

# The Environmental Notice

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

Manoa Heritage  
Center Photo

## MA'ALO LANDFILL ON KAUA'I TO HAVE AN EIS PREPARED



The County of Kaua'i proposes a new municipal solid waste landfill on 270-acres of state land located at Ma'alo, in the Lihu'e district. The County is also proposing a resource recovery park to be sited on either the 270-acres or on a nearby 80-acre site pending the outcome of ongoing discussions between land owners and the County. As the proposing agency, the County has determined that the proposed landfill will require an Environmental Impact Statement. The final environmental assessment for the proposal notes that "[t]he Ma'alo site is the longest term solution for the County's waste disposal problem. The estimated life of 264 years can be extended even further with the operation of a [resource recovery park], making this a near-permanent potential situation to the County's needs". The FEA also notes that "[s]tanding water was observed in and around the Ma'alo site; therefore, a wetland survey and jurisdictional determination have been initiated. It is anticipated that the U. S. Army Corps of Engineers (USACE) will likely determine that there are no jurisdictional wetlands within the site borders." An administrative 30-day public consultation period (under Section 11-200-15, HAR) begins with the publication of this notice. For more information, please see page 4.

## CORRECTION: HAMAKUAPOKO WELLS NO. 1 AND 2 IMPROVEMENTS

The January 8, 2013, issue of the Environmental Notice erroneously identified the 30-day statutory public review and comment deadline for the Hamakuapoko Well Nos. 1 and 2 Improvements draft environmental assessment as February 22, 2013. The 30-day statutory public review and comment deadline should have read February 7, 2013. OEQC apologizes for the misprint and for any inconvenience this error may have caused.

## STATUTORY CHANGES FOR THE HAWAII ENVIRONMENTAL POLICY ACT (HEPA)

Acts 172 (Direct to EIS Law) and 312 (Statutory Exemption of Certain Secondary Actions in the Public Right of Way) of the 2012 Session Laws of Hawaii have amended Chapter 343, Hawaii Revised Statutes (also known as the Hawaii Environmental Policy Act (HEPA)), resulting in renaming and renumbering various parts of the law. For example, the applicant action provisions are now found in Section 343-5(e), HRS (formerly Section 343-5(c)). A new Section 5.5 wholly implements the provisions of Act 312. The direct to EIS provisions of Act 172 have resulted in the division of Section 343-5(c), HRS into a new Section 343-5(c), dealing with actions anticipating findings of no significant impact, and a new Section 343-5(d), dealing exclusively with identification of the accepting authority for agency actions. The Office is currently preparing a 2013 edition of the *The Guide to the Implementation and Practice of the Hawaii Environmental Policy Act* to reflect these changes.

## NEW SAMPLE EXEMPTION DECLARATION FORM

The Office of Environmental Quality Control (OEQC) released a new sample exemption declaration form for agency and applicant actions. OEQC encourages the use of the updated guidance form. The form is available on the OEQC website or by clicking the link below:

<http://oeqc.doh.hawaii.gov/Shared%20Documents/Forms/AllItems.aspx?RootFolder=%2fShared%20Documents%2fPreparation%5fof%5fHawaii%5fEnvironmental%5fPolicy%5fAct%5fDocuments&View=%7bC0C5C897%2d3066%2d4821%2d864E%2d36FB3D77F5D5%7d>

*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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**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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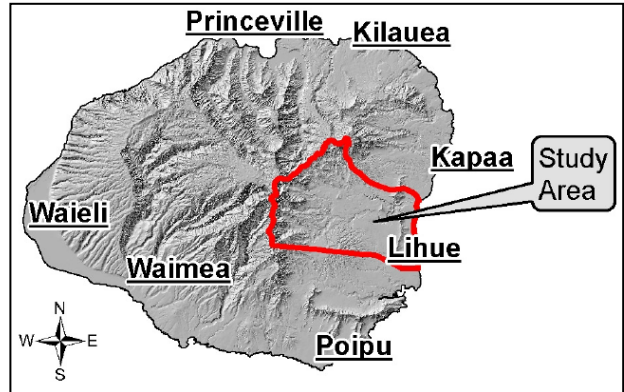
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## KAUA'I (HRS 343)

### 1. Kahili Horizontal Directional Drilled Well, Kaua'i Water System Energy Conservation, 5(b) Act 172-2012 (EISPN)

**Island:** Kaua'i  
**District:** Līhu'e  
**TMK:** Various  
**Permits:** Well Drilling Permit from the State Department of Land and Natural Resources (DLNR), Commission on Water Resources Management (CWRM), Amendment to the Interim Instream Flow Standard from the from the State Department of Land and Natural Resources (DLNR), Commission on Water Resources Management (CWRM); Stream Channel Alteration Permit from the from the State Department of Land and Natural Resources (DLNR), Commission on Water Resources Management (CWRM); Conservation District Use Permit (CDUP) from the State DLNR, Office of Coastal and Conservation Lands (OCCL); Noise Variance, State Department of Health (DOH); National Pollutant Discharge Elimination System Permits (NPDES), DOH Section 404 Clean Water Act Permit from the U.S. Army Corps of Engineers; Section 401 Water Quality Certification (WQC), DOH; Grading and Grubbing Permit, County of Kaua'i; Section 106 Approval for National Historic Preservation



#### Proposing

**Agency:** County of Kaua'i, Department of Water, P.O. Box 1706, 4398 Pua Loke St., Līhu'e, HI 96766. Contact: Mr. David Craddick (808) 245-5408

#### Accepting

**Authority:** Mayor, County of Kaua'i

**Consultant:** Oceanit Laboratories, Inc., 828 Fort Street Mall, Suite 600, Honolulu, Hawai'i 96816  
Contact: Joanne Hiramatsu (808) 531-3017

**Status:** Administrative 30-day comment/consultation period ends on March 9, 2013. Address comments to the Proposing/Determination Agency, with copies to the consultant and accepting authority.

The County of Kaua'i, Department of Water, is looking at conserving energy for their water system to reduce the dependency on fossil fuels by drilling a horizontal gravity flow well. This project will focus on the Līhu'e-Kapa'a water system. The location for directionally drilled exploratory well will be explored at the 800 to 1,200-foot elevation in the ahupua'a of Wailua, Hanamā'ulu and Haiku. At this high elevation, the water can flow by gravity and has the potential to produce energy through the development of a hydroelectric plant. The alternatives that will be evaluated as part of the Environmental Impact Statement (EIS) are several locations for a directionally drilled well and the no action alternative.

### 2. New Kaua'i Landfill and Resource Recovery Park, Ma'alo, Kaua'i

**Island:** Kaua'i

**District:** Līhu'e

**TMKs:** (4) 3-9-002: 020 (New Landfill Site)  
(4) 3-8-002: 001 (Alternate Resource Recovery Park Site)

**Permits:** State of Hawai'i, Dept. of Health, Solid Waste Management Facility Permit, Covered Source Air Permit, County of Kaua'i Building Permits; National Pollutant Discharge

Elimination System (NPDES) Permit Application for Discharges of Storm Water during Construction (Notice of Intent [NOI] Form C), and Discharges of Industrial Storm Water (NOI Form B)

**Proposing**

**Agency:** County of Kaua'i, Department of Public Works, 4444 Rice Street, Room 275, Līhu'e, Kaua'i, Hawai'i 96766. Contact: Donald Fujimoto, P.E., Ph.D., Phone: (808) 241-4846

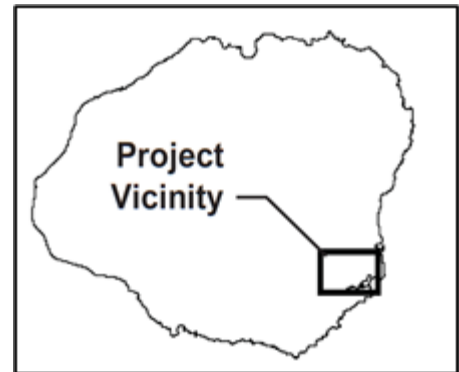
**Accepting**

**Authority:** Governor, State of Hawai'i (or duly authorized representative)

**Consultants:** AECOM Technical Services, Inc., 1001 Bishop Street, Suite 1600, Honolulu, Hawai'i 96813. Contact Person: Frank Cioffi, P.E., Phone: (808) 356-5380

R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawai'i 96819. Contact Person: Brian Takeda, Phone: (808) 842-1133

The County of Kaua'i, Dept. of Public Works, Solid Waste Division, proposes the development of a new Municipal Solid Waste Landfill (MSWLF) and Resource Recovery Park (RRP) in Ma'alo, to properly manage the island's municipal solid waste (MSW) in the safest and most efficient manner practicable. The existing Kekaha MSWLF is projected to reach capacity in the coming years. Therefore, a new landfill facility will be required for the proper disposal of all forms of MSW that cannot practicably be further reused, recycled, or otherwise recovered. The proposed project includes the development of a RRP which is planned to include reuse, recycling, and waste reduction facilities to encourage diversion of waste from the landfill, thereby maximizing the use of Kaua'i's limited resources.



Upon finalization and acceptance of the EIS, the County will proceed with its next steps for eventual development of the MSWLF and RRP. The entire process is anticipated to take several years. The County DPW Solid Waste Division is the proposing agency. Based on the proposed use of County funds in conjunction with the use of state land, the Governor of the State of Hawai'i has delegated the accepting authority for this EIS to the Office of the Mayor of Kauai (HAR §11-200-4).

**3. [Island School Updated Master Plan, 5\(e\) FEA \(FONSI\)](#)**

**Island:** Kaua'i

**District:** Līhu'e

**TMK:** (4) 3-8-002: 016

**Permits:** National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activity, Chapter 6E, HRS, Historic Preservation, State Land Use District Boundary Amendment, County General Plan Amendment, Use Permit, Class IV Zoning Permit, Grading Permit, Building Permit, Drainage System Requirements, Water and Water System Requirements, Utility Service Requirements

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

**Approving**

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

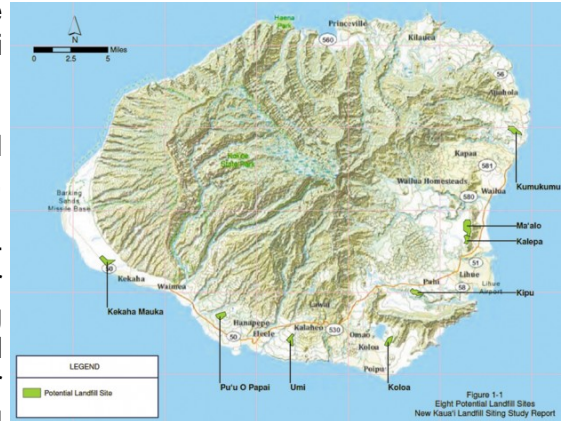
**Consultant:** Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, Hawai'i 96826. Contact: Earl Matsukawa, (808) 946-2277

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

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.

## MAUI (HRS 343)

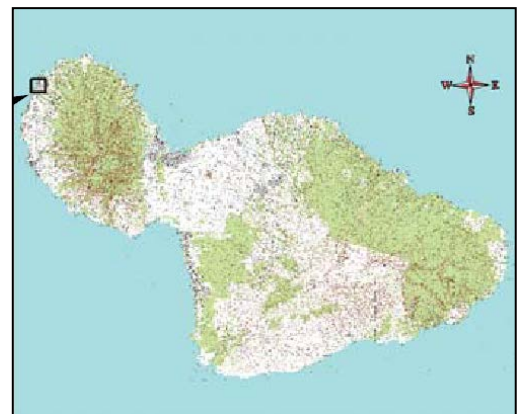
### 4. Kahana Sunset Shoreline & Site Improvements, 5(e) DEA (AFNSI)

**Island:** Maui  
**District:** Lahaina  
**TMK:** (2) 4-3-003:015  
**Permits:** Building, Grading, Special Management Area, Shoreline Setback Variance, Community Plan Amendment, Change in Zoning, Conservation District Use  
**Applicant:** Kahana Sunset Association of Apartment Owners (AOAO), 4909 Lower Honoapi'ilani Highway, Lahaina, Hawai'i 96761. Contact: Ms. Jacqueline Scheibel, (707) 292-4691 and Mr. Keith Meyer, (541) 231-848

**Approving Agency:** Maui Planning Commission, County of Maui c/o Department of Planning, 250 South High Street, Wailuku, Hawai'i 96793. Contact: Mr. William Spence, Director, (808) 270-7634

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

**Status:** Statutory 30-day public review and comment period starts, comments are due by March 11, 2013. Send comments to the proposing/determination agency and consultant.



The Kahana Sunset AOAO is proposing to construct a replacement seawall and drainage improvements within the shoreline setback on an existing 4.467 acre 79-unit condominium resort site. The applicant is also proposing a Community Plan Amendment from Single Family to Hotel and a Change in Zoning from R-3 Residential to H-M Hotel District in order to establish land use consistency and conformity with the existing use. No additional units are proposed.

An approximately 114-foot existing seawall along with an existing concrete stairway will be demolished. The replacement seawall will be relocated mauka of the State designated shoreline with a new stairway approximately 30 feet inland from the existing stairs. The proposed retreat of the seawall will serve to protect existing habitable structures, widen the beach, and prevent underlying soils from entering the ocean. The proposed drainage system improvements will help to prevent sediments and pollutants from contaminating the marine environment.

The mitigation improvements are the result of a Master Plan for Strategic Retreat that was requested by the Maui Planning Commission as part of a 2009 SMA Emergency Permit granted to protect Building F and a 2010 SMA Emergency Permit granted to protect Building A.

## O'AHU (HRS 343)

### 5. Honolulu Fire Department Regional Fire Training Center, 5(b) FEA (FONSI)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** (1)1-1-002:012  
**Permits:** Building Permits (Buildings, Electrical, Plumbing); Sidewalk / Driveway Work (DPP); Grading, Grubbing, Trenching and Stockpiling Permits (DPP); National Pollutant Discharge Elimination System (NPDES) permit  
**Proposing/Determination**  
**Agency:** City and County of Honolulu, Fire Department, 636 South Street, Honolulu, Hawai'i 96813-5007. Contact: Captain Robert Main, (808) 723-7139  
**Consultant:** Group 70 International, Inc., 925 Bethel Street, 5<sup>th</sup> Floor, Honolulu, Hawai'i 96813. Contact: Christine Mendes Ruotola, (808) 523-5866  
**Status:** Finding of No Significant Impact Determination

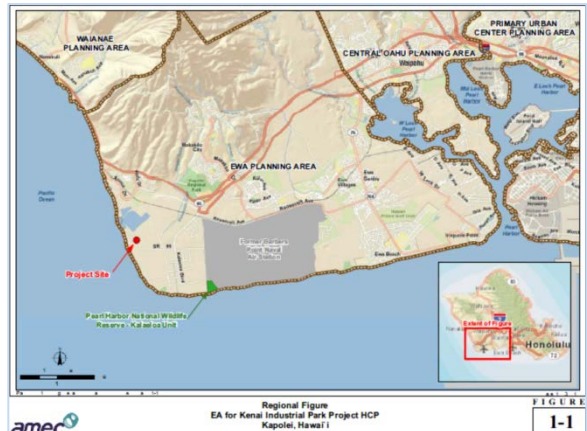
Improvements to the Honolulu Fire Department's (HFD) Charles H. Thurston Training Center will enhance the quality of the HFD's training program and will create a modern and well-equipped training environment for new recruits, as well as quality facilities for incumbent firefighters. With the proposed improvements, the facility will be in the position to provide critical training to firefighters and other first responders in Hawai'i and throughout the Pacific. Significant direct impacts are not anticipated to occur. The project will incorporate key energy and water saving design strategies to limit the project's environmental footprint and will be designed with a fully integrated approach to meet LEED certification criteria. A minor increase in jobs may result from the proposed project; however this would have incidental impacts on population. Overall, the project's secondary impact would be a beneficial effect on public health and emergency response operations. The project is not anticipated to generate substantial cumulative impacts, building only upon HFD's mission: To respond to fires, emergency medical incidents, hazardous materials incidents, and rescues on land and sea to save lives, property, and the environment.



6. [Kenai Industrial Park, 5\(e\) DEA \(AFNSI\)](#)

**Island:** O'ahu  
**District:** 'Ewa  
**TMK:** (1) 9-1-074:030 and (1) 9-1-013:030  
**Permits:** Incidental Take License  
**Applicant:** Cook Inlet Region, Inc. (CIRI) Land Development Company, 2525 C Street, Suite 500, Anchorage, AK 99503. Contact: Dave Pfeifer, (907) 263-5110  
**Approving Agency:** State of Hawai'i, Department of Land and Natural Resources Division of Forestry and Wildlife (DOFAW), 1151 Punchbowl Street, Room 325, Honolulu, Hawai'i 96815. Contact: Lasha Salbosa, (808) 587-4148 or Lasha.H.Salbosa@hawaii.gov.  
**Consultant:** AMEC Environment & Infrastructure, Inc., 3049 Ualena Street, Suite 1100, Honolulu, Hawai'i 96819. Contact: Halleh Paymard, (808) 545-2462  
**Status:** Statutory 30-day public review and comment period starts, comments are due by March 11, 2013. Send comments to the proposing/determination agency and consultant.

The Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) is in receipt of a Draft Environmental Assessment (DEA) from CIRI (Cook Inlet Region, Inc.) Land Development Company. CIRI Land Development Company is requesting issuance of an incidental take license (ITL) from the DLNR for the take of two individuals of the endangered plant species round-leaved chaff flower or 'ewa hinahina (*Achyranthes splendens* var. *rotundata*), located on the subject property. The mitigation activities for the take this species are outlined in more detail within the Draft Round-leaved Chaff Flower (*Achyranthes splendens* var. *rotundata*) Habitat Conservation Plan (HCP) for the Kenai Industrial Park Project, prepared pursuant to HRS Chapter 195D, and published in the OEQC's Environmental Notice on May 8, 2012. A DEA has been prepared, pursuant to Hawai'i Revised Statutes (HRS) Chapter 343, for the use of state resources in implementing mitigation monitoring outlined in the HCP.



CIRI Land Development Company proposes to develop a 0.75-acre parcel located at 91-525 Malakole Street in Kapolei, Honolulu County on the island of O'ahu, Hawai'i. The proposed development is a 62-unit storage facility.

Off-site mitigation for take of this species will be at the Pearl Harbor National Wildlife Refuge, Kalaheo Unit, and will consist of propagating and outplanting 80 individual plants from cuttings and seeds obtained from the plants at the subject property, monitoring, maintenance, and nonnative species removal over a five-year period.

7. [University of Hawai'i Marine Center Relocation to Piers 34 and 35, Honolulu Harbor, 5\(b\) FEA \(FONSI\)](#)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** (1)1-5-34:7, 10, 17, 22, 24, 25, and portions of 4, 5, 8, 22, and 26; (1)1-5-35: portion 8; (1)1-5-36: portion 2  
**Permits:** Section 10 Permit, NPDES permits (NOI, Form C, Form G), Section 401 Water Quality Certification, Section 404, CZM Consistency Determination, Grading Permit, Community Noise Control Permit, building and construction permits

### Proposing/Determination

**Agency:** State of Hawai'i, Department of Transportation, Harbors Division, 79 South Nimitz Highway, Honolulu, Hawai'i 96813. Contact: Carter Luke, (808) 587-1862  
**Consultant:** Cardno TEC, Inc., 1003 Bishop Street, Suite 1550, Honolulu, Hawai'i 96813. Contact: Scott Glenn  
**Status:** Finding of No Significant Impact Determination

The Department of Transportation, Harbors Division (DOT Harbors) proposes, with the University of Hawai'i's (UH) concurrence, to relocate the UH Marine Center (UHMC) from its current location at Snug Harbor to an approximately 6-acre site at Piers 34 and 35. The existing facility at Piers 34 and 35 would be renovated and later expanded to accommodate the new use.

The purpose of the proposed action is identified in the *Honolulu Waterfront Master Plan Final Report* and the updated plan *O'ahu Commercial Harbors 2020 Master Plan*. Since 1989 a suitable location has been sought. In 1994, Pier 38 was proposed; however, subsequent planning efforts concluded that Pier 38 would be better suited for the Fishing Village. To underscore the need for relocation to allow use of the former Kapālama Military Reservation (KMR) to expand the cargo handling capacity and capability of Honolulu Harbor while preserving the research and educational programs at UHMC, the 2006 House Concurrent Resolution 266 requested UH collaborate with DOT to pursue on a priority basis the relocation of the UHMC from the former KMR area. In 2007, Governor's Executive Order No. 4206 transferred the control of Snug Harbor and the surrounding areas currently leased to UH for its UHMC to DOT Harbors for addition to Honolulu Harbor.



The proposed action is also needed to redevelop the former KMR and adjacent lands as a full-scale modern containerized cargo terminal. It is also needed to allow the UH to judiciously plan and commit funds in furtherance of its goals and objectives for marine education and research at the UHMC.

### 8. [Modernization Program at Honolulu International Airport, 5\(b\) FEA \(FONSI\)](#)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** [1] 1-1-003:001  
**Permits:** National Pollutant Discharge Elimination System (NPDES) Individual Permit for Storm Water Associated with Construction Activity; Clean Water Act Section 404 / Section 10, U.S. Army Corps of Engineers; Coastal Zone Management (CZM) Federal Consistency Review; Grading Permit

### Proposing/Determination

**Agency:** State of Hawai'i, Department of Transportation, Airports Division, 400 Rodgers Boulevard, 7th Floor, Honolulu, HI 96819. Contact: Mr. Jeffrey Chang, (808) 838-8835  
**Consultant:** Parsons Corporation, 3239 Ualena Street, Honolulu, HI 96819. Contact: Michael Phelps, (808) 840-5283  
**Status:** Finding of No Significant Impact Determination

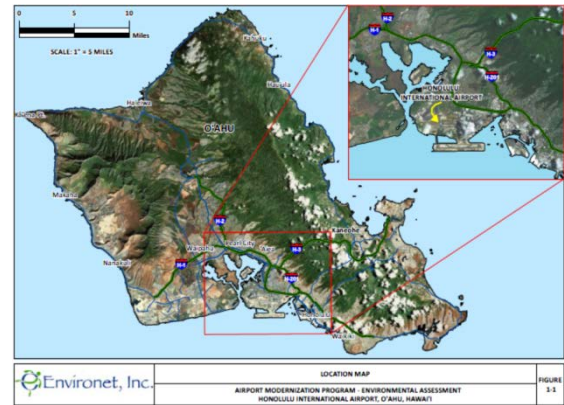
The State of Hawai'i Department of Transportation Airports Division (DOT-A) is proposing the Airport Modernization Program at Honolulu International Airport (HNL), a comprehensive program to improve and upgrade the facilities at HNL. Changes in the commercial aviation industry have led to a need for more modern facilities to enhance safety and efficiency for passengers and employees and to accommodate aviation activity from both inter-island commercial service as well as flights to and from the U.S. Mainland, and other Pacific Rim destinations. The Proposed Action is to construct improvements consistent with the Master Plan for HNL and the Airport Modernization Program at HNL as directed by the Governor of the State of Hawai'i.



The proposed components of the Airport Modernization Program at HNL are not airfield capacity enhancing projects and would not result in an increase or decrease in aviation activity at HNL. The Proposed Action would not increase the airfield capacity and would not affect the existing number or length of runways at HNL. Airlines using HNL have made business decisions to use larger aircraft than were previously used when the terminal areas and cargo/maintenance areas were first built. The purpose of the Proposed Action is to enhance the safety and efficiency of HNL to comply with FAA Airport Design Standards.

These standards include dimensional separation between aircraft on the ground and provide dimensional standards for aircraft movement and parking areas.

The Proposed Action includes the following components of the Airport Modernization Program at HNL: Construct Mauka Concourse; Demolish Existing Commuter Terminal; Widen Taxiways G and L; Cover Manuwai Canal Near Taxiway A; Relocate Cargo/Maintenance Facilities and Construct Employee Parking Lot; Construct Replacement Cargo Facility North of Aircraft Parking Apron North of Taxiway A; Construct Replacement Commuter Terminal East of the Diamond Head Concourse (Diamond Head Commuter Terminal); and Construct Consolidated Rental Car Facility (CONRAC).



## 9. Second Egg-Shaped Digester and Sludge Storage Tank, 5(b) FEA (FONSI)

**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: Chris Takeshige, (808) 768-8480

**Consultant:** R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, HI 96819. Contact: James Niermann, (808) 842-1133, JimN@rmtowill.com

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

The City and County of Honolulu, Department of Design and Construction 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.



**COASTAL ZONE MANAGEMENT NOTICES**

**Federal Consistency Determinations**

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawai'i Revised Statutes. This public notice is being provided in accordance with section 306(d) (14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawai'i CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lāna'i & Moloka'i: 468-4644 x72878, Kaua'i: 274-3141 x72878, Maui: 984-2400 x72878 or Hawai'i: 974-4000 x72878. For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review. Comments may be submitted by mail, electronic mail or fax, as indicated below.

**Mail:** Office of Planning  
Department of Business, Economic Development and Tourism  
P.O. Box 2359  
Honolulu, Hawai'i 96804  
**Email:** jnakagaw@dbedt.hawaii.gov  
**Fax:** (808) 587-2899

**1. National Marine Fisheries Service Proposed Extension of Gold Coral Harvest Moratorium**

**Federal Action:** Federal Agency Activity  
**Federal Agency:** National Marine Fisheries Service (NMFS), Pacific Islands Regional Office  
**Contact:** Bob Harman, 944-2271  
**Proposed Action:** NMFS is proposing to extend the current moratorium on the harvest of deep-water gold corals, which will expire on June 30, 2013, through June 2018. According to NMFS, recent information about the life history of gold corals indicates that gold corals may grow more slowly than previously estimated and that these corals may have more specific habitat requirements than previously known. During the extended moratorium NMFS is proposing to develop management models and set sustainable catch limits for gold corals.  
**Location:** U.S. western Pacific Ocean, including Hawaii  
**CZM Contact:** John Nakagawa, 587-2878, jnakagaw@dbedt.hawaii.gov  
**Comments Due:** February 22, 2013

**2. U.S. Navy Hawai'i-Southern California Training and Testing (HSTT) Activities**

**Federal Action:** Federal Agency Activity  
**Federal Agency:** U.S. Navy  
**Contact:** John Van Name, U.S. Pacific Fleet, (808) 471-1714  
**Proposed Action:** The U.S. Navy has submitted a Coastal Zone Management Act (CZMA) consistency determination for the Hawaiian Islands portion of the training and testing activities described in Chapter 2 of the HSTT EIS ([www.hstteis.com](http://www.hstteis.com)). The proposed action includes training and testing activities, which may include the use of active sonar and explosives, primarily within existing range complexes and ocean operating areas; at Navy piers, ports and shipyards; and at contractor shipyards in the Hawaiian Islands; and in a transit corridor between Southern California and Hawaii.  
**Location:** U.S. Western Pacific Ocean, including Hawai'i  
**CZM Contact:** John Nakagawa, 587-2878, jnakagaw@dbedt.hawaii.gov  
**Comments Due:** February 22, 2013

**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 (808-768-8014); East Hawai'i (808-961-8288); West Hawai'i (808-323-4770); Kaua'i (808-241-4050); Maui (808-270-7735); Kaka'ako or Kalaeloa Community Development District (808-587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Hilo (2-6-002: 021)	Remove the Existing Dwelling with Carport and Construct a 6-Unit Apartment Building with Parking and Related Improvements (SMM 13-254)	Henry James Correa, Jr. and Kristie Lee Correa
Hawai'i: North Kona (7-5-018: 071)	Solar Roof Mount Photovoltaic Installation on Three Existing Buildings (SMM 13-255)	AOAO Kona Reef, Inc.
Hawai'i: North Hilo (3-1-003: 017)	Two-Lot Subdivision, Installation of a Temporary (Mobile) Substation and Construction of a New Electrical Substation (SMM 13-256)	Hawai'i Electric Light Company, Inc. (HELCO)
Hawai'i: North Kona (7-8-010: 044)	"After-the-Fact" Removal as well as Trimming and Routine Maintenance of Coconut Trees (SMM 13-257)	Kamehameha Schools
Maui: Lahaina (4-6-002: 010; 4-6-012: 005)	(2013)-3-Year Artists Gathering (SM2 20130003)	West Maui Cultural Council
Maui: Lahaina (4-6-012: 005)	(2014)-3-Year Artists Gathering (SM2 20130004)	West Maui Cultural Council
Maui: Lahaina (4-6-012: 005)	(2015)-3-Year Artists Gathering (SM2 20130005)	West Maui Cultural Council
Maui: Ka'anapali (4-4-001: 098)	Expand Security Office (SM2 20130006)	Stanley Abihai

**SHORELINE NOTICES**

**Shoreline 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-536	1/22/13	Parcel 3 being a portion of Lot 2, Section 4, second partition of Hamakuapoko Hui to Alexander & Baldwin situate at Kuau, Hamakuapoko, Maui Address: 22 Waa Place Purpose: N/A	Akamai Land Surveying, Inc./ Bruce & Pamela Miller	2-6-011:024

**Shoreline Certifications / 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. File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1505	Proposed Shoreline Certification	Lot 1104 of Land Court Application 677 (Map 254), Kailua, Ko'olaupoko, O'ahu Address: 144 Ka'apuni Drive Purpose: Calculate building potential and obtain building permit	Wesley T. Tengan / Laura Broncato	4-3-013:039
OA-1511	Proposed Shoreline Certification	Lot 5 (File Plan 750) of Maunalua Bay Lots Subdivision, Unit 1 situate at Maunalua, Honolulu, O'ahu Address: 176 Hanapepe Loop Purpose: New construction	Engineers Surveyors Hawai'i, Inc. / Mark Gosselin	3-9-026:001
MA-533	Proposed Shoreline Certification	Lot 23 Waiohuli-Keokea Beach Lots Second Series, Grant 12,575 to Fumio & Betty Y. Tsuji, Waiohuli-Keokea, Kula, Maui Address: 1536 Halama Street Purpose: Building permit	James McCall / Toshio Okumura	3-9-010:011
MA-534	Proposed Shoreline Certification	Lots 4, 6 & 7, Ainalani Lots being a portion of Grant 3343 to Claus Spreckels situate at Spreckelsville, Wailuku, Maui Address: 582 Stable Road Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ Jeffrey A. Lundahl	3-8-002:071, 074 & 078

**POLLUTION CONTROL PERMITS**

Below are some pollution control permits before the State Department of Health, Environmental Management Division (HRS 342B and HAR 11-60.1). For more information, contact the branch at the telephone 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 Covered Source Permit Application No. 0738-03-CT; CSP No. 0738-03-CT	Located at: 92-8457 Liliana Lane, Ocean View, Hawai'i	Issued: 1/11/2013	Crushing and Screening Plants
Clean Air Branch, 586-4200, Covered Source Permit	Hawaiian Electric Company, Inc. Permit Renewal Application No. 0240-04; Permit Application for Modification No. 0240-05; CSP No. 0240-01-C	Located at: 89-900 Farrington Hwy., Wai'anae, O'ahu	Issued: 1/18/2013	Six (6) Boilers and Two (2) Black Start Diesel Engine Generators
Clean Air Branch, 586-4200, Covered Source Permit	Yamada & Sons, Inc., Application for Renewal No. 0376-02; Application for Significant Modification No. 0376-03; CSP No. 0376-01-C	Located at: 169 Railroad Avenue, Hilo, Hawai'i	Issued: 1/28/2013	210 TPH Hot Mix Asphalt Concrete Batch Plant
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawai'i Corporation, Minor Modification Application No. 0212-35; Minor Modification Application No. 0212-36; Significant Modification Application No. 0212-37; CSP No. 0212-01-C	Located at: 91-325 Komohana Street, Kapōlei, O'ahu	Comments Due: 3/6/2013	Petroleum Refinery

FEDERAL NOTICES

1. [Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Training and Testing Activities in the Hawaii-Southern California Training and Testing Study Area](#)

The National Marine Fisheries Service (NMFS) has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to the training and testing activities conducted in the Hawaii-Southern California Training and Testing (HSTT) study area from January 2014 through January 2019. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue regulations and subsequent Letters of Authorization (LOAs) to the Navy to incidentally harass marine mammals. **DATES:** Comments and information must be received no later than March 11, 2013. For specific instructions on how to submit comments and where to submit them, please click on the link in the title to this notice. **FOR FURTHER INFORMATION CONTACT:** Michelle Magliocca, Office of Protected Resources, NMFS, (301) 427-8401 (78 F.R. 6978, January 31, 2013).

2. [Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews of 44 Species in Oregon, Hawai'i, Guam, and the Northern Mariana Islands](#)

The U.S. Fish and Wildlife Service (Service), is initiating 5-year status reviews for 44 species in Oregon, Hawai'i, Guam, and the Northern Mariana Islands, under the Endangered Species Act of 1973, as amended (Act). A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, the Service is requesting submission of any new information on these species that has become available since the last review for that particular species. **DATES:** To ensure consideration in the reviews, the Service requests submission of new information no later than April 8, 2013. However, the Service will continue to accept new information about any listed species at any time. **ADDRESSES:** For the 42 species in Hawai'i, Guam, and the Northern Mariana Islands (see Table 1 below), submit information to: Field Supervisor, Attention: 5-Year Review, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Blvd., Room 3-122, Box 50088, Honolulu, Hawai'i 96850. **FOR FURTHER INFORMATION CONTACT:** Kristi Young, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 808-792-9400 (for species in Hawai'i, Guam, and the Northern Mariana Islands); individuals who are hearing impaired or speech impaired may call the Federal Relay Service at (800) 877-8339 for TTY assistance (78 F.R. 8185, February 5, 2013).

3. [Final Environmental Impact Statement for Protecting and Restoring Native Ecosystems by Managing Non-Native Ungulates, Hawai'i Volcanoes National Park](#)

The National Park Service announces the availability of a Final Environmental Impact Statement for Protecting and Restoring Native Ecosystems by Managing Non-Native Ungulates (final plan/EIS) at Hawai'i Volcanoes National Park, Hawai'i. The final plan/EIS will provide a park-wide framework to systematically guide nonnative ungulate management activities in a manner that supports long-term ecosystem protection, supports natural ecosystem recovery and provides desirable conditions for active ecosystem restoration, and supports protection and preservation of cultural resources. **DATES:** The National Park Service will execute a Record of Decision (ROD) no sooner than 30 days from the date of publication by the U.S. Environmental Protection Agency of the notice of filing of the final plan/EIS in the **Federal Register**. **ADDRESSES:** The final plan/EIS is available in electronic format at [http://parkplanning.nps.gov/havo\\_ecosystem\\_feis](http://parkplanning.nps.gov/havo_ecosystem_feis). Printed copies of the final plan/EIS are available for viewing at the Hawai'i Volcanoes National Park Kilauea Visitor Center, One Crater Rim Drive, Hawaii National Park, HI 96718, and in local libraries (locations noted on above Web site). A limited number of compact discs (CDs) and printed copies (78 F.R. 7450, February 1, 2013)

4. [Western Pacific Fisheries; 2013 Annual Catch Limits and Accountability Measures](#)

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce proposes annual catch limits for western Pacific bottomfish, crustacean, precious coral, and coral reef ecosystem fisheries, and accountability measures to correct or mitigate any overages of catch limits. The proposed catch limits and accountability measures support the long-term sustainability of fishery resources of the U.S. Pacific Islands **DATES:** Comments must be received by February 15, 2013. For specific instructions on how to submit comments and where to submit them, please click on the link in the title to this notice. **FOR FURTHER INFORMATION CONTACT:** Jarad Makaiau, NMFS PIR Sustainable Fisheries, 808-944-2108 (78 F.R. 6798, January 31, 2013).

5. [Endangered and Threatened Wildlife and Plants; Listing 38 Species on Moloka'i, Lāna'i, and Maui as Endangered and Designating Critical Habitat on Moloka'i, Lāna'i, Maui, and Kaho'olawe for 135 Species](#)

The U.S. Fish and Wildlife Service (Service), announces the reopening of the comment period on its June 11, 2012 (77 FR 34464), proposal to list 38 species as endangered, reaffirm the listing of 2 endemic Hawaiian plants currently listed as endangered, and designate critical habitat for 39 of these 40 plant and animal species on the Hawaiian Islands of Moloka'i, Lāna'i, and Maui; designate critical habitat for 11 plant and animal species that are already listed as endangered; and revise critical habitat for 85 plant species that are already listed as endangered or threatened on the Hawaiian Islands of Moloka'i, Lāna'i, Maui, and Kaho'olawe, under the Endangered Species Act of 1973, as amended (Act). The Service also announces the availability of a draft economic analysis (DEA) of the proposed designation and an amended required determinations section of the proposed designation. The Service is reopening the comment period to allow all interested parties an opportunity to comment simultaneously on the proposed rule, the associated DEA, and the amended required determinations section. Comments previously submitted on this rulemaking do not need to be resubmitted, as they will be fully considered in preparation of the final rule. The Service also announces a public hearing and public information meeting on its proposed rule and associated documents. **DATES:** The Service will consider comments received or postmarked on or before March 4, 2013. For specific instructions on how to submit comments and where to submit them, please click on the link in the title to this notice. The Service will hold a public information meeting in Kihei, Maui, on Thursday, February 21, 2013, from 3 PM to 5 PM. Following the public information meeting, the Service will hold a public hearing in Kihei, Maui, on Thursday, February 21, 2013, from 6 PM to 8 PM. **ADDRESSES: Document Availability:** You may obtain copies of the June 11, 2012, proposed rule, this document, and the draft economic analysis at <http://www.regulations.gov> at Docket Number FWS-R1-ES-2011-0098, from the Pacific Islands Fish and Wildlife Office's Web site (<http://www.fws.gov/pacificislands/>), or by contacting the Pacific Islands Fish and Wildlife Office directly. **FOR FURTHER INFORMATION CONTACT:** Loyal Mehrhoff, Field Supervisor, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Box 50088, Honolulu, HI 96850; by telephone at 808-792-9400; or by facsimile at 808-792-9581. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339 (78 F.R. 6785, January 31, 2013).

6. [Regulation of Fuels and Fuel Additives: 2013 Renewable Fuel Standards](#)

The U. S. Environmental Protection Agency (EPA) is required to set the renewable fuel standards each November for the following year. In general the standards are designed to ensure that the applicable volumes of renewable fuel specified in the statute are used. However, the statute specifies that EPA is to project the volume of cellulosic biofuel production for the upcoming year and must base the cellulosic biofuel standard on that projected volume if it is less than the applicable volume set forth in the Act. EPA is today proposing a projected cellulosic biofuel volume for 2013 that is below the applicable volume specified in the Act. EPA is proposing that the applicable volumes of advanced biofuel and total renewable fuel would remain at the statutory levels for 2013. Finally, today's action also proposes annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and renewable fuels that would apply to all gasoline and diesel produced or imported in year

2013. **DATES:** Comments must be received on or before March 25, 2013. For specific instructions on how to submit comments and where to submit them, and how to request a public hearing, please click on the link in the title to this notice. **FOR FURTHER INFORMATION CONTACT:** Julia MacAllister, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; Telephone number: 734-214-4131; Fax number: 734-214-4816; Email address: [macallister.julia@epa.gov](mailto:macallister.julia@epa.gov), or the public information line for the Office of Transportation and Air Quality; telephone number (734) 214-4333; Email address [OTAQ@epa.gov](mailto:OTAQ@epa.gov) (78 F.R. 9282, February 7, 2013).

7. **[National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters](#)**

In this action the U. S. Environmental Protection Agency (EPA) is taking final action on its reconsideration of certain issues in the emission standards for the control of hazardous air pollutants from new and existing industrial, commercial, and institutional boilers and process heaters at major sources of hazardous air pollutants, which were issued under section 112 of the Clean Air Act. As part of this action, the EPA is making technical corrections to the final rule to clarify definitions, references, applicability and compliance issues raised by petitioners and other stakeholders affected by this rule. On March 21, 2011, the EPA promulgated national emission standards for this source category. On that same day, the EPA also published a notice announcing its intent to reconsider certain provisions of the final rule. Following these actions, the Administrator received several petitions for reconsideration. After consideration of the petitions received, on December 23, 2011, the EPA proposed revisions to certain provisions of the March 21, 2011, final rule, and requested public comment on several provisions of the final rule. The EPA is now taking final action on the proposed reconsideration. **DATES:** The May 18, 2011 (76 FR28661), delay of the effective date revising subpart DDDDD at 76 FR 15451 (March 21, 2011) is lifted January 31, 2013. The amendments in this rule to 40 CFR part 63, subpart DDDDD are effective as of April 1, 2013. **ADDRESSES:** The EPA established a single docket under Docket ID No. EPA-HQ-OAR-2002-0058 for this action. All documents in the docket are listed on the <http://www.regulations.gov> Web site. **FOR FURTHER INFORMATION CONTACT:** Mr. Jim Eddinger, Energy Strategies Group, Sector Policies and Programs Division, (D243-01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; Telephone number: (919) 541-5426; Fax number (919) 541-5450; Email address: [edding.jim@epa.gov](mailto:edding.jim@epa.gov) (78 F.R. 7138, January 31, 2013).

8. **[Environmental Impacts Statements; Notice of Availability](#)**

The Office of Federal Activities, U.S. Environmental Protection Agency (EPA), pursuant to Section 309(a) of the Clean Air Act announced its weekly receipt of Environmental Impact Statements filed from January 14, 2013, through January 18, 2013.

*EIS No. 20130009, Final EIS, NPS, HI, Hawai'i Volcanoes National Park Project, Protecting and Restoring Native Ecosystems by Managing Non-Native Ungulates, Hawaii County, HI, Review Period Ends: 02/25/2013, Contact: Rhonda Loh 808-986-6098 (78 F.R. 5439, January 25, 2013).*

9. **[Western Pacific Fisheries; Fishing in the Marianas Trench, Pacific Remote Islands, and Rose Atoll Marine National Monuments](#)**

The National Marine Fisheries Service (NMFS) announces that the Western Pacific Fishery Management Council proposes to amend four fishery ecosystem plans to establish fishing requirements consistent with the Presidential proclamations that created the Marianas Trench, Pacific Remote Islands, and Rose Atoll Marine National Monuments. **DATES:** NMFS must receive comments on the proposed amendments by April 2, 2013. For specific instructions on how to submit comments and where to submit them, please click on the link in the title to this notice. **FOR FURTHER INFORMATION CONTACT:** Bob Harman, NMFS PIR Sustainable Fisheries, telephone 808-944-2200 (78 F.R. 7385, February 1, 2013).

#### 10. Commercial and Industrial Solid Waste Incineration Units: Reconsideration and Final Amendments; Non-Hazardous Secondary Materials That Are Solid Waste

This action sets forth the U. S. Environmental Protection Agency's (EPA) final decision on the issues for which it granted reconsideration in December 2011, which pertain to certain aspects of the March 21, 2011, final rule titled "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units" (CISWI rule). This action also includes EPA's final decision to deny the requests for reconsideration with respect to all issues raised in the petitions for reconsideration of the final commercial and industrial solid waste incineration rule for which we did not grant reconsideration. **DATES:** The May 18, 2011, delay of the effective date amending subparts CCCC and DDDD is lifted February 7, 2013. The amendments in this rule to 40 CFR part 60, subpart DDDD, are effective February 7, 2013, and to 40 CFR part 60, subpart CCCC, are effective August 7, 2013. The amendments in this rule to 40 CFR part 241 are effective April 8, 2013. The incorporation by reference of certain publications listed in that rule is effective February 7, 2013. **ADDRESSES:** The EPA established a single docket under Docket ID Number EPA-HQ-OAR-2003-0119 for this action on the commercial and industrial solid waste incineration rule. The EPA also established a single docket under Docket ID Number EPA-HQ-RCRA-2008-0329 for this action on the nonhazardous secondary materials rule. All documents in the docket are listed in the <http://www.regulations.gov> index. For further information regarding the commercial and industrial solid waste incineration reconsideration and final amendments, contact Ms. Toni Jones, Fuels and Incineration Group, Sector Policies and Programs Division (E143-05), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-0316; fax number: (919) 541-3470; email address: [jones.toni@epa.gov](mailto:jones.toni@epa.gov) (78 F.R. 9112, February 7, 2013).

#### 11. Western Pacific Fishery Management Council; Public Meetings

The Western Pacific Fishery Management Council (Council) will hold the 112th meeting of its Scientific and Statistical Committee (SSC) on February 26-28, 2013, between 8:30 AM and 5 PM at the Council office, 1164 Bishop Street, Honolulu, HI 96813. **FOR FURTHER INFORMATION CONTACT:** Kitty M. Simonds, Executive Director; telephone: (808) 522-8220. Public comment periods will be provided throughout the agenda. The order in which agenda items are addressed may change. The meeting will run as late as necessary to complete scheduled business (see, 78 F.R. 6810, January 31, 2013).

#### 12. Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

The U.S. Fish and Wildlife Service (Service), invites the public to comment on the following application for a permit to conduct activities with the purpose of enhancing the survival of endangered species. The Endangered Species Act of 1973, as amended (Act), prohibits certain activities with respect to endangered species unless a Federal permit allows such activity. The Act also requires that the Service invites public comment before issuing such permits. **DATES:** To ensure consideration, please send your written comments by March 1, 2013, to: Endangered Species Program Manager, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232-4181. Please refer to the permit number for the application when submitting comments. **FOR FURTHER INFORMATION CONTACT:** Grant Canterbury, Fish and Wildlife Biologist, at the above address or by telephone (503-231-6131) or fax (503-231-6243).

*Permit Number: TE-096741*

Applicant: Naval Facilities Engineering Command Pacific, Pearl Harbor, Hawaii

The applicant requests an amendment to an existing recovery permit to take (conduct taped-playback surveys) the Micronesian megapode (*Megapodius laperouse laperouse*), nightingale reedwarbler (*Acrocephalus luscini*), and Mariana common moorhen (*Gallinula chloropus guami*), in conjunction with research in the Commonwealth of the Northern Mariana Islands, for the purpose of enhancing their survival. This permit currently covers take of the Hawaiian picture-wing flies *Drosophila aglaia*, *D. hemipeza*, *D. montgomeryi*, *D. obatai*, *D. substenoptera*, *D. tarphytrichia*, and *D. musaphilia*; and removal and reduction to possession of *Abutilon menziesii* (ko'oloa'ula), *Abutilon sandwicense* (no common name), *Achyranthes splendens* var. *rotundata* (round-leaved chaff flower), *Alectryon*



*macrococcus* var. *micrococcus* (mahoe), *Bonamia menziesii* (no common name), *Chamaesyce kuwaleana* (akoko), *Chamaesyce skottsbergii* var. *kalaeloana* ('Ewa Plains 'akoko), *Cyperus trachysanthos* (puukaa), *Flueggea neowawraea* (mehamehame), *Hedyotis parvula* (no common name), *Lepidium arbuscula* (anaunau), *Lipochaeta lobata* var. *leptophylla* (nehe), *Lipochaeta tenuifolia* (nehe), *Lobelia niihauensis* (no common name), *Marsilea villosa* (ihi'ihii), *Melicope pallida* (alani), *Melicope saint-johnii* (alani), *Neraudia angulata* (no common name), *Nototrichium humile* (kului), *Schiedea hookeri* (no common name), *Tetramolopium filiforme* (no common name), *Tetramolopium lepidotum* ssp. *lepidotum* (no common name), and *Viola chamissoniana* ssp. *chamissoniana* (pamakani), for which notices were originally published in the *Federal Register* on January 7, 2005 (70 FR 1456) and April 22, 2009 (74 FR 18396). All comments and materials we receive in response to this request will be available for public inspection, by appointment, during normal business hours at the address listed below. 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 us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so (78 F.R. 6343, January 30, 2013).

### ENVIRONMENTAL COUNCIL NOTICE

The Environmental Council has a tentative meeting scheduled for Thursday, February 21, 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 [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov) or call 586-4185.

## 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 is

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's 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).