Pre-decisional Document

DOCKET NO. A02-737
U of N Bencorp
(Kona, Hawai‘i)

Final Environmental Impact Statement
Acceptance Hearing

STAFF REPORT

INFROMATIONAL BREIFING MEETING
July 9, 2025

Daniel E. Orodenker, Executive Officer

Submitted: July 3, 2025

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1. EXPLANATION OF PROCEEDING

This Docket has a lengthy history, but the current hearing is for the review and determination of the Final Environmental Impact Statement. In 2021 Petitioner Requested the LUC to be the Accepting Authority for an EIS, and the LUC issued the 2021 Order which Determines (1) that the Land Use Commission Agrees to be the Accepting Authority Pursuant to Chapter 343, Hawai'i Revised Statutes; and, (2) that the Proposed Action May Have a Significant Impact Upon the Environment to Warrant Proceeding Directly to the Preparation of an Environmental Impact Statement

AUTHORITY AND LEGAL PRECEDENT

Hawai'i Administrative Rules ("HAR") **§ 15-15-70(a)** provides that "[a]ny party may make motions before, during, or after the close of a hearing."

HRS §15-15-50 Form and contents of petition

2021 Motion Requesting LUC to be Accepting Authority

Commission granted Petitioners Motion to be the Accepting Authority of the 2020 Master Plan Update Environmental Impact Statement on February 18, 2021.

Hawai'i Revised Statutes ("HRS") **§343; Environmental Impact Statements**

HAR §11-200 Environmental Impact Statement Rules

2. BACKGROUND INFORMATION

The proceeding before the Land Use Commission ("LUC") is to act as the Accepting Authority Pursuant to Chapter 343, Hawai'i Revised Statutes, for an Environmental Impact Statement for University of the Nations, Kona (A02-737) Master Plan Update.

The A02-737 docket originally involved the reclassification of approximately 62 acres; Tax Map Key Nos.: (3) 7-5-10:85 and 7-5-17:06 situated at Wai'aha 1st,North Kona, Island, County and State of Hawai'i.

The District Boundary Amendment ("DBA") was granted on August 8, 2003, subject to 19 conditions (see 2003 Decision and Order).

The Hualalai Village Residential development was anticipated to be completed by 2007, the commencement of the Cultural Center was to begin during the year 2007, and the Educational Facility was to be started 2005/2006 (pg. 11, 2003 Decision and Order). Further, the Decision and Order states incremental districting was not needed, because the full development was believed to have been completed within ten years of the 2003 Decision and Order.

Please note the subject Docket A02-737 U of N Bencorp, has an extensive history, with numerous Decision and Orders issued, the following history is a brief description.

2003 Original Petition	U of N Bencorp filed a Petition for Boundary Amendment ("Petition") to reclassify approximately 62 acres of land ("Petition Area") from the Agricultural District to the Urban District for a residential community at Wai'aha 1st, North Kona, Island, County and State of Hawai'i. On August 8, 2003, the LUC adopted the Findings of Fact, Conclusions of Law, Decision and Order Granting Petition for Boundary Amendment, and COS. The Petition was granted subject to 19 Conditions.
2006 Motion to Amend	On December 21, 2006, Petitioner filed the 2006 Motion to Amend the 2003 Decision and Order. Petitioner sought to extend time for development and modification of project. The history of this proceeding continues in 2020 when the 2006 Motion to Amend was withdrawn.
2019 Motion to Substitute	On February 4, 2019, the Petitioner Filed a Motion to Substitute Petitioner and Withdraw Land Use Commission Approvals and Revert Land Use District Boundary Classification to Agricultural. Petitioner sought the reversion itself, later in March 15, 2019, the Petitioner requested to withdraw the motion after reconsideration of position.

2019 Order to Show Cause

At the March 27-28 LUC Hearing, Petitioner filed numerous documents, which were posted to the LUC website the following day (March 29, 2019). At the hearing, the Commission voted to set an Order to Show Cause ("OSC") hearing.

On March 29, 2019, the LUC issued an Order to Show Cause, and set the hearing for May 22, 2019.

On May 8, 2019, Petitioner filed Motion to Rescind Order to Show Cause to or Continue hearing on Order to Show Cause.

The OSC hearing was held on May 22, 2019. At the hearing the Commission deferred making a final decision on the OSC and ordered UNK to appear before the Commission in 6 months time with an update on the status of the project and its efforts to comply with the original Decision and Order of August 8, 2003

On October 7, 2019, the Commission issued its Decision and Order granting Petitioners Motion to Continue the hearings on the OSC. The Petitioner was required to return in 6 months with a status report including specific plans to move forward, plans for financing and developing the Petition area, and to file a motion to amend within one year.

2019 Motion to Reconsider

On October 14, 2019, Petitioner Filed Motion for Reconsideration of Order to [sic] Granting United Nation [sic] of Kona's Motion to Continue Hearing On Order to Show Cause,

During the hearing, the Commission orally granted in part and denied in part the Motion for Reconsideration. The granting in part was only to correct factual matters and the nonsubstantive matters that were discussed during the hearing. No

written order was executed on this action (Transcripts for January 8, 2020, meeting pgs. 68-80).

2020 Motion to Amend and Withdrawal of the 2006 Motion to Amend

On March 23, 2020, Petitioner filed the 2020 Motion to Amend, and the Motion to withdraw the 2006 Motion to Amend.

On July 23, 2020, the Commission dismissed the Order to Show Cause without prejudice but encouraged the Petitioner to proceed with Hawai'i Revised Statutes Chapter 343 compliance.

Please note the 2020 Motion to Amend is still active, waiting EIS Approval/hearing, and Petitioner will have to file an updated motion and project proposal.

2021 Motion Requesting LUC to be Accepting Authority of EIS

(Subject Motion of July 9, Hearing)

On January 21, 2021 Petitioner filed its Motion Requesting the Land Use Commission to A) Be the Accepting Authority for an EIS and B) Determine that the Proposed Action Warrants the Preparation of an EIS, to be Initiated with the Preparation of an EISPN, Memorandum.

On February 18, 2021, the LUC issued an order granting University of the Nations, Kona, Inc.'s Motion Requesting the Land Use Commission to (A) Be the Accepting Authority for an Environmental Impact Statement and (B) Determine that the Proposed Action Warrants the Preparation of an Environmental Impact Statement, to be initiated with the Preparation of an Environmental Impact Statement Preparation Notice to Parties.

Continues in 2024 and 2025

2022 and 2023 Status Reports

The 2022 Status Report was scheduled in response to the 2022 Annual Report and the 2022 Supplemental Annual Report.

The Annual Report raised questions about the changing scope of the Project, the status of Applicant's Environmental Impact Statement, financial fitness of the Petitioner, and the housing credits negotiated with the County housing agency.

At the 2022 hearing, the Commission moved that the Draft Environmental Impact Statement be filed with the Commission in the first half of 2023.

The 2022 Status Report Order was issued on December 8, 2022.

The 2023 Status Report was scheduled for June 22, 2023, for Petitioner to appear before the Commission with a comprehensive status report regarding the status of the Environmental Impact Statement for the Petition, as well as answer to the Commission regarding previous representations made.

During the 2023 Status Report Hearing it was represented that the LUC Staff were to receive a preliminary version of the Draft EIS for staff consideration.

The LUC Staff received the preliminary DEIS on June 30, 2023, and submitted internal comments to Petitioner.

2021 Motion Requesting LUC to be Accepting Authority of EIS- CONTINUED 2024 (Subject Motion of July 9, Hearing)

On February 8, 2024, the Draft EIS was posted to the Environmental Notice.

On February 26, 2024, LUC Staff provided a public comment letter on the Draft Environmental Impact Statement.

History of Agenda & Minutes

February 20, 2003: Agenda | Minutes
March 05, 2003: Agenda | Minutes

	May 22, 2003: Agenda | Minutes June 26, 2003: Agenda | Minutes August 07, 2003: Agenda | Minutes March 01, 2007: Agenda | Minutes 03/01/07 March 27, & 28, 2019: Agenda | Minutes 03/27/19 | Minutes 03/28/19 * Corrected 03/28/19 Minutes – per action on 05/07/19 by LUC May 22-23, 2019: Agenda | Minutes January 08-09, 2020: Agenda | Minutes July 22-23. 2020: Agenda | Minutes February 10-11, 2021: Agenda | Minutes November 2, 2022: Agenda | Minutes | Staff Report June 21-22, 2023: Agenda |Minutes| YouTube
2024 Annual Report	On August 9, 2024, Petitioner filed the 2024 Annual Report.
2021 Motion Requesting LUC to be Accepting Authority of EIS - CONTINUED 2025 (Subject Motion of July 9, Hearing)	On June 16, 2025, the LUC Received submittal for FEIS Volume 1 and Volume 2. The Final EIS has been submitted to the Environmental Review Program and will be published in the June 23, 2025 issue of *The Environmental Notice*. See the attached HRS 343-5(C), Applicant Action Environmental Impact Statement Checklist, for measure of completeness.

3. OPSD POSITION

No comments on the matter have been received as of 07/03/2025.

4. COUNTY OF HAWAIʻI DEPARTMENT OF PLANNING AND PERMITING POSITION

No comments on the matter have been received as of 07/03/2025.

5. STAFF ANALYSIS

On June 16, 2025, the LUC Received submittal for FEIS Volume 1 and Volume 2.

- See the attached HRS 343-5(C) and HAR Chapter 11-200.1-24 Applicant Action Environmental Impact Statement Checklist, for measure of completeness.

- It is important to note that Chapter 343 Documents are disclosure documents and are part of the representations made to the Commission, but it is the Commission's responsibility to add any Best Management Practices and mitigation measures it deems necessary to support HRS 205, HAR 15-15, and the Commission's public trust and fiduciary duties, in the future Motion to Amend as Conditions of Development in the Decision and Order.

Staff Concerns and Questions for further expansion are below:

Groundwater Resources/ Hydrology	Groundwater Resources/ Hydrology Located Chapter 4; Section 4.5 (pg. 4-17-4-23) The Petition Area is situated within the Hualalai Aquifer Sector Area, which is comprised of the Keauhou Aquifer System Area ("ASYA") and the Kiholo ASYA. It is public knowledge that this area is limited in current water capacity, and the possible future development of wells that draw from the deep confined freshwater zone is controversial and politically charged. The Section states; "Past and continued monitoring of DWS' inland potable wells, including the Keōpū Monitor Well, have shown no adverse effects to basal groundwater and it is not anticipated withdrawal of water from the deep confined freshwater zone at either of the two identified locations for a new well will affect the flowrate and salinity of the brackish basal lens in the nearshore area due to the fresh water body at depth below salt water". And; "Due to the location of the identified well sites, which sit approximately 4.5 and 5 miles from the

Kaloko-Honokōhau National Park, and the amount of water needed to support the Master Plan Update, it is not anticipated that the drawing of water at these two sites will affect freshwater flow to the coastline at the National Park or within the nearby vicinity of the National Park, or affect biota and Native Hawaiian traditional and customary practices".

However, these statements are only supported by limited data collected over a short period of time (Appendix D),which do not consider the full capacity of the "pending" projects in Kona, and do not consider the impact of climate change on the availability of water.

Staff cautions the Commission on water in this area as; the extent of impact on downstream cultural resources and culturally important species are not yet fully understood or documented, there are numerous projects in this area relying on the unapproved well capacity, and the impact of climate change on the availability of water has not been considered in the document. The various wells referenced have been the subject of hearings at the Commission of Water Resource Management and final decisions have not been rendered with regard to the viability or impacts of those wells.

Section 5.1 Interrelationships and Cumulative Environmental Impacts (pg. 5-2); acknowledges the numerous upcoming projects in the region, and additionally says … "Due to the recent discovery of water in the deep confined freshwater zone, there is limited data on the impacts of drawing water from the deep confined freshwater zone".

Staff believes the FEIS should have considered and discussed the opposing positions with regard to impact of the wells on the aquifer in

section 4.5 Groundwater Resources/ for a more robust disclosure regarding water resources in the area.

Cultural Resources and Practices and Ka Pa‘akai o Ka ‘Aina Analysis

Cultural Resources and Practices; Section 4.16 conducted in 2020, prior to the EIS process, and no updated information included.

- Consultation on Cultural impact assessment (“CIA”) appears to be weak

The CIA indicates high chances of archeological findings; staff suggests during the motion to amend proceedings, a condition for requiring an archeological monitor present at the time of all earth disturbing activities and development. The petitioner has given staff reason to believe the labor force will likely be foreign volunteer mission builders who will not be familiar with potential archaeological findings and protocols.

Finally, the CIA appears to have only focused on archeological and preservation plans, and did not include discussion on flora, fauna, water, and other resources related to traditional and customary practices.

Ka Pa‘akai o Ka ‘Aina Analysis; Section 4.17 and Appendix L
Conducted in 2020, prior to the EIS process, and no updated information included.

- Does not appear to follow the three part procedure required by *Ka Pa‘akai O Ka‘Aina v. Land Use Com'n, 2000*
- The second part of analysis appears to be missing; The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed action
- Lacking clear structure as recommended in the decision in *Ka*

	Pa'akai O Ka'Aina v. Land Use Com'n, 2000
	Ka Pa'akai o Ka 'Aina Analysis may not be required in the FEIS by HRS §343 or in HAR §11-200, 1-24, however, this IS a disclosure document that needs to clearly identify impacts and mitigation measures. Additionally, the Ka Pa'akai o Ka 'Aina Analysis only focused on archeological and preservation plans, and did not include discussion on potential flora, fauna, water, and other resources related to traditional and customary practices. Staff believes more information relevant to a Ka Pa'akai o Ka 'Aina Analysis is required for the Commission to meet its obligations under the law requiring it to err on the side of caution and protect the reasonable exercise of customarily and traditionally exercised rights of Hawaiians to the extent feasible.
Development Time Frame	Chapter 2 Project Description; Section 2.1 Proposed Action includes Table 2.1 Planning Program, Master Plan Update Phase 1; 5-10 years Phase 2; beyond 10 years Phase 3; beyond 20 years This development time frame is significantly longer than the LUC usually accepts, especially given the size of the proposed master plan update. This extended development timeline could result in Commission's conditions containing deadlines not being met resulting in continuous "motion to amend" proceedings.
Impact of Mission Builders During Development	The EIS indicates that 200 volunteer mission builders will be invited per quarter to support

	program operations during Phase II of Development (Section 2; pg.2-3) LUC Staff is concerned that disclosure of the impact on local housing supply or lodging during development phases is not fully disclosed or discussed. Additionally, since volunteer mission builders are being asked to contribute to development, staff believes it is crucial to disclose the insurance and liability measures being undertaken as well as training measures for such volunteers. As previously mentioned, there is concern that various mitigation measures may require significant expertise to administer, such as those relating to flora/fauna and archeological preservation. (This relates to a missing discussion pursuant to HAR §11-200.12 (f) regarding assurances of mitigation procedures that may result in the EIS being incomplete and flawed)
Climate Change	Chapter 4; Section 4.6.7 (pgs. 4-31-4-34) Discussion of climate change impacts should include more than sea-level rise, this section would be better expanded if disclosures were made regarding the potential impacts of climate change on water availability and drought.

Staff Recommendation

LUC Staff believes the EIS is weak, lacks updated studies after 2020, and is missing detailed and in-depth elaboration on numerous topics important to LUC Decision making criteria for DBAs and amendments, however, Petitioner may, arguably, have fulfilled most of the minimum Content Requirements for the Final Environmental Impact Statement pursuant to HRS 343-5c and HAR Chapter 11-200.1-24. However, there are some missing elements and secondary impacts that have not been discussed that are a reason for concern.

Possible Commission Actions
The Hawai‘i Environmental Review Process (HAR §11-200.1-28) sets forth the actions which may be taken by the accepting authority

Acceptability of a final EIS shall be evaluated on the basis of whether the final EIS, in its completed form, represents an informational instrument that fulfills the intent and provisions of chapter 343, HRS, and adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.

Pursuant to the applicable rules the Commission may:

1) Deem the University of the Nations, Kona, Inc. 2020 Master Plan Update Final Environmental Impact Statement UNACCEPTABLE for failing to meet the requirements of chapter 343;

2) Deem the University of the Nations, Kona, Inc. 2020 Master Plan Update Final Environmental Impact Statement ACCEPTABLE if the accepting authority (LUC) finds the following criteria have been satisfied:
    1. The procedures for assessment, consultation process, review, and the preparation and submission of the EIS, from proposal of the action to publication of the final EIS, have all been completed satisfactorily as specified in the chapter (HAR §11-200);
    2. The content requirements described in the chapter (HAR §11-200) have been satisfied; and
    3. Comments submitted during the review process have received responses satisfactory to the accepting authority, including properly identifying comments as substantive and responding in a way commensurate to the comment , and have been appropriately incorporated into the final EIS.

3) Request the Environmental Review Program of OPSD to make a recommendation regarding the acceptability or non-acceptability of the EIS.

Appendix A

HRS 343-5(c) Environmental Impact Statement Checklist
HAR 11-200, 1-24 Content Requirements

HRS 343-5(c), APPLICANT ACTION ENVIRONMENTAL IMPACT STATEMENT CHECKLIST

Append to FEA-EISPN Applicant Actions Checklist

Action (Project) Name: A02-737 U of N Bencorp, University of the Nations, Kona, Inc. 2020 Master Plan Update
Applicant: University of the Nations, Kona, Inc.
Approving Agency[1]: Land Use Commission
Island and Tax Map Key: (3) 7-5-010:085 and (3)7-5-017:006

PART A: DRAFT ENVIRONMENTAL IMPACT STATEMENT (filed by the applicant simultaneously with ERP and the Approving Agency with ERP Publication Form and Distribution List for verification by ERP - with 45-day public comment period)

Content Requirements (see Section 11-200.1-24, HAR)

x 1. Summary sheet (abstract) which concisely discusses the following:
- x Brief description of the action
  ES.1 (pgs, ES-1)
- x Significant beneficial and adverse impacts (including cumulative and secondary impacts)
  ES.3 (pgs. 2-4)
- x Proposed mitigation measures
  ES. 4 (pgs. ES 5-15)
- x Alternatives considered
  ES.3 (pgs. ES 2-4)
- x Unresolved issues
  ES.7 (pg. ES-16)
- x Compatibility with land use plans and policies
  ES.5 (pg. ES-5)
- x Listing of permits or approvals
  ES.8 (pg ES-17), 1.6 (pg. 1-6)

x 2. Table of contents

x 3. Statement of purpose and need for the proposed action

ES.2 (pg. ES-2)

x 4. Project description which shall include the following:
- x A detailed map (U. S. Geological Survey topographic, Flood Insurance Rate Maps, or Floodway Boundary Maps) and a related regional map

Statement of objectives
- x General description of the action's technical, economic, social and environmental characteristics
- n/a Use of State or County funds or lands for the action (if any)
- x Phasing and timing of action
  2.1 (pgs. 2-1, 2-5-2-7)
- x Summary of technical data, diagrams and other information necessary to permit an evaluation of potential environmental impact by commenting agencies and the public
  (pg. 1-7-1-14)
- x Historic (archaeological and cultural) perspective

x__ 5. Discussion of alternatives that could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected

Chapter 3 (pgs. 3-1-3-4)

x__ Rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions
x__ Alternatives that enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks (if any)
x__ No action alternative
x__ Alternatives requiring actions of a significantly different nature that would provide similar benefits with different environmental impacts (if any)
x__ Alternatives related to different designs or details of the proposed actions, which would present different environmental impacts (if any)
_x__Alternative of postponing the action pending further study (if any)
___ Alternative locations for the proposed project (if any)
x__ Comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative
x__ Detailed explanation(s) why alternatives were rejected

x__ 6. Description of the environmental setting **Chapter 4 (pgs. 4-1-4-116)**

x__ Description of the environment[2] in the vicinity of the action as its exists before commencement of the action from a local and regional perspective
x__ Environmental resources that are rare or unique to the region and the project site (including natural or human- made resources of historic, archaeological, contemporary cultural, or aesthetic significance)
x__ Reference to related projects, public and private, existent or planned in the region
x__ Population and growth characteristics, population and growth assumptions used to justify the action
x__ Identification of data sources used to identify, qualify, or evaluate any and all environmental consequences

x__ 7. Relationship to land use plans, policies, and controls **Chapter 6**

x__ Discussion of how the proposed action may conform or conflict with objectives and specific terms of approved or proposed land use plans, policies, and controls, if any
x__ Where a conflict or inconsistency exists, reasons why the agency or applicant has decided to proceed notwithstanding the absence of full reconciliation
x__ List and status of necessary approvals from governmental agencies, boards or commissions or other similar groups having jurisdiction

x__ 8. Probable impact (using the environmental setting described above as the backdrop for analysis and discussion) **Chapter 5; Section 5.1 and 5.2**

x__ Impacts (direct, indirect, and cumulative) of the project on the environment
x__ Impacts (direct, indirect, and cumulative) of the natural physical and human environment on the project
x__ Consideration of all phases of the action and consideration of all environmental consequences
x__ Discussion of direct and indirect effects
x__ Discussion of cumulative environmental impacts in the reasonably foreseeable future of the proposed action in relation to other projects
x__ Population and growth impacts of an action
x__ Discussion and incorporation of necessary data (if the proposed action constitutes an direct or indirect source of pollution determined by a government agency)

x__ 9. Relationship between local short-term uses of humanity's environment and the maintenance and enhancement of long- term productivity **Chapter 5; Section 5.3**

x__ Discussion of the extent to which the proposed action involves trade-offs among short-term and long-term gains and losses
x__ Discussion of the extent to which the proposed action forecloses future options, narrows the range of beneficial uses of the environment

NOTE: *Short-term and long-term do not necessarily refer to any fixed time periods, but shall be viewed in terms of the environmentally significant consequences of the proposed action.*

___ 10. Separate and distinct section containing the description of all irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented **Chapter 5; Section 5.4**

x__ Identification of unavoidable impacts

___ Identification of the extent to which the action makes use of non-renewable resources during the phases of the action

NOTE: *Agencies shall avoid construing the term "resources" to mean only the labor and materials devoted to an action. "Resources" also means the natural and cultural resources committed to loss or destruction by the action.*

___ 11. Addresses all probable adverse environmental effects which cannot be avoided **Chapter 5; Section 5.5**

x__ Water or air pollution

x__ Urban congestion

x__ Threats to public health

x__ Consequences adverse to environmental goals and guidelines established by environmental response laws, coastal zone management laws, pollution control and abatement laws, and environmental policy

x__ Rationale for proceeding with proposed action notwithstanding unavoidable effects

___ Discussion of other interests and considerations of governmental policies that are thought to offset the adverse environmental effects of the proposed action.

___ Discussion of the extent to which stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects.

___ 12. Mitigation measures proposed to avoid, minimize, rectify or reduce impact

___ Provision for compensation for losses of cultural, community, historical, archaeological, fish and wildlife resources, including the acquisition of land, waters and interests therein (if any)

x__ Discussion of measures to reduce significant, unavoidable, adverse impacts to insignificant levels, and the basis for considering these levels acceptable

___ Where a particular mitigation measure has been chosen from among several alternatives, the measures have been discussed and the reasons for the choice have been disclosed

___ Timing of each step in the mitigation process

___ What performance bonds (if any) may be posted

___ Provisions proposed to assure that the mitigation measures will be taken

x__ 13. Separate and distinct section summarizing unresolved issues

x__ Discussion of how such issues will be resolved prior to commencement of the action or discussion of the overriding reasons for proceeding without resolving the problems

x__ 14. Separate and distinct section containing a list that identifies all government agencies, other organizations and private individuals consulted in preparing the statement (consulted parties and commenters during the FEA-EISPN process)

x__ Identity of all persons, firms, or agency preparing the statement by contract or by authorization

x__ 15. Separate and distinct section containing reproduction of all substantive comments and responses made during the consultation process

x__ List of persons or agencies who were consulted and had no comment

EIS Style (see Section 11-200-19, HAR)

x 1. The draft EIS is written in a way that conveys the required information succinctly in a form easily understood by members of the public and public decision makers

x 2. The scope of the draft EIS is commensurate with the scope of the proposed action and its impact

x 3. Data and analyses in the draft EIS are commensurate with the importance of the impact

x 4. Less important material is summarized, consolidated, or simply referenced

x 5. The draft EIS indicates at appropriate points in the text any underlying studies, reports and other information obtained and considered in preparing the draft EIS including cost benefit analyses and reports required under other legal authorities

x 6. The draft EIS focuses on important issues

x 7. The draft EIS is an essentially self-contained document, capable of being understood by the reader without the need for undue cross-reference

Filing of an EIS (see Section 11-200-20, HAR, 2008 Distribution Policy)

x 1. The applicant filed the draft EIS with the approving agency along with the minimum amount of copies required by the approving agency

? 2. The applicant simultaneously filed four printed copies (or alternatively, one electronic copy and two hard copies) of the draft EIS with the Environmental Review Program

x 3. The applicant signed the draft EIS and indicated that the draft EIS and all ancillary documents were prepared under the applicant's direction or supervision and that the information submitted, to the best of the applicant's knowledge fully addresses document content requirements as set for in Section 11-200- 17, HAR

Distribution (see Section 11-200-21, HAR, and 2008 Distribution Policy)

x 1. The applicant submitted a distribution list with the draft EIS for verification by the Environmental Review Program

x 2. The Environmental Review Program issued a written verification of the distribution list before the issue date of The Environmental Notice announcing the draft EIS

? 3. The Office received the fifth printed copy (or the third copy for applicants submitting an electronic copy) of the draft EIS by mail/courier, thus confirming the distribution of the document on ___

PART B: FINAL ENVIRONMENTAL IMPACT STATEMENT (filed by the applicant simultaneously with ERP and the Approving Agency with ERP Publication Form and Distribution List for verification by ERP – with public comment period).

Content Requirements (see Section 11-200-18, HAR)

x 1. The draft EIS was revised as the final EIS to incorporate substantive comments received during the 45-day public review period

x 2. Reproductions of all timely-received letters received containing substantive comments and, as applicable, summaries of any scoping meetings

x 3. A list of persons, organizations, and public agencies commenting on the draft EIS

x 4. The point-by-point responses of the applicant to each substantive question, comment, or recommendation received in the review and consultation process

x 5. The text of the final EIS is written in a format that allows the reader to easily distinguish changes made to the draft EIS

EIS Style (see Section 11-200-19, HAR)

x 1. The final EIS is written in a way that conveys the required information succinctly in a form easily understood by members of the public and public decision makers

x 2. The scope of the final EIS is commensurate with the scope of the proposed action and its impact

x 3. Data and analyses in the final EIS are commensurate with the importance of the impact

x 4. Less important material is summarized, consolidated, or simply referenced

x 5. The final EIS indicates at appropriate points in the text any underlying studies, reports and other information obtained and considered in preparing the final EIS including cost benefit analyses and reports required under other legal authorities

x 6. The final EIS focuses on important issues

x 7. The final EIS is an essentially self-contained document, capable of being understood by the reader without the need for undue cross-reference

Filing of an EIS (see Section 11-200-20, HAR, 2008 Distribution Policy)

x 1. The applicant filed the final EIS with the approving agency along with the minimum amount of copies required by the approving agency

x 2. The applicant simultaneously filed two printed copies (or alternatively, one electronic copy and two hard copies) of the final EIS with the Environmental Review Program

x 3. The applicant signed the final EIS and indicated that the final EIS and all ancillary documents were prepared under the applicant's direction or supervision and that the information submitted, to the best of the applicant's knowledge fully addresses document content requirements as set forth in Sections 11-200-17 and 11-200-18, HAR

Distribution (see Section 11-200-21, HAR, and 2008 Distribution Policy)

x 1. The applicant submitted a distribution list with the final EIS for verification by the Environmental Review Program

x 2. The Environmental Review Program issued a written verification of the distribution list before the issue date of The Environmental Notice announcing the final EIS

x 3. The Office received the fifth printed copy (or the third copy for applicants submitting an electronic copy) of the final EIS by mail/courier, thus confirming the distribution of the document on 06/23/2025

Public Review Requirements (see Section 11-200-22, HAR)

x 1. The responses to timely received (postmark or time stamped) comments includes:
- x Point-by-point discussion of the validity, significance, and relevance of comments
- x Discussion as to how each comment was evaluated and considered in planning the proposed action
- x Response letters reproduced in the final EIS indicate verbatim changes that have been made to the text of the draft EIS
- x Response letters describe the disposition of significant environmental issues raised
- x Issues raised when the applicant's position is at variance with the recommendations and objections raised in the comments are addressed in detail, giving reasons why specific comments were not accepted, and factors of overriding importance warranting an override of the suggestions

NOTE: *An addendum document to the draft environmental impact statement shall reference the original draft environmental impact statement it attaches to and comply with all applicable filing, public review, and comment requirements set forth in Sub-Chapter 7, Chapter 11-200, HAR*

Determination of Acceptability (see Section 11-200-23, HAR)

____1. Certification of satisfactory completion of the procedures for environmental assessment (Section 11-200-9, HAR), consultation (Section 11-200-15, HAR), public review (Section 11-200-22, HAR), preparation and submission of the statement (Sub-Chapter 7, HAR 11-200)

____ 2. Certification of satisfactory completion of the content requirements (for environmental assessment and environmental impact statement (Chapter HAR 11-200)

____ 3. Certification that comments received during the review process have received responses satisfactory to the approving agency (or agency with authority to determine acceptability - see end note 1)

[1] Section 343-5(c), HRS, states in pertinent part that "[t]he authority to accept a final statement shall rest with the agency initially receiving and agreeing to process the request for approval. The final decision-making body or **approving agency** for the request for approval is not required to be the accepting authority. The planning department for the county in which the proposed action will occur shall be a permissible accepting authority for the final statement." [Emphasis supplied].

[2] Section 11-200-2, HAR, defines "environment" as "humanity's surroundings, inclusive of all the physical, economic, cultural and social conditions that exist within the area affected by a proposed action, including land, human and animal communities, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."