



The Environmental Notice

June 23, 2025

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

The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments (EAs) and Environmental Impact Statements (EISs) for projects in Hawai'i. The Environmental Notice also includes other items related to the shoreline, coastal zone, and federal activities.



The University of the Nations, Kona is proposing to expand its existing campus.

photo from the [project's Final EIS](#)

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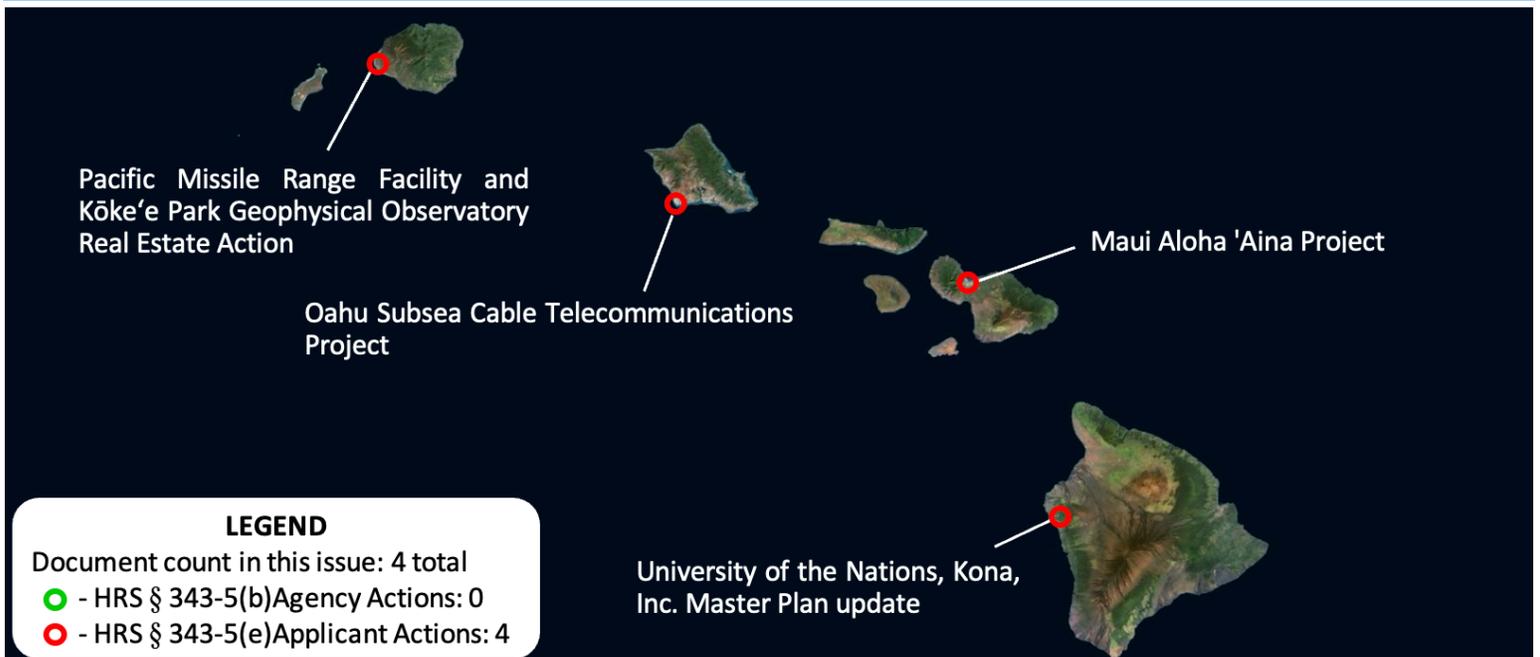
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ANNOUNCEMENTS

- 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.
- The 2025 Hawai’i Congress of Planning Officials (HCPO) will take place on August 27-29, 2025 at the Hilton Hawaiian Village Waikiki Beach Resort. Early Bird registration is available [online](#) until June 30th. Visit the [OPSD HCPO webpage](#) for more information.

STATEWIDE MAP OF EA/EIS DOCUMENTS AND DETERMINATIONS



HAWAII EAS/EISS

University of the Nations, Kona, Inc. Master Plan update – Final EIS Vol 1 and Vol 2

| | |
|---|---|
| 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 Kona |
| TMK(s) | (3) 7-5-010:085; (3) 7-5-017:006 |
| Permit(s) | Various - See Section 1.6 |
| Approving Agency / Accepting Authority | State of Hawai'i, State Land Use Commission Martina Segura, (808) 587-3825, martina.t.segura@hawaii.gov P.O. Box 2359, Honolulu, HI 96804 |
| Applicant | University of the Nations, Kona, Inc.; 75-5851 Kuakini Highway, Kailua-Kona, HI 96740 David Hamilton, (808) 326-7228, studentservices@uofnkona.edu |
| Consultant | G70; 111 South King Street, Suite 170, Honolulu, HI 96813 Jeff Overton, (808) 523-5866, uofnkona@g70.design |
| Status | Final EIS has been submitted and is pending acceptance by the accepting authority. |

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

If you are experiencing any ADA compliance issues with the above project, please contact the University of the Nations, Kona, Inc. consultant, Kiralee Ramos, at kirar@g70.design.

MAUI EAS/EISS

Maui Aloha 'Aina Project – Draft EA (AFNSI)

| | |
|------------------------------|---|
| HRS §343-5(a) Trigger | (9)(B) Propose any waste-to-energy facility |
| District(s) | Wailuku |
| TMK(s) | (2) 3-8-001:002 |
| Permit(s) | Solid waste, grading, building, electrical, and plumbing permits |
| Approving Agency | County of Maui, Department of Environmental Management Shayne Agawa, (808) 270-8230, shayne.agawa@mauicounty.gov 200 S. High Street; Wailuku, Hawaii 96793 |
| Applicant | E&K Aloha Aina, LLC; 500 Waiale Road, Suite B, Wailuku, Hawaii 96793 Keoni Gomes, (808) 870-4566, gomes@aloha.net |
| Consultant | Kyle Ginoza; 39 Maka Hou Pl, Wailuku, Hawaii 96793 Kyle Ginoza; (808) 871-7375, ginoza@gmail.com |
| Status | Statutory 30-day public review and comment period starts. Comments are due by July 23, 2025. Please click on title link above to read the document, then send comments to environmental.mgmt@co.maui.hi.us . |

E&K Aloha Aina, LLC is proposing a landfill diversion project which converts municipal solid waste and mixed plastic waste into renewable natural gas. Through this waste-to-fuel project, waste will be sorted, processed, and thermochemically transformed for beneficial use, instead of being landfilled. This waste-to-fuel project is anticipated to result in landfill diversion of roughly 90 percent of all incoming material.

Waste will be brought to the plant facility from commercial and residential collection or transfer station in trucks. The waste will be sorted and transformed into residual derivative fuel (RDF). The resulting RDF briquettes will be stored near the gasification unit and introduced into the gasifier at a steady rate via a hopper to maintain a consistent production rate of syngas.

While the ash will be landfilled, the gas mixture will be further purified and will result in a primarily hydrogen, carbon monoxide, and carbon dioxide gas mixture. This synthetic gas (syngas) will be further refined through a methanation process to produce renewable natural gas. The renewable natural gas produced will either be utilized on Maui or compressed and shipped to Oahu.

If you are experiencing any ADA compliance issues with the above project, please contact the E&K Aloha Aina, LLC consultant, Kyle Ginoza, at ginoza@gmail.com.

KAUA‘I EAS/EISS

Pacific Missile Range Facility and Kōke‘e Park Geophysical Observatory Real Estate Action – Draft EIS Vol 1, Appendices Vol 2, Appendices Vol 3, Appendices Vol 4, and Public Scoping Meetings Audio Recording

| | |
|------------------------------|---|
| 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) | Waimea |
| TMK(s) | (4) 1-2-001:006 (por.), (4) 1-2-001:010, (4) 1-2-002:001 (por.), (4) 1-2-002:010 (por.), (4) 1-2-002:024 (por.), (4) 1-2-002:025, (4) 1-2-002:026, (4) 1-2-002:027, (4) 1-2-002:028, (4) 1-2-002:029, (4) 1-2-016:011 (por.), (4) 1-4-001:002 (por.), (4) 1-4-001:013 (por.), (4) 1-4-001:014 (por.) |
| Permit(s) | Numerous |
| Approving Agency | State of Hawai‘i, Department of Land and Natural Resources, Land Division Ian Hirokawa, (808) 587-0419, ian.c.hirokawa@hawaii.gov 1151 Punchbowl Street, Room 220, Honolulu, HI 96813 |
| Accepting Authority | State of Hawaii Board of Land and Natural Resources |
| Applicants | Commander, Navy Region Hawaii Naval Facilities Engineering Systems Command 400 Marshall Road, Building X-11, Pearl Harbor, HI 96860 Kerry Ling, (808) 473-0662, info@PMRF-KPGO-EIS.com National Aeronautics and Space Administration Shari Miller, (757) 824-2327, gsfc-nepa@nasa.gov Goddard Space Flight Center; 34200 Fulton Street, Wallops Island, VA 23337 |
| Consultant | Cardno GS-AECOM Pacific Joint Venture; 737 Bishop Street, Suite 3050, Honolulu, HI 96813 Michele Lefebvre, (808) 791-9872, info@PMRF-KPGO-EIS.com |
| Status | Statutory 45-day public review and comment period starts. Comments are due by August 7, 2025. Please send comments to info@PMRF-KPGO-EIS.com . |

The Navy proposes to retain the use of 8,172 acres of state lands on Kaua‘i, Hawai‘i, for operational continuity and sustainment, in support of continued military training, testing, and facility operations at the Pacific Missile Range Facility (PMRF). The National Aeronautics and Space Administration (NASA) proposes to retain the use of 23 acres of state lands on Kaua‘i, Hawai‘i, in support of continued operations including measurements of the Earth’s rotation and local land motion at Kōke‘e Park Geophysical Observatory (KPGO).

The Navy and NASA will host public meetings at 3 locations on Kaua‘i in July 2025. Each meeting will include a live online broadcast and public comment opportunity. **Meetings will be held from 5 to 8 p.m. HST.** To participate online, register at PMRF-KPGO-EIS.com. **PUBLIC MEETINGS: (1) July 15, Kaua‘i Veterans Center (3215 Kaua‘i Veterans Memorial Hwy, Līhu‘e), (2) July 16, Kekaha Neighborhood Center (8130 Elepaio Road, Kekaha), and (3) July 17, Sheraton Kaua‘i Coconut Beach Resort, Makai Ballroom (650 Aleka Loop, Kapa‘a).** AGENDA: Information stations from 5 to 6 p.m. Presentation from 6 to 6:30 p.m. Public oral comments from 6:30 to 8 p.m.

If you are experiencing any ADA compliance issues with the above project, please contact the Navy Region Hawaii Naval Facilities Engineering Systems Command consultant, Michele Lefebvre, at michele.lefebvre@stantecgs.com.

O’AHU EAS/EISS

Oahu Subsea Cable Telecommunications 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 (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area |
| District(s) | ‘Ewa |
| TMK(s) | (1) 9-1-026:027 (seaward) |
| Permit(s) | U.S. Army Corps of Engineers Nationwide Permit 57, Conservation District Use Permit, Submerged Land Easement Shoreline Certification, Hawai‘i Department of Transportation Use and Occupancy Agreements, Special Management Area Major Permit, Shoreline Setback Variance, Utility Easements with City and County of Honolulu, Building, Right-of-Entry, and Construction Permits |
| Approving Agency | State of Hawai‘i, DLNR Office of Conservation and Coastal Lands Kariann Stark, (808) 587-0380, kariann.stark@hawaii.gov 1151 Punchbowl St., Room 131, Honolulu, HI 96813 |
| Applicant | Humuhumu Services, LLC and Starfish Infrastructure, Inc.; 1001 E. McComas Street, Baltimore, Maryland 21230 Lauren Minford, (804) 887-0193, lminford@subcom.com |
| Consultant | ICF; 980 9th Street, Suite 1200, Sacramento, California 95814 Tanya Copeland, (970) 691-4724, tanya.copeland@icf.com |
| Status | Statutory 30-day public review and comment period starts. Comments are due by July 23, 2025. Please click on title link above to read the document, then send comments to tanya.copeland@icf.com . |

Humuhumu Services, LLC and Starfish Infrastructure, Inc. propose to construct the O’ahu Subsea Cable Telecommunications Project (Project). The onshore portion of the Project includes a cable landing site at Barbers Point Beach Park (Tax Map Key [1] 9-1-026:027) and installation of an underground conduit system in public road rights-of-way to a new telecommunication facility that would be located at University of Hawai‘i – West O’ahu. The offshore portion of the Project includes six landing pipes that would be installed with directional drilling and three subsea fiber optic cables that would be surface laid in State of Hawai‘i marine waters. The overall purpose of the project is to provide affordable, reliable, and diverse internet connectivity between Hawai‘i, the continental United States, other Pacific Islands, Australia, and Japan.

If you are experiencing any ADA compliance issues with the above project, please contact the DLNR Office of Conservation and Coastal Lands planner, Kariann Stark, at kariann.stark@hawaii.gov.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began previously. **Comments are due July 8, 2025.** 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

[‘Elepaio Food Campus Master Plan – Draft EA \(AFNSI\)](#)

SHORELINE NOTICES

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-2135 | Proposed | 84-253 Farrington Highway | 96762 | (1) 8-4-001:016 | Ailana Surveying & Geomatics | David Y. Rochlan Jr. |
| HA-653 | Proposed | 27-121 Mill Road | 96781 | (3) 2-7-004:118 | Thomas G. Pattinson | Brian Clark Living Trust |
| KA-496 | Proposed | 8041 Kaunaulii Highway | 96752 | (4) 1-3-001:006 | Honua Engineering | Kai Blond |

COASTAL ZONE MANAGEMENT NOTICES

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: Kailua-Kona (7-7-004:056) | After-the-Fact Grading (PL-SMM-2025-000074) | Jason Hulce; Kona Built Construction |
| Maui: Lahaina (4-4-001:055-0001) | Papakea Seawall, sink hole repairs and fill isolated sink holes. (SM22025-00014) | Brad Wells |
| Maui: Ha'ikū (2-8-004:003) | Kloepfer Farm, construction of two concrete slabs, Ag structure, storage containers, three water tanks and deer fencing. (SM2025-00023) | David Sellers |
| Maui: Ha'ikū (2-7-004:063) | Karma Investments, LLC, construction of a new barn, fencing, septic system, driveway, placement of two water tanks and pad for future main dwelling. (SM22025-00024) | Juan Gilberto |
| Maui: Lahaina (4-4-008:019) | Westin Ka'anapali, Project comprises updating existing rooftop telecommunications equipment to comply with OSHA standards.. (SM22025-00025) | Kathy Phelps |
| O'ahu: Maleakahana (5-6-001:087) | Van Mourick Second Single-Family Dwelling (2025/SMA-38) | Planning Solutions (Jim Hayes) |

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.

Proposed Rule: [Renewable Fuel Standard \(RFS\) Program: Standards for 2026 and 2027, Partial Waiver of 2025 Cellulosic Biofuel Volume Requirement, and Other Changes](#) (published by the Environmental Protection Agency on 06/17/2025)

Under the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is required to determine the applicable volume requirements for the Renewable Fuel Standard (RFS) for years after those specified in the statute. EPA is proposing the applicable volumes and percentage standards for 2026 and 2027 for cellulosic biofuel, biomass-based diesel (BBD), advanced biofuel, and total renewable fuel. EPA is also proposing to partially waive the 2025 cellulosic biofuel volume requirement and revise the associated percentage standard due to a shortfall in cellulosic biofuel production. Finally, EPA is proposing several regulatory changes to the RFS program, including reducing the number of Renewable Identification Numbers (RINs) generated for imported renewable fuel and renewable fuel produced from foreign feedstocks and removing renewable electricity as a qualifying renewable fuel under the RFS program (eRINs). **Comments must be received on or before August 8, 2025.** For more information, please click on the title link above.

Notice: [Applications for Membership to the American Fisheries Advisory Committee](#) (published by the National Oceanic and Atmospheric Administration on 06/16/2025)

Applications are being sought for appointment by the Secretary of Commerce (Secretary) for 7 membership positions to serve on the 22-member American Fisheries Advisory Committee (AFAC or Committee). Individuals selected to serve on the Committee will serve a term of three years, unless otherwise stipulated. **Applications must have an email date stamp on or before June 20, 2025.** For more information on how to apply, please click on the title link above.

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Applications 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 OA-3974, Attachments, Building Plans](#)
[Department's Acceptance Letter](#)

Name of Applicant: City and County of Honolulu's Department of Design and Construction

Agent: AECOM

Location: Near 3708 Nu'uaniu Pali Drive, Upper Nu'uaniu, Honolulu, Island of O'ahu

TMK: (1) 2-2-054:001

Proposed Action: [Nu'uaniu Erosion Control Project](#)

343, HRS determination: [Exempt](#) on February 18, 2025, per DDC Exemption List Part 1, Type 2, 26 and 42; Part 2, Type 3, 19 and 33; Part 2, Type 4, 5 and 6

Agent's Contact: Kevin Uejio
 Phone: (808) 722-9487,
 Email: kevin.uejio@aecom.com

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

PROJECT:

File No.: [CDUA OA-3984 \(Department's Acceptance Letter\)](#)

Name of Applicant: State of Hawai'i, Department of Accounting and General Services (DAGS)

Agent: Bowers & Kubota Consulting, Inc
 Carah Kadota
 Phone: (808) 521-5361
 Email: ckadota@bowersandkubota.com

Location: 3286 Round Top Drive, Makiki, O'ahu

TMK: (1) 2-5-019:003 & 011

Proposed Action: [ETS Radio Facility Tower Upgrade](#)

343, HRS determination: The [Final Environmental Assessment](#) published in the [April 8, 2025](#), edition of The Environmental Notice with a FONSI

Agent Contact: Carah Kadota | ph: (808) 521-5361
 Email: ckadota@bowersandkubota.com

OCCL Staff Contact: Alyssa Accardo | ph: (808) 587-0048
 Email: alyssa.m.accardo@hawaii.gov

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents submitted for publication that have been prepared pursuant to NEPA, rather than Chapter 343, HRS (sometimes referred to as “HEPA”). Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and HEPA. In those cases, a separate Chapter 343, HRS, entry would be published in *The Environmental Notice* when a relevant document or determination is submitted to OPSD/ERP such as on page 4 of this issue.

Pacific Missile Range Facility and Kōke‘e Park Geophysical Observatory Real Estate Action – Draft EIS

| | |
|-------------------------|---|
| Island | Kaua‘i |
| District(s) | Waimea |
| TMK(s) | (4) 1-2-001:006 (por.), (4) 1-2-001:010, (4) 1-2-002:001 (por.), (4) 1-2-002:010 (por.), (4) 1-2-002:024 (por.), (4) 1-2-002:025, (4) 1-2-002:026, (4) 1-2-002:027, (4) 1-2-002:028, (4) 1-2-002:029, (4) 1-2-016:011 (por.), (4) 1-4-001:002 (por.), (4) 1-4-001:013 (por.), (4) 1-4-001:014 (por.) |
| Permit(s) | Numerous |
| Applicants | <p>Commander, Navy Region Hawaii Naval Facilities Engineering Systems Command, Environmental OPHEV2 400 Marshall Road, Building X-11 Pearl Harbor, HI 96860 Contact: Kerry Ling Phone: 808-473-0662 Email: info@PMRF-KPGO-EIS.com</p> <p>National Aeronautics and Space Administration Goddard Space Flight Center 34200 Fulton Street Wallops Island, VA 23337 Contact: Shari Miller Phone: 757-824-2327 Email: gsfc-nepa@nasa.gov</p> |
| Approving Agency | <p>Department of Land and Natural Resources, Land Division Ian Hirokawa 1151 Punchbowl Street, Room 220, Honolulu, HI 96813 Phone: 808-587-0419 Email: ian.c.hirokawa@hawaii.gov</p> |
| Consultant | <p>Cardno GS-AECOM Pacific Joint Venture 737 Bishop Street, Suite 3050 Honolulu, HI 96813 Contact: Michele Lefebvre Phone: 808-791-9872 Email: info@PMRF-KPGO-EIS.com</p> |
| Status | The 48-day public review and comment period begins June 20, 2025, and ends August 7, 2025. |

The Navy proposes to retain the use of 8,172 acres of state lands on Kaua‘i, Hawai‘i, for operational continuity and sustainment, in support of continued military training, testing, and facility operations at the Pacific Missile Range Facility (PMRF). The National Aeronautics and Space Administration (NASA) proposes to retain the use of 23 acres of state lands on Kaua‘i, Hawai‘i, in support of continued operations including measurements of the Earth’s rotation and local land motion at Kōke‘e Park Geophysical Observatory (KPGO).

The Navy and NASA will host public meetings at three locations on Kaua‘i. Each meeting will include a live online broadcast and public comment opportunity. Attend any of the public meetings to learn more and submit written or oral comments. **Meetings will be held from 5 to 8 p.m. HST** at the locations listed below. To participate online, register at PMRF-KPGO-EIS.com. **PUBLIC MEETINGS:** (1) July 15, 2025, 5-8 p.m. Kaua‘i Veterans Center (3215 Kaua‘i Veterans Memorial Highway, Līhu‘e), (2) July 16, 2025, 5-8 p.m. Kekaha Neighborhood Center (8130 Elepaio Road, Kekaha), (3) July 17, 2025, 5-8 p.m. Sheraton Kaua‘i Coconut Beach Resort (650 Aleka Loop, Kapa‘a).

For more information and to access the Draft EIS documents please visit: pmrf-kpgo-eis.com.

GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

Projects or programs proposed by any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

Applicant Actions

Projects or programs proposed by any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether the action's environmental impact will be significant, and thus whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(e\)](#), for Applicant actions. For actions for which the proposing or approving agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

Final Environmental Assessment and Finding of No Significant Impact

The action's proponent shall respond in writing to comments on a DEA received during the 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to challenge the FONSI in the Environmental Court and seek a ruling to require the preparation of an EIS.

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OPSD called an EIS Preparation Notice (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and to make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

Act 172-2012, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)

Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. The agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed publication form detailing the specifics of the action. This starts a 30-day scoping period in which the agency or applicant must hold a public scoping meeting for the preparation of the Draft EIS. Written comments and responses on the EISPN must be incorporated into the subsequent Draft EIS and oral comments from the public scoping meeting must be recorded and submitted to OPSD with the Draft EIS.

HEPA

While technically there is no "Hawai'i Environmental Policy Act," HRS 343 is often referred to by this term.

Act 312-2012, Secondary Actions in the Highway or Public Right of Way

Act 312-2012, amended HRS 343, by adding a new section ([HRS 343-5.5](#), entitled "Exception to applicability of chapter"). HEPA allows for a statutory exception for "secondary actions" (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related "primary action" (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

Draft Environmental Impact Statement

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigation measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS.

Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a Final EIS (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. For Applicant projects, the Approving Agency is the Accepting Authority and must make a determination within 30 days or the FEIS is deemed accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

Acceptability

The Accepting Authority must be satisfied that the FEIS meets three criteria (process, content, response to comments) to accept it. Whether the FEIS is accepted or not accepted, notice of the Acceptance Determination is published in this bulletin. The public has 60 days from publication to legally challenge the acceptance of a FEIS. For both Applicant and Agency actions, the Applicant or the proposing Agency can prepare a Revised DEIS after a non-acceptance determination.



Maui Sunset

Photo by [Thomas Hawk](#)

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare a Federal EA or EIS. In many ways it is similar to Hawai'i's law. Some projects require both a State and Federal EIS and the public comment procedure should be coordinated. Upon request by a federal agency, OPSD publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

Conservation District

Proposed uses of land in the State Conservation District require a Conservation District Use Application (CDUA). These applications are reviewed and approved/denied by the Department or Board of Land and Natural Resources. Members of the public may intervene in the permit process. This bulletin will include EAs & EISs for actions proposed within the Conservation District.

Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands; development in this area is generally regulated by [HRS 205A](#), and county ordinance. A portion of the SMA that is addressed by HRS 343 is the [Shoreline Area](#), which includes land between the State-certified shoreline and the county-determined shoreline setback line. This bulletin will include EAs & EISs for actions proposed within the Shoreline Setback Area. Some projects going through the SMA permit process on O'ahu are also required to go through an environmental review process that mirrors HRS 343; these "ROH Chapter 25" EAs/EISs are included in this bulletin.

Shoreline Certifications

State law requires that Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

Environmental Advisory Council

The [Environmental Advisory Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OPSD and the general public concerning ecology and environmental quality. Agendas of their regular meetings are posted on the Internet and the public is invited to attend.

Agency Exemption Lists

Government agencies may keep a list describing the minor activities they regularly perform that are exempt from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence ([HAR 11-200.1-16](#)). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

Endangered Species

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for Habitat Conservation Plans (HCP), Safe Harbor Agreements (SHA), or Incidental Take Licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).