



JOSH GREEN, M.D., GOVERNOR  
MARY ALICE EVANS, DIRECTOR

# The Environmental Notice

January 23, 2026

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.



HSFA is proposing to work with PHAC to build Teacher Workforce Housing at Mililani High School.

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

235 South Beretania Street, Suite 702 • Honolulu, Hawai'i 96813 • (808) 586-4185 • [dbedt.opsd.erp@hawaii.gov](mailto:dbedt.opsd.erp@hawaii.gov) • <https://planning.hawaii.gov/erp/>

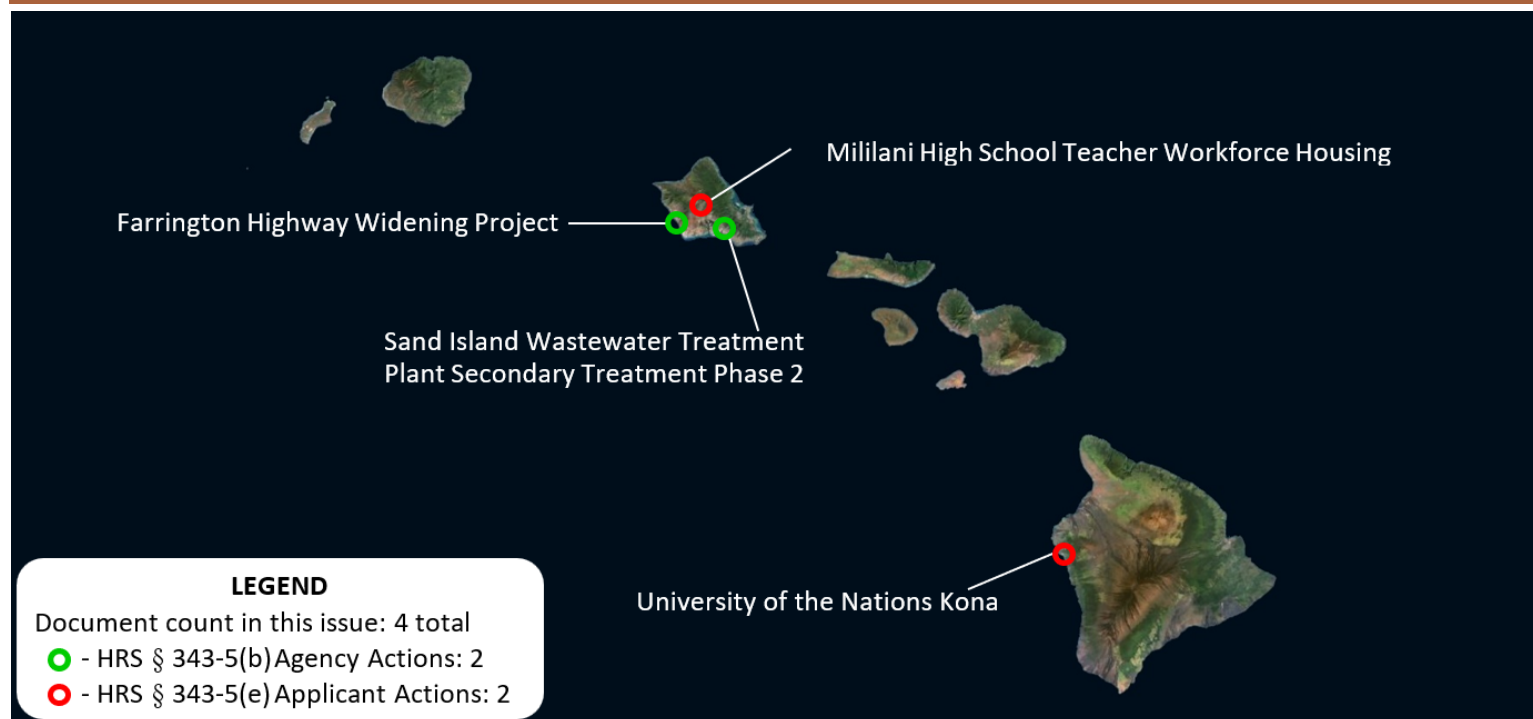
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## ANNOUNCEMENTS

- The 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.
- Documents submitted by the March 2, 2026 deadline for the March 8, 2026 TEN must not fail the Adobe Accessibility Checker to be eligible for publication (we currently check all 32 of 32 options of the Adobe Accessibility Checker per the [Disability and Communication Access Board](#)). Our website has an [ADA accessibility page](#) with further information.

## STATEWIDE MAP OF EA/EIS DOCUMENTS AND DETERMINATIONS





## O'AHU EAs/EISS

**Farrington Highway Widening 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
<b>District(s)</b>	Wai'anae
<b>TMK(s)</b>	Farrington Highway right-of-way, (1) 8-7-008:001, (1) 8-7-008:002 - 008, (1) 8-7-008:027, (1) 8-7-008:029, (1) 8-7-008:030, (1) 8-7-008:069, (1) 8-7-008:080, (1) 8-7-008:081, (1) 8-7-008:095, (1) 8-7-026:084, (1) 8-7-026:087, (1) 8-7-026:141, (1) 8-7-026:142, (1) 8-7-031:001, (1) 8-7-031:063, (1) 8-7-031:066, (1) 8-7-031:067, (1) 8-7-033:001, (1) 8-7-035:007, (1) 8-9-002:001 thru 003, (1) 8-9-002:029 thru 031, (1) 8-9-002:049, (1) 8-9-002:056, (1) 8-9-002:065, (1) 8-9-002:068, (1) 8-9-005:010 thru 014, (1) 8-9-005:084, (1) 8-9-005:090
<b>Permit(s)</b>	City and County of Honolulu Grading, Grubbing, and Stockpiling Permit; Special Management Area (SMA) – Minor Permit; Floodplain Management; Coastal Zone Management (CZM) Federal Consistency Review; National Pollutant Discharge Elimination System (NPDES) Permit for storm water discharges related to construction activities; Community Noise Permit *Community Noise Variance; Hawai'i Revised Statutes (HRS) Chapter 6E-8 Review Section 106 of the National Historic Preservation Act (NHPA); Chapter 195D: Conservation of Aquatic Life; Chapter 195D: Conservation of Wildlife and Land Plants; National Environmental Policy Act (NEPA) Categorical Exclusion (CatEx), Section 4(f) of the U.S. Department of Transportation Act; Section 7 of the Endangered Species Act (ESA), Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act); U.S. Fish and Wildlife Service (USFWS) Section 7 of the ESA
<b>Proposing/ Determining Agency</b>	State of Hawai'i, Hawaii Department of Transportation Evan Kimoto, (808) 692-7551, <a href="mailto:evan.kimoto@hawaii.gov">evan.kimoto@hawaii.gov</a> 601 Kamokila Boulevard Room 688A, Suite 2400, Kapolei, Hawaii 96707
<b>Consultant</b>	WSP USA; 1001 Bishop Street, Suite 2400, Honolulu, HI 96813 Allen Kam, (808) 599-3438, <a href="mailto:allen.kam@wsp.com">allen.kam@wsp.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by February 23, 2026.</b> Please click on title link above to read the document, then send comments to <a href="mailto:malie.mcclellan@wsp.com">malie.mcclellan@wsp.com</a> .

The State of Hawai'i Department of Transportation (HDOT), in cooperation with the U.S. Department of Transportation's (USDOT) Federal Highway Administration (FHWA), is proposing highway widening and sidewalk improvements along Farrington Highway (Route 93) in Nānākuli on the Wai'anae Coast, Island of O'ahu, Hawai'i. See Figure 1-1. Project Area Map. This current project proposes to construct sidewalk improvements along the mauka side of Farrington Highway from Mōhihi Street to Nanakuli Avenue in addition to constructing a continuation of the previous widening along Farrington Highway that extended from Helelua Street to Nānākuli Avenue and widened the highway to include a center auxiliary lane. The previous improvements were separately funded and included the widening of the existing four-lane highway to provide an auxiliary lane for left turns. Previous roadway improvements also included constructing an 8-foot wide shared use path, realigning the existing historic O'ahu Railway and Land Company (OR&L) railroad tracks to accommodate the widened roadway, constructing grade adjustment and retaining walls, upgrading traffic signal systems to accommodate the widened roadway, relocating and/or adjusting existing utilities, and upgrading street lighting and drainage systems to accommodate the roadway widening.

If you are experiencing any ADA compliance issues with the above project, please contact the State of Hawai'i, Hawaii Department of Transportation consultant, Ethan Lau, at [ethan.lau@wsp.com](mailto:ethan.lau@wsp.com).

## O'AHU EAs/EISS (CONTINUED)

**Sand Island Wastewater Treatment Plant Secondary Treatment Phase 2 – (EIS Preparation Notice)**

<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>	Honolulu
<b>TMK(s)</b>	(1) 1-5-041: 005; 022 por.; 351
<b>Permit(s)</b>	Special Management Area Use Permit Major, Zoning Height Waiver, National Pollutant Discharge Elimination System Permits for construction (construction stormwater, hydrotesting, construction dewatering), Building and Construction Permits (electrical, plumbing, grading, trenching, stockpiling), Modifications to Covered Source and Non-Covered Source Air Quality Permits, Noise Variance
<b>Proposing/ Determining Agency</b>	City and County of Honolulu, Department of Environmental Services Trudy Hamic, (808) 768-8740, <a href="mailto:thamic@honolulu.gov">thamic@honolulu.gov</a> 1000 Uluohia Street, Suite 308, Kapolei, Hawaii 96707
<b>Accepting Authority</b>	City and County of Honolulu, Department of Environmental Services Roger Babcock, (808) 768-3486, <a href="mailto:ENV@honolulu.gov">ENV@honolulu.gov</a> 1000 Ulu'ohia Street, Suite 308, Kapolei, Hawaii 96707
<b>Consultant</b>	R. M. Towill Corporation; 2024 North King Street, Suite 200, Honolulu, HI 96819 Jim Niermann, (808) 842-1133, <a href="mailto:jimn@rmtowill.com">jimn@rmtowill.com</a>
<b>Status</b>	Administrative 30-day public review and comment period starts. <b>Comments are due by February 23, 2026.</b> Please submit comments to <a href="mailto:SIWWTP-EIS@rmtowill.com">SIWWTP-EIS@rmtowill.com</a> . <b>A Public Scoping meeting will be held on 2/9/2025, at 6:00 p.m. Mission Memorial Building, 550 South King Street, Honolulu, Hawai'i 96813.</b>

The City and County of Honolulu (CCH), Department of Environmental Services proposes to undertake the Sand Island Wastewater Treatment Plant (SIWWTP) Secondary Treatment Phase 2 ("project") to expand and upgrade the existing SIWWTP facility to provide secondary treatment and to upgrade and develop various non-process support facilities on an approximately 74-acre land area identified by Tax Map Keys (1) 1-5-041: 005, 022 por., and 351 on Sand Island in Honolulu, Island of O'ahu, Hawai'i. The proposed action is required to comply with the 2010 Consent Decree Civil No. 94-00765DAE-KSC between the CCH, State of Hawai'i, Department of Health, and the U.S. Environmental Protection Agency, which requires the CCH to upgrade municipal wastewater treatment plants to meet secondary treatment water quality standards. The purpose of the project is to protect human and ecological health from waterborne diseases through the development and maintenance of municipal wastewater treatment facilities that meet secondary treatment requirements set by the EPA under the Clean Water Act, in accordance with the 2010 Consent Decree, Amended in 2012.

If you are experiencing any ADA compliance issues with the above project, please contact the City and County of Honolulu, Department of Environmental Services consultant, Jim Niermann, at [jimn@rmtowill.com](mailto:jimn@rmtowill.com).

## O'AHU EAs/EISS (CONTINUED)

Mililani High School Teacher Workforce Housing – 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>	'Ewa
<b>TMK(s)</b>	Portions of (1) 9-5-001:017; (1) 9-5-001:054
<b>Permit(s)</b>	Use of school property for teacher workforce housing; HRS 201H; Dust Control Plan; Noise Permit (if necessary); National Pollutant Discharge Elimination System (NPDES) Permit; HRS Section 6E Review; Permit to Perform Work Upon State Highways; Permit for the Occupancy and Use of State Highways; Permit to Operate or Transport Oversize and/or Overweight Vehicles and Loads Over State Highways (if necessary); Grading, Grubbing, and Stockpiling Permits; Building Permit (electrical, plumbing, civil); Occupancy Permit; Site Development Master Application for Sewer Connection; Storm Drain Connection License (if necessary); Storm Water Quality Strategic Plan; Rules Relating to Water Quality and Storm Drainage Standards Compliance; Street Usage Permit
<b>Approving Agency</b>	State of Hawai'i, Hawai'i School Facilities Authority Riki Fujitani, (415) 226-6837, <a href="mailto:riki.fujitani@hisfa.org">riki.fujitani@hisfa.org</a> 2759 S. King Street, Honolulu, HI 96826
<b>Applicant</b>	Pacific Housing Assistance Corporation; 888 Iwilei Road, Suite 200, Honolulu, HI 96817 Audrey Awaya, (808) 523-5681, <a href="mailto:aawaya@pacific-housing.org">aawaya@pacific-housing.org</a>
<b>Consultant</b>	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Greg Nakai, (808) 521-5631, <a href="mailto:sysadmin@pbrhawaii.com">sysadmin@pbrhawaii.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by February 23, 2026.</b> Please click on title link above to read the document, then send comments to <a href="mailto:sysadmin@pbrhawaii.com">sysadmin@pbrhawaii.com</a> .

The Hawai'i School Facilities Authority (SFA), a state agency that collaborates with the Hawai'i Department of Education (DOE) to provide housing options for educators, is partnering with the Pacific Housing Assistance Corporation (PHAC) to develop approximately 95 multi-family apartments for rent to DOE teachers, education personnel, and their families, who will be given a preference to live in the units. Units will be rented to households earning up to 120% AMI. Plans include on-site parking, amenities, and sustainability features.

If you are experiencing any ADA compliance issues with the above project, please contact the State of Hawai'i, Hawai'i School Facilities Authority consultant, Greg Nakai, at [sysadmin@pbrhawaii.com](mailto:sysadmin@pbrhawaii.com).

## HAWAII EAs/EISS

University of the Nations Kona – (Acceptance of 2<sup>nd</sup> Final EIS)

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	South Kona
<b>TMK(s)</b>	(3) 7-5-010:085 and (3) 7-5-017:006
<b>Permit(s)</b>	Various - See Second Final EIS Section 1.6
<b>Approving Agency</b>	State of Hawai'i, State Land Use Commission Martina Segura, (808) 587-3822, <a href="mailto:dbedt.luc.web@hawaii.gov">dbedt.luc.web@hawaii.gov</a> P.O. Box 2359, Honolulu, HI 96804
<b>Applicant</b>	University of the Nations, Kona Inc.; 75-5851 Kuakini Highway Kailua-Kona, HI 96740 David Hamilton, (808) 326-7228, <a href="mailto:studentservices@uofnkona.edu">studentservices@uofnkona.edu</a>
<b>Consultant</b>	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeffrey Overton, (808) 523-5866, <a href="mailto:uofnkona@g70.design">uofnkona@g70.design</a>
<b>Status</b>	The FEIS has been accepted by the Accepting Authority.

The University of the Nations, Kona is proposing to expand the existing campus located in Kailua-Kona on the Island of Hawai'i. The Master Plan Update has been prepared to expand the existing campus on two adjacent parcels identified by Tax Map Keys: (3) 7-5-010:085 and (3) 7-5-017:006. The subject parcels were reclassified to the State Land Use Urban District by the State of Hawai'i, Land Use Commission in Docket No. A02-737. The Master Plan Update includes student housing, academic instruction buildings, a student center, a lower school, athletic facilities, a chapel, maintenance and storage facilities, and supporting infrastructure and roadway improvements. The Master Plan Update will require the Applicant to file a motion with the Land Use Commission to amend its Findings of Fact, Conclusions of Law, and Decision and Order for a Land Use District Boundary Amendment, dated August 8, 2003 and a Change of Zone.

## PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

**Status:** The comment period for these projects began in a previous issue. 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 6, 2026**

## KAUA'I

[Samuel Mahelona Memorial Hospital TOD Master Plan Update – Draft EIS](#), [Scoping Meeting Audio](#), and [Scoping Meeting Transcript](#)

**COMMENTS DUE FEBRUARY 9, 2026**

## KAUA'I

[Kaua'i Community Correctional Center Relocation – \(Republished EIS Preparation Notice\)](#)

## O'AHU

[Fuel Storage Tank Improvements Pacific Palisades Wastewater Pump Station – Draft EA \(AFNSI\)](#)

[Kyudojo Japanese Archery Range at Mau'umae Nature Park – Draft EA \(AFNSI\)](#)

## COASTAL ZONE MANAGEMENT NOTICES

## FEDERAL CONSISTENCY REVIEWS

The following federal action is 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 website](#), 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](mailto:Debra.L.Mendes@hawaii.gov)

US Coast Guard Station Expansion at Mā'alaea Harbor

**Proposed Action:** The U.S. Coast Guard (USCG) proposes to renovate the interior of the existing facility and construct a new building adjacent to the current station at Mā'alaea Harbor, to allow for expansion and long-term operation of its facilities. The new station facility would be a three-story building designed to accommodate approximately 36 personnel and would include administrative spaces, a command and operations center, boat maintenance workshop and facilities, weapons storage, and sleeping quarters for 24/7 duty standers.

**Location:** Mā'alaea Harbor, Island of Maui

**TMK:** (2) 3-8-014:028

**Federal Action:** Federal Agency Activity

**Federal Agency:** U.S. Coast Guard

**CZM Contact:** Debra Mendes, [Debra.L.Mendes@hawaii.gov](mailto:Debra.L.Mendes@hawaii.gov)

**Comments Due:** February 7, 2026

## COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

### 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 Kohala (6-6-002: 027-0002)	Construction of new single-family residence and related improvements (PL-SMM-2025-000080)	Jackrabbit LLC/Kim Chiodo
Hawai'i: North Kona (7-7-004: 001)	Construction of new two-story Accessory Dwelling Unit (PL-SMM-2025-000081)	RSBeachHouse LLC/Steve Erenberg
Kaua'i: Kekaha (1-3-004: 022)	Installation of a new Individual Wastewater System (SMA(M)-2026-18)	Cosmo Flynn

## 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-2170	61-715 Papailoa Road	96712	(1) 6-1-004:070	Ailana Surveying & Geomatics	Waialua Oceanview LLC
OA-2171	87-561 Farrington Highway	96792	(1) 8-7-028:017	Ailana Surveying & Geomatics	Maili Cove LLC
OA-2172	55-143 Naupaka Street	96762	(1) 5-5-011:077	Benjamin E.K. Guieb	Robert C. Rogers, Trustee, Robert C. Rogers Trust & Barbara Ann Rogers, Trustee, Barbara Ann Rogers Trust
OA-2173	56-1069 Kamehameha Highway	96731	(1) 5-6-002:009	Alicia Mizell, U.S. Fish and Wildlife Service	U.S. Fish and Wildlife Service

### 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-2144	Reject	Kamehameha Highway	96762	(1) 5-5-001:058	Clayton Kaneshiro, Hawaii Engineering Group, Inc.	Property Reserve, Inc.
MA-847	Reject	1429 Front Street	96761	(2) 4-5-013:005	Action Survey, LLC	Dennis R. Ingram & Roberta L. Jackson

## CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Application 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 <https://dlnr.hawaii.gov/occl/>.

### **PROJECT:**

**File No.:** CDUA HA-3978  
[Department's Acceptance Letter](#)

**Name of Applicant:** William Benskin

**Agent:** Land Planning Hawaii, LLC

**Location:** 3300 Kaiwika Road, Kaiwika, South Hilo, Island of Hawai'i

**TMK:** (3) 2-6-011:022

**Proposed Action:** [After-the-Fact Deck Modification to a Single-Family Residence](#)

**343, HRS determination:** HAR §11-200.1-15(c)(3)(D)

**Agent's Contact:** John Pipan  
 Phone: (808) 333-3393,  
 Email: [john@landplanninghawaii.com](mailto:john@landplanninghawaii.com)

**OCCL Staff Contact:** Mari Kurosawa  
 Phone: (808) 587-0381,  
 Email: [mari.i.kurosawa@hawaii.gov](mailto:mari.i.kurosawa@hawaii.gov)

## STATE NOTICES

### **Front Street Apartments Redevelopment Project**

On July 9, 2025, Hawaii Governor Josh Green, M.D., signed into law Senate Bill 1170, Senate Draft 2, House Draft 3, Conference Draft 1, making it Act 313, Hawaii Session Laws 2025. Act 313 exempts certain affordable multi-family housing redevelopment projects from the requirement of HRS 343.

HHFDC has entered into an agreement with Front Street I, LP (Developer) to redevelop the Front Street Apartments. This Redevelopment Project is covered by the exemption provided through Act 313. The above linked Record of Environmental Consideration documents the history behind the environmental review of this Project.

## FEDERAL NOTICES

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

### **Rule: [Reissuance and Modification of Nationwide Permits](#) (published by the Engineers Corps on 01/08/2026)**

Nationwide Permits (NWP) authorize activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 that have no more than minimal individual and cumulative adverse environmental effects. The NWPs help protect the aquatic environment and the public interest by providing incentives to reduce impacts to jurisdictional waters. In this final action, the U.S. Army Corps of Engineers (Corps) is reissuing 56 existing nationwide permits (NWPs), general conditions, and definitions, with some modifications. The Corps is also issuing one new NWP.



## 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 (EISP) along with the supporting Final EA. After the notice of the FEA-EISP 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 EISP 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, EISP) 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 EISP 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 EISP, 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).