



# The Environmental Notice

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

## **PUBLIC NOTICE FOR THE CLEANUP OF SOIL ARSENIC CONTAMINATION AT THE FORMER HAKALAU/PEPE'EKEO SUGAR PESTICIDE STORAGE/MIXING SITE, HAKALAU, HILO, HAWAII'**

The former Hakalau/Pepe'ekeo Sugar Plantation pesticide storage/mixing and seed dipping site is an approximately 8.7 acre property currently owned by the Shropshire Group, LLC. Site investigations by the Department of Health (DOH) and the owner's environmental consultant have confirmed soil arsenic contamination on parts of the property that will require action to reduce potential exposure hazards. At least four cleanup alternatives were compared and considered, and the response action being proposed is to remove the highly contaminated soils to the West Hawai'i landfill and bury additional soils with moderately elevated arsenic levels in an on-site containment cell, capped with asphalt, to eliminate the potential for soil arsenic exposures.

A **Public Meeting** on the Draft RAR for the Hakalau site will be held on **May 23, 2013** from 6:00 PM to 7:30 PM at Honomu Gym, 28-1641 Government Main Road (in Honomu, just past the turn-off to Akaka Falls, on the right, and across from the Catholic Church).

**Written comments** regarding the proposed arsenic cleanup at the site will be accepted **through June 20, 2013**, and should be mailed to John Peard, Project Manager at Department of Health, HEER Office, 1582 Kamehameha Avenue Hilo, HI 96720-4623, or emailed to [john.peard@doh.hawaii.gov](mailto:john.peard@doh.hawaii.gov).

## **ANAHOLA SOLAR PROJECT DRAFT ENVIRONMENTAL ASSESSMENT ON KAUA'I**

The Kaua'i Island Utility Cooperative (KIUC) plans to construct, operate, maintain, and decommission as appropriate a 12 megawatt (MW) photovoltaic facility, including a dedicated substation with interconnections to the island-wide electrical grid. The proposed project will be located on approximately 60 acres on the *makai* portion of a large, 422-acre parcel which is owned by the Department of Hawaiian Home Lands (DHHL). The parcel was formerly used for sugarcane cultivation but is currently fallow.

DHHL must grant a General Lease for the proposed project; the issuance of the lease constitutes the use of State land, thereby making the proposed project subject to State of Hawaii Administrative Rules, Chapter 343.

KIUC intends to seek financing from the U.S. Department of Agriculture (USDA) Rural Utilities Service (RUS) to construct, maintain, and operate the proposed project, thereby making it a federal action, also subject to review under the National Environmental Policy Act of 1969, the National Historic Preservation Act of 1966 (NHPA), the Endangered Species Act (ESA), and all applicable federal environmental law and regulation.



Neil Abercrombie, Governor · Genevieve Salmonson, Interim Director · Office of Environmental Quality Control · 235 South Beretania Street, Suite 702 · Honolulu, HI 96813  
 Tel: 586-4185 · Fax: 586-4186 · Email: [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@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

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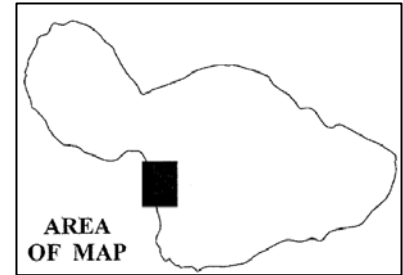
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## MAUI (HRS 343)

### 1. Waiakoa Gulch Culvert Replacement DEA (AFNSI)

**Island:** Maui  
**District:** Wailuku and Makawao  
**Permits:** Department of Army Section 10/404 Permit; National Flood Insurance Program, as applicable; Federal Coastal Zone Management Consistency; National Pollutant Discharge Elimination System Permit, as applicable; Department of Health: Community Noise Permit, as applicable; Section 401 Water Quality Certification; Special Management Area Assessment; Special Flood Hazard Development Permit, as applicable; Work to Perform in County Right-of-Way Permit; and Construction Permits (Building, Grading, Grubbing)



#### Proposing/Determination

**Agency:** County of Maui, Department of Public Works, 200 South High Street, Wailuku, HI 96793  
Contact: John Smith, (808) 270-7745  
**Consultant:** Munekiyo & Hiraga, Inc., 305 South High Street, Suite 104, Wailuku, HI 96793  
Contact: Leilani Pulmano, (808) 244-2015  
**Status:** Statutory 30 day public review and comment period starts, comments are due by June 24, 2013. Please send comments to the proposing/determination agency and consultant.

The Waiakoa Gulch channels stormwater runoff from the slopes of Haleakala to the Pacific Ocean. South Kihei Road crosses Waiakoa Gulch near the shoreline in South Maui. There are two (2) existing concrete drainage culverts, 48-inch and 24-inch diameter, that allow the stormwater runoff in the gulch to flow under South Kihei Road to the ocean. Long-term erosion, flooding, and overtopping of the culverts from rain events has undermined the upslope shoulder of Waiakoa Gulch culverts at South Kihei Road. The purpose of the proposed project is to repair the critical condition of the deteriorating culverts. The proposed project involves replacing the existing culverts with two (2) 3 feet high by 10 feet wide concrete box culverts placed on a concrete slab, new wing walls to maintain the roadway shoulder and resurfacing South Kihei Road over the culverts. One (1) or two (2) utility poles will be relocated. Grading and slope protection may be required outside the existing right-of-way. The proposed improvements will not significantly alter the banks of the existing drainage channel upstream nor downstream of the roadway.

### 2. Kahakapao Recreational Area DEA (AFNSI)

**Island:** Maui  
**District:** Makawao  
**TMK:** (2) 2-4-016:002  
**Permits:** BLNR Approval

#### Proposing/Determination

**Agency:** Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Honolulu, HI 96813. Contact: Torrie Nohara, (808) 873-3508

**Status:** Statutory 30 day public review and comment period starts, comments are due by June 24, 2013. Please send comments to the proposing/determination agency.



Responding to the increased interest and direct inquiries from the public, Na Ala Hele seeks to expand the trail system in the Makawao State Forest Reserve to include the new Kahakapao Recreational Area. The area is intended to provide hiking, equestrian, and bicycling opportunities for the novice to experienced enthusiast, including the very young and old by establishing a gravity/flow trail, a bicycle pump track, two skills practice areas, a youth practice area with track, and extending the multi-use trails. An additional parking area with accessible port-a-pots, kiosks, and picnic tables will be

established near the trail head area. These additions are aimed at providing the public with an additional recreational opportunity. This need is demonstrated by the increased appearance of illegally built trails and tracks.

### O'AHU (HRS 343)

#### 3. Mauna Lahilahi Beach Park Rock Revetment DEA (AFNSI)

**Island:** O'ahu  
**District:** Wai'anae  
**TMK:** 8-5-017:005 (and portions of parcels 4, 6 + 7)  
**Permits:** Department of the Army Section 10/404 Permit; Department of Health, Section 401, Water Quality Certification; Department of Business, Economic Development and Tourism, Office of Planning, Coastal Zone Management (CZM) Federal Consistency; Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands, Conservation District Use Permit; DLNR Chapter 6E-8 Historic Preservation Review



#### Proposing/Determination

**Agency:** City and County of Honolulu, Department of Design and Construction, Facilities Division, 650 South King Street, 11th Floor, Honolulu, HI 96813. Contact: Clifford Lau, (808) 768-8483  
**Consultant:** Oceanit Laboratories, Inc., 828 Fort Street Mall, Suite 600, Honolulu, HI 96816. Contact: Dayananda Vithanage, (808) 531-3017  
**Status:** Statutory 30 day public review and comment period starts, comments are due by June 24, 2013. Please send comments to the proposing/determination agency and consultant.

The City and County of Honolulu, Department of Design and Construction, is planning to construct a coastal rock revetment at the Mauna Lahilahi Beach Park in Wai'anae on the island of O'ahu, Hawai'i. The proposed rock revetment would be built to replace the temporary sandbag revetment along the shoreline to minimize erosion of the beach park's lateral access path and the Mākaha Surfside property. The revetment will extend seaward from the shoreline to slow and drain water from overtopping waves. The revetment will run from the northwest corner of the cove to a point past the southern gate at the Mākaha Surfside. The revetment will be constructed with available armor stone. A filter of smaller stones and geotextile fabric will be placed under the revetment to minimize sand/soil loss from the backshore area.

#### 4. Kahn Shoreline Seawall at Wailupe Circle FEA (FONSI)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 3-6-1: 38  
**Permits:** Shoreline Setback Variance (SSV)  
**Applicant:** Philippe and Sonia Kahn (Property Owner), c/o Analytical Planning Consultants, Inc., 928 Nu'uuanu Avenue, Suite 502, Honolulu, HI 96817. Contact: Laurie Clegg, (808) 536-5695



#### Approving

**Agency:** Department of Planning and Permitting, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, HI 96813. Contact: Jenny Lee, (808) 768-8027  
**Status:** Finding of No Significant Impact Determination

The Applicant is seeking a Shoreline Setback Variance (SSV) for the following work within the shoreline setback area: Repairs and reinforcement of an existing seawall, including an increase in the width of the base of the six-foot high concrete rubble masonry (CRM) seawall and/or retaining wall and

construction of a new, two-foot high terraced CRM retaining wall mauka (landward) of the seawall, with an approximately three-foot wide planting area between the two walls. The proposed work will also include excavation and backfilling to the top of the existing seawall as well as excavation for construction of the two-foot high terraced retaining wall.

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

#### 5. Hale Uhiwai Nalu Addition DEA (AFNSI)

**Island:** O'ahu  
**District:** Kalaeloa  
**TMK:** (1) 9-1-013-054:0000  
**Permits:** HCDA Development Permit  
**Applicant:** Cloudbreak Hawai'i, LLC, P.O. Box 75329, Kapolei, HI 96707. Contact: Scott Fichter, (808) 330-6615

**Approving Agency:** HHFDC, 677 Queen Street, Suite 300, Honolulu, HI 96813  
Contact: Janice Takahashi (808) 587-0639

**Consultant:** Environmental Risk Analysis, LLC, 820 West Hind Drive #240606, Honolulu, HI 96824  
Contact: Russell Okoji, (808) 391-9906

**Status:** Statutory 30 day comment period starts, comments are due by June 24, 2013. Please send comments to the applicant, approving agency and consultant.



The Proposed Action (i.e., the addition of affordable housing units to Hale Uhiwai Nalu) will assist the State of Hawai'i in addressing housing needs and provide support services for U.S. veterans. The Site is located in Barbers Point near Kalaeloa Airport. The project consists of constructing one or two new 4-story structures on approximately 6,000 square feet of land adjacent to the existing 80-unit Hale Uhiwai Nalu residential and services building.

The Proposed Action is consistent with the State's objective to create additional affordable housing. The Proposed Action would add up to 72 affordable housing units for very low to moderate income households and make support services such as outreach, substance abuse treatment, employment training and placement, and housing transition easily accessible. The first proposed building, comprised of approximately 2,400 square feet, would include 50 furnished studio apartments, a first floor community room and lobby, a roof top garden area, and an elevator to provide access to all floors. The parking lot would be restriped to provide 62 parking stalls. A second proposed building would add 22 additional residential units. The project is partially funded through the State Rental Housing Trust Fund (RHTF).

No significant impacts are anticipated from the proposed project. During construction, implementation of Best Management Practices would ensure no significant impacts to the environment. Beneficial impacts to Land Use Considerations and Zoning are anticipated assuming implementation of the Proposed Action.

#### KAUA'I (HRS 343)

#### 6. Anahola Solar Project DEA (AFNSI)

**Island:** Kaua'i  
**District:** Kawaihau  
**TMK:** (4)4-7-004:002  
**Permits:** National Pollutant Discharge Elimination System – Notice of Intent [Construction] (NPDES-NOI[C]); Noise permit; Construction on a State Highway Permit; Certificate of

**Applicant:** Public Convenience and Necessity; Grading Permit; Building Permit (Service Center only); Well Construction and Pump Installation Permit  
Kaua'i Island Utility Cooperative, 4463 Pāhe'e Street,  
Līhu'e, HI 96766-2000. Contact: Brad Rockwell, (808)  
246-8289

**Approving Agency:** Department of Hawaiian Home Lands, 91-5420 Kapolei Parkway, Kapolei, HI 96707  
Contact: Linda Chinn (808) 620-9451

**Consultant:** Planning Solutions, Inc., 210 Ward Avenue, Suite 330,  
Honolulu, HI 96814  
Contact: Perry White, (808) 550-4483

**Status:** Statutory 30 day public review and comment period starts, comments are due by June 24, 2013. Please send comments to the applicant, approving agency and consultant.



KIUC is planning to construct, operate, and maintain a 12 megawatt photovoltaic facility, a substation, and a baseyard/customer service center. The project facilities would occupy 60 acres on a portion of a 422-acre parcel (TMK (4) 4-7-004:002) owned by the Department of Hawaiian Home Lands (DHHL), in Anahola, Kaua'i. The proposed facilities include:

1. A 53-acre photovoltaic facility, including panels, inverters, and transformers.
2. An adjacent 2-acre substation used for control equipment and to boost the power from the 12 kilovolts (kV) delivered by the PV system to the 57/69 kV voltage of KIUC's electrical transmission system. An integral Battery Energy Storage System (BESS) will be constructed within the proposed substation.
3. A 5-acre service center with an access drive, parking, 5 truck bays, and storage yard.

The parcel was formerly used for sugarcane cultivation but is currently fallow. DHHL must grant a General Lease for the proposed project; this constitutes an applicant action, subject to Hawai'i Revised Statutes, Chapter 343. KIUC intends to seek financing from the U.S. Department of Agriculture (USDA) Rural Utilities Service (RUS) for the proposed project, making it a federal action subject to NEPA compliance.

## DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR) NOTICES

### Small Scale Beach Nourishment Application

#### Waikoloa Beach Tsunami Restoration Project

**Island:** Hawai'i

**District:** South Kohala

**TMK:** (3) 6-9-007:011

**Permits:** Conservation District Use Application – Small Scale Beach Nourishment (Beach Restoration)

**Applicant:** Waikoloa Development Company, 69-152 Waikoloa Beach Drive, Waikoloa, HI 96738  
Contact: Scott Head, (808) 886-1000

**Approving Agency:** State Department of Land and Natural Resources – Office of Conservation and Coastal Lands (OCCL), 1151 Punchbowl Street, Room 131 Honolulu, HI 96813  
Contact: Samuel J. Lemmo, (808) 587-0377

**Consultant:** Sea Engineering, Inc., Makai Research Pier, 41-305 Kalaniana'ole Highway,  
Waimanalo, HI 96795. Contact: Scott Sullivan, 259-7966 ext. 22

**Status:** Statutory 30 day comment period starts, comments are due by June 24, 2013. Please send comments to the applicant, approving agency and consultant.

Waikoloa Beach is located within Anaeho'omalu Bay on the Kohala Coast of the Island of Hawai'i. Waikoloa is a barrier beach, which also creates the makai boundary for both Kahapapa and Ku'uali'i fishponds.

The March 11, 2011 Japan tsunami impacted much of the western coastline on the Island of Hawai'i. Waikoloa beach was heavily washed by the tsunami, deflating the entire beach system and breaching the beach at Ku'uali'i Fishpond, which resulted in nearly 9,000 cubic yards of beach sand being removed from the active beach. Since the event and consequent emergency repairs, nearly 3,400 cubic yards of sand has returned to the active beach system.

This small scale beach nourishment project is intended to restore the native beach system by adding up to 5,600 cubic yards of beach quality sand to the dry beach berm and dune fronting Ku'uali'i Fishpond. The entire project is designed to be above mhhw (+2.15 feet mllw). No work will be conducted, nor fill placed, within the nearshore or fishpond waters. As such, impacts are expected to be limited to the construction activities associated with trucking in, placing, and grading 5,600 cubic yards of sand during a two week period, which will restore the native beach to its pre-existing volume.

### Conservation District Use Applications

Persons interested in commenting on the following Conservation District Use Application or interested in receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in the Environmental Notice. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed.

**PROJECT:** Tohoku University Telescope  
**File No.:** CDUA MA-3659  
**Name of Applicant:** University of Hawai'i, Institute for Astronomy  
**Location:** Haleakala High Altitude Observatories Site (HO) at Pu'u Kolekole, Makawao District, Maui  
**TMK:** (2) 2-2-007:008  
**Proposed Action:** Convert Existing Building to House Tohoku University Telescope  
**343, HRS determination:** Exempt  
**Applicant's Contact:** Charlie Fein, KC Environmental, PO Box 1208, Makawao, HI 96788 (808) 573-1903  
**OCCL Staff Contact:** Michael Cain, (808) 587-0048

**PROJECT:** Las Cumbres Observatory Improvements  
**File No.:** CDUA MA-3662  
**Name of Applicant:** University of Hawai'i, Institute for Astronomy  
**Location:** Haleakala High Altitude Observatories Site (HO) at Pu'u Kolekole, Makawao District, Maui  
**TMKs:** (2) 2-2-007:008  
**Proposed Action:** Addition to Las Cumbres Observatory Global Telescope  
**343, HRS determination:** Exempt  
**Applicant's Contact:** Charlie Fein, KC Environmental, PO Box 1208, Makawao, HI 96788 (808) 573-1903  
**OCCL Staff Contact:** Michael Cain, (808) 587-0048

**PROJECT:**

**File No.:** CDUA OA-3666  
**Name of Applicant:** Albert J. Mariani  
**Location:** City and County of Honolulu, Island of O'ahu  
**TMK:** (1) 3-3-029:036  
**Proposed Action:** Construct new garage and accessory structures  
**343, HRS Determination:** Exempt  
**Applicant's Contact:** Albert J. Mariani, (808) 732-8737  
**OCCL Staff Contact:** Alex J. Roy, (808) 587-0316

**PROJECT:**

**File No.:** CDUA KA-3667  
**Name of Applicant:** Ohana Hanalei, LLC  
**Location:** Hanalei District, Island of Kaua'i  
**TMKs:** (4) 5-4-004:013 & (4) 5-4-004:001  
**Proposed Action:** Consolidation of Parcels  
**343, HRS determination:** Exempt  
**Applicant's Contact:** Earl Matsukawa, (808) 946-2277  
**OCCL Staff Contact:** Alex J. Roy, (808) 587-0316

**PROJECT:**

**File No.:** CDUA OA-3672  
**Name of Applicant:** City and County of Honolulu, Department of Information Technology  
**Location:** Waimanalo District, Island of O'ahu  
**TMK:** (1) 3-9-009:001  
**Proposed Action:** Reconstruction Existing Telecom Facility  
**343, HRS Determination:** Exempt  
**Applicant's Contact:** Milton Arakawa, (808) 946-2277  
**OCCL Staff Contact:** Alex J. Roy, (808) 587-0316

**Shoreline Certification Applications**

The shoreline certification applications above are available for review at the DLNR Offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS 205A-42 and HAR 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1532	5/3/13	Parcel 20 situate at Mokuleia, Waialua, O'ahu Address: 68-645 Farrington Highway Purpose: Calculate building potential and obtain building permit	Wesley T. Tengan/ Garrett McNamara	6-8-009:020
OA-1533	5/8/13	Lot 126 of Map 46 Land Court Application 772 situate at Lā'ie, Ko'olauloa, O'ahu Address: 55-273 Kamehameha Highway Purpose: Slope stabilization and building setback line	Gil P. Bumanglag/ Richard James & Susan Walker Kowen	5-5-002:019



MA-547	4/24/13	A portion of Royal Patent 8140, Land Commission Award 5230 to Keaweamahi situate at Pulehunui, Kula, Maui Address: 12 South Kihei Road Purpose: SMA Minor application for site drainage improvements	Marie Kimmey/ Ma'alaea Surf AOA	3-8-013:006
HA-466	5/3/13	Keauhou Beach Resort being Area 13-A and Area 13-B as shown on B.P. Bishop Estate Map No. 7585A situate at Kahalu'u, North Kona, Island of Hawai'i Address: 78-6740 Ali'i Drive Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ Kamehameha Schools	7-8-013:002, 013 & 043
KA-375	5/7/13	Lot 3 "Princeville at Hanalei" being a portion of Parcel 1-B, Unit XI, being also a portion of Grant 4845 to Albert S. Wilcox situate at Hanalei, Halelea, Kaua'i Address: Kauai Road Purpose: Delineate shoreline	Steve Garner/ Bali Hai Villas Ltd. Partnership	5-4-005:037

### Shoreline Certifications and Rejections

The shoreline notices below have been proposed for certification or rejection by DLNR (HRS 205A-42 and HAR 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resource, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1517	Proposed Shoreline Certification	Lots 158 to 162 inclusive of Land Court Application 1069 (Map 26) situate at Honouliuli, 'Ewa, O'ahu Address: 91-333, 91-329, 91-317, 91-309 and 91-303 Papipi Road Purpose: Shoreline determination	Park Engineering/ Haseko (Ewa), Inc.	9-1-011:001-005
OA-1518	Proposed Shoreline Certification	Lot 157 as shown on Map 26 and Lot 297 as shown on Map 45 of Land Court Application 1069 situate at Honouliuli, 'Ewa, O'ahu Address: 91-295 Papipi Road Purpose: Shoreline determination	Park Engineering/ Haseko ('Ewa), Inc.	9-1-011:006 & 007
OA-1519	Proposed Shoreline Certification	Lot 2697 as shown on Map 274 of Land Court Application 1069 situate at Honouliuli, 'Ewa, O'ahu Address: One'ula Beach Park Purpose: Shoreline determination	Park Engineering/ City and County of Honolulu	9-1-134:006
OA-1520	Proposed Shoreline Certification	Lot 11729 as shown on Land Court Application 1069 (Map 846) and Lot 5 Document Number A-46370706 being a portion of Royal Patent 6971, Land Commission Award 11216 Apana 8 to M. Kekauonohi and all of Grant 30 Apana 8 to the Board of Education situate at Honouliuli, 'Ewa, O'ahu Address: 91-101 Papipi Road Purpose: Shoreline determination	Park Engineering/ Haseko (Ewa), Inc.	9-1-134:007 & 029
OA-1524	Proposed Shoreline Certification	Lot 12, Land Court Application 609 situate at Mokuleia, Waialua, O'ahu Address: 68-549 Crozier Drive Purpose: Request for easement	Walter P. Thompson, Inc./ Christine Fuss, Trustee	6-8-004:014
OA-1527	Proposed Shoreline Certification	Lot 34-D Kahala Cliffs Subdivision situate at Kahala, Honolulu, O'ahu Address: 4162 Black Point Road Purpose: Preparation for sale of property	Walter P. Thompson, Inc./ Kevin Fialko	3-5-001:004

OA-1528	Proposed Shoreline Certification	U.S. Naval Reservation portion of Parcel 1 of Civil No. 464 situate at Wai'awa, 'Ewa, O'ahu Address: Pearl Harbor Purpose: Designation of drainage easement	ControlPoint Surveying, Inc./ Department of the Navy, Naval Facilities Engineering Command Hawai'i	9-6-001:001
MA-536	Proposed Shoreline Certification	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 Wa'a Place Purpose: N/A	Akamai Land Surveying, Inc./ Bruce & Pamela Miller	2-6-011:024

## COASTAL ZONE MANAGEMENT NOTICES

### Federal Consistency Reviews

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies 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: Lana'i & Moloka'i: 468-4644 x72878, Kaua'i: 274-3141 x72878, Maui: 984-2400 x72878 or Hawaii: 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, Hawaii 96804

**Email:** [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)

**Fax:** (808) 587-2899

### National Marine Fisheries Service Proposed Rule to Implement the Shark Conservation Act of 2010

Federal Action: Federal Agency Activity  
Federal Agency: National Marine Fisheries Service (NMFS)  
Contact: Kim Marshall, (301) 427-8556  
Proposed Action: NMFS is proposing a rule to implement the Shark Conservation Act of 2010 (SCA). The SCA prohibits any person subject to the jurisdiction of the United States from removing any of the fins of a shark at sea, possessing shark fins on aboard a fishing vessel unless naturally attached to the corresponding shark carcass, transferring or receiving fins from one vessel to another at sea unless such fins are naturally attached to a corresponding shark carcass, or landing shark carcasses without such fins naturally attached. The proposed rule is required to amend existing federal regulations (50 CFR 600, Subpart N) and make them consistent with the law. The proposed rule and draft environmental assessment are posted at the federal web site: <http://www.regulations.gov> (docket number RIN 0648-BB54).

CZM Contact: John Nakagawa, (808) 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)  
Comments Due: June 6, 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 (768-8014); Hawai'i (East Hi, 961-8288; West Hi, 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: Keaukaha (2-1-014: 005)	Conversion of Single Family Dwelling into a Bed and Breakfast Establishment (SMM 13-263)	Michael B. Russo
Hawai'i: Puna (1-5-088: 023)	Grubbing and Grading of Lot (SMM 13-265)	Carol Adams and Richard Adams
Maui: Kihei (3-8-013: 018)	Maintenance & Spall Repair (SM2 20130048)	Marie Kimmey
Maui: Lahaina (4-6-001: 009)	2013 Banyan Tree Birthday Festival (SM2 20130049)	Lahaina Town Action Committee
Maui: Lahaina (4-6-001: 009)	2014 Banyan Tree Birthday Festival (SM2 2010050)	Lahaina Town Action Committee
Maui: Lahaina (4-6-001: 009)	2015 Banyan Tree Birthday Festival (SM2 20130051)	Lahaina Town Action Committee
Maui: Maken (2-1-005: 108)	Golf Course & Facilities Renovations (SM2 20130052)	ATC Makena Holdings, LLC
Maui: Lahaina (4-6-011: 015)	Repair & Repaint Family Home (SM2 20130053)	Theo Morrison
Maui: (4-3-002: 028)	ADA Swimming Pool Alteration (SM2 20130054)	Martin Vance Cooper
Maui: Lahaina (4-5-005: 011)	Ellman's Restaurant (SM2 20130055)	Mark Ellman
O'ahu: Kaka'ako (2-1-060: portion 001)	Off-site Parking Lot (SMA/13-2)	Hawai'i Community Development Authority

### FEDERAL NOTICES

1. [Proposed Rule Amendment to Establish A New Danger Zone in Waters of the Pacific Ocean off the Kekaha Range Facility at Barking Sands, Kaua'i, HI;](#)

The Department of Defense, Department of Army Corps of Engineers is proposing to amend its regulations to establish a new danger zone in waters of the Pacific Ocean off the Kekaha Range Facility, Barking Sands, Island of Kaua'i, Hawai'i. The proposed amendment is necessary for the Hawai'i Army National Guard to continue small arms training operations at the Kekaha Range Facility and to protect the public from potentially hazardous conditions which may exist as a result of that use. The proposed amendment would prohibit, on an intermittent basis, vessels from entering a six mile wide section of the Pacific Ocean that narrows to a 0.7 mile wide section along the shoreline fronting the Kekaha Range Facility without first obtaining permission from the Commanding Officer of Kekaha Range Facility.

Written comments must be submitted on or before **June 10, 2013**. You may submit comments, identified by docket number COE-2013-0004, by any of the following methods: Federal eRulemaking Portal: <http://www.regulations.gov>. Email: [david.b.olson@usace.army.mil](mailto:david.b.olson@usace.army.mil). Include the docket number COE-2013-0004, in the subject line of the message. Mail: U.S. Army Corps of Engineers, Attn: CECW-CO-R (David B. Olson), 441 G Street NW., Washington, DC 20314-1000. For further information contact: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202-761-4922, or Mr. Farley Watanabe, Corps of Engineers, Honolulu District, Regulatory Branch, at 808-835-4305 or by email at [farley.k.watanabe@usace.army.mil](mailto:farley.k.watanabe@usace.army.mil).

2. [Notice of Approval for Hawai'i Volcanoes National Park Plan To Protect and Restore Native Ecosystems by Managing Non-native Ungulates](#)

Pursuant to Sec. 102(2)(C) of the National Environmental Policy Act of 1969 and the regulations promulgated by the Council on Environmental Quality (40 CFR Part 1505), the Department of the Interior, National Park Service, has prepared the Record of Decision (ROD) for the Final Environmental Impact Statement (Final EIS) for the subject non-native ungulates management plan. The ROD includes a statement of the decision made, a summary of other alternatives considered, discussion of the environmental consequences and measures to minimize harm, the basis for the decision, and a summary of public and agency involvement in the environmental decision-making process. The requisite no-action "wait period" was initiated on January 25, 2013, with the Environmental Protection Agency's Federal Register notification of the filing and public release of the Final EIS.

**Decision:** Hawai'i Volcanoes National Park has selected and will implement Alternative D (identified as the agency preferred alternative in the Final EIS). Alternative D provides for a comprehensive, park-wide management plan that will ensure maximum flexibility to manage non-native ungulates. The selected actions include a systematic progression of management phases, monitoring, and the considered use of management tools, with a defined population objective of zero non-native ungulates. In addition to fencing, management tools will rely primarily on lethal methods, but non-lethal methods such as relocation may be considered. Qualified volunteers may be used to assist with certain non-native ungulate management activities. In addition to Alternative D, a no-action alternative and three other alternatives were identified and analyzed in the Final EIS (available on-line at <http://parkplanning.nps.gov/havo>). The full range of foreseeable environmental consequences was assessed, and appropriate mitigation measures identified. Interested parties desiring to review the Record of Decision may obtain a copy by contacting the Superintendent, Hawaii Volcanoes National Park, P.O. Box 52, Hawai'i National Park, HI 96718-0052 or via telephone request at (808) 985-6303

3. [Notice of Public Meeting held by the Western Pacific Fishery Management Council](#)

The Western Pacific Regional Fishery Management Council's under the agencies the National Marine Fisheries Service (NMFS) and National Oceanic and Atmospheric Administration (NOAA) will convene meetings of its Hawai'i, American Samoa, Guam and Commonwealth of the Mariana Islands (CNMI) Archipelagic Advisory Panels (APs) and the Hawai'i Regional Ecosystem Advisory Committee (REAC)

The Hawai'i AP will be held on **June 13, 2013** from 9 a.m.-2 p.m. The Hawai'i REAC will be held on **June 12, 2013**, from 9 a.m. to 4 p.m. The Hawai'i AP and the Hawai'i REAC meetings will be held at the Western Pacific Regional Fishery Management Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI, phone (808) 522-8220.

4. [Proposed Rulemaking to Establish Safety Zones in Hawai'i's Nine Commercial Harbors](#)

The Coast Guard, Department of Homeland Security proposes to establish permanent safety zones in Hawai'i's nine commercial harbors (Nawiliwili and Port Allen, Kauai; Barber's Point and Honolulu Harbor, O'ahu; Kaunakakai, Moloka'i; Kaunakakai, Lanai; Kahului, Maui and Kawaihae and Hilo on the Island of Hawai'i). The purpose of these safety zones is to expedite the evacuation of the harbors in the event a tsunami warning is issued for the main Hawaiian Islands.

Written comments must be received by the Coast Guard on or before **June 17, 2013**. You may submit comments, identified by docket number USCG-2013-0021 by any of the following methods: Federal eRulemaking Portal: <http://www.regulations.gov>. Fax: 202-493-2251. Mail or Delivery: Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202-366-9329.

If you have questions on this rule, call or email Lieutenant Commander Scott O. Whaley, Waterways Management Division, U.S. Coast Guard Sector Honolulu; telephone (808) 522-8264 (ext. 352), email [Scott.O.Whaley@uscg.mil](mailto:Scott.O.Whaley@uscg.mil). If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366-9826.

5. [Proposed Regulated Navigation Area for Vessel Evacuation Tsunami Warnings in Honolulu, HI](#)

The Coast Guard proposes a permanent regulated navigation area (RNA), enforcement of which would take place only during times when a tsunami warning is issued for the Hawaiian Islands by the Pacific Tsunami Warning Center. Tsunami warnings require the evacuation of a large number of vessels from their respective harbors. Following the evacuation, these vessels must remain offshore until the emergency situation has passed and the harbors have been deemed safe for re-entry. Past tsunami warnings have created potentially dangerous offshore traffic congestion between commercial and recreational vessel traffic. Because of this, designated vessel traffic staging areas are necessary for a safe and orderly evacuation of Southern Oahu ports.

Comments and related material must be received by the Coast Guard on or before June 13, 2013. You may submit comments identified by docket number USCG-2012-0080 using any one of the following methods: Federal eRulemaking Portal: <http://www.regulations.gov>. Fax: 202-493-2251. Mail or Delivery: Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202-366-9329.

If you have questions on this notice, call or email Lieutenant Commander Scott Whaley of the United States Coast Guard Sector Honolulu at 808-522-8264 ext.352 or [Scott.O.Whaley@uscg.mil](mailto:Scott.O.Whaley@uscg.mil), respectively. If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366-9826.

## 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'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).