



# The Environmental Notice

January 23, 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.



DHHL is proposing to develop a new potable water source in North Kona.

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

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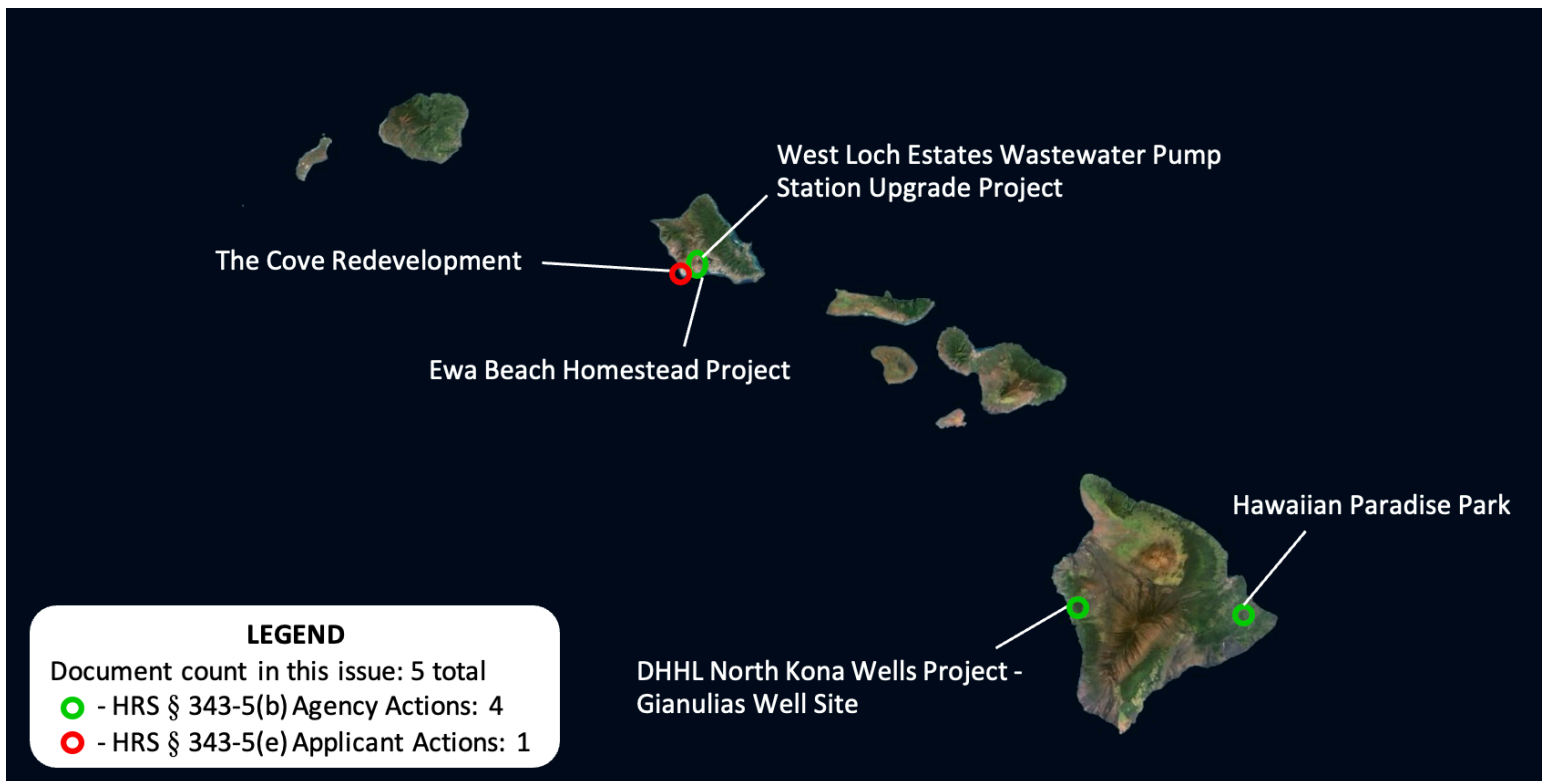
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## ANNOUNCEMENTS

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



## HAWAII EAS/EISS

### DHHL North Kona Wells Project - Gianulias Well Site – 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>	North Kona
<b>TMK(s)</b>	(3) 7-5-014:001
<b>Permit(s)</b>	HRS §6E Review; Community Noise Permit and Noise Variance Permit; National Pollutant Discharge Elimination System Permit (NPDES); Well Construction Permit; Pump Installation Permit; and Grading, Grubbing and Stockpiling Permits
<b>Proposing/ Determining Agency</b>	State of Hawai‘i, Department of Hawaiian Home Lands Lilliane Makaila, (808) 730-0347, <a href="mailto:lilliane.k.makaila@hawaii.gov">lilliane.k.makaila@hawaii.gov</a> 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707
<b>Consultant</b>	Bowers + Kubota Consulting, Inc.; 2153 N King Street, Suite 200, Honolulu, Hawaii 96819 Malachi Krishok, (808) 836-7787, <a href="mailto:mkrishok@bowersandkubota.com">mkrishok@bowersandkubota.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by February 24, 2025.</b> Please click on title link above to read the document, then send comments to <a href="mailto:mkrishok@bowersandkubota.com">mkrishok@bowersandkubota.com</a> .

The Department of Hawaiian Home Lands is proposing to develop a new potable water source with the installation of two new wells in the North Kona District on the Island of Hawaii. The wells would be developed on a portion of a privately owned parcel, known as the Gianulias property. The new wells would convey water to residents of the Villages of La‘i ‘Ōpua, a DHHL master planned community, and support the community’s continued development as outlined in the DHHL Kealakehe – La‘i ‘Ōpua Regional Plan (2020). The wells would be installed in two phases. Phase I includes a single exploratory well, and if the quality and quantity of sampled water is satisfactory, the project would proceed to Phase II. Phase II would consist of converting the exploratory well to a production well, drilling of a second production well, installation of a concrete storage tank, and construction of ancillary structures necessary for well operations.

### Hawaiian Paradise Park District Park – 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>	Puna
<b>TMK(s)</b>	(3) 1-5-039:267
<b>Permit(s)</b>	Community Noise Permit/Community Noise Variance, National Pollutant Discharge Elimination System (NPDES) General Permit Coverage, Individual Wastewater System Approval to Construct and Occupy, County Grading Permit, County Building Permit, County Site Plan Approval
<b>Proposing/ Determining Agency</b>	County of Hawai‘i, Department of Parks and Recreation Jeffrey Ochi, (808) 961-8916, <a href="mailto:jeffrey.ochi@hawaiicounty.gov">jeffrey.ochi@hawaiicounty.gov</a> 101 Pauahi St, Suite 6, Hilo, HI 96720
<b>Consultant</b>	SSFM International, Inc; 99 Aupuni Street, Suite 220, Hilo, HI 96720 Heather Bartlett, (808) 628-5843, <a href="mailto:hbartlett@ssfm.com">hbartlett@ssfm.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The County of Hawai‘i Department of Parks and Recreation (DPR) plans to implement a 20-acre District Park as proposed in the Hawaiian Paradise Park (HPP) community of Puna, Hawai‘i Island. The District Park would include several sporting facilities and amenities as identified in the Hawaiian Paradise Park District Park Master Plan.

O’AHU EAS/EISS

**The Cove Redevelopment – Final EIS Vol I and Vol II**

<b>HRS §343-5(a) Trigger</b>	(3) Propose any use within a shoreline area
<b>District(s)</b>	‘Ewa
<b>TMK(s)</b>	(1) 9-1-057:027
<b>Permit(s)</b>	See Section 1.10.1 of FEIS
<b>Approving Agency/ Accepting Authority</b>	City and County of Honolulu, Department of Planning and Permitting Lena Phomsouvanh, (808) 768-8052, <a href="mailto:lena.phomsouvanh@honolulu.gov">lena.phomsouvanh@honolulu.gov</a> 650 S. King Street, 7th Floor, Honolulu, HI 96813
<b>Applicant</b>	Cove Campbell Kobayashi LLC; 1288 Ala Moana Boulevard, Suite 201, Honolulu, HI 96813 Matthew Pennaz, (808) 524-1508, <a href="mailto:mpennaz@kobayashi-group.com">mpennaz@kobayashi-group.com</a>
<b>Consultant</b>	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Tracy Camuso, (808) 523-5866, <a href="mailto:thecove@g70.design">thecove@g70.design</a>
<b>Status</b>	Final EIS has been submitted and is pending acceptance by the accepting authority

The Applicant proposes to redevelop the approximate 10.85-acre property located adjacent to the coastal resort area of Kapolei, O’ahu. The first major property improvement in over 25 years, the Project includes the replacement of existing structures with a new performing arts venue and updated lū’au show. Improvements also include ancillary uses, such as restaurants, retail, and cultural/educational programming, creating an authentic Hawaiian community gathering place that honors history, culture, and connection to place.

**Ewa Beach Homestead Project – 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>	‘Ewa
<b>TMK(s)</b>	(1) 9-1-001:001 (por.)
<b>Permit(s)</b>	HRS Chapter 6E, NPDES Construction Stormwater, County Grading Permit, Community Noise Permit/Variance, County Building Permit, Permit to Operate or Transport Oversize and/or Overweight Vehicles and Loads Over State Highways
<b>Proposing/ Determining Agency</b>	State of Hawai’i, Department of Hawaiian Home Lands Malia Cox, (808) 768-8761, <a href="mailto:malia.m.cox@hawaii.gov">malia.m.cox@hawaii.gov</a> 1000 Uluohia Street, Suite 308, Kapolei, HI 96707
<b>Consultant</b>	SSFM International, Inc.; 501 Sumner Street, Suite 620, Honolulu, HI 96817 Jennifer Scheffel, (808) 356-1273, <a href="mailto:jscheffel@ssfm.com">jscheffel@ssfm.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The State Department of Hawaiian Home Lands (DHHL) is proposing to build a new homestead community in ‘Ewa Beach, O’ahu. The Project site is approximately 80 acres. 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)

**West Loch Estates Wastewater Pump Station Upgrade 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 (3) Propose any use within a shoreline area
<b>District(s)</b>	‘Ewa
<b>TMK(s)</b>	(1) 9-1-181:001 (por)
<b>Permit(s)</b>	Special Management Area Use Permit (Major), NPDES General Permit Appendix C, Appendix F, Appendix G, Noise Permit, Variance for new aboveground fuel storage tank, Grading Permit, Trenching Permit, Building Permit, Dewatering Permit
<b>Proposing/ Determining Agency</b>	City & County of Honolulu, Department of Environmental Services (ENV) Paul Gamble, (808) 768-8744, <a href="mailto:paul.gamble@honolulu.gov">paul.gamble@honolulu.gov</a> 1000 Uluohia Street, Suite 308, Kapolei, Hawaii 96707
<b>Consultant</b>	Environmental Planning Solutions, LLC; 945 Makaiwa Street, Honolulu, Hawaii 96816 Colette Sakoda, (808) 748-1529, <a href="mailto:cmsakoda@gmail.com">cmsakoda@gmail.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by February 24, 2025.</b> Please click on title link above to read the document, then send comments to <a href="mailto:paul.gamble@honolulu.gov">paul.gamble@honolulu.gov</a> .

The existing West Loch Estates Wastewater Pump Station (WWPS) was placed into service in 1989 to serve the West Loch community. The WWPS is in operable condition but improvements are required to address its aging condition and current code issues. The building and electrical room are located over the wetwell, creating a potentially hazardous environment. Additionally, the existing surrounding 6-foot high cement rubble masonry (CRM) wall presents ADA-compliance and clearance issues, and an existing aboveground fuel storage tank is situated too close to the pump station building and does not have any spill containment. The upgrade project proposes to correct these issues. Overall, proposed upgrades will enlarge the existing 2,300 sf project site located in the Kapapahu Point Park (West Loch Shoreline Park) parking lot by 1,700 sf, to a total 4,000 sf.

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 FEBRUARY 7, 2025**

**HAWAI‘I**

[Sanford's Service Center Leilani Quarry – \(2<sup>nd</sup> EIS Preparation Notice\)](#)

**COMMENTS DUE FEBRUARY 24, 2025**

**MAUI**

[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](#)

COASTAL ZONE MANAGEMENT NOTICES

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

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

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai‘i: South Hilo District (2-1-003:001, 017, 022)	Clearing Vegetation, Removal, and Tree Maintenance (PL-SMM-2025-000070)	County of Hawai‘i Department of Parks and Recreation
Kaua‘i: Hanalei (5-5-010:011)	Construction of a new fence (SMA(M)-2025-9)	Michael Jackson

## 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](mailto:rebecca.l.anderson@hawaii.gov).

File No.	Location	ZIP Code	TMK	Applicant	Owner
OA-2130	55-105 Kamehameha Highway	96762	(1) 5-5-001:055	Ailana Surveying & Geomatics	Property Reserves, Inc./ Hawaii Reserves, Inc.
OA-2131	One ula Beach Park, Papipi Road	96706	(1) 9-1-134:006	ControlPoint Surveying, Inc.	City & County of Honolulu
OA-2132	Waikiki War Memorial Park, Kalakaua Avenue	96815	(1) 3-1-031:003	ControlPoint Surveying, Inc.	City & County of Honolulu, Department of Parks and Recreation
OA-2133	44-004 Aina Moi Place	96744	(1) 4-4-021:034	Leaps & Boundaries. Inc.	Robert & Cynthia Merriman
MA-843	3002 South Kihei Road	96753	(2) 3-9-004:105	Loren Slentz	3002 Kihei LLC, Lenard Liberman

## 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-2103	Rejected	92-1089 Aliinui Drive	96707	(1) 9-1-057:027	Walter P. Thompson, Inc.	Campbell Hawaii Investor, LLC
OA-2115	Proposed	56-155F Kamehameha Highway	96731	(1) 5-6-001:012	Ailana Surveying & Geomatics	Mark Adams
MA-829	Rejected	409 Front Street	96761	(2) 4-6-002:002	Arthur P. Valencia	Smith Family Trust
KA-485	Proposed	4444 Lawai Road	96756	(4) 2-6-003:015	Roger M. Caires	John Murray

## NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents submitted for publication that have been prepared pursuant to NEPA, rather than Chapter 343, HRS (sometimes referred to as “HEPA”). Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and HEPA. In those cases, a separate Chapter 343, HRS, entry would be published in *The Environmental Notice* when a relevant document or determination is submitted to OPSD/ERP.

### Hawaii Public Housing Authority Demolition of David Malo Circle and Piilani Homes Project – Draft EA

<b>Island</b>	Maui
<b>District(s)</b>	Lahaina
<b>TMK(s)</b>	(2) 4-6-010:028 and (2) 4-5-007:005
<b>Permit(s)</b>	N/A
<b>Proposing Agency</b>	State of Hawai‘i, Hawai‘i Public Housing Authority Lisa Izumi, (808) 832-5374, <a href="mailto:lisa.m.izumi@hawaii.gov">lisa.m.izumi@hawaii.gov</a> 1002 North King Street, Honolulu, Hawai‘i 96817
<b>Approving Agency</b>	Governor, State of Hawaii, Hawai‘i Public Housing Authority Lisa Izumi, (808) 832-5374, <a href="mailto:lisa.m.izumi@hawaii.gov">lisa.m.izumi@hawaii.gov</a> 1002 North King Street, Honolulu, Hawai‘i 96817
<b>Consultant</b>	Bowers+Kubota Consulting, Inc.; 2153 North King Street, Suite 200, Honolulu, Hawai‘i 96819 Ronald A. Sato, AICP, (808) 836-7787, <a href="mailto:rsato@bowersandkubota.com">rsato@bowersandkubota.com</a>
<b>Status</b>	<b>Accepting comments until February 22, 2025.</b> Please submit comments by mail to: Ronald A. Sato, AICP Bowers+Kubota Consulting, Inc. 2153 North King Street, Suite 200 Honolulu, Hawai‘i 96819 Or by email to: <a href="mailto:rsato@bowersandkubota.com">rsato@bowersandkubota.com</a>

HPHA proposes the demolition of the remaining structures of David Malo Circle and Piilani Homes to allow for the future recovery and reconstruction of these sites. No buildings remain at David Malo Circle except for remaining accessory structures such as light poles, trash enclosures, mailboxes, etc. Five buildings and accessory structures remain at Piilani Homes. The Proposed Action will include the demolition of remnant structures, disposal of demolition debris, soil sampling, removal of contaminated soil, and the stabilization of the sites using gravel or similar materials to prevent erosion. Ash and debris have been removed and surface soil has been scraped, tested, and replaced with gravel by the United State Army Corps of Engineers (USACE) at all building sites which were destroyed by fire at both Project sites. HPHA is evaluating options to reconstruct the 60 total units lost or redevelop for these sites. Therefore, there are no plans established for these housing sites at this time.

## CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Applications or interested in receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in the Environmental Notice. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed for each project. CDUAs can be found on the OCCL website at [dlnr.hawaii.gov/occl](http://dlnr.hawaii.gov/occl).

**PROJECT:**

**File No.:** [CDUA HA-3963](#), [Attachments](#) | [Department's Acceptance Letter](#)  
**Name of Applicant:** Department of Land and Natural Resources, Commission on Water Resource Management  
**Agent:** Akinaka & Associates, Ltd  
**Location:** Lālāmilo, South Kohala, Hawai'i  
**TMKs:** (3) 6-6-002:041  
**Proposed Action:** [Waimea Deep Monitor Well Project](#)  
**343, HRS determination:** Exempt per HAR Section 11-200.1-15(c)  
**Applicant's Contact:** Roy Hardy, Senior Project Manager | ph: (808) 203-6656, Email: [wrh@akinaka.com](mailto:wrh@akinaka.com)  
**OCCL Staff Contact:** Alyssa Accardo | ph: (808) 587-0048, Email: [alyssa.m.accardo@hawaii.gov](mailto:alyssa.m.accardo@hawaii.gov)

**PROJECT:**

**File No.:** [CDUA HA-3961](#), [Attachments](#), [Department's Acceptance Letter](#)  
**Name of Applicant:** State of Hawaii, Division of Boating and Ocean Recreation  
**Agent:** Integral Consulting Inc.  
**Location:** 6505 Kalaniana'ole Highway, Por. Maunaloa, Honolulu, Oahu  
**TMK:** (1) 3-9-007:011, 032, 034, 035, & 036 (seaward)  
**Proposed Action:** [Maintenance Dredging and Facility Improvements](#)  
**343, HRS determination:** Exempt per HAR Section 11-200.1-15(c)  
**Agent's Contact:** Robert Walker ph: (808) 202-1920, [rwalker@integral-corp.com](mailto:rwalker@integral-corp.com)  
**OCCL Staff Contact:** Kariann Stark ph: (808) 587-0380, [kariann.stark@hawaii.gov](mailto:kariann.stark@hawaii.gov)



## FEDERAL NOTICES

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

**Notice: [Endangered Species; Receipt of Recovery Permit Applications](#) (published by the Fish and Wildlife Service on 01/21/2025)**

The U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation and survival of endangered species under the Endangered Species Act. They invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing the requested permits, they will take into consideration any information that they receive during the public comment period. **Written comments must be received on or before February 20, 2025.** For more information, please click on the title link above.

**Notice: [Nominations for the Western and Central Pacific Fisheries Commission Permanent Advisory Committee](#) (published by the National Oceanic and Atmospheric Administration on 01/21/2025)**

National Marine Fisheries (NMFS) is soliciting nominations (which may include self-nominations) to the Advisory Committee to the U.S. Section to the Permanent Advisory Committee (PAC) as established under the Western and Central Pacific Fisheries Convention (WCPFC) Implementation Act (Act). The PAC, composed of individuals from groups concerned with the fisheries covered by the Western and Central Pacific Fisheries Convention (Convention), provides recommendations to the U.S. Commissioners to the Western and Central Pacific Fisheries Commission (Commission) regarding the deliberations and decisions of the Commission. Nominations must be received by March 24, 2025. For more information, please click on the title link above.

**Rule: [Papahānaumokuākea National Marine Sanctuary; Final Regulations](#) (published by the National Oceanic and Atmospheric Administration on 01/16/2025)**

NOAA is designating Papahānaumokuākea National Marine Sanctuary (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 sanctuary consists of an area of approximately 582,570 square statute miles (439,910 square nautical miles) of Pacific Ocean waters surrounding the Northwestern Hawaiian Islands and the submerged lands thereunder. NOAA is establishing the terms of designation for the sanctuary and the regulations to implement the national marine sanctuary designation. NOAA has also published a final environmental impact statement (final EIS) in coordination with the State of Hawai'i, final management plan, and Record of Decision. For more information, please click on the title link above.

**Proposed Rule: [Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the U.S. Navy Training and Testing Activities in the Hawaii-Southern California Training and Testing Study Area](#) (published by the National Oceanic and Atmospheric Administration on 01/16/2025)**

NMFS, upon request from the U.S. Navy (Navy), issues these regulations pursuant to the Marine Mammal Protection Act (MMPA) to govern the taking of marine mammals incidental to the training and testing activities conducted in the Hawaii-Southern California Training and Testing (HSTT) Study Area between 2018 and 2025. In 2021, two separate U.S. Navy vessels struck unidentified large whales on two separate occasions, one whale in June 2021 and one whale in July 2021, in waters off Southern California. The takes by vessel strike of the two whales by the U.S. Navy were covered by the existing regulations and Letters of Authorization (LOAs), which authorize the U.S. Navy to take up to three large whales by serious injury or mortality by vessel strike between 2018 and 2025. The Navy reanalyzed the potential of vessel strike in the HSTT Study Area, including the recent strikes, and as a result, requested two additional takes of large whales by serious injury or mortality by vessel strike for the remainder of the current regulatory period. In May 2023, a U.S. Navy vessel struck a large whale in waters off Southern California. NMFS reanalyzed the potential for vessel strike based on new information, including the three strikes, and authorizes two additional takes of large whales by serious injury or mortality by vessel strike for the remainder of the current regulatory period (two takes in addition to the three takes authorized in the current regulations). The Navy's activities qualify as military readiness activities pursuant to the MMPA, as amended by the National Defense Authorization Act for Fiscal Year 2004 (2004 NDAA). Effective from January 16, 2025, to December 20, 2025. For more information, please click on the title link above.

**Notice: [Marine Mammals and Endangered Species](#) (published by the National Oceanic and Atmospheric Administration on 01/15/2025)**

Notice is hereby given that permits, permit amendments, and permit modifications have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable. For more information, 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.



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).