



The Environmental Notice

December 23, 2022

Josh Green, M.D., Governor
Scott Glenn, Director, OPSD

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.



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ANNOUNCEMENTS

- Aloha, Governor Green has appointed Scott Glenn to serve as Director of the Office of Planning and Sustainable Development starting December 5, 2022. Scott returns to the environmental review process after serving three years as the State Chief Energy Officer. As the Director of OPSD, Scott will be supporting Governor Green's initiatives, focusing on climate change and affordable housing.
- Please continue to use the [Contact Us page](#) on our website to submit questions to ERP.
- The 2023 Publication Calendar is attached at the end of this issue and is also available on our website [here](#).

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



O'AHU EAS/EISS

Mānoa Banyan Court Affordable Elderly Rental Housing--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Honolulu
TMK(s)	(1) 2-9-043: 002, 003, and 004
Permit(s)	NPDES Permit, Historic Preservation review, HRS 201H affordable housing exemptions, and Building, Grading, & Grubbing Permits
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Zack Stoddard, (808) 768-8019, zachary.stoddard@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813
Applicant	Lin Yee Chung Association; 3430 East Manoa Road, Honolulu, HI 96822 Charles Wong, (808) 779-6189, charlestywong@yahoo.com
Consultant	Lee & Martin LLLP; Pacific Guardian Center, Mauka Tower, Suite 1450, Honolulu, HI 96813 Ernest Martin, (808) 628-7526, martin@leemartinhi.com
Status	Statutory 30-day public review and comment period starts. Comments are due by January 23, 2023. Please click on title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant.

The Lin Yee Chung Association is proposing to construct 288 new affordable rental dwelling units for the elderly (62 years old and over) in Mānoa. The project will consist of four apartment buildings and a community garden on land zoned P-2 General Preservation District, as well as a community center on land zoned R-7.5 Residential District. The dwelling units will be made affordable to those earning 60% of the area median income and below for a period of 65 years.

Wahiawā Civic Center--(Acceptance of 2nd Final EIS)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Wahiawā
TMK(s)	(1) 7-4-004: 001, 070, & 071; 7-4-006: 002, and 012
Permit(s)	Numerous (see Final EIS document)
Proposing Agency	State of Hawai'i, Department of Accounting and General Services Sally Tamai, (808) 586-0463, sally.l.tamai@hawaii.gov 1151 Punchbowl Street, Office of the Comptroller, Kalanimoku Building, Honolulu, HI 96813
Accepting Authority	Office of the Governor The Honorable Josh Green, M.D., (808) 586-0034, https://governor.hawaii.gov/contact-us/contact-the-governor/ 415 South Beretania Street, State Capitol, Executive Chambers, Honolulu, HI 96813
Consultant	Wilson Okamoto Corporation; 1907 South Beretania Street, Suite 400, Honolulu, HI 96826 Keola Cheng, (808) 946-2277, kcheng@wilsonokamoto.com
Status	The Governor accepted the 2nd Final EIS on December 16, 2022

The Proposed Action includes the development and construction of a new Wahiawā Civic Center comprised of a new District Court Facility, and State Office Complex on the grounds of the existing Wahiawā Civic Center, and the future redevelopment of the existing Wahiawā Public Library site as a new Resource and Education Center facility.

The new Wahiawā Civic Center will provide the Central O'ahu, North Shore, and Wahiawā communities with a consolidated and centralized facility housing State, City and County of Honolulu (City), and Judicial services. The new Civic Center will include a new District Court Facility and a new State Office Complex that will house State offices and City offices such as a Satellite City Hall and Driver's Licensing. This facility would be supported by on and off-site infrastructure improvements, as well as on-site parking.

MAUI EAS/EISS

DHHL Villages of Leiali'i, Village 1-B--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (3) Propose any use within a shoreline area
District(s)	Lahaina
TMK(s)	(2) 4-5-021:010(por.), 014(por.), 020, & 021(por.); (2) 4-5 036: 109, 110, & 112(por.); and Honoapi'ilani Highway right-of-way
Permit(s)	Chapter 6E, HRS, Historic Preservation Compliance; Chapter 11-46, Community Noise Control, as applicable; Chapter 11-60.1- 33, Fugitive Dust, as applicable; National Pollutant Discharge Elimination System (NPDES) Permit; Work on State Highway Permit; Construction permits (i.e., building and grading permits); Special Management Area Compliance (for roadway improvements on lands not owned by DHHL); Shoreline Setback Area Compliance (for roadway improvements); Flood Development Permit
Proposing/ Determining Agency	State of Hawai'i, Department of Hawaiian Home Lands William Ailā, Jr., (808) 620-9500, stewart.t.matsunaga@hawaii.gov 91-5420 Kapolei Parkway, Kapolei, HI 96707
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Emily Murai, (808) 983-1233, planning@munekiyohiraga.com
Status	Statutory 30-day public review and comment period starts. Comments are due by January 23, 2023. Please click on title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant

The proposed action involves the development of the Villages of Leiali'i, Village 1-B Subdivision (Village 1-B), which will consist of a mix of single-family homes and multi-family units, for a maximum of 250 units. The new housing units will be made available to DHHL native Hawaiian beneficiaries currently on the waitlist for a residential lease on Maui. Related offsite improvements include the development of two (2) new retention basins and grading and development of interceptor ditches. Outlet drainage pipes in an existing offsite retention basin will be adjusted, and the retention basin will be enlarged. Improvements to Honoapi'ilani Highway and Leiali'i Parkway involve restriping and relocation of traffic signals at the Honoapi'ilani Highway and Leiali'i Parkway intersection, widening of Leiali'i Parkway from two (2) lanes to four (4) lanes and any other improvements needed to eventually license Leiali'i Parkway to the County of Maui.

Ho'āla Honokōwai--(EIS Preparation Notice)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area
District(s)	Lahaina
TMK(s)	(2) 4-4-001: 097, 098, and 100
Permit(s)	Conservation District Use Permit; Easement (if required); Special Management Area Use Permit; Shoreline Setback Variance (if required)
Approving Agency	State of Hawai'i, Department of Land and Natural Resources Michael Cain, (808) 587-0377, michael.cain@hawaii.gov Office of Conservation and Coastal Lands, 1151 Punchbowl Street #131, Honolulu, HI 96813
Applicant	West Maui Resort Partners, L.P.; 5323 Millenia Lakes Boulevard, Orlando, FL 32839 Michael Elliott, (407) 613-3348, Michael.Elliott@hgv.com
Consultant	Sea Engineering, Inc.; 41-305 Kalaniana'ole Hwy, Waimānalo, HI 96795 Andy Bohlander, (808) 259-7966, honokowai@seaengineering.com
Status	Administrative 30-day public review and comment period starts. Comments are due by January 23, 2023. Please send comments to the approving agency/accepting authority and copy the applicant and the consultant. A public scoping meeting will be held January 17, 2023 (5:00pm -7:00pm) at the Lahaina Civic Center Social Hall, 1840 Honoapi'ilani Hwy, Lahaina

The Proposed Action is to restore and preserve Honokōwai Beach in West Maui. Restoration could be accomplished by one of three methods - beach nourishment, beach maintenance, or beach nourishment with stabilizing structures. The preferred method will be selected after completing studies for the DEIS and receiving public comments. The project title "Ho'āla Honokōwai" reflects the project's primary objective of restoring this important natural and cultural resource for the West Maui community. Additional objectives are to preserve and enhance cultural and shoreline access, increase resilience to coastal hazards, and enable planning for long-term adaptation to sea level rise. Honokōwai Beach is a dynamic shoreline that was almost entirely eroded by an episodic erosion event in 2016. That event caused a loss of approximately 5,600 sq.ft. of land, structural damage, and degraded water quality and shoreline access. Honokōwai Beach also experiences accelerating chronic erosion.

HAWAI'I EAS/EISS

Hilo Medical Center New Medical Office Building--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	South Hilo
TMK(s)	(3) 2-3-031: 019 and 2-3-032: 009
Permit(s)	Hawai'i County Building Division: Approval; Hawai'i County Planning Department: Plan Approval Hawai'i State Department of Health: Underground Injection Control Permit
Proposing/ Determining Agency	State of Hawai'i, Hawaii Health Systems Corporation, Hilo Medical Center Lisa Shiroma, (808) 932-3111, lshiroma@hhsc.org 1190 Waianuenue Avenue, Hilo, HI 96720
Consultant	Geometrician Associates; 10 Hina Street, Hilo, HI 96720 Ron Terry, (808) 969-7090, rterry@hawaii.rr.com
Status	Finding of No Significant Impact (FONSI) determination

Hilo Medical Center proposes a new 2-story, 18,750 sf Medical Office Building on its campus. Design includes multiple exam rooms, provider offices, procedure rooms, two check-in/check-out/waiting areas, and various storage, janitorial, elevator, stairs and other spaces. The architectural style follows the "New Formalism" style of contemporary healthcare buildings. The total parking area on the campus is expected to be sufficient to accommodate existing and future users. This addition is essential to enhance medical services with up to 75 new healthcare and increase efficiency and address rural health clinic regulations. No sensitive biological, hydrological, archaeological, cultural or other resources are present on the cleared, paved property.

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.

Ke Piki Ohana Single Family Dwelling Project--Draft EA (AFNSI)

District(s)	Ko'olauloa
TMK(s)	(1) 5-6-001:007
Permit(s)	SMA Use Permit and other development permits
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Christi Keller, (808) 867-8807, c.keller@honolulu.gov 650 South King Street, 7th Floor, Honolulu, HI 96813
Applicant	Ann and Jim Pietsch; 264 Mokulua Drive, Kailua, HI 96734 Jim Pietsch, (808) 223-2990, 808jpeach@gmail.com
Consultant	WHALE Environmental Services, LLC; P.O. Box 455, Kahuku, HI 96731 Mark Howland, (808) 294-9254, markahowland@hawaii.rr.com
Status	30-day public review and comment period starts. Comments are due by January 23, 2023. Please click on title link above to read the document, then send comments to the approving agency at markahowland@hawaii.rr.com and copy the applicant.

The Project proposes the construction of a new single-family dwelling on a vacant shoreline lot in the R-5 Residential District and Special Management Area (SMA). Associated development is proposed to include rooftop photovoltaic solar panels, a lanai, a new gate, entrance and driveway, six asphalt-paved parking spaces, a septic system located under the paved parking spaces, and a gravel-covered septic leach field. All activities are proposed to occur outside of the shoreline setback area. The proposed development triggers the requirement for an EA and SMA Use Permit under Chapter 25, ROH. Upon acceptance and publication of the Final EA with a DPP-issued Finding of No Significant Impact (FONSI), the Applicant must submit an application for an SMA Use Permit, which is subject to approval by Resolution of the City Council.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began previously. Please click on the links below to read a document, then send comments to the relevant agency and copy any relevant applicant and/or consultant identified in the submission form that follows the initial agency letter.

COMMENTS DUE DECEMBER 23, 2022

MAUI
[Honoapiʻilani Highway Improvements, West Maui, Ukemehame to Launiupoko--\(EIS Preparation Notice\)](#)

OʻAHU
[New Waimanalo Health Center Facility--Draft EA \(AFNSI\)](#)
[King Farm Project--Draft EA \(AFNSI\)](#) per ROH Chapter 25
[Pueo Farm Project--Draft EA \(AFNSI\)](#) per ROH Chapter 25
[Konane Slope Stabilization Project--Draft EA \(AFNSI\)](#) per ROH Chapter 25

COMMENTS DUE JANUARY 9, 2023

OʻAHU
[Hilton Hawaiian Village - Ala Moana Blvd Tower--Draft Supplemental EIS and Scoping Meeting Audio](#)

MAUI
[Kahului HDOT Baseyard--Draft EA \(AFNSI\)](#)
[Suppression of Mosquitoes on East Maui--Draft EA \(AFNSI\)](#)

KAUAʻI
[Waimea High School Gymnasium Complex--Draft EA \(AFNSI\)](#)

STATEWIDE
[Biological Control of the Coffee Berry Borer--Draft EA \(AFNSI\)](#)

COMMENTS DUE FEBRUARY 7, 2023

MAUI
[Ledcor South Maui Properties and Improvements--\(EIS Preparation Notice\)](#)

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 [(808) 768-8015]; Hawaiʻi [East (808) 961-8288], [West (808) 323-4770]; Kauaʻi [(808) 241-4050]; Maui [(808) 270-7735]; Kakaʻako or Kalaeloa Community Development District [(808) 587-2846]

Location (TMK)	Description (File No.)	Applicant/Agent
Kauaʻi: Kīlauea (5-1-004: 008 Unit 2)	Rockfall Mitigation Construction (SMA(M)-2023-11)	Pīlaʻa International, LLC/ Belles Graham LLP
Maui: Kīhei (3-9-016: 019)	Addition of One 1,152 Square-foot Pool with Approximate Excavation of 4,800 Cubic Feet (SM2 2022-00053)	Karl B Schurz
Maui: Kīhei (2-1-008: 109)	Stages and Tent for Grand Wailea Events (SM2 2022-00061)	Anthony Acosta
Maui: Lahaina (4-5-001: 045)	Lectures and Displays inside Cookhouse Event for January 27 and September 29, 2023. (SM2 2022-00063)	Lahaina Restoration Foundation
Oʻahu: Kahuku (5-7-003: 063 and 5-7-005: 001)	Construction of the Two-Story Outdoor Stairway on a Shoreline Parcel (2022/SMA-85)	Kerry and Sally Paulson/Munden Design and Build LLC

SHORELINE NOTICES

APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review and comment 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](#)). **Maps and photos of each application file can be viewed [here](#). 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 this public notice of the application.** For more information, call Ian Hirokawa at (808) 587-0420.

File No.	Location	TMK	Applicant	Owner
OA-2020	45-221 Ka Hanahou Circle, O'ahu 96744	(1) 4-5-047:051	Jaime F. Alimboyoguen	Michael Elhoff
OA-2021	4997 Kahala Ave., O'ahu 96818	(1) 3-5-023:003 & 038	Walter P. Thompson, Inc.	B. P. Bishop Trust Estate
MA-801	Front Street, Maui 96761	(2) 4-5-002 & 4-6-009	Control Point Surveying, Inc.	County of Maui
LA-030	Manele, Lāna'i 96763	(2) 4-9-017: por 002 & 008	R. M. Towill Corporation	Lanai Resorts, LLC
KA-469	1382 Inia Street, Kaua'i 96746	(4) 4-5-011:008	Lucas Breckenridge & Associates, Inc.	Veronica Rose-Agent: Cannon, Walter, & Rose, Veronica Living Trust
KA-470	4842 Lawai Rd., Kaua'i 96756	(4) 2-6-012:004	Honua Engineering, Inc.	Steven Hiaasen & Feryat Newman
KA-471	938 Niulani Rd., Kaua'i 96746	(4) 4-3-009:026	Esaki Surveying & Mapping, Inc.	Daniel & Gay Wallin
KA-472	Kikiaola, Waimea, , Kaua'i 96796	(4) 1-2-013:040	Roger M. Caires	Roger M. Caires

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-1997	Proposed	61-453 Kamehameha Hwy., O'ahu 96712	(1) 6-1-008:012	Walter P. Thompson, Inc.	David M. Horack
OA-2017	Proposed	3735-C Diamond Head Road, O'ahu 96815	(1) 3-1-039:065 por.	Austin, Tsutsumi & Associates	Michael Fergus and Janice Lau
MA-790	Proposed	45 Kuahulu Place, Maui 96761	(2) 4-8-003:122	Akamai Land Surveying, Inc.	Maan Nasir
KA-468	Proposed	Kikiaola, Waimea, Kaua'i 96752	(4) 1-2-013:039	Roger M. Caires	Roger M. Caires

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 (sometimes referred to as "HEPA"). Accordingly, these entries may have unique comment periods.

[Home Basing of MQ-9 Marine Unmanned Aerial Vehicle Squadron and KC-130J Marine Aerial Refueler Transport Squadron--Final Environmental Assessment and Finding of No Significant Impact](#)

Location	O'ahu / Marine Corps Base (MCB) Hawaii Kaneohe Bay
Permit(s)	National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (MS4) permit
Proposing Agency	Headquarters Marine Corps, Deputy Commandant, Aviation Brian Wottowa, (571) 256-2784, brian.wottowa@usmc.mil
Approving Agency	Naval Facilities Engineering Command, Pacific John Bigay, (808) 472-1196, john.c.bigay.civ@us.navy.mil
Consultant	Stantec; 737 Bishop Street, Suite 3050, Honolulu, HI 96813 Peer Amble, (805) 570-1313, peer.amble@cardno-gs.com
Status	A printed copy is available at the Hawai'i Documents Center (Hawai'i State Public Library). If you are unable to access the materials through these means, please reach out to: NFPAC- Receive@us.navy.mil . This EA informs interested parties of impacts associated with the proposed home basing action. Based upon the EA, a Finding of No Significant Impact (FONSI) has been prepared and the determination made that preparation of an environmental impact statement (EIS) is not required.

The Marine Corps received public comments on the Draft EA from Aug. 8 to Sept. 21, 2022, which included a 14-day extension to the public comment period. In accordance with Section 106 Implementing Regulations at 36 CFR 800.6(a)(4), the Marine Corps also requested comments from the public on mitigating the adverse effects of the undertaking on properties listed or eligible for listing in the National Register of Historic Places. These comments were considered as part of the decision-making process as reflected in Appendix B. The EA, FONSI, and their associated appendices are available for review at the following websites: <https://planning.hawaii.gov/erp> and <https://www.mcbhawaii.marines.mil/Resources-Services/Pertinent-Information/MQ9-KC130>.

The proposed action is to home base a Marine Corps MQ-9 Marine Unmanned Aerial Vehicle (UAV) (hereinafter "MQ-9") Squadron and a KC-130J Aerial Refueler Transport (hereinafter "KC-130J") Squadron at Marine Corps Base (MCB) Hawaii Kaneohe Bay as part of Marine Aircraft Group 24 (MAG-24). Each squadron consists of personnel, aircraft, equipment, and supporting infrastructure. Under the proposed action, the Marine Corps would replace and modify existing hangars and supporting infrastructure, perform aviation maintenance, provide training for operators and maintainers, conduct approximately 3,000 MQ-9 and 5,280 KC-130J annual aircraft operations, and station approximately 676 personnel (229 MQ-9 and 447 KC-130J personnel) plus dependents at MCB Hawaii Kaneohe Bay.

FEDERAL NOTICES

As a courtesy, listed below are some 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.

[Notice: Notice of Availability of Record of Decision for the Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility Dry Dock and Waterfront Production Facility Environmental Impact Statement \(published by the Navy Department on 12/16/2022\)](#)

The United States (U.S.) Department of the Navy (Navy), after carefully weighing the strategic, operational, and environmental consequences of the proposed action, announces its decision to select Alternative 4 (Preferred Alternative) from the Final Environmental Impact Statement for Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility Dry Dock and Waterfront Production Facility at Joint Base Pearl Harbor-Hickam, Oahu, Hawaii (herein, Final EIS). This alternative will support the Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility's (PHNSY & IMF's) mission to repair, maintain, and modernize Navy fast-attack submarines and surface ships. Additionally, this alternative will allow the Navy to provide appropriate dry dock capability to meet submarine depot maintenance mission requirements no later than January 2028, as well as build and operate a properly sized and configured waterfront production facility (WPF) to enable efficient vessel maintenance. Please click on the title link above for additional information on the Record of Decision and how to access the Final EIS online.

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 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 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to challenge the FONSI in the Environmental Court and seek a ruling 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 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 OPSD with the Draft EIS.

HEPA

While technically there is no "Hawai'i Environmental Policy Act," HRS 343 is often referred to by this term.

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 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.

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. 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. Whether the FEIS is accepted or not accepted, notice of the Acceptance Determination is published in this bulletin. The public has 60 days from publication to legally challenge the acceptance of a FEIS. For both Applicant and Agency actions, 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/denied by the Department or 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; 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. Some projects going through the SMA permit process on O'ahu are also required to go through an environmental review process that mirrors HRS 343; these "ROH Chapter 25" EAs/EISs are included in this bulletin.

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 15-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).



Publication Calendar of the
Environmental Review Program
Periodic Bulletin, **HAR Chapter 11-200.1**

2023

Pursuant to Chapter 11-200.1, Hawai'i Administrative Rules (HAR), all items to be published in the periodic bulletin must be electronically submitted (see, <https://planning.hawaii.gov/erp/submittal-form/>) to the Environmental Review Program (ERP) five working days prior to the publication date. For actions that have published a draft EA or EISPN on or before August 8, 2019, use the 1996 Rules Submittal Deadline column for determining the filing date for the Final EA, Draft EIS, Final EIS, Acceptance / Non-acceptance, supplemental determinations, and supplemental EISs.

1996 Rules Submittal Deadline	Current Submittal Deadline	Publication Date	EA or EISPN Comment 30-Day Deadline	EIS Comment 45 Day Deadline
Dec 13 Tue	Dec 16 Fri	Dec 23 2022 Fri	Jan 23 Mon	Feb 06 Mon
Dec 27 Tue	Dec 30 Fri	Jan 08 2023 Sun	Feb 07 Tue	Feb 22 Wed
Jan 10 Tue	Jan 13 Fri	Jan 23 Mon	Feb 22 Wed	Mar 09 Thu
Jan 27 Fri	Feb 01 Wed	Feb 08 Wed	Mar 10 Fri	Mar 28 Tue
Feb 10 Fri	Feb 15 Wed	Feb 23 Thu	Mar 28 Tue	Apr 10 Mon
Feb 24 Fri	Mar 01 Wed	Mar 08 Wed	Apr 10 Mon	Apr 24 Mon
Mar 13 Mon	Mar 16 Thu	Mar 23 Thu	Apr 24 Mon	May 08 Mon
Mar 28 Tue	Mar 31 Fri	Apr 08 Sat	May 08 Mon	May 23 Tue
Apr 12 Wed	Apr 17 Mon	Apr 23 Sun	May 23 Tue	Jun 07 Wed
Apr 26 Wed	May 01 Mon	May 08 Mon	Jun 07 Wed	Jun 22 Thu
May 11 Thu	May 16 Tue	May 23 Tue	Jun 22 Thu	Jul 07 Fri
May 26 Fri	Jun 01 Thu	Jun 08 Thu	Jul 10 Mon	Jul 24 Mon
Jun 13 Tue	Jun 16 Fri	Jun 23 Fri	Jul 24 Mon	Aug 07 Mon
Jun 27 Tue	Jun 30 Fri	Jul 08 Sat	Aug 07 Mon	Aug 22 Tue
Jul 12 Wed	Jul 17 Mon	Jul 23 Sun	Aug 22 Tue	Sep 06 Wed
Jul 27 Thu	Aug 01 Tue	Aug 08 Tue	Sep 07 Thu	Sep 22 Fri
Aug 10 Thu	Aug 15 Tue	Aug 23 Wed	Sep 22 Fri	Oct 09 Mon
Aug 28 Mon	Aug 31 Thu	Sep 08 Fri	Oct 09 Mon	Oct 23 Mon
Sep 13 Wed	Sep 18 Mon	Sep 23 Sat	Oct 23 Mon	Nov 07 Tue
Sep 27 Wed	Oct 02 Mon	Oct 08 Sun	Nov 07 Tue	Nov 22 Wed
Oct 11 Wed	Oct 16 Mon	Oct 23 Mon	Nov 22 Wed	Dec 07 Thu
Oct 27 Fri	Nov 01 Wed	Nov 08 Wed	Dec 08 Fri	Dec 26 Tue
Nov 13 Mon	Nov 16 Thu	Nov 23 Thu	Dec 26 Tue	Jan 08 Mon
Nov 28 Tue	Dec 01 Fri	Dec 08 Fri	Jan 08 Mon	Jan 22 Mon
Dec 13 Wed	Dec 18 Mon	Dec 23 2023 Sat	Jan 22 Mon	Feb 06 Tue
Dec 26 Tue	Dec 29 Fri	Jan 08 2024 Mon	Feb 07 Wed	Feb 22 Thu

- Section 11-200.1-4(a), HAR, establishes the publication schedule of the periodic bulletin to be on the eighth and twenty-third of each month. Publication shall occur on weekends and holidays, when appropriate.
- Section 11-200.1-5(a), HAR, establishes the submittal deadline to be five working days before the publication date. The schedule does not count holidays and non-working days. Items must be submitted before the close of business (4:30 PM) on the submittal deadline. Note: Actions that have published the Draft EA or EISPN on or before August 8, 2019 shall file pursuant to Chapter 11-200, HAR ("1996 Rules"), which requires filing eight working days before publication.
- Comment periods for EAs are 30 days and for EISs are 45 days from the publication date. Section 11-200.1-3 sets forth how to count the days from publication. The publication date is day zero. Holidays and weekends are counted. When the deadline falls on a state holiday or non-working day, the deadline is the next working day.