



The Environmental Notice

February 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.



Breakwater improvements are proposed to improve conditions for the North Kawainae Small Boat Harbor

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

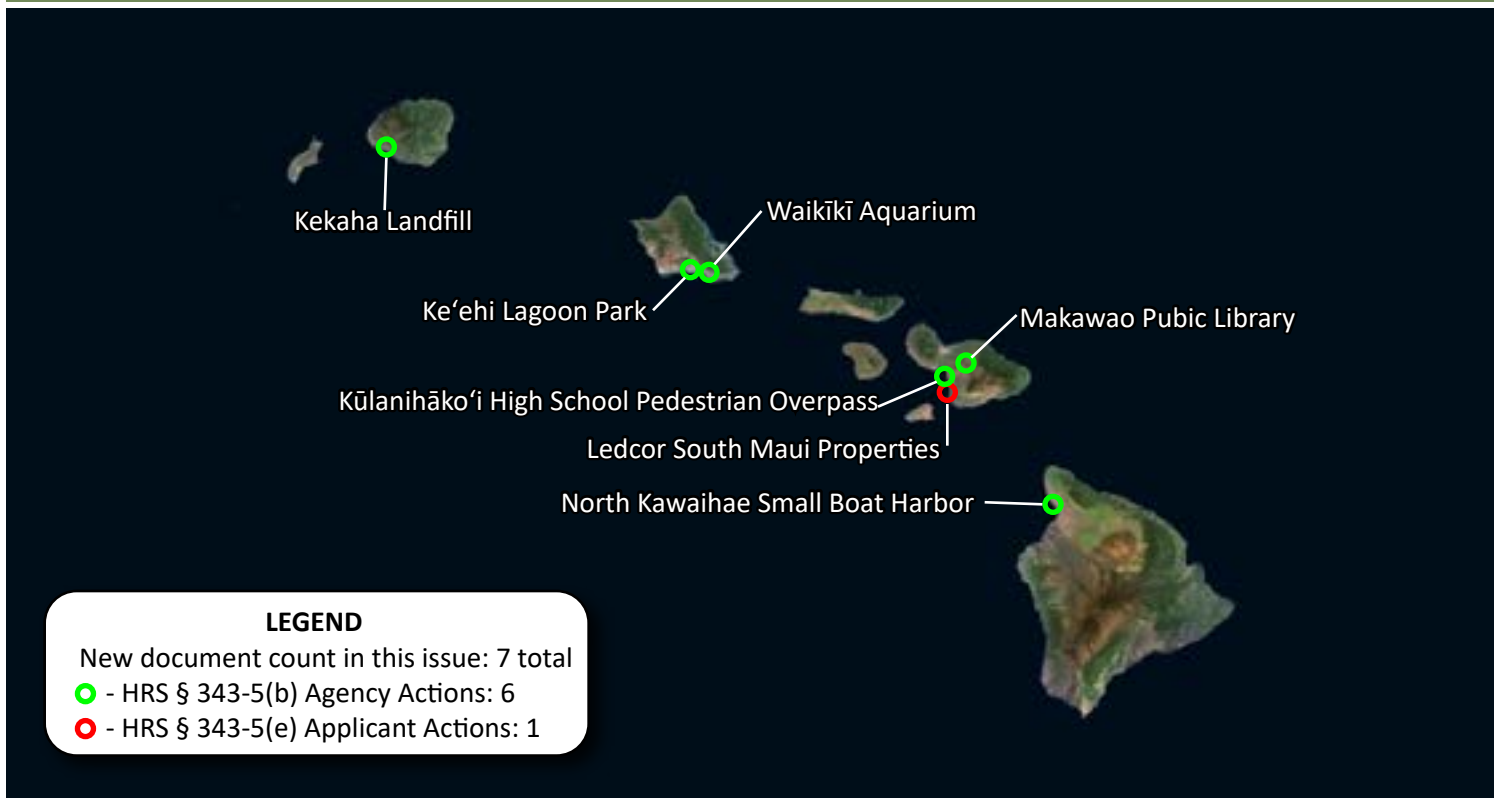
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ANNOUNCEMENTS

Our website now has a [Contact Us page](#), so please use this to submit questions to ERP. Our goal is to respond within 1 to 2 business days. If your agency is interested in a training session regarding HEPA, please contact us!

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



HAWAII EAS/EISS

North Kawaihae Small Boat Harbor Breakwater 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 (3) Propose any use within a shoreline area
District(s)	North Kohala
TMK(s)	(3) 6-1-003:023, 045
Permit(s)	Section 10, Work in Navigable Waters of the U.S. (USACE); Section 404, Clean Water Act, for Fill in Waters of the U.S. (USACE); Section 401 Water Quality Certification; Essential Fish Habitat review; Endangered Species Act Review; Conservation District Use Permit; Coastal Zone Management Federal Consistency
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources (DLNR) Finn McCall, (808) 587-3250, finn.d.mccall@hawaii.gov 4 Sand Island Access Road, Honolulu, HI 96819
Consultant	Oceanit; 828 Fort Street Mall, Suite 600, Honolulu, HI 96813 Berna Senelly, (808) 954-4221, bsenelly@oceanit.com
Status	Finding of No Significant Impact (FONSI) determination

DLNR Division of Boating and Ocean Recreation proposes to redesign and improve the damaged North Kawaihae Small Boat Harbor (NKSBH) main breakwater to better withstand winter swells. The existing breakwater elevation will be raised four (4) feet from six (6) feet above mean lower low water (MLLW) to ten (10) feet MLLW. The breakwater section will be ten (10) feet wide at its crest to accommodate maintenance equipment and have 1.5H:1V side slopes. The bottom width of the structure will be below the waterline and vary from about 40 to 60 feet. A concrete cap with width of six (6) feet and thickness of six (6) inches will be installed along the breakwater to provide access for inspection. The breakwater structure will be extended approximately 80 feet landward from the existing end of the breakwater to prevent siltation of the boat ramp.

MAUI EAS/EISS

Ledcor South Maui Properties and Improvements--Draft EIS and [scoping meeting audio](#)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Maui-multiple
TMK(s)	Numerous (see document)
Permit(s)	Numerous (see document)
Approving Agency / Accepting Authority	Maui Planning Commission Kate Blystone, (808) 270-7735, Kate.Blystone@co.maui.hi.us 2200 Main Street, Room 315, Wailuku, HI 96793
Applicant	Ledcor Maui LP; 590 Lipoa Parkway, Suite 259, Kihei, HI 96753 David Goode, (808) 807-2363, ledcorsouthmauipermitting@gmail.com
Consultant	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Kimi Yuen, (808) 521-5631, ledcorsouthmauipermitting@gmail.com
Status	Statutory 45-day public review and comment period starts. Comments are due by April 8, 2024. Please send comments to the approving agency/accepting authority at http://www.ledcorsouthmauipermitting.com

A mix of single-family and multi-family residential communities are proposed for eight properties, which have a permitted density of over 1,991 residential units (or up to 2,137 residential units with permitted Planned Development (PD) bonuses). Ledcor is proposing an estimated total of 925-975 units and will be developing comprehensive plans for these remaining owned and leased infill parcels in the Kihei and Wailea Resort communities. Open spaces, amenities, and pedestrian paths will be integrated within these communities. Required workforce housing, park dedication, and related infrastructure improvements will also be provided and/or otherwise satisfied. The program will also include Ledcor's fair share portion of the improvements to Pi'ilani Highway at Kilohana Drive.

MAUI EAS/EISS CONTINUED

Kūlanihāko’i High School Pedestrian Overpass--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)	Wailuku
TMK(s)	Pi’ilani Highway, adjacent to and south of the roundabout at Kūlanihāko’i Street and Kūlanihāko’i Road a portion of (2) 2-2-002:081
Permit(s)	Grading, Grubbing and Stockpiling Permit, Building Permits, Noise Permit (or Noise Variance) if construction activities will be outside of normal permitted hours, and HIDOT permits (Use of State Highways, Work on State Highways), Compliance with Hawai’i Revised Statutes (HRS) 6E requirements
Proposing/ Determining Agency	State of Hawai’i, Department of Education Mitch Tamayori, (808) 784-5116, mitch.tamayori@k12.hi.us 3633 Wai’alae Ave. Rm. B-201, Honolulu, HI 96816
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Kawika McKeague, (808) 523-5866, khsoverpass@g70.design
Status	Statutory 30-day public review and comment period starts. Comments are due by March 25, 2024. Please address comments to the proposing/determining agency at khsoverpass@g70.design

The Hawai’i State Department of Education (HIDOE) in cooperation with the Hawai’i State Department of Transportation (HIDOT) proposes to construct a pedestrian overpass across Pi’ilani Highway for Kūlanihāko’i High School students and community usage. Completion of the overpass will fulfil one condition stipulated by the State Land Use Commission as part of the change in land use designation. The condition requires that HIDOE provide a grade-separated pedestrian crossing. The design includes stairs and ADA-compliant ramps on both sides of the highway. It will be constructed primarily of prefabricated concrete with an enclosure over the pedestrian bridge. The overpass project footprint is contained within the HIDOT Pi’ilani Highway right of way except for a portion in the adjacent Kūlanihāko’i High School parcel [TMK (2) 2-2-002:081]. The entire project area is approximately 30,000 square feet. The overpass will be owned and operated by the Hawai’i State Department of Transportation.

Makawao Public Library Improvements, Renovation, and Expansion--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)	Makawao
TMK(s)	(2) 2-4-031: 007
Permit(s)	DCAAB Facility Access Review, Variance from Pollution Controls, Chapter 6E Historic Site Review, Building Permit, Certificate of Occupancy, Electrical, Plumbing, Grading, Stormwater Runoff Control, Work upon County Highway, Fire Protection
Proposing/ Determining Agency	State of Hawai’i, Department of Accounting and General Services Rey Rios, (808) 586-0468, reynaldo.d.rios@hawaii.gov 1151 Punchbowl Street, Honolulu, HI 96813
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 March 25, 2024. Please send comments to the proposing/determining agency and copy the consultant.

The project will improve, renovate, and expand the Makawao Public Library. Actions affecting exterior areas include removing four parking stalls, trees, an electrical transformer and trash enclosure at the rear of the building, grading, and installation of a new drainage system.

The interior generally will be gutted except for selected architectural / building components and structural members. Existing improvements that are removed will be replaced in-kind with new code-compliant systems and materials. The major improvement is the construction of a two-level, 2,000 square foot addition. The addition will provide 1,000 feet ground level space for electrical, telecom equipment, and storage. Two meeting rooms for library and public use will be provided on the second level.

The Library will be closed for the duration of construction which is tentatively projected to commence in January 2025 with completion sometime in 2026.

O'AHU EAS/EISS

Ke'ehi Lagoon Park Comfort Stations 1 and 2--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 (3) Propose any use within a shoreline area
District(s)	Honolulu
TMK(s)	(1) 1-1-003: 239
Permit(s)	Special Management Area, Grubbing and Grading, Building, Water System Requirement, Variance from Pollution Controls, HRS Chapter 6E Review
Proposing/ Determining Agency	City and County of Honolulu, Department of Design and Construction William Romena, (808) 768-8459, Wromena@honolulu.gov 650 South King Street 9th Floor, Honolulu, HI 96813
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 March 25, 2024. Please send comments to the proposing/determining agency and copy the consultant.

The proposed action will replace two existing comfort station. Comfort station 1 will be demolished first and rebuilt on the same site as existing. It has been closed to the public since 2015 when it was damaged by fire. Comfort station 2 will be demolished and rebuilt in the vicinity of the main parking lot about 300 lineal feet west of its current location.

Waikiki Aquarium Upgrades--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area
District(s)	Honolulu
TMK(s)	(1) 3-1-031:006
Permit(s)	US Army Corps permits (Section 404 Clean Water Act, Section 10, Work in Navigable Waters), Section 401, State Certification of Water Quality, Conservation District Use Permit, Coastal Zone Management Consistency, Special Management Area Major Permit; Shoreline Setback Variance
Proposing/ Determining Agency	State of Hawai'i, University of Hawai'i at Mānoa Brandon Shima, (808) 956-0282, bshima@hawaii.edu 2002 East West Road, Room 102, Honolulu, HI 96822
Consultant	Oceanit; 828 Fort Street Mall, Suite 600, Honolulu, HI 96813 Berna Senelly, (808) 954-4221, bsenelly@oceanit.com
Status	Statutory 30-day public review and comment period starts. Comments are due by March 25, 2024. Please address comments to the proposing/determining agency at WAQ@oceanit.com

The Waikiki Aquarium utilizes three intake water sources for their approximately sixty (60) public exhibits and behind-the-scenes holding tanks. Three water sources include natural 1) seawater (NSW) via two (2) 8-inch offshore intake pipes, 2) saltwater derived from a saltwater production well, and 3) freshwater from the CCH water supply system. The purpose of the proposed project is to upgrade the Aquarium's antiquated supply water intake system infrastructure to prevent future failures that threaten the life and wellbeing of the biota. The project includes the replacement of the two existing ocean water intake pipes that extend approximately 160-ft offshore, the construction of a new partially below ground NSW and well water pump vault, a new partially below ground aeration tank, the reconstruction and extension of the existing pump building, the rehabilitation or construction of a new saltwater production well, and the installation of new equipment and piping.

KAUA‘I EAS/EISS

Kekaha Municipal Landfill Phase II Vertical Expansion--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Waimea
TMK(s)	(4) 1-2-002:001 (portion) and 009
Permit(s)	Solid Waste Management Permit Modification; Covered Source Permit Modification (Title V Air Permit); HRS Chapter 6E Compliance (Historic Preservation Review); Federal Aviation Administration Notice of Proposed Construction or Alteration
Proposing/ Determining Agency	County of Kaua‘i, Department of Public Works Allison Fraley, (808) 241-4837, AFraley@kauai.gov 4444 Rice Street, Mo‘ikeha Building, Suite 275, Līhu‘e, HI 96766
Consultant	Tetra Tech, Inc.; 737 Bishop Street, Suite 2000, Honolulu, HI 96813 Leslie McClain, (503) 222-4536, leslie.mcclain@tetrattech.com
Status	Finding of No Significant Impact (FONSI) determination

The County of Kaua‘i, Department of Public Works, Solid Waste Division is proposing a vertical expansion of Phase II operations at the Kekaha Municipal Solid Waste Landfill (KLF) located in Kekaha, Kaua‘i (Proposed Action). The KLF encompasses approximately 98 acres of land within Tax Map Keys (TMK) 1-2-002:001 (por.) and 1-2-002:009, which is owned by the State of Hawai‘i. The Proposed Action would provide additional air space volume for the placement of refuse while the siting, design, and construction of a new landfill facility or other long-term landfill capacity solutions are completed. The Proposed Action would extend Phase II operations upward from the currently permitted maximum elevation of 120 feet (ft) above mean sea level (amsl) to a maximum elevation of 171.5 ft amsl. This proposed vertical expansion would be within the existing permitted footprint of the Phase II landfill and would be constructed above the existing Subtitle D base liner.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these actions 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 MARCH 11, 2024

HAWAI‘I

[Pāpā‘aloha Park Master Plan and Phase I Development--Draft EA \(AFNSI\)](#)

MAUI

[Ha‘ikū Fire Station and Related Improvements--2nd Draft EA Vol I and Vol II](#) (Grandfathered under the old rules)

O‘AHU

[Waimānalo Beach Park Improvements--Draft EA \(AFNSI\)](#)

[Waiāhole Bridge Replacement--Draft EA \(AFNSI\)](#)

[Honolulu Police Department Communication Facilities Upgrade at Kapa‘a Reservoir--Draft EA \(AFNSI\)](#)

KAUA‘I

[Kapa‘a Homesteads 325' Tanks and Exploratory Well--Draft EA \(AFNSI\)](#)

COMMENTS DUE MARCH 25, 2024

HAWAI‘I

[University of the Nations, Kona, Inc. Master Plan Update--Draft EIS and scoping meeting audio recording](#)

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
Maui: Kīhei (3-9-041: 002)	Installation of an Irrigation Well with Associated Electrical and Plumbing Improvements (SM2 2024-00006)	Kiley Dindinger
Maui: Kīhei (3-9-040: 086)	9-lot Residential Subdivision and the Installation of a Paved Roadway Cul-de-sac and Associated Utilities (SM2 2024-00007)	Doll Land & Cattle Inc.
Maui: Kīhei (2-1-006: 037)	2,000-gallon Liquefied Petroleum Gas Tank Removal and Replacement Atop Concrete Pad (SM2 2024-00008)	The Gas Company, Mustafa Demirbag, Yvonne Turro
O'ahu: Wai'anae (8-7-023: 037)	Verizon HON South Mā'ili – Solar Canopy Project (2023/SMA-111)	Verizon Wireless/Eukon Group

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 KA-3926](#)
 Name of Applicant: County of Kaua'i- Department of Public of Public Works
 Agent: R.M. Towill Corporation
 Location: Kalapakī and Hanamalulu, Līhu'e, Kaua'i
 Tax Map Keys: (4) 3-5-001:008 & 102 & 128 & 160
 Proposed Action: Nāwiliwili-Ahukini Shared-Use Path Project
 343, HRS determination: [FONSI](#) was published in the [February 8, 2018, issue of The Environmental Notice](#)
 Agent's Contact: James Niermann, (808) 842-1133, jimn@rmtowill.com
 OCCL Staff Contact: Mari Kurosawa, (808) 587-0381, mari.i.kurosawa@hawaii.gov

FEDERAL NOTICES

As a courtesy, listed below are some relevant entries from the Federal Register published since the last issue of *The Environmental Notice*. For more information, click on the title link, also available at www.federalregister.gov.

Proposed Rule: [Pacific Island Fisheries; Standardized Bycatch Reporting Methodologies](#) (published by the National Oceanic and Atmospheric Administration on 02/09/2024)

NMFS announces that the Western Pacific Fishery Management Council (Council) proposes to amend the five fishery ecosystem plans (FEP) for fisheries in the Pacific Islands Region, including the Hawaii Archipelago FEP. If approved, the FEPs would be amended to update data collection mechanisms identified as standardized bycatch reporting methodologies (SBRM) as needed, and revise descriptions of SBRM for consistency with current NMFS regulations. The proposed action considers the best available scientific, commercial, and other information about the fisheries, and supports the long-term sustainability of fishery resources. **NMFS must receive comments on the proposed amendment by April 9, 2024.** Click on the title link above for information on the proposal and details on submitting comments.

FEDERAL NOTICES (CONTINUED)

Notice: [National Register of Historic Places; Notification of Pending Nominations and Related Actions](#) (published by the National Park Service on 02/16/2024)

The National Park Service is soliciting electronic comments on the significance of properties nominated before January 27, 2024, for listing or related actions in the National Register of Historic Places, including St. Andrew's Cathedral (Additional Documentation), Beretania St. (Queen Emma Sq.), Honolulu, AD73000663. **Comments should be submitted electronically by March 4, 2024.** Click on the title link above for additional information on the proposal and details on submitting comments

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-2089	1056 Mokulua Drive, 1064 Mokulua Drive, 1070 Mokulua Drive, O'ahu 96734	(1) 4-3-006:058, 105 & 106	Ryan M. Suzuki	1056 Mokulua LLC & Mokulua Windward LLC
OA-2090	Kaluanui Stream Bridge, Kamehameha Hwy, O'ahu 96734	(1) 5-3-009:047	ControlPoint Surveying, Inc.	City & County of Honolulu
OA-2091	49-479 Kamehameha Highway, O'ahu 96734	(1) 4-9-004:001	ParEn, Inc. dba Park Engineering	City & County of Honolulu
OA-2092	312 Wailupe Circle, O'ahu 96734	(1) 3-6-001:019	Austin Tsutsumi & Associates, Inc.	Keith Horita Trust
HA-692	69-1854 Puakō Beach Drive, Hawai'i 96743	(3) 6-9-005:007	John L. Clare III	John L. Clare III & Susan L. Clare

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-2053	Proposed	84-507 Upena Road, O'ahu 96792	(1) 8-4-008:012	Benjamin E.K. Guieb	Jack Visin & Karen Wittkow Visin
OA-2071	Proposed	59-585 D Ke Iki Road, O'ahu 96712	(1) 5-9-003:016	Walter P. Thompson, Inc.	Ke Iki North Shore LLC
OA-2081	Proposed	68-231 Au Street, O'ahu 96791	(1) 6-8-012;048	Kenn Nishihara	Edwin K. Horio
OA-2083	Proposed	46-29 Lilipuna Road, O'ahu 96744	(1) 4-6-001:011 & 033	Benjamin E.K. Guieb	Lukasz Maj and Mary L. Lan
HA-640	Proposed	69-2006 Paniau Place, Hawai'i 96743	(1) 6-9-001:007, 018, 020, 021, 023, 024, 025 & 026	Wes Thomas Associates	Nani Paniau Estate, LLC
KA-481	Proposed	4491 Kikiaola Place, Kaua'i 96752	(4) 1-2-013:031	Roger M. Caires	Graham & Marissa Chelius
OA-2060	Withdrawn	56-371 Kamehameha Hwy, O'ahu 96792	(1) 5-6-002:045	Walter P. Thompson, Inc.	James C. Reynolds, Inc.

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).