



The Environmental Notice

January 23, 2024

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.



A preferred alternative has been selected on east Maui for a pilot release project for the endangered Hawaiian crow (ʻalalā)

Photo from the [project's Final EA](#)

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ANNOUNCEMENTS

- The Environmental Advisory Council (EAC) continues to seek new members. To learn more about the work of the EAC, visit their [website](#). To apply to be on the EAC, submit this [online application](#) under Department of Business, Economic Development & Tourism - Environmental Advisory Council.
- The 2024 ERP Publication Calendar is available [online](#).
- Please continue to use our [Contact Us](#) page if you have any questions for the Environmental Review Program or EAC, or if you would like to schedule any trainings.

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



HAWAI'I EAS/EISS

Hilo Wastewater Treatment Plant Rehabilitation and Replacement--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)	South Hilo
TMK(s)	(3) 2-1-013:002 (por.)
Permit(s)	Various, see document
Proposing/ Determining Agency	County of Hawai'i, Department of Environmental Management Mark Grant, (808) 961-8083, MarkJ.Grant@hawaiicounty.gov 345 Kekūanāo'a St., Suite 41, Hilo, HI 96720
Consultant	Wilson Okamoto Corporation; 1907 S Beretania St. # 400, Honolulu, HI 96826 Harlee Meyers, (808) 946-2277, hmeyers@wilsonokamoto.com
Status	Statutory 30-day public review and comment period starts. Comments are due by February 22, 2024. Please click on title link above to read the document, then send comments to the proposing/determining agency at publiccomment@wilsonokamoto.com

The CoH-DEM is proposing to pursue efforts to replace and improve the treatment processes at the WWTP to address identified deficiencies. These replacement facilities and improvement projects may be completed as one single project, or may be phased-in over time, subject to available funding and other factors. The replacement facilities contemplated under this project are to be sited nearby or adjacent to the ones being replaced within the existing developed area of the WWTP and within areas previously cleared adjacent to the plant. The proposed rehabilitated, replacement, and new facilities are needed to ensure continued current operations and to meet future needs at the WWTP. Also, facilities have been identified which are needed to meet current code requirements and to ensure the long-term operation of the plant functions.

MAUI EAS/EISS

Pilot Release of 'Alalā (*Corvus hawaiiensis*) on East Maui--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)	Hāna
TMK(s)	Various (see document)
Permit(s)	Various (see document)
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Lindsey Nietmann, (808) 223-6139, lindsey.nietmann@hawaii.gov 1151 Punchbowl St., Room 325, Honolulu, HI 96813
Consultant	None
Status	Finding of No Significant Impact (FONSI) determination

The 'alalā or Hawaiian crow (*Corvus hawaiiensis*) is extinct in the wild, but a captive population survives in conservation breeding centers in Hawai'i. Previous attempts to release captive-bred 'alalā on Hawai'i Island failed, largely due to predation of 'alalā by 'io or Hawaiian hawk (*Buteo solitarius*). The 'alalā is known historically from the Hawai'i Island and 'alalā or a similar species also occurred on Maui prehistorically. The purpose of this short duration pilot project is to evaluate the suitability of east Maui as 'alalā habitat. Montane native forest on east Maui is similar to native forest on Hawai'i island, except east Maui is generally wetter, and 'io are not present on Maui. The proposed project will allow managers to evaluate whether 'alalā will survive and breed in east Maui and have better survival in habitat absent of 'io. The project supports 'alalā recovery by improving understanding of release methods and habitat conditions for 'alalā reintroduction and breeding.

O‘AHU EAS/EISS

DOE High Core / Storefront School--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] 7-4-017:002; 7-4-022:049 and 050
Permit(s)	Various (see document)
Proposing/ Determining Agency	State of Hawai‘i, Department of Education William George, (808) 784-5125, william.george@k12.hi.us P.O. Box 2360, Honolulu, HI 96804
Consultant	Wilson Okamoto Corporation; 1907 S Beretania St. # 400, Honolulu, HI 96826 Dalton Beauprez, (808) 946-2277, DBeauprez@wilsonokamoto.com
Status	Statutory 30-day public review and comment period starts. Comments are due by February 22, 2024. Please click on title link above to read the document, then send comments to the proposing/determining agency at publiccomment@wilsonokamoto.com

The DOE is proposing to construct a permanent facility for the DOE High Core Program / Storefront School situated at the Project Site. The Proposed Project will demolish the existing infrastructure on the Project Site to allow for the construction of a new building (approximately 5,669 sf) which is anticipated to consist of classrooms and administrative spaces to support the needs of 80 students and employees. The Proposed Project will also consist of a 160 sf lanai, 141 sf mechanical yard, an at-grade surface parking lot with three stalls, as well as a drop off and pick-up zone which will include one ADA stall.

CHAPTER 25, REVISED ORDINANCES OF HONOLULU

Use of the Special Management Area (SMA) is not a trigger under HRS Chapter 343, but major developments in O‘ahu's SMA must go through an environmental review process that mirrors the procedural requirements of [HRS Chapter 343](#), pursuant to [Revised Ordinances of Honolulu, Chapter 25](#). Developments being reviewed under Chapter 25 but not Chapter 343 appear here.

Hale O Lipoa Affordable Housing--Draft EA (AFNSI)

District(s)	O‘ahu-multiple
TMK(s)	(1) 9-8-014: 021
Permit(s)	Special Management Area Permit Major, 201H Affordable Housing, grading, construction and building permits
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Steve H. Tagawa, (808) 768-8024, stagawa@honolulu.gov 650 South King Street, 7th floor, Honolulu, HI 96813
Applicant	Lipoa Development LLC; c/o 1188 Bishop Street, Suite 907, Honolulu, HI 96813 Christopher Flaherty, (209) 483-8105, cflaherty@3leafholdings.com
Consultant	Environmental Planning & Assessments LLC; 1188 Bishop, Suite 907, Honolulu, HI 96813 Alicia Ruelke, (808) 387-8188, epa.hawaii@gmail.com
Status	Thirty-day public review and comment period starts. Comments are due by February 22, 2024. Please click on title link above to read the document, then send comments to the approving agency and copy the applicant and the consultant.

The six existing 2-story Pepper Tree Apartments, with 58 units, will be replaced by an 8-story, 153-unit affordable rental housing project with 150 parking spaces on 2 levels, a community center, and exerciseroom. Designed for workforce housing, the affordability of the 18 studios, 51 1-bedroom, 72 2-bedroom, and 12 3-bedroom units, has not been finalized, but is intended to meet the C&C of Honolulu 201H HRS, affordable housing guidelines. At least 20% of the units will be for families earning less than 80% of the area median income (AMI), 31% for families earning less than 120% of AMI. The units will be affordable for at least 61 years. The BMX-3 parcel has a 90-ft. height limit and is in the Pearl Ridge Transit Oriented Development Area. The site is in the SMA pursuant to Chapter 25, ROH. Upon the acceptance of a Final EA and the issuance of a FONSI by DPP, the SMA application can be accepted for processing, with decision-making by the Honolulu City Council.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began previously. **Comments are due February 7, 2024.** 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.

HAWAII

[Waikoloa Public Library--Draft EA \(AFNSI\)](#)

O'AHU

[Nu'uuanu Reservoir No. 1 Dam Improvements--Draft EA \(AFNSI\)](#)

KAUAI

[Kahua Ho'oulu Housing Development--Draft EA \(AFNSI\)](#)

STATEWIDE

[Field Release of *Metaphycus macadamiae* for MFC--Draft EA \(AFNSI\)](#)

EXEMPTION NOTICES

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

County of Kaua'i, Department of Water

[Kūhiō Highway \(Hardy-Oxford\) 18" Waterline Replacement, Līhu'e, Kaua'i](#)

The County of Kaua'i, Department of Water is replacing existing water infrastructure nearing the end of its service life in order to provide water mains that meet current fire flow standards, with sizing to match the existing water line diameter at the tie-in point near the intersection of Kūhiō Highway and Hardy Street for operational requirements and constructability purposes.

County of Kaua'i Housing Agency

[Kalepa Villages 2 & 3, 4535 Kalepa Circle, Līhu'e, Kaua'i](#)

Kalepa Villages 2 & 3 are existing affordable multifamily properties. The Applicant is proposing to renovate the properties and their 80 dwelling units, all of which are currently and will remain affordable, sheltering households with initial incomes not exceeding 60% of the Area Median Income (AMI). The project will remain affordable for a period of at least 51 years. Kalepa Villages 2 & 3 meets the requirements for exempt classes of action on the following grounds: (A) Has the use of state or county lands or funds or is within Waikiki as the sole triggers for compliance with chapter 343, HRS; a. The use of state financing, including Rental Housing Revolving Fund (RHRF), Hula Mae Multi-Family (HMMF) Tax-exempt Bond program, and Low-income Housing Tax Credits (LIHTC), is the sole trigger for the Project's compliance with HRS, Chapter 343. (B) As proposed conforms with the existing state urban land use classification; a. The Project Site, located within the SLUC Urban District is land classified as "Urban" by the State. (C) As proposed is consistent with the existing county zoning classifications that allows housing. a. The property is located in Residential 20 District (R-20). (D) As proposed does not require variances or shoreline setbacks or siting in an environmentally sensitive area, as stated in section 11-200.1-13(b)(11). a. Kalepa Villages 2 & 3 will not require variances for shoreline setbacks nor is it sited in an environmentally sensitive area.

EXEMPTION LIST CONCURRENCE

Pursuant to [HAR § 11-200.1-16](#), the Environmental Advisory Council (EAC) has reviewed and concurred upon the following agency exemption list, which is a guidance document for the referenced agency's use in considering the propriety of a specific exemption. The listed types of actions may be exempt from the requirement to prepare an EA. The EAC's date of concurrence is posted on the list. Click on the link to view the list.

[County of Hawai'i, Office of Housing and Community Development](#)

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: South Hilo (2-7-004: 118)	Subdivide Property into Four Parcels (Revocation of PL-SMM-2023-000054)	Brian Clark
Kaua'i: Līhu'e (3-5-002: 002)	Placement of Three Temporary Tents for a Special Event Function. (SMA(M)-2024-8)	Dukes Canoe Club Kaua'i/Derek Iha
Maui: Kīhei (3-9-014: 039)	Install New Prefabricated Carport on Existing Concrete Slab (SM2 2023-00097)	Michelle Cockett
Maui: Kīhei (3-9-006: 032)	Second Accessory Dwelling Unit and After-the-Fact Rockwall (SM2 2023-00102)	Michelle Cockett
Maui: Ha'ikū (2-8-004: 078)	Construction of a L36' x W24' x H18' (864 sq. ft.) Pre-Engineered Hurricane-Rated Steel Master's Structure (SM2 2023-00103)	Michelle Fausett
Maui: Kīhei (3-9-002: 136)	Second Single-Family Dwelling (SM2 2023-00104)	Cesar Lizada
Maui: Lahaina (4-7-001: 999)	The Race will Take Place January 14, 2024 along South Kihei Road, North Kihei Road and Highway 30. The Finish Line of the Maui Oceanfront Marathon will be at the Street Fronting Launiupoko Beach Park (SM2 2024-00001)	Alfred Wright
O'ahu: Wailupe (3-6-001: 015)	Allow Additions and Renovations to an Existing Single-Family Dwelling (2023/SMA-29)	Lapis Design Partners/Planning Solutions, Inc.

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-3948 \(Department's Acceptance Letter\)](#)
Name of Applicant: Cellco Partnership DBA Verizon Wireless
Agent: Carlsmith Ball LLP
Location: 73-4229 Queen Ka'ahumanu Highway, Kailua-Kona, HI 96740
TMK(s): (3) 7-3-049:038
Proposed Action: [Kona Airport Cellular on Wheels \(COW\)](#)
343, HRS determination: Exempt per HAR Section 11-200.1-15(c)
Applicant's Contact: Onaona P. Thoene, Attorney | ph: (808) 935-6644, Email: ptheoene@carlsmith.com
OCCL Staff Contact: Alyssa Accardo | ph: (808) 587-0048 Email: alyssa.m.accardo@hawaii.gov

SHORELINE NOTICES

APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review and comment at the Department of Land and Natural Resources offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 ([HRS § 205A-42](#) and [HAR § 13-222-12](#)). **Maps and photos of each application file can be viewed [here](#). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of this public notice of the application.** For more information, contact Rebecca Anderson at rebecca.l.anderson@hawaii.gov

File No.	Location	TMK	Applicant	Owner
OA-2079	59-205 Ke Nui Road, O'ahu 96712	(1) 5-9-002:059	Gil P. Bumanglag	South Seas Holdings, LLC by Donna Y. Baker
OA-2080	952 Mokulua Drive, O'ahu 96734	(1) 4-3-007:041	Ryan M. Suzuki	David Barbetta
OA-2081	68-231 Au Street, O'ahu 96791	(1) 6-8-012:048	Kenn Nishihira	Edwin K. Horio
OA-2082	59-817 Kamehameha Highway, O'ahu 96712	(1) 5-9-004:015	Kenn Nishihira	Hale Mana Kai LLC
OA-2083	46-29 Lilipuna Road, O'ahu 96744	(1) 4-6-01:011 & 033	Benjamin E. K. Guieb	Lucasz J. Maj & Mary L. Lan
OA-2084	61-809 Papailoa Road, O'ahu 96712	(1) 6-1-004:095	Kenn Nishihira	Lyda M. McKenzie Trust
MA-817	104 Ka'anapali Shores Place, Maui 96761	(2) 4-4-001:098	Ailana Surveying & Geomatics	Kaanapali Beach Vacation Resort
KA-483	7322 Alealea Road, Kaua'i 96714	(4) 5-8-009:049	Honua Engineering, inc.	Dirk P and Kathleen Lange

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-2067	Proposed	47-83 Kamehameha Hwy, O'ahu 96744	(1) 4-7-019:082	KN Surveying, LLC	The Dream Home Trust
OA-2072	Proposed	Paumalu Bridge, Holua St & Kamehameha Hwy, O'ahu 96712	(1) 5-9-01:038	Control Point Surveying, Inc.	City & County of Honolulu, Dept. of Parks & Recreation
OA-2075	Proposed	1226A Mokulua Drive, O'ahu 96734	(1) 4-3-005:056	Austin Tsutsumi & Associates, Inc.	Hale Mokulua LLC
MA-814	Proposed	130 Kai Malina Parkway, Maui 96761	(2) 4-4-014:006	Austin Tsutsumi & Associates, Inc.	Honua Kai Condominium Association, Inc.
KA-475	Proposed	5252 Weke Road, Kaua'i 96714	(4) 5-5-02:007	Honua Engineering, Inc.	HaleKauai Trust/ Laura A. Zwicker
HA-638	Proposed	15-2685 Welea Street, Hawai'i 96778	(3) 1-5-087:012	Kim Chiodo/ Land Planning Hawaii	Joseph & Cindy Klingman

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 OPSP/ERP.

[Ka'anapali Temporary Group Housing Site FEMA DR-4724-HI Maui County, Hawai'i--Draft EA](#)

Island	Maui
District(s)	Lahaina
TMK(s)	(2) 4400039
Proposing / Approving Agency	FEMA Emily Benz, FEMA Environmental and Historic Preservation Advisor – (202) 704-6163
Status	Expedited comment period beginning 1/24 and concluding 1/31. BEGINNING January 24 , click on the link above, then search for "4724" Email comments to: fema-rix-ehp-document@fema.dhs.gov If emailing, please remember to include "Temporary Housing Ka'anapali Site" in the subject line. Or mail comments to: FEMA Region IX EHP 1111 Broadway, Suite 1200 Oakland, CA 94607-4052

Under the August 10, 2023, major presidential disaster declaration for the Hawai'i wildfires and high winds (FEMA-DR-4724-HI) which occurred on August 8, 2023, FEMA will construct a temporary group housing site for displaced individuals and families. In accordance with the National Environmental Policy Act (NEPA) of 1969, FEMA has prepared a draft environmental assessment for a proposed Alternative Temporary Transportable Unit (ATTHU) group housing site.

The proposed action includes developing an approximately 63 acre site for about 214 ATTHU's to be located at Kaka'alaneo Drive, Lahaina, Hawai'i 96761 (Latitude: 20.940936; Longitude: -156.684149). Activities may include, where necessary, site clearing, grading, road construction, the placement of utilities (electricity, telephones, water, and sewer), and the transport and installation of housing units to the site. The group site, developed under FEMA's Individuals and Households Program, is intended to be operational for up to 18 months and extended depending on the needs of the disaster.

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.

Notice: [Marine Mammals; File No. 27099](#) (published by the National Oceanic and Atmospheric Administration on 01/11/2024)

Notice is hereby given that Pacific Whale Foundation (Responsible Party: Jens Curie), 300 Ma'alaea Rd. Ste. 211, Wailuku, HI 96793, has applied for an amendment to Scientific Research Permit No. 27099. **Written comments must be received on or before February 12, 2024.** Please click on the title link above for information about the permit and submitting comments.

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).