



The Environmental Notice

May 8, 2023

Josh Green, M.D., Governor
Mary Alice Evans, Acting 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

Documents submitted for publication need to be prepared so they are ADA Accessible; additional information will be announced as it becomes available.

On his retirement, we thank Les Segundo for all his hard work, knowledge and dedication over his many years of service with the Environmental Review Program.

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



HAWAI'I EAS/EISS

Kapāpala Koa Canoe Management Area Plan--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)	Ka'ū
TMK(s)	(3) 9-8-001:014
Permit(s)	State BLNR Management Plan Approval, DLNR-DOFAW Special Use Permit, Chapter 6E SHPD Approval of Archaeological Surveys, Application to Operate or Transport Oversize and/or Overweight Vehicles and Loads over State Highways
Proposing/ Determining Agency	State of Hawai'i, Department of Land and Natural Resources Andy Cullison, (808) 436-8122, james.a.cullison@hawaii.gov 1151 Punchbowl Street #131, Honolulu, HI 96813
Consultant	Geometrician Associates; 10 Hina Street, Hilo, HI 96720 Ron Terry, (808) 987-5239, rterry@hawaii.rr.com
Status	Statutory 30-day public review and comment period starts. Comments are due by June 7, 2023. Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The Plan guides sustainable harvest and extraction of canoe-quality koa trees on a 100-year timeframe from 1,257 acres of forested land above 3,000 feet in elevation on Mauna Loa. Other objectives include protection of native forest, watershed, and bird habitat; restoration of koa forest; collaboration with educational and community groups; recreational access; and integration of traditional Hawaiian stewardship with western conservation. Groups will apply for a permit to harvest a canoe log, which will be reviewed by a panel of cultural practitioners, voyaging and racing canoe club members, canoe builders, foresters, conservationists and community members, who will advise DOFAW on permit allocation. Selected groups would harvest and extract canoe logs with the DOFAW's guidance. DOFAW will implement stand improvement actions to large, straight koa trees suitable for canoes. Some non-canoe quality timber resources may be sold to help fund management.

Puna Geothermal Venture Repower Project--Draft EIS, Appendices, and audio recording of scoping meeting

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	Puna
TMK(s)	(3) 1-4-001: 001, 002, and 019
Permit(s)	DOH non-covered source permit (for Phase 2, upgrades to 60 MW), Building Permit (County), Grading Permit (County)
Approving Agency	County of Hawai'i Planning Department April Surprenant, (808) 961-8288, planning@hawaiicounty.gov 101 Pauahi Street, Suite 3, Hilo, HI 96720
Applicant	Puna Geothermal Venture; P.O. Box 30, Pāhoa, HI 96778 Mike Kaleikini, (808) 369-9094, mkaleikini@ormat.com
Consultant	Stantec Consulting Services Inc.; P.O. Box 191, Hilo, HI 96721 Michele Lefebvre, (808) 791-9872, michele.lefebvre@stantecgs.com
Status	Statutory 45-day public review and comment period starts. Comments are due by June 22, 2023. Please send comments to the approving agency/accepting authority and copy the applicant and the consultant.

Puna Geothermal Venture is currently authorized for and operating a geothermal power plant in the Puna District and proposes to replace the current 12 operating power-generating units with up to four energy converters. The project would increase the production of renewable energy at the existing facility (within the current site fence line) using new, more efficient units on a smaller land footprint compared to the existing units. The project would increase power production from 38 to 46 megawatts in Phase 1 and further increase production to 60 megawatts in Phase 2. The overall property size would remain the same. Most of the existing infrastructure and buildings would remain for the Project including administration buildings, the control room, maintenance areas, well pads, and the gathering system. The proposed new units would continue to safely supply reliable power from renewable geothermal resources with more efficient and quieter equipment.

O’AHU EAS/EISS

Chinatown Hotel Development--Final EA (FONSI) and Appendices

HRS §343-5(a) Trigger	(4) Propose any use within any historic site as designated in the National Register or Hawai’i Register
District(s)	Honolulu
TMK(s)	(1) 1-7-002: 013, 023, and 050
Permit(s)	IPD-T Permit, Chinatown Special District Permit, Subdivision, Building, Grading
Approving Agency	City and County of Honolulu, Department of Planning and Permitting Joyce Shoji, (808) 768-8023, jshoji@honolulu.gov 650 S. King St., 7th Floor, Honolulu, HI 96815
Applicant	Ikenakea Hokele LLC; 1188 Bishop Street, Suite 907, Honolulu, HI 96813 Christopher Flaherty, c/o: (808) 387-8188, epa.hawaii@gmail.com
Consultant	Environmental Planning & Assessments; PO Box 3442, Honolulu, HI 96801 Alicia Ruelke, (808) 387-8188, epa.hawaii@gmail.com
Status	Finding of No Significant Impact (FONSI) determination

The proposed Project includes repurposing the existing parking lot and rehabilitation of the historic vacant warehouse to enable the construction of a new 15-story, 240-room lifestyle hotel. Located in Chinatown next to Downtown Honolulu, the Project is well-situated to provide business and leisure travelers with an option outside of Waikiki. The hotel is anticipated to serve as an anchor for the community and catalyst for investment and redevelopment of the area.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: The comment period for these projects began previously. 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.

COMMENTS DUE MAY 8, 2023

HAWAI’I

- [Hawaiian Kingdom Brands Kanaka Beverage Plant and Café--Draft EA \(AFNSI\)](#)
- [Keaukaha Pana’ewa Farmers Association - Resiliency and Agricultural Innovation Hub--Draft EA \(AFNSI\)](#)

MAUI

- [Hālau of Ōiwi Art--Draft EA \(AFNSI\)](#)

O’AHU

- [Ala Wai Canal Flood Risk Management Project--Supplemental Determination and EIS Preparation Notice](#)

KAUA’I

- [Management of Wailua Reservoir Dam and Diversion--EIS Preparation Notice](#)

COMMENTS DUE MAY 23, 2023

O’AHU

- [East Kapolei 215 R-1 3.0 Million Gallon Reservoir and 16-Inch Transmission Main--Draft EA \(AFNSI\)](#)

HAWAI’I

- [Pohoiki Boat Ramp Dredging of Volcanic Debris--Draft EA \(AFNSI\)](#)

COMMENTS DUE JUNE 7, 2023

HAWAI’I

- [Addition of Wastewater Services for the Puna District--Draft EIS](#)

LISTS OF EXEMPTION NOTICES

Pursuant to [HAR § 11-200.1-17](#), State and county agencies that have determined specific actions to be exempt from the requirement to prepare an EA are required to submit a listing of such exemptions made during the previous month. Following are Lists of Exemption Notices submitted by various agencies for April 2023, unless noted otherwise. Contact the identified agency contact on each list for additional information about any specific exemption:

State of Hawai'i

[Department of Transportation](#)

[Department of Education](#)

[Department of Land and Natural Resources](#)

County of Maui

[Department of Water Supply](#) (October 2021-amended)

City and County of Honolulu

[Department of Design and Construction](#) (March 2023)

County of Hawai'i

[Department of Public Works](#)

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: Kihalani, North Hilo District (3-5-010: 006)	Subdivide Property into Four Parcels (PL-SMM-2023-000045)	Dennis Durban
Hawai'i: Puapua'a 2nd, North Kona District (7-5-020: 019 and 038)	After-the-Fact Interior Improvements and Conversion of Single-Family Residences to Duplex Residences (PL-SMM-2023-000046)	Magali Alvarez, Trustee
Maui: Lāna'i (4-9-017: 001)	Interior and Exterior Alterations to the Existing 140 Sails Restaurant (SM7 2023-00001)	Pulama Lanai Dayne Shinbo
Maui: Kaupō (1-5-007: 001)	Replace Existing Building and Booster Pumps with New Weather-Proof and Secure building; New SCADA & Motor Control Center; New Efficient Booster Pumps and Piping; Along with emergency Generator (SM2 2023-00038)	County of Maui, Department of Water Supply, Engineering Division
Maui: Kīhei (3-9-046: 011)	4-Lot subdivision, and the Removal of Existing Overgrown Vegetation, Planting New Vegetation and Grasses, and Installation of Above-Ground Irrigation Systems (SM2 2023-00040)	Alaula Builders LLC, Lawrence Carnicelli
Maui: Kīhei (2-1-008: 156)	Installation of a Swimming Pool, Spa and Mailbox (SM2 2023-00042)	Michelle Spencer
Maui: Ha'ikū (2-8-004: 122)	Construction of a Barn/Workshop/Agricultural office / Water Tank / Septic system/ Berm/ Fence and Tree Removal (SM2 2023-00045)	Juan Gilberto
Maui: Kīhei (2-1-008: 140)	Temporary Tents and Stage for Corporate Event (SM2 2023-00047)	Wayne Hikiji
Maui: Kīhei (2-1-007: 102)	Fencing (SM2 2023-00048)	Dean Frampton
O'ahu: Maunaloa (3-9-002: Portion of 002)	Hanauma Bay Nature Preserve Sewer System Improvements (Minor Modification to 1999/SMA-62)	Department of Design and Construction, City and County of Honolulu / Munekiyo Hiraga
O'ahu: Pūpūkea-Paumalū (5-9-001: 086 and 087)	Holawa Place Pool and Fencing (2023/SMA-17)	Andrew McDonald / Planning Solutions, Inc.

COASTAL ZONE MANAGEMENT NOTICES (CONTINUED)

FEDERAL CONSISTENCY REVIEWS

The following federal actions are being reviewed for consistency with the enforceable policies of the Hawai'i Coastal Zone Management (CZM) Program, including [the CZM objectives and policies in Hawai'i Revised Statutes, Chapter 205A](#). Federal consistency, pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA), as amended, generally requires that federal actions, within and outside of the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. This public notice is being provided in accordance with § 306(d)(14) of the CZMA, and federal regulations at 15 CFR § 930.2, § 930.42, and § 930.61. General information about federal consistency is available at the [Hawai'i CZM Program web site](#), or call (808) 587-2878.

For specific information or questions about an action listed below, contact the CZM staff person identified for each action. The CZM Program is required to adhere to federal review deadlines, therefore, comments must be received by the date specified. Comments may be submitted by mail or electronic mail, to the addresses below.

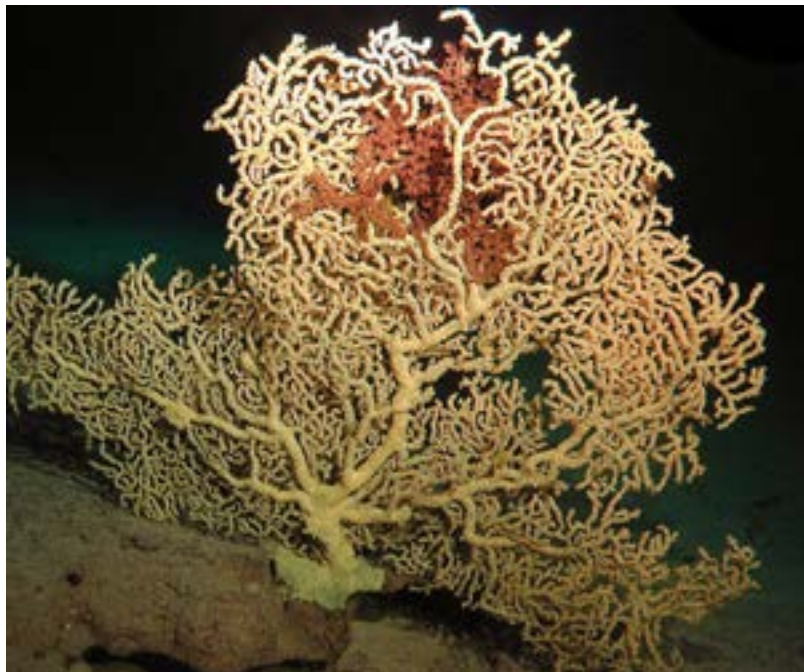
Mail: Office of Planning and Sustainable Development
 Department of Business, Economic Development and Tourism
 P.O. Box 2359, Honolulu, HI 96804

Email: Debra.L.Mendes@hawaii.gov

National Marine Fisheries Service Proposed Extension of Gold Coral Harvest Moratorium

Proposed Action: The National Marine Fisheries Service (NMFS) is proposing to extend the current moratorium on harvesting deep-water gold corals, which will expire on June 30, 2023. NMFS and the Western Pacific Fishery Management Council (Council) previously extended the moratorium in 2018 for five years, based on evidence that gold corals may grow more slowly, and are more susceptible to overharvest than was previously known. The current moratorium will expire on June 30, 2023, and the Council recommended that NMFS extend the moratorium for another five years, through June 30, 2028. This extension would provide additional time for the Council to review recent information on gold coral and consider a long-term management strategy that will ensure the sustainability of the gold coral stock.

- Location:** U.S. Pacific Islands, including the State of Hawai'i
- Federal Action:** Federal Agency Activity
- Federal Agency:** National Marine Fisheries Service, Pacific Islands Regional Office
- CZM Contact:** Debra Mendes, (808) 587-2840, Debra.L.Mendes@hawaii.gov
- Comments Due:** May 22, 2023



Hawaiian gold coral (*Kulamanamana haumea*)

Photo from [wikipedia](#)

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-2034	91-319 Olai Street, O'ahu 96707	(1) 1-031:001	David Miran	State of Hawai'i/ Eurus Energy America
OA-2035	56-1089 Kamehameha Highway, O'ahu 96707	(1) 5-6-003:053	Jaime Alimboyoguen	Yue-Sai Kan
OA-2036	91-839 Pohākupuna Road, O'ahu 96707	(1) 9-1-025:067	Ailana Surveying & Geomatics	Adrora Ancheta Sofia
OA-2037	91-175 Kaomi Loop, O'ahu 96707	(1) 9-1-026:047	David Miran	Stoney Samson & Maria Samson, LLC
MA-812	Keawekapu Beach Parking Lot, Maui 96746	(2) 3-9-004:001 por.	Austin Tsutsumi & Associates, Inc	State of Hawai'i/ Maui County
MO-192	Kamehameha V Highway, Moloka'i 96748	(2) 5-4-002:003	Akamai Land Surveying, Inc.	Gerald R. Alderson
LA-032	Kaunolu Trail, Lana'i 96763	(2) 4-9-002:001 por.	Ryan M. Suzuki, R.M. Towill Corporation	Lanai Resorts, LLC
HA-636	57-2000 Mahukona Park Road, Hawai'i 96743	(3) 5-7-003:013	Eugene Harrell	County of Hawai'i Department of Planning

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
KA-471	Approve	938 Niulani Road, Kaua'i 96746	(4) 4-3-009:026	Esaki Surveying & Mapping, Inc.	Daniel and Gay Wallin
OA-2005	Rejected	84-677 Upena Street, O'ahu 96792	(1) 8-4-007:006	Constancio Galang	Lee & Dominique Unrein
MA-791	Rejected	Pualei Street, Maui 96761	(2) 4-6-033:001	Loren E. slentz	County of Maui Department of Parks & Recreation

DEPARTMENT OF HEALTH NOTICE

The State of Hawai'i Department of Health will hold a public hearing at 9am on June 2, 2023 at the State Lab auditorium at 2725 Waimano Home Rd. in Pearl City for the proposed amendment of Hawai'i Administrative Rules Chapter 11-273.1, which regulates businesses that generate or handle universal wastes. Changes are proposed to allow universal waste handlers to drill holes in or crush electronic storage media without a hazardous waste permit, improve clarity, and add labeling options for electronic items and batteries.

More information about the public hearing is available [here](#).

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION

Hilo WWTP Rehabilitation and Replacement Project – Phase I and Phase II

Island / District	Hawai'i / Waiākea Ahupua'a, South Hilo District
TMK(s)	(3) 2-10-013:002 por
Proposing Agency	State of Hawai'i, Department of Health, Environmental Management Division, Wastewater Branch 2827 Waimano Home Road, Rm. 207, Pearl City, HI 96782 Chane Hayashida, (808) 586-4294, Chane.Hayashida@doh.hawaii.gov
Consultant	Carollo Engineers, Inc.: 733 Bishop Street, Suite 1610, Honolulu, HI 96813 Gary Deis, (808) 524-0869, gdeis@carollo.com
Status	Send comments no later than June 7, 2023 to Proposing agency

The Department of Health (DOH) initiated Section 106 of the NHPA consultation with the State Historic Preservation Division (SHPD) in accordance with 36 CFR Part 800. In 1990, the U.S. Environmental Protection Agency (EPA) designated the DOH to act on EPA's behalf, pursuant to 36 CFR §800.2 (c) (4), when initiating Section 106 of the NHPA process in connection with projects funded under the Hawai'i Clean Water State Revolving Fund (CWSRF). The DOH is providing funding under the CWSRF to the County of Hawai'i for the Hilo WWTP Rehabilitation and Replacement Project – Phase I and Phase II. The proposed project will utilize federal funding and is considered an undertaking, as defined by Section 106 of the NHPA, 54 U.S.C. §306101 et seq., and 36 CFR Part 800.

The undertaking consists of phases. The first phase consists of the replacement of the headworks, including associated improvements (septage receiving facility, headworks electrical building, and the odor control system), replacement of two anaerobic digesters, including associated improvements (sludge blending tanks with odor control facilities, digester control building, digester gas conditioning system, and waste gas flare), and demolition of the existing headworks and digester facilities upon completion of the replacement facilities. Subsequent phases consist of facilities to upgrade and improve the treatment process with resultant improvements to the quality of the effluent, facilities for odor control, and facilities to improve overall operations of the WWTP, which encompass a variety of improved or new plant components affecting secondary treatment, solids handling, warehousing, storage and maintenance functions, and operational control facilities of the Hilo WWTP located in Waiākea Ahupua'a, South Hilo District, Island of Hawai'i. The facility is owned and operated by the County of Hawai'i.

The DOH has engaged SHPD to determine the presence of potential sites of historic importance within the vicinity of the project area as well as the potential impact of the project on such sites, if present.

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.

Rule: [Endangered and Threatened Wildlife and Plants; Technical Corrections for 62 Wildlife and Plant Species on the Lists of Endangered and Threatened Wildlife and Plants](#) (published by the Fish and Wildlife Service on 04/24/2023)

We, the U.S. Fish and Wildlife Service (Service), are withdrawing, in part, a February 2, 2023, direct final rule that revises the taxonomy of 62 wildlife and plant species listed under the Endangered Species Act of 1973, as amended (Act). For the Hawaiian hoary bat (*Lasiurus cinereus semotus*), we received comments relating to scientific research relevant to its taxonomic classification; and as a result, we are withdrawing the amendment in the direct final rule for this species only. The amendments in the direct final rule for the other 61 wildlife and plant species will be effective on May 3, 2023. Effective April 24, 2023, the Service withdraws amendatory instruction 2.a published at 88 FR 7142 on February 2, 2023. Click the link above for further details.

Notice: [Western Pacific Fishery Management Council; Public Meetings](#) (published by the National Oceanic and Atmospheric Administration on 04/25/2023)

The Western Pacific Fishery Management Council will hold its Pacific Pelagic Fishery Ecosystem Plan Plan Team (PT) meeting to discuss fishery management issues and develop recommendations to the Council for future management of pelagic fisheries in the Western Pacific region. **The Pelagic PT meeting will be held between May 9 and May 11, 2023.** Click on the link above for details on in-person and remote participation, and for specific times and agendas.

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).