



The Environmental Notice

September 8, 2024

Josh Green, M.D., 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.



A project proposes to construct new sewer collection systems or individual wastewater systems in the Ka'u District.

photo from [project's Draft EA](#)

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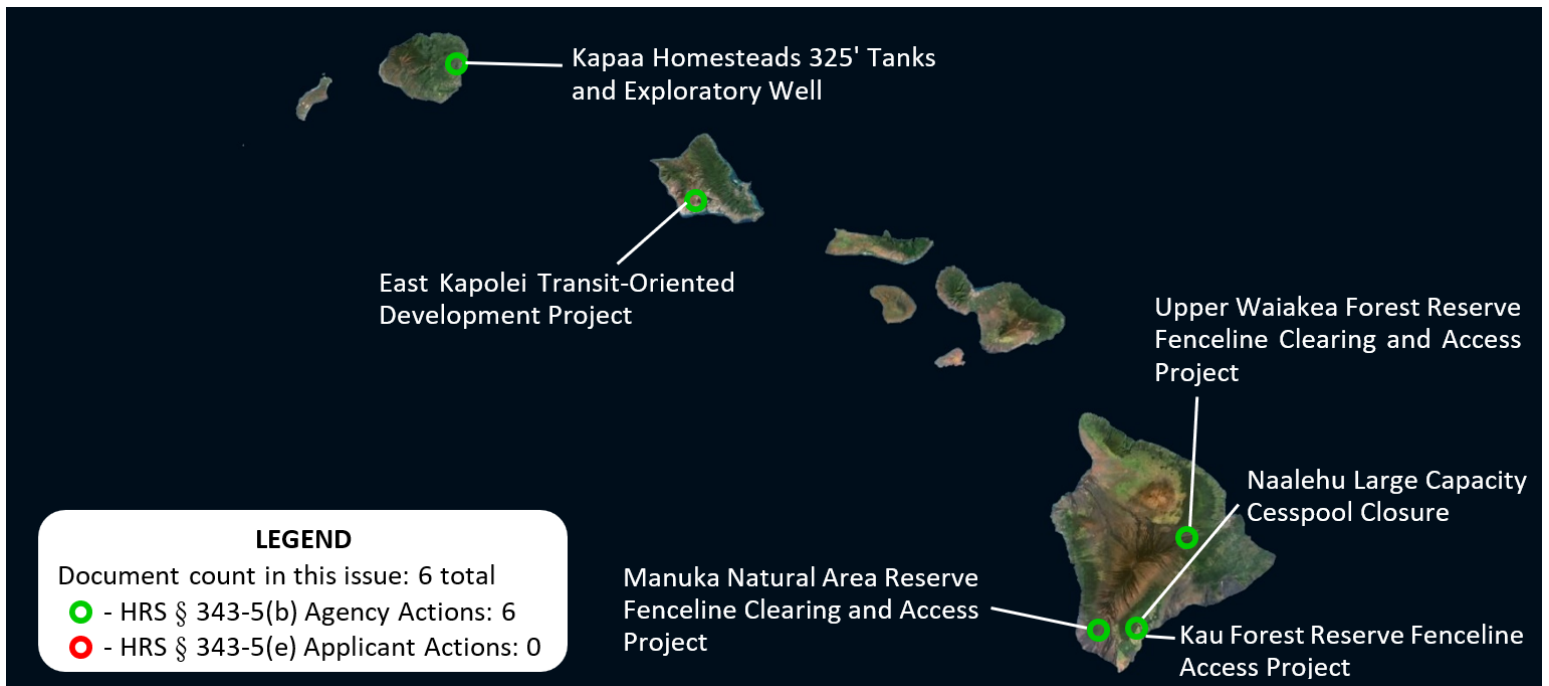
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ANNOUNCEMENTS

The Environmental Advisory Council (EAC) is still seeking new members. To learn more about the work of the EAC, visit their [webpage](#). To apply to be on the EAC, submit this [online application](#) under Department of Business, Economic Development & Tourism - Environmental Advisory Council.

STATEWIDE MAP OF EA/EIS DOCUMENTS AND DETERMINATIONS



HAWAI‘I EAS/EISS

Kau Forest Reserve Fenceline Access Project – 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 (2) Propose any use within any land classified as a conservation district
District(s)	Ka‘ū
TMK(s)	(3) 9-7:001:001
Permit(s)	Conservation District Use Permit
Proposing/ Determining Agency	DLNR Emma Yuen, (808) 366-4788, emma.yuen@hawaii.gov 1151 Punchbowl St, RM 325, Honolulu, HI 96813
Consultant	None
Status	Statutory 30-day public review and comment period starts. Comments are due by October 8, 2024. Please click on title link above to read the document, then send comments to emma.yuen@hawaii.gov .

The overall purpose of the road and grubbing project is to facilitate native ecosystem preservation of the Kau Forest Reserve on Hawaii Island. To gain access for the maintenance of a hooved-animal-proof fence, the Division proposes creating a road with a bulldozer. The Division is avoiding impact to sensitive ecosystems by locating the proposed activities on an area primarily composed of lava from the 1950 flow. The proposed road corridor is approximately 1.3 miles long. The road will be installed in a remote area of the Kau Forest Reserve that borders Hawaii Volcanoes National Park. Lengths are approximate and subject to change.

In addition to saving time for conducting natural resource management such as invasive species control and tree planting, this road will reduce the amount of time needed to respond to emergencies like wildfires in this area.

Manuka Natural Area Reserve Fenceline Clearing and Access Project – 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 (2) Propose any use within any land classified as a conservation district
District(s)	South Kona
TMK(s)	(3) 9-1-001:002; (3) 8-9-006:001
Permit(s)	Conservation District Use Permit
Proposing/ Determining Agency	DLNR Emma Yuen, (808) 366-4788, emma.yuen@hawaii.gov 1151 Punchbowl St, RM 325, Honolulu, HI 96813
Consultant	None
Status	Statutory 30-day public review and comment period starts. Comments are due by October 8, 2024. Please click on title link above to read the document, then send comments to emma.yuen@hawaii.gov .

The overall purpose of the road and grubbing project is to facilitate native ecosystem preservation of the Manuka Natural Area Reserve. To gain access and clear for the construction of a hooved-animal-proof fence, the Division proposes creating a road using a bulldozer to improve access to a proposed fenceline and also serve as a firebreak. The Division is avoiding impact to sensitive ecosystems by primarily locating the proposed activities on disturbed areas or areas with low biodiversity. An existing bulldozed road exists for approximately 1 mile, and this project proposes to widen that existing road from 8’ to 16’ and extend that road an additional approximately 1.1 miles. The road is proposed to be situated to avoid kipuka of native vegetation as much as possible, and portions will be sited on barren lava or pioneer vegetation from relatively recent lava flows. The fenceline is approximately 2.9 miles. Lengths are approximate and subject to change.

HAWAII EAS/EISs (CONTINUED)

Upper Waiakea Forest Reserve Fenceline Clearing and Access Project – 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 (2) Propose any use within any land classified as a conservation district
District(s)	South Hilo
TMK(s)	(3) 2-4:008:001
Permit(s)	Conservation District Use Permit
Proposing/ Determining Agency	DLNR Emma Yuen, (808) 366-4788, emma.yuen@hawaii.gov 1151 Punchbowl St, RM 325, Honolulu, HI 96813
Consultant	None
Status	Statutory 30-day public review and comment period starts. Comments are due by October 8, 2024. Please click on title link above to read the document, then send comments to emma.yuen@hawaii.gov .

The overall purpose of the road and grubbing project is to facilitate native ecosystem preservation of the Upper Waiakea Forest Reserve in the South Hilo District of Hawaii Island. To gain access and clear for the construction of a hooved-animal-proof fence that will protect approximately 850 acres, the Division proposes creating a road and also clearing a section of the fenceline with a bulldozer. The Division is avoiding impact to sensitive ecosystems by locating the proposed activities on disturbed areas, lava, or areas that have forests that contain lower native biodiversity. The proposed road corridor is approximately 2.52 miles long. The fenceline proposed to be cleared is approximately 2.84 miles long. Approximately 0.32 miles of this fence will be along an existing old road, and another 1.38 mile section will be along lava flows, with the remainder (1.14 miles) will be through low-diversity native forest. Lengths are approximate and subject to change.

Naalehu Large Capacity Cesspool Closure – 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)	Portions of (3) 9-5-007, (3) 9-5-008, (3) 9-5-009, (3) 9-5-007, (3) 9-5-021, (3) 9-5-022, (3) 9-5-024, (3) 9-5-025, and (3) 9-5-026.
Permit(s)	See EID / EA Section 5.3
Proposing/ Determining Agency	County of Hawaii Department of Environmental Management Mark Grant, (808) 961-8083, markj.grant@hawaiicounty.gov 345 Kekūanā‘o Street, Suite 41, Hilo, HI 96720
Consultant	Wilson Okamoto Corporation; 1907 South Beretania Street, Suite 400, Honolulu, HI 96826 Harlee Meyers, (808) 946-2277, hmeyers@wilsonokamoto.com
Status	Statutory 30-day public review and comment period starts. Comments are due by October 8, 2024. Please click on title link above to read the document, then send comments to publiccomment@wilsonokamoto.com .

This project involves the construction of new sewer collection systems or individual wastewater systems for treatment to serve portions of the existing community of Nā‘ālehu in the Ka‘u District of the Island of Hawai‘i. These improvements would allow for the closure of existing large capacity “gang” cesspools (LCC) currently serving these communities. The project will improve the longevity of the sewer systems in these communities as well as assure compliance with the EPA mandated conversion of LCCs.

O‘AHU EAS/EISS

East Kapolei Transit-Oriented Development Project – (2nd EIS Preparation Notice)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	‘Ewa
TMK(s)	(1) 9-1-016:008; 9-1-017:096(por.); 9-1-017:097; 9-1-017:098(por.); 9-1-017:099; 9-1-017:163; 9-1-017:193 (por.); 9-1-018:008; 9-1-018:014; 9-1-018:015 (por.); Kualaka’i Parkway Right-of-Way (ROW)(por.); and Farrington Highway ROW(por.)
Permit(s)	See Chapter VII of EISPN
Proposing/Determining Agency	Department of Land and Natural Resources Russell Tsuji, (808) 587-0419, Russell.Y.Tsuji@hawaii.gov 1151 Punchbowl Street, Honolulu, Hawai‘i 96813
Accepting Authority	State of Hawai‘i, Governor Josh Green, (808) 586-0034, https://governor.hawaii.gov/contact-us/contact-the-governor 415 South Beretania Street, Honolulu, HI 96813
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Tessa Munekiyo Ng, (808) 983-1233, dlnrkapolei@munekiyohiraga.com
Status	Administrative 30-day public review and comment period starts. Comments are due by October 8, 2024. Please send comments to dlnrkapolei@munekiyohiraga.com . An EIS Public Scoping Meeting will be held on September 25, 2024 at 5:30 pm at the Honouliuli Middle School Cafeteria (91-559 Maunakapu Street, ‘Ewa Beach, Hawai‘i 96706).

The proposed action involves the development of the East Kapolei Transit-Oriented Development (TOD) Plan which will include the development of a transit-oriented, mixed-use hub with commercial, retail, hotel, medical, and affordable, workforce, and market rental housing along with light industrial uses in the East Kapolei TOD area in ‘Ewa, O‘ahu, Hawai‘i. The project area totals approximately 170 acres of land adjacent to or in proximity of the Keone‘ae Rail Station, the University of Hawai‘i West O‘ahu (UHWO) and the Ho‘opili master planned community. It is noted that an Environmental Impact Statement Preparation Notice (EISPN) was initially published in the [October 23, 2022 edition of The Environmental Notice](#). This second EISPN is being published to specifically identify the adjacent parcels involved in the station connection and other offsite improvements.

KAUA‘I EAS/EISS

Kapaa Homesteads 325' Tanks and Exploratory Well – 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)	Kawaihau
TMK(s)	(4) 4-6-011:003; (4) 4-6-011:125
Permit(s)	Various, see Final EA
Proposing/Determining Agency	County of Kauai, Department of Water Scott Suga, (808) 245-5411, sisuga@kauaiwater.org 4398 Pua Loke Street, Lihue, Hawaii 96766
Consultant	Bowers + Kubota Consulting, Inc; 2153 N. King Street, Suite 200, Honolulu, Hawaii 96819 Jared Chang, (808) 836-7787, jchang@bowersandkubota.com
Status	Finding of No Significant Impact (FONSI) determination

The County of Kauai, Department of Water is proposing to construct two 0.5-million-gallon (MG) reservoirs, named Kapa‘a Homesteads 325’ Tanks, at the Ornellas Tank Site in Kawaihau, Kaua‘i, Hawai‘i. The new tanks will supplement the site’s existing 0.2-MG storage facility. An exploratory well (Kapa‘a Homesteads Well No. 4) has been drilled at this site adjacent to the existing Ornellas Tank. This well needs to be tested to determine its source capacity to allow the DOW to move forward with the permitting and design of its well pump and operational controls. The overall objective of the Proposed Action is to provide additional water storage and water source for the Wailua-Kapa‘a community. A new drainage line for the tanks and well site has been installed along Ka‘apuni Road but is not currently in service. The proposed outlet for the drain line is on a non-contiguous, privately-owned parcel adjacent to Ka‘apuni Road. The permitting and construction of the outlet needs to be completed.

CHAPTER 25, REVISED ORDINANCES OF HONOLULU

Use of the Special Management Area (SMA) is not a trigger under HRS Chapter 343, but major developments in O’ahu’s SMA must 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.

Hale O Lipoa Affordable Housing Project – Final EA (FONSI)

District(s)	O’ahu - multiple districts
TMK(s)	(1)9-8-014:0021
Permit(s)	HRS, 201H; grading, stockpiling, trenching, and building permits
Approving Agency	Department of Planning and Permitting Steven H. Tagawa, (808) 768-8024, stagawa@honolulu.gov 650 South King Street, Honolulu, Hawaii 96813
Applicant	Lipoa Development LLC; 1188 Bishop Street, Suite 907, Honolulu, Hawaii 96813 Keegan Flaherty, (209) 244-8544, keegan.flaherty@ikenakea.com
Consultant	Environmental Planning & Assessments LLC; P.O. Box 3442, Honolulu, Hawaii 96801 Alicia Ruelke, (808) 387-8188, epa.hawaii@gmail.com
Status	Finding of No Significant Impact (FONSI) determination

The 6 existing apartment buildings on the 0.964 acre site, built in the 1970s, will be replaced with a 8-story, 153-unit affordable rental housing project with parking on two levels, a community center, and exercise room. The project is designed as workforce housing, with studios, 1-bedroom, 2-bedroom, and 3-bedroom units, including a managers unit. The affordability levels have not been finalized, but are intended to meet the City and County of Honolulu 201H Hawaii Revised Statutes, affordable housing guidelines. The priority scenario 1 is for 100 percent affordability for households earning 60% or below the area median income (AMI) utilizing Low-Income Housing Tax Credits (LIHTC). The BMX-3 parcel has a 90-foot height limit and is in the Pearl Ridge Transit Oriented Development Area. The site is in the Special Management Area (SMA) pursuant to Chapter 25, Revised Ordinances of Honolulu, and requires approval by the Honolulu City Council.

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 **August 2024, unless noted otherwise**; contact the identified agency contact on each list for additional information about any specific exemption:

State of Hawai’i

- [Department of Education](#)
- [Department of Land and Natural Resources](#)
- [Department of Transportation](#)
- [Hawai’i Community Development Authority](#)
- [Hawaii Housing & Finance Development Corporation](#)

County of Hawai’i

- [Department of Public Works](#)

County of Maui

- [Department of Public Works](#)

City and County of Honolulu

- [Board of Water Supply \(July 2024\)](#)
- [Department of Transportation Services](#)
- [Department of Planning and Permitting](#)

County of Kaua’i

- [Department of Public Works](#)

EXEMPTION NOTICES

The following agency has declared certain actions exempt from the requirement to prepare an EA pursuant to [HAR § 11-200.1-16](#), and have voluntarily submitted the Exemption Notices for publication:

State of Hawai'i, Hawai'i Community Development Authority

Repairs to Existing Storm Water Catch Basin Located on Queen Street, Kaka'ako

The HCDA is proposing to repair an existing concrete storm water catch basin in the Queen Street right-of-way. The proposed work will have minimal impacts on the environment, and is therefore a general action that is eligible for exemption from the preparation of an environmental assessment.

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: Kihei (3-9-029:049)	Proposed replacement of the existing 4-foot picket fence with new 6-foot vinyl fencing along the length of the project fronting Kaiola Place (SM22024-00038)	Joseph Blackburn and Lucas Olson
Oahu: Mākaha (8-4-004:018)	Ramadan Residence- New Single-Family Dwelling (2024/SMA-74)	Planning Solutions (Jim Hayes)

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	ZIP Code	TMK	Applicant	Owner
OA-2120	56-225 Kamehameha Highway	96731	(1) 5-6-001:078	Kenn Nishihira	Noelle E. Remington

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	Zip Code	TMK	Applicant	Owner
OA-2117	Proposed	430 D North Kalaheo Avenue	96734	(1) 4-3-017:019	Walter P. Thompson, Inc.	DTT Kalaheo LLC and MRT Kalaheo LLC
HA-647	Proposed	12-7207 Moana Kai Pali Place	96778	(3) 1-2-030:003	Daniel Berg c/o dlb & Associates, LLC	Dan Mardones
HA-651	Proposed	88-123 Kai Avenue	96704	(3) 8-8-005:103	Wes Thomas Associates	Jane K. Sullivan
KA-486	Proposed	7971 Kaumualii Highway	96752	(4) 1-3-001:083	Roger M. Caires	Robert A. Elliott

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Application or interested in receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in the Environmental Notice. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed for each project. CDUAs can be found on the OCCL website at dlnr.hawaii.gov/occl.

PROJECT:

File No.: [CDUA HA-3953 \(Department's Acceptance Letter\)](#)
Name of Applicant: Department of Land and Natural Resource's Division of Boating and Ocean Recreation
Agent: Oceanit
Location: Kawaihae-Māhukona Road, Kawaihae, Hawai'i 96743
TMK: (3) 6-1-003:023
Proposed Action: [Kawaihae Small Boat Harbor](#)
343, HRS determination: Final Environmental Assessment published in the February 23rd, 2024, edition of The Environmental Notice with a FONSI
Agent Contact: Berna Senelly | ph: (808) 954-4221
 Email: bsenelly@oceanit.com
OCCL Staff Contact: Alyssa Accardo | ph: (808) 587-0048
 Email: alyssa.m.accardo@hawaii.gov

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.

Presidential Document: [National Wilderness Month, 2024](#) (published by the Executive Office of the President on 09/05/2024)

President of the United States, Joseph R. Biden Jr., proclaims September 2024 as National Wilderness Month. For more information and to read the full proclamation, visit the title link above.

Notice: [Western Pacific Fishery Management Council; Public Meetings; Correction](#) (published by the National Oceanic and Atmospheric Administration on 09/03/2024)

The Western Pacific Fishery Management Council (Council) will hold its Fishery Rights of Indigenous People Standing Committee (SC), Executive and Budget SC, and its 200th Council meetings to take actions on fishery management issues in the Western Pacific Region. **The meetings will be held between September 20 and September 25, 2024.** To view the agenda, visit the title link.

Rule: [Protection of Marine Archaeological Resources](#) (published by the Ocean Energy Management Bureau on 09/03/2024)

The Department of the Interior (the Department or DOI), acting through the Bureau of Ocean Energy Management (BOEM), is finalizing regulatory amendments to require lessees and operators to submit an archaeological report with any oil and gas exploration or development plan they submit to BOEM for approval of proposed activities on the Outer Continental Shelf (OCS). This final rule will increase the protection of archaeological resources in compliance with section 106 of the National Historic Preservation Act (NHPA) by acknowledging that there is a greater likelihood that such resources exist, thereby increasing the likelihood that these resources will be located and identified before they can be inadvertently damaged by an OCS operator. This final rule is effective October 3, 2024. For more information, click on the title link above.

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).