



# The Environmental Notice

June 8, 2023

Josh Green, M.D., Governor  
Mary Alice Evans, Acting 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.



A summit eruption at Kilauea's Halema'uma'u crater on the Big Island began early yesterday morning

Photo from [US Geological Survey website](https://www.usgs.gov/)

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## ANNOUNCEMENTS

As announced in the last issue, the Environmental Advisory Council partnered with the U.S. Fish and Wildlife Service (USFWS) to host an online meeting to increase awareness about the USFWS' Information for Planning and Consultation online tool and how it fits into the Section 7 consultation process under the Endangered Species Act of 1973, as amended. [Here](#) is a link to the recording of the presentation.

## STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



## HAWAI'I EAS/EISS

### Kona Community Hospital Redundant Wastewater Treatment System--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
<b>District(s)</b>	North Kona
<b>TMK(s)</b>	(3) 7-9-010:081
<b>Permit(s)</b>	Hawai'i County Building Division Approval, Planning Department Plan Approval; Hawai'i State Department of Health WWTS Approval
<b>Proposing/ Determining Agency</b>	State of Hawai'i, Hawai'i Health Systems Corporation, Kona Community Hospital Robert Hollandsworth, (808) 322-4555, <a href="mailto:rhollandsworth@hpsc.org">rhollandsworth@hpsc.org</a> 79-1019 Haukapila Street, Kealahou, HI 96750
<b>Consultant</b>	Geometric Associates; 10 Hina Street, Hilo, HI 96720 Ron Terry, (808) 987-5239, <a href="mailto:rterry@hawaii.rr.com">rterry@hawaii.rr.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by July 10, 2023.</b> Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

KCH proposes a redundant wastewater treatment system with a capacity of 50,000 gallons-per-day (gpd) to supplement its existing 50,000-gpd system, which requires a shutdown to perform critical repair and maintenance. Because hospital operations must not be disrupted, KCH will divert the wastewater flow to the redundant system while the existing system is offline, and whenever future maintenance is needed.

The project is not intended to accommodate expanded wastewater flows, as the system is limited by existing absorption bed capacity. For any substantial future expansion at KCH, a new absorption bed (with a 100 % backup) or other methods to deal with the treated wastewater will be developed. No sensitive biological, hydrological, archaeological, cultural or other resources are present. The project will be timed to minimize effects to medical facility operations, personnel and patients. The project would not adversely affect surface water or groundwater.

## Item Withdrawn

## MAUI EAS/EISS

### Hālau of 'Ōiwi Art--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>	Wailuku
<b>TMK(s)</b>	(2) 3-4-013: 051 (portion)
<b>Permit(s)</b>	US Housing and Urban Development (HUD) National Environmental Policy Act, National Historic Preservation Act Section 106; Federal Aviation Authority Notice of Construction or Alteration FAA Form 7460-1; State Historic Preservation Review Section 6E, HRS; State Department of Health National Pollutant Discharge Elimination System (NPDES), Construction Noise Permit; Maui Redevelopment Agency Wailuku Redevelopment Area Design Review (may be referred to Urban Design Review Board); Maui County Department of Public Works Building Permits, Grading Permits, Driveway Permit; Maui Fire Prevention Bureau Assembly Permit
<b>Proposing/ Determining Agency</b>	County of Maui, Department of Management Kekuhaupio Akana, (808) 270-7855, <a href="mailto:MD.Office@mauicounty.gov">MD.Office@mauicounty.gov</a> 200 South High Street, 9th Floor, Wailuku, HI 96793
<b>Consultant</b>	PBR Hawaii and Associates, Inc.; 1001 Bishop Street Suite 650, Honolulu, HI 96813 Kimi Yuen, (808) 521-5631, <a href="mailto:kyuen@pbrhawaii.com">kyuen@pbrhawaii.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The Hālau of 'Ōiwi Art (H.O.A.) will be a Hawaiian cultural and community center to help advance hula and native and local arts. It will be a two-story building with an estimated total gross building floor area of ~46,000 SF including an intermediary mezzanine. It will include a mix of workshop, studio, and learning space, a flexible event space, a kitchen, support office space, and an exhibit/reception area. In addition, there will be smaller retail/restaurant spaces along Vineyard Street, an internal courtyard, and an outdoor gathering space with landscaped areas. The H.O.A. replaces the three-story County building that was originally proposed for the site as part of the Wailuku Civic Complex project that included the municipal parking structure, which is currently under construction, and the streetscape and utility improvements to Vineyard and Church Streets, which are nearly complete.

## KAUA'I EAS/EISS

### Kaua'i Bus Maintenance Facility Improvements for Electric Buses--2nd 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>	Līhu'e
<b>TMK(s)</b>	(4) 3-6-002:018 (portion)
<b>Permit(s)</b>	Use Permit, Class IV Zoning Permit, New Water Service Connection for Fire Protection, FAA Form 7460-1 (if necessary), NEPA Categorical Exclusion, Noise Permit, Building Permit
<b>Proposing/ Determining Agency</b>	County of Kaua'i, Transportation Agency Celia Mahikoa, (808) 246-8110, <a href="mailto:cmahikoa@kauai.gov">cmahikoa@kauai.gov</a> 3220 Ho'olako Street, Līhu'e, HI 96766
<b>Consultant</b>	PBR Hawaii and Associates, Inc.; 1001 Bishop Street Suite 650, Honolulu, HI 96813 Kimi Yuen, (808) 521-5631, <a href="mailto:kyuen@pbrhawaii.com">kyuen@pbrhawaii.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

Improvements to the existing Kaua'i Bus Maintenance Facility to support conversion of the fleet to battery electric buses (BEB). This will involve the construction of new maintenance bays adjacent to the existing maintenance building, improvements to the existing maintenance building, new office and support spaces, installation of charging equipment, and related site and infrastructure improvements.

An error was noticed in the way five of the figures were displaying in the electronic version of the Final Environmental Assessment (FEA) as it was originally published on May 23, 2023, and thus this 2nd electronic version of the FEA is submitted. Nothing else has been changed in this electronic version of the FEA except the corrected Figures 12, 14, 15, 16, and 17.

## CHAPTER 25, REVISED ORDINANCES OF HONOLULU

Use of the Special Management Area (SMA) is not a trigger under HRS Chapter 343, but major developments in O'ahu's SMA must 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.

### Kealia Farms in Mokuleia--Final EA (FONSI)

<b>District(s)</b>	Waialua
<b>TMK(s)</b>	(1) 6-8-002:010
<b>Permit(s)</b>	SMA Use Permit; Development Permits
<b>Approving Agency</b>	City and County of Honolulu, Department of Planning and Permitting Jordan Dildy, (808) 768-8027, <a href="mailto:jdildy@honolulu.gov">jdildy@honolulu.gov</a> 650 South King Street, 7th Floor, Honolulu, HI 96813
<b>Applicant</b>	Kealia Farms; c/o WHALE Environmental Services LLC, P.O. Box 455, Kahuku, HI 96731 Carl DeForest, (808) 780-8885, <a href="mailto:tropicalislandwater@gmail.com">tropicalislandwater@gmail.com</a>
<b>Consultant</b>	WHALE Environmental Services LLC; P.O. Box 455, Kahuku, HI 96731 Mark Howland, (808) 294-9254, <a href="mailto:markahowland@hawaii.rr.com">markahowland@hawaii.rr.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The proposed Project is to establish an agricultural operation (farm) on the site and construct three farm dwellings. The Project site is a shoreline lot within the SMA, the AG-2 General Agricultural District, and the State Land Use Agricultural District. The proposed development triggers the requirement for an EA and SMA Use Permit under Chapter 25, ROH. Upon issuance of a FONSI by DPP and publication of the Final EA, the Applicant must submit an application for an SMA Use Permit, which is subject to approval by Resolution of the Honolulu City Council.

### Konane Slope Stabilization Project--Final EA (FONSI)

<b>District(s)</b>	Ko'olaupoko
<b>TMK(s)</b>	(1) 4-6-001:002, 060, and 062
<b>Permit(s)</b>	SMA Use Permit, Development Permits; NPDES NOI-C.
<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>	Puu Alii Community Association; 46-40, 50, and 70 Konane Place, Kane'ohe, HI 96744 David Leandro, (808) 235-0320, <a href="mailto:dleandro@prgthawaii.com">dleandro@prgthawaii.com</a>
<b>Consultant</b>	Planning Solutions, Inc.; 711 Kapi'olani Boulevard, Suite 950, Honolulu, HI 96813 Makena White, (808) 550-4538, <a href="mailto:makena@psi-hi.com">makena@psi-hi.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The Puu Alii Community Association (PCA) is proposing to implement a slope stabilization project on a portion of its property in Kane'ohe, O'ahu. The proposal requires a Special Management Area Use Permit. The purpose of the project is to stabilize the slope between PCA structures and City-owned Lilipuna Road in a manner that provides for a shoulder/swale on Lilipuna Road. The project design employs Best Management Practices to reduce the potential for erosion and stormwater quality degradation, and a City-approved landscape plan for visual screening.

## PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

**Status:** The comment period for these projects began previously. **Comments are due June 22, 2023.** 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.

### HAWAI'I

[Puna Geothermal Venture Repower Project--Draft EIS, Appendices, and audio recording of scoping meeting](#)  
[Bayfront Highway and Waianuenue Avenue Intersection Improvements--Draft EA \(AFNSI\)](#)  
[Kea'au-Mountain View Public Library--Draft EA \(AFNSI\)](#)

### MOLOKA'I

[Nā'iwa Agricultural Subdivision--Draft EA \(AFNSI\)](#)

## LISTS OF EXEMPTION NOTICES

Pursuant to [HAR § 11-200.1-17](#), State and county agencies that have determined specific actions to be exempt from the requirement to prepare an EA are required to submit a listing of such exemptions made during the previous month. Following are Lists of Exemption Notices submitted by various agencies for **May 2023, unless noted otherwise**; contact the identified agency contact on each list for additional information about any specific exemption:

### State of Hawai'i

[Hawai'i Community Development Authority](#)  
[Department of Education](#)  
[Department of Land and Natural Resources](#)

### City and County of Honolulu

[Board of Water Supply \(Jan 2023\)](#)  
[Board of Water Supply \(Mar 2023\)](#)  
[Department of Design and Construction](#)  
[Department of Planning and Permitting](#)

### County of Maui

[Department of Water Supply \(Mar 2023\)](#)

### County of Hawai'i

[Department of Public Works](#)

## EXEMPTION NOTICES

The following agencies have declared certain actions exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#), and have voluntarily submitted the Exemption Notices for publication:

### *State of Hawai'i, Hawai'i Community Development Authority*

#### [Alterations to Kolowalu Park, Mauka](#)

The Hawai'i Community Development Authority will make alterations to the existing Kolowalu Park, Mauka, in Kaka'ako. The alterations will include; installation of a perimeter fence along Queen Street and Waimanu Street, area lighting and associated electrical wiring, water fountain fixtures and associated plumbing, site furniture, dog amenities, stone planters, landscaping, modifications to existing irrigation system, and signage. The alterations will include connecting to existing electrical and water utility services. All alterations will be made in the identified parcel, TMK 2-3-004: 080.

#### [Alterations of Existing Crosswalk Facilities on Queen Street, Kaka'ako](#)

The Hawai'i Community Development Authority will make alterations to the existing crosswalk facilities at the intersection of Queen Street and Waimanu Street, in Kaka'ako. The alterations will include: flashing crosswalk indicators, actuator buttons, crosswalk warning signage, traffic stripping, concrete traffic island, minor modifications to existing curb cuts, and traffic calming devices. The alterations will include connecting existing electrical utility services to the warning signage and actuators. All alterations will be made in the existing roadway and public right-of-way. The alterations will have minimal impacts on the environment and is therefore a general action that is eligible for exemption from the preparation of an environmental assessment.

### *State of Hawai'i, University of Hawai'i*

#### [Coconut Island Repair Sewer Lines](#)

The project involves replacing and/or reconstructing the aging sewer infrastructure on Coconut Island and Lilipuna Pier. Approximately 900 linear feet of existing 6-inch and 8-inch diameter gravity sewer lines and 1,500 linear feet of 4-inch diameter force pressurized sewer force main will be replaced. The discharge location of the existing sewer system will be relocated to an existing sewer manhole on Lilipuna Road.

## 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]; Hawai'i [East (808) 961-8288], [West (808) 323-4770]; Kaua'i [(808) 241-4050]; Maui [(808) 270-7735]; Kaka'ako or Kalaeloa Community Development District [(808) 587-2846]

Location (TMK)	Description (File No.)	Applicant/Agent
Maui: Wailuku (3-2-015: 014)	Construction of a New Accessory Dwelling Unit (ADU) and Installation of New Driveway and New Utilities to Service the New Dwelling; Demolition of an Existing Dwelling following the Construction of the New ADU (SM2 2023-00049)	Quirk, Simon Nainoa Ayson
Maui: Lahaina (4-2-004: 034)	Reconstruction of the Retaining Wall to Match Original (SM2 2023-00050)	Atom Kasprzycki
Maui: Kahului (3-8-007: 127)	33 10' x 10' Tents to be Set Up for Food and Beverage Service Locations and Taken Down within Two days (SM2 2023-00051)	Antoinette Smith
Maui: Kīhei (2-1-008: 140)	The Proposed Scope of Work Consists of Temporary Tenting: (1) 40'W x 100' L Clear span Tent, (1) 10'W x 10'W Talent tent, (1) 20'W x 30'L Kitchen Tent and 12' x 16' Stage for Corporate Event on Wednesday, May 31, 2023. Event also includes Tables and Chairs for 257 guests, Bathroom Trailer, Generators, Bus/Vehicle Turn-around Areas and Vendor Vehicle and Bus Staging (SM2 2023-00052)	Kristen Castillo
Maui: Kahului (3-8-007: 040)	The Proposed Scope of Work Consists of Temporary Tenting: (1) 10' x 10' Tent, (2) 10' x 20' Tents, (2) 20' x 20' Tents, (1) 30' x 60' Tent, (1) 20' x 30' Tent, a Food Table Area and a Food Truck Area (SM2 2023-00053)	Faye Otsuka

## 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-2041	2969 Kalākaua Avenue, O'ahu 96815	(1) 3-1-032:004	Ailana Surveying & Geomatics	Kainoa Gillette
OA-2042	10 Kamani Place, O'ahu 96734	(1) 4-3-015:055	Walter P. Thompson, Inc.	Jennifer Rainin 2007 Trust
OA-2043	85-251 Farrington Highway, O'ahu 96792	(1) 6-5-002:018	Control Point Surveying, Inc.	State of Hawai'i
OA-2044	126 S. Kalaheo Avenue, O'ahu 96734	(1) 4-3-013:030	Wesley T. Tengan	Ohana Makai LLC
MA-813	3875 Lower Honoapi'ilani Road, Maui 96761	(2) 4-3-006:041	Ailana Surveying & Geomatics	Charles J. Iannello
KA-476	4914 Weke Road, Kaua'i 96714	(4) 5-5-001:013	Honua Engineers, Inc.	Weke Road Sands, LLC/ Michael Alpert
KA-477	4922 Weke Road, Kaua'i 96714	(4) 5-5-001:014	Honua Engineers, Inc.	Blue Makai Properties LLC
KA-478	4936 Weke Road, Kaua'i 96714	(4) 5-5-001:015	Honua Engineers, Inc.	Hanalei Sun Holdings LLC

## SHORELINE NOTICES (CONTINUED)

### 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-2025	Proposed	Kamehameha Highway, O'ahu 96730	(1) 5-1-002: por. 025, (1) 5-1-02: Road	Control Point Surveying, Inc.	State of Hawai'i, Department of Transportation
OA-2010	Rejected	1056 Mokulua Drive, O'ahu 96734	(1) 4-3-006:058, 105, 106	R. M. Towill Corporation	1056 Mokulua LLC, 1064 Mokulua LLC, Mokulua Windward LLC
MA-812	Proposed	Keawekapu Beach, South Kihei Road, Maui 96753	(2) 3-9-004:001	Austin Tsutsumi & Associates, Inc.	County of Maui
HA-636	Proposed	57-2000 Mahukona Park Road, Hawai'i 96743	(3) 5-7-003:013	Eugene Harrell	County of Hawai'i DPP

## 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](http://www.federalregister.gov).

**Notice: [Solicitation for Applications for Advisory Councils Established Pursuant to the National Marine Sanctuaries Act and Executive Order](#) (published by the National Oceanic and Atmospheric Administration on 05/31/2023)**

Notice is hereby given that ONMS will solicit applications to fill non-governmental seats on its 17 established national marine sanctuary advisory councils, including for the Hawaiian Islands Humpback Whale National Marine Sanctuary, and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council (advisory councils), under the National Marine Sanctuaries Act and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Executive Order, respectively. Please click on the title link above for details and specific information about applying for each advisory council.

**Notice: [Western Pacific Fishery Management Council; Public Meetings](#) (published by the National Oceanic and Atmospheric Administration on 05/25/2023)**

The Western Pacific Fishery Management Council (Council) will hold online meetings of its Federal Data Coordination and Research Committee Technical Committee data subpanel (FDCRC–TC), Federal Data Coordination and Research Committee (FDCRC), and Non-commercial Fisheries Advisory Committee (NCFAC) to discuss and make recommendations on fishery management issues in the Western Pacific Region. **The meetings will be held between June 8 and June 13, 2023.** For specific times, agendas, and details on participating in the meetings, please click on the title link above.

**Notice: [Western Pacific Fishery Management Council; Public Meetings](#) (published by the National Oceanic and Atmospheric Administration on 05/25/2023)**

The Western Pacific Fishery Management Council (Council) will hold its 148th Scientific and Statistical Committee (SSC) and its 195th Council meeting to take actions on fishery management issues in the Western Pacific Region. **The SSC meeting will be held between 9 a.m. and 5 p.m. Hawaii Standard Time (HST) on June 14, 10 a.m. and 5 p.m. HST on June 15, and 9 a.m. and 12 p.m. on June 16, 2023.** The SSC meeting will be held in a hybrid format with in-person and remote participation (Webex) options available for SSC members and the public. In-person attendance will be hosted at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813. Click on the title link above for details on attending online and for additional information.



## 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).