

The Environmental Notice

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

Office of Planning (OP) Determined that a Supplemental EIS is Not Required for the Honolulu Seawater Air Conditioning Project

The [Final Environmental Impact Statement for the Honolulu Seawater Air conditioning Project](#) was accepted by the Office of Planning and published in the September 23, 2009, Environmental Notice. The action has not yet been fully implemented and has been reviewed with respect to changes in size, scope, location, intensity, use and timing. The Office of Planning review indicated that no Supplemental Environmental Impact Statement will be required at this time.

Hawai'i Housing Finance and Development Corporation (HFDC) Determined that a Supplemental EIS is Not Required for the Villages of Kapolei

On May 4, 1988 The [Final Environmental Impact Statement for the Villages of Kapolei](#) was accepted. The action has not yet been fully implemented and has been review with respect to changes of the proposed project. HFDC analyzed the FEIS for the Villages of Kapolei and determined that Supplemental EIS is not required. The FEIS adequately covered the proposed action to build and operate a daycare center and contemplated the phased development of the Villages of Kapolei. The scope of development of the villages of Kapolei has not substantially increased and the environmental setting and probable environmental impacts as described in the 1988 FEIS have not substantially intensified or changed. Seagull Schools will acquire in leasehold for the Hawaii Housing Finance and Development Corporation approximately 29,316 sq feet of land in the Village Center of the Villages of Kapolei for the development and operation of a childcare center. The proposed Seagull Schools Childcare Center will consist of approximately 7,020 sq feet of building space.

Maui Kahului Airport Improvements with Planned Consolidated Car Rental Facility

A Consolidated Rental Car (ConRAC) Facility at the Kahului Airport is proposed to provide the space for the on-Airport rental car companies to accommodate the ready/return service and quick turnaround (QTA) facilities in a single location on the Airport. The proposed ConRAC will provide on-Airport facilities for the rental car companies. The construction of the new ConRAC facility and its related improvements will be located on approximately 17 acres of land at the Kahului Airport. The ConRAC facility will include approximately 4,200 parking stalls for rental car use, as well as a quick turnaround area, office, customer service area, and fueling and car wash areas for the various rental car operators

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 8th and 23rd 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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FRONT PAGE

Honolulu Seawater Air conditioning Project, No Supplemental EIS Required Determination
Village of Kapolei, No Supplemental EIS Required Determination
Kahului Airport Consolidated Rental Car Facility

HAWAI'I (HRS 343)

- 1. [Riverside Apartments Improvements DEA \(AFNSI\)](#)3
- 2. [B.T. Kuwahara Private Development and Related Use of State Land DEA \(AFNSI\)](#)4

MAUI (HRS 343)

- 3. [Kahului Airport Consolidated Rental Car Facility DEA \(AFNSI\)](#).....5
- 4. [Schweitzer Shoreline Erosion Control DEA \(AFNSI\)](#)5

O'AHU (HRS 343)

- 5. [Kamehameha Schools Community Learning Center at Ma'ili DEA \(AFNSI\)](#).....6

KAUA'I (HRS 343)

- 6. [Waiwai Properties Single Family Residence \(FONSI\)](#)7

ENVIRONMENTAL COUNCIL NOTICE7

COASTAL ZONE MANAGEMENT NOTICES

- Federal Consistency Reviews* 8
- Special Management Area Minor Permits* 8

SHORELINE NOTICES

- Shoreline Certification Applications*..... 9
- Shoreline Certifications and Rejections* 10

CONSERVATION DISTRICT NOTICES

- 1. [Verizon Wireless New Telecommunication Site, North Kona, Hawai'i](#) 11

FEDERAL NOTICES

- 1. [United States v. Waste Management of Hawaii, D.J. Ref. No. 90-5-2-1-09044, Notice of Lodging of Proposed Consent Decree Under the Clean Air Act](#) 11
- 2. [Notice of Chargeable Rates Under the National Flood Insurance Program for Non-Primary Residences](#) 12
- 3. [Meetings of the Marine Mammal Commission in Seattle and Honolulu](#) 12
- 4. [Notice of Public Hearing and Extension of Public Comment Period for a Proposed Rule to List 66 Reef-Building Coral Species and the Proposed Reclassification of Elkhorn *Acropora palmata* and Staghorn *Acropora cervicornis* under the Endangered Species Act](#) 13

GLOSSARY 14



HAWAII (HRS 343)

1. Riverside Apartments Improvements DEA (AFNSI)

Island: Hawai'i
District: South Hilo
TMK: 2-6-003:009
Permits: SMA Use Permit (SMP), Stream Channel Alteration Permit (SCAP)
Applicant: UHC 00382 Hilo L.P., a Hawai'i Limited Partnership, 2000 E. Fourth Street, Suite 205, Santa Ana, CA 92705.
Contact: Thomas G. Fischer, (714) 835 3955 x104

Approving

Agency: Hawai'i Housing Finance and Development Corporation (HHFDC), 677 Queen Street, Suite 300, Honolulu, HI 96813. Contact: Janice Takahashi, (808) 587-0639

Consultant: Kimura International, 1600 Kapi'olani Boulevard, Suite 1610, Honolulu, HI 96814
Contact: Leslie Kurisaki, (808) 944-8848

Status: Statutory 30 day public review and comment period starts, comments are due by April 08, 2013. Send comments to the applicant and approving agency.



The UHC 00382 Hilo L.P., a Hawai'i Limited Partnership, is proposing improvements to the Riverside Apartments property. The Riverside Apartments is a 74-unit, multi-family affordable rental complex located at 333 Ohai Street in Hilo, Hawai'i. The proposed action includes 1) interior building renovation; and 2) protection and stabilization of the stream bank bluff behind the apartment building. These are two separate improvement projects that are being implemented independent of each other.

Interior Building Renovation: The Riverside Apartments building has not undergone major improvements since its construction in 1973, and the proposed interior renovation is needed to continue to provide residents with safe and decent living conditions. The modernization will provide new flooring, carpeting, appliances, bathroom and kitchen fixtures, cabinets and paint. Plumbing and electrical repairs will be completed as needed. The building's leaking roof will be replaced and photovoltaic panels installed. Several units will be made ADA-accessible. There will be no new structures or work outside the existing building footprint. The building renovation will be completed in phases over a 12 month period.

Stream Bank Bluff Protection and Stabilization: The proposed stream bank bluff protection and stabilization is considered urgent, and is needed to prevent of failure of the embankment on the property's Second Level terrace. A recent geotechnical investigation found that the steep stream bank behind the apartment building, which overlooks the Wailuku River, is marginally stable and susceptible to slope failure. In this Second Level area, the building is very close to the edge of the embankment, and a slope failure would likely threaten the structural stability of the apartment and possibly the safety of its residents.

In 2008, there was a slope failure on another area of the property, on the adjacent Third Level terrace where the building is also very close to the edge. In the 2008 incident, heavy rains are believed to have contributed to the slope failure. Emergency repairs were completed in 2011 to stabilize and protect the stream bank, and fortunately, there appeared to be no damage to the building.

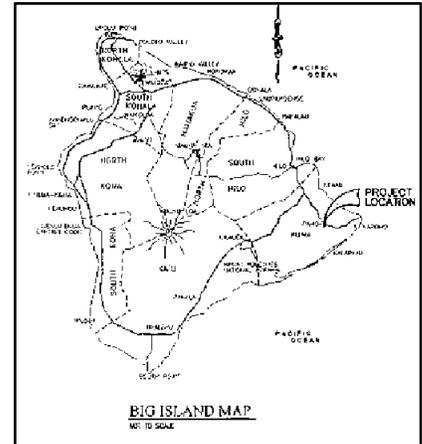
The currently proposed stream bank bluff protection and stabilization is similar to what was done in 2011 on the adjacent scarp. The project will install a series of soil nails to reinforce the steep embankment slope. An 8- to 10-inch thick layer of reinforced shotcrete (gunite) will be constructed over the slope to protect and stabilize the slope face. The toe of the embankment will be protected against future erosion, scour and undermining by constructing a cutoff wall. A series of micropiles will be installed at the top of the slope adjacent to the building. This is a redundant measure to protect the building in an area where the building footings are very close to the steep stream bank slope. All work will occur outside the waters of the Wailuku River, and best management practices will be used to ensure that dirt and debris does not enter the river.

The federal Department of Housing and Urban Development (HUD), which provides Section 8 rental subsidies to the Riverside Apartments, has required that the stream bank bluff protection and stabilization

be completed as a condition of its continued funding. Without the HUD subsidies, the building could not continue to be operated as an affordable housing complex. The work on the embankment is scheduled to begin in late 2013, and the actual construction work is estimated to take about 4 months.

2. B.T. Kuwahara Private Development and Related Use of State Land DEA (AFNSI)

Island: Hawai'i
District: Puna
TMK: (3rd) 1-5-007:006, 055, 069 & 070
Permits: State of Historic Preservation Division: Chapter 6e Concurrence; State Department of Health: NPDES, UIC, Approval of Wastewater Treatment Systems; County of Hawai'i, Department of Public Works: Grubbing, Grading and Driveway Permits; County of Hawai'i, Planning Department Plan Approval, State Land Use Boundary Amendment Application, Change of Zone Application
Applicant: B.T. Kuwahara LLC, PO Box 421, Pahoa, Hawai'i, 96778
Contact: Jon McElvaney, 938-2033



Approving Agency: County of Hawai'i Planning Department, 101 Pau'ahi Street, Hilo, HI 96720.
Contact: Bobby Jean Leithead-Todd, (808) 961-8288
Consultant: GK Environmental LLC, PO Box 1310, Honoka'a, HI 96727.
Contact: Graham Knopp, (808) 938-8583
Status: Statutory 30 day public review and comment period starts, comments are due by April 08, 2013. Send comments to the applicant, approving agency and consultant.

B.T. Kuwahara proposes to construct a commercial center along Pahoa Village Road and adjacent to the Kahakai Boulevard-Pahoa Village Road intersection. The commercial center would consist of 105, 143 square feet of leasable space, and would most likely include a super market, garden center, family medical clinic, a quality restaurant, a post office, a medical/dental clinic, a specialty retail store, a paint/ hardware store, a second specialty retail store, and a full service restaurant. The project would utilize three privately-owned parcels totaling 9.93- acres and a 50-foot- wide by 829.60-foot-long State of Hawaii property, the Kahakai Boulevard extension which would be improved to provide access to the project site. Additional roadway improvements include widening the portion of Pahoa Village Road fronting the project site to allow for turning lands and sidewalks, and construction of a traffic light at the Kahakai Boulevard-Pahoa Village Road intersection.

No public funds would be used from the proposed project. Total project construction costs are roughly estimated at \$20 million. Construction would commence in 2013 upon completion of permitting and design; and may be completed as soon as 2014.

The proposed project would have significant positive economic and social impacts by providing both short-term and long-term employment and by providing access to services including health care, in an area with a distinct lack of such services. Traffic impacts would occur, and would be mitigated by signalization of the Kahakai Boulevard-Pahoa Village Road intersection, and by the addition of turning lanes. Other minor, short-term construction-phase impacts including noise, air, and water quality are mitigable. No other significant impacts are expected to occur to cultural and historic sites, archaeological resources, and flora and fauna, or they are negligible.

MAUI (HRS 343)

3. Kahului Airport Consolidated Rental Car Facility DEA (AFNSI)

Island: Maui
District: Wailuku
TMK: (2) 3-8-001:019 (por) and 239
Permits: NEPA EA, Chapter 343 EA, Special Management Area Use Permit, NPDES Permit, and Noise Permit (as applicable)



Proposing/Determination

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

Consultant: Ricondo & Associates, Inc., 3239 Ualena Street, Third Floor, Honolulu, HI, 96819. Contact: Stephen Culberson, (808) 840-5294

Status: Statutory 30 day public review and comment period starts, comments are due by April 08, 2013. Send comments to the proposing/determination agency and consultant.

The purpose of the proposed Consolidated Rental Car (ConRAC) Facility at the Kahului Airport is to provide the necessary space for the on-Airport rental car companies to accommodate the ready/return service and quick turnaround (QTA) facilities in a single location on the Airport. Excess rental car storage, dealer preparation, and heavy maintenance will continue to be accommodated at the existing rental car facility locations on the Airport. The proposed ConRAC will provide adequate on-Airport facilities for the rental car companies, reduce traffic and congestion on the terminal roadway system and enhance the overall customer experience at the Kahului Airport.

The construction of the new ConRAC facility and its related improvements will be located on approximately 17 acres of land at the Kahului Airport. The ConRAC facility will include approximately 4,200 parking stalls for rental car use, as well as a quick turnaround area, office, customer service area, and fueling and car wash areas for the various rental car operators.

4. Schweitzer Shoreline Erosion Control DEA (AFNSI)

Island: Maui
District: Lahaina
TMK: (2) 4-3-015:001
Permits: Conservation District Use
Applicant: Henry Schweitzer and Diane Schweitzer, 1885 Lower Honoapi'ilani Road, Lahaina, HI 96761. Contact: Paul R. Mancini, (808) 874-8351



Approving

Agency: Office of Conservation and Coastal Lands, Department of Land and Natural Resources, Kalanimoku Building, 1151 Punchbowl Street, Room 131, Honolulu, HI 96813. Contact: Samuel J. Lemmo, (808) 587-0377

Consultant: Chris Hart & Partners, Inc., 115 N. Market Street, Wailuku, HI 96793. Contact: R. Raymond Cabebe (808) 242-1955

Status: Statutory 30 day public review and comment period starts, comments are due by April 08, 2013. Send comments to the applicant, approving agency and consultant.

The property owner proposes to retain a seawall and stair structure that was constructed by a contractor on the subject property in 1980 on what was then understood to be private property and pursuant to permits applied for and issued by the County of Maui. It was discovered in 2012 that the contractor built the structure makai of a certified shoreline boundary that was obtained in 1980 for the purposes of obtaining the County of Maui permits.

The Board of Land and Natural Resources considered the circumstances under which the structure was constructed in 1980 and authorized the property owner to file for a Conservation District Use Permit in order to obtain an easement on the State of Hawaii property.

The seawall and stairs are consistent with the existing walls to the north and south of the property and will protect the upland portion of the property from erosion due to storm waves and will also protect the beach and nearshore waters from impacts related to eroded soils transported by wave action and/or inland runoff. Removal of the structure would result in erosion of the subject property and turbidity in nearshore coastal waters.

O‘AHU (HRS 343)

5. Kamehameha Schools Community Learning Center at Ma‘ili DEA (AFNSI)

Island: O‘ahu
District: Wai‘anae
TMK: 8-7-010: 007 (portion)
Permits: Building, Grading, Construction Dewatering, Noise for Construction Activities, Trenching, Industrial Wastewater Discharge, Construction within a Flood Hazard District, Drainage Connection, Sewer Connection, Site Development, Subdivision, Traffic Review Branch Approval, Water Availability Approval, Plan Review Approval, National Pollutant Discharge Elimination System, Section 6E (Hawai‘i Revised Statutes), and Permit to perform work within a State Right-of-Way.



Applicant: Kamehameha Schools, Enterprise Planning and Sustainability Facilities Development and Support Division, 567 South King Street, Suite 617, Honolulu, HI 96813
Contact: Kaiulani Sodaro, (808) 534-8499

Approving Agency: State of Hawai‘i, Department of Hawaiian Home Lands, P.O. Box 1879, Honolulu, HI 96805
Contact: Jobie Masagatani, (808) 620-9501

Consultant: PBR HAWAII, 1001 Bishop Street, Suite 650, Honolulu, HI 96813.
Contact: Michael Shibata, (808) 521-5631

Status: Statutory 30 day public review and comment period starts, comments are due by April 08, 2013. Send comments to the proposing/ determination agency and consultant.

Kamehameha Schools’ mission is to fulfill Pau‘ahi’s desire to improve the capability and wellbeing of native Hawaiians into perpetuity through education. Kamehameha Schools believes that working within native Hawaiian communities to strengthen schools and other educational providers will not only serve native Hawaiian families, but will help to lift the level of education and well-being for the entire community. To that end, Kamehameha Schools’ *Ka Pua* Initiative on the Wai‘anae Coast will work to align commitments and investments across the entire Wai‘anae Coast and make significant investments in facilities, capacity, and community infrastructure. Through *Ka Pua*, Kamehameha Schools is poised to make a significant difference through partnership and engagement.

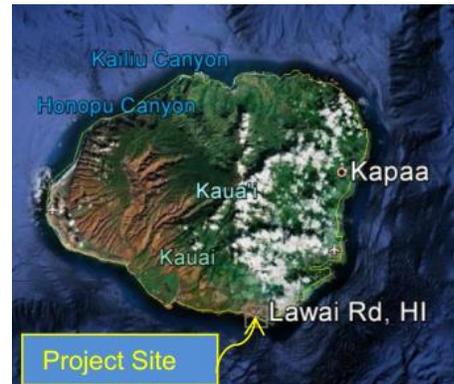
One of the most significant commitments Kamehameha Schools is making to the Wai‘anae Coast is the development of the Kamehameha Schools’ Community Learning Center (KCLC) at Ma‘ili that will not only symbolize a collective commitment to the community and its children, but will model innovative and collaborative supports for *keiki* and *‘ohana*, fostering better educational outcomes, strengthening the community, and deepen a vibrant native Hawaiian culture. As part of the overall *Ka Pua* Education Plan, the KCLC at Ma‘ili will establish state of the art educational spaces, serve as the nexus for Kamehameha Schools’ presence on the Wai‘anae Coast, and reduce significant barriers for community collaborators.

The KCLC at Ma'ili will be located on approximately 40 acres of land in Ma'ili (TMK 8-7-010: 007 por.). The 40-acre project site is part of a larger 89.274-acre parcel owned by the State Department of Hawaiian Home Lands. While the exact spatial requirements are still being refined, the KCLC at Ma'ili is envisioned as being developed in three phases and uses envisioned include an early childhood education complex, educational support (P-20 programs), and student and community support facilities

KAUA'I (HRS 343)

6. Waiwai Properties Single Family Residence (FONSI)

Island: Kaua'i
District: Koloa
TMK: 4-2-6-3:008
Permits: Shoreline Setback Variance & Class IV Zoning Permit
Applicant: Wai Wai Properties, LLC & Jochner Living Trust, PO Box 69, Koloa, HI 96756
Contact: Hannah Sirois (808) 639-2367
Approving Agency: Kaua'i County Planning Department, 4444 Rice St., Suite 473, Lihue, HI 96766
Contact: Jody Galinato, 808-241-4065
Consultant: Greg Kamm Planning & Management, 2284 Wiliko St., Lihue, HI 96766
Contact: Greg Kamm, (808) 742-1144
Status: Finding of No Significant Impact



The Applicant is proposing to construct one single-family residence on the subject property, along with a garage, full underground utilities, landscaping and a new septic system. There previously was a residence on the property from at least 1947 to 2005, when it was demolished. Almost all the lots along the makai side of Lawai Beach Road have dwellings constructed on them, including the lots of both sides of the subject property. This is one of the few vacant lots remaining. Almost all these dwellings were constructed under a more lenient shoreline setback policy.

Due to the very small size of the lot (6,820 square feet) and the required street setback, the required septic system setbacks, the requirement for off-street parking and the current shoreline setback policy, the cottage will intrude to some degree into to the 40' setback from the recently-certified shoreline.

No adverse environmental or other negative impacts are anticipated. The use is the same as all the neighboring properties and is the same as previously existed on the property.

ENVIRONMENTAL COUNCIL NOTICE

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

Mail: Office of Planning
Department of Business, Economic Development and Tourism
P.O. Box 2359
Honolulu, Hawai'i 96804

Email: jnakagaw@dbedt.hawaii.gov

Fax: (808) 587-2899

Laupahoehoe Harbor Breakwater Repair, Laupahoehoe, Hawai'i

Federal Action: Federal Agency Activity
Federal Agency: U.S. Army Corps of Engineers, Honolulu District
Proposed Action: Repair the existing 200-foot long breakwater at Laupahoehoe Harbor. Over time, underlayer material has been washed out of the rib-cap section and voids have been created in the head section of the breakwater, which allows greater wave transmission and diffraction through to the boat launch ramp. Also, the voids in the armor layer at the root of the breakwater have the potential to undermine the adjacent concrete pad. Repair measures include sealing the existing rib-cap structure with underwater tremie grout to prevent wave transmission. The head section of the breakwater will be rehabilitated to reduce wave transmission by placing dolosse units into the repair area. The armor revetment layer at the breakwater root section will be rehabilitated to protect the existing concrete pad adjacent to the breakwater. This repair work will require resetting of armor stones and installing new replacement stone in affected areas.

Location: Laupahoehoe Harbor, Hamakua Coast, Hawai'i
TMK: (3) 3-6-2: 24
Contact: Justin Goo, 835-4150, or Mark Arakaki, 835-4084
CZM Contact: John Nakagawa, 587-2878, jnakagaw@dbedt.hawaii.gov
Comments Due: March 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); Hawaii (East Hi, 961-8288; West Hi, 323-4770); Kauai (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Kaua'i: Hanalei (5-5-001: 004 & 011)	Commercial Tour Boat Activity (per Peddlers & Concessionaires Ordinance) (SMA(M)-2013-18)	Department of Parks & Recreation, County of Kaua'i

Kaua'i: Hanalei (5-5-001: 004 & 011)	Commercial Surf School/Stand-Up Paddle Instruction (per Peddlers & Concessionaires Ordinance) (SMA(M)-2013-19)	Department of Parks & Recreation, County of Kaua'i
Kaua'i: Haena (5-9-002:027)	Proposed construction of 2-car carport (SMA(M)-2013-20)	CB & Jennifer Martin
Maui: Paia (3-8-002: 077)	LIM Beach House – Landscape Features (SM2 20120039)	Jeffrey A. Lundahl
Maui: Haiku (2-9-007: 074)	Grid-Tied PV System – Carport Structure (SM2 20120129)	Cheryl Vrieling
Maui: Hana (1-3-002: 039)	Septic System (SM2 20130011)	Kahanu Gardens
Maui: Lahaina (4-6-028: 050)	Install Central Air Conditioning Condenser (SM2 20130013)	Edward & Susan Marszal
Maui: Lahaina (4-4-008: 001)	Temporary Tent (SM2 20130014)	National Marine Sanctuary Foundation
Maui: Kahului (3-7-011: 001)	Office Trailer Addition/Alteration (SM2 20130015)	Kitagawa, Michael S
Maui: Lahaina (4-6-010: 001)	Temporary Tents for Annual Bazaar (SM2 20130016)	Didi Azcueta

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-1514	2/12/13	Portion of Lot F "Sunset Beach Lots" as shown on File Plan 373 being a portion of Land Patent Grant 8000 to John S. Mackenzie situate at Pupukea-Paumalu, Ko'olaupia, O'ahu Address: 59-351 Ke Nui Road Purpose: Building setback line	Gil P. Bumanglag/ Patricia L. Johnson Trust	5-9-020:029
OA-1515	2/13/13	Portion of Royal Patent 4498 Land Commission Award 6175 Apana 1 to Kamaha No Malaea situate at Wailupe, O'ahu Address: 5403 Kalaniana'ole Highway Purpose: Shoreline setback determination	Engineers Surveyors Hawai'i, Inc./ Kalaniana'ole, LLC	3-6-003:006
OA-1516	2/20/13	Lots 1-B and 7-B Land Court Application 1089 situate at Kamananui, Waialua, O'ahu Address: N/A Purpose: Building permit	Walter P. Thompson, Inc./ Shull Bonsall Family Trust	6-7-001:051 (por.)
OA-1517	2/27/13	Lots 158 to 162 inclusive of Land Court Application 1069 (Map 26) situate at Honouliuli, 'Ewa, O'ahu Address: 91-333, 91-329, 91-317, 91-309 and 91-303 Papipi Road Purpose: Shoreline determination	Park Engineering/ Haseko (Ewa), Inc.	9-1-011:001-005
OA-1518	2/27/13	Lot 157 as shown on Map 26 and Lot 297 as shown on Map 45 of Land Court Application 1069 situate at Honouliuli, 'Ewa, O'ahu Address: 91-295 Papipi Road Purpose: Shoreline determination	Park Engineering/ Haseko (Ewa), Inc.	9-1-011:006 & 007

OA-1519	2/27/13	Lot 2697 as shown on Map 274 of Land Court Application 1069 situate at Honouliuli, 'Ewa, O'ahu Address: Oneula Beach Park Purpose: Shoreline determination	Park Engineering/ City and County of Honolulu	9-1-134:006
OA-1520	2/28/13	Lot 11729 as shown on Land Court Application 1069 (Map 846) and Lot 5 Document Number A-46370706 being a portion of Royal Patent 6971, Land Commission Award 11216 Apana 8 to M. Kekauonohi and all of Grant 30 Apana 8 to the Board of Education situate at Honouliuli, 'Ewa, O'ahu Address: 91-101 Papipi Road Purpose: Shoreline determination	Park Engineering/ Haseko (Ewa), Inc.	9-1-134:007 & 029
MA-538	2/14/13	Hololani Condominium Lot 1-A of Bechert Estate Subdivision being a portion of Lot 1 of Bechert Estate Subdivision and a portion of Grant 1166 to D. Baldwin, J.F. Pogue and S.E. Bishop situate at Kahananui, Lahaina, Maui Address: 4401 Lower Honoapiilani Road Purpose: Shoreline protection purposes	Valera, Inc./ Hololani AOA	4-3-010:009
MA-539	2/15/13	Lot 33 The Kuau Sunset Beach Lots (File Plan 302) situate at Kuau, Hamakuapoko, Maui Address: 61 Aleiki Place Purpose: Planning	Akamai Land Surveying, Inc./ Aleiki Place LLC	2-6-011:012
MA-540	2/20/13	Portion of Allotment 2 of the Partition of the Hui Lands of Mailepai being a portion of Royal Patent Grant 1663, Land Commission Award 5524 to L. Konia situate at Napili 2 and 3, Ka'anapali, Lahaina, Maui Address: 21 Kapalua Place Purpose: Permit to replace roof on existing building	Akamai Land Surveying, Inc./ Napili Lani AOA	4-2-002:004
MO-160	2/25/13	Lot 388 Land Court Application 632 (Map 29) situate at Kaunakakai, Moloka'i Address: 319 Seaside Street Purpose: Special Management Area review	Akamai Land Surveying, Inc./ Goodfellow Bros., Inc.	5-3-007:039
MO-161	2/25/13	Lot 396 Land Court Application 1683 (Map 19) situate at Kaluakoi & Ilioli, Molokai Address: 3010 Kaluakoi Road Purpose: Building permits and plans	Akamai Land Surveying, Inc./ 3010 Kaluakoi Road Inc.	5-1-006:070
HA-462	2/21/13	Portion of R.P. 4475, L.C. Aw. 7713, Ap. 43 to V. Kamamalu situate at Holualoa 1 st and 2 nd , North Kona, Island of Hawai'i Address: N/A Purpose: Obtain County permits	Wes Thomas Associates/ George A. Sandusky	7-6-016:012
HA-463	2/21/13	Limited Common Element Land Area Appurtenant to Unit "B" of Puako Sands Eha Condominium (CPR Map No. 2556) of Lot D being a portion of L.C. Aw. 8559-B, Ap. 6 to W.C. Lunalilo situate at Lalamilo, South Kohala, Island of Hawai'i Address: N/A Purpose: Obtain County permits	Wes Thomas Associates/ RQ Shupe, Trustee of the Shupe Trust	6-9-002:026 CPR 0002
KA-374	2/22/13	Portion of Moanakai Road situate at Kapa'a, Kawaihau, Kaua'i Address: N/A Purpose: Permitting	Ryan M. Suzuki/ County of Kaua'i	4-5-001

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-1500	Proposed Shoreline Certification	Lot C of Punalu'u Beach Lots as shown on Bishop Estate Map 5252 situate at Punalu'u, Ko'olauloa, O'ahu Address: 53-227 Kamehameha Highway Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Patrick Field	5-3-002:034

MA-532	Proposed Shoreline Certification	Lot 5 Ainalani Lots, portion of Grant 3343 to Claus Spreckels, Spreckelsville, Wailuku, Maui Address: 584 Stable Road Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./Lim Family Trust	3-8-002:077
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CONSERVATION DISTRICT USE APPLICATION

Persons interested in commenting on the following Conservation District Use Application or interested in receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in the Environmental Notice. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Land's staff listed for each project.

PROJECT:

File No.: CDUA HA-3656
Name of Applicant: Cellco Partnership dba Verizon Wireless
Location: North Kona District, Island of Hawai'i
TMKs: (3) 7-3-049:038
Proposed Action: New Telecommunication Site
343, HRS Determination: Exempt
Applicant's Contact: Mike Beason (808) 754-2644
OCCL Staff Contact: Alex J. Roy (808) 587-0316

FEDERAL NOTICES

1. [United States v. Waste Management of Hawai'i, D.J. Ref. No. 90-5-2-1-09044, Notice of Lodging of Proposed Consent Decree Under the Clean Air Act](#)

On February 27, 2013, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Hawai'i in the lawsuit entitled United States v. Waste Management of Hawaii, Inc., Civil Action No. CV 13 00095 RLP. In this action, the United States filed a complaint under the Clean Air Act alleging violations at the Waimanalo Gulch Municipal Solid Waste Landfill located on the island of O'ahu in Hawai'i. The consent decree requires the County to implement injunctive relief including conducting enhanced gas monitoring, complying with interim wellhead gas temperature limits and implementing a Monitoring and Contingency Plan for Elevated Temperatures. The consent decree also requires the County to pay a civil penalty of \$1,100,000. The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to United States v. Waste Management of Hawai'i, D.J. Ref. No. 90-5-2-1-09044. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail: By email; pubcommentees.enrd@usdoj.gov. By mail - Assistant Attorney General, U.S. DOJ - ENRD, P.O. Box 7611, Washington, DC 20044-7611. During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail

your request and payment to: Consent Decree Library, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC 20044-7611. Please enclose a check or money order for \$11.00 (25 cents per page reproduction cost) payable to the United States Treasury for a version without appendices and \$28.00 for a version with appendices (see, 78 F.R. 14591, March 06, 2013).

2. [Notice of Chargeable Rates Under the National Flood Insurance Program for Non-Primary Residences](#)

The Federal Emergency Management Agency of the United States Department of Homeland Security (FEMA), is publishing the chargeable rates under the National Flood Insurance Program for non-primary residences. DATES: The rates announced in this notice are effective January 1, 2013. ADDRESSES: The docket for this notice is available at www.regulations.gov under Docket ID FEMA–2013–0003. You may also view the docket at the Office of Chief Counsel, Federal Emergency Management Agency, Room 835, 500 C Street SW., Washington, DC 20472. FOR FURTHER INFORMATION CONTACT: Tom Hayes, Actuary, FEMA, 1800 South Bell St., Arlington, VA 20598-3010, at Thomas.Hayes@fema.dhs.gov or (202) 646-3419 (see, 78 F.R. 14315, March 05, 2013).

3. [Meetings of the Marine Mammal Commission in Seattle and Honolulu](#)

The Marine Mammal Commission will meet in open session on Tuesday, 12 March 2013, in Seattle, Washington, from 9:00 a.m. to 5:00 p.m., and on Tuesday, 26 March 2013, in Honolulu, Hawai'i, from 9:00 a.m. to 5:00 p.m. PLACE: The meeting on Tuesday, 12 March 2013, will be held in the Traynor Room (Room 2076) in Building 4 at the National Oceanic and Atmospheric Administration's Western Regional Center, 7600 Sand Point Way NE., Seattle, Washington, 98115. The meeting on Tuesday, 26 March 2013, will be held in the 11th Floor Conference Room at the National Marine Fisheries Service's Pacific Islands Regional Office, Suite 1110, 1601 Kapi'olani Boulevard, Honolulu, Hawai'i, 96814. STATUS: The Commission expects that all portions of these meetings will be open to the public. It will allow public participation as time permits and as determined to be desirable by the Chairman. Should it be determined that it is appropriate to close a portion of either meeting to the public, any such closure will be carried out in accordance with applicable regulations (50 CFR 560.5 and 560.6). Seating for members of the public at these meetings may be limited. The Commission therefore asks that those intending to attend either meeting advise it in advance by sending an email to the Commission at mmc@mmc.gov or by calling (301) 504–0087. Members of the public will need to present valid, government-issued photo identification to enter the buildings where the meetings will be held. MATTERS TO BE CONSIDERED: The Commission plans to meet with regional management and scientific officials in each of the National Marine Fisheries Service's six regions to identify the most pressing marine mammal research and management needs. The Commission will use these meetings to develop a set of national priorities for guiding federal conservation efforts for marine mammals. Members of the public are invited to attend these meetings and to provide comments concerning priority issues. Those unable to attend any of the meetings may submit comments in writing. Written comments should be sent to Timothy J. Ragen, Executive Director, Marine Mammal Commission, 4340 East-West Highway, Room 700, Bethesda, Maryland 20814. The Commission already has met with officials in the National Marine Fisheries Service's four other regions. The fifth and sixth meetings will be held in the National Marine Fisheries Service's Northwest and Pacific Islands Regions. The Commission also may meet with staff at the National Marine Fisheries Service's Headquarter in Silver Spring, Maryland as part of its review of marine mammal research and management needs. If so, a notice of that meeting will be published in the Federal Register and posted on the Commission's Web site (<http://www.mmc.gov>) when the date and location are confirmed. CONTACT PERSON FOR MORE INFORMATION: Timothy J. Ragen, Executive Director, Marine Mammal Commission, 4340 East-West Highway, Room 700, Bethesda, MD 20814; telephone (301) 504–0087 (see, 78 F.R. 13710, February 28, 2013).

4. [Notice of Public Hearing and Extension of Public Comment Period for a Proposed Rule to List 66 Reef-Building Coral Species and the Proposed Reclassification of Elkhorn *Acropora palmata* and Staghorn *Acropora cervicornis* under the Endangered Species Act](#)

The National Marine Fisheries Service, National Oceanic and Atmospheric Administration of the United State Department of Commerce (NMFS) extends the comment period on the proposed listing determinations of 66 reef-building coral species and the proposed reclassifications of elkhorn (*Acropora palmata*) and staghorn (*Acropora cervicornis*) corals under the ESA until April 6, 2013, and announces a public hearing to be held in Silver Spring, MD, on March 12, 2013. DATES: Comments and information regarding this proposed rule must be received by April 6, 2013. The public hearing will be held on Tuesday, March 12, 2013, from 6 to 9 p.m. in Silver Spring, MD. ADDRESSES: The March 12, 2013, hearing will be held at NOAA Headquarters, Building 4, NOAA Science Center, 1301 East-West Highway, Silver Spring, MD 20910. You may submit comments, identified by NOAA-NMFS-2010-0036, by any of the methods mentioned in the full notice available by clicking on/pasting in your favorite browser the hyperlink in the above title. Submit written comments to Regulatory Branch Chief, Protected Resources Division, National Marine Fisheries Service, Pacific Islands Regional Office, 1601 Kapi'olani Blvd., Suite 1110, Honolulu, HI 96814; or Assistant Regional Administrator, Protected Resources, National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, Saint Petersburg, FL 33701, Attn: 82 coral species proposed listing. Fax: 808-973-2941; Attn: Protected Resources Regulatory Branch Chief; or 727-824-5309; Attn: Protected Resources Assistant Regional Administrator. FOR FURTHER INFORMATION CONTACT: Chelsey Young, NMFS, Pacific Islands Regional Office, 808-944-2137; Lance Smith, NMFS, Pacific Island Regional Office, 808-944-2258; Jennifer Moore, NMFS, Southeast Regional Office, 727- 824-5312; or Marta Nammack, NMFS, Office of Protected Resources, 301-427- 8469 (see, 78 F.R. 12702, February 25, 2013).

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).