

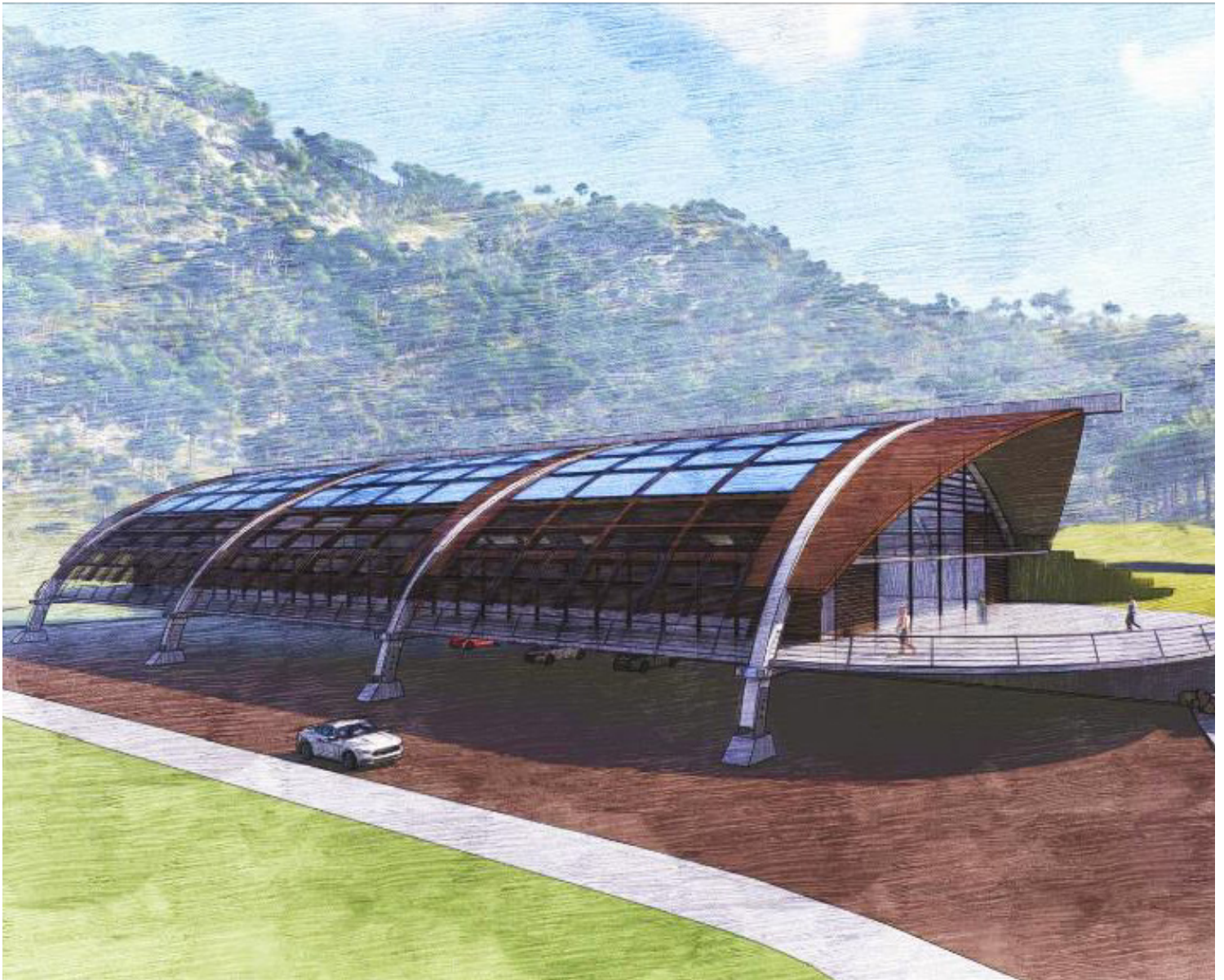


The Environmental Notice

October 8, 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.



The innovative Ko'olauloa Community Resilience Hub is proposed as a disaster relief shelter & community center for the remote region

Image from the [project's Draft EA](#)

TABLE OF CONTENTS

ANNOUNCEMENTS 2

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS 2

HAWAI'I EAs/EISs

[Reese Single-Family Residence in Wa'awa'a--Final EA \(FONSI\)](#) 3

O'AHU EAs/EISs

[Ko'olauloa Community Resilience Hub--Draft EA \(AFNSI\)](#) 3

[Pearl City Public Library Renovation and Community Library Learning Center--Draft EA \(AFNSI\)](#) 4

[Helemano Elementary School Administration/Library Building--Draft EA \(AFNSI\)](#) 4

[Waiāhole Valley Water System Improvements--Final EA \(FONSI\)](#) 5

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT 5

EXEMPTION NOTICES 5

LISTS OF EXEMPTION NOTICES 6

COASTAL ZONE MANAGEMENT NOTICES

 Special Management Area (SMA) Minor Permits 6

SHORELINE NOTICES

 Applications for Shoreline Certification 7

 Proposed Shoreline Certifications and Rejections 7

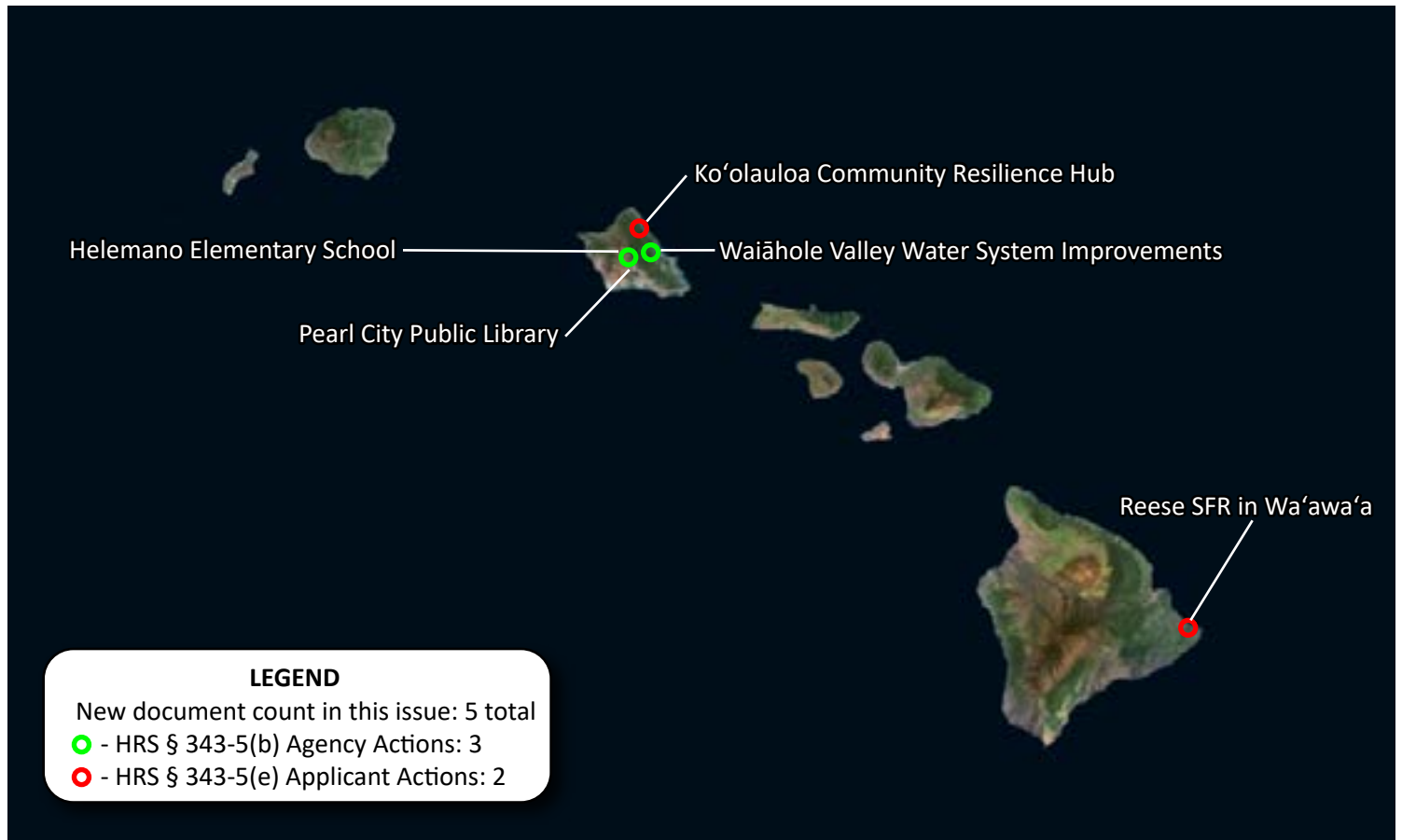
FEDERAL NOTICES 7

GLOSSARY OF TERMS AND DEFINITIONS 9

ANNOUNCEMENTS

Please use the Environmental Review Program's [general email address](#) or the [online platform](#) when submitting items for publication; feel free to copy individual staff members as appropriate.

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



HAWAI‘I EAS/EISS

Reese Single-Family Residence in Wa‘awa‘a--Final EA (FONSI)

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 or Exemption 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) 987-5239, hiloronterry@gmail.com
Status	Finding of No Significant Impact (FONSI) determination

Applicants propose a home on their 0.327-acre shoreline property in a Puna subdivision. The 1-story home will be set back 100 feet from the shoreline (which is on the property makai) and will have 968 sf of interior space including 2 bedrooms and 1 bath, and exterior features including a lanai, a garage and a water tank, yielding a Total Development Area of 2,102 sf. 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 in areas where invasive trees are 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 can occur makai of the lot and would not be adversely affected.

O‘AHU EAS/EISS

Ko‘olauloa Community Resilience Hub--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‘olauloa
TMK(s)	(1) 5-4-014:003
Permit(s)	Conditional Use Permit, State Historic Preservation Division, Chapter 6E-42, and various Site, Grading, Building and Infrastructure Approvals. Please refer to Section 5.13 of the Draft Environmental Assessment.
Approving Agency	State of Hawai‘i, Department of Land and Natural Resources Barry Cheung, (808) 587-0419, barry.w.cheung@hawaii.gov 1151 Punchbowl Street #220, Honolulu, HI 96813
Applicant	Hui o Hau‘ula; 54-010 Kukuna Rd., Hau‘ula, HI 96717 Dotty Kelly-Paddock, (808) 255-6944, dotty.kellypaddock@gmail.com
Consultant	G70; 111 S King St., Suite 170, Honolulu, HI 96813 Kawika McKeague, (808) 523-5866, KCRH@g70.design
Status	Statutory 30-day public review and comment period starts. Comments are due by November 7, 2023. Please click on title link above to read the document, then send comments to the approving agency at KCRH@g70.design

Ko‘olauloa is a remote rural region in Northern O‘ahu with limited access and no dedicated emergency shelter to harbor residents during disaster. City and State emergency officials have warned that residents could be on their own when disaster strikes. To respond to this need, the Hui o Hau‘ula has developed plans for a disaster relief shelter and community center called the Ko‘olauloa Community Resilience Hub (KCRH) on approximately 5 acres of State-owned land at TMK (1)-5-4-014:003. The KCRH will provide critical services during and after a disaster, including safe rooms capable of sheltering 1,500 people during disasters. This essential facility will provide pre-disaster and capacity-building services to the community on a year-round basis.

O‘AHU EAS/EISS (CONTINUED)

Pearl City Public Library Renovation and Community Library Learning Center--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)	‘Ewa
TMK(s)	(1) 9-7-094: 026, 029
Permit(s)	Dust Control Plan; Noise Permit (if necessary); Americans with Disabilities Act Compliance; Board of Land and Natural Resources Disposition; Industrial Wastewater Discharge Permit (application submitted); Waiver Permit (to exceed maximum lot coverage); Grading, Grubbing, and Stockpiling Permits; Occupancy Permit; Building Permit (electrical, plumbing, civil); Site Development Master Application for Sewer Connection; Storm Drain Connection License (if necessary); Storm Water Quality Strategic Plan; and Rules Relating to Water Quality and Storm Drainage Standards Compliance
Proposing/ Determining Agency	State of Hawai‘i, Department of Accounting and General Services Lance Maja, (808) 586-0483, lance.y.maja@hawaii.gov 1151 Punchbowl St., Room 430, Honolulu, HI 96810
Consultant	PBR HAWAII; 1001 Bishop St., ASB Tower, Suite 650, Honolulu, HI 96813 Bradley Furuya, (808) 954-6348, bfuruya@pbrhawaii.com
Status	Statutory 30-day public review and comment period starts. Comments are due by November 7, 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 involves the renovation of the existing library, including creating flexible meeting rooms, upgrading digital technology and equipment, creating inviting outdoor reading areas with Wi-Fi access, and removing an existing mechanical enclosure. The floor area of the library will be slightly reduced from approximately 24,064 square feet to approximately 23,500 square feet. The proposed Project also includes the construction of a new, approximately 2,400 square-foot Community Library Learning Center (CLLC) and approximately 2,700 square-foot Pre-Kindergarten facility on TMK 9-7-094: 029. The new CLLC is intended to support various community uses including early learning programs, childcare, library programs, kupuna classes, and a flexible meeting space. A small outdoor recreation area and community lawn will offer comfortable play and learning spaces for keiki. The existing parking lot will be reconfigured to accommodate the safe use of the improved library and CLLC.

Helemano Elementary School Administration/Library Building--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)	Wahiawā
TMK(s)	(1) 7-1-002: 017
Permit(s)	Variance from Pollution Controls, Facility Access Review, Historic Site Review, Water Connection, Building, Grading and Grubbing, Excavation, Certificate of Occupancy, Street Usage, HFD Plan Check
Proposing/ Determining Agency	State of Hawai‘i, Department of Education Karynn Yoneshige, (808) 784-5127, Karynn.Yoneshige@k12.hi.us 3633 Wai‘alae Avenue, Honolulu, HI 96816
Consultant	Gerald Park Urban Planner; 95-595 Kaname‘e Street #324, Mililani, HI 96789 Gerald Park, (808) 625-9626, gpark@gpup.biz
Status	Statutory 30-day public review and comment period starts. Comments are due by November 7, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The purpose of the action is to provide a new permanent building at a central location with dedicated space for an administrative center and expanded library.

O’AHU EAS/EISs (CONTINUED)

Waiāhole Valley Water System Improvements--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
District(s)	Ko’olaupoko
TMK(s)	(1) Plats 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 James Hayes, (808) 550-4559, jim@psi-hi.com
Status	Finding of No Significant Impact (FONSI) determination

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 Final Environmental Assessment identifies the alternative that involves new wells and a Board of Water Supply (BWS)-compliant distribution system as the preferred alternative. Under this alternative the water system would be improved and then turned over to BWS.

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

HAWAI’I

[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 \(AFNSI\)](#)

COMMENTS DUE OCTOBER 23, 2023

KAUA’I

[Wailua Wastewater Treatment Plant And Effluent Disposal Improvements – Draft EA \(AFNSI\)](#)

EXEMPTION NOTICES

The County of Kaua’i, Department of Water (DOW) has declared the following actions exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#), and has voluntarily submitted them for publication:

[Kilohana Tank Site OSHG Shed Storage](#)

The DOW has an existing tank and well site that needs a storage shed built to support its chlorination building for the disinfection of drinking water on site. The storage shed is considered small and is not required to have a building permit by the County.

[Kūhiō Highway \(Hardy-Oxford\) 16” Waterline Replacement](#)

The DOW is replacing existing water infrastructure that is nearing the end of its service life in order to provide water mains that meet current fire flow standards.

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 September 2023 unless otherwise noted; contact the identified agency contact on each list for additional information about any specific exemption:

State of Hawai'i

[Department of Land and Natural Resources](#)

County of Maui

[Department of Parks and Recreation](#)

County of Kaua'i

[Department of Water](#)

City and County of Honolulu

[Department of Design and Construction](#)

[Board of Water Supply \(May 2023\)](#)

[Board of Water Supply \(June 2023\)](#)

[Board of Water Supply \(July 2023\)](#)

[Board of Water Supply \(August 2023\)](#)

[Board of Water Supply \(September 2023\)](#)

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
Hawai'i: Wainaku, Hilo (2-6-016: 008)	Construction of Second Single-Family Residence and Related Improvements (PL-SMM-2023-000047)	Kenneth and Kayoko Zahn
Maui: Kahului (3-9-001: 075)	Ground and Building Sign (SM2 2023-00015)	Pacific Sign
Maui: Lahaina (4-4-014: 002)	Beach Park Sand Dune Restoration (SM2 2023-00061)	Wesley Crile
Maui: Kihei (3-8-079: 022)	Removal of Existing/Installation of New Wall Finishes and Light Fixtures Throughout a 1,712 Square Feet Existing Bakery Department in an Existing Costco (SM2 2023-00067)	McKenzie Aitkin
Maui: Lahaina (2-1-006: 011)	Wastewater System Upgrade (SM2 2023-00069)	Carol Higashino/Throne Abott
Maui: Kihei (3-8-079: 018)	State of Hawai'i Department of Transportation Baseyard Upgrades (SM2 2023-00072)	Jennylynn Bernier
O'ahu: Honouliuli (9-1-026: 047)	Establishment of a Concrete and Asphalt Recycling Facility (2023/SMA-8)	Samson Trucking, Inc/Teddy Asuncion

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-2067	47-83 Kamehameha Highway, O'ahu 96744	(1) 4-7-019:082	KN Surveying, LLC	The Dream Home Trust
OA-2068	10 Poi'pū Place, O'ahu 96825	(1) 3-9-028:008	Jamie Alimboyoguen	Spencer McInnis
HA-536	Lot 473, Block 10; Hawaiian Paradise Park, Hawai'i	(3) 1-5-059:049	Dan Berg/ dlb & Associates	Jeremy Graham
HA-537	69-1928 Puakō Beach Drive, Hawai'i 96743	(3) 6-9-006:014	Wes Thomas Associates	Kissel Gilliom Family Living Trust
KA-480	'Aliomanu Road, Kaua'i 96703	(4) 4-8-018:028 & 029	Esaki Surveying & mapping, Inc.	State of Hawai'i, Department of Land & Natural Resources

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-2024	Rejected	68-379 Farrington Hwy, O'ahu 96791	(1) 6-8-003:001	ParEn, Inc.	Castle & Cooke, Inc.
OA-2035	Proposed	56-1089 Kamehameha Hwy, O'ahu 96731	(1) 5-6-003:053	Jamie Alimboyoguen	Yue-Sai Kan
OA-2057	Proposed	41-575 Kalaniana'ole Hwy, O'ahu 96795	(1) 4-1-003:040 (por)	KN Surveying, LLC	Department of Hawaiian Homelands
OA-2062	Proposed	91-173 'Ewa Beach Road, O'ahu 96706	(1) 9-1-023:010	Ailana Surveying & Geomatics	Suzie Mai-French
HA-535	Proposed	15-2771 A Papio Street, Hawai'i 96778	(3) 1-5-088:009	Dan Berg/ dlb & Associates	Hsueh Ching Takano-Smith
MA-805	Rejected	5315 Lower Honoapi'ilani Road, Maui 96761	(2) 4-3-002:061	Loren Slentz	Napili Shores Resort
MA-806	Rejected	4025 Lower Honoapi'ilani Road, Maui 96761	(2) 4-3-09:007	Akamai Land Surveying, Inc.	Mark & Jennifer Augason
MA-807	Rejected	200 Waiehu Beach Road, Maui 96793	(2) 3-4-027:001	Kevin J. Clarke	Marlin Land Corp.
MA-808	Rejected	100 W. Ka'ahumanu Avenue, Maui 96732	(2) 3-7-003:013	Akamai Land Surveying, Inc.	ASAP Seaside Hotels, Inc.

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 of each entry; also available at www.federalregister.gov.

Notice: [Hawaii; Amendment No. 1 to Notice of a Major Disaster Declaration](#) (published by the Federal Emergency Management Agency on 09/27/2023)

This notice, issued August 21, 2023, amends the notice of a major disaster declaration for the State of Hawaii (FEMA-4724-DR), dated August 10, 2023, and related determinations. The notice of a major disaster declaration is hereby amended to include permanent work under the Public Assistance program for those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of August 10, 2023. Click the title link above for additional details.

FEDERAL NOTICES (CONTINUED)

Rule: [Clean Water Act Section 401 Water Quality Certification Improvement Rule](#) (published by the Environmental Protection Agency on 09/27/2023)

Following careful reconsideration of the water quality certification rule the U.S. Environmental Protection Agency (EPA or the Agency) promulgated in 2020, the Agency is finalizing a rule revising and replacing the 2020 regulatory requirements for water quality certification under Clean Water Act (CWA) section 401. This final rule updates the existing regulations to better align with the statutory text and purpose of the CWA; to clarify, reinforce, and provide a measure of consistency with elements of section 401 certification practice that have evolved over the more than 50 years since EPA first promulgated water quality certification regulations; and to support an efficient and predictable certification process that is consistent with the water quality protection and cooperative federalism principles central to CWA section 401. An Executive order signed on January 20, 2021, entitled "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," directed the Agency to review the water quality certification rule EPA promulgated in 2020, and this final rule culminates that review. The Agency is also finalizing conforming amendments to the water quality certification regulations for EPA-issued National Pollutant Discharge Elimination System (NPDES) permits. This action is effective on November 27, 2023. Click the title link above for further details.

Notice: [Pacific Island Fisheries; Experimental Fishing Permit](#) (published by NOAA on 09/29/2023)

NMFS issued an amended experimental fishing permit (EFP) to the Hawaii Longline Association (HLA) on September 20, 2023 to evaluate the risk of seabird interactions in the Hawaii shallow-set longline fishery when setting fishing gear 1 hour before and 1 hour after local sunset and using tori lines instead of required blue-dyed bait and strategic offal discharge as seabird mitigation measures. The intent of the EFP is to conduct a preliminary evaluation of potential alternative effective methods of discouraging seabird interactions while providing operational flexibility during setting in the shallow-set longline fishery. The amendment will extend the expiration date to August 24, 2024 and modify the list of vessels authorized under the EFP. All other terms and conditions of the EFP are unchanged. The amended EFP invalidates and replaces the EFP issued by NMFS to HLA on January 24, 2023. The EFP is authorized from March 24, 2022, through August 24, 2024.

Notice: [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. NMFS intends this proposed rule to prevent overfishing and to stimulate research on gold corals. NMFS must receive comments by October 23, 2023.

Rule: [Pacific Island Fisheries; 2023 Northwestern Hawaiian Islands Lobster Harvest Guideline](#) (published by the National Oceanic and Atmospheric Administration on 10/06/2023)

NMFS establishes the annual harvest guideline for the commercial lobster fishery in the Northwestern Hawaiian Islands (NWHI) for calendar year 2023 at zero lobsters. Please click the title link above for further details.



A close-up of the face of the Hawaiian spiny lobster (*Panulirus marginatus*)

Photo credit: [NOAA](#)

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).