

# The Environmental Notice

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

## PUBLIC NOTICES

### PESTICIDES GENERAL PERMIT INFORMATIONAL WORKSHOP

The Department of Health and the Department of Agriculture will conduct a Pesticides General Permit Workshop on Thursday, July 18, 2013, at the AAFES Building, 919 Ala Moana Boulevard, 9 a.m. to 11 a.m. The session will start with an hour of information and end with an hour of questions and answers.

AAFES Building has limited metered parking but there is available parking at the [Piano Lot \(See instructions and map\)](#)

Video Conference will be available on the neighbor islands at the following locations:

On Hawai'i – DOH Environmental Health Facility, 1582 Kamehameha Avenue, Hilo

On Maui – State Building, 54 High Street, 3<sup>rd</sup> Floor, Room B, Wailuku

On Kaua'i – Kaua'i District Health Office, 3040 Umi Street, Lihu'e

[Click on the flyer for more information.](#)

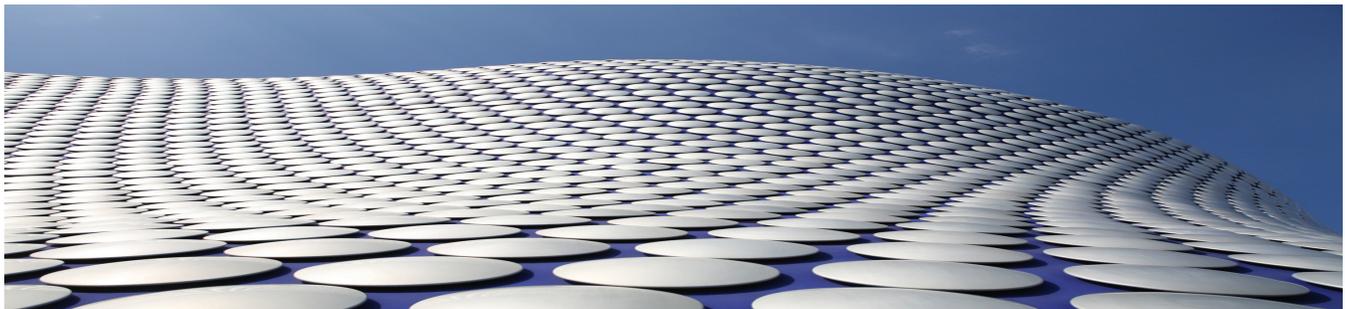
### DOCUMENT SUBMITTALS FOR PUBLICATION IN THE ENVIRONMENTAL NOTICE

Some agencies and consultants are still making up their own process when submitting Chapter 343, HRS studies for publication. This creates issues with the timely publication of projects. It is very important to pay close attention to the [OEQC Environmental Assessment Preparation Toolkit](#) and follow the steps for submittal.

OEQC Staff realize the importance of publishing submitted projects in this notice, and work very hard to make sure that projects are published. But sometimes, projects are submitted with incomplete or inaccurate information and therefore, publication has to wait for another two weeks.

It is also important to remember not to lock PDF files submitted to OEQC. This allows staff to insert the stamped submittal letter to front of the environmental assessment or impact statement.

Mahalo!!!



Neil Abercrombie, Governor · Genevieve Salmonson, Interim 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

**Note:** If you get a message saying that the file is damaged when you click on the link, then the file is too big to open within your web browser. To view the file, download directly to your hard drive by going to File and select Save As in your web browser.

**FRONT PAGE**

**Pesticides General Permit Informational Workshop**

**Documents Submittals For Publication in the Environmental Notice**

**HAWAI'I (HRS 343)**

- 1. [Kūlanī Correctional Facility Reactivation FEA \(FONSI\)](#) ..... 3
- 2. [Yermian Single-Family Residence in Keonepoko Iki, Puna DEA \(AFNSI\)](#) ..... 3
- 3. [Dungate Single-Family Residence in Pahoehoe, South Kona DEA \(AFNSI\)](#) ..... 4

**MAUI**

- 4. [Kūlanihāko'i Bridge Replacement Project DEA \(AFNSI\)](#)..... 5
- 5. [Maui Veterans Cemetery Expansion FEA \(FONSI\)](#) ..... 5

**MOLOKA'I**

- 6. [Chopra Hale Apartments, Kaunakakai DEA \(AFNSI\)](#) ..... 6

**O'AHU (HRS 343)**

- 7. [Kamehame Ridge Radio Facility DEA \(AFNSI\)](#) ..... 7
- 8. [Kamehameha Schools Community Learning Center FEA \(FONSI\)](#) ..... 8

**KAUA'I (HRS 343)**

- 9. [Kekaha Landfill Phase II Vertical Expansion DEA \(AFNSI\)](#) ..... 8

**COASTAL ZONE MANAGEMENT NOTICES**

- Federal Consistency Reviews* ..... 8
- Special Management Area Minor Permits*..... 9

**SHORELINE NOTICES**

- Shoreline Certification Applications*..... 10
- Shoreline Certifications and Rejections* ..... 11

**GLOSSARY** .....



HAWAII (HRS 343)

1. Kūlani Correctional Facility Reactivation FEA (FONSI)

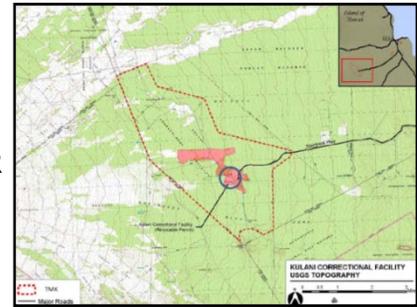
**Island:** Hawai'i  
**District:** South Hilo  
**TMK:** (3) 2-4-008: Portion of 009  
**Permits:** Building Permit; Conservation District Use Permit; BLNR Approval to Operate and Manage a Correctional Facility at the Project Site

**Proposing/Determination**

**Agency:** Department of Accounting and General Services, 1151 Punchbowl Street, Honolulu, HI 96813. Contact: Joseph Earing, (808) 586-0500

**Consultant:** R.M. Towill Corporation, 2024 N. King Street, Suite 200, Honolulu, HI 96819  
 Contact: Chester Koga, (808) 842-1133

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

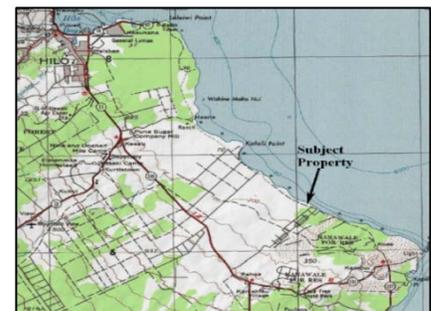


The Department of Public Safety, State of Hawai'i (PSD), proposes to reactivate (reopen) developed portions of the approximately 280-acre Kūlani Correctional Facility (Kūlani CF), closed in 2009, to accommodate approximately 200 minimum security inmates. Many inmates assigned to Kūlani CF will be transferred from in-state facilities, allowing for the return to Hawai'i of inmates currently serving sentences in Mainland correctional facilities. The project involves primarily logistical actions to assemble required staff and physically transfer Hawai'i inmates. Architectural, engineering and environmental analyses in 2012 of the existing dormitories, workshops, dining facilities, and administrative spaces revealed that the facility is ready for occupation by 200 inmates with only nominal repairs and no major facility upgrades. The budget for making necessary repairs and upgrades is \$600,000. PSD proposes to occupy the site as soon as possible but by 2014 at the latest.

The former Kūlani CF is located on the slopes of Mauna Kea, Island of Hawai'i, about 20 miles southwest of Hilo and is accessed through the 19-mile substandard Stainback Highway. The proposed reactivation of Kūlani CF is consistent with numerous established policies. The proposed reactivation supports Hawai'i's justice reinvestment initiative strategy to bring out-of-state prisoners back to Hawai'i, reduce spending on corrections, and reinvest savings generated in strategies that would reverse recent crime trends.

2. Yermian Single-Family Residence at Keonepoko Iki in Puna DEA (AFNSI)

**Island:** Hawai'i  
**District:** Puna  
**TMK:** 1-5-009:035  
**Permits:** Special Management Area Permit or exemption; Plan Approval, Grubbing, Grading, and Building Permits; Conservation District Use Permit, National Pollutant Discharge Elimination System Permit (potential)  
**Applicant:** David A. Yermian, 1824 Loma Vista Dr., Beverly Hills, CA 90210. Contact: James Leonard, (808) 896-3459



**Approving Agency:** Department of Land and Natural Resources, Conservation and Coastal Lands, 1151 Punchbowl Street, Room 131, Honolulu, HI 96813. Contact: Sam Lemmo, (808) 587-0377  
**Consultant:** Geometrician Associates, PO Box 396, Hilo, HI 96721. Contact: Ron Terry, (808) 969-7090  
**Status:** Statutory 30 day public review and comment period starts, comments are due by August 7, 2013. Please send comments to the applicant, approving agency and consultant.

David Yermian seeks a Conservation District Use Permit (CDUP) to build a single-family residence and related improvements on his 2.181-acre lot located makai of the Old Government Road, adjacent

to an existing home, near the Hawaiian Shores subdivision. The proposed home will be 4,470 square feet, including the two-story house and garage. The home will have three bedrooms and two baths, and will be set back a minimum of 110 feet from the shoreline at an elevation of approximately 36 feet above sea level, outside the flood zone. Other features include an IWS, a driveway, poles and lines for utilities and a catchment water tank with capacity for water supply and fire flow.

The lot was cleared decades ago for a former residence that was later demolished, and it contains almost entirely non-native vegetation except near the shoreline, where some naupaka and hala trees are present near the shoreline. Except around the residence and driveway, existing vegetation will be left intact. No threatened or endangered plants are present, and impacts to endangered Hawaiian hoary bats and Hawaiian Hawks will be avoided through timing of vegetation removal and/or hawk nest survey. Archaeological and cultural survey have determined that no historic properties or cultural features are practices are present. Landclearing and construction activities would occur over less than an acre, which would produce minor short-term impacts mitigated by Best Management Practices.

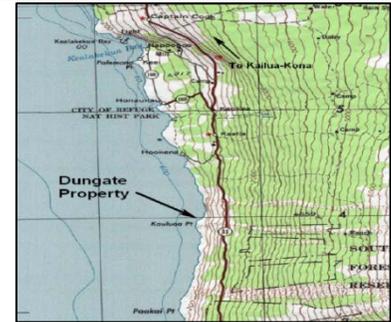
### 3. Dungate Single-Family Residence in Pahoehoe, South Kona DEA (AFNSI)

**Island:** Hawai'i  
**District:** South Kona  
**TMK:** 8-7-007:011  
**Permits:** Special Management Area Permit or exemption; Plan Approval, Grubbing, Grading, Building Permits; and Conservation District Use Permit.

**Applicant:** Peter Dungate, 75-1193 Kamalani Street, Holualoa, HI 96725. Contact: Roy A. Vitousek III, (808) 329-5811

**Approving**

**Agency:** Department of Land and Natural Resources, Conservation and Coastal Lands, 1151 Punchbowl Street, Room 131, Honolulu, HI 96813. Contact: Sam Lemmo, (808) 587-0377  
**Consultant:** Geometrician Associates, PO Box 396, Hilo, HI 96721. Contact: Ron Terry, (808) 969-7090  
**Status:** Statutory 30 day public review and comment period starts, comments are due by August 7, 2013. Please send comments to the applicant, approving agency and consultant.

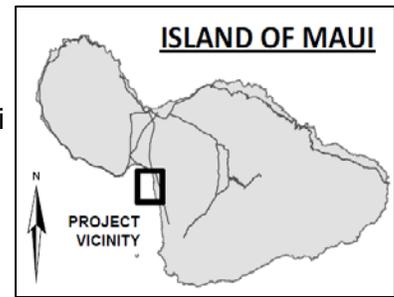


Peter Dungate seeks a Conservation District Use Permit to build a single-family residence and related improvements on a 6.6-acre lot located adjacent to the shoreline at Pahoehoe in Kona. The location of the house and accessory features is constrained by several factors, including topography, archaeological sites and buffers, and Limited Subzone rules. The one-story home will be 2,234 square feet, including the house and lanai and covered entry area. The home will be set back a minimum of 44 feet from the certified shoreline at an elevation of about 33 to 36 feet above sea level. Other features include a catchment water tank, a generator, an Individual Wastewater System and an existing driveway which will be improved but left unpaved. All features will be a minimum of 40 feet from the shoreline. Two kiawe trees will be cut or trimmed and several new native or Polynesian trees will be planted near the house site. No modifications within the shoreline setback area are planned. The vegetation is scattered, scrubby and low non-native trees, and there will be no impacts to native flora or fauna. The applicant has recognized the public ownership of the roads that traverse his properties and has worked with Na Ala Hele to protect the public interest in access along traditional access ways. Archaeological and cultural resources have been avoided through inventory, consultation, and approved treatment plans, and the site layout has situated the home, driveway and other features in areas that avoid impacts. Two burial sites and several archaeological features will be preserved in accordance with approved preservation and burial treatment plans.

MAUI (HRS 343)

**4. Kūlanihāko'i Bridge Replacement Project DEA (AFNSI)**

**Island:** Maui  
**District:** Wailuku  
**TMK:** (2) 3-9-001: portion of 015, 147, 162, and South Kīhei Road Right-of-Way  
**Permits:** Section 404, Clean Water Act, Nationwide Permit; Section 10 Permit, Rivers and Harbors Act; National Environmental Policy Act (NEPA) Categorical Exclusion; Section 401, Clean Water Act, Water Quality Certification; National Pollutant Discharge Elimination Permit for Dewatering Activity; Noise Permit; Stream Channel Alteration Permit; Coastal Zone Management Federal Consistency Certification; Special Management Area Use Permit; Shoreline Setback Variance; Special Flood Hazard Area Development Permit; Grading/Grubbing Permit; Permit to Perform Work within County Right-of-Way



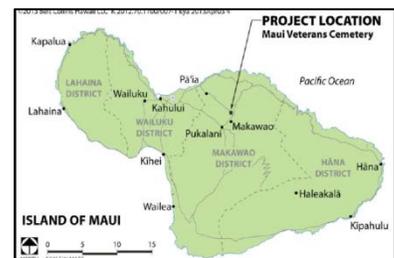
**Proposing/Determination**

**Agency:** County of Maui, Department of Public Works, 200 South High Street, 4<sup>th</sup> Floor, Wailuku, HI 96793. Contact: Wendy Kobashigawa, (808) 270-7745  
**Consultant:** Wilson Okamoto Corporation, 1907 S. Beretania Street, Ste. 400, Honolulu, HI 96826 Contact: Milton Arakawa, (808) 946-2277  
**Status:** Statutory 30 day public review and comment period starts, comments are due by August 7, 2013. Please send comments to the proposing/determination agency and consultant.

The existing Kūlanihāko'i Bridge is a four (4)-cell concrete box culvert system which spans Kūlanihāko'i Gulch, in Kīhei, Maui, Hawai'i. The County of Maui Department of Public Works (DPW) is proposing to replace the existing Kūlanihāko'i Bridge as the existing culverts are structurally deficient and in advanced stages of deterioration. The replacement bridge will be constructed with six (6) new culverts; each approximately six (6) feet wide, 4 feet high and 50 feet across South Kīhei Road. New inlet and outlet head walls will also be constructed. The roadway section over the new bridge will be widened from two (2), 10-foot travel lanes with paved shoulders to two (2) 12-foot travel lanes, one in each direction, a 5-foot wide bike lane, a 5-foot wide paved walkway, and a 2.5-foot wide curb and gutter separating the walkway from the roadway on both sides of the bridge. A 4-foot tall traffic rated bridge wall will be constructed on top of the culverts on each side as a traffic barrier for safety purposes. Existing temporary concrete barriers will be replaced with permanent guardrails and end connections, designed to comply with current standards. Roadway improvements to South Kīhei Road in the vicinity of the bridge include widening the roadway on the mauka side to accommodate a 5-foot wide bike lane and a 5-foot wide paved walkway with a 2.5-foot wide curb and gutter separating the walkway from the roadway.

**5. Maui Veterans Cemetery Expansion FEA (FONSI)**

**Island:** Maui  
**District:** Makawao  
**TMK:** portion of (2) 2-4-002:007 and (2) 2-4-002:009  
**Permits:** Land Use Permit, County of Maui grading and building permits



**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 Hawaii, 2153 North King Street, Honolulu, HI 96819. Contact: Jerilyn Hanohano, (808) 521-5361

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

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.

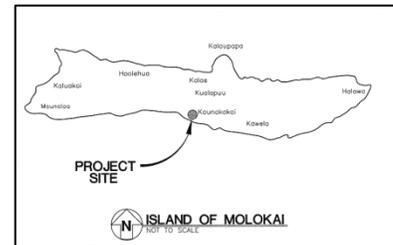
### MOLOKA'I (HRS 343)

#### 6. Chopra Hale Apartments, Kaunakakai DEA (AFNSI)

**Island:** Moloka'i  
**District:** Kaunakakai  
**TMK:** (2) 5-3-004:028  
**Permits:** Change in Zoning/Community Plan Amendment  
**Applicant:** LDE GROUP, LLC, 15091 Becky Lane, Monte Sereno, CA 95030-2105. Contact: Dilip Gunawardena, (408) 402 3680

**Approving Agency:** County of Maui, Department of Planning, 250 South High Street, Wailuku, Maui, HI 96793. Contact: William Spence, (808) 270-8205

**Consultant:** Architectural Drafting Service, P.O. Box 1718, Kaunakakai, HI 96748  
 Contact: Luigi Manera, (808) 553-9045



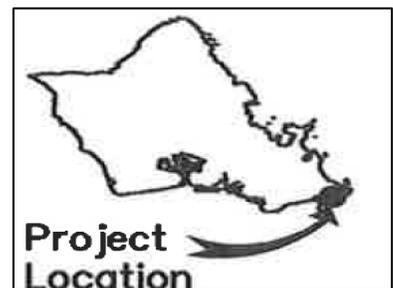
The subject property consists of 1.004 acres and is identified by TMK 5-3-004:028. The property is located in the State Urban District and is designated Single Family by the Moloka'i Community Plan and Interim by Maui County zoning. The property carries no other special designations.

The Applicant intends to obtain a Community Plan Amendment from Single Family to Multi-Family designation and a Change in Zoning from Interim to A-1, Residential District in order to increase the inventory of affordable apartment rentals on the island of Molokai.

### O'AHU (HRS 343)

#### 7. Kamehame Ridge Radio Facility DEA (AFNSI)

**Island:** O'ahu  
**District:** Koolau-poko  
**TMK:** (1) 3-9-009:001  
**Permits:** Conservation District Use Permit, Management Plan  
**Proposing Agency:** Department of Accounting and General Services (DAGS), Information and Communication Services Department's (ICSD). Contact: Joseph Earing, (808) 586-0486



## Determination

**Agency:** Department of Land and Natural Resources, Office of Conservation and Coastal Lands, 1151 Punchbowl Room 131, Honolulu, HI 96809. Contact: Michael Cain, (808) 783-2501  
**Consultant:** Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, HI 96826. Contact: John Sakaguchi, (808) 946-2277

The proposed new Kamehame Ridge Radio Facility will extend the reach of DAGS Information and Communication Services Department's (ICSD) Hawaiian Digital Microwave Radio System. The site is at the 1278 foot elevation on the Ko'olau range, at the edge of a vertical *pali* overlooking the eastern half of Waimanalo. Elements of the project include: a 50-foot, 4-sided self-supported pipe leg tower; a 16-foot by 16-foot by 5-foot high at grade concrete tower foundation; a 1006 square-foot, 12-foot high support building to house radio equipment and an emergency generator; a double-walled 1000-gallon above ground fuel tank; and security fencing.

Other telecommunications facilities in the area include Federal Aviation Administration (FAA), City and County of Honolulu, and US Coast Guard facilities. Preliminary studies indicate that there will be no interference with these. Electric power will be supplied via underground conduits connecting to the existing underground system that powers the other facilities. No water service or sewage service will be required.

## 8. Kamehameha Schools Community Learning Center at Ma'ili FEA (FONSI)

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



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

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

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

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

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

One of the most significant commitments Kamehameha Schools is making to the Wai'anae Coast is the development of the Kamehameha Schools' Community Learning Center (KCLC) at Ma'ili that will not only symbolize a collective commitment to the community and its children, but will model innovative and collaborative supports for *keiki* and *'ohana*, fostering better educational outcomes, strengthening

the community, and deepening a vibrant native Hawaiian culture. As part of the overall *Ka Pua* Education Plan, the KCLC at Ma'ili will establish state of the art educational spaces, serve as the nexus for Kamehameha Schools' presence on the Wai'anae Coast, and reduce significant barriers for community collaborators.

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

KAUA'I (HRS 343)

9. Kekaha Landfill Phase II Vertical Expansion DEA (AFNSI)

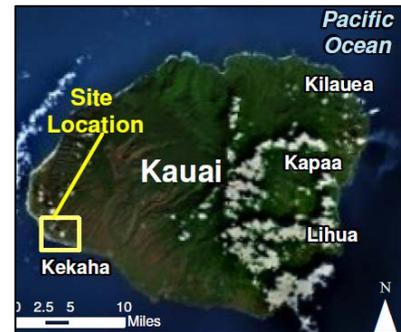
**Island:** Kaua'i  
**District:** Waimea  
**TMK:** 1-2-002:009 and 1-2-002:001  
**Permits:** Solid Waste Management Permit, Initial Covered Source Air Permit, Title V Air Permit, Historic Preservation Review, Conservation District Use Application (Cell 2 only), Special Management Area Permit (Cell 2 only)

**Proposing/Determination**

**Agency:** County of Kaua'i, Department of Public Works, Solid Waste Division, 4444 Rice Street, Suite 275, Līhu'e, HI 96766. Contact: Troy Tanigawa, (808) 241-4992

**Consultant:** AECOM Technical Services, Inc., 1001 Bishop Street, Suite 1600, Honolulu, HI 96813  
 Contact: Julie Zimmerman, (808) 356-5392

**Status:** Statutory 30 day public review and comment period starts, comments are due by August 7, 2013. Please send comments to the proposing/determination agency and consultant.



The County of Kaua'i, Department of Public Works, Solid Waste Division, is proposing a vertical expansion of the Kekaha Landfill (KLF) on the Island of Kaua'i, Hawai'i. The proposed action is to vertically expand the currently permitted Phase II/Cell 1 area and the proposed Cell 2 lateral expansion, thereby prolonging the life of the KLF, which is the only permitted municipal solid waste landfill on the Island of Kaua'i. The currently-permitted KLF Phase II is projected to reach capacity in early 2014, at which time the Island of Kaua'i would be without a landfill for the safe disposal of municipal solid waste. The lack of a permitted municipal solid waste landfill would result in adverse effects on the environment and public health.

To determine whether the proposed action would have a significant impact on the human, natural, or historic environments, the project, its anticipated direct and indirect effects, and the short-term, long-term, and cumulative impacts have been evaluated. Based on the analysis and resources evaluated, a Finding of No Significant Impact is anticipated.

**COASTAL ZONE MANAGEMENT NOTICES**

**Federal Consistency Reviews**

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal action 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 & Molokai: 468-4644 x72878, Kaua'i: 274-3141 x72878, Maui: 984-2400 x72878 or Hawai'i: 974-4000 x72878. For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review. Comments may be submitted by mail, electronic mail or fax, as indicated below.

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

**Email:** [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)

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

### U.S. Coast Guard Tsunami Safety Zones in Commercial Harbors

**Federal Action:** Federal Agency Activity  
**Federal Agency:** U.S. Coast Guard (USCG)  
**Contact:** Dr. Dennis Mead (808) 535-3464  
**Proposed Action:** The USCG is proposing to establish tsunami safety zones in nine State of Hawai'i commercial harbors: Nawiliwili and Port Allen, Kaua'i; Barbers Point and Honolulu Harbor, O'ahu; Kaunakakai, Moloka'i; Kaunalapau, Lāna'i; Kahului, Maui; and Kawaihae and Hilo, Hawai'i. The purpose of the safety zones is to expedite the evacuation of the harbors in the event a tsunami warning is issued for the main Hawaiian Islands. In the event a tsunami warning is issued, the USCG will enforce the safety zones, closing those harbors within the anticipated impact areas of the tsunami. When the safety zones are activated for enforcement, no vessels will be permitted to enter the closed harbors. Enforcement of the safety zones will also trigger an immediate evacuation of the closed harbors. The harbors will remain closed until the USCG reopens the specific harbors impacted. Once the threat has passed and harbors have been assessed as safe for reentry of commercial navigation, the safety zones will be deactivated allowing vessels to transit the harbors. The proposed rule is posted at the federal web site: <http://www.regulations.gov> (enter docket number USCG-2013-0021).  
**Location:** State of Hawai'i commercial harbors at Nawiliwili and Port Allen, Kaua'i; Barbers Point and Honolulu Harbor, O'ahu; Kaunakakai, Moloka'i; Kaunalapa'u, Lāna'i; Kahului, Maui; and Kawaihae and Hilo, Hawai'i  
**CZM Contact:** John Nakagawa, 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)  
**Comments Due:** July 22, 2013

### Special Management Area (SMA) Minor Permits

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

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Kona (8-2-006: 027)	Continued Use of Privately Owned Beach Park and Retention of Certain As-Built Improvements Including a Rock Wall along a Portion of the Southern Property Line, A Community Garden Area, Landscaping and Irrigation System, and Related Improvements (SMM 13-269)	The Bill Healy Foundation
Hawai'i: North Kona (7-8-014: 037 and 038)	Conversion of Existing Single-Family Dwelling into a Surfing and Aqua Related Rental Shop and Related Improvements (SMM 13-274)	Dominic Del Rosario

Maui: (2-8-004: 032)	Potting Shed with Covered Deck (After-the-fact) (SM2 20120147)	Frederick Honig
Maui: Lahaina (4-2-001: 028)	Interior/Exterior Renovation (SM2 20130071)	Atom Kasprzycki
Maui: Kihei (3-9-004: 023)	Apartment Alteration (SM2 20130072)	Wendell Corpuz
Maui: Paia (2-6-011: 028)	New Carport (SM2 20130073)	Steven Jackson
O'ahu: Diamond Head (3-1-042: 009)	Kapi'olani Community College – Building 6939-Side B, Major Exterior Alterations and Additions (2013/SMA-16)	Kapi'olani Community College

## 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-1536	6/6/13	Lot 14-C of the Kahala Subdivision situate at Kahala, Honolulu, O'ahu Address: 4523 Kahala Avenue Purpose: Setback purpose	Austin, Tsutsumi & Associates, Inc./Konami Real Estate, Inc.	3-5-004:009
OA-1537	6/7/13	Lot 1 of the Kualoa Beach Lots situate at Kualoa, Ko'olaupoko, O'ahu Address: 49-829 Kamehameha Highway Purpose: Building permits	Hawai'i Land Consultants/ Kualoa Ranch Inc.	4-9-007:023
OA-1538	6/7/13	Lot 13 of the Kualoa Beach Lots situate at Kualoa, Ko'olaupoko, O'ahu Address: 49-743 Kamehameha Highway Purpose: Removal of structure	Hawai'i Land Consultants/ Kualoa Ranch Inc.	4-9-007:007
OA-1539	6/7/13	Portions of Grant 5677 to Cecil Brown, Grant 4674 to John D. Holt Jr. and Land Patent 8165, Part B, Land Commission Award 8559-B, Apana 32 to Wm. Lunalilo situate at Ka'alawai, Kapahulu, Honolulu, O'ahu Address: 4031 A Kulamanu Street Purpose: Obtain building permit	Wesley T. Tengan/Judith Pyle	3-1-040:004
OA-1540	6/7/13	Lot 78 Land Court Application 1052 as shown on Map 5 situate at Makaha, Wai'anae, O'ahu Address: 84-811 Moua Street Purpose: Obtain building permit	Wesley T. Tengan/G and H Co., Ltd.	8-4-005:023
MA-549	6/13/13	Portions of Section 3 of the First Partition of the Hamakuapoko Hui and Lot 8 to Kealoha, Section 2 of the Second Partition of Hamakuapoko Hui situate at Pa'ia, Hamakuapoko, Maui Address: 72 Lae Place Purpose: N/A	Akamai Land Surveying, Inc./Gavin Ferguson	2-6-008:009
HA-467	6/24/13	Lot A-1 being the whole of Parcel A of Church Lot at Puako and Portions of School Grant 13, Ap. 1 to Board of Education and Government (Crown) Land situate at Lalamilo, Waimea, Kohala, Island of Hawai'i Address: 69-1600 Puako Beach Drive Purpose: Obtain State and County permits	Wes Thomas Associates/ State of Hawai'i	6-9-002:007-010
KA-377	6/20/13	Lot 9 of Waipouli Beach Lots being a portion of R.P. 7373, L.C. Aw. 8559-B, A.P. 42 to William C. Lunalilo situate at Waipouli, Kawaihau, Kaua'i Address: 976 Niulani Street Purpose: Repair sea wall	Honua Engineering, Inc./ Stephanie L. Skow, Katherine L. Skow and Matthew O. Nelson	4-3-009:001

**Shoreline Certifications and Rejections**

The shoreline notices below have been proposed for certification or rejection by DLNR (HRS 205A-42 and HAR 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resource, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

<b>File No.</b>	<b>Proposed/Rejected</b>	<b>Location</b>	<b>Applicant/Owner</b>	<b>TMK</b>
OA-1508	Proposed Shoreline Certification	Lot 23 of Land Court Application 1810 (Map 4), Mokuleia, Waialua, O'ahu Address: 68-673 Ho'omana Place Purpose: Building setback	Jaime F. Alimboyoguen/ Richard Sutton	6-8-010:014
OA-1509	Proposed Shoreline Certification	Lot 22 of Land Court Application 1810 (Map 4), Mokuleia, Waialua, O'ahu Address: 68-675 Ho'omana Place Purpose: Building setback	Jaime F. Alimboyoguen/ Richard Sutton	6-8-010:015
OA-1512	Proposed Shoreline Certification	Lot 16 as shown on Map 4 of Land Court Application 1810 situate at Mokuleia, Waialua, O'ahu Address: 68-689 Farrington Highway Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Gregory Michaels	6-8-010:021
OA-1531	Proposed Shoreline Certification	Lot 1123 of Land Court Application 677 Map 255 situate at Kailua, Ko'olaupoko, O'ahu Address: 104 A South Kalaheo Avenue Purpose: Development of property	Dennis K. Hashimoto/ Harry J. Last	4-3-012:037

## 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).