

The Environmental Notice

A Semi-Monthly Bulletin published pursuant to Section 343-3, Hawai'i Revised Statutes

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MESSAGE FROM THE DIRECTOR . . .

Aloha & mahalo for reading The Environmental Notice – every two weeks.

Please check out our Map Viewer by going to <http://eha-web.doh.hawaii.gov/oeqc-viewer/> to see a work in progress. The Map Viewer IS NOT complete or fully updated, but it is extremely helpful for the public, consultants, agencies, and project developers to learn more about what has been proposed or completed in the past, as documented in the environmental review process. The Map Viewer data should be fully updated this summer.

REDUCE - *HO'ĒMI*

REUSE - *HO'OHANAHOU*

RECYCLE - *HO'OPŌ'AIPUNI*

WORK EXPERIENCE & VOLUNTEER OPPORTUNITIES: Our office is currently accepting applications for volunteer interns. If you are interested, please email Jessica.wooley@doh.hawaii.gov or call the office at 586-4185.

And also in this notice on page 7, DLNR is seeking additional input on the Na Pua Makani Wind Energy Project's Draft Habitat Conservation Plan, which was published in the March 8, 2015 issue of The Environmental Notice. The public comment period for the habitat conservation plan has been extended from May 8 to June 8, 2015.

Also, the Draft Hawaiian Islands Humpback Whale National Marine Sanctuary Management Plan outlines a proposed shift to ecosystem-based management supported by a new forward looking document of management activities, along with a suite of sanctuary-wide and location-specific regulations designed to enhance protection of sanctuary resources while limiting, to the extent possible, adverse impacts to the public. Additionally, up to five boundary additions are proposed, the sum of which amounts to 235.2 square miles, or 17 percent of the current size of the sanctuary.

Comments are being accepted through June 19, 2015, for the NEPA Draft Management Plan and Draft Environmental Impact Statement of the Hawaiian Islands Humpback Whale National Marine Sanctuary. Send comments to NOAA/DOC, c/o Edward Lindelof, 1315 East-West Highway, Silver Spring, MD 20910, OR email to edward.lindelof@noaa.gov.

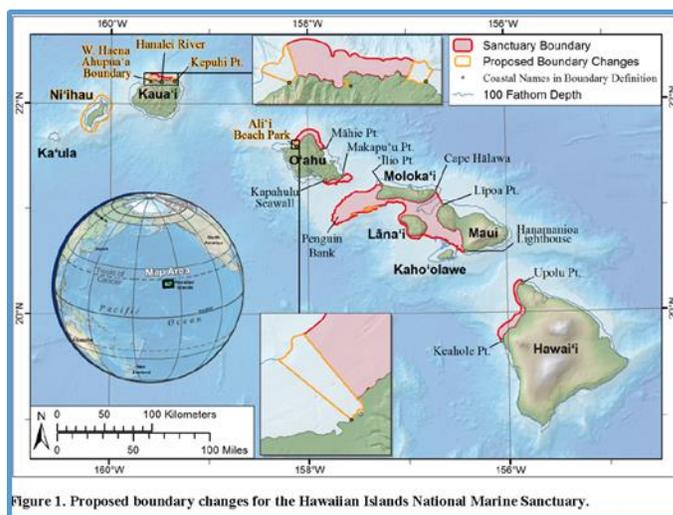


Figure 1. Proposed boundary changes for the Hawaiian Islands National Marine Sanctuary.

MAHALO!



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 5(b) – 02
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 *(excluding administrative exemption declarations/lists)



HAWAI'I (HR§ 343)

1. Waimea Middle School New Eight Classroom Building 5(b) FEA (FONSI)

Island: Hawai'i
District: South Kohala
TMK: (3) 6-7-002:015
Permits: National Pollutant Discharge Elimination System (NPDES) Permit; Individual Wastewater System (IWS) Permit; Underground Injection Control (UIC) Permit; Plan Review Approval; Grading Permit; Building Permit

Proposing/Determination

Agency: State of Hawai'i Department of Education, 1151 Punchbowl Street, Room 431, Honolulu, HI 96813.
 Contact: Ronald Hagino, (808) 586-0434

Consultant: Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, HI 96826. Contact: John L. Sakaguchi, (808) 946-2277

Status: Finding of No Significant Impact Determination



Waimea Middle School is part of the Waimea Elementary and Middle School campus located east of Mamalahoa Highway, in an approximately 25.796 acre parcel identified as Tax Map Key: 6-7-002:015. The new eight classroom building project site is located in the southeast portion of the campus, between the Mala'ai community garden and four existing portable classroom buildings. The portable classrooms are to remain with no changes. Although it was cleared at one time, the project site is currently undeveloped and contains no structures. Vegetation consists of grass cover, similar to other open areas of the campus.

The purpose of the new classroom building is to replace existing science classrooms with modern classrooms and laboratories and to provide spaces designed as science and computer laboratories. The spaces currently used for these classes are not adequate to meet the teaching needs of the current enrollment. Although identified as 8 classrooms, during the planning process, by downsizing some of the original planned spaces, a total of 9 classrooms are planned for the building. Preliminary plans show a 2-story rectangular building to contain: 1) four general classrooms; 2) three science laboratories; 3) two computer laboratories; 4) one teacher planning room, one office, one student services room, a faculty center, a conference room, and restroom facilities. The building foot-print will be approximately 12,659 square feet. The 2-story building will contain about 25,177 square feet and will be approximately 42 feet high at the ridge. The design will be similar to the other buildings on campus. In addition, the one way inbound gravel driveway access from Lindsey Road will be paved. Usage of this driveway will remain with no changes.

MAUI (HR§ 343)

2. Nani Loa Condominium Hotel 5(e) DEA (AFNSI)

Island: Maui
District: Wailuku
TMK: (2) 3-9-020:032
Permits: Building, Grading, Special Management Area, Community Plan Amendment
Applicant: Victory Development Inc., 30 East Lipoa Street, Suite 4-109, Kihei, HI 96753. Contact: Greg Walker, (808) 875-0646



Approving

Agency: Maui Planning Commission, County of Maui, Department of Planning, 2200 Main Street, Suite 315, Wailuku, HI 96793. Contact: William Spence, (808) 270-7735

Consultant: Chris Hart & Partners, Inc., 115 North Market Street, Wailuku, HI 96793. Contact: R. Raymond Cabebe, (808) 242-1955

Status: Statutory 30-day public review and comment period starts; comments are due by June 8, 2015. Please send comments to the applicant, approving agency, and consultant.

The applicant is proposing to develop a hotel condominium complex on 1.438 acres of land community planned for Multi-family and zoned for Hotel use in the Kihei District, Maui County. The proposed project consists of 39 units in one 3-story building (Building 1) with 11 units and one 4-story building (Building 2) with 28 units. The design has 6 floor plans, ranging from 780 square feet to 1,462 square feet of either two or three-bedroom units. All living units are served by exterior walkways and each have a private lanai from approximately 110 to 300 square feet. The lower floors of both buildings are used for parking. The EA is triggered by the proposed Community Plan Amendment from Multi-Family to Hotel.

O‘AHU (HR5 343)

3. [Kernot Residence Shoreline Protection Project 5\(e\) DEA \(AFNSI\)](#)

Island: O‘ahu

District: Ko‘olauloa

TMK: (1) 5-9-002:005

Permits: Shoreline Setback Variance

Applicant: William Kernot, 168 Narrabeen Park Parade, Mona Vale, NSW, 2103 Australia. (808) 799-3983

Approving

Agency: Department of Planning and Permitting, City and County of Honolulu, 650 South King Street, 7th Floor, Honolulu, HI 96813. Contact: Steve Tagawa, (808) 768-8024

Consultant: Little Environments PLLC, 3814 Cobb Street, Garner, NC 27529. Contact: Joseph Little, (919) 916-9061

Status: Statutory 30-day public review and comment period starts; comments are due by June 8, 2015. Please send comments to the applicant, approving agency, and consultant.



The Applicant seeks a Shoreline Setback Variance to allow the injection of a fast bonding, fast setting liquid agent into the sand under and makai of the existing dwelling within the 40-foot shoreline setback area. According to the Applicant, the proposed bonding agent is approved by the Environmental Protection Agency (EPA), the National Science Foundation (NSF), and the American National Standards Institute (ANSI), and which sets within five hours to create a non-leaching synthetic sandstone which has the strength of rock, yet remains natural in appearance. The bonding agent will be injected as much as 25 feet below the existing surface across most of the 50-foot width of the lot. The injection area will be 35 feet wide, but will be kept five feet mauka of the shoreline as determined (certified) by the State Department of Land and Natural Resources (DLNR). No other construction is included in the proposed project.

The 6,883-square-foot shoreline parcel is zoned R-5 Residential District and contains two existing dwellings. About 650 square feet of the parcel has been lost to erosion and was part of the DLNR and the U. S. Army Corps of Engineers emergency authorizations in 2013 and 2014, which allowed temporary shoreline protection actions including pushing (bulldozing) of beach sand (dune restoration) in front of the dwellings. The Applicant's request in October 2014 (Emergency OA-15-07) to install a scour curtain (polymer fabric) with ballast toe (sandbags) was denied by DLNR. In

September 2014, the Department of Planning and Permitting granted a Minor Shoreline Structure (No. 2014/MSS-9) for the placement of the scour curtain with ballast toe inside the 40-foot shoreline setback area.

4. Roosevelt High School New Gymnasium and Music Building 5(b) DEA (AFNSI)

Island: O'ahu
District: Honolulu
TMK: (1) 2-4-032:001
Permits: Punchbowl Special Design District Permit, Waiver Permits
Proposing/Determination Agency: State of Hawai'i Department of Education, P.O. Box 2360, Honolulu, HI 96804. Contact: Janna Mihara, (808) 377-8314
Consultant: PlanPacific, Inc., 1001 Bishop Street, Suite 2755, Honolulu, HI 96813. Contact: Lisa Leonillo Imata, (808) 521-9418
Status: Statutory 30-day public review and comment period starts; comments are due by June 8, 2015. Please send comments to the proposing/determination agency, and consultant.



The proposed project is to replace a sub-standard gymnasium with a new two-story gymnasium at the same location, construct a new music building in the middle of campus to address current needs, make improvements to the internal pedestrian circulation, and make improvements to vehicular access and parking. The proposed project is needed to modernize the Roosevelt High School campus and meet current standards. No significant adverse long-term or cumulative impacts are anticipated to be generated from the proposed project.

5. Spurgat-Waterhouse Residence 5(e) FEA (FONSI)

Island: O'ahu
District: Honolulu
TMK: (1) 2-5-018:016
Permits: State of Hawai'i: Conservation District Use Permit; City and County of Honolulu: Building Permit, Grading Permit
Applicant: Adam Spurgat and Jacey Waterhouse, 3826 Round Top Drive, Honolulu, HI 96822. (808) 217-5377
Approving Agency: Office of Conservation and Coastal Lands, Department of Land and Natural Resources, Kalanimoku Building, 1151 Punchbowl Street, Room 131, Honolulu, HI 96813. Contact: Samuel J. Lemmo, (808) 587-0377
Consultant: N/A
Status: Finding of No Significant Impact Determination



The applicants propose to construct a Single Family Residence (SFR) at Tantalus, island of O'ahu, TMK (1) 2-018:016. The approximately 1.534-acre parcel lies within the State Land Use Conservation District, Subzone Resource. The 2,922-ft² proposed SFR is a linear post on pier construction with a lower garage area. Design features include: 3 bedrooms, 2 baths, a kitchen/dining/living room, and a lanai area. Other improvements include three 6,000-gallon above ground water storage tanks, an individual wastewater system and a 12-ft wide gravel driveway.

The proposed SFR will provide a primary residence for Adam Spurgat, Jacey Waterhouse, and their children.

KAUA'I (HRS 343)

6. HoKua Place 5(e) DEIS

Island: Kaua'i
District: Kawaihau
TMK: (4) 4-3-003: 001 (portion)
Permits: LUC Boundary Amendment; County Class IV Zoning & Use Permits; County Council Approval for Zoning Change; Subdivision Approval; Building Permits
Applicant: HG Kaua'i Joint Venture LLC, 9911 S. 78th Avenue Hickory Hills, IL 60457.
Approving Agency: Land Use Commission, P.O. Box 2359, Honolulu, HI 96804. Contact: Daniel E. Orodener, (808) 587-3822
Consultant: Ho'okuleana LLC, 1539 Kanapu'u Drive, Kailua, HI 96734. Contact: Peter T. Young, (808) 226-3567
Status: Statutory 45-day public review and comment period starts; comments are due by June 22, 2015. Please send comments to the applicant, approving agency, and consultant.



HoKua Place is mix of lots, single-family and multi-family residential, with market and affordable rates with complementary uses. This 97-acre development seeks to fill the housing needs of Kapa`a within the Urban Center, consistent with the Kaua'i General Plan. HoKua Place is proposed to be a sustainable community that preserves the rural-like character of Kapa`a while meeting its growing housing needs.

HoKua Place, TMK: (4) 4-3-003:001 (portion), includes approximately 97-acres of the approximately 163-acre larger parcel. The project is located mauka of Kapa`a town.

Approximately 97-acres will be subdivided into single family and multifamily lots providing for an approximate total of 683-multi-family units and 86-single family lots and homes; affordable housing will be built on-site and will conform to Kaua'i County Ordinance. In addition, HoKua Farm Lots shares some of the project infrastructure and is included in this analysis.

The project includes open space encompassing 14.3-acres; a 3.1-acre park adjacent to the existing Kapa`a Middle School with an area for the county's proposed relocation of the Kapa`a county swimming pool; and 1.4-acres for commercial use. Transportation improvements will include a channelized intersection on Kapa`a Bypass Road, bus stops, sidewalks and bike and walking paths to the existing Kapa`a Middle School.

7. Hotel Coral Reef 5(e) DEA (AFNSI)

Island: Kaua'i
District: Kawaihau
TMK: (4) 4-5-011:046 and (4) 4-5-012:005
Permits: County Class IV, SMA, and Variance Permits Required
Applicant: Hotel Coral Reef, c/o Ron Agor Architect, 460 Ena Road, Suite 303, Honolulu, HI 96815. (808) 947-2467
Approving Agency: Department of Land and Natural Resources, 1151 Punchbowl Street, Honolulu, HI 96813. Contact: Carty Chang, (808) 587-0400
Consultant: Agor Architects, LLC, 460 Ena Road, Suite 303, Honolulu, HI 96815. Contact: Ron Agor, (808) 947-2467
Status: Statutory 30-day public review and comment period starts; comments are due by June 8, 2015. Please send comments to the applicant, approving agency, and consultant.



Hotel Coral Reef is proposing a third story addition over an existing two story concrete hotel building. The existing building is approximately 112 feet wide by 36 feet deep by 18 feet high. Third story addition will be over the existing two story building, raising the height to approximately 35 feet high. The footprint of the building will remain the same with the exception of the addition of a 68 square foot elevator.

Hotel Coral Reef received from the Board of Land and Natural Resources approval of a 55 year lease extension for the continued use of the hotel on state lands. The major condition of the lease extension was that the lessee is required to make "Substantial improvements to the existing structure. Hotel Coral Reef presented this project to the BLNR as representing the intent to substantially improve the existing structure.

Hotel Coral Reef is a small 21 room hotel Makai of Kuhio Highway in Kapa'a, Kaua'i. The site is along a county park that is between the hotel and the shoreline. The proposed third story addition will add 6 new rooms to the hotel operations. The increase in the room count will help Hotel Coral Reef meet the payment of new lease amount.

HABITAT CONSERVATION PLAN (HR# 195D)

Na Pua Makani Wind Energy Project

Island: O'ahu
District: Ko'olaupua
TMK: (1) 5-6-006:018 and (1) 5-6-008:006
Permits: Incidental Take License
Applicant: Na Pua Makani Power Partners, LLC, Chaplin
 Hawai'i Wind Holdings, LLC, P.O. Box 540, Santa
 Barbara, CA 93102. Contact: Mike Cutbirth, (805)
 568-0300, ext. 23



Approving

Agency: Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Room 325, Honolulu, HI 96813. (808) 587-0166

Consultant: Tetra Tech, Inc., 1750 SW Harbor Way, Suite 400, Portland, OR 97201. Contact: Alicia Oller, (503) 727-8072

Na Pua Makani Power Partners LLC proposes to construct and operate a wind farm (Project) with a net generating capacity of up to 25 megawatts, on the island of O'ahu. In addition of up to 10 wind turbine generators, the proposed Project would include an electrical collection system, an operations and maintenance facility, an approximately 0.9 mile (1.5 km) transmission line, a permanent meteorological tower, and approximately 5.2 miles (8.4 km) of permanent roads.

The purpose of the draft Habitat Conservation Plan (HCP) is to mitigate for potential injur and death to the threatened and endangered 'a 'o or Newell's shearwater (*Puffinus auricularis newelli*), koloa maoli or Hawaiian duck (*Anas wyvilliana*), ae'o or Hawaiian stilt (*Himantopus mexicanus knudseni*), 'alae ke'oke'o or Hawaii coot (*Fulica alai*), 'alae 'ula or Hawaiian moorhen (*Gallinula chloropus sandvicensis*), pueo or Hawaiian short-eared owl (*Asio flammeus sandwichnesis*), nēnē or Hawaiian goose (*Branta sandvicensis*), and the ōpe'ape'a or Hawaiian hoary bat (*Lasiurus cinereus semotus*) due to construction and operation of the Project. The HCP outlines provisions for net benefit to the covered species and environment, and contributes to the recovery of each of these species.

The public is encouraged to comment on the draft HCP. Please send comments to: Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Room 325, Honolulu, HI 96813. Attention: HCP Coordinator Afsheen Siddiqi. Or email comments to: Afsheen.A.Siddiqi@hawaii.gov. Public comment period has been extended to: **June 8, 2015**.

The Division of Forestry and Wildlife will also hold a **public hearing on June 4th at 6pm in Kahuku** to receive public comments on the draft Habitat Conservation Plan. The date and location of the public hearing will also be made available to the public via legal notice.

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area (SMA) Minor Permits

The SMA Minor permits below have been approved (HRS 205A-30). For more information, contact the county/state Planning Department. Honolulu (768-8014); Hawai'i (East 961-8288, West 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Kaua'i: Moloa'a (4-9-014: 008)	Installation of a Private Water Well (SMA(M)-2015-32)	Michael S. Wells Trust
Kaua'i: Hanalei (5-4-004: 032)	Construction of Rock Wall, Entry Gate & Landscaping (SMA(M)-2015-33)	Richard Carlson Trust
Maui: Ka'anapali (4-4-008: 002)	Parking Improvements (SM2 20150022)	Sharon Wright
Maui: Lahaina (4-6-002: 022)	New Dwelling (SM2 20150023)	Michael Newbro
Maui: Ka'anapali (4-4-008: 021)	Maui Eldorado Recreation Building Renovations (SM2 20150024)	Anthony Riecke-Gonzales
Maui: Ka'anapali (4-4-008: 005)	Tents for Events (SM2 20150025)	Maui Rents, Inc.
Maui: Kapalua (4-2-004: 036)	Sprint-Nextel Modification of Existing Facility (SM2 20150026)	Sprint-Nextel
O'ahu: Waialua (6-6-017: 027)	After-the-Fact Two-Story Single-Family Dwelling (2015/SMA-6)	Landmark Builders, Inc.

SHORELINE NOTICES

Shoreline Certification Applications

The shoreline certification applications below are available for review at the Department of Land and Natural Resources Offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS 205A-42 and HAR 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, Hawai'i 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at (808) 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1649	3/27/15	Lot 46 Mokuleia Beach Subdivision File Plan 863 situate at Kamananui, Waialua, O'ahu Address: 68-239 Au Street Purpose: Obtain building permit	Wesley T. Tengan/ Ann Akena, Miles Honda, Sheryl Shimomi	6-8-012:046
MA-607	4/13/15	Portion of Grant 548 to J.Y. Kanehoa situate at Paeahu, Honua'ula, Kula, Maui Address: 3070 South Kihei Road Purpose: Building permits	Tom Tezak/ Chow Ju Fa Chen Trust	2-1-010:002
MA-608	4/15/15	Lot A of the Keawakapu Beach Lots situate at Keawakapu, Makawao, Maui Address: 3214 South Kihei Road Purpose: N/A	Akamai Land Surveying, Inc./ Neil Felder	2-1-010:012
MA-609	4/20/15	Lots 3, 4, 5 and 6 of the Maui Prince Hotel Subdivision being portions of Land Patent Grant S-15,029 to Ulupalakua Ranch, Inc. and Royal Patent Grant Number 835 to Mahoe situate at Maluaka, Honua'ula, Makawao, Maui Address: 5400 Makena Alanui Drive Purpose: Shoreline setback purposes	Austin, Tsutsumi & Associates, Inc./ ATC Holdings, LLC	2-1-006:057, 059, 111 & 112

HA-508	4/17/15	Portion of North Kona Regional Park and Wildlife Sanctuary Parcel A (C.S.F. 21,241) being the whole of Grant 4723, Lot 1 to J. Kaelemakule Jr. and a portion of Kona Coast State Park Parcel B (C.S.F. 22,263) situate at Mahaiula and Kaulana, North Kona, Island of Hawai'i Address: 72-3630 Queen Ka'ahumanu Highway Purpose: Obtain County permits	Wes Thomas Associates/ DLNR Division of State Parks	7-2-005:003
KA-398	4/13/15	Parcel 2 being portion of the Government (Crown) Land of Waimea and Parcel 40 being portion of the Government (Crown) Land of Waimea situate at Kekaha, Waimea, Kaua'i Address: Kaumuali'i Highway Purpose: Determine shoreline setback	Esaki Surveying and Mapping, Inc./ State of Hawai'i DLNR	1-2-002:036, 040

Shoreline Certification and Rejection

The shoreline notice below has been proposed for certification or rejection by the Department of Land and Natural Resources (HRS 205A-42 and HAR 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1626	Rejection	Lot 8 of the Kaluanui Beach Lots, Section A R.P. 4475, L.C. Aw. 7713, Ap. 32 to V. Kamamalu situate at Kaluanui, Koolauloa, Oahu Address: 53-633 Kamehameha Highway Purpose: Building permit	Hawaii Land Consultants/ Michael D. Grondin Trust	5-3-008:014

FEDERAL NOTICES

This notice lists relevant entries from the Federal Register, gleaned from a search of Hawai'i-based entries published since the date of the last issue of The Environmental Notice, available at <http://www.gpo.gov/fdsys/>

1. [Draft General Management Plan/Wilderness Study/Environmental Impact Statement Hawaii Volcanoes](#)

The National Park Service (NPS) has prepared a Draft Environmental Impact Statement (DEIS) for the General Management Plan (GMP) for Hawaii Volcanoes National Park (Hawaii Volcanoes NP) in the State of Hawaii. The proposed GMP also includes a wilderness study (WS) which analyzes wilderness suitability of park lands and includes a recommendation for wilderness designation. This DEIS describes and analyzes three GMP alternatives that respond to both NPS planning requirements and to public concerns and issues identified during the scoping and public involvement process. Each alternative presents management strategies for resource protection and preservation, education and interpretation, visitor use and facilities, land protection and boundaries, and long-term operations and management of Hawaii Volcanoes NP. The potential environmental consequences of all the alternatives, and mitigation strategies, are analyzed, and the "environmentally preferred" alternative is identified. The wilderness study recommends wilderness designation of lands found eligible in the Kahuku Unit. This GMP will replace the 1975 Master Plan for the park.

2. [Termination of Environmental Impact Statement for the Gray's Beach Restoration Project, Waikiki](#)

The U.S. Army Corps of Engineers (Corps), Honolulu District, is issuing this notice to advise Federal, state, and local governmental agencies and the public that the Corps is withdrawing its Notice of Intent (NOI) to prepare a Draft Environmental Impact Statement (EIS) for the Gray's Beach Restoration Project located in Waikiki on the Island of Oahu, Hawaii (Corps File No. POH-2007-00192).

3. [Draft Environmental Impact Statement for the Schofield Generating Station Project, United States](#)

The Department of the Army announces the availability of the Draft Environmental Impact Statement (DEIS) for the proposed lease of land and granting of easements on Schofield Barracks and Wheeler Army Airfield to Hawaiian Electric Company (Hawaiian Electric) for the construction, ownership, operation, and maintenance of a 50-megawatt (MW) capacity, biofuel-capable power generation plant, referred to as the Schofield Generating Station,

and associated power poles, high-tension power lines, and related equipment and facilities. In accordance with the National Environmental Policy Act (NEPA), the DEIS analyzes the environmental impacts associated with construction and operation of the Schofield Generating Station and associated infrastructure. The Army has determined that there are historic properties nearby, but that the undertaking will have no effect upon them as defined in 36 CFR 800.16(i). The Draft EIS documents this finding and it is now being made available for public review. The Draft EIS comment process is also an opportunity for public to provide input about the effects of the proposed actions on historic property, for consideration in Army decision making.

4. [Western Pacific Fishery Management Council; Public Meetings](#)

The Western Pacific Fishery Management Council (Council) will hold a meeting of its Pelagics Plan Team (PPT) and a joint meeting of the Hawaii Members of the PPT, Advisory Panel (AP), Non-Commercial Fisheries Advisory Committee (NCFAC) and Fishing Industry Advisory Panel (FIAP), in Honolulu, HI, to discuss fishery issues and develop recommendations for future management. The meeting of the PPT will be held May 12-13 2015, from 8:30 a.m. to 5 p.m. The joint meeting of the Hawaii Members of the PPT, AP, NCFAC and FIAP will be held on May 14, 2015 from 9 a.m. to 5 p.m. For information, contact Kitty M. Simonds, Executive Director; telephone: (808) 522-8220.

5. [Proposed Expansion, Regulatory Revision and New Management Plan for the Public Hearings](#)

On March 26, 2015, NOAA published a proposed rule in the Federal Register proposing to expand the boundaries and scope of the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS) (80 FR 16224). This document adds two additional hearings to the public hearings listed in the proposed rule. The end of the scoping period remains June 19, 2015. For information, contact Malia Chow, Superintendent, Hawaiian Islands Humpback Whale National Marine Sanctuary at 808-725-5901 or hihwmanagementplan@noaa.gov

6. [Importation of Papayas From Peru](#)

We (the Federal Department of Agriculture) are amending the regulations to allow, under certain conditions, the importation of commercial consignments of fresh papayas from Peru into the continental United States. The conditions for the importation of papayas from Peru will include requirements for approved production locations; field sanitation; hot water treatment; procedures for packing and shipping the papayas; and fruit fly trapping in papaya production areas. This action will allow for the importation of papayas from Peru while continuing to provide protection against the introduction of quarantine pests into the continental United States.

7. [Importation of Fresh Peppers From Peru Into the Continental United States and the Territories](#)

We (the Federal Department of Agriculture) are proposing to amend the fruits and vegetables regulations to allow the importation of fresh peppers into the continental United States and the Territories from Peru. As a condition of entry, the fruit would have to be produced in accordance with a systems approach that would include requirements for fruit fly trapping, pre-harvest inspections, production sites, and packinghouse procedures designed to exclude quarantine pests. The fruit would also be required to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of Peru with an additional declaration stating that the consignment was produced in accordance with the requirements of the systems approach. This action would allow for the importation of untreated fresh peppers from Peru while continuing to provide protection against the introduction of plant pests into the continental United States and the Territories.



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\(e\)](#), for Applicant actions. For actions for which the agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments on a DEA received during the 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) along with the supporting Final EA. After the notice of the FEA-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.

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

Act 172-2012, amended HRS 343, by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public to request for a period of thirty-days, to be consulted parties in the preparation of the Draft EIS. Comments and responses must be incorporated into the subsequent Draft 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 and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

Acceptability

If the FEIS is [accepted](#), notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a nonacceptance determination.

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. Notices of permit applications are published in this bulletin.

Special Management Area and Shoreline Setback Area

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

Shoreline Certifications

State law requires that 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).