

The Environmental Notice

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



BENJAMIN J. CAYETANO
GOVERNOR

**OFFICE OF
ENVIRONMENTAL
QUALITY CONTROL**
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DIRECTOR

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

Other Resources
available at OEQC . . .

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

OEQC

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OCTOBER 23, 2001

Scenic Stop in Hanalei Valley

The Department of Transportation has partnered to build a new 3-acre scenic stop, with new intersection, parking lot, maintenance/storage shed, visitor cultural centre featuring environmental and cultural interpretive displays overlooking Hanalei Valley and the Hanalei National Wildlife Refuge.

Electronic EISs & Exemption Lists Available at OEQC

OEQC has scanned and digitized several EISs and all the agency exemption lists. These electronic documents will be made available (in PDF format) to anyone who requests the files. See page 11 for a listing of the available electronic EISs.

Bike Staging Area for the Diamond Head Area

The City and County is proposing a bike staging area for the Diamond Head area, to be located on the Kapi'olani Community College (KCC) campus for use by the general public as well as students. It will be located near the KCC makai parking lot at Diamond Head Road at the site of the existing exercise station, which will be relocated eastward. The staging area will consist of a comfort station containing restrooms, showers, changing rooms and lockers. Outside will be bicycle racks, picnic benches and additional landscaping. The project is a product of the Wai'alea-Kahala Vision Team. For more details see page 5.

The U.S. Fish and Wildlife Service would accept the scenic stop facility and be responsible for its maintenance and operation. Princeville Corporation, owner of the site, would donate about six acres needed for the project which would then be made a part of the Hanalei National Wildlife Refuge. For more information, see page 12.

Underground Storage Tank Program Approval Hearings

EPA has tentatively scheduled a tentative public hearing on its proposed approval of the Department of Health's Underground Tank Program on November 13, 2001, at 6:00 p.m. at Kawanakoa Middle School **only if EPA receives sufficient requests. Otherwise, the public hearing will be CANCELLED!** See page 19 for more.

Another Lanikai Seawall

The owners of an ocean property in Lanikai propose to replace an existing rock revetment with a CRM (concrete-reinforced masonry) seawall landward of the certified shoreline along the 50-foot frontage of the parcel. The applicants also plan to build a 6-foot wide concrete stairway. The seawall and the stairway will be constructed entirely within the 40-foot shoreline setback area. The height of the wall will be 9 feet above MSL. In addition, a 3-foot high railing will also be constructed above the seawall. The wall will provide protection for an existing dwelling in the property. See page 4.

Environmental Equity Policy and Implementation Strategy

The Department of Health Environmental Health Administration is currently developing an Environmental Equity Policy and Implementation Strategy for Hawai'i, and seeks public comments on this draft document. See page 18 for more information.

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.

Table of Contents

OCTOBER 23, 2001

O'ahu Notices

Draft Environmental Assessments

- (1) Dewey Seawall 4
- (2) Kamaile Elementary School Expansion 4
- (3) Kawaiiloa Transfer Station 5
- (4) Wai'alaie-Kahala Bicycle Staging Area 5

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

- (5) Kapahulu Community Plan, Phase I Improvements 6
- (6) Maunalaha Homesites Replacement Home 7

National Environmental Policy Act (NEPA)

- (7) Kane'ohe Marine Corps Base Hawai'i Housing Replacement Program (EA/FONSI) 7

Previously Published Projects Pending Public Comments

- Draft Environmental Assessments 8
- Environmental Impact Statement Preparation Notices (EISPN) 9

Statewide Notices

Previously Published Projects Pending Public Comments

- Draft Environmental Assessments 9

Maui Notices

Final Environmental Assessments (FONSI)

- (1) McCarty Single Family Residence 10
- (2) Wailuku Mini Park, Restroom & Police Resource Center 10

Hawai'i Notices

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

- (1) 'O'okala Community Center and Plantation Market Place Project . 11

Kaua'i Notices

Draft Environmental Assessments

- (1) Hanalei Valley/National Wildlife Refuge Scenic Stop 12

Previously Published Projects Pending Public Comments

- Draft Environmental Assessments 13

Conservation District Notices

- Haleakala Summit Construction: Gates/Placement of Boulders 13

Shoreline Notices

- Shoreline Certification Applications 14
- Shoreline Certifications and Rejections 15

Coastal Zone News

- Special Management Area (SMA) Minor Permits 16

Pollution Control Permits

- Department of Health Permits 16

Enforcement Notices

- Summary of Inspection and Enforcement Actions 17
- Formal Enforcement Actions and Settlements Completed by DOH ... 18

Federal Notices

- Security Zone For the Islands of O'ahu, Maui, Hawai'i, and Kaua'i 19
- Unless EPA Receives "Sufficient" Requests, There Will Be No Public Hearing on the Hawai'i Underground Storage Tank Program Approval 19
- Evaluation of Coastal Zone Management Programs and National Estuarine Research Reserves 20
- Proposed Endangered Status for the Rota Bridled White-Eye (*Zosterops rotensis*) from the Commonwealth of the Northern Mariana Islands 20
- Final Supplemental EIS on Cannabis (Marijuana) Eradication Available for Comment 20
- EPA Seeks Nominations to Drinking Water Board 20
- EPA Seeks Comments on Draft Ballast Water Report 21
- Approval of Hawai'i Operating Air Permit Program 21
- Western Pacific Fishery Management Council Meetings 21
- Endangered Species Permit Applications 21

Announcements

- List of Electronic EISs 11
- Wai'anae Fuel Break Project 13
- Environmental Equity Policy & Implementation Strategy for Hawai'i ... 18

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.

O'ahu Notices

OCTOBER 23, 2001

Draft Environmental Assessments



(1) Dewey Seawall

District: Ko'olaupoko
TMK: 4-3-5: 60
Applicant: Edward and Ann Dewey (262-0239)
1280 Mokulua Drive
Kailua, Hawai'i 96734

Approving Agency/Accepting

Authority: City and County of Honolulu
Department of Planning and Permitting
650 South King Street
Honolulu, Hawai'i 96813
Contact: Lynne Kauer (527-6278)

Consultant: Pacific Land Services, Inc.
810 Richards Street, No. 900
Honolulu, Hawai'i 96813
Contact: Ned Dewey (534-1141)

Public Comment

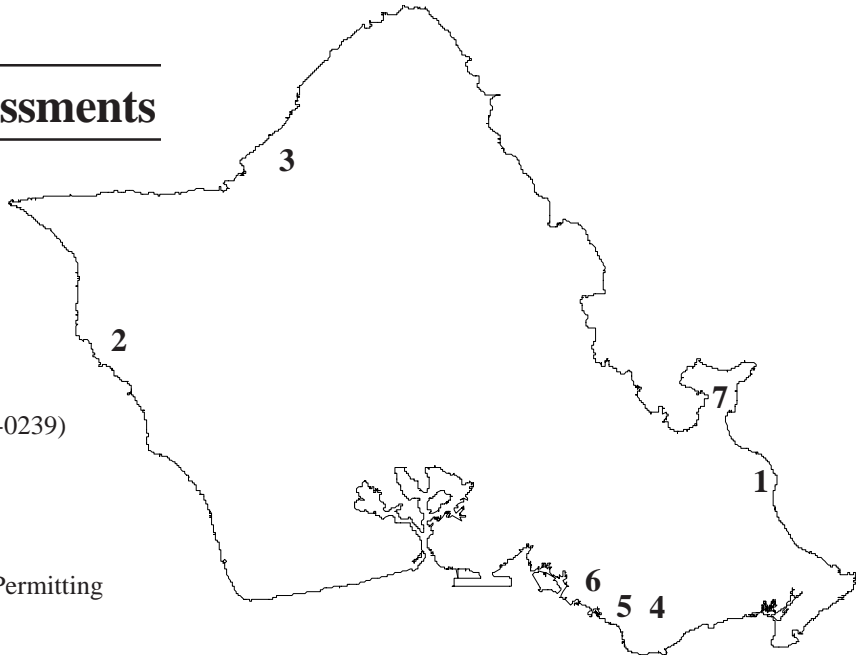
Deadline: November 23, 2001
Status: DEA First Notice pending public comment.
Address comments to the applicant with copies to the approving agency or accepting authority, the consultant and OEQC.

Permits

Required: Shoreline setback variance; Building

The applicants propose to replace the existing rock revetment with a CRM (concrete-reinforced masonry) seawall, landward of the certified shoreline along the 50-foot frontage of the parcel. An on-grade 6-foot wide concrete stairway will also be constructed about 4 feet from the south property line. The seawall and the stairway will be constructed entirely within the 40-foot shoreline setback area. The wall will have a maximum height of 9 feet above MSL, with a base approximately 7.5 feet wide. The footing will be buried a minimum of three feet below grade. A 3-foot high railing will be constructed above the seawall. The wall is intended to provide protection for the existing dwelling.

The 11,958-square foot parcel is located at 1280 Mokulua Drive in Lanikai. The parcel is zoned R-10 Residential District and developed with a single-family dwelling. The site is within flood Zones AE (Flood Fringe District) and X, as determined by the Federal Flood Insurance Rate Map (FIRM)



Community Panel No. 150001 0290 E. The makai portion (about $\frac{3}{4}$) of the parcel is located within flood Zone AE with a base flood elevation between 6 to 7 feet, and the mauka portion is located in flood Zone X. The elevation of the makai portion of the property (at the top of the bank) ranges from 7 to 8 feet above mean sea level (MSL).



(2) Kamaile Elementary School Expansion

District: Wai'anae
TMK: 8-5-02: 22 & 37
Applicant: Department of Education
Facilities and Support Section
809 8th Avenue
Honolulu, Hawai'i 96816
Contact: Raynor Minami (733-4862)

Approving Agency/Accepting

Authority: Department of Accounting and General Services
P.O. Box 119
Honolulu, Hawai'i 96810
Contact: Ralph Yukumoto (586-0487)

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

Public Comment

Deadline: November 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: Conditional Use; Building; Grading

The Department of Education (DOE) is proposing to expand Kamaile Elementary School to meet its standard design enrollment for an elementary school. In 1989, when Kamaile Elementary first opened, the school site (Tax Map Key 8-5-02: 37) was undersized at 7.06 acres. The proposed expansion is intended to provide additional land for the school and required number of classrooms and accessory facilities to meet the school's design enrollment.

To meet this standard, DOE is proposing to acquire approximately 5 acres in the adjacent privately owned property (TMK 8-5-02: 22) and develop a new 8-classroom building, two portable classroom buildings, a supplementary playfield, and additional parking.

The supplementary playfield will be used by the older children (3-6 grades), while the existing field will be used by the Kindergarten to 2nd (K-2) grade students.

Other improvements would include reconfiguration of the existing parking facility to provide an improved pickup and drop-off zone for students. Parking at the new field would include approximately 100 new stalls.

Required permits and approvals for the project are a Conditional Use Permit (minor), consolidation/subdivision approval, and construction permits, including grading and building permits from the City Department of Planning and Permitting.



(3) Kawaihoa Transfer Station

District: Ko'olauloa
TMK: 6-1-15:18
Applicant: City and County of Honolulu
Department of Environmental Services
650 South King Street, 6th Floor
Honolulu, Hawai'i 96813
Contact: Wilma Namumnart (527-5378)

Approving Agency/Accepting Authority: Same as above.

Consultant: Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawai'i 96813
Contact Jeff Overton (523-5866 x 104)

Public Comment Deadline: November 23, 2001
Status: DEA First Notice pending public comment. Address comments to the applicant with copies to the consultant and OEQC.

Permits Required: SMA, Grading, Grubbing & Stockpiling, NPDES, Construction

The City and County of Honolulu Department of Environmental Services is proposing improvements to its Kawaihoa Transfer Station to institute green waste separation. The project site is located mauka of Kamehameha Highway at 62-180 Kawaihoa Drive in Hale'iwa, adjacent to the closed Kawaihoa Landfill. Currently the transfer station can collect and store refuse for transport to H-POWER, O'ahu's waste to energy facility. Green waste is not currently being separated for recycling, and the North Shore community wishes to expand the facility to provide to provide some green waste recycling functions.

The improvements to the transfer station would extend the tipping platform to create a separate area for green waste collection and storage. The green waste would then be transported via 40 cu.yd. transfer trailers to a green waste recycling facility. Extension of the tipping floor would require the removal of the old facility manager's office. A new 328 sq. ft. office would be constructed on-site. Project construction is dependent on funding sources.

The North Shore Vision Team identified the community's desire to have their green waste recycled and have a convenient location to obtain mulch. A mulch pick-up area will also be created at the Transfer Station to provide residents with access to the end product of their recycling efforts. The project will require a Special Management Area Use Permit.



(4) Wai'alaie-Kahala Bicycle Staging Area

District: Honolulu
TMK: 3-1-42: portions 9 & 20

O'ahu Notices

OCTOBER 23, 2001

Applicant: City and County of Honolulu
Department of Planning and Permitting
650 South King Street
Honolulu, Hawai'i 96813
Contact: Steve Tagawa (523-4817)

Approving Agency/Accepting

Authority: Same as above.

Consultant: Helber, Hastert & Fee, Planners, Inc.
733 Bishop Street, Suite 2590
Honolulu, Hawai'i 96813
Contact: 545-2055

Public Comment

Deadline: November 23, 2001

Status: DEA First Notice pending public comment.
Address comments to the applicant with
copies to the consultant and OEQC.

Permits Required: SMA; Building; Sewer Connection;
Grading; Special Design District

The Department of Transportation Services (DTS) proposes a bicycle staging area on the makai (southern) portion of the existing Kapi'olani Community College (KCC) Diamond Head campus. The project involves the construction of an 800-square foot, single-story comfort station which would contain restrooms, showers, lockers and bicycle racks. The staging area also includes picnic benches and additional landscaping. This bicycle staging area would complement the existing bicycle and pedestrian pathway located at the makai portion of the campus, along Diamond Head Road.

The project site is bordered by 18th Avenue to the southeast, and the Hawai'i Film Studio to the northeast. An existing exercise station along the bicycle/pedestrian pathway will be relocated further east to make space for this project.

The staging area will be a community facility to be used by the general public, as well as those commuting to the college campus. The project is product of the Mayor's 21st Century Vision Process and was initiated by the Waiialae-Kahala Vision Team No. 15.

The project site is zoned P-2 General Preservation District and R-10, Residential District.

Both project parcels are owned by the State of Hawai'i. The majority of the project is located on parcel 20, which is currently set aside to the Department of Defense (part of the Fort Ruger). A smaller portion of the project site is located on the existing KCC campus, parcel 9, that was the subject of a Planned Review Use (87/PRU-3) approved by the City Council on May 24, 1989. According to the applicant, KCC

is in the process of acquiring a portion of parcel 20 via Executive Order (EO), and will be added to the KCC campus.

The project is within the Special Management Area (SMA) and the Diamond Head Special Design District (WSD). Therefore, the approval of a major SMA and SD permit must also be obtained.

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



(5) Kapahulu Community Plan, Phase I Improvements

District: Honolulu
TMK: Portions of 2-7-24, 31, 32, 36
Applicant: City and County of Honolulu
Department of Design and Construction
650 South King Street, 9th Floor
Honolulu, Hawai'i 96813
Contact: Donald Griffin (527-6324)

Approving Agency/Accepting

Authority: Same as above.

Consultant: PlanPacific, Inc.
345 Queen Street, Suite 802
Honolulu, Hawai'i 96813
Contact: Dina Tamura Wong (521-9418 x
14)

Status: FEA/FONSI issued, project may proceed.

The City & County of Honolulu, Department of Design and Construction proposes to develop the following seven projects as part of the implementation of the City's *Kapahulu Community Plan* (February 2001).

Makai Parking Lot. The site for the makai parking lot is on the 'Ewa-makai corner of the Kapahulu Avenue-Date Street intersection, on a portion of the Ala Wai Golf Course to the rear of the Hawaiian Dredging Building and extending to the Date Street frontage. The parking lot would have approximately 150 to 160 spaces.

Mauka Parking Lot. Development of this municipal parking lot for the Mauka Business Area involves the interior

portion of the vacant, privately-owned former Love's Bakery lot. It also includes portions of three adjacent lots that are under the same ownership. The Love's Bakery site is centrally located along Kapahulu Avenue and is large enough to accommodate at least 200 parking spaces for area businesses and other future uses on the property.

Crane Park and Bicycle Rest Stop. The "passive" area of Crane Park between Kapahulu Avenue and the basketball courts is designated for improved paving, seating, and landscaping. The proposed bicycle rest stop would be located in Crane Park at the corner of Kaimuki and Kapahulu Avenues.

Kaimuki Avenue Pedestrian/Bicycle Pathway. The proposed pathway for shared use by bicyclists and pedestrians would extend along the makai side of Kaimuki Avenue from Kapi'olani Boulevard to Kapahulu Avenue. The paved two-directional, multi-use path would be separated from roadway traffic.

Bicycle Staging Area. The bicycle staging area would be located adjacent to the proposed community center and the existing Ala Wai share-used pathway. The bicycle staging area would be designed to be a meeting and resting stop for recreational bicyclists of all skill levels.

Crosswalk and Sidewalk Improvements. In the near-term, crosswalk and sidewalk improvements are limited to the landscaped gateways and to the planting of additional street trees on Campbell Avenue and on Kapahulu Avenue makai of Campbell Avenue.

Landscaped Gateways. The sites include two traffic islands adjacent to and partially beneath the H-1 Freeway at the mauka end of Kapahulu Avenue, and a triangular traffic island at the makai end of Kapahulu Avenue at the intersection with Le'ahi Avenue. The proposed gateway features will include plantings that support xeriscaping principles, thematic community signs, and low-intensity landscape lighting to enhance visibility and improve pedestrian safety at night.



(6) Maunalaha Homesites Replacement Home

District: Honolulu
TMK: 2-5-24-06

Applicant: Joslyn Ka'awa
2401 Maunalaha Road
Honolulu, Hawai'i 96822
Contact: Joslyn Ka'awa (941-1041)

Approving Agency/Accepting Authority: Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawai'i 96813
Contact: Masa Alkire (587-0385)

Consultant: Honolulu Habitat for Humanity
2728 Huapala Street
Honolulu, Hawai'i 96822
Contact: Jose Villa (988-9339)

Status: FEA/FONSI issued, project may proceed.

Permits

Required: CDUA; Demolition; Building

DLNR's Land Division is reviewing an application for a single family replacement home on lot 26 of the Maunalaha Homesites. The Maunalaha Homesites area of 30 lots comprises roughly 15 acres located about ½ mile north of Punahou School in the Makiki district of Honolulu. Lot 26, 0.36 acres (about 15,682 SF), is leased State land, zoned "conservation district, sub-zone R". This lot is not within the county "special management area." An attachment to the CDUA discloses the 3-bedroom replacement home to be 1084 square feet. The home will replace the existing termite damaged home, and will improve the neighborhood. There will be no change in the contour of the site.

The anticipated conclusion from the Draft EA is that the construction of the replacement home and subsequent continuation of residential use is compatible with the objectives of the "conservation district sub-zone R" and that there will be no degradation of the physical or socioeconomic environment.

National Environmental Policy Act (NEPA)



(7) Kane'ohē Marine Corps Base Hawai'i Housing Replacement Program (EA/FONSI)

District: Ko'olaupoko

O'ahu Notices

OCTOBER 23, 2001

Applicant: Marine Corps Base Hawai'i
Family Housing Department
Building 455
Kane'ohe MCB, Hawai'i 96863-3003
Contact: Dave Buffum (257-4005)

Approving Agency/Accepting

Authority: Commanding General
Marine Corps Base Hawai'i
Box 63002
Kane'ohe MCB, Hawai'i 96863-3002
Contact: Ron Yamada (257-6920 x 229)

Consultant: Helber Hastert & Fee Planners
733 Bishop Street, Suite 2590
Honolulu, Hawai'i 96813
Contact: Scott Ezer (545-2055)

Pursuant to Council on Environmental Quality Regulations (40 CFR Parts 1500-1508) implementing procedural provisions of the National Environmental Policy Act (NEPA), the U.S. Marine Corps gives notice that an Environmental Assessment (EA) has been prepared and an Environmental Impact Statement is not required for the proposed replacement of 1,612 family housing units at Marine Corps Base Hawai'i (MCBH) Kane'ohe Bay.

The proposed action involves the demolition of 1,612 existing two-, three-, and four-bedroom family housing units and their replacement with a similar number of new three- and four-bedroom units on 114.7 acres (46.4 hectares) at MCBH Kane'ohe Bay. The project is required to provide family housing that meets DOD standards and improve quality of life for personnel and their families. The average size of housing units will increase from about 1,148 square feet (106.6 square meters), to about 1,300 square feet (120.8 square meters). In general, existing units experience a multitude of deficiencies and maintenance problems. During construction of the proposed action, underground utilities (sewer, water, electric) will be replaced. In addition, interior streets may be realigned or removed, while major streets will be retained. The overall project will occur in phases over a 10-year period.

Potential environmental impacts of the proposed action associated with topography, climate, geology/groundwater, soils, flora, fauna, cultural resources, utilities, traffic, drainage, flood hazards, water quality, air quality, noise, solid waste, hazardous material/toxic substances, socio-economics/demographics, and public services were analyzed. Based on this analysis, the proposed action will not result in significant adverse impacts.

Based on information gathered during the preparation of the EA, the U.S. Marine Corps finds that the proposed

replacement of 1,612 existing family housing units at MCBH Kane'ohe Bay will not significantly impact the quality of the human or natural environment or generate significant controversy.

The FONSI and EA addressing this proposed action may be obtained from: Commander, Pacific Division, Naval Facilities Engineering Command, 258 Makalapa Drive, Suite 100, Pearl Harbor, Hawai'i 96860-3134 (Attention: Mr. Cory Waki, PLN231), telephone (808) 471-2801. A limited number of copies of the EA are available to fill single-copy requests.

Previously Published Projects Pending Public Comments

Draft Environmental Assessments

Haig Residence Improvements

Applicant: David Haig (526-9169)
First Hawaiian Center
999 Bishop Street, Suite 2800
Honolulu, Hawai'i 96813

Approving Agency/Accepting

Authority: Department of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, Hawai'i 96813
Contact: Traver Carroll (587-0414)

Public Comment

Deadline: November 7, 2001

McCully-Mo'ili'ili Beautification Master Plan

Applicant: City and County of Honolulu
Department of Design and Construction
650 South King Street, 9th Floor
Honolulu, Hawai'i 96813
Contact: David Kumasaka (523-4884)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: November 7, 2001

Stevedore Driveway Access and Parking Lot at Sand Island

Applicant: State Department of Transportation
Harbors Division
79 South Nimitz Highway
Honolulu, Hawai'i 96813
Contact: Glenn Okimoto (587-1927)

Approving Agency/Accepting

Authority: Same as above.

O'ahu Notices

OCTOBER 23, 2001

Public Comment

Deadline: November 7, 2001

Washington Place Renovations and Improvements

Applicant: Department of Accounting and General Services
1151 Punchbowl Street
Honolulu, Hawai'i 96813
Contact: Gordon Matsuoka (586-0526)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: November 7, 2001

Winner's Camp – Kamehame Ridge

Applicant: Winner's Camp Foundation
P.O. Box 241018
Honolulu, Hawai'i 96824
Contact: Delorese Gregoire (306-8008)

Approving Agency/Accepting

Authority: Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawai'i 96813
Contact: Masa Alkire (587-0385)

Public Comment

Deadline: November 7, 2001

Environmental Impact Statement Preparation Notices (EISPN)

Waiau Fuel Pipeline Project

Applicant: Hawaiian Electric Company, Inc.
820 Ward Avenue
Honolulu, Hawai'i 96813
Contact: Ken Fong (543-7746)

Approving Agency/Accepting

Authority: State Department of Transportation
869 Punchbowl Street
Honolulu, Hawai'i 96813-5097
Contact: James Smith (587-1942)

Public Comment

Deadline: November 7, 2001



Statewide Notices

Previously Published Projects

Pending Public Comments

Draft Environmental Assessments

Integrated Natural Resource Management Plan at Four Sites - Keaukaha Military Reservation (Hawai'i), Kekaha Firing Range (Kaua'i), Ukumehame Firing Range (Maui), Waiawa Gulch Armory (O'ahu)

Applicant: Hawai'i Army National Guard
3949 Diamond Head Road
Honolulu, Hawai'i 96816-4495

Contact: Capt. Charles Anthony (733-4258)

Approving Agency/Accepting

Authority: Department of Defense
3949 Diamond Head Road
Honolulu, Hawai'i 96816-4495
Contact: Melissa Dumaran (733-4267)

Public Comment

Deadline: November 7, 2001

Status: **Note: This is a joint NEPA/HRS 343 document.**



Maui Notices

OCTOBER 23, 2001

Final Environmental Assessments (FONSI)



(1) McCarty Single Family Residence

District: Lahaina
TMK: 4-1-02:08
Applicant: James Richard & Victoria McCarty
30 Kahana Place
Lahaina, Hawai'i 96761
Contact: James McCarty (669-1595)

Approving Agency/Accepting

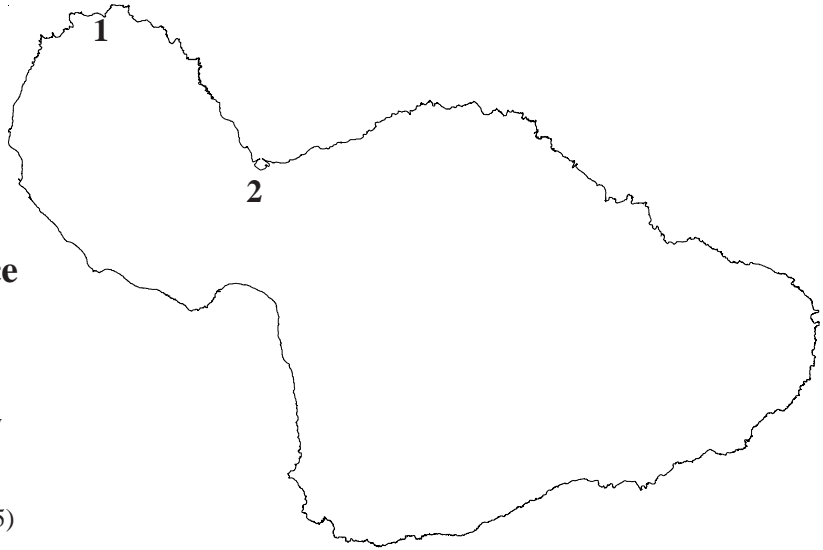
Authority: Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, Hawai'i 96813
Contact: Sam Lemmo (587-0381)

Status: FEA/FONSI issued, project may proceed.

Permits

Required: CDUP

James Richard McCarty and his wife Victoria L. McCarty propose to build their single-family residence on a one and one half acre parcel of land located at Honokohau Bay. The construction, consisting of three living halves will be 2280 square feet, including a 532 square foot covered lanai. There will also be a garage of 1040 square feet. The design contemplates using the separate buildings as the "best alternative" to a connected building, in order to minimize the impact of the project and to honor traditional methods of architecture and building methods. An alternate plan, with the living areas connected has been included in the application. Using the alternate plan of connecting the buildings will add 696 square feet to the project. The buildings will have pili grass roofs and natural or earth tone colors, and will have the appearance of an ancient village. The Applicants will use solar power and will have a well upon the property. The parcel is located near the ocean and Honokohau Stream, however there are parcels of land owned by others between the Applicants' property and the ocean and the stream. These other areas are currently used for access to the ocean and the stream, so the project will not impact beach access or lateral access. The Applicants propose to protect the ocean and stream by using an aerobic treatment plant and absorption bed in the area of the property which is farthest from the ocean.



(2) Wailuku Mini Park, Restroom & Police Resource Center

District: Wailuku
TMK: 3-4-012:022
Applicant: County of Maui
Department of Parks and Recreation
1580-C Ka'ahumanu Avenue
Wailuku, Hawai'i 96793
Contact: Patrick Matsui (270-7387)

Approving Agency/Accepting

Authority: Same as above.

Status: FEA/FONSI issued, project may proceed.

Permits

Required: Grading, building

The subject property is located in Wailuku on Market Street on the island of Maui and contains a total area of 42,371 sq.ft. Structures on the site include the historic 'Iao Theater and a vacant office building. The proposed action involves the construction of a park consisting of 10,000 sq. ft., landscaping, hard surface and irrigation, a public restroom and a police resource center. Wailuku is deficient in open space park facilities, public restrooms and a police presence. The project will provide needed park area for social activities and general beautification, a restroom for general public use and a facility which will allow county police officers to maintain a presence in the area. The project is also an integral part of the overall Wailuku revitalization effort and is in direct response to concerns expressed by the local community for such facilities.



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



(1) 'O'okala Community Center and Plantation Market Place Project

District: Hamakua
TMK: 3-9-1:11
Applicant: Hamakua Diversified Agricultural Association
P.O. Box 369
Pa'auilo, Hawai'i 96776
Contact: Valerie Poindexter (776-1459)

Approving Agency/Accepting Authority: County of Hawai'i
Department of Parks and Recreation
25 Aupuni Street, Room 210
Hilo, Hawai'i 96720
Contact: Glenn Miyao (961-8311)

Consultant: Brian T. Nishimura (935-7692)
101 Aupuni Street, #217
Hilo, Hawai'i 96720

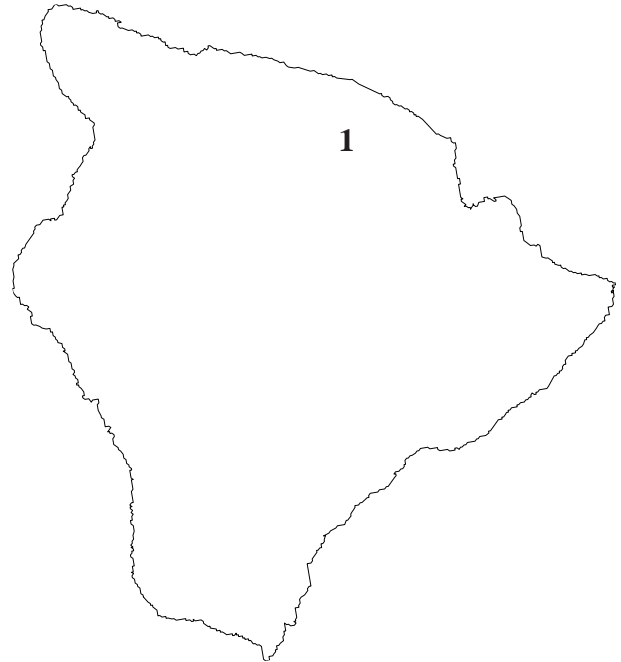
Status: FEA/FONSI issued, project may proceed.

Permits Required: Underground injection control,

construction plans approval

The Hamakua Diversified Agricultural Association (HDAA) is proposing to lease a 16.123 acre parcel known as the former 'O'okala Gym and Annex Parcel from the County of Hawai'i, Department of Parks and Recreation. The 'O'okala Community Center and Plantation Market Place is being proposed as a multi-purpose center for the 'O'okala community that will include a community center, post office, multi-use production facility for farmers, local artists, crafts people and others producing local products.

The proposed project will be developed in several phases. The first phase will involve the renovation of an annex building on the south side of the gym. The existing structure, with an area of approximately 1,450 square feet, was last used as a dormitory to house single Hamakua Sugar employees and contains nine bedrooms and a bathroom/restroom facility. The renovation will convert the space into a post office, a conference room, small kitchen and men's and women's restrooms. The first phase improvements will also



include two paved parking stalls, one handicapped parking stall and an accessible walkway.

Funding for the first phase improvements have been secured from the Community Development Block Grant (CDBG) Program in the amount of \$250,000 as well as private foundation grants in the amount of \$45,000. Construction of the first phase is scheduled to begin in November 2001 and be completed by March 2002.



List of Electronic EISs

Diamond Head State Monument
East Kapolei Master Plan
Block J Redevelopment Project
Hanauma Bay Nature Preserve
O'ahu Commercial Harbors 2020 Master Plan
Waipi'o Peninsula Soccer Park
Hawai'i Convention center
Ka Iwi State Park Master Plan
Kaka'ako Makai Area Plan
Nanakuli 242 Reservoir
Saddle Road
Urban Expansion of State Lands in North Kona
Ma'alaea Harbor for Light-Draft Vessels
Mauna Kea Science Reserve Master Plan
University of Hawai'i at Hilo University Park
Kahului Airport
Pacific Missile Range Facility

Kaua'i Notices

OCTOBER 23, 2001

Draft Environmental Assessments

(1) Hanalei Valley/National Wildlife Refuge Scenic Stop

District: Hanalei
TMK: 5-3-01:16
Applicant: State Department of Transportation
3060 'Eiwa Street, Room 205
Lihu'e, Hawai'i 96766
Contact: Steven Kyono (274-3111)
and
U.S. Department of Transportation
Federal Highway Administration
300 Ala Moana Blvd., P.O. Box 50206
Honolulu, Hawai'i 96850
Contact: Abraham Wong (541-2700)

Approving Agency/Accepting

Authority: State Department of Transportation
3060 'Eiwa Street, Room 205
Lihu'e, Hawai'i 96766
Contact: Steven Kyono (274-3111)

Consultant: Parsons Brinckerhoff Quade & Douglas, Inc.
1001 Bishop Street, Suite 3000
Honolulu, Hawai'i 96813
Contact: Clyde Shimizu (531-7094)

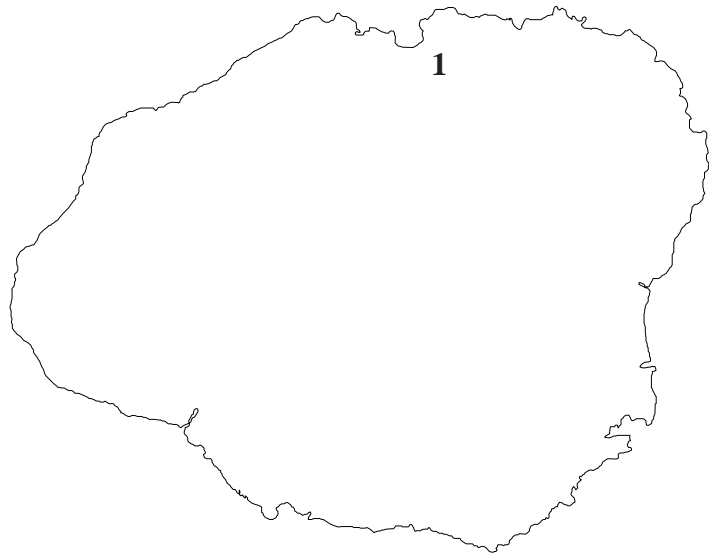
Public Comment

Deadline: November 23, 2001
Status: DEA First Notice pending public comment.
Address comments to the applicants with copies to the approving agency or accepting authority, the consultant and OEQC.

Permits Required: CZM consistency; CDUP; Use of State Agricultural District; Open District Zone; & Class IV Zoning

In a public-private partnership involving the State Department of Transportation, the Federal Highway Administration, the U.S. Fish and Wildlife Service (USFWS) and Princeville Resort, a new scenic stop overlooking Hanalei Valley and the Hanalei National Wildlife Refuge (NWR) is proposed on the North Shore of Kaua'i. The project site is located approximately a half-a-mile east of the existing Hanalei Valley scenic stop on Kuhio Highway.

The picturesque and world-famous Hanalei Valley is one of the State's best natural and visual resources. The valley floor is used to cultivate taro and its wetlands are also used as habitat for the endangered Hawaiian duck, stilt, coot and



moorhen. Endangered Hawaiian hoary bats also inhabit the refuge. To protect this habitat and taro cultivation as a cultural practice, parts of the valley was established as a NWR in 1972 and is presently owned and managed by the USFWS. The proposed scenic stop would be made part of the Hanalei NWR.

The project would provide greater public opportunities to view the picturesque Hanalei Valley and would foster greater public understanding of Hanalei NWR, the endangered species of the refuge, and the rich natural and cultural history of the valley.

Princeville Resort would donate the property needed for the project. The project includes a new intersection on Kuhio Highway, a parking lot, scenic overlooks and a visitor-cultural center, which would include a book and gift shop with proceeds financing the operation and maintenance of the facility. All items sold at the shop would be related to the Hanalei NWR. The overlooks would provide new publicly accessible views of Hanalei Valley, which would be substantially more panoramic than the views from the existing scenic stop.

Princeville Resort previously used the project site as a nursery but ceased this operation in the early 1990s. Today, the site is overgrown with vegetation dominated by introduced species, some of which are associated with the nursery. The site is vacant and supports no economic or social activity, but Princeville still maintains a nursery on property immediately east of the project site. The project site contains no historic properties or threatened or endangered plant species. It is expected that a high percentage of tourists who either stay at or visit the North Shore would patronize the scenic stop.

Previously Published Projects Pending Public Comments

Draft Environmental Assessments

● Kilauea Booster Pump Station

Applicant: County of Kaua'i
Department of Water
4398 Pua Loke Street
Lihu'e, Kaua'i, Hawai'i 96766
Contact: Keith Fujimoto (245-5449)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: November 7, 2001

Wai'anae Fuel Break Project

The Department of Land and Natural Resources, Division of Forestry and Wildlife is cooperatively working with DLNR, Historic Preservation, USDA, Forest Service, Ka'ala Farms, and Wai'anae Neighborhood Board to plan a much needed Wai'anae Kai fuel break in the Wai'anae Forest Reserve. The project will involve establishing a fuel break on the southern perimeter of the Wai'anae Kai Forest Reserve. The work will include hand-tools to brush and clear non-native vegetation 30 feet wide by 3,960 feet in length. Once the fuel break is cleared, the Division of Forestry and Wildlife will plant fire-resistant native vegetation to help maintain the fuel break.

Last year, a major fire burned nearly 10,000 acres. This year, a number of careless wild land fires have kept the Honolulu Fire Department busy in the Wai'anae district. Once the fuel break is established and maintained, it should help reduce the number of potential fires that could threaten the natural resources of the Wai'anae Forest Reserve. The project is scheduled to begin January 2002. If you have questions regarding this project, please call Mr. Earl Pawn, Forestry Program Manager at 973-9785.

Conservation District Notices

Departmental Permit

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 Hawaii, Department of Land and Natural Resources, Land Division, 1151 Punchbowl Street, Room 220, Honolulu, Hawaii 96813.

DLNR will make every effort to notify those interested in the subject CDUA, it is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact Masa Alkire at 587-0385.

● Haleakala Summit Construction of Gates and Placement of Boulders

File No.: CDUA MA-3060D
Applicant: United States Air Force
Location: Haleakala Summit, Maui
TMK: (2) 2-2-07:04
Proposed Action: Construction of two gates and placement of boulders
343, HRS determination: Exempt
Applicant's Contact: Major Raley Marek (808) 875-4500

Shoreline Notices

OCTOBER 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, HI 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
OA-291-2	10/5/01	Lots 6 and 134 of Land Court Consolidation 23, Land Situated at Kalapau, Koolauloa, Island of Oahu, Hawaii Address: 54-327 and 54-337 Kamehameha Hwy. Purpose: Improvements	Towill, Shigeoka & Associates, Inc., for GECH Holding, Inc.	5-4-3: 03 and 54
HA-128-2	10/8/01	Lot 5 of Keawaiki Beach Lots, being a portion of R.P. 4513, Mahele Award 32 to Kanele, land situated at Kahauloa 2 nd , South Kona, Island of Hawaii, Hawaii Address: None Assigned Purpose: Building Permit	Wes Thomas Associates, for Alexander Wilson	8-3-05: 06
OA-847	10/9/01	Being a portion of "Maunalua Beach Subdivision" Block 1, Section A, also being a portion of R.P. 4475, Land Commission Award 7713, Apana 30 to V. Kamamalu, land situated at Maunalua, Island of Oahu, Hawaii Address: Seaward of Portlock Road (Maunalua Bay) Purpose: Beach Restoration	ParEn, Inc. dba park engineering, State of Hawaii Department of Land and Natural Resources, Division of Boating and Ocean Recreation	3-9-2: 12, 13, 29, 31 and 32
OA-743-2	10/11/01	Waiialae Beach Lots, Section A, being a portion of R.P. 4475, L.C.Aw. 7713, Apana 50 to V. Kamamalu, land situated at Waiialae-Nui, Honolulu, Island of Oahu, Hawaii Address: 4635-A Kahala Avenue Purpose: Building Permit	Sam O. Hirota, Inc., for Mr. and Mrs. Georg Rafael	3-5-05: por. 10
KA-138-2	10/15/01	R.P. 4232 LCAw. 6582, Apana 2 to Pelehu, Portion of LCAw. 6730 to Naeole, Waipake, Hanalei, Kauai Address: 7480 Koolau Road, Moloaa Purpose: Building Permit	Esaki Surveying and Mapping, Inc., for FALCO Partners, LLC	5-1-003: 06 and Parcel 10

Shoreline Notices

OCTOBER 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.	Date	Location	Applicant	TMK
KA-160	10/9/01 Certified	Allotment 43-A of the Molooa Hui land, being a portion of Parcel C of Grant 10095 to Lyle A. Dickey, et al, land situated at Aliomanu, Kauai, Hawaii Address: 5170-A Kukuna Road Purpose: Building Permit	Colette M. Sakoda, Environmental Planning Solutions, LLC, for Jennie Caruthers	4-9-05: 16
OA-843	10/9/01 Certified	Portion of R.P 4498, Land Commission Award 6175, Apana 1 to Kamaha No Malaea, Land situated at Wailupe, Island of Oahu, Hawaii Address: 5379 Kalaniana'ole Highway Purpose: Building Permit	HLC Hawaiian Land Consultant, for Surf Hawaii Investors, LLC	3-6-03: 07
OA-046-2	10/9/01 Certified	Lot 9, as shown on map2 of Land Court Application 505, land situated at Kailua, Koolaupoko, Island of Oahu, Hawaii Address: 822 Mokulua Drive Purpose: Determine Setback	Jaime F. Alimboyoguen, LLC, for William Gheen	4-3-08: 44
OA-844	10/9/01 Certified	Lot 94 of Land Court Application 776, as shown on Map 10, land situated at Laie, Koolauloa, Island of Oahu, Hawaii Address: 55-052 Naupaka Street Purpose: Building Permit	A. F. M. Corporation, for Mark and Claudia Mekaru	5-5-10: 27
OA-842	10/9/01 Certified	Lot 1, being a portion of Land Patent 8165 Part B, Land Commission Award 8559-B, Apana 32 to William C. Lunalilo, land situated at Kaalawai Beach, Honolulu, Hawaii Address: 3603 Diamond Head Road Purpose: Stair Construction	Engineers Surveyors Hawaii, Inc., for Fried Investment Corporation	3-1-38: 12
MA-191-2	10/9/01 Certified	Lot B of Land Patent Grant 8190, Land Commission Award 523 to Kekualaula, land situated at Kooka and Alio, Lahaina, Island of Maui, Hawaii Address: 439 Front Street Purpose: Building Permit	Akamai Land Surveying, inc., for Joseph Frances Golden and Catherine Julie Golden Trustees for the Golden 1999 Revocable Trust	4-6-02: 21
HA-251	10/9/01 Certified	Lot 1 of Waikoloa Beach Resort Phase II, File Plan 1853, land situated at Anaehoomalu, South Kohala, Island of Hawaii, Hawaii Address: Waikoloa Beach Drive (not assigned) Purpose: Improvements	Towill, Shigeoka & Associates, Inc., for Centex Land Investment LLC	6-9-07: 12
HA-248	10/9/01	Lot 2 of Land Court Application 1793 as shown on map 3, land situated at Puapuaa 2 nd , North Kona, Island of Hawaii, Hawaii Address: Vacant none assigned Purpose: Determine use of the property	Wes Thomas Associates, for Alii Point Apartment Owners Association	7-5-35: 22
HA-249	10/9/01 Certified	Lot B, being a whole of Royal Patent 3737, Land Commission Award 5680, Apana 2 to H. Kahiamoe and portion of Land Commission Award 4452, Apana 2 to H. Kalama and Road Remnant at Kapalaalaea 1 st , North Kona, Island of Hawaii, Hawaii Address: Vacant none assigned (Alii Drive) Purpose: Determine building area	Wes Thomas Associates, for David Selwyn	7-7-10: 13

Coastal Zone News

OCTOBER 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 (TMK)	Description (File No.)	Applicant/Agent
Oahu: Waimanalo (4-1-14:7)	After-the-fact fill/grading (2001/SMA-65)	Nowlin Correa
Oahu: Ewa Beach (9-1-5-4)	Minor improvements @ Ewa Beach Park (2001/SMA-69)	C&C of Hon, DDC/ Franklin Wong & Assoc.
Maui: Peahi (2-8-6-20)	David Mizner residence, 2 nd Farm dwelling/garage	Nick Wagner
Maui: Kihei (3-9-10-75)	Betsill Halama Subd., 2-lot subdivision	Doyle Betsill
Maui: Kapalua (4-2-4-21)	Verizon at Ritz Carlton cell site	Mike Beason
Maui: Lahaina (4-5-1-8)	Quicksilver Store repair & renovate commercial	Martin Cooper
Maui: Wailea (2-1-23-3)	Kea Lani storage room addition	Nick Wagner
Maui: Kahului (3-8-52-16)	Love's Bakery retail store improvements	Mickey Coffman

Pollution Control Permits

Department of Health Permits

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

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	Maui Electric Company, Ltd. CSP 0067-02-C (Amendment)	Maalaea Generating Station, Maalaea, Maui	Issued: 9/27/01	Sixteen (16) Diesel Engine Generators and Two (2) Combustion Turbines
Clean Air Branch, 586-4200, Noncovered Source Permit	U. S. Navy NSP 0119-01-N (Amendment)	Kokee Site, Pacific Missile Range Facility, Kauai	Issued: 9/28/01	Two (2) 500 kW, Two (2) 350 kW, and One (1) 250 kW Diesel Engine Generators
Clean Air Branch, 586-4200, Temporary Covered Source Permit	Keauhou Kona Construction Corporation CSP 0504-01-CT	Various Temporary Sites, State of Hawaii Initial Location: Makalei Plantation Subdivision, Kailua-Kona, Hawaii	Comments Due: 11/5/01	380 TPH Portable Crushing Plant with 275 bhp Diesel Engine
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawaii Corporation CSP 0212-01-C (Amendment)	Petroleum Refinery, 91-325 Komohana Street, Kapolei, Oahu	Issued: 10/8/01	Wastewater Treatment Unit - Thermal Oxidizer Burner
Clean Water Branch, 586-4309, Water Quality Certification	Safeway, Inc. #01-CW-WQC-21	Kaneohe Bay adjacent to 195 Yacht Club Street, Kaneohe, Oahu	Comments Due: 10/31/01	Remove potentially polychlorinated biphenyls (PCB)-contaminated sediments from inlet
Clean Water Branch, 586-4309, Water Quality Certification	U.S. Dept. of the Interior Water Resources Division #01-CW-WQC-05	Wailoa Stream, Waipio Valley, Hamakua, Hawaii	Comments Due: 11/7/01	Construct a new stream gage

Enforcement Notices

OCTOBER 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 July through September 2001. 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 ¹	Formal Actions ²	Formal Actions Concluded	Formal Actions Pending	Fines Originally Issued	Fines Settled	Fines Collected	Other Penalties Assessed	Other Penalties Completed
	July-September 2001	July-September 2001	July-September 2001	July-September 2001	Total as of September, 2001	Total \$ as of September, 2001	Total \$ as of September, 2001	Total \$ as of September, 2001	Total as of September, 2001	Total as of September, 2001
Clean Air Branch										
Fugitive Dust	195	7	0	0	0	\$0.00	\$0.00	\$0.00	0	0
Noncovered Sources	27	2	1	0	5	\$11,100.00	\$0.00	\$0.00	0	0
Covered Sources	50	14	0	0	2	\$0.00	\$0.00	\$0.00	0	0
Agricultural Burning	91	2	0	0	0	\$0.00	\$0.00	\$0.00	0	0
Open Burning	47	3	0	0	1	\$0.00	\$0.00	\$0.00	0	0
Others	76	1	0	0	0	\$0.00	\$0.00	\$0.00	0	0
Solid & Hazardous Waste Branch										
Underground Storage Tanks	29	4	0	0	0	\$67,300.00	\$0.00	\$35,400.00	0	0
Hazardous Waste	22	9	1	2	4	\$154,711.00	\$0.00	\$8,837.50	0	0
Solid Waste	80	19	2	2	9	\$58,000.00	\$0.00	\$11,900.00	1	1
Clean Water Branch										
Permitted Discharges (NPDES)	36	5	1	1	2	\$0.00	\$10,000.00	\$20,000.00	0	0
Non-permitted Discharges	63	6	5	3	4	\$73,482.00	\$40,846.00	\$39,621.00	0	0
Water Quality Certifications	1	0	0	0	0	\$0.00	\$0.00	\$0.00	0	0
Wastewater Branch										
Wastewater Treatment Plants	100	0	0	0	3	\$0.00	\$0.00	\$0.00	500	0
Individual Wastewater Systems	18	12	0	0	8	\$0.00	\$0.00	\$225.00	15	15
Animal Waste	2	1	1	0	1	\$600,000.00	\$0.00	\$0.00	0	0
Other	88	2	0	0	0	\$0.00	\$0.00	\$0.00	0	0
Safe Drinking Water Branch										
Public Water Systems	8	4	0	0	2	\$0.00	\$0.00	\$0.00	0	0
Wells - Underground Injection Control	10	10	0	0	2	\$51,900.00	\$21,525.00	\$10,125.00	0	0
Hazard Evaluation & Emergency Response										
Oil Spills	2	1	0	0	0	\$0.00	\$0.00	\$0.00	0	0
Hazardous Waste Releases	4	1	0	0	0	\$0.00	\$0.00	\$0.00	0	0
Noise, Radiation, & Indoor Air Quality Branch										
	0	0	0	1	1	\$0.00	\$7,000.00	\$7,000.00	0	0

¹ 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.

² 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.

Enforcement Notices

OCTOBER 23, 2001

Formal Enforcement Actions and Settlements Completed by DOH ¹

Notices of violation issued from July through September 2001 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 was served to **Eco Feed, Inc.** on September 18, 2001 for not having a noncovered source permit for their food dehydrator. Eco Feed was ordered to take corrective action and pay a penalty of \$11,100.00.

Clean Water Branch

On August 3, 2001, **Meadow Gold Dairy, Inc.** was served a Notice and Finding of Violation and ordered to pay a penalty of \$15,076.00. Meadow Gold allowed a discharge of untreated animal wastewater to enter Papa'a Stream in sufficient amounts to produce objectionable conditions that interfered with the beneficial uses of Papa'a Stream.

A Notice and Finding of Violation was served to **Air Liquide America Corporation** on August 2, 2001 for discharging untreated dewatering effluent into a storm drain in Kapolei, O'ahu. An administrative penalty of \$10,000.00 was ordered.

Kiewit Pacific Co. was served a Notice and Finding of Violation on August 2, 2001 for a muddy discharge entering Ma'alaea Harbor due to dewatering of an excavated trench at their Ma'alaea Triangle Project site. Kiewit Pacific Co. was ordered to pay \$15,770.00.

On August 15, 2001, **Dillingham Construction Pacific dba Hawaiian Dredging Construction Company (HDCC)** was served a Notice and Finding of Violation and Order for discharging turbid water into storm drain inlets at their Windward Mall, Kane'ohe project site. HDCC was ordered to pay an administrative penalty of \$12,255.00.

Pu'u Pao AOA was served a Notice and Finding of Violation on August 15, 2001 for discharging masonry waste, sediment, paint, and other pollutants into storm drains at the Pu'u Pao Condominium parking lot. Pu'u Pao was ordered to pay \$9,298.00 in administrative penalties.

A Notice and Finding of Violation and Order was served to **Board of Water Supply, City & County of Honolulu and Rainbow Drilling Specialists, Inc.** September 10, 2001 for unauthorized discharge of foamy and turbid water from the BWS pump station well drilling project into a concrete drainage ditch which drains into Pukele Stream. A penalty of \$20,381.00 was ordered.

Solid and Hazardous Waste Branch

Storage Services, Inc. and William Mahas were served a Complaint and Order on July 18, 2001. Violations include failure to notify the Director within 90 days of the permanent termination of a solid waste management facility, improper disposal of solid waste, mismanagement of solid waste, failure to label used oil containers with the words "used oil," and failure to respond to releases. As a result, Storage Services and Mr. Mahas were ordered to submit a hazardous waste and used oil clean-up plan and take the necessary corrective action in addition to paying an administrative penalty of \$57,500.00.

A Complaint, Order and Notice of Right to Request a Hearing was served to **Chaminade University of Honolulu** on August 23, 2001. Violations include failure to make a hazardous waste determination, failure to label hazardous waste and storage of hazardous waste without a permit, mismanagement of containers, and insufficient aisle space. Compliance was ordered and a penalty of \$154,711.00 was assessed.

On September 13, 2001, **Mr. Richard Kuwada, President of Pacific Container Services, Inc.** entered into a consent agreement with the Department of Health for the improper management of accumulated salvaged auto parts resulting in potential petroleum contamination of the ground from leaking engine blocks. It was agreed that Mr. Kuwada would submit a work plan and schedule to fully characterize and remediate the contamination related to the past salvage activities at site, and upon the approval of the work plan, a qualified environmental consultant will implement the plan.

Wastewater Branch

Eco-Feed Inc. and J&J Livestock, Ltd. and John Yoshikawa, their President, was ordered July 18, 2001 to take corrective action to prevent further violations with respect to wastewater spills, harborage of vectors, and noxious orders from its unapproved and unauthorized wastewater system, in addition to submitting wastewater system plans and an animal waste management plan. A penalty of \$600,000.00 was assessed.

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

Environmental Equity Policy & Implementation Strategy

The Department of Health Environmental Health Administration is currently developing an Environmental Equity Policy and Implementation Strategy for Hawaii, and seeks public comments on this draft document.

A copy of the draft policy and implementation strategy can be found at: <http://www.hawaii.gov/health/eh/epo>.

Please send your comments to Melissa O'Connor-Farinas at mfarinas@eha.health.state.hi.us or 586-4344 by December 31, 2001.

Security Zone for the Islands of O'ahu, Maui, Hawai'i, and Kaua'i

In response to the terrorist attacks of September 11, 2001, the Coast Guard is establishing security zones in designated waters adjacent to the islands of O'ahu, Maui, Hawai'i, and Kaua'i. These security zones are necessary to protect personnel, vessels, and facilities from acts of sabotage or other subversive acts, accidents, or other causes of a similar nature during operations and will extend from the surface of the water to the ocean floor. The activation and deactivation of these six-month security zones will be announced by Broadcast Notice to Mariners as required. When the zones are activated, entry into these zones is prohibited unless authorized by the U. S. Coast Guard Captain of the Port Honolulu, Hawai'i. This rule is effective from 6:00 a.m. Hawaiian Standard Time, September 22, 2001. The docket for this rulemaking is maintained by the Commanding Officer, U.S. Coast Guard Marine Safety Office Honolulu, 433 Ala Moana Boulevard, Honolulu, Hawai'i 96813. Docket material is available for inspection or copying at this location between 7 a.m. and 4:30 p.m. on weekdays, except Federal holidays. For details, contact LCDR R. T. Spaulding, U. S. Coast Guard Marine Safety Office Honolulu, Hawai'i at (808) 522-8264 (see, 66 F.R. 52693, October 17, 2001).

Unless EPA Receives "Sufficient" Requests, There Will Be No Public Hearing on the Hawai'i Underground Storage Tank Program Approval

The State of Hawai'i has applied to the U.S. Environmental Protection Agency (EPA) for approval of its underground storage tank program for petroleum and hazardous substances under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The EPA has reviewed the Hawai'i application and has made the tentative decision that Hawai'i's underground storage tank program for petroleum and hazardous substances satisfies all of the requirements necessary to qualify for approval. Its application for approval is available for public review and comment. A public hearing is scheduled for November 13, 2001, at 6 p.m., Hawai'i Standard Time, at the Kawanakoa Middle School, 49 Funchal Street, Honolulu, Hawai'i 96813, telephone (808) 587-4430, to solicit comments on the application only if sufficient public requests for a public hearing are received by EPA by **November 5, 2001**. *In other words, if you want to have a public hearing, YOU MUST REQUEST THAT EPA HOLD ONE; otherwise, no public hearing will be held.* EPA will determine by November 9, 2001, whether there is sufficient interest to hold the public hearing. The State of Hawai'i will participate in the public hearing held by EPA on this subject. *Written comments on the Hawai'i application, as well as requests for a hearing and to present oral testimony, must be received by the close of business on November 5, 2001.* Copies of the Hawai'i application are available at the following addresses for inspection and copying: U.S. EPA Region 9, Library, 13th Floor, 75 Hawthorne Street, San Francisco, California 94105, Phone: (415) 744-1510, 9:00 a.m. through 4:00 p.m., Pacific Daylight Savings

Time; U.S. EPA Region 9 Pacific Islands Contact Office (PICO), 300 Ala Moana Blvd., Room 5-152, Honolulu, Hawai'i 96850, Phone number: (808) 541-2721, 7:00 a.m. through 3:30 p.m., Hawai'i Standard Time; Hawai'i Department of Health (HDOH), Solid and Hazardous Waste Branch, 919 Ala Moana Boulevard, Room 212, Honolulu, Hawai'i 96814, Phone: (808) 586-4226, 8:00 a.m. through 4:00 p.m., Hawai'i Standard Time; HDOH, Environmental Management Division, 79-7595 Haukapila Street, Kealakekua, Hawai'i 96750, Phone number: (808) 322-7011, 8:00 a.m. through 4:00 p.m., Hawai'i Standard Time; HDOH, Environmental Health Facility, 1582 Kamehameha Avenue, Hilo, Hawai'i 96720, Phone number: (808) 933-0917, 8:00 a.m. through 4:00 p.m., Hawai'i Standard Time; HDOH, Maui District Health Office, 54 High Street, Wailuku, 96793, Phone number: (808) 984-8230, 8:00 a.m. through 4:00 p.m., Hawai'i Standard Time; HDOH, Kaua'i District Health Office, 3040 'Umi Street, Lihu'e, 96766, Phone number: (808) 241-3323, 8:00 a.m. through 4:00 p.m., Hawai'i Standard Time; or U.S. EPA Docket Clerk, Office of Underground Storage Tanks, c/o RCRA Information Center, 1235 Jefferson Davis Highway, Arlington, Virginia 22202, Phone: (703) 603-9231, 9:00 a.m. through 5:00 p.m., Eastern Daylight Savings Time. Written comments should be sent to Ms. April Katsura of the Underground Storage Tank Program Office, U.S. EPA Region 9, Mail Code WST-8, 75 Hawthorne Street, San Francisco, California 94105. **To recapitulate - if you want to have a public hearing, YOU MUST REQUEST THAT EPA HOLD ONE; otherwise, NO public hearing will be held.** Anyone who wishes to learn whether or not the public hearing on the State's application has been canceled should telephone one of the following contacts on or before November 9, 2001: Ms. April Katsura (see address above, telephone (415) 744-2024) or Mr. Steven Y.K. Chang, P.E., Manager, Solid and Hazardous Waste Branch, Hawai'i Department of Health, 919 Ala Moana Boulevard, Room 212, Honolulu, Hawai'i, 96814, telephone (808) 586-4226 (see, 66 F.R. 50963, October 5, 2001).

Evaluation of Coastal Zone Management Programs and National Estuarine Research Reserves

The Office of Ocean and Coastal Resource Management (OCRM) of the National Oceanic and Atmospheric Administration announces its intent to evaluate the performance of the Hawai'i Coastal Management Program, among other things. The Coastal Zone Management Program evaluation will be conducted with respect to coastal program and research reserve program implementation. The evaluations will include a site visit, consideration of public comments, and consultations with interested Federal, state, and local agencies and members of the public. Public meetings will be held as part of the site visits. The Hawai'i Coastal Management Program evaluation site visit will be held November 5-9, 2001. One public meeting will be held during the week. The public meeting will be on Monday, November 5, 2001, from 7:00 to 9:00 p.m., at the Paki Hale, 3840 Paki Avenue, Honolulu, Hawai'i 96815. Copies of states' most recent performance reports, as well as OCRM's notifications and supplemental request letters to the states, are available upon request from OCRM. Written comments from interested parties regarding these Programs are encouraged and will

Federal Notices

OCTOBER 23, 2001

be accepted until 15 days after the public meeting. Please direct written comments to Douglas Brown, Acting Deputy Director, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th floor, Silver Spring, Maryland 20910. When the evaluations are completed, OCRM will place a notice in the Federal Register announcing the availability of the Final Evaluation Findings. For details contact Douglas Brown, Acting Deputy Director, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, telephone (301) 713-3155, extension 215 (see, 66 F.R.48425, September 20, 2001)

Proposed Endangered Status for the Rota Bridled White-Eye (*Zosterops rotensis*) from the Commonwealth of the Northern Mariana Islands

The U.S. Fish and Wildlife Service (FWS), proposes endangered status pursuant to the Endangered Species Act of 1973, as amended, for the Rota bridled white-eye (*Zosterops rotensis*), a bird. The Rota bridled white-eye is a recognized species of white-eyes endemic to the Mariana archipelago, which comprises the U.S. Territory of Guam and the U.S. Commonwealth of the Northern Mariana Islands. The Rota bridled white-eye is endemic to the island of Rota, and was once widespread, possibly occupying forested habitat at all elevations. The total population of the Rota bridled white-eye was estimated at 1,167 individuals in 1996, which is a decline of 89 percent from the 1982 estimated population. The population estimate of Rota bridled white-eyes in 1999 was 1,092 (Amidon 2000). The Rota bridled white-eye is currently found in four patches of mature wet forests at elevations above 200 meters (650 feet) in elevation. The reasons for this species' decline is likely due to degradation or loss of habitat due to development, agricultural activities, and naturally occurring events; avian disease; predation; and pesticides. This proposal, if made final, would implement the protection provisions of the Act. **Comments from all interested parties must be received by December 3, 2001. Public hearing requests must be received by November 19, 2001.** If you wish to comment, submit your comments and materials concerning this proposal to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Boulevard, Room 3-122, Box 50088, Honolulu, Hawai'i 96850. For details, call (808) 541-3441 (see, 66 F.R. 50383, October 3, 2001).

Final Supplemental EIS on Cannabis (Marijuana) Eradication Available for Comment

The Office of Federal Activities, Environmental Protection Agency (EPA) announced the following EIS was filed during the period from September 24, 2001, through September 28, 2001. EIS No. 010368, Final Supplement, JUS, Cannabis Eradication in the Contiguous United States and Hawai'i, Updated Information on Herbicidal Eradication New Scientific Data, Due: November 05, 2001, Contact: Joyce M. Elliott (202) 307-8923. This document is available on the Internet at: <http://www.dea.gov/pubs/pblist.htm> (see, 66 F.R. 51036, October 5, 2001).

EPA Seeks Nominations to Drinking Water Board

The U.S. Environmental Protection Agency (EPA) seeks interested persons to serve a three-year term to fill five vacancies, with appointed terms ending on December 15, 2004, as members of the National Drinking Water Advisory Council. This Advisory Council was established to provide practical and independent advice, consultation and recommendations to the Agency on the activities, functions and policies related to the implementation of the Safe Drinking Water Act. The Council consists of fifteen members, including a Chair. Five members represent the general public; five members represent appropriate state and local agencies concerned with water hygiene and public water supply; and five members represent private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply. On December 15 of each year, five members complete their appointment. Any interested person or organization may nominate qualified individuals for membership. Nominees should be identified by name, occupation, position, address and telephone number. To be considered, all nominations must include a current resume providing the nominee's background, experience and qualifications. Persons selected for membership will receive compensation for travel and a nominal daily compensation while attending meetings. The Council holds two face-to-face meetings each year, generally in the Spring and Fall. Additionally, members may be asked to serve on one of the Council's working groups that are formed each year to assist the EPA in major program issue development. These meetings are held approximately four times a year, with two meetings by conference call. Nominations should be submitted to Janet Pawlukiewicz, Designated Federal Officer, National Drinking Water Advisory Council, U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water (4601), 1200 Pennsylvania Avenue, NW., Ariel Rios Building, Washington, DC 20460, no later than October 30, 2001. The Agency will not formally acknowledge or respond to nominations. E-Mail your questions to pawlukiewicz.janet@epa.gov or call 202/260-9194 (see, 66 F.R. 48453, September 20, 2001)

EPA Seeks Comments on Draft Ballast Water Report

In response to a petition received from the Pacific Environmental Advocacy Center to the U.S. Environmental Protection Agency (EPA) on January 13, 1999, and in support of Executive Order 13112, "Invasive Species," signed on February 3, 1999, EPA undertook a Ballast Water Study (Study) to: (1) Assess the issue of ANS from ballast water discharges, (2) research and report what mechanisms are available under the Clean Water Act (CWA) or other statutes to effectively control the introduction of ANS in ballast water, and (3) recommend actions we should take to address the issue. EPA seeks written public comment on a draft Ballast Water Report that summarizes the results of a study on aquatic nuisance species (ANS) in ballast water discharges, and recommends actions that EPA, working with other agencies, should take to address the issue. Submit comments on or before January 11, 2002. Please send requests for a copy of the draft Report, or written comments on the Report, to: W-00-16 Ballast Water Comment

Clerk, Water Docket (MC-4101), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Hand deliveries should be made to the Water Docket at 401 M Street, SW., East Tower Basement (Room EB 57), Washington, DC 20460. Please submit an original and three copies of your comments and enclosures (including references). The draft Report can also be downloaded from internet address http://www.epa.gov/owow/invasive_species/petition.html. Comments on the draft Report may be submitted by electronic mail (e-mail) to Ballast.Water@epa.gov. To avoid duplication of comments in the comment record, please do not send the same comments by paper copy and email. For more call John Heisler at (202) 260-8632 or Ruby Cooper-Ford at (202) 564-0757 (see, 66 F.R. 49381, September 27, 2001).

Approval of Hawai'i Operating Air Permit Program

The U.S. Environmental Protection Agency (EPA) is proposing to approve the State of Hawai'i's operating permit program. The State operating permit program was submitted in response to the directive in the 1990 Clean Air Act (CAA) Amendments that permitting authorities develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources within the permitting authorities' jurisdictions. EPA granted interim approval to the Hawai'i operating permit program on December 1, 1994 but listed certain deficiencies in the program preventing full approval. Hawai'i has revised its program to correct the deficiencies of the interim approval and this action proposes full approval of those revisions. Written comments must be received by November 14, 2001. Written comments on this action should be addressed to Gerardo Rios, Acting Chief, Permits Office, Air Division (AIR-3), EPA Region IX, 75 Hawthorne Street, San Francisco, California, 94105. You can inspect copies of the State's submittals, and other supporting documentation relevant to this action, during normal business hours at Air Division, EPA Region IX, 75 Hawthorne Street, San Francisco, California, 94105. You may also see copies of the submitted Title V program at the following locations between the hours of 7:45 a.m. and 4:15 p.m.: **O'AHU** - Clean Air Branch, Department of Health, 919 Ala Moana Blvd., Room 203, Honolulu; **HILO** - Office of the Chief Sanitarian, Department of Health, 1582 Kamehameha Avenue; **KONA** - Keakealani Building, Old Kona Hospital, Department of Health, Sanitation Branch, Kealahou; **MAUI** - Office of the Chief Sanitarian, Department of Health, 54 High Street, Wailuku; **KAUAI** - Office of the Chief Sanitarian, Department of Health, 3040 'Umi Street, Lihue; and **MOLOKAI** - Department of Health, 65 Makaena Place, Kaunakakai. You may also review the State's rule amendments by accessing the Department of Health's Web site at www.hawaii.gov/doh/proposed_rules/cab/index.html. For more, contact Robert Baker, at (415) 744-1258 (voice) or by email at Baker.Robert@epa.gov (see, 66 F.R. 52368, October 15, 2001).

Western Pacific Fishery Management Council Meetings

The Western Pacific Fishery Management Council (Council) Advisory Panels will meet on October 22 and 23, 2001; the Standing Committees will meet on October 23, 2001; and the Council will hold its 111th meeting October 23 through 26, 2001, in Honolulu. At the full Council meeting, public hearings will be held prior to the Council taking final actions on framework regulatory amendments under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (Pelagics FMP) concerning the protection of sea turtles and under the Fishery Management Plan for the Precious Corals Fisheries of the Western Pacific Region establishing a 250-nm precious coral refuge area in the Northwestern Hawaiian Islands (NWHI). Public hearings will also be conducted on proposals to establish an American Samoa limited entry program, to exempt longline basket gear from seabird mitigation measures governing fishing gear requirements, and to remove the annual landing requirements for permit renewal in the NWHI bottomfish fishery. The meetings and the hearings will be held during October 2001. The meetings and the hearings will be held at the Hawaii Convention Center, 1801 Kalakaua Avenue, Honolulu, Hawai'i 96815; telephone (808) 943-3500. For more, contact Kitty M. Simonds, Executive Director; telephone (808) 522-8220 (see, 66 F.R. 51367, October 9, 2001).

Endangered Species Permit Applications

The following applicant has applied for a scientific research permit to conduct certain activities with endangered species: **Permit No.: TE-047805**, Applicant: National Audubon Society, Honolulu, Hawai'i. The applicant requests a permit to take (capture) short-tailed albatross (*Phoebastria nigripes*) in conjunction with research on an underwater setting chute on a Hawai'i tuna longline vessel in Federal waters off the State of Hawai'i for the purpose of enhancing its survival. Written comments on these permit applications must be received on or before November 5, 2001. Written data or comments should be submitted to the Chief, Endangered Species, Ecological Services, Fish and Wildlife Service, 911 NE. 11th Avenue, Portland, Oregon 97232-4181. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public. For more, call (503) 231-2063. Please refer to the respective permit number for each application when requesting copies of documents (see, 66 F.R. 50671, October 4, 2001).

