

# The Environmental Notice

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

Manoa Heritage  
Center Photo

## THE 2013 LEGISLATIVE SESSION AND OTHER OEQC INITIATIVES

Two OEQC initiatives are being proposed in the current legislative session as a part of the administration's package. One measure proposes funds in the budget to create an OEQC interactive database; the second measure would charge filing fees for the publication of notice of availability of agency and applicant action environmental studies (EA or EIS) in The Environmental Notice. While there are more proposals from other interests being introduced to amend Chapter 343, HRS, OEQC's priority is the enactment of these two initiatives.

Firstly, the interactive database will allow agencies and applicants to electronically submit EA and EIS documents to OEQC for publication. This effort will tremendously improve the publications submittal process by eliminating the need for hardcopies. Secondly, the database will allow the public to directly provide input and comments online. Although one of the challenges to the database initiative is ensuring that the database contains every environmental study that was prepared under Chapter 343, Hawai'i Revised statutes, the fees proposal intends to generate revenues to support modernizing and upgrading technology, conducting educational and training outreach to agencies, consultants, stakeholders and general public, and conducting environmental stewardship research, amongst other office activities.

OEQC looks forward to a favorable reception by the legislators of its initiatives and humbly requests your support for the two measures.

## SUBMITTAL REQUIREMENTS FOR PUBLICATION IN THE ENVIRONMENTAL NOTICE

Time and again, OEQC staff gets bogged down by the inconsistent, non-uniform manner in which project proponents and consultants submit documents for publication. The publication requirements are clearly explained in [The Guide to the Implementation and Practice of the Hawaii Environmental Policy Act](#). Please be reminded to make sure you visit [The HEPA Document Preparation Toolkit](#) to download the appropriate publication forms and get proper documents submittal requirements.

## NEW SAMPLE EXEMPTION DECLARATION FORM

The Office of Environmental Quality Control (OEQC) released a new sample exemption declaration form for agency and applicant actions. OEQC encourages the use of the updated guidance form. The form is available on the OEQC website or by clicking the link in the title above.

*The Environmental Notice* informs the public of environmental assessments and other documents that are available for review and comment per HRS 343-3 and is issued on the 8<sup>th</sup> and 23<sup>rd</sup> of each month on the Office of Environmental Quality Control's website. If you would like to be notified when it is issued, send us your email address and we'll put you on our mailing list.



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## MAUI (HRS 343)

### 1. Stable Road Groins Replacement Project, 5(c) FEA (FONSI)

**Island:** Maui  
**District:** Wailuku  
**TMK:** Beach Fronting TMK's (2) 3-8-002-071, 077, 076, 074 & 078  
**Permits:** Conservation District Use Permit  
**Applicant:** Stable Road Beach Restoration Foundation Inc., 584A Stable Road, Pā'ia, HI 96779.  
 Contact: Jeffrey A. Lundahl, (808) 871-4110



**Approving Agency:**

State of Hawai'i, Department of Land and Natural Resources, Office of Conservation and Coastal Lands, 1151 Punchbowl Street, Room 131, Honolulu, HI 96809-0621. Contact: Kimberly K. Tiger Mills, (808) 587-0381

**Consultant:** Jeffrey A. Lundahl, (808) 871-4110

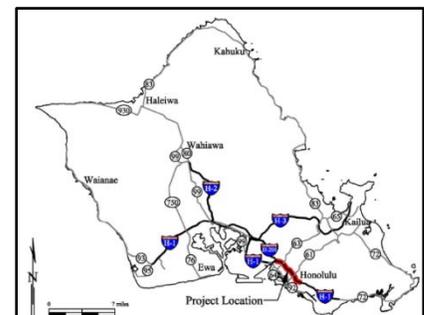
**Status:** Finding of No Significant Impact Determination

Decades of chronic beach erosion and retreat at the project beach have resulted in adverse environmental impacts to beach use, water quality, marine life and habitat for endangered species. The Project Need is to protect, preserve and conserve a highly used, public beach consistent with the Maui Beach Management Plan and Hawai'i Coastal Zone Management Act. The Project Purpose is to preserve, protect and conserve the public beach in a longer lasting and more sustainable manner than by existing geotube, sand retention devices (groins) approved for a temporary Evaluation Project, which has proven to successfully accomplish the Project Need and produce beneficial environmental effects. The Proposed Action is to replace four existing, geotube groins with four, more durable rock groins of the same scale and at the same general locations. The Evaluation Project is a full scale, site specific model of the Proposed Action. Its extensive environmental monitoring produced real, empirical data and performance assessments for a realistic prediction and reliable finding of no significant adverse environmental impact by the Proposed Action. Several similar rock groins have existed immediately down drift of the project beach for more than 72 years resulting in increased beach width despite intervening seawalls and revetments.

## O'AHU (HRS 343)

### 2. Interstate Route H-1 Rehabilitation, Middle Street to Vicinity of Ward Avenue, 5(b) DEA (AFNSI)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** Interstate Route H-1 right-of-way, 1-6-021:005, 1-6-024:001, and 1-6-024:003  
**Permits:** CZM, NPDES, Noise Permit, and Noise Variance  
**Proposing/Determination Agency:** State of Hawai'i, Department of Transportation, Highways Division, 869 Punchbowl Street, Honolulu, HI 96813. Contact: Ross Hironaka, (808) 768-7575.  
**Consultant:** Parsons Brinckerhoff, 1001 Bishop St., American Savings Bank Tower, Suite 2400, Honolulu, HI 96813. Contact: James Hayes, (808) 566-2239  
**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.

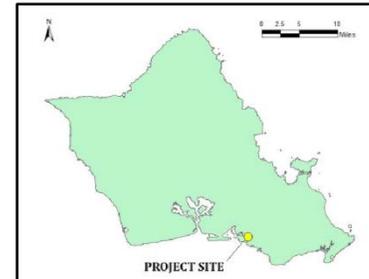


The State of Hawai'i Department of Transportation, Highways Division (HDOT) and the Federal Highway Administration (FHWA) are proposing to rehabilitate Interstate Route H-1 between Middle

Street and the vicinity of Ward Avenue. The work would include pavement rehabilitation or resurfacing, permanent restriping to accommodate four (10-foot wide) through lanes, replace highway lighting, and the addition of a concrete glare screen. In addition, Nu'uaniu Stream Bridge would be widened along with other minor modifications to allow for the four through lanes. The proposed project is consistent with the O'ahu Regional Transportation Plan 2035 and has been developed to prolong the interstate's surface life; address congestion in the Interstate Route H-1 corridor; and improve safety. A public informational meeting will be held at Farrington High School's Cafeteria on Wednesday, February 6, 2013 at 6 p.m.

### 3. Honolulu Harbor Pier 12 & 15 Improvements, 5(b) DEA (AFNSI)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 2-1-001:043, 044, 045, 055, 056  
**Permits:** Department of the Army, Section 10  
**Proposing/Determination Agency:** State of Hawai'i, Department of Transportation, Harbors Division (DOT-H), Hale Awa Ku Moku Building, 79 South Nimitz Highway, Honolulu, HI 96813-4898. Contact: Sharilyn Ikeda, (808) 586-2458  
**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 Department of Transportation, Harbors Division (DOT-H) proposes to construct new berthing and mooring improvements and utilities at Piers 12 and 15 in Honolulu Harbor. The improvements will accommodate two spill response boats and one spill response barge operated by the Marine Spill Response Corporation (MSRC) and the Clean Islands Council (CIC), non-profit entities that provide mandatory oil spill response, prevention, and training within the State. These three spill response vessels are being temporarily berthed at Pier 35, but a permanent location that allows quick access to potential incident areas is needed. Piers 12 and 15 provide an optimal location in central Honolulu Harbor, the hub of the State's maritime industry with a high volume of ship traffic. By berthing the spill responders at Piers 12 and 15, they will also be in close proximity to other emergency responders (e.g., Hawai'i Spill Response Center at Sand Island, fire boat at Pier 15, salvage divers at Pier 13, U.S. Coast Guard at Sand Island), enhancing overall response capability. The need for a permanent berthing location for MSRC and CIC has been accelerated by the State's proposed Kapālama Container Terminal project. This high priority project will result in a series of harbor relocations, including displacing MSRC and CIC from their temporary berth at Pier 35. As such, the proposed action also supports the timely implementation of other State harbor improvements. The proposed improvements at Piers 12 and 15 will consist of new berthing and mooring structures with appropriate fendering systems. Due to the poor condition of the existing piers, a structural slab on piles will be constructed over the existing bulkhead. The structural slab will not be connected to and will not impose a load on the existing bulkhead. The slab will connect to pile-supported loading platforms and mooring dolphins used to berth the MSRC and CIC vessels. At Pier 12 and 15, the berthing structures will be located 20 feet and 35 feet, respectively, away from the existing bulkhead. This eliminates the need for dredging and minimizes impacts on the existing coral communities surrounding the pier. At Pier 15, the project will demolish a portion of an existing shed building in order to provide additional room for truck access. There will be no impact to the existing fire station and fire boat pier. The project will also remove a number of old concrete piles and debris located along the sea floor adjacent to Pier 15 in order to provide adequate draft clearance. The project does not include dredging. The proposed action will require a Department of the Army (DA) permit in accordance with Section 10 of the Rivers and Harbors Act; and a National Pollutant Discharge Elimination System (NPDES) MS4 permit from the State of Hawai'i Department of Health.



**Consultant:** Gerald Park Urban Planner, 95-595 Kaname'e Street #324, Mililani, HI 96789. (808) 625-9626

**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.

Construction will temporarily raise fugitive dust and equipment emissions. Construction noise will be audible during site work and diminish as the buildings are erected and fitted with equipment. Site work will expose soil thus creating opportunities for erosion (fugitive dust and suspended sediment in construction related runoff). Best Management Practices (BMPS) for erosion and drainage control during construction will be incorporated into grading plans for the proposed improvements. Should excavation unearth subsurface archaeological sites, artifacts, or cultural deposits, work in the immediate area will cease and the proper authorities notified for disposition of the finds. The proposed improvements support the City's actions to maintain compliance with the National Pollutant Discharge Elimination System (NPDES) program. The basis of the improvements is through the management of storm water runoff and minimizing its exposure to pollutants and spreading through the environment. The wash water system will minimize the potential for introducing waste material into the environment. Solids and petroleum based constituents will be removed by filter media prior to entering the disposal field. Water from the separator will be filtered before percolating into the ground. Collected solids and oil and sludge will be removed as needed. Wash water from both facilities will flow into a closed treatment system preventing contact with storm water, streams, or other bodies of water. A package recycled water treatment system will generate wash water thus minimizing the use of water in the washing process. An expanded detention basin will capture and release runoff generated by the proposed improvements with capacity to contain runoff from other parts of the corporation yard. Land use controls for Hale'iwa town should not be affected. The proposed improvements are confined to the Wai'aluia Corporation Yard which is within the Community Growth Boundary for the town and the will not deviate from the design standards of the Hale'iwa Special District. One of the three proposed structures will exceed the allowable building height of the zoning district and a height waiver will be requested. The structures will not be visible from Emerson Road and Kamehameha Highway. Some residents on the east and west sides of the corporation yard will notice visual changes when the structures are erected.

## NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

### Northern Leg of the Western Bypass Road, Kaua'i, NEPA EA-FONSI

**Island:** Kaua'i

**District:** Kōloa

**TMK:** (4) 2-7-003: 002 (por.) and 014, and 2-8-006: 026 and 027

**Permits:** State Department of Health (DOH) National Pollutant Discharge Elimination System (NPDES) Permit; State DOH Community Noise Permit; State Department of Land and Natural Resources (DLNR) Commission on Water Resource Management Stream Channel Alteration Permit (SCAP); County of Kaua'i Department of Public Works (DPW) Compliance with Ordinance No. 831 (County of Kaua'i Flood Plain Management Ordinance); County of Kaua'i DPW Grubbing and Grading Permit; and County of Kaua'i DPW Road Permit

#### Proposing

**Agency:** County of Kaua'i, Department of Public Works, 4444 Rice Street, Suite 175, Līhu'e, HI 96766-1340. Contact: Wallace Kudo, (808) 241-4891

#### Approving

**Agency:** U.S. Department of Transportation, Federal Highway Administration, P.O. Box 50206 300 Ala Moana Boulevard, Room 3-306, Honolulu, HI 96850. Contact Person: Mr. Pat Phung, (808) 541-2700, ext. 2305

**Consultant:** Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, HI 96826. Contact: Earl Matsukawa, (808) 946-2277

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, (Pub. L. 91-190, 42 U.S. Code 4321-4347), Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, (40 Code of Federal Regulations (CFR) 1500-1508), and 23 CFR Part 771, Environmental Impact and Related Procedures, the U.S. Department of Transportation, Federal Highway Administration (FHWA) provides notice that an Environmental Assessment (EA) has been prepared and evaluated, and that a Finding of No Significant Impact (FONSI) has been issued for the Northern Leg of the Western Bypass Road project (Proposed Action) located in the Kōloa District, Island of Kauaʻi. The Proposed Action involves the County of Kauaʻi Department of Public Works' (DPW) development of the Northern Leg segment of the existing Western Bypass Road (Ala Kalanikaumaka) from its terminus at Kōloa Road north to Maluhia Road at its intersection with Ala Kinoiki (Eastern Bypass Road), a distance of approximately 0.4-mile. The purpose of the Proposed Action is to alleviate traffic congestion and improve traffic flow and circulation within Kōloa Town. The Northern Leg would be the final road link between the Western Bypass Road and Ala Kinoiki (Eastern Bypass Road), the two major north-south collector roadways, and will facilitate traffic operating conditions and circulation in the Kōloa-Poʻipū area. The Proposed Action will also implement the recommendations of the various State and County transportation and land use planning documents that have identified the need for this road link. Initially, the Northern Leg is planned to be a two-lane, two-way roadway based on current and projected traffic conditions to Year 2035. Ultimately, the Northern Leg is planned to be widened to a four-lane, two-way roadway, the implementation of which would depend on future traffic operating conditions in the area. This EA assesses the Northern Leg as a two-lane roadway. The Northern Leg will include two 12-foot wide travel lanes; an approximately 520-foot long, 64-foot wide bridge; eight-foot wide paved shoulders along both sides of the road which will also accommodate shared bicycle/pedestrian use; and street lighting within a 150-foot wide right-of-way. The southern segment of the existing two-lane 'Ōma'ō Road will also be realigned to intersect with the Northern Leg, near its southern end. The Proposed Action will not have any significant impacts on the human environment. Consultations required under Section 7 of the Endangered Species Act of 1973, as amended, and Section 106 of the National Historic Preservation Act of 1966 have been conducted and concluded. The Proposed Action is consistent with the enforceable policies of the Hawaiʻi Coastal Zone Management (CZM) Program, and has complied with the Farmland Protection Policy Act (FPPA). The proposed bridge improvements will be designed and constructed in full compliance with the construction and development standards of the County of Kauaʻi's Flood Plain Management Ordinance No. 831, enacted in accordance with the National Flood Insurance Program pursuant to the National Flood Insurance Act of 1968 (Pub. L. 90-440 and 91-152), as amended, and the Flood Disaster Protection Act of 1973 (Pub. L. 93-234). A separate EA (November 2010) prepared pursuant to Chapter 343, Hawaiʻi Revised Statutes, and Title 11, Chapter 200, Hawaiʻi Administrative Rules, State Department of Health, and a FONSI determination was issued by the County DPW, the Approving Agency, and published in the November 23, 2010 publication of the State Office of Environmental Quality Control's *The Environmental Notice*. Based on the findings of the NEPA EA, sufficient evidence and analysis is present to determine that an Environmental Impact Statement (EIS) is not required. The EA and FONSI addressing the Proposed Action is on file and may be reviewed at: 1) U.S. Department of Transportation, Federal Highway Administration, PJKK Federal Building, 300 Ala Moana Boulevard, Room 3-306, Honolulu, HI 96850; Attention: Mr. Pat Phung, (808) 541-2700, extn. 2305; 2) State of Hawaiʻi Department of Transportation, Highways Division, 601 Kamokila Boulevard, Room 609, Kapolei, HI 96707; Attention: Mr. Marshall Ando, (808) 692-7559; 3) State of Hawaiʻi Department of Transportation, Highways Division, Kauaʻi District, 1720 Haleukana Street, Līhu'e, HI 96766; Attention: Mr. Stanford Iwamoto, (808) 241-3000; and, 4) County of Kauaʻi Department of Public Works, 4444 Rice Street, Suite 175, Līhu'e, HI 96766, Attention: Mr. Wallace Kudo, (808) 241-4891.

## ENVIRONMENTAL COUNCIL

The Environmental Council has a tentative meeting scheduled for Thursday, February 21, 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

#### Special Management Area (SMA) Minor Permits

The SMA Minor permits below have been approved (HRS 205A-30). For more information, contact the county/state Planning Department. Honolulu (768-8014); Hawai'i (East Hi, 961-8288; West Hi, 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Kohala (6-9-007: 014)	Allow Existing and Additional Telecommunication Facility on the Rooftop of the Hilton Waikoloa Village (SMM 12-253)	AT&T Wireless
Kaua'i: Kukui'ula (2-6-011: 013, 014, 015)	Existing Rockwall Removal, Beach sand Replenishment, and Roadside Boulder Placement (SMA(M)-2013-11)	Kukui'ula Development Co. (Hawai'i) LLC.
Kaua'i: Moloa'a (4-9-013: 026)	Grading Involving Site Improvements (SMA(M)-2013-12)	Koohio Realty Trust
Kaua'i: Po'ipū (2-8-017: 001)	Beach Sand nourishment at Po'ipū Beach Park (SMA(M)-2013-13)	Department of Parks & Recreation, County of Kaua'i
Kaua'i: Po'ipū (2-8-017: 013, 014, 023, 024; 2-8-018: 030; 2-8-022: 010)	Construction of Perimeter rock Wall, Approximately 4' High, Along Po'ipū & Ho'owili Roads (SMA(M)-2013-14)	Department of Parks & Recreation, County of Kaua'i
Maui: Lahaina (4-3-006: 012)	Makani Sands Seawall Repair (SM2 20120079)	James Chamberland
Maui: Paia (3-8-001: 048)	Iwado-Kealakai Subdivision (SM2 20120107)	Jeannette Iwado
Maui: Haiku (2-9-007: 074)	Grid-Tied PV System-Carport Structure (SM2 20120129)	Cheryl Vrieling
Maui: Lahaina (4-6-001: 010)	Lahaina Library Reopening and Blessing (SM2 20120137)	Rotary Club of Lahaina
Maui: Wailea (2-1-023: 005)	Apartment Alteration: Unit 1702 (SM2 20120152)	Satish K. Gholkar
Maui: Kahului (3-7-002: 017)	Potable Taco Truck (SM2 20120154)	Eryck Quesada
Maui: Huelo (2-9-007: 076)	Install Water Catchment System (SM2 20120155)	Lester & Carleen Wong
Maui: Lahaina (4-6-008: 006)	2013-(12) Fun Community Events (SM2 20120156)	Lahaina Town Action Committee
Maui: Kihei (3-9-006: 004)	Main Dwelling Additional/Alteration (SM2 20120157)	Melott, Stanley Edward
Maui: Lahaina (4-3-003:109)	Restaurant Interior Alteration (SM2 20120158)	Jeremy W. Stoddart
Maui: Kihei (3-9-006: 004)	Main Dwelling Additional/Alteration (SM2 20120159)	Melott, Stanley Edward
Maui: Lahaina (4-6-031: 018)	Interior Remodeling (SM2 20120160)	George & Jeanne Emmett
Maui: Lahaina (4-3-010: 009)	Fortify Sand Bag Wall (SM2 20130001)	Allana Buick & Bers – Joseph Higgins
Maui: Lahaina (4-4-001: 060)	Beachside Bistro Food Truck (SM2 20130002)	Byrd, Teri
Maui: Kaunakakai (5-3-007: 039)	Predator Exclusion Fences (SM6 20120009)	Nene O Moloka'i

## SHORELINE NOTICES

### 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-1494	Proposed Shoreline Certification	Unit A of "61-637 Kamehameha Highway" as shown on Condominium Map 4869 situate at Kawailoa, Waialua, Oahu Address: 61-237 Kamehameha Highway Unit A Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Douglas Giannetti	6-1-003:024 & 042 CPR 1
OA-1503	Proposed Shoreline Certification	Lot 426 as shown on Map 79 and Lot 7307 as shown on Map 602 of Land Court Application 1069 situate at Honouliuli, Ewa, Oahu Address: Malakole Street and Kaiholo Street Purpose: Obtain permits to construct portion of drainage channel	Aina Nui Corporation/ James Campbell Company, LLC	9-1-014:002 9-1-074:036
MA-520	Proposed Shoreline Certification	Lot 16 Kahana Sunset Beach Lots situate at Alaeloa and Honokaena, Lahaina, Maui Address: 35 Papaua Place Purpose: Renovation to existing single family residence	Marc Taron/ Bob & Mo Hole	4-3-007:016
MA-510	Rejection	Lot 8-A of the Puunoa Subdivision No. 2 being portions of Royal Patent 1174, Land Commission Award 352, Apana 6 to Serang Alias Lani and Grant 8664, Apana 2 to Pioneer Mill Co. situate at Kainehe, Lahaina, Maui Address: 1047 Front Street Purpose: County requirement for permit process	Akamai Land Surveying, Inc./ Paul D. Gossman	4-5-003:026
HA-454	Withdrawal	Portion of R.P. 7819, L.C. Aw. 8559-B, Ap. 8 to W.C. Lunalilo situate at Puapuaa 2 <sup>nd</sup> , North Kona, Island of Hawai'i Address: 71-6126 Alii Drive Purpose: Obtain County permits	Wes Thomas Associates/ Jeffrey and Janet Iverson	7-5-020:020
OA-1494	Proposed Shoreline Certification	Unit A of "61-637 Kamehameha Highway" as shown on Condominium Map 4869 situate at Kawailoa, Waialua, Oahu Address: 61-237 Kamehameha Highway Unit A Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Douglas Giannetti	6-1-003:024 & 042 CPR 1
OA-1503	Proposed Shoreline Certification	Lot 426 as shown on Map 79 and Lot 7307 as shown on Map 602 of Land Court Application 1069 situate at Honouliuli, Ewa, Oahu Address: Malakole Street and Kaiholo Street Purpose: Obtain permits to construct portion of drainage channel	Aina Nui Corporation/ James Campbell Company, LLC	9-1-014:002 9-1-074:036

## FEDERAL NOTICES

### 1. Kalaupāpā Federal Advisory Commission Meeting on February 01, 2013

The National Park Service (NPS) has given notice that the Kalaupāpā Federal Advisory Commission will meet on February 01, 2013, at McVeigh Social Hall in Kalaupāpā National Historical Park at 9:00 A.M. (Hawai'i Standard Time). For more information please click on the link in the title of this notice above, or call (808) 567-6802, extension 1100 (see 78 F.R. 3914, January 16, 2013).

## 2. **Marine Mammal Permit Amendments 14451, 14353, and 13846**

The National Marine Fisheries Service has given notice that Joseph Mobley, Jr., University of Hawai'i at Mānoa, 2528 McCarthy Mall, Honolulu, Hawai'i 96822; Ann Zoidis, Cetos Research Organization, 33 Echo Avenue, Suite 5, Oakland, California 94611; and Jim Darling, Ph.D., Whale Trust, P.O. Box 384, Tofino, BC V0R2Z0, Canada, have respectively applied for amendments to Scientific Research Permits 14451, 14353, and 13846. For further information, please contact Kristie Bead or Carrie Hubbard at (301) 427-8401 (see, 78 F.R. 2955, January 15, 2013).

## 3. **Findings of Failure to Submit a Complete State Implementation Plan for Section 110(a) Pertaining to the 2008 Ozone National Ambient Air Quality Standard**

The U. S. Environmental Protection Agency has found that 28 states (including Hawai'i), the District of Columbia and the Commonwealth of Puerto Rico have not made complete state implementation plan submissions to address certain state implementation plan elements as required by the Clean Air Act. The effective date of this rule is February 14, 2013 (see, 78 F.R. 2882, January 15, 2013).

## 4. **Nominations to the Marine Fisheries Advisory Committee**

The National Marine Fisheries Service has given notice that nominations are being sought for an appointment by the Secretary of Commerce to fill one vacancy on the Marine Fisheries Advisory Committee beginning in the Spring of 2013. Nominations should be sent to Dr. Mark Holliday, Executive Director, Marine Fisheries Advisory Committee, Office of Policy, NMFS F-14451, 1315 East-West Highway, Silver Spring, MD 20910. For more information please contact Dr. Holliday at (301) 427-8004, or by email at [Mark.Holliday@noaa.gov](mailto:Mark.Holliday@noaa.gov) (see, 78 F.R. 2255, January 10, 2013).

## 5. **Notice of Lodging of Proposed Consent Decree under the Oil Pollution Act**

The Department of Justice lodged a proposed consent decree on December 21, 2012, with the United States District Court for the District of Hawai'i in *United States and the State of Hawai'i v. Cape Flattery Limited et alia*, Civil Action No. 12-00693JMR-BMK. The publication of this notice opens a period for public comment on the consent decree. During the public comment period, the consent decree may be examined and downloaded at this Department of Justice website: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of Hawai'i v. Cape Flattery Limited et alia*, D. J. Ref. No. 90-5-1-1-10600. All comments must be submitted no later than thirty days after the publication date of this notice (January 08, 2013). Comments may be submitted either by email or by mail: [pubcomment-ees.ernrd@usdoj.gov](mailto:pubcomment-ees.ernrd@usdoj.gov), or Assistant Attorney General, U. S. DOJ-ENRD, P.O. Box 7611, Washington D.C. 20044-7611 (see, 78 F.R. 1252, January 08, 2013).

## 6. **Taking Marine Mammals Incidental to Hydrographic Surveys**

The National Marine Fisheries Service (NMFS) has given notice that it has received a request from the NOAA Office of Coast Survey (OCS) for authorization to take small numbers of marine mammals incidental to conducting hydrographic surveys over the course of five years from the date of issuance. NMFS invites information, suggestions and comments on OCS's application and request. Comments should be sent to P. Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. The mailbox address for providing email comments is [ITP.Laws@noaa.gov](mailto:ITP.Laws@noaa.gov). For more information contact Ben Laws, Office of Protected Resources, NMFS at (301) 427-8401 (see 78 F.R. 1205, January 08, 2013).

## 7. **Changes in Flood Hazard Determinations**

The Department of Homeland Security, Federal Emergency Management Agency (FEMA) has given notice of changes in flood hazard determinations. These flood hazard determinations become

effective on the dates listed below and revised the FIRM panels and FIS report in effect prior to this determination for the listed communities.

- State/County: County of Hawai'i, State of Hawai'i
  - Location/Case No.: Unincorporated areas of Hawai'i County ([12-09-1607P](#))
  - Chief Executive Officer: Mayor William P. Kenoi, 25 'Aupuni Street, Suite 2603, Hilo, Hawai'i 96720
  - Community Map Repository: Department of Public Works, 101 Pauahi Street, Suite 7, Hilo, Hawai'i 96720
  - Online location of Letter of Map Revision: <http://www.r9map.org/Docs/12-09-1607P-155166-102IAC.pdf>.
  - Effective date of modification: March 04, 2013
  - Community No.: 155166 (see 78 F.R. 755, January 04, 2013).
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- State/County: City and County of Honolulu, State of Hawai'i
  - Location/Case No.: City and County of Honolulu, ([12-09-1556P](#))
  - Chief Executive Officer: Mayor Peter Carlisle, 530 South King Street, Room 300, Honolulu, Hawai'i 96813
  - Community Map Repository: Department of Planning and Permitting, 650 South King Street, Honolulu, Hawai'i 96813
  - Online location of Letter of Map Revision: <http://www.r9map.org/Docs/12-09-1556P-150001-102IAC.pdf>.
  - Effective date of modification: November 12, 2012
  - Community No.: 155001 (see 77 F.R. 73475, December 10, 2012).

#### 8. **Meetings for Nā Hoa Pili O Kaloko-Honokohau National Historical Park Advisory Commission**

The National Park Service (NPS) has given notice that the Nā Hoa Pili O Kaloko-Honokohau National Historical Park Advisory Commission will meet on: February 22, 2013; May 17, 2013; August 23, 2013; and, November 08, 2013. All meetings will begin at 11:00 A.M. Hawaiian Standard Time. For more information and agendas please click on the link in the title for this notice above. For more information, contact Superintendent Kathleen Billings, Kaloko-Honokohau National Historical Park, 73-4786 Kanalani Street, No. 14, Kailua-Kona, Hawai'i 96740, telephone (808) 329-6881 (see 77 F.R. 77091, December 31, 2012).

#### 9. **Protection of Stratospheric Ozone: The 2013 Critical Use Exemption From the Phaseout of Methyl Bromide**

The U. S. Environmental Protection Agency (EPA) is proposing uses that qualify for the 2013 critical use exemption. EPA is also proposing to amend the regulatory framework to determine the amount of methyl bromide that may be produced, imported, or supplied from existing pre-phaseout inventory for those uses in 2013. EPA is taking action under the authority of the Clean Air Act to reflect a recent consensus decision taken by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer at the Twenty-Third Meeting of the Parties. EPA is seeking comment on the list of critical uses and on EPA's determination of the specific amounts of methyl bromide that may be produced and imported, or sold from pre-phaseout inventory for those uses. Comments must be submitted by January 28, 2013. Any party requesting a public hearing must notify by 5:00 P.M., December 19, 2012 (Eastern Standard Time), Jeremy Arling by mail at U. S. Environmental Protection Agency, Stratospheric Protection Division, Stratospheric Program Implementation Branch (6205J), 1200 Pennsylvania Avenue NW, Washington D.C. 20460, or by email at [arling.jeremy@epa.gov](mailto:arling.jeremy@epa.gov) or by telephone at (202) 343-9055. For more information, please click on the link in the title to this notice above or contact Mr. Arling (see, 77 F.R. 74435, December 14, 2012).

10. **Endangered and Threatened Wildlife and Plants: Proposed Listing Determinations for 82 Reef-Building Coral Species; Proposed Reclassification of *Acropora palmata* and *Acropora cervicornis* from Threatened to Endangered**

The National Marine Fisheries Service (NMFS) under the Endangered Species Act (ESA) has completed a comprehensive status review of 82 reef-building corals in response to a petition submitted by the Center for Biological Diversity (CBD) to list the species as either threatened or endangered. The NMFS has determined, based on the best scientific and commercial data available and efforts being made to protect the species, that 12 of the petitioned coral species warrant listing as endangered, 54 coral species warrant listing as threatened, and 16 coral species do not warrant listing as threatened or endangered under the ESA. Comments on this document (identified by NOAA-NMFS-2010-0036) may be submitted electronically, by mail or by telephone facsimile (please refer to details contained the notice by clicking the link in the title of this notice above). For public hearing dates, please click on the link in the title of this notice above. For further information, please contact Chelsey Young, NMFS, Pacific Islands Regional Office at (808) 944-2137 (see 77 F.R. 73220, December 07, 2012).

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

The National Marine Fisheries Service (NMFS) has issued the final False Killer Whale Take Reduction Plan (FKWTRP) and regulatory measures and non-regulatory measures and recommendations to reduce mortalities and serious injuries of false killer whales in Hawai'i-based longline fisheries. For further information contact: Nancy Young, NMFS PIR, [Nancy.Young@noaa.gov](mailto:Nancy.Young@noaa.gov), Lance Smith, NMFS PIR, [Lance.Smith@noaa.gov](mailto:Lance.Smith@noaa.gov) (see, 77 F.R. 71260, November 29, 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's 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).