



Manoa Heritage Center Photo

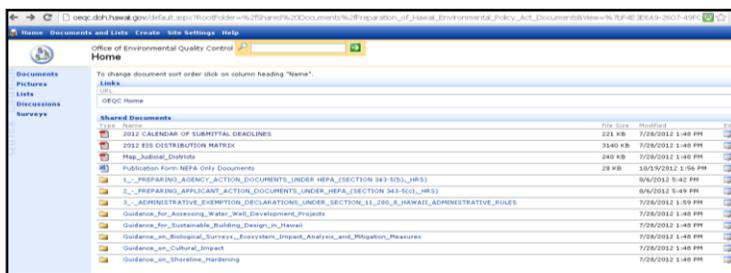
# The Environmental Notice

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

## Direct to EIS Law - Act 172, Session Laws of Hawai'i, Regular Session of 2012

On June 27, 2012, the Governor signed SB 2281, SD1 HD1 into law as Act 172 (12) and informed both the Senate President and the Speaker of the House of Representatives (GM 1275). The new Act was effective upon approval and modifies the existing process under Chapter 343, Hawaii Revised Statutes by allowing agencies to determine, based on their judgment and experience, that an environmental impact statement is likely to be required for a proposed action, and, therefore, choose not to prepare an environmental assessment or to allow an applicant not to prepare an environmental assessment and instead proceed directly to the preparation of a draft environmental impact statement.

The [OEQC Sharepoint Site](#) has been updated to provide interim guidance on this matter.



Please click on the folder entitled "*Preparing Hawaii Environmental Policy Act Documents*" and you will then see a page (at left) containing several PDF files and a Word file for NEPA, followed by a series of folders. Depending on whether you are a State or county agency proposing an action, or a private applicant seeking a discretionary approval for an action, click on

the appropriate enumerated folder: (1) for Agency actions or (2) for Applicant actions. The guidance for Act 172 in both folders is enumerated as 2012-05.5, and 2012-05.6. Additionally, the process flow charts for both agency and applicant tracks (enumerated as 2012-00) have been updated to reflect the provisions of Act 172-12. The *Guide to the Implementation and Practice of the Hawaii Environmental Policy Act* is in the process of being revised to address the provisions of other laws including Act 172 (12). For more information, please contact the Office.

## 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](mailto: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 8<sup>th</sup> and 23<sup>rd</sup> of each month on the Office of Environmental Quality Control's website. If you would like to be notified when it is issued, send us your email address and we'll put you on our mailing list.



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**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.

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## HAWAI'I (HRS 343)

### 1. Waiakea Radio Facility Construction FEA (FONSI)

**Island:** Hawai'i  
**District:** Waiakea, South Hilo  
**TMK:** 2-4-00:170 and 2-4-001:040  
**Permits:** Plan Approval; Use Permit; Building Permit  
**Proposing/Determination Agency:** State of Hawai'i, Department of Accounting and General Services, 1151 Punchbowl Street, Honolulu, HI 96813  
 Contact: Daniel Jandoc, (808) 586-0476  
**Consultant:** Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, HI 96826.  
 Contact: John Sakaguchi, (808) 946-2277  
**Status:** Finding Of No Significant Impact Determination



The State of Hawai'i Department of Accounting and General Services (DAGS) through its Information and Communication Services Division (ICSD) carries out the responsibilities for statewide telecommunications for the Executive Branch of the Hawaii State Government. The ICSD owns and operates microwave radios, antenna systems, towers, buildings, and related facilities and infrastructure throughout the islands. The proposed Waiakea Radio Facility will support the rebuilding and modernization of the ICSD-owned portion of the Anuenue system, a shared State and Federal statewide communication system. In addition to the ICSD, the Waiakea facility will support the State Civil Defense, the State Department of Public Safety, and the U.S. Coast Guard radio systems. The site will also be designed to accommodate the public safety radio and microwave systems of the County of Hawaii agencies should they decide to locate to the new facility. The Waiakea facility will link the Hilo area to other Anuenue facilities on the Big Island, Maui, Moloka'i, and O'ahu for all types of communication purposes. The Waiakea facility will be a public facility owned and operated by the State of Hawaii.

The Waiakea facility will support multiple radio transmitters that operate in two broad categories: point-to-point microwave and land mobile radio (LMR). The Waiakea facility will meet the Federal Communications Commission (FCC) established maximum permissible exposure (MPE) limits related to electromagnetic radiation. The Waiakea facility will not create interference with AM or FM radio reception or with over the air television reception.

Construction activities would primarily be related to removal to the vegetation and construction of the fenced-in facilities, including the radio equipment building, 120-foot four-sided self-supported tower, fuel tank and related security fencing. These activities will create dust and noise while work occurs on the project site. The upper portion of the tower and some of the antennas located on the upper portion of the tower will be above the adjacent trees. Once operational, the only activity would be visits by government employees and contract service personnel to perform periodic monitoring and maintenance functions.

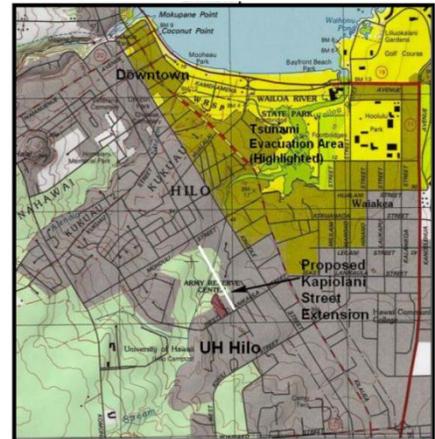
### 2. Kapiolani Street Extensions FEA (FONSI)

**Island:** Hawai'i  
**District:** South Hilo  
**TMK:** TMK (3<sup>rd</sup>.) 2-4-001: 019, 024, 120, 167, 179, 181, 182 and 183. 2-4-023:009-010; 019-023: 024-026. 2-4-028:014-015: and 032. 2-4-056: 004-006: 014-015; 021-022; 028-029 and 030. 2-4-057:024, 025 and 028  
**Permits:** State Historic Preservation Division: Chapter 6e Concurrence; State Department of Health: NPDES; County of Hawai'i, Department of Public Works: Grubbing and Grading Permits, County of Hawai'i, Planning Department Plan Approval  
**Proposing/ Determination**

**Agency:** Hawai'i County Department of Public Works, 101 Pauahi Street, Suite 7, Hilo HI 96720  
Contact: Allan Simeon, (808) 961-8925

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

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



The Hawai'i County Department of Public Works proposes to extend Kapiolani Street in Hilo between Lanikaula and Mohouli Streets. The project includes two-lanes and a central median/turn lane, curbs, gutters, and sidewalks, bike lanes, a concrete bridge across Waiākea Stream, drainage structures, utility relocation, intersection channelization and improvements, traffic signals, crosswalks, ADA curb ramps, street lighting, landscaping, retaining walls, property and driveway tie-ins, a potential bus shelter pullout, and other related improvements. The purpose and need is to: 1) improve traffic flow on Kilauea and Kinoole Streets; 2) provide a bike and pedestrian route from the University of Hawai'i at Hilo to Mohouli Street, as part of a downtown to university connection; 3) provide access to undeveloped State of Hawai'i lands for beneficial public uses; and 4) provide an alternative evacuation route during tsunami. The new road would mostly be located on existing County right-of-way within Kapiolani, Mohouli and Lanikaula Streets and three properties that were set aside in 2010 for the proposed road, with limited right-of-way acquisition from corner and adjacent properties. Beneficial effects include linking the disconnected segments of Kapiolani Street to provide access, connectivity and safer biking. In general, traffic congestion would decrease and air quality would increase due to the more efficient link. No valuable species or habitat are present, and historic sites include only four remnants of 20th century flood control, sugar cane cultivation and dairy uses that lack integrity or significance for preservation. Short-term impacts to water quality, air quality, traffic congestion and noise can be mitigated to minor levels, and growth facilitated by the project has been specified in State and County plans. Cumulative impacts during construction may occur but can be mitigated by scheduling and coordination; permanent cumulative traffic impacts can be alleviated by adjusting existing university traffic/parking restrictions and mass transit schedules.

### 3. [Ka'ū Forest Reserve Management Plan FEA \(FONSI\)](#)

**Island:** Hawai'i  
**District:** Ka'ū  
**TMK:** (3<sup>rd</sup>) 9-7- 001:001, 009, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022; 9-6-006:009, 010, 015, 018; and 9-5-015:003 (por.)

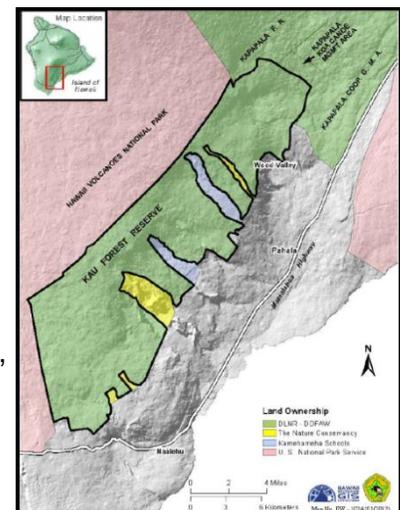
**Permits:** Board of Land and Natural Resources approval; HRS Chapter 6e, Historic Sites approvals.

#### **Proposing/Determination**

**Agency:** Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Room 131, Honolulu HI 96813  
Contact: Tanya Rubenstein, (808) 587-0027

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

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



The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW), is preparing a management plan for the 61,641-acre Ka'ū Forest Reserve. The Plan responds to a need to maintain and restore key watershed, preserve a unique ecosystem with critically endangered plants and animals, perpetuate natural resources vital to Hawaiian culture and practices, find a suitable site to reintroduce 'Alalā or Hawaiian Crow into the wild, and provide for continued and expanded public use.

Common to all three alternatives considered was construction of 12,000 acres of new fenced management units in the upper elevation central portions of the Reserve in which ungulates will be removed and the native forest protected. Based on input received during the Draft EA, DOFAW has decided to select for implementation Alternative B, which involves the upper, central portion of the Reserve. Field surveys would be conducted to identify locations for the planned fence alignments, and final fence alignments would be sited to avoid any impacts to botanical, faunal, and archaeological resources. Fences would include walkovers and gates to ensure public access into management units. Other actions include weed monitoring and control, trail and access improvements for hunters and hikers, outplanting of rare plant species, cooperation with water source users, and actions to foster reintroduction and survival of the 'Alalā. Impacts to pig hunting, which is considered by many to be a cultural practice, would occur but be less than significant because of the proposed locations of management areas. DOFAW seeks to balance providing public hunting opportunities in the Reserve with the protection of native ecosystems and watersheds, and the Plan includes actions to substantially facilitate public hunting in the Reserve.

## MAUI (HRS 343)

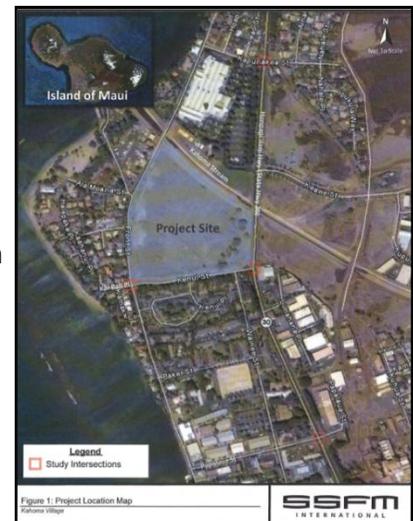
### 4. Kahoma Village Project DEA (AFNSI)

**Island:** Maui  
**District:** Lahaina  
**TMK:** (2)4-5-008:001 (por.)  
**Permits:** 201H-38 Hawaii Revised Statutes (HRS) Approval;  
Special Management Area Permit; Construction Permits

**Proposing/ Determination Agency:** Department of Housing and Human Concerns, One Main Plaza, 2200 Main Street, Suite 546, Wailuku, HI 96793  
Contact: JoAnn T. Ridao, (808) 270-7805

**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Wailuku, HI 96793  
Contact: Colleen Suyama, (808) 244-2015

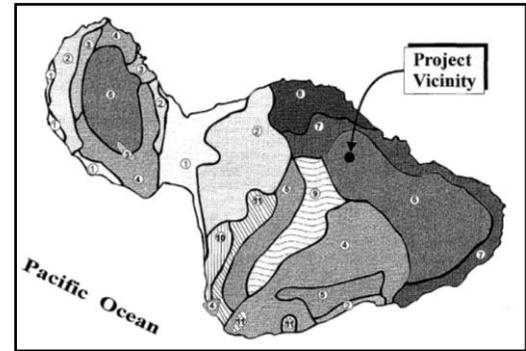
**Status:** Statutory 30-day public review and comment period starts, comments are due on November 23, 2012. Send comments to the proposing/determination agency and consultant.



The proposed Kahoma Village project will consist of 203 units, including 69 single-family dwellings in clusters of two (2) to six (6) dwelling units along a common driveway, 32 single-family dwellings with a rear service alley, and 102 multi-family units located in 17 two-story, six-plexes. The project also includes three (3) private park areas that have a combined area of approximately 1.75 acres. The larger of the three (3) parks areas will also function as a drainage retention/detention basin. There will be landscaping on the exterior boundaries of the project, common areas of the multi-family portion of the project, open area parking lots and parking along internal street frontages. Driveway access into the project will be provided off of Front Street across from Puunoa Place and off of Kenui Street across from Nakeli Place. The proposed project also includes connections to the County's roadways and utilities, road widening and drainage improvements involving work within the County right-of-ways and the use of County lands.

**5. Waikamoi Flume Replacement Project FEA (FONSI)**

**Island:** Maui  
**District:** Makawao and Hana  
**TMK:** (2) 2-3-005:004 and 025 (pors.), (2) 2-4-015:029 (por.), and (2) 2-4-016:001, 002, 003, and 004 (pors.)  
**Permit:** Conservation District Use (Departmental) Permit  
**Proposing/ Determination Agency:** County of Maui, Department of Water Supply, 200 South High Street, 5th Floor, Wailuku, HI 96793  
 Contact: Thomas Ochwat, (808) 270-7835  
**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI 96793  
 Contact: Mark Alexander Roy, (808) 244-2015  
**Status:** Finding of No Significant Impact Determination



The County of Maui, Department of Water Supply (DWS) proposes the replacement of the existing Waikamoi Flume which is situated within the Koolau Forest Reserve in East Maui. The flume stretches approximately 1.1 miles from its intake at Haipuaena Stream in the east to its termination in the vicinity of Waikamoi Stream in the west. The subject project will affect a corridor of land approximately 1.1 miles long by 30 feet wide.

As an integral component of the DWS Upper Kula System, freshwater conveyed by the Waikamoi Flume provides irrigation and domestic potable water to the residents of Kula, Waiakoa, Keokea, Ulupalakua, and Kanaio in Upcountry Maui. The existing flume consists of a redwood box section that measures 2 feet wide by 13 inches deep. Redwood timber bridges support the flume over gulches and gullies where abrupt changes in ground elevation preclude maintaining a constant slope for the flume. Continuous weathering of the timbers over the years has resulted in substantial leakages along the flume's entire length, and the bridges have become dangerous for maintenance personnel to traverse.

The purpose of this project is (1) to provide an aluminum replacement flume that will increase system efficiency by eliminating leakages and (2) to give maintenance workers a safe platform for accessing the flume along its entire length. Construction-related improvements include re-graveling and/or limited grading of portions of the existing access road and the establishment of a temporary construction staging area.

**6. Downtown Kihei Project DEA (AFNSI)**

**Island:** Maui  
**District:** Wailuku  
**TMK:** (2)3-9-002:030, 076, 080 and 158  
**Permits:** Community Plan Amendment; Change in Zoning; Special Management Area Use Permit and construction permits  
**Proposing/ Determination Agency:** Maui Planning Commission, 250 South High Street, Wailuku, Hawai'i 96793.  
 Contact: William Spence, (808)270-7735  
**Consultant:** Munekiyo & Hiraga, 305 High Street, Wailuku, HI 96793.  
 Contact: Colleen Suyama, (808) 244-2015  
**Status:** Statutory 30-day public review and comment period starts, comments are due on November 23, 2012. Send comments to the proposing/determination agency and consultant.



The Krausz Companies, Inc. is seeking land use entitlement approvals for the proposed Downtown Kihei project on approximately 27.44 acres located along Pi'ikea Avenue. The proposed project will provided spaces for business and medical offices, shops, a movie theater and restaurants and a 150-room, four-story select-services hotel. Approximately 257,098 sq. ft. of gross leasable area will be

provided, including a 44,180 sq. ft Movie theater. Related improvements include grading, landscaping, underground utilities, drainage facilities, lighting, vehicle parking, and roadway improvements, including the reconstruction of Pi'ikea Avenue.

Land use entitlements required for the proposed project include a Kihei-Makena Community Plan Amendment (CPA) for an approximate 2.6-acre portion of Parcel 030 to Hotel and an amendment to the Planning Standards to allow a height of 60 feet on Parcel 076 to accommodate the movie theater building; a Change in Zoning for Parcels 030, 076, 080 and 158; and a Special Management Area (SMA) Use Permit for the development of Parcels 030 (por.), 076 and 158. Parcel 080, an enhanced wetland, will not be developed. The CPA and use of County lands (roadway improvements to Pi'ikea Avenue and Liloa Drive) are triggers for compliance with Chapter 343, Hawaii Revised Statutes.

## 7. Villages of Leiali'i Affordable Housing Project FEIS

**Island:** Maui  
**District:** Lahaina  
**TMK:** 4-5-21:03, 04, 05, 13, 21, 22, and 4-5-28:70  
**Permits:** County Change of Zone; National Pollutant Discharge Elimination System (NPDES); Subdivision Approval; Plan Approval; Grading and Building Permits; Possible Special Management Area Use Permit and Permit for Grading and Grubbing within Shoreline Setback; Possible application under Section 201H Hawaii'i Revised Statutes; Well Construction / Pump Installation Permits



### **Proposing Agency:**

Hawaii Housing Finance & Development Corporation, 677 Queen Street, Suite 300, Honolulu, HI 96813. Contact: Stanley S. Fujimoto, (808) 587-0541

### **Accepting Authority:**

Governor, State of Hawaii'i, c/o Office of Environmental Quality Control  
**Consultant:** Belt Collins Hawaii LLC, 2153 North King Street, Honolulu, HI 96819  
 Contact: Ms. Susan Sakai, (808) 521-5361

**Status:** Notice of Availability; OEQC is processing the acceptance/non-acceptance on behalf of the Governor, State of Hawaii'i

The Hawaii Housing Finance & Development Corporation (HHFDC) is the State of Hawaii's primary agency tasked with overseeing the financing and development of housing affordable to workforce and lower- and moderate-income families within the state of Hawaii'i. HHFDC intends to issue a Request for Proposals (RFP) to prospective development companies for the proposed project, located in Lahaina, Maui. The project site consists of approximately 1,033 acres of ceded lands owned by the State of Hawaii'i. Project lands will be leased or otherwise handled in conformity with laws governing ceded lands.

The project responds to the limited supply of housing for workforce and lower- and moderate-income residents in West Maui. Provision of new housing near jobs in Lahaina and the Ka'anapali resort will tend to reduce commuting traffic, and hence congestion, in Lahaina and on the route to Central Maui.

The Villages of Leiali'i will create a community based on sustainable building and design principles to serve West Maui residents. Proposed land uses will include single-family and multi-family residential housing units with a range of densities, neighborhood parks, and a mixed-use (commercial and residential) town center with open space. Sites for two elementary schools have been identified. Primary access to the proposed development and project site will be the Honoapi'ilani Highway (Route 30).

The Final EIS includes two new appendices: a survey for Blackburn's sphinx moth (of which no evidence was found) and a supplemental cultural impact assessment. The latter discusses consultations with local Native Hawaiian families. Continuing consultation will be required of the eventual developer.

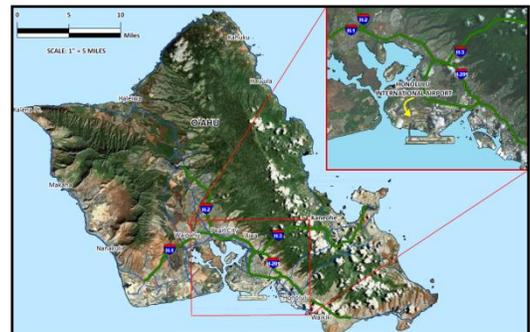


The Applicant is seeking the approval of an after-the-fact Shoreline Setback Variance (SSV) to authorize a Concrete Rubble Masonry (CRM) retaining wall, stairs, and gates constructed in the 40-foot shoreline setback area.

The existing wall is situated on the perimeter of the Applicant's property, parallel to the seaward edge with returns along the side yards. A corner of the wall in the north extends makai of the regulatory shoreline. The wall has a width of 2 feet at the top with a 2-inch grout cap, and widens to 7 feet at the footing. The height of the wall is a maximum 12 feet high. There are two openings in the wall where stairs lead from the higher elevation yard area to the shore and both of these openings have wooden gates. The northern opening has a wooden fence in addition to a gate. Weep holes penetrate the wall at intervals for drainage purposes. According to the Applicant's engineers, the wall is not considered a typical seawall or shoreline revetment structure to provide shoreline stability, but rather primarily serves to stabilize the embankment from the upper property areas down to the shoreline areas by providing a wall structure which will prevent erosion of the slope and storm water runoff to percolate into the ground and drain through the weep holes in lieu of flowing down the original embankment slope. The current shoreline survey has not yet been certified due to the presence of unauthorized structures in the shoreline area, and encroachment into State land.

#### 10. [Honolulu International Airport Modernization Project DEA \(AFNSI\)](#)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** [1] 1-1-003:001  
**Permit:** National Pollutant Discharge Elimination System (NPDES) Individual Permit for Storm Water Associated with Construction Activity, Clean Water Act - Section 404 / Section 10, U.S. Army Corps of Engineers, Coastal Zone Management (CZM) Federal Consistency Review



#### **Proposing/ Determination**

**Agency:** Department of Transportation, Airport Division, 400 Rodgers Boulevard, 7<sup>th</sup> Floor, Honolulu, HI 96819. Contact: Mr. Jeffrey Chang, (808) 838-8835

**Consultant:** Parsons Corporation, 3239 Ualena Street, Third Floor, Honolulu, HI 96819. Contact: Mr. Michael Phelps, (808) 840-5283

**Status:** Statutory 30-day public review and comment period starts, comments are due on November 23, 2012. Send comments to the proposing/determination agency and consultant.

The State of Hawai'i Department of Transportation Airports Division (DOT-A) is proposing the Airport Modernization Program at Honolulu International Airport (HNL), a comprehensive program to improve and upgrade the facilities at HNL. Changes in the commercial aviation industry have led to a need for more modern facilities to enhance safety and efficiency for passengers and employees and to accommodate aviation activity from both inter-island commercial service as well as flights to and from the U.S. Mainland, and other Pacific Rim destinations. The Proposed Action is to construct improvements consistent with the Master Plan for HNL and the Airport Modernization Program at HNL as directed by the Governor of the State of Hawai'i.

The proposed components of the Airport Modernization Program at HNL are not airfield capacity enhancing projects and would not result in an increase or decrease in aviation activity at HNL. The Proposed Action would not increase the airfield capacity and would not affect the existing number or length of runways at HNL. Airlines using HNL have made business decisions to use larger aircraft than were previously used when the terminal areas and cargo/maintenance areas were first built. The purpose of the Proposed Action is to enhance the safety and efficiency of HNL to comply with FAA Airport Design Standards. These standards include dimensional separation between aircraft on the ground and provide dimensional standards for aircraft movement and parking areas.

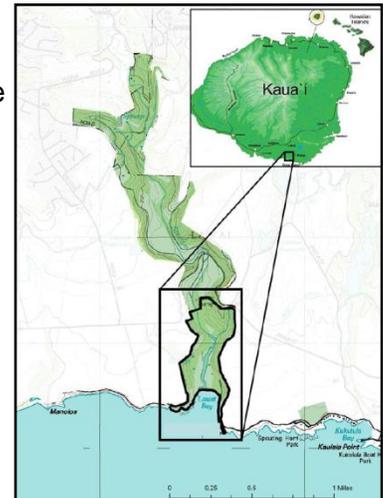
The Proposed Action includes the following components of the Airport Modernization Program at HNL: Construct Mauka Concourse; Demolish Existing Commuter Terminal; Widen Taxiways G and L;

Cover Manuwai Canal Near Taxiway A; Relocate Cargo/Maintenance Facilities and Construct Employee Parking Lot; Construct Replacement Cargo Facility North of Aircraft Parking Apron North of Taxiway A; Construct Replacement Commuter Terminal East of the Diamond Head Concourse (Diamond Head Commuter Terminal); Construct Replacement Aircraft Parking Apron Next to Taxiway F; and Construct Consolidated Rental Car Facility (CONRAC).

**KAUA'I (HRS 343)**

**11. Lāwa'i Kai Special Subzone Master Plan and Management Plan DEA (AFNSI)**

**Island:** Kauai  
**District:** Kōloa  
**TMK:** (4) 2-6-002: 001, 004, 005, 006, 007, 008, 009, and the Lāwa'i Kai Beach and the Lāwa'i Kai Bay (no TMKs).  
**Applicant:** National Tropical Botanical Garden, 3530 Papalina Road, Kalāheo, HI 96741  
 Contact: Chipper Wichman, (808) 332-7324  
**Approving Agency:** State of Hawai'i, Department of Land and Natural Resources, Office of Conservation and Coastal Lands, 1151 Punchbowl St., Rm. 131, Honolulu, HI 96813  
 Contact: Alex Roy, (808) 587-0316  
**Consultant:** NKN Project Planning, 4849 Iiwi Road, Kapa'a, HI 96746  
 Contact: Nadine Nakamura, (808) 635-1507  
**Status:** Statutory 30-day public review and comment period starts, comments are due on November 23, 2012. Send comments to the applicant, approving agency and consultant.



The National Tropical Botanical Garden (“NTBG”) and Allerton Garden are petitioning to amend Hawai'i Administrative Rule 13-5 to create the Lāwa'i Kai Special Subzone.

The Allerton Garden and Lāwa'i Kai Estuary, Stream, and Beach are currently in the State of Hawai'i, Department of Land and Natural Resources Conservation District: Limited Subzone. The Lāwa'i Kai Bay submerged lands are designated as Conservation District: Resource Subzone. The project proposes to redesignate the Allerton Garden, estuary, stream, beach and bay as the Conservation District: Lāwa'i Kai Special Subzone.

The applicants are proposing to continue using the privately-owned portions of the proposed Lāwa'i Kai Special Subzone as a botanical garden dedicated to conservation, research and education, and to continue using the publicly-owned portions of the proposed Special Subzone for conservation with managed public recreational use.

The limitations of the current Conservation District subzones (Limited and Resource), and the inability to efficiently link the active long-term management of the land with the estuary, stream, beach, and bay have motivated the NTBG to develop this holistic ahupua'a-based Plan.

**NEPA**

**1. Kahului Airport Access Road, Phase I Pu'unene Avenue to Hana Highway EA-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:** Notice of Finding of No Significant Impact Determination by FHWA – Includes Addendum with Comments Received During Public Comment Period and Responses to Comments

The Federal Highway Administration (FHWA) has determined that the proposed Kahului Airport Access Road Phase I (Puunene 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.

## 2. National Memorial Cemetery of the Pacific DEA

**Island:** Oahu  
**District:** Honolulu  
**TMK:** [1] 2-2-005

### **Proposing/ Determination**

**Agency:** U.S. Department of Veterans Affairs, National Cemetery Administration  
**Status:** The comment period extends until November 9, 2012. For further information or to submit comments please contact Mr. Bill Peach, Veterans Administration, Office of Construction and Facilities Management, 425 I Street NW, Washington DC, 20001, (202) 632-5434 [William.Peach@va.gov](mailto:William.Peach@va.gov).

The Department of Veterans Affairs (VA), National Cemetery Administration (NCA) announces the availability of a Draft Environmental Assessment (DEA) for proposed improvements at the National Memorial Cemetery of the Pacific due to outdated facilities and projected burial site depletion by 2015. These improvements include the demolition of the existing Public Information Center (PIC)/Administration building within the crater and the construction of a new facility on the outside of the crater. Columbaria plazas will be constructed in two locations within the crater. A new memorial wall will be constructed along with improvements to the sidewalk and internal circulation system. The VA intends to issue a "Finding of No Significant Impact" (FONSI) following a thirty day comment period in accordance with the Council on Environmental Quality Regulations for Implementing NEPA, Section 1508.13 providing there are no substantive comments which warrant further evaluation. A public meeting is scheduled for October 25, 2012, 5:00-7:30 PM at the Stevenson Middle School, 1202 Prospect Street, Honolulu, HI 96822. The DEA can be found online at <http://www.cem.va.gov/cem/EA.asp> or at the National Memorial Cemetery of the Pacific, 2177 Puowaina Drive, Honolulu, HI 96813-1729.

## WITHDRAWAL FROM CH 343 PROCESS

The State of Hawaii Department of Transportation requested the publication of the Draft Environmental Assessment titled "*Oracle Team USA Temporary Facilities at Kaunalapau Harbor*", in September 23, 2012, issue of this Notice. In accordance with HAR 11-200-23(f), the Department now requests the withdrawal of this document from the HRS 343 process. The applicant ORACLE Team USE (OTUSA) has decided to remain in their home port of San Francisco for their winter 2013 operations and, therefore, no longer requires the temporary use of Kaunalapau Harbor facilities. If there are any

questions, please contact, Carter Luke of the Harbors Division Engineering Branch at (808) 587-1862. Please reference HAR-E 2345.13

## ENVIRONMENTAL COUNCIL

The Environmental Council has a tentative meeting scheduled for Thursday, November 15, 2012. Please go to the State [Calendar](#) website six days prior to the meeting date to review the agenda. For more information, contact the Council at [oeqc@doh.hawaii.gov](mailto:oeqc@doh.hawaii.gov) or call 586-4185.

### COASTAL ZONE MANAGEMENT NOTICES

#### Federal Consistency Reviews

The Hawaii Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawaii Revised Statutes. This public notice is being provided in accordance with section 306(d)(14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawaii CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lanai & Molokai: 468-4644 x72878, Kauai: 274-3141 x72878, Maui: 984-2400 x72878 or Hawaii: 974-4000 x72878. For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review. Comments may be submitted by mail, electronic mail or fax, as indicated below.

**Mail:** Office of Planning  
Department of Business, Economic Development and Tourism  
P.O. Box 2359  
Honolulu, Hawaii 96804

**Email:** [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)

**Fax:** (808) 587-2899

#### U.S. Coast Guard Remote Fixed Facility at Kalepa, Kaua'i

**Federal Action:** Federal Agency Activity  
**Federal Agency:** U.S. Coast Guard (USCG)  
**Contact:** David Wilson, (408) 421-6306  
**Location:** Approximately 2 miles NNE of Lihu'e, Kaua'i  
**TMK:** (4) 3-8-2: 5  
**CZM Contact:** John Nakagawa, 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)

**Proposed Action:** Install a USCG Remote Fixed Facility (RFF) consisting of a compound, equipment and a monopole. The proposed RFF site is owned by Grove Farms and is part of an existing telecommunications facility that includes a tower, shelter, and equipment, owned by various companies. The purpose of the project is to modernize and replace the antiquated maritime search and rescue communications system in the State of Hawaii, called Rescue 21.

**Comments Due:** November 7, 2012

#### 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
Maui: Lahaina (4-6-001: 009 & 010; 4-6-008: 006)	Halloween in Lahaina 2012 (SM2 20120116)	Office of Economic Development
Maui: Lahaina (4-6-002: 007)	Restroom Alterations (SM2 20120118)	Munekiyi & Hiraga, Inc.
Maui: Kahana (4-3-010: 007)	Modify Existing Telecom Facility (SM2 20120120)	New Cingular Wireless PCS, LLC dba AT & T
Maui: Kapalua (4-2-001: 030)	New Maintenance Garage (SM2 20120121)	Anthony Riecke Gonzales
Maui: Lahaina (4-6-030: 016)	Lanai Extension and Windows Replacement (SM2 20120123)	Matthew Schapansky
Maui: (4-6-032: 042)	Deck Extension and Storage Closet (SM2 20120124)	Lisa Jarrell-Wear
Maui: Olowalu (4-8-003: 084)	Proposed Barn for Palm Nursery (SM2 20120125)	Olowalu Elua Associates LLC
Maui: Wailea (2-1-008: 118)	Exterior Renovations (SM2 20120126)	Barry Helle
O'ahu: Haleiwa (6-1-002: portion 002)	Improvements to Visitor Center Building and a New Plant Nursery at Waimea Valley (2012/SMA-40)	Hi'ipaka LLC

## SHORELINE NOTICES

### Shoreline Certification Applications

The shoreline certification applications above are available for review at the DLNR Offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS 205A-42 and HAR 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
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	Jeffree Trudeau/ David C. Bolles	2-9-007:050
OA-1503	10/4/12	Lot 426 as shown on Map 79 and Lot 7307 as shown on Map 602 of Land Court Application 1069 situate at Honouliuli, Ewa, Oahu Address: Malakole Street and Kaiholo Street Purpose: Obtain permits to construct portion of drainage channel	Aina Nui Corporation/ James Campbell Company, LLC	9-1-014:002 9-1-074:036
MA-529	10/3/12	Lot B, Portion of Lot 1, Section 4 of Hamakuapoko Hui 2 <sup>nd</sup> Partition and Lots 14 and 14-A of Kuau Tract situate at Kuau, Paia, Maui Address: 533 Hana Highway Purpose: Condition of SMA permit	Akamai Land Surveying, Inc./ Luca Ritz	2-6-010:028
KA-365	10/9/12	Lot 7 "Waipouli Beach Lots" Portion of Royal Patent 7373, Land Commission Award 8559-B, Apana 42 to William C. Lunalilo situate at Waipouli, Kawaihau, Kauai Address: 960 Niulani Road Purpose: Renovation to residence	Ailana Surveying & Geomatics/ Jim Molz	4-3-009:003
KA-366	10/9/12	Lot 1 "Spouting Horn Tract" Portion of Royal Patent 6714, Land Commission Award 7714-B Apana 2 to Moses Kekuaiwa no M. Kekuanaoa Address: 4546 Lawai Road Purpose: Determine building setback line	Ailana Surveying & Geomatics/ Graham Macmillan	2-6-003:006

### 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-1498	Proposed Shoreline Certification	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
MA-512	Proposed Shoreline Certification	Lot 3 Land Court Application 1744 (Map 2) situate at Kaanapali, Lahaina, Maui Address: 2525 Kaanapali Parkway Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ Kaanapali Beach Hotel	4-4-008:003
OA-1476	Rejection	Lot 347-B Land Court Application 616, situate at Lanikai, Koolauapoko, Oahu Address: 1450-B Mokulua Drive Purpose: Development of property	Dennis K. Hashimoto/ Honu Hale Lanikai LLC	4-3-003:096
MA-501	Rejection	A portion of Royal Patent 8140, Land Commission Award 5230 to Keaweamahi, situate at Pulehunui, Kula, Maui Address: 12 S. Kihei Road Purpose: Maintenance of Waiakoa Gulch—SMA	Jason Roberts-CDF Engineering LLC/ Maalaea Surf AOA	3-8-013:006
KA-360	Rejection	Lot 15, Wainiha Hui Land, being a portion of R.P. 7194, L.C. Aw. 11,216:5 to M. Kekauonohi at Wainiha, Halelea, Kauai Address: 7242 Alamo'o Road Purpose: Building permit	Brian M. Hennessy, Honua Engineering, Inc./ Robert Rucker	5-8-008:031

### POLLUTION CONTROL PERMITS – CLEAN AIR BRANCH

Below are some pollution control permits before the State Department of Health Clean Air Branch (HRS 342B and HAR 11-60.1). For more information, contact the number given.

Branch Permit Type	Applicant and Permit Number	Project Location	Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawaii Corporation Application for Renewal No. 0367-05 CSP No. 0367-01-C	Located at: 2 Sand Island Access Road, Honolulu	Issued: 9/13/12	Petroleum Bulk Loading Terminal
Clean Air Branch, 586-4200, -Non-Covered Source Permit	Aloha Petroleum, Ltd. Application for Permit Modification No. 0262-06 NSP No. 0262-02-N	Located at: 3145 Waapa Road Lihue, Kauai	Issued: 9/18/12	Nawiliwili Terminal
Clean Air Branch, 586-4200, Non-Covered Source Permit	Robert F. Stay Application for Modification No. 0705-02 NSP No. 0705-01-NT	Located at: Haseko Ocean Pointe, Ewa Beach, Oahu	Issued: 9/19/12	Tub Grinder and Screening Plant
Clean Air Branch, 586-4200, Non Covered Source Permit	Powerscreen of California Application for Initial Permit No. 0762-01 NSP No. 0762-01-NT	Located at: Various Temporary Sites State of Hawaii	Issued: 9/26/12	220 TPH Mobile Trommel Screen
Clean Air Branch, 586-4200, Covered Source Permit	Powerscreen of California Initial Application No. 0769-01 CSP No. 0769-01	Located at: Various Temporary Sites, State of Hawaii	Issued: 9/5/2012	400 TPH Mobile Crushing Plant
Clean Air Branch, 586-4200, -NonCovered Source Permit	Foo W. Lim & Sons, Inc. Application for Permit Modification No. 0759-02 NSP No. 0759-01-N	Located at: 80A Sand Island Access Road Honolulu, Oahu	Issued: 9/5/2012	Fiberglass Production Facility
Clean Air Branch,	Powerscreen of California	Located at:	Issued:	400 TPH Mobile Crushing

586-4200, Covered Source Permit	Initial Application No. 0769-01 CSP No. 0769-01	Various Temporary Sites, State of Hawaii	9/5/2012	Plant
Clean Air Branch, 586-4200, -NonCovered Source Permit	Foo W. Lim & Sons, Inc. Application for Permit Modification No. 0759-02 NSP No. 0759-01-N	Located at: 80A Sand Island Access Road Honolulu, Oahu	Issued: 9/5/2012	Fiberglass Production Facility
Clean Air Branch, 586-4200, Covered Source Permit	Powerscreen of California Initial Application No. 0769-01 CSP No. 0769-01	Located at: Various Temporary Sites, State of Hawaii	Issued: 9/5/2012	400 TPH Mobile Crushing Plant
Clean Air Branch, 586-4200, NonCovered Source Permit	Dodo Mortuary, Inc. Application for Renewal No. 0304-05 NSP No. 0304-02-N	Located at: 199 Wainaku Street Hilo, Hawaii	Issued: 9/28/2012	Two (2) 150 lb/hr Crematory Incinerators
Clean Air Branch, 586-4200, -Covered Source Permit	Aloha Petroleum, Ltd. Application for Renewal No. 0307-06 CSP No. 0307-02-C	Located at: 999 Kalaniana'ole Avenue Hilo, Hawaii	Comments Due:	Two (2) 10,000 bbl Internal Floating Roof Storage Tanks, Three (3) External Floating Roof Storage Tanks with Geodesic Domes and One (1) Tank Truck Load Rack
Clean Air Branch, 586-4200, Covered Source Permit	Kauai Island Utility Cooperative Application for Renewal No. 0097-06 Application for a Significant Modification No. 0097-07 Application for a Significant Modification No. 0097-08	Located at: 261 Akaula Street, Eleele, Kauai	Comments Due: 11/9/2012	Port Allen Generating Station
Clean Air Branch, 586-4200, Covered Source Permit	REK Associates, LLC Application for Initial Permit No. 0771-01 Temporary CSP No. 0771-01- CT	Located at: Various Temporary Sites, State of Hawaii	Comments Due: 11/19/12	357 TPH Portable Stone Processing Plant
Clean Air Branch, 586-4200, -Covered Source Permit	Tesoro Hawaii Corporation Application for Significant Modification No. 0066-08 CSP No. 0066-03-C	Located at: 607 Kalaniana'ole Avenue Hilo, Hawaii	Issued: 10/12/12	Hilo Terminal No. 3
Clean Air Branch, 586-4200, Non-Covered Source Permit	Big Island Energy Company, LLC, dba Akana Petroleum Permit Renewal Application No. 0413-03 NSP No. 0413-01-N	Located at: Port of Kawaihae, Kawaihae, Hawaii	Issued: 10/16/12	Kawaihae Distribution Terminal
Clean Air Branch, 586-4200, Covered Source Permit	Powerscreen of California Initial Application No. 0757-01 CSP No. 0757-01-CT	Located at: Various Temporary Sites, State of Hawaii	Comments Due: 11/23/12	253 TPH Mobile Crushing Plant
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawaii Corporation Application for Renewal No. 0089-06 CSP No. 0089-01-C	Located at: 140-A Hobron Avenue, Kahului, Maui	Issued: 10/22/12	Petroleum Bulk Loading Terminal
Clean Air Branch, 586-4200, Non-Covered Source Permit	Mycogen Seeds Application for Permit Modification No. 0731-02 NSP No. 0731-01-N	Located at: 19 Huaai Road, Hoolehua, Molokai	Issued: 10/17/12	Seed Processing Facility

### CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Applications or interested in receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in the Environmental Notice. Send comments and requests to: Department of Land and

Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands (OCCL) staff listed for each project.

**1. PROJECT:**

File No.: CDUA HA-3647  
Name of Applicant: The Kamehameha Schools  
Location: Ke'ei, South Kona, Hawaii  
TMKs: (3) 8-3-004:001 and (3) 8-3-005:001  
Proposed Action: Water Line Improvements  
343, HRS determination: Exempt  
Applicant's Contact: Tracy Fukuda (808) 946-2277  
OCCL Staff Contact: Tiger Mills (808) 587-0382

**2. PROJECT:**

File No.: CDUA HA-3642  
Applicant: Pa'a Pono Miloli'i  
Location: Miloli'i-Ho'opuloa, South Kona, Hawaii  
TMK: (3) 8-9-014:038, 039, 040, and 041  
Proposed Action: Multi-Purpose Community Center  
343, HRS determination: FONSI published July 23, 2012  
Applicant's Contact: Joe Farber, Farber & Associates, 2722 Ferdinand Ave., Honolulu 96822; tel 988-3486  
OCCL Staff Contact: Michael Cain, PO Box 621, Honolulu, HI 96809; [808-587-0048](tel:808-587-0048)

**3. PROJECT:**

File No.: CDUA MA-3644  
Applicant: Leeward Haleakala Watershed Restoration Partnership  
Location: Nu'u Mauka, Nu'u, Hana, Maui  
TMK: (2) 1-8-001:001  
Proposed Action: Nu'u Mauka Watershed Protection  
343, HRS determination: Exempt per HAR 11-200 (4) Minor alterations in the conditions of land, water, or vegetation  
Applicant's Contact: Andrea Buckman, 3620 Baldwin Ave, Suite 206 B, Makawao 96768; tel 573-8989  
OCCL Staff Contact: Michael Cain, PO Box 621, Honolulu, HI 96809; [808-587-0048](tel:808-587-0048)

**4. PROJECT:**

File No.: CDUA OA-3645  
Applicant: Paul Zweng, dba Ohulehule Forest Conservancy  
Location: Waikane, Ko'olaupoko, O'ahu  
TMK: (1) 4-8-014:005  
Proposed Action: Ohulehule Forest Restoration  
343, HRS determination: Exempt per HAR 11-200 (4) Minor alterations in the conditions of land, water, or vegetation  
Applicant's Contact: Bruce Tsuchida, Townscape, Inc. 900 Fort Street Mall, Suite 1160, Honolulu, 96813; tel 536-6999  
OCCL Staff Contact: Michael Cain, PO Box 621, Honolulu, HI 96809; 808-587-0048

**5. PROJECT:**

File No.: CDUA OA-3646  
Applicant: Hi'ipaka LLC  
Location: Waimea Valley, Waialua, Oahu  
TMK: (1) 6-1-002:002  
Proposed Action: Native Forest Restoration

343, HRS determination: Exempt per HAR 11-200 (4) Minor alterations in the conditions of land, water, or vegetation  
Applicant's Contact: Richard Pezzulo, Executive Director, Hiipaka LLC, 89-864 Kamehameha Highway, Haleiwa, 96712; tel 638-7766  
OCCL Staff Contact: Michael Cain, PO Box 621, Honolulu, HI 96809; 808-587-0048

## FEDERAL NOTICES

### 1. [Endangered and Threatened Wildlife and Plants: Listing 15 Species on Hawai'i Island as Endangered and Designating Critical Habitat for 3 Species](#)

The U.S. Fish and Wildlife Service (Service), proposes to list 15 species on the Hawaiian island of Hawai'i as endangered species under the Endangered Species Act of 1973, as amended (Act), and to designate critical habitat for 1 of these species. For the remaining 14 species that Service is proposing to list in this rule, it finds that critical habitat is not determinable at this time. The Service also proposes to designate critical habitat for two plant species that were listed as endangered species in 1986 and 1994. The proposed critical habitat designation totals 18,766 acres (ac) (7,597 hectares (ha)), and includes both occupied and unoccupied habitat. Approximately 55 percent of the area being proposed as critical habitat is already designated as critical habitat for 42 plants and the Blackburn's sphinx moth (*Manduca blackburni*). In addition, the Service proposes a taxonomic change for one endangered plant species.

This action consists of a proposed rule to list 15 species (13 plants, 1 insect (picture wing fly), and 1 crustacean (anchialine pool shrimp)) from the Island of Hawai'i in the State of Hawai'i, as endangered. Further, under the Act, the Service is to designate critical habitat to the maximum extent prudent and determinable concurrently with a listing determination. The Service is proposing to designate critical habitat concurrently with listing for the plant *Bidens micrantha ssp. ctenophylla*, due to the imminent threat of urban development to 98 percent of the individuals known for this species and its habitat within the lowland dry ecosystem. In addition, the Service is proposing to designate critical habitat for two previously listed plant species. *Isodendron pyriformium*, listed as an endangered species on March 4, 1994 (59 FR 10305), and *Mezoneuron kavaiense*, listed as an endangered species on July 8, 1986 (51 FR 24672). These species co-occur with *Bidens micrantha ssp. ctenophylla* in the same lowland dry ecosystem, but do not have designated critical habitat on Hawai'i Island. The Service is also correcting critical habitat unit maps for *Cyanea shipmanii*, *Phyllostegia racemosa*, *Phyllostegia velutina*, and *Plantago hawaiiensis* to accurately reflect the designated critical habitat units for those plant species. These map corrections do not change the designated critical habitat for these plants. For the remaining 14 species that the Service is proposing to list in this rule, it finds that critical habitat is not determinable at this time. This proposed rule is organized by ecosystem, which will allow the Service to better prioritize, direct, and focus conservation and recovery actions on Hawai'i Island.

**DATES:** The Service will accept comments received on or postmarked on or before December 17, 2012. Please note that when using the Federal eRulemaking Portal, the deadline for submitting an electronic comment is 11:59 p.m. Eastern Time on this date. The Service must receive requests for public hearings, in writing, at the address shown in the linked Adobe PDF to this notice by December 3, 2012. **ADDRESSES:** Submit comments by one of the indicated in the linked Adobe PDF to this notice. The coordinates or plot points or both from which the maps were generated are included in the administrative record for the proposed critical habitat designation and are available at <http://www.fws.gov/pacificislands>, <http://www.regulations.gov> at Docket No. FWS-R1-ES-2011-0070, and at the Pacific Islands Fish and Wildlife Office. Any additional tools or supporting information that the Service may develop for this critical habitat designation will also be available at the above locations. **FOR FURTHER INFORMATION CONTACT:** Loyal Mehrhoff, Field Supervisor, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Box 50088, Honolulu, HI 96850; by telephone at 808-792-9400; or by facsimile at 808-792-9581. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339. (see, 77 F.R. 63928, October 17, 2012).

### 2. [Notification of Pending Nominations of \(1\) Lishman Building, Makiki District Park, and \(2\) East-West Center Complex, to the National Register of Historic Places](#)

The National Park Service (NPS) of the U.S. Department of the Interior announced that it had received on or before September 15, 2012, nominations of (1) the Lishman Building (78001023), Makiki District Park, City and County of Honolulu on Ke'eaumoku Street, Honolulu (see, 77 F.R. 62528, October 15, 2012); and (2) East-West

Center Complex (12000867), 1601 East-West Rd., Honolulu (see, 77 F.R. 61873, October 11, 2012), to the National Register of Historic Places. Pursuant to § 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the above nominated properties under the National Register criteria for evaluation. ADDRESSES: Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, and 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW. 8th floor, and Washington, DC 20005; or by fax, 202-371-6447. DATES: Written or faxed comments should be submitted by October 30, 2012 (for the Lishman Building) and by October 2012 (for the East-West Center Complex). Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask the NPS in your comment to withhold your personal identifying information from public review, the NPS cannot guarantee that it will be able to do so.

3. [Rose Atoll National Wildlife Refuge, American Samoa; Draft Comprehensive Conservation Plan and Environmental Assessment](#)

The U.S. Fish and Wildlife Service (Service) announced the availability of its Draft Comprehensive Conservation Plan and Environmental Assessment (Draft CCP/EA) for the Rose Atoll National Wildlife Refuge (NWR/refuge) for public review and comment. In the Draft CCP/EA, the Service presented two alternatives for managing this refuge for the next 15 years, as well as related compatibility determinations for the preferred alternative. DATES: To ensure consideration, please send written comments by November 9, 2012. ADDRESSES: Submit comments/views or obtain copies of the Draft CCP/EA by any of the following methods. You may request a hard copy or CD-ROM. Agency Web site: [www.fws.gov/pacific/planning](http://www.fws.gov/pacific/planning) or <http://www.fws.gov/roseatoll/planning.html>. Email: [FW1PlanningComments@fws.gov](mailto:FW1PlanningComments@fws.gov). Include "Rose Atoll National Wildlife Refuge Draft CCP/EA" in the subject line of the message. Mail: Rose Atoll National Wildlife Refuge/Marine National Monument, c/o National Park Service, Pago Pago, AS 96799. Fax: Attn: Refuge/Monument Manager, 684-699-3986. In-Person Viewing or Pickup: Rose Atoll National Wildlife Refuge/Marine National Monument, c/o National Park Service, Pago Pago, AS 96799. FOR FURTHER INFORMATION CONTACT: Frank Pendleton, Refuge/Monument Manager, (684) 633-7082, ext. 15 (77 F.R. 61426, October 9, 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).