

# The Environmental Notice

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

Manoa Heritage  
Center Photo

## FINDING OF NO SIGNIFICANT IMPACT FOR THE 2121 KŪHIŌ PROJECT BY THE CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PLANNING AND PERMITTING

The City and County of Honolulu, Department of Planning and Permitting (DPP) has determined, based on a final environmental assessment that the 2121 Kūhiō Project would not likely have a significant impact on the environment. Involving the construction of a 350-foot-high condominium-hotel building that would exceed the 300-foot height limit, the proposed 37-story structure consists of 459 dwelling units, a hotel lobby and support services, parking, commercial uses and associated site improvements. The eventual implementation of the Project would require the adoption of a Resolution by the Honolulu City Council that determines that the proposed structure would not be visible within the view cones from the Punchbowl lookouts towards Diamond Head and the horizon line of the ocean, or from the Kalākaua Avenue frontage of Fort DeRussy towards the slopes and ridgeline of the Ko'olau Range. Please refer to page 5.

## UNITED STATES NAVY PREPARING SUPPLEMENTAL EIS FOR THE INTRODUCTION OF P-8A MULTI-MISSION MARITIME AIRCRAFT (MMA)

A Notice of Intent (NOI) under the National Environmental Policy Act (NEPA) was published in the Federal Register on November 15, 2012 announcing the Navy's intent to prepare a Supplemental Environmental Impact Statement (SEIS) for the introduction of P-8A Multi-Mission Maritime Aircraft (MMA) in accordance with the National Environmental Policy Act (NEPA). The Navy will analyze environmental impacts of home basing the aircrafts in various locations including Kāne'ohe Bay. Information on the proposed action and background information on the previous 2008 EIS can be found at [www.mmaseis.com](http://www.mmaseis.com)

## PLEASE USE OEQC'S NEW EMAIL ADDRESS – OEQCHAWAII@DOH.HAWAII.GOV

The email account - [oeqc@doh.hawaii.gov](mailto:oeqc@doh.hawaii.gov) - has been **deleted** due to technological and security issues. Please update your contact information and send all future emails to: [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov). Thank you for your cooperation and understanding.



*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.



Neil Abercrombie, Governor · Gary Gill, Acting Director · Office of Environmental Quality Control · 235 South Beretania Street, Ste. 702 · Honolulu, Hawai'i 96813. Telephone: (808) 586-4185, Facsimile: (808) 586-4186, Electronic mail: [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov) · Website: [hawaii.gov/health/environmental/oeqc/index.html/](http://hawaii.gov/health/environmental/oeqc/index.html/)  
Toll Free Telephone numbers: Kaua'i: (808) 274-3141 ext. 64185 · Maui: (808) 984-2400 ext. 64185 · Moloka'i/Lāna'i: 1-800-468-4644 ext. 64185 Hawai'i: (808) 974-4000 ext. 64185.

**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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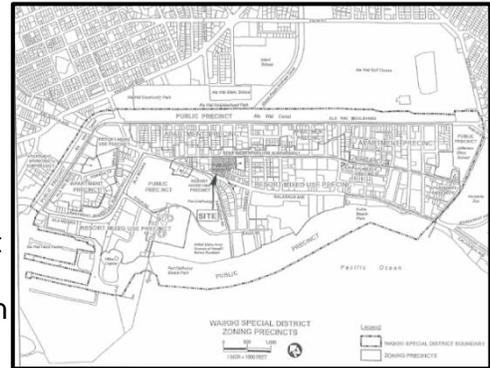




## O'AHU (HRS 343)

### 3. 2121 Kūhiō, 5(c) FEA (FONSI)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 2-6-18: 10, 42, 43 and 52  
**Permits:** Waikīkī Special District Permit (Major), Surface Encroachment Variance, Subdivision for Pedestrian Easement, Trenching Permit, Grading Permit, Drain Connection, Sewer Connection, Flood Study, Street Usage, Construction Dewatering Permit, National Pollutant Discharge Elimination Permit, Construction Noise Permit, Construction Plan Approval, and Building Permits.



**Applicant:** PACREP LLC., 10880 Wilshire Boulevard, Suite 2222, Los Angeles, CA 90024.  
Contact: Jason Grosfeld, (310) 500-2955

**Approving Agency:** Department of Planning and Permitting, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, HI 96813.  
Contact: Kiyomi Oyama, (808) 768-8034

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

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

The 2121 Kūhiō Project (Project) involves the construction of a new 37-story, 350-foot high condo-hotel consisting of 459 dwelling units, a hotel lobby and support services, parking, commercial uses (such as restaurant and retail establishments), and appurtenant site improvements. The 3.525-acre project site consists of four joint-developed lots fronting Kūhiō Avenue, Kalaimoku Street, and Kalākaua Avenue. Existing development on the site include a retail complex ("2100 Kalākaua," Parcel 10) and a surface parking lot (Parcel 43). The proposed 350-foot-high building will exceed the 300-foot height limit which requires the adoption of a Resolution by the Honolulu City Council (Council). The Council must determine that the building would not be visible within the view cones from the Punchbowl lookouts towards Diamond Head and the horizon line of the ocean, or from the Kalākaua Avenue frontage of Fort DeRussy towards the slopes and ridgeline of the Ko'olau Range. Construction-related traffic, air, and noise impacts will be short-term in nature. No significant adverse impacts, cumulative impacts, and secondary impacts are anticipated from the proposed improvements.

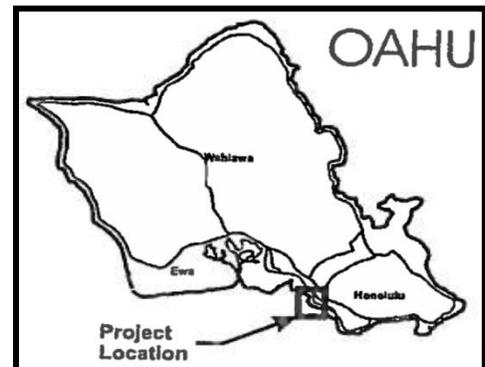
### 4. Administrative Office at Ke'ehi Small Boat Harbor, 5(b) DEA (AFNSI)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 1-2-025:024 (por.)  
**Permits:** Special Management Area

#### Proposing/Determination

**Agency:** Department of Land and Natural Resources, Division of Boating and Ocean Recreation, 333 Queen Street, Suite 300, Honolulu, HI 96813.  
Contact: Eric Yuasa, (808) 587-0122

**Status:** Statutory 30-day public review and comment period starts, comments are due by January 7, 2013. Send comments to the proposing/determination agency.

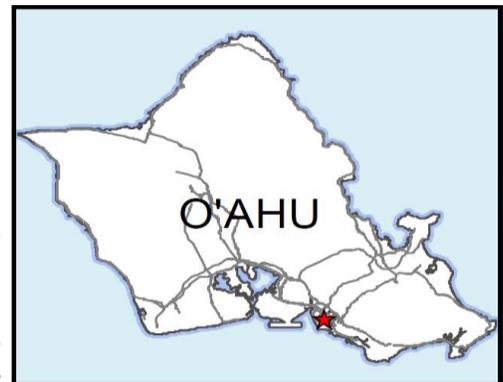


The State DLNR, Division of Boating and Ocean Recreation (DOBOR) currently rents space on the third floor (Suite 300) in the Melim Building located in Downtown Honolulu at 333 Queen Street, Honolulu, Hawai'i, 96813. Parking for DOBOR employees working in the Melim Building is limited and

very costly. Parking for visitors conducting business or attending meetings at the Administrative Office is limited to 8 parking meters on Richards Street and 30 minute parking stalls at the Post Office Parking lot. The new Administrative Office will save DOBOR approximately \$170,000 per year in lease rent, provide more office space and parking for its employees and be more accessible for people conducting business or attending meetings at the Administrative Office. The project site is located in the Ke'ehi Small Boat Harbor at 4 Sand Island Access Road, Honolulu, Hawai'i. The proposed activity will take place on an unpaved parking area, which is approximately 15,000 S.F. or 0.344 Acres and an existing maintenance facility, which is approximately 3,000 S.F. or 0.068 Acres. The proposed improvements, includes a new 50' X 80' two-story building with an open deck and covered lanai; and an accessible ramp/walkway to the building; a new 24' X 36' single story building. Site improvements will include minor grading; installation of asphalt paving, utilities and chain-link fence along the perimeter of the parking area to address security requirements. Most of the existing 6' tall chain-link fencing will remain in place and be incorporated into the final site improvements. New 6' tall chain-link fencing will be connected to the existing fence along the Makai and 'Ewa ends of the project site. Approximately 20 parking stalls will be provided for DOBOR employees and visitors. Two of the parking stalls will comply with Americans with Disabilities Act Access Guidelines. All outdoor lighting will be full cutoff fixtures to minimize impacts to nocturnal wildlife by light pollution.

**5. University of Hawai'i Marine Center Relocation to Piers 34 and 35, 5(b) DEA (AFNSI)**

- Island:** O'ahu
- District:** Honolulu
- TMK:** (1)1-5-34:7, 10, 17, 22, 24, 25, and portions of 4, 5, 8, 22, and 26; (1)1-5-35: portion 8;(1)1-5-36: portion 2
- Permits:** Section 10 Permit, NPDES permits (NOI, Form C, Form G), Section 401 Water Quality Certification, Section 404, CZM Consistency Determination, Grading Permit, Community Noise Control Permit, building and construction permits
- Proposing/Determination Agency:** Department of Transportation, Harbors Division, 79 South Nimitz Highway, Honolulu, HI 96813. Contact: Carter Luke, (808) 587-1862
- Consultant:** Cardno TEC, Inc., 1003 Bishop Street, Suite 1550, Honolulu, HI 96813. Contact: Scott Glenn
- Status:** Statutory 30-day public review and comment period starts, comments are due by January 7, 2013. Send comments to the proposing/determination agency and consultant.

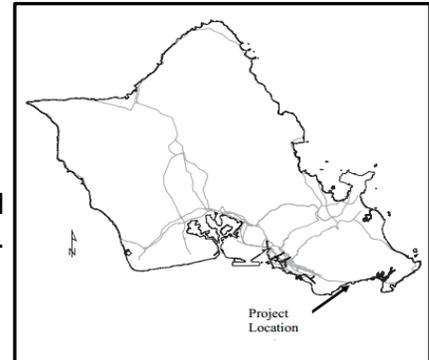


The State of Hawai'i, Department of Transportation, Harbors Division (DOT Harbors) proposes, with the University of Hawai'i's (UH) concurrence, to relocate the UH Marine Center (UHMC) from its current location at Snug Harbor to an approximately 6-acre site at Piers 34 and 35. The existing facility at Piers 34 and 35 would be renovated and later expanded to accommodate the new use. The purpose of the proposed action is identified in the *Honolulu Waterfront Master Plan Final Report* and the updated plan *O'ahu Commercial Harbors 2020 Master Plan*. Since 1989 a suitable location has been sought. In 1994, Pier 38 was proposed; however, subsequent planning efforts concluded that Pier 38 would be better suited for the Fishing Village. To underscore the need for relocation to allow use of the former Kapālama Military Reservation (KMR) to expand the cargo handling capacity and capability of Honolulu Harbor while preserving the research and educational programs at UHMC, the 2006 House Concurrent Resolution 266 requested UH collaborate with DOT to pursue on a priority basis the relocation of the UHMC from the former KMR area. In 2007, Governor's Executive Order No. 4206 transferred the control of Snug Harbor and the surrounding areas currently leased to UH for its UHMC to DOT Harbors for addition to Honolulu Harbor. The proposed action is also needed to redevelop the former KMR and adjacent lands as a full-scale modern containerized cargo terminal. It is also needed to allow the UH to

judiciously plan and commit funds in furtherance of its goals and objectives for marine education and research at the UHMC.

### 6. Kahn Shoreline Setback Variance for a Seawall at Wailupe Circle, 5(c) DEA (AFNSI)

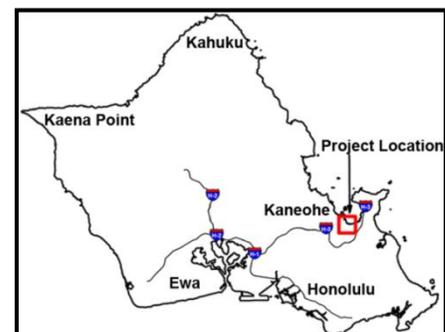
**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 3-6-1:38  
**Permits:** Shoreline Setback Variance  
**Applicant:** Philippe and Sonia Kahn c/o Darcey Builders, Inc., 501 Sumner Street, No. 605, Honolulu, HI 96817.  
**Approving Agency:** City and County of Honolulu, Department of Planning and Permitting, 650 S. King St., 7<sup>th</sup> Floor, Honolulu, HI 96813. Contact: Jenny Lee, (808) 768-8027  
**Consultant:** Analytical Planning Consultants, Inc., 928 Nu'uuanu Avenue, Suite 502, Honolulu, HI 96817. Contact: Lauri Clegg, (808) 536-5695  
**Status:** Statutory 30-day public review and comment period starts, comments are due by January 7, 2013. Send comments to the applicant, approving agency and consultant.



The Applicant is seeking a shoreline Setback Variance (SSV) for the following work within the shoreline setback area: An increase in the width of the base of the six-foot high concrete rubble masonry (CRM) seawall and/or retaining wall (which was authorized by SSV No. 2010/SV-10) and construction of a new, two-foot high CRM retaining wall mauka (landward) of the seawall, with an approximately three-foot wide planting and/or terraced area between the two walls. The proposed work will also include excavation and backfilling to the top of the two-foot high CRM wall (landward) to match the existing grade of the yard. On April 28, 2011 the Department of Planning and Permitting (DPP) granted an SSV for partial approval of the applicant's request, to allow repair and enlargement of the nonconforming seawall to a maximum height of six feet. The DPP has determined that the revised proposal to increase the width of the seawall base and construct a new two-foot high terraced wall exceeds the scope of the previous project and environmental analysis and requires a new SSV application and additional environmental review.

### 7. Geary Landscaping, Erosion Control and Animal Husbandry Project, 5(c) FEA (FONSI)

**Island:** O'ahu  
**District:** Ko'olaupoko  
**TMK:** (1) 4-5-032:001  
**Permits:** Conservation District Use Permit  
**Applicant:** Sharon E. Geary, 326 Lanipō Dr., Kailua, HI 96734.  
**Approving Agency:** Department of Land and Natural Resources, Office of Conservation and Coastal Lands, Kalanimoku Building, 1151 Punchbowl Street, Room 131, Honolulu, HI 96813. Contact: Samuel J. Lemmo, (808) 587-0377  
**Consultant:** Joe Simmons, c/o Project Solutions, Inc., 365 Auwinala Rd., Kailua, HI 96734  
**Status:** Statutory 30-day public review and comment period starts, comments are due by January 7, 2013. Send comments to the applicant, approving agency and consultant.



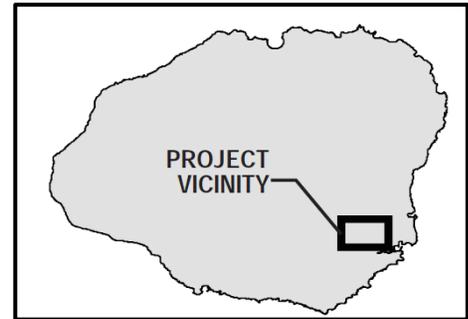
The property owner proposes using portions of the subject parcel for landscaping and animal husbandry for non-commercial purposes. No residence is proposed. The property owner's interest in horticulture and utilization of permaculture techniques (a system of cultivation that creates a self-sustaining ecosystem) is reflected in the specific uses sought in this Conservation District Use Application. Approximately 12 acres of the parcel's 56.28 acres would be used for landscaping, though

ground disturbing activities would be limited to only a fraction of the 12 acres. Plants to be introduced to the property include a variety of native and non-native grasses, fruits, vegetables, flower, shrubs and trees, all known to exist in Hawai'i and not considered noxious species. Erosion control and soil improvement is proposed as a means to support landscaping. Approximately 3 acres would be fenced as pasture for small flocks of domestic animals. Up to six goats and up to six sheep, 24 chickens (no roosters) and up to 12 ducks (female only) are proposed to be housed within the pasture area in appropriate shelters (including a duck pond). Manufactured compost bins designed to contain odors will be located in the animal pasture area.

## KAUA'I (HRS 343)

### 8. Kaua'i Community College Redesignation to Urban District, 5(b) FEA (FONSI)

**Island:** Kaua'i  
**District:** Līhu'e  
**TMK:** 3-4-07: 01, 02, 03, and 06  
**Permits:** Department of Health: Noise Variance Permit, Permit for Air Emissions, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Associated with Construction, Disabilities Communication and Access Board (DCAB), Review pursuant to the Americans with Disabilities Act Accessibility Guidelines (ADAAG), State Historic Preservation Division, Historic Buildings Review, County of Hawai'i: Planning Department Use Permit, Building Permit, Grading Permit



#### Proposing/ Determination

**Agency:** University of Hawai'i Community Colleges, 2327 Dole Street, Honolulu, HI 96822.  
 Contact: Mr. Brian Kashiwaeda, (808) 956-0864  
**Consultant:** Wilson Okamoto Corporation, 1907 South Beretania St., Suite 400, Honolulu, HI 96813  
 Contact: Mr. Earl Matsukawa, (808) 946-2277  
**Status:** Finding of No Significant Impact Determination

Kaua'i Community College (KCC), located along Kaunuaui Highway in Puhi on the Island of Kaua'i is presently designated as Agricultural District on the State Land Use District Boundary Map and Agricultural District under the County's Zoning Map. As a result, the University of Hawai'i Community Colleges (UHCC) proposes to re-designate the campus property to Urban District, a more appropriate land use classification. KCC encompasses approximately 199 acres and is further identified as Tax Map Key (TMK) 3-4-07: 01, 02, 03, and 06. The KCC Long Range Development Plan proposes the development of the existing KCC campus site to accommodate a population of 3,000 full time equivalent (FTE) students with an interim phase of 1,500 FTE students. Development of the existing campus was permitted through a Special Permit granted by the State Land Use Commission. However, the County Planning Department informed KCC that future expansion of the campus would not be permitted through another Special Permit. Re-designating the KCC campus from the State Agricultural District to the Urban District would be appropriate due to its developed character. The University of Hawai'i Community Colleges (UHCC) proposes to amend the State Land Use Boundary to re-designate approximately 153-acres of the KCC campus from Agricultural District to Urban District. The 153 acres consists of the campus core and the areas surrounding Pūnana Leo o Kaua'i Pre-School and Kawaikini New Century Public Charter School (TMK: 3-4-07: por. 01, 02, and 03).

### 9. Wai Wai Properties Single-Family Residence on Lawa'i Beach Road, 5(c) DEA (AFNSI)

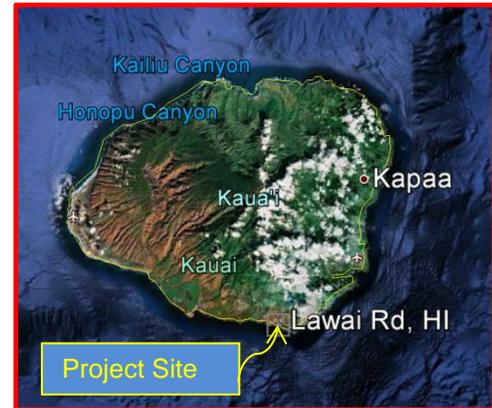
**Island:** Kaua'i  
**District:** Kōloa  
**TMK:** 4-2-6-3:008

**Permits:** Shoreline Setback Variance & Class IV Zoning Permit  
**Applicant:** Wai Wai Properties, LLC & Jochner Living Trust,  
PO Box 69, Kōloa, HI 96756.  
Contact: Hannah Sirois, (808) 639-2367

**Approving Agency:** County of Kaua'i, Planning Department, 4444 Rice St., Suite 473, Līhu'e, HI 96766.  
Contact: Jody Galinato, (808) 241-4065

**Consultant:** Greg Kamm Planning & Management, 2284 Wilikō St., Līhu'e, HI 96766.  
Contact: Greg Kamm, (808) 742-1144

**Status:** Statutory 30-day public review and comment period starts, comments are due by January 7, 2013. Send comments to the applicant, approving agency and consultant.



The Applicant is proposing to construct one single-family residence on the subject property, along with a garage, full underground utilities, landscaping and a new septic system. There previously was a residence on the property from at least 1947 to 2005, when it was demolished. Almost all the lots along the makai side of Lawa'i Beach Road have dwellings constructed on them, including the lots of both sides of the subject property. This is one of the few vacant lots remaining. Almost all these dwellings were constructed under a more lenient shoreline setback policy. Due to the very small size of the lot (6,820 square feet) and the required street setback, the required septic system setbacks, the requirement for off-street parking and the current shoreline setback policy, the cottage will intrude to some degree into to the 40' setback from the recently-certified shoreline. No adverse environmental or other negative impacts are anticipated. The use is the same as all the neighboring properties and is the same as previously existed on the property.

## COASTAL ZONE MANAGEMENT NOTICES

### Federal Consistency Reviews

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawai'i 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 Hawai'i CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lāna'i & Moloka'i: 468-4644 x72878, Kaua'i: 274-3141 x72878, Maui: 984-2400 x72878 or Hawai'i: 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:** State Office of Planning  
Department of Business, Economic Development and Tourism  
P.O. Box 2359  
Honolulu, Hawai'i 96804

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

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

#### Ala Wai Boat Harbor Ticket Booth, Honolulu, O'ahu

**Applicant:** Hawaiian Parasail, Inc.  
**Contact:** Mark Neumann, (808) 636-6611  
**Federal Action:** Federal Permit  
**Federal Agency:** U.S. Army Corps of Engineers  
**Location:** Ala Wai Boat Harbor Slip 600B

**TMK:** (1) 2-3-37: Por. 12  
**CZM Contact:** John Nakagawa, 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)  
**Proposed Action:** Construct a ticket booth to sell tickets for a commercial parasailing company, and to serve as a base of operations, from 8:00 am to 5:00 pm, for customers to check-in and board vessels docked at the adjoining boat slip. The ticket booth will be 6 feet x 6 feet with an aluminum base framework which will be bolted to the solid concrete base along the sidewalk and at the waterline.  
**Comments Due:** December 24, 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
Hawai'i: North Kona (7-5-020: 007)	Remove and Replace Existing Curb Wall that Supports a 4-foot High Security Fence at Makai Pool (SMM 12-244)	Tamarock Masonry, Inc.
Hawai'i: South Kona (8-2-003: 029)	4-Lot Subdivision and Installation of Water Line (SMM 12-245)	Elizabeth Marshall and Carol Gibson
Hawai'i: South Kōhala (6-9-004: 032)	"As-Built" Attached Ohana Dwelling (SMM 12-246)	David W. Venuti and Kelly A. Sheahan
Hawai'i: South Hilo (2-1-018: 026)	After-the-Fact Tree Trimming and Proposed Removal of Three Tree Trunks and Green Waste Debris (SMM 12-247)	Celeste Silva-Brock
Maui: (4-6-002: 006)	3000 Square Feet Addition and Pool to Main House (SM2 20120136)	Joseph F Fedele
Maui: Lāhaina (4-6-032: 043)	Lanai Extension (SM2 20120140)	Gronemeyer, Michael
Maui: Ka'anapali (4-4-014: 003)	Temporary Ice Skating Rink (SM2 20120141)	Carlos Rivera
Maui: (3-7-002: 011 and 3-8-007: 040)	Green House (SM2 20120142)	Susan Miller

## SHORELINE NOTICES

### Shoreline Certification Applications

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

File No.	Date	Location	Applicant/Owner	TMK
OA-1505	11/14/12	Lot 1104 of Land Court Application 677 (Map 254), Kailua, Ko'olaupoko, Oahu Address: 144 Ka'apuni Drive Purpose: Calculate building potential and obtain building permit	Wesley T. Tengan/Laura Broncato	4-3-013:039
OA-1506	11/14/12	Lot 19 Section "E" Extension No. 1, Kawailoa Beach Lots, portion of R.P. 4475 L.C. Aw. 7713, Ap.33 to V. Kamamalu Address: 61-815 Papailoa Road Purpose: Determine setback line	Arden T. Torcuato/Katrina Chandler	6-1-004:096
OA-1507	11/20/12	Lot 1 & Lot 54-F of Land Court Application 1002 (Maps 2 & 8), Kane'ohe, Ko'olaupoko, O'ahu Address: 45-002 Lilipuna Road Purpose: Establish 40-ft shoreline setback line	Imata & Associates, Inc./Sevath Tanaka	4-5-001:039

OA-1508	11/27/12	Lot 23 of Land Court Application 1810 (Map 4), Mokuleia, Waialua, O'ahu Address: 68-673 Ho'omana Place Purpose: Building setback	Jaime F. Alimboyoguen/ Richard Sutton	6-8-010:014
OA-1509	11/27/12	Lot 22 of Land Court Application 1810 (Map 4), Mokuleia, Waialua, O'ahu Address: 68-675 Ho'omana Place Purpose: Building setback	Jaime F. Alimboyoguen/ Richard Sutton	6-8-010:015
MA-532	11/19/12	Lot 5 'Ainalani Lots, portion of Grant 3343 to Claus Spreckels, Spreckelsville, Wailuku, Maui Address: 584 Stable Road Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ Lim Family Trust	3-8-002:077
MA-533	11/23/12	Lot 23 Waiohuli-Keokea Beach Lots Second Series, Grant 12,575 to Fumio & Betty Y. Tsuji, Waiohuli-Keokea, Kula, Maui Address: 1536 Halama Street Purpose: Building permit	James McCall/ Toshio Okumura	3-9-010:011
HA-458	11/14/12	Lot 47 Puako Beach Lots, Grant 13,488 to Charles Harold Silva & Maude Keumauma Mana Silva, Waimea, South Kohala, Hawai'i Address: 69-1766 Puako Road Purpose: County permits	Wes Thomas Associates/ Stephen T. Hurwitz & Robert P. Chancer	6-9-004:005
HA-459	11/21/12	Lot 2, portion of R.P. 8217, L.C. Aw. 3660 to John P. Munn Address: 76-6206 Ali'i Drive Purposes: County permits	Wes Thomas Associates/ Rocky Gentner	7-6-016:030

### 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-1504	Proposed Shoreline Certification	Lot 1-D as shown on Map 2 of Land Court Application 824 situate at Mokuleia, Waialua, O'ahu Address: Farrington Highway Purpose: Future subdivision of the subject property	ControlPoint Surveying, Inc./Mokuleia Shores Holder, LLC	6-8-003:017
MA-522	Proposed Shoreline Certification	Lot 6 Waipi'o 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
KA-367	Proposed Shoreline Certification	Parcel 2, being portion of Government (Crown) land of Waimea and Parcel 40 being portion of Hawai'i National Guard Site Governor's Executive Order 1794 situate at Kekaha, Waimea, Kaua'i Address: Kaumuali'i Highway Purpose: Determine shoreline setback	Esaki Surveying and Mapping, Inc./State of Hawai'i	1-2-002:036 & 040

### POLLUTION CONTROL PERMITS

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

Branch Permit Type	Applicant and Permit Number	Project Location	Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	Hawaiian Electric Company, Inc. Permit Renewal Application No. 0240-04 CSP No. 0240-01-C	Located at: 89-900 Farrington Hwy., Wai'anae, O'ahu	Comments Due: 12/21/12	Kahe Generating Station Six (6) Boilers and Two (2) Black Start Diesel Engine Generators

Clean Air Branch, 586-4200, -Non-Covered Source Permit	University of Hawai'i Application for Initial Permit No. 0775-01 Temporary NSP No. 0775-01-NT	Located at: Pōhakuloa Training Area, Saddle Road, MM36, Hawai'i	Issued: 11/16/12	Drilling Rig with Two (2) Diesel Engines
Clean Air Branch, 586-4200, Non-Covered Source Permit	Maui Electric Company, Ltd. Application for Modification No. 0456-05 NSP No. 0456-01-N	Located at: Hana Substation No. 41, Hana, Maui	Issued: 11/16/12	Two (2) 1.0 MW Diesel Engine Generators
Clean Air Branch, 586-4200, Non Covered Source Permit	T.J. Gomes Trucking Company, Inc. Renewal Application No. 0666-03 NSP No. 0666-01-NT	Located at: UTM Coordinates (Zone 4) 759,913 Meters East 2,311,195 Meters North Wailuku, Maui	Issued: 11/16/12	280 TPH Mobile Screen with 99 HP Diesel Engine, 159 TPH Screen with 40 HP Diesel Engine, and TPH Screen with 46.5 HP Diesel Engine
Clean Air Branch, 586-4200, Covered Source Permit	Yamada & Sons, Inc. Application for Renewal No. 0376-02 Application for Significant Modification No. 0376-03 CSP No. 0376-01-C	Located at: 169 Railroad Avenue, Hilo, Hawai'i	Comments Due: 12/27/12	210 TPH Hot Mix Asphalt Concrete Batch Plant

## 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 staff listed.

**Project File No.:** CDUA HA-3643  
**Name of Applicant:** Hawai'i Conference Foundation, Hōkūloa Church  
**Location:** Lālāmilo, South Kōhala, Island of Hawai'i, Hawai'i  
**TMKs:** (3) 6-9-002:007, 008, 009 & 010  
**Proposed Action:** Subdivision and Consolidation of Property  
**343, HRS Determination:** Exempt  
**Applicant's Contact:** Gregory R. Mooers (808) 880-1455  
**OCCL Staff Contact:** Alex J. Roy (808) 587-0316

**Project File No.:** CDUA KA-3649  
**Name of Applicant:** County of Kaua'i, Department of Public Works  
**Location:** Submerged land of Kāpa'a, Kaua'i  
**TMK:** Makai of (4) 4-5-002:023 & Plat (4) 4-5-001:  
**Proposed Action:** Seawall Reconstruction  
**343, HRS determination:** FONSI published January 8, 2012  
**Applicant's Contact:** Brian Takeda of RM Towill Corp. (808) 842-1133  
**OCCL Staff Contact:** K. Tiger Mills (808) 587-0382

**Project File No.:** CDUA HA-3650  
**Name of Applicant:** Pacific Plains, LLC.  
**Location:** 'Ā'amakao/Halawa, North Kōhala, Hawai'i  
**TMKs:** (3) 8-3-004:001 and (3) 8-3-005:001

**Proposed Action:** Consolidation and Subdivision  
**343, HRS determination:** Exempt, HAR, §11-200-8(a)(1) No expansion or change of use beyond that previously existing  
**Applicant's Contact:** Steve Lim, Esq. of Carlsmith Ball LLP. (808) 935-6644  
**OCCL Staff Contact:** K. Tiger Mills (808) 587-0382

**Project File No.:** CDUA HA-3651  
**Name of Applicant:** State of Hawai'i, Department of Transportation-Harbors Division  
**Location:** Submerged land of Kūhi'o Bay, Waiākea, S. Hilo, Hawai'i  
**TMKs:** Makai of (3) 2-1-007:007 & 037  
**Proposed Action:** Pier 4 Construction  
**343, HRS determination:** FONSI published August 23, 2001  
**Applicant's Contact:** Joanne Hiramatsu of Oceanit (808) 531-3017  
**OCCL Staff Contact:** K. Tiger Mills (808) 587-0382

**Project File No.:** CDUA OA-3652  
**Name of Applicant:** State of Hawai'i, Department of Accounting and General Services (DAGS), Information and Communication Services Division  
**Location:** Mt. Ka'ala Radio Facility, 'āhupua'a of Kamānanui and Wai'ānae, Wahiawa and Waialua Districts  
**TMKs:** (1) 6-7-003:023 and 025  
**Proposed Action:** Moderate Alteration to Existing Land Use (tower replacement, electrical upgrades)  
**343, HRS Determination:** FONSI published on April 8, 2012  
**Applicant's Contact:** Ron Sato, Helber Hastert and Fee, Planners, Inc., 733 Bishop Street, Suite 2590, Honolulu, HI 96813; (808) 545-2055  
**OCCL Staff Contact:** Michael Cain, PO Box 621, Honolulu, HI 96809; (808) 587-0048

## FEDERAL NOTICES

### 1. **Taking of Marine Mammals Incidental to Commercial Fishing Operations; False Killer Whale Take Reduction Plan**

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), U. S. Department of Commerce, has issued a final rule as a part of its final False Killer Whale Take Reduction Plan (FKWTRP). This plan includes regulatory measures and non-regulatory measures and recommendations to reduce mortalities and serious injuries of false killer whales in Hawai'i-based long line fisheries. Regulatory measures include gear requirements, long line prohibited areas, training and certification in marine mammal handling and release, captains' supervision of marine mammal handling and release, and posting of NMFS-approved placards on long line vessels. In this rule, NMFS also recommends research and data collection programs. This final rule also revises the boundaries of the long line prohibited area around the main Hawaiian Islands to be consistent with the prohibited area established under the FKWTRP regulations. The FKWTRP is based on consensus recommendations submitted to NMFS by the False Killer Whale Take Reduction Team (Team), with certain modifications described herein that were determined to be necessary to meet the requirements of the MMPA. This final rule is necessary because current mortality and serious injury levels of the Hawai'i Pelagic and Hawai'i Insular stocks of false killer whales incidental to the Hawai'i-based pelagic long line fisheries are above the stocks' potential biological removal (PBR) levels, and are therefore inconsistent with the short- and long-term goals of the Marine Mammal Protection Act (MMPA). The FKWTRP is intended to meet the requirements of the MMPA. **DATES:** This rule is effective December 31, 2012, except for the addition of §§ 229.3(v) and 229.37(c), which are effective February 27, 2013. **ADDRESSES:** This final rule (the False Killer Whale Take Reduction Plan, or FKWTRP), the final Environmental Assessment, Regulatory Impact Review, and Final Regulatory Flexibility Analysis, the proposed rule (proposed FKWTRP), the FKWTRP compliance guide, the recommendations submitted by the Team (the Draft FKWTRP), references, and other background documents are identified by NOAA–NMFS–2011–0042 and are available at [www.regulations.gov](http://www.regulations.gov), at the Take Reduction Team web site: [www.nmfs.noaa.gov/pr/interactions/trt/falsekillerwhale.htm](http://www.nmfs.noaa.gov/pr/interactions/trt/falsekillerwhale.htm), or by submitting a request to the Regulatory Branch Chief, NMFS Pacific Islands Region (PIR), 1601 Kapi'olani Blvd., Suite 1110, Honolulu, HI 96814. **FOR FURTHER INFORMATION CONTACT:** Nancy Young, NMFS PIR, [Nancy.Young@noaa.gov](mailto:Nancy.Young@noaa.gov), 808–944–2282;

Lance Smith, NMFS PIR, [Lance.Smith@noaa.gov](mailto:Lance.Smith@noaa.gov), 808-944-2258; or Kristy Long, NMFS Office of Protected Resources, [Kristy.Long@noaa.gov](mailto:Kristy.Long@noaa.gov), 301-713-2322 (see, 77 F.R. 71260, November 29, 2012).

## 2. Endangered and Threatened Wildlife and Plants; Endangered Status for the Main Hawaiian Islands Insular False Killer Whale Distinct Population Segment

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), U. S. Department of Commerce in response to a petition from the Natural Resources Defense Council, issued a final determination to list the Main Hawaiian Islands insular false killer whale (*Pseudorca crassidens*) distinct population segment (DPS) as an endangered species under the Endangered Species Act (ESA). NMFS intends to consider critical habitat for this DPS in a separate rulemaking. The effect of this action will be to implement the protective features of the ESA to conserve and recover this species. **DATES:** This final rule is effective on December 28, 2012. **ADDRESSES:** National Marine Fisheries Service, Pacific Islands Regional Office, Protected Resources Division, 1601 Kapi'olani Blvd., Suite 1110, Honolulu HI, 96814. **FOR FURTHER INFORMATION CONTACT:** Krista Graham, NMFS, Pacific Islands Regional Office, 808-944-2238; Lisa van Atta, NMFS, Pacific Islands Regional Office, 808-944-2257; or Dwayne Meadows, NMFS, Office of Protected Resources, 301-427-8403. The final rule, references, and other materials relating to this determination can be found on the NMFS Web site at <http://www.fpir.noaa.gov/PRD/prd/falsekillerwhale.html> (see, 77 F.R. 70195, November 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 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).