

# 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  
January 23, 2012

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*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 8<sup>th</sup> and 23<sup>rd</sup> 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.



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Hawai'i: 974-4000 ext. 64185

## HAWAI'I (HRS 343)

### 1. Hawaii's Volcano Circus Draft EA

**Island:** Hawai'i  
**District:** Puna  
**TMK:** (3)1-2-009:015  
**Permits:** DEA-FONS[; County Special Permit, Grading/Grubbing and Building  
**Applicant:** Hawai'i Volcano Circus and the Village Green Society, RR2 Box 4524, Pahoa, Hawai'i 96778. Contact: Graham Ellis (808) 965-6595

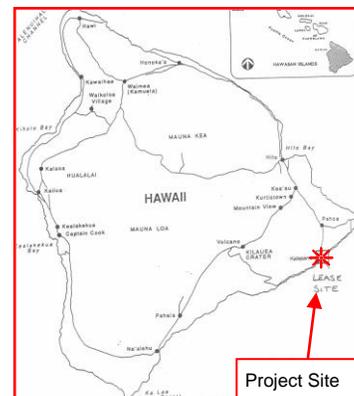
#### Approving

**Agency:** Department of Land and Natural Resources, Post Office Box 621, Honolulu, Hawai'i 96809. Contact: Gordon Heit, (808) 974-6203

**Consultant:** Ted Hong, Esq., P.O. Box 4217, Hilo, Hawai'i 96720. Contact: (808) 933-1919

**Status:** Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on February 22, 2012. Send comments to the Applicant and the Consultant

Hawaii's Volcano Circus ("HVC") and the Village Green Society proposes a direct lease with the State of Hawai'i Department of Land and Natural Resources for a parcel identified as Tax Map Key (3)1-2-009:015, hereinafter ("Property") which consists of 59.59 acres located within the Kehena-Keauohana-Keokea Homesteads in the Puna District, Island of Hawai'i. HVC would like to facilitate efforts to build and strengthen community connections and empower individuals with culture, education, vocational training and performance within the arts in the underserved lower Puna District. The proposed action will have little direct, indirect, secondary and cumulative impacts as the project area will utilize approximately 4 acres which is currently a'a lava and the remainder will be left undisturbed and protected to develop as a lowland ohia rainforest.



### 2. South Kona Watershed Irrigation System Project Draft EIS

**Island:** Hawai'i  
**District:** South Kona  
**TMK:** Zone 9, Section 8 and 9, various TMKs  
**Permits:** Conservation District Use Permit; NPDES permit; Noise permit for construction-related activities that exceed State maximum permissible sound levels; Air permit; Groundwater use permit; Well construction/pump installation permits for each well; Well completion report for each well; AIS, Archaeological Mitigation Plan, and Archaeological Monitoring Plan; Use and Occupancy Agreement for State Highways right-of-way; Construction plan review for work within the State Highways right-of-way; Grading Permit, Grading, Excavation, and Stockpiling Permits

#### Proposing

**Agency:** State of Hawai'i Department of Agriculture, 1428 South King Street, Honolulu, HI 96814-2512. Contact: Mr. Brian Kau, P.E., (808) 973-9473

#### Accepting Authority:

Governor, State of Hawai'i, c/o Department of Agriculture, 1428 South King Street, Honolulu, HI 96814-2512. Contact: Mr. Brian Kau, P.E., (808) 973-9473

**Consultant:** Belt Collins Hawaii Ltd., 2153 North King Street, Honolulu, HI 96819-4554. Contact: Ms. Lesley Matsumoto, (808) 521-5361

**Status:** The statutory 45-day comment period begins; comments are due on March 8, 2012. Send comments to the Proposing Agency and the Consultant



The purpose of the South Kona Watershed Irrigation System is to provide a stable, adequate, and affordable supply of supplemental irrigation water to farms in the Honomalino/Kapu'a area of the South Kona district of the County of Hawai'i to alleviate drought-related irrigation water shortages. Based on the findings in this EIS, there would be no significant adverse impacts from the Proposed Action, considering direct, indirect, and cumulative impacts. Beneficial socio-economic impacts are anticipated as benefits to farmers are anticipated without encouraging development and significant changes to existing rural lifestyle, land values, and property taxes.

Based on the studies in this DEIS, no significant impacts on cultural resources or biological resources would occur with avoidance or other mitigation measure to be developed in required consultations. The NRCS will initiate consultation under Section 106 of the National Historic Preservation Act (NHPA) and as applicable (by species) under Section 7 of the Endangered Species Act (ESA) when funding for project implementation becomes available.

## O'AHU (HRS 343)

### 3. [Ka Makana Ali'i Conceptual Master Plan Final EA \(FONSI\)](#)

**Island:** O'ahu  
**District:** 'Ewa  
**TMK:** 9-1-016:142  
**Permits:** State Land Use Commission approval, building permits, grading permits, NPDES permit, and construction noise permits



#### Proposing/Determination

**Agency:** Department of Hawaiian Home Lands, 91-5420 Kapolei Parkway, P.O. Box 1879, Honolulu, Hawai'i 96805.

Contact: Linda Chinn, (808) 620-9451

**Consultant:** Lee Sichter LLC, 45024 Malulani Street #1, Kane'ohe, Hawai'i 96744.

Contact: Lee Sichter, (808) 382-3836

**Status:** This Final EA and Finding of No Significant Impact (FONSI) determination is being republished at the request of the Proposing Agency because of a discrepancy in the last issue of The Environmental Notice

The Ka Makana Ali'i project is a regional mixed use center proposed to be developed by Hawai'i DeBartolo LLC on a 67-acre property in East Kapolei, in the district of 'Ewa within the City and County of Honolulu. The subject property is owned by the Department of Hawaiian Home Lands and is in the process of being leased to Hawaii DeBartolo LLC.

The proposed development will total approximately 1,400,000 square feet of leasable area including a variety of uses such as commercial office space (approximately 217,000 square feet), two or more large retail anchors as well as smaller, boutique stores, a cinema, a gym, two hotels (250 rooms each), numerous restaurants and other eating establishments, and entertainment facilities. These uses are centered on a large urban court/promenade that ties the project together. Pedestrian paths link the uses and provide connectivity to and from the hotel and office space. In addition to the approximately 2,671 parking spaces to be provided at grade, Ka Makana Ali'i will offer approximately 1,826 parking spaces in an underground lot.

## KAUA'I (HRS 343)

### 4. Kekaha Community Enterprise Center Draft EA

**Island:** Kaua'i  
**District:** Waimea  
**TMK:** (4)1-2-017:051



- Permits:** None
- Applicant:** Council For Native Hawaiian Advancement, 1050 Queen Street, Suite 200, Honolulu, Hawai'i 96814. Contact: Lilia Kapunia, (808) 596-8155
- Approving Agency:** Department of Hawaiian Home Lands, 91-5420 Kapolei Parkway, Kapolei, HI 96707. Contact: Linda Chinn, Administrator (808) 620-9500
- Consultant:** North Shore Consultants, P.O. Box 790, Haleiwa, Hawai'i 96712. Contact: David Robichaux, (808) 368-5352
- Status:** Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on February 22, 2012. Send comments to the Applicant and the Consultant.

The Kekaha Community Enterprise Center will be a roughly 2000 square foot, single story, wood structure built in the general style of the houses in the same subdivision. It will be used to provide social and community services to the Department of Hawaiian Home Lands beneficiaries, and also be available for community events and gatherings. Direct impacts include minor noise and dust during the construction period. These will be mitigated through best management practices. No negative indirect, secondary or cumulative impacts have been identified. Anticipated positive impacts include increased capacity and opportunities for community members. A finding of no significant impacts is expected pending receipt of comments from agencies and interested parties.

## 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.

### New 7-Eleven Kahalu'u Store Draft EA

- Island:** O'ahu
- District:** Ko'olaupoko
- TMK:** 4-7-011: 006
- Permits:** Special Management Area (SMA) Permit-Major; Grubbing, Grading, and Stockpiling; Building Permit for Building, Electrical, plumbing, sidewalk/Driveway and Demolition, Variance from Pollution Controls
- Applicant:** 7-Eleven Hawaii, Inc., 1755 Nu'uuanu Avenue, Honolulu, Hawai'i 96817. Contact: Mr. Chuck Jones, (808) 447-7216
- Approving Agency:** Department of Planning and Permitting, City and County of Honolulu, 650 South King Street, Honolulu, Hawai'i 96813. Contact: Malynne Simeon, (808) 768-8023
- Consultant:** Gerald Park Urban Planner, 95-595 Kaname'e Street, #324, Mililani, Hawai'i 96789, (808) 625-9626
- Status:** Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on February 22, 2012. Send comments to the Applicant and the Consultant.



7-Eleven Hawaii Inc. proposes to demolish an existing 7-Eleven convenience store in Kahalu'u and build a new store in its place. A 2,400-square-foot structure will replace the existing store. The one-story building will be 16 feet in height. No change in the number of driveways (two) and their location is proposed. Eleven standard and two van accessible Americans with Disabilities Act (ADA) parking stalls will be provided. 7-Eleven is not proposing to relocate or replace the existing fuel dispensers, canopies, and underground fuel tanks.

The cost of the proposed improvements is estimated at \$0.920 million and will be funded by the Applicant. Construction will commence after all approvals and permits are received. A four month construction period is projected including demolition.

The improvements are not anticipated to adversely affect special management area resources in the short-term (during construction). The proposed improvements require the approval of a Major SMA Use Permit by the Honolulu City Council.

Potential impacts on air quality, noise, and erosion during construction can be mitigated by adhering to existing public health regulations and Best Management Practices associated with site work. The project is not proposed near the shoreline; thus, there should be no impact on shoreline access, recreational resources, beach protection, and marine resources. There are no historical resources, coastal ecosystems, and scenic and open space resources to be affected. The site is located outside the 500 year flood plain and not prone to flooding.

## 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 (768-8014); Hawai'i (961-8288); Kaua'i (241-6677); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

#### SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: Puna (1-4-068: 053)	Removal of Rock to Enlarge Pond on Property (SMM 11-200)	Mark Rodrigues
Kaua'i: (3-7-003: 015)	Install Four New Panel Antennas, Six Small Remote Radio Units, One Equipment Cabinet and One Purcell Cabinet (SMA(M)-2012-11)	New Cingular Wireless PCS LLC
Kaua'i: (2-1-001: 051)	Solar Photovoltaic Farm (SMA(M)-2012-12)	McBryde Resources, Inc.
Kaua'i: (5-9-005: 029)	Replace Existing Chain-link Fencing (SMA(M)-2012-13)	Browning Family Trust
Kaua'i: (4-9-013: 002)	After-the-Fact: Construction of Two Bridges crossing Moloa'a Stream (SMA(M)-2012-14)	Stoer, Roland & Shroeder, Susanne
Kaua'i: (5-4-004: 001)	Grubbing Approximately 22,000 Square Feet. Removal of Hau & Buffalo Grass, Replanting with Various Trees (SMA(M)-2012-15)	Hamilton, Laird
Kaua'i: (5-5-010: 079)	Operation of Interim Mobile Food Trailer (SMA(M)-2012-16)	Halelea Investment Company
Maui: Lahaina (4-6-029: 022)	Remove and Rebuild Existing Shed (SM2 20110126)	James & Diane Bailey
Maui: (3-8-002: 025)	Dune Area Restoration (SM2 20110127)	Arapahoe Financial Plaza LLC
Maui: Lahaina (4-3-009: 005)	Landscape Enhancement (SM2 20120001)	Edward P. Gramit, Jr.
O'ahu: Diamond Head (3-1-031: 001)	Upgrade and Modification to Existing Utility Installation, Type A (2011/SMA-56)	AT&T Mobility/RealCom Associates



## SHORELINE NOTICES

### Shoreline Certification Applications

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

File No.	Date	Location	Applicant/Owner	TMK
MA-496	12/29/11	Hololani Condominium Lot 1-A of Bechert Estate Subdivision being a portion of Lot 1 of Bechert Estate Subdivision and a portion of Grant 1166 to D. Baldwin, J.F. Pogue and S.E. Bishop situate at Kahananui, Lahaina, Maui Address: 4401 Lower Honoapi'ilani Road Purpose: Shoreline setback purposes	Valera, Inc./ Hololani AOAO	4-3-010:009
MA-497	1/10/12	Lot 102 as shown on Land Court Application 1804 (Map 28) situate at Honuaula, Maui Address: 3900 Wailea Alanui Drive Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ 3900 WA Associates, LLC	2-1-023:007

### Shoreline Certifications and Rejections

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

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
HA-440	Proposed Shoreline Certification	Kapa'a Park (Executive Order 1542) being a portion of government land of Kapa'a situate at Kapa'a, North Kohala, Island of Hawai'i Address: 56-106 Kapa'a Park Road Purpose: Determine shoreline setback for park improvements and renovations	Hilo Engineering, Inc./ County of Hawai'i Department of Parks and Recreation	5-6-001:060
HA-441	Proposed Shoreline Certification	Mahukona Beach Park (Executive Order 4344) being a portion of Grant 1992 to Henry Christiansen situate at Kaoma, North Kohala, Island of Hawai'i Address: 57-2000 Mahukona Park Road Purpose: Determine shoreline setback for park improvements and renovations	Hilo Engineering, Inc./ County of Hawai'i Department of Parks and Recreation	5-7-003:013

### 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	TRI-L Construction, Inc. Minor Modification No. 0381-05 CSP No. 0381-02-CT	Located at: Various Temporary Sites, State of Hawai'i	Issued: 12/28/2011	231.5 TPH Stone Quarrying and Processing Plant and Portable Screening Plant
Clean Air Branch, 586-4200, -Non-Covered Source Permit	C.J. Peterson Services, Inc. Application Renewal No. 0483-03 NSP No. 0483-01-NT	Located at: Various Temporary Sites, State of Hawai'i	Issued: 12/28/11	400 TPH Mobile Screen

Clean Air Branch, 586-4200, Non-Covered Source Permit	Hawaiian Research, Ltd. Application Renewal No. 0469-10 NSP No. 0469-01-N	Located at: Kawaihoa Drive, Haleiwa, O'ahu	Issued: 12/30/11	Grain Processing Facility
Clean Air Branch, 586-4200, Non-Covered Source Permit	Valley Equipment, Inc. Application for Initial Permit No. 0749-01 NSP No. 0749-01-NT	Located at: Various Temporary Sites, State of Hawai'i	Issued: 12/30/11	605 TPH Mobile Screen

## CONSERVATION DISTRICT USE APPLICATION

Persons interested in commenting on the Conservation District Use Application below 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.

### **PROJECT:**

**File No.:** CDUA OA-3616  
**Applicant:** Hawai'i Pacific University  
**Location:** Kane'ohe, Island of O'ahu  
**TMK:** (1) 4-5-036:0034; 4-5-036:036  
**Proposed Action:** Construct a steel science building with attached washroom and small retaining wall  
**343, HRS determination:** Exempt  
**Applicant's Contact:** Steve Hendricks; (808) 236-5809  
**OCCL Staff Contact:** Alex J. Roy, (808) 587-0316

## FEDERAL NOTICES

### **Recovery Plan for Hawaiian Waterbirds, Second Revision**

<http://www.gpo.gov/fdsys/pkg/FR-2012-01-19/pdf/2012-926.pdf>

The U.S. Fish and Wildlife Service (FWS) announced the availability of the final approved Recovery Plan for Hawaiian Waterbirds, Second Revision. The recovery plan addresses four endangered bird species. This plan includes recovery objectives and criteria, and specific recovery actions necessary to achieve downlisting and delisting of the species and their removal from the Federal List of Endangered and Threatened Wildlife and Plants. An electronic copy of the recovery plan is available at <http://www.fws.gov/endangered/species/recoveryplanshtml> and <http://www.fws.gov/pacific/ecoservices/endangered/recovery/plans.html>.

Copies of the recovery plan are also available by request from the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Box 50088, Honolulu, HI 96850 (telephone: (808) 792-9400). For more information, please contact Annie Marshall, Fish and Wildlife Biologist, at the above Honolulu address (see, 77 FR 2753, January 19, 2012).

## Security Zone; Passenger Vessel SAFARI EXPLORER Arrival/Departure, Kaunakakai Harbor, Moloka'i

<http://www.gpo.gov/fdsys/pkg/FR-2012-01-13/pdf/2012-549.pdf>

The U.S. Coast Guard is establishing a temporary security zone for Kaunakakai Harbor, Moloka'i including the entrance channel and offshore area adjacent to the channel's entrance. The establishment of this security zone is necessary to enable the Coast Guard and its law enforcement partners to protect people, vessels, and facilities in and around Kaunakakai Harbor during potential non-compliant protests involving the passenger vessel SAFARI EXPLORER to its intended berth in the harbor.

Entry into the temporary security zone is prohibited unless authorized by the Coast Guard Captain of the Port, Honolulu, or her designated representatives. This rule is effective from 11 p.m. HST on January 19, 2012, through 9 a.m. HST on May 15, 2012.

Comments and related material must be received by the Coast Guard on or before February 3, 2012. You may submit comments identified by docket number USCG-2011-1159 using any one of the following methods:

- (1) *Federal eRulemaking Portal*: <http://www.regulations.gov>.
- (2) *Fax*: (202) 493-2251.
- (3) *Mail*: Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.
- (4) *Hand delivery*: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329.

To avoid duplication, please use only one of these four methods. If you have questions on this temporary rule call or email Lieutenant Commander Scott O. Whaley, U.S. Coast Guard; telephone (808) 522-8264 (ext.352), email [Scott.O.Whaley@uscg.mil](mailto:Scott.O.Whaley@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826 (see, 77 FR 2019, January 13, 2012).

## Special Purpose Permit Application and Draft Environmental Assessment for the Hawai'i-Based Shallow-Set Longline Fishery

<http://www.gpo.gov/fdsys/pkg/FR-2012-01-10/pdf/2012-192.pdf>

The U. S. Fish and Wildlife Service (FWS) has received an application under the Migratory Bird Treaty Act of 1918, as amended (MBTA), from the Pacific Islands Regional Office of the National Marine Fisheries Service (NMFS), Department of Commerce, for a permit for the incidental take of migratory birds in the operation of the Hawaii-based shallow-set longline fishery that targets swordfish (*Xiphias gladius*). If issued, the permit would be the first of its kind under our Special Purpose permitting regulations. We invite public comment on the draft environmental assessment (DEA), which evaluates alternatives associated with this permit application. To ensure consideration, please send your written comments by February 9, 2012.

You may download a copy of the DEA on the Internet at <http://www.fws.gov/pacific/migratorybirds/nepa.html>. Alternatively, you may use one of the methods below to request a hard copy or a CD-ROM. Please specify the "DEA for the NMFS MBTA Permit" on all correspondence. You may submit comments or requests for copies or more information by one of the following methods.

1. *ELECTRONIC MAIL*: [pacific\\_birds@fws.gov](mailto:pacific_birds@fws.gov). Include "DEA for the NMFS MBTA Permit" in the subject line of the message.
2. *U. S. MAIL*: Please address written comments to Michael Green, Acting Chief, Division of Migratory Birds and Habitat Programs, Pacific Region, U.S. Fish and Wildlife Service, 911 NE 11<sup>th</sup> Ave., Portland, OR 97232.
3. *FACSIMILE*: Michael Green, Acting Chief, Division of Migratory Birds and Habitat Programs, (503) 231-2019; Attn.: DEA for the NMFS MBTA Permit.

For more information, please contact Michael Green, Acting Chief, Division of Migratory Birds and Habitat Programs, Pacific Region, U.S. Fish and Wildlife Service, (503) 231-2019 (phone); [pacific\\_birds@fws.gov](mailto:pacific_birds@fws.gov) (email, include "DEA for the NMFS MBTA Permit" in the subject line of the



message). If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at (800) 877–8339 (see, 77 FR 1502, January 10, 2012).

### **Taking Marine Mammals Incidental to U.S. Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar**

<http://www.gpo.gov/fdsys/pkg/FR-2012-01-06/pdf/2011-33600.pdf>

The National Marine Fisheries Service (NMFS) has received a request from the U.S. Navy (Navy) for authorization to take marine mammals, by harassment, incidental to conducting operations of Surveillance Towed Array Sensor System (SURTASS) Low Frequency Active (LFA) sonar in areas of the world's oceans (with the exception of Arctic and Antarctic waters and certain geographic restrictions), from August 16, 2012, through August 15, 2017. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is proposing regulations to govern that take and requests information, suggestions, and comments on these proposed regulations.

Comments and information must be received no later than February 6, 2012. You may submit comments, identified by 0648–BB14, by any one of the following methods:

1. *Electronic Submissions*: Submit all electronic public comments via the Federal eRulemaking Portal: <http://www.regulations.gov>, or
2. Hand delivery or mailing of paper, disk, or CD–ROM

All comments should be addressed to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter 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, Excel, WordPerfect, or Adobe PDF file formats only. To help NMFS process and review comments more efficiently, please use only one method to submit comments. For more information contact Jeannine Cody, Office of Protected Resources, NMFS, (301) 427–8401 (see, 77 FR 842, January 06, 2012).



## **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 Hawaii's law. Some projects require both a State and Federal EIS and the public comment procedure should be [coordinated](#). OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

### **Conservation District**

Any use of land in the State Conservation District requires a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. Notice of permit applications are published in this bulletin.

### **Special Management Area and Shoreline Setback Area**

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

### **Shoreline Certifications**

State law requires that Hawaii 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).