

# 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

July 23, 2012

## 2121 Kuhi'o Street, Waikiki, O'ahu - Construction of a 34-Story (350-ft) Condo-Hotel

The proposed condo-hotel will consist of 459 dwelling units, a hotel lobby and support services, three parking levels, commercial uses (such as restaurant and retail establishments), and appurtenant site improvements. The 3.525-acre project site consists of four joint-developed lots fronting Kuhi'o Avenue, Kalaimoku Street and Kalakaua Avenue. Existing development on the site include a retail complex ("2100 Kalakaua," Parcel 10) and a surface parking lot (Parcel 43).

The proposed 350-foot-high building will exceed the 300-foot height limit which requires the adoption of a Resolution by the Honolulu City Council (Council). The Council must determine that the building would not be visible within the view cones from the Punchbowl lookouts towards Diamond Head and the horizon line of the ocean, or from the Kalakaua Avenue frontage of Fort DeRussy towards the slopes and ridgeline of the Ko'olau Range.

## Honolulu Rail Transit Project, Honolulu, O'ahu

The Honolulu Authority for Rapid Transportation (HART) has submitted an application to the Federal Transit Administration (FTA) for Full Funding Grant Agreement for \$1.55 billion of federal funds as part of the \$5.16 billion capital project costs. The Honolulu Rail Transit Project (HRTTP) consists of design and construction of a 20-mile, grade-separated fixed rail system from East Kapolei to the Ala Moana Center in Honolulu, Hawai'i. From East Kapolei the Project proceeds to the University of Hawai'i at West O'ahu, then east to Pearl Harbor, the Honolulu International Airport, and ends at Kona Street adjacent to Ala Moana Center. The HRTTP will operate in an exclusive right-of-way and will be grade separated (elevated) except for a 0.6-mile, at-grade section near Leeward Community College. The HRTTP will be powered with third rail electrification. The Final EIS and Record of Decision are available on the project website: [www.honolulutrainsit.org](http://www.honolulutrainsit.org). For more, contact Joanna Morsicato, HART Planning and Environment, at 768-6120.

This Coastal Zone Management (CZM) federal consistency review is for the HART application to FTA for federal funding. Additional CZM federal consistency review may occur in conjunction with federal permit actions related to the HRTTP. Federal Agency: U.S. Department of Transportation, Federal Transit Administration (FTA) Location: East Kapolei to Ala Moana Center, City and County of Honolulu CZM Contact: John Nakagawa, 587-2878, [jnakagaw@dbedt.hawaii.gov](mailto:jnakagaw@dbedt.hawaii.gov)

## Introduction of Direct to EIS Law - Act 172, Session Laws of Hawai'i, Regular Session of 2012

On June 27, 2012, the Governor signed SB 2281, SD1 HD1 into law as Act 172 (12) and informed both the Senate President and the Speaker of the House of Representatives (GM 1275). The new Act was effective upon approval and modifies the existing process under Chapter 343, Hawaii Revised Statutes by allowing agencies to determine, based on their judgment and experience, that an environmental impact statement is likely to be required for a proposed action, and, therefore, choose not to prepare an environmental assessment or to allow an applicant not to prepare an environmental assessment and instead proceed directly to the preparation of a draft environmental impact statement.

The *Guide to the Implementation and Practice of the Hawaii Environmental Policy Act* as well as the OEQC Internet Sites are in the process of being revised to address the provisions of Act 172 (12). This current issue (July 23, 2012) is the first to accommodate the direct-to-EIS provisions of Act 172.

**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.



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## HAWAII (HRS 343)

### 1. Ocean Thermal Energy Conversion Technology Research, Development and Demonstration Facility Ke'ahole DEA-AFNSI

**Island:** Hawai'i  
**District:** North Kona  
**TMK:** (3) 7-3-43:087(por.)  
**Permits:** NELHA Lease, Grading/Building, NPDES Construction Storm Water, FAA Hazard Evaluation Form 7460-1, County Height Limit Variance, Underground Injection Control (UIC), Individual Wastewater Disposal  
**Applicant:** Barry Cole, Executive Vice President, OTEC International, LLC, [bcole@otecinternationalllc.com](mailto:bcole@otecinternationalllc.com), (540) 220-7857  
**Approving Agency:** Natural Energy Laboratory of Hawaii Authority 73-4460 Queen Ka'ahumanu Hwy. #101, Kailua-Kona, Hawaii 96740. Contact: Greg Barbour, [nelha@nelha.org](mailto:nelha@nelha.org), (808) 327-9585  
**Consultant:** North Shore Consultant, David M. Robichaux, P.O. Box 790, Haleiwa, HI 96712. [robichaud001@hawaii.rr.com](mailto:robichaud001@hawaii.rr.com) (808) 368-5352  
**Status:** Statutory 30-day public review and comment period starts, comments are due on August 22, 2012. Send comments to the Applicant, Approving Agency and Consultant



OTI proposes to construct and operate a 1MWe Ocean Thermal Energy Conversion (OTEC) facility on NELHA's Hawaii Ocean Science and Technology Park. This facility is a test platform for research, development and demonstration (RD&D), which is a necessary step in the transition to a commercial OTEC industry. The proposed action uses the existing infrastructure, including a 55" seawater pipelines to access seawater, and is consistent with the objectives of NELHA. Seawater used for OTEC will either be distributed to other tenant of the HOST Park or disposed to large injection wells. These injection wells are designed to return the seawater to a depth near their origin in order to minimize environmental effects of the proposed action. NELHA anticipates a finding of No Significant Impacts pending receipt of comments from agencies and interested parties.

### 2. Helicopter Landing Area at Royal Gardens FEA - FONSI

**Island:** Hawai'i  
**District:** Puna  
**TMK:** (3rd) 1-1-114:022  
**Permits:** County Special Permit  
**Applicant:** Paradise Helicopters, P.O. Box 5371, Kailua-Kona, HI 96745. Contact: Greg Mooers, (808) 880-1455  
**Approving Agency:** Hawai'i County Planning Department, 101 Pau'ahi Street, Suite 3, Hilo, HI 96720. Contact: Jeff Darrow (808) 961-8158  
**Consultant:** Geometrician Associates, P.O. Box 396, Hilo, HI 96721. Contact: Ron Terry (808) 969-7090  
**Status:** Finding of No Significant Impact Determination



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 for several decades and for many years Mr. Thompson's was the only occupied home within two miles in any direction. The home and landscaped yard was covered by lava in March 2012.

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 in remaining kipuka areas of Royal Gardens 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 partly through the National Park's Air Tour Management Plan process, and partly through ongoing discussion among the FAA, the State of Hawai'i, the air tour industry, and affected communities.

### 3. Humu'ula Saddle Region of Hawai'i Island: A Detailed Hydrologic Evaluation and Exploratory Drilling Program DEA-AFNSI

**Island:** Hawai'i  
**District:** Hamakua  
**TMK:** TMK 3-4-4-16-005; TMK 3-4-4-16-006; and TMK 3-4-4-16-007  
**Permits:** Non-covered Source Permit; Observation Well Drilling Permit

#### Proposing/Determination

**Agency:** University of Hawaii, Hawaii Institute of Geophysics and Planetology, 1680 East West Rd., Honolulu, HI 96822.  
Contact: Dr. Donald Thomas, (808) 895-6547,  
[dthomas@soest.hawaii.edu](mailto:dthomas@soest.hawaii.edu)

**Status:** Statutory 30-day public review and comment period starts, comments are due on August 22, 2012. Send comments to the Proposing Agency



The proposed action is a detailed investigation of the subsurface geology and hydrology of the western Humu'ula Saddle region. The investigation will involve the installation of two small-diameter, continuously cored, test bores to depths approximately 2000 m below ground surface. The purpose for the project is to collect and analyze core samples that will: provide a detailed record of the geologic history and structure within the study area; and document the geologic structures responsible for retention and flow of groundwater through the area. The bores will enable access to one or more saturated aquifers within the stratigraphic column and allow sampling for chemical and isotopic analysis or groundwater and allow determination of the source and residence time of groundwater within the region; the bores will also enable long term monitoring of the aquifers within the Saddle to better assess the magnitude of the groundwater resource within the region and to track the impacts of global climate change on Hawaii Islands groundwater resources. The need for the information provided by the project is that associated with long-term, sustainable management of Hawaii's groundwater resources in a region for which almost no hydrologic data is currently available.

#### 4. **Miloli'i Community Enrichment and Historical Center FEA-FONSI**

**Island:** Hawai'i  
**District:** Ho'opūloa, South Kona District  
**TMK:** (3) 8-9-014: 038, 039, 040, and 041.  
**Permits:** State of Hawaii, HRS Chapter 343, Environmental Impact Statements, State Conservation District Use Permit, Special Management Area Use Permit (SMA), Building Permits, Grading and Grubbing Permits  
**Applicant:** Pa'a Pono Miloli'i (501c3), PO Box 7715, Hilo, Hawai'i 96720. Contact: Kaiali'i Kahele, (808) 783-4069, [paaponoinc@gmail.com](mailto:paaponoinc@gmail.com)



**Approving Agency:** County of Hawaii Planning Department, 101 Pau'ahi Street, Suite 3, Hilo, HI 96720. Contact: Bobby Jean Leithead-Todd, (808) 961- 8288  
**Consultant:** Joseph Farber, Farber & Associates, 2722 Ferdinand Ave., Honolulu, HI 96822. Contact: Joe Farber (808) 988-3486, [joefarber@hotmail.com](mailto:joefarber@hotmail.com).  
**Status:** Finding of No Significant Impact Determination

Pa'a Pono Miloli'i, a non-profit 501(c)(3) organization, has been awarded Federal Housing and Urban Development (HUD) Economic Development Initiative funds to design and construct a multi-purpose community center in Miloli'i to address the community's long-identified need for a permanent, covered community center and gathering space for public meetings, cultural activities, and educational and recreational programs.

The project site is adjacent to the shoreline within Miloli'i Village on four State-owned parcels that total 40,000 square feet on previously graded and developed land where the remnants of an abandoned desalinization plant currently stand. The shoreline in this area is very rocky and allows very limited and difficult access to the ocean. The nearest homes are about 100 feet to the north, and 200 ft. to the south.

The proposed action is to build three, single-story structures, which total 4,800 square feet, and includes a 4,000 square foot multi-purpose community center containing a central covered lanai, an office, a visitors reception center, library, and a classroom; two separate adjoining guest quarters with restrooms, and unpaved parking for fifteen vehicles. The buildings would be constructed on concrete slab foundations surrounded by tile and concrete flooring, plaster-finished walls and exterior stone veneers.

#### 5. **Determination of Applicability Pursuant to §11-200-27, HAR, Relating to the Application for Renewal of the Solid Waste Management Permit for the West Hawai'i Sanitary Landfill**

**Island:** Hawai'i  
**District:** North Kona  
**TMK:** TMK: 7-1-003:017  
**Permits:** Department of Health Solid Waste Management Permit  
**Proposing Agency:** County of Hawaii Planning Department  
**Status:** On behalf of the mayor (the accepting authority) the Hawai'i County Planning Department has determined that a supplemental EIS is not required pursuant to Section 11-200-27, Hawai'i Administrative Rules, for a solid waste management permit renewal application. Continuing operations would not warrant a supplemental EIS since the continuing operations have not increased in scope or size, nor increased the intensity of environmental impacts with all mitigating measures originally planned still being implemented.

## MAUI (HRS 343)

### 6. Proposed Ha'ikū Road and Culvert Improvements DEA-AFNSI

**Island:** Maui  
**District:** Makawao  
**TMK:** Haiku Road Right-of-Way; TMK (2) 2-7-003:056(por.); 2-7-017:047(por.); and 2-7-020:009(por.)  
**Permits:** Department of Army Permit, Section 401 Water Quality Certification, Coastal Zone Management Consistency Approval, Stream Channel Alteration Permit, National Pollutant Discharge Elimination System Permit, Community Noise Permit, as applicable, Construction Permits (grading, grubbing)



#### Proposing/Determination

**Agency:** County of Maui, Department of Public Works, 200 South High Street, Wailuku, Hawaii 96793. Contact: David Goode, (808) 270-7845  
**Consultant:** Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, Hawaii 96793. Contact: Colleen Suyama, (808) 244-2015  
**Status:** Statutory 30-day public review and comment period starts, comments are due on August 22, 2012. Send comments to the Proposing Agency and Consultant

In December 2007, a storm caused extensive damage to the existing concrete box culvert drainage system and embankment located along (north) Ha'ikū Road approximately 600 feet east of its intersection with Kokomo Road. The 2007 storm caused a section of the concrete box culvert to break away, as well as the erosion of the adjacent embankment to the north of Haiku Road. The erosion has, in turn, undermined the shoulder and guardrail on the north side of Haiku Road.

To remedy this condition, the County of Maui, Department of Public Works (DPW) proposes to repair the damaged concrete box culvert and eroded embankment. To prevent future damage to the drainage way, protect coastal and downstream waters, and improve public safety, the DPW proposes to construct a new outlet headwall, construct new grated inlet and 18-inch pipe drain, new embankments, an energy dissipator basin and grouted riprap transition, and to install fencing above the dissipator walls, new guard rails and asphalt pavement for the reconstruction of Ha'ikū Road.

## MOLOKA'I (HRS 343)

### 7. Moloka'i Irrigation System Hydropower DEA-AFNSI

**Island:** Moloka'i  
**District:** Moloka'i  
**TMK:** 2-53-003:-15  
**Permits:** State Public Utilities Commission



#### Proposing/Determination

**Agency:** State of Hawai'i Department of Agriculture, 1428 South King Street, Honolulu, HI 96814. Contact: Glenn Okamoto, (808) 973-1123  
**Consultant:** AECOM Technical Services, Inc., 1001 Bishop Street, Suite 1600, Honolulu, HI 96813. Contact: Martin Nakasone, (808) 529-7219  
**Status:** Statutory 30-day public review and comment period starts, comments are due on August 22, 2012. Send comments to the Proposing Agency and Consultant

DOA is proposing to install a hydropower plant along the Moloka'i Irrigation System (MIS), whereby energy used for pumping water in the Waikolu Valley would be partially recovered by a turbine-generator installed alongside the existing pipeline. The hydroelectric power generation could reduce the ongoing costs of operating and maintaining the system by reducing the amount of electricity purchased to pump

water into the system and by generating revenue from the sale of electricity to Maui Electric Company. The proposed project would also help to reduce Moloka'i's dependence on diesel fuel for electricity generation and help Moloka'i to meet the State of Hawai'i's 2030 Clean Energy Initiative of 60 percent clean energy by 2030.

## O'AHU (HRS 343)

### 8. Solid Waste to Energy Truck Receiving Station for Sewage Sludge FEA- FONSI

**Island:** O'ahu  
**District:** 'Ewa  
**TMK:** 9-1-026-030 H-POWER  
**Permits:** State Department of Health Solid Waste and Air permits  
**Proposing/Determination Agency:** City and County of Honolulu Environmental Services Department, 1000 Uluohia St., Suite 308, Kapolei, HI 96707. Contact: Timothy E. Steinberger, (808) 768-3486  
**Consultant:** Kusao & Kurahashi, Inc., 2752 Woodlawn Drive, Suite 5-202, Honolulu, Hawaii 96822. Contact: Keith Kurahashi, (808) 988-2231  
**Status:** Finding of No Significant Impact



The Solid Waste to Energy Truck Receiving Station for Sewage Sludge is proposed to provide the H-POWER Expansion Project the ability to accept and process dewatered sewage sludge for final disposal. The truck receiving station will be located on the H-POWER site and consists of a receiving bin, pumps, and distribution header for the transfer of sludge into the boiler at H-POWER Expansion.

The proposed action will comply with all permits that have been secured for the H-POWER Expansion Project. The project will not change emission requirements and will employ the Maximum Achievable Control Technology (MACT compliance) as exists in the industry for control of air emissions and hazardous air pollutants as required by the Clean Air Act. Odor control systems will be utilized to manage odors from the sludge receiving, storage and processing.

### 9. 2121 Kuhi'o – Construction of a 34-Story (350-ft) Condo-Hotel (DEA-AFNSI)

**Island:** O'ahu  
**District:** Honolulu  
**TMK:** 2-6-18: 10, 42, 43 and 52  
**Permits:** Waikiki Special District Permit (Major), Surface Encroachment Variance, Sub-division for Pedestrian Easement, Trenching Permit, Grading Permit, Drain Connection, Sewer Connection, Flood Study, Street Usage, Construction Dewatering Permit, National Pollutant Discharge Elimination Permit, Construction of Noise Permit, Construction Plan Approval and Building Permits



**Proposing Agency:** PACREP LLC, 10880 Wilshire Boulevard, Suite 2222, Los Angeles, California 90024. Contact: Jason Grosfeld, (310) 500-2955

**Approving Agency:** Department of Planning and Permitting, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, HI 96813. Contact: Kiyomi Oyama, (808) 768-8034

**Status:** Statutory 30-day public review and comment period starts, comments are due on August 22, 2012. Send comments to the Proposing Agency and Consultant

The 2121 Kūhiʻo Project (Project) involves the construction of a new 34-story condo-hotel consisting of 459 dwelling units, a hotel lobby and support services, three parking levels, commercial uses (such as restaurant and retail establishments), and appurtenant site improvements. The 3.525-acre project site consists of four joint-developed lots fronting Kūhiʻo Avenue, Kalaimoku Street and Kalakaua Avenue. Existing development on the site include a retail complex ("2100 Kalakaua," Parcel 10) and a surface parking lot (Parcel 43).

The proposed 350-foot-high building will exceed the 300-foot height limit which requires the adoption of a Resolution by the Honolulu City Council (Council). The Council must determine that the building would not be visible within the view cones from the Punchbowl lookouts towards Diamond Head and the horizon line of the ocean, or from the Kalakaua Avenue frontage of Fort DeRussy towards the slopes and ridgeline of the Koʻolau Range.

The Project is not anticipated to have a significant impact on the environment or public services based on new studies included in the Draft EA, and earlier studies contained in the Final EA for the "2100 Kalakaua" project (Finding of No Significant Impact, December 8, 1998 OEQC Bulletin).

#### 10. Pearl City Corporation Yard, Division of Road Maintenance Facility Redevelopment DEA-AFNSI

**Island:** Oʻahu  
**District:** ʻEwa  
**TMK:** (1) 9-7-023: Portion of 09 & 10  
**Permits:** Plan Review, Sediment and Erosion Control Plan, Construction Plan Review, Conditional Use Permit, Grading and Building Permit, National Pollutant Discharge Elimination System



#### Proposing/Determination

**Agency:** City and County of Honolulu, Department of Design and Construction, 650 S. King Street, 11th Floor, Honolulu, HI 96813.  
Contact: Clyde Tomihara, (808) 768-8468

**Consultant:** R.M. Towill Corporation, 2024 N. King Street, Suite 200, Honolulu, Hawai'i 96818.  
Contact: Chester Koga, (808) 842-1133, [chesterk@rmtowill.com](mailto:chesterk@rmtowill.com)

**Status:** Statutory 30-day public review and comment period starts, comments are due on August 22, 2012. Send comments to the Proposing Agency and Consultant

The Department of Design and Construction is planning the redevelopment of the Department of Roads and Maintenance (DRM) base yard to improve the operational efficiency of the facility and meet the growing service demands of the ʻEwa district. The proposed project would occupy 4.7 acres that consists of two parcels of the land owned by State of Hawaii and the City and County of Honolulu, the Tax Map Key (TMK) parcels are (1) 9-7-023:009 and 0101. The proposed project would take place over three phases for the sake of the funding flexibility and to sustain operations during construction.

Phase one: Demolish and replace existing office building, aggregate storage bins, paved area for interim private owned vehicles (POV) parking (25 cars), construct new perimeter chain link fencing, and gates for the DRM yard, upgrade security system to monitor the corporation yard's three gates, and include a new emergency generator.

Phase two: Construct new warehouse and paint storage shed, expanding interim POV parking area, pave new area for permanent POV parking lot and loading zone areas, construct a new underground storm water retention basin and related site drainage improvements, construct a new exit only road up to third street (optional).

Phase three: Demolish and replace carport (for large vehicles and equipment), construct a new dewatering/drying basin, pavement for the balance of DRM yard, and constructing a new wash area and recycling system (optional). Project costs are estimated at \$11.2 million (including all optional items). Phase 1 construction start time is schedule for fall 2013.



## KAUA'I (HRS 343)

### 11. Kalāheo Water System Improvements FEA-FONSI

**Island:** Kaua'i  
**District:** Kalāheo  
**TMK:** 2-4-03: 7, 2-4-09: 3, and 2-4-04: 39 & 49; and Pu'uwai Road, Po'ohiwi Road, and Kikala Road  
**Permits:** State of Hawai'i Permits: Conservation District Use Permit, Water Use Permit, Well Construction & Pump Installation Permits, NPDES Permit, County of Kaua'i, Class IV Zoning Permit, Use Permit, Zoning Variance, Building Permit, Grading Permit  
Water Pipeline Installation



#### Proposing/Determination

**Agency:** Department of Water, County of Kaua'i, P.O. Box 1706, Līhu'e, Hawai'i 96766.  
Contact: Mr. David Craddick, (808) 245-5408  
**Consultant:** Belt Collins Hawai'i LLC., 2153 North King Street, Suite 200, Honolulu, Hawai'i.  
Contact: Mr. Glen Koyama, (808) 521-5361  
**Status:** Finding of No Significant Impact Determination

The Department of Water (DOW), County of Kaua'i, is proposing to upgrade its aging water system in upland Kalaheo, Kaua'i to meet Maximum Day Demand storage capacity and fire flow requirements for current and future demand in Kalaheo-Lawai-Omao Water Service Area. Proposed improvements include replacing two existing water tanks with two new 0.5 million gallon tanks and constructing a new production well, 12,500 linear foot transmission main, modified booster pump station, upgraded booster pumps, and relocated existing pressure reducing valve stations. The project is located approximately 1.2 miles upland (north) of Kaumuali'i Highway on Pu'uwai Road, Po'ohiwi Road, and Kikala Road.

The improvements will occur primarily on existing DOW properties and County road rights-of-way which are occupied by existing public facilities. One of the properties was recently acquired by DOW and will require removal of an abandoned dwelling. Installation of the transmission main will occur within the road rights-of-way but traffic control measures will be employed to assure continual vehicular passage through the construction area.


### 12. County of Kaua'i, Department of Water, Water Plan 2020 Projects DEA-AFNSI

**Island:** Kaua'i  
**District:** Halele'a District, Kilauea area.  
**TMK:** (4) 5-1-05:131, Lot 33  
**Permits:** County of Kaua'i: Use Permit, Class IV Zoning Permit, and building, grading, plumbing and electrical permits; State Department of Health: NPDES, Community Noise Permit; and State Commission on Water Resource Management, Well Construction/Pump Installation Permit.



#### Proposing/Determination

**Agency:** County of Kaua'i, Department of Water (DOW), 4398 Pua Loke Street, Līhu'e, HI 96766.  
Contact: Mr. Aaron Zambo, (808) 245-5449  
**Consultant:** Kodani & Associates Engineers, LLC 3126 Akahi Street, Līhu'e, HI 96766.  
Contact: Mr. Jim Turturici (808) 245-9591  
**Status:** Statutory 30-day public review and comment period starts, comments are due on August 22, 2012. Send comments to the Proposing Agency and Consultant



The project proposes to replace the existing 100,000 gallon Pu'u Pane Tank with a new 1.0 million gallon (MG) tank. The new tank will be constructed on the site of the existing tank. The existing tank will be demolished, and six portable small-capacity temporary tanks will be housed within the project's fenced area to provide continued storage capacity for water during construction of the new 1.0 MG tank. In addition to the tank upsizing, the project proposes to drill an exploratory well on the same site to explore the feasibility of co-locating a production well on this tank site. If the DOW determines the well to have sufficient production capacity, then the DOW will consider converting the exploratory well into a permanent production water source ("Pu'u Pane Well") to serve the Kilauea area.

## CHAPTER 25, REVISED ORDINANCES OF HONOLULU

The special management area is the land extending inland from the shoreline, as established in Chapter 25, Revised Ordinances of Honolulu, and delineated on the maps established by the council and filed with the council and agency pursuant to HRS Section 205A-23. The public can obtain a copy of the document by contacting the project Consultant or the Applicant listed below.

### 13. Chevron Refinery Concentrated Solar Power Thermal Heat Project DEA

**Island:** O'ahu  
**District:** 'Ewa  
**TMK:** (1)9-1-014-010  
**Permits:** Potential permits: Federal: National Historic Preservation Act, Section 106 Consultation. State: National Pollutant Discharge Elimination System Permit and Community Noise Permit Application. Local: Chapter 200, Title 11, HAR, Environmental Review and Determination, SMA Permit, Building Permit.  
**Applicant:** Chevron, 91-480 Malakole Street, Kapolei, HI 96707. Contact: Chris Cavote, (808) 682-2215.  
**Approving Agency:** City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, HI 96813. Contact: Nelson Armitage, (808) 768-8014.  
**Consultant:** URS Corporation, 615 Piikoi Street, Suite 900, Honolulu, Hawaii 96814. Contact: Darla Guerrero (808) 593-1116.  
**Status:** Statutory 30-day public review and comment period starts, comments are due on August 22, 2012. Send comments to Proposing Agency and Consultant.

Chevron Technology Ventures, a subsidiary of Chevron Products Company, proposes to construct a demonstration, concentrated solar power thermal technology project at the existing petroleum refinery at Campbell Industrial Park. The project will consist of ground mounted parabolic (trough) and linear (Fresnel) solar mirror collectors arranged in an array that will occupy a 15.5-acre area near the shoreline of the 248-acre Chevron Refinery. The solar collector array will occupy a 460 x 1575-foot area, about 75 percent of which will be within the Special Management Area established pursuant to Chapter 25, Revised Ordinances of Honolulu.

The solar mirror array will be mounted on adjustable metal frames, which will be between 12 to 15 feet in height, and will track the sun and focus solar energy on pipelines which will super heat a liquid (either water or other liquid) that will be conveyed into the refinery to generate steam, which is used at different stages of the petroleum refining process. The alternative energy project will allow Chevron to generate the steam needed at the refinery from a solar thermal process, instead of burning of fossil fuels.

The proposed project will exceed \$500,000 and, therefore, requires the approval of a Major SMA Use Permit by the Honolulu City Council. Construction is anticipated to begin once the applicant receives all of the required approvals.



**14. Kahalu'u 7-Eleven Store FEA-FONSI**

**Island:** O'ahu  
**District:** Ko'olaupoko  
**TMK:** 4-7-011: 006  
**Permits:** Special Management Area (SMA) Permit-Major; Grubbing, Grading, and Stockpiling; Building Permit for Building, Electrical, Plumbing, Sidewalk/Driveway and Demolition, Variance from Pollution Controls: (80) 447-7216  
**Applicant:** 7-Eleven Hawaii Inc., 1755 Nu'uaniu Avenue, Honolulu, Hawaii 96817. Contact: Mr. Chuck Jones, (808) 447-7216  
**Approving Agency:** Department of Planning and Permitting City and County of Honolulu, 650 South King Street, Honolulu, Hawaii 96813. Contact: Malynne Simeon, (808) 768-8023  
**Consultant:** Gerald Park Urban Planner, 95-595 Kanamee Street, #324, Mililani, Hawaii 96789. (808) 625-9626  
**Status:** Finding of No Significant Impact Determination

A Finding of No Significant Impact (FONSI) has been issued for the new 7-Eleven convenience store in Kahalu'u. The project is to demolish an existing 7-Eleven convenience store at Kahalu'u and build a new store in its place. A 2,400-square-foot structure will replace the existing store. The one-story building will be 16 feet in height. No change in the number of driveways (two) and their location is proposed. Eleven standard and two van accessible Americans with Disabilities Act (ADA) parking stalls will be provided. 7-Eleven is not proposing to relocate or replace the existing fuel dispensers, canopies, and underground fuel tanks.

Construction will commence after all approvals and permits are received. A four month construction period is projected including demolition. The improvements are not anticipated to adversely affect special management area resources in the short-term (during construction). The proposed improvements require the approval of a Major SMA Use Permit by the Honolulu City Council.

Potential impacts on air quality, noise, and erosion during construction can be mitigated by adhering to existing public health regulations and Best Management Practices associated with site work. The project is not proposed near the shoreline; thus, there should be no impact on shoreline access, recreation resources, beach protection, and marine resources. There are no historical resources, coastal ecosystems, and scenic and open space resources to be affected. The site is located outside the 500 year flood plain and not prone to flooding. No significant adverse impacts, cumulative impacts, and secondary impacts are anticipated from the proposed improvements. A Finding of No Significant Impact has been issued.

**ENVIRONMENTAL COUNCIL**

The Environmental Council has a tentative meeting scheduled for August 16, 2012. Please go to the State [Calendar](#) website six days prior to the meeting date to review the agenda. For more information, contact the Council at [oeqc@doh.hawaii.gov](mailto:oeqc@doh.hawaii.gov) or call 586-4185.

**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 (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.

### Honolulu Rail Transit Project, Honolulu, O'ahu

**Applicant:** Honolulu Authority for Rapid Transportation (HART)  
**Contact:** Joanna Morsicato, HART Planning and Environment, 768-6120  
**Federal Action:** Federal Funding  
**Federal Agency:** U.S. Department of Transportation, Federal Transit Administration (FTA)  
**Location:** East Kapolei to Ala Moana Center, City and County of Honolulu  
**Proposed Action:** The HART has submitted an application to the FTA for Full Funding Grant Agreement for \$1.55 billion of federal funds as part of the \$5.16 billion capital project costs. The Honolulu Rail Transit Project (H RTP) consists of design and construction of a 20-mile, grade-separated fixed rail system from East Kapolei to the Ala Moana Center in Honolulu, Hawaii. From East Kapolei the Project proceeds to the University of Hawai'i at West Oahu, then east to Pearl Harbor, the Honolulu International Airport, and ends at Kona Street adjacent to Ala Moana Center. The H RTP will operate in an exclusive right-of-way and will be grade separated (elevated) except for a 0.6-mile, at-grade section near Leeward Community College. The H RTP will be powered with third rail electrification. The Final EIS and Record of Decision are available on the project website: [www.honolulutransit.org](http://www.honolulutransit.org). This CZM federal consistency review is for the HART application to FTA for federal funding. Additional CZM federal consistency review may occur in conjunction with federal permit actions related to the H RTP.

**Comments Due:** August 6, 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: South Hilo (2-1-014: 037 )	Removal of 4-5 Coconut Palm Trees (SMM 12-228)	County of Hawai'i, Department of Parks & Recreation
Hawai'i: Puna (1-4-068: 004)	Clear Vegetation along Two Property Lines (SMM 12-229)	Christopher Biltoft and Mary Fleming
Kaua'i: (4-9-014: 030)	Water Well for Single Family Residence (SMA(M)-2012-23)	Mark & Susie Garcia
Kaua'i: (5-9-003: 040)	Misc Site Improvements: Pool, Decking, Pool Equipment Shed, Rock Wall, Entry Gate, Landscaping (SMA(M)-2012-24)	Limahuli Valley Trust/Ben Welborn
Kaua'i: (3-2-003: 030)	Installation of Two Additional Cylindrical Propane Tanks (SMA(M)-2012-25)	The Gas Company, LLC.
Maui: Lahaina (4-6-008: 006)	2012 Campbell Park Celebration (SM2 20120080)	Lahaina Town Action Committee
Maui: Napili (4-3-002: 024)	Structures Repair and Maintenance (SM2 20120085)	Hale Napili Apartments
O'ahu: (9-7-017: 002)	Lehua Elementary School Walkway Replacement Project (2012/SMA-24)	State of Hawai'i, Department of Education/Fukunaga and Associates, Inc.

## SHORELINE NOTICES

### 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
HA-450	6/29/12	Lot 79, Vacationland Hawaii (F.P. 814), L.C. Aw. 8559, Apana 5 situate at Kapoho, Puna, Island of Hawaii Address: N/A Purpose: Determine building setback	The Independent Hawaii Surveyors, LLC/ David Deweese	1-4-068:070
HA-451	7/3/12	Lot 11, Vacationland Hawaii (File Plan 814) L.C. Aw. 8559, Apana 5 situate at Kapoho, Puna, Island of Hawaii Address: Wae Opae Road Purpose: Determine building setback	The Independent Hawaii Surveyors, LLC/ Nicholas Dilonardo	1-4-067:011
HA-452	6/29/12	Portion of Parcel A being a portion of the Kawaihae Harbor Project Executive Order 1904 as described in CSF 12825 situate at Kawaihae 2 <sup>nd</sup> , South Kohala, Island of Hawaii Address: Kawaihae Harbor Purpose: Kawaihae Harbor South Access Road improvements	George S. Yoshimura/ State of Hawaii	6-1-003:026
HA-453	7/9/12	Lot 7-B being Lot 3, Land Court Application 1680, Map 3 and a portion of L.C. Award 9971, Apana 28 to William P. Leleiohoku situate at Kaunamalumu, North Kona, Island of Hawaii Address: 77-236 Ke Alohi Kai Place Purpose: Shoreline for building	Thomas Pattison/ Teaderman Business Park LLC	7-7-024:007

### 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-1458	Proposed Shoreline Certification	Lot A Portion of R.P. 51, L.C. Aw. 802 to Adams situate at Niu, Waikiki, Oahu Address: 5493 Kalaniana'ole Highway Purpose: Development of property	Dennis K. Hashimoto/ Justin M. Shindo Trust Dated September 23, 2005	3-7-001:007
OA-1475	Proposed Shoreline Certification	Lot 85, Land Court Application 1052 as shown on Map 5, situate at Makaha, Waianae, Oahu Address: 87-771 Moua Street Purpose: Building permit	Wesley T. Tengan/ Kenneth D. Ochi and Gene T. Ochi	8-4-006:007
HA-442	Proposed Shoreline Certification	Land Court Application 1854, Map 1, Lot 1, being also Lot 8, L.C. Award 387, Pt. 4, Sec. 2 situate at Waiaha 1st, North Kona, Island of Hawaii Address: 75-5888 Alii Drive Purpose: Repair sea wall tsunami damage	Kona Reef AOA/ Kona Reef AOA	7-5-018:071
OA-1460	Rejection	Portion of Exclusion 12 Land Court Application 979 Portion R.P. 2112, L.C. Aw. 2239, Ap. 2 to Maikai situate at Kahaluu, Koolaupoko, Oahu Address: 47-407 Kamehameha Highway Purpose: Building permit	Walter P. Thompson, Inc./ Tom Coulson	4-7-009:011

## 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	Aloha Petroleum, Ltd. Minor Modification Application No. 0072-07 Significant Modification Application No. 0072-08 CSP No. 0072-01-C	Located at: 661 Kalaniana'ole Avenue Hilo, HI	Comments Due: 8/2/2012	Hilo West Terminal
Clean Air Branch, 586-4200, -Non-Covered Source Permit	Hapuna Beach Prince Hotel Application for Renewal and Modification No. 0460-03 NSP No. 0460-01-N	Located at: 62-100 Kauna'oa Drive, Kamuela, Hawaii	Issued: 6/27/2012	6.1 MMBtu/hr (150 HP) Boiler and Small Area Source Dry Cleaning Facility
Clean Air Branch, 586-4200, Covered Source Permit	Mauna Loa Macadamia Nut Corporation A subsidiary of The Hershey Company Permit Renewal Application No. 0317-06 CSP No. 0317-02-C	Located at: 16-701 Macadamia Road, Keaau, Hawaii	Issued: 6/28/2012	Biomass and Used Oil Fired Main Boiler, Biomass Fired Back-up Boiler and Two (2) Diesel Engine Generators
Clean Air Branch, 586-4200, Non-Covered Source Permit	State of Hawaii, Department of Accounting and General Services Application for Initial Permit No. 0770-01-N NSP No. 0770-01-N	Located at: 99-902 Moanalua Road, Aiea, Oahu	Issued: 6/29/2012	Two (2) 60 hp Boilers
Clean Air Branch, 586-4200, Covered Source Permit	Kalaka Nui, Inc. Application for Renewal No. 0580-04 CSP No. 0580-01-CT	Located at: Various Temporary Sites State of Hawaii	Comments Due: 8/3/2012	Crushing and Screening Plants
Clean Air Branch, 586-4200, Covered Source Permit	Frank Coluccio Construction Company Modification/Renewal Application No. 0661-02 CSP No. 0661-01-CT	Located at: Various Temporary Sites State of Hawaii	Issued 7/3/2012	265 TPH Mobile Crusher and 265 TPH Screener
Clean Air Branch, 586-4200, Non-Covered Source Permit	XTERMCO, Inc. Initial Permit Application No. 0774-01 NSP No. 0744-01-NT	Located at: Various Temporary Sites, State of Hawaii	Issued: 7/3/2012	Phosphine Scrubber System Servicing Cargo Container Fumigation
Clean Air Branch, 586-4200, Non-Covered Source Permit	HELCO Application for Renewal No. 0340-05 NSP No. 0340-01-N	Located at: Panaewa Dispersed Generation Site Keaau, Hawaii	Issued: 7/9/2012	One (1) 1.0 MW Diesel Engine Generator
Clean Air Branch, 586-4200, Non-Covered Source Permit	HELCO Application for Renewal No. 0341-05 NSP No. 0341-01-N	Located at: Ouli Dispersed Generation Site South Kohala, Hawaii	Issued: 7/9/2012	One (1) 1.0 MW Diesel Engine Generator

## CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Applications or interested in receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in the Environmental Notice. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI 96809. DLNR will make every

effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands (OCCL) staff listed for each project.

**PROJECT:**

**File No.:** CDUA OA-3629  
**Name of Applicant:** Jerry M. Hiatt  
**Location:** Pepeekeo, South Hilo, Island of Hawaii  
**TMKs:** (3) 2-8-008:050 & :003(por)  
**Proposed Action:** Agriculture, Animal Husbandry, Fencing  
**343, HRS Determination:** Exempt  
**Applicant's Contact:** Alex Woodberry (808) 640-1566  
**OCCL Staff Contact:** Alex J. Roy (808) 587-0316

**FEDERAL NOTICES**

**Location of Irradiation Treatment Facilities in the Southern United States**

<http://www.gpo.gov/fdsys/pkg/FR-2012-07-20/pdf/2012-17725.pdf>

The phytosanitary treatment regulations contained in 7 CFR part 305 (referred to below as the regulations) set out the general requirements for performing treatments and certifying or approving treatment facilities for fruits, vegetables, and other articles to prevent the introduction or dissemination of plant pests or noxious weeds into or through the United States. The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) administers these regulations. The regulations in § 305.9 set out irradiation treatment requirements for imported regulated articles; regulated articles moved interstate from Hawaii, Puerto Rico, and the U.S. Virgin Islands; and regulated articles moved interstate from areas quarantined for certain pests of concern. In § 305.9, paragraph (a)(1) allows irradiation treatment facilities to be located in any State of the United States, except for the Southern States of Alabama, Arizona, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, Nevada, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia. The regulations do allow irradiation facilities to be located at the maritime ports of Gulfport, MS, and Wilmington, NC, and the airport of Atlanta, GA. The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture is amending the phytosanitary treatment regulations to provide generic criteria for new irradiation treatment facilities in the Southern States of the United States. This action will allow irradiation facilities to be located anywhere in these States, subject to approval, rather than only in the currently approved locations. APHIS is also amending the regulations to allow for the irradiation treatment of certain imported fruit from India and Thailand upon arrival in the United States. This action will facilitate the importation of fruit requiring irradiation treatment while continuing to provide protection against the introduction of pests of concern into the United States. The rule is effective August 20, 2012. For further information please contact Dr. Inder P. S. Gadh, Senior Risk Manager— Treatments, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737– 1236; (301) 851–2018 (see, 77 F.R. 42621m July 20, 2012).

**Governors' Designees Receiving Advance Notification of Transportation of Certain Shipments of Nuclear Waste and Spent Fuel**

<http://www.gpo.gov/fdsys/pkg/FR-2012-06-29/pdf/2012-15963.pdf>

On January 6, 1982 (47 FR 596 and 47 FR 600), the U.S. Nuclear Regulatory Commission (NRC) published in the **Federal Register** final amendments to Title 10 of the Code of Federal Regulations (10 CFR) parts 71 and 73 (effective July 6, 1982), that require advance notification to Governors or their designees by NRC licensees prior to transportation of certain shipments of nuclear waste and spent fuel. The advance notification covered in Part 73 is for spent nuclear reactor fuel shipments and the notification for Part 71 is for large quantity shipments of radioactive waste (and of spent nuclear reactor fuel not covered under the final amendment to 10 CFR part 73). The following list updates the names, addresses, and telephone numbers of those individuals in each State who are responsible for receiving information on these shipments. The list is published annually in the **Federal Register** to reflect any changes in information. Current State contact information can also be accessed throughout the year at <http://nrc-stp.ornl.gov/special/designee.pdf>. Questions regarding this matter should be directed to Stephen N. Salomon, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, by email at [Stephen.Salomon@nrc.gov](mailto:Stephen.Salomon@nrc.gov) or by telephone at 301–415–2368 (see, 77 F.R. 38859, June 29, 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. 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).