

The Environmental Notice

A SEMI-MONTHLY BULLETIN OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL



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GOVERNOR

**OFFICE OF
ENVIRONMENTAL
QUALITY CONTROL**

GARY GILL
DIRECTOR

The Environmental Notice
reviews the environmental impacts of
projects proposed in Hawaii

Other Resources
available at OEQC . . .

- *Guidebook for Hawaii's Environmental Review Process*
- *Environmental Impact Study Resource Library*
- *Environmental Education Database*
- *Environmental Council Annual Reports*
- *Rules and Policies*
- *"How to Plant a Native Hawaiian Garden"*

OEQC

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SEPTEMBER 8, 1997

Guide for Cultural Impacts

The Environmental Council is seeking public comment on its "Draft Guidelines for Assessing Cultural Impacts."

For years, a controversy has simmered over developers' responsibility to perform a "Cultural Impact Study" prior to building a project. The recent Supreme Court "PASH" decision reaffirmed the state's duty to protect the gathering rights of native Hawaiians. In light of these events, the Environmental Council has drafted a guidance document to provide clarity on when and how to assess a project's impacts on the cultural practices of host communities.

The Council's guideline includes a methodology and content protocol for assessing cultural impacts. The guideline

Ma'alaea Harbor Hearing

The Army Corps of Engineers and DOH announce a public hearing to evaluate the impacts of the proposed Ma'alaea Harbor Improvements on water quality and the public interest. The hearing will be held at **Kihei Elementary School, on September 24, 1997 from 7:00 to 9:00 pm in the Cafeteria.**

The Corps and the State DLNR propose improvements to the Ma'alaea Harbor to improve commercial and recreational navigation for light-draft vessels.

This project was previously assessed in a Supplemental EIS accepted by the Governor in 1994. The project was put on hold when the Office of State Planning determined that it was inconsistent with the Coastal Zone Management Act.

The Corps and DLNR have agreed to redesign the project to further mitigate any adverse impacts. A new supplemental EIS is being drafted to reflect the new harbor design. The Corps is requesting public comments on the Clean Water Act permits for the project prior to finalizing the new supplemental EIS. For more information, please see page 20.

provides that an environmental assessment of cultural impacts should gather information about cultural practices and cultural features through interviews, oral histories, literature searches and ethnographic studies. The study should begin by assessing cultural impacts within the project's ahupua'a. The study area should be expanded if impacts are felt beyond the ahupua'a boundaries.

The inclusion of this cultural impact analysis will help make environmental assessments and environmental impact statements meet the requirements of Chapter 343, HRS. The draft Guidelines for Assessing Cultural Impacts is printed on page 16. Please send comments to the Environmental Council via OEQC by October 8, 1997.

Draft EIS for 175 Mile Trail

The National Park Service seeks comments on a draft EIS for the historic 175 mile *Ala Kahakai Trail* which spans the coastlines of Kohala, Kona, Ka'u and Puna on the Big Island.

More than half the trail travels over public land. Most trail sections on private land are "ancient trails" and are publicly owned as defined in the Highways Act of 1892 or are subject to an easement in favor of the public. About one fifth of the length of the proposed Ala Kahakai Trail may traverse private property with no clear public claim of ownership.

According to the study, the trail would be unique in the National Trails System. No other trail touches such an abundance of cultural resources and has experienced continuous use by an indigenous culture. Please see page 10.

Maui Fence Project Change

The Division of Forestry and Wildlife announced an amendment to its Protect East Maui Watershed Fence Project. The fence should be constructed lower on the mountain at 2,700 feet. See page 12.

Definitions

Your guide to the Environmental Review Process

Draft Environmental Assessment

A project or action that may affect the environment cannot be implemented until an Environmental Assessment (EA) is prepared in accordance with HRS §343. If the lead government agency anticipates that the project will have no significant environmental impact, then a Draft EA is written and public notice is published in this bulletin. The public has 30 days to comment on the Draft EA from the date of the first notice.

Final Environmental Assessment and FONSI (Negative Declaration)

If, after the lead agency reviews the public comments, it feels that the project will have no significant effect on the environment, then it will prepare a Final EA and issue a Finding of No Significant Impact (FONSI) formerly called a *Negative Declaration*. The Final EA must respond to all public comments. An Environmental Impact Statement will not be required and the project may now be implemented. The public has 30 days from the first notice of a FONSI in this Bulletin to sue in court to require the preparation of an EIS.

EIS Prep Notice

If the lead agency decides that a project may have a significant environmental impact, it must prepare an Environmental Impact Statement (EIS) prior to implementing the project. The first step in preparing an EIS is publishing an EIS Preparation Notice (Prep Notice) in this Bulletin. Agencies, groups or individuals have 30 days from the first publication of an EIS Prep Notice to request to become a consulted party and to make written comments regarding the environmental effects of the proposed action. The draft EIS must respond to these comments.

Draft EIS

If a project is likely to have a significant environmental impact, the lead agency or private applicant must prepare a

Draft Environmental Impact Statement (Draft EIS) prior to project implementation. This document must completely disclose the likely impacts of a project. Secondary and cumulative impacts must be discussed along with measures proposed to mitigate them. The public has 45 days from the first publication date in this Bulletin to comment on a Draft EIS.

Final EIS

After considering public comments filed during the Draft EIS stage, the agency or applicant must prepare a Final Environmental Impact Statement (Final EIS). The Final EIS must respond to all comments from the draft stage. If deeper analysis was required, it must be included in this document. If the project is from a private applicant, the lead agency is authorized to accept the FEIS. If the project is public, the Governor or Mayor is the accepting authority. Only after the EIS is accepted, may the project be implemented.

EIS Acceptance Notice

If the accepting authority accepts a Final Environmental Impact Statement, a separate EIS Acceptance Notice will be published in this Bulletin. The public has 60 days from the date of first notice of acceptance to sue in court to challenge the acceptance of an EIS.

NEPA

National Environmental Policy Act (NEPA) is the law that requires federal projects to prepare an EIS. It is similar to Hawaii's law. Some projects require both a state and federal EIS and the public comment procedure should be coordinated. Although not required by law, the OEQC publishes NEPA notices in this Bulletin to help keep the public informed of important actions.

Special Management Area Permits

The Special Management Area (SMA) is along the coastlines of all our islands. Most development in this area requires a Special Management Permit (SMP). The Counties regulate development

of this area. On Oahu, the County law requires an EA be prepared to accompany a permit application. This Bulletin posts notice of these SMP applications to encourage public input.

Shoreline Certifications

State law requires that Hawaii shorelines be surveyed and certified when necessary to clearly establish the regulatory building setback (usually 40 feet inland from the shoreline). The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified prior to construction. This Bulletin publishes notice of both shoreline certification applications and of final certifications or rejections.

Environmental Council

The Environmental Council is a fifteen-member citizen board appointed by the Governor to advise the State on environmental concerns. The council makes the rules that govern the Environmental Impact Statement process. The agendas of their regular meetings are published in this Bulletin and the public is invited to attend.

Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are declared exempt from the environmental review process. These lists are reviewed and approved by the Environmental Council. This Bulletin will publish an agency's draft exemption list for public comment prior to Council decision making.

Conservation District Permits

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 (BLNR). Members of the public may intervene in the permit process. Notice of these permit applications is published in this Bulletin.

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Oahu Notices

SEPTEMBER 8, 1997

Draft Environmental Assessments



(1) Paheehee Ridge Subdivision

District: Waianae
TMK: 8-6-03:08, 24, 25, 27 (por.)
Applicant: Dept. of Hawaiian Home Lands
335 Merchant St.
Honolulu, HI 96813
Contact: Gerald Lee (586-3816)

Approving Agency/Accepting

Authority: Dept. of Hawaiian Home Lands
335 Merchant St.
Honolulu, HI 96813
Contact: Gerald Lee (586-3816)

Consultant: R.M. Towill Corporation
420 Waiakamilo Road, Ste. 411
Honolulu, HI 96817-4941
Contact: Colette Sakoda (842-1133)

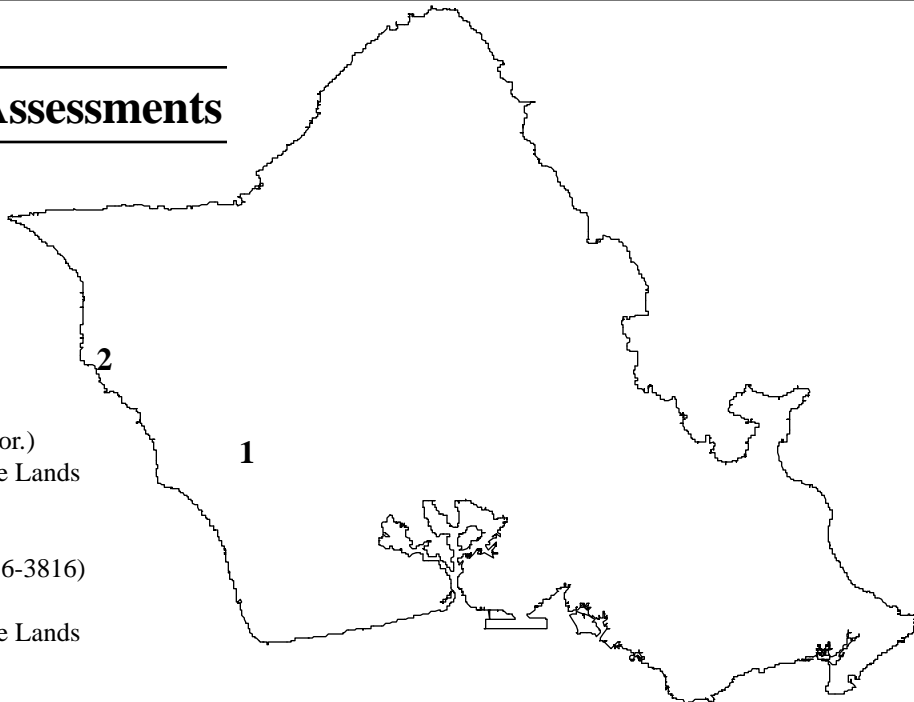
Public Comment

Deadline: October 8, 1997
Status: DEA First Notice pending public comment.
Address comments to the applicant with
copies to the consultant and OEQC.

The Department of Hawaiian Home Lands is planning to develop 12 lots on 35 acres along Paheehee Ridge in the Waianae District on the southwestern side of the island of Oahu. The lots were awarded during the acceleration period of 1985-86.

The subdivision will be developed with the infrastructure necessary for an agricultural-residential development. Lessees will be responsible for development of agricultural crop systems, residential and other improvements. All roads to the project site, including the portion of Paheehee Road fronting the proposed lots, are paved. However, they are poorly maintained. Road improvements will be made conforming to agricultural standard roadway requirements of the City and County of Honolulu.

Construction will entail construction of road improvements, installation of water laterals, extension of existing drain lines, and connection of electrical and telephone lines to the existing systems. Lot sizes will range from 2.5 to 4.0 acres.



The project is not expected to result in any significant adverse impacts on the environment.

Final Environmental Assessments/Findings of No Significant Impacts (FONSI)



(2) Makaha Beach Park Master Plan

District: Waianae
TMK: 8-4-01:12 and 8-4-02:por. 47
Applicant: City and County of Honolulu
Department of Parks and Recreation
650 South King Street
Honolulu, Hawaii 96813
Contact: Daniel Takamatsu (527-6301)

Approving Agency/Accepting

Authority: City and County of Honolulu
Department of Parks and Recreation
650 South King Street
Honolulu, Hawaii 96813
Contact: Michael Amii (523-4183)

Consultant: Pacific Architects, Inc.
2020 South King Street
Honolulu, Hawaii 96826
Contact: Gary Lee (949-1601)

Public Challenge

Deadline: October 8, 1997
Status: FEA/FONSI issued, project may proceed.

The Department of Parks and Recreation is proposing to expand and enhance park facilities at Makaha Beach Park. The park is approximately 20.622 acres. Much of the improvements will be in the undeveloped portions of the park mauka of Farrington Highway. Park facilities are sited in areas less prone to destruction from beach erosion or storm wave damage.

The proposed park facilities include comfort stations, parking lots, a multi-purpose field, and picnic areas. Crosswalks and warning signs will provide safety measures for visitors crossing Farrington Highway to get to the beach, parking lots or comfort stations. The existing, temporary comfort station will remain and be renovated to provide an alternative to crossing the highway to get to the mauka comfort station.

Additional parking will help alleviate the hazard parking conditions on Farrington Highway. The multi-purpose field will serve the residents adjacent to the park as well as the park visitors.

Previously Published Projects Pending Public Comments

Draft Environmental Assessments

🦋 Birch Street Apartments

Applicant: Hawaii Housing Development Corporation
Imperial Plaza, Suite C-103
725 Kapiolani Boulevard
Honolulu, Hawaii 96813
Contact: Gary Furuta (596-2120)

Approving Agency/Accepting

Authority: City and County of Honolulu
Dept. of Housing & Community Develop.
650 South King Street, 5th Floor
Honolulu, Hawaii 96813
Contact: Lorna Uesato (523-4162)

Public Comment

Deadline: September 22, 1997

🦋 Compton Seawall Reconstruction

Applicant: Roger and Jean Compton (254-1817)
312 Ilimalia Loop
Kailua, Hawaii 96734

Approving Agency/Accepting

Authority: City and County of Honolulu
Department of Land Utilization
650 South King Street, 7th Floor
Honolulu, Hawaii 96813
Contact: Steve Tagawa (523-4817)

Public Comment

Deadline: September 22, 1997

🦋 Dilks Seawall Construction

Applicant: John and Patricia Dilks
P.O. Box 4458
Carmel, California 93921

Approving Agency/Accepting

Authority: City and County of Honolulu
Department of Land Utilization
650 South King Street, 7th Floor
Honolulu, Hawaii 96813
Contact: Ardis Shaw-Kim (527-5349)

Public Comment

Deadline: September 22, 1997

🦋 Frost Seawall Reconstruction

Applicant: Jack Frost (239-8587)
P.O. Box 4859
Kaneohe, Hawaii 96744

Approving Agency/Accepting

Authority: City and County of Honolulu
Department of Land Utilization
650 South King Street, 7th Floor
Honolulu, Hawaii 96813
Contact: Steve Tagawa (523-4817)

Public Comment

Deadline: September 22, 1997

🦋 Holy Hill of Zion Full Gospel Church

Applicant: Holy Hill of Zion Full Gospel Church
87-112 Milikami Street
Waianae, Hawaii
Contact: Dr. Edwin Lobo

Oahu Notices

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Approving Agency/Accepting

Authority: Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809
Contact: Steve Lau (587-0433)

Public Comment

Deadline: September 22, 1997

🦋 Honouliuli Nature Preserve

Applicant: The Nature Conservancy of Hawaii
1116 Smith Street, Suite 201
Honolulu, Hawaii 96817
Contact: Wendy Fulks (537-4508)

Approving Agency/Accepting

Authority: Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813
Contact: Tom Eisen (587-0386)

Public Comment

Deadline: September 22, 1997

🦋 Kapolei Police Station

Applicant: City and County of Honolulu
Building Department
650 South King Street
Honolulu, Hawaii 96813
Contact: Warren Sato (527-6370)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: September 22, 1997

🦋 Local Motion Retail Building

Applicant: Local Motion, Inc.
424 Sumner Street
Honolulu, Hawaii 96817
Contact: Koji Minami (523-7873)

Approving Agency/Accepting

Authority: City and County of Honolulu
Department of Land Utilization
650 South King Street, 7th Floor
Honolulu, Hawaii 96813
Contact: Dana Teramoto (523-4648)

Public Comment

Deadline: September 22, 1997

🦋 Masunaga Seawall Reconstruction

Applicant: Harold and Pauline Masunaga (622-1116)
960 Center Street
Wahiawa, Hawaii 96786

Approving Agency/Accepting

Authority: City and County of Honolulu
Department of Land Utilization
650 South King Street, 7th Floor
Honolulu, Hawaii 96813
Contact: Steve Tagawa (523-4817)

Public Comment

Deadline: September 22, 1997

🦋 Waimanalo Homes Project

Applicant: Department of Human Services
Hawaii Housing Authority
1002 North School Street
Honolulu, Hawaii 96817
Contact: Wayne Nakamoto (832-5920)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: September 22, 1997

🦋 Zane Seawall Reconstruction

Applicant: Henry and Rosaline Zane
3027 Herman Street
Honolulu, Hawaii 96816
Contact: Patricia Bain (623-9530)

Approving Agency/Accepting

Authority: City and County of Honolulu
Department of Land Utilization
650 South King Street, 7th Floor
Honolulu, Hawaii 96813
Contact: Steve Tagawa (523-4817)

Public Comment

Deadline: September 22, 1997

Environmental Impact Statement Preparation Notices

🚢 Voyager Submarines Hawaii Artificial Reef Installation

Applicant: Voyager Submarines Hawaii
680 Iwilei Road, Suite 720
Honolulu, Hawaii 96817
Contact: JC Merrill (532-4222)

Approving Agency/Accepting

Authority: Department of Land and Natural Resources
Land Division
1151 Punchbowl Street
Honolulu, Hawaii 96813
Contact: Tom Eisen (587-0386)

Public Comment

Deadline: September 22, 1997



Planet Neighborhood

Planet Neighborhood will air on Monday, September 8, 1997 from 8:00-11:00 p.m. on KHET Channel 10. The program will focus on green technology "At Home," in "The Workplace and the Car," and "In the Community." *Planet Neighborhood* is a multimedia project that includes a Teacher's Guide, Community Resource Guide, Viewer's Guide and a CD-Rom, "The Green Home".

For more information contact Karen Zill at (703) 845-8081 or Collette Hicks at (703) 998-3406.

Presentation of the Draft Coastal Erosion Management Plan (COEMAP) at Neighborhood Board Meetings

DLNR's Land Division and the U.H. School of Ocean, Earth Science and Technology will be making presentations of the draft COEMAP at various Neighborhood Board meetings.

The following is a schedule of upcoming COEMAP presentations:

September

September 11, 1997, 7:00 P.M.

Koolauloa Neighborhood Board
Hauula Community Center
54-010 Kukuna Road

September 18, 1997, 7:30 P.M.

Waialae-Kahala Neighborhood Board
Westly United Methodist Church
1350 Hunakai Street

September 23, 1997, 7:00 P.M.

North Shore Neighborhood Board
Haleiwa Alii Beach Park
66-167 Haleiwa Road

October

October 7, 1997, 7:00 P.M.

Waianae Coast Neighborhood Board
Waianae Neighborhood Community Center
85-670 Farrington Highway

October 8, 1997, 7:00 P.M.

Kahalu'u Neighborhood Board
Key Project, 47-200 Waihee Road

Maui Notices

SEPTEMBER 8, 1997

Final Environmental Assessments/ Findings of No Significant Impacts (FONSI)



(1) Kihei Road "C" and North-South Collector Road Construction

District: Wailuku
TMK: 3-9-2:por. 30, 76; 2-2-2:por. 42, 43, 66, 67
Applicant: County of Maui
Department of Public Works and Waste Management
200 South High Street
Wailuku, Hawaii 96793
Contact: Charles Jencks (243-7845)

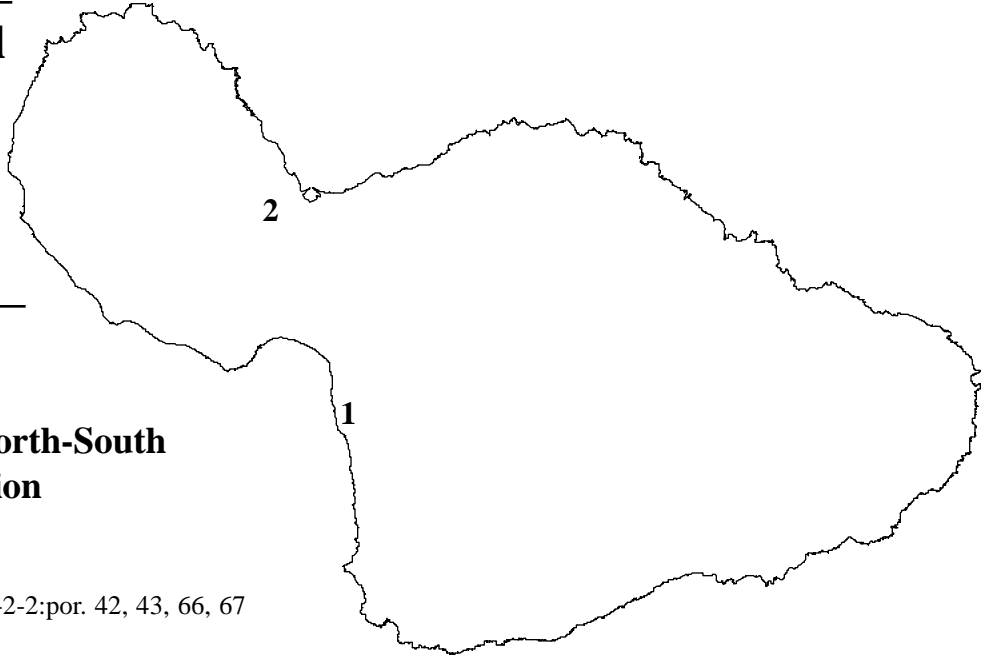
Approving Agency/Accepting Authority: County of Maui
Department of Public Works and Waste Management
200 South High Street
Wailuku, Hawaii 96793
Contact: Charles Jencks (243-7845)

Consultant: Munekiyo & Arakawa, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793
Contact: Milton Arakawa (243-7845)

Public Challenge
Deadline: October 8, 1997
Status: FEA/FONSI issued, project may proceed.

The County of Maui, Department of Public Works and Waste Management, is proposing the construction of Road "C" and the North-South Collector Road in Kihei, Maui, Hawai'i.

Road "C" is proposed to extend from its existing terminus near the Long's Shopping Center generally in a straight line to the east. As the roadway extends through the Piilani Village project, Road "C" curves slightly to the north before intersecting with Piilani Highway.



The North-South Collector Road extends approximately 700 lineal feet to the north of its intersection with Road "C". The North-South Collector Road also extends approximately 2,050 feet to the south of its intersection with Road "C". The roadway links with Halekuai Street which extends in a westerly direction to South Kihei Road.

Drainage improvements include a new drainage system constructed within the Road "C" and North-South Collector Road rights-of-way and conveyed to a temporary detention basin located near the northerly end of the North-South Collector Road. Runoff from an existing 54-inch drainage culvert across Piilani Highway will be conveyed further downstream by a new 54-inch drainline. Other proposed aspects of the project include a 16-inch waterline within the Lipoa Street right-of-way and a borrow site for fill material located northwest of the Piilani Highway/Lipoa Street intersection.



(2) Maui War Memorial Stadium Renovations

District: Wailuku
TMK: 3-8-7:por. 4 & 55

Applicant: County of Maui
Department of Parks and Recreation
1580-C Kaahumanu Avenue
Wailuku, Hawaii 96793
Contact: Henry Oliva (243-7383)

Approving Agency/Accepting Authority: County of Maui
Department of Parks and Recreation
1580-C Kaahumanu Avenue
Wailuku, Hawaii 96793
Contact: Henry Oliva (243-7383)

Consultant: Munekiyo & Arakawa, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793
Contact: Milton Arakawa (244-2015)

Public Challenge

Deadline: October 8, 1997
Status: FEA/FONSI issued, project may proceed.

The County of Maui proposes to renovate the War Memorial Stadium located in the Wailuku-Kahului area. The proposed renovations are to accommodate the upcoming Hula Bowl, a collegiate all-star game to be played on January 18, 1998.

The existing stadium seating capacity is approximately 6,600, with approximately 4,400 seats on the west sideline and 2,200 seats on the east sideline.

Approximately 10,000 additional bleacher seats are proposed to be added to the stadium. The bulk of additional seating is proposed along the east sideline as well as the north end zone. A smaller increment of additional seating is also contemplated in the south end zone.

Construction is anticipated to begin in September 1997 with completion by January 1998. Estimated construction cost is \$1.2 million.

Site Description

The War Memorial Stadium is located in the midst of an existing complex of recreational and educational uses. To the west of the stadium is Baldwin High School. To the south are the War Memorial Gymnasium and Swimming Pool Complex as well as Little League baseball fields. To the east, across Kanaloa Avenue, are the Maui Botanical Gardens, the recently approved Maui Central Park and Maui Community College. To the north is the Iron Maehara Baseball Stadium.

The proposed stadium renovations are limited to the confines of the existing stadium. The east sideline and north end zone bleacher structures are proposed on areas which are currently grassed. The south end zone seats are proposed on the existing high jump pit adjacent to the track and would be relocated, as needed, during the track season.

Previously Published Projects Pending Public Comments

Draft Environmental Impact Statements

Waena Power Generating Station

Applicant: Maui Electric Company, Ltd.
P.O. Box 398
Kahului, Hawaii 96732
Contact: Ed Reinhardt (871-8461)

Approving Agency/Accepting Authority: County of Maui
Planning Department
250 South High Street
Wailuku, Hawaii 96793
Contact: David Blane (243-7735)

Public Comment Deadline: September 22, 1997



Hawaii Notices

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National Environmental Policy Act (NEPA)



(1) Ala Kahakai, Draft National Trail Study and Environmental Impact Statement

Districts: North and South Kohala, North and South Kona, Ka'u and Puna
TMK: Various
Agency: U. S. Department of the Interior
National Park Service
Pacific West Field Area
600 Harrison Street, Suite 600
San Francisco, California 94107-1372
Contact: Meredith Kaplan at (415) 427-1438

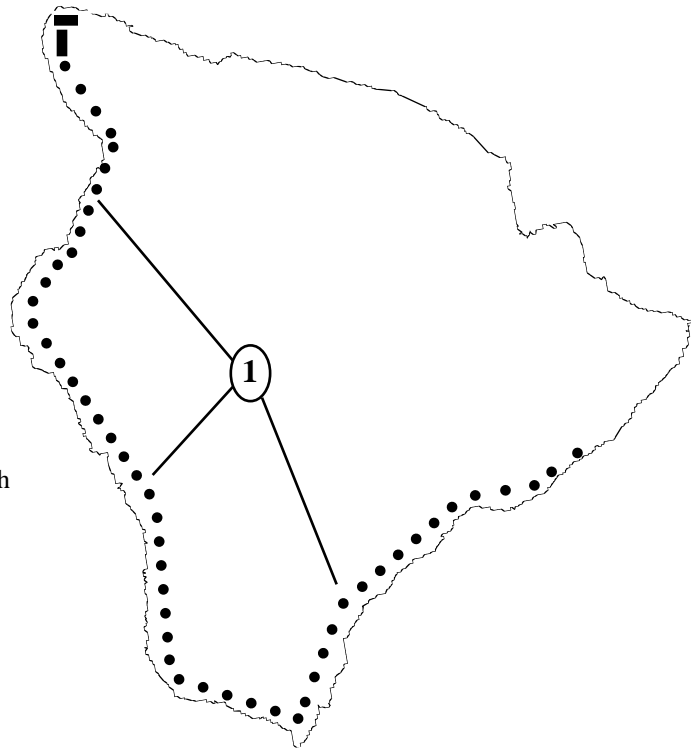
Public Comment

Deadline: October 7, 1997
Status: NEPA Draft EIS pending public comment.
Send comments to agency.

In recent years, awareness has increased of the significance of the ancient around-the-island shoreline footpath, the *ala loa* (long trail), on the island of Hawai'i. The need has become urgent for protection of this traditional footpath and its associated natural, cultural, scenic, and recreational values. In recognition of the needs and opportunities, in 1992 the U.S. Congress passed legislation to provide for a study of the potential inclusion of an approximately 175-mile segment of this *ala loa*, the Ala Kahakai (Trail by the Sea), into the National Trails System.

The purpose of the study is to provide Congress with a professional analysis (of a range of options for recognizing and managing the trail) of whether the Ala Kahakai is of such national significance that supports its inclusion in the National Trails System.

The *ala loa* was the major land route connecting the 600 or more communities of the island kingdom of Hawai'i from the A.D. 1400s-1700s, tying together the lives of over 120,000 people. The trail is associated with many prehistoric and historic housing areas of the island, nearly all the royal



centers, and most of the major temples of the island. Its use is associated with the many rulers of the kingdom, with battlefields and the movement of armies during their reigns, and with annual taxation. That portion of the ancient trail traversing the west coast of Hawai'i Island was particularly significant between the years 1779 and 1820 when a series of events unfolded that would have lasting consequences for Hawaiian cultural evolution: Captain Cook's landing and subsequent death at Kealahou Bay in 1779; Kamehameha I's rise to power and consolidation of the Hawaiian Islands under monarchical rule; the death of Kamehameha I in 1819, followed by the overthrow of the ancient religious system, the Kapu; and finally, the arrival of the first Western missionaries in 1820. The trail continued in use throughout the 19th and 20th centuries, although some sections were modified to accommodate first horses, and later, two-wheeled carts, and motorized vehicles.

Approximately half (53.3 percent) of the 175 miles of trail is currently in local, state, or federal government ownership. Another approximately nine percent has public access easements or dedications. An additional twenty percent of the trail in private hands is shown on tax maps or old survey maps as "ancient trails" as defined in the Highways Act of 1892 (Act). In ancient Hawaiian governance, these trails were open to general use. The Act protects the right of

the public to use these trails, and they are owned in fee simple by the state. However, it is believed that a search of records of title would reveal that most of the Ala Kahakai is "ancient trail," as defined by the Act.

The study concludes that: (1) the Ala Kahakai is significant under the criteria for national historic trails outlined in the National Trails System Act, all four of the criteria for the National Register of Historic Places, and as a traditional cultural property; (2) the trail is physically feasible; (3) desirability of recognizing the trail rests on two key items: first, communities along the way, native Hawaiians, and landowners all be involved in planning and implementing the trail; and second, adequate funding must be ensured to protect cultural and natural resources at the time the trail is designated.

The study presents four alternatives for future protection, interpretation, and management of the Ala Kahakai. Additional alternatives were considered but rejected. The examined alternatives include a no action alternative, a national historic trail (continuous), a state historic trail, and a national historic trail (discontinuous).

The no action alternative, **Alternative A**, would continue present conditions. The "Ala Kahakai" would remain as the 35-mile state demonstration trail. Over time, as ownership records are researched for various reasons, most of the 175-mile trail would be recognized as public, but the *ala loa* and its role in the lives of ancient and contemporary Hawaiians would not be consistently recognized and interpreted. There would be no overall administration of the trail as a unified whole as part of a system of island trails.

The national historic trail (continuous) alternative, **Alternative B**, would provide National Park Service (NPS) administration and oversight of the trail. The trail would be recognized as a continuous route and over time would become continuous on the ground. The NPS would prepare a management plan and an advisory council would be appointed by the secretary of the interior. The trail would be interpreted as a portion of the ancient *ala loa*. The management plan would develop a uniform marker for identifying the trail. State and local agencies, private landowners, local groups, and individuals would manage the trail on the ground. The study recommends that natural, cultural, and ethnographic resources would be inventoried and protected before trail segments would be promoted for public use.

The state historic trail alternative, **Alternative C**, would require legislation to recognize the 175-mile trail as a

continuous portion of the *ala loa*. The legislation would outline the requirements of a state management plan and the needs for protection of resources. Most likely, the state trails and access program, Na Ala Hele, would administer the trail. To achieve the vision for the trail, the state would need to appropriate funds specifically for the planning, protection, development, interpretation, and maintenance of the trail.

Funding of this alternative may be unlikely considering the state's current financial situation and priorities.

The national historic trail (discontinuous) alternative, **Alternative D**, would be similar to Alternative B, except that the trail would be recognized as a continuous route, but only intact prehistoric and historic sections would be protected. The trail would not be continuous on the ground.

This study finds that with proper planning, management, and funding, the potential for adverse environmental impacts resulting from any of the action alternatives can be minimized.

The four alternatives may not describe the full range of possible alternatives. Public review of the draft environmental impact statement (EIS) may identify a new alternative or combination of identified alternatives which are feasible and desirable. As a result, alternatives may be modified in the final study after public review and comment. In this draft document, no alternative is identified as preferred. After public review and comment on this draft study and EIS, a final study report and EIS will be prepared for forwarding by the secretary of the interior to congress. In keeping with National Park Service (NPS) planning policy, the final study will contain a NPS recommendation on the preferred alternative.

TO BE CONSIDERED IN THE FINAL STUDY, COMMENTS SHOULD BE POSTMARKED BY OCTOBER 7, 1997 AND ADDRESSED TO THE FEDERAL AGENCY AS INDICATED ABOVE.

Hawaii Notices

SEPTEMBER 8, 1997

Previously Published Projects Pending Public Comments

Draft Environmental Assessments

► Lanakila Homes Project

Applicant: Department of Human Services
Hawaii Housing Authority
1002 North School Street
Honolulu, Hawaii 96817
Contact: Wayne Nakamoto (832-5920)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: September 22, 1997

► Manuka Natural Area Reserve Fence Construction

Applicant: Department of Land and Natural Resources
Division of Forestry and Wildlife
P.O. Box 4849
Hilo, Hawaii 96721
Contact: Bryon Stevens (974-4221)

Approving Agency/Accepting

Authority: Department of Land and Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl Street
Honolulu, Hawaii 96813

Public Comment

Deadline: September 22, 1997

► Saddle Road Well "A"

Applicant: County of Hawaii
Department of Water Supply
25 Aupuni Street
Hilo, Hawaii 96720
Contact: Keith Okamoto (961-8660)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: September 22, 1997

Fence Project to Protect the East Maui Watershed

The Division of Forestry and Wildlife (DOFAW), in a cooperative effort with the County of Maui, Haleakala National Park, Haleakala Ranch, Hana Ranch, East Maui Irrigation Company, Ltd., and The Nature Conservancy of Hawai'i (collectively the East Maui Watershed Partnership, EMWP), proposed construction of four fences on windward East Maui as part of an ongoing effort to protect the watershed. Notice of this project was first published in the August 8, 1996 *Environmental Notice*. A Finding of No Significant Impact was published in the October 8, 1996 *Environmental Notice*.

The preferred alternative in the Environmental Assessment submitted to the Office of Environmental Quality Control was construction of all four proposed fences in two phases. The two Phase I sections were a 1.6-mile fence along the 3,600-foot elevation contour across Ko'olau Gap (on state-owned land), and a 0.7-mile fence in the Waikamoi/Honomanu area at approximately 3,700 feet in elevation. The document also described several alternatives. The EMWP, after consulting with affected community members, has recently decided that the Ko'olau Gap fence should be constructed at 2,700 feet in elevation (still on state-owned land), still within the area allowed under the preferred alternative in the Environmental Assessment.

There are several reasons for siting the fence at this elevation. A recent survey of the area revealed that the terrain at the 2,700-foot site is flatter and less rocky. Also, the vegetation in this area is less dense than at the 3,600-foot site. There are two major waterfalls to serve as anchor points, and there are established helicopter landing zones at the lower elevation. As a result, construction costs and long-term maintenance costs will be significantly reduced if the fence is built at 2,700 feet. The overall impact of fence construction will also be lessened somewhat; less vegetation will need to be cleared at the 2,700-foot site. Crew safety will also be enhanced at the new site due to the gentler terrain. The change will increase the size of the area protected from 9,788 acres to approximately 10,190 acres.

The Division finds that changing the location of the fence will have no significant negative impact, and no additional studies are required.



Shoreline Notices

SEPTEMBER 8, 1997

Shoreline Certification Applications

Pursuant to §13-222-12, HAR the following shoreline certification applications are available for inspection at the DLNR District Land Offices on Kauai, Hawaii and Maui and at Room 220, 1151 Punchbowl St., Honolulu, Oahu (Tel: 587-0414). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than fifteen (15) calendar days from the date of the public notice of the application.

Case No.	Date Received	Location	Applicant	Tax Map Key
OA-054	08/22/97	Lot 1045, Ld Ct App 677, Kaneohe, Koolaupoko, Oahu (609 Milokai Street)	Robert Sing for Robert and Naoko Sutterfield	4-4-39:7
OA-505	08/22/97	Lot 8, Blk 1, Sec. A, Maunalua Beach Subdiv., Maunalua, Honolulu, Oahu (219-A Portlock Rd)	Robert Sing for Beauford Investments, Ltd.	3-9-02:6
OA-646	08/19/97	Lot 2-E, Ld Ct App 242, as shown on Map 204, Puuloa, Ewa, Oahu (91-857 Pohakupuna Road)	Wesley Tengan for Herita Yulo	9-1-25:69
OA-647	08/11/97	Lots 5-A, 5-B, Accretion to Lot 5-A, and Accretion to Lot 5-B (5-B-1), Being a Por of RP 7531, LCAw 8559, Ap 33 to W. C. Lunalilo at Kaalaea, Koolaupoko, Oahu (47-653 A, B, & C Kamehameha Highway)	BMSurveying and Mapping for James Schufeldt	4-7-41:5 & 17
KA-073	08/18/97	Lot 6, Moloaa Hui Lots, Kawaihau, Kauai, Hawaii (3531 Moloaa Road)	Peter N. Taylor, Inc. for Emil E. Mansat, Jr.	4-9-14:15

Shoreline Certifications and Rejections

Pursuant to §13-222-26, HAR the following shorelines have been certified or rejected by the DLNR. A person may appeal a certification or rejection to the BLNR, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813, by requesting in writing a contested case hearing no later than twenty (20) calendar days from the date of public notice of certification or rejection.

Case No.	Date Cert/Rej	Location	Applicant	Tax Map Key
OA-641	Certified 08/27/97	Parcel 60, Lots 8-A-2 and 8-B of Ld Ct App 616, Kailua, Koolaupoko, Oahu (1280 Mokulua Drive)	Wesley Tengan for Edward Dewey	4-3-05:60

Pollution Control Permits

SEPTEMBER 8, 1997

Department of Health Permits

The following is a list of some pollution control permits currently being reviewed by the State Department of Health. For more information about any of the listed permits, please contact the appropriate branch or office of the Environmental Management Division at 919 Ala Moana Boulevard, Honolulu.

Branch & Permit Type	Applicant & Permit Number	Project Location	Pertinent Dates	Proposed Use
Clean Air Branch, 586-4200, Covered Source General Permit	Small Area Source Dry Cleaning Facilities, Permit # 0093-CG	Various, All islands	Comments Due: 9/29/97	Dry Cleaning Equipment
CAB, 586-4200, Covered Source General Permit	Large Area Source Dry Cleaning Facilities, Permit # 0094-CG	Various, All islands	Comments Due: 9/29/97	Dry Cleaning Equipment
CAB, 586-4200, Covered Source Permit	US Navy, Public Works Center, Permit # 0114-01-C	Barbers Point Naval Air Station, Oahu	Comments Due: 9/29/97	One 2.0 MW Combustion Turbine Generator
CAB, 586-4200, Covered Source Permit	Tosco Refining Company, Permit # 0202-01-C	411 Pacific Street, Honolulu, Oahu	Comments Due: 9/29/97	Petroleum Bulk Loading Terminal
CAB, 586-4200, Covered Source Permit	Kalaeloa Partners, L.P., Permit # 0214-01-C	99-111 Kalaeloa Boulevard, Kapolei, Oahu	Comments Due: 9/29/97	Cogeneration Plant
CAB, 586-4200, Covered Source Permit	Hawaiian Cement, Permit # 0311-01-C	99-1100 Halawa Valley Street, Halawa, Oahu	Comments Due: 9/29/97	Aggregate Processing Facility
CAB, 586-4200, Covered Source Permit	Pioneer Mill Company, Ltd., Permit # 0225-01-C	380 Lahainaluna Road, Lahaina, Maui	Comments Due: 9/29/97	Bagasse/Oil Fired Boilers
CAB, 586-4200, Covered Source Permit	Hawaiian Cement, Permit # 0252-01-C	Camp 6, Puunene, Maui	Comments Due: 9/29/97	Aggregate Processing Facility
CAB, 586-4200, Covered Source Permit	US Navy, Permit # 0110-01-C	Pacific Missile Range Facility, Kekaha, Kauai	Comments Due: 9/29/97	Two 600 KW and Three Diesel Engine Generators
CAB, 586-4200, Covered Source Permit	Gay and Robinson, Inc., Permit # 0218-01-C	Kaumakani, Kauai	Comments Due: 9/29/97	Bagasse/Oil Fired and Seed Plant Boilers
CAB, 586-4200, Covered Source Permit	Kekaha Sugar Company, Ltd., Permit # 0222-01-C	8315 Kekaha Road, Kekaha, Kauai	Comments Due: 9/29/97	Bagasse/Oil Fired and Seed Plant Boilers
CAB, 586-4200, Noncovered Source Permit	Natural Energy Laboratory of Hawaii Authority, Permit # 0368-01-N	73-4460 Queen Kaahumanu Highway, Kailua-Kona, Hawaii	NA	1.0 MW Diesel Engine Generator
Safe Drinking Water Branch, 586-4258, Underground Injection Control	County of Hawaii, Permit # UH-1981	Herbert C. Shipman Park Soccer Fields, Keaau, Puna, Hawaii	TBA	Construction of One New Drywell for Surface Drainage
SDWB, 586-4258, UIC	Hawaii Electric Light Company, Permit # UH-1438	Puna Cooling Water Return Well, Puna Mill Road, Hawaii	NA	Permit Renewal for Non-contact Condenser Cooling Water, One Well

Pollution Control Permits

SEPTEMBER 8, 1997

Department of Health Permits (continued)

Branch & Permit Type	Applicant & Permit Number	Project Location	Pertinent Dates	Proposed Use
SDWB, 586-4258, UIC	AOAO Carter Professional Center, Permit # UH-1572	65-1230 Mamalahoa Hwy., Kamuela, Hawaii	NA	Permit Renewal for 3 Drywells for Surface Drainage
SDWB, 586-4258, UIC	National Park Service, US Dept. of the Interior	Puuhonua O Honaunau National Historic Park, Honaunau, Hawaii	NA	Permit Registration of Two Existing Sewage Disposal Wells
SDWB, 586-4258, UIC	COSI Puna, Inc., Permit # UH-1529	Puna Geothermal Venture, 14-3860 Kapoho Pahoa Road, Puna, Hawaii	TBA	Construction of Seven New Geothermal Reinjection Wells in Accordance with EPA's Federal UIC Permit Application
SDWB, 586-4258, UIC	Maalaea Triangle Partnership, Permit # UM-1954	Maalaea Triangle Wastewater Treatment Facility, Maalaea Road. & Honoapiilani Highway	NA	Deepening of Two Proposed Sewage Injection Wells
SDWB, 586-4258, UIC	AOAO Milowai - Maalaea Condominium, Permit # UM-1329	Milowai- Maalaea Condominium, Maui	NA	Permit Renewal of Two Sewage Disposal Wells
SDWB, 586-4258, UIC	Honokohau Development Corp., Permit # UH-1982	Paniolo II Subdivision, Increment I, Hao Kuni St. & Kealakoa St., Honokohau, Hawaii	TBA	Construction of One New Drywell for Surface Drainage
SDWB, 586-4258, UIC	AOAO Kanai a Nalu Condominium, Permit # 1863	Kanai a Nalu Condominium, 250 Hauoli St., Maalaea, Maui	NA	Permit Renewal of Two Sewage Disposal Wells
SDWB, 586-4258, UIC	Vanier Graphic Corporation, Permit # UO-1869	Vanier Graphics Corporation, 91-275 Hanua St., Campbell Ind. Park, Kapolei, Oahu	NA	Permit Renewal of One, Inactive Industrial Disposal Wells
SDWB, 586-4258, UIC	AOAO Mokuleia Surf Condominium, Permit # UO-1808	Mokuleia Surf Condominium, 68-101 Waialua Beach Road, Mokuleia	NA	Reconstruction of One of Two Sewage Disposal Wells
SDWB, 586-4258, UIC	AOAO Ono Vista Condominium, Permit # UO-1305	Ono Vista Condominium, 66-090 Au St., Waialua, Mokuleia, Oahu	NA	Reconstruction of Three Sewage Disposal Wells

Environmental Council Notices

SEPTEMBER 8, 1997

DRAFT GUIDELINES FOR ASSESSING CULTURAL IMPACTS

I. INTRODUCTION

It is the policy of the State of Hawai'i under Chapter 343, HRS, to alert decision makers, through the environmental assessment process, about significant environmental effects which may result from the implementation of certain actions. An environmental assessment of cultural impacts gathers information about cultural practices and cultural features that may be affected by actions subject to Chapter 343, and promotes responsible decision making.

Furthermore, articles IX and XII of the State Constitution, other state laws, and the courts of the state require government agencies to promote and preserve cultural beliefs, practices, and resources of native Hawaiians and other ethnic groups.

The Environmental Council encourages preparers of environmental assessments and environmental impact statements to analyze the impact of a proposed action on cultural practices and features associated with the project area.

II. CULTURAL IMPACT ASSESSMENT METHODOLOGY

Cultural impacts differ from other types of impacts assessed in environmental assessments or environmental impact statements. A cultural impact assessment includes information relating to the practices and beliefs of a particular cultural or ethnic group or groups.

Such information may be obtained through ethnographic interviews and oral histories. Information provided by knowledgeable informants, including traditional cultural practitioners, can be applied to the analysis of cultural impacts in conjunction with information concerning cultural practices and features obtained through consultation and from documentary research.

In scoping the cultural portion of an environmental assessment, the geographical extent of the inquiry should, in most instances, be greater than the area over which the proposed action will take place. This is to ensure that cultural practices which may not occur within the boundaries of the project area, but which may nonetheless be affected, are included in the assessment. Thus, for example, a proposed action that may not physically alter gathering practices, but

may affect access to gathering areas would be included in the assessment. An ahupua'a is usually the appropriate geographical unit to begin an assessment of cultural impacts of a proposed action, particularly if it includes all of the types of cultural practices associated with the project area. In some cases, cultural practices are likely to extend beyond the ahupua'a and the geographical extent of the study area should take into account those cultural practices.

The historical period studied in a cultural impact assessment should coincide with the presence in the area of the particular group whose cultural practices and features are being assessed. The types of cultural practices and beliefs subject to assessment may include subsistence, commercial, residential, agricultural, access-related, recreational, and religious and spiritual customs.

The types of cultural features subject to assessment may include traditional cultural properties or other types of historic sites, both man made and natural, which support such cultural practices and beliefs.

The Environmental Council recommends that preparers of environmental assessments analyzing cultural impacts adopt the following protocol:

- (1) identify and consult with individuals and organizations with expertise concerning the types of cultural practices and features found within the broad geographical area, e.g., district or ahupua'a;
- (2) identify and consult with individuals and organizations with knowledge of the area potentially affected by the proposed action;
- (3) receive information from or conduct ethnographic interviews and oral histories with persons having knowledge of the potentially affected area;
- (4) conduct ethnographic, historical, anthropological, sociological, and other culturally related documentary research;
- (5) identify and describe the cultural practices and features located within the potentially affected area; and
- (6) assess the impact of the proposed action, alternatives to the proposed action, and mitigation measures, on the cultural practices and features identified.

Environmental Council Notices

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Interviews and oral histories with knowledgeable individuals may be recorded, if consent is given, and field visits by preparers accompanied by informants are encouraged. Persons interviewed should be afforded an opportunity to review the record of the interview, and consent to publish the record should be obtained whenever possible. For example, the precise location of human burials are likely to be withheld from a cultural impact assessment, but it is important that the document identify the impact a project would have on the burials. At times an informant may provide information only on the condition that it remain in confidence. The wishes of the informant should be respected.

Primary source materials reviewed and analyzed may include, as appropriate: land court, census and tax records, including testimonies; vital statistics records; family histories and genealogies; previously published or recorded ethnographic interviews and oral histories; and other archival documents, including correspondence, newspaper or almanac articles, and visitor journals. Secondary source materials such as historical, sociological, and anthropological texts, manuscripts, and similar materials, published and unpublished, should also be consulted.

III. CULTURAL IMPACT ASSESSMENT CONTENTS

In addition to the content requirements for environmental assessments and environmental impact statements, which are set out in HAR §§ 11-200-10 and 16 through 18, the portion of the assessment concerning cultural impacts should address, but not necessarily be limited to, the following matters:

1. A discussion of the methods applied and results of consultation with individuals and organizations identified by the preparer as being familiar with cultural practices and features associated with the project area, including any constraints or limitations which might have affected the quality of the information obtained.

2. A description of methods adopted by the preparer to identify, locate, and select the persons interviewed, including a discussion of the level of effort undertaken.

3. Ethnographic and oral history interview procedures, including the circumstances under which the interviews were conducted, and any constraints or limitations which might have affected the quality of the information obtained.

4. Biographical information concerning the individuals and organizations consulted, their particular expertise, and their historical and genealogical relationship to the project

area. Biographical information concerning the persons submitting information or interviewed, their particular knowledge and cultural expertise, if any, and their historical and genealogical relationship to the project area.

5. A discussion concerning historical and cultural source materials consulted, the institutions and repositories searched, and the level of effort undertaken. This discussion should include, if appropriate, the particular perspective of the authors, any opposing views, and any other relevant constraints, limitations or biases.

6. A discussion concerning the cultural practices and cultural features identified, and their location within the broad geographical area in which the proposed action is located.

7. A discussion concerning the nature of the cultural practices and beliefs, and the significance of the cultural features within the project area, including a discussion of the time periods during which the cultural practice or belief existed, or the feature was known to be significant for cultural purposes.

8. An explanation of confidential information that has been withheld from public disclosure in the assessment.

9. A discussion concerning any conflicting information in regard to identified cultural practices and features.

10. An analysis of the potential effect of any proposed physical alteration on cultural practices or cultural features; the potential of the proposed action to isolate cultural practices or features from their setting; and the potential of the proposed action to introduce elements which may alter the setting in which the cultural practices take place.

11. A bibliography of references, and attached records of interviews which were allowed to be disclosed.

The inclusion of this information will help make environmental assessments and environmental impact statements complete and meet the requirements of Chapter 343, HRS. If you have any questions please call us at 586-4185.

Please submit any comments to the Environmental Council, 235 South Beretania Street, Room 702, Honolulu, Hawai'i 96813 by October 8, 1997.

Federal Notices

SEPTEMBER 8, 1997

Pearl Harbor Hazardous Waste Permit Modification

The United States Environmental Protection Agency (EPA) and Hawaii's Department of Health (HDOH) are **requesting public comments** on EPA's proposal to approve a Class III modification to the existing Resource Conservation and Recovery Act (RCRA) hazardous waste permit for the U.S. Navy's Pearl Harbor Naval Shipyard Conforming Storage Facility (CSF). **THE PUBLIC COMMENT PERIOD WILL BE FROM AUGUST 4 TO SEPTEMBER 17, 1997. A PUBLIC HEARING WILL NOT BE HELD UNLESS A REQUEST IS RECEIVED BY SEPTEMBER 17, 1997.** This proposed modification would allow for the creation of new hazardous waste storage container areas to be built within the new Industrial Waste Treatment Complex (IWTC). These storage areas will temporarily store hazardous waste at the IWTC prior to treatment on site. The additional storage areas will allow the Navy to directly receive and store hazardous wastes at the IWTC without depending on the existing limited container storage capacity of the CSF. The current permit, EPA Identification Number HI-1170024334, issued in 1988, is held by the U. S. Navy Public Works Center (PWC) Pearl Harbor.

SEND COMMENTS AND ANY REQUESTS FOR A PUBLIC HEARING TO:

U.S. Environmental Protection Agency
Vern Christianson (WST-4)
75 Hawthorne Street
San Francisco, California 94105

The IWTC is being built to support proper handling, treatment, and disposal of hazardous wastes at Pearl Harbor and other military installations throughout Oahu. Since the 1980s, the Navy has been storing containers at the existing CSF for periods of up to a year. Most of these containers are shipped to landfills or other waste treatment facilities on the mainland. Approval of the permit modification allows the Navy to make more efficient use of the IWTC; and to minimize off-site shipments and land disposal.

EPA and HDOH believe that approving this modification to the existing permit is an appropriate way to address the issues of hazardous waste storage connected with military activities and waste management prior to treatment at the new IWTC. This permit modification will cover the containerized storage of hazardous waste streams under the CSF. It will also allow the Navy to store reactive oxygen breathing apparatus (OBA) canisters, oxygen candles and oxidizing agents. Treatment activities at the IWTC are exempt from RCRA permit requirements under the wastewater and elementary neutralization unit exemption of the Code of Federal Regulations (40 CFR) Section 264.1(g)(6).

Previously, the Navy issued a public notice on August 25, 1995, and held a public meeting on September 13, 1995, to discuss this project. **No member of the public attended the public meeting and no comments were received during the 60-day comment period ending October 2, 1995.**

On October 4, 1995, EPA granted the Navy a Temporary Authorization (TA) to start constructing a portion of the new facility. A second and final TA was issued on August 15, 1996. A Notice of Deficiency (NOD) was issued to the Navy on August 22, 1996. On November 13, 1996, the Navy submitted their response to EPA, resolving the issues identified in the NOD.

Technical documents and other information concerning the Pearl Harbor Naval Shipyard Conforming Storage Facility are available for public review at several information repositories. The U.S. Navy's permit modification request (the Navy's application, EPA's draft permit modification, including the draft letter of approval) and additional copies of this fact sheet are available for public review at the following locations:

- 1) Hamilton Library, University of Hawai'i, 2550 The Mall, Honolulu, contact Government Documents at 956-8230;
- 2) Solid and Hazardous Waste Branch, 919 Ala Moana Boulevard, Room 212, Honolulu; and,
- 3) U.S. EPA, Pacific Islands Contact Office, 300 Ala Moana Boulevard, Room 5124, Honolulu, contact: Vicki Tshako at 541-2710;

For more information, please contact Paul Kalaiwaa at 586-4226.

Migratory Bird Hunting

The U. S. Fish and Wildlife Service (FWS) has issued a final rule, effective **AUGUST 20, 1997**, setting the framework for early season migratory bird hunting regulations in which the states and territories may select season dates, limits, and other options for the 1997-98 migratory bird hunting seasons. For Hawai'i, the rules set parameters for hunting of mourning doves (*Zenaida macroura*). For more information contact Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358-1714 (see, 62 F.R. 44229, August 20, 1997).

Draft Recovery Plan for *Kokia cookei*

The U.S. Fish and Wildlife Service seeks public comment on a draft recovery plan for *Kokia cookei*. This species is known only from the island of Moloka'i, is federally listed as endangered, and has no naturally occurring populations. It currently exists only in cultivation at two locations and in managed outplantings at three sites. The

total number of individual plants remaining is 28. When first discovered in the 1860s, three trees of this species were known. By the twentieth century, only a single wild tree remained. The species became extirpated from the wild in 1918. Currently, only 28 cloned individuals exist. These individuals were produced by grafting to root stocks of the two related *Kokia* species, *Kokia kauaiensis* and *Kokia drynarioides*. Seven individuals are in artificial cultivation facilities on the islands of Maui and O'ahu. The remaining 21 individuals are in small (10,000 square feet or less) outplanting sites on privately owned Moloka'i Ranch lands, at Pu'u Nana, about 365 meters (1200 feet) elevation. The destruction of dryland habitats throughout the Hawaiian Islands, which began 1,500 years ago with the coming of the Polynesians to Hawai'i and increased greatly with the arrival of the Europeans a little over 200 years ago, has led to the elimination of *Kokia cookei* in the wild. *Kokia cookei* was directly impacted by browsing, bark stripping, and soil trampling by domestic and feral cattle, goats, and sheep. Comments must be received on or before **OCTOBER 14, 1997**, to receive consideration by the Service. To view a copy, please call 541-3441 in Honolulu, or the Moloka'i Public Library at 553-5483 (for details, please see 62 F.R. 43544, August 14, 1997).

Withdrawal of Surplus at Barbers Point Naval Air Station

In 1993, the Naval Air Station, Barbers Point was designated for closure pursuant to the Defense Base Closure and Realignment Act of 1990. In October 1995, approximately 2,146.9 acres of land and related facilities at this installation were declared surplus to the federal government. **ON JUNE 17, 1997, a second determination was made to withdraw some land and facilities previously reported as surplus.** The recomputed total amount of surplus land available in fee has been reduced to 2,111.5 acres (see, 62 F.R. 44111, August 19, 1997).

Kaua'i Plant Cluster Addendum

The U.S. Fish and Wildlife Service (FWS) seeks comments on a draft addendum II to the Recovery Plan for the Kaua'i Plant Cluster which the following plants. The plants listed as endangered are: *Alsinidendron lychnoides* (kuawawaenohu), *Alsinidendron viscosum*, *Cyanea remyi* (haha), *Cyrtandra cyaneoides* (mapele), *Delissea rivularis* (oha), *Hibiscadelphus woodii* (hau kuahiwi), *Hibiscus waimeae ssp. hanneriae* (koki'o ke'oke'o), *Kokia kauaiensis* (koki'o), *Labordia tinifolia var. wahiawaensis* (kamakahala), *Phyllostegia knudsenii*, *Phyllostegia wawrana*, *Pritchardia napaliensis* (loulu), *Pritchardia viscosa* (loulu), *Schiedea*

helleri, *Schiedea membranacea*, *Schiedea stellarioides* (iaulihilihi), *Viola kauaensis var. wahiawaensis* (nani wai'ale'ale). The plants listed as threatened are: *Cyanea recta* (haha) and *Myrsine linearifolia* (kolea). The above grow mostly in the northern and northwestern areas of Kaua'i, in various communities (shrublands, forests, and mixed communities), elevational zones (lowland to montane), and moisture regimes (dry to wet). The addendum supplements the 1995 Recovery Plan. (A limited number of copies of the 1995 Plan are available, although the Service is not seeking comments on that document.) Comments on the draft addendum must be received on or before **OCTOBER 20, 1997**, to receive consideration by the Service. To view a copy, please call 541-3441 in Honolulu, or please visit the Kaua'i Regional Library at 4344 Hardy Street, Lihu'e (for details, please see, 62 F.R. 44483, August 21, 1997).

Hazardous Waste Database

Under the Resource Conservation and Recovery Act, generators, transporters, treaters, storers, and disposers of hazardous waste are required to provide information concerning their activities to state environmental agencies, who in turn provide the information (e.g., identification number, facility address, wastes handled, etc.) to regional and national U. S. Environmental Protection Agency offices. The database is online at http://www.epa.gov/enviro/html/rcris/rcris_id_info.html.

AmeriCorps

The National Civilian Community Corps seeks collaboration in the performance of service projects in environmental areas, among other things. For more information, please see <http://www.national.service.org> (see, 62 F.R. 45235, August 26, 1997).

Environmental Education Grants

The U. S. Environmental Protection Agency (EPA) seeks grant proposals to support environmental education projects. Financial support will be provided for projects which design, demonstrate, or disseminate environmental education practices, methods, or techniques. EPA will not fund projects that are solely designed to develop or disseminate environmental "information." An original proposal plus two copies must be mailed to EPA postmarked no later than **NOVEMBER 15, 1997**. For more information, please call Matt Gaffney, Office of Communications and Government Relations, EPA Region IX, at (415) 744-1166 and see, 62 F.R. 44859, August 22, 1997.

Federal Notices

SEPTEMBER 8, 1997

Ecosystem Value

An article on the value of the world's ecosystems was published in the May 15, 1997, edition of the science journal *Nature*. Ecologists and economists attempted to place dollar values on the functions and services provided by various ecosystems worldwide in the hopes of bringing to the forefront the true values that ecosystem functions perform for our society. The grant total of benefits provided by natural systems was estimated to be \$33 trillion per year at a minimum. For reference, the total Gross National Product equals \$18 trillion. These figures support what many have held to be true for years that natural systems provide services at far cheaper costs than if we have to provide them for ourselves (i.e., it costs far more to "fix" a broken ecosystem than to protect and maintain it in the first place). The full *Nature* article can be viewed on the web at <http://www.nature.com> (extracted from EPA's Coastlines 7.3, Summer Issue, at <http://www.epa.gov/OWOW/estuaries/spring97/nature.html>).

Fisheries

Effective **AUGUST 21, 1997**, the National Marine Fisheries Service (NMFS) has issued a final rule (50 C.F.R. 660) to implement management measures for the 1997 limited entry, fixed gear sablefish fishery north of 36 deg. N. latitude (see, 62 F.R. 45350, August 27, 1997).

Native Graves

The National Park Service announced the completion of inventories of: associated funerary objects of Queen Lili'uokalani (see, 62 F.R. 45439, August 27, 1997); native human remains (see, 62 F.R. 45437, 45438, August 27, 1997); and, an associated funerary object (see, 62 F.R. 45439, August 27, 1997), all in the possession of the Bernice Pauahi Bishop Museum, Honolulu. Repatriation of the above, may proceed if no additional claimants come forward before **SEPTEMBER 26, 1997**. For more information, please refer to the above cited Federal registers.

Midway Atoll National Wildlife Refuge

The U. S. Fish and Wildlife Service (FWS) seeks comments on proposed supplemental rules for the administration of Midway Islands and Midway Atoll National Wildlife Refuge. **COMMENTS MAY BE SUBMITTED ON OR BEFORE OCTOBER 27, 1997** (see, 62 F.R. 45381, August 27, 1997).

Kaho`olawe Shallow Water Mine Sonar Training Area

The Department of the Navy reports that an Environmental Assessment has been prepared and an Environmental Impact Statement is not required for the Hawaiian area shallow water mine sonar training area (SWMSTA), Kuia Shoal, Kaho`olawe, Hawai'i. The proposed action is to install a small shallow-water submarine mine warfare sonar training area in the Kuia Shoal area, in the southern portion of Kealaikahiki Channel between the islands of Lana`i and Kaho`olawe.

The EA addressing this action may be obtained from: Commander, Submarine Force, U. S. Pacific Fleet, Pearl Harbor, Hawai'i 96869-6543 (Attn: LCDR Stephen Fischer, Code N754). A limited number of copies of the EA are available to fill single copy requests. (see also, p. A-24, *Honolulu Advertiser*, August 29, 1997).

Ma`alaea Harbor Improvements

The U.S. Army Corps of Engineers and the Department of Health have announced that a public hearing will be held relating to section 404, and section 401 of Clean Water Act for the Ma`alaea Harbor Improvements. The hearing will be held at Kihei Elementary School, Kihei, Maui on September 24, 1997 from 7:00 to 9:00 pm in the Cafeteria.

The Corps and the Department of Land and Natural Resources propose to build improvements to the Ma`alaea Harbor for Light-draft Vessels at Ma`alaea, Maui. The proposal's general goal is to improve commercial and recreational navigation in the harbor.

The Corps and the DOH are soliciting public comments to consider and evaluate the impacts of the proposed activity on water quality and the public interest. Interested parties may testify orally at the hearing, may submit any written comments, or both, on the proposed activity. For more information, please contact William B. Lennan at 808-438-2264.

No Such Thing as a “Mitigated FONSI”

U.H. Environmental Center opines on Nimitz project

In the last issue of the Notice, we printed comments and responses relating to the Nimitz Highway Reconstructed Sewer project. The U.H. Environmental Center wrote that a full EIS should be prepared for the sewer project. The city Wastewater Department, after improving the EA and publishing it in final form, determined that a full EIS was not necessary. Below, Dr. John Harrison of the Environmental Center further discusses the issues in relation to Hawaii law.

. . . [W]e concur that revisions included in the Final Environmental Assessment (EA) for the referenced project have substantially improved the quality of the document.

However, irrespective of amendments included in the Final EA, the inherent properties of the proposed action engender a likelihood of impacts meeting definitions of significance under Hawaii law. Hence, pursuant to Section 343-5(b) HRS and Section 11-200-11.2(a)(1) HAR, a Finding of No Significant Impact (FONSI) is not warranted for this project, and an Environmental Impact Statement Preparation Notice must be issued. The following paragraphs expand upon the rationale for this determination.

Your letter states,

*** [w]e agree that an EIS would be appropriate if the potential of significant potential adverse impacts or their mitigation require further investigation (emphasis added.)**

HRS 343 makes no reference to the need for further investigation of possibly significant adverse impacts or their mitigation. Quoting Section 343-5(b),

*** A statement shall be required if the agency finds that the proposed action may have a significant effect on the environment.**

The sole determinant of the need for preparation of an EIS is the possibility that an action may have a significant effect. My prior letter identified a number of likely significant effects of the referenced project which, in your response, you clearly acknowledged. However you then proceeded to state,

*** [w]e feel that the potential concerns that you identified are either undue or can be mitigated. (emphasis added)**

and on that basis you posited that an EIS was not needed for this project. In so concluding, you apparently assumed that it is the potential significance of effects *after mitigation* that forms the basis for the decision as to whether

or not a statement shall be prepared. Under Hawaii statutory law, anticipatory mitigation is irrelevant to significance determination. Unlike the federal system, Hawaii has no provision for a “mitigated FONSI.”

Federal regulations promulgated by the President’s Council on Environmental Quality (CEQ) for implementation of the National Environmental Policy Act (NEPA) require that agencies discuss mitigation measures in an EIS, but do not address whether these measures can result in a finding of no significant impact. The CEQ specifically discouraged the use of mitigated FONSI for two main reasons: concern over the lack of monitoring of mitigation measures, and concern that the public review required by the EIS, essential for informed decision making, would be circumvented or substantially compromised by the summary nature of technical details provided in an EA as compared with an EIS. Although more federal appellate case law on this issue upholds than denies use of mitigated FONSI, the matter remains controversial.

Hawaii, by contrast, has no such case law precedent, and no guidance authorizing implementation of a mitigated FONSI within any of the regulatory derivatives of HRS 343.

The referenced project is acknowledged to engender possible significant impacts. For example, your letter states,

*** [we] concur that as an additional precaution, inclinometers will be provided throughout the entire sewer line alignment by inclusion in the construction contract specifications to monitor subsidence.**

And you later state,

*** . . . baseline groundwater sampling will be conducted along the chosen alignment to identify potential contaminants which may be encountered...,**

and,

*** [i]n recognition of the high traffic volume on this critical thoroughfare, DOT has limited lane closures during other non-peak daylight hours to one lane only as a mitigation measure.**

Each of these three statements tacitly acknowledges potential significant impacts, as specified, respectively, in sections 11-200-12(b)(6), 11-200-12(b)(10), and 11-200-12(b)(4) & (6), HAR. Since the project may have significant impacts, a statement shall be prepared, pursuant to the law.

In view of the evident inconsistency between federal and state EIS systems with regard to this issue, your determination that a FONSI would be appropriate is understandable. I hope that the foregoing discussion clarifies my earlier suggestion that this project warranted preparation of an EIS.

Sincerely,

John T. Harrison
Environmental Coordinator
Environmental Center, University of Hawaii