



The Environmental Notice

April 23, 2021

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.



Front Street, Lahaina, Maui, where the sidewalk, railing, and seawall will be getting a makeover!

Photo credit: [Hawaii Savvy](#)

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ANNOUNCEMENTS

The State of Hawai'i's Environmental Council (EC) is inviting you to share your thoughts regarding the future of the EC. As you may know, the EC functions under the auspices of the Office of Environmental Quality Control, which publishes this Environmental Notice. More information on the EC's roles can be accessed at: <https://health.hawaii.gov/oeqc/environmental-council/>

Over the past three years, as one part of the EC's statutory responsibilities, the EC has been focused on revising the rules by which Environmental Impact Statements (EIS) and Environmental Assessments (EA) are governed. But that focus can now shift, given the Governor's adoption of the new rules in August 2019. And so, the EC has embarked on a strategic planning process. We are asking you to please take a few moments to respond to the one-question survey, which can be accessed [here](#).

Please note that this planning effort is taking place while the future of the Environmental Council is also being discussed at the Legislature. Thus, your suggestions, comments, and recommendations are critical to this process. Moving forward, the results of the survey will be incorporated into the EC's future Strategic Plan. Recognizing that the limitations the EC, and the State as a whole, are currently facing will likely continue, strategic direction is required now more than ever for the EC to meet its statutory obligations as well as meaningfully contribute to the long-term in achieving the State's environmental goals and policies.


Mahalo for your input, comments, and ongoing interest. **Please submit your response by April 30, 2021.**

STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS



HAWAII


North Kona Sewer Pump Station--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)	North Kona	
TMK(s)	(3) 7-4-008:090; 7-4-008:077; 7-4-008:072; 7-3-009:999	
Permit(s)	Numerous (see document)	
Proposing/ Determining Agency	Department of Enviromental Management, County of Hawai'i Mark Grant, (808) 961-8589, mark.grant@hawaiicounty.com 345 Kekūānāō'a Street, Suite 41, Hilo, HI 96720	
Consultant	Wilson Okamoto Corporation; 1907 South Beretania Street, Suite 400, Honolulu, HI 96826 Keola Cheng, (808) 946-2277, kcheng@wilsonokamoto.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 24, 2021. Please click on title link above to read the document, then address comments to the proposing/determining agency at publiccomment@wilsonokamoto.com	

The Project will be constructed with funds provided by the County of Hawai'i (COH) Dept. of Environmental Management (DEM). The Project consists of a below grade sewer pump station, a temporary access road, an operations building, and two segments of sewer lines, one a gravity line and the other a force main. The Project will convey sewage to the Kealahou Wastewater Treatment Plant (WTP) from the industrial and commercial areas primarily located to the north of the Project and from the COH Dept. of Housing and Community Development. The Project will allow COH DEM to close the existing package WWTP and disposal plant located at The Homes of Ulu Wini project. Additionally, the Project serves to connect to existing and planned developments in the Kaloko industrial area, thereby allowing closure and elimination of on-site and disposal systems. The Project will also provide for sewage transport from the planned West Hawaii Business Park and future developments in the area.

MOLOKA'I

Hotel Moloka'i Wastewater Treatment Facility--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)	Moloka'i	
TMK(s)	(2) 5-4-002:001	
Permit(s)	HRS 6E (Historic Preservation), SM1 Permit, Flood Development Permit, Shoreline Setback Assessment, Community Noise Permit, Grading Permit	
Approving Agency	Planning Department, County of Maui Sybil Lopez, (808) 270-7735, Sybil.Lopez@co.maui.hi.us 2200 Main Street, One Main Plaza, Suite 315, Wailuku, HI 96793	
Applicant	Association of Apartment Owners (AOAO) of Hotel Moloka'i; 1300 Kamehameha V Highway, Kaunakakai, HI 96748 Matthew Tucker, (443) 557-0303, mtucker@metacoastal.com	
Consultant	SSFM International; 501 Sumner Street, Suite 620, Honolulu, HI 96817 Matthew Fernandez, (808) 741-3151, mfernandez@ssfm.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 24, 2021. Please click on title link above to read the document, then address comments to the approving agency at mfernandez@ssfm.com	

The Association of Apartment Owners of Hotel Moloka'i (AOAO) is proposing improvements to upgrade and construct a new wastewater treatment facility at Hotel Moloka'i to ensure that the property's effluent is in continual compliance with permit requirements to meet the State of Hawai'i Department of Health (DOH) current regulatory effluent discharge standards.

MAUI

Kahana Bay Erosion Mitigation--Draft EIS

Grandfathered under old rules

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)	Lahaina
TMK(s)	Numerous (see document)
Permit(s)	Numerous (see document)
Approving Agency	Department of Land and Natural Resources, State of Hawai'i Samuel Lemmo, (808) 587-0377, sam.j.lemmo@hawaii.gov DLNR, Office of Conservation and Coastal Lands, 1151 Punchbowl Street #131, Honolulu, HI 96813
Applicant	Kahana Bay Steering Committee; 10 Ho'ohui Road, Suite 201, Lahaina, HI 96761 Sterling Honea, (530) 559-2606, sterlinghonea@gmail.com
Consultant	Oceanit; 828 Fort Street Mall, Suite 600, Honolulu, HI 96813 Ken Cheung, (808) 531-3017, kahana@oceanit.com
Status	Statutory 45-day public review and comment period starts. Comments are due by June 7, 2021. Please click on title link above to read the document, then address comments to the approving agency at kahana@oceanit.com



For decades, Kahana Bay on Maui has experienced severe coastal erosion from sea level rise, storm events, and shoreline development. This has resulted in natural hazard risks to public safety and infrastructure. Approximately 1,200 feet of this shoreline is protected by temporary emergency structures. The Kahana Bay Steering Committee (KBSC) represents nine condominiums and one kuleana parcel between Kahana Stream and Pōhaku Park. The Proposed Action presents a resilient solution to mitigate regional shoreline erosion using sand transported from offshore for beach nourishment and berm enhancement. Seven rock T-groins and one rock headland structure will be constructed to stabilize the beach. The beach will be restored to the approximate width that existed in 1975 and about 65 feet wider on average than current. Other benefits include six coves created in the nearshore area, addition of hard substrate and niche space for marine species, and preserving long-term water quality.

Front Street Sidewalk, Railing, and Seawall Repair--Final EA (FONSI)


HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area (4) Propose any use within any historic site as designated in the National or Hawai'i Register
District(s)	Lahaina
TMK(s)	(2) 4-5-002:999; 4-5-002:002 (por.); 4-6-009:999
Permit(s)	Special Management Area Use Permit, Shoreline Setback Variance, Historic District Approval, Conservation District Use Permit and construction permits.
Proposing/ Determining Agency	Department Public Works, County of Maui Rowena Dagdag-Andaya, (808) 270-7845, public.works@mauicounty.gov 200 South High Street, Kalana O Maui Building, 4th Floor, Wailuku, HI 96793
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Kauano Batangan, (808) 244-2015, planning@munekiyohiraga.com
Status	Finding of No Significant Impact (FONSI) determination



Work is proposed in two locations along Front Street in Lahaina, Maui. **Area 1** is between Dickenson Street and Lahainaluna Road. Improvements include: reconstruct deteriorated portion of the concrete wave deflector; replace wooden railing with wood and powder coated stainless steel railing system; reconstruct upper portion of the deteriorated sidewalk surface; remove raised rubble masonry planters and replace with at-grade planters; replace overgrown trees; remove wooden bollards and patch with concrete; replace existing light fixtures; replace existing concrete stairs that provide public beach access; replace street amenities such as trash receptacles and bicycle racks. Project **Area 2** is between Papalaua Street and Baker Street. It encompasses a concrete rubble masonry wall and stacked boulder wall along the shoreline. Boulders have been displaced and further loss of the wall may impact Front Street. Project involves replenishing boulders in the frontal wall that have been dislodged.

O'AHU

Million Air - Kalaeloa Airport FBO and Fuel Farm Facility--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)	'Ewa	
TMK(s)	(1) 9-1-013:032 (por.); 9-1-013:076 (por.)	
Permit(s)	Numerous (see document)	
Approving Agency	Department of Transportation, State of Hawai'i Herman Tuiolosega, (808) 838-8810, herman.tuiolosega@hawaii.gov DOT-Airports Division, 400 Rodgers Boulevard, Suite 700, Honolulu, HI 96819-1880	
Applicant	Freeman Holdings of Hawaii, LLC, DBA Million Air Honolulu; 16221 Foster Street, Overland Park, KS 66085 Scott Freeman, (913) 951-5600, sfreeman@pvillc.com	
Consultant	Wilson Okamoto Corporation; 1907 South Beretania Street, Suite 400, Honolulu, HI 96826 Rebecca Candilasa, (808) 946-2277, rcandilasa@wilsonokamoto.com	
Status	Finding of No Significant Impact (FONSI) determination	

The proposed action involves construction of a Fixed Base Operation (FBO) and Fuel Farm Facility located on adjacent sites at the Kalaeloa Airport (JRF). The proposed FBO will provide aviation services, such as parking and hangar space, to the general aviation (GA) community. Conceptually, the proposed program may consist of approximately 30,000 SF for a GA aircraft hangar; approximately 8,000 SF for a two-story office area; and approximately 2,000 SF for a ground service maintenance area. Fuel will be provided at the proposed Fuel Farm Facility, which is anticipated to encompass up to eight (8) 30,000-gallon Jet A Fuel above-ground, horizontal storage tanks. Also proposed for storage at the Fuel Farm Facility is up to one (1) 15,000-gallon Aviation gas (Avgas) tank, two (2) 500-gallon diesel tanks, and two (2) 500-gallon gas tanks used by various motor vehicles (mogas).

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

None

EXEMPTION DECLARATION

Department of Transportation, State of Hawai'i has declared the following action exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#):

Kapolei H-1 Interchange Complex Additions and Modification

The Kapolei Interchange Complex Project is consistent with the 2006 FEA action which proposed "construction of a new freeway interchange at Kapolei and modifications to two existing interchanges at Makakilo and Palailai." Accordingly, appropriate mitigation measures identified in the 2006 FEA and HDOT best management practices will be implemented to address the minimal project impacts. Therefore, HDOT Highways Division has determined that the FEA and FONSI in 2006 and past and compatible land use of the proposed property satisfies the requirements of Chapter 343, HRS, for the proposed project.

SHORELINE NOTICES

APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review and comment at the Department of Land and Natural Resources offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 ([HRS § 205A-42](#) and [HAR § 13-222-12](#)). **Maps and photos of each application file can be viewed [here](#). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of this public notice of the application.** For more information, call Ian Hirokawa at (808) 587-0420.

File No.	Location	TMK	Applicant	Owner
OA-1944	84-931 Farrington Hwy., O'ahu 96786	(1) 8-4-004: 021	Walter P. Thompson, Inc.	Ryan Dillon
HA-599	60 Pauka'a Drive, Hawai'i 96720	(3) 2-7-015: 002	Daniel Berg, dlb & associates, LLC	Michael Misita, Trustee and Robert McWhirk, Trustee

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-1931	Proposed	56-1089 Kamehameha Hwy., O'ahu 96731	(1) 5-6-003: 053	Jaime F. Alimboyoguen	Makai Ranch LLC
MA-754	Proposed	2960 South Kihei Rd., Maui 96753	(2) 3-9-004: 023	Akamai Land Surveying, Inc.	Mana Kai Maui AOA
MA-755	Proposed	5510 Makena Rd., Maui 96753	(2) 2-1-006: 035	Akamai Land Surveying, Inc.	Makena Lot 1 2005, Inc.
LA-025	Proposed	State Highway #44, Lana'i	(2) 4-9-003: 010, 4-9-002: por 001	R.M. Towill	Lanai Resorts, LLC
LA-026	Proposed	Kaunolu Trail, Lana'i	(2) 4-9-002: por 001	R.M. Towill	Lanai Resorts, 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
Kaua'i: Anahola (4-9-014:001)	Realigning of Driveway, Minor Grading and Installation of 160 Linear Feet of Concrete Driveway and Relocating an Existing Solar Powered Gate. (SMA(M)-2021-14)	Debra Jean Bosier, TTEE
Kaua'i: Kapa'a (4-3-007:028)	Tree Planting for Remediation of After-the-Fact Tree Removal. (SMA(M)-2021-15)	KHS, LLC/ PBR & Associates, INC.
Maui: Kihei (3-9-035: 047)	Allow RV and Storage Container on Property (SM2 20210028)	Lyons K Naone IV
Maui: Kahului (3-8-052: 001)	Demolition of Wakea 76 Gas Station (SM2 20210029)	PAR Hawaii
O'ahu: Diamond Head (3-1-043: 001 (Portion))	Honolulu Zoo Water System Upgrade-Potable System (2021/SMA-6)	Department of Design and Construction, City and County of Honolulu
O'ahu: Kapolei (9-1-057: 001)	Install New Equipment Cabinets, Replace Antennas, and Add Appurtenant Equipment at an Existing Rooftop Telecommunications Facility (2021/SMA-10)	T-Mobile West, LLC/Wireless Network Support, LLC
O'ahu: Wai'alae (3-5-023: 039)	Kahala Hotel and Resort Roof Top Utility Installation, Type A Antenna and Equipment Upgrades (2021/SMA-11)	T-Mobile West, LLC/J5 Infrastructure Partners
O'ahu: Wailupe Beach (3-6-002: 039)	Fatt Residence – Replacement Single-Family Dwelling (2021/SMA-12)	Joseph and Cecilia Fatt/Saito Design Associates
O'ahu: Ko'olauloa (5-7-001: 048)	Turtle Bay Resort Campsite (2021/SMA-15)	BRE Turtle Bay Development LLC
O'ahu: Hau'ula (5-3-008: 002)	Punalu'u - Type A Utility Installation (2021/SMA-16)	T-Mobile/Synergy Advantage Engineers

FEDERAL NOTICES

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

Proposed Rule: [Endangered and Threatened Wildlife; 90-Day Finding on a Petition To List the Shortfin Mako Shark as Threatened or Endangered Under the Endangered Species Act](#) (published by NOAA on 04/15/2021.)

NMFS announces a 90-day finding on a petition to list the shortfin mako shark (*Isurus oxyrinchus*) as threatened or endangered under the Endangered Species Act and to designate critical habitat concurrent with the listing. **Comment by June 14, 2021.**

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 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 recently completed the repeal of Hawai'i 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).