



The Environmental Notice

May 8, 2010

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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 8th and 23rd 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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KAUAI (HRS 343)

1. Diesel Generator Installation (FEA)

Island: Kauai
District: Waimea
TMK: 4-1-2-02:01
Proposing Agency: Agribusiness Development Corporation, 235 South Beretania Street, Room 205, Honolulu, HI 96813. Matthew Rose, 586-0181
Approving Agency: Same
Consultant: TEC Inc., 1003 Bishop Street Suite 1550, Honolulu, HI 96813. Rachel Ross, 528-1445
Permits: NHPA, Section 106 consultation, NPDES, Building, Chapter 343, HRS Environmental Review and Determination
Comments: FEA accepted by the Approving Agency. There is no comment period

ADC proposes to install three containerized diesel-powered generator units to provide back-up power to operate the existing drainage and irrigation system of the Kekaha Agricultural Lands. Current power needs are met by existing hydropower generation at Waiawa and Mauka Waimea. Additional power from portable power generation units is needed due to the potential downtime of the hydropower generators from mechanical failure and intake debris blockage, in addition to the threat of heavy rain storms and hurricanes. Greater than five inches of rain in the span of a day can cause flooding in Kekaha and currently pumps at Nohili and Kawaele Pumping Stations are run 24 hours a day to keep the ground water table down. Loss of power to the drainage system would result in damage to both agricultural and residential property in Kekaha. The generators would be connected to the existing power grid and would remain containerized and situated on concrete pads with a roof structure. The generators would be connected together by a skid-mounted transformer. A fuse box would also be installed. The pad for the generators would measure 58 by 44 feet (ft), 2,552 ft² (237 m²). The generators are intended to be standby units, operated only in the event that the existing hydropower units fail or are otherwise temporarily unavailable. The generators would not operate more than 500 hours in any 12-month period.

2. Pono Kai Shore Protection (FEA)

Island: Kauai
District: Kawaihau
TMK: 4-5-07:01, 09
Proposing Agency: County of Kauai, Dept of Public Works, Moikeha Building, Suite 275, 4444 Rice Street, Lihue, HI 96766
Approving Agency: Same
Consultant: Oceanit, Suite 600, 828 Fort Street Mall, Honolulu, HI 96813
Permits: SMA, SSV
Comments: FEA accepted by the Approving Agency. There is no comment period

A rock seawall fronting the time-share resort of Pono Kai Resort was reconstructed in 1993 after Hurricane Iniki caused significant shoreline damage. The seawall is damaged and collapsing. Sand is washing through the seawall threatening its stability and causing sink holes that are a safety hazard for bike path users. A new shore protection system is proposed to replace the damaged wall. The land

mauka from the wall is owned by the County of Kauai and construction will be on County land. The existing seawall will be demolished, and a new sheet pile wall will be built inside the certified shoreline. Excavated sand and sand that was dredged from Waikaea Canal will be used for beach nourishment fronting the wall.

OAHU (HRS 343)

3. Department of Hawaiian Home Lands Residential Community and Kamehameha Schools Learning Community on the Stone Family Lands (DEA)

- Island:** Oahu
District: Waianae
TMK: 1-8-4-02:05, 07, 14 (por), 56, 57, 61 (por), 70, 76, 1-8-4-23:14, 15, 1-8-4-24:01
Proposing Agency: Agency - Dept of Hawaiian Home Lands, P.O. Box 1879, Honolulu, HI 96805. Kamuela Cobb-Adams, LDD Administrator, 620-9273. Applicant - Kamehameha Schools, 567 South King Street, Suite 617, Honolulu, HI 96813. Walter Thoemmes, Facilities Development and Support Division, Director, 534-3979
- Approving Agency:** Dept of Hawaiian Home Lands, P.O. Box 1879, Honolulu, HI 96805. Kaulana H.R. Park, Chairman, 620-9500
Consultant: PBR HAWAII, 1001 Bishop Street, Suite 650, Honolulu, HI 96813. Grant Murakami, Principal, 521-5631
Permits: Building, grading, dewatering, excavate in public ROW, CUP-minor, construction in flood hazard district, industrial wastewater discharge, trench site development, subdivision, drainage connection; DES construction noise; street usage; NPDES, Section 401 Water Quality Certification (potential) IWS (potential); stream alteration; work in State ROW; Dept of Army Permits (potential)
Comments: DEA 30-day comment period starts from the date of this Notice. Address comments to the Proposing Agency and Consultant

The proposed project involves the development of an innovative KS educational and cultural facility on vacant land zoned for residential use, and a new DHHL residential community of up to 600 units on lands currently occupied by a golf course and vacant land. The DHHL portion of the project is planned to include community and commercial uses.

Infrastructure improvements may include improving approximately 4,800 linear-feet of the municipal sewer transmission in Waianae. The project may include the installation of a new reservoir in Makaha Valley, adjacent to an existing reservoir. To improve access to the project and vehicle circulation within the Valley, the project may include the realignment of approximately 1,900 linear-feet of Makaha Valley Road. During construction, possible impacts include increased construction-related employment, traffic, noise and air emissions. Once completed, long-term impacts may include up to 300 new jobs in an area where trends indicate a steady decline in employment opportunities and the development of up to 600 affordable homes. A traffic impact study was conducted. The project is expected to have a minor impact to roads and intersections near the project. The project is expected to increase educational, cultural and recreational opportunities in the long-term.

MOLOKAI (HRS 343)

4. Ala Palaau (FEA)

Island: Molokai
District: Molokai
TMK: 5-2-13-06
Proposing Agency: Dept of Land and Natural Resources, Division of State Parks, 1151 Punchbowl Street, Honolulu, HI 96813. 587-0289
Approving Agency: Same
Consultant: Stephanie Dunbar-Co, Ala Palaau Project Coordinator, HC01 Box 740, Kaunakakai, HI 96748. 330-6514
Permits: None
Comments: FEA accepted by the Approving Agency. There is no comment period

Ala Palaau is a place-based educational project focusing on cultural and natural resources in Palaau State Park, Molokai. The project will provide a hands-on learning experience that encourages pride in Palaau State Park's resources and highlights the importance of restoring Molokai's and Hawaii's native species and ecosystems while teaching about the role they play in Hawaiian culture. A trail approximately 0.5 miles long will provide access to native plant restoration sites and interpretive material. The major positive impacts of the project are increased access for combating wildland fires, the replacement of non-native species with natives and the subsequent management of the new planted species, the creation of additional recreational opportunities for both residents and visitors to Molokai and enhanced viewing opportunities of the Kalaupapa peninsula, and the overall increased interpretation of these resources along with the development of community stewardship and public awareness of resource management. The project's potential negative impacts include the potential for increased soil erosion from trail and planting sites if the new feature is not maintained in a sustainable manner, a potential new obligation of state funds, and increased State regulatory issues associated with potentially unacceptable and evolving types of public recreational and commercial use.

HAWAII (HRS 343)

5. Maier Swimming Pool in the Shoreline Setback Area (FEA)

Island: Hawaii
District: North Kona
TMK: 7-5-05:92
Applicant: Kim and Carol Maier, P.O. Box 621, Kailua-Kona, HI 96745. Greg Mooers, 880-1455
Approving Agency: Hawaii County Planning Dept, 101 Aupuni Street, Suite 3, Hilo, HI 96720. Bethany Morrison, 961-8138
Consultant: Geometrician Associates, PO Box 396, Hilo, HI 96721. Ron Terry, 969-7090
Permits: Shoreline Setback Variance, Plan Approval
Comments: FEA accepted by the Approving Agency. There is no comment period

The property owners propose to build a 10-foot by 40-foot saltwater swimming pool between their home and a wall that forms the makai boundary of their Kona Bay Estates property. The site is the only location where a swimming pool can be built on the 7,052-square-foot lot. The makai edge of the wall was certified as the shoreline in 2003, and the area 20 feet mauka of the wall is within the Shoreline

Setback Area, requiring a variance for the project. The swimming pool would use a cartridge filter system that does not require any back-washing. The pool would require draining only very infrequently. The pool water will be drained into a lava sump that will be specified on the engineered plans for the building permit for the pool, in conformance with all laws and regulations. No water will be discharged into the ocean or into the groundwater. The improvements also include a concrete pool deck and a 4-foot high pool security fence.

Many neighboring lots have utilized the area behind the wall for structures, including swimming pools, without any known adverse impact to environmental resources or access. No sensitive biological, hydrological, archaeological, cultural or other important resources are present, and no adverse long-term impacts are expected. There is currently lateral shoreline access for hikers and fishermen via a designated trail on top of the seawall that runs through the subdivision, which will remain unchanged. The subdivision also has two mauka-makai public access trails south of the property. Construction activities would produce short-term impacts to noise, air quality, access and scenery. Best Management Practices and archaeological monitoring during excavation are proposed to ensure that construction-related damage is avoided or minimized.

6. Thirty Meter Telescope Observatory (FEIS)

Island: Hawaii
District: Hamakua and South Hilo
TMK: Hamakua: 4-4-15:9 (por), 15 (por), and 1 (por); South Hilo: 2-3-1:7 (por) or 2-4-1:41 (por)
Proposing Agency: University of Hawaii at Hilo, Office of the Chancellor, 200 W. Kawili Street, Hilo, HI 96720-4091. 974-7311
Accepting Authority: Governor, (808) 586-0034
Consultant: Parsons Brinckerhoff, 1001 Bishop Street, Suite 2400, Honolulu, HI 96813. James Hayes, 531-7094
Permits: CDUP, NPDES, Community Noise and Noise Variance, Oversize and Overweight Vehicle, building and grading
Comments: FEIS accepted by the Accepting Authority. There is no comment period

The action involves the construction and operation of an optical/infrared observatory and ancillary facilities. The Project includes the following proposed components: an observatory in the upper elevations of Maunakea; a short Access Way to the observatory; potential improvements to Hale Pohaku; electrical system upgrades between Hale Pohaku and the summit region; and a Headquarters on the UH Hilo campus. The proposed TMT Observatory will house a 30-meter diameter primary mirror making it the most capable ground-based telescope in the world. The roughly five acre TMT Observatory site is presently undeveloped land within the Mauna Kea Science Reserve approximately half a mile northwest and 500 feet below the existing optical/infrared observatories near the summit of Maunakea. The land is part of the Conservation District, resource subzone.

The project is expected to result in substantial benefits to the local and State economies. Potential less than significant adverse impacts will also occur. The Final EIS outlines committed to mitigation measures that go beyond compliance with applicable rules, regulations, and requirements. The mitigation measures have been developed to avoid, minimize, rectify, or reduce the Project's potential adverse environmental impacts. Mitigation measures have been considered throughout the Project planning process and incorporated into the Project design and construction plans. See also [Volume 2](#) and [Volume 3](#).

COASTAL ZONE NOTICES

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
Oahu: Kakaako (2-1-15:52; 2-1-58:01 & 06; 2-1-60:06)	Geotechnical Exploratory Borings (SMA/10-3)	Dept of Environmental Services, City and County of Honolulu / R.M. Towill Corporation
Oahu: Kewalo Basin Harbor (2-1-58:01 & 95)	Geotechnical Exploratory Borings (SMA/10-4)	Hawaii Community Development Authority / Helber Hastert & Fee
Kauai: Kilauea (5-12-10:30)	Pave Gravel Driveway (SMA(M)- 2010-9)	Brian Hennessy
Maui: (3-8-13: 13)	Construct Office for Resident Manager (SM2 200100026)	Kihei Sands AOA
Maui: (3-8-05:33)	No Fill Native Planting Area (SM2 20100027)	Maui Canoe Club
Maui: (2-1-08:109)	The Pretend Wife Productions, Inc. (SM2 20100028)	The Pretend Wife Productions, Inc.

Shoreline Notices - Certification Applications

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

File No.	Date	Location	Applicant/Owner	TMK
OA-1365	3/1/10	Lot 225 of Alii Shores Subdivision Land Court Application 1100 situate at Kaneohe, Koolaupoko, Oahu Address: 46-161 Nahiku Place Purpose: Repair permit	Technical Field Data Service, Inc./ Emmet D. & Claire Cheeley	4-6-22:01
OA-1366	4/13/10	Lot 11, Section B of Kaluanui Beach Lots situate at Kaluanui, Koolauloa, Oahu Address: 53-723 Kamehameha Highway Purpose: Replacement of structure	Sam O. Hirota, Inc./ Ute Dagmar Uebel	5-3-09:37
MA-452	4/22/10	Portion of Grant 3343 to Claus Spreckels situate at Spreckelsville, Wailuku, Maui Address: 455 Laulea Place Purpose: N/A	Akamai Land Surveying, Inc./ Cirrus LLC	3-8-02:72

MO-149	4/15/10	Lot 22 of Land Court Application 1714, as shown on Map 3 being a portion of Grant 2544 to Maunaloa situate at Makakupaianui and Kamiloloa 2, Molokai Address: Kamehameha V Highway Purpose: SMA and building permit	Newcomer-Lee Land Surveyors, Inc./ Nancy L. Williams	5-4-06:32
MO-150	4/15/10	Lot 337 of Land Court Application 1683 as shown on Map 19 being a portion of Grant 3146 to Charles R. Bishop situate at Kaluakoi, Molokai Address: 4300 Pohakuloa Road Purpose: SMA and building permit	Newcomer-Lee Land Surveyors, Inc./ Pierluigi Zappacosta	5-1-08:49

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 who wants 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 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
MA-447	Proposed Shoreline Certification	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 Rd Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ Robert Shishido	4-3-09:07
OA-1311	Rejection	Portions of Grant 1309 to Haaula Church and Grant 1310, Apana 1 to Kaailaau situate at Haleaha, Koolauloa, Oahu Address: 53-507 Kamehameha Hwy Purpose: Permitting	R.M. Towill Corporation/ Queen Liliuokalani Children's Center	5-3-06:36 & 45

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.

Branch Permit Type	Applicant and Permit Number	Project Location	Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	Jas. W. Glover, Ltd. Initial Application No. 0727-01 CSP No. 0727-01-CT	Located at: Kona Quarry (Honokohau), Kailua-Kona, Hawaii	Comments Due: 5/16/10	300 TPH Portable Drum Mix Asphalt Plant

Clean Air Branch, 586-4200, Non Covered Source Permit	Euram, Inc., dba Hawaiian Paradise Coffee Initial Application No. 0729-01-N NSP No. 0729-01-N	Located at: 2176 Lauwiliwili Street, Kapolei, Oahu	Issued: 4/16/10	2,000 lb/hr Batch Coffee Roaster
Clean Air Branch, 586-4200, Covered Source Permit	G. Ibarra Heavy Equipment Rentals Renewal Application No. 0535-02 CSP No. 0535-01-CT	Located at: Various Temporary Sites, State of Hawaii	Issued: 4/19/10	323 Ton per Hour Jaw Crushing Plant
Clean Air Branch, 586-4200, Non Covered Source Permit	Kiewit Pacific Company Application for Modification No. 0675-02 NSP No. 0675-01-NT	Located at: Various Temporary Sites, State of Hawaii	Issued: 4/16/10	300 CY/hr Portable Concrete Batch Plant with One (1) 237 hp Diesel Engine Generator
Clean Air Branch, 586-4200, Covered Source Permit	Chevron Products Co. Application for Renewal No. 0080-07 CSP No. 0080-01-C	Located at: 260 Akaula Road (Road A & B Road) Eleele, Kauai	Comments Due: 5/26/10	Port Allen Marketing Terminal

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).