



# The Environmental Notice

October 23, 2021

David Y. Ige, 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 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.



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## ANNOUNCEMENTS

As always, Environmental Review Program staff is happy to help explain the various steps, quirks, and nuances that pertain to HRS Chapter 343. Please feel free to reach out to us via email ([dbedt.opsd.erp@hawaii.gov](mailto:dbedt.opsd.erp@hawaii.gov)) with those vexing questions!

Also, if you're a NEPA geek, please see the [Federal Register notice](#) about the proposed restoration of previous (pre-2020) rules.

## STATEWIDE MAP OF NEW HRS CHAPTER 343 DOCUMENTS (EAS & EISS) & DETERMINATIONS



## HAWAII

**Prince Jonah Kūhiō Kalanianaʻole Elementary & Intermediate School Covered Play Court--Draft EA (AFNSI)**

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	South Hilo
<b>TMK(s)</b>	(3) 2-7-022: 002, 003; 2-7-025: 004
<b>Permit(s)</b>	Variance from Pollution Control, DCAB Review, Historic Site Review (Chapter 6E HRS) Plan Approval, Building Electrical and Plumbing, Grubbing, Grading, and Stockpiling
<b>Proposing/Determining Agency</b>	State of Hawai'i, Department of Education Jolene Velasco, (808) 784-5129, <a href="mailto:jolene.velasco@k12.hi.us">jolene.velasco@k12.hi.us</a> 3633 Wai'alaie Avenue, Honolulu, HI 96816
<b>Consultant</b>	Gerald Park Urban Planner; 95-595 Kaname'e Street #324, Mililani, HI 96789-1431 Gerald Park, (808) 625-9626, <a href="mailto:gpark@gpup.biz">gpark@gpup.biz</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by November 22, 2021.</b> Please send comments to the proposing/determining agency and copy the consultant.

The Department of Education proposes to construct a multi-purpose covered play court at Prince Jonah Kūhiō Kalanianaʻole Elementary & Intermediate School. An existing outdoor play court will be demolished and replaced on the same site with a single-story structure.

The approximately 10,200 square feet (117'-2" X 87'-0") structure will provide one standard size high school basketball court, two "biddy" basketball courts, and two standard high school sized volleyball courts. The height of the structure is approximately 30'-6" measured from grade to top of roof. Chain link fencing (10-foot high) around the exterior will provide ventilation and physical and visual security. The exterior finish will consist of protective metal siding and translucent fiberglass panels installed above the chain link fencing. Construction costs are estimated at \$4.0 million and will be funded by the State of Hawai'i.

## MAUI

**East Maui Water Lease (Acceptance of Final EIS)**

Grandfathered under old rules

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds
<b>District(s)</b>	Maui-multiple
<b>TMK(s)</b>	(2) 1-2-004:005, 007; 1-1-002:002; 1-1-001:44, 050; 2-9-014:001, 005, 011, 012, 017
<b>Permit(s)</b>	Lease of State land in the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas
<b>Approving Agency/ Accepting Authority</b>	State of Hawai'i, Board of Land and Natural Resources Ian Hirokawa, (808) 587-0400, <a href="mailto:ian.c.hirokawa@hawaii.gov">ian.c.hirokawa@hawaii.gov</a> 1151 Punchbowl Street, Honolulu, HI 96813
<b>Applicant</b>	Alexander & Baldwin Inc. (A&B)/East Maui Irrigation Company, Limited (EMI), collectively referred to as "A&B" Meredith Ching, 822 Bishop Street, Honolulu, HI 96813, (808) 525-6611, <a href="mailto:mching@abhi.com">mching@abhi.com</a>
<b>Consultant</b>	Wilson Okamoto Corporation; 1907 S. Beretania Street, Suite 400, Honolulu, HI 96826 Mr. Keola Cheng, (808) 946-2277, <a href="mailto:waterleaseeis@wilsonokamoto.com">waterleaseeis@wilsonokamoto.com</a>
<b>Status</b>	The approving agency/accepting authority accepted the <a href="#">Final EIS</a> on September 24, 2021.

The Proposed Action constitutes the issuance of a long-term (30-year) Water Lease from the BLNR that grants the lessee the "right, privilege, and authority to enter and go upon" the License Area for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing EMI Aqueduct System which supplies water to domestic and agricultural water users. The Water Lease, which will be awarded by public auction, will enable the lessee to enter upon lands owned by the State of Hawai'i in order to maintain and repair existing access roads and trails used as part of the EMI Aqueduct System, and will allow for the continued operation of the EMI Aqueduct System to deliver water to the MDWS for domestic and agricultural water needs in Upcountry Maui, including the agricultural users at the KAP and the planned 262-acre KAP expansion, as well as for the Nāhiku community, and the provision of water to 30,000 acres of agricultural lands in Central Maui.

O‘AHU

**Mānoa Well II Exploratory Well--Draft EA (AFNSI)**

<b>HRS §343-5(a) Trigger</b>	(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
<b>District(s)</b>	Honolulu
<b>TMK(s)</b>	(1) 2-9-054: 033
<b>Permit(s)</b>	Numerous (see document)
<b>Proposing/ Determining Agency</b>	City and County of Honolulu, Board of Water Supply Rian Adachi, (808) 748-5943, <a href="mailto:radachi@hbws.org">radachi@hbws.org</a> 630 South Beretania Street, Honolulu, HI 96843
<b>Consultant</b>	Shimabukuro, Endo & Yoshizaki, Inc.; 1126 12th Avenue #309, Honolulu, HI 96816 Howard Endo, (808) 737-1875, <a href="mailto:hendo@seyeng.com">hendo@seyeng.com</a>
<b>Status</b>	Statutory 30-day public review and comment period starts. <b>Comments are due by November 22, 2021.</b> Please send comments to the proposing/determining agency and copy the consultant.

The Honolulu Board of Water Supply (BWS) proposes to improve the performance and reliability of the Metro Water System serving Mānoa and the neighboring communities. A single well at the Mānoa Well II Station currently supplies water for Mānoa. Whenever this well needs service or maintenance, the region loses its water source and must rely on outside sources to supply Mānoa with potable water. The BWS proposes to add a second well to this station to improve service of this urban water system. The production from the station will remain the same with the second well as only one well will be pumped at a time.

**O‘ahu Commercial Aquarium Permits (Non-acceptance of Final EIS)**

**Grandfathered under old rules**

<b>HRS §343-5(a) Trigger</b>	(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
<b>District(s)</b>	O‘ahu-multiple
<b>TMK(s)</b>	N/A (Fishing areas around O‘ahu identified in Figure 1 of the FEIS)
<b>Permit(s)</b>	Commercial Aquarium Fishing Permits issued pursuant to HRS §188-31, Commercial Marine License issued pursuant to HRS 189-2,3
<b>Approving Agency/ Accepting Authority</b>	State of Hawai‘i, Board of Land and Natural Resources David Sakoda, (808) 587-0104, <a href="mailto:david.sakoda@hawaii.gov">david.sakoda@hawaii.gov</a> 1151 Punchbowl Street, Room 330, Honolulu, HI 96813
<b>Applicant</b>	Pet Industry Joint Advisory Council (PIJAC); 1615 Duke St., #100, Alexandria, VA 22314 James Lynch, (425) 463-8396, <a href="mailto:lynchjm.wa@gmail.com">lynchjm.wa@gmail.com</a>
<b>Consultant</b>	Stantec Consulting Services Inc.; 2300 Swan Lake Blvd., Suite 202, Independence, IA 50644 Terry VanDeWalle, (319) 334-3755, <a href="mailto:terry.vandewalle@stantec.com">terry.vandewalle@stantec.com</a>
<b>Status</b>	The approving agency/accepting authority announced their determination to not accept the <a href="#">Final EIS</a> on October 11, 2021

The purpose of the Applicant’s proposal is to ensure that commercial aquarium fish collection allows for the lawful, responsible, and sustainable commercial collection of various fish species from nearshore habitats. The objective of the proposed action is for the Department of Land and Natural Resources (DLNR) to issue 15 Aquarium Permits and 15 corresponding Commercial Marine Licenses for the island of O‘ahu, create a “White List” of 31 fish species and 4 invertebrates that can be collected, and implement individual catch quotas for the 35 species on the proposed White List. The need for the Applicant’s action is to allow for commercial aquarium collection in compliance with all applicable laws, rules, and regulations pertaining to the industry.

## CHAPTER 25, REVISED ORDINANCES OF HONOLULU

Use of the Special Management Area (SMA) is not a trigger under Chapter 343, but developments in O’ahu’s SMA are required to go through an environmental review process that mirrors the procedural requirements of [HRS Chapter 343](#), pursuant to [Revised Ordinances of Honolulu, Chapter 25](#). Developments being reviewed under Chapter 25 but not Chapter 343 appear here.

### [New Nānākuli Commercial Building--Draft EA \(AFNSI\)](#)

<b>District(s)</b>	Wai’anae
<b>TMK(s)</b>	(1) 8-7-035:005
<b>Permit(s)</b>	Special Management Area Use Permit, Trenching Permit, Building Permit
<b>Approving Agency</b>	City and County of Honolulu, Department of Planning and Permitting Zack Stoddard, (808) 768-8019, <a href="mailto:zachary.stoddard@honolulu.gov">zachary.stoddard@honolulu.gov</a> 650 South King Street, 7th Floor, Honolulu, HI 96813
<b>Applicant</b>	Kyung Chul Shin and Soon Ae Shin; 99-045 Hokio Place, Aiea, HI 96701 (808) 479-8599, <a href="mailto:sshin@shincohawaii.com">sshin@shincohawaii.com</a>
<b>Consultant</b>	Roy K. Yamamoto Architect AIA, Inc.; 1580 Makeloa Street, Suite 788, Honolulu, HI 96814 Lorena Yamamoto, (808) 942-3666 ext 16, <a href="mailto:lorena@rkyarchitect.com">lorena@rkyarchitect.com</a>
<b>Status</b>	30-day public review and comment period starts. <b>Comments are due by November 22, 2021.</b> Please send comments to the approving agency and copy the applicant and the consultant.

Applicants Kyung Chul Shin and Soon Ae Shin are proposing a new two-story commercial building on a vacant lot within the B-1 Neighborhood Business District in Nānākuli. The lot is across Farrington Highway from the beach. The building will be L-shaped in configuration surrounding an open parking lot. Two open stairways will connect the ground and second floors. The development requires approval of a Special Management Area Use Permit from the Honolulu City Council.

## 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 25, 2021**

**MAUI**

[Hale Mahaolu Ke Kahua Affordable Housing Community--Draft EA \(AFNSI\)](#)

**O’AHU**

[ENV Support Facilities Access Road, Utility Improvements and ‘Ewa Refuse Convenience Center Relocation--Draft EA \(AFNSI\)](#)

**COMMENTS DUE NOVEMBER 8, 2021**

**HAWAI’I**

[Honalo Marshalling Yard Improvements--Draft EA \(AFNSI\)](#)

**MAUI**

[Kuikahi Affordable Housing--Draft EA \(AFNSI\)](#)

**O’AHU**

[Barbers Point Solar Project--Draft EA \(AFNSI\)](#)  
[Ho Single-Family Residence Redevelopment--Draft EA \(AFNSI\)](#) (Chapter 25, ROH)  
[Wheatley Single-Family Residence--Draft EA \(AFNSI\)](#) (Chapter 25, ROH)

## 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: Puna (1-5-057: 070)	Installation of Water Well and Associated Development (PL-SMM-2021-000003)	Gordon J. & Cindy M. Bruce
Hawai'i: North Hilo (3-2-003: 017)	As-built Agricultural Warehouse Building (PL-SMM-2021-000006)	Sandra Gonzalez
Maui: Pā'ia (2-6-005: 002)	Remove and Install Photovoltaic Panels (SM2 20210078)	Edward Thielk
O'ahu: Kailua (4-3-013: 001)	86 South Kalaheo Pool and Fence Project (2021/SMA-34)	Bunnybee LLC/Hale Takazawa, Architect
O'ahu: Waimānalo (4-1-002: 021)	Waimanalo Paradise West – Gate House Garage Addition (2021/SMA-51)	Armstrong Builders LLC/Lindsay Fukata

## 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-1964	126 S. Kalaheo Avenue, O'ahu 96734	(1) 4-3-012: 030	Wesley T. Tengan	Wey Investments F Series
OA-1965	Kapi'olani Regional Park, O'ahu	(1) 3-1-030: 001-004, por.005 and 3-1-031: 004, 005, por.006	ControlPoint Surveying, Inc.	City and County of Honolulu, Department of Parks and Recreation
MA-766	5066 Makena Road, Maui 96753	(2) 2-1-007: 099	Sam Kolias	Sam Kolias
MO-188	22 Ho'oulu Place, Moloka'i 96748	(2) 5-4-018: 006	Mark Zaengle	Mark Zaengle

### 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-1951	Proposed	23 Wilikoki Place, O'ahu 96734	(1) 4-3-019: 049	Maurice R. Tanner Jr.	Beach Bums LLC
OA-1958	Proposed	12 Kailua Road, O'ahu 96734	(1) 4-3-012: 001	Walter P. Thompson, Inc.	Madvas Partners
OA-1959	Proposed	57-329 Pahipahialua St., O'ahu 96731	(1) 5-7-003: 057	Jaime F. Alimboyoguen	Barbara Paullin
OA-1960	Proposed	57-275 Kamehameha Highway, O'ahu	(1) 5-7-001: 050	Engineers Surveyors Hawaii, Inc.	Turtle Bay Resort, LLC
HA-607	Proposed	82-6017 Pu'uhonua Road, Hawai'i	(3) 8-2-005: 011	Wes Thomas Associates	Frederick Turshman

## APPLICATION FOR ACCRETION

Pursuant to HRS § 501-33, the following application for the registration of land accreted along the ocean has been submitted:

[Mokulua Holdings Ltd Amended Petition for Registration of Title to Accretion](#)

Applicable Law: Petition for Registration of Title to Accretion under HRS Chapter 501-33 and Rule 26 of the Rules of the Land Court

Type of Document: Amended Petition for Registration of Title to Accretion

Island/District/TMK: O'ahu / Kailua, District of Ko'olaupoko/ (1) 4-3-007: 043

Applicant: Petitioner MOKULUA HOLDINGS LTD.;  
c/o Janna Ahu, Esq., Dentons US LLP, 1001 Bishop St., Ste. 1800, Honolulu, HI 96813; (808) 524-1800

Authority / Status: Land Court, State of Hawai'i / Amended Petition for Registration of Title to Accretion filed

Project Summary: YOU ARE HEREBY NOTIFIED that Petitioner MOKULUA HOLDINGS LTD., a corporation incorporated under the British Columbia Companies Act, has filed an amended petition for registration of title to accretion in the Land Court, State of Hawai'i, 1LD181000774, to register title to accreted land within lands identified as Lot 27 as shown on Map 2 of Application No. 505, Tax Map Key No. (1) 4-3-007: 043, containing 0.35, more or less, all situate, lying and being at Kailua, District of Ko'olaupoko, City and County of Honolulu, State of Hawai'i.

## 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](http://www.federalregister.gov).

**Proposed Rule: [National Environmental Policy Act Implementing Regulations Revisions](#) (published by the Council on Environmental Quality on 10/07/2021)**

The Council on Environmental Quality (CEQ) is proposing to modify certain aspects of its regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA) to generally restore regulatory provisions that were in effect for decades before being modified in 2020. CEQ proposes these changes in order to better align the provisions with CEQ's extensive experience implementing NEPA, in particular its perspective on how NEPA can best inform agency decision making, as well as longstanding Federal agency experience and practice, NEPA's statutory text and purpose, including making decisions informed by science, and case law interpreting NEPA's requirements. The proposed rule would restore provisions addressing the purpose and need of a proposed action, agency NEPA procedures for implementing CEQ's NEPA regulations, and the definition of "effects." CEQ invites comments on the proposed revisions; **CEQ must receive comments by November 22, 2021.**

**Notice: [Endangered Species; Receipt of Recovery Permit Applications](#) (published by the Fish and Wildlife Service on 10/20/2021)**

We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation and survival of endangered species under the Endangered Species Act of 1973, as amended, including the following species in Hawai'i: Lāna'i tree snail (*Partulina semicarinata* and *P. variabilis*), Newcomb's tree snail (*Newcombia cumingi*), O'ahu tree snails (*Achatinella* spp.), and Hawaiian petrel or ua'a (*Pterodroma sandwichensis*). We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing the requested permits, we will take into consideration any information that we receive during the public comment period. **We must receive your written comments on or before November 19, 2021.** Please click on the title link above for more information about submitting comments.

**Proposed Rule: [International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fish Aggregating Device Design Requirements in Purse Seine Fisheries, IMO Number Requirements, and Bycatch Restrictions](#) (published by the National Oceanic and Atmospheric Administration on 10/07/2021)**

NMFS seeks comments on this proposed rule issued under authority of the Western and Central Pacific Fisheries Convention Implementation Act. The proposed rule would implement recent decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC or Commission) on fish aggregating device design requirements, International Maritime Organization number requirements, and bycatch restrictions for sharks and rays. 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. The proposed rule would apply to owners and operators of U.S. fishing vessels used for commercial fishing for highly migratory species in the area of application of the Convention. **Comments on the proposed rule must be submitted in writing by November 8, 2021.** Please click on the title link above for more information about submitting comments.

## 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 Chapter 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 Chapter 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 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 Chapter 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 the OPSD along with the Draft EIS.

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

Act 312-2012, amended HRS Chapter 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. The DEIS must respond to comments received during the EISPN comment period.

### 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 commensurate manner to all timely comments on the DEIS, which also 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, 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 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 Advisory Council

The [Environmental Advisory Council](#) is a 14-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).