



The Environmental Notice

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

PUBLIC NOTICES

[KENAI INDUSTRIAL PARK DEA WITHDRAWAL](#)

The Kenai Industrial Park DEA was published in The Environmental Notice on February 8, 2013. After further review and deliberations, the Department of Land and Natural Resources, as the approving agency for the Habitat Conservation Plan and Incidental Take License, has determined that the project does not trigger an Environmental Assessment under Chapter 343, Hawai'i Revised Statutes. Thus, the Department of Land and Natural Resources hereby withdraws the Kenai Industrial Park DEA and anticipated finding of no significant impact from the Chapter 343, HRS process.

[THE ENVIRONMENTAL COUNCIL ELECTS NEW CHAIRS](#)

In a meeting last Thursday, the Environmental Council (EC) elected Scott Glenn as the new Environmental Council Chair for the next year. Scott replaces Mary Steiner, who has held the chair post continuously from the last gubernatorial administration; Mary will continue serving her term as a Council member. Scott has been serving as the EC vice-chair for the past year and is also the chair of the EC Rules Committee, a post he's held since starting his Council term in 2011.

Charles Prentiss was elected as the new Vice-Chair. Charles was appointed by Governor Cayetano to serve on the Council from 1999 until 2002; he is currently serving another term on the Council. Other subcommittee Chairs are David Atkin in the Exemption Committee, Mark Ambler in the Information and Outreach Committee, and Mary Steiner will take over at the Legislation Committee.

The 15-member Environmental Council is responsible for establishing rules for Hawai'i's Environmental Policy Act (HEPA), or Chapter 343, Hawai'i Revised Statutes. It is attached to the Director of the Department of Health and works with the Office of Environmental Quality Control to establish rules in Chapter 11-200, Hawai'i Administrative Rules, proposes legislation, reviews and concurs to exemption lists, and decides on the acceptance of a rejected environmental impact statement upon petition by a project proponent.

The Office of Environmental Quality Control congratulates Scott and looks forward to working together with the new Chair and the Council to finalize the administrative rules and resolving other Council matters. The Office also wishes to extend warm regards and thanks to Ms. Steiner for her hard work in the Council all these years.

Congratulations and Aloha!



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HAWAI'I (HRS 343)

1. [Ka'ōhe Fire Diptanks FEA \(FONSI\)](#)

Island: Hawai'i
District: Hamakua
TMK: (3) 4-4-015:004 (por.)
Permits: HRS Chapter 6e, Historic Sites approvals
Proposing/Determination Agency: Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Room 131, Honolulu, HI 96813. Contact: John Vetter, (808) 587-4158
Consultant: Geometrician Associates, PO Box 396, Hilo, HI 96721. Contact: Ron Terry, (808) 969-7090
Status: Finding of No Significant Impact Determination



The Department of Land and Natural Resources, Division of Forestry and Wildlife, plans to construct water tanks and related infrastructure at two sites on the southwestern slope of Mauna Kea in the Ka'ōhe Game Management Area to assist in fighting fires. The sites are located off Road 1, one about 1/2 mile above the Kilohana Hunter Checking Station, and the other 700 feet south of Pu'u La'au. Each site will have a covered, 40,000-gallon holding tank for water obtained from trucks and/or catchment. Via high density polyethylene pipeline placed above ground except where buried beneath roads, the holding tank will feed a smaller, open fire diptank that will be accessed by helicopters equipped with dip buckets. Both sites are in open and previously modified environments accessible by a two-wheel drive vehicle. Ground disturbance will total less than half an acre, and erosion, sedimentation and dust will be controlled by Best Management Practices. The sites are located within the State Land Use Conservation District and Palila Critical Habitat, and the project will protect the values of these areas. No threatened or endangered (T&E) plant species are present at or near the disturbance footprints. Timing of activities will avoid or minimize impacts to T&E animals. No historic or cultural properties will be affected, and visual impacts from the tanks, which will likely be no more than 12 feet tall, will be minor. The project will substantially improve fire protection in this important habitat and recreation area.

2. [Kaupakuea Orchards LLC Forest Management Plan DEA \(AFNSI\)](#)

Island: Hawai'i
District: South Hilo
TMK: (3) 2-8-003-009 and (3) 2-8-003-010
Permits: Not Applicable
Applicant: Christopher Trimarco, P.O. Box 98, Pepe'ekeo, HI 96783. (954) 650-0967
Approving Agency: Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl St. Room 325, Honolulu, HI 96813. Contact: Irene Sprecher, (808) 587-4167
Consultant: Forest Solutions, P.O. Box 2037, Kamuela, HI 96743. Contact: Nick Koch, (808)776-9900
Status: Statutory 30 day public review and comment period starts, comments are due by August 22, 2013. Please send comments to the applicant, approving agency and consultant.



The Kaupakuea Orchards LLC riparian restoration and hardwood timber project Forest Management Plan was approved by the State of Hawai'i Forest Stewardship Advisory Committee at their most recent meeting on May 10, 2013.

In brief, the plan has two distinct components which, combined, should significantly improve the subject property and adjacent areas. The land is in a severely degraded condition. Many years of

sugar cane production followed by subsequent small scale ginger farming and cattle grazing has taken a toll on the soil and decimated native plant life.

The project will include TMKs (3) 2-8-003:009 and: 010. The total property is approximately 40 acres mauka of Pepeekeo on the Big Island. It's bordered by Kaupakuea Homestead Road to the north and the year around Waiaama Stream to the south.

The stream bank has been entirely taken over by invasive Guavas that have choked off virtually all native plant life. Approximately 850'-900' of stream bank (4.4 acres) will have all Guava eradicated and be replanted with native ferns and Ohia.

The other significant feature of the FMP is to establish a mix of non-invasive tropical hardwood trees and native hardwood trees on what is now 18 acres of pasture land of mixed alien grasses.

3. Kawaihae Harbor Improvements DEA (AFNSI)

Island: Hawai'i
District: South Kohala
TMK: (3) 6-1-03: 022 (por.), 023 (por.), 025 (por.), 026, 034, 060
Permits: Section 404 Clean Water Act Permit, Section 401 Certification, National Pollutant Discharge Elimination System (NPDES), Section 10 of the Rivers and Harbors Act (Nationwide Permit for maintenance dredging), Section 103 of the Marine Protection, Research and Sanctuaries Act (MPRSA) approval for ocean dumping of dredged materials, State of Hawai'i Department of Health (DOH) -Noise Permit/Variance, Coastal Zone Management (CZM) Consistency Determination.



Proposing/Determination

Agency: Department of Transportation, 869 Punchbowl Street, Honolulu, HI 96813.
Contact: Glen Okimoto, (808) 587-2150
Consultant: SSFM International, Inc., 501 Sumner Street, Suite 620, Honolulu, HI 96817.
Contact: Douglas Zang, (808) 531-1308
Status: Statutory 30 day public review and comment period starts, comments are due by August 22, 2013. Please send comments to the proposing/determination agency and consultant.

The State Department of Transportation, Harbors Division is proposing infrastructure improvements to Kawaihae Harbor. The purposes of the proposed actions are to: serve existing and future demand for harbor facilities; ensure adequate berth lengths and yard space to accommodate multiple users with varying operational needs; ensure safety of navigational and land operations; ensure compliance with federal requirements for harbor security; ensure safety for workers and recreational users at Coral Flats; support Department of Agriculture efforts to protect biosecurity; and protect the public and public resources by improving island resiliency when natural disasters occur. The Hawai'i Island Commercial Harbors 2035 Master Plan Update and subsequent Kawaihae Development Studies were used to identify needs, future demands, and alternatives for the harbor.

Since dredging in harbor waters is proposed, a Department of the Army (DA) permit will be required for dredge activities to comply with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Appropriation Act. Therefore, this EA has also been prepared to facilitate review and processing of the DA permit application, including consultations to comply with applicable federal requirements such as Section 7 of the Endangered Species Act and Executive Order 13089, Coral Reef Protection.

MAUI (HRS 343)

4. Proposed Kahakapao Recreational Area FEA (FONSI)

Island: Maui
District: Makawao
TMK: (2) 2-4-016:002
Permits: BLNR Approval
Proposing/Determination Agency: Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Honolulu, HI 96813. Contact: Torrie Nohara, (808) 873-3508.
Status: Finding of No Significant Impact Determination.



Responding to the increased interest and direct inquiries from the public; Na Ala Hele seeks to expand the trail system in the Makawao State Forest Reserve to include the new Kahakapao Recreational Area. The area is intended to provide hiking, equestrian, and bicycling opportunities for the novice to experienced enthusiast, including the very young and old by establishing a gravity/flow trail, a bicycle pump track, two skills practice areas, a youth practice area with track, and extending the multi-use trails. An additional parking area with accessible port-a-pots, kiosks, and picnic tables will be established near the trail head area. These additions are aimed at providing the public with an additional recreational opportunity. This need is demonstrated by the increased appearance of illegally built trails and tracks.

5. Proposed Wailuku Production Well DEA (AFNSI)

Island: Maui
District: Wailuku
TMK: (2)3-5-001:021 (por.), 091 (por.), and 100(por.)
Permits: CWRM Pump Installation Permit, Construction Permits and Project District Phase III Approval
Proposing/Determination Agency: County of Maui, Department of Water Supply, 200 South High Street, 5th Floor, Wailuku, HI 96793. Contact: Thomas Ochwat, (808) 270-7816
Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI, 96793. Contact: Leilani Pulmano, (808) 244-2015
Status: Statutory 30 day public review and comment period starts, comments are due by August 22, 2013. Please send comments to the proposing/determination agency and consultant.



The Maui County, Department of Water Supply (DWS) plans to construct improvements to the existing Wailuku Well to convert the facility from an exploratory well to a production well. Wailuku Well (Well No. 5230-04) was initially drilled as an exploratory well to determine if the site is an appropriate water source. Testing at the exploratory well indicated that the well is capable of producing 1,400 gallons per minute (gpm) with low drawdown, and as such, the well will be an excellent, dependable source of potable water.

The Wailuku Well is located within the Kehalani Mauka development above Old Wailuku Town on a portion of an undeveloped parcel identified by Tax Map Key (2)3-5-001:100. The well site lies approximately 1,000 feet to the south of the intersection of Main Street, Alu Road, and Iao Valley Road, and is about 200 feet to the northwest of the end of the Kehalani Mauka Parkway. A new transmission line, which will cross Parcel 100 and TMK (2)3-5-001:091 (por.), will connect the Wailuku Well to the Iao Tank Storage Facility on Alu Road located on TMK (2)3-5-001:021 (por.). Minor modifications to the existing Iao Tank Site Well on Parcel 21 will be implemented as part of the proposed project to accommodate inflows from the Wailuku Well.

Improvements required to convert the exploratory well into a production facility include the construction and installation of a submersible deepwell vertical turbine pump, piping, electrical controls, a control building, and a 920-foot long transmission line from the pumping station to the Iao Tank Storage facility.

O'AHU (HRS 343)

6. Hale Uhiwai Nalu Addition FEA (FONSI)

Island: O'ahu
District: Kalaheo
TMK: (1) 9-1-013-054:0000
Permits: HCDA Development Permit
Applicant: Cloudbreak Hawaii, LLC, P.O. Box 75329, Kapolei, HI 96707.
 Contact: Mr. Scott Fichter, (808) 330-6615
Approving Agency: HHFDC, 677 Queen Street, Suite 300, Honolulu, HI 96813
 Contact: Ms. Janice Takahashi, (808) 587-0639
Consultant: Environmental Risk Analysis LLC, 820, West Hind Drive #240606, Honolulu, HI 96824
 Contact: Dr. Russell Okoji, (808) 391-9906
Status: Finding of No Significant Impact Determination.



The Proposed Action (i.e., the addition of affordable housing units to Hale Uhiwai Nalu) will assist the State of Hawaii in addressing housing needs and provide support services for U.S. veterans. The Site is located in Barbers Point near Kalaheo Airport. The project consists of constructing one or two new 4-story structures on approximately 6,000 square feet of land adjacent to the existing 80-unit Hale Uhiwai Nalu residential and services building.

The Proposed Action is consistent with the State's objective to create additional affordable housing. The Proposed Action would add up to 72 affordable housing units for very low to moderate income households and make support services such as outreach, substance abuse treatment, employment training and placement, and housing transition easily accessible. The first proposed building, comprised of approximately 2,400 square feet, would include 50 furnished studio apartments, a first floor community room and lobby, a roof top garden area, and an elevator to provide access to all floors. The parking lot would be restriped to provide 62 parking stalls. A second proposed building would add 22 additional residential units.

The project is partially funded through the State Rental Housing Trust Fund (RHTF). No significant impacts are anticipated from the proposed project. During construction, implementation of Best Management Practices would ensure no significant impacts to the environment. Beneficial impacts to Land Use Considerations and Zoning are anticipated assuming implementation of the Proposed Action.

7. Hinode Building - 79 N. Beretania Street Addition DEA (AFNSI)

Island: O'ahu
District: Chinatown
TMK: (1)1-7-4: 19
Permits: Potential Permits, Approvals, and Consultations
 Associated with the Proposed Action, building permits.
Proposing/Determination Agency: City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, HI 96813. Contact: Sery Berhanu, 808-768-8033
Consultant: Don Hibbard, 45-287 Kokokahi Place, Kaneohe, HI 96744.
 Contact: Don Hibbard, (808) 542-6230



Status: Statutory 30 day public review and comment period starts, comments are due by August 22, 2013. Please send comments to the proposing / determination agency and consultant.

This project involves the construction of a third floor addition to an existing two-story historic building located at 79 North Beretania Street in Chinatown. Currently, the first floor of the subject building is vacant and the second floor, a three-bedroom unit, is occupied by the Applicant. The proposed 1,443 square-foot addition consists of a living room, two bedrooms, two bathrooms, a kitchen and a laundry area. It will be accessed from the second floor through an existing stairway. This addition will occupy approximately the rear two-thirds of the roof area and will have a low pitched shed roof.

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. The Proposed Action would have no indirect, secondary, or cumulative impacts to any environmental resource areas.

8. Monge Residence Lanai Enclosure and Seawall at Ahinalu Place DEA (AFNSI)

Island: O’ahu
District: Hau’ula
TMK: 5-4-3: 35
Permits: Various permits not limited to a Shoreline Setback Variance, building permit, and shoreline certification

Proposing/Determination

Agency: City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, HI 96813. Contact: Ann Asaumi, (808) 768-8020

Consultant: The Limtiaco Consulting Group, 680 Iwilei Road, Suite 430, Honolulu, HI 96817. Contact: John Nakata, (808) 596-7790

Status: Statutory 30 day public review and comment period starts, comments are due by August 22, 2013. Please send comments to the proposing/determination agency and consultant.



The Applicant is seeking the approval of an after-the-fact Shoreline Setback Variance (SSV) to authorize an enclosed lanai and seawall in the 40-foot shoreline setback area of their property. No new development is being proposed on the property.

According to the Applicant, an existing covered lanai on the makai side of their residence was enclosed for use as a dining area. The enclosed area measures approximately 12-foot by 18-foot, and adds approximately 216 square feet of enclosed area to the dwelling. The shoreline on the Applicant’s property is delineated by an unauthorized ungrouted rock seawall.

9. Wai’anae Valley Ranch Application for a Lease DEA (AFNSI)

Island: O’ahu
District: Wai’anae
TMK: 8-5-006:004 (ranch parcel), (8-5-005:036 for parking lot only)
Permits: City & County Building Permits, Grading/grubbing Permits, Conditional Use of Hawaii Archaeological Inventory Surveys (AIS) + historic recovery/mitigation plans to SHPD

Applicant: Ka’ala Farm, Inc., PO Box 630, Wai’anae HI 96792. Contact: Eric Enos, (808) 696-4954, eric@kaala.org and Ho’omau Ke Ola, PO Box 837, Wai’anae HI 96792. Contact: Dr. Patti Isaacs, (808) 696-4266, p.isaacs@hoomaukeola.com



Approving

Agency: Department of Land and Natural Resources, Land Division, 1151 Punchbowl Street, Room 220, Honolulu HI 96813. Contact: Barry Cheung (808) 587-0430, barry.w.cheung@hawaii.gov

Consultant: Townscape, Inc., 900 Fort Street Mall, Suite 1160, Honolulu HI 96813
Contact: Tina Speed (808) 536-6999, tina@townscapeinc.com

Status: Statutory 30 day public review and comment period starts, comments are due by August 22, 2013. Please send comments to the applicant, approving agency and consultant.

Ka'ala Farm, Inc. (KFI) and Ho'omau Ke Ola (HKO), both non-profit organizations, are applying for a joint lease of the property formerly known as Wai'anae Valley Ranch. The Land Board gave preliminary lease approval to KFI pending the results of this Environmental Assessment. For final lease processing, KFI and HKO wish to be added as joint lessees.

The applicants' proposed actions for this DLNR property include four discrete "project areas" 1. "Ranch Headquarters & Organic Farm": Basic site infrastructure improvements for the development of a small organic farm/community garden area with operational facilities. 2. "Cultural Restoration Pilot Project": Heiau maintenance and re-planting of historic dryland fields. 3. "Expansion of Restoration Pilot Project" from a small test area to a larger expanded area. 4. "Road and Firebreak Maintenance, Flood Mitigation": General firebreak maintenance in and around the property and various flood mitigation measures in dry gulches.

The overall goals of the proposed actions are to return part of the parcel to active agricultural use, and protect/preserve the many important cultural sites on the property. The proposed actions are meant to restore pono to the land and the community by perpetuating Native Hawaiian cultural practices and stewardship methods in an educational/healing context.

WITHDRAWAL FROM CHAPTER 343 PROCESS

[In accordance with HAR 11-200-23\(f\), the Department of Land and Natural Resources \(DLNR\) has withdrawn the Kenai Industrial Park Draft Environmental Assessment](#) which was published in The Environmental Notice on February 8, 2013. Since publication, DLNR Division of Forestry and Wildlife (DOFAW), has determined that the proposed Habitat Conservation Plan and Incidental Take License do not trigger the Chapter 343 process.

EXEMPTION DECLARATION

[The Hawai'i County Planning Department exempted the Bill Healy Foundation](#) from the preparation of an environmental study for continued use of the 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. The project is located at Kahauloa 1st, South Kona, Hawai'i. The Hawai'i County Planning Department has determined that the project activities will have minimal or no significant impact on the environment and is therefore exempt from the preparation of an environmental assessment.

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area (SMA) Minor Permits

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

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Kona (8-3-006: 019, 030 and 033)	Ke'ei Wastewater Improvement Project (SMM 13-275)	Kamehameha Schools Bishop Estates (KSBE)
Maui: (2-1-008: 105)	Swimming Pool/Spa (SM2 20130070)	Marc A Taron
Maui: Kahului (3-8-007: 040)	Smart Grid Demo Project (SM2 20130074)	Jared Chang
Maui: (4-6-031: 002)	Replace Decayed Wood Lanai and Sidewalk with Concrete Slab (SM2 20130075)	Dave Frederick
Maui: Kihei (3-9-009: 008)	Event Fundraisers (SM2 20130076)	Gary Passon and Charlene Schulenburg
Maui: Lahaina (4-6-008: 004)	Install Sign (SM2 20130078)	Rolf Egli
Maui: Kihei (3-8-013: 006)	Site and Drainage Renovation (SM2 20130079)	Marie Kimmey
Moloka'i: (5-4-002: 001)	Demolition of Damaged Structure (SM6 20130004)	Hotel Moloka'i

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
MA-550	6/25/13	Lot 54 of Land Court Application 1744 as shown on Map 19 "Whalers Village Shopping Complex" being a portion of Royal Patent 2567, Land Commission Award 7715, Apana 3 to Lota Kamehameha situate at Hanakao, Lahaina, Maui Address: 2435 Ka'anapali Parkway, H-6 Purpose: Building and other permitting purposes	Newcomer-Lee Land Surveyors, Inc./ WV Sub, LLC	4-4-008:001
MA-551	7/10/13	Lot D-1-A-1 of the North Beach Subdivision, IIA situate at Honokowai, Ka'anapali, Lahaina, Maui Address: 130 Kai Malina Parkway Purpose: Shoreline setback	Austin, Tsutsumi & Associates, Inc./ Honua Kai Condominium Association, Inc.	4-4-014:006
HA-468	7/8/13	Lot 29 of Vacationland Hawai'i Subdivision (F.P. 814) L.C. Aw. 8559, Apana 5 situate at Kapoho, Puna, Island of Hawai'i Address: N/A Purpose: Determine shoreline setback for building purposes	The Independent Hawai'i Surveyors, LLC/ Stephen Hagg	1-4-068:017

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
KA-375	Proposed Shoreline Certification	Lot 3 "Princeville at Hanalei" being a portion of Parcel 1-B, Unit XI, being also a portion of Grant 4845 to Albert S. Wilcox situate at Hanalei, Halelea, Kaua'i Address: Kauai Road Purpose: Delineate shoreline	Steve Garner/ Bali Hai Villas Ltd. Partnership	5-4-005:037
MA-531	Rejection	Allotment No. 12 Hui Land of Mailepai, Napili 2 & 3, Ka'anapali, Maui Address: 65 Hui Road Purpose: Renovation purposes	Arthur Valencia/ Hale Napili Apartments	4-3-002:024
HA-457	Rejection	Portion of Land Commission Award 4700 to Luhilea, Alae, South Hilo, Hawai'i Address: Kahoa Street Purpose: Determine shoreline setback	Diana Evans/Edmund C. Olson Trust #2	2-6-025:001

SECTION 106 NOTICE

Ka'ena Point Satellite Tracking Station, Building 39005 Upgrades Section 106 Review

Island: O'ahu

District: Wai'anae and North Shore (Waialua)

TMK: (1) 6900-3005

Permits: NA

Proposing/Approving

Agency: United States Air Force (USAF), Ka'ena Point Satellite Tracking Station P.O. Box 868, Wai'anae, HI 96792. Contact: Mr. Lance Hayashi, (808) 697-4314

Consultant: NA

Status: Comments due no later than August 22, 2013 to Mr. Lance Hayashi, Det 3, 21 SOPS/CE

The US Air Force (USAF), Detachment 3, 21st Space Operations Squadron (Det 3, 21 SOPS) proposes to decommission the Building 39005 antenna core facilities at Ka'ena Point Satellite Tracking Station, and install an upgraded antenna core. The undertaking would reuse the existing building and legacy 60-foot dish antenna, resulting in minor alterations to the facility.

The proposed undertaking includes alteration for reuse of Building 39005, a Cold War-era antenna facility, including removal of the core electronics; the legacy antenna would remain in place. The facility is less than 50 years old and is similar to other existing USAF satellite tracking assets. Modifications to Building 39005 would require several exterior wall penetrations. Based on the Hawai'i State Historic Preservation Division (SHPD)'s December 2010 Section 106 concurrence letter with the USAF's determination of "no adverse effect" for demolition of this building, and the completed Historic American Engineering Record (HAER) Level II that included Building 39005, KPSTS has requested SHPD's concurrence with its conclusion that alteration for reuse of Building 39005 and its the antenna facility will have "no adverse effect" on historic properties.

This document will also be available for review at the Wai'anae Public Library and the Waialua Public Library during the review period ending August 22, 2013.

FEDERAL NOTICES

1. [Hawai'i Institute of Marine Biology, University of Hawai'i Received a Permit to Conduct Research on Captive Cetaceans](#) – July 18, 2013

Notice is hereby given that a permit has been issued to Paul Nachtigall, Ph.D., Hawai'i Institute of Marine Biology, University of Hawai'i, and P.O. Box 1106, Kailua, HI 96734 to conduct research on captive cetaceans. On April 9, 2013, notice was published in the Federal Register (78 FR 21112) that a request for a permit to conduct research on captive cetaceans had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.); and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 16992 authorizes research on basic hearing and echolocation in three bottlenose dolphins (*Tursiops truncatus*) and one false killer whale (*Pseudorca crassidens*) maintained in captivity at the Hawai'i Institute of Marine Biology in Kane'ohe, Hawai'i. Researchers will conduct hearing measurements using suction cup sensors to monitor electrical signals in the brain in response to sound and echolocation clicks. Temporary threshold shift experiments will be conducted on one adult male bottlenose dolphin. The research is accomplished using trained behaviors in which the animals voluntarily participate and can leave the testing area at any time.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

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; and Pacific Islands Region, NMFS, 1601 Kapi'olani Blvd., Room 1110, Honolulu, HI 96814-4700; phone (808)944-2200. For further information contact: Amy Sloan or Jennifer Skidmore (301)427-8401.

2. [Request for Extension of Approval to Collect Information associated with the Regulations for the Interstate Movement of Fruit from Hawai'i](#) - July 10, 2013

This notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the regulations for the interstate movement of fruit from Hawai'i.

The Plant Protection Act (7 U.S.C. 7701 et seq.) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. The regulations in 7 CFR part 318, State of Hawai'i and Territories Quarantine Notices, prohibit or restrict the interstate movement of fruits, vegetables, and other products from Hawai'i, Puerto Rico, the U.S. Virgin Islands, and Guam to the continental United States to prevent the spread of plant pests or noxious weeds.

For information on the regulations for the interstate movement of fruit from Hawai'i, contact Mr. David Lamb, Regulatory Coordination Specialist, RPM, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737; (301) 851-2103. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851-2908.

You may submit comments by either of the following methods: Federal eRulemaking Portal: Go to <http://www.regulations.gov/#!documentDetail>; D=APHIS-2013-0054-0001. Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS-2013-0054, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

3. [Noise Exposure Map Notice for Hilo International Airport](#) - July 9, 2013

The FAA announces its determination that the noise exposure maps submitted for Hilo International Airport are in compliance with applicable requirements of Title 14, Code of Federal Regulations (CFR) Part 150 (hereinafter referred to as "Part 150"), effective May 31, 2013. Under 49 U.S.C. section 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses. This notice is effective July 9, 2013, and applicable May 31, 2013.

For further information contact: Gordon Wong, Environmental Protection Specialist, FAA Western-Pacific Region, Honolulu Airports District Office, 300 Ala Moana Boulevard, Room 7-128, Honolulu, Hawai'i, telephone number (808) 541-1232. Documents reflecting this FAA action may be reviewed at this same location.



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).