



The Environmental Notice

August 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.



HDOT Harbors proposes the expansion of Kahului Harbor by acquiring nearby parcels.

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

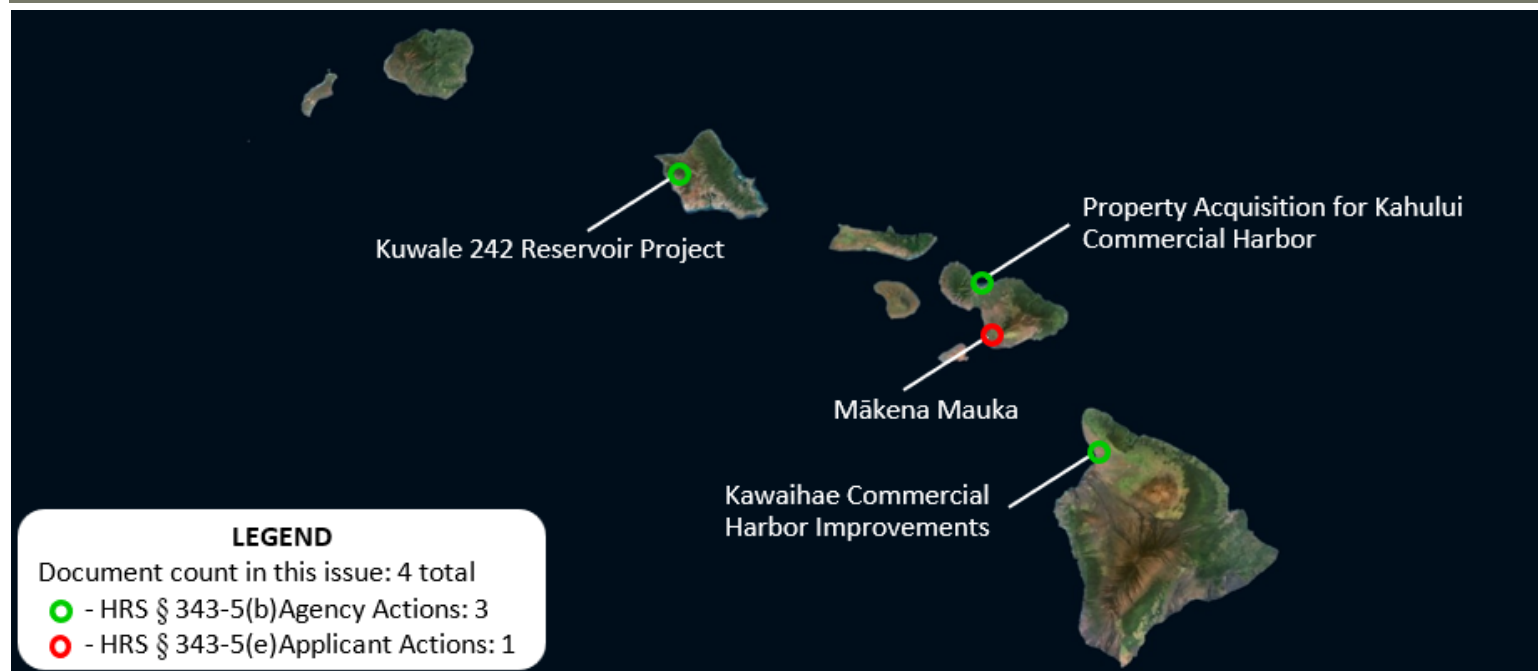
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ANNOUNCEMENTS

- The Environmental Advisory Council (EAC) is still seeking new members. To learn more about the work of the EAC, visit their [webpage](#). To apply to be on the EAC, submit this [online application](#) under Department of Business, Economic Development & Tourism - Environmental Advisory Council.
- **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



HAWAII EAS/EISS

Kawaihae Commercial Harbor 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
District(s)	South Kohala
TMK(s)	(3) 6-1-003:023 Por., :024, :026, :028, :032, :033, :034, :036 Por., :037, :038, :039, :041 Por., :044, :046, :047, :048 Por., :049, :050 Por., :052, :053, :054, :055 Por., :057, :058, :059, :061, :062, :063, :064, (3) 6-1-003:999 (Right-Of-Way), and (3) 6-1-002:999 (Right-Of-Way)
Permit(s)	Section 106, National Historic Preservation Act consultation; Section 7, Endangered Species Act (ESA); State Historic Preservation Review (HRS Chapter 6E); CWA Water Quality Certification, CWA Section 401, Blanket Certification; Clean Water Act, Section 402 National Pollutant Discharge Elimination System (NPDES) Permit; Air Quality Permit; Community Noise Permit; HRS Section 103-50 (Disability and Communication Access Board Review)
Proposing/ Determining Agency	State of Hawai'i Department of Transportation, Harbors (HDOT-HAR) Celia Shen, (808) 587-2013, celia.y.shen@hawaii.gov 79 S. Nimitz Highway, Honolulu, HI 96813
Consultant	HDR, Inc.; 1001 Bishop Street, Suite 400, Honolulu, HI 96813 Noelle Besa Wright, (808) 697-6297, noelle.wright@hdrinc.com
Status	Finding of No Significant Impact (FONSI) determination

The Proposed Action consists of improvements to the Kawaihae Commercial Harbor cargo yard that would include replacing existing asphalt surfaces with new reinforced concrete pavement in selected areas and paving pockets of unimproved fill areas; adding new 80-foot high mast lighting to replace lower-lighting equipment; installing conduit and raised transformer pads for future harbor upgrades; and relocating the HDOT-HAR district office building and maintenance shed to increase cargo yard footprint. The Proposed Action would also widen a portion of Kawaihae Road (Hawai'i Route 270) to include a new left-turn and storage lane at the harbor main gate. The Project Area is approximately 56 acres. The purpose of the project is to improve operating conditions and efficiencies within the cargo terminal, as well as reduce traffic congestion along Kawaihae Road caused by truck queues. Through these upgrades, the project also intends to enhance the capability of Kawaihae Commercial Harbor to serve as an alternate harbor should an emergency or natural disaster affect Hilo Harbor.

O'AHU EAS/EISS

Kuwale 242 Reservoir Project – 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)	Wai'anae
TMK(s)	[1] 8-6-003:075
Permit(s)	See Section 4.3
Proposing/ Determining Agency	City and County of Honolulu, Board of Water Supply Iris Oda, (808) 748-5000, ioda@hbws.org 630 South Beretania Street, Honolulu, HI 96843
Consultant	Wilson Okamoto; 1908 South Beretania Street, Suite 400, Honolulu, HI 96826 Desiree Malabed, (808) 946-2277, dmalabed@wilsonokamoto.com
Status	Statutory 30-day public review and comment period starts. Comments are due by September 8, 2026. Please click on title link above to read the document, then send comments to publiccomment@wilsonokamoto.com .

BWS is proposing a 4.0 Million Gallon (MG) water reservoir, 9,600 linear-foot transmission line, and associated 24-inch transmission main.

MAUI EAs/EISS

Mākena Mauka – Final EIS Part 1, Part 2, Part 3, and Part 4

HRS §343-5(a) Trigger	(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 (6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation
District(s)	Makawao
TMK(s)	(2)2-1-005:108, (2)2-1-006:036 and 057, (2)2-1-007:068, 092 and 093, (2)2-1-008:078,079,081, and 090, and (2)2-1-031:036(por.)
Permit(s)	See Chapter IX of the Final EIS; Special Management Area Use Permit; Shoreline Setback Approval; County Special Use Permit; State Land Use Commission District Boundary Amendment; Community Plan Amendment, Change of Zoning; Amendments of Public Utilities Commission Certificate of Public Convenience and Necessity, and Rules and Regulations.
Approving Agency/ Accepting Authority	County of Maui, Maui Planning Commission Kurt Wollenhaupt, (808) 270-8205, planning@mauicounty.gov 2200 Main Street, One Main Plaza, Suite 315, Wailuku, HI 96793
Applicant	AREG AC Makena Propco LLC; c/o Makena Golf & Beach Club, 5415 Makena Alanui Road, Wailea-Makena, HI 96793 Brad Anderson, (808) 568-0147, eis@makenagbc.com
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Mark Roy, (808) 244-2015, makenamauka@munekiyohiraga.com
Status	Final EIS has been submitted and is pending acceptance by the accepting authority

The Applicant proposes the development of Mākena Mauka, a low-density master planned residential community and related amenities. The project will offer market rate housing and residential workforce housing with a mixture of rural and single-family lots and both single-family and multi-family residential units, all located mauka of Makena Alanui Road.

The Applicant is proposing a substantially lower density plan than that presented in the Environmental Impact Statement Preparation Notice (EISPN). This plan reduces the 900 housing units (proposed in the EISPN) to 652 housing units, including 109 onsite residential workforce housing units. The project includes the existing Mākena North Golf Course, the existing to-be-renovated Mākena South Golf Course, and will incorporate approximately 135,000 sq. ft. of operational support buildings, including golf maintenance, staff offices, restaurants, back of house, golf operations, and other uses. The project will also include a community gathering place, hiking trails, programs to support connectivity, walking/bicycling/golf cart paths, public beach parking, and areas reserved for conservation, open space, and public beach access.

MAUI EAS/EISs (CONTINUED)

Property Acquisition for Kahului Commercial Harbor – 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)	Wailuku
TMK(s)	Parcel A TMK (2) 3-7-010:009, (2) 3-7-010:035 and (2) 3-7-11:029 Parcel B TMK (2) 3-7-011:017 portion
Permit(s)	• Federal Aviation Administration Form 7460-1 (as revised), Notice of Proposed Construction or Alteration. • U.S. Coast Guard: Facility Security Plan during construction (applicable if the existing perimeter fence is removed or relocated). Facility Security Plan post construction. • National Pollutant Discharge Elimination System (NPDES), Notice of Intent (NOI) for Storm Water Discharge Associated with Construction Activity, under the NPDES General Permit. • Historic Preservation Division, HRS/ HAR Chapter 6E review and concurrence, including HABS/HAER/HALS. • HDOT Highways approval for use of and permit for transport of oversized equipment/overweight loads on State of Hawai'i highway facilities. • Hazard Evaluation and Emergency Response (HEER) review and approval of Phase II, Environmental Site Assessment, and EHE/EHMP. • Board of Land and Natural Resources approval of the acquisition. • Compliance with MS4 permit requirements. • Highways Division permit for work on County roadways, as applicable. • Fire Department approval of the development and fire-fighting water, as applicable. • Maui Landfill approval for disposal of construction waste. • Disposal facility approval for disposal of contaminated soil and/or groundwater, as applicable.
Proposing/ Determining Agency	State of Hawai'i, Department of Transportation Dreanalee Kalili, (808) 587-3651, dreanalee.k.kalili@hawaii.gov 79 South Nimitz Highway, Honolulu, Hawaii 96813
Consultant	EKNA SERVICES; 1300 Pali Highway, Suite 201, Honolulu, Hawaii 96813 Brian Ishii, (808) 695-6233, bishii@eknahawaii.com
Status	Statutory 30-day public review and comment period starts. Comments are due by September 8, 2026. Please click on title link above to read the document, then send comments to dreanalee.k.kalili@hawaii.gov .

HDOT Harbors proposes the expansion of Kahului Harbor to provide additional cargo space, vehicle parking, and support space for Harbor operations, utilizing Parcel A (10.73-acre). Parcel A consists of two tracts of land, TMK (2) 3-7-010:009 (10.5-acre) located at 101 E Ka'ahumanu Ave owned by A&B Properties Hawai'i LLC, and TMK (2) 3-7-010:035 (0.23-acre) is located at 105 Ala Luina St. owned and operated by Matson Navigation Company. The 10.5-acre parcel features three warehouses with an integrated conveyor system for sugar operations and the Kahului Railroad Roundhouse from which ELCCO Electric, Inc. and Kahului Trucking & Storage operate. The 0.23 acre parcel features the Matson office building. Parcel A will undergo development to create a paved space tailored to support Kahului Harbor's operations. The proposed action will also have HDOT Harbors acquire parcel TMK (2) 3-7-011:029, that is the 'Āmala Place roadway right-of-way (2.048 acres). There will be no development on this property, and the roadway will remain. To reduce potential traffic congestion, a right-turn-only lane will be constructed along Hobron Avenue within Parcel B (TMK (2) 3-7-011:017 portion). This road development will not impact public access to the shoreline and MECO. This right turn lane aims to decrease congestion and support the efficient operation of the Harbor's operations.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began in a previous issue. **Comments are due August 24, 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**Iwilei and Kapālama Electrical Infrastructure – Draft EA (AFNSI)****REEFrame: Restoration of Severely Degraded Coral Reefs in Waikiki O'ahu via Permanent Coral Nurseries on 3D Printed Concrete Reef Frameworks – 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 **July 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 Land and Natural Resources](#)**County of Hawai'i**[Department of Parks and Recreation](#)**City and County of Honolulu**[Department of Design and Construction](#)[Department of Housing and Land Management](#) (June 2026)[Department of Planning and Permitting](#)

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

Makani Kai Marina Dock Enhancement Project, Kaneohe Bay, Oahu

Proposed Action: The Association of Apartment Owners (AOAO) of the Makani Kai Marina proposes improvements to three docks (Docks A, C, and D) to enhance the transition between the shore and floating docks at the private Makani Kai Marina in Kaneohe Bay, Oahu. The proposed improvements will not significantly alter the functional layout of the existing dock facility but will improve the restricted pedestrian access.

Improvements to Docks A and C consist of installing cantilevered pop-out walkway sections. Improvements to Dock D include constructing a new shore-to-dock access ramp, gangway abutment, and floating platform at the landward end of the primary dock walkway, as well as reorienting the gangway at the landing to further improve shore-to-dock access.

Location: Kaneohe Bay, Island of Oahu

TMK: (1) 4-5-02:001

Applicant: AOAO of Makani Kai Marina

Federal Action: Federal Permit

Federal Agency: U.S. Army Corps of Engineers

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

Comments Due: August 24, 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 (6-1-003: 034)	Installation of a ground-mounted solar canopy system within the existing lease area of a wireless telecommunications facility (PL-SMM-2026-000096)	Verizon Wireless c/o Eukon Group
Kaua'i: Līhu'e (3-5-002: 002)	Placement of Duke Kahanamoku Statue (SMA(M)-2026-34)	Duke's Canoe Club, LLC c/o Derek Kessler
Maui: Lāna'i (4-9-017: 002)	Annual Paddle for Life: Temporary Landing, Cultural Activities, and Overnight Camping at Hulopo'e Beach Park (SM72026-00002)	Jenny Worth, Pacific Cancer Foundation Muneakiyo Hiraga
Maui: Lāhainā (4-3-009: 003)	Construction of Well No. 5841-03. Well was approved by the CRWM (SM22026-00020)	William Spence
Maui: Lāhainā (4-6-001: 009 and 4-6-008: 006)	County of Maui sponsored Lāhainā Homecoming Community Event at Campbell Park (SM22026-00023)	Jordan Hart

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-2192	91-196 Hanua Street, Kapolei	96707	(1) 9-1-014:049	R.M. Towill Corporation	IES Downstream LLC
OA-2193	91-357 Ewa Beach Road. Ewa Beach	96706	(1) 9-1-024:012	Gil P. Bumanglag	William & Carolyn Montalvo
OA-2194	130 Wailupe Circle, Honolulu	96821	(1) 3-6-001:040	Wesley T. Tengan	Jeffrey M. Kakinami

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-2168	Proposed	55-337 Kamehameha Highway	96762	(1) 5-5-002:032	Walter P. Thompson, Inc.	Western Community Crossroads, LC
OA-2175	Proposed	47 Kailuana Place	96734	(1) 4-3-022:015:0002	Austin Tsutsumi & Associates, Inc.	Lilikoi HI LLC
OA-2183	Proposed	51-120 Kamehameha Highway	96730	(1) 5-1-006:001	Kenn Nishihira	Jason Morgan, Kyle T. Morgan, Lindsey P. Morgan-O'Neil
OA-2184	Proposed	20 Puukani Pl	96734	(1) 4-3-012:014	Wesley T. Tengan	Kanetsu Co Ltd
OA-2188	Withdrawn	66-469 and 471 Pikai Street	96712	(1) 6-6-030:036	Leaps & Boundaries, Inc.	Dustin W. Timm

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION

Waiko Road Subdivision Wastewater System

Island	Maui
District(s)	Waikapū Ahupuaʻa, Pūʻali Komohana District
TMK(s)	(2) 3-5-004:028, 031, & 063; (2) 3-5-010:001, 033, 034, & 036-038; (2) 3-5-011:001-041, 043-046 & 048; (2) 3-5-012:001-023, 025, 035-040, & 043-047
Proposing Agency	State of Hawaii, Department of Health, Environmental Management Division, Wastewater Branch 2827 Waimano Home Road, Rm. 207 Pearl City, HI 96782 Contact and Phone: Chane Hayashida, (808) 586-4294, Chane.Hayashida@doh.hawaii.gov
Approving Agency	State of Hawaii, Department of Health, Environmental Management Division, Wastewater Branch 2827 Waimano Home Road, Rm. 207 Pearl City, HI 96782 Contact and Phone: Chane Hayashida, (808) 586-4294, Chane.Hayashida@doh.hawaii.gov
Consultant	Munekiyō Hiraga; 305 High Street, Suite 104 Wailuku, HI 96793 Contact and Phone: Adam Strubeck, (808) 983-1233, planning@munekiyohiraga.com
Status	Comments due no later than September 8, 2026 to: Attn: Chane Hayashida Department of Health, Wastewater Branch 2827 Waimano Home Road, Rm. 207 Pearl City, HI 96782 Email: wwb@doh.hawaii.gov

The Department of Health (DOH) has initiated Section 106 of the NHPA consultation with the State Historic Preservation Division (SHPD) in accordance with 36 CFR Part 800. In 1990, the U.S. Environmental Protection Agency (EPA) designated the DOH to act on EPA's behalf, pursuant to 36 CFR §800.2 (c) (4), when initiating Section 106 of the NHPA process in connection with projects funded under the Hawai'i Clean Water State Revolving Fund (CWSRF). The DOH is providing funding under the CWSRF to the County of Maui for the Waiko Road Subdivision Wastewater System. The proposed project will utilize federal funding and is considered an undertaking, as defined by Section 106 of the NHPA, 54 U.S.C. §306101 et seq., and 36 CFR Part 800.

The undertaking includes the construction of approximately 5,800 linear feet (1.76 km) of gravity wastewater line and service laterals connecting approximately 119 lots in the Waikapū area. The new sewer system will connect to an existing manhole located at East Waiko Road, and the new sewerlines will be located within West Waiko Road, Honoapiʻilani Highway, Wilikona Place, Kemoa Place, Keilio Place, Honua Place, Nuna Place, Old Waikapū Road, and Kilohi Street. This project will provide an alternative to the use of cesspools and septic systems in the area, which can have longterm effects on the surrounding environment. The proposed improvements will be located within the roadway rights-of-way (ROW), and sewer connections will extend into the boundaries of privately owned parcels. The project improvements will occur in areas of existing residential and limited commercial developments.

The DOH has engaged SHPD to determine the presence of potential sites of historic importance within the vicinity of the project area as well as the potential impact of the project on such sites, if present.

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-3998
[Department's Acceptance Letter](#)

Name of Applicant: County of Hawai'i Department of Public Works

Agent: Haley & Aldrich, Inc.

Location: Located in Waiākea, Hilo, Hawai'i

TMKS: (3) 2-2-048:001 & (3) 2-4-004:132

Proposed Action: [Four Mile Creek Bridge Replacement](#)

343, HRS determination: [FONSI](#) was published in the [May 23, 2026, issue of the Environmental Notice](#)

Agent's Contact: Taylor Chock
 Phone: (808) 587-7747
 Email: tchock@haleyaldrich.com

OCCL Staff Contact: Raymond Lei
 Phone: (808) 587-0373
 Email: raymond.lei@hawaii.gov

FEDERAL NOTICES

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

Notice: [Marine Mammals and Endangered Species](#) (published by the National Oceanic and Atmospheric Administration on 07/28/2026)

Notice is hereby given that permits have been issued under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

Notice: [Identifying Aquaculture Opportunity Areas in U.S. Waters](#) (published by the National Oceanic and Atmospheric Administration on 07/30/2026)

NOAA is issuing this request for information (RFI) to collect information to help identify the next geographic region(s) of focus for Aquaculture Opportunity Areas (AOA) identification. On May 7, 2020, the White House issued an Executive Order (E.O.) on Promoting American Seafood Competitiveness and Economic Growth, which requires the Secretary of Commerce to identify geographic areas containing locations suitable for commercial aquaculture. These geographic areas are referred to as AOAs. NOAA requests data, comments, views, information, analysis, or suggestions from the public to support the identification of AOAs in U.S. waters, including geographic areas of focus. NOAA requests that interested parties provide relevant information on the identification of areas within U.S. waters for future AOAs. The public input provided in response to this RFI will inform NOAA as it works with other Federal agencies, Regional Fishery Management Councils, and in coordination with state, jurisdictional and tribal governments to identify AOAs nationally. NOAA will combine input received through consultation and coordination with Federal and non-Federal stakeholders, comments on this notice, and spatial analyses by NOAA's National Centers for Coastal Ocean Science (NCCOS), to help identify the next geographic area(s) to focus on for AOA identification.

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).