

# 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  
May 08 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.

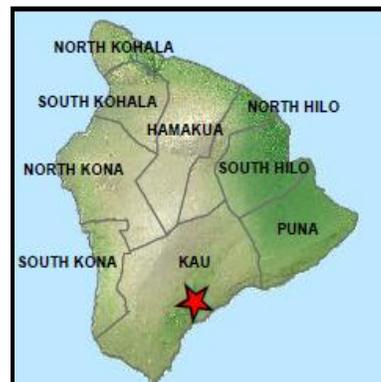


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Hawai'i: 974-4000 ext. 64185

## HAWAI'I (HRS 343)

### 1. Ka'ū District Gym & Shelter Final Environmental Assessment FEA-FONSI

**Island:** Hawai'i  
**District:** Ka'ū  
**TMK:** (3) 9-6-005:008 (portion)  
**Permits:** Height and Parking Variances Plan Approval, National Pollutant Discharge Elimination System Permit  
Grading/Building Permits  
**Proposing/Determination Agency:** County of Hawai'i Department of Public Works, Aupuni Center, 101 Pau'ahi Street, Suite 7 Hilo, HI 96720. Contact: David Yamamoto, (808) 961-8466  
**Consultant:** PBR HAWAI'I, 1001 Bishop Street, Suite 650 Honolulu, HI 96818l. Contact: Tammy Kapali, (808) 521-5631  
**Status:** Finding of No Significant Impact Determination



The Ka'ū District Gym & Shelter will be a new gymnasium located at Ka'ū High and Pāhala Elementary School. The facility will be jointly used by the school and the community and managed by the County Department of Parks & Recreation. The facility will be designed as a hurricane and vog shelter for an area that is the most vulnerable in the State to vog and where the existing shelter does not meet minimum hurricane shelter criteria. The existing gym is old and too small for the wide range of athletic, school assembly, and community needs.

The Ka'ū District Gym & Shelter will: 1) provide improved and more diverse athletic and recreational opportunities to a larger residential community in Ka'ū for school and community use; 2) provide a more adequate and larger meeting and gathering place for the school and community; 3) provide an adequate shelter to ensure residents are protected during the event of a natural disaster; and 4) provide a congregate shelter to aid in the post-disaster recovery process.

### 2. Keaukaha Elementary School Cafeteria FEA-FONSI

**Island:** Hawai'i  
**District:** South Hilo  
**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:** Finding of No Significant Impact (FONSI) Determination



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.

## MAUI (HRS 343)

### 3. Pi'ilani Highway Widening Project (Kilohana Drive to Wailea Ike Drive) FEA-FONSI Volume I and Volume II

**Island:** Maui  
**District:** Wailuku  
**TMK:** (2) 2-1-008  
**Permits:** Construction Permits, Work Within State Right-of-Way  
**Applicant:** (1) Honua'ula Partners, LLC, P.O. Box 220, Kihei, Hawai'i 96753. Contact: Charles Jencks, (808) 879-5205;  
(2) A&B Wailea LLC, 11 Pu'unene Avenue, Kahului, Hawai'i 96732. Contact: Randy Endo, (808) 877-5523; (3) Keaka LLC, 2005 East Main Street, Wailuku, Hawai'i 96793. Contact: Everett Dowling, (808) 244-1500; and (4) ATC Makena Holdings LLC, c/o Stanford Carr Development, LLC, 1100 Alakea Street, 27<sup>th</sup> Floor, Honolulu, Hawai'i 96813. Contact: Richard B. Riegels, (808) 537-5220



#### Approving

**Agency:** Department of Transportation, State of Hawai'i, 869 Punchbowl Street, Honolulu, Hawai'i 96813. Contact: Glenn Okimoto, (808) 587-2150

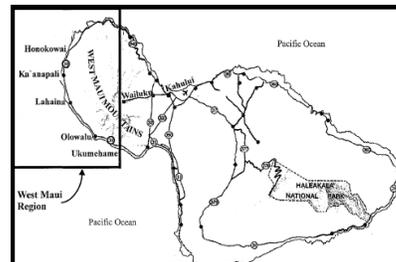
**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, Hawai'i 96793. Contact: Gwen Ohashi Hiraga, (808) 244-2015

**Status:** Finding of No Significant Impact (FONSI) Determination

Honua'ula Partners, LLC, A&B Wailea LLC, Keaka LLC, and ATC Makena Holdings LLC, in coordination with the State of Hawai'i, Department of Transportation, Highways Division proposes to implement the construction of two (2) additional lanes and related improvements to Pi'ilani Highway from approximately 1,000 ft. to beginning of taper north of Kilohana Drive to Wailea Ike Drive at Pi'ilani Highway's existing terminus. The improvements are the final segment to upgrade Pi'ilani Highway to four (4) lanes in accordance with State and county transportation plans. Proposed improvements include excavation and embankment work, widening of the road with asphaltic concrete pavement, construction of concrete curb, gutters, sidewalks, drainage systems, storm water retention systems, retaining walls, sound attenuation walls, relocation of electrical transmission lines, guard rails, installation of utilities as may be necessary, and adjustments to existing utilities, including as may be necessary the relocation of existing waterlines. Reconstruction of the existing traffic signal at the Kilohana Drive/Mapu Place/Pi'ilani Highway intersection and installation of new traffic signals at Okolani Drive/Mikioi Place/Pi'ilani Highway intersection, and Wailea Ike Drive/Pi'ilani Highway/proposed Honua'ula project access road intersection are also proposed. A five (5)-acre temporary construction baseyard and staging area will also be located to the east of the Wailea Ike Drive/Pi'ilani Highway intersection within the Honua'ula project district.

#### 4. Relocation of the Lahaina Bypass Southern Terminus Draft EA

**Island:** Maui  
**District:** Lahaina  
**TMK:** (2) 4-7-001:026, 027, and 030  
**Permits:** Subdivision approval and applicable construction permits  
**Proposing/Determination Agency:** State of Hawai'i, Department of Transportation, 869 Punchbowl Street, Honolulu, Hawai'i 96813.  
Contact: Darell Young, (808) 587-1835  
**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, Hawai'i 96793.  
Contact: Mark Alexander Roy, (808) 244-2015  
**Status:** Statutory 30-day public review and comment period starts; comments are due on June 7, 2012. Send comments to the Proposing Agency, the Consultant, and OEQC



The State of Hawai'i, Department of Transportation (HDOT), in coordination with the Federal Highway Administration (FHWA), is proposing the relocation of the southern terminus of the Lahaina Bypass Highway from its current terminus point at Launiupoko to the vicinity of the former Olowalu Landfill, a distance of approximately 4,800 lineal feet. Although the terminus is proposed to be moved approximately 4,800 feet to the south as measured along Honoapi'ilani Highway, the length of the new right-of-way corridor will be approximately 10,300 lineal feet. The parcels of land affected by the proposed action are identified as Tax Map Key Nos. (2) 4-7-001:026, 027 and 030. The basic configuration of the Lahaina Bypass Project in terms of functional traffic flow will not change; the location of the proposed terminus will simply be shifted further south. The roadway's alignment will still intersect with Kai Hele Ku Street; however, the location of this intersection will be shifted mauka or inland. There will be no additional intersections created as a result of the proposed terminus relocation.

#### O'AHU (HRS 343)

#### 5. Waipahu Elementary School Classroom Building FEA-FONSI

**Island:** O'ahu  
**District:** 'Ewa  
**TMK:** 9-4-010: 040, 098, 9-4-029: 001, 015  
**Permits:** Grubbing, Grading, and Stockpiling Permit; Building Permit for Building, Electrical, Plumbing, Sidewalk/Driveway and Demolition Work; Sewer Connection; Waiver (Height); 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: Benjamin Miura, (808) 586-0429  
**Consultant:** Gerald Park Urban Planner, 95-595 Kaname'e Street, #324, Mililani, Hawai'i 96789. (808) 625-9626  
**Status:** Finding of No Significant Impact (FONSI) Determination



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.

The project will help to mitigate the doubling up of classrooms as is now practiced and provide space for existing and future educational programs. It is not being constructed to accommodate projected increases in student enrollment.



County of Honolulu Grading Permit, City and County of Honolulu Special Management, Permit for culverts located east of Fort Weaver Road.

**Proposing/Determination**

- Agency:** Department of Design and Construction, 650 South King Street, 11<sup>th</sup> Floor, Honolulu, HI 96813. Contact: Daniel Takamatsu, (808) 768-8461
- Consultant:** Environmental Communications, Inc., 1188 Bishop Street, Suite 2210, Honolulu, HI 96813. Contact: Taeyong Kim (528-4661)
- Status:** Draft Environmental Assessment (DEA) notice pending 30-day public comment. Address comments to the proposing/determination agency with copies consultant and OEQC.

The project site is in use as a municipal golf course that was constructed in 1990 to serve both as a recreational facility and as a flood control project. Large storm events result in overtopping of the stream banks causing flooding of the course, and subsequent silt deposition on the fairways and stream bed.

The proposed action consists of general drainage improvements located throughout the West Loch Golf Course. Improvements proposed consists of: Installation of a new culvert beneath the 3<sup>rd</sup> hole to direct runoff from a spring flow into Honouliuli Stream; Restoration of Honouliuli Stream flow capacity throughout the golf course by means of vegetation and sediment removal; Re-establishment of storage capacity and holding volume of ponds located at the 2<sup>nd</sup>, 10<sup>th</sup> and 17<sup>th</sup> holes by removing thick vegetation and deposited sediment; Construction of a new silt basin near the 6<sup>th</sup> hole; Regrading of fairway areas at the 2<sup>nd</sup>, 10<sup>th</sup> and 11<sup>th</sup> holes; Replacement of cart path culvert crossings at the 3<sup>rd</sup>, 9<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup> and 18<sup>th</sup> holes; Lining of stream banks and pond edges

**STATEWIDE (HRS343)**

**8. Hawai'i Fish Aggregating Device System FEA-FONSI**

**Island:** Statewide Offshore

**Proposing/Approving**

- Agency:** Department of Land and Natural Resources, P.O. Box 621; Honolulu, Hawai'i 96809. Contact: Francis Oishi, (808) 587-0094
- Consultant:** Kim N. Holland Ph.D., Hawai'i Institute of Marine Biology, PO Box 1346, Kane'ohe, Hawai'i 96744. (808) 236-7410
- Status:** Finding of No Significant Impact (FONSI) Determination

During the previous 25 years of operation of the existing Fish Aggregating Device (FAD) system, there have been no reports of deleterious interactions with any protected species. FAD sites range from 2 to 15 miles off-shore. Based on this fact and the design of the FAD components, it can reasonably be stated that the proposed action will not affect the various marine mammals and turtles known to frequent Hawaiian waters. This FEA determines that, based on current data and past performance, the 54 FADs in waters around the main Hawaiian Islands will have no significant negative impact on the quality of the environment or cultural resources.

**NEPA NOTICES**

**9. Withdrawal of Notice of Intent to Prepare a Joint Draft Supplemental Environmental Impact Statement for Proposed Navigation Improvement Project at Ma'alaea Harbor, Maui, Hawaii (Second SEIS for the Project) <http://www.gpo.gov/fdsys/pkg/FR-2012-05-04/pdf/2012-10793.pdf>**

- Island:** Maui
- District:** Wailuku
- TMK:** (2) 3-6-01:002

## Proposing

**Agency:** U.S. Army Corps of Engineers, Honolulu District. ATTN: CEPOH-PP-C. Building 230, Fort Shafter, HI 96858 Cindy Barger (808) 438-6940

**Consultant:** CH2M HILL. 1132 Bishop Street, Suite 1100. Honolulu, HI 96817. (808) 440-0275

On July 9, 1997, the U.S. Army Corps of Engineers (USACE) announced its intent to prepare a joint Draft Supplemental Environmental Impact Statement (SEIS) in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, for the Proposed Navigation Improvement Project at Ma'alaea Harbor, Maui, Hawai'i.

The notice of intent was published in [The Environmental Notice on July 23, 1997](#). The project, sponsored by USACE and the State of Hawai'i, Department of Land and Natural Resources, Division of Boating and Ocean Recreation (DOBOR), was originally authorized under Section 101 of the Rivers and Harbors Act of 1968, as amended. The Draft SEIS would have evaluated the environmental impacts of potential alternatives to address navigational safety and surge-related problems in Ma'alaea Harbor. Based on careful consideration of the implementation costs, regulatory requirements, and other concerns expressed by the community, the navigation improvement project for Ma'alaea Harbor has been terminated by the project sponsors. Therefore, preparation of an EIS is not necessary. The notice of intent to prepare an EIS is withdrawn and the NEPA process is hereby terminated. Further information is available on the Web site for the project at [www.maalaeaharborproject.com/](http://www.maalaeaharborproject.com/). Please contact Ms. Cindy Barger, Project Manager, US Army Corps of Engineers, Honolulu District, ATTN: CEPOH-PP-C, Room 307, Building 230, Ft. Shafter, HI 96858, e-mail: [cindy.s.barger@usace.army.mil](mailto:cindy.s.barger@usace.army.mil), telephone: (808) 438-6940.

## 10. Construction and Use of an Explosives Training Range at Ulupa'u Crater Marine Corps Base Hawai'i, Kane'ohe Bay Final EA and FONSI

**Island:** O'ahu

**District:** Ko'olaupoko

**Permits:** The following permits will be obtained or agencies consulted: National Pollutant Discharge Elimination System (NPDES) permit. Construction potentially affecting water quality would be coordinated with the state of Hawai'i and federal agencies.

### Proposing/Determination

**Agency:** Marine Corps Base Hawai'i, Box 63062 (Environmental), MCB Hawai'i, Kane'ohe Bay, HI 96863-3062. Contact: Ronald Yamada, (808) 257-0464

**Consultant:** Colorado State University, Center for Environmental Management of Military Lands, Dept. 1490, Colorado State University, Fort Collins, CO 80521. Contact: David S. Jones, (970) 491-7190

**Status:** Finding of No Significant Impact (FONSI) Determination

U.S. Marines must receive sufficient explosives and demolition training to deny resources and maneuverability to the enemy. All Marines require basic knowledge and skills regarding the safe handling and use of explosives. To meet this requirement the Marine Corps Base (MCB) Hawaii proposes to develop an explosives training range on the northwestern (outer) side of Ulupa'u Crater on Mōkapu Peninsula, Kane'ohe Bay, O'ahu. The proposed range would support levels of explosives training that are not currently available at MCB Hawai'i Kane'ohe Bay.

Findings indicate that the proposed action will not adversely impact to a significant level any variable of environmental concern. The proposed action will have less than significant adverse effects on noise. There will be minor or no impact to air quality, water quality, flora, fauna, coastal and reef systems, cultural and archaeological resources, geology and soils, and hazardous materials and waste. There are no significant cumulative impacts anticipated from the development and use of the explosives training range in conjunction with other past, present, or reasonably foreseeable actions.

The EA and FONSI addressing this action are on file and interested parties may obtain a copy from: Commanding Officer, Box 6302 (Environmental), MCB Hawai'i Kane'ohe Bay, HI 96863-3062, Attention: Ronald Yamada, telephone (808)257-0480. A limited number of copies are available to fill single copy requests.

## 11. Northern Leg of the Western Bypass Road NEPA EA

- Island:** Kaua'i  
**District:** Koloa  
**TMK:** (4) 2-7-003: 002 (por.) and 014, and 2-8-006: 026 and 027  
**Permits:** State Department of Health (DOH) National Pollutant Discharge Elimination System (NPDES) Permit; State DOH Community Noise Permit; State Department of Land and Natural Resources (DLNR) Commission on Water Resource Management Stream Channel Alteration Permit (SCAP); County of Kauai Department of Public Works (DPW) Compliance with Ordinance No. 831 (County of Kauai Flood Plain Management Ordinance); County of Kauai DPW Grubbing and Grading Permit; and County of Kauai DPW Road Permit
- Proposing Agency:** County of Kaua'i, Department of Public Works, 4444 Rice Street, Suite 175, Lihue, Hawai'i 96766-1340. Contact: Mr. Wallace Kudo, (808) 241-4891
- Approving Agency:** U.S. Department of Transportation, Federal Highway Administration, P.O. Box 50206, 300 Ala Moana Boulevard, Room 3-306, Honolulu, Hawai'i 96850. Contact: Mr. Pat Phung, (808) 541-2700, ext. 2305
- Consultant:** Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, Hawai'i 96826. Contact: Mr. Earl Matsukawa, (808) 946-2277
- Status:** Statutory 30-day public review and comment period starts; comments are due on June 7, 2012. Send comments to Mr. Abraham Wong, Division Administrator, U.S. Department of Transportation, Federal Highway Administration, P.O. Box 50206, 300 Ala Moana Boulevard, Room 3-306, Honolulu, Hawai'i 96850, Attention: Mr. Pat Phung, and to Mr. Larry Dill, County Engineer, County of Kaua'i, Department of Public Works, 4444 Rice Street, Suite 175 Lihue, Hawai'i 96766-1340, Attention: Mr. Ken Teshima, and to the Consultant

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, (Pub. L. 91-190, 42 U.S. Code 4321-4347), Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, (40 Code of Federal Regulations (CFR) 1500-1508), and 23 CFR Part 771, Environmental Impact and Related Procedures, the County of Kaua'i Department of Public Works (DPW) proposes to construct the Northern Leg of the existing Western Bypass Road (Ala Kalanikaumaka) from its terminus at Kōloa Road north to Maluhia Road at its intersection with Ala Kinoiki (Eastern Bypass Road), a distance of approximately 0.4-mile. This EA assesses the Northern Leg as a two-lane, two-way roadway based on current and projected traffic conditions to Year 2035. Ultimately, the Northern Leg is planned to be widened to a four-lane, two-way roadway, the implementation of which would depend on future traffic operating conditions in the area.

The Northern Leg will include two 12-foot wide travel lanes; an approximately 520-foot long, 64-foot wide bridge; eight-foot wide paved shoulders along both sides of the road which will also accommodate shared bicycle/pedestrian use; and street lighting within a 150-foot wide right-of-way. The southern segment of the existing two-lane 'Ōma'o Road will also be realigned to intersect with the Northern Leg, near its southern end.

The Northern Leg bridge will be designed to span the 'Ōma'o Stream crossing and associated floodway area, and two wetland areas, although the supporting concrete piers will be within the floodway area. In accordance with Executive Order 11988, "Floodplain Management", dated May 24, 1977, an assessment was conducted to determine the specific road alignment through the area that considered physical site constraints, notably the course of 'Ōma'o Stream and associated floodway area, while achieving adequate geometric alignment and sight distance. Since 'Ōma'o Stream courses in a north-south direction through much of the project area, there are no practicable alternatives to locating the road alignment to avoid the floodway area. The bridge improvements will be designed and constructed in full compliance with the County of Kaua'i's Flood Plain Management Ordinance No. 831, enacted in accordance with the National Flood Insurance Program pursuant to the National Flood Insurance Act of

1968 (Pub. L. 90-440 and 91-152), as amended, and the Flood Disaster Protection Act of 1973 (Pub. L. 93-234).

The EA considers the potential impacts of the proposed action (Build Alternative) and alternatives, including the No Build (No Action) Alternative. No adverse direct, indirect or cumulative impacts are anticipated as a result of the project.

A separate EA (November 2010) prepared pursuant to Chapter 343, HRS, and Title 11, Chapter 200, HAR, State Department of Health, and a FONSI determination was issued by the County DPW and published in the [November 23, 2010 publication of OEQC's \*The Environmental Notice\*](#).

This EA is available for public review at: 1) U.S. Department of Transportation, Federal Highway Administration, PJKK Federal Building, 300 Ala Moana Boulevard, Room 3-306, Honolulu, HI 96850; 2) State of Hawai'i Department of Transportation (DOT), Highways Division, 601 Kamokila Boulevard, Room 609, Kapolei, HI 96707; 3) State DOT, Highways Division, Kaua'i District, 1720 Haleukana Street, Līhu'e, HI 96766; 4) County of Kaua'i DPW, 4444 Rice Street, Suite 175, Līhu'e, HI 96766; 5) County of Kaua'i Department of Public Works' web site: <http://www.kauai.gov/publicworks>; 6) Kaua'i Community College Library; 7) Līhu'e Public Library; 8) Kōloa Public/School Library; and, 9) Hawai'i State Library, Main Branch.

## 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.

### 12. Mixed Use Commercial Building (87-1818 Farrington Highway) DEA

**Island:** O'ahu  
**District:** Wai'anae  
**TMK:** 8-7-35: 5  
**Permits:** Special Management Area Use Permit (Major); Building Permit; Grading Permit; Sewer Connection Permit.  
**Applicant:** Mr. Sungho (Andy) Kim, 49 One'awa Street, Kailua, Hawai'i 96734. Contact: Sungho (Andy) Kim, (808) 286-0009  
**Approving Agency:** Department of Planning and Permitting, City and County of Honolulu, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, Hawai'i 96813. Contact: Ms. Lin Wong, (808) 768-8033  
**Consultant:** On the Ball Engineering, LLC, 182 Opihikao Way, Honolulu, Hawai'i 96825. Contact: Mr. Chris Ball (808) 271-5240  
**Status:** Statutory 30-day public review and comment period starts; comments are due on June 7, 2012. Address comments to the Applicant, Approving Agency, and the Consultant

The proposed action is to construct a two-story commercial building with 7,600 square feet of floor area and appurtenant site improvements including an at-grade parking lot with 32 parking stalls, and access driveways from Mohihi Street and Farrington Highway. Proposed uses include a grocery store, retail stores, and a laundry facility on the first floor; and offices and an accessory caretaker dwelling on the second floor. The project will require a Special Management Area Use Permit (Major). The cost of construction is estimated at \$800,000. No significant adverse impacts are anticipated from the proposed improvements. Construction traffic, air and noise impacts will be short term in nature. A Finding of No Significant Impact is anticipated.

### 13. Kahe Generating Station 2011 Biofuel Tank Addition and Improvement FEA-FONSI

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 9-2-3: Portion of 27  
**Permits:** Special Management Area (SMA) Use Permit; Modification of Existing Use Permit; Grubbing, Grading and Trenching Permits; Building Permit; and National Pollutant Discharge Elimination Permit  
**Applicant:** Hawaiian Electric Company, Inc. P.O. Box 2750 Honolulu, Hawai'i 96840-0001.  
Contact: Russell Hisamoto, (808) 543-7003  
**Approving Agency:** Department of Planning and Permitting, 650 South King Street, Honolulu, Hawai'i 96813.  
Contact: Steve Tagawa, (808) 768-8024  
**Consultant:** Planning Solutions, Inc. 210 Ward Avenue, Suite 330, Honolulu, Hawai'i 96814.  
Contact: Perry White, (808) 550-4483  
**Status:** Finding of No Significant Impact (FONSI) Determination

Hawaiian Electric Company, Inc. (HECO) proposes to construct: 1) Two new 75,000-barrel and one new 30,000-barrel biofuel storage tank, a new 8-inch on-site pipeline, and truck loading rack; 2) A new storm water containment berm and drainage improvements above the new tanks; 3) A new 8,855-square-foot combination weld and valve recertification shop building; 4) A new hazardous material storage area with a 4,032-square-foot building; and 5) The installation of seven new modular offices, totaling 10,800 square feet of new floor area, in the lower employee parking lot.

The addition of the new biofuel tanks will require the excavation of a new area mauka of the existing generation station facility. The total amount of excavation necessary will be about 65,850 cubic yards of excavation and 37,175 cubic yards of fill.

The proposed improvements are planned for the 2012-2013 period and have an estimated cost of \$81.78 million. These proposed improvements require the approval of a Major SMA Use Permit by the Honolulu City Council.

The development at each of the sites will be constructed over a period of about 24 to 48 months. Construction is anticipated to begin once the applicant receives all of the required approvals.

### 14. Commercial Building (143 Hekili Street) FEA-FONSI

**Island:** O'ahu  
**District:** Kailua  
**TMK:** 4-2-038: 8  
**Permits:** Special Management Area Use Permit (Major) and Conditional Use Permit (Minor) for Joint Development  
**Applicant:** Kane'ohe Ranch Company Management Limited, 1199 Auloa Road, Kailua, Hawai'i 96734. Contact: Kimo Steinwaser, (808) 263-8900  
**Approving Agency:** Department of Planning and Permitting, City and County of Honolulu, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, Hawai'i 96813. Joyce Shoji (808) 768-8032  
**Consultant:** Helber Hastert & Fee Planners, 733 Bishop Street, Suite 2590, Honolulu, Hawai'i 96813  
Ms. Martha Spengler (808) 545-2055 ext. 238  
**Status:** Finding of No Significant Impact (FONSI) Determination

The proposed action is to demolish two existing one-story buildings (a commercial building and a storage shed), a parking lot, and two access driveways; and construct a new one-story commercial building consisting of about 5,350 square feet of floor area and an at-grade uncovered parking lot. The new building will share a driveway with the adjacent property at 151 Hekili Street, which requires a conditional use permit for joint development. The project will comply with the appropriate Building Code and City and County of Honolulu rules and regulations for development within the described flood zones, and the project construction will proceed under an archaeological monitoring program. Construction-related traffic, air, and noise impacts will

be short-term in nature. No significant adverse impacts, cumulative impacts, and secondary impacts are anticipated from the proposed improvements. A Finding of No Significant Impact has been issued.

## HABITAT CONSERVATION NOTICES

### 15. Draft Round-leaved Chaff Flower (*Achyranthes splendens* var. *rotundata*) Habitat Conservation Plan for the Kenai Industrial Park Project and Incidental Take License

#### Applicable

**Law:** HRS Chapter 195D  
**Island:** O'ahu  
**District:** Geographic District  
**TMK:** TMK 9-1-074:023  
**Permits:** Incidental Take License  
**Applicant:** CIRI Land Development Company. 2525 C Street, Suite 500. Anchorage, Alaska 99503. 907 274-8638

#### Approving

**Agency:** Department of Land and Natural Resources. Division of Forestry and Wildlife (DOFAW), 1151 Punchbowl Street, Room 325, Honolulu, HI 96815, 808 587-0166

**Consultant:** AMEC Environment & Infrastructure, Inc. 3049 Ualena Street, Suite 1100, Honolulu, HI 96819.T: (619) 838-4034

**Status:** Public comments should be received by July 8, 2012.

CIRI Land Development Company (or the "Applicant") is proposing to develop a 0.75-acre site with a 62-unit self-storage facility in Kapolei on the Island of O'ahu, Hawai'i.

The construction of the Project will result in the incidental take of one plant species listed under the federal Endangered Species Act (ESA) of 1973, as amended, and the State of Hawai'i endangered species statutes known as the round-leaved chaff flower (*Achyranthes splendens* var. *rotundata*).

To address potential take and to comply with Hawai'i endangered species law, Hawai'i Revised Statutes Chapter 195D, the Applicant developed a Habitat Conservation Plan (HCP) that outlines measures to avoid, minimize, mitigate, and monitor take of the aforementioned covered endangered species. In addition, the HCP outlines measures to ensure a net recovery benefit to the species that are the focus of the plan.

The public is encouraged to comment on this amendment. Please send comments to: Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street Room 325, Honolulu, Hawai'i 96813. Attention: HCP Planning Associate or email comments to:

[Kathryn.E.Stanaway@hawaii.gov](mailto:Kathryn.E.Stanaway@hawaii.gov)

## COASTAL ZONE MANAGEMENT NOTICES

### Federal Consistency Reviews

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

**Kuakini Street Extension, Honolulu, O'ahu**

**Applicant:** City & County of Honolulu Department of Transportation Services  
**Contact:** Jason Lau, The Limtiaco Consulting Group, 596-7790  
**Federal Action:** Federal Funding  
**Federal Agency:** Federal Highway Administration  
**Location:** Kuakini Street at Lanakila Avenue, Liliha-Kapalama  
**TMK:** (1) 1-6-9: 1  
**CZM Contact:** John Nakagawa, 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)  
**Proposed Action:** Extend Kuakini Street past its current terminus at Lanakila Avenue through a vacant lot for approximately 450 linear feet and connect to Keola Road. The current portion of Keola Road between Lanakila Avenue and the proposed connection point will remain a private roadway to serve adjoining properties. Construction activities will include: site grading; construction of an asphaltic concrete roadway with concrete sidewalks, curbs and gutters; installation of drain lines; utility poles relocation; construction of a retaining wall up to 7 feet in height; and removal of a monkey-pod tree within the proposed roadway extension alignment.  
**Comments Due:** May 22, 2012

**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 Kohala (5-5-007: 037)	"As-Built" Agricultural Building/Field Office with Two Storage Yurts, and Outhouse and Recreation Room Yurt (SMM 12-212)	William Quayle
Hawai'i: North Kohala (5-2-001: 022)	Construction of Accessory Structures in Support of Agricultural Activities (SMM 12-213)	Rhoady Lee
Hawai'i: Puna (1-3-007: 026)	Replacement of an Existing Comfort Station, Access Road Improvements, ADA Compliant Parking Stalls, ADA Sidewalks and Sign Installation (SMM 12-214)	Brian T. Nishimura (Landowner: State of Hawai'i)
Hawai'i: South Hilo (2-6-001: 019)	Demolition of Non-Conforming Dwelling and Construction of New Dwelling (SMM 12-215)	Dwayne Lerma and Joanne Goya
Hawai'i: North Kona	Construction of a Bust Stop and Shelter with the Right-of-Way (SMM 12-216)	County of Hawai'i, Mass Transit Agency
Kaua'i: (5-2-005: 030)	Construct Outdoor Swimming Pool and Mechanical Room (SMA(M)-2012-17)	Sidney M. Thorson
Kaua'i: (4-3-009: 001)	Construct Perimeter Fencing & Gates (SMA(M)-2012-18)	Stepanie Skow
Kaua'i: (1-8-008: 038)	Install New Entry Pedestrian Gate, Replace Vehicular Gate and Repair & Extend Existing Rock Wall (SMA(M)-2012-19)	State Department of Accounting and General Services, County of Kauai Department of Parks & Recreation
Kaua'i: (1-3-005: 044)	Construct Concrete Masonry Unit (CMU) Fencing along Makai Side of Parcel (SMA(M)-2012-20)	Rachael Seely
Kaua'i: (5-2-004: 080)	Construct Agricultural Equipment Building (SMA(M)-2012-21)	Steven & Dianne G. Dechka / John Adkins
Maui: Paia (3-8-002: 077)	LIM Beach House-Landscape Features (SM2 20120039)	Jeffrey A. Lundahl
Maui: Paia (2-5-005: 046)	Comfort Station/Baldwin Park (SM2 20120040)	County of Maui, Department of Parks & Recreation
Maui: Lahaina (4-6-028: 024)	Apartment Addition/Alteration (SM2 20120041)	David Medina
Maui: Lahaina (4-6-032: 026)	Construct Shed for Water Heater (SM2 20120042)	Russ Wynne
Maui: Lahaina (4-6-028: 001)	Repair Sewer Line under Flooring (SM2 20120043)	Puamana Community Association

Maui: Kihei (3-9-011: 015)	Addition & New Construction (SM2 20120044)	John Romanowski
Maui: Honokowai (4-4-001: 057, 058 & 059)	Concrete for Outdoor Dining (SM2 20120045)	Darin Fukunaga
Maui: Kahului (3-7-002: 001)	C.S. WO & SONS Interior Improvements (SM2 20120046)	C.S. WO & SONS, LTD
Maui: Kahului (3-7-002: 001)	Renovation & Construct Wells (SM2 20120047)	Maui Linen, LLC
Maui: Lahaina (4-5-001: 014)	Apartment Alterations (SM2 20120048)	Steve Heimler
Maui: Kihei (3-9-010: 006)	Main Dwelling Alteration (SM2 20120049)	Paul B. Smith
Maui: Lahaina (4-6-028: 039)	Main Dwelling Alteration (SM2 20120050)	Michael Learned

## 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-1491	4/12/12	Kualoa Regional Park situate at Kualoa and Hakipu'u, Ko'olaupoko, O'ahu Address: 49-479 Kamehameha Highway Purpose: Permitting purposes at Kualoa Regional Park	ControlPoint Surveying, Inc./City and County of Honolulu Department of Design and Construction	4-9-004:001
OA-1492	4/24/12	Lot 68 (Map 10) of Land Court Consolidation 23 situate at Kaipapau, Ko'olaupoko, O'ahu Address: 54-001 Ahinalu Place Purpose: Permitting purposes	Austin, Tsutsumi & Associates, Inc./ August J. and Veronica Q. Monge	5-4-003:035
OA-1493	4/24/12	Portion of R.P. 52, L.C. Aw. 802 to A. Adams situate at Niu, Waikiki, Honolulu, O'ahu Address: 5633 Kalaniana'ole Highway Purpose: Setback purposes	Austin, Tsutsumi & Associates, Inc./ Kinoshita Management Co. Ltd.	3-7-001:022
MA-508	4/25/12	Parcel 7-A, Portion Parcel 8-A and Portion Remnant 4 as shown on F.A.P. No. 30-A being a portion of Grant 4973 to Walter M. Gifford situate at Olowalu, Lahaina, Maui Address: Honoapi'ilani Highway Purpose: Construct shoreline protection using boulder fill; for use in CDUA	ControlPoint Surveying, Inc./ State of Hawaii Department of Transportation	4-8-003:006
MA-509	4/27/12	Lot 3 of the H.S.W. Subdivision being a portion of Royal Patent 8213, Land Commission Award 6715 to Ho'omanawanui situate at Keauhou, Honuaua, Makawao, Maui Address: 4690 Makena Road Purpose: Sale of property	Bruce Williams/ Williams Family Trust c/o Bruce Williams	2-1-012:016
HA-447	4/7/12	L.P. 8098, Land Commission Award 5377 to Luahine situate at Kealakekua Bay at Kalama 5, South Kona, Island of Hawai'i Address: Manini Beach Road Purpose: Document tsunami damage	Cameron Healy/ The Bill Healy Foundation	8-2-006:027
HA-448	4/12/12	All of Royal Patent No. 6121, Land Commission Award No. 7863, Apana 1 to Kalua situate at Waipi'o, District of Hamakua, Island of Hawai'i Address: N/A Purpose: Establish building setback	Thomas Pattison/ David Back	4-9-003:005

### Shoreline Certification(s) and Rejection(s)

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-1487	Proposed Shoreline Certification	Portion of L.P. Grant 8175 to George H. Angus, Trustee for Donald Angus and Portion of Lot 3 of the "Pupukea-Paumalū Beach Lots" situate at Pupukea-Paumalū, Ko'olauloa, O'ahu Address: 59-625 A Ke Ike Road Purpose: Building permit	Park Engineering/ Carol A. Nakasone	5-9-003:062

### 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, Non-Covered Source Permit	Avatar Solar, Inc. NSP No. 0765-01-N Initial Permit Application No. 0765-01	Located at: 15-2817 Government Road, Pahoa, Hawai'i	Issued: 4/16/12	125 kW Diesel Engine Generator
Clean Air Branch, 586-4200, Non-Covered Source Permit	Avatar Solar, Inc. NSP No. 0765-01-N Initial Permit Application No. 0765-01	Located at: 15-2817 Government Road, Pahoa, Hawai'i	Issued: 4/16/12	125 kW Diesel Engine Generator
Clean Air Branch, 586-4200, Covered Source Permit	Covanta Honolulu Resource Recovery Venture (CHRRV) Honolulu Program of Waste Energy Recovery (H-Power) Renewal Application No. 0255-07 CSP No. 0255-02-C	Located at: 91-174 Hanua Street Kapolei, O'ahu	Issued: 4/24/12	H-Power Mass-Burn Facility
Clean Air Branch, 586-4200, Covered Source Permit	Covanta Honolulu Resource Recovery Venture (CHRRV) Honolulu Program of Waste Energy Recovery (H-POWER) Renewal Application No. 0255-07 CSP No. 0255-01-C	Located at: 91-174 Hanua Street, Kapolei, O'ahu	Issued: 4/24/12	H-POWER Refuse-Derived Fuel (RDF) Facility

### FEDERAL NOTICES

#### Amendment/Extension of an Experimental Use Permit (Syngenta Seeds, Inc.)

<http://www.gpo.gov/fdsys/pkg/FR-2012-05-04/pdf/2012-10676.pdf>

The United States Environmental Protection Agency (EPA) has granted an experimental use permit (EUP) to the following pesticide applicant. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit. EPA has issued the following EUP: 67979-EUP-8. Amendment/Extension. Syngenta Seeds, Inc.—Field Crops, P.O. Box 12257, Research Triangle Park, NC 27709. This EUP amendment/extension allows the use of the plant-incorporated protectant (PIP) [Event 5307] *Bacillus thuringiensis* eCry3.1Ab protein and the genetic material necessary for its production (vector pSYN12274) in Event 5307 corn (SYN-;53;7-1) and

combined and single trait hybrids with one or more of the following additional PIPs: (1) [Bt11] *Bacillus thuringiensis* Cry1Ab delta-endotoxin and the genetic material (as contained in plasmid vector pZO1502) necessary for its production in corn, (2) [DAS-59122-7] *Bacillus thuringiensis* Cry34Ab1 and Cry35Ab1 proteins and the genetic material (vector PHP 17662) necessary for their production in Event DAS-59122-7 corn, (3) [MIR162] *Bacillus thuringiensis* Vip3Aa20 and the genetic material necessary for its production (vector pNOV1300) in event MIR162 maize (SYN-IR162-4), (4) [MIR604] Modified Cry3A protein and the genetic material necessary for its production (via elements of pZM26) in corn (SYN-IR604-8), and 5) [TC1507] *Bacillus thuringiensis* Cry1F protein and the genetic material (vector PHP8999) necessary for its production in Event TC1507 corn. 11.137 pounds (lbs.) of eCry3.1Ab, 0.012 lbs. of Cry1Ab, 8.883 lbs. of Cry34Ab1, 0.122 lbs. of Cry35Ab1, 0.306 lbs. of Vip3Aa20, 0.238 lbs. of mCry3A, and 0.194 lbs. of Cry1F are authorized on 3,796 PIP acres. 3,122 acres of non-PIP corn are also authorized. Two protocols will be conducted, including: Efficacy evaluation and regulatory studies. The program is authorized only in the States of Arkansas, California, Colorado, Florida, Georgia, Hawai'i, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Puerto Rico, South Carolina, South Dakota, Texas, Washington, and Wisconsin. The EUP amendment/ extension is effective from March 1, 2012 to December 31, 2013. No comments were received on the notice of receipt document, which published in the **Federal Register** on January 19, 2011 (76 FR 3135) (FRL-8855-3).

**FOR FURTHER INFORMATION CONTACT:** Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 308-8715; email address: [mendelsohn.mike@epa.gov](mailto:mendelsohn.mike@epa.gov) (see, 77 FR 26547, May 04, 2012)

#### **Issuance of an Experimental Use Permit (Pioneer Hi-Bred International)**

<http://www.gpo.gov/fdsys/pkg/FR-2012-05-04/pdf/2012-10725.pdf>

The United States Environmental Protection Agency (EPA) has granted an experimental use permit (EUP) to the following pesticide applicant. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit. EPA has issued the following EUP: 29964 EUP-11. Issuance. Pioneer Hi-Bred International, P.O. Box 1000, Johnston, IA 50131-1000. This EUP allows the use of combined and single trait corn containing one or more of the following plant-incorporated protectants (PIPs): (1) [Bt11] *Bacillus thuringiensis* Cry1Ab delta-endotoxin and the genetic material (via elements of vector pZO1502) necessary for its production in corn (SYN-BT;11-1), (2) [DAS-59122-7] *Bacillus thuringiensis* Cry34Ab1 and Cry35Ab1 proteins and the genetic material necessary for their production (PHP17662 T-DNA) in event DAS59122-7 corn (Organization for Economic Co-operation and Development (OECD) Unique Identifier: DAS-59122-7), (3) [MIR162] *Bacillus thuringiensis* Vip3Aa20 and the genetic material necessary for its production (vector pNOV1300) in event MIR162 maize (SYN-IR162-4), (4) [MIR604] Modified Cry3A protein and the genetic material necessary for its production (via elements of pZM26) in corn (SYN-IR604-8), (5) [TC1507] *Bacillus thuringiensis* Cry1F protein and the genetic material (plasmid insert PHI8999A) necessary for its production in corn event DAS-;15;7-1, and (6) [MON810] *Bacillus thuringiensis* Cry1Ab delta-endotoxin and the genetic material necessary for its production (Vestor PV-ZMCT01) in event MON 810 corn (OECD Unique Identifier: MON- 81;-6). The focus of the EUP is the three breeding stacks: (1) MIR604 □□1507 □□59122 □□MON 810, (2) MIR604 □□59122 □□MON810, and (3) MIR604 □1507. 0.0184 pounds (lbs.) of MON810 Cry1Ab, 0.0585 (lbs.) of Bt11 Cry1Ab, 5.513 (lbs.) of Cry34Ab1, 0.754 (lbs.) of Cry35Ab1, 0.123 (lbs.) of Vip3Aa20, 0.147 (lbs.) of mCry3A, and 0.170 (lbs.) of Cry1F, are authorized on, 2,672 PIP acres. 664 acres of non-PIP and border row corn are also authorized. Two protocols will be conducted, including: Insect resistance management and efficacy/expression. The program is authorized only in the States of Arkansas, California, Colorado, Georgia, Hawai'i, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, Washington, and Wisconsin. The EUP is effective from March 3, 2011, to June 30, 2012. One comment was received in response to the January 26, 2011, notice of receipt in the **Federal Register**, 76 FR 4683, FRL-8856-

2. One comment was received from an anonymous individual who objected in general terms to EPA granting this experimental use permit with *Bacillus thuringiensis*-based plant-incorporated protectants claiming that insufficient safety testing has been required. The Agency understands that some individuals are opposed to all biotechnology based pesticide use. Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, EPA may issue a permit for experimental use of a pesticide if the Agency determines that such experimental use may be conducted in such a manner as to not result in unreasonable adverse effects on the environment. EPA has conducted a comprehensive analysis of data and information related to the requested experimental uses and, based on that analysis, EPA has determined that the experimental uses, if conducted in accordance with the terms of the permit, will not result in unreasonable adverse effects on the environment.

**FOR FURTHER INFORMATION CONTACT:** Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 308-8715; email address: [mendelsohn.mike@epa.gov](mailto:mendelsohn.mike@epa.gov) (see, 77 FR 26548, May 04, 2012)

### Marine Mammals; File No. 14118

<http://www.gpo.gov/fdsys/pkg/FR-2012-05-04/pdf/2012-10846.pdf>

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), give notice that it has issued a permit to Becky Woodward, Ph.D., University of Maine, 9500 Old Retriever Trail, Charles City, Virginia 23030 to conduct research on Eastern gray (*Eschrichtius robustus*), minke (*Balaenoptera acutorostrata*), and short- and long-finned pilot whales (*Globicephala* spp.) and endangered humpback (*Megaptera novaeangliae*) whales. Fin (*B. physalus*) and sei (*B. borealis*) whales may be incidentally harassed.

**FOR FURTHER INFORMATION CONTACT:** Kristy Beard or Carrie Hubard, (301)427-8401 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) 427-8401; fax (301) 713-0376; 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; Pacific Islands Region, NMFS, 1601 Kapi'olani Blvd., Rm. 1110, Honolulu, HI 96814-4700; phone (808) 944-2200; fax (808) 973-2941 (see, 77 FR 26518, May 04, 2012).

### Marine Mammals; File No. 16479

<http://www.gpo.gov/fdsys/pkg/FR-2012-05-01/pdf/2012-10492.pdf>

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) give notice that it has received an application for permit amendment from the Pacific Whale Foundation [Responsible Party: Gregory Kaufman], 300 Ma'alaea Road, Suite 211, Wailuku, HI 96793, requesting a change in the Principal Investigator to their pending permit application. **DATES:** Written, telefaxed, or email comments must be received on or before May 31, 2012. **ADDRESSES:** The application 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. 16479 from the list of available applications. These documents are also available upon written request or by appointment in the following offices: Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376; and Pacific Islands Region, NMFS, 1601, Kapi'olani Blvd., Rm. 1110, Honolulu, HI 96814-4700; phone (808) 944-2200; fax (808) 973-2941. Written comments on these applications should be submitted to the Chief, Permits and Conservation Division, at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Laura Morse or Joselyd Garcia-Reyes, (301) 427-8401 (see, 77 FR 25692, May 01, 2012).

## Revisions to the Hawai'i State Implementation Plan

<http://www.gpo.gov/fdsys/pkg/FR-2012-04-27/pdf/2012-10102.pdf>

The United States Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Hawai'i State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC), oxides of nitrogen (NOX), and particulate matter (PM) emissions from motor vehicles, water separation, pumps, compressors, waste gas, and open burning, as well as several administrative requirements. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). **DATES:** This rule is effective on June 26, 2012 without further notice, unless EPA receives adverse comments by May 29, 2012. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect. **ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2012-0082, by one of the following methods: 1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions. 2. *Email:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov). 3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. *Instructions:* All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email. [www.regulations.gov](http://www.regulations.gov) is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment.

**FOR FURTHER INFORMATION CONTACT:** Nicole Law, EPA Region IX, (415) 947-4126, [law.nicole@epa.gov](mailto:law.nicole@epa.gov) (see, 77 FR 25084, April 27, 2012).

## Revisions to the Hawai'i State Implementation Plan

<http://www.gpo.gov/fdsys/pkg/FR-2012-04-27/pdf/2012-10103.pdf>

The United States Environmental Protection Agency (EPA) is proposing to approve revisions to the Hawai'i State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC), oxides of nitrogen (NOX), and particulate matter (PM) emissions from motor vehicles, water separation, pumps, compressors, waste gas, and open burning, as well as several administrative requirements. We are proposing to approve several local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). **DATES:** Any comments on this proposal must arrive by May 29, 2012. **ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2012-0082, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.
2. *Email:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. *Instructions:* All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email. [www.regulations.gov](http://www.regulations.gov) is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. **FOR FURTHER INFORMATION CONTACT:** Nicole Law, EPA Region IX, (415) 947-4126, [law.nicole@epa.gov](mailto:law.nicole@epa.gov) (see, 77 FR 25112, April 27, 2012).

### **Marine Mammals; File No. 978–1857**

<http://www.gpo.gov/fdsys/pkg/FR-2012-04-27/pdf/2012-10227.pdf>

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) give notice that Paul E. Nachtigall, Ph.D., Marine Mammal Research Program, Hawaii Institute of Marine Biology, P.O. Box 1106, Kailua, Hawai'i 96734 has been issued a minor amendment to Scientific Research Permit No. 978–1857. **ADDRESSES:** These documents are also available upon written request or by appointment at Pacific Islands Region, NMFS, 1601 Kapi'olani Blvd., Room 1110, Honolulu, HI 96814–4700; phone (808) 944–2200; fax (808) 973–2941. **FOR FURTHER INFORMATION CONTACT:** Jennifer Skidmore or Amy Sloan, (301) 427–8401 (see, 77 FR 25145 April 27, 2012).

### **Western Pacific Fishery Management Council; Public Meetings**

<http://www.gpo.gov/fdsys/pkg/FR-2012-04-25/pdf/2012-9950.pdf>

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) advises the public that the Western Pacific Fishery Management Council (Council) will convene a meeting of the Hawai'i Regional Ecosystem Advisory Committee (REAC) in Honolulu, HI. **DATES:** The Hawai'i REAC meeting will be held Friday, May 11, 2012, at the Council Office, 1164 Bishop St., Suite 1400, Honolulu, HI 96814. **FOR FURTHER INFORMATION CONTACT:** Kitty M. Simonds, Executive Director; telephone: (808) 522–8220 (see, 77 FR 24686, April 25, 2012)

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

<http://www.gpo.gov/fdsys/pkg/FR-2012-04-24/pdf/2012-9718.pdf>

The Coast Guard is reopening the comment period for the temporary interim rule that established a temporary security zone for Kaunakakai Harbor, including the entrance channel and offshore area adjacent to the channel's entrance during the arrival and departure of the Passenger Vessel Safari Explorer in Kaunakakai Harbor, Moloka'i, Hawai'i. The effective period for this temporary security zone began on January 19, 2012 and ends on May 15, 2012. The Coast Guard held informal public meetings regarding the interim rule. Following the public meetings, the Coast Guard prepared a written synopsis of the public comments received at the public meetings. This synopsis may be viewed at <http://www.regulations.gov> under docket number USCG–2011–1159. During this additional comment period, the Coast Guard invites comments on how the temporary interim rule can be improved. **DATES:** The Coast Guard will consider all comments that we receive on or before May 7, 2012. **ADDRESSES:** You may submit written 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. Our online docket for this rulemaking is available on the Internet at <http://www.regulations.gov> under docket number USCG–2011–1159.

**FOR FURTHER INFORMATION CONTACT:** If you have questions concerning the meeting or the proposed rule, please call or email Lieutenant Commander Scott Whaley, U.S. Coast Guard; telephone 808–522–8264, 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 24381, April 24, 2012).

### **Revisions to the Hawai'i State Implementation Plan**

<http://www.gpo.gov/fdsys/pkg/FR-2012-04-23/pdf/2012-9704.pdf>

The United States Environmental Protection Agency (EPA) is proposing to approve revisions to the Hawai'i State Implementation Plan (SIP). These revisions would update and replace the minor new source review rules that EPA approved into the Hawai'i SIP in 1983. **DATES:** Any comments on this

proposal must arrive by *May 23, 2012*. **ADDRESSES:** Submit comments, identified by docket number EPA–R09–OAR–2012–0213, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.

2. *Email:* [rios.gerardo@epa.gov](mailto:rios.gerardo@epa.gov).

3. *Mail or deliver:* Gerardo Rios (Air-3), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901. *Instructions:* All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email. [www.regulations.gov](http://www.regulations.gov) is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. **FOR FURTHER INFORMATION CONTACT:** Geoffrey Glass, EPA Region IX, (415) 972–3534, [glass.geoffrey@epa.gov](mailto:glass.geoffrey@epa.gov) (see, 77 FR 24161, April 23, 2012).

### **Revision to the Hawaii State Implementation Plan, Minor New Source Review Program**

<http://www.gpo.gov/fdsys/pkg/FR-2012-04-23/pdf/2012-9705.pdf>

The United States Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Hawai'i State Implementation Plan (SIP). These revisions would update and replace the minor new source review rules that EPA approved into the Hawai'i SIP in 1983. **DATES:** This rule is effective on June 22, 2012 without further notice, unless EPA receives adverse comments by May 23, 2012. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect. **ADDRESSES:** Submit comments, identified by docket number EPA–R09–OAR–2012–0213, by one of the following methods: 1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions. 2. *Email:* [r9airpermits@epa.gov](mailto:r9airpermits@epa.gov). 3. *Mail or deliver:* Gerardo Rios (Air-3), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901. *Instructions:* All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email. [www.regulations.gov](http://www.regulations.gov) is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. **FOR FURTHER INFORMATION CONTACT:** Geoffrey Glass, EPA Region IX, (415) 972–3534, [glass.geoffrey@epa.gov](mailto:glass.geoffrey@epa.gov) (see, 77 FR 24148, April 23, 2012).

### **Western Pacific Fishery Management Council; Public Meeting**

<http://www.gpo.gov/fdsys/pkg/FR-2012-04-20/pdf/2012-9539.pdf>

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), gives notice that the Western Pacific Fishery Management Council (Council) will hold the Eighth Meeting of its Sea Turtle Advisory Committee (STAC) in Honolulu, HI on Wednesday, May 23, 2012, from 8:30 a.m. to 5:30 p.m. and Thursday, May 24, 2012, from 8:30 a.m. to 12:30 p.m., at the Council Office Conference Room, 1164 Bishop Street, Suite 1400, Honolulu, HI; telephone: (808) 522–8220. **FOR FURTHER INFORMATION CONTACT:** Kitty M. Simonds, Executive Director; telephone: (808) 522–8220 (see, 77 FR 23661, April 20, 2012).

**Approval and Promulgation of State Implementation Plans; Hawai'i; Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards** <http://www.gpo.gov/fdsys/pkg/FR-2012-04-12/pdf/2012-8848.pdf>

The United States Environmental Protection Agency (EPA) proposes to partially approve and partially disapprove a State Implementation Plan (SIP) revision submitted by the State of Hawai'i pursuant to the requirements of Section 110(a)(1) and (2) of the Clean Air Act (CAA) for the 1997 8-hour ozone national ambient air quality standards (NAAQS) and the 1997 and 2006 NAAQS for fine particulate matter (PM<sub>2.5</sub>). Section 110(a) of the CAA requires that each State adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by the EPA. On December 14, 2011, the Hawai'i Department of Health (HDOH) submitted a revision to Hawai'i's SIP, which describes the State's provisions for implementing, maintaining, and enforcing standards listed above. The EPA is taking comments on this proposal and plans to follow with a final action. **DATES:** Written comments must be received on or before May 14, 2012. **ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R09-OAR-2012-0228, by one of the following methods: 1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments. 2. *Email:* [richmond.dawn@epa.gov](mailto:richmond.dawn@epa.gov). 3. *Fax:* 415-947-3579. 4. *Mail or deliver:* Dawn Richmond, Air Planning Office (AIR-2), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. Deliveries are only accepted during the Regional Office's normal hours of operation. *Instructions:* All comments will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or email. <http://www.regulations.gov> is an anonymous access system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment (see, 77 FR 21913, April 12, 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. Notices of permit applications are published in this bulletin.

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

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

### **Shoreline Certifications**

State law requires that Hawaii 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).