

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
November 8, 2011

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Note: If you get a message saying that the file is damaged when you click on the link, then the file is too big to open within your web browser. To view the file, download directly to your hard drive by going to File and select Save As in your web browser.

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

SUBMITTAL REQUIREMENTS FOR CHAPTER 343, HRS DOCUMENTS

The preparation of this notice relies on the timely submission of information, pursuant to **§11-200-3, Hawai'i Administrative Rules**. It is very important that OEQC timely receives the documents listed below for preparing and finalizing the publication. Please make sure that your submittals for publication include the listed documents. Failure to provide the required documents can delay the publication of your project.

A. Submittal letter – hard copy

B. Publication Form – hard copy and electronic version in MS Word

C. EA or EIS hard copy

D. Distribution List (for DEIS and FEIS ONLY)

E. CD with the complete EA or EIS in PDF and the Publication Form in MS Word

Requests to insert inadvertent omissions to submitted EA/EIS documents between the statutory submittal deadline and publication date indicates that the submitted material are incomplete and therefore do not meet Chapter 343, HRS requirements. Such insertions are viewed as new submittals and invalidate the timely submittal of original documents. Consequently, the publication of such projects will have to await the next printing cycle in order to satisfy the statutory submittal requirement of eight working days before the publication date.

STATEWIDE (HRS 343)

1. Biocontrol of Strawberry Guava by its Natural Control Agent for Preservation of Native Forests in the Hawaiian Islands Final EA (FONSI)

Island: Statewide

District: N/A

TMK: N/A

Permits: US Dept. of Agriculture, Animal and Plant Health Inspection Service (APHIS): Plant Protection and Quarantine permits (obtained); Hawai'i Dept. of Agriculture: Permit for Import and Liberation of Restricted Organisms (obtained); Hawai'i Department of Land and Natural Resources, Division of Forestry and Wildlife: Permit for Release and Monitoring on State Forest Land

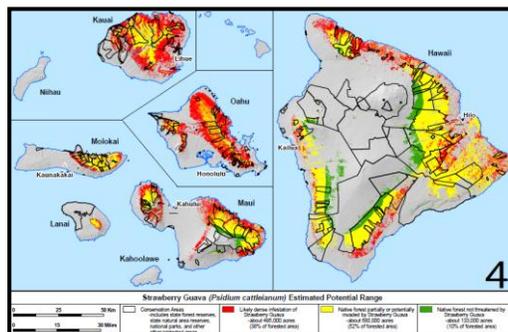
Proposing/Determination

Agency: State of Hawai'i, Department of Agriculture, 1428 South King Street, Honolulu, Hawai'i 96814. Contact: Neil Reimer, (808) 973-9522

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 Hawai'i Department of Agriculture proposes the environmental release on State lands of a scale insect from Brazil, *Tectococcus ovatus*, for biological control of strawberry guava, *Psidium cattleianum*. *T. ovatus* is a highly specific natural control agent producing leaf galls on strawberry guava that reduce its vigor and fruiting in its native range in Brazil. Strawberry guava exists in balance with other native plants in its native range in Brazil, where it is host to various natural predators and biological control agents. Strawberry guava has no such controls in Hawai'i, and their absence contributes to this fast-growing tree's ability to outcompete the native plant species of Hawai'i, which have both native and introduced predators. The invasion of strawberry guava into native forests has had devastating effects on the biodiversity, cultural resources, scenic beauty, and watershed values of the native forest. Strawberry guava infestations are also a significant source of agricultural pest fruit flies. Introducing a natural biological control agent will help reduce growth and reproduction of strawberry guava, and thus help



“level the playing field,” allowing Hawai‘i’s native plants to better compete with the invasive strawberry guava. Initial release of the biocontrol agent is proposed in the vicinity of Volcano and the Ola‘a Forest Reserve on the island of Hawai‘i, followed by other releases and natural spread. Careful testing of the agent indicates that *T. ovatus* is highly host specific and will not affect other species. *T. ovatus* does not kill strawberry guava or taint its fruit. People will still be able to pick fruit and gather the wood. Hunting will not be adversely impacted and may actually benefit, along with hiking, birding and other activities that depend on forest access, from fewer and less dense thickets.

HAWAI‘I (HRS 343)

2. Fencing of 4.25-Acre Pasture in Conservation District at Pepe‘ekeo Final EA (FONSI)

Island: Hawai‘i

District: South Hilo

TMK: (3rd) 2-8-008:100

Permits: County of Hawai‘i: Special Management Area Permit (obtained) Department of Land and Natural Resources, CDUP

Applicant: Muhammad Yunis, Yunis Family Trust UDT, RR2 Box 3918, Pahoa, Hawai‘i 96778. Contact: Muhammad Yunis, (808) 938-5337

Approving

Agency: Office of Coastal and Conservation Lands, Hawai‘i State DLNR, P.O. Box 62, Honolulu, Hawai‘i 96809. Contact: Alex Roy, (808) 587-0316

Consultant: Geometrician Associates, PO Box 396, Hilo, Hawai‘i 96721. Contact: Ron Terry, (808) 969-7090

Status: Finding of No Significant Impact (FONSI) determination



Dr. Muhammad Yunis, a doctor of Veterinary Medicine, proposes to erect a 5-foot tall hog wire or chain-link fence about 1,400 feet in length to enclose approximately 4.25 acres of existing pasture in the Conservation District in Pepe‘ekeo to graze three horses. This would occur on Continental Pacific, LLC property adjacent to Agricultural District property he and his wife are buying to build a residence and raise livestock, fruit and vegetables. The grazing pasture will be carefully fenced with minimal pasture disturbance. Forage seed may be spread annually to sustain grass growth. Grass would supplement the horses’ diet of imported hay and a compressed mixture of oats, barley, and grass. The area has been grazed for many years, prior to which it was farmed for sugar cane. Archaeological surveys have determined that no historic properties are present, and the vegetation is overwhelmingly non-native with only a few common native species. An adjacent 10-foot wide public pedestrian access at the top of the sea cliffs and an adjacent 10-foot wide lateral public access to the south of the area proposed for fencing would not be affected by the action, as the fence will be set 10 feet away from the boundaries of these easements.

MAUI (HRS 343)

3. Imi ‘Ikena Affordable Housing Draft EA

Island: Maui

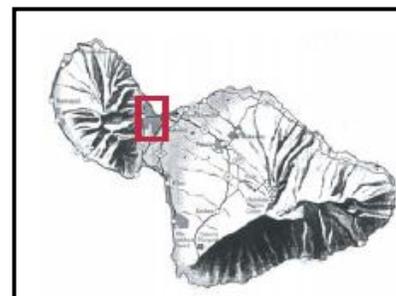
District: Wailuku

TMK: (2) 3-8-037:028

Permits: Building, Grading, Electrical, Plumbing, NPDES, Noise Permit

Applicant: Imi Ikena Housing Partners, LLC, 990 Highland Drive, Suite 110J, Solana Beach, California 92075. Contact: David Billings, (760) 579-3191

Approving



- Agency:** Department of Housing & Human Concerns, County of Maui, 2200 Main Street, One Main Plaza Building, Suite 546, Wailuku, Hawai'i 96793.
Contact: Jo-Ann T. Ridao, (808) 270-7805
- Consultant:** Chris Hart & Partners, Inc., 115 North Market Street, Wailuku, Hawai'i 96793.
Contact: Chris Hart, (808) 270-1955
- Status:** Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on December 7, 2011. Send comments to the Applicant and the Consultant.

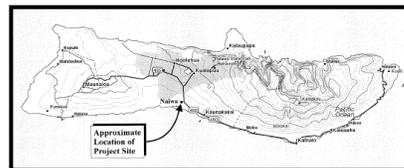
The applicant proposes to develop a 28-unit, four-story affordable apartment complex on a vacant urban lot within Wailuku. All units will be targeted at households earning thirty (30) to sixty (60) percent of the area median income as established by HUD with rents restricted in perpetuity. The Imi Ikena Affordable Housing Project is intended to provide workforce housing in character with the existing urban development in the Sand Hills area. The apartment complex will be accessed by three driveways, two off of Pio Place and one off of Imi Place. Apartment units will range from two to three bedrooms and will range in size from 981 square feet to 1,133 square feet.

There are no long-term impacts associated with the proposed project. Short-term impacts are associated with construction related activities, and include noise and air impacts from construction vehicles.

MOLOKA'I (HRS 343)

4. Proposed Moloka'i Baseyard Improvements Final EA (FONSI)

- Island:** Moloka'i
District: Moloka'i
TMK: (2) 5-2-031:011, 012 and 013
Permits: Building Permit, Grading Permit, Noise Permit (as applicable), NPDES (as applicable)
- Proposing/Determination**
- Agency:** County of Maui, Department of Public Works, 200 South High Street, Wailuku, Hawai'i 96793. Contact: Cary Y. Yamashita, (808) 270-7745
- Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, Hawai'i 96793.
Contact: Colleen Suyama, (808) 244-2015
- Status:** Finding of No Significant Impact (FONSI) determination

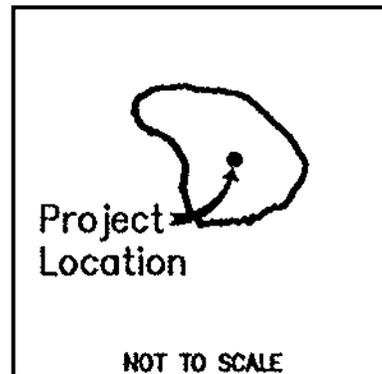


The County of Maui, Department of Public Works (DPW) proposes to construct the Molokai Baseyard Improvements in order to relocate the existing baseyard in Kaunakakai to a new site on the island of Molokai, Hawai'i. The project site is currently made up of three (3) parcels owned by the County of Maui, identified by TMK Nos. (2)5-2-031:011, 012 and 013 (Parcel 11, Parcel 12, and Parcel 13, respectively) totaling approximately 2.45 acres. The project site is located in the Moloka'i Industrial Park subdivision approximately 2.9 miles northwest of Kaunakakai. The Moloka'i Baseyard Improvements are proposed to be constructed in two (2) phases. Phase 1 will consist of a driveway entrance from Pu'eo Place, an administration building, vehicle storage area and parking lot located on Parcels 12 and 13 and a fuel storage and temporary retention basin on Parcel 11. Related improvements will include site clearing/grubbing, grading, retaining walls, off-site utility connections, landscaping and irrigation. Phase 2 will be located on Parcel 11 and consist of removing the temporary retention basin, and construction of a maintenance shop building, bulk material bunkers, and truck wash area. Related improvements will include site grading, drainage system, retaining walls, asphalt paving, landscaping and irrigation. The perimeter of the subject properties will also be fenced.

LANA'I (HRS 343)

5. Lana'i Community Health Center Final EA (FONSI)

Island: Lāna'i
District: Lāna'i
TMK: 4-9-006:011
Permits: Building Permit, Grading Permit, Sewer Connection
Proposing/Determination Agency: County of Maui, Office of the Mayor Community Development Community Block Grant, 200 South High Street, Wailuku, Maui, Hawai'i 96793. Contact: Hannah Matsumoto, (808) 270-7213
Consultant: Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, Hawai'i 96826. Contact: John Sakaguchi, (808) 946-2277
Status: Finding of No Significant Impact (FONSI) determination



The Lāna'i Community Health Center, a federally qualified facility under the U.S. Department of Health and Human Service Health Resources and Services Administration, proposes to construct a replacement health care facility in Lāna'i City using funds provided through the U.S. Department of Housing and Urban Development Community Development Block Grant (CBDG) program. The Lanai Community Health Center project site is located west of Dole Park on the western portion of the parcel (Tax Map Key: 4-9-006:011) bounded by Houston Street on the north, Seventh Street on the east, Gay Street on the south, and Sixth Street on the west and occupies an area of approximately 25,067 square feet, or about 0.575 acres. The Lāna'i Community Health Center will be a single-story building about 6,800 feet. A total of 20 parking stalls will be provided on the project site.

In January 2009, the County of Maui Planning Department and the State of Hawai'i Department of Land and Natural Resources State Historic Preservation Division issued a Draft National Register of Historic Places Registration Form for the Lanai City Business Country Town historic district, a 17 block area located in the center of Lāna'i City. The Draft National Register nomination is still under review. The project site is located within the Lāna'i City Business Country Town District. On June 17, 2010, the State Historic Preservation Division indicated that after examination of the plans and conferral with the Maui County Planning Office, the Historic Preservation Division's concurred that the project will "not affect historic properties.

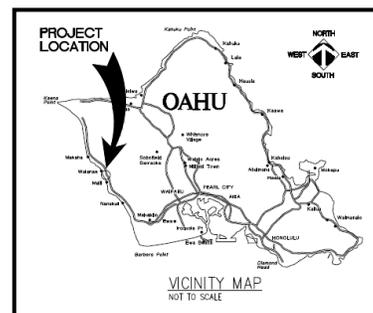
The Lāna'i Community Health Center would provide accessible primary medical care, dental care, behavioral health services, prenatal, family planning, nutrition and preventive health education services open to the low- and moderate-income, uninsured and underinsured residents of Lanai.

O'AHU (HRS 343)

6. Bayview Street Relief Drain Draft EA

Island: O'ahu
District: Wai'anae
TMK: Portions of 8-5-08: 35, 36, 43, 44, 45, 49, and 8-5-01:62
Permits: Clean Water Act, Water Quality Certification, Noise Permit, Community Noise Permit, National Pollutant Discharge Elimination System (NPDES) permit, Grading and Trenching construction permits, Traffic Review Branch approval of traffic control plan, Department of Parks and Recreation approval for work within Pōka'i Bay Beach Park, City and County municipal stormwater permit (NPDES)

Proposing/Determination



Agency: City and County of Honolulu, Department of Design and Construction, 650 South King Street, 15th Floor, Honolulu, Hawai'i 96813. Contact: Gary Kam, (808) 768-8819

Consultant: Bow Engineering & Development, Inc, 1953 South Beretania Street, PH-A, Honolulu, Hawai'i 96826. Contact: Ezra Lum, (808) 941-8853 ext. 114

Status: Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on December 7, 2011. Send comments to the Proposing Agency and the Consultant.

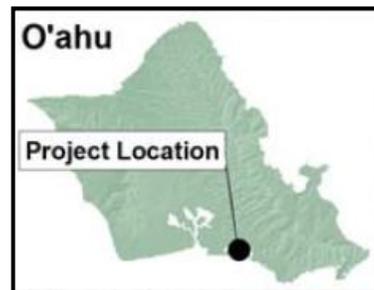
The City and County of Honolulu Department of Design and Construction plans to construct storm drainage improvements between Farrington Highway and Pōka'i Bay in Wai'anae on the Leeward side of O'ahu. The proposed drainage improvements would replace a portion of an existing drainage system that currently serves the area around Bayview Street and a portion of Wai'anae Valley Road. The existing drainage system has inadequate capacity to service the project area, and residents in the area have documented flooding problems. The proposed drainage improvements would increase the drainage system capacity with the use of High Density Polyethylene Pipes (HDPE) and concrete drain boxes of varying sizes. The proposed improvements would occur predominantly along the previous alignment along existing right-of-way, though more extensive trenching would be required to accommodate the larger pipes.

In February 2005, a Draft Environmental Assessment was issued for environmental review of an alternate alignment that would redirect drainage to an existing unlined drainage channel, which discharges south of Pōka'i Bay and Kāne'ilio Point and has been in service for over 20-years with an established National Pollutant Discharge Elimination System (NPDES) permit. To minimize potential impacts to unknown historic or cultural remains, the current Bayview Street Relief Drain Project would construct the drainage improvements along the existing alignment.

The environmental impacts of the proposed alignment are not expected to be significant with implementation of appropriate mitigation measures. Construction activities are anticipated to have short-term noise, erosion, traffic, and air quality impacts in the surrounding area. Compliance with State and City and County rules and regulations would minimize these construction-related impacts. Potential impacts to cultural resources would be minimized with implementation of mitigation. No significant long-term effects from project implementation are anticipated.

7. Solids Handling Building Return Lift Station Sand Island Wastewater Treatment Plant Draft EA

Island: O'ahu
District: Honolulu
TMK: (1) 1-5-041:005
Permits: Special Management Area Use Permit, Department of Planning and Permitting Construction Plan Review and Approval, Building Permit, Grading and Stockpiling Permit, Department of Health Construction Plan Review and Approval



Proposing/Determination

Agency: Department of Design and Construction, 650 South Beretania Street, Honolulu, Hawai'i 96813. Contact: Collins Lam, P.E., (808) 768-8480

Consultant: R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawai'i 96819. Contact: James Niermann, (808) 842-1133, JimN@rmtowill.com

Status: Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on December 7, 2011. Send comments to the Proposing Agency and the Consultant.

The proposing agency, Department of Design and Construction, plans to construct a solids handling building return lift station to collect and re-circulate residual flows from intermediate stages of processing within the Sand Island Wastewater Treatment Plant (WWTP). Improvements include a sub-grade compartment well and two sub-grade wet wells with submersible pumps, and miscellaneous above-ground valves, instrumentation, and piping for influent and effluent flows.



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 (7-8-014: 006)	Remove Existing Wood Fence and Construct a Stone Fence (SMM 11-195)	Stephen J. Herbert
Hawai'i: North Kona (7-8-010: 040)	Existing Wireless Telecommunications Facility and Proposed Improvements (SMM 11-196)	New Cingular Wireless PCS, LLC dba AT&T
Maui: (4-6-012: 005)	Maui Plein Air Painting (SM2 20110084)	West Maui Cultural Council
Maui: (3-9-009: 028)	Rock Wall Landscaping, Ground Sign (SM2 20110085)	Marie Kimmey
Maui: Hana (1-4-010: 005)	Subdivide Large Lot into Two Parcels (SM2 20110086)	De Jetley Partnership, LLC
Maui: (4-6-001: 009)	Stage & Sounds System-Consume Contest (SM2 20110088)	West Maui Soroptimist
Maui: Lahaina (4-6-030: 013)	Extend Existing Lanai (SM2 20110089)	Cary Branch
Kaua'i: (3-2-003: 012)	Construct 10' x 12' Wood Shed (SMA(M)-2012-8)	International Monetary Investments Corporation

SHORELINE NOTICES

Certification Applications

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

File No.	Date	Location	Applicant/Owner	TMK
OA-1457	10/12/11	Lot 1190 of Land Court Application 677, Map 301 situate at Kailua, Ko'olaupoko, Oahu Address: 65 Kailuana Place Purpose: Development of property	Dennis K. Hashimoto/ 59 Kailuana Place LLC	4-3-022:020
MA-493	10/13/11	Lot 53 of Makena Beach Lots being a portion of Land Commission Award 11216, Apana 21 to M. Kekeauonohi situate at Palauaea, Honuaula, Makawao, Maui Address: 4492 Makena Road Purpose: Building permits	Ryan M. Suzuki/ Leone-Perkins Family Trust	2-1-011:015
KA-358	10/12/11	Unit 1 "Hale O Noeau" being portion of Allotment 49-A Moloa'a Hui Land situate at Aliomanu, Kauai Address: Kukuna Road Purpose: Building permit	Honua Engineering, Inc./ Jeff Fleming	4-9-004:015

Certifications and Rejections

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

File No.	Date	Location	Applicant/Owner	TMK
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OA-1448	Proposed Shoreline Certification	Portion Lot A being a portion of Grant 1276 to Kuhe and Lots 111 and 112 Mokuleia Beach Subdivision (File Plan 863) situate at Kamananui, Waialua, Oahu Address: 68-113 Au Street Purpose: Development of property	Dennis K. Hashimoto/ Daniel C. & Janice G. Smith	6-8-011:048 0002
MA-469	Rejection	Lot 9 The Kuau Tract Subdivision situate at Paia, Hamakuapoko, Makawao, Maui Address: 529 Hana Highway Purpose: N/A	Akamai Land Surveying, Inc./ Robert J. Lincoln Jr.	2-6-009:011
MO-155	Withdrawal	Portion of Lot B of the Schroll Trust Subdivision situate at Pūko'o, Moloka'i Address: 8702 Kamehameha V Highway Purpose: Shoreline setback purposes	Ronald M. Fukumoto Engineering, Inc./ Ke Kua'aina Hanauna Hou	5-7-007:021

POLLUTION CONTROL PERMITS

Below is a pollution control permit 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, Non-Covered Source Permit	West Hawai'i Concrete Application for Modification No. 0434-06 NSP No. 0434-01-N	Located at: 5039D Queen Ka'ahumanu Hwy., Kailua-Kona, Hawai'i	Issued: 10/27/2011	150 Cubic Yard/Hour Concrete Batch Plant

CONSERVATION DISTRICT USE APPLICATIONS

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

PROJECT:

File No.: CDUA OA-3604
Name of Applicant: City & County of Honolulu, Department of Planning & Permit; Department of Hawaiian Homelands; Haseko (Ewa), Inc.; and University of Hawai'i- West Oahu
Location: Submerged Land, Oneula Beach, Ewa, Oahu
TMKs: Makai of (1) 9-1-134:006 & (1) 9-1-011:007
Proposed Action: Kaloi Gulch Regional Drainage Improvements
343, HRS determination: FEIS published on January 8, 2006
Applicant's Contact: Dean Uchida, SSFM International, Inc (808) 531-1308
OCCL Staff Contact: Tiger Mills (808) 587-0382

PROJECT:

File No.: CDUA OA-3611

Name of Applicant: State of Hawai'i, Department of Agriculture
Location: 1428 South King Street, Honolulu, Hawai'i 96814. Contact: Glenn Okamoto, P.E., 808-973-9473
TMKs: (1) 4-1-008:013; (1) 4-2-010:001; (1) 4-2-010:004; (1) 4-1-010:074
Proposed Action: For improvements to the existing irrigation ditch to improve water conveyance and to monitor flow from the source to the storage and distribution locations in Waimanalo.

343, HRS determination:
Applicant's Contact: AECOM, Bishop Square-ASB Tower, 1001 Bishop St., Suite 1600
Honolulu, HI 96813-3698. Contact: Michael Nishimura, (808) 521-3051

FEDERAL NOTICES

Endangered and Threatened Wildlife and Plants; Review of Native Species That Are Candidates for Listing as Endangered or Threatened

In this Candidate Notice of Review (CNOR), the U.S. Fish and Wildlife Service (Service), presents an updated list of plant and animal species native to the United States that the Service regards as candidates for or have been proposed for addition to the Lists of Endangered and Threatened Wildlife and Plants under the Endangered Species Act of 1973, as amended. Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, allowing landowners and resource managers to alleviate threats and thereby possibly remove the need to list species as endangered or threatened. Even if the Service subsequently lists a candidate species, the early notice provided here could result in more options for species management and recovery by prompting candidate conservation measures to alleviate threats to the species. The CNOR summarizes the status and threats that the Service evaluated in order to determine that the species qualifies as candidates and to assign a listing priority number (LPN) to each species or to determine that the species should be removed from candidate status. Additional material that the Service relied on is available in the Species Assessment and Listing Priority Assignment Forms (species assessment forms) for each candidate species. Overall, this CNOR recognizes three new candidates, changes the LPN for seven candidates, and removes three species from candidate status. Combined with other decisions for individual species that were published separately from this CNOR in the past year, the current number of species that are candidates for listing is 244. This document also includes the Service's findings on resubmitted petitions and describes its progress in revising the Lists of Endangered and Threatened Wildlife and Plants (Lists) during the period October 1, 2010, through September 30, 2011. We request additional status information that may be available for the 244 candidate species identified in this CNOR and this information will be accepted at any time. This notice is available on the Internet at <http://www.regulations.gov> and <http://www.fws.gov/endangered/what-e-do/cnor.html>. Species assessment forms with information and references on a particular candidate species' range, status, habitat needs, and listing priority assignment are available for review at the appropriate Regional Office or on the Service's Web site (http://ecos.fws.gov/tess_public/pub/SpeciesReport.do?listingType=C&mapstatus=1). Please submit any new information, materials, comments, or questions of a general nature on this notice to the Endangered Species Coordinator(s) in the appropriate Regional Office(s), or Chief, Office of Communications and Candidate Conservation, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 420, Arlington, VA 22203 (telephone 703-358-2171). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

Incidental Takes of Marine Mammals Related to Low-Energy Marine Geophysical Survey in the Western Tropical Pacific Ocean, November to December 2011

In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to Scripps Institution of Oceanography (SIO) to take marine mammals, by Level B harassment, incidental to conducting a low-energy marine geophysical (i.e., seismic) survey in the western tropical Pacific Ocean, November to December 2011.

DATES: Effective November 5, 2011 through January 31, 2012.

ADDRESSES: A copy of the IHA and application are available by writing to P. Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910 or by telephoning the contacts listed here. A copy of the IHA application containing a list of the references used in this document may be obtained by writing to the above address, telephoning Howard Goldstein or Jolie Harrison, Office of Protected Resources, NMFS, (301) 427-8401 or visiting the Internet at:

<http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

The following associated documents are also available at the same Internet address: "Environmental Assessment Pursuant to the National Environmental Policy Act, 42 U.S.C. 4321, et seq. and Executive Order 12114, Marine Geophysical Survey by the R/V Thompson in the western tropical Pacific Ocean, November-December 2011 (EA)" prepared by the National Science Foundation (NSF), and "Environmental Assessment of a Low-Energy Marine Geophysical Survey by the R/V Thompson in the Western Tropical Pacific Ocean, November-December 2011," prepared by LGL Ltd., Environmental Research Associates (LGL), on behalf of NSF. The NMFS Biological Opinion will be available online at: <http://www.nmfs.noaa.gov/pr/consultation/opinions.htm>. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

Tuna Fishing Restrictions in the Eastern Pacific Ocean

National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), is issuing regulations under the Tuna Conventions Act of 1950, as amended, (Act) to implement decisions of the Inter-American Tropical Tuna Commission (IATTC). At its 82nd Meeting in July 2011, the IATTC adopted a number of resolutions, some of which require rulemaking to implement domestically in the United States. This rule implements three of these decisions: the Resolution on Tuna Conservation 2011-2013 (C-11-01); the Resolution Prohibiting Fishing on Data Buoys (C-11-03); and the Resolution Prohibiting the Retention of Oceanic Whitetip Sharks (C-11-10). This action is necessary for the United States to satisfy its obligations as a member of the IATTC.

DATES: This rule becomes effective on December 5, 2011, except for the amendments to Sec. 300.24(m) and (n) and Sec. 300.25(f) which become effective November 4, 2011.

ADDRESSES: Copies of the proposed and final rules, Small Business Compliance Guide, and the Regulatory Impact Review for this action are available via the Federal e-Rulemaking portal, at <http://www.regulations.gov>, and are also available from the Regional Administrator, Rodney R. McInnis, NMFS Southwest Regional Office, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to NMFS Southwest Regional Office and by email to OIRA_Submission@omb.eop.gov, or fax to (202) 395-7285. For further information, contact Heidi Hermsmeyer, NMFS SWR, (562) 980-4036.

Marine Mammals

Notice is hereby given that the Northwest Fisheries Science Center (NWFSC, Dr. M. Bradley Hanson, Principal Investigator) [File No. 16163], 2725 Montlake Blvd. East, Seattle, WA 98112-2097; The Whale Museum (Jenny Atkinson, Responsible Party) [File No. 16160], PO Box 945, Friday Harbor, WA 98250; and The Center for Whale Research (CWR; Kenneth C. Balcomb III, Responsible Party) [File

No. 15569], PO Box 1577, Friday Harbor, WA 98250, have applied in due form for permits to conduct research on marine mammals.

The applications and related documents are available for review by selecting "Records Open for Public Comment" from the Features box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 16163, 16160, 16111, and 15569 from the list of available applications.

The subject permits are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 et seq.), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

Each application is summarized below. For specific take numbers of each species, please refer to the associated application.

File No. 16163: Northwest Fisheries Science Center, requests a permit to conduct scientific research on thirty seven species of cetaceans and unidentified mesoplodon and baleen species in all U.S. and international waters in the Pacific Ocean, including waters of Alaska, Washington, Oregon, California, and Hawai'i. Seven of the 37 species to be targeted for research are listed as endangered or have a stock listed as endangered: blue whale (*Balaenoptera musculus*), fin whale (*B. physalus*), humpback whale (*Megaptera novaeangliae*), North Pacific right whale (*Eubalaena japonica*), sei whale (*B. borealis*), killer whale (*Orcinus orca*) Southern Resident stock, and sperm whale (*Physeter macrocephalus*). The false killer whale (*Pseudorca crassidens*) Hawaiian insular stock is proposed for listing under the ESA. Seven species of pinnipeds may be incidentally harassed from research activities, including three species listed as endangered: Steller sea lions (*Eumetopias jubatus*), Guadalupe fur seals (*Arctocephalus townsendi*), and Hawaiian monk seals (*Monachus schauinslandi*). The purposes of the proposed research are to study: (1) Abundance, population structure, social organization, fecundity, and mortality; (2) Distribution, seasonal movements, and habitat use; (3) Responses to anthropogenic impacts; (4) Health assessment including contaminant burdens, breath and fecal borne pathogens; and (5) Prey availability including prey selection and energetics.

Harassment of all species of cetaceans may occur through vessel approach for sighting surveys, photographic identification, behavioral research, opportunistic sampling (breath, sloughed skin, fecal material, and prey remains), acoustic imaging with echosounders, and aerial surveys. Twenty seven cetacean species and unidentified mesoplodon species would be biopsied, dart, and/or suction-cup tagged. Ultrasound sampling would be directed at killer whales including the Southern Resident stock. Active acoustic playback studies would be directed at Southern Resident killer whales. Import and export of marine mammal prey specimens, sloughed skin, fecal and breath samples obtained is requested for research purposes. Research would occur over a five-year period.

File No. 16160: The Whale Museum requests a five year permit to study marine mammals in the inland waters of Washington State. The purpose of the proposed research is to monitor and record vessel activities around marine mammal species routinely encountered by commercial and recreational vessels. This research would contribute to a long-term data set (Orca Master) that has provided critical information on characterizing annual vessel trends around Southern Resident killer whales and an evaluation of the effectiveness of federal, state and local marine wildlife guidelines and regulations through the Soundwatch program. Research methods would include close vessel approach for photo-identification, behavioral observation, and monitoring. The main focus species are killer whales from the Southern Resident stock. Additionally, Pacific white-sided dolphins (*Lagenorhynchus obliquidens*), Dall's porpoise (*Phocoenoides dalli*), harbor porpoise (*Phocoena phocoena*), eastern gray whale (*Eschrichtius robustus*), humpback whale, killer whale, and minke whale (*B. acutorostrata*) may be harassed.

File No. 15569: The Center for Whale Research requests a five-year permit to continue research currently authorized under Permit No. 532-1822-02 with the goal of determining the population size and structure of the ESA-listed Southern Resident killer whales and other ecotypes of killer whales throughout their range in the Eastern North Pacific Ocean. The core area of research will be the inland marine waters of Washington State, but the study area will opportunistically include the wider area of the



coastal eastern North Pacific from the southern boundary of California to Alaskan waters east of Kodiak Island, including all territorial waters up to 200 nautical miles offshore. Research methods would primarily involve photo-identification of individuals and behavioral observations, but other benign techniques such as fecal sampling and prey sampling in trail of whales, remote measuring (aerial and laser techniques), and passive acoustic recording will be conducted. Other non-target species that may be opportunistically taken include 17 cetacean species and four pinnipeds species. Those species that are listed as endangered include the blue whale, fin whale, sei whale, humpback whale, and North Pacific right whale, in addition to the threatened eastern stock of Steller sea lions.

A draft environmental assessment (EA) has been prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), to examine whether significant environmental impacts could result from issuance of the proposed scientific research permits. The draft EA is available for review and comment simultaneous with the scientific research permit applications.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents May Be Reviewed in the Following Locations:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713-2289; fax (301) 427-2521;

Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206) 526-6150; fax (206) 526-6426;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586-7221; fax (907) 586-7249;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562) 980-4001; fax (562) 980-4018; and

Pacific Islands Region, NMFS, 1601 Kapi'olani Boulevard., Room 1110, Honolulu, HI 96814-4700; phone (808) 973-2935; fax (808) 973-2941.



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. 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 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).