



# The Environmental Notice

October 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 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. East Kapolei Fire Station (DEA)**

**Island:** Oahu  
**District:** Ewa  
**TMK:** 9-1-151:03  
**Permits:** Waiver (Height); Grubbing, Grading, and Stockpiling; Building; Sewer Connection; Water and Water System Requirements; Variance from Pollution Controls; NPDES General Permit; Approval to Construct/Operate Water Reuse Project

#### **Proposing**

**Agency:** Dept of Design and Construction, City and County of Honolulu, 650 S. King Street, Honolulu, HI 96813. Gregory Hee, 768-8434

#### **Approving**

**Agency:** Same

**Consultant:** Gerald Park Urban Planner, 95-595 Kanamee Street #324, Mililani, HI 96789. 625-9626

**Comments:** DEA 30-day comment period starts from the date of this Notice. Address comments to the Proposing Agency and Consultant

Short term impacts include fugitive dust, construction noise, and construction vehicle traffic. The site was previously cleared and graded thus impacts on flora, archaeological features, and soils are not anticipated. Water and sewer service is available to accommodate the proposed use. Utility installation will temporarily affect traffic movement on Kapolei Parkway.

In the long-term, the station will provide fire protection for residential and commercial developments proposed in East Kapolei and areas on the Ewa plain. The project is part of a long-range City program to construct new and upgrade existing fire stations in the City and County of Honolulu. Joint training exercises involving several fire companies will introduce an ancillary fire department activity to the area. Tactical fire training is beneficial for all fire fighters and for coordinating fire suppression activities between fire companies. Residents living nearby will be apprised of training activities and off-duty police officers may be hired for traffic and pedestrian control during training activities.

The incorporation of Leadership in Energy and Environmental Design silver certification standards should result in a net reduction in operating costs due to the inclusion of energy savings design features.

### **2. Kalaeloa Life Safety Improvements (DEA)**

**Island:** Oahu  
**District:** Ewa  
**TMK:** N/A (roadways); adjacent to various parcels within Plat (1) 9-1-13  
**Permits:** U.S. Navy – Permission for 580-square foot encroachment onto Eisenhower Road; Noise; Special Management Area Permit (minor); DOT Plan review; Grading

#### **Proposing**

**Agency:** Hawaii Community Development Authority, 461 Cooke Street, Honolulu, HI 96813. Stephen Miyamoto, 594-0318

#### **Approving**

**Agency:** Governor, State of Hawaii, c/o Hawaii Community Development Authority, 461 Cooke Street, Honolulu, HI 96813. Anthony J.H. Ching, Executive Director, 594-0300

**Consultant:** R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, HI 96819. Chester Koga, 842-1133. Email: chesterk@rmtowill.com

**Comments:** DEA 30-day comment period starts from the date of this Notice. Address comments to the Proposing Agency and Consultant

The State Hawaii Community Development Authority (HCDA) proposes to construct roadway improvements to reduce hazards and improve safety conditions within the Kalaeloa Community Development District (KCDD) along Roosevelt Avenue and Coral Sea Road. HCDA, in its role as overseer and facilitator of improvements within the KCDD, is serving as project proponent and funding source on behalf of the owners of the roadways (State and City and County of Honolulu). Work will involve roadway repair work at five (5) intersections and permanent widening of a portion of Coral Sea Road. Improvements include modifying safety-oriented signage and striping, repair of eroded pavement, and intersection realignments. All widening work along Coral Sea Road will occur within existing shoulder areas owned by the State except for one proposed 580-square foot encroachment within a U.S. Navy-owned unpaved road. This environmental assessment (EA) is required by the use of State lands and funds. The proposed project has the potential for beneficial and/or adverse environmental impacts. The EA describes existing conditions creating the need for the project, addresses the potential for environmental effects associated with the proposed project, and proposes appropriate mitigation measures.

### 3. [Waikiki Landing \(FEA\)](#)

**Island:** Oahu  
**District:** Honolulu  
**TMK:** (1) 2-6-10:5, 16, 3; 2-3-37:20  
**Permits:**  
**Applicant:** Honey Bee USA, Inc., 1001 Bishop Street, ASB Tower, Suite 1090, Honolulu, HI 96813.  
Keith M. Kiuchi, 521-7466  
**Approving Agency:** Dept of Transportation, Highways Division, AliiAIMoku Building, 869 Punchbowl St., Room 513, Honolulu, HI 96813. Tel.: 587-2220  
**Consultant:** Keith M. Kiuchi – Kiuchi, Nakamoto & Tanaka, 1001 Bishop Street, ASB Tower, Suite 1090, Honolulu, HI 96813. Keith M. Kiuchi, 521-7466  
**Comments:** FEA accepted by the Approving Agency. There is no comment period

This project is a redevelopment of two non-contiguous parcels of fast lands in the Ala Wai Boat Harbor pursuant to an Request for Proposal (“RFP”) issued by the Dept. of Boating and Ocean Recreation of the Dept. of Land and Natural Resources, State of Hawaii (“DOBOR”). These sites are the Boatyard Repair Site TMK: (1) 2-6-10:5 and 16 and a portion of (1) 2-6-10:3, which is located on Ala Moana Blvd. and is the former site of the Ala Wai Marine boat repair facility, and the Fuel Dock Site (TMK: (1) 2-3-37:20), which is located on Mole “B” of the Ala Wai Boat Harbor and is presently the site of a convenience store and fueling station. Honey Bee’s project redevelops these fast lands, which had been the site of commercial activity since 1947 and 1962 respectively, into an attractive maritime commercial development. The project will not have any significant impact on the environment because both properties were already developed and this project proposes buildings to replace existing buildings. The development will include features, such as a state-of-the art pollution filtration system and solar panels, that will be environmentally friendly. This project will have a positive economic impact in the area at a time when it is sorely needed, both in the revenue received by the state and in the form of producing construction jobs and retail jobs. See also the [Supplement to the Final Environmental Assessment](#).

## **MAUI (HRS 343)**

### **4. Waiale (EISPN)**

**Island:** Maui  
**District:** Wailuku  
**TMK:** (2) 3-8-05:23 (por.) and 37, and (2) 3-8-07:71, 101 (por.), and 104  
**Permits:** Chapter 343, HRS Compliance; State Land Use District Boundary Amendment; Community Plan Amendment; Project District Phases I, II and III Approval; Chapter 6E, HRS Compliance; NPDES; and Grading/Building/Infrastructure/Site Development Permits  
**Applicant:** A&B Properties, Inc., PO Box 156, Kahului, HI 96732. Grant Chun, Vice President, 872-4312  
**Accepting Authority:** Land Use Commission, PO Box 2359, Honolulu, HI 96804. Dan Davidson, Executive Officer, 587-3822  
**Consultant:** PBR HAWAII, 1001 Bishop Street, ASB Tower, Suite 650, Honolulu, HI 96813. Michael Shibata, Project Manager/Planner, 521-5631  
**Comments:** EISPN 30-day comment period starts from the date of this Notice. Address comments to the Applicant, with copies to the Accepting Authority and Consultant

A&B Properties, Inc. proposes to develop Waiale on approximately 545 acres of land south of Wailuku and Kahului, in Central Maui. The property is adjacent to Maui Lani and Waikapu. Kuihelani Highway forms the eastern boundary of the property. Waiale is envisioned to be a community for residents to live, work, learn, play, and shop. Residential communities, including single-family homes and multi-family dwellings, will be connected to Village Mixed-Use areas supported with commercial, retail, office, civic and other public facilities through a system of pedestrian/bicycle paths and greenways. Approximately 2,550 residential units are proposed for Waiale, including approximately 300 residential units within approximately 40 acres to be contributed to the County of Maui. Waiale would assist in providing relief to the current overall shortage of housing on Maui, and the site's central location suggests that its impact will be very beneficial to Maui's residential and commercial sectors. Waiale will also provide employment opportunities during and after its development, positively impacting Maui's economy. Several acres of land in Waiale will be provided for public use, including a middle school, a regional park, a regional community center, and other public support facilities.

### **5. Kahoma Access (FEA)**

**Island:** Maui  
**District:** Lahaina  
**TMK:** (2) 4-5-21:03, 04, 22, and 23  
**Permits:** Grant of Perpetual, Non-Exclusive (Re-locatable) Easements over State Lands for Access/Utility Purposes. Two (2) Makai/Mauka, and Three (3) Lateral Rights of Way  
**Applicant:** Kahoma Land LLC / General Finance Group, 33 Lono Avenue 450, Kahului HI 96732. Arlene M Torricer, 877-4202  
**Approving Agency:** Dept of Land & Natural Resources, Land Division, 1151 Punchbowl Street 220, Honolulu HI 96813. Darlene Ariola, 587-0433  
**Consultant:** Rory Frampton, Land Use Planner, 340 Napoko Place, Kula, HI 96790. Rory Frampton, 877-4202  
**Comments:** FEA accepted by the Approving Agency. There is no comment period

Applicant is seeking access/utility easements to formalize access to their properties that are located mauka of State lands. Applicant's agricultural pursuits on their lands include cattle ranching, reservoir management, and eco-tour operations. The proposed easements follow along a network of existing agricultural roads, irrigation transmission lines, and ditches that were previously used for sugar operations. Two of the proposed easements would traverse lands encompassing Hawaii Housing Finance Development Corporation's planned subdivision, Villages of Leialii. Proposed easement routes coincide with the Villages of Leialii's internal roads and planned intersections along the Lahaina Bypass. Should the Villages of Leialii master plan road alignments differ from easements granted to the Applicant, Applicant will seek to relocate the easements to align with the master planned roads, as necessary. Applicant anticipates a termination of its need for portions of the proposed easements upon completion of the Lahaina Bypass through the project area.

In the event the access/utility easements are granted, there is a potential for a proposed 55-lot agricultural subdivision on Applicant's mauka lands. However, the access easements over State lands will be required whether the proposed subdivision is implemented or not. The Environmental Assessment addresses the request for a Grant of Perpetual Non-Exclusive (Re-locatable) Easements over State lands as the primary action and the 55-lot agricultural subdivision as a potential future secondary action. The proposed future agricultural subdivision would be subject to compliance with applicable State and County land use laws.

### **HAWAII (HRS 343)**

#### **6. Construction of the Kynnersley No. 1 Reservoir 0.3 Mg Replacement (FEA)**

**Island:** Hawaii  
**District:** North Kohala  
**TMK:** (3rd) 5-4-02:08 and 22, and 5-4-11:99  
**Permits:** Building Division Approval and Building Permit; Grading; Construct Within Right of Way; Landfill Disposal Permit (potential)

**Proposing Agency:** Hawaii County Dept of Water Supply, 345 Kekuanaoa Street, Suite 20, Hilo, HI 96720. Keith Okamoto, 961-8070 x257

**Approving Agency:** Same  
**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

The County of Hawaii, Department of Water Supply (DWS), plans to demolish a 0.1 million gallon (MG) steel water tank on one DWS property on Kynnersley Road and replace it with a 0.3 MG reinforced concrete reservoir on an adjacent DWS property. Also included are water level control facilities, electrical work for the SCADA (supervisory control and data acquisition) system, site piping, site asphalt paving, perimeter fencing and a paved driveway. The project will also demolish an existing 0.05 MG unused tank nearby. The improvements will promote public health and safety by improving water storage capacity for North Kohala.

The contractor will develop and implement a Storm Water Pollution Prevention Plan to contain sediment and storm water runoff during construction. Construction would have a minor effect on local traffic, possibly requiring only a short-term single-lane closure. Hazardous substances will be abated by appropriate measures during construction and demolition. The new reservoir site is a former sugar cane field, and the other site is within a cane camp subdivision. Biological surveys and coordination with appropriate resource agencies have confirmed that no significant biological, archaeological or cultural resources will be adversely affected. If archaeological resources or human remains are encountered

during land-altering activities, work in the immediate area of the discovery will be halted and the State Historic Preservation Division will be contacted.

**7. South Kona Police Station (FEA)**

**Island:** Hawaii  
**District:** South Kona  
**TMK:** (3rd) 8-2-01:72 and 84  
**Permits:** Grubbing and Grading, Building Division Approval and Building Permit, Permit for Work in County ROW; Plan Approval; Underground Injection Control Permit

**Proposing Agency:** Hawaii County Dept of Public Works, 101 Pauahi Street, Suite 7, Hilo HI 96720. David Yamamoto, 961-8331

**Approving Agency:** Same  
**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

The Hawaii County Police Department proposes to construct a new South Kona Police Station in order to better serve the public and improve the efficiency of its operations. The new station will contain administrative offices, holding cells and other appurtenances. Construction and operation of the police station is expected to have no more than a minor and temporary effect on traffic. The site has no significant biological or cultural resources, and effects to archaeological features primarily associated with the modern house and coffee farm have been mitigated through data recovery. Several aspects of the proposed facility have the potential to produce noise, including the indoor pistol firing range, the air conditioning units, and the parking areas. The design has been developed in coordination with an acoustical consultant and mitigates much of the potential increase in noise. The firing range will have solid concrete floors, walls, and roof, with several layers of other materials that dampen sound, and will be located on the highway side of the property. The air conditioning equipment located on the roof will be enclosed in a structure and will have vibration springs and reducers. An emergency standby generator will be built partially underground with concrete walls in two directions. Although vehicles exiting and entering the facility will produce noise, just as they do currently, the parking area located nearest to adjacent homes will not be at the main entrance and is expected to be relatively quiet. The project will include landscaping to increase the attractiveness of the facility and provide a visual buffer with neighboring residences.

**CONSERVATION DISTRICT USE PERMITS**

The following Conservation District Use Application (CDUA) is available for review and comment (HRS 183C and HAR 13-5). Comments and requests for notification of determinations must be submitted within 30 days of the date of this Notice. Please include the following: (1) name and address of the requestor; (2) the permit for which the requestor would like to receive notice of determination; and (3) the date the notice was published in the Environmental Notice. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI 96809. DLNR will make every effort to notify those interested in the subject CDUA. However, it is not obligated to notify any person not strictly complying with the above requirements. For more information, contact the Office of Conservation and Coastal Lands staff at 587-0377.

File No.: CDUA OA-3563  
Name of Applicant: Clyde Kaneshiro, HRK Waipahu LLC, 1169 Mikole Street, Honolulu, HI 96819



Location: Kaneohe, Island of Oahu  
TMK: Located makai of Subject Parcel TMK: (2) 4-6-03:77  
Proposed Action: Pier Improvements Located on State-owned Lands  
343, HRS determination: Exempt  
Applicant's Contact: Same as above

File No.: CDUA OA-3566  
Name of Applicant: City and County of Honolulu  
Location: Submerged Land-Fort Armstrong Channel, Honolulu Harbor  
Proposed Action: Dual Wastewater Force Main  
343, HRS determination: FEA was published in OEQC's Environmental Notice on March 8, 2010  
Applicant's Contact: Jon Nishimura of Fukunaga & Associates, Inc., 944-1812

File No.: CDUA OA-3567  
Name of Applicant: Franklin T. Opperman & Allene Suemori  
Location: Kealia, Waialua, Oahu  
TMK: (1) 6-8-08:22 & 08:38  
Proposed Action: Landscaping  
343, HRS determination: Exempt  
Applicant's Contact: Gary D. Howard, Pacific Land Design, 737-1327

File No.: CDUA OA-3569  
Name of Applicant: Laura Brancato  
Location: Tantalus, Honolulu, Oahu  
TMK: (1) 2-5-13:04  
Proposed Action: Driveway, Wall, and Stairs  
343, HRS determination: Exempt  
Applicant's Contact: Mario Tadeo, Homeworks Construction, 955-2777

## FEDERAL CONSISTENCY REVIEWS

The Hawaii Coastal Zone Management (CZM) Program has received the above federal actions to review for consistency with the CZM objectives and policies (HRS 205A). Public notice is pursuant to Section 306(d)(14) of the National Coastal Zone Management Act of 1972, as amended. For more information, call John Nakagawa at 587-2878. Neighbor islands call toll-free: Kauai: 274-3141 x72878, Lanai and Molokai: 468-4644 x72878, Maui: 984-2400 x72878, or Hawaii: 974-4000 x72878. Federal deadlines require that comments be received by the date specified. 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.

### Mauna Lahilahi Beach Park Shore Protection, Oahu

Applicant: Department of Design & Construction, City & County of Honolulu  
Contact: Joanne Hiramatsu, Oceanit, 531-3017  
Federal Action: Federal Permit  
Federal Agency: U.S. Army Corps of Engineers  
CZM Contact: John Nakagawa, 587-2878  
Location: 84-1161 Farrington Hwy., Waianae, Oahu  
TMK: (1) 8-5-17: 15  
Proposed Action: Construct a new breakwater at Mauna Lahilahi Beach Park inside the existing breakwater in order to cross the gap where waves have been entering the north end of the cove and causing shore erosion. The proposed breakwater is designed to be

constructed of a double layer of 2.5 ton armor stones covering a core of 100 pound stones, approximately 90 feet long, 50 feet wide and 11 feet high. After the new breakwater is installed, 2,000 cubic yards of beach sand will be placed along the shoreline to rebuild the beach.

Comments Due: October 25, 2010

### **U.S. Air Force Kaena Point Satellite Tracking Station De Minimis Activities, Oahu**

Federal Action: Federal Agency Activity

Federal Agency: Department of the Air Force

Contact: Mr. Lance Hayashi, 697-4312

Location: Kaena Point Satellite Tracking Station, Oahu

CZM Contact: John Nakagawa, 587-2878

Proposed Action: The Air Force has requested approval of a list of de minimis activities, under the Coastal Zone Management Act, that are anticipated to occur over time at Kaena Point Satellite Tracking Station (KPSTS). De minimis activities are activities that are expected to have insignificant direct or indirect (cumulative and secondary) coastal effects. The Air Force de minimis activities include: new construction within KPSTS controlled areas that is similar to present use; utility line activities; repair and maintenance; oil spill and hazardous waste cleanup; scientific measuring devices; studies, data collection and survey activities; demolition; mission changes; limitation of access to property; environmental management activities; signs, towers and emergency beacons; alternative energy research; surface maintenance; and walkway/trail installation. An associated list of conditions and mitigation measures is also proposed which would ensure that the Air Force de minimis activities will have only insignificant coastal effects.

Comments Due: October 25, 2010

### **Hawaiian Islands Current Meter Sensors**

Federal Action: Federal Agency Activity

Federal Agency: National Oceanic and Atmospheric Administration (NOAA), National Ocean Service, Center for Operational Oceanographic Products and Services

Contact: Mr. Patrick Burke, (301) 713-2890

Location: Main Hawaiian Islands coastal waters

CZM Contact: John Nakagawa, 587-2878

Proposed Action: NOAA proposes to continue its program of collecting tidal current information to update the predictions in the published U.S. Tidal Current Tables to maintain safe, efficient and environmentally sound maritime commerce, as well as to support response, remediation and restoration activities. The proposal involves temporarily deploying 30 acoustic Doppler current profilers in waters around the main Hawaiian Islands during this upcoming winter, December 2010 - March 2011. The proposed stations will be deployed for at least 35 days, but no longer than 70 days.

Comments Due: October 25, 2010



<b>SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS</b>		
<b>Location (TMK)</b>	<b>Description (File No.)</b>	<b>Applicant/Agent</b>
Oahu: Kailua (4-3-05:68, 70 & 77)	Utility Installation, Type A: The Addition to Two Panel and One Parabolic Dish Antennas and Accessory Uses/Structures (2010/SMA-37)	Sprint Nextel/Wireless Facilities, Inc.
Kauai: Koloa (2-6-06:02)	Proposed Temporary Placement of Dwelling on Park Land (SMA(M)-2011-7)	Supporting the Language of Kauai/Royal Order of Kamehameha
Kauai: Koloa (2-8-20:26)	Swimming Pool/Spa (SMA(M)-2011-8)	Blessing/Breckenridge
Kauai: Koloa (2-6-07: 025)	Rock Wall (SMA(M)-2011-9)	James Design Shoppe of Hawaii Ltd.
Kauai: Koloa (2-8-08:54)	Swimming Pool and Spa Addition (SMA(M)-2011-10)	Joerg Hohnloser
Kauai: Hanalei (5-5-10:82)	Fence (SMA(M)-2011-11)	Matt Hamai
Maui: Kihei (3-9-13:03)	Subdivide Property into Three Lots (SM2 20100065)	Lewis, Sky
Maui: Kahului (2-7-04:01; 2-7-07:04)	Agricultural Berms and Gates (SM2 20100066)	Alexander & Baldwin, Inc

The SMA Minor permits above have been approved or are pending approval (HRS §205A-30). For more information, contact the appropriate county/state Planning Department. Honolulu (523-4131); Hawaii (961-8288); Kauai (241-6677); Maui (270-7735); Kakaako (Honolulu) or Kalaehoa Community Development District (587-2840).

<b>SHORELINE - Certification Applications</b>				
<b>File No.</b>	<b>Date</b>	<b>Location</b>	<b>Applicant/Owner</b>	<b>TMK</b>
OA-1393	9/20/10	Lot G as shown on Map 2 of Land Court Application 1052 situate at Makaha, Waianae, Oahu Address: 84-235 Farrington Highway Purpose: Setback purposes	Austin, Tsutsumi and Associates, Inc./ Stephen & Carole Fujinaka	8-4-01:07

The shoreline certification applications above are available for review at the DLNR Offices on Kauai, Hawaii, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS §205A-42 and HAR §13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. If you have any questions, call Ian Hirokawa at 587-0420.

<b>SHORELINE - Certifications and Rejections</b>				
<b>File No.</b>	<b>Proposed/Rejected</b>	<b>Location</b>	<b>Applicant/Owner</b>	<b>TMK</b>
OA-1369	Proposed Shoreline Certification	Lot 24 Land Court Application 446 as shown on Map 8 situate at Kaalaea, Koolaupoko, Oahu Address: 47-745 C Kamehameha Highway Purpose: Obtain building permit	Wesley T. Tengan/ Don Caindec	4-7-17:11

OA-1388	Proposed Shoreline Certification	606 Kaimalino Place being Lot 1060 as shown on Map 253 of Land Court Application 677 situate at Kaneohe, Koolaupoko, Oahu Address: 606 Kaimalino Place Purpose: Setback purposes	Austin, Tsutsumi and Associates, Inc./ Christina Hom	4-4-39:22
MA-454	Proposed Shoreline Certification	Lot 7 The Kapalua Place Subdivision (File Plan 1956)situate at Honokahua, Lahaina, Maui Address: 7 Kapalua Place Purpose: N/A	Akamai Land Surveying, Inc./ Christian Lassen	4-2-04:07
KA-341	Proposed Shoreline Certification	Parcel 3 being all of R.P. 7422, L.C. Aw. 238-I:1 to Kanakiki situate at Moloaa, Kauai Address: 6580 Kuono Road Purpose: Determine building setback for construction of tile wall	Hiranaka Surveying and Mapping/ Norman D. Thompson	4-9-14:03

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

<b>POLLUTION CONTROL PERMITS</b>				
<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	Henry's Equipment Rental and Sales, Inc. Application for Modification No. 0443-04 NSP No. 0443-01-NT	Located at: Various Temporary Sites State of Hawaii	Issued: 9/16/10	Two (2) 150 TPH Portable Screening Plants
Clean Air Branch, 586-4200, - Covered Source Permit	Chevron Products Co. Application for Modification No. 0082-04 CSP No. 0082-01-C	Located at: 933 North Nimitz Highway, Honolulu, Oahu	Comments Due: 10/27/10	Honolulu Transportation Terminal
Clean Air Branch, 586-4200, Covered Source Permit	Hu Honua Bioenergy, LLC Initial Application No. 0724-01 CSP No. 0724-01-C	Located at: 28-283 Sugar Mill Road Pepeekeo, Hawaii	Comments Due: 10/12/10 (extension)	Bioenergy Facility
Clean Air Branch, 586-4200, NonCovered Source Permit	Law Tieng's Farm, LLC Initial Permit Application No. 0734-01 NSP No. 0734-01-N	Located at: Law Tieng's Farm, LLC, Kunia, Oahu	Issued: 9/23/10	Fumigator with Methyl Bromide Recapture System

Above are some pollution control permits before the Department of Health (HRS 342B and HAR §11-60.1). For more information, contact the number given.

## FEDERAL NOTICES

### [Notice Of Intent To Prepare A Programmatic Environmental Impact Statement On Implementing Hawaiian Monk Seal Recovery Actions](#)

The National Marine Fisheries Service (NMFS) announces its intent to prepare a Programmatic Environmental Impact Statement (PEIS) to analyze the environmental impacts of implementing specific management actions and administering the associated research and enhancement program for Hawaiian monk seals (*Monachus schauinslandi*) in the Northwestern and Main Hawaiian Islands. Publication of this notice begins the official public scoping process that will help identify alternatives and determine the scope of environmental issues to be considered in the PEIS.

Written statements and questions regarding the public scoping process must be postmarked by November 15, 2010. To be included on a mailing list and receive newsletters and copies of the Draft and Final PEIS, please send mailing address and/or email address to Jeff Walters, Hawaiian Monk Seal Recovery Coordinator, Protected Resources Division, NOAA NMFS Pacific Islands Regional Office, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814. Comments on this notice and the scoping process for this action may be submitted by: Mail: 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814. Scoping Meetings: Oral and written comments will be accepted during the upcoming scoping meetings. For further information contact: Jeff Walters, NMFS Pacific Islands Regional Office, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814, or via the following email address: [monkseal@noaa.gov](mailto:monkseal@noaa.gov).

NMFS is the Federal agency responsible for management of Hawaiian monk seals, under the Endangered Species Act (ESA; 16 U.S.C. 1531 et seq.) and the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 et seq.). NMFS funds and conducts research and enhancement activities on Hawaiian monk seals in the Northwestern Hawaiian Islands (NWHI) and Main Hawaiian Islands (MHI). In 1976, NMFS listed Hawaiian monk seals as “endangered” under the ESA and “depleted” under the MMPA. As required under section 4 of the ESA, NMFS published a Recovery Plan for the species in 1983, which was revised in 2007. The funds administered by NMFS to implement recovery actions, including research and enhancement, have been designated by Congress and allocated within NMFS’ annual budgets for the purpose of promoting Hawaiian monk seal recovery. The intent of this PEIS is to evaluate, in compliance with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.), the potential direct, indirect, and cumulative impacts on the human environment of the alternative approaches to implementing recovery actions, including research and enhancement activities, under the Hawaiian monk seal recovery program.

The Hawaiian monk seals’ population has experienced a prolonged decline and currently only approximately 1,200 monk seals remain. Numerous threats to the survival of Hawaiian monk seals are identified in the Hawaiian monk seal Recovery Plan. In the NWHI, young seals are starving, pups are being killed by sharks, seals are getting entangled in marine debris, and sea level rise threatens terrestrial habitats. Low juvenile survival over the past two decades is the primary cause of the population’s decline. There is insufficient recruitment into the breeding population, and the population decline will likely continue without intervention. Enhancement activities, including but not limited to translocating seals from areas of lower to higher survival probability, are being considered to improve juvenile survival and the overall health of the population.

The purpose of implementing recovery activities for Hawaiian monk seals is to promote the recovery of the species population to levels at which ESA protection is no longer needed. Research, enhancement, and management activities on Hawaiian monk seals considered in this PEIS are funded, undertaken, and permitted by NMFS, which are federal actions requiring NEPA compliance. The need for this action is rooted in fundamental biological and ecological factors that are now limiting the population. As part of this action, NMFS is developing measures that will help identify factors limiting the population, minimize human-induced impacts and other factors affecting survival, promote recovery, prevent harm, and avoid jeopardy or continued disadvantage to the species. Research and monitoring

will continue to play a key role in determining whether enhancement activities achieve their desired outcomes.

NMFS administers funds that have been designated by Congress and allocated within NMFS' annual budget for the purpose of implementing recovery actions on Hawaiian monk seals. Using these funds, NMFS implements various management, research, and enhancement activities for recovery of the species. This PEIS would satisfy the NEPA compliance requirements for funding and undertaking recovery actions for Hawaiian monk seals, including the subset of actions requiring MMPA and ESA permits. The purposes of the ESA, as described in section 2, are to provide a means whereby the ecosystems upon which threatened and endangered species may depend may be conserved, to provide a program for the conservation of such threatened and endangered species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in section 2(a) of the ESA.

This notice initiates a public scoping period that will help determine the structure of each alternative considered in the PEIS. NMFS has identified the proposed action and several other alternatives, including the No Action Alternative. The final scope and structure of the alternatives will reflect the combined input from the public, research institutions, affected State and Federal agencies, and NMFS administrative and research offices. The number and structure of the alternatives that are analyzed in the PEIS will be determined at a later date. Themes to include in the range of potential alternatives are presented here to provide a framework for public comments:

No Action Alternative: Under this alternative, currently permitted research and enhancement activities on Hawaiian monk seals would continue until expiration of the permit in 2014 (NMFS ESA-MMPA Permit No. 10137-04 issued to the NMFS Pacific Islands Fisheries Science Center). Recovery Plan actions authorized by this permit would not be implemented beyond 2014. Currently, the existing research and enhancement activities include, but are not limited to:

1. Population assessment (e.g., counting, resighting, marking for identification, flipper tags);
2. Health and disease studies (e.g., tissue sampling, morphometric measurements);
3. Foraging studies (e.g., telemetry, scat collection);
4. De-worming research (e.g., fecal samples, testing anti-parasite treatments);
5. Translocation of weaned pups within the NWHI to improve juvenile survival;
6. Mitigation of fishery interactions (e.g., disentanglement, removal of fishing hooks); and
7. Mitigation of adult male aggression (e.g., removal and relocation of aggressive males).

Status Quo Alternative: The Status Quo Alternative would consist of the existing types and scope of management, research and enhancement activities (including those identified in the No Action Alternative). New permits would be issued to maintain the current levels of research and enhancement activities. Existing management activities include but are not limited to protecting seals that haul out on recreational beaches and creating effective outreach messages, brochures, signs and volunteer programs to minimize human disturbance and other adverse impacts.

Enhanced Implementation Alternative (Proposed Action): The Proposed Action would result in implementation and continuation of activities identified in the Status Quo, as well as additional activities to achieve more comprehensive Recovery Plan implementation. These additional activities would include, but are not limited to:

1. Vaccination studies (including potential vaccination);
2. Aversive conditioning (e.g., the development of tools to modify undesirable seal behavior including interactions with humans or domestic animals);
3. Archipelago-wide translocation to improve juvenile survival; and
4. De-worming.

The PEIS will assess the direct, indirect, and cumulative effects of implementing the alternative approaches for funding, undertaking, and permitting the management, research and enhancement activities on Hawaiian monk seals as well as other components of the marine ecosystem and human environment. Anyone having relevant information they believe NMFS should consider in its analysis should provide a description of that information along with complete citations for supporting documents.

Scoping is an early and open process for determining the scope of issues to be addressed in a PEIS and for identifying the significant issues related to the proposed action. A principal objective of the scoping and public involvement process is to identify a range of reasonable management alternatives that will delineate critical issues and provide a clear basis for distinguishing among those alternatives and selecting a preferred alternative. Through this notice, we are notifying the public that a NEPA analysis and decision-making process for this proposed action has been initiated so that interested or affected people may participate and contribute to the final decision. NMFS will ask for additional public comments once the Draft PEIS is prepared and available. For additional information about Hawaiian monk seals and the PEIS process, go to <http://www.nmfs.noaa.gov/pr/permits/eis/hawaiianmonkseal.htm>. NMFS estimates the Draft PEIS will be available in late spring 2011.

Public scoping meetings will be held on the following dates, times, and locations:

1. Wednesday, October 20, 2010, 5:30 - 8:30 p.m., Central Union Church, 1660 South Beretania Street, Honolulu, Oahu;
2. Thursday, October 21, 2010, 6 - 9 p.m., Mokuapapa Discovery Center, 308 Kamehameha Avenue, Suite 109, Hilo, Hawaii;
3. Monday, October 25, 2010, 6 - 9 p.m., NOAA Sanctuaries New Community Learning Center, 726 South Kihei Road, Kihei, Maui;
4. Tuesday, October 26, 2010, 6 - 9 p.m., Hale Mahaolu Home Pumehana, 290 Kolapa Place, Kaunakakai, Molokai; and
5. Wednesday, October 27, 2010, 6 - 9 p.m., Wilcox Elementary School, 4319 Hardy Street, Lihue, Kauai.

Comments will be accepted at these meetings as well as during the scoping period, and can be submitted to NMFS by November 15, 2010 (see for further information contact). We request that you include in your comments: (1) Your name, address, and affiliation (if any); and (2) Any background documents to support your comments as you think necessary. These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Rachel Sprague, (808) 944-2200 (phone) or (808) 973-2941 (fax), at least 5 days before the scheduled meeting date.

### **Interstate Movement of Garbage From Hawaii; Withdrawal of Finding of No Significant Impact**

On May 27, 2010, the Animal and Plant Health Inspection Service, US Department of Agriculture (USDA) advised the public that the Animal and Plant Health Inspection Service prepared an environmental assessment and a finding of no significant impact relative to a request to allow the interstate movement of municipal solid waste from Hawaii to a landfill in the State of Washington. Because the USDA has been made aware of additional information that was not previously provided and we have an interest in examining that information to determine the potential impacts, the USDA is withdrawing the finding of no significant impact effective immediately in order to reevaluate the potential for environmental impacts that may be associated with this action. Effective Date: October 4, 2010. For further information contact: David Lamb, Import Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737-1231; (301) 734-0627.

The importation and interstate movement of garbage is regulated by the Animal and Plant Health Inspection Service under 7 CFR 330.400 and 9 CFR 94.5 in order to protect against the introduction into and dissemination within the United States of plant and animal pests and diseases.

On January 19, 2010, the USDA published in the Federal Register (75 FR 2845-2846, Docket No. APHIS-2006-0172) a notice in which we announced the availability, for public review and comment, of an environmental assessment documenting USDA 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. To view the environmental assessment, the comments we received and our responses to the comments, and the finding of no significant impact, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0172>.

The USDA solicited comments on the environmental assessment for 30 days ending on February 18, 2010. The USDA received 37 comments by that date. The commenters raised several issues, including the potential for invasive species/pest introductions, impacts on air and water quality, impacts on fish and wildlife habitat, impacts on existing infrastructure (highway, rail, and barge), increased traffic at associated ports, and the adequacy of the environmental assessment's analysis of cumulative effects.

On May 27, 2010, the USDA published in the Federal Register (75 FR 29706, Docket No. APHIS-2006-0172) a notice announcing the availability of a final environmental assessment and our finding of no significant impact (FONSI). Although the agency had requested public comment on the environmental assessment published on January 19, 2010, with comments due on February 18, 2010, the USDA received new information regarding potential impacts from that action after the FONSI had been issued. Because APHIS had not previously had the opportunity to evaluate this new information, the USDA has decided to withdraw the FONSI effective immediately and reevaluate the potential environmental impacts that may be associated with this action.



## **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).