



# The Environmental Notice

December 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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## **STATEWIDE (HRS 343)**

### **1. [Hawaii Interisland Renewable Energy Program: Wind – Programmatic Environmental Impact Statement \(EA-EISPN\)](#)**

**Island:** Oahu, Maui, Lanai, Molokai, and ocean areas separating these islands  
**TMK:** To Be Determined  
**Permits:** To Be Determined  
**Proposing Agency:** Dept of Business, Economic Development and Tourism (DBEDT), Renewable Energy Branch, State Energy Office, P.O. Box 2359, Honolulu, HI 96804. Allen Kam, 587-9010  
**Accepting Authority:** Governor  
**Consultant:** AECOM, 1001 Bishop Street 16th Floor, Honolulu, HI 96813. Michelle Mason, 356-5322  
**Comments:** EISPN comments due January 7, 2011. Address comments to the Proposing Agency, with copies to the Accepting Authority and Consultant

The Hawaii Interisland Renewable Energy Program: Wind would produce renewable energy through the use of wind turbine technology and transfer the electricity generated by undersea cables for subsequent distribution to energy consumers. This Programmatic Environmental Impact Statement (EIS) will evaluate the environmental, social, cultural, and economic impacts associated with a proposed wind energy program encompassing areas of the islands of Maui, Lanai, Molokai and Oahu. The EIS will act as a framework for subsequent project-specific wind developments proposed as part of Hawaii's renewable energy program. Infrastructure that could be developed in subsequent phases of the program includes wind farms, associated collection infrastructure, beach crossings on the islands, ocean bottom transit by an underwater power cable, and infrastructure improvements and cable landing areas on Oahu. The EIS will develop implementation guidelines and best management practices for components of an interisland renewable energy grid. The EIS will help define how relevant federal and state regulatory agencies will work together in subsequent "tiered" environmental reviews (tiered EA/EIS's). All future projects will still be required to complete separate environmental reviews under HRS Chapter 343 provisions (state) and applicable NEPA and other requirements (federal). The State is acting as co-lead agency with the U.S. Department of Energy to formulate this EIS consistent with all state and federal environmental review provisions. A Notice of Intent (NOI) under Federal NEPA provisions is concurrently being prepared for publication in the Federal Register.

## **OAHU (HRS 343)**

### **2. [O'Connell Shoreline Setback Variance \(DEA\)](#)**

**Island:** Oahu  
**District:** Waianae  
**TMK:** 8-4-7:01  
**Permits:** Shoreline Setback Variance, Building  
**Applicant:** William and Margaret O'Connell, 84-709 Upena Street, Waianae, HI 96792  
**Approving Agency:** City and County of Honolulu, Dept of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, HI 96813. Ann Asaumi, 768-8020  
**Consultant:** Thomas C. Zizzi, L.L.L.C., P. O. Box 4220, Waianae, HI 96792. Thomas C. Zizzi, Esq., 696-2200  
**Comments:** Comments due January 7, 2011. Address comments to the Applicant, with copies to the Approving Agency and Consultant

The applicants seek after-the-fact approval to retain an unauthorized vertical seawall system and other structures in the shoreline setback of the property located at 84-709 Upena Street in Waianae. The seawall spans the entire shoreline frontage of the property for approximately 70 feet. Landward of that seawall are a set of secondary shoreline structures staggered between approximately 17 to 25 feet inland from the seaward property boundary. The project site is zoned R-10 Residential District and is improved with a single-family residence. The recorded lot area to which the owners hold title is 15,510 square feet. The project will require approval of a Shoreline Setback Variance and building permit.

### 3. Acquisition of Land for the Expansion of Kalaeloa Barbers Point Harbor (FEA)

**Island:** Oahu  
**District:** Ewa  
**TMK:** 1-9-1-14:26 (por.)  
**Permits:** Land Board Approval  
**Proposing Agency:** Dept of Transportation, Harbors Division, 79 South Nimitz Highway, Honolulu, HI 96813. Sandra C. Rossetter, 587-1886  
**Approving Agency:** Same  
**Consultant:** SSFM International, Inc., 501 Sumner Street, Suite 620, Honolulu, HI 96817. Jared K. Chang, 356-1242  
**Comments:** FEA accepted by the Approving Agency. There is no comment period

The proposed action involves acquisition of approximately 53-acres of land adjacent to Kalaeloa Barbers Point Harbor by the Department of Transportation, Harbors Division for future expansion of the harbor. The acquisition is being proposed to ensure that sufficient lands are available for long-term commercial harbor needs. No significant impacts are anticipated to result from acquisition of the property or its use for commercial harbor operations. Specific impacts from proposed uses will be assessed in subsequent environmental review documentation to be prepared when land use plans for the property have been finalized.

### 4. Kalaeloa Life Safety Improvements (FEA)

**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:** Same  
**Consultant:** R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, HI 96819. Chester Koga, 842-1133. Email: chesterk@rmtowill.com  
**Comments:** FEA accepted by the Approving Agency. There is no comment period

The 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.

**MAUI (HRS 343)**

**5. Hana Highway Improvements – Uakea Road to Keawa Place (FEA)**

**Island:** Maui  
**District:** Hana  
**TMK:** Within Right-of-Way, parcel: 2<sup>nd</sup> Div 1-4-06:999  
**Permits:** SMA, Work in Right-of-Way  
**Proposing Agency:** Dept of Transportation, Highways Division, 650 Palapala Drive, Kahului, HI 96732. Charlene Shibuya, Project Manager, Phone: 873-3535, Fax: 873-3544, Email: Charlene.Shibuya@Hawaii.Gov

**Approving Agency:** Same  
**Consultant:** AECOM, 1001 Bishop Street, Suite 1600, Honolulu, HI 96813. Diane Kodama, P.E., Phone: 521-3051 Fax: 524-0246  
**Comments:** FEA accepted by the Approving Agency. There is no comment period

The proposed project is intended to mitigate safety issues and improve roadway access along Hana Highway, near the intersection with Uakea Road. The proposed project is not part of a larger action, nor would it occur within the context of such actions. The project is not anticipated to have a significant adverse impact on the physical environment and is not anticipated to result in significant adverse cumulative or secondary impacts.

Construction associated with the proposed project will have a temporary impact on air quality, will include partial or complete road closures during the construction period, and will generate short-term noise impacts. Appropriate BMPs will be incorporated to minimize construction-related impacts. Road closures will be scheduled in a manner that minimizes disruption to motorist travel, and the road will be detoured so as not to affect anticipated traffic demand during busy times. These impacts will be temporary and are not expected to create long-term adverse environmental impacts.

The proposed project is intended to improve future roadway operating conditions on Hana Highway, near the intersection with Uakea Road. From a long term perspective, there are no significant environmental effects anticipated which cannot be mitigated as a result of the proposed roadway improvements.

**6. Omaopio Road Tank Replacements (FEA)**

**Island:** Maui  
**District:** Makawao  
**TMK:** (2) 2-3-03:01 and 130 (por.) and (2) 2-3-03:06 (por.)

**Permits:** NPDES (as applicable), Noise (as applicable), Grading, Building  
**Proposing Agency:** County of Maui, Dept of Water Supply, 200 South High Street, Wailuku, HI 96793. Herb Chang, 270-7835  
**Approving Agency:** Same  
**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI 96793. Erin Mukai, Associate, 244-2015  
**Comments:** FEA accepted by the Approving Agency. There is no comment period

The County of Maui, Department of Water Supply proposes to construct two (2) new replacement water tanks along Omaopio Road in Kula, Maui, Hawaii. The two (2) new proposed water tanks (also referred to as the Upper Tank and the Lower Tank) will be located approximately 1.5 miles apart along Omaopio Road. The Upper Tank will be located on a portion of property identified as TMK (2) 2-3-003:130 (por.) (Parcel 130). Parcel 130 is approximately 0.4 acre in size. The Lower Tank will be located on TMK (2) 2-3-003:101 (Parcel 101). Parcel 101 is approximately 0.114 acre.

A 200,000 gallon reservoir will replace an existing 12,000 gallon tank at the Upper Tank site. Related improvements include the installation of a paved service road, new chainlink fence, retaining wall at the west property line, and the necessary fittings to connect to existing utilities.

A 40,000 gallon steel tank will be installed at the Lower Tank site. The 40,000 gallon tank will replace an old 12,000 gallon tank that has been previously removed. Related improvements at the Lower Tank site include the construction of a gravel service road surrounding the lower tank, and the replacement of an existing driveway with a new A.C. paved driveway. A portion of an adjacent lot, TMK (2) 2-3-003:006 (por.), will be graded to accommodate the lot.

## 7. [Ka Lima O Maui Affordable Housing \(DEA\)](#)

**Island:** Maui  
**District:** Wailuku  
**TMK:** (2) 3-8-46:16  
**Permits:** Section 201H-38, HRS Application, NPDES, Construction  
**Applicant:** Ka Lima O Maui, Ltd., 95 Mahalani Street, Wailuku, HI 96793. Chantal Ratte, Executive Director, 244-5502  
**Approving Agency:** Dept of Housing and Human Concerns, 200 South High Street, Wailuku, HI 96793. Lori Tshako, Director, 270-7805  
**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI 96793. Colleen Suyama, Senior Associate, 244-2015  
**Comments:** Comments due January 7, 2011. Address comments to the Applicant, with copies to the Accepting Authority and Consultant

Ka Lima O Maui, Ltd. (Ka Lima O Maui) is a community-based vocational rehabilitation program that provides job training and employment opportunities for disabled and economically disadvantaged adults on Maui. Ka Lima O Maui proposes to develop a 100 percent affordable housing project to meet the needs of the island's population of disabled and/or economically challenged individuals. The proposed action involves the construction of 16 single-occupancy, one bedroom apartments contained within two (2) separate residential buildings totaling 8,888 square feet (s.f.) (4,440 s.f. for each residential building). The project also includes the renovation of an existing 2,500 s.f. building used by Ka Lima O Maui's Medicaid Waiver Program, as well as the construction of a new building providing office space of approximately 3,600 s.f. and storage and garage space of approximately 3,600 s.f. Additionally, related improvements are proposed including utility, infrastructure, landscaping and parking. The property upon

which the project is proposed is owned by the County of Maui and is classified as "Urban" by the State Land Use Commission, designated "Public/Quasi-Public" by the Wailuku-Kahului Community Plan, and zoned "R-3, Residential" by the County of Maui.

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

#### **8. New Park Development, Alii Kai Subdivision (FEA)**

**Island:** Hawaii  
**District:** North Kona  
**TMK:** (3) 7-6-19:34  
**Permits:** SMA, NPDES, Grading, Building  
**Proposing Agency:** Dept of Parks and Recreation, County of Hawaii, 101 Pauahi Street, Suite 6, Hilo, HI 96720. Aubrey Summers, 961-8917  
**Approving Agency:** Same  
**Consultant:** AES Design Group, Inc., Pearlridge Center Uptown, Suite 213, 98-1005 Moanalua Road, Aiea, HI 96701-4707. Alan K. Hirota, 487-3200  
**Comments:** FEA accepted by the Approving Agency. There is no comment period

The County of Hawaii seeks to develop an unimproved park parcel into a new neighbor park for the Alii Kai Subdivision. The project does not include land acquisition, change in land use or any off site improvements. There are no significant long term detrimental environmental impacts from this project. The park site is situated in an established residential area and was previously cleared of any meaningful natural, historical and cultural features. Surveys conducted by a specialist did not identify any archaeological sites or features. Infrastructure, soil and topological assessments did not identify long term impacts. Its location in a stable surrounding neighborhood, its neighborhood park function and location away from well traveled areas minimizes its impact to the existing utility infrastructure. Concerns about vandalism and operational issues will be handled through standard County park operations policies and practices. There will be short term environmental impacts associate with park construction including some traffic congestion, construction noises and dust. Correspondingly, this project will significantly benefit the community. It fulfills the commitment by the County of Hawaii for a neighborhood park and will enhance the value and ambiance of the neighborhood and provide an asset for the community.

### **ENVIRONMENTAL COUNCIL MEETING**

The Environmental Council has tentatively scheduled a meeting for December 15, 2010. The Exemption List Sub-committee is meeting from 9 a.m. to noon in the State Office Tower. On the agenda are the proposed exemption lists for the [Agribusiness Development Corporation](#) (ADC) and the [Department of Accounting and General Services](#) (DAGS). ADC will be heard from 9-10:30 a.m. and DAGS from 10:30 a.m. to noon. The Council is meeting from 2-4 pm at the AAFES building located at 919 Ala Moana Blvd and neighbor island video conference centers. Please check the [Calendar of Events](#) six days prior to the meeting date for the complete agenda, times, and locations. (Select Dept of Health and Environmental Council). For more information, call the Office of Environmental Quality Control at 586-4185.

### **HABITAT CONSERVATION PLAN**

A Habitat Conservation Plan (HCP) allows a landowner to proceed with an activity that may result in the illegal take of a listed species, per state and federal law (HRS 195D). An HCP ensures that the project

provides net benefit to Hawaiian endangered and threatened species and describes the ways that impacts will be avoided and minimized, as well as what mitigation measures will be taken. "Take" is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species, including plants, animals, birds, fresh and marine water species."

### [Kauai Lagoons Habitat Conservation Plan](#)

**Island:** Kauai  
**TMK:** (4) 3-5-01: 27, 165, 168, 169, 171 to 177, and 180 to 215  
**Applicant:** Kauai Lagoons LLC, 3351 Hoolaulea Way, Lihue, HI 96766  
**Approving Agency:** Dept of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Room 325, Honolulu, HI 96813. Attn: Lauren Goodmiller, 587-0166  
**Comments:** HCP 60-day comment period ends February 8, 2011. Address comments to the Applicant, and copy the Approving Agency  
**Permits:** Incidental Take License

The purpose of the Habitat Conservation Plan (HCP) and accompanying Incidental Take License (ITL) for Kauai Lagoons is to provide for avoidance, minimization, mitigation, and monitoring of potential injury and death to eight endangered or threatened species: Nene (*Branta sandvicensis*), Hawaiian Stilt (*Himantopus mexicanus knudseni*), Hawaiian Coot (*Fulica alai*), Hawaiian Moorhen (*Gallinula chloropus sandvicensis*), Hawaiian Duck (*Anas wyvilliana*), Hawaiian Petrel (*Pterodroma sandwichensis*), Newell's Shearwater (*Puffinus auricularis newelli*), and Band-rumped Storm-Petrel (*Oceanodroma castro*). The HCP also outlines measures to ensure net recovery benefit to the covered species. Kauai Lagoons is located in Lihue, Kauai, and the property encompasses approximately 600 acres. The development of this HCP is related to Kauai Lagoon's plan to construct additional development which will consist of several projects comprising of over 700 resort residential units and a variety of support facilities.

The HCP is available for review through this bulletin, in the Main State Library, and the Lihue Public Library, as well as on the Division of Forestry and Wildlife website (<http://hawaii.gov/dlnr/dofaw>) under "Habitat Conservation Plans." The Department of Land and Natural Resources Division of Forestry and Wildlife will hold a public hearing to receive testimony during the 60 day comment period. The details of the public hearing will be published in the Star Advertiser newspaper and Garden Island newspaper, the State E-Calendar, as well as with the Lt. Governor's office and on the Division of Forestry and Wildlife website.

### **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.

**File No.:** **CDUA HA-3546**  
**Applicant:** Federal Highway Administration, Central Federal Lands Highway Division  
**Location:** South Hilo, Hawaii  
**TMKs:** (3) 2-5-01:02, 03, 04, 06, 07, 08, 11, 12, and 13; 2-6-18:04 and 10  
**Action:** State Civil Defense Disaster Warning and Communication Device Installation

343, HRS determination: FEIS accepted August 1999  
Applicant's Contact: Bruce K. Meyers, Okahara & Associates, Inc., 961-5527

**File No.:** **CDUA HA-3571**  
Applicant: Continental Pacific, LLC  
Location: Kapehu, Kaupakuea, Kahua, Makahanaloa (Pepeekeo Point), South Hilo  
TMK: (3) 2-8-08:100  
Proposed Action: ATF, CDUA for "Grubbing & Grading" without permit (Departmental Permit)  
343, HRS determination: Exempt, Pursuant to Section 11-200-8(4)  
Applicant's Contact: All Aina Services, (808) 969-3882

**File No.:** **CDUA OA-3574**  
Applicant: Department of Accounting and General Services  
Location: Keaau Beach Park, Ohikilolo/Keaau, Waianae, Oahu  
TMK: (1) 8-3-01:01  
Action: State Civil Defense Disaster Warning and Communication Device Installation  
343, HRS determination: Exempt  
Applicant's Contact: John Sakaguchi, Wilson Okamoto Corp., 946-2277

**File No.:** **CDUA KA-3576**  
Applicant: County of Kauai, Dept of Water  
Location: Wainiha, Hanalei, Kauai  
TMK: 4-5-8-04:03  
Proposed Action: Wainiha Water Well Project  
343, HRS determination: FONSI published in the Feb. 8, 2010 OEQC Environmental Notice  
Applicant's Contact: Nadine Nakamura, NKN Project Planning, 4849 Iiwi Road, Kapaa, HI 96746

## 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.

## Regional General Permit 2011-001 for Maintenance Clearing of Rivers, Streams, Storm Drains and Beach Areas in the State of Hawaii

Federal Action: Federal Agency Activity  
Federal Agency: U.S. Army Corps of Engineers, Honolulu District  
Contact: Mr. Robert Deroche, 438-2039  
Location: State of Hawaii  
CZM Contact: John Nakagawa, 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)  
Proposed Action: Issuance of regional General Permit (GP) 2011-001 to authorize maintenance clearing of rivers, streams, storm drains and beach areas within the State of Hawaii. GP2011-001 would authorize the maintenance removal of sediment at the outlets of storm drains, as well as dredging of constricted portions of, and at the mouths of, streams and rivers, and the removal of seaweed, rubble or other debris from beach areas, subject to certain limitations, specifications and conditions. Previously under GP96-



001, approximately 100 authorizations were issued over a five year period from 1997 to 2002 for the same activities. The proposed GP2011-001 would not authorize any activities involving the placement or discharge of fill material. Work under the proposed GP would result in a reduction of the potential for flooding due to sedimentation and shoaling in the specified waterways. Work would also improve public safety by preventing stagnation and shoaling in waterways.

Comments Due: December 22, 2010

<b>SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS</b>		
<b>Location (TMK)</b>	<b>Description (File No.)</b>	<b>Applicant/Agent</b>
Hawaii: North Kona (7-3-43:89)	Grading, Construction of a Temporary Lined Water Reservoir, Placement of Office Trailers and Other Related Improvements (SMM 10-166)	Goodfellow Bros. Inc.
Maui: Lahaina (4-4-01:97)	Erect Temporary Tent on Pool Deck (SM2 20100077)	Kaanapali Shores
Maui: Kihei (3-9-04:135)	Apartment Alteration Install Windows (SM2 20100078)	Dehaan, Henry
Maui: (2-8-03:59)	Line Lot Adjustment (SM2 20100079)	Davison, Kevin
Maui: (3-7-02:11)	Add 10 Paved Parking Stalls (SM2 20100080)	David Tamanaha, Maui Community College
Maui: (2-6-02:27)	New Construction, Addition of Four Offices (SM2 20100081)	Paia Lodge

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).

<b>SHORELINE - Certification Applications</b>				
<b>File No.</b>	<b>Date</b>	<b>Location</b>	<b>Applicant/Owner</b>	<b>TMK</b>
OA-1398	11/10/10	Lot 6 being a portion of R.P. 4498, L.C. Aw. 6175, Apana 1 to Kamaha No Malaea situate at Wailupe, Honolulu, Oahu Address: 5295 Kalaniana'ole Highway Purpose: Development of property	Dennis K. Hashimoto/ Beverly Ing Lee	3-6-02:02
OA-1399	11/15/10	Parcel 1 Maili Stream and Tributaries, Line M-4 situate at Lualualei, Waianae, Oahu Address: Farrington Highway Purpose: Construction in setback	ControlPoint Surveying, Inc./ Department of Transportation	8-7-05:04
MA-464	11/15/10	Lot 35 of the Waiohuli-Keokea Beach Lots, Second Series situate at Kihei, Maui Address: 1632 Halama Street Purpose: Building permit	Akamai Land Surveying, Inc./ Naomi Shimada, Melvin Shigeta	3-9-11:15
MA-465	11/17/10	Lot 48 Kamaole Beach Lots situate at Kamaole, Kihei, Maui Address: 3010 South Kihei Road Purpose: N/A	Akamai Land Surveying, Inc./ John & Darlene Abt	3-9-04:104

HA-430	11/17/10	Lot 1 of Land Court Application 421 as shown on Map 2, Lot 2-A being the whole of Lot 2 of Land Court Application 421 as shown on Map 2 and being a portion of L.C. Aw. 11,176 to Lono situate at Waipunaula, South Kona, Island of Hawaii Address: 82-6027 Beach Road and 82-6025 Puuhonua Road Purpose: Obtain County permits	Wes Thomas Associates/ William A. Morris	8-2-05:13
HA-431	11/22/10	Lot 8, a subdivision of R.P. Grant 4475, L.C. Aw. 7713 Apana 19 to Kamamalu, situate at Alae, South Hilo, Island of Hawaii Address: 60 Kahoa Street Purpose: Determine building setback	Steven Garon/ Steven Garon	2-6-25:03
KA-344	11/18/10	Lot 55 Land Court Application 1160 situate at Hanalei, Kauai Address: 4906 Weke Road Purpose: Update shoreline	Esaki Surveying and Mapping, Inc./ Nathan Hamar	5-5-01:12

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-1377	Proposed Shoreline Certification	Lot 3-B-3 of Land Court Application 656 (Map 49) situate at Wailupe, Honolulu, Oahu Address: 5375 Kalaniana'ole Hwy Purpose: Shoreline setback line	Mildred Kashiwa Trust/ Mildred Kashiwa Trust	3-6-03:08

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.

### POLLUTION CONTROL PERMITS

Branch Permit Type	Applicant and Permit Number	Project Location	Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	Chevron Products Co. Application for Modification No. 0082-04 CSP No. 0082-01-C	933 North Nimitz Highway, Honolulu, Oahu	Issued: 11/18/10	Honolulu Transportation Terminal
Clean Air Branch, 586-4200, Non-Covered Source Permit	Hunt Building Co., Ltd. Application for Renewal No. 0592-02 NSP No. 0592-01-NT	Various Temporary Sites, State of Hawaii	Issued: 11/23/10	81 TPH Screening Plant with a 4.8 HP Diesel Engine

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

### **Notice of Availability of Draft Supplement to the Environmental Assessment for the Proposed Paina Hawaii, LLC Irradiator in Honolulu, HI**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) is issuing and publishing for public comment a Draft Supplement to the Environmental Assessment (EA) for the irradiator proposed by Paina Hawaii, LLC (Paina). On June 23, 2005, Paina submitted an application to NRC requesting a license to possess and use byproduct material in connection with a proposed underwater irradiator. NRC completed the Final EA and Finding of No Significant Impact (FONSI) for this action on August 10, 2007, and subsequently issued a license to Paina on August 17, 2007. The license authorizes Paina to possess and use byproduct material (sealed sources) in a commercial underwater irradiator to be located adjacent to Honolulu International Airport on Palekona Street near Lagoon Drive. NRC is issuing this Draft Supplement to the EA in response to a decision of the Atomic Safety and Licensing Board (Board) from the NRC's Atomic Safety and Licensing Board Panel (ASLBP). As directed by the Board, this Draft Supplement addresses the following three areas: (1) Environmental impacts of accidents that might occur during the transport of cobalt-60 sources to and from Paina's irradiator, (2) electron-beam technology as an alternative to cobalt-60 irradiation, and (3) alternative sites for Paina's irradiator.

The public comment period on the Draft Supplement ends on **January 6, 2011**. Comments submitted by mail should be postmarked by January 6, 2011, to ensure consideration. Comments received or postmarked after January 6, 2011 will be considered to the extent practical, but the Commission is able to assure consideration only for comments received on or before this date. You may submit comments by any one of the following methods. Please include the Docket ID NRC-2010-0374 in the subject line of your comments. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

Electronic Mail: Comments may be sent to: [PainaEA@nrc.gov](mailto:PainaEA@nrc.gov). Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2010-0374. Comments may be submitted electronically through this Web site. Address questions about NRC dockets to Carol Gallagher, 301-492-3668, e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). Mail comments to: Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Division of Administrative Services, Office of Administration, Mail Stop: TWB5-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by fax to RADB at 301-492-3446. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site <http://www.regulations.gov>.

For further information contact: Johari Moore, Project Manager, Environmental Review Branch A, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Rockville, Maryland 20852. Tel: 301-415-7694; fax: 301-415-5369; e-mail: [Johari.Moore@nrc.gov](mailto:Johari.Moore@nrc.gov).

By letter dated August 17, 2007, the U.S. Nuclear Regulatory Commission (NRC) issued Materials License No. 53-29296-01 to Paina authorizing possession and use of byproduct material (sealed sources) in a commercial underwater irradiator to be located immediately adjacent to Honolulu International Airport on Palekona Street near Lagoon Drive. Also on August 17, 2007, NRC published a Notice of Availability in the Federal Register for the EA and FONSI prepared in support of this licensing action (72 FRN 46249). On September 4, 2007, Concerned Citizens of Honolulu filed contentions challenging the NRC staff's analysis in the Final EA. In an August 27, 2009 decision, the Board found

that the staff needed to supplement the Paina EA in order to address (1) environmental impacts of accidents that might occur during the transport of cobalt-60 sources to and from Paina's irradiator, (2) electron-beam technology as an alternative to cobalt-60 irradiation, and (3) alternative sites for Paina's irradiator. The Board's findings on these issues were affirmed in a July 8, 2010 decision by the NRC's Commission. In the Draft Supplement issued today, the NRC staff addresses each of the issues identified by the Board.

Paina's license authorizes it to use byproduct material (sealed radioactive sources) in a pool irradiator to be located adjacent to Honolulu International Airport, Honolulu, Hawaii. The irradiator would be used for the production and research irradiation of food, cosmetic, and pharmaceutical products. Paina's license request was previously noticed in the Federal Register on August 2, 2005 (70 FR 44396), with a notice of an opportunity to request a hearing.

The staff prepared an EA in support of its review of the license application. The staff considered impacts to areas such as public and occupational health, transportation, socioeconomics, ecology, water quality, and the effects of aircraft crashes and natural phenomena.

The staff has prepared a Draft Supplement to the EA as directed by the Board. In the first area identified by the Board, the staff found that accidents occurring during the transport of cobalt-60 to or from Paina's proposed irradiator will not cause a significant impact to the environment. This is due primarily to the very low likelihood cobalt-60 will be released from a shipping package. The low likelihood of release is due to several factors, including the small number of cobalt-60 shipments to Paina's irradiator and the stringent safety requirements for the design of cobalt-60 shipping packages. In the second area identified by the Board, the staff found that the environmental impacts of an electron-beam irradiator will be small for each resource area. The staff also found that the impacts will not be significantly different than those associated with construction and operation of a cobalt-60 irradiator. In the third area identified by the Board, the staff found that impacts associated with construction and operation of a cobalt-60 irradiator at alternative sites will be small and will not be significantly different than those at the proposed site. In particular, the staff found that aircraft crashes involving the alternative sites will have no significant impact on public health and safety. The staff also found that environmental impacts from earthquakes, tsunamis, and hurricanes at the alternative locations will be small.

Publicly available documents created or received at the NRC, including the Draft Supplement to the EA, the August 10, 2007, EA, and the Paina license and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession number for the Draft Supplement to the EA is ML103220072. The ADAMS accession numbers for the August 10, 2007, EA and the August 17, 2007, license are ML071150121 and ML072320269, respectively. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov)

The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Room O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. In addition, documents relating to the administrative litigation associated with Paina's application may be found in the Electronic Hearing Docket maintained by the NRC's Office of the Secretary at <http://ehd1.nrc.gov/EHD/>.

### **Cancellation of the Environmental Impact Statement (EIS) for Construction and Operation of a Panoramic Survey Telescope and Rapid Response System (Pan-STARRS) at the Summit of Mauna Kea, HI**

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code 4321, et seq.), the Council on Environmental Quality Regulations for implementing the procedural provisions of NEPA (40 Code of Federal Regulation (CFR) Parts 1500-1508), and U.S. Air Force (USAF) policy and procedures (32 CFR part 989), the USAF issued a notice on 10 Jan 07 advising the public of

its intent to prepare an EIS evaluating potential environmental impacts associated with construction and operation of the proposed Panoramic Survey Telescope and Rapid Response System (Pan-STARRS) by the University of Hawaii (UH) Institute for Astronomy (IfA). Pan-STARRS was to be a USAF-funded, UH IfA research program to discover, characterize and track Near-Earth Objects (NEOs), primarily asteroids and comets, whose trajectories pass close enough to Earth that they may pose a danger of collision. For further information contact Connie Rankin, Office of Public Affairs, 377 ABW/PA, 3550 Aberdeen Ave., SE., Kirtland AFB, NM 87117-5776 (Phone: 505-846-4321; e-mail [Connie.Rankin@kirtland.af.mil](mailto:Connie.Rankin@kirtland.af.mil)).

**Notice of Availability of the Final Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN) for the Hawaii Interisland Renewable Energy Program: Wind Programmatic Environmental Impact Statement**

This announces the availability of the EA/EISPN and commencement of the public scoping process for the Hawaii Interisland Renewable Energy Program: Wind Programmatic Environmental Impact Statement (EIS). A Notice of Intent (NOI) consistent with federal guidelines is being published concurrently in the Federal Register in cooperation with the U.S. Department of Energy. The proposed action is to develop guidelines and best management practices for future implementation of various components of an interisland renewable energy grid focused on wind. Based on the potential environmental consequences disclosed in the EA/EISPN, it has been determined that an EIS needs to be prepared. The EIS will evaluate the environmental, social, cultural and economic impacts associated with the State's proposed wind energy program. The EA/EISPN is available for review and comment at [www.hirep-wind.com](http://www.hirep-wind.com) with copies available for review at the following libraries: Hawaii State Library, Hawaii Documents Center; Lanai Public and School Library; Molokai Public Library; University of Hawaii Manoa - Hamilton Library; Kauai Community Library; University of Hawaii - Hilo Library, and Kailua-Kona Library. Public comments on scoping for the EIS will be accepted until **March 1, 2011**. For further information, contact: Allen G. Kam, Esq., AICP, HIREP Project EIS Manager, DBEDT, at (808) 587-9023 or e-mail [hirep@dbedt.hawaii.gov](mailto:hirep@dbedt.hawaii.gov) or Ms. Michelle Mason, AECOM at (808) 356-5322 and email: [michelle.mason@aecom.com](mailto:michelle.mason@aecom.com). Public scoping meetings in Hawaii are anticipated to occur in late January 2011 through early February 2011. Notice of the public scoping meetings will be published in local newspapers and on the project website at [www.hirep-wind.com](http://www.hirep-wind.com).

## **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).