



The Environmental Notice

November 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.



The US Army Corps of Engineers has reevaluated the flood risk in the Ala Wai Watershed in a draft document

Photo from the [project's Draft Supplemental EIS](#)

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ANNOUNCEMENTS

- Please join the Environmental Advisory Council at noon on **December 11** for an **online forum on the use of exemptions** to satisfy HRS Chapter 343; the details of connecting to the zoom meeting will be emailed out soon to all subscribers of *The Environmental Notice (TEN)* and will be included in the December 8 issue of *TEN*.
- Please find the 2024 ERP Publication Calendar attached to the end of this issue; or online [here!](#)

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



LEGEND

New document count in this issue: 3 total

- - HRS § 343-5(b) Agency Actions: 1
- - HRS § 343-5(e) Applicant Actions: 2

O'AHU EAS/EISS

Ala Wai Canal Flood Risk Management Study--Draft Supplemental EIS

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (5) Propose any use within the Waikīkī area of O'ahu
District(s)	Honolulu
TMK(s)	Various TMKs in Zone 2, Sections 3-4 and Sections 6-9 (see document)
Permit(s)	National Environmental / Hawaii Policy Act (NEPA/HEPA) compliance; Clean Water Act §404 compliance; Department of Health §401 Water Quality Certification; National Pollutant Discharge Elimination System (NPDES) permit; Hawaii Revised Statutes (HRS) §343 compliance; HRS §6E Historic Preservation review; HAR 11-200, 13-275; National Historic Preservation Act (NHPA) §106 compliance; Coastal Zone Management Act (CZMA) compliance; Conservation District Use Permit, Stream Channel Alteration Permit; Special Management Area (SMA) permit; Waikiki Special District permit; Community Noise Permit; Grading & Building Permits; Fish and Wildlife Coordination Act (FWCA) compliance; Request for Use of State Lands
Proposing/ Determining Agency	City and County of Honolulu, Department of Design and Construction (DDC) Haku Milles, (808) 768-8480, Dominic.Milles@Honolulu.gov 650 S. King Street, 11th Floor, Honolulu, HI 96813
Accepting Authority	Mayor - City and County of Honolulu, c/o: DDC, 650 S. King Street, 11th Floor, Honolulu, HI 96813 Rick Blangiardi, (808) 768-8480; alawai@honolulu.gov
Consultant	N/A
Status	Statutory 45-day public review and comment period starts. Comments are due by January 8, 2024. Please send comments to alawai@honolulu.gov . The project website lists and provides public access to all the recorded meetings, including the public meetings held for the EIS Preparation Notice.

The Tentatively Selected Plan (TSP) would involve the construction of floodwalls at Woodlawn Bridge along the Mānoa Stream, at the confluence of the Mānoa and Pālolo Streams, along the Mānoa-Pālolo Canal, and along the Ala Wai Canal, as well as a detention basin at the Ala Wai Golf Course. This tentatively selected alternative also includes structure elevation and flood-proofing of 70 structures to mitigate for induced flooding. The purpose of the tentatively selected plan is to reduce flood risk within the Ala Wai Watershed given that a high level of flood risk exists within the Ala Wai Watershed due to extensive urban development throughout the watershed, coupled with the watershed's unique topography and hydrology (i.e., steep mountainous terrain and propensity for intense rainfall events within the headwaters).

Kalia Cultural Entertainment Venue--Final EA (FONSI)

HRS §343-5(a) Trigger	(5) Propose any use within the Waikīkī area of O'ahu
District(s)	Honolulu
TMK(s)	(1) 2-6-006:001 and 004
Permit(s)	Numerous (see document)
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Gerald Toyomura, (808) 768-8056, gtoyomura@honolulu.gov 650 S. King Street, 7th Floor, Honolulu, HI 96813
Applicant	for applicant actions only
Consultant	Wilson Okamoto Corporation; 1907 South Beretania Street, Suite 400, Honolulu, HI 96826 Dalton Beauprez, (808) 946-2277, DBeauprez@wilsonokamoto.com
Status	Finding of No Significant Impact (FONSI) determination

The Applicant is proposing to construct the Kālia Cultural Entertainment Venue (Project) which is envisioned as an open-air cultural entertainment venue which will encompass a stage with dressing room areas for events; a large table seating area; Flex activity space for Hawaiian Style activities such as lei making, games, and other cultural activities; a two-story multi-purpose building including vendor booth, office, bar areas, food preparation and buffet, restrooms, enclosed seating areas, tech booth, and lanai; pick-up/drop-off area and a loading zone; and support spaces including elevators, and janitorial rooms. The Project is anticipated to accommodate approximately 715 people and approximately 50 employees. Main access is anticipated from Kalākaua Avenue, and access from the adjacent Luana Hotel is being considered. The Project Site is occupied with the former Kyo-ya Restaurant and parking structure, which has not been operational since 2007 and will be demolished.

O'AHU EAS/EISS (CONTINUED)

Waialua Mill Camp Restoration--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 (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)	Waialua
TMK(s)	(1) 6-7-001: 030; 058; 076; and 077
Permit(s)	Building permits, grading permits, Urban Growth Boundary Amendment, 201H, State Land-Use Commission District Boundary Amendment, NPDES Construction Stormwater Permit
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Laura Mo, (808) 768-8025, laura.mo@honolulu.gov 650 S. King Street, 7th Floor, Honolulu, HI 96813
Applicant	Hawaii Assisted Housing, Inc.; 3165 Wai'ala'e Avenue, Suite 200, Honolulu, HI 96816 Carl Cunningham, (808) 735-9099, c/o: robichaud001@hawaii.rr.com
Consultant	North Shore Community Consultants, LLC; 66-031 Mahaulu Lane, Hale'iwa, HI 96712 David Robichaux, (808) 368-5352, robichaud001@hawaii.rr.com
Status	Finding of No Significant Impact (FONSI) determination

Hawaii Assisted Housing, Inc. acquired the Waialua Mill Camp with the objective of restoring the Camp to its original size and function for providing affordable housing to residents of the North Shore while maintaining the promise to provide housing for life for the retirees of Waialua Sugar Company currently living in the Camp. Housing restoration is proposed in four phases. Phase I will include Kupuna/Americans with Disabilities Act compliant housing for retirees and other residents, and multifamily housing to relocate existing tenants during reconstruction of the main Camp. Phase II will be single-family homes in the plantation style. Phase III will be similar to Phase II and may become a Hawaiian Home Lands Community. Phase IV will be restoration or sale of the existing homes along Goodale Avenue. Associated infrastructure improvements will include upgrades to roads, water, wastewater, and power. The area has been used for workforce housing for more than 100 years.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for this project began previously. **Comments are due December 8, 2023.** Please click on the link below to read the 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.

MAUI**[Kanaio Forestry and Wildlife Area Project--Draft EA \(AFNSI\)](#)**

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.

File No.: [CDUA HA-3945](#) / Pohoiki Boat Ramp Dredging Project, Puna, Hawai'i
Name of Applicant: Division of Boating and Ocean Recreation
TMK(s): Upon and makai of (3) 1-3-008:014 & 097; (3) 1-4-093:048
343, HRS determination: [Final EA](#) published in the [July 23, 2023 issue of The Environmental Notice](#)
Applicant's Agent: The Limtiaco Consulting Group; Claire Oshiro, (808) 687-8750, claire@tlcgohawaii.com
OCCL Staff Contact: K. Tiger Mills, (808) 587-0382, kimberly.mills@hawaii.gov

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, Debra.L.Mendes@hawaii.gov, (808) 587-2840. The CZM Program is required to adhere to federal review deadlines, therefore, **comments must be received by December 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

Pohoiki Boat Ramp Dredging of Volcanic Debris

Proposed Action: The Department of Land and Natural Resources, Division of Boating and Ocean Recreation (DLNR-DOBOR) proposes to restore navigational access to Pohoiki Boat Ramp and bay through excavation and dredging. The existing Pohoiki Boat Ramp facility is located at Pohoiki Bay on the southeast coastline of Hawaii Island and adjacent to Isaac Kepo`okalani Hale Beach Park and has been landlocked since the 2018 eruption of the Kilauea Volcano. Proposed dredging and excavation activities would occur in areas that were previously disturbed. Dredged material that is expected to consist of loose sand, cobblestones, and boulders would be placed in areas at least 50 feet away from the ocean. Most of the dredged volcanic material will be placed upon the jagged area of newly formed lava land to the east of DOBOR's boat ramp facility and beyond the reach of tidal activity.

Location: Pohoiki Bay, Island of Hawai'i; TMKs: (3) 1-3-008:013, 014, 016, 021, 033, 034, 086, 097; 1-4-093:038
Applicant: State DLNR-DOBOR
Federal Action: Federal Permit
Federal Agency: U.S. Army Corps of Engineers
Comments Due: **December 7, 2023**

National Electric Vehicle Infrastructure (NEVI) Charging Station at Kahului Park and Ride

Proposed Action: The State Department of Transportation proposes to install a NEVI charging station in the existing Kahului Park and Ride parking lot, near the intersection of Kuihelani Highway and Pu'unene Avenue. The project will involve the installation of four (4) 150-kW electric vehicle chargers, an electrical transformer, underground electrical conduit, and re-striping of nine parking stalls.

Location: Kahului Park and Ride, Kahului, Island of Maui
Applicant: State Department of Transportation
Federal Action: Federal Assistance (funding)
Federal Agency: Federal Highway Administration
Comments Due: **December 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
Hawai'i: South Hilo (2-7-004: 118)	Subdivide Property into Four Parcels (PL-SMM-2023-000054)	Brian Clark
Hawai'i: South Kona (8-2-003: 002 and 8-2-004: 021)	Proposed Grubbing Activities (PL-SMM-2023-000056)	Thomas Pace
Kaua'i: Princeville (5-3-006: 045)	Construction of a 5-foot High Hog Wire Fence (SMA(M)-2024-5)	PRW Princeville Development Company/ Belles Graham LLP
Maui: Kahului (3-8-007: 040)	After-the-fact Permit with Additional Work to Complete a Shade Structure with Roof PV Panels and Equipment Shed (SM2 2023-00080)	Sandy Baz
Maui: Lahaina (4-3-003: 108)	Erection and Assembly of a Prefabricated Aluminum 10feet x 10feet Pergola with Overall Height of 8.22 feet on an Existing Concrete Pad Located in Apartment (SM2 2023-00088)	Laura Holt
O'ahu: Kahe (9-2-049: Portion of 006)	New Utility Poles and Communication Antennas at the Kahe Generating Station (Utility Installation, Type B) (2023/SMA-75)	Hawaiian Electric Company, Inc./ Planning Solutions, Inc.

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION

Hale Halawai Wastewater Pump Station Force Main Replacement

Island/District/TMKs	Hawai'i / Laniihau 1-2/Moeauoa Ahupua'a, Kona-Moku District/ (3) 7-5-007:999 (Road Right-of-Way), 7-5-008:010 and 999 (Road Right-of-Way) and 7-5-022:175
Proposing Agency	State of Hawai'i, Department of Health, Environmental Management Division, Wastewater Branch 2827 Waimano Home Road, Rm. 207, Pearl City, HI 96782 Chane Hayashida, (808) 586-4294, Chane.Hayashida@doh.hawaii.gov
Consultant	AECOM; 1001 Bishop Street, Suite 1600, Honolulu, HI 96813 Courtney Hymes, (808) 529-7297, courtney.cacace@aecom.com
Status	Comments due no later than December 26, 2023 to Proposing Agency

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 Maui, for the Hale Halawai Wastewater Pump Station Force Main Replacement. 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.

The undertaking consists of replacing the existing Hale Halawai sewer force main as described in the document available in the hyperlinked title of this entry. The project is located on the roadway right-of-way along Haulālai Road, Ali'i Drive, and Kuakini Highway (TMKs (3) 7-5-007:999 and 7-5-008:999), a small portion of Hale Halawai Park (TMK (3) 7-5-008:010), and a small portion of an open lawn area owned by the State of Hawai'i (TMK (3) 7-5-022:175).

The DOH has engaged SHPD to determine the presence of potential sites of historic importance within the vicinity of the project area as well as the potential impact of the project on such sites, if present.

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 at rebecca.l.anderson@hawaii.gov

File No.	Location	TMK	Applicant	Owner
HA-637	75-5436 Kona Bay Drive, Hawai'i 96740	(3) 7-5-005:094	Wes Thomas Associates	DJL Properties c/o Suzanne Patterson
MA-816	594 Stable Road, Units A, B & C, Maui 96779	(2) 3-8-002:025; 0001, 0002 & 0003	Bo Kim	Kura Capital LLC
LA-033	Manele, Lāna'i 96763	(2) 4-9-017: 002 (por) & 008	Ryan M. Suzuki	Lanai Resorts, LLC

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-2027	Reject	58-207 H Kamehameha Hwy, O'ahu 96712	(1) 5-8-001:021	Leaps & Boundaries, Inc.	Edward & Katie Weldon
OA-2029	Approve	68-419 Farrington Hwy, O'ahu 96791	(1) 6-8-003:046	Leaps & Boundaries, Inc.	Lio Kai LLC
OA-2056	Approve	68-407 Farrington Hwy, O'ahu 96791	(1) 6-8-003:047	Ailana Surveying & Geomatics	Mitch King
OA-2065	Approve	84-931 Farrington Hwy, O'ahu 96792	(1) 8-4-004:021	Walter P. Thompson, Inc.	Yang Gao & Zhenghong Hu
HA-536-1	Approve	Lot 473, Block 10, Hawaiian Paradise Park, Hawai'i 96749	(3) 1-5-059:049	Daniel Berg	Jeremy Graham
LA-031	Reject	State Highway #44, Lāna'i 96763	(2) 4-9-017:002 (por) & 008	Ryan M. Suzuki	Lanai Resorts, LLC
MA-810	Reject	4950 Makena Road, Unit 8, Maui 96753	(2) 2-1-007:096	Kevin J. Clarke	On the Rocks 1, LLC
MA-811	Reject	611 Front Street, Maui 96761	(2) 4-6-002:013 & 014	Bo Kim	Maui County (013) State of Hawai'i (014)

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 on any entry, click on the title link**, also available at www.federalregister.gov.

Notice: [Notice of Termination of the Intent To Prepare an Environmental Impact Statement for Construction and Operation of a Homeland Defense Radar in Hawaii](#) (published by the Defense Department on 11/08/2023)

The DoD postponed the Homeland Defense Radar-Hawaii (HDR-H) in 2019, and no funds have been appropriated for the program since fiscal year 2022. The DoD is not moving forward with the HDR-H. As such, effective November 8, 2023, the MDA is terminating preparation of the Environmental Impact Statement (EIS) for the construction and operation of an HDR-H.

Notice: [Pacific Island Fisheries; Western Pacific Stock Assessment Review; Public Meeting](#) (published by the National Oceanic and Atmospheric Administration on 11/20/2023)

The Western Pacific Fishery Management Council and NMFS will convene a Western Pacific Stock Assessment Review (WPSAR) of a benchmark stock assessment for the main Hawaiian Islands Deep 7 Bottomfish Complex. **The WPSAR meeting will be open to the public and held in-person at the NMFS Honolulu Service Center, between December 11 and December 15, 2023.** Please click on the title link above for further information and location details.

FEDERAL NOTICES (CONTINUED)

Notice: [Western Pacific Fishery Management Council; Public Meetings](#) (published by the National Oceanic and Atmospheric Administration on 11/13/2023)

The Western Pacific Fishery Management Council (Council) will hold its Fishing Industry Advisory Committee (FIAC), 150th Scientific and Statistical Committee (SSC), Hawaii Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP), American Samoa FEP AP, Mariana Archipelago FEP Joint AP, Executive and Budget Standing Committee and its 197th Council meeting to take actions on fishery management issues in the Western Pacific Region. **The meetings will be held by web conference via WebEx between November 27 and December 13, 2023.** For specific times, agendas and details on joining the meetings, please click on the title link above.

Notice: [Endangered Species; Receipt of Recovery Permit Applications](#) (published by the Fish and Wildlife Service on 11/15/2023)

We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation and survival of endangered species under the Endangered Species Act, including numerous plants and birds in Hawaii. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing the requested permits, we will take into consideration any information that we receive during the public comment period. **We must receive your written comments on or before December 15, 2023.** Please click on the title link above for further details.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents submitted for publication that have been prepared pursuant to NEPA, rather than Chapter 343, HRS (sometimes referred to as "HEPA"). Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and HEPA. In those cases, a separate Chapter 343, HRS, entry would be published in *The Environmental Notice* when a relevant document or determination is submitted to OPSD/ERP.

[2022 JBPHH INRMP Revision and associated EA-FONSI](#)

Island / Districts / TMK	O'ahu / multiple / n/a
Proposing Agency	Joint Base Pearl Harbor-Hickam Naval Facilities Engineering Command Pacific ATTN: EV51 Natural Resources 258 Makalapa Drive, Suite 100, JBPHH, HI 96860 808-471-7300
Consultant	Stantec: 1001 Bishop Street, Suite 1501, Honolulu, HI 96813-3429 808-762-7202
Status	Written comments on the INRMP and Draft EA may be provided by mail to: Naval Facilities Engineering Command Pacific, ATTN: EV51 Natural Resources, 258 Makalapa Drive, Suite 100, JBPHH, HI 96860, or by email: navfach-inaturalr.fct@navy.mil . To confirm comments are received, please set your email options to receive a read receipt. Written comments must be received or postmarked by December 20th, 2023 , to be considered in the final draft of the EA.

Department of Navy (DON) gives notice that a Draft Integrated Natural Resources Management Plan (INRMP) for Joint Base Pearl Harbor-Hickam has been prepared, and an Environmental Assessment (EA) has been prepared to evaluate the potential impacts on the human and natural environment of the INRMP implementation.

The purpose of the 2022 JBPHH INRMP is to revise management of natural resources on JBPHH administered and leased lands as described in the 2011 JBPHH INRMP to include species listed under the Endangered Species Act since 2011 and to implement an approach for natural resources management that is consistent with the Sikes Act, as amended (16 U.S. Code [USC] 670a), and the most recent Department of Defense (DoD) and DON policy and guidance regarding INRMPs.

Both the INRMP and the natural resources management programs must include a management approach consistent with mission support (as defined in 10 USC section 5062), multipurpose use, integration, ecosystem- or landscape-level management, and environmental compliance and stewardship objectives.

The EA evaluates the potential environmental impacts on topography, geology, and soils; water resources; cultural resources; terrestrial biological resources; marine biological resources; land use; submerged land use; socioeconomics; and environmental justice.

GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

Projects or programs proposed by any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

Applicant Actions

Projects or programs proposed by any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether the action's environmental impact will be significant, and thus whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(e\)](#), for Applicant actions. For actions for which the proposing or approving agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

Final Environmental Assessment and Finding of No Significant Impact

The action's proponent shall respond in writing to comments on a DEA received during the 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to challenge the FONSI in the Environmental Court and seek a ruling to require the preparation of an EIS.

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OPSD called an EIS Preparation Notice (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and to make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

Act 172-2012, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)

Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. The agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed publication form detailing the specifics of the action. This starts a 30-day scoping period in which the agency or applicant must hold a public scoping meeting for the preparation of the Draft EIS. Written comments and responses on the EISPN must be incorporated into the subsequent Draft EIS and oral comments from the public scoping meeting must be recorded and submitted to OPSD with the Draft EIS.

HEPA

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

Act 312-2012, Secondary Actions in the Highway or Public Right of Way

Act 312-2012, amended HRS 343, by adding a new section ([HRS 343-5.5](#), entitled "Exception to applicability of chapter"). HEPA allows for a statutory exception for "secondary actions" (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related "primary action" (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

Draft Environmental Impact Statement

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigation measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS.

Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a Final EIS (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. For Applicant projects, the Approving Agency is the Accepting Authority and must make a determination within 30 days or the FEIS is deemed accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

Acceptability

The Accepting Authority must be satisfied that the FEIS meets three criteria (process, content, response to comments) to accept it. Whether the FEIS is accepted or not accepted, notice of the Acceptance Determination is published in this bulletin. The public has 60 days from publication to legally challenge the acceptance of a FEIS. For both Applicant and Agency actions, the Applicant or the proposing Agency can prepare a Revised DEIS after a non-acceptance determination.



Maui sunset

Photo by [Thomas Hawk](#)

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare a Federal EA or EIS. In many ways it is similar to Hawai'i's law. Some projects require both a State and Federal EIS and the public comment procedure should be coordinated. Upon request by a federal agency, OPSD publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

Conservation District

Proposed uses of land in the State Conservation District require a Conservation District Use Application (CDUA). These applications are reviewed and approved/denied by the Department or Board of Land and Natural Resources. Members of the public may intervene in the permit process. This bulletin will include EAs & EISs for actions proposed within the Conservation District.

Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands; development in this area is generally regulated by [HRS 205A](#), and county ordinance. A portion of the SMA that is addressed by HRS 343 is the [Shoreline Area](#), which includes land between the State-certified shoreline and the county-determined shoreline setback line. This bulletin will include EAs & EISs for actions proposed within the Shoreline Setback Area. Some projects going through the SMA permit process on O'ahu are also required to go through an environmental review process that mirrors HRS 343; these "ROH Chapter 25" EAs/EISs are included in this bulletin.

Shoreline Certifications

State law requires that Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

Environmental Advisory Council

The [Environmental Advisory Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OPSD and the general public concerning ecology and environmental quality. Agendas of their regular meetings are posted on the Internet and the public is invited to attend.

Agency Exemption Lists

Government agencies may keep a list describing the minor activities they regularly perform that are exempt from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence (HAR 11-200.1-16). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

Endangered Species

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for Habitat Conservation Plans (HCP), Safe Harbor Agreements (SHA), or Incidental Take Licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).



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

2024

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

1996 Rules Submittal Deadline	Current Submittal Deadline	Publication Date	EA or EISPN Comment 30-Day Deadline	EIS Comment 45 Day Deadline
Dec 13 Wed	Dec 18 Mon	Dec 23 2023 Sat	Jan 22 Mon	Feb 06 Tue
Dec 26 Tue	Dec 29 Fri	Jan 08 2024 Mon	Feb 07 Wed	Feb 22 Thu
Jan 10 Wed	Jan 16 Tue	Jan 23 Tue	Feb 22 Thu	Mar 08 Fri
Jan 29 Mon	Feb 01 Thu	Feb 08 Thu	Mar 11 Mon	Mar 25 Mon
Feb 12 Mon	Feb 15 Thu	Feb 23 Fri	Mar 25 Mon	Apr 08 Mon
Feb 27 Tue	Mar 01 Fri	Mar 08 Fri	Apr 08 Mon	Apr 22 Mon
Mar 13 Wed	Mar 18 Mon	Mar 23 Sat	Apr 22 Mon	May 07 Tue
Mar 25 Mon	Apr 01 Mon	Apr 08 Mon	May 08 Wed	May 23 Thu
Apr 11 Thu	Apr 16 Tue	Apr 23 Tue	May 23 Thu	Jun 07 Fri
Apr 26 Fri	May 01 Wed	May 08 Wed	Jun 07 Fri	Jun 24 Mon
May 13 Mon	May 16 Thu	May 23 Thu	Jun 24 Mon	Jul 08 Mon
May 29 Wed	Jun 03 Mon	Jun 08 Sat	Jun 24 Mon	Jul 08 Mon
Jun 12 Wed	Jun 17 Mon	Jun 23 Sun	Jul 08 Mon	Jul 23 Tue
Jun 25 Tue	Jun 28 Fri	Jul 08 Mon	Jul 23 Tue	Aug 07 Wed
Jul 11 Thu	Jul 16 Tue	Jul 23 Tue	Aug 07 Wed	Aug 22 Thu
Jul 29 Mon	Aug 01 Thu	Aug 08 Thu	Aug 22 Thu	Sep 06 Fri
Aug 12 Mon	Aug 15 Thu	Aug 23 Fri	Sep 09 Mon	Sep 23 Mon
Aug 27 Tue	Aug 30 Fri	Aug 23 Fri	Sep 23 Mon	Oct 07 Mon
Sep 11 Wed	Sep 16 Mon	Sep 08 Sun	Oct 08 Tue	Oct 23 Wed
Sep 26 Thu	Oct 01 Tue	Sep 23 Mon	Oct 23 Wed	Nov 07 Thu
Oct 11 Fri	Oct 16 Wed	Oct 08 Tue	Nov 07 Thu	Nov 22 Fri
Oct 28 Mon	Oct 31 Thu	Oct 23 Wed	Nov 22 Fri	Dec 09 Mon
Nov 13 Wed	Nov 18 Mon	Nov 08 Fri	Dec 09 Mon	Dec 23 Mon
Nov 26 Tue	Dec 02 Mon	Nov 23 Sat	Dec 23 Mon	Jan 07 Tue
Dec 11 Wed	Dec 16 Mon	Dec 08 Sun	Jan 07 Tue	Jan 22 Wed
Dec 26 Thu	Dec 31 Tue	Dec 23 2024 Mon	Jan 22 Wed	Feb 06 Thu
		Jan 08 2025 Wed	Feb 07 Fri	Feb 24 Mon

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