



# The Environmental Notice

December 8, 2009

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*The Environmental Notice* informs the public of environmental assessments and other documents that are available for review and comment per HRS §343-3 and is updated on the 8<sup>th</sup> and 23<sup>rd</sup> of each month on the Office of Environmental Quality Control's website. If you would like to be notified when it is updated, send us your email address and we'll put you on our mailing list.

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## KAUAI (HRS 343)

### 1. Koloa-Poipu Regional Wastewater Reclamation Facility (FEIS)

**Island:** Kauai  
**District:** Koloa  
**TMK:** Portions of (4) 2-08-04, 2-08-08, 2-08-09, 2-08-11, 2-08-14, 2-08-22, and 2-09-01  
**Applicant:** HOH Utilities, LLC 3560 Koloa Road, Kalaheo, HI 96741. Ian Kagimoto, P.E., 742-9784  
**Accepting Authority:** County of Kauai, Planning Dept, 4444 Rice Street, Suite 473, Lihue, HI 96766. Ian Costa, Director, 241-6677  
**Consultant:** Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400 Honolulu, HI 96826. Ronald Sato, AICP, 946-2277  
**Comments:** FEIS accepted by the Accepting Authority. There is no comment period  
**Permits:** NPDES for Construction Activity, Dewatering, and Hydrotesting, Noise, Air Quality, Wastewater Management Plan, Use of Recycled Water for Irrigation, Chapter 6E, HRS Historic Preservation, Coastal Zone Management Program Consistency Review, County - Special, Use, Class IV Zoning, Road, Grading/Grubbing, Building, Excavation, Drainage, Water and Water System Requirements, Water Connection Approval, Utilities - Service Requirements, Permit Regarding Work on Utility Lines

HOH Utilities, LLC is the Applicant proposing to develop a privately-owned and operated regional WRF and associated wastewater collection system in the Koloa-Poipu region on the south shore of the Island of Kauai. The WRF will be constructed on approximately two acres of the former Koloa Mill site and its service area will encompass the communities of Koloa Town, Poipu, and Kukuiula. A two-acre infiltration basin for the WRF will also be provided in conformance with State Department of Health requirements. Treated effluent will be of R-1 quality and available for re-use for landscape irrigation. The collection system will be comprised of three components identified as: 1) Koloa Collection System to serve existing and planned developments within the Koloa Town area; 2) Poipu Collection System to serve existing and planned developments within the Poipu area; and 3) Eastern Collection System to serve the eastern Poipu area. Appurtenant features of the collection system will include four new wastewater pump stations and gravity and force mains.

The project will have positive environmental effects because it will allow for replacing several existing large capacity cesspools and packaged treatment plants now serving developments. The project should have minimal impacts on historic and archaeological resources, endangered species that may be in the area, effects on other natural resources, and existing infrastructure facilities. Necessary mitigative measures to address project impacts were discussed in the Final EIS.

### 2. Haena State Park Individual Wastewater System Improvements (Constructed Wetlands) (DEA)

**Island:** Kauai  
**District:** Hanalei  
**TMK:** 5-9-08: por. 01  
**Proposing Agency:** State Dept of Land and Natural Resources, Engineering Division, PO Box 373, Honolulu, HI 96809. Valerie Suzuki, P.E., Phone: 587-0275, Fax: 587-0283  
**Approving Agency:** Same  
**Consultant:** PBR HAWAII, 1001 Bishop Street, Suite 650, Honolulu, HI 96813. Catie Fernandez, Planner, Phone: 521-5631, Fax: 523-1402  
**Comments:** DEA 30-day comment period starts from the date of this Notice. Address comments to the Proposing Agency and Consultant  
**Permits:** Special Management Area Use Permit, Shoreline Certification

The Department of Land and Natural Resources, Division of State Parks is proposing to construct individual wastewater disposal system improvements at the existing comfort station located in Haena State Park, Kauai. The existing septic tank and leachfield were constructed in accordance with Department of Health regulations for wastewater systems but the community has raised concerns of desecration to underlying cultural and

archaeological resources with continuation of the leach field. Therefore, without further disturbance of the archaeological site, the project will be located away from the site and utilize new septic tanks for primary treatment of effluent, and incorporate a constructed wetland for secondary treatment. The project will thereby improve the water quality prior to disposal in a new subsurface absorption bed located in an area less likely to contain archaeological features. The Draft EA contains an analysis of potential impacts and associated mitigation measures to ensure potential adverse impacts are minimized or mitigated.

### **OAHU (HRS 343)**

#### **3. [Heinz Seawall Repair](#) (DEA)**

**Island:** Oahu  
**District:** Koolaupoko  
**TMK:** 4-7-19:76, 80  
**Applicant:** Ursula Heinz Trust, 47-119 Kamehameha Hwy., Kaneohe, HI 96744. Ursula Heinz, MD  
**Approving Agency:** City and County of Honolulu, Dept of Planning and Permitting, 650 South King Street, Honolulu, HI 96813  
**Consultant:** Oceanit Laboratories, Inc., Suite 600, 828 Fort Street Mall, Honolulu, HI 96813. Warren Bucher, PhD, PE, 954-4114  
**Comments:** DEA 30-day comment period starts from the date of this Notice. Address comments to the Applicant, with copies to the Approving Agency and Consultant  
**Permits:** Shoreline Setback Variance, Certified Shoreline Approval, Building Permit

The proposed action is to replace a damaged concrete rubble masonry (CRM) sea wall and rubble shore protection structure located along the 122-foot long portion of the shoreline of Kaneohe Bay. The existing rubble from a failed CRM seawall will be removed and the existing interior retaining wall will be replaced with a sheet pile seawall that has piles driven into the ground to a depth (approximately 24 feet) sufficient for stabilization and to prevent scour under the wall. The sheet pile installation will not substantially change the configuration of the existing property. The sheet piles will be placed behind the certified shoreline. There are no public recreational facilities at or near this site. An old boat channel dug into the shallow coral shelf provides boat access to the site and neighboring residences. According to the applicant, the seawall replacement is necessary to prevent the erosion of the property which would eventually damage the house on the site.

Short term impacts from construction include dust, noise, and possible increase in turbidity of near shore waters. Best management practices (BMPs) will be implemented, including silt curtains and other barriers to minimize water quality and other possible adverse impacts. The project will require approval of a shoreline setback variance, building permits, and possibly U.S. Army Corp permits.

#### **4. [Halekauwila Place](#) (DEA)**

**Island:** Oahu  
**District:** Honolulu  
**TMK:** 2-1-51: portion of 9  
**Applicant:** Halekauwila Partners, LLC, 1100 Alakea Street, 27<sup>th</sup> Floor, Honolulu, HI 96813. Jesse Wu, 547-2274  
**Approving Agency:** Hawaii Housing Finance and Development Corp., 677 Queen Street, Suite 300, Honolulu, HI 96813. Stanley Fujimoto, 587-0541  
**Consultant:** Environmental Communications, Inc., 1188 Bishop Street, Suite 2210, Honolulu, HI 96813. Taeyong Kim, 528-4661  
**Comments:** DEA 30-day comment period starts from the date of this Notice. Address comments to the Applicant, with copies to the Approving Agency and Consultant  
**Permits:** HCDA Mauka District, Building Permits

The applicant proposing the development of an affordable rental housing facility on the project site. The Applicant and project proposal were selected through a Request for Proposal (RFP) process. The project will provide critical affordable housing inventory for the urban Honolulu area. The project site is located on the

consolidated block within KCDD Mauka Area bounded by Halekauwila Street to the northeast (mauka), Cooke Street to the southeast (Diamond Head), Pohukaina Street to the southwest (makai), and Keawe Street to northwest (Ewa). Presently, the project area is used for parking. The project will consist of 204 studio, 1-bedroom, 2-bedroom, and 3-bedroom units configured in a 19-floor tower structure and a separate parking building/townhouse structure. The first floor of the tower structure will include common areas including a laundry room, community meeting room, leasing office, police officer workroom, resident manager's unit, retail space, and other appurtenant service and maintenance areas. The second through nineteenth floor will consist of residential units. The parking structure building will feature five townhouse units and two retail units as well as parking on the ground floor. The five levels of parking will contain 284 parking stalls. See also the [Archaeological Assessment](#).

### LANAI (HRS 343)

#### 5. [Kanepuu Preserve, Natural Area Partnership Program \(DEA\)](#)

**Island:** Lanai  
**District:** Lanai  
**TMK:** 4-9-02:01  
**Applicant:** The Nature Conservancy, Maui Field Office, PO Box 1716, Makawao, HI 96768. Alison Cohen, Field Representative, 856-7658  
**Approving Agency:** State Dept of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Rm 325, Honolulu, HI 96813. Emma Yuen, NARS Enhancement Coordinator, 587-4170  
**Comments:** DEA 30-day comment period starts from the date of this Notice. Address comments to the Applicant, with copies to the Approving Agency and Consultant  
**Permits:** None

The State Natural Area Partnership Program (NAPP) is an innovative program that aids private landowners, like the Conservancy, in the management of their native ecosystems. NAPP provides matching funds (\$2 state to \$1 private) for the management of qualified private lands that have been permanently dedicated to conservation. Established in 1980, The Nature Conservancy of Hawaii (TNCH) is a local affiliate of The Nature Conservancy (TNC), a leading international, nonprofit organization that preserves the plants, animals and natural communities representing the diversity of life on Earth by protecting the lands and waters they need to survive.

Presently, TNC is seeking reauthorization of NAPP funding for the programs described within the Kanepuu Preserve Long-Range Management Plan. The Kanepuu Preserve was created to protect and enhance the olopua/lama (Nestegis/Diospyros) dryland forest that once covered large portions of the lowlands on Maui, Molokai, Kahoolawe, and Lanai. Major threats to the preserve's native vegetation are introduced game animals (axis deer [Axis axis] and mouflon sheep [Ovis musimon]), rapid soil erosion, wildfire, and a number of invasive alien (non-native) plants.

### MAUI (HRS 343)

#### 6. [Kaheawa Wind Power II \(RDEIS\)](#)

**Island:** Maui  
**District:** Lahaina  
**TMK:** 4-8-01:01 and 3-6-01:14  
**Applicant:** Kaheawa Wind Power II LLC, c/o First Wind, 33 Lono Avenue, Suite 380, Kahului, HI 96732. Kelly O'Brien, 695-3310  
**Accepting Authority:** State Dept of Land and Natural Resources, Office of Coastal and Conservation Lands, P.O. Box 621, Honolulu, HI 96809. Sam Lemmo: 587-0381  
**Consultant:** Planning Solutions, Inc., 210 Ward Avenue, Suite 330, Honolulu, HI 96814. Perry J. White, 550-4483  
**Comments:** RDEIS 45-day comment period starts from the date of this Notice. Address comments to the Applicant, with copies to the Accepting Authority and Consultant  
**Permits:** CDUP, NPDES NOI-C, FAA Clearance, ESA Section 10 Permit, State Incidental Take License, PUC Approval

Kaheawa Wind Power II LLC is proposing to construct and operate a 21 megawatt (MW) wind power generating facility and related improvements at Kaheawa Pastures above Maalaea, Maui, Hawaii. This would be done using 14 General Electric 1.5 MW wind turbine generators (WTGs) that are nearly identical to the 20 WTGs that are already operating there. Adverse short-term construction impacts include increased vehicular traffic, removal of existing grassland, soil erosion due to grading, noise and air emissions from construction equipment, and disturbance of habitat. Positive effects include construction expenditures and employment. Once in operation, WTGs have the potential to affect avian fauna and bats (including endangered species) and to increase sound levels in the immediate area. Mitigation measures provided for in the project's Habitat Conservation Plan will provide a net benefit to the endangered species. The project will make it possible to reduce emissions of green house gases and other air pollutants. It will also help stabilize electricity prices.

The project would not promote significant growth or changes in the character of economic activity on Maui (e.g., the opening of new industries not previously practical) that might have secondary impacts. Likewise, the project will generate only a few new long-term jobs. Hence, it does not have the ability to cause significant secondary impacts. No other projects are likely to affect these species in a way that would produce cumulative impacts.

## **HAWAII (HRS 343)**

### **7. Gating of Access Roads in the Conservation District at Kahauloa (DEA)**

**Island:** Hawaii  
**District:** South Kona  
**TMK:** (3<sup>rd</sup>) 8-3-05:01  
**Applicant:** Charles and Diane Bundrant, P.O. Box 550, Captain Cook, HI 96704. Ron Terry: 969-7090

#### **Approving**

**Agency:** Dept of Land and Natural Resources, Office of Coastal and Conservation Lands, P.O. Box 621, Honolulu HI 96809. Sam Lemmo: 587-0377

**Consultant:** Geometrician Associates, PO Box 396, Hilo HI 96721. Ron Terry, 969-7090

**Comments:** DEA 30-day comment period starts from the date of this Notice. Address comments to the Applicant, with copies to the Approving Agency and Consultant

**Permits:** Plan Approval and Grubbing, Grading, Building; Special Management Area Permit; CDUP

Chuck and Diane Bundrant plan to erect two vehicular gates on existing access roads on the undeveloped property in Kahauloa they lease from Kamehameha Schools (KS), a condition of their lease. The purpose is to provide a secured access for the 17 properties at Keawaiki Beach Lots that take access from this access road, which does not provide access to any public resources such as the shoreline or parks. Currently, this private road through KS properties is also used by others as a vehicular shortcut to the village and beach at Keei, which has its own, separate access across the property that will not be affected. A number of sensitive archaeological sites are present on the property, and unsecured access has promoted unauthorized camping, off-road driving and vandalism of these sites, as well as security issues for the property owners. There are no archaeological features within the two areas planned for the placement of gates. The project would help protect historic sites. While the gates will limit vehicular traffic on Keawaiki Road, a special gate and cindered walkway will be established adjacent to the gate structures for pedestrians. Consultation with community members did not identify any specific resources such as gathering practices, ceremonial sites, or traditional cultural properties that would be impacted by the proposed construction of the gates. However, some felt that the gates would exclude community members from driving on a road that they have been accustomed to using for many years, a road that at some level substitutes for an ancient foot trail that was displaced by creation in the 1960s of the Keawaiki Beach Lots. Standard BMPs for construction would prevent erosion or runoff. The lava rock gate design will match the landscape of the area and will not adversely affect scenery.

**8. Hilo High School New Gymnasium (DEA)**

- Island:** Hawaii  
**District:** South Hilo  
**TMK:** (3) 2-3-15:01  
**Proposing Agency:** State Dept of Education, 4680 Kalaniana'ole Hwy., Room TB1A, Honolulu, HI 96821. Brenda Lowrey, Planning Section, 377-8301  
**Approving Agency:** State Dept of Education, 1151 Punchbowl Street, Room 501, Honolulu, HI 96813. Duane Kashiwai, Public Works Administrator, 586-0430  
**Consultant:** R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, HI 96819. Brian Takeda, Project Coordinator, 842-1133  
**Comments:** DEA 30-day comment period starts from the date of this Notice. Address comments to the Proposing Agency and Consultant  
**Permits:** Building, Height Variance, and Grading Permits, Plan Approval, NPDES Notice of Intent Form C, Construction Stormwater

The DOE proposes to construct a new gymnasium at the Hilo High School campus at 556 Waiuanue Avenue to provide a larger improved facility capable of hosting school sponsored sporting events while meeting the DOE Education Specifications and the revised Facilities Assessment and Development Schedule. The present gymnasium is an existing wooden structure constructed in 1931. Since then the facility has been maintained but is in need of replacement due to its age and limited capacity for the hosting of high school sporting events.

Potential direct impacts include: construction activities with the potential to affect school operations and adjacent community traffic; discharge of construction storm water runoff; and potential for effects to existing archaeological or historic sites. Potential indirect, secondary, and cumulative impacts include increased traffic from use of the new gymnasium and alteration of the high school's viewplane. Mitigation measures to address the potential for adverse effects include: coordination by school staff to improve traffic circulation during events; implementing construction stormwater BMPs during and after construction; implementing recommendations by the project archaeologists and the State Historic Preservation Division; and designing the facility to complement the architecture and color scheme of the existing Hilo High School.

**CONSERVATION DISTRICT USE PERMITS (HRS 183C)**

Persons interested in commenting on the following Conservation District Use Application (CDUA) must submit comments to the Department of Land and Natural Resources (HRS 183C and HAR §13-5). Both comments and requests for notification of determinations must be submitted to DLNR within thirty days from the date that the notice was published in the Environmental Notice. Please include the following: (1) name and address of the requestor; (2) the permit for which the requestor would like to receive notice of determination; and (3) the date the notice was initially published in the Environmental Notice. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI 96809. For more information, contact Michael Cain at 587-0048.

- File No.:** CDUA OA-3529  
**Applicant:** Hou-wen Liang  
**Location:** Mahinui (Oneawa Hills), Kaneohe, Koolaupoko, Oahu  
**TMK:** (1) 4-4-13:34  
**Proposed Action:** Additions to a single family residence  
**343, HRS determination:** Exempt  
**Applicant's Contact:** Hou-wen Liang, 864-9392

**COASTAL ZONE NOTICES**

**Special Management Area (SMA) Minor Permits**

The following is a list of SMA Minor permits that have been approved or are pending by the respective county/state agency (HRS §205A-30). For more information, please contact the appropriate county/state Planning Department. Honolulu (523-4131); Hawaii (961-8288); Kauai (241-6677); Maui (270-7735); Kakaako (Honolulu) or Kalaeloa Community Development District (587-2840).

Location (TMK)	Description (File No.)	Applicant/Agent
Oahu: Heeia (4-6-05:01)	Clearing of Hau Bush at Heeia Fishpond (2009/SMA-59)	Paepae o Heeia
Hawaii: North Kona (7-8-12:45)	"As-built" Meeting Facility, Building "B" (SMM 09-132)	Hawaii Conference Foundation
Kauai: Hanalei (5-8-08:20)	Construction Three Storage Sheds & Fence along Alealea Road (SMA(M)-2010-7)	Burmeister Family Trust
Maui: Makena (2-1-12:12)	Hughes Residence Fire Damage Repair (SM2 20090082)	Horovitz, Peter
Maui: (2-8-04:62)	Imbed a 40' Tall Utility Pole (SM2 20090083)	Maui Electric Co., LTD
Maui: Honua Kai (4-4-14:06)	Temporary Parking Lot D at Honua Kai Kaanapali North Beach (SM2 20090084)	Intrawest

**Shoreline Notices - Certification Applications**

The following shoreline certification applications (HRS §205A-42 and HAR §13-222-12) are available for inspection at the DLNR District Land Offices on Kauai, Hawaii and Maui and in Honolulu, 1151 Punchbowl Street, Room 220, (ph. 587-0414). 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. If there are any questions, please call Ian Hirokawa at 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1341	11/18/09	Parcel 13 of Filled Land of Kaneohe Bay situate at Kahaluu, Koolaupoko, Oahu Address: 47-119 Kamehameha Highway Purpose: Building permits	Ursula Heinz/ Ursula Heinz	4-7-19:80
OA-1342	11/19/09	Lot 14 of Kawaihoa Beach Lots being a portion of Royal Patent 4475, Land Commission Award 7713, Apana 33, to V. Kamamalu situate at Kawaihoa, Waialua, Oahu Address: 61-635 Kamehameha Highway Purpose: Setback purposes	Austin, Tsutsumi and Associates, Inc./ Michael and Nina Fox	6-1-10:01
MA-445	11/13/09	Wahikuli State Wayside Park and Hanakaoo Beach Park being portions of Government (Crown) Land of Wahikuli (Grant 15786) and Lot 62-A and 62-B of Land Court Application 1744 situate at Wahikuli, Hanakaoo, Lahaina, Maui Address: Honoapiilani Highway Purpose: Planning purposes	Warren S. Unemori Engineering, Inc./ County of Maui	4-4-13:06 (por.) & 07, 4-5-21:07 (por.)
HA-414	11/24/09	Lot C-1 being a portion of R.P. 4513, Mahele Award 32 to Kanele situate at Kahauloa 2nd, South Kona, Island of Hawaii Address: None assigned Purpose: Obtain County building permits	Wes Thomas Associates/ Allen C. Wilcox Trust, Barbara S. Wilcox Trust	8-3-05:12

**Shoreline Notices - Certifications and Rejections**

The following shorelines have been proposed for certification or rejection by DLNR (HRS §205A-42 and HAR §13-222-26). Any person or agency wishing to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of the public notice. The notice of appeal shall be sent 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-1331	Proposed Shoreline Certification	Land Court Application 1136, Parcel 1 and 2 of Land Court Application 1226 and Lot B of Land Court Application 1059 situate at Kaalawai, Honolulu, Oahu Address: 4055 Papu Circle Purpose: Calculate building potential and obtain building permit	Wesley Tengan/ Doris Duke Foundation for Islamic Art	3-1-41:05
MA-430	Rejection	Lots 9 & 10 of the Waiohuli-Keokea Beach Lots 1st Series (por. Grant 11,398 to Izumi Grant 10,806 to Ting) situate at Waiohuli-Keokea, Kula, Maui Address: 1310 Uluniu Road Purpose: Building permit	Valley Isle Surveyors, Inc./ Hale Kai O'Kihei Condominium AOAO	3-9-08:03 & 04

**POLLUTION CONTROL PERMITS**

The following is a list of some pollution control permits currently before the State Department of Health (HRS 342B and HAR §11-60.1). For more information, please contact the number below.

Branch Permit Type	Applicant and Permit Number	Project Location	Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	Jas. W. Glover, Ltd. CSP No. 0542-01-CT Renewal Application No. 0542-03	Located at: Various Temporary Sites State of Hawaii	Issued: 11/25/09	300 TPH Portable Drum Mix Asphalt Plant
Clean Air Branch, 586-4200, Covered Source Permit	Kauai Aggregates CSP No. 0332-01-C/CT Application for Significant Modification No. 0332-06	Located at: 1) Halewili Road, Eleele, Kauai 2) Various Temp Sites, State of Hawaii	Comments Due: 12/28/09	700 TPH Stone Quarrying and Processing Plant
Clean Air Branch, 586-4200, Covered Source Permit	Chevron Products Company CSP No. 0080-01-C Renewal Application No. 0080-07	Located at: 260 Akaula Road (Road A & B), Eleele, Kauai	Comments Due: 12/28/09	Port Allen Marketing Terminal

**FEDERAL NOTICES**

**Ane Keohokalole Mid-Level Highway Project - Notice of Availability of the Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI)**

Pursuant to the National Environmental Policy Act (NEPA); Federal Highway Administration (FHWA) and Federal Transit Administration joint regulations, 23 Code of Federal Regulations (CFR) Part 771; and regulations for implementing the procedural provisions of the NEPA 40 CFR Parts 1500-1508, the FHWA provides notice that a Final EA has been prepared and evaluated, and an Environmental Impact Statement is not required for the Ane Keohokalole Mid-Level Highway project (Proposed Action).

The Proposed Action consists of the development of a new regional roadway link and utility corridor connecting Palani Road to the south and Hina Lani Street to the north, widening of Palani Road to provide additional vehicular lanes and a utility corridor between Henry Street and Queen Kaahumanu Highway, and associated improvements within existing rights-of-way. The purpose of the Proposed Action is to create the initial link, approximately three miles long, of a north-south roadway that serves as the central corridor for multi-modal transportation and utilities for future regional development.

No substantial effects on land use, climate, air quality, cultural resources, flora and fauna, geology, topography, soils, surface water, drainage, groundwater, hydrogeology, roads and traffic, public health (from noise and natural hazards), infrastructure, visual resources, public services, and socio-economic conditions would occur from the Proposed Action. The criteria and requirements have been met for U.S. Department of Transportation's programmatic "Section 4(f) Evaluation and Approval for Transportation Projects That Have a Net Benefit to a Section 4(f) Property," and the Proposed Action is consistent with or would comply with the State Coastal Zone Management Program and applicable Executive Orders. Consultations required under Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act have been conducted and concluded.

Based on the findings in the Final EA and the subsequent public hearing and comments received during the public comment period, sufficient evidence and analysis is present to determine that an EIS is not required and a Finding of No Significant Impact (FONSI) has been issued. The Final EA and FONSI addressing this Proposed Action is on file and may be reviewed at: U.S. Department of Transportation, Federal Highway Administration, 300 Ala Moana Blvd., Rm 3-306, Honolulu, HI 96850. Attention: Mr. Pat Phung, (808) 541-2700.

## **GLOSSARY**

### **Agency Actions**

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS §343-2](#).

### **Applicant Actions**

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS §343-2](#).

### **Draft Environmental Assessment**

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether an environmental impact statement shall be required per [HRS §343-5\(b\)](#), for Agency actions and [HRS §343-5\(c\)](#), for Applicant actions. For environmental assessments for which a Finding of No Significant Impact is anticipated, a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin per (HRS §343-3), also known as The Environmental Notice.

### **Final Environmental Assessment and Finding of No Significant Impact**

The Agency shall respond in writing to comments received during the review and prepare a Final EA (FEA) to determine whether an environmental impact statement shall be required. The FEA must respond to all public comments. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement will not be required and the project may then be implemented. The public has 30 days from the notice of a FONSI in this bulletin to ask a court to require the preparation of an EIS.

### **Final Environmental Assessment and Environmental Impact Statement Preparation Notice**

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPN). After the notice of the EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

### **Draft Environmental Impact Statement**

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The [content requirements](#) of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigative measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPN comment period in a point-by-point manner.

### **Final Environmental Impact Statement**

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a [Final EIS](#) (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. See here for [style](#) concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority. Only after the FEIS is accepted may the project be implemented.

### **Acceptability**

If the FEIS is [accepted](#), notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, the Approving Agency must make a determination on acceptance within 30 days of receipt of the FEIS or the FEIS is deemed accepted. For Applicant actions, the law provides for an administrative appeal of a non-acceptance to the Environmental Council.

### **National Environmental Policy Act**

The [National Environmental Policy Act](#) (NEPA) requires federal projects to prepare an EA or EIS. In many ways it is similar to Hawaii's law. Some projects require both a State and Federal EIS and the public comment procedure should be [coordinated](#). OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

### **Conservation District**

Any use of land in the State Conservation District requires a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. Notice of permit applications are published in this bulletin.

### **Special Management Area and Shoreline Setback Area**

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and [county ordinance](#). A special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

### **Shoreline Certifications**

State law requires that Hawaii shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

### **Environmental Council**

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). [Agendas](#) of their regular meetings are posted on the Internet and the public is invited to attend.

### **Exemption Lists**

Government agencies must keep a list describing the minor activities they regularly perform that are [exempt](#) from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence ([HAR §11-200-8\(d\)](#)). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

### **Endangered Species**

This bulletin is required by [HRS §343-3\(c\)](#), to publish notice of public comment periods or public hearings for Habitat Conservation Plans (HCP), Safe Harbor Agreements (SHA), or Incidental Take Licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).