



# The Environmental Notice

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

## SOME PROJECTS IN THIS NOTICE...

### WITHDRAWAL OF PU'UNANI SUBDIVISION DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Pacific Rim Land, Inc., on behalf of Towne Development of Hawai'i, Inc., Association II Wai Hui, LP, and Endurance Investors, LLC, has requested to withdraw the Pu'unani Subdivision Draft EIS from further review. Accordingly, a new Environmental Impact Statement will be prepared to address new information and plans that occurred after publication of the withdrawn DEIS in the January 23, 2009 issue of The Environmental Notice. The resubmittal of the Pu'unani Subdivision EIS will meet all requirements for filing, distribution, publication, review, acceptance, and notification as a new EIS, starting with the publication of an EISPN in The Environmental Notice for a 30-day consultation period, followed by the publication of a Draft EIS in the OEQC bulletin for a 45-day comment period, and ending with the acceptance of the Final EIS by the LUC and submittal of the Final EIS to OEQC for publication. Stay tuned...

### KALOKO MAKAI 2<sup>ND</sup> DRAFT ENVIRONMENTAL IMPACT STATEMENT

SCD-TSA Kaloko Makai, LLC has submitted a 2<sup>nd</sup> draft EIS to develop land in Kaloko and Kohanaiki in North Kona, Hawai'i. A Draft EIS for this project was published for public review and comment in the August 8, 2011 issue of this notice. Subsequent to the public comment for the 2011 Draft EIS, certain aspects of the project description changed and additional studies were undertaken. Therefore, the Applicant has prepared this Second Draft EIS to address the changes and provide an additional opportunity for agency and public review and comment. Open the document for more information.

### ENVIRONMENTAL IMPACT STATEMENT PREPARATON NOTICE FOR KALAELOA BARBERS POINT HARBOR FUEL PIER

The Hawai'i State Department of Transportation, Harbors Division, has issued a determination to prepare an environmental impact statement for the proposed fuel pier at Kalaeloa Barbers Point Harbor. The dedicated fuel pier has been identified in previous master plans and will accommodate and facilitate operations at the second busiest harbor in Hawai'i. Open the document for more information.



Neil Abercrombie, Governor · Genevieve Salmonson, Interim Director · Office of Environmental Quality Control · 235 South Beretania Street, Suite 702 · Honolulu, HI 96813  
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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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## HAWAI'I (HRS 343)

### 1. B.T. Kuwahara Private Development FEA (FONSI)

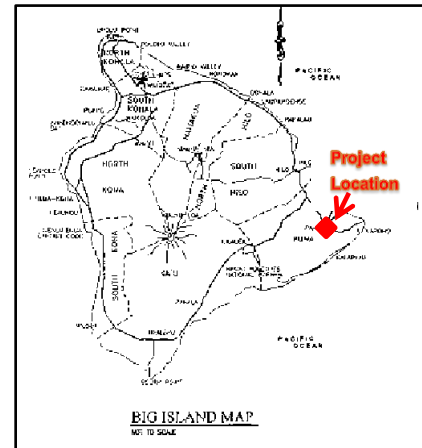
**Island:** Hawai'i  
**District:** Puna  
**TMK:** (3rd) 1-5-007:006, 055, 069 & 070  
**Permits:** State of Historic Preservation Division: Chapter 6e Concurrence; State Department of Health: NPDES, UIC, Approval of Wastewater Treatment Systems; County of Hawai'i, Department of Public Works: Grubbing, Grading and Driveway Permits; County of Hawai'i, Planning Department Plan Approval, State Land Use Boundary Amendment Application, Change of Zone Application, State of Hawaii Department of Transportation, Highways Division, Permit to Work Upon State Highways

**Applicant:** B.T. Kuwahara LLC, P.O. Box 421, Pāhoa, Hawai'i 96778  
Contact: Jon E. McElvaney, 938-2033

**Approving Agency:** County of Hawai'i Planning Department, 101 Pau'ahi Street, Hilo Hawai'i 96720.  
Contact: Duane Kanuha, Director, 961-8288

**Consultant:** GK Environmental LLC, P.O. Box 1310, Honoka'a, Hawai'i 96727  
Contact: Graham Paul Knopp, Ph.D., 938-8583

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



B.T. Kuwahara proposes to construct a commercial center along Pāhoa Village Road and adjacent to the Kahakai Boulevard-Pāhoa Village Road intersection. The commercial center would consist of 104,326 square feet of leasable space, and would most likely include a super market, garden center, family medical clinic, a quality restaurant, a high-turnover restaurant, a medical/dental clinic, a specialty retail store, a paint/hardware store, a second specialty retail store, and a full service restaurant. The project would utilize three privately-owned parcels totaling 9.93-acres and a 50-foot-wide by 829.60-foot-long State of Hawai'i property, the Kahakai Boulevard extension, which would be improved to provide access to the project site. Additional roadway improvements include widening of the portion of Pāhoa Village Road fronting the project site to allow for turning lanes and sidewalks, construction a bus stop, construction of sidewalks, curb and gutter along the south side of the Kahakai Boulevard extension, and construction of a traffic light with four pedestrian crosswalks at the Kahakai Boulevard-Pāhoa Village Road intersection.

No public funds would be used for the proposed project. Total project construction costs are roughly estimated at \$20 million. Construction would commence upon completion of permitting and design.

The proposed project would have significant positive economic and social impacts by providing both short-term and long-term employment and by providing access to services including health care, in an area with a distinct lack of such services. Traffic impacts would occur, and would be mitigated by signalization of the Kahakai Boulevard- Pāhoa Village Road intersection, and by the addition of turning lanes. Other minor, short-term construction-phase impacts including noise, air, and water quality are mitigable. No other significant impacts are expected to occur to cultural and historic sites, archaeological resources, and flora and fauna, or they are negligible.

## 2. [Kaloko Makai 2<sup>nd</sup> DEIS Volume 1](#) and [Volume 2](#)

- Island:** Hawai'i
- District:** North Kona
- TMK:** (3) 7-3-09: 017, 025, 026, 028, and 63
- Permits:** State Land Use District Boundary Amendment, Approval of Wastewater Treatment Facility, NPDES General Permit for Storm Water Associated with Construction Activity, NPDES Individual Permit for Storm Water Associated with Construction Activity, NPDES for Hydrotesting, NPDES for Dewatering, Noise Permits, Air Quality Permits, Underground Injection Control Permits, Certificate of Need (for medical facilities), Well Construction and Pump Installation Permits, Chapter 6E, HRS Historic Preservation, Incidental Take License, Habitat Conservation Plan, Permits to Perform Work Within State Right-of-Way, Project District Rezoning, Subdivision, Plan Approval, Grading, Grubbing and Stockpiling Permits, Building Permits, Permit to Perform Work within County Right-of-Way, Utility Companies, Utility Service Requirements, and Permits Regarding Work on Utility Lines
- Applicant:** SCD-TSA Kaloko Makai, LLC, 1100 Alakea Street, 27<sup>th</sup> Floor, Honolulu, Hawai'i 96813  
Contact: Jay Nakamura, 808-547-2226
- Accepting Authority:** State Land Use Commission, P.O. Box 2359, Honolulu, Hawai'i 96804.  
Contact: Daniel Orodener, 808-587-3822
- Consultant:** Wilson Okamoto Corporation, 1907 S. Beretania Street, Suite 400, Honolulu, Hawai'i 96826. Contact: Earl Matsukawa, 808-946-2277
- Status:** Statutory 45-day public review and comment period starts; comments are due by September 23, 2013. Please send comments to the applicant, accepting authority and consultant.



A previous Draft EIS for this project was prepared and its notice of availability for public review and comment was published in the August 8, 2011 issue of the Office of Environmental Quality Control's (OEQC) *The Environmental Notice*. The public comment period for that Draft EIS ended on September 21, 2011.

Subsequent to the public comment period for the 2011 Draft EIS, certain aspects of the project description changed and additional studies were undertaken. Therefore, the Applicant prepared this Second Draft EIS to address those changes and to provide an additional opportunity for agency and public review and comment.

SCD - TSA Kaloko Makai, LLC proposes to develop Kaloko Makai on approximately 1,139 acres of undeveloped land in Kaloko and Kohanaiki, North Kona, Hawai'i. Kaloko Makai is identified as a Neighborhood Transit Oriented Development (TOD) in the Kona Community Development Plan and will include up to 5,000 new single- and multi-family residential lots varying in densities, up to 600,000 square feet of gross leasable area for commercial (office and retail) uses, light industrial uses, recreational facilities (e.g. parks, trails, open spaces), urgent care medical facility, hospital, business center with lodging, three school sites, a Dryland Forest Preserve, and associated infrastructure (e.g., new roadways, utilities, drainage, wastewater and potable water distribution systems). Affordable housing will be provided in accordance with County of Hawai'i requirements.

The proposed project is situated on lands within the State Land Use Conservation, Agricultural, and Urban Districts, necessitating a petition for State Land Use District Boundary Amendment to Urban for approximately 798 acres of land that is not currently within the State Land Use Urban District. The preparation of this EIS is being undertaken to address the proposed reclassification of the Conservation District lands, possible use of State lands or funds, anticipated use of County lands and/or funds in

connection with development of project elements, including, but not limited to, roadway, traffic, water, sewer, utility and drainage facilities affecting State and/or County roadways or other lands, and anticipated trail crossings, and the construction of a wastewater treatment plant.

### 3. Magsalin Single-Family Residence DEA (AFNSI)

**Island:** Hawai'i  
**District:** Puna  
**TMK:** (3) 1-4-028:007  
**Permits:** Conservation District Use Permit (CDUP)  
**Applicant:** Shon Magsalin, P.O. Box 172, Ninole, Hawai'i 96773  
**Approving Agency:** Office of Conservation and Coastal Lands, 1151 Punchbowl Room 131, Honolulu, HI 96816.  
 Contact: Michael Cain, 808-587-0048  
**Consultant:** Ron Terry, Geometrician Associates, PO Box 396, Hilo, HI 96721; 808-969-7090  
**Status:** Statutory 30-day public review and comment period starts; comments are due by September 9, 2013. Please send comments to the applicant, approving agency and consultant.



The applicant proposes to build a one-story two-bedroom single family residence on post-and-pier with a developed area of 1365 square feet. This total includes a master bedroom, covered lanai, and an at-grade carport. Energy will be provided by a rooftop solar-voltaic system with a generator back-up. Access will be via an existing driveway off of Old Government Road.

The residence will be set back 58 feet from the shoreline, at an elevation of 30 to 35 feet above sea level. It is not in a tsunami or large-wave inundation zone. A parcel owned communally by the Wa'awa'a subdivision owners separates the subject parcel from the pāhoehoe shelf along the coast. Public access to the shoreline is via a State-owned parcel in the Nānāwale Forest Reserve, 500 feet from the subject lot.

The applicant proposes to limit clearing to 5000 square feet. Approximately 80% of the hala trees will remain, and the applicant will clear out the weedy vegetation and plant additional hala fronting the Old Government Road.

An archaeological survey identified a retaining wall of indeterminate age, remnants of a hippy camp, and the base of a memorial erected to Dana Ireland. The monument itself no longer exists.

## **LĀNA'I (HRS 343)**

### 4. Lāna'i Airport Runway Safety Area Improvement Project FEA (FONSI)

**Island:** Lāna'i  
**District:** Maui  
**TMK:** 2-4-9-002: Parcel 041  
**Permits:** NHPA-Section 106 Consultation; ESA-Section 7 Consultation; Coastal Zone Management Federal Consistency Review; National Pollutant Discharge Elimination System, Notice of Intent (NOI) Form C – Construction Storm Water Permit  
**Proposing/Determination Agency:** State of Hawai'i, Department of Transportation - Airports Division, 400 Rodgers Boulevard, 7th



**Consultant:** Floor, Honolulu, HI 96819-1880. Contact: Evan Kimoto, (808) 838-8803  
R.M. Towill Corporation, 2024 N. King Street, Suite 200, Honolulu, HI 96819  
Contact: Brian Takeda, (808) 842-1133

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

The State Department of Transportation, Airports Division (HDOT), proposes to construct runway improvements at the Lānaʻi Airport. The purpose of the proposed project is to place fill material in the runway safety area (RSA) at the south end of the existing runway to comply with Federal Aviation Administration (FAA) airport safety design requirements.

The proposed action will involve grading activities and the placement of fill material at the south end of the Lānaʻi Airport runway to correct non-compliant grades in the runway safety area. The fill material will be acquired through grading and excavation of the approximately 250 acres of airport property surrounding the airfield. Approximately 1 million cubic yards of soil will be needed to fill a roughly 31-acre area that includes the runway safety area and adjacent areas to the acceptable slope.

Related improvements will include the installation of a new aircraft blast pad at the south end of Runway 3-21, the installation of perimeter fencing to encompass the improved RSA, the relocation of existing navigational aids (NAVAIDS), and the removal of fencing and relocation of an irrigation water line out of the existing RSA area to accommodate the planned improved area.

### MOLOKAʻI (HRS 343)

#### 5. Kiowea Park Phase II Improvements, Kalamaʻula FEA (FONSI)

**Island:** Molokaʻi  
**District:** Kalamaʻula  
**TMK:** (2) 5-2-009:018 (portion)  
**Permits:** Building, Electrical and Plumbing Permits  
**Applicant:** Kalamaʻula Homesteaders Association, P.O. Box 1025, Kaunakakai, HI 96748  
Contact: Gayla Haliniak-Lloyd, (808) 553-5393



**Approving Agency:** Department of Hawaiian Home Lands, Land Management Division, P.O. Box 1879, Honolulu, HI 96707. Contact: Linda Chinn, (808) 620-9500

**Consultant:** Architectural Drafting Service, P.O. Box 1718, Kaunakakai, HI 96748  
Contact: Luigi Manera, Principal, (808) 553-9045

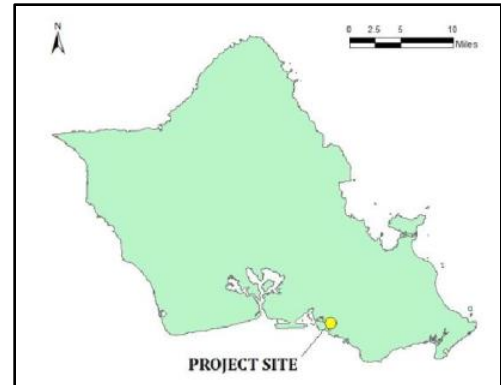
**Status:** Finding of No Significant Impact Determination

The Kiowea Park Phase II Improvements include a 4,000 sq. ft. pavilion located 135 feet from the shoreline, with two restrooms, certified kitchen and office; new septic system; and parking and drainage improvements, in an existing, previously graded and developed community park on Hawaiian Home Lands. Existing facilities (ca. 1950's) include a 700 sq. ft. covered pavilion, a 320 sq. ft. restroom and shower facility, barbecue grills, cesspool, and parking lot, and site utilities. In the late 1990's, Phase I included grading and fill, installation of irrigation and landscaping, and upgrading of cesspool to septic system. Kalamaʻula Homesteaders Association was granted a license in 2010 to manage the area and has revived Phase II, as park facilities are insufficient to serve the needs of park users. A new pavilion and restrooms will relieve pressure on existing facilities, locate new facilities further inland from coastal hazards, and better serve the recreational needs of the community. Mitigation measures included avoiding construction in sensitive areas, including within 135 feet of the shoreline and in the AE flood zone; on site monitoring during all ground disturbing activities, and best management practices for control of dust, noise, storm water and construction waste. Energy and water conservation measures will be implemented and native plants will be used for landscaping.

## O'AHU (HRS 343)

### 6. Honolulu Harbor Pier 12 & 15 Improvements FEA (FONSI)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 2-1-001:043, 044, 045, 055, 056  
**Permits:** Department of the Army, Section 10  
**Proposing/Determination Agency:** Department of Transportation, Harbors Division (DOT-H), Hale Awa Ku Moku Building, 79 S. Nimitz Highway, Honolulu, HI 96813-4898.  
Contact: Sharilyn Ikeda, (808) 586-2458  
**Consultant:** Kimura International, 1600 Kapi'olani Boulevard, Suite 1610, Honolulu, HI 96814  
Contact: Leslie Kurisaki, (808) 944-8848  
**Status:** Finding of No Significant Impact Determination



The State of Hawai'i Department of Transportation, Harbors Division (DOT-H) proposes to construct new berthing and mooring improvements and utilities at Piers 12 and 15 in Honolulu Harbor. The improvements will accommodate two spill response boats and one spill response barge operated by the Marine Spill Response Corporation (MSRC) and the Clean Islands Council (CIC), non-profit entities that provide mandatory oil spill response, prevention, and training within the State. These three spill response vessels are being temporarily berthed at Pier 35, but a permanent location that allows quick access to potential incident areas is needed.


Piers 12 and 15 provide an optimal location in central Honolulu Harbor, the hub of the State's maritime industry with a high volume of ship traffic. By berthing the spill responders at Piers 12 and 15, they will also be in close proximity to other emergency responders (e.g., Hawai'i Spill Response Center at Sand Island, fire boat at Pier 15, salvage divers at Pier 13, U.S. Coast Guard at Sand Island), enhancing overall response capability. The need for a permanent berthing location for MSRC and CIC has been accelerated by the State's proposed Kapālama Container Terminal project. This high priority project will result in a series of harbor relocations, including displacing MSRC and CIC from their temporary berth at Pier 35. However, the need for permanent and dedicated berthing for the spill responders exists independent of any other harbor project.

The proposed improvements at Piers 12 and 15 will consist of new berthing and mooring structures with appropriate fender systems. Due to the poor condition of the existing piers, a structural slab on piles will be constructed over the existing bulkhead. The structural slab will not be connected to and will not impose a load on the existing bulkhead. The slab will connect to pile-supported loading platforms and mooring dolphins used to berth the MSRC and CIC vessels. In response to concerns by federal resource agencies about pile driving impacts to coral, the Pier 12 berthing structure has been modified since publication of the Draft EA. The new Pier 12 design extends the berthing structure out 15 feet further than was originally proposed, to a total of 35 feet from the existing bulkhead. This redesign came about only after extensive negotiation between DOT-H and American Marine, the users of adjacent Pier 13. The new design reduces the clearance between Piers 12 and 13 and requires American Marine to modify its operations. However, the new design has significantly reduced impact to coral in the area.

At Pier 15, the loading platforms and mooring dolphins will also be located 35 feet from the existing bulkhead. The project will demolish a portion of an existing shed building in order to provide additional room for truck access. There will be no impact to the existing fire boat pier or fire crew building. The project will also remove portions of ten abandoned concrete piles and debris located along the sea floor adjacent to Pier 15. The proposed action does not include dredging at either pier. An application for a Department of the Army (DA) permit in accordance with Section 10 of the Rivers and Harbors Act has been filed with the U.S. Army Corps of Engineers.

**7. Kalaeloa Barbers Point Harbor Fuel Pier EISPN**

**Island:** O’ahu  
**District:** Ewa  
**TMK:** (1) 9-1-014: 024 (portion), 025, & 038 and (1) 9-1-074: 037 (portion) & 038 (portion)  
**Permits:** Rivers and Harbors Act Section 10 & 408; Marine Protection, Research and Sanctuaries Act (MPRSA) Section 102, 103, & 108; Endangered Species Act Section 7, Clean Water Act Section 401, 402, & 404, Clean Air Act, Coastal Zone Management Act, National Historic Preservation Act Section 106, Fish and Wildlife Coordination Act, RCRA / CERCLA / TOSCA, Noise Control Act, Department of Health (DOH) 401 Water Quality Certification, DOH National Pollutant Discharge Elimination System Permit, DOH Hazardous Waste Treatment, Storage, and Disposal Permit, Chapter 6E-42 Historic Preservation Review



**Proposing Agency:** Hawai’i Department of Transportation, Harbors Division, 79 S. Nimitz Highway, Honolulu, HI 96813. Contact: Dean Watase, (808) 587-1883

**Accepting Authority:** Governor, State of Hawai’i (c/o Office of Environmental Quality Control)  
**Consultant:** Group 70 International, Inc., 925 Bethel St., 5<sup>th</sup> Floor, Honolulu, HI 96813  
 Contact: Barbara Natale, (808) 441-2117

**Status:** Statutory 30-day consultation period starts, ending September 9, 2013. Send comments to the proposing agency, accepting authority, and consultant.

Kalaeloa Barbers Point Harbor is the second busiest harbor after Honolulu Harbor. It is the primary harbor that accommodates interisland distribution of liquid-bulk cargo (i.e., fuel). It is anticipated that the need for various fuel products in Hawai’i will continue to increase. To address this, previous master plans and the *Statewide Fuel Facilities Development Plan* recommend the construction of a dedicated Fuel Pier at Piers 3 and 4. The proposed Fuel Pier will be implemented as part of the State of Hawai’i “New Day” initiatives. State Department of Transportation, Harbors Division is preparing the *Kalaeloa Barbers Point Harbor Fuel Pier Development Plan* to design a dedicated Fuel Pier to accommodate the various types of fuel and feedstock shipments that serve and could potentially serve the State’s fuel and energy markets. The plan will recommend pier infrastructure improvements to address projected increases in fuel imports and exports. The Draft EIS will evaluate direct impacts associated with the proposed action and its alternative actions, as well as indirect and cumulative impacts associated with its construction and long- term operation.

**8. Ma’akua Well Unit No. 2 DEA (AFNSI)**

**Island:** O’ahu  
**District:** Ko’olauloa  
**TMK:** (1) 5-4-005: por. 001  
**Permits:** Conservation District Use Permit, Permit for Use of State Lands, Water Use Permit, Pump Installation Permit, Well Construction Permit, National Pollutant Discharge Elimination System (NPDES) Permit, Noise Permit

**Proposing/Determination**

**Agency:** Board of Water Supply, City & County of Honolulu, 630 S. Beretania St., Honolulu, HI 96843. Contact: Rian Adachi, (808) 748-5943, radachi@hbws.org





**Consultant:** R.M. Towill Corporation, 2024 N. King Street, Suite 200, Honolulu, Hawai'i 96819-3494  
Contact: Chester Koga, (808) 842-1133, chesterk@rmtowill.com

**Status:** Statutory 30-day public review and comment period starts, comments are due by September 9, 2013. Please send comments to the proposing/determination agency and consultant.

The Honolulu Board of Water Supply (BWS) proposes to develop the Ma'akua Well Unit No. 2 to act as a second well when peak demand is exceeded for Unit No. 1 and to improve reliability of the station. The new well will be constructed adjacent to an existing well on a 1-acre site. Access to the well site is from Kamehameha Highway in Hau'ula. No increase in potable water yield from the site will be required. An Erosion Control Plan (ECP) will provide measures to control storm-water runoff on the project. NPDES permits for the discharge of effluent into State receiving waters may be required for hydrotesting and well test water. A Best Management Practices (BMPs) Plan will also be prepared to mitigate potential discharges of pollutants into receiving waters. The direct impacts related to construction activities will be contained within the property and should not create any indirect, secondary or cumulative impacts within the property or to adjacent properties. Once the well is placed into operations, maintenance will be performed by BWS personnel on a periodic basis.

The proposed well development is not expected to result in significant adverse impacts to geology, soils, hydrology, stream flow, biological resources, air quality, natural hazards, cultural resources, socioeconomics, or land uses as the site was previously graded and is currently fenced. Minimal impacts may consist of minor traffic, noise and air quality disturbances to occasional hikers and hunters that may traverse the immediate surrounding area of the site. Local residents, however, are not anticipated to be adversely affected.

## COASTAL ZONE MANAGEMENT NOTICES

### Special Management Area (SMA) Minor Permits

The SMA Minor permits below have been approved (HRS 205A-30). For more information, contact the county/state Planning Department. Honolulu (768-8014); Hawai'i (East Hi, 961-8288; West Hi, 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: North Kona (7-8-014: 001)	Placement of a Mobile RV Educational and Concessions Trailer (SMM 13-276)	The Kohala Center
Hawai'i: Waiakea, Hilo (2-1-007: 003)	Establishment of a Marine Parts Office in One Half of the Existing Duplex, Conversion of the Open Carport to Storage and Construction of a Boathouse (SMM 13-277)	Boathouse Hawai'i, Inc. – Dwayne & Laurie Glaspey, Lessees
Maui: Makena (2-1-007: 092)	Install Water and Sewer Laterals (SM2 20070085)	ATC Makena Land SF2, LLC
Maui: Paia (2-6-002: 010)	Temporary Private Event (SM2 20130077)	Maui Cyclery
Maui: Kihei (2-2-002: 072)	Photovoltaic Carports (SM2 20130080)	HNU-Energy
Maui: Lahaina (4-1-002: 008)	Drainage System-Heavy Runoff (SM2 20130081)	Byron Lusk
Maui: Haiku (2-7-004: 046)	Construction Farm Dwelling (SM2 20130082)	Scott & Rhonda Sanchez
Maui: (4-5-002: 009)	Retail Alteration (SM2 20130083)	Sterling Inc – Kay Jewelers
Maui: Hana (1-3-005: 034)	Septic System Improvements (SM2 20130084)	Timothy D Everett
O'ahu: Kaka'ako (2-1-059: 001 and 003)	Entertainment and Training Facilities (SMA/13-3)	Ali'i International Services, LLC/James Owen

**SHORELINE NOTICES**

**Shoreline Certification Applications**

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

File No.	Date	Location	Applicant/Owner	TMK
MA-552	7/17/13	Lots 3, 4, 5 and 6 of the Maui Prince Hotel Subdivision being portions of Land Patent Grant S-15,029 to Ulupalakua Ranch, Inc. and Royal Patent Grant Number 835 to Mahoe situate at Maluaka, Honua'ula, Makawao, Maui Address: 5400 Makena Alanui Drive Purpose: Shoreline setback	Austin, Tsutsumi & Associates, Inc./ ATC Makena Holdings, LLC	2-1-006:057, 059, 111 & 112
MO-163	7/15/13	A portion of Grant 677 to Waha situate at Pukoo, Molokai Address: Kamehameha V Highway Purpose: Building setback and other permitting purposes	Newcomer-Lee Land Surveyors, Inc./Lisa Harper	5-7-007:024

**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
MA-545	Proposed Shoreline Certification	Lot 2-A and Lot 3 Kaonoulu Beach Lots situate at Kaonoulu, Kihei, Maui Address: 640 South Kihei Road Purpose: Determine shoreline setback	ControlPoint Surveying, Inc./ County of Maui	3-9-001:147 & por. 015
MA-547	Proposed Shoreline Certification	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-458	Proposed Shoreline Certification	Lot 47 Puako Beach Lots, Grant 13,488 to Charles Harold Silva & Maude Keumauma Mana Silva, Waimea, South Kohala, Hawai'i Address: 69-1766 Puako Road Purpose: County permits	Wes Thomas Associates/ Stephen T. Hurwitz & Robert P. Chancer	6-9-004:005
OA-1506	Rejection	Lot 19 Section "E" Extension No. 1, Kawaihoa Beach Lots, portion of R.P. 4475 L.C. Aw. 7713, Ap.33 to V. Kamamalu Address: 61-815 Papailoa Road Purpose: Determine setback line	Arden T. Torcuato/ Katrina Chandler	6-1-004:096

OA-1507	Rejection	Lot 1 & Lot 54-F of Land Court Application 1002 (Maps 2 & 8), Kaneohe, Ko'olaupoko, O'ahu Address: 45-002 Lilipuna Road Purpose: Establish 40-ft shoreline setback line	Imata & Associates, Inc./ Sevath Tanaka	4-5-001:039
HA-459	Rejection	Lot 2, portion of R.P. 8217, L.C. Aw. 3660 to John P. Munn Address: 76-6206 Ali'i Drive Purposes: County permits	Wes Thomas Associates/ Rocky Gentner	7-6-016:030

### 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 Land's staff listed for each project.

**PROJECT:**

**File No.:** CDUA KA-3679  
**Name of Applicant:** Kauai Makai LLC, c/o Howard Siegal  
**Location:** Kawaihau District, Island of Kaua'i  
**TMK:** (4) 4-9-006:011  
**Proposed Action:** Landscaping and Land Management  
**343, HRS Determination:** Exempt  
**Applicant's Contact:** Max Graham, Jr., (808) 246-6962  
**OCCL Staff Contact:** Alex J. Roy, (808) 587-0316

**PROJECT:**

**File No.:** CDUA HA-3683  
**Name of Applicant:** State Department of Transportation  
**Location:** Mauna Kea State Recreation Area, Hamakua District, Island of Hawaii  
**TMK:** (3) 4-4-016:003  
**Proposed Action:** Saddle Road Maintenance Baseyard  
**343, HRS Determination:** Finding of No Significant Impact (FONSI) published by the Department of Transportation, April 8, 2013  
**Applicant's Contact:** Chester Koga, R.M. Towill Corp., (808) 842-1133  
**OCCL Staff Contact:** Michael Cain, (808) 587-0048

## NEPA NOTICE

### 1. [Dillingham Waterline for Ka'ena Point Satellite Tracking Station DEA and Draft FONSI](#)

**Island:** O'ahu  
**District:** Wai'anae and North Shore  
**TMK:** (1) 6900- 4019, 4021, 5007, 5005, 1004, 5006  
**Permits:** None  
**Proposing/Approving Agency:** United States Air Force, Detachment 3, 21<sup>st</sup> Space Operations Squadron, Ka'ena Point Satellite Tracking Station, P.O. Box 868 Wai'anae, HI 96792  
Contact: Lance Hayashi, 808-697-4314  
**Consultant:** HDR, 184 Creekside Park, Suite 100, Spring Branch, TX 78070  
Contact: Stephen Pyle, 210-253-6524  
**Status:** 30-day comment period from August 8, 2013 to September 7, 2013. Written comments and inquiries regarding this document should be directed by mail to Lance Hayashi, Det 3, 21 SOPS/CE, P.O. Box 868, Wai'anae, HI 96792-0868, or telephone at 808-697-4314.



The Proposed Action involves repair, upgrade, or replacement, maintaining current size and capacity, of up to 4 miles of the existing water transfer system within the existing right-of-way from YMCA Camp Erdman to Building 30 at KPSTS to provide KPSTS with a reliable source of potable water and to minimize worker exposure to potentially hazardous conditions during repair activities along the waterline. The EA analyzes potential environmental consequences associated with the Proposed Action and alternatives, including the No Action Alternative, on the following topics: noise, air quality, land use (including recreation), geological resources, water resources, coastal zone management, biological resources, health and safety, utilities and infrastructure, hazardous materials and wastes, socioeconomic resources and environmental justice, cultural and visual resources, and transportation. The Proposed Action and No Action Alternative have been reviewed in accordance with NEPA as implemented by the regulations of the Council on Environmental Quality and 32 Code of Federal Regulations Part 989. Implementation of the Proposed Action would not result in significant impacts to the quality of the human or natural environment. An analysis of the Proposed Action, in conjunction with other present and proposed activities, concluded that no significant environmental impacts would occur.

## FEDERAL NOTICES

### 1. [Proposed Frameworks for Early-Season Migratory Bird Hunting Regulations](#) – July 26, 2013

The U.S. Fish and Wildlife Service (FWS) are proposing to establish the 2013-14 early-season hunting regulations for certain migratory game birds. U.S. FWS annually prescribe frameworks, or outer limits, for dates and times when hunting may occur and the maximum number of birds that may be taken and possessed in early seasons. Early seasons may open as early as September 1, and include seasons in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands. These frameworks are necessary to allow State selections of specific final seasons and limits and to allow recreational harvest at levels compatible with population status and habitat conditions. This proposed rule also provides the final regulatory alternatives for the 2013-14 duck hunting seasons.

You must submit comments on the proposed early-season frameworks by August 5, 2013.

For further information contact: Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP-4107-ARLSQ, 1849 C Street NW., Washington, DC 20240; (703) 358-1714.

You may submit comments on the proposals by either of the following methods: Go to Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-HQ-MB-2013-0057. Postal Mail /Commercial Delivery: Send your comment to Docket No. FWS-HQ-MB-2013-0057; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203. All comments are posted on <http://www.regulations.gov>.

2. **[U.S. Department of Agriculture \(USDA\) Semiannual Regulatory Agenda, Spring 2013](#)** – July 23, 2013

This agenda provides summary descriptions of significant and not significant regulations being developed at the U.S. Department of Agriculture (USDA). The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act and identifies regulatory actions that are being reviewed in compliance with section 610(c). Public comment is invited on those actions as well as any regulation consistent with Executive Order 13563.

Items on the agenda include: The National Organic Program (NOP) is establishing national standards governing the marketing of organically produced agricultural products; Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Perishable Agricultural Commodities, Peanuts, Pecans, Macadamia Nuts, Ginseng, etc.; rulemaking that regulates the humane handling, care, treatment, and transportation of certain marine mammals under the Animal Welfare Act; Revising regulations regarding the movement of plant pests; Etc. USDA's complete regulatory agenda is available online at [www.reginfo.gov](http://www.reginfo.gov).

For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-3257.

3. **[Air Quality Designations for the 2010 Sulfur Dioxide \(SO<sub>2</sub>\) Primary National Ambient Air Quality Standard](#)** – August 5, 2013

This rule establishes air quality designations for certain areas in the United States for the 2010 primary Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS). The EPA is issuing this rule to identify areas that, based on recorded air quality monitoring data showing violations of the NAAQS, do not meet the 2010 SO<sub>2</sub> NAAQS and areas that contribute to SO<sub>2</sub> air pollution in a nearby area that does not meet the SO<sub>2</sub> NAAQS. At this time, the EPA is designating as nonattainment most areas in locations where existing monitoring data from 2009-2011 indicate violations of the 1-hour SO<sub>2</sub> standard. The EPA intends to address in separate future actions the designations for all other areas for which the agency is not yet prepared to issue designations and that are consequently not addressed in this final rule. The Clean Air Act (CAA) directs areas designated nonattainment by this rule to undertake certain planning and pollution control activities to attain the NAAQS as expeditiously as practicable.

The effective date of this final rule is October 4, 2013.

The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2012-0233. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. In addition, the EPA has established a Web site for this rulemaking at: <http://www.epa.gov/so2designations>. The Web site includes the EPA's final SO<sub>2</sub> designations, as well as state and tribal initial recommendation letters, the EPA's modification letters, technical support documents, responses to comments and other related technical information.

For general questions concerning this action, please contact Rhonda Wright, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Planning Division, C539-04, Research Triangle Park, NC 27711, telephone (919) 541-1087, email at [wright.rhonda@epa.gov](mailto:wright.rhonda@epa.gov).

4. **[Takes of Marine Mammals Incidental to Specified Activities; Navy Research, Development, Test and Evaluation Activities at the Naval Surface Warfare Center Panama City Division](#)** – August 5 2013

In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is given that NMFS has issued an Incidental Harassment Authorization (IHA) to the U.S. Navy (Navy) to take marine mammals, by harassment, incidental to conducting research, development, test and evaluation (RDT&E) activities at the Naval Surface Warfare Center Panama City Division (NSWC PCD).

The first MMPA authorization for take of marine mammals incidental to tactical active sonar was issued in 2006 for Navy Rim of the Pacific training exercises in Hawaii. For that authorization, NMFS used 173 dB SEL as the criterion for the onset of behavioral harassment (Level B harassment). This type of single number criterion is referred to as a step function, in which (in this example) all animals estimated to be exposed to received levels

above 173 dB SEL would be predicted to be taken by Level B harassment and all animals exposed to less than 173 dB SEL would not be taken by Level B harassment.

Marine mammal behavioral responses to sound are highly variable and context specific (affected by differences in acoustic conditions; differences between species and populations; differences in gender, age, reproductive status, or social behavior; or the prior experience of the individuals), which does not support the use of a step function to estimate behavioral harassment.

The Navy and NMFS have previously used acoustic risk functions to estimate the probable responses of marine mammals to acoustic exposures in the Navy FEISs on the SURTASS LFA sonar (DoN, 2001c) and the North Pacific Acoustic Laboratory experiments conducted off the Island of Kauai (ONR, 2001). The specific risk functions used here were also used in the MMPA regulations and FEIS for Hawaii Range Complex (HRC), Southern California Range Complex (SOCAL), and Atlantic Fleet Active Sonar Testing (AFAST). As discussed in the Effects section, factors other than received level (such as distance from or bearing to the sound source) can affect the way that marine mammals respond; however, data to support a quantitative analysis of those (and other factors) do not currently exist. NMFS will continue to modify these criteria as new data becomes available.

A copy of the final IHA and application are available by writing to P. Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910 or visiting the Internet at:  
<http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

The Navy has prepared an "Overseas Environmental Assessment Testing the An/AQS-20A Mine Reconnaissance Sonar System in the NSWC PCD Testing Range, 2012-2014," which is also available at the same internet address. NMFS has prepared an "Environmental Assessment for the Issuance of an Incidental Harassment Authorization to Take Marine Mammals by Harassment Incidental to Conducting High-Frequency Sonar Testing Activities in the Naval Surface Warfare Center Panama City Division" and signed a Finding of No Significant Impact (FONSI) on July 24, 2012, prior to the issuance of the IHA for the Navy's activities in July 2012 to July 2013. This notice and the documents it references provide all relevant environmental information and issues related to the Navy's activities and the IHA. For further information contact: Howard Goldstein or Jolie Harrison, Office of Protected Resources, NMFS, 301-427-8401.

## 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).