

# The Environmental Notice

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

Manoa Heritage Center Photo

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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.



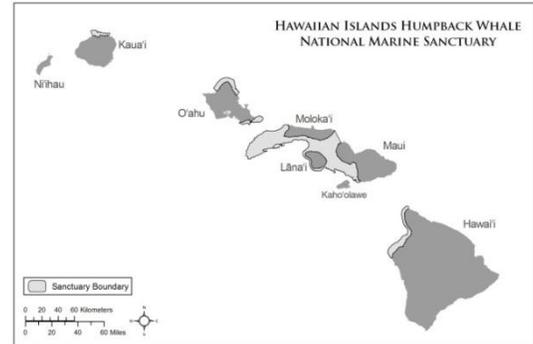
Neil Abercrombie, Governor · Office of Environmental Quality Control · 235 South Beretania Street, Suite 702 · Honolulu, HI 96813  
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 Website: <http://hawaii.gov/health/environmental/oeqc/index.html/>  
 Toll Free: Kaua'i: 274-3141 ext. 64185 · Maui: 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.

## STATEWIDE (HRS 343)

### 1. Hawaiian Islands Humpback Whale National Marine Sanctuary EISPN

**Island:** Statewide  
**Proposing Agency:** Department of Land & Natural Resources, 1151 Punchbowl St., Rm 330, Honolulu, HI 96826. Contact: Elia Herman, 808-587-0106  
**Accepting Authority:** Governor, State of Hawai'i, c/o OEQC  
**Status:** Statutory 30-day public review and comment period starts, comments are due by February 22, 2013. Send comments to the proposing/determination agency.



The State of Hawai'i co-manages the Hawaiian Islands Humpback Whale National Marine Sanctuary (sanctuary) under the authority of a Compact Agreement with NOAA. The Compact Agreement clarifies the State's continuing authority and jurisdiction over its State waters, submerged lands, and other resources within the sanctuary and establishes provisions with respect to NOAA's collaboration with the State of Hawai'i on sanctuary management issues. In 2010, NOAA's Office of National Marine Sanctuaries initiated a review of the sanctuary management plan to evaluate substantive progress toward implementing the goals for the sanctuary, and to make revisions to its management plan and regulations as necessary to fulfill the purposes and policies of the National Marine Sanctuaries Act and the Hawaiian Islands National Marine Sanctuary Act. The management plan review process occurs concurrently with a public process under the National Environmental Policy Act (NEPA). Since that time, the State of Hawai'i's Department of Land and Natural Resources has been added as a Joint Lead Agency to the proposed Environmental Impact Statement (EIS) under NEPA. This is a notice of intent to prepare an EIS concurrent with a revised management plan for the sanctuary under the state provisions of the Hawai'i Environmental Policy Act (HEPA). By issuing this notice, the State process under HEPA and the Federal process under NEPA will be aligned, and the EIS and concurrent revised management plan for the sanctuary will be put forth as a single document that meets the requirements of both Acts.

## HAWAI'I (HRS 343)

### 2. Linear Accelerator Vault at Hilo Medical Center Oncology Unit FEA (FONSI)

**Island:** Hawai'i  
**District:** South Hilo  
**TMK:** (3<sup>rd</sup>.) 2-3-031:003  
**Permits:** State Department of Health: UIC Permit (potential); County of Hawai'i, Department of Public Works: Grubbing and Grading Permits, Building Division Approval; County of Hawai'i, Planning Department Plan Approval  
**Proposing/ Determination Agency:** Hilo Medical Center, 1190 Waianuenue Avenue, Hilo HI 96720. Contact: Julie-Beth Ako, (808) 932-3108  
**Consultant:** Geometrician Associates, PO Box 396, Hilo HI 96721  
**Status:** Consultant: Ron Terry, (808) 969-7090  
 Finding of No Significant Impact Determination



Hilo Medical Center (HMC), a State agency, seeks to construct a new building to house a Varian TrueBeam Linear Accelerator, which it would purchase and install in a specially built vault in order to improve radiation treatment for cancer at its Hawai'i Pacific Oncology Center. The center currently uses an older model Linear Accelerator within the existing two-story 1285 Waianuenue building, which is

immediately south of the subject property and also houses a Department of Veteran Affairs Clinic. The project site is a 10,001-square foot State property currently occupied by a 25-space, unpaved employee parking lot. It is directly across the emergency entrance to HMC.

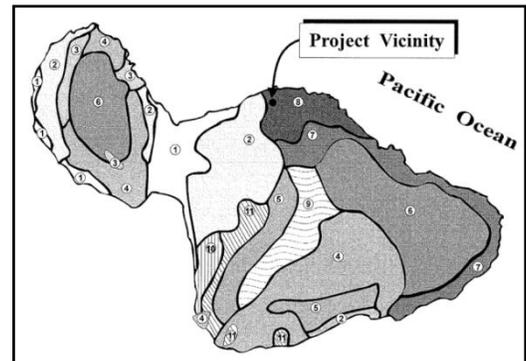
The building to house the Linear Accelerator has not yet been designed but is expected to be one-story, with approximately 4,000 square feet of floor space accommodating the vault, control room, waiting area, changing room, and office/exam space. The appearance would match other facilities at the HMC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

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

### MAUI (HRS 343)

#### 3. Hamakuapoko Well No. 1 and 2 Improvements DEA (AFNSI)

**Island:** Maui  
**District:** Makawao  
**TMK:** (2)2-5-004:039 (por.)  
**Permits:** Building and Grading Permits as applicable  
**Proposing/ Determination Agency:** County of Maui, Department of Water Supply, Kalana O Maui Building, 5<sup>th</sup> Floor, 200 South High Street, Wailuku, HI 96793  
 Contact: Curtis Eaton (808) 270-7816  
**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI 96793.  
 Contact: Mark Alexander Roy, (808)244-2015  
**Status:** Statutory 30-day public review and comment period starts, comments are due by February 22, 2013. Send comments to the proposing/determination agency and consultant.



The County of Maui, Department of Water Supply proposes to undertake various repair and maintenance improvements at the existing Hamakuapoko Well Nos. 1 and 2 in Hamakuapoko, Maui, Hawai'i. Hamakuapoko Well Nos. 1 and 2 were initially placed into operation as production wells in 2000. Due to concerns regarding the filtration of contaminants from agricultural uses, the wells were closed in October 2006. On October 13, 2011, the Maui County Council enacted Ordinance No. 3859, which allows the Hamakuapoko Well Nos. 1 and 2 to be reopened for agricultural use, use during declared drought events, and as backup to the Upcountry Water System (UCWS). During Council deliberations regarding the reopening of the wells, the State Department of Health confirmed that it stands by its 2000 approval of the Hamakuapoko Wells for drinking water use. Prior to the reopening of the wells, various repair and maintenance improvements at both well sites are necessary to address deferred maintenance of existing equipment so the wells can be placed into production and integrated with the UCWS. In addition to repair and maintenance actions, a new 150,000-gallon water tank is proposed adjacent to the Well No. 2 site.

#### 4. Kahekili Highway Repair Project FEA (FONSI)

**Island:** Maui  
**District:** Wailuku Judicial District  
**TMK:** (2)3-1-002:016 (por.)

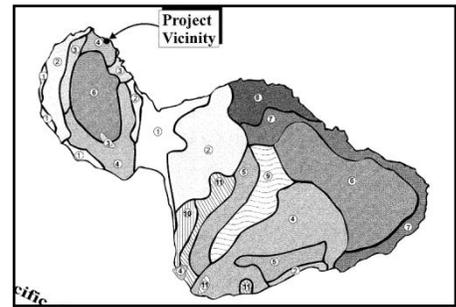
**Permits:** Work to Perform on County Highway, Building Permit, Grading Permit, Community Noise Permit (as applicable), and NPDES Permit (as applicable)

**Proposing/ Determination**

**Agency:** County of Maui, Department of Public Works, 200 South High Street, 4<sup>th</sup> Floor, Wailuku, Maui, HI 96793. Contact: Annette Matsuda, (808)270-7845

**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI 96793. Contact: Mark Alexander Roy, (808) 244-2015

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



The County of Maui, Department of Public Works proposes to conduct roadway repairs to a 1,150 foot section of Kahekili Highway between Mile Markers 15 and 16 in Kahakuloa, Maui, Hawai'i. Kahekili Highway runs along Maui's northwest coast, providing access from the Wailuku-Waihee area to West Maui. The proposed project consists of recompacting and repaving eroded asphalt concrete along pavement areas, constructing a slope tie-back system along the makai areas of the roadway where the pavement is showing visible signs of cracking, paving turnout areas, and asphalt resurfacing of the entire roadway segment area. The proposed repair work will be confined within the existing 50-foot right-of-way of Kahekili Highway and will improve the structure and stability of this section of the roadway. The section of Kahekili Highway between Mile Markers 15 and 16 is in need of immediate repairs to maintain the roadway for public access between Kahakuloa and Kapalua in West Maui. Sections of the road have been worn down due to repeated use, with numerous cracks and fissures visible within the asphalt.

**5. King Kekaulike High School Performing Arts Center DEA (AFNSI)**

**Island:** Maui

**District:** Pukalani

**TMK:** (2) 2-03-007; 032

**Permits:** National Pollutant Discharge Elimination System (NPDES), Community Noise Permit, Grading, Building, Electrical, and Plumbing Permits

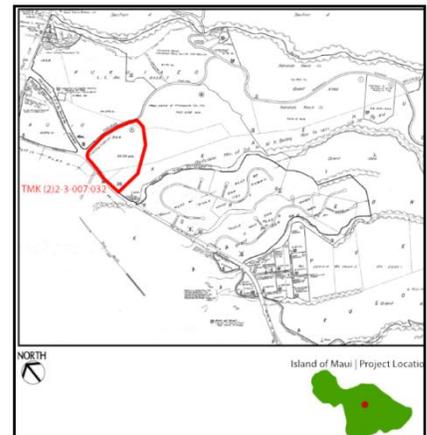
**Proposing/ Determination**

**Agency:** Department of Education, Facilities Development Branch, 1151 Punchbowl Street, Rm. 431, Honolulu, HI 96813. Contact: Ryan Yamamoto (808) 586-0966

**Consultant:** Leo A Daly, 1357 Kapi'olani Blvd., Suite 1230, Honolulu, HI 96814.

Contact: Nicholas Deeley, (808) 521-8889

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



The proposed project is located on the campus of King Kekaulike High School (TMK: (2) 2-03-007:032) in Pukalani, Maui, Hawai'i. The proposed project is a new Performing Arts Center for King Kekaulike High School (KKHS). The Performing Arts Center is designed to be constructed in two phases. Phase 1 of the project includes a 400-seat performance facility with a lobby, house, stage, and back-of house support functions totaling 22,123 SF. The future Phase 2 (12,288 SF) is planned for a black box (free form performance space), instructional functions and administrative offices.

The master plan for King Kekaulike High School included a learning center for the visual and performing arts. The high school offers its students three major curriculum pathways, i.e., arts and communication, health and human services, business and industrial education. Students are placed within their pathway of interest and the historically largest and most popular pathway is arts and communication. The creation of these facilities is an investment in the future of visual and performing arts and the development of its students. The Proposed Performing Arts Center is intended as an

inward-looking venue to showcase student performances to faculty, staff, parents and friends, and to the surrounding community.

## 6. Pu'unene Heavy Industrial Subdivision FEA (FONSI)

**Island:** Maui  
**District:** Wailuku  
**TMK:** (2) 3-8-008: 019  
**Permits:** District Boundary Amendment; Community Plan Amendment; Change in Zoning; Work to Perform in the State Highway Right-of-Way; Well Drilling and Pump Installation Permits; Public Water System Approval; Wastewater System Approval; NPDES; Grubbing and Grading Permits, Construction Plans Approval; Final Subdivision Approval  
**Applicant:** CMBY 2011 Investment, LLC, P.O. Box 220, Kihei, HI 96753  
 Contact: Blanca Lafolette (808) 874-5263  
**Approving Agency:** Maui Planning Commission, c/o Maui Planning Department, 250 S. High Street Wailuku, HI 96793. Contact: Kurt Wollenhaupt, (808) 270-8205  
**Consultant:** Chris Hart & Partners, 115 N. Market Street, Wailuku, HI 96793  
 Contact: Glenn Tadaki, (808) 242-1956  
**Status:** Finding of No Significant Impact Determination

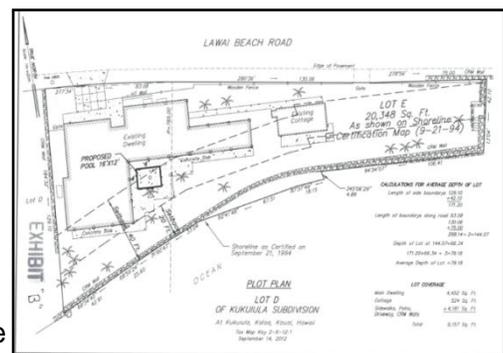


The proposed action will involve the subdivision of the subject parcel's 86 acres to create a heavy industrial subdivision. Preliminarily, 66 acres would be set aside for up to 28 developable lots, while nine acres have been designated for drainage retention basins and 11 acres for internal roadways. The proposed subdivision is pending "M-3, Restricted Industrial District" zoning which encompasses industrial uses that are generally considered obnoxious or offensive because of odor, dust, smoke, gas, noise, vibration, and the like, and are not allowed in any other zoning district. The subdivision's water, wastewater, drainage, and roadway systems will be privately owned and maintained, as well as all common area landscaping and irrigation. Subdivision lot owners will be responsible for all improvements on and to their lots. Access from Mokulele Highway to the subject parcel will be furnished by existing and proposed access easements.

## KAUA'I (HRS 343)

## 7. Swimming Pool at 4890 Lawai Road DEA (AFNSI)

**Island:** Kaua'i  
**District:** Koloa  
**TMK:** (4th) 2-6-12-01  
**Permits:** Shoreline Setback Variance, Class IV Zoning Permit, Special Management Area Use Permit (minor), Building Permit  
**Applicant:** David G. Jorgensen and M. Annette Thatcher Jorgensen, Co-Trustees of the David and Annette Jorgensen Revocable Trust, 20 Zapata Way, Portola Valley, CA 94028. Contact: Walton D. Y. Hong, (808) 245-4757  
**Approving Agency:** Planning Commission of the County of Kaua'i, 4444 Rice Street, Suite A-473 Lihue, HI 96766  
**Consultant:** Walton D. Y. Hong, 3135-A Akahi Street, Lihue, HI 96766. (808) 245-4757  
**Status:** Statutory 30-day public review and comment period starts, comments are due by February 22, 2013. Send comments to the applicant, approving agency and consultant.



The Applicants propose to construct a 12' by 16' swimming pool within the existing patio of a single family residence at 4890 Lawai Road, Koloa, Kaua'i, Hawai'i. The existing residence and patio were built under the previously permitted 20' shoreline setback. Under Kaua'i's current standards, the shoreline setback has increased to 40', resulting in portions of the residence and most of the patio being within the 40' shoreline setback area. Approximately half of the proposed pool will be within the 40' shoreline setback area, but not closer than 30' from the shoreline.

As the pool will be built within the existing patio, no additional encroachment into the shoreline setback area will result. The in-the-ground pool will not result in any adverse environmental impacts to the property and fronting shoreline due to its limited scope and location.

## HABITAT CONSERVATION PLAN

### Honua'ula (Wailea 670) Habitat Conservation Plan

**Island:** Maui  
**District:** Makawao  
**TMK:** 2-1-08:056, 2-1-08:071  
**Permits:** State Incidental Take License and Federal Incidental Take Permit  
**Applicant:** Honua'ula Partners, LLC, P.O. Box 220, Kīhei, HI 96753.  
Contact: Charlie Jencks, (808) 879-5205  
**Approving Agency:** DLNR, Division of Forestry and Wildlife, 1151 Punchbowl Street, Room 325, Honolulu, HI 96815.  
Contact: Lasha-Lynn Slabosa, (808) 587-4148 or Lasha.H.Salbosa@Hawaii.gov  
**Consultant:** SWCA Environmental Consultants, 1001 Bishop Street, Suite 2800, Honolulu, HI 96813  
Contact: Jaap Eijzenga, (808) 548-7922 or jeijzenga@swa.com  
**Status:** Multi-species draft habitat conservation plan 60-day public comment period starts, comments are due by March 8, 2013. Send comments to the Approving Agency.



The Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) is the in receipt of a draft Habitat Conservation Plan (HCP) for Honua'ula Partners LLC. Pursuant to Hawai'i Revised Statutes Chapter 195D, Honua'ula Partners LLC is requesting an incidental take license (ITL) from the DLNR for the take, harassment or harm to endangered or threatened species, specifically the Blackburn's sphinx moth (*Manduca blackburni*) and Nēnē (*Branta sandwichensis*). Honua'ula Partner, LLC proposes to construct a master-planned community, including residential units, commercial spaces, and an 18-hole homeowner's golf course to provide housing and other opportunities in the district. Activities will occur on the proposed Property over the life of the project that have potential to result in the incidental take of Blackburn's sphinx moth habitat. Post- construction activities associated with the proposed 18-hole golf course could attract a second endangered species. Nēnē (*Branta sandwichensis*), resulting in the potential for incidental take of this species. In addition, implementation of avoidance and minimization measures is expected to avoid any negative impacts on five additional endangered species: Hawaiian stilt (*Himantopus mexicanus knudseni*), Hawaiian duck (*Anas wyvilliana*), Hawaiian coot (*Fulica alai*), Hawaiian petrel (*Pterodroma sandwichensis*), Hawaiian Hoary bat (*Lasiurus cinereus semotus*), one threatened species: Newell's shearwater (*Puffinus auricularis newelli*), and one species that is proposed for listing as endangered, 'Āwīkīwī (*Canavalia pubescens*) that are either present at the project site, or could be attracted to the site during or after construction.

The public is encouraged to comment on: The adequacy of the draft HCP to minimize, mitigate, and monitor the proposed incidental take of the Covered Species; adequacy of the funding being provided to implement the proposed mitigation program; adequacy of the adaptive management program; and certainty that mitigation will occur. We are seeking public input on the adequacy of the HCP relative to the license issuance criteria found in HRS §195D-4 and §195D-21. For further information contact: Lasha Salbosa, Conservation Initiatives Coordinator, DLNR DOFAW tel. (808) 587-4148 or Lasha.H.Salbosa@Hawaii.gov.

## NEPA NOTICE

### Office of Responsive Space Super Strypi Proof-of-Principle Satellite Launches

**Island:** Kaua'i  
**Proposing Agency:** U.S. Department of Defense Operationally Responsive Space (ORS) office  
**Consultant:** KAYA Associates Inc., Huntsville AL  
**Status:** Final EA and Signed Final FONSI notice Completed

The U.S. Department of Defense Operationally Responsive Space (ORS) office, in partnership with the University of Hawai'i's Hawai'i Space Flight Laboratory (HSFL), has completed an Environmental Assessment (EA) for launching two proof-of-principle rocket vehicles from the Pacific Missile Range Facility (PMRF) on Kauai, Hawai'i.

Public comments on the EA and Draft Finding of No Significant Impact (FONSI) were accepted through 20 November 2012. No comments were received that required revision to the EA. The Final EA is available at <http://www.govsupport.us/orsssea>.

Based on the analysis, ORS has determined that proposed activities are not expected to result in significant impacts to the environment, and an Environmental Impact Statement is not required. The signed FONSI is available at <http://www.govsupport.us/orsssea> and at the following locations:

- Waimea Public Library, 9750 Kaunualii Highway, Waimea, HI 96796
- Hawai'i State Library, Hawai'i & Pacific Section Document Unit, 478 South King Street, Honolulu, HI 96813-2901
- Lihue Public Library, 4344 Hardy Street, Lihue, Kaua'i, HI 96766

Questions regarding these documents or requests for additional copies should be addressed to: Mr. Adel Hashad, at SMC/ENCE, 483 North Aviation Boulevard, El Segundo, CA 90245-2808, or by calling (310) 653-1217, or by email at [adel.hashad@us.af.mil](mailto:adel.hashad@us.af.mil).

## 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

**Keahole Point Fish Farm Additional Net Pen, Kona, Hawai'i**

**Applicant:** Keahole Point Fish LLC  
**Contact:** Lance Hubbert, (808) 345-0769  
**Federal Action:** Federal Permit  
**Federal Agency:** U.S. Army Corps of Engineers  
**Location:** Offshore Keahole Point  
**TMK:** (3) 7-3-43  
**CZM Contact:** John Nakagawa, 587-2878, [jnakagaw@dbedt.Hawaii.gov](mailto:jnakagaw@dbedt.Hawaii.gov)  
**Proposed Action:** Install an additional single net pen at the existing Keahole Point Fish open ocean fish farm. The net pen has a capacity of 7,000 cubic meters, and would be submerged below the ocean surface using existing anchors. The new pen will be installed within the boundaries of the existing State of Hawai'i submerged lands lease and would increase the number of pens from four to five, which is within the maximum allowable under the lease.

**Comments Due:** January 22, 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
Hawai'i: North Kona (7-7-024: 007)	Construct an Open Pavilion and Landscaping Improvements (SMM 12-250)	Teaderman Business Park LLC
Hawai'i: Puna (1-4-010: 014, 023, 024, 025, 026, 027 and portion of 061)	Safety Improvements to Alapaki Lane (SMM 12-251)	Kapoho Beach Association
Hawai'i: South Hilo (2-6-006: 027)	Approval of As-Built Remodel of Existing Single Family Dwelling Including an As-Built Ohana Dwelling Unit and Proposed Installation of Photovoltaic System and Related Improvements (SMM 12-252)	Laurie Connable
Maui: Wailea (2-1-023: 005)	Apartment Alteration and Addition (SM2 20120150)	Satish K. Gholkar
Maui: Wailea (2-1-023: 004)	Apartment 2501 Alteration (SM2 20120151)	Martin Vance Cooper
Maui: Kihei (3-9-002: 028)	Temporary Stages and Tents (SM2 20120153)	Evelyn K Long
O'ahu: Kailua (4-3-020: 001)	Fence Gate (2012/SMA-49)	Kaiholu Place Community Association/Lyon

## 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-1512	12/11/12	Lot 16 as shown on Map 4 of Land Court Application 1810 situate at Mokuleia, Waialua, O'ahu Address: 68-689 Farrington Highway Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Gregory Michaels	6-8-010:021
OA-1513	12/19/12	Lots 10383, 10384, 10385 and 10386 as shown on Land Court Application 1069 Map 793 situate at Honouliuli, 'Ewa, O'ahu Address: 91-153 & 91-175 Kaomi Loop Purpose: Satisfy criteria for ATLA surveys for properties	Hawai'i Land Consultants/ Watumull Ethanol LLC	9-1-026:046, 047, 048 & 050
HA-460	12/20/12	L.C. Aw. 8455-C, Ap. 2 to Kuluiki and R.P. 3864, L.C. Aw. 7210, Ap. 2 to Kini situate at Ke'ekē'e 1 <sup>st</sup> and 2 <sup>nd</sup> , South Kona, Island of Hawai'i Address: N/A Purpose: Obtain County permits	Wes Thomas Associates/ The Foo 1980 Trust	8-1-004:008 & 011
KA-372	12/21/12	Lot 16 Wainiha Hui Land being a portion of R.P. 7194, L.C. Aw. 11216, Ap. 5 to M. Kekauonohi situate at Wainiha, Halelea, Kaua'i Address: 7242 Alamoo Road Purpose: Building permit application	Peter Taylor Engineer and Land Surveyor, Inc./ Robert A. Rucker & Lee Shoon Rucker	5-8-008:037

### 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-1491	Rejection	Kualoa Regional Park situate at Kualoa and Hakipu'u, Ko'olaupoko, O'ahu Address: 49-479 Kamehameha Highway Purpose: Permitting purposes at Kualoa Regional Park	ControlPoint Surveying, Inc./City and County of Honolulu Department of Design and Construction	4-9-004:001
OA-1492	Rejection	Lot 68 (Map 10) of Land Court Consolidation 23 situate at Kaipapau, Ko'olaupoko, O'ahu Address: 54-001 Ahinalu Place Purpose: Permitting purposes	Austin, Tsutsumi & Associates, Inc./ August J. and Veronica Q. Monge	5-4-003:035
OA-1493	Rejection	Portion of R.P. 52, L.C. Aw. 802 to A. Adams situate at Niu, Waikiki, Honolulu, O'ahu Address: 5633 Kalaniana'ole Highway Purpose: Setback purposes	Austin, Tsutsumi & Associates, Inc./ Kinoshita Management Co. Ltd.	3-7-001:022
MA-509	Proposed Shoreline Certification	Lot 3 of the H.S.W. Subdivision being a portion of Royal Patent 8213, Land Commission Award 6715 to Ho'omanawanui situate at Keauhou, Honua'ula, Makawao, Maui Address: 4690 Makena Road Purpose: Sale of property	Bruce Williams/ Williams Family Trust c/o Bruce Williams	2-1-012:016
MA-529	Proposed Shoreline Certification	Lot B, Portion of Lot 1, Section 4 of Hamakuapoko Hui 2 <sup>nd</sup> Partition and Lots 14 and 14-A of Kuau Tract situate at Kuau, Pa'ia, Maui Address: 533 Hana Highway Purpose: Condition of SMA permit	Akamai Land Surveying, Inc./ Luca Ritz	2-6-010:028

## 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 Hawai'i 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).