arnold_Fukunaga@notes.k12.hi.us</a> Office of School Facilities & Support Services, 3633 Wai'alaie Ave., Honolulu, HI 96816	
<b>Consultant</b>	Gerald Park Urban Planner, 95-595 Kaname'e St., No. 324, Mililani, HI 96789-1431 Gerald Park, (808) 625-9626, <a href="mailto:gpark@gpup.biz">gpark@gpup.biz</a>	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination	

The purpose of the project is to construct a two-story, 8-classroom building to accommodate English and Hawaiian Language Immersion Program students. Space for the School's Administrative office, Computer Resource/Media /Video classroom, Special Education, Faculty Center, restrooms, and support areas will be provided. The building footprint is approximately 9,828 square feet and the second floor 9,320 square feet. A single-level classroom building will be attached to the northwest wing of the larger building. The approximately 1,400 square foot building will provide a self-contained classroom, shower, and toilet for Pre-Kindergarten children. The structures will be sited at the front of the School adjoining the existing Cafeteria. A covered bus stop in the area will be demolished and replaced with a new covered bus stop integrated with the new building. The \$13.0 million construction cost will be funded by the State of Hawai'i.



## O'AHU

**ENV Support Facilities Access Road, Utility Improvements and 'Ewa Refuse Convenience Center Relocation--Draft EA (AFNSI)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds (4) Propose any use within any historic site...	<b>Image not available</b>
<b>District</b>	'Ewa	
<b>TMK(s)</b>	9-1-013:007, 9-1-069:003, 9-1-069:004, 9-1-126:014, Roosevelt Ave Right-of-Way (ROW), Geiger Road ROW, O'ahu Railway and Land (OR&L) Railway ROW	
<b>Permit(s)</b>	Numerous	
<b>Proposing/ Determining Agency</b>	City and County of Honolulu, Department of Environmental Services (ENV) Paul Christiansen, (808) 768-3470, <a href="mailto:p.christiansen@honolulu.gov">p.christiansen@honolulu.gov</a> 1000 Ulu'ohia Street, Suite 201, Kapolei, HI 96767-2040	
<b>Consultant</b>	AECOM, 1001 Bishop St., 16th Floor, Honolulu, HI 96813 Rae Loui, (808) 529-7221, <a href="mailto:rae.loui@aecom.com">rae.loui@aecom.com</a>	
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by October 25, 2021.</b> Please send comments to the proposing/determining agency and copy the consultant.	

This project will provide three access points to the property that will accommodate the ENV Support Facilities adjacent to the Honouliuli Wastewater Treatment Plant (WWTP). One access will be a dedicated driveway for a leased cell tower facility, the remaining two accesses will provide entry to the ENV Support Facilities from Renton Rd and Roosevelt Ave. The work includes widening Roosevelt Ave. to install a median left-turn lane, reconstruction of Malio St., improving two existing driveway crossings of the historic OR&L right-of-way and railroad tracks, installing underground utilities at the same crossings, and installing a driveway off Roosevelt Ave. The project also will construct a potable water main extension between the existing main at Geiger Rd and Kamakana St and the existing main at Renton Rd. Additionally, the existing 'Ewa Refuse Convenience Center will be relocated within the WWTP site.

## CHAPTER 25, REVISED ORDINANCES OF HONOLULU

Use of the Special Management Area (SMA) is not a trigger under Chapter 343, but developments in O'ahu's SMA are required to go through an environmental review process that mirrors the procedural requirements of HRS Chapter 343, pursuant to Revised Ordinances of Honolulu, Chapter 25. Developments being reviewed under Chapter 25 but not Chapter 343 appear here.

**830 Mokulua Single Family Residence--Final EA (FONSI)**

<b>District</b>	Ko'olaupoko
<b>TMK(s)</b>	(1) 4-3-008: 045
<b>Permit(s)</b>	Special Management Area (SMA) Use Permit, Building Permits
<b>Approving Agency</b>	City and County of Honolulu, Department of Planning and Permitting Christi Keller, (808) 768-8087, <a href="mailto:c.keller@honolulu.gov">c.keller@honolulu.gov</a> 650 South King Street, 7th Floor, Honolulu, HI 96813
<b>Applicant</b>	Pacific Coast Real Estate Investment Services, LLC, 5655 Silver Creek Valley Road, Suite 989, San Jose, CA 95138 An Tranvan, Member, (408) 799-7198
<b>Consultant</b>	Long and Associates Architects Interiors, Inc., 1100 Alakea St., 3rd Floor Atrium, Honolulu, HI 96813 Shae Grimm, (808) 628-6626, <a href="mailto:shaeg@lai-hawaii.com">shaeg@lai-hawaii.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The Project consists of the demolition of an existing single-family residence and accessory swimming pool and construction of a new single-family residence and swimming pool on a shoreline lot located in the Lanikai community within the SMA (Project). According to the Applicant, the existing dwelling unit, built in 1948, is largely beyond conservation, such that repair costs would far exceed 50 percent of replacement costs to bring the structural and architectural insufficiencies up to current building codes. The proposed new single-family dwelling will be two stories with approximately 4,700 square feet of floor area, and include four bedrooms, five bathrooms, a family room, a kitchen, a wet bar, a laundry room, a swimming pool, and five parking spaces, inclusive of a two-car garage. The new dwelling and swimming pool will be located mauka of the 40-foot shoreline setback area, and will comply with current building code requirements and applicable development standards.

## PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

**Status:** Public review and comment period for these projects began previously. **Comments are due October 8, 2021.** Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

### HAWAI‘I

[Caltech Submillimeter Observatory Decommissioning--Draft EA \(AFNSI\)](#), [Appendix Vol 1](#), and [Appendix Vol 2 Hōkū Ke‘a Observatory Decommissioning--Draft EA \(AFNSI\)](#)

### LANA‘I

[Kō‘ele Project District Amendment--Draft EA \(AFNSI\)](#)

## COASTAL ZONE MANAGEMENT NOTICES

### 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
Kaua‘i: Hanalei (5-4-004:009)	Swimming Pool and Associated Decking (SMA(M)-2022-2)	Johnson Family TR/ Belles Graham, LLP
Maui: Lahaina (4-4-008: 022)	Remodel Unit 1402 (SM2 20210067)	Brian Volk
Maui: Ha‘ikū (2-8-003: 003)	Second Farm Dwelling, Swimming Pool (SM2 20210068)	Ellen M Osborne Trust
Maui: Lahaina (4-2-001: 030)	62 Ironwood Lane Renovation (SM2 20210069)	John Morgan Gerdel
Maui: Kīhei (3-9-043: 078)	After-the-Fact Renovation to Lanai and Ground Floor (SM2 20210070)	Adalai Allen
Maui: Kīhei (2-2-026: 043)	New Swimming Pool (SM2 20210071)	Hawaii Off Grid-LLC
Maui: Ha‘ikū (2-7-007: 004)	Annual Surf Event (SM2 20210072)	ASP North America LLC DBA World Surf League
Maui: Ha‘ikū (2-7-004: 044)	Minor Alteration Main Dwelling and New Ohana Structure (SM2 20210074)	Dean K Frampton
O‘ahu: Kailua (4-3-005: 068 and 070)	Verizon Wireless – Lanikai Schaberg Residence (2021/SMA-18)	Verizon Wireless/Synergy/Advantage Engineers c/o NTP LLC
O‘ahu: Kailua (4-2-014: Portion of 004)	Utility Installation, Type B Upgrades (2021/SMA-23)	T-Mobile and SBA Communications/Wireless Solutions LLC

## 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).

**Notice: [Marine Mammals and Endangered Species Permit Issuance](#) (published by the National Oceanic and Atmospheric Administration on 9/10/21)**

Notice is hereby given that permits (click on link above) have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable. The permits and related documents are available for review upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

## 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.	Location	TMK	Applicant	Owner
OA-1961	61-551 Pōhaku Loa Way, O'ahu 96791	(1) 6-1-009: 010 & 014	Kenn Nishihira	Pohaku Loa Hale, LLC
OA-1962	230 Paikō Drive, O'ahu, 96821	(1) 3-8-001: 005	Ailana Surveying & Geomatics	Thomas Coulson
OA-1963	1326 Mokulua Drive, O'ahu, 96734	(1) 4-3-004: 077	Austin Tsutsumi & Associates	Fairwater Hawaii LLC, Sandbags LLC
MA-763	Ka'anapali Beach from Hanakao'o Beach Park to Sheraton, Maui	(2) 4-4-008-005 (por.), 003, 002, 001, 019, 022 and (2) 4-4-013: 001, 002, 008, 006, 007 (por.)	R.T. Tanaka Engineers, Inc.	Kyo-ya Hotels and Resorts LP, Kaanapali Properties Corp, Whaler on Kaanapali Beach WV SUB LLC, c/o Brookfield Properties Retail, Campbell Hawaii Investor LLC, Kaanapali Alii, Hawaiian Resort Corp, Maui Ocean Club, County of Maui, HMC MAUI LP, c/o Ryan LLC Tax Compliance
HA-607	82-6017 Pu'uhonua Road	(3) 8-2-005: 011	Wes Thomas Associates	Frederick Turshman
HA-608	Wawaloli Beach Park, Makako Bay Drive, 96740	(3) 7-3-043: 088 por.	Engineering Partners, Inc.	Natural Energy Laboratory of Hawai'i Authority
HA-609	73-891 Makako Bay Drive, 96740	(3) 7-3-043: 100	Engineering Partners, Inc.	Natural Energy Laboratory of Hawai'i Authority
KA-461	Makamae Place, Hanalei, 96714	(4) 5-8-012: 027	Lucas Breckenridge & Associates, Inc.	Scheider Family Trust, Michael Scheider (Trustee)

## 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.	Status	Location	TMK	Applicant	Owner
OA-1949	Proposed	91-480 Malakole Street, O'ahu, 96707	(1) 9-1-014: 049	R.M. Towill Corporation	IES Downstream, LLC
LA-027	Proposed	Mānele, Lāna'i	(2) 4-9-017 por 002 & 008	R.M. Towill Corporation	Lanai Resorts, LLC
HA-604	Proposed	69-1542 Puakō Beach Drive, Hawai'i	(3) 6-9-002: 034	Wes Thomas Associates	Mark Anthony Grassi & Jami Lee Grassi / 1992 Grassi Family Trust
KA-457	Proposed	4650 Amio Road, Kaua'i 96756	(4) 2-6-011: 019	Honua Engineering, Inc.	M/M Edmund & Linda Gregoire



## GLOSSARY OF TERMS AND DEFINITIONS

### Agency Actions

Projects or programs proposed by 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

Projects or programs proposed by 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 Chapter 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether the action's 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 action's proponent 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 Chapter 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to ask the Environmental 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 OPSD, 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 to 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 Chapter 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. The agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed publication form detailing the specifics of the action. This starts a 30-day scoping period in which the agency or applicant must hold a public scoping meeting for the preparation of the Draft EIS. Written comments and responses on the EISPN must be incorporated into the subsequent Draft EIS and oral comments from the public scoping meeting must be recorded and submitted to the OPSD along with the Draft EIS.

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

Act 312-2012, amended HRS Chapter 343, by adding a new section (HRS 343-5.5., entitled "Exception to applicability of chapter"). HEPA 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 mitigation 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.

### 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 commensurate manner to all timely comments on the DEIS, which also must be included in the FEIS. For Applicant projects, the Approving Agency is the Accepting Authority and must make a determination within 30 days or the FEIS is deemed 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

The Accepting Authority must be satisfied that the FEIS meets three criteria (process, content, response to comments) to accept it. If the FEIS is accepted, notice is published in this bulletin. The public has 60 days from publication to challenge the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to appeal to the courts. For Agency actions, there is also a judicial appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a non-acceptance determination.



Maui sunset

Photo by [Thomas Hawk](#)

### National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare a Federal 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. Upon request by a federal agency, OPSD publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

### Conservation District

Proposed uses of land in the State Conservation District require 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. This bulletin will include EAs & EISs for actions proposed within the Conservation District.

### 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 portion of the SMA that is addressed by HRS 343 is the [Shoreline Area](#), which includes land between the State-certified shoreline and the county-determined shoreline setback line. This bulletin will include EAs & EISs for actions proposed within the Shoreline Setback Area.

### 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 Advisory Council

The [Environmental Advisory Council](#) is a 14-member citizen board appointed by the Governor. They serve as a liaison between the Director of OPSD and the general public concerning ecology and environmental quality. Agendas of their regular meetings are posted on the Internet and the public is invited to attend.

### Agency Exemption Lists

Government agencies may 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 11-200.1-16). 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).