

The Environmental Notice

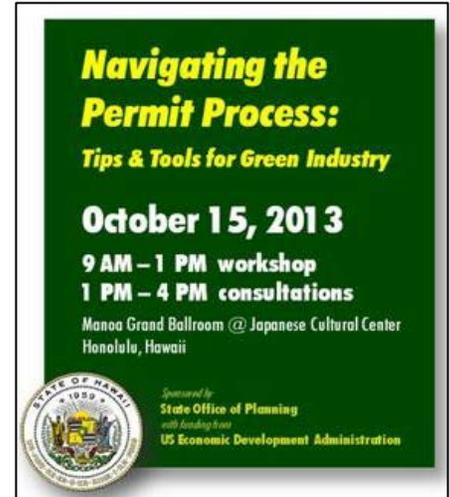
A Semi-Monthly Bulletin pursuant to Section 343-3, Hawai'i Revised Statutes

GREEN INDUSTRY PERMITTING WORKSHOP – State Office of Planning

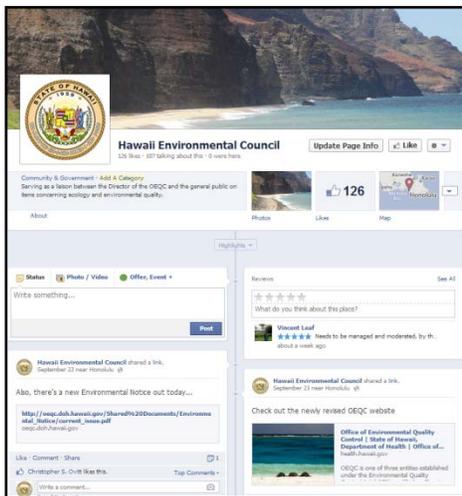
“Navigating the Permit Process: Tips and Tools for Green Industry” Workshop will be held at the Japanese Cultural Center, 2454 Beretania Street in Honolulu on Tuesday, October 15, 2013. This workshop will familiarize green industry project proponents with the ins-and-outs of county and state land use and environmental permit processes. The purpose of the workshop is to help project proponents’ be prepared for the permit process and introduce them to tools and resources available to assist in the permitting process. Workshop participants will be able to ask questions of state and county agency representatives. The workshop is free and registration is required to attend.

For further information visit the Office of Planning website:

<http://planning.hawaii.gov/spb/green-industry-permitting-workshop/>



THE ENVIRONMENTAL COUNCIL HAS A FACEBOOK PAGE



The Environmental Council (EC) Information and Outreach Committee is pleased to announce the creation of a [Facebook page](#) to facilitate exchanges between members of the Information and Outreach Committee and the public. The Environmental Council serves as a liaison between OEQC’s director and the general public by soliciting information, opinions, complaints, recommendations, and advice concerning ecology and environmental quality.

Please visit the new [Hawaii Environmental Council Facebook](#) site soon. Mahalo!



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HAWAII (HRS 343)

1. Dungate Single-Family Residence in Pahoeheo, South Kona FEA (FONSI)

Island: Hawai'i
District: South Kona
TMK: 8-7-007:011
Permits: Special Management Area Permit or exemption; Plan Approval and Grubbing Grading and Building Permits; Department of Land & Natural Resources CDUP; grading permit
Applicant: Peter Dungate, 75-1193 Kamalani Street, Holualoa, HI 96725. Contact: Roy Vitousek, (808) 329-5811
Approving Agency: Office of Coastal and Conservation Lands, Hawai'i State DLNR, PO Box 621, Honolulu, HI 96809
 Contact: Sam Lemmo (808) 587-0377
Consultant: Geometrician Associates, PO Box 396, Hilo, HI 96721
 Contact: Ron Terry, (808) 969-7090
Status: Finding of No Significant Impact Determination



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 Pahoeheo 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 33-36 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.

2. Magsalin Single-Family Residence, Puna FEA (FONSI)

Island: Hawai'i
District: Puna
TMK: 1-4-028:007
Permits: Special Management Area Permit or exemption; Plan Approval and Grubbing Grading and Building Permits. Department of Land and Natural Resources CDUP
Applicant: Maria Shon Magsalin, PO Box 172, Ninole, HI 96773
Approving Agency: Office of Coastal and Conservation Lands, DLNR, PO Box 621, Honolulu, HI 96809
 Contact: Sam Lemmo, (808) 587-0377 or Michael Cain, (808) 587-0048



Consultant: Geometrician Associates, PO Box 396, Hilo, HI 96721
Contact: Ron Terry, (808) 969-7090
Status: Finding of No Significant Impact Determination

The applicant proposes to build a one-story two-bedroom single-family residence on post-and-pier with a developed area of 1365 square feet. This total includes a master bedroom, covered lanai, and an at-grade carport. Energy will be provided by a rooftop solar-voltaic system with a generator back-up. Access will be via an existing driveway off of Old Government Road.

The residence will be set back 58 feet from the shoreline, at an elevation of 30 to 35 feet above sea level. It is not in a tsunami or large-wave inundation zone. A parcel owned communally by the Wa'awa'a subdivision owners separates the subject parcel from the pāhoehoe shelf along the coast. Public access to the shoreline is via a State-owned parcel in the Nānāwale Forest Reserve, 500 feet from the subject lot.

The applicant proposes to limit clearing to 5000 square feet. Approximately 80% of the hala trees will remain, and the applicant will clear out the weedy vegetation and plant additional hala fronting the Old Government Road.

An archaeological survey identified a retaining wall of indeterminate age, remnants of a hippy camp, and the base of a memorial erected to Dana Ireland. The monument itself no longer exists.

3. [Yermian Single-Family Residence, Keonepoko Iki, Puna FEA \(FONSI\)](#)

Island: Hawai'i
District: Puna
TMK: 1-5-009:035
Permits: Special Management Area Permit or Exemption; Plan Approval and Grubbing, Grading, and Building Permits; Conservation District Use Permit; National Pollutant Discharge Elimination System Permit (potential)
Applicant: David Yermian, 1824 Loma Vista Drive, Beverly Hills, CA 90210. Contact: James Leonard, (808) 896-3459
Approving Agency: Department of Land and Natural Resources, Office of 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: Finding of No Significant Impact Determination



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, driveway, poles and lines for utilities along the driveway, 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 surveys have determined that no historic properties or cultural features or practices are present. Land clearing and construction activities would occur over less than an acre, which would produce minor short-term impacts mitigated by Best Management Practices.

MAUI (HRS 343)

4. Permanent Shore Protection of the Hololani Resort Condominiums FEA (FONSI)

Island: Maui
District: Lahaina
TMK: (2) 4-3-010:009
Permits: Conservation District Use Application
Applicant: AOA of the Hololani Resort Condominiums, 4401 Lower Honoapi'ilani, Lahaina, Maui, HI 96761
 Contact: Stewart Allen, (425) 454-3605, ext 1205

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

Consultant: Sea Engineering, Inc, Makai Research Pier, 41-305 Kalaniana'ole Highway, Waimanalo, HI 96795. Contact: James Barry, (808) 259-7966, ext. 24

Status: Finding of No Significant Impact Determination



Hololani Resort Condominiums, located along the Kahana Coast in West Maui, consists of twin 8-story buildings with 63 apartments. The shoreline is chronically eroding, with an average annual erosion rate of approximately 0.8 feet per year, and is prone to high seasonal variability in beach width.

Since the lot was originally partitioned in 1959, it has eroded almost 40 feet, moving the active erosion scarp to within 15 feet of the northern building's corner in 2007. Nearly 5,000 square feet of property has been lost.

Temporary shoreline stabilization structures have been authorized by County and State agencies since 1988. The most recent temporary structure, a combination of geotextile sandbags & rock mattresses, was permitted in 2007 to protect the habitable structures on the property.

The preferred alternative for permanent shore protection at the subject property is a "hybrid" structure consisting of a sloping rock revetment that rises to a crest at +6 ft MSL, backed by a vertical seawall that rises to grade at +12 ft. The hybrid structure design is intended to limit wave reflection compared to a typical (non-hybrid) vertical seawall and provide a reduced footprint compared to a typical sloping rock revetment.

5. 2.0 MG Water Tank at Existing Kahului Water Tank Site FEA (FONSI)

Island: Maui
District: Wailuku
TMK: (2)3-8-046:032
Permits: Construction permits, Work within County Right-of-Way Permit, Community Noise Permit (as applicable), NPDES Permit (as applicable), Oversized and Overweight Vehicles on State Highways Permit (as applicable)

Proposing/Determination

Agency: County of Maui, Department of Water Supply, 200 South High Street, 5th Floor, Wailuku, HI 96793
 Contact: Myles Fujinaka, (808) 270-7816

Consultant: Munekiyo & Hiraga, Inc, 305 High Street, Suite 104, Wailuku, HI 96793
 Contact: Mich Hirano, (808) 244-2015

Status: Finding of No Significant Impact Determination.



Through agreements with Maui Lani Partners, the County of Maui, Department of Water Supply (DWS) proposes to develop a new 2.0 million gallon (MG) water tank at the existing Kahului Water

Tank Site on Waiinu Road in Wailuku. The proposed 2.0 MG water tank will serve Central Maui residents and businesses and is part of DWS' continuing efforts to upgrade the Central Maui Water System. The subject property is located on Waiinu Road in the vicinity of Sandhills Estates, Historic Sandhills, and the Maui Memorial Park Cemetery in Wailuku. An existing 1.5 MG, steel-constructed water tank is located on the northeastern portion of the subject property. The proposed 2.0 MG water tank will be located adjacent to and southwest of an existing 1.5 MG water tank. The proposed 2.0 MG water tank will be constructed of concrete and will measure 30 feet in height with a flat roof.

6. Proposed Wailuku Production Well Facility FEA (FONSI)

Island: Maui
District: Wailuku
TMK: (2) 3-5-001:021 (por.), 091 (por.) and 100 (por.)
Permits: CWRM Pump Installation Permit and Construction Permits

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, Wailuku, HI 96793
 Contact: Leilani Pulmano, (808) 244-2015

Status: Finding of No Significant Impact Determination



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 subdivided portion of an undeveloped parcel identified by Tax Map Key (2)3-5-001:100 (Subdivision No. 3-B approved on June 28, 2013, File No. 3.2259). 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.

7. Schweitzer Shoreline Erosion Control FEA (FONSI)

Island: Maui
District: Lahaina
TMK: (2) 4-3-015:001
Applicant: Henry Schweitzer and Diane Schweitzer, 1885 Lower Honoapi'ilani Road, Lahaina, HI 96761
 Contact: Paul Mancini, (808) 874-8351

Approving Agency:

Office of Conservation and Coastal Lands, Department of Land and Natural Resources, Kalanimoku Building, 1151 Punchbowl Street, Room 131, Honolulu, HI 96813. Contact: Samuel Lemmo, (808) 587-0377



Consultant: Chris Hart & Partners, Inc, 115 North Market Street, Wailuku, HI 96793
Contact: R. Raymond Cabebe, (808) 242-1955
Status: Finding of No Significant Impact Determination

The property owner proposes to retain a seawall and stair structure that was constructed by a contractor on the subject property in 1980 on what was then understood to be private property and pursuant to permits applied for and issued by the County of Maui. It was discovered in 2012 that the contractor built the structure makai of a certified shoreline boundary that was obtained in 1980 for the purposes of obtaining the County of Maui permits.

The Board of Land and Natural Resources considered the circumstances under which the structure was constructed in 1980 and authorized the property owner to file for a Conservation District Use Permit in order to obtain an easement on the State of Hawai'i property.

The seawall and stairs are consistent with the existing walls to the north and south of the property and will protect the upland portion of the property from erosion due to storm waves and will also protect the beach and near shore waters from impacts related to eroded soils transported by wave action and/or inland runoff. Removal of the structure would result in erosion of the subject property and turbidity in near shore coastal waters.

O'AHU (HRS 343)

8. Hinode Building – 79 N. Beretania Street Addition FEA (FONSI)

Island: O'ahu
District: Chinatown
TMK: (1)1-7-4: 19
Permits: Potential Building Permits
Applicant: Duc Nguyen, 79 North Beretania Street, Honolulu, HI 96813
Approving Agency: Department of Planning and Permitting, City and County of Honolulu, 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: Finding of No Significant Impact Determination



A Finding of No Significant Impact (FONSI) has been issued for 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. Construction-related air and noise impacts will be short-term in nature. 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. A FONSI has been issued.

9. Kapalama Container Terminal Second Draft EIS

Island: O'ahu
District: Honolulu
TMK: Kapalama site: 1-2-25: 02, 09, 12, 16, 17, 30, 40, 42, 44 to 47, 49 to 53, 55, 58 to 68, 71, 73, 74 to 78, 80, 82, 83, 86, 88, 92, 94, 97, 98, 108 to 112, and portions of 11 and 54;

Permits: and 1-5-32: portions of 2, 8 and 43; and Pier 24-28 site: 1-5-38: 11, 17, 55, 72, 73, 74, and portions of 1, 4 and 5. U.S. Department of the Army Permit (Clean Water Act Section 404); Marine Protection Research and Sanctuaries Act, Section 103 Permit; Rivers and Harbors Act, Section 10 and 14 Permits; and National Pollutant Discharge Elimination System (NPDES) Permit.



Proposing/Determination

Agency: Department of Transportation, Harbors Division, 79 S Nimitz Hwy, Honolulu, HI 96813. Contact: Carter Luke, (808) 587-1862

Accepting

Authority: Governor, State of Hawai'i, c/o Office of Environmental Quality Control

Consultant: Belt Collins Hawaii LLC, 2153 N King Street, Honolulu, HI 96819

Contact: Joanne Hiramatsu, (808) 521-5361

Status: Statutory 45-day public review and comment period starts, comments are due on November 22, 2013. Send comments to the proposing agency and consultant.

The State of Hawai'i Department of Transportation, Harbors Division, is proposing to develop a new container terminal at the former Kapalama Military Reservation (Kapalama site) in Honolulu Harbor to increase existing overseas container terminal capacity for the state. The Proposed Action consists of the development of a new pier with berthing capacity for two container ships and an approximately 94-acre container yard with necessary support buildings, entry and exit gates, security fencing, parking, gantry cranes, container-handling equipment, on-site utilities, outdoor lighting, and other ancillary facilities. Improvements will also include widening an adjacent slip for inter-island barges and strengthening a pier for heavy loading and unloading operations. A direct access connection to an adjacent inter-island barge service at Auiki Street would provide efficient container transfers for neighbor island shipments and reduce traffic impacts on local streets. The truck ingress and egress for the container yard will be located on Sand Island Access Road. Also, the Proposed Action will include land improvements associated with Piers 24 through 28 to accommodate maritime-dependent operators currently at the Kapalama site.

The Proposed Action is needed to accommodate the anticipated demand of overseas cargo volumes associated with projected growth of the state of Hawai'i through 2039. Construction at the Kapalama site is expected to begin in 2014, after design is finalized and permits are secured. Completion is anticipated in 2016.

10. Ma'akua Well Unit No. 2 FEA (FONSI)

Island: O'ahu

District: Ko'olauloa

TMK: (1) 5-4-005: por. 001

Permits: Conservation District Use Permit; Permit for Use of State Lands; Water Use Permit; Pump Installation Permit; Well Construction Permit; National Pollutant Discharge Elimination System (NPDES) Permit; Noise Permit



Proposing/Determination

Agency: Board of Water Supply, City & County of Honolulu, 630 South Beretania Street, Honolulu, HI 96843. Contact: Rian Adachi, (808) 748-5943

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

Status: Finding of No Significant Impact Determination

The Board of Water Supply (BWS) proposes to develop the Ma'akua Well Unit No. 2 to improve the reliability of the station. The new well will be constructed adjacent to an existing well on a 1 acre site.

Access to the well site is from Kamehameha Highway in Hau'ula. No increase in potable water yield from the site will be required. An Erosion Control Plan (ECP) will provide measures to control storm-water runoff from the project site. NPDES permits for the discharge of effluent into State receiving waters may be required for hydrotesting and well test water. A Best Management Practices (BMPs) Plan will also be prepared to mitigate potential discharges of pollutants into receiving waters. The direct impacts related to construction activities will be contained within the property and should not create any indirect, secondary or cumulative impacts within the property or to adjacent properties. Once the well is placed into operations, maintenance will be performed by BWS personnel on a periodic basis.

The proposed well development is not expected to result in significant adverse impacts to geology, soils, hydrology, stream flow, biological resources, air quality, natural hazards, cultural resources, socioeconomics, or land uses as the site was previously graded and is currently fenced. Minimal impacts may consist of minor traffic, noise and air quality disturbances to occasional hikers and hunters that may traverse the immediate surrounding area of the site. Local residents, however, are not anticipated to be adversely affected.

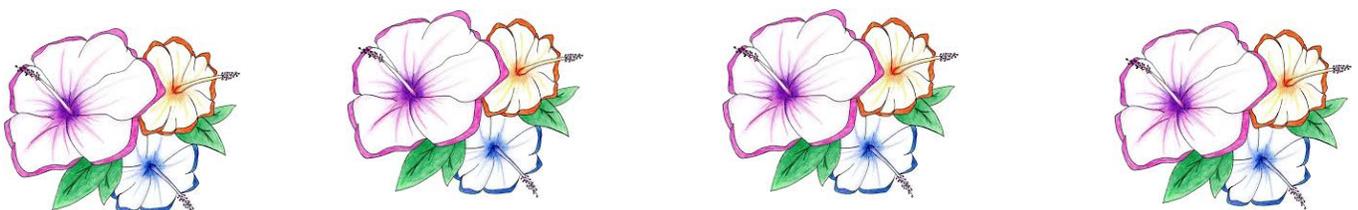
11. Ohulehule Forest Conservancy Cacao Farm Project FEA (FONSI)

Island: O'ahu
District: Ko'olaupoko
TMK: (1) 4-8-006:001
Permits: Conservation District Use Permit, National Pollutant Discharge Elimination Permit, as applicable, Noise Permit, as applicable, City and County of Honolulu Grading Permit
Applicant: Ohulehule Forest Conservancy, LLC, 1236 A'alapapa Drive, Kailua, HI 96734
 Contact: Paul Zweng, (808) 377-1947
Approving Agency: Office of Conservation and Coastal Lands, Department of Land and Natural Resources, Kalanimoku Building, 1151 Punchbowl Street, Room 131, Honolulu, HI 96813
 Contact: Samuel Lemmo, (808) 587-0377
Consultant: Townscape, Inc, 900 Fort Street Mall, Suite 1600, Honolulu, HI 96813
 Contact: Bruce Tsuchida, (808) 244-2015
Status: Finding of No Significant Impact Determination.



The Ohulehule Forest Conservancy, LLC is proposing to create a five (5) acre pilot cacao agroforestry farm for future commercial operations. The project will consist of establishing basic site infrastructure such as roads and irrigation, developing and constructing an on-site plant nursery to establish cacao seedlings and other native plants, to develop a commercial fermentation and drying facility to process the harvested cacao, and to prepare and develop a five (5) acre shaded cacao farm.

The overall goal of the cacao farm project is to operate a profitable, organically-based cacao farm using agroforestry principles. A secondary goal of the overall cacao farm project is the creation of a Waiāhole-Waikāne cacao appellation which may permit the cacao harvested in this area to command premium prices. The five (5) acre pilot farm project is also being proposed to provide the Ohulehule Forest Conservancy vital information and data necessary to determine successful farming techniques in this area and to assess whether commercial cacao production in Waikāne Valley is feasible.



KAUA'I (HRS 343)

12. Anahola Solar Project FEA (FONSI)

Island: Kaua'i
District: Kawaihau
TMK: (4)4-7-004:002
Permits: Noise permit; Construction on a State Highway Permit; Grading Permit; Building Permit (Service Center only); Well Construction and Pump Installation Permit
Applicant: Kaua'i Island Utility Cooperative, 4463 Pāhe'e Street, Līhu'e, HI 96766-2000
 Contact: Brad Rockwell, (808) 246-8289
Approving Agency: Department of Hawaiian Home Lands, 91-5420 Kapolei Parkway, Kapolei, HI 96707. Contact: Linda Chinn, (808) 620-9451
Consultant: Planning Solutions, Inc, 210 Ward Avenue, Suite 330, Honolulu, HI 96814
 Contact: Perry White, (808) 550-4483
Status: Finding of No Significant Impact Determination.



KIUC is planning to construct, operate, and maintain a 12 megawatt photovoltaic facility, a substation, and a baseyard/customer service center. The project facilities would occupy 60 acres on a portion of a 422-acre parcel (TMK (4) 4-7-004:002) owned by the Department of Hawaiian Home Lands (DHHL), in Anahola, Kaua'i. The proposed facilities include:

1. A 53-acre photovoltaic facility, including panels, inverters, and transformers.
2. An adjacent 2-acre substation used for control equipment and to boost the power from the 12 kilovolts (kV) delivered by the PV system to the 57/69 kV voltage of KIUC's electrical transmission system. An integral Battery Energy Storage System (BESS) will be constructed within the proposed substation.
3. A 5-acre service center with an access drive, parking, 5 truck bays, and storage yard. The parcel was formerly used for sugarcane cultivation, but is currently fallow. DHHL must grant a General Lease to KIUC for the proposed project; this constitutes an applicant action, making the proposed project subject to State of Hawai'i Revised Statutes, Chapter 343. KIUC intends to seek financing from the US Department of Agriculture (USDA) Rural Utilities Service (RUS) for the proposed project, making it a federal action subject to NEPA compliance.

13. Kekaha Landfill - Phase II Vertical Expansion FEA (FONSI)

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; 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: Finding of No Significant Impact Determination



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 has been determined.

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 Kohala (6-9-002: 004, 024 and 025)	Unpermitted Rock Walls and Landscaping Improvements and Relocation of the Unpermitted Gazebo (SMM 13-282)	Lyon Associates, Inc. & American Bank
Hawai'i: (3-6-002: 013, 024, 026, 038; 5-2-001: 016; 5-7-003: 013; 6-2-002: 008; 7-3-063: 012; 7-5-005: 083; 7-5-018: 020; 7-7-008: 017, 035, 106, 107; 7-8-014: 001; 8-6-013: 020-025, 028-031, 046-048)	Installation of Rescue Tube Device(s) and Appurtenant Mounting Support and Signage (SMM 13-284)	County of Hawai'i, Department of Parks and Recreation
Maui: Kihei (2-2-024: 023)	Solar Support Structures (SM2 20120083)	BSE PV LLC
Maui: (4-4-014: 004)	Fire Pit Renovations (SM2 20130102)	Lawrence W. Cunha Jr.
Maui: Lahaina (4-6-031: 011)	Interior Remodel (SM2 20130103)	Robert Walker
Maui: Kihei (3-9-003: 003)	Shade Structure (SM2 20130104)	Joe Finland
O'ahu: Pohakulana Place (1-1-072: 056)	Installation of Three 2,000-gallon LPG Tanks for an Existing Airline Catering Facility (2013/SMA-29)	State of Hawai'i, Department of Transportation

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

Ko 'Olina Lagoons 10-Year Maintenance Plan, 'Ewa, O'ahu

Applicant: Ko 'Olina Community Association
Contact: Christopher Conger (808) 259-7966
Federal Action: Federal Permit
Federal Agency: US Army Corps of Engineers, Honolulu District
Proposed Action: Implement a 10-year maintenance plan for the four existing Ko Olina Lagoons to restore the design depth of each lagoon through sediment management in order to maximize the daily exchange of water and to maintain sustainable slopes on the beach face. Sand management would include primary maintenance using heavy machinery, spot maintenance, and sand pushing. Primary maintenance would be conducted on an 18-36 month cycle using a long reach excavator to dredge 1,000-3,200 cubic yards of sand from each lagoon floor and a bulldozer to redistribute the dredged sand onto the beach face. Spot maintenance would occur on an as needed basis using a small hydraulic dredge operated from a pontoon, involving 60-100 cubic yards per day. Sand pushing would occur every 3-4 months, using bobcat-type machinery, to counter the gradual, natural slumping of sand on the beach face.

Location: Ko 'Olina, 'Ewa, O'ahu
TMK: (1) 9-1-57: 3, 8, 12, 16
CZM Contact: John Nakagawa (808) 587-2878, jnakagaw@dbedt.hawaii.gov
Comments Due: October 22, 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-1545	9/13/13	Lot 25 (Map 7) Land Court Consolidation 23 situate at Kaipapau, Ko'olauloa, O'ahu Address: 54-3 Haukoi Place Purpose: Determine building setback line	Stephen T. Angeles/ Stephen T. Angeles	5-4-012:014
OA-1546	9/19/13	Lot 56 as shown on Map 1 of Land Court Application 609 situate at Mokuleia, Waialua, O'ahu Address: 68-287 Crozier Loop Purpose: Building setback requirement	Jaime F. Alimboyoguen/ William Angel & Michael Montgomery	6-8-005:018
OA-1547	9/20/13	Lot 118 as shown on Land Court Application 1095 (Map 10) situate at Kawela Beach Lots, Ko'olauloa, O'ahu Address: 57-441 Honokawela Drive Purpose: Permitting purpose	Towill, Shigeoka & Associates, Inc./ Modern Development, LLC	5-7-003:042

MA-554	9/17/13	Portion of Ahihi-Kinau Natural Area Reserve, Part 1 (Governor's Executive Order 2668) and Lots 2, 3 and Lot 4-A of the consolidation and re-subdivision of Royal Patent Grant 1492, Apana 2, to Kaina and Royal Patent Grant 1427 to Punika Address: 7555 & 7595 Makena Road Purpose: N/A	Akamai Land Surveying, Inc./ MMR Makena, LLC & Waiko Baseyard, LLC	2-1-006:086 & 087
HA-472	9/19/13	Portion of Royal Patent 6851, L.C. Aw. 8452, Apana 12 to A. Keohokalole situate at Keahuolu, North Kona, Island of Hawai'i Address: 74-5490 Makala Boulevard Purpose: Determine future setback lines	Park Engineering/ Queen Liliuokalani Trust	7-4-008:002
KA-380	9/24/13	Lot 5, Lot 6, and Lot 8 of Land Court Application 1166 (Map 6) situate at Waipouli, North and South Oloheha, Puna, Kaua'i Address: Aleka Loop Purpose: Permitting purpose	Towill, Shigeoka & Associates, Inc./ Coconut Beach Development, LLC	4-3-002:015, 016 & 020

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-1535	Proposed Shoreline Certification	Lot 4-D Portion of Land Patent Grant No. 4938 to Bernard Rudolph Banning situate Kea'ala'u, Kane'ohe, Ko'olaupoko, O'ahu Address: 44-609 Kane'ohe Bay Drive Purpose: House repair	Gil P. Bumanglag/ Edna Y. Sakurai Trust	4-4-016:015
MA-549	Proposed Shoreline Certification	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

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Application (Board Permit) must submit comments to the Department of Land and Natural Resources within thirty (30) days from the initial date that the notice was published in the Environmental Notice. Comments may be sent to the Office of Conservation and Coastal Lands, PO Box 621, Honolulu, Hawai'i 96809. For more information, please contact Tiger Mills of the Office of Conservation and Coastal Lands staff at (808) 587-0382.

PROJECT:

File No.: CDUA HA-3669
Name of Applicant: State of Hawai'i-Department of Transportation-Highways
Location: Olowalu, Maui
TMK: (2) 4-8-003:006
Proposed Action: Shoreline Erosion Control Boulder Retement
343, HRS determination: FONSI published in the July 23, 2010 Environmental Notice
Applicant's Contact: Sato & Associates, Inc, Richard Sato (808) 955-4441
OCCL Staff Contact: Tiger Mills (808) 587-0382

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) NOTICE

Recreational Bow Hunting Program at Marine Corps Training Area Bellows FEA (FONSI)

Island: O'ahu
District: Ko'olaupoko
TMK: (1) 4-1-15
Permits: No permits required

Proposing/Approving

Agency: United States Marine Corps (USMC), Marine Corps Base (MCB) Hawaii, Kaneohe Bay, HI 96863. Contact: Ronald Yamada, (808) 257-0484

Consultant: Sustainable Resources Group Intn'l, Inc (SRGII), 111 Hekili Street, Suite A373, Kailua, HI 96734. Contact: Kristin Duin, (808) 356-0552

Status: Finding of No Significant Impact Determination

MCB Hawaii proposes to establish a recreational bow hunting program for feral pigs at MCTAB whereby Department of Defense personnel and the general public would be allowed to hunt pigs using bows in specific areas during designated time periods. Currently, MCTAB is used primarily for military training-related activities, with some recreational beach use. Hunting would be conducted on portions of MCTAB used as training areas, but would be permitted only on weekends or holidays when no training activities have been scheduled. A maximum of six hunters will be allowed to hunt on any given day. Hunters will need valid State of Hawai'i hunting licenses and a permit issued by MCB Hawaii. The goal of the Proposed Action is to support the morale of Marines and support personnel by expanding the forms of recreation offered by MCB Hawaii. A No Action Alternative was analyzed. No unmitigatable environmental or cumulative effects are anticipated as a result of implementation of the Proposed Action. A few negative impacts can be mitigated or minimized through program management, education, restricted access, compliance with governmental requirements, and enforcement activities. A corresponding supplement to the installation's INRMP was published since the hunting program requires a policy change, as hunting is currently prohibited on all MCB Hawaii properties. The INRMP is the over-arching document that guides MCB Hawaii's approach to natural resources management, while supporting quality of life, controlled public access to these resources and "no net loss" of military training options. The INRMP Supplement details the necessary changes to the INRMP to ensure consistency of the hunting policy with the conservation of natural resources.

FEDERAL NOTICES

1. [Proposed Flood Hazard Determinations for City and County of Honolulu Available for Review and Open for Comments](#) – September 23, 2013

Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

Comments are to be submitted on or before December 23, 2013. The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository. For the City and County of Honolulu, Hawaii. Maps Available for Inspection Online at: www.fema.gov/preliminaryfloodhazarddata and at the City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, Honolulu, HI 96813. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison. You may submit comments, identified by Docket No. FEMA-B-1347, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov.

2. [Western and Central Pacific Fisheries for Highly Migratory Species: Bigeye Tuna Catch Limit in Longline Fisheries for 2013-14](#) – September 23, 2013

National Marine Fisheries Service (NMFS) issues regulations under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act) to establish a catch limit of 3,763 metric tons (mt) of bigeye tuna (*Thunnus obesus*) for vessels in the U.S. pelagic longline fisheries operating in the western and central Pacific Ocean (WCPO) for each of the calendar years 2013 and 2014. The limit does not apply to vessels in the longline fisheries of American Samoa, Guam, or the Commonwealth of the Northern Mariana Islands (CNMI). Once the limit of 3,763 mt is reached in 2013 or 2014, retaining, transshipping, or landing bigeye tuna caught in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), which comprises the majority of the WCPO, will be prohibited for the remainder of the calendar year, with certain exceptions. This action is necessary for the United States to satisfy its obligations under the Convention, to which it is a Contracting Party. This rule is effective October 23, 2013.

Copies of supporting documents prepared for this final rule, including the regulatory impact review (RIR) and the Supplemental Information Report prepared for National Environmental Policy Act (NEPA) purposes, are available via the Federal e-Rulemaking Portal, at www.regulations.gov (search for Docket ID NOAA-NMFS-2013-0090).

3. [Takes of Marine Mammals Incidental to Specified Activities: U.S. Navy Training and Testing Activities in the Mariana Islands Training and Testing Study Area](#) – September 24, 2013

National Marine Fisheries Service (NMFS) has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to the training and testing activities conducted in the Mariana Islands Training and Testing (MITT) Study Area from July 2015 through July 2020. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is announcing our receipt of the Navy's request for the development and implementation of regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on the Navy's application and request.

Comments and information must be received no later than October 24, 2013. Comments on the application should be addressed to Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. The mailbox address for providing email comments is ITP.Magliocca@noaa.gov. NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size. Instructions: All comments received are a part of the public record and will generally be posted to <http://www.nmfs.noaa.gov/pr/permits/incidental.htm> without change.

4. [Correction to the Final Environmental Impact Statement/Overseas Environmental Impact Statement for Hawaii-Southern California Training and Testing](#) - September 27, 2013

The Environmental Impact Statement (EIS)/Overseas (EIS) (OEIS) for Hawaii Southern California Training and Testing (HSTT), which was filed by the Department of the Navy (DoN) with the U.S. Environmental Protection Agency (USEPA) on September 20, 2013 has been corrected. The corrected HSTT Final EIS/OEIS includes an 11-page Section E.5 that was inadvertently omitted from Appendix E in the August 23, 2013 filing with the USEPA. To allow the public adequate time to review Section E.5, the DoN is extending the wait period from September 30, 2013 to October 28, 2013, an additional 30 days. CONTACT: Naval Facilities Engineering Command, Southwest, Attention: HSTT EIS/OEIS Project Manager--EV21.CS; 1220 Pacific Highway, Building 1, Floor 3, San Diego, California 92132-5190.

5. [Main Hawaiian Islands Deep 7 Bottomfish Annual Catch Limits and Accountability Measures for 2013-14](#) - September 27, 2013

National Marine Fisheries Service (NMFS) specifies an annual catch limit of 346,000lb of Deep 7 bottomfish in the main Hawaiian Islands for the 2013-14 fishing year. The action supports the long-term sustainability of Hawaii bottomfish. The final specifications are effective October 28, 2013, through August 31, 2014, unless NMFS publishes a document in the Federal Register superseding these specifications.

Copies of the Fishery Ecosystem Plan for the Hawaiian Archipelago are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, telephone 808-522-8220, or www.wpcouncil.org. CONTACT: Jarad Makaiau, Sustainable Fisheries, NMFS Pacific Islands Region (PIR), 808-944-2108.

6. [Notice of Intent To Prepare a Recovery Plan for Main Hawaiian Islands Insular False Killer Whale Distinct Population Segment](#) – October 2, 2013

The National Marine Fisheries Service (NMFS) is announcing its intent to prepare a recovery plan for the Main Hawaiian Islands insular false killer whale (*Pseudorca crassidens*) distinct population segment (MHI Insular FKW) and requests information from the public. NMFS is required by section 4(f) of the Endangered Species Act of 1973 (ESA), as amended, to develop and implement recovery plans for the conservation and survival of federally listed species unless the Secretary finds that such a plan will not promote the conservation of the species. To allow adequate time to conduct a review of information submitted, all information must be received no later than November 1, 2013.

Information may be submitted by any one of the following methods: Via email: NMFS.PIR.FKWRecoveryPlan@noaa.gov (No files larger than 5MB can be accepted) Mail or Hand-Delivery: National Marine Fisheries Service Pacific Islands Regional Office, 1601 Kapi'olani Blvd., Suite 1110, Honolulu, HI 96814. ATTN: Irene Kelly.

7. [Regulated Navigation Area: Southern Oahu Tsunami Vessel Evacuation](#) - October 3, 2013

The Coast Guard is proposing to establish a permanent regulated navigation area (RNA) and to enforce this proposed regulation only when a tsunami warning is issued for the Hawaiian Islands by the Pacific Tsunami Warning Center. Tsunami warnings require the evacuation of a large number of vessels from their respective harbors. Following the evacuation, these vessels must remain offshore until the emergency situation has passed and the harbors have been deemed safe for reentry. Past tsunami warnings have created potentially dangerous offshore traffic congestion between commercial and recreational vessel traffic. Because of this, designated vessel traffic staging areas are necessary for a safe and orderly evacuation of Southern Oahu ports. Comments and related material must be received by the Coast Guard on or before November 4, 2013. If you have questions on this proposed rule, call or email Lieutenant Commander Scott Whaley of the United States Coast Guard Sector Honolulu at 808-522-8264 ext. 3352 or Scott.O.Whaley@uscg.mil. If you have questions on viewing or

submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366-9826.

8. [Request for applications from individuals to be appointed to the Hawaii Advisory Committee](#) – October 4, 2013

Because the terms of the members of the Hawaii Advisory Committee are expiring as of January 18, 2014, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships covered by this notice are exclusively for the Hawaii Advisory Committee, and applicants must be residents of Hawaii to be considered. Letters of interest must be received by the Western Regional Office of the U.S. Commission on Civil Rights no later than November 18, 2013. The Hawaii Advisory Committees (SAC) is a statutorily mandated advisory committee of the U.S. Commission on Civil Rights pursuant to 42 U.S.C. 1975a. Under the charter for the SAC, the purpose is to provide advice and recommendations to the U.S. Commission on Civil Rights (Commission) on a broad range of civil rights matters in its respective state that pertain to alleged deprivations of voting rights or discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or the administration of justice. SACs also provide assistance to the Commission in its statutory obligation to serve as a national clearinghouse for civil rights information.

Letters of interest for membership on the Hawaii Advisory Committee should be received no later than November 18, 2013. Send letters of interest to: U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Letter can also be sent via email to atrevino@usccr.gov. CONTACT: Peter Minarik, Acting Regional Director, Western Regional Office, (213) 894-3437, pminarik@usccr.gov.



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).