

# The Environmental Notice

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

## A MESSAGE FROM THE DIRECTOR

*Aloha kākou.* Thank you for receiving our notice and taking the time to look at some of the latest proposals in *Hawai'i nei*, some of which have public comment periods that will end soon.

The Office of Environmental Quality Control continues to serve the public and work for you by publishing these notices; advising agencies and applicants (private industry) to help them comply with the Hawai'i Environmental Policy Act, HRS Chapter 343; and processing all the resulting documents and plans. Our mission is also to serve the public under Hawai'i Revised Statutes Chapter 341, a broad authorizing mandate, which requires that we educate the public about matters related to the environment.

In the spirit of that mandate, we share with you a link to a [video](#), live with Mr. Jay Fidell, that discusses why the public is critical to the HRS Chapter 343, Hawai'i Environmental Policy Act. This Video was made possible by ThinkTech and the Department of Health, Office of Planning, Policy, and Program Development. Mahalo to everyone who made this educational video possible, we hope people find it useful. Please click on the link above (on the word video).

Finally, if you love  $\pi$  (3.1415927...), don't forget, Saturday, March 14<sup>th</sup> is  $\pi$  day. Happy  $\pi$  Day. Also, have a happy St. Patrick's Day.

$\pi$   
KEEP  
CALM  
IT'S  
PI DAY  
3.14.15  
9:26:53



For a unit circle (of diameter equal to one), the circumference of the circle is the number pi.

Also, please note that the Environmental Council has a tentative meeting scheduled for March 19, 2015. The venue and meeting agenda have not been set yet. Please go to the [State Calendar website](#) six days prior to the meeting date to review the agenda. For more information, Contact the Council at [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov) or call (808) 586-4185.



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HRS 343, document\* count in this issue  
5(b) – 04  
5(e) – 02  
\*(excluding administrative exemption declarations/lists)



## HAWAI'I (HR§ 343)

### 1. Pi'ihonua-Kukuau Reservoir and Transmission Improvements, 5(b) FEA (FONSI)

**Island:** Hawai'i  
**District:** South Hilo  
**TMK:** (3) 2-5-065:037; Various County Road Rights-of-way (ROW) (3) 2-5-060 (Hokulani Street), (3) 2-5-035 (Hokulani Street), and (3)2-5-011 (Kaumana Drive); Easements Over (3) 2-5-006:061, 142 and 149, and (3) 2-4-075:049

**Permits:** County of Hawai'i, Department of Public Works: Grubbing and Grading Permits, Permit for Work in County ROW, Building Division Approval and Building Permit; County of Hawai'i, Planning Department Plan Approval; Department of Health, National Pollutant Discharge Elimination System Permit

#### Proposing/Determination

**Agency:** County of Hawai'i, Department of Water Supply, 345 Kekūanāo'a Street, Suite 20, Hilo, HI 96720. Contact: Larry Beck, (808) 961-8070, ext. 260

**Consultant:** Geometrician Associates, P.O. Box 396, Hilo HI 96721. Contact: Ron Terry, (808) 969-7090, email: [rterry@hawaii.rr.com](mailto:rterry@hawaii.rr.com)

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



The County of Hawai'i, Department of Water Supply (DWS) prepared an EA and issued a FONSI in 1996 for a water system improvements project in upper Hilo. Since then, only one segment of the transmission waterline was installed. Upon re-evaluation, DWS determined that the planned reservoir required upsizing. Because of this, as well as changes in the project area and permit requirements, DWS has decided to prepare another EA. In addition to the reservoir, which will be 25 feet high and about 130 feet in diameter, improvements on the reservoir property include flow control valves and piping for water level control, paving and fencing. The length of new transmission line is 6,500 feet. The Project promotes public health and safety by improving water storage capacity for the Hilo area. The contractor will implement Best Management Practices that minimize the impact of sediment, storm water runoff and construction materials on receiving waters. Most parts of the Project site have already been heavily disturbed through sugar cane agriculture, subdivision, paving and previous waterline infrastructure projects. No archaeological sites are present, but archaeological monitoring will be conducted in one undeveloped section. Biological surveys found mainly alien organisms and no threatened or endangered species. There will be vegetation removal timing and/or nest survey restrictions to minimize impacts to Hawaiian hoary bats and Hawaiian hawks. No cultural resources are present and there are no traditional and customary practices that require protection. Landscaping in conformance with requirements will be installed.

### 2. Waimea Middle School New Eight Classroom Building, 5(b) DEA (AFNSI)

**Island:** Hawai'i  
**District:** South Kohala  
**TMK:** (3)-6-7-002:015  
**Permits:** National Pollutant Discharge Elimination System (NPDES) Permit; Individual Wastewater System (IWS) Permit; Underground Injection Control (UIC) Permit; Plan Review Approval; Grading Permit; Building Permit

#### Proposing/Determination

**Agency:** State of Hawai'i, Department of Education, 1151 Punchbowl Street, Room 431, Honolulu, HI 96813. Contact: Ronald Hagino, (808) 586-0434



**Consultant:** Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, HI 96826. Contact: John L. Sakaguchi, (808) 946-2277

**Status:** Statutory 30-day public review and comment period starts; comments are due by April 7, 2015. Please send comments to the proposing/determination agency and consultant.

Waimea Middle School is part of the Waimea Elementary and Middle School campus located east of Māmalahoa Highway, in an approximately 25.796 acre parcel identified as Tax Map Key: 6-7-002:015. The new eight classroom building project site is located in the southeast portion of the campus, between the Mala'ai community garden and four existing portable classroom buildings. The portable classrooms are to remain with no changes. Although it was cleared at one time, the project site is currently undeveloped and contains no structures. Vegetation consists of grass cover, similar to other open areas of the campus.

The purpose of the new classroom building is to replace existing science classrooms with modern classrooms and laboratories and to provide spaces designed as computer laboratories. The spaces currently used for these classes are not adequate to meet the teaching needs of the current enrollment. Although identified as 8 classrooms, during the planning process, by downsizing some of the original planned spaces, a total of 9 classrooms are planned for the building. Preliminary plans show a 2-story rectangular building to contain: 1) four general classrooms; 2) three science laboratories; 3) two computer laboratories; 4) one teacher planning room, one office, one student services room, a faculty center, a conference room, and restroom facilities. The building foot-print will be approximately 12,659 square feet. The 2-story building will contain about 25,177 square feet and will be approximately 42 feet high at the ridge. The design will be similar to the other buildings on campus. In addition, the one way inbound gravel driveway access from Lindsey Road will be paved. Usage of this driveway will remain with no changes.

## MAUI (HR§ 343)

### 3. Trailered Vessel Facility, 5(e) DEA (AFNSI)

**Island:** Maui

**District:** Wailuku

**TMK:** (2) 3-7-001:023 and 021

**Permits:** Conservation District Use Permit (CDUP)

**Applicant:** Maui Dry Dock and Storage LLC, P.O. Box 1119, Lahaina, HI. 96761. Contact: Jeff Strahn, (808) 270-9813

**Approving Agency:** Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI 96809. Contact: Michael Cain, (808) 587-0048

**Consultant:** Coastal Planners LLC, 3993 Mā'alaea Bay Place, Wailuku, HI 96793. Contact: Thorne Abbot, (808) 344-1595

**Status:** Statutory 30-day public review and comment period starts; comments are due by April 7, 2015. Please send comments to the applicant, approving agency, and consultant.



The intent of the project is to provide secured trailered vessel parking for the public and to support vessel repair, maintenance, and inspections. The project involves installation of two concrete pads, two grassy swales, and attendant subsurface drainage and treatment system.

Vinyl coated chain link fencing along the site's perimeter and key card access for convenience would help create a secure parking area for boats, trailers, and tow vehicles on the 1.453 acre, vacant, unimproved, barren site. Two key card operated electric gates would afford boaters 24-hour access and convenient trailer turning, ingress and egress from the facility. No price or rental period has been determined; the rate would be determined in consultation with DOBOR.

Landscape plantings would surround both the perimeter fencing and be planted along the edge of two grassy swales located next to area. Plantings of hau and naupaka would provide visual screening, attenuate storm water runoff, and serve as a wind break.

The proposal does not include any above ground buildings or structures beyond installation of a fence, gates, key card readers and concrete maintenance pads.

The applicant will pursue a lease with the Department should they secure a Conservation District Use Permit (CDUP).

## O'AHU (HRS 343)

### 4. Renovation of the Historic Ala Moana Pump Station, 5(e) FEA (FONSI)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** (1) 2-1-015:063  
**Permits:** State of Hawai'i Community Development Authority: Development Permit; State SHPD: Historic Site Review; Office of Planning: Special Management Area Permit; City Department of Transportation Services: Street Usage Permits for Construction; City & County DPP: Building Permit, Grading and Grubbing Permit, Building Permit, Sewer Connection



#### Proposing/Determination

**Agency:** Hawai'i Community Development Authority, 461 Cooke Street, Honolulu, HI 96813. Contact: Amy Mutart, (808) 594-0334, email: [amy.mutart@hcdaweb.org](mailto:amy.mutart@hcdaweb.org)  
**Consultant:** Townscape, Inc., 900 Fort Street Mall, Suite 1160, Honolulu, HI 96813. Contact: Gabrielle Sham, (808) 536-6999, email: [gabrielle@townscapeinc.com](mailto:gabrielle@townscapeinc.com)  
**Status:** Finding of No Significant Impact Determination.

Plans for the renovation of the historic Ala Moana Pump Station (AMPS) are being prepared by the Pacific Gateway Center (PGC) for use as a community resource center, Nā Kūpuna Makamae Center, primarily serving senior citizens with educational and cultural programs.

The PGC is a non-profit community based organization that has received a \$1,000,000 appropriation of capital improvement grand-in-aid by the Legislature of the State of Hawai'i to conduct planning, design, and renovation for a community resource center. The project is being administered by the State of Hawai'i, Hawai'i Community Development Authority (HCDA).

The AMPS is listed on the National and State Register of Historic Places. It is located on the western side of the Kaka'ako Community Development District Makai area; bordered by Ala Moana Boulevard to the north and Keawe Street to the east. Proposed improvements to the 1900 Pump Station building include site work, architectural improvements, and interior improvements. The building has severely deteriorated over the years and restoration of this iconic and historic structure is needed for its preservation.

### 5. Sand Island WWTP UV-EPS Odor Control System, 5(b) DEA (AFNSI)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** (1) 1-5-041:005  
**Permits:** Special Management Area Permit, Air Permit Modification, National Pollutant Discharge Elimination Permit, Building Permit, Grading and Stockpiling Permit

#### Proposing/Determination

**Agency:** Department of Design and Construction, City and County of



Honolulu, 650 South Beretania Street, Honolulu, HI 96813. Contact: Robert J. Kroning, (808) 768-8480

**Consultant:** R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, HI 96819. Contact: James Niermann, (808) 842-1133, email: [JimN@rmtowill.com](mailto:JimN@rmtowill.com)

**Status:** Statutory 30-day public review and comment period starts; comments are due by April 7, 2015. Please send comments to the proposing/determination agency and consultant.

The City and County of Honolulu, Department of Design and Construction proposes to construct improvements to the existing Ultraviolet Disinfection and Effluent Pump Station (UV/EPS) at the Sand Island Wastewater Treatment Plant (WWTP) with the installation of an Odor Control System (OCS) facility. The proposed OCS improvements consist of covering all channels and sealing all openings, constructing fans and ductwork to convey airflow, constructing new carbon scrubbers to treat foul air, and constructing new exhaust stacks to discharge treated air. A condition assessment study of the facility conducted in 2012 concluded that a dedicated UV/EPS OCS be installed to contain and treat foul air being released by this facility. The purpose of the proposed improvements is as follows:

- 1) Ensure continued compliance with Hawai'i State Non-covered Source Permit (NSP) No. 0216-05-N.
- 2) Increase the reliability of the Sand Island WWTP by reducing hydrogen sulfide odor and odor-related corrosion impacts.
- 3) Improve operating conditions at the Sand Island WWTP by reducing foul air.

## 6. Spurgat-Waterhouse Residence, 5(e) DEA (AFNSI)

**Island:** O'ahu

**District:** Honolulu

**TMK:** (1) 2-5-018:016

**Permits:** State of Hawai'i: Conservation District Use Permit; City and County of Honolulu: Building Permit, Grading Permit

**Applicant:** Adam Spurgat and Jacey Waterhouse, 3826 Round Top Drive, Honolulu, HI 96822. (808) 217-5377

**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 J. Lemmo, (808) 587-0377

**Consultant:** N/A

**Status:** Statutory 30-day public review and comment period starts; comments are due by April 7, 2015. Please send comments to the applicant, approving agency, and consultant.



The applicants propose to construct a Single Family Residence (SFR) at Tantalus, island of O'ahu, TMK (1) 2-5-018:016. The approximately 1.534-acre parcel lies within the State Land Use Conservation District, Subzone Resource. The 2,922-ft<sup>2</sup> proposed SFR is a linear post on pier construction with a lower garage area. Design features include: 3 bedrooms, 2 baths, a kitchen/dining/living room, and a lanai area. Other improvements include three 6,000-gallon above ground water storage tanks, an individual wastewater system and a 12-ft wide gravel driveway.

The proposed SFR will provide a primary residence for Adam Spurgat, Jacey Waterhouse, and their children.

## HABITAT CONSERVATION PLAN (HRS 195D)

### Nā Pua Makani Wind Energy Project

**Island:** O'ahu  
**District:** Ko'olauloa  
**TMK:** (1) 5-6-006:018 and (1) 5-6-008:006  
**Permits:** Incidental Take License  
**Applicant:** Na Pua Makani Power Partners, LLC, Chaplin Hawai'i Wind Holdings, LLC, P.O. Box 540, Santa Barbara, CA 93102. Contact: Mike Cutbirth, (805) 568-0300, ext. 23

**Approving Agency:** Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Room 325, Honolulu, HI 96813. (808) 587-0166

**Consultant:** Tetra Tech, Inc., 1750 SW Harbor Way, Suite 400, Portland, OR 97201. Contact: Alicia Oller, (503) 727-8072

Nā Pua Makani Power Partners LLC proposes to construct and operate a wind farm (Project) with a net generating capacity of up to 25 megawatts, on the island of O'ahu. In addition of up to 10 wind turbine generators, the proposed Project would include an electrical collection system, an operations and maintenance facility, an approximately 0.9 mile (1.5 km) transmission line, a permanent meteorological tower, and approximately 5.2 miles (8.4 km) of permanent roads.

The purpose of the draft Habitat Conservation Plan (HCP) is to mitigate for potential injury and death to the threatened and endangered 'a'o or Newell's shearwater (*Puffinus auricularis newelli*), koloa maoli or Hawaiian duck (*Anas wyvilliana*), ae'o or Hawaiian stilt (*Himantopus mexicanus knudseni*), 'alae ke'oke'o or Hawaii coot (*Fulica alai*), 'alae 'ula or Hawaiian moorhen (*Gallinula chloropus sandvicensis*), pueo or Hawaiian short-eared owl (*Asio flammeus sandwichnesis*), nēnē or Hawaiian goose (*Branta sandvicensis*), and the ōpe'ape'a or Hawaiian hoary bat (*Lasiurus cinereus semotus*) due to construction and operation of the Project. The HCP outlines provisions for net benefit to the covered species and environment, and contributes to the recovery of each of these species.

The public is encouraged to comment on the draft HCP. Please send comments to: Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Room 325, Honolulu, HI 96813. Attention: HCP Coordinator Afsheen Siddiqi. Or email comments to: [Afsheen.A.Siddiqi@hawaii.gov](mailto:Afsheen.A.Siddiqi@hawaii.gov)

Public comment should be received by **May 8, 2015**.

An EISPN has already been published for this action, and a Draft EIS is expected to be available soon. The Division of Forestry and Wildlife will also hold a public hearing on O'ahu to receive public comments on the draft Habitat Conservation Plan. The date and location of the public hearing will be made available to the public via legal notice.

## COASTAL ZONE MANAGEMENT NOTICES

### 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 neighboring 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, P.O. Box 359  
Honolulu, Hawai'i 96804

**Email:** jnakagawa@dbedt.hawaii.gov

**Fax:** (808) 587-2899

**Kā'anapali Beach Mooring Buoy, Maui**

**Proposed Action:** After-the-fact authorization for the continued use and maintenance of a commercial mooring buoy located approximately 200 yards offshore at Whaler's Village, Kā'anapali Beach, Maui. The commercial buoy was installed in 2007. The mooring consists of a 3-foot by 3-foot cement block anchor with a 2-inch steel shackle secured through the middle and a 100-foot long galvanized chain, which is attached to a surface buoy. Water depth at the mooring buoy location is 28 feet.

**Applicant:** Wake Maui LLC

**Contact:** Mr. Ryan Hickey, (808) 269-5645

**Federal Action:** Federal Permit

**Federal Agency:** U.S. Army Corps of Engineers, Honolulu District

**Location:** 200 yards offshore at Whaler's Village, Kā'anapali Beach, Maui

**CZM Contact:** John Nakagawa, 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)

**Comments Due:** March 23, 2015

**Special Management Area 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 961-8288, West 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: Hilo (2-3-004: 015)	Repairs and Alteration of the Existing Building (SMM 15-326)	Sai Baba Hawai'i LLC, Mohan Magora
Maui: Kihei (3-9-006: 004)	Main Dwelling Addition and Alteration (SM2 20120157)	Melott, Stanley Edward
Maui: Kihei (3-9-006: 004)	Main Dwelling Addition and Alteration (SM2 20120159)	Melott, Stanley Edward
Maui: Paia (2-6-002: 010)	Exterior Repairs (SM2 20140140)	Paia Bay Properties, LLC
Maui: Lahaina (4-6-008: 006)	Lahaina Second Friday Events - 2015 (SM2 20150008)	Lahaina Town Action Committee
Maui: Kihei (3-9-008: 031)	Concrete Wall, Shower Enclosure, Lanai (SM2 20150009)	Kihei Beachfront Resort, LLC, Mimi Hu
Maui: Kihei (3-9-004: 005)	New Telecom Facility (SM2 20150010)	Cascadia PM
Maui: Kihei (3-9-051: 045)	Pave Lot, Build Parking Structure (SM2 20150011)	Eskimo Candy
Maui: Lahaina (4-3-006: 007)	Seaway and Walkway Repairs (SM2 20150012)	Nohonani Condominium AOAO
O'ahu: Wai'ālae Kahala (3-6-002: 041)	Second Story Addition (2015/SMA-1)	Chris Trapp
O'ahu: Wai'au (9-8-003: 010)	Hawaiian Electric Company – Wai'au Generating Station – Modular Office Trailers (2015/SMA-4)	Hawaiian Electric Company / Planning Solutions

## SHORELINE NOTICES

### Shoreline Certification Applications

The shoreline certification applications below are available for review at the Department of Land and Natural Resources 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, Hawai'i 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 (808) 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
MA-604	2/17/15	Limited Common Element 10 (Apartment No. 10) of the "Maluhia at Wailea" Condominium (Condominium Map No. 1384) being a portion of Lot 216 of Land Court Application 1804 (Map 31) situate at Honua'ula, Makawao, Maui Address: 35 Malukai Lane Unit 10 Purpose: N/A	Akamai Land Surveying, Inc./ Lori Huang	2-1-008:062 (por.)
HA-502	2/13/15	Lots 1-A, 3-A-1 and 2-A-1 being a portion of L.P. Grant 9967 to Annie Paulo being also a portion of L.P. Grant 10798 to Annie Paulo situate at Puakō, Lalamilo, South Kohala, Island of Hawai'i Address: 69-1562 South Puakō Drive Purpose: Obtain building permit	Pai Pai Partners LLC/ Pai Pai Partners LLC	6-9-002:024
HA-503	2/23/15	Lot 17, Honoli'i Pali Tract being portions of L.C. Aw. 4895 to Makuahine, and portions of L.C. Aw. 7715, Apana 16 to Lota Kamehameha situate at Pauka'a, South Hilo, Island of Hawai'i Address: 52 Puaka'a Drive Purpose: County permitting requirement	Daniel Berg/ Teresa Tico	2-7-015:003
KA-393	2/20/15	Lot 5 Land Court Application 1469 (Map 1) situate at Waioli & Waipā, Halele'a, Kaua'i Address: 5560 Weke Road Purpose: Building permit	Honua Engineering, Inc./ Waioli Surf Shack Holdings LLC	5-5-005:012
KA-394	2/20/15	Lot 1 Land Court Application 1469 (Map 1) situate at Waipā, Halele'a, Kaua'i Address: 5600 Weke Road Purpose: Building permit	Honua Engineering, Inc./ Waioli Surf Shack Holdings LLC	5-5-005:008

### Shoreline Certifications and Rejections

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources (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 Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1627	Proposed Shoreline Certification	Lot 34-A as shown on Land Court Application 722 Map 8 situate at Lāi'e, Ko'olaupoko, O'ahu Address: Kamehameha Highway Purpose: SMA permit requirements & subdivision approval for easement	Hawaii Land Consultants/ Property Reserve, Inc.	5-5-002:011
OA-1631	Proposed Shoreline Certification	Lots 7-1-2-A, 7-H and 6-G-1 of Land Court Application 323 Map 26 situate at Pueohala, Kailua, Ko'olaupoko, O'ahu Address: 152 G N. Kalaeo Avenue Purpose: Development of property	Dennis K. Hashimoto/ Gareth Kim	4-3-015:018
MA-594	Proposed Shoreline Certification	Lots A-7-C-1 and A-7-C-2 of the Kapalua Development Subdivision being a portion of Royal Patent 2236, Land Commission Award 8522-B, Apana 1 to Kale Davis situate at Honokohua, Lahaina, Maui Address: N/A Purpose: Setback purposes	Austin, Tsutsumi & Associates, Inc./ Honolulu Associates, LLC & Honokahua Beach Hotel	4-2-004:014 & 021 (por.)

MA-596	Proposed Shoreline Certification	Limited Common Element 10 of Lot 10-A-2-C-1 of Land Court Application 1846, Map 6 situate at Papa'anui, Waipao, Kalihi, Honua'ula, Makawao, Maui Address: 4950 Makena Road, Unit No. 10 Purpose: N/A	Akamai Land Surveying, Inc./ Makena 10, LLC	2-1-007:096
MA-599	Proposed Shoreline Certification	Lot 49, Land Court Application 1744 (Map 12) situate at Hanaka'ō'ō, Lahaina, Maui Address: 2481 Kā'anapali Parkway Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ The Whaler at Kā'anapali Beach	4-4-008:002
HA-497	Proposed Shoreline Certification	Lot 94, Block 11, Hawaiian Paradise Park Subdivision situate at Keaau, Puna, Island of Hawai'i Address: 15-1099 Ala Heiau Road Purpose: Establish building setback	Daniel Berg/ Richard & Deborah Koval Trust	1-5-031:064
MA-580	Rejection	Lots C, D and E of Section B of the Puamana Planned Unit Development, Unit 1 File Plan 1056 situate at Makila & Pahoā, Lahaina, Maui Address: 34 Pualima Place Purpose: Building and other permitting purposes	Newcomer-Lee Land Surveyors, Inc./ Puamana Community Association	4-6-028:001

## NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) NOTICE

### National Aeronautics and Space Administration (NASA) Low Density Supersonic Decelerator Technology Demonstration Mission Pacific Missile Range Facility (PMRF) Supplemental EA

**Island:** Kaua'i

**District:**

**TMK:** N/A

**Permits:** Papahānaumokuākea Marine National Monument - Conservation and Management Permit

**Proposing**

**Agency:** National Aeronautics and Space Administration, Steve Slaten, Jet Propulsion Laboratory Facilities and Environmental Manager, [sslaten@nasa.gov](mailto:sslaten@nasa.gov)

**Approving**

**Agency:** N/A

**Consultant:** N/A

**Status:** Provide any written comments by March 27, 2015. Comments can be e-mailed to [sslaten@nasa.gov](mailto:sslaten@nasa.gov)

The Proposed Action (Alternative 1—Preferred Alternative) incorporates all activities described in the No-action Alternative, with clarification that some recovery aids discussed in the 2013 EA may or may not be employed and provides for additional splashdown area and test opportunities for the SFDT. This would require approved entry into the easternmost part of the Open Ocean Area of PMNM; therefore, NASA has requested authorization for entry into PMNM through a Conservation and Management hardware and potential fly-over of Nihoa Island and its surrounding Special Management Area from scheduled SFDTs beginning in 2015. NASA could have up to two technology testing launches each year for the next 5 years (June 2015 through August 2019). These additional test opportunities would increase the probability of successful test flights and lower the risk of a scenario for an unplanned (i.e., anomalous) termination of the test flight.

NASA proposes to use an additional 37,600 km<sup>2</sup> (10,950 nm<sup>2</sup>) of splashdown area for future SDFT test flights. Of the approximately 37,600 km<sup>2</sup> (10,950 nm<sup>2</sup>), approximately 28,730 km<sup>2</sup> (8,370 nm<sup>2</sup>) is Open Ocean Area within PMNM and the other approximately 8,875 km<sup>2</sup> (2,600 nm<sup>2</sup>) of Open Ocean Area is north of PMNM.

This additional splashdown area excludes the 70 hectares (170 acres) of Nihoa Island and the approximately 128.5 km<sup>2</sup> (37.5 nm<sup>2</sup>) Special Management Area within 5.5 km (3 nm) surrounding Nihoa Island. To ensure the excluded area waters and/or island will not be entered, one of two scenarios would occur: (1) the LDSD Program would initiate the SFDT in such a manner that expended flight hardware would be recovered before drifting into the excluded area; or (2) the flight system would overfly the excluded area and the Test Vehicle would be dropped outside 5.5 km (3 nm) from Nihoa Island. Therefore, expended flight hardware would not be deposited on Nihoa Island or within the Special Management Area surrounding the island.

## FEDERAL NOTICES

### **Western Pacific Fishery Management Council; Teleconference / Webconference Public Meetings**

The Western Pacific Fishery Management Council (Council) will hold meetings of its American Samoa, Hawai'i, and Mariana Archipelago Fishery Ecosystem Plan (FEP) Advisory Panels (AP) by teleconference and webconference to discuss and make recommendations on fishery management issues in the Western Pacific Region. The Mariana Archipelago FEP AP will meet on March 10, 2015, between 5 p.m. and 7 p.m.; The Hawaii Archipelago FEP AP will meet on March 12, 2015, between 4 p.m. and 6 p.m.; and The American Samoa Archipelago FEP AP will meet on March 13, 2014, between 4 p.m. and 6 p.m. All times listed are local island times. Location: All meetings will be held by teleconference and webconference. For specific times and agendas, click on the link in the title of this notice. The teleconference will be conducted by telephone and by web. The teleconference numbers are: U.S. toll-free: 1-888-482-3560 or International Access: +1 647 723-3959, and Access Code: 5228220. The webconference can be accessed at <https://wprfmc.webex.com/join/info.wpouncilnoaa.gov>. FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522-8220. Public comment periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business (see, 80 F.R. 9701, February 24, 2015).

### **Western Pacific Fishery Management Council; Public Meetings**

The Western Pacific Fishery Management Council (Council) will hold meetings of its 118th Scientific and Statistical Committee (SSC), SSC subworking group and its 162nd Council meeting to take actions on fishery management issues in the Western Pacific Region. The Council will also convene meetings of the Pelagic and International Standing Committee and Executive and Budget Standing Committee. DATES: The SSC sub-working group will be held on Monday, March 9, between 1 p.m. and 4 p.m. The SSC meeting will be held between 8:30 a.m. and 5 p.m. on March 10-12, 2015. The Council's Pelagic and International Standing Committee meeting will be held between 1 p.m. and 3 p.m. on March 14, 2015; Executive and Budget Standing Committee meeting will be held between 3 p.m. and 5 p.m. on March 14, 2015; and the 162nd Council meeting will be held between 8:30 a.m. and 5 p.m. on March 16-18, 2015. In addition, the Council will host a Fishers Forum on March 17, 2015, between 6 p.m. and 9 p.m. For specific times and agendas, click on the link in the title of this notice. The SSC Sub-working group on March 9, 2015, 118th SSC on March 10-12, 2015, Pelagic and International Standing Committee and Executive and Budget Standing Committee on March 14, 2015 will be held at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, telephone: (808) 522-8220; The 162nd Council meeting on March 16-18, 2015 will be held at the Laniakea YWCA-Fuller Hall, 1040 Richards Street, Honolulu, HI 96813, telephone: (808) 538-7061; and The Fishers Forum on March 17, 2015 will be held at the Harbor View Center, Pier 38, 1129 North Nimitz Highway, Honolulu, HI 96817, telephone: (808) 983-1200. Background documents will be available from, and written comments should be sent to, Mr. Edwin Ebisui, 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, 80 F.R. 9440, February 23, 2015).

### **90-Day Finding on a Petition To List the Common Thresher Shark as Threatened or Endangered Under the Endangered Species Act**

The National Marine Fisheries Service (NMFS), announced the 90- day finding for a petition to list the common thresher shark (*Alopias vulpinus*) as either endangered or threatened under the U.S. Endangered Species Act (ESA) either worldwide or as one or more distinct population segments (DPSs) identified by the petitioners. The NMFS finds that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the species worldwide. NMFS further finds that the petition fails to present substantial scientific or commercial information to support the identification of DPSs of the common thresher suggested by the petitioners, and, as such, NMFS finds that the petitioned action of listing one or more of these DPSs is not warranted. Accordingly, NMFS will initiate a review of the status of the common thresher shark at this time. To ensure that the status review is comprehensive, NMFS is soliciting scientific and commercial information regarding this species. DATES: Information and comments on the subject action must be received by May 4, 2015. ADDRESSES: You may submit comments, information, or data, identified by "NOAA-NMFS-2015-0025" by either of the following methods: • Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0025](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0025). Click the "Comment Now" icon, complete the required fields, and enter or attach your comments. • Mail or hand-delivery: Office of Protected Resources, NMFS, 1315 EastWest Highway, Silver Spring, MD 20910. Instructions: You must submit comments by one of the above methods to ensure that we receive, document, and consider them. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on <http://www.regulations.gov> without change. All personal identifying information (e.g., name,

address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only. FOR FURTHER INFORMATION CONTACT: Chelsey Young, NMFS, Office of Protected Resources (OPR), (301) 427-8491 or Marta Nammack, NMFS, OPR, (301) 427-8469 (see, 80 F. R. 11379, March 3, 2015).

### **Importation of Tomato Plantlets in Approved Growing Media From Mexico: Animal and Plant Health Inspection Service**

The Animal and Plant Health Inspection Service (APHIS) of the U. S. Department of Agriculture (USDA) proposes rules governing the importation of plants for planting to authorize the importation of tomato plantlets from Mexico in approved growing media, subject to a systems approach. The systems approach would consist of measures currently specified for tomato plants for planting not imported in growing media, as well as measures specific to all plants for planting imported into the United States in approved growing media. Additionally, the plantlets would have to be imported into greenhouses in the continental United States and the importers of the plantlets from Mexico or the owners of the greenhouses in the continental United States would have to enter into compliance agreements regarding the conditions under which the plants from Mexico must enter and be maintained within the greenhouses. This proposed rule would allow for the importation into the continental United States of tomato plantlets from Mexico in approved growing media, while providing protection against the introduction of plant pests. The proposed rule would also allow the imported greenhouse plantlets to produce tomato fruit for commercial sale within the United States. DATES: We will consider all comments that we receive on or before May 4, 2015. ADDRESSES: You may submit comments by either of the following methods: • Federal eRulemaking Portal: Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0099>. • Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS-2014-0099, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0099> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming. FOR FURTHER INFORMATION CONTACT: Ms. Lydia E. Colón, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737-1236; (301) 851-2302 (see, 80 F.R. 11946, March 5, 2015).

## 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 and Anticipated Finding of No Significant Impact (DEA-AFNSI)

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 (FEA-FONSI)

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 (FEA-EISPN)

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 (DEIS)

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 (FEIS)

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 (NEPA)

The National Environmental Policy Act (NEPA) requires federal projects to prepare an EA or EIS. In many ways it is similar to Hawai'i'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. Notices 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).

