

# THE ENVIRONMENTAL NOTICE

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

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**DECEMBER 23, 2015**

Aloha and mahalo for reading The Environmental Notice.

The Environmental Notice provides public notice for projects undergoing environmental review in Ha-wai'i. This is mandated under [Section 343-3, Hawai'i Revised Statutes](#) (HRS), the Environmental Impact Statement Law. Along with publishing Hawaii's Environmental Assessments and Environmental Impact Statements, the Environmental Notice publishes other items related to the shoreline, coastal zone, and federal activities.

For calendar year 2015, the OEQC published 24 issues of The Environmental Notice, twice a month each month. The preliminary estimate of items published in the Notice is 166, counting Draft Environmental Assessments (EAs), Final EAs, Draft Environmental Impact Statements (EISs), FEISs, as well as other related documents such as acceptance or withdrawal letters. The table shows the distribution of published items by island for 2015. No items were published for Ni'i'hau or as a statewide action.

Island	DEA-AFNSI	FEA-FONSI	EISPN	DEIS	FEIS	Other	Total by island
Hawai'i	20	16	1			1	38
Kaua'i	7	4	2	2		1	16
Lāna'i	1						1
Maui	12	13	3		2	2	32
Moloka'i	1	1					2
O'ahu	35	31	1	5	3	2	77
<b>Total by document type</b>	76	65	7	7	5	6	166

Thank you again for your involvement with Hawai'i's environmental review process.  
Happy Holidays and Happy New Year!

Waiawa Unit of the Pearl Harbor National Wildlife Refuge. Photograph by Laura M. Beauregard, July 29, 2010, courtesy of the U. S. Fish and Wildlife Service



# GLOSSARY OF TERMS AND DEFINITIONS

## 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 the actions' environmental impact will be significant, and thus 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 proposing or approving 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 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. 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, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)

Act 172 in 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 a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISPN must be incorporated into the subsequent Draft EIS.

## Act 312-2012, Secondary Actions in the Highway or Public Right Of Way

Act 312-2012, amended HRS 343, by adding a new section (HRS 343-5.5., entitled "Exception to applicability of chapter.") HEPA now allows for a statutory exception for "secondary actions" (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related "primary action" (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

## 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 non-acceptance 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's 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.

## Administrative 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).



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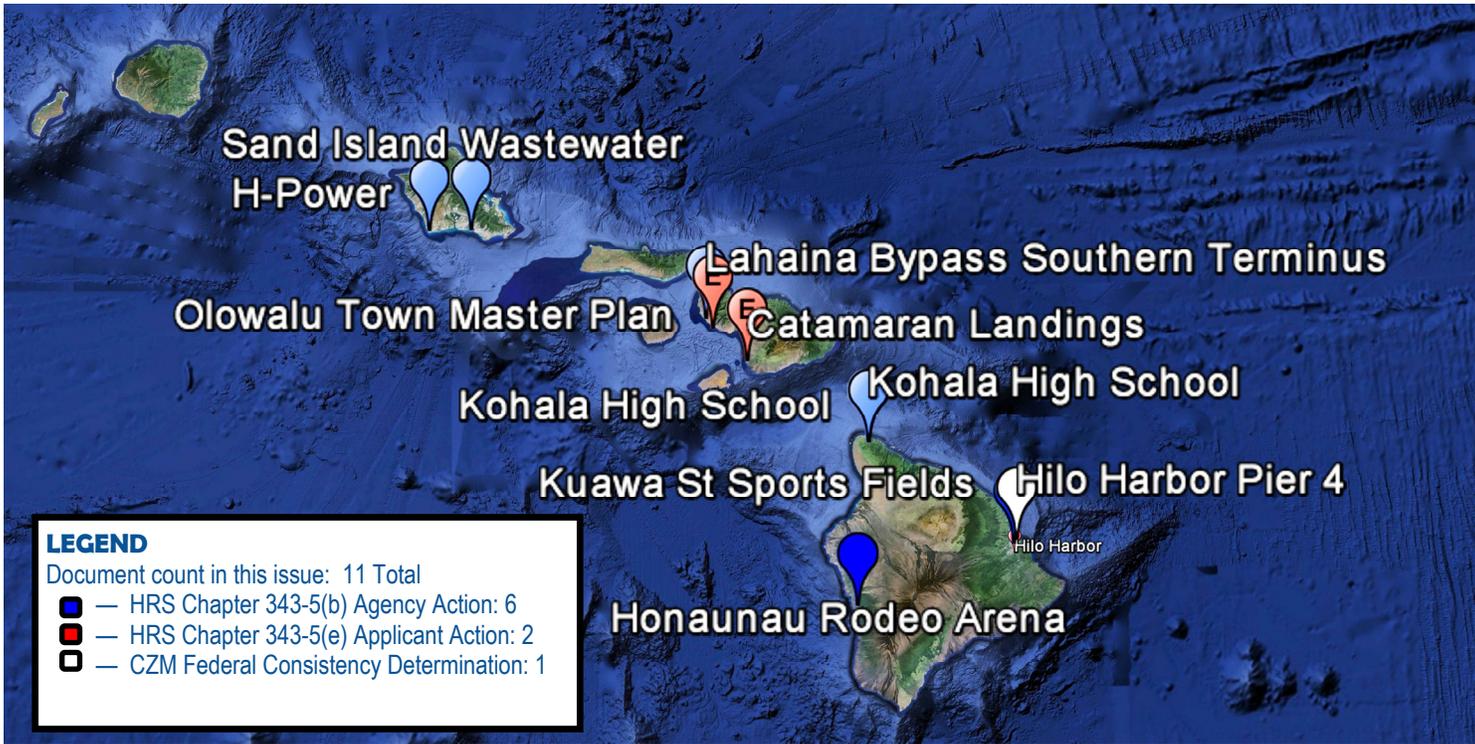
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Nēnē (*Branta sandvicensis*) courtesy of the National Resources Conservation Service



## STATE-WIDE MAP OF INCLUDED PROJECTS



## HAWAI'I (HRS Chapter 343)

### 1. Hōnaunau Rodeo Arena Improvements FEA (FONSI)

**HRS §343-5**

**Trigger(s):** Use of County Land & County funds  
**District:** South Kona  
**TMK:** 3-8-4-08:002  
**Permits:** National Pollutant Discharge Elimination System Permit and IWS Approval (State DOH); Grading and Grubbing Permits (County DPW); Building Permits and Plan Approval (County DPW and Planning); Chapter 6e, HRS, determination from State Historic Preservation Division on historic property effects; Disability and Communication Access Board (DCAB) plan review and approval

**Proposing & Determining**

**Agency:** County of Hawai'i Department of Parks and Recreation, 101 Pauahi St., Suite 6, Hilo, HI 96720; James Komata, (808) 961-8311

**Consultant:** Geometrician Associates, P.O. Box 396, Hilo, HI 96721; Ron Terry, (808) 969-7090; rterry@hawaii.rr.com

**Status:** Finding of No Significant Impact (FONSI) Determination; comments are not taken on this action



The project would improve and expand the facilities and range of services at the Hōnaunau Rodeo Arena by: rerouting and improving vehicular access and circulation to better accommodate and separate uses; improving water system; relocating the arena space and improving structures; expanding and rationalizing parking; replacing, expanding and improving spectator seating; building a new pavilion for community use; replacing the existing comfort station; and improving facilities to make them more accessible to individuals with disabilities.

No impacts to any biological or water resources would occur. Archaeological sites consist solely of cattle walls that have been continuously modified through time and will be minimally impacted. Mitigation includes timing of clearing to avoid impacts to listed vertebrate species, NPDES and grading permits with BMPs during construction to avoid erosion and sedimentation, consultation of DOH concerning the need for a community noise control permit during construction, a dust control plan and precautionary conditions related to inadvertent finds of cultural materials. Traffic impacts are unlikely because there will be no substantial change to the traffic level of service on a daily basis.

## 2. Kohala High School New STEM Science Buildings FEA (FONSI)

### HRS §343-5

**Trigger(s):** Use of State lands and State funds

**District:** North Kohala

**TMK:** (3) 5-4-008: 021 and (3) 5-4-007: 014

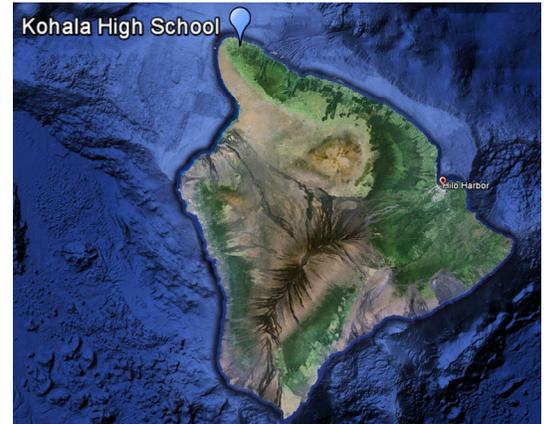
**Permits:** To be determined

### Proposing & Determining

**Agency:** State of Hawai'i Department of Education, Facilities Development Branch, Project Management Section, Kalanimoku Building, 1151 Punchbowl Street, Room 431, Honolulu, HI 96813; Arnold Fukunaga, AIA, (808) 586-0440

**Consultant:** PlanPacific, Inc., P.O. Box 892735, Mililani, HI 96789  
Lisa Leonillo Imata, (808) 521-9418

**Status:** Finding of No Significant Impact (FONSI) Determination; comments are not taken on this action



The proposed project for the Kohala High School campus is to replace a sub-standard science classroom with four new single-story science, technology, engineering, and mathematics (STEM) buildings and renovate the existing science classroom to create a new faculty center. The proposed project is needed to modernize the high school campus and meet current Department of Education classroom standards. No significant adverse long-term or cumulative impacts are anticipated to be generated from the proposed project.

## 3. Kuawa Street New Sports Fields Development FEA (FONSI)

### HRS §343-5

**Trigger(s):** Use of State/County land and County funds

**District:** South Hilo

**TMK:** (3) 2-2-032:003, 004, 008, 019, 087 and 088

**Permits:** National Pollutant Discharge Elimination System Permit (State DOH)  
Grading, Grubbing and Driveway Permits (County DPW)  
Building Permits and Plan Approval (County DPW and Planning)

Variance or exemption from HCC Chapter 27 – Flood Control to allow minor fill in Flood Zone

Chapter 6e, HRS, determination from State Historic Preservation Division on historic property effects

Disability and Communication Access Board (DCAB) plan review and approval

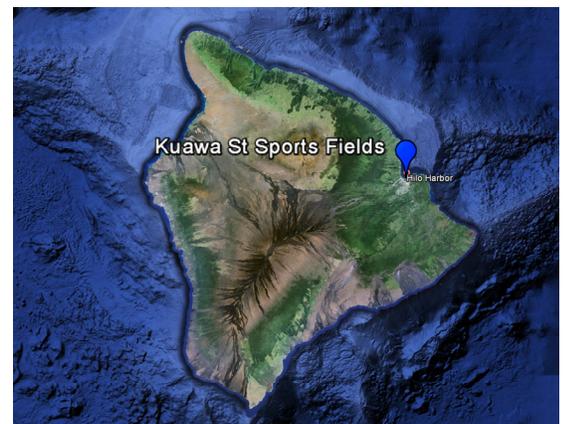
Approval from Department of Health of soil mitigation plans

### Proposing & Determining

**Agency:** County of Hawai'i Department of Parks and Recreation, 101 Pauahi St., Suite 6, Hilo, HI 96720; James Komata, (808) 961-8311

**Consultant:** Geometrician Associates, P.O. Box 396, Hilo, HI 96721; Ron Terry, (808) 969-7090; rterry@hawaii.rr.com

**Status:** Finding of No Significant Impact (FONSI) Determination; comments are not taken on this action



The County of Hawai'i P&R proposes to convert an open area near the Ho'olulu Park Complex for use as recreational fields. There is a lack of fields for youth, adult and senior sports. The Proposed Action would prepare a safe, flat soil base and turf suitable for recreation, and then build a multi-use football/soccer/rugby field capable of hosting youth, adult makule level regulation games, with goals and goal posts, as well as bleachers on concrete slab, dugouts, fencing, drinking fountains and related amenities. The eastern part would have a field suitable for both youth soccer and baseball games. Driveways from Kuawa Street, fencing, parking, landscaping, and accessible routes and walkways would be provided. Future phases may include field lighting, covers for the bleachers, a concessions facility, a comfort station, a storage facility, an onsite network of walkways for bi-directional walking/jogging and full perimeter fencing. No impacts to any biological or water resources would occur, and traffic impacts were studied and found minor. Historical features spanning several eras will be honored through naming, signage, and preservation and reuse. Mitigation includes timing of clearing to avoid impacts to listed vertebrate species and best management practices during construction to avoid erosion and sedimentation. Soil testing found concentrations above background levels of arsenic, lead and benzo(a)pyrene in some parts of the site. A mitigation plan is being developed in close coordination with the DOH to ensure safety during construction and public use.

## MAUI (HRS Chapter 343)

### 4. Non-Acceptance of Olowalu Town Master Plan FEIS

#### HRS §343-5

**Trigger(s):** Community Plan Amendment

**District:** Lahaina

**TMK:** (2) 4-7-013:001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, and 012.

**Permits:** Building, Grading, Special Management Area, Community Plan Amendment

#### Approving

**Agency:** State of Hawai'i Land Use Commission (LUC), P.O. Box 2359, Honolulu, Hawai'i 96804; Dan Orodener, Executive Director, (808) 587-3822

**Applicant:** Olowalu Town, LLC and Olowalu Ekolu, LLC, 2035 Main Street, Suite 1, Wailuku, Hawai'i 96793; David Ward and William Frampton; (808) 249-2224

**Consultant:** Munekiyo Hiraga, 305 High Street, Suite 104, Wailuku, Hawai'i 96793; Michael Munekiyo, (808) 244-2015

**Status:** The LUC, in its capacity as the Approving Agency, did not accept the project's Final EIS. No public comments are taken on this action.



Olowalu Town, LLC and Olowalu Ekolu, LLC proposes the Olowalu Town Master Plan which serves to guide the re-establishment of a small-scale and mixed-use community at Olowalu. The Master Plan area consists of 23 agricultural parcels encompassing approximately 636 acres. The Master Plan will consist of approximately 1,500 dwelling units consisting of single-family and multi-family housing types with commercial and support services such as, but not limited to, parks, schools, private water, and sewer services. The Olowalu Town Master Plan encompasses the provision of workforce housing. The Master Plan is designed as a sustainable pedestrian friendly community which will allow residents to live within walking distance of stores, schools, parks, employment opportunities, gathering centers, beaches/shoreline, and other social and civic resources. The Master Plan incorporates sustainable technology such as, but not limited to, the reuse of water from the proposed sewer treatment plant for irrigation and small scale energy systems. A significant infrastructure component of the Master Plan is the proposed relocation of Honoapi'ilani Highway further inland from the coastline. The Master Plan will require a State District Boundary Amendment, Community Plan Amendment, Change in Zoning, Project District Approvals, and SMA Permit.

## 5. Catamaran Landings at Malauka Beach DEA (AFNSI)

### HRS §343-5

**Trigger(s):** Use of State Lands

**District:** Makawao

**TMK:** Offshore ocean waters, adjacent to (2)2-1-006:59 (ATC Makena Hotel LLC)

**Permits:** Land Disposition

### Approving Agency:

Board of Land and Natural Resources,  
P.O. Box 621, Honolulu, HI 96809;  
Tiger Mills, (808) 587-0382

**Applicant:** Sidney J. Akiona, President, Kai Kanani, Inc., a general partner of Makena Boat Partners, 170 Ulana Street, Makawao, HI 96768; (808) 879-7218

**Consultant:** Eugene Dashiell, AICP, 728 Nunu Street, Kailua, HI 96734; (808) 254-4522  
dashiellplanning@outlook.com

**Status:** Statutory 30-day public review and comment period starts; comments are due by January 22, 2016. Please send comments to the Approving Agency and cc: the Applicant & Consultant



This Environmental Assessment addresses continued use of Maluaka Beach by Makena Boat Partners (“MBP”) to board and disembark passengers and crew of the catamaran Kai Kanani II (the “Vessel”). Passengers and crew access the Vessel by walking across the public beach into shallow water and board by means of a retractable ladder. The process is repeated on the Vessel’s return. Boarding or disembarking requires no more than ten minutes. The Vessel remains afloat and under power throughout each cycle. These cycles, or “Landings,” may be repeated up to four times a day. The first excursion begins at 6:30 and returns two hours later; the second begins at 9:00 AM and returns at 1:00 PM. Seasonal whale watch, sunset and special charters are also offered but the Vessel is never present more than 90 minutes on even the busiest days of the year. MBP has made Landings at Maluaka Beach continuously since the 1980s. In 1986, the U.S. Army Corps of Engineers authorized MBP to install the mooring from which the Vessel operates today. A special condition of the federal permit required MBP to “acquire a Conservation District Use Permit from the State Department of Land and Natural Resources.” In 1988, the Board of Land and Natural Resources granted “after-the-fact” approval of the use of conservation lands for the subject vessel mooring. As for the use of the public beach for loading/offloading of passengers, MBP was directed to obtain “appropriate authorization through the Division of Land Management, State Department of Land and Natural Resources for the occupancy of State Lands.” This Environmental Assessment is prepared in conjunction with an Application for Use of Government Lands through which MBP shall seek a non-exclusive easement for the occupancy of State lands at Maluaka Beach for the limited purpose of Landings.

## 6. Relocation of Lahaina Bypass Southern Terminus, Volume 1, and Volume 2, FEA (FONSI)

### HRS §343-5

**Trigger(s):** Use of State funds and State & County lands

**District:** Lahaina

**TMK:** (2)4-7-001:026, 030 and (2)4-7-013:002, 005, 008, 010 and 011

**Permits:** National Environmental Policy Act Compliance; U.S. Department of Army Permit, as applicable; Hawai’i Revised Statutes, Chapter 343 Compliance; Section 401 Water Quality Certification, as applicable; National Pollutant Discharge Elimination System (NPDES) Permit; Coastal Zone Management (CZM) Federal Consistency Determination, as applicable; Community Noise Permit, as applicable; Construction Permits; Special Management Area (SMA) Permit; Special Flood Hazard Area Development (SFHAD) Permit, as applicable.



**Proposing & Determining**

- Agency:** State of Hawai'i, Department of Transportation, 869 Punchbowl Street, Honolulu, HI 96813  
Darell Young, (808) 587-1835
- Consultant:** Munekiyo Hiraga, 305 High Street, Suite 104, Wailuku, HI 96793;  
Mark Alexander Roy, AICP, (808) 244-2015
- Status:** Finding of No Significant Impact (FONSI) Determination; comments are not taken on this action

The Hawai'i Department of Transportation, in coordination with the Federal Highway Administration, is proposing the relocation of the southern terminus of the Lahaina Bypass Highway from its current terminus point at Launiupoko to the vicinity of the former Olowalu Landfill, a distance of approximately 4,800 lineal feet as measured along Honoapi'ilani Highway. The purpose of the proposed shift is to provide benefits towards preservation of the State Highway System from coastal erosion and storm surge hazards, as well as provide enhanced capacity between Central Maui and West Maui.

## O'AHU (HRS Chapter 343)

### 7. Building for Supplemental Environmental Project at H-Power FEA (FONSI)

**HRS §343-5**

- Trigger(s):** Use of County lands and funds
- District:** 'Ewa
- TMK:** (1)9-1-026: 033, 034 & 035
- Permits:** Building permit, Clearing and Grading permit, Solid Waste Management Permit, and a Storm Water Notice of General Permit Coverage (NGPC) for an industrial activity.

**Proposing & Determining**

- Agency:** City & County of Honolulu Department of Environmental Services, 1000 Ulu'ōhi'a St., Suite 308, Kapolei, HI 96707; Manuel S. Lanuevo, PE, AP, LEED, Chief, Refuse Division (808) 768-3406
- Consultant:** N/A
- Status:** Finding of No Significant Impact (FONSI) Determination; comments are not taken on this action

Pursuant to a Consent Decree between the City and County of Honolulu and the U.S. Environmental Protection Agency, the City agreed to a Supplemental Environmental Project that involves installing a solar PV system at H-POWER. The new building is proposed as part of the PV system, and will be sited on adjacent City-owned parcels. The area within the structure will be made available to support additional activities including but not limited to refrigerant reclamation and recycling, metals processing, storage, and vehicle access. The proposed action will comply with all Federal, State, local laws, regulations, ordinances, rules, permits, licenses, and governmental orders and directives. Traffic and roadway impacts will be minimal with only slightly increased traffic counts, most of which are already occurring within James Campbell Industrial Park. Minor construction impacts will be temporary and will be mitigated with Best Management Practices. There are no cultural, noise, visual, socioeconomic, solid waste, energy, or human health impacts that were not pre-existing. Existing biological and archaeological sanctuaries on the project site are fenced off and will be protected and maintained during construction and once the facility is operational. Based on the significance criteria set forth in HAR, Title 11, Chapter 200, Environmental Impact Statement Rules, the proposed action is not anticipated to result in significant environmental impacts. In fact, the proposed action is anticipated to result in significant benefits, including recycling activities and increased renewable energy generation, which supports the State of Hawai'i's goals for 100% renewable energy production by 2040.

## **8. Sand Island Wastewater Treatment Plan Odor Control System FEA (FONSI)**

### **HRS §343-5**

**Trigger(s):** Use of State lands and County funds  
**District:** Honolulu  
**TMK:** (1) 1-5-041: 005  
**Permits:** Special Management Area Permit, Air Permit Modification, National Pollutant Discharge Elimination Permit, Building Permit, Grading and Stockpiling Permit

### **Proposing / Determining Agency:**

Department of Design and Construction, City and County of Honolulu, 650 South King Street, 11th Floor, Honolulu, HI 96813; Robert J. Kroning, P.E., Director, (808) 768-8480

**Consultant:** R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawai'i 96819  
 James Niermann, Planning Coordinator, (808) 842-1133; Email: JimN@rmtowill.com

**Status:** Finding of No Significant Impact (FONSI) Determination; comments are not taken on this action



The City and County of Honolulu, Department of Design and Construction proposes to construct improvements to the existing Ultraviolet Disinfection and Effluent Pump Station (UV/EPS) at the Sand Island Wastewater Treatment Plant (WWTP) with the installation of an Odor Control System (OCS) facility. The proposed OCS improvements consist of covering all channels and sealing all openings, constructing fans and ductwork to convey airflow, constructing new carbon scrubbers to treat foul air, and constructing new exhaust stacks to discharge treated air. A condition assessment study of the facility conducted in 2012 concluded that a dedicated UV/EPS OCS be installed to contain and treat foul air being released by this facility. The purpose of the proposed improvements is as follows:

- Ensure continued compliance with Hawai'i State Non-covered Source Permit (NSP) No. 0216-05-N.
- Increase the reliability of the Sand Island WWTP by reducing hydrogen sulfide odor and odor-related corrosion impacts.
- Improve operating conditions at the Sand Island WWTP by reducing foul air.

## **COASTAL ZONE MANAGEMENT NOTICES**

### **Federal Consistency Reviews**

The Hawai'i Coastal Zone Management (CZM) Program has received the following proposed federal action to review for consistency with the CZM objectives and policies in Chapter 205A, Hawai'i Revised Statutes. This public notice is being provided in accordance with section 306(d)(14) of the National Coastal Zone Management Act of 1972, as amended. For information about CZM federal consistency please call John Nakagawa with the Hawai'i CZM Program at (808) 587-2878. From neighboring islands, use the following toll free numbers: Lanai & Molokai: 468-4644 x72878, Kauai: 274-3141 x72878, Maui: 984-2400 x72878 or Hawaii: 974-4000 x72878. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review. Comments may be submitted by mail, fax or electronic mail, as indicated below.

Mail: Office of Planning, Department of Business, Economic Development and Tourism  
 P.O. Box 2359, Honolulu, HI 96804;  
 Fax: (808) 587-2899; or  
 Email: john.d.nakagawa@hawaii.gov

## **9. Hilo Harbor Pier 4 Inter-Island Cargo Terminal Facility, Hilo, Hawai'i**

Construct a new Inter-Island Cargo Terminal Facility within Hilo Harbor, designated as Pier 4, which will be located west of the existing Pier 3. The new pier will be 602 feet, 4 inches long by 54 feet, 5 inches wide. The pier will be supported by two systems; the first one being 485 20-inch octagonal concrete piles and the second support system comprised of a concrete tie-back system anchored with a 5 feet by 12 feet concrete tie-block "deadman" located land side 50 feet from the pier edge. A seven-inch thick cast-in-place concrete slab will be placed on a precast 11-inch thick concrete plank. The entire pier deck will be protected by 1-inch thick asphalt concrete pavement. In addition, an articulating concrete block mattress will be installed along a 200-foot long slope.

**Applicant:** State of Hawai'i Department of Transportation, Harbor Division  
**Contact:** Ms. Christina Hawk, Mitsunaga & Associates, Inc., (808) 945-7882, ext. 158  
**Federal Action:** Federal Permit  
**Federal Agency:** U.S. Army Corps of Engineers, Honolulu District  
**Location:** Hilo Harbor, Hilo, Hawai'i  
**Comments Due:** January 6, 2016

## Special Management Area Minor Permits

The SMA Minor permits below have been approved (HRS 205A-30). For more information, contact the relevant county/State planning agency. 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
Maui: Pā'ia (2-6-011: 012)	Fence Installation (SM2 20150095)	Aleiki Place, LLC
Maui: Lahaina (4-2-004: 035)	Outdoor Covered Dining Area (SM2 20150096)	Atom K. Kasprzycki
Maui: Ka'anapali (4-4-013: 008)	Conversion of Landscape Area (SM2 20150097)	HMC Maui LP
Maui: (4-3-006: 041)	Foot Wash Area / Chain Link Fence (SM2 20150098)	AOAO Hale Mahina Beach Resort
Maui: Lahaina (4-5-001: 003)	Erection and Demolition of Wall (SM2 20150099)	Eran Lotem
Maui: Lahaina (4-5-001: 003)	Air Conditioner Installation (SM2 20150100)	Eran Lotem
O'ahu: Kahuku (5-7-001: 037)	Turtle Bay Resort Restaurant Renovation (2015/SMA-46)	Turtle Bay Resort, LLC / Belt Collins Hawaii, LLC
O'ahu: Kailua (4-2-013: 005)	Division of Forestry and Wildlife (DOFAW) Kawainui-Hamākua Management and Research Station Storage Building Project (2015/SMA-52)	DOFAW, Department of Land and Natural Resources / HHF Planners

## FEDERAL NOTICES

This section 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. For the PDF file click on the title link, also available at <http://www.gpo.gov/fdsys/>

### 10. [Programmatic Draft Environmental Impact Statement for Invasive Rodent and Mongoose Control and Eradication on U.S. Pacific Islands with the National Wildlife Refuge System and in Native Ecosystems in Hawai'i.](#)

The U.S. Fish and Wildlife Service (Service), in coordination with the State of Hawai'i Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW), announce the reopening of the public scoping process and comment period for the preparation of a Programmatic Draft Environmental Impact Statement for Invasive Rodent and Mongoose Control and Eradication on U.S. Pacific Islands within the National Wildlife Refuge System and in Native Ecosystems in Hawai'i (PDEIS). The Service is reopening the public scoping process and comment period for an additional 120 days. Written Comments: To ensure consideration, the Service must receive your written comments on or before April 7, 2016 to ensure all relevant information and recommendations are considered during the PDEIS process. Public scoping meetings will be held at a later date. Meeting dates, locations, and times will be announced in a future notice and on the Service's Web site at <http://www.fws.gov/pacificislands/nativerestoration/>. For details, please click on the link above in the title to this notice, or contact Mary Abrams, Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Honolulu, HI 96850; telephone 808-792-9400 (see, 80 F.R. 76567, December 9, 2015).

### 11. [Lodging of Proposed Consent Decree with the United States District Court, District of Hawai'i.](#)

On December 2, 2015, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Hawai'i in the lawsuit entitled United States v. Aloha Petroleum, Ltd., Civil Action No. CV 15-00498 HG-BMK. The United States' Complaint asserts claims against Aloha under Section 113(b) of the Clean Air Act ("CAA"), 42 U.S.C. 7413(b) and section 311(b) of the Clean Water Act ("CWA"), 33 U.S.C. 1321(b). Aloha operates a bulk gasoline terminal in Hilo, Hawai'i (the "Terminal"). The Terminal receives petroleum products via pipelines connected to the local marine port and stores the products in large tanks prior to transfer into tank trucks at the Terminal's loading rack. The Complaint alleges that Aloha failed to install a vapor collection system, limit emissions, and conduct a performance test, as required by 40 CFR part 60, subpart XX. Under the CWA, the Complaint alleges that Aloha failed to construct a secondary containment structure that is sufficiently impervious to contain oil, or to hold oil until cleanup can occur. 40 CFR 112.7(c), 112.8(c) (2). Under the Consent Decree, Aloha will pay a civil penalty of \$650,000, will "permanently close" the Terminal as defined in 40 CFR 112.2, and certify that it has ceased operating the loading racks there. Aloha will also install improved containment liners at five of its other facilities. The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to United States v. Aloha Petroleum, Ltd., D.J. Ref. No. 90-5-2-1-10467. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail: by email send to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov). By mail, send to the Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611. (see, 80 F.R. 76710, December 10, 2015)

### 12. [National Register of Historic Places; Notification of Pending Nominations and Related Actions: Friendship Garden](#)

The National Park Service is soliciting comments on the significance of properties nominated before October 31, 2015, for listing or related actions in the National Register of Historic Places. For Hawai'i, one site was nominated: **Friendship Garden, 45-226 Kokohahi Pl., Kāne'ohe, in the City and County of Honolulu, 15000885**. Comments should be submitted by December 15, 2015 to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240. (see, 80 F.R. 74795, November 30, 2015)

## 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 (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-1684	12/4/15	Lot 98-A and 98-B (Map 35) Land Court Application 772 situate at Lā'ie, Ko'olauloa, O'ahu. Address: 55-557 & 55-559 Kamehameha Highway. Purpose: Building setback	Leaps & Boundaries, Inc./ Charity Schoenfeld & Aaron Stanton; & LRF Development III, LLC	(1) 5-5-003:018 & 025
MA-634	11/27/15	Portion of Lot 2 of the Paukukalo Beach Access Subdivision situate at Wailuku, Maui. Address: 0 Lilihua Place. Purpose: Determine shoreline setback	Akamai Land Surveying, Inc./ O Lilihua LLC	(2) 3-4-029:036
MO-170	11/30/15	Kaunakakai Lighthouse Lot situate at Kaunakakai, Moloka'i. Address: 25 Maunaloa Highway. Purpose: Determine shoreline setback	R. T. Tanaka Engineers, Inc./ County of Maui	(2) 5-3-001:003
HA-525	11/30/15	Portion of Grant 1279 to Kalakane situate at Opihikao, Puna, Hawaii. Address: n/a. Purpose: Determine shoreline setback	Daniel Berg/ William Henry Meurer 1997 Trust	(3) 1-3-004:008
KA-405	11/30/15	Lots 35 to 39, Inclusive, Hā'ena Hui Land R. P. 3596, L. C. Aw. 10,613, Ap. 6 to A. Paki situate at Hā'ena, Hanalei, Kaua'i. Address- es: 05-7848, 05-7840, 05-7834, 05-7826 A, & 05-7820 Kuhio Highway. Purpose: Sand bag revetment	Brian M. Hennessy/ Neal & Melissa Norman, 2004 Trust, Carroll-Downs Family Trust, Matthew & Judith E. Malerich Trust, Zibo, LLC, & Ohanahale LLC	(4) 5-9-005:023, 024, 025, 026, & 027

### Shoreline Certifications and Rejections

The shoreline notices below have 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-1669	Proposed Shoreline Certification	Portion of the Pūpūkea-Paumalū Beach Lots situate at Ko'olauloa, Oahu. Address: 59-467 Kē Waena Road. Purpose: Home improvement	Hawaii Land Consultants/ Charles Y. & Janet Y. Fujimoto	(1) 5-9-003:039
OA-1675	Proposed Shoreline Certification	Lots 200 & 201 (Map 6) of Land Court Application 1052 & Lots 24 & 25 (Exclusion 1 of Land Court Application 1052) Being a Portion of R.P. 2243, L.C. Aw. 10613, Ap. 5 to A. Paki situate at Makaha, Wai'ānae, O'ahu. Address: 84-939 Farrington Highway. Purpose: Building Permit	Leaps & Boundaries, Inc./ Horn Trust	(1) 8-4-004:020 & 021
OA-1676	Proposed Shoreline Certification	Lot 372 (Map 7) Land Court Application 1052 situate at Makaha, Wai'ānae, O'ahu. Address: 84-81 Maka'u Street. Purpose: Building Permit	Leaps & Boundaries, Inc./ Harrison Horn	(1) 8-4-010:021
KA-403	Proposed Shoreline Certification	Lot 4 Land Court Application 889 situate at Waipouli, Kapa'a, Kaua'i Address: Kūhiō Highway. Purpose: N/A	Esaki Surveying & Mapping, Inc./ Coconut Plantation Beach Investors, LLC	(4) 4-3-007:027
KA-396	Rejection	Lot 6-B Kukui'ula Subdivision situate at Kukui'ula, Kōloa, Hawai'i Address: 4650 Amio Road. Purpose: Determine setback	Roger M. Caires/ Edmund Gregoire	(4) 2-6-011:019



The island of Hawai'i, 200 miles above the surface of the earth as seen from the International Space Station (ISS). Photograph by European Space Agency astronaut Samantha Cristoforetti on February 28, 2015. The ISS maintains an altitude between 220 - 286 miles (354 - 460 km) above the Earth, and an orbital inclination of 51.6°, providing an excellent stage for observing most populated areas of the world.

**OFFICE OF ENVIRONMENTAL QUALITY CONTROL**  
**2016 CALENDAR OF SUBMITTAL DEADLINES**  
UNDER SECTION 11-200-3, HAWAII ADMINISTRATIVE RULES (WITH  
STATUTORY/ADMINISTRATIVE COMMENT DEADLINES)

Issue Date	Submittal Deadline	30th Comment Day Deadline	45th Comment Day Deadline
January 08, 2016	December 28, 2015	February 08, 2016	February 23, 2016
January 23, 2016 *	January 12, 2016	February 22, 2016	March 8, 2016
February 08, 2016	January 27, 2016	March 10, 2016	March 28, 2016
February 23, 2016	February 10, 2016	March 24, 2016	April 11, 2016
March 08, 2016	February 25, 2016	April 06, 2016	April 21, 2016
March 23, 2016	March 11, 2016	April 21, 2016	May 06, 2016
April 08, 2016	March 29, 2016	May 09, 2016	May 23, 2016
April 23, 2016 *	April 13, 2016	May 23, 2016	June 06, 2016
May 08, 2016 *	April 27, 2016	June 06, 2016	June 21, 2016
May 23, 2016	May 11, 2016	June 21, 2016	July 06, 2016
June 08, 2016	May 27, 2016	July 07, 2016	July 22, 2016
June 23, 2016	June 13, 2016	July 22, 2016	August 08, 2016
July 08, 2016	June 27, 2016	August 08, 2016	August 22, 2016
July 23, 2016 *	July 13, 2016	August 22, 2016	September 06, 2016
August 08, 2016	July 27, 2016	September 06, 2016	September 21, 2016
August 23, 2016	August 10, 2016	September 21, 2016	October 06, 2016
September 08, 2016	August 26, 2016	October 07, 2016	October 24, 2016
September 23, 2016	September 13, 2016	October 24, 2016	November 07, 2016
October 08, 2016 *	September 28, 2016	November 07, 2016	November 21, 2016
October 23, 2016 *	October 12, 2016	November 21, 2016	December 06, 2016
November 08, 2016	October 27, 2016	December 07, 2016	December 22, 2016
November 23, 2016	November 10, 2016	December 22, 2016	January 06, 2017
December 08, 2016	November 29, 2016	January 06, 2017	January 23, 2017
December 23, 2016	December 13, 2016	January 23, 2017	February 06, 2017
January 08, 2017 *	December 28, 2016	February 06, 2017	February 21, 2017
January 23, 2017	January 10, 2017	February 21, 2017	March 08, 2017

**NOTE:** The calendar has factored in weekends and holidays (see, HRS 1-29, HRS 8-1). An asterisk (\*) indicates publication dates on weekends (compelling the OEQC to prepare the issue on the working day immediately preceding).

**Submittals:** By rule (HAR 11-200-3(c)), the submittal deadline is eight working days before publication; holidays and weekends are not counted when calculating the submittal date. When the deadline falls on a state holiday or non-working day, the deadline is the next working day.

**Review and Comment Periods:** However, holidays and weekends are counted within the 30-days and 45-days review and comment period. By statute, comment period deadlines that fall on the weekend or a holiday are extended to the first working day thereafter.

