

THE ENVIRONMENTAL NOTICE

A semi-monthly periodic bulletin published by the Office of Environmental Quality Control pursuant to
Section 343-3,
Hawai'i Revised Statutes
August 8, 2012

IMPORTANT NOTICES

University of Hawai'i Pacific Health Research Lab at Kalaeloa, O'ahu

NIH, through the National Institute of Allergy and Infectious Diseases, is providing a grant to the UH to partially fund the construction of the UH PHRL, a Regional Biosafety Lab. The proposed UH PHRL would be devoted to researching and detecting emerging infectious diseases, as well as developing rapid and more accurate diagnostic tests, drugs and vaccines for emerging and re-emerging infectious diseases in the Asia-Pacific region. This work is especially vital, given Hawai'i's position as the gateway to the United States for travelers from throughout the Asia-Pacific region, making it vulnerable to the introduction of exotic pathogens.

The proposed project site encompasses an approximately two acre portion of Tax Map Key (TMK) parcel 1-9-1-13:045 in Kalaeloa, O'ahu, within the State of Hawai'i Kalaeloa Community Development District.

The proposed facility would consist of a one-story, approximately 31,179-gross square foot (ft²) standalone structure and would include BSL-2, BSL-3, and ABSL3 laboratories, a small lab animal facility for primarily rodents, an insectary, physical plant, and support space for research, administration, and building operations.

Endangered and Threatened Wildlife; 90-Day Finding on a Petition to Delist the Green Turtle in Hawaii and Notice of Status Review

<http://www.gpo.gov/fdsys/pkg/FR-2012-08-01/pdf/2012-18768.pdf>

The National Marine Fisheries Service (NMFS) announced a 90-day finding on a petition to identify the Hawaiian population of the green turtle (*Chelonia mydas*) as a Distinct Population Segment (DPS) and delist the DPS under the Endangered Species Act (ESA). The green turtle was listed under the ESA on July 28, 1978. Breeding populations of the green turtle in Florida and along the Pacific Coast of Mexico are listed as endangered; all other populations are listed as threatened. NMFS finds that the petition viewed in the context of information readily available in our files presents substantial scientific and commercial information indicating that the petitioned action may be warranted. NMFS is hereby initiating a status review of green turtles as currently listed to determine whether the petitioned action is warranted and to examine green turtles globally with regard to application of the DPS policy in light of significant new information since the listing of the species in 1978. To ensure that the status review is comprehensive, NMFS is soliciting scientific and commercial information pertaining to this species and potential critical habitat from any interested party.

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

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



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



IMPORTANT NOTICES..... 1

HAWAI'I (HRS 343)

1. Ho'okena Beach Park Pavilion FEA-FONSI 3

2. Mamalahoa Highway Drainage Improvements FEA-FONSI 3

MAUI (HRS 343)

3. Honua'ula Master Planned Community Consisting of Single-Family and Multi-Family Homes FEIS 4

4. 2.0 Million Gallon Water Tank At Existing Kahului Water Tank Site DEA-AFONSI 4

5. Hau'oli Street Drainage Improvements Project DEA-AFONSI 5

6. Waiko Baseyard Light Industrial 41-lot Subdivision FEA-FONSI 6

7. Wailuku Municipal Parking Structure FEA-FONSI..... 6

LĀNA'I (HRS 343)

8. Maui Police Department Waiakeakua Communication Facility on Lāna'i 7

O'AHU (HRS 343)

9. Honolulu Fire Department Regional Training Center DEA-AFONSI 7

10. International Marketplace Revitalization Project FEIS..... 8

11. Stevenson Middle School, Multi-purpose Educational Facilities FEA-FONSI 9

12. University of Hawai'i Pacific Health Research Lab at Kalaeloa DEA-AFONSI..... 9

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area Minor Permits 10

SHORELINE NOTICES

Shoreline Certification Applications 11

Shoreline Certifications and Rejections 11

POLLUTION CONTROL PERMITS 12

NEPA NOTICES

Record of Decision for Basing of Aircrafts in Hawai'i 12

Repair/Restore Waimanalo Stream 13

FEDERAL NOTICES

1. Endangered Species Recovery Act 13

2. Pesticide Emergency Exemptions: Varroa Mite Control 14

3. Western Pacific Pelagic Fisheries; Hawaii Deep-Set Longline Fishery 14

4. Endangered and Threatened Wildlife; Delisting the Green Turtle/Notice of Status Review 14

5. Takes of Marine Mammals Incidental to Specified Activities; Pile Driving for Honolulu Seawater Air Conditioning Project 14

Glossary 16



HAWAI'I (HRS 343)

1. Ho'okena Beach Park Pavilion FEA (FONSI)

Island: Hawai'i
District: Kauhako, South Kona District
TMK: (3) 8-6-013: 021
Permits: HRS Chapter 343-Environmental Impact Statements, Special Management Area Use Permit (SMA), Building Permits, Grading and Grubbing Permits
Applicant: Pa'a Pono Miloli'i (501c3) & Friends of Ho'okena Beach Park (501c3), PO Box 7715, Hilo, Hawai'i 96720. Contact: Kaiali'i Kahele, (808) 783-4069, paaponoinc@gmail.com
Approving Agency: County of Hawai'i Planning Department, 101 Pauahi Street, Suite 3, Hilo, Hawai'i, 96720. Contact: Bobby Jean Leithead-Todd, (808) 961-8288.
Consultant: Farber & Associates, 2722 Ferdinand Ave., Honolulu, Hawai'i 96822. Contact: Joseph Farber, (808) 988-3486, joefarber@hotmail.com.
Status: Finding of No Significant Impact Determination



The Friends of Ho'okena Beach Park and their partner Pa'a Pono Miloli'i, both non-profit 501(c)(3) organizations, have been awarded Federal Housing and Urban Development (HUD) funds to create a multi-purpose community center at Ho'okena Beach Park on County-owned lands. The proposed Park Pavilion is intended to serve as a hub for community meetings, cultural activities, education programs, and recreation.

The proposed Park Pavilion is sited about 20 feet makai of the existing Ho'okena Beach Park restrooms and 16 feet mauka of the parking lot on land which is currently covered with grass, bare soil, banana, and sugar cane. No changes in the overall land use and minor increases in the intensity of use are anticipated for the site.

The proposed action is to build a 3,200 square foot Park Pavilion that includes a central, open-air, lanai space with roof of 1,600 square feet; an enclosed, office space; two equipment and material storage rooms; and a cultural center/exhibition space. The building will be constructed with a concrete slab and concrete columns; a gable wood roof with both fixed and jalousie windows, no plumbing; and meet Americans with Disabilities Act Accessibility Guidelines (ADAAG).

2. Malamalo Highway Drainage Improvements FEA (FONSI)

Island: Hawai'i
District: Ka'u
TMK: (3rd) 9-5-016:006, 022, 025 & 026
Permits: Historic Sites Review (Section 106 of NHPA and Chapter 6e, HRS, completed; State Highways Permit; Conservation District Use Permit (CDUP); National Pollutant Discharge Elimination System (NPDES); Subdivision Approval; Special Management Area (SMA) Permit; Grading, Grubbing, Excavating and Stockpiling Permits.
Proposing/Determination Agency: Hawai'i Department of Transportation, 50 Makaala Street, Hilo, Hawai'i 96720. Contact: Roy Shoji, (808) 933-2755
Consultant: Geometrician Associates, PO Box 396, Hilo, Hawai'i 96721. Contact: Ron Terry, (808) 969-7090
Status: Finding of No Significant Impact Determination



The Hawai'i State Department of Transportation, in consultation with the Federal Highway Administration, proposes to construct drainage improvements along an approximately 3,700-foot section of the Mamalahoa Highway (State Route 11) located at Kāwā Flats. The highway was constructed over 50 years ago with no drainage facilities for this low-lying section. Flood waters from an intermittent stream frequently overtop the highway and completely close this round-the-island highway – the only route connecting the two main towns of Ka'ū. The flooding is a hazard to motorists, prevents the passage of emergency vehicles, and damages the roadway structure. Erosion and sedimentation impacts will be mitigated through Best Management Practices during construction, and impacts to archaeological sites will be mitigated through data recovery and monitoring. Only wide-ranging threatened or endangered vertebrates are present, which will be protected through construction timing restrictions. Important farmland, wetlands or other waters of the U.S., or other sensitive resources are not present at the project site and will not be affected directly or indirectly. No adverse cumulative impacts will occur.

MAUI (HRS 343)

3. Honua'ula a Master Planned Community Consisting of Single-Family and Multi-Family Homes FEIS



- Island:** Maui
District: Makawao
TMK: Project: (2)2-1-08:056; (2)2-1-08:071
Permits: Project District Phase II and III; Subdivision Approval; NPDES & Grading/Building Permits
Applicant: Honua'ula Partners, LLC, c/o Goodfellow Brothers, Inc., P.O. Box 220, Kīhei, Hawai'i 96753. Contact: Charlie Jencks, (808) 879-5205
- Approving Agency:** County of Maui Planning Department / Planning Commission, 250 South High Street, Wailuku, Hawai'i 96793. Contact: Ann Cua, (808) 270-7736
Consultant: PBR HAWAII, 1001 Bishop Street, Suite 650, Honolulu, Hawai'i 96813. Contact: Tom Schnell, (808) 521-5631
Status: Final Environmental Impact Statement accepted by Approving Agency on July 25, 2012.

Honua'ula, located in the Kīhei-Mākena region of Maui adjacent to Wailea Resort, will be a master-planned community with diverse residential opportunities, commercial and retail mixed uses, on-site recreational amenities, integrated bicycle and pedestrian networks, parks, and open space. Honua'ula will include up to 1,150 homes priced for a range of consumer groups, including workforce affordable homes in compliance with the Maui County Code. In addition, Honua'ula will feature an 18-hole home-owner's golf course and related facilities, a Native Plant Preservation Area, and areas dedicated to the preservation archaeological features.

Positive impacts include: the provision of housing, substantial open space, protection of native plants, protection of archaeological and cultural resources, substantial contributions toward public facilities and infrastructure, and significant economic benefits.

Potential adverse environmental impacts include: increased population in the region, potential traffic impacts, greater demands on public services, additional solid waste generated, additional electrical consumption, and short-term impacts to air quality and noise levels due to construction.

The Final EIS contains an analysis of potential impacts and associated mitigation measures to ensure potential adverse impacts are minimized or mitigated.

4. Proposed 2.0 MG Water Tank at Existing Kahului Water Tank Site DEA (AFONSI)

- Island:** Maui
District: Wailuku
TMK: (2) 3-8-046:032



Permits: Construction Permits work within County Right-of-Way Permit, Community Noise Permit (as applicable), NPDES permit (as applicable)

Proposing/Determination Agency

Agency: County of Maui, Department of Water Supply, 200 South High Street, 5th Floor, Wailuku, Hawai'i 96793. Contact: Myles Fujinaka, (808) 270-7835

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

Status: Statutory 30-day public review and comment period starts, comments are due on September 7, 2012. Send comments to the Proposing Agency and Consultant.

Through agreements with Maui Lani Partners, the County of Maui, Department of Water Supply (DWS) proposes to develop a new 2.0 million gallon (MG) water tank at the existing Kahului Water Tank Site on Waiinu Road in Wailuku. The proposed 2.0 MG water tank will serve Central Maui residents and businesses and is part of DWS' continuing efforts to upgrade the Central Maui Water System. The subject property is located on Waiinu Road in the vicinity of Sandhills Estates, Historic Sandhills, and the Maui Memorial Park Cemetery in Wailuku. An existing 1.5 MG, steel-constructed water tank is located on the northeastern portion of the subject property. The proposed 2.0 MG water tank will be located adjacent to and southwest of the existing 1.5 MG water tank. The proposed 2.0 MG water tank will be located at the site of a former 2.0 MG water tank which was demolished in the late 1980s due to structural deterioration. The new tank will measure 30 feet in height with a flat roof.

5. Hau'oli Street Drainage System Improvements Project DEA (AFONSI)

Island: Maui

District: Wailuku

TMK: (2) 3-8-005:003 (por.) and 017 (por.) and (2) 3-8-014:011 (por.) and 015 (por.)

Permits: Special Management Area Assessment and Shoreline Setback Assessment

Proposing/Determination

Agency: County of Maui, Department of Public Works, 200 South High Street, 4th Floor, Wailuku, Hawaii 96793. Contact: Wendy Kobashigawa (808) 270-7745.

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

Status: Statutory 30-day public review and comment period starts, comments are due on September 7, 2012. Send comments to the Proposing Agency and Consultant.



The County of Maui, Department of Public Works (DPW) proposes improvements to the existing Hauoli Street drainage system. The existing single cell 3-foot by 8-foot box culvert crossing Hau'oli Street and the concrete drainage channel extending to the shore, lack the capacity to adequately accommodate the volume of storm water runoff that collects in the drainage ditch *mauka* of Hau'oli Street. During periods of heavy rainfall, runoff overtops the culvert, flooding Hauoli Street and neighboring properties.

The proposed action includes the replacement of the existing box culvert that crosses Hauoli Street with a 4-foot by 8-foot double cell box culvert with inlet control, along with modifications to the concrete drainage channel. Hauoli Street will be re-graded to direct runoff towards the drainage channel. Together, these improvements will increase the capacity of the drainage system to handle storm water flow and alleviate flooding and overtopping along Hau'oli Street. The proposed action also involves the construction of an approximately 200-foot by 150-foot earthen water quality basin and grassed drainage channel on the *mauka* side of Hau'oli Street which will be designed to allow sediment and particulates to settle before runoff drains into the culvert and discharges into the ocean. A new gravel access road will enable access for maintenance of the water quality basin.

6. Waiko Baseyard Light Industrial 41-lot Subdivision FEA (FONSI)

Island: Maui
District: Wailuku
TMK: (2) 3-8-007:102
Permits: District Boundary Amendment, Community Plan Amendment, Change in Zoning
Applicant: V. Bagoyo Development Consulting Group. 1500 Kilinoe Place, Wailuku, Hawai'i 96793.
Contact: Vince Bagoyo (808) 357-3842



Approving Agency:

Maui Planning Commission c/o County of Maui, Planning Department, 250 South High Street, Wailuku, Hawaii 96793. Contact: William Spence (808) 270-7735.

Consultant: V. Bagoyo Development Consulting Group, 1500 Kilinoe Place, Wailuku, Hawai'i 96793.
Contact: Vince Bagoyo (808) 357-3842

Status: Finding of No Significant Impact Determination

Applicant is requesting the necessary land use entitlement approvals to develop its proposed light industrial subdivision consisting of 41 lots on 31.2 acres located in the State Ag district on Waiko Road, Wailuku, Maui. It is not located in the Special Management Area. Lots will range in size from 9,500 sq. ft. to 8.5 acres. Related infrastructure consists of internal roads, drainage retention, utilities, IWS, etc. Maui County Code, Title 19 generally describes "Light Industrial M-1" as: *"The M-1 light industrial district is designed to contain mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials. Residential uses are excluded from this district"*

7. Wailuku Municipal Parking Structure FEA (FONSI)

Island: Maui
District: Wailuku
TMK: (2) 3-4-013:075
Permits: Building, Grading, Electrical, Plumbing, NPDES
Proposing/Determination



Agency: Department of Public Works, County of Maui. 200 South High Street, Wailuku, Hawaii 96793. Contact: Mr. David Goode (808) 270-7845

Consultant: Chris Hart & Partners, Inc. 115 North Market Street, Wailuku, Hawai'i 96793.
Contact: Christopher L. Hart (808) 270-1955

Status: Finding of Not Significant Impact Determination

The County of Maui is proposing to construct a 5-level, 117,532 square foot concrete parking structure on an approximately 2.19 acre site that is currently an asphalt paved parking lot consisting of 210 existing stalls.

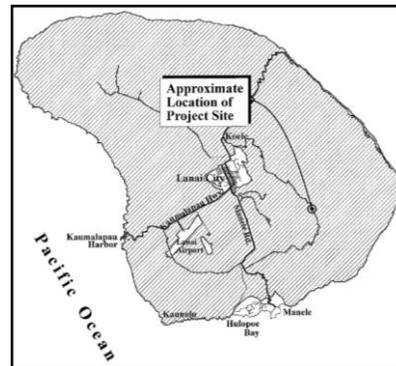
Additional at-grade paved parking stalls are also proposed along the northern and eastern boundaries of the parcel for a total of approximately 426 stalls. Access to the parking structure will be via driveway entrances from Market, Vineyard, and Church Streets. The project includes improvements to existing pedestrian access and other amenities such as lamp posts, benches, bike racks, and trash receptacles.

An interim parking plan will be implemented during construction to mitigate the temporary loss of parking. Impacts to existing view planes from Vineyard Street to Haleakala are unavoidable due to the size of the structure; however, since the structure will be a public facility, new opportunities for public viewing of significant scenic vistas will be provided. Although the project does not directly generate additional traffic, the new structure may indirectly induce additional traffic by removing parking supply as a barrier to commercial development. Future individual projects will mitigate their traffic impacts.

LĀNA‘I

8. Maui Police Department Waiakeakua Communication Facility FEA (FONSI)

Island: Lāna‘i
District: Lāna‘i
TMK: (2) 4-9-002:001
Permits: Conservation District Use Permit, Federal Communications commission licenses/approvals, as applicable, National Pollutant Discharge Elimination System (NPDES) Permit, as applicable, Noise Permit, as applicable



Proposing Agency: Maui Police Department, 55 Mahalani Street, Wailuku, Hawai‘i 96793. Contact: Captain Jeffrey Amaral, (808) 244-6445

Approving Agency: Office of Conservation and Coastal Lands, Department of Land and Natural Resources, 1151 Punchbowl Street, Room 131, Honolulu, Hawai‘i 96813. Contact: Samuel J. Lemmo, (808) 587-0377

Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 105, Wailuku, Hawai‘i 96793. Contact: Michael Munekiyo, (808) 244-2015

Status: Finding of No Significant Impact Determination

The Maui Police Department (MPD) proposes a communications facility to be located off of Munro Trail on the southern ridge of Mt. Lanai, Lāna‘i. The facility site and access driveway will be approximately 8,500 sq. ft. and will include a single-story radio equipment building that will house radio equipment, batteries, and an emergency generator, an above-ground fuel tank, and a 4-leg 100-ft self-supporting steel lattice tower with a waveguide bridge that connects the antennas to the equipment building. Related electrical improvements include the installation of new transformers atop small concrete pads, an electric-meter, and approximately 350 linear feet of buried conduit.

The proposed facility will enhance MPD’s communications network, most critically by establishing direct line of sight microwave transmission with the MPD Lanai City Station. The network carries County data and voice transmission, including emergency calls to the 911 dispatch in Wailuku, Maui. Additionally, the facility will be equipped with land-mobile radio, which is used to communicate with first responder agencies and emergency vehicles.

O‘AHU (HRS 343)

9. Honolulu Fire Department Regional Fire Training Center DEA (AFONSI)

Island: O‘ahu
District: Honolulu
TMK: (1)1-1-002:012
Permits: Waiver Permit (from DPP to allow proposed facilities to differ from P-2 development standards), Building Permits (buildings, electrical, plumbing), sidewalk/driveway work, grading, grubbing, trenching and stockpiling permits, National Pollutant Discharge Elimination System (NPDES) Permit-Construction Storm Water



Proposing Agency: Honolulu Fire Department, 636 South Street, Honolulu, Hawai‘i 96813-5007. Contact: Captain Robert Main, (808) 723-7139, rmain@honolulu.gov

Approving

Agency: City and County of Honolulu, Department of Design and Construction, 650 S. King Street, 11th Floor, Honolulu, Hawai'i 96813. Contact: Terry Hildebrand, (808) 768-8401.

Consultant: Group 70 International, Inc., 925 Bethel Street, 5th Floor, Honolulu, Hawai'i 96813. Contact: Barbara Natale, (808) 523-5866, bnatale@group70int.com.

Status: Statutory 30-day public review and comment period starts, comments are due on September 7, 2012. Send comments to the Proposing Agency, Approving Agency and the Consultant.

Improvements to the Honolulu Fire Department's (HFD) Charles H. Thurston Training Center will enhance the quality of the HFD's training program and will create a modern and well-equipped training environment for new recruits, as well as quality facilities for incumbent firefighters. With the proposed improvements, the facility will be in the position to provide critical training to firefighters and other first responders in Hawai'i and throughout the Pacific. Significant direct impacts are not anticipated to occur. The project will incorporate key energy and water-saving design strategies to limit the project's environmental footprint and will be designed with a fully integrated approach to meet LEED certification criteria. A minor increase in jobs may result from the proposed project; however this would have incidental impacts on population. Overall, the project's secondary impact would be a beneficial effect on public health and emergency response operations. The project is not anticipated to generate substantial cumulative impacts, and will build upon HFD's mission: To respond to fires, emergency medical incidents, hazardous materials incidents, and rescues on land and sea to save lives, property, and the environment.

10. International Market Place Revitalization Project (FEIS)

Island: O'ahu

District: Honolulu

TMK: 2-6-22: 36, 37, 38, 39, and 43

Permits: Waikiki Special District Permit (Major), Conditional Use Permit (Minor) for Joint Development, Surface Encroachment Variance, Sidewalk Variance, Subdivision for Pedestrian Easement, Trenching Permit, Grading Permit, Drain Connection, Sewer Connection, Flood Study, Street Usage, Zoning Adjustment for a Sign Master Plan, National Pollutant Discharge Elimination Permit, Construction Noise Permit, Industrial Wastewater Discharge, Construction Plan Approval, and Building Permits.

Applicant: TRG IMP LLC, 200 East Long Lake Rd, Ste. 300, Bloomfield Hills, MI 48304-2324. Contact: Terry, Fitzgerald (248) 258-7531

Approving

Agency: Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813. Contact: Joyce Shoji, (808) 768-8032

Consultant: Kusao & Kurahashi, Inc. 2752 Woodlawn Drive, Suite 5-202, Honolulu, Hawaii 96822. Contact: Keith Kurahashi, (808) 988-2231

Status: Final Environmental Impact Statement accepted by Approving Agency on July 17, 2012.



The International Market Place Revitalization Project (Project) includes the demolition of all buildings and structures on the project site (about 499,000 square feet of commercial space) and construction of a new retail, dining, and entertainment center (about 390,000 square feet of commercial space). The 5.982-acre project site fronts Kalakaua and Kuhio Avenues and is mid-block between Kaiulani and Seaside Avenues in Waikiki. It contains the International Market Place (IMP), Waikiki Town Center and the Miramar at Waikiki hotel (Miramar).

The redeveloped commercial center will be generally three levels in height, however, the portion fronting Kuhio Avenue will have a seven-story structure consisting of two levels of retail on the Ewa side and three levels of retail on the Diamond Head side with five levels of parking above (the existing parking structures serving the IMP, Waikiki Town Center and Miramar are located on this portion of the site).

The Project is not anticipated to have a significant direct, indirect, secondary, 76 or cumulative impact on the surrounding area in terms of public services and the environment primarily because of the proposed net reduction in the total floor area for the combined properties.

11. **Stevenson Middle School Multi-Purpose Educational Facilities FEA (FONSI)**

Island: O'ahu
District: Honolulu
TMK: 2-4-33:013
Permits: Punchbowl Special Design District Permit, Waiver Permits, Grading Permit, Construction and Building Permits, Sewer Connection Application, Industrial Wastewater Discharge Permit, Board of Water Supply Construction/Connection Permit



Proposing/Determination

Agency: State of Hawai'i, Department of Education, 1151 Punchbowl Street, Room 431, Honolulu, Hawai'i 96813.
Contact: Arnold Fukunaga, (808) 586-0440

Consultant: PlanPacific, Inc. 1001 Bishop Street, Suite 2755, Honolulu, Hawai'i 96813.
Contact: Lisa Leonillo Imata, (808) 521-9418

Status: Finding of No Significant Impact Determination

The proposal is to modernize the science and technology facilities at Stevenson Middle School, a recently designated Science Signature School. The current science classrooms are sub-standard and lack modern equipment. The proposed new facilities consist of a two-story classroom building, adjacent single-story multi-purpose room, and adjacent covered walkway/lanai area. Total usable floor area will be 11,500 square feet. The structures will be located in an underutilized open area adjacent to the existing classroom building. No significant adverse long-term or cumulative impacts are anticipated to be generated from the proposed project. The slopes and views of Punchbowl Crater will be unchanged. Short-term construction-related impacts will be mitigated and construction activities will be restricted per State and County rules.

12. **University of Hawai'i Pacific Health Research Laboratory at Kalaeloa DEA (AFONSI)**

Island: O'ahu
District: 'Ewa District
TMK: Portion of TMK 1-9-1-13:045
Permits: HCDA – Plan Review Use, HCDA – Site Development Plan Submittal Process, City & County of Honolulu – Building Permit, City & County of Honolulu – Grading Permit, City & County of Honolulu – Industrial Wastewater Discharge Permit, State of Hawai'i Air Quality Permit (if required based on design elements), NPDES General Permit for Storm Water Control in Construction Activities, State of Hawai'i Permit for Import and Possession of Micro-organisms, Federal Control of Select Agents – USDA and CDC, Federal Rules on Transportation of Agents – DOT/IATA, University of Hawai'i Radiation Equipment Licensure



Proposing/Determination

Agency: University of Hawai'i, Office of the Vice Chancellor for Research, 2500 Campus Road Hawai'i Hall 211, Honolulu, Hawai'i 96822. Contact: Dr. Vassilis Syrmos, (808) 956-7837.

Consultant: Wilson Okamoto Corporation, 1907 S. 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 September 7, 2012. Send comments to the Proposing/ Determination Agency and Consultant.

NIH, through the National Institute of Allergy and Infectious Diseases, is providing a grant to the UH to partially fund the construction of the UH PHRL, a Regional Biosafety Lab. The proposed UH PHRL would be devoted to researching and detecting emerging infectious diseases, as well as developing rapid and more accurate diagnostic tests, drugs and vaccines for emerging and re-emerging infectious diseases in the Asia-Pacific region. This work is especially vital, given Hawai'i's position as the gateway to the United States for travelers from throughout the Asia-Pacific region, making it vulnerable to the introduction of exotic pathogens.

The proposed project site encompasses an approximately two acre portion of Tax Map Key (TMK) parcel 1-9-1-13:045 in Kalaeloa, O'ahu, within the State of Hawai'i Kalaeloa Community Development District.

The proposed facility would consist of a one-story, approximately 31,179-gross square foot (ft²) standalone structure and would include BSL-2, BSL-3, and ABSL3 laboratories, a small lab animal facility for primarily rodents, an insectary, physical plant, and support space for research, administration, and building operations.

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area (SMA) Minor Permits

The SMA Minor Permits below have been approved (HRS §205A-30). For more information, contact the county/state Planning Department. Honolulu (768-8014); Hawai'i (East Hi 961-8288; West Hi, 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: North Kona (7-7-004: 062)	After-the-fact Permit for Installation of Fence and Rock Wall (SMM 12-230)	Andgen Revocable Living Trust
Kaua'i: (5-5-004: 018)	Construct Gym, Pool, and Associated Improvements (Deck, Mechanical Room) (SMA(M)-2013-1)	Dan Errico/Brian M. Hennessy
Kaua'i: (5-5-002: 017)	Construct Outdoor BBQ Pavilion, Portable Jacuzzi, and Two-Story Auxiliary Building (SMA(M)-2013-2)	Bill & Denise Hay
Kaua'i: (5-5-003: 031)	Install Approximately Six-Foot High Perimeter Wood Fencing (SMA(M)-2013-3)	Steven Searby Trust
Maui: Lahaina (4-6-008: 006)	2013 Campbell Park Celebration (SM2 20120081)	Lahaina Town Action Committee
Maui: Lahaina (4-6-008: 006)	2014 Campbell Park Celebration (SM2 20120082)	Lahaina Town Action Committee
Maui: Kihei (3-9-001: 157 and 158)	Stockpiling at Ka'ono'ulu Estates (SM2 20120086)	Betsill Brothers Construction, Inc.
Maui: Lahaina (4-6-031: 031)	Apartment Alteration/Addition (SM2 20120087)	Lokelani Construction Co., Inc.
Maui: Kihei (3-9-004: 025)	Renovations of Condo (SM2 20120088)	Ben Little
Maui: Kihei (3-9-020: 021)	Kamaole Surf Parking Lot Overlay (SM2 20120090)	Alexander Gat
Maui: Kihei (3-9-051: 018)	Recycle & Redemption (SM2 20120091)	Maui Disposal Company Inc.
Maui: Kihei (2-1-005: 118)	Infrastructure on Makena-Keoneoio (SM2 20120092)	'IWA 'IKE, LLC
Maui: Lahaina (4-6-033: 019)	Residential Renovation (SM2 20120093)	Lokelani Construction Co., Inc.
Maui: Kihei (3-9-051: 034)	Erect Canopy (SM2 20120094)	Grace Riggan
Maui: Kihei (2-1-005: 117)	Two Single-Family Residential Lots (SM2 20120095)	Pine State Limited, "Ke Kani Kai"
Molokai: (5-7-007: 061)	Install Solar Array (SM6 20120005)	Mark Puccinelli
Molokai: (5-4-011: 062)	Construct a Storage Shed (SM2 20120006)	Richard S Young

O'ahu: Honouliuli (9-1-057: 001)	Utility Installation, Type A, Including Two Global Positioning System and Nine Panel Antennas, Five Equipment Cabinets and Accessory Uses and Structures (2012/SMA-21)	Verizon Wireless/General Dynamics
O'ahu: Kailua (4-3-022: 019)	New Six-Foot High Moss Rock Wall, Five-Foot High Cable Wire Fence, Gates and Lighting (2012/SMA-26)	Don Eovino/Michael McMahon

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-1497	7/25/12	Lot 3 as shown on Map 4 of Land Court Application 726 situate at Punaluu-Makai, Kaneohe, Koolauapoko, Oahu Address: 45-75 Waikalua Road Purpose: Building permits	Ryan M. Suzuki/ Waikalua Development LLC	4-5-005:059
MA-514	7/12/12	Lot 10-B-1 of Land Court Application 485 (Map 6) situate at Honokowai, Lahaina, Maui Address: 110 Ka'anapali Shores Place Purpose: N/A	Akamai Land Surveying, Inc./Mahana AAO	4-4-001:099
MA-515	7/23/12	Lot 4-A, Mahinahina Kai Subdivision situate at Mahinahina, Maui Address: 4007 Lower Honoapiilani Road Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ Mahinahina Beach AAO	4-3-008:001

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
MA-504	Proposed Shoreline Certification	Lot 3 of the Bechert Estate Partition Luca No. 4.103 and all of Lots 4-A and 4-B of the Bechert Estate Subdivision, Luca No. 4.138 situate at Kahananui, Kaanapali, Maui Address: 4327 Lower Honoapiilani Road Purpose: Setback purposes	Arthur P. Valencia/ Valley Isle Resort	4-3-010:004
MA-508	Proposed Shoreline Certification	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: Honoapiilani 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
OA-1461	Rejection	Lot 16 as shown on Map 4 of Land Court Application 1810 situate at Mokuleia, Waialua, Oahu Address: 68-689 Farrington Highway Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Gregory Michaels	6-8-010:021

OA-1462	Rejection	Lot 23 as shown on Map 4 of Land Court Application 1810 situate at Mokuleia, Waialua, Oahu Address: 68-673 Hoomana Place Purpose: Building setback requirement	Jamie F. Alimboyoguen/ Richard Sutton	6-8-010:014
OA-1463	Rejection	Lot 22 as shown on Map 4 of Land Court Application 1810 situate at Mokuleia, Waialua, Oahu Address: 68-675 Hoomana Purpose: Building setback requirement	Jamie F. Alimboyoguen/ Richard Sutton	6-8-010:015
MA-494	Rejection	Lot 5 of the Kuau Tract (por. of deed: Board of Education to Trustees of Oahu College, dated Jan. 30, 1860, recorded in Liber 12 pg. 400) situate at Kuau Hamakuapoko, Maui Address: 519 Hana Highway Purpose: Subdivision	William F. Palmer/ William F. Palmer & Hillary L. Barrack-Palmer	2-6-009:007

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	Powerscreen of California Initial Application No. 0769-01 CSP No. 0769-01-CT	Located at: Various Temporary Sites, State of Hawaii	Comments Due: 8/13/12	400 TPH Mobile Crushing Plant
Clean Air Branch, 586-4200, -Non-Covered Source Permit	HELCO Application for Renewal No. 0342-05 NSP No. 0342-01-N	Located at: Punaluu Dispersed Generation Site Punaluu, Hawaii	Issued: 7/13/12	One (1) 1.0 MW Diesel Engine Generator
Clean Air Branch, 586-4200, Non-Covered Source Permit	HELCO Application for Renewal No. 0344-05 NSP No. 0344-01-N	Located at: Kapua Dispersed Generation Site Kapua, Hawaii	Issued: 7/13/12	One (1) 1.0 MW Diesel Engine Generator
Clean Air Branch, 586-4200, Non-Covered Source Permit	Hawaiian Humane Society Application for Renewal No. 0259-04 NSP No. 0259-02-N	Located at: 2700 Waiialae Avenue, Honolulu, Oahu	Issued: 7/18/12	200 lbs/hr Pathological Waste Incinerator
Clean Air Branch, 586-4200, Covered Source Permit	Aloha Petroleum, Ltd. Permit Application Renewal No. 0092-07 CSP No. 0092-02-C	Located at: 789 North Nimitz Highway Honolulu, Oahu	Issued: 7/20/12	Honolulu Terminal
Clean Air Branch, 586-4200, Non-Covered Source Permit	Garden Island Mortuary, Ltd. Application for Renewal No. 0259-04 and Modification No. 0259-05 NSP No. 0052-01-N	Located at: 2-3780B Kaunualii Highway, Lawai, Kauai	Issued: 7/23/12	One (1) 100 lbs/hr and One (1) 150 lbs/hr Human Crematory Unit
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawaii Corporation Application for Renewal No. 0367-05 CSP No. 0367-01-C	Located at: 2 Sand Island Access Road, Honolulu, Oahu	Comments Due: 8/27/12	Petroleum Bulk Loading Terminal

NEPA NOTICES

Record of Decision for Basing of MV-22 and H-1 Aircraft in Hawai'i

The Department of the Navy, on behalf of the U.S. Marine Corps, has issued a Record of Decision (ROD) for the basing and training of MV-22 tiltrotor Osprey and H-1 Cobra and Huey attack/utility aircraft squadrons in support of Third Marine Expeditionary Force elements in Hawaii. The decision is to proceed with the preferred alternative to implement projects at Marine Corps Base (MCB) Hawai'i Kane'ohe Bay,

conduct aviation operations at training facilities and state airports statewide, and construct improvements at selected training facilities. Implementation of this action will be accomplished as described in the ROD, the Final Environmental Impact Statement (EIS) of June 2012, and the Programmatic Agreement (PA) of 28 July 2012. The PA resulted from consultations completed in accordance with Section 106 of the National Historic Preservation Act.

Potential impacts associated with the preferred alternative were analyzed in the EIS. The Final EIS contains public comments received on the Draft EIS and responses to the comments. The Final EIS was made available during a 30-day waiting period (June 8-July 11, 2012). The ROD, Final EIS, and PA can be viewed online at www.mcbh.usmc.mil/mv22h1eis.

Repair/Restore Waimanalo Stream, Marine Corps Training Area Bellow

Island: O'ahu
District: Ko'olaupoko
TMK: 4-1-15 par. 1
Permits: None
Proposing Agency: NAVAL FACILITY HAWAII (NAVFAC HI), 400 Marshall Road, Pearl Harbor, HI 96860.
Contact: Kent Kimura, 474-3842
Approving Agency: MARINE CORPS BASE HAWAII, PO Box 63002, MCBH Kaneohe Bay, Hawai'i 96863-3002
Status: Comment period: 15 days; Deadline: 7 Sep 2012; Send comments to: NAVFAC HI at kent.kimura@navy.mil

Marine Corps Base Hawai'i, Kaneohe Bay, O'ahu intends to clear, grub, grade, and stabilize approximately 1.5 acres of the floodway on Marine Corps Training Area Bellow (MCTAB) along Waimanalo stream, reducing the bank from approximately twelve feet to three feet above the high water mark, contour the slope to a 4:1 ratio, then revegetate with native riparian and dryland species plants. The approach taken in this project will discourage re-growth of invasive plants - California grass (*Urochloa mutica*) and Napier grass (*Pennisetum purpureum*), improve stream flow, reduce flood risk to Waimanalo town and the adjacent property of Olomana Golf Course, improve stream capacity to absorb excess nutrients, reduce stream maintenance burden, and improve stream health and native waterfowl habitat. The project site is located within a 100-year floodplain that requires project evaluation for compliance with the Executive Order 11988, Floodplain Management, dated May 24, 1977; Public comment is invited. After careful evaluation, it has been determined that there are no practicable alternatives to locating the project out of the floodway. The proposed project will not affect the existing 100-year floodplain. Construction is expected to begin as soon as all other pre-construction requirements are completed.

Comments on this decision may be addressed to the NAVFAC HI, ATTN: OPHCI42, Mr. Kent Kimura 400 Marshall Road, Pearl Harbor 96860 by 7 Sep 2012. Telephone: (808) 474-3842; Email address: kent.kimura@navy.mil.

FEDERAL NOTICES

Endangered Species Act Recovery Permit Application

<http://www.gpo.gov/fdsys/pkg/FR-2012-07-31/pdf/2012-18629.pdf>

The U.S. Fish and Wildlife Service (Service), invites the public to comment on the following application for a recovery permit to conduct enhancement of survival activities with endangered species. The Endangered Species Act of 1973, as amended (Act), prohibits certain activities with endangered species unless a Federal permit allows such activity. The Act also requires that the Service invite public comment before issuing such permits. **DATES:** To ensure consideration, please send written comments by August

30, 2012. **ADDRESSES:** Endangered Species Program Manager, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4181. Please refer to the permit number for the application when submitting comments. **FOR FURTHER INFORMATION CONTACT:** Colleen Henson, Fish and Wildlife Biologist, at the above address or by telephone (503–231–6131) or fax (503–231–6243).

Permit Number: TE–77991A

Applicant: Susan Cordell, USDA Forest Service, Hilo, Hawai'i

The applicant requests a permit to remove and reduce to possession (collection of seeds and cuttings) *Stenogyne angustifolia* (no common name) and to remove and reduce to possession (collection of seeds) *Colubrina oppositifolia* (kauila), *Haplostachys haplostachya* (honohono), *Pleomele hawaiiensis* (halapepe), *Portulaca sclerocarpa* (ihi makole), *Silene lanceolata* (lanceolate catchfly), *Spermolepis hawaiiensis* (Hawaiian spermolepis), *Stenogyne angustifolia* (narrowleaf stenogyne), and *Zanthoxylum hawaiiense* (ae) for the purpose of enhancing their survival. **Public Availability of Comments** All comments and materials the Service receives in response to this request will be available for public inspection, by appointment, during normal business hours at the address listed above. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, the Service cannot guarantee that it will be able to do so (77 FR 45370, July 31, 2012).

Pesticide Emergency Exemptions: Use of Hop Beta Acids in Beehives to Control Varroa Mite

<http://www.gpo.gov/fdsys/pkg/FR-2012-07-25/pdf/2012-18066.pdf>

EPA has granted emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The exemptions were granted during the period January 1 to March 31, 2012, to control unforeseen pest outbreaks. **FOR FURTHER INFORMATION CONTACT:** See each emergency exemption below for the name of a contact person. The following information applies to all contact persons: Team Leader, Emergency Response Team, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8050. **Hawai'i** Department of Agriculture. EPA authorized the use of hop beta acids in beehives to control varroa mite; January 20, 2012 to December 31, 2012. *Contact:* Stacey Groce (77 FR 43593, July 25, 2012).

Western Pacific Pelagic Fisheries; Revised Swordfish Trip Limits in the Hawaii Deep-Set Longline Fishery

<http://www.gpo.gov/fdsys/pkg/FR-2012-07-26/pdf/2012-18298.pdf>

The National Marine Fisheries Service (NMFS) published this final rule to revise the limits on the number of swordfish that fishermen may possess or land during any given Hawaii-based deep-set longline-fishing trip north of the Equator. This rule also revises the definition of deep-set longline fishing to be consistent with the swordfish retention limits. The rule intends to reduce regulatory discards and optimize the yield of swordfish. **DATES:** This rule is effective August 27, 2012. **ADDRESSES:** NMFS and the Western Pacific Fishery Management Council (Council) prepared a regulatory amendment, including an environmental assessment and regulatory impact review, that provides background information on this rule. The regulatory amendment, identified by NOAA–NMFS–2012–0097, is available from www.regulations.gov, or from the Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, www.wpcouncil.org. **FOR FURTHER INFORMATION CONTACT:** Brett Wiedoff, Sustainable Fisheries, NMFS PIR, 808–944–2272 (77 FR 43721, July 26, 2012).

Endangered and Threatened Wildlife; 90-Day Finding on a Petition to Delist the Green Turtle in Hawaii and Notice of Status Review

<http://www.gpo.gov/fdsys/pkg/FR-2012-08-01/pdf/2012-18768.pdf>

The National Marine Fisheries Service (NMFS) announced a 90-day finding on a petition to identify the Hawaiian population of the green turtle (*Chelonia mydas*) as a Distinct Population Segment (DPS) and delist the DPS under the Endangered Species Act (ESA). The green turtle was listed under the ESA on July 28, 1978. Breeding populations of the green turtle in Florida and along the Pacific Coast of Mexico are listed as endangered; all other populations are listed as threatened. NMFS finds that the petition viewed in the context of information readily available in our files presents substantial scientific and commercial information indicating that the petitioned action may be warranted. NMFS is hereby initiating a status review of green turtles as currently listed to determine whether the petitioned action is warranted and to examine green turtles globally with regard to application of the DPS policy in light of significant new information since the listing of the species in 1978. To ensure that the status review is comprehensive, NMFS is soliciting scientific and commercial information pertaining to this species and potential critical habitat from any interested party. **DATES:** Scientific and commercial information pertinent to the petitioned action and the global DPS review must be received by October 1, 2012. **ADDRESSES:** You may submit information or data, identified by "NOAA–NMFS–2012–0154," by any one of the following methods: • *Electronic Submissions:* Submit all electronic information via the Federal eRulemaking Portal <http://www.regulations.gov>. To submit information via the e-Rulemaking Portal, first click the "submit a comment" icon, then enter "NOAA–NMFS–2012–0154" in the keyword search. Locate the document you wish to provide information on from the resulting list and click on the "Submit a Comment" icon to the right of that line. • *Mail or hand-delivery:* Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. *Instructions:* All information received is a part of the public record and may be posted to <http://www.regulations.gov> without change. All personally identifiable information (for example, name, address, etc.) voluntarily submitted may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NMFS will accept information from anonymous sources. Attachments to electronic submissions will be accepted in Microsoft Word, Excel, Corel WordPerfect, or Adobe PDF file formats only. **FOR FURTHER INFORMATION CONTACT:** Heather Coll, NMFS, Office of Protected Resources, (301) 427–8455 (77 FR 45571, August 1, 2012).

Takes of Marine Mammals Incidental to Specified Activities; Pile Driving for Honolulu Seawater Air Conditioning Project

<http://www.gpo.gov/fdsys/pkg/FR-2012-07-24/pdf/2012-18087.pdf>

The National Marine Fisheries Service (NMFS) has received a complete and adequate application from Honolulu Seawater Air Conditioning, LLC (HSWAC) for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to pile driving offshore Honolulu, Hawaii. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is proposing to issue an IHA to incidentally harass, by Level B harassment, 17 species of marine mammals during the specified activity within a specific geographic region and is requesting comments on its proposal. **DATES:** Comments and information must be received no later than August 23, 2012. **ADDRESSES:** Comments on the application and this proposal should be addressed to Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is ITP.Magliocca@noaa.gov. NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size. *Instructions:* All comments received are a part of the public record and will generally be posted to <http://www.nmfs.noaa.gov/pr/permits/incidental.htm> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. A copy of the application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address. **FOR FURTHER INFORMATION CONTACT:** Michelle Magliocca, Office of Protected Resources, NMFS, (301) 427–8401 (77 FR 43259, July 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).