



# The Environmental Notice

January 23, 2010

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[Report to the Legislature on Hawaii’s Environmental Review System](#). This report, prepared for the Legislature pursuant to Act 1, Session Laws of Hawaii 2008, examines the changes in Hawaii’s environmental review system since 1991, when the last comprehensive review was conducted by the University of Hawaii. The report includes a proposed “omnibus” bill that suggests comprehensive substantial changes to HRS Chapters 341 and 343.

*The Environmental Notice* informs the public of environmental assessments and other documents that are available for review and comment per HRS §343-3 and is updated on the 8<sup>th</sup> and 23<sup>rd</sup> of each month on the Office of Environmental Quality Control’s website. If you would like to be notified when it is updated, send us your email address and we’ll put you on our mailing list.

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**OAHU (HRS 343)**

**1. Waiau Area Sewer Rehabilitation/Reconstruction (DEA)**

- Island:** Oahu  
**District:** Ewa  
**TMK:** 9-8-05; 06, 08, 20, 21  
**Proposing Agency:** City and County of Honolulu, Dept of Design and Construction, Wastewater Division, 650 South King Street, 11<sup>th</sup> Floor, Honolulu, HI 96813. Jay Hamai, 768-8750
- Approving Agency:** Same  
**Consultant:** AECOM, 841 Bishop Street, Suite 1900, Honolulu, HI 96813. Lambert Yamashita, 529-7248
- Comments:** DEA 30-day comment period starts from the date of this Notice. Address comments to the Proposing Agency and Consultant
- Permits:** City and County of Honolulu - Construction Plans Approval, Public Right-of-Way to Excavate, Grubbing, Grading, and Stockpiling, Discharge of Effluent, Street Usage; State of Hawaii - Community Noise for Construction Activities, Community Noise Variance, NPDES Construction Dewatering, NPDES Hydrotesting, NPDES Construction Stormwater Discharge, Initial Non-covered Source, Construction Plan Approval, Use and Occupancy Agreement to Perform Work Upon a State Highway, Disability and Communication Access Board Conformance with Accessibility Guidelines

The City and County of Honolulu, Department of Design and Construction is proposing to reconstruct/rehabilitate and replace approximately 10,800 linear feet of sewer lines in the Waiau area of the Island of Oahu. Reconstruction and/or rehabilitation work is proposed to be performed with a trenchless technology involving cured-in-place pipe (CIPP) liner, in which work is done through manholes and one or more segments can be completed within three days. Much of CIPP lining work would be conducted at night on weekdays and weekends because installation and curing of the liner must be completed without interruption to ensure proper curing of the liner. Replacement or upsizing of the existing sewer lines will be done by conventional open trenching method. Work takes typically one to three weeks for any one manhole-to-manhole segment, measuring up to 350 feet long. Open trench work will be limited to non-peak vehicle travel hours between 8:30AM and 3:30PM on the weekdays. Under either method, lane closure is likely to result to allow for staging of the associated construction vehicles and adequate construction area.

During the duration of the construction, the project is likely to result in temporary noise, air quality, and traffic impacts. Major sources of noise include sheet pile driving, pavement saw cutting, operating pumps and generators, compaction equipment, and other construction equipment. There would not be significant odors during construction as temporary bypass lines would be provided. Trench work will result in fugitive dust and short-term odors due to manhole venting and the use of resins in the CIPP process. Because most sewer lines are in the public right-of-way, land closures and traffic diversions will result. To mitigate these impacts, traffic controls will be used.

The proposed project would have long-term beneficial impacts on the project area by correcting the existing conditions that have resulted in sewer spills and backups, thereby safeguarding public health and welfare.

## **LANAI (HRS 343)**

### **2. Lanai Affordable Housing (FEA)**

**Island:** Lanai  
**District:** Lanai  
**TMK:** (2) 4-9-02:58  
**Proposing Agency:** Dept of Housing and Human Concerns, County of Maui, One Main Plaza, Suite 546, 2200 Main Street, Wailuku, HI 96793. JoAnn Ridaio, Deputy Director, 270-7805  
**Approving Agency:** Same  
**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI 96793. Colleen Suyama, Project Manager, 244-2015  
**Comments:** FEA accepted by the Approving Agency. There is no comment period  
**Permits:** 201H-38 Affordable Housing Approval, State District Boundary Amendment

The proposed Lanai Affordable Housing Project will be located on 73 acres of a larger 115-acre parcel. The project will consist of approximately 412 residential units. According to the project's conceptual master plan, there will be 239 house lots of approximately 5,000 square feet on 27.5 acres and 173 multi-family units on 14.46 acres with a proposed density of 12 units per acre. The project will also include two (2) park sites consisting of 2.83 acres and 2.08 acres. In addition, a 4.94-acre public/quasi-public site and 4.0-acre detention pond are proposed. Access to the project site will be via an extension of Fifth Street. Additionally, a Ninth Street extension is proposed to facilitate long-term traffic circulation in the vicinity of the project site. The project is expected to provide needed affordable housing for the Lanai Community over the next 15 years.

## **MAUI (HRS 343)**

### **3. Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements (FEA)**

**Island:** Maui  
**District:** Makawao  
**TMK:** (2) 2-1-08:131; 2-1-08:118 (por.) and 134 (por.)  
**Applicant:** Honuaula Partners, LLC, P.O. Box 220, Kihei, HI 96753. Charles Jencks, 879-5205  
**Approving Agency:** County of Maui, Dept of Public Works, 200 South High Street, Wailuku, HI 96793. Milton Arakawa, 270-7845  
**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI 96793  
**Comments:** FEA accepted by the Approving Agency. There is no comment period  
**Permits:** SMA, NPDES, Construction permits

Honuaula Partners, LLC proposes to modify the Wailea Ike Drive and Wailea Alanui Drive intersection by widening the north and south portion of the intersection to accommodate a double right-turn movement from northbound Wailea Alanui Drive onto eastbound Wailea Ike Drive and a double left-turn configuration from Wailea Ike Drive onto Wailea Alanui Drive. Appurtenant improvements include the construction of concrete curb and gutter, sidewalk and curb ramps, installation of asphalt concrete pavement, relocation and/or modification of the traffic signal system, roadway pavement marking and signing, and grassing and/or landscaping.

## **HAWAII (HRS 343)**

### **4. Kamoleao Laulima Community Resource Center, Incubator Kitchen and Assoc Facilities (FEA)**

**Island:** Hawaii  
**District:** South Hilo  
**TMK:** (3<sup>rd</sup>) 2-2-47:75  
**Proposing Agency:** Hawaiian Homes Commission, Dept of Hawaiian Home Lands and UH-Hawaii Community College, Administration of Justice Program, Substance Abuse Counseling Program, 200 West Kawili Street, Hilo, HI 96720-4091. Donnalyn Kalei, 933-0701  
**Approving Agency:** Hawaiian Homes Commission, Dept of Hawaiian Home Lands, P.O. Box 1879, Honolulu HI 96805. Julie Ann Cachola, 620-9483  
**Consultant:** Geometrician Associates, PO Box 396, Hilo, HI 96721. Ron Terry, 969-7090  
**Comments:** FEA accepted by the Approving Agency. There is no comment period  
**Permits:** Hawaii County - Approval and Building, Plan Approval, Grading

The Kamoleao Laulima Community Resource Center Incubator Kitchen is designed to educate, support and nurture the Hawaiian people of Panaewa Hawaiian Home Lands and adjacent Hilo communities. The project consists of a 1,800-square-foot building containing a commercial kitchen and a classroom, a community garden area and associated facilities including a parking lot and an individual wastewater system or sewer line extension. The project would be developed on a 1.5-acre portion of a 12.77-acre Department of Hawaiian Home Lands property located along Ohuohu Street. Surveys and consultation have determined that no significant archaeological, cultural or biological resources are present. Utilities are adequate for the site, and traffic flow will not be significantly affected.

## **HABITAT CONSERVATION PLAN (HRS 195D)**

### **Kaheawa Wind Power II, Wind Generation Facility Habitat Conservation Plan, Ukumehame, Maui**

**Island:** Maui  
**District:** Lahaina  
**TMK:** 4-8-01:01 and 3-6-01:14  
**Applicant:** Kaheawa Wind Power II LLC, c/o First Wind 33 Lono Avenue, Suite 380 Kahului, HI 96732. Dave Cowen, 873-0111, [dcowan@firstwind.com](mailto:dcowan@firstwind.com)  
**Approving Agency:** Dept of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Room 325, Honolulu, HI 96813. Scott Fretz, 587-4187, [scott.fretz@hawaii.gov](mailto:scott.fretz@hawaii.gov)  
**Consultant:** SWCA, Inc., 201 Merchant St, Suite 2310, Honolulu, HI 96813. Ling Ong, 548-7922, [long@swca.com](mailto:long@swca.com)  
**Comments:** HCP 60-day comment period starts from the date of this Notice. Address comments to the Applicant, with copies to the Approving Agency and Consultant  
**Permits:** Incidental Take License

The purpose of this draft Habitat Conservation Plan (HCP) is to mitigate for potential injury and death to endangered 'ua'u (Hawaiian petrel, *Pterodroma sandwichensis*), 'a'o (Newell's shearwater, *Puffinus auricularis newelli*), nēnē (Hawaiian goose, *Branta sandvicensis*), and 'ōpe'ape'a (Hawaiian hoary bat, *Lasiurus cinereus semotus*) caused by construction and operation at the Kaheawa Wind Power II (KWPII) facilities. The draft HCP outlines provisions for net benefit to the covered species and environment, and contributes to the recovery of each of these species. Release for public review of a

previous draft was approved on March 27, 2009 by the Board of Land and Natural Resources. The applicant has since made significant changes to the project description and submitted a new draft HCP, which warrants an additional public review. Significant changes outlined in the project description of the new draft HCP consist of a new turbine layout. KWPII is proposing to develop a 21 megawatt (MW) wind farm on approximately 143 acres of State Conservation District lands, south east of the existing 30 MW Kaheawa Wind Power project (KWPI). In the previous KWPII draft HCP, turbines were proposed to be placed immediately adjacent and to the west of the existing 30 MW KWPI. The turbine layout changes are based upon new meteorological data collected. KWPII does not anticipate higher take levels of covered species as a result of the project changes in the new draft HCP. Release for public review of the new draft was approved on January 8, 2010 by the Board of Land and Natural Resources. A public meeting to receive testimony will be held on Maui, dates and times will be announced. Hard copies of the draft HPC will be available for review at the Wailuku Library and Main State Library, and the electronic copies will be available for review at <http://hawaii.gov/dlnr/dofaw/announcements/>.

## **COASTAL ZONE NOTICES**

### **Federal Consistency Reviews**

The Hawaii Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies (HRS 205A). 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 at 587-2878 or the CZM staff person listed below. For neighbor islands call toll-free: Kauai: 274-3141 x72878, Lanai & Molokai: 468-4644 x72878, Maui: 984-2400 x72878, or Hawaii: 974-4000 x72878. Federally mandated deadlines require that comments be received by the date specified below. Send comments to: Office of Planning, Department of Business, Economic Development and Tourism, P.O. Box 2359, Honolulu, HI 96804. Email: [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov) or Fax: (808) 587-2899.

#### **1. Makawao Avenue and Makani Road Improvements, Makawao, Maui**

Applicant: County of Maui, Dept of Public Works  
Contact: Mr. Chester Koga, R.M. Towill Corp., 842-1133  
Federal Action: Federal Funds  
Federal Agency: Federal Highway Administration  
Location: Eddie Tam Gym to Kalama Intermediate School, Makawao, Maui  
CZM Contact: John Nakagawa, 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)  
Proposed Action: Receive and use federal funds from the Federal Highway Administration to improve Makawao Avenue and Makani Road, between Eddie Tam Memorial Center and the Samuel Enoka Kalama Intermediate School in Makawao. The project proposal involves widening the existing roadways to meet current and projected traffic demands and improve pedestrian safety, and will require acquisition of portions of several adjacent private properties along the project corridor. Also included in the proposal are the installation of curbs, gutters and sidewalks on both sides of the roadway, installation of street lights, relocation of utilities, and drainage improvements.

Comments Due: February 8, 2010

#### **2. Statewide Day-Use Mooring Buoys**

Applicant: Dept of Land and Natural Resources, Division of Boating and Ocean Recreation  
Contact: Ms. Emma Anders, 721-6496  
Federal Action: Federal Permit  
Federal Agency: U.S. Army Corps of Engineers  
Location: Offshore locations on Kauai, Oahu, Maui, Hawaii

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

Proposed Action: Install 54 day-use mooring buoys in coastal waters of Kauai (11), Oahu(18), Maui (17) and Hawaii (8). The purpose of the mooring buoys is to provide a safe means of securing vessels while protecting coral and other marine organisms from damage caused by dropping of anchors. The mooring buoys would be secured to the ocean bottom by one of two methods. For hard substrates, one-point or two-point anchors would be created by cementing stainless steel eyebolts into pre-drilled holes in the sea floor. For sand substrate, a Manta-Ray anchor system would be used.

Comments Due: February 8, 2010

### Special Management Area (SMA) Minor Permits

The following is a list of SMA Minor permits that have been approved or are pending by the respective county/state agency (HRS §205A-30). For more information, please contact the appropriate county/state Planning Department. Honolulu (523-4131); Hawaii (961-8288); Kauai (241-6677); Maui (270-7735); Kakaako (Honolulu) or Kalaeloa Community Development District (587-2840).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawaii: North Kona (7-5-05:63)	Construction of a New Rock/Masonry Utility Building (SMM 09-135)	Roger Harris, Keauhou Kona Construction Corp.
Hawaii: South Hilo (2-2-32:10)	"As-Built" Deck Additions and Americans with Disabilities Act (ADA) Ramp (SMM 10-136)	Mary Adkins
Hawaii: Puna (1-4-02:08)	Placement of Lifeguard Tower (SMM 10-137)	Hawaii Fire Department
Maui: (4-6-06:41)	Pool & SPA (SM2 20100001)	Dolan, Phyllis Lorena Rev. Lvg Trust

### Shoreline Notices - Certification Applications

The following shoreline certification applications (HRS §205A-42 and HAR §13-222-12) are available for inspection at the DLNR District Land Offices on Kauai, Hawaii and Maui and in Honolulu, 1151 Punchbowl Street, Room 220, (ph. 587-0414). 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. If there are any questions, please call Ian Hirokawa at 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1344	1/5/10	Lots 3 and 3-A "Kahala Subdivision" situate at Kahala, Honolulu, Oahu Address: 4615 Kahala Avenue Purpose: Slope stabilization	Gil P. Bumanglag/ 4615 Kahala Avenue Corporation	3-5-05:15
OA-1345	1/7/10	Lot 759 (Map 39) Land Court Application 242 situate at Puuloa, Ewa, Oahu Address: 91-067 Parish Drive Purpose: Shoreline verification	Annabelle Kenessey/ Kenessey Trust	9-1-07:11

MA-446	12/29/09	Lots 56 and 57 Harbor View Tract (File Plan 300) being portions of Grant 3343 to Claus Speckles and Deed of Kamehameha IV to Kalawainui situate at Ahuakokole, Wailuku, Maui Address: 530 Kailana Street Purpose: Consolidation, resubdivision, building permit	Craig H. Halley/ Craig H. Halley	3-4-28:45
MA-447	1/4/10	Lot 6-A, Mahinahina-Kai Subdivision being a portion of R.P. Grant 1166 to D. Baldwin, J.F. Pogue and S.E. Bishop situate at Mahinahina 1, 2 & 3, Lahaina, Maui Address: 4025 Lower Honoapiilani Road Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ Robert Shishido	4-3-09:07
MO-147	1/4/10	Parcels 24 and 34 portion of L.P. 8163, L.C. Aw. 2715, Ap. 1 and 2 to Hinau and portion of Grant 831 to O.H. Gulick situate at Keawanui and Kaamoloa, Kona, Molokai Address: N/A Purpose: SMA permit	Patrick M. Cummins/ B.P. Bishop Trust Estate	5-6-06:24 & 34
HA-416	12/21/09	L.C. Award 4700 situate at Alae, South Hilo, Island of Hawaii Address: Kahoa Street Purpose: Setback determination	Donald C. McIntosh/ Edmund C. Olson Trust II	2-6-25:01

**Shoreline Notices - Certifications and Rejections**

The following shorelines have been proposed for certification or rejection by DLNR (HRS §205A-42 and HAR §13-222-26). Any person or agency wishing to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of the public notice. The notice of appeal shall be sent to the Board of Land and Natural Resource, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
HA-413	Proposed Shoreline Certification	Lot 44, Waawaa Subdivision, a portion of the consolidation of Grant 3687 to R.A. Lyman, Grant 1363 to Pakaka, Grant 997:1 to Haole and Grant 997:2 to Haole situate at Waawaa, Puna, Island of Hawaii Address: 14-3533 Government Beach Road Purpose: Build single family home	Maria Shon Magsalin/ Maria Shon Magsalin	1-4-28:07
KA-330	Proposed Shoreline Certification	Lydgate Park, Parts E & F situate at Wailua, Kauai Address: N/A Purpose: Reconstruction	Esaki Surveying and Mapping, Inc./ County of Kauai	3-9-06:01

**POLLUTION CONTROL PERMITS**

The following is a list of some pollution control permits currently before the State Department of Health (HRS 342B and HAR §11-60.1). For more information, please contact the number below.

<b>Branch Permit Type</b>	<b>Applicant and Permit Number</b>	<b>Project Location</b>	<b>Date</b>	<b>Proposed Use</b>
Clean Air Branch, 586-4200, NonCovered Source Permit	Monsanto Company NSP No. 0717-01-N Initial Application No. 0717-01	Located at: 3555 Mokulele Highway, Kihei, Maui	Issued: 1/5/10	Seed Processing Facility
Clean Air Branch, 586-4200, - NonCovered Source Permit	Kiyosaki Tractor Works NSP No. 0400-02-NT Modification Renewal Application No. 0400-04	Located at: Various Temporary Sites, State of Hawaii	Issued: 12/30/09	640 tph Portable Stone Quarrying and Processing Plant with a 565 kW and 400 kW Diesel Engine Generators

**FEDERAL NOTICES**

**Environmental Assessment Addressing Construction of a New Civil Engineering Workshop at Bellows Air Force Station, Oahu**

**Island:** Oahu  
**District:** Koolaupoko  
**TMK:** (1) 4-1-01:15  
**Proposing Agency:** Bellows Air Force Station, Det 2, 18th FSS/CEE, 515 Tinker Road, Waimanalo, HI 96795-1903. Craig Gorsuch, 259-4227  
**Approving Agency:** 718 CES/CEAN, Unit 5261, Building 3621, Kadena Air Base, Japan APO AP 96368-5261. George Komine/011-81-611-734-2132 (international)  
**Comments:** The EA comment period ends Feb. 6, 2010. Address comments to the Proposing Agency  
**Permits:** None

The purpose of the Proposed Action is to construct a Civil Engineering (CE) workshop to support CE functions and mission requirements, improve working conditions for CE personnel, provide adequate working space for staff members, and bring CE facilities and programs into compliance with Air Force regulations. The public and regulatory agency scoping process focused the analyses on the following environmental resources: cultural resources, geological resources, biological resources, water resources, air quality, safety, infrastructure and transportation, and hazardous materials and wastes. Based on the description of the Proposed Action as set forth in the EA, all activities were found to comply with applicable standards of environmental quality and appropriate subject matter has been coordinated with Federal, state, and local agencies. Based on the information and analysis presented in the EA conducted in accordance with the requirements of the National Environmental Policy Act; the Council on Environmental Quality Regulations; implementing USAF regulations set forth in 32 CFR 989 (*Environmental Impact Analysis Process*), as amended; and a review of the public and agency comments, implementation of the Proposed Action would not result in significant impacts to the quality of the human or natural environment.

## 2. Environmental Assessment for Construction of Four Projects to Support the Army Growth Stationing Action at Schofield Barracks, Oahu

- Island:** Oahu  
**District:** Wahiawa  
**TMK:** (TMK 9-2-05) and adjacent areas (TMKs 94012008, 77001001, 94012009, 94012003, 94012001, 92005004, 94005002, 94012011)
- Proposing Agency:** United States Army Garrison, Hawaii, Directorate of Public Works, Environmental Division (IMPC-HI-PWE), 947 Wright Avenue, Wheeler Army Airfield, Schofield Barracks, Hawaii 96857-5013. [Dale Kanehisa](#), 656-5670 or [William Rogers](#), 656-3075
- Approving Agency:** Same  
**Comments:** The EA comment period ends Feb. 22, 2010. Address comments to the Proposing Agency  
**Permits:** NPDES, probably CWA 404 and RHA Section 10, Use and Occupancy Permit for sewer crossing of Kunia Road, probably a Stream Channel Alteration Permit, and GTA access road connection to Kunia Rd: DOT 4-222 and State of HI DOT BMP

In accordance with National Environmental Policy Act (NEPA) and the Army NEPA regulation (32 CFR Part 651), the US Army prepared an environmental assessment (EA) of the potential environmental and socioeconomic effects associated with constructing three unit facilities and related infrastructure at Schofield Barracks Military Reservation (SBMR), Hawaii. This EA considers two action alternatives. Under Alternative 1, the proposed project site would be located at the South Range area of SBMR. Alternative 2 considers a project site located near the intersection of Lyman and Trimble Roads at SBMR.

The proposed action is needed to facilitate the Army's increased operational requirements in Hawaii as a result of Army Growth. Specifically, the proposed construction projects would support the increase in personnel in the engineer, explosive ordnance disposal, and military police units, and provide the utilities infrastructure necessary to support the additional unit facilities. The main components of the unit facilities include brigade and battalion headquarters, company operating facilities, tactical equipment maintenance facilities, administrative buildings, organization unit storage, refrigeration /air conditioning plants, petroleum, oils and lubricants storage, hazardous materials storage, and parking.

Based on the analysis in the referenced EA, no significant direct, indirect, or cumulative effects on the quality of the natural or human environment would occur by implementing the proposed action. Accordingly, the Army is preparing a draft finding of no significant impact (FNSI). An environmental impact statement is not required.

Copies of the EA and draft FNSI are available for review at the following libraries: Hawaii State Library, Mililani Public Library, Waianae Public Library, Waialua Public Library, Waipahu Public Library, Kapolei Public Library, and Wahiawa Public Library. Copies can also be obtained by contacting Dale Kanehisa, at 808-656-5670 or [dale.kanehisa@us.army.mil](mailto:dale.kanehisa@us.army.mil), or William Rogers at 808-656-3075 or [william.rogers5@us.army.mil](mailto:william.rogers5@us.army.mil). Written comments on the EA and the draft FNSI can be submitted to the Directorate of Public Works at the email address above or mailed to the US Army Garrison. Comments will be considered, addressed, and incorporated where applicable into the EA and/or FNSI.

## 3. Interstate Movement of Garbage from Hawaii; Availability of an Environmental Assessment

The Animal and Plant Health Inspection Service (APHIS) has prepared an environmental assessment relative to a request to allow the interstate movement of garbage from Hawaii to a landfill in the State of Washington. The environmental assessment documents the review and analysis of the environmental impacts associated with, and alternatives to, the movement of palletized or containerized baled municipal

solid waste to three existing ports on the Columbia River via barge and the transfer and transportation of the waste via truck or rail to the landfill. Comments must be received on or before February 18, 2010.

You may submit comments by either of the following methods: Federal eRulemaking Portal: Go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0172> to submit or view comments and to view supporting and related materials available electronically. Postal Mail/Commercial Delivery: Please send two copies of your comment to Docket No. APHIS-2006-0172, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2006-0172. Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room 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) 690-2817 before coming.

The importation and interstate movement of garbage is regulated by the Animal and Plant Health Inspection Service (APHIS) under 7 CFR 330.400 and 9 CFR 94.5 (referred to below as the regulations) in order to protect against the introduction into and dissemination within the United States of plant and animal pests and diseases. In November 2009, APHIS received a revised petition from Hawaiian Waste Systems, LLC, to transport 150,000 tons of municipal solid waste (MSW) annually in plastic airtight bales that are either palletized or containerized in 20- and 40-foot shipping containers from the Hawaii to Roosevelt Regional Landfill in Washington State by any of three methods: Barge to Teevin Brother Terminal in Rainier, WA, followed by truck or rail transportation; Barge to the Port of Longview, WA, followed by truck or rail transportation; or Barge to the Port of Portland, OR, followed by truck or rail transportation.

APHIS had previously prepared a regional programmatic environmental assessment (REA) titled "Regional Movement of Plastic-baled Municipal Solid Waste from Hawaii to Washington, Oregon, and Idaho: Environmental Assessment" (February 2008). The REA evaluated the environmental effects of transporting baled MSW by tug boat and barge across the Pacific Ocean and up the Columbia River. The REA included a general analysis of landfills that could accept MSW in the various States as well as an analysis of environmental effects of transportation via rail or truck from a port on the Columbia River to a MSW landfill. A finding of no significant impact for the February 2008 REA was issued by APHIS in June 2008 <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0070>.

The environmental assessment through this notice, titled "Site Specific Environmental Assessment for Hawaiian Waste Management Systems, LLC to Transport Municipal Solid Waste from Hawaii to Roosevelt Regional Landfill" (December 2009), is tiered to the REA and analyzes the site-specific environmental effects of Hawaiian Waste Systems' revised petition. The environmental assessment available to the public for review and comment. For further information contact: Ms. Shannon Hamm, Associate Deputy Administrator, Policy and Program Development, APHIS, 4700 River Road Unit 20, Riverdale, MD 20737-1231; (301) 734-4957.

## **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 environmental assessments for which a Finding of No Significant Impact is anticipated, 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 per (HRS §343-3), also known as The Environmental Notice.

### **Final Environmental Assessment and Finding of No Significant Impact**

The Agency shall respond in writing to comments 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). After the notice of the 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.

### **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. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority. 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, the Approving Agency must make a determination on acceptance within 30 days of receipt of the FEIS or the FEIS is deemed accepted. For Applicant actions, the law provides for an administrative appeal of a non-acceptance to the Environmental Council.

### **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 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).