



# The Environmental Notice

November 23, 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.

## **KAUAI (HRS 343)**

### **1. Northern Leg of the Western Bypass Road (FEA)**

**Island:** Kauai  
**District:** Koloa  
**TMK:** (4) 2-7-03:02 (por.) and 14; and 2-8-06:01 (por.)  
**Permits:** Compliance with Executive Order 11988, Floodplain Management, NPDES, Community Noise, Section 106, National Historic Preservation Act of 1966, Chapter 6E, HRS Historic Preservation, Stream Channel Alteration, Hawaii Coastal Zone Management Program Federal Consistency Certification, Grubbing and Grading, Road Permit

**Proposing Agency:** County of Kauai, Dept of Public Works, 4444 Rice Street, Suite 275, Lihue, HI 96766-1340. Wallace Kudo, P.E., Chief, Engineering Division, 241-4891

**Approving Agency:** Same  
**Consultant:** Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, HI 96826. Earl Matsukawa, AICP, 946-2277

**Comments:** FEA accepted by the Approving Agency. There is no comment period

The County of Kauai Department of Public Works proposes to construct the Northern Leg of the existing Western Bypass Road (Ala Kalanikaumaka) in the Koloa District, Island of Kauai. The Northern Leg will connect the existing Western Bypass Road, from where it presently terminates at its intersection with Koloa Road, with the existing Ala Kinoiki (Eastern Bypass Road) at its intersection with Maluhia Road. The Northern Leg will be approximately 0.4-mile in length, and configured within a 150-foot wide right-of-way. The Northern Leg will include an approximately 520-foot long, 60-foot wide bridge that will span the Omao Stream crossing and associated floodway, and two wetland areas. The Northern Leg is initially planned to be a two-lane, two-way roadway based on current and projected traffic conditions to Year 2035. Ultimately, the Northern Leg is planned to be a four-lane, two-way roadway in the future. This EA assesses the potential impacts of the Northern Leg as a two-lane roadway. At the time that the Northern Leg is developed as a four-lane roadway, a separate environmental review would likely be required.

In conjunction with the Northern Leg, the southern segment of the existing Omao Road will be realigned to intersect with the Northern Leg, near its southern end. This proposed realignment will eliminate the existing intersection of Omao Road at Koloa Road.

This EA is required since County funds will be used for the design and construction of the proposed improvements, and County lands will be involved (Maluhia Road, Koloa Road, and Omao Road). In addition to County funds, Federal Highway Administration funds will also be used for the design and construction of the proposed improvements. A separate EA will be prepared for the Northern Leg improvements to satisfy the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended, (Pub. L. 91-190, 42 U.S. Code 4321-4347), Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, (40 Code of Federal Regulations 1500-1508), and 23 CFR Part 771, Environmental Impact and Related Procedures.

## **OAHU (HRS 343)**

### **2. Shoreline Setback Variance Application for a Seawall, Makaha (DEA)**

**Island:** Oahu  
**District:** Waianae  
**TMK:** 8-4-6:07  
**Permits:** Shoreline Setback Variance, Shoreline Certification, Building

**Applicant:** Ken & Gene Ochi c/o Mike Hitzeman, Sugar Kane Realty, 86-120 Farrington Highway, Waianae, HI 96792. Ph 696-5833, 696-5892

**Approving Agency:** Dept of Planning and Permitting, City and County of Honolulu, 650 South King Street, Honolulu, HI 96813. Elizabeth Krueger, 768-8019

**Consultant:** Wil Chee - Planning, Inc., 1018 Palm Drive, Honolulu, HI 96814. Judy J. Mariant, Ph. 596-4688, Fax 597-1851

**Comments:** Comments due December 23, 2010. Address comments to the Applicant, with copies to the Approving Agency and Consultant

The Applicant is seeking the approval of an after-the-fact Shoreline Setback Variance to authorize an existing seawall, stone steps, and elevated lanai in the 40-foot shoreline setback area. No new development or physical change is proposed to the Applicant's residential property.

The existing concrete rubble masonry seawall on the site has a width of 2.83 feet with a concrete cap. The average height on the makai side of the seawall is 5.75 feet above the marine terrace. The maximum height of the seawall is 6 feet. On the mauka side of the seawall, the maximum height above ground level is 2.64 feet, with an average wall height of 2.42 feet. There are concrete steps on either end of the wall, adjacent to the side property lines. The seawall encroaches 40 feet into the 40-foot shoreline setback, based on the likely location of the regulatory shoreline, i.e., the makai face of the seawall. (Note: The current shoreline has not yet been certified due to the presence of unauthorized structures in the shoreline area). A tile wall along the southern property line also encroaches up to 40 feet into the shoreline setback. And, an existing unauthorized elevated elevated lanai encroaches 10 feet into the 40-foot shoreline setback.

### **3. Hawaii Baptist Academy High School Expansion (DEA)**

**Island:** Oahu

**District:** Honolulu

**TMK:** 2-2-22: 3; 2-2-22: 9; 2-2-22: 19; and 2-2-31: 30

**Permits:** Conditional Use Permit(s) for Joint Development and High School Expansion

**Applicant:** Hawaii Baptist Academy, 21 Bates Street, Honolulu, HI 96813. Richard Bento, 595-5000

**Approving Agency:** City and County of Honolulu, Dept of Planning and Permitting, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, HI 96813. Elizabeth Krueger, 768-8019

**Consultant:** Group 70 International, Inc., 925 Bethel Street, 5<sup>th</sup> Floor, Honolulu, HI 96813. George I. Atta, Principal, 523-5866

**Comments:** Comments due December 23, 2010. Address comments to the Applicant, with copies to the Approving Agency and Consultant

HBA proposes to improve and expand on their existing high school campus with additional science and art classrooms, a new computer laboratory, courtyard and senior pavilion, a renovated library, a new Christian Ministries building, and improved recreational facilities. The site is in both Urban and Conservation State Land Use Districts, but improvements will only occur on Urban designated lands. The improvements are intended to help HBA achieve its long-term goal of reducing class size and maintain its accreditation by the Western Association of Schools and Colleges. The improvements are planned in three phases. Based on Land Use Ordinance parking requirements, the preliminary total for required off-street parking is 189 spaces. HBA will provide 193 spaces. The project is not intended to accommodate a significant increase in high school student enrollment; enrollment will only increase by 20 students.

The proposed project is not anticipated to adversely impact the environment. The new building will incorporate strategies to limit the project's environmental footprint and will be designed to meet the U.S.

Green Building Council's Leadership in Energy and Environmental Design (LEED) certification criteria. Best management practices will be utilized, and County requirements adhered to, to mitigate any potential storm water runoff or silt into Nuuanu Stream.

#### **4. Liljestrand Single Family Residence (DEA)**

**Island:** Oahu  
**District:** Honolulu  
**TMK:** (1) 2-5-17:06  
**Permits:** CDUP  
**Applicant:** Wendla Liljestrand Trust, PO Box 61593, Honolulu HI 96839  
**Approving Agency:** Office of Conservation and Coastal Lands, Dept of Land and Natural Resources, PO Box 621, Honolulu, HI 96809. Michael Cain, Planner, 587-0048  
**Consultant:** Terry Tusher, Tusher Architectural Group, 1021 Smith Street, Suite 400, Honolulu, Hawaii 96817. 256-2001  
**Comments:** Comments due December 23, 2010. Address comments to the Applicant, with copies to the Approving Agency and Consultant

The applicant is proposing to build a 3492 square-foot two-story single family residence. The house will be terraced into the hillside, with the second story partially cantilevered over the slope. The ground floor will contain the garage, an artist's studio, and lanai; the second floor will contain two bedrooms, a great room, an office, and one kitchen. Associated structures are limited to two 10,000 gallon water tanks. The project calls for 2848 feet of paving to accommodate the driveway and large parking area.

The parcel has a 35% slope, and the proposal will require 1203 cubic yards of cut and 632 cubic yards of fill. The ridgeline will be leveled to a finished grade of 1393.5'. The existing vegetation consists of a variety of mature trees, including the invasive umbrella tree (*schefflera spp*), naturalized fruit trees such as avocado and mango, and the endemic koa (*Acacia koa*). No federally listed plant or animal species or significant habitats are known to exist on the property. There will be 5729 square feet of landscaped areas, with seven trees removed to build the structure. There are no known archaeological, cultural, or recreation resources in the immediate area.

#### **5. Hilton Hawaiian Village Master Plan (DEIS)**

**Island:** Oahu  
**District:** Honolulu  
**TMK:** 2-6-5:1 (por.); 2-6-8: 1, 2, 3, 5, 7, 12, 19, 20, 21, 23, 24, 27, 31, 34, 37, 38; 2-6-9: 1, 2, 3, 7, 9, 10, 11, 12, 13  
**Permits:** EIS Acceptance, Planned Development-Resort (PD-R), Waikiki Special District Permit, Major, Special Management Area Use, NPDES, Construction Noise, Industrial Wastewater Discharge, Completion of Historic Preservation Review Process, under HRS, 6E-42, Authorization of Surface Encroachment Variance, Building, Grading, Drain Connection, Sewer Connection, Flood Study, Street Usage, and Construction Plan Approval  
**Applicant:** Hilton Hawaiian Village Beach Resort & Spa, 2005 Kalia Road, Honolulu, HI 96815. Gerard C. Gibson, Area Vice President, 949-4321  
**Approving Agency:** City and County of Honolulu, Dept of Planning and Permitting, Frank F. Fasi Municipal Building, 650 S. King Street, Honolulu, HI 96813. Steve Tagawa  
**Consultant:** Group 70 International, Inc., 925 Bethel Street, 5<sup>th</sup> Floor, Honolulu, HI 96813. Jeffrey H. Overton, AICP, LEED AP, 523-5866

**Comments:** Comments due January 7, 2011. Address comments to the Applicant, with copies to the Accepting Authority and Consultant

Hilton Worldwide is undertaking a significant master planned project at its 22.24-acre Hilton Hawaiian Village® flagship property in Waikiki. The Village Master Plan is part of an ongoing trend of urban revitalization within Waikiki, which will update and expand the Village's offering of world-class accommodations, shopping, dining, and entertainment options. Improvements include:

- ♦ Renovation, relocation, and reallocation of retail and dining areas, main lobby and common use areas, recreational amenities, back-of-house space, traffic circulation, pedestrian flow and access within the Village, and landscaped areas;
- ♦ Construction of two new signature timeshare towers. The first 350-foot, 300-unit tower will be located in the mauka corner of the Village near Paoa Place and Kalia Road. The second 260-foot, 250-unit tower will be located above the makai corner of a redeveloped Rainbow Bazaar.
- ♦ Reconfiguration of public sidewalk fronting Kalia Road and overall street front improvements that include new landscaping, a new public bus and trolley pull-out lane, and bus shelter.

Construction and operational impacts on the area's natural and cultural resources; utility, infrastructure, and traffic conditions; and projected socio-economic benefits and costs are evaluated in the DEIS. Short-term impacts include temporary noise and dust emissions and increased traffic conditions during construction. Long-term impacts include irretrievable use of materials and need for utilities; alterations to selective views from private residences; and major beneficial contributions in job creation and generating tax revenue for the State and County. See also [Volume 2](#).

## **6. Round Top Radio Facility Building Addition and Other Improvements (DEA)**

**Island:** Oahu  
**District:** Honolulu  
**TMK:** 2-5-19:03 (por.)  
**Permits:** Conservation District Use Application; Building  
**Proposing Agency:** Dept of Accounting and General Services, 1151 Punchbowl Street, Honolulu, HI 96813.  
Daniel Jandoc, 586-0476  
**Approving Agency:** Same  
**Consultant:** Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, HI 96826. John L. Sakaguchi, 946-2277  
**Comments:** Comments due December 23, 2010. Address comments to the Proposing Agency and Consultant

The Department of Accounting and General Services Information and Communications Services Division's ICSD Radio Facility Addition and Other Improvements would occupy Project site: 2,067.5 square feet (0.047 acres) adjacent to the existing ICSD Round Top Radio Facility, off Round Top Drive within the boundaries of Puu Ualakaa State Wayside in Makiki, Honolulu, Oahu. Construction of 1) an approximately 484-square foot by 12-foot high building to include a power and equipment room and an emergency generator room; and 2) other related improvements, including a retaining wall with security fencing, a block wall fence with simulated masonry veneer, an above-ground diesel fuel tank, and drainage improvements for the State of Hawaii Department of Accounting and General Services (DAGS) Information and Communication Service Division to support the Hawaiian Digital Microwave Radio System. Other agencies supported within the ICSD Round Top Radio facility include State Civil

Defense, the State Department of Health, the State Department of Public Safety, and the University of Hawaii. Circuits that pass through the equipment in the existing facility also support the shared State and Federal Anuenue statewide microwave communication system.

Since the project site has been previously cleared, construction activities would primarily be related to construction of the fenced-in-compound, the building, and the fuel tank. These activities will create dust and noise while work occurs on the project site. Once operational, the only activity would be visits by government employees and contract service personnel to perform periodic monitoring and maintenance functions.

### **MAUI (HRS 343)**

#### **7. West Maui Community Federal Credit Union (FEA)**

**Island:** Maui  
**District:** Lahaina  
**TMK:** 4-6-10:25  
**Permits:** Building, Driveway, Grubbing, Grading, Electrical, Plumbing, Work-to-Perform in the County Right-of-Way  
**Applicant:** West Maui Community Federal, Credit Union, 349 Lahainaluna Rd., Lahaina, HI 96761.  
Michelle Kawahara, 661-4825  
**Approving Agency:** Maui Planning Department, 250 S. High Street City, State, Zip Wailuku, HI 96793. Joe Prutch, 270-7512  
**Consultant:** Chris Hart & Partners, 115 N. Market Street, Wailuku, HI 96793. Glenn Tadaki, 242-1955  
**Comments:** FEA accepted by the Approving Agency. There is no comment period

The Applicant is proposing to build a two-story commercial building (8,581 SF) on a vacant parcel (23,907 SF). The project will also involve minor site work; utility connections, and access, drainage, landscape, and parking improvements. As the design of the new building is consistent with historic district standards for Lahaina, the architectural style and character of Lahaina will be maintained and preserved. Site 6660, a historic boundary wall located in the adjacent State highway right-of-way, will be preserved in place and appropriate measures will be undertaken during construction to ensure that the site is not affected. Site 6661 is a historic boundary wall along the eastern boundary of the property. Since the site has already been recorded, the wall will be removed and a new masonry wall will be constructed in its place.

Existing public services and infrastructure are either adequate or will be improved to accommodate the project. Short-term construction-related impacts will be addressed by best management practices and appropriate mitigation measures. No significant long-term impacts are anticipated as the project is an infill development and involves the relocation of the Credit Union's existing operations to a different site. No adverse cumulative or secondary impacts are anticipated.

### **MOLOKAI (HRS 343)**

#### **8. Kalaupapa Dock Repair (DEA)**

**Island:** Molokai  
**District:** Molokai  
**TMK:** Various  
**Permits:** Endangered Species Act, Coastal Zone Management Act, Sec. 307, Community Noise, Conservation District Use, Coral Taking, Dredge and Fill, Concurrence with No Adverse Effects to Essential Fish Habitat, Concurrence with no take/harassment of marine

mammals determination, National Historic Preservation Act, Sec. 101, Water Quality Certification, NPDES

**Proposing Agency:** National Park Service, Kalaupapa National Historical Park, PO Box 2222, Kalaupapa, HI 96742. Superintendent, Steve Prokop, 567-6802 x1100

**Approving Agency:** Dept of Hawaiian Home Lands, 91-5420 Kapolei Parkway, Kapolei, HI 96707. Todd Gray, 620-9460

**Consultant:** Parsons Engineering, 1700 Broadway, Denver, CO 80290. Colleen Conklin, 813-261-8306

**Comments:** Comments due December 23, 2010. Address comments to the Proposing Agency and Consultant

To repair the dock structures, voids in the bulkhead wall toe, low dock toe, and breakwater would be filled for structural integrity. Armoring of the breakwater would be re-established and displaced armor stones impacting the draft would be removed from the berthing basin. In addition, concrete repairs to the deck pier caps and beams, as well as repair of a void on the north side of the pier would be completed.

The project would have localized, negligible-to-minor, and adverse impacts on water quality during project implementation. No long-term, water quality effects are anticipated. The cumulative effect of the project and other projects and plans would be localized, negligible-to-minor, and beneficial due to improved management of wastewater under the NPS septic tank project. Impacts of the project on turf algae and mobile marine organisms would be short- and long-term, localized, minor, and adverse. Due to the length of time for coral to recover from disturbance, impacts would be long-term. Compensatory mitigation would include installation of seasonal mooring buoys to allow recovery of corals in areas currently being impacted by anchoring of recreational vessels and prevent further anchor damage from occurring in the future. There would be no adverse effect to EFH. The cumulative effect of the project and other projects and plans would be long-term, localized, moderate, and adverse. Impacts of the project on the harbor fish community would be localized, negligible, and adverse, resulting from construction noise and reduction in forage in the project area. Cumulative effects would be long-term, moderate, and adverse, resulting from local and regional development and fishing pressures. The effects of the project on special-status species (Hawaiian monk seals, hawksbill and green sea turtles, and spinner and bottlenose dolphins) would be localized, short-term, and minor. Effects on ESA-listed species are as follows: The project may affect but is not likely to adversely affect Hawaiian monk seals, green sea turtles, and hawksbill turtles. The project is not likely to adversely modify critical habitat or areas under consideration for future designation of critical habitat for Hawaiian monk seals. The cumulative effects of the project and other projects and plans on special-status species and their habitat would be localized, long-term, adverse, and moderate. The contribution of the project to cumulative impacts would be incremental, short-term and localized.

The project would have short -term, local, minor to moderate, adverse effects on the soundscape as a result of noise associated with deferred maintenance. Cumulative effects would be localized, short-term, adverse and minor to moderate as a result of other projects and park operations that could occur during barge delivery and/or construction. Implementation of the project would result in both negligible and long-term negligible to minor adverse effects to historic resources. Overall, implementation of the project would result in negligible to minor long-term adverse effects to the cultural landscape. There would be no intrusive visible changes to the landing area; the setting, spatial organization, views, and overall landscape integrity would be preserved. Adverse effects on the landscape from construction would be minor and short-term.

Implementation of the project would have direct and indirect, long-term beneficial effects on ethnographic resources, landscapes, and the Kalaupapa community by helping to preserve the landing structures, facilitating ongoing cultural traditions of the community, and assuring materials would continue to be available for preservation of valued resources. Short-term negligible to minor adverse

effects would result from noise from armor stone removal, effects on fish populations from construction, and lack of access to the harbor. The project would have a long-term, moderate adverse, cumulative effect on ethnographic resources, landscapes, and the community. The adverse effects of the project would be a very small component of the adverse cumulative impacts. Short-term impacts of the project would be localized, moderate, and adverse due to efforts required to implement resource monitoring, access restrictions, and housing crew during construction activities. With less on-going maintenance requirements for park staff, long-term effects would be localized, minor to moderate, and beneficial. Cumulative effects would be short- and long-term, minor to moderate, and adverse resulting from additional time and efforts required from park staff through implementation of other plans and projects.

## **HAWAII (HRS 343)**

### **9. Ahualoa to Honokaa Transmission Waterline (FEA)**

**Island:** Hawaii  
**District:** Hamakua  
**TMK:** Various County and State Rights-of-Way Within TMK (3<sup>rd</sup>) Sections 4-5 and 4-6  
**Permits:** Plan Approval, Grading, Permit to Construct Within Right of Way, NPDES, Permit to Work Within State Right-of-Way

**Proposing Agency:** Hawaii County Dept of Water Supply, 345 Kekuanaoa Street, Suite 20, Hilo, HI 96720.  
Finn McCall, P.E. 961-8070 x 255

**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 construct a new transmission waterline extending from the DWS's Ahualoa Well site, along the Old Mamalahoa Highway, to Honokaa. The 5.1-mile transmission waterline will increase transmission capacity, making the system more reliable, providing better service to customers, and improving fire protection capabilities. The project includes pressure reducing valves and modification of existing reservoirs controls. The improvements are expected to be constructed within existing County or State rights-of-way or property, and no undisturbed area is involved. No sensitive biological resources are present. The contractor will obtain an NPDES permit and develop and implement a Storm Water Pollution Prevention Plan to contain sediment and storm water runoff during construction. The contractor will coordinate trench excavation, delivery of material to the work site, and waterline installation to minimize inconvenience to the public. Traffic control will be used to ensure access to properties and safe and efficient traffic flow. No archaeological sites are present; the State Historic Preservation Division has determined that archaeological monitoring should be conducted during ground-disturbing activities. Design has taken into account several historic-era bridges, which will not be adversely affected. The project is unlikely to have secondary impacts, including growth-induction.

## **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.

### Kolea Reservoir Removal and Stream Restoration, Hana, Maui

Applicant: State Department of Accounting and General Services

Contact: Derrick Elfalan, Oceanit, 531-3017

Federal Action: Federal Permit

Federal Agency: U.S. Army Corps of Engineers

Location: Hana District, Maui

TMK: (2) 1-1-1: 50

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

Proposed Action: Remove the existing Kolea reservoir by breaching the dam and restoring the stream to a more natural condition. The reservoir will be re-graded to form a 15-foot wide channel with 2:1 sloping sides. The channel and side slopes will be grassed. On the downstream side of the channel a riprap apron will be constructed to allow the water to flow into the stream below. Check dams will be installed within the channel every 50 feet up to the location where the stream enters the existing reservoir. The check dams and grassed channel will reduce the amount of sediment traveling downstream.

Comments Due: December 7, 2010

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS		
Location (TMK)	Description (File No.)	Applicant/Agent
Oahu: Kuliuouou (3-9-07:06)	Rudin Residence - Trellis (2010/SMA-46)	Gregory Rudin
Hawaii: North Kona (7-5-18:90)	Convert Existing Residential Garage to Auto Service Garage Business, "Trent's Wheel Alignment" (SMM 10-163)	Paul Bleck for Landowners Joe Trent and Elia Clifford
Hawaii: North Kona (7-7-04:82)	Grubbing and Landscaping (SMM 10-164)	Singenellore and Indira Rajan
Hawaii: Hilo (2-1-07: 46 & 47)	Remove Up to One Foot of Non-hazardous Topsoil (SMM 10-165)	Tesoro Hawaii Corporation
Maui: (2-1-07:95)	Interior Renovation (SM2 20100075)	Paul Vanni
Maui: (3-9-08:04)	Alterations & Repairs to Apartment (SM2 20100076)	Edward Andrews

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 Kalaeloa Community Development District (587-2840).

SHORELINE - Certification Applications				
File No.	Date	Location	Applicant/Owner	TMK
OA-1397	11/1/10	Lot 1123 of Land Court Application 677 Map 225 situate at Kailua, Koolaupoko, Oahu Address: 104 A South Kalaheo Avenue Purpose: Development of property	Dennis K. Hashimoto/ Harry J. Last	4-3-12:37

HA-429	11/5/10	Portion of Royal Patent 4656, Land Commission Award 5021, Apana 1 to Kupihea and portion of land conveyed to Thomas Spencer by Deed of the Commissioners of Crown Lands dated August 2, 1870 and recorded in Liber 30, page 384 situate at Puueo, South Hilo, Island of Hawaii Address: 4 Pukihae Street and 8 Pukihae Street Purpose: Secure County permit	Dwayne S. Lerma and Jo Anne E. Goya, Revocable Living Trusts dated March 31, 1995/ Dwayne S. Lerma and Jo Anne E. Goya, Revocable Living Trusts dated March 31, 1995	2-6-01:19
KA-343	10/27/10	Lot 8 of Waipouli Beach Lots situate at Waipouli, Kawaihau, Kauai Address: 968 Niulani Road Purpose: Building permit	Esaki Surveying and Mapping, Inc./ Dileep G. Bal	4-3-09:02

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.

SHORELINE - Certifications and Rejections				
File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1387	Proposed Shoreline Certification	Lot 73-A being a portion of Lot 73 of Sunset Beach Lots (File Plan 286) being also a portion Grant 7451 to D.H. Lewis situate at Paumalu, Koolaupoko, Oahu Address: 59-215 Ke Nui Road Purpose: Obtain building permit	Wesley T. Tengan/ Bruce Butler	5-9-19:01
MA-457	Proposed Shoreline Certification	Lot 48-B The Mailepa Hui Partition situate at Alaeloa, Kaanapali, Lahaina, Maui Address: 4851 Lower Honoapiilani Road Purpose: SMA building permit	Akamai Land Surveying, Inc./ Island Girl Holdings LLC	4-3-15:54
MA-462	Proposed Shoreline Certification	Lot A of the Calley Subdivision (por. Grant 1902 to Kaumaia, Moo, Kapele, Makahio, Hauhio, Kaiwi, Pimanu and Kuluai) situate at Kukuiula, Kipahulu, Hana, Maui Address: 39606 Hana Highway Purpose: Shoreline certification	Douglas McNish/ Douglas McNish	1-6-10:03
KA-335	Rejection	Lots 5, 6, and 8 Land Court Application 1166 situate at North Olohe, Kawaihau, Kauai Address: Aleka Loop Purpose: Subdivision requirement	Esaki Surveying and Mapping, Inc./ Coconut Beach Development LLC	4-3-02:15, 16, 20

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, Non-Covered Source Permit	Unitek Solvent Services, Inc Renewal Application No. 0395-04. NSP No. 0395-01-N	91-125 Kaomi Loop, Kapolei, Oahu:	Issued: 10/28/10	70 HP Superior Boiler, 745 kW Diesel Engine Generator and Waste Oil Reprocessing Facility
Clean Air Branch, 586-4200, Covered Source Permit	Hawaiian Electric Light Company, Inc. Renewal Application No. 0236-01-C CSP No. 0236-01-C	20 Banyan Drive, Hilo, Hawaii	Comments Due: 12/5/10	Two (2) Boilers
Clean Air Branch, 586-4200, Covered Source Permit	Honua Power , LLC Initial Application No. 0638-02 CSP No. 0638-01-C	TMK: 9-1-31:32 Kapolei, Oahu	Comments Due: 12/13/10	230 TPD Gasification Plant and 82,365 lb/hr Steam Boiler with 1,474 kW Blackstart Diesel Engine Generator
Clean Air Branch, 586-4200, Covered Source Permit	Chevron Products Company Renewal Application No. 0081-04 CSP No. 0081-01-C	100-A Hobron Avenue Kahului, Maui	Issued: 11/9/10	Kahului Marketing Terminal
Clean Air Branch, 586-4200, Non-Covered Source Permit	Kauai Petroleum Company, Ltd. Renewal Application No. 0370-03 NSP No. 0370-01-N	3185 Waapa Road, Lihue, Kauai	Issued: 11/9/10	Petroleum Bulk Loading Terminal

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

## FEDERAL NOTICES

### [\*\*Hawaiian Monk Seal Recovery Actions Programmatic EIS Scoping Period Extension\*\*](#)

The National Oceanic Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), Pacific Islands Regional Office (PIRO) is proposing to implement specific management actions and administer the associated research and enhancement program for Hawaiian monk seals in the Hawaiian Islands. Public comments were due by November 15, 2010. NMFS has decided to allow additional time for submission of public comments on this action (75 FR 69398-69399). The scoping period for the

Programmatic Environmental Impact Statement (PEIS) is extended to **November 30, 2010**. Written comments must be received or postmarked by November 30, 2010.

The Scoping period provides an opportunity to express your views and identify issues to be addressed in the PEIS. In accordance with the National Environmental Policy Act (NEPA), NMFS requests any comments you may have about potential management actions and associated research and enhancement program activities that may be performed on Hawaiian monk seals in an effort to recover the species.

The Notice of Intent was published October 1, 2010 (75 FR 60721), which initiated the formal PEIS Scoping period. NMFS PIRO hosted public Scoping meetings to introduce the project proposal to the public, describe the process of the PEIS, and solicit input on the issues and alternatives to be evaluated. Public Scoping meetings were held at the following locations: October 21, 2010 - Honolulu, Oahu; October 22, 2010 - Hilo, Island of Hawaii; October 25, 2010 - Kihei, Maui; October 26, 2010 - Kaunakakai, Molokai; and October 27, 2010 - Lihue, Kauai. No additional Scoping meetings will be held. For more information please visit: <http://www.nmfs.noaa.gov/pr/permits/eis/hawaiianmonkseal.htm>. Comments can be emailed to: [monkseal@noaa.gov](mailto:monkseal@noaa.gov) or mailed to: National Marine Fisheries Service, Pacific Islands Regional Office, Hawaiian Monk Seal Recovery Actions PEIS, 1601 Kapiolani Blvd., Ste. 1110, Honolulu, HI 96814. If you wish to make verbal comments regarding the PEIS please dial 1-855-HMS-PEIS (1-855-467-7347). After the recorded message please clearly state your full name followed with the spelling, your affiliation (if any), your mailing or email address, and phone number (in case we need to contact you for clarification). The mailbox has a 10-minute limit per message, and if you need additional time we ask that you phone back. The voicemail box is secure and only accessible by select staff on the NMFS project team.

### **Kaheawa Wind Power II Wind Energy Generation Facility Draft Habitat Conservation Plan and Draft Environmental Assessment**

The US Fish and Wildlife Service is soliciting public comment regarding the application of Kaheawa Wind Power II LLC, for an incidental take permit for the proposed construction and operation of a 14-turbine, 21 megawatt wind energy generation facility at Ukumehame, Maui, that may result in injury or mortality of federally endangered Hawaiian petrel (*Pterodroma sandwichensis*), the federally threatened Newell's (*Townsends*) shearwater (*Puffinus auricularis newelli*), the federally endangered Hawaiian goose (*Branta sandvicensis*), and the federally endangered Hawaiian hoary bat (*Lasiorus cinereus semotus*). Please send or fax written comments to Loyal Mehrhoff, Field Supervisor, Pacific Islands Fish and Wildlife Office, US Fish and Wildlife Service, 300 Ala Moana Blvd., Room 3-122, Honolulu, HI 96850, fax: 808 792-9581. In order to be considered, all comments must be received on or before **December 9, 2010**. If you have questions, please contact James Kwon, Botanist, 792-9400.

### **Preparation of an Environmental Impact Statement for Issuance of an Incidental Take Permit for the Proposed Kauai Seabird Habitat Conservation Plan on Kauai, HI**

The US Fish and Wildlife Service (FWS), intends to prepare a joint Federal/State Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA), in coordination with the Hawaii Department of Land and Natural Resources (DLNR), for the proposed Kauai Seabird Habitat Conservation Plan (KSHCP) and the expected applications from public and private entities on Kauai for incidental take permits (ITPs, or permits). The proposed KSHCP is being prepared under the Endangered Species Act of 1973, as amended (ESA). The ITPs would authorize incidental take of the Federally endangered Hawaiian petrel (*Pterodroma sandwichensis*), the Federally threatened Newell's (*Townsends*) shearwater (*Puffinus auricularis newelli*), and the band-rumped storm-petrel (*Oceanodroma castro*), a Federal candidate species that could become listed during the term of the permit (collectively, these three species are hereafter referred to as the "Covered Species"). The DLNR is preparing the KSHCP under which numerous applicants are anticipated to apply for incidental take of the Covered

Species due to adverse effects of light attraction and these birds colliding with utility lines and associated structures.

The FWS invites other agencies and the public to attend a public meeting and submit oral and written comments that provide suggestions and information on the scope of issues and alternatives to be addressed in the joint EIS. Please submit your comments by **December 9, 2010**. U.S. mail or hand-delivery to: Bill Standley, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Blvd., Room 3-122, Honolulu, HI 96850. Fax: (808) 792-9580 (Attention: Bill Standley). [bill\\_standley@fws.gov](mailto:bill_standley@fws.gov). phone (808) 792-9400.

In accordance with section 10(a)(2)(A) of the ESA, the DLNR is preparing the island-wide, multi-party KSHCP. As presently conceived the KSHCP proposes a 30-year permit period to address incidental take of the Covered Species. The purpose of the KSHCP is to address the incidental take of the Covered Species due to existing and planned outdoor lights and overhead utilities. The KSHCP is designed as a multi-party plan with each participant holding a State and Federal permit and being legally responsible for meeting the conditions of both permits. In accordance with the ESA the availability of the KSHCP for public review and comment will be noticed in the Federal Register when a complete application package is submitted to the Service.

The maximum terrestrial covered area for the KSHCP includes 549 square miles and over 350,000 acres on Kauai. The size of the covered area for participating entity will be a specified subset of this total using Tax Map Key (TMK) or other legally acceptable definitions, and will be included for with each voluntary ITP application. Each participating entity would hold a State and Federal permit and sign an Implementing Agreement (IA) all of which would define their legal responsibilities for the implementation of avoidance, minimization, and monitoring measures, and for submitting HCP fees to fund compensatory mitigation, HCP administration, compliance monitoring, effects monitoring and mitigation efficacy monitoring. Adaptive management and annual monitoring would also be essential components of the HCP.

Entities seeking take authorization under the KSHCP would be required to fill out an application template that requires specific and detailed information about the covered facility in terms of its location, size, ownership, lights and utility lines, regulations pertaining to the use of lights and utility lines, avoidance and minimization plans and evaluation of alternatives. The ITP application would also contain a section used to calculate recommended incidental take coverage levels for all species. Incidental take calculations would be based on the best available data sets including SOS recovery data and nocturnal ornithological radar data.

KSHCP participants would be required to: (1) Avoid impacts to the Covered Species to the maximum extent practicable by, for example, removing or turning off problematic lights and undergrounding high risk utility lines; and (2) minimize impacts to the Covered Species to the maximum extent practicable, for example, through a variety of KSHCP-recommended methods such as shielding, redirecting lights, installing motion sensors, altering light/utility structures, and training staff to respond to downed seabirds appropriately. Selected avoidance and minimization measures must be described in thorough detail by each applicant, including a schedule and funding and the reasons for selecting among avoidance and minimization alternatives would need to be clearly defined and supported in each ITP application submitted to the Service under the KSHCP. Support for the SOS program would likely be part of the KSHCP impact minimization policy because SOS recoveries support the rescue, rehabilitation, and release of affected (downed) seabirds. All participants in the KSHCP would be legally bound to implement avoidance and minimization requirements tailored to their unique facility(ies) as detailed in their ITP and IA.

Habitat protection and management programs implemented to compensate for unavoidable take of the Covered Species would be detailed in the KSHCP. For example, the mitigation program would include colony protection (including surveys, fencing, and predator control), monitoring, and management actions necessary to compensate for the impacts of incidental take of the Covered Species and to provide a net environmental benefit. The goals and objectives of the compensatory mitigation program would be based on specific recovery goals for each listed species. The KSHCP compensatory program

would likely include weed, ungulate, and predator removal designed to benefit the Covered Species and other listed flora and fauna. Part of the analysis in the KSHCP will be to evaluate the potential effects of covered activities to rare plants, including but not limited to *Acaena exigua*, *Adenophorus periens*, *Alsinidendron lychnoides*, *Cyanea recta*, *Cyrtandra cyanoides*, *Delissea rivularis*, *Exocarpus luteolus*, *Myrsine linearifolia*, *Nothocestrum peltatum*, *Plantago princeps* var. *anomala*, *Plantago princeps* var. *longibracteata*, *Platanthera holochila*, *Poa sandvicensis*, *Poa siphonoglossa*, *Remya montgomeryi*, *Schiedea membranacea*, *Solanum sandwicense*, and *Xylosma crenatum*. A “Plant Protection Plan” should be included in the KSHCP to ensure protection of all listed plants during seabird mitigation actions. The KSHCP compensatory mitigation program is also expected to support long-term conservation partnerships with land owners and existing efforts by non-profit organizations that provide long-term benefits to listed seabirds, plants, watersheds, and other non-listed plants and animals of Kauai.

Fees for each applicant/participant would be proportionate to the level of incidental take authorized as well as the type of impact: lights or utility lines. Fees submitted under the KSHCP would be used to fund HCP administration, monitoring, compensatory mitigation, and the SOS Program.

As currently envisioned, administration and management related to implementation of the KSHCP would be the responsibility of the DLNR or their designee, with appropriate oversight by the Service. An annual review of actions implemented under the KSHCP would be conducted by the Endangered Species Recovery Committee (ESRC). Based on that review the ESRC may forward recommendations for modifying KSHCP-related actions to the Board of Land and Natural Resources. The joint Federal/State EIS will be prepared in compliance with NEPA and Hawaii Revised Statutes (HRS) Chapter 343. Although DLNR will have the lead for preparing the EIS the Service will be responsible for the scope and content of the document for NEPA purposes, and the DLNR will be responsible for the scope and content of the document for the purposes of satisfying requirements of HRS Chapter 343.

The EIS will consider the proposed action, (the issuance of Section 10(a)(1)(B) permits under the ESA), no action (i.e., no permit issuance), a reasonable range of other alternatives, and the associated impacts of each alternative. A detailed description of the proposed action and other alternatives (including no action) will be included in the EIS. The range of alternatives developed may vary by the level of impacts caused by the proposed activities, their specific locations, and the conservation measures involved. Potential alternatives may include various methods of minimizing take through modifications of existing power lines, structures, and lights; placing power line segments underground; implementing design standards for new facilities; variations in the scope of covered activities; variations in the location, amount and type of conservation including developing and implementing various approaches for improving seabird survival and breeding success; variations in permit duration; or a combination of these elements. The FWS will consider other reasonable alternatives recommended during this scoping process in order to develop a full range of alternatives.

The EIS will analyze direct, indirect, and cumulative impacts on the ecosystem and other aspects of the human environment including, but not limited to, biological resources, land use, air quality, water quality, mineral resources, water resources, recreation, cultural and archeological resources, visual resources, socioeconomics, and other issues that could occur with implementation of the proposed action and alternatives. For all potentially significant impacts, the EIS will identify avoidance, minimization, and mitigation measures to reduce those impacts, where feasible, to a level below significance.

## 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).