

# The Environmental Notice

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



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GOVERNOR

**OFFICE OF  
ENVIRONMENTAL  
QUALITY CONTROL**  
GENEVIEVE SALMONSON  
DIRECTOR

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

Other Resources  
available at OEQC . . .

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

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JANUARY 23, 2001

## *Big Island and Maui Telescopes*

**Mauna Kea:** The National Aeronautics and Space Administration (NASA) submitted a NEPA draft environmental assessment (DEA) to build six outrigger telescopes on Mauna Kea at the Keck Observatory site. The NEPA DEA is in addition to a pending state DEA submitted by the UH Institute for Astronomy (see, March 23, 1999, *Environmental Notice*). The outriggers are 6 foot telescopes which will flank two Keck 33-foot telescopes. The outriggers combine with the existing larger telescopes to produce very high resolution synthesized images. The current EA includes a section 106 (historic preservation) review and describes more fully impacts and planned mitigation for the threatened arthropod, the wekiu bug. NASA requests comments by February 23, 2001. Two open houses for the general public are scheduled for February 5, 2001, from 1:00-7:00 p.m., at UH Hilo Campus Center and on February 7, 2001, from 1:00-6:00 p.m., at the Old Kona Airport State Park

Events Pavilion. See page 11 for more information.

**Haleakala:** The UH Institute for Astronomy (UHIfA) has submitted a draft EA to build the Faulkes Telescope on 1.5-acres at the Haleakala Observatories at the 10,000-foot level of Mt. Haleakala. At 3,300 square-feet in size, with a clamshell dome, 30-feet high, the project will be financed through an educational trust in the United Kingdom (UK) and through local funding. Used for educational purposes to provide real-time experience for college students in the UK and on Maui, the telescope will operate from remote command in the UK and at Maui Community College. Although no staff will be onsite fulltime, monitoring and facility maintenance will be provided. The electronic draft EA will be available on the web after January 23rd at <http://www.ifa.hawaii.edu/haleakala/ea> (N.B., these PDF files are quite large!). See page 7 for more information.

### *Makua Update/Corrected UH List*

The U.S. Army has cancelled its January 17, 2001, public meeting. Instead, the Army will have a site tour and presentation at 10:00 A.M. on January 20, 2001, followed by a public meeting on January 27, 2001, at 3:00 P.M. at the Wai'anae District Park Multi-Service Center, 85-601 Farrington Highway. The Draft Supplemental EA comment deadline has also been extended from January 22, 2001, to **JANUARY 30, 2001**.

Also, the UH exemption list in our December 23, TEN had errors. New list - see, page 20.

### *Critical Habitat Hearings on Kaua'i*

The U.S. Fish and Wildlife Service will have a public hearing on critical habitat for Kaua'i-Ni'ihau endangered and threatened species. See page 18 for more.

### *Discharge of Dredged Material*

The EPA and the Army Corps of Engineers have defined, by rule, what constitutes a discharge of dredged material under Section 404 of the Clean Water Act. See page 19 for more.

### *Genetically Modified Food Rules*

The Food and Drug Administration (FDA) seeks your comments on introducing genetically modified food and labelling requirements prior to use for humans and animals. See page 18 for more.

### *Hawaiian Picture-wing Flies For Endangered Species List*

The U.S. Fish and Wildlife Service wants to have 12 species of Picture-wing flies (in the genus *Drosophila*) listed as endangered. Biologists believe the 12 species represent one of the most remarkable cases of habitat-specific evolution in any group of animals in the world. As many as 1,000 species of picture-wings may exist, each one adapted not only to a particular island, but to a specific habitat type. These flies are known for their elaborate markings on otherwise clear wings. They also have been called the "birds of paradise" of the insect world because of their spectacular courtship displays in defense of their territories. See page 18.

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*OEQC intends to make the information in this bulletin accessible to everyone. Individuals that require this material in a different format (such as large type or braille), should contact our office for assistance.*

## Draft Environmental Assessments



### (1) Kane'ohu Bay Piers

**District:** Ko'olaupoko  
**TMK:** 4-4-07,14,16,18,21,22,37; 4-5-01,06,07,47,58,104; 4-6-01,03,22,23; 4-7-09,10,14,17,19,24,30,41; 4-8-05; and 4-9-01,03  
**Applicant:** Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawai'i 96809  
Contact: Traver Carroll (587-0439)

**Approving Agency/Accepting Authority:** Same as above.

**Public Comment**

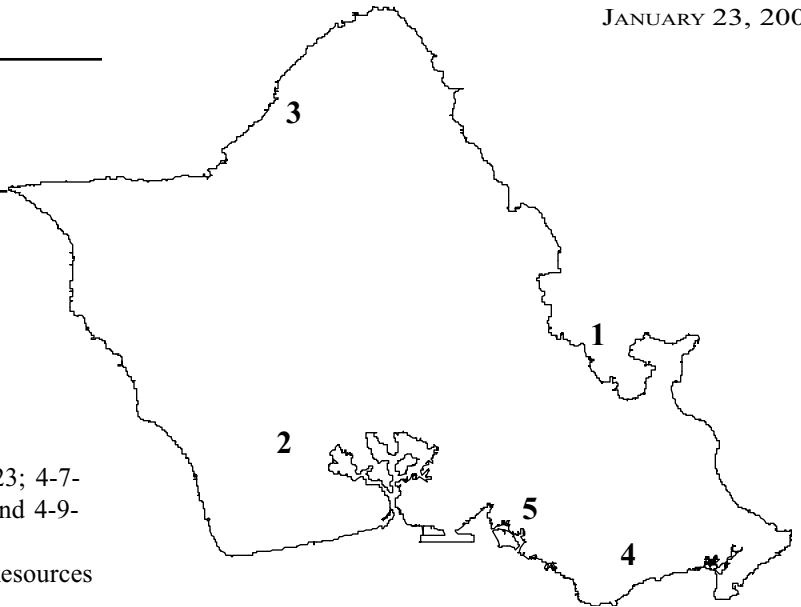
**Deadline:** February 22, 2001  
**Status:** DEA First Notice pending public comment. Address comments to the applicant with a copy to OEQC.

**Permits Required:** CDUP

The Department of Land and Natural Resources wishes to resolve the unauthorized pier problem in Kane'ohu Bay, which has persisted for several decades. There are approximately 200 piers in the Bay, many of which do not have proper government authorization. To induce participation in the program from owners of these unauthorized piers, an "Amnesty Program" was created which essentially pardons individuals who possess an unauthorized pier, should they cooperate with the State to legalize the pier. [Note: *This program does not include encroachments other than unauthorized piers, such as seawalls, fill, boats ramps, steps, etc. The State will continue to deal with these encroachments on a case-by-case basis.*]

The goal of this program is to provide owners of unauthorized piers with the required permits to achieve compliance with the State's land use laws and ultimately resolve the illegal pier problem in Kane'ohu Bay.

It is not the intent of the Department to pardon "any" action that results in a violation of the State's land use laws. In this case, however, the Department decided that the pier problem was so extensive in Kane'ohu Bay that it required a completely different solution than the conventional case-by-case approach to enforcement problems. The Department offered am-



nesty to unauthorized pier owners who were willing to participate and offered to prepare the necessary permits and environmental documents, in order to increase the likelihood of participation. Another factor considered by the Department was the environment in Kane'ohu Bay, which is ideally suited for pier development. Marine and coastal conditions provide an ideal situation for pier development. The long barrier reef, which stretches from Kane'ohu Marine Air Force Base northward along the windward coast, provides shelter and calm seas, which are necessary conditions to maintain structures of these types. As such, from an environmental perspective, the Department feels that pier development is not inconsistent with conservation objectives.

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



### (2) Honouliuli 228' Reservoir No. 3

**District:** 'Ewa  
**TMK:** 9-2-1:01  
**Applicant:** City & County of Honolulu  
Board of Water Supply  
630 South Beretania Street  
Honolulu, Hawai'i 96843  
Contact: Michael Matsuo (527-5121)

# O'ahu Notices

JANUARY 23, 2001

## Approving Agency/Accepting

**Authority:** City & County of Honolulu  
Board of Water Supply  
630 South Beretania Street  
Honolulu, Hawai'i 96843  
Contact: Clifford Jamile (527-6180)

**Consultant:** Marc M. Siah & Associates, Inc.  
810 Richards Street, Suite 888  
Honolulu, Hawai'i 96813  
Contact: Mr. Kelly Chuck (538-7180)

**Status:** FEA/FONSI issued, project may proceed.

## Permits

**Required:** NPDES, building, grading

The Honolulu Board of Water Supply (BWS) is proposing to construct a 6 million gallon water storage reservoir in Honouliuli, 'Ewa on land owned by the Estate of James Campbell, and identified as a portion of TMK No. 9-2-01:01. The site is located north of the H-1 freeway and between the communities of Village Park and Makakilo. The construction of this facility will increase storage capacity in the existing water system (that serves the Ewa-Waipahu area) to meet existing requirements and enhance the capability of the BWS to provide adequate potable water service to the area.

Construction-related activities are expected to have short-term impacts on noise, air quality, erosion, public health and safety, and traffic. However, mitigation measures such as muffling devices on construction equipment, dust control measures, Best Management Practices, and traffic control plans will be utilized. Long-term impacts such as to visual resources of the area will be mitigated to the extent necessary by landscaping. No significant impacts are expected on water quality, water resources, historical and archaeological sites, flora and fauna.

Construction of the reservoir is anticipated to begin in 2002 and estimated to last at least two (2) years. The construction cost for the project is estimated to be approximately \$17,500,000.



## (3) Kahauola Street Relief Drain

**District:** Ko'olauloa  
**TMK:** Drain easement near 5-9-01-27  
**Applicant:** City and County of Honolulu  
Department of Design and Construction  
650 South King Street, 11th Floor  
Honolulu, Hawai'i 96813  
Contact: Tyler Sugihara (523-4932)

## Approving Agency/Accepting

**Authority:** Same as above.

**Consultant:** Earth Tech, Inc.  
700 Bishop Street, Suite 900  
Honolulu, Hawai'i 96813  
Contact: Karl Bromwell (523-8874)

**Status:** FEA/FONSI issued, project may proceed.  
**Permits Required:** COE Sec. 404, DOH Sec. 401; CZM; SMA; CDUA; SSV; NPDES

The purpose of this environmental assessment is to analyze the potential environmental consequences of the proposed City and County of Honolulu Kahauola Street Drainage project and to determine if there would be significant short-term, long-term and/or cumulative impacts on the human, natural and historic environments. This project complies with Chapter 343, Hawai'i Revised Statutes, and Title 11, Chapter 200, Hawai'i Administrative Rules of the State Department of Health. The proposed project is to improve the existing storm drainage system along Kahauola Street near Sunset Beach to mitigate flooding of the residential area. Proposed improvements include the removal of the existing tee outlet and approximately fifty feet of existing 66-inch pipe and the installation of a Tideflex® or equivalent check valve to the pipe on the downstream side of the first drain manhole on the beach. The check valve is designed to allow stormwater to exit the pipe while preventing sand from entering it. Other major alternatives considered were: increase of pipe size of entire drainage system; and extension of the outlet approximately 60 feet into the ocean and replacement of the existing tee outlet structure with a 90° bend. The "no action" alternative is unacceptable because it would leave the Kahauola Street residents with a drainage system prone to sand plugging problems. Implementation of the proposed project would not pose any anticipated significant long term or cumulative adverse impacts on the human, natural and historic environments. Potential short-term effects to vegetation, water quality, visual resources, noise, and air quality may occur during construction. Positive impacts (i.e., improved view of the shoreline; restoration of natural sand transport processes; reduced effects of flooding) may occur.



## (4) Petrie Community Park Improvements

**District:** Honolulu  
**TMK:** 3-2-45:2  
**Applicant:** City and County of Honolulu  
Department of Design and Construction  
650 South King Street  
Honolulu, Hawai'i 96813  
Contact: Elaine Morisato (523-4790)

## Approving Agency/Accepting

**Authority:** Same as above.  
**Consultant:** Environmental Planning Services  
1314 South King Street, Suite 951  
Honolulu, Hawai'i 96814  
Contact: Eugene Dashiell (593-8330)  
**Status:** FEA/FONSI issued, project may proceed.  
**Permits**  
**Required:** Building, grading

The Department of Parks and Recreation proposes to improve Petrie Community Park (bounded by Harding, Pahoa, 20th and 21 Avenues) in Kaimuki, Honolulu, O'ahu. Work will include but not be limited to: 1) reconstruction of two existing basketball courts and two existing volleyball courts; 2) reconstruction of two existing tennis courts; 3) construction of accessible ramps to provide walkway access to the park site; 4) installation of a new automatic irrigation system; 5) landscaping improvements; 6) sewer improvements; 7) construction of parking lots and fire lane in the abandoned portion of 20th Avenue; 8) miscellaneous and appurtenant improvements; 9) electrical and lighting system improvements; 10) potable water system improvements; 11) fencing improvements; 12) picnic tables and benches; 13) removal of certain existing trees; 14) enclosing existing recreation building with edge fencing; 15) installation of chain and post barriers; 16) construction of grade adjustment concrete and rock walls.



## (5) Sand Island Parkway Wastewater Pump Station Modifications

**District:** Honolulu  
**TMK:** 1-5-41: 5  
**Applicant:** City and County of Honolulu  
Department of Design and Construction  
650 South King Street, 2nd Floor  
Honolulu, Hawai'i 96813  
Contact: Robert Miyasaki (527-5159)

## Approving Agency/Accepting

**Authority:** Same as above.  
**Consultant:** GMP Associates, Inc.  
1100 Alakea Street, Suite 1800  
Honolulu, Hawai'i 96813  
Contact: B. Kainani Andrade (521-4711 x 702)  
**Status:** FEA/FONSI issued, project may proceed.  
**Permits**  
**Required:** SMA

The Sand Island Parkway Wastewater Pump Station (WWPS) is nearly 20 years old and some of the equipment therein is nearing the end of its design life. The East Mamala Bay Facility Plan recommended a number of modifications to the pump station so that wastewater collection from the nearly 500 acre tributary area of Sand Island will continue to be reliably conveyed to the Sand Island Wastewater Treatment Plant (WWTP) in the future.

The modifications necessary are due to increased hydraulic head requirements resulting from planned construction of a new headworks structure at the Sand Island WWTP and to projected increase in future (year 2020) wet weather flows to the pump station.

The modifications include:

- \* Replacing the three (3) existing 1.15 mgd pumps with three (3) new pumps, each with 2.02 mgd capacity;
- \* Replacing and rerouting of the existing force main to convey wastewater to the new headworks structure to be constructed at the Sand Island WWTP;
- \* Replacing the existing 60 kW emergency generator with a new 90 kW emergency generator.

No structural modifications to the pump station or to the wet well are necessary to accommodate these improvements. The proposed action is anticipated as having no adverse or significant impacts on the surrounding environment nor to the operation of the Sand Island WWTP. The modifications listed above support the anticipated increase in flow rates that have been accounted for in the design criteria of the Sand Island WWTP.

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## Previously Published Projects Pending Public Comments

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### Draft Environmental Assessments

#### Kaimuki Traffic Calming Project

**Applicant:** Department of Transportation Services  
711 Kapiolani Boulevard, Suite 1200  
Honolulu, HI 96813  
Contact: Cheryl Soon (523-4125)

#### Approving Agency/Accepting

**Authority:** Same as above

#### Public Comment

**Deadline:** February 7, 2001

# O'ahu Notices

JANUARY 23, 2001

## Kalawahine 180 Reservoir

**Applicant:** Board of Water Supply  
630 South Beretania Street  
Honolulu, Hawai'i 96843  
Contact: Kathryn Fujikami (527-5221)

### Approving Agency/Accepting

**Authority:** Board of Water Supply  
630 South Beretania Street  
Honolulu, Hawai'i 96843  
Contact: Clifford Jamile (527-6180)

### Public Comment

**Deadline:** February 7, 2001

## Ke'ehi Lagoon Pearl Oyster Farm

**Applicant:** Black Pearls, Inc.  
P.O. Box 525  
Holualoa, Hawai'i 96725  
Contact: Neil Sims (325-6516)

### Approving Agency/Accepting

**Authority:** Department of Land and Natural Resources  
1151 Punchbowl Street, Room 220,  
Honolulu, Hawai'i 96813  
Contact: Eric Hill (587-0380)

### Public Comment

**Deadline:** February 7, 2001

## Final Environmental Impact Statements

### Diamond Head State Monument Master Plan Update

**Applicant:** Department of Land and Natural Resources  
P.O. Box 373  
Honolulu, Hawai'i 96809  
Contact: Andrew Monden (587-0230)

### Approving Agency/Accepting

**Authority:** Governor, State of Hawai'i  
c/o Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, Hawai'i 96813

**Status:** FEIS currently being reviewed by OEQC.



# Kaua'i Notices

## Previously Published Projects

### Draft Environmental Assessments

#### Kaua'i Technology Center - Phase II

**Applicant:** Kaua'i Economic Development Board  
4290 Rice Street  
Lihue, Hawai'i 96766  
Contact: Gary Baldwin (245-6692)

### Approving Agency/Accepting

**Authority:** Department of Business, Economic Development and Tourism  
P.O. Box 2359  
Honolulu, Hawai'i 96823-2159  
Contact: Greg Barbour (586-2548)

### Public Comment

**Deadline:** February 7, 2001

## Correction

### Waimea Wastewater Treatment Plant Backup Injection Well

The notice regarding the Waimea Wastewater Treatment Plant Backup Injection Well was inadvertently and erroneously published as a FONSI in the December 23, 2000, issue of the Environmental Notice. Notice of availability of this project will be officially published at a later date.



## Draft Environmental Assessments



### (1) Faulkes Telescope Facility

**District:** Makawao  
**TMK:** 2-2-07: portion 8  
**Applicant:** University of Hawai'i  
Institute for Astronomy  
2680 Woodlawn Drive  
Honolulu, Hawai'i 96822  
Contact: Dr. Rolf-Peter Kudritzki (956-8566)

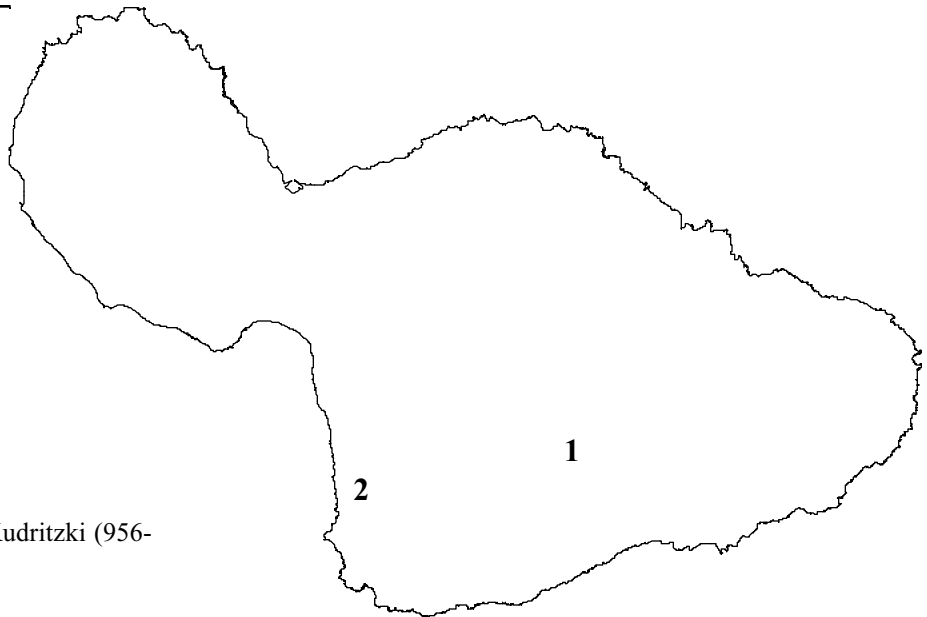
**Approving Agency/Accepting Authority:** Same as above.  
**Consultant:** KC Environmental, Inc.  
P.O. Box 1208  
Makawao, Hawai'i 96768  
Contact: Dr. Charles Fein (573-1903)

**Public Comment**  
**Deadline:** February 22, 2001  
**Status:** DEA First Notice pending public comment. Address comments to the applicant with copies to the consultant and OEQC.

**Permits Required:** CDUP

At an elevation of 10,023 ft, the summit area of Haleakala is one of the prime locations in the world for astronomical, space surveillance and atmospheric observations. The University of Hawai'i Institute for Astronomy (IfA) in cooperation with the Faulkes Telescope Corp. (FTC) proposes to construct the Faulkes Telescope Facility (FTF) at the University of Hawai'i Haleakala Observatories (HO) site on the summit of Haleakala. The facility would be financed through private funds from the Dill Faulkes Educational Trust in the United Kingdom (UK) and funds to be raised locally in Hawai'i and the United Kingdom.

In order to bring about a greater public understanding in the realm of science and astronomy, the FTF would be used for astronomical research and outreach. In the UK, the FTF would be used to support all levels of students, from primary school to undergraduate college levels. In Hawai'i, the telescope would initially focus on undergraduate and secondary school students. The students in Hawai'i and the UK would use the telescope to conduct research projects under the mentoring of teachers and professional astronomers. The FTF would contain the largest



telescope in the world dedicated to educational and outreach programs.

The FTF would be owned and operated by the FTC, a Hawai'i non-profit corporation. The University of Hawai'i (UH) would participate in this project through the IfA. Bosworth Management of Leicester, UK would manage the construction of the telescope. Operations in the UK would be managed by FTC and other UK astronomy education organizations.

Haleakala Observatories is the high altitude observatory site just southwest of the summit area that has been set aside by the State of Hawai'i for scientific research. UH intends to continue its development of the site with astronomical and related projects that do not require the extreme altitude and conditions of the now limited sites on Mauna Kea on the island of Hawai'i.

In order to accomplish the objective of constructing and utilizing the FTF at a single location on Haleakala, extensive planning is necessary that includes the participation of both the UH and the FTC. The FTC is preparing this Environmental Assessment (EA) as the first step in the process. UH is the applicant for a Conservation District Use Application (CDUA) for the site, though they would neither develop, nor manage the FTF. Telescope Technologies, Ltd. from the UK and other contractors would build the FTF, and the FTC would manage it.



### (2) Wailea Beach Villas

**District:** Lahaina  
**TMK:** 2-1-08:091

# Maui Notices

JANUARY 23, 2001

**Applicant:** Lai Honua LLC  
c/o Lokahi Ventures LLC  
20 La Ferrera Terrace  
San Francisco CA, 94133  
Contact: Mark Whiting (415-391-4410)

**Approving Agency/Accepting**

**Authority:** County of Maui  
Department of Planning  
250 South High Street  
Wailuku, Hawai'i 96793  
Contact: Ann Cua (270-7735)

**Consultant:** Chris Hart & Partners, Inc.  
1955 Main Street, Suite 200  
Wailuku Hawai'i 96793  
Contact: Rory Frampton (242-1955)

**Public Comment**

**Deadline:** February 22, 2001  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with copies to the approving agency or accepting authority, the consultant and OEQC.

**Permits Required:** SMA; NPDES; County Grading, Building, Driveway, ROW; Flood Hazard Area Development Permits

Lai Honua LLC proposes to construct a 100-unit multi-family residential condominium on 10.74 acres parcel in Wailea, Maui Hawai'i. Development includes the construction of 7 two-to-three-story "bungalow" type residential buildings, a five-story "penthouse" residential building, recreational and fitness facilities, and related onsite drainage infrastructure and utilities.

The project is located within the Wailea Resort, a master planned community (apprx.1500 acres) zoned for high-density resort/commercial use (1973). Initial development of the resort provided for water, wastewater and other utility systems, as well as a coordinated system of parkways, pedestrian paths, and public beach accesses. Therefore, no impacts to local infrastructure or recreational facilities are anticipated as part of the project.

The project site is an undeveloped parcel bordered by developed commercial and hotel-residential uses. Consultation with neighboring property owners, the Resort, and the regional community association have resulted in a design that is consistent with surrounding development with respect to use, scale, and character.

The subject parcel has a coastal frontage of approximately 440 feet, the majority of which is a rocky headland with a section extending towards Wailea Beach. The developable area of the property is located directly inland of the rocky section. All residential structures will be located inland of the 150-foot shore-

line setback. Drainage infrastructure has been designed to reduce post-development flows to pre development levels and maintain the existing drainage patterns. No impacts to water quality, or interactions with shoreline processes are anticipated.

No significant sites have been identified on the subject property in cultural and archaeological analysis. A construction-monitoring plan has been developed to mitigate any construction-related impacts to sub-surface findings. No impacts to culturally significant or endangered biological resources are anticipated.

The effects of the project are primarily associated with short-term construction-related impacts, which can and will be mitigated through adherence to State and County regulations regarding noise, fugitive dust, and erosion control.

Construction of the project is anticipated to take 12 to 18 months, starting mid 2001.

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## Previously Published Projects Pending Public Comments

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### Draft Environmental Assessments

#### Pa'ia Community Learning Center

**Applicant:** Community Work Day Program  
P.O. Box 757  
Pu'unene, Hawai'i 96784  
Contact: Jan Dapitan (877-2524)

**Approving Agency/Accepting**

**Authority:** County of Maui  
Office of the Mayor  
200 South High Street  
Wailuku, Hawai'i 96793  
Contact: Glenn Vares (270-7213)

**Public Comment**

**Deadline:** February 7, 2001





## Draft Environmental Assessments



### (1) Pa'auilo Water Association Waterline Replacement Project

**District:** Hamakua  
**TMK:** 4-2-2  
**Applicant:** Pa'auilo Water Association  
811 Kanoelehua Avenue  
Hilo, Hawai'i 96720  
Contact: Ivan Nakano (935-2258)

**Approving Agency/Accepting Authority:** Department of Transportation  
869 Punchbowl Street  
Honolulu, Hawai'i 96813  
Contact: Robert Taira (933-8866)

**Consultant:** Brian Nishimura (935-7692)  
101 Aupuni Street, #217  
Hilo, Hawai'i 96720

#### Public Comment

**Deadline:** February 22, 2001  
**Status:** DEA First Notice pending public comment. Address comments to the applicant with copies to the approving agency or accepting authority, the consultant and OEQC.

**Permits Required:** DOT approval, County DWS approval  
NPDES

The Pa'auilo Water Association (PWA) is proposing to replace approximately 3,540 lineal feet of 2 1/2-inch waterline with a new 6-inch waterline within the Hawai'i Belt Road right-of-way. The County of Hawai'i, Department of Water Supply (DWS) owns the existing 2 1/2-inch waterline and the new 6-inch waterline will be dedicated to the DWS upon completion. The proposed waterline replacement project will extend from the Ka'ohu Subdivision (west end) to the Kuka'iau Subdivision (east end) in the Hamakua District, Island of Hawai'i.

The new 6-inch waterline will connect to an existing 4-inch waterline along the south side of the Mamalahoa Highway, near the east end of 'A'amanu Stream Bridge (mile post 34.41). The waterline will cross under the highway, just east of 'A'amanu Stream Bridge, to the north side and then proceed in an easterly direction. The new 6-inch waterline will connect to an existing 4-inch waterline at its easterly terminus, near Kainehe Bridge (mile post 33.74). The proposed alignment will



cross Kawali'i Gulch and the plan is to attach the 6-inch waterline to the Kawali'i Bridge. The existing 2 1/2-inch waterline will remain in service until the new line is ready for service. The new 6 inch waterline will be designed in accordance with current DWS and State Department of Transportation standards. The proposed project will take approximately three months to construct at a cost of approximately \$400,000.



### (2) Pohakea Water System Improvement Project

**District:** Hamakua  
**TMK:** 4-3-11: 11, 22 & 31, 4-3-12: 13, 16 & 22,  
4-3-13: 6 & 12

**Applicant:** County of Hawai'i  
Department of Water Supply  
25 Aupuni Street  
Hilo, Hawai'i 96720  
Contact: Kurt Inaba (961-8665)

**Approving Agency/Accepting Authority:** Same as above.  
**Consultant:** Brian Nishimura (935-7692)  
101 Aupuni Street, #217  
Hilo, Hawai'i 96720

# Hawai'i Notices

JANUARY 23, 2001

## Public Comment

**Deadline:** February 22, 2001  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with copies to the consultant and OEQC.

## Permits

**Required:** County DWS/DPW approval.

The Department of Water Supply (DWS), County of Hawai'i, is proposing water system improvements in the Pohakea Homesteads which is situated mauka of the community of Pa'auilo, Hamakua District, Island of Hawai'i. The proposed improvements will include construction of two new pump stations, construction of two new concrete water tanks (100,000 gallons each) and appurtenances, construction of approximately 3,400 lineal feet of new 6 inch water lines. Two existing water tanks and one pump station will be abandoned and demolished.

The proposed project will involve the creation of three new parcels and several easements. Proposed lot B-2 will consist of 16,770.7 square feet of land and serve as a tank site. Proposed lot 38 A-2, consisting of 18,000 square feet, will serve as a tank and pump station site. Proposed lot 17-B-2-A-2, consisting of 4,015 square feet will serve as a pump station site. All of the proposed easements are readjustments of an existing 15-foot wide waterline easement to reflect new ground data. The old waterline easements are being canceled.

The proposed project will take approximately nine months to construct at a cost of approximately \$1,000,000.

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

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### (3) Carroll Single-Family Residence

**District:** Ka'u  
**TMK:** 9-5-16:36  
**Applicant:** Mary and David Carroll (610-527-0184)  
603 Winsford Road  
Bryn Mawr, Pennsylvania 191010

#### Approving Agency/Accepting

**Authority:** Department of Land and Natural Resources  
1151 Punchbowl Street, Room 220  
Honolulu, Hawai'i 96813  
Contact: Eric Hill (587-0383)

**Consultant:** Carlsmith Ball  
121 Waiianuenue Avenue  
Hilo, Hawai'i 96720  
Contact: Steven Lim (935-6644)  
**Status:** FEA/FONSI issued, project may proceed.  
**Permits**  
**Required:** CDUP, building

The proposed single-family residence (SFR) with accessory and related improvements within the General Subzone of the State Land Use Conservation District. Proposed land uses include the construction of a new SFR with a reflection pool, garage, water catchment system and gravel driveway. The residence would be constructed on a previously graded historic 'A'a lava flow. Significant cultural, trail, coastal marine food and archeological resources exist on the property. The applicant represents that construction of the residence and repair of the road on the previously graded area would not affect the identified resources present on the property.

The 47.425-acre unimproved oceanfront property is located approximately two miles north of Honuapo Park (Whittington Beach Park), at Ka'alaiiki and Hokukano, District of Ka'u, Island, County and State of Hawai'i. The property is flanked along its northern and southern boundaries by vacant State of Hawai'i lands, on the southwest boundary by a privately-owned vacant parcel, and along the eastern shoreline by the Pacific Ocean.



### (4) Mirikitani Request for Disposition of Remnant Land for Purchase

**District:** South Kona  
**TMK:** 8-2-06:22  
**Applicant:** Eleanor Mirikitani (328-9630)  
P.O. Box 1540  
Kealahou, Hawai'i 96750

#### Approving Agency/Accepting

**Authority:** Department of Land and Natural Resources  
Land Division  
P.O. Box 936  
Hilo, Hawai'i 96721  
Contact: Harry Yada (974-6203)  
**Status:** FEA/FONSI issued, project may proceed.

The applicant is requesting to purchase a remnant parcel, approximately 35 feet from the intersection of Manini Beach and Kahauloa Roads. The parcel is located in the Kahauloa House Lots subdivision and currently unoccupied and vacant of any structures.

The applicant is proposing to construct a driveway over this parcel to access the abutting lot. The new driveway would allow the applicant to maintain the existing rock walls surrounding the property and minimize impact to the existing topography.

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## National Environmental Policy Act (NEPA)

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### (5) Outrigger Telescopes Project (Draft EA)

**District:** Hamakua  
**TMK:** 4-4-15: 09 & 12  
**Applicant:** National Aeronautics and Space Administration  
Code SD  
Washington, D.C. 20546  
Contact: Richard Howard (202-358-1544)

**Approving Agency/Accepting Authority:** Same as above  
**Consultant:** Science Applications International Corporation  
11251 Roger Bacon Drive  
Reston, VA 20190  
ATTENTION: Dennis Ford

**Public Comment Deadline:** February 12, 2001

Pursuant to the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 et seq.), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508), and NASA policy and procedures (14 CFR part 1216, subpart 1216.3), NASA has prepared and issued a Draft Environmental Assessment (EA), for the proposed Outrigger Telescopes Project. NASA's Proposed Action is to fund the on-site construction, installation, and operation of six Outrigger Telescopes at the W.M. Keck Observatory site located on Pu'u Hau 'Oki in the summit region of the Mauna Kea Science Reserve, Island of Hawai'i. NASA's Draft EA focuses on the potential environmental impacts of the Proposed Action, including cumulative impacts, and the No-Action Alternative. In evaluating the Proposed Action NASA has addressed the range of potential environmental impacts with particular focus on potential environmental impacts to an historic property and historic district, and

to the Wekiu bug proposed in 1999 as a candidate species for Federal listing under the Endangered Species Act. Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) (16 U.S.C. 470 et seq.), NASA has initiated consultation with the SHPD and has invited four organizations, the Office of Hawaiian Affairs, Hawai'i Island Burial Council, the Royal Order of Kamehameha I, and Hui Malama I Na Kupuna o Hawai'i Nei to participate as formal consulting parties. In addition, the Advisory Council on Historic Preservation has agreed to participate in the Section 106 process. NASA has provided draft on-site (i.e., the proposed WMKO Outrigger Telescopes Project site), and off-site cultural mitigation measures for review and comment by the consulting parties. A small amount of Wekiu bug habitat along the crater wall that was previously disturbed during construction of the existing Keck Telescopes would be directly affected by on-site construction of the proposed project. A Wekiu Bug Mitigation Plan has been developed to address potential environmental impacts on the Wekiu bug and its habitat.

The document will be available at all Hawai'i State and Regional Libraries.

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## Previously Published Projects Pending Public Comments

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### Draft Environmental Assessments

#### ▶ Ali'i Highway 16 Inch Water Transmission Main

**Applicant:** County of Hawai'i  
Department of Water Supply  
25 Aupuni Street  
Hilo, Hawai'i 96720  
Contact: Glenn Ahuna (961-8660)

**Approving Agency/Accepting Authority:** Same as above  
**Public Comment Deadline:** February 7, 2001

#### ▶ Kawailani Water Tank Replacement

**Applicant:** County of Hawai'i  
Department of Water Supply  
25 Aupuni Street  
Hilo, Hawai'i 96720  
Contact: Keith Okamoto (961-8670)

**Approving Agency/Accepting Authority:** Same as above  
**Public Comment Deadline:** February 7, 2001

# Hawai'i Notices

JANUARY 23, 2001

## ► Smithsonian Astrophysical Observatory Base Facility in Hilo

**Applicant:** Smithsonian Astrophysical Observatory  
60 Garden St.  
Cambridge, MA 02138  
Contact: James Moran, Ph.D. (617-495-7477)

### Approving Agency/Accepting

**Authority:** University of Hawai'i at Hilo  
Vice Chancellor of Administrative Affairs  
200 West Kawili Street  
Hilo, Hawai'i 96720-7609  
Contact: Lo-Li Chih (974-7595)

### Public Comment

**Deadline:** February 7, 2001

## ► Wood Single Family Residence

**Applicant:** Don and Susan Wood  
c/o Greg Mooers  
PO Box 1101  
Kamuela, Hawai'i 96743  
Contact: Greg Mooers (885-6839)

### Approving Agency/Accepting

**Authority:** Department of Land and Natural Resources  
PO Box 621  
Honolulu, Hawai'i 96809  
Contact: Traver Carroll (587-0377)

### Public Comment

**Deadline:** February 7, 2001

## Final Environmental Impact Statements

### ► University of Hawai'i Center at West Hawai'i

**Applicant:** University of Hawai'i, Facilities Planning  
Office for Community Colleges  
4303 Diamond Head Road  
Manele Building, Room 103  
Honolulu, Hawai'i 96816  
Contact: Maynard Young (734-9771)

### Approving Agency/Accepting

**Authority:** Governor, State of Hawai'i  
c/o Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, Hawai'i 96813

**Status:** FEIS currently being reviewed by OEQC



# Alien Species Permits

## Proposed Amendments to Administrative Rules

The following request is currently being reviewed.

**Title:** Request for (1) Preliminary Approval of Proposed Amendments to Hawai'i Administrative Rules (HAR), Chapter 4-71, "Plant and Non-Domestic Animal Quarantine, Non-Domestic Animal and Microorganism Import Rules", and (2) Adoption of HAR, Chapter 4-71A, "Microorganism Import Rules"

**Purpose:** Sections in chapter 4-71, HAR, regarding import of microorganisms are proposed for deletion. The import requirements for microorganisms are proposed for adoption in chapter 4-71A.

For more information, please contact the Hawai'i Department of Agriculture, Plant Quarantine Branch, 701 Ilalo Street, Honolulu, Hawai'i 96813, Phone 586-0846.

# Coastal Zone News

JANUARY 23, 2001

## Federal Consistency Reviews

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions 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 general information about CZM federal consistency please call John Nakagawa with the Hawai'i CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lana'i & Moloka'i: 486-4644 x 72878, Kaua'i: 2743141 x 72878, Maui: 984-2400 x 72878 or Hawai'i: 974-4000 x 72878.

For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review and can be mailed to: David W. Blane, Director, Office of Planning, Dept. of Business, Economic Development and Tourism, P.O. Box 2359, Honolulu, Hawai'i 96804. Or, fax comments to the CZM Program at 587-2899.

### (1) Keaiwa Bridge Emergency Replacement, Mamalahoa Highway, Hawai'i County

**Applicant:** Hawai'i State Department of Transportation  
 Contact: Ken Tatsuguchi, 692-7578  
 Consultant: Lance Tokuda, M&E Pacific, 521-3051

**Federal Action:** Federal Permit

**Federal Agency:** U.S. Army Corps of Engineers  
 Contact: Lolly Silva, 438-7023  
**Location:** Keaiwa Stream Bridge at Mamalahoa Highway Mile 50.35  
**TMK:** (3) 9-6-12: 10, 9-6-13: 4  
**CZM Contact:** John Nakagawa, 587-2878  
**Proposed Action:**

Construct a new bridge to replace the Keaiwa Bridge that was damaged in the November 2000 flood. The new 230 foot long bridge will be constructed with abutments, wingwalls and approach slabs to include stabilization of stream banks with grouted riprap. Also, the emergency ford crossing detour will be removed. This CZM federal consistency review is being conducted in accordance with the Governor's disaster proclamation of November 8, 2000.  
 Comments Due: January 30, 2001

## Marine and Coastal Zone Management Advisory Group (MACZMAG)

The Marine and Coastal Zone Management Advisory Group (MACZMAG) is scheduled to meet on Friday, January 26, 2001 from 10:00 a.m. - 12:00 p.m. in the State Office Tower, Room 204. For more information, please call Susan Feeny with the Hawai'i CZM Program at 587-2880. MACZMAG meeting agendas and minutes are available on the Hawai'i Coastal Zone Management Program web page at [www.hawaii.gov/dbedt/czm](http://www.hawaii.gov/dbedt/czm).

# Shoreline Notices

## 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 Kaua'i, Hawai'i and Maui and at Room 220, 1151 Punchbowl St., Honolulu, O'ahu (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-802	01/05/01	Lot 12, portion of Grant 4674 to John D. Holt Jr. land situated at Honolulu, Island of Oahu, Hawaii (206 Kula Manu Place) Purpose: <u>New Construction</u>	DJNS Surveying & Mapping, Inc., for Henrik Falktoft	3-1-40: 04
OA-803	01/11/01	Portion of Sand Island State Recreational Area and Keehi Lagoon Small Boat Harbor, Governor Executive Order No. 2526 and 3202, Honolulu, Island of Oahu, Hawaii Purpose: <u>Proposed Sewer Force Main beneath Kalihi Channel</u>	ControlPoint Surveying, Inc., for State of Hawaii	1-5-41: por 06 & 1-2- 25: 24

# Shoreline Notices

JANUARY 23, 2001

## 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.	Cert/Rej Date	Location	Applicant	Tax Map Key
OA-796	Certified 01/12/01	Lot 41, Land Court Consolidation 87 as shown on Map 2, land situated at Waialae-Iki, Honolulu, Island of Oahu, Hawaii (1103 Kaimoku Place) Purpose: <u>Determine building setback</u>	ControlPoint Surveying, Inc., for Terry Watanabe	3-5-58: 03
MA-216-2	Certified 01/12/01	Lot 46 of Makena Beach Lots being a portion of Land Commission Award 11216, Apana 21 to M. Kekauonohi, land situated at Palauea, Honuaula, Makawao, Maui, Hawaii (Vacant) Purpose: <u>Determine future use of the parcel</u>	Warren S. Unemori Engineering, Inc., for Joseph A. Galando	2-1-11: 22
MA-210-2	Certified 01/12/01	Lot 48 of Makena Beach Lots being a portion of Land Commission Award 11216, Apana 21 to M. Kekauonohi, land situated at Palauea, Honuaula, Makawao, Maui, Hawaii (Vacant - Makena Road) Purpose: <u>Establish shoreline</u>	Warren S. Unemori Engineering, Inc., for Colter Bay Holding, LLC	2-1-11: 20
OA-797	Certified 01/12/01	Lot 14 of Kawailoa Beach Lots, land situated at Kawailoa, Waialua, Island of Oahu, Hawaii (785 Papailoa Road) Purpose: <u>Improvements</u>	Towill, Shigeoka & Associates, Inc., for Ron & Sanne Higgins	6-1-04: 90
OA-239-2	Certified 01/12/01	Lots 4, 4-A, 5 and 5-A Kahala Subdivision and Portion of R. P. 7721, Land Commission Award 228, Apana 2 to Kaleiheana, land situated at Kahala, Honolulu, Island of Oahu, Hawaii (4607 Kahala Avenue) Purpose: Permit for fence	DJNS Surveying & Mapping, Inc., for Alteka Co. Ltd. (Michinori Matsumura)	3-5-05: 16
MA-228	Certified 01/12/01	Lot 16 and C, Keawakapu Beach Lots at Kihei, Island of Maui, Hawaii (Vacant- South Kihei Road) Purpose: <u>Determine shoreline setback for use in planning future development of the parcel and to obtain County Building Permit</u>	Tanaka Engineers, Inc., for R & L Donner Trust	2-1-10: 014 and 022
OA-235-2	Certified 01/12/01	Lot 1059 as shown on Map 253, Land Court Application 677, land situated at Kaneohe, Koolaupoko, Island of Oahu, Hawaii (602 Kaimalino Place) Purpose: <u>Determine Building Setback</u>	Jaime F. Alimboyoguen, for Charles Struve	4-4-39: 21

# Pollution Control Permits

JANUARY 23, 2001

## 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.

### Clean Air Branch

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
Clean Air Branch, 586-4200, Temporary Noncovered Source Permit	Wai'eli Drilling and Development NSP 0487-01-NT	Highway 190, Kailua-Kona, Hawaii	Issued: 12/26/00	Well Drilling Rig with Six (6) Diesel Engines
Clean Air Branch, 586-4200, Covered Source Permit	Ogden Energy Group, Inc. (HRRV or HPOWER) CSP 0255-01-C	91-174 Hanua Street, Kapolei, Oahu	Issued: 1/3/01	Two (2) Municipal Waste Combustors (MWCs)
Clean Air Branch, 586-4200, Covered Source Permit	City and County of Honolulu, Dept. of Environmental Services CSP 0216-03-C	1350 Sand Island Parkway, Honolulu, Oahu	Issued: 1/4/01	Sand Island Wastewater Treatment Plant
Clean Air Branch, 586-4200, Noncovered Source Permit	Oahu Pet Crematory NSP 0405-01-N (Amendment)	201 Kapaa Quarry Road, Kailua, Oahu	Issued: 1/8/01	Kailua Pet Crematory: Two Pathological Waste Incinerators

### Safe Drinking Water Branch

Branch & Permit Type	Applicant & Permit Number	Project Location	Pertinent Dates	Proposed Use
Safe Drinking Water Branch, 586-4258, UIC Permit	Four Seasons Resorts UH-1594	Kaupulehu Four Seasons Resort 100 Kaupulehu Drive, N. Kona	n/a	Permit renewal of 11 injection wells for surface drainage.
Safe Drinking Water Branch, 586-4258, UIC Permit	General Growth Properties UH-1351	Prince Kuhio Plaza Shopping Center 111 East Puainako St., S. Hilo	n/a	Permit renewal of 17 injection wells for surface drainage.
Safe Drinking Water Branch, 586-4258, UIC Permit	1250 Oceanside Partners UH-2108	Mamalahoa Bypass Highway Hokuli'a, North & South Kona Keauhou to Kealakekua	TBA	Construction of 10 injection wells for surface drainage.
Safe Drinking Water Branch, 586-4258, UIC Permit	U.S. Department of the Navy UO-2105	Navy Retention Area @ Barbers Point, fka Barbers Point NAS	n/a	Abandonment of 2 injection wells formerly for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Div. of Boating & Ocean Rec. Dept. of Land & Natural Resources, State of Hawaii UK-2104	Nawiliwili Small Boat Harbor Comfort Station, Niumalu Road, Lihue	n/a	Registration of one injection well for sewage disposal.

# DOH Enforcement Notices

JANUARY 23, 2001

## Summary of Inspection and Enforcement Actions

The table below shows a tally of the number of inspections and responses conducted by DOH pollution control program personnel during the period from October through December 2000. Additionally, formal and informal enforcement actions, and the settlements that arise out of those actions, are counted as well. Inspections and enforcement actions are split up by program area. For more information, please contact Melissa O'Connor-Fariñas at the DOH Environmental Planning Office at 586-4337.

	Inspections / Responses	Informal Actions <sup>1</sup>	Formal Actions <sup>2</sup>	Formal Actions Concluded	Formal Actions Pending	Fines Originally Issued	Fines Settled	Fines Collected	Other Penalties Assessed	Other Penalties Completed
	October-December 2000	October-December 2000	October-December 2000	October-December 2000	Total as of December, 2000	Total \$ as of December, 2000	Total \$ as of December, 2000	Total \$ as of December, 2000	Total as of December, 2000	Total as of December, 2000
<b>Clean Air Branch</b>										
Fugitive Dust	150	15	0	0	0	\$0.00	\$0.00	\$0.00	0	0
Noncovered Sources	23	3	1	1	2	\$406,600.00	\$12,400.00	\$10,550.00	0	0
Covered Sources	58	13	4	1	3	\$117,150.00	\$0.00	\$91,900.00	0	0
Agricultural Burning	69	1	0	0	0	\$0.00	\$0.00	\$0.00	0	0
Open Burning	21	0	0	0	1	\$0.00	\$0.00	\$0.00	0	0
Others	87	0	0	0	0	\$0.00	\$0.00	\$0.00	0	0
<b>Solid &amp; Hazardous Waste Branch</b>										
Underground Storage Tanks	60	19	0	0	0	\$51,650.00	\$0.00	\$6,750.00	0	0
Hazardous Waste	21	1	2	1	4	\$83,045.00	\$505,000.00	\$0.00	1	0
Solid Waste	103	5	2	2	3	\$71,350.00	\$24,300.00	\$6,800.00	2	0
<b>Clean Water Branch</b>										
Permitted Discharges (NPDES)	33	11	1	0	2	\$0.00	\$0.00	\$0.00	0	0
Non-permitted Discharges	49	5	0	0	1	\$0.00	\$0.00	\$0.00	0	0
Water Quality Certifications	2	0	0	0	0	\$0.00	\$0.00	\$0.00	0	0
<b>Wastewater Branch</b>										
Wastewater Treatment Plants	34	2	0	0	1	\$0.00	\$130,000.00	\$130,000.00	1	1
Individual Wastewater Systems	39	10	1	1	12	\$1,500.00	\$10,000.00	\$10,000.00	2	2
Animal Waste	0	0	0	0	0	\$0.00	\$0.00	\$0.00	0	0
Other	18	1	0	0	0	\$0.00	\$0.00	\$0.00	0	0
<b>Safe Drinking Water Branch</b>										
Public Water Systems	1	5	0	0	2	\$0.00	\$0.00	\$0.00	0	0
Wells - Underground Injection Control	8	7	0	0	1	\$40,500.00	\$40,500.00	\$0.00	0	0
<b>Hazard Evaluation &amp; Emergency Response</b>										
Oil Spills	2	2	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Hazardous Waste Releases	14	1	0	0	0	\$0.00	\$0.00	\$0.00	0	0
<b>Noise, Radiation, &amp; Indoor Air Quality Branch</b>										
	0	1	1	2		\$167,600.00	\$0.00	\$0.00	0	0

<sup>1</sup> Informal actions generally cover less serious issues such as small infractions by individuals, or violations of permit technicalities which do not directly impact environmental quality. Specifically, informal actions are informal letters warning a person or entity that they are violating environmental laws, and normally requiring corrective action by a specified deadline. Field citations are also included in this category.

<sup>2</sup> Formal actions generally cover any serious violation and repeat or continued violations of permit technicalities. Unsuccessful informal actions lead to formal actions. Specifically, formal actions are administrative "contested case" proceedings which typically include a formal notice of violation and an order. Orders often require corrective action, reports, and payment of a penalty. Administrative "trials" may be held.



# DOH Enforcement Notices

JANUARY 23, 2001

## Formal Enforcement Actions and Settlements Completed by DOH <sup>1</sup>

Notices of violation issued from January through March 2000 are summarized below. The summaries do not constitute exact descriptions of the violations. For complete and accurate descriptions, please contact DOH at 586-4337 for copies of the violation notices.

### Clean Air Branch

A Notice and Finding of Violation and Order (NFVO) and Certificate of Service was served upon **Tosco Refining Company** on October 9, 2000. From September 1978-November 1997 Tosco Refining Co. installed and operated bottom lading rack unit no. 2 without a valid permit to operate or a covered source permit, from December 1982 to November 1997 the company was in violation for operating a diesel fired boiler with a valid permit to operate or a covered source permit, and from July 1996 to November 1997 the company operated tank unit no. 4294 without a valid permit to operate or a covered source permit

**Gay & Robinson, Inc.** operates the sugar mill located a Kaumakani, Kaua'i. On October 9, 2000, Gay & Robinson, Inc. was issued a Certificate of Service and Order for water flow gage violations in the waterlines servicing the multi-throated jet scrubber of the sugar mill.

On October 10, 2000, a NFVO and Certificate of Service was served upon **Dry Clean Express** for failing to maintain weekly leak detection inspection records from the week of November 8, 1999 through the week of July 31, 2000, and for having falsified entries in the weekly leak detection inspection log sheets for the weeks of August 21 and August 28, 2000. A penalty of \$8,800.00 was assessed.

A NFVO and Certificate of Service was served upon the **City & County of Honolulu, Department of Environmental Services** October 16, 2000. The City & County of Honolulu, Dept. of Environmental Services manages the Kailua Regional Wastewater Treatment Plant located on Kane'ohe Bay Drive in Kailua. From December 7, 1998 through December 9, 1999 the Calvert scrubber tower outlet emissions of hydrogen sulfide in exceedance of their noncovered source permit limit of 3.0 ppm.

**Chevron U.S.A. Products Company** was served a NFVO and Certificate of Service October 26, 2000 for violations at their Kapolei petroleum refinery. On October 27, 1999, December 28, 1999 and May 5, 2000 Chevron emitted visible emissions from its FCC flare for more than five minutes in any two consecutive hours. Chevron emitted visible emissions from its FCCU greater than 60% opacity for a period more than six minutes in any one hour on two separate days, as well as emitting visible emissions from its FCCU greater than 40% opacity for a period aggregating more than six minutes in any one hour twice on April 19, 2000. A penalty of \$91,900.00 was assessed.

### Clean Water Branch

A Notice and Finding of Violation, Order and Certificate of Service was served to **Oceanside 1250 Partners** on November 22, 2000 for the unpermitted discharge of undetermined amounts of storm water containing dirt, soil, silt, sediment, and similar material from its Hokuli'a development in Kona into the Pacific Ocean covering and killing corals.

### Noise, Radiation, and Indoor Air Quality Branch

On October 26, 2000, a NFVO and Certificate of Service was issued to **Lyndon D. Fong, D.D.S., M.S.** Dr. Fong operates a dental practice in Honolulu and failed to submit a report of an area radiation survey of the facility after five requests by the HODOH. As a result Dr.Fong was found in violation of his license and a penalty was assessed not to exceed \$1000 per day for each day of violation.

### Solid and Hazardous Waste Branch

**Hawai'i Wood Preserving**, which engages in the treatment of lumber on Maui, was served a Complaint, Order, and Certificate of Service on October 24, 2000 regarding failure to obtain drip pad certification. Hawai'i Wood Preserving's violations include failure to obtain a written assessment of the drip pad; failure to contain chromated copper arsenate (CCA), a hazardous waste, residue on the drip pad; and failure to provide hazardous waste training. It was ordered that \$42,945.00 be paid for the violations and compliance of the violated Hawai'i Administrative Rules be achieved.

On November 2, 2000 the **United States Navy Pacific Missile Range Facility** was served a Complaint, Order, and Certificate of Service for accepting off-site hazardous wastes at an unpermitted TSD, for transporting used oil without a permit, and for processing used oil without a permit. The facility's off-site locations at Port Allen and Koke'e transported their hazardous waste to building 392, which is not a permitted or interim status TSD. Inspection of the Uniform Hazardous Waste Manifest showed several occasions of used oil having been transported to building 392 from off-site location. The facility has no state used oil permit to transport used oil. Torpedoes used in training exercises are retrieved and brought to the facility where the residual engine oil, seawater and unspent otto fuel, go through a flushing process for reuse. The processed used oil is transported off-site where it is mixed with other oil to provide in specification used oil for energy recovery. The facility is a "used oil processor" but lacks a state permit to process oil. A fine of \$40,100.00 was assessed and compliance was ordered.

Hawai'i Department of Health (HIDOH) and **David Souza** entered into a consent agreement December 21, 2000. A NOVO had been served January 8, 1999 for the unpermitted waste disposal facility at 86-348 Puhawaii Road, Wai'anae owned by Mr. Souza. Mr. Souza agreed to corrective actions as part of the consent agreement to include a description of a work plan to remove the accumulated surficial and subsurface waste, verification of the contamination removal via soil sample collection and analysis, and the disposal of the removed waste.

As a result of permit violations that included improper storage and processing of scrap metals, creating potential surface water and fire hazards resulting in several fires; improper storage of scrap tires, creating a fire hazard and potential vector hazard; and improper storage of unprocessed paper, creating windblown litter and a fire hazard, **Maui Scrap Metal Co., Inc.** was issued a NOVO March 5, 1999. On December 4, 2000, Maui Scrap Metal Co., Inc. and the HIDOH entered into a consent agreement. A penalty of \$24,3000 was assessed and Maui Scrap Metal agreed to submit a revised Site Plan detailing the layout of the facility to include receiving areas, processing areas, storage areas, and the means for controlling surface water run-on and run-off as well as a Work Plan including proposed cleanup actions, environmental controls to prevent future releases into the environment, and a proposed implementation schedule.

### Waste Water Branch

**Alfredo and Lillian Mina** were served a Notice and of Violation, Order, and Certificate of Service on December 18, 2000 for violation of wastewater regulations by allowing their wastewater system to create or contribute to a nuisance, an unsanitary condition, a wastewater spill, overflow or discharge onto the ground, and a foul and noxious odor. Alfredo and Lillian Mina are subject to provisions including penalties not to exceed \$25,000.00 for each day of each violation.

<sup>1</sup> These summaries do not constitute exact descriptions of the violations. For complete and accurate descriptions, please contact DOH for copies of the violation notices.

# Federal Notices

JANUARY 23, 2001

## Picture-Wing Flies in Hawai'i Proposed As Endangered

The U.S. Fish and Wildlife Service proposes to list 12 species of Hawaiian picture-wing flies (*Drosophila aglaia*, *D. differens*, *D. hemipeza*, *D. heteroneura*, *D. montgomeryi*, *D. nulli*, *D. musaphilia*, *D. neoclavisetae*, *D. obatai*, *D. ochrobasis*, *D. substenoptera* and *D. tarphytrichia*) as endangered pursuant to the Endangered Species Act. These species are found on one or more of the islands of Kaua'i, O'ahu, Moloka'i, Maui and Hawai'i and face substantial threats from one or more of the following: habitat degradation; loss of host plants (such as the *Urera glabra*, *Clermontia* spp., *Pritchardia beccariana*, *Cyanea* spp., *Pleomele forbesii*, and others) biological pest control; and predation from alien arthropods. Due to the restricted distributions and small populations, three species are in danger of extinction from naturally occurring random events. Critical habitat proposals will be developed as soon as feasible, if the 12 species are listed. Written comments must be received by March 19, 2001. Send your comments to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, P.O. Box 50088, Honolulu, Hawai'i 96850-0001, or by email to [pwflies\\_pr@fws.gov](mailto:pwflies_pr@fws.gov). Requests for public hearings must be received by March 5, 2001. For more information call Paul Henson at (808) 541-3441 (see, 66 F.R. 3964, January 17, 2001).

## Discharge of Dredged Material?

The U.S. Army Corps of Engineers (ACOE) and the U.S. Environmental Protection Agency (EPA) have issued a final rule defining "discharge of dredged material." The ACOE and EPA regard the use of mechanized earth-moving equipment to conduct landclearing, ditching, channelization, in-stream mining or other earth-moving activity in the waters of the United States as resulting in a discharge of dredged material unless project-specific evidence shows that the activity results in only incidental fallback (which is the redeposit of small volumes of dredged material that is incidental to excavation activity in waters of the United States when such material falls back to substantially the same place as the initial removal). Examples of "incidental fallback" include soil that is disturbed when dirt is shoveled and the back-spill that comes off a bucket when such small volume of soil or dirt falls into substantially the same place from which it was initially removed (see, 66 F.R. 4574, January 17, 2001).

## Kaua'i-Ni'ihau Critical Habitat Public Hearing

The U.S. Fish and Wildlife Service (FWS) announced that a public hearing on the prudency determinations for 81 plants and the proposed critical habitat designations for 76 plants from the islands of Kaua'i and Ni'ihau will be held on **TUESDAY, FEBRUARY 6, 2001** from 1:00 P.M. to 3:00 P.M. and 6:00 P.M. to 8:00 P.M. on Kaua'i at the Radisson Kaua'i Beach Resort, Pakalana Room, 4331 Kaua'i Beach Drive, Lihu'e. Prior to the public hearing, the Service will be available from 12:30 to 1:00 P.M. and from 5:30 to 6:00 P.M. to provide

information and to answer questions. In addition, the comment period which originally closed on January 8, 2001, will be reopened. The new comment period and hearing will allow all interested parties to submit oral or written comments on the proposal. Comments already submitted on the proposed rule need not be resubmitted as they will be fully considered in the final determination. The comment period for this proposal now closes on **FEBRUARY 19, 2001**. Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Ecoregion Office, 300 Ala Moana Boulevard, Room 3-122, P.O. Box 50088, Honolulu, Hawai'i 96850. For details, call Paul Henson, at (808) 541-3441 (see, 66 F.R. 4782, January 18, 2001).

## Genetically Modified Foods Pre-Market Notice

The Food and Drug Administration (FDA) is proposing to require the submission to the agency of data and information regarding plant-derived bioengineered foods that would be consumed by humans or animals. FDA is proposing that this submission be made at least 120 days prior to the commercial distribution of such foods. FDA is taking this action to ensure that it has the appropriate amount of information about bioengineered foods to help to ensure that all market entry decisions by the industry are made consistently and in full compliance with the law. The proposed action will permit the agency to assess on an ongoing basis whether plant-derived bioengineered foods comply with the standards of the Federal Food, Drug, and Cosmetic Act (the Act). Submit written comments (identified as Docket No. 00N-1396) on the proposed rule by **APRIL 3, 2001**, to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Room 1061, Rockville, Maryland 20852. For more information on human food issues call Linda S. Kahl at (202) 418-3101. For more information on animal feed issues call William D. Price at (301) 827-6652 (see, 66 F.R. 4706, January 18, 2001).

## Draft Guidance on Voluntary Labeling for Genetically Modified Foods

The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry. FDA developed this draft guidance to assist manufacturers, who wish to voluntarily label their foods (human and animal) as being made with or without bioengineering or the use of bioengineered ingredients, to ensure that labeling is truthful and not misleading. FDA is taking this action in response to requests from food manufacturers and as part of the Clinton administration's initiatives to strengthen science-based regulation of bioengineered foods and consumer access to information. Submit written comments (identified as as Docket No. 00D-1598) concerning the draft guidance to ensure adequate consideration in the preparation of a revised guidance, if warranted, by **MARCH 19, 2001**, to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, Maryland 20852. Submit written requests for single copies of the draft guidance entitled "*Draft Guidance for Industry: Voluntary Labeling Indicating Whether Foods*

*Have or Have Not Been Developed Using Bioengineering*” to the Office of Nutritional Products, Labeling, and Dietary Supplements (HFS-800), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204. Send one self-addressed adhesive label to assist that office in processing your request, or include a fax number to which the draft guidance may be sent. For information on human food issues call Catalina Ferre-Hockensmith at (202) 205-4168. For information on animal feed issues call William D. Price at (301) 827-6652 (see, 66 F.R. 4839, January 18, 2001).

## Draft Wildlife-Dependent Recreational Uses Policy

The U.S. Fish and Wildlife Service wants to adopt a policy that will explain how it will provide visitors with high quality hunting, fishing, wildlife observation and photography, and environmental education and interpretation opportunities on units of the National Wildlife Refuge System (System). This draft policy tells how FWS will provide priority to these uses as Part 605 Chapters 1-7 of the Fish and Wildlife Service Manual. Submit comments to: Douglas Staller, Acting Chief, Division of Visitor Services and Communications, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 670, Arlington, Virginia 22203; by fax to (703) 358-2248. For further information call Mr. Staller at (703) 358-1744. Comments must be received by **MARCH 19, 2001** (see, 66 F.R. 3681, January 16, 2001).

## Draft Appropriate Refuge Uses Policy

The U.S. Fish and Wildlife Service (FWS) wants to establish, in policy, a procedure for determining when uses other than the six priority wildlife-dependent recreational uses are appropriate or not appropriate on a unit of the National Wildlife Refuge System (System). This draft policy (to be incorporated as Part 603 Chapter 1 of the Fish and Wildlife Service Manual) tells how FWS will provide priority to these uses, and establishes a process for deciding when it is appropriate to allow other, non-priority uses to occur on national wildlife refuges. Submit comments to: J. Kenneth Edwards, Refuge Program Specialist, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 670, Arlington, Virginia 22203. Comments must be received by **MARCH 19, 2001**. For more information call Mr. Edwards at (703) 358-1744 (see 66 F.R. 3673, January 16, 2001).

## Hawai'i's Harcourt's Storm Petrel Still A Warranted but Precluded Species

When, in response to a petition for listing under the Endangered Species Act, the U.S. Fish and Wildlife Service (FWS) completes a 12-month finding that listing a species is warranted but precluded, FWS must make a new 12-month finding each year until it

publishes a proposed rule or makes a determination. These subsequent 12-month findings are known as “recycled petition findings.” The Hawai'i population of the band-rumped (Harcourt's) storm-petrel (*Oceanodroma castro*) is still listed as a “warranted but precluded” species (see, 66 F.R. 1295, January 8, 2001).

## No State Response on Urban Wildland Interface Communities at High Risk from Wildfires

The U.S. Forest Service, the Bureau of Indian Affairs, the Bureau of Land Management, the Fish and Wildlife Service and the National Park Service (federal Agencies), have provided an initial list of urban wildlife interface communities in the vicinity of federal lands that are at high risk from wildfire. As of January 4, 2001, the State of Hawai'i has yet to provide a response to the federal Agencies concerning urban wildland interface communities in the State that are a high risk from wildfires (see, 66 F.R. 751, January 4, 2001, for details).

# Exemption List

JANUARY 23, 2001

**NOTE:** This is a corrected version of the proposed University of Hawai'i Exemption List previously published in the December 23, 2000, issue of the Environmental Notice with formatting errors. Publication of this revision supersedes the previous list and opens a new public comment period on this list. [*Proposed deletions are bracketed*] and proposed new text is underlined. You must send your written comments by February 22, 2001, to Mr. William Petti, Chairperson, Environmental Council at the OEQC address shown on the masthead.

## **COMPREHENSIVE EXEMPTION LIST for the UNIVERSITY OF HAWAII November 16, 2000**

Pursuant to [EIS Regulation 1:33] Section 11-200-8(a) Hawaii Administrative Rules, the following types of action[, where they fall within the given classes of action,] shall generally be declared exempt by the University of Hawai'i from requirements [regarding preparation of an environmental assessment, negative declaration, or EIS:] to prepare an environmental assessment.

**Exemption Class #1:** Operation, repair or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

1. Operation, repair or maintenance of:
  - a. Existing buildings used for offices, classrooms, laboratories, laboratory animals, aquaria, libraries, theaters, student and faculty housing, food service, stores or storage on lands owned, leased or rented by the University
  - b. Workshops and warehouses
  - c. Swimming pools, [and] gymnasiums, arenas, playfields and playcourts. Playfields to include football, baseball, softball, soccer fields, track and field, and golf short course and putting green. Playcourts to include tennis, basketball, volleyball, badminton and handball.
  - d. Auto repair shops and fuel storage and pumps not requiring Department of Health permit
  - e. Automotive equipment
  - f. Air [conditioners] conditioning and ventilating systems
  - g. Refrigerators and freezers
  - h. Heaters, boilers, and stoves
  - i. Antennas, towers, and pole
  - j. Communication systems
  - k. Electrical, plumbing, and storm drainage systems
  - l. Sewer pipelines, aeration[, ] ponds[, ] and tanks, and cesspools
  - m. Roads, walkways, parking lots, [fences,] bike paths, and vehicular ramps [and playcourts]
  - n. Furnaces and kilns
  - o. Compactors and incinerators
  - p. Pens, cages, ponds/pools, tanks, and

- greenhouses
  - q. Piers, catwalks, floating docks and boat landings
  - r. Walls, seawalls, and fences
  - s. Elevators, pedestrian ramps and stairways
  - t. Seats, bleachers, and booths
  - u. Campus signs and scoreboards
  - v. Artwork and historic structures including but not limited to sculptures, frescoes, Varney Circle and Founders Gate.
  - w. Scientific equipment used for research, instructional, and experimental functions, including but not limited to lasers, x-rays, spectrosopes, oscilloscopes, analyzers, distillers, computers, electron microscopes and diathermic apparatus
  2. Painting and re-roofing of existing buildings
  3. Campus landscaping and maintenance
  4. Use of EPA and State Department of Agriculture approved pesticides and herbicides under the supervision of certified applicators for spot treatments within specified areas on land owned, leased, or rented by the University, except on Mauna Kea, Haleakala, or other sensitive areas.
  - [5. All standard sized playfields and playcourts be permitted to be operated and maintained. Playfields to include football, baseball, soccer and track fields. Playcourts to include tennis, basketball, badminton [*sic*] and handball.]
- Exemption Class #2:** Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced.
1. Replacement or reconstruction of:
    - a. Existing buildings used for offices, classrooms, laboratories, or storage on lands owned, leased, or rented by the University, except those that may be aesthetically, historically, or culturally significant
    - b. Hazardous waste material storage areas
    - c. Flammable fluid storage facilities or structures
    - d. Cold storage
    - e. Pumps and storage for fuel oils, not requiring Department of Health permit
    - f. Workshops and tool sheds
    - g. Tents and temporary sheds
    - h. Pens, cages, ponds/pools, tanks, and greenhouses
    - i. Piers, catwalks, floating docks and boat landings
    - j. Walls and fences, including seawalls at Coconut Island but excluding all other water front installations
    - k. Sewer pipelines, aeration ponds/tanks, and cesspools
    - l. Electrical, plumbing, communications and drainage systems

- m. Air [conditioners] conditioning and ventilating systems
- n. Antennas, towers, and poles
- o. Elevators, pedestrian ramps, and stairs
- p. Athletic courts and fields
- q. Parking lots, walkways, roads, and bike paths
- r. Compactors and incinerators
- s. Campus [signs] signage

**Exemption Class #3:** Construction and location of single, new, small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to: (a) single family residences less than 3,500 square feet not in conjunction with the building of two (2) or more such units; (b) multi-unit structures designed for not more than four (4) dwelling units if not in conjunction with the building of two (2) or more such structures; (c) stores, offices and restaurants designed for total occupant load of twenty (20) persons or less per structure, if not in conjunction with the building of two (2) or more such structures; (d) water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; and (e) accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements.

1. Construction or alteration of:
  - a. Storage sheds
  - b. Workshops
  - c. Greenhouses and shadehouses
  - d. Booths and tents
2. Air conditioning and ventilating systems: Window units not to exceed recommended size for the room or 32,000 BTU, whichever is smaller. All normal maintenance and operations to be permitted.
3. Incinerators to be used only for the disposal of pathological materials, some of which may be contaminated by radionuclides. Capacity of incinerators to be not more than 175 lbs./hr. of animal or contaminated wastes. Incineration of radionuclides to comply with license issued by U. S. Nuclear Regulatory Commission. License specifies limits of emissions and ash content of radionuclides. Complete record is kept by UH Environmental Health and Safety Office on all receipts, transfers, uses and disposal of radioactive materials.
4. Antenna System: Receiving-only type of antennas, 6 feet diameter or less dish antennas or 20 feet or less vertical antennas.

**Exemption Class #4:** Minor alterations in the condition of land, water, or vegetation.

1. Grubbing and mowing of landscaped and lawn areas
2. Planting of trees, other plants, and sod
3. Pruning of trees and shrubs

# Exemption List

JANUARY 23, 2001

4. Cultivation, tillage, ridging, and land leveling preparations for agricultural purposes

5. Use of EPA and State Department of Agriculture approved pesticides and herbicides under the supervision of certified applicators for spot or test plot applications within specified areas.

6. Stockpiling of up to 500 cubic yards of soil material.

**Exemption Class #5:** Basic data collection, research, experimental management, and resources evaluation activities which do not result in a serious or major disturbance to an environmental resource.

1. Gathering of soil, air, water, plant, animal, fish, mineral and other specimens for research, experimental, or instructional purposes. This item does not apply to: the gathering of threatened or endangered plant, animal or fish species; the importation of plant, animal or fish species; actions that detrimentally affect air or water quality and ambient noise level.

2. Historic, geographic, or demographic surveys

3. Topographic, land use, soils, and drainage surveys

4. Flora and fauna surveys

5. Environmental impact research

6. Horticultural, silvicultural and floracultural experiments within confined sites

7. Experimental and research projects with native flora and fauna, including within the Conservation District with the consent of DLNR and the respective county agencies, where applicable

8. Archaeological surveys supervised by a qualified archaeologist

9. Storage of flammable and combustible liquid to comply with OSHA regulations and not to exceed 5,500 gallons in approved storage facilities; floor area not to exceed 700 square feet. Storeroom to be equipped with automatic fire protection and 2-hour firewall.

10. Storage of radioactive materials. Storage to comply with U. S. Nuclear Regulatory Commission license issued to the University of Hawai'i. A complete record is kept of all radioactive material received.

**Exemption Class # [7] 6:** Construction or placement of minor structures accessory to existing facilities

1. Construction or placement of:  
a. Ticket booths, tents, platforms, and toilets  
b. Pens, sheds, cages, tanks, and ponds  
c. Scoreboard, signs and flag poles  
d. Sculptures and statues  
e. Standby generators, panel boards, and switchboards

f. Utilities and trash enclosures  
g. Water pumps and pipes, except [in] at Mauna Kea, Haleakala, or other sensitive areas  
h. Lights to all walkways, roads, and exits

i. Furnishings  
2. Structures not to exceed 500 square feet floor area, one story and including all normal and usual types of electrical and plumbing systems.

3. Air conditioners and ventilating equipment: maximum capacity not to exceed 32,000 BTU.

4. Within the building footprint and envelope (building perimeter and height) construction of additional building floor area limited to no more than 10% of the existing building floor area.

**Exemption Class # [8] 7:** Interior alterations involving such things as partitions, plumbing, and electrical conveyances.

1. Construction, repair, or removal of interior partitions  
2. Modifications to interior plumbing, electrical, communication, and ventilating systems  
3. Repairs or modifications to transformers, transmitters, panel boards and switchboards  
4. Modifications to floors, ceilings, and roofs  
5. Painting  
6. Masonry and concrete work

**Exemption Class # [9] 8:** Demolition of structures not functional or economical to remodel and maintain, except those located on any historic site as designated in the National Register or

Hawai'i Register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. Section 470, as amended, or Chapter 6E, Hawai'i Revised Statutes.

**Exemption Class # [10] 9:** Zoning variances for storage of flammable and combustible materials except [use, density, height, parking requirements and] shoreline set-back variances.

**Exemption Class #10:** Continuing administrative activities including, but not limited to purchase of supplies and personnel-related actions.

1. Purchase of supplies, services, and equipment for instruction, research, public service, and support functions of existing operations.

2. Performance of research, instruction, public service, and support functions in existing facilities.

3. Procurement and use of utility services, motor vehicles and maintenance equipment.

4. Receipt and storage of supplies and equipment.

5. Actions necessary to comply with Occupational Safety and Health Act and Title IX requirements.

[As stipulated by EIS Regulation 1:33b, all exemptions under this list are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.]

Note: As stipulated by Section 11-200-8(a) HAR, if an exempt action is proposed in a particularly sensitive environment or if successive exempt actions could have a cumulative significant impact, the exempt status of the action would be invalid. Environmentally sensitive areas include flood plains, wetlands, beaches, and coastal areas, erosion-prone areas, geologically hazardous land, critical habitat and estuaries.

