

THE ENVIRONMENTAL NOTICE

A semi-monthly periodic bulletin published by the Office of Environmental Quality Control pursuant to Section 343-3, Hawaii Revised Statutes
October 8, 2011

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The *Environmental Notice* informs the public of environmental assessments and other documents that are available for review and comment per HRS 343-3 and is issued on the 8th and 23rd of each month on the Office of Environmental Quality Control's website. If you would like to be notified when it is issued, send us your email address and we'll put you on our mailing list.



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Hawaii'i: 974-4000 ext. 64185

SUBMITTAL REQUIREMENTS FOR CHAPTER 343, HRS DOCUMENTS

The preparation of this notice relies on the timely submission of information, pursuant to §11-200-3, Hawai'i Administrative Rules. It is very important that OEQC timely receives the documents listed below for preparing and finalizing the publication. Please make sure that your submittals for publication include the listed documents. Failure to provide the required documents can delay the publication of your project.

- A. **Submittal letter – hard copy**
- B. **Publication Form – hard copy and electronic version in MS Word**
- C. **EA or EIS hard copy**
- D. **Distribution List (for DEIS and FEIS ONLY)**
- E. **CD with the complete EA or EIS in PDF and the Publication Form in MS Word**

Requests to insert inadvertent omissions to submitted EA/EIS documents between the statutory submittal deadline and publication date indicates that the submitted material are incomplete and therefore do not meet Chapter 343, HRS requirements. Such insertions are viewed as new submittals and invalidate the timely submittal of original documents. Consequently, the publication of such projects will have to await the next printing cycle in order to satisfy the statutory submittal requirement of eight working days before the publication date.

HAWAI'I (HRS 343)

1. High Altitude Mountain Environment Training Final EA (FONSI)

Island: Hawai'i
District: Hāmākua and North Hilo
TMK: (3) 4-4-015:001 portion and 3-8-001:001 portion
Permits: Right of Entry
Proposing Agency: Department of the Army, 25th Combat Aviation Brigade, Schofield Barracks, Hawai'i 96857-5000. Contact: William Rogers (808) 656-3075

Approving Agency: Board of Land and Natural Resources, P.O. Box 621, Honolulu, Hawai'i 96809. Contact: William J. Aila, Jr., Chairperson (808) 587-0400

Consultant: Portage, 1075 S. Utah Ave., Suite 200, Idaho Falls, ID 83402. (208) 528-6608

Status: Finding of No Significant Impact (FONSI) determination



The project will involve helicopter training flights for 90 25th CAB aviators (180 flights) from Bradshaw Army Airfield at Pōhakuloa Training Area (PTA) to three existing Mauna Kea landing zones (LZs) and three existing Mauna Loa LZs at high altitudes in the Mauna Kea and Mauna Loa Forest Reserves. The training flights are estimated to take 2 hours for each pilot to complete, and will require no more than 180 flight hours. This training would be conducted primarily from October 3-31, 2011. Six alternatives were evaluated with respect to their potential effects to the valued environmental components, which include climate; air quality; geology and soils; water resources; biological resources; cultural resources; socioeconomic and environmental justice; land use; recreation; noise; visual and aesthetic resources; human health and safety; traffic and circulation; and public services and utilities. Due to the limited duration of the HAMET, the remoteness of the proposed sites and limited size of the affected area, the project will have no significant effect on the environment or cultural resources.



MAUI (HRS 343)

2. Fedele Residence Addition Draft EA

Island: Maui
District: Lahaina
TMK: (2) 4-6-002: 006
Permits: Building Permit
Applicant: Joseph F. Fedele, 455 Front Street, Lahaina, Hawai'i 96761. Contact: Jordan Hart, (808) 242-1955



Approving Agency:

Maui Planning Department, 250 South High Street, Wailuku, Hawai'i 96793. Contact: Anna Benesovska, (808) 270-7253

Consultant: Chris Hart & Partners, Inc., 115 North Market Street, Wailuku, Hawai'i 96793. Contact: Jordan Hart, (808) 242-1955

Status: Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on November 6, 2011. Send comments to the Applicant and the Consultant.

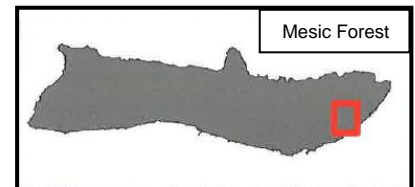
The project is an addition to an existing residence of approximately 3,000 square feet, as well as the addition of a swimming pool and pool deck. The project site is located within the Lahaina National Historic Landmark District. The house itself is not a historic structure. The project site is also located within the County of Maui's Special Management Area (SMA). No work is proposed within the Shoreline Setback.

There are no anticipated long-term impacts associated with the proposed project. Normally expected short-term impacts associated with construction related activities are anticipated on a minimal level.

MOLOKA'I (HRS 343)

3. Kainalu Mesic Forest Restoration Final EA (FONSI)

Island: Moloka'i
District: Moloka'i
TMK: (2) 5-7-005:002 portion; (2) 5-7-003:053
Permits: Conservation District Use Permit
Applicant: Dunbar Ranch Partners, Kainalu Ranch HC-01 Box 901, Kaunakakai, Hawai'i 96748. Contact: Lance "Kip" Dunbar, (808) 558-8362



Approving Agency:

Department of Land and Natural Resources, P.O. Box 621, Honolulu, Hawai'i 96809. Contact: Sam Lemmo, (808) 587-0322

Consultant: N/A

Status: Finding of No Significant Impact (FONSI) determination

The project proposes to protect and restore approximately 15-acres of land bordering two riparian streams at about 1,700-ft elevation on the east end of Moloka'i at Kainalu by removing invasive species; limiting ungulate movement; and preserving native habitat. Nonnative and invasive plant species are proposed to be removed and replaced with native plant species. Initially, common native plants will be planted within the protected area(s). As the site becomes suitable rare native species will replace the native plantings. As part of this project, a 1.5-mile or 7,920 linear foot fence will be constructed to confine cattle and feral animals within a pastured area and to restrict movement into the riparian areas. The fence will run parallel to the Welo and KaHawai'iiki Streams. Fence construction will consist of H1 Tensil wire, fence skirt, and Kiawe posts. A ten foot-wide area for the fence line will be cleared using hand tools. No access roads will be constructed, as the area is accessible via non-paved roads and pastures.

O'AHU (HRS 343)

4. Borsa Shoreline Setback Variance Final EA (FONSI)

Island: O'ahu
District: Waialua
TMK: 6-7-14: 28
Permits: Shoreline Setback Variance, Minor Shoreline Structure Permit, and Building Permit.
Applicant: John Borsa, Jr., 67-011 Kaimanu Place, Wai'alua, Hawai'i 96791. Contact: John Borsa, Jr., (808) 225-5101



Approving Agency:

City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813. Contact: Ann Asaumi, (808) 768-8020

Consultant: Structural Hawai'i, Inc., 1255 Kuala Street, 2nd Floor, Pearl City, Hawai'i 96782. Contact: Riza Gatdula, (808) 488-5000

Status: Finding of No Significant Impact (FONSI) determination

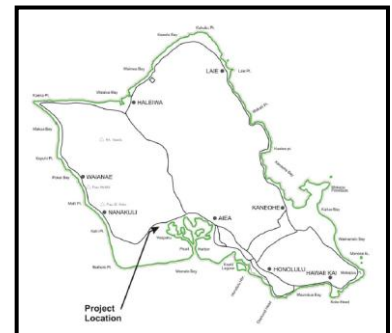
The Applicant seeks approval of a Shoreline Setback Variance and Minor Shoreline Structure Permit to construct a roughly 25 x 55-foot (free-form) swimming pool and jacuzzi with protective fence, and a cabana, which encroach entirely into the 40-foot shoreline setback area. The proposal also requires a building permit.

The pool water will be treated with saline, a natural sanitization alternative to chemical treatment (e.g., chlorine). The pool will be equipped with a pump and filter to maintain salt content and sanitation. The cabana (eight feet in diameter) will be of concrete construction, including a concrete slab subfloor and posts (up to the regulatory floor level), and light wood framing above that. The latticework around the cabana will be of break-away construction (in the event of high surf).

The project site is zoned R-5 Residential District, and contains a single-family dwelling. The recorded lot area to which the landowner holds title is 9,263 square feet; however, 2,162 square feet of the lot area has been lost to erosion. The property is bordered by residential dwellings to the west, east, and south.

5. Hale Kipa Residential Variance Draft EA/NEPA

Island: O'ahu
District: 'Ewa
TMK: (1) 9-1-017:082
Permits: NPDES, Grading Permit, Building Permit, Conditional Use Permit
Applicant: Hale Kipa, Inc., 615 Pi'ikoi Street, Suite 203, Honolulu, Hawai'i 96814.
Contact: Ernest Pletan-Cross, (808) 589-1829



Approving Agency:

Department of Community Services, 715 South King Street, Suite 315, Honolulu, Hawai'i 96813. Contact: Samuel E. M. Moku, (808) 768-7762

Consultant: R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawai'i 96819. Contact: Chester Koga, (808) 842-1133, chesterk@rmtowill.com

Status: Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on November 6, 2011. Send comments to the Applicant and the Consultant.

The applicant, Hale Kipa, Inc., provides opportunities and environments that strengthen and encourage youth, their families and communities to actualize their potential and social responsibility. Hale Kipa has been the "House of Friendliness" to thousands of Hawai'i's runaways and homeless youth who have needed a place to stay and someone to talk to while they work out their problems. The proposed project will provide a facility in the West O'ahu region to serve at-risk youth.

The site comprises 4.26 acres abutting old Fort Weaver Road. The project involves the construction of three 2,450 square foot, eight-bed, ADA-compliant residential shelters that will replace existing facilities, a 4,000 square foot educational facility, and a 12,600 square foot services center consolidating programs, services and administration. This project will enhance services to clients, provide an integrative and collaborative environment for staff/volunteers, include a training center for staff/foster families, and significantly reduce overhead relating to leases and maintenance. Consolidation of services will create economies of scale for the organization.

This EA addresses the potential for anticipated environmental impacts and considers the alternatives to the proposed action with appropriate mitigation measures to address and minimize the potential for impacts. The Department of Community Services has preliminarily determined that the project will not have a significant environmental impact and is prepared to issue a Finding of No Significant Impact (FONSI) in accordance with NEPA and Chapter 343, HRS.

6. Kawailoa Wind Power Facility Habitat Conservation Plan Final EA (FONSI)

Island: O'ahu
District: Waialua
TMK: 6-1-005:001, 6-1-006:001, 6-1-007:001, 6-2-009:001, 6-2-011:001
Permits: Incidental Take License and Habitat Conservation Plan (HCP)
Applicant: First Wind; Kawailoa Wind Power LLC, 810 Richards St., #650, Honolulu, HI 96813-4714.
Contact: (808) 695-3300

Approving

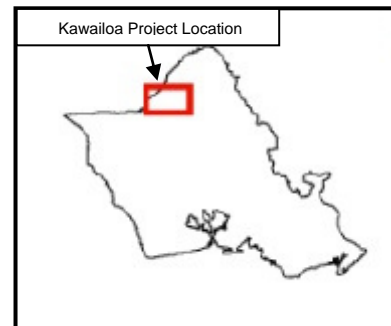
Agency: Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW), 1151 Punchbowl Street, Room 325, Honolulu, HI 96815. Contact: (808) 587-0166

Consultant: SWCA Environmental Consultants, 201 Merchant Street Suite 2310, Honolulu, HI 96813. Contact: (808) 548-7922

Status: Finding of No Significant Impact (FONSI) determination

Kawailoa Wind Power LLC (or the "Applicant") proposes to implement a HCP to mitigate impacts to threatened and endangered species from the construction and operation of a new 70-megawatt (MW), 30-turbine commercial wind energy generation facility at Kawailoa in the northern portion of the Island of O'ahu, Hawaii'i.

A FEA was developed for the activities proposed in the project's HCP. The HCP project will mitigate the take of six federally threatened and endangered species; the Hawaiian stilt or ae'o (*Himantopus mexicanus knudseni*), Hawaiian coot or 'alae ke'oke'o (*Fulica alai*), Hawaiian duck or koloa maoli (*Anas wyvilliana*), Hawaiian moorhen or 'alae 'ula (*Gallinula chloropus sandvicensis*), Newell's shearwater or 'a'o (*Puffinus auricularis newelli*), and Hawaiian hoary bat or 'ope'ape'a (*Lasiurus cinereus semotus*); and one State listed endangered species, the Hawaiian short-eared owl or pueo (*Asio flammeus sandwichensis*). The mitigation actions include development and testing of cat self-resetting traps and efficiency testing and implementation at a Newell's shearwater colony on Kaua'i for seabird mitigation; predator control, fencing, and vegetation maintenance at 'Uko'a Pond or other site for five years for water bird mitigation; a contribution of \$12,500 up to a maximum of \$25,000 for research and rehabilitation for pu'eo mitigation; and restoration of wetland or forest habitat for bat mitigation. DOFAW has determined that implementation of the HCP will not have significant environmental impacts and has issued a Finding of No Significant Impact (FONSI) notice for the FEA.



7. Haleiwa Commercial Redevelopment Final EA (FONSI)

Island: O'ahu
District: Waialua
TMK: TMK (1) 6-6-004:013-19, 27, 28, and 32
Permits: Zone Change, Haleiwa Special District, Consolidation and Subdivision of Parcels, Conditional Use Permit (CUP), and Joint Development Agreement (JDA)

Applicant: Trustees of the Estate of Bernice Pau'ahi Bishop dba Kamehameha Schools, 567 South King Street, Suite 200, Honolulu, Hawai'i 96813. Contact: Hilarie Alomar, (808) 523-6223

Approving Agency: City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813. Contact: Timothy Hata, (808) 768-8043

Consultant: Group 70 International, Inc., 925 Bethel Street, 5th Floor, Honolulu, Hawai'i 96813. Contact: Jeffrey H. Overton, (808) 523-5866

Status: Finding of No Significant Impact (FONSI) determination

Kamehameha Schools is proposing to redevelop its commercial properties located in Haleiwa along Kamehameha Highway from Mahaulu Lane to Kewalo Lane. The intent of this redevelopment project is to revitalize existing businesses and provide essential infrastructure, while retaining the rural scale and plantation character of the Haleiwa Special District. The redevelopment will expand existing retail frontage from approximately 14,000 SF of Gross Leasable Area (GLA) to approximately 30,000 SF of GLA with a combination of new in-line storefronts and preservation or reconstruction of selected historic structures. The proposed action involves consolidation and subdivision of parcels and change of zoning to B-1 Neighborhood Business District to bring the uses into conformance with the Land Use Ordinance. Parcels located behind the commercial frontage will require a zone change from AG-2 General Agricultural District to Country District to allow parking.



No significant adverse impacts are anticipated from the proposed improvements. Construction related traffic, air, and noise impacts will be short term in nature. The Hale'iwa Commercial Redevelopment Project is not anticipated to generate substantial cumulative impacts.

KAUA'I (HRS 343)

8. [Stanley Single-Family Residence and After the Fact Culvert Crossing Draft EA](#)

Island: Kaua'i

District: Hanalei

TMK: (4th): 5-5-008:001 and 002

Permits: Conservation District Use Permit; Stream Channel Alteration Permit

Applicant: Jason Stanley, 909 Chateau Court, Colleyville, Texas 76034. Contact: Greg Mooers, (808) 880-1455

Approving

Agency: Office of Coastal and Conservation Lands, Hawai'i State Department of Land and Natural Resources, P.O. Box 621, Honolulu, Hawai'i 96809. Contact: Sam Lemmo, (808) 587-0377

Consultant: Geometrician Associates, P.O. Box 396, Hilo, Hawai'i 96721. Contact: Ron Terry, (808) 969-7090

Status: Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on November 6, 2011. Send comments to the Applicant and the Consultant.

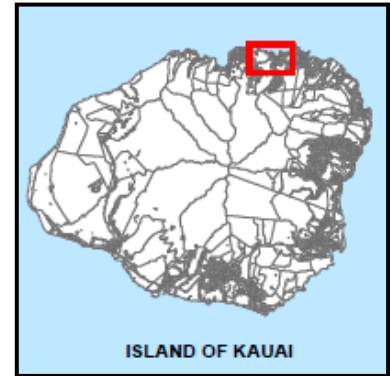
Jason Stanley proposes to build a single-family residence and related improvements on a 1.21-acre Kuleana property in the State Land Use Conservation District in Hanalei Valley. The proposed residence is a simple rectangular pole house design totaling 2,544 square feet with a rooftop elevation of less than 24 feet above finished grade. Associated improvements include a cement track driveway, an Individual Wastewater System, a water tank for water supply, and landscaping consisting primarily of removal of non-native species and planting of native and Polynesian species. Access would be via a set of easements over various State and private properties from Kumu Road. A culverted crossing built about

20 years ago by a different party on adjacent State land requires a Conservation District Use Permit and an after the fact Stream Channel Alteration Permit to remain. Landscaping will consist primarily of native or Polynesian species of plants already found in the area.

This property does not contain any sensitive biological resources such as rare, threatened or endangered flora and fauna or native vegetation. The remnants of three archaeological sites would be protected by the landowner through a preservation plan. Impacts to stream resources can be avoided by best management practices that are proposed as conditions of the permit and which will be employed during construction.

9. Pipeline Replacement from Kilauea to Anini Final EA (FONSI)

Island: Kaua'i
District: Hanalei
TMK: Various parcels within plats 5-2-005, 5-2-010, 5-2-013, 5-2-017, 5-2-019, 5-3-003, 5-3-004, 5-3-005, 5-3-006, 5-3-007, 5-3-009
Permits: Shoreline Setback Variance (determination pending), Special Management Area (anticipated exemption), Department of the Army Permit (anticipated Section 10), NPDES Permit for Construction Related Discharges, Conservation District User Permit, Road Usage Permit, Grading, Grubbing and Stockpiling Permits, Community Noise Permit



Proposing/Determination

Agency: Department of Water, County of Kaua'i, P.O. Box 1706, Lihue, Hawai'i 96766. Contact: Aaron Zambo, (808) 245-5449
Consultant: Fukunaga & Associates, Inc., 1357 Kapi'olani Boulevard, Suite 1530, Honolulu, Hawai'i 96814. Contact: Lance Fukumoto, (808) 944-1821
Status: Finding of No Significant Impact (FONSI) determination

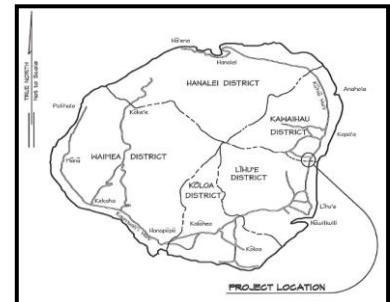
The proposed project will construct a new transmission waterline from Kilauea, through Kalihiwai, to Anini. The project will benefit the community by providing necessary fire protection to customers along the route in addition to affording Department of Water complete control over the water system by providing service to customers currently supplied by Princeville Utilities Inc. The proposed project will have short term construction impacts on traffic, noise, and air quality. No long term impacts are expected.

10. Pipeline Replacement Along Kuamo'o and Wailua Roads, 'Ohana and Anolani Streets and Lehia Lane Draft EA

Island: Kaua'i
District: Lihue
TMK: (4) 3-9-06, 4-1-02, 4-1-03, 4-1-04
Permits:

Proposing/Determination

Agency: Department of Water, County of Kaua'i, 4398 Pua Loke Street, Lihue, Hawai'i 96766. Contact: Dustin Moises, (808) 245-5459
Consultant: Esaki Surveying and Mapping, Inc., 1610 Haleukana Street, Lihue, Hawai'i 96766. Contact: (808) 246-0625
Status: Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on November 6, 2011. Send comments to the Proposing Agency and the Consultant.



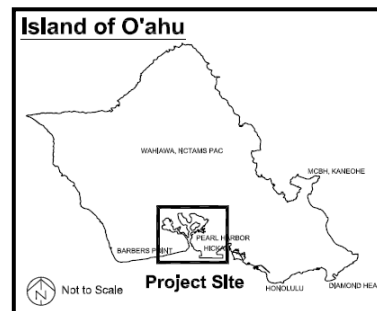
The County of Kaua'i, Department of Water proposes to replace waterlines along Kuamo'o and Wailua Roads, 'Ohana and Anolani Streets and Lehia Lane. The immediate impact is temporary traffic inconvenience and interruption in service during the transfer as well as equipment noise, emission and fugitive dust from construction. Mufflers, water sprinkling and restricted time of work will be implemented. The direct impact will be reliable water service to the homes; indirect input is better fire protection for the surrounding homes and resort. Long term effect is improvement quality of life. Additionally the existing Lehia Lane asbestos concrete waterline is to be replaced with ductile iron pipes, eliminating the potential health hazard.

NEPA NOTICES

11. [Navy Region Hawai'i Fiscal Year 2011 Demolition Plan NEPA](#)

Island: O'ahu
District: Pearl Harbor
TMK: N/A
Permits: N/A
Proposing Agency: Joint Base Pearl Harbor-Hickam, 850 Ticonderoga Street, Joint Base Pearl Harbor-Hickam, Hawai'i 96860-5101.
Contact: James Furuhashi OPHEV2, (808) 471-1171, ext. 207

Approving Agency: Department of the Navy, Commander, Navy Region Hawai'i
Consultant: N/A
Status: Finding of No Significant Impact (FONSI) determination



Pursuant to the Council on Environmental Quality Regulations (40 Code of Federal Regulations Parts 1500-1508) implementing the National Environmental Policy Act and the Office of the Chief of Naval Operations Instruction 5090.1C, the Department of the Navy gives notice that an EA and FONSI have been prepared and an Environmental Impact Statement (EIS) is not required for the Navy Region Hawai'i Fiscal Year 2011 Demolition Plan at JBPHH, O'ahu, Hawai'i.

Commander Navy Region Hawai'i (CNRH) intends to demolish four facilities at Joint Base Pearl Harbor-Hickam (JBPHH): Facilities 62 and 63 at Beckoning Point and Facilities 85 and 99 at Pearl City Peninsula (PCP). Demolition debris will be removed and each facility's footprint will be finished to conform to the surrounding areas. The purpose of the Proposed Action is to reduce CNRH's inventory of aged, deteriorated and underutilized facilities. All four facilities have been vacant for at least eight years and are not needed in support of CNRH's mission.

The Proposed Action would have an adverse effect on Facility 85, which is considered eligible for the National Register of Historic Places. CNRH has consulted with the Hawai'i State Historic Preservation Officer (SHPO) and other consulting parties and the parties have agreed on how the adverse effect will be resolved. A Memorandum of Agreement (MOA) has been executed between CNRH and the SHPO; and CNRH will proceed with the proposed demolition in accordance with the stipulations in the MOA.

The Proposed Action would not result in significant impacts to the following resources: soils, topography, groundwater, air quality, noise, traffic, marine and terrestrial flora and fauna, utilities, drainage, hazardous and regulated materials, flood hazard, socio-economic factors, and land use compatibility. It would not involve in-water or over-water construction activities. Furthermore, the Proposed Action would not create environmental health and safety risks that could disproportionately impact children or minority and low-income populations.

Based on the information gathered during the preparation of this EA and the analysis presented, the Navy has determined that the Proposed Action will have no significant impacts on the quality of the human environment.

POLLUTION CONTROL PERMITS

Below is a pollution control permit before the State Department of Health (HRS 342B and HAR 11-60.1). For more information, contact the number given.

Branch Permit Type	Applicant and Permit Number	Project Location	Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	Maui Asphalt X-IV, LLC Initial Application No. 0745-01 CSP No. 0745-01-CT	Located at: Various Temporary Sites, State of	Comments Due: 10/24/11	110 TPH Portable Drum Mix Asphalt Plant with 427 HP Diesel Engine
Clean Air Branch, 586-4200, -Non-Covered Source Permit	City & County of Honolulu Dept. of Environmental Services Application for Modification NSP No. 0217-03-N	Located at: 95 Kane'ohe Bay Drive, Kailua, O'ahu	Issued: 9/16/11	Kailua Wastewater Treatment Plant
Clean Air Branch, 586-4200, Covered Source Permit	Big Island Carbon, LLC Initial Application No. 0641-03 CSP No. 0641-02-C	Located at: 61-3277 Maluokalani Street, Kawaihae	Issued: 9/22/11	470 lbs/hour Activated Carbon Facility
Clean Air Branch, 586-4200, Non-Covered Source Permit	Hawai'i Funeral Services Nakamura Mortuary, LLC Initial Application No. 0744-01 NSP No. 0744-01-N	Located at: 1218 Lower Main Wailuku, Maui	Issued: 9/21/11	150 lb/hr Propane Fired Pathological Waste Incinerator
Clean Air Branch, 586-4200, Covered Source Permit	Grace Pacific Corporation 1) Application for Renewal No. 0045-28 2) Application for Minor Modification No. 0045-30 CSP No. 0045-01-C/CT	Located at: 1) 91-920 Farrington Highway Kapolei, O'ahu 2) Various Temporary Sites, State of Hawai'i (Rip-Rap Plant)	Issued: 9/28/11	400 TPH Non-Portable Plant, 600 TPH Screening Plant, 600 TPH Recycled Aggregate Plant with 1,000 kW Diesel Engine Generator, and 576 TPH Rip-Rap Plant with 203 hp Diesel Engine

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area (SMA) Minor Permits

The SMA Minor permits below have been approved or are pending approval (HRS 205A-30). For more information, contact the county/state Planning Department. Honolulu (523-4131); Hawai'i (961-8288); Kaua'i (241-6677); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2840).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: Punalu'u (9-6-001: 015)	Placement of a Lifeguard Tower (SMM 11-193)	Hawai'i Fire Department
Maui: Kihei (2-1-006: 092)	Chefs on the Beach Fundraiser (SM2 20110027)	Harlan Hughes
Maui: Kahana (4-3-003: 015)	Re-Roofing (SM2 20110076)	Kahana Sunset AOA
Maui: Wailea (2-1-008: 091)	Repairs & Replace Tile Etc (SM2 20110077)	Wailea Beach Villas
Maui: (4-6-008: 006)	Po'alima Arts Festival, Campbell Park – September 9, 2011 (SM2 20110078)	Lahaina Action Town Committee
Maui: (4-5-013: 027)	Lahaina Roads Seawall Repair (SM2 20110079)	Lahaina Roads AOA
Maui: Kihei (3-9-004: 023)	Landscape Improvements (SM2 20110080)	Rick McGovern
Maui: (4-2-004: 007)	New Site Wall (SM2 20110081)	Jason McBride
O'ahu: Kaka'ako (2-1-060: 008)	Geophysical Survey (SMA/11-6)	Yogi Kwong Engineers, LLC
O'ahu: Kailua (4-3-010: 083 and 4-3-011: 075)	Kailua Beach Park Minor Repairs and landscape Improvements (2011/SMA-41)	Department of Parks and Recreation, City and County of Honolulu
O'ahu: Kaluanui (5-3-008: 002)	Installation of Four 8-foot Panel Antennas, Eight Radio Remote Units, Two Cabinets inside Existing Equipment Shelter, GPS Antenna(2011/SMA-43)	AT & T Mobility

SHORELINE NOTICES

Certification Applications

The shoreline certification applications above are available for review at the DLNR Offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS 205A-42 and HAR 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1447	8/29/11	Lot 1189 of Land Court Application 677, Map 301 situate at Kailua, Ko'olaupoko, O'ahu Address: 63 Kailuana Place Purpose: Development of property	Dennis K. Hashimoto/ 59 Kailuana Place LLC	4-3-022:019
OA-1448	8/29/11	Portion Lot A being a portion of Grant 1276 to Kuhe and Lots 111 and 112 Mokuleia Beach Subdivision (File Plan 863) situate at Kamananui, Waiialua, O'ahu Address: 68-113 Au Street Purpose: Development of property	Dennis K. Hashimoto/ Daniel C. & Janice G. Smith	6-8-011:048 0002
OA-1449	8/30/11	Lot 57, Land Court Application 1052 and Lot 28, Portion R.P. 2243, L.C. Aw. 10613 Ap. 5 to A. Paki situate at Makaha, Waianae, O'ahu Address: 84-905 Farrington Highway Purpose: Building permit	Walter P. Thompson, Inc./ Manuel Madeira	8-4-005:002
OA-1450	8/31/11	Lot 14-A situate at Kane'ohe, Ko'olaupoko, O'ahu Address: 44-283 Kane'ohe Bay Drive Purpose: Building permit	Hawai'i Engineering Group, Inc./ Bryan & Jodi Heverly	4-4-007:007
OA-1451	9/2/11	Parcel 16 being Lot 47, "Niu Beach Lots" (File Place 279), being also a portion of R.P. 51, L.C. Aw. 802 to A. Adams and accretion situate at Niu, Honolulu, Hawai'i Address: 5555 Kalaniana'ole Highway Purpose: Building permit	Kenn Nishihira/ Sidney Johnson	3-7-001:016
MA-488	9/1/11	Papakea Beach Resort Lot 1-A Papakea Subdivision situate at Honokowai, Ka'anapali, Maui Address: 3543 Lower Honoapi'ilani Road Purpose: Renovation purposes	Arthur P. Valencia/ Papakea Resort AOA	4-4-001:055
MA-489	9/7/11	Lot 54 of Land Court Application 1744 as shown on Map 19 "Whalers Village Shopping Complex" being a portion of Royal Patent 2567, Land Commission Award 7715, Apana 3 to Lota Kamehameha situate at Hanakao'o, Lahaina, Maui Address: 2435 Ka'anapali Parkway Purpose: Building and permitting purposes	Newcomer-Lee Land Surveyors, Inc./ WV Sub, LLC	4-4-008:001
MA-490	9/9/11	Lot 3 of One Loa Subdivision, being a portion of Grant 1498, Apana 2 to Manu situate at Mo'oloa, Honua'ula, Maui Address: 6850 Makena Road Purpose: Planning for future use of parcel	Warren S. Unemori Engineering, Inc./ Alexander Court, LLC	2-1-006:103
HA-438	8/29/11	Lot C-1 being a portion of R.P. 4513, Mahele Award 32 to Kanele situate at Kahauloa 2nd, South Kona, Island of Hawai'i Address: N/A Purpose: Obtain building permits	Wes Thomas Associates/ Allen C. Wilcox, Jr. GST Nonexempt Marital Trust	8-3-005:012
HA-439	9/2/11	Portion of Lot 4 being a portion of Grant 2025 to Pumealani situate at Pahoehoe, South Kona, Island of Hawai'i Address: N/A Purpose: Permits for improvements	Wes Thomas Associates/ Peter Dungate	8-7-007:011 (por.)

Certifications and Rejections

The shoreline notices below have been proposed for certification or rejection by DLNR (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 Resource, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

File No.	Date	Location	Applicant/Owner	TMK
OA-1403	Proposed Shoreline Certification	Mauna Lahilahi Beach Park situate at Waianae-Kai, Wai'anae, O'ahu Address: 85101 C Farrington Highway Purpose: Permits for construction of shoreline protection- breakwater.	Park Engineering/ City and County of Honolulu Department of Parks and Recreation	8-5-017:004, 005, 006 & 007; 8-1-018:001
OA-1433	Proposed Shoreline Certification	Ld. Ct. App. 1510 situate at Waikiki, Honolulu, O'ahu Address: 2161 Kalia Road Purpose: Development of property	Dennis K. Hashimoto/ Waikiki Shore, Inc.	2-6-004:012
OA-1436	Proposed Shoreline Certification	Parcel 10 being a portion of R.P. 2225 L.C. Aw. 6165, Ap. 1 to Pahana situate at Ka'alea, Ko'olaupoko, O'ahu Address: 47-711 Kamehameha Highway Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Robert Cambra	4-7-014:010
OA-1441	Proposed Shoreline Certification	Lot 319 of Land Court Application 979 Map 29 situate at Kahalu'u, Ko'olaupoko, O'ahu Address: 47-259 Miomio Loop Purpose: Development of property building fence	Dennis K. Hashimoto/ Miriam Kaminaka & Burt Kaminaka Residuary Trust	4-7-030:019
OA-1442	Proposed Shoreline Certification	Lot 269 (Map 140) of Land Court Application 505 situate at Kailua, Ko'olaupoko, O'ahu Address: 1070 Mokulua Drive Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ Steven L. Martin	4-3-006:091
OA-1443	Proposed Shoreline Certification	Lot 1313 of Land Court Application 979 (Map 467) situate at Kahalu'u, Ko'olaupoko, O'ahu Address: 47-83 Kamehameha Highway Purpose: Building permit	Park Engineering/ Joseph Meyer	4-7-019:082
MA-484	Proposed Shoreline Certification	Lot 18 of the Waiohuli-Keokea Beach Lots Second Series situate at Waiohuli-Keokea, Kihei, Maui Address: 1498 Halama Street Purpose: Irrigation well	Akamai Land Surveying, Inc./ Vernon Altman	3-9-010:016
MO-156	Proposed Shoreline Certification	Lot A of the Schroll Trust Subdivision being a portion of Royal Patent 7375, Land Commission Award 8214 to 'Ilae Napohaku situate at Puko'o, Moloka'i Address: 8702 Kamehameha V Highway Purpose: Shoreline setback purposes	Ronald M. Fukumoto Engineering, Inc./ Maud Hill Schroll Pukoo Lagoon Property Trust	5-7-007:087
HA-435	Proposed Shoreline Certification	Lot 92-A being a portion of R.P. 7192, L.C. Aw. 8559-B Apanas 17 & 18 to Wm. C. Lunalilo situate at Makahanaloa, South Hilo, Island of Hawai'i Address: 28-283 Sugar Mill Road Purpose: Repair permit	Hu Honua Bioenergy, LLC/ Makaloe Farms, LLC	2-8-008:104
KA-355	Proposed Shoreline Certification	Portion of "Poipu Beach Park" situate at Koloa, Kauai Address: 2141 Ho'one Road Purpose: Sewage system work	Anthony Crook/ County of Kauai	2-8-017:001

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Applications 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 (OCCL) staff listed for each project.

PROJECT:

File No.: CDUA OA-3605
Name of Applicant: Ko'olau Land Partners, LLC
Location: Kane'ohe, Ko'olaupoko, O'ahu
TMKs: (1) 4-5-041: 004, 013, 014 and (1) 4-5-025:008
Proposed Action: Consolidation and Subdivision of Land
343, HRS determination: Exempt
Applicant's Contact: Chester Koga (808) 842-1133

PROJECT:

File No.: CDUA MA-3608
Applicant: University of Hawai'i, Institute for Astronomy
Location: Haleakala High Altitude Observatories Site, Waiakoa, Makawao, Maui
TMK: (2) 2-2-007:008
Proposed Use: Additions to the Las Cumbres Global Telescope Haleakala Observatories Network Node (LCOGT HO Node)
343, HRS determination: Exempt pursuant to HAR §11-200-8 (6)
Applicant's Contact: Charlie Fein, KC Environmental, Inc. (808) 573-1903
OCCL Staff Contact: Michael Cain, (808) 587-0048

PROJECT:

File No.: CDUA OA-3610
Applicant: Hawai'i Community Development Corporation
Location: Kewalo Basin, Kaka'ako, Kona District, O'ahu, Hawai'i
TMK: (1) 2-1-058: pors. 002, 035, 095, 128 (submerged lands)
Proposed Use: Infrastructure repair, dredging, and increase in number of boat slips at Kewalo Basin
343, HRS determination: Final EIS prepared by Helber Hastert & Fee, published on April 23, 2011
Applicant's Contact: Gail Renard, Helber Hastert & Fee, 808-545-2055
OCCL Staff Contact: Michael Cain, (808) 587-0048

ENVIRONMENTAL COUNCIL NOTICE

The Environmental Council has a tentative meeting scheduled for October 20, 2011, room 200 of the Leiopapa A. Kamehameha Building, also known as the State Office Tower. Please go to the State [Calendar](#) website six days prior to the meeting date to review the agenda. For more information, contact the Council at environmental.council@doh.Hawaii.gov or call 586-4185.

NOTICE OF VOLUNTARY RESPONSE PROGRAM APPLICATION

The Hawai'i Department of Health has received applications for the State's Voluntary Response Program (VRP). The purpose of the program is to encourage property owners, lenders, developers, or prospective purchasers of property to voluntarily clean up contaminated properties. Under the VRP, applicants conduct a thorough environmental investigation and implement a state-approved response action to address any contamination found on the property. Suspected contaminants at these sites include a variety of petroleum related chemicals and metals in soil, groundwater and soil vapor.

Upon successfully completing the VRP, the applicant will receive a "letter of completion" that typically exempts prospective and future purchasers from liability to the State for the contamination that was addressed under the VRP. Parties that are responsible for the contamination are not eligible for exemptions from liability.

The application received will address contamination on the following property:
Former Foremost Dairy Property at 2277 Kamehameha Highway, Honolulu, Hawai'i.

The Department of Health welcomes comments or questions from the public regarding the project. For additional information or to review the application, please contact Steven P. Mow in Honolulu at (808) 586-4251.

A brief description of the project site is included below:

The site is the former location of the Foremost Dairy-Hawaii facility owned and operated by House Foods Hawai'i Corporation. The facility processed and distributed milk and other dairy products. Foremost Dairies has ceased operations and all buildings have been removed. The site is presently a vacant lot. The property is presently owned by Newfair Investments LLC.

FEDERAL NOTICES

Proposed Flood Elevation Determinations, for the County of Hawai'i, <http://www.gpo.gov/fdsys/pkg/FR-2011-09-21/pdf/2011-24287.pdf>

The Federal Emergency Management Agency (FEMA) has a proposed rule for Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the County of Hawai'i. The purpose of this proposed rule is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table in the linked PDF file. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings. Comments identified by Docket No. FEMA-B-1218, are to be submitted on or before December 20, 2011 to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-4064, or (e-mail) luis.rodriquez1@dhs.gov. The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the County of Hawai'i, Department of Public Works, 101 Pau'ahi Street, Suite 7, Hilo, Hawai'i 96720. For more information, contact Luis Rodriguez above (see, 76 F.R. 58436, September 21, 2011).

Loggerhead Sea Turtle Determination, <http://www.gpo.gov/fdsys/pkg/FR-2011-09-22/pdf/2011-23960.pdf>

The (National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS); also collectively referred to as the Services) have determined that the loggerhead sea turtle (*Caretta caretta*) is composed of nine distinct population segments (DPSs) that constitute "species" that may be listed as threatened or endangered under the Endangered Species Act (ESA). In this final rule, the Services are listing four DPSs as threatened and five as endangered under the ESA. The Services will propose to designate critical habitat for the two loggerhead sea turtle DPSs occurring within the United States in a future rulemaking. The Services encourage interested parties to provide any information related to the identification of critical habitat and essential physical or biological features for this species, as well as economic or other relevant impacts of designation of critical habitat, to assist us with this effort. This rule is effective on October 24, 2011. This final rule and comments and materials received, as well as supporting documentation used in the preparation of this rule, are available on the Internet at <http://www.regulations.gov> and will be available for public inspection, by appointment, during normal business hours at: National Marine Fisheries Service, Office of Protected Resources, 1315 East West Highway, Room 13657, Silver Spring, MD 20910. You may submit information related to the identification of critical habitat for the loggerhead sea turtle by either of the following methods: (1) Mail: NMFS National Sea Turtle Coordinator, Attn: Loggerhead Critical Habitat Information, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Room 13657, Silver Spring, MD 20910 or USFWS National Sea Turtle Coordinator, U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200,

Jacksonville, FL 32256; (2) Fax: To the attention of NMFS National Sea Turtle Coordinator at 301-427-2522 or USFWS National Sea Turtle Coordinator at 904-731-3045. For more information contact Barbara Schroeder, NMFS, at 301-427-8402; Sandy MacPherson, USFWS, at 904-731-3336; Marta Nammack, NMFS, at 301-427-8403 or Lorna Patrick, USFWS, at 850-769-0552 ext. 229 (see, 76 F.R. 58868, September 22, 2011).

Meetings of the Western Pacific Fisheries Management Council,
<http://www.gpo.gov/fdsys/pkg/FR-2011-09-28/pdf/2011-24921.pdf>

The Western Pacific Fishery Management Council (Council) will hold meetings of its 108th Scientific and Statistical Committee (SSC) and its 152nd Council meeting to take actions on fishery management issues in the Western Pacific Region. The SSC will meet on October 17-19, 2011, between 8:30 a.m. and 5 p.m.; the Council's Executive and Budget Standing Committee will meet on October 19, 2011, between 8 a.m. and 10 a.m.; the Pelagic and International Fisheries Standing Committee will meet on October 19 between 10 a.m. and 12 noon; the 152nd Council meeting will meet on October 19-22, 2011. The 152nd Council Meeting will be held between 2 p.m. and 6 p.m. on October 19, 2011, between 9 a.m. and 6 p.m. on October 20-21, 2011, and between 8:30 a.m. and 1 p.m. on October 22, 2011. All meetings will be held in Honolulu. For specific times and agendas, see the the linked Adobe Acrobat PDF file. The SSC will meet at the Council office, 1164 Bishop Street, Honolulu, Hawai'i 96813; *telephone*: (808) 522-8220. The 152nd Council meeting will be held at the Laniakea YWCA-Fuller Hall, 1040 Richards Street, Honolulu, Hawai'i 96813 Honolulu; *telephone*: (808) 538-7061. For more information, contact Kitty M. Simonds, Executive Director; *telephone*: (808) 522-8220 (see, 76 F.R. 60004, September 28, 2011).

Irradiation Facilities in the Southern United States, <http://www.gpo.gov/fdsys/pkg/FR-2011-09-29/pdf/2011-25092.pdf>

The Animal and Plant Health Inspection Service (APHIS) is proposing to amend the phytosanitary treatment regulations to provide generic criteria for new irradiation treatment facilities in the Southern States of the United States. This action would allow irradiation facilities to be located anywhere in these States, subject to approval, rather than only in the currently approved locations. We are also proposing to allow for the irradiation treatment of certain imported fruit from India and Thailand upon arrival in the United States. This action would facilitate the importation of fruit requiring irradiation treatment while continuing to provide protection against the introduction of pests of concern into the United States. We will consider all comments that we receive on or before November 28, 2011. You may submit comments by either of the following methods:

- (1) *Federal eRulemaking Portal*: Go to <http://www.regulations.gov/#!documentDetail;D=APHIS-2009-0100-000>;
- (2) *Postal Mail/Commercial Delivery*: Send your comment to Docket No. APHIS-2009-0100, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2009-0100> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming. For more information contact Dr. Inder P. S. Gadh, Senior Risk Manager - Treatments, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737-1236; (301) 734-0627 (see, 76 F.R. 60390, September 29, 2011).

Phytosanitary Treatment Regulations, <http://www.gpo.gov/fdsys/pkg/FR-2011-09-29/pdf/2011-25097.pdf>

In a final rule that the Animal and Plant Health Inspection Service (APHIS) published in the *Federal Register* on January 26, 2010, and effective on February 25, 2010, APHIS amended the phytosanitary

treatment regulations by removing the lists of approved treatments and treatment schedules from the regulations, while retaining the general requirements for performing treatments and certifying or approving treatment facilities. The final rule also removed treatment schedules from other places where they had been found in APHIS regulations and provided that approved treatment schedules will instead be found in the Plant Protection and Quarantine Treatment Manual, which is available on the Internet. In the final rule, APHIS neglected to provide for the Administrator of the Animal and Plant Health Inspection Service to approve treatments that are not found in the Treatment Manual, and APHIS did not retain text explaining that irradiation can be used as a substitute for other treatments. In this amendment, APHIS is amending the regulation to provide for such approval of treatments and to restore the text we removed. *Effective Date:* September 29, 2011. For more information, contact Dr. Inder P. S. Gadh, Senior Risk Manager — Treatments, Regulations, Permits, and Manuals, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737-1236; (301) 734-0627 (see, 76 F.R. 60359, September 29, 2011).

Interim Rule for Modified Base Flood Elevations in the City and County of Honolulu,

<http://www.gpo.gov/fdsys/pkg/FR-2011-09-30/pdf/2011-25157.pdf>

The Federal Emergency Management Agency (FEMA) has issued an interim rule listing the City and County of Honolulu and other communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents. These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities. From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Federal Insurance and Mitigation Administrator reconsider the changes. The modified BFEs may be changed during the 90-day period. The modified BFEs for each community are available for inspection at the office of the Mayor, City and County of Honolulu, 530 S. King Street, Room 300, Honolulu, Hawai'i 96813. For further information, contact Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-4064, or (e-mail) Luis.Rodriguez3@fema.dhs.gov (see, 76 F.R. 60748, September 30, 2011).

Proposed Regulations under the Tuna Conventions Act of 1950,

<http://www.gpo.gov/fdsys/pkg/FR-2011-09-30/pdf/2011-25275.pdf>

The National Marine Fisheries Service (NMFS) proposes regulations under the Tuna Conventions Act of 1950, as amended, (Act) to implement decisions of the Inter-American Tropical Tuna Commission (IATTC). At its Eighty-second Meeting in July 2011, the IATTC adopted a number of resolutions, some of which require rulemaking to implement domestically in the United States. This proposed rule implements three of these decisions: the Resolution on Tuna Conservation 2011-2013 (C- 11-01), the Resolution Prohibiting Fishing on Data Buoys (C-11-03), and the Resolution Prohibiting the Retention of Oceanic Whitetip Sharks (C-11-10). This action is necessary for the United States to satisfy its obligations as a member of the IATTC. Comments must be submitted in writing by October 17, 2011. A public hearing will be held at 9 a.m. to 12 p.m. PDT, October 17, 2011, in Long Beach, CA. You may submit comments on this document, identified by NOAA-NMFS-2011-0160-0001, by any of the following methods:

- (1) *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal: <http://www.regulations.gov>. To submit comments via the e-Rulemaking Portal, first click the "submit a comment" icon, then enter NOAA-NMFS-2011-0160-0001 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the "Submit a Comment" icon on the right of that line;
- (2) *Mail:* Submit written comments to Heidi Hermsmeyer, NMFS Southwest Regional Office, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802; include the identifier "0648-BA66" in the comments; or (3) *Fax:* 562-980-4047; Attn: Heidi Hermsmeyer.

Public hearing: The public is welcome to attend a public hearing and offer comments on this rule on October 17, 2011 from 9 a.m. to 12 p.m. at 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802. The public may also participate in the public hearing via conference line: 888-282-9635; participant passcode: 11671. For more information, contact Heidi Hermsmeyer, NMFS SWR, 562-980-4036 (see, 76 F.R. 60790, September 30, 2011).

Incidental Take Permit for Auwahi Wind Energy LLC, <http://www.gpo.gov/fdsys/pkg/FR-2011-10-05/pdf/2011-25670.pdf>

Auwahi Wind Energy LLC (applicant), a subsidiary of Sempra Generation, has submitted an application to the U.S. Fish and Wildlife Service (Service) for an incidental take permit under the Endangered Species Act of 1973, as amended (ESA). The applicant is requesting an incidental take permit pursuant to the ESA to authorize take of two endangered Hawaiian bird species, one bat species, and one moth species. The permit application includes a draft Habitat Conservation Plan (HCP) describing the applicant's actions and the measures the applicant will implement to minimize, mitigate, and monitor incidental take of the Covered Species, and a draft Implementing Agreement (IA). The Service also announces the availability of a draft Environmental Assessment (EA) that has been prepared in response to the permit application in accordance with requirements of the National Environmental Policy Act (NEPA). We are making the permit application package and draft EA available for public review and comment. All comments from interested parties must be received on or before November 21, 2011. Please address written comments to Loyal Mehrhoff, Project Leader, Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 3-122, Honolulu, HI 96850. You may also send comments by facsimile to (808) 792-9580. For more information contact Dawn Greenlee, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service at the above address, or by telephone at (808) 792-9400 (see, 76 F.R. 61735, October 05, 2011).

Temporary Security Zones for the Asia-Pacific Economic Cooperation (APEC) Conference, <http://www.gpo.gov/fdsys/pkg/FR-2011-10-06/pdf/2011-25855.pdf>

The Coast Guard is establishing four temporary security zones on the navigable waters of O'ahu's southern and western shores in support of the Asia-Pacific Economic Cooperation (APEC) conference in O'ahu, Hawai'i. The establishment of these security zones is necessary to ensure the safety of all APEC attendees to include the President of the United States, as well as numerous foreign dignitaries and senior government officials. Entry into the temporary security zones established by this rule is prohibited unless authorized by the Coast Guard Captain of the Port, Honolulu, or her designated representatives. This rule will be effective from 11 p.m. HST on November 9, 2011 through 11 p.m. HST on November 16, 2011. The § 165.T14-0800 (a)(2) and (4) security zones, West Waikiki and Ala Wai Harbor and Canal, will be enforced from 11 p.m. HST on November 9, 2011, through 11 p.m. HST on November 16, 2011. The § 165.T14-0800 (a)(1) security zone, Ko'olina Offshore, will be enforced from 11 p.m. HST on November 12, 2011, to 11 p.m. HST on November 13, 2011. The § 165.T14-0800 (a)(3) security zone, East Waikiki, will be enforced from 12 a.m. HST to 11 p.m. HST on November 12, 2011. Comments and related material must be submitted to the Coast Guard no later than October 17, 2011. You may submit comments identified by docket number USCG-2011-0800 using any one of the following methods:

- (1) *Federal eRulemaking Portal:* <http://www.regulations.gov>;
- (2) *Fax:* 202-493-2251;
- (3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001; or
- (4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329. To avoid duplication, please use only one of these four methods (see, 76 F.R. 61950, October 06, 2011).



Finding on Petition to List the Black-Footed Albatross, <http://www.gpo.gov/fdsys/pkg/FR-2011-10-07/pdf/2011-25469.pdf>

The U.S. Fish and Wildlife Service (Service), announced a 12-month finding on a petition to list the black-footed albatross (*Phoebastria nigripes*) as endangered or threatened under the Endangered Species Act of 1973, as amended (Act). The petitioners provided three listing options for consideration by the Service: Listing the black-footed albatross throughout its range; listing the Hawaiian Islands breeding population of the black-footed albatross as a Distinct Population.

Segment (DPS); or listing the Japanese Islands breeding population of the black-footed albatross as a DPS. After a review of the best available scientific and commercial information, the Service found that listing the black-footed albatross range-wide is not warranted at this time. The Service also found that the Hawaiian Islands breeding population and the Japanese Islands breeding population are separate DPSs, as defined by DPS policy. However, the Service further found that neither the Hawaiian Islands DPS nor the Japanese Islands DPS of the black-footed albatross warrants listing at this time. The Service asks the public to submit to it any new information that becomes available concerning the threats to the blackfooted albatross or its habitat at any time. The finding announced in this document was made on October 7, 2011. This finding is available on the Internet at <http://www.regulations.gov> at Docket Number FWS–R1–ES–2007–0004, and <http://www.fws.gov/pacificislands/>. Supporting documentation used by the Service in preparing this finding is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Box 50088, Honolulu, Hawai'i 96850. Please submit any new information or materials concerning this finding to the above address. For more information contact Dr. Loyal Mehrhoff, Field Supervisor, Pacific Islands Fish and Wildlife Office (at the above address); by telephone at 808–792–9400; or by facsimile at 808–792–9581 (see, 76 F.R. 62504, October 7, 2011)

GLOSSARY

Agency Actions

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

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 an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(c\)](#), for Applicant actions. For environmental assessments for which a Finding of No Significant Impact is anticipated, 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 per (HRS 343-3), also known as The Environmental Notice.

Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments received during the review and prepare a Final EA (FEA) to determine whether an environmental impact statement shall be required. The FEA must respond to all public comments. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement will not be required and the project may then be implemented. The public has 30 days from the notice of a FONSI in this bulletin to ask a court to require the preparation of an EIS.

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPN). After the notice of the EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and 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.

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 mitigative measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPN comment period in a point-by-point manner.

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. See here for [style](#) concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority. Only after the FEIS is accepted may the project be implemented.

Acceptability

If the FEIS is [accepted](#), notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, the Approving Agency must make a determination on acceptance within 30 days of receipt of the FEIS or the FEIS is deemed accepted. For Applicant actions, the law provides for an administrative appeal of a non-acceptance to the Environmental Council.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare an EA or EIS. In many ways it is similar to Hawaii's law. Some projects require both a State and Federal EIS and the public comment procedure should be [coordinated](#). OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

Conservation District

Any use of land in the State Conservation District requires a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. Notices of permit applications are published in this bulletin.

Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

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 Council

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). [Agendas](#) of their regular meetings are posted on the Internet and the public is invited to attend.

Exemption Lists

Government agencies must 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 11-200-8\(d\)](#)). 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).