



The Environmental Notice

May 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 (EAs) and Environmental Impact Statements (EISs) for projects in Hawai'i. The Environmental Notice also includes other items related to the shoreline, coastal zone, and federal activities.



Hawai'i School Facilities Authority is proposing to build the 'Imiloa Pre-Kindergarten Facility.

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

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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.
- Please work toward ensuring that all submittals are Americans with Disabilities Act (ADA) compliant. Our website has an [ADA accessibility page](#) with further information.
- The 2025 Hawai’i Congress of Planning Officials (HCPO) is scheduled to take place on August 27-29, 2025 at the Hilton Hawaiian Village Waikiki Beach Resort. Registration will open on May 20, 2025. Please visit [this webpage](#) for more information and to sign up for their mailing list.

STATEWIDE MAP OF EA/EIS DOCUMENTS AND DETERMINATIONS



KAUAI EAS/EISS

Samuel Mahelona Memorial Hospital TOD Master Plan – (EIS Preparation Notice)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Kawaihau
TMK(s)	(4) 4-6-014:026 (portion), 030, 105, 112, 113; (4) 4 6 029:001; and Portions of Iwaena, Mimilo, and Kawaihau Roads, and Kūhiō Highway (no TMKs)
Permit(s)	Several. Please see the Summary and Section 10 of the EISPN.
Proposing Agency	State of Hawai‘i, Hawai‘i Health Systems Corporation, Kaua‘i Region Lance Segawa, (808) 338-9222, planmahelona@gmail.com 4800 Kawaihau Road, Kapa‘a, HI 96746
Accepting Authority	Governor, State of Hawai‘i Josh Green, (808) 586-0034, https://governor.hawaii.gov/contact-us/contact-the-governor/ Executive Chambers, State Capitol; 415 South Beretania Street, Honolulu, HI 96813
Consultant	PBR HAWAII & Associates, Inc.; 1001 Bishop Street Suite 650, Honolulu, HI 96813 Kimi Yuen, (808) 521-5631, planmahelona@gmail.com
Status	Administrative 30-day public review and comment period starts. Comments are due by June 9, 2025. Please send comments to planmahelona@gmail.com . An EIS Public Scoping Meeting will be held on May 14, 2025 at 4:30 PM Mahelona Hospital Auditorium located at 4800 Kawaihau Road, Kapa‘a, Hawai‘i.

The proposed Samuel Mahelona Memorial Hospital (SMMH) Transit-Oriented Development Master Plan (Mahelona TOD MP) creates an integrated mixed-use wellness village that builds upon SMMH’s existing health care, behavioral health, and long-term care services and provides opportunities for expanded healthcare services, workforce and affordable housing options, new or expanded community facilities, and related infrastructure improvements including a new campus loop road and a connector road between SMMH and Kūhiō Highway. These improvements will be designed in line with TOD concepts with transit stops and multimodal paths throughout the campus.

MAUI EAS/EISS

100% Affordable Laakea Village – 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)	Makawao
TMK(s)	(2) 2-5-005:030
Permit(s)	Grading permits, Building, electrical and plumbing permits, NPDES permit, Driveway permits; 201H affordable housing approval
Approving Agency	County of Maui, Department of Housing Richard Mitchell, (808) 270-7110, director.housing@co.maui.hi.us 2065 Main Street, Suite 108, Wailuku, HI 96793
Applicant	Laakea Village; P.O. Box 790994, Paia, HI 96779 Ashlee Klemperer, (808) 579-8398, Ashlee@laakeavillage.org
Consultant	CHP Maui Inc.; 2200 Main Street, Suite 527, Wailuku, HI 96793 Brett Davis, (808) 270-1561, bdavis@chpmaui.com
Status	Finding of No Significant Impact (FONSI) determination

The proposed project is a 100% affordable rental residential housing, development for low-income families and persons with disabilities (See: Figure No. 10.1 “Site Plan”). Once complete, the project will include the construction of eighteen (18) residential structures with a total of 47 bedrooms and the necessary supporting infrastructure. The project will be low density and keep the primary use of the subject parcel in agriculture.

The development will result in ten (10) 1-bedroom units, five (5) 2-bedroom units, and three (3) triplex units. Additional structures will include a multi-purpose community/recreation center for yoga/dance, group meeting spaces, and agricultural facilities/storage and processing buildings (See: Figure No. 10.1 “Site Plan”). Associated infrastructure improvements include paved roadways; concrete curbs, gutters and sidewalks; onsite parking, drainage systems, water system, sewer system, and underground utilities.

If you are experiencing any ADA compliance issues with the above project, please contact the Laakea Village consultant, Brett Davis, at bdavis@chpmaui.com.

HAWAI‘I EAS/EISS

Imiloa Pre-Kindergarten Facility – 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)	South Hilo
TMK(s)	(3) 2-4-001:007 (portion)
Permit(s)	HRS Chapter 343 Compliance; HRS Chapter 6E Compliance; National Pollutant Discharge Elimination System General Permit; Community Noise Permit (If Applicable); Plan Approval; Grading, grubbing, Stockpiling Permit; Building Permits for Building, Electrical, Plumbing, & Driveway; Permit to Work within County Right-of-Way (If Applicable); Sewer Connection; Water Connection.
Proposing/ Determining Agency	State of Hawai‘i, Hawaii School Facilities Authority Doug Cullison, (808) 375-1414, doug.cullison@hisfa.org 2759 South King Street, Room H201, Honolulu, HI 96826
Consultant	Bowers + Kubota Consulting; 2153 N King Street, Suite 200, Honolulu, HI 96819 Malachi Krishok, (808) 836-7787, mkrishok@bowersandkubota.com
Status	Statutory 30-day public review and comment period starts. Comments are due by June 9, 2025. Please click on title link above to read the document, then send comments to mkrishok@bowersandkubota.com .

The Proposed Action includes the construction of three buildings: two classroom buildings with covered lanais and an administrative building, along with additional amenities such as a covered outdoor piko gathering area and enclosed outdoor learning environment. Each classroom building would include two classrooms each designed to accommodate 20 students, 1 teacher, and 1-2 teacher’s assistants or family volunteers. In total, the four classrooms would have the capacity to serve up to 80 children of preschool ages 3-5 years old.

The classrooms will feature a warming kitchen and separate child-height sinks. Combined assisted-use toilet rooms with child-height handwashing stations will also be provided in each classroom building. The outdoor learning environment will be enclosed by an exterior fence to ensure a safe and secure setting. 12 new parking new parking stalls would be constructed west of the Project Site along ‘Imiloa Place, which will continue to provide two-way ingress/egress from Nowelo Street to the ‘Imiloa Astronomy Center and the proposed prekindergarten facility. Plans also include a new cul-de-sac for drop-off and pick-up.

If you are experiencing any ADA compliance issues with the above project, please contact the Hawai‘i School Facilities Authority consultant, Malachi Krishok, at mkrishok@bowersandkubota.com.

PRIOR DETERMINATION

The County of Maui, Department of Public Works (COM DPW) issued a [Final Environmental Assessment \(EA\)](#) for the Kahekili Highway Slope Repair at the Vicinity of Mile Post 15 project, which was published in the [October 8, 2024, issue of The Environmental Notice](#) issued by the Environmental Review Program.

The Proposed Project involves the construction of a concrete soil nail wall, roadway paving and widening, and the implementation of a vehicle turnaround area, all of which were assessed in the Final EA. Based on the nature and scope of these improvements, the Proposed Project is anticipated to result in direct, indirect, and cumulative effects that are consistent with those identified and analyzed in the previously prepared Final EA.

The COM DPW [has determined](#) that the Proposed Project remains aligned with the findings of the previously prepared Final EA and its associated Finding of No Significant Impact. Therefore, pursuant to HRS, Chapter 343, no further environmental review is required, and the project may proceed without further preparation or processing of redundant and/or supplemental environmental review documentation.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began previously. **Comments are due May 23, 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

[Wahikuli Subdivision Gravity Sewer System – Draft EA \(AFNSI\) and Appendices](#)

O’AHU

[‘Ewa Villages Telecom Facility Project – Draft EA \(AFNSI\)](#)

[Wahiawā Freshwater State Recreation Area Improvements Project – 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 **April 2025, unless noted otherwise**; contact the identified agency contact on each list for additional information about any specific exemption or any ADA compliance issues:

State of Hawai’i

- [Department of Accounting and General Services](#)
- [Department of Business, Economic Development and Tourism](#)
- [Department of Land and Natural Resources](#)
- [Hawai’i Housing Finance & Development Corporation](#)

County of Maui

- [Department of Public Works](#)
- City and County of Honolulu**
- [Department of Design and Construction](#)
- [Department of Planning and Permitting](#)

County of Hawai’i

- [Department of Public Works](#)

County of Kaua’i

- [Department of Public Works](#)

COASTAL ZONE MANAGEMENT NOTICES

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

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

Location (TMK)	Description (File No.)	Applicant/Agent
Kaua’i: Kekaha (1-3-001:007)	Cesspool to Septic Tank Conversion. SMA(M)-2025-8	Jaime Means/ LOX Hawai’i, LLC
Kaua’i: Hanalei (5-5-010:026)	Construction of new rock wall, gate, and a cesspool to Septic Tank Conversion. SMA(M)-2025-18	Kelly East LLC/ Cogent Designs
Kaua’i: Kīlauea (5-3-004:033 CPR Unit 2)	Cesspool to Septic Tank Conversion. SMA(M)-2025-19	Studioreef LLC/ Robert Prosser
Kaua’i: Anahola (4-9-014:016)	Cesspool to Septic Tank Conversion. SMA(M)-2025-20	Moloaa Kai Partnership c/o Advanced Compliance Solutions
Kaua’i: Hanalei (5-5-005:025)	Construction of new fence and gate SMA(M)-2025-21	Scarp Ridge Propco LLC/ Cogent Designs
Maui: Hāna (1-4-007:005)	Ranch Partners Invasive Vegetation Control. After-the-Fact clearing and mulching of invasive vegetation along cattle trails and ranching accessways. SM22025-00016	J. Paul, Ranch Partners
Maui: Kīhei – Mākena (3-8-077:009; 3-8-005:034)	After-the-Fact placement of weed mat and gravel on two adjacent vacant lots to deter silt runoff onto adjacent South Kīhei Road. SM22025-00017	Sharon Wright, Michael Wright and Associates
Maui: Pā’ia - Ha’ikū (2-8-004:126)	Grubbing vacant land and construction of a fence and gate. SM22025-00018	Guilian Peres Juan Gilberto, AO Group LLC

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

FEDERAL CONSISTENCY REVIEWS

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

For specific information or questions about an action listed below, contact the CZM staff person identified for each action. The CZM Program is required to adhere to federal review deadlines, therefore, comments must be received by the date specified. Comments may be submitted by mail or electronic mail, to the 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

Project Title: Ocean Era, Inc Offshore Macroalgae Aquaculture Demonstration Project, Island of Hawaii

Proposed Action: Ocean Era proposes to anchor depth-cycling cultivation array on a single-point mooring off the Kona coast. The pattern of deep cycling will vary over the project's deployment period. The array will be seeded with three species to evaluate the project's performance and will record current, velocity, pitch, nutrient levels, temperature, and depth. After harvesting, the seaweed will also be tested for proximate composition, carbon-nitrogen ratio, and the presence and concentration of heavy metals.

The rigid framework of the unit will be composed of a central spar, equatorial ring, and over a dozen strays. The center spar will be 25.8 feet (7.8 meters) tall and 54-inch (1.4 meters) in diameter. The ring will be 30 feet (9.1 meters) in diameter, made from 6-inch thick-walled HDPE pipe. The stays extend horizontally and at angles, tensioned between the ring and the spar connecting the two in multiple locations to maintain structural rigidity. Thirty-two grow lines, along which the macroalgae will be seeded, extend radially from the spar to the rim and are made of 3/8" polyolefin rope. The spar connects to the mooring line via a three-point chain bridle and mooring swivel at the bottom of spar.

The precise timing and frequency of array "diving" will vary over the project's deployment period. The range of potential cycle regimes will include one nightly (16hr) dive per week, vs. one extended (36hr) dive per week, vs. two nightly (16 hr) dives per week. The array will rise and sink via an air- or water-filled ballast system within the central spar. Timers trigger solenoid-actuated pressure valves to open or close, which will fill the chamber with air (to raise it), or water (to sink it). When raised the array will sit 15' below the ocean surface (in slow current, deeper as current increases). When the array submerges it will settle at a depth of approximately 170m below the surface.

Location: Offshore of Kukio, North Kona, Island of Hawaii

Applicant: Ocean Era, Inc.

Federal Action: Federal Permit

Federal Agency: U.S. Army Corps of Engineers

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

Comments Due: May 22, 2025

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

FEDERAL CONSISTENCY REVIEWS (CONTINUED)

Project Title: Maunalua Bay Boat Ramp Facility Improvements, Honolulu, Island of Oahu

Proposed Action: DLNR Division of Boating and Ocean Recreation (DOBOR) proposes several facility improvements to the existing Maunalua Bay Boat Ramp Facility including repairing damaged shoreline structures, shoreline erosion mitigation efforts, and beach nourishment.

A 415 linear foot dredged material containment structure will be constructed to permanently contain fill material within a roughly 5,500 square foot area that has eroded in the southwest portion of the site, and mitigate ongoing erosion. Approximately 130 linear feet of existing wall will be demolished and removed in preparation for the new sheet pile structure. The layout of the proposed containment structure is intended to restore the Facility to its originally constructed extents. The structure will consist of driven steel pile topped with a reinforced concrete cap. The eroded area behind the containment structure will be filled with dredged material in lifts of specific gradations, separated by non-woven geotextile fabric. The bottom layer of material below mean higher high water (MHHW) will primarily consist of dredged coral rubble material. The thickness and layout of subsequent lifts will be influenced by the volume and characteristics of the surplus dredge material that is available after fill and beach nourishment have been completed elsewhere on site.

Seawall repairs will involve filling of voids, repointing existing mortar, and forming and tremie pouring voids. Collapsed walls will be partially re-built (as needed), by removing the existing un-reinforced concrete cap and all loose stones above grade, and re-constructing. All voids will be fully grouted, and the walls will be topped with a reinforced concrete cap added as a part of this repair. Repairs to walls will include increasing the height of the walls (including the new reinforced concrete cap) by approximately 10 percent to a final post-construction top of wall elevation of +4.7 ft MLLW to +5.2 ft MLLW.

Wall extension will consist of extending the length of the existing wall at the west end of the beach (after it turns towards the mauka direction) by 25 linear feet. A new revetment will be constructed at the eastern end of the beach, extending the length of the existing shoreline armoring by roughly 45 feet to address shoreline erosion that has undermined the existing parking area and threatens the adjacent drive aisle.

Location: Honolulu, Maunalua Bay, Island of Oahu

TMK: (1) 3-9-007:032, 034, 035, 036

Applicant: DLNR DOBOR

Federal Action: Federal Permit

Federal Agency: U.S. Army Corps of Engineers

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

Comments Due: May 22, 2025

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-2144	Kamehemeha Highway	96762	(1) 5-5-001:018	Clayton M. Kaneshiro, Hawaii Engineering Group, Inc	Property Reserves, Inc.
MA-847	1429 Front Street	96761	(2) 4-5-013;005	Action Survey, LLC	Dennis R. Ingrahm amd Roberta L. Jackson
KA-495	7268 Alamo Road	96714	(4) 5-8-008:028	Honua Engineering, Inc.	John Linson, 7268 Alamo, LLC

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
MO-193	Proposed	28 Beach Place	96748	(2) 5-3-01:009	Loren Slentz	Derek Tom
MO-194	Proposed	125 Kaunakakai Place	96748	(2) 5-3-001:010	Loren Slentz	Derek Tom
HA-653	Proposed	27-121 Mill Road	96781	(3) 2-7-004:118	Thomas G. Pattison	Brian Clark Living Trust
KA-493	Proposed	4-1532 Kuhio Highway	96746	(4) 4-5-012:009	Honua Engineering, Inc.	Lin Wang, Benjamin Johnston, Eun Chae Kwon
KA-494	Proposed	5000 Aliomanu Road	96703	(4) 4-9-004:012	Esaki Surveying & Mapping, Inc.	Aliomanu Sand Castles LLC, Eric Taylor

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: [Agency Information Collection Activities; Submission to the Office of Management and Budget \(OMB\) for Review and Approval; Comment Request; Economic Surveys of Specific US Commercial Fisheries](#) (published by the National Oceanic and Atmospheric Administration on 04/24/2025)

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the Federal Register on January 24, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments. For more information, please click on the title link above.

Notice: [Migratory Bird Hunting; Proposed 2025-26 Frameworks for Migratory Bird Hunting Regulations](#) (published by the Fish and Wildlife Service on 04/24/2025)

The U.S. Fish and Wildlife Service (Service or we) is proposing to establish the frameworks from which States may select season dates, limits, and other options for the 2025-26 migratory game bird hunting season. We annually prescribe outside limits (which we call frameworks) within which States may select hunting seasons. Frameworks specify the outside dates, season lengths, shooting hours, bag and possession limits, and areas where migratory game bird hunting may occur. These frameworks are necessary to allow State selections of seasons and limits and to allow harvest at levels compatible with migratory game bird population status and habitat conditions. Migratory game bird hunting seasons provide opportunities for recreation and sustenance and aid Federal, State, and Tribal governments in the management of migratory game birds. You must submit comments on the proposed migratory bird hunting frameworks by May 27, 2025. For more information and to submit comments, 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).