



# The Environmental Notice

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

## NU'UANU RESERVOIR NO. 4 REPAIR PROJECT

A draft environmental assessment by the Board of Water Supply, City and County of Honolulu, proposes to repair the Nu'uuanu Reservoir No. 4, located in upper Nu'uuanu Valley adjacent to the Pali Highway and four miles from downtown Honolulu. The purpose of the project is to undertake priority maintenance and repair work identified in the most recent Department of Land and Natural Resources Dam Safety Program inspection report, dated January 13, 2010, and a Phase 1 Investigation Report previously commissioned by DLNR for the Nu'uuanu Reservoir No. 4. Repair work will include, but is not limited to the excavation of the reservoir near the intake tower, repairing and rehabilitation of the intake tower structure and bridge, construction of downstream measuring weirs, improvements to the outlet receiving area, inspection and cleaning of the outlet tunnel structure, restoration of the downstream embankment, repairing and re-pavement to the access road on top of the dam, and inspection and repairing of CRM riprap deficiencies on the dam slope.

Originally constructed between 1905 and 1910, the purpose of the reservoir is to provide water supply, hydroelectric power, and flood control for the city of Honolulu. Today, the primary function of the reservoir is to provide flood control for Nu'uuanu Valley and part of downtown Honolulu that lies within the Nu'uuanu Stream corridor. Discharges from the reservoir flow into Nu'uuanu Stream and through downtown Honolulu before entering the Pacific Ocean at Honolulu Harbor. The Board of Water Supply anticipates completion the reservoir repair project by January 2014.

## KUNIA AGRICULTURAL PARK PROJECT TO PROVIDE LEASE LOTS

A draft environmental assessment by the Hawai'i State Department of Agriculture (HDOA) proposes to develop and manage agricultural parks on public lands to increase the supply of diversified agricultural lands. The proposed Kunia Agricultural Park on O'ahu will be located on approximately 150 acres of State lands known to be highly suited to a variety of crops and currently under cultivation. The project will afford 24 lessees the ability to both farm and live on the property through lease of farm dwelling lots with an associated cluster home to be developed and owned by the State.

Chapter 166, HRS, confers the authority to plan, develop and manage agricultural parks on public lands to increase the supply of diversified agricultural lands, on the HDOA. The HDOA will be responsible for developing and maintaining the agricultural infrastructure and for securing irrigation water for the Kunia Agricultural Park. The HDOA's request for an allocation of agricultural water from the Waiahole Ditch is pending before the Department of Land and Natural Resources, Commission on Water Resource Management. The project anticipates completion by December 2015, depending on funding.

*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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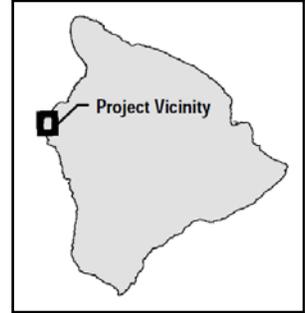
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## HAWAII (HRS 343)

### 1. Kona Airport at Keahole Airfield, Terminal, and Facility Improvements FEA (FONSI)

**Island:** Hawai'i  
**District:** North Kona  
**TMK:** 7-3-043: portion of 001, 002, and 003, which include parcels 006-018, 022-035, 037, 038, 040, 044-050, 052-059, 062, 064, 095-097, and 103-105; and, 7-2-005: 007  
**Permits:** Noise Variance Permit, National Pollutant Discharge Elimination System (NPDES) Individual Permit for Storm Water Associated with Construction Activity, Underground Injection Control (UIC) Permit, Conservation District Use Permit, Coastal Zone Management (CZM) Federal Consistency Certification, Land Use District Boundary Amendment, Special Management Area Use Permit, County of Hawaii Plan Approval, County of Hawai'i Zoning Variance, Grading/Grubbing Permit, Building Permit



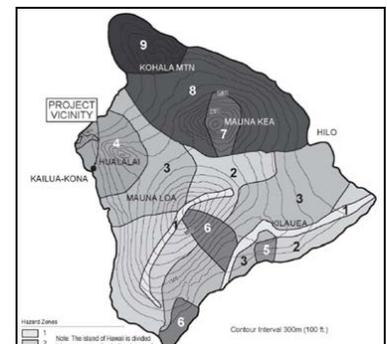
#### Proposing/Determination

**Agency:** Department of Transportation, Airports Division, 400 Rodgers Boulevard, Suite 700, Honolulu, HI 96819. Contact: Ms. Lynn Becones, (808) 838-8817  
**Consultant:** Wilson Okamoto Corporation, 1907 S. Beretania Street, Ste. 400, Honolulu, HI 96826. Contact: Mr. Earl Matsukawa, (808) 946-2277  
**Status:** Finding of No Significant Impact Determination

The State of Hawai'i Department of Transportation Airports Division (DOT-A) is proposing various improvements at the Kona International Airport located in Keahole, North Kona, Hawai'i. In October 2010, the DOT-A completed the Kona International Airport at Keahole Airport Master Plan which provides a long-range vision of developments on airport property. The currently proposed improvements are those that are anticipated to be implemented within the next five to ten years. Included are airfield improvements and airport facilities presented in the master plan, as well as smaller projects that are not specified in the master plan. The proposed improvements include the following: Expansion of the General Aviation Facilities; Construction of a new Helicopter Facility; Extension and Widening of the Kona Auxiliary Training Runway (KATR); Construction of Road M; Construction of a Seawater Air Conditioning System; Relocation of the Onizuka Space Center; Construction of the Terminal Modernization Phase I; Construction of a High-Pressure Hydrogen Fuel Storage and Fueling Station; Construction of a Regional ARFF Training Facility; Construction of a Medical Transitional Facility; Interior renovations of the existing ARFF Station for a new Commuter Terminal; and, Construction of a temporary State Department of Agriculture Inspection Facility.

### 2. Kuakini Highway Improvements, Hualālai Road to the Proposed Ali'i Highway DEA (AFNSI)

**Island:** Hawai'i  
**District:** North Kona  
**TMK:** Highway right-of-way, 7-5-08:014 (pors.), 7-5-08:016 (pors.), 7-5-08:003 (pors.), 7-5-09:025 (pors.), 7-5-09:021 (pors.), 7-5-09:010 (pors.), 7-5-09:040 (pors.), 7-5-06:003 (pors.), 7-5-18:012 (pors.), 7-5-18:028 (pors.), 7-5-10:085 (pors.), 7-5-30:024 (pors.), and 7-5-17:038 (pors.)  
**Permits:** CZM, NPDES, and Noise Permit; SMA for design alternative 2 only



#### Proposing/Determination

**Agency:** County of Hawai'i, Department of Public Works, Engineering Division Building D First Floor, 74-5044 Ane Keohokalole Highway, Kailua-Kona, HI 96740  
 Contact: Kiran Emler, (808) 323-4851  
**Consultant:** Parsons Brinckerhoff, 1001 Bishop St., American Savings Bank Tower, Suite 2400,

Honolulu, HI 96813. Contact: Mr. James Hayes, (808) 566-2239

**Status:** Statutory 30 day public review and comment period starts, comments are due by April 23, 2013. Send comments to the proposing/ determination agency and consultant.

The County of Hawai'i Department of Public Works (DPW) and the Federal Highway Administration (FHWA) are proposing improvements to Kuakini Highway between Hualālai Road and the future intersection with the proposed Ali'i Highway in Kailua Village, North Kona on the island of Hawai'i. Improvements to Kuakini Highway within the project limits would include increasing vehicle capacity, enhancing safety, facilitating emergency response, enhancing pedestrian facilities, improving roadway drainage, maintaining a common design standard, and other features. The project is included in the current Statewide Transportation Improvement Program (STIP) and the Hawai'i Long Range Land Transportation Plan.

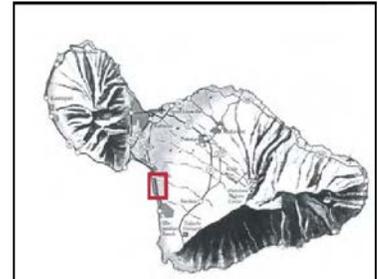
DPW has completed the widening and improvement of an adjacent stretch of Kuakini Highway between Palani Road and Hualālai Road. That project, ("Phase 1" of the Kuakini Highway widening), is separate from the action currently proposed. Widening from Hualālai Road to Ali'i Highway, the work now proposed, has been designated Phase 2.

Three alternatives are considered: widen the highway without acquiring any new right-of-way, widen the highway with minimal acquisition of right-of-way, and No-Build. The two build alternatives would not substantially alter the environment and adverse impacts would be minimal. A public meeting to collect comments on this DEA-FNSI will be held at County of Hawai'i Civic Center Building A – County Council Chamber, 74-5044 Ane Keohokalole Highway, Kailua-Kona, HI 96740 on April 19, 2013, at 1:30 p.m.

## MAUI (HRS 343)

### 3. [Maui Research and Technology Park Master Plan Update FEIS Volumes 1 & 2](#) and [Volumes 3 & 4](#)

**Island:** Maui  
**District:** Makawao  
**TMK:** (2) 2-2-024:1-9, 14-18, 31, 32, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and (2) 2-2-002:54 (por.)  
**Permits:** State Land Use District Boundary Amendment; County Community Plan Amendment; County Change in Zoning; Section 404 Clean Water Act Approval; Air Pollution Control Permit; Community Noise Permit; NPDES Permit; Section 401 Clean Water Act; Well Construction and Pump Installation Permit; Stream Channel Alteration Permit; Permit to Perform work within the State ROW; Preliminary Subdivision Approval; Final Subdivision Approval; Grading and Grubbing Permit; Driveway Permit; Building Permit; Wastewater Discharge Permit; Drainage Approval; Easements for Utilities and Roadways  
**Applicant:** Maui R&T Partners, LLC., 1300 North Holopono St., Suite 201, Kihei, HI 96753. Contact: Mr. Steve Perkins, (808)-270-5944  
**Approving Agency:** Land Use Commission, Department of Business Economic Development & Tourism, P.O. Box 2359, Honolulu, HI 96804-2359. Contact: Mr. Daniel Orodener, (808) 587-3822  
**Consultant:** Chris Hart and Partners, Inc., 115 N. Market St., Wailuku, HI 96793. Contact: Mr. Brett Davis, (808) 242-1955  
**Status:** Notice of Availability; the State Land Use Commission is processing the acceptance/non-acceptance.



The Maui Research and Technology Park (MRTP) is located in Kihei, Maui, Hawai'i. The Park is situated mauka (east) of Pi'ilani Highway and is accessible from Lipoa Parkway. The MRTP encompasses approximately 411 acres owned in fee simple by various land owners.

M RTP was established in the 1980's to bring diversification to Maui's economy through investment in high technology. Today the Park has over 180,000 square feet of office space, with over 400 people working at over 20 high technology and professional services companies.

Over the next 20 years, the Park desires to strengthen its competitive position by better servicing the unique needs of the knowledge industry community. The Park will accomplish this objective by incorporating greater flexibility into its land use controls. The Park will also embrace mixed-use development by bringing housing choices and personal and professional services within walking and biking distance of work.

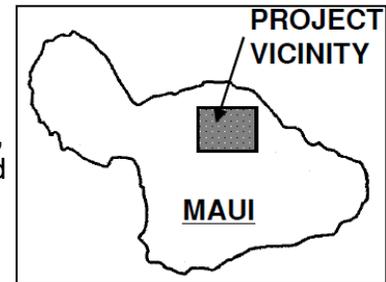
The park will be developed in two phases. Phase 1, through 2024, will include a mixed-use village center, knowledge-industry employment core, residential neighborhoods, schools and parks. Phase 2, through 2034, will include additional residential development and knowledge industry expansion campuses to the east and south. At build-out, in 2034, the Park will comprise knowledge industry, commercial, and civic uses totaling approximately 2 million square feet together with 1,250 single- and multi-family residences. It is estimated that 60% of the residential units will be single-family and 40% multi-family.

#### 4. King Kekaulike High School Performing Arts Center FEA (FONSI)

**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:** Finding of No Significant Impact Determination



The Department of Education is issuing a Finding of No Significant Impact for the King Kekaulike High School Performing Arts Center. 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.

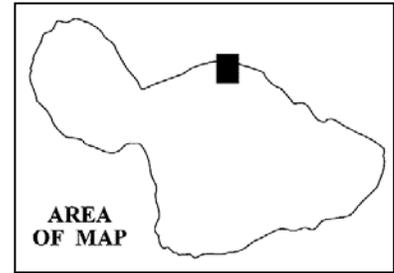
#### 5. Haiku Road and Culvert Improvements FEA (FONSI)

**Island:** Maui  
**District:** Makawao  
**TMK:** Haiku Road Right-of-Way; TMK (2) 2-7-003:056(por.) and 2-7-020:009(por.)  
**Permits:** Department of Army Permit, Section 401 Water Quality Certification, Coastal Zone Management Consistency Approval, Stream Channel Alteration Permit, National

Pollutant Discharge Elimination System Permit, Community Noise Permit, as applicable, Construction Permits (grading, grubbing)

**Proposing/Determination**

**Agency:** County of Maui, Department of Public Works, 200 South High Street, Wailuku, HI 96793  
Contact: David Goode, (808) 270-7845  
**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI 96793  
Contact: Colleen Suyama, (808)244-2015  
**Status:** Finding of No Significant Impact Determination



In December 2007, a storm caused extensive damage to the existing concrete box culvert drainage system and embankment located along (north) Haiku Road approximately 600 feet east of its intersection with Kokomo Road. The 2007 storm caused a section of the concrete box culvert to break away, as well as the erosion of the adjacent embankment to the north of Haiku Road. The erosion has, in turn, undermined the shoulder and guardrail on the north side of Haiku Road.

To remedy this condition, the County of Maui, Department of Public Works (DPW) proposes to repair the damaged concrete box culvert and eroded embankment. To prevent future damage to the drainage way, protect coastal and downstream waters, and improve public safety, the DPW proposes to construct a new outlet headwall, construct new grated inlet and 18-inch drain line, new embankments, an energy dissipater basin and concrete transition, and to install fencing, new guard rails and asphalt pavement for the reconstruction of Haiku Road.

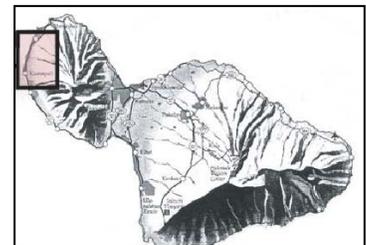
The proposed action involves the use of County land and funds. The use of County land and funds are triggers for Chapter 343, Hawai'i Revised Statutes (HRS). As such, an Environmental Assessment (EA) is being prepared pursuant to Chapter 343, HRS and Chapter 200 of Title 11, Hawai'i Administrative Rules, Environmental Impact Statement Rules. This EA documents the project's technical characteristics and environmental impacts, and advances findings and conclusions relative to the impacts of the project.

**6. Retaining Wall Construction at the Walter Hester Residence FEA (FONSI)**

**Island:** Maui  
**District:** Lahaina  
**TMK:** (2) 4-3-015:003  
**Permits:** Grading, Special Management Area Use Permit, Shoreline Setback Variance  
**Applicant:** Walter F. Hester, 305 E. Wakea Avenue, Kahului, HI 96732. Contact: Paul Mancini, (808) 871-8351

**Approving**

**Agency:** Maui Planning Commission c/o Department of Planning, County of Maui, 250 South High Street, Wailuku, HI 96793  
Contact: William Spence, (808) 270-7735  
**Consultant:** Chris Hart & Partners, Inc., 115 North Market Street, Wailuku, HI 96793  
Contact: Jennifer Maydan, (808) 242-1955  
**Status:** Finding of No Significant Impact Determination



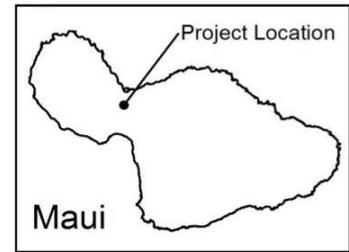
The Applicant proposes to construct a structurally engineered shoreline armoring system in order to stabilize the shoreline bluff at the *makai* limit of the property. The proposed retaining wall will be constructed mauka of the certified shoreline and sited on the existing rock formation within the bluff. The wall will be sited 15 feet above sea level and have a height of 10 feet, with two (2) tiers. The top tier will be five (5) feet in height with a four (4) foot wide bench, followed by a second tier five (5) feet in height.

Construction of the proposed wall will involve the installation of concrete-filled Dura-Bloc 10 feet in height and supported on micropiles drilled to lava rock for vertical support and with grout injection ground anchors for lateral support across approximately 140 feet of the yard area at the top of the cliff.

The proposed development is not anticipated to result in significant environmental impacts to surrounding properties, nearshore waters, natural resources, and/or archaeological and historic resources on the site or in the immediate area.

### 7. Central Maui Regional Park DEA (AFNSI)

**Island:** Maui  
**District:** Wailuku and Waikapu  
**TMK:** (2) 3-8-007:101 (portion)  
**Permits:** CWB-Individual NPDES Form C and SSCBMP



#### **Proposing/Determination**

**Agency:** Department of Land and Natural Resources Engineering Division, 1151 Punchbowl Street, Room 221, Honolulu, HI 96813.

Contact: Carty Chang, (808) 587-0230, carty.s.chang@hawaii.gov

**Consultant:** R.M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, HI 96819-3494  
Contact: Chester Koga, (808) 842-1133, chesterk@rmtowill.com

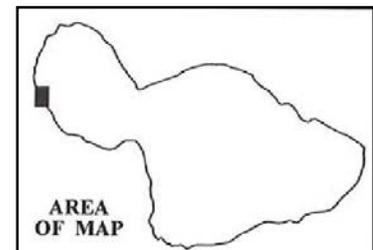
**Status:** Statutory 30 day public review and comment period starts, comments are due by April 23, 2013. Send comments to the proposing/determination agency and consultant.

This project entails the construction of a regional park for the general public in the expanding area of Central Maui. The park will have sports fields and comfort stations/refreshment stands, parking lot, lighting and softball, soccer and baseball fields. In addition, facilities for irrigation water, equipment storage and stormwater detention will be provided at the park. The park will cover an area of approximately 65 acres.

The planned Central Maui Regional Park will border a community center and cultural preserve to the west as well as county housing, a middle school and commercial areas to the south. Kuihelani Highway will border the park area to the east. To the north, the park will border the Maui Lani residential area. The park will provide schoolchildren and the general public with recreational opportunities, a venue for sports tournaments and a stormwater retention basin for the Wai'ale development. The Wailuku-Kahului area has high projected growth and there is a need to incorporate new recreational spaces into development in the region. The construction of the Central Maui Regional Park would help to meet this need.

### 8. Kuhua Street Extension and Improvements DEA (AFNSI)

**Island:** Maui  
**District:** Lahaina  
**TMK:** Various  
**Permits:** Construction Permits



#### **Proposing/Determination**

**Agency:** Department of Public Works, 200 South High Street, Wailuku, HI 96793.

Contact: Nolly Yagin, (808) 270-7745

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

**Status:** Statutory 30 day public review and comment period starts, comments are due by April 23, 2013. Send comments to the proposing/determination agency and consultant.

The County of Maui, Department of Public Works (DPW), proposes the development of the Kuhua Street Extension and Improvements Project in Lahaina, Maui, Hawai'i. The project will be aligned east (mauka) of and parallel to Honoapi'ilani Highway and will span approximately two (2) miles from Keawe Street to its southern terminus with Honoapi'ilani Highway, across from the Front Street intersection.

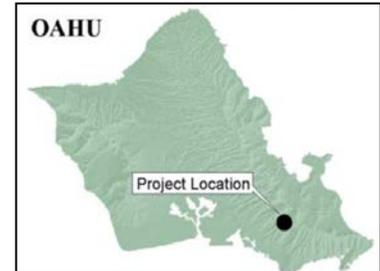
The proposed roadway alignment is mainly east (mauka) and parallel to the existing Mill Street cane haul road until it nears the Lahaina Recreation Center. The roadway alignment veers around the Lahaina Recreation Center between the park and Na Hale O Wainē'e housing project and then travels west towards Mill Street and terminates at the Front Street intersection. The project also includes the intersecting streets of Papalaua Street, Lahainaluna Road, Dickenson Street, Shaw Street and Aholo

Road. Due to severe grade differences at Honoapiʻilani Highway, Prison Street is currently not identified as an intersecting street. The proposed project will provide an alternate local transportation corridor parallel to Honoapiʻilani Highway. The County of Maui will need to obtain funding for land acquisition and construction of the project.

## OʻAHU (HRS 343)

### 9. Nuʻuanu Reservoir No. 4 Repair Project DEA (AFNSI)

- Island:** Oʻahu  
**District:** Honolulu  
**TMK:** (1) 2-2-54: 001 (portion)  
**Permits:** CWB-Individual NPDES Form C and SSCBMP  
**Proposing/Determination Agency:** Board of Water Supply, City and County of Honolulu, 630 South Beretania Street, Honolulu, HI 96843.  
 Contact: Michael Matsuo, (808) 748-5951, mmatsuo@hbws.org  
**Consultant:** R.M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, HI 96819-3494  
 Contact: Chester Koga, (808) 842-1133, chesterk@rmtowill.com  
**Status:** Statutory 30 day public review and comment period starts, comments are due by April 23, 2013. Send comments to the proposing/determination agency and consultant.

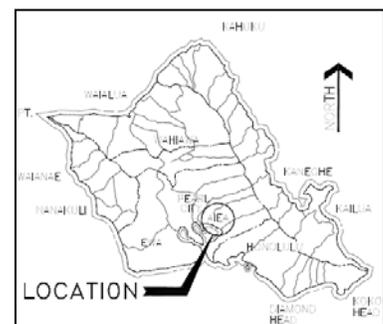


The purpose of the project is to undertake priority maintenance and repair work identified in the most recent DLNR Dam Safety Program inspection report, dated January 13, 2010, and a Phase 1 Investigation Report previously commissioned by DLNR for the Nuʻuanu Reservoir No. 4. The repair work is required in order maintain the integrity and operational adequacy of the Nuʻuanu Reservoir No. 4 dam infrastructure for purposes of safety and control.

Repair work will include, but is not limited to: excavation of the reservoir near the intake tower, repairing and rehabilitation of the intake tower structure and bridge, construction of downstream measuring weirs, improvements to the outlet receiving area, inspection and cleaning of the outlet tunnel structure, restoration of the downstream embankment, repairing and repavement to the access road on top of the dam, and inspection and repairing of CRM riprap deficiencies on the dam slope.

### 10. Waimalu Wells I Rock Fall Mitigation and Drainage Improvements FEA (FONSI)

- Island:** Oʻahu  
**District:** ʻEwa  
**TMK:** 9-8-26:72, 9-8-45:36 & 37 and Various Plats/Parcels  
**Permits:** NPDES, Chapter 55 Water Pollution Control, Community Noise Control, Perform Work on State Highways Property, Building, Grading, Drain Connection, Subdivision for Easements, One-Time Review including Drainage Report  
**Proposing/Determination Agency:** Honolulu Board of Water Supply, 650 S. King Beretania Street, Honolulu, HI 96843  
 Contact: Gregory Shiu, (808) 748-5751  
**Consultant:** Shimabukuro, Endo & Yoshizaki, Inc., 1126 12<sup>th</sup> Avenue, Room 309, Honolulu, HI 96816-3715. Contact: Howard K. Endo, (808) 737-1875  
**Status:** Finding of No Significant Impact Determination



The Honolulu Board of Water Supply (BWS) proposes drainage improvements and rock fall protection measures be undertaken along the steep cliff-like slopes of their Waimalu Wells I property. The BWS will provide drainage improvements to divert surface runoff from flowing onto the cliff-like slopes to mitigate erosion and flooding hazards and install a wire mesh drapery system on the cliff-like slopes to mitigate potential rock falls subject to approval from the adjacent property owners. Direct

impacts include: (1) fugitive dust, exhaust emissions, and noise from construction equipment in the project vicinity and (2) visibility of wire mesh drapery and drain pipes. The contractor will be required to follow standard procedures to mitigate the short term construction impacts, such as restricting working hours, sprinkling, and providing tuning and maintenance of equipment. New vegetation will cover the wire mesh drapery and drain pipes from view. No adverse long-term impacts are anticipated from this project.

**11. Kunia Agricultural Park DEA (AFNSI)**

**Island:** O’ahu  
**District:** ‘Ewa  
**TMK:** (1) 9-4-002:080  
**Permits:** NPDES Construction Stormwater Permit; Grading Permit; Agricultural Park Plan Review by City Department of Planning and Permitting; HDOT Plan Review; Utility Company Plan Review; Noise Permit



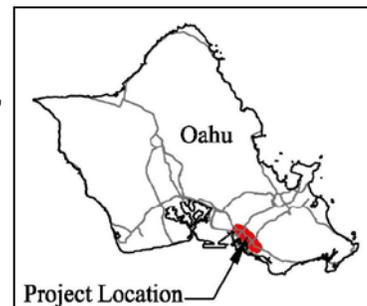
**Proposing/Determination**

**Agency:** Department of Agriculture, 1428 South King Street, Honolulu, HI 96814.  
**Consultant:** R. M. Towill Corporation (RMTc), 2024 North King Street, Suite 200, Honolulu, HI 96819. Contact: Brian Takeda, (808) 842-1133  
**Status:** Statutory 30 day public review and comment period starts, comments are due by April 23, 2013. Send comments to the proposing/determination agency and consultant.

Hawai'i Revised Statutes (HRS), Chapter 166, Agricultural Parks, confers on the Hawai'i Department of Agriculture (HDOA) the authority to plan, develop and manage agricultural parks on public lands to increase the supply of diversified agricultural lands. The proposed Kunia Agricultural Park, Kunia, O’ahu, would be located on approximately 150 acres of State lands known to be highly suited to a variety of crops and currently under cultivation. The proposed Kunia Agricultural Park would afford 24 lessees the ability to both farm and live on the property through lease of farm dwelling lots with an associated cluster home to be developed and owned by the State. The Hawai'i Department of Agriculture will be responsible for developing and maintaining the agricultural infrastructure and for securing irrigation water for the Kunia Agricultural Park. The HDOA's request for an allocation of agricultural water from the Waiahole Ditch is pending before the Department of Land and Natural Resources, Commission on Water Resource Management.

**12. Interstate Route H-1 Rehabilitation, Middle Street to Vicinity of Ward Avenue FEA (FONSI)**

**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 Hawaii Department of Transportation, Highways Division, 869 Punchbowl Street, Honolulu, HI 96813. Contact: Mr. Ross Hironaka, (808) 768-7575  
**Consultant:** Parsons Brinckerhoff, 1001 Bishop St., American Savings Bank Tower, Suite 2400, Honolulu, HI 96813. Contact: Mr. James Hayes, (808) 566-2239  
**Status:** Finding of No Significant Impact Determination

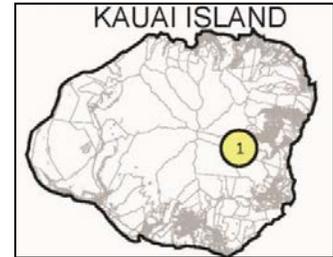
The State of Hawai'i Department of Transportation, Highways Division (HDOT) and the Federal Highway Administration (FHWA) propose to rehabilitate Interstate Route H-1 between Middle Street and the vicinity of Ward Avenue. The work will include pavement rehabilitation or resurfacing, permanent restriping to accommodate four (10-foot wide) through lanes, replace highway lighting, and the addition of a concrete glare screen. In addition, Nu'uuanu Stream Bridge will be widened along with other minor modifications to allow for the four through lanes.

The proposed project is consistent with the Oahu 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.

### KAUA'I (HRS 343)

#### 13. Kalepa Motocross Track FEA (FONSI)

**Island:** Kaua'i  
**District:** Lihu'e  
**TMK:** (4) 3-9-002:036  
**Permits:** NPDES, Noise Permit/ Variance, County Class II Zoning Permit, County Grubbing and Grading Permit



#### **Proposing/Determination**

**Agency:** Department of Parks and Recreation, Parks Division, 4444 Rice Street, Ste. 105, Lihu'e, HI 96766-1340.

Contact: Mr. Ian Costa, (808) 241-4460

**Consultant:** SSFM International, Inc., 501 Sumner Street, Suite 620, Honolulu, HI 96817

Contact: Mr. Jared K. Chang, (808) 531-1308

**Status:** Finding of No Significant Impact

The Kaua'i Department of Parks and Recreation is proposing to develop a new 14.8-acre motocross track complex located in Kalepa, Lihu'e. The purpose of the project is to relocate the existing Wailua Motocross Complex, which is in close proximity to sensitive land uses, specifically Nukoli'i Beach Park, Wailua Golf Course, and resort properties. Following completion of the project, the existing Wailua Motocross Complex would revert to open space.

The Kālepa Motocross Track will be owned by the County and operated with assistance from Kaua'i's motocross associations. The 18-acre site was dedicated to the County by Executive Order to set-aside an area in Kālepa to relocate the existing motocross track in Wailua. A 3.2-acre portion of this site will remain as open space to provide a buffer from adjacent uses. The project will provide a safe, family oriented, drug-free recreational environment to encourage statewide or national amateur motocross and bicycle motocross (BMX) competition.

Ideas for the complex include a natural terrain style motocross track, BMX track and a mini keiki (child) track that could also accommodate BMX. Other types of tracks may be possible if space permits. Track designs will be predicated on the existing topography, the needs of riders, and maintenance concerns.

### NEPA NOTICE

#### **The National Aeronautics and Space Administration Low Density Supersonic Decelerator Technology Demonstration Mission Pacific Missile Range Facility (DEA)**

**Island:** Kaua'i  
**Agency:** National Aeronautics and Space Administration (NASA)  
**Consultant:** KAYA Associates Inc., Huntsville AL

The National Aeronautics and Space Administration (NASA) is preparing an Environmental Assessment (EA), in accordance with the following statutes, regulations and procedures: National Environmental Policy Act (NEPA) of 1969, as amended; Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; NASA NEPA implementing regulations; and NASA Procedural Requirement 8580.1A, Implementing the National Environmental Policy Act and Executive Order 12114.

The NASA Low Density Supersonic Decelerator (LDSD) EA analyzes the potential environmental consequences that could result from launching up to four LDSD Test Vehicles from the airfield area on

the Pacific Missile Range Facility (PMRF). The Proposed Action would allow NASA to conduct Supersonic Flight Dynamics Tests from PMRF. The Proposed Action is needed to support NASA's plans for ambitious new robotic missions to Mars and lays the groundwork for even more complex human science expeditions in the future. The LDSD Project would launch and recover up to four LDSD Test Vehicles over a two-year period (2014 and 2015).

The Draft EA and comment form are available at <http://www.govsupport.us/nasaldsdea> and at the following locations: Hawai'i State Library, Hawai'i and Pacific Section Document Unit, 478 South King Street, Honolulu, O'ahu, HI 96813-2994 and Lihu'e Public Library, 4344 Hardy Street, Lihu'e, Kaua'i, HI 96766; Waimea Public Library, 9750 Kaunualii Highway, Waimea, Kaua'i, HI 96796

Public comments on the Draft EA will be accepted through **April 19, 2013**. Submit written comments to: Mark Phillips, LDSD Project NEPA lead, at the Jet Propulsion Laboratory, Attention: Mark Phillips, 4800 Oak Grove Drive – M/S 301-370, Pasadena, CA 91109, or by fax to 818-393-6020, or by email to [j.m.phillips@jpl.nasa.gov](mailto:j.m.phillips@jpl.nasa.gov), or by calling 818-354-1181.

### 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   |
|---|--|---|
| Maui: Kahului (3-8-007: 040)              | Install Underground Water Line (SM2 20130018)  | Johnson Controls Inc.                                   |
| Maui: Kahului (3-7-002: 001)              | Creation of Driveway Ramp (SM2 20130019)   | Lot F-1 LLC   |
| Maui: Makena (2-1-011: 001)               | Construct Fence for Safety (SM2 20130020)  | Polo Beach Club   |
| Maui: Lahaina (4-5-021: 007)              | Watershed Demonstration at Park (SM2 20130022)   | Tova Callender  |
| Maui: Lahaina (4-6-028: 030)              | Replace Aluminum Doors with Vinyl (SM2 20130023)   | Dave & Cheryl Houston                                   |
| Maui: Lahaina (4-6-001: 009)              | 2013 Ocean Arts Festival (SM2 20130024)  | Lahaina Town Action Committee                           |
| Maui: Lahaina (4-6-001: 009)              | 2014 Ocean Arts Festival (SM2 20130025)  | Lahaina Town Action Committee                           |
| Maui: Lahaina (4-6-001: 009)              | 2015 Ocean Arts Festival (SM2 20130026)  | Lahaina Town Action Committee                           |
| Maui: Lahaina (4-6-006: 005)              | New Dwelling (SM2 20130027)  | Patricia Lauricella & Rebecca Lauricella                |
| O'ahu: Ala Moana Boulevard (2-6-010: 011) | New Utility Installation, Type A, Including Six Equipment Cabinets, Two GPS Receive Only Antennas, Twelve Panel Antennas, and Accessory Uses and Structures (2013/SMA-5) | Cellco Partnership (dba Verizon Wireless) / Mike Beason |

### 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-1521  | 2/28/13 | Lot 14 of Map 1 Land Court Consolidation 211 situate at Kaunala, Ko'olauloa, O'ahu<br>Address: 58-189 Napo'onala Place<br>Purpose: Building setback lines | Gil P. Bumanglag/ SBC, LLC | 5-8-006:044 |

|         |         |  |   |             |
|---------|---------|--|---|-------------|
| OA-1522 | 3/11/13 | Lot 716, Land Court Application 1089 situate at Kamananui, Waialua, O'ahu<br>Address: 67-322 Kaiea Place<br>Purpose: Building permit   | Walter P. Thompson, Inc./<br>Masaru Yokouchi Marital<br>Trust             | 6-7-013:021 |
| OA-1523 | 3/12/13 | Portion of R.P. 52, L.C. Aw. 802 to A. Adams situate at Niu, Waikiki, Honolulu, O'ahu<br>Address: 5633 Kalaniana'ole Highway<br>Purpose: Setback purposes                                      | Austin, Tsutsumi &<br>Associates, Inc./ Kinoshita<br>Management Co., Ltd. | 3-7-001:022 |
| MA-541  | 2/28/13 | Makena Beach Lots Lot 56-A portion of Land Commission Award 11,216, Apana 21 to M. Kekauonohi situate at Palauea, Honua'ula, Wailea, Maui<br>Address: 4472 Makena Road<br>Purpose: Renovations | Valera, Inc./ Dan & Kim<br>Huish  | 2-1-011:012 |

### 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-1502  | Proposed Shoreline Certification | Lot 341 (Map 201) of Land Court Application 323 situate at Pu'eohala, Kailua, Ko'olaupoko, O'ahu<br>Address: 510 North Kalaheo Avenue<br>Purpose: Setback purposes  | Austin, Tsutsumi &<br>Associates, Inc./ J.L.<br>Calhoun-C.R. Larson<br>Trust | 4-3-018:067          |
| MA-523   | Proposed Shoreline Certification | Parcel 2 Allotment No. 35-B of the Hui O Mailepai situate at Ka'anapali, Maui<br>Address: 4809 Lower Honoapi'ilani Road<br>Purpose: Setback purposes  | Arthur P. Valenica/ Brian<br>Graham  | 4-3-015:008          |
| KA-369   | Proposed Shoreline Certification | Allotment 49-A situate at Moloa'a, Aliomanu, Kaua'i<br>Address: Aliomanu Road<br>Purpose: Building permit   | Honua Engineering,<br>Inc./C.R. Stephens<br>Properties, LLC                  | 4-9-004:015-<br>0002 |
| HA-452   | Rejection                        | Portion of Parcel A being a portion of the Kawaihae Harbor Project Executive Order 1904 as described in CSF 12825 situate at Kawaihae 2 <sup>nd</sup> , South Kohala, Island of Hawaii<br>Address: Kawaihae Harbor<br>Purpose: Kawaihae Harbor South Access Road improvements | George S. Yoshimura/<br>State of Hawai'i                                     | 6-1-003:026          |

### 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 below.

**PROJECT:** CDUA OA-3658  
**File No.:** USGS Pacific Islands Water Science Center  
**Location:** Moanalua Valley District, Island of Oahu  
**TMKs:** (1) 1-1-013:001  
**Proposed Action:** Repair of Existing Structure, Data Collection  
**343, HRS Determination:** Exempt

**Applicant's Contact:** Ronald L. Rickman (808) 587-2407  
**OCCL Staff Contact:** Alex J. Roy (808) 587-0316

## FEDERAL NOTICES

### 1. [Proposed Consent Decree, Clean Air Act Citizen Suit by Pepe'ekeo Health and Environment](#)

The United States Environmental Protection Agency (EPA) requests public comment on a proposed consent decree to address a lawsuit filed by Preserve Pepe'ekeo Health and Environment in the United States District Court for the District of Hawai'i: Preserve Pepe'ekeo Health and Environment v. EPA, No. CV 12 00520 ACK–RLP (D. HI). On September 19, 2012, Preserve Pepe'ekeo Health and Environment filed a complaint that EPA failed to perform its nondiscretionary duty pursuant to section 505(b) (2) of the Act, 42 U.S.C. 7661d (b) (2), to grant or deny, within 60 days after it was filed, a petition requesting that EPA object to a proposed title V operating permit for the Hu Honua Bioenergy Facility issued by the Hawai'i Department of Health to Hu Honua. Under the terms of the proposed consent decree, EPA would be required to sign its response to Plaintiff's petition by August 7, 2013, or within 30 days of the entry of this Consent Decree, whichever is later. DATES: Written comments on the proposed consent decree must be received by April 17, 2013. ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2012–0477, online at [www.regulations.gov](http://www.regulations.gov) (EPA's preferred method); by email to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); mailed to EPA Docket Center, Environmental Protection Agency, Mail code: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above. FOR FURTHER INFORMATION CONTACT: Susan Stahle, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564–1272; fax number (202) 564–5603; email address: [stahle.susan@epa.gov](mailto:stahle.susan@epa.gov) (see, 78 F.R. 16667, March 18, 2013).

### 2. [Endangered Species File No. 17022 – Issuance of Permit](#)

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) of the United States Department of Commerce has issued a permit to the NMFS Pacific Islands Fisheries Science Center (PIFSC; Samuel Pooley, Ph.D., Responsible Party) to take green (*Chelonia mydas*) and hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research. ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices: Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376; and Pacific Islands Region, NMFS, 1601 Kapi'olani Boulevard, Room 1110, Honolulu, Hawai'i 96814–4700; phone (808) 944–2200; fax (808) 973–2941; FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Rosa L. Gonzalez, (301) 427–8401 (see, 78 F.R. 16255, March 14, 2013).

### 3. [Notice of Intent To Prepare the Commonwealth of the Northern Mariana Islands Joint Military Training Environmental Impact Statement / Overseas Environmental Impact Statement](#)

Pursuant to section (102)(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality Regulations (40 Code of Federal Regulations parts 1500–1508), and Executive Order 12114, and United States (U.S.) Marine Corps NEPA implementing regulations in Marine Corps Order P5090.2A, Marine Corps Forces, Pacific (MARFORPAC), as the Executive Agent designated by the U.S. Pacific Command (PACOM), announces its intent to prepare an Environmental Impact Statement (EIS)/Overseas EIS (OEIS) to evaluate the potential impacts associated with preliminary alternatives for meeting PACOM Service Components' unfilled unit level and combined level military training requirements in the Western Pacific. The proposed action is to establish a series of live-fire and maneuver Ranges and Training Areas (RTAs) within the Commonwealth of the Northern Mariana Islands (CNMI) to meet this purpose. Existing Department of Defense (DoD) RTAs and support facilities in the Western Pacific, particularly those in the Mariana Islands, are insufficient to support PACOM Service Components' U.S. Code (U.S.C.) Title 10 training requirements for the region. The expansion of existing RTAs and construction of new RTAs will satisfy identified training deficiencies for PACOM forces that are based in or regularly train in the CNMI. These RTAs will be available to U.S. forces and their allies on a continuous and uninterrupted schedule. These RTAs are needed to support ongoing operational

requirements, changes to U.S. force structure and geographic positioning of forces, and U.S. training relationships with allied nations. MARFORPAC, as the Executive Agent, has invited the Federal Aviation Administration (FAA); International Broadcasting Bureau (IBB); U.S. Army Corps of Engineers; National Marine Fisheries Service; U.S. Fish and Wildlife Service; and U.S. Department of Interior, Office of Insular Affairs, to participate as cooperating agencies in the preparation of the EIS/OEIS. MARFORPAC has also developed a Memorandum of Understanding with the military services regarding their support and engagement in the development of the EIS/OEIS. MARFORPAC encourages governmental agencies, private-sector organizations, and the general public to participate in the NEPA process for the EIS/OEIS. MARFORPAC is initiating the scoping process for the EIS/OEIS with this Notice of Intent (NOI). Scoping assists MARFORPAC in identifying community concerns and specific issues to be addressed in the EIS/OEIS. All interested parties are invited to attend the scoping meetings and are encouraged to provide comments. MARFORPAC will consider these comments in determining the scope of the EIS/OEIS. DATES: Three public scoping meetings, using an open-house format, will be held on the following dates and locations in the CNMI: Wednesday, April 10, 2013, 5:00 p.m. to 8:00 p.m., Dandan Elementary School Cafeteria, Dandan Road, Dandan, Saipan, CNMI 96960; Thursday, April 11, 2013, 4:00 p.m. to 7:00 p.m., Tinian Gym, San Jose, Tinian, CNMI 96950; and Friday, April 12, 2013, 5:00 p.m. to 8:00 p.m., Carolinian Utt, Garapan, Saipan, CNMI 96960.

Concurrent with the NEPA process, MARFORPAC is initiating National Historic Preservation Act Section 106 Consultation to determine the potential effects of the proposed action on historic properties. During each of the above meetings, MARFORPAC will hold Section 106 meetings in a separate area where subject matter experts will explain the Section 106 process and solicit public input on the identification of historic properties and potential effects of the proposed action on historic properties.

Comments on the proposed action and preliminary alternatives may be submitted during the 45-day public scoping comment period. Comments should be postmarked or received by April 29, 2013, Chamorro Standard Time (ChST). There are three ways to submit written comments: (1) providing comments at one of the public scoping meetings; (2) submitting comments through the project Web site: [www.cnmijointmilitarytrainingeis.com](http://www.cnmijointmilitarytrainingeis.com); and (3) mailing comments to the following address: Naval Facilities Engineering Command, Pacific, Attn: EV21, CNMI Joint Military Training EIS / OEIS Project Manager, 258 Makalapa Drive, Suite 100, JBPHH, HI 96860-3134. FOR FURTHER INFORMATION please visit the project Web site or contact the CNMI Joint Military Training EIS/OEIS Project Manager by telephone at 808-472-1253 or by email via the project Web site. Please submit requests for special assistance, sign language interpretation for the hearing impaired, or other auxiliary aids needed at the public scoping open house to the Project Manager by March 25, 2013 (see, 78 F.R. 16257, March 14, 2013).

#### 4. [Western Pacific Fisheries - 2013 Annual Catch Limits and Accountability Measures](#)

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), of the U. S. Department of Commerce specifies annual catch limits for western Pacific bottomfish, crustacean, precious coral, and coral reef ecosystem fisheries, and accountability measures to correct or mitigate any overages of catch limits. The catch limits and accountability measures support the long-term sustainability of fishery resources of the U.S. Pacific Islands. DATES: The final specifications are effective April 12, 2013 through December 31, 2013. ADDRESSES: Copies of the fishery ecosystem plans are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, Hawai'i 96813, telephone 808-522-8220, fax 808-522-8226, or [www.wpcouncil.org](http://www.wpcouncil.org). Copies of the environmental assessments and findings of no significant impact for this action, identified by NOAA-NMFS-2012-0226, are available from [www.regulations.gov](http://www.regulations.gov), or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapi'olani Boulevard, Suite 1110, Honolulu, Hawai'i 96814. FOR FURTHER INFORMATION CONTACT: Jarad Makaiau, NMFS PIR Sustainable Fisheries, 808-944-2108 (see, 78 F.R. 15885, March 13, 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 its

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

### **Draft Environmental Impact Statement**

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

### **Final Environmental Impact Statement**

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

### **Acceptability**

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

### **National Environmental Policy Act**

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

### **Conservation District**

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

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

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

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

### **Shoreline Certifications**

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

### **Environmental Council**

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

### **Exemption Lists**

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

### **Endangered Species**

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