

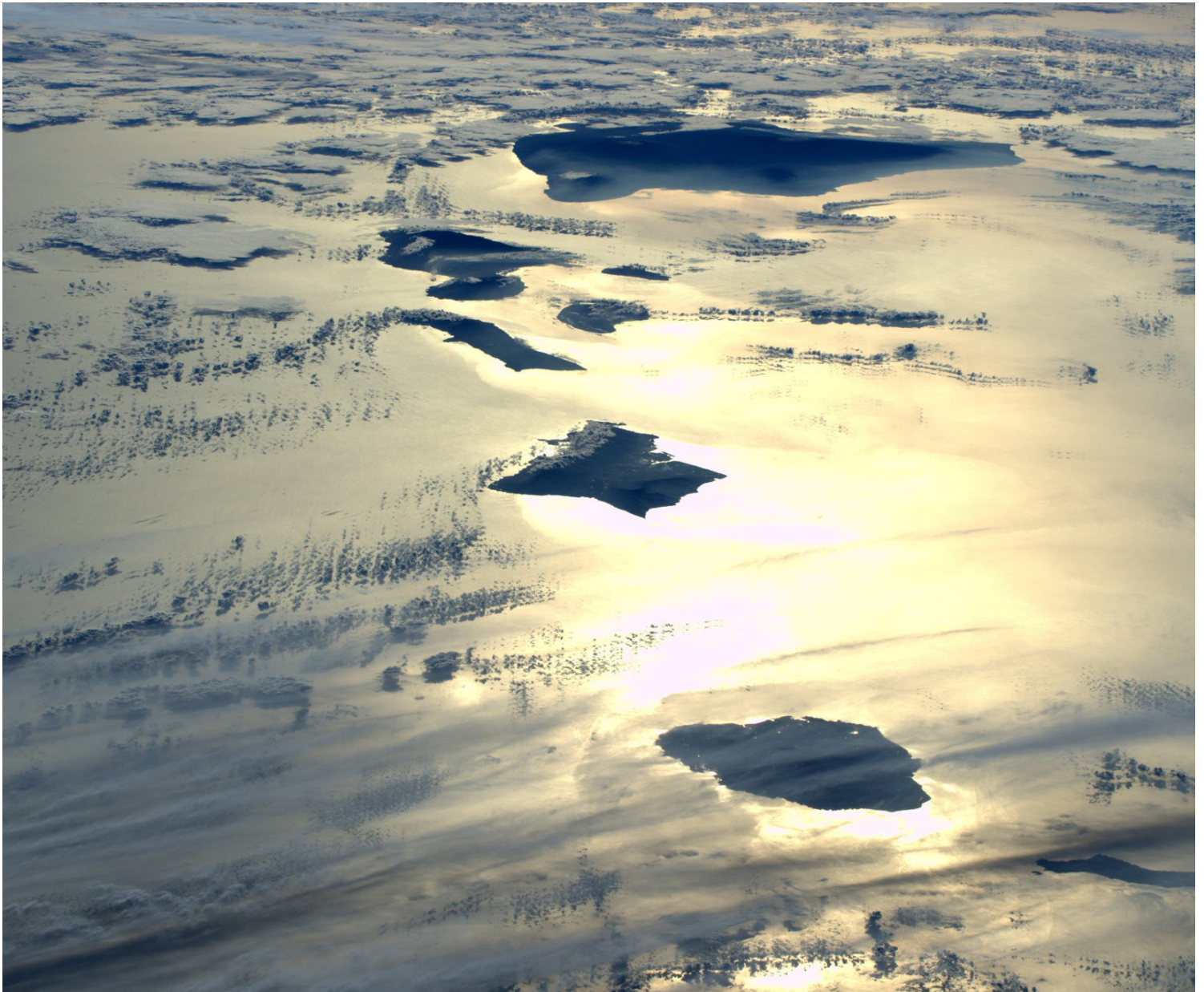


The Environmental Notice

December 8, 2023

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



The view of the Hawaiian Islands from the Space Station never gets old!

Photo credit: [NASA](#)

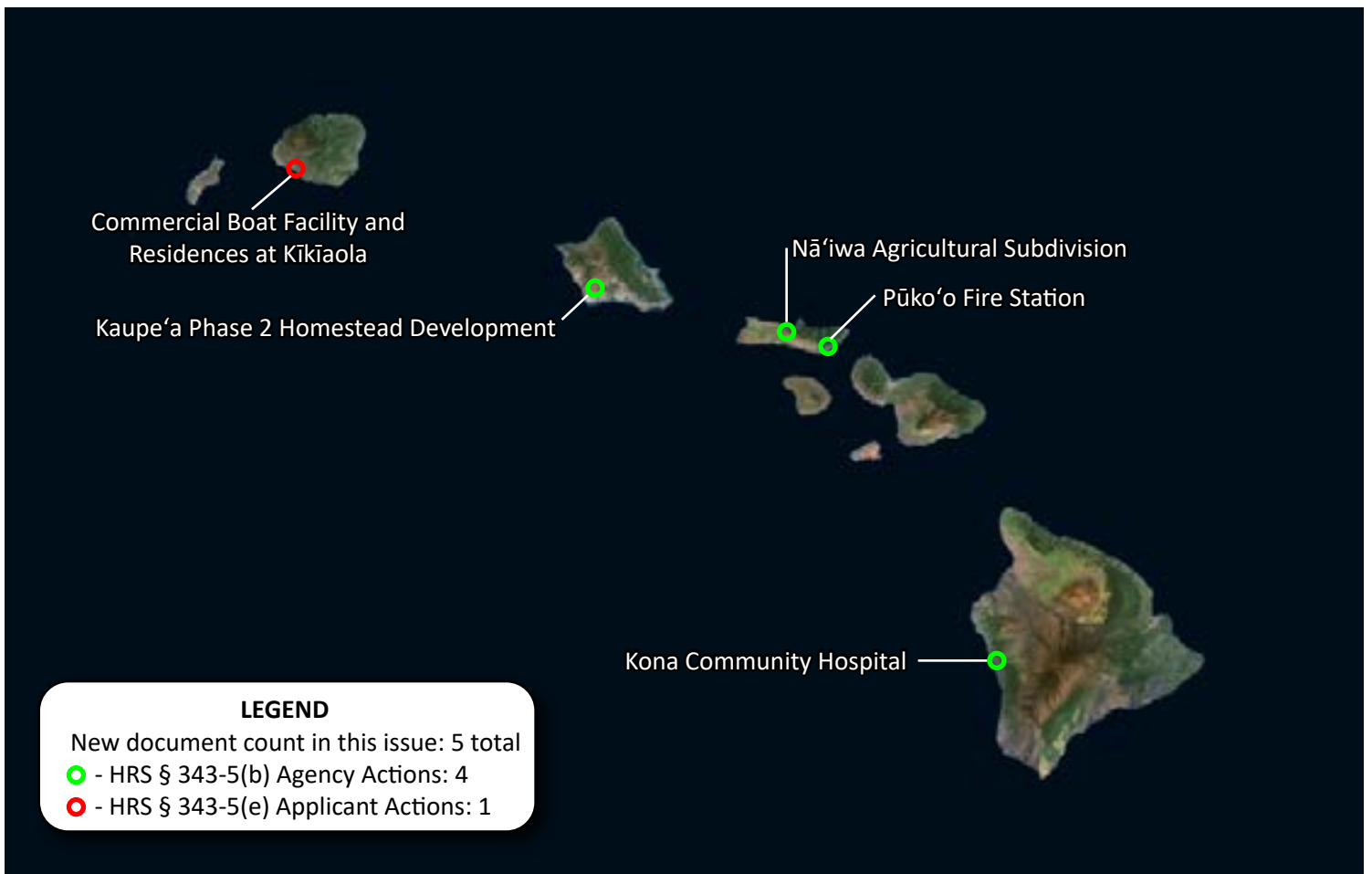
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ANNOUNCEMENTS

- The Environmental Advisory Council's (EAC) December 11 online forum on the use of exemptions has been cancelled; watch for future updates.
- The EAC is seeking new members. To learn more about the work of the EAC, visit their [website](#). To apply to be on the EAC, submit [this online application](#) under Department of Business, Economic Development & Tourism - Environmental Advisory Council.
- Please find the 2024 ERP Publication Calendar attached to the end of this issue; or online [here!](#)

STATEWIDE MAP OF NEW EA/EIS DOCUMENTS & DETERMINATIONS



KAUAʻI EAS/EISS

Commercial Boat Facility and Residences at Kīkīaola--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(3) Propose any use within a shoreline area
District(s)	Waimea
TMK(s)	(4) 1-2-013:039 and 040
Permit(s)	Shoreline Setback Variance, SMA Use Permit, Use Permit, Class IV Zoning Permit
Approving Agency	County of Kauaʻi, Department of Planning Romio Idica, (808) 241-4050, ridica@kauai.gov
Applicant	Nathaniel Fisher; c/o Ian Jung: 3135 Akahi Street #A, Līhuʻe, HI 96766 (808) 245-2163, ikj@kauai-law.com
Consultant	Belles Graham; 3135 Akahi Street #A, Līhuʻe, HI 96766 Ian Jung, (808) 245-2163, ikj@kauai-law.com
Status	Statutory 30-day public review and comment period starts. Comments are due by January 8, 2024. Please click on title link above to read the document, then send comments to the approving agency and copy the consultant.

Nathaniel Fisher proposes to construct a Commercial Boat Facility and two (2) Residential Dwellings on properties identified as Lot Nos. 64 and 65 of Land Court Application No. 1076 (Map 35), and further identified as TMK Nos. (4) 1-2-013:039 and 040. The Applicant proposes to construct a Commercial Boat Facility and two (2) Residential Dwellings (collectively “Project”) on the northern (mauka) side of the Subject Properties to comply with the Section 27 of the CZO. The purpose of the Project is to provide alternative boating facilities for a commercial boating operation at Kīkīaola Small Boat Harbor whereby patrons will park, check-in, gear up and load up to depart to board vessels at Kīkīaola Small Boat Harbor for commercial boat tours. Additionally, the Application proposes two (2) residential dwelling units to accompany the commercial boating facility for residential, employee housing and/or long-term rental use.

OʻAHU EAS/EISS

DHHL Kaupēʻa Phase 2 60-Unit Homestead Development (No Supplemental EIS Required)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	ʻEwa
TMK(s)	(1) 9-1-140:159
Permit(s)	County permits/approval: subdivision approval, building permit, grading permit
Proposing/ Determining Agency	State of Hawaiʻi, Department of Hawaiian Home Lands Andrew Choy, (808) 620-9481, andrew.h.choy@hawaii.gov 91-5420 Kapolei Parkway, Kapolei, HI 96805
Accepting Authority	Office of the Governor, State of Hawaiʻi c/o Scott Glenn, (808) 536-0034, scott.j.glenn@hawaii.gov 415 S. Beretania St., Ste 5, Honolulu, HI 96813
Status	The accepting authority has determined that no supplemental EIS is required

In 2022, the subject parcel was acquired by DHHL from HHFDC to develop homes for its beneficiaries. The proposed project will produce approximately sixty (60) single-family residential homes on a 99-year homestead lease for native Hawaiians. The project represents a fraction of the total 5,000 housing units that were assessed in the Final EIS and access to the development will be in a location similar to what was originally proposed.

The infrastructure improvements associated with the Kaupēʻa Phase 2 project are consistent with the overall intent of the infrastructure alternatives analyzed in the Final EIS. New on-site improvements will include roadways, storm drainage systems, and utilities. The project will enhance the existing off-site improvements with the installation of traffic signals at the intersection of Kapolei Parkway and Puainako Street.

MOLOKA‘I EAS/EISS

Nā‘iwa Agricultural Subdivision--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)	Moloka‘i
TMK(s)	(2) 5-2-003:001 and 5-2-004:001, 002, 004, 007, 046
Permit(s)	Various (see document)
Proposing/ Determining Agency	State of Hawai‘i, Department of Hawaiian Home Lands Solana Rosa-Tutop, (808) 620-9233, Solana.S.Rosa-Tutop@hawaii.gov P. O. Box 1879, Honolulu, HI 96805
Consultant	R. M. Towill Corporation; 2024 North King Street, Suite 200, Honolulu, HI 96819 Brian Takeda, (808) 842-1133, BrianT@rmtowill.com
Status	Finding of No Significant Impact (FONSI) determination

The State of Hawai‘i Department of Hawaiian Home Lands proposes to construct infrastructure improvements in support of the Nā‘iwa Agricultural Subdivision project located within the Ho‘olehua region on the island of Moloka‘i, Hawai‘i. The improvements will occur on approximately 341.2 acres and formally subdivide agricultural lots for use by DHHL beneficiaries in accordance with the Hawaiian Homes Commission Act of 1920. The project involves the construction of the agricultural subdivision infrastructure improvements consisting of access roadways, electrical power, and irrigation and potable water for use by native Hawaiian beneficiaries. The project will also support the construction of homes and ancillary infrastructure by beneficiaries.

Pūko‘o Fire Station Relocation--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)	Moloka‘i
TMK(s)	(2) 5-6-002:002, 001 (por.) and 036 (por.)
Permit(s)	Grading and Grubbing Permits, Building Permits
Proposing/ Determining Agency	County of Maui, Department of Fire and Safety Rylan Yatsushiro, (808) 270-5542, rylan.yatsushiro@co.maui.hi.us 200 Dairy Road, Kahului, HI 96732
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Barbara Natale, (808) 523-5866, UalapueFireHouse@g70.design
Status	Finding of No Significant Impact (FONSI) determination

The Maui Department of Fire and Safety (MFD) plans to relocate its Pūko‘o Fire Station on Moloka‘i to ‘Ualapu‘e. MFD acquired a property in ‘Ualapu‘e with an existing single-family residence and will renovate the residence with new support facilities. Site improvements will consist of grading and earthwork, truck and personal vehicle parking, landscaping, vehicular access and driveway improvements. Utility infrastructure will consist of installation of upgrades to main electrical service wires and new sewage utilities. The interior of the residence will be remodeled with new flooring, cabinets, and appliances. The facility will not be a full-service fire station but rather a fire house, used as a base for a crew of firefighters.

HAWAI‘I EAS/EISS

Kona Community Hospital Redundant Wastewater Treatment System--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 (9)(A) Propose any wastewater treatment unit
District(s)	North Kona
TMK(s)	(3) 7-9-010:081
Permit(s)	Hawai‘i County Building Division Approval, Planning Department Plan Approval; Hawai‘i State Department of Health WWTS Approval
Proposing/ Determining Agency	Hawaii Health Systems Corporation, Kona Community Hospital Robert Hollandsworth, (808) 322-4555, rhollandsworth@hpsc.org 79-1019 Haukapila Street, Kealahou, HI 96750
Consultant	Geometric Associates; 10 Hina Street, Hilo, HI 96720 Ron Terry, (808) 987-5239, rterry@hawaii.rr.com
Status	Finding of No Significant Impact (FONSI) determination

KCH proposes a redundant wastewater treatment system with a capacity of 50,000 gallon-per-day (gpd) to supplement its existing 50,000-gpd system, which requires a shutdown to perform critical repair and maintenance. Because hospital operations must not be disrupted, KCH will divert the wastewater flow to the redundant system while the existing system is offline, and whenever future maintenance is needed. The project is not intended to accommodate expanded wastewater flows, as the system is limited by existing absorption bed capacity. For any substantial future expansion at KCH, a new absorption bed (with a 100 % backup) or other methods to deal with the treated wastewater will be developed. No sensitive biological, hydrological, archaeological, cultural or other resources are present. The project will be timed to minimize effects to medical facility operations, personnel and patients. The project would not adversely affect surface water or groundwater.

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 DECEMBER 8, 2023

MAUI

[Kanaio Forestry and Wildlife Area Project--Draft EA \(AFNSI\)](#)

COMMENTS DUE JANUARY 8, 2024

O‘AHU

[Ala Wai Canal Flood Risk Management Study--Draft Supplemental 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 November 2023; contact the identified agency contact on each list for additional information about any specific exemption:

State of Hawai‘i

[Department of Accounting and General Services](#)

[Department of Education](#)

[Department of Land and Natural Resources](#)

County of Hawai‘i

[Office of Housing and Community Development](#)

City and County of Honolulu

[Department of Design and Construction](#)

[Department of Planning and Permtting](#)

PRIOR DETERMINATION

The Hawaii Housing Finance and Development Corporation (HHFDC) [has determined](#) no additional environmental review is required for the Hale Moena Phase 3 and Phase 4 Affordable Housing Project in Kapolei, O‘ahu. The Project was initially designed as a mixed-use affordable housing project. In 2015, HHFDC approved the Kapolei Mixed-Use Development Final Environmental Assessment (Final EA) and issued a finding of no significant impact (FONSI). The [Final EA/FONSI](#) addressed potential impacts and provided mitigation measures for the full build-out of the Project site, which was proposed as three phases on an entire block in Kapolei. The first two phases have been completed, and now the applicant proposes to build a third phase for residential use compared to ground floor retail proposed initially. After careful analysis and as described in the [attachment](#), HHFDC as the approving agency is invoking Section 11-200.1-11, HAR, that the Final EA/FONSI is applicable to the Project and that additional environmental review is not required.

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
Maui: Pā‘ia (2-6-008: 010)	After-the-fact Rock Wall and Gate (SM2 2023-00079)	Steven M Oberlin
Maui: Lahaina (4-3-018: 040)	Expansion of the Existing Play Structure Includes an Extension of the Existing Concrete Slab and Poured-in-Place Rubberized Fall Protection (SM2 2023-00087)	Fukumoto Engineering Inc. Mandy Saito Michael Silva
Maui: Hana (1-4-006: 003)	Installation of Two New Septic Systems (SM2 2023-00089)	Sean Ogata
Maui: Kihei (3-9-018: 022)	Maui Coast Restaurant Renovations - New Slab for Walkup Window (SM2 2023-00090)	Rory Frampton
Maui: Lahaina (4-3-015: 060)	After-the-Fact Excavation for Modular Pool, Removal of Encroaching Structures and Sign, Proposed Installation of Retaining Walls and Concrete Slab for Pool Placement (SM2 2023-00091)	James Quine
O‘ahu: Maunaloa (3-8-001: 045)	Lagoon Residential Addition (2023/SMA-72)	Lagoon Investment, LLC/Matsuki Design
O‘ahu: Kahuku (5-7-001: 046)	Modify an Existing Rooftop Telecommunications Facility (2023/SMA-76)	New Cingular Bay Resort, LLC/J5 Infrastructure Partners
O‘ahu: Diamond Head (3-1-036: 022)	Brem Residence Pool and Pavilion Replacement (2023/SMA-78)	Fritz Johnson, AIA/Masa Fujioka and Associates
O‘ahu: Makaha (8-4-008: 012)	Wittkow Ohana Dwelling Addition (2023/SMA-80)	Jack Visin/Whale Environmental Services LLC

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, contact Rebecca Anderson at rebecca.l.anderson@hawaii.gov

File No.	Location	TMK	Applicant	Owner
HA-638	15-2685 Welea Street, Hawai‘i 96778	(3) 1-5-087:012	Kim Chiodo/ Land Planning Hawaii	Joseph & Cindy Klingman
KA-481	491 Kīkīaola Place, Kaua‘i 96752	(4) 1-2-013:031	Roger M. Caires	Graham & Marisa Chelius
KA-482	650 Aleka Loop, Kaua‘i 96746	(4) 4-3-07:028	Lucas Breckenridge & Associates	KHS, LLC

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-2068	Proposed	10 Po'ipū Place, O'ahu 96825	(1) 3-9-028:008	Jaime F. Alimboyoguen	Spencer McInnis
OA-2070	Proposed	57-320 Punalua Place, O'ahu 96731	(1) 5-7-003:049	Walter P. Thompson, Inc.	Modern Development, LLC

FEDERAL NOTICES

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

Proposed Rule: [Endangered and Threatened Species; Designation of Critical Habitat for Five Species of Threatened Indo-Pacific Corals](#) (published by the Commerce Department and the National Oceanic and Atmospheric Administration on 11/30/2023)

On November 27, 2020, we, NMFS, published in the Federal Register a proposal to designate 17 island units of critical habitat in the Pacific Islands Region for 7 Indo-Pacific coral species listed under the Endangered Species Act (ESA). Based on public comments and new information regarding the interpretation of the records of the listed corals and application to critical habitat, a substantial revision of the proposed rule is warranted. Accordingly, we are withdrawing the 2020 proposed rule and publishing this new proposed rule. We propose to designate critical habitat for five of the seven coral species that were addressed in the 2020 proposed rule: *Acropora globiceps*, *Acropora retusa*, *Acropora speciosa*, *Euphyllia paradivisa*, and *Isopora crateriformis*. Proposed critical habitat includes 16 island units encompassing approximately 251 square kilometers; 97 square miles of marine habitat. Several areas are ineligible for critical habitat because of final Department of Defense Integrated Natural Resource Management Plans that we have determined will benefit the listed corals. We have considered economic, national security, and other relevant impacts of the proposed designations, but are not proposing to exclude any areas from the critical habitat designations due to anticipated impacts. **Comments on this proposal must be received by February 28, 2024.** Click on the title link above for additional information.

Notice: [Marine Mammals; File No. 26593](#) (published by the Commerce Department and the National Oceanic and Atmospheric Administration on 11/24/2023)

Notice is hereby given that Adam Pack, Ph.D., University of Hawaii at Hilo, 200 West Kawili Street, Hilo, HI 96720, has applied for an amendment to Scientific Research Permit No. 26593, issued on March 13, 2023 (88 FR 23400, April 17, 2023), which authorizes the permit holder to study 29 cetacean species in Hawaiian and Alaskan waters, with a focus on humpback whales (*Megaptera novaeangliae*). The purpose of the research is to examine the behavioral ecology, biology and communication systems of humpback whales as well as the abundance, distribution, behavior, and physiological stress levels of all cetacean species in the study area. Research may be conducted from boats, airplanes, unmanned aircraft systems (UAS), and underwater. Animals may be studied using photo-ID, videogrammetry, passive acoustic recordings, behavioral observations, collection of fecal and skin samples, biopsy sampling, and suction-cup tagging. The permit holder is requesting the permit be amended to add active acoustic playbacks to humpback whales and to authorize suction-cup tagging of an additional 98 humpback whales annually as part of the acoustic research. In addition, Dr. Pack is requesting to add UAS deployment of suction-cup tags as a procedure for humpback whales. The objective of the acoustic playbacks are to examine humpback whale responses to vessel engine noise, conspecific sounds, natural ambient noise, and tonal sounds in Hawaiian waters. The permit expires on April 30, 2028. **Written comments must be received on or before December 26, 2023.** Please click on the title link for further information.

Notice: [Western Pacific Fishery Management Council; Public Meetings; Correction](#) (published by the Commerce Department and the National Oceanic and Atmospheric Administration on 12/01/2023)

Notice of time changes of public meetings and notice of a partially closed meeting. The Western Pacific Fishery Management Council (Council) will hold its Executive and Budget Standing Committee and its 197th Council meeting to take actions on fishery management issues in the Western Pacific Region. A portion of the 197th Council meeting will be closed to the public. **The meetings will be held between December 11 and December 13, 2023.** For specific times and agendas, click on the link above.

FEDERAL NOTICES (CONTINUED)**Notice: [Implementing the Supreme Court's Maui Decision in the Clean Water Act Section 402 National Pollutant Discharge Elimination System Permit Program](#) (published by the Environmental Protection Agency on 11/27/2023)**

The U.S. Environmental Protection Agency (EPA) is issuing for public comment a draft guidance on applying the recent decision of the United States Supreme Court in *County of Maui v. Hawaii Wildlife Fund*, in the Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) permit program for point source discharges that travel through groundwater before reaching a water of the United States. This guidance will not have the force and effect of law and it will not bind the public in any way. By issuing this guidance, the EPA intends only to provide clarity to the public regarding existing requirements under the law or Agency policies. **Comments must be received on or before December 27, 2023.** For additional information on accessing the document and submitting comments, please click on the title link above.

Notice: [Environmental Impact Statements; Notice of Availability](#) (published by the Environmental Protection Agency on 11/24/2023)

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on *EIS No. 20230163, Draft Supplement, USACE, HI, Draft General Reevaluation Report with Integrated Supplemental Environmental Impact Statement: Ala Wai Canal Flood Risk Management Study, Oahu, Hawaii*, are available at: <https://cdxapps.epa.gov/cdx-enepa-ii/public/action/eis/search>. The comment period ends: 01/08/2024. For information, contact: Eric Merriam 412-395-7185

Notices: Various corrections and amendments to federal Major Disaster Declarations related to the Maui Wildfires can be found [here](#), [here](#), [here](#), [here](#), [here](#), and [here](#).

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).



Publication Calendar of the
Environmental Review Program
Periodic Bulletin, **HAR Chapter 11-200.1**

2024

Pursuant to Chapter 11-200.1, Hawai'i Administrative Rules (HAR), all items to be published in the periodic bulletin must be electronically submitted (see, <https://planning.hawaii.gov/erp/submittal-form/>) to the Environmental Review Program (ERP) five working days prior to the publication date. For actions that have published a draft EA or EISPN on or before August 8, 2019, use the 1996 Rules Submittal Deadline column for determining the filing date for the Final EA, Draft EIS, Final EIS, Acceptance / Non-acceptance, supplemental determinations, and supplemental EISs.

1996 Rules Submittal Deadline	Current Submittal Deadline	Publication Date	EA or EISPN Comment 30-Day Deadline	EIS Comment 45 Day Deadline
Dec 13 Wed	Dec 18 Mon	Dec 23 2023 Sat	Jan 22 Mon	Feb 06 Tue
Dec 26 Tue	Dec 29 Fri	Jan 08 2024 Mon	Feb 07 Wed	Feb 22 Thu
Jan 10 Wed	Jan 16 Tue	Jan 23 Tue	Feb 22 Thu	Mar 08 Fri
Jan 29 Mon	Feb 01 Thu	Feb 08 Thu	Mar 11 Mon	Mar 25 Mon
Feb 12 Mon	Feb 15 Thu	Feb 23 Fri	Mar 25 Mon	Apr 08 Mon
Feb 27 Tue	Mar 01 Fri	Mar 08 Fri	Apr 08 Mon	Apr 22 Mon
Mar 13 Wed	Mar 18 Mon	Mar 23 Sat	Apr 22 Mon	May 07 Tue
Mar 25 Mon	Apr 01 Mon	Apr 08 Mon	May 08 Wed	May 23 Thu
Apr 11 Thu	Apr 16 Tue	Apr 23 Tue	May 23 Thu	Jun 07 Fri
Apr 26 Fri	May 01 Wed	May 08 Wed	Jun 07 Fri	Jun 24 Mon
May 13 Mon	May 16 Thu	May 23 Thu	Jun 24 Mon	Jul 08 Mon
May 29 Wed	Jun 03 Mon	Jun 08 Sat	Jun 24 Mon	Jul 08 Mon
Jun 12 Wed	Jun 17 Mon	Jun 23 Sun	Jul 08 Mon	Jul 23 Tue
Jun 25 Tue	Jun 28 Fri	Jul 08 Mon	Jul 23 Tue	Aug 07 Wed
Jul 11 Thu	Jul 16 Tue	Jul 23 Tue	Aug 07 Wed	Aug 22 Thu
Jul 29 Mon	Aug 01 Thu	Aug 08 Thu	Aug 22 Thu	Sep 06 Fri
Aug 12 Mon	Aug 15 Thu	Aug 23 Fri	Sep 09 Mon	Sep 23 Mon
Aug 27 Tue	Aug 30 Fri	Aug 23 Fri	Sep 23 Mon	Oct 07 Mon
Sep 11 Wed	Sep 16 Mon	Sep 08 Sun	Oct 08 Tue	Oct 23 Wed
Sep 26 Thu	Oct 01 Tue	Sep 23 Mon	Oct 23 Wed	Nov 07 Thu
Oct 11 Fri	Oct 16 Wed	Oct 08 Tue	Nov 07 Thu	Nov 22 Fri
Oct 28 Mon	Oct 31 Thu	Oct 23 Wed	Nov 22 Fri	Dec 09 Mon
Nov 13 Wed	Nov 18 Mon	Nov 08 Fri	Dec 09 Mon	Dec 23 Mon
Nov 26 Tue	Dec 02 Mon	Nov 23 Sat	Dec 23 Mon	Jan 07 Tue
Dec 11 Wed	Dec 16 Mon	Dec 08 Sun	Jan 07 Tue	Jan 22 Wed
Dec 26 Thu	Dec 31 Tue	Dec 23 2024 Mon	Jan 22 Wed	Feb 06 Thu
		Jan 08 2025 Wed	Feb 07 Fri	Feb 24 Mon

- Section 11-200.1-4(a), HAR, establishes the publication schedule of the periodic bulletin to be on the eighth and twenty-third of each month. Publication shall occur on weekends and holidays, when appropriate.
- Section 11-200.1-5(a), HAR, establishes the submittal deadline to be five working days before the publication date. The schedule does not count holidays and non-working days. Items must be submitted before the close of business (4:30 PM) on the submittal deadline. Note: Actions that have published the Draft EA or EISPN on or before August 8, 2019 shall file pursuant to Chapter 11-200, HAR ("1996 Rules"), which requires filing eight working days before publication.
- Comment periods for EAs are 30 days and for EISs are 45 days from the publication date. Section 11-200.1-3 sets forth how to count the days from publication. The publication date is day zero. Holidays and weekends are counted. When the deadline falls on a state holiday or non-working day, the deadline is the next working day.