

The Environmental Notice

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



LINDA LINGLE
GOVERNOR

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

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

Other Resources
available at OEQC . . .

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

OEQC

235 S. BERETANIA STREET
LEIOPAPA A KAMEHAMEHA
SUITE 702
HONOLULU, HAWAII 96813

Telephone (808) 586-4185
Facsimile (808) 586-4186

Moloka'i/Lana'i: 1-800-468-4644 ext. 64185
Kaua'i: 274-3141 ext. 64185
Maui: 984-2400 ext. 64185
Hawaii: 974-4000 ext. 64185

MARCH 23, 2003

Koa Ridge Development

Castle & Cooke Homes Hawai'i, Inc. proposes to develop a master planned, multi-use community containing residential units of varying types and densities, supporting commercial uses, schools, parks, recreation centers, churches, other community facilities, and a medical park (the Pacific Health Center) at Koa Ridge in Central Oahu, Hawaii. The total master planned area consists of three separate development areas totaling 1,248 acres.

Beneficial impacts include provision of 6,000-7,500 homes; increased housing choices; creation of over 900 construction-related jobs annually; location of several thousand permanent jobs in Central Oahu; increased workforce incomes and public revenues; and creation of transit- and

pedestrian-friendly communities.

Adverse impacts of the project include additional traffic congestion, demands on existing infrastructure systems (water, wastewater, drainage, power and solid waste disposal) and public facilities and services, and loss of open space. Mitigation measures include major improvements to roadways, intersections and interchanges in the vicinity of the project, off-site infrastructure improvements, and the donation of land and fair-share contributions for designated City and State-operated facilities, such as parks and schools. The valleys and gulches surrounding the project area, most of which are owned by CCHHI, will remain in permanent open space. For more information, see page 7.

LUC Rescinds EIS Rejection

The State Land Use Commission at its meeting on March 6, 2003, rescinded its rejection of the Lanihau Properties Final EIS and allowed the applicant to replace the Final EIS. For more information, call the LUC at 587-3822.

NMFS Meetings on Upcoming EIS

The National Marine Fisheries Services will hold public scoping meetings in Hilo on March 27, 2003, and in Honolulu on April 9, 2003 to receive comments on its upcoming environmental impact statement for longline fishing scientific research. See page 18 for details.

OEQC Holding EIS Training

OEQC is planning to hold several training classes for new planners in government and consulting. Please call OEQC to sign up for classes.

Kona Offshore Fish Farm

Kona Blue Water Farms is applying for an ocean lease over 81 acres, offshore from Unualoha Point, in Kona, for an open ocean fish farm. These waters are adjacent to Natural Energy Laboratory of Hawaii Authority and the Keahole-Kona International Airport. The farm will cultivate only local Hawaiian species that will be reared in hatcheries. Initially, these will be mahimahi and kahala; later this might include opakapaka and other deep water species. The farm will consist of six grow-out pens (three submersible cages and three surface pens) of around 80 feet diameter, and two smaller nursery pens. The farm will only feed pellet food to the fish.

The farm will be over bare sand, in 150 ft - 200 ft of water. Cages at the center of the lease area will be almost 2,000 feet from the shoreline. Strong long-shore currents will ensure there is little detriment to water quality or benthic ecosystems. For more, see page 11.

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 periodic bulletin (see, section 343-3, HRS) known as the *Environmental Notice*. 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) under Chapter 205A, HRS and county ordinance. The Counties regulate development of this area. 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.

O'ahu Notices

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Draft Environmental Assessments



(1) Seafarers Training Center at Kalaeloa

District: 'Ewa
TMK: 9-1-13: 45, 50, 56
Applicant: Seafarers International Union
606 Kalihi Street
Honolulu, Hawai'i 96819
Contact: Neil Dietz (845-5222)

Approving Agency/Accepting

Authority: Department of Defense
Hawai'i Army National Guard
3949 Diamond Head Road
Honolulu, Hawai'i 96816-4495
Contact: LTC Ron Swafford (733-4214)

Public Comment

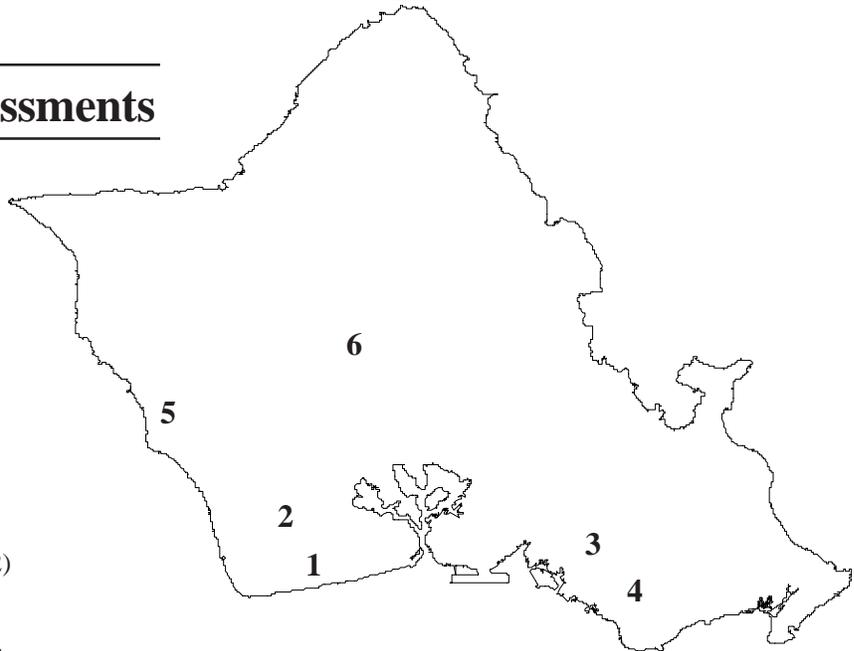
Deadline: April 22, 2003
Status: DEA First Notice pending public comment. Address comments to the applicant with copies to the approving agency or accepting authority and OEQC.

Permits

Required: NPDES
Note: **This is a joint State and Federal project.**

This EA evaluates the potential environmental impacts of the proposed establishment of the Seafarer's Training Center of the Paul Hall Institute for Human Development at Kalaeloa, O'ahu, Hawai'i. The Hawai'i Army National Guard (HIARNG) will relocate units to a 150-acre parcel of land at Kalaeloa, and the Paul Hall Institute for Human Development proposes to locate its training facilities on a small portion of the HIARNG property. The proposed project involves the renovation of three buildings and the construction of fire-training simulators.

Since the proposed project will use federal land and funds, the National Environmental Policy Act (NEPA) of 1969, as implemented by Title 40, Code of Federal Regulations, Parts 1500-1508, requires HIARNG to prepare an EA. The intent of this document is to fulfill both State and Federal requirements.



The Seafarers International Union (SIU) and HIARNG propose to establish the Seafarers Maritime Fire-training Center at Kalaeloa. This facility will provide training in personal survival techniques, fire prevention and fire fighting, elementary first aid and personal safety and maritime industry. The training center will integrate vocational training, academic enrichment and trade union responsibility.

Currently, SIU has no permanent training facilities in Hawai'i, and the nearest SIU maritime fire-training center is located in Oregon. Establishing the Seafarers Maritime Fire-training Center at Kalaeloa will provide maritime training for many local residents and prepare them for job opportunities available.



(2) Seagull Schools Kapolei, Daycare and Caretaker's Unit

District: 'Ewa
TMK: 9-1-106:: 13
Applicant: Seagull Schools Inc.
1300 Kailua Road
Kailua, Hawai'i 96734
Contact: Chuck Larson (261-8534)

Approving Agency/Accepting

Authority: City and County of Honolulu
Department of Community Services
715 South King Street, Suite 311
Honolulu, Hawai'i 96813
Contact: Avis Kamimura (523-4437)

Consultant: Environmental Communications, Inc.
1188 Bishop Street, Suite 2210
Honolulu, Hawai'i 96813
Contact: Taeyong Kim (528-4661)

Public Comment

Deadline: April 22, 2003
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: Grading, Building, Sewer Connection

Seagull Schools Incorporated is proposing the expansion on it's Kapolei campus with the addition of an adult daycare building and a caretaker's apartment. The proposed addition will be located adjacent to an existing adult daycare multipurpose room and pavilion area. The daycare facility will consist of a multipurpose room, grooming area, toilets, office, and storage areas. The proposed caretaker's unit will be located on the second floor of the daycare building. The total area of the proposed structure is approximately 3,126 gross square feet.

Access to the building will be provided directly from a Handivan drop-off area located immediately off the entry of the parking lot for the facility. The addition will also be accessible from the walkways surrounding the central playground.

The area on the campus planned for the proposed addition is presently maintained as a lawn and will not require any significant grading or topographic alteration. The Seagull School Kapolei campus also provides preschool education in a cluster of adjacent classrooms. Surrounding uses include a commercial building to the northwest and the Kapolei Regional Park which bounds the western, southern and eastern sides of the campus.

No significant impacts are expected from the proposed action. The use is consistent with existing uses provided by the school. The project is located within the B-2 Community Business zoning district. Community Development Block Grant funds will be used for the construction of the project.

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



(3) Kina'u Vista Affordable Elderly Rental Apartments

District: Honolulu
TMK: 2-4-12: 9, 28
Applicant: Kina'u Vista L.P. Hawai'i Housing Development Corp.
725 Kapi'olani Blvd., Suite C-103
Honolulu, Hawai'i 96813
Contact: Gary Furuta

Approving Agency/Accepting

Authority: Housing & Community Development Corporation of Hawai'i
677 Queen Street, #300
Honolulu, Hawai'i 96813
Contact: Lisa Wond (587-0569)

Consultant: Kusao & Kurahashi, Inc.
2752 Woodlawn Drive, Suite 5-202
Honolulu, Hawai'i 96822
Contact: Keith Kurahashi (988-2231)

Status: FEA/FONSI issued, project may proceed.
Permits Required: 201G, CUP for Joint Development, Building

The applicant, Hawai'i Housing Development Corporation, proposes to develop an eight-story elderly affordable rental apartment building in accordance with the requirements of Chapter 201G of the Hawai'i Revised Statutes (HRS), as amended. The eight-story building will provide 62 1-bedroom affordable rental units and a two-bedroom resident manager's unit, 30 at grade parking stalls, two of which will be an accessible stalls, and one loading stall, for elderly residents (i.e. 62 and older) who earn at or below 30% and 60% of the area median income (AMI).

The proposed elderly affordable apartment use is permitted in the A-2 Medium Density Apartment District of Honolulu under the Land Use Ordinance (Section 7.80-4).

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The proposed development consists of two separate parcels of land. TMK: 2-4-12:09 is located at 1150 Kina'u Street and consists of 11,100 sq. ft. TMK: 2-4-12:28 is located at 1320 Pi'ikoi Street and consists of 5,761 sq. ft. The official street address of the proposed Kina'u Vista Affordable Elderly Rental Apartments will be 1150 Kina'u Street, Honolulu, Hawai'i 96814.

The concept of aging in place will be promoted by this development and seniors will be able to enjoy the company of friends and neighbors until age and/or illness place them in a position of 24-hour care that is provided by long term care facilities. The development also hopes to provide a service similar to an assisted living component that will be offered on an "as needed basis" to minimize the maintenance cost for individual residents of the complex. Our development will try to minimize maintenance cost by developing individual programs of assistance for the seniors as they need it. The applicant is working with the Catholic Charities of the Diocese of Honolulu and more specifically with its Elderly Services group to come to an agreement on the services that they will provide. The purpose of providing these services, on a nondenominational basis, is to help the individuals to manage living in their own apartments and community environment for as long as possible and as independently as possible.



(4) Mau'umae Nature Park Master Plan

District: Honolulu
TMK: 3-3-014:015, 017
Applicant: City and County of Honolulu
Department of Design and Construction
650 South King Street
Honolulu, Hawai'i 96813
Contact: Terry Hildebrand (523-4696)
Approving Agency/Accepting Authority: Same as above.
Consultant: Gerald Park Urban Planner (942-7484)
1400 Rycroft Street, Suite 876
Honolulu, Hawai'i 96814
Status: FEA/FONSI issued, project may proceed.
Permits Required: Grubbing, Grading, Stockpiling; Building, Electrical, Plumbing, Sidewalk/ Driveway and Demolition; Excavate Public Right-of-Way; Sewer Connection, Water Facility; Variance from Pollution Controls

The Department of Design and Construction, City and County of Honolulu, is preparing a Master Plan for site improvements at Mau'umae Nature Park located in the Kahala Water Subdivision, Mau'umae Ili, Palolo ahupua'a, Honolulu, Oahu. The lots comprising Mau'umae Nature Park are identified as tax map key 3-3-014: 015 and 017 encompassing an area of 3.97 acres. Although Parcel 17 (1.52 acres) is part of the Nature Park, improvements to this lot are not proposed.

The existing lawn area of approximately 0.9 acres at the corner of Claudine Street and 16th Avenue will be removed and planted with new grass and groundcover. A meandering walkway will be built circling the new lawn and connect with the proposed parking lot to make the park accessible for the handicapped. Other improvements include a 20-stall off-street parking lot, comfort station, children's play area with a play apparatus, hiking trail, and a new irrigation system.

Construction costs for the proposed improvements are estimated at \$.95 million and will be funded by the City and County of Honolulu through CIP funds. The City and County of Honolulu has appropriated \$145,000 for Phase I construction.



(5) Nanakuli Beach Park Improvements

District: Wai'anae
TMK: 8-9-001:002
Applicant: City and County of Honolulu
Department of Design and Construction
650 South King Street
Honolulu, Hawai'i 96813
Contact: Harold Mau (527-6330)
Approving Agency/Accepting Authority: Same as above.
Consultant: Environmental Communications, Inc.
1188 Bishop Street, Suite 2210
Honolulu, Hawai'i 96813
Contact: Taeyong Kim (528-4661)
Status: FEA/FONSI issued, project may proceed.
Permits Required: SMA, Grading, Stockpiling

The proposed improvements are initiated as a community-visioning project by the Nanakuli community. The proposed action consists of basic park repair and improvements and will not change the nature of the park use nor the

intensity and capacity of the park. These improvements will include: reconstruction of paved areas, improved access and security to an improved overflow parking area, fencing repairs, repair of rock walls and barrier installation, speed bump/humps, roadway extension, paving of dirt parking areas, and a reconstructed horseshoe pitching area.

In general, these improvements will improve wheelchair accessibility throughout the site. The proposed improvements will require some minor grading and the removal of a few trees that are causing pavement uplifting. The project improvements are not located within the shoreline setback area. The scope of improvements are consistent with existing uses and will not create any adverse environmental impacts.

Draft Environmental Impact Statements



(6) Koa Ridge Community

District: 'Ewa
TMK: 9-4-06:1, 2, por. 3, por. 29; 9-5-03: por. 1, por. 2, por. 4; 9-6-04:21
Applicant: Castle & Cooke Homes Hawai'i, Inc.
P.O. Box 898900
Mililani, Hawai'i 96789-8900
Contact: Alan Arakawa (548-4811)
Approving Agency/Accepting Authority: City and County of Honolulu
Department of Planning & Permitting,
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813
Contact: Matt Higashida (527-6056)
Consultant: Helber Hastert & Fee, Planners, Inc.
733 Bishop Street, Suite 2590
Honolulu, Hawai'i 96813
Contact: Gail Renard (545-2055)
Public Comment
Deadline: May 7, 2003
Status: DEIS 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: Zone Change; Grading, Building, Water Use & NPDES Permits; Central Oahu Sustainable Communities Plan Amendment (Koa Ridge Mauka only); State Land Use Boundary Amendment (Koa Ridge Mauka only)

Castle & Cooke Homes Hawai'i, Inc. (CCHHI) proposes to develop a master planned, multi-use community containing residential units of varying types and densities, supporting commercial uses, schools, parks, recreation centers, churches, other community facilities, and a medical park (the Pacific Health Center) at Koa Ridge in Central Oahu, Hawaii. The total master planned area consists of three separate development areas totaling 1,248 acres. CCHHI is seeking a zone change from the City & County of Honolulu Department of Planning and Permitting for two of the three development areas (Koa Ridge Makai and Castle & Cooke Waiawa). These two areas, totaling 762 acres, were reclassified from Agricultural to Urban in 2002 by the State Land Use Commission and are also located within the Urban Community Boundary of the Central Oahu Sustainable Communities Plan. Although the remaining master planned area (Koa Ridge Mauka) is not part of the zone change application and is not included in current State or County plans for urban expansion, it is included in the EIS analysis to address the master plan's long-term and cumulative impacts, as required by HRS Chapter 343.

Beneficial impacts include provision of 6,000-7,500 homes; increased housing choices; creation of over 900 construction-related jobs annually; location of several thousand permanent jobs in Central Oahu; increased workforce incomes and public revenues; and creation of transit- and pedestrian-friendly communities.

Adverse impacts of the project include additional traffic congestion, demands on existing infrastructure systems (water, wastewater, drainage, power and solid waste disposal) and public facilities and services, and loss of open space. Mitigation measures include major improvements to roadways, intersections and interchanges in the vicinity of the project, off-site infrastructure improvements, and the donation of land and fair-share contributions for designated City and State-operated facilities, such as parks and schools. The valleys and gulches surrounding the project area, most of which are owned by CCHHI, will remain in permanent open space.

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Previously Published Projects Pending Public Comments

Draft Environmental Assessments

🦋 Caindec After-the-Fact Concrete Slab, Wood Deck and Stone Walkway

Applicant: Donald Caindec (239-5885)
47-745C Kamehameha Highway
Kahalu'u, Hawai'i

Approving Agency/Accepting

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

Public Comment

Deadline: April 7, 2003

🦋 Fort Weaver Road Reconstructed Sewer

Applicant: City and County of Honolulu
Department of Design and Construction
650 South King Street
Honolulu, Hawai'i 96813
Contact: Carl Arakaki (523-4671)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: April 7, 2003

🦋 Kala'i'opua Place Improvements, Tantalus

Applicant: City and County of Honolulu
Department of Design and Construction
650 South King Street
Honolulu, Hawai'i 96813
Contact: Kenneth Lai (527-5317)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: April 7, 2003

🦋 Kaupuni Neighborhood Park Master Plan

Applicant: City and County of Honolulu
Department of Design and Construction
650 South King Street, 11th Floor
Honolulu, Hawai'i 96813
Contact: Don Griffin (527-6324)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: April 7, 2003

🦋 Koko Head Firing Range Modular Classroom Trailer and Munitions Bunker

Applicant: City and County of Honolulu
Department of Design and Construction
650 South King Street
Honolulu, Hawai'i 96813
Contact: Clifford Lau (527-6373)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: April 7, 2003

🦋 Waimanalo Well III Production Facility, Access Road & Water Transmission Line (Revised)

Applicant: City and County of Honolulu
Board of Water Supply
630 South Beretania Street
Honolulu, Hawai'i 96843
Contact: Scot Muraoka (527-5221)

Approving Agency/Accepting

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

Public Comment

Deadline: April 7, 2003

Draft Environmental Impact Statements

🦋 Gentry 'Ewa Makai

Applicant: Gentry Investment Properties
P.O. Box 295
Honolulu, Hawai'i 96809-0295
Contact: Debra Luning (599-0295)

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: Tim Hata (527-6070)

Public Comment

Deadline: April 22, 2003

Kalaeloa Desalination Facility

Applicant: City and County of Honolulu
Board of Water Supply
630 South Beretania Street
Honolulu, Hawai'i 96843
Contact: Scot Muraoka (527-5221)

Approving Agency/Accepting

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

Public Comment

Deadline: April 22, 2003



National Environmental Policy Act

National Ocean Service Kihei Facility Project (Draft EA)

The National Oceanic and Atmospheric Administration's National Ocean Service (NOAA/NOS) has completed preparation of a Draft Environmental Assessment (EA) on the implementation of a ten year facility master plan for its Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS). The proposed project would relieve current overcrowding and provide space for additional staff as well as a modern facility for conducting seminars and community outreach.

The proposed action involves demolition and removal of two antiquated storage buildings, construction of a new multi-purpose building, installation of a new parking lot, site landscaping including creation of an outdoor courtyard, and the installation of service utilities.

It was determined by this environmental analysis that the proposed action would not result in any significant impacts to the environment, and a Finding of No Significant Impact is appropriate. Thus, an Environmental Impact Statement is not required.

To ensure that your concerns and suggestions are considered, you are invited to review this draft EA and to submit written comments to the Responsible Program Manager, Claire Cappelle, HIHWNMS, 726 South Kihei Road, Kihei, Hawai'i 96753, ph: (800) 831-4888, fax: (808) 874-3815, e-mail: Claire.Cappelle@noaa.gov. Any questions regarding the project, please contact the Project Manager, Robert Gries, NOAA, 2570 Dole Street, Honolulu, HI

96822-2396, ph: (800) 983-5735, fax: (808) 983-2900, e-mail: Robb.Gries@noaa.gov. All written comments must be received no later than **April 7, 2003**.

KBAC EROSION CONTROL ADVOCATE/EXTENSION AGENT

The Kailua Bay Advisory Council (KBAC) is seeking a contractor to assist it in addressing erosion control in the Ko'olaupoko watersheds.

THE COMPLETE AD CAN BE VIEWED ON THE KBAC WEBPAGE AT: kbac-hi.org OR IN THE MARCH 26th ISSUE OF MIDWEEK.

Interested persons should send a resume, three references, a proposed time schedule indicating dates relative to initiation of contract when benchmarks indicated above are expected to be met, and a proposed fee schedule to:

Center for a Sustainable Future
2505 Correa Road, #213
Honolulu, Hawai'i 96822
OR FAX: (808) 956-9496

DEADLINE: April 11, 2003 (Friday) 4 p.m. or until the position is filled.

Maui Notices

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



(1) Hamoa to Hana Waterline & Hamoa Well 2

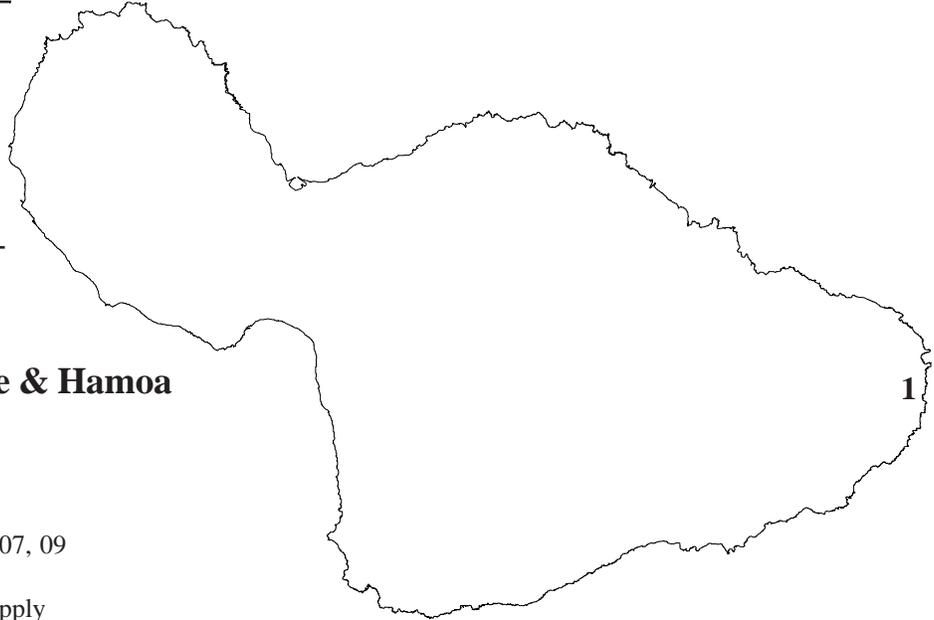
District: Hana
TMK: 1-4-09:002; 1-4-02, 03, 07, 09
Applicant: County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawai'i 96793
Contact: George Tengan (270-7835)

Approving Agency/Accepting

Authority: Same as above.
Consultant: C. Takumi Engineering
18 Central Avenue
Wailuku, Hawai'i 96793
Contact: Fiona van Ammers (249-0411)
Status: FEA/FONSI issued, project may proceed.
Permits Required: Work on County Highways; CWRM Well Drilling

The Maui Department of Water Supply's principal water source for Hana Town is Wakiu Well-B. Wakiu Well-A, the original back-up source for Well-B, was abandoned due to increasing salinity. To replace Wakiu Well-A, an existing well, Hamoa Well-1, which is also the only county water source for the Hamoa-Koali area, became the back-up for Wakiu Well-B. This back-up service is presently distributed through a 4-inch waterline to Hana Town.

In order to increase the quantity and dependability of the water supply to Hana Town, the County proposes to replace the 4-inch waterline with a 12-inch waterline and develop a new well. The new waterline will run along Hana Highway between an existing 12-inch waterline on the Hamoa area to an existing 12-inch waterline at the south edge of Hana Town. The new 12-inch waterline is intended to increase water distribution and to prevent a stagnate water system.



In addition to the new waterline, the County proposes to develop a second well, Hamoa Well-2, on the same site as Hamoa Well-1. All existing buildings will be enlarged or a second building constructed to house the additional electrical motor controls and other necessary appurtenances. The new well is intended to provide a constant back-up source of potable water and wane dependence upon the existing wells.

The Hamoa Well-2 and 12-inch waterline will have a favorable impact on socio-economic conditions or existing public services and infrastructure. There are no anticipated effects upon the existing or surrounding land uses, environmental features, archaeological, or historical features, due to the construction or implementation of the proposed project. In light of the forgoing, the proposed project will not result in significant environmental impacts to the environment and a Finding of No Significant Impact (FONSI) is warranted.



Draft Environmental Assessments



(1) Kona Blue Water Offshore Open Ocean Fish Farm

District: Offshore Unualoha Point, Kona
TMK: N/A
Applicant: Kona Blue Water Farms (Division of Black Pearls, Inc.)
P.O. Box 525
Holualoa, Hawai'i 96725
Contact: Neil Anthony Sims (331 1188)

Approving Agency/Accepting Authority: Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809
Contact: Dawn Hegger (587-0380)

Public Comment

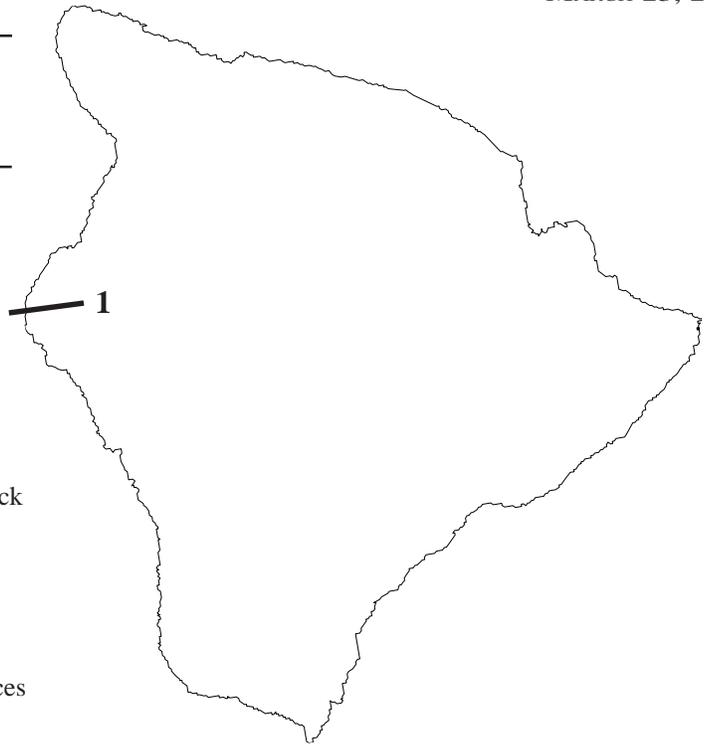
Deadline: April 22, 2003
Status: DEA First Notice pending public comment. Address comments to the applicant with copies to the approving agency or accepting authority and OEQC.

Permits

Required: CDUA, NPDES, ACOE

Kona Blue Water Farms is applying for an ocean lease over 81 acres, offshore from Unualoha Point, in Kona, for an open ocean fish farm. These waters are adjacent to Natural Energy Laboratory of Hawaii Authority and the Keahole-Kona International Airport. The farm will cultivate only local Hawaiian species that will be reared in hatcheries. Initially, these will be mahimahi and kahala; later this might include opakapaka and other deep water species. The farm will consist of six grow-out pens (three submersible cages and three surface pens) of around 80 feet diameter, and two smaller nursery pens. The farm will only feed pellet food to the fish.

The farm will be over bare sand, in 150 ft - 200 ft of water. Cages at the center of the lease area will be almost 2,000 feet from the shoreline. Strong long-shore currents will ensure there is little detriment to water quality or benthic ecosystems.



There will be little impact on public activities in the area. These waters are beyond the depths of normal recreational diving. Most present offshore fishing activity occurs along the 100 fathom drop-off, almost 1 nautical mile to the south-west of the cages.

The public will be permitted to traverse or fish within the outer 72 acre area, which will only contain the mooring and anchor arrays. Public access will be restricted only to the central 9 acre area, which will contain the net pens and cages. Taut moorings and net mesh will ensure there is no risk of entanglement by marine mammals or turtles.

In light of the minimal impacts, a FONSI is anticipated.



Shoreline Notices

MARCH 23, 2003

Shoreline Certification Applications

Pursuant to § 13-222-12, HAR the following shoreline certification applications are available for inspection at the DLNR District Land Offices on Kauai, Hawaii and Maui and at Room 220, 1151 Punchbowl St., Honolulu, Oahu (Tel: 587-0414). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than fifteen (15) calendar days from the date of the public notice of the application. If there are any questions, please call Nick Vaccaro at 587-0384.

Case No.	Date	Location	Applicant	Tax Map Key
OA-919	3/4/03	Portions of Kailua Beach Park under Executive Order Number 115 to the City and County of Honolulu, Department of Parks and Recreation, land situated at Kawailoa, Kailua, Island of Oahu, Hawaii Address: Kailua Beach Park Purpose: Improvements	Towill, Shigeoka and Associates, for, City and County of Honolulu, Department of Parks and Recreation	4-3-11 Various
OA-920	3/4/03	Lot 33 of the Waialae Beach Lots, Section C as shown on Bishop Estate Map 27213, Waialua Iki, Honolulu, Island of Oahu, Hawaii Address: 5017 Kalaniana'ole Highway Purpose: Building Permit	Jamie F. Alimboyoguen, for Merlin Petersen	3-5-22: 04
OA-921	3/10/03	Unit A and Unit B, being a portions of Lots 22 and 23 of the Paumalu Beach Lots and portion of Grant 8155 to H. Culmann, land situated at Paumalu, Koolauloa, Island of Oahu, Hawaii Address: 59-499B Ke-Waena Road Purpose: Building Permit	Sam O. Hirota, Inc., for Mark Russell and Peter Derrborne	5-9-03: 04
OA-922	3/11/03	Lot 21-A of the Pupukea/Paumalu Beach Lots, being portion of Grant 8355, land situated at Kaipapau, Koolauloa, Island of Oahu, Hawaii Address: 59-533 Ke Iki Road Purpose: Building Permit	Wesley T. Tengan for, Dan Justice	5-9-03: 05
MO-074	3/13/03	Portion of Grant 3108 to Kaopeahina, land situated at Kamanoni, Kainalu, Molokai, County of Maui, Hawaii Address: Kamehameha V Highway Purpose: Building Permit	Newcomer – Lee Land Surveyors, Inc., for Alan Bolton	5-7-04: 52
HA-233-2	3/13/03	Lot 2, being a portion of Land Commission Award 7073, Apana 1 to Kapae, land situated at Kahului 2 nd , North Kona, Island of Hawaii, Hawaii Address: 75-5992 Alii Drive Purpose: Building Permit	Wes Thomas Associates, for Eric and Judith Soto	7-5-19: 30

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	Tax Map Key
OA-915	3/10/03 Certified	Lot 1-C of Land Court Consolidation 23 as shown on map 3, land situated at Kaipapau, Koolauloa, Island of Oahu, Hawaii Address: 54-359 C Kamehameha Highway Purpose: Building Permit	Wesley T. Tengan for, Beppie J. Shapiro	5-4-03: 09

Pollution Control Permit Applications

MARCH 23, 2003

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 and Clean Water Branch

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	Chevron Products Company CSP 0088-01-C (Amendment)	91-480 Malakole Street, Kapolei, Oahu	Issued: 3/3/03	Petroleum Refinery
Clean Air Branch, 586-4200, Temporary Covered Source Permit	Patterson Construction & Trucking, Inc. CSP 0381-02-CT	Various Temporary Sites, State of Hawaii Initial Location: #10 Manawainui Bridge, Hoolehua, Molokai	Issued: 3/5/03	231.5 TPH Stone Quarrying & Processing Plant and Portable Screening Plant
Clean Air Branch, 586-4200, Noncovered Source Permit	Hawaiian Cement NSP 0337-01-N (Renewal)	Nawiliwili Portland Cement Storage and Distribution Terminal 3271 Waapa Road, Lihue, Kauai	Issued: 3/6/03	Two (2) Dust Collectors Servicing Two (2) Cement Silos and a Cement Bagging Machine
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawaii Corporation CSP 0212-01-C	91-325 Komohana Street, Kapolei, Oahu	Comments Due: 3/31/03	Petroleum Refinery
Clean Air Branch, 586-4200, Covered Source Permit	Grace Pacific Corporation CSP 0045-01-C	Makakilo Quarry, 91-120 Farrington Highway, Kapolei, Oahu	Comments Due: 4/10/03	400 TPH Non-Portable Plant, 150 TPH Screening Plant, and 600 TPH Aggregate Recycling Plant with 1,000 Diesel Engine Generator
Clean Water Branch, 586-4309, Water Quality Certification	Kana`i A Nalu Association of Apartment Owners WQC 0000497	250 Hau`oli Street Wailuku, Maui	Comments Due: 3/26/03	Place up to 3,000 cubic yards (annually) of sand on beach fronting property
Clean Water Branch, 586-4309, Water Quality Certification	Dept. of the Navy WQC 0000575	WharfH5, Hotel Pier, Fleet Industrial Supply Center, Pearl Harbor	Comments Due: 3/30/03	Repair wharf due to deteriorated condition of existing wharf

Conservation District Notices

MARCH 23, 2003

Board Permits

Persons interested in commenting on the following Conservation District Use Application (Board 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 (Board 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 the DLNR staff listed below .



Kehi Single Family Residence

File No.: CDUA HA-3120
Applicant: Vera Kehi
Location: Keei, South Kona, Island of Hawaii
TMK: (3) 8-3-006:011
Proposed Action: Construct single family residence
343, HRS
determination: Anticipated FONSI
Appl's Contact: Sylvia Serna (936-3821)
DLNR's Contact: Dawn Hegger (587-0380)



Kohanaiki Access and Utility Easement

File No.: CDUA HA-3124
Applicant: Roy Vitousek for Rutter/Kohanaiki LLC
Location: Two miles south of Keahole Airport, North Kona, Island of Hawaii
TMK: Between TMK's (3) 7-3-009:003 and 016
Proposed Action: Access and utility easement across a 9,000 sq. ft. state-owned right-of-way parcel.
343, HRS
determination: The final EIS was published in OEQC's Bulletin on July 8, 1986, and the Hawaii County Planning Dept. was the accepting authority (Sept. 1986).
Appl's Contact: Roy Vitousek (521-9345)
DLNR's Contact: Dawn Hegger (587-0380)



Stoutemyer After-the-Fact Rock Revetment

File No.: CDUA OA-3125
Applicant: David Stoutemyer
TMK: (1) 4-4-021: 036
Proposed Action: After-the-Fact Loose Rock Revetment
343, HRS
determination: Exempt
Appl's Contact: Donald Clegg, Analytical Planning Consultants, Inc.
DLNR's Contact: Matthew Myers (587-0382)

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/state agency. For more information about any of the listed permits, please contact the appropriate county/state Planning Department. City & County of Honolulu (523-4131); Hawai'i County (961-8288); Kaua'i County (241-6677); Maui County (270-7735); Kakaako (587-2878).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawaii: Hilo (2-1-18-5)	3 Bedroom B&B operation (SMA 133)	Scott L. Andrews & Claudia Rohr
Honolulu: Nanakuli (8-9-7-2)	Drainage improvements (2003/SMA-18)	State DOT Highways Division
Honolulu: Aiea (9-8-9-20)	Concrete & security fence (2003/SMA-19)	Honolulu Ltd. – Magba Inc./ Sueda & Assoc., Inc.
Honolulu: Kuliouou (3-8-3-9)	Extension to dwelling unit (2003/SMA-21)	Jerry Gold
Maui: Lahaina (4-3-18-3)	Additional dwelling (SM2 20030026)	Young, George
Maui: Spreckleville (3-8-1-41, 42, 43)	Underground utility (SM2 20030027)	Maui Electric Co. Ltd.
Maui: Makena (2-1-7-88)	Driveway (SM2 20030028)	Luuwai, Helen
Maui: Haiku (2-8-4-9)	Dwelling (SM2 20030029)	Michalski, Christine
Maui: Kihei (3-9-37-66)	Addition (SM2 20030030)	Turturici, James E.
Maui: Paia (2-5-5-18)	Paia Substation (SM2 20030031)	Maui Electric Co., Ltd.
Maui: Kapalua (4-0-6-6)	Coconut Grove improvements (SM2 20030032)	Atom Kasprzycki
Maui: Kapalua (4-2-4-24)	Demolition (SMX 20030114) Pending	Kapalua Land Co., Ltd.
Maui: Kahului (3-8-79-3, 5)	Subdivision Consolidation (SMX 20030117) Pending	Kawahara, Hedeo
Maui: Kihei (3-9-3-7)	Interior improvements (SMX 200330118) Pending	Salamck, George
Maui: Lahaina (4-8-2-9, 14, 15)	Driveways (SMX 20030119) Pending	Judge, James R.
Maui: Makena (2-1-5-85, 120)	Subdivision (SMX 20030120) Pending	Asari, Yoichi
Maui: Lahaina (4-3-5-29)	Extend Deck (SMX 20030122) Pending	Taylor, Ross Leroy
Maui: Kihei (4-3-8-17)	Storage & deck (SMX 20030123) Pending	Sally Bermudez
Maui: Lahaina (4-4-8-22)	Interior alterations (SMX 20030124) Pending	Larson, Rick
Maui: Wailea (2-1-26-84)	Dwelling (SMX 20030125) Pending	McCall, James
Maui: Hana (1-6-9-1)	Interior alterations (SMX 20030126) Pending	Hana Pahaku
Maui: (4-3-6-56, 58)	Water System improvements (SMX 20030127) Pending	Robinson, Keola
Maui: Haiku (2-8-3-6)	Water well & tank (SMX 20030129) Pending	Summit Trade Inc.
Maui: Wailuku (3-2-19-53)	Dwelling & deck (SMX 20030130) Pending	Koshi, Ray I.
Maui: Lahaina (4-6-8-25)	Re-roof (SMX 20030131) Pending	Rohozinski, Eric
Maui: Kapalua (4-2-1-24)	Interior alterations (SMX 20030132) Pending	Sandi, Steven I.
Maui: Kihei (1-2-3-20)	Water tank (SMX 20030133) Pending	Dickison, Anthony
Maui: Wailuku (3-3-10-60)	Extension (SMX 20030134) Pending	Bonilla, Elepasio & Marylou
Maui: Kihei (3-9-10-40)	Accessory dwelling (SMX 20030135) Pending	Elliott, Robert
Maui: Lahaina (4-4-14-4)	Temporary parking & storage (SMX 20030137) Pending	Hawaiian Dredging
Maui: Kihei (3-9-55-36)	Addition & pool (SMX 20030138) Pending	Wagner, Nick
Maui: Kihei (3-9-12-25)	Dwelling. Addition & repair (SMX 20030139) Pending	Bumanglag, Manuel
Maui: Kihei (3-9-39-27)	Alterations (SMX 20030140) Pending	Cababat, Juan D.
Maui: Paia (2-6-6-36)	Additions (SMX 20030141) Pending	Nikaido, Norman & Marina
Maui: Huelo (2-9-6-10)	Mailbox shelter (SMX 200 20030142) Pending	Broos, Stephen

Coastal Zone News

MARCH 23, 2003

Special Management Area Documents (Chapter 25, Revised Ordinances of Honolulu)

Since SMA-only (Chapter 25, ROH) documents do not trigger the EIS law as articulated in Chapter 343, Hawaii Revised Statutes, effective September 1, 2001 OEQC will no longer review these documents for completeness or adequacy. However, OEQC will continue to provide notice of these projects as a public service. Questions regarding the adequacy, completeness and availability of these documents should be addressed directly to the county contact listed below.

Nanaikeola Senior Apartments, Day Care & Retail

The Applicant, Hawaii Intergenerational Community Development Association (HICDA) proposes the "Nanaikeola Senior Apartments" to be constructed on a vacant, level, 31,159- sq. ft. property in Nanakuli. Access to the property is off of Nanaikeola Street, a two-lane 56-foot wide dedicated roadway.

The project will consist of two four-story concrete buildings. Parking, Adult Day Care, a rehabilitation area, kitchen/dinning area, computer/library area and retail space will be located on the ground floor. Seventy senior apartments will be located above on floors two through four. Each apartment would be approximately 525 or 535 sq. ft. in size for 69 one bedroom unit and 762 sq. ft. for the single, property managers, two-bedroom unit. Approximately, every other senior apartment would have one assigned parking stall along with 7 guest stalls for a total of 37 parking stalls. There are approximately 10 parking stalls planned for the commercial area below the apartments. Rents for this apartment project will be rent restricted at or below 30% to 50% of the area median household income. The entire project will be constructed at one time with an anticipated construction starting date of December 2003.

The proposed adult day care facility will be operated by Waianae Coast Comprehensive Health Center (WCCHC). This 2,000 sq. ft. facility will replace WCCHC existing Adult Day Care Facility along Farrington Highway below the existing health center. Between 20 to 25 senior adults would be serviced at one time here.

Please direct questions and written comments to Ardis Shaw-Kim, Department of Planning & Permitting, City and County of Honolulu, 650 S. King Street, 7th Floor, Honolulu, Hawaii 96813, telephone: 527-5349.

Federal Notices

Critical Habitat for 95 Plant Species From the Islands of Kaua'i and Ni'ihau

The U.S. Fish and Wildlife Service (FWS) has designated critical habitat pursuant to the Endangered Species Act of 1973, as amended (Act), for 83 of the 95 species known historically from the Hawaiian islands of Kaua'i and Ni'ihau. A total of approximately 52,549 acres of land on the island of Kaua'i and 357 acres of land on the island of Ni'ihau fall within the boundaries of the 217 critical habitat units designated for the 83 species. This critical habitat designation requires the Service to consult under section 7 of the Act with regard to actions carried out, funded, or authorized by a Federal agency. Section 4 of the Act requires the FWS to consider economic and other relevant impacts when specify-

ing any particular area as critical habitat. This rule also determines that designating critical habitat would not be prudent for seven species. The FWS solicited data and comments from the public on all aspects of the proposed rule, including data on economic and other impacts of the designation. This rule becomes effective on March 31, 2003. Comments and materials received, as well as supporting documentation, used in the preparation of this final rule will be available for public inspection, by appointment, during normal business hours at U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Blvd., Room 3-122, P.O. Box 50088, Honolulu, Hawai'i 96850-0001. For more information, contact Paul Henson, Field Supervisor, Pacific Islands Office at the above address by telephone (808) 541-3441 or by facsimile (808) 541-3470 (see, 68 F.R. 9115, February 27, 2003).

Short-tailed Albatross Endangered Species Recovery Permit Application

The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act (16 U.S.C. 1531 et seq.). The U.S. Fish and Wildlife Service (FWS), is soliciting review and comment from local, State, and Federal agencies, and the public on the following permit request. **Permit No. TE-047805.** Applicant: National Audubon Society, Honolulu, Hawai'i. The permittee requests an amendment to take (capture) short-tailed albatross (*Phoebastria nigripes*) in conjunction with research on various fishing methods, including underwater chutes, side-setting, and blue-dyed squid bait, aimed at reducing capture of the short-tailed albatross on Hawaiian tuna longline vessels in Federal waters off the State of Hawai'i for the purpose of enhancing its survival.(see, 68 F.R. 10261, March 4, 2003). Comments on the above permit application must be received on or before April 3, 2003. Written data or comments should be submitted to the Chief, Endangered Species, Ecological Services, U.S. 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. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above (telephone (503) 231-2063). Please refer to the respective permit number for each application when requesting copies of documents.

Permanent Security Zones in Offshore Island Waters

The Coast Guard proposes to establish permanent security zones in designated waters adjacent to the islands of O'ahu, Maui, Hawai'i, and Kaua'i. These security zones and a related amendment to regulations for anchorage grounds in Mamala Bay 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. Entry into the proposed zones would be prohibited unless authorized by the Coast Guard Captain of the Port Honolulu, Hawai'i. Comments and related material must reach the Coast Guard on or before April 7, 2003. Mail comments and related material to Commanding Officer, U.S. Coast Guard Marine Safety Office Honolulu, 433 Ala Moana Blvd., Honolulu, Hawai'i 96813. Marine Safety Office Honolulu maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Marine Safety Office Honolulu between 7:00 A.M. and 3:30 P.M., Monday through Friday, except Federal holidays. For details, contact LTJG E. G. Cantwell, U.S. Coast Guard Marine Safety Office Honolulu, at (808) 522-8260 (see, 68 F.R. 5614, February 4, 2003).

Kikuyu Grass

The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture (APHIS) is considering whether to remove Whittet and AZ-1, two cultivars of kikuyu grass, from the list of noxious weeds. In order to make a scientifically sound decision, APHIS is soliciting data regarding research or studies on cultivars of kikuyu grass. APHIS is especially interested in data concerning potential invasiveness in the United States of cultivars of kikuyu grass. APHIS will consider all comments received on or before April 11, 2003. Submit comments by postal mail/commercial delivery or electronically. For postal mail/commercial delivery, please send four copies of the comment letter (an original and three copies) to: Docket No. 02-067-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Please state that the comment letter comment refers to Docket No. 02-067-1. To submit electronic comments, please visit the Internet Web site <http://comments.aphis.usda.gov> and follow the instructions there. All comments received on this docket will be available online at <http://comments.aphis.usda.gov>. Electronic comments will be posted to this website immediately after receipt, and postal mail/commercial delivery comments will be scanned and posted to the website within a few days after receipt on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>. For details, contact Mr. Michael A. Lidsky, Esq., Assistant Director, Regulatory Coordination, PPQ, APHIS, 4700 River Road Unit 141, Riverdale, MD 20737-1236, telephone (301) 734-5762 (see, 68 F.R. 6653, February 10, 2003).

Federal Notices

MARCH 23, 2003

EIS Scoping Meetings in Honolulu and Hilo for Longline Fishing Scientific Research

The National Marine Fisheries Service (NMFS) will be preparing an EIS to identify and analyze a range of alternatives for fishing experiments to test methods of reducing incidental take and the mortality of threatened and endangered sea turtles by Pacific longline fisheries as well as the issuance of any permits necessary to conduct this activity. NMFS will hold scoping meetings in Hawai'i as follows: (1) in Hilo, on March 27, 2003, from 6:00 P.M. to 8:00 P.M. in the evening at the Naniloa Hotel, Kilohana Room, 93 Banyan Drive; (2) in Honolulu on April 9, 2003, from 6:00 P.M. to 8:00 P.M. in the evening at Paki Hale, main floor, 3840 Paki Avenue, near Kapi'olani Park in Waikiki. Written comments and requests to be included on a mailing list of persons interested in the EIS should be sent to Dr. Christofer Boggs, NMFS Honolulu Laboratory, 2570 Dole Street, Honolulu, HI 96822. For more information contact Wende Goo, Management Analyst, Honolulu Laboratory at (808) 983-5303 (see, 68 F.R. 9062, February 27, 2003).

Genetically Modified Corn

The U. S. Environmental Protection Agency (EPA) announced the receipt of the following: (1) **An application 68467-EUP-4 from Mycogen Seeds/Dow Agrisciences LLC** requesting an experimental use permit (EUP) amendment/extension for *Bacillus thuringiensis* moCry1FD protein and the genetic material necessary for its production (plasmid insert PHP 12537) in corn. Mycogen Seeds/Dow AgroSciences LLC has applied to amend/extend 68467-EUP-4 to allow the planting of 291 acres of field corn to conduct insect resistance management, agronomic observation, breeding, and observation nursery, efficacy, maize demonstration, and herbicide tolerance study trials. The Mycogen Seeds' program is authorized in the States of Hawai'i, California, Colorado, and other states. The original notice of approval for this EUP was published in the June 26, 2002, Federal Register (see, 67 F.R. 43115). EPA has determined that the application may be of regional and national significance. The comment deadline is April 7, 2003. Send comments electronically by going to the Internet website <http://www.epa.gov/edocket> and follow the online instructions for submitting comments. Once in the system, select "search" and then key in the docket ID number OPP-2003-0016. The system is an "anonymous access" system which means EPA

will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment (see, 68 F.R. 11103, March 7, 2003); and (2) **Applications 68467-EUP-3, 68467-EUP-5, and 68467-EUP-T, 68467-EUP-I, 29964-EUP-1, 29964-EUP-3, 29964-EUP-U and 29964-EUP-L from Mycogen Seeds/Dow Agrisciences LLC and Pioneer Hi-Bred International** requesting experimental use permits for: (A) *Bacillus thuringiensis* Cry34/35Ab1 protein and genetic material necessary for its production (from the insert of plasmid PHP 14352) in corn; (B) *Bacillus thuringiensis* Cry34/35Ab1 protein and the genetic material necessary for its production (from the insert of plasmid PHP12560) in corn; (C) *Bacillus thuringiensis* Cry34/35AB1 protein and the genetic material necessary for its production (from the insert of plasmid PHP 17662) in corn, and (D) *Bacillus thuringiensis* Cry 34/35Ab1 protein and the genetic material necessary for its production (from the insert of plasmid PHP 17658) in corn. The EPA has determined that the applications may be of significant regional, and national significance. Comments, identified by docket ID number OPP-2002-0353, must be received on or before April 14, 2003. Send comments electronically by going to the Internet website <http://www.epa.gov/edocket> and follow the online instructions for submitting comments. Once in the system, select "search" and then key in the docket ID number OPP-2002-0353. The system is an "anonymous access" system which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment (see, 68 F.R. 12073, March 13, 2003).

Environmental Council Notices

MARCH 23, 2003

**Draft Comprehensive Exemption
List for the Agribusiness
Development Corporation (an
attached agency to the Department
of Agriculture), State of Hawaii,
February 2003**

Editor's Note: The public is invited to send comments on the proposed list to Michael Faye, Chairperson, Environmental Council, by April 22, 2003 c/o OEQC.

Pursuant to Section 11-200-8, Hawaii Administrative Rules, the following types of action, where they fall within the given classes of action, shall generally be exempt from the preparation of an environmental assessment:

EXEMPTION CLASS 1:

Operations, repairs or maintenance of existing structures, facilities, equipment, or topographic features, involving negligible or no expansion or change of use beyond that previously existing. These actions do not exempt the Agribusiness Development Corporation from required permits and other regulatory requirements of federal, state, or county agencies.

1. Routine maintenance and repairs, which are necessary to keep in useful condition existing agricultural lands, structures, irrigation systems, power systems, and processing facilities. Performing maintenance trimming of brush and branches, cutting of trees, shrubs, or branches threatening to damage existing infrastructures, patching and rust-proving of surfaces, and removing of sediment and debris from irrigation and drainage systems.

2. Repairs, which are necessary to keep in useful condition existing access roads, bridges, culverts, drainage systems, or other improvements to the minimum width required for the operation of vehicles used in the operation and maintenance of irrigation systems or processing facilities.

3. Repairs, which are necessary to keep in useful condition existing access roads, drainage improvements, streetlights and roadway structures or facilities, other subdivision improvements installed in accordance with county subdivision ordinances.

4. Repairs or rehabilitation to maintain existing buildings, warehouses, storage or paint sheds, control or instrument sheds, base yards, grounds, tunnels and other related facilities being used in the administration, operation and maintenance of the agricultural lands, irrigation systems, and agricultural processing and marshalling facilities.

5. Repair, operate and maintain existing irrigation ditches, drainage canals, and storage reservoirs to include patching, replacement, or installation of linings or other suitable materials to reduce system loss or improve water delivery efficiency.

6. Repair, operate and maintain existing pumps, pipes, siphons, wells, diversions and intake structures (including valves, gates, and intake boxes), and water controlling or diverting devices in irrigation or drainage systems. Repair, operate and maintain existing electrical, electronic, telemetering, or communication systems used to operate water facilities, equipment, and appurtenances in existing water systems.

7. Repair, operate and maintain gauging stations, weather stations and accessory structures.

8. Repair, operate and maintain existing electric generating and power transmission systems and infrastructures.

9. Modification required to existing buildings and equipment to meet new codes and regulations, i.e., Occupational Safety & Health Administration, building, fire, security, accessibility for the handicapped, environmental compliance, etc.

10. Routine operation, repair or maintenance of vehicles, tools, equipment, water testing and measuring devices, which are directly related to the operation and maintenance of irrigation systems, drainage systems, power systems or agriculture lands.

11. Maintenance application of a non-restrictive herbicide, such as Roundup, to control weeds around irrigation ditches, drainage channels, access roads and equipment yards. Herbicide usage shall be strictly adhered to label instructions.

12. Subdivision of large parcels of lands into smaller agricultural lots in compliance with County Ordinances.

13. Acquisition of existing agricultural land or infrastructure, through lease, governor set aside, or land exchange from the Department of Land and Natural Resources, Department of Agriculture, or another government agency for agricultural use.

14. Acquisition of existing agricultural land or infrastructure, through lease, purchase, or land exchange, from a private landowner for agricultural use.

EXEMPTION CLASS 2:

Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.

1. Replace or reconstruct existing roads and road structures to the minimum width required for the operation of vehicles used in the operation and maintenance of water systems or agricultural subdivisions. Roads shall be reconstruct to the required County regulation when the condition of such roadways have become damaged or destroyed by natural or man-made catastrophes, (i.e., fire, flood, vehicle accidents, power outages, pipeline breaks; etc.).

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2. Replace, reconstruct or renovate existing structures, buildings and facilities for the same purposes as their existing use in the agricultural lands, irrigation systems, agricultural processing plants, research/educational facilities, and marshalling facilities. Replace or reconstruct drainage, security fencing, and other exterior facilities, which may be damaged by natural or man-made catastrophes.

3. Replace or reconstruct existing electrical, electronic, telemetering and communication systems to perform the same operational tasks of operating water and mechanical systems, equipment, and appurtenances in the agricultural lands, irrigation systems, agricultural processing plants, research/educational facilities, and marshalling facilities.

4. Replace or reconstruct existing pumps and controls, pipes, siphons, ditches, channels, or reservoirs located in the same location and to a size commensurate with the existing system and source capacities to provide service in existing water systems.

5. Reconstruction of existing diversions and intake structures, including valves, gates, and intake boxes in order to collect or improve the collection at the location of the existing water source diversion works. This action shall not exempt the Agribusiness Development Corporation from permit requirements and other regulatory requirements of federal, state, or county agencies.

6. Replace or reconstruct existing gauging stations, weather stations, or accessory structures located in the same location and to a size commensurate with the existing systems.

7. Replace or reconstruct existing electric generating and power transmission systems and infrastructures.

EXEMPTION CLASS 3:

Construction and location of single, new, small facilities or structures and the alteration and modification of the

same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to: accessory or appurtenant structures, utility services, and acquisition of utility easements.

1. Construct, alter, or modify appropriate structures to house utility or irrigation system components such as pumps, transformers, electric or electronic controls, instruments and monitoring devices, etc. not to exceed 144 sq. ft.

2. Construct retaining walls or rubble masonry not more than 5 ft. in height and 200 ft. in length for stabilizing embankment.

3. Construct, modify, or alter irrigation, drainage, or electrical transmission connections, on lands under the Agribusiness Development Corporation or the Department of Agriculture's control, or within State and County highway or road easements, at a cost not to exceed \$50,000.

4. Install, locate, or modify equipment, appurtenant, measuring devices, and support devices for communication equipment, system control and data acquisition (SCADA) equipment, telemetering equipment, security equipment and safety equipment.

EXEMPTION CLASS 4: Minor alterations in the conditions of land, water, or vegetation.

1. Cultivating, tillage, ridging, and land leveling preparation for agricultural purposes.

2. Routine maintenance of agricultural lands and water systems to include cleaning and grubbing of existing drainage ditches, channels, sediment ponds, or storage reservoirs.

3. Minor cut, fill and grading of soil to divert floodwater away from irrigation ditches and infrastructures.

4. Minor grading and grubbing of lands in preparation for construction of structures exempt under Exemption Class 3.

5. Occasional removal of sand, dirt, or gravel from designated fields or areas, for patching or repairing roads within the project area.

6. Sealing of abandoned or leaking artesian wells.

EXEMPTION CLASS 5: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

1. Conduct surveys of the following nature: topographic, drainage, water quality, hazardous material, metes and bounds, site appraisal, economic analysis or other related agricultural land management functions.

2. Construction of gauging stations and accessory structures to measure water flow in streams and irrigation systems in accordance with the prescribed method and practices of the U.S. Geological Survey. Installation of metering devices to measure water flows and usage.

3. Installation of climatological stations to collect data on rainfall, temperature, pan evaporation rate, etc. in accordance with the method and practices of the National Weather Service.

4. Construction of test wells not more than 8 inches in diameter to provide data for water resources investigations. The suggested size will enable the aquifer to be tested for its physical, chemical, biological qualities, as well as providing a pumping test to determine the specific capacity of the aquifer. Test wells shall not be developed to serve water unless an EIS or negative declaration is prepared, provided, however that test well sites be limited to urban areas or areas which do not contain environmentally sensitive resources. All other sites shall require an environmental assessment under Chapter 343, HRS.

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EXEMPTION CLASS 6:

Construction or placement of minor structures accessory to existing facilities.

“Minor structures” is defined to mean a facility put up for a specific use, period of time, temporary purpose, and to support operations. Examples include electrical power panels, shelters to cover portable pumps, canopies over open trenches, wood shed to provide the cutting, shaping, or fabrication of wooden flumes or to put together a piece of equipment.

“Accessory” is defined to mean a facility that supports operation, is needed to complete the work, and usually for a specific use. Examples are toilets during work within watershed areas, fenced areas to store equipment, poles or frames to allow temporary power hookups, pipe supports to remove water from excavation and scaffolding to paint high tanks, flumes and structures.

1. Construction of temporary storage or packing shed on agricultural lands. Placement of excess materials and goods within the agricultural processing and marshalling facilities. Placement of shipping containers and other portable containers to support existing marshalling operations. “Temporary” is defined to mean for a period not to exceed the purpose of the storage or packing period and not longer than one year.

2. Construction of livestock fencing, enclosures and feed/water troughs to replace existing facilities, provided however that the action be limited to hold no more than 500 animals per day.

3. Construction of enclosures for security of equipment and vehicles within the agricultural processing and marshalling facilities.

4. Construction of minor drive-ways or access roadways, limited to not more than 500 feet in length and 15 feet in width and to be used only to service existing irrigation systems,

agricultural parks and processing and marshalling facilities.

5. Installation of exterior lights in already developed areas for security and safety purposes.

6. Installation of utility tanks and lines (water, gas, diesel) for site use only.

7. Installation of roof-top water catchments.

8. Alteration of exiting access to pumps, water reservoirs, drainage structures and other appurtenances within the agricultural lands and agricultural processing and marshalling facilities in order to improve accessibility.

9. Construction of fencing for water facilities.

10. Installation of gates on tunnel entryways.

11. Placement of signs along irrigation systems, drainage systems, power systems, and agricultural lands.

EXEMPTION CLASS 7:

Interior alterations involving things such as partitions, plumbing, and electrical conveyances.

1. Renovations and reconstruction to conform to disability access regulations and OSHA laws in existing structures on agricultural lands, agricultural processing and marshalling facilities.

2. Installation of security lights and alarms within existing structures of the agricultural processing and marshalling facilities.

3. Painting and patching of structures and surfaces.

4. Repair or replacement of windows, doors, and other building accessories due to wear and tear.

5. Repair or modification to interior plumbing, electrical, communication, and ventilation systems.

6. Repair or modification to floors, ceilings and roofs.

EXEMPTION CLASS 8:

Demolition of structures, except those

located on any historic site as designated in the National Register or Hawaii Register as provided for in the National Historic Preservation Act of 1966, as amended, or Chapter 6E, HRS.

1. Demolition and/or removal of unusable, obsolete, abandoned, or unauthorized structures or improvements or other water or electrical system appurtenances.

2. Removal of damaged structures or portions of roofs or walls which were caused by natural or man-made catastrophes.

3. Demolish roadway paving and security fencing damaged by natural catastrophes.

4. Removal of drainage pipes or headwalls damaged by heavy stormflows.

As stipulated in Section 11-200-8(b), Hawaii Administrative Rules, all exemptions under this list are inapplicable when the cumulative impact of planned successive actions of the same types, in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.

EXEMPTION CLASS #9:

Zoning variances except shoreline setback variances.

EXEMPTION CLASS#10:

Continuing administrative activities, including, but not limited to, purchase of supplies and personnel-related actions.

1. Purchase of supplies, services, equipment, and motor vehicles to support existing operations.

2. Acquisition of land or easements on which water or power system facilities and appurtenances are presently situated or under construction.

