

THE ENVIRONMENTAL NOTICE

A semi-monthly periodic bulletin published by the Office of Environmental Quality Control pursuant to Section 343-3, Hawai'i Revised Statutes
July 8, 2012

Interim Guidance for Implementation of Act 172, Session Laws of Hawai'i, Regular Session of 2012

On June 27, 2012, the Governor signed SB 2281, SD1 HD1 into law as [Act 172 \(12\)](#) and informed both the Senate President and the Speaker of the House of Representatives (GM 1275). The new Act was effective upon approval and modifies the existing process under Chapter 343, Hawaii Revised Statutes, by allowing agencies to determine, based on their judgment and experience, that an environmental impact statement is likely to be required for a proposed action, and, therefore, choose not to prepare an environmental assessment or to allow an applicant not to prepare an environmental assessment and instead proceed directly to the preparation of a draft environmental impact statement.

The preamble to Act 172 states in pertinent part that “[t]he legislature finds that state agencies that have experience with environmental review in Hawaii are able to determine which projects are likely to require full environmental review and should proceed directly to the preparation of an environmental impact statement. While this omits one layer of public participation through the environmental assessment, opportunities for public participation remain in the environmental impact statement process. The legislature further finds that bypassing the environmental assessment in certain situations will improve the efficiency of the environmental review process and speed the progress of completing those proposed actions.”

The first issue of the periodic bulletin that will accommodate the direct-to-EIS provisions of Act 172-12 will be published on July 23, 2012.

The [Guide to the Implementation and Practice of the Hawaii Environmental Policy Act](#) is in the process of being wholly revised to address the provisions of Act 172 (12). In the interim, the Office of Environmental Quality Control issues the following guidance. When an agency chooses to invoke the provisions of Act 172, the agency must timely submit to the Office of Environmental Quality Control the following materials in accordance with the published [calendar deadlines for 2012](#):

1. A letter to the Director of the Office of Environmental Quality Control stating that the agency has “determined at the outset” that a proposed action will proceed directly to the preparation of a draft environmental statement pursuant to the provisions of Act 172-12.” This letter determination will be known as an “ACT 172-12 ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE.” The use of “Act 172-12” as an adjective before the term “environmental impact statement preparation notice” serves to distinguish between the “[environmental impact statement preparation notice](#)” as used in [Section 11-200-11.2, Hawai'i Administrative Rules](#) that accompanies a final environmental assessment and the statutory appropriation of this term as found in the current Act 172-12 process. The ACT 172-12 ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE on the other hand will NOT be accompanied by an environmental assessment. Sample correspondence for [agency action submittals](#) and [applicant action submittals](#) to the Office of Environmental Quality Control can be found on the [OEQC SharePoint Site](#).
2. As a consequence of the Act 172-12 passage, the OEQC Bulletin Publication Form has been wholly revised. Please use the appropriate form for either [agency action](#) or [applicant action](#) submittals. These forms are available for download on the OEQC SharePoint Site.
3. A summary description of the proposed action must be sent to the OEQC by electronic mail (or be available on a timely-submitted CD).

Upon timely receipt of the above, the Office of Environmental Quality Control will publish notice of availability of the agency's “Act 172-12 Environmental Impact Statement Preparation Notice” in the periodic bulletin. Pursuant to [Section 11-200-15, Hawaii Administrative Rules](#), the public will have thirty-days to comment on the proposed action and request to be a consulted party. For more information, please call the Office of Environmental Quality Control at (808) 586-4185.

Note: 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 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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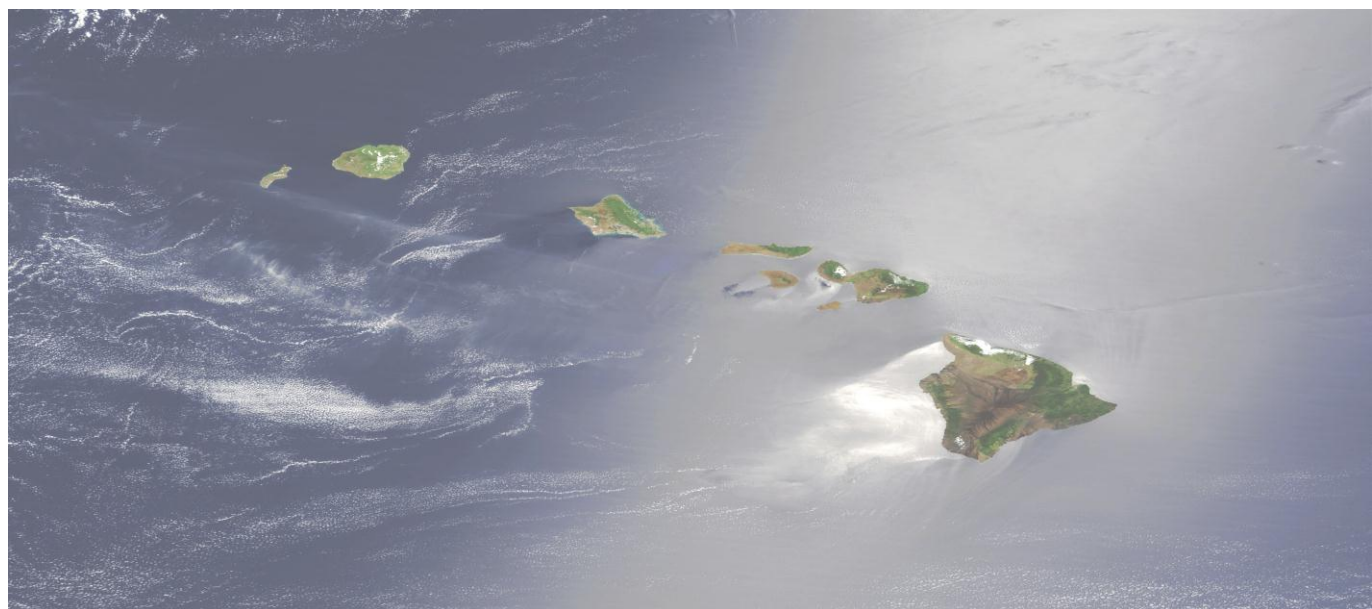
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HAWAI'I NOTICES (HRS 343)

1. Boat Storage Expansion at Honokohau Harbor FEA-FONSI

Island: Hawai'i
District: North Kona
TMK: (3) 7-4-08:37 (previously lots 21-A, 21-B, 22)
Permits: County of Hawai'i grubbing permit, SMA Minor Permit, if necessary, National Pollutant Discharge Elimination System (NPDES) permit, if necessary
Applicant: GKM Inc. doing business as (dba) Gentry's Kona Marina, 74-425 Kealakehe Pkwy., Kailua-Kona, Hawai'i 96740.
Contact: Tina Prettyman, (808) 587-1966.

Approving

Agency: State of Hawai'i, DLNR, Division of Boating and Ocean Recreation, 333 Queens St., Room 300. Honolulu, Hawai'i 96813. Contact: William R. Andrews, (808) 587-1966.

Status: Finding of No Significant Impact Determination

Expand current boat park facility from six to nine acres for additional boat park storage and employee parking. Six of the nine acres are already being utilized as a boat storage facility. An Environmental Assessment for the original six acres was completed in January, 1994, with a negative declaration filed.

The additional three acres for expansion consists of grubbing and leveling of open lava fields. No known native species of wildlife, flora or fauna exists. Also there are no known cultural or archeological sites. There would be some dust and noise during the grubbing process, but not long term impacts or cumulative impacts are anticipated.



2. Kumau Street Entrance Improvements at Pier 4, Hilo Harbor FEA-FONSI

Island: Hawai'i
District: Hilo
TMK: (3) 2-1-007: 052; 005; and 007
Permits: Community Noise Permit; NPDES NOI Forms C (Construction Stormwater) & F (Hydrotesting), DOT Plan review and approval

Proposing/Determination

Agency: Hawai'i Department of Transportation, Harbors Division, Hale 'Awa Ku Moku Building, 79 South Nimitz Highway, Honolulu, Hawai'i 96813. Contact: Bert Toba, (808) 586-2455.

Consultant: R.M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawai'i 96819. Contact: Brian Takeda, 842-1133.

Status: Finding of No Significant Impact Determination

The purpose of the proposed project is to facilitate and integrate with the future planned completion of the Pier 4, Interisland Cargo Terminal at Hilo Harbor, as previously identified in the Hawai'i Commercial Harbors 2020 Master Plan, Final EIS1. The Pier 4 Terminal will accommodate projected future increases in interisland cargo volume that will utilize the proposed access through Kumau Street.

Kuhio Street, the main entrance to the harbor accommodates cargo and passenger traffic. The demand for this project stems from the need for an alternative entryway to provide greater accessibility and an alternative means for container movement at the west end of the harbor near Kalaniana'ole Avenue. Kumau Street is presently too narrow to adequately accommodate the movement of tractor trailers hauling shipping containers. Widening the road will provide easier passage of the cargo containers and other vehicles transporting wide and heavy loads. The proposed project will provide a solution by widening Kumau Street to serve as an additional entrance, thus alleviating congestion on Kuhio Street.



The project will benefit harbor users by decreasing the volume of traffic on Kuhio Street by diverting container and heavy truck movement from this location to Kumau Street. The diversion of container and heavy truck traffic will reduce congestion on Kuhio Street and improve the reliability and efficiency of the planned Pier 4, Interisland Cargo Terminal.

MAUI NOTICES (HRS 343)

3. Piholo Water Treatment Plant Organic Carbon Reduction Project DEA-AFONSI

Island: Maui
District: Makawao
TMK: 2-4-016:002
Permits: Grading permit, Building permit, NPDES permits (as applicable), Site Plan Approval for construction within a Conservation District.



Proposing/ Determination

Agency: Department of Water Supply, County of Maui, 200 South High Street, Wailuku, Maui, Hawai'i 96793.
Contact: Mr. Jeffery Pearson, (808) 270 - 7681

Consultant: Austin, Tsutsumi & Associates, 501 Sumner St., Suite 521, Honolulu, Hawai'i 96817.
Contact: Mr. Ivan Nakatsuka, (808) 533-3646.

Status: Statutory 30-day public review and comment period starts; comments are due on August 7, 2012. Send comments to the Proposing Agency and Consultant.

The project involves construction of new granular activated carbon (GAC) vessels and a booster pump station within the fenced site of the existing Piholo Water Treatment Plant (WTP). A portion of the existing fence line will be relocated to allow for the WTP upgrade, however, the upgrade will remain within the existing property. The new GAC vessels will be utilized as a filtration system to remove total organic carbon (TOC) from the water. Removal of TOC is required to ensure that the drinking water produced by the Piholo WTP will be in compliance with future stricter Department of Health (DOH) and U.S. Environmental Protection Agency (EPA) regulations.

4. Walter Hester Residence – Seawall Construction at Napili DEA-AFONSI

Island: Maui
District: Napili
TMK: (2) 4-3-015:003
Permits: Grading, Special Management Area Use Permit, Shoreline Setback Variance
Applicant: Mr. Walter F. Hester, III, c/o Mr. Paul Mancini, Esq., 33 Lono Avenue, Suite 470, Kahului, Hawai'i 96793.
Contact: Mr. William Spence, (808) 871-8351.



Approving Agency: Maui Planning Commission c/o Department of Planning, County of Maui, 250 South High Street, Wailuku, Hawai'i 96793.
Contact: Mr. William Spence, (808) 270-7753.

Consultant: Chris Hart & Partners, Inc., 115 North Market Street, Wailuku, Hawai'i 96793.
Contact: Mr. Chris Hart, (808) 270-1955

Status: Statutory 30-day public review and comment period starts, comments are due on August 7, 2012. Send comments to the Applicant, Approving Agency and Consultant.

The Applicant proposes to construct a structurally engineered shoreline armoring system in order to stabilize the shoreline bluff at the *makai* (seaward) limit of the property. Construction of the proposed wall would involve the installation of a poured-in-place, micropile-supported grade beam across approximately 150 feet of the yard area at the top of the cliff. The grade beam would serve as an

emergency equipment platform during construction, and would become part of the permanent structure. Two (2) additional micropile-supported grade beams would be installed parallel and slightly seaward of the first grade beam, located midway up the bank and at the base of the bank, respectively. The base of the wall would consist of Dura-Bloc, while a sprayed-on concrete facing would be applied to the face of the 14-foot midsection of the wall. The top six (6) feet would consist of Dura-Bloc with a green wall. The wall will include one five (5) foot wide terrace located five (5) feet below the top of the bank.

The proposed development is not anticipated to result in significant environmental impacts to surrounding properties, nearshore waters, natural resources, and/or archaeological and historic resources on the site or in the immediate area.

5. Habitat for Humanity Kahawai Condominium FEA-FONSI

Island: Maui
District: Wailuku
TMK: (2)3-4-033:002
Permits: Maui Redevelopment Agency Approval, NPDES, Construction Permits



Proposing/ Determination

Agency: Department of Housing and Human Concerns, One Main Plaza, 2200 Main Street, Suite 546, Wailuku, Hawai'i 96793. Contact: JoAnn T. Ridao, (808) 270-7805.
Consultant: Munekiyo & Hiraga, Inc., 305 S. High Street, Room 104, Wailuku, Hawai'i 96793. Contact: Colleen Suyama, (808) 244-2015
Status: Finding of No Significant Impact Determination

Habitat for Humanity Maui, Inc. proposes to develop the 16 unit, three-story Kahawai Condominium to be located at 2024 Kahawai Street in Wailuku, Maui. The three-story building will be comprised of two (2) stories of condominium units over ground floor parking for 20 vehicles. Access to the condominium complex will be provided via Kahawai Street at the property's southern boundary.

The proposed project will include 12 one-bedroom/one-bathroom units and four (4) two-bedroom/one-bathroom units. The units will range from 595 sq. ft. for a one-bedroom unit to 874 sq. ft. for a two-bedroom unit. Each one-bedroom unit will have one (1) parking space while the two-bedroom units will have two (2) parking spaces. One (1) space will be reserved for handicap parking.

Proposed site improvements include grading and utilities installation of onsite water, sewer, and drainage systems. The onsite drainage system will consist of catch basins and underground drain lines leading to an onsite subsurface drainage system located beneath the paved parking. Electrical, telephone, and cable utility systems will be installed from the existing overhead facilities servicing the project area.

O'AHU NOTICES (HRS 343)

6. Waimanalo Bay Beach Park Master Plan FEA-FONSI

Island: O'ahu
District: Ko'olaupoko
TMK: 4-1-015:015
Permits: Special Management Area Use Permit; Compliance with Ch.6E, HRS (Historic Preservation); Grading Permit

Proposing/ Determination

Agency: City and County of Honolulu, Department of Design and Construction, Facilities Division, Planning Branch, 650 S. King Street, 9th floor. Contact: Terry Hildebrand, (808) 768-8401.
Consultant: PBR Hawaii & Associates, Inc., 1001 Bishop Street, Suite 650, Honolulu, Hawai'i 96813-3484. Contact: Catie Cullison, (808) 521-5631.

Status: Finding of No Significant Impact Determination

The Waimanalo Bay Beach Park Master Plan includes sports fields, an increase in the number of camp sites, two group camping/gathering areas, walking trails, picnic areas along with new comfort stations and parking areas.

The Master Plan is compliant with land use controls of the City, State and Federal government and not expected to have a significant impact on the natural or social environment. The primary mitigation measure proposed is to avoid construction in sensitive areas, including: areas of known archaeological resources; intact sand dunes; large trees; and the floodplain. In the areas where earth movement is proposed, Archaeological Inventory Survey prior to action and archaeological monitoring alongside best management practices during construction are recommended. The Master Plan anticipates the possibility of lighting one sports field. Proposed mitigation includes shielding light fixtures and incorporating automatic timers for shut off. To mitigate against the impacts to water resources, the Master Plan proposes the use of pervious materials for parking areas, landscaped bioswales and use of treated, recycled water from the Waimanalo Waste Water Treatment Plant for landscape irrigation. Traffic mitigation measures include widening the on-site access drive to allow for a left turn lane out of the Park.



MOLOKA'I NOTICES (HRS 343)

7. Notman Hangar, Moloka'i Airport DEA-AFONSI

Island: Moloka'i
District: Molokai
TMK: 5-2-004: 008
Permits: Building Permit
Applicant: Steven Notman, 2840 Kalua Koi Road, P.O. Box 286, Maunaloa, Hawai'i 96770. (808) 552-2311.



Approving Agency: State of Hawai'i, Department of Transportation Airports Division, Engineering Branch, 400 Rodgers Blvd. 7th Fl., Honolulu, Hawai'i 96819. Contact: Kim Evans, (808) 838-8810.
Status: Statutory 30-day public review and comment period starts, comments are due on August 7, 2012. Send comments to the Applicant and Approving Agency.

Applicant proposes to construct a private hangar at Moloka'i airport with private funds for general aviation use. The hangar will be approximately 1,920 square feet to shelter the applicant's aircraft from salt corrosion. The hangar will be located in the master planned general aviation area of the airport. The existing General Aviation improved (paved) tie down space is limited to eight airplane tie downs. Four of these are used on a permanent basis, leaving only four that are open to transient aircraft. A hangar would serve to relieve some of the congestion at the tie down area and serve to protect the aircraft stored inside. The hangar will not include utilities, nor will any additional business activities take place in the proposed hangar. The project triggers compliance with HRS 343 for the use of state lands. The project will not result in changes to the level of aircraft operations to Moloka'i Airport. The Department of Transportation Airports Division is the accepting authority and has reviewed the draft environmental assessment and anticipates a finding of no significant impact.

ENVIRONMENTAL COUNCIL NOTICE

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 oeqc@doh.hawaii.gov or call 586-4185.

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 (768-8014); Hawai'i (961-8288); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: Puna (1-5-010: 023)	Six Lot Subdivision (SMM 12-226)	Linda Bangert Harris and David C. Bangert
Hawai'i: South Kohala (6-9-002: 007, 008, 009 and 010)	Consolidation and Resubdivision of Four Lots into One Lot, a Road Lot and a Remnant (SMM 12-227)	Hawai'i Conference Foundation
Maui: Kahului (3-8-079: 022)	Produce & Dairy Cooler Addition (SM2 20120074)	Costco Wholesale Corporation
Maui: Wailea (2-1-008: 092)	Relocated Restrooms/Roof Expansion (SM2 20120075)	Barry Helle
Maui: Huelo (2-9-007: 058)	Accessory Buildings (SM2 20120076)	Jeff & Sharyn Stone
Maui: (2-1-008: 067)	Tournament at Wailea Beach Park (SM2 20120077)	Charles Spencer
Maui: Huelo (2-9-007: 020)	25,000 Gallon Water Tank (SM2 20120078)	Ross, Jonathan & Sean
O'ahu: Aiea (9-8-009: 005 and 017)	Temporary Storage Yard (2012/SMA-23)	Kiewit Infrastructure West Co./Edwina A. Campbell

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, 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
HA-449	6/21/12	Lot 17, Vacationland Hawai'i Subdivision, being portions of R.P. 4479 and L.P. 8177, L.C. Aw. 8559, Apana 5 to C. Kanaina, and R.P. 7483 L.C. Aw. 4452, Apana 1 and 2 to H. Kalama situate at Kapoho, Puna, Island of Hawai'i Address: Wai Opae Road Purpose: Determine shoreline setback	Daniel Berg/ Mary Fleming & Chris Biltoft	1-4-068:004

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, HI 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1488	Proposed Shoreline Certification	Parcel 13 of Tax Map Key (1) 4-4-022 situate at Puahu'ula, Kane'ohe, Ko'olaupoko, O'ahu Address: 44-005 Aumoana Place Purpose: Obtain building permit	Wesley T. Tengan/ Howard Green	4-4-022:013
HA-447	Withdrawal	L.P. 8098, Land Commission Award 5377 to Luahine situate at Kealakekua Bay at Kalama 5, South Kona, Island of Hawai'i Address: Manini Beach Road Purpose: Document tsunami damage	Cameron Healy/ The Bill Healy Foundation	8-2-006:027

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, Hawai'i 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 below.

PROJECT:

File No.: CDUA HA-3630
Name of Applicant: Kohanaiki Shores, LLC.
Location: Kohanaiki, North Kona, Island of Hawai'i
TMKs: (3) 7-3-009:018
Proposed Action: Frontage Road from Hulikoa Intersection to Kohanaiki Way
343, HRS determination: FONSI published in the March 8, 2012 Environmental Notice
Applicant's Contact: Tom Schnell of PBR Hawaii & Associates, Inc. (808) 521-5631
OCCL Staff Contact: Tiger Mills (808) 587-0382

FEDERAL NOTICES

1. Disaster Declaration (FEMA-4062-DR), for the State of Hawaii, dated April 18, 2012

<http://www.gpo.gov/fdsys/pkg/FR-2012-06-25/pdf/2012-15457.pdf>

The President of the United States has issued a declaration of a major disaster for the State of Hawaii (FEMA-4062-DR), dated April 18, 2012, and related determinations. DATES: Effective April 18, 2012. FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3886 (see, 77 FR 37195, June 25, 2012).

2. Endangered and Threatened Wildlife and Plants; Proposed Rulemaking to Revise Critical Habitat for Hawaiian Monk Seals <http://www.gpo.gov/fdsys/pkg/FR-2012-06-25/pdf/2012-15441.pdf>

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) published a proposed rule in the Federal Register on June 2, 2011, proposing to revise critical habitat for the Hawaiian monk seal under the Endangered Species Act (ESA) and requesting information related to the proposed action. This document announces a 6-month extension of the deadline for a final determination on the proposed rule. Based on comments received during the public comment period, NMFS finds that substantial disagreement exists regarding the sufficiency and accuracy of the data and analyses used to support the scope of the proposed critical habitat designation in the Main Hawaiian Islands. Accordingly, NMFS is extending the deadline for the final revision to critical habitat for the Hawaiian monk seal an additional 6 months to further analyze data and consider concerns raised by State, Federal, and other entities, and better inform our determinations for the final revision of Hawaiian monk seal critical habitat under the ESA. DATES: A final revision will be made no later than December 2, 2012. ADDRESSES: The proposed rule, maps, and other materials relating to this proposal can be found on the NFMS Pacific Island Region's Web site at http://www.fpir.noaa.gov/PRD/prd_critical_habitat.html. FOR FURTHER INFORMATION CONTACT: Jean Higgins, NMFS, Pacific Islands Regional Office, (808) 944-2157; Lance Smith, NMFS, Pacific Islands Regional Office, (808) 944-2258; or Dwayne Meadows, NMFS, Office of Protected Resources (301) 427-8403. (see, 77 FR 37867, June 25, 2012).



3. Endangered Species File No. 17022 <http://www.gpo.gov/fdsys/pkg/FR-2012-06-25/pdf/2012-15442.pdf>

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce has given notice that the Pacific Islands Fisheries Science Center (PIFSC; Samuel Pooley, Ph.D., Responsible Party), has applied in due form for a permit to take green (*Chelonia mydas*) and hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research. Written, telefaxed, or email comments must be received on or July 25, 2012. ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the Features box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 17022 from the list of available applications. These documents are also available upon written request or by appointment in the following offices: Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; Pacific Islands Region, NMFS, 1601 Kapi'olani Blvd., Rm. 1110, Honolulu, HI 96814-4700; phone (808) 944-2200; fax (808) 973-2941. Written comments on this application should be submitted to the Chief, Permits and Conservation Division: By email to NMFS.Pr1Comments@noaa.gov (include the File No. in the subject line of the email), by facsimile to (301) 713-0376, or at the address listed above. Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate. FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Colette Cairns, (301) 427-8401 (see, 77 FR 37877, June 25, 2012).

4. Marine Mammals; File No. 16163 <http://www.gpo.gov/fdsys/pkg/FR-2012-06-25/pdf/2012-15445.pdf>

The National Marine Fisheries Service (NMFS) gives notice that the Northwest Fisheries Science Center (NWFS, Dr. M. Bradley Hanson, Principal Investigator), 2725 Montlake Blvd. East, Seattle, WA 98112-2097, has applied for an amendment to Scientific Research Permit No. 16163. DATES: Written, telefaxed, or email comments must be received on or before July 25, 2012. The application and related documents are available for review by selecting Records Open for Public Comment from the Features box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 16163 from the list of available applications. Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. 16163 in the subject line of the email comment. Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate. FOR FURTHER INFORMATION CONTACT: Laura Morse or Jennifer Skidmore, (301) 427-8401 (see, 77 FR 37877, June 25, 2012).

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. 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 Hawaii 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).