



# The Environmental Notice

April 8, 2024

Josh Green, M.D., Governor  
Mary Alice Evans, 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.



An economic resiliency project at Waimea Valley on the North Shore of O'ahu proposes to improve the overall experience of the valley

Photo credit: [Zan Ready](#)

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## ANNOUNCEMENTS

Please be sure to [contact us](#) if you have problems uploading submittals after some recent software "upgrades" to the [online submittal form](#). You can also call the Environmental Review Program at (808) 586-4185.

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



## HAWAI‘I EAS/EISS

### Hilo Medical Center New Administrative Services Building--Draft EA (AFNSI)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	South Hilo
<b>TMK(s)</b>	(3) 2-3-027:002
<b>Permit(s)</b>	Hawai‘i County: Building Division Approval, Planning Department Plan Approval; Hawai‘i State: Department of Health DCAB Approval
<b>Proposing/ Determining Agency</b>	State of Hawai‘i, Hilo Medical Center Hawaii Health Systems Corporation Kris Wilson, (808) 932-3802, <a href="mailto:kwilson@hhsc.org">kwilson@hhsc.org</a> 1190 Waianuenue Avenue, Hilo, HI 96720
<b>Consultant</b>	Geometrician Associates; 10 Hina Street, Hilo, HI 96720 Ron Terry, (808) 987-5239, <a href="mailto:hiloronterry@gmail.com">hiloronterry@gmail.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by May 8, 2024.</b> Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

Hilo Medical Center proposes a new 2-story, ~15,000 sf Administrative Services Building on the site of the former West Wing Building. Design includes private office, open office and common areas for administrative, nursing, marketing and contracts staff, as well as 35 physician residents. The architectural style follows the “New Formalism” style of contemporary healthcare buildings. It would support existing functions and staff and would not increase staff, vendors, patients or traffic. This addition is essential to improve the efficiency of medical services delivery. No sensitive biological, hydrological, archaeological, cultural or other resources are present on the cleared, graded site.

## MAUI EAS/EISS

### Honokōwai Water System Improvements--Draft EA (AFNSI)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Lahaina
<b>TMK(s)</b>	(2) 4-4-002:008(por.); 009(por.); 010(por.); 012(por.); 016(por.); 018(por.); 4-4-003:013(por.); and 4-4-004:002(por.)
<b>Permit(s)</b>	Chapter 6E, HRS, Historic Preservation Compliance, Department of Health - National Pollutant Discharge Elimination System Permit, Department of Health - Noise Permit, as applicable, State of Hawai‘i, Commission on Water Resource Management Well Construction and Operating Permits, State of Hawai‘i, Commission on Water Resource Management Ground Water Use Permit, Construction Permits (Building, Grading, and/or Grubbing)
<b>Proposing/ Determining Agency</b>	State of Hawai‘i, Hawaiian Homes Commission Neil Nugent, (808) 620-9500, <a href="mailto:cornelius.f.nugent@hawaii.gov">cornelius.f.nugent@hawaii.gov</a> 91-5420 Kapolei Parkway, Suite 104, Kapolei, HI 96707
<b>Consultant</b>	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Emily Murai, (808) 244-2015, <a href="mailto:planning@munekiyohiraga.com">planning@munekiyohiraga.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by May 8, 2024.</b> Please click on title link above to read the document, then address comments to the proposing/determining agency at <a href="mailto:planning@munekiyohiraga.com">planning@munekiyohiraga.com</a>

DHHL proposes to place into production an existing drilled and cased test well (State Well No. 5639-04) in Honokōwai. A pump would be installed within the well, with the well pump discharge piping installed above-ground. Other major above-ground components include fencing, a 50,000-gallon control tank, a single-story 30 feet (ft.) by 18 ft. control building to house electrical components and a sodium hypochlorite system for disinfection of the water, a transformer located on a concrete pad, and a standby generator on a concrete pad. The site will be graded to accommodate a potential future 500,000 gallon storage tank. A 12-inch ductile iron transmission waterline is proposed to convey water from approximately 8,000 feet from the well site to a proposed 500,000 gallon mixing tank near the Māhinahina Water Treatment Facility. The transmission line would cross the access road into Honokōwai Valley at the bottom of the gulch as it crosses over Honokōwai Stream.

## MAUI EAS/EISS (CONTINUED)

### Ledcor South Maui Properties and Improvements--Republished Draft EIS and scoping meeting audio

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Maui-multiple
<b>TMK(s)</b>	Numerous (see document)
<b>Permit(s)</b>	Numerous (see document)
<b>Approving Agency/ Accepting Authority</b>	County of Maui, Maui Planning Commission Kate Blystone, (808) 270-7735, <a href="mailto:Kate.Blystone@co.maui.hi.us">Kate.Blystone@co.maui.hi.us</a> 2200 Main Street, Room 315, Wailuku, HI 96793
<b>Applicant</b>	Ledcor Maui LP; 590 Lipoa Parkway, Suite 259, Kīhei, HI 96753 David Goode, (808) 807-2363, <a href="mailto:ledcorsouthmauipermitting@gmail.com">ledcorsouthmauipermitting@gmail.com</a>
<b>Consultant</b>	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Kimi Yuen, (808) 521-5631, <a href="mailto:ledcorsouthmauipermitting@gmail.com">ledcorsouthmauipermitting@gmail.com</a>
<b>Status</b>	The proponent is republishing the Draft EIS <a href="#">originally published on February 23, 2024</a> . Another statutory 45-day public review and comment period starts. <b>Comments are due by May 23, 2024</b> . Please send comments to the approving agency/ accepting authority at <a href="http://www.ledcorsouthmauipermitting.com">http://www.ledcorsouthmauipermitting.com</a> . The Final EIS must include comments from both comment periods, so comments previously submitted do not have to be sent again.

The Draft Environmental Impact Statement (DEIS) for the Ledcor South Maui Properties and Improvements has been submitted for republication due to the loss of quorum of the Maui Planning Commission at their March 25, 2024 meeting. By republishing the DEIS, another comment period will be made available so the Maui Planning Commission will have an opportunity to submit comments on the DEIS. The resubmitted DEIS is exactly the same as the one previously published in The Environmental Notice on February 23, 2024; no changes have been made to the DEIS.

## O’AHU EAS/EISS

### Waimea Valley Economic Resiliency Project--Draft EA (AFNSI)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district
<b>District(s)</b>	Waialua
<b>TMK(s)</b>	(1) 6-1-002:002 and 005
<b>Permit(s)</b>	Major Special Management Area Permit, Conservation District Use Permit, and numerous others (see document)
<b>Approving Agency</b>	State of Hawai‘i, Department of Land and Natural Resources Alyssa Accardo, (808) 587-0377, <a href="mailto:alyssa.m.accardo@hawaii.gov">alyssa.m.accardo@hawaii.gov</a> 1151 Punchbowl Street, Room 131, Honolulu, HI 96813
<b>Applicant</b>	Hi‘ipaka LLC; 59-864 Kamehameha Hwy., Hale‘iwa, HI 96712 Richard Pezzulo, (808) 638-7766, <a href="mailto:rpezzulo@waimeavalley.com">rpezzulo@waimeavalley.com</a>
<b>Consultant</b>	Munekiyo Hiraga; 305 High St., Suite 104, Wailuku, HI 96793 Yukino Uchiyama, (808) 983-1233, <a href="mailto:planning@munekiyohiraga.com">planning@munekiyohiraga.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by May 8, 2024</b> . Please address comments to the approving agency at <a href="mailto:planning@munekiyohiraga.com">planning@munekiyohiraga.com</a>

Hi‘ipaka LLC proposes the Economic Resiliency Project at Waimea Valley on the North Shore of O‘ahu, which includes: (1) renovation and expansion of the gift shop and the bathrooms at the Visitor Center; (2) reconstruction of a Community Resource Center; (3) Pavilion enhancement; (4) construction of a new Traditional Hawaiian Hale; (5) installation of rockfall fences near the Community Resource Center; (6) water system upgrades; and (7) Sewage Treatment Plant replacement. In addition, erosion control measures and additional rockfall mitigation are proposed on an as-needed basis. Related offsite improvements include a new fire hydrant along Kamehameha Highway near the Valley entrance and potential traffic improvements, as may be required by the Department of Transportation. A Major Special Management Area Permit and a Conservation District Use Permit will be obtained for the project.

**O’AHU EAS/EISs (CONTINUED)**

**DOE Wahiawā High Core / Storefront School--Final EA (FONSI)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Wahiawā
<b>TMK(s)</b>	(1) 7-4-017:002; 7-4-022:049 and 50
<b>Permit(s)</b>	Numerous (see document)
<b>Proposing/ Determining Agency</b>	State of Hawai’i, Department of Education William George, (808) 784-5125, <a href="mailto:william.george@k12.hi.us">william.george@k12.hi.us</a> P.O. Box 2360, Honolulu, HI 96804
<b>Consultant</b>	Wilson Okamoto Corporation; 1907 South Beretania St., Suite 400, Honolulu, HI 96826 Dalton Beauprez, (808) 946-2277, <a href="mailto:DBeauprez@wilsonokamoto.com">DBeauprez@wilsonokamoto.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

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.

**PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT**

**Status:** The comment period for these projects began previously. Please click on the links below to read a document, then send comments to the relevant agency and copy any relevant applicant and/or consultant identified in the submission form that follows the initial agency letter.

**COMMENTS DUE APRIL 8, 2024**

**HAWAI’I**

[Makalapua Project District--Draft EA \(FONSI\) Vol I; Vol II Part I, Part II & Part III; and Vol III](#)  
[34 Rainbow Drive, Hilo--Draft EA \(AFNSI\)](#)

[Waikoloa Drive/Paniolo Avenue Roundabout--Draft EA \(AFNSI\)](#)

**MAUI**

[DHHL Wailuku Single Family Residential Subdivision--Draft EA \(FONSI\)](#)

**O’AHU**

[ENV Collection System Maintenance \(CSM\) Pearl City Warehouse--Draft EA \(AFNSI\)](#)

**COMMENTS DUE APRIL 22, 2024**

**HAWAI’I**

[Pāpa’aloha Park Master Plan and Phase I Development--2nd Draft EA \(AFNSI\)](#)  
[Pāhoa Transit Hub and Library--Draft EA \(AFNSI\)](#)

**O’AHU**

[Garg Residence in Hawaii Kai--Draft EA \(AFNSI\)](#)  
[Kapi’olani Nursery Building Replacement--Draft EA \(AFNSI\)](#)

**COMMENTS DUE MAY 7, 2024**

**NORTHWEST HAWAIIAN ISLANDS**

[Proposed Papahānaumokuākea National Marine Sanctuary--Republished Draft EIS and Public Scoping Meetings](#)

## LISTS OF EXEMPTION NOTICES

Pursuant to [HAR § 11-200.1-17](#), State and county agencies that have determined specific actions to be exempt from the requirement to prepare an EA are required to submit a listing of such exemptions made during the previous month. Following are Lists of Exemption Notices submitted by various agencies for March 2024, unless noted otherwise; contact the identified agency contact on each list for additional information about any specific exemption:

**State of Hawai'i**

[Department of Accounting and General Services](#)

[Department of Land and Natural Resources](#)

[Department of Transportation](#)

**City and County of Honolulu**

[Department of Design and Construction](#)

[Department of Planning and Permitting \(Feb 2024\)](#)

[Department of Planning and Permitting \(Mar 2024\)](#)

[Department of Transportation Services](#)

**County of Hawai'i**

[Department of Public Works](#)

## 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
Kaua'i: Kīlauea (5-2-004: 091 Unit 1)	Construction/New 500 Linear Feet, 6-Foot-High Fence (SMA(M)-2024-12)	Shinn Properties Inc.
Kaua'i: Līhu'e (3-5-002: 002)	Placement/Temporary Dining Tent (SMA(M)-2024-13)	Royal Sonesta/Richard Alao, Director of Engineering Royal Sonesta
Kaua'i: Princeville (5-4-005: 022 & 5-4-012: 006)	Grading/Golf Course Bunker Modifications (SMA(M)-2024-14)	SOF-XI Kauai PV Golf LP/Belles Graham LLP
Maui: Kīhei (3-9-039: 044)	Convert Accessory Dwelling Unit to Second Main Dwelling. Enclose Existing Carport and Convert to Bedroom and Bath (SM2 2024-00012)	Joel Corpuz
Maui: Kīhei (3-9-004: 098)	Installation of A Sewer Service Manhole Two Feet within the Property Line of Maui Parkshore along an Existing Private Sewer Line (SM2 2024-00013)	Sharon Wright
Maui: Kīhei (2-1-006: 011)	Conduct Commercial Weddings and Other Events, and Temporary Placement of Related Items (SM2 2024-00014)	Thorne Abbott/Carol Higashino
Maui: Kīhei (2-1-023: 007)	Four Seasons - Enclose the Existing Fitness Center Open-Air Lanai with an Operable Glass Wall and Install a New Planted Roof (SM2 2024-00015)	DeAnne Kahale
O'ahu: Kea'au (8-3-001: 036)	Radio Facility Renovation and Upgrade, Including Small Expansion to the Existing Equipment Building and Equipment Compound, Installation of an Emergency Generator and Fuel Tank, New Communication Equipment and New Security Fencing (Minor Modification 93/SMA-13)	Ross Yamaguchi, Ronald N. S. Ho & Associates

## COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

### 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 the CZM staff person identified for each action. The CZM Program is required to adhere to federal review deadlines, therefore, comments must be received by the date specified.

Comments may be submitted by mail or electronic mail, to the following addresses:

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

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

#### Proposed Papahānaumokuākea National Marine Sanctuary, Northwest Hawaiian Islands

**Proposed Action:** The National Oceanic and Atmospheric Administration (NOAA) proposes to designate the waters surrounding the Northwestern Hawaiian Islands as Papahānaumokuākea National Marine Sanctuary to protect nationally significant biological, cultural, and historical resources and to manage this special place as part of the National Marine Sanctuary System. The purpose of this proposed action is to provide comprehensive and coordinated management of the marine areas of Papahānaumokuākea to protect nationally significant biological, cultural, and historical resources through a sanctuary designation.

**Location:** Northwest Hawaiian Islands  
**Federal Action:** Federal Agency Activity  
**Federal Agency:** NOAA Office of National Marine Sanctuaries  
**CZM Contact:** Joshua Hekekie, (808) 587-2845, [Joshua.K.Hekekie@hawaii.gov](mailto:Joshua.K.Hekekie@hawaii.gov)  
**Comments Due:** April 22, 2024

#### Seagoing Buoy Tender Mooring and Structure Pier Upgrades, O'ahu

**Proposed Action:** The US Coast Guard (USCG) proposes mooring and structure pier upgrades at Base Honolulu which include demolition and disposal of the existing floating dock with foundations and piles; construction of a new 110-foot fixed, pile-supported pier; a new floating dock (connected by a small dolphin); and a new small lateral pier extension to fill in a triangular gap between Berth F bulkhead and the new Berth G pier extension. The pile-supported pier extends the existing berth to accommodate a second 225-foot Seagoing Buoy Tender (WLB) and the three existing Fast Response Cutters (FRCs). The floating pier would be used as another berth for the existing FRCs and period of maintenance and on/offloading that would otherwise require shifting berth positions at Base Honolulu.

**Location:** USCG Base Honolulu, 400 Sand Island Parkway, Honolulu, O'ahu  
**TMK(s):** (1) 1-5-041:042  
**Federal Action:** Federal Agency Activity  
**Federal Agency:** U.S. Coast Guard  
**CZM Contact:** Debra Mendes, (808) 587-2840, [Debra.L.Mendes@hawaii.gov](mailto:Debra.L.Mendes@hawaii.gov)  
**Comments Due:** April 22, 2024

## SHORELINE NOTICES

### 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-2092	Proposed	312 Wailupe Circle, O'ahu 96825	(1) 3-6-001:019	Austin Tsutsumi & Associates, Inc.	Keith Horita Trust
OA-2094	Proposed	47-119 Kamehameha Hwy, O'ahu 96744	(1) 4-7-019:076 & 080	Walter P. Thompson, Inc.	David Knox Trust & Beverly Hovversland Trust
OA-2095	Proposed	47-119 Kamehameha Hwy, O'ahu 96744	(1) 4-7-019:077 & 078	Walter P. Thompson, Inc.	David A. Knox & Beverly J. Hovversland

## FEDERAL NOTICES

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

**Rule: [Endangered and Threatened Wildlife and Plants; Listing Endangered and Threatened Species and Designating Critical Habitat](#) (published by the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration on 04/05/2024)**

We, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS; collectively, the "Services"), finalize revisions to portions of our regulations that implement section 4 of the Endangered Species Act of 1973, as amended. The revisions to the regulations clarify, interpret, and implement portions of the Act concerning the procedures and criteria used for listing, reclassifying, and delisting species on the Lists of Endangered and Threatened Wildlife and Plants (Lists) and designating critical habitat. **This final rule is effective May 6, 2024.** Click on the title link above for further information

**Rule: [Pacific Island Fisheries; 2024 Northwestern Hawaiian Islands Lobster Harvest Guideline](#) (published by the National Oceanic and Atmospheric Administration on 04/05/2024)**

NMFS establishes the annual harvest guideline for the commercial lobster fishery in the Northwestern Hawaiian Islands (NWHI) for calendar year 2024 at zero lobsters. Click on the title link above for further information



Hawaiian spiny lobster

Photo cropped from original; credit: [Angell Williams](#)



## 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).