

# The Environmental Notice

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

Manoa Heritage  
Center Photo

## [GUBERNATORIAL ACCEPTANCE OF THE VILLAGES OF LEIALI'I AFFORDABLE HOUSING FINAL EIS](#)

The Governor has accepted the Villages of Leiali'i Affordable Housing Final Environmental Impact Statement, pursuant to Section 11-200-23, Hawai'i Administrative Rules. The Hawai'i Housing Finance and Development Corporation analyzed the final environmental impact statement on behalf of the Governor. The proposed affordable housing project encompasses approximately 1,033 acres of state land in the Wahikuli ahupua'a, adjacent to the town of Lahaina. The project responds to the limited supply of housing for workforce and lower- and moderate-income residents in West Maui. The Villages of Leiali'i will create a community based on sustainable building and design principles. 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 project will be the Honoapi'ilani Highway (Route 30). The availability of the **Final EIS** was published in the November 23, 2012 issue of The Environmental Notice.

## [Kaka'ako Community Development District EISPN](#)

Hawai'i Community Development Authority (HCDA) submitted an Environmental Impact Statement Preparation Notice (EISPN) for a Conceptual Plan for Transit-Oriented Development (TOD) within the Kaka'ako Community Development District (KCDD). The implementation of Transit-Oriented Development is intended to maximize development in the Kaka'ako district by promoting the use of smart growth principles, multi-modal transportation, and walkability. The ultimate goal of the proposed action is to foster development that creates well used places that are safe, comfortable, diverse, attractive, and fundamentally exhibit the distinct character of the Kaka'ako community.

## [Kapālama Container Terminal Draft EIS](#)

The Hawai'i State Department of Transportation, Harbors Division, is proposing to develop a new overseas container terminal at the former Kapālama Military Reservation (Kapālama site) in Honolulu Harbor to increase existing overseas container terminal capacity. The Proposed Action consists of the development of a new pier with berthing capacity for two container ships, and an approximately 94-acre container yard with necessary support buildings, entry and exit gates, security fencing, parking, gantry cranes and container-handling equipment, on-site utilities, outdoor lighting, and other ancillary features. A direct access connection to the adjacent inter-island barge service at Auiki Street would provide efficient container transfers for neighbor island shipments and reduce impacts on local street traffic. The truck ingress and egress for the container yard would on Sand Island Access Road. Also included in the Proposed Action are land improvements associated with Piers 24 through 28 to accommodate maritime-dependent operators currently at the Kapālama site.

*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 Hooser, Director · Office of Environmental Quality Control · 235 South Beretania Street, Suite 702 · Honolulu, HI 96813

Tel: 586-4185 · Fax: 586-4186 · Email: [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov) ·

Website: <http://hawaii.gov/health/environmental/oeqc/index.html/>

Toll Free: Kaua'i: 274-3141 ext. 64185 · Maui: 984-2400 ext. 64185 · Moloka'i/Lāna'i: 1-800-468-4644 ext. 64185 Hawai'i: 974-4000 ext. 64185

**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. HI-SEAS/PISCES Mars Habitat Project DEA (AFNSI)

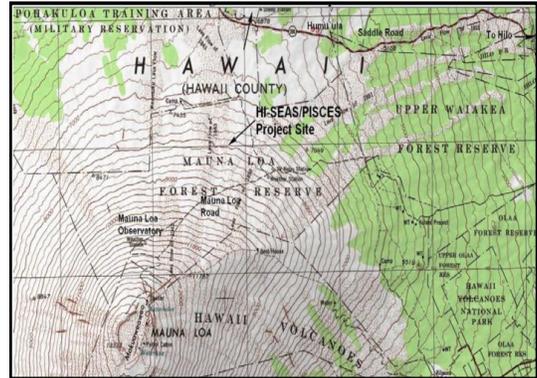
**Island:** Hawai'i  
**District:** North Hilo  
**TMK:** (3) 3-8-001:001 (por.)  
**Permits:** Conservation District Use Permit; Forest Reserve Special Use Permit; State Historic Preservation Division Determination of No Effect

#### **Proposing/ Determination**

**Agency:** University of Hawai'i, 2440 Campus Road, Box 368, Honolulu, Hawai'i 96822.  
Contact: Dr. Kim Binsted, (808) 398-1300, binsted@hawaii.edu

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

**Status:** Statutory 30-day public review and comment period starts, comments are due by January 22, 2013. Send comments to the proposing/determination agency and consultant.



The Department of Information and Computer Sciences at the University of Hawai'i at Manoa UHM), in collaboration with Cornell University and the Pacific International Space Center for Exploration Systems (PISCES), seeks to prepare and manage a temporary experimental site at the 8,000-foot elevation on Mauna Loa, on Hawai'i Island. The site is on a cinder cone ridge surrounded by lava flows and closely resembles the surface of Mars. Experiments conducted over five years would utilize a small, portable "habitat" similar to one that might be constructed for Mars to focus on issues astronauts will experience as they explore the solar system. The central experiment will focus on food needs during long-term planetary exploration missions. The project will also partner with schools for student participation through internships, classes and outreach with K-12 students. The project would install the habitat within an area of about 0.5 acres of State land on a disturbed part of the former quarry in the Mauna Loa Forest Reserve. All wastewater and biological waste will be contained for regular servicing and removal. Power will be supplied either by a solar power provider or an ultra-quiet and efficient LPG generator. The site contains little vegetation, no rare, threatened or endangered species, and no archaeological sites or cultural practices. In order to keep the site isolated, the quarry access road would be gated and locked at a point about 2,300 feet west of Mauna Loa Road during the five years of the experiment. After five years, the project would terminate, the habitat would be removed, and the site would be cleared of any debris or traces of the experiment.

## O'AHU (HRS 343)

### 2. Hale Kula Elementary School Improvements FEA (FONSI)

**Island:** O'ahu  
**District:** Wahiawā  
**TMK:** (1) 7-7-001:003  
**Permits:** NPDES, Historic Preservation, Section 106 and Chapter 6E HRS; Plan Approval (County); Grubbing, Grading and Stockpiling Permit; Building Permits, demolition permits Occupancy Permit;, NEPA compliance/REC Concurrence & Infrastructure connection approvals (U.S. Army Garrison Directorate of Public Works)

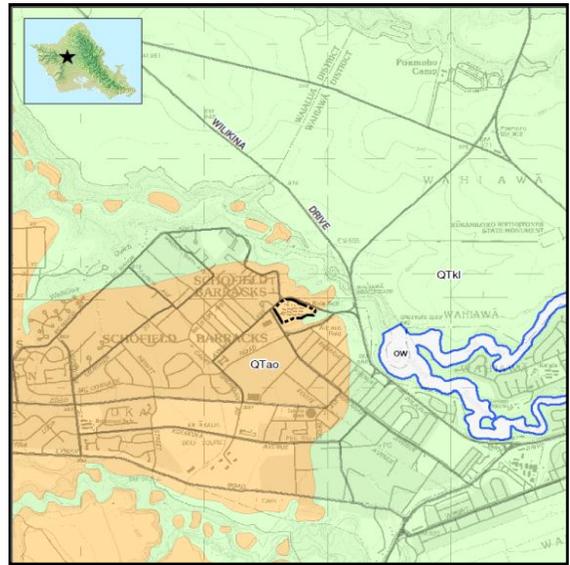
#### **Proposing/ Determination**

**Agency:** State of Hawai'i, Department of Education Public Works, P.O. Box 2360, Honolulu, HI 96804. Contact: Duane Kashiwai, (808) 586-0434

**Consultant:** PBR HAWAII & Associates, Inc., 1001 Bishop Street, Suite 650, Honolulu, HI 96813.

**Status:** Contact: Catie Cullison, (808) 521-5631  
Finding of No Significant Impact  
Determination

In a jointly funded project, the State of Hawai'i Department of Education and the Department of Defense (DoD) – Office of Economic Adjustment (OEA) propose the improvement of Hale Kula Elementary located on Schofield Barracks. A DoD assessment concluded that numerous structures are undersized, deficient or beyond their useful life. New classrooms that meet federal standards are needed and the electrical infrastructure requires upgrades to support current technology and air conditioning. The project will provide needed facilities that include a new expanded library/technology center, administrative center, student support center, ten classroom building, a self-contained special education classroom, outdoor dining pavilion, and covered play court. The existing library and administration buildings are proposed for demolition and up to 14 portable classrooms removed from the campus. The remaining buildings and cafeteria will be renovated. Renovation will include the removal of lead-based paint and asbestos containing material as well as the installation of cabinets, floors, fans, lightning protection, paint and roofs as required based on the assessment. Incorporation of these improvements will meet the requirements of the DoD program and are in line with the Department of Education's standards for public schools within the state of Hawai'i.



### 3. [Kaka'ako Community Development District Transit-Oriented Development EISPN](#)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** Aloha Tower Special District: 2-

**1-014:** 006; **Kaka'ako: 2-1-015:** 009, 051, 052, 061-063; **2-1-029:** 001, 002, 010; **2-1-030:** 001, 003, 006-015, 017, 043; **2-1-031:** 001-005, 008, 010, 012, 015, 018-021, 024, 029-033; **2-1-032:** 001, 002, 007-012, 015, 017, 020, 022-024; **2-1-044:** 001-005, 022, 023, 032-034, 038-044, 046-048; **2-1-046:** 001-003, 005, 007-010; **2-1-047:** 001-006, 008, 010; **2-1-048:** 001, 002, 005-008, 022; **2-1-049:** 001, 003-005, 008-033, 037, 038, 040-043, 045-050, 054-061, 063-066, 068-076, 078-080; **2-1-050:** 001-004, 007, 009-025, 027, 028, 030-043, 045-050, 052-065, 067, 068; **2-1-051:** 001-007, 010-014, 018, 019, 031, 033, 038, 040-044; **2-1-052:** 001-005, 007-013, 016, 017, 020, 022, 024, 027, 028, 031-036, 038-040, 042, 043, 045, 046, 051-054; **2-1-053:** 001, 030-032; **2-1-054:** 001, 021, 022, 025, 027, 028, 032, 033; **2-1-055:** 001-004, 006, 009, 017, 018, 021, 026, 032-035, 038; **2-1-056:** 001-004, 007, 008; **2-1-058:** 002, 006, 021, 035, 043, 048, 061, 069, 073, 088, 089, 094, 095, 099, 100, 101, 103, 105, 109, 124-128; **2-1-059:** 001, 003-006, 011, 013, 020, 021, 023-029; **2-1-060:** 001-009, 013, 015, 017; **2-3-001:** 001, 004; **2-3-002:** 001, 002, 057-059, 066, 067, 069, 086, 087, 104; **2-3-003:** 004-008, 011-015, 018-024, 026, 028, 030-034, 037, 038, 040, 043, 046-050, 052, 059, 061-069, 071, 073-075, 078, 080, 081, 083, 085-087, 089-095, 097-099, 103, 105; **2-3-004:** 002, 003, 007-010, 012, 025, 029, 031, 033-037, 039,



048, 051, 061, 065, 069, 071, 076, 079, 080; **2-3-005**: 001, 004-006, 012-017, 019, 022; **2-3-006**: 001, 003, 004, 014-017; **2-3-007**: 023, 026-029, 033, 036, 039, 044, 045, 049, 054, 056, 057, 061-064, 066, 067, 069, 078, 091-093, 098-101, 104, 105, 107; **2-3-008**: 001-003; **2-3-009**: 001; **2-3-010**: 001-009, 011-028, 083, 092-094, 096-107, 111; **2-3-011**: 002-025, 029-051, 053, 054

**Permits:** To be determined during the consultation process.

**Proposing Agency:**

Hawai'i Community Development Authority (HCDA), 461 Cooke St., Honolulu, HI 96813  
Contact: Ms. Amy Mutart, (808) 594-0334

**Accepting Authority:**

Governor, State of Hawai'i, Hawai'i State Capitol, Honolulu, HI 96813.  
Contact: Bruce Coppa, (808) 586-0034

**Consultant:**

Lee Sichter LLC, 45024 Malulani Street #1, Kane'ohe, HI 96744.  
Contact: Lee Sichter, (808) 382-3836

**Status:**

Statutory 30-day consultation period starts, ending January 22, 2013. Send comments to the proposing/determination agency and consultant.

The Proposed Action is the implementation of a Conceptual Plan for Transit-Oriented Development ("TOD") within the Kaka'ako Community Development District (KCDD). The proposed TOD Plan will serve as an overlay on the existing rules governing development in the district, meaning that the existing rules remain in force and any proposed TOD development will be required to comply with the proposed TOD Plan and associated rules. The implementation of Transit-Oriented Development is intended to maximize development in the Kaka'ako district by promoting the use of smart growth principles, multi-modal transportation, and walkability. The ultimate goal of the Proposed Action is to foster development that creates well used places that are safe, comfortable, diverse, attractive, and fundamentally exhibit the distinct character of the Kaka'ako community.

**4. Kapālama Container Terminal Draft EIS**

**Island:**

O'ahu

**District:**

Honolulu

**TMK:**

Kapālama site: 1-2-25: 02, 09, 12, 16, 17, 30, 40, 42, 44 to 47, 49 to 53, 55, 58 to 68, 71, 73, 74 to 78, 80, 82, 83, 86, 88, 92, 94, 97, 98, 108 to 112, and portions of 11 and 54; and 1-5-32: portions of 2 and 43; and Pier 24-28 site: 1-5-38: 11, 17, 55, 72, 73, 74, and portions of 1, 4 and 5



**Permits:**

U.S. Department of the Army Permit (Clean Water Act Section 404); Marine Protection Research and Sanctuaries Act, Section 103 Permit; Rivers and Harbors Act, Section 10 and 14 Permits; Clean Water Act, Section 401 – Water Quality Certification; Coastal Zone Management (CZM) Federal Consistency Certification; National Pollutant Discharge Elimination System (NPDES) Permit; and Conservation District Use Permit

**Proposing Agency:**

Department of Transportation, Harbors Division, 79 S. Nimitz Highway, Honolulu, HI 96813. Contact: Carter Luke, (808) 587-1862

**Accepting Authority:**

Governor, State of Hawai'i, c/o Office of Environmental Quality Control  
Belt Collins Hawaii LLC, 2153 North King Street, Honolulu, HI 96819.

**Consultant:**

Contact: Glen Koyama, (808) 521-5361

**Status:**

Statutory 45-day public review and comment period starts, comments are due on February 6, 2013. Send comments to the proposing agency and consultant.

The State of Hawai'i Department of Transportation, Harbors Division, is proposing to develop a new overseas container terminal at the former Kapālama Military Reservation (Kapālama site) in Honolulu

Harbor to increase existing overseas container terminal capacity. The Proposed Action consists of the development of a new pier with berthing capacity for two container ships, and an approximately 94-acre container yard with necessary support buildings, entry and exit gates, security fencing, parking, gantry cranes and container-handling equipment, on-site utilities, outdoor lighting, and other ancillary features. A direct access connection to the adjacent inter-island barge service at Auiki Street would provide efficient container transfers for neighbor island shipments and reduce impacts on local street traffic. The truck ingress and egress for the container yard would on Sand Island Access Road. Also included in the Proposed Action are land improvements associated with Piers 24 through 28 to accommodate maritime-dependent operators currently at the Kapālama site.

The Proposed Action is needed to accommodate the anticipated demand of overseas cargo volumes associated with projected growth of the state of Hawai'i through 2039. Construction at the Kapālama site is expected to begin in 2014, after design and permits are secured. Completion is anticipated in 2016.

### ENVIRONMENTAL COUNCIL NOTICE

The Environmental Council has a tentative meeting scheduled for Thursday January, 17 2013. 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 [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov) or call 586-4185

## 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: Lanai & Molokai: 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:** 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

#### 1. Port Allen Small Boat Harbor Floating Dock, 'Ele'ele, Kaua'i

**Applicant:** State Division of Boating and Ocean Recreation  
**Contact:** Eric Yuasa, 587-0122  
**Federal Action:** Federal Permit  
**Federal Agency:** U.S. Army Corps of Engineers  
**Location:** Port Allen Small Boat Harbor, Kaua'i  
**TMK:** (4) 2-1-3: 10  
**CZM Contact:** John Nakagawa, 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)  
**Proposed Action:** Construct a public sewage pump-out facility on a new floating dock and related sewage infrastructure. The pump-out facility includes a new 60-foot long, 10-foot wide, floating dock, accessible aluminum gangway, walkway, sewage pump-out, hose bibs, and lighting. The pump-out facility will be connected to an existing sewer pump station, which pumps wastewater to the County of Kaua'i sewer system for treatment and disposal.

Comments Due: January 7, 2013

### 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 (4-4-008: 018)	Construct Equipment Screen on Roof (SM2 20120133)	Jeff Dela Cruz
Maui: Kahului (3-7-011: 003)	Install Ground Sign (SM2 20120139)	Jones Maui Property Holdings, LLC
Maui: Hana (1-3-003: 012)	Grading for the Water Tank (SM2 20120143)	Tony Wickey
Maui: Ka'anapali (4-4-008: 022)	Remove and Replace Panel Antennas (SM2 20120144)	T-Mobile West LLC
Maui: Lahaina (4-3-010: 007)	Remove and Replace Panel Antennas (SM2 20120145)	T-Mobile West LLC
Maui: Peahi (2-7-007: 004)	Temporary Scaffold Risers and Tents (SM2 20120146)	Ryano Works
Maui: (2-8-004: 032)	After-the-Fact Potting Shed with Covered Deck (SM2 20120147)	Fredrick Honig
Maui: Wailuku (3-3-001: 027)	Demolition – Storage (SM2 20120148)	Frans Vanderlee
Maui: Paukukalo (3-4-029: 037)	Tents for Surf Contest (SM2 20120149)	John Willard
O'ahu: Kaka'ako (2-1-060: portions 007 and 009)	Installation of an Art Monument at the Entry of the Cancer Research Center of Hawai'i, University of Hawaii John A. Burns School of Medicine Phase II (SMA/12-1)	Carl Vasconcellos
O'ahu: Waikiki (2-6-010: 007)	Ilikai Apartment Building - Major Exterior Alterations (2012/SMA-41)	SFI Ilikai Property Owner LLC/Richard Matsunaga & Associates Architects, Inc.
O'ahu: Kailua (4-3-005: portions 068, 069 and 070)	Utility Installation, Type A: The Addition of Two Panel Antennas, Four Equipment Cabinets and Accessories (2012/SMA-44)	Verizon Wireless/RealCom Associates

### 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-1510	12/11/12	Land Court Application 776 Subdivision of Lot 96 as shown on Map 14 into Lots A and B situate at Lā'ie, Ko'olaupia, O'ahu Address: 55-61 Naupaka Street Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Kelley Nakano, Irene M. Nakano	5-5-010:016
OA-1511	12/12/12	Lot 5 (File Plan 750) of Maunalua Bay Lots Subdivision, Unit 1 situate at Maunalua, Honolulu, O'ahu Address: 176 Hanapepe Loop Purpose: New construction	Engineers Surveyors Hawai'i, Inc./ Mark Gosselin	3-9-026:001
MA-534	11/30/12	Lots 4, 6 & 7, Ainalani Lots being a portion of Grant 3343 to Claus Spreckels situate at Spreckelsville, Wailuku, Maui Address: 582 Stable Road Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ Jeffrey A. Lundahl	3-8-002:071, 074 & 078
MA-535	12/10/12	Lot 48-A-3 Mailepai Hui Partition situate at Alaialoa, Kaanapali, Lahaina, Maui Address: 20 Hui Road E Purpose: Renovation purposes	Arthur P. Valenica/ 20 Hui Road, LLC	4-3-015:058

KA-370	11/28/12	Lot 20, Ld. Ct. App. 276, Map 4 and Lot A, File Plan 435 being a portion of R.P. 7373, L.C. Aw. 8559-B Apana 42 to Wm. C. Lunalilo situate at Waipouli, Kawaihau (Puna), Kaua'i Address: 856 Kuhio Highway Purpose: Building permit	Honua Engineering, Inc./ GCT Properties, LLC	4-3-009:050
KA-371	12/4/12	Lots 61-C and 61-B Land Court Application 1076 (Map 32); Lots 60-A, 60-B & 60-C Land Court Application 1076 (Map 31); Lots 63, 64, 65 & 66 Land Court Application 1076 (Map 35); Lot 5 Land Court Application 937 (Map 7); Lot 3-A-1-B & Addition to Kikiaola Small Boat Harbor Land Court Application 937 (Map 6); Portion of Lot 1 Land Court Consolidation 175 (Map 1) situate at Kikiaola, Waimea, Kaua'i Address: 4470 & 4480 Mamo Road; 4491 & 4485 Kikiaola Place; 9250 & 9000 Kaumuali'i Highway; Mamo Road; Kikiaola Place; Kaumuali'i Highway Purpose: Kikiaola Small Boat Harbor sand bypass project	Portech Engineering, LLC/ Republic Bank, California; Ronald M. Beckenfeld, Graham & Marisa Chelius; Labdez Family Trust; Kaumuali'i LLC; Hokuaiana Development LL; KVH LLC; Makai Marina LLC; State of Hawaii; Waimea Plantation Makai LLC	1-2-013:035, 034, 031, 032, 033, 001, 039, 040, 041 1-2-006:003, 016, 041

### 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-1499	Proposed Shoreline Certification	Portion of Exclusion 12 Land Court Application 979 Portion R.P. 2112, L.C. Aw. 2239, Ap. 2 to Maika'i situate at Kaha'u'u, Ko'olaupoko, O'ahu Address: 47-407 Kamehameha Highway Purpose: Building permit	Walter P. Thompson, Inc./ Tom Coulson	4-7-009:011
MA-530	Proposed Shoreline Certification	Lot 1 of Kapalua Place Subdivision (File Plan 1965) situate at Kapalua, Lahaina, Maui Address: One Kapalua Place Purpose:	Akamai Land Surveying, Inc./ Maui Kauhale, LLC	4-2-004:001
MO-159	Proposed Shoreline Certification	Portion of Kamehameha V Highway right-of-way situate at Kawela, Moloka'i Address: Kamehameha V Highway Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ Department of Transportation Highways Division	5-4-001 (por.)
KA-368	Proposed Shoreline Certification	Portion of Allotment 10-A situate at Moloa'a, Kawaihau, Kaua'i Address: Moloa'a Road Purpose: Determine shoreline setback	Esaki Surveying and Mapping, Inc./ Moloa'a Bay Land Co., LLC and Campbell-Murphy Investments LLC	4-9-009:002; 4-9-014:006
OA-1489	Rejection	Lot 604 Land Court Application 1089 as shown on Map 64 situate at Kamananui, Waialua, O'ahu Address: 67-011 Kaimanu Place Purpose: Obtain building permit	Wesley T. Tengan/ John Borsa, Jr.	6-7-014:028
MA-506	Rejection	Lot 28 of the Waiohuli-Keokea Beach Lots Subdivision, 2nd Series situate at Waiohuli-Keokea, Kula (Kihei), Maui Address: 1576 Halama Street Purpose: N/A	Akamai Land Surveying, Inc./ Wesley J. and Diane M. Hickey	3-9-010:006
MA-507	Rejection	The consolidation of Lots 8-A-2, 8-B & 9-A of the Kihei Beach Lots being a portion of Royal Patent 8140, Land Commission Award 5230 to Keaweamahi situate at Pulehunui, Kula (Kihei), Makawao, Maui Address: 73 North Kihei Road Purpose: N/A	Akamai Land Surveying, Inc./ Nani Kai Hale AOAO	3-8-013:010

### 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, Non-Covered Source Permit	Insituform Technologies Permit Renewal Application No. 0593-02 NSP No. 0593-01-N	Located at: 91-255 Kalaeloa Boulevard Kapolei, O'ahu	Issued: 12/5/2012	Cured-In-Place-Pipe (CIPP) Wetout Facility
Clean Air Branch, 586-4200, -Non-Covered Source Permit	PVT Land Company, Ltd. Permit Renewal Application No. 0651-03 NSP No. 0651-01-N	Located at: 87-2020 Farrington Highway O'ahu	Issued: 12/7/2012	35 TPH Shredder with 425 HP Diesel Engine and 100 TPH Screen with 100 HP Diesel Engine
Clean Air Branch, 586-4200, Non-Covered Source Permit	Philip Services Hawai'i Permit Renewal Application No. 0083-04 NSP No. 0083-01-N	Located at: 91-410 Komohana Street, Kapolei, O'ahu	Issued: 12/10/2012	Used Oil Recycling Plant
Clean Air Branch, 586-4200, Covered Source Permit	REK Associates, LLC Application for Initial Permit No. 0771-01 CSP No. 0771-01-CT	Located at: Various Temporary Sites	Issued: 12/11/2012	357 TPH Portable Stone Processing Plant
Clean Air Branch, 586-4200, Covered Source Permit	Kaua'i Island Utility Cooperative Application for Renewal No. 0097-06 Application for a Significant Modification No. 0097-07 Application for Significant Modification No. 0097-08 CSP No. 0097-01-C	Located at: 261 Akaula Street, 'Ele'ele, Kaua'i	Issued: 12/11/2012	Port Allen Generating Station

## FEDERAL NOTICES

1. [Endangered and Threatened Wildlife and Plants; Review of Native Species That Are Candidates for Listing as Endangered or Threatened; Annual Notice of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions](#)

In a Candidate Notice of Review (CNOR), the U.S. Fish and Wildlife Service (Service), presents an updated list of plant and animal species native to the United States that the Service regards as candidates for or has proposed for addition to the Lists of Endangered and Threatened Wildlife and Plants under the Endangered Species Act of 1973, as amended. Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, allowing landowners and resource managers to alleviate threats and thereby possibly remove the need to list species as endangered or threatened. Even if the Service subsequently lists a candidate species, the early notice provided here could result in more options for species management and recovery by prompting candidate conservation measures to alleviate threats to the species. The CNOR summarizes the status and threats that the Service evaluated in order to determine that species qualify as candidates and to assign a listing priority number (LPN) to each species or to determine that species should be removed from candidate status. Additional material that the Service relied on is available in the Species Assessment and Listing Priority Assignment Forms (species assessment forms) for each candidate species. Overall, this CNOR recognizes two new candidates, changes the LPN for nine candidates, and removes three species from candidate status. Combined with other decisions for individual species that were published separately from this CNOR in the past year, the current number of species that are candidates for listing is 192. This document also includes the findings of the Service on resubmitted petitions and describes progress in revising the Lists of Endangered and Threatened Wildlife and Plants (Lists) during the period October 1, 2011, through September 30, 2012. The Service requests additional status information that may be available for the 192 candidate species identified in this CNOR.

**DATES:** The Service will accept information in this Candidate Notice of Review at any time.

**ADDRESSES:** This notice is available on the Internet at <http://www.regulations.gov> and <http://www.fws.gov/endangered/what-we-do/cnor.html>. Species assessment forms with information and references on a particular candidate species' range, status, habitat needs, and listing priority assignment are available for review at the appropriate Regional Office or at the Office of Communications and Candidate Conservation, Arlington, VA, or on the Web site ([http://ecos.fws.gov/tess\\_public/pub/candidateSpecies.jsp](http://ecos.fws.gov/tess_public/pub/candidateSpecies.jsp)). Please submit any new information, materials, comments, or questions of a general nature on this notice to the Arlington, VA, address. Please submit any new information, materials, comments, or questions pertaining to a particular species to the address of the Endangered Species Coordinator in the appropriate Regional Office.

**FOR FURTHER INFORMATION CONTACT:** The Endangered Species Coordinator(s) in the appropriate Regional Office(s), or Chief, Office of Communications and Candidate Conservation, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 420, Arlington, VA 22203 (telephone 703-358-2171). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339 (see, 77 F.R. 69994, November 21, 2012).

**2. [Transgenic Corn - Pesticide-Incorporated Protectant Corn Events: Pesticide Experimental Use Permit; Receipt of Application; Comment Request](#)**

The United States Environmental Protection Agency (EPA) announced EPA's receipt of an application 524-EUP-RNU from Monsanto Company requesting an experimental use permit (EUP) for the plant-incorporated protectants (PIPs) corn events with a double stranded RNA (dsRNA) transcript comprising a Dv49 inverted repeat sequence derived from *Diabrotica virgifera*, and the genetic material necessary for its production (vector PV-ZMIR10871). These events are proposed for experimental use in combination with single and combined traits against Lepidoptera and corn rootworm (CRW). The Agency has determined that the permit may be of regional and national significance. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document. Under section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development.

Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water. In accordance with 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the EUP application: *Submitter:* Monsanto Company, (524-EUP-RNU). *Pesticide Chemical:* Double stranded RNA (dsRNA) transcript comprising a Dv49 inverted repeat sequence derived from *Diabrotica virgifera*, and the genetic material necessary for its production (vector PV-ZMIR10871). *Summary of Request:* Monsanto is requesting a EUP for two years to test new PIP technology for control of corn rootworm (CRW), a major pest of corn in the United States (U.S.). Corn Events MON 87410 and 87411 express a double stranded RNA (dsRNA) transcript suppression cassette with an inverted repeat sequence, Dv49, obtained from *Diabrotica virgifera*. When PIP produced Dv49 dsRNA is consumed by the pest, it down regulates the targeted pest's *Snf7* gene, resulting in pest mortality. As described in the application documents for 524-EUP-RNU in this docket, the PIP events comprising the single and combined trait products in this request include other registered PIP *Bacillus thuringiensis* (*Bt*) proteins and either of the two new corn events MON 87410 and 87411. The *Bt* proteins to be used in the single or combination traits in the proposed EUP include Cry1A.105, Cry2Ab2, Cry IF, Vip3Aa20, Cry3Bb1, Cry34Ab1/Cry35Ab1 and eCry3.1Ab. The environmental and human health safety of these proteins has been demonstrated, and they are exempted from the requirement of a tolerance (40 CFR 174.501, 174.502, 174.506, 174.518, 174.519, 174.520, 174.528, 174.532). A permanent tolerance exemption has been established for nucleic acids including the dsRNA that is part of the PIPs (40 CFR 174.507). Other marker proteins PAT, CP4 EPSPS, and PMI are also exempt from the requirement of a tolerance (40 CFR 174.522, 174.523, 174.527). The tests will be conducted in the U.S. territory of Puerto Rico and in the U.S. in twenty two (22) states as follows: Arkansas (AR), California (CA), Colorado (CO), Georgia (GA), Hawaii (HI), Idaho (ID), Illinois (IL), Indiana (IN), Iowa (IA), Kansas (KS), Michigan (MI), Minnesota (MN), Mississippi (MS), Missouri (MO), Nebraska (NE), North Carolina (NC), Ohio (OH), Pennsylvania (PA), South Carolina (SC), South Dakota (SD), Tennessee (TN), Wisconsin (WI). The two protocols in the EUP include: (1) Seed development and increase for future testing including nursery observations of traits in various genetic backgrounds; and (2) product characterization work, including phenotypic and agronomic observations, efficacy, yield benefit evaluations and regulatory data generation. A copy of the application and any information submitted is available for public review in the docket established for this EUP application. Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

**DATES:** Comments must be received on or before December 21, 2012.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2012-0780, by one of the methods described in the notice that can be read in its entirety by clicking or pasting the URL in the title to this notice in your favorite browser.

**FOR FURTHER INFORMATION CONTACT:** Shanaz Bacchus, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8097; email address: [bacchus.shanaz@epa.gov](mailto:bacchus.shanaz@epa.gov) (see, 77 F.R. 69838, November 21, 2012).

**3. [Casmalia Disposal Site, Santa Barbara County - Notice of Proposed De Minimis Settlement under Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\)](#)**

In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA) and section 7003 of the Resource Conservation and Recovery Act (RCRA), the United States Environmental Protection Agency (EPA) is hereby providing notice of a proposed administrative *de minimis* settlement concerning the Casmalia Disposal Site in Santa Barbara County, California (the Casmalia Disposal Site). Section 122(g) of CERCLA provides EPA with the authority to enter into administrative *de minimis* settlements. This settlement is intended to resolve the liabilities of 290 settling parties for the Casmalia Disposal Site under sections 106 and 107 of CERCLA and section 7003 of RCRA. These parties (include various entities in the State of Hawai'i) are identified below. These parties have also

elected to resolve their liability for response costs and potential natural resource damage claims by the United States Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA). These 290 parties sent 22,841,618 lbs. of waste to the Casmalia Disposal Site, which represents 0.004 (0.4%) of the total Site waste of 5.6 billion pounds. This settlement requires these parties to pay over \$2 million to EPA. Settling Parties: Parties that have elected to settle their liability with EPA at this time are as follows: A Finkl & Sons Co., AAMCO Transmissions Incorporated, Abbott Laboratories, Ace Orthopedic Manufacturing, Inc., Active Magnetic Inspection, Inc., Acton-Agua Dulce Unified School District, Adventist Health, All Diameter Grinding Inc., Allied Pacific Metal Stamping, Alloys Cleaning Inc., Alzeta Corporation, Ambassador Auto, Amercom-Atlantic Research Corp, American Chemical Etching, American Magnetics Corporation, American Rubber Manufacturing, American Security Products Co., Anacapa Marine Services, Analogy Devices, Inc as Successor to Precision Monolithics, Analytical Systems, Division of Marion Labs, Anja Engineering Corporation, Antioch Unified School District, Apex Drum Company, Inc., APL Limited, Aratex Services, Inc., ARB, Inc., Architectural Plywood Inc., Arlon Products, Arnco, Asbury Oil Co., Associated Spring Corporation, Astro Plating, Atlas Radiator Service, Autologic Inc., Avantek, Babcock Inc., BASF Corporation, Bausch & Lomb, Beauman Trust/John L. Hunter & Associates, Better Built Aluminum, Big Creek Lumber Company, Blount International, Bonita Packing Co., Brown and Caldwell, Brunswick Corporation, Cal Doran, California Acrylic Industries, California Oil Recyclers, Calnap Tanning Co, Calstar Motors, Inc., Cal-Tron Plating, Caputo Associates, Cargill, Inc., Carter Precision Parts, Inc., Carter-Wallace Inc., Cascade Die Casting Group, Inc., Cate School, Certified Grocers, Chase Packaging Corporation, Chemrex Coatings Corporation, Children's Hospital of Los Angeles, CHM Manufacturing West, Inc., Chrome Nickel Plating, Circle Seal, City of Barstow, City of Buena Park, City of Chino, City of Costa Mesa, City of Glendale, City of Hope National Medical Center, City of Manteca, City of Ontario, City of Port Hueneme, City of San Rafael, City of Santa Fe Springs, Commercial Plating and Engineering Corporation, Inc., Concorde Interstate Battery Co., Connor Spring Manufacturing, Continental Heat Treating, Continental Manufacturing Co., Cook Paint Company, Cool Transports, Inc., Coral Chemical Company, Costco, County of Nevada, Crest Beverage, LLC, Crossfield Products Corporation, Crown Disposal Inc., Custom Chemical Formulators, Inc., Dayton-Granger, Inc., Del Mar Window Coverings, DeVincenci Metal Products, Inc., Disk Media, Inc., Downey Grinding, DuBois Chemicals, Dunn School, DV Industries, Inc., Dynacast Inc., Dynatech Corporation, Dynatem/R C Circuits, Eaz-Lift Spring Corporation, El Paso Electric Co., Electrolurgy, Inc., Electron Plating III, Inc., Electronic Chrome Co., Inc., Entenmann's/ Orowheat, Eva Fkiaras, Evans Tank Lines, Exel Corp./Exel Microelectronics, Inc., Fabri Cote, Farmers Insurance Company, Feather River Forest Products Company, Federal Manufacturing Corporation, Fibre Container Corporation, Fifieland Land Company, Film Salvage Company, Fontana Wood Preserving, Inc., Formica Corporation, Frito-Lay, Inc, Fritz Burns Foundation, FUJI Hunt USA, Future Foam, Gaehwiler M. Construction Inc., Garner Glass Company, GCG Corporation, General Chemical Corporation, Geophysical Service, Inc., Glenair, Inc., Gold Fields Operating Company, Golden State Foods Corporation, H.A. Luallen, Inc., H.G. Fenton Company, Hannibal Industries, Harbor Diesel and Equipment, Inc, Hartson's Ambulance Service, Hermetic Seal Corporation, Hill Refrigeration Corporation, Hi-Rel Connectors, Inc., Holt Inc., Hosokawa Micron International, Inc., House of Packaging, Humana, Inc., Hyundai Electronics America, International Rectifier Corporation, Irv Guinn, J.B. Dewar, Inc., James Jones Company, Johnson Controls, Inc, Kern High School District, Kern Oil & Refining Company, Keystone Automotive Industries, Inc., Kingsbacher-Murphy, Wesco Division, Lamsco West Inc., Layne Western, Leisure Village Association, Inc., Libby Owens Ford Co, Liquid Investment, Inc., Loctite Corporation, Lompoc Unified School District, Los Angeles Trade-Technical College, Lucas Valley Properties, Inc., Macklanburg-Duncan Company, MAPO, Maruichi America Corp, McDermott, Inc., MDT Biologic Company, Meggitt-USA, Mestek, Inc., MH Golden, Micro Metalics Corp, Micro Power Systems, Mid-State Industrial Insulation, Inc., Moshe Silagi, NCR Corporation, Neal Feay Company, Nelson Name Plate Company, NH3 Service Company, Inc., Norac Company, Nor-Cal Frozen Foods, Nortek Inc, Northern California Power Agency, Norton & Son of California, Nova Transportation Corp, Ojai Oil Company, O'Neil Data Systems, Inc., Orange Heights Orange Association, Oregon State University, Pacific Southwest Mortgage, Pacific Holding Company, Packaging Industries, Park Engineering and Manufacturing Co., Pebble Beach Company, Petaluma Joint Union High School District, Peterson Tractor Company, Pictsweet Company, Plastic Dress-Up Company, Polycore Electronics, Inc., Polymetrics Inc., Precision Tube Bending, Quest Diagnostics, Ramona's Mexican Food Products, RBC Bearings, Redman Equipment & Manufacturing Co, Redwood General Tire, Regillus Homeowners Association, Relton Corporation, Replacement Parts Manufacturing, Republic Fasteners Mfg. Corp, Reuland Electric Company, Reynolds & Reynolds Company, Richmond Honda, Rolls Scaffold & Equipment Inc., Rose Hills Memorial Park, Royal Paper Box Company, Royal Rubber & Manufacturing Company, S&K Plating, Inc., S. J. Amoroso Construction Co., Inc., SAE International, San Francisco Newspaper Agency, San Ysidro Ranch, Sandberg Furniture Mfg, Inc., Santa Barbara Metropolitan, Santa Clara Unified School District, Santa Clara Valley Water District, Santa Maria Ford, Santa Maria Valley Warehouse, Sav-On Plating, Schlumberger Well Service, Sealright Co., Inc., Sepulveda Building Materials, Sheller-Globe Corporation, Sierra Aluminum Company, Sierra Circuits, Inc., Signet Armormite, Inc., Smith Brothers Crane Rental, Inc., Snap-on Industrial, Southern California Gardeners' Federation, Inc., Speedy Circuits, Inc., Stabile Plating Co. Inc., State of Hawai'i, State of Oregon Department of Corrections, State of Oregon Department of Environmental Quality, Steiny and Company, Inc, Suburban Motel, Sullivan Standard, Sumiden Wire Products, Tailored Masonry of California, TCR Industries, Inc., Tension Envelope Corporation, Terminal Freezers, Inc., Textile Rubber, Textured Coatings of America, The Gainey Vineyard, The Kingsfords Product Company, Thomas Printing Ink, Thomson-CSF Components Corporation, Three D Service Company, Toby's Automotive, Trailer Train Co., Cal Pro Divison, Trident Plating Inc, Tri-Ex Tower Corporation, Trimm Industries, Truck Rail Handling, Inc., U.S. Chrome Corporation of California, U.S. Circuit, Inc., Universal Punch Corporation, University of Oregon, V&M Plating Company, Valley Circuits, Van Nuys Plating, Inc., Ventura County Star Free Press, Votaw Precision Technologies, Inc., W.A. Kruger Co., W.M. Lyles Co., W.R. Hatch Company, Wallenius Lines, Waltco, Wareham Development Corporation, Wells Fargo Bank, Western Digital Corporation, Western Metal Lath, William S. Hart Union High, School District, Wilsey Foods, Inc., Windowmaster Products, Inc., Woodward & Clyde Consultants, World Airways, Zep Manufacturing Co., Zephyr Mfg. Company.

**DATES:** EPA will receive written comments relating to the settlement until December 20, 2012. EPA will consider all comments it receives during this period, and may modify or withdraw consent to the settlement if any comments disclose facts or considerations indicating that the settlement is inappropriate, improper, or inadequate. Public Meeting: In accordance with section 7003(d) of RCRA, 42 U.S.C. 6973(d), commenters may request an opportunity for a public meeting in the affected area. The deadline for requesting a public meeting is December 4, 2012. Requests for a public meeting may be made by contacting Karen Goldberg by email at [goldberg.karen@epa.gov](mailto:goldberg.karen@epa.gov), or by facsimile at (415) 947-3570. If a public meeting is requested, information about the date and time of the meeting will be published in the local newspaper, *The Santa Maria Times*, and will be sent to persons on the EPA's Casmalia Site mailing list. To be added to the mailing list, please contact: Jackie Lane at (415) 972-3236 or by email at [lane.jackie@epa.gov](mailto:lane.jackie@epa.gov). A copy of the settlement document may be obtained by calling (415) 369-0559 extension 10, and leaving a message with your name, phone number, and mailing address or email address.

**ADDRESSES:** Written comments should be addressed to Karen Goldberg, U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street (mail code RC-3), San Francisco, California 94105-3901, or may be faxed to her at (415) 947-3570 or sent by email to [goldberg.karen@epa.gov](mailto:goldberg.karen@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Additional information about the Casmalia Disposal Site and about the proposed settlement may be obtained on the EPA-maintained Casmalia Web site at: <http://www.epa.gov/region09/casmalia> or by calling Karen Goldberg at (415) 972-3951 (77 F. R. 69620, November 20, 2012).

## GLOSSARY

### **Agency Actions**

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

### **Applicant Actions**

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

### **Draft Environmental Assessment**

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(c\)](#), for Applicant actions. For actions for which the agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

### **Final Environmental Assessment and Finding of No Significant Impact**

The Agency shall respond in writing to comments on a DEA received during the review and prepare a Final EA (FEA) to determine whether an environmental impact statement shall be required. The FEA must respond to all public comments. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement will not be required and the project may then be implemented. The public has 30 days from the notice of a FONSI in this bulletin to ask a court to require the preparation of an EIS.

### **Final Environmental Assessment and Environmental Impact Statement Preparation Notice**

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

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

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

determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public to request for a period of thirty-days, to be consulted parties in the preparation of the Draft EIS. Comments and responses must be incorporated into the subsequent Draft EIS.

### **Draft Environmental Impact Statement**

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The [content requirements](#) of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigative measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPN comment period in a point-by-point manner.

### **Final Environmental Impact Statement**

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a [Final EIS](#) (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. See here for [style](#) concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

### **Acceptability**

If the FEIS is [accepted](#), notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a nonacceptance determination.

### **National Environmental Policy Act**

The National Environmental Policy Act (NEPA) requires federal projects to prepare an EA or EIS. In many ways it is similar to Hawaii's law. Some projects require both a State and Federal EIS and the public comment procedure should be [coordinated](#). OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

### **Conservation District**

Any use of land in the State Conservation District requires a Conservation District Use Application

(CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. Notice of permit applications are published in this bulletin.

### **Special Management Area and Shoreline Setback Area**

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

### **Shoreline Certifications**

State law requires that Hawaii shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

### **Environmental Council**

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). [Agendas](#) of their regular meetings are posted on the Internet and the public is invited to attend.

### **Exemption Lists**

Government agencies must keep a list describing the minor activities they regularly perform that are [exempt](#) from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence ([HAR 11-200-8\(d\)](#)). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

### **Endangered Species**

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for Habitat Conservation Plans (HCP), Safe Harbor Agreements (SHA), or Incidental Take Licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).