



The Environmental Notice

June 23, 2010

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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 8th and 23rd 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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OAHU (HRS 343)

1. Waikiki Beach Maintenance (FEA)

Island: Oahu
District: Honolulu
TMK: (1) 2-6-10:19
Proposing Agency: Dept of Land and Natural Resources, 1151 Punchbowl Street, Honolulu, HI 96813. Sam Lemmo, 587-0377
Approving Agency: Same
Consultant: Sea Engineering, Inc., Makai Research Pier, 41-305 Kalaniana'ole Hwy., Waimanalo, HI 96744. Scott Sullivan, 259-7966, ext. 22
Permits: Dept of the Army Permit (Section 10 and Section 404), Clean Water Act Section 401 Water Quality Certification, Coastal Zone Management Act Consistency Determination, Conservation District Use Application
Comments: FEA accepted by the Approving Agency. There is no comment period

The project site is located in the middle of Waikiki Beach. DLNR proposes to restore and maintain the 1,700-foot-long segment of Waikiki Beach between the Kuhio Beach crib walls and the Royal Hawaiian Hotel groin. Approximately 24,000 cubic yards of sand would be recovered from offshore deposits, and pumped to the shoreline where it would be dewatered and placed along the beach. The project would widen the beach by about 40 feet, restoring the beach to its approximate 1982 width. The project would also include an option for a second beach nourishment after approximately 10 years involving approximately 14,000 cubic yards recovered from the same offshore sand deposits. Also included in the project would be the removal of two old deteriorated groin structures at the east end of the project area. The project will not alter or affect presently on-going sand transport and shoreline processes, wave-driven currents, circulation patterns, water quality or offshore wave breaking. Sand recovery operations will be designed so as to avoid and minimize impacts to marine biota so far as practicable, no long term impacts to marine biota are anticipated. Construction BMPs will be used to avoid impacts to the protected green sea turtle. No effects on historic, cultural and archaeological resources are anticipated. Construction may result in some temporary disruption of beach use and recreational uses, and increased noise and short term degradation of air quality from the operation of construction equipment. The Department of Land and Natural Resources has reviewed the final environmental assessment (FEA) for the subject project and has determined that this project will not have significant environmental effects and have therefore, issued a Finding of No Significant Impact (FONSI) determination.

2. Nanakuli Community Baseyard (FEIS)

Island: Oahu
District: Waianae
TMK: 8-7-09: 02 por
Applicant: Tropic Land LLC, 1001 Bishop Street, Suite 2690, Honolulu, HI 96813. Arick Yanagihara, 538-3785, ext. 252
Accepting Authority: Land Use Commission, 235 South Beretania Street, Room 406, Honolulu, HI 96813. Dan Davidson, 587-3822
Consultant: Kimura International, Inc., 1600 Kapiolani Boulevard, Suite 1610, Honolulu, HI 96814. Glenn Kimura, 944-8848

Permits: State Land Use Commission, boundary amendment; Waianae Sustainable Communities Plan, amendment; Zoning change; NPDES; Grading and construction

Comments: FEIS accepted by the Accepting Authority. There is no comment period

Tropic Land LLC proposes to develop a light industrial park on 96 acres in upper Lualualei Valley. The project will consist of approximately 41 units, averaging two acres each. An incubator center will include an industrial building with start-up space and open yard space. The project will have a secured entry off of Lualualei Naval Access Road and a secondary emergency access. There will be landscaped buffers on the front and sides of the development. The northwest corner of the property (2.4 acres) will remain undeveloped. A 100-foot wide strip of land mauka of the industrial lots will be used for drainage and rockfall hazard mitigation. The project will be structured under a condominium property regime. Before the project can be implemented, the landowner must obtain an amendment to the State Land Use District (from Agricultural to Urban) and a change in zoning from Preservation (P-2) to Industrial (I-1). Traffic increases on Farrington Highway will worsen congestion and mitigation measures have been identified. All project traffic will be routed on Lualualei Naval Access Road. The landowner has an understanding with the Navy for use of this roadway. The project will convert 13.5 acres of Class B agricultural lands, but addresses a shortage of small-scale industrial space on the Waianae Coast. No adverse impacts to biological, hydrological, archaeological, or cultural, resources are expected. The developer will extend a water line from the municipal system to obtain water and construct an on-site wastewater treatment system. Short-term noise, dust, and erosion impacts will be mitigated through construction BMPs. See also the [Appendix](#).

3. [Phycal Algae Pilot Project \(DEA\)](#)

Island: Oahu

District: Waialua and Ewa

TMK: (1) 7-1-07:11 por. and 31 por. and TMK (1) 9-1-84: 32 por.

Applicant: Phycal Hawaii R&D, LLC, Seven Waterfront Plaza, 500 Ala Moana Blvd., Suite 400, Honolulu, HI 96813. Larry Trumbore, (248) 767-7318

Approving

Agency: Dept of Business, Economic Development and Tourism, PO Box 2359, Honolulu, HI 96804. Joshua B.Y. Strickler, Esq., P.E., 586-3837

Consultant: Group 70 International, Inc., 925 Bethel Street, 5th Floor, Honolulu, HI 96813. Jeffrey H. Overton, AICP, LEED AP, 523-5866

Permits: Conditional Use Permit (Major)

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

The Phycal Algae Pilot project will help to promote renewable energy production in Hawaii in biofuel. The project will also promote the use of fallow agricultural lands for biofuel crop and aquaculture in Central Oahu. The pilot project facility at the Poamoho site will include shallow ponds for growth of algae, a processing building for extraction of oil, an anaerobic digester for conversion of biomass to methane gas, and water treatment capability. The refining and processing facility will be located at the Tesoro will include a small facility to convert the algal oil into hydrotreated renewable jet fuel, renewable naphtha, and renewable diesel.

The Phycal Algae Pilot project will demonstrate the capability of algae as a biofuel crop, to provide a wide range of energy products. This project will further objectives for U.S. energy security along with significant reductions to greenhouse gas emissions. The goal of the project is to achieve commercial-scale algal oil production, which can deliver algal oil at competitive price for the Hawaii market. This will help Hawaii to move towards achieving the State's Clean Energy Initiative, which establishes targets for

both the State and local utilities' development and use of renewable energy (70% of energy needs supplied by clean energy by 2030 – Department of Business, Economic Development & Tourism). No significant adverse impacts are anticipated from the proposed biofuel pilot project. Construction-related traffic, air, and noise impacts will be short-term in nature. A Finding of No Significant Impact (FONSI) is anticipated.

MAUI (HRS 343)

4. Lahaina Recreation Center (FEA)

Island: Maui
District: Lahaina
TMK: (2) 4-6-12:05 and (2) 4-6-15:04
Proposing Agency: County of Maui, Dept of Parks and Recreation, 700 Halia Nakoa St., Unit 2, Wailuku, HI 96793. Tamara Horcajo, Director, 270-7230
Approving Agency: Same
Consultant: n/a
Permits: n/a
Comments: FEA accepted by the Approving Agency. There is no comment period

The County of Maui Department of Parks and Recreation used federal grant funds from the Land and Water Conservation Fund (LWCF) Program in 1985, 2000, and 2002 to construct outdoor recreation facilities at the Lahaina Recreation Center. The use of these funds placed 28.16 acres of the Lahaina Recreation Center under Section 6(f) protection which requires that the property be retained in public use for outdoor recreation. The County of Maui now proposes to license the Youth Center within the 6(f) boundaries of the Lahaina Recreation Center to the West Maui Boys & Girls Club. The membership fees and age limits of the Boys and Girls Club will restrict the use of the facility and it will no longer be considered "open to the public" in conformance with the requirements of the LWCF Program, which triggers a conversion where a property being taken out of 6(f) protection must be replaced with a property of equivalent recreational and appraised value. The County of Maui proposes to mitigate the "taking" from the Lahaina Recreation Center with the development of a "replacement" property located along Front Street in Lahaina. A Finding of No Significant Impact (FONSI) has been determined.

HAWAII (HRS 343)

5. Shafer Residence in the Conservation District, Waawaa (FEA)

Island: Hawaii
District: Puna
TMK: (3rd) 1-4-28:01
Applicant: Joan Shafer, 209 Honeysuckle Lane, Maggie Valley, NC 28751. James Leonard, 808-896-3459
Approving Agency: Dept of Land and Natural Resources, Office of Coastal and Conservation Lands, PO Box 621, Honolulu HI 96809. Kimberly Mills, 587-0382
Consultant: Geometrician Associates, PO Box 396, Hilo, HI 96721. Ron Terry, 969-7090
Permits: SMA Permit or Exemption; Plan Approval, Grubbing, Grading, Building; CDUP
Comments: FEA accepted by the Approving Agency. There is no comment period

Joan Shafer (the applicant) seeks a Conservation District Use Permit (CDUP) to build a single-family residence and related improvements on a 0.392-acre lot located near the shoreline but mauka of a shoreline reserve property, in Waawaa in the Puna District. The residence would occupy a footprint of 3,488 square feet and would include a garage and lanai. Other features include a driveway, septic system, pond and minimal landscaping using mostly the native or Polynesian species found in the area.

Land clearing and construction activities over about 7,250 square feet (less than half the lot) would produce minor short-term impacts to noise, air and water quality and scenery. These would be mitigated by Best Management Practices that are expected to be required as conditions of the Conservation District Use Permit and grading permit. The applicant will ensure that her contractor performs all earthwork and grading in conformance with applicable laws, regulations and standards. The project has been fully surveyed for threatened and endangered plants and none are present. Archaeological and cultural resources have been avoided through inventory, consultation, and site planning, which has situated the structures as far mauka as feasible. In the unlikely event that additional undocumented archaeological resources, including shell, bones, midden deposits, lava tubes, or similar finds, are encountered during construction within the project site, work in the immediate area of the discovery will be halted and the State Historic Preservation Division will be contacted to determine the appropriate actions.

STATEWIDE (HRS 343)

6. [Biocontrol of Strawberry Guava by its Natural Control Agent for Preservation of Native Forests in the Hawaiian Islands](#) (DEA)

Proposing

Agency: Dept of Agriculture, Plant Pest Control Branch, 1428 S. King Street, Honolulu, HI 96814. Dr. Neil Reimer, 973-9522. email: hdoa.ppc@hawaii.gov

Approving

Agency: Dept of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Room 325, Honolulu, HI 96813. Paul Conry, 587-0166

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

Permits: Plant Protection and Quarantine permits from the USDA, Animal and Plant Health Inspection Service (APHIS); a permit for import and liberation of restricted organisms from the HDOA, Plant Quarantine Branch; and a research permit from DLNR-DOFAW

Comments: DEA 30-day comment period starts from the date of this Notice. Address comments to the Proposing Agency and Consultant

The Hawaii Department of Agriculture proposes to release in Hawaii a scale insect from Brazil, *Tectococcus ovatus*, for biological control of strawberry guava, *Psidium cattleianum*. This insect is a highly specific natural control agent producing leaf galls on strawberry guava that reduce its vigor and fruiting in Brazil, where both species are native. In Hawaii, strawberry guava is a fast growing tree without any natural predators. Its ongoing invasion across extensive areas of native forest has devastating consequences for Hawaiian biodiversity, cultural resources, scenic beauty, and watersheds. Rotting strawberry guava fruit are also a significant source of agricultural pest fruit flies.

Extensive host specificity testing and observations in Brazil demonstrate that this natural control agent will affect only strawberry guava in Hawaii. Initial release is proposed on State Forest Reserves. Biological control is expected to increase to effective levels within a few years at release sites, and, eventually, around the entire State. Introducing this control agent is expected to reduce growth and reproduction of strawberry guava, limiting its spread from areas currently invaded but not eliminating it. Existing stands of strawberry guava will remain available for fruit picking and wood gathering. Control of existing thickets by current methods is expected to become more effective with addition of biocontrol. Native plant species will be better able to compete with strawberry guava, improving biodiversity and

ecological values. Protecting rare native plants will also benefit cultural gathering practices. Biocontrol of strawberry guava will help maintain supplies of fresh water, since invasion by this tree reduces water availability to streams and aquifers. Hawaiian agriculture is expected to benefit from improved control of pest fruit flies.

SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (HRS 343)

On September 8, 2003, the Gentry Ewa Makai (FEIS) was accepted and published in this Environmental Notice. The City and County of Honolulu, Department of Planning and Permitting (DPP) has determined that the subject proposal for a two-lot subdivision has not changed the project substantively and/or will have no significant effect. Therefore, DPP has determined that a Supplemental EIS is not required, per Sec. 11-200-27, HAR. If you have any questions, call Mario Siu-Li at 768-8098.

CONSERVATION DISTRICT USE PERMITS (HRS 183C)

The following Conservation District Use Application (CDUA) is available for review and comment per HRS 183C and HAR 13-5. Comments and requests for notification of determinations must be submitted within 30 days of the date of this 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 published in the Environmental Notice. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI 96809. DLNR will make every effort to notify those interested in the subject CDUA. However, it is not obligated to notify any person not strictly complying with the above requirements.

File No.: HA-3551
Applicant: Hawaiian Silversword Foundation, Inc.
Location: Ahupuaa of Keauhou 2, Hawaii
TMK: 3-7-8-01-03
Proposed Action: Protection and restoration of the second largest mamane forest in Hawaii.
343, HRS determination: FONSI
Applicant's Contact: Colleen Cole, 808-985-6197

File No.: CDUA MA-3542
Applicant: National Science Foundation
Location: Haleakala High Altitude Observatories Site at Puu Kolekole, Maui
TMK: (2) 2-2-07:08
Proposed Action: Advanced Technology Solar Telescope (ATST)
343, HRS determination: The NSF published a Notice of Availability of the Final Environmental Impact Statement (FEIS) in the *Federal Register* on July 29, 2009; the NSF published a Record of Decision in the *Federal Register* on Dec. 3, 2009. The FEIS was published in the Environmental Notice on Aug. 8, 2009
Applicant's Contact: Dr. Charlie Fein, KC Environmental, 1-808-573-1903

File No.: HA-3549
Applicant: Hawaii Housing Finance and Development Corporation
Location: Hienaloli ahupuaa, North Kona, Hawaii
TMK: (3) 7-5-13:22
Proposed Action: Keopu Well, Reservoir, and Transmission Line
343, HRS determination: The Office of Environmental Quality Control published a Finding of No Significant Impact in the *Environmental Notice* on March 23, 2010.
Applicant's Contact: Glen T. Koyama, Belt Collins, 1-808-521-5361

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
Hawaii: Puueo, South Hilo (2-6-1:24, 26)	Remove coconut tree on Parcel 24 and routine maintenance of 25' strip on south side of Parcel 26 (SMM 10-000151)	John R. Davis
Hawaii: Kapoho, Puna (1-4-10:39)	2 'as built' rock walls and 1 new rock wall (SMM 10-000152)	Dale Miller
Maui: Makawao District (2-1-7:2)	Keawalai Church pavilion (SM2-20100039)	Jeff Dela Cruz
Maui: Makawao District (2-1-8:61)	20x20 tent & 10x20 tent for triathlon (SM2-20100040)	Pacific Sport Events & Timing
Maui: Hana (1-4-6:21)	Retaining wall & fill (SM2-20100041)	Kawaipapa 56 LLC

Shoreline Notices - Certification Applications

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

File No.	Date	Location	Applicant/Owner	TMK
OA-1374	6/8/10	Lot 3 Reclaimed (Filled) Land of Kaneohe CSF 20,724 situate at Malae, Kaneohe, Koolaupoko, Oahu Address: 44-329 Kaneohe Bay Drive Purpose: Development of property	Dennis K. Hashimoto/ Robert P. Freitas	4-4-07:23
OA-1375	6/10/10	Lot 16 of Sunset Beach Lots as shown on File Plan 256 situate at Pupukeya, Koolauloa, Oahu Address: 59-453 Ke Waena Road Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Theodore Gildred	5-9-03:34
MO-151	6/1/10	Royal Patent 4366, Land Commission Award 11029 to J. Stevenson situate at Honouliwai, Molokai Address: N/A Purpose: Boundary for proposed county park	County of Maui/ Puu O Hoku Ranch, Limited	5-8-01:04 por

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 who wants 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 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-1358	Proposed Shoreline Certification	Lot D portion of Grant 4938 to B.R. Banning situate at Keaalau, Kaneohe, Oahu Address: 44-547 F Kaneohe Bay Dr. Purpose: Building & remodeling	Fordyce Marsh & Noelani Fowler/ Fordyce Marsh & Noelani Fowler	4-4-37:12
OA-1362	Proposed Shoreline Certification	Por. Lot 6, Tract "B" of the Paa Haa Lots situate at Wailupe, Oahu Address: 5353 Kalaniana'ole Hwy Purpose: Building permit	Sam O. Hirota, Inc./ Irene Chan	3-6-03:09
OA-1366	Proposed Shoreline Certification	Lot 11, Section B of Kaluanui Beach Lots situate at Kaluanui, Koolauloa, Oahu Address: 53-723 Kamehameha Hwy Purpose: Replacement of structure	Sam O. Hirota, Inc./ Ute Dagmar Uebel	5-3-09:37
MA-443	Proposed Shoreline Certification	Portions of Royal Patent 8245, Land Commission Award 6850 to Mahuka, Royal Patent 5664, Land Commission Award 286, Apana 5 to Keawa, and Royal Patent Grant 1891, Apana 1 to D. Baldwin situate at Moalii, Lahaina. Maui Address: 1307 Front Street Purpose: Determine shoreline setback	Ronald M. Fukumoto Engineering, Inc./ CB Richard Ellis, Inc. (Authorized Agent)	4-5-05:11
MA-450	Proposed Shoreline Certification	Lot 18 Keawakapu Beach Lots Subdivision being a portion of Grant 548 to J. Y. Kaneha situate at Paeahu, Honouaula, Makawao, Maui Address: 3254 South Kihei Road Purpose: N/A	Akamai Land Surveying, Inc./ Surfside Investments LLC	2-1-10:16
KA-334	Proposed Shoreline Certification	Lot 4 being a portion of the subdivision of Lot 3-A-1-A as shown on Lnd. Ct. App. 937, Map 7 situate at Kikiaola, Waimea, Kauai Address: 8948 Kaumualii Highway Purpose: Setback determination	Roger Caires/ Kikiaola Land Co., Ltd.	1-2-06:22

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, Noncovered Source Permit	Halekulani Corp. Renewal Application No. 0567-02 NSP No. 0567-01-N	2199 Kalia Road Honolulu, Oahu	Issued: 5/27/10	One (1) 5.1 MMBtu/hr Boiler
Clean Air Branch, 586-4200, Covered Source Permit	Ball Metal Beverage Container Corporation Renewal Application No. 0074-04 CSP No. 0074-01-C	91-320 Komohana Street, Kapolei, Oahu	Comments Due: 7/9/10	Two-Piece Aluminum Can Production Plant
Clean Air Branch, 586-4200, Covered Source Permit	Hyatt Regency Maui Hotel Renewal Application No. 0432-03 CSP No. 0432-01-C	200 Nohea Kai Drive, Lahaina, Maui	Comments Due: 7/9/10	Two (2) Boilers
Clean Air Branch, 586-4200, Noncovered Source Permit	Koga Engineering and Construction, Inc. NSP No. 0470-01-NT Application for Renewal No. 0470-03	Various Temporary Sites State of Hawaii	Issued: 6/9/10	144 TPH Portable Crushing Plant
Clean Air Branch, 586-4200, Noncovered Source Permit	Syngenta Hawaii, LLC NSP No. 0713-01-N Initial Permit Application No. 0713-01	94-880 Kunia Road, Kunia, Oahu	Issued: 6/8/10	Seed Processing Equipment

FEDERAL NOTICES

Various Construction and Management Activities, Makua Implementation Plan, Oahu, Hawaii

In accordance with the National Environmental Policy Act, a Supplemental Environmental Assessment (EA) and draft Finding of No Significant Impact (FNSI) have been prepared for the implementation of proposed natural resource management actions in existing management units (MUs), as well as in new geographic areas in the Waianae and Koolau Mountains. Management activities include: threat abatement actions such as installing ungulate control fencing and conducting ungulate, alien plant, small mammal, and alien invertebrate control measures; genetic collection of endangered plants; reintroductions and augmentation of endangered species into appropriate, protected habitat; fire control; and erosion control. The purpose of the Proposed Action is to meet the objectives of the Makua Implementation Plan by implementing natural resource management actions to control threats to target endangered species and help these species achieve stabilization. The need for the Proposed Action is to meet conditions stipulated in the 1999 and 2007 non-jeopardy Biological Opinions and subsequent amendments issued by the US Fish and Wildlife Service.

Based on the information analyzed, the EA concludes that the proposed action would not result in any unmitigable significant direct, indirect, or cumulative adverse impacts on the natural or human environment.

The EA and draft FNSI are available for public review at the following public libraries: Wahiawa, Mililani, Waianae, Waialua, Kahuku, Aiea, and Hawaii State Library. Copies can also be obtained by contacting Mr. William Rogers at (808) 656-3075 or William.Rogers5@us.army.mil. Written comments will be received and considered up to 30 days from the publication of this notice, and should be directed to the email address above, or mailed to: Directorate of Public Works, Environmental Division (IMPC-HI-PWE), Attn: Mr. William Rogers, 947 Wright Avenue, Wheeler Army Airfield, Schofield Barracks, 96857-5013.

High Performance Computing Modernization Office – Maui Energy Improvement Initiative (DEA)

Pursuant to the Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act (40 Code of Federal Regulations (CFR) 1500-1508), Department of Defense Directive 6050.1 and Air Force Compliance 32 CFR 989, the Air Force Research Laboratory has published a Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the High Performance Computing Modernization Office – Maui Energy Improvement Initiative (HPCM-MEII). The document is open for public review and comment. The Draft EA and Draft FONSI are available for review at the Kihei Library, 35 Waimahaihai Street, Kihei, Hawaii and the Wailuku Public Library, 251 High Street, Wailuku, Hawaii, and the website <http://www.maui.afmc.af.mil/>

The comment period for the Draft EA will end July 13, 2010. For information or to make comments, please contact Captain Joseph A. Dratz, MHPCC, Program Manager at 550 Lipoa Parkway, Kihei, Hawaii 96753 or Telephone at (808) 891-7729

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).