



The Environmental Notice

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

[Takes of Marine Mammals Incidental to Specified Activities; Pile Driving for Honolulu Seawater Air Conditioning Project](#)

The U. S. National Marine Fisheries (NMFS), in accordance with the Marine Mammal Protection Act (MMPA) implementing regulations, has given notice that it has issued an Incidental Harassment Authorization to Honolulu Seawater Air Conditioning allowing the take of small numbers of marine mammals, by Level B harassment, incidental to pile driving during construction of a sea water air conditioning project. Effective October 1, 2012, through September 30, 2013.

A copy of the IHA, application, and Environmental Assessment are available by visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Please see page 9 for more details

[Hawaii Natural Energy Institute Electrolyzer-based Hydrogen Production System to Support Additional Variable Wind and Solar Renewable Energy Sources on the Grid and Provide the Hydrogen to Fuel Public Transportation](#)

The Hawai'i Natural Energy Institute (HNEI) plans a project that will demonstrate the use of hydrogen as a potential energy storage technology, with an ancillary benefit of providing hydrogen for fuel cells that will power a County of Hawai'i Mass Transit Agency (MTA) bus. The project consists of three on-the-ground components:

- 1) Production with a hydrogen electrolyzer at the Puna Geothermal Venture plant to separate water into hydrogen and oxygen, store it in a low pressure buffer tank prior to being compressed to 450 bar and stored in composite high pressure cylinders specifically designed and manufactured to store hydrogen.
- 2) Transport of cylinders on U.S. DOT-approved 450-bar hydrogen tube trailers carrying about 230 pounds of hydrogen to the MTA base yard facility in Hilo (as well as to Hawai'i Volcanoes National Park).
- 3) Dispensing of hydrogen into a 19-passenger EIDorado MTA shuttle bus with a 10 kg-capacity tank.

[The Environmental Council is currently updating the Hawaii Administrative Rules \(HAR\) 11-200.](#)

[The Draft of Proposed Changes to The Environmental Impact Statement \(EIS\) Rules](#) is now open for public review and comment. We strongly encourage all interested parties to submit feedback on the draft. To submit comments we prefer to **[use the comment matrix](#)**, though traditional forms of submission are also welcome. Please direct any comments or questions to the **environmental.council@doh.hawaii.gov** or call (808) 586-4185.

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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Website: <http://hawaii.gov/health/environmental/oeqc/index.html/>
Toll Free: Kaula'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

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HAWAI'I (HRS 343)

1. Hawaii Natural Energy Institute Electrolyzer-based Hydrogen Production System to Support Additional Variable Wind and Solar Renewable Energy Sources on the Grid and Provide the Hydrogen to Fuel Public Transportation, DEA (AFONSI)

Island: Hawai'i
District: South Hilo and Puna
TMK: (3rd.) 1-4-001:002 (por.) & 2-2-058:018 (por.)
Permits: County of Hawai'i: Planning Department: Plan Approval; State of Hawai'i: State Historic Preservation Division Determination of No Effect

Proposing/Determination

Agency: State of Hawai'i, Hawai'i Natural Energy Institute, 1680 East-West Road, POST 109, Honolulu, HI 96821.

Contact: Mitch Ewan, (808) 956-2337

Consultant: Geometrician Associates, PO Box 396, Hilo, HI 96721.

Contact: Ron Terry, (808) 969-7090

Status: Statutory 30-day public review and comment period starts, comments are due on November 07, 2012. Send comments to the proposing/determination agency and consultant.

The Hawai'i Natural Energy Institute (HNEI) plans a project that will demonstrate the use of hydrogen as a potential energy storage technology, with an ancillary benefit of providing hydrogen for fuel cells that will power a County of Hawai'i Mass Transit Agency (MTA) bus. The project consists of three on-the-ground components: 1) Production with a hydrogen electrolyzer at the Puna Geothermal Venture plant to separate water into hydrogen and oxygen, store it in a low pressure buffer tank prior to being compressed to 450 bar and stored in composite high pressure cylinders specifically designed and manufactured to store hydrogen. 2) Transport of cylinders on U.S. DOT-approved 450-bar hydrogen tube trailers carrying about 230 pounds of hydrogen to the MTA base yard facility in Hilo (as well as to Hawai'i Volcanoes National Park). 3) Dispensing of hydrogen into a 19-passenger EIDorado MTA shuttle bus with a 10 kg-capacity tank.



A critical project element is analysis of the data from the electrolyzer operations. HNEI will characterize the performance and durability of the electrolyzer under dynamic operating conditions and conduct performance/cost analysis to identify the benefits of grid-integrated hydrogen systems, including grid ancillary services and off-grid revenue streams. The Puna and Hilo project sites together comprise about 0.25 acres. They have been completely graded and developed for industrial purposes and contain no valuable natural, historical or cultural resources. No natural streams or water features would be affected. Noise would be minimal, scenic values would not be adversely affected, and the activities would be compatible with nearby land uses. Hydrogen production, storage, transport and dispensing would be appropriately conducted in conformance with standard industry practice and all applicable regulations. The public would benefit from the first of what could be many clean, quiet buses with a locally generated fuel.

2. Gapp Single-Family Residence in the Conservation District at Maku'u, FEA (FONSI)

Island: Hawai'i
District: Puna
TMK: (3rd) 1-5-010:032
Permits: County of Hawai'i: Special Management Area Permit or exemption; Department of Land and Natural Resources, CDUP; grading permit
Applicant: John and Maureen Gapp, PO Box 1128, Pahoa, HI 96778.

Contact: Sidney Fuke, 808-969-1522

Approving Agency:

Office of Coastal and Conservation Lands. Hawai'i State DLNR, P.O. Box 62, Honolulu, HI 96809. Contact: Sam Lemmo, (808) 587-0377

Consultant:

Geometrician Associates, PO Box 396, Hilo, HI 96721

Contact: Ron Terry, (808) 969-7090

Status:

Finding of No Significant Impact Determination.

John and Maureen Gapp (the applicants) seek a Conservation District Use Permit to build a single-family residence and related improvements on a 5.58-acre lot located adjacent to the shoreline at Maku'u. The one-story home will be 4,552 square feet, including the house, garage, and saltwater pool. The home will be set back 200 feet from the shoreline at 25 feet above sea level. Other features include an Individual Wastewater System, a water well, a driveway, underground utilities, an at-grade covered lanai and open decks, various walkways, small fenced gardens, and landscaping using mostly native or Polynesian species between the home and the shoreline setback line. No modifications within the shoreline setback area are planned. Four burial sites and archaeological sites in the four-acre *mauka* portion of the lot will be preserved in accordance with already accepted preservation and burial treatment plans. Archaeological monitoring will occur during construction. Land clearing and construction would occur over roughly an acre, and produce minor short-term impacts to noise, air and water quality and scenery that would be mitigated by Best Management Practices. Impacts to the island wide-ranging endangered Hawaiian hoary bat and Hawaiian Hawk will be avoided through timing of vegetation removal and/or hawk nest survey.



3. Linear Accelerator Vault at Hilo Medical Center Oncology Unit, DEA (FONSI)

Island:

Hawai'i

District:

South Hilo

TMK:

TMK (3rd.) 2-3-031:003

Permits:

State Department of Health: UIC Permit (potential); Hawai'i County Department of Public Works: Grubbing and Grading Permits, Building Division Approval; County of Hawai'i, Planning Department Plan Approval

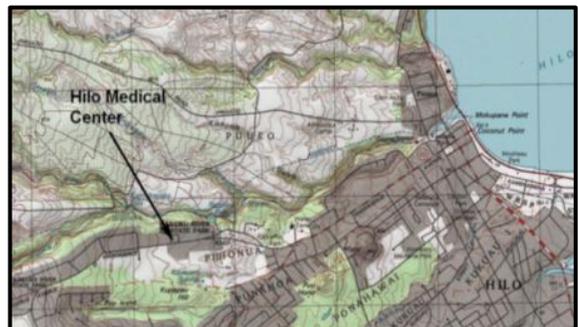
Proposing/Determination Agency:

Hilo Medical Center, 1190 Waianuenue Avenue, Hilo, HI 96720. Contact: Julie-Beth Ako, (808) 932-3108

Consultant: Geometrician Associates, PO Box 396, Hilo, HI 96721. Contact: Ron Terry, (808) 969-7090

Status:

Statutory 30-day public review and comment period starts, comments are due on November 07, 2012. Send comments to the proposing/determination agency and consultant.



Hilo Medical Center (HMC), a State agency, seeks to construct a new building to house a Varian TrueBeam Linear Accelerator, which it would purchase and install in a specially built vault in order to improve radiation treatment for cancer at its Hawaii Pacific Oncology Center. The center currently uses an older model Linear Accelerator within the existing two-story 1285 Waianuenue building, which is immediately south of the subject property and also houses a Department of Veteran Affairs Clinic. The

project site is a 10,001-square foot State property currently occupied by a 25-space, unpaved employee parking lot. It is directly across the emergency entrance to HMC.

The building to house the Linear Accelerator has not yet been designed but is expected to be one-story, with approximately 4,000 square feet of floor space accommodating the vault, control room, waiting area, changing room, and office/exam space. The appearance would match other facilities at the HMC campus. The final design will include walkways between the new building and the main Hawaii Pacific Oncology Center facilities, as well as landscaping and limited parking if they can be accommodated on the small lot. The parking spaces displaced by the building would be compensated for by adjacent HMC parking.

If archaeological resources are encountered during land-altering activities associated with construction, work in the immediate area of the discovery will be halted and the State Historic Preservation Division will be contacted. Sensitive receptors to noise are present and the contractor will be required to consult with the Department of Health, and, if appropriate, obtain a permit per Title 11, Chapter 46, HAR (Community Noise Control) prior to construction, which may include various mitigation measures.

MAUI (HRS 343)

4. Stable Road Beach Groins Project Located Upon Submerged Land Offshore of Spreckelsville, DEA (AFONSI)

- Island:** Maui
District: Spreckelsville
TMK: (2) 3-8-002-071, 077, 076, 074 & 078
Permits: Conservation District Use Permit
Applicant: Stable Road Beach Restoration Foundation, Inc., 584A Stable Road, Paia, HI 96779.
Contact: Jeffery Lundahl, (808) 871-4110
- Approving Agency:** State of Hawai'i, Department of Land & Natural Resources, Office of Conservation and Coastal Lands, 1151 Punch Bowl Street, Room 131, Honolulu, HI 96089-0621.
Contact: Kimberly K. Tiger Mills, (808) 587-0381
- Status:** Statutory 30-day public review and comment period starts, comments are due on November 07, 2012. Send comments to the proposing/determination agency and consultant.

Decades of chronic beach erosion and retreat at the project beach have resulted in adverse environmental impacts to beach use, water quality, marine life and habitat for endangered species. The Project Need is to protect, preserve and conserve a highly used, public beach consistent with the Maui Beach Management Plan and Coastal Zone Management Act.

The project purpose is to preserve, protect and conserve the public beach in a longer lasting and more sustainable manner than by existing geotube, sand retention devices (groins) approved for a temporary Evaluation Project, which has proven to successfully accomplish the Project Need and produce beneficial environmental effects.

The Proposed Action is to replace four existing, geotube groins with either three or four, more durable rock groins of the same scale and at the same general locations. The Evaluation Project is a full scale, site specific model of the Proposed Action. Its extensive environmental monitoring produced real, empirical data and performance assessments for a realistic predication and reliable finding of no significant adverse environmental impact by the Proposed Action. Several similar rock groins have existed immediately downdrift of the project beach for more than 72 years resulting in increased beach width despite long seawalls.



5. Fedele Residence Improvements Project, FEA (FONSI)

Island: Maui
District: Lahaina
TMK: (2) 4-6-002: 006
Permit: Building Permit, SMA Permit
Applicant: Joseph F. Fedele, 455 Front Street, Lahaina, HI 96761
Approving Agency: Maui Planning Department, 250 S. High Street, Wailuku, HI 96793. Contact: Anna Benesovska, (808) 463-3867
Consultant: Chris Hart & Partners, Inc., 115 N. Market St., Wailuku, HI 96793
 Contact: Jordan Hart, (808) 242-1955
Status: Finding of No Significant Impact Determination

Addition to an existing residence of approximately 3,000 SQFT, as well as the addition of a swimming pool & pool deck. The project site is located within the Lahaina National Historic Landmark District. The house itself is not a historic structure. The project site is also located within the County of Maui's Special Management Area (SMA). No work is proposed within the Shoreline Setback.

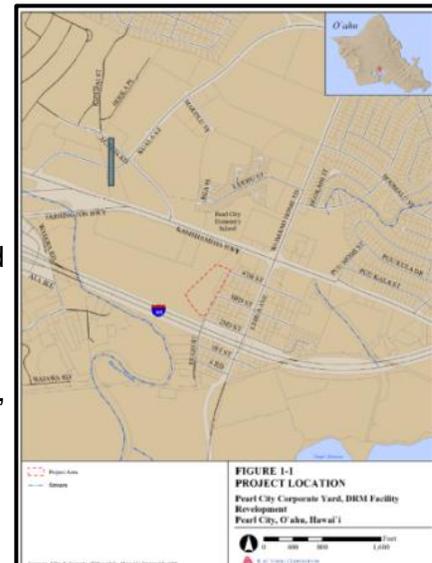
There are no anticipated long-term impacts associated with the proposed project. Normally expected short-term impacts associated with construction related activities are anticipated on a minimal level.



O'AHU (HRS 343)

6. Pearl City Corporation Yard, Division of Road Maintenance Facility Redevelopment, FEA (FONSI)

Island: O'ahu
District: 'Ewa
TMK: (1) 9-7-023: Portion of 09 & 10
Permits: Plan Review, Sediment and Erosion Control Plan, Construction Plan Review, Conditional Use Permit, Grading and Building Permit, National Pollutant Discharge Elimination System.
Proposing/ Determination Agency: City and County of Honolulu, Department of Design and Construction, 650 S. King St., 11th Floor, Honolulu, HI 96813.
 Contact: Clyde Tomihara, (808) 768-8468
Consultant: R.M. Towill Corporation, 2024 N. King Street, Suite 200, Honolulu, Hawai'i 96819. Contact: Chester Koga, chesterk@rmtowill.com, (808) 842-1133
Status: Statutory 30-day public review and comment period starts, comments are due on November 07, 2012. Send comments to the proposing/ determination agency and consultant.



The Department of Design and Construction is planning the redevelopment of the Department of Roads and Maintenance (DRM) baseyard to improve the operational efficiency of the facility and meet the growing service demands of the 'Ewa district. The proposed project would occupy 4.7 acres that consists of two parcels of land owned by the State of Hawai'i and the City and County of Honolulu, the Tax Map Key (TMK)

parcels are (1) 9-7-023: 009 and 010. The proposed project would take place over three phases for the sake of funding flexibility and to sustain operations during construction.

Phase one: Demolish and replace existing office building, aggregate storage bins, paved area for interim private owned vehicles (POV) parking (25 cars), construct new perimeter chain link fencing, and gates for the DRM yard, upgrade security system to monitor the corporation yard's three gates, and include a new emergency generator.

Phase two: Construct new warehouse and paint storage shed, expanding interim POV parking area, pave new area for permanent POV parking lot and loading zone areas, construct a new underground stormwater retention basin and related site drainage improvements, construct a new exit only road up to third street (optional).

Phase three: Demolish and replace carport (for large vehicles and equipment), construct a new dewatering/drying basin, pavement for the balance of DRM yard, and constructing a new wash area and recycling system (optional).

Project costs are estimated at \$11.2 million (including all optional items). Phase 1 construction start time is schedule for fall 2013.

KAUA'I (HRS 343)

7. Pohaku 'O Kaua'i Materials LLC, FEA (FONSI)

Island: Kaua'i
District: Kekaha
TMK: (4) 1-2-002: 001
Permits: None
Applicant: Pohaku O Kaua'i Materials (POKM), 3-1480 Kaumauli'i Hwy, Lihue, HI 96766-9579.
 Contact: Stan Morinaka, (808) 245-3553

Approving Agency: State of Hawai'i, Agribusiness Development Corporation, 235 South Beretania Street, Room 205, Honolulu, HI 96813. Contact: Ivan Kawamoto, (808) 586-0181

Consultant: Land Strategies Hawai'i LLC., 4200 Waileia Place, Princeville, HI 96722.
 Contact: Sean Combs, (808) 212-4006

Status: Finding of No Significant Impact Determination

Rock aggregate is necessary to make products such as concrete and for asphaltic concrete for the paving of roads and highways. POKM is proposing to collect field stones and sand left behind from agriculture activities (sugar cane, seed corn) since the early 1800's to be used in a variety of products such as masonry construction, gravel roads, wall, landscaping and both are suitable for most engineering uses with minimal processing. Collection of these rocks will be stockpiled and crushed on or off-site at a later date. Geographically, the most important commercial sources of sand and gravel have been river channels, and flood plains similar to the proposed Kekaha project sites.



The project is necessary to insure the availability of quality, clean, and affordable aggregate & sand. Once the business is in place, it is expected to reduce the cost to produce asphaltic concrete and in turn reduce the cost of paving roads. In addition, when completed, this project will improve field conditions for the agricultural tenants, and reduce the costs associated with field preparation, as well as providing employment opportunities for the west side community.

ENVIRONMENTAL COUNCIL

The Environmental Council has a tentative meeting scheduled for Thursday, October 18, 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.

SHORELINE NOTICES				
Shoreline Certification Applications				
<p>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.</p>				
File No.	Date	Location	Applicant/Owner	TMK
OA-1499	9/14/12	Portion of Exclusion 12 Land Court Application 979 Portion R.P. 2112, L.C. Aw. 2239, Ap. 2 to Maika'i situate at Kahalu'u, Ko'olaupoko, O'ahu Address: 47-407 Kamehameha Highway Purpose: Building permit	Walter P. Thompson, Inc./ Tom Coulson	4-7-009:011
OA-1500	9/21/12	Lot C of Punalu'u Beach Lots as shown on Bishop Estate Map 5252 situate at Punalu'u, Ko'olaupoko, Oahu Address: 53-227 Kamehameha Highway Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Patrick Field	5-3-002:034
OA-1501	9/19/12	Lot 268 of Land Court Application 505 (Map 140) situate at Kailua, Ko'olaupoko, O'ahu Address: 1064 Mokulua Drive Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ 1064 Mokulua LLC	4-3-006:059
OA-1502	9/26/12	Lot 341 (Map 201) of Land Court Application 323 situate at Pu'eohala, Kailua, Ko'olaupoko, O'ahu Address: 510 North Kalaheo Avenue Purpose: Setback purposes	Austin, Tsutsumi & Associates, Inc./ J.L. Calhoun-C.R. Larson Trust	4-3-018:067
MA-521	9/17/12	Portions of Royal Patent 6962, Land Commission Award 3931 Apana 2 to Naiwimawaho and Land Patent 8129, Land Commission Award 8559-B, Apana 23 to Wm. C. Lunalilo situate at Honolua, Ka'anapali, Maui Address: 6245 Honoapi'ilani Highway Purpose: Building setback	Arthur P. Valenica/ William & Mary Engel	4-2-004:019
MA-522	9/17/12	Lot 6 Waipio Bay Partition being a portion of Royal Patent Grant 2079, Apana 3 to Kaiewe situate at Huelo, Hamakualoa, Makawao, Maui Address: 336 Door of Faith Road Purpose: Building setback	Jeffrey Trudeau/ David C. Bolles	2-9-070:050
MA-523	9/17/12	Parcel 2 Allotment No. 35-B of the Hui O Mailepai situate at Ka'anapali, Maui Address: 4809 Lower Honoapi'ilani Road Purpose: Setback purposes	Arthur P. Valenica/ Brian Graham	4-3-015:008
MA-524	9/17/12	Land Court Application 1820 (Map 1) being also Grant 2677 to Hanai, Hekiku and Kapeke situate at Moka'e-Nui, Hana, Maui Address: 0 Haneo'o Road Purpose: Obtain permits to replace cesspool system with an aerobic septic system	Akamai Land Surveying, Inc./ Heavenly Hana LLC	1-4-010:001

MA-525	9/17/12	The Hale Kai Condominium Lot being R.P. 4591, L.C. Aw. 3930, Ap. 1 to Nauwele; R.P. 4564, L.C. Aw. 4620 Ap. 5 to Kauaiuka and Grant 2-14008 to Haruko Kubo Omura; Lot 1- Grant 12,920 to M. Kawaguchi (CSF 10572) and a portion of Lot 4- Honokowai Government Remnants situate at Honokowai, Lahaina, Maui Address: 3695 Lower Honoapi'ilani Road Purpose: SMA and building permit for replacement of existing lanais and stairways	Akamai Land Surveying, Inc./ Hale Kai Inc. AOAO	4-4-001:042
MA-526	9/18/12	Portion of Grant 3342 to Claus Spreckels portion of Spreckelsville Beach Lots situate at Spreckelsville, Maui Address: 316 Pa'ani Place Purpose: Future planning purposes	Martina W. Jale/ James Bendon	3-8-002:051
MA-527	9/19/12	The "Milowai Condominium" being Lot 5 of the Ma'alaea Beach Lots being a portion of Grant 835 to Mahoe situate at Ma'alaea, Maui Address: 50 Hau'oli Street Purpose: SMA and other permitting purposes	Newcomer-Lee Land Surveyors, Inc./ Milowai-Ma'alaea AOAO	3-8-014:022
MA-528	9/19/12	The "Pohailani Maui" Condominium being a portion of Grant 1166 to D. Baldwin, J.F. Pogue and S.E. Bishop situate at Kahananui, Ka'anapali, Maui Address: 4435 Lower Honoapi'ilani Road Purpose: SMA and other permitting purposes	Newcomer-Lee Land Surveyors, Inc./ Pohailani Maui Condominium	4-3-005:008
KA-364	9/24/12	Lots 1,2 and 3 (File Plan 458) being portion of R.P. 6714, L.C. 7714-B, Apana 2 to Moses Kekuaiwa No M. Kekuanaoa situate at Kukui'ula, Koloa, Kauai Address: 4637 Amio Road, Alania Road & 2691 Alania Road Purpose: Small scale sand nourishment project	Honua Engineering, Inc./ Kukui'ula Development Co. LLC	2-6-011:013, 014 & 015

Shoreline Certifications and Rejections

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

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
HA-453	Proposed Shoreline Certification	Lot 7-B being Lot 3, Land Court Application 1680, Map 3 and a portion of L.C. Award 9971, Apana 28 to William P. Leleiohoku situate at Kaumalumu, North Kona, Island of Hawaii Address: 77-236 Ke Alohi Kai Place Purpose: Shoreline for building	Thomas Pattison/ Teaderman Business Park LLC	7-7-024:007
OA-1467	Rejection	Lot 17 of Land Court Consolidation 171 (Map 1), He'eia, Ko'olaupoko, O'ahu Address: 46-045 Ipuka Street Purpose: To calculate building potential and obtain a building permit	Wesley T. Tengan/ Jon J. Tasaki	4-6-007:111
OA-1468	Rejection	Lot 256 of Land Court Application 505, Map 112 at Kailua, Ko'olaupoko, O'ahu Address: 1140 Mokulua Drive Purpose: Development of the property	Dennis K. Hashimoto/ Jove Watson—Agent	4-3-005:052

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: South Hilo (2-8-008: 003 Por.)	Install Fencing for Livestock and Planting (SMM 12-237)	Jerry M. Hiatt
Hawai'i: North Kohala (5-6-002: 023)	Construction of a Barn Storage Building (SMM 12-238)	Herbert Markley
Hawai'i: South Hilo (2-8-015: 001)	Construction of an Agricultural Storage Building and Concrete Pad (SMM 12-239)	Vijay Singh
Maui: (3-9-005: 052)	Kihei Pump Station Odor Control Project (SM2 20120109)	Department of Environment Management
Maui: Kihei (2-1-007: 074)	After-The-Fact Enclosed Lanai (SM2 20120112)	Sue & Clark Johnson
Maui: Lahaina (4-2-004: 054)	Honolua Store, ABC Stores (SM2 20120114)	Darin Fukunaga
Maui: Lahaina (4-4-013: 005)	Repair & Resurfacing Parking Lot (SM2 20120115)	Lance Weisel
Maui: Kihei (3-9-020: 028)	Install Solar PV System on Roof (SM2 20120117)	Kamaole Beach Royale AOA
Maui: (3-9-040: 104)	Interior Upgrade-Misc Exterior Work (SM2 20120119)	Roy Figueiroa

FEDERAL NOTICES

1. [Western Pacific Fishery Management Council Public Meetings](#)

The U. S. National Marine Fisheries Service (NMFS), announced that the Western Pacific Fishery Management Council (Council) will hold meetings of its 111th Scientific and Statistical Committee (SSC), Executive and Budget Standing Committee, and 155th Council to take actions on fishery management issues in the Western Pacific Region. DATES: The meetings will be held from Wednesday, October 24th through Thursday, November 1, 2012. For specific dates, times and agendas, please click on the link above (or paste the same in an internet browser). ADDRESSES: The 111th SSC and Executive and Budget Standing Committee meetings will be held at the Council office, 1164 Bishop Street, Honolulu, Hawai'i 96813; telephone: (808) 522-8220. The 155th Council meeting will be held at the Laniakea YWCA- Fuller Hall, 1040 Richards Street, Honolulu, Hawai'i 96813; telephone: (808) 538-7061. The Fishers Forum will be held at the Harbor View Center, 1129 North Nimitz Hwy (Pier 38), Honolulu, Hawai'i 96817; telephone: (808) 983-1200. FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522-8220 (see, 77 F.R. 59902, October 1, 2012).

2. [Takes of Marine Mammals Incidental to Specified Activities; Pile Driving for Honolulu Seawater Air Conditioning Project](#)

The U. S. National Marine Fisheries (NMFS), in accordance with the Marine Mammal Protection Act (MMPA) implementing regulations, has given notice that it has issued an Incidental Harassment Authorization (IHA) to Honolulu Seawater Air Conditioning, LLC (HSWAC), allowing the take of small numbers of marine mammals, by Level B harassment, incidental to pile driving during construction of a sea water air conditioning project. DATES: Effective October 1, 2012, through September 30, 2013. ADDRESSES: A copy of the IHA, application, and Environmental Assessment are available by 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 (see, 77 F.R. 59904, October 1, 2012).

3. [Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations](#)

The Animal and Plant Health Inspection Service of the U. S. Department of Agriculture (APHIS) is adopting as a final rule, with several changes, an interim rule that quarantined the States of Florida and Georgia, Puerto Rico, the U.S. Virgin Islands, two parishes in Louisiana, and two counties in South Carolina due to the presence of citrus greening (also known as Huanglongbing disease of citrus, and considered to be one of the most serious citrus diseases in the world) and quarantined Alabama, Florida, Georgia, Guam, Hawai'i, Louisiana, Mississippi, Puerto Rico, Texas, the U.S. Virgin Islands, three counties in South Carolina, portions of one county in Arizona, and all of three and portions of an additional three counties in California due to the presence of Asian citrus psyllid (ACP), a vector of the bacterial pathogen that causes citrus greening. The rule also established restrictions on

the interstate movement of regulated articles from the quarantined areas. In this final rule, we are making several non-substantive editorial amendments to the interim rule to improve its clarity and facilitate regulatory compliance. This final rule also provides notice that we have quarantined American Samoa and the Northern Mariana Islands for ACP, have extended the boundaries of the quarantined area for ACP in California to incorporate all of one and portions of another additional county, and have quarantined portions of one county in Texas and an area comprising portions of two counties in California for citrus greening. DATES: Effective October 31, 2012. FOR FURTHER INFORMATION CONTACT: Ms. Lynn Evans-Goldner, National Program Manager, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 160, Riverdale, MD 20737; (301) 851-2286 (see, 77 F.R. 59709, October 1, 2012)

4. [90-Day Finding on Petitions To List the Northeastern Pacific Ocean Distinct Population Segment of Great White Shark as Threatened or Endangered Under the Endangered Species Act](#)

The National Marine Fisheries Service (NMFS) announced a 90-day finding on two petitions received to list the northeastern Pacific Ocean population of great white shark (*Carcharodon carcharias*) as a threatened or endangered distinct population segment (DPS) under the Endangered Species Act (ESA) and to designate critical habitat concurrently with the listing. NMFS found that the petitions and information in its files presented substantial scientific or commercial information indicating that the petitioned action may be warranted. NMFS will conduct a status review of the species to determine if the petitioned action is warranted. To ensure that the status review is comprehensive, NMFS is soliciting scientific and commercial information pertaining to this species from any interested party. DATES: Information and comments on the subject action must be received by November 27, 2012. ADDRESSES: Submit comments, information, or data, identified by "NOAA-NMFS-2012-0176" by any one of the following methods: • Electronic Submissions: Submit all electronic comments via the Federal eRulemaking Portal <http://www.regulations.gov>. To submit comments via the e-Rulemaking Portal, first click the "submit a comment" icon, then enter "NOAA-NMFS-2012-0176" in the keyword search. Locate the desired document to comment on from the resulting list and click on the "Submit a Comment" icon on the right of that line. • Mail or hand-delivery: Protected Resources Division, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Instructions: All comments received are 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 by the commenter may be publicly accessible. Do not submit confidential business information or other information not intended for public disclosure. NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, Corel WordPerfect, or Adobe PDF file formats only. FOR FURTHER INFORMATION CONTACT: Craig Wingert, NMFS, Southwest Region, (562) 980-4021; or Marta Nammack, NMFS, Office of Protected Resources, (301) 427-8469 (see, 77 FR 59582, September 28, 2012).

5. [Marine Mammals; File No. 16479](#)

The National Marine Fisheries Service (NMFS) hereby gives notice that permit has been issued to The Pacific Whale Foundation [Responsible Party: Gregory Kaufman], 300 Ma'alaea Road, Suite 211, Wailuku, Hawai'i 96793 to conduct research on humpback whales (*Megaptera novaeangliae*). ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices: Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)427-8401; fax (301)713-0376; and Pacific Islands Region, NMFS, 1601 Kapi'olani Blvd., Rm 1110, Honolulu, Hawai'i 96814-4700; phone (808)944-2200; fax (808)973-2941. FOR FURTHER INFORMATION CONTACT: Joselyd Garcia-Reyes or Amy Hapeman, (301)427-8401 (see, 77 F.R. 59594, September 28, 2012).

6. [Marine Mammals; File No. 16163](#)

The National Marine Fisheries Service (NMFS) hereby gives notice that a major amendment to Permit No. 16163 has been issued to the Northwest Fisheries Science Center (Dr. M. Bradley Hanson, Principal Investigator), 2725 Montlake Blvd. East, Seattle, Washington 98112-2097 to conduct research on cetacean species in U.S. and international waters in the Pacific Ocean, including waters of Alaska, Washington, Oregon, California, and Hawai'i. The permit amendment authorizes an increase in takes associated with Level B harassment from 25 each per year to 2500 for short-beaked common (*Delphinus delphis*) and long-beaked common (*D. capensis*) dolphins. The amended permit is valid through the expiration date of the original permit, June 6, 2017. A supplemental environmental assessment (SEA) analyzing the effects of the permitted activities on the human environment was prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et

seq.). Based on the analyses in the SEA, NMFS determined that issuance of the permit amendment would not significantly impact the quality of the human environment. ADDRESSES: The permit amendment and related documents are available for review upon written request or by appointment in the following offices: Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376; and Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206) 526-6150; fax (206) 526-6426. FOR FURTHER INFORMATION CONTACT: Joselyd Garcia-Reyes or Jennifer Skidmore, (301)427-8401 (see, 77 F.R. 59594, September 28, 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 is

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).