

# The Environmental Notice

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

Manoa Heritage  
Center Photo

## OEQC HAS A NEW EMAIL ADDRESS: PLEASE USE THIS ADDRESS

On November 26 2012, the email account: [oeqc@doh.hawaii.gov](mailto:oeqc@doh.hawaii.gov) will be deleted due to technological and security issues. Please update your contact information and send all future emails to: [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov). Thank you for your cooperation and understanding.

## DRAFT SUPPLEMENTAL EIS FOR THE TURTLE BAY RESORT EXPANSION

Turtle Bay Resort revised the 1985 Kuilima Resort Final EIS to address its current plans. The new Proposed Action represents an over 60% reduction in density from the 1985 EIS. It limits new hotel development to two new hotels, totaling 625 units, centrally located near the existing hotel that is a 75% reduction in the number of hotel units proposed in 1985. It includes 590 new resort-residential units; 160 community housing units that will be priced to be affordable to residents of the region; 73 acres of park area; 12 new public shoreline access ways; shoreline setbacks in excess of requirements ranging from 150 to 300 feet; a new resort entrance; improvements to Marconi Road; a new Equestrian Center; a Farmers Market; and a low-density resort commercial area called the Gathering Place. Further information can be found on page 4.

## GUBERNATORIAL ACCEPTANCE OF THE KĪHEI HIGH SCHOOL FINAL EIS

On behalf of the Governor, the Office of Environmental Quality Control analyzed the Kīhei High School final environmental impact statement, pursuant to Section 11-200-23, Hawai'i Administrative Rules. The Governor determined that the Final EIS was acceptable pursuant to Section 343-5(b), Hawai'i Revised Statutes. The proposed Kīhei High School project site encompasses 77.2 acres of undeveloped land on the mauka side of Pi'ilani Highway across from the Pi'ilani Village residential subdivision in the Kīhei-Mākena region; it will serve grades 9-12 in the South Maui Region. Site improvements would include construction of approximately 215,000 SF of buildings to support an enrollment capacity of 1,650 students and approximately 206 supporting faculty and staff. The campus also will include athletic fields (e.g., tennis, track and field, football, soccer, baseball and softball fields, and swimming pool) and associated infrastructure improvements (e.g., new roadways, utilities, drainage, wastewater and water systems). An extension of Kūlanihāko'i Street mauka of Pi'ilani Highway will serve as the main campus access road. It is a goal of the proposed development that the school will not only serve the enrolled youth, but be a center for the Kīhei community. Kīhei High School will provide opportunities for employment (both short and long-term) within the Kīhei-Mākena area.

*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.



Neil Abercrombie, Governor · Gary Hooser, Director · Office of Environmental Quality Control · 235 South Beretania Street, Suite 702 · Honolulu, HI 96813

Tel: 586-4185 · Fax: 586-4186 · Email: [oeqc@doh.hawaii.gov](mailto:oeqc@doh.hawaii.gov) ·

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.



## FRONT PAGE

OEQC has a new email address: Please use this address  
Supplemental Draft EIS for the Turtle Bay Resort Expansion  
Gubernatorial 5(b) Acceptance of the Kihei High School Final Environmental Impact Statement

## HAWAII (HRS 343)

1. Reactivation of Kūlani Correctional Facility, 5(b) DEA (AFNSI) ..... 3
2. Moho'uli Heights Senior Neighborhood Hilo Adult Day Care Center Project, 5(c) FEA (FONSI) ..... 3

## O'AHU (HRS 343)

3. Turtle Bay Resort Expansion, 5(c) Draft Supplemental EIS ..... 4
4. Second Egg-Shaped Digester and Sludge Storage Tank on Sand Island, 5(b) DEA (AFNSI) ..... 5
5. Kahn Shoreline Setback Variance for a Seawall at Wailupe Circle, 5(c) DEA (AFNSI) ..... 5

## KAUA'I (HRS 343)

6. Island School Updated Master Plan, 5(c) DEA (AFNSI) ..... 6

## ENVIRONMENTAL COUNCIL ..... 7

## COASTAL ZONE MANAGEMENT NOTICES

- Special Management Area Minor Permits* ..... 7

## SHORELINE NOTICES

- Shoreline Certification Applications* ..... 8
- Shoreline Certifications and Rejections* ..... 8

## POLLUTION CONTROL PERMITS ..... 9

## FEDERAL NOTICES

7. Endangered and Threatened Wildlife and Plants;  
Annual Notice of Findings on Review of Native Species ..... 9
8. Transgenic Corn – Pesticide Experimental Use Permit ..... 10
9. Casmalia Disposal Site, Santa Barbara County –  
Notice of Proposed *De Minimis* Settlement under CERCLA ..... 11

## GLOSSARY ..... 12



## HAWAI'I (HRS 343)

### 1. Reactivation of the Kūlani Correctional Facility, 5(b) DEA (AFNSI)

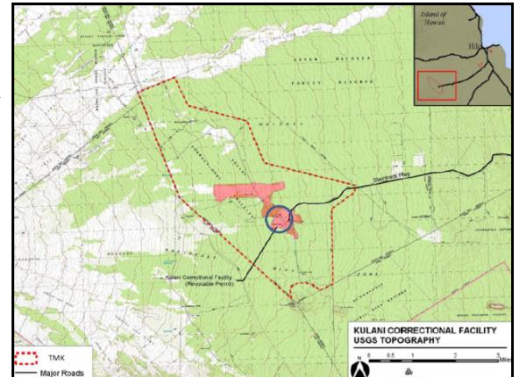
**Island:** Hawai'i  
**District:** South Hilo  
**TMK:** (3) 2-4-008: Portion of 009  
**Permits:** Building Permit, Conservation District Use Permit, BLNR Approval to Operate and Manage a Correctional Facility

**Proposing Agency:** State of Hawai'i, Department of Public Safety, 919 Ala Moana Boulevard, Honolulu, HI 96814. Contact: John Borders, (808) 587-3463

**Determination Agency:** State of Hawai'i, Department of Accounting and General Services. Contact: Joseph Earing (808) 586-0500

**Consultant:** R.M. Towill Corporation, 2024 N. King Street, Suite 200, Honolulu, HI 96819. Contact: Chester Koga, (808) 842-1133

**Status:** Statutory 60-day public review and comment period pursuant to Section 353-16.5, Hawai'i Revised Statutes; comments are due by February 07, 2013. Send comments to the proposing/determination agencies and consultant.



The Department of Public Safety, State of Hawai'i (PSD), proposed to reactivate (reopen) developed portions of the 280-acre Kūlani Correctional Facility (Kūlani CF), closed in 2009, to accommodate approximately 200 minimum security inmates. Many inmates assigned to Kūlani CF will be transferred from in-state facilities, allowing for the return to Hawai'i of inmates currently serving sentences in Mainland correctional facilities. The project involves primarily logistical actions to assemble required staff and physically transfer Hawai'i Inmates. Architectural, engineering and environmental analyses in 2012 of the existing dormitories, workshops, dining facilities, and administrative spaces revealed that the facility is ready for occupation by 200 inmates with only nominal repairs and no major facility upgrades. The budget for making necessary repairs and upgrades is \$600,000. PSD proposes to occupy the site as soon as possible but by 2014 at the latest.

The former Kūlani CF is located on the slopes of Mauna Kea, Island of Hawai'i, about 20 miles southwest of Hilo and is accessed through the 19-mile substandard Stainback Highway. The proposed reactivation of Kūlani CF is consistent with numerous established policies. The proposed reactivation supports Hawai'i justice reinvestment initiative strategy to bring out-of-state prisoners back to Hawai'i, reduce spending corrections, and reinvest savings generated in strategies that would reverse recent crime trends.

### 2. Moho'uli Heights Senior Neighborhood Hilo Adult Day Center Project, 5(c) FEA (FONSI)

**Island:** Hawai'i  
**District:** South Hilo  
**TMK:** (3) 2-4-1: 184 (formerly 177)  
**Permits:** Underground Injection Control Drywell Approval, National Pollutant Discharge Elimination System, Building Permit, Grading-Grubbing, Approval of Plan and Construction Plans

**Proposing Agency:** Hawai'i Island Community Development Corporation  
100 Pau'ahi Street, Suite 204, Hilo, HI 96720.  
Contact: Keith Kato, (808) 969-1158, ext. 105

**Approving Agency:** County of Hawai'i, Office of Housing and Community Development, 50 Wailuku Drive, Hilo, HI 96720.  
Contact: Alan Rudo, (808) 961- 8379

**Consultant:** Brian T. Nishimura, 101 Aupuni Street, Suite 217, Hilo, HI 96720. Contact: Brian Nishimura, (808) 935-7692

**Status:** Statutory 30-day public review and comment period starts, comments are due by December 24, 2012. Send comments to the proposing/approving agency and consultant.





The County of Hawai'i has obtained management jurisdiction of approximately 15.948 acres of land in Waiakea, South Hilo, Hawai'i, Tax Map Key: (3) 2-4-001: 177, by way of Governor's Executive Order No. 4224 for the purpose of providing affordable rental housing for the elderly and related uses. The County Council of the County of Hawaii, by way of Resolution No. 709-08, authorized the Director of Finance to negotiate a seventy-five year lease with the Hawai'i Island Community Development Corporation (HICDC), a non-profit Hawai'i corporation, for the development of senior housing in accordance with the requirements of Executive Order No. 4224. The proposed project is envisioned as an integrated series of senior residences focused around a central activity core. The complex would contain approximately 160 residential units in multi-unit structures. Most of the units would be one bedroom units although studio and two bedroom units may be considered depending on the demand and financing available.

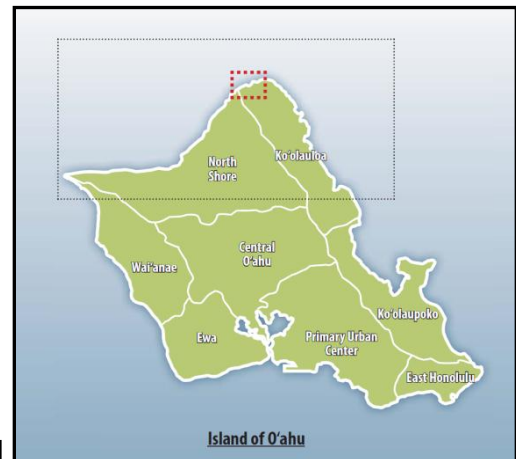
The HICDC previously completed a Final Environmental Assessment to develop the affordable elderly housing project on the subject 15 acre site. The Final Environmental Assessment was completed in April, 2009 and a Finding of No Significant Impact was issued by the Hawaii County Office of Housing and Community Development on April 27, 2009. The HICDC began construction on the first phase of the elderly housing project which will include 60 one-bedroom rental units for low income seniors in March 2012.

HICDC is now proposing to construct a new facility for the Hilo Adult Day Center in the next phase of the project and this environmental assessment will address the impacts from the proposed facility because this use was not included in the environmental assessment completed in 2009. The Hawai'i Island Community Development Corporation is working with Hawai'i Island Adult Care, Inc. to relocate the existing Hilo Adult Day Center from the former Hilo Hospital Building to the Moho'uli project site. The facility will be approximately 8,000 square feet in size with an operational capacity for 80 clients. The proposed facility will be situated on tax map key no. (3) 2-4-01: 184 which was subdivided from parcel 177 to separate the Phase I portion of the Moho'uli Heights Senior Neighborhood Project for financing purposes.

## O'AHU (HRS 343)

### 3. Proposed Expansion of Turtle Bay Resort, 5(c) DSEIS

<b>Island:</b>	O'ahu
<b>District:</b>	Ko'olaupoko
<b>TMK:</b>	5-6-003:por. 1, por. 10, por. 16, por. 17, por. 26, 33, 40-42, 44, 46, 48, 49; 5-7-001:1, 16, 17, 20, 22, 30, 31, 33; 5-7-003:72; 5-7-006:1, 2, 22, 23
<b>Permits:</b>	Zoning Boundary Adjustment and/or Special Management Area Permit and/or Conditional Use Permit (if applicable); National Pollutant Discharge Elimination System; U.S. Army Corps of Engineers: Section 404 Permit and Section 401 Water Quality Certification, Subdivision Approval
<b>Applicant:</b>	Turtle Bay Resort, LLC, 57-091 Kamehameha Highway, Kahuku, HI 96731. Contact: Mr. Drew Stotesbury, (808) 447-6951
<b>Approving Agency:</b>	City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7 <sup>th</sup> Floor, Honolulu, HI 96813. Contact: Ms. Sharon Nishiura, (808) 768-8031
<b>Consultant:</b>	Lee Sichter LLC, 45-024 Malulani Street #1, Kane'ohe, Hawai'i 96744. Contact: Lee Sichter, (808) 382-3836
<b>Status:</b>	Statutory 45-day public review and comment period starts, comments are due by January 7, 2013. However, the applicant voluntarily extended the deadline for comments to January 18, 2012. Send comments to the applicant, approving agency and consultant.



This document supplements the Kuilima Resort 1985 Revised Final EIS to address current plans to expand the existing Turtle Bay Resort. The new Proposed Action represents an over 60% reduction in density from the 1985 EIS. It limits new hotel development to two new hotels, totaling 625 units, centrally located near the existing hotel; a 75% reduction in the number of hotel units proposed in 1985. It includes 590 new resort-residential units; 160 community housing units that will be priced to be affordable to residents of the region; 73 acres of park area; 12 new public shoreline access ways; shoreline setbacks in excess of requirements ranging from 150 to 300 feet; a new resort entrance; improvements to Marconi Road; a new Equestrian Center; a Farmers Market; and a low-density resort

commercial area called the Gathering Place. Proposed for development over an 11-year period (2014-2025), it will create a cumulative total of over 8,700 construction jobs. At build out, the Proposed Action will generate over 1,500 on-going operational jobs on-site. The Proposed Action enhances the previously proposed expansion in the 1985 EIS by committing to significantly less density and a more culturally and environmentally sensitive approach to development.

#### 4. Second Egg Shaped Digester and Sludge Storage Tank. Sand Island Wastewater Treatment Plant, 5(b) DEA (AFNSI)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** (1) 1-5-041: 005  
**Permits:** Special Management Area Permit, Air Permit Modification, National Pollutant Discharge Elimination Permit, Building Permit, Grading and Stockpiling Permit

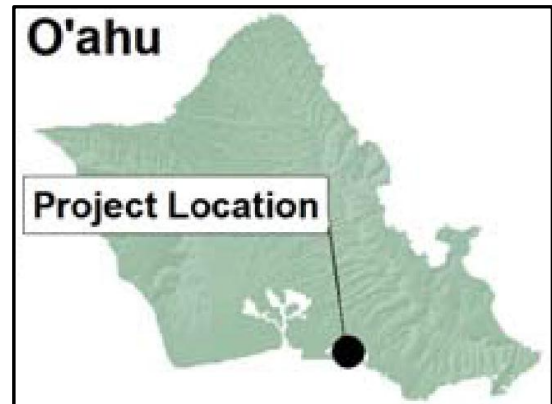
##### Proposing/ Determination

**Agency:** City and County of Honolulu, Department of Design and Construction, 650 South Beretania Street, Honolulu, HI 96813. Contact: Lori M. K. Kahikina, (808) 768-8480

**Consultant:** R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, HI 96819.

Contact: James Niermann, (808) 842-1133, email: JimN@rmtowill.com

**Status:** Statutory 30-day public review and comment period starts, comments are due by December 24, 2012. Send comments to the proposing/determination agency and consultant.



The CCH, DDC plans to expand the existing In-vessel Bioconversion Facility at the Sand Island WWTP by constructing a Second Egg-shaped Digester and Sludge Storage Tank. The planned Second ESD/SST will be integrated into the existing Bioconversion Facility, adjacent to the existing ESD/SST. The existing ESD/SST has exceeded its design solid loading rate and is susceptible to overloading during peak flow conditions. This is due in part to anticipated increased loads resulting from population increases in the service area, and in part to increased capture of solids resulting from enhancements to the primary treatment system. In addition capacity constraints, there is no facility redundancy to accommodate planned or emergency shut-down for maintenance or repair work. The purpose of the proposed Second ESD/SST is to provide extra process capacity to accommodate existing and projected design loads. The Second ESD/SST will also provide necessary facility redundancy to temporarily shut down one digester while the other undergoes maintenance or repair work, or in the event of an emergency.

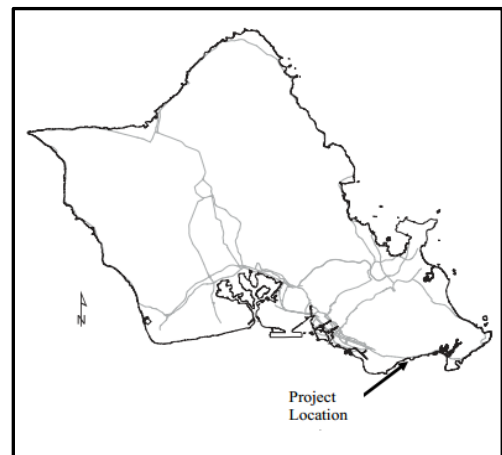
#### 5. Kahn Shoreline Setback Variance (SV) for a Seawall at Wailupe Circle, 5(c) DEA (AFNSI)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 3-6-1:38  
**Permits:** Shoreline Setback Variance  
**Applicant:** Philippe and Sonia Kahn, c/o Darcey Builders, Inc., 501 Sumner Street, #605, Honolulu, HI 96817

**Approving Agency:** City and County of Honolulu, Department of Planning and Permitting, 650 S. King Street, 7<sup>th</sup> Floor, Honolulu, HI 96813. Contact: Jenny Lee (808) 768-8027

**Consultant:** Analytical Planning Consultants, Inc., 928 Nu'uanu Avenue, Suite 502, Honolulu, HI 96817.  
Contact: Laurie Clegg, (808) 536-5695

**Status:** Statutory 30-day public review and comment period starts, comments are due by December 24, 2012. Send comments to the applicant, approving agency and consultant.



The Applicant is seeking a shoreline Setback Variance (SSV) for the following work within the shoreline setback area: An increase in the width of the base of the six-foot high concrete rubble masonry (CRM) seawall and/or retaining wall (which was authorized by SSV No. 2010/SV-10) and construction of a new, two-foot high CRM retaining wall mauka (landward) of the seawall, with an approximately three-foot wide planting and/or terraced area between the two walls. The proposed work will also include excavation and backfilling to the top of the two-foot high CRM wall (landward) to match the existing grade of the yard.

On April 28, 2011 the Department of Planning and Permitting (DPP) granted an SSV for partial approval of the applicant's request, to allow repair and enlargement of the nonconforming seawall to a maximum height of six feet. The DPP has determined that the revised proposal to increase the width of the seawall base and construct a new two-foot high terraced wall exceeds the scope of the previous project and environmental analysis and requires a new SSV application and additional environmental review.

## KAUA'I (HRS 343)

### 6. Island School Updated Master Plan, 5(c) DEA (AFNSI)

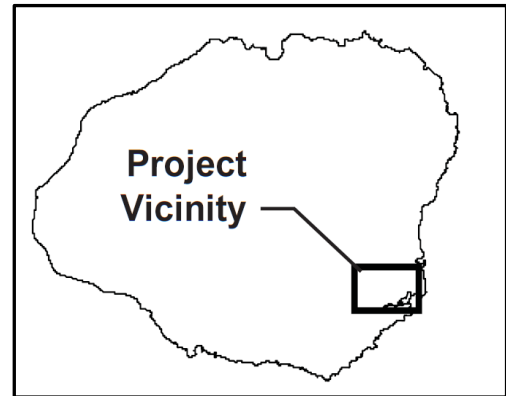
**Island:** Kaua'i  
**District:** Līhu'e  
**TMK:** (4) 3-8-002: 016  
**Permits:** Department of Health, National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activity; Department of Land and Natural Resources, Historic Preservation Division, Chapter 6E, HRS, Historic Preservation; Department of Business, Economic Development and Tourism, Land Use Commission, State Land Use District Boundary Amendment; County of Kaua'i Planning Department: County General Plan Amendment Use Permit, Class IV Zoning Permit; Department of Public Works, Grading Permit, Building Permit, Drainage System Requirements; Department of Water, Water and Water System Requirements; Utility Companies, Utility Service Requirements

**Applicant:** Island School, 3-1875 Kaumuali'i Highway, Līhu'e, HI 96766-9597. Contact: David Pratt (808) 651-5029

**Approving Agency:** County of Kaua'i, Planning Department, 4444 Rice Street, Suite 473, Līhu'e, HI 96766. Contact: Dale Cua, (808) 241-4053

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

**Status:** Statutory 30-day public review and comment period starts, comments are due by December 24, 2012. Send comments to the applicant, approving agency and consultant.



Island School, Petitioner, is proposing an update of its master plan to accommodate additional campus facilities for future increase in its student enrollment, currently at approximately 370 students, to approximately 500 students. An increase of approximately 22 full-time equivalent (FTE) faculty and staff, to the current 62 FTE members, for a total of 84 FTE members, will be required for the future increase in student enrollment. The proposed master plan for the 38.448-acre campus updates the current master plan approved through a Special Permit, Use Permit and Class IV Zoning Permit by the County of Kaua'i (County) Planning Commission on April 26, 2005.

The proposed updated master plan includes new, renovated and expanded classroom buildings; expanded administration facility and visual arts facility; new facilities, including science building, campus center, dining facility, auditorium and stage, arts education building, back-of-house building and courtyard, robotics shed, outdoor science area, maintenance facility, and informal gathering areas; playground and sports facilities, including physical education (P.E.) facilities, track and football field, soccer field, baseball field, softball field, and outdoor swimming pool; internal loop road with bus parking spaces; school and community drop-off areas; and, additional parking spaces.

The Petitioner is seeking to amend the County General Plan Land Use Map for the Island School campus (Petition Area) from the Agriculture designation to the Urban Center designation, and then reclassify the Petition Area from the State Agricultural District to the Urban District. The reclassification of the Petition Area will allow the improvements in the proposed updated Island School master plan to be implemented without a State Special

Permit. The need to amend the Petition Area from the County General Plan Agriculture designation to the Urban Center designation, and to reclassify from the State Agricultural District to the Urban District, is to be more consistent with its current urban character as a school campus, as well as with the existing urban lands and developments in the vicinity makai of Kaunualii Highway. No significant impacts are anticipated from the proposed amendments to the County General Plan and State land use designations and development of the project improvements.

## ENVIRONMENTAL COUNCIL NOTICE

The Standing Committee on Exemptions of the Environmental Council is tentatively set to meet on [Thursday, November 29, 2012](#). The Environmental Council also has a tentative meeting scheduled for Thursday January, 17 2013. 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

### 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 Kalaheo Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Hilo (2-1-003: 019; 2-1-005: 001; 2-1-013: 005 and 006; 2-1-016: 003; 2-1-017: 018 and 019; 2-1-018: 026; 2-1-019: 009 and 010; 2-2-001: 027; 2-2-002: 035; 2-3-004: 001, 013 and 014; 2-8-015: 015; and 2-9-002: 080)	Installation of Rescue Tube Device(s) and Appurtenant Mounting Support and Signage (SMM 12-243)	Department of Parks and Recreation, County of Hawai'i
Kaua'i: (5-4-004: 039)	Site Grading Work (SMA(M)-2013-8)	Brian Hover/Santo Giorgio
Kaua'i: (5-4-004: 054)	Grading for Five Agriculture Ponds (SMA(M)-2013-9)	Ed Ben-Dor, Trustee/Max W. J. Jr.
Kaua'i: (5-5-002: 037)	Restroom Repairs and Sewage Lift Pump (SMA(M)-2013-10)	St. William Church/Matthew Schaller
Maui: Paia (2-6-002: 004)	Retail Alterations After-the-Fact (SM2 20120134)	Tatiana Bottom
Maui: Lahaina (4-5-012: 018)	Install Post and Rail Fencing (SM2 20120135)	Department of Parks and Recreation, County of Maui
Moloka'i: (5-5-001: 007 and 026)	Install Solar Submersible Pump (SM6 20120008)	Harvey Teves
O'ahu: Waikiki (2-6-002: 018)	Royal Hawaiian Center – Surfboard Locker Racks (2012/SMA-34)	Kamehameha Schools/Nalu Storage Systems LLC
Hawai'i: South Hilo (2-1-003: 019; 2-1-005: 001; 2-1-013: 005 and 006; 2-1-016: 003; 2-1-017: 018 and 019; 2-1-018: 026; 2-1-019: 009 and 010; 2-2-001: 027; 2-2-002: 035; 2-3-004: 001, 013 and 014; 2-8-015: 015; and 2-9-002: 080)	Installation of Rescue Tube Device(s) and Appurtenant Mounting Support and Signage (SMM 12-243)	Department of Parks and Recreation, County of Hawai'i





## 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
MA-531	10/30/12	Allotment No. 12 Hui Land of Mailepai, Napili 2 & 3, Ka'anapali, Maui Address: 65 Hui Road Purpose: Renovation purposes	Arthur Valencia/ Hale Napili Apartments	4-3-002:024
HA-457	10/31/12	Portion of Land Commission Award 4700 to Luhilea, 'Alae, South Hilo, Hawai'i Address: Kāhoa Street Purpose: Determine shoreline setback	Diana Evans/Edmund C. Olson Trust #2	2-6-025:001
KA-369	11/07/12	Allotment 49-A situate at Moloa'a, Aliomanu , Kaua'i Address: Aliomanu Road Purpose: Building permit	Honua Engineering, Inc./ C.R. Stephens Properties, LLC	4-9-004:015-0002

### 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
HA-455	Proposed Shoreline Certification	Lot 28, Wa'awa'a Subdivision situate at Wa'awa'a, Puna, Island of Hawai'i Address: N/A Purpose: Determine building setback	The Independent Hawaii Surveyors, LLC/ Dean Cail	HA-455
HA-456	Proposed Shoreline Certification	Lot 2-A-1-B, a portion of R.P. Grant 1013, Apana 1, to D.W. Maiau situate at Maku'u, Puna, Island of Hawai'i Address: Government Beach Road Purpose: Determine building setbacks	The Independent Hawaii Surveyors LLC/ Steven Lee Fineberg	HA-456
OA-1501	Proposed Shoreline Certification	Lot 268 of Land Court Application 505 (Map 140) situate at Kailua, Ko'olaupoko, O'ahu Address: 1064 Mokulua Drive Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ 1064 Mokulua LLC	OA-1501
HA-450	Withdrawal	Lot 79, Vacationland Hawai'i (F.P. 814), L.C. Aw. 8559, Apana 5 situate at Kapoho, Puna, Island of Hawai'i Address: N/A Purpose: Determine building setback	The Independent Hawaii Surveyors, LLC/ David Deweese	HA-450
KA-362	Withdrawal	Lot A, Land Court Application 1724 and Land Court Application 1771 situate at Hanalei, Halelealea, Kaua'i Address: Hanalei Plantation Road Purpose: Determine shoreline setback	Esaki Surveying and Mapping, Inc./ Ohana Hanalei LLC	KA-362



## POLLUTION CONTROL PERMITS

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	Arrow of Oregon/Hawai'i, LLC Initial Permit Application No. 0738-03 CSP No. 0738-03-CT	Located at: Various Temporary Sites, State of Hawai'i	Comments Due: 12/7/12	Crushing and Screening Plants

## FEDERAL NOTICES

### 7. Endangered and Threatened Wildlife and Plants; Review of Native Species That Are Candidates for Listing as Endangered or Threatened; Annual Notice of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions

In a Candidate Notice of Review (CNOR), the U.S. Fish and Wildlife Service (Service), presents an updated list of plant and animal species native to the United States that the Service regards as candidates for or has proposed for addition to the Lists of Endangered and Threatened Wildlife and Plants under the Endangered Species Act of 1973, as amended. Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, allowing landowners and resource managers to alleviate threats and thereby possibly remove the need to list species as endangered or threatened. Even if the Service subsequently lists a candidate species, the early notice provided here could result in more options for species management and recovery by prompting candidate conservation measures to alleviate threats to the species. The CNOR summarizes the status and threats that the Service evaluated in order to determine that species qualify as candidates and to assign a listing priority number (LPN) to each species or to determine that species should be removed from candidate status. Additional material that the Service relied on is available in the Species Assessment and Listing Priority Assignment Forms (species assessment forms) for each candidate species. Overall, this CNOR recognizes two new candidates, changes the LPN for nine candidates, and removes three species from candidate status. Combined with other decisions for individual species that were published separately from this CNOR in the past year, the current number of species that are candidates for listing is 192. This document also includes the findings of the Service on resubmitted petitions and describes progress in revising the Lists of Endangered and Threatened Wildlife and Plants (Lists) during the period October 1, 2011, through September 30, 2012. The Service requests additional status information that may be available for the 192 candidate species identified in this CNOR. **DATES:** The Service will accept information on any of the species in this Candidate Notice of Review at any time. **ADDRESSES:** This notice is available on the Internet at <http://www.regulations.gov> and <http://www.fws.gov/endangered/what-we-do/cnor.html>.

Species assessment forms with information and references on a particular candidate species' range, status, habitat needs, and listing priority assignment are available for review at the appropriate Regional Office or at the Office of Communications and Candidate Conservation, Arlington, VA, or on our Web site ([http://ecos.fws.gov/tess\\_public/pub/candidateSpecies.jsp](http://ecos.fws.gov/tess_public/pub/candidateSpecies.jsp)).

Please submit any new information, materials, comments, or questions of a general nature on this notice to the Arlington, VA, address. Please submit any new information, materials, comments, or questions pertaining to a particular species to the address of the Endangered Species Coordinator in the appropriate Regional Office. **FOR FURTHER INFORMATION CONTACT:** The Endangered Species Coordinator(s) in the appropriate Regional Office(s), or Chief, Office of Communications and Candidate Conservation, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 420, Arlington, VA 22203 (telephone 703-358-2171). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339 (see, 77 F.R. 69994, November 21, 2012).

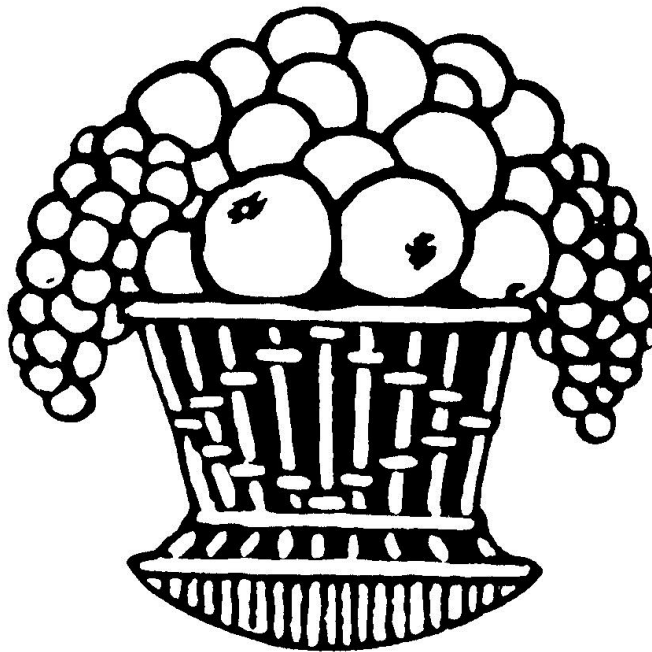
## 8. Transgenic Corn - Pesticide-Incorporated Protectant Corn Events: Pesticide Experimental Use Permit; Receipt of Application; Comment Request

The United States Environmental Protection Agency (EPA) announced EPA's receipt of an application 524-EUP-RNU from Monsanto Company requesting an experimental use permit (EUP) for the plant-incorporated protectants (PIPs) corn events with a double stranded RNA (dsRNA) transcript comprising a Dv49 inverted repeat sequence derived from *Diabrotica virgifera*, and the genetic material necessary for its production (vector PV-ZMIR10871). These events are proposed for experimental use in combination with single and combined traits against Lepidoptera and corn rootworm (CRW). The Agency has determined that the permit may be of regional and national significance. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document. Under section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development.

Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water. In accordance with 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the EUP application: *Submitter:* Monsanto Company, (524-EUP-RNU). *Pesticide Chemical:* Double stranded RNA (dsRNA) transcript comprising a Dv49 inverted repeat sequence derived from *Diabrotica virgifera*, and the genetic material necessary for its production (vector PV-ZMIR10871). *Summary of Request:* Monsanto is requesting a EUP for two years to test new PIP technology for control of corn rootworm (CRW), a major pest of corn in the United States (U.S.). Corn Events MON 87410 and 87411 express a double stranded RNA (dsRNA) transcript suppression cassette with an inverted repeat sequence, Dv49, obtained from *Diabrotica virgifera*. When PIP produced Dv49 dsRNA is consumed by the pest, it down regulates the targeted pest's *Snf7* gene, resulting in pest mortality. As described in the application documents for 524-EUP-RNU in this docket, the PIP events comprising the single and combined trait products in this request include other registered PIP *Bacillus thuringiensis* (*Bt*) proteins and either of the two new corn events MON 87410 and 87411. The *Bt* proteins to be used in the single or combination traits in the proposed EUP include Cry1A.105, Cry2Ab2, Cry IF, Vip3Aa20, Cry3Bb1, Cry34Ab1/Cry35Ab1 and eCry3.1Ab. The environmental and human health safety of these proteins has been demonstrated, and they are exempted from the requirement of a tolerance (40 CFR 174.501, 174.502, 174.506, 174.518, 174.519, 174.520, 174.528, 174.532). A permanent tolerance exemption has been established for nucleic acids including the dsRNA that is part of the PIPs (40 CFR 174.507). Other marker proteins PAT, CP4 EPSPS, and PMI are also exempt from the requirement of a tolerance (40 CFR 174.522, 174.523, 174.527). The tests will be conducted in the U.S. territory of Puerto Rico and in the U.S. in twenty two (22) states as follows: Arkansas (AR), California (CA), Colorado (CO), Georgia (GA), Hawaii (HI), Idaho (ID), Illinois (IL), Indiana (IN), Iowa (IA), Kansas (KS), Michigan (MI), Minnesota (MN), Mississippi (MS), Missouri (MO), Nebraska (NE), North Carolina (NC), Ohio (OH), Pennsylvania (PA), South Carolina (SC), South Dakota (SD), Tennessee (TN), Wisconsin (WI). The two protocols in the EUP include: (1) Seed development and increase for future testing including nursery observations of traits in various genetic backgrounds; and (2) product characterization work including phenotypic and agronomic observations, efficacy, yield benefit evaluations and regulatory data generation. A copy of the application and any information submitted is available for public review in the docket established for this EUP application. Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**. **DATES:** Comments must be received on or before December 21, 2012. **ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2012-0780, by one of the methods described in the notice that can be read in its entirety by clicking or pasting the URL in the title to this notice in your favourite browser. **FOR FURTHER INFORMATION CONTACT:** Shanaz Bacchus, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8097; email address: [bacchus.shanaz@epa.gov](mailto:bacchus.shanaz@epa.gov) (see, 77 F.R. 69838, November 21, 2012).

**9. Casmalia Disposal Site, Santa Barbara County - Notice of Proposed De Minimis Settlement under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)**

In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA) and section 7003 of the Resource Conservation and Recovery Act (RCRA), the United States Environmental Protection Agency (EPA) is hereby providing notice of a proposed administrative *de minimis* settlement concerning the Casmalia Disposal Site in Santa Barbara County, California (the Casmalia Disposal Site). Section 122(g) of CERCLA provides EPA with the authority to enter into administrative *de minimis* settlements. This settlement is intended to resolve the liabilities of 290 settling parties for the Casmalia Disposal Site under sections 106 and 107 of CERCLA and section 7003 of RCRA. These parties (include various entities in the State of Hawai'i) are identified below. These parties have also elected to resolve their liability for response costs and potential natural resource damage claims by the United States Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA). These 290 parties sent 22,841,618 lbs. of waste to the Casmalia Disposal Site, which represents 0.004 (0.4%) of the total Site waste of 5.6 billion pounds. This settlement requires these parties to pay over \$2 million to EPA. The parties that have elected to settle their liability with EPA at this time can be found on the attached link. **DATES:** EPA will receive written comments relating to the settlement until December 20, 2012. EPA will consider all comments it receives during this period, and may modify or withdraw consent to the settlement if any comments disclose facts or considerations indicating that the settlement is inappropriate, improper, or inadequate. Public Meeting: In accordance with section 7003(d) of RCRA, 42 U.S.C. 6973(d), commenters may request an opportunity for a public meeting in the affected area. The deadline for requesting a public meeting is December 4, 2012. Requests for a public meeting may be made by contacting Karen Goldberg by email at [goldberg.karen@epa.gov](mailto:goldberg.karen@epa.gov), or by facsimile at (415) 947-3570. If a public meeting is requested, information about the date and time of the meeting will be published in the local newspaper, *The Santa Maria Times*, and will be sent to persons on the EPA's Casmalia Site mailing list. To be added to the mailing list, please contact: Jackie Lane at (415) 972-3236 or by email at [lane.jackie@epa.gov](mailto:lane.jackie@epa.gov). A copy of the settlement document may be obtained by calling (415) 369-0559 extension 10, and leaving a message with your name, phone number, and mailing address or email address. **ADDRESSES:** Written comments should be addressed to Karen Goldberg, U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street (mail code RC-3), San Francisco, California 94105-3901, or may be faxed to her at (415) 947-3570 or sent by email to [goldberg.karen@epa.gov](mailto:goldberg.karen@epa.gov). **FOR FURTHER INFORMATION CONTACT:** Additional information about the Casmalia Disposal Site and about the proposed settlement may be obtained on the EPA-maintained Casmalia Web site at: <http://www.epa.gov/region09/casmalia> or by calling Karen Goldberg at (415) 972-3951 (77 F. R. 69620, November 20, 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).