



The Environmental Notice

April 23, 2011

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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 issued on the 8th and 23rd of each month on the Office of Environmental Quality Control's website. If you would like to be notified when it is issued, send us your email address and we'll put you on our mailing list.

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KAUAI (HRS 343)

1. [Kilauea Agricultural Park](#) (DEA)

Island: Kauai
District: Hanalei
TMK: (4) 5-2-04:99
Permits: Conservation Plan, Noise, NPDES, Use, Special Management Area, Roadway Access, Ministerial Permits (building, plumbing, electrical)

Proposing Agency: County of Kauai, Office of Economic Development, 4444 Rice Street, Suite 200, Lihue, HI 96766. George K. Costa, Director, 241-4949

Approving Agency: Same
Consultant: R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, HI 96819. Brian Takeda, 842-1133
Status: Anticipated Finding of No Significant Impact. Comments are due May 22, 2011. Send comments to the Approving Agency and Consultant

The Kilauea Agricultural Park is an approximately 75 acre site comprised of 14 farm lots, and space for a Sunshine Market, community gardens, energy farm, and compost/recycle/farm equipment storage. The proposed project will not cause any irrevocable loss of natural or cultural resources. The project is reintroducing farming uses to a site which formerly was in pineapple cultivation. Care will be exercised by users of the agricultural park to not harm endangered or threatened species of birds which may be attracted to the site. Woody vegetation will not be cleared between May 15 and July 15 when Hawaiian hoary bats may be carrying their young. No adverse effects to archaeological or historical sites will result from the project. The project will provide short term employment opportunities during construction and increase the supply of agricultural lots to small scale farmers. During construction, there will be minor impacts to air quality and noise levels. The project is not in an environmentally sensitive area such as a tsunami zone, beach, or erosion-prone area, geologically hazardous land, estuary, freshwater or coastal area. Potential effect related to erosion will be mitigated by the implementation of BMPs. A Soil Conservation Plan will be implemented to address long term erosion impacts. There is no further commitment to a larger action.

OAHU (HRS 343)

2. [Kewalo Basin Repairs Project](#) (FEIS)

Island: Oahu
District: Honolulu
TMK: (1) 2-1-58: pors. 01, 02, 35, 95
Permits: Section 10 Rivers & Harbors Act, NPDES; Section 401 Water Quality Certification; CZM Consistency Certification; SMA; CDUP; Fuel tank installation and operations; Noise

Proposing Agency: Hawaii Community Development Authority, 461 Cooke Street, Honolulu, HI 96813. Anthony Ching, Executive Director, 594-0300

Accepting Authority: Governor
Consultant: Helber Hastert & Fee, Planners, 733 Bishop Street, Suite 2590, Honolulu, HI 96813. Gail Renard, Project Planner, 545-2055
Status: Notice of availability only. Acceptance or non-acceptance to be determined at a later date

The proposed action involves demolition and replacement of existing deteriorated dock infrastructure at Kewalo Basin to improve safety and capacity. At full buildout, the number of slips would increase from the current 143 to 250. The project also includes modernization of the harbor's potable water and electrical systems, and provides a new fire suppression system, new sewage pumpout, and dedicated fueling pier.

There will be temporary construction period impacts to marine water quality, ambient noise levels, and harbor operations. Because the project area is well inshore of coral reef communities, short-term, temporary effects to marine water quality during in-water construction activities would affect only a highly disturbed benthic community dominated by alien species. Construction noise is not likely to adversely affect protected marine species because they are generally not found within the harbor. Best management practices, to be identified during the Federal and State permitting processes, will be employed to reduce water quality impacts and risks to protected species. The project is not expected to significantly impact peak hour traffic conditions. The project will not physically alter, interfere with or restrict access to surrounding shoreline areas or parks. No adverse impacts to archaeological resources are expected because the project does not include significant ground disturbing activities within the surrounding fastlands, which consist of fill materials. Beneficial impacts include modernized dock infrastructure, improved utility services and safety for current and future users, reduction in the risk of fuel and wastewater releases into the harbor, and accommodation of future demand.

MAUI (HRS 343)

3. [Puu Kukui Watershed Preserve Fiscal Years 2012-2018 Management Plan](#) (FEA)

Island: Maui
District: Lahaina
TMK: 4-1-1-17, 4-2-1-1 (por), 4-1-4-23 (por), 4-1-5-10, 13, 16, 17, 4-3-1-1 (por), 17 (por)
Permits: None
Applicant: Maui Land and Pineapple Co., Inc., PO Box 187, Kahului, HI 96733-6687. Megan Webster, 665-5467

Approving Agency: Dept of Land and Natural Resources, Div of Forestry and Wildlife, 1151 Punchbowl Street, Room 325, Honolulu, HI 96814. Emma Yuen, NARS Enhancement Coordinator, 587-4170

Status: Finding of No Significant Impact. There is no comment period

The Puu Kukui Watershed Preserve was established in 1988 to protect watershed forests and associated native plants and animals. The proposed conservation actions and programs include non-native invasive species control (feral ungulate control and weed control), monitoring and research, rare species protection, community outreach and educational opportunities, watershed partnerships, and facilities and operating expenses. No significant negative impacts to the environment are expected to result from the implementation of the proposed activities.

4. [Wailuku Exploratory Well](#) (DEA)

Island: Maui
District: Wailuku
TMK: (2) 3-5-01:100 (por.)
Permits: NPDES, Commission on Water Resource Management, DOH Wellhead Protection, Department of Water Supply, Noise, Building, Grading, Project District Phase III

Proposing Agency: County of Maui, Dept of Water Supply, 200 South High Street, 5th Floor, Wailuku, HI 96793. Tom Ochwat, 270-7816

Approving

Agency: Same
Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI 96793. Leilani Pulmano, Program Manager, 244-2015
Status: Anticipated Finding of No Significant Impact. Comments are due May 22, 2011. Send comments to the Approving Agency and Consultant

The County Department of Water Supply (DWS) plans to construct an exploratory well in Wailuku, Maui within the Iao Aquifer System to replace Shaft 33, an existing water source. The Proposed Wailuku Exploratory Well is being developed as part of DWS's continuing efforts to disperse the pumping within the aquifer. The proposed project is one of six water wells planned to replace Shaft 33. The six replacement wells will disperse pumping throughout the aquifer and positively impact the water quality and the sustainability of the aquifer. Approximately 12,000 square feet of land will be acquired for the well site. Pump and water quality tests will be performed to determine if the exploratory well will be suitable as a new potable water source. Should the tests confirm suitability, a separate Environmental Assessment will be prepared for a permanent well and pumping station.

The proposed project may result in short-term construction-related noise and air quality impacts. Such impacts will be mitigated by appropriate best management practices. In the long-term, no substantial adverse impacts to existing resources are anticipated. Consequently, significant adverse secondary impacts are not anticipated. The project is not anticipated to cumulatively have a negative impact on the physical environment.

HAWAII (HRS 343)

5. [Boteilho Lease of State Land for Dairy Purposes \(FEA\)](#)

Island: Hawaii
District: North Kohala
TMK: (3rd) 5-5-03:04, 05 & 06; 5-5-05:01; 5-5-06:02, 03, 04 & 15
Permits: Direct Lease of State Lands
Applicant: Boteilho Hawaii Enterprises, PO Box 190, Hawi, HI 96719
Approving Agency: Dept of Land and Natural Resources, Land Division, 75 Aupuni Street, Room 204, Hilo, HI 96720. Wesley Matsunaga, 974-6203
Consultant: Geometrician Associates, PO Box 396, Hilo, HI 96721. Ron Terry, 969-7090
Status: Finding of No Significant Impact. There is no comment period

Boteilho Hawaii Enterprises proposes to lease eight state properties totaling approximately 880 acres for continued use as a dairy. The company is owned by *kamaaina* dairy farmer Ed Boteilho, Jr., who operates Clover Leaf Dairy, one of the three remaining dairies in the State. The dairy has been in operation at this location since 1985 and on the island since 1962. It currently has 800 cows, with about 650 giving milk at any given time. Although the dairy currently leases and fully utilizes all of the subject properties, Boteilho Hawaii Enterprises seeks to rationalize the terms and purposes of the lease to make the dairy more efficient and allow prudent acquisition of new equipment. The current leases are set to expire at various dates in 2019 and 2020. The new lease would have a common thirty-year term. All dairying uses would be allowed for the entire lease. No relocation of the main part of the dairy would occur and no major new facilities would be built. The main advantage would be to allow the growing and chopping of forage in areas where only pasture uses are currently allowed. At the present time, according to the Department of Agriculture, more than 80 percent of Hawaii's milk comes from California. Depending on the weather, it can take more than a week to arrive in Hawaii. This milk gets pasteurized before leaving the port and once again prior to being bottled in Hawaii. Clover Leaf Dairy trucks its milk

each day for processing to Meadow Gold Dairy, which is located 97 miles away in Hilo, from which State residents can have access to fresh local milk. State agriculture officials are concerned that the loss of local dairies could leave the State's milk supply in a precarious position. The dairy has been in operation in this location since 1985, and no sensitive biological or archaeological resources are present and there are no traditional cultural uses on the agriculturally zoned property. Agricultural impacts are properly handled on the dairy, and continuing the dairy is compatible with uses on surrounding lands.

6. Kapulena Agricultural Park (FEA)

Island: Hawaii
District: Hamakua
TMK: (3) 4-7-05:01, 02 & 03; 4-7-06:01, 05, 06, 07, 10, 18, 20
Proposing Agency: County of Hawaii, Dept of Finance, Kenneth Van Bergen, 25 Aupuni Street, Suite 2103, Hilo, HI 96720-4252
Approving Agency: Same
Consultant: PBR Hawaii & Associates, Inc., 1001 Bishop Street, Suite 650, Honolulu, HI 96734. 521-5631 or cfernandez@pbrhawaii.com
Status: Finding of No Significant Impact. There is no comment period

The Hawaii County Department of Finance proposes to permit or lease the subject property as an agricultural park. The purpose of the agricultural park is to: develop and demonstrate best practices for sustainable grazing operations to support the grass-fed beef industry; test alternative orchard crops for production; provide incubator opportunities for value-added products; and provide training in cultivation and business practices. The proposed activities may include: grazing; agricultural production; and possibly silviculture. In addition, educational activities are planned. Educational facilities will include sheds, a shop, an office; and a clearing-house facility for processing produce.

Development may include: clearing existing cane roads and installing fencing to create paddocks; installation of pumping equipment to access water from the Lower Hamakua Ditch; water source development such as a well, reservoir or large-scale water catchment systems at higher elevations; and, construction of facilities to support the educational component of the park. All improvements are anticipated to occur onsite and the County will not permit any farm dwellings. The endangered Hawaiian hoary bat has been detected at this site. Measures to avoid impacts to the bat, as well as the Hawaiian hawk include limiting tree clearing to months outside these species' nesting season. One archaeological feature at this site is proposed to be avoided by any new activity.

DECLARATION OF EXEMPTION – County of Hawaii

Modification of an Existing Wall Within the Special Management Area and Shoreline Setback

Project No.: SAA-11-000634; SSV-11-000007
Description: The owners would like to demolish a damaged portion of an existing wall and stairs on the makai boundaries of the subject properties. The owners further wish to construct a new wall of the same height and width as the existing wall that would run on an angle to the County of Hawaii property from the north and the mauka-makai for a distance of approximately 30 feet on the southwestern edge of the Scharpf Trust property (TMK: 6-9-05:01). Another 30 feet in length would be built on the northwestern edge of the Sutton Trust property (TMK: 6-9-06:25) to separate it from the public access and to protect the properties from future erosion.

Consulted

Parties: County of Hawaii, Department of Public Works

Exemption

Class: Class 2: Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced;
 Class 6: Construction or placement of minor structures accessory to existing facilities;
 Class 8: Demolition of structures, except those structures located on any historic site as designated in the national register or Hawaii register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. 470, as amended, or Chapter 6E, HRS.

Status: For more information, contact BJ Leithead Todd, Director, County of Hawaii Planning Department, 961-8288

ENVIRONMENTAL COUNCIL

The Environmental Council has a tentative meeting scheduled for May 11, 2011. Please go to the State [Calendar](#) website six days prior to the meeting date to review the agenda. For more information, please contact the Council at oeqc@doh.hawaii.gov or call 586-4185.

In its regularly scheduled meeting on April 18, 2011, the Environmental Council concurred with the [Department of Accounting and General Services](#) proposed exemption list. For more information, please contact the Council at oeqc@doh.hawaii.gov or call 586-4185.

In its regularly scheduled meeting on April 18, 2011, the Environmental Council concurred with the [Kauai Transportation Agency](#) proposed exemption list. For more information, please contact the Council oeqc@doh.hawaii.gov or call 586-4185.

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS		
Location (TMK)	Description (File No.)	Applicant/Agent
Hawaii: North Hilo (3-5-05:23)	Construction of a Hair Salon Attached to the Single-Family Dwelling (SMM 11-171)	Louis and Jolene Nobriga
Hawaii: North Kona (7-6-15:12 & 13)	Construction of a Paved and Fenced 17-Space Parking Lot (SMM 11-172)	Department of Public Works, County of Hawaii
Hawaii: South Hilo (2-8-08:127 & 128)	Install and Repair Fencing for Livestock and Farming (SMM 11-173)	Muhammad Yunis
Maui: (3-8-77:04)	Temporary Construction of Base Yard (SM2 20110021)	Wastewater Reclamation Division, County of Maui
Maui: (4-4-08:01)	Fire Line Extension to Building (SM2 20110022)	Hartman, Robert

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

SHORELINE - Certification Applications				
File No.	Date	Location	Applicant/Owner	TMK
OA-1420	4/5/11	Parcel 32 situate at Pupukea, Koolauloa, Oahu Address: 59-355 Ke Nui Road Purpose: Obtain building permit	Wesley T. Tengan/ Charles Scott, Jr.	5-9-20:32
KA-348	4/11/11	Lot 3 as shown on Map 1 of Land Court Application No. 1469 situate at Waioli and Waipa, Halelea, Kauai Address: 5582 Weke Road Purpose: Building permit application	Peter Taylor Engineer and Land Surveyor, Inc./ Jan Hailey Trust, Jan Elizabeth, Trustee	5-5-05:10

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. For more information, call Ian Hirokawa at 587-0420.

FEDERAL NOTICES

High Altitude Mountainous Environmental Training, Island of Hawaii

In accordance with the National Environmental Policy Act (NEPA), the Army prepared an environmental assessment in December 2010 to assess the potential impacts of High-Altitude Mountainous Environmental Training (HAMET) for the 25th Combat Aviation Brigade, Hawaii. The Army received many comments concerning impacts to Cultural & Natural Resources, Recreational & Cultural Access and Noise. The Army further studied and analyzed potential impacts to these resources and has revised its Environmental Assessment (EA) and draft Finding of No Significant Impact (FNSI).

The purpose of the Proposed Action is to provide helicopter aviators/crews high-altitude training flight operations, while recognizing Army stewardship responsibilities within the affected region. The need for the Proposed Action is to provide realistic training to ready helicopter aviators/crews to be successful in the combat theater to support the operational and mission requirements of the 25th CAB, 25th Infantry Division, set forth by the Department of Army and Department of Defense (DoD) for deployment in support of combat operations in Afghanistan. Activities for helicopter aviator/crew proficiency training include but are not limited to: Touch and go, limited landings, approach and departure, reconnaissance, abort and go around, and nighttime operations in designated areas. Based on the information analyzed, the EA concludes that the Proposed Action would not result in any significant direct, indirect, or cumulative adverse impacts on the natural or human environment.

The EA and draft FNSI are available for public review at the following public libraries: Hilo Public Library, Kailua-Kona Public Library, and Thelma Parker Memorial Public and School Library. Copies can also be obtained by e-mailing hamet_nepa@portageinc.com or by calling (208) 419-4176. In addition a copy will be made available at www.garrison.hawaii.army.mil/nepa/default.asp. Written comments will be received and considered from April 22, 2011 to May 23, 2011 and should be directed to the email address above, or mailed to: Directorate of Public Works, Environmental Division (IMPC-HI-PWE), Attn: William Rogers, 948 Santos Dumont Avenue, Building 105, Wheeler Army Airfield, Schofield Barracks, 96857-5013.

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).