

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Aquatic Resources  
Honolulu, Hawaii 96813

September 24, 2021

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

RECOMMENDATION FOR APPROVAL OF APPLICANT'S REQUEST FOR EXTENSION  
OF 30-DAY TIME PERIOD FOR CONSIDERATION OF FINAL ENVIRONMENTAL  
IMPACT STATEMENT FOR THE ISSUANCE OF COMMERCIAL AQUARIUM PERMITS  
AND COMMERCIAL MARINE LICENSES FOR THE HONOLULU, 'EWA, WAI'ANAЕ,  
WAIĀLUA, KO'OLAULOА, AND KO'OLAUPOKO DISTRICTS ON THE ISLAND OF  
O'AHU.

On August 26, 2021, the Pet Industry Joint Advisory Council (applicant) filed a Final Environmental Impact Statement (FEIS) for the Issuance of Commercial Aquarium Permits and Commercial Marine Licenses for the Honolulu, 'Ewa, Wai'anae, Waiālua, Ko'olauloa, and Ko'olauapoko districts on the island of O'ahu with the Environmental Review Program (ERP) at the Office of Planning and Sustainable Development, formerly known as the Office of Environmental Quality Control (OEQC) at the Department of Health.<sup>1</sup>

This FEIS process is governed by Hawaii Revised Statutes (HRS) chapter 343<sup>2</sup> and Hawaii Administrative Rules (HAR) chapter 11-200.<sup>3</sup> HAR § 11-200-23 (Acceptability) outlines the requirements when an FEIS is filed with the office; Subsection (d) states in relevant part:

An approving agency shall take prompt measures to determine the acceptability or non-acceptability of the applicant's statement. The agency shall notify the applicant and the office of the acceptance or nonacceptance of the final EIS within thirty days of the final EIS, provided that the thirty-day period may be extended at the request of the applicant for a period not to exceed fifteen days. The request shall be made to the accepting authority in writing. Upon receipt of an applicant's request for an extension of the thirty-day acceptance period, the accepting authority shall notify the office and applicant in writing of its decision to grant or deny the request. The notice shall be accompanied by a copy of the

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<sup>1</sup> Effective July 1, 2021, Act 152, Session Laws of Hawaii 2021, transferred the purpose, functions, and duties of OEQC and the Environmental Council to the Office of Planning.

<sup>2</sup> HRS chapter 343 was amended by Act 152 (SLH 2021).

<sup>3</sup> HAR chapter 11-200 was repealed August 9, 2019 and replaced by HAR chapter 11-200.1. HAR § 11-200.1-32(b) provides in relevant part, "Chapter 11-200 shall continue to apply to environmental review of a agency and applicant actions which began prior to the adoption of chapter 11-200.1." The EISPN for this FEIS was published on August 8, 2018, prior to the adoption of chapter 11-200.1 in August 2019.

applicant's request. An extension of the thirty-day acceptance period shall not be allowed merely for the convenience of the accepting authority.

On September 13, 2021, the applicant sent a digital written request via email to the Division of Aquatic Resources (DAR) for an extension of the thirty-day time period pursuant to HAR § 11-200-23(d). The written request is attached to this Submittal as **Exhibit 1**. The basis for the request is that the thirty-day time limit will expire on September 25, 2021 and the Board may not be able to consider the FEIS prior to September 25, 2021. The applicant requests a 15-day extension to October 10, 2021, to allow the Board sufficient time to consider and take action on the FEIS.

RECOMMENDATION:

“That the Board approve the request to extend the thirty-day time period for notice of acceptance or non-acceptance of a final environmental impact statement (FEIS) from September 25, 2021 to October 10, 2021.”

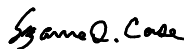
Respectfully submitted,



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BRIAN NEILSON, Administrator  
Division of Aquatic Resources

APPROVED FOR SUBMITTAL



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SUZANNE D. CASE, Chairperson  
Board of Land and Natural Resources

## ITEM F-1 Exhibit 1

September 13, 2021

Ms. Suzanne Case, Chairperson  
Hawai'i Department of Land and Natural Resources  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, HI 96813

### **RE: Request for Extension to Consider Final Environmental Impact Statement**

Dear Chairperson Case:

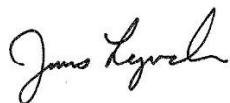
With this letter, the Pet Industry Joint Advisory Council (PIJAC) hereby requests an extension of time for the Hawai'i Board of Land and Natural Resources (BLNR) to consider whether to approve the Final Environmental Impact Statement (FEIS) for the Issuance of Commercial Aquarium Permits and Commercial Marine Licenses for the Honolulu, 'Ewa, Wai'anae, Waiālua, Ko'olaupoko districts on the island of O'ahu.

PIJAC filed the FEIS with the Hawai'i Office of Environmental Quality Control (OEQC) on August 26, 2021 for publication, with a copy of the FEIS provided to the Hawai'i Department of Land and Natural Resources. As a result of this submittal, the BLNR would be required to take action on the FEIS on or about September 25, 2021.

PIJAC understands that the BLNR may not be able to consider the FEIS prior to September 25, 2021. In order to allow the BLNR sufficient time to consider the FEIS, PIJAC requests a 15-day extension of time, until October 10, 2021, for BLNR to take action on the FEIS.

Thank you for consideration of this request. If you have any questions or if you need additional information, please feel free to contact me.

Sincerely,



James M. Lynch

Cc: Hawai'i Department of Land and Natural Resources (with enclosures)  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, HI 96813  
Email: [dlnr@hawaii.gov](mailto:dlnr@hawaii.gov)