



# The Environmental Notice

September 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.



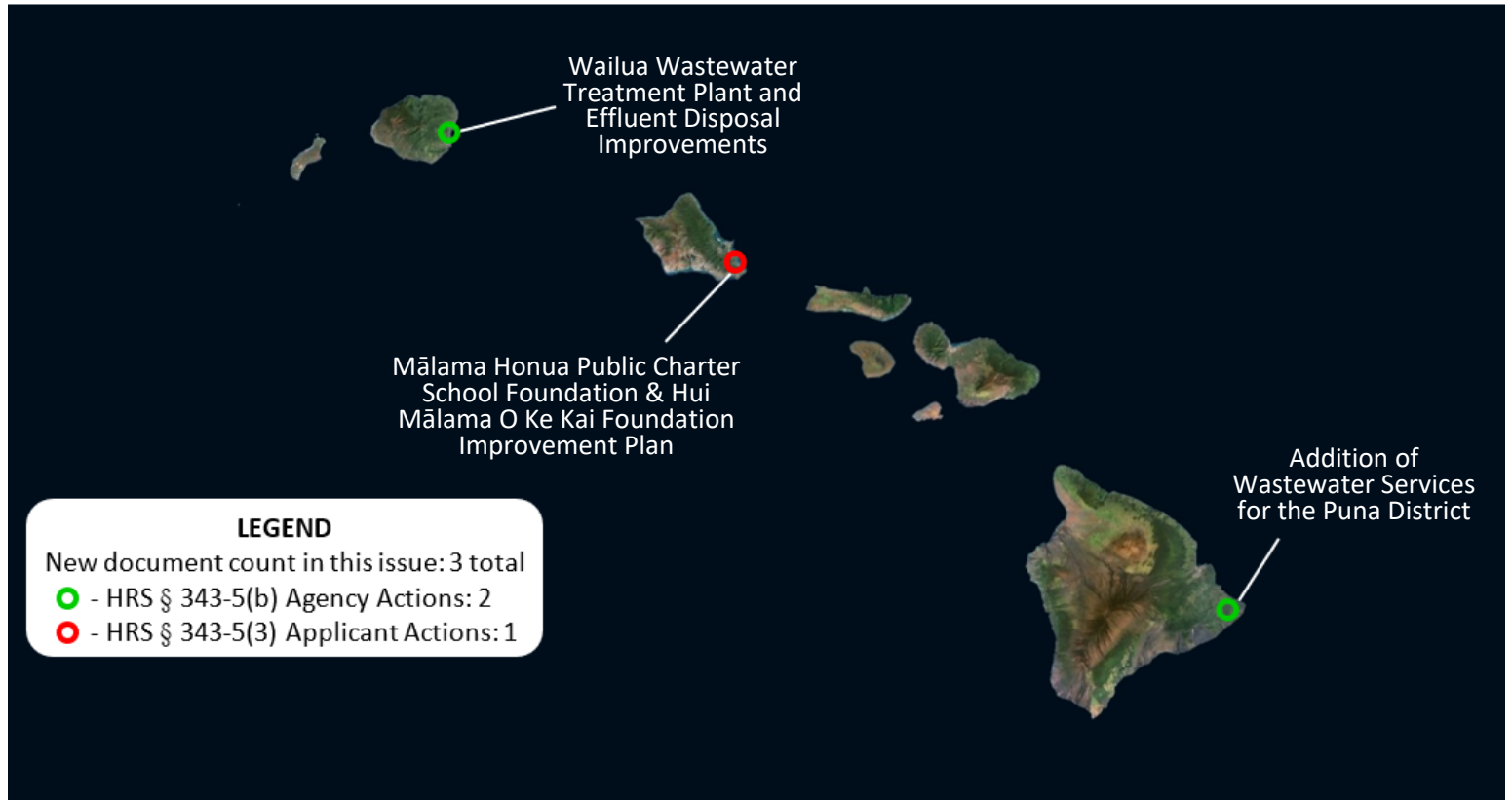
Aerial image of the Lihu'e coast.

photo from [Wailua Wastewater Treatment Plant's Draft EA](#)

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



## KAUAʻI EAS/EISS

### Wailua Wastewater Treatment Plant And Effluent Disposal Improvements – 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>	Līhuʻe
<b>TMK(s)</b>	(4) 3-9-006:019; (4) 3-9-006:027; (4) 3-9-006:999; (4) 3-9-002:032; (4) 3-9-002:004
<b>Permit(s)</b>	Building and Construction Permits Community Noise Permit and/or Noise Variance Endangered Species Act Compliance Grading, Grubbing, and Stockpiling Permits Hawaiʻi Environmental Policy Act Compliance Magnuson-Stevens Fishery Conservation and Management Act Compliance National Environmental Policy Act National Historic Preservation Act Compliance National Pollutant Discharge Elimination System Permit Recycled Water Permit Special Management Area Major Permit U.S. Army Corps of Engineers, Nationwide Permit Zoning Permit
<b>Proposing/ Determining Agency</b>	County of Kauaʻi Department of Public Works Wastewater Management Division Donald Fujimoto, (808) 241-4082, <a href="mailto:pwww@kauai.gov">pwww@kauai.gov</a> 4444 Rice Street, Suite 295, Līhuʻe, HI 96766
<b>Consultant</b>	HHF Planners; 733 Bishop Street Suite 2590, Honolulu, HI 96813 John Hagihara, (808) 457-3174, <a href="mailto:ihagihara@hhf.com">ihagihara@hhf.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by October 23, 2023.</b> Please send comments to the proposing/determining agency and copy the consultant.

The County of Kauaʻi Department of Public Works is proposing to construct improvements to the Wailua Wastewater Treatment Plant (WWTP) and its effluent disposal system including: improvements to existing WWTP processes; rehabilitation of the existing recycled water force main that connects the WWTP to the irrigation holding pond at the Wailua Municipal Golf Course; and upgrades to the existing ocean outfall diffusers to prevent them from being covered by sand. The Wailua WWTP is located at 4460 Nalu Road approximately 2,000 feet south of the Wailua River and adjacent to Lydgate Beach Park. The recycled water force main is approximately 4,600 feet in length. From the WWTP, the force main follows County-owned rights of way along Nalu Road, Leho Drive, and Nehe Road before entering the golf course property. The ocean outfall is located in a notch in the reef approximately 670 feet from shore in waters approximately 30 feet deep.

## OʻAHU EAS/EISS

### Mālama Honua Public Charter School Foundation & Hui Mālama o Ke Kai Improvement Plan – 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>	Koʻolaupoko
<b>TMK(s)</b>	(1) 4-1-009: 265
<b>Permit(s)</b>	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)
<b>Approving Agency</b>	State of Hawaiʻi, Department of Land and Natural Resources Barry Cheung, (808) 587-0430, <a href="mailto:barry.w.cheung@hawaii.gov">barry.w.cheung@hawaii.gov</a> PO Box 2359, Honolulu, HI 96804-2359
<b>Applicant</b>	Mālama Honua Public Charter School Foundation (MHPCSF) in coordination with Hui Mālama o Ke Kai Foundation (HMK) Denise Espania, (808) 259-5522, <a href="mailto:tricia@tridason.com">tricia@tridason.com</a> , 41-054 Ehukai St., Waimānalo, HI 96795
<b>Consultant</b>	Tridason LLC; P.O.Box 1361, Honolulu, HI 96807 Tricia Dang, (808) 542-9251, <a href="mailto:tricia@tridason.com">tricia@tridason.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

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.

## HAWAII EAS/EISS

### Addition of Wastewater Services for the Puna District – Final EIS

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds (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
<b>District(s)</b>	Puna
<b>TMK(s)</b>	Numerous (see document)
<b>Permit(s)</b>	Numerous (see document)
<b>Proposing Agency</b>	County of Hawai‘i, Department of Environmental Management Kelly Hartman, (808) 961-8512, <a href="mailto:Kelly.Hartman@hawaiicounty.gov">Kelly.Hartman@hawaiicounty.gov</a> 345 Kekūanā‘ōa Street, Suite 41, Hilo, HI 96720
<b>Accepting Authority</b>	County of Hawai‘i, Office of the Mayor Mitch Roth, (808) 961-8211, <a href="mailto:mitchd.roth@hawaiicounty.gov">mitchd.roth@hawaiicounty.gov</a>
<b>Consultant</b>	AECOM; 1001 Bishop Street, Suite 1600, Honolulu, HI 96813 Rae Loui, (808) 529-7221, <a href="mailto:rae.loui@aecom.com">rae.loui@aecom.com</a>
<b>Status</b>	Final EIS has been submitted and is pending acceptance by the accepting authority

The Proposed Action is the addition of wastewater collection, treatment, and disposal infrastructure and services for the Project Area. The action would provide efficient, technologically advanced, and resilient wastewater collection, treatment, and disposal infrastructure and services, primarily to town and village centers in the Project Area.

## 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 OCTOBER 9, 2023.**

**HAWAII**  
[After-the-Fact Demolition and Reconstruction of Single-Family Residence in Honaunau—Draft EA \(AFNSI\)](#)

**O‘AHU**  
[Waialua Mill Camp Restoration – Draft EA \(AFNSI\)](#)  
[Sand Island Fuel Facility Stormwater System Upgrade Project – Draft EA \(AFNSI\)](#)

## 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:

*County of Kaua‘i, Department of Water*

**[Piwai Well No. 3 Repair](#)**

The County of Kaua‘i, Department of Water is replacing the existing deep well pump at Piwai Well No. 3, which has failed and requires replacement. Piwai Well No. 3 provides potable water to the communities of Omao, Kōloa, and Po‘ipū. The County of Kaua‘i, Department of Water will replace the existing deep well pump with a new deep well pump of equal size.

**[Weke, Anae, Mahimahi and Hee Roads 6” and 8” Main Replacement](#)**

The County of Kaua‘i, Department of Water is replacing existing water infrastructure in order to provide water mains that meet current fire flow standards. The work will be performed in County of Kaua‘i right-of-way, on County roads and State of Hawai‘i right-of-way, on the State highway. The area consists of residential and commercial spaces and County of Kaua‘i parks.

*State of Hawai‘i, University of Hawai‘i*

**[Bilger Addition Refresh/Renovate Teaching Labs 102, 102A, 105 & 115](#)**

This action involves interior renovation of existing labs and lab prep room which is needed to address worn and damaged lab casework; remove asbestos containing countertops and flooring; improve existing lab ventilation system; provide energy efficient light fixtures; install new audio-visual teaching aids; and remove architectural barriers for ADA accessibility. All work will be limited to the interior of the building and alterations involve partitions, ventilation, plumbing and electrical conveyances.

## COASTAL ZONE MANAGEMENT NOTICES

## FEDERAL CONSISTENCY REVIEWS

The following federal actions are being reviewed for consistency with the enforceable policies of the Hawai'i Coastal Zone Management (CZM) Program, including [the CZM objectives and policies in Hawai'i Revised Statutes, Chapter 205A](#). Federal consistency, pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA), as amended, generally requires that federal actions, within and outside of the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. This public notice is being provided in accordance with § 306(d)(14) of the CZMA, and federal regulations at 15 CFR § 930.2, § 930.42, and § 930.61. General information about federal consistency is available at the [Hawai'i CZM Program web site](#), or call (808) 587-2878.

For specific information or questions about an action listed below, contact **Debra Mendes, (808) 587-2840, [Debra.L.Mendes@hawaii.gov](mailto:Debra.L.Mendes@hawaii.gov)**. The CZM Program is required to adhere to federal review deadlines, therefore, **comments must be received by October 7, 2023**. Comments may be submitted by mail or electronic mail, to the addresses below.

**Mail:** Office of Planning and Sustainable Development  
Department of Business, Economic Development and Tourism  
P.O. Box 2359, Honolulu, HI 96804

**Email:** [Debra.L.Mendes@hawaii.gov](mailto:Debra.L.Mendes@hawaii.gov)

#### **Fuel Facility Project at Kalaupapa National Historic Park, Island of Moloka'i**

**Proposed Action:** The National Park Service proposes to construct a new fuel facility and dispensing system to serve the entire Kalaupapa settlement fuel needs. The work will include the installation of five (5) 5,000-gallon modular, above ground, double-walled fuel storage tanks, a fuel dispensing and monitoring system, site clearing & grubbing, a concrete pad to support the fuel to tanks, and appurtenances, road improvements to safely fuel vehicles and deliver fuel to tank, and an extension of telecommunications and electrical service to the dispensing system. The new fuel facility will be located outside the tsunami inundation zone and include above ground storage tanks with appropriate spill and leak prevention and containment. For more information, please see the National Park Service site: <https://parkplanning.nps.gov/projectHome.cfm?projectId=93854>.

**Location:** Kalaupapa National Historic Park, Island of Moloka'i

**TMK:** (2) 6-1-001:001 and (2) 6-1-001:002

**Federal Action:** Federal Agency Activity

**Federal Agency:** National Park Service

**CZM Contact:** Debra Mendes, (808) 587-2840, [Debra.L.Mendes@hawaii.gov](mailto:Debra.L.Mendes@hawaii.gov)

**Comments Due:** October 7, 2023

#### **National Electric Vehicle Infrastructure (NEVI) Charging Station at Aloha Tower, Island of O'ahu**

**Proposed Action:** The State Department of Transportation proposes to install a national electric vehicle infrastructure (NEVI) charging station at the Aloha Tower Marketplace behind the Hawaiian Electric Company's downtown substation on O'ahu. The project will involve the installation of four (4) 150-kW electric vehicle chargers, a battery storage cabinet, above ground electrical conduit, and re-striping of six parking stalls. There will be no ground disturbance associated with this project.

**Location:** Aloha Tower Marketplace, Island of O'ahu

**TMK:** (1) 2-1-001:62

**Applicant:** State of Hawaii Department of Transportation

**Federal Action:** Federal Assistance (funding)

**Federal Agency:** Federal Highway Administration

**CZM Contact:** Debra Mendes, (808) 587-2840, [Debra.L.Mendes@hawaii.gov](mailto:Debra.L.Mendes@hawaii.gov)

**Comments Due:** October 7, 2023

**COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)**

**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 (5-8-011: 011)	Construction of a 6-foot-High Natural Cedar Fence. (SMA(M)-2024-2)	Theron L. JR. and Geneil Vines
Kaua‘i: Princeville to Waikoko, Kūhiō Highway Mile post 0.0 to Mile post 4.5	Construction of Sidewalks, Raised Crosswalks, Crosswalk Alert Lighting, Guardrails, and Other Associated Improvements on Kūhiō Highway. (SMA(M)-2024-3)	State of Hawai‘i Department of Transportation/Munekiyo Hiraga
Maui: Kīhei (2-1-008: 156)	Swimming Pool and Spa (SM2 2023-00070)	CDG Maui Inc
Maui: Kahalui (3-7-011: 019)	Site Improvements (SM2 2023-00071)	Valley Isle
O‘ahu: Kapi‘olani Park (3-1-032: 006)	Elk’s Lodge Gas Line, Tiki Torches, and Bathroom Additions (2023/SMA-51)	Benevolent and Protective Order of Elks/Pacific Atelier
O‘ahu: Kailua (4-3-012: 001)	Construction of 6-foot-High Concrete Masonry Unit Perimeter Fence Wall and an Open-Work Fence within the 40-foot Shoreline Setback Area (2023/SMA-53)	Highmark Capital LLC/Scott Larue
O‘ahu: Waipahu (9-4-011: 041)	Installation of Two Above-Grade Fuel Tanks, Construction of 6-foot-High Chain-link Fences and Gates, and Reconstruction of a Maximum 3-foot-High Retaining Wall (2023/SMA-73)	Hawaiian Telcom, Inc.

**NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION**

**Kā‘anapali Resort R-1 Water Distribution System Expansion**

<b>Island</b>	Maui
<b>District(s)</b>	Hanaka‘ō‘ō Ahupua‘a, Lahaina
<b>TMK(s)</b>	(2)4-4-008:009 (por.), (2)4-4-008:010 (por.), (2)4-4-008:011 (por.), (2)4-4-008:014 (por.), (2)4-4-013:011 (por.), and (2)4-4-013:013 (por.)
<b>Proposing / Approving Agency</b>	State of Hawai‘i, Department of Health, Environmental Management Division, Wastewater Branch Chane Hayashida, (808) 586-4294, <a href="mailto:Chane.Hayashida@doh.hawaii.gov">Chane.Hayashida@doh.hawaii.gov</a> 2827 Waimano Home Road, Rm. 207, Pearl City, HI 96782
<b>Consultant</b>	Fukunaga & Associates, Inc.; 1357 Kapiolani Blvd, STE 1530, Honolulu, HI 96814 Amanda Miyahara, (808) 944-1821, <a href="mailto:amiyahara@fukunagaengineers.com">amiyahara@fukunagaengineers.com</a>
<b>Status</b>	30-day public review and comment period starts. Comments are due by <b>October 23, 2023</b> . Please send comments to the proposing / approving agency and copy the consultant.

The Department of Health (DOH) initiated Section 106 of the NHPA consultation with the State Historic Preservation Division (SHPD) in accordance with 36 CFR Part 800. In 1990, the U.S. Environmental Protection Agency (EPA) designated the DOH to act on EPA’s behalf, pursuant to 36 CFR §800.2 (c) (4), when initiating Section 106 of the NHPA process in connection with projects funded under the Hawai‘i Clean Water State Revolving Fund (CWSRF). The DOH is providing funding under the CWSRF to the County of Agency Action Publication Form – Page 2 Maui. for the Kā‘anapali Resort R-1 Water Distribution System Expansion. The proposed project will utilize federal funding and is considered an undertaking, as defined by Section 106 of the NHPA, 54 U.S.C. §306101 et seq., and 36 CFR Part 800.

## 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](mailto:rebecca.l.anderson@hawaii.gov).

File No.	Location	ZIP Code	TMK	Applicant	Owner
HA-534	Beach Road	96749	(3) 1-5-057:002	Daniel Berg	Hsueh Ching Takano-Smith
OA-2065	84-931 Farrington Highway	96792	(1) 8-4-004:021	Walter P. Thompson, Inc.	Yang Gao & Zhenghong Hu
OA-2066	Kapiolani Park, Kalakaua Avenue	96815	(1) 3-1-030:001 & 003 (por) (1) 3-1-031:004, 05 & 006	ParEn, Inc.	City & County of Honolulu, Department of Parks & Recreation

## 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, HI 96813.

File No.	Status	Location	Zip Code	TMK	Applicant	Owner
OA-2022	Rejected	10 Sand Island Access Road	96819	(1) 1-5-041:006	Sam O. Hirota	State of Hawai'i, Department of Land and Natural Resources
OA-2032	Proposed	41-875 Laumilo Street	96795	(1) 4-1-005:004 & 067	KN Surveying, LLC	Ulalia W. Lee Trust
OA-2036	Proposed	91-839 Pohakupuna Road	96706	(1) 9-1-025:067	Ailana Surveying & Geomatics	Adora Ancheta Sofia
OA-2040	Proposed	2005 Kalia Road	96815	(1) 2-6-008:005, 027 & 034 (1) 2-3-037:021	Walter P. Thompson, Inc.	Hilton Hawaiian Village, LLC
OA-2043	Proposed	85-521 Farrington Highway	96792	(1) 8-5-002:018	Control Point Surveying, Inc.	State of Hawaii
OA-2046	Proposed	56-183 Kamehameha Highway	96731	(1) 5-6-001:087	Ryan M. Suzuki	Mark Van Mourick, et al
OA-2047	Proposed	44-315 Kaneohe Bay Drive	96744	(1) 4-4-007:038	Wesley T. Tengan	Allen M.K. Kaneshiro
KA-474	Withdrawn	4401 Alamo Road	96714	(4) 5-8-008:033	Esaki Surveying & mapping, Inc.	4401 Alamo, LLC
KA-479	Proposed	Kaumualii Highway	96766	(4) 1-2-013:001	Roger M. Caires	Cain Robinson
MA-815	Proposed	Hana Highway	96713	(2) 1-6-010:ROAD	Austin Tsutumi & Associates, Inc.	County of Maui

## 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: [Presidential Declaration of a Major Disaster for the State of Hawaii](#) (published by the Small Business Administration on 09/12/2023)**

This is an amendment to the Presidential declaration of a major disaster for the State of Hawaii (FEMA-4724-DR), dated 08/10/2023. **Physical Loan Application Deadline Date: 10/10/2023. Economic (EIDL) Loan Application Deadline Date: 05/10/2024.** Please click on the title link above for further information on submitting completed loan applications.

**Notice: [Nominations to the Marine Mammal Scientific Review Groups](#) (published by the National Oceanic and Atmospheric Administration on 09/12/2023)**

As required by the Marine Mammal Protection Act (MMPA), the Secretary of Commerce established three independent regional scientific review groups (SRGs) to provide advice on a range of marine mammal science and management issues. NMFS conducted a membership review of the Alaska, Atlantic, and Pacific SRGs, and is soliciting nominations for new members to fill vacancies and gaps in expertise. For more information and to submit nominations, visit the link above.

**Proposed Rule: [List of Fisheries for 2024](#) (published by the National Oceanic and Atmospheric Administration on 09/13/2023)**

The NMFS publishes its proposed List of Fisheries (LOF) for 2024, as required by the Marine Mammal Protection Act (MMPA). The LOF for 2024 reflects new information on interactions between commercial fisheries and marine mammals. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as those on registration, observer coverage, and take reduction plan (TRP) requirements. **Comments must be received on or before October 13, 2023.** For more information or to submit comments, visit the link above.

**Proposed Rule: [National Wildlife Refuge System Planning Policies \(602 FW 1-4\) for the U.S. Fish and Wildlife Service](#) (published by the Fish and Wildlife Service on 09/15/2023)**

The U.S. Fish and Wildlife Service is making available for public comment the proposed updated planning policies, 602 FW 1-4, for the National Wildlife Refuge System (Refuge System). The purpose of these policy updates is to modernize the Refuge System's refuge management by incorporating landscape conservation plans and consideration of climate change and other anthropogenic forces in refuge management. **Comments must be received on or before October 16, 2023.** For more information and to submit comments, please click on the title link above.

**Proposed Rule: [Pacific Island Fisheries; 5-Year Extension of Moratorium on Harvest of Gold Corals](#) (published by the National Oceanic and Atmospheric Administration on 09/22/2023)**

This proposed rule would extend the current region-wide moratorium on the harvest of gold corals in the U.S. Pacific Islands through June 30, 2028. The National Marine Fisheries Service (NMFS) intends for this proposed rule to prevent overfishing and to stimulate research on gold corals. **NMFS must receive comments by October 23, 2023.** For more information and to submit comments, please click on the title link above.



## 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).