



The Environmental Notice

September 23, 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.



DHHL is proposing to build a new homestead community in 'Ewa Beach, O'ahu.

photo from [project's Draft EA](#)

TABLE OF CONTENTS

ANNOUNCEMENTS2

STATEWIDE MAP OF EA/EIS DOCUMENTS AND DETERMINATIONS.....2

HAWAI‘I EAs/EISs.....3

Sea Dragon Energy Seawater-to-Jet Fuel Research and Development Project – Draft EA (AFNSI)3

MAUI EAs/EISs3

Hana Highway Bridge Improvements Project, Route 360 – Final EA (FONSI), and Appendices.....3

O‘AHU EAs/EISs.....4

Aloha Sustainable Materials Recycling and Fertilizer Facility – Draft EA (AFNSI).....4

Ewa Beach Homestead Project – Draft EA (AFNSI)4

Iwilei Infrastructure Improvement Master Plan and Liliha Civic Center Master Plan – Draft EIS Vol 1, Vol 2, and scoping meeting audio.....5

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT5

COASTAL ZONE MANAGEMENT NOTICES.....6

 Federal Consistency Reviews6

 Special Management Area (SMA) Minor Permits.....7

SHORELINE NOTICES7

 Applications for Shoreline Certification.....7

 Proposed Shoreline Certifications and Rejections.....8

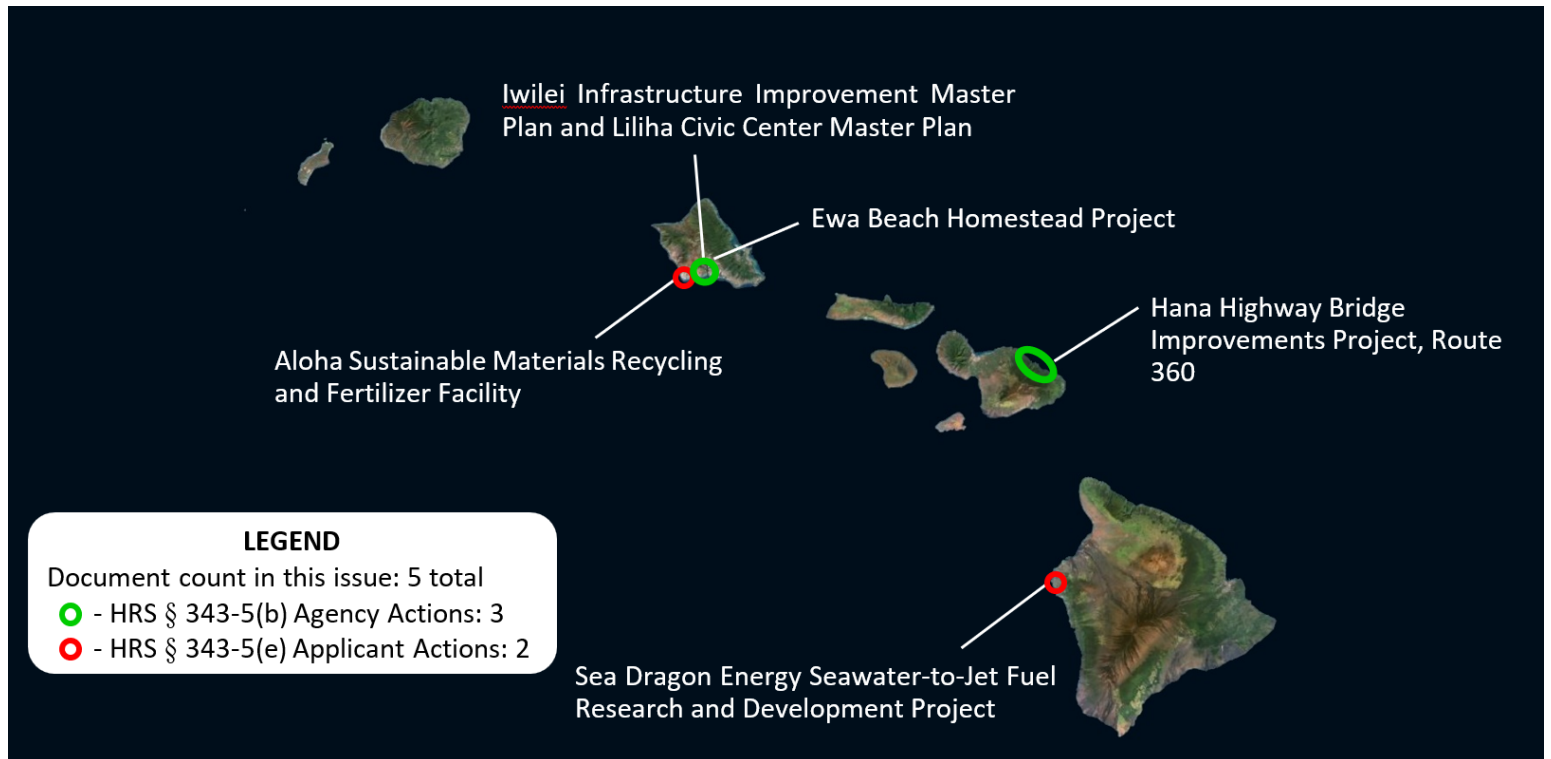
FEDERAL NOTICES8

GLOSSARY OF TERMS AND DEFINITIONS.....9

ANNOUNCEMENTS

The Environmental Advisory Council (EAC) is still seeking new members. To learn more about the work of the EAC, visit their [webpage](#). To apply to be on the EAC, submit this [online application](#) under Department of Business, Economic Development & Tourism - Environmental Advisory Council.

STATEWIDE MAP OF EA/EIS DOCUMENTS AND DETERMINATIONS



HAWAII EAS/EISS

Sea Dragon Energy Seawater-to-Jet Fuel Research and Development Project – 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)	North Kona
TMK(s)	(3) 7-3-043:081 (portion)
Permit(s)	None
Approving Agency	Natural Energy Laboratory of Hawai'i Authority Alexander Leonard, (808) 292-5157, alexander.leonard@hawaii.gov 73-4460 Queen Ka'ahumanu Highway, #10, Kailua-Kona, HI 96740
Applicant	Sea Dragon Energy, Inc.; 401 Strada Luca, Florence, TX 96527 Tracy Kriewald, (713) 483-4192, tracy.kriewald@seadragon.energy
Consultant	Planning Solutions, Inc.; 711 Kapi'olani Boulevard Suite 950, Honolulu, HI 96813 Makena White, (808) 550-4538, makena@psi-hi.com
Status	Statutory 30-day public review and comment period starts. Comments are due by October 23, 2024. Please click on title link above to read the document, then send comments to makena@psi-hi.com .

Sea Dragon Energy, Inc. (SDEI) is proposing to use a site formerly occupied by a seawater bottler at NELHA's HOST Park to conduct research and development (R&D) on a seawater-to-jet fuel (SJF) process. The project site at HOST park is a portion of TMK No. 7-3-043:081 that includes a warehouse, parking area, and other infrastructure. The R&D unit, if successful, would inform the possible development of a larger mobile SJF unit. The R&D unit would produce roughly 10 gallons of jet fuel per month. No new buildings, substantial land disturbances, or substantial new outdoor equipment are proposed. SDEI would be responsible for decommissioning its equipment at the completion of the R&D period, which may range in duration from 2 to 5 years.

MAUI EAS/EISS

Hana Highway Bridge Improvements Project, Route 360 – Final EA (FONSI), and Appendices

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 (4) Propose any use within any historic site as designated in the National Register or Hawai'i Register
District(s)	Maui - multiple districts
TMK(s)	(2) 2-9-012:041; (2) 2-9-010:001; (2) 2-9-014:001; (2) 2-9-013:015; (2) 1-1-001:036; (2) 1-1-001:042; (2) 1-1-001:054; (2) 1-1-001:022; (2) 1-1-001:052; (2) 1-2-001:003; (2) 1-2-004:005; (2) 1-2-003:005; (2) 1-2-003:001; (2) 1-2-003:005; (2) 1-2-002:020; (2) 1-2-003:023; (2) 1-2-003:001; and Hana Highway right-of-way
Permit(s)	Flood Development Permit; Special Management Area Use Permit; Grading and Grubbing Permit; NEPA; Section 4(f) of the USDOT Act, Clean Water Act Section 404 Permit, Section 401 Water Quality Certification, and National Pollutant Discharge Elimination System Permit; Section 7 of the ESA; Section 106 of the NHPA; HRS Chapter 6E-8 Review; HRS Chapter 195D; CZM Federal Consistency Review; Disability and Communication Access Board Review; Community Noise Permit; Community Noise Variance; Stream Channel Alteration Permit; and Conservation District Use Permit
Proposing/ Determining Agency	State of Hawaii Department of Transportation Andrew Hirano, (808) 692-7546, Andrew.j.hirano@hawaii.gov 601 Kamokila Blvd., #688, Kapolei, Hawaii 96707
Consultant	Federal Highway Administration, Central Federal Lands Highway Division Tomasz Kubicz, (720) 963-3498, Tomasz.kubicz@dot.gov 12300 West Dakota Avenue, Suite 380, Lakewood, Colorado 80228
Status	Finding of No Significant Impact (FONSI) determination

The State of Hawaii Department of Transportation (HDOT) proposes to address existing structural deterioration and sub-standard structural conditions of six bridges on Hana Highway by improving them to be consistent with current standards and guidelines for load capacity, bridge railing and transitions, and seismic and scour standards. At five of the six bridge locations, Kailua Stream Bridge, Makanali Stream Bridge, Puohokamoa Stream Bridge, Ulaino Stream Bridge, and Mokulehua Stream Bridge, the proposed solution is to retain the existing substructure, including the character-defining abutments and piers, and provide a new single-span structure that spans over the existing supports. The concrete superstructures would be designed to match the existing historic features best while also meeting project design criteria. The proposed solution at Kopiliula Stream Bridge is to completely retain the existing bridge and construct a new, off-alignment bridge makai (oceanward) of the existing.

O‘AHU EAS/EISS

Aloha Sustainable Materials Recycling and Fertilizer Facility – Draft EA (AFNSI)

HRS §343-5(a) Trigger	(9)(B) Propose any waste-to-energy facility
District(s)	‘Ewa
TMK(s)	9-1-026:008 and 9-1-026:029
Permit(s)	Conditional Use Permit-Minor, NPDES Construction and Operation Storm Water Discharges Permit, Grading Permit, Building Permit, Trenching Permit, Solid Waste Management Facility Permit, Drainage Connection License, Water Re-Use Permit, Tank Installation Permit, Industrial Wastewater Discharge Permit, Sanitary Wastewater Permit, Initial Covered Source Permit, Boiler Permit, Steam Piping Permit, Air Compressor Permit, Recycled Water Supply Application
Approving Agency	City and County of Honolulu Department of Environmental Services Ahmad Sadri, (808) 768-5455, asadri@honolulu.gov 91-174 Hanua Street, Kapolei, HI 96707
Applicant	Aloha SMRFF, LLC; 519A Keolu Drive, Kailua, HI 96734 Joelle Simonpietri, (808) 341-7984, joelle@alohacarbon.com
Consultant	Simonpietri Enterprises, LLC; 519A Keolu Drive, Kailua, HI 96734 Jennifer Chinen, (808) 341-7984, EA@alohasmrff.com
Status	Statutory 30-day public review and comment period starts. Comments are due by October 23, 2024. Please click on title link above to read the document, then send comments to EA@alohasmrff.com .

Aloha Sustainable Materials Recycling & Fertilizer Facility (SMRFF) is a proposed new recycling and organic fertilizer manufacturing plant to be located on 4.9 acres of Intensive Industrial (I2)-zoned land in James Campbell Industrial Park (JCIP) at 91-027 Kaomi Loop, Kapolei, Hawaii. It will divert solid waste from landfills and convert it into organic fertilizer, power, and other valuable products for sale and reuse.

Ewa Beach Homestead Project – Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	‘Ewa
TMK(s)	(1) 9-1-001:001 (por.)
Permit(s)	HRS Chapter 6E, NPDES General Permit, County Grading Permit, Community Noise Permit/Variance, County Building Permit
Proposing/ Determining Agency	Department of Hawaiian Home Lands Malia Cox, (808) 620-9500, malia.m.cox@hawaii.gov P.O. Box 1879, Honolulu, Hawaii 96805
Consultant	SSFM International, Inc.; 99 Aupuni Street, Suite 220, Hilo, HI 96720 Jennifer Scheffel, (808) 356-1273, jscheffel@ssfm.com
Status	Statutory 30-day public review and comment period starts. Comments are due by October 23, 2024. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The State Department of Hawaiian Home Lands (DHHL) is proposing to build a new homestead community in ‘Ewa Beach, O‘ahu. The Project is approximately 80 acres and identified as a portion of Tax Map Key (TMK) (1) 9-1-001:001. The parcel was conveyed to DHHL by the federal government as provided by the Hawaiian Homes Recovery Act, Public Law 104-42. The ‘Ewa Beach Homestead Project is primarily intended to provide residential homesteading opportunities to native Hawaiian beneficiaries on DHHL’s O‘ahu Residential Waitlist. As of August 2024, there were a total of 24,198 applicants on the various residential waitlists statewide, of which 11,497 are on DHHL’s O‘ahu Residential Waitlist. The need for homestead development is the highest priority on O‘ahu and this site offers good conditions for residential homestead development.

O’AHU EAs/EISS (CONTINUED)

Iwilei Infrastructure Improvement Master Plan and Liliha Civic Center Master Plan – Draft EIS Vol 1, Vol 2, 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 (4) Propose any use within any historic site as designated in the National Register or Hawai’i Register
District(s)	Honolulu
TMK(s)	Iwilei Master Plan Area: See attachment to Agency cover letter or Exhibit B of DEIS for full list of TMKs Liliha CC Site: (1) 1-5-007:001
Permit(s)	Grading & Stockpiling Permits, Construction Dewatering Permits, Demolition Permits, Subdivision Permits, Building Permits, Trenching Permits, Sewer Connection Permits, Certificates of Occupancy, TOD Special District Permits, Street Usage Permits, DTS Plan Review, NPDES Permits, DCAB Review, Noise Permits, Chapter 6E HRS (Archaeological Review), OPSD Review, Lane Use/Occupancy Permits, FAA Form 7460-1, FAA Form 7460-1 - Glint and Glare Analysis
Proposing/Determining Agency	State of Hawai’i – Hawai’i Housing Finance and Development Corporation Delmond Won, (808) 587-3174, delmond.j.won@hawaii.gov 677 Queen Street, Suite 300, Honolulu, HI 96813
Accepting Authority	Office of the Governor Josh Green, (808) 586-0034, https://governor.hawaii.gov/contact-us/contact-the-governor/ 415 South Beretania Street, Executive Chambers, Hawai’i State Capitol, Honolulu, HI 96813
Consultant	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Tom Schnell, (808) 521-5631, sysadmin@pbrhawaii.com
Status	Statutory 45-day public review and comment period starts. Comments are due by November 7, 2024. Please send comments to the accepting authority and proposing agency at sysadmin@pbrhawaii.com .

The Proposed Action encompasses two interconnected components:

The Iwilei Infrastructure Improvement Master Plan covers a 555-acre area in Iwilei-Kapālama, Honolulu, O’ahu. It advances State and City & County of Honolulu Transit-Oriented Development (TOD) goals by proposing infrastructure improvements to support future TOD redevelopment, including upgrades to sewer, water, drainage, stormwater, transportation, electrical, natural gas, and telecommunications systems to enable development of nearly 27,500 new housing units and change in uses for nearly 2 million square feet of commercial, institutional, industrial, and mixed-use space.

The Liliha Civic Center Master Plan proposes a mixed-use development on a 3.79-acre site in Iwilei, Honolulu. A collaboration between HHFDC and DAGS, the plan aims to create up to 219,000 square feet of State office space; 600 rental and/or for-sale leasehold residential units; commercial/retail space; parking; open space; and landscaping.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began previously. **Comments are due October 8, 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.

HAWAI’I

[Kau Forest Reserve Fenceline Access Project – Draft EA \(AFNSI\)](#)

[Manuka Natural Area Reserve Fenceline Clearing and Access Project – Draft EA \(AFNSI\)](#)

[Upper Waiakea Forest Reserve Fenceline Clearing and Access Project – Draft EA \(AFNSI\)](#)

[Naalehu Large Capacity Cesspool Closure – Draft EA \(AFNSI\)](#)

O’AHU

[East Kapolei Transit-Oriented Development Project – \(2nd EIS Preparation Notice\)](#)

COASTAL ZONE MANAGEMENT NOTICES

FEDERAL CONSISTENCY REVIEWS

The following federal actions are being reviewed for consistency with the enforceable policies of the Hawai'i Coastal Zone Management (CZM) Program, including [the CZM objectives and policies in Hawai'i Revised Statutes, Chapter 205A](#). Federal consistency, pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA), as amended, generally requires that federal actions, within and outside of the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. This public notice is being provided in accordance with § 306(d)(14) of the CZMA, and federal regulations at 15 CFR § 930.2, § 930.42, and § 930.61. General information about federal consistency is available at the [Hawai'i CZM Program web site](#), or call (808) 587-2878.

For specific information or questions about an action listed below, contact 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 addresses below.

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

Email: Debra.L.Mendes@hawaii.gov

National Electric Vehicle Infrastructure (NEVI) Charging Station at Mililani Park and Ride, Oahu

Proposed Action: Hawaii Department of Transportation proposes to install four (4) 150-kW electric vehicle (EV) chargers, an electrical transformer, switchgear, and underground electrical conduit at the existing park and ride parking lot located along Ukuwai Street. Approximately six (6) parking stalls will be re-stripped for EV charging.

Location: 95-1101 Ukuwai Street, Mililani, Island of Oahu

TMK: (1) 9-5-049:019

Applicant: Hawaii Department of Transportation

Federal Action: Federal Assistance (funding)

Federal Agency: Federal Highway Administration

CZM Contact: Debra Mendes, (808) 587-2840, Debra.L.Mendes@hawaii.gov

Comments Due: October 8, 2024

National Electric Vehicle Infrastructure (NEVI) Charging Station at Kapalua Airport, Maui

Proposed Action: Hawaii Department of Transportation proposes to install four (4) 150-kW electric vehicle (EV) chargers, an electrical transformer, switchgear, and underground electrical conduit at the existing parking lot of the Kapalua Airport. Approximately six (6) parking stalls will be re-stripped for EV charging.

Location: Kapalua Airport, Lahaina, Island of Maui

TMK: (2) 4-3-001:068

Applicant: Hawaii Department of Transportation

Federal Action: Federal Assistance (funding)

Federal Agency: Federal Highway Administration

CZM Contact: Debra Mendes, (808) 587-2840, Debra.L.Mendes@hawaii.gov

Comments Due: October 8, 2024

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

FEDERAL CONSISTENCY REVIEWS (CONTINUED)

National Electric Vehicle Infrastructure (NEVI) Charging Station at Princeville Library, Kauai

Proposed Action: Hawaii Department of Transportation proposes to install four (4) 150-kW electric vehicle (EV) chargers, an electrical transformer, switchgear, and underground electrical conduit in front of the Princeville Library. Approximately six (6) parking stalls will be re-striped for EV charging.

Location: 4343 Emmalani Drive, Princeville, Island of Kauai

TMK: (4) 5-3-010:004

Applicant: Hawaii Department of Transportation

Federal Action: Federal Assistance (funding)

Federal Agency: Federal Highway Administration

CZM Contact: Debra Mendes, (808) 587-2840, Debra.L.Mendes@hawaii.gov

Comments Due: October 8, 2024

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: Kihei (2-1-008:130)	Portion of vacant land utilized as offsite construction staging area and parking for Lai Loa project, including stockpiling building materials, parking cars, on site office trailer and other construction related items (SM22024-00039)	Casey Lamb
Maui: Kahului (3-7-010:009)	Modification to an existing unmanned telecommunications facility consisting of: install 10 remote radio units- install 6 antennas- install 5 cables- install 3 surge suppressors- relocated 15 remote radio units- relocate 3 antennas- relocate 3 surge suppressors- remove 6 antennas-remove 3 sector frames- install 1 platform mount (SM22024-00037)	Ashley May
Maui: Ha'ikū (2-7-004:059)	Construction of a metal post and wire perimeter fence with entry gates, along with three storage sheds for farm and building equipment (SM22024-00041)	David Brady
Moloka'i: Kaunakakai (5-3-006:029)	Erection of an ATF ground sign approximately 28 sq. ft. (SM62022-00002)	Terry Radi, Moloka'i Community Health Center

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	ZIP Code	TMK	Applicant	Owner
OA-2121	59-783 Kamehameha Highway	96712	(1) 5-9-004:027	Ailana Surveying & Geomatics, LLC	Nathan Beckett
MA-837	34 Pualima Place	96761	(2) 4-6-028:001	Austin Tsutsumi & Associates	Puamana Community Association
MA-838	584 Stable Road; 584 Stable Road; 584 Stable Road, Unit C663; 590 Stable Road, Apt Z	96779	(2) 3-8-002:078, 074, 077 & 071	Stable Road Beach Restoration, Inc.	Renata E. Kurneiwick, Renata Foster-Au, Daniel Andrew Alicata, D & J Lim Family Trust, Elizabeth A. Larned, Ian Horswill
HA-652	29-2306 Old Mamalahoa Highway	96710	(3) 2-9-002:080	KSF Inc./ Controlpoint Surveying Inc.	County of Hawaii

SHORELINE NOTICES (CONTINUED)

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	Zip Code	TMK	Applicant	Owner
MA-833	Proposed	5315 Lower Honoapiilani Road	96761	(2) 4-3-002:061	Loren Slentz	Norm Ryan
MA-817	Proposed	104 Kaanapali Shores Place	96761	(2) 4-4-001:098	Ailana Surveying & Geomatics, LLC	Kaanapali Beach Vacation Resort
HA-650	Proposed	69-1616 Puako Beach Drive	96743	(3) 6-9-02:026	Wes Thomas Associates	Sean Sullivan and Cheryl Dalrymple c/o Mike O'Toole Pacific Island Homes

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. 27543](#) (published by the National Oceanic and Atmospheric Administration on 09/20/2024)

Notice is hereby given that Marine Ecology and Telemetry Research, 2468 Camp McKenzie Trl NW, Seabeck WA 98380 (Responsible Party: Greg Schorr), has applied in due form for a permit to conduct research on and import specimens of 47 marine mammal species including the following endangered species and Distinct Population Segments (DPSs): blue whale (*Balaenoptera musculus*), bowhead whale (*Balaena mysticetus*), Main Hawaiian Islands Insular DPS of false killer whale (*Pseudorca crassidens*), fin whale (*Balaenoptera physalus*), Western DPS of gray whale (*Eschrichtius robustus*), Western North Pacific DPS and Central America DPS of humpback whale (*Megaptera novaeangliae*), Southern Resident DPS of killer whale (*Orcinus orca*), North Pacific right whale (*Eubalaena japonica*), sei whale (*Balaenoptera borealis*), and sperm whale (*Physeter macrocephalus*). For more information, please click on the title link above.

Notice: [Hawaii; Major Disaster and Related Determinations](#) (published by the Federal Emergency Management Agency on 09/18/2024)

This is a notice of the Presidential declaration of a major disaster for the State of Hawaii (FEMA-4793-DR), dated June 17, 2024, and related determinations. For more information, please click on the title link above.

Notice: [Request for Comments on the Strategic Plan to Advance Environmental Justice](#) (published by the Commerce Department on 09/18/2024)

The Department of Commerce (Commerce) and the Department of Commerce Environmental Justice Committee seeks public comment to inform its Strategic Plan to Advance Environmental Justice (Strategy). Commerce is seeking input from the public, especially people and communities with environmental justice concerns who are potentially affected by Commerce activities including planning, regulatory actions, implementation, permitting, compliance, and enforcement related to human health or the environment. **Written comments are requested on or before October 18, 2024 and must be received no later than 11:59 p.m. eastern time (ET) on that date.** For more information and to submit comments, please click on the title link above.

Rule: [Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement](#) (published by the National Oceanic and Atmospheric Administration on 09/09/2024)

NMFS announces a public meeting of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) on **October 21-23, 2024**. For specific dates, times and meeting topics, please click on the title link above.

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.



Mauai 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).