

# THE ENVIRONMENTAL NOTICE

A semi-monthly periodic bulletin published by the Office of Environmental Quality Control pursuant to Section 343-3, Hawai'i Revised Statutes August 23, 2011

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**Note:** If you get a message saying that the file is damaged when you click on the link, then the file is too big to open within your web browser. To view the file, download directly to your hard drive by going to File and select Save As in your web browser.

*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 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 issued, send us your email address and we'll put you on our mailing list.



Neil Abercrombie, Governor · Gary Hooser, Director · Office of Environmental Quality Control · 235 South Beretania Street, Suite 702 · Honolulu, HI 96813  
Tel: 586-4185 · Fax: 586-4186 · Email: [oeqc@doh.hawaii.gov](mailto:oeqc@doh.hawaii.gov) · Website: <http://hawaii.gov/health/environmental/oeqc/index.html/>  
Toll Free: Kaua'i: 274-3141 ext. 64185 · Maui: 984-2400 ext. 64185 · Moloka'i/Lāna'i: 1-800-468-4644 ext. 64185  
Hawai'i: 974-4000 ext. 64185

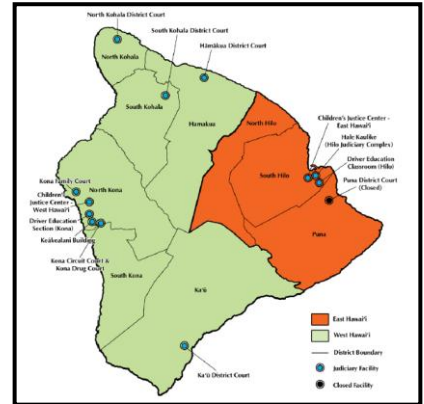
**HAWAI'I (HRS 343)**

1. **[Kona Judiciary Complex Site Selection Draft EIS](#)**

**Island:** Hawai'i  
**District:** North Kona  
**TMK:** Various  
**Permits:** State Land Use District Boundary Amendment, Change in Zone, State and/or County Roadway Access Permits, Various Site, Grading, Building, and Infrastructure Approvals for Construction

**Proposing Agency:** State of Hawai'i, Department of Accounting and General Services, Planning Branch, 1151 Punchbowl Street, Room 430, P.O. Box 119, Honolulu, Hawai'i 96810. Contact: Ralph Morita, (808) 586-0500

**Accepting Authority:** Governor, State of Hawai'i, care of the Office of Environmental Quality Control  
**Consultant:** Group 70 International, Inc., 925 Bethel Street, 5<sup>th</sup> Floor, Honolulu, Hawai'i 96813. Contact: Jeffrey H. Overton, (808) 523-5866  
**Status:** Statutory 45-day comment period starts; comments are due on October 6, 2011. Send comments to the Applicant, Accepting Authority and Consultant



The Kona Judiciary Complex Site Selection is being jointly undertaken by DAGS and the Hawai'i State Judiciary, to address a long-standing need for a new Judiciary complex in the West Hawai'i service area. The West Hawai'i service area is a region with a growing population and inadequate facilities to perform Judiciary functions. The project purpose is to take a broad look at the Kona region, and identify the most viable candidate sites for the future Kona Judiciary Complex.

Potential short-term (construction phase) impacts evaluated in the EIS include soil disturbance, erosion, drainage, air quality, noise, and traffic due to construction. Short-term beneficial impacts include construction expenditures and employment.

Potential long-term impacts (operations phase) include effects on soil, water quality, drainage, natural hazard areas, vegetation and wildlife, archaeology, cultural resources, traffic, noise, air quality, visual resources, socio-economic considerations, infrastructure and public services. Long-term beneficial impacts will include employment and community development. Materials and economic resources will be irretrievably committed to developing and constructing the new Kona Judiciary Complex.

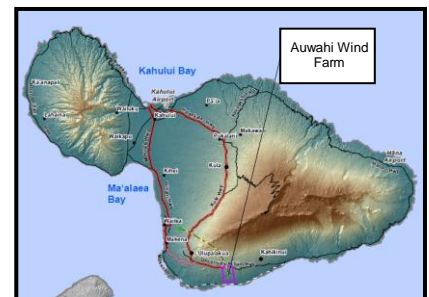
The significance of potential impacts will vary depending upon the selected site. The EIS presents a complete analysis of the anticipated impacts and recommended mitigation to minimize impacts to within acceptable regulatory standards.

**MAUI (HRS 343)**

2. **[Auwahi Wind Farm Final EIS and Acceptance Determination \(also Volume 2, Appendices A to E, Volume 3, Appendices F to M\)](#)**

**Island:** Maui  
**District:** Wailuku, Makawao, and Hana  
**TMK:** 1-9-001:006, 2-1-002:001, 2-1-002:002, 2-1-003-050, 2-1-003-054, 2-1-003-999, 2-1-004:006, 2-1-004:016, 2-1-004:017, 2-1-004:018, 2-1-004:049, 2-1-004:071, 2-1-004:106, 2-1-004:999, 2-1-005:023, 2-1-005:030, 2-1-005:045, 2-1-005:055, 2-1-005:057, 2-1-005:077, 2-1-005:095, 2-1-005:100, 2-1-005:108, 2-1-008:001, 2-1-008:131, 2-1-008:999, 2-1-009:001, 2-1-009:999

**Permits:** Special Management Area Use Permit; County Special Use Permit; Conservation District Use Permit; State Incidental Take License; Federal Incidental Take Permit; Clean Water Act Compliance; Request for Use of State Lands; Use and Occupancy Agreement; County Right-of-Way Approval; Moving Permits; Notice of Proposed Construction of Alteration; Noise Permit; Air Permit; Well Construction and Pump Installation Permits; and Grading, Building and other Construction Permits



**Proposing**

**Agency:** Auwahi Wind Energy LLC, 101 Ash Street, HQ 14, San Diego, California 92101. Contact: Mitch Dmohowski, (619) 696-2155

**Approving**

**Agency:** County of Maui, Planning Commission, 250 South High Street, Wailuku, Maui, Hawai'i 96793. Contact: Joe Prutch, (808) 270-7512

**Consultant:** Tetra Tech EC, Inc., 737 Bishop Street, Suite 3020, Honolulu, Hawai'i 96813. Contact: Anna Mallon, (808) 394-4109

**Status:** FEIS accepted by the Maui Planning Commission. There is no comment period.

The Maui Planning Commission has accepted the Final EIS for the Auwahi Wind Farm. Auwahi Wind Energy LLC (Auwahi Wind) is proposing to construct a wind farm with a net generating capacity of approximately 21 megawatts (MW), augmented with a battery energy storage system. The proposed Project would also include an operations and maintenance facility and related infrastructure, a 14.5-kilometer 34.5-kilovolt (kV) generator-tie line, an interconnection substation, a microwave communication tower, and a construction access route along existing public and private roadways.

Of the 50 states, Hawai'i is the most dependent on imported energy. In 2005, approximately 95 percent of Hawai'i's primary energy was derived from imported fossil fuels such as petroleum and coal. In an attempt to alleviate its dependence on imported fuels, Hawai'i required HECO, and affiliate MECO, to generate renewable energy equivalent to 40 percent by 2030. Furthermore, the Global Warming Solutions Act of 2007 requires the Hawai'i greenhouse gas (GHG) emissions be reduced to levels at or less than 1990 levels by January 2020.

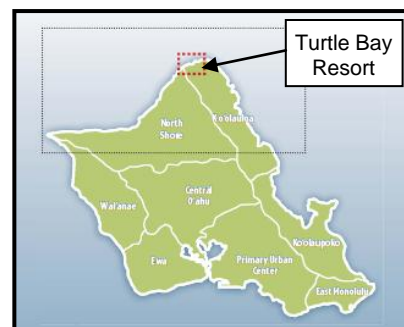
The proposed Project would help to meet these regulations by providing clean, renewable wind energy for the island of Maui while displacing GHG emissions from fossil-fueled electrical generation. The proposed Project would also provide economic benefits to the local community through contributions into the economy, generation of new jobs, and introduction of a stable, long term source of tax revenue for the state and county. The power generated by the wind farm would provide long-term price stability for consumers. Additionally, 'Ulupalakua Ranch would continue to utilize the lands for cattle ranching operations.

Auwahi Wind completed desktop and field-based analyses for biological, cultural, visual, air, and noise resources that could be potentially affected by the proposed Project. In general, Project-related impacts would be small relative to the benefits that the addition of renewable energy to MECO would provide. Where potentially significant impacts were identified, Auwahi Wind developed appropriate measures to avoid, minimize, and mitigate impacts. In all resource areas, neither significant cumulative impacts nor secondary impacts would result from Project construction or operations. While the No Action Alternative would avoid the environmental impacts identified in the EIS, it would not meet the objectives of the proposed Project including contributing to Hawai'i's Renewable Portfolio Standard, providing economic benefits to the local community, or providing long term displacement of GHG emissions from fossil-fueled electrical generation.

**O'AHU (HRS 343)**

**3. [Turtle Bay Resort Expansion FEA-Supplemental EISPN](#)**

**Island:** O'ahu  
**District:** Ko'olauloa  
**TMK:** 5-6-003:por.1, por.3, por.10, por.26, 33 por.35, por.37, 38, 40-44; 5-7-001:1, por.13, 16, 17, 20, 22, 30, 31, 33; 5-7-003:72; 5-7-006:1, 2, 22, 23  
**Permits:** Zoning adjustments, subdivision approval, building permits, grading permits, NPDES permits, shoreline certification, construction noise permits



**Proposing**

**Agency:** Turtle Bay Resort, LLC, 57-091 Kamehameha Highway, Kahuku, Hawai'i 96731. Contact: Drew Stotesbury, (808) 447-6951

**Approving**

**Agency:** Department of Planning and Permitting, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, Hawai'i 96813. Contact: Sharon Nishiura, (808) 768-8031

**Consultant:** Lee Sichter LLC, 45024 Malulani Street #1, Kane'ohe, Hawai'i 96744. Contact: Lee Sichter, (808) 382-3836

**Status:** Statutory 30-day comment period begins; comments are due on September 21, 2011. Send comments to the Proposing Agency and the Consultant

As the result of a decision by the Hawai'i Supreme Court, Turtle Bay Resort, LLC is preparing a Supplemental EIS update information presented in the 1985 Kuilima Resort Expansion Final EIS. The applicant has been engaged in a year-long community consultation effort to develop a Revised Master Plan for the approved expansion of the Turtle Bay Resort.

The Supplemental EIS will address the impacts of the resultant Revised Master Plan, which is presented as the Proposed Action/Reduced Density (Preferred) Alternative. Proposed density would be reduced from five new hotels totaling 2,500 units to two new hotels totaling 625 units. The number of Resort-Residential units would be reduced from 910 down to 590. The number of affordable housing units would be increased from 90 to 160. Additional parks, shoreline setback areas, and public shoreline access-ways have been added. Four additional development alternatives will also be studied.

The Supplemental EIS will also address socio-economic impacts to the community, as well as impacts to traffic, near-shore waters and marine habitats. The Proposed Action represents the Applicant's efforts to be responsive to concerns expressed by the community with respect to the 3,500-unit expansion project that was originally approved in the mid-1980s.

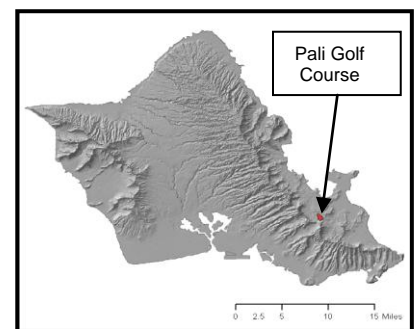
#### 4. Pali Golf Course Maintenance Facility Draft EA

**Island:** O'ahu  
**District:** Ko'olaupoko  
**TMK:** (1) 4-5-035:001  
**Permits:** Conservation District Use Permit, Building Permit Grading Permit, National Pollution Discharge Elimination System Permit

#### **Proposing/Determination**

**Agency:** City and County of Honolulu, Department of Design and Construction, 650 South King Street, 11th Floor, Honolulu, Hawai'i 96813. Contact: Kenneth Masden, (808) 768-8414  
**Consultant:** Allen Ng & Associates, 1720 Ala Moana Boulevard, Suite A-6, Honolulu, Hawai'i 96815. Contact: Allen Ng, (808) 942-3823

**Status:** Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on September 21, 2011. Send comments to the Proposing Agency and the Consultant



The Pali Golf Course is a municipally owned public golf course located in the Ko'olaupoko district of O'ahu, Kane'ohe, Hawai'i. The City and County of Honolulu, Department of Design and Construction, has prepared plans for new maintenance facilities at the Pali Golf Course. The proposed new maintenance facilities would consist of three maintenance and storage buildings, as well as a small parking area for golf course maintenance vehicles.

The Proposed Action would be located on a currently undeveloped site situated to the west of the golf course clubhouse. The proposed facilities would be discreetly set back from the golf course by a vegetative visual barrier consisting of flora that already exists at the site and, where necessary, additional plants that are climate compatible and native Hawaiian as appropriate.

The close proximity of the Proposed Action to the existing golf course administrative office in the clubhouse was an important factor in choosing the proposed action site. The current facilities being at such a distance from the administrative offices make supervising golf maintenance personnel difficult. The proposed new location is expected to increase productivity and efficiency, and have a smaller impact on course users.

#### **HAR §11-200-27 DETERMINATION**

##### 'Ewa by Gentry Community

The Department of Planning and Permitting, City and County of Honolulu, has determined that a Supplemental Environmental Impact Statement is not required for a proposal by The Gentry Companies to rezone approximately 15 acres of land from R-5 Residential District to A-1 Low Density Apartment District. A Final Supplemental Environmental Impact Statement (1993-05-OA-FSEIS-EWA-GENTRY<sup>1</sup>) was accepted on June 17, 1993 and a Final EIS was accepted on September 2, 2003 for the 'Ewa by Gentry/Gentry 'Ewa Makai Project, which includes the land where the proposed rezoning is located.

The Department of Planning and Permitting has determined that the proposal will not change the project substantively and/or will have no significant effect. Therefore, we have determined that a Supplemental EIS is not required based on the criteria outlined in Subchapter 10 of Title 11, Section 200, Hawai'i Administrative Rules.

Should you have any questions, please contact Tim Hata of my staff at (808) 768-8043 or Sharon Nishiura at (808) 768-8031.

<sup>1</sup> This FSEIS adds supplemental information to a 1988 'Ewa Gentry Final EIS (1988-04-OA-FEIS-EWA-GENTRY)



## HISTORICAL PRESERVATION NOTICE

### **Proposed Action to Install an Improved Solar Optical Observing Network (ISOON) Telescope and Infrastructure; Demolish, Repair and Renovate Sections of Building 41; Install Cable Duct on North Wall of SE Addition**

**Island:** O'ahu  
**District:** Wai'anae  
**TMK:** 6-9-003: 003  
**Permits:** N/A

#### **Proposing/Determination**

**Agency:** U.S. Air Force, Detachment 3, 21st Space Operations Squadron (Det 3, 21 SOPS) – KPSTS, P.O. Box 868, Wai'anae, Hawai'i 96792. Contact: (808) 697-4314

**Consultant:** N/A

The USAF has determined that the proposed actions are necessary for the Air Force Weather Agency's (AFWA) Ka'ena Point Solar Observatory (KPSO) mission at Ka'ena Point Satellite Tracking Station (KPSTS) Building 41. As summarized below, installing a 12-inch diameter solar telescope on Building 41 would enhance the space weather observation mission; several repairs/improvements are required to ensure safety, security and structural integrity for Building 41.

**Improved Solar Observing Optical Network (ISOON):** Installing a 12-inch diameter solar telescope on Bldg 41 would enhance the space weather observation mission. With Building 41's ample available space and its geographical and climatological situation it is uniquely suited to meet AFWA's solar mission requirements. Installation of the ISOON will ensure long term continuity of critical operations at the AFWA/KPSO with appropriate support structure already in place. Additionally, the actual geographical location of Building 41's site (versus most other sites on the island) and general low amount of cloud cover provide a unique opportunity for a required mission enhancement/ upgrade of the solar observatory operations (i.e., the ISOON mission).

The visual quality of the site would be consistent in appearance to other operational facilities on the site, e.g., Ka'ena Point is home to a satellite tracking station. The building's profile would be reduced and improved inside and outside as renovation and regular, consistent maintenance would be realized. The ISOON telescope's concrete pad would replace a portion of the newest portion of Building 41 (its north end, constructed in 1992). The proposed telescope tube is about 12 inches in diameter, and about 10 feet of the telescope tube would extend at an angle 6 feet out the new north wall above the concrete pad. The support legs would extend as an A-frame angled another 6 feet down to the concrete pad for support. The height of the ISOON telescope (12.5 feet) would be lower than the current roof line (15 feet), and its support equipment would be enclosed within existing portion of Bldg 41.

**Existing Repairs:** Repairs to the exterior envelope of Bldg 41 would include replacing damaged and metal siding, caulking and sealing existing building penetrations, removing a lean-to structure on the west elevation, replacing a deteriorated metal ladder attached to the south elevation, replacing damaged metal doors with a glass storefront, replacing in-kind several damaged metal doors. Repairs to the building's envelope repairs would include matching the existing finish and texture.

**Renovate Bathroom:** Bathroom renovation would include: remove lead paint and asbestos materials (if any), remove existing plumbing fixtures, remove existing tile from floors and walls, saw-cut the concrete slab for sewer lines, cut drywall to access utilities, install 36" shower stall, install new plumbing fixtures, install new floor and wall tiles, replace existing door, replace water heater in adjacent mechanical equipment room.

**Install Cable Duct & Conduit:** Conduit and cable duct to be installed on the southeast addition's north wall, immediately east of the vestibule/doorway. Conduits would be installed through the wall, and into the ceiling space to connect with existing equipment. The cable duct/conduit installation will be accomplished prior to the Exterior Repairs. Finish and texture would match existing.

The USAF has completed its Environmental Impact Analysis Process for the Proposed Action, resulting in a Categorical Exclusion. Building 41 was first constructed in 1958-1959 with several additions and many modifications over the years. A Section 106 consultation has been initiated with the State of Hawaii Historic Preservation Division (SHPD) because the building is over 50 years old. No known archaeological sites are within the site of proposed action. The USAF has determined, and requested SHPD's concurrence, that the proposed undertaking will have no effect on historic properties.

The Section 106 SHPD consultation package is available for review for 7 days beginning August 22, 2011, at the Wai'anae Public Library located at 85-625 Farrington Highway, Wai'anae, Hawai'i 96792.

Comments may be sent via mail to the address below, via phone to (808) 697-4314 or via email to [lynn.cruz.ctr@kaenapt.af.mil](mailto:lynn.cruz.ctr@kaenapt.af.mil), Det 3, 21 SOPS – KPSTS, P.O. Box 868, Wai'anae, Hawai'i 96792.

## COASTAL ZONE MANAGEMENT NOTICES

### Federal Consistency Reviews

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawaii Revised Statutes. This public notice is being provided in accordance with section 306(d)(14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawai'i CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lanai & Moloka'i; 468-4644 x72878, Kaua'i; 274-3141 x72878, Maui; 984-2400 x72878 or Hawai'i; 974-4000 x72878. For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review. Comments may be submitted by mail, electronic mail or fax, as indicated below.

**Mail:** Office of Planning  
 Department of Business, Economic Development and Tourism  
 P.O. Box 2359  
 Honolulu, Hawai'i 96804

**Email:** [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)

**Fax:** (808) 587-2899

### Hawai'i Experimental Tropical Forest Research and Education Facilities, Laupahoehoe, Hawai'i

**Federal Action:** Federal Agency Activity

**Federal Agency:** USDA Forest Service

**Contact:** Ms. Melissa Dean, (808) 854-2651

**Location:** 2 miles S-SW of Laupahoehoe, Hawai'i

**TMK:** (3) 3-6-6: 46

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

**Proposed Action:** The USDA Forest Service proposes to construct research and educational facilities to support the Laupahoehoe Unit of the Hawai'i Experimental Tropical Forest. This CZM federal consistency review covers the portions of the project that would be constructed on non-federal land, including a two-stall vault toilet comfort station, a covered pavilion, parking area for 10 vehicles, and a single lane access road. This site, known as the "Laupahoehoe Field Education Site", would be used primarily as a staging area for research and educational trips into the Laupahoehoe Wet Forest Unit. The Draft Environmental Assessment for the project can be viewed at: [www.hetf.us](http://www.hetf.us).

**Comments Due:** September 6, 2011

### Special Management Area (SMA) Minor Permits

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

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: North Kona (7-5-018: 071)	Demolition of an Existing Structure and Construction of a Gazebo (SMM 11-187)	Kona Reef AOO
Maui: Ha'iku (2-8-003: 008)	Solar Energy Facility (SM2 20110052)	Ho'omana Solar Energy, LLC Solar Farm
Maui: Kahului (3-8-007: 040)	Central Chill Waterline Routing (SM2 20110053)	University of Hawai'i - Maui College
Maui: Kihei (3-8-013: 012)	Beach Access Improvements (SM2 20110054)	Don Nelson
Maui: Kahului (3-7-011: 024)	Remove and Install New Directory (SM2 20110055)	Mark Gilliland
Maui: Kihei (3-8-013: 013)	Install New Boundary Fence (SM2 20110057)	David Jenkins



## SHORELINE NOTICES

### Certification Applications

The shoreline certification applications above are available for review at the DLNR Offices on Kaua'i, Hawai'i, 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.

File No.	Date	Location	Applicant/Owner	TMK
OA-1439	7/14/11	Lot 3 being a portion of Royal Patent 4498, Land Commission Award 6175, Apana 1 to Kamana no Malaoa situate at Wailupe, O'ahu Address: 919 Punahele Place Purpose: Development of property	Dennis K. Hashimoto/ Garnet A. Giles	3-6-002:007
OA-1440	7/20/11	Lot 1834 of Land Court Application 1100 Map 122 situate at He'eia, Ko'olaupoko, O'ahu Address: 46-194 Na Koa Place Purpose: Development of property, amend pier easement	Dennis K. Hashimoto/ HRK Waipahu LLC	4-6-003:077
OA-1441	7/26/11	Lot 319 of Land Court Application 979 Map 29 situate at Kahalu'u, Ko'olaupoko, O'ahu Address: 47-259 Miomio Loop Purpose: Development of property building fence	Dennis K. Hashimoto/ Miriam Kaminaka & Burt Kaminaka Residuary Trust	4-7-030:019
OA-1442	8/9/11	Lot 269 (Map 140) of Land Court Application 505 situate at Kailua, Ko'olaupoko, O'ahu Address: 1070 Mokulua Drive Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ Steven L. Martin	4-3-006:091
OA-1443	8/11/11	Lot 1313 of Land Court Application 979 (Map 467) situate at Kahalu'u, Ko'olaupoko, O'ahu Address: 47-83 Kamehameha Highway Purpose: Building permit	Park Engineering/ Joseph Meyer	4-7-019:082
MA-485	7/25/11	Portion of Land Commission Award 11216, Apana 21 to M. Kekaunohi being also all of lots 51 and 52 of Makena Beach Lots situate at Palauea, Honua'ula, Makawao, Maui Address: Makena Road Purpose: Planning for future use of subject parcel	Warren S. Unemori Engineering, Inc./ Larson Family Trust	2-1-011:016 & 017
MA-486	8/9/11	A portion of Royal Patent Grant 548 to J.Y. Kanehoa situate at Paeahu, Honua'ula, Makawao, Maui Address: 3116 South Kihei Road Purpose: Building setback and permitting purposes	Newcomer-Lee Land Surveyors, Inc./ Inshallah Trust	2-1-010:005
KA-354	8/8/11	Lot 7-A "Spouting Horn Tract" situate at Po'ipu, Koloa, Kaua'i Address: 4498 Lāwai Road Purpose: Determine building setback and obtain building permit	Esaki Mapping and Surveying, Inc./ Timothy & Courtney Jochner and Wai Wai Properties, LLC	2-6-003:008
KA-355	8/9/11	Portion of "Po'ipū Beach Park" situate at Koloa, Kaua'i Address: 2141 Ho'one Road Purpose: Sewage system work	Anthony Crook/ County of Kaua'i	2-8-017:001
KA-356	8/9/11	Lot C-2-A portions of R.P. 7373, L.C. Aw 8559-B, Apana 2 to W.C. Lunalilo situate at Waipouli, Kawaihau, Kaua'i Address: 4796 Kuhio Highway Purpose: Building permit application	Peter Taylor Engineer and Land Surveyor, Inc./ Kaua'i Kai Associates	4-3-007:011

### Certifications and Rejections

The shoreline notices below 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. Send the appeal to the Board of Land and Natural Resource, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1401	Proposed Shoreline Certification	Lot 41 of Land Court Consolidation 87, Map 2 situate at Wai'alaie-Iki, O'ahu Address: 1103 Kaimoku Place Purpose: Development of property	Dennis K. Hashimoto/ Toshio Kawarabuki	3-5-058:003
OA-1402	Proposed Shoreline Certification	Lots 11-I and 12-F (Map 10) Land Court Application 242 situate at Pu'u'loa, 'Ewa, O'ahu Address: 91-311 'Ewa Beach Road Purpose: Determine building setback line	Leaps & Boundaries, Inc./ 655099 B.C., Ltd.	9-1-024:003
OA-1421	Proposed Shoreline Certification	Lots 1605 and 1606 Land Court Application 242 as shown on Map 276 situate at Pu'u'loa, 'Ewa, O'ahu Address: 91-249 'Ewa Beach Road Purpose: Obtain building permit	Wesley T. Tengan/ Leonardo Ganai	9-1-023:023 & 106
OA-1424	Proposed Shoreline Certification	Lot 21 Land Court Application 1059 as shown on Map 3 situate at Kapahulu, Honolulu, O'ahu Address: 4312 Kaiko'o Place Purpose: Obtain building permit	Wesley T. Tengan/ Walter Jamitkowski	3-1-041:025
OA-1429	Proposed Shoreline Certification	Lot 99 as shown on Map 12 of Land Court Application 609 situate at Moku'le'ia, Waialua, O'ahu Address: 68-379 Crozier Drive Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Michael McCurdy	6-8-005:006
OA-1431	Proposed Shoreline Certification	Lot 11 of Panahaha Subdivision same being a portion of Royal Patent 5583, Land Commission Award 2937, Part 10, Section 1 to William Harbottle situate at Panahaha, Kane'ohe, O'ahu Address: 44-295 Kane'ohe Bay Drive Purpose: Permitting purposes	R.M. Towill Corporation/ Hiroko Saito Keanu	4-4-007:011
OA-1432	Proposed Shoreline Certification	Lot 1188 of Land Court Application 677, Map 301 situate at Kailua, Ko'olaupoko, O'ahu Address: 59 Kailuana Place Purpose: Development of property	Dennis K. Hashimoto/ 59 Kailuana Place LLC	4-3-022:018
OA-1437	Proposed Shoreline Certification	Portion Makaha Beach Park Lot 90-B and Lot 89 being portions of R.P. 2243, L.C. Aw. 10613, Ap. 5 to Paki same being a portion of Exclusion 1 as shown on Map 1 and Lot K-1-A as shown on Map 5 and Lot C-2 as shown on Map 25 of Land Court Application 1052 situate at Makaha, Wai'anae, O'ahu Address: N/A Purpose: Building setback and shoreline setback variance	Ryan M. Suzuki/ City and County of Honolulu	8-4-001:012
OA-1438	Proposed Shoreline Certification	Lot 6-A of Map 6 & Lot 60 of Map 12 Land Court Application 1810 situate at Moku'le'ia, Waialua, O'ahu Address: 68-411 Farrington Highway Purpose: Building purposes	Gil P. Bumanglag/ Michael K. Dailey	6-8-003:018 & 037
MA-483	Proposed Shoreline Certification	Lot 48 of the Makena Beach Lots Subdivision situate at Palau'ea, Honualua, Makawao, Maui Address: 4532 Makena Road Purpose: N/A	Akamai Land Surveying, Inc./ Dwayne & Sharon Altman	2-1-011:020
HA-432	Proposed Shoreline Certification	Portion of Lot 108 of the Shores of Kohanaiki Resort Subdivision (F.P. 2463) being a portion of Grant 3086 to Kapena situate at Kohanaiki, North Kona, Island of Hawai'i Address: N/A Purpose: Determine shoreline setback for building construction purposes	Sam O. Hirota, Inc./ Kohanaiki Shores, LLC	7-3-009:003, 016 & 018





KA-349	Proposed Shoreline Certification	Lot 7 "Waipouli Beach Lots" Portion of Royal Patent 7373, Land Commission Award 8559-B, Apana 42 to William C. Lunalilo situate at Waipouli, Kawaihau, Kaua'i Address: 960 Niulani Road Purpose: Renovation to residence	Anthony Crook/ Jim Molz	4-3-009:003
KA-353	Proposed Shoreline Certification	Lot 54 Land Court Application 1160 (Map 10) situate at Hanalei, Halele'a, Kaua'i Address: 4914 Weke Road Purpose: Building permit	Honua Engineering, Inc./ Thomas A. & Lanez C. LaCour	5-5-001:013
MA-466	Rejection	Lot 1-B-1 of the Bechert Estate Subdivision being a portion of Grant 1166 to D. Baldwin, J.F. Pogue and S.E. Bishop situate at Kahananui, Maui Address: 4365 Lower Honoapi'ilani Road Purpose: Construction permits	Akamai Land Surveying, Inc./ Royal Kahana	4-3-010:007
MO-153	Rejection	Royal Patent 2993, Land Commission Award 134-B Apana 1 to Kamakahi situate at Kalua'aha, Moloka'i Address: Kamehameha V Highway Purpose: Building permit for new dwelling	Russell Higa/ George Apau Ching Revocable Living Trust & Zorelinda Ching Revocable Living Trust	5-7-011:047

### POLLUTION CONTROL PERMITS

Below 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.

Branch Permit Type	Applicant and Permit Number	Project Location	Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	Delta Construction Corporation Application for Significant Modification No. 0696-04 CSP No. 0696-01-CT	Located at: Wainui Street, Waipahu, O'ahu	Issued: 7/28/11	Crushing and Screening Plants
Clean Air Branch, 586-4200, -Covered Source Permit	Big Island Carbon, LLC Initial Application No. 0641-03 CSP No. 0641-02-C	Located at: 61-3277 Malukalani Street, Kawaihae, Hawai'i	Comments Due: 9/6/11	470 lbs/hour Activated Carbon Facility
Clean Air Branch, 586-4200, Non-Covered Source Permit	Monsanto Company Application for Permit Modification No. 0717-02 NSP 0717-01-N	Located at: 3555 Mokulele Highway, Kihei, Maui	Issued: 8/4/11	Seed Processing Facility
Clean Air Branch, 586-4200, Covered Source Permit	Grace Pacific Corporation Application for Renewal No. 0045-28 Application for Minor Modification No. 0045-30 CSP NI. 0045-01-C/CT	Located at: 91-920 Farrington Highway Kapolei, O'ahu	Comments Due: 9/12/11	400 TPH Non-Portable Plant, 600 TPH Screening Plant, 600 TPH Recycled Aggregate Plant with 1,000 kW DEG, and 576 TPH Rip-Rap Plant with 203 hp Diesel Engine

### FEDERAL NOTICES

#### Marine Mammals Letter of Authorization to U. S. Navy for Military Training Activities and Research Conducted Within the Mariana Islands Range Complex

In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notice is hereby given that National Marine Fisheries Service (NMFS) has issued a letter of authorization (LOA) to the U.S. Navy (Navy) to take marine mammals incidental to Navy training, maintenance, and research, development, testing, and evaluation (RDT&E) activities to be conducted within the Mariana Islands Range Complex (MIRC) Study Area for the period of August 12, 2011, through August 11, 2012. This authorization is effective from August 12, 2011, through August 11, 2012. The LOA and supporting documentation may be obtained by writing to P. Michael Payne, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. For further information contact Jolie Harrison or Brian D. Hopper, Office of Protected Resources, NMFS, (301) 427-8401 (see, 76 FR 50052, August 11, 2011).

## **Olokele River Hydroelectric Project - Notice of Preliminary Permit Application Accepted for Filing by Federal Energy Regulatory Commission**

On July 1, 2011, Gay & Robinson, Inc., filed an application with the Federal Energy Regulatory Commission for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Olokele River Hydroelectric Project (Olokele River Project or project) to be located on the Olokele River, near Waimea, Kaua'i County, Hawai'i. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission. The proposed project would consist of the following: (1) A new 100-foot-long, 20-foot-wide forebay; (2) a new intake; (3) a new 4,175-foot-long, 42-inch diameter ductile iron penstock; (4) a new 40-foot-long, 40-foot-wide, 25-foot-high pre-fabricated steel powerhouse housing a 6.0-megawatt (MW) Pelton turbine/generator unit; (5) a new 5-mile long, 69-kilovolt transmission line; and (6) appurtenant facilities. The estimated annual generation of the Olokele River Project would be 20.5 gigawatt-hours.

*Applicant Contact:* Mr. Charles Okamoto, President, Gay & Robinson, Inc., P.O. Box 156, Kaunakani, Hawai'i 96747; phone: (808) 335-3133.

*FERC Contact:* Kelly Wolcott; phone:(202) 502-6480.

*Deadline for filing comments, motions to intervene, and competing applications (without notices of intent), or notices of intent to file competing applications:* 60 days from the issuance of this notice.

Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site <http://www.ferc.gov/docs-filing/efiling.asp>.

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-14219-000) in the docket number field to access the document. For assistance, contact FERC Online Support (see, 76 FR 44317, August 17, 2011).

## **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. Notices 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).