

The Environmental Notice

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

Upcoming Events in November 2013

2014 Calendar of Submittal Deadlines

The [OEQC 2014 Calendar of Submittal Deadlines](#) is now online and available for use.

November 13 - Public Scoping Meeting for Proposed Na Pua Makani Wind Project on Oahu

The U.S. Fish and Wildlife Service will conduct a public scoping meeting for the Na Pua Makani Wind Project on November 13, 2013, from 5:30 p.m. to 9:00 p.m. at the Kahuku Village Association Community Center. The meeting intends to gather information needed to prepare a National Environmental Policy Act (NEPA), Draft Environmental Impact Statement (DEIS) related to an incidental take permit (ITP) application that Champlin Hawaii Wind Holdings, LLC intends to submit for a proposed permit for incidental take of listed species caused by the construction and operation of the proposed Na Pua Makani Energy Wind Project near Kahuku. The public is invited to provide oral and written comments. All written comments should be submitted on or before December 5, 2013. Page 6 has more details on the [Notice of Intent](#).

A Hawai'i Environmental Policy (HEPA) Chapter 343, HRS, environmental study for the proposed wind energy project is forthcoming and will be published in the near future.

November 14 - OEQC Education Outreach Workshop

OEQC will conduct an outreach training workshop next week Thursday, November 14, 2013 from 10 a.m. to 12 noon, at 235 South Beretania Street, Room 203. The workshop will provide an overview of the Hawai'i Environmental Policy Act (HEPA) and the general process. Consultants and agency planners who work with Chapter 343, HRS environmental studies are welcome to register by emailing oeqchawaii@doh.hawaii.gov or calling (808) 586-4185. Space is limited and time is short; sign up now if you're interested ☺

November 21 - Environmental Council Meetings

Hawai'i's Environmental Council, Information and Outreach Committee will meet on November 21st from 12 noon to 2 p.m. at 235 South Beretania Street, Room 1500 to discuss recommendations on genetically modified organisms and pesticides in Hawaii. The full Environmental Council will meet place directly afterwards from 2 p.m. to 4 p.m. and is expected to vote on the proposed advisory measures. To find out more, watch the Environmental Council Information and Outreach Committee, [Mark Ambler's presentation](#). The agendas for both meetings will be posted on [OEQC's website](#) by November 14, 2013.

EPA Agencies Release Climate Change Adaptation Plans for Public Review and Comment

In response to President Obama's Climate Action Plan and [Executive Order](#), the U.S. Environmental Protection Agency (EPA) released [17 Draft Climate Change Adaptation Plans](#) in early November for a 60 day public comment period. These draft Implementation Plans were prepared by EPA's Program and Regional Offices following the February 2013 publication of the [Draft Climate Adaptation Plan](#). The 17 plans provide information about the actions EPA plans to take to prepare communities across the United States for the impacts of climate change. The public is invited to review and provide comment on the draft Implementation Plans through the public docket at www.regulations.gov (Docket Number EPA-HQ-OA-2013-0568).



Neil Abercrombie, Governor · 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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Mark Sullivan photo

HAWAII (HRS 343)

1. Kawaihae Harbor FEA (FONSI)

Island: Hawai'i
District: South Kohala
TMK: (3) 6-1-03: 022 (por.), 023 (por.), 025 (por.), 026, 034, 060
Permits: Section 404 Clean Water Act Permit, Section 10 of the Rivers and Harbors Act (Nationwide Permit for maintenance dredging), State of Hawai'i Department of Health (DOH) - Noise Permit/Variance

Proposing

Agency: State Of Hawai'i, Department of Transportation, 869 Punchbowl Street, Honolulu, HI 96813.
Contact: Glen Okimoto, 808-587-2150.

Consultant: SSFM International, Inc., 501 Sumner Street, Suite 620, Honolulu, HI 96817.
Contact: Cheryl Soon, 808-531-1308.

Status: Finding of No Significant Impact Determination; DEA was published in the July 23, 2013 notice.



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

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

2. Pāhoā Park Expansion Master Plan DEA (AFNSI)

Island: Hawai'i
District: Puna
TMK: (3) 1-5-002:020
Permits: NPDES Permit, Grubbing and Grading Permit, Building Permit, Underground Injection Control (UIC) Permit.

Proposing/Determination

Agency: County of Hawai'i, Department of Parks and Recreation, Aupuni Center, 101 Pau'ahi Street, Suite 6, Hilo, HI 96720-4224. Contact: James Komata, 808-961-8311.

Consultant: PBR HAWAII & Associates, Inc., 1001 Bishop Street, Suite 650, Honolulu, HI 96813.
Contact: Roy Takemoto, 808-521-5631.

Status: Statutory 30-day public review and comment period starts; comments are due by December 9, 2013. Please send comments to the proposing/determination agency and consultant.



The Pāhoia Park Expansion Master Plan is a proposed expansion of an existing County park. The master plan site consists of 71.121 acres. The eastern quarter of this 71 acre parcel is currently developed with park and community facilities including an aquatic center, ball fields, a basketball court, a skate park, a Community Center, and a Senior Center.

The purpose of this Pāhoia Park Expansion Master Plan includes: 1) Provide improved and more diverse athletic and recreational opportunities to Pāhoia Town and the entire Puna District; 2) remedy the existing drainage problems often present at the park; and 3) provide an orderly build out of the park with appropriate pedestrian and vehicular circulation, and adequate infrastructure to support the master plan build out.

This master plan implements a course of action of the General Plan to “maximize the use of the Pāhoia Neighborhood Facility site to serve the recreational needs of the lower Puna area” (General Plan §12.5.1.2). The General Plan also recognizes that “cool and rainy weather requires that there be extensive covered and indoor recreational areas.” This master plan also implements an action proposed by the Puna Community Development Plan to expand the existing park and create a regional park.

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: Ka'u (9-5-016: 006 and 025)	Drainage Improvements along Mamalahoa Highway (SMM 13-285)	State of Hawai'i, Department of Transportation, Highways Division
Hawai'i: South Kohala (6-8-022: 008)	Construction of Concrete Block CMU Enclosure and Installation of New Emergency Back-up Generator (SMM 13-286)	AT & T Wireless
Kaua'i: Aliomanu (4-9-006: 011)	Tree Pruning and Landscaping (SMA(M)-2014-2)	Kaua'i Makai LLC.
Kaua'i: Wailua (3-7-003: 017)	Construction Involving Solar Photovoltaic System (SMA(M)-2014-3)	Kaua'i Beach Resort Association
Kaua'i: Wailua (4-1-002: 003 & 008)	Grading Work and Drainage Basin Improvements, Installation of a Rock Wall & Landscaping (SMA(M)-2014-4)	Kukui'ula Development Co. (Hawai'i) LLC.
Maui: Lahaina (4-5-001: 014)	Apartment Alterations (SM2 20120048)	Steve Heimler
Maui: Kihei (3-9-011: 062)	Ground Alteration for Sewer (SM2 20130110)	Halama Properties, LP
Maui: Kihei (3-9-007: 025)	Reconstruct Apartment Structure (SM2 20130111)	James Niess
Maui: Kihei (2-2-025: 009)	Swimming Pool/Spa/Excavation (SM2 20130112)	Tiara M Matsui
Maui: Ka'anapali (4-4-014: 003)	Temporary Ice Skating Rink (SM2 20130113)	Ka'anapali Ocean Resort Villas
Maui: Ka'anapali (4-4-008: 016)	Five-Lot Subdivision (SM2 20130114)	Ka'anapali Investments, LLC
Maui: Puamana (4-6-032: 047)	Renovation & Remodel (SM2 20130115)	Stephen Stahara
Maui: Lahaina (4-6-001: 009 and 010; 4-6-008: 006)	Halloween in Lahaina (SM2 20130116)	Office of Economic Development
Maui: Haiku (2-9-003: 028)	Grade & Grub and Construct Rock Wall (SM2 20130118)	Kenneth Redstone
Maui: Pa'ia (2-6-008: 009)	Demolition of Dwelling (SM2 20130119)	Dean Frampton

Maui: Molokai (5-3-006: 039)	Construct Wall (SM6 20130009)	Edmund George Wond
O'ahu: Hau'ula (5-3-011: 009)	Kaluanui Stream Flood Mitigation Project (2013/SMA-30)	State of Hawai'i, Department of Land and Natural Resources

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Applications or interested in receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in the Environmental Notice. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed.

PROJECT:

File No.: CDUA OA-3670
Name of Applicant: City and County of Honolulu, Department of Design and Construction
Location: Ko'olaupoko District, Island of O'ahu
TMK(s): (1) 4-2-015:009; (1) 4-2-017:001, 016, 018 and 021; (1) 4-4-011:013;(1) 4-5-101:037; (1) 4-4-012:001, 064 and 065; (1) 4-5-031:076; (1) 4-5-032:001
Proposed Action: Wastewater Gravity Flow Tunnel
343, HRS Determination: FEIS Published in May 23, 2011 edition of the OEQC Environmental Notice
Applicant's Contact: Lauren Yasaka, 808-946-2277
OCCL Staff Contact: Alex J. Roy, 808-587-0316

PROJECT:

File No.: CDUA OA-3691
Name of Applicant: Newtown Estates Community Action
Location: Hapaki Street, Newtown Estates, Waimalu, Ewa District, Ewa
TMK(s): (1) 9-8-073:003
Proposed Action: Fence
343, HRS Determination: Exempt
Applicant's Contact: Richard Yamasaki, Newtown Estates Community Association, 98-456 Kaahele Street, Aiea, HI 96701
OCCL Staff Contact: Michael Cain, 808-783-2501

PROJECT:

File No.: CDUA KA-3693
Name of Applicant: United States Coast Guard
Location: Hanamā'ulu, Lihue, Kauai
TMK(s): (4) 3-8-002:005
Proposed Action: Rescue 21 Remote Fixed Facility (RFF) Kalepa
343, HRS Determination: FONSI issued September 2013; Environmental Assessment prepared in accordance with National Environmental Policy Act of 1969
Applicant's Contact: Dominc Cooper, Tech Consulting, Inc, PO Box 29261, Honolulu, HI 96820; 808-778-8853
OCCL Staff Contact: Michael Cain, 808-783-2501

SHORELINE NOTICES

Shoreline Certification Applications

The shoreline certification applications below 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-1555	10/21/13	Land Court Application 1136, Parcel 1 and 2 of Land Court Application 1226 and Lot B of Land Court Application 1059 situate at Ka'alawai, Honolulu, O'ahu Address: 4055 Papu Circle Purpose: Calculate building potential and obtain permit	Wesley T. Tengan/ Doris Duke Foundation for Islamic Art	3-1-041:005
OA-1556	10/15/13	Lot 269 (Map 140) of Land Court Application 505 situate at Kailua, Ko'olaupoko, O'ahu Address: 1070 Mokulua Drive Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ Mokulua Windward LLC	4-3-006:091
OA-1557	10/15/13	Lot 268 of Land Court Application 505 (Map 140) situate at Kailua, Ko'olaupoko, O'ahu Address: 1064 Mokulua Drive Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ 1064 Mokulua LLC	4-3-006:059
OA-1558	10/24/13	Lot 224 (Map 79) of Land Court Application 505 situate at Kailua, Ko'olaupoko, O'ahu Address: 1020 Mokulua Drive Purpose: Building setback	Engineers Surveyors Hawaii, Inc./ Lee Sung TR	4-3-006:055
MA-556	10/9/13	Lot 41-A, 47-A and TMK (2) 4-3-002:028 Mailepai Hui Partition being portion of Royal Patent 1663, Land Commission Award 5524 to L. Konia situate at Napili 1 and 2, Ka'anapali, Maui Address: 5900 L. Honoapi'ilani Road Purpose: Building setback purposes	Valera, Inc./ Napili Kai, Ltd.	4-3-002:026, 027 & 028
MA-557	10/11/13	Lot 12 Land Court Application 485 (Map 7) and Portions of R.P. 7661, L.C. Award 76:5 to William Shaw & L.C. Award 11216, Apana 28 to M. Kekauonohi situate at Honokowai, Ka'anapali, Lahaina, Maui Address: 3445 L. Honoapi'ilani Road Purpose: Building permit purposes	Arthur P. Valencia/ Ka'anapali Shores AOAO	4-4-001:097
MA-558	10/16/13	Lot 2 Olowalu Makai Komohana Subdivision situate at Olowalu, Lahaina, Maui Address: 0 Kuahulu Place Purpose: Shoreline setback purposes	Arthur P. Valencia/ Anne Elizabeth & Fred Farhad Golestani	4-8-003:120
HA-473	10/17/13	Portion of North Kona Regional Park and Wildlife Sanctuary Parcel A (C.S.F. 21,241) being the whole of Grant 4723, Lot 1 to J. Kaelemakule Jr. and a portion of Kona Coast State Park Parcel B (C.S.F. 22,263) situate at Mahaiula, North Kona, Island of Hawai'i Address: 72-3630 Queen Ka'ahumanu Highway Purpose: Obtain County permits	Wes Thomas Associates/ DLNR Division of State Parks	7-2-005:003

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
MA-554	Proposed Shoreline Certification	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-469	Proposed Shoreline Certification	Lot 8 being a portion of Lot 2 Waikoloa Beach Resort being a portion of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama situate at Anaeho'omalu, South Kohala, Island of Hawai'i Address: Lot 8 Naupaka Place Purpose: Obtain building permit for private residence	Roger Fleenor/ Rudolph Koppl	6-9-009:008
OA-1515	Rejection	Portion of Royal Patent 4498 Land Commission Award 6175 Apana 1 to Kamaha No Malaea situate at Wailupe, O'ahu Address: 5403 Kalaniana'ole Highway Purpose: Shoreline setback determination	Engineers Surveyors Hawai'i, Inc./ Kalaniana'ole, LLC	3-6-003:006
MA-540	Rejection	Portion of Allotment 2 of the Partition of the Hui Lands of Mailepai being a portion of Royal Patent Grant 1663, Land Commission Award 5524 to L. Konia situate at Napili 2 and 3, Ka'anapali, Lahaina, Maui Address: 21 Kapalua Place Purpose: Permit to replace roof on existing building	Akamai Land Surveying, Inc./ Napili Lani AOO	4-2-002:004

FEDERAL NOTICES

1. [Notice of Intent To Prepare a Draft Environmental Impact Statement on a Proposed Incidental Take Permit for the Na Pua Makani Project, Kahuku, Hawaii](#) – November 5, 2013

The U.S. Fish and Wildlife Service (Service), intend to conduct public scoping under the National Environmental Policy Act (NEPA) to gather information to prepare a draft environmental impact statement (DEIS) related to an incidental take permit (ITP) application that Champlin Hawaii Wind Holdings, LLC (Champlin) intends to submit to the Service pursuant to the requirements of section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA). The proposed permit would authorize the incidental take of listed species caused by the construction and operation of Champlin's proposed Na Pua Makani Project (Project) near Kahuku, Hawaii, for production of wind-generated electrical energy on the island of Oahu. In accordance with ESA requirements for an ITP, Champlin is preparing a habitat conservation plan (HCP) to minimize and mitigate the impacts of take of the covered species likely to be caused by the Project. The DEIS will address the impacts of, and alternatives to, issuance of the ITP and implementation of the HCP to determine if these actions may significantly affect the

human environment. This notice initiates the public scoping period for the DEIS during which we invite other agencies and the public to attend a public meeting and submit oral and written comments that provide suggestions and information on the scope of issues and alternatives that should be addressed in the DEIS.

A public scoping meeting will be held on November 13, 2013, from 5:30 p.m. to 9:00 p.m. at the Kahuku Village Association Community Center, 56576 Kamehameha Highway, Kahuku, Hawaii 96731. The public is invited to provide oral and written comments at this meeting related to our preparation of a DEIS for this proposed permit action. To ensure consideration of written comments, please send your written comments on or before December 5, 2013.

Comments concerning the issuance of the ITP, the development of the Na Pua Makani HCP and the preparation of the associated DEIS should be identified as such, and may be submitted by one of the following methods: Email: NaPuaMakanihcp@fws.gov. Include "Na Pua Makani HCP and DEIS" in the subject line of the message; U.S. Mail: Loyal Mehrhoff, Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Honolulu, Hawaii 96850; In-Person Drop-off, Viewing, or Pickup: Written comments will be accepted at the public meeting on November 13, 2013, or can be dropped off during regular business hours at the above address on or before December 5, 2013; or Written comments can also be faxed (Fax: (808) 792-9581, Attn.: Loyal Mehrhoff) to the Service on or before December 5, 2013. CONTACT: Mr. Loyal Mehrhoff or Aaron Nadig, U.S. Fish and Wildlife Service (see ADDRESSES above); by telephone (808) 792-9400; or by email at NaPuaMakanihcp@fws.gov. If you use a telecommunications device for the deaf, please call the Federal Information Relay Service at (800) 877-8339.

2. [Special Coral Reef Ecosystem Fishing Permit Issued to Culture and Harvest Fish Species in a Floating Pen](#) – November 6, 2013

The National Marine Fisheries Service (NMFS) releases a notice of availability of final environmental assessment and finding of no significant impact for the issuance of a special coral reef ecosystem fishing permit. NMFS issued a Special Coral Reef Ecosystem Fishing Permit that authorizes Kampachi Farms, LLC, to culture and harvest a coral reef ecosystem management unit fish species in a floating pen in Federal waters west of the Island of Hawaii. This notice informs the public that NMFS prepared an environmental assessment of the potential impacts of the proposed activity, and finds that there will be no significant impact to the environment from the activity. The special coral reef ecosystem fishing permit is effective from October 25, 2013, through October 24, 2014. You may review the final environmental assessment (EA) and finding of no significant impact, identified by NOAA-NMFS-2013-0125, at the Federal e-Rulemaking Portal www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2013-0125. Contact: Phyllis Ha, Sustainable Fisheries, NMFS PIR, 808-944-2265.

3. [Safety Zones Established for the Hawaiian Island Commercial Harbors](#) – October 24, 2013

The Coast Guard is establishing nine (9) permanent safety zones encompassing Hawaii's commercial harbors (Nawiliwili and Port Allen, Kauai; Barber's Point and Honolulu Harbor, Oahu; Kaunakakai, Molokai; Kaunapau, Lanai; Kahului, Maui and Kawaihae and Hilo on the Island of Hawaii). The purpose of these safety zones is to expedite the evacuation of the harbors in the event a tsunami warning is issued for the main Hawaiian Islands.

This rule is effective on November 25, 2013. This rule will be enforced when the Captain of the Port, Honolulu issues the order to evacuate any or all of Hawaii's nine commercial harbors in response to a tsunami warning. A written notice will be issued and a radio broadcast will be made when the Captain of the Port issues the evacuation order. This final rule will be enforced until the Captain of the Port lifts the evacuation order. CONTACT: If you have questions on this rule, call or email Lieutenant Commander Scott O. Whaley, Waterways Management Division, U.S. Coast Guard Sector Honolulu; telephone (808) 522-8264 (ext. 3352), email Scott.O.Whaley@uscg.mil.

4. [EPA Solicits Comments for the Approval and Promulgation of Hawaii's State Implementation Plan; Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standard](#) – October 23, 2013

EPA is proposing to approve elements of a State Implementation Plan (SIP) revision submitted by the State of Hawaii on February 13, 2013, pursuant to the requirements of the Clean Air Act (CAA or the Act) for the 2008 Lead (Pb) national ambient air quality standards (NAAQS). Section 110(a) of the CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA. We are taking comments on this proposal and plan to follow with a final action.

Written comments must be received on or before November 22, 2013. Submit your comments, identified by Docket ID Number EPA-R09-OAR-2013-0681, by one of the following methods: <http://www.regulations.gov>; Follow the on-line instructions for submitting comments; Email: richmond.dawn@epa.gov; Fax: 415-947-3579;

Mail or deliver: Dawn Richmond, Air Planning Office (AIR-2), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. Deliveries are only accepted during the Regional Office's normal hours of operation.

5. [EPA Issues Final Rule to List 15 Species to Endangered Species on the Island of Hawaii](#) – October 29, 2013

The U.S. Fish and Wildlife Service (Service) determine endangered species status under the Endangered Species Act of 1973 (Act), as amended, for 15 species on the island of Hawaii. In addition, we are recognizing a taxonomic change for one Hawaiian plant currently listed as an endangered species and revising the List of Endangered and Threatened Plants accordingly. The effect of this regulation is to conserve these species under the Act. This rule is effective on November 29, 2013.

This final rule is available on the Internet at <http://www.regulations.gov> and <http://www.fws.gov/pacificislands>. Comments and materials received, as well as supporting documentation used in preparing this final rule, are available for public inspection, by appointment, during normal business hours, at U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Honolulu, HI 96850; by telephone at 808-792-9400; or by facsimile at 808-792-9581.

CONTACT: Loyal Mehrhoff, Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Honolulu, HI 96850; by telephone at 808-792-9400; or by facsimile at 808-792-9581. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

6. [Control Order for Introduced Migratory Bird Species in Hawaii](#) – November 4, 2013

Nonnative species in Hawai'i displace, compete with, and consume native species, some of which are endangered, threatened, or otherwise in need of additional protection. To protect native species, the Fish and Wildlife Service propose to establish a control order for cattle egrets (*Bubulcus ibis*) and barn owls (*Tyto alba*), two introduced migratory bird species in Hawaii. We also make the supporting draft environmental assessment available for public comment.

Electronic comments on this proposal via <http://www.regulations.gov> must be submitted by 11:59 p.m. Eastern time on February 3, 2014. Comments submitted by mail must be postmarked no later than February 3, 2014. You may submit comments by: Federal eRulemaking portal: <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket FWS-HQ-MB-2013-0070. U.S. Mail or hand delivery: Public Comments Processing, Attention: FWS-HQ-MB-2013-0070; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, MS 2042-PDM; Arlington, VA 22203-1610. CONTACT: Dr. George T. Allen in Arlington, Virginia, at 703-358-1825 about the proposed rule, or Jenny Hoskins in Volcano, Hawaii, at 503-382-7056 about the draft environmental assessment.

7. [NMFS Issues Permits for Scientific Research on Marine Animals](#) - October 29, 2013

The National Marine Fisheries Service (NMFS) issues Letters of Confirmation to six individuals and institutions under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.), and the regulations governing the taking and importing of marine mammals (50 CFR part 216). The General Authorization allows for bona fide scientific research that may result only in taking by level B harassment of marine mammals. The following Letters of Confirmation (LOC) were issued for scientific research on marine mammals in Hawai'i:

- File No. 13427: Originally issued to the Pacific Whale Foundation [Responsible Party: Gregory D. Kaufman], Wailuku, HI, on June 4, 2008, authorizes the close vessel approach, photo-identification, focal follows, and acoustic recordings of 16 cetacean species within the waters of Maui County, Hawaii to estimate the abundance and distribution of odontocete species in the area. This study was modified on June 11, 2013, to extend the duration of the LOC until June 15, 2014, add a Co-investigator, and remove authorization to take the endangered Hawaiian insular stock of false killer whales (*Pseudorca crassidens*). This LOC was cancelled on June 20, 2013, when a new LOC (File No. 18101) was issued to the Pacific Whale Foundation.
- File No. 18101: Issued to the Pacific Whale Foundation [Responsible Party: Gregory D. Kaufman], Wailuku, HI, on June 20, 2013, authorizes close vessel approaches, photo-identification, focal follows, and acoustic recordings of 15 cetacean species within the waters of Maui County, Hawaii to estimate the abundance and distribution of odontocete species in the area. The LOC replaces No. 13427 and expires on June 21, 2018.

8. [Draft 2013 Marine Mammal Stock Assessment Reports Available for Public Comment](#) – November 6, 2013

The National Marine Fisheries Service (NMFS) reviewed the Alaska, Atlantic, and Pacific regional marine mammal stock assessment reports (SARs) in accordance with the Marine Mammal Protection Act. SARs for marine mammals in the Alaska, Atlantic, and Pacific regions were revised according to new information. NMFS solicits public comments on the draft 2013 SARs. The 2013 draft SARs are available in electronic form via the Internet: <http://www.nmfs.noaa.gov/pr/sars/draft.htm>. Copies of the Pacific Regional SARs may be requested from Jim Carretta, Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA 92037-1508.

Comments must be received by February 4, 2014. You may submit comments, identified by [NOAA-NMFS-2013-0136], by any of the following methods: Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>. Mail: Send comments or requests for copies of reports to: Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226, Attn: Stock Assessments. Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change.

9. [Funding Opportunity for Certified Community Development Financial Institutions \(CDFIs\) serving Native Communities](#) - October 29, 2013

This Notice of Funds Availability (NOFA) invites applications for the Native American CDFI Assistance Program (NACA Program) for the Fiscal Year (FY) 2014. The CDFI Fund makes FA awards and TA grants through the NACA Program to entities that meet the requirements set forth in this NOFA. FA awards will be made to Certified Community Development Financial Institutions (CDFIs) serving Native Communities that complete and submit the Application and meet the FA requirements set forth in this NOFA, the Application and the Regulations; TA grants will be made to Certified, Certifiable and Emerging CDFIs serving Native Communities and Sponsoring Entities that complete and submit the Application and meet the TA requirements set forth in this NOFA, the Application and the Regulations. Through the FY 2014 Funding Round, the CDFI Fund will also make FA awards for Healthy Food Financing Initiative (HFFI-FA) activities to Certified CDFIs serving Native Communities that complete and submit the Application and meet the HFFI-FA requirements set forth in the NOFA, the Application and the Regulations. NACA Applicants that are interested in applying for HFFI-FA can find additional details about that program in the FY 2014 CDFI Program NOFA. For purposes of this NOFA, the term "Native Community" means a Native American, Alaska Native, or Native Hawaiian population, land or Census-equivalent entity (as defined by the Bureau of the Census). In addition, Native Community includes a Native Other Targeted Population as described in Table 3 of this NOFA for Native Americans or American Indians, including Alaska Natives living in Alaska and Native Hawaiians living in Hawaii.

Applications for Financial Assistance (FA) or Technical Assistance (TA) awards through the FY 2014 Funding Round of the NACA Program must be received by 11:59 p.m., Eastern Time, December 23, 2013.

10. [The University of Texas, Center for Archaeological Research Determines Human Remains to be of Native Hawaiian Affiliation](#) – October 31, 2013

The Center for Archaeological Research at the University of Texas at San Antonio has completed an inventory of human remains, in consultation with the appropriate Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Native Hawaiian organizations. Sometime between 1940 and 1960, human remains representing two individuals were removed by an U.S. Air Force airman from an unknown location in Hawaii, likely on the island of Oahu. The airman reportedly found the remains eroding from the sand on the beach and subsequently brought the remains to his home in San Antonio, TX. The human remains consist of two complete skulls, one probably male and one probably female, both adults. After the airman died, his son found the remains and donated them to the Center for Archaeological Research at the University of Texas at San Antonio. Documentation with the remains states the remains were removed from a "Hawaii hotel site." No known individuals were identified. No associated funerary objects are present. The geographic context suggests that the remains are of Native Hawaiian affiliation. The teeth of both individuals are worn, suggesting a diet containing abrasives, likely associated with archaeological remains. Given the absence of associated objects, it is not possible to ascribe tribal affiliation.

Lineal descendants or representatives of any Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Center for Archaeological Research at the University of Texas at San Antonio at the address in this notice by December 2, 2013.

Contact: Cynthia Munoz, Center for Archaeological Research, 1 UTSA Circle, San Antonio, TX 78249, telephone (210) 458-4394.

11. [Extension of Public Comment Period for the Draft Environmental Impact Statement / Overseas Environmental Impact Statement for Military Readiness Activities in the Mariana Islands Training and Testing Study Area](#) – October 31, 2013

The Department of the Navy published a document in the Federal Register (78 FR 178) on September 13, 2013, concerning public meetings to support the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) for the Mariana Islands Training and Testing Study Area. Due to the shutdown of the U.S. federal government, the public meetings have been postponed and the public comment period extended. The public comment period on the Draft EIS has been extended from November 12, 2013, to December 12, 2013. Contact: Ms. Nora Macariola-See, Naval Facilities Engineering Command, Pacific. Attention: MITT EIS/OEIS, 258 Makalapa Drive, Suite 100, Building 258, Floor 3, Pearl Harbor, Hawaii 96860-3134.

12. [Extension of Public Comment Period for the Draft Supplemental for the Introduction of the P-8A Multi-Mission Maritime Aircraft into the U.S. Navy Fleet](#) – October 25, 2013

On September 20, 2013 the Department of the Navy (DoN) published a notice in the Federal Register announcing the scheduling of two public meetings on the Draft Supplemental Environmental Impact Statement (SEIS) for the Introduction of the P-8A Multi-Mission Maritime Aircraft into the U.S. Navy Fleet. As a result of the recent government shutdown and the uncertainty of the duration of the shutdown, both meetings were cancelled by the DoN. This notice announces the rescheduling of the two public meetings and extends the public comment period for the Draft SEIS from November 4, 2013 to December 2, 2013.



GLOSSARY

Agency Actions

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

Applicant Actions

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

Draft Environmental Assessment

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

Final Environmental Assessment and Finding of No Significant Impact

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

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

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

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

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

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

Draft Environmental Impact Statement

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

Final Environmental Impact Statement

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

Acceptability

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

National Environmental Policy Act

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

Conservation District

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

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

Special Management Area and Shoreline Setback Area

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

Shoreline Certifications

State law requires that Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

Environmental Council

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

Exemption Lists

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

Endangered Species

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