

# The Environmental Notice

A Semi-Monthly Bulletin pursuant to Section 343-3, Hawai'i Revised Statutes

Manoa Heritage  
Center Photo

## THE 2013 CALENDAR SUBMITTAL DEADLINES NOW AVAILABLE ON WEBSITE

Please refer to the calendar (based on statutory/administrative requirements) to submit all environmental assessments, environmental impact statements, notices of determination and other documents identified in Section 11-200-3, HAR. Please send the following to OEQC by the deadline shown in the 2013 Calendar:

- Submittal letter on agency letterhead with agency determination and a request for publication; or, submittal letter on agency letterhead for transmittal of agency EIS with distribution list and EIS (or for applicant actions, submittal letter from applicant addressed to approving agency and OEQC for transmittal of applicant's EIS with distribution list and EIS);
- One hardcopy of the appropriate completed publication form (agency action/applicant action);
- One hardcopy of the EA or the EIS;
- On compact disc - one copy of the EA or the EIS (as pdf) and the publication form in Microsoft Word (or rich text file)

For more information, please see the instructions on the applicable OEQC publication form (agency actions, or applicant actions) available at <http://oeqc.doh.hawaii.gov>.

## DLNR OCCL SEEKS PUBLIC COMMENT ON SMALL-SCALE BEACH NOURISHMENT APPLICATION FOR KUKUI'ULA BAY BEACH

Kukui'ula Harbor beach, located on the south shore of Kaua'i approximately 2 miles west of Po'ipū, is a small crescent shaped sandy beach situated between an existing public boat ramp and a rock revetment embankment supporting the adjacent public Lawai Road. Although protected from direct wave attack by Kaulala Point and a rubblemound breakwater, the beach is subject to periodic erosion from storm and tidal action.

A sand restoration/ nourishment project is proposed to offset ongoing beach erosion and enhance the public beach resources. The proposed work consists of: Removing existing low rock walls that have over time served to harden the shoreline; Removing existing turf areas behind the existing low rock wall; Replacing wall and turf with beach quality sand, and nourishing the existing adjacent beach with beach quality sand above the high water line (500cy on the active beach and 1500cy landward of the shoreline for a total of 2000cy). Please see page 9 for further information regarding this project.

## THE U.S. ENVIRONMENTAL PROTECTION AGENCY LAUNCHES E-NEPA

Traditionally, EIS's have been submitted to U. S. Environmental Protection Agency (EPA) in hard copy. [e-NEPA](#) eliminates the need to mail/deliver copies of EIS's to EPA headquarters, thus reducing printing/shipping/delivery costs, saving time and improving transparency. Section 309 of the Clean Air Act requires the EPA to review and rate EIS documents from other Federal agencies and to publish its findings in the Federal Register. Beginning on Oct. 1, 2012; all Federal agencies will need to use the [e-NEPA filing system](#).

*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 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 when it is issued, send us your email address and we'll put you on our mailing list.



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Website: <http://hawaii.gov/health/environmental/oeqc/index.html/>  
Toll Free: Kaua'i: 274-3141 ext. 64185 · Maui: 984-2400 ext. 64185 · Moloka'i/Lāna'i: 1-800-468-4644 ext. 64185 Hawai'i: 974-4000 ext. 64185

**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.

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## O'AHU (HRS 343)

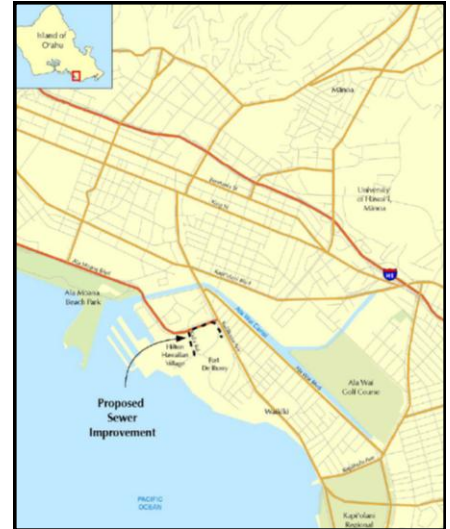
### 1. Kalia-Fort DeRussy Wastewater System Improvements DEA (AFNSI)

**Island:** O'ahu  
**District:** Waikiki  
**TMK:** (1) 2-6-005:001 (por.)  
**Permits:** Special District (Minor)  
**Applicant:** Hilton Hawaiian Village Beach Resort & Spa,  
2005 Kalia Road, Honolulu, HI 96815  
Contact: Gerard C. Gibson, (808) 949-4321

**Approving Agency:** City and County of Honolulu, Department of Environmental Services, 1000 'Ulu'ohia Street, Suite 308, Kapolei, HI 96707  
Contact: Jack Pobuk, (808) 768-3464

**Consultant:** Group 70 International, Inc. 925 Bethel Street, 5<sup>th</sup> Floor, Honolulu, HI 96813  
Contact: Jeffrey H. Overton, (808) 523-5866

**Status:** Statutory 30-day public review and comment period starts, comments are due on December 10, 2012. Send comments to the applicant, approving agency and consultant.



The City and County of Honolulu, Department of Environmental Services has identified sewer system improvements to accommodate the Hilton Hawaiian Village (HHV) Master Plan, Hale Koa Hotel and sewer flows from the service area between the Ala Wai Canal, Kalakaua Avenue and Fort DeRussy. The proposed system improvements include:

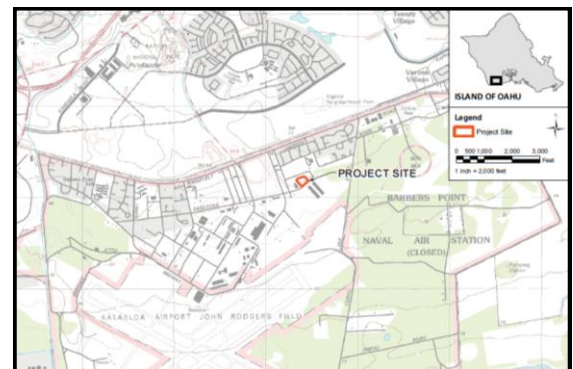
The existing 1950's 12-inch diameter sewer line in Kalia Road will be replaced with a new 21-inch diameter sewer line. The replacement sewer line will begin at the intersection of Paoa Place and Kalia Road and end at the intersection of Ala Moana Boulevard and Kalia Road. The existing 16-inch diameter sewer line, which traverses across Fort DeRussy in a sewer line easement, would be cut and plugged at the Ala Moana Boulevard and Kalia Road intersection;

The existing 1960's 24-inch diameter sewer line on Ala Moana Boulevard and Kalakaua Avenue will be replaced by a 30-inch diameter sewer line. The replacement sewer line will begin at the intersection of Kalia Road and Ala Moana Boulevard and end at the Fort DeRussy WWPS. Work at Fort DeRussy will be contained within a City sewer line easement.

The project will help the City to meet the 2010 Wastewater Consent Decree with U.S. Environmental Protection Agency. The project will also provide capacity for the HHV Master Plan improvements, including a new Timeshare Tower.

### 2. University of Hawaii Pacific Health Research Laboratory at Kalaeloa (FEA) FONSI

**Island:** O'ahu  
**District:** 'Ewa  
**TMK:** Portion of 1-9-1-13:045  
**Permits:** HCDA: Plan Review Use, Site Development Plan Submittal Process; City & County of Honolulu: Building Permit, Grading Permit, Industrial Wastewater Discharge Permit; State of Hawai'i Air Quality Permit (if required based on design elements), NPDES General Permit for Storm Water Control in Construction Activities; State of Hawai'i Permit for Import and Possession of Micro-organisms; Federal



Control of Select Agents: USDA and CDC; Federal Rules of Transportation of Agents: DOT/IATA; University of Hawai'i Radiation Equipment Licensure

**Proposing/ Determination**

**Agency:** University of Hawai'i, Office of Vice President of Research, Suite 201, 2800 Woodlawn Drive, Honolulu, HI 96822  
Contact: Mr. Keith Mattson, (808) 956-2277 or Dr. Vassilis Syrmos, (808) 956-7837

**Consultant:** Wilson Okamoto Corporation, 1907 S. Beretania Street, Suite 400, Honolulu, HI 96826  
Contact: Mr. Earl Matsukawa, (808) 946-2277

**Status:** Finding of No Significant Impact Determination

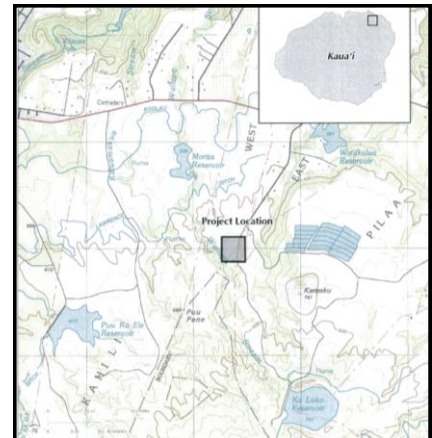
NIH, through the National Institute of Allergy and Infectious Diseases, is providing a grant to the UH to partially fund the construction of the UH PHRL, a Regional Biosafety Lab. The proposed UH PHRL would be devoted to researching and detecting emerging infectious diseases, as well as developing rapid and more accurate diagnostic tests, drugs and vaccines for emerging and re-emerging infectious diseases in the Asia-Pacific region. This work is especially vital, given Hawaii's position as the gateway to the United States for travelers from throughout the Asia-Pacific region, making it vulnerable to the introduction of exotic pathogens.

The proposed project site encompasses an approximately two acre portion of Tax Map Key (TMK) parcel 1-9-1-13:045 in Kalaeloa, O'ahu- within the State of Hawaii Kalaeloa Community Development District. The proposed facility would consist of a one-story, approximately 31,179- gross square foot standalone structure and would include BSL-2, BSL-3, and ABSL3 laboratories, a small lab animal facility for primarily rodents, an insectary, physical plant, and support space for research, administration, and building operations.

**KAUA'I (HRS 343)**

**3. County of Kaua'i, Water Plan 2020 Projects: Construct Kilauea Tank and Drill & Develop Kilauea Well FEA (FONSI)**

**Island:** Kaua'i  
**District:** Halele'a District, Kilauea area.  
**TMK:** (4) 5-1-05:131, Lot 33  
**Permits:** County of Kaua'i: Use Permit, Class IV Zoning Permit, and building, grading, plumbing and electrical permits; State Department of Health: NPDES, Community Noise Permit; and State Commission on Water Resource Management, Well Construction/Pump Installation Permit.



**Proposing/Determination**

**Agency:** County of Kaua'i, Department of Water (DOW), 4398 Pua Loke Street, Līhu'e, HI 96766.  
Contact: Mr. Aaron Zambo, (808) 245-5449

**Consultant:** Kodani & Associates Engineers, LLC, 3126 Akahi Street, Līhu'e, HI 96766.  
Contact: Mr. Jim Turturici, (808) 245-9591

**Status:** Finding of No Significant Impact

The project proposes to replace the existing 100,000 gallon Pu'u Pane Tank with a new 1.0 million gallon (MG) tank. The new tank will be constructed on the site of the existing tank. The existing tank will be demolished, and six portable small-capacity temporary tanks will be housed within the project's fenced area to provide continued storage capacity for water during construction of the new 1.0 MG tank. In addition to the tank upsizing, the project proposes to drill an exploratory well on the same site to explore the feasibility of co-locating a production well on this tank site. If the DOW determines the

well to have sufficient production capacity, then the DOW will consider converting the exploratory well into a permanent production water source ("Pu'u Pane Well") to serve the Kilauea area.

## NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

### Office of Responsive Space Super Strypi Proof-of-Principle Satellite Launches

The U.S. Department of Defense Operationally Responsive Space (ORS) office, in partnership with the University of Hawai'i's Hawai'i Space Flight Laboratory (HSFL), has completed a Draft Environmental Assessment (DEA) that identifies and evaluates the impacts of launching two proof-of-principle rocket vehicles from the Pacific Missile Range Facility (PMRF) on Kaua'i, Hawai'i.

The Super Strypi Proof-of-Principle Satellite Launches DEA was prepared by the U.S. Air Force Space and Missile Systems Center/Enterprise Compliance Engineering Division (SMC/ENC) and the U.S. Navy's PMRF in accordance with the following regulations:

- National Environmental Policy Act (NEPA) of 1969
- The Council on Environmental Quality regulations implementing NEPA
- Executive Order (EO) 12114, Environmental Effects Abroad of Major Federal Actions
- Department of Defense (DoD) Instruction 4715.9, Environmental Planning and Analysis
- The Department of the Air Force Procedures for Implementing NEPA (32 CFR 989)
- Chief of Naval Operations Instruction (OPNAVINST) 5090.1C, Environmental Readiness Program Manual
- The Department of the Navy Procedures for Implementing NEPA (32 CFR 775)

Based on this analysis, ORS has determined that the proposed activity is not expected to result in significant adverse impacts to the environment. A Draft Finding of No Significant Impact (DFONSI) and the Draft EA are available at <http://www.govsupport.us/orssea> and at the following locations:

- Waimea Public Library, 9750 Kaunuaui'i Highway, Waimea, HI 96796
- Hawai'i State Library, Hawai'i & Pacific Section Document Unit, 478 South King Street, Honolulu, HI 96813-2901
- Lihu'e Public Library, 4344 Hardy Street, Lihu'e, Kaua'i, HI 96766

Public comments on the Draft EA and Draft FONSI will be accepted through November 20, 2012. Submit written comments to [orssea@govsupport.us](mailto:orssea@govsupport.us) or Mr. Adel Hashad, at SMC/ENCE, Attention: Mr. Adel Hashad, P.E., SMC/ENCE, 483 North Aviation Boulevard, El Segundo, CA 90245-2808, or by calling (310) 653-1217, or by email at [adel.hashad@us.af.mil](mailto:adel.hashad@us.af.mil).

### ENVIRONMENTAL COUNCIL ANNOUNCEMENT

The Environmental Council has a tentative meeting scheduled for Thursday, November 15, 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 [oegc@doh.hawaii.gov](mailto:oegc@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 (HRS 205A-30). For more information, contact the county/state Planning Department. Honolulu (768-8014); Hawai'i (East Hi, 961-8288; West Hi, 323-4770); 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: South Hilo (2-7-003: 001, 003, 004, and 088 to 095)	Consolidation and Resubdivision of Ten Lots with Private Roadway into Ten Lots with Private Roadway (SMM 12-232)	Ken Fujiyama and Ken Direction Corporation
Hawai'i: South Kohala (6-2-001: portion of 060)	After-the-Fact Establishment of a Storage and Staging Base Facility for Harvested Timber (SMM 12-240)	Tradewinds Forest Products, LLC
Hawai'i: South Kohala (6-6-002: 031 and 035)	Park Improvements including Grubbing, Pothole Repair, Repaving and Restriping of Existing Parking Areas and Roadways (SMM 12-241)	Daniel Quinn, Division of State Parks
Hawai'i: South Kona (8-9-014: 038, 039, 040 and 041)	Construct a Multi-purpose Community Center, Guest Quarters and a Restroom Facility (SMM 12-242)	Pa'a Pono Miloli'i Inc.
Maui: Lahaina (4-6-028: 017)	Simonson at Puamana Pud (SM2 20120127)	Simonson, Dave A
Maui: Pa'ia (2-6-004: 011)	New Construction (SM2 20120128)	Josh Stone
Maui: Kihei (3-8-013: 014)	Monument Sign (SM2 20120130)	Kerry Ringrose
Maui: (3-7-004: 007)	Installation of New Ground Sign (SM2 20120131)	Anthony Riecke Gonzales
Maui: Lahaina (4-6-001: 009)	Three-year Stage/Keiki Halloween Parade – October 31, 2012 - 2014 (SM2 20120132)	West Maui Soroptimist

**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
OA-1504	10/22/12	Lot 1-D as shown on Map 2 of Land Court Application 824 situate at Mokuleia, Waiialua, O'ahu Address: Farrington Highway Purpose: Future subdivision of the subject property	ControlPoint Surveying, Inc./Mokuleia Shores Holder, LLC	6-8-003:017
MA-530	10/22/12	Lot 1 of Kapalua Place Subdivision (File Plan 1965) situate at Kapalua, Lahaina, Maui Address: One Kapalua Place Purpose:	Akamai Land Surveying, Inc./ Maui Kauhale, LLC	4-2-004:001
KA-367	10/17/12	Parcel 2, being portion of Government (Crown) land of Waimea and Parcel 40 being portion of Hawai'i National Guard Site Governor's Executive Order 1794 situate at Kekaha, Waimea, Kaua'i Address: Kaumuali'i Highway Purpose: Determine shoreline setback	Esaki Surveying and Mapping, Inc./State of Hawai'i	1-2-002:036 & 040
KA-368	10/17/12	Portion of Allotment 10-A situate at Moloa'a, Kawaiahu, Kaua'i Address: Moloa'a Road Purpose: Determine shoreline setback	Esaki Surveying and Mapping, Inc./ Moloa'a Bay Land Co., LLC and Campbell-Murphy Investments LLC	4-9-009:002; 4-9-014:006
OA-1504	10/22/12	Lot 1-D as shown on Map 2 of Land Court Application 824 situate at Mokuleia, Waiialua, O'ahu Address: Farrington Highway Purpose: Future subdivision of the subject property	ControlPoint Surveying, Inc./Mokuleia Shores Holder, LLC	6-8-003:017

**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-1477	Proposed Shoreline Certification	Lot B-19 as shown on Map 2 of Land Court Application 1341, Ka'alaea, Ko'olaupoko, O'ahu Address: 47-865 Kamehameha Hwy., Kaneohe, HI 96744 Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Bruce Kim	4-7-024:022
MA-518	Proposed Shoreline Certification	Kamaole One- Lot 12 of Kama'ole Beach Lots being all of Grant 13221 to Julian E. Simpson & WF. Jean C. situate at Kihei, Maui Address: 2230 South Kihei Road Purpose: Shoreline setback purposes	Ronald M. Fukumoto Engineering, Inc./ Kamaole One	3-9-005:023
MA-526	Proposed Shoreline Certification	Portion of Grant 3342 to Claus Spreckels portion of Spreckelsville Beach Lots situate at Spreckelsville, Maui Address: 316 Paani Place Purpose: Future planning purposes	Martina W. Jale/ James Bendon	3-8-002:051
MA-503	Rejection	Lot 50, Waiohuli-Keokea Beach Lots, 2nd Series, being a portion of Grant 12,872 to Joseph and Emilia Cadinha, Waiohuli-Keokea, Kula, Maui Address: 1750 Halama St., Kihei HI 96753 Purpose: Shoreline setback	Edgardo V. Valera/ Nicolaos Papadopoulos	3-9-012:009
OA-1477	Proposed Shoreline Certification	Lot B-19 as shown on Map 2 of Land Court Application 1341, Ka'alaea, Ko'olaupoko, O'ahu Address: 47-865 Kamehameha Hwy., Kaneohe, HI 96744 Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Bruce Kim	4-7-024:022

**POLLUTION CONTROL PERMITS – CLEAN AIR BRANCH**

Below are some pollution control permits before the State Department of Health Clean Air Branch (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	REK Associates, LLC Application for Initial Permit No. 0771-01 Temporary CSP No. 0771-01-CT	Located at: Various Temporary Sites, State of Hawai'i	Comments Due: 11/19/12	357 TPH Portable Stone Processing Plant
Clean Air Branch, 586-4200, -Covered Source Permit	Tesoro Hawaii Corporation Application for Significant Modification No. 0066-08 CSP No. 0066-03-C	Located at: 607 Kalaniana'ole Avenue Hilo, Hawai'i	Issued: 10/12/12	Hilo Terminal No. 3
Clean Air Branch, 586-4200, Non-Covered Source Permit	Big Island Energy Company, LLC, dba Akana Petroleum Permit Renewal Application No. 0413-03 NSP No. 0413-01-N	Located at: Port of Kawaihae, Kawaihae, Hawai'i	Issued: 10/16/12	Kawaihae Distribution Terminal
Clean Air Branch, 586-4200, Covered Source Permit	Powerscreen of California Initial Application No. 0757-01 CSP No. 0757-01-CT	Located at: Various Temporary Sites, State of Hawai'i	Comments Due: 11/23/12	253 TPH Mobile Crushing Plant
Clean Air Branch,	Tesoro Hawai'i Corporation	Located at:	Issued:	Petroleum Bulk Loading

586-4200, Covered Source Permit	Application for Renewal No. 0089-06 CSP No. 0089-01-C	140-A Hobron Avenue, Kahului, Maui	10/22/12	Terminal
Clean Air Branch, 586-4200, Non-Covered Source Permit	Mycogen Seeds Application for Permit Modification No. 0731-02 NSP No. 0731-01-N	Located at: 19 Huaai Road, Hoolehua, Molokai	Issued: 10/17/12	Seed Processing Facility
Clean Air Branch, 586-4200, Non-Covered Source Permit	Ballard Family Mortuary, Inc. Application for Initial Permit No. 0723-02 NSP No. 0723-02-N	Located at: 570 Kinoole Street Hilo, Hawai'i	Issued: 10/26/12	Borthwick Hawaii Funeral Home 150 lbs/hr Human Crematory Unit
Clean Air Branch, 586-4200, Covered Source Permit	REK Associates, LLC Application for Initial Permit No. 0771-01 Temporary CSP No. 0771-01-CT	Located at: Various Temporary Sites, State of Hawai'i	Comments Due: 11/19/12	357 TPH Portable Stone Processing Plant
Clean Air Branch, 586-4200, -Covered Source Permit	Tesoro Hawai'i Corporation Application for Significant Modification No. 0066-08 CSP No. 0066-03-C	Located at: 607 Kalaniana'ole Avenue Hilo, Hawai'i	Issued: 10/12/12	Hilo Terminal No. 3
Clean Air Branch, 586-4200, Non-Covered Source Permit	Big Island Energy Company, LLC, dba Akana Petroleum Permit Renewal Application No. 0413-03 NSP No. 0413-01-N	Located at: Port of Kawaihae, Kawaihae, Hawai'i	Issued: 10/16/12	Kawaihae Distribution Terminal
Clean Air Branch, 586-4200, Covered Source Permit	Powerscreen of California Initial Application No. 0757-01 CSP No. 0757-01-CT	Located at: Various Temporary Sites, State of Hawai'i	Comments Due: 11/23/12	253 TPH Mobile Crushing Plant
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawai'i Corporation Application for Renewal No. 0089-06 CSP No. 0089-01-C	Located at: 140-A Hobron Avenue, Kahului, Maui	Issued: 10/22/12	Petroleum Bulk Loading Terminal
Clean Air Branch, 586-4200, Non-Covered Source Permit	Mycogen Seeds Application for Permit Modification No. 0731-02 NSP No. 0731-01-N	Located at: 19 Hua'ai Road, Ho'olehua, Moloka'i	Issued: 10/17/12	Seed Processing Facility
Clean Air Branch, 586-4200, Non-Covered Source Permit	Ballard Family Mortuary, Inc. Application for Initial Permit No. 0723-02 NSP No. 0723-02-N	Located at: 570 Kinoole Street Hilo, Hawaii	Issued: 10/26/12	Borthwick Hawaii Funeral Home 150 lbs/hr Human Crematory Unit
Clean Air Branch, 586-4200, Covered Source Permit	REK Associates, LLC Application for Initial Permit No. 0771-01 Temporary CSP No. 0771-01-CT	Located at: Various Temporary Sites, State of Hawaii	Comments Due: 11/19/12	357 TPH Portable Stone Processing Plant
Clean Air Branch, 586-4200, -Covered Source Permit	Tesoro Hawai'i Corporation Application for Significant Modification No. 0066-08 CSP No. 0066-03-C	Located at: 607 Kalaniana'ole Avenue Hilo, Hawai'i	Issued: 10/12/12	Hilo Terminal No. 3
Clean Air Branch, 586-4200, Non-Covered Source Permit	Big Island Energy Company, LLC, dba Akana Petroleum Permit Renewal Application No. 0413-03 NSP No. 0413-01-N	Located at: Port of Kawaihae, Kawaihae, Hawai'i	Issued: 10/16/12	Kawaihae Distribution Terminal
Clean Air Branch, 586-4200, Covered Source Permit	Powerscreen of California Initial Application No. 0757-01 CSP No. 0757-01-CT	Located at: Various Temporary Sites, State of Hawai'i	Comments Due: 11/23/12	253 TPH Mobile Crushing Plant



**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.

**1. PROJECT:**

**File No.:** CDUA MA-3648  
**Name of Applicant:** County of Maui, Department of Public Works  
**Location:** Kahekili Highway, Kahakuloa, Island of Maui, Hawai'i  
**TMKs:** (2) 3-1-002:016  
**Proposed Action:** Temporary Lay-Down Area for the Kahekili Highway Repair Project  
**343, HRS Determination:** Exempt  
**Applicant's Contact:** Mark Alexander Roy (808) 244-2015  
**OCCL Staff Contact:** Alex J. Roy (808) 587-0316

**2. PROJECT:**

**File No.:** CDUA OA-3639  
**Name of Applicant:** Hawaiian Electric Company, Inc.  
**Location:** Hālawā, 'Ewa, Honolulu, O'ahu  
**TMKs:** (1) 9-9-010:010; 026 & 008  
**Proposed Action:** Hālawā Valley Transmission Line Relocation Project  
**343, HRS Determination:** Exempt  
**Applicant's Contact:** Paul Luersen, (808) 440-0201  
**OCCL Staff Contact:** Alex J. Roy (808) 587-0316

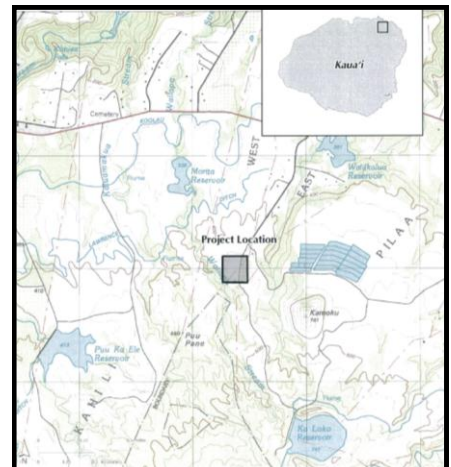
**Small Scale Beach Nourishment Application**

**3. [Kukui'ula Bay Beach Category 2, Small Scale Beach Nourishment Project](#)**

**Island:** Kaua'i  
**District:** Koloa, Kaua'i  
**TMK:** 2-6-11:013, 014, And 015  
**Permits:** SSBN Cat II  
**Applicant:** Kukui'ula Development Company (Hawai'i) LLC, 2700 Ke Alaula, Suite B, HI, 96756  
 Contact: Lindsay Crawford, (808) 742-3046

**Approving Agency:** State Department of Land and Natural Resources- Office of Conservation and Coastal Lands (OCCL), 1151 Punchbowl Street, Room 131, Honolulu, HI 96813  
 Contact: Samuel J. Lemmo, (808) 587-0337

**Status:** 30-day public review and comment period starts, comments are due of December 10, 2012. Send comments to the applicant and approving agency.



Kukui'ula Harbor beach, located on the south shore of Kaua'i approximately 2 miles west of Poipu, is a small crescent shaped sandy beach situated between an existing public boat ramp and a rock revetment embankment supporting the adjacent public Lawai Road. Although protected from direct wave attack by Kaulala Point and a rubblemound breakwater, the beach is subject to periodic erosion from storm and tidal action.

A sand restoration/ nourishment project is proposed to offset ongoing beach erosion and enhance the public beach resources. The proposed work consists of: Removing existing low rock walls that have over time served to harden the shoreline; Removing existing turf areas behind the existing low rock wall; Replacing wall and turf with beach quality sand, and nourishing the existing adjacent beach with beach quality sand above the high water line (500cy on the active beach and 1500cy landward of the shoreline for a total of 2000cy).

Wall removal and replacement with sand will serve to create a more natural beach for public use. Additionally, it will serve to restore the natural relationship between beach sand and harbor waters that existed prior to the walls being built.

Secondary effects, including minor siltation during sand placement, will be short term and controlled via Best Management Practices. For safety purposes the public will not be able to access the beach during wall removal and sand placement. Signs will be posted stating such.

## FEDERAL NOTICES

### 1. [Notice of Lodging of Proposed Consent Decree Under the Clean Air Act - United States v. County of Maui, Hawaii, Civil Action No. CV 12 00571 LEK RLP](#)

On October 23, 2012, the Department of Justice (DOJ) lodged a proposed consent decree with the United States District Court for the District of Hawai'i in the lawsuit entitled *United States v. County of Maui, Hawaii*, Civil Action No. CV 12 00571 LEK RLP. In this action, the United States filed a complaint under the Clean Air Act alleging violations at the Central Maui Municipal Solid Waste Landfill located on the island of Maui in Hawai'i. The consent decree requires the County to implement injunctive relief including conducting enhanced gas monitoring, complying with interim wellhead temperature limits and implementing fire response procedures. The consent decree also requires the County to pay a civil penalty of \$380,000 and to perform a Supplemental Environmental Project ("the SEP"). The SEP requires the County to install and operate at least eight wind turbines at the Landfill property.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. County of Maui, Hawaii*, D.J. Ref. No. 90-5-2-1-09360. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail: To submit comments: Send them to [pubcommentees.enrd@usdoj.gov](mailto:pubcommentees.enrd@usdoj.gov) (electronic mail) or to Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC. 20044-7611, by mail. During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). The DOJ will provide a paper copy of the consent decree upon written request and payment of reproduction costs.

### 2. [Notice of November 15, 2012, Meeting for Na Hoa Pili O Kaloko-Honokohau National Historical Park Advisory Commission](#)

The National Park Service, of the U. S. Department of the Interior (NPS) announced that the Na Hoa Pili O Kaloko-Honokohau National Historical Park Advisory Commission will meet on November 15, 2012, at 11:00 a.m. (Hawai'i Standard Time). *Location:* The meeting will be held at the Kaloko-Honokohau National Historical Park Kaloko Picnic Area, north of Honokohau Harbor, Kailua Kona, HI 96740. Agenda - The November 15, 2012, Commission meeting will consist of the following: *Approval of Agenda; Overview of the Advisory Commission; Overview of the Spirit of Kaloko-Honokohau Report; Chairman's Report; Superintendent's Report; Review of Interpretive Programs; Public Comments; and Site Visit to Kaloko Kuapa.*

Further information concerning this meeting may be obtained from the Superintendent Kathleen Billings, Kaloko-Honokohau National Historical Park, 73-4786 Kanalani Street, #14, Kailua Kona, HI 96740, telephone

(808) 329-6881. The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask the NPS in your comment to withhold your personal identifying information from public review, the NPS cannot guarantee that it will be able to do so (see, 77 F.R. 66864, November 7, 2012).

**3. Endangered and Threatened Wildlife and Plants: Notice of 12-Month Finding on a Petition To List the Bumphead Parrotfish as Threatened or Endangered Under the Endangered Species Act (ESA)**

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), of the U. S. Department of Commerce announced a twelve-month finding and listing determination on a petition to list the bumphead parrotfish (*Bolbometopon muricatum*) as threatened or endangered under the Endangered Species Act (ESA). We have completed a status review of the bumphead parrotfish in response to the petition submitted by WildEarth Guardians and considered the best scientific and commercial data available. The bumphead parrotfish is a coral reef-associated species that occurs in 45 countries in the Indo-Pacific area, including some U.S. Territories. After reviewing the best scientific and commercial data available, we have determined that the bumphead parrotfish is not warranted for listing under the ESA because the species still occupies its historical range, although at a lower and declining abundance, but with biological characteristics and management measures that support the population above the viability threshold. Based on these considerations, described in more detail in this notice, we conclude that the bumphead parrotfish is not currently in danger of extinction throughout all or a significant portion of its range, and not likely to become so within the foreseeable future. DATES: This finding was made on November 7, 2012. ADDRESSES: The Bumphead parrotfish status review documents (Biological Review Team Report, Management Report) are available by submitting a request to the Regulatory Branch Chief, Protected Resources Division, NMFS Pacific Islands Regional Office, 1601 Kapi'olani Blvd., Suite 1110, Honolulu, HI 96814, Attn: Bumphead Parrotfish 12-month Finding. The reports are also available electronically at: [http://www.fpir.noaa.gov/PRD/prd\\_esa\\_section\\_4.html](http://www.fpir.noaa.gov/PRD/prd_esa_section_4.html). FOR FURTHER INFORMATION CONTACT: Lance Smith, NMFS Pacific Islands Regional Office, (808) 944-258; or Dwayne Meadows, NMFS, Office of Protected Resources (301) 427-8403 (see, 77 FR 66799, November 7, 2012)

**4. Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations**

The U. S. Environmental Protection Agency (EPA) has granted emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The emergency exemptions were granted to the following State agency during the period April 1, 2012 to June 30, 2012 to control unforeseen pest outbreaks. The emergency exemptions may take the following form: Crisis, public health, quarantine, or specific. Under FIFRA section 18, EPA can authorize the use of a pesticide when emergency conditions exist. *State of Hawai'i, Department of Agriculture - Specific exemption:* EPA authorized the use of fludioxonil on pineapple to control post-harvest development of surface molds; May 21, 2012 to May 21, 2013. Contact: Andrea Conrath, Team Leader, Emergency Response Team, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 308-8050 (see, also, 77 F.R. 66834, November 7, 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 actions for which the agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

### **Final Environmental Assessment and Finding of No Significant Impact**

The Agency shall respond in writing to comments on a DEA 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) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

### **Act 172-2012, Environmental Impact Statement Preparation Notice (with no EA)**

Act 172-2012, amended HRS 343, by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit its

determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public to request for a period of thirty-days, to be consulted parties in the preparation of the Draft EIS. Comments and responses must be incorporated into the subsequent Draft 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 and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

### **Acceptability**

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, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a nonacceptance determination.

### **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).