



The Environmental Notice

February 23, 2011

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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 issued 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 issued, send us your email address and we'll put you on our mailing list.

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OAHU (HRS 343)

1. Kawailoa Wind Farm Project (DEIS)

Island: Oahu
District: Waialua
TMK: Wind farm: 61005001, 61006001, 61007001, 62009001, 62011001 Traversed by existing onsite access roads: 61005003, 61005007, 61005014, 61005015, 61005016, 61005019, 61005020, 61005021, 61005022, 61008025, 62002001, 62002002, 62002003, 62002025 Communication sites: 67003024
Permits: Wind farm: Endangered Species Act Section 10 Incidental Take; Federal Aviation and Administration Determination of No Hazard to Air Navigation; Federal Communications Commission License; State Endangered Species Incidental Take License; Noise; Operate or Transport Oversize and/or Overweight Vehicles and Loads; Conditional Use Permit (Minor) Communication site: Conservation District Use Permit; Request for Use of State Lands; Forest Reserve System Special Use Permit
Applicant: Kawailoa Wind, LLC, 810 Richards Street, Suite 650, Honolulu, HI 96813. Wren Wescoatt; 265-9719
Accepting Authority: Dept of Business, Economic Development and Tourism, PO Box 2359, Honolulu, HI 96804. Malama Minn, 587-9000
Consultant: CH2M HILL, Inc., 1132 Bishop Street, Suite 1100, Honolulu, HI 96813. Paul Luersen, 943-1133
Status: Comments are due April 8, 2011. Send comments to the Applicant, Accepting Authority and Consultant

The Proposed Action is to construct and operate a 70 megawatt wind farm on former Kawailoa Plantation lands. In addition to the wind turbine generators and appurtenant facilities at the wind farm site, the project would require installation of communication equipment at existing communication sites on Mt. Kaala. The Draft EIS evaluates the ecological, aesthetic, historic, cultural, economic, social, and health effects that could result from the Proposed Action and its alternatives. In general, this evaluation indicates that the adverse impacts would be relatively small in comparison to the benefits provided by the generation of additional renewable energy. To the extent possible, the Proposed Action has been developed so as to avoid and/or minimize potential adverse impacts; in those cases where impacts cannot be avoided or minimized, measures to mitigate the impact have been identified. The Proposed Action has the potential for incidental take of six Federally listed threatened or endangered species. The cumulative effects of other existing and proposed wind farms on Oahu's North Shore were considered in the Proposed Action's Habitat Conservation Plan analysis. The proposed mitigation for the Kawailoa project is expected to more than offset the anticipated take and provide a net benefit to the species.

2. McKinley High School Athletic Complex Master Plan (DEA)

Island: Oahu
District: Honolulu
TMK: (1) 2-3-09:01 (por.)
Permits: Hawaii Community Development Authority Development Permit
Proposing Agency: Dept of Education, Facilities Development Branch, c/o Kalani HS, 4680 Kalaniana'ole Hwy., Honolulu, HI 96821. Janna Mihara, 377-8314
Approving Agency: Same

Consultant: Group 70 International, Inc., 925 Bethel Street, 5th Floor, Honolulu, HI 96813. Christine M. Ruotola, 523-5866
Status: Anticipated Finding of No Significant Impact. Comments are due March 24, 2011. Send comments to the Approving Agency and Consultant

The Department of Education is proposing an Athletic Complex Master Plan (ACMP) to improve the athletic and wellness facility at McKinley High School. Master plan elements include:

- Relocation and replacement of the track/football field and bleachers (approximately 2,500 seats);
- Relocation and replacement of three existing tennis courts and three new tennis courts;
- Replacement Boys P.E. locker/shower facility and Boys athletic locker/shower facility;
- Relocation and replacement of the existing outdoor rifle range with a new semi-enclosed facility;
- A new 100-stall parking lot;
- A new 2-story YMCA wellness center with a 50-meter swimming pool, bleachers, and a 3-story parking structure (340 stalls);
- A new gymnasium building;
- Renovation of the existing gymnasium;
- Relocation and replacement of the baseball field, bleachers (500-1,000 seats), and batting cages;
- An access road extension;
- An outdoor plaza and a pedestrian boulevard; and
- An open plaza at the replacement track/football field.

The facilities will be located in the area of existing athletic facilities and open spaces along the Ewa and makai sides of the school campus. Phase 1 of the master plan includes relocation and replacement of the softball field (upgraded to a softball stadium), construction of a new Girls Athletic Locker Room, and a new access road. A Final Environmental Assessment (June 2010) was prepared for these Phase 1 facilities by Gerald Park Urban Planner. These Phase 1 facilities are currently under construction and will be considered as existing conditions for the purpose of this Environmental Assessment. This proposed project will require some infrastructure improvements, including the development of additional parking spaces to accommodate public and YMCA member vehicles, access driveway expansion, on-site electrical system upgrade, and on-site drainage system upgrade. Construction is planned to begin in 2013 and full build out is projected to be in 2025, subject to funding approval. No significant adverse impacts are anticipated from the proposed improvements. Construction-related traffic, air, and noise impacts will be short-term in nature. See also the [Appendix](#).

MAUI (HRS 343)

3. Ulupalakua Water System Improvements (FEA)

Island: Maui
District: Makawao
TMK: (2) 2-1-03, 2-1-08, 2-1-09, and 2-2-01
Permits: Grading, Building, and NPDES
Proposing Agency: Dept of Water Supply, County of Maui, 200 South High Street, Wailuku, HI 96793. Curtis Eaton, 270-7835
Approving Agency: Same
Consultant: Belt Collins Hawaii Ltd., 2153 North King Street, Suite 200, Honolulu, HI 96819. Glen Koyama, 521-5361
Status: Finding of No Significant Impact. There is no comment period

The Maui County Department of Water Supply is proposing to improve the existing Ulupalakua Water System that currently serves the Kamaole-Kanaio area of Makawao, Maui. The improvement is designed to bring the aging water system up to current Water System Standards. No new source of water or expansion of existing service areas is being planned. The project will include approximately 10.5 miles of upgraded replacement pipelines and associated pressure reducing valve stations/systems, service laterals, water meters, fire hydrants and possible water tank replacements. Construction of the improvement is expected to generate short-term, temporary impacts, such as dust and noise, but the remoteness of the construction site is expected to help reduce the impact on surrounding ranch and agricultural lands. Additionally, as the project enters into its operational stage, little or no adverse impacts are expected in the project vicinity. Construction of the replacement waterlines and ancillary facilities, which is estimated to cost approximately \$8.3 million (2010 dollars), is projected to start in 2011 and occur in phases as monies for the improvement become available.

4. [Waiehu Beach Road, Rehabilitation of Iao Stream Bridge \(DEA\)](#)

Island: Maui
District: Wailuku
Permits: Dept of the Army, Nationwide Permit, Section 404, Clean Water Act; Section 401, Clean Water Act, Water Quality Certification; NPDES General; Construction Stormwater Activities; Noise; Noise Variance; Coastal Zone Management Federal Consistency Certification; Perform Work Within State Highways; Special Management Area; Special Flood Hazard Area Development

Proposing Agency: Dept of Transportation, Highways Division, 601 Kamokila Blvd, Room 609, Kapolei, HI 96707. Li Nah Okita, 692-7581

Approving Agency: Same
Consultant: Wilson Okamoto Corp., 1907 South Beretania Street, Suite 400, Honolulu, HI 96826. Earl Matsukawa, 946-2277
Status: Anticipated Finding of No Significant Impact. Comments are due March 24, 2011. Send comments to the Approving Agency and Consultant

The Department of Transportation, Highways Division, proposes improvements to widen Iao Stream Bridge and its associated roadway approaches, which carry Waiehu Beach Road over Iao Stream. Iao Stream Bridge will also be rehabilitated to meet current seismic standards. The primary purpose of the improvements, including multi-use roadway shoulders, is to enhance the safety of motorists, bicyclists, and pedestrians along this section of roadway.

HAWAII (HRS 343)

5. [University of Hawaii at Hilo College of Pharmacy – Permanent Facilities \(DEA\)](#)

Island: Hawaii
District: South Hilo
TMK: (3) 2-4-01:07 (por) and 41 (por)
Permits: Zoning Variance; Use; Building and Grading; NPDES

Proposing Agency: University of Hawaii, Office of Capital Improvements, 1951 East West Road, Room 102, Honolulu, HI 96822. Maynard Young, 956-4071

Approving Agency: Same

Consultant: PBR HAWAII, 1001 Bishop Street, Suite 650, Honolulu, HI 96813. Vincent Shigekuni, 521-5631
Status: Anticipated Finding of No Significant Impact. Comments are due Mar 24, 2011. Send comments to the Approving Agency and Consultant

The University of Hawaii at Hilo (UHH) is proposing to construct permanent facilities for the College of Pharmacy within the UHH University Park to support the growing demand for a comprehensive pharmacy education center based in the Pacific Island region. In 2008, the UHH approved a Final Environmental Assessment for proposed interim UHH College of Pharmacy Facilities, with a Finding of No Significant Impact (FONSI) (PBR HAWAII, Final Environmental Assessment for University of Hawaii at Hilo, College of Pharmacy, Honolulu, Hawaii. January 2008). Since the publication of the FONSI, three of the four proposed modular buildings have been completed. Subsequently, UHH was able to secure funding for permanent facilities on the two adjoining "lots" to the north and is proposing to construct its permanent College of Pharmacy facilities. The proposed action will require the use of State land and funds and possibly some County lands for infrastructure service.

6. Kailua Park Master Plan (FEA)

Island: Hawaii
District: North Kona
TMK: [3] 7-5-05:07 and [3] 7-5-05:83
Permits: Special Management Area
Proposing Agency: County of Hawaii, Dept of Parks and Recreation, 101 Pauahi Street, Suite 6, Hilo, HI 96720. James Komata, Park Planner, 961-8311
Approving Agency: Same
Consultant: Kimura International, Inc., 1600 Kapiolani Boulevard, Suite 1610, Honolulu, HI 96814. Leslie Kurisaki, 944-8848
Status: Finding of No Significant Impact. There is no comment period

The County of Hawaii, Department of Parks and Recreation has prepared a comprehensive, long range master plan for the 117-acre Kailua Park, also known as "Old Airport Park" or "Makaeo". The master plan provides a blueprint for park improvements over the next 20+ years. The proposed action is the implementation of this Kailua Park Master Plan. The master plan was developed with extensive community input over a six-month period. New facilities include a canoe halau complex, youth and senior center, 25-meter swimming pool, tennis complex, skate park, and new beach pavilions. The Makaeo Walking and Jogging path and community garden will be retained. A shared-use pedestrian and bike path is proposed throughout the park. A major proposal is the removal of the old airport runway and creation of a meandering beach access road and back-in, "reverse angle" parking. The northwestern area of the site is rich in cultural resources and will remain undeveloped and maintained as a cultural preserve. An interpretive center, landscaping, and interpretive signage are proposed in this area.

Project impacts include construction-period dust and noise, and minor disruption to existing park activities as improvements are phased in. The proposed improvements will alter the visual environment, particularly in the central area where a new community center is proposed, and where the asphalt runway is removed and replaced by a naturally landscaped beach access road. Park development will increase water, wastewater, and electrical utility demand. The master plan emphasizes sustainable, "green" planning and building techniques, water conservation and energy saving measures. Removal of the asphalt runway will reduce paved area on the property from approximately 39% to about 19%, reducing heat gain, and improving on-site drainage. Landscaped biobasins will further reduce runoff and

provide natural erosion control. See also [Appendices A-C](#), [Literature Review and Field Assessment](#), and [Cultural Impact Assessment](#).

7. [Hilo Forest Reserve Fencing Project](#) (DEA)

Island: Hawaii
District: South Hilo
TMK: (3rd) 2-6-18:13
Permits: Grubbing, Grading, NPDES
Proposing Agency: Dept of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl St., Room 325, Honolulu, HI 96813. Michael Constantinides, 587-4186
Approving Agency: Same
Consultant: Graham Paul Knopp, Ph.D., GK Environmental LLC, PO Box 1363, Honokaa, HI 96727. 775-1520
Status: Anticipated Finding of No Significant Impact. Comments are due Mar 24, 2011. Send comments to the Approving Agency and Consultant

The Department of Land and Natural Resources (DLNR) Division of Forestry and Wildlife has identified the need to construct a cattle fence and access road within a proposed State Forest Reserve. This project would prevent cattle encroachment into the proposed Forest Reserve and would reduce consequent adverse impacts. The fence and access roadway corridor bounds a parcel that has been subdivided from its parent parcel and is currently being processed for addition to the Hilo Forest Reserve by DLNR. The access road would allow for fence construction and maintenance, DLNR resource management efforts, and future public access for hunting and other activities.

An archaeological survey and a cultural assessment have determined that no significant historic sites or cultural resources are present; if archaeological resources are encountered during land-altering activities associated with construction, work in the immediate area of the discovery will be halted and the State Historic Preservation Division will be contacted. Potential water quality impacts due to erosion and sedimentation would be minimized through implementation of a soil conservation plan. No federally listed plant or animal species have been identified within the fence and access road corridor. Other impacts are expected to be negligible or beneficial to the environment.

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS		
Location (TMK)	Description (File No.)	Applicant/Agent
Kauai: Koloa (2-9-01)	ATV Traversing (SMA(M)-2011-12)	Kauai ATV
Kauai: Hanalei (5-8-09:52)	ATV Storage Sheds under Existing Single-Family Residential (SFR) (SMA(M)-2011-13)	Karen and David Burse
Kauai: Kawaihau (4-5-12:19)	Mobile Food Vehicle (SMA(M)-2011-14)	Island Shrimp & Steak
Maui: Wailuku (3-2-24:106)	Swimming Pool (SM2 20110002)	Barry Hodgson
Maui: Lahaina (4-6-04:10)	Demolition of Swimming Pool (SM2 20110003)	Burkhalter, Albert Charles
Maui: (2-6-02:27)	Property Line Fence for Safety (SM2 20110004)	Chelsea Hill

Maui: (3-9-05:29)	Beach Park Restoration – Kamaole II Beach (SM2 20110005)	Maui County Dept of Parks and Recreation
Maui: (3-9-01:147)	Beach Park Restoration – Kalepolepo Beach (SM2 20110006)	Maui County Dept of Parks and Recreation

The SMA Minor permits above have been approved or are pending approval (HRS §205A-30). For more information, 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).

SHORELINE - Certification Applications				
File No.	Date	Location	Applicant/Owner	TMK
OA-1410	8/10/10	Lot 49-C Land Court Consolidation 23 situate at Kaipapau, Koolauloa, Oahu Address: 54-010 Pipilani Place Purpose: Building permit	Technical Field Data Service, Inc./ Michael A. & Miranda S. Dageenakis	5-4-11:28
OA-1411	2/3/11	Lot 75 of the Pupukea-Paumalu Beach Lots being also Grant 8131 to L.L. Fish situate at Pupukea-Paumalu, Koolauloa, Oahu Address: 59-205 Ke Nui Road Purpose: Subdivision	ControlPoint Surveying, Inc./ John G. & Shelly W. Reinhold	5-9-02:59
OA-1412	2/7/11	Lot 10-A-2 Portion of R.P. 4475, L.C. Aw. 7713 Apana 33 to V. Kamamalu situate at Kawailoa, Waialua, Oahu Address: 61-303 Kamehameha Highway Purpose: Building setback line	Gil P. Bumanglag/ Robert G. & Linda L. Thorp	6-1-12:34
OA-1413	2/9/11	Lot 604 as shown on Map 64 Land Court Application 1089 situate at Kamananui, Waialua, Oahu Address: 67-011 Kaimanu Place Purpose: Building setback line	Gil P. Bumanglag/ John A. Borsa, Jr. Trust	6-7-14:28
OA-1414	2/10/11	Lot 38 of Block "A" Land Court Application 1596, Map 1 situate at Wailupe, Waikiki, Honolulu, Oahu Address: 146 Wailupe Circle Purpose: Repair of seawall	Dennis K. Hashimoto/ Kahn, Family Trust	3-6-01:38
HA-435	2/9/11	Lot 92-A being a portion of R.P. 7192, L.C. Aw. 8559-B Apanas 17 & 18 to Wm. C. Lunalilo situate at Makahanaloa, South Hilo, Island of Hawaii Address: 28-283 Sugar Mill Road Purpose: Repair permit	Hu Honua Bioenergy, LLC/ Makaloa Farms, LLC	2-8-08:104

The shoreline certification applications above are available for review at the DLNR Offices on Kauai, Hawaii, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS §205A-42 and HAR §13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. If you have any questions, call Ian Hirokawa at 587-0420.

SHORELINE - Certifications and Rejections				
File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
HA-434	Proposed Shoreline Certification	Lot 7 of Block 68 "Hawaiian Parks Subdivision" File Plan 691 being a portion of Land Commission Award No. 11216 Ap. 40, Pt. 1 situate at Waiakahiula, Puna, Island of Hawaii Address: N/A Purpose: Building permit	Thomas Pattison/ Hiroshi Yamazaki	1-5-63:07

The shoreline notices above have been proposed for certification or rejection by DLNR (HRS §205A-42 and HAR §13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. The appeal shall be sent to the Board of Land and Natural Resource, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

POLLUTION CONTROL PERMITS				
Branch Permit Type	Applicant and Permit Number	Project Location	Date	Proposed Use
Clean Air Branch, 586-4200, Non Covered Source Permit	E.M. Rivera & Sons, Inc. Renewal Application No. 0554-02 NSP 0554-01-NT	Various Temporary Sites, State of Hawaii	Issued: 1/24/11	800 TPH Portable Crushing Plant with 475 HP, 301 HP, and 201 HP Diesel Engines
Clean Air Branch, 586-4200, Non Covered Source Permit	Monsanto Company Application for Modification No. 0685-05 NSP No. 0685-01-N	94-520 Kunia Road, Oahu	Issued: 2/7/11	Seed Processing and Research Facility
Clean Air Branch, 586-4200, Non Covered Source Permit	Pioneer Hi-Bred International, Inc. Renewal Application No. 0538-03 NSP 0538-01-N	1-385 Kaunualii Highway, Waimea, Kauai	Issued: 1/31/11	Seed Research and Processing Facility

Above are some pollution control permits before the State Department of Health (HRS 342B and HAR §11-60.1). For more information, contact the number given.

OTHER NOTICES

Department of Agriculture - Request to Place a Fungus on the List of Nonrestricted Microorganisms, Ch. 4-71A, HAR, "Microorganism Import Rules," For Sale and Distribution

Pursuant to section 4-71A-17, Hawaii Administrative Rules (HAR), notice is hereby given that the Department of Agriculture has received requests to place the fungus, *Beauveria bassiana* GHA, on the List of Nonrestricted Microorganisms, under chapter 4-71A, HAR, for import in microbial products for sale and distribution.

B. bassiana GHA is currently placed on the List of Restricted Microorganisms (Part A) by genus and, by virtue of that placement, is classified as a high-risk microorganism which may be imported by permit for purposes approved by the Board of Agriculture (Board). The requested amendment to delete *B. bassiana* GHA, from the List of Restricted Microorganism (Part A) and to add *B. bassiana* GHA to the List of Nonrestricted Microorganisms will allow *B. bassiana* GHA, contained in pesticides registered by the U.S.

Environmental Protection Agency to be imported without permit but through product registration to allow sale and distribution in Hawaii, as authorized under subchapter 4, Introduction of Microbial Products, chapter 4-71A, HAR.

B. Bassiana GHA is contained in Mycotrol®O, a biopesticide listed by the Organic Materials Review Institute (OMRI), a nonprofit organization that reviews and determines products allowed for use in organic production, processing and handling. Products listed by OMRI may be used on operations that are certified organic under the United States Department of Agriculture National Organic Program. The biopesticides Mycotrol®O and Botanigard®ES, both products containing B. bassiana GHA, are the only apparent chemical control option for coffee farms in the Kona district of the island of Hawaii that are infested with Coffee Berry Borer, *Hypothenemus hampei*, a serious pest of coffee. *Beauveria* species are normally found in soil and plant debris and *B. bassiana* strains exist in Hawaii. Scientific research has concluded that B. bassiana GHA does not represent a risk greater to native insects than *B. bassiana* strains already present in Hawaii.

Pursuant to section 150A-6.6, Hawaii Revised Statutes and section 4-71A-17, HAR, the requested changes will proceed through an expedited rule amendment process which provides for public notification and input through Department of Agriculture press release and publication in the Office of Environmental Quality Control bulletin, mailed notice to persons who made timely written request for advance notice of rulemaking proceedings, as well as through public meetings of the Board and its Advisory Committee on Plants and Animals. This expedited amendment process provides for adoption of amendments through Board order, and following Governor's approval, for public notice of the order in daily or weekly publication(s) of statewide circulation.

A copy of the proposed exact changes and the order proposed by the Board if the requested changes are adopted will be mailed to any interested person who requests a copy upon payment in advance of costs for photocopying, preparing, and mailing the copy. A copy of the proposed order and proposed exact changes may be obtained for inspection or, alternatively, for pick up after payment in full of costs for photocopying and preparing the copy at the following Plant Quarantine Offices:

Oahu: 1849 Auiki Street, Honolulu, HI 96819; Ph: (808) 832-0566
Kauai: 4398A Pua Loke Street, Lihue, HI 96766; Ph: (808) 274-3071
Maui: 635 Mua Street, Kahului, HI 96732; Ph: (808) 873-3556
Hawaii: 16E Lanikaula Street, Hilo, HI 96720; Ph: (808) 974-4141

The Department of Agriculture is soliciting comments regarding the proposed changes during the next thirty days. Oral or written comments may be communicated to the Plant Quarantine Branch (PQB) at the Oahu address or phone number shown above, or by fax to (808) 832-0584, or e-mail to Amy.N.Takahashi@hawaii.gov. Interested persons are also encouraged to attend the public meetings of the Advisory Committee on Plants and Animals, as well as the Board, on the proposed changes and should contact PQB at (808) 832-0566 for projected meeting dates and times. Notice of the Advisory Committee and Board meetings is posted at www.ehawaii.gov/calendar at least six days in advance of the meetings.

Combined Notice of Public Explanation for Implementing an Action Located in a Floodplain, Statement of Finding of No Significant Impact, and Notice of Intent to Request Release of Funds

A notice appeared in the Honolulu Star-Advertiser on June 14, 2010, inviting comments regarding a project proposed by Waikiki Community Center under the US Dept of Housing and Urban Development's Community Development Block Grant program Fiscal Year 2011. The proposed project includes, but is not limited to the removal of the existing 50 kVA electrical transformer, expansion of a cement pad and installation of a new 325 kVA transformer, installation of bollards to protect the transformer from damage, removal and replacement of the existing electrical distribution panel, installation of electrical cables to the new transformer and distribution panel, replacement of the existing fire alarm system with an ADA-

compliant visual/audible fire alarm system, replacement of electrical wiring, lighting fixtures, circuit panels, light switches, the conversion to energy efficient devices, replacement of exterior security lighting, installation of an air filtration cooling system, painting, and patching to the existing buildings, location at 310 Paoakalani Avenue, Honolulu, HI. The City and County of Honolulu has determined that the project will have no significant impact on the environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act is not required. Additional project information is contained in the Environmental Review Record on file and available for public examination at the Dept of Community Services, 715 South King Street, Suite 311, Honolulu, HI 96813, ph. 768-7762.

FEDERAL NOTICES

Endangered and Threatened Wildlife and Plants; Permit; Construction and Operation of Kaheawa II Wind Energy Generation Facility, Maui, Draft Habitat Conservation Plan and Draft Environmental Assessment

The U.S. Fish and Wildlife Service (FWS), recently announced receipt of an application from Kaheawa Wind Power II, LLC (KWP II) for an incidental take permit (Permit) under the Endangered Species Act of 1973, as amended (ESA). KWP II is requesting an incidental take permit under the ESA to authorize take of three federally endangered and one threatened bird species. The FWS is reopening the comment period on this permit application and the associated Draft Environmental Assessment (EA), Draft Habitat Conservation Plan (HCP), and proposed Implementation Agreement (IA). Comments previously submitted need not be resubmitted as they have been incorporated into the public record and will be fully considered in the final decision on the permit application. All comments from interested parties must be received on or before **March 10, 2011**. Please address written comments to Loyal Mehrhoff, Project Leader, Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 3-122, Honolulu, HI 96850. You may also send comments by fax to (808) 792-9580. For further information contact: Dawn Greenlee, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service, tel. (808) 792-9400.

On November 9, 2010, The FWS published in the Federal Register (75 FR 68821) a notice announcing receipt of an application from KWP II for an incidental take permit under section 10(a) of the ESA (16 U.S.C. 1539(a)) to authorize take of the federally endangered Hawaiian petrel (*Pterodroma sandwichensis*), endangered Hawaiian goose (nene, *Branta sandvicensis*), endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), and the threatened Newell's (Townsend's) shearwater (*Puffinus auricularis newelli*) ("Covered Species"). Incidental take of the Covered Species may be caused by the construction and operation of the KWP II wind energy facility on Maui. The permit application includes a draft HCP that describes the actions and the measures that KWP II will implement to minimize, mitigate, and monitor incidental take of the Covered Species, and a draft IA. A draft EA has been prepared in response to the permit application in accordance with requirements of the NEPA.

The public comment period on the aforementioned documents closed on December 9, 2010. In response to a request from the general public, the FWS is reopening the comment period for an additional 30 days. The FWS specifically request comments from the public on whether the application meets the statutory and regulatory requirements for issuing a permit, and identification of any aspects of the human environment that should be analyzed in the draft EA. The FWS is also soliciting comments on: The adequacy of the HCP to minimize, mitigate, and monitor the proposed incidental take of the Covered Species; adequacy of the funding being provided to implement the proposed mitigation program and any appropriate responses to changed circumstances; adequacy of the adaptive management program; and certainty that mitigation will occur. We are seeking comments on the adequacy of the HCP relative to the permit issuance criteria found in section 10(a) of the ESA, 16 U.S.C. 1539(a), and 50 CFR 13.21, 17.22, and 17.32. For information on how to access the HCP, EA, and IA, and to submit comments, along with additional background information on the permit application package, please refer to the previous Federal Register Notice (75 FR 68821), which was published on November 9, 2010.

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).