

The Environmental Notice

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

IN THIS NOTICE...

This notice lists some interesting projects. Two of the projects propose renewable energy use to help reduce reliance on fossil fuel energy and reduce pumping costs to rural communities. Reducing the dependence on fossil fuel sources also contributes to meeting the State of Hawai'i's 2030 Clean Energy Initiative. Please see pages 3 and 4 for more details. In addition, the [Kōke'e and Waimea Canyon State Parks Master Plan Final EIS](#) and the [Hoakalei Master Plan Update Final EIS](#) are complete and available for review.

COMMENTS SOLICITED FOR PESTICIDE EXPERIMENTAL USE PERMIT

The Environmental Protection Agency is accepting public comments for an application from Dow AgroSciences LLC, for an experimental use permit (EUP) to test a new plant incorporated protectant (PIP) technology. The comment deadline is December 15, 2014. The EPA will issue or deny the EUP request after review of the application, comments, and data received from responses. See the Federal Notices on page 10 for information and address for comments submittal.

MEETINGS TO IMPROVE HAWAI'I STATE LAND USE SYSTEM

The State Office of Planning has started meetings with interested parties/stakeholders about the State's land use system. The meetings include an overview of the State's land use system and participants will be asked to share their land use system experiences and offer ideas for improving the State's land use system. The following is a schedule of meetings on the neighbor islands:

- MAUI: Wailuku – November 25, 2014, 6:00 – 8:00 p.m., Maui Planning Commission Conference Room
- HAWAI'I: Hilo – December 2, 2014, 5:30 – 7:30 p.m., Aupuni Center Conference Room, HAWAI'I: Kona – December 3, 2014, 6:00 – 8:00 p.m., Natural Energy Lab Hawai'i Conference Room
- KAUAI: Lihue – December 10, 2014, 6:00 – 8:00 p.m., Kauai Planning Commission Conference Room

The meeting on Oahu is complete. [Click on this link](#) for further details.

[ACCEPTANCE OF KAPALAMA PROJECT FEIS](#)

The [November 8, 2014, issue of The Environmental Notice](#) included publication of the governor's acceptance of the Kapalama Container Terminal and Tenant Relocations Final Environmental Impact Statement. Acceptance of the Kapalama Project Final EIS fulfils the requirements under Chapter 343, HRS and Chapter 11-200, HAR. The November 8, 2014, publication started the 60-day statutory challenge period.



Neil Abercrombie, Governor · Jessica Wooley, Director · Office of Environmental Quality Control · 235 South Beretania Street, Suite 702 · Honolulu, Hawai'i 96813 · Tel: 586-4185 · Fax: 586-4186 · Email: oeqchawaii@doh.hawaii.gov
Website: <http://health.hawaii.gov/oeqc/>
Toll Free: Kaua'i 274-3141, ext. 64185 · Maui 984-2400, ext. 64185 · Moloka'i/Lāna'i 1-800-468-4644, ext. 64185 · Hawai'i 974-4000, ext. 64185

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HAWAII (HRS 343)

1. Hoku Kai Biofuels Easement at Port of Hilo FEA (FONSI)

Island: Hawaii
District: South Hilo
TMK: (3) 2-1-009: portions of parcels 007 & 031
Permits: County of Hawaii Special Management Area permit
Applicant: Hoku Kai Biofuels LLC/Summit Biofuel LLC, 2462 Kuhio Avenue, Suite 419, Honolulu, HI 96815
Contact: Charles Barker

Approving Agency: Hawaii State DLNR Land Division, Hawaii District Land Office, 75 Aupuni Street, Room 204, Hilo, HI 96720
Contact: Candace Martin (808) 961-9590

Consultant: Insight Environmental LLC, HC3 Box 13132, Kea'au, HI 96749. Contact: Evan Pfaff

Status: Finding of No Significant Impact Determination

The proposed action is the purchase of an easement through state and county land at the Port of Hilo. The easement would extend from Pier 2 & 3 to the south side of Kalaniana'ole Avenue along the route of an existing petroleum pipeline. The existing pipeline and associated vaults and appurtenances are currently not in use. The applicant proposes to use the existing infrastructure for bulk offloading and on-loading of biofuels from marine vessels to shore-based storage tanks. This capacity currently does not exist within the State of Hawaii. The purpose of the proposed action is to utilize the existing pipeline as part of the establishment of a biofuel storage and distribution facility.



2. Na Pu'u Water Easement for Photovoltaic Array DEA (AFNSI)

Island: Hawaii
District: North Kona
TMK: (3) 7-1-001: 006 (por.)
Permits: Approval of the easement; Building Permit
Applicant: Na Pu'u Water Inc., P.O. Box 2217, Kamuela, HI 96743

Approving Agency: Hawaii State DLNR, c/o Land Division, Hawaii District, 75 Aupuni Street, Room 204, Hilo, HI 96720.
Contact: Wesley T. Matsunaga (808) 961-9590

Consultant: Geometrician Associates, P.O. Box 396, Hilo, HI 96721.
Contact: Ron Terry, (808) 969-7090

Status: Statutory 30-day public review and comment period starts; comments are due by December 23, 2014. Please send comments to the applicant, approving agency and consultant.



Napu'u Water Inc., (NWI) is a small, non-profit, community based, and member-owned water system serving the local residents of Pu'uanahulu-Pu'u Wa'awa'a area. NWI owns, maintains, and operates two 2,500-foot deep groundwater wells that are sufficient for local community needs. The cost for electricity to pump water from these deep wells burdens the local residents and ranchers. The proposed action is the granting of an easement over a 1.74-acre portion of State land adjacent to one of the wells. The land would be used for a ground-mounted solar photovoltaic array consisting of approximately 800 monocrystalline solar panels and a flywheel energy storage system capable of storing 400 kW hours of energy. These renewable energy facilities would reduce reliance on fossil fuel energy and stabilize and reduce pumping costs on the Pu'u Wa'awa'a Well. The project would provide a substantial benefit to the local community served by NWI and would also contribute to the State of Hawaii's goals of gaining energy independence and using renewable energy sources. No archaeological, cultural or biological

resources are present. Some visual impact will occur, but the location adjacent to an existing technology building that already contains solar panels is an appropriate context.

MOLOKA'I (HRS 343)

3. Moloka'i Irrigation System Hydropower Plant FEA (FONSI)

Island: Moloka'i
District: Moloka'i
TMK: 2-53-003: 015 (Lot 938-B-3) and 2-53-003: 001
Permits: State Public Utilities Commission Approval-Net Energy Metering Agreement; Maui Department of Public Works-Building Permit, Grading & Grubbing Permit; Maui County Planning Department-Special Use Permit (LUC)



Proposing/Determination

Agency: Hawai'i Department of Agriculture, Resource Management Division, 1428 South King Street, Honolulu, HI 96814. Contact: Gordon Chong, (808) 973-1123
Consultant: AECOM Technical Services, Inc., 1001 Bishop Street, Suite 1600, Honolulu, HI 96813
Contact: Martin Nakasone, (808) 529-7219
Status: Finding of No Significant Impact Determination

DOA is proposing to install a hydropower plant along the Moloka'i Irrigation System (MIS), whereby energy used for pumping water in the Waikolu Valley would be partially recovered by a turbine-generator installed alongside the existing pipeline. The hydroelectric power generation could reduce the ongoing costs of operating and maintaining the system by reducing the amount of electricity purchased to pump water into the system and by generating revenue from the sale of electricity to Maui Electric Company. The proposed project would also help to reduce Moloka'i's dependence on diesel fuel for electricity generation and help Moloka'i to meet the State of Hawai'i's 2030 Clean Energy Initiative.

O'AHU (HRS 343)

4. Hoakalei Master Plan Update FEIS Volume I and Volume II

Island: O'ahu
District: 'Ewa
TMK: (1) 9-1-134:025, 9-1-134:026, 9-1-134:027, 9-1-134:028 (por.), 9-1-134:029 (por.), 9-1-134:007, 9-1-134:022 (por.)
Permits: Special Management Area Use Permit (Major), Zoning Change, Shoreline Setback Variance, National Pollutant Discharge Elimination System – Notice of Intent [Construction] (NPDES-NOI[C]), Grubbing, Grading, and Building Permits
Applicant: Haseko ('Ewa), Inc., 91-1001 Kaimalie Street, Suite 205, Ewa Beach, HI 96706-5005.
Contact: Raymond Kanna, (808) 689-7772



Approving

Agency: Department of Planning and Permitting, 650 South King Street, Honolulu, HI 96813.
Contact: Timothy Streitz, (808) 768-8042

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

Status: The Department of Planning and Permitting, City and County of Honolulu has accepted this final EIS. The 60-day statutory challenge period starts.

Haseko ('Ewa), Inc. is seeking a zone change for approximately 80 acres of the 1,100 acre Ocean Pointe-Hoakalei development to accommodate a change in its master plan for the Hoakalei portion of the development. The Hoakalei Master Plan Update features a recreational lagoon as the focal point in place of the previously-planned marina. The rezoning request calls for rearrangement of the zoning

district boundaries, but only modest shifts in the total acreage devoted to each type of land use. It would not increase the development density or the total number of residential and visitor accommodation units. The land to be rezoned is located within the last undeveloped phase of the project. If the requested zone change and other required permits and approvals are granted, including a Special Management Area Use Permit, Haseko will seek to complete the Ocean Pointe-Hoakalei development in accord with the updated plan.

5. Mākaha Valley Lo‘i Restoration Project DEA (AFNSI)

Island: O‘ahu
District: Wai‘anae
TMK: (1) 8-4-002 por. 014
Permits: Building Permit; Grading and Grubbing Permit/Soil Conservation Plan; Archaeological Preservation Plan; NPDES Discharge Permit; Incidental Take Permit.
Applicant: Mohala I Ka Wai, 87-149 Maipela St., Wai‘anae, HI 96792.
 Contact: Cynthia K.L. Rezentes, (808)497-1432, rezentesc@aol.com
Approving Agency: Board of Water Supply, 630 South Beretania Street, Honolulu, HI 96843.
 Contact: Barry Usagawa, (808) 748-5900, busagawa@hbws.org
Consultant: Townscape, Inc., 900 Fort Street Mall, Suite 1160, Honolulu, HI 96813.
 Contact: Gabrielle Sham, (808) 536-6999, gabrielle@townscapeinc.com
Status: Statutory 30-day public review and comment period starts; comments are due by December 23, 2014. Please send comments to the applicant, approving agency and consultant.



The non-profit organization Mohala I Ka Wai has obtained conditional approval of a land license from the City and County of Honolulu, Board of Water Supply to develop the Makaha Valley Lo‘i Restoration (MVL R) Project. The MVL R Project is located on a 13-acre parcel, located within TMK 8-4-002:014, in Makaha Valley, O‘ahu. The project parcel is situated in the mid-valley just southwest of Kāne‘ākī Heiau. The MVL R Project will restore ancient lo‘i kalo and traditional Native Hawaiian agriculture, protect archaeological sites, and conduct watershed management and community education activities that will benefit the BWS’ Makaha Valley watershed.

The proposed project is not expected to have a cumulative negative effect upon the environment. The proposed project will result in the removal of non-native vegetation and restoration of natural and cultural resources, thus returning the project area to its natural environmental condition and enhancing the biodiversity of the area. More importantly, the proposed project will enhance and perpetuate Native Hawaiian traditional and cultural practices.

6. Waikapoki Wastewater Pump Station Upgrade DEA (AFNSI)

Island: O‘ahu
District: Ko‘olaupoko
TMK: (1) 4-5-003: 010
Permits: Construction Plans Approvals. Flood Elevation Certificate; Zoning Waiver for side yard setback; Community Noise Permit (if required during construction); Special Management Area Permit; Street Usage and Trenching Permit, Noise Variance; Building Permit for building, electrical, plumbing, and demolition work; NPDES Dewatering Permit (contractor’s option)

Proposing/Determination

Agency: Department of Design and Construction, City and County of Honolulu, 650 South King Street, 11th Floor, Honolulu, HI 9613. Contact: Robert J. Kroning



Consultant: HDR Engineering, Inc., 1132 Bishop Street, Suite 1200, Honolulu, HI 96813-2822.
Contact: Ayako Kawabata, (808) 697-6200

Status: Statutory 30-day public review and comment period starts; comments are due by December 23, 2014. Please send comments to the applicant, approving agency and consultant.

The City and County of Honolulu is proposing to upgrade its Waikapoki Wastewater Pump Station (WWPS) in Kaneohe on the windward side of O'ahu. Past studies evaluating historical flow data have found that due to high levels of infiltration and inflow (I/I) from rain induced flow entering the sewer system, the pumping capacity should be increased from 1.3 million gallons per day (mgd) to 2.6 mgd. In the past, this surcharged flow has led to wastewater spills in the area.

Proposed upgrades to the existing Waikapoki WWPS include replacement of the two existing pumps with three higher capacity pumps, renovation of existing pump station, and other miscellaneous onsite improvements. The generator room within the existing pump station building is proposed to be converted into an electrical/motor control center (MCC) room. A new emergency generator building is proposed to be constructed to house a new, upgraded diesel engine generator. Acoustical treatment will be provided to the pump station building and generator building to minimize noise emissions.

The construction will occur primarily within the Waikapoki WWPS site. A new underground electrical ductline and manhole system will be installed in the existing HECO utility easement within the Kauhale Beach Cove townhouse complex and a portion of Mahalani Place to accommodate a new HECO primary feeder. Since the project site is located within a townhouse complex, a residential neighborhood, measures to minimize impact to nearby residences will be implemented to the extent practicable. There will be some short-term construction impacts such as increase in the number of vehicles accessing the site, construction equipment noise, and dust. The anticipated determination for this Draft EA is an Anticipated Finding of No Significant Impact (AFNSI).

KAUA'I (HRS 343)

7. Kōke'e and Waimea Canyon State Parks Master Plan FEIS

Island: Kaua'i
District: Waimea
TMK: (4) 1-2-001: 003, 004, 008, 009, 011; 1-4-001: 002, 013, 015-019; 1-4-002: 004, 005, 007, 008, 010, 012-016, 018, 020-032, 034-037, 039-048, 051-069, 071, 073, 075, 076, 078, 079, 081, 085, 086, 093; 1-4-003: 001-014, 016, 017; 1-4-004: 001-014, 016-021, 024, 027-031, 033, 035-070, 072-075; and 5-9-001: 016, 017

Permits: None at this time

Proposing

Agency: Department of Land & Natural Resources, Division of State Parks, 1151 Punchbowl Street, Room 310, Honolulu, HI 96813. Contact: Lauren Tanaka, (808) 587-0293

Accepting

Authority: Governor of Hawai'i

Consultant: NA

Status: Availability of Final Environmental Impact Statement; the Office of Environmental Quality Control is reviewing the Final EIS on behalf of the governor.



This Environmental Impact Statement (EIS) is prepared for the Kōke'e and Waimea State Parks Master Plan. Kōke'e and Waimea Canyon State Parks are two adjoining parks located on the west side of Kaua'i. They were among the first parks established under the Territorial Park System, created in recognition of the unique environmental resources, abundant recreational opportunities, and rich natural heritage existing in the uplands of western Kaua'i.

The Parks were officially established in 1952, and are administered by the Division of State Parks

(DSP), Department of Land and Natural Resources (DLNR). The two Parks occupy a total of 6,182.4 acres of land, with Kōke'e State Park encompassing 4,345 acres and Waimea Canyon State Park with 1, 837.4 acres.

Each year the Parks are enjoyed by an estimated 300,000 people. Local residents and visitors alike come to Kōke'e and Waimea Canyon State Parks for sightseeing, recreational activities, cultural and educational pursuits, and simply to get away from daily routines and relax in the beautiful mountain setting.

The tremendous popularity of the two parks is testament to the foresight of the territorial foresters who advocated their preservation in the early 1900s, and a clear indicator of the Parks' continued value to the people of Hawai'i. This popularity also poses challenges to park managers and caretakers who are working to ensure that the Parks' resources can be enjoyed by visitors today, and will be available for the experience of future generations.

The master plan vision is to preserve and perpetuate the existing character of Kōke'e and Waimea Canyon State Parks by protecting the area's unique native ecosystems, scenic views, historic and cultural landscape, and recreational resources, and by guiding public uses and developing park facilities in a manner that does not compromise the integrity of the mountain's natural resources, wilderness values, and intrinsic qualities. Towards this end, the master plan will guide the protection, preservation and management of Kōke'e and Waimea Canyon State Parks for a twenty-year period extending from 2005 to 2025. The Master Plan includes an analysis of activities within these Parks, impacts to adjoining State lands, and an assessment of impacts to the Parks resulting from activities in the adjoining State lands. The analysis also includes the leased and encumbered lands within the Parks' boundaries. The Master Plan, thus, takes a regional approach to analysis, planning and management of the Parks and their context.

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area 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 Hilo (2-6-004: 040) | Construction of Two Single-Family Residences (SMM 14-318) | Stephen Meek |
| Hawai'i: Hakalau (2-9-002: 083) | "As-Built" Graded and Graveled Pad (SMM 14-319) | Chad R. and Jennifer J. Walker |
| Kaua'i: Kapaa (4-5-001: 018) | After-the-Fact Conversion of Garage to Workshop/Storage and Proposed Perimeter Fence (SMA(M)-2015-5) | Lorraine Newman |
| Kaua'i: Hanalei (5-5-010: 018, 086, 068 and 069) | Kayak Rental Business (SMA(M)-2015-11) | Luana of Hanalei, Inc. |
| Kaua'i: Hanalei (5-5-002: 019) | Repairs to Parking Area at Hanalei Pavilions Park (SMA(M)-2015-13) | County of Kaua'i Parks and Recreation |
| Kaua'i: Hanalei (5-5-010: 032) | Ed and Joan Ben-Dor (SMA(M)-2015-14) | Rock wall |
| Kaua'i: Hanapepe (1-9-008: 007) | Replacement of Wooden Pole Parking Barriers at Hanapepe Pavilions Park (SMA(M)-2015-15) | County of Kaua'i Parks and Recreation |
| Kaua'i: Anini (5-3-005:005) | Parking Lot Improvements at Anini Beach Park (SMA(M)-2015-16) | County of Kaua'i Parks and Recreation |
| Maui: Lahaina (4-4-014: 003) | Temporary Ice Skating Rink (SM2 20140126) | Carlos Rivera |
| Maui: Lahaina (4-6-005: 003) | After-the-Fact Main Dwelling Addition and Alteration (SM2 20140127) | Anne Meininger |

| | | |
|--------------------------------------|--|---|
| O'ahu: Kakaako (2-1-058: 095) | Demolition of the Fisherman's Wharf Restaurant Structure (SMA/14-5) | Office of Hawaiian Affairs / LVI Environmental Services, Inc. |
| O'ahu: Waiialua (6-8-011: 042) | Utility Installation Type A, Consisting of 12 Eight-foot Panel Antennas, 18 Remote Radio Units, 5 Equipment Cabinets and a GPS Antenna on the Roof of the Konane Kai Condominium (2014/SMA-47) | Verizon Wireless / Cascadia PM |
| O'ahu: Kahuku (5-6-003: 044 and 049) | Marconi Road Utility Pole Installation (2014/SMA-53) | Diversified Agricultural Promotions, LLC / R. M. Towill Corporation |
| O'ahu: Moanalua (1-1-003: 001) | Addition of a Roof-Mounted Antenna on an Existing United Airlines Hanger and Associated Equipment Cabinet on Sidewalk (2014/SMA-56) | Rick Sawyer / Landin Johnson, AECOM |

SHORELINE NOTICES

Shoreline Certification Applications

The shoreline certification applications above are available for review at the Department of Land and Natural Resources 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, Hawai'i 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at 587-0420.

| File No. | Date | Location | Applicant/Owner | TMK |
|----------|----------|---|---|-------------|
| OA-1622 | 10/31/14 | Parcel 31 of Tax Map Key (1) 4-5-007 situate at Kane'ohe, Ko'olaupoko, O'ahu Address: 45-001C Waikalua Road Purpose: Obtain building permit | Wesley T. Tengan/ Jewell L. Tuitele | 4-5-007:032 |
| OA-1623 | 10/31/14 | Consolidation of Por. L.C. Aw. 2246.5, Ap. 3 to Kapule (Exclusion 11 of Ld. Ct. App. 979) & Reclaimed (Filled) Land of Kaneohe Bay situate at Kahalu'u, Ko'olaupoko, O'ahu Address: 47-050 C Laenani Drive Purpose: Lot consolidation & building permit | Eddie D & Lorraine M. Holmes/ Eddie D. & Lorraine M. Holmes | 4-7-010:082 |
| OA-1624 | 11/10/14 | Pohaku Loa Way being all of Lot 11, Section B as shown on Bishop Estate Map 4210-H situate at Kawailoa, Waiialua, Oahu Address: Pohaku Loa Way Purpose: Determine jurisdiction of existing wood fence and applying for after-the-fact permit | Jaime F. Alimboyoguen/ Carl Hodel (Authorized Agent) | 6-1-009:020 |
| OA-1625 | 11/10/14 | Lot 2-C Land Court Application 242 situate at Pu'u'loa, Ewa, Oahu Address: 91-839 Pohakupuna Road Purpose: Building permit | Walter P. Thompson, Inc./ Adora Ancheta | 9-1-025:067 |
| MA-593 | 11/10/14 | Portion of Land Patent Grant 4973 to Walter M. Giffard situate at Olowalu, Lahaina, Maui Address: 39724 Honoapi'ilani Highway Purpose: Obtain building permit | Akamai Land Surveying, Inc./ William & Zenda Stakelback | 4-8-003:002 |

| | | | | |
|--------|----------|---|--|-------------|
| HA-494 | 11/10/14 | Portion of R.P. 7523, L.C. Aw. 4452, Ap. 4 to H. Kalama situate at Anaeho'omalau, South Kohala, Island of Hawai'i Address: 69-1081 Ku'uali'i Place Purpose: Obtain County permits | Wes Thomas Associates/ Waikoloa BC, LCC | 6-9-007:015 |
|--------|----------|---|--|-------------|

Shoreline Certifications and Rejections

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources (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, Hawai'i 96813.

| File No. | Proposed/Rejected | Location | Applicant/Owner | TMK |
|----------|----------------------------------|--|--|-------------|
| OA-1608 | Proposed Shoreline Certification | Lot 37, Land Court Application 1596 situate at Wailupe, Honolulu, O'ahu Address: 154 Wailupe Circle Purpose: Building permit | Walter P. Thompson, Inc./ Michael Pietsch, Jr. | 3-6-001:037 |
| OA-1613 | Proposed Shoreline Certification | Lot 9, Land Court Consolidation 211 situate at Kaunala, Ko'olauloa, O'ahu Address: 58-153 Napo'onala Place Purpose: Building permit | Walter P. Thompson, Inc./ Hale O Kane LLC | 5-8-006:039 |
| OA-1614 | Proposed Shoreline Certification | Outrigger Reef Hotel comprised of Land Court Application 774 (Map 2) and Land Court Application 1628 (Map 1) situate at Kalia, Waikiki, Honolulu, O'ahu Address: 2169 Kalia Road Purpose: Building permit for proposed hotel renovations | ControlPoint Surveying, Inc./ ORF, LLC | 2-6-004:010 |
| HA-492 | Proposed Shoreline Certification | Lot 25, Honoli'i Pali Tract being portions of L.C. Aw. 4895 to Makuahine, and portions of L.C. Aw. 7715, Apana 16 to Lota Kamehameha situate at Pauka'a, South Hilo, Island of Hawai'i Address: 75 Honoli'i Place Purpose: Permitting purposes cliff stabilization | Stephen Lazaro/ Stephen Lazaro | 2-7-015:008 |
| MA-571 | Rejection | Lot 3 of Kuau Tract Subdivision situate at Paia, Hamakuapoko, Makawao, Maui Address: 475 Hana Highway Purpose: N/A | Akamai Land Surveying, Inc./ James Argyropoulos | 2-6-009:005 |
| OA-1608 | Proposed Shoreline Certification | Lot 37, Land Court Application 1596 situate at Wailupe, Honolulu, O'ahu Address: 154 Wailupe Circle Purpose: Building permit | Walter P. Thompson, Inc./ Michael Pietsch, Jr. | 3-6-001:037 |
| OA-1613 | Proposed Shoreline Certification | Lot 9, Land Court Consolidation 211 situate at Kaunala, Ko'olauloa, O'ahu Address: 58-153 Napo'onala Place Purpose: Building permit | Walter P. Thompson, Inc./ Hale O Kane LLC | 5-8-006:039 |

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, 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 OA-3711
Name of Applicant: August and Veronica Monge
Location: Ko'olauloa District, Island of O'ahu
TMK: (1) 5-4-003:035
Proposed Action: After-the-Fact Application for Existing Seawall
343, HRS Determination: Final Environmental Assessment (FEA) Finding of No Significant Impact (FONSI)
Applicant's Contact: Jason Nakata; (808) 596-7790
OCCL Staff Contact: Alex J. Roy (808) 587-0316

FEDERAL NOTICES

1. [Pesticide Experimental Use Application – Comments Requested](#) - November 14, 2014

EPA received an application 62719-EUP-AA from Dow AgroSciences LLC, requesting an experimental use permit (EUP). The EPA has determined that the permit may be of regional and national significance. Therefore, because of the potential significance, the EPA is seeking comments on this application.

Summary of Request: Dow AgroSciences LLC, is proposing to test MON 87411, a new plant-incorporated protectant (PIP) technology, alone and in combination with other PIPs in corn to generate data and information that is intended to support future PIP registration applications (e.g., PIPs with multiple modes of action against corn rootworm and/or lepidopteran corn pests). Dow AgroSciences LLC's proposed experimental program would begin on January 1, 2015, and go until March 31, 2016; would take place on 9,038 acres in Arkansas, **Hawai'i**, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, Puerto Rico, South Dakota, Texas, and Wisconsin; and would use 8,720.37 grams of active ingredient.

Comments must be received on or before **December 15, 2014**. CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; (703) 305-7090; email address: BPPDFRNotices@epa.gov.

2. [Programmatic Environmental Assessment to Reduce Army Active Duty](#) - November 14, 2014

The Department of the Army announces the availability of the Finding of No Significant Impact (FNSI) for implementation of force structure realignment to reduce the Army active duty end-strength from 562,000 at the end of Fiscal Year (FY) 2012 to 420,000 by FY 2020. The Supplemental Programmatic Environmental Assessment for Army 2020 Force Structure Realignment (SPEA) supplements the 2013 Programmatic Environmental Assessment (PEA). After reviewing the SPEA and comments received during the public review period, the Deputy Chief of Staff of the Army, G-3/5/7 has signed the FNSI that concluded there will be no significant environmental impacts, other than socioeconomic impacts, likely to result from the

implementation of the Proposed Action under the alternative analyzed. Although there could be significant socioeconomic impacts, these alone do not require the preparation of an Environmental Impact Statement; therefore, one will not be prepared.

Force restructure decisions reducing the Army active duty end-strength from 562,000 to 490,000 were supported by the 2013 PEA. The SPEA builds on the foundation of the 2013 PEA and assesses the impacts of a potential reduction of an additional 70,000 Soldiers and associated Army civilian employees (Army employees), from the end-strength of 490,000 Soldiers analyzed in the 2013 PEA to an active component end-strength of 420,000.

The information in the SPEA will be used to support a series of decisions in the coming years regarding how the force is to be further realigned. Both the 2013 PEA and 2014 SPEA analyzed potential reductions at: United States Army Garrison (USAG) Hawaii-Schofield Barracks, HI. The SPEA also analyzed potential reductions at: USAG Hawaii-Fort Shafter, HI.

An electronic version of the FNSI and SPEA is available for download at:

<http://aec.army.mil/Services/Support/NEPA/Documents.aspx>.

3. [EPA Proposes Greenhouse Gas Emission Guidelines](#) – November 4, 2014

The Environmental Protection Agency (EPA) proposed emission guidelines for states to follow in developing plans to address greenhouse gas (GHG) emissions from existing fossil fuel-fired electric generating units (EGUs). In this supplemental action, the EPA is proposing emission guidelines for U.S. territories and areas of Indian country with existing fossil fuel-fired EGUs. Specifically, the EPA is proposing rate-based goals for carbon dioxide (CO₂) emissions for U.S. territories and areas of Indian country with existing fossil fuel-fired EGUs, as well as guidelines for plans to achieve those goals. The EPA is also soliciting comment on authorizing jurisdictions (including any states, territories and areas of Indian country) without existing fossil fuel-fired EGUs subject to the proposed emission guidelines to partner with jurisdictions (including any states) that do have existing fossil-fuel fired EGUs subject to the proposed emission guidelines in developing multi-jurisdictional plans. The EPA is also soliciting comment on the treatment of renewable energy, demand-side energy efficiency and other new low- or non-emitting electricity generation across international boundaries in a state plan. This supplemental proposed rule would continue progress already underway to reduce CO₂ emissions from existing fossil fuel-fired power plants in the United States.

Comments on the supplemental proposed rule must be received on or before **December 19, 2014**.

CONTACT: Ms. Melanie King, Energy Strategies Group, Sector Policies and Programs Division (D243-01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-2469; facsimile number: (919) 541-5450; email address: king.melanie@epa.gov.

4. [Western Pacific Regional Fishery Management Council Meetings](#) – November 17, 2014

The Western Pacific Regional Fishery Management Council's (Council) will hold public meetings to solicit public input on the management of bottomfish and yellowfin tuna in the Main Hawaiian Islands. The meetings will be held **December 2 through December 13, 2014**.

The agenda includes: State of Hawaii Bottomfish Reporting Requirements; Standardizing and Improving Catch and Effort Reporting; Volunteer Non-Commercial Reporting; Federal Non-Commercial Bottomfish Permit and Reporting; Yellowfin Tuna (Ahi) Science and Minimum Size Considerations; Yellowfin Tuna Management Issues; Report on the Status of Yellowfin Tuna Science; Modification to the Minimum Size Limit for the Sale of Yellowfin Tuna; Main Hawaiian Islands Deep-7 Bottomfish Management Issue; Non-Commercial Bag Limits; Creating a Market Grace Period for the Sale of Deep-7 Bottomfish after a Fishery Closure; Bottomfish Restricted Fishing Areas (BRFAs); Proposed Changes to the Number of BRFAs; And modifications to the State Reporting Grids to Improve Reporting if BRFAs are Removed.

See [SUPPLEMENTARY INFORMATION](#) for specific times, dates and places.

CONTACT: Kitty M. Simonds, Executive Director; telephone: (808)-522-8220.

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. Notices 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).