

# THE ENVIRONMENTAL NOTICE

A semi-monthly periodic bulletin published by the Office of Environmental Quality Control  
pursuant to Section 343-3, Hawaii Revised Statutes  
June 23, 2012

## 2012 Guide to the Implementation and Practice of the Hawai'i Environmental Policy Act

Download your copy of the most current guide to Chapter 343, Hawaii Revised Statutes, entitled "[A Guide to the Implementation and Practice of the Hawaii Environmental Policy Act \(2012 Edition\)](#)." This guide wholly supersedes and replaces the 2004 edition of the Guidebook to the Hawaii State Environmental Review Process suspended by the Office of the Governor in 2007, in the wake of the appellate decisions in the Superferry, Koa Ridge and Ohana Pale cases. Formatted as an Adobe Acrobat Portable Document Format file, the guide has color flow charts, and easy to read text illustrating the application of the statute and rules to actions being proposed by executive agencies of the State and county governments, or to actions being proposed by private applicants that require the issuance of a discretionary consent by an executive agency of the State and county governments. A notable improvement in the guide is the two-track mutually exclusive approach to the EIS process that mirrors the provisions of Section 343-5(b), HRS for actions proposed by agencies, and Section 343-5(c), HRS, for actions proposed by applicants that require a discretionary consent from an agency. For more information, please contact the Office.

## Maui Nui Proposed Listings / Critical Habitat Package

The U.S. Fish and Wildlife Service (Service) has proposed to add 38 species found on the Hawaiian Islands of Moloka'i, Lāna'i, Kaho'olawe, and Maui (collectively known as Maui Nui) to the Federal endangered species list, to reevaluate the endangered status of two presently listed species, and to designate critical habitat for 135 species. This proposal is collectively referred to as the [Maui Nui listing and critical habitat package](#). Public comments on this proposal will be accepted until August 10. The Service is proposing critical habitat concurrently with the proposed listing for 39 of the 40 plant and animal species. In addition, the Service is revising critical habitat for 85 previously listed plant species, and proposing critical habitat for 11 previously listed plant and animal species that do not have designated critical habitat. The proposed critical habitat designation is comprised of 100 multi-species units totaling approximately 271,062 acres, and includes occupied and unoccupied habitat. Of the total units and acreage, 61 units comprising 192,364 acres are located on Maui, 20 units comprising 46,832 acres on Moloka'i, 14 units comprising 25,413 acres on Lāna'i, and 5 units comprising 6,453 acres on Kaho'olawe. Approximately 47 percent of the area being proposed as critical habitat was already designated as critical habitat for listed species. This proposed rule will revise previous critical habitat designations made in 1984 and 2003. The 40 species proposed or reevaluated for listing include 37 plant and three animal species. The 37 plant species include herbs, shrubs, trees and ferns. The 3 animal species are the Newcomb's tree snail and two Lāna'i tree snails. Of the 40 proposed species, 20 are candidate species (17 plants and 3 tree snails), 15 are plant species of concern (each with fewer than 50 individuals remaining), 3 are other plant species (*Cyanea duvalliorum*, *Cyrtandra ferripilosa*, and *Mucuna sloanei* var. *persericea*) that share common threats with the other 37 species, and 2 are endangered plants (*Cyanea grimesiana* ssp. *grimesiana* and *Santalum haleakalae* var. *lanaiense*) whose range has changed since they were listed, therefore the listed status of these two species must be reaffirmed. These 40 species are found in 11 ecosystem types: coastal, lowland dry, lowland mesic, lowland wet, montane dry, montane wet, montane mesic, subalpine, alpine, dry cliff, and wet cliff. The Service finds that all of these species face immediate and significant threats throughout their ranges. See page 11 for additional information.

**Note:** When browsing the internet, if you get a message saying that the file is damaged when you click on the link, then the file is too big to open within your web browser. To view the file, download directly to your hard drive by going to File and select Save As in your web browser.

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



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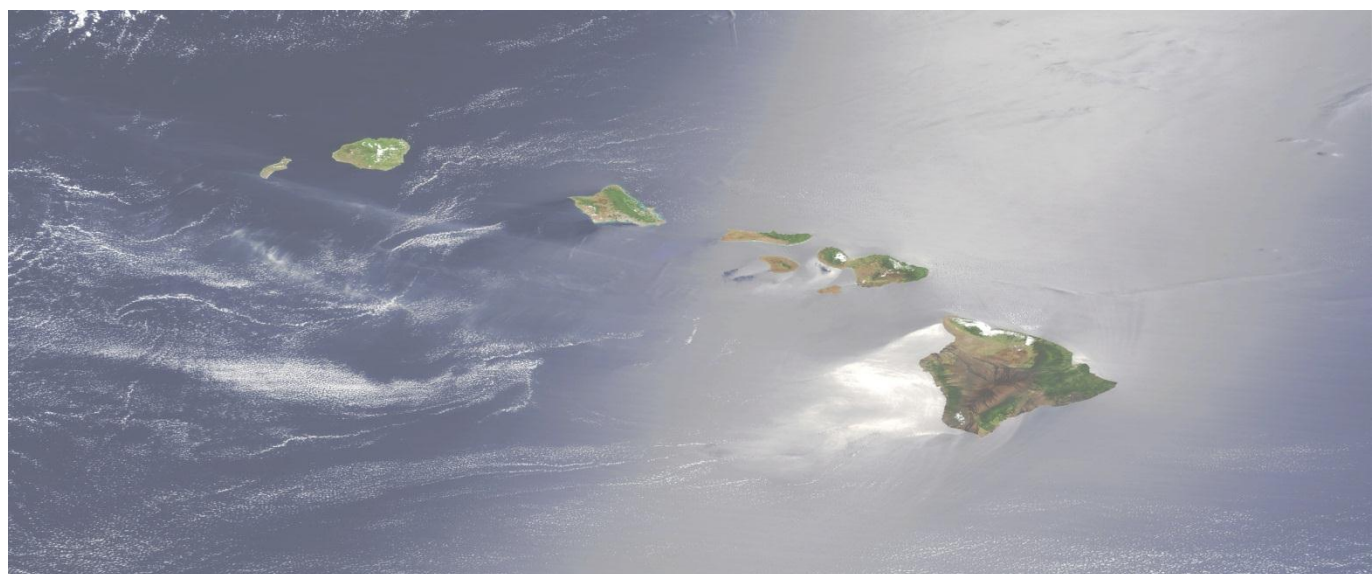
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## HAWAI'I

### 1. Four-Lot Subdivision, Waipuna'ula and Kalamakumu DEA-AFNSI

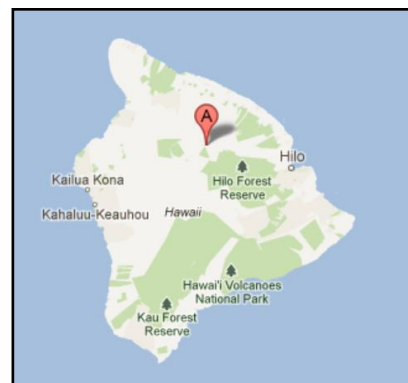
Island: Hawai'i  
District: South Kona  
TMK: (3) 8-2-3: 029  
Permits: Subdivision approval by the Planning Director  
Applicant: Dr. Elizabeth Marshall and Carol Gibson, 78-6616 Ali'i Drive, Kailua-Kona, Hawai'i 96740. Contact: see consultant, below.  
Approving Agency: County of Hawai'i Planning Department, Bobby Jean Leithead-Todd, Director, 101 Pauahi Street, Suite 3, Hilo, Hawai'i 96720. (808) 961-8288. Contact: Jeffrey Darrow (808) 961-8158.  
Consultant: Klaus D. Conventz, dba Baumeister Consulting, P.O. Box 2308, Kailua-Kona, Hawai'i 96745, (808) 329-0898  
Status: Statutory 30-day public review and comment period starts; comments are due on July 23, 2012. Send comments to the Applicant, Approving Agency and Consultant.



The applicants propose to subdivide the existing 22.128 acre parcel into two 5.001 acre lots, one 5.580 acre lot and one 6.546 acre lot for intensive agricultural use of the property. Physical activities will include survey and staking of the lots and the installation of a dedicated 4" waterline inside existing utility easement and along the 10 foot wide existing pavement of the 30 feet wide county road right-of-way, as a condition of the County Department of Water Supply for final expected subdivision approval. The subject property is identified as Tax Map Key (3) 8-2-3:29 and is situated along the Makai side of the Old Government Road in Waipunaula and Kalamakumu, South Kona, Hawaii. It is located approximately 2,800 feet from the shoreline Mauka of Kealakekua Bay in an elevation of approximately 400 to 900 feet above mean sea level. Subject property is situated within the Kona Field System Site No. 50-10-37-6601, listed on the Hawaii Register of Historic Places and included on the National Register of Historic Places. The purpose of the proposed action is the subdivision of subject land in compliance with the prevailing County Zoning A-5a, State Land Use Agricultural District.

### 2. Saddle Road Maintenance Baseyard DEA-AFNSI

Island: Hawai'i  
District: Hamakua  
TMK: (3) 4-4-016: portion of 03  
Permits: State of Hawai'i, Conservation District Use Permit, National Pollutant Discharge Elimination System Permit, Construction Plan Review  
Proposing/Determination Agency: State of Hawai'i, Department of Transportation, Hawai'i Island District Office, 50 Maka'ala Street, Hilo, Hawai'i 96720. Contact: Glenn M. Okimoto, Director of Transportation. Contact: Roy Shoji (808) 933-8866.  
Consultant: R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawai'i 96819. Contact: Chester Koga, AICP (808) 842-1133. Email: [chesterk@rmtowill.com](mailto:chesterk@rmtowill.com).  
Status: Statutory 30-day public review and comment period starts; comments are due on July 23, 2012. Send comments to the Proposing Agency and Consultant.



The State Department of Transportation (HDOT) plans to construct a highways maintenance baseyard for the primary purpose of maintaining and repairing the Saddle Road. The proposed baseyard site occupies 4 acres of vacant land within a 20.5 acre area designated for the Mauna Kea State Recreation Area. The baseyard site would occupy space formerly utilized as a Nēnē breeding facility. The baseyard site and the Mauna Kea State Recreation Area are part of a larger approximately 6,900 acre parcel owned by the State of Hawai'i and identified by Tax Map Key (TMK) parcel (3) 4-4-016: 003. The highways maintenance baseyard is needed to address maintenance and repair of the Saddle Road which is an approximately 47 mile long roadway which is the most direct route between East and West Hawai'i. The proposed site is centrally located between the east and west ends of the road in order

to provide broader reach and convenience for repair work. Saddle Road links the historical main population centers of the island in East Hawai'i with the growing west side, where the economy is anchored by tourism. It extends from Kaumana, above Hilo, to an intersection with Mamalahoa Highway 7 miles south of Waimea. It is the only road serving the Pohakuloa Training Area (PTA), the Mauna Kea Astronomical Observatory Complex, the Mauna Loa atmospheric observatory complex, the ranching and residential areas of Waiki'i Ranch and Kaumana City, Mauna Kea State Recreation Area and other recreational areas. Improvements on the site will include: a) shop building with work areas, an office, and vehicle parking, b) a fuel area, c) flammable storage area, d) parking area, d) open material storage, and e) utilities. Access to the site will continue via an existing unpaved road. The site will have a perimeter fence. Estimated construction costs are \$5.83 million. Construction start is schedule for Fall 2012.

## MAUI

### 3. Maui Research & Technology Park Master Plan Update DEIS

Island: Maui  
District: Makawao  
TMK: (2) 2-2-24:01-07; (2) 2-2-24:08; (2) 2-2-24:09; (2) 2-2-24:14-18; (2) 2-2-24:31; (2) 2-2-24:32; (2) 2-2-024:34; (2) 2-2-24:36; (2) 2-2-24:37; (2) 2-2-002:054 (portion)  
Permits: HRS Chapter 343 Compliance; State Land Use District Boundary Amendment; County Community Plan Amendment; County Change in Zoning; Section 404 Clean Water Act Approval; Air Pollution Control Permit; Community Noise Permit; NPDES Permit; Section 401 Clean Water Act; Well Construction and Pump Installation Permit; Stream Channel Alteration Permit; Permit to Perform work within the State ROW; Preliminary Subdivision Approval; Final Subdivision Approval; Grading and Grubbing Permit; Driveway Permit; Building Permit; Wastewater Discharge Permit; Drainage Approval; Easements for Utilities and Roadways  
Applicant: Maui R&T Partners, LLC., 1300 North Holopono, Suite 201, Kihei, Hawai'i 96753. Contact: Mr. Steve Perkins (808) 270-5944.  
Approving Agency: State of Hawai'i, Land Use Commission, Department of Business Economic Development & Tourism, P.O. Box 2359, Honolulu, Hawai'i 96804-2359. Contact: Mr. Daniel E. Orodener, (808) 587-3822.  
Consultant: Chris Hart & Partners, Inc., 115 North Market Street, Wailuku, Hawai'i 96793. Contact: Mr. Michael Summers, (808) 270-1955, ext. 554  
Status: Statutory 45-day public review and comment period starts; comments are due on August 7, 2012. Send comments to the Applicant, Consultant, and Approving Agency.



The Maui Research and Technology Park (MRTP) is located in Kihei, Maui, Hawaii. The Park is situated mauka (east) of Pi'ilani Highway and is accessible from Lipoa Parkway. The MRTP encompasses approximately 414 acres owned in fee simple by various land owners. Maui R&T Partners, LLC ("Applicant") owns approximately 231 acres and Haleakala Ranch is the owner of approximately 124 acres. Roadway lots and lands in ownership by others comprise the remaining acres. MRTP was established in the 1980's to bring diversification to Maui's economy through investment in high technology. Today the Park has over 180,000 square feet of office space, with over 400 people working in the Park at over 20 high technology and professional services companies. Over the next 20 years, the Park desires to strengthen its competitive position by better servicing the unique needs of the knowledge industry community. The Park will accomplish this objective by incorporating greater flexibility into its land use controls. The Park will offer a greater diversity of lot sizes – from small to very large lots – together with the opportunity for more flexible building space. The Park will also embrace mixed-use development to offer greater convenience and a higher quality of life to employees by bringing housing choices and personal and professional services within walking and biking distance of work. The park will be developed in two phases. Phase 1, through 2024, will include a mixed-use village center, knowledge-industry employment core, residential neighborhoods, schools and parks. Phase 2, through 2034, will include additional residential development and knowledge industry expansion campuses to the east and south. At build-out, in 2034, the Park will comprise knowledge industry, commercial, and civic uses totaling approximately 2 million square feet together with 1,250 single- and multi-family residences. It is estimated that 60% of the residential units will be single-family and 40% multi-family.

#### 4. Permanent Shore Protection of the Hololani Resort Condominiums DEA-AFNSI

Island: Maui  
District: Lahaina  
TMK: (2) 4-3-010:009  
Permits: Conservation District Use Application, Shoreline Setback Variance, Special Management Area (Major)  
Applicant: Association of Apartment Owners of the Hololani Resort Condominiums, c/o 1417 116th Ave NE, Bellevue, WA 98004. Contact: Mr. Stuart Allen, (425) 454-3605, ext 130.  
Approving Agency: State Department of Land and Natural Resources – Office of Conservation and Coastal Lands, 1151 Punchbowl Street, Room 131, Honolulu, Hawai'i 96813. Contact: Brad Romine, (808) 587- 0049.  
Consultant: Sea Engineering, Inc., Makai Research Pier, 41-305 Kalaniana'ole Highway, Waimanalo, Hawai'i 96795. Contact: James Barry 259-7966 ext. 24  
Status: Statutory 30-day public review and comment period starts; comments are due on July 23, 2012. Send comments to the Applicant, Approving Agency and Consultant.



Hololani Resort Condominiums, located along the Kahana Coast in West Maui, consists of twin 8-story building with 63 apartments. The shoreline is chronically eroding, with an average annual erosion rate of approximately 0.8 feet per year. Since the lot was originally partitioned in 1959, it has eroded almost 40 feet, moving the active erosion scarp to within 15 feet of the northern building's corner in 2007. Nearly 5,000 square feet of property has been lost.

Temporary shoreline stabilization structures have been authorized by County and State agencies since 1988. The most recent temporary structure was permitted in 2007 under the condition that permanent shore protection be engineered for the site to protect the habitable structures on the property from potentially catastrophic damage. The proposed shore protection is a structure consisting of a sloping rock revetment that rises to a crest at +6 ft MSL, backed by a vertical seawall that rises to grade at +12 ft. The rock revetment will minimize wave reflection to help allow accretion of sand, and the vertical wall will minimize the horizontal extent of the structure. The revetment crest will help provide lateral access during seasonal low sand conditions.

### ENVIRONMENTAL COUNCIL

The Environmental Council has a tentative meeting scheduled for July 19, 2012. 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](mailto:environmental.council@doh.hawaii.gov) or call 586-4185.

## COASTAL ZONE MANAGEMENT NOTICES

### FEDERAL CONSISTENCY REVIEWS

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies (HRS 205A). Public notice is pursuant to Section 306(d)(14) of the National Coastal Zone Management Act of 1972, as amended. For more information, call John Nakagawa at 587-2878. Neighbor islands call toll-free: Kaua'i: 274-3141 x72878, Lāna'i and Moloka'i: 468-4644 x72878, Maui: 984-2400 x72878, or Hawai'i: 974-4000 x72878.

For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review. Comments may be submitted by mail, electronic mail or fax. Send comments to: Office of Planning, Department of Business, Economic Development and Tourism, P.O. Box 2359, Honolulu, Hawai'i 96804. Email: [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov) or Fax: (808) 587-2899.

**1. Modifications to U.S. Coast Guard Station Kaua'i, Nawiliwili, Kaua'i**

Federal Action: Federal Agency Activity  
 Federal Agency: U.S. Coast Guard  
 Contact: Dr. Dennis Mead, 535-3464  
 Location: Nawiliwili Small Boat Harbor  
 TMK: (4) 3-2-3: 43  
 CZM Contact: John Nakagawa, 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)  
 Proposed Action: Proposed modifications to USCG Station Kaua'i at Nawiliwili will involve the installation of two 60-foot floating finger piers and the re-seating of existing rip-rap fronting the facility. The floating piers will be constructed outboard from the existing concrete wharf and will be accessed by gangways. The piers will be used to moor two coast guard boats. The piers are necessary because the concrete wharf is inadequately sized to moor the boats. In addition, 135 feet of existing rip-rap shore protection will be repaired to restore the shoreline protection and prevent continued erosion due to waves and boat wakes.  
 Comments Due: July 9, 2012

**2. Public Viewing Outlook at Pearl Harbor National Wildlife Refuge, Honouliuli Unit, O'ahu**

Federal Action: Federal Agency Activity  
 Federal Agency: U.S. Fish and Wildlife Service  
 Contact: David Ellis, 637-6330  
 Location: Pearl Harbor National Wildlife Refuge, Honouliuli Unit  
 TMK: (1) 9-1-17: 12  
 CZM Contact: John Nakagawa, 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)  
 Proposed Action: The U.S. Fish and Wildlife Service is proposing to construct the Betty Nagamine Bliss Memorial Overlook within the Honouliuli Unit of Pearl Harbor National Wildlife Refuge, which will consist of a raised boardwalk with two overlook platforms that will be a spur off of the Leeward Bike Path. The public overlook will be located along the shoreline of West Loch, Pearl Harbor, and will provide a view and interpretive opportunities of the Refuge and West Loch.  
 Comments Due: July 9, 2012

**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: North Kona (7-5-018: 070 )	Repairs to Property from Tsunami Damages (SMM 12-223)	Joseph Gomes
Hawai'i: North Hilo (3-2-002: 031, 075 & 109)	Removal of 75 Invasive Trees and Clearing of Vegetation, Subdividing Property from 3 Lots to 4, Demolition and Removal of Existing Structures (SMM 12-224)	Steven H. Shropshire
Hawai'i: North Kona (7-5-005: 063)	Construct a New Security Hale and Carport to Replace the Temporary Security Hale and Open Parking Area (SMM 12-225)	Roger Harris
Maui: Kihei (3-9-005: 023)	Reroof, Restore and Repairs as Needed (SM2 20120071)	Michael Wright & Associates, Inc.
Maui: Lahaina (4-4-001: 042)	Replace Old for New Railings (SM2 20120072)	Jeannie Murrell

## SHORELINE NOTICES

### SHORELINE 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, Hawai'i 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-1496	6/1/12	Lot 34-D Kahala Cliffs Subdivision situate at Kahala, Honolulu, O'ahu. Address: 4162 Black Point Road Purpose: Sale of property	Walter P. Thompson, Inc./ Kevin Fialko	3-5-001:004
MA-513	6/6/12	Royal Patent 4376, Land Commission Award 6225, Apana 1 to Naholowaa situate at Halaka'a, Lahaina, Maui. Address: 313 Front Street. Purpose: Renovation permit	Akamai Land Surveying, Inc./ Steven R. & Deana Campbell	4-6-003:007

### SHORELINE 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, Hawai'i 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1481	Proposed Shoreline Certification	Lots 158 to 162, inclusive of Land Court Application 1069 (Map 26) situate at Honouliuli, 'Ewa, O'ahu. Address: 91-333, 91-329, 91-317, 91-309 and 91-303 Papipi Road. Purpose: Shoreline determination	Park Engineering/Haseko ('Ewa), Inc.	9-1-011:001-005
OA-1482	Proposed Shoreline Certification	Lot 157 as shown on Map 26 and Lot 297 as shown on Map 45 of Land Court Application 1069 situate at Honouliuli, 'Ewa, O'ahu. Address: 91-295 Papipi Road. Purpose: Shoreline determination	Park Engineering/Haseko ('Ewa), Inc.	9-1-011:006 & 007
OA-1483	Proposed Shoreline Certification	Lot 2697 as shown on Map 274 of Land Court Application 1069 situate at Honouliuli, 'Ewa, O'ahu. Address: One'ula Beach Park. Purpose: Shoreline determination	Park Engineering/City and County of Honolulu	9-1-134:006
OA-1484	Proposed Shoreline Certification	Lot 11729 as shown on Land Court Application 1069 (Map 846) and Portion of Royal Patent 6971, Land Commission Award 11216 Apana 8 to M. Kekauonohi and all of Grant 30 Apana 8 to the Board of Education, being deregistered Land Court Lot 18888 as shown on Land Court Application 1069 (Map 1504) situate at Honouliuli, 'Ewa, O'ahu. Address: 91-101 Papipi Road. Purpose: Shoreline determination	Park Engineering/Haseko ('Ewa), Inc.	9-1-134:007 & 029

OA-1454	Rejection	Lot 34 Land Court Application 1596 (Map 1) situate at Wailupe, Waikiki, Honolulu, O'ahu. Address: 176 Wailupe Circle. Purpose: Building permit	Park Engineering/ Edward and Katherine Weldon	3-6-001:034
OA-1455	Rejection	Portion Ahupua'a of Kualoa Portion Deed: Kamehameha III to G.P. Judd dated November 20, 1850, recorded in Liber 4 at Page 304, situate at Kualoa, Ko'olaupoko, O'ahu. Address: 49-555 Kamehameha Highway. Purpose: Building permit	Walter P. Thompson, Inc./ Harvey Minatoya	4-9-009:005
MA-491	Rejection	The Kahana Sunset being all of R.P. 4697, L.C. Aw. 4807:03 to Nika 2, all of R.P. 4697, L.C. Aw. 4807:04 to Nika 2 and a portion of R.P. 1663, L.C. Aw. 5524 to L. Konia situate at 'Alaeloa, Lahaina, Maui. Address: 4909 Lower Honoapi'ilani Road. Purpose: Wall repair	Arthur Valencia/ Kahana Sunset AOAO	4-3-003:015
KA-357	Rejection	Lot 2 Spouting Horn Tract portion of Royal Patent 6714, Land Commission Award 7714-B 'Apana 2 to Moses Kekuaiwa no M. Kekuanao'a situate at Koloa, Kaua'i. Address: 4540 Lawa'i Road. Purpose: Determine building setback line	Anthony Crook/ Barry Semler	2-6-003:050

### POLLUTION CONTROL PERMITS

Below are some pollution control permits 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	Bolton, Inc., Renewal Application No. 0481-04, CSP No. 0481-01-CT	Located at: Various Temporary Sites, State of Hawai'i	Comments Due: 7/9/12	475 TPH Portable Stone Processing Plant
Clean Air Branch, 586-4200, -Covered Source Permit	Aloha Petroleum, Ltd., Permit Application Renewal No. 0092-07, CSP No. 0092-02-C	Located at: 789 North Nimitz Highway Honolulu, O'ahu	Comments Due: 7/5/12	Honolulu Terminal
Clean Air Branch, 586-4200, Non-Covered Source Permit	Kamali'i Trucking & Rentals Permit Application Renewal No. 0646-02, NSP 0646-01-NT	Located at: Various Temporary Sites, State of Hawai'i	Issued Date: 5/31/12	Two (2) Power Screens
Clean Air Branch, 586-4200, Non-Covered Source Permit	BASF Plant Science, LLC, Initial Permit Application No. 0767-01, NSP No. 0767-01-N	Located: Field #309 Kekaha Sugar Map, Kekaha, Kaua'i	Issued Date: 6/4/12	Two (2) Fumigation Chambers
Clean Air Branch, 586-4200, Covered Source Permit	AlSCO – American Linen Division. Application for Initial Permit No. 0024-09, CSP No. 0024-04-C	Located at: 2771 Wai Wai Loop, Honolulu, O'ahu	Issued Date: 6/13/12	Two (2) 400 HP Boilers

### CONSERVATION DISTRICT NOTICES

Persons interested in commenting on the following Conservation District Use Application (CDUA) 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.

**PROJECT**

File No.: CDUA OA-3628  
Name of Applicant: John P. Dooling  
Location: Makiki, Tantalus, Island of O’ahu  
TMKs: (1) 2-5-017:004  
Proposed Action: ATF permit for Accessory Structures  
Chapter 343  
Determination: Exempt  
Applicant’s Contact: John P. Dooling (808) 381-4140  
OCCL Staff Contact: Alex J. Roy (808) 587-0316



**FEDERAL NOTICES**

**1. Marine Mammals; File Nos. 16163, 16160, and 15569**

<http://www.gpo.gov/fdsys/pkg/FR-2012-06-14/pdf/2012-14587.pdf>

On November 3, 2011, notice was published in the **Federal Register** (76 FR 213) that a request for permits to conduct research on marine mammals had been submitted by the applicants listed below. The requested permits have been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226). The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce gives notice that permits have been issued to the following:

- File No. 16163 - Northwest Fisheries Science Center (NWFSC, Dr. M. Bradley Hanson, Principal Investigator), 2725 Montlake Blvd. East, Seattle, WA 98112–2097; The Whale Museum (Jenny Atkinson, Responsible Party); authorizes take of forty-two species of marine mammals in the Pacific Ocean, including waters of Alaska, Washington, Oregon, California, and Hawaii. Harassment of all species of cetaceans will occur through vessel approach for sighting surveys, photographic identification, behavioral research, opportunistic sampling (breath, sloughed skin, fecal material, and prey remains), acoustic imaging with echo sounders, and aerial surveys. Twenty seven cetacean species and unidentified mesoplodon species will be biopsied, dart, and/or suction-cup tagged. Ultrasound sampling will be directed at killer whales including the Southern Resident stock. Active acoustic playback studies will be directed at Southern Resident killer whales. Import and export of marine mammal prey specimens, skin and blubber, sloughed skin, fecal and breath samples obtained is authorized. The permit is valid until June 6, 2017. Contact Joselyn Garcia-Reyes at (301) 427–8401 for more information.
- File No. 16160 - The Whale Museum (Jenny Atkinson, responsible party), P.O. Box 945, Friday Harbor, WA 98250; authorizes take of eight species of cetaceans in the inland waters of Washington State. Harassment of all species will occur through close vessel approach for photo-identification, behavioral observation, and monitoring. The permit is valid until June 6, 2017. Contact Jennifer Skidmore at (301) 427-8401 for more information.
- File No. 15569 - The Center for Whale Research (CWR; Kenneth C. Balcomb III, responsible party); P.O. Box 1577, Friday Harbor, WA 98250 to conduct research on marine mammals; authorizes take of twenty-two species of marine mammals in the coastal eastern North Pacific from the southern boundary of California to Alaskan waters east of Kodiak Island, including all territorial waters up to 200 nautical miles offshore. Harassment of all species of cetaceans will occur through vessel approach for photographic identification, behavioral research, opportunistic sampling (fecal material and prey remains), remote

measuring (aerial and laser techniques), and passive acoustic recording. The permit is valid until June 6, 2017. Contact Laura Morse at (301) 427-8401 for more information.

An environmental assessment (EA) was prepared analyzing the effects of the permitted activities on the human environment in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Based on the analyses in the EA, NMFS determined that issuance of the permits will not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on June 4, 2012. As required by the ESA, issuance of these permits was based on a finding that such permits: (1) Were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Documents may be reviewed in the following locations: Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 427-2521; Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206) 526-6150; fax (206) 526-6426; Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586-7221; fax (907) 586-7249; Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562) 980-4001; fax (562) 980-4018; and Pacific Islands Region, NMFS, 1601 Kapi'olani Blvd., Rm 1110, Honolulu, HI 96814-4700; phone (808) 973-2935; fax (808) 973-2941 (see, 77 FR 35657, June 14, 2012).

## 2. Listing 38 Species on Moloka'i, Lana'i, and Maui as Endangered and Designating Critical Habitat on Moloka'i, Lana'i, Maui, and Kaho'olawe for 135 Species

<http://www.gpo.gov/fdsys/pkg/FR-2012-06-11/pdf/2012-11484.pdf>

The U.S. Fish and Wildlife Service (Service), proposes to list 38 species on the Hawaiian Islands of Moloka'i, Lana'i, and Maui as endangered under the Endangered Species Act of 1973, as amended (Act). The Service also reaffirms the listing of two endemic Hawaiian plants currently listed as endangered. It proposes to designate critical habitat for 39 of these 40 plant and animal species. Critical habitat is not determinable for the plant *Cyanea mauiensis*. In this document, the Service also proposes to designate critical habitat for 11 previously listed plant and animal species that do not have designated critical habitat, and proposes to revise critical habitat for 85 plant species that are already listed as endangered or threatened. The proposed critical habitat designation totals 271,062 acres (ac) (109,695 hectares (ha)) on the islands of Moloka'i, Lana'i, Maui, and Kaho'olawe (collectively called Maui Nui), and includes both occupied and unoccupied habitat. Approximately 47 percent of the area being proposed as critical habitat is already designated as critical habitat for the 85 plant species or other species. The Service also proposes to delist the plant *Gahnia lanaiensis*, due to new information that this species is synonymous with *G. lacera*, a widespread species from New Zealand. In addition, the Service proposes name changes or corrections for 11 endangered plants and 2 endangered birds, and taxonomic revisions for 2 endangered plant species. **DATES:** The Service will consider comments received on or postmarked on or before August 10, 2012. Please note that if you are using the Federal eRulemaking Portal the deadline for submitting an electronic comment is 11:59 p.m. Eastern Time on this date. The Service must receive requests for public hearings, in writing, at Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Box 50088, Honolulu, HI 96850, by July 26, 2012. **ADDRESSES:** You may submit comments by one of the following methods: *Federal eRulemaking Portal:* <http://www.regulations.gov>. Search for FWS-R1-ES-2011-0098, which is the docket number for this proposed rule. *U.S. mail or hand delivery:* Public Comments Processing, Attn: FWS-R1-ES-2011-0098; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203. The Service will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide the Service. **FOR FURTHER INFORMATION CONTACT:** Loyal Mehrhoff, Field Supervisor, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Box 50088, Honolulu, HI 96850; by telephone at 808-792-9400; or by facsimile at 808-792-9581. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339 (see, 77 FR 34464, June 11, 2012).

## 3. Revised Limits on Sea Turtle Interactions in the Hawaii Shallow-Set Longline Fishery

<http://www.gpo.gov/fdsys/pkg/FR-2012-06-11/pdf/2012-14136.pdf>

The National Marine Fisheries Service (NMFS) proposes to revise the annual number of allowable incidental interactions that may occur between the Hawaii-based shallow-set pelagic longline fishery and leatherback and loggerhead sea turtles. NMFS also proposes administrative housekeeping changes to the regulations relating to the

shallow-set longline fishery. The proposed rule would implement terms and conditions of the current biological opinion on this fishery, and clarify the regulations. **DATES:** NMFS must receive comments on the proposed rule by July 11, 2012. **ADDRESSES:** You may send comments on the proposed rule, identified by NOAA– NMFS–2012–0068, to either of the following addresses:  *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal [www.regulations.gov](http://www.regulations.gov); or  *Mail:* Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Region (PIR), 1601 Kapi'olani Blvd., Suite 1110, Honolulu, HI 96814–4700. **FOR FURTHER INFORMATION CONTACT:** Adam Bailey, Sustainable Fisheries, NMFS PIR, 808–944–2248 (see, 77 FR 34334, June 11, 2012).

#### 4. Western Pacific Fishery Management Council – Change to Agenda of Public Meeting

<http://www.gpo.gov/fdsys/pkg/FR-2012-06-08/pdf/2012-13984.pdf>

The Western Pacific Fishery Management Council (Council) announces a change in the agenda for the 154th Council Meeting. **DATES:** The 154th Council meeting will be held between 9 a.m. and 5:30 p.m. on June 26, 2012, between 8:30 a.m. and 5:30 p.m. on June 27, 2012, and between 8:30 a.m. and 4 p.m. on June 28, 2012. For specific times and agenda, see the above link. The Council meeting will be held at the Laniakea YWCA-Fuller Hall, 1040 Richards Street, Honolulu, HI 96813; telephone: (808) 538–7061. *Council address:* Western Pacific Fishery Management Council Office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813. **FOR FURTHER INFORMATION CONTACT:** Kitty M. Simonds, Executive Director; telephone: (808) 522–8220. The original notice published in the **Federal Register** on Tuesday, June 05, 2012 (77 FR 33195). This notice announces an amendment to the agenda. All other previously-published information remains the same (see, 77 FR 34024, June 8, 2012).



## GLOSSARY

### Agency

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

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 Hawai'i'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. Notice 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).