



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

The Environmental Notice

July 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.



HCDA is proposing an electrical improvement project to support housing in the Iwilei and Kapālama area.

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 • <https://planning.hawaii.gov/erp/>

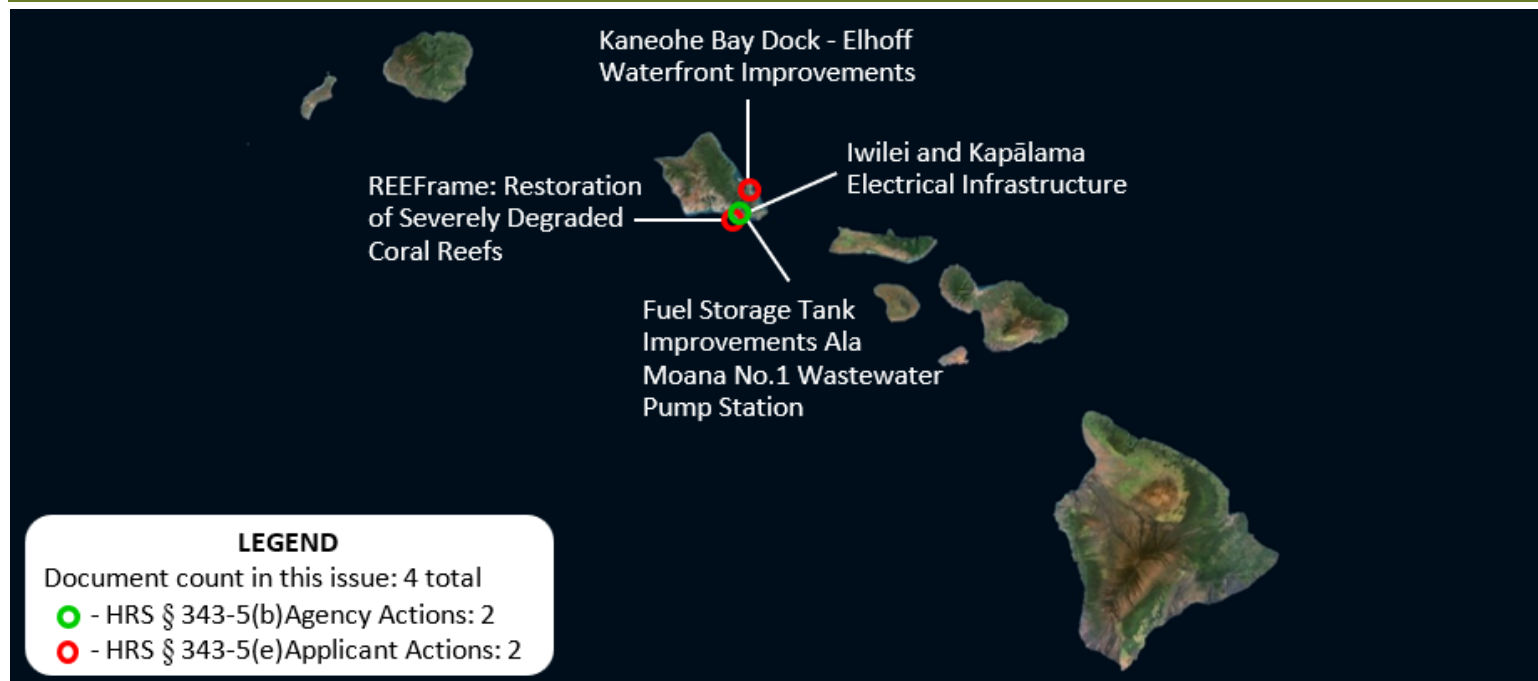
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ANNOUNCEMENTS

- 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.
- 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 [accessibility page](#) with further information.

STATEWIDE MAP OF EA/EIS DOCUMENTS AND DETERMINATIONS



O'AHU EAs/EISs

Fuel Storage Tank Improvements Ala Moana No.1 Wastewater Pump Station – 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)	Honolulu
TMK(s)	(1) 2-1-015:062
Permit(s)	SMA, HCDA Rules Clearance
Proposing/ Determining Agency	City and County of Honolulu, Department of Environmental Services Audrey Uyema Pak, (808) 768-8766, audrey.uyemapak@honolulu.gov 1000 Uluohia Street, Suite 308, Kapolei, HI 96707
Consultant	Townscape, Inc.; 900 Fort Street Mall, Suite 1160, Honolulu, HI 96813 Aaron Teper, (808) 550-3893, aaron@townscapeinc.com
Status	Finding of No Significant Impact (FONSI) determination

The Ala Moana Wastewater Pump Station (WWPS) consists of two facilities: Ala Moana No.1 WWPS, which has been in operation since 1953, and Ala Moana No.2 WWPS, which has been in operation since 1983. The Ala Moana No.1 WWPS 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.

Due to ongoing failures and 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 10,000-gallon underground fuel storage tank with a new 10,000-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

Iwilei and Kapālama Electrical Infrastructure – 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)	Honolulu
TMK(s)	N/A - within the Public Right-of-Way
Permit(s)	Please see Chapter 4, Section 4.3 for Permits and Approvals
Proposing/ Determining Agency	State of Hawai'i, Hawaii Community Development Authority Michelle Kaneko, (808) 594-0352, michelle.a.kaneko@hawaii.gov 547 Queen Street, Honolulu, HI 96813
Consultant	Wilson Okamoto Corporation; 1907 South Beretania Street, Suite 400, Honolulu, HI 96826 Harlee Meyers, (808) 946-2277, hmeyers@wilsonokamoto.com
Status	Statutory 30-day public review and comment period starts. Comments are due by August 24, 2026. Please click on title link above to read the document, then send comments to publiccomment@wilsonokamoto.com .

The Hawaii Community Development Authority (HCDA) is proposing an electrical improvement project to support the development of housing at the planned Liliha Civic Center, Mayor Wright Homes, and Kamehameha School Bishop Estate - Kapālama Kai Phase I. The Proposed Project will include a series of electrical enhancements including upgrades to the existing 12-kV electrical systems by undergrounding new 25-kV distribution systems to account for future demand. These upgrades aim to ensure robust and reliable electrical service to support the development of these key housing projects.

O'AHU EAS/EISS (CONTINUED)

Kaneohe Bay Dock - Elhoff Waterfront Improvements – 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 (2) Propose any use within any land classified as a conservation district
District(s)	Ko'olaupoko
TMK(s)	(1) 4-5-047:051
Permit(s)	Conservation District Use Permit, Dept. of the Army Permit, 401 Water Quality Certification, CZM Consistency Determination
Approving Agency	State of Hawai'i, Department of Land and Natural Resources K. Tiger Mills, (808) 587-0382, kimberly.mills@hawaii.gov 1151 Punchbowl Street, Room 131, Honolulu, HI 96813
Applicant	Michael Elhoff Living Trust; 45-221 Ka Hanahou Circle, Kaneohe, HI 96744 Mike Elhoff, (808) 781-3000, namastealoha@gmail.com
Consultant	Integral Consulting, Inc.; 66-590 Kamehameha Hwy, Suite 2A, Haleiwa, HI 96712 Taylor Caster, (808) 341-8982, tcaster@integral-corp.com
Status	Finding of No Significant Impact (FONSI) determination

The proposed project involves construction of a new, private fixed dock and gangway for recreational use at the 45-221 Ka Hanahou Circle residence for the purposes of berthing a sailboat. The proposed rectangular fixed dock would be 30 ft long by 10 ft wide and be constructed of aluminum with an open grating deck. The furthest limit of the structure would be situated approximately 25 ft makai of the mean high-water mark (at the base of the existing seawall) and roughly aligned with the existing 5-ft bathymetric contour line. Six precast concrete footings measuring 4 ft square would be secured to the ocean floor beneath the dock. Vertical concrete columns would also be pre-cast into the center of each footing to support the dock. The top of the dock would be installed at approximately 5 ft above mean sea level. Access to the dock would be provided by a 14.9-ft-long, 4-ft wide aluminum gangway extending between the dock and a small concrete landing built just mauka of the existing seawall.

REEFrame: Restoration of Severely Degraded Coral Reefs in Waikiki O'ahu via Permanent Coral Nurseries on 3D Printed Concrete Reef Frameworks – 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 (2) Propose any use within any land classified as a conservation district
District(s)	Honolulu
TMK(s)	Seaward of PLATS (1) 2-6-005; (1) 2-6-004; (1) 2-6-002
Permit(s)	Conservation District Use Permit; USACE; Land Disposition; DOH Section 401
Approving Agency	State of Hawai'i, Board of Land and Natural Resources Leland Henobio, (808) 587-0380, leland.henobio@hawaii.gov 1151 Punchbowl St, Room 131, Honolulu, HI 96813
Applicant	Conservation International Foundation; 2011 Crystal Drive, Suite 600, Arlington, VA 22202 Claire Elverum, (757) 268-7124, celverum@conservation.org
Consultant	Oceanit; 828 Fort Street Mall, Suite 600, Honolulu, HI 96813 Berna Senelly, (808) 531-3017, bsenelly@oceanit.com
Status	Statutory 30-day public review and comment period starts. Comments are due by August 24, 2026. Please click on title link above to read the document, then send comments to reeframe@oceanit.com .

The REEFrame project proposes the installation of a permanent coral nursery on submerged lands off Waikiki Beach, utilizing naturally shaped, 3D-printed concrete modules. These modules are specifically designed to mimic the structural complexity of natural reef systems, incorporating intentional elements such as holes, crevices, and ledges to provide shelter for marine herbivores, fish, and invertebrates. Each unit is equipped with attachment points for corals of opportunity, which are healthy coral fragments salvaged from storm damage or human activity.

The Area of Potential Effects (APE) encompasses approximately 11.4 acres, with 150 modules occupying roughly 5,400 square feet. Modules will be fabricated on the mainland and shipped to Hawai'i for deployment by construction barges, with placement occurring at a minimum 100-foot buffer from the existing reef edge. Construction is anticipated to commence in late 2026 or early 2027. Following installation, the site will be monitored periodically to evaluate successful coral recruitment and colonization, while the project serves as a template for future restoration efforts throughout the state.

CHAPTER 25, REVISED ORDINANCES OF HONOLULU

Use of the Special Management Area (SMA) is not a trigger under HRS Chapter 343, but major developments in O'ahu's SMA must go through an environmental review process that mirrors the procedural requirements of [HRS Chapter 343](#), pursuant to [Revised Ordinances of Honolulu, Chapter 25](#). Developments being reviewed under Chapter 25 but not Chapter 343 appear here.

56-155 Kamehameha Highway Residences – Final EA (FONSI)

District(s)	Ko'olauloa
TMK(s)	(1)5-6-001: 033
Permit(s)	grading and building permits; Special Management Area Major Permit
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Steve Tagawa, (808) 533-2092, stagawa@honolulu.gov 650 South King Street, Honolulu, Hawaii 96813
Applicant	Linda M. Donoso and Malaekahana LLC; 56-155 A Kamehameha Highway, Unit 1, Kahuku, Hawaii 96731 Linda Donoso, (808) 533-2092, lindadonosohi@gmail.com
Consultant	Hawaii Engineering Group, Inc.; 1088 Bishop Street, Suite 2506, Honolulu, Hawaii 96813 Roy Irei, (808) 533-2092, roy@hawaiiengineering.net
Status	Finding of No Significant Impact (FONSI) determination

The Project involves building six new 2-story, and one 1-story modular dwelling, driveway, and new individual/group septic systems with leach fields, on a 1.47-acre shoreline parcel in the R-5 Residential District. An existing 2-story dwelling on the site is to remain; a previous dwelling on the site, built in the 1940s, has since been removed. Access to the site is off Kamehameha Highway. Ownership of the site is divided into eight condominium property regime (CPR) units pursuant to Hawaii Revised Statutes, Chapter 514B. The City does not recognize CPR units which have not been subdivided pursuant to Revised Ordinances of Honolulu (ROH) Chapter 22. Therefore, the Project must be evaluated collectively, under a single SMA Major application. No construction is proposed in the shoreline setback. The Project triggers the preparation of an EA under ROH, Chapter 25. Upon acceptance of the Final EA and a FONSI determination, DPP can accept the SMA application for processing, and make its recommendation. Decision-making will be made by the City Council.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began in a previous issue. **Comments are due August 7, 2026.** 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.

O'AHU

[Ka'a'awa Elementary School Electrical Upgrades and Long-Term Repair and Maintenance of Existing School Facilities – Draft EA \(AFNSI\)](#)

[Ke'ehi Lagoon Beach Park Improvements – Draft EA \(AFNSI\)](#)

[King Property Access Improvements in Kailua – Draft EA \(AFNSI\)](#)

EXEMPTION NOTICE

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:

County of Maui, Department of Parks and Recreation

[Royal Complex Play Court and Parking Lot Asphalt Removal](#)

The County of Maui is declaring an action exempt from the preparation of an environmental assessment, under the authority of Chapter 343 HRS, Chapter 11-200 HAR. The proposed action includes the removal of existing play court facilities, removal of parking lot asphalt, removal of select non-native trees, re-planting sod, and installation of above ground irrigation lines as temporary use while plans to restore Mokuhinia are finalized.

COASTAL ZONE MANAGEMENT NOTICES

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 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

Hale Makua CarePlex Healthcare Facility, Kahului, Maui

Proposed Action: The award and use of U.S. Economic Development Administration (EDA) funding by Hale Makua Health Services (HMHS) to construct the rehabilitation and skilled nursing component of the new CarePlex healthcare center. HMHS is proposing to construct the CarePlex on an approximately 2.8-acre portion of TMK parcel (2) 3-8-007:097, adjacent to the existing Hale Makua Kahului facility. The CarePlex is being developed as a condominium project, and HMSA will purchase the ambulatory surgical center (ASC) and clinic unit upon completion.

The EDA-funded component of the project will expand healthcare capacity on Maui by adding 56 dually licensed Skilled Nursing Facility (SNF) and Intermediate Care Facility (ICF) beds that will be certified by the Centers for Medicare & Medicaid Services (CMS). The remainder of the facility, which will be developed concurrently using non-EDA funding, will include an outpatient multi-specialty ambulatory surgical center, a dedicated medical clinic, and office space to support outpatient care and care coordination.

Location: Kahului, Island of Maui

TMK: (2) 3-8-007:097 (Portion)

Applicant: Hale Makua Health Services

Federal Action: Federal Agency Activity

Federal Agency: U.S. Economic Development Administration

CZM Contact: Debra Mendes, Debra.L.Mendes@hawaii.gov

Comments Due: August 7, 2026

Ka'ahakini Stream Bridge Replacement, Hakalau, Hawai'i

Proposed Action: The award and use of Federal Highways Administration (FHWA) funding by the County of Hawai'i Department of Public Works (DPW) to replace the existing Ka'ahakini Stream Bridge in Hakalau, Hawai'i.

DPW proposes to remove the existing bridge and replace it with a similar structure supported by new abutments. The replacement bridge will consist of a single span of five reinforced concrete beams cast integrally with the deck. Most of the new bridge will remain in the existing right-of-way (ROW) and will maintain the same alignment and overall appearance as the existing bridge.

The replacement bridge will measure 65 feet in length and will have a wider, tapered configuration at the northern end. The bridge, which is currently closed to traffic, will remain closed until the construction is completed.

Location: Ka'ahakini Stream, Hakalau, Island of Hawai'i

TMK: (3) 2-9-003:777 (por.) and (3) 2-9-003:999 (por.)

Applicant: County of Hawai'i Department of Public Works

Federal Action: Federal Assistance (funding)

Federal Agency: Federal Highways Administration (FHWA)

CZM Contact: Debra Mendes, Debra.L.Mendes@hawaii.gov

Comments Due: August 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 (6-9-006: 048)	Demolition of an existing dwelling unit and construction of a new one-story Additional Dwelling Unit (PL-SMM-2026-000092)	Greg and Bridgette McCaul
Hawai'i: North Hilo (3-6-010: 015)	Construction of a two-story duplex consisting of an upper-level dwelling and a lower-level consisting of an Accessory Dwelling Unit and a two-car garage with additional storage and utility space (PL-SMM-2026-000095)	Aaron Quinten Watts & Karri Lynne Watts
Maui: Kahului-Wailuku (3-8-007: 040 and 3-7-001: 021)	Archaeological inventory survey testing at Kahului Harbor and UH Maui College pursuant to SHPD requirements (SM22026-00021)	Clifford Miyake/Lisa Kettley
Maui: Pā'ia (3-8-002: 094)	DLNR-OCCL Site Plan Approval MA 23-69, staging area for equipment and materials for revetment walkway repair (SM22026-00022)	Patricia Cadiz
Moloka'i: Kaunakakai (5-4-011: 010)	Moloka'i Outdoors relocating container being used as a home office (SM62026-00001)	Clare Albino
Moloka'i: Kaunakakai (5-3-001: 023)	Debris removal from vacant land (SM62026-00003)	Richard Forst

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, or on Oahu at 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.

File No.	Location	ZIP Code	TMK	Applicant	Owner
OA-2189	40 Kai One Place Unit 6	96734	(1) 4-3-018:010-0005	Benjamin Guieb	Richard Benedict Trust & Shannon Benedict Trust
OA-2190	92-111 Mauloa Place	96707	(1) 9-1-057:011 & 031	R.M. Towill Corporation	Newage Ko Olina II, LLC
OA-2191	44-275 Kaneohe Bay Drive	96744	(1) 4-4-007:003	Wesley T. Tengan	Ku I Luna LLC

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-2173	Proposed	56-1069 Kamehameha Highway	96731	(1) 5-6-002:009	Alicia Mizell, U.S. Fish and Wildlife Service	U.S. Fish and Wildlife Service
OA-2177	Proposed	55-75 Naupaka Street	96782	(1) 5-5-010:013	Benjamin Guieb	Keleman LLC
MA-862	Proposed	Honoapiilani Highway	96763	(2) 4-8-002:Road	Austin Tsutsumi & Associates, Inc.	Department of Transportation
HA-653	Rejection	27-121 Mill Road	96781	(3) 2-7-004:118	Thomas G. Pattison	Brian Clark Living Trust

NOTICE

On behalf of Kamehameha Schools, G70 is providing this courtesy notice regarding the publication and availability of [an errata to the Final Environmental Impact Statement](#) (FEIS) for the [Keauhou Bay Management Plan Vol I](#), [Vol II](#), and [Vol III](#), located in Keauhou, Hawai'i Island, Hawai'i. The FEIS was published in [The Environmental Notice on September 8, 2025](#). The County of Hawai'i Planning Department, serving as the accepting authority, published its notice of [acceptance of the FEIS](#) on [September 23, 2025](#).

STATE NOTICE

State of Hawai'i, Department of Health HAR Chapters 11-260.1 to 11-279.1 Rules Amendment

The State of Hawaii Department of Health will hold a public hearing for the proposed amendment of Hawaii Administrative Rules chapters 11-260.1 to 11-279.1, which regulate businesses that generate or manage hazardous wastes and used oil. The proposed amendments align state regulations with updates to the US Environmental Protection Agency's federal hazardous waste management program, conform terminology for universal waste accumulation, improve clarity, and correct formatting and typographical errors.

The proposed amendments are posted online at health.hawaii.gov/shwb/hazwaste and can be viewed at 2827 Waimano Home Rd #100 Pearl City, Mon-Fri, 8am-4pm (except state holidays). Copies will be mailed on request and payment of a 5 cent/page copy fee and postage; call 808-586-4226 to request.

The **public hearing will be at 10am on August 27, 2026**, at the Department of Health first floor Boardroom at 1250 Punchbowl St, Honolulu. All interested parties may attend and present relevant information, comments, and opinions, including but not limited to the ways in which the proposed amendments may impair or otherwise impact Native Hawaiian rights, traditions, and practices. To request an auxiliary aid or service (e.g. ASL interpreter, large print), call Noa at 808-586-4226 (voice/TDD) or e-mail noa.klein@doh.hawaii.gov as soon as possible to allow adequate time to fulfill your request.

Anyone unable to attend may send written testimony to Attn: Noa Klein – CHIO, 1250 Punchbowl Street, Honolulu, HI 96813 or noa.klein@doh.hawaii.gov. Testimony must be received by September 3.

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: [Renewal of the Agricultural Advisory Committee](#) (published by the Commodity Futures Trading Commission on 07/20/2026)

The Commodity Futures Trading Commission (CFTC or Commission) is publishing this notice to announce the renewal of the Agricultural Advisory Committee (AAC). The Commission has determined that the renewal of the AAC is necessary and in the public's interest.

Notice: [Evaluation of Maine Coastal Management Program; Notice of Public Meeting; Request for Comments](#) (published by the National Oceanic and Atmospheric Administration on 07/20/2026)

The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management (OCM), will hold a virtual public meeting to solicit input on the performance evaluation of the Maine Coastal Management Program. NOAA also invites the public to submit written comments. **The meetings will be held on Thursday, September 3, 2026.** For meeting details, 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 (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).