

The Environmental Notice

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

CONTAMINANT AWARENESS TRAINING

DEPARTMENT OF HEALTH

A Contaminant Awareness Training will be presented at no cost to workers or anyone planning or conducting excavations of any size. The one hour training will be on Thursday, September 26, 2013, 10 a.m. at the AAFES Building, 5th Floor Conference Room, 919 Ala Moana Boulevard.

The course is designed to teach workers to identify contamination at or adjacent to the job site and protect themselves, the public and the environment as they work. Anyone who may encounter contaminated soil and/or groundwater during excavation work, but is not a trained environmental professional may benefit from this Contaminant Awareness Training. The training may also help other regulators, project managers, safety officers, or environmental personnel who may encounter different types of contamination outside their realm of training and expertise.

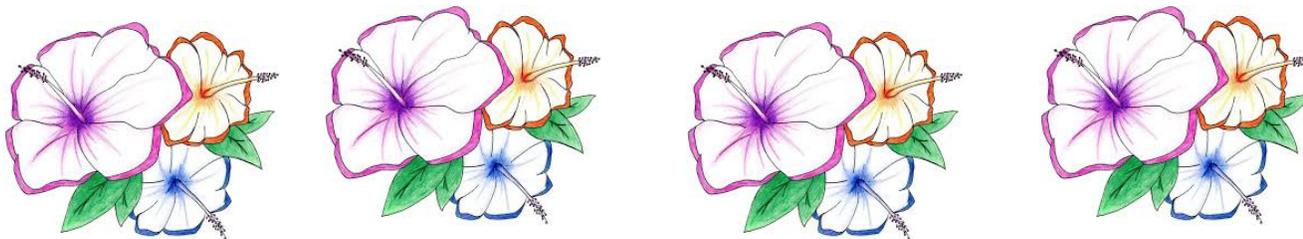
The Department of Health (HDOH) Hazard Evaluation and Emergency Response (HEER) Office used Environmental Protection Agency grant funds to develop this one-hour presentation as a public service. For more information, please contact Lynn Bailey of the HEER Office at lynn.bailey@doh.hawaii.gov or (808) 586-4249. To schedule Contaminant Awareness for your employees or group, please contact Jodie Cordero at Jodie.cordero@tetrattech.com, (808) 441-6651.

TURTLE BAY RESORT EXPANSION FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

The Turtle Bay Resort, LLC, has submitted the Final Supplemental EIS to address current plans to expand the existing resort. The action represents an over 60% reduction in density from the Kuilima Resort 1985 Revised Final EIS. It limits new hotel development to two new hotels, totaling 625 units, centrally located near the existing hotel; a 75% reduction in the number of hotel units proposed in 1985. The action further enhances the previously proposed expansion in the 1985 EIS by committing to significantly less density and a more culturally and environmentally sensitive approach to development.

The City and County of Honolulu, Department of Planning and Permitting, is the approving agency processing the acceptance of the FSEIS. The statutory 30-day review process, with a 15 day extension allowed by Hawai'i Administrative Rules Section 11-200-23(D), ends on October 3, 2013; if there is not extension, the 30-day review period ends September 19, 2013.

Extensive details of the project may be examined in the document. The project is listed on page 4.



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

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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FRONT PAGE

Contaminant Awareness Training by DOH HEER Office 1
Turtle Bay Resort Expansion 1

HAWAI'I (HRS 343)

1. [Kīholo State Park Pre-Final Master Plan DEA \(AFNSI\)](#) 3

MAUI (HRS 343)

2. [Kahoma Village Project FEA \(FONSI\) Volume I & Volume II](#)..... 3

O'AHU (HRS 343)

3. [Turtle Bay Resort Expansion FSEIS V 1, V 2-2A-2B-2C, V 3, V 4, Append. A-E, F-G, H-M](#)..... 4
4. [Howard Green Retaining Wall After-the-Fact DEA \(AFNSI\)](#) 5

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area Minor Permits..... 5
Federal Consistency Review..... 6

SHORELINE NOTICES

Shoreline Certification Applications..... 7
Shoreline Certifications and Rejections 8

NEPA (National Environmental Policy Act)

[Hawai'i Joint Services Solar Power Generation FEA & FONSI](#) 8

FEDERAL NOTICES

1. [Final Recovery Plan Available for Phyllostegia hispida \(a species endemic to Molokai\)](#) 9
2. [NMFS Initiates a Status Review of the North Pacific Population of the Humpback Whale](#) 10
3. [Final Rule Available for Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds](#) 10
4. [NMFS publishes its final List of Fisheries \(LOF\) for 2013](#) 11

GLOSSARY 12

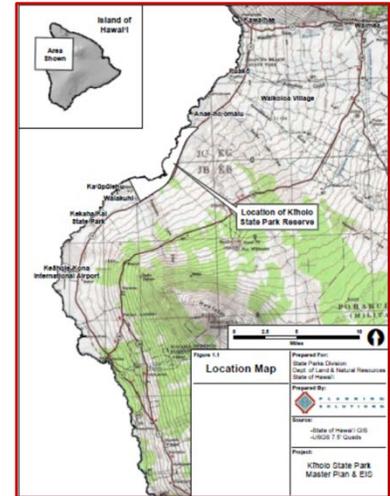


Hā'ena Beach, Kaua'i – courtesy of Mark Sullivan

HAWAII (HRS 343)

1. Kiholo State Park Pre-Final Master Plan DEA (AFNSI)

Island: Hawaii
District: North Kona
TMK: (3)7-1-002:008, (3)7-1-002:002, (3)7-1-003:002, (3)7-1-003:009, (3)7-1-003:007, (3)7-1-003:010
Permits: NPDES-NOI-(C), Construction on a State Highway, Grubbing & Grading, and Building Permits
Proposing/Determination Agency: Division of State Parks, Department of Land and Natural Resources, State of Hawaii, PO Box 621, Honolulu, Hawaii 96809.
 Contact: Lauren Tanaka, (808) 587-0293
Consultant: Planning Solutions, Inc., 210 Ward Avenue, Suite 330, Honolulu, Hawaii 96814.
 Contact: Perry J. White, (808) 550-4483
Status: Statutory 30-day public review and comment period starts; comments are due by October 8, 2013. Please send comments to the proposing/determination agency and consultant.

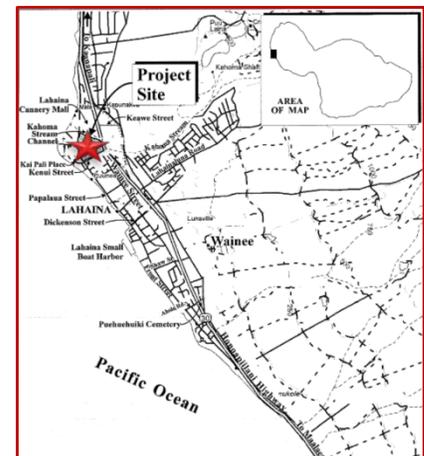


Implementation of a proposed Master Plan for Kiholo State Park which will include at least one campground and parking area at Kiholo Bay, and an optional additional campground and parking area at Keawaiki Bay. The Master Plan also calls for a new access road into the park from Queen Ka'ahumanu Highway, an optional additional access road to Keawaiki Bay, and other infrastructure improvements including toilets and trash enclosures. The plan also includes the creation of interpretive trails, signs, and archaeological site restoration.

MAUI (HRS 343)

2. Kahoma Village Project FEA (FONSI) Volume I & Volume II

Island: Maui
District: Lahaina
TMK: (2)4-5-008:001 (por)
Permits: 201H Approval, Special Management Area Permit, Construction Permits
Proposing/Determination Agency: County of Maui, Department of Housing and Human Concerns, 2200 Main Street, Suite 546, Wailuku, Hawaii 96793.
 Contact: Jo Ann T. Ridao, (808) 270-7805
Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, Hawaii 96793.
 Contact: Colleen Suyama, (808) 244-2015
Status: Finding of No Significant Impact Determination



The proposed Kahoma Village project will consist of 203 units, including 69 single-family dwellings in clusters of two (2) to six (6) dwelling units along a common driveway, 32 single-family dwellings with a rear service alley, and 102 multi-family units located in 17 two-story, six-plexes. The project also includes three (3) private park areas that have a combined area of approximately 1.75 acres. The larger of the three (3) parks areas will also function as a drainage detention basin. There will be

landscaping on the exterior boundaries of the project, common areas of the multi-family portion of the project, open area parking lots and parking along internal street frontages. Driveway access into the project will be provided off of Front Street across from Pu'unoa Place and off of Kenui Street across from Nakeli Place. The proposed project also includes connections to the County's roadways and utilities, road widening and drainage improvements involving work within the County right-of-ways and the use of County lands.

O'AHU (HRS 343)

3. [Turtle Bay Resort Expansion FSEIS Vol. 1](#), [Vol. 2-2A-2B-2C](#), [Vol. 3](#), [Vol. 4](#), [Appendices A-E](#), [F-G](#), & [H-M](#)

Island: O'ahu
District: Kahuku
TMK: 5-6-003: por. 3, por. 10, por. 17, por. 26, 33, 40-42, 44, 46, 48-52; 5-7-001:1, 16, 17, 20, 22, 30, 31, 33; 5-7-003:72; 5-7-006:1, 2, 22, 23
Applicant: Turtle Bay Resort, LLC, 57-091 Kamehameha Highway, Kahuku, Hawai'i 96731
 Contact: Drew Stotesbury, (808) 447-6951
Approving Agency: Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813
 Contact: Sharon Nishiura (808) 768-8031
Consultant: Lee Sichter LLC, 45024 Malulani Street #1, Kane'ohe, Hawai'i 96744
 Contact: Lee Sichter, (808) 382-3836
Status: Availability of the Final Supplemental Environmental Impact Statement; the approving agency is processing the acceptance.



This document supplements the Kulima Resort 1985 Revised Final EIS to address current plans to expand the existing Turtle Bay Resort. The Proposed Action represents an over 60% reduction in density from the 1985 EIS. It limits new hotel development to two new hotels, totaling 625 units, centrally located near the existing hotel; a 75% reduction in the number of hotel units proposed in 1985. It includes 590 new resort-residential units; 160 community housing units that will be priced to be affordable to residents of the region; 73 acres of park area; 12 new public shoreline access ways; shoreline setbacks in excess of requirements ranging from 150 to 300 feet; a new resort entrance; improvements to Marconi Road; a new Equestrian Center; a Farmers Market; and a low-density resort commercial area called the Gathering Place. Proposed for development over an 11-year period (2014-2025), it will create a cumulative total of over 8,700 construction jobs. The Proposed Action enhances the previously proposed expansion in the 1985 EIS by committing to significantly less density and a more culturally and environmentally sensitive approach to development. The Final SEIS is also posted on the Applicant's website (www.turtlebayseis.com).

4. Howard Green Retaining Wall After-the-Fact DEA (AFNSI)

Island: O'ahu
District: Kane'ohe
TMK: (1)4-4-22: 13
Permits: After-the-fact Shoreline Setback Variance
Applicant: Howard Green, PO Box 3467, Honolulu, Hawai'i 96801. Contact: Howard Green, (808) 521-2731

Approving Agency: Department of Planning and Permitting, City and County of Honolulu, 650 South King Street, Honolulu, Hawai'i 96813.
 Contact: Steve Tagawa, (808) 768-8024

Consultant: Starn O'Toole Marcus & Fisher, 733 Bishop Street, Suite 1900, Honolulu, Hawai'i 96813
 Contact: Stephanie Thompson, (808) 537-6100

Status: Statutory 30-day public review and comment period starts; comments are due by October 8, 2013. Please send comments to the applicant, approving agency, and consultant.



The Applicant seeks an after-the-fact shoreline setback variance to retain two unauthorized concrete rubble masonry (CRM) retaining walls and backfill (landscaping) within the 40-foot shoreline setback area. The CRM retaining walls are under five (5) feet in height and run along the south, west and northwest boundaries of the property; about 31 linear feet along the left boundary; about 41 feet along the west boundary and about 24 feet along the northwest boundary. The walls retain about 4 to 4.5 feet of fill material and are built over an existing sewer easement which runs the length (south to north) of the shoreline setback area. The irregular shaped, 15,894 square-foot parcel is zoned R-10 Residential District, and is located at the end of cul-de-sac off Kaneohe Bay Drive. The parcel contains a single-family dwelling and slopes downward from the street, from an elevation of about 20 feet above mean sea level to the shoreline. The Kaneohe Yacht Club is immediately south of the site. The Department of Planning and Permitting issued the Applicant a Notice of Violation (No. 2011/Nov-10-161) on October 26, 2011, and a Notice of Order (No. 2011/N00-291) on February 2, 2012, for the construction of the retaining walls without obtaining a building permit.

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 Hilo (2-1-018: 026)	Tree Removal (SMM 13-279)	County of Hawaii Department of Parks and Recreation
Hawai'i: Hilo (2-1-007: 050 and 056)	Grub, Gravel and Fence the Subject Parcels for Vehicle Storage and Employee Parking (SMM 13-281)	I. Kitagawa & Company, Ltd.
Maui: (2-8-004: 032)	After-the-Fact Potting Shed with Covered Deck (SM2 20130093)	HONIG FREDRICK R REVC LVG TR
Maui: Wailea (2-1-008: 067)	Mobile Kiosk on Wheels (SM2 20130094)	Island Creations Construction
Maui: Paia (2-6-011: 020)	Convenience Store/Market (SM2 20130095)	Kaulahao LLC
O'ahu: Kakaako (2-1-060: 001)	Installation of Two Solar Powered Desalination Systems (SMA/13-5)	Renewable Water Technologies, LLC

Federal Consistency Review

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 neighbor 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
PO Box 2359
Honolulu, HI 96804
Email: jnakagaw@dbedt.hawaii.gov
Fax: (808) 587-2899

Mokuhinia Ecosystem Restoration Project, Lahaina, Maui

Federal Action: Federal Agency Activity
Federal Agency: US Army Corps of Engineers
Contact: Athline Clark (808) 835-4032
Proposed Action: The Mokuhinia Ecosystem Restoration Project specifically addresses the restoration of Loko o Mokuhinia, which is one component of a larger effort by the County of Maui to preserve and restore the overall site. The purpose of the project is to restore wetland functions and values within a portion of Loko o Mokuhinia, which involves restoration of the foraging habitat for the endangered Hawaiian stilt, Hawaiian coot, and migratory waterfowl and shorebird species. Specific components of the conceptual restoration design are as follows:

- Excavation to intercept the existing groundwater, as needed to achieve a maximum water depth of approximately 2 feet.
- Grading to provide shallow wetland slopes (target slopes of 18:1 and maximum slopes of 3:1) and microtopographic variation throughout the wetland.
- Installation of a groundwater well and pump to supplement groundwater levels, as needed to maintain the desired hydrologic regime.
- Installation of an outlet into an adjacent ditch (along northern edge of project site) to promote internal water circulation and accommodate surface water overflow.
- Planting of wetland vegetation species.
- Installation of perimeter fencing to provide predator control.

Location: Maluulu o Lele Park, Lahaina, Maui
TMK: (2) 4-6-7: 2
CZM Contact: John Nakagawa (808) 587-2878, jnakagaw@dbedt.hawaii.gov
Comments Due: September 23, 2013

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-1542	8/23/13	Lot 1 Kaiaka Beach Lots situate at Pa'ala'a-Kai, Waialua, O'ahu Address: 66-495 Pikai Street Purpose: Obtain building permit	Wesley T. Tengan/ Wayne Willete	6-6-030:029
OA-1543	8/23/13	Lots A-1 and A-2-A of Land Court Application 505 and Lot 1-A of Land Court Application 616 situate at Kailua, Ko'olaupoko, O'ahu Address: 1226 Mokolua Drive Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ James H. Duncan	4-3-005:056
MO-164	8/13/13	Portions of the Keawanui Fish Pond and Parcel A also being portions of L.P. 8163, L.C. Aw. 2715 and Grant 831 to O. H. Gulick situate at Keawanui, Ka'amola 1, 2, 3 and 4, Molokai Address: HC-1 Box 479 Purpose: Shoreline setback	Austin, Tsutsumi & Associates, Inc./ Bernice P. Bishop Estate Trustees	5-6-006:008 & 024
MO-165	8/23/13	Lot 5 of the Hawaiian Homeland Plat 15.2 H.H. "Kapa'akea Residence Lots" situate at Kapa'akea, Molokai Address: 30 Kapa'akea Loop Purpose: Building and other permitting purposes	Newcomer-Lee Land Surveyors, Inc./ Kenneth E. Gaspar, Jr.	5-4-007:009
HA-471	8/26/13	Lot 64 as shown on Map 9 of Ld. Ct. App. 1319 and Lot 22 of Kona Bay Estates (File Plan 1813) being a portion of R.P. 7456, L.C. Aw. 8559-B, Ap. 11 to William C. Lunalilo situate at Lanihau Nui and Lanihau Iki, North Kona, Island of Hawai'i Address: 75-5468 Kona Bay Drive Purpose: Obtain County permits	Wes Thomas Associates/ David A. & Judith L. Kingston	7-5-005:033
KA-378	8/21/13	Parcel 1 "Beach Reserve" situate at 'Anahola, Kawaihau, Kaua'i Address: 4261-4281 Poha Road Purpose: Building construction	Roger M. Caires/ Homestead Community Development Corp.	4-8-007:001
KA-379	8/27/13	Portion of Grant 1416 to Eke Opunui situate at Weliweli, Koloa, Kaua'i Address: Pee Road Purpose: Establish setback	Thomas Pattison/ CIRI Land Development Company	2-8-021:041



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-1534	Proposed Shoreline Certification	Lots 1636, 1637 & 1638 (Map 307) Land Court Application 1052 situate at Makaha, Wai'anae, O'ahu Address: 84-1101 & 84-1105 Farrington Highway Purpose: Determine building setback line	Leaps & Boundaries, Inc./ Kids, LLC	8-4-003:001 & 002
OA-1540	Proposed Shoreline Certification	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-550	Proposed Shoreline Certification	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'o, 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
OA-1513	Rejection	Lots 10383, 10384, 10385 and 10386 as shown on Land Court Application 1069 Map 793 situate at Honouliuli, Ewa, Oahu Address: 91-153 & 91-175 Kaomi Loop Purpose: Satisfy criteria for ATLA surveys for properties	Hawaii Land Consultants/ Watumull Ethanol LLC	9-1-026:046, 047, 048 & 050

NEPA NOTICE

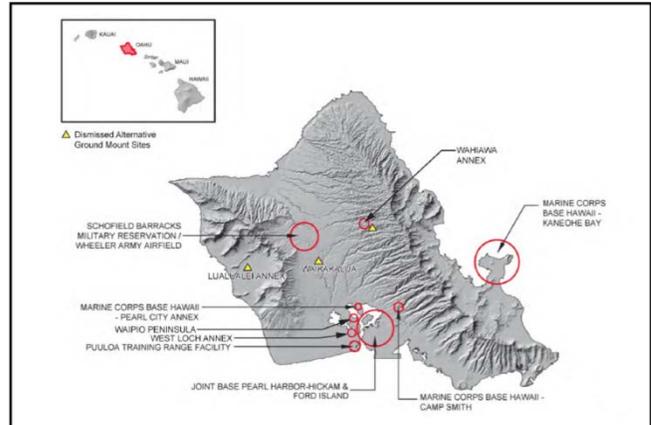
Hawaii Joint Services Solar Power Generation FEA (FONSI)

- Islands:** Oahu and Kauai
Districts: Schofield Barracks Military Reservation including East Range and Wheeler Army Airfield; Joint Base Pearl Harbor-Hickam including Waipio Peninsula and Wahiawa Annex; Marine Corps Base Hawai'i including Kaneohe Bay, Camp Smith, Puuloa Range Training Facility, and Pearl City Annex; and Kauai's Pacific Missile Range Facility
TMK: NA
Permits: NA
Proposing/Approving Agencies: Commander Navy Region Hawaii, 850 Ticonderoga Street, Suite 110, JBPHH, Hawaii 96860-5101
 Marine Corps Base Hawaii, Commanding Officer, Box 63002, Kaneohe Bay, Hawaii 96863-3002
 United States Army Garrison Hawaii, 948 Santos Dumont Avenue, Wheeler Army Airfield, Building 105, Schofield Barracks, Hawaii 96857-5013

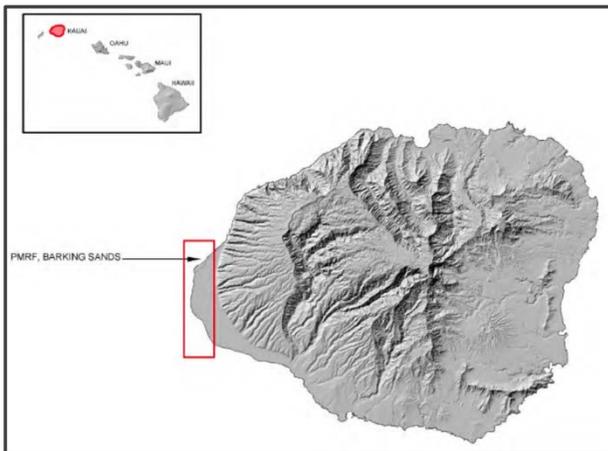
Agent: Naval Facilities Engineering Command (Pacific) 258 Makalapa Drive, Suite 100, JBPHH, Hawai'i 96860-3134

Attention: EV21 EA Project Manager (808) 472-1395

Status: The Final EA and draft FONSI were made available at various public libraries on Oahu and Kauai, as well as over the internet. No comments were received within the ensuing 30-day comment period that ended on June 24, 2013. A Notice of Availability for the Final EA and FONSI was published in local newspapers: Star-Advertiser (Oahu) on August 23, 24, and 25, 2013, and The Garden Island (Kauai) on August 25, 26, and 27, 2013.



Pursuant to the Council on Environmental Quality Regulations implementing the National



Environmental Policy Act (NEPA), the Commander US Army Garrison Hawaii, Commander Navy Region Hawaii, and Commanding Officer Marine Corps Base Hawaii, give notice that an Environmental Assessment (EA) has been prepared and an Environmental Impact Statement (EIS) is not required to make eighty-five (85) potential sites on various Department of Defense (DoD) installations in Hawaii available to a solar energy contractor for the installation and operation of photovoltaic (PV) systems.

Based on the information analyzed, the EA finds that the Proposed Action would not result in any significant direct, indirect, or cumulative adverse impacts on the natural or human environment.

Single copy requests for the Final EA and FONSI on CD may be obtained from: Naval Facilities Engineering Command Pacific, 258 Makalapa Drive, Suite 100, JBPHH, Hawaii 96860-3134, Attention: EV21 EA Project Manager (808) 472-1395.

FEDERAL NOTICES

1. [Final Recovery Plan Available for *Phyllostegia hispida* \(a species endemic to Molokai\)](#) – August 28, 2013

The U.S. Fish and Wildlife Service, announce the availability of our final recovery plan for *Phyllostegia hispida* (no common name) under the Endangered Species Act of 1973, as amended (Act). This plant species is endemic to the island of Molokai, Hawaii.

This plan is an addendum to the recovery plan for the Molokai Plant Cluster, published in September of 1996. The plan includes recovery objectives and criteria, and specific recovery actions necessary to achieve downlisting and delisting of the species and its removal from the Federal List of Endangered and Threatened Wildlife and Plants.

An electronic copy of the recovery plan is available at

<http://www.fws.gov/endangered/species/recovery-plans.html> and
<http://www.fws.gov/pacific/ecoservices/endangered/recovery/plans.html>.

Copies of the recovery plan are also available by request from the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Box 50088, Honolulu, HI 96850 CONTACT: Kristi Young, Deputy Field Supervisor, 808-792-9400

2. [NMFS Initiates a Status Review of the North Pacific Population of the Humpback Whale](#) – August 29, 2013

The National Marine Fisheries Services (NMFS) announce a 90-day finding on a petition to identify the North Pacific population of the humpback whale (*Megaptera novaeangliae*) as a Distinct Population Segment (DPS) and delist the DPS under the Endangered Species Act (ESA). The humpback whale was listed as an endangered species in 1970 under the Endangered Species and Conservation Act of 1969, which was later superseded by the Endangered Species Act of 1973, as amended (ESA). NMFS find that the petition viewed in the context of information readily available in our files presents substantial scientific and commercial information indicating that the petitioned action may be warranted.

Therefore, NMFS is initiating a status review of the North Pacific population of the humpback whale to determine whether the petitioned action is warranted. To ensure that the status review is comprehensive, NMFS is soliciting scientific and commercial information pertaining to this population from any interested party.

Scientific and commercial information pertinent to the petitioned action must be received by October 28, 2013. Submit all electronic information via the Federal eRulemaking Portal <http://www.regulations.gov>. To submit information via the e-Rulemaking Portal, first click the “submit a comment” icon, then enter “NOAA-NMFS-2013-0106” in the keyword search. Locate the document you wish to provide information on from the resulting list and click on the “Submit a Comment” icon to the right of that line. Mail or Hand-Delivery: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

All information received is a part of the public record and may be posted to <http://www.regulations.gov> without change. All personally identifiable information (for example, name, address, etc.) voluntarily submitted may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NMFS will accept information from anonymous sources.

CONTACT: Marta Nammack, NMFS, Office of Protected Resources, (301) 427-8469.

3. [Final Rule Available for Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds](#) – August 28, 2013

This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits of mourning, white-winged, and white-tipped doves; band-tailed pigeons; rails; moorhens and gallinules; woodcock; common snipe; sandhill cranes; sea ducks; early (September) waterfowl seasons; migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; youth waterfowl day; and some extended falconry seasons. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits taking of designated species during the 2013-14 season.

This rule is effective on September 1, 2013.

You may inspect comments received on the migratory bird hunting regulations during normal business hours at the Service's office in Room 4107, Arlington Square Building, 4501 N Fairfax Drive, Arlington, VA. You may obtain copies of referenced reports from the street address above, or from the Division of Migratory Bird Management's Web site at <http://www.fws.gov/migratorybirds/>, or at <http://www.regulations.gov> at Docket No. FWS-HQ-MB-2013-0057.

CONTACT: Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358-1714.

4. [NMFS publishes its final List of Fisheries \(LOF\) for 2013](#) – August 29, 2013

The National Marine Fisheries Service (NMFS) publishes its final List of Fisheries (LOF) for 2013, as required by the Marine Mammal Protection Act (MMPA). The final LOF for 2013 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of serious injury and mortality of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan (TRP) requirements. The fishery classifications and list of marine mammal stocks incidentally injured or killed described in the Final LOF for 2012 remain in effect until the effective date of the Final LOF for 2013.

This final rule is effective September 29, 2013.

Comments regarding the burden-hour estimates, or any other aspect of the collection of information requirements contained in this rule, should be submitted in writing to Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, or to Stuart Levenbach, OMB, by email to Stuart_Levenbach@omb.eop.gov.

CONTACT: Lisa White, Office of Protected Resources, 301-427-8494; Allison Rosner, Northeast Region, 978-281-9328; Jessica Powell, Southeast Region, 727-824-5312; Elizabeth Petras, Southwest Region, 562-980-3238; Brent Norberg, Northwest Region, 206-526-6550; Bridget Mansfield, Alaska Region, 907-586-7642; Nancy Young, Pacific Islands Region, 808-944-2282.



Three Honu – courtesy of Mark Sullivan

GLOSSARY

Agency Actions

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

Applicant Actions

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(c\)](#), for Applicant actions. For actions for which the agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin

Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments on a DEA received during the review and prepare a Final EA (FEA) to determine whether an environmental impact statement shall be required. The FEA must respond to all public comments. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement will not be required and the project may then be implemented. The public has 30 days from the notice of a FONSI in this bulletin to ask a court to require the preparation of an EIS.

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

Act 172-2012, Environmental Impact Statement Preparation Notice (with no EA)

Act 172-2012, amended HRS 343, by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit is

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

Draft Environmental Impact Statement

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

Final Environmental Impact Statement

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

Acceptability

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

National Environmental Policy Act

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

Conservation District

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

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

Special Management Area and Shoreline Setback Area

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

Shoreline Certifications

State law requires that Hawaii's 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).