

# The Environmental Notice

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

## 2014 LEGISLATIVE UPDATE

The January 23, 2014 issue of The Environmental Notice listed legislative measures OEQC was monitoring for testimony. [HB1941](#) required the Environmental Council to create rules to address sea level rise and climate changes, and [HB2160](#) allows OEQC to charge fees for the publication of environmental assessments and environmental impact statements. OEQC supported the intent HB1941 but testified that Chapter 343, Hawai'i Revised Statutes and Chapter 11-200, Hawai'i Administrative Rules, adequately address sea level rise and climate changes, and therefore the proposed amendments to HRS Chapter 343 in HB1941, are unnecessary. HB1941 is now deferred and is no longer moving in the House. HB2160 has not been scheduled for hearing yet and will most likely not move before cross in less than two weeks.



OEQC also supports [HB2308/SB2858](#), which creates an Environmental Information Management Office (EIMO) in the Environmental Health Administration of the Department of Health, and [HB1714/SB2344](#), which creates an Interagency Climate Change Committee. These measures are moving forward and OEQC is optimistic about the passage of these measures. OEQC urges your support to these important legislative measures.

## 2139 KŪHIŌ FINAL ENVIRONMENTAL ASSESSMENT FINDING OF NO SIGNIFICANT IMPACT

The City and County of Honolulu, Department of Planning and Permitting, has issued a FONSI to the 2139 Kūhiō Final Environmental Assessment to construct a 39 story, 350-foot-high condominium-hotel with 280 units in Waikiki. The proposed development will share an 8-story building podium with the adjacent 2121 Kūhiō Tower that is currently in development. The building podium will contain shared resident services, recreational amenities, vehicle access and off-street parking.



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## HAWAI'I (HRS 343)

### 1. [Oceanic Institute of Hawai'i Pacific University's Feeds Research & Pilot Production Facility DEA \(AFNSI\)](#)

**Island:** Hawai'i  
**District:** Hilo  
**TMK:** 3-2-002-056:056  
**Permits:** Individual Wastewater System Permit; Grading and Grubbing Permit; National Pollutant Discharge Elimination System Permit; Air Pollution Control Permit; Community Noise Control Permit.  
**Applicant:** Oceanic Institute of Hawai'i Pacific University, 41-202 Kalaniana'ole Highway, Waimānalo, HI 96795. Contact: Randy Honke, 808-259-3189.

**Approving Agency:** University of Hawai'i at Hilo, 200 W. Kawili Street, Hilo, HI 96720. Contact: Harry Yada, 808-933-3267.

**Consultant:** Parsons Brinckerhoff, 1001 Bishop Street, American Savings Bank Tower, Suite 2400, Honolulu, HI 96813. Contact: James Hayes, 808-566-2239.

**Status:** Statutory 30-day public review and comment period starts; comments are due by March 25, 2014. Please send comments to the applicant, approving agency, and consultant.



Oceanic Institute of Hawai'i Pacific University (OI) is proposing to construct a Feeds Research and Pilot Production Facility (Facility) at the Pana'ewa Agricultural Park in Hilo, Hawai'i. As the first of its kind within the US Pacific Region, the proposed Facility would support the testing and evaluation of feed production for Hawai'i's aquatic and terrestrial agriculture industries on a commercial scale. The Facility would include a research and pilot production building in which feed process testing would occur; a separate office trailer; storage containers; and other improvements such as a short access road from the agricultural farm gate to the Facility; parking; offloading and truck turnarounds; and security fencing. The proposed Facility is consistent with agricultural policies and objectives within *The Hawai'i State Plan* (June 1991) because it would support research and development activities that strengthen economic productivity in agriculture, stimulate greater efficiency, and enhance the development of new products and agricultural by-products (HRS§226-7). Research efforts would be an important step in reducing Hawai'i's reliance on imported feed for rearing local livestock and create new opportunities to redirect biofuel and agricultural by products from landfills to reuse.

### 2. [Kawaihae Small Boat Harbor FEA \(FONSI\)](#)

**Island:** Hawai'i  
**District:** South Kohala  
**TMK:** 3<sup>rd</sup> Tax Division 6-1-003: 022, 025, 026, 051  
**Permits:** NPDES Permit; Grading/Grubbing Permit.

#### **Proposing/Determination**

**Agency:** State of Hawai'i, Department of Land and Natural Resources, Division of Boating and Ocean Recreation, 333 Queen Street, Suite 300, Honolulu, HI 96813. Contact: Valerie Suzuki, 808-587-0275.

**Consultant:** AECOM, Inc., 1001 Bishop Street, Suite 1600, Honolulu, HI 96813. Contact: Diane Kodama, 808-521-3051.

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



This current project is needed to ensure the implementation of the 2003 Small Boat Harbor (SBH) (South) Master Plan. The objective of this project is to implement the second phase of master planning

features to satisfy the public and commercial need for a modern small boat harbor at Kawaihae. This project encompasses two specific elements. The existing access road will be widened to 24 feet and be comprised of a 3-inch thick layer of asphalt concrete atop a 6-inch deep layer of untreated aggregate base course. The intersection of the roadway with the deep-draft harbor south access road will be improved with pavement curves for driver comfort and vehicular maneuverability, and marked with standard pavement 4-inch wide double-yellow centerline striping and white stop bar. The second element involves the installation of two new potable waterlines (8-inch and 4-inch, respectively), which would be connected to an existing 12-inch waterline along Route 270 with new isolation valves, run westerly down the deep-draft harbor south access road, then turn southward beneath the access roadway down to the SBH. These water lines will be buried and will run parallel to the proposed roadway improvements described above.

## MAUI (HRS 343)

### 3. West Maui Exploratory Well No. 2 DEA (AFNSI)

**Island:** Maui  
**District:** West Maui  
**TMK:** (2)4-3-001:017  
**Permits:** Department of Health Community Noise Permit; Commission on Water Resource Management Well Construction Permits, Construction Permits (Grading and Grubbing)

#### Proposing/Determination

**Agency:** County of Maui, Department of Water Supply, 200 South High Street, Wailuku, HI 96793. Contact: David Taylor, 808-270-7816.

**Consultant:** Munekiyo & Hiraga, Inc., 305 South High Street, Suite 104, Wailuku, HI 96793. Contact: Cheryl Okuma, 808-244-2015.

**Status:** Statutory 30-day public review and comment period starts; comments are due by March 25, 2014. Please send comments to the proposing/determination agency and consultant.



The West Maui Exploratory Well No. 2 consists of a 1.44 million gallon per day exploratory well, well pump, piping, temporary silt basin, and six (6) feet high chain link fence located on an approximately 0.9 acre site below the West Maui Mountains, between Kahana Stream and Kahanaiki Gulch. The proposed exploratory well will draw water from the Honolua Aquifer which is located within the Lahaina Aquifer Sector. The purpose of the proposed project is to provide a potential new groundwater source. Water quality tests of the exploratory well will determine if the source meets drinking water standards. The project potentially provides an additional groundwater source and reliability to the West Maui service region during periods of reduced water availability. If the proposed exploratory well meets water quality standards it could potentially become a permanent production well.



## O'AHU (HRS 343)

### 4. 2139 Kūhiō FEA (FONSI)

**Island:** O'ahu  
**District:** Waikīkī  
**TMK:** (1) 2-6-18: 43 (Portion), 45, 46, 47 and 48. Adjacent TMK Parcels: 11, 42, 44, 49 and 54  
**Permits:** Waikīkī Special District Permit, Major; Construction Dewatering Permit; Building Permits; Trenching Permit; Grading Permit; Conditional Use Permit Second Amendment to CUP No. 2000/CUP-98 for a Joint Development Agreement to combine the 2121 Kūhiō and 2139 Kūhiō development parcels; National Pollutant Discharge Elimination Permit for Construction Stormwater; Construction Noise Permit.



**Applicant:** PACREP 2 LLC, 10880 Wilshire Boulevard, Suite 2222, Los Angeles, CA 90024. Contact: Jason Grosfeld, 310-500-2955.

**Approving Agency:** Department of Planning & Permitting, City and County of Honolulu, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, HI 96813. Contact: 808-768-8000.

**Consultant:** R. M. Towill Corporation, 2024 North King Street, Honolulu, HI 96819. Contact: Jim Niermann, 808-842-1133.

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

**Proposed Action:** 2139 Kūhiō involves the construction of a new 39-story condo-hotel with up to 280 units, related building support facilities, resident services, amenities, and public streetscape improvements. The new tower will be a 350-foot tall stand-alone building with its own mechanical, electrical, and utility infrastructure. It will share an 8-story building podium with the adjacent 2121 Kūhiō Tower currently in development, which will contain shared resident services, recreational amenities, and off-street parking. Four parcels located along Lau'ula Street will be improved as landscape public open space. On the east side of the Project is a CCH-owned parcel occupied by the Beachwalk Sewer Pump Station. The Applicant proposes to improve approximately 27,000 square feet of the frontage of this parcel along Kūhiō Avenue as a public landscaped open space in exchange for including the parcel in a Joint Development Agreement (JDA) to accommodate the transitional height setback for the planned 2139 Kūhiō Tower.

**Purpose/Need:** There is a need for additional hotel accommodations in Waikīkī, especially given the current trend in the hospitality industry towards conversion of hotel rooms to timeshare units, or building new timeshare units with or without building hotel rooms. Since 2003, there has been a significant reduction in hotel units. This potential loss of hotel units will be mitigated in part by the development of the proposed project and the adjacent 2121 Kūhiō project. The project will also help revitalize underutilized property in the heart of Waikīkī by providing new commercial and retail venues, and upgrading public open space along Kūhiō Avenue. The project supports the long-term improvement of Kūhiō Avenue and the City and County of Honolulu's continuing efforts to revitalize and upgrade Waikīkī as a prime visitor destination and driver of Hawai'i's economy.

### 5. Hawai'i Pacific University – Aloha Tower Marketplace Project DEA (AFNSI)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** (1) 2-1-001: 001 (por.) and 063  
**Permits:** Development Permit; Building Permit.  
**Applicant:** Hawai'i Pacific University. Contact: Scott Hayashi, 808-544-0219.

**Approving**

**Agency:** Hawai'i Department of Transportation. Contact: Glenn Okimoto, 808-587-2150.

**Consultant:** Wilson Okamoto Corporation. Contact: Earl Matsukawa, 808-946-2277.

**Status:** Statutory 30-day public review and comment period starts; comments are due by March 25, 2014. Please send comments to the applicant, approving agency, and consultant.



Hawai'i Pacific University (HPU) is proposing to make interior tenant improvements to portions of the existing Aloha Tower Marketplace (ATM) and Pier 10 building to convert them for use by HPU. A portion of the first floor retail and restaurant space of the ATM will be converted into HPU academic and support spaces. Improvements to the second floor will convert the existing retail space into 83 student and faculty residences. Interior improvements to Pier 10 will convert a portion of the building into HPU multi-purpose spaces. Hawai'i Lifestyle Retail Properties (HLRP), a subsidiary of HPU and holder of the master lease for the ATM, is also proposing improvements to stairs, elevators, and escalators in the common areas of the ATM. There is a need for additional housing for HPU students, and feedback from the students indicates a strong demand for housing in the downtown area, as well as for a central gathering place for the downtown campus. The existing development at the ATM and Pier 10 offers an opportunity to address some of the student housing needs, as well as to create a central gathering place offering other HPU student-related support services.

**6. Howard Green Retaining Wall After-The-Fact FEA (FONSI)**

**Island:** O'ahu

**District:** Kāne'ohe

**TMK:** (1)4-4-22: 13

**Applicant:** Howard Green, PO Box 3467, Honolulu, HI 96801. Contact: 808-521-2731.

**Approving**

**Agency:** Department of Planning and Permitting, City and County of Honolulu, 650 South King Street, Honolulu, HI 96813. Contact: Steve Tagawa, 808-768-8024.

**Consultant:** 3E Advisory Services, 3232 Kaohinani Drive, Honolulu, HI 96817. Contact: John Harrison, 808-780-1223.

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



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

7. [Kāneʻohe Bay #2 Wastewater Pump Station Force Main DEA \(AFNSI\)](#)

**Island:** Oʻahu  
**District:** Koʻolaupoko  
**TMK:** 4-4-14:49  
**Permits:** NPDES Permit; Stream Channel Alteration Permit; Excavation in Public Right-of-Way; Grubbing, Grading, Stockpiling, and Erosion Control; Street Usage Permit.

**Proposing/Determination**

**Agency:** Department of Design and Construction, City and County of Honolulu, 650 South King Street, 11<sup>th</sup> Floor, Honolulu, HI 96813. Contact: Chris Takashige, 808-768-8836.

**Consultant:** Element Environmental, LLC, 98-030 Hekaha St, #9, Aiea, HI 96701. Contact: Ryan Yamauchi, 808-488-1200.

**Status:** Statutory 30-day public review and comment period starts; comments are due by March 25, 2014. Please send comments to the proposing/determination agency and consultant.



The Kāneʻohe Bay #2 Wastewater Pump Station (WWPS) is located at 44-029 Kaimalu Place, Kāneʻohe, on the island of Oʻahu, Hawaiʻi. The force main from the WWPS is to be replaced as a condition of a compliance milestone for the First Amended Consent Decree issued to the City and County of Honolulu. The Kāneʻohe Bay #2 WWPS has been in operation since 1965 and services about 300 acres. The majority of the area served by the WWPS is residential. In 2005, the trunk sewer that discharges into the WWPS was reconstructed, resulting in updated design flows for the subject force main. The new force main will be designed to meet the updated flows. The Proposed Action involves replacing an existing force main via Horizontal Directional Drilling methods underneath the unlined and unnamed channel adjacent to the Kāneʻohe Bay #2 WWPS. The anticipated determination for this EA is a Finding of No Significant Impact (FONSI). Alternatives to the Proposed Action include two Alternative Actions and No Action. The first Alternative Action consists of Pilot Tube Microtunneling. The second Alternative Action consists of Open Cut Trenching a new alignment. The No Action alternative consists of no change to the existing conditions.

8. [Seymour Moss Rock Retaining Wall FEA \(FONSI\)](#)

**Island:** Oʻahu  
**District:** Waialua  
**TMK:** 6-1-012:021  
**Permits:** Building Permit.  
**Applicant:** Jason Seymour, 1187 Coast Village Road #196, Santa Barbara, CA 93108.

**Approving**

**Agency:** Department of Planning and Permitting, City and County of Honolulu, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, HI 96813. Contact: Malynne Simeon, 808-768-8023.

**Consultant:** Janine Seymour, PO Box 14001 #196, Ketchum, Idaho 83340. Contact: 805-452-3212 or [j9md@hotmail.com](mailto:j9md@hotmail.com).

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



A Finding of No Significant Impact (FONSI) has been issued for the retention of a rock retaining wall, stairs, and landing within the 40-foot shoreline setback area for the property at 61-357 Kamehameha Highway. No new development or physical changes are proposed to the Applicant's residential property. The existing retaining wall, made up of blue rock, has an average height of approximately six feet. The retaining wall on the west side is 5.08 feet high and is 5.25 feet high on the east side. The retaining wall is 19.9 feet in length and 1.33 feet wide. There is concrete rubble masonry steps and landing on the west side of the retaining wall, adjacent to the rear property line. The landing spans 14.75 feet along the

retaining wall, is one foot high and a maximum of 3.67 feet wide. There are six stairs and are three feet wide. The top stair is 15.5 feet above mean sea level (msl) and 11 feet above msl at the bottom stair. The retaining wall, stairs and landing encroaches entirely into the 40-foot shoreline setback, based on the likely location of the regulatory shoreline, i.e., the north face of the retaining wall. Note: The current shoreline has not yet been certified due to presence of the unauthorized structures in the shoreline area. The existing rock retaining wall, stairs and landing would have no indirect, secondary, or cumulative impacts to any environmental resource areas. A FONSI has been issued.

## 9. Waimānalo Health Center – Expanded Health Care Facility FEA (FONSI)

**Island:** O’ahu  
**District:** Ko’olaupoko  
**TMK:** 4-1-009: 279 and 4-1-009: 282  
**Permits:** City and County of Honolulu Building Permits, Grubbing/Grading/Stockpiling Permits, SMA Use Permit (Major), Industrial Wastewater Discharge Permit; State of Hawai’i National Pollutant Discharge Elimination System Permit, Community Noise Permit, Non-Covered and/or Covered Source Permit (Air Quality), Lane Use Permit for Construction Work, Oversized and Overweight Vehicles on State Highways Permit.



**Applicant:** Waimānalo Health Center, 41-1347 Kalaniana’ole Highway, Waimānalo, HI 96795.  
 Contact: Kathleen Kravish, 808-954-7110.

### Approving

**Agency:** Dept. of Land and Natural Resources, Land Division, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813. Contact: Steve Lau, 808-587-0447 or [Stephen.T.Lau@hawaii.gov](mailto:Stephen.T.Lau@hawaii.gov).

**Consultant:** The Limtiaco Consulting Group, 1622 Kananakui Street, Honolulu, HI 96817.  
 Contact: Sandy Hamura, 808-596-7790.

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

Waimānalo Health Center (WHC) proposes to construct a new two-story outpatient health care facility and parking lot on State of Hawai’i property identified as Tax Map Key (TMK) 4-1-009: 282 adjacent to the Waimānalo Fire Station and across from Waimānalo Elementary and Intermediate School. The new facility would house select health services that are currently offered at WHC’s existing campus located at 41-1347 Kalaniana’ole Highway on TMK 4-1-009: 279. WHC is applying for a 65-year direct lease for both State-owned parcels. Existing facilities utilized by WHC are inefficiently configured and inadequately sized based on modern standards for patient care. The repair and maintenance of old facilities continues to escalate, which adversely impacts the delivery of much-needed services. The 35-year direct lease (GL-5400) for the property containing the existing WHC campus expires on August 31, 2030. WHC was granted a management right-of-entry for the triangular parcel where new construction would occur. The parcel contains an existing unimproved parking lot and overgrown vegetation. Construction of the new health care facility would allow WHC to relocate medical, behavioral health, vision, pharmacy, nutrition, outreach and eligibility services. GL-5400 is expected to be mutually terminated upon the issuance of a new 65-year lease.

## COASTAL ZONE MANAGEMENT NOTICES

### Federal Consistency Reviews

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawai'i Revised Statutes. This public notice is being provided in accordance with section 306(d)(14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency, please call John Nakagawa with the Hawai'i CZM Program at 587-2878. For neighboring islands, use the following toll free numbers: Lāna'i & Molokai: 468-4644 x72878, Kaua'i: 274-3141 x72878, Maui: 984-2400 x72878 or Hawai'i: 974-4000 x72878. For specific information or questions about an action listed below, please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review. Comments may be submitted by mail, electronic mail, or fax as indicated below.

**Mail:** Office of Planning  
Department of Business, Economic Development and Tourism  
PO Box 2359  
Honolulu, HI 96804

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

**Fax:** 808-587-2899

#### Honolulu Harbor Piers 12 & 15 Improvements, Honolulu, O'ahu

**Location:** Honolulu Harbor Piers 12 & 15, O'ahu  
**TMK:** (1) 2-1-1: 43, 44, 45, 55, 56  
**Federal Action:** Federal Permit  
**Federal Agency:** US Army Corps of Engineers, Honolulu District  
**Applicant:** Department of Transportation, Harbors Division  
**Contact:** Leslie Kurisaki, Kimura International, 808-944-8848.  
**Proposed Action:** Proposed improvements at Piers 12 & 15 consist of constructing new mooring dolphins and loading platforms to provide berths for two existing emergency spill-response boats and one barge that would be relocated from Piers 34 & 35. The construction will not increase the footprint of the existing bulkhead, nor will it involve dredging. Pier 12 improvements consist of a single platform (40-feet x 15-feet), two mooring dolphins (10-feet x 10-feet), two catwalks (39-feet x 4-feet), and a connecting vehicle bridge (24.5-feet x 16-feet). The Pier 15 improvements consist of two separate platforms (95-feet x 35-feet, and 100-feet x 25-feet), five mooring dolphins (12-feet x 12-feet), a single catwalk (499-feet x 4-feet), and two connecting vehicle bridges (69-feet x 7.33-feet, and 54-feet x 7.33-feet).

**CZM Contact:** John Nakagawa, 808-587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)  
**Comments Due:** March 10, 2014

### 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
Maui: (3-9-001: 149)	Kihei Seventh-Day Adventist Church (SM2 20140003)	Nancy McMillan
Maui: Kihei (3-9-008: 017)	Exterior Renovations and Rebranding (SM2 20140004)	McDonalds of Hawaii

Maui: (4-4-013: 005)	Trolley Stop (SM2 20140005)	Chris Hart & Partners, Inc.
Maui: (2-1-023: 006)	Turtle Point Condo Renovation (SM2 20140006)	Satish K Gholkar
Maui: Lahaina (4-5-002: 009)	Interior Alternations (SM2 20140007)	David Hanley
Maui: Kihei (3-9-012: 032)	Swimming Pool (SM2 20140008)	Joseph Delucia
Maui: Olowalu (4-8-003: 084)	Barn for Palm Nursery (SM2 20140010)	Olowalu Elua Associates LLC
Maui: Kaunakakai (5-3-002: 005)	Expansion & ADA Improvements (SM6 20130014)	April Shiotani
O'ahu: Kaka'ako (2-1-059: 013)	Replacement of Landscaping and Relocation of Electrical Transmission Line Underground (SMA/14-1)	Ala Moana Property Owners LLC

## 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-1570	2/3/14	Lot 5 (File Plan 750) of Maunalua Bay View Lots Subdivision, Unit 1 situate at Maunalua, Honolulu, O'ahu. Address: 176 Hanapēpē Loop Purpose: New construction	Engineers Surveyors Hawaii, Inc./ Mark Gosselin	3-9-026:001
OA-1571	2/10/14	Lots 9 and 10 as shown on Map 13 Land Court Application 1100 and the Marine Biology Facility parcels 2, 5 and 7 as shown on H.S.S. Plat 2199 (C.S.F. 21,948) situate at He'eia, Ko'olaupoko, O'ahu. Address: 46-005 & 46-007 Lilipuna Road and Coconut Island. Purpose: Obtain SMA permit and shoreline setback variance from the City and County of Honolulu	ControlPoint Surveying, Inc./ University of Hawaii Foundation	4-6-001:015, 016 & 051
OA-1572	2/11/14	Lot 1012 as shown on Map 128 of Land Court Application 242 situate at Pu'uloa, 'Ewa, O'ahu Address: 91-517 Pūpū Street. Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Winston Marbella	9-1-027:016
OA-1573	2/12/14	Lots 18-B-1 and 19-A of the Kahala Subdivision being portion of Royal Patent 7721, Land Commission Award 228, Apana 2 to Kaleiheana situate at Kahala, Honolulu, O'ahu. Address: 4465 & 4469 Kahala Avenue Purpose: Establish setback for design and construction of new residence	Rico D. Erolin/ Kyong-Su Im (Authorized Agent)	3-5-003:002 & 003
LA-011	1/31/14	Portion of Royal Patent 6775, Land Commission Award 8519B, Part 4 to Fanny Young situate at Maunalei, Lāna'i. Address: 0 Keōmoku Highway. Purpose: Determine shoreline setback for building permit purposes	Ronald M. Fukumoto Engineering, Inc./ Pulama Lanai	4-9-002:001 (por.)

KA-385	1/30/14	Portion of Lot 1 being also a portion of R.P. 7827 L.C. Aw. 3395-B Apana 3 to Keoua situate at Kalaheo, Kōloa, Kaua'i. Address: N/A. Purpose: Determine shoreline setback	Esaki Surveying and Mapping, Inc./ Steven Kalani Palama, Trustee; Carol Lum, Trustee and Iris Hornstine, Trustee	2-3-010:002
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### Shoreline Certification 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-1549	Proposed Shoreline Certification	Lot 57, Land Court Application 1052 and Lot 28, portion R.P. 2243, L.C. Aw. 10613 Ap. 5 to A. Paki situate at Makaha, Wai'anae, O'ahu. Address: 84-905 Farrington Highway. Purpose: Building permit	Walter P. Thompson, Inc./ Manuel Madeira	8-4-005:002
MA-558	Proposed Shoreline Certification	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
MA-559	Proposed Shoreline Certification	Lot 1-B-1 and Lot 1-B-2 of Land Court Application 1896 (Map 3) situate at Honuaulu, Makawao, Maui Address: 5000 Makena Road Purpose: N/A	Akamai Land Surveying, Inc./ Charles T. Wegner	2-1-007:103 & 107
HA-473	Proposed Shoreline Certification	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. Ka'elemakule Jr. and a portion of Kona Coast State Park Parcel B (C.S.F. 22,263) situate at Mahai'ula, 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
KA-376	Rejection	Lots 2 & 3 Land Court Application No. 1469 Waipā Beach Lots situate at Waipā, Halele'a, Kaua'i. Address: 5528 Weke Road. Purpose: Building permit	Honua Engineering, Inc./ KauaiNS, LLC	5-5-005:009 & 010
MA-568	Withdrawal	Portion of Land Commission Award 11216, Apana 21 to M. Kekauonohi being also all of Lot 53 of Makena Beach Lots situate at Palauea, Honuaulu, Makawao, Maui Address: 4492 Makena Road Purpose: Planning for future use of parcel	Warren S. Unemori Engineering, Inc./ Leone-Perkins Family Trust	2-1-011:015



## FEDERAL NOTICES

### [Endangered and Threatened Wildlife and Plants; Removing the Hawaiian Hawk From the Federal List](#)

The U.S. Fish and Wildlife Service (Service) announced the reopening of the public comment period on the August 6, 2008, proposed rule to remove the Hawaiian hawk or Io (*Buteo solitarius*) from the List of Endangered and Threatened Wildlife (List) under the Endangered Species Act of 1973, as amended (Act). Comments submitted during the 2008 comment period and 2009 reopened comment periods do not need to be resubmitted, and will be fully considered in preparation of our final rule. We encourage those who may have commented previously to submit additional comments, if appropriate, in light of this new information. Further, we are again making available for public review the draft post-delisting monitoring plan for the Hawaiian hawk, and we invite comments on that draft plan. DATES: The comment period for the proposed rule published August 6, 2008, at 73 FR 45680 is reopened. To ensure that we are able to consider your comments and information, they must be received or postmarked no later than April 14, 2014. ADDRESSES: Document availability: Electronic copies of the 2008 proposed delisting of the Hawaiian hawk, comments received, and the draft post-delisting monitoring plan (draft PDM Plan) can be obtained from the Web sites <http://www.regulations.gov> (under Docket No. FWS-R1-ES-2007-0024) or <http://www.fws.gov/pacificislands>. To request a hardcopy of the proposed rule or the draft PDM Plan, write to: Field Supervisor, Attention: Hawaiian Hawk Proposed Delisting/Draft PDM Plan, Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Rm. 3-122, Honolulu, HI 96850; or call 808-792-9400; or send an email request to [jay\\_nelson@fws.gov](mailto:jay_nelson@fws.gov). FOR FURTHER INFORMATION CONTACT: Loyal Mehrhoff, Field Supervisor, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Honolulu, HI 96850; telephone (808-792-9400); or facsimile (808-792-9581) (see, 79 F.R. 8413, February 12, 2014).

### [Western Pacific Fishery Management Council; Public Meetings](#)

The Western Pacific Fishery Management Council (Council) will hold meetings of its 115th Scientific and Statistical Committee (SSC) and its 159th Council meeting to take actions on fishery management issues in the Western Pacific Region. The Council will also convene meetings of the Marianas Plan Team (PT), Guam Regional Ecosystem Advisory Committee (REAC), the Commonwealth of the Northern Marianas (CNMI) REAC, the Mariana Archipelago Advisory Panel (AP) and the Council's Program Planning Standing Committee and Executive and Budget Standing Committee. DATES: The meetings will be held from March 11 through March 21, 2014. ADDRESSES: Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813; telephone: (808) 522-8220. Guam Hilton Hotel, 202 Hilton Road, Tumon Bay, Guam GU 96913; telephone: (671) 646-1835. Fiesta Hotel, Saipan Beach, Garapan, MP CNMI 96950; telephone: (670) 234-6412. Background documents will be available from, and written comments should be sent to, Mr. Arnold Palacios, Chair, Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, telephone: (808) 522-8220 or fax: (808) 522-8226. FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522-8220 (see, 79 F.R.9890, February 21, 2014).

### [Response to Petitions for the Reclassification of Light Brown Apple Moth as a Non-Quarantine Pest](#)

The Animal and Plant Health Inspection Service is notifying the public of its decision to maintain its classification of the light brown apple moth (LBAM, *Epiphyas postvittana* [Walker]) as a quarantine pest. In making this decision, the Animal and Plant Health Inspection Service (APHIS) evaluated the possibility of and impact from reclassifying LBAM from an actionable, quarantine-significant pest to a non-actionable, non-quarantine pest. By maintaining a regulatory program for LBAM, APHIS is seeking to minimize the further spread of the moth in the United States and maintain foreign trade markets for our producers. This decision is based on its evaluation of data submitted by the two petitioners seeking the reclassification of LBAM, its analysis of other scientific data, and comments received from the public in response to APHIS's previous notice announcing the availability of its revised draft response to those petitions. DATES: Effective Date: February 10, 2014. ADDRESSES: Read the documents referenced in this notice and the comments we received on the Internet on the Regulations.gov Web site at <http://www.regulations.gov/#!docketDetail;D=APHIS-2009-0101>. FOR FURTHER INFORMATION CONTACT: Ms. Andrea Simao, National Policy Manager, Pest Management, PPQ—Plant Health Programs, APHIS, 4700 River Road Unit 26, Riverdale, MD 20737-1231; (301) 851-2067 (see, 79 F.R. 7636, February 10, 2014).

### [Establishment of Tuna Vessel Monitoring System in the Eastern Pacific Ocean](#)

The National Marine Fisheries Service (NMFS) proposes regulations under the Tuna Conventions Act to implement Resolution C-04-06 of the Inter-American Tropical Tuna Commission (IATTC). The regulations would establish requirements for a satellite-based vessel monitoring system (VMS) for U.S. commercial fishing vessels, 24 meters or more in overall length, used to target any fish of the genus *Thunnus* or of the species *Euthynnus (Katsuwonus) pelamis* (skipjack tuna) in the area bounded by the west coast of the Americas and on the north, south and west respectively, by the 50° N. and 50° S. parallels, and the 150° W. meridian. This action is necessary for the United States to satisfy its obligations as a member of the IATTC. DATES: Comments on the proposed rule and the initial regulatory flexibility analysis (IRFA) must be submitted on or before March 10, 2014. A public hearing will be held from 1 p.m. to 4 p.m. PST, February 28, 2014, in Long Beach, CA. You may submit comments on this

document, identified by NOAA–NMFS–2013–0117, by methods in the full on-line notice by clicking the above link: Public Hearing: The public is welcome to attend a public hearing and offer comments on this proposed rule from 1 p.m. to 4 p.m. PST, February 28, 2014 at 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802. The public may also participate in the public hearing via conference line: 888–790–6181; participant passcode: 40810 FOR FURTHER INFORMATION CONTACT: Heidi Taylor, NMFS West Coast Region, 562–980–4039, or Rachael Wadsworth, NMFS West Coast Region, 562–980–4036 (see, 79 F.R. 7152, February 6, 2014).



Susan Faulk Photo, 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 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).