

THE ENVIRONMENTAL NOTICE

A semi-monthly periodic bulletin published by the Office of Environmental Quality Control pursuant to
Section 343-3,
Hawai'i Revised Statutes
August 8, 2011

HAWAI'I (HRS 343)	
1. Monk Seal Rehabilitation Facility at NELHA FEA	2
2. Kahuku Village DEIS	2
3. Kaloko Makai DEIS	3
MAUI (HRS 343)	
4. Wailuku Exploratory Well FEA	4
O'AHU (HRS 343)	
5. Kainalu Seawall FEA	5
6. Kawailoa Wind Farm FEIS Acceptance Determination	5
7. Kawailoa Wind Power DEA	5
KAUA'I (HRS 343)	
8. Brennecke's Beach Broiler and Po'ipū Beach Park Restrooms Sewer Connections FEA	6
HAR §11-200-27 DETERMINATION	
Waimānalo Gulch Sanitary Landfill Expansion	6
HABITAT CONSERVATION NOTICE	
Kawailoa Wind Power Draft Habitat Conservation Plan	6
NEPA NOTICE	
Construction of a Flood Mitigation Project (PN 56024) at Fort Shafter Flats	7
HISTORICAL PRESERVATION NOTICE	
Proposed Action for Sustainment, Restoration, and Modernization (SRM) Projects at Building 10, Ka'ena Point Satellite Tracking Station (KPSTS)	8
COASTAL ZONE MANAGEMENT NOTICES	
Special Management Area Permits	9
FEDERAL CONSISTENCY REVIEWS	
Hawai'i False Killer Whale Take Reduction Measures.....	9
Umauma Stream Bridge Rehabilitation, North Hilo	10
POLLUTION CONTROL PERMITS	10
SPECIAL MANAGEMENT AREA (CH. 25, REV. ORD. OF HONOLULU)	
Kamehameha Schools Kāpaeloa Cultural Learning Project (DEA)	10
FEDERAL NOTICES	
Olokele River Hydroelectric Project	11
Listing 23 Species on O'ahu as Endangered and Designating Critical Habitat for 124 Species.....	14
2011–12 Main Hawaiian Islands Deep 7 Bottomfish Annual Catch Limits and Accountability Measures	15
Environmental Council	15
Glossary	16

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.

The Environmental Notice informs the public of environmental assessments and other documents that are available for review and comment per HRS 343-3 and is issued on the 8th and 23rd of each month on the Office of Environmental Quality Control's website. If you would like to be notified when it is issued, send us your email address and we'll put you on our mailing list.



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

HAWAII (HRS 343)

1. Monk Seal Rehabilitation Facility at NELHA Final EA (FONSI)

- Island:** Hawai'i
District: North Kona
TMK: (3rd) 7-3-043:042
Permits: Building Permit, Grading Permit, Plan Approval and Special Management Area Permit (obtained in previous approvals), National Pollutant Discharge Elimination System Permit, Individual Wastewater System Permit, Development and Design Guidelines Approval, Chapter 6e Historic Sites Clearance, Aeronautical Study Clearance
- Applicant:** The Marine Mammal Center, 2000 Bunker Road, Fort Cronkhite, Sausalito, California 94965. Contact: Tony Promessi, (415) 289-7372
- Approving Agency:** Natural Energy Laboratory of Hawai'i Authority NELHA, 73-4460 Queen Ka'ahumanu Highway, #101, Kailua-Kona, Hawai'i 96740. Contact: Jeff Nichols, (808) 327-9585
- Consultant:** Geometrician Associates, PO Box 396, Hilo, Hawai'i 96721. Contact: Ron Terry, (808) 969-7090
- Status:** Finding of No Significant Impact (FONSI) Determination



The Marine Mammal Center proposes a facility for the rehabilitation of endangered Hawaiian monk seals (*Monachus schauinslandi*) on a 2.6-acre property under the control of the Natural Energy Laboratory of Hawai'i Authority (NELHA), an agency of the State of Hawai'i, at Keāhole Point. The Hawaiian monk seal is a critically endangered species on the verge of extinction that needs aggressive intervention to successfully recover. The project consists of a holding facility with four in-ground pools designed specifically for monk seal, surrounded by concrete haul-outs, work areas, and walkways, and covered with a shade structure. The pools will be supplied with both warm and cold NELHA-supplied seawater to precisely regulate temperature. Wastewater will be treated and re-circulated, with solids separated and disposed of off-site. Impacts include grading of the Pāhoehoe surface and associated minor impacts on sedimentation, dust, noise, and visual quality, all of which will be temporary and mitigated. *Maiapilo* plants will be avoided as feasible and used in landscaping. No archaeological sites are present on the site and a nearby archaeological site will be protected during facility construction and operation. The project is coordinating with trail organizations and should not affect shoreline resources or access in any way.

2. Kahuku Village Draft EIS (also Volume 2 and Volume 3)

- Island:** Hawai'i
District: Kau
TMK: (3) 9-2-001:072
Permits: County General Plan amendment, State Land Use District Boundary Amendment, Zone Change, Special Management Area Permit, Subdivision Approval, Plan Approval, NPDES Permit, Grading and Building Permits
- Applicant:** Nani Kahuku Aina, LLC, 99-0880 Iwaena Street, Aiea, Hawai'i 96701. Contact: Katherine Peroff, (808) 487-1445
- Approving Agency:** County of Hawai'i Planning Department, 101 Pau'ahi Street, Suite 3, Hilo, Hawai'i 96720. Contact: Bobby Jean Leithead Todd, (808) 961-8288
- Consultant:** PBR Hawai'i, 1001 Bishop Street, ASB Tower, Suite 650, Honolulu, Hawai'i 96813. Contact: Thomas S. Witten, (808) 521-5631
- Status:** Statutory 45-day comment period; comments are due on September 21, 2011. Send comments to the Applicant, Approving Agency and the Consultant



The vision for Kahuku Village calls for balanced development, creating a community that respects and stewards the Site's natural and cultural resources. Revenue generating land uses will be balanced with and help to fund resource stewardship and preservation efforts. One of the cornerstones of Kahuku Village is the creation of the Kahuku Hawaiian Heritage Center (KHHC), a Hawai'i nonprofit corporation. KHHC will be empowered to steward and preserve the Site's many resources. The KHHC also will formalize and perpetuate the research and education programs already conducted onsite, enable expansion of programs, and promote an awareness and appreciation for the many natural and cultural resources that the Kahuku ahupua'a possesses. Approximately 500-acres of land in the vicinity of Pōhue Bay will be dedicated to the Hawaiian Heritage Center (HHC), although it is anticipated that the KHHC will be entrusted to steward and protect significant natural and cultural resources throughout the Site.

Residential, commercial and visitor uses will be confined to a Mixed-Use Village in the makai portion of the Site. The Mixed-Use Village encompasses about 1,600 acres, exclusive of the HHC and Shoreline Conservation Area. Approximately 125-acres of land near Māmalahoa Highway adjacent to the Hawaiian Ocean View Ranchos development is proposed to be dedicated to State and County agencies for civic facilities. The balance of the site will remain as open space in the form of archaeological preserves, parks, trails, and other open space.

3. [Kaloko Makai Draft EIS Volume 1](#) ([Volume 2](#))

- Island:** Hawai'i
District: North Kona
TMK: (3) 7-3-09: 017, 025, 026, 028, 63 and portions of 19 and 62
Permits: State Land Use District Boundary Amendment, Approval of Wastewater Treatment Facility, NPDES General Permit, NPDES Individual Permit, 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, Zone Change, Subdivision, Plan Approval, Grading, Grubbing and Stockpiling Permits; Building Permits, Permit to Perform Work Within County Right-of-Way, Utility Companies, Utility Service Requirements, Permits Regarding Work on Utility Lines
Applicant: SCD-TSA Kaloko Makai, LLC, 1100 Alakea Street, 27th Floor, Honolulu, Hawai'i 96813. Contact: Peter Phillips, (808) 537-2200
Approving Agency: State Land Use Commission, P.O. Box 2359, Honolulu, Hawai'i 96804. Contact: Orlando Dan Davidson, (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 comment period; comments are due on September 21, 2011. Send comments to the Applicant, Approving Agency and the Consultant



SCD-TSA Kaloko Makai, LLC proposes to develop Kaloko Makai, a residential, mixed-use development, on approximately 1,139 acres of undeveloped land in Kaloko, North Kona, Hawai'i. The site is approximately 3 miles south of the Kona International Airport at Keāhole and 3.5 miles north of the town of Kailua.

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 that portion of the project area that is not currently within the State Land Use Urban District. Reclassification from the Conservation and Agricultural Districts to the Urban District is being sought, to be followed by a County of Hawai'i Zone Change. The preparation of this EIS is triggered by the

reclassification of Conservation District lands within the project area. Other possible EIS triggers include the use of State and/or County lands or funds in developing of the project and construction of a wastewater treatment plant.

The proposed project is identified as a Neighborhood Transit Oriented Development (TOD) in the Kona Community Development Plan. Kaloko Makai will be a residential community, with supporting commercial, infrastructure, educational, recreational and open space uses. Kaloko Makai is planned to have approximately 5,000-single and multi-family units, including affordable housing in accordance with County of Hawai'i requirements, up to 1.1-million square feet of gross leasable area for commercial (office and retail) uses, a 120-room Lodge and Business Center, 75-acres of light industrial uses, three public school sites and a 150-acre Dryland Forest preserve, with additional park and open space uses. Kaloko Makai will also provide 40 acres of land to be used for the development of a regional hospital. The project also involves development of up to four potable well sites within a well field of approximately 18 acres of land mauka of the Kaloko Makai project site.

MAUI (HRS 343)

4. [Wailuku Exploratory Well Final EA](#)

Island: Maui
District: Wailuku
TMK: (2) 3-5-001:100 (por.)
Permits: NPDES, Commission on Water Resource Management Permits, DOH Wellhead Protection, Noise, Building, Grading, Project District Phase III

Proposing/Determination

Agency: County of Maui, Department of Water Supply, 200 South High Street, 5th Floor, Wailuku, Hawai'i 96793. Contact: Tom Ochwat, (808) 270-7816
Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, Hawai'i 96793. Contact: Leilani Pulmano, (808) 244-2015
Status: Finding of No Significant Impact (FONSI) Determination



The County Department of Water Supply (DWS) plans to construct an exploratory well in Wailuku, Maui within the Iao Aquifer System to replace Shaft 33, an existing water source. The Proposed Wailuku Exploratory Well is being developed as part of DWS's continuing efforts to disperse the pumping within the aquifer.

Approximately 12,000 square feet of land will be acquired for the well site. Pump and water quality tests will be performed to determine the exploratory well's suitability as a new potable water source. Should the tests confirm its suitability, a separate Environmental Assessment will be prepared for a permanent well and pumping station.

The proposed project may result in short-term construction-related noise and air quality impacts. Such impacts will be mitigated by appropriate best management practices. In the long-term, no substantial adverse impacts to existing natural resources are anticipated. Consequently, significant adverse secondary impacts are not anticipated. The proposed project is one (1) of four (4) water wells planned to replace Shaft 33. The four (4) replacement wells will disperse pumping throughout the aquifer and positively impact the water quality and the sustainability of the aquifer. The four (4) wells are not anticipated to cumulatively have a negative impact on the physical environment.

O'AHU (HRS 343)

5. [Kainalu Seawall Final EA](#)

Island: O'ahu
District: Honolulu
TMK: 3-1-003: 001
Permits: Conservation District Use, Certified Shoreline, Army Corps of Engineers Nationwide Permit, Department of Health Dewatering permit
Applicant: Tropical Sands Apartments, Inc., 711 Kapi'olani Boulevard, Suite 2755, Honolulu, Hawai'i 96813
Approving Agency: State of Hawai'i Department of Land and Natural Resources – OCCL, 1151 Punchbowl Street, Room 131, Honolulu, Hawai'i 96813
Consultant: PlanPacific, Inc, 1001 Bishop Street, Suite 2755, Honolulu, Hawai'i 96813. Contact: Kenji Salmoiraghi, (808) 521-9418
Status: Finding of No Significant Impact (FONSI) Determination



The Kainalu Apartment building has been experiencing deteriorating conditions in regards to the property's seawall. Erosion and the undermining of sand have caused the wall to deteriorate and collapse in sections and have created a potentially dangerous situation for the property owners as well as those who use the adjacent public property.

If left unattended, increasing damage to the wall would potentially jeopardize the building foundation causing great loss of private property as well as impacting the adjacent public property by creating a hazard zone scattered with debris.

Replacement of the wall will take place on private property using the same footprint as the original wall, and will not significantly impact the adjacent properties or the surrounding community, but will provide the property with a property seawall and serve to protect the building from current natural conditions. The construction period will be short, but will impact the area visually as well as with construction noise and degraded water quality in the immediate vicinity during the duration. Best Management Practices will be used to mitigate any necessary short term impacts.

6. [Kawailoa Wind Farm Final EIS Acceptance Determination](#)

The Department of Business, Economic Development and Tourism accepted the [Kawailoa Wind Farm Final EIS](#). The final EIS was published in [The Environmental Notice, July 8, 2011](#).

7. [Kawailoa Wind Power Draft EA](#)

Island: O'ahu
District: Waialua
TMK: 6-1-005:001, 6-1-006:001, 6-1-007:001, 6-2-009:001, 6-2-011:001
Permits: Incidental Take License
Applicant: First Wind; Kawailoa Wind Power LLC, 810 Richards St, #650, Honolulu, HI 96813-4714. Contact: (808) 695-3300
Approving Agency: Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Room 325, Honolulu, Hawai'i 96815. Contact: (808) 587 0166
Consultant: SWCA Environmental Consultants, 201 Merchant Street, Suite 2310, Honolulu, HI 96813. Contact: (808) 548-7922
Status: Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on September 6, 2011. Send comments to the Proposing Agency and the Consultant



Kawailoa Wind Power LLC (or the "Applicant") proposes to construct and operate a new 70-megawatt (MW), 30-turbine commercial wind energy generation facility at Kawailoa in the northern portion of the Island of O'ahu, Hawai'i. Pursuant to Hawai'i Revised Statutes Chapter 343, a Draft Environmental Assessment has also been prepared which includes the draft Habitat Conservation Plan, which is published under Habitat Conservation Notice in this issue.

KAUA'I (HRS 343)

8. [Brennecke's Beach Broiler and Po'ipū Beach Park Restrooms Sewer Connections Final EA](#)

Island: Kaua'i
District: Kōloa
TMK: 2-8-17:001, 2-8-17:011, 2-8-17:-15 and 2-8-17:-23
Permits: Use Permit and Class IV Zoning Permit
Applicant: Lealani Corporation, P.O. Box 1325, Koloa, Kaua'i, Hawai'i 96756. Contact: Bob French, (808) 742-7588

Approving Agency: Planning Department, County of Kaua'i, 4444 Rice Street, Suite A473, Līhu'e, Kaua'i, Hawai'i 96766. Contact: Michael A. Dahilig, (808) 241-4050

Consultant: Belles Graham Proudfoot Wilson & Chun, LLP, 4334 Rice Street, Suite 202, Līhu'e, Kaua'i, Hawai'i 96766. Contact: Lorna A. Nishimitsu, (808) 245-4705

Status: Finding of No Significant Impact (FONSI)



Lealani Corporation is being required to replace its cesspools with a sewer connection to the HOH Utilities Wastewater Treatment Plant, for which it will require easements from the County of Kaua'i for the installation of sewer lines and pump stations. Lealani will also install a new grease trap interceptor and connect the County's Po'ipū Beach Park restrooms to the sewage system to reduce risks of leachate into the ocean.

HAR §11-200-27 DETERMINATION

[Waimānalo Gulch Sanitary Landfill Expansion Supplemental Statement Determination](#)

The City and County of Honolulu, Department of Planning and Permitting (DPP) has determined that the Department of Environmental Services' request to modify Condition No. 14 of the State Land Use Commission's Decision and Order, dated October 22, 2009, to delete the July 31, 2012 deadline to cease disposal of municipal solid waste (MSW) at Waimanalo Gulch sanitary Landfill, does not need a supplemental environmental impact statement. The [Waimānalo Gulch Sanitary Landfill \(WGSL\) Lateral Expansion Final EIS](#) was accepted and published in [The Environmental Notice, October 23, 2008](#).

Deletion of this deadline would allow the WGSL to continue receiving MSW until the site reaches capacity as permitted by the State Department of Health. The determination is based on consideration of the age of data, new information or developments, time frame and phasing, and whether it is a different action. The information presented in the 2008 final environmental impact statement is still current.

Therefore, DPP has determined that a Supplemental EIS is not required, pursuant to Section 11-200-27, Hawai'i Administrative Rules. If you have any questions, call Raymond Young at (808) 768-8049.

HABITAT CONSERVATION NOTICE

[Kawailoa Wind Power Draft Habitat Conservation Plan](#)

Applicable Law: HRS Chapter 195D and HRS Chapter 343

Island: O'ahu

District: Waialua

TMK: 6-1-005:001, 6-1-006:001, 6-1-007:001, 6-2-009:001, 6-2-011:001

Permits: Incidental Take License



Applicant: First Wind, Kawaiiloa Wind Power LLC, 810 Richards Street # 650, Honolulu, Hawai'i 96813. (808) 695-3300

Approving Agency: Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Room 325, Honolulu, Hawai'i 96815. (808) 587-0166

Status: Send comments to the address listed below by October 8, 2011

The construction and operation of the wind farm has the potential to result in the incidental take of six threatened or endangered species: the Hawaiian stilt or *ae'o* (*Himantopus mexicanus knudseni*), Hawaiian coot or *'alae ke'oke'o* (*Fulica alai*), Hawaiian duck or *koloa maoli* (*Anas wyvilliana*), Hawaiian moorhen or *'alae 'ula* (*Gallinula chloropus sandvicensis*), Newell's shearwater or *'a'o* (*Puffinus auricularis newelli*), and Hawaiian hoary bat or *'ope'ape'a* (*Lasiurus cinereus semotus*). One State listed endangered species, the Hawaiian short-eared owl or *pueo* (*Asio flammeus sandwichensis*), is also believed to have potential take. The endangered mollusc species (*Achatinella mustelina*) was historically found adjacent to the proposed site for off-site communications, and a population is present approximately 50 meters away.

To address potential take and to comply with Hawai'i endangered species law, Hawai'i Revised Statutes Chapter 195D, the Applicant has developed a draft Habitat Conservation Plan that outlines measures to avoid, minimize, mitigate, and monitor take of the aforementioned covered threatened and endangered species. In addition, the draft Habitat Conservation Plan outlines measures to ensure a net recovery benefit to the species that are the focus of the plan. Pursuant to Hawai'i Revised Statutes Chapter 343 an Environmental Assessment has also been prepared which includes the Habitat Conservation Plan actions.

The public is encouraged to comment on the draft Habitat Conservation Plan. Please send comments to: Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street Room 325, Honolulu, Hawai'i 96813. Attention: HCP Coordinator Sandee Hufana or email comments to: Sandee.K.Hufana@Hawaii.gov

Public comments should be received by October 8, 2011.

The Division of Forestry and Wildlife will also hold a public hearing on O'ahu to receive public comments on the draft Habitat Conservation Plan. The date and location of the public hearing will be made available to the public via legal notice in the Honolulu Star Advertiser.

NEPA NOTICE

Construction of a Flood Mitigation Project (PN 56024) at Fort Shafter Flats

Island: O'ahu

District: Honolulu

TMK: 1-1-008-001

Permits: Section 404 permit, Section 401 Water Quality Certification, NPDES permit

Proposing/Determination

Agency: U.S. Army Garrison, Hawai'i, U.S. Army Installation Management Command, Pacific Region, Headquarters, Directorate of Public Works, United States Army Garrison, Hawai'i, Schofield Barracks, Hawai'i 96857. Contact: William Rogers, (808) 656-3075, or Dale Kanehisa, (808) 656-5670

Consultant: Wil Chee - Planning, Inc., 1018 Palm Drive, Honolulu, Hawai'i 96814. Contact: Celia Shen, (808) 596-4688

Status: 30-day comment period begins; comments are due on September 6, 2011. Send comments to the Proposing Agency and the Consultant



This Environmental Assessment (EA) addresses the potential environmental consequences associated with the proposed construction of a flood mitigation project at Fort Shafter Flats, Fort Shafter,

Hawai'i. The project would construct a flood levee/wall and supporting components to improve flood protection and storm water drainage at Fort Shafter Flats. This action would provide improved flood risk management in the Fort Shafter Flats area and increase the usability of the land area for existing and planned facilities that would be protected from the 100-year flood. Based on information compiled and analyzed during preparation of the EA, the USAG-HI finds that the Proposed Action would not result in any significant direct, indirect, or cumulative impacts on either the man-made or natural environment and has prepared a draft finding of no significant impact (FONSI). An environmental impact statement will not be required for this project.

Copies of the EA and the draft FONSI are available for review at the Salt-Lake-Moanalua Public Library and the Kalihi-Palama Public Library, or can be obtained by contacting Dale Kanehisa or Bill Rogers. Comments on the EA and the draft FONSI should be submitted to the Directorate of Public Works at the mailing address or email addresses listed above. At the conclusion of the review period, the U.S. Army Garrison, Hawai'i will consider, respond, and incorporate any comments, where applicable, and finalize and sign the FONSI, if appropriate.

HISTORICAL PRESERVATION NOTICE

Action for Sustainment, Restoration, and Modernization (SRM) Projects at Building 10, Ka'ena Point Satellite Tracking Station (KPSTS)

Island: O'ahu
District: Wai'anae
TMK: 6-9-003: 005
Permits: N/A
Proposing/Determination Agency: U.S. Air Force, Detachment 3, 21st Space Operations Squadron (Det 3, 21 SOPS) – KPSTS, P.O. Box 868, Wai'anae, Hawai'i 96792. (808) 697-4314
Consultant: N/A
Status: 7-day public comment period begins; comments are due on August 15, 2011. Send comments to proposing agency or email lynn.cruz.ctr@kaenapt.af.mil



The USAF has determined that several repairs/improvements are required for Building 10 (administration building) at Ka'ena Point Satellite Tracking Station (KPSTS). The proposed undertaking would provide for multiple SRM projects to accomplish improvements to Building 10 as outlined below:

- Replace refrigeration/chiller plant/HV AC systems including removal/replacement of piping and mechanical equipment;
- Replace computer room air conditioning units in Room 145 with a backup air conditioning system;
- Replace command section's low-efficiency windows;
- Renovate the existing first-floor break room and kitchen;
- Renovate/repair exterior walls;
- Install photovoltaic system including roof panels.

In a previous Section 106 consultation, the USAF determined, and SHPD concurred, that certain buildings at KPSTS are potentially eligible for listing on the National Register of Historic Places as part of a Historic District based on KPSTS' role as one of many tracking stations supporting its former Cold War missions, in particular our Nation's first satellite surveillance program known as "Discoverer," later dubbed "Corona."

The USAF completed its Environmental Impact Analysis Process for the Proposed Action, resulting in a Categorical Exclusion. However, Building 10 is over 50 years old; therefore a Section 106 consultation is being initiated with the State of Hawai'i Historic Preservation Division (SHPD). No known



archaeological sites are within the site of proposed action. The USAF has determined and requested SHPD's concurrence that the proposed undertaking will have no effect on historic properties.

The Section 106 SHPD consultation package is available for review for 7 days beginning August 8, 2011, at the Wai'anae Public Library located at 85-625 Farrington Highway, Wai'anae, Hawai'i 96792.

Comments may be sent via mail to the address below, via phone to (808) 697-4314 or via email to lynn.cruz.ctr@kaenapt.af.mil, Det 3, 21 SOPS – KPSTS, P.O. Box 868, Wai'anae, Hawai'i 96792.

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area (SMA) Minor Permits

The SMA Minor permits below have been approved or are pending approval (HRS 205A-30). For more information, contact the county/state Planning Department. Honolulu (523-4131); Hawai'i (961-8288); Kaua'i (241-6677); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2840).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: North Kona (7-5-020: 016)	Replenish Beach Sand and Level Gravel (SMM 11-184)	Todd Miller, President of AOA O Kona by the Sea
Hawai'i: Puna (1-5-061: 043, 044, 045 and 046)	After-the-fact Grubbing and Grading and Construction of a Structure, and Proposed Construction of a Single-family Residence and Related Improvements (SMM 11-185)	Todd Adams
Hawai'i: Puna (1-5-010: 015 and 019)	Installation of Electrical Power Poles (SMM 11-186)	Jack Acree and Barbara Bell
Kaua'i: (1-3-010: 110)	Pool (SMA(M)-2011-22)	Dan and Lynne Levinson
Kaua'i: (4-5-012: 023)	Two Temporary Snack Trailers and Two Temporary Retail Carts (SMA(M)-2012-1)	South Pacific Bistro Inc.
Kaua'i: (3-5-002: 010)	Construction of Off Street Parking, Construction of Vehicular Ramp/Gravel Surfacing for Residential and Commercial (SMA(M)-2012-2)	Duke's Canoe Club, LLC
Kaua'i: (5-5-010: 038)	Wooden Shed (SMA(M)-2012-3)	Scott and Katherine Grainger
Kaua'i: (4-9-013: 023)	After-the-fact Permitting of Fencing along Boundary, Concrete Slabs, Garden Walls, Relocation of Stairs (SMA(M)-2012-4)	Tom and Linda Summers
Maui: Lahaina (4-6-006: 063)	Enclosing Patio & Carport (SM2 20110051)	Michele Vierra-Pupunu
O'ahu: Kalaeloa (9-1-026: 057)	Chain-link Fence and Gates (2011/SMA-36)	Laulima L.L.C./Tim Taylor

Federal Consistency Reviews

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies (HRS 205A). Public notice is pursuant to Section 306(d)(14) of the National Coastal Zone Management Act of 1972, as amended. For more information, call John Nakagawa at 587-2878. Neighbor islands call toll-free: Kaua'i: 274-3141 x72878, Lāna'i and Moloka'i: 468-4644 x72878, Maui: 984-2400 x72878, or Hawai'i: 974-4000 x72878. Federal deadlines require that comments be received by the date specified. Send comments to: Office of Planning, Department of Business, Economic Development and Tourism, P.O. Box 2359, Honolulu, Hawai'i 96804. Email: jinakagaw@dbedt.Hawaii.gov or Fax: (808) 587-2899.

Hawai'i False Killer Whale Take Reduction Measures

Federal Action: Federal Agency Activity

Federal Agency: National Marine Fisheries Service (NMFS)

Contact: Ms. Nancy Young, (808) 944-2282

CZM Contact: John Nakagawa, (808) 587-2878, jinakagaw@dbedt.Hawaii.gov

Proposed Action: NMFS is proposing to implement measures to carry out the False Killer Whale Take Reduction Plan. The take reduction plan includes both regulatory and non-

regulatory measures to reduce bycatch of false killer whales in the federally managed Hawai'i-based longline fisheries. The take reduction plan and supporting documents are available at the NMFS Pacific Island Region web site: http://www.fpir.noaa.gov/PRD/prd_critical_habitat.html.

Comments Due: August 22, 2011

Umauma Stream Bridge Rehabilitation, North Hilo, Hawai'i

Applicant: State Department of Transportation, Highways Division
Contact: Mr. Eugene Dashiell, (808) 371-0745
Federal Action: Federal Funding
Federal Agency: Federal Highway Administration
Location: Hawai'i Belt Road, Route 19, Milepost 16.02
CZM Contact: John Nakagawa, (808) 587-2878, jnakagaw@dbedt.Hawaii.gov
Proposed Action: Rehabilitate the Umauma Stream Bridge by constructing structural and foundation repairs. Construct concrete support columns to be placed within and adjacent to the existing steel support towers, widen the bridge deck and roadway shoulders, and construct a new concrete railing. Reinforce the deteriorating steel structure of the bridge by constructing two main concrete towers and one smaller concrete tower within the existing steel towers. The concrete towers would be constructed within the steel towers to preserve the historically significant bridge.

Comments Due: August 22, 2011

POLLUTION CONTROL PERMITS

Below are some pollution control permits before the State Department of Health (HRS 342B and HAR 11-60.1). For more information, contact the number given.

Branch Permit Type	Applicant and Permit Number	Project Location	Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	ShredCo, LLC Application for Permit Modification No. 0698-03 CSP No. 0698-01-NT	Located at: Various Temporary Sites, State of Hawai'i	Issued: 7/14/2011	Portable Grinding and Screening Plants
Clean Air Branch, 586-4200, Covered Source Permit	U.S. Dry Cleaning Corporation, dba Young Laundry Initial Application No. 0278-05 CSP No. 0278-02-C	Located at: 1930 Auiki Street Honolulu, O'ahu	Issued: 7/18/11	Large Area Source Dry Cleaning Facility
Clean Air Branch, 586-4200, Non-Covered Source Permit	Pepsi Beverages Company Application for Initial Permit No. 0742-01 NSP No. 0742-01-N	Located at: 99-1325 Hālawa Valley Street, 'Aiea, O'ahu	Issued: 7/22/11	7.0 MMBtu/hour Water Heater
Clean Air Branch, 586-4200, Non-Covered Source Permit	City and County of Honolulu Modification Application No. 0216-14 NSP No. 0216-05-N	Located at: 1350 Sand Island Parkway, Honolulu, O'ahu	Issued: 7/22/11	Sand Island Wastewater Treatment Plant

SPECIAL MANAGEMENT AREA (Chapter 25, Revised Ordinances of Honolulu)

The special management area is the land extending inland from the shoreline, as established in Chapter 25, Revised Ordinances of Honolulu, and delineated on the maps established by the council and filed with the council and agency pursuant to HRS Section 205A-23. The public can obtain a copy of the document by contacting the project Consultant or the Applicant listed below.

Kamehameha Schools Kāpaeloa Cultural Learning Project (DEA)

Island: O'ahu
District: Waialua
TMK: 6-1-003: 56
Applicant: Trustees of the Estate of Bernice Pauahi Bishop, (dba) Kamehameha Schools, 567 South King Street, Honolulu, Hawai'i 96813. Contact: Kalani Fronda, (808) 523-6244

Approving Agency: City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813. Contact: Elizabeth Krueger, (808) 768-8019

Consultant: Group 70 International, Inc., 925 Bethel Street, 5th Floor, Honolulu, Hawai'i 96813. Contact: Jeffrey H. Overton, (808) 523-5866

Comments: DEA 30-day comment period starts from the date of this Notice. Address comments to the Applicant, with copies to the Approving Agency and Consultant. A Finding of No Significant Impact (FONSI) is anticipated.

Permits: Special Management Area Use Permit



The Kāpaeloa Cultural Learning Project is a satellite school facility for children participating in Kamehameha Schools programs. The project will consist of an educational pavilion, four dormitory structures, two caretaker's residences, an outdoor activity lawn, an educational native plant garden, off-street parking, and support infrastructure. The project will be funded by Kamehameha Schools, and construction is anticipated to begin in 2015. The project will conform to the appropriate Building Code and City and County of Honolulu rules and regulations for development within the described flood zones, and the project construction will proceed under an archaeological monitoring program. Construction-related traffic, air, and noise impacts will be short-term in nature. No significant adverse impacts, cumulative impacts, and secondary impacts are anticipated from the proposed improvements. A Finding of No Significant Impact (FONSI) is anticipated.

FEDERAL NOTICES

1. Olokele River Hydroelectric Project - Federal Energy Regulatory Commission Docket No. D11-12-000

Take notice that the following application has been filed with the Commission and is available for public inspection:

- a. *Application Type:* Declaration of Intention.
- b. *Docket No:* D11-12-000.
- c. *Date Filed:* July 11, 2011
- d. *Applicant:* Gay & Robinson, Inc.
- e. *Name of Project:* Olokele River Hydroelectric Project.
- f. *Location:* The proposed Olokele River Hydroelectric Project will be located on Olokele River, near the town of Waimea, Kaua'i County, Hawaii, at Latitude 22°00'16.92" N. Longitude 159°37.20" W.
- g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).
- h. *Applicant Contact:* Charles Okamoto, President, Gay & Robinson, Inc., P.O. Box 156, Kaunakani, Hawai'i 96747; telephone: (808) 335-3133; Fax: (808) 335-6424; e-mail: <http://www.cokamoto@gayandrobins.com>.
- i. *FERC Contact:* Any questions on this notice should be addressed to Henry Ecton, (202) 502-8768, or E-mail address: henry.ecton@ferc.gov.
- j. *Deadline for filing comments, protests, and/or motions:* August 30, 2011. All documents should be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov/docs-filing/efiling.asp>. If unable to be filed

electronically, documents may be paper filed. To paper-file, an original and seven copies should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. Please include the docket number (D111-12-000) on any comments, protests, and/or motions filed.

- k. *Description of Project:* The proposed Olokele River Hydroelectric Project will consist of: (1) Water diverted from the Olokele River into the 20-mile-long Olokele Ditch System; (2) a proposed 100-foot-long, 20-foot-wide forebay; (3) a proposed 42-inch diameter, 4,175-foot-long ductile iron pipe penstock, which will lead to a proposed 40-foot-long, 40-foot-wide, 25-foot-high prefab steel powerhouse, containing a 6.0-megawatt Pelton turbine; (4) a short tailrace returning water to the Olokele River; (5) a proposed 5-mile-long primary transmission line connecting to a proposed new substation; and (6) appurtenant facilities. When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the proposed project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.
- l. *Locations of the Application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or tollfree at (866) 208-3676, or TTY, contact (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.
- m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.
- n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.
- o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", AND/OR "MOTIONS TO INTERVENE", as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.
- p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives (see, 76 FR 44317, July 2011).



2. Endangered and Threatened Wildlife and Plants; Listing 23 Species on O'ahu as Endangered and Designating Critical Habitat for 124 Species

The U.S. Fish and Wildlife Service (Service), proposes to list 23 species on the island of O'ahu in the Hawaiian Islands as endangered under the Endangered Species Act of 1973, as amended (Act). The Service also proposes to designate critical habitat for these 23 species, to designate critical habitat for 2 plant species that are already listed as endangered, and revise critical habitat for 99 plant species that are already listed as endangered or threatened. The proposed critical habitat designation totals 43,491 acres and includes occupied and unoccupied habitat. Approximately 93 percent of the area being proposed as critical habitat is already designated as critical habitat for the 99 plant species or other species. In this proposed rule the Service is also proposing a taxonomic revision of the scientific names of nine plant species. The Service will consider comments received on or postmarked on or before October 3, 2011. Please note that if you are using the Federal eRulemaking Portal (see below), the deadline for submitting an electronic comment is Eastern Time on this date.

The Service intends that any final action resulting from this proposal will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, the Service solicits comments or suggestions on this proposed rule from other concerned governmental agencies, the scientific community, industry, or other interested parties concerning this proposed rule. The Service particularly seeks comments concerning:

1. Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to the 23 species proposed for listing, and regulations that may be addressing those threats.
2. Additional information concerning the range, distribution, and population size of each of the 23 species proposed for listing, including the locations of any additional populations of these species.
3. Any information on the biological or ecological requirements of the 23 species proposed for listing.
4. Current or planned activities in the areas occupied by both the 23 species proposed for listing and the additional 101 plant species proposed for critical habitat designation or revision, and possible impacts of these activities on this species.
5. The reasons why we should or should not designate habitat for all species in this proposal as "critical habitat" under section 4 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.), including whether there are threats to these species from human activity, the degree of which can be expected to increase due to the designation, and whether the benefit of designation would outweigh threats to these species caused by the designation, such that the designation of critical habitat is prudent.
6. Whether a revision of critical habitat is warranted for the 99 plant species already listed as endangered or threatened under the Act.
7. Specific information on: the amount and distribution of critical habitat for the species included in this proposed rule; what areas currently occupied, and that contain the necessary physical or biological features essential for the conservation of the species, we should include in the designation and why; whether special management considerations or protections may be required for the physical or biological features essential to the conservation of the species in this proposed rule; and what areas not currently occupied are essential to the conservation of the species and why.
8. Land use designations and current or planned activities in the areas occupied by the species, and the possible impacts of proposed or revised critical habitat on these designations or activities.
9. Any foreseeable economic, national security, or other relevant impacts of designating any area as critical habitat. We are particularly interested in any impacts on small entities, and the benefits of including or excluding areas that exhibit these impacts.
10. Whether the benefits of excluding any particular area from critical habitat outweigh the benefits of including that area as critical habitat under section 4(b)(2) of the Act, after considering the potential impacts and benefits of the proposed critical habitat designation. Under section 4(b)(2), we may exclude an area from critical habitat if we determine that the benefits of such exclusion

outweigh the benefits of including that particular area as critical habitat, unless failure to designate that specific area as critical habitat will result in the extinction of the species. We request specific information on: the benefits of including specific areas in the final designation and supporting rationale; the benefits of excluding specific areas from the final designation and supporting rationale; and whether any specific exclusions may result in the extinction of the species and why.

11. Whether our exemptions under section 4(a)(3)(B)(i) of the Act of the lands on Department of Defense (DOD) land at Dillingham Military Reservation, Kahuku Training Area, Kawaihoa Training Area, Makua Military Reservation, Schofield Barracks East Range, and Schofield Barracks Military Reservation, are or are not appropriate and why.
12. Information on the projected and reasonably likely impact of climate change on the species included in this proposed rule, and any special management needs or protections that may be needed in the critical habitat areas we are proposing.
13. Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.
14. Specific information on ways to improve the clarity of this rule as it pertains to completion of consultations under section 7 of the Act.
15. Comments on our proposal to revise the taxonomic classification for the nine plant species identified in this proposed rule.

You may submit comments by one of the following two methods: (1) Federal eRulemaking Portal: <http://www.regulations.gov>. In the box that reads "Enter Keyword or ID," enter the docket number for this proposed rule, which is FWS-R1-ES-2010-0043. Check the box that reads "Open for Comments/Submission," and click the Search Button. You should then see an icon that reads "Submit a Comment." Please ensure that you have found the correct rulemaking before submitting your comment; or, (2) U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS-R1-ES-2010-0043; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042; Arlington, VA 22203. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide the Service.

The Service must receive written requests for public hearings, in writing, by September 16, 2011 at the following address: Loyal Mehrhoff, Field Supervisor, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Box 50088, Honolulu, HI 96850. For more information please call (808) 792-9400; or fax (808) 792-9581. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339 (see, 76 FR 46362, August 2, 2011).

3. Western Pacific Bottomfish and Seamount Groundfish Fisheries; 2011-12 Main Hawaiian Islands Deep 7 Bottomfish Annual Catch Limits and Accountability Measures

The National Marine Fisheries Service (NMFS) proposes to specify a quota (annual catch target, ACT) of 325,000 lb (147,418 kg) of Deep 7 bottomfish in the main Hawaiian Islands (MHI) for the 2011-12 fishing year, based on a proposed annual catch limit (ACL) of 346,000 lbs. (156,943 kg). When the fishery is projected to reach the quota, NMFS would close, as an accountability measure, the commercial and non-commercial fisheries for MHI Deep 7 bottomfish for the remainder of the fishing year. The proposed specifications and fishery closure support the long-term sustainability of Hawaii bottomfish. Comments must be received by August 18, 2011. Comments on this proposed specification, identified by 0648-XA470, may be sent to either of the following addresses: *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal <http://www.regulations.gov>; or • *Mail:* Mail written comments to Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Region (PIR), 1601 Kapi'olani Blvd, Suite 1110, Honolulu, HI 96814-4700. *Instructions:* Comments must be submitted to one of the two addresses to ensure that the comments are received, documented, and considered by NMFS. Comments sent to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on <http://www.regulations.gov> without change. All personal



identifying information (e.g., name, address, etc.) submitted voluntarily by the sender may be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only. An environmental assessment (EA) was prepared that describes the impact on the human environment that would result from this proposed action. Based on the EA, NMFS prepared a finding of no significant impact (FONSI) for the proposed action. Copies of the EA and FONSI are available from <http://www.regulations.gov>.

For more information contact Jarad Makaiau, NMFS PIR Sustainable Fisheries at (808) 944–2108 (see, 76 FR 46719, August 3, 2011).

ENVIRONMENTAL COUNCIL

The Environmental Council has a tentative meeting scheduled for August 18, 2011. Please go to the State [Calendar](#) website six days prior to the meeting date to review the agenda. For more information, contact the Council at environmental.council@doh.hawaii.gov or call (808) 586-4185.

GLOSSARY

Agency Actions

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

Applicant Actions

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(c\)](#), for Applicant actions. For environmental assessments for which a Finding of No Significant Impact is anticipated, 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 per (HRS 343-3), also known as The Environmental Notice.

Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments 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). After the notice of the 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.

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. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority. 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, the Approving Agency must make a determination on acceptance within 30 days of receipt of the FEIS or the FEIS is deemed accepted. For Applicant actions, the law provides for an administrative appeal of a non-acceptance to the Environmental Council.

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 Hawai'i'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 Hawai'i 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).