

# The Environmental Notice

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

Manoa Heritage  
Center Photo

## IWILEI DISTRICT ENVIRONMENTAL HAZARD MANAGEMENT PLAN: Hazards Evaluation and Emergency Response Office Seeks Public Input

The Hawai'i Department of Health (HDOH), Hazard Evaluation and Emergency Response (HEER) Office is soliciting public input in the development of a Programmatic Environmental Hazard Evaluation and Environmental Hazard Management Plan (EHE/EHMP) for the Iwilei District mauka of Nimitz Highway. Based on numerous environmental investigations, the area is known to be contaminated with hydrocarbons (e.g. gasoline, diesel, bunker oil) and their constituents and breakdown products. Metals contamination associated with debris from the Chinatown fires is also known to be present. The purpose of the EHE/EHMP is to provide guidance on the proper management of contaminated soil and groundwater encountered during installation and repairs of utilities in roadways, common areas and on properties that are not presently covered by a HDOH-approved EHE/EHMP. Public input will run from April 15<sup>th</sup> to May 10<sup>th</sup>, 2013. A public meeting will be held on May 3<sup>rd</sup>, 2013 to discuss the draft document and comments received. The draft document can be downloaded from our website at <http://eha-web.doh.hawaii.gov/eha-cma/Org/HEER/> or a copy can be provided on CD upon request. For further information or a copy of the draft document please contact Steven P. Mow of the HEER Office at (808) 586-7574.

## DEPARTMENT OF LAND AND NATURAL RESOURCES PROPOSES A GENERAL PERMIT AGREEMENT TO FACILITATE THE STATEWIDE RESTORATION, REPAIR, AND RECONSTRUCTION OF TRADITIONAL HAWAIIAN FISHPONDS

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL), is currently pursuing a State Programmatic General Permit (SPGP) from the federal government that will allow the State to streamline the permitting process by utilizing a single application process for the above activities. The objective of the Proposed Action is the restoration, repair, maintenance and reconstruction of *loko i'a* (traditional Hawaiian fishpond systems) across the pae'āina of Hawai'i (Hawaiian archipelago). This action will stimulate traditional Hawaiian cultural activities, the restoration of fishpond systems and their related ecosystem services. Fishpond systems were a vital component of Hawai'i's pre-contact native Hawaiian communities; their degradation was caused by the urbanization and colonization brought and fostered by foreign contact. Fishponds are identified as valuable cultural and ecological resources that positively impact coastal ecosystems and their adjacent communities. The potential impacts on the environment of the Proposed Action, and a range of reasonable alternatives, are discussed and analyzed in this draft programmatic environmental assessment. The direct and indirect impacts of nutrient enrichment, turbidity, and invasive species resulting from the proposed action and alternatives are negligible. The long-term cumulative impacts will be the simulation of traditional Hawaiian cultural activities, the restoration of fishpond systems and their related ecosystem services.



Neil Abercrombie, Governor · Gary Gill, Acting Director · Office of Environmental Quality Control · 235 South Beretania Street, Suite 702 · Honolulu, HI 96813  
 Tel: 586-4185 · Fax: 586-4186 · Email: [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov) ·  
 Website: <http://hawaii.gov/health/environmental/oeqc/index.html/>  
 Toll Free: Kaua'i: 274-3141 ext. 64185 · Maui: 984-2400 ext. 64185 · Moloka'i/Lāna'i: 1-800-468-4644 ext. 64185 Hawai'i: 974-4000 ext. 64185

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## STATEWIDE (HRS 343)

### 1. Programmatic General Permit Agreement that Facilitates the Restoration of Traditional Hawaiian Fishpond Systems across Hawai'i DEA (AFNSI)

**Island:** Statewide

**Proposing/Determination**

**Agency:** Department of Land and Natural Resources, 1151 Punchbowl Street, Room 131, Honolulu, HI 96813  
Contact: Sam J. Lemmo, (808) 587-0377

**Consultant:** Honua Consulting, 4348 Wai'alae Ave., #254, Honolulu, HI 96816  
Contact: Trisha Kēhaulani Watson, (808) 392-1617

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



The objective of the Proposed Action is the restoration, repair, maintenance and reconstruction of loko i'a (traditional Hawaiian fishpond systems) across the pae'āina of Hawai'i (Hawaiian archipelago). The Department of Land and Natural Resources (DLNR) is currently pursuing a State Programmatic General Permit (SPGP) from the federal government that will allow the State to streamline the permitting process by utilizing a single application process for the above activities. This action will stimulate traditional Hawaiian cultural activities, the restoration of fishpond systems and their related ecosystem services. Fishpond systems were a vital component of Hawai'i's pre-contact native Hawaiian communities; their degradation was caused by the urbanization and colonization brought and fostered by foreign contact. Fishponds are identified as valuable cultural and ecological resources that positively impact coastal ecosystems and their adjacent communities. The potential impacts on the environment of the Proposed Action, and a range of reasonable alternatives, are discussed and analyzed in this dPEA. The direct and indirect impacts of nutrient enrichment, turbidity, and invasive species resulting from the proposed action and alternatives are negligible. The long-term cumulative impacts will be the simulation of traditional Hawaiian cultural activities, the restoration of fishpond systems and their related ecosystem services.

## MAUI (HRS 343)

### 2. Maui Veterans Cemetery, Expansion and Improvements DEA (AFNSI)

**Island:** Maui

**District:** Makawao

**TMK:** Portion of (2) 2-4-002:007 and (2) 2-4-002:009

**Permits:** Land Use Permit, Grading and Building

**Proposing/Determination**

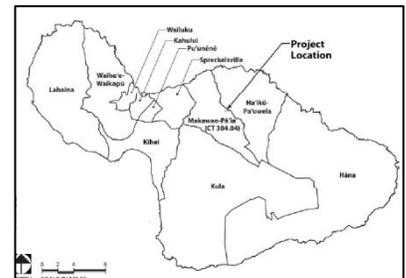
**Agency:** Department of Accounting and General Services, Kalanimoku Building, 1151 Punchbowl Street, Honolulu, HI, 96813

Contact: Joseph Earing, (808) 586-0486

**Consultant:** Belt Collins Hawai'i, 2153 North King Street, Honolulu, HI 96819

Contact: Jerilyn Hanohano, (808) 521-5361

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



Maui Veterans Cemetery in Makawao, Maui is nearing capacity for interment. The Department of Defense (DOD) and the Department of Accounting and General Services (DAGS) propose to expand the capacity of the existing cemetery by developing on adjacent property and improving the existing cemetery.

The State proposes to increase capacity by developing an adjacent 10 acres for in-ground burials and columbaria. A dedicated maintenance shelter, driveway and irrigation system will also be constructed on the 10-acre expansion area. Development of the expansion area includes grading, installation of a drainage basin for storm water, site preparations for in-ground burials, and construction of columbaria. Construction of an irrigation well and water tank may be developed in the expansion area in order to meet future water demands.

Development on the existing 7-acre parcel includes installation of a driveway for access to the expansion area; realignment of the parking lot; relocation of the flag pole to a formal flag assembly area; and installation of an irrigation system.

### 3. Maui Waena Intermediate School Eight-Classroom Building DEA (AFNSI)

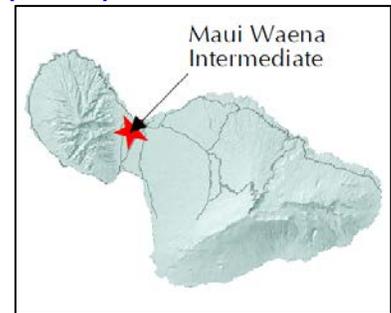
**Island:** Maui  
**District:** Wailuku  
**TMK:** (2) 3-8-007: 002 (portion)  
**Permits:** Project District Development Phase III, Height Variance, National Pollutant Discharge Elimination System Permit, and Grading/Building Permits

#### Proposing/Determination

**Agency:** Department of Education, Facilities Development Branch, P.O. Box 2360, Honolulu, HI 96804  
 Contact: Mr. Ryan Yamamoto, (808) 586-0966

**Consultant:** PBR HAWAII, 1001 Bishop Street, Suite 650, Honolulu, HI 96813  
 Contact: Mr. Vincent Shigekuni, (808) 521-5631

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



Maui Waena Intermediate School is the largest middle school on the island of Maui and has serviced students predominantly from Kahului as part of the Kekaulike Complex since 1989. Existing facilities are inadequate to meet the State Department of Education's (DOE) design enrollment for the school, and the shortage of classroom space results in overcrowded classrooms and limited class offerings.

The DOE proposes to build a new two-story, eight-classroom building at Maui Waena Intermediate School (TMK: 3-8-007: 002 [portion]). The two-story, 34-foot tall, building will have approximately 20,080 square feet of total floor area. The new building will include three science classrooms, three general education classrooms, one choral room, and one computer resource center. The building will require infrastructure improvements and connection to existing utilities.

The classroom building will displace existing play courts that will be relocated to an open lawn adjacent to an existing school building. A small parking lot will also be provided adjacent to the relocated play courts.

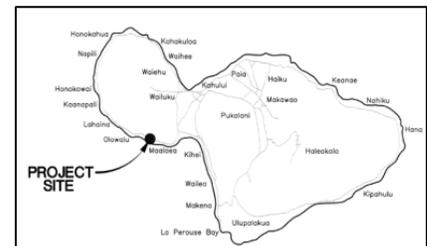
### 4. Milowai Ma'alaea Seawall Repair DEA (AFNSI)

**Island:** Maui  
**District:** Wailuku  
**TMK:** (2) 3-8-014:022  
**Permits:** Special Management Area Permit, Shoreline Setback Variance

**Applicant:** Milowai Ma'alaea AOA, 50 Hauoli St. #310, Wailuku, HI 96793. Contact: Christine Conlon-Kemp, (415) 845-7669

**Approving Agency:** Maui Planning Commission, 250 S. High St. #200, Wailuku, HI 96793  
 Contact: Anna Benesovska, (808) 463-3867

**Consultant:** Chris Hart and Partners, Inc., 115 N. Market St., Wailuku, HI 96793  
 Contact: Mr. Brett Davis, (808) 242-1955



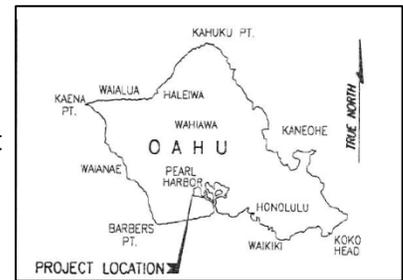


The wash water system will minimize the potential for introducing waste material into the environment. Solids and petroleum based constituents will be removed by filter media prior to entering the disposal field. Water from the separator will be filtered before percolating into the ground. Collected solids and oil and sludge will be removed as needed. Wash water from both facilities will flow into a closed treatment system preventing contact with storm water, streams, or other bodies of water. A package recycled water treatment system will generate wash water thus minimizing the use of water in the washing process. An expanded detention basin will capture and release runoff generated by the proposed improvements with capacity to contain runoff from other parts of the corporation yard.

Land use controls for Hale'iwa town should not be affected. The proposed improvements are confined to the Waialua Corporation Yard which is within the Community Growth Boundary for the town and the will not deviate from the design standards of the Hale'iwa Special District. One of the three proposed structures will exceed the allowable building height of the zoning district and a height waiver will be requested. The structures will not be visible from Emerson Road and Kamehameha Highway. Some residents on the east and west sides of the corporation yard will notice visual changes when the structures are erected.

### 7. West Loch Golf Course Drainage Improvements FEA (FONSI)

**Island:** O'ahu  
**District:** 'Ewa  
**TMK:** 9-1-017: 060  
**Permits:** Department of the Army: Section 404 Nationwide Permit for new construction  
 National Pollutant Discharge Elimination System, Department of Health Section Special Management Permit for culverts located east of Fort Weaver Road.



#### Proposing/Determination

**Agency:** Department of Design and Construction, City and County of Honolulu, 650 South King Street, 11th Floor, Honolulu, HI 96813. Contact: Daniel Takamatsu, (808)768-8461  
**Consultant:** Environmental Communications, Inc., 1188 Bishop Street, Suite 2210, Honolulu, HI 96813. Contact: Taeyong Kim, (808) 528-4661  
**Status:** Finding of No Significant Impact Determination

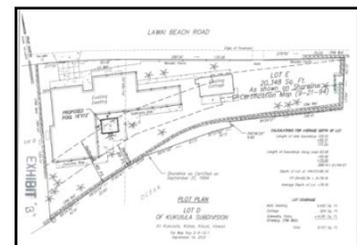
The project site is in use as a municipal golf course that was constructed in 1990 to serve both as a recreational facility and as a flood control project. Large storm events result in overtopping of the stream banks causing flooding of the course, and subsequent silt deposition on the fairways and stream bed.

The proposed action consists of general drainage improvements located throughout the West Loch Golf Course. Improvements proposed consist of: Installation of a new culvert beneath the 3rd hole to direct runoff from a spring flow into Honouliuli Stream; Restoration of Honouliuli Stream flow capacity throughout the golf course by means of vegetation and sediment removal; Re-establishment of storage capacity and holding volume of ponds located at the 2<sup>nd</sup>, 10<sup>th</sup> and 17<sup>th</sup> holes by removing thick vegetation and deposited sediment; Construction of a new silt basin near the 6<sup>th</sup> hole; Re-grading of fairway areas at the 2<sup>nd</sup>, 10<sup>th</sup> and 11<sup>th</sup> holes; Replacement of cart path culvert crossings at the 3rd, 9th, 13th, 14th and 18th holes; and Lining of stream banks and pond edges

### KAUA'I (HRS 343)

### 8. Swimming Pool at 4890 Lawai Road FEA (FONSI)

**Island:** Kaua'i  
**District:** Koloa  
**TMK:** (4th) 2-6-12-01  
**Permits:** Shoreline Setback Variance, Class IV Zoning Permit,



**Applicant:** Special Management Area (Minor), Building Permit  
David G. Jorgensen and M. Annette Thatcher Jorgensen, Co-Trustees of the David and Annette Jorgensen Revocable Trust, 20 Zapata Way, Portola Valley, CA 94028  
Contact: Walton D. Y. Hong, (808) 245-4757

**Approving Agency:** Kaua'i Planning Commission, 4444 Rice Street, Suite A-473, Lihue, HI 96766

**Consultant:** Walton D. Y. Hong, 3135-A Akahi Street, Lihue, HI 96766  
Contact: Walton D. Y. Hong, (808) 245-4757

**Status:** Statutory 30 day public review and comment period starts, comments are due by May 23, 2013. Send comments to the applicant, approving agency and consultant.

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

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

## CHAPTER 25, REVISED ORDINANCES OF HONOLULU

### Chevron Photovoltaic Solar Facility DEA (AFNSI)

**Island:** O'ahu  
**District:** 'Ewa  
**TMK:** 9-1-31:2  
**Permits:** Special Management Area (major), Building Permit, Pollutant Discharge Elimination System Permit, Community Noise Permit

**Applicant:** Chevron Technology Ventures, LLC, 6001 Bollinger Canyon Road K1104, San Ramon, CA 94583  
Contact: Jarom Feriante, (650) 280-4780

**Approving Agency:** City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, HI 96813  
Contact: Malynne Simeon, (808) 768-8023

**Consultant:** URS Corporation, 615 Pi'ikoi Street, Suite 900, Honolulu, HI 96814.  
Contact: Darla Guerrero, (808) 593-1116

**Status:** Statutory 30 day public review and comment period starts, comments are due by May 23, 2013. Send comments to the applicant, approving agency and consultant.



Figure 2-3 Proposed Action Site Location

Chevron Technology Ventures (CTV) is proposing development of a ground mounted photovoltaic (PV) facility at Campbell Industrial Park in Kapolei. The PV facility will consist of multiple solar panels, accessory electrical equipment, and a solar tracker that maneuvers the panels to aim directly at the sun during the day. The energy generated from the PV facility will be sold to HECO. The 4.5 acre project area occupies a portion of a 10-acre parcel owned by Chevron. The property is adjoined to the west side of Ameron Incorporated, and the south side of the property is in front of the Pacific Ocean. The project is within the Special Management Area (SMA) and will require a SMA permit.

The Proposed Action is not anticipated to result in significant impacts to environmental resource areas. The implementation of standard Best Management Practices will ensure no significant impacts

occur to geological and soil resources and water resources. Shielding of exterior lighting will ensure that no significant impacts occur to biological resources. The Proposed Action would not contribute to any significant cumulative impacts or reasonably foreseeable direct or indirect effects on any coastal use or resource of the State's coastal zone. The Proposed Action would have no indirect, secondary, or cumulative impacts to any environmental. A pedestrian walkway will connect the library and the Nānāikapono Elementary School.

**COASTAL ZONE MANAGEMENT NOTICES**

**Federal Consistency Reviews**

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawai'i Revised Statutes. This public notice is being provided in accordance with section 306(d) (14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawai'i CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lāna'i & 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](mailto:jnakagaw@dbedt.hawaii.gov)

**Fax:** (808) 587-2899

**1. Pokai Bay Drainage Channel No. 2 Flood Control Improvements, Wai'anae, O'ahu**

**Applicant:** City & County of Honolulu Department of Design & Construction  
**Contact:** Michael Nishimura, AECOM (agent), 521-3051  
**Federal Action:** Federal Permit  
**Federal Agency:** U.S. Army Corps of Engineers, Honolulu District  
**Proposed Action:** Improve the stability, erosion control, and drainage management of the existing 400-foot long intermittent (normally dry), unlined Pokai Bay Drainage Channel No. 2, between Farrington Hwy and Pokai Bay Street in Wai'anae, O'ahu. The drainage channel would be grubbed and graded, and the banks reshaped to form a trapezoidal cross-section with a slope of 2H:1V. The channel bottom will be lined with concrete and the banks will be vegetated. The project purpose is to provide positive drainage flow, improve the conveyance of drainage flow from inland of Farrington Hwy, and enhance flood relief for the adjoining and adjacent properties.  
**Location:** Between Farrington Hwy and Pokai Bay Street  
**TMK:** (1) 8-6-16: 17  
**CZM Contact:** John Nakagawa, 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)  
**Comments Due:** May 7, 2013

**2. U.S. Coast Guard Station Maui Pier Modifications at Ma'alaea Small Boat Harbor, Maui**

**Proposed Action:** The USCG proposes to station a new Response Boat Medium (RBM) at USCG Station Maui. To support the RBM pier modifications are necessary and will involve the installation of electrical conduit and a power box on the existing finger

piers, and installation of new fenders on one of the finger piers.  
**Location:** Ma'alaea Small Boat Harbor, Ma'alaea Bay, Maui  
**TMK:** (2) 3-6-1: 41  
**Federal Action:** Federal Agency Activity  
**Federal Agency:** U.S. Coast Guard (USCG)  
**Contact:** Dr. Dennis Mead, 535-3464  
**CZM Contact:** John Nakagawa, 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)  
**Comments Due:** May 7, 2013

### Special Management Area (SMA) Minor Permits

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

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Hilo (2-6-015: 001)	Removal of Non-Native Trees, Replacing Chain-Link Fence along Seawall, Installing New Railings along Shoreline Bluff, Relocation of Existing Statue and Flagpoles, Improve Shoreline Public Access (SMM 13-261)	John C. Cross
Hawai'i: Ka'u (9-6-002: 004)	Construction of a 505-Foot Long Hog Wire Fence, Installation of a Gate, and Clearing of Invasive Vegetation (SMM 13-262)	Shalan Crysdale
Maui: (3-9-005: 032)	Vegetation Removal and Dune Restoration (SM2 20110094)	Department of Planning, County of Maui
Maui: Lahaina (4-6-003: 013)	After-the-Fact Addition-Remodel (SM2 20130034)	John L. Mourier, III and Laura A. Mourier Revocable Trust
Maui: Lahaina (4-6-032: 047)	Install Slate Tile/Walkway (SM2 20130035)	Stephen Stahara
Maui: Lahaina (4-5-002: 009)	Demolition of AC Plant (SM2 20130036)	Honolulu Builders, LLC
Maui: Lahaina (4-6-008: 056)	Restaurant Alteration (SM2 20130038)	Clarke, Charles J.
Maui: Kahului (3-8-052: 009)	New Monument Sign (SM2 20130039)	Steven Marlette
Maui: Lahaina (4-6-001: 009)	2013 Festivals of Aloha (SM2 20130040)	Lahaina Town Action Committee
Maui: Lahaina (4-6-001: 009)	2014 Festivals of Aloha (SM2 20130041)	Lahaina Town Action Committee
Maui: Lahaina (4-6-001: 009)	2015 Festivals of Aloha (SM2 20130042)	Lahaina Town Action Committee

### 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-1527	4/5/13	Lot 34-D Kahala Cliffs Subdivision situate at Kahala, Honolulu, O'ahu Address: 4162 Black Point Road Purpose: Preparation for sale of property	Walter P. Thompson, Inc./ Kevin Fialko	3-5-001:004

OA-1528	4/10/13	U.S. Naval Reservation portion of Parcel 1 of Civil No. 464 situate at Wai'awa, 'Ewa, O'ahu Address: Pearl Harbor Purpose: Designation of drainage easement	ControlPoint Surveying, Inc./ Department of the Navy, Naval Facilities Engineering Command Hawai'i	9-6-001:001
OA-1529	3/28/13	Lot 3-B-3 (Map 49) Land Court Application 656 situate at Wailupe, Honolulu, O'ahu Address: 5375 and 5375A Kalaniana'ole Highway Purpose: Building permit	Kenn Nishihira/ Chao H. Chen, Guey Ling Chen	3-6-003:008
OA-1530	4/15/13	Lot 23-F Land Court Application 242 as shown on Map 10 situate at Pu'u'oloa, 'Ewa, O'ahu Address: 91-129 'Ewa Beach Road Purpose: Obtain building permit	Wesley T. Tengan/ Lester Leu	9-1-023:001
MA-545	4/9/13	Lot 2-A and Lot 3 Kaonoulu Beach Lots situate at Kaonoulu, Kihei, Maui Address: 640 South Kihei Road Purpose: Determine shoreline setback	ControlPoint Surveying, Inc./ County of Maui	3-9-001:147 & por. 015
MO-162	3/28/13	Lot 32 of Land Court Application 1867 (Map 2) situate at Kawela, Moloka'i Address: 2238 Kamehameha V Highway Purpose: Home construction	Akamai Land Surveying, Inc./ Gerald V. & Nancy P. Swartz	5-4-017:030
HA-464	4/4/13	Lots 41 and 42 as shown on Map 6 of Land Court Consolidation 129 situate at Waika, North Kohala, Island of Hawai'i Address: 59-109 and 59-111 Umaumalei Place Purpose: Obtain County permits	Wes Thomas Associates/ Chris & Marna Bame	5-9-016:029 & 030

### 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-1523	Proposed Shoreline Certification	Portion of R.P. 52, L.C. Aw. 802 to A. Adams situate at Niu, Waikiki, Honolulu, O'ahu Address: 5633 Kalaniana'ole Highway Purpose: Setback purposes	Austin, Tsutsumi & Associates, Inc./ Kinoshita Management Co., Ltd.	3-7-001:022
MO-161	Proposed Shoreline Certification	Lot 396 Land Court Application 1683 (Map 19) situate at Kaluakoi & Iloli, Molokai Address: 3010 Kaluakoi Road Purpose: Building permits and plans	Akamai Land Surveying, Inc./ 3010 Kaluakoi Road Inc.	5-1-006:070
HA-461	Proposed Shoreline Certification	Block 1, Lot 8 of Milolii Beach Lots Subdivision being a portion of Grant No. 3723 to J.M. Monsarrat situate at Papa 2 <sup>nd</sup> , South Kona, Island of Hawai'i Address: Kai Ave. Purpose: New construction	Thomas Pattison/ Donald & Debra McNamee	8-8-005:105
MA-517	Rejection	Portion of L.C. Aw. 8559-B to William C. Lunalilo situate at Papahawale, Waiehu, Wailuku, Maui Address: 898 Pakele Place Purpose: Determine shoreline setback	Martina W. Jale/ Frans Vanderlee	3-3-001:027

## FEDERAL NOTICES

1. [NMFS and NOAA Applications to Conduct Research on Captive Cetaceans and Captive Pinnipeds- Marine Mammals; File Nos. 16992 and 14535](#)

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), has given notice that (1) Paul Nachtigall, Ph.D., Hawai'i Institute of Marine Biology, University of Hawai'i, P.O. Box 1106, Kailua, Hawai'i 96734, has applied in due form for a permit to conduct research on captive cetaceans; and (2) Colleen Reichmuth, Ph.D., Long Marine Laboratory, University of California at Santa Cruz, 100 Shaffer Road, Santa Cruz, CA 95060, has applied in due form for an amendment to Permit No. 14535-01 to conduct research on captive pinnipeds. DATES: Written, telefaxed, or email comments must be received on or before May 9, 2013. The applications and related documents are available for review by selecting "Records Open for Public Comment" from the Features box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File Nos. 16992 and 14535 from the list of available applications. These documents are also available upon written request or by appointment in the following offices: File Nos. 16992 and 14535: 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; File No. 16992: Pacific Islands Region, NMFS, 1601 Kapi'olani Blvd., Room 1110, Honolulu, Hawai'i 96814-4700; phone (808) 944-2200; and File No. 14535: Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562) 980-4001; fax (562) 980-4018. Written comments on the applications should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include "File No. 16992" or "File No. 14535" in the subject line of the email comment. Individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on either of these applications would be appropriate. CONTACT: Jennifer Skidmore (File No. 16992) and Amy Sloan (File No. 14535) at 301-427-8401 (see, 78 F.R. 21112, April 9, 2013).

2. [Keiki Kohola Project Application to NMFS for Humpback Whale Research- Notice of Receipt of Permit Application](#)

The National Marine Fisheries Service (NMFS), has given notice that Rachel Cartwright, Keiki Kohola Project, 5277 West Wooley Rd., Oxnard, CA 93035, has applied in due form for a permit to conduct research on humpback whales (*Megaptera novaeangliae*). DATES: Written, telefaxed, or email comments must be received on or before May 9, 2013. ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the Features box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 17845 from the list of available applications. Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed in the notice (click on the above title hyperlink for details). Comments may also be submitted by facsimile to (301) 713-0376, or by email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include the File No. in the subject line of the email comment. Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate. FOR FURTHER INFORMATION CONTACT: Kristy Beard or Carrie Hubard, (301) 427-8401 (see, 78 F.R. 21113, April 9, 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 Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

### **Environmental Council**

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

### **Exemption Lists**

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

### **Endangered Species**

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