

The Environmental Notice

A Semi-Monthly Bulletin pursuant to Section 343-3, Hawai'i Revised Statutes

[The 2014 Draft DOH Water Quality Plan is Available for Review and Comment](#)

The Department of Health (DOH) is in the process of updating the State Water Quality Plan. The Draft Water Quality Plan provides information on DOH's ongoing water quality work across its different programs including: the Clean Water Branch, Safe Drinking Water Branch, and Wastewater Branch. These programs are responsible for protecting the State's surface and ground water quality and their ongoing work provides the core of the plan.

"The purpose of the Water Quality Plan is to ensure the protection of human health and sensitive ecological systems by outlining a path forward to protect, restore, and enhance the quality of waters in the State. It is intended to be a 'living' plan that can be adjusted and adapted to provide information on water resources, and reflect the evolving regulations, standards, and management policies that affect water quality in Hawai'i." (pg. 5, Draft DOH Water Quality Plan)

The Draft Plan is now available at www.health.hawaii.gov/water and DOH is soliciting your comments.

On **September 16, 2014 from 1:00pm to 3:00pm**, DOH will be holding a public information meeting to present and discuss the Draft Water Quality Plan. Anyone who wishes to attend this public meeting should go to one of the locations below to connect to the meeting via Video Conference Centers:

- O'ahu: AAFES Building, 5th Floor Conference Room, 919 Ala Moana Blvd., Honolulu, HI 96814
 Contact: Joanna L.Seto (808) 586-4258
- Kaua'i: Kaua'i District Health, Office Conference Rm, 3040 Umi St, Lihue, HI 96766
 Contact: Lori Vetter of (808) 241-3323 or Gary Ueunten (808) 241-3322
- Maui: Maui District Health, Office Conference Room
 Contact: Roland Tejano (808) 984-8232
- Hawai'i: Hilo Environmental Health Facility Training Rm, 1582 Kamehameha Ave., Hilo, HI 96720
 Contact: Theresa McGeehan-Takiue (808) 933-0407

The comment period on the Draft Water Quality Plan closes at 5:00 p.m. on **October 17, 2014**. Please send all comments via email to WQPComments@doh.hawaii.gov.



ANNOUNCEMENTS:

The Environmental Protection Agency (EPA) launched an interactive web-based mapping tool that provides information on the Federal Environmental Impact Statements (EIS) filed with EPA. This includes 48 EISs filed since 2004 in Hawaii.

Check it out at: <http://nepassisttool.epa.gov/nepassist/eismapper/index.html>

Stay tuned for OEQC’s new online viewer that links environmental disclosure documents prepared under the Hawaii Environmental Policy Act (HEPA) to geographic locations across the state. The office plans to release the OEQC online viewer in the next edition of this Notice!

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O'AHU (HRS 343)

1. [Ola Ka'lima Artspace Lofts FEA \(FONSI\)](#)

Island: O'ahu
District: Honolulu
TMK: (1) 2-3-003: 040
Permits: Kaka'ako Mauka Area Development Permit, Variance from Pollution Controls (Noise Permit), Building Permits, Dewatering Permit, Grading, Grubbing, Stockpiling, Trenching, Construction Dewatering Permit, Sewer Connection Permit, Street Usage Permit.
Applicant: Artspace Projects, Inc., 250 Third Avenue Suite 400, Minneapolis, MN 55401
Contact: Greg Handberg
Approving Agency: Hawai'i Housing Finance and Development Corporation (HHFDC), 677 Queen Street Honolulu, HI 96813
Contact: Ms. Janice Takahashi (808) 587-0639
Consultant: Bureau Veritas North America, Inc., 841 Bishop Street, Suite 1100, Honolulu, HI 96813.
Contact: Lori Ford (808) 531-6708
Status: Finding of No Significant Impact Determination.



The proposed action consists of an eight-level mixed-use property that will include residential, commercial, parking, and community use areas. This mixed-use development project is intended to serve the broader Hawaiian community by developing a traditional Hawaiian Cultural Center with classroom space, space for teaching and performing Hula, music and other traditional practices, as well as 84 units of affordable multi-ethnic artist housing for artists and their families.

2. [Kalihi-Palama Bus Facility Improvements DEA \(AFNSI\)](#)

Island: O'ahu
District: Honolulu
TMK: (1) 1-2-015:006 and (1) 1-2-017:002
Permits: U.S. Army Corps of Engineers Section 404 and Section 10 permit, Section 401 Water Quality Certification, National Pollutant Discharge Elimination System (NOI C and NOI G) permits, Stream Channel Alteration permit, Coastal Zone Management Federal Consistency Review, City and County of Honolulu Grading permit

Proposing/ Determination

Agency: Department of Transportation Services, City and County of Honolulu, 650 South King St, 3rd Floor, Honolulu, HI 96813
Contact: (808) 768-8378
Consultant: R. M. Towill Corporation, 2024 North King Street, Honolulu, HI 96819
Contact: Mr. Brian Takeda (808) 842-1133
Status: Statutory 30-day public review and comment period starts; comments are due by October 8, 2014. Please send comments to the proposing/ determination agency and consultant.



The City and County of Honolulu (CCH), Department of Transportation Services (DTS), proposes to install stream stabilization measures to prevent further erosion of the west bank of Kalihi Stream, located along the eastern boundary of the Kalihi-Palama Bus Facility. Past storm events have significantly eroded the Kalihi Stream bank, specifically near the western curve of the stream bend, to the extent that a portion of the Kalihi-Palama Bus Facility's parking lot is in danger of being structurally undermined. Therefore, DTS proposes to install stream bank protection and stabilization measures along the western bank of Kalihi Stream to prevent further erosion, scour and loss of the Kalihi-Palama Bus Facility. The proposed Project includes the improvement of approximately 18,000 square feet of the west bank of Kalihi Stream (approximately 620 linear feet in length, and 29 feet in width). The Project site and area of disturbance is primarily within the CCH's parcel containing the west bank of Kalihi Stream and the Kalihi-Palama Bus Facility, identified by Tax Map Key (TMK) (1):1-2-015:006. A portion of the Project site within the banks of Kalihi Stream is also within the neighboring, privately-owned parcel identified as TMK (1):1-2-017:002.

3. Lee Residence Seawall Reconstruction FEA (FONSI)

Island: O'ahu
District: Waialae-Kahala
TMK: (1)3-5-3: 2 and 3.
Permits: Special Management Area Use Permit and Shoreline Setback Variance.
Applicant: Kyong-su Im, 1608 Laukahi Street, Honolulu, HI 96821
Contact: (808) 258-7877

Approving Agency: City and County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, HI 96813
Contact: Steve Tagawa (808) 768-8024.

Consultant: Group 70 International, Inc., 925 Bethel Street, 5th Floor, Honolulu, HI 96813
Contact: Jeffrey Overton (808) 523-5866.

Status: Finding of No Significant Impact Determination.



The Applicant seeks a Shoreline Setback Variance for the construction of a hybrid sloping rubble revetment, which includes a three-foot vertical concrete section at its crest, which will replace an unauthorized vertical seawall and rubble revetment which was removed along the 120-foot long makai boundary of the site. The Applicant has worked with the State Office of Conservation and Coastal Lands to remove the illegal structures and to establish a shoreline which was certified by the State on August 1, 2014 (File No.: OA-1573). The proposal includes an integrated concrete stairway accessing the shoreline, open steel cable, safety fencing, paved walkway with view area, and concrete fence walls along both left and right boundaries.

The Applicant also seeks a Special Management Area Use Permit to construct two dwellings and a garage/mechanical building. The two-story dwellings will have about 16,526 square feet and 6,691 square feet of floor area. The detached garage/mechanical building will have about 3,820 square feet of floor area. The proposal will also require grading, stockpiling and building permits from the Department of Planning and Permitting. When development permits are received, the Applicant anticipates construction to take approximately 22 months to complete.

FEDERAL NOTICES

1. [New Fishing Restrictions for Whitetip, Silky and Whale Sharks](#) - August 22, 2014

The National Marine Fisheries Service (NMFS) proposes regulations under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act) to implement fishing restrictions on the oceanic whitetip shark (*Carcharhinus longimanus*), the whale shark (*Rhincodon typus*), and the silky shark (*Carcharhinus falciformis*). The regulations would apply to owners and operators of U.S. commercial fishing vessels used for highly migratory species (HMS). These new restrictions would prohibit the retention, transshipment, storage, or landing of oceanic whitetip sharks or silky sharks; in addition, if these sharks were to be caught, they must be released as soon as possible, with as little harm to the shark as possible. The regulations for whale sharks would prohibit setting a purse seine on a whale shark and would specify certain measures to be taken and reporting requirements in the event a whale shark is encircled in a purse seine net. The public is encouraged to comment on this matter. Comments must be submitted in writing by October 6, 2014. To submit a comment, please contact Michael D. Tosatto, NOAA Inouye Regional Center at 1845 Wasp Blvd., Building 176, Honolulu, HI 96818. **Contact:** Rini Ghosh, NMFS PIRO, 808-725-5033.

2. [NMFS to List The Orange Clownfish as Endangered](#) - September 3, 2014

The National Marine Fisheries Service (NMFS) was presented with a petition to list eight pomacentrid reef fish as being either threatened or endangered under the Endangered Species Act (ESA). NMFS finds that the petition presents substantial information indicating that the petitioned action may be warranted for the orange clownfish (*Amphiprion percula*). Therefore, NMFS announces a 90-day finding for the orange clownfish to be listed as threatened or endangered (under ESA). NMFS also finds that the petition fails to present a satisfactory level of scientific or commercial information to justify any action for the remaining six species, including the Hawaiian dascyllus (*Dascyllus albisella*), blue-eyed damselfish (*Plectroglyphidodon johnstonianus*), black-axil chromis (*Chromis atripectoralis*), blue-green damselfish (*Chromis viridis*), reticulated damselfish (*Dascyllus reticulatus*), and blackbar devil or Dick's damselfish (*Plectroglyphidodon dickii*).

NMFS will conduct a status review for the Orange Clownfish to determine if the petitioned action is warranted. To ensure that the status review is comprehensive, NMFS welcomes any information or comments relating to the listing of the Orange Clownfish as endangered. Please submit written comments to the Branch Chief of the NMFS Protected Resources Division, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818. All information and comments must be received by November 3, 2014. **Contact:** Jean Higgins, NMFS Pacific Islands Regional Office, 808-725-5151.

3. [Public Teleconference to Discuss EPA Environmental Report for 2014](#) - September 2, 2014

The Environmental Protection Agency (EPA) Science Advisory Board (SAB) announces a public teleconference of the SAB Panel. During the teleconference, the panel will discuss the EPA Report on the Environment 2014, as well as its draft advisory report. The public teleconference will be held on Friday, October 3, 2014, from 1:00 p.m. to 5:00 p.m. (Eastern Time). General information on the SAB, as well as updates regarding the teleconference, will be announced on the EPA website at <http://www.epa.gov/sab>. **Contact:** Stephanie Sanzone, Designated Federal Officer, EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; via telephone at (202) 564-2067 or via email at sanzone.stephanie@epa.gov.

4. [Dietary Guidelines Committee Meeting to be Webcast for Public Viewing](#) - August 21, 2014

The U.S. Department of Health and Human Services (HHS) announces a meeting of the 2015 Dietary Guidelines Advisory Committee (DGAC). As required by the Federal Advisory Committee Act (FACA), HHS is holding this meeting in collaboration with the U.S. Department of Agriculture (USDA). This meeting, discussing dietary guidelines for 2015, is completely open to the public and will be accessible via an online webcast. The meeting will be held on September 16, 2014, from 10:30am to 5:15pm (EDT) and September 17, 2014 from 8:00 am to 3:45pm (EDT). Additional general information concerning the webcast is available online at www.DietaryGuidelines.gov.

Contact: Richard D. Olson, Office of Disease Prevention and Health Promotion; via telephone at (240) 453-8280.

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area (SMA) Minor Permits

The SMA Minor permits below have been approved (HRS 205A-30). For more information, contact the county/state Planning Department. Honolulu (768-8014); Hawai'i (East HI 961-8288, West HI 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: Keaukaha (2-1-014: 013)	Construction of a New Pavilion at Onekahakaha Beach Park (SMM 14-307)	County of Hawai'i, Department of Parks and Recreation
Hawai'i: North Kona (7-4-008: 002)	Removal of Seven Unpermitted Improvements and After-The-Fact Approval for Sixteen As-Built Improvements (SMM 14-308)	Queen Liliuokalani Trust
Kaua'i: Kapaa (4-3-002: 012)	Exterior Improvements to Existing Lobby/Restaurant Building, New Loading Ramp, Exterior Planters, Construction of Entry Kiosk (SMA(M)-2014-19)	Coconut Coast Partners LP
Maui: Lahaina (4-6-010: 010)	Fence Installation (SM2 20140089)	Sherry Boonstra-Barbier
Maui: Honolua (4-2-004: 054)	Ground Sign (SM2 20140090)	Darin Fukunaga
Maui: Makena (2-1-007: 096)	Main Dwelling Alteration (SM2 20140092)	Dean K. Frampton
Maui: Kihei (3-9-001: 013)	Install Sewer Manhole (SM2 20140093)	Wayne Arakaki
Maui: Kihei (3-9-015: 020)	Install MECO Pole & Transformer (SM2 20140094)	Mary Jo Frye
Maui: Kihei (2-1-007: 095)	Apartment Alteration (SM2 20140095)	Rick McGovern

SHORELINE NOTICES

Shoreline Certification 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-1601	Proposed Shoreline Certification	Lot 934 as shown on Map 214 of Land Court Application 677 situate at Kailua, Koolauapoko, Oahu Address: 11 Namala Place Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Hugh Duncan	4-3-020:060
OA-1603	Proposed Shoreline Certification	Lot 43 of Mokuleia Beach Subdivision as shown on File Plan 863 situate at Kamananui, Waialua, Oahu Address: 68-253 Au Street Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Christopher Stratas	6-8-012:043
OA-1604	Proposed Shoreline Certification	Lot 1-A-39 Land Court Application 1089 situate at Kamananui, Waialua, Oahu Address: 67-002 Kahaone Place Purpose: Building setback purposes	Walter P. Thompson, Inc./ Gregory Kempson	6-7-015:040
OA-1607	Proposed Shoreline Certification	Lot 426 as shown on Map 79, Lots 7307-A and 7268-A as shown on DPP File No. 2013/Sub-63 situate at Honouliuli, Ewa, Oahu Address: Makakole Street Purpose: SMA use permit, shoreline setback variance and CDUP to construct portion of a drainage channel	ControlPoint Surveying, Inc./ Kapolei Infrastructure, LLC	9-1-014:002 & 9-1-074:036 & 040
MA-584	Proposed Shoreline Certification	Portion of Grant 3343 to Claus Spreckels situate at Spreckelsville Beach, Wailuku Commons, Maui Address: 312 Paani Place Purpose: Building setback and other permitting purposes	Newcomer-Lee Land Surveyors, Inc./ CNS Maui Associates, LLC	3-8-002:035
HA-488	Proposed Shoreline Certification	L.C. Aw. 8455-C, Ap. 2 to Kuluiki and R.P. 3864, L.C. Aw. 7210, Ap. 2 to Kini situate at Keekee 1 st and 2 nd , South Kona, Island of Hawaii Address: N/A Purpose: Obtain county permits	Wes Thomas Associates/ the Foo 1980 Trust	8-1-004:008 & 011
KA-389	Proposed Shoreline Certification	Lot 9 of Waipouli Beach Lots being a portion of R.P. 7373, L.C. Aw. 8559-B, Ap. 42 to William C. Lunalilo situate at Waipouli, Kawaihau, Kauai Address: 976 Niulani Street Purpose: Repair sea wall	Honua Engineering, Inc./ Stephanie L. Skow, Katherine L. Skow and Matthew O. Nelson	4-3-009:001
HA-478	Rejection	Lot 9 as shown on Map 12 of Land Court Application 1618 situate Lalamilo, South Kohala, Island of Hawaii Address: N/A Purpose: Obtain county permits	Wes Thomas Associates/ Dale Okuno	6-6-002:018
KA-383	Rejection	Portion of Parcel 11 being portion of R.P. 7373 Land Commission Award 8559-B, Apana 42 to William C. Lunalilo situate at Waipouli, Kawaihau, Kauai Address: 4-796 Kamoia Road Purpose: Determine shoreline setback	Esaki Surveying and Mapping, Inc./ GCT Properties, LLC	4-3-007:011

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 actions for which the agency anticipates a Finding of No Significant Impact (AFNSI), 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

Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments on a DEA 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) along with the supporting Final EA. After the notice of the FEA-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.

Act 172-2012, Environmental Impact Statement Preparation Notice (with no EA)

Act 172-2012, amended HRS 343, by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit is

determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public to request for a period of thirty-days, to be consulted parties in the preparation of the Draft EIS. Comments and responses must be incorporated into the subsequent Draft 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 and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. 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, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a nonacceptance determination.

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's 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).