

The Environmental Notice

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



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GOVERNOR

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ENVIRONMENTAL
QUALITY CONTROL**
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DIRECTOR

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

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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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JUNE 23, 2001

Ehime Maru Environmental Assessment

A Navy Environmental Assessment, prepared in close coordination with federal and State of Hawai'i agencies, concludes that moving *Ehime Maru* to shallow water will not result in significant environmental impacts. The "Finding of No Significant Impact" explains the Navy's proposal to attempt recovery of *Ehime Maru's* missing crewmembers, personal effects and selected parts of the ship. It also summarizes the potential impacts and how they will be overcome.

With the determination the proposed action will have no significant impact on the environment, the Navy will now contract with Smit-Tak, a Dutch recovery company, and Crowley Maritime Corp., headquartered in Washington State, to design, engineer and execute the plan to lift *Ehime Maru* off the ocean floor, transport it to shallow water, and relocate it to deep water upon completion of the recovery operation.

Smit-Tak, the prime contractor for the deep-water rigging and lift to shallow water, has sub-contracted with Halliburton Co., a Texas-based engineering and construction company, for the lease of Rockwater 2, scheduled to arrive in Hawai'i in July.

In August, a construction support vessel will lift *Ehime Maru* off the ocean floor at its current

2,000-foot depth with specially designed equipment and lifting mechanisms. Rockwater 2 will then transport *Ehime Maru* while suspended about 100 feet above the ocean floor to a location roughly a mile south of Honolulu International Airport's Reef Runway, where the water depth is approximately 115-feet, and then place it on the ocean bottom. Before it is moved, *Ehime Maru's* deck will be cleared to the extent possible of cargo nets, fishing hooks and long lines, rafts and other obstacles that might impact the marine environment. After it is lifted and the entire vessel can be viewed, engineers will evaluate its condition to ensure it can safely and successfully be moved.

Once *Ehime Maru* is stabilized at the shallow-water site, a team of U.S. Navy and U.S. Navy-trained Japanese divers will thoroughly search all safely accessible areas of the vessel to recover the missing crewmembers, other personal effects and certain unique characteristics of the ship, such as its nameplate and anchors. Japanese government officials have asked for unique parts of the ship for a possible memorial. The Navy will also try to remove to the maximum extent possible the diesel fuel, lubricating oil and other materials that could adversely affect the marine environment. For more information, see page 5.

Waia'alaie Golf Course Improvements FONSI Withdrawn by City

After considering public comments from the applicant, the public and residents adjacent to the Wai'alaie Country Club, the City's Department of Planning and Permitting has withdrawn its finding of no significant impact (but not the draft environmental assessment) for the Wai'alaie Golf Course Improvements Project (published in the June 8 issue of the *Environmental Notice*). See page 7.

Hapuna Beach Expansion

The State is proposing to expand its existing Hapuna Beach State Recreation Area from 62 acres to approximately 846 acres. The expansion area will include new picnic areas with comfort stations, family and group camping areas, hiking trails and shoreline paths, parking areas, improved access to Wailea Bay, and an 18-hole public golf course. See page 12.

DHHL Communications Cable in Highway Right-of-Way

The DOT issued FONSI's for cables within the highway rights-of-way on Hawai'i, Kaua'i and O'ahu by Sandwich Isles Communications to link up various DHHL sites. A determination for Maui has not yet been made. Each cable will eventually be networked statewide via underwater cables at various landings. See pages 4, 12 and 14 for more.

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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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.

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



(1) O'ahu Rural Fiber Optic Duct Lines Project

District: All except Ko'olauloa Development Plan Area
TMK: various
Applicant: Sandwich Isles Communications, Inc.
1001 Bishop St., Pauahi Tower, 27th Floor
Honolulu, Hawai'i 96813
Contact: Larry Fukunaga (524-8400)

Approving Agency/Accepting Authority: Dept. of Transportation, Highways Division
601 Kamokila Blvd., Suite 691
Kapolei, Hawai'i 06707
Contact: Michael Amuro (692-7332)

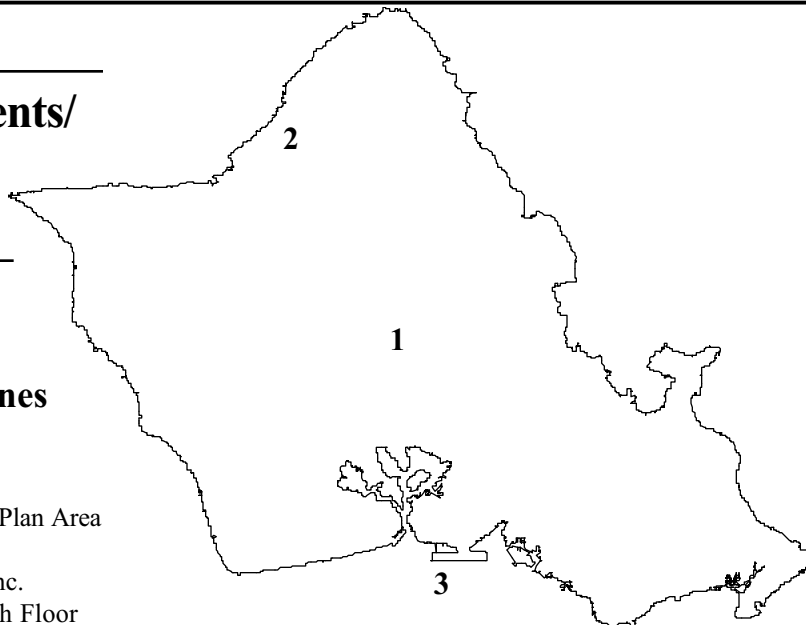
Consultant: SSFM International, Inc.
501 Sumner Street, Suite 502
Honolulu, Hawai'i 96817
Contact: Ronald Sato (531-1308)

Status: FEA/FONSI issued, project may proceed.
Permits Required: ROW, possible COE, SMA, 401 WQC, CZM, SCAP

Sandwich Isles Communications, Inc. (SIC) has a license agreement from the State Department of Hawaiian Home Lands (DHHL) to provide essential communications services to DHHL homestead areas within the island of Oahu. As a major component of its mission, SIC plans to construct underground fiber optic telecommunication cables within State highways, City and County of Honolulu (City), and DHHL roadway right-of-ways in order to provide service to homestead areas.

A total of approximately 113.1 miles of underground fiber optic telecommunications cable would be installed within existing rights-of-way highway and roadway facilities throughout the island. The majority of affected roads would be State Highways. The installation of fiber optic duct lines would be within the shoulder, sidewalk, or paved travel lanes of the right-of-way of various State, County and DHHL roads.

Cable installation would be done primarily through the open trench method, or using trenchless technology where



necessary. Bridge crossing methods would be determined on a case-by-case basis, and may include either bridge attachments or directional drilling under streams or gulches if practicable to avoid impacts to streams or sensitive environmental resources.

The project benefits DHHL residents by providing high quality, essential telecommunication services at a cost regulated by the PUC's tariff, which is competitive with comparable outside telecommunication services, with the installation of fiber optic duct line at no cost to DHHL. The project will create several positive benefits to beneficiaries of Hawaiian Home Lands, including high quality, essential telecommunication services at a reasonable cost and employment and educational opportunities.



(2) Sunset Beach Recreation Center

District: Ko'olauloa
TMK: 5-9-07:21
Applicant: City and County of Honolulu
Dept. of Design & Construction
650 South King Street, 11th Floor
Honolulu, Hawai'i 96813
Contact: Steve Tong (523-4799)

Approving Agency/Accepting Authority: Same as above.
Consultant: Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawai'i 96813
Contact: Jeffrey Overton (523-5866 x 104)

Status: FEA/FONSI issued, project may proceed.

Permits

Required: SMA

The new Sunset Beach Recreation Center will be located at the intersection of Kamehameha Highway and Kahae Road, approximately 23 miles northwest of Honolulu in Sunset Beach, Pupukea, Ko'olauloa, O'ahu. The 1.5-acre site, a portion of the Kahawai Beach Support Park, is proposed for the development of a new community recreation center for Sunset Beach, O'ahu. Development of this site will provide new facilities for community programs, activities and meetings.

Development of Sunset Beach Recreation Center will provide approximately 5,617 gross square feet (GSF) of space in a single story structure. The multi-purpose building will serve as indoor space for community programs, activities and an indoor recreation and physical education space. The building will surround a landscaped courtyard. In addition to the other uses described, the multi-purpose building will provide a 1,865 square-foot meeting room, arts and crafts facilities, administration offices, public restrooms and a kitchen area. These facilities will be available for individual and group activities by reservation. Outdoor recreational facilities, a playground, parking and driveways will be provided on the grounds.

The Sunset Beach Recreation Center will begin community programs when construction of the center is completed in 2001/2002. The Center's educational and meeting facilities will be utilized by reservations made through its administrative office. The proposed indoor facilities would, at full development, accommodate a maximum of 166 persons at a single time. Cost for full construction of the proposed facilities is estimated at approximately \$1.3 million. The project is located in the Special Management Area.

National Environmental Policy Act

(3) *Ehime Maru* (Environmental Assessment/FONSI)

AGENCY: DEPARTMENT OF DEFENSE
DEPARTMENT OF THE NAVY

ACTION: Pursuant to the Council on Environmental Quality regulations (40 Code of Federal Regulations Parts 1500-1508) implementing procedural provisions of the National Environmental Policy Act of 1969 as amended (42 United States Code Section 4321 *et seq.*), the Department of the Navy gives notice that an Environmental Assessment has been prepared for the recovery of *Ehime Maru* crewmembers, their personal effects, and certain unique characteristic components of the ship and that an Environmental Impact Statement is not required.

BACKGROUND: On February 9, 2001, USS *Greeneville*, a Los Angeles class submarine, collided with *Ehime Maru*, a Japanese fisheries high school training vessel, approximately 9 nautical miles (17 kilometers) south of Diamond Head on the island of O'ahu, Hawai'i. *Ehime Maru* sank in approximately 2,000 feet (600 meters) of water. At the time of the sinking, 26 of the 35 crewmembers were rescued. Following an extensive air/sea search, and a sub-sea search and remote-controlled underwater visual inspection of the vessel, it is assumed that some, or all, of the nine missing individuals became trapped inside the vessel or went overboard as the ship went down.

PURPOSE: The purpose of the Proposed Action will be the recovery of the missing crewmembers, personal effects, and certain unique characteristic components from *Ehime Maru*, while limiting the impact on the environment. The Proposed Action will be a hazardous and complex deep- and shallow-water operation, because of the depth of the current location and the size of *Ehime Maru*. The proposed operation has been structured to maximize the probability of recovering crewmembers, personal effects, and items uniquely characteristic of *Ehime Maru*, while minimizing the risk to the divers, the environment, equipment, and other personnel involved. The purpose of the Proposed Action also includes the safe removal, to the maximum extent practicable, of diesel fuel, lubricating oil, loose debris, and any other materials that may degrade the marine environment, and the relocation of *Ehime Maru* to a deep-water site. This is not a salvage operation to recover the ship.

DESCRIPTION OF PROPOSED ACTION: The U.S. Navy proposes to recover *Ehime Maru* crewmembers, personal effects, and certain characteristic components unique to the ship (such as the anchors, forward mast, placard, and ship's wheel) by moving the vessel to a shallow-water area to permit safe diver access and recovery operations. To the extent practicable, the deck of *Ehime Maru* will be cleared of cargo nets, fishing hooks and long lines, rafts, rigging on the masts, and any other obstacles that could cause an impact to the marine environment or jeopardize the success of the

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recovery operations. The Navy will use a specially-equipped offshore construction vessel to attempt to lift and move *Ehime Maru* from its current location. Flexible lifting plates will be placed under *Ehime Maru* to lift it clear of the seafloor using a sophisticated rigging system attached to heavy wire cables and linear winches mounted on the heavy-lift vessel. If the lift is successful, *Ehime Maru* will then be transported, while suspended from the heavy-lift vessel, to a shallow-water recovery site near the Honolulu International Airport Reef Runway in water approximately 115 feet (35 meters) deep.

Ehime Maru will then be placed on the seafloor, where containment booms and skimmer systems will have been pre-positioned with the purpose of containing any diesel fuel or lubricating oil that may be released. The heavy-lift vessel will detach from *Ehime Maru* and will be replaced by a diving support barge. When *Ehime Maru* is deemed stable, Navy divers and invited Japanese divers from Ship Repair Facility, Yokosuka, Japan will enter the hull and attempt recovery of crewmembers, any personal effects, and other uniquely characteristic components. They will also attempt to remove remaining diesel fuel and lubricating oil to the maximum extent practicable. *Ehime Maru* will then be lifted from the seafloor and relocated to a deep-water site at a depth of at least 1,000 fathoms (6,000 feet [1,800 meters]) and outside U.S. territorial waters.

Although this recovery operation has been deemed technically feasible, the proposed engineering solutions are untested in this type of operation. Engineers and salvage experts have based their feasibility assessment upon estimates and calculations on the size of the hole in *Ehime Maru* and their considered opinion on the anticipated structural integrity of *Ehime Maru*. However, since they have done these calculations and estimates without having seen the damage to *Ehime Maru* because the vessel sits upright in 2,000 feet (600 meters) of water, there is some uncertainty as to the exact level of damage. Unplanned occurrences such as structural failure could preclude continuation of the mission at any point during the operation. Such occurrences will cause the Navy to reevaluate whether recovery operations should be continued or terminated, based on the existing situation at the given time and the probability of successfully completing the proposed recovery operations. The Navy will attempt to recover as many crewmembers, personal effects, and other objects as possible.

CONCLUSION: Based on the information gathered during preparation of the Environmental Assessment, the Department of the Navy finds that the Proposed Action will not result in significant environmental impacts. Therefore, an Environmental Impact Statement is not required.

To request a copy of the Environmental Assessment, please call toll free **866-617-0797** and leave a message with your name and mailing address. A limited number of copies of the Environmental Assessment are available to fill single-copy requests. The Environmental Assessment may be viewed on the internet (www.cpf.navy.mil), at **public libraries** in the City of Honolulu, and at the **University of Hawai'i library**.

Previously Published Projects Pending Public Comments

Draft Environmental Assessments

Banzai Rock Beach Support Park Skateboard Facility, Sunset Beach

Applicant: City and County of Honolulu
Department of Design and Construction
650 South King Street
Honolulu, Hawai'i 96813
Contact: Mike Sakamoto (527-6323)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: July 9, 2001

Kapalama Facilities for Department of Agriculture and Food Distribution Center

Applicant: Department of Accounting and General Services
1151 Punchbowl Street, Room 430
Honolulu, Hawai'i 96813
Contact: Brian Isa (586-0484)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: July 9, 2001

Mililani Mauka II Elementary School

Applicant: Department of Accounting and General Services
1151 Punchbowl Street, Room 430
Honolulu, Hawai'i 96813
Contact: Ralph Morita (586-0486)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: July 9, 2001

Draft Environmental Impact Statements

Waimanalo Gulch Sanitary Landfill Expansion (Revised Supplemental)

Applicant: City and County of Honolulu
Department of Environmental Services
650 South King Street, 6th Floor
Honolulu, Hawai'i 96813
Contact: Wilma Namummart (527-5378)

Approving Agency/Accepting

Authority: Mayor, City and County of Honolulu
530 South King Street, Room 300
Honolulu, Hawai'i 96813

Public Comment

Deadline: July 23, 2001

Final Environmental Impact Statements

West Mamala Bay Facilities Plan

Applicant: City and County of Honolulu
Department of Design and Construction
650 South King Street, 14th Floor
Honolulu, Hawai'i 96813
Contact: Bill Liu (523-4551)

Approving Agency/Accepting

Authority: City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813
Contact: Randall Fujiki (523-4432)

Status: FEIS currently being reviewed by the City and County of Honolulu, Department of Planning and Permitting.

Withdrawal

Wai'alaie Country Club Golf Course Improvements

The City and County of Honolulu, Department of Planning and Permitting has withdrawn its FONSI determination for the Wai'alaie Country Club Golf Course Improvements effective June 6, 2001. The notice of the FONSI was published in the June 8, 2001 issue of the Environmental Notice.



Pearl Harbor Integrated Natural Resources Management Plan

The Pearl Harbor Integrated Natural Resources Management Plan (INRMP) is a plan for the management, conservation and rehabilitation of natural resources on Navy land at Pearl Harbor, while still supporting the installation's military mission. The document presents a plan for fish and wildlife management, land management, forestry management, and fish and wildlife-oriented recreation. The INRMP planning horizon is ten years, and will be used by installation personnel to guide and prioritize short (0 to 2 years) and mid-range (3 to 5 years) actions and projects, as well as longer term (6 to 10 years) resource conservation planning.

The INRMP is required under the federal Sikes Act Improvement Amendments (SAIA) of 1997. The Pearl Harbor Naval Complex INRMP is one of four INRMPs being prepared for Navy installations in Hawai'i. The other three installations are Naval Magazine (NAVMAG) Pearl Harbor, Naval Computer and Telecommunications Area Master Station Pacific (NCTAMS PAC) and Pacific Missile Range Facility (PMRF) Barking Sands, Kaua'i.

The study area for the Pearl Harbor INRMP encompasses most of the Pearl Harbor Naval Complex main base, the waters of the harbor to the channel entrance and the intertidal areas of Pearl Harbor. In addition, the INRMP covers two outlying sites—the Waiawa Watershed and the Red Hill Fuel Storage area. Most of the fast lands are developed and have little remaining natural resource value.

As required by the SAIA, the Pearl Harbor INRMP is being prepared in cooperation with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and State of Hawai'i Department of Land & Natural Resources. Other State agencies (Dept. of Business, Economic Development & Tourism, Department of Health) have also been contacted.

The INRMP identifies objectives and projects for implementation over the next five years. The INRMP will be reviewed annually and updated every five years. Appropriate NEPA documentation is being prepared for the INRMP objectives.

The document will be available at the following public libraries: Main Branch, Waipahu, 'Aiea, Pearl City, 'Ewa Beach and Kane'ohe.

Written public review comments, if any, may be sent to the following address by Monday, 29 June 2001: Pacific Division Naval Facilities Engineering Command, 258 Makalapa Drive, Suite 100, Pearl Harbor, Hawai'i 96860-3134, Attn. Mr. Stephen Smith, PLN232ss.

Maui Notices

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Draft Environmental Assessments



(1) Makena Alanui Improvements

District: Makawao
TMK: Roadway right-of-way and 2-1-05:83 (por.) and 85 (por.)
Applicant: Makena Resort Corp.
5415 Makena Alanui Road
Kihei, Hawai'i 96753
Contact: Roy Figueiroa (879-4455)

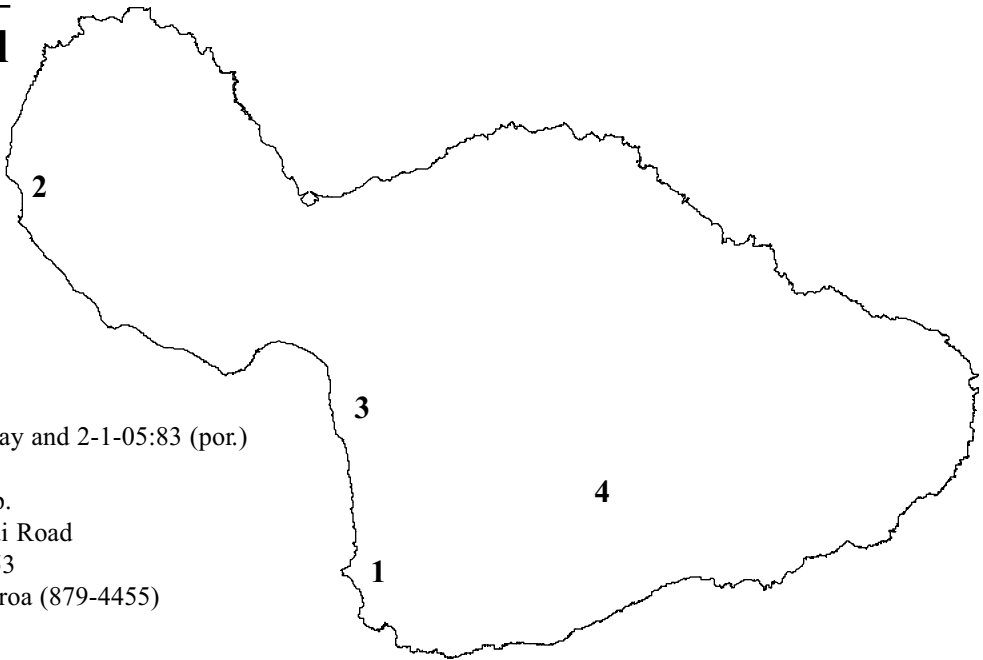
Approving Agency/Accepting Authority: County of Maui
Department of Public Works and Waste Management
200 South High Street
Wailuku, Hawai'i 96793
Contact: David Goode (270-7845)

Consultant: Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawai'i 96793
Contact: Michael Munekiyo (244-2015)

Public Comment Deadline: July 23, 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

The applicant, Makena Resort Corp., proposes to implement road widening improvements to Makena Alanui Road. The segment of Makena Alanui to be improved extends from approximately the southern property line of the Maui Prince Hotel to a point just before Makena Alanui's intersection with Makena-Keone'o'io Road. This roadway segment traverses the Makena Resort in the vicinity of Makena Tennis Club entry drive. The proposed action will connect to the improved segment of Makena Alanui. The proposed improvements are part of the Makena Resort's ongoing program to upgrade infrastructure systems to facilitate implementation of its Master Plan.



The subject roadway segment is a two-lane, two-way paved County roadway. There are no curbs, gutters, or sidewalks along this portion of Makena Alanui. Proposed improvements call for pavement widening for each travel lane from 12 feet to 20 feet and the provision of a 6-foot wide sidewalk along the makai or west side of the roadway section. Additionally, installation of street lighting, fire hydrants, roadway drainage improvements and landscaping are proposed. Work will be performed within the existing 60-foot County right-of-way. Right-of-way acquisition for the improvements will not be required. It is noted, however, that two roadway culvert outlets will extend just outside of the right-of-way (makai of Makena Alanui) to lie within a portion of TMK 2-1-05:83 and a portion of TMK 2-1-05:85, respectively.

The proposed improvements are estimated to cost approximately \$1.1 million; construction of the improvements is anticipated to take about ten (10) months. The proposed action will be implemented in a single phase, with construction expected to commence upon the receipt of all applicable regulatory permits and approvals.

Since the proposed action involves the use of County lands (roadway right-of-way), an Environmental Assessment (EA) has been prepared as required by Chapter 343, Hawai'i Revised Statutes.



(2) Republic Parking

District: Lahaina
TMK: 4-5-001:033
Applicant: Republic Parking Northwest, Inc.
P.O. Box 1087
Lahaina, Hawai'i 96761
Contact: Mr. Eric Teruya (667-2052)

Approving Agency/Accepting Authority: County of Maui, Planning Department
250 South High Street
Wailuku, Hawai'i 96793
Contact: Ms. Julie Higa (270-7735)

Consultant: Wayne I. Arakaki Engineer, LLC
P.O. Box 884
Wailuku, Hawai'i 96793
Contact: Wayne Arakaki (242-5868)

Public Comment

Deadline: July 23, 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 & Demolition

This property, owned by Sunao Omoto Trust, is located at 167 Lahainaluna Road, Lahaina, Hawai'i. This relatively flat lot has a residential dwelling and carport on it. The structure will be demolished and the parcel cleared to construct a public parking lot. Some grading will be done prior to the installation of utilities. Electrical lines will be installed to provide power for lighting. Water will be supplied to upkeep the surrounding landscape. Runoff will be maintained within the property by the dry wells to be installed. Upon completion of these improvements, the subject parcel will be asphalted and striped. Although this site is suitable for residential uses, the parcels adjoining this property is zoned for commercial use. To return this site to residential is not practical from both an environmental and economic perspective.

This proposed project will provide a significant contribution to Maui's future population by providing additional parking to "live and work in harmony" in a high quality living environment. The location of the proposed project is located at Maui's major commercial areas. This additional parking will reduce traffic congestion and energy

consumption by providing parking closer to the commercial and residential activities. Construction of the project will not require substantial energy consumption relative to other similar projects.



(3) Waipu'ilani Estates

District: Makawao
TMK: 3-9-001:009
Applicant: Betsill Brothers Construction, Inc.
635 Kenolio Road
Kihei, Hawai'i 96753
Contact: Doyle Betsill (879-5375)

Approving Agency/Accepting Authority:

County of Maui
Department of Planning
250 South High Street
Wailuku, Hawai'i 96793
Contact: Julie Higa (270-7735)

Consultant:

Chris Hart & Partners
Landscape Architecture and Planning
1955 Main Street, Suite 200
Wailuku, Hawai'i 96793
Contact: Rory Frampton (242-1955)

Public Comment

Deadline: July 23, 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, Flood Hazard Development, Building

Chris Hart & Partners, Inc., is requesting a Special Management Area (SMA) permit in order to allow for the establishment of a 96 lot single-family residential project on an approximate 20-acre parcel located in Kihei, Maui, Hawai'i. The proposed project requires roadway improvements on County owned property in order to provide vehicular access from Kulanihako'i Road into the subject project. As such, this assessment has been prepared in accordance with Chapter 343, Hawai'i Revised Statutes.

The subject property is situated within the State's Urban District and is County zoned and community planned for residential development. The property is currently undeveloped and overgrown with kiawe trees, shrubs, weeds, bushes, and grasses. The proposed project will be developed in

Maui Notices

JUNE 23, 2001

accordance with Maui County Code, Chapter 19.84, "R-0 Zero Lot Line Overlay District" which allows for a maximum of five units per acre and a minimum lot size of 4,000 square feet for each R-0 Lot Line lot within the R-3, Residential District. The proposed house/lot packages are anticipated to be largely affordable to Maui's median income households.

The proposed project will require the provision of both on and off-site infrastructure to support the development. On-site infrastructure will include an internal street network, as well as, the provision of water, sewer, drainage, electrical, and telephone system improvements. Access will be provided via a roadway along the south side of Kulanihako'i Road, approximately 800 feet east of South Kihei Road. A second roadway entrance and exit is proposed along South Kihei Road. This roadway will be restricted to right turns in and out in order to minimize the project's impact on traffic flow along South Kihei Road.

The Draft Environmental Assessment anticipates that the project should not result in significant environmental impacts to surrounding properties, nearshore waters, natural resources, or archaeological and historic resources on the site or in the immediate area. Public infrastructure and services including roadways, sewer and water systems, medical facilities, police and fire protection, parks, and schools, are, or will be adequate to serve the project and therefore will not be significantly impacted by the project. The proposed project will not impact public view corridors and will not produce significant adverse impact upon the visual character of the site and its immediate environs.

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



(4) 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)

Status: FEA/FONSI issued, project may proceed.

Permits

Required: CDUP

At an elevation of 10,023 feet, the summit area of Haleakala is one of the prime locations in the world for astronomical and atmospheric observations and space surveillance. The University of Hawai'i Institute for Astronomy (IfA), in cooperation with the Faulkes Telescope Corporation (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.

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

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 educational outreach. In the UK, FTF programs would be used to support all levels of students, from primary school to undergraduate college levels. In Hawai'i, educational outreach would initially focus on undergraduate and secondary school students. These students would use the telescope to conduct research projects under the mentoring of teachers and professional astronomers. The FTF would maintain 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. FTC and other UK astronomy education organizations would manage operations in the UK.

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 prepared an Environmental Assessment (EA) as the first step in the process. The UH is the applicant for a Conservation District Use Application (CDUA) for the site, although it 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.

The project would include construction of a facility on a site of approximately 1.5 acres at the HO. The facility would be located along the southwestern edge of the HO property, on a concrete base approximately 75 feet in diameter. The facility would include a state-of-the-art, retractable "Portal" enclosure about 20 feet in height set atop a 10-foot high structure. The enclosure would house a 2-meter (80-inch) main mirror with a focal ratio of $f/10$. It would be on a mount that allows for the independent movement in both elevation and azimuth (bearing). Operation of the telescope would be directed through a control centers in the UK and in Hawai'i. The control centers would send instructions regarding observations via a high-speed fiber-optic phone line. The initial viewing instrument to be installed on the telescope would be a wide field-of-view digital camera. The project would also include the assembly and maintenance of one 515 square foot support building, which would be attached to the observatory structure. The building would house mechanical and computer systems that support operations of the telescope.

Chapter 343 HRS and the Environmental Impact Statement Rules (Title 11, Chapter 200), require an agency to assess proposed projects in order to determine whether the potential adverse impacts are significant according to the criteria set forth in Rules (11-200-11.1). In accordance with these regulations and the Office of Environmental Quality Control (OEQC) guidelines for preparing and Environmental Assessment, the University of Hawai'i Institute for Astronomy has evaluated the potential impacts of the project and reviewed additional materials obtained during the Draft Environmental Assessment comment period that ended on February 22, 2001. From the studies and materials obtained, the IfA has determined that the proposed action would not have significant adverse effects and has filed a Negative Declaration for this project; specifically a finding of no significant impact (FONSI).

Regional Attorney Position, The Nature Conservancy, Honolulu Office

The Nature Conservancy is looking for an attorney to join its legal team in the Honolulu Office. The Regional Attorney will provide legal advice and assistance for the Asia/Pacific Region, including Hawai'i and international programs. The work includes issues related to conservation land transactions, contracts, government grants, registrations, and general corporate matters.

For more information: General and International: www.nature.org; Hawaii: <http://nature.org/states/hawaii>

To apply, please send your resume and cover letter to: The Nature Conservancy, 923 Nu'uuanu Avenue, Honolulu, Hawai'i 96817 or email: aphi@tnc.org.

'Iolani Palace Seeks Volunteers

For residents living on O'ahu, there is a **desperate** need for volunteers of 'Iolani Palace. Volunteers are needed Tuesday through Saturday for the following positions:

Greeters: greet visitors on the lanai of the Palace, take tickets, and explain rules for the tours.

Guardians: actually "guards" the various rooms inside the Palace, making sure that no artifacts are damaged, and along with the Docent, keeps track of the visitors.

Docent: takes tours of about 20 people and requires that the Docent address the group during the tour and be able to not only give the history but to convey the emotion connected with 'Iolani Palace. This position involves training in the history of the Palace and the Monarchy, plus public speaking & some language skills.

If anyone is interested, please contact Fran Orian c/o Malama Hawai'i at malamahi@hawaii.edu or call Cindy Grace, Volunteer coordinator at 522-0821.

Hawai'i Notices

JUNE 23, 2001

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



(1) Hawai'i Rural Fiber Optic Duct Lines Project

District: All districts
TMK: various
Applicant: Sandwich Isles Communications, Inc.
1001 Bishop St., Pauahi Tower, 27th Floor
Honolulu, Hawai'i 96813
Contact: Larry Fukunaga (524-8400)

Approving Agency/Accepting

Authority: Department of Transportation
Highways Division
601 Kamokila Blvd., Suite 691
Kapolei, Hawai'i 06707
Contact: Michael Amuro (692-7332)

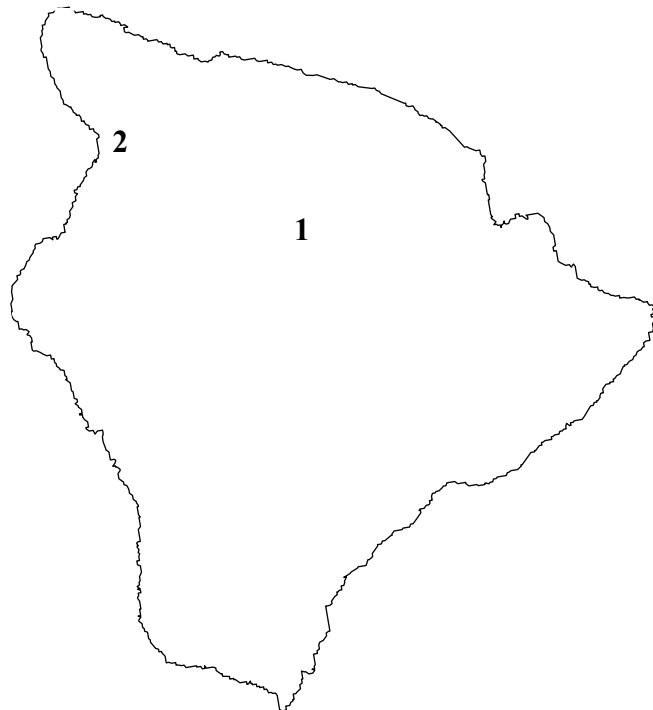
Consultant: Ron Terry (982-5831)
HC 2 Box 9575
Keaau, Hawai'i 96749

Status: FEA/FONSI issued, project may proceed.
Permits Required: ROW, possible COE, SMA, 401 WQC, CZM, SCAP

Sandwich Isles Communications, Inc. (SIC) has a license agreement from the State Department of Hawaiian Home Lands (DHHL) to provide essential communications services to DHHL homestead areas within the island of Hawaii. As a major component of its mission, SIC plans to construct underground fiber optic telecommunication cables within State highways, Hawai'i County, and DHHL roadway right-of-ways in order to provide service to homestead areas.

The project consists of the installation of a system of about 330 miles of fiber optic duct lines within the shoulder, sidewalk, or paved travel lanes of the right-of-way of various State, County and private roads around the island.

Cable installation would be done primarily through the open trench method, or using trenchless technology where necessary. Bridge crossing methods would be determined on a case-by-case basis, and may include either bridge attachments or directional drilling under streams or gulches if practicable to avoid impacts to streams or sensitive environmental resources.



The project benefits DHHL residents by providing high quality, essential telecommunication services at a cost regulated by the PUC's tariff, which is competitive with comparable outside telecommunication services, with the installation of fiber optic duct line at no cost to DHHL. The project will create several positive benefits to residents of Hawaiian Home Lands, including high quality, essential telecommunication services at a reasonable cost and employment and educational opportunities. It is scheduled for construction between June 2001 and February 2005, and will cost an estimated \$100,000,000.

Final Environmental Impact Statements



(2) Hapuna Beach State Recreation Area Expansion

District: South Kohala
TMK: 6-6-01:por. 2; 6-9-01:por. 1; 6-2-02:1; 6-6-02:2, 6, 7, 31, 32, 34, 35, 40, 41, & 42

Applicant: Department of Land and Natural Resources
State Parks Division
P.O. Box 621
Honolulu, Hawai'i 96809
Contact: Daniel Quinn (587-0290)

Approving Agency/Accepting Authority: Governor, State of Hawai'i
c/o Office of Environmental Quality Control
235 S. Beretania Street, Suite 702
Honolulu, Hawai'i 96813

Consultant: Belt Collins Hawai'i
680 Ala Moana Boulevard, First Floor
Honolulu, Hawai'i 96813
Contact: Glen Koyama (521-5361)

Status: FEIS currently being review by OEQC.

The State Parks Division of the Department of Land and Natural Resources is proposing to expand its existing Hapuna Beach State Recreation Area (previously known as Hapuna Beach State Park) from 62 acres to approximately 846 acres. This expansion will include the area between Hapuna Bay and Puako Bay from the shoreline to a distance of approximately 5,080 feet inland. Traversing the mauka section of this area is the Queen Ka'ahumanu Highway, a State right-of-way serving the South Kohala coastal region. Behind Wailea Bay are 19 privately-owned lots which had previously been considered for acquisition by the State and included within the Park expansion area, but is now not part of the plan.

The State Parks division has identified long-term recreational needs for West Hawai'i and opportunities to use and manage recreation resources at Hapuna. A master plan for the park expansion has been prepared and calls for long-

term improvements. The expansion area will include new picnic areas with comfort stations, family and group camping areas, hiking trails and shoreline paths, parking areas, improved access to Wailea Bay, and an 18-hole public golf course. Upon securing all necessary permits and approvals, construction will occur in phases over a period of about ten years.

Required permits and approvals for the expansion project will include a Conservation District Use Permit, County Use Permit, Special Management Area, Building and Grading Permits, and National Pollutant Discharge Elimination Systems Permit.

Previously Published Projects Pending Public Comments

Draft Environmental Assessments

► Humu'ula Koa Salvage-Reforestation and Gorse Control

Applicant: Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, Hawai'i 96805
Contact: Mike McElroy (586-3823)

Approving Agency/Accepting Authority: Same as above.
Public Comment Deadline: July 9, 2001



DOH Seeking Public Input on Proposed Changes to Water Quality Rules

The Department of Health has revised the initial informal proposed amendments (draft #1) to the Hawai'i Administrative Rules, Chapter 11-54, Water Quality Standards (WQS), and is seeking a second round of informal public comments on draft #2 (dated June, 2001). To help you review these proposals again, each informal proposed amendment contains an introductory "update" paragraph summarizing the differences between the first and second drafts.

The proposed revisions add criteria to classify perennial streams; change the indicator bacteria criterion for inland waters and restrict applicability of criteria to locations where human sewage is highly likely to contribute to high enterococcus counts; modify the ammonium criteria for open coastal waters on the basis of new data; update Hawai'i's antidegradation policy to conform it to federal policy; and make the definition of state waters consistent with State law.

The Water Quality Standards Technical Advisory Group will hold another informal meeting to discuss these proposed changes on 13 July 2001, from 10am-12pm in Room 300 of the 919 Ala Moana building. This meeting will be hosted by the Department of Health's Environmental Planning Office. The text of the proposed amendments and rationale documents is available on the Internet at <http://www.state.hi.us/health/eh/epo/index.htm>, or paper copies can be obtained from the DOH Environmental Planning Office, located at 919 Ala Moana, Room 312, telephone 586-4337.

Kaua'i Notices

JUNE 23, 2001

Final Environmental Assessments (FONSI)

(1) Kaua'i Rural Fiber Optic Duct Lines Project

District: Waimea, Koloa, Lihu'e, Kawaihau
(Moloa'a)
TMK: various
Applicant: Sandwich Isles Communications, Inc.
1001 Bishop St., Pauahi Tower, 27th Floor
Honolulu, Hawai'i 96813
Contact: Larry Fukunaga (524-8400)

Approving Agency/Accepting

Authority: Department of Transportation
Highways Division
601 Kamokila Blvd., Suite 691
Kapolei, Hawai'i 06707
Contact: Michael Amuro (692-7332)

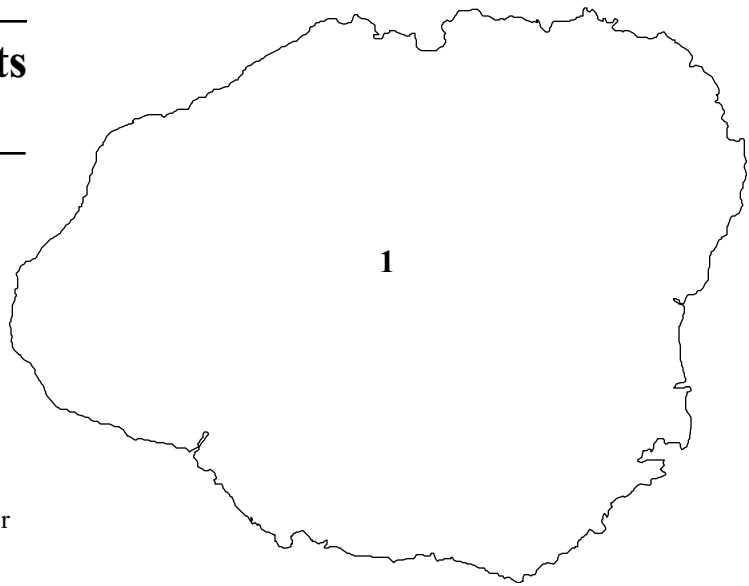
Consultant: SSFM International, Inc.
501 Sumner Street, Suite 502
Honolulu, Hawai'i 96817

Contact: Ronald Sato (531-1308)
Status: FEA/FONSI issued, project may proceed.
Permits Required: ROW, possible COE, SMA, 401 WQC,
CZM, SCAP

Sandwich Isles Communications, Inc. (SIC) has a license agreement from the State Department of Hawaiian Home Lands (DHHL) to provide essential communications services to DHHL homestead areas within the island of Kaua'i. As a major component of its mission, SIC plans to construct underground fiber optic telecommunication cables within State highways and DHHL roadway right-of-ways in order to provide service to homestead areas.

A total of approximately 51 miles of underground fiber optic telecommunications cable would be installed within existing rights-of-way highway and roadway facilities throughout the island. The majority of affected roads would be State highway facilities. The installation of fiber optic duct lines would be within the shoulder, sidewalk, or paved travel lanes of the right-of-way of various State and DHHL roads.

Cable installation would be done primarily through the open trench method, or using trenchless technology where necessary. Bridge crossing methods would be determined on a



case-by-case basis, and may include either bridge attachments or directional drilling under streams or gulches if practicable to avoid impacts to streams or sensitive environmental resources.

The project benefits DHHL residents by providing high quality, essential telecommunication services at a cost regulated by the PUC's tariff, which is competitive with comparable outside telecommunication services, with the installation of fiber optic duct line at no cost to DHHL. The project will create several positive benefits to beneficiaries of Hawaiian Home Lands, including high quality, essential telecommunication services at a reasonable cost and employment and educational opportunities.

Previously Published Projects

Final Environmental Impact Statements

● North Pacific Acoustic Laboratory

Applicant: University of California San Diego
Scripps Institution of Oceanography
IGPP-0225, 9500 Gilman Drive
La Jolla, California 92093-0225
Contact: Dr. Peter Worcester (858-534-8031)

Approving Agency/Accepting

Authority: Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809
Contact: Traver Carroll (587-0439)

Status: FEIS currently being review by the Department of Land and Natural Resources.

Shoreline Notices

JUNE 23, 2001

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, Hawai'i 96813 and postmarked no later than fifteen (15) calendar days from the date of the public notice of the application.

Case No.	Date	Location	Applicant	TMK
KA-156	6/5/01	Lot D Kukuiula Subdivision, being a portion of R.P. 6714, Land Commission Award 7714-B, Apana 2 to Kekuaiwa to M, Kekuanaoa, land situated at Kukuiula, Koloa, Island of Kauai, Hawaii Address: 4870 Lawai Road Purpose: <u>Building Permit</u>	Wagner Engineering Service, Inc., for Donald Donohugh Trust	2-6-12:02
MO-066	6/5/01	Lot 10 of Kamakana Beach Lots, being a portion of Land Commission Award 8559-B, Apana 8, land situated at Kawela, Molokai, Maui, Hawaii Address: Not assigned - Vacant Purpose: <u>Building Permit</u>	Newcomer-Lee Land Surveyors, Inc., for John and Karin Gensel	5-4-18:22
MO-067	6/5/01	Lot 40 of Land Court Application 631, map16, land situated at Kaunakakai, Molokai, Maui, Hawaii Address: 300 Seaside Place Purpose: <u>Building Permit</u>	Newcomer-Lee, Land Surveyors Inc., for Orlando Sambajon, etal	5-3-07:07
OA-656-2	6/7/01	Lot A, being a portion of R.P. 7984, Land Commission Award 4452, Apana 13 to H. Kalama and R.P. 5583, Land Commission Award 2937, Part 10 Section 1 to W. Harbottle, land situated at Malae and Panahaha, Kaneohe, Island of Oahu, Hawaii Address: 44-307 Kaneohe Bay Drive Purpose: <u>Building Permit</u>	Towill, Shigeoka and Associates, Inc., for John King	4-4-07:15
MO-068	6/14/01	Portion of Grant 831 to O. H. Gulick, land situated at Kaamola 1, 2, 3, 4, Kona, Molokai, Hawaii Address: Vacant - Seaward of Kamehameha V Highway Purpose: <u>Special Management Area Permit</u>	ControlPoint Surveyors, Inc., for B.P. Bishop Estate (Kamehameha Schools)	5-6-6:Por 24

Shoreline Notices

JUNE 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, Hawai'i 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	Location	Applicant	TMK
HA-239	6/06/01 Rejected	Kona Inn Shopping Plaza being lot 1 of Land Commission Award 7630, Apana 1 at Keopu 3 rd , Honuaula and Hienaloli 1 st , North Kona, Island of Hawaii, Hawaii Address: 75-5739 Alii Drive Purpose: <u>Building Permit</u>	Wes Thomas Associates, for Kailua Kona Village Development Group	7-5-07: 21
HA-243	6/06/01 Rejected	Lot 27 of Puako Beach Lots (Hts Plat 414-A) being the whole of Grant 13755, land situated at Lalamilo, Waimea, South Kohala, Island of Hawaii, Hawaii Address: 69-1874 Puako Beach Road Purpose: <u>Building Permit</u>	Wes Thomas Associates, for James and Gretchen Mair	6-9-05: 02
OA-569	6/06/01 Rejected	Lot 312 as shown on Map 172 Land Court Application 323, land situated at Pueohaka, Kailua, Island of Oahu, Hawaii Address: 528-A North Kalaheo Avenue Purpose: <u>Building Permit</u>	Sam O. Hirota, Inc., for Paul Violich	4-3-18: 07
OA-678-2	6/08/01 Certified	Lot 16-G Land Court Application 242, land situated at Ewa Beach, Island of Oahu, Hawaii Address: 91-243 Ewa Beach Road Purpose: <u>Re-certification/Building Permit</u>	DJNS Surveying and Mapping, Inc., for Rachel Haili	9-1-23: 22
MO-061	6/08/01 Certified	Portion of Land Commission Award 8525-B, Apana 5 to J. A. Kauwa, land situated at Honomuni & Kamamnoni, Kona, Molokai, Hawaii (No Street Address- Makai of Kamehameha V Highway) Purpose: <u>Building Permit</u>	Newcomer-Lee Land Surveyors, Inc., for Stephen & Pearl Petro	5-7-04: por. 34
OA-169-2	6/08/01 Certified	Lot B-1 of Land Court Application 743 and portion of Reclaimed Land of Kaneohe, land situated at Mahinui, Kaneohe, Koolau-poko, Island of Oahu, Hawaii Address: 44-627 Kaneohe Bay Drive Purpose: <u>Building Permit</u>	Robert K. Sing, for Barbara C. Wong, Trust	4-4-14: 01
OA-827	6/08/01 Certified	Portion of Queen Surf Promenade, land situated at Kapiolani Park, Waikiki, Honolulu, Island of Oahu, Hawaii - Under Governor Executive Order 3082, 3779, 2438, 1689, 1817 & 1438 to the City and County of Honolulu Address: 2709, 2727, 2745 and 2777 Kalakaua Avenue Purpose: <u>Improvements</u>	R. M. Towill Corp, for City and County of Honolulu	3-1-30: 1-5 & 3-1-31: 4-6
OA-826	6/08/01 Certified	Lot 603 as shown on Map 23 of Land Court Application 242, land situated at Pauuloa, Ewa, Island of Oahu, Hawaii Address: 91-761 Oneula Place, Ewa Beach Purpose: <u>Improvements</u>	Jaime F. Alimboyoguen, for Hieoji and Katherine Taki	9-1-25: 05
OA-819	6/13/01 Certified	Lot 67-B, portion of Grant 9842 to Mrs. G. E. Coombs of Pupukea-Paumalu Beach Lots, Reg. Map 2556, land situated at Haleiwa, Koolauloa, Island of Oahu, Hawaii Address: 59-247 Ke-Nui Road, Haleiwa Purpose: <u>New Construction</u>	DJNS Surveying and Mapping, Inc. for Marx House Trust	5-9-19: 36

Pollution Control Permits

JUNE 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, Covered Source Permit	Chevron U.S.A. Products Company CSP 0078-01-C	777 North Nimitz Highway, Honolulu, Oahu	Comments Due: 7/11/01	Petroleum Storage Tanks and Marine Vessel Loading Facility

Clean Water Branch

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
Clean Water Branch, 586-4309, NPDES	Cates International, Inc. #HI 0021792	2 miles south of Ewa Beach, Oahu	Comments Due: 7/11/01	Discharge fish excrement, ammonia excretions, unconsumed fish food, and medications approved or authorized for investigational use by the FDA to Mamala Bay
Clean Water Branch, 586-4309, NPDES	Island Petroleum, Inc. #HI 0020966	Beach and Wharf Roads, Kaunakakai, Molokai	Comments Due: 7/26/01	Discharge fuel displacement process wastewater to the Pacific Ocean off the Molokai coastline

Safe Drinking Water Branch

Branch & Permit Type	Applicant & Permit Number	Project Location	Pertinent Dates	Proposed Use
Safe Drinking Water Branch, 586-4258 UIC Permit	Association of Apartment Owners, UH-2054	Maluhia Kai Condominium 77-301 Noelani Way, Kailua-Kona	n/a	Change-of-Operator for 2 injection wells for sewage disposal.
Safe Drinking Water Branch, 586-4258 UIC Permit	BFS, Inc. UH-2121	Ace Hardware 74-5500 Kaiwi Street, Kailua-Kona	n/a	Construction of 3 injection wells for surface drainage.
Safe Drinking Water Branch, 586-4258 UIC Permit	Aquasearch, Inc. UH-2122	Aquasearch Inc. Kona Microalgae Production Facility; Natural Energy Lab. of Hawaii, Kailua-Kona	n/a	Registration of 2 injection wells for seawater disposal.
Safe Drinking Water Branch, 586-4258 UIC Permit	Association of Apartment Owners, UM-1329	Milowai Maalaea Condominium 50 Hauoli Street, Maalaea, Wailuku	n/a	Permit renewal of 2 injection wells for sewage disposal.
Safe Drinking Water Branch, 586-4258 UIC Permit	Association of Apartment Owners, UM-1252	Molokai Shores Condominium Kamehameha Hwy., Kaunakakai, Kamiloloa	n/a	Permit renewal of 2 injection wells for sewage disposal.
Safe Drinking Water Branch, 586-4258 UIC Permit	Airports Division Department of Transportation State of Hawaii UM-tba	Molokai Airport Ho'olehua, Kaunakakai	n/a	Registration of 3 injection wells for surface drainage.
Safe Drinking Water Branch, 586-4258 UIC Permit	Association of Apartment Owners, UO-2003	Mokuleia Beach Apartments 68-051 Akule Street, Waiialua	n/a	Permit renewal of 2 injection wells for sewage disposal.
Safe Drinking Water Branch, 586-4258 UIC Permit	Western United Life Assurance Company UO-1216C	Kaunala Beach Estates 58-311 Kamehameha Hwy. Haleiwa, Sunset Beach	n/a	Change-of-Operator for 3 injection wells for sewage disposal.

Coastal Zone News

JUNE 23, 2001

Special Management Area (SMA) Minor Permits

Pursuant to Hawai'i Revised Statute (HRS) 205A-30, the following is a list of SMA Minor permits that have been approved or are pending by the respective county agency. For more information about any of the listed permits, please contact the appropriate county Planning Department. City & County of Honolulu (523-4131); Hawai'i County (961-8288); Kaua'i County (241-6677); Maui County (270-7735).

Location	Description (File No.)	Applicant/Agent
Hawaii: Kailua-Kona, Laaloa Beach Park (TMK 7-7-008:106 & 7-7-010:036)	New parking area, rock walls & pedestrian pathways, & picnic tables & grills at Laaloa Beach Park (SMA Minor No. 99)	Hawaii County Department of Parks and Recreation
Kauai: Nawiliwili Kauai Lagoons (TMK: 3-5-02:28, 29)	Drainage Improvements (SMA(M) 01-24) Pending	Marriott/Kauai Lagoons
Kauai: Kekaha (TMK: 1-3-10:115)	Garage expansion (SMA(M) 01-25)	Douglas Stuart
Kauai: Kekaha St. Theresa's Church (TMK: 1-3-11:23,24,25)	6-foot high chain link fence (SMA(M) 01-26)	St. Theresa's Church
Kauai: Haena Haena Park (TMK: 5-9-005:019)	Lifeguard tower (SMA(M) 01-27)	County of Kauai, Fire Department
Maui: Maalaea Maalaea Mermaids (TMK 3-8-014:026)	Antenna installation at the Maalaea Mermaids (SM2 2001/0029)	Sprint, PCS / Munekiyo & Hiraga, Inc.
Maui: Lahaina, Lahaina Small Boat Harbor (TMK 4-6-001)	Construction of a kiosk for Atlantis Submarines at Slip No. 5 (SM2 2001/0030)	DLNR, Division of Boating and Ocean Recreation / Chris Hart & Partners, Inc.
Maui: Lahaina Kaanapali Beach Hotel (TMK 4-4-008:003)	Replace an existing wood framed electrical room with a hollow tile and concrete Structure at Kaanapali Beach Hotel (SM2 2001/0031)	Kaanapali Beach Hotel
Maui: Haiku Int. of Ulalena & Honokala (TMK 2-9-005:011)	Relocation of existing MECO power pole from right-of-way to Parcel 11 (SM2 2001/0032)	Laf Young
Maui: Kihei Kihei School (TMK 2-2-002:043)	Installation of Two Pre-Fabricated Classroom Buildings for MEO Head Start Program (SM2 2001/0033)	Maui Economic Opportunity, Inc.
Maui: Kahului Maui Beach Hotel	Maui Beach Hotel temporary office trailer. SMA Minor permit time extension. Pending.	Mike Munekiyo
Maui: Makawao (TMK: 2-6-009:023)	Blue Tile beach access barrier units. Pending.	Floyd Miyazono
Maui: Kahului Kaahumanu Center (TMK: 3-7-002:002)	Sprint Antenna at Kaahumanu Center. Pending.	Dean Frampton
Maui: Wailuku (TMK:3-9-001:075)	Sprint Antenna at Kauhale. Pending.	Dean Frampton
Maui: Wailuku (TMK: 3-9-008:008)	Pederson Residence/Green House. Pending.	Craig Murayama
Maui: Lahaina (TMK: 4-5-001:002)	Old Lahaina Coffee Cart. Pending.	Paul Taylor
Maui: Lahaina Lahaina Shores (TMK: 4-6-002:007)	Sprint Antenna at Lahaina Shores. Pending.	Dean Frampton
Maui: Lahaina (TMK: 4-6-028: 021)	Nolte residence at Puamana. Pending.	George Peters
Maui: Lahaina (TMK: 4-6-029:013)	Richardson residence at Puamana. Pending.	George Peters

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 x7-2878, Kaua'i: 274-3141 x7-2878, Maui: 984-2400 x7-2878 or Hawai'i: 974-4000 x7-2878.

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, Department of Business, Economic Development and Tourism, P.O. Box 2359, Honolulu, Hawai'i 96804. Or, fax comments to the Hawai'i CZM Program at 587-2899.



Kaunalapau Harbor Breakwater Repair

Federal Action: Federal Activity

Federal Agency: Army Corps of Engineers

Contact: James Hatashima, 438-2264

Location: Kaunalapau Harbor, Lana'i

CZM Contact: Debra Tom, 587-2840

Proposed Action:

The Army Corps of Engineer and State Department of Transportation propose to repair and modify the existing breakwater at Kaunalapau Harbor, Island of Lana'i, Hawai'i. Repair includes rebuilding the damaged and deteriorated existing breakwater to provide safe berthing conditions at the existing wharf for cargo and fuel delivery to the island. The breakwater will be rebuilt on the footprint of the old rubble mound structure and will utilize the existing structure for the core of the new breakwater. The new armor units will extend to a depth of 45 feet on the ocean side and 20 feet on the harbor side.

Comments Due: July 9, 2001

Conservation District Notices

Departmental Permits

Persons interested in commenting on the following Conservation District Use Application (Departmental Permit) must submit comments to the Department of Land and Natural Resources. Also, anyone interested in receiving notification of determinations on Conservation District Use Applications (Departmental Permits) must submit requests to DLNR that include the following information:

- 1) Name and address of the requestor;
- 2) The departmental permit for which the requestor would like to receive notice of determination; and
- 3) The date the notice was initially published in the Environmental Notice.

Both comments and requests for notification of determinations must be submitted to DLNR within thirty days from the initial date that the notice was published in the Environmental Notice.

Please send comments and requests to: State of Hawai'i, Department of Land and Natural Resources, Land Division, 1151 Punchbowl Street, Room 220, Honolulu, Hawaii 96813.

While DLNR will make every effort to notify those interested in the subject CDDA, it is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact Traver Carroll at 587-0439.



Caruthers Driveway and Site Improvements

File No.: CDDA KA-3036

Name of Applicant: Caruthers Family

Location: 'Aliomanu, Kaua'i

TMK: (4) 4-9-05:016

Proposed Action: Driveway and site improvements
343, HRS

determination: Exempt

Applicant's Contact: Ms. Colette Sakoda, 732-8602

Federal Notices

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Federal Energy Regulatory Commission; Wailua Hydroelectric Project Application Accepted for Comments and Intervention

A hydroelectric application for a preliminary permit under the Federal Power Act (16 U.S.C. 791(a)-825(r)) has been filed with the Federal Energy Regulatory Commission (FERC) on May 23, 2001 by Symbiotics, LLC (contact is Mr. Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, telephone (208) 745-8630) for the Wailua River Hydroelectric Project, located on the South Fork of the Wailua River in Kaua'i County. The proposed project would consist of: (1) a proposed 28-foot-high, 650-foot-long earthfill and roller compacted concrete dam impounding a 37-acre reservoir, normal surface elevation 278 feet; (2) a proposed 4,800-foot-long, 8-foot-diameter steel penstock; (3) a proposed powerhouse containing two 3.25-megawatt generating units; (4) a proposed 2-mile-long, 25-kV transmission line; and (5) appurtenant facilities. The project would have an average annual generation of 18 Gwh. The deadline for filing comments, protests, and motions to intervene is 60 days from the issuance date of this notice (June 19, 2001). All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments, protests, and motions to intervene may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>. Please include the project number (P-12025-000) on any comments or motions filed. The FERC's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208-1371. The application may be viewed on <http://www.ferc.fed.us/online/rims.htm>. For details, call FERC staffperson James Hunter at (202) 219-2839 (see, 66 F.R. 32945, June 19, 2001).

Call for Native Hawaiian on Coral Reef Ecosystem Reserve Council

On December 4, 2000, Executive Order 13178 established the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (Reserve). The Executive Order requires the Secretary of Commerce or his or her designee (hereafter Secretary) to establish a Coral Reef Ecosystem Reserve Council (Reserve Council) to provide advice and recommendations on the development of the Reserve Operations Plan and the designation and management of a Northwestern

Hawaiian Islands National Marine Sanctuary by the Secretary. The Secretary, through the Office of National Marine Sanctuaries (ONMS), established the Reserve Council and is now seeking applicants for one Native Hawaiian representative seat on the Reserve Council. Previous applicants and current Alternate Council Representatives interested in serving as a full Council member must reapply specifically for this seat in order to be considered in the competitive pool. Completed applications must be received by July 16, 2000. Application kits may be obtained from Robert Smith or 'Aulani Wilhelm, Northwest Hawaiian Islands Coral Reef Ecosystem Reserve, National Ocean Service, P.O. Box 43, Hawaii National Park, Hawai'i 96718-0043, or online at: <http://hawaiireef.noaa.gov>. Completed applications should be sent to the same address as above. For further information contact 'Aulani Wilhelm at (808) 295-1234 or aulani.wilhelm@noaa.gov, or visit the web site at: <http://hawaiireef.noaa.gov> (see, 66 F.R. 32601, June 15, 2001)

Pelagic Longline Restrictions/Mitigations

The National Marine Fisheries Service (NMFS) issued an emergency interim rule, effective for 180 days, applicable to vessels registered for use under a Hawai'i longline limited access permit (Hawai'i longline vessel). This rule: prohibits the targeting of swordfish north of the equator by Hawai'i longline vessels; prohibits longline fishing by Hawai'i longline vessels in waters south of the Hawaiian Islands (from 15 degrees N. latitude to the equator, and from 145 degrees W. longitude to 180 degrees longitude) during the months of April and May; allows re-registration of vessels to Hawai'i longline limited access permits only in October; imposes additional sea turtle handling and resuscitation measures; and requires all Hawai'i longline vessel operators to attend an annual protected species workshop. This rule implements an Order issued on March 30, 2001, by the United States District Court for the District of Hawai'i (Court). This Order superseded the Court's Order of August 4, 2000, and this rule supersedes the emergency rules published on August 25, 2000; November 3, 2000; February 22, 2001; and March 19, 2001. Other parts of this emergency interim rule implement the terms and conditions contained in a November 28, 2000, Biological Opinion (BO) issued by the U.S. Fish and Wildlife Service on the effects of the Hawai'i-based longline fishery on the endangered short-tailed albatross. This emergency interim rule is effective June 12, 2001, through December 10, 2001. Comments must be received no later than 5 p.m., Hawaiian standard time, on July 27, 2001. Send written comments to Dr. Charles Karnella, Administrator, National Marine Fisheries Service Pacific Islands Area Office (PIAO), 1601 Kapi'olani Blvd., Suite 1110, Honolulu, Hawai'i, 96814-4700. Comments will not be accepted if submitted via e-mail or the Internet. Copies of the final Environmental Impact Statement and Regulatory Impact Reviews prepared for this action, and the BO are available from Dr. Karnella. See also <http://swr.nmfs.noaa.gov> to view the EIS. For more information call Alvin Katekaru at (808) 973-2937 (see, 66 F.R. 31561, June 12, 2001).

Johnston Atoll Chemical Agent Disposal System RCRA Permit Modifications

The U.S. Army owns and operates the Johnston Atoll Chemical Agent Disposal System (JACADS) hazardous waste treatment and Red Hat Storage Facility on Johnston Atoll. The JACADS facility is the first full-scale operational facility constructed as part of the Army's Chemical Stockpile Disposal Program mandated by Congress in 1985 under Public Law 99-145. Hazardous waste operations began in June 1990 to destroy the chemical weapons inventory on Johnston Island. The facility has completed the final scheduled agent campaign and is preparing to decommission and close the facility. In order to keep the permit current with ongoing operations and prepare for facility closure, the U.S. Army has incorporated the following Class 1 Modifications to the JACADS Hazardous Waste Management Permit under the Resource Conservation and Recovery Act (RCRA). Pursuant to 40 C.F.R. 270.42(a)(1)(ii), the Washington Demilitarization Company has issued public notices for two Class 1 Modification Notices (C1N-114: 1st Quarter Update to the RCRA Contingency Plan) and (C1N-115: RCRA Inspection Requirements) and one Class 1 Modification Request which was approved by EPA on May 10, 2001 (C1R-116: Clarification of Permit Language in Module V, Table 5-3 of the Permit, related to the waste feed limits for non-halogenated wastes to be a component of the halogenated waste feed). Call Stacy Brye of EPA Region IX in San Francisco at (415) 744-2056, or Drew Lyle of Aberdeen Proving Ground at (410) 436-4119 if you have any questions or comments (see, June 11, 2001, letter of G. F. Jaskot, Washington Demilitarization Company, Job No. 99000.113, WDC/PMCD-002, File 000603.A01, A-4.2, A-12.3).

Fishery Management Council Meetings

The Western Pacific Fishery Management Council (WPFMC) Advisory Panels will meet on June 15 and 16, 2001; the Standing Committees will meet on June 18, 2001; and the Council will hold its 110th meeting June 18 through June 21, 2001 in Honolulu. At the full Council meeting, a public hearing will be held prior to the Council taking final action on its Coral Reef Ecosystem Fishery Management Plan/Draft Environmental Impact Statement (CREFMP/DEIS). The Council will also be holding a public hearing to accept comments on a proposed action that would implement the prohibitions specified in the Shark Finning Prohibition Act, that was signed by the President in December 2000. The meetings and the hearings will be held at the Ala Moana Hotel, 410 Atkinson Drive, Honolulu, Hawai'i 96813, telephone (808) 955-4811. For details, call Kitty M. Simonds, Executive Director at (808) 522-8220. Agendas are as follows.

ADVISORY PANELS: The Commercial, Recreational, Subsistence/Indigenous, and Ecosystem and Habitat sub-panels will meet jointly on Friday, June 15, 2001, from 8:30 a.m. to 5 p.m. Sub-panels will meet individually on Saturday, June 16, 2001, but will reconvene jointly before the end of the day to finalize recommendations. In addition, the Panels will hear reports from plan teams, the scientific and statistical committee, and other ad hoc groups. Public

comment periods will be provided throughout the meetings. The order in which agenda items are addressed may change. The Advisory Panels will meet as late as necessary to complete scheduled business. The agenda for the Advisory Panel meetings will include: (1) Welcome and introductions; (2) Overview of the Magnuson-Stevens Fishery Conservation and Management Act, Council program, and decision-making process, and other applicable laws; (3) Role of advisors; (4) Report on island area Advisory Group meetings; (5) Fisheries data collection and monitoring programs, including the Western Pacific Fisheries Information Network (WesPacFIN) and the Marine Recreational Fishery Survey; (6) Research priorities and needs; (7) Coral reef management; (8) Protected species issues, including turtles, seabirds and marine mammals; (9) Enforcement and safety issues; (10) American Samoa longline fishery issues; (11) Indigenous initiatives, including the Community Development Program, Community Demonstration Projects, cultural take of green sea turtles, and the native Observer program; (12) Education and outreach efforts; (13) Presentation on fish aggregation devices; (14) Sub-panel break-out sessions to discuss issues and develop recommendations; and (15) Joint panel session to review and finalize recommendations to the Council.

PUBLIC HEARINGS: A public hearing will be held at 6 p.m. on June 20, 2001, on upcoming actions with respect to shark finning. A public hearing will be held at 9:30 a.m. on June 21, 2001, on the CREFMP/DEIS.

COMMITTEE MEETINGS: The following Standing Committees of the Council will meet on June 18, 2001. Enforcement/Vessel Monitoring System (VMS) from 8 a.m. to 10 a.m.; Fishery Rights of Indigenous People from 9 a.m. to 10 a.m.; International Fisheries/Pelagics from 10 a.m. to 12 noon; Precious Corals from 1:30 p.m. to 3 p.m.; Crustaceans from 1:30 p.m. to 3 p.m.; Bottomfish from 3 p.m. to 4:30 p.m.; Ecosystem and Habitat from 3 p.m. to 4:30 p.m.; and Executive/Budget and Program from 4:30 p.m. to 6 p.m. In addition, the Council will hear recommendations from its advisory panels, plan teams, scientific and statistical committee, and other ad hoc groups. Public comment periods will be provided throughout the agenda. The order in which agenda items are addressed may change. The Council will meet as late as necessary to complete scheduled business.

FULL COUNCIL MEETING AGENDA: The agenda during the full Council meeting will include: (1) Introductions; (2) Approval of agenda; (3) Approval of 108th and 109th Meeting Minutes; (4) Island Reports (American Samoa, Guam, Hawai'i, and the Commonwealth of the Northern Marianas Islands); (5) Federal Fishery Agency and Organization Reports; (6) Enforcement (U.S. Coast Guard activities, NMFS activities, Commonwealth, Territories, and State activities, Archipelago Marine Research Ltd. - digital monitoring, Digital Observer project, Report on Enforcement meeting, and Status of Violations); (7) VMS, (NMFS status of VMS report, USCG request to use VMS for targeting boardings, (C) Report on VMS issues from the Enforcement meeting; (8) Hawaiian Monk Seals (Current population trends and factors affecting monk seal populations, recommendations of the Hawaiian Monk Seal Recovery Team, and bottomfish/monk seal mitigation measures); (9) Precious Corals (status of 1999 framework amendment regarding new harvesting requirements, status of 2000 framework adjustment regarding Hawaiian Islands exploratory area quota increase, and precious Coral DEIS; (10) bottomfish Fisheries (summary of the

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draft 2000 Bottomfish Annual Report modules, status of the fishery; litigation, biological opinion (BO) and observers, status of DEIS, permit transfer to replacement vessel in the Northwest Hawaiian Islands bottomfish fishery); (11) crustacean Fisheries (NMFS plans for proposed charter cruises and model workshop); (12) pelagic Fisheries (fourth quarter 2000 Hawai'i and American Samoa longline fishery report, American Samoa limited entry, turtle conservation and management, emergency rule for Hawaii longline fishery, including discussion of the BO, the final environmental impact statement, and the March 30, 2001, Court order modifying the injunction issued pursuant to *Center for Marine Conservation v. NMFS*, Council Turtle Conservation Plan, Turtle research, including NMFS fishing experiment, other research, and turtle dive patterns, endangered Species Act recommendations from the Chairmen's meeting, Seabird conservation and management, Preparatory Conference for the establishment of the Western and Central Pacific Fisheries Commission); (13) Shark finning (public hearing on shark finning action. In December 2000, Congress enacted and the President signed the "Shark Finning Prohibition Act" (Public Law 106-557). The Act amended the Magnuson-Stevens Act to prohibit any person subject to U.S. jurisdiction from (a) engaging in shark-finning (shark-finning means the taking of a shark, removing the fin or fins (whether or not including the tail) of a shark, and returning the remainder of the shark to the sea); (b) possessing shark fins aboard a fishing vessel without the corresponding carcass; and (c) landing shark fins without the corresponding carcass. The rule that is being proposed by NMFS to implement the prohibitions specified in the Act applies to U.S. and foreign fishing vessels and associated businesses that engage in finning or in the buying and selling of fins or providing goods and services to vessels engaged in finning); (14) Ecosystems and Habitat (public and agency comments on CREFMP/DEIS including Rose Atoll (see, 66 F.R. 30867, June 8, 2001).

Safe Harbor Agreement for Nene and Koloa on 'Umikoa Ranch, Island of Hawai'i

This U.S. Fish and Wildlife Service (FWS) has given notice that 'Umikoa Ranch, Limited (Ranch) has applied to the FWS for an enhancement of survival permit under the Endangered Species Act for the endangered koloa (*Anas wyvilliana*) and the endangered nene (*Branta sandvicensis*). The permit application includes a Safe Harbor Agreement (SHA) between the Ranch, the FWS, and the Hawai'i Department of Land and Natural Resources (DLNR). The proposed permit and Agreement would become effective upon initialization of the Agreement and remain in effect for 20 years. The FWS has made a preliminary determination that the proposed Agreement and permit application are eligible for categorical exclusion under the National Environmental Policy Act (NEPA). FWS explained the basis for this categorical exclusion in an Environmental Action Statement, which also is available for public review. The FWS also announced the opening of a 30-day comment period to receive comments from the public on the Umikoa Ranch's enhancement of survival permit application, the accompanying proposed Agreement, and Environmental Action Statement. Send

written comments (which must be received by July 9, 2001) to Mr. Paul Henson, Field Supervisor, U.S. Fish and Wildlife Service, PO Box 50088, Honolulu, Hawai'i 96850; facsimile (808) 541-3470. Individuals wishing copies of the permit application, the Environmental Action Statement, or copies of the full text of the Agreement, including a map of the proposed permit area, references, and legal descriptions of the proposed permit area, should contact Ms. Gina Shultz by calling (808) 541-3441. Under a Safe Harbor Agreement, participating property owners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefitting species listed under the Act. Safe Harbor Agreements encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring property owners they will not be subjected to increased property use restrictions if their efforts attract listed species to their property or increase the numbers or distribution of listed species already on their property. Application requirements and issuance criteria for enhancement of survival permits through Safe Harbor Agreements are found in 50 CFR 17.22(c). FWS worked with the Ranch and the DLNR to develop a Safe Harbor Agreement for the creation and enhancement of habitat for the endangered Hawaiian duck or koloa and Hawaiian goose or nene on 'Umikoa Ranch, Hawai'i. Under this Agreement, the Ranch will: (1) Construct and maintain wetland and associated upland habitat for nene and koloa; (2) maintain fences that exclude cattle from newly created wetland and associated upland habitats; (3) allow for controlled grazing to prevent encroachment of kikuyu grass and for maintenance of open, short grass habitat for nene; (4) prevent the establishment of problematic alien invasive plant species; (5) implement a program to control predators in and around newly created habitats where koloa and nene are likely to occur; (6) prohibit hunting in areas within the upper portion of the Ranch managed for koloa and nene; and (7) prevent the introduction and establishment of non-native waterfowl. FWS anticipates that this Agreement will result in the following benefits: (1) Establishment of a self-sustaining population or expansion of core populations for nene and koloa on the island of Hawai'i; (2) reduced likelihood of hybridization of koloa with feral mallards and preservation of genetic integrity of koloa on the island of Hawai'i; (3) increased genetic diversity of nene; (4) safe nesting sites that will support reproduction and an increased number of koloa and nene in the wild (anticipated five pairs of koloa and ten pairs of nene); (5) greater understanding of the effectiveness of management techniques for koloa and nene; (6) and additional sources of koloa and nene for future management activities. Consistent with Safe Harbor policy, we propose to issue a permit to the Ranch authorizing incidental take of koloa and nene which occur on the enrolled lands, and their progeny, as a result of lawful activities at the Ranch, so long as baseline conditions are maintained and terms of the Agreement are implemented. These activities include unintentional incidental take of koloa and nene from: (1) koa forestry; (2) eco-tourism; (3) cultivation of agricultural crops; and (4) cattle grazing. FWS also expects that the maximum level of incidental take authorized under the Agreement will never be realized. The Ranch has no plans to change land uses. Further, FWS anticipates that any koloa or nene taken will not be injured or harmed, but will be relocated, with permission from landowners, to other suitable lands. FWS expects that the creation

and enhancement of wetland and associated upland habitat will result in the establishment of a self-sustaining permanent population or expansion of core populations for nene and koloa on the island of Hawai'i. Therefore, the cumulative impact of the Agreement and the activities it covers, which are facilitated by the allowable incidental take, will provide a net conservation benefit to koloa and nene (see, 66 F.R. 30746, June 7, 2001).

Proposed Determination of Critical Habitat for the O'ahu 'Elepaio

The U. S. Fish and Wildlife Service (FWS), proposes designating critical habitat in Wai'anae uka for the O'ahu 'elepaio, a bird, pursuant to the Endangered Species Act. The proposed critical habitat consists of five units whose boundaries encompass a total area of approximately 66,354 acres on the island of O'ahu. Critical habitat identifies specific areas, both occupied and unoccupied, that are essential to the conservation of a listed species and that may require special management considerations or protection. The primary constituent elements for the O'ahu 'elepaio are those habitat components that are essential for the primary biological needs of foraging, nesting, rearing of young, intra-specific communication, roosting, dispersal, genetic exchange, or sheltering. All areas proposed as critical habitat for the O'ahu 'elepaio contain one or more of the primary constituent elements. FWS is soliciting data and comments from the public on all aspects of this proposal, including data on economic and other impacts. FWS may revise this proposal to incorporate or address new information received during the comment period. Send written comments (which must be received by FWS by August 6, 2001) and requests for public hearings (which must be received by FWS by July 23, 2001) to Paul Henson, Field Supervisor, Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 3-122, Box 50088, Honolulu, Hawai'i 96850. For more information call Paul Henson or Eric VanderWerf at (808) 541-3441 (see, 66 F.R. 30372, June 6, 2001).

EPA Issues Genetically Modified Soybean Permit (Docket Control Number OPP-50879A) for Hawai'i and other States

The U.S. Environmental Protection Agency (EPA) has issued an experimental use permit (EUP), 524-EUP-91 Extension to Monsanto Company of 700 Chesterfield Parkway North, St. Louis, Missouri 63198. This EUP allows the use of 181.5 grams of the plant pesticide *Bacillus thuringiensis* Cry1Ac protein and the

genetic material necessary for its production (vector PV-GMBT02) in soybean on 199.7 acres of soybean to evaluate the control of soybean looper, stem borer, and velvetbean caterpillar. The program is authorized only in the States of Alabama, Arkansas, Georgia, Hawai'i, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Pennsylvania, Puerto Rico, and Tennessee. The EUP is effective from May 1, 2001 to April 30, 2002. This permit is issued with the limitation that all treated crops will be destroyed or used for research purposes only. Persons wishing to review this EUP are referred to Alan Reynolds, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Office location, telephone number, and e-mail address: 1921 Jefferson Davis Hwy., Rm. 9010, Crystal Mall #2, Arlington, VA; (703) 605-0515; e-mail address: reynolds.alan@epa.gov. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays (see, 66 F.R. 30466, June 6, 2001).

New Sheet Pile and Rock Revetment Shore Protection For Tern Island, French Frigate Shoals, Northwestern Hawaiian Islands, in the City and County of Honolulu

The U.S. Army Corps of Engineers (Corps) announced that the U.S. Fish and Wildlife Service (FWS) is seeking approval under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act for a proposal to replace the severely corroded World War II era sheet pile retaining wall with a new 820 foot concrete capped steel sheet pile and 3, 494 foot sloping rock revetment. The revetment would consist of a layer of 2,000 - 3,000 pound basaltic armor stones in water depths of 5 feet or less and two layers of 1,200 - 2,000 pound armor stones in water depths greater than 5 feet. The slope of the revetment would be 1.5 horizontal to 1.0 vertical. The existing small boat dock and davit would be replaced with a new concrete dock, ramp and davit. The purpose of the proposed measures is to protect Tern Island field station facilities, runway, important wildlife habitat and the existing sandy beach along the southern shore. Comments (which must be received by July 2, 2001, by the Corps) should be sent to: Regulatory Branch (CEPOH-EC-R/W. Lennan), U.S. Army Engineer District, Honolulu Building 230, Fort Shafter, Hawai'i 96858-5440 (see, Public Notice No. 200100305, U.S. Army Corps of Engineers, Honolulu District, May 31, 2001).

