



# The Environmental Notice

March 8, 2026

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.



The CCH, ENV proposes to undertake the Sand Island Wastewater Treatment Plant (SIWWTP) Secondary Treatment Phase 2. photo from the [project's EISPN](#)  
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 **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). Our website has an [ADA accessibility page](#) with further information.

STATEWIDE MAP OF EA/EIS DOCUMENTS AND DETERMINATIONS



MAUI EAS/EISS

**Proposed Central Maui Wastewater Reclamation Facility – (Acceptance of 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 (6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation (9)(A) Propose any wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent
<b>District(s)</b>	Wailuku
<b>TMK(s)</b>	(2)3-5-001:017; (2)3-5-001:120; (2)3-5-002:014; (2)3-5-020:036; (2)3-6-002:003; (2)3-6-002:004; (2)3-8-005:023; Waikapu Stream; Wai’ale Road (Right-of-Way (ROW)); Waiko Road (ROW)
<b>Permit(s)</b>	See Chapter X of Final EIS (published in the February 23, 2026 edition of The Environmental Notice)
<b>Proposing/ Determining Agency</b>	County of Maui, Department of Environmental Management Juan Rivera, (808) 270-7268, <a href="mailto:environmental.mgmt@co.maui.hi.us">environmental.mgmt@co.maui.hi.us</a> 2200 Main Street, Suite 610, Wailuku, Hawai’i 96793
<b>Accepting Authority</b>	County of Maui, Department of Environmental Management Juan Rivera, (808) 270-7268, <a href="mailto:environmental.mgmt@co.maui.hi.us">environmental.mgmt@co.maui.hi.us</a> 2200 Main Street, Suite 610, Wailuku, Hawai’i 96793
<b>Consultant</b>	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, Hawai’i 96793 Yukino Uchiyama, (808) 983-1233, <a href="mailto:CentralMauiWWRF@munekiyohiraga.com">CentralMauiWWRF@munekiyohiraga.com</a>
<b>Status</b>	The Accepting Authority has accepted the FEIS <a href="#">Vol I</a> and <a href="#">Vol II</a> .

The County of Maui, Department of Environmental Management (DEM) is proposing to develop a new Central Maui Wastewater Reclamation Facility (WWRF) and onsite Soil Aquifer Treatment (SAT) system on approximately 14.9 acres of former agricultural lands between Honoapi’ilani Highway and Kūihelani Highway in Waikapū, as well as related offsite infrastructure improvements. Offsite improvements consist of a wastewater pump station (WWPS) near the existing master-planned Kehalani community, a sewage pipeline from the Kehalani WWPS to the new WWRF, portions of sewage pipeline and R-1 recycled water pipeline to connect the WWRF and the future Waikapū Country Town development, and a WWRF access road. The proposed WWRF will service existing and planned developments throughout the Waikapū/Wailuku area, as well as State of Hawai’i projects in Pūlehunui.

O’AHU EAS/EISS

**Fuel Storage Tank Improvements Lualualei Wastewater Pump Station – 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 (3) Propose any use within a shoreline area
<b>District(s)</b>	Wai’anae
<b>TMK(s)</b>	(1) 8-7-007:067
<b>Permit(s)</b>	SMA, SSV
<b>Proposing/ Determining Agency</b>	City and County of Honolulu, Department of Environmental Services Audrey Uyema Pak, (808) 768-8766, <a href="mailto:audrey.uyemapak@honolulu.gov">audrey.uyemapak@honolulu.gov</a> 1000 Uluohia Street, Suite 308, Kapolei, HI 96707
<b>Consultant</b>	Townscape, Inc.; 900 Fort Street Mall, Suite 1160, Honolulu, HI 96813 Gabrielle Sham, (808) 536-6999, <a href="mailto:gabrielle@townscapeinc.com">gabrielle@townscapeinc.com</a>
<b>Status</b>	Finding of No Significant Impact (FONSI) determination

The Lualualei Wastewater Pump Station has an underground storage tank that supplies fuel to a standby generator. The generator automatically activates during a power outage and provides electricity for the entire pump station, including the sewage pump, support equipment, and lighting. To comply with current fuel storage regulations and strengthen environmental protection, the City Department of Environmental Services, Division of Wastewater Engineering and Construction, is proposing to replace the existing 2,000-gallon underground fuel storage tank with a new 2,000-gallon aboveground tank. The project also includes replacing the underground fuel piping, fuel monitoring panel, associated sensors, and connecting the new fuel monitoring panel to the supervisory control and data acquisition (SCADA) system.

O’AHU EAs/EISS CONTINUED

**Keehi Lagoon Park Comfort Stations 1 and 2 – Withdrawal of 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>	Honolulu
<b>TMK(s)</b>	1-1-1-003: 239
<b>Permit(s)</b>	Special Management Area, Grubbing and Grading Permit, Building Permit, Water System Requirement, Variance from Pollution Controls, HRS Chapter 6E Review
<b>Proposing/ Determining Agency</b>	City and County of Honolulu, Department of Design and Construction Haku Milles, (808) 768-8480, <a href="mailto:DDC@honolulu.gov">DDC@honolulu.gov</a> 650 South King Street, 11th Floor, Honolulu, HI 96817
<b>Consultant</b>	PBR HAWAII & Associates, Inc.; 1001 Bishop Street, Suite 650, Honolulu, HI 96813 Greg Nakai; (808) 521-5631, 1001 Bishop Street, Suite 650, Honolulu, HI 96813
<b>Status</b>	The Agency is withdrawing the <a href="#">DEA</a> published on <a href="#">February 23, 2024</a> .

A Draft Environmental Assessment and Anticipated Finding of No Significant Impact (DEA-AFNSI) for the Keehi Lagoon Park Comfort Stations 1 and 2 project was published in the February 23, 2024, edition of The Environmental Notice. The scope of work proposed in the February 2024 DEA-AFNSI was limited to the demolition and replacement of two comfort stations. However, since publication of the February 2024 DEA-AFNSI, the project scope has changed. A new DEA will be prepared to reflect such changes and in accordance with Hawaii Administrative Rules, Section 11-200.1.

**Republished 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 Ulu’ohia 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:SIWWTP-EIS@rmtowill.com">SIWWTP-EIS@rmtowill.com</a>
<b>Status</b>	Administrative 30-day public review and comment period starts. <b>Comments are due by April 7, 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 3/19/2026, 6:00 p.m. Mission Memorial Building, 550 South King Street, Honolulu, Hawai’i 96813.</b> A Draft EIS must include comments from all EISPN comment periods, therefore comments previously submitted during the prior comment period do not have to be resubmitted.

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 parcel identified by Tax Map Keys (1) 1-5-041: 005, 022 por., 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.

The [EISPN](#) was originally published in [The Environmental Notice on January 23, 2026](#), and a public scoping meeting was scheduled during the 30-day public comment period. Due to severe weather conditions that affected the State from February 7 through February 10, 2026, the ENV cancelled the public scoping meeting. The ENV is republishing the EISPN in The Environmental Notice to ensure that the public is properly notified of the rescheduled public scoping meeting.

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 MARCH 10, 2026

STATEWIDE

[Hawaiian Islands Fiber Link \(HIFL\) Project – Draft EA \(AFNSI\)](#)

O’AHU

[Kamaile Academy Pre-Kindergarten Hub Classroom and Administration Building Facility – Draft EA \(AFNSI\)](#)

COMMENTS DUE MARCH 25, 2026

HAWAI’I

[Hilo Benioff Medical Center Construction of Medical Offices in Kea’au – Draft EA \(AFNSI\)](#)

[Hilo YWCA Demolition and Construction of New Campus – Draft EA \(AFNSI\)](#)

O’AHU

[Fuel Storage Tank Improvements Wai'anae Wastewater Treatment Plant – Draft EA \(AFNSI\)](#)

[Kaneohe Bay Dock- Elhoff Waterfront Improvements – 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. The following are Lists of Exemption Notices submitted by various agencies for **February 2026, 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](#)

City and County of Honolulu

[Department of Design and Construction](#)

[Department of Environmental Services](#)

[Department of Planning and Permitting](#)

EXEMPTION NOTICES

The following agency has declared a certain action exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#), and has voluntarily submitted the Exemption Notices for publication:

***City and County of Honolulu, Department of Housing and Land Management***

[Kapolei Parkway Lots 2-5](#)

The proposed project is the development of approximately 750 affordable rental units in Kapolei consisting of low-rise residential buildings, each three to four stories in height with three-story parking structures located internally. This will be a mixed-use project with the potential for a preschool and commercial space.

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)*

**National Marine Fisheries Service Proposed Rule for Striped Marlin Catch and Retention Limits**

Proposed Action: National Marine Fisheries Service (NMFS) proposes a rule to establish catch and retention limits for striped marlin caught in the Western and Central North Pacific Ocean, consistent with recommendations from the Western Pacific Fishery Management Council and requirements of the Western and Central Pacific Fisheries Commission (WCPFC).

The catch limit would be based on Conservation and Management Measure (CMM) 2024-06 and would use a base U.S. catch limit of 228.4 metric tons (t), adjusted for any underages of the WCPFC overall catch limit for the stock and any overages of the U.S. limit.

The retention limit for Hawai'i longline fisheries is set to prevent the combined catch from reaching the overall catch limit. The proposed rule would also announce that the 2026 catch limit is 393.4 t (867,300 pounds) and the longline retention limit is 381.6 t (841,300 pounds).

NMFS would monitor landings using longline landing reports, logbook data, and other available information. If NMFS projects that the retention limit will be reached, it would publish a notice in the Federal Register prohibiting retention of striped marlin, effective no earlier than seven days after filing the notice. Upon publication, retention of striped marlin caught in the Western and Central North Pacific Ocean would be prohibited for the remainder of the calendar year.

Location: International waters

Federal Action: Federal Agency Activity

Federal Agency: National Marine Fisheries Service

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

**Comments Due: March 22, 2026.**

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 (2-1-009: 001)	Archaeological inventory survey subsurface testing for the Hawai'i Island cable landing site, to prepare for installing an interisland subsea fiber optic cable system. Includes a total of 5 test trenches, each measuring 16.4 feet long by 2.3 feet wide. (PL-SMM-2026-000084)	Hawaiian Islands Fiber Link LLC
Kaua'i: Wainiha (5-8-008: 026)	Conversion of cesspool to septic system for 2-bedroom residence. (SMA(M)-2026-20)	Virts Family TR/ Devin Swanson
Maui: Kahului (3-8-001: 119)	Install two ground water monitoring wells to test for ground water contaminants at Kanahā Beach Park. (SM2 2026-00006)	Traci Sylva, Environmental Science International / James Buika

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 [dlnr.hawaii.gov/occl](http://dlnr.hawaii.gov/occl)

**File No.:** [CDUA OA-3991 \(Acceptance Letter\)](#)  
**Name of Applicant:** Michael Elhoff  
**Location:** makai of Ka Hanahou Circle, Kāneʻohe, Koʻolaupoko Oʻahu  
**TMK:** Makai of (1) 4-5-047:051  
**Proposed Action:** Waterfront Improvement Project  
**HRS Ch. 343 determination:** [Draft Environmental Assessment](#) published in the [February 23, 2026, issue of the Environmental Notice](#)  
**Consultant's Contact:** Robert Walker  
 Integral Consulting Inc.  
[rwalker@integral-corp.com](mailto:rwalker@integral-corp.com)  
 Phone:(808) 202-1920  
**OCCL Staff Contact:** Tiger Mills (808) 587-0382  
[kimberly.mills@hawaii.gov](mailto:kimberly.mills@hawaii.gov)

**File No.:** [CDUA HA-3993 \(Acceptance Letter\)](#)  
**Name of Applicant:** Stephen & Cheryl Winter  
**Location:** Papaʻanui and Haina, Hāmākua, Hawaiʻi  
**TMKs:** (3) 4-5-002:016 & 080  
**Proposed Action:** Land and Resource Management  
**HRS Ch. 343 determination:** Exempt, [GE 1 Part 1 #27; GE 3 Part 1 #2; GE 4 Part 1 #2](#)  
**Consultant's Contact:** Greg Nakai  
 PBR Hawaii & Associates INC.  
[gnakai@pbrhawaii.com](mailto:gnakai@pbrhawaii.com)  
 Phone: (808) 521-5631  
**OCCL Staff Contact:** Tiger Mills (808) 587-0382  
[kimberly.mills@hawaii.gov](mailto:kimberly.mills@hawaii.gov)

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 Barry Cheung at [barry.w.cheung@hawaii.gov](mailto:barry.w.cheung@hawaii.gov).

File No.	Location	ZIP Code	TMK	Applicant	Owner
OA-2176	Papipi Road	96706	(1) 9-1-134:045 & 046	R.M. Towill Corporation	Haseko (Ewa) Inc.
OA-2177	55-75 Naupaka Street	96762	(1) 5-5-010:013	Benjamin Guieb	Kelemania LLC
OA-2178	68-43 Farrington Highway	96791	(1) 6-8-003:039	Benjamin Guieb	Lokahi Moana LLC
MA-862	Honoapiilani Highway	96763	(2) 4-8-002:Road	Austin Tsutsumi & Associates, Inc.	Department of Transportation
MA-863	29 Kamaka Circle	96761	(2) 4-5-003:017	Akamai Land Surveying, Inc.	Carolan Family 2008 Trust

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-2158	Proposed	82-120 Farrington Highway	96792	(1) 8-2-001:002 & 022	Ryan M. Suzuki	DLNR, Division of State Parks
OA-2162	Proposed	218 Paiko Drive	96821	(1) 3-8-001:004	Ailana Surveying & Geomatics	Revocable Trust of Mark Loughridge, Mark Loughridge, Trustee & Revocable Trust of Brooke S. Loughrodge, Brooke S. Loughrodge, Trustee
MA-850	Proposed	3823 Lower Honoapiilani Road	96761	(2) 4-3-006:044	Action Survey LLC	AOAO of Hale Ono Loa

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: [Notice of Continuation and Request for Nominations for the Trade and Environment Policy Advisory Committee](#) (published by the Trade Representative, Office of United States on 03/04/2026)**

The Office of the United States Trade Representative (USTR), pursuant to Section 135 of the Trade Act of 1974 ([19 U.S.C. 2155\(c\)\(1\)](#)) as amended, and the Federal Advisory Committee Act (5 U.S.C. App. II), expects to establish a new two-year charter term and is accepting applications from qualified individuals interested in serving as a member of the Trade and Environment Policy Advisory Committee (TEPAC). The TEPAC is a trade advisory committee that provides general policy advice and guidance to the U.S. Trade Representative on trade policy matters that have a significant impact on the environment.

**Notice: [Certain New Chemicals or Significant New Uses; Statements of Findings-November 2025 to December 2025](#) (published by the Environmental Protection Agency on 03/04/2026)**

The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA submissions when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from November 1, 2025, to December 31, 2025.

## 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).