

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

September 8, 2008

Delay of Opening of Bottomfish and Seamount Groundfish Fisheries

The National Marine Fisheries Service (NMFS) is delaying until November 15, 2008, the opening of the commercial and non-commercial fisheries in the main Hawaiian Islands (MHI) for seven deepwater bottomfish species ("Deep 7" bottomfish). This emergency rule to delay the fishery opening is necessary to prevent overfishing and ensure that regulations specifying the total allowable catch (TAC) are based on the best available scientific information. This emergency rule is also necessary to complement State of Hawai'i regulations that will delay the opening of the fishery in State waters, thereby preventing confusion by the public caused by conflicting Federal and State regulations, and minimizing any resulting enforcement difficulties for the State. This emergency rule is effective August 22, 2008 through November 14, 2008. Comments on this emergency rule must be received by September 11, 2008. Comments on this rule, identified by 0648-AX19, may be sent to either of the following addresses: (1) Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal www.regulations.gov; or (2) Mail: Mail written comments to William L. Robinson, Regional Administrator, NMFS, Pacific Islands Region (PIR), 1601 Kapi'olani Blvd, Suite 1110, Honolulu, Hawai'i 96814-4700. For more information, contact Bob Harman, NMFS PIR, 808-944-2271 (see, 73 F.R. 50572, August 27, 2008).

Meeting of the Permanent Advisory Committee to the U.S. National Section to the Western and Central Pacific Fisheries Commission

The National Marine Fisheries Service (NMFS) announces a meeting of the Permanent Advisory Committee to the U.S. National Section to the WCPFC to be held September 17-19, 2008, from 8:30 a.m. to 4:30 p.m. (or until business is concluded) at the Hilton Hawaiian Village in the Sea Pearl Meeting Room, 2005 Kalia Road, Honolulu, Hawai'i 96814. For more information contact Rhea Moss at 808-944-2161 (voice) or 808-973-2941 (facimile)(see, 73 F.R. 51447, September 3, 2008).

Section 309, Clean Air Act, EIS Comments by EPA

The U. S. Environmental Protection Agency announced the availability of its comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7146. An explanation of the ratings assigned to environmental impact statements (EISs) was published in the Federal Register (F.R.) dated April 6, 2008 (see, 73 F.R. 19833). (1) **EIS No. 20080284, ERP No. FS-USA-A15000-00, PROGRAMMATIC**—Army Growth and Force Structure Realignment, Evaluation of Alternatives for Supporting the Growth, Realignment, and Transformation of the Army To Support Operational in the Pacific Theater, Implementation, Continental United States and Pacific Region of Alaska and Hawai'i. **Summary: EPA does not object to the proposed project** (see, 73 F.R. 50961, August 29, 2008).

Publication Reminder

Submittal of documents for publication under HRS Chapter 343 must have the following:

- (1) **Letter from the approving or determination agency**, declaring that a document has been accepted and requesting OEQC to publish the notice of availability of a document for public review;
- (2) **OEQC Publication Form and Summary** (200 words or less);
- (3) **Two (2) copies of HRS 343 document;**
- (4) **One (1) electronic copy in Portable Document Format (PDF) file of the HRS 343 document on a compact disc (CD);** you can email the pdf to oeqc@doh.hawaii.gov if your document is small;
- (5) **We request that you also email an electronic file (in Microsoft Word) of the Publication Form and Summary to oeqc@doh.hawaii.gov.** You can email the form and summary as an attachment or just cut and paste the information on the body of the email; and
- (6) **Finally, please pay attention to the submittal deadline date for your documents.**



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We hope this helps with your preparations for submittals for publication in the OEQC bi-monthly bulletin.



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We provide access to our activities without regard to race, color, national origin (including language), age, sex, religion, or disability. Write or call OEQC or our departmental Affirmative Action Officer at Box 3378, Honolulu, Hawai'i 96801-3378 or at (808) 586-4616 (voice/tty) within 180 days of a problem. OEQC intends to make the information in this bulletin accessible to everyone. Individuals that require this material in a different format (such as large type or braille), should contact our office for assistance.

Definitions

Your guide to the Environmental Review Process

Draft Environmental Assessment

A project or action that may affect the environment cannot be implemented until an Environmental Assessment (EA) is prepared in accordance with Chapter 343, Hawai'i Revised Statutes (HRS). If the lead State or county agency (the *proposing agency* for agency actions, or the *approving agency* for applicant actions) anticipates that the project will have no significant environmental impact, then affected agencies, individuals, and organizations must be consulted and a Draft EA (DEA) is written and public notice is published in this periodic bulletin (see, section 343-3, HRS) known as the *Environmental Notice*. The public has 30 days to comment on the Draft EA from the date of the first notice.

Final Environmental Assessment and Finding of No Significant Impact

After the lead agency reviews the public comments, if it determines that the project will have no significant effect on the environment, and then it will prepare a Final EA (FEA) and issue a Finding of No Significant Impact (FONSI) formerly called a *Negative Declaration*. The Final EA must respond to all public comments. An Environmental Impact Statement will not be required and the project may now be implemented. The public has 30 days from the first notice of a FONSI in this periodic bulletin to ask a court to require the preparation of an EIS.

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

When a lead agency decides that a project may have a significant environmental impact, an Environmental Impact Statement (EIS) must be prepared prior to implementing the project. Like the DEA (see *above*), affected agencies, individuals and organizations must be consulted prior to preparation of the final EA (FEA) and issuance of a determination called an EIS preparation notice (EISPN). (The EA is called *final*, to distinguish it from the draft, *above*). After the FEA is written by the lead agency, and notice of the FEA and EISPN is published in this periodic bulletin, any agency, group, or individual has 30 days from the first publication of the EISPN to request to become a consulted party and to make written comments regarding the environmental effects of the proposed action. The public (including an applicant) has 60 days from the first notice of an EISPN in this periodic bulletin to ask a court to not require the preparation of an EIS.

Draft Environmental Impact Statement

After receiving the comments on the FEA and EISPN (see *above*), the lead agency or private applicant must prepare a Draft Environmental Impact Statement (DEIS) prior to project implementation. This document must completely disclose the likely impacts of a project. Direct, indirect and cumulative impacts must be discussed along with measures proposed to mitigate them. The public has 45 days from the first publication date in this periodic bulletin to comment on a DEIS. The DEIS must respond to comments received during the FEA-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 stage. Requisite deeper analyses must be included in the FEIS. For applicant projects, the approving agency is authorized to accept the FEIS. For agency project the Governor or the county mayor is the accepting authority. Only after the EIS is accepted may the project be implemented.

Acceptability

If the FEIS is accepted, the law requires that notice of this be published in this periodic bulletin. The public has 60 days from the date of first notice of acceptance to ask a court to vacate the acceptance of an EIS. In the case of applicant actions, the law requires that an approving agency must make a determination on acceptance within thirty-days of receipt of the FEIS or the FEIS is deemed accepted. Also, 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 Hawai'i's law. Some projects require both a state (and county) *and* federal EIS and the public comment procedure should be coordinated. Although not required by law, the OEQC publishes NEPA notices in this periodic 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 (BLNR). Members of the public may intervene in the permit process. Notice of these permit applications is published in this periodic bulletin.

Special Management Area

The Special Management Area (SMA) is along the coastlines of all our islands and development in this area is generally regulated by Chapter 205A, HRS and county ordinance. A special subset of the SMA that is regulated by Chapter 343, HRS is the Shoreline Setback Area. Most development in this area requires a Special Management Permit (SMP). This periodic bulletin posts notice of these SMP 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 (an area contained between the certified shoreline and a prescribe distance inland (usually 40 feet) 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 periodic bulletin publishes notice from the Department of Land and Natural Resources of both shoreline certification applicants and of final certifications or rejections.

Environmental Council

The Environmental Council is a fifteen-member citizen board appointed by the Governor to advise the State on environmental concerns. The council makes the rules that govern the Environmental Impact Statement process. The agendas of their regular meetings are published on the Internet at <http://www.ehawaii.gov.org/calendar> and the public is invited to attend.

Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are declared exempt from the environmental review process. These lists are reviewed and approved by the Environmental Council. This periodic 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 periodic bulletin is required by Section 343-3(c), HRS, 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).

Hawai'i County Notices

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by the proposed action, and is being protected through a burial treatment plan. In the unlikely event that additional archaeological resources or human remains are encountered during future development activities, work in the immediate area of the discovery will be halted. The applicant has received approval for the driveway design from the Department of Transportation and has committed to minor grading and vegetation removal within the highway right-of-way and adjacent land to improve sight distance to acceptable levels to minimize highway ingress and egress safety concerns.

(3) Department of Public Safety, Temporary Housing & Program Structures (HRS 343-5(b) SDEA)

District: Puna (3 different sites)
TMK: 2-3-023:005 (HCCC), 2-4-049:018 (Hale Nani), 2-4-008:009 (KCF)
Proposing Agency: Department of Accounting and General Services, Public Works Division
1151 Punchbowl Street, Room 430, Honolulu, Hawai'i 96813. Contact: Joseph Earing, (808) 586-0486
Determination Agency: Same as above.
Consultant: The Louis Berger Group, 412 Mount Kemble Avenue, Morristown, New Jersey 07962-1960. Contact: Robert Nardi, (973) 407-1681
Public Comment Deadline: October 8, 2008
Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the Department of Public Safety, Administration Division, 919 Ala Moana Boulevard, Honolulu, Hawai'i 96814, attention VOI/TIS Incentive Grant Coordinator, or e-mail to psd.nepa@hawaii.gov with copies to the consultant and OEQC.
Permits Required: Building

A final environmental assessment was published on June 23, 2008. Due to subsequent comments received from the Department of Justice and the State Historic Preservation Division, the Department of Public Safety (PSD) has re-evaluated their proposed action to demolish the old Hilo jail and construct a temporary housing structure in its place at the Hawai'i Community Correctional Center (HCCC). The old Hilo jail will remain as is for the foreseeable future and the temporary housing structure originally proposed for HCCC will now be located at the Hale Nani Annex. This draft environmental assessment is being published to disclose the change in proposed action.

To meet its operational mission, the PSD would acquire temporary housing and program structures with mobile restrooms for use at the Hale Nani Annex and the Kulani Correctional Facility (KCF), and install electronic narcotic screening equipment at the HCCC and KCF. These temporary housing and program structures will be stored at these facilities until funds become available for assembly. When assembled, these structures would each be approximately 3,200 square feet. Acquisition, installation and use of the temporary housing and program structures and purchase and installation of screening equipment at these facilities would have negligible adverse impacts to physical, biological, and socioeconomic resources, with minimal impacts mitigated as appropriate. Beneficial impacts would include contributions toward fulfilling the PSD's mission to provide a safe, secure, healthy, humane, social, and physical environment for inmates and staff; the addition of lower-level custody beds; and the provision of additional program space. These actions would provide inmates with the appropriate level of service so that they can progress more efficiently and effectively through the corrections system. Implementation of the proposed action should result in no significant adverse impacts as defined by the Hawai'i Revised Statutes.

Questions and comments may be sent to the Department of Public Safety, Administration Division, 919 Ala Moana Blvd., Honolulu, HI., 96814, attention VOI/TIS Incentive Grant Coordinator, or e-mailed to psd.nepa@hawaii.gov.

Maui County Notices

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(4) Kula Ridge Residential Workforce Housing Subdivision (HRS 343-5(c) FEA-FONSI)

District: Kula
TMK: (2)2-3-001:174
Applicant: Kula Ridge, LLC, 1849 Wili Pa Loop, Wailuku, Hawai'i 96793. Contact: Clayton Nishikawa, (808)242-6900
Approving Agency: County of Maui, Department of Housing and Human Concerns, 2200 Main Street, Suite 546, Wailuku, Hawai'i 96793-2155. Contact: Vanessa Medeiros, (808)270-7805
Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, Hawai'i 96793. Contact: Rowena Dagdag, (808) 244-2015
Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).
Permits Required: Noise Permit; National Pollutant Discharge Elimination System (NPDES); Well Construction/Pump Installation Permit; State Land Use Commission District Boundary Amendment (SLUC DBA); Section 201H-38, HRS approval by Maui County Council; Subdivision; Construction and Building Permits

Kula Ridge LLC ("applicant") proposes the development of a 116-lot single family residential subdivision and related improvements on approximately 48 acres of land ("project site") located at TMK (2)2-3-001:174 in Kula, Maui, Hawai'i. The property is owned in fee by the applicant. The project will consist of 70 affordable house-lot units and 46 market-priced lots.

The property is surrounded by pastures to the south and east, and by the Kula Community Center and Holy Ghost Church to the west. Haleakala Waldorf School is located west of the project site along Lower Kula Road. Single-family homes are located to the south and west. Access to the subdivision will be provided via a new access road off Lower Kula Road.

Offsite improvements will involve roadway improvements at the westbound approach of Lower Kula Road at the northern intersection with Kula Highway and the development of an offsite water system to service the project area. The offsite water system will involve the development of a groundwater well, a 500,000 gallon storage tank, and distribution lines to service the proposed subdivision. The well site and storage tank site are located on a portion of TMK (2) 2-3-001:023. The Department of Health has granted permission to utilize individual wastewater systems. The subdivision will also include an interior roadway network, park lands, and an open space area.

The project site is currently classified "Agricultural" by both the State Land Use Commission, "Interim" by the Maui County Zoning Ordinance, and "Rural" and "Single-Family" by the Makawao-Pukalani-Kula Community Plan.



Honolulu City & County Notices

(5) Sunset Beach Neighborhood Park (HRS 343-5(b) DEA)

District: Ko'olauloa
TMK: 5-9-005:070
Proposing Agency: Department of Design and Construction, City and County of Honolulu, 650 South King Street, Honolulu, Hawai'i 96813. Contact: Clifford Lau, (808) 768-8478
Determination Agency: Same as above.
Consultant: Gerald Park Urban Planner, 95-595 Kaname'e Street, #324, Mililani, Hawai'i 96789. Contact: Gerald Park, (808) 625-9626
Public Comment Deadline: October 8, 2008
Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the proposing agency with copies to the consultant and OEQC.
Permits Required: Special Management Area; Grading, Building, Waiver, NPDES General

The proposed improvements at Sunset Beach Neighborhood Park will: 1) replace deteriorating park recreation facilities; 2) upgrade the existing facilities to meet current Department of Parks and Recreation ("DPR") and Department of Design and Construction ("DDC") standards for recreation facilities; 3) provide accessible recreation facilities in compliance with Americans with Disabilities Act Accessibility Guidelines ("ADAAG") requirements; and 4) improve drainage conditions near the comfort station, pavilion and play courts.

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The existing parking area, comfort station, pavilion, play courts, and ball fields will be kept at their current general locations. Two proposed changes are to switch the location of the tennis courts with the volleyball court and the location of the children's play apparatus. The existing children's play apparatus is deteriorated and will be removed. Space will be set aside adjacent to the relocated volleyball court for a new children's play apparatus or a second volleyball court.

Existing backstops at both softball fields will be replaced with new Type "C" softball backstops. Accessible dugouts and an accessible drinking fountain will be constructed at each field. A soccer field (330' x 180') will be aligned northeast to southwest and overlap the two softball fields.

All existing play court facilities—two basketball courts, two tennis courts, and one volleyball court—will be demolished and new play courts installed. The location of the existing tennis and volleyball courts will be switched with each other as part of the reconstruction.

A section of the existing parking lot comprising the existing accessible parking stalls may be demolished to adjust the finish grade, curbing, and slope of the accessible parking stalls to comply with ADAAG requirements.

An accessible route is planned from the parking lot and public transit stop at Kamehameha Highway to the comfort station, pavilion, court facilities, and softball fields. An accessible walkway between the tennis and basketball courts will extend to the property line to provide access from Sunset Beach Elementary School.

The Site Development Plan will be implemented over several improvement projects. Funding for the reconstruction of play courts is the first priority. Design funds have been appropriated and appropriation of construction funds is anticipated in 2009 or 2010. Implementation of the latter projects will be contingent on the availability of public funds and priority assigned to the respective improvement.

(6) Intersection Improvements, Dillingham Ranch Agricultural Subdivision (HRS 343-5(c) DEA)

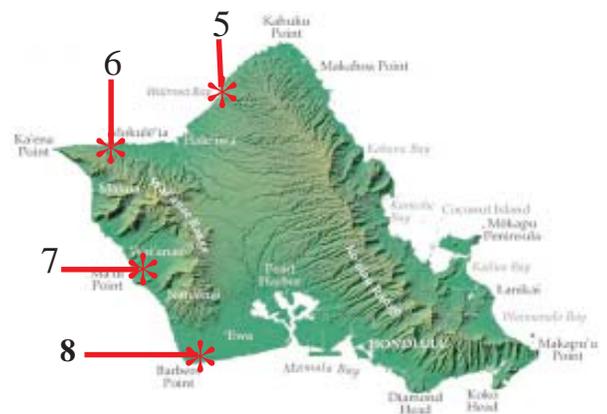
District: Waialua
TMK: (1) 6-8-003: 015
Applicant: Dillingham Ranch 'Aina, LLC, 9601 Wilshire Boulevard, Suite 220, Los Angeles, California 90210. Contact: Clifford Smith, (310) 887-3438

Approving Agency: Highways Division, State Department of Transportation, 869 Punchbowl Street, Room 301, Honolulu, Hawai'i 96813. Contact: Ken Tatsuguchi, (808) 587-1830

Consultant: R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawai'i 96819. Contact: Brian Takeda, (808) 842-1133

Public Comment Deadline: October 8, 2008
Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

Permits Required: Building and grading permits



Dillingham Ranch 'Aina, LLC, proposes a T-intersection along Farrington Highway, a State Department of Transportation, Highways Division, facility in the Waialua District of O'ahu. The T-Intersection will be located at the current westerly access road to Dillingham Ranch. This improvement to the current access to Dillingham Ranch will provide a connection to a proposed subdivision of approximately 77 agricultural lots. The roadway will carry traffic in the south and northbound approaches from the subdivision to the Highway.

Potential impacts associated with construction involve the generation of dust, noise, and erosion associated with runoff from the project site. Potential secondary and/or cumulative impacts involve the development of an agricultural subdivision that will be supported by the proposed T-intersection. The secondary and/or cumulative impacts associated with the subdivision that were assessed included the potential for rockfalls; disturbance from construction of the subdivision on archaeological and cultural resources; impacts to traffic, drainage, and the use of public services including fire, police, and emergency medical services; the use and provision of water and wastewater systems; and the use of the site for continued agricultural practices.

(7) Wai'anae Coast Comprehensive Health Center, Harry and Jeanette Weinberg Family Medical Building (HRS 343-5(c) Supplemental FEA-FONSI)

District: Wai'anae
TMK: 8-6-001:003
Applicant: Wai'anae Coast Comprehensive Health Center (WCCHC), 86-260 Farrington Highway, Waianae, Hawai'i 96792. Contact: Marianne Glushenko, (808) 696-1479

Approving Agency: City & County of Honolulu, Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813. Contact: Jamie Peirson, (808) 768-8014

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Consultant: Kober Hansen Mitchell Architects, 55 Merchant Street, Suite 1812, Honolulu, Hawaii 'i 96813. Contact: Kurt Mitchell, (808) 566-5408
Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).
Permits Required: Special Management Area Use Permit, Zoning (height) variance, Construction approval/Grading Permit(s), Building permit(s)

The applicant prepared a Supplemental Environmental Assessment (EA) for a Major Modification of Special Management Area (SMA) Use Permit No. 94/SMA-1 (approved as Resolution No. 95-345, CD1), which is necessary to consider a variance to the 40-foot zoning height limit for the site. The applicant is seeking a major modification to the original SMA permit for master plan developments on the WCCHC site, approved on June 26, 1995; and, extended on July 23, 2003 until June 26, 2010. The project site, owned by the State of Hawaii 'i and leased to the applicant, has an irregular shape and sloping terrain located below the base of Pu 'u Ma 'ili 'ili. Originally approved as a three (3)-story building with basement, the design of the new family medical building was changed to two (2) stories above grade and two (2) floors below grade (basement), to mitigate height and address functional and cultural issues. Although a majority of the building will be within the regulatory height envelope, the topography of the site severely slopes away on one side of the building, resulting in height overages for portions of the building in the range of about 1 to 13 feet. The original EA, dated October 14, 1993, and SMA Use Permit were based specifically on compliance with the site's maximum 40-foot height limit. Therefore, the proposed height overage requires a major modification of the original approval, and a Supplement EA addressing related height issues was prepared. The Supplemental EA address two (2) issues not addressed in the original EA and SMA Use Permit: cultural and visual impacts to Pu 'u Ma 'ili 'ili, and identified coastal views. Concurrently, the DPP is processing a height variance (File No. 2007/VAR-42) to the 40-foot height limit for the B-2 Community Business District site.

National Environmental Policy Act Notice

(8) Conveyance of Navy Retained Land and Utility Systems, Kalaeloa, O'ahu, Hawaii 'i (NEPA EA-FONSI)

District: 'Ewa
TMK: 9-1-013: (various)
Proposing Agency: Naval Facilities Engineering Command, Hawaii 'i, 400 Marshall Road, Pearl Harbor, Hawaii 'i 96860-3139. Contact: Mel Ramos, (808) 471-1171, Ext. 269
Determination Agency: Department of the Navy, Commander, Naval Installations Command, 1322 Patterson Ave, SE Bldg 33 Washington, DC 20388. Contact: Ms. Nicole Pak (202) 433-4960
Consultant: Helber Hastert & Fee, Planners, 733 Bishop Street, Suite 2590, Honolulu, Hawaii 'i 96813. Contact: Corlyn Orr, (808) 545-2055
Status: Environmental assessment (EA) and Finding of No Significant Impact (FONSI).

Pursuant to the Council on Environmental Quality Regulations (40 Code of Federal Regulations Parts 1500-1508) implementing the National Environmental Policy Act, and the Office of the Chief of Naval Operations Instruction 5090.1C, the Department of the Navy (Navy) gives notice that an EA has been prepared and an Environmental Impact Statement is not required for the conveyance of Navy retained land and utility systems at Kalaeloa, O'ahu, Hawaii 'i. This EA evaluates the environmental impacts of the proposed conveyance of the Navy's land and utility systems which includes leasing and title transfer.

Commander, Navy Region Hawaii 'i proposes to convey approximately 499 acres (202 hectares) of land at Kalaeloa, O'ahu, Hawaii 'i retained by the Navy following the closure of Naval Air Station Barbers Point (NASBP), as well as the utility systems at the former NASBP, to a private developer or public entity for potential reuse and development generally consistent with the State of Hawaii 'i's *Kalaeloa Master Plan (KMP)*. The *KMP* envisions moderate and high density residential, commercial and light industrial development, public facilities, open space and park areas, and a transit corridor to complement regional growth of the 'Ewa District and development of Kapolei as the new regional center of Leeward O'ahu.

The purpose of and need for the proposed action is to continue the closure of NASBP as recommended by the 1993 BRAC Commission utilizing the Ford Island special legislation (10 U.S.C. § 2814), and to comply with the timeline set by the Congressional mandate (§ 2843 of Public Law 109-364) which requires the Navy to enter into an agreement to convey the land - by sale, lease, or a combination thereof - to a private developer or public entity by September 30, 2008. Alternatives considered included conveyance of the land and utility systems for development as proposed in the Navy's *Ford Island Development Programmatic EIS* (January 2002) and No Action (no conveyance).

The proposed action would not result in significant impacts on the following resources: air quality, noise, topography and soils, ground and surface water, flood hazards, biological resources, scenic and visual resources, cultural and historic resources, hazardous and regulated materials, land use compatibility, transportation and utility systems, the socio-economic environment and public services. The proposed action would not create environmental health or safety risks that may disproportionately affect children and minority or disadvantaged populations, and is also consistent to the maximum extent practicable with the enforceable policies of the State of Hawaii 'i's

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Coastal Zone Management Program.

The new lessees or landowners are responsible for complying with any required environmental documentation prior to development of the land to be conveyed. Specific land development projects occurring subsequent to the conveyance could be subject to separate environmental reviews. Based on information gathered during preparation of the EA, the Navy finds that the proposed conveyance of land and utility systems at Kalaehoa, O'ahu, Hawai'i will not significantly impact human health or the environment.

The EA and FONSI prepared by the Navy addressing this proposed action are on file and interested parties may obtain a copy from: Naval Facilities Engineering Command Hawai'i, 400 Marshall Road, Pearl Harbor, Hawai'i 96860-3139 (Attention: Mr. Mel Ramos, OPHEV2), telephone (808) 471-1171, Ext. 269. A limited number of copies on compact disk are available to fill single copy requests.

Coastal Zone Notices

Federal Consistency Reviews

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawai'i Revised Statutes. This public notice is being provided in accordance with section 306(d) (14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawai'i CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lana'i & Moloka'i: 468-4644 x72878, Kaua'i: 274-3141 x72878, Maui: 984-2400 x72878 or Hawai'i: 974-4000 x72878. For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review and can be mailed to: Office of Planning, Department of Business, Economic Development and Tourism, P.O. Box 2359, Honolulu, Hawai'i 96804. Or, fax comments to the Hawai'i CZM Program at 587-2899.

Interstate Route H-1 Seismic Retrofit of Farrington Highway Separation and Makakilo Drive Separation, Kapolei, O'ahu

Applicant: State Department of Transportation
Contact: Brian Kung, Miyasato Kuniyoshi, Engineers, 488-7579
Federal Action: Federal Funding
Federal Agency: Federal Highway Administration
CZM Contact: John Nakagawa, 587-2878, jnakagaw@dbedt.hawaii.gov
Location: H-1 overpasses at Farrington Highway and Makakilo Drive, Kapolei, Oahu
TMK: (1)9-1-16

Proposed Action: Use federal funds from the Federal Highway Administration to construct seismic retrofits of the Interstate Route H-1 Farrington Highway Separation (overpass) and the Makakilo Drive Separation. The structural retrofits of the Farrington Highway Separation include installing carbon fiber joint shear reinforcing at bentcaps and installing carbon fiber shear reinforcing at columns. The structural retrofits at the Makakilo Drive Separation include extending a box girder, installing carbon fiber joint shear reinforcing at bentcaps, installing a thrust block and installing beam shear reinforcing. The retrofits will increase component strengths to resist the design earthquake and increase structural ductility.

Comments Due: September 22, 2008

Special Management Area (SMA) Minor Permits

Pursuant to Hawai'i Revised Statute (HRS) 205A-30, the following is a list of SMA Minor permits that have been approved or are pending by the respective county/state agency. For more information about any of the listed permits, please contact the appropriate county/state Planning Department. City & County of Honolulu (523-4131); Hawai'i County (961-8288); Kaua'i County (241-6677); Maui County (270-7735); Kaka'ako (Honolulu) or Kalaehoa (Barbers Point) Community Development District (587-2840).

Location (TMK)	Description (File No.)	Applicant/Agent
O'ahu: Kailua Road – Kailua (4-3-57:60)	Exterior Alterations to include various roof covering (2008/SMA-34)	Kaneohe Ranch Company LLC
O'ahu: Waipio Point Access Road – Waipahu (9-3-2:34)	Ted Makalena Golf Course, 16 th hole reconstruction and safety fence improvements (2008/SMA-38)	Department of Design and Construction
Maui: Ka'anapali (4-4-14-3)	Greeter Station Flag Poles (SM2 20080059)	SVO Pacific, Inc.

Department of Health Notices

September 8, 2008

Department of Health Permits

The following three pages contain a list of some pollution control permits currently before the State Department of Health. For more information about any of the listed permits, please contact the appropriate branch or office of the Environmental Management Division at 919 Ala Moana Boulevard, Honolulu. Abbreviations are as follows: **CAB** - Clean Air Branch (586-4200) ; **CD** - comments due; **CSP** - Covered Source Permit; **CWB** - Clean Water Branch 9586-4309); **I** - issued; **SHWB** - Solid and Hazardous Waste Branch (586-4226); **SDWB** - Safe Drinking Water Branch (586-4258); **N** - none; **NSP**-Noncovered Source Permit; **NPDES** - National Pollutant Discharge Elimination System under the Federal Clean Water Act; **R** - received; **T** - temporary; **UIC** - Underground Injection Control; **NA** - not applicable.

Branch & Permit Type	Applicant & Permit Number	Project Location	Pertinent Dates	Proposed Use
Safe Drinking Water Branch, 586-4258, UIC Permit	Dept. of Environmental Services City & County of Honolulu UO-1259A	Waimanalo WWTP 41-1060 Kalaniana'ole Highway Waimanalo	n/a	Abandon 1 new unfinished injection well.
Safe Drinking Water Branch, 586-4258, UIC Permit	Dept. of Parks & Recreation UO-2672	Sandy Beach Park 8801 Kalaniana'ole Highway, Honolulu	n/a	Abandon 2 unregistered injection well cesspools.
Safe Drinking Water Branch, 586-4258, UIC Permit	Association of Apartment Owners UK-1249	Banyan Harbor STP 3411 Wilcox Road, Lihu'e	n/a	Renew permit for 9 injection wells for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Poipu Kai Association UK-1292	Poipu Kai STP 1775 Poipu Road, Koloa	n/a	Renew permit for 4 injection wells for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Shelly Eurocars, Inc. dba BMW Hawai'i UH-2674	BMW of Hawai'i, Makalapua Business Center 74-5533 Loloku Street, Kailua-Kona	n/a	Construct 10 injection wells for surface runoff.
Safe Drinking Water Branch, 586-4258, UIC Permit	Frank Grotenhuis - CLS UH-2675	Christian Liberty School (3)1-6-3:99 16-675 Milo Street, Kea'au	n/a	Abandon 1 unregistered injection well cesspool.
Safe Drinking Water Branch, 586-4258, UIC Permit	Seascope Development, LLC UH-2492	Seascope STP (3)7-3-10:3 75-143 Hualalai road, Kailua-Kona	n/a	Modify permit for 2 injection wells to increase flow limit for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Kaupulehu Wastewater Company UH-1927	Kaupulehu WWTP 100 Kaupulehu Drive, Kailua-Kona	n/a	Renew permit for 2 injection wells for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Highways Division Department of Transportation State of Hawai'i UO-2178	Kalaeloa Drainage Wells (1)9-1-13:18 Kapolei	n/a	Abandon 1 registered runoff-disposal injection well.
Safe Drinking Water Branch, 586-4258, UIC Permit	Hawaiian Electric Company, Inc. UO-2679	Campbell Industrial Park Generating Station 91-196 Hanua St., Kapolei	n/a	Construct 2 injection wells for surface runoff disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Hawaiian Electric Company, Inc. UO-2680	HECO Campbell Industrial Park Generating Station 91-196 Hanua St., Kapolei	n/a	Construct 3 injection wells for industrial wastewater disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Arisumi & Associates UM-2677	Arlani Subdivision 46 Ali'ilani Place, Kihei, Wailuku	n/a	Register 1 existing injection well for surface runoff disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Arisumi & Associates UM-2678	'Ilima Houselots 475 Kenolio Road, Kihei, Wailuku	n/a	Register 1 existing injection well for surface runoff disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Kaua'i Lagoons Resort UK-1554	Kaua'i Lagoons Resort (4)3-5-1:27, 172, 173 3351 Ho'olaulea Way, Lihu'e	n/a	Abandon 1 unregistered injection well cesspool.

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
Clean Air Branch, 586-4200, NonCovered Source Permit	Cellana, LLC NSP No. 0697-01-N Initial Application	Located at: North Kona, Hawai'i 96739	Issued: 8/19/08	NELHA Demonstration Facility Three (3) 160 kW Diesel Engine Generators
Clean Air Branch, 586-4200, NonCovered Source Permit	Wilcox Memorial Hospital NSP No. 0320-01-N Renewal Application	Located at: 3420 Kuhio Highway Lihu'e, Kaua'i	Issued: 8/22/08	One (1) 500 Ton Diesel Engine Driven Chiller with Heat Recovery System, Two (2) 100 HP Boilers, and One (1) 50 lb/hr Pathological Waste Incinerator
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawai'i Corporation CSP No. 0212-01-C Minor Modification Application	Located at: 81-325 Komohana Street Kapolei, O'ahu	Issued: 8/22/08	Visbreaker Unit and Catalytic Reformer Unit
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawai'i Corporation CSP No. 0066-03-C Renewal Application	Located at: 607 Kalaniana'ole Avenue Hilo, Hawai'i	Comments Due: 9/22/08	Hilo Petroleum Terminal No. 3

Shoreline Notices

September 8, 2008

Shoreline Certification Applications

Pursuant to § 13-222-12, HAR the following shoreline certification applications are available for inspection at the DLNR District Land Offices on Kaua'i, Hawai'i and Maui and at Room 220, 1151 Punchbowl St., Honolulu, O'ahu (Tel: 587-0414). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, Hawai'i 96813 and postmarked no later than fifteen (15) calendar days from the date of the public notice of the application. If there are any questions, please call Ian Hirokawa at (808) 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1243	06/17/08	Lots 200 and 201, Land Court Application 1052 (Map 6); and Lots 24 and 25, (Exclusion 1 of Land Court Application 1052) being a portion of R.P. 2243, L.C. Aw. 10613, Ap. 5, situated at Makaha, Wai'anae, Island of O'ahu. Address: 84-939 Farrington Highway Purpose: Building Setback	Leaps & Boundaries, Inc./ Horn Trust	8-4-004:020 & 021
OA-1244	06/17/08	Lot 372, Land Court Application 1052 (Map 7), situated at Makaha, Wai'anae, Island of O'ahu. Address: 84-081 Makau Street Purpose: Building Setback	Leaps & Boundaries, Inc./ Harrison Horn	8-4-010:021
OA-1245	06/19/08	Lot 3001, Land Court Application 1069 (Map 299) situated at Honouliuli, 'Ewa, Island of O'ahu. Address: 91-480 Malakole Street Purpose: Building Permit	Park Engineering/Chevron U.S.A., Inc.	9-1-014:010
KA-316	06/24/08	Lot 2-A-1-A, situated at Kalapaki, Lihu'e, Island of Kaua'i. Address: 3351 Ho'olaule'a Way Purpose: Building Setback	Ace Land Surveying LLC/ Mori Golf (Kaua'i), LLC	3-5-001:027

Shoreline Certifications and Rejections

Pursuant to §§13-222-26, HAR the following shorelines have been proposed for certification or rejection by the DLNR. Any person or agency wishing to appeal a proposed shoreline certification or rejection shall file a notice of appeal in writing with the department no later than 20 calendar days from the date of the public notice of the proposed shoreline certification or rejection. The Notice of appeal shall be sent to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1212	02/07/2008	Lot 30, Wai'alaie Beach Lots Sec. C, situated at Wai'alaie-Iki, Honolulu, Island of O'ahu. Address: 5039 Kalaniana'ole Highway Purpose: Building permit	DJNS Surveying & Mapping, Inc./Frederick & Joyce Nakama	3-5-022:001
MA-385	10/10/2007	Portion of R. P. 2006, L. C. Aw. 2398 Ap.1, situated at Honua'ula, Makawao, Island of Maui. Address: 7150 Makena Road Purpose: Building setback	Action Survey/ Paul D. Huish	2-1-006:016



Conservation Notices

September 8, 2008

Conservation District Use Permit

Persons interested in commenting on the following Conservation District Use Application (Board Permit) must submit comments to the Department of Land and Natural Resources within thirty days from the date of this notice. Comments may be sent to the Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, Hawai'i 96809. For more information, please contact Kimberly Tiger Mills of our Office of Conservation and Coastal Lands staff at (808) 587-0382.

Single Family Residence

File No.: CDUA HA-3482
Applicant: Donald & Susan Wood
Location: Maku'u, Pahoia, Puna
TMK: (3) 1-5-10: 25
Proposed Action: Addition to Single Family Residence
343, HRS determination: Exempt
Applicant's Contact: Gregory Mooers, Mooers Enterprises, 808-880-1455



Federal Notices

Proposed Rules for Pelagic Squid Jig Fisheries

The Western Pacific Fishery Management Council announced a proposed rule for public comment that would include three species of pelagic squid under Federal management, and establish permitting and reporting requirements for squid jig fishing vessels over 50 ft (15.4 m) in length. These vessels would also be required to carry Federal observers

if requested by NMFS. This proposed rule is intended to improve monitoring and management of U.S. domestic pelagic squid fisheries in the western Pacific. Comments on this proposed rule must be received by October 14, 2008. Comments on the amendment, identified by 0648-AS71, may be sent to either of the following addresses: (1) Electronic Submission: Federal e-Rulemaking Portal www.regulations.gov; or (2) Mail: William L. Robinson, Regional Administrator, NMFS, Pacific Islands Region (PIR), 1601 Kapi'olani Blvd, Suite 1110, Honolulu, Hawai'i 96814-4700. Copies of the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (Pelagics FMP), and proposed Amendment 15 including an environmental assessment (EA), are available from the Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, Hawai'i 96813, tel 808-522-8220, fax 808-522-8226, or www.wpcouncil.org. For details, contact Bob Harman, NMFS PIR, 808-944-2271 (see, 73 F.R. 50751, August 28, 2008).