

# The Environmental Notice

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

## [Environmental Council 2013 Annual Report](#)

The Environmental Council, in collaboration with researchers Dr. Regina Ostergaard-Klem (Hawai'i Pacific University) and Dr. Kirsten Oleson (University of Hawai'i at Mānoa), and a team of graduate and undergraduate students, has released the [2013 Annual Report, Presenting the Genuine Progress Indicator Baseline](#). The Genuine Progress Indicator (GPI) supplements the standard economic measure of growth, the Gross Domestic Product (GDP). Traditional GDP accounting falls short of capturing many impacts (either positive or negative) of economic activity on society.

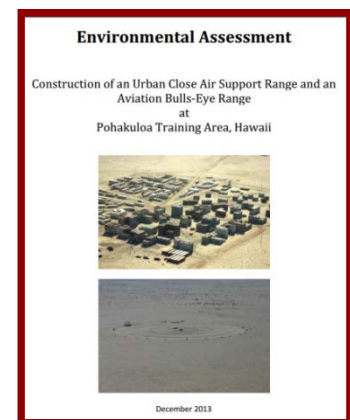
This year's Annual Report showcases a complete GPI baseline for Hawai'i. The Environmental Council hopes that the work of Drs. Ostergaard-Klem and Oleson will support and encourage efforts by state and county agencies to obtain and maintain high quality and meaningful data and further the administration's efforts to make those data more accessible to the public. The Environmental Council also hopes that the introduction of GPI to Hawai'i will stimulate and contribute to a discussion of what good governance looks like in this State.

## [DLNR Invites Public Input on Statewide Comprehensive Outdoor Recreation Plan](#)

The Department of Land and Natural Resources (DLNR) Division of State Parks is holding [informational meetings](#) about the 2014 Statewide Comprehensive Outdoor Recreation Plan (SCORP). Those unable to attend the meetings are invited to take the [SCORP survey](#) which will be open through Feb 28, 2014. Public participation in the meetings will help identify recreational needs and trends as well as priorities for outdoor recreational facilities. Identifying recreation issues of statewide importance keeps Hawai'i eligible to receive funds for outdoor recreation projects through the Land and Water Conservation Fund (LWCF), a federal grants program administered by the National Park Service.

## [Two New Ranges Proposed at Pōhakuloa Training Area](#)

The United States Marine Corps (USMC) has prepared a National Environmental Policy Act, Environmental Assessment and Draft FONSI for the construction, installation, and future maintenance of two new ranges at Pōhakuloa Training Area (PTA): an Urban Close Air Support Range; and an Aviation Bulls-Eye Range. These ranges will enhance training opportunities for Marine Aviators of both rotary and fixed wing who train at PTA. The Army's 25<sup>th</sup> Infantry Division and the USMC are primary users of PTA. The USMC would fund the project while the Army will continue to own the land. The public comment period for this project is **February 8, 2014 to March 10, 2014**. Please see page 8 for more details.



Neil Abercrombie, Governor · 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://health.hawaii.gov/oeqc/>  
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**FRONT PAGE**

- [Environmental Council 2013 Annual Report: \*Presenting a Genuine Progress Indicator Baseline\*](#)
- [DLNR Invites Public Input on Statewide Comprehensive Outdoor Recreation Plan](#)
- [Two New Ranges Proposed at Pōhakuloa Training Area](#)

**HAWAI‘I (HRS 343)**

- 1. [Humu‘ula Saddle Region Hydrologic Evaluation and Exploratory Drilling Program DEA \(AFNSI\)](#)..... 3

**MAUI (HRS 343)**

- 2. [Argyropoulos Shoreline Hazard Mitigation Project DEA \(AFNSI\)](#)..... 3
- 3. [Kulamalu Affordable Housing Project HEPA & NEPA DEA \(AFNSI\)](#)..... 4

**O‘AHU (HRS 343)**

- 4. [Kapolei II Elementary School DEA \(AFNSI\)](#)..... 5
- 5. [UH Manoa Football Practice Field Video Platforms and Soccer Practice Field DEA \(AFNSI\)](#)..... 5
- 6. [Waimano Ridge AAFES Building Staff Relocation FEA \(FONSI\)](#)..... 6

**KAUA‘I (HRS 343)**

- 7. [Mānā Plain Wetland Restoration Project FEA \(FONSI\)](#) ..... 7
- 8. [Pipeline Replacement along Weke, ‘Ānae, Mahimahi and He‘e Roads FEA \(FONSI\)](#) ..... 7

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) NOTICE**

- [Construction of an Urban Close Air Support Range & Aviation Bulls-Eye Range at Pōhakuloa Training Area EA & Draft FONSI](#)..... 8

**COASTAL ZONE MANAGEMENT NOTICES**

- Special Management Area Minor Permits* ..... 9

**SHORELINE NOTICES**

- Shoreline Certifications and Rejections* ..... 9

**CONSERVATION DISTRICT USE APPLICATION**

- Statewide Programmatic General Permit and Programmatic Agreement for the Traditional Fishpond Systems in Hawai‘i, CDUA ST-3703..... 9

**FEDERAL NOTICES** .....

- 1. [Proposed Consent Order for Waipahu Ash Landfill, Pearl Harbor Naval Complex Superfund Site](#) ..... 10
- 2. [Public meeting on the Proposed Heeia Site for a National Estuarine Research Reserve](#) ..... 10
- 3. [Meeting Dates for the Na Hoa Pili O Kaloko-Honokohau Advisory Commission in 2014](#)..... 11
- 4. [2014 Annual Catch Limits and Accountability Measures Specified](#)..... 11
- 5. [Permit Issued to Keiki Kohola Project to Conduct Research on Humpback Whales](#) ..... 11

**GLOSSARY** .....

..... 12



## HAWAI'I (HRS 343)

### 1. [Humu'ula Saddle Region Hydrologic Evaluation and Exploratory Drilling Program DEA \(AFNSI\)](#)

**Island:** Hawai'i  
**District:** South Kohala  
**TMK:** (3) 6-7-001-041  
**Permits:** Non-covered Source Permit; Observation Well Drilling Permit

#### **Proposing/Determination**

**Agency:** University of Hawai'i, Hawai'i Institute of Geophysics and Planetology, 1680 East West Road, Honolulu, HI 96822. Contact: Donald Thomas Phone, 808-895-6547, [dthomas@soest.hawaii.edu](mailto:dthomas@soest.hawaii.edu).

**Status:** Statutory 30-day public review and comment period starts; comments are due by March 10, 2014. Please send comments to the proposing/determination agency.



The proposed action is an investigation of the subsurface geology and hydrology of the Humu'ula Saddle region. The investigation will emplace the second of two small-diameter test bores to a depth of ~2000 m. The purpose is to collect and analyze core samples that will: provide a record of the geologic structure within the study area and document structures responsible for retention and flow of groundwater through the area. The bores will access one or more saturated aquifers and allow sampling for chemical and isotopic analysis of groundwater for determination of the source and extent of groundwater within the region; the bores will enable long-term monitoring of the aquifers to assess the magnitude of the groundwater resource within the region and track the impacts of global climate change on Hawai'i's groundwater resources. The need for the information provided by the project is that associated with long-term, sustainable management of Hawai'i's groundwater resources in a region where recent limited data have shown that hydrologic conditions are fundamentally different from our prior understanding. Based on the analysis of the impacts from the project, the University of Hawai'i anticipates making a Finding of No Significant Impact for the project.

## MAUI (HRS 343)

### 2. [Argyropoulos Shoreline Hazard Mitigation Project DEA \(AFNSI\)](#)

**Island:** Maui  
**District:** Makawao  
**TMK:** (2) 2-6-009:005  
**Permits:** Special Management Area Permit; Shoreline Setback Variance, Conservation District Use Permit  
**Applicant:** James Argyropoulos, 1244 6<sup>th</sup> Street, Santa Monica, CA 90401. Contact: Nico Argyropoulos, 310-319-1966.

**Approving Agency:** County of Maui, Maui Planning Commission, 2200 Main Street, One Main Plaza Building, Suite 315, Wailuku, HI 96793. Contact: James Buika, 808-270-8205.

**Consultant:** Planning Consultants Hawai'i, LLC, 2331 West Main Street, Wailuku, HI 96793. Contact: Michael Summers, 808-269-6220.

**Status:** Statutory 30-day public review and comment period starts; comments are due by March 10, 2014. Please send comments to the applicant, approving agency, and consultant.



The property is located in Kū'au, along Maui's North Shore, and is 17,581 square feet. The Applicant proposes to construct a hybrid revetment-retaining wall to respond to severe erosion fronting the property. The project also requires the removal of the existing remnant seawall and related debris fronting the shoreline. The residential property contains a single-family home and a "Ohana" unit. Large boulders set in place by neighboring property owners fortify the shoreline to the east and an existing seawall fortifies the adjacent property to the west.

Approximately 28 feet of the Applicant's property has eroded into the ocean and the existing 18-foot high embankment is very unstable. The embankment poses an immediate threat to the safety of the public that uses the shoreline and to the occupants of the home. The eroding shoreline also negatively impacts coastal water quality by producing siltation in Tavares Bay during heavy erosion events. In addition, the existing remnant seawall impedes access along the shoreline. If the shoreline is not stabilized, ongoing erosion will continue, and may accelerate, punctuated by episodic events of the embankment's collapse. Coastal water quality may also continue to be impacted as the eroding shoreline produces siltation in Tavares Bay during heavy erosion events.

### 3. Kulamalu Affordable Housing HEPA & NEPA DEA (AFNSI)

**Island:** Maui  
**District:** Makawao  
**TMK:** (2) 2-3-066: 012, 013, 014  
**Permits:** Building Permit, Grading and Grubbing, NPDES (Stormwater Permit).

#### **Proposing/Determination**

**Agency:** County of Maui, Department of Housing and Human Concerns, 2200 Main Street, Suite 546, Wailuku, HI 96793. Contact: Jo-Ann Ridao, 808-270-7805.

**Consultant:** R.M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, HI 96819-3494. Contact: Chester Koga, 808-842-1133, [chesterk@rmtowill.com](mailto:chesterk@rmtowill.com).

**Status:** Statutory 30-day public review and comment period starts; comments are due by March 10, 2014. Please send comments to the proposing/determination agency and consultant.



The Department of Housing and Human Concerns, County of Maui, proposes to construct the Kulamalu Affordable Housing Project, a 64-unit affordable multi-family housing project on 4.179 acres on tax map keys (2) 2-3-066: 012, 013, 014. A total of seven (7) two-story residential buildings will be constructed in addition to a multi-purpose building housing laundry facilities, an office, and meeting facilities. Project start is scheduled for Fall 2014. The project is currently estimated to cost \$9 million. The project will be partially funded using funds from the Housing and Urban Development agency.

The project site is bounded by 'Ōhi'a Kū Street and Aapueo Parkway, west of Kula Highway in Pukalani, Makawao District of Maui. The University of Hawaii's Institute for Astronomy Maikalani Advanced Technology Research Center is located to the west of the project site, and to the east of the project site is the Kulamalu Shopping Center. Across from Aapueo Parkway and to the northeast of the property is a single-family residential housing area.



G Hilliard Photo

O'AHU (HRS 343)

**4. Kapolei II Elementary School DEA (AFNSI)**

**Island:** O'ahu  
**District:** 'Ewa  
**TMK:** (1) 9-1-160:24 and (1) 9-1-158:62  
**Permits:** Construction and building permits; Kapolei Urban Design Approval, NPDES.

**Proposing/Determination**

**Agency:** Hawai'i State Department of Education, Planning Section, Facilities Development Branch, Office of School Facilities & Support Services, 4680 Kalaniana'ole Highway, TB1A, Honolulu, HI 96821. Contact: Gaylyn Nakatsuka, 808-377-8315.

**Consultant:** Belt Collins Hawaii LLC, 2153 North King Street, Suite 200, Honolulu, HI 96819. Contact: Joanne Hiramatsu, 808-521-5361.

**Status:** Statutory 30-day public review and comment period starts; comments are due by March 10, 2014. Please send comments to the proposing/determination agency and consultant.



The State Department of Education proposes construction of a new elementary school on Kunehi Street in Kapolei in response to population growth in the Kapolei area and high enrollments at existing schools. Kapolei II Elementary is being designed as a Twenty-First Century Learning Environment for children in PK through Grade 5. It will be designed to serve up to 750 students.

The school would include more than 100,000 square feet of enclosed space, along with a data center. More than 122,000 square feet of outdoor physical education space would also be provided. The project will be designed to meet LEED Silver standards or better. Space has been identified for potential expansion – for portable classrooms and a two-story classroom building – if in time it is necessary to expand enrollment.

The site has long been disturbed and has been filled and graded. Infrastructure has been developed for the Mehana subdivision, anticipating the construction of the school. No historical or cultural resources are on the site; no impacts on such resources are expected. The main socio-economic impact and impact on public facilities would be the provision of a new school, serving students and increasing school capacity in the region. No significant impact on traffic is expected.

**5. UH Mānoa Football Practice Field Video Platforms and Soccer Practice Field DEA (AFNSI)**

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 2-8-29:001 (por)  
**Permits:** Plan Review Use (PRU) Permit, minor modification.

**Proposing/ Determination**

**Agency:** University of Hawai'i at Mānoa, 2500 Campus Road, Hawai'i Hall 209, Honolulu, HI 96822. Contact: Kathleen Cutshaw, 808-956-9190.

**Consultant:** Kimura International, 1600 Kapi'olani Boulevard, Suite 1610, Honolulu, HI 96814. Contact: Leslie Kurisaki, 808-944-8848.

**Status:** Statutory 30-day public review and comment period starts; comments are due by March 10, 2014. Please send comments to the proposing/determination agency, and consultant.



The University of Hawai'i (UH) at Mānoa proposes improvements at its football practice field and soccer practice field located within the Makai Campus athletic complex. The football and soccer

practice fields are situated between Les Murakami Stadium and the Rainbow Wahine Softball Stadium, TMK: 2-8-29:01.

The project will construct three permanent, steel-framed, video and observation platforms around the football practice field which will be used by athletic department staff to film and observe live football practices and drills. Currently, practices are videotaped using a hydraulic scissors lift, which is unstable and unsafe under windy conditions. One metal framed platform will be installed at each end zone and one at midfield. Each structure is approximately 16 ft x 8 ft at its base, and will include two videotaping platforms, at 32 ft and 46 ft elevation. The total height of the structure including roof is approximately 54 feet.

The project will also install a 1,000-seat aluminum bleacher along the practice soccer field's mauka sideline, which is located adjacent to the football practice field. The bleachers will be installed in the future when funding becomes available. An ADA-accessible walkway will be constructed to facilitate access to each video platform and bleachers.

## 6. Waimano Ridge AAFES Building Staff Relocation FEA (FONSI)

**Island:** O'ahu

**District:** 'Ewa

**TMK:** 9-7-025:001

**Permits:** Building permit, grading permit, NPDES.

### **Proposing/Determination**

**Agency:** Department of Accounting & General Services (DAGS), Kalanimoku Building, 1151 Punchbowl Street, Room 430, Honolulu, HI 96813. Contact: Lance Maja, 808-586-0483.

**Consultant:** Kimura International, 1600 Kapiolani 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 Accounting and General Services (DAGS), on behalf of the State of Hawai'i Department of Health (DOH), proposes to renovate three existing buildings at Waimano Ridge to be used as office space for approximately 262 DOH employees. Waimano Ridge (aka "Waimano Home") is a 242-acre State-owned property (Tax Map Key: 9-7-025:001) located at the upper end of Waimano Home Road, two miles mauka of Kamehameha Highway in Pearl City, O'ahu.

The proposed project is needed to provide permanent office space for approximately 262 employees from the Environmental Health Administration, who are being displaced from their existing offices in the former Army and Air Force Exchange Service (AAFES) building in Kaka'ako. The AAFES building, located at 919 Ala Moana Blvd., is one of ten properties that was recently transferred from the State to the Office of Hawaiian Affairs as part of a legal agreement to settle past ceded lands claims against the State. Under the terms of the agreement, the DOH must vacate the building by June 2016.

Three buildings at Waimano Ridge will be renovated to provide office space for these displaced employees. The buildings include Hale Ola (the former hospital building), the former Kitchen/Dining building, and Building 4 (known as Uluakupu). New parking lots and infrastructure improvements will also be constructed to accommodate the relocated staff. Upon completion of the renovation, 262 DOH employees from eleven branch and program offices will relocate from the AAFES building to Waimano Ridge.

Currently, there are approximately 314 individuals working at Waimano Ridge, primarily State employees with the DOH, Department of Public Safety, and the Department of Land and Natural Resources. The Department of Public Safety will soon relocate their staff to Iwilei, and after completion of the project, there will be a total of 482 employees at Waimano Ridge, a net increase of 168 persons.

## KAUA'I (HRS 343)

### 7. Mānā Plain Wetland Restoration Project FEA (FONSI)

**Island:** Kaua'i  
**District:** Waimea  
**TMK:** (4)1-2-2: portion 1  
**Permits:** County of Kaua'i Grading and Grubbing Permit, Building Permit; State of Hawai'i Construction Noise Permit; US Fish and Wildlife Service Division of Migratory Birds Take Permit; NPDES Permit.

#### **Proposing/Determination**

**Agency:** State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Honolulu, HI 96813.  
Contact: Jason Vercelli, 808-241-3768.

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



The State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) is proposing to restore native wetland and associated uplands on 105 acres of the Mānā Plains Forest Reserve. This project will restore managed wetlands on a portion of the historical "Mānā Swamp" and will provide additional habitat to enhance DOFAW's conservation and recovery efforts for the four endangered endemic Hawaiian waterbirds. Designated as a core wetland area in the Revised Recovery Plan for Hawaiian Waterbirds, this project will play an integral role in the recovery of endangered Hawaiian waterbirds. This project will also increase environmental education opportunities for local residents and visitors. These opportunities will focus on the natural and cultural resources of the Mānā Plain. The proposed action includes removing of non-native, invasive vegetation, contouring of wetland basins, installing a water delivery system, re-vegetating and seeding of native plants, and constructing a visitor center, pedestrian trails, interpretive signs, and a maintenance baseyard. The project is not expected to have negative direct, indirect, secondary or cumulative impacts on environmental resources. Best management practices and other measures will be implemented to reduce potential impacts.

### 8. Pipeline Replacement Along Weke, 'Ānae, Mahimahi and He'e Roads FEA (FONSI)

**Island:** Kaua'i  
**District:** Hanalei  
**TMK:** (4) 5-5-03, (4) 5-5-04, and (4) 5-5-05  
**Permits:** NPDES Permit.

#### **Proposing/Determination**

**Agency:** Department of Water, County of Kaua'i, 4398 Pua Loke Street, Lihue, HI 96766.  
Contact: Keith Aoki, 808-245-5411.

**Consultant:** Esaki Surveying and Mapping, Inc., 1610 Haleukana Street, Lihue, HI 96766.  
Contact: Maren Arismendez-Herrera, 808-246-0625.

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



The County of Kaua'i, Department of Water proposes to replace waterlines along Weke, 'Ānae, Mahimahi, and He'e Roads. The immediate impact is temporary traffic inconvenience and interruption in service during the transfer, as well as equipment noise, emissions, and fugitive dust from construction. Mufflers, water sprinkling, and restricted time of work will be implemented. The direct impact will be reliable water service to the homes; indirect impact is better fire protection for the surrounding area. Long-term effect is improvement quality of life.

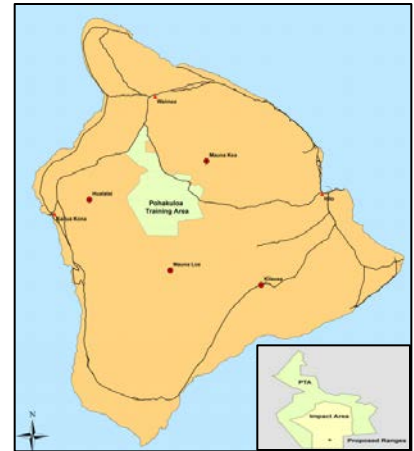
NEPA NOTICE

[Construction of an Urban Close Air Support Range and an Aviation Bulls-Eye Range at Pōhakuloa Training Area – EA & Draft FONSI](#)

**Applicable Law:** National Environmental Policy Act (NEPA)  
**Type of Document:** EA – Draft FONSI  
**Islands:** Hawai'i  
**District:** Hāmākua  
**TMK:** TMK (3) 4-4-016:001  
**Permits Required:** NPDES  
**Proposing Agency:** Marine Corps Base Hawai'i, Bldg. 216, Box 63002, Kaneohe Bay, HI 96863-3002.  
Contact: Tiffany Patrick, 808-257-8815.

**Approving Agency:** US Army Garrison, Hawai'i, 851 Wright Avenue, Wheeler Army Airfield, Schofield Barracks, HI 96857-5013.  
Contact: Dale Kanehisa, 808-656-5670.

**Status:** The comment period runs from: February 8, 2014 to March 10, 2014.



The United States Marine Corps (USMC) proposes to construct and operate an Urban Close Air Support (UCAS) Range and an Aviation Bulls-Eye Range at the US Army's Pōhakuloa Training Area (PTA) in order to provide comprehensive and realistic aviation training for rotary and fixed wing Marine aviators in Hawai'i. The Army will provide the necessary space at PTA, as they have in the past. USMC forces based in Hawai'i have come to rely upon PTA to fulfill a large portion of their training requirements. The purpose of the proposed action is to provide comprehensive and realistic training facilities for air action by fixed wing and rotary wing aircraft against hostile targets in an urban environment that are in close proximity to friendly forces in order to improve USMC training and readiness in Hawai'i. The USMC would fund the construction, installation, and future maintenance of these ranges once completed, while the Army will continue to own the land. Based on the information analyzed in the EA, MCBH find that the Proposed Action would not result in any significant direct, indirect, or cumulative adverse impacts on the natural or human environment, and has prepared a draft finding of no significant impact (FONSI).

The public comment period began on February 8, 2014 and will run until March 10, 2014. Copies of the EA and Draft FONSI are available for review at the Hilo Public Library, Kailua-Kona Public Library, and Thelma Parker Memorial Public and School Library. Written comments should be directed to: Commanding Officer, Attn: Tiffany Patrick, Box 63002, Kaneohe Bay, HI 96863-3002. Copies can be obtained by contacting Tiffany Patrick at 808-257-8815 or [tiffany.patrick@usmc.mil](mailto:tiffany.patrick@usmc.mil).

The EA and draft FONSI can also be accessed online at <http://www.mcbhawaii.marines.mil/UnitHome/FeaturedInformation/UCAS.aspx>.





COASTAL ZONE MANAGEMENT NOTICES

**Special Management Area (SMA) Minor Permits**

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

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Kohala (6-9-007: 015)	Placement of Tables, Chairs, and Gas Torches, Installation of Garden Gates, and Landscaping Improvements (SMM 14-294)	Lava Lava Beach Club, LLC
Kaua'i: Nawiliwili (3-2-004: 016)	Improvements to Fuel Terminal (SMA(M)-2014-5)	Senter Petroleum Inc.
Kaua'i: Wainiha (5-8-007: 020)	Agriculture and Food Production (SMA(M)-2014-6)	Ming Fang
Kaua'i: Kilauea (5-2-004: 076)	Installation of Residential Water Well (SMA(M)-2014-7)	Wu Family Properties
Kaua'i: Kilauea (5-2-010: 026)	Installation of Fence (SMA(M)-2014-8)	Pali Nani LLC
Maui: Kanaha (3-8-001: 119)	Relocate Sand at Kanaha (SM2 2014002)	Department of Parks and Recreation, County of Maui
O'ahu: Kahala (3-1-041: 005)	Doris Duke Foundation for Islamic Art Fence (2013/SMA-42)	Doris Duke Foundation for Islamic Art
O'ahu: Haleiwa (5-9-005: 018)	Sunset Beach Elementary School – New Chain-link Fence (2014/SMA-1)	Fung Associates, Inc.

SHORELINE NOTICES

**Shoreline Certification 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-1553	Proposed Shoreline Certification	Lot 1313 of Land Court Application 979 (Map 467) situate at Kahalu'u, Ko'olaupoko, O'ahu Address: 47-83 Kamehameha Highway Purpose: Building permit	Park Engineering/ Joseph Meyer	4-7-019:082
MA-548	Rejection	Portion of R.P. 5653, L.C. Aw. 477-E and 522 to Ladana situate at Lahaina, Maui Address: 811 Front Street Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ Front Street Holding, Ltd.	4-5-001:001

CONSERVATION DISTRICT USE APPLICATION

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, PO 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 ST-3703 - Hoala Loko Ia  
**Name of Applicant:** Office of Conservation and Coastal Lands  
**Location:** Statewide  
**Proposed Action:** Statewide Programmatic General Permit and Programmatic Agreement for the repair, restoration, maintenance, and operation of traditional fishpond systems in Hawai'i.  
**343, HRS determination:** FEA and FONSI published on October 23, 2013.  
**Applicant's Contact:** Michael Cain, Office of Conservation and Coastal Lands, 808-587-0048.  
**OCCL Staff Contact:** Same as applicant.

FEDERAL NOTICES

1. [Proposed Consent Order for Waipahu Ash Landfill, Pearl Harbor Naval Complex Superfund Site](#) - February 5, 2014

In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), notice is hereby given of a proposed settlement, embodied in an Administrative Order on Consent (Consent Order), with the City and County of Honolulu (CCH), under Sections 104, 107 and 122 of CERCLA.

The Consent Order concerns work to be done by CCH in connection with the Waipahu Ash Landfill, located in part on the Pearl Harbor Naval Complex Superfund Site, Joint Base Pearl Harbor-Hickam, Oahu, Hawaii and on land owned by the State of Hawaii and CCH. Parties to the Consent Order include the U.S. Environmental Protection Agency (EPA), the Department of the Navy, Hawaii Department Health (DOH), Hawaii Department of Land and Natural Resources (DLNR) and CCH.

The property that is the subject of this Consent Order includes all areas to which hazardous substances from or related to the now closed Waipahu Ash Landfill have come to be located. Under this Consent Order, CCH agrees to carry out a remedial investigation and feasibility study of the Site under CERCLA. The performance of this work shall be approved and monitored by EPA in Consultation with the Navy and DOH. The settlement includes a covenant not to sue CCH pursuant to Sections 106 or 107(a) of CERCLA. Under the Consent Order, CCH also agrees to pay the Navy \$63,062.00 in past response costs and, to EPA, \$25,000 in prepayment of anticipated annual EPA future response costs.

**Comments must be received on or before March 7, 2014.** EPA will consider all comments received on the Consent Order and may modify or withdraw its consent to the Consent Order if comments received disclose facts or considerations that indicate that the settlement is inappropriate, improper, or inadequate.  
CONTACT: Larry Bradfish, Assistant Regional Counsel (ORC-3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; Email: [bradfish.larry@epa.gov](mailto:bradfish.larry@epa.gov); Phone (415) 972-3934.

2. [Public meeting on the Proposed Heeia Site for a National Estuarine Research Reserve](#) – January 28, 2014

The Office of Planning, Hawaii Coastal Zone Management Program and the University of Hawaii with the support of the Estuarine Reserves Division of the Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public meeting for the purpose of receiving comments on the preliminary recommendation that the Heeia estuary be proposed for designation as a National Estuarine Research Reserve in Hawaii. This will be the second public meeting held regarding the State's preliminary recommendation that the Heeia estuary in Kaneohe Bay, Oahu, be proposed for designation as a National Estuarine Research Reserve (NERR). A previous meeting was held on January 9, 2014. These meetings are held in compliance with NOAA regulations at 15 CFR Part 921 for the selection, designation and management of NERRs.

The meeting will be held on **February 27, 2014 at 5:30 p.m.** at Governor Samuel Wilder King Intermediate School Dining Room, 46-155 Kamehameha Hwy, Kaneohe, HI 96744.

3. [Meeting Dates for the Na Hoa Pili O Kaloko-Honokohau Advisory Commission in 2014](#) – January 30, 2014

The Na Hoa Pili O Kaloko-Honokohau Advisory Commission scope and objectives are as follows: the Kaloko-Honokohau National Historical Park was established by Section 505(a) of the Public Law 95-625, November 10, 1978, as amended. Section 505(f) of that law, as amended, established the Na Hoa Pili O Kaloko-Honokohau (The Friends of Kaloko-Honokohau), an advisory commission for the park. The Commission was re-established by Title VII, Subtitle E, Section 7401 of Public Law 111-11, the Omnibus Public Land Management Act of 2009. The Commission's new termination date is December 18, 2018.

The schedule for future public meetings of the Commission will be held on Fridays as follows:

- March 7, 2014 at 9:30 a.m.
- June 20, 2014 at 9:30 a.m.
- September 5, 2014 at 9:30 a.m.
- December 5, 2014 at 9:30 a.m.

CONTACT: Jeff Zimpfer, Environmental Protection Specialist, Kaloko-Honokohau National Historical Park, 73-4786 Kanalani Street, 14, Kailua Kona, Hawaii 96740, at (808) 329-6881, ext. 1500, or email:

[jeff\\_zimpfer@nps.gov](mailto:jeff_zimpfer@nps.gov).

4. [2014 Annual Catch Limits and Accountability Measures Specified](#) – January 27, 2014

In this rule, NMFS specifies the 2014 annual catch limits for Pacific Island bottomfish, crustacean, precious coral, and coral reef ecosystem fisheries, and accountability measures to correct or mitigate any overages of catch limits. The catch limits and accountability measures support the long-term sustainability of fishery resources of the U.S. Pacific Islands.

The final specifications are effective February 26, 2014, through December 31, 2014.

Copies of the fishery ecosystem plans are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, fax 808-522-8226, or [www.wpcouncil.org](http://www.wpcouncil.org). Copies of the environmental assessments and findings of no significant impact for this action, identified by NOAA-NMFS-2013-0156, are available from [www.regulations.gov](http://www.regulations.gov), or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd. 1110, Honolulu, HI 96814.

CONTACT: Jarad Makaiau, NMFS PIR Sustainable Fisheries, 808-944-2108.

5. [Permit Issued to Keiki Kohola Project to Conduct Research on Humpback Whales](#) – January 31, 2014

Notice is hereby given that a permit has been issued to Rachel Cartwright, Keiki Kohola Project, 761 Coronado Place, Oxnard, CA 93035 to conduct research on humpback whales (*Megaptera novaeangliae*). On April 9, 2013, notice was published in the Federal Register (78 FR 21113) that a request for a permit to conduct research on the species identified above had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, the regulations governing the taking and importing of marine mammals, the Endangered Species Act of 1973, and the regulations governing the taking, importing, and exporting of endangered and threatened species.

The permit authorizes the level A and B harassment of humpback whales during photo-identification, behavioral follows, and surface and underwater observations in Hawaii, Alaska, and California. The applicant will approach up to 1,047 humpback whales in Hawaii, 630 in Alaska and 480 in California each year. Short-term, non-invasive, suction cup tagging of maternal females will be conducted within Hawaiian waters to document nocturnal behaviors and fine-scale movements and in Californian waters to better understand use of waters around the Santa Barbara Channel and Channel Islands (Anacapa, Santa Cruz and Santa Rosa Islands). Twelve tags would be deployed annually in both Hawaii and California. The purpose of the proposed research is to and define critical habitat used by maternal female humpback whales and their calves, across the period from infancy to maturity and independence. Opportunistic research on Pacific white-sided dolphins (*Lagenorhynchus obliquidens*), Risso's dolphins (*Grampus griseus*), Dall's porpoise (*Phocoenoides dalli*), blue whales (*Balaenoptera musculus*), killer whales (*Orcinus orca*), minke whales (*B. acutorostrata*), spinner dolphins (*Stenella longirostris*), bottlenose dolphins (*Tursiops truncatus*), and false killer whales (*Pseudorca crassidens*) may also be conducted. Incidental harassment of Steller (*Eumetopias jubatus*) and California sea lions (*Zalophus californianus*) would also occur. The permit is valid for five years from the date of issuance.

CONTACT: Kristy Beard or Carrie Hubard, (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).