



Manoa Heritage Center Photo

The Environmental Notice

A Semi-Monthly Bulletin pursuant to §343-3, Hawai'i Revised Statutes

Withdrawal of the Chapter 343, HRS, Environmental Impact Statement Preparation Notice (FEA-EISPN) entitled “Programmatic Environmental Impact Statement (PEIS) for the Hawai'i Interisland Renewable Energy Program: Wind”, published in the December 08, 2010, edition of the *Environmental Notice*”

The State of Hawai'i, Department of Business, Economic Development & Tourism (DBEDT) as a co-lead agency with the U.S. Department of Energy (DOE) prepared the EISPN which was published as a Chapter 343, HRS, document in the December 8, 2010, edition of this notice. A Notice of Intent (NOI) under Federal National Environmental Policy Act (NEPA) provisions was previously prepared by DOE and published in the *Federal Register* on August 10, 2010. On August 10, 2012 an “Amended Notice of Intent” was published in the *Federal Register* to prepare a “*Hawai'i Clean Energy Programmatic Environmental Impact Statement*” as DOE proposed to broaden the range of energy efficiency and renewable energy activities and technologies that are to be analyzed.

As the scope of the programmatic environmental impact statement (PEIS) has expanded to a planning study that includes an array of possible future programs or projects that are not approved, adopted, or funded and the role of DBEDT has changed from being a joint lead agency with DOE to a cooperating agency, the State of Hawai'i no longer intends to prepare an Environmental Impact Statement under Chapter 343, HRS for the project and therefore is withdrawing the EIS Preparation Notice (FEA-EISPN). For more information regarding this project please see page 9.

Restoration of an Agreement between Moloka'i Properties and the State Department of Agriculture for Continued Use of Moloka'i Irrigation System (MIS)

Applicant Moloka'i Properties Limited (MPL, formerly the Kaluako'i Corporation) is in the process of renewing its transmission agreement with the State of Hawai'i, Department of Agriculture, owner/operator of the Moloka'i Irrigation System (MIS), to transport groundwater from Well 17 in Kualapu'u to MPL customers in western Moloka'i. The original lease agreement dates from 1975, and was assigned once and amended twice until its expiration in December 2005. The State of Hawai'i, Department of Agriculture, as the approving agency, has submitted the applicant's draft environmental assessment (DEA) to the OEQC for publication of notice of availability for public comment. The DEA provides a no action alternative, a proposed alternative and three future action alternatives. Please see page 5 for more.

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.



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HAWAI'I (HRS 343)

1. Humu'ula Saddle Region of Hawai'i Island: A Detailed Hydrologic Evaluation and Exploratory Drilling Program, FEA (FONSI)

Island: Hawai'i
District: Hamakua
TMK: TMK 3-4-4-16-005; TMK 3-4-4-16-006; and TMK 3-4-4-16-007
Permits: Non-Covered Source Permit; Observation Well Drilling Permit

Proposing/Determination

Agency: University of Hawai'i, Hawai'i Institute of Geophysics and Planetology, 1680 East West Rd., Honolulu, Hawai'i 96822.
Contact: Dr. Donald Thomas, (808) 895-6547;
dthomas@soest.hawaii.edu

Status: Finding of No Significant Impact Determination



The proposed action is an investigation of the subsurface geology and hydrology of the Humu'ula Saddle region. The investigation will emplace two small-diameter, continuously-cored test bores to depths of approximately 2000m. The purpose of the project is to analyze core samples that will provide a detailed record of the geologic history and structure within the study area and document the geologic structures responsible for retention and flow of groundwater through the area. The bores will enable access to one or more saturated aquifers and allow sampling for chemical and isotopic analysis of groundwater and allow determination of the source and residence time of groundwater within the region; the bores will enable long term monitoring of the aquifers to assess the magnitude of the groundwater resource within the region and track the impacts of global climate change on Hawai'i's groundwater resources. The need for the information provided by the project is that associated with long-term, sustainable management of Hawai'i's groundwater resources in a region for which almost no hydrologic data is currently available. Based on the analysis of the impacts from the project, the University of Hawai'i makes a Finding of No Significant Impact for the project.

2. Kawaihae Road, Waiaka Bridge Replacement and Realignment of Approaches, FEA (FONSI)

Island: Hawai'i
District: South Kohala
TMK: Kawaihae Road right-of-way parcels adjacent to right-of-way 6-5-001:033; 6-5-001:015; 6-6-004:001; 6-6-001:077

Permits: Federal: Department of Army, Department of the Army, Nationwide Permit, Section 404, Clean Water Act, Section 106 (NHPA), Section 7 (ESA). State of Hawai'i: State of Hawai'i Department of Health, Section 401, Water Quality Certification, National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Stormwater Activities, Noise Permit, Construction Noise Variance – if required State of Hawai'i Department of Land and Natural Resources-Stream Channel Alternation Permit, Chapter 6E, HRS Historic Preservation Review, Department of Transportation, Permit to Perform Work Within State Highways Office of Planning, Coastal Zone Management (CZM) Program Consistency Determination. County of Hawai'i: Department of Public Works, Grubbing, Grading, Excavation and Stockpiling, Building Permit, Landfill Disposal Permit.



Proposing/ Determination

- Agency:** State of Hawai'i, Department of Transportation, 869 Punchbowl Street, Honolulu, Hawai'i 96813. Contact: Mr. Lance Manabe, (808) 587-2338
- Consultant:** Wilson Okamoto Corporation, 1907 S. Beretania Street, Honolulu, Hawai'i 96826. Contact: Ms. Tracy Fukuda, (808) 946-2277
- Status:** Finding of No Significant Impact Determination

The State of Hawai'i Department of Transportation (HDOT) proposes to replace the existing Waiaka Stream Bridge with an approximate 53-foot wide by approximate 80-foot long replacement bridge to accommodate two travel lanes, one in each direction, a shoulder/bike lane, and raised sidewalk. In addition, the approaches will be realigned to create a smooth transition to the replacement bridge and the Kawaihae Road – Kohala Mountain Road intersection would be reconfigured to include a traffic signal or roundabout. Six alternatives were assessed and the preferred alternative is Alternative 5, Replacement Bridge South of the Existing Bridge, with signalized T-intersection.

No significant long-term environmental or community impacts are anticipated from the construction and operation of the proposed project. Construction activities are anticipated to have short-term noise, traffic, and air quality impacts in the surrounding area.

3. Moho'uli Heights Senior Neighborhood Hilo Adult Day Center Project, DEA (AFNSI)

- Island:** Hawai'i
- District:** South Hilo
- TMK:** (3) 2-4-1: 184 (formerly 177)
- Applicant:** Hawai'i Island Community Development Corporation (HICDC), 100 Pauahi Street, Hilo, Hawai'i 96720. (808) 969-1158 ext.105

Approving

- Agency:** County of Hawai'i, Office of Housing and Community Development, 50 Wailuku Drive, Hilo, Hawai'i 96720. Contact: Alan Rudo (808) 961- 8379

- Consultant:** Brian T. Nishimura, 101 'Aupuni Street, Suite 217, Hilo, Hawai'i 96720. Contact: Brian Nishimura (808) 935-7692

- Status:** Statutory 30-day public review and comment period starts, comments are due on October 23, 2012. Send comments to the applicant, approving agency and consultant.



The County of Hawai'i has obtained management jurisdiction of approximately 15.948 acres of land in Waiakea, South Hilo, Hawai'i, Tax Map Key: (3) 2-4-001: 177, by way of Governor's Executive Order No. 4224 for the purpose of providing affordable rental housing for the elderly and related uses. The County Council of the County of Hawai'i, by way of Resolution No. 709-08, authorized the Director of Finance to negotiate a seventy-five year lease with the Hawai'i Island Community Development Corporation (HICDC), a non-profit Hawai'i corporation, for the development of senior housing in accordance with the requirements of Executive Order No. 4224. The proposed project is envisioned as an integrated series of senior residences focused around a central activity core. The complex would contain approximately 160 residential units in multi-unit structures. Most of the units would be one bedroom units although studio and two bedroom units may be considered depending on the demand and financing available.

The HICDC previously completed a Final Environmental Assessment to develop the affordable elderly housing project on the subject 15 acre site. The Final Environmental Assessment was completed in April, 2009 and a Finding of No Significant Impact was issued by the Hawai'i County Office of Housing and Community Development on April 27, 2009. The HICDC began construction on the first phase of the elderly housing project which will include 60 one-bedroom rental units for low income seniors in March 2012.

HICDC is proposing to construct a new facility for the Hilo Adult Day Center in the next phase of the project and this supplemental assessment will address the impacts from the proposed facility because this use was not included in the environmental assessment completed in 2009. The Hawai'i Island Community Development Corporation is working with Hawai'i Island Adult Care, Inc. to relocate the existing Hilo Adult Day Center from the former Hilo Hospital Building to the Moho'uli project site. The facility will be approximately 8,000 square feet in size with an operational capacity for 80 clients. The proposed facility will be situated on Tax Map Key no. (3) 2-4-01: 184, which was subdivided from parcel 177 to separate the Phase I portion of the Moho'uli Heights Senior Neighborhood Project for financing purposes.

MAUI (HRS 343)

4. Upper Holokai Tank 40,000 Gallon Pressure Break Tank, DEA (AFNSI)

Island: Maui
District: Makawao
TMK: (2) 2-8-005:015
Permits: Grading Permit
Applicant: West Maui Construction, LLC. 33 Lono Avenue, Suite 450, Kahului, Hawai'i, 96732. Contact: Glenn Tremble, (808) 877-4202.



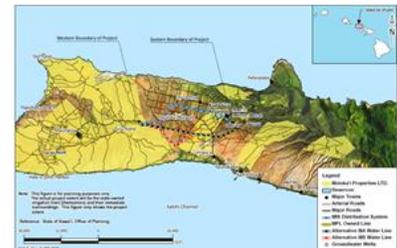
Approving Agency: County of Maui, Department of Water Supply, 200 South High Street, Wailuku, Hawai'i, 96793. Contact: David Taylor, (808) 270-7816.
Status: Statutory 30-day public review and comment period starts, comments are due on October 23, 2012. Send comments to the applicant and approving agency.

The project involves the construction a 40,000 gallon pressure break tank on County-owned property located at the corner of South Holokai Road and Kaupakalua Road. The parcel size is .226 acres and is identified by Tax Map Key Number (2) 2-8-005:115. Related onsite infrastructure includes associated pipes and valves and a perimeter road. Off-site improvements consist of connections to existing water lines on South Holokai Road and a drain line. The site previously contained a 10,000 gallon redwood tank that has since been removed. The objective of the project is to replace the previous tank and ensure reliable water pressure for down gradient water users as well as to provide a storage buffer for users in the immediate service area.

MOLOKA'I (HRS 343)

5. Moloka'i Properties Limited Continued Use of the Molokai Irrigation System (MIS), DEA (AFNSI)

Island: Moloka'i
District: Moloka'i
TMK: several parcels
Applicant: Moloka'i Properties Limited, 1003 Bishop Street Suite 1170, Honolulu, Hawai'i, 96813. Contact: Nancy Schmiker, (808) 534-9509



Approving Agency: State of Hawai'i Department of Agriculture, 1428 King Street, Honolulu, Hawai'i, 96814. Contact: Brian Kau, (808)973-9560
Consultant: Environet, Inc. 1286 Queen Emma Street, Honolulu, Hawai'i, 96813. Contact: Colette Sakoda, (808) 833-2225

Status: Statutory 30-day public review and comment period starts, comments are due on October 23, 2012. Send comments to the applicant, approving agency and consultant.

Moloka'i Properties Limited (MPL) is in the process of renewing its transmission agreement with the State of Hawai'i, Department of Agriculture (HDOA) for the use of the Molokai Irrigation System (MIS) to continue transporting irrigation water from Well 17 to MPL customers in western Moloka'i. MPL must conduct a HRS Chapter 343 EA to evaluate the potential environmental impacts associated with the restoration of the transmission agreement. With the expiration of the original lease agreement dated July 1975, the current need for a new lease agreement between MPL and HDOA is now subject to HRS Chapter 343 environmental review. The Attorney General's office issued an opinion dated September 4, 2007 that MPL conduct an EA, pursuant to the provisions of HRS Chapter 343; this was required before the HDOA could enter into negotiations on a new transmission agreement for use of the MIS by MPL.

The Proposed Action is the reinstatement of an agreement between the HDOA and MPL to continue transportation of Well 17 water through the MIS. MPL's allocated water amount is 1.018 mgd and will continue to operate with this permitted amount. MPL is proposing to continue to lease six miles of the MIS and space in the Kualapu'u Reservoir.

6. Notman Hangar, Moloka'i Airport Island, FEA (FONSI)

Island: Moloka'i
District: Moloka'i
TMK: 5-2-004:008
Permits: Building Permit
Applicant: Steven Notman, 2840 Kaluako'i Road, P.O. Box 286, Maunaloa, Hawai'i, 96770. (808) 552-2311.

Approving Agency: State of Hawai'i, Department of Transportation, Airports Division, Engineering Branch, 400 Rodgers Blvd., 7th Floor, Honolulu, Hawai'i, 96819. Contact: Kim Evans, (808) 838-8810.

Status: Finding of No Significant Impact Determination

Applicant proposes to construct a single private hangar at Moloka'i airport with private funds for general aviation use. The hangar will be located in the master planned general aviation area of the airport. The hangar would serve to relieve some of the congestion at the tie down area and serve to protect the applicant's aircraft from salt corrosion. The hangar will not include utilities, nor will any additional business activities take place in the proposed hangar. The project triggers compliance with HRS 343 due to its use of State lands. The project will not result in changes to the level of aircraft operations at the Moloka'i airport. The Department of Transportation is the approving agency and has reviewed the Final Environmental Assessment and has determined a Finding of No Significant Impact.



LANA'I (HRS 343)

7. ORACLE Team USA Temporary Facilities at Kaunalapa'u Harbor, DEA (AFNSI)

Island: Lāna'i
District: Lāna'i
TMK: (2) 4-9-03: 26
Permits: Rivers and Harbors Act Section 10 Permit; Coastal Zone Management Federal Consistency Review; County of Maui Building Permit; Special Management Area Use Permit – Minor



- Applicant:** ORACLE Racing, 999 Marin Street, San Francisco, CA 94124. Contact: Julien DiBiase, (415) 826-0600, jdibiase@oracleracing.com
- Approving Agency:** State of Hawai'i, Department of Transportation, Harbors Division, 79 South Nimitz Highway, 2nd Floor, Honolulu, Hawai'i, 96813. Contact: Carter Luke, (808) 587-1862.
- Consultant:** R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawai'i, 96819. Contact: Jim Niermann, (808) 842-1133
- Status:** Statutory 30-day public review and comment period starts, comments are due on October 23, 2012. Send comments to the applicant, approving agency and consultant.

The applicant, ORACLE Team USA (OTUSA) requires a temporary winter base of operations to conduct sea trials, testing, training, research and data collection to support development and enhancement of its maritime sailing methods and technologies. During the winter period, conditions at OTUSA's home port in San Francisco are not optimal for research and training, and OTUSA must relocate to an alternate location during those months to continue its work. OTUSA proposes to utilize the existing Kaunalapa'u Harbor on the Island of Lāna'i as a temporary base of operations. Portions of the harbor wharf will be used to stage temporary facilities comprised of eleven standard 40-foot shipping containers containing tools, material and equipment; three office trailers; and three tents. In addition, two or three temporary moorings will be placed within the harbor. All planned uses will be temporary for a limited duration of approximately four months including set up and pack up. Sea trials and research activities will be approximately six weeks. Upon the completion of training, research and data collection activities, all materials used for the project will be removed from the site and the area will be restored to pre-existing conditions.

O'AHU (HRS 343)

8. Kawainui Marsh Wetland Restoration and Habitat Enhancement Project, FEA (FONSI)

- Island:** O'ahu
- District:** Kailua
- TMK:** (1) 4-02-013: portions of 005 and 022
- Permits:** Special Management Area Use Permit; NPDES Permit (Construction Activities) and Construction Noise Permit.
- Proposing/ Determination Agency:** Division of Forestry and Wildlife, Department of Land and Natural Resources, State of Hawai'i, 2135 Makiki Heights Drive, Honolulu, Hawai'i 96822. Telephone: (808) 973-9787. Contact: Mr. David Smith
- Consultant:** Helber Hastert & Fee, Planners, Inc. 733 Bishop Street, Suite 2590. Honolulu, Hawai'i 96813. Ronald A. Sato, AICP, Associate. Phone: (808) 545-2055
- Status:** Finding of No Significant Impact Determination



The State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife is proposing to implement wetland restoration and habitat enhancement improvements to about 80 acres of Kawainui Marsh. Improvements include: 1) wetland restoration and erosion control; 2) habitat restoration for native Hawaiian waterbirds, migratory shorebirds and waterfowl; and 3) improvements to support DOFAW's maintenance operations. The project area consists of about 60 acres of wetland with Kahanaiki Stream extending through the site. Most of the wetland is overgrown with invasive vegetation. The 20-acre upland area consists of riparian and forest area much of which is overgrown with invasive trees and other non-native vegetation. DOFAW's management objectives for the area include: 1) control invasive vegetation; and 2) control water flow into the marsh. Objectives also involve gathering support from local organizations, businesses, schools and government agencies to integrate

the wildlife sanctuary into the community and encourage further habitat restoration at this internationally recognized marsh.

The project is not expected to have significant direct, indirect, secondary or cumulative impacts on the environment. Improvements would restore the wetland and its function as waterbird habitat. Best management practices and other measures would be implemented to mitigate effects.

9. Live, Work, Play 'Aiea, FEIS (Acceptance), Volume I & Volume II

- Island:** O'ahu
- District:** 'Ewa
- TMK:** TMK (1) 9-8-013:013 and TMK (1) 9-8-013:015 (remnant State parcel)
- Permits:** Change in Zone, Subdivision Approval, NPDES Permit, Grading/Building Permits
- Applicant:** CP Kam Properties LLC, 120 North Robertson Boulevard, Los Angeles, CA 90048. Contact: Mr. John Manavian, (310) 855-8484
- Approving Agency:** City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, HI 96813. Contact: Ms. Sharon Nishiura, (808) 768-8031.
- Consultant:** PBR HAWAII, 1001 Bishop Street, Suite 650, Honolulu, Hawaii'i 96813. Contact: Tom Schnell AICP, (808) 521-5631
- Status:** The Approving Agency accepted the applicant's Final Environmental Impact Statement on August 27, 2012.



Live, Work, Play 'Aiea, proposed on the 14-acre property formerly used for Kamehameha Drive-In Theatre in 'Aiea, O'ahu, will integrate homes, stores, restaurants, offices, and public plazas into a compact, walkable urban village in close proximity to employment centers and multiple forms of transportation. Major components include up to 1,500 homes in five buildings ranging in height from 150 to 350 feet tall, 143,000 square feet of commercial space, and 80,000 square feet of office space. To allow for the uses envisioned, a change in zoning will be necessary from the B-2 Community Business District to BMX-3 Community Business Mixed-Use District with a maximum height limit of 350 feet. Positive impacts include the provision of needed residential and commercial space, contributions toward public facilities and infrastructure, and significant economic benefits. Potential adverse impacts include changes to site character, increased traffic, solid waste generation, electrical consumption, and short-term impacts to air quality and noise levels due to construction. The Final EIS also includes discussion of compliance with City and County of Honolulu and community plans, including the Primary Urban Center Development Plan, the Aiea-Pearl City Livable Communities Plan, and the 'Aiea-Pearl City Neighborhood Transit-Oriented Development Plan Public Review Draft.

KAUA'I (HRS 343)

10. Kalepa Motocross Track, DEA (AFNSI)

- Island:** Kaua'i
- District:** Lihu'e
- TMK:** (4) 3-9-002:036
- Permits:** NPDES, Noise Permit/ Variance, County Use Permit, County Special Permit, County Class IV Zoning Permit, County Grubbing and Grading Permit.



Proposing/ Determination

Agency: County of Kaua'i, Department of Parks and Recreation, Parks Division, 4444 Rice Street, Ste. 105, Līhu'e, Hawai'i 96766-1340. Contact: Mr. Dave Caylor (808) 241-4460
Consultant: SSFM International, Inc. 501 Sumner Street, Suite 620, Honolulu, Hawai'i 96817. Contact: Mr. Jared K. Chang, (808) 531-1308
Status: Statutory 30-day public review and comment period starts, comments are due on October 23, 2012. Send comments to the proposing/ determination agency and consultant.

The County of Kaua'i, Department of Parks and Recreation, is proposing to develop a new 14.8-acre motocross track complex located in Kalepa, Līhu'e. The purpose of the project is to relocate the existing Wailuā Motocross Complex, which is in close proximity to more sensitive land uses, specifically Nukoli'i Beach Park, Wailuā Golf Course, and resort properties. Following completion of the project, the existing Wailuā Motocross Complex would revert to open space. The Kālepa Motocross Track will be owned by the County and operated with assistance from Kaua'i's motocross associations. The 18-acre site was dedicated to the County by Executive Order to set-aside an area in Kālepa to relocate the existing motocross track in Wailuā. A 3.2-acre portion of this site will remain as open space to provide a buffer from adjacent uses. The project will provide a safe, family oriented, drug-free recreational environment to encourage statewide or national amateur motocross competition. Ideas for the complex include a natural terrain style motocross track and a mini keiki (child) track that could also accommodate bicycle motocross (BMX). Other types of tracks may be possible if space permits. Track designs will be predicated on the existing topography, the needs of riders, and maintenance concerns.

WITHDRAWAL (HRS 343)

11. Hawai'i Interisland Renewable Energy Program: Wind – Programmatic Environmental Impact Statement, WITHDRAWAL (FEA) EISPN

Islands: O'ahu, Maui, Lana'i, Moloka'i, and ocean areas separating these islands
District: Statewide
TMK: To be determined
Permits: To be determined
Proposing Agency: State of Hawai'i, Department of Business, Economic Development and Tourism, Renewable Energy Branch, State Energy Office, P.O. Box 2359, Honolulu, HI 96804.
Accepting Authority: Governor, State of Hawai'i
Status: Withdrawn from Chapter 343, HRS, processes.

The State of Hawai'i Department of Business, Economic Development has requested the publication of the Environmental Impact Statement Preparation Notice (EISPN) titled "*Programmatic Environmental Impact Statement (PEIS) for the Hawaii Interisland Renewable Energy Program: Wind*", in the December 8, 2010, issue of the *Environmental Notice*. In accordance with HAR 11-200-23(f), the Department has now withdrawn this document from the HRS 343 processes.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) NOTICE

12. Kahului Airport Access Road, Phase I, (NEPA FEA) FONSI

Island: Maui
District: Wailuku
TMK: (2) 3-8-006:075 and (2) 3-8-080:999
Permits: County of Maui, Grading and Grubbing Permit

Proposing

Agency: State of Hawai'i, Department of Transportation, 869 Punchbowl Street, Honolulu, Hawai'i 96813. Contact: Glenn Okimoto, (808) 547-2150

Approving

Agency: Federal Highway Administration, P.O. Box 50206, Honolulu, Hawai'i, 96950. Contact: Abraham Wong, (808) 541-2700

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

Status: Finding of No Significant Impact Determination

The Federal Highway Administration (FHWA) has determined that the proposed Kahului Airport Access Road Phase I (Pu'unene Avenue to Hana Highway) will not have any significant impacts to the human environment. The Finding of No Significant Impact is based on the attached Environmental Assessment (EA) which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope and content of the attached EA.

ENVIRONMENTAL COUNCIL

The Environmental Council has a tentative meeting scheduled for Thursday, September 27, 2012. Please go to the State [Calendar](#) website six days prior to the meeting date to review the agenda. For more information, contact the Council at oeqc@doh.hawaii.gov or call 586-4185.

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); Kauai (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 (7-6-018: 094)	Construction of an Ohana Dwelling Unit (SMM 12-235)	Bob Bolds
Hawai'i: Puna (1-6-001: 001)	Installation of an Educational & Hazard Warning Bulletin Board (SMM 12-236)	State of Hawai'i – Na Ala Hele Statewide Trail and Access System
Maui: Lahaina (4-3-010: 004)	Repair Concrete Spalling (SM2 20120104)	Paula Huber
Maui: Lahaina (4-3-014: 072)	Main Dwelling Addition/Alteration (SM2 20120108)	Tranquilino Macadangdang
Maui: Makena (2-1-006: 057)	Caddie Path Improvements (SM2 20120110)	Makena Beach & Golf Resort
Maui: Kihei (3-9-001: 125)	Install Above Ground Hot Tub (SM2 20120111)	Chuck Spence
Maui: Ka'anapali (5-3-001: 060)	Construct Covered Patio & Parking Lot (SM6 20120007)	Jerald Johnson

SHORELINE NOTICES

Shoreline Certification Applications

The shoreline certification applications above are available for review at the DLNR Offices on Kauaʻi, Hawaiʻi, 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-1498	9/6/12	Lot 321 of Land Court Application 323 (Map 179) situate at Pueohala, Kailua, Koolauapoko, Oahu Address: 430 D Kalaheo Avenue Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ Sharon S. Cosma-Susan Selig Wallwork Trust	4-3-017:019
HA-456	8/31/12	Lot 2-A-1-B, a portion of R.P. Grant 1013, Apana 1, to D.W. Maiau situate at Makuu, Puna, Island of Hawaii Address: Government Beach Road Purpose: Determine building setbacks	The Independent Hawaii Surveyors LLC/ Steven Lee Fineberg	1-5-010:011

Shoreline Certifications and Rejections

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

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1490	Proposed Shoreline Certification	Lot 1017 of Land Court Application 1052, Map 79 and Lot 83-A being a portion of exclusion 1 of Land Court Application 1052 and a portion of R.P. 2243, L.C. Aw. 10,613, Apana 5 to A. Paki Address: 84-493 Farrington Highway Purpose: Development of property	Dennis K. Hashimoto/ Pokai Bay Properties, LLC	8-4-008:015
OA-1495	Proposed Shoreline Certification	Lot 38 of Block "A" Land Court Application 1596, Map 1 situate at Wailupe, Waikiki, Honolulu, Oahu Address: 146 Wailupe Circle Purpose: Repair of seawall	Dennis K. Hashimoto/ Kahn Family Trust	3-6-001:038
MA-516	Proposed Shoreline Certification	Portion of Grant 3343 to Claus Spreckels situate at Spreckelsville, Wailuku, Maui Address: 594 Stable Road Purpose: Sand replenishment permit requirement	Warren S. Unemori Engineering, Inc., Arapahoe Financial Plaza and JJWP LLC	3-8-002:025
MA-496	Rejection	Hololani Condominium Lot 1-A of Bechert Estate Subdivision being a portion of Lot 1 of Bechert Estate Subdivision and a portion of Grant 1166 to D. Baldwin, J.F. Pogue and S.E. Bishop situate at Kahananui, Lahaina, Maui Address: 4401 Lower Honoapiilani Road Purpose: Shoreline setback purposes	Valera, Inc./ Hololani AOAO	4-3-010:009
MA-497	Rejection	Lot 102 as shown on Land Court Application 1804 (Map 28) situate at Honouaula, Maui Address: 3900 Wailea Alanui Drive Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ 3900 WA Associates, LLC	2-1-023:007

FEDERAL NOTICES

Main Hawaiian Islands Deep 7 Bottomfish Annual Catch Limits and Accountability Measures for 2012–2013

The United States National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration has issued a final rule that specifies a quota of 325,000 lb of Deep 7 bottomfish in the main Hawaiian Islands for the 2012–13 fishing year, based on an annual catch limit of 346,000 lb. The action supports the long-term sustainability of Hawai'i bottomfish. **DATES:** The final specifications are effective October 15, 2012 through August 31, 2013, unless NMFS publishes a document in the **Federal Register** superseding these specifications. **ADDRESSES:** Copies of the Fishery Ecosystem Plan for the Hawaiian Archipelago are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, telephone 808–522–8220, fax 808–522–8226, or at www.wpcouncil.org. **FOR FURTHER INFORMATION CONTACT:** Jarad Makaiau, NMFS PIR Sustainable Fisheries, 808–944–2108 (see, 77 F.R. 56791, September 14, 2012).

Safety Zone; Blue Angels at Kane'ohe Bay Air Show, O'ahu

The United States Coast Guard of the Department of Homeland Security is establishing a temporary safety zone while the U.S. Navy Blue Angels Squadron conducts aerobatic performances over Kane'ohe Bay, O'ahu, Hawai'i. This safety zone encompasses a small area of the Kane'ohe Bay Naval Defensive Sea Area, including an area that extends approximately 150 yards northeast and 250 yards southwest of the Defensive Sea Area. This safety zone extends from the surface of the water to the ocean floor. This safety zone is necessary to protect watercraft and the general public from hazards associated with the U.S. Navy Blue Angels aircraft low flying, high powered jet aerobatics over open waters. Vessels desiring to transit through the zone can request permission by contacting the Honolulu Captain of the Port at telephone number 808–842–2600. **DATES:** This rule is effective from 9 a.m. September 28, 2012 through 5 p.m. September 30, 2012. This rule will be enforced on a daily basis from 9 a.m. through 5 p.m. September 28 through September 30, 2012. **ADDRESSES:** Documents in the docket [USCG– 2012–0739] may be viewed by going to www.regulations.gov, type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. **FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Lieutenant Commander Scott O. Whaley, Waterways Management Division, U.S. Coast Guard Sector Honolulu, telephone 808–522–8264 ext. 352, email 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 F.R. 56549, September 13, 2012).

2012–2013 Refuge-Specific Hunting and Sport Fishing Regulations: Hakalau Forest NWR

The National Wildlife Refuge System Administration Act of 1966 closes national wildlife refuges in all States except Alaska to all uses until opened. The Secretary of the Interior (Secretary) may open refuge areas to any use, including hunting and/or sport fishing, upon a determination that such uses are compatible with the purposes of the refuge and National Wildlife Refuge System (Refuge System or our/we) mission. The U. S. Fish and Wildlife Service (Service) has issued a final rule that adds one refuge to the list of areas open for hunting and/or sport fishing, closes one refuge to hunt activities, closes one hunt opportunity at one refuge, and increases the hunting activities available at 16 other refuges, along with pertinent refuge-specific regulations on other refuges that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2012–2013 season. In the State of Hawai'i the Service is closing and reserving big game hunting on the Hakalau Forest National Wildlife Refuge. The Service opened the Maulua tract (2,000 acres) of Hakalau Forest NWR to the public for pig and cattle hunting in 1991 (with most of the area never hunted) but closed it in 2000 as hunting had reduced the pig population to such low numbers as to provide an unacceptable hunting experience. As there were few cattle, they were quickly removed. The Service has received no requests for approval to hunt on Hakalau Forest NWR since 2000. **DATES:** This rule is effective September 11, 2012. **FOR FURTHER INFORMATION CONTACT:** Leslie A. Marler, (703) 358–2397. (see, 77 F.R. 56028, September 11, 2012).

Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations

The U. S. Fish and Wildlife Service (Service) of the United States Department of the Interior has prescribed a final rule on early-season frameworks from which the States, Puerto Rico, and the Virgin Islands may select season dates, limits, and other options for the 2012–13 migratory bird hunting seasons. Early seasons are those that generally open prior to October 1, and include seasons in Alaska, Hawai'i, Puerto Rico, and the Virgin Islands. The effect of this final rule is to facilitate the selection of hunting seasons by the States and Territories to further the annual establishment of the early-season migratory

bird hunting regulations. **DATES:** This rule takes effect on August 30, 2012. **ADDRESSES:** States and Territories should send their season selections to: Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, ms MBSP-4107-ARLSQ, 1849 C Street NW, Washington, DC 20240. You may inspect comments during normal business hours at the Service's office in room 4107, 4501 N. Fairfax Drive, Arlington, Virginia, or at <http://www.regulations.gov> at Docket No. FWS-R9-MB-2012-0005. **FOR FURTHER INFORMATION CONTACT:** Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP-4107-ARLSQ, 1849 C Street NW, Washington, DC 20240; (703) 358-1714 (see, 77 FR 53118, August 30, 2012).

[Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawai'i, Puerto Rico, and the Virgin Islands](#)

The U. S. Fish and Wildlife Service (Service) of the United States Department of the Interior has prescribed a final rule on hunting seasons, hours, areas, and daily bag and possession limits of mourning, white-winged, and white-tipped doves; band-tailed pigeons; rails; moorhens and gallinules; woodcock; common snipe; sandhill cranes; sea ducks; early (September) waterfowl seasons; migratory game birds in Alaska, Hawai'i, Puerto Rico, and the Virgin Islands; youth waterfowl day; and some extended falconry seasons. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits taking of designated species during the 2012-13 season. **DATES:** This rule is effective on September 1, 2012.

ADDRESSES: You may inspect comments received on the migratory bird hunting regulations during normal business hours at the Service's office in Room 4107, Arlington Square Building, 4501 N. Fairfax Drive, Arlington, VA. You may obtain copies of referenced reports from the street address above, or from the Division of Migratory Bird Management's Web site at <http://www.fws.gov/migratorybirds/>, or at <http://www.regulations.gov> at Docket No. FWS-R9-MB-2012-0005. **FOR FURTHER INFORMATION CONTACT:** Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358-1714 (see, 77 F.R. 53752, August 31, 2012).

[Standards of Performance for Stationary Gas Turbines; Standards of Performance for Stationary Combustion Turbines](#)

The U. S. Environmental Protection Agency (EPA) is proposing to amend the new source performance standards (NSPS) for stationary gas turbines and stationary combustion turbines. These amendments are primarily in response to issues raised by the regulated community. On July 6, 2006, the EPA promulgated amendments to the new source performance standards for stationary combustion turbines. On September 5, 2006, the Utility Air Regulatory Group filed a petition for reconsideration of certain aspects of the promulgated standards. The EPA is proposing to amend specific provisions in the NSPS to resolve issues and questions raised by the petition for reconsideration, and to address other technical and editorial issues. In addition, this proposed rule would amend the location and wording of existing paragraphs for clarity. The proposed amendments would increase the environmental benefits of the existing requirements because the emission standards would apply at all times. The proposed amendments would also promote efficiency by recognizing the environmental benefit of combined heat and power and the beneficial use of low energy content gases. **DATES:** Comments must be received on or before October 29, 2012. *Public Hearing.* If anyone contacts the EPA by September 10, 2012 requesting to speak at a public hearing, the EPA will hold a public hearing on or about September 13, 2012. **ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2004-0490, by one of the following methods: *http://www.regulations.gov:* Follow the on-line instructions for submitting comments. *Email:* a-and-r-ocket@epa.gov. *Fax:* (202) 566-9744. *Mail:* Air and Radiation Docket, U.S. EPA, Mail Code 6102T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of two copies. *Hand Delivery:* EPA Docket Center, Docket ID Number EPA-HQ-OAR-2004-0490, EPA West Building, 1301 Constitution Ave. NW., Room 3334, Washington, DC, 20004. Such deliveries are accepted only during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. *Instructions:* Direct your comments to Docket ID No. EPA-HQ-OAR-2004-0490. The EPA's policy is that all comments received 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 information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or email. Send or deliver information identified as CBI only to the following address: Roberto Morales, OAQPS Document Control Officer (C404-02), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA-HQ-OAR-2004-0490. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to the EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in

accordance with procedures set forth in 40 CFR part 2. The <http://www.regulations.gov> Web site is an “anonymous access” system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through www.regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA’s public docket visit the EPA Docket Center homepage at <http://www.epa.gov/dockets/Docket>. All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Air and Radiation Docket EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742. *Public Hearing:* If a public hearing is requested, it will be held at the EPA Facility Complex in Research Triangle Park, North Carolina or at an alternate site nearby. Contact Ms. Pamela Garrett at (919) 541-7966 to request a hearing, to request to speak at a public hearing, to determine if a hearing will be held, or to determine the hearing location. **FOR FURTHER INFORMATION CONTACT:** Mr. Christian Fellner, Energy Strategies Group, Sector Policies and Programs Division (D243-01), U.S. EPA, Research Triangle Park, NC 27711, telephone number (919) 541-4003, facsimile number (919) 541-5450, electronic mail (email) address: fellner.christian@epa.gov. (see, 77 F.R. 52554, August 29, 2012).

[International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Catch Limit in Longline Fisheries for 2012](#)

The U. S. National Marine Fisheries Service (NMFS) has issued an interim final rule (and requests comments on the same) that establishes a catch limit of 3,763 metric tons (mt) of bigeye tuna (*Thunnus obesus*) for vessels in the U.S. pelagic longline fisheries in the western and central Pacific Ocean (WCPO) for calendar year 2012. The limit does not apply to vessels in the longline fisheries of American Samoa, Guam, or the Commonwealth of the Northern Mariana Islands (CNMI). Once the limit of 3,763 mt is reached in 2012, retaining, transshipping, or landing bigeye tuna caught in the WCPO will be prohibited for the remainder of 2012, with certain exceptions. This action is necessary for the United States to satisfy its international obligations under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), to which it is a Contracting Party. **DATES:** Effective on September 26, 2012; comments must be submitted in writing by September 26, 2012. **ADDRESSES:** Comments on this interim final rule, identified by NOAA-NMFS- 2012-0145, and the supporting analytical documents may be sent to either of the two addresses below. The supporting documents include the 2012 supplemental environmental assessment (EA) and the regulatory impact review (RIR) prepared for this interim rule. The 2012 supplemental EA supplements a 2009 EA and a 2009 supplemental EA and includes copies of those two documents. *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking portal, at <http://www.regulations.gov>; or *Mail:* Mail written comments to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1601 Kapi’olani Blvd., Suite 1110, Honolulu, HI 96814- 4700. *Instructions:* Comments must be submitted to one of the two addresses above to ensure that the comments are received, documented, and considered by NMFS. Comments sent to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are part of the public record and generally will be posted on <http://www.regulations.gov> without change. All personal identifying information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter “N/A” in the relevant required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only. Copies of the RIR and the 2012 supplemental EA prepared under the authority of the National Environmental Policy Act (NEPA) are available at <http://www.regulations.gov> or may be obtained from Michael D. Tosatto, NMFS PIRO (see address above). The 2012 supplemental EA includes copies of the documents that it supplements— a 2009 EA and a 2009 supplemental EA. **FOR FURTHER INFORMATION CONTACT:** Tom Graham, NMFS PIRO, 808-944-2219 (see, 77 F.R. 51709, August 27, 2012).

[Endangered and Threatened Wildlife and Plants; Endangered Status for 23 Species on O’ahu and Designation of Critical Habitat for 124 Species](#)

The U.S. Fish and Wildlife Service (Service), is listing 23 species on the island of O’ahu in the Hawaiian Islands as endangered under the Endangered Species Act of 1973, as amended (Act). The Service also designated 42,804 acres

(17,322 hectares) as critical habitat. This designation includes critical habitat for these 23 species, 2 plant species that are already listed as endangered, and revised critical habitat for 99 plant species that are already listed as endangered or threatened. In this final rule the Service also recognized taxonomic revisions of the scientific names of nine plant species and revised the List of Endangered and Threatened Plants accordingly. This final rule will implement the Federal protections provided by the Act. **DATES:** This rule becomes effective on October 18, 2012. **ADDRESSES:** This final rule and final economic analysis are available on the Internet at <http://www.regulations.gov>. Comments and materials received, as well as supporting documentation used in preparing this final rule, are available for public inspection, by appointment, during normal business hours, at the Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Box 50088, Honolulu, HI 96850; telephone 808-792-9400; facsimile 808-792-9581. The coordinates or plot points or both from which the critical habitat maps were generated are included in the administrative record for this critical habitat designation, and are available at <http://www.fws.gov/pacificislands>, at <http://www.regulations.gov> at Docket No. FWS-R1-ES-2010-0043, and at the Pacific Islands Fish and Wildlife Office. Any additional tools or supporting information that we developed for this critical habitat designation are also available at the Fish and Wildlife Service Web site and Field Office set out above, and may also be included in the preamble or at <http://www.regulations.gov>. **FOR FURTHER INFORMATION CONTACT:** Loyal Mehrhoff, Field Supervisor, Pacific Islands Fish and Wildlife Office (see **ADDRESSES** above). If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 800-877-8339 (see, 77 F. R. 57648, September 18, 2012).

[Endangered and Threatened Species; Reopening of Public Comment Period on Proposed Endangered Status for the Hawaiian Insular False Killer Whale Distinct Population Segment](#)

The National Marine Fisheries Service (NMFS) is reopening a comment period and issuing a notice of availability of new information that may identify a previously unrecognized population of false killer whales in the Northwestern Hawaiian Islands (NWHI). This new information may be relevant to the final determination of whether the Hawaiian insular false killer whale (*Pseudorca crassidens*) is a distinct population segment (DPS) that qualifies for listing under the Endangered Species Act of 1973, as amended (ESA). We intend to take this new information into consideration as we make our final listing determination on the Hawaiian insular false killer whale. We are reopening the public comment period on the November 17, 2010, proposed rule to list the Hawaiian insular false killer whale DPS as endangered throughout its range under the ESA. We are reopening the comment period for an additional 15 days for the limited purpose of allowing interested parties to comment on the new information and whether it affects the determination that the insular false killer whale is a DPS that is eligible for ESA listing. Please note that comments previously submitted should not be resubmitted. **DATES:** We will accept public comments on the new information until October 3, 2012. **ADDRESSES:** You may submit comments identified by NOAA-NMFS-2009-0272 by any one of the following methods: *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. *Mail or hand-delivery:* Submit written comments to Regulatory Branch Chief, Protected Resources Division, National Marine Fisheries Service, Pacific Islands Regional Office, 1601 Kapi'olani Blvd., Suite 1110, Honolulu, HI, 96814, Attn: Hawaiian insular false killer whale proposed listing. *Instructions:* All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. Comments will be posted for public viewing after the comment period has closed. 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. We will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only. The petition, status review report, and other reference materials regarding the proposed listing determination can be obtained via the NMFS Pacific Islands Regional Office Web site: http://www.fpir.noaa.gov/PRD/prd_false_killer_whale.html or by submitting a request to the Regulatory Branch Chief, Protected Resources Division, National Marine Fisheries Service, Pacific Islands Regional Office, 1601 Kapi'olani Blvd., Suite 1110, Honolulu, HI 96814, Attn: Hawaiian insular false killer whale proposed listing. **FOR FURTHER INFORMATION CONTACT:** Krista Graham, NMFS, Pacific Islands Regional Office, 808-944-2238; Lance Smith, NMFS, Pacific Islands Regional Office, 808-944-2258; or Dwayne Meadows, NMFS, Office of Protected Resources, Silver Spring, MD, 301-427-8403 (see, 77 F.R. 57554, September 18, 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 actions for which the agency anticipates a Finding of No Significant Impact (AFNSI), 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.

Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments on a DEA 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) along with the supporting Final EA. After the notice of the FEA-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.

Act 172-2012, Environmental Impact Statement Preparation Notice (with no EA)

Act 172-2012, amended HRS 343, by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit its

determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public to request for a period of thirty-days, to be consulted parties in the preparation of the Draft EIS. Comments and responses must be incorporated into the subsequent Draft 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 and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. 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, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a nonacceptance determination.

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).