



The Environmental Notice

July 23, 2023

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



Improvements are proposed for the separate water system in Waiāhole Valley, on the windward side of O'ahu; see the [Draft EA](#) inside

Photo credit: [UH News](#)

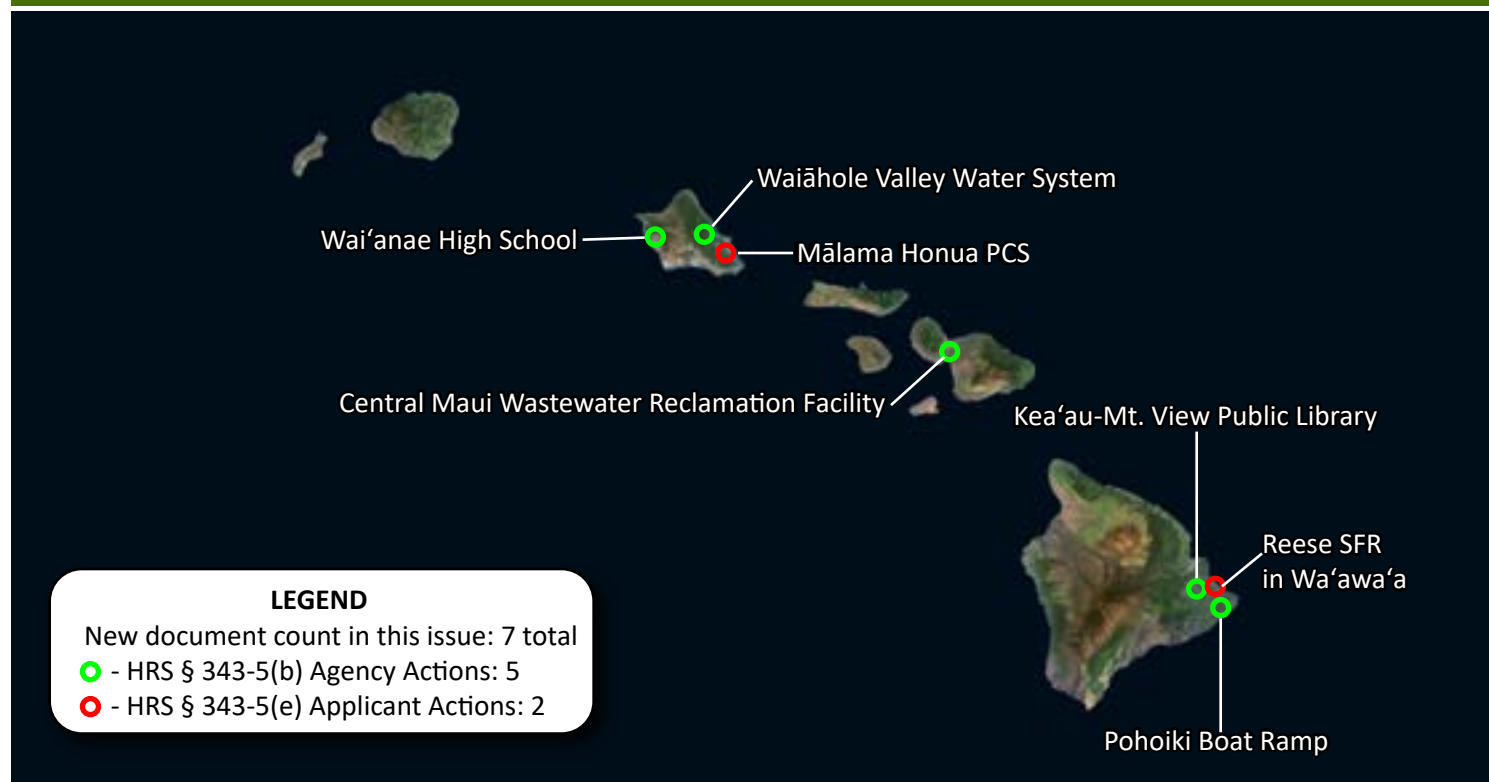
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ANNOUNCEMENTS

As a reminder, if you are searching for a recent EA and not finding it on our website's [library of EAs published under the new rules](#), most likely the EA was processed pursuant to Revised Ordinances of Honolulu Chapter 25--not HRS Chapter 343--and thus can be found in our [library of various "other" documents](#) that we publish. Sorting the "Type of Document" column or using the lower search box can help you find specific documents.

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



HAWAI'I EAS/EISS

Reese Single-Family Residence in Wa'awa'a--Draft EA (AFNSI)

| | |
|------------------------------|--|
| HRS §343-5(a) Trigger | (2) Propose any use within any land classified as a conservation district |
| District(s) | Puna |
| TMK(s) | (3) 1-4-028:005 |
| Permit(s) | County of Hawai'i: Special Management Area Permit, Plan Approval, and Grubbing, Grading, and Building Permits, Driveway Access Permit; State of Hawai'i: Conservation District Use Permit, Wastewater System Approval, Chapter 6E SHPD Approval of Archaeological Survey |
| Approving Agency | State of Hawai'i, Board of Land and Natural Resources Trevor Fitzpatrick, (808) 798-6660, trevor.j.fitzpatrick@hawaii.gov 1151 Punchbowl Street #131, Honolulu, HI 96813 |
| Applicant | Carl and Anick Reese; P.O. Box 6847, Pine Mountain Club, CA 93222-6847 c/o: James Leonard, (808) 896-3459, jmleonard@mac.com |
| Consultant | Geometrician Associates; 10 Hina Street, Hilo, HI 96720 Ron Terry, (808) 969-7090, rterry@hawaii.rr.com |
| Status | Statutory 30-day public review and comment period starts. Comments are due by August 22, 2023. Please click on title link above to read the document, then send comments to the approving agency and copy the consultant. |

Applicants propose a home on their 0.327-acre shoreline property within a subdivision in Puna. The 1-story home will be set back 100 feet from the shoreline (which is on the property makai) and will have 968-square of interior space, 2 bedrooms, 1 bath, and a gate, a garage and lanai. The off-grid home will have rooftop solar PV. The project includes landscaping with the natural hala/naupaka vegetation and replaces hala trees that need to be removed within areas that will have invasive trees removed. No threatened and endangered plants are present, and no archaeological sites are present. Grading will be minimal and mitigated by BMPs. Clearing timing restrictions will help prevent impacts to endangered Hawaiian hoary bats. Cultural practices in the form of fishing and gathering sometimes occur makai of the lot and would not be adversely affected.

Kea'au-Mountain View Public Library--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) | Puna |
| TMK(s) | (3) 1-6-002:001 (por) |
| Permit(s) | MOA and E.O. for property for library use (HSPLS and DOE); Plan Review (DOH DCAB); Director's Plan Approval (County Planning Dept); NPDES (if required during construction) (DOH); Building permit, electrical permit, plumbing permit, driveway permit, grading permit, grubbing and stockpiling permit (County of Hawai'i); Permit to Perform Work Upon State Highways (work within state highway ROW); Permit to Operate or Transport Oversize and/or Overweight Vehicles & Loads Over State Highways (as required); Permit for the Occupancy and Use of State Highway ROW (as required) (Hawai'i Dept of Transportation) |
| Proposing/Determining Agency | State of Hawai'i, Department of Accounting and General Services (DAGS) Brian Isa, (808) 586-0484, Brian.s.isa@hawaii.gov 1151 Punchbowl Street, Honolulu, HI 96813 |
| Consultant | HHF Planners; 733 Bishop Street, Suite 2590, Honolulu, HI 96813 Leslie Kurisaki, (808) 457-3182, lkurisaki@hhf.com |
| Status | Finding of No Significant Impact (FONSI) determination |

The Hawai'i State Public Library System (HSPLS) proposes a new 13,900 SF public library on a 1.7-acre site in Kea'au, adjacent to the Kea'au Middle School. The site is owned by the State of Hawai'i.

The Kea'au-Mountain View Public Library is one of two new libraries proposed in the Puna District to replace three outdated public and school libraries co-located within school campuses. The main library space will be a flexible open area with modular furnishings that can be reconfigured as needs change. A community meeting room is provided for special functions during or after library hours, and opens to a lanai for indoor-outdoor functions. Staff areas include offices, workspace, and storage, and space is included for Friends of the Library. Two one-way driveways will provide access to the 42-stall parking lot. Accessible walkways will connect the library to the public sidewalk and the middle school.

HAWAII EAS/EISS (CONTINUED)

Pohoiki Boat Ramp Dredging of Volcanic Debris--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 (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area |
| District(s) | Puna |
| TMK(s) | (3) 1-3-008:014 por. and unencumbered land |
| Permit(s) | Numerous (see document) |
| Proposing/ Determining Agency | State of Hawai'i, Department of Land and Natural Resources Finn McCall, (808) 587-3250, finn.d.mccall@hawaii.gov 4 Sand Island Access Road, Honolulu, HI 96819 |
| Consultant | The Limtiaco Consulting Group; 1622 Kananui Street, Honolulu, HI 96817 Trevor Vagay, (808) 596-7790, trevor@tlcghawaii.com |
| Status | Finding of No Significant Impact (FONSI) determination |

The Kīlauea Volcano eruption of 2018 disrupted the use of the Pohoiki Boat Ramp facility in the Puna District. Ocean rescue services, commercial fishing, ocean/volcano tours, recreational opportunities, and food sustainability practices of the Puna community are negatively affected by the closure of the boat ramp, which is undamaged but landlocked by accumulated volcanic debris. The Pohoiki Boat Ramp facility is owned and maintained by the DLNR's Division of Boating and Ocean Recreation. Accumulated material consisting of sand, rock, and cobble currently blocks navigational access to the Pacific Ocean. The proposed project would restore navigational access by removing accumulated material from Pohoiki Bay through excavation and dredging. Volcanic material would be placed in areas of new lava or new beach that are away from the ocean. Pohoiki Bay would be restored to a shape and depth that resembles pre-eruption conditions to the extent possible.

MAUI EAS/EISS

Central Maui Wastewater Reclamation Facility--(EIS Preparation Notice)

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|--|--|
| HRS §343-5(a) Trigger | (1) Propose the use of state or county lands or the use of state or county funds (6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation (9)(A) Propose any wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent |
| District(s) | Wailuku |
| TMK(s) | Numerous (see document) |
| Permit(s) | Numerous (see document) |
| Proposing/ Determining Agency | County of Maui, Department of Environmental Management Juan Rivera, (808) 270-7268, environmental.mgmt@co.maui.hi.us 2200 Main Street, Suite 610, Wailuku, HI 96793 |
| Accepting Authority | As designated by the Governor: County of Maui, Department of Environmental Management (see Appendix A of the EISPN) See info above for Proposing/Determining Agency contact |
| Consultant | Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Yukino Uchiyama, (808) 983-1233, CentralMauiWWRF@munekiyohiraga.com |
| Status | Administrative 30-day public review and comment period starts. A public scoping meeting will be held August 16, 2023 at 6:00 p.m. Waikapū Community Center (22 East Waiko Road, Waikapū, Maui, HI 96793) Comments on the EISPN are due by August 22, 2023. Please send comments to the accepting authority and copy the consultant. |

The County of Maui, Department of Environmental Management is proposing to develop a new Central Maui Wastewater Reclamation Facility (WWRF) and onsite Soil Aquifer Treatment basin on approximately 14.9 acres of former agricultural lands between Honoapi'ilani Highway and Kuihelani Highway as well as related offsite infrastructure improvements. Offsite improvements consist of a wastewater pump station (WWPS) near the existing master-planned Kehalani community, a sewage pipeline from the Kehalani WWPS to the WWRF, portions of sewage pipeline and R-1 recycled water transmission line that connect the WWRF and the future Waikapū Country Town development, and a WWRF access road. The proposed WWRF will service existing and planned developments throughout the Waikapū/Wailuku area, as well as State of Hawai'i projects in Pūlehunui.

O'AHU EAs/EISS

Waiāhole Valley Water System Improvements--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 (2) Propose any use within any land classified as a conservation district |
| District(s) | Ko'olaupoko |
| TMK(s) | (1) 4-8-001 and 4-8-006 through 4-8-013 |
| Permit(s) | HRS §6-E Historic Preservation Review; Water Use Permit (transfer); Well Construction and Pump Installation Permit; Well Abandonment Permit; Conservation District Site Plan Approval; National Pollutant Discharge Elimination System (NPDES) General Permit; Highway Usage Permit; Grading, Grubbing and Stockpiling Permit |
| Proposing/ Determining Agency | State of Hawai'i, Hawai'i Housing Finance and Development Corporation Evahn Beresiwsky, (808) 587-0547, evahn.e.beresiwsky@hawaii.gov 677 Queen Street, Suite 300, Honolulu, HI 96813 |
| Consultant | Planning Solutions, Inc.; 711 Kapi'olani Boulevard, Suite 950, Honolulu, HI 96813 Jim Hayes, (808) 550-4559, jim@psi-hi.com |
| Statu | Statutory 30-day public review and comment period starts. Comments are due by August 22, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency at jim@psi-hi.com |

Hawai'i Housing Finance and Development Corporation (HHFDC) owns, operates, and maintains the Waiāhole Valley Water System (WVWS), a private potable water system that serves residential and certain agricultural uses in the valley. The existing WVWS was installed in the late-1980s and certain system components have become unreliable, difficult to access and maintain, and/or have reached the end of their design life. Those characteristics result in water service irregularities and hardship for the WVWS customers. The purpose of the proposed project is to improve the WVWS so that it reliably provides sufficient potable water to all customers in a manner that allows for safe and cost-effective operation and maintenance. The Draft Environmental Assessment addresses several water system improvement alternatives.

Mālama Honua Public Charter School Foundation & Hui Mālama o Ke Kai Improvement Plan--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) | Ko'olaupoko |
| TMK(s) | (1) 4-1-009: 265 |
| Permit(s) | Conditional Use Permit (CUP), National Pollutant Discharge Elimination System (NPDES), Community Noise, Building, Grading and Grubbing Permit, Sanitation Food Safety, Others (see Section 2.7 of document) |
| Approving Agency | State of Hawai'i, Department of Land and Natural Resources Barry Cheung, (808) 587-0430, barry.w.cheung@hawaii.gov PO Box 2359, Honolulu, HI 96804-2359 |
| Applicant | Mālama Honua Public Charter School Foundation (MHPCSF) in coordination with Hui Mālama o Ke Kai Foundation (HMK) Denise Espania, (808) 259-5522, info@tridason.com , 41-054 Ehukai St., Waimānalo, HI 96795 |
| Consultant | Tridason LLC; P.O.Box 1361, Honolulu, HI 96807 Tricia Dang, (808) 542-9251, tricia@tridason.com |
| Status | Statutory 30-day public review and comment period starts. Comments are due by August 22, 2023. Please click on title link above to read the document, then send comments to the approving agency at tricia@tridason.com |

Mālama Honua Public Charter School Foundation (MHPCSF) in collaboration with Hui Mālama O Ke Kai Foundation (HMK) proposes new improvements for programmatic use and collaboration. The proposed Project includes 12 single-story structures (6 classroom pods and an administrative structure for MHPCSF, 4 yurts for HMK, and a shared kitchen/pavilion building) designed in a village-style layout to foster community and connection. With an average floor area of 1,897 SF, the structures will be positioned behind the existing structures, preserving the view plane and maintaining the existing street front view. Additionally, the Project parking and turnaround is over 400 feet from the property entrance with the designated Project parking area discreetly located behind the existing structures.

O'AHU EAs/EISs (CONTINUED)

Wai'anae High School Track and Field Improvements--Draft EA (AFNSI)

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|--|---|
| HRS §343-5(a) Trigger | (1) Propose the use of state or county lands or the use of state or county funds |
| District(s) | Wai'anae |
| TMK(s) | (1) 8-5-015:001, 8-5-002:018 |
| Permit(s) | National Pollutant Discharge Elimination System (NPDES), Notice of General Permit Coverage (NGPC); Disability and Communication Access Board (DCAB) Document Review; Chapter 6E-8 Historic Preservation Review; Community Noise Permit, if applicable; Special Management Area Use Permit – Major Permit; Grading Permit; Building Permit |
| Proposing/ Determining Agency | State of Hawai'i, Department of Education Mitch Tamayori, (808) 784-5116, mitch.tamayori@k12.hi.us Facilities Development Branch, Project Management Section, 3633 Wai'alea Avenue, Room B-201, Honolulu, HI 96816 |
| Consultant | Fukunaga and Associates, Inc.; 1357 Kapi'olani Blvd, Suite 1530, Honolulu, HI 96814 Amanda Waki, (808) 944-1821, awaki@fukunagaengineers.com |
| Status | Statutory 30-day public review and comment period starts. Comments are due by August 22, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant |

The proposed project includes the following work: replacement of the existing track and field with a new synthetic turf field and a new synthetic surface track; relocation of track events, including pole vault, long jump, high jump, and shotput; concrete sidewalk and slab improvements, primarily consisting of replacement of an existing accessible sidewalk to the visitor's bleachers; and drainage improvements and other miscellaneous items. The proposed project will support educational programs and activities by providing better athletic facilities.

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 JULY 24, 2023

HAWAI'I

[Hilo Harbor Private Lands Acquisition and Development--Draft EA \(AFNSI\)](#)

MOLOKA'I

[Kalaupapa National Historical Park Rehabilitate and Upgrade the Existing Electrical System--Draft EA \(AFNSI\)](#)

O'AHU

[Board of Water Supply Waiawa 228 Reservoir Facility--Draft EA \(AFNSI\)](#)

KAUA'I

[Wolbachia-based Suppression of Mosquitoes on Kaua'i--Draft EA \(AFNSI\)](#)

EXEMPTION DECLARATION

The University of Hawai'i-Mānoa has declared the following action exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#), and has voluntarily submitted it for publication:

UHM POST Building Roof Cantilever Structure and Screen Removal

The existing roof cantilever steel support and base connectors on the POST Building were found to be severely corroded. It was recommended for removal by the Structural Engineer who conducted a field investigation and condition assessment. The University needs to take timely action to address this unsafe condition for public safety. Since all machinery and equipment are contained within the Penthouse Mechanical Equipment Enclosure, no equipment is visible. Therefore, there would not be a need for visual screening.

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 |
|-----------------------------------|--|--|
| Kaua'i: Hanalei (5-5-010:055) | Six foot High Redwood Fence and Gate. (SMA(M)-2022-5) | Keith and Kelly Eshelman, Cynthia Zollinger/ Belles Graham LLP |
| Kaua'i: Līhu'e (1-6-006:001) | Construction of Three 12' x 12' beach Cabanas. (SMA(M)-2023-21) | Kalapaki Beach Club/ Richard Alao |
| Kaua'i: Kōloa (2-6-012:004) | Second Story Addition on Existing Detached Garage. (SMA(M)-2023-22) | Steven Hiaasen and Feryat Newman/ Belles Graham LLP |
| Maui: Hana (1-4-008: 020) | Placement of an After-The- Fact 8 x 8 x 20 Storage Container, Grubbing, Removal of Cane-Grass, Vines and Deadwood, Diversified Orchard Planting (SM2 2023-00057) | Lisa Starr |
| Maui: Kīhei-Makena (2-1-023: 003) | Replacement of 5 Existing 2-inch Water Meters and 2 Existing 2-inch Submeters, Installation of New Water Service Laterals and Manholes Off the Existing (SM2 2023-00059) | Munekiyo Hiraga |
| Maui: Pā'ia-Ha'ikū (2-9-002: 016) | Construct a 998 Square Foot Second Farm Dwelling with a 1034 Square Foot Lanai and Catwalk (SM2 2023-00060) | Rulan Waikiki |

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Application(s) or receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in *The Environmental Notice*. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed for each project. CDUAs can be found via the hyperlinked File No. below or on the OCCL website at dlnr.hawaii.gov/occl.

Proposed Action: [Reese Single-Family Residence](#)

File No.: [CDUA HA-3921](#) ([Department's Acceptance Letter](#))

HRS 343, Determination: [Draft Environmental Assessment/AFONSI](#) Published July 23rd, 2023

Name of Applicant: Carl J. and Anick L. Reese; c/o: James Leonard, (808) 896-3459, jmleonard@mac.com

Agent: JM Leonard Planning, LLC.

Location: Government Beach Road, Wa'awa'a Subdivision, Wa'awa'a, Puna, Hawai'i

TMK: (3) 1-4-028:005

OCCL Staff Contact: Trevor Fitzpatrick, (808) 798-6660, trevor.j.fitzpatrick@hawaii.gov

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, contact Rebecca Anderson at rebecca.l.anderson@hawaii.gov

| File No. | Location | TMK | Applicant | Owner |
|----------|---|-----------------|------------------|--|
| OA-2047 | 44-315 Kāne'ōhe Bay Drive, O'ahu 96744 | (1) 4-4-007:038 | Wesley T. Tengan | Alen M. K. Kaneshiro |
| OA-2048 | 91-433 'Ewa Beach Road, O'ahu 96706 | (1) 9-1-024:027 | Moana Bjur | Poni LLC |
| OA-2049 | 5641 Kalaniana'ole Highway, O'ahu 96821 | (1) 3-7-001:001 | Wesley T. Tengan | Bernardus Brugman |
| OA-2050 | 87-591 Farrington Highway, O'ahu 96792 | (1) 8-7-028:013 | Wesley T. Tengan | Sidney D. Passman III & Bridgette G. Passman |

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.

Proposed Rule: [Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Green Sea Turtle](#) (published by the Fish and Wildlife Service on 07/19/2023)

We, the U.S. Fish and Wildlife Service (Service or USFWS), propose to designate critical habitat for five distinct population segments (DPSs) of the green sea turtle (*Chelonia mydas*) under the Endangered Species Act of 1973, as amended (ESA or Act). The five DPSs include the federally threatened Central North Pacific DPS that includes Hawai'i. In total, approximately 8,870 acres (ac) (3,590 hectares (ha)) are proposed across 101 units in the States of Florida and Hawai'i; the territories of the U.S. Virgin Islands, American Samoa, and Guam; the commonwealths of Puerto Rico and the Northern Mariana Islands, and two USFWS-managed areas (Midway Islands and Palmyra Atoll). We also announce five public informational meetings and public hearings and the availability of a draft economic analysis of the proposed critical habitat designation for the terrestrial areas included in this proposed rule. Elsewhere in today's Federal Register, the National Marine Fisheries Service (NMFS) is also proposing to designate specific areas in the marine environment as critical habitat for DPSs of the green sea turtle (*see below*).

We will hold five **public informational meetings** via Zoom followed by public hearings, including: (1) Central North Pacific DPS—Hawai'i: **August 10, 2023**, from 6 p.m. to 8 p.m., Hawai'i-Aleutian time. Please click the title link above for details on attending the meetings or **submitting comments by the October 17, 2023 deadline**.

Proposed Rule: [Endangered and Threatened Wildlife and Plants: Proposed Rule To Designate Marine Critical Habitat for Six Distinct Population Segments of Green Sea Turtles](#) (published by the National Oceanic and Atmospheric Administration on 07/19/2023)

We, the National Marine Fisheries Service (NMFS), propose to designate specific areas in the marine environment as critical habitat for six distinct population segments (DPSs) of the green sea turtle (*Chelonia mydas*) under the Endangered Species Act (ESA) of 1973, as amended. The DPSs that occur in waters under U.S. jurisdiction include the threatened North Atlantic, South Atlantic, East Pacific, and Central North Pacific DPSs and the endangered Central South Pacific and Central West Pacific DPSs. Proposed critical habitat includes nearshore areas from the mean high water line to 20 m depth located along the coast of Hawai'i and elsewhere. Based on consideration of economic impacts, we propose to exclude multiple areas from designation. We are soliciting comments on all aspects of the proposed critical habitat designations and will consider information received prior to making final designations.

We will also hold five **public informational meetings** via Zoom followed by public hearings, including: (1) Central North Pacific DPS—Hawai'i: **August 10, 2023**, from 6 p.m. to 8 p.m., Hawai'i-Aleutian time. Please click the title link above for details on attending the meetings or **submitting comments by the October 17, 2023 deadline**.

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).