



The Environmental Notice

December 8, 2017

David Y. Ige, Governor
Scott Glenn, Director

The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawai'i, *The Environmental Notice* also includes other items related to the shoreline, coastal zone, and federal activities.



Winter surf season brings out the North Shore experts (modified from original)

Photo by Kanaka Rastamon

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ANNOUNCEMENTS


- The deadline to submit material for publication in the January 8, 2018 issue of The Environmental Notice is **TUESDAY, December 26, 2017**, not ~~Wednesday~~, December 26. Also, the [2018 Publication Calendar](#) is attached.
- As noted previously, the [Environmental Council](#) (EC) is updating Hawai'i Administrative Rules (HAR) Chapter 11-200, the environmental impact statement rules. The EC is **extending the comment deadline** on [Version 0.3](#) until **January 12, 2017**. [Click here](#) for more information, including a timeline for the revision process, and [click here](#) to sign up for email updates.

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS



MAUI


Lahainaluna High Classroom Building--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Lahaina	
TMK(s)	4-6-018: por 005	
Permit(s)	various (see document)	
Proposing/ Determining Agency	Department of Education, State of Hawai'i OSSFS-Facilities Development Branch-Project Management Section Janna Mihara, Project Coordinator, (808) 377-8314, janna_mihara@notes.K12.hi.us 3633 Waialae Ave., Honolulu, HI 96816	
Consultant	Gerald Park Urban Planner Gerald Park, (808) 625-9626, gpark@gpup.biz 95-595 Kaname'e Street #324, Mililani, HI 96789	
Status	Finding of No Significant Impact (FONSI) determination	

The classroom building is needed to accommodate growth in enrollment of high school age students in the Lahaina area and West Maui. A two level, rectangular-shaped building with a ground floor building footprint of approximately 9,975 square feet is proposed. Two general classrooms, a self-contained Special Education classroom, and Itinerant room are programmed for the ground floor. Space also is set aside for a faculty center, conference room, two offices, faculty and student restrooms, elevator, mechanical room, electrical room, telcom room, janitor's closet, and storage.

The second level of approximately 8,515 square feet provides five general classrooms, restrooms for faculty and students, elevator, electrical room, and a janitor's room. In total, seven general classrooms and a self-contained Special Education room are proposed. General classroom occupancy is projected at 20 - 25 students and 10 -15 students for the Special Education classroom. An accessible walkway over the Lahainaluna Ditch will connect the new building with school facilities to the east of the building. The Lahainaluna Ditch, which is currently dry, previously conveyed irrigation water to sugar cane fields around the school.

Napili Culverts Replacement--Final EA (FONSI)


HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Lahaina	
TMK(s)	(2) 4-3-001:003 (por.), 4-3-002:023 (por.), County Right-of-Way	
Permit(s)	Special Management Area Exemption or Minor Permit	
Proposing/ Determining Agency	Department of Public Works, County of Maui Kristi Ono, (808) 270-7745, Kristi.Ono@co.maui.hi.us 200 South High St., 4th Floor, Wailuku, HI 96793	
Consultant	Munekiyo Hiraga Gwendolyn Rivera, (808) 244-2015, planning@munekiyohiraga.com 305 High St., Suite 104, Wailuku, HI 96793	
Status	Finding of No Significant Impact (FONSI) determination	

The County of Maui, Department of Public Works (DPW) proposes a drainage replacement project in Nāpili to address the erosion and deterioration of two (2) existing 90-inch by 40-inch box culverts located under Lower Honoapi'ilani Road between Nāpili Place and Hui Drive. The proposed project involves removal of the existing box culverts and replacement with two (2) new 8-foot by 5-foot precast box drainage culverts. The proposed work will also include installation of associated inlet and outlet structures; open concrete mat material (Armor Flex or approved equal) within a portion of the mauka (south) drainageway; ungrouted riprap on the makai (north) side of the drainageway; and a retaining wall along the adjacent property to the west of the drainageway. The existing channel will be regraded to reduce erosion and improve water quality downstream of the proposed replacement culverts. Native planting material will be incorporated into the vegetated portions of the project. The project will incorporate sidewalk and roadway improvements, including widening a portion of Lower Honoapi'ilani Road in the project area from 22 feet to 38 feet. Additionally, the project will entail removal and replacement of a Department of Water Supply water line and Department of Environmental Management sewer force mains.

MAUI (CONTINUED)

Auwahi Wind Project--(Supplemental EIS Determination)


HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district
District(s)	Hāna
TMK(s)	numerous (see document)
Permit(s)	State Incidental Take License
Approving Agency/ Accepting Authority	Board of Land and Natural Resources, State of Hawai‘i Katherine Cullison, Division of Forestry and Wildlife, (808) 587-4148, Katherine.Cullison@hawaii.gov 1151 Punchbowl St., Honolulu, HI 96813
Applicant	Auwahi Wind, LLC Marie VanZandt, (619) 696-3003, MVanZandt@SempraGlobal.com 488 8th Ave, HQ12, San Diego, CA 92101
Consultant	Tetra Tech, Inc. Brita Woeck, (808) 441-6600, Brita.Woeck@tetrattech.com 737 Bishop St., Suite 2340, Mauka Tower, Honolulu, HI 96813
Status	The approving agency/accepting authority has determined that a supplemental EIS is required. See next entry below.



The impacts of the Auwahi Wind Farm (Project), located on east Maui, were initially analyzed in an Environmental Impact Statement (EIS) accepted by the Maui County Planning Commission on August 9, 2011. Among other permits, the Project operates under an Incidental Take License (ITL) issued by the Department of Land and Natural Resources (DLNR). The ITL and accompanying Habitat Conservation Plan (HCP) provide coverage for incidental take of four listed wildlife species, including the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*). Projections of post-construction mortality monitoring data suggest that authorized take levels for the Hawaiian hoary bat have exceeded the 25-year permit term. Accordingly, Auwahi Wind LLC is seeking approval of a major amendment to the HCP and ITL to increase the amount of authorized bat take from 21 to 197 bats to cover the duration of the Project's operating life, along with approval of additional compensatory mitigation. Because the potential for impacts to the Hawaiian hoary bat is greater than anticipated in the original EIS, DLNR has determined that a supplemental EIS is necessary to assist in their decision making regarding approval of this major amendment.

Auwahi Wind Project--(Supplemental EIS Preparation Notice)


HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district
District(s)	Hāna
TMK(s)	numerous (see document)
Permit(s)	State Incidental Take License
Approving Agency/ Accepting Authority	Board of Land and Natural Resources, State of Hawai'i Katherine Cullison, Division of Forestry and Wildlife, (808) 587-4148, Katherine.Cullison@hawaii.gov 1151 Punchbowl St., Honolulu, HI 96813
Applicant	Auwahi Wind, LLC Marie VanZandt, (619) 696-3003, MVanZandt@SempraGlobal.com 488 8th Ave, HQ12, San Diego, CA 92101
Consultant	Tetra Tech, Inc. Brita Woeck, (808) 441-6600, Brita.Woeck@tetrattech.com 737 Bishop St., Suite 2340, Mauka Tower, Honolulu, HI 96813
Status	Administrative 30-day public review and comment period starts. Comments are due by January 8, 2018. Please send comments to the approving agency/accepting authority and copy the applicant and the consultant.



For summary of this action, please see related entry above.

O'AHU

Kawainui-Hamakua Master Plan Project--Draft EIS


HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district	
District(s)	Ko'olaupoko	
TMK(s)	Numerous (see document)	
Permit(s)	Special Management Area Use Permit, Conservation District Use Permit, Department of the Army Permit, NPDES Permit, Construction Noise Permit	
Proposing Agency	Department of Land and Natural Resources, State of Hawai'i Ms. Marigold Zoll, O'ahu Forestry and Wildlife Manager, (808) 973-9787, Marigold.S.Zoll@hawaii.gov P.O. Box 621, Honolulu, HI 96809	
Accepting Authority	Governor, State of Hawai'i The Honorable David Y. Ige, http://governor.hawaii.gov/contact-us/contact-the-governor/ (808) 586-0034, Executive Chambers, State Capitol, 415 South Beretania St., Honolulu, HI 96813	
Consultant	HHF Planners Ronald Sato, AICP, (808) 457-3172, rsato@hhf.com 733 Bishop; St., Suite 2590, Honolulu, HI 96813	
Status	Statutory 45-day public review and comment period starts. Comments are due by January 22, 2018. Please send comments to the accepting authority and to the proposing agency and the consultant.	

The State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW), in partnership with the Division of State Parks (DSP), is preparing an Environmental Impact Statement (EIS) for the Kawainui-Hāmākua Master Plan Project, encompassing 986 acres in Kailua, O'ahu. The project area includes the Kawainui wetland and upland areas, Hāmākua Marsh Wildlife Sanctuary, and Pu'uoeu hillside. Proposed improvements are needed to support DOFAW and DSP's efforts in achieving their agency missions, to sustain and enhance the natural and cultural resources associated with this area, and increase public access and outdoor recreational opportunities. Project improvements being proposed are based upon a draft master plan prepared to serve as a guide for prioritizing and implementing future improvements by DOFAW and DSP.

Proposed improvements fall into three major categories: 1) natural resource management; 2) cultural resource management; and 3) educational and recreational initiatives. Natural resource management include wetland restoration, upland reforestation, storm water improvements, and support for management operations. Cultural resource initiatives support traditional Hawaiian cultural practices in the area. Educational and recreational improvements would improve public access, provide passive outdoor recreational use, support educational programs, and provide stewardship opportunities.

Queens Surf Seawall Repairs--Final EA (FONSI)


HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area (5) Propose any use within the Waikīkī area of O’ahu
District(s)	Honolulu
TMK(s)	(1) 3-1-30:001 to 005 and 3-1-31: 004 and 005
Permit(s)	Various (see document)
Proposing/ Determining Agency	Department of Design and Construction, City and County of Honolulu Elaine Morisato, (808) 768-8406, emorisato@honolulu.gov 650 South King St., 9th floor, Honolulu, HI 96813
Consultant	Oceanit Cris Takushi, (808) 531-3017, ctakushi@oceanit.com 828 Fort Street Mall, Suite 600, Honolulu, HI 96813
Status	Finding of No Significant Impact (FONSI) determination.



Queens Surf Seawall protects a part of Kapiolani Park from sea erosion. The oceanside area of the seawall is part of the Waikiki Marine Life Conservation District (MLCD). The seawall is badly damaged and being undermined partly by wave attack. The project purpose is to assess the condition of the seawall and provide planning, permitting, design and construction documents to repair the seawall.

O'AHU (CONTINUED)


Ted Makalena Golf Course Improvements--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	‘Ewa	
TMK(s)	(1) 9-3-002: 034 (por.)	
Permit(s)	various (See document)	
Proposing/ Determining Agency	Department of Design and Construction, City and County of Honolulu Kyle Kang, Facilities Division, (808) 768-8466, kkang@honolulu.gov 650 South King St., 11th Floor, Honolulu, HI 96813	
Consultant	PBR HAWAII & Associates, Inc. Greg Nakai, (808) 521-5631, gnakai@pbrhawaii.com 1001 Bishop St., Suite 650, Honolulu, HI 96813	
Status	Statutory 30-day public review and comment period starts. Comments are due by January 8, 2018. Please send comments to the proposing/determining agency and copy the consultant.	

Currently, portions of Ted Makalena Golf Course are unpaved and heavily trafficked by cars and maintenance vehicles. These activities expose soils to erosion from wind and storm runoff. The Department of Design and Construction proposes improvements incorporating Low Impact Development measures such as bioretention areas and inlet filters with hydrocarbon absorbent pads to improve water quality of storm drainage runoff from the Parking Lot and Maintenance Yard. The Maintenance Yard improvements will include a new bioretention area, concrete driveway, two new drain inlets (with inlet protection), and a new 12" drainline. The asphalt concrete (AC) parking lot extension will include new bioretention areas, street trees, AC pavement, curb and gutters, wheels stops, and ADA stalls. The proposed improvements will prevent overflow parking from using grassed areas as it contributes to exposed soils and sedimentation.

The proposed project is part of ongoing efforts by the City and County of Honolulu for their National Pollutant Discharge Elimination System (NPDES) Small Municipal Separate Storm Sewer Systems (MS4) Permit Program. The purpose of the project is to implement Best Management Practices to reduce pollutants by drainage runoff from the facilities operated and managed by the Department of Enterprise Services.


Toell U.S.A. Nimitz Factory--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Honolulu	
TMK(s)	(1) 1-5-038: 004, 005, 055, 058	
Permit(s)	C&C Demolition, Building, Electrical, Plumbing, DOT Harbors Plan Review, DLNR SHPD, BWS, IDWP	
Approving Agency	Department of Transportation-Harbors, State of Hawai'i Patti Miyashiro, Property Manager, (808) 587-1942, patti.e.miyashiro@hawaii.gov 879 South Nimitz Highway, Honolulu, HI 96813-4898	
Applicant	Toell U.S.A. Corporation Mina Kusaka, (808) 487-8487, minaxminax@gmail.com 98-790 Moanalua Rd, Aiea, HI 96701	
Consultant	Environmental Communications, Inc. Taeyong Kim, Planner, (808) 528-4661, tkim@environcom.com P.O. Box 236097, Honolulu, HI 96823	
Status	Statutory 30-day public review and comment period starts. Comments are due by January 8, 2018. Please send comments to the approving agency and copy the consultant and applicant.	

The proposed action consists of minor site improvements and the renovation of an existing warehouse building. The new use of the warehouse will consist of a water bottling plant that will form PET bottles, purify and bottle water, and store the filled bottles for future shipping. The existing building shell will be retained with minor excavation within the structure and the removal of some concrete paving and air conditioning equipment outside of the building. . The project site also includes an abandoned warehouse that was formerly in use as a corn husk storage warehouse, which will be demolished and used as at-grade parking.

O'AHU (CONTINUED)

Kūlia at Ho'opili--(Supplemental EIS Determination)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	'Ewa	
TMK(s)	(1) 9-1-17: 004 (por)	
Permit(s)	Subdivision Approval, NPDES, Building/Grading Permits, and Water Use Permit, approval of State Rental Housing Revolving Funds	
Approving Agency	Hawai'i Housing Finance and Development Corporation, State of Hawai'i Janice Takahashi, (808) 587-0639, janice.n.takahashi@hawaii.gov 677 Queen St., Suite 300, Honolulu, HI 96813	
Applicant	Mutual Housing Association of Hawaii, Inc David Nakamura, (808) 550-0804, dnakamura@mutual-housing.org 900 Fort Street Mall, Suite 1690, Honolulu, HI 96813	
Consultant	N/A	
Status	The approving agency/accepting authority has determined that no supplemental EIS is required.	

Kūlia at Ho'opili is a planned 120-unit affordable rental housing project targeting families earning less than 60% of the area median income. The Mutual Housing Association of Hawaii, Inc. (MHAH) proposes to use state funds administered by HHFDC to develop the project on an approximately 7.127-acre site within the 1,525-acre Ho'opili Master Planned Community. Ho'opili is a planned mixed-use, transit-ready community which is estimated to provide approximately 11,750 residential units including Kūlia at Ho'opili.

The FEIS for Ho'opili was published in The Environmental Notice on August 23, 2008. It discusses the probable impacts of and mitigation measures for the development of the entire master planned community. The FEIS contemplated the phased development of Ho'opili and the possible use of State/County funds. The scope of development has not changed; the number of planned residential units has not changed and includes affordable housing units; and the environmental setting and probable impacts as described in the FEIS have not substantially intensified or changed.

Thus, HHFDC has determined that no additional Environmental Assessment or Supplemental EIS is required for compliance with Chapter 343, HRS.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these items began previously. Comments are due December 26, 2017 unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

HAWAI'I

- [Kona Reef Condominiums Erosion Abatement Structure--Draft EA](#)

O'AHU

- [Honowai Elementary School Eight Classroom Building--Draft EA](#)
- [Replacement of O'ahu Community Correctional Center--Draft EIS](#) (comment deadline: January 8, 2018)
- [Pūpūkea Rural Community Commercial Center--Draft EIS](#) (comment deadline: January 8, 2018)
- [Installation of SO₂ Scrubbing System & Replacement of Karbate Gas Coolers, Kapolei Refinery--Draft EA](#)

KAUA'I

- [Keālia Mauka Homesites \(EIS Preparation Notice\)](#)

COASTAL ZONE MANAGEMENT NOTICES

FEDERAL CONSISTENCY REVIEWS

The following federal actions are being reviewed for consistency with the enforceable policies of the Hawai'i Coastal Zone Management (CZM) Program, including the CZM objectives and policies in Hawai'i Revised Statutes, Chapter 205A. Federal consistency, pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA), as amended, generally requires that federal actions, within and outside of the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. This public notice is being provided in accordance with § 306(d)(14) of the CZMA, and federal regulations at 15 CFR § 930.2, § 930.42, and § 930.61. General information about federal consistency is available at the [Hawai'i CZM Program web site](#), or call (808) 587-2878.

For specific information or questions about an action listed below, contact the CZM staff person identified for each action. The CZM Program is required to adhere to federal review deadlines, therefore, comments must be received by the date specified. Comments may be submitted by mail or electronic mail, to the addresses below.

Mail: Office of Planning
Department of Business, Economic Development and Tourism
P.O. Box 2359, Honolulu, HI 96804

Email: john.d.nakagawa@hawaii.gov

Installation of Floating Commercial Dry Dock at Kalaeloa Barbers Point Harbor, O'ahu

Proposed Action: Installation of a floating commercial dry dock at Piers 3 and 4 in Kalaeloa Barbers Point Harbor. The dry dock is approximately 151 feet wide by 454 feet long, and will be anchored to four existing dolphins located approximately 30 feet towards the channel of the pier-face of Piers 3 and 4, in approximately 40 feet deep water in the harbor. The purpose of the dry dock is to allow for the maintenance and repair of large vessels. Operation of the dry dock will involve sinking the dock, allowing vessels to float on top of the dock deck, and then raising the dock.

TMK(s): (1) 9-1-14: 24, 25
Applicant: Marisco, Ltd.; Mr. Stephen Hinton, 682-1333, xtn. 715; shinton@marisco.net
Federal Action: Federal permit
Federal Agency: U.S. Army Corps of Engineers
CZM Contact: John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov
Comments Due: December 22, 2017

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

The SMA Minor permits below have been approved (HRS § 205A-30). For more information, contact the relevant county/state planning agency. Honolulu (768-8014); Hawai'i (East 961-8288, West 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
Maui: Kihei (2-1-005: 135)	Replacing Existing Gate (SM2 20160079)	Frampton and Ward
Maui: Lahaina (4-4-013: 008)	Emergency Protection (SM2 20170035)	Chris Conger
Maui: Lahaina (4-6-004: 010)	Demolish Existing Residence (SM2 20170085)	Burkhalter Residence
Maui: Wailuku (3-2-019: 009)	Addition to Dwelling and Walls (SM2 20170086)	Gerald Matsunaga
Maui: Paia (3-8-002: 116)	Jkle Irrigation Well (SM2 20170087)	Dean Frampton
O'ahu: Kalauao (9-8-014: 025)	Utility Installation, Type A (2017/SMA-38)	T-Mobile West, LLC / Telecom Site Development Services

SHORELINE NOTICES

APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review at the Department of Land and Natural Resources 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 (808) 587-0420.

File No.	Location	TMK	Applicant	Owner	Purpose
OA-1787	91-480 Malakole Street, O'ahu 96707	(1) 9-1-014: 010	R.M. Towill Corporation	IES Downtown, LLC	Permitting
OA-1788	609 Milokai Street, O'ahu, 96744	(1) 4-4-039: 007	Walter P. Thompson, Inc.	Castanon Family Trust	Building permit

PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources (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 Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Status	Location	TMK	Applicant	Owner	Purpose
HA-549	Proposed	14-5131 Alapai Point Road, Hawai'i 96778	(3) 1-4-027: 016	Daniel Berg c/o dlb & Associates, LLC	Robert S. Wales, Ann R. Wales	Compliance with SMA review
KA-420	Proposed	Ko'olau Road, Kaua'i 96754	(4) 5-1-003: 003, 020, & 021	Esaki Surveying & Mapping, Inc.	County of Kauai & Waioli Corporation	Determine shoreline setback
KA-424	Proposed	7214 Alamo'o Road, Kaua'i, 96714	(4) 5-8-008: 040	Honua Engineering, Inc.	Anininina, LLC - Mike L. Fleiss, Trustee of Sole Member c/o Mr. Chris Mays, Armanino, LLP	Building permit

STATE AGENCY NOTICES

Soil Arsenic Cleanup Proposed at a Portion of the Former Canec Plant site in Hilo, Hawai'i

The Hawai'i Department of Health (HDOH) Hazard Evaluation & Emergency Response Office (HEER Office) invites the public to and comment on the Draft Removal Action Report (Draft RAR) for the cleanup of soil arsenic at two adjacent parcels (6.2 acres) northwest of the Intersection of Kekuanaoa and Mililani Streets in Hilo, Hawaii (TMK (3) 2-2-30: 17&19). You are also invited to attend a public meeting on the evening of December 14th in Hilo to learn more about the cleanup options proposed and recommended for the site. Comments on the Draft RAR will be accepted at the public meeting as well as during the overall public comment period, November 29, 2017 through January 05, 2018. [Click on the linked title to this entry for a copy of the site Fact Sheet and for more information regarding the Draft RAR.](#) If you have questions or would like to provide comments, please contact John Peard at the Hilo HEER Office (808) 933-9921, or send to randall.peard@doh.hawaii.gov. **Written comments regarding the proposed soil cleanup action will be accepted through January 05, 2018.**

FEDERAL NOTICES

As a courtesy, listed below are relevant entries from the Federal Register published since the last issue of *The Environmental Notice*. For more information, click on the title link, also available at www.federalregister.gov.

[Notice]: [Notice of Availability of a Draft Habitat Conservation Plan and Draft Environmental Assessment for the Lalamilo Wind Farm Repowering Project, Island of Hawai'i, Hawai'i](#) (published 12/01/2017)

The U.S. Fish and Wildlife Service (Service) has received an application from the Lalamilo Wind Company, LLC (applicant), for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA). The applicant is requesting an ITP to authorize take of the endangered Hawaiian hoary bat and the endangered Hawaiian petrel. If issued, the ITP would authorize incidental take of these two species that may occur as a result of the operation of the project. The ITP application includes a draft habitat conservation plan (HCP) describing the actions and the measures the applicant will implement to avoid, minimize, mitigate, and monitor incidental take of the two species. The Service also announces the availability of a draft environmental assessment (EA) that has been prepared in response to the ITP application in accordance with the requirements of the National Environmental Policy Act. The ITP application, including the draft HCP and the draft EA, is available for review and comment by clicking on the linked title above. To ensure consideration, **please submit your written comments by January 16, 2018.**

[Notice]: [Endangered Species; File No. 21260](#) (published 11/30/2017)

Notice is hereby given that NMFS Pacific Islands Fisheries Science Center [Responsible Party: Michael Seki, Ph.D.] has applied for a permit to take green (Chelonia mydas), hawksbill (Eretmochelys imbricata), leatherback (Dermochelys coriacea), loggerhead (Caretta caretta), and olive ridley (Lepidochelys olivacea) sea turtles for purposes of scientific research. Further information, including instructions on submitting comments, is available by clicking on the linked title above; **please submit comments by January 2, 2018.**

[Proposed Rule]: [International Fisheries; Pacific Tuna Fisheries; Revised 2018 Commercial Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean; 2018 Catch Limit](#) (published 12/7/2017)

The National Marine Fisheries Service (NMFS) is proposing regulations under the Tuna Conventions Act to revise trip limits on the commercial catch of Pacific bluefin tuna applicable to 2018. U.S. commercial fishing vessels are subject to a biennial limit for 2017 and 2018. Preliminary estimates indicate that the catch limit in 2018 is approximately 120 metric tons (mt). To avoid exceeding the biennial limit, NMFS is proposing a 1-mt trip limit—except for large-mesh drift gillnet vessels, which would be subject to a 2-mt trip limit—throughout 2018 or until the 2018 catch limit is reached and the fishery is closed. This action is necessary to contribute to the rebuilding of Pacific bluefin tuna and for the United States to satisfy its obligations as a member of the Inter-American Tropical Tuna Commission. Further information, including instructions on submitting comments, is available by clicking on the linked title above; **please submit comments by January 8, 2018.**

[Notice]: [Changes in Flood Hazard Determinations for O'ahu and Maui](#) (published 12/7/2017)

New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the linked table are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents. Please click on the linked title above for further information.

[Notice]: [Endangered Species; File No. 18688](#) (published 11/21/2017)

Notice is hereby given that NMFS Pacific Islands Regional Office [Responsible Party: Michael Tosatto] has requested a modification to scientific research Permit No. 18688, which authorizes the permit holder to conduct research on sea turtles bycaught in three longline fisheries in the Pacific Ocean around Hawaii and American Samoa to assess sea turtle post-hooking survival, movements, and ecology in pelagic habitats. The permit authorizes examination, morphometrics, biological sampling, and tagging of live hawksbill (Eretmochelys imbricata), olive ridley (Lepidochelys olivacea), leatherback (Dermochelys coriacea), loggerhead (Caretta caretta) and green (Chelonia mydas) sea turtles and the collection of carcasses, tissues and parts from dead sea turtles. Authorized take numbers for each species were consistent with the number of turtles allowed to be bycaught via the biological opinion prepared for each fishery. The permit holder requests authorization to increase the number of animals for each species that may be taken for research in the American Samoa longline fishery to match the incidental take statement of a new biological opinion prepared for this fishery after Permit No. 18688 was issued. Live sea turtles would undergo the same procedures as currently authorized by the permit. No other changes are requested. Further information, including instructions on submitting comments, is available by clicking on the linked title above; **please submit comments by December 21, 2017.**

GLOSSARY OF TERMS AND DEFINITIONS

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 the actions' environmental impact will be significant, and thus whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(e\)](#), for Applicant actions. For actions for which the proposing or approving 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 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. 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 (EISPEN) along with the supporting Final EA. After the notice of the FEA-EISPEN 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 EISPEN in this bulletin to ask a court to not require the preparation of an EIS.

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

Act 172 in 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 its determination that an EIS is required for an action (Act 172-2012, EISPEN) with a completed OEQC publication form detailing the specifics of the action to enable the public a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISPEN must be incorporated into the subsequent Draft EIS.

Act 312-2012, Secondary Actions in the Highway or Public Right Of Way

Act 312-2012, amended HRS 343, by adding a new section (HRS 343-5.5., entitled "Exception to applicability of chapter.") HEPA now allows for a statutory exception for "secondary actions" (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related "primary action" (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

Draft Environmental Impact Statement

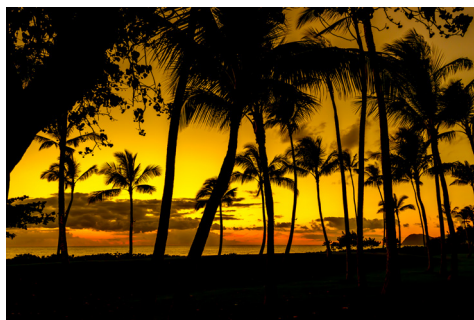
After receiving the comments on the EISPEN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigation 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 EISPEN 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 non-acceptance determination.



Ko Olina Bay, O'ahu

Photo by [Floyd Manzano](#)

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 Hawai'i'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 Hawai'i 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.

Administrative 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).



OFFICE OF ENVIRONMENTAL QUALITY CONTROL

Publication Calendar of The Environmental Notice for publication in compliance with HRS Chapter 343

2018

For Draft Environmental Assessments (EAs), Anticipated Findings of No Significant Impacts (AFNSIs), Final EAs, Findings of No Significant Impact (FONSIs), Environmental Impact Statement (EIS) Preparation Notices (EISPNs), Draft EISs, Final EISs, EIS Acceptance or Non-acceptance determinations, Supplemental EISPNs, Supplemental EISs, revised and resubmitted documents, withdrawals, and other notices required to be published in the bulletin.

Submittal Deadline	Publication Date	EA or EISPN Comment 30-Day Deadline	EIS Comment 45-Day Deadline
2017 Dec 26 Tue	2018 Jan 08 Mon	2018 Feb 07 Wed	2018 Feb 22 Thu
2018 Jan 10 Wed	Jan 23 Tue	Feb 22 Thu	Mar 09 Fri
Jan 29 Mon	Feb 08 Thu	Mar 12 Mon	Mar 27 Tue
Feb 12 Mon	Feb 23 Fri	Mar 27 Tue	Apr 09 Mon
Feb 26 Mon	Mar 08 Thu	Apr 09 Mon	Apr 23 Mon
Mar 13 Tue	Mar 23 Fri	Apr 23 Mon	May 07 Mon
Mar 27 Tue	Apr 08 Sun	May 08 Tue	May 23 Wed
Apr 11 Wed	Apr 23 Mon	May 23 Wed	Jun 07 Thu
Apr 26 Thu	May 08 Tue	Jun 07 Thu	Jun 22 Fri
May 11 Fri	May 23 Wed	Jun 22 Fri	Jul 09 Mon
May 29 Tue	Jun 08 Fri	Jul 09 Mon	Jul 23 Mon
Jun 13 Wed	Jun 23 Sat	Jul 23 Mon	Aug 07 Tue
Jun 26 Tue	Jul 08 Sun	Aug 07 Tue	Aug 22 Wed
Jul 11 Wed	Jul 23 Mon	Aug 22 Wed	Sep 06 Thu
Jul 27 Fri	Aug 08 Wed	Sep 07 Fri	Sep 24 Mon
Aug 10 Fri	Aug 23 Thu	Sep 24 Mon	Oct 08 Mon
Aug 28 Tue	Sep 08 Sat	Oct 08 Mon	Oct 23 Tue
Sep 12 Wed	Sep 23 Sun	Oct 23 Tue	Nov 07 Wed
Sep 26 Wed	Oct 08 Mon	Nov 07 Wed	Nov 23 Fri
Oct 11 Thu	Oct 23 Tue	Nov 23 Fri	Dec 07 Fri
Oct 26 Fri	Nov 08 Thu	Dec 10 Mon	Dec 24 Mon
Nov 09 Fri	Nov 23 Fri	2018 Dec 24 Mon	2019 Jan 07 Mon
Nov 28 Wed	Dec 08 Sat	2019 Jan 07 Mon	2019 Jan 22 Tue
Dec 12 Wed	2018 Dec 23 Sun	2019 Jan 22 Tue	2019 Feb 06 Wed
2018 Dec 26 Wed	2019 Jan 08 Tue	2019 Feb 07 Thu	2019 Feb 22 Fri

Notes

- Section 11-200-3(c), Hawai'i Administrative Rules (HAR), establishes the publication schedule of the periodic bulletin to be on the eighth and twenty-third of each month. Publication may occur on weekends and holidays.
- Section 11-200-3(c), HAR, establishes the submittal deadline to be eight working days before the publication date. The schedule does not count holidays and non-working days. Items must be submitted before the close of business (4:30 PM) on the submittal deadline.
- Hawai'i Revised Statutes (HRS) Section 343-5 sets the comment periods for EAs as 30 days and for EISs as 45 days from the publication date. For counting purposes, the publication date is day zero. Holidays and weekends (see HRS § 1-29 and HRS § 8-1) are counted. When the deadline falls on a state holiday or non-working day, the deadline is the next working day.