

# 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  
February 23, 2012

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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 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.

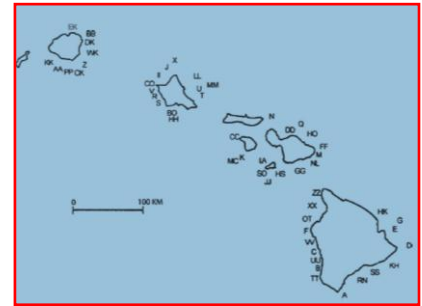


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Hawai'i: 974-4000 ext. 64185

## STATEWIDE (HRS 343)

### 1. [Hawai'i Fish Aggregating Device System Programmatic Draft EA](#)

**Island:** Statewide  
**District:** Statewide  
**TMK:** Various locations  
**Permits:**  
**Proposing/Determination Agency:** Division of Aquatic Resources; Department of Land and Natural Resources; State of Hawai'i; 1151 Punchbowl Street, Room 330; Honolulu, Hawai'i 96813.  
Contact: Mr. Francis Oishi, (808) 587-0094



**Consultant:** Kim N. Holland Ph.D.; Hawai'i Institute of Marine Biology; PO Box 1346; Kane'ohe, Hawai'i 96744; (808) 236-7410

**Status:** Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on March 23, 2012. Send comments to the Proposing Agency and the Consultant.

During the previous 25 years of operation of the existing Fish Aggregating Device (FAD) system, there have been no reports of deleterious interactions with any protected species. FAD sites range from 2 to 15 miles offshore. Based on this fact and the design of the FAD components, it can reasonably be stated that the proposed action will not affect the various marine mammals and turtles known to frequent Hawaiian waters. This PEA determines that, based on current data and past performance, the 54 FADs in waters around the main Hawaiian Islands will have no significant negative impact on the quality of the environment or cultural resources.

## HAWAI'I (HRS 343)

### 2. [Helicopter Landing Area at Royal Gardens Draft EA](#)

**Island:** Hawai'i  
**District:** Puna  
**TMK:** (3rd) 1-1-114:022  
**Permits:** County Special Permit  
**Applicant:** Paradise Helicopters, PO Box 5371, Kailua-Kona Hawai'i 96745.  
Contact: Greg Mooers, 880-1455



**Approving Agency:** Hawai'i County Planning Department, 101 Pau'ahi Street, Suite 3, Hilo Hawai'i 96720.  
Contact: Jeff Darrow 961-8158

**Consultant:** Geometrician Associates, PO Box 396, Hilo Hawai'i 96721. Ron Terry, (808) 969-7090

**Status:** Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on March 23, 2012. Send comments to the Applicant and the Consultant.

Paradise Helicopters is seeking permission through a Special Permit to develop and utilize a 15 by 15-foot standalone platform for helicopter landing placed within a 100 by 100-foot clearing on a 1.003-acre property owned by Jack Thompson in the Royal Gardens Subdivision of Puna. A Helicopter Landing Area is a permitted use for the property, which has agricultural County zoning and is within the State Land Use Agricultural District, subject to issuance of a Special Permit by the County of Hawai'i. The subdivision has been inundated by lava flows from Kilauea and is uninhabited except by Mr. Thompson. His is the only occupied home within two miles in any direction. All roads leading to the subdivision have been buried by lava and Mr. Thompson is obliged to walk three miles to access his home.

Paradise Helicopters used the subject property as a landing area in the past and is unaware of any environmental problems in the area. The landing would take place as an additional feature of existing tours that already fly over the property. The project site has no rare or endangered flora or cultural resources. Wide-ranging endangered birds and the Hawaiian hoary bat might occasionally be present but would not be adversely affected. Volcano helicopter tour noise has generated complaints from residents and others concerned with natural and cultural resources, and this larger issue is being dealt with through the National Park's Air Tour Management Plan process.

### 3. Ka'ū District Gym and Shelter Draft EA

**Island:** Hawai'i  
**District:** Puna  
**TMK:** (3) 9-6-005:008 (portion)  
**Permits:** Height and Parking Variances, Plan Approval, National Pollutant Discharge Elimination System Permit, Grading/Building Permits  
**Proposing/Determination Agency:** Department of Public Works, Aupuni Center, 101 Pau'ahi Street, Suite 7, Hilo, HI 96720. Contact: David Yamamoto, 808-961-8466  
**Consultant:** PBR HAWAII, 1001 Bishop Street, ASB Tower, Suite 650, Honolulu, Hawai'i 96813. Contact: Tammy Kapali, (808) 521-5631  
**Status:** Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on March 23, 2012. Send comments to the Proposing Agency and the Consultant.



The Ka'ū District Gym and Shelter will be a new gymnasium located on the school grounds of the Ka'ū High and Pāhala Elementary. The facility will be jointly used by the school and the community and managed by the County Department of Parks & Recreation. The facility will be designed as a hurricane and vog shelter for an area that is the most vulnerable in the State to vog and where the existing shelter does not meet minimum hurricane shelter criteria. The existing gym is old and too small for the wide range of athletic, school assembly, and community needs.

The following potential adverse impacts would be mitigated:

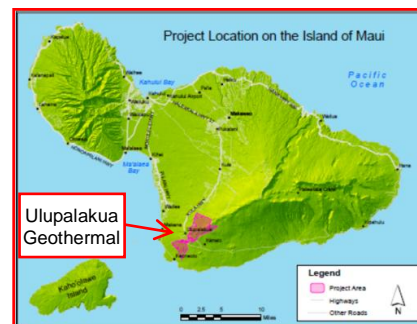
- Potential distraction to night-flying birds from exterior lighting. The design will specify minimal shielded security lighting. All other exterior lighting would be turned on only as needed and designed in accordance with the County's exterior lighting standards.
- Noise impacts to neighbors. Operational policies will require activities to cease no later than 10:00 p.m.
- Lava tubes. Geotechnical surveys located no significant lava tubes underlying the Site.

The only unavoidable impact would be the obstruction of views for a few residents. The views of most residents are already blocked by existing school buildings or trees. The benefits provided by the higher ceiling for athletic activities and plantation-style roof line offset the unavoidable impact. There are no impacts to endangered species; the Project is not located in a flood, tsunami, or high lava flow hazard zone.

### MAUI (HRS 343)

#### 4. Ulupalakua Geothermal Lease & Subzone Modification FEA – EISPN

**Island:** Maui  
**District:** Makawao  
**TMK:** (2) 2-1-009:001; 2-1-004: 006, 016-029, 032-035, 049, 071, 106-107  
**Permits:** Geothermal Resource Subzone Expansion, Mining (Geothermal) Lease of State Lands, Mining (Geothermal) Lease of Reserved Lands, Geothermal Exploration Permit



**Applicant:** Ormat Technologies Inc., 6225 Neil Road, Reno, NV 89511. Contact: Bill Sherman, (775) 356-9029 Ext. 32232

**Accepting**

**Authority:** Hawai'i State Board of Land and Natural Resources, P.O. Box 621, Honolulu, HI 96809. Contact: Carty Chang, (808) 587-0230

**Consultant:** Geometrician Associates, PO Box 396, Hilo, Hawai'i 96721. Contact: Ron Terry, (808) 969-7090

**Status:** The Hawai'i State Board of Land and Natural Resources has determined that an environmental impact statement is required. 30-day comment period begins; comments are due on March 23, 2012. Send comments to the Applicant and Consultant

Ormat Technologies Inc. ("Ormat") is applying to the Hawai'i State Board of Land and Natural Resources) for (1) a geothermal mining lease of reserved lands occupied by Ulupalakua Ranch, Inc.; (2) a geothermal mining lease of State lands adjacent to Ulupalakua Ranch, and; (3) expansion of the Geothermal Resource Subzone (GRS) that currently includes part of the reserved lands and State lands. All subject parcels are occupied by Ulupalakua Ranch and used for grazing and related ranch activities, including the 800-acre State parcel. Ormat has agreements with Ulupalakua Ranch to conduct geothermal development activities on parts of the reserved lands and has received assignment of Ulupalakua Ranch's right to obtain a mining lease of the reserved lands. Certain areas of Ulupalakua Ranch and State lands would be "no surface occupancy" areas where no geothermal development activities would be conducted on the land's surface.

The EIS will provide an overview of the benefits and adverse impacts of geothermal development here to nearby communities and the island of Maui. Exploratory studies indicate there may be a commercially useable geothermal resource. If the State mining leases are obtained and the GRS is expanded, Ormat may seek permits/ approvals to conduct exploratory drilling and determine the number and location(s) of exploratory wells, preparing follow-up Chapter 343 documents to disclose environmental impacts related to the wells. If testing leads to discovery of a commercially useable geothermal resource, Ormat would determine the feasibility of constructing a plant to generate electricity and selling the electricity to an off-taker such as Maui Electric Company. Ormat would select a geothermal plant location that maximizes the efficiency of the operation and minimizes adverse impacts, preparing follow-up Chapter 343 documents to disclose environmental impacts related to construction and operation of the plant.

**5. Existing Kihei Rock Crushing Facility Final EA – FONSI**

**Island:** Maui

**District:** Makawao

**TMK:** (2) 2-2-002:078

**Permits:** District Boundary Amendment, Community Plan Amendment, Change in Zoning, County Special Use Permit

**Applicant:** Pacific Rim Land, Inc., P.O. Box 220, Kihei, Hawai'i 96753. Contact: Blanca Lafolette, (808) 874-5263

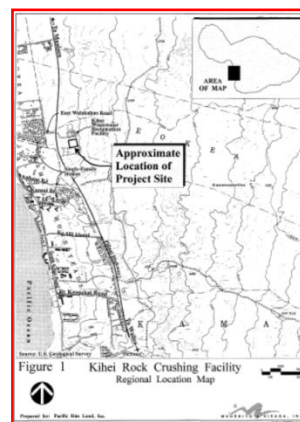
**Approving**

**Agency:** Maui County Planning Commission, 250 South High Street, Wailuku, Hawai'i 96793. Contact: William Spence, (808) 270-7735

**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, Hawai'i 96793. Contact: Mich Hirano, (808) 244-2015

**Status:** Finding of No Significant Impact (FONSI) Determination

Pacific Rim Land, Inc. (PRL) seeks a Community Plan Amendment (CPA) to the Kihei-Makena Community Plan's land use map, a Change in Zoning (CIZ), a State Land Use District Boundary Amendment (DBA), and a County Special Use Permit (CUP) for the existing Kihei Rock Crushing Facility (KRCF) site identified by Tax Map Key (2)2-2-002:078, Kihei, Maui, Hawai'i. The requested land use entitlements facilitates the existing heavy industrial use of this site with appropriate land use designations to establish the long-term use of the KRCF, a relatively small scale operation.





The project site is currently designated as “Agricultural” under the State Land Use District; “Agriculture” in the Kihei-Makena Community Plan; and “Agricultural” by Maui County Zoning. PRL seeks a State Land Use DBA from “Agricultural” to “Urban” district, a CPA from “Agriculture” use to “Heavy Industrial” use and a CIZ from “Agricultural” district to “M2, Heavy Industrial” district.

The KRCF is located on a 14.5-acre parcel owned by PRL, east of Pi’ilani Highway, about 200 feet south of the Kihei Wastewater Reclamation Facility. The KRCF crushes rock brought onto the site to make aggregate, stockpiles and stores the aggregate used in South Maui road building and construction activities. A construction baseyard for trailers, stockpiles, and construction equipment is on a small portion of the site.

The KRCF was originally established in 1979 for the Pi’ilani Highway construction, the site being in continuous operation by Goodfellow Bros. since 1979. The facility has been operating under a State Land Use Special Use Permit and County Conditional Permit, valid until October 2016 and November 2017, respectively. No operational changes are proposed at this time. New improvements would be limited to upgrading the existing waterline to meet fire flow requirements for heavy industrial uses.

## O’AHU (HRS 343)

### 6. [Kamehameha Highway, Lā’ieloa Stream Bridge Replacement Draft EA](#)

**Island:** O’ahu  
**District:** Ko’olauloa  
**TMK:** (1)5-5-02, 5-5-03, (1)5-5-06, (1)5-5-11, (1)5-5-13, & (1)5-5-14  
**Permits:** Special Management Area (SMA) Permit; Hawai’i Coastal Zone Management Program Federal Consistency Determination; National Pollutant Discharge Elimination System (NPDES) General Permit (Storm Water Associated with Construction Activity); NPDES General Permit (Construction Activity Dewatering Effluent); Section 106 of National Historic Preservation Act (NHPA) Compliance; Endangered Species Act (ESA) Section 7 Evaluation

#### Proposing/Determination

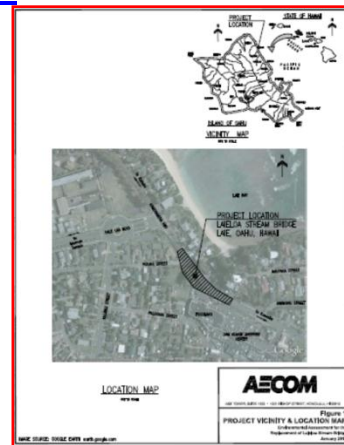
**Agency:** State of Hawai’i, Department of Transportation, Highways Division, Design Branch, 869 Punchbowl Street, Honolulu, HI 96813.  
Contact: Christine Yamasaki, (808) 692-7568

**Consultant:** AECOM Technical Services, Inc., 1001 Bishop Street Suite 1600, Honolulu, HI 96813.  
Contact: Marian Nakama, 808-521-3051

**Status:** Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on March 23, 2012. Send comments to the Proposing Agency and the Consultant.

The State of Hawai’i, Department of Transportation, Highways Division is proposing to demolish the existing Lā’ieloa Stream Bridge, and replace it with a new bridge approximately 46 feet-4 inch wide and 55 feet long. The new, single-spanned bridge will consist of two 12 feet wide vehicular travel lanes for 2 way traffic and two 10 feet wide paved shoulders, to be shared as walk/bikeways, compliant with current Americans with Disabilities Act guidelines. A temporary diversion road and bridge will be constructed to route traffic and pedestrians around the bridge work area during construction. The project need arises from age, deterioration and a lack of compliance with current live load, seismic and safety requirements. The project purpose is to provide a safe facility for motorists, pedestrians and bicyclists using Kamehameha Highway in Lā’ie.

The proposed project is not expected to result in significant adverse impacts to the community, nor its various cultural, social, economic, and environmental resources. Short term impacts may include traffic, noise and air quality disturbances to nearby residents. These impacts will be temporary and appropriately mitigated. Conditions will return to their original state upon completion of the project.



## 7. Prospect Street Rockslide Mitigation Project Draft EA

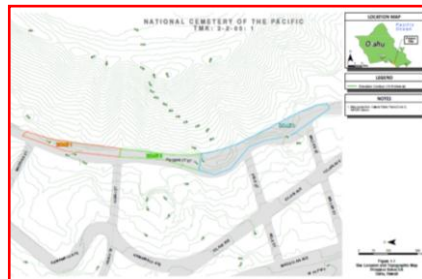
**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 2-2-005:001  
**Permits:** Special District Permit (Minor)

### Proposing/Determination

**Agency:** City & County of Honolulu, Department of Design & Construction, 650 South King Street, 15<sup>th</sup> Floor, Honolulu, Hawai'i 96813. Contact: Michael Yamasaki, (808) 768-8824

**Consultant:** AECOM Technical Services, Inc., 1001 Bishop Street, Suite 1600, Honolulu, Hawai'i 96813-3920. Contact: Ardalan Nikou, (808) 529-7223

**Status:** Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on March 23, 2012. Send comments to the Proposing Agency and the Consultant.



The City and County of Honolulu proposes the Rockslide Potential Inspection and Mitigation Improvements project to mitigate rockfall hazard along Prospect Street in order to reduce the threats to public health and safety by implementation of rockfall protection measures that would be installed within the City and County right-of-way. The existing slope has a multitude of potentially hazardous rocks, creating a high potential for rockfalls to reach the roadway. Rockfall mitigation is needed to reduce these identified risks to public health and safety for users along Prospect Street. The proposed action includes installing rockfall impact fences, concrete jersey barriers, draped wire mesh, and shoulder widening along Prospect Street.

To determine whether the Proposed Action would have a significant impact on the human, natural, or historic environments, the project, its anticipated direct and indirect effects, and the short-term, long-term, and cumulative impacts have been evaluated. Based on the discussion of impacts and mitigation measures contained in the EA and the evaluation of the significance criteria, it is anticipated that the proposed project would not have a significant adverse impact on the environment. Therefore a Finding of No Significant Impact is anticipated.

## 8. Round Top Drive Rockslide Mitigation Project Draft EA

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 2-5-019:003  
**Permits:** Conservation District Use (HAR 13-5); State Historic Preservation Review (HRS Chapter 6E-8; HAR 13-275)

### Proposing/Determination

**Agency:** City & County of Honolulu, Department of Design & Construction, 650 South King Street, 15<sup>th</sup> Floor, Honolulu, Hawai'i 96813. Contact: Michael Yamasaki, (808) 768-8824

**Consultant:** AECOM Technical Services, Inc., 1001 Bishop Street, Suite 1600, Honolulu, Hawai'i 96813-3920. Contact: Ardalan Nikou, (808) 529-7223

**Status:** Anticipated Finding of No Significant Impact. 30-day comment period begins; comments are due on March 23, 2012. Send comments to the Proposing Agency and the Consultant.



The City and County of Honolulu proposes the Rockfall Mitigation project to reduce the potential for rockfall hazards on state lands adjacent to Round Top Drive by implementation of slope stabilization measures. The existing slope has a multitude of potentially hazardous rocks, creating a high potential for rockfalls and landslides to reach the roadway. Rockfall mitigation and slope stabilization measures are needed to reduce these identified risks to public health and safety for users of the road corridor.

To determine whether the Proposed Action would have a significant impact on the human, natural, or historic environments, the project, its anticipated direct and indirect effects, and the short-term, long-term, and cumulative impacts have been evaluated. Based on the discussion of impacts and mitigation measures contained in the EA and the evaluation of the significance criteria, it is anticipated that the proposed project would not have a significant adverse impact on the environment. Therefore, a Finding of No Significant Impact is anticipated.

**9. Verizon Wireless Telecommunications Facility FEA – FONSI**

**Island:** O’ahu  
**District:** Ko’olaupoko  
**TMK:** (1) 4-5-042:008  
**Permits:** Conservation District Use Permit  
**Applicant:** Cellco Partnership dba Verizon Wireless, 300 Kahelu Avenue, Mililani, Hawai’i 96789



**Approving Agency:** Office of Conservation and Coastal Lands, Department of Land and Natural Resources, PO Box 621, Honolulu, HI 96809. Contact: Michael Cain, (808) 587-0048  
**Consultant:** RealCom Associates, 1506 Mahamoe Place, Honolulu, Hawai’i 96819. Contact: Les Young, (808) 256-2001  
**Status:** Finding of No Significant Impact Determination.

The proposal calls for a telecommunications facility at the Ko’olau Golf Course in Kaneohe. The facility includes a thirty-foot tower with 12 panel antennas, six outdoor equipment cabinets, one diesel-fueled emergency generator, and associated conduits and coax cables. The 600 square-foot project area would be enclosed by a six-foot high chain link fence.

The project site is off the paved maintenance access road, approximately 90 feet northwest of the existing maintenance building and 120 feet south of the H-3. Telco and HECO utility poles run along the access road. The area has been previously disturbed, and is currently used as-needed for the storage of soil and sand.

The area immediately to the west is a thick forest with trees rising to fifty feet. This will partially mitigate the visual impact of the structure from H-3.

The applicant has submitted correspondence from the State Historic Preservation Division that no historic properties would be affected by a telecom tower on the site, and from the US Fish and Wildlife Service that no federally listed or proposed species, or proposed or designated critical habitats, occur on the proposed site. No known cultural or recreational activities beyond golfing occur on the parcel.

**KAUA’I (HRS 343)**

**10. BASF Corporation Field Office Final EA – FONSI**

**Island:** Kaua’i  
**District:** Kekaha  
**TMK:** 4-1-2-002-001 (portion)  
**Permits:** National Pollutant Discharge Elimination System General Permit (construction), Community Noise Permit, Application for Permit Modification, Individual Wastewater System (IWS) Permit  
**Applicant:** BASF Corporation, 8315 Kekaha Road, Kekaha, Hawai’i. Contact: Steven Lupkes, (808) 337-2065 ext. 4203





## Approving

**Agency:** State of Hawai'i Agribusiness Development Corporation, 235 South Beretania Street, Room 205, Honolulu, Hawai'i 96813. Contact: Mr. James Nakatani, (808) 586-0186

**Consultant:** URS Corporation, 4225 Executive Square, Suite 1600, La Jolla, CA 92037. Contact: Andrew Martin, (858) 812-8259

**Status:** Finding of No Significant Impact Determination.

BASF proposes to construct and operate a field office (the Proposed Action) near Kekaha, Kaua'i. The Proposed Action would occur on approximately 10 acres of State-owned land licensed to BASF by ADC. The field office would include a research station, seed handling area, and machine storage area. The field office will consist of seven interconnected buildings, including an office attached to a seed handling building with a canopy for two dryer buildings, machine shed, equipment storage area, employee pavilion, and shade house. Small bench top equipment would be used to thresh and clean small quantities of seed. No crops would be cultivated on the site. The Proposed Action would develop driveways, parking areas, and install a perimeter fence.

The Proposed Action would consolidate BASF field office operations on the Mana Plain. Current operations are dispersed over a large area as far west as the Mana Drip Station and as far east as eastern Kekaha. The site is accessible from Kaunuaui Highway. By consolidating operations, the Proposed Action will decrease time lost during travel from the field to current field office locations, improve worker safety, promote seed purity and quality control, and provide secure storage areas for machinery, tools, and equipment.

## NEPA NOTICE

### 11. [Advanced Technology Solar Telescope \(ATST\) Supplemental FEA – FONSI](#)

**Island:** Maui

**District:** Waiakoa, Papa'anui, Makawao

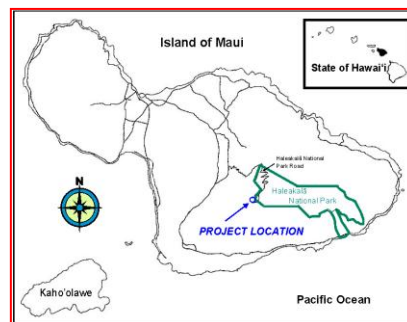
**TMK:** (2) 2-2-07:005, 008, 009, 012, 013, 014, 016, and 017

**Permits:** None

**Proposing/Approving Agency:** National Science Foundation, 4201 Wilson Boulevard, Room 1045, Arlington, VA 22230. Telephone: (703) 292-4909

**Consultants:** KC Environmental, Inc., P.O. Box 1208, Makawao, HI 96768. Contact: Charlie Fein, (808) 281-7094 and CH2M HILL, 155 Grand Ave, Suite 800, Oakland, CA 94612. Contact: Leslie Tice, (510) 587-7505

**Status:** Finding of No Significant Impact Determination.



The National Science Foundation (NSF) completed a Final Environmental Impact Statement (FEIS) for the Advanced Technology Solar Telescope (ATST) Project in July 2009 and a Record of Decision (ROD) was published in December 2009. Since that time, updated design and consultation have resulted in changes and additions to the Project, some of which required supplemental environmental review. As part of the ATST Project implementation, the NSF proposes to (a) alter the number of vehicles accessing the ATST Project site, and (b) incorporate an upgrade to two Federal Aviation Administration (FAA) towers located on FAA property adjacent to the Haleakalā Observatories (HO) site where the ATST Project is approved by NSF for construction. No significant impacts were identified as a result of either of these proposed actions. Through implementation of mitigation measures set forth in the FEIS and the ROD (including those provided for in the 2009 Programmatic Agreement, as amended, executed in compliance with the National Historic Preservation Act), and the project conservation measures set forth in the 2011 Habitat Conservation Plan and accompanying Environmental Assessment (including those provided for in the June 2011 Biological Opinion issued by the U.S. Fish and Wildlife Service), the potential for adverse impacts would be avoided.



The Final Supplemental EA is tiered to the July 2009 ATST FEIS and the 2011 Environmental Assessment addressing conservation measures, focusing on the potential impacts of the project components that have been developed or have changed since completion of that document. The Supplemental EA was prepared pursuant to the National Environmental Policy Act and NSF's NEPA-implementing regulations. An environmental assessment is not required under State of Hawai'i Chapter 343 pursuant to Hawai'i Revised Statutes Section 343-5. The Section 106 process was combined with NSF's NEPA process pursuant to 36 C.F.R. 800.3.

**Agency Determination:** Based on the information contained in the Final Supplemental EA, NSF determined that the proposed actions will not have a significant impact on the environment. Accordingly, NSF issued a Finding of No Significant Impact.

## COASTAL ZONE MANAGEMENT NOTICES

### Federal Consistency Review

The Hawai'i Coastal Zone Management (CZM) Program has received the following 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: Kaua'i: 274-3141 x72878, Lāna'i and Moloka'i: 468-4644 x72878, Maui: 984-2400 x72878, or Hawai'i: 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.

### Mamalahoa Highway Drainage Improvements at Kawa Flats, Ka'ū District, Hawai'i

**Applicant:** State of Hawai'i Department of Transportation, Highways Division

**Contact:** Mr. Ron Terry, Geometrician Associates, (808) 969-7090

**Federal Action:** Federal Funding

**Federal Agency:** Federal Highway Administration

**Location:** Kawa Flats, Ka'ū District, Hawai'i

TMK: (3) 9-5-16: 6, 22, 25, 26

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

**Proposed Action:** The State of Hawai'i Department of Transportation, Highways Division, proposes to construct drainage improvements along a 3,700-foot section of the Mamalahoa Highway (State Route 11) located at Kawa Flats in the Kau District, Hawaii. The highway was constructed over 50 years ago with no drainage facilities for this low-lying section. Flood waters from an intermittent stream frequently overtop the highway and completely close this route. The proposed work involves raising the highway surface a maximum of 10 feet to place the road surface two feet above the 50-year flood level. A reinforced concrete box culvert, 84 feet wide by 8 feet tall, would be placed beneath the highway to convey the flood waters. An unlined rock channel, 260 feet long by 20 feet wide, would be constructed to connect the culvert to a drainage basin located to the south. The culvert and channel are intended to provide proper drainage capacity that would essentially maintain the current runoff patterns and flow depths but allows the runoff to pass under, rather than over, the highway. A second smaller culvert would be installed beneath the highway south of the main culvert to facilitate local drainage and avoid the creation of semi-permanent ponds. The Draft Environmental Assessment, with maps, plans and other detailed information, may be found on the OEQC website in the November 23, 2011 issue of The Environmental Notice: <http://hawaii.gov/health/environmental/oecq/index.html>

**Comments Due:** March 8, 2012



### 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: (adjacent to 2-1-003: 001, 2-1-006: 012, 2-1-011: 005 and 9-6-001: 003 & 013)	Construction of a Bus Stop and Shelter within the Right-of-Way (SMM 12-202)	County Hawai'i, Mass Transit Agency
Maui: Hana (1-4-008: 001)	Insert Well Caseing (SM2 20120008)	Gary Stice
Maui: Lahaina (4-6-028: 030)	Kitchen Remodeling (SM2 20120009)	Dave & Cheryl Houston
Maui: Honokowai (4-4-001: 057)	Storage Container (SM2 20120010)	Darin Fukunaga
Maui: Kihei (2-2-024: 028)	Enclosure for Ice Vending Machine (SM2 20120011)	Island Ice Company
Maui: Huelo (2-9-007: 052)	Proposed 3 Lot Subdivision (SM2 20120012)	Jeffree Trudeau

### SHORELINE NOTICES

#### Shoreline 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-1465	Proposed Shoreline Certification	Lot 14 Pine Wood Beach Tract File Plan 459 situate at Mokuleia, Waialua, O'ahu Address: 68-011 La'au Paina Place Purpose: Calculate building potential and obtain building permit	Wesley T. Tengan/ Melanie Holt	6-8-009:012
MA-495	Proposed Shoreline Certification	Portion of Royal Patent 1726, Land Commission Award 559 to Kauliokamao & designation of Easement "A" situate at Lahaina, Maui Address: 303 Front Street Purpose: Repair and remodel of existing building	Christine Ho/ Christine K. Ho, Trustee	4-6-003:005
HA-446	Proposed Shoreline Certification	Parcel 12, portion of R.P. 4475, L.C. Aw. 7713, Ap. 43 to V. Kamamalu at Holualoa 1 <sup>st</sup> & 2 <sup>nd</sup> , North Kona, Hawai'i Address: Vacant land—no address available Purpose: To obtain permits and/or variances for building a residence on the property	Wes Thomas Associates/ George A. Sandusky	7-6-016:012

### Shoreline 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
MA-498	01/24/2012	Exclusion "D" of Land Court Application 1846 (Map 1) being a portion of Grant 234 to Linton L. Torbert and William Wilcox situate at Papa'anui, Honuaula, Makawao, Maui Address: 0 Makena Road Purpose: SMA Permit	Akamai Land Surveying, Inc./ State of Hawai'i	2-1-007:083
MA-501	01/25/2012	A portion of Royal Patent 8140, Land Commission Award 5230 to Keaweamahi, situate at Pulehunui, Kula, Maui Address: 12 S. Kihei Road Purpose: Maintenance of Waiakoa Gulch—SMA	Jason Roberts-CDF Engineering LLC/ Ma'alaea Surf AOA	3-8-013:006
KA-360	02/01/2012	Lot 15, Wainiha Hui Land, being a portion of R.P. 7194, L.C. Aw. 11,216:5 to M. Kekauonohi at Wainiha, Halelea, Kauai Address: 7242 Alamo'o Road Purpose: Building permit	Brian M. Hennessy, Honua Engineering, Inc./ Robert Rucker	5-8-008:031
OA-1469	01/26/2012	Lot 5, Kawailoa Beach Lots Section "E" Portion R.P. 4475, L.C. Aw. 7713, Ap. 33 to V. Kamamalu situate at Kawailoa, Waialua, O'ahu Address: 61-715 Papailoa Road Purpose: Building permit	Walter P. Thompson, Inc./ Waialua Oceanview LLC	6-1-004:070
OA-1470	01/30/2012	Lot 45, Land Court Consolidation 87 Kai Nani Subdivision situate at Wai'alae-Iki, Honolulu, O'ahu Address: 1035 Kaimoku Place Purpose: Building permit	Walter P. Thompson, Inc./ Dean & Eliza Cash	3-5-058:007
OA-1471	02/01/2012	Portion of Old Government Road, Parcel 5, situate at Ka'alawai, Kapahulu, Honolulu, O'ahu Address: 3701-D Diamond Head Road Purpose: Consolidation of properties	Walter P. Thompson, Inc./ Richard Kelley	3-1-038:042
OA-1472	02/01/2012	Lot 12, Kawailoa Beach Lots, Section C, situate at Kawailoa, Waialua, Oahu Address: 61-449 Kamehameha Highway Purpose: Building permit	Walter P. Thompson, Inc./ Michael Horack	6-1-008:011
OA-1473	02/08/2012	Lot 6-B, R.P. 7984, L.C. Aw. 4452, Ap.13 to H. Kalama and Parcel 6-B-1 of Reclaimed (Filled) Land of Kaneohe Bay, situate at Kaneohe, Ko'olaupoko, O'ahu Address: 44-331A Kaneohe Bay Drive Purpose: Consolidation of property and designation of pedestrian easement	Walter P. Thompson, Inc./ Sherryl Beucher	4-4-007:017
OA-1474	02/06/2012	Lot 160-B as shown on Map 66, Land Court Application 1095 situate at Kahuku, Ko'olauloa, O'ahu Address: 56-1089 Kamehameha Highway Purpose: Development planning	ControlPoint Surveying, Inc./ Makai Ranch, LLC	5-6-003:Por. 010
OA-1475	02/10/2012	Lot 85, Land Court Application 1052 as shown on Map 5, situate at Makaha, Waianae, O'ahu Address: 87-771 Moua Street Purpose: Building permit	Wesley T. Tengan/ Kenneth D. Ochi and Gene T. Ochi	8-4-006:007
OA-1476	01/24/2012	Lot 347-B Land Court Application 616, situate at Lanikai, Ko'olaupoko, O'ahu Address: 1450-B Mokulua Drive Purpose: Development of property	Dennis K. Hashimoto/ Honu Hale Lanikai LLC	4-3-003:096



## 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	Grace Pacific Corporation Renewal of Covered Source Permit Renewal Application No. 0258-06 Minor Modification Application No. 0258-07 CSP No. 0258-01-C	Located at: Honokohau Quarry Honokohau, Island of Hawai'i	Issued: 1/30/12	325 TPH Hot Mix Asphalt (HMA) Plant
Clean Air Branch, 586-4200, -Covered Source Permit	Hawaiian Electric Company, Inc. (HECO) Significant Modification Application No. 0686-02 CSP No. 0686-01-C	Located at: Rodgers Boulevard, Honolulu State of Hawai'i	Comments Due: 3/14/12	Honolulu International Airport Dispatch Standby Generators
Clean Air Branch, 586-4200, Covered Source Permit	AES Hawai'i, Inc. Significant Modification No. 0087-05 Amendment of CSP No. 0087-02-C	Located at: 91-086 Kaomi Loop, Campbell Industrial Park, Kapolei, O'ahu	Comments Due: 3/16/12	203 MW Coal-Fired Cogeneration Plant

## FEDERAL NOTICES

### Nomination 12000058 of Withington House, Honolulu to the National Register of Historic Places

<http://www.gpo.gov/fdsys/pkg/FR-2012-02-21/pdf/2012-3833.pdf>

The National Park Service (NPS) announced the nomination of Withington House, situated at 3150 Huelani Place, Honolulu (12000058) for consideration for listing to the National Register of Historic Places. The nomination was received before January 21, 2012. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW, 8th floor, Washington DC 20005; or by fax, 202-371-6447. Written or faxed comments should be submitted by March 7, 2012. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment - including your personal identifying information - may be made publicly available at any time. While you can ask NPS in your comment to withhold your personal identifying information from public review, NPS cannot guarantee that it will be able to do so (see, 77 FR 9960, February 21, 2012)

### Western & Central Pacific Fisheries Transshipment Prohibitions for Highly Migratory Species

<http://www.gpo.gov/fdsys/pkg/FR-2012-02-15/pdf/2012-3545.pdf>

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), of the U. S. Department of Commerce announced its advance notice of proposed rulemaking to prohibit the transshipment of highly migratory species (HMS) on the high seas to or from certain types of U.S. vessels that operate in the area of application of the Convention on the Conservation and



Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention). These regulations would implement certain decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission or WCPFC) in order to meet the obligations of the United States under the Convention. NMFS issues this advance notice of proposed rulemaking to solicit information and comments about HMS transshipment activities by U.S. vessels, and the potential effects of a prohibition on high seas transshipments in the Convention Area. Comments must be submitted in writing by April 16, 2012. Comments on this advance notice of proposed rulemaking (ANPR), identified by NOAA-NMFS-2012-0001, may be sent to either of the following addresses: **Electronic submission:** Submit all electronic public comments via the Federal e-Rulemaking portal <http://www.regulations.gov>; or **Mail:** Mail written comments to Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Regional Office (PIRO), 1601 Kapi'olani Blvd., Suite 1110, Honolulu, HI 96814-4700 (see, 77 FR 8758, February 15, 2012).

### **Reissuance of Nationwide Permits**

<http://www.gpo.gov/fdsys/pkg/FR-2012-02-21/pdf/2012-3687.pdf>

The U. S. Army Corps of Engineers (Corps) is reissuing 48 of the 49 existing nationwide permits (NWP), general conditions, and definitions, with some modifications. The Corps is also issuing two new NWPs, three new general conditions, and three new definitions. The effective date for the new and reissued NWPs will be March 19, 2012. These NWPs will expire on March 18, 2017. The NWPs will protect the aquatic environment and the public interest while effectively authorizing activities that have minimal individual and cumulative adverse effects on the aquatic environment. The NWPs and general conditions will become effective on March 19, 2012. For further information, please contact Mr. David Olson at (202) 761-4922, or by email at [david.b.olson@usace.army.mil](mailto:david.b.olson@usace.army.mil) or access the U. S. Army Corps of Engineers Regulatory Home Page at [http://www.usace.army.mil/CECW/Pages/cecwo\\_reg.aspx](http://www.usace.army.mil/CECW/Pages/cecwo_reg.aspx). **Addresses:** U.S. Army Corps of Engineers, Attn: CECW-CO-R, 441 G Street NW., Washington, DC 20314-1000 (see, 77 FR 10184, February 21, 2012).



## **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).