

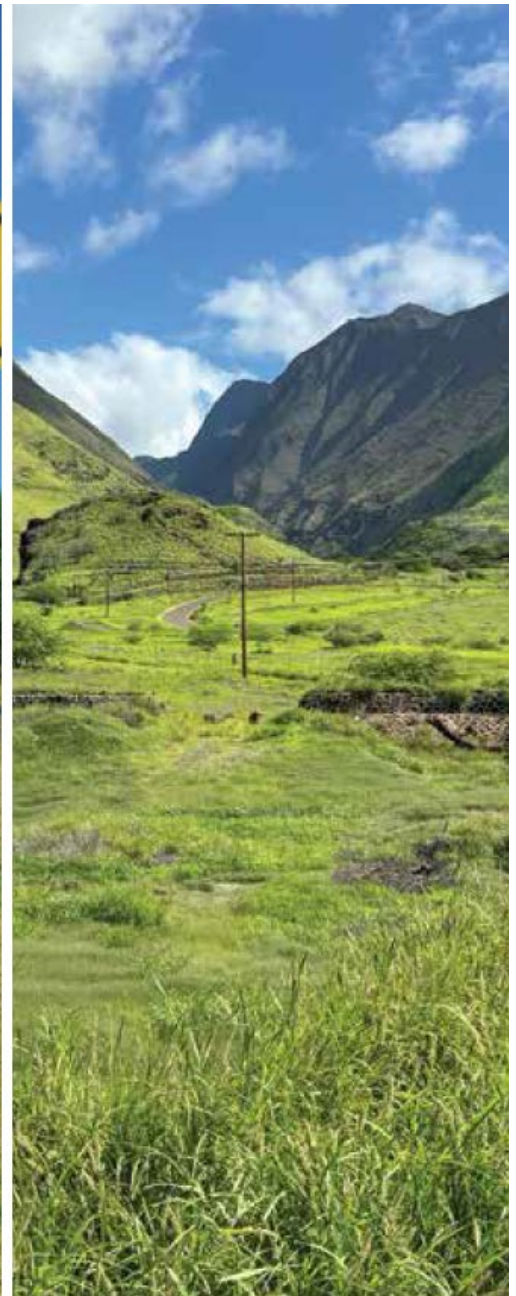


The Environmental Notice

January 8, 2025

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.



A project led by HDOT in coordination with the FHWA, proposes to improve Honoapi'ilani Highway in West Maui.

photo from the [project's DEIS](#)

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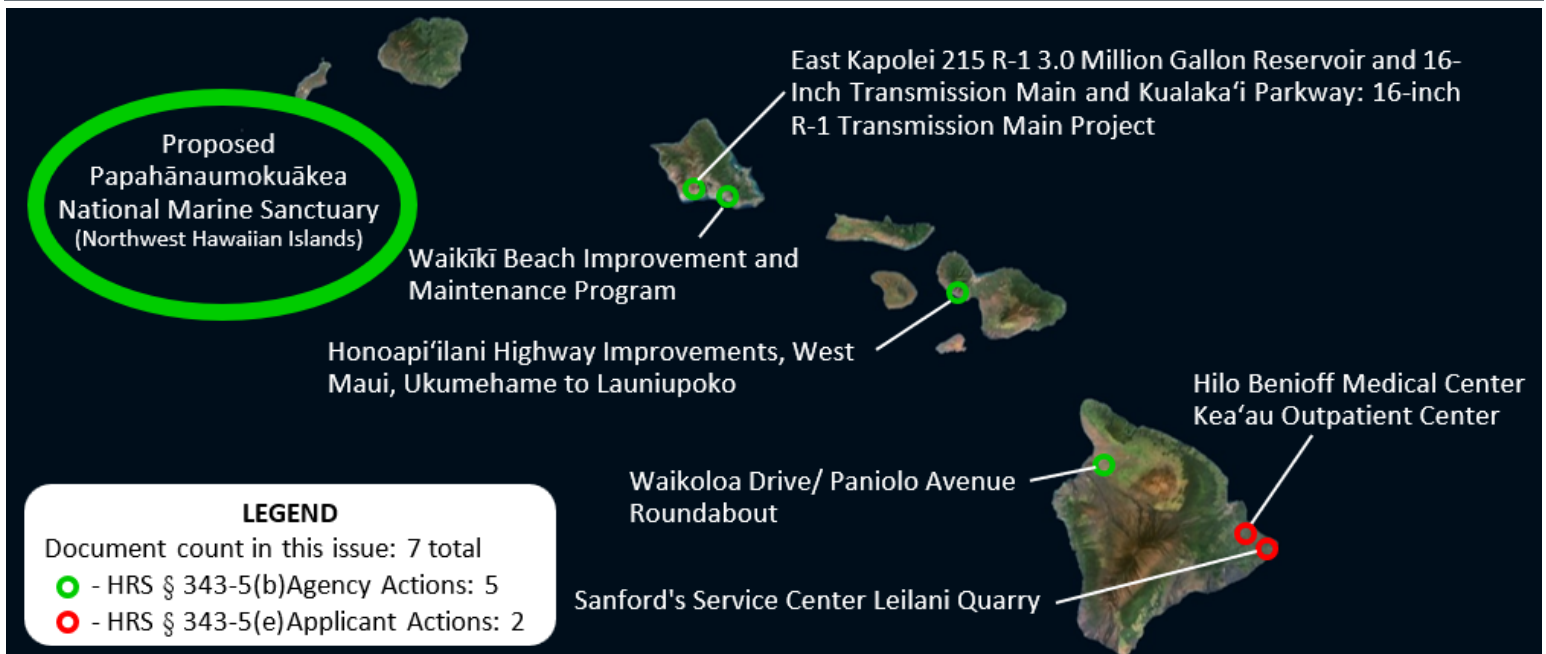
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ANNOUNCEMENTS

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



NORTHWEST HAWAIIAN ISLANDS EAs/EISS

Proposed Papahānaumokuākea National Marine Sanctuary – Acceptance of Final EIS

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 (4) Propose any use within any historic site as designated in the National Register or Hawai'i Register
District(s)	Honolulu
TMK(s)	N/A
Permit(s)	CZM, NHPA, HRS 6E
Proposing Agency	State of Hawai'i, Department of Land and Natural Resources Edward (Luna) Kekoa, (808) 587-0100, edward.l.kekoa@hawaii.gov 1151 Punchbowl Street #330, Honolulu, Hawaii 96813
Accepting Authority	Office of the Governor, State of Hawai'i Josh Green, (808) 586-0034, https://governor.hawaii.gov/contact-us/contact-the-governor/ 415 South Beretania Street, Honolulu, Hawaii 96813
Consultant	N/A
Status	The FEIS has been accepted by the Governor.

NOAA proposes to designate marine portions of Papahānaumokuākea Marine National Monument (Monument) as Papahānaumokuākea National Marine Sanctuary to protect nationally significant biological, cultural, and historical resources. The State of Hawai'i (the State) through the Department of Land and Natural Resources Division of Aquatic Resources proposes to include all State waters. The purpose of this action is to provide comprehensive and coordinated management of the marine areas of Papahānaumokuākea to protect nationally significant biological, cultural, and historical resources. The proposed action would supplement the existing provisions for management of the Monument and further protect resources in the Northwestern Hawaiian Islands. The preferred alternative boundary includes the marine environment from the shoreline of the islands and atolls seaward to 200 nautical miles, including all State waters, approximately 582,570 square miles (439,910 square nautical miles).

HAWAII EAs/EISS

Hilo Benioff Medical Center Kea'au Outpatient Center – 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)	Puna
TMK(s)	(3) 1-6-003:081; (3) 1-6-003:129 (Portion)
Permit(s)	See Section 4.5 Required Permits and Approvals of the FEA
Approving Agency	County of Hawai'i, Planning Department Christian Kay, (808) 961-8136, christian.kay@hawaiicounty.gov 101 Pauahi Street, Suite 3, Hilo, HI 96720
Applicant	Hilo Benioff Medical Center (HBMC)-Hawai'i Health Systems Corporation; 194 Wiwo'ole Street, Hilo, HI 96720 John Pipan, (808) 333-3393, john@landplanninghawaii.com
Consultant	Land Planning Hawai'i LLC; 194 Wiwo'ole Street, Hilo, HI 96720 John Pipan, (808) 333-3393, john@landplanninghawaii.com
Status	Finding of No Significant Impact (FONSI) determination

Development of a new outpatient medical and behavioral health clinic on approximately seven to nine acres of land in Kea'au (inclusive of parcel 81 consisting of 7.013 acres of land and the option to purchase and develop an additional two acres of land within the adjacent parcel 129). The clinic will be a 36,000-square-foot, single-story complex with a clinical wing, a behavioral health wing, and imaging and laboratory services. The complex will include onsite wastewater treatment works to conform to State Department of Health secondary treatment wastewater treatment facility standards, 201 parking spaces, onsite stormwater retention basins, an access driveway, and utilities.

HAWAII EAS/EISs (CONTINUED)

Sanford's Service Center Leilani Quarry – Withdrawal of EISPN

HRS §343-5(a) Trigger	(7) Propose any reclassification of any land classified as a conservation district
District(s)	Puna
TMK(s)	(3) 1-3-009:005 (por.)
Permit(s)	None
Approving Agency	State of Hawai'i, Land Use Commission Daniel Orodener, (808) 587-3822, dbedt.luc.web@hawaii.gov 235 South Beretania Street, Room 406, Honolulu, Hawaii 96813
Applicant	Sanford's Service Center, Inc.; 121 Waianuenue Avenue, Hilo, Hawaii 96720 Katherine Garson, (808) 935-6644, kgarson@carlsmith.com
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, Hawaii 96813 Kawika McKeague, (808) 523-5866, kawikam@g70.design
Status	The Applicant is withdrawing the EISPN published on July 23, 2019 .

Withdrawal of prior EISPN published in the July 23, 2019 edition of *The Environmental Notice*, prepared under the 1996 Rules. Applicant will be submitting for publication a Second EISPN prepared under HAR Title 11, Chapter 200.1.

Sanford's Service Center Leilani Quarry – (2nd EIS Preparation Notice)

HRS §343-5(a) Trigger	(7) Propose any reclassification of any land classified as a conservation district
District(s)	Puna
TMK(s)	(1)-3-009:005, portion
Permit(s)	State Land Use District Boundary Amendment (Conservation to Agricultural); Special Permit
Approving Agency	State of Hawai'i, Land Use Commission Daniel Orodener, (808) 587-3822, Daniel.E.Orodener@hawaii.gov P.O. Box 2539, Honolulu, HI 96804-2359
Applicant	Sanford's Service Center; P.O. Box 1321, Paho, HI 96778 Sanford Iwata, (808) 965-8144, Sanscinc.Kim@hawaiiantel.net
Consultant	Group 70 International Inc.; 111 S. King Street, Suite 170, Honolulu, HI 96813 Mark Kawika McKeague, (808) 523-5866, LeilaniQuarryProject@g70.design
Status	Administrative 30-day public review and comment period starts. Comments are due by February 7, 2025. Please send comments to LeilaniQuarryProject@g70.design . A virtual public scoping meeting will be held on January 20, 2025; 6:00 - 7:30 PM via Microsoft Teams. You must request a meeting link via email to LeilaniQuarryProject@g70.design.

Sanford's Service Center, Inc. (Applicant), in coordination with the property owner, Kamehameha Schools, is seeking to amend the Land Use District boundaries of certain lands consisting of approximately 94.107 acres of Tax Map Key No. (3) 1-3-009:005 situated at Kauaea, Puna, Island and County of Hawai'i, State of Hawai'i (Petition Area) from the State Land Use Conservation District (Limited Subzone) to the State Land Use Agricultural District. The Applicant is presently conducting cinder mining and quarrying activities on a 30-acre portion of the Petition Area pursuant to non-conforming Conservation District Use Permits issued by the Board of Land and Natural Resources on April 7, 2008. If the Land Use District Boundary Amendment is granted, the Applicant's intent is to apply for a Special Permit with the Land Use Commission to expand their activities over a 73.075-acre portion of the Petition Area. The remaining 21.033-acre portion of the Petition Area will be buffer area.

HAWAII EAS/EISs (CONTINUED)

Waikoloa Drive/ Paniolo Avenue Roundabout - 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)	South Kohala
TMK(s)	(3) 6-9-003:999; (3) 6-8-002:051; (3) 6-8-002:053
Permit(s)	HRS §343 Environmental Assessment, HRS §6E Consultation, NPDES Permit, Community noise permit, noise variance permit (if applicable), Permit to work within the County right-of-way, Plan Approval, Grading, grubbing and stockpiling permit, Rights of Way Land Acquisition
Proposing/Determining Agency	County of Hawai'i, Department of Public Works Alexander Kalawe, (808) 961-8327, AlexanderK.Kalawe@hawaiicounty.gov 101 Pauahi Street, Suite 7, Hilo, Hawaii 96720-4224
Consultant	Bowers + Kubota Consulting, Inc.; 2153 N. King Street, Suite 200, Honolulu, Hawaii 96819 Jared Chang, (808) 521-5361, jchang@bowersandkubota.com
Status	Finding of No Significant Impact (FONSI) determination

The County of Hawaii, Department of Public Works proposes the construction of a new roundabout at the Waikōloa Road and Paniolo Avenue/Pua Melia Street intersection to address traffic and safety issues. The proposed action involves modifying the existing two-way stop intersection by constructing a two-lane roundabout with pedestrian safety beacons, splitter islands at all crosswalk locations, and bus pullouts. The existing right-of-way is not large enough to accommodate a two-lane roundabout design, therefore, the new roundabout would require the acquisition of contiguous lands that extend into limited portions of TMKs (3) 6-8-002: 051 and 053.

MAUI EAS/EISs

Honoapi'ilani Highway Improvements, West Maui, Ukumehame to Launiupoko – Draft EIS Vol 1, Vol 2, Vol 3, Appendices, Daytime Scoping Meeting Audio Recording, Evening Scoping Meeting Audio Recording, & In-Person Scoping Meeting Audio Recording

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 (4) Propose any use within any historic site as designated in the National Register or Hawai'i Register
District(s)	Lahaina
TMK(s)	Portions of TMK Plats (2) 4-7-001, 4-8-001, 002, 003, 004, and Honoapi'ilani Highway Rights-of-Way
Permit(s)	Numerous (see document)
Proposing/Determining Agency	State of Hawai'i, Department of Transportation, Highways Division Ken Tatsuguchi, (808) 587-1930, ken.tatsuguchi@hawaii.gov 869 Punchbowl Street, Room 301, Hawaii DOT Planning Branch, Honolulu, HI 96813-1830
Accepting Authority	Office of the Governor Josh Green, (808) 586-0034, transmit.docs@hawaii.gov State Capitol, Executive Chambers, 415 South Beretania St., Honolulu, HI 96813
Consultant	WSP USA Inc.; 1001 Bishop Street, Suite 2400, Honolulu, HI 96813 Matthew Small, (808) 566-2228, matthew.small@wsp.com
Status	Statutory 45-day public review and comment period starts. Comments are due by February 24, 2025. Please send comments to ken.tatsuguchi@hawaii.gov .

Honoapi'ilani Highway (State Route 30) provides the main access between communities along the west coast of Maui and the rest of the island and is subject to periodic flooding and coastal erosion. The primary purpose of this project is to provide a reliable transportation facility in West Maui by reducing the highway's vulnerability to coastal hazards. Specifically, the project proposes to relocate about 6 miles of the highway away from the coastline from approximately milepost 11, in the vicinity of Pāpalaua Wayside Park to Launiupoko, at milepost 17, the existing southern terminus of Lāhainā Bypass.

O’AHU EAs/EISS

East Kapolei 215 R-1 3.0 Million Gallon Reservoir and 16-Inch Transmission Main and Kualaka’i Parkway: 16-inch R-1 Transmission Main Project – 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)	‘Ewa
TMK(s)	[1] 9-1-018: 007 and 008 (State Board of Land and Natural Resources [BLNR]); [1] 9-1-018: 012 (D.R. Horton – Schuler Division Ho’opili Gateway Development); [1] 9-1-018: 999 Farrington Highway Right-of-Way (ROW) (CCH); [1] 9-1-017:096 Kūalaka’i Parkway ROW (State); and [1] 9-1-017:999 Kapolei Parkway ROW (State)
Permit(s)	See Section 8 of the Final EA
Proposing/Determining Agency	City and County of Honolulu, Board of Water Supply Lorna Heller, (808) 748-5944, lheller@hbws.org 630 South Beretania Street, Honolulu, Hawaii 96843
Consultant	R.M. Towill Corporation; 2024 North King Street, Suite 200, Honolulu, Hawaii 96819 Brian Takeda, (808) 843-1133, briant@rmtowill.com
Status	Finding of No Significant Impact (FONSI) determination

The City and County of Honolulu (CCH) Board of Water Supply (BWS) proposes the East Kapolei 215 R-1 3.0 Million Gallon (MG) Reservoir and 16-Inch Transmission Main and Kūalaka’i Parkway: 16-inch R-1 Transmission Main Project to expand R-1 (recycled) water use in Kapolei, ‘Ewa District, Island of O’ahu, Hawai’i. The project includes a 3.0 MG R-1 reservoir, control (operations) building, and a 16-inch transmission main along East Kapolei 215 Reservoir site access road, Ho’opili Gateway Development, Farrington Highway, Kūalaka’i Parkway, and Kapolei Parkway. The project will increase R-1 water availability for new developments by Ho’opili, University of Hawai’i West O’ahu, and Department of Land and Natural Resources, and provide elevated storage to more readily serve existing BWS R-1 East system service areas. The project spans State, County, and Private lands and is funded by the EPA Clean Water State Revolving Fund (CWSRF) and CCH, with CWSRF Project Numbers C150051-77 and C150051-83.

Waikīkī Beach Improvement and Maintenance Program – Acceptance of Final EIS

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 (5) Propose any use within the Waikīkī area of O’ahu
District(s)	Honolulu
TMK(s)	(1) 2-6-001:003; (1) 2-6-004:007; (1) 2-6-005:001; (1) 2-6-008:029; (1) 2-6-002:026; (1) 2-6-001:019; (1) 2-6-004:012; (1) 2-6-002:017; (1) 2-6-001:013; (1) 2-6-001:012; (1) 2-6-001:002; (1) 2-6-001:015; (1) 2-6-001:008; (1) 2-6-004:006; (1) 2-6-004:005; (1) 2-6-001:017; (1) 2-6-004:008; (1) 2-6-004:009; (1) 2-6-004:010; (1) 2-6-001:018; (1) 2-6-005:006; (1) 2-6-001:004; (1) 2-6-002:006; (1) 2-6-002:005
Permit(s)	Multiple (see Chapter 17 of the FEIS)
Proposing Agency	State of Hawai’i, Department of Business, Economic Development & Tourism Mary Alice Evans, (808) 587-2833, maryalice.evans@hawaii.gov No. 1 Capitol District Building, 250 S. Hotel Street, Honolulu,, Hawai’i 96813
Accepting Authority	Governor, State of Hawai’i The Honorable Josh Green, (808) 586-0034, https://governor.hawaii.gov/contact-us/contact-the-governor/ Executive Chambers, State Capitol, 415 South Beretania St., Honolulu, Hawai’i 96813
Consultant	Sea Engineering, Inc.; Makai Research Pier, 41-305 Kalaniana’ole Highway, Waimānalo, Hawai’i 96795 David Smith, (808) 259-7966, dsmith@seaengineering.com
Status	The FEIS has been accepted by the Governor.

The Hawai’i Department of Business, Economic Development & Tourism proposes beach improvement and maintenance projects in the Fort DeRussy, Halekūlani, Royal Hawaiian, and Kūhiō beach sectors of Waikīkī. Projects would include the construction of new beach stabilization structures, and the recovery of offshore sand and its placement on the shoreline. The objectives of the proposed actions are to restore and improve Waikīkī’s public beaches, increase beach stability through improvement and maintenance of shoreline structures, provide safe access to and along the shoreline, and increase resilience to coastal hazards and sea level rise.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began previously. **Comments are due January 22, 2025.** 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.

MAUI

[Adaptation Pathways: Seawall Removal and Dune Restoration – Draft EA \(AFNSI\)](#)

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 **December 2025, 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 Education](#)

[Department of Land and Natural Resources](#)

[Hawai'i Housing & Finance Development Corporation](#)

City and County of Honolulu

[Department of Planning and Permitting](#)

[Department of Design and Construction](#)

EXEMPTION NOTICES

The Hawai'i Community Development Authority has declared certain actions exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#), and has voluntarily submitted Exemption Notices for publication:

State of Hawai'i, Hawai'i Community Development Authority**[Melia Affordable Rental Housing Project](#)**

Tradewind Capital and Stanford Carr Development, through a special purpose entity named Hale Melia LLP, propose to develop the Melia Affordable Rental Housing Project, which will provide 247 affordable rental units on 31,977 square feet of land zoned BMX-3 located in the Makiki district of Honolulu.

[Keawalau Affordable Housing Project](#)

Highridge Costa Development Company, LLC (Highridge Costa Development Company) is developing the Keawalau Affordable Housing Project that will transform 3.84 acres in Waipahu, Oahu. The Project will provide 531 affordable rental housing units (plus six manager units) complemented by 42,372 square feet of commercial space, creating a vibrant transit-oriented mixed-use community.

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: [Western Pacific Fishery Management Council; Public Meeting](#) (published by the National Oceanic and Atmospheric Administration on 12/30/2024)

The Western Pacific Fishery Management Council (Council) will hold a joint meeting of its Archipelagic Plan Team (APT) and Pelagic Plan Team (PPT) to discuss fishery management issues and develop recommendations for future management of fisheries in the Western Pacific Region. **The APT and PPT will meet jointly from Tuesday to Thursday, January 21-23, 2025, between 12 p.m. and 5 p.m. Hawaii Standard Time (HST).** For specific times and agendas, please see the title link above.

COASTAL ZONE MANAGEMENT NOTICES

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

The SMA Minor permits below have been approved ([HRS § 205A-30](#)). For more information, contact the relevant county/state planning agency: Honolulu [(808) 768-8015]; Hawai‘i [East (808) 961-8288], [West (808) 323-4770]; Kaua‘i [(808) 241-4050]; Maui [(808) 270-7735]; Kaka‘ako or Kalaeloa Community Development District [(808) 587-2846]

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai‘i: Pāpa‘aloo, North Hilo District (3-5-002: 040)	Construction of a Single-Family Dwelling and Related Improvements (PL-SMM-2024-000069)	Andrea Gonzalez Capilla
Maui: Kīhei (3-9-039: 020)	Poppler Attached and Detached Additional Accessory Dwelling Units (SM22024-00056)	Michelle Cockett
Maui: Hāna (1-3-006: 002)	Hāna Health Staff Housing (SM22024-00061)	Cheryl Vasconcellos Amanda Blakesley
Maui: Ha‘ikū (2-8-004: 093)	Kloepfer Farm - Install/Construct Solar, Ag Sheds, Slab on Grade, Exterior Hardscape and Trenching (SM22024-00062)	David Sellers
Maui: Pā‘ia (2-5-004: 024 & 025 and 2-6-009: 023)	North Shore Temporary Crypts at Kaulahao, Hāmākuapoko and Ho‘okipa Beaches (SM22024-00063)	John Molitau, Bo Montalvo, Jared Burkett
Maui: Lāna‘i (4-9-002: 001)	Lāna‘i Windward Coast Cleanup at 21 Different Recognized Sites (SM72024-00002)	Dr. Keiki Pua Dancil Pūlama Lāna‘i
O‘ahu: Maleakahana (5-6-001: 080)	Tyau Transient Vacation Unit Alterations and Additions (2024/SMA-125)	Joseph Tyau/Kanio Engineering

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	Zip Code	TMK	Applicant	Owner
OA-2100	Rejected	4929 Kalaniana‘ole Highway	96821	(1) 3-5-022:015	Gil P. Bumanglag	Sabine Crane
OA-2105	Proposed	68379 Farrington Highway	96791	(1) 6-8-003:001	ParEn, Inc. dba Park Engineering	Castle & Cooke, Inc.
OA-2106	Proposed	Malakole Street	96707	(1) 9-1-012:002	Ryan M. Suzuki R.M. Towill Corporation	Kapolei Infrastructure LLC
OA-2123	Proposed	144 Kapuni Drive	96734	(1) 4-3-013:039	Wesley T. Tengan	Wendy B. Ostojic Trust
OA-2124	Proposed	84-1099 Farrington Highway	96792	(1) 8-4-003:003	Wesley T. Tengan	Toshio Nishi
MA-826	Rejected	2780 Kekaa Drive	96761	(2) 4-4-008:007	Reed M. Ariyoshi	Royal Lahaina Owner, LP
HA-654	Proposed	75-5994 Alii Drive	96740	(3) 7-5-019:030	Wes Thomas Associates	Hale Pacifica, LLC
HA-656	Proposed	Naupaka Kai Place	96738	(3) 6-9-009:004	Wes Thomas Associates	Serenity on the Sea, LLC; Alan Brockman
HA-657	Proposed	Government Beach Road	96778	(3) 1-5-009:042	Daniel Berg dba dlb and associates LLC	Randy Cain & Karen Copley
KA-488	Proposed	3243 Kalapaki Circle	96766	(4) 3-5-002:031	Honua Engineering, Inc.	Hudani Trust

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).