

# 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  
February 8, 2012

## HAWAI'I (HRS 343)

1. 'Aina Mauna Legacy Program FEA .....	2
2. Doris Scharpf Residence After the Fact FEA .....	2
3. Keaukaha Elementary School Cafeteria DEA .....	3
4. Kumau Street Improvements-Pier 4 Interisland Cargo Terminal DEA .....	4

## O'AHU (HRS 343)

5. Royal Hawaiian Market Place DEA .....	4
6. Live, Work, Play 'Aiea DEIS and Appendices .....	5

## COASTAL ZONE NOTICES

Special Management Area Minor Permits .....	6
---	---

## SHORELINE NOTICES

Shoreline Certification Applications .....	6
Shoreline Certifications and Rejections .....	7

ENVIRONMENTAL COUNCIL NOTICE .....	7
------------------------------------	---

POLLUTION CONTROL PERMITS .....	8
---------------------------------	---

CONSERVATION DISTRICT USE APPLICATIONS .....	8
--	---

## NEPA NOTICE

U.S. Air force Downrange Facilities on Moloka'i and Draft FONSI .....	9
---	---

FEDERAL NOTICES .....	9
-----------------------	---

Glossary .....	12
----------------	----

**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 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.

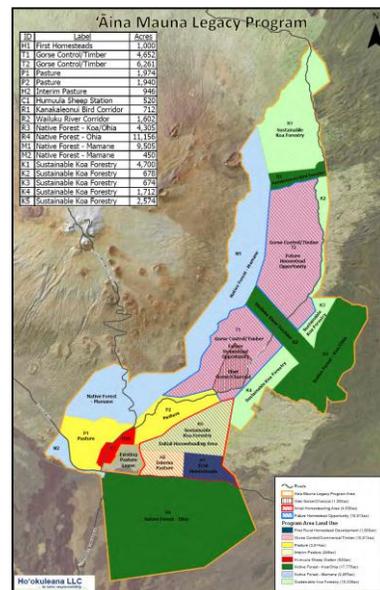


Neil Abercrombie, Governor · Gary Hooser, Director · Office of Environmental Quality Control · 235 South Beretania Street, Suite 702 · Honolulu, HI 96813  
Tel: 586-4185 · Fax: 586-4186 · Email: [oeqc@doh.hawaii.gov](mailto:oeqc@doh.hawaii.gov) ·  
Website: <http://hawaii.gov/health/environmental/oeqc/index.html/>  
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

## HAWAI'I (HRS 343)

### 1. 'Āina Mauna Legacy Program Final EA - FONSI

**Island:** Hawai'i  
**District:** North Hilo  
**TMK:** (3) 3-8-001:002; :003; :004; :007; :008 and :009, :021, (3) 2-6-018:002  
**Permits:** Historic Sites Review, State Highways Permit, State of Hawai'i Air Pollution Control Permit, National Pollutant Discharge Elimination System, Subdivision Approval, Site Preparation and Stockpiling Permits, Construction Permits, Grading Permits  
**Proposing/Determination Agency:** Department of Hawaiian Home Lands, P.O. Box 1879 Honolulu, Hawai'i 96805. Contact: Mike Robinson, 808-895-1285  
**Consultant:** Ho'okuleana LLC, 25 Kaneohe Bay Drive Suite 212 Kailua, HI 96734. Contact: Peter Young, 808-254-2223  
**Status:** Finding of No Significant Impact (FONSI) determination



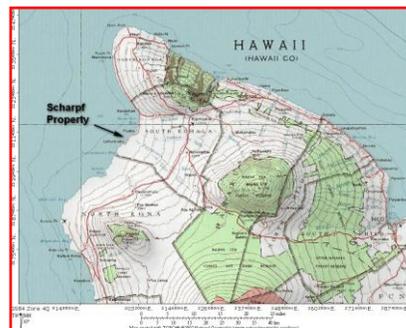
'Āina Mauna Legacy Program, unanimously approved by the Hawaiian Homes Commission, is DHHL's guiding framework for well-coordinated management for long-term protection and perpetuation of the 'Āina Mauna ecosystem. Its mission is to protect approximately 56,000-acres of native Hawaiian forest that is ecologically, culturally and economically self-sustaining for the Hawaiian Home Lands Trust, its beneficiaries and the community. Beneficiaries and the community will be involved in its implementation.

The Legacy Program proposes multiple actions including Native Forest and Wildlife Habitat Restoration; Feral Ungulate Control; Invasive Species Eradication; Sustainable Commercial Koa Forestry; Outplanting Centers and Field Worker Accommodations; Construction; and Gorse Eradication using shade from Commercial Timber and Harvesting. Infrastructure improvements include Homesteading needs; Water Systems; Pasture and Road improvements. Additional construction includes Administration Base Facility; Remote Accommodations and Adaptive Reuse of the Humu'ula Sheep Station. Revenue generating actions to cover the cost of conservation practices include Eco-tourism Facilities, Services and Activities; Commercial Facilities and Activities; and Commercial Forestry.

The Department of Hawaiian Home Lands and the Hawaiian Homes Commission at its January 23, 2012 meeting determined a Finding of No Significant Impact.

### 2. Doris Scharpf Residence After the Fact FEA - FONSI

**Island:** Hawai'i  
**District:** South Kohala  
**TMK:** (3rd) 6-9-005:001  
**Permits:** Special Management Area Minor Permit, Shoreline Setback Variance  
**Applicant:** Doris M. Scharpf Trust, c/o Roy A. Vitousek III, Cades Schutte LLP, 75-170 Hualalai Rd., Ste. B-303, Kailua-Kona, Hawai'i 96740. Contact: Roy A. Vitousek III 329-5811  
**Approving Agency:** Hawai'i County Planning Department, 101 Pau'ahi Street, Suite 3, Hilo Hawai'i 96720. Contact: Bethany Morrison, (808) 961-8288  
**Consultant:** Geometrician Associates, P.O. Box 396, Hilo Hawai'i 96721. Contact: Ron Terry, (808) 969-7090



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

The Doris M. Scharpf Trust is requesting the County of Hawai'i for after-the-fact permits for an existing 82.4-foot long, 2 to 4-foot high wall along the makai portion of a property containing a single-family home occupied by Doris Scharpf in Puakō. The request is pursuant to a settlement of an appeal from a County enforcement action relative to the wall. The wall was in place in 1999 when Doris Scharpf and her (now deceased) husband purchased the Property. The Settlement and Mutual Release Agreement, dated January 15, 2009, between the Doris M. Scharpf Trust and the County of Hawai'i, provided that the Trust could apply for permits necessary to modify a portion of the wall where it abutted a County-owned public access way and retain the remaining section of the wall. The wall is fully contained within the State Land Use Urban District and is mauka of the certified shoreline. No additional construction is proposed and no construction-related impacts would occur. Retention of the wall would not adversely affect archaeological sites, cultural practices, vegetation or habitat, or shoreline processes. Public access would be maintained. Removal of the wall (which also functions as a retaining wall) would induce the shoreline to move about 30 feet mauka of the existing waterline, removing much of Ms. Scharpf's backyard. This unprotected shoreline would also be susceptible to future shoreline erosion, and the adjacent walls surrounding and protecting the mauka-makai public pedestrian access would be subject to flanking damage, meaning that waves could surge around them unprotected end and erode the ground from the mauka side. This could affect both the public access way walls and possibly an adjacent property currently protected by a legal, non-conforming wall.

**3. Keaukaha Elementary School Cafeteria Draft EA**

**Island:** Hawai'i  
**District:** Waiākea  
**TMK:** 3<sup>rd</sup> Division, 2-1-020: 001  
**Permits:** Plan Approval; Grubbing, Grading, Excavation, and Stockpiling; Building, Electrical, and Plumbing; NPDES; Variance from Pollution Controls; Chapter 6E Clearance



**Proposing/Determination**

**Agency:** Department of Education, State of Hawai'i, Facilities Development Branch, 1151 Punchbowl Street, Room 501, Honolulu, Hawai'i 96813. Contact: Ryan Yamamoto, (808) 586-0966  
**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 March 8, 2012. Send comments to the Proposing Agency and the Consultant.

Short-term construction impacts include raising fugitive dust, mechanical and equipment noise, potential for construction related runoff, grubbing vegetation, land alteration, potential impacts on traffic circulation, and loss of open space used for outdoor recreation and school functions. There are no streams or historic features on the ground surface to be affected.

A new and larger cafeteria will benefit students, faculty, Keaukaha School as a whole, parents of students, and the Keaukaha community. The existing cafeteria will be renovated into classrooms adding to the classroom stock with benefits for students and faculty.

The cafeteria *per se* will neither affect ambient air quality nor generate noise and use of the facility is not expected to adversely affect surrounding areas. No significant increase in vehicle traffic is anticipated as a result of this project. The new cafeteria will serve the same function and uses as the existing cafeteria but at a different location. There should be no significant increase in domestic water usage and wastewater flow compared to existing conditions. Storm water runoff will increase but will be retained on-site.

Designed as a sustainable building, the cafeteria will have lower operating costs, conserve energy and water, provide for the health and comfort of its users, and demonstrate a State commitment to

sustainable building design and energy conservation. At one-story in height, it will be the same height as many campus buildings thus promoting the low-rise character of the school.

Open space currently used for outdoor recreation and school functions will be affected and this impact cannot be avoided. The Department of Education will confer with the Department of Parks and Recreation County of Hawai'i about using a section of Hualani Park during normal school hours for outdoor activities.

#### 4. Kumau Street Improvements at Pier 4 Interisland Cargo Terminal Draft EA

**Island:** Hawai'i  
**District:** Hilo  
**TMK:** (3) 2-1-007: 005, 007, 052  
**Permits:** DOT Plan Review and Approval, NPDES NOI Forms C & F, Community Noise Permit

##### Proposing/Determination

**Agency:** State of Hawai'i, Department of Transportation, Harbors Division, 79 South Nimitz Highway, Honolulu, Hawai'i 96813

**Consultant:** R. M. Towill Corporation, 2024 N. King Street, Suite 200, Honolulu, Hawai'i 96819-3494.  
Contact: Brian Takeda, (808) 842-1133

**Status:** Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on March 8, 2012. Send comments to the Proposing Agency and the Consultant.



The proposed project involves the construction of improvements to Kumau Street to provide an alternative entryway for commercial and other vehicles into Hilo Harbor. Hilo Harbor is a vital Department of Transportation, Harbors Division (DOT-H) facility supporting the importation and shipment of commodities, goods, and products important to the economy and quality of life for the Island of Hawai'i and the State. The project purpose is to facilitate and integrate with the future planned completion of the Pier 4, Interisland Cargo Terminal at Hilo Harbor, as previously identified in the Hawai'i Commercial Harbors 2020 Master Plan, Final EIS. The Pier 4 Terminal will accommodate projected future increases in interisland cargo volume that will utilize the proposed access through Kumau Street.

A NPDES permit for the discharge of construction related stormwater will be filed. A Best Management Practices (BMPs) Plan will be submitted to control and treat the discharge of pollutants into receiving waters. The direct impacts related to construction activities will be contained within the property and should not create any indirect, secondary or cumulative impacts within the property or to adjacent properties.

The proposed project is not expected to result in significant adverse impacts to geology, soils, biological resources, air quality, natural hazards, cultural resources, socio-economics, or land uses. Minimal impacts may consist of minor traffic, noise and air quality disturbances to the surrounding area of the site, however impacts will be temporary, and conditions will return to their previous state once construction is complete.

#### O'AHU (HRS 343)

#### 5. Royal Hawaiian Market Place Draft EA

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 2-6-019:013 & 014  
**Permits:** Waikiki Special District Permit (Major), Building Permits, Joint Development Agreement (submitted September 15, 2011), Final EA with Find of No Significant Impact



**Applicant:** Royal Hawaiian Market Place, Inc., 333 Royal Hawaiian Avenue, Honolulu, Hawai'i 96815. Contact: Tony D.H. Ji (808) 921-2700

**Approving Agency:** Department of Planning & Permitting, City and County of Honolulu, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813

**Consultant:** Roy K. Yamamoto Architect AIA, Inc., 1580 Makaloa St. #788, Honolulu, Hawai'i 96814. Contact: Lorena Yamamoto (808) 942-3666 ext. 16

**Status:** Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on March 8, 2012. Send comments to the Applicant and the Consultant.

The development will give a temporary boost to the State's economy with the provision of short-term construction employment and related tax impacts. The project will also positively contribute to the long term viability of the area by revitalizing and upgrading the commercial area on the project site.

The proposed action will not have a significant or permanent effect on public health or degradation of the environment. While there will be a temporary air and noise impact during construction, they will be minimized through various mitigation measures and the long term benefits of the completed construction will outweigh these temporary inconveniences by providing visitors and the community with a clean, attractive environment to dine, shop and interact. The proposed land uses are compatible with the surrounding resort and commercial uses and the proposal will help to support these uses, not to the detriment of public health.

The proposed project will not involve substantial secondary impacts, as it will essentially continue the existing commercial use on the project site.

The proposed development does not involve a commitment to larger actions nor will it result in cumulative impacts to the environment. The proposed development will not generate future developments, creating a cumulative impact.

## 6. Live, Work, Play 'Aiea Draft EIS Volume 1 and Volume 2 - Appendices A to I

**Island:** O'ahu  
**District:** 'Ewa  
**TMK:** (1) 9-8-013:013, (1) 9-8-013:015 (remnant State parcel)  
**Permits:** Final EIS Acceptance, Change in Zone, Subdivision Approval, NPDES Permit, Grading/Building Permits  
**Applicant:** CP Kam Properties LLC, 120 North Robertson Boulevard, Los Angeles, CA 90048. Contact: Mr. John Manavian, (310) 855-8484

**Accepting Authority:** City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, HI 96813. Contact: Ms. Sharon Nishiura (808) 768-8031

**Consultant:** PBR HAWAII, 1001 Bishop Street, Suite 650, Honolulu, HI 96813. Contact: Mr. Tom Schnell, (808) 521-5631

**Status:** Statutory 45-day review and comment period begins; comments are due on March 23, 2012. Send comments to the Applicant and the Consultant.



The Live, Work, Play 'Aiea community, proposed on the 14-acre property formerly used for Kamehameha Drive-In Theatre in Aiea, Oahu, will integrate homes, stores, restaurants, offices, and public plazas into a compact, walkable urban village in close proximity to employment centers and multiple forms of transportation. Major components include up to 1,500 homes in five buildings ranging in height from 150 to 350 feet tall, 143,000 square feet of commercial space, and 80,000 square feet of office space. To allow for the uses envisioned, a change in zoning will be necessary from the B-2 Community Business District to BMX-3 Community Business Mixed-Use District with a maximum height limit of 350 feet.

Positive impacts include the provision of needed residential and commercial space, contributions toward public facilities and infrastructure, and significant economic benefits. Potential adverse impacts include changes to site character, increased traffic, solid waste generation, electrical consumption, and short-term impacts to air quality and noise levels due to construction.

The Draft EIS also includes discussion of compliance with City and County of Honolulu and community plans, including the Primary Urban Center Development Plan, the Aiea-Pearl City Livable Communities Plan, and the Aiea-Pearl City Neighborhood TOD Plan Public Review Draft.

## COASTAL ZONE 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 (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Hilo (2-2-002: 001 and 2-2-003: 003)	Kamehameha Avenue Reconstruction, Wailoa Bridge to Ponahawai Street (SMM 12-201)	County of Hawai'i Department of Public Works
Maui: (4-6-007: 004 & 005)	Lahaina Wellness Fair (SM2 20110087)	Lahaina Town Action Committee
Maui: Paia (2-6-005: 001)	Exterior Wall Repair (SM2 20120002)	Satish K Gholkar
Maui: Wailea (2-1-008: 109)	Volcano Bar Improvements (SM2 20120003)	Grand Wailea Resort Hotel & Spa
Maui: Wailea (2-1-008: 109)	Cultural Performance Area Improvements (SM2 20120004)	Grand Wailea Resort Hotel & Spa
Maui: Lahaina (4-6-030: 012)	Re-tile Floor (SM2 20120005)	Beryl Mitton
Maui: Lahaina (4-6-033: 012)	Dwelling Alteration (SM2 20120006)	Lokelani Construction CO Inc
Maui: Kihei (3-9-051: 043)	Office Building & Covered Boat Parking (SM2 20120007)	Land and Sea Enterprises LLC
O'ahu: Kualoa (5-1-001: 001)	Additions to Utility Installation, Type A (2011/SMA-57)	New Cingular Wireless PCS, LLC (dba AT&T)/Alii Wireless Specialists, LLC

## SHORELINE NOTICES

### Shoreline 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-1466	01/13/2012	Land Court Application 242, consolidation of Lots 17-K, 18-F & 18-G-1 as shown on Map 10 into Lots 1 and 2 at Pu'u'oloa, 'Ewa, O'ahu Address: 91-215 'Ewa Beach Road Purpose: Consolidation and resubdivision	Walter P. Thompson/ Colin K. Perry Trust	9-1-023:017
OA-1467	01/20/2012	Lot 17 of Land Court Consolidation 171 (Map 1), He'eia, Ko'olaupoko, O'ahu Address: 46-045 'Ipuka Street Purpose: To calculate building potential and obtain a building permit	Wesley T. Tengan/ Jon J. Tasaki	4-6-007:111
OA-1468	01/24/2012	Lot 256 of Land Court Application 505, Map 112 at Kailua, Ko'olaupoko, O'ahu Address: 1140 Mokulua Drive Purpose: Development of the property	Dennis K. Hashimoto/ Jove Watson—Agent	4-3-005:052



MA-499	01/24/2012	Lot 2-B of Land Court Application 1846 (Map 1) being a portion of Grant 234 to Linton L. Torbert and William Wilcox situate at Papa'anui, Honuaula, Makawao, Maui Address: 0 Makena Road Purpose: SMA Permit	Akamai Land Surveying, Inc./ ATC Makena Holdings—Agent	2-1-007:093
MA-500	01/24/2012	Portion of Royal Patent Grant 223 to Linton L. Torbert situate at Papa'anui, Honuaula, Makawao, Maui Address: 0 Makena Road Purpose: SMA Permit	Akamai Land Surveying, Inc./ ATC Makena Holdings—Agent	2-1-007:094
MO-158	01/24/2012	Royal Patent 2993, Land Commission Award 134-B, Apana 1 to Kamakahi at Kaluaaha, Molokai Address: 7616 Kamehameha V Highway Purpose: Building permit for new dwelling	Russell N.J. Higa/ George Apau Ching Revocable Living Trust & Zorelinda Ching Revocable Living Trust	5-7-011:047
HA-446	01/19/2012	Parcel 12, portion of R.P. 4475, L.C. Aw. 7713, Ap. 43 to V. Kamamalu at Holualoa 1 <sup>st</sup> & 2 <sup>nd</sup> , North Kona, Hawai'i Address: Vacant land—no address available Purpose: To obtain permits and/or variances for building a residence on the property	Wes Thomas Associates/ George A. Sandusky	7-6-016:012

### 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
OA-1450	Proposed Shoreline Certification	Lot 14-A situate at Kane'ohe, Ko'olaupoko, O'ahu Address: 44-283 Kane'ohe Bay Drive Purpose: Building permit	Hawaii Engineering Group, Inc./ Bryan & Jodi Heverly	4-4-007:007
OA-1456	Proposed Shoreline Certification	Portion of R.P. Grant 333 to Manana and Hulu situate at Kawaihapai, Waialua, O'ahu Address: 68-999 Farrington Highway Purpose: Boundary adjustment for required consolidation and re-subdivision	ControlPoint Surveying, Inc./ Franklin T. Opperman Trust and Allen Richardson Residuary Trust	6-8-008:022 & 038
HA-444	Proposed Shoreline Certification	R.P. 8038, L.C. Aw. 101-G, Ap. 2 to Aio situate at Kalamakulu, South Kona, Island of Hawai'i Address: 82-6017 Beach Road Purpose: Obtain County building permits	Wes Thomas Associates/ Frederick S. Jr. and Bette W. Jones Living Trust	8-2-005:011
HA-445	Proposed Shoreline Certification	Lot 28 of Block 1 of Miloli'i Beach Lots Subdivision (File Plan 789) being a portion of Grant 3723 to J. Monsarrat situate at Papa 2nd, South Kona, Island of Hawai'i Address: Kai Avenue Purpose: Obtain County permits	Wes Thomas Associates/ Anthony Tani, Trustee of the Anthony Tani Trust	8-8-006:006
KA-359	Proposed Shoreline Certification	Lots 18-A & 18-B being a portion of R.P. 4512 Mahele Award 43 to J.Y. Kanehoa situate at Koloa, Kauai Address: 4408 Lawai Road Purpose: Determine shoreline setback	Esaki Mapping and Surveying, Inc./ Harlan and Patricia Amstutz, Amstutz Family Trust	2-6-003:018 & 060
MA-477	Rejection	"Kahana Village" situate at Kahana, Lahaina, Maui Address: 4531 Lower Honoapi'ilani Road Purpose: Building repairs	Valera, Inc./ Kahana Village AOA	4-3-005:029

### ENVIRONMENTAL COUNCIL

The Environmental Council has a tentative meeting scheduled for Thursday, February 16, 2012. 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 [oeqc@doh.hawaii.gov](mailto:oeqc@doh.hawaii.gov) or call 586-4185.

**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	Tesoro Hawai'i Corporation Significant Modification Application No. 0212-34 CSP No. 0212-01-C	Located at: 91-325 Komohana Street, Kapolei, O'ahu	Issued: 1/12/2012	Petroleum Refinery
Clean Air Branch, 586-4200, -Non-Covered Source Permit	Hawaiian Cement Application for Modification No. 0252-08 NSP No. 0252-08	Located at: Camp 6, Pu'unene, Maui; Various Sites	Issued: 1/13/2012	200 cy/hr Concrete Batch Plant 100 cy/hr Concrete Batch Plant

**CONSERVATION DISTRICT USE APPLICATIONS**

Persons interested in commenting on the Conservation District Use Applications 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 HA-3612  
**Applicant:** Allen C. Wilcox  
**Location:** South Kona, Island of Hawai'i  
**TMK:** (3) 8-3-005:012  
**Proposed Action:** Renovation and Expansion of Single Family Residence (SFR)  
**343, HRS determination:** Exempt  
**Applicant's Contact:** Gregory R. Mooers (808) 880-1455  
**OCCL Staff Contact:** Alex J. Roy, (808) 587-0316

**PROJECT:**

**File No.:** CDUA MA-3615  
**Name of Applicant:** Hana Koali Mesa, LLC  
**Location:** Koali, Hana, Maui  
**TMK:** (2) 1-5-008:006  
**Proposed Action:** Subdivision of Land  
**343, HRS Determination:** Exempt  
**Applicant's Contact:** Jordan Hart of Chris Hart & Partners (808) 242-1955  
**OCCL Staff Contact:** K. Tiger Mills (808) 587-0382

**PROJECT:**

**File No.:** CDUA OA-3616  
**Name of Applicant:** Hawaii Pacific University

**Location:** HPU Campus, Kaneohe, Oahu  
**TMKs:** (1) 4-5-036:034 & 036  
**Proposed Action:** Construction of Science Annex  
**343, HRS Determination:** Exempt  
**Applicant's Contact:** Steve Hendricks, Director (808) 236-5809  
**OCCL Staff Contact:** Alex J. Roy (808) 587-0316

**PROJECT:**

**File No.:** CDUA OA-3617  
**Name of Applicant:** Mason Architects, Inc., c/o Hi'ipaka LLC  
**Location:** Waimea Valley, Haleiwa, O'ahu  
**TMKs:** (1) 5-9-005:024 and (1) 5-9-005:076  
**Proposed Action:** Construction of entryway signs and wall expansion  
**343, HRS Determination:** Exempt  
**Applicant's Contact:** Jennifer Fioretti or Christian Hastings; (808) 526-0557  
**OCCL Staff Contact:** Alex J. Roy (808) 587-0316

**NEPA NOTICE**

**EA for the U.S. Air Force Downrange Facilities on the Island of Moloka'i, Hawai'i and Draft FONSI**

**Island:** Moloka'i  
**District:** Moloka'i  
**TMK:** 5-2-06:63  
**Permits:** TBD  
**Proposing/Determination**



**Agency:** U.S. Air Force, Vandenberg Air Force Base, 1028 Iceland Avenue, Building 11432, Vandenberg Air Force Base, California 93436-6010. Contact: Andrew Edwards, (805) 606-2044  
**Consultant:** Element Environmental, LLC, 98-030 Hekaha Street, Unit 9, 'Aiea, Hawai'i 96782. Contact: Ryan Yamauchi, (808) 488-1200  
**Status:** Finding of No Significant Impact. 30-day comment period begins; comments are due on March 8, 2012. Send comments to the Proposing Agency and the Consultant.

The Proposed Action includes the decommissioning of structures on the downrange facility and subsequent return of the property from the Air Force (lessee) to the State of Hawai'i Department of Hawaiian Home Lands (lessor). Based on the analysis in the Environmental Assessment, no significant direct, indirect, or cumulative effects on the quality of the natural or human environment would occur by implementing the Proposed Action. Because no significant environmental impacts would result from implementing the proposed action, the U.S. Air Force has prepared a draft Finding of No Significant Impact (FONSI).

**FEDERAL NOTICES**

**Marine Mammal Takes in Marine Geophysical Survey in Marianas**

<http://www.gpo.gov/fdsys/pkg/FR-2012-02-07/pdf/2012-2749.pdf>

In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that National Marine Fisheries Service (NMFS) has issued an Incidental Harassment Authorization (IHA) to the Lamont-Doherty Earth Observatory of Columbia University (L-DEO) to take marine mammals, by



Level B harassment, incidental to conducting a marine geophysical (seismic) survey in the Commonwealth of the Northern Mariana Islands (CNMI), a commonwealth in a political union with the U.S. The IHA is effective from February 2 to May 2, 2012. The National Science Foundation (NSF), which is providing funding to L-DEO to conduct the survey, has prepared an “Environmental Assessment and Finding of No Significant Impact Determination Pursuant to the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.* and Executive Order 12114 Marine Seismic Survey in the Commonwealth of the Northern Mariana Islands, February–March 2012” (EA). NSF’s EA incorporates an “Environmental Assessment of a Marine Geophysical Survey by the R/V *Marcus G. Langseth* in the Commonwealth of the Northern Mariana Islands, February–March 2012,” prepared by LGL Ltd., Environmental Research Associates (LGL), on behalf of NSF and L-DEO, which is also available at the same internet address. The associated documents cited in this notice are also available at the same internet address. 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. 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 Howard Goldstein or Jolie Harrison, Office of Protected Resources, NMFS, (301) 427–8401 (see, 77 FR 6065 February 07, 2012).

**Western Pacific Annual Catch Limits and Accountability Measures for Bottomfish, Crustaceans, Precious Coral, and Coral Reef Ecosystem Fisheries** <http://www.gpo.gov/fdsys/pkg/FR-2012-02-07/pdf/2012-2753.pdf>

In this rule, the National Marine Fisheries Service (NMFS) specifies annual catch limits for western Pacific bottomfish, crustacean, precious coral, and coral reef ecosystem fisheries, and accountability measures to correct or mitigate any overages of catch limits. The catch limits and accountability measures support the long-term sustainability of fishery resources of the U.S. Pacific Islands. The final specifications are effective March 8, 2012 through December 31, 2012. Copies of the fishery ecosystem plans are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, telephone (808) 522–8220, fax (808) 522–8226, or [www.wpcouncil.org](http://www.wpcouncil.org). Copies of the environmental assessments and findings of no significant impact for this action are available from [www.regulations.gov](http://www.regulations.gov), or Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd., 1110, Honolulu, HI 96814. For further information please contact Jarad Makaiau, NMFS PIR Sustainable Fisheries, (808) 944–2108 (77 FR 6019, February 07, 2012).

**Meetings of the Western Pacific Fishery Management Council between February 21, 2012, and March 09, 2012**

<http://www.gpo.gov/fdsys/pkg/FR-2012-02-06/pdf/2012-2609.pdf>

The Western Pacific Fishery Management Council (Council) will hold meetings of its 109th Scientific and Statistical Committee (SSC) and its 153rd Council meeting to take actions on fishery management issues in the Western Pacific Region. The Council will also convene community meetings on the islands of Tinian and Rota, in the Commonwealth of the Northern Mariana Islands (CNMI), and at Merizo, Guam, as well as hold meetings of the Guam Regional Ecosystem Advisory Committee (REAC), the CNMI REAC, the Mariana Archipelago and Pacific Pelagic Fisheries Ecosystem Plans (FEPs) Advisory Panel (AP) and the Council’s Executive and Budget Standing Committee. The meetings will be held between February 21, 2012 and March 9, 2012. For specific times and agendas, see the Federal Register link above. For further information, please contact Kitty M. Simonds, Executive Director at (808) 522-8220 (see, 77 FR 5775, February 06, 2012).

## Notice of Lodging of Consent Decree Under the Clean Water Act

<http://www.gpo.gov/fdsys/pkg/FR-2012-02-03/pdf/2012-2436.pdf>

Notice is hereby given that on January 30, 2012, a proposed First Amended Consent Decree in *United States of America and State of Hawai'i v. City and County of Honolulu*, Civil No. 94-00765 DAE-KSC (D. Hawai'i), was lodged with the United States District Court for the District of Hawai'i. On January 30, 2012, the United States, the State of Hawai'i, the City and County of Honolulu, and three Intervenor (Sierra Club, Hawai'i Chapter, Hawai'i's Thousand Friends, and Our Children's Earth Foundation) filed a joint stipulation to amend the Consent Decree that was entered by the Court on December 17, 2010. The proposed First Amended Consent Decree amends the Consent Decree to provide for construction of a Kane'ohe-Kailua Tunnel and an associated influent pump station instead of construction of the Kane'ohe-Kailua Force Main required by the Consent Decree. In addition, the proposed First Amended Consent Decree will eliminate certain storage projects that will not be needed following completion of the tunnel project. The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the First Amended Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States and State of Hawai'i v. City and County of Honolulu*, D.J. Ref. 90-5-1-1-3825. The First Amended Consent Decree may be examined at U.S. EPA Region IX at 75 Hawthorne Street, San Francisco, California 94105. During the public comment period, the First Amended Consent Decree may also be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the First Amended Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or emailing a request to "Consent Decree Copy" ([EESDCopy.ENRD@usdoj.gov](mailto:EESDCopy.ENRD@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-5241. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$25.50 (without appendices) or \$38.75 (with appendices) (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by email or fax, forward a check in that amount to the Consent Decree Library at the stated address (77 FR 5570 February 03, 2012).

## 90-Day Finding on a Petition To List the 'i'iwi as Endangered or Threatened

<http://www.gpo.gov/fdsys/pkg/FR-2012-01-24/pdf/2012-1043.pdf>

The U.S. Fish and Wildlife Service (Service), announced a 90-day finding on a petition to list the 'i'iwi (*Vestiaria coccinea*) as endangered or threatened under the Endangered Species Act of 1973, as amended (Act), and designate critical habitat. Based on our review, the Service finds that the petition presents substantial information indicating that listing the 'i'iwi may be warranted. Therefore, with the publication of this notice, the Service is initiating a review of the status of the species to determine if listing the 'i'iwi as endangered or threatened is warranted. To ensure that this status review is comprehensive, the Service is requesting scientific and commercial data and other information regarding this species. Based on the status review, the Service will issue a 12-month finding on the petition, which will address whether the petitioned action is warranted, as provided in section 4(b)(3)(B) of the Act. To allow the Service adequate time to conduct this review, information must be received on or before March 26, 2012. If using the Federal eRulemaking Portal (at <http://www.regulations.gov>, search for FWS-R1-ES-2011-0110, which is the docket number for this finding) the deadline for submitting an electronic comment is 11:59 p.m. Eastern Time on this date. If using the U. S. mail or hand-delivery, the address is Public Comments Processing, Attn: FWS-R1-ES-2011-0110; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203. After March 26, 2012, information must be submitted directly to the Pacific Islands Fish and Wildlife Office at the Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Honolulu, HI 96850. For further information contact Loyal Mehrhoff at (808) 792-9400 (see, 77 FR 3423 January 24, 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).