



The Environmental Notice

October 23, 2020

David Y. Ige, Governor

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 and Environmental Impact Statements for projects in Hawai'i, *The Environmental Notice* also includes other items related to the shoreline, coastal zone, and federal activities.



An airborne False Killer Whale (*Pseudorca crassidens*) in Hawaiian waters

Photo credit: [NOAA photo library](https://www.noaa.gov/photo-library)

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ANNOUNCEMENTS

As a follow-up to our announcement in the last issue, where we discussed the occasional glitch of being asked for login credentials when attempting to access our public SharePoint site that houses our online libraries of documents and forms, we suggest that you clear your cookies from your internet browser if this continues to happen to you. Typically, this is done through the browser's Privacy or Security settings. Alternatively, clicking "Cancel" on the login dialog screen is generally effective too.

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS / DETERMINATIONS



MAUI

Ka'anapali Golf Courses Revitalization (Withdrawal of EISP)


Grandfathered under old rules

HRS §343-5(a) Trigger	(6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation	No Image Available
District(s)	Lahaina	
TMK(s)	(2) 4-4-008:009, 010, 018; 4-4-013:003, 012; 4-4-006: 010, 013, 014, 028, 057, 071, 077	
Permit(s)	Community Plan Amendment, Change of Zoning, Special Management Area Permit, Construction Permits	
Approving Agency/ Accepting Authority	Department of Planning, County of Maui Michele McLean, (808) 244-2015, planning@mauicounty.gov 2200 Main Street, One Main Plaza, Suite 315, Wailuku, HI 96793	
Applicant	Lowe Enterprises Investors, Proj. Manager for the State of Hawai'i Employees' Retirement System Theodore Lennon, (310) 571-4211, TLennon@LoweEnterprises.com 11777 San Vicente Boulevard, Suite 900, Los Angeles, CA 90049	
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Gwendolyn Rivera, (808) 244-2015, planning@munekiyohiraga.com	
Status	At the applicant's request, the Environmental Impact Statement Preparation Notice published on May 8, 2017 has been withdrawn.	

The State of Hawai'i, Employees' Retirement System (ERS) has engaged Lowe Enterprises Investors (LEI) to identify asset enhancement opportunities for its 305-acre Ka'anapali Golf Course properties. Within a 164-acre project area, LEI proposed to reconfigure the two (2) 18-hole championship golf courses to create one (1) 27-hole championship course and one (1) 9-hole par 3 course. Portions of the properties currently in use for golf would be repurposed for other resort-related uses, including condominium units, hotel units, commercial retail space, and recreation areas. In total, approximately 51 acres of the project area would be repositioned from golf to other uses. Updated golf holes and improved landscaping, park areas and open space encompass the remaining 113 acres of the project area. The State of Hawai'i, ERS is no longer pursuing this project.

O'AHU


Pearlridge Bus Transit Center-Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Honolulu	
TMK(s)	(1) 9-8-009: 005, 014, 015, and 016 and easement over (1) 9-8-009: 011 (por.)	
Permit(s)	Numerous (see document)	
Proposing/ Determining Agency	Department of Transportation Services, City and County of Honolulu Virginia Sosh, Project Manager, (808) 768-5461, virginia.sosh@honolulu.gov 650 South King Street, Third Floor, Honolulu, HI 96813	
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeff Overton, AICP, LEED AP, Principal, (808) 523-5866, pearlridgetransit@g70.design	
Status	Statutory 30-day public review and comment period starts. Comments are due by November 23, 2020. Click the title link above to access and read the document, then send comments to the proposing/determining agency at pearlridgetransit@g70.design	

The City and County of Honolulu Department of Transportation Services proposes to construct and operate the Pearlridge Bus Transit Center in 'Aiea on the island of O'ahu. The project will support the Honolulu Authority for Rapid Transportation (HART) Kalauao Pearlridge Station, which is currently under construction. The Project involves construction of a bus transit center on approximately 3.7 acres of pre-developed and underutilized urban lands in the Primary Urban Center. Proposed construction activities include construction of bus lanes throughout the center, six bus bays with bus shelters, four electric bus charging bays, raised central island with comfort station and Operator's Lounge, and two designated TheHandi-Van areas. The new bus transit center will also include sidewalks and crosswalks, bicycle parking, a shared-use pedestrian and bicycle path, and landscaping. The purpose of the Pearlridge Bus Transit Center is to facilitate accessibility and multimodal transportation by allowing public transit and bicycle users to utilize existing and modified bus routes to connect from the station to their final destinations.


O'AHU (CONTINUED)

Mixed-Use Affordable Housing at the University of Hawai'i at Mānoa Campus--Republished Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Honolulu	
TMK(s)	(1) 2-8-023:009	
Permit(s)	Numerous (see document)	
Proposing/ Determining Agency	University of Hawai'i at Mānoa Jan Gouveia, (808) 956-6405, jgouveia@hawaii.edu 2444 Dole Street, Bachman 109H, Honolulu, HI 96822	
Consultant	Belt Collins Hawaii; 2153 North King Street, Suite 200, Honolulu, HI 96819 Allen Kam, (808) 521-5361, akam@bchdesign.com	
Status	The proponent is republishing the Draft EA originally published on September 8, 2020 . Another statutory 30-day public review and comment period starts, although comments sent previously do not need to be sent again. Comments are due by November 23, 2020 . The Final EA must include comments from all comment periods. Click the title link above to access and read the document, then send comments to the proposing/determining agency and copy the consultant.	

The proposing agency is republishing the Draft EA originally published on September 8, 2020 to provide for another statutory 30-day public review and comment period. Please note that comments received during the first comment period which ended on October 8, 2020, do not need to be resubmitted. The University of Hawai'i at Mānoa has partnered with Greystar Development Services, LLC to design, build, finance, operate and maintain a multi-family mixed-use rental housing project for graduate students and faculty on its campus. The Proposed Action will demolish three existing structures at the Project Site and construct a new building that includes 2 adjoining towers connected by a 2-story podium ranging from 12 to 18 stories in height. The project will be comprised of up to 400 individual housing units, placed within with a mix of studios, one-, two- and three-bedroom apartment units. The first 2 floors of the housing complex will be dedicated to childcare center, retail and circulation.

Windward District Operations Base Station at Kailua Beach Park--Final EA (FONSI)

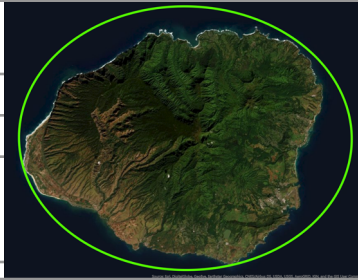
HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Ko'olaupoko	
TMK(s)	[1] 4-3-009: 002	
Permit(s)	Numerous (see document)	
Proposing/ Determining Agency	Department of Design and Construction, City and County of Honolulu Ms. Bonnie Tung, (808) 768-8451, bonnie.tung@honolulu.gov 650 South King Street, 9th Floor, Honolulu, HI 96813	
Consultant	Gerald Park Urban Planner; 95-595 Kaname'e Street #324, Mililani, HI 96789 Gerald Park, (808) 625-9626, gpark@gpup.biz	
Status	Finding of No Significant Impact (FONSI) determination	

The action will provide a permanent District Operations Base Station at Kailua Beach Park for District 2, Windward O'ahu. It is one step in implementing the Ocean Safety Division Master Plan (2019) for O'ahu.

The facility will be constructed on the mauka side of Mokulua Drive on the site of a former vehicle turnout. A single-story structure of approximately 1,680 square feet is proposed. The structure would house an office, vehicle garage, and space for equipment storage and maintenance. Nine off-street parking stalls will be provided.

KAUA'I

Kaua'i Seabird Habitat Conservation Plan--2nd Final EA (FONSI)

HRS §343-5(a) Triggers	(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)	Kaua'i-all	
Permit(s)	DLNR Incidental Take Licenses	
Proposing/ Determining Agency	Department of Land and Natural Resources, State of Hawai'i Kate Cullison, (808) 223-0459, Katherine.cullison@hawaii.gov 1151 Punchbowl Street #325, Honolulu, HI 96813	
Status	Finding of No Significant Impact (FONSI) determination	

The action is for the implementation of the Kaua'i Seabird Habitat Conservation Plan in conjunction with State of Hawai'i Department of Land and Natural Resources issuing Incidental Take Licenses authorizing incidental take of Newell's shearwater ('a'o), Hawaiian petrel ('ua'u), and the band-rumped storm-petrel ('akē'akē) caused by nighttime lighting. Under the Plan, minimization measures emphasize reducing the amount of artificial, night-time light that shines upward and reducing the amount of light output or intensity, which have been shown to reduce the effects of light attraction on the Covered Species.

Mitigation activities include creating and managing a Seabird Preserve, and conducting predator control to reduce depredation on existing nearby seabirds and colonies. The proposed Seabird Preserve comprises about 5 acres along the Nā Pali Coast at about 4,000 feet above sea level. The site occupies a portion of an area known as "Kahuama'a Flat," on Conservation District land owned by the State of Hawai'i and managed by the Division of State Parks (por. 5-9-001:016 (Kōke'e State Park). A 2nd Final EA is being published due to an omission of an appendix from the [Final EA originally published on April 8, 2020](#).

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. Please click on the links below to access, and send comments to the relevant agency and copy any relevant applicant and/or consultant.

COMMENTS DUE OCTOBER 23, 2020

HAWAII

North Kona Mid-Level Exploratory Well Project--Draft EA (AFNSI)

COMMENTS DUE NOVEMBER 9, 2020

HAWAII

Miloli'i Beach Park Accessibility Improvement Project--Republished Draft EA (AFNSI)Kohala Middle School Covered Play Court--Draft EA (AFNSI)

O'AHU

Ala Wai Elementary School Covered Play Court--Draft EA (AFNSI)

SHORELINE NOTICES

APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review at the Department of Land and Natural Resources offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 ([HRS § 205A-42](#) and [HAR § 13-222-12](#)). 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, call Ian Hirokawa at (808) 587-0420.

File No.	Location	TMK	Applicant	Owner
OA-1914	55-559 Kamehameha Hwy, O'ahu 96762	(1) 5-5-003: 018	Leaps & Boundaries, Inc.	LRF Development V, LLC
MA-745	130 Ka'ahumanu Ave, Maui 96732	(2) 3-7-003: 007	Walter P. Thompson, Inc.	MPV Holding Company LLC
MA-746	569 Hana Highway, Maui 96779	(2) 2-6-010: 017	R.T. Tanaka Engineers, Inc.	Sea & Believe LLC
HA-592	14-3543 Govt. Beach Road, Hawai'i	(3) 1-4-028: 008	Daniel Berg, dlB & associates, LLC	Christopher J. & Wendi L. Roehrig
HA-593	Welea Street, Hawai'i	(3) 1-5-087: 005	Daniel Berg, dlB & associates, LLC	Carlos and Najiba Chavez

SHORELINE NOTICES (CONTINUED)

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	TMK	Applicant	Owner
OA-1909	Proposed	525 Portlock Road, O‘ahu 96825	(1) 3-9-026: 044, 045, 047, & 048	Sam O. Hirota, Inc.	Evershine II L.P.
OA-1911	Proposed	1226a Mokulua Drive, O‘ahu 96734	(1) 4-3-005: 056	Austin, Tsutsumi & Associates, Inc.	Krueger Trust
MA-729	Rejection	2142 Ili‘ili Road, Maui 96753	(2) 3-9-005: 038	Akamai Land Surveying, Inc.	Punahoa Beach AOA
MA-732	Rejection	1554 Halama Street, Maui 96753	(2) 3-9-010: 009	Akamai Land Surveying, Inc.	RainbowStar and Samuel Dolphin
MA-733	Rejection	Kahului Beach Road, Maui 96732	(2) 3-7-001: 007	Janice Vannatta/David Zitiello	Maui Food Truck Hub LLC

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 (768-8014); Hawai‘i (East 961-8288, West 323-4770); Kaua‘i (241-4050); Maui (270-7735); Kaka‘ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai‘i: South Hilo (2-6-004: 008)	Conversion of Single-Family Dwelling to 3-Plex (Rescission of SMM 20-000428)	Duncan Hoke & Debra McAuley
Kaua‘i: Lihu‘e (3-2-002: 034)	Lower Floor Bedroom Addition under Existing Two-story Single-Family Dwelling (SMA(M)-2021-4)	Rodney Corpuz
Maui: Lahaina (4-5-004: 010)	Install New Water Meter/Backflow Prevent (SM2 20200080)	Little Black Dog
Maui: Pā‘ia (2-6-002: 018)	Temporary Carport (SM2 20200081)	Francine MK Aarona
Maui: Sprecklesville (3-8-002: 115)	Agricultural Storage Building (SM2 20200083)	Kurt Magness
Maui: Ha‘ikū (2-9-007: 036)	Solar Panel Shed (SM2 20200084)	Sharpe Fred D & Claudine Kutira Decoslerd
O‘ahu: Wai‘anae (8-5-008: 001)	Telecommunication Facility (Utility Installation, Type A) Upgrade at the Pokai Bay Marina Condominium (2020/SMA-29)	T-Mobile West LLC/J5 Infrastructure Partners
O‘ahu: Hawaii Kai (3-9-012: 001)	Install Warning Signs along the Koko Head Tramway and at the Koko Head Summit (2020/SMA-33)	City and County of Honolulu, Department of Design and Construction/Munekiyo Hiraga
O‘ahu: Hau‘ula (5-3-008: 002)	Pat’s at Punaluu – Temporary Wastewater Treatment Plant (2020/SMA-34)	Pat’s at Punaluu – Association of Apartment Owners/Environmental Science International

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: [Endangered and Threatened Species; Draft Recovery Plan and Draft Recovery Implementation Strategy for the Main Hawaiian Islands Insular False Killer Whale Distinct Population Segment and Notice of Initiation of 5-Year Review](#) (published by the National Oceanic and Atmospheric Administration on 10/16/2020)

We, the National Marine Fisheries Service (NMFS), announce the availability of the Draft Recovery Plan and Draft Recovery Implementation Strategy for the Main Hawaiian Islands Insular False Killer Whale (MHI IFKW; *Pseudorca crassidens*) Distinct Population Segment (DPS) for public review. We are soliciting review and comment from the public and all interested parties on the Draft Recovery Plan and Draft Recovery Implementation Strategy, and will consider all substantive comments received during the review period before submitting the Recovery Plan and Recovery Implementation Strategy for final approval. We are also initiating a 5-year review of the MHI IFKW and are requesting new information on its status. **Comments on the Draft Recovery Plan and Draft Recovery Implementation Strategy must be received by December 15, 2020.** Click on the linked title of this entry for additional information on submitting comments.

Proposed Rule: [Pacific Island Fisheries; 2020-2023 Hawaii Kona Crab Annual Catch Limit and Accountability Measure](#) (published by the National Oceanic and Atmospheric Administration on 10/15/2020)

This proposed rule would establish annual catch limits (ACLs) of 30,802 pound (lb) and annual catch targets (ACTs) of 25,491 lb of main Hawaiian Islands (MHI) Kona crab in 2020, 2021, 2022, and 2023. The proposed rule would also establish in-season and post-season accountability measures (AMs). The proposed action supports the long-term sustainability of the Hawaii Kona crab fishery. **NMFS must receive comments by November 5, 2020.** Click on the linked title of this entry for additional information on submitting comments.

Proposed Rule: [International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Requirements to Safeguard Fishery Observers](#) (published by the National Oceanic and Atmospheric Administration on 10/20/2020)

This proposed rule would establish requirements to safeguard fishery observers and would establish prior notification procedures for observer placement. NMFS seeks comments on this proposed rule issued under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act). This action is necessary to satisfy the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), to which it is a Contracting Party. **Comments on the proposed rule must be submitted in writing by November 19, 2020.** Click on the linked title of this entry for additional information on submitting comments.

Notice: [Western Pacific Fishery Management Council; Public Meetings](#) (published by the National Oceanic and Atmospheric Administration on 10/13/2020)

The Western Pacific Fishery Management Council (Council) will hold **virtual** meetings of its Fishing Industry Advisory Committee (FIAC) and Non-Commercial Fisheries Advisory Committee (NCFAC) to discuss and make recommendations on fishery management issues in the Western Pacific Region.

The FIAC will meet on Wednesday, October 28, 2020, from 1 p.m. to 4 p.m. and the NCFAC will meet on Thursday, October 29, 2020, from 1 p.m. to 3 p.m. For specific times and agendas, click on the linked title of this entry. Each of the meetings will be held by web conference. Audio and visual portions for all of the web conferences can be accessed at: <https://wprfmc.webex.com/join/info.wpcouncilnoaa.gov>. Web conference access information will also be posted on the Council's website at www.wpcouncil.org. For assistance with the web conference connection, contact the Council office at (808) 522-8220.

Notice: [Availability of Final Evaluation Findings of State Coastal Programs and National Estuarine Research Reserves](#) (published by the National Oceanic and Atmospheric Administration on 10/09/2020)

Notice is hereby given of the availability of final evaluation findings of state coastal programs and national estuarine research reserves. The NOAA Office for Coastal Management has completed review of the Coastal Zone Management Program evaluations for numerous states and territories, including Hawaii. Copies of these final evaluation findings may be downloaded at http://coast.noaa.gov/czm/evaluations/evaluation_findings/index.html. Click on the linked title of this entry for additional information.

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 (discretionary consent) 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 ask the Environmental Court 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 OEQC, called an EIS Preparation Notice (EISPEN) along with the supporting Final EA. After the notice of the FEA-EISPEN 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 EISPEN 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, EISPEN) with a completed OEQC 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 EISPEN must be incorporated into the subsequent Draft EIS and oral comments from the public scoping meeting must be recorded and submitted to the OEQC with the Draft EIS.

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 EISPEN, 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. The DEIS must respond to comments received during the EISPEN comment period in a point-by-point manner.

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. If the FEIS is accepted, notice is published in this bulletin. The public has 60 days from publication to challenge the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, 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, OEQC 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 by the 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 and 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.

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 Council

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). Agendas of their regular meetings are posted on the Internet and the public is invited to attend. The Council just completed the repeal of Hawaii Administrative Rules (HAR) Chapter 11-200 and adoption of HAR Chapter 11-200.1.

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).