

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

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available at OEQC . . .

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- *Environmental Impact Study Resource Library*
- *Environmental Council Annual Reports*
- *Rules and Policies*
- *"How to Plant a Native Hawaiian Garden"*

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MAY 8, 2003

Federal and State Work to Control Flooding in Lahaina

Shortly after a major flood in Lahaina in January 2002, the National Resources Conservation Service, the West Maui Soil and Water Conservation District (WMSWCD) of the Department of Land and Natural Resources, the Maui Department of Public Works and Environmental Management, as well as project consultants and the public met in February 2002 at the Lahaina Intermediate School to discuss a proposed flood control project consisting of a diversion channel, grass-lined in some areas, with sedimentation basins and debris basins to mitigate potentially adverse effects on erosion and flooding problems on land and excess sedimentation on nearby coral reefs. During the meeting, representatives of the WMSWCD noted that they sponsored temporary improvements to provide interim mitigation against flooding by constructing a temporary diversion channel in the vicinity of the proposed Lahaina floodwater diversion channel on Kamehameha School's land. The interim measure involved construction of over 2 miles of diversion channel and use of 3 basins, one of which is the reservoir above the former Waione Village. These measures helped to divert a good portion of the January 2002 storm flows.

Portlock Single Family Residence

The City & County of Honolulu, Department of Planning and Permitting is processing a draft environmental assessment for a single family residence on 1.86 acres in Portlock. The applicant will also need a conservation district use permit application from the Department of Land and Natural Resources. The draft environmental assessment includes discussion of certain ancillary improvements within the parcel's 40-foot shoreline setback area, including extending a drainpipe and filling a drainage ditch, repairing an existing seawall, and various landscape improvements. The proposed single family dwelling will be located outside of the shoreline setback. See page 3 for details on the project.

WMSWCD staff noted that the temporary measures will need to continue to ensure the functional integrity of the system. The work carried out for the interim improvements was funded by government grants and matching private funds. Much of the work done in building and maintaining the system was done through volunteer efforts. Currently, the Puamana Channel of the Kaua'ula Stream functions as the sole drainage outlet for Lahaina; the proposed project would create a debris basin at the junction of the grass-lined diversion and Kaua'ula Stream. This basin will trap boulders and cobbles transported by the high gradient in the stream. A second outlet is located 100 feet to the south of the rocky headland at Puamana Park with a culvert under Honoapi'ilani Highway. The EIS includes a study on coastal processes, marine water quality and nearshore biological investigations as well as a cultural impact assessment based on interview data obtained in June and August of 2002. The document is being prepared under the auspices of the National Environmental Policy Act and Chapter 343, Hawai'i Revised Statutes. Comments are due by June 22, 2003. See page 8 for more.

New Veterans Center

The Oahu Veterans Council, with a \$2.8 million grant from the Dept. of Defense, proposes to construct a new veterans center at the site of an existing park and community center at Haloa Drive and Kukila Street in Foster Village. The existing 2700 square foot building is deteriorated and will be replaced with a new building 10,000 - 12,000 square feet in size. The new building will include a meeting hall, kitchen/dining area and offices. The Council will also repair or replace playground and picnic equipment, and redesign the existing tennis court as a second basketball court. The existing swimming pool will not be retained. The new center will be open to the public for community uses, as it is now. See page 3 for more information.

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Draft Environmental Assessments



(1) O'ahu Veterans Center

District: Honolulu
TMK: 9-9-046:070
Applicant: O'ahu Veterans Council
1563 Molina Street
Honolulu, Hawai'i 96818
Contact: Fred Ballard (433-0049)

Approving Agency/Accepting Authority: City & County of Honolulu
Department of Planning & Permitting
650 South King Street
Honolulu, Hawai'i 96813
Contact: Bob Stanfield (527-6094)

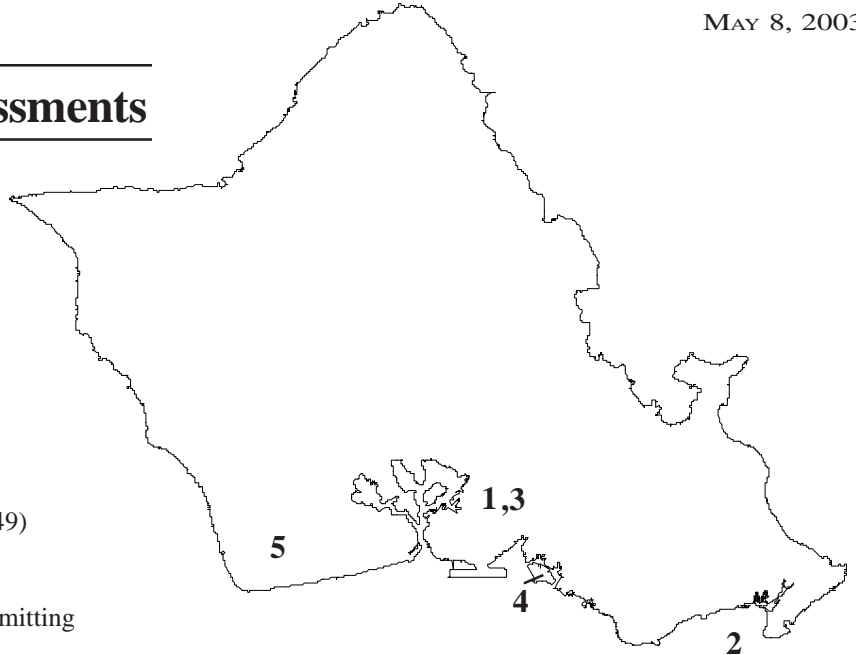
Consultant: PlanPacific
345 Queen Street, Suite 802
Honolulu, Hawai'i 96813
Contact: Dina Wong (521-9418 x 14)

Public Comment
Deadline: June 7, 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: Zone Change, CUP, Grading, Building

The O'ahu Veterans Council (OVC) proposes to develop the O'ahu Veterans Center on the site of the existing Foster Village Community Center. The OVC will continue the Foster Village Community Association's longstanding practice of making the meeting hall available to the community for classes, seminars, church and community group meetings, and parties. The 2.8-acre subject property (Tax Map Key 9-9-046:070) is located one block inside the entrance to Foster Village, where Ala Oli Street intersects Haloa Drive. The proposed O'ahu Veterans Center will be built on the site of the existing community center building and swimming pool, which will be demolished.

The proposed O'ahu Veterans Center will be a single-story structure no more than 25 feet high. The Center will be approximately 10,000 square feet in size, and no larger than 12,000 square feet. The multi-purpose meeting hall will be



designed for up to 200 people and will have an attached kitchen/dining area. The accessory offices will have a separate entry that can be secured during evenings and weekends, when the meeting hall may be in use. Restrooms will be accessible from both the meeting hall and the offices. The complex will have outdoor picnic areas and play equipment for small children. The existing park and basketball court will be improved. The existing tennis court will be transformed into a second basketball court. Parking will be provided in the existing lot adjacent to the building site.

Once construction is completed, it is anticipated that the proposed action will not have an adverse impact upon the environment; thus, no long-term mitigative measures are necessary. On the contrary, the proposed O'ahu Veterans Center and improved park facilities will add to the quality of social, educational, and recreational opportunities available to veteran groups and residents of the surrounding community.



(2) Tompkins Single Family Residence

District: Honolulu
TMK: 3-9-26: 5
Applicant: ATS 1998 Trust (702-878-8066)
Trustees Andrew and Susan Tompkins
725 Rancho Circle
Las Vegas, NV 89107-4619

O'ahu Notices

MAY 8, 2003

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: Ardis Shaw-Kim (527-5349)

Consultant: Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawai'i 96826
Contact: Rodney Funakoshi (946-2277)

Public Comment

Deadline: June 7, 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: SSV; CDUP; Sec. 401 WQC; CZM
Consistency Determination; NPDES

The Applicant, ATS 1998 Trust, plans to construct a single-family residence on a 1.86 acre lot at Portlock, Oahu. In conjunction with construction of the single family dwelling, the applicant proposes work and structures within the 40-foot shoreline setback and State Conservation District including a drainpipe extension, earth movement (cut and fill), landscape improvements and repairs to an existing seawall.

Landscape improvements within the 40-foot shoreline setback include planting ornamental trees and shrubs, grading, placement of existing on-site boulders to form a berm, rock-formed seating, fencing, stepping stones, irrigation and lighting.

A 36-inch concrete drainpipe that collects runoff from streets above the property presently discharges into an open drainage ditch on the property. From that point, storm water flows across the property to discharge at the shoreline. The applicant proposes to extend the drainpipe to the existing seawall, placing it in the drainage ditch and burying it.

At the seaward property boundary is an existing CMU seawall, approximately 150 feet long and 6 feet high as measured from the seaward side. The wall is old and in need of repair. Proposed improvements include placing a 6-inch layer of gunite over the seaward face of the seawall and placing a 24-inch wide concrete cap at the top.

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



(3) Salt Lake District Park Master Plan Update

District: Honolulu
TMK: 1-1-63: Parcels 14 and 18
Applicant: City and County of Honolulu
Department of Design and Construction
650 South King Street, 11th Floor
Honolulu, Hawai'i 96813
Contact: Stanford Kuroda (523-4755)

Approving Agency/Accepting

Authority: Same as above.
Consultant: R.M. Towill Corporation
420 Waiakamilo Road, Suite 411
Honolulu, Hawai'i 96817
Contact: Chester Koga (842-1133)
Status: FEA/FONSI issued, project may proceed.
Permits Required: Building, NPDES, Grading, CDUA

Salt Lake District Park was originally developed in the 1980s as a multi-use, district-level recreational facility with playing fields augmented by developed areas such as sports courts and playing fields, gymnasium, swimming pool and meeting rooms. Not all of those improvements were completed. The 2002 Master Plan Update addresses deficiencies in existing park facilities and proposes development of new recreational facilities to increase the value of the park as a community resource. Improvements include regrading and re-grassing existing multi-purpose fields in the Makai Area and construction of a multi-purpose building and drainage ditch in the Mauka Area. Master Plan Update also documents any "as built" changes from the 1980 Master Plan. The future development of the Park will be accomplished in phases as funds become available.

Preparation of the Master Plan Update included an evaluation of environmental conditions to determine the overall impact of construction activities and the impacts of park improvements on the surrounding area. Impacts anticipated include: construction noise, fugitive dust and construction traffic; increased vehicle traffic, and increased parking requirements.

The City & County of Honolulu, Department of Parks and Recreation, developed in 1980 the Salt Lake District Park Master Plan and Environmental Impact Statement to guide proposed development of this recreational facility. The purpose of the plan was to assure that as park components were developed, they would be functionally and aesthetically consistent with each other and compatible with the surrounding community. The 1980 Master Plan also allowed for flexibility to accommodate future adjustments and modifications to meet the changing needs of the community.



(4) Sand Island Wastewater Treatment Plant New In-Vessel Bioconversion Facility

District: Honolulu
TMK: 1-5-041:005
Applicant: Synagro-WWT, Inc.
1110 Benfield Blvd., Suite B
Millerville, MD 21108
Contact: Jim Hecht (410-729-1440)

Approving Agency/Accepting Authority: City and County of Honolulu
Department of Environmental Services
1000 Uluohia Street, Suite 308
Kapolei, Hawai'i 96707
Contact: Wilma Namumnart (692-5159)

Consultant: Analytical Planning Consultants, Inc.
928 Nu'uuanu Avenue, Suite 502
Honolulu, Hawai'i 96817
Contact: Don Clegg (536-5695)

Status: FEA/FONSI issued, project may proceed.

Permits Required: SMA

The applicant is requesting a Special Management Area Permit from the City and County of Honolulu to construct a new In-Vessel Bioconversion Facility at the Sand Island

WWTP. The WWTP has used low pressure oxidation for sludge stabilization, incineration for volume reduction, and has landfilled incinerator ash since the Facility went into service in 1981. For the past decade the incinerator has not been in operation, and LPO and landfill disposal of the sludge has become an undesirable option. The City has selected anaerobic digestion, followed by centrifuge dewatering, heat drying and pelletization as a favored alternative for stabilization, treatment and beneficial use of the dewatered sludge due to its low energy consumption, production of a renewable fuel source and minimal environmental impacts. The project will be located within the existing footprint of the WWTP and will include the addition of a 115 foot high digester and a sludge storage tank. The existing incinerator area in the Solids Handling Building will be converted to house the dryer operation.

The proposed project is anticipated to have no adverse or significant impacts to the surrounding area. Impacts to air and noise quality will be short term during construction. The proposed project will support the current and predicted increase in the plant's treatment capacity.



(5) 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)

Status: FEA/FONSI issued, project may proceed.

Permits Required: Grading, Building, Sewer Connection

O'ahu Notices

MAY 8, 2003

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.

National Environmental Policy Act (NEPA)



Prescribed Burn at Schofield Barracks Military Reservation, Island of Oahu, Hawai'i (EA and Draft FONSI)

District: Wahiawa
Applicant: Department of the Army
Contact: Peter Yuh, Jr. (656-2878 x 1051)

Public Comment

Deadline: May 15, 2003

The U.S. Army, Hawai'i has prepared an Environmental Assessment (EA) and Draft Finding of No Significant Impact (FNSI) for its proposal to conduct a prescribed burn at Schofield Barracks. The purpose of the prescribed burn is to clear vegetation from portions of the West Range training area to perform unexploded ordnance (UXO) clearance and archaeological surveys. Additionally, the prescribed burn would help minimize accidental wildfires by reducing the existing vegetative fuel load in the range impact area. Approximately 1,200-1,500 acres of the Schofield Barracks West Range impact area would be burned. The prescribed burn would be segregated into three separate burn areas and conducted over a 5-6 day period starting around June 7, 2003. Approximately three weeks prior to the prescribed burn, aerial spraying of herbicide would be applied to reduce live vegetation to help ensure burn objectives are met.

This proposed action has been coordinated with the U.S. Fish and Wildlife Service, State Department of Health Clean Air Branch, State Historic Preservation Officer, and State Department of Agriculture. Additionally, the Army will also coordinate with the Federal and City and County Fire Departments to be on-site during the prescribed burn. The EA concludes that the proposed prescribed burn does not constitute a major federal action having significant effects on the quality of the environment. Copies of the EA and Draft FNSI are available for review at the Wahiawa and Mililani public libraries, and on the web at www.sbcteis.com. Copies can also be obtained by contacting Peter Yuh, Jr. at (808) 656-2878, extension 1051. Comments should be provided by May 15, 2003 and sent to: Peter Yuh, Jr., NEPA Coordinator, Directorate of Public Works, U.S. Army Garrison, Hawai'i, Schofield Barracks, HI 96857-5013, Fax: 656-1039, Email: yuhp@schofield.army.mil.

At the conclusion of the review period, the Army will respond to any comments, and finalize and sign the FNSI, if appropriate.



Wave Energy Technology Project (EA/FONSI)

District: Ko'olaupoko
Applicant: Pacific Division, Naval Facilities Engineering Command for Office of Naval Research
258 Makalapa Drive, Suite 1000
Pearl Harbor, Hawai'i 96860-3134
Contact: Connie Chang (471-9338)

Approving Agency/Accepting

Authority: Office of the Chief of Naval Operations
2000 Navy Pentagon
Washington, DC 20350-2000
Contact: Agnes Peters (703-604-5421)

Consultant: Belt Collins Hawai'i Ltd
2153 North King Street, Suite 200
Honolulu, Hawai'i 96819
Contact: Ms. Lesley Matsumoto (521-5361)

The Department of the Navy has prepared an Environmental Assessment (EA) and has determined that an Environmental Impact Statement is not required for the proposed installation and testing of a Wave Energy Technology project at Marine Corps Base Hawai'i (MCBH) Kane'ohē Bay. Based on information gathered during preparation of the EA, the project will not significantly impact human health or the environment.

The proposed action is the phased installation and operational testing of up to six Wave Energy Conversion (WEC) buoys off the North Beach at MCBH Kane'ohē Bay for a period up to five years. The innovative, non-polluting energy technology, if demonstrated to be efficient, reliable, and cost-effective, could be used to provide supplemental electrical power to suitable coastal Department of Defense sites. Each buoy is expected to produce an average of 20 kW of power, which is sufficient to power four to six typical, single-family residences. A peak output of 40 kW of power is envisioned for each buoy.

The WEC buoys would be anchored in about 100 feet of water at a distance from shore of approximately 3,900 feet. Mechanical energy generated from the up and down motion of the buoy would be converted into electrical energy. The power would be transmitted to shore by means of an armored and shielded undersea power cable connected to a land transmission cable. The land cable is routed to the existing MCBH Kane'ohē Bay electrical grid system.

Previously Published Projects Pending Public Comments

Draft Environmental Assessments

Helemano Watershed Protection Project

Applicant: Kamehameha Schools
567 South King Street, Suite 200
Honolulu, Hawai'i 96813
Contact: Manabu Tagomori (534-3866)

Approving Agency/Accepting

Authority: Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809
Contact: Matthew Myers (587-0382)

Public Comment

Deadline: May 23, 2003

Ma'ili Beach Park Improvements

Applicant: City and County of Honolulu
Department of Design and Construction
650 South King Street, 11th Floor
Honolulu, Hawai'i 96813
Contact: Laverne Higa (527-6246)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: May 23, 2003

Pietsch Pier at Wailupe Circle

Applicant: Michael Pietsch (521-0259)
292 Wailupe Circle Drive
Honolulu, Hawai'i 96821

Approving Agency/Accepting

Authority: Department of Land and Natural Resources
1151 Punchbowl Street, Room 131
Honolulu, Hawai'i 96813
Contact: Matthew Myers (587-0382)-
correction to the 4/23/03 notice.

Public Comment

Deadline: May 23, 2003

Waimanalo Beach Park Canoe Halau

Applicant: City and County of Honolulu
Department of Design and Construction
650 South King Street, 11th Floor
Honolulu, Hawai'i 96813
Contact: Wesley Obata (523-4783)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: May 23, 2003



Maui Notices

MAY 8, 2003

Draft Environmental Assessments



(1) Lahaina Kingdom Hall

District: Lahaina
TMK: 4-5-04: 42 and 44
Applicant: County of Maui
Department of Planning
250 South High Street
Wailuku, Hawai'i 96793
Contact: Michael Foley (270-7735)

Approving Agency/Accepting

Authority: Same as above.

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

Public Comment

Deadline: June 7, 2003

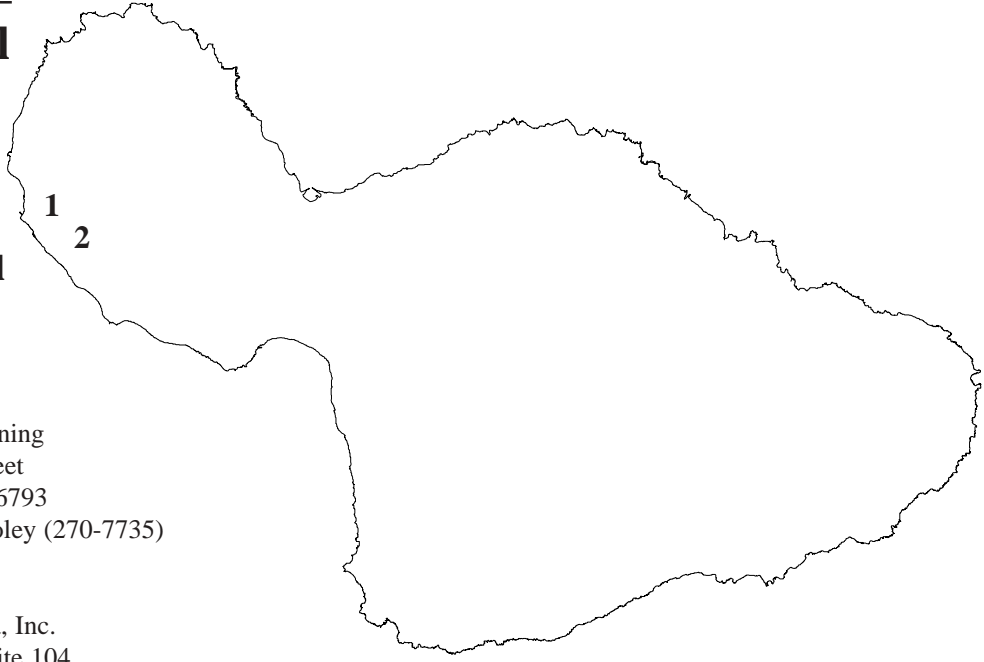
Status: DEA First Notice pending public comment.
Address comments to the applicant with copies to the consultant and OEQC.

Permits Required: SMA, Special Use, Demolition, Grading, Building

The Lahaina Congregation of Jehovah's Witnesses proposes to construct a new Kingdom Hall and onsite parking at 75 and 91 Pu'unoa Place, Lahaina, Maui, Hawai'i. The project site is situated on the northwest corner of Pu'unoa Street and Front Street.

The subject property presently has an existing Kingdom Hall of Jehovah's Witnesses built around 1970 on Parcel 42 and a 600 square foot cottage built around 1992 on Parcel 44.

The proposed project involves the demolition of the existing cottage and construction of a new 3,500 square foot Kingdom Hall on Parcel 44. Upon completion of the building, the existing Kingdom Hall on Parcel 42 will be demolished and a parking area for 35 cars will be developed. In addition to the 35 paved stalls, 13 stacked or tandem stalls will be provided. Related construction elements include the installation of landscaping, irrigation, sewer, and water service improvements. Access to the proposed project site will be from a one-way ingress driveway and a one-way egress driveway off of and on to Pu'unoa Place via Front Street. The



proposed project site is located within the Lahaina National Historic Landmark and is a trigger for an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes. The proposed project site is also located within the County of Maui's Special Management Area (SMA) boundaries. A County Special Use Permit Application to permit church use in a residential district is also prepared for review by the Maui Planning Commission.

Draft Environmental Impact Statements



(2) Lahaina Watershed Flood Control Project

District: Lahaina
TMK: 4-6-13:1 and 6; 4-6-14:1; 4-6-15:1; 4-6-18:3; 4-7-01:2; 4-7-02:4 and 5
Applicant: County of Maui, Department of Public Works and Waste Management
200 South High Street
Wailuku, Hawai'i 96793
Contact: Joe Krueger (270-7745)

Approving Agency/Accepting

Authority: Mayor, County of Maui
250 South High Street
Wailuku, Hawai'i 96793

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

Public Comment

Deadline: June 23, 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: CZM, CDUA, SMA, SSV, Stream Diversion, SCAP

Note: This is a joint State and Federal EIS.

The County of Maui, Department of Public Works and Environmental Management (DPWEM) and the West Maui Soil and Water Conservation District (WMSWCD), in partnership with the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) propose the implementation of a floodwater diversion system in the Lahaina Watershed. The proposed project is intended to reduce flooding and erosion problems on land and to relieve the effects of excess sedimentation on the nearshore coral reefs.

The project's design concept involves the construction of a floodwater diversion system that starts south of Lahainaluna Road at approximately 153.0 feet above mean sea level (amsl) and extends across the watershed in a southwesterly direction to a debris basin at Kauaula Stream. The floodwater diversion system traverses lands which are primarily agricultural lands which were formerly used for sugarcane cultivation but presently lie fallow. The channel follows an alignment below the proposed Lahaina Bypass Highway, and just mauka or east of the former Waine'e Village site. The proposed project also includes the construction of an inlet basin and three (3) sediment basins. The debris basin at Kauaula Stream provides a primary outlet to a 3,600 foot long grass-lined channel with a sediment basin, leading to a shoreline outlet. A secondary spillway is also proposed to release flows to the existing concrete-lined Puamana channel during higher flow events. The diversion channel is proposed to be grass-lined except for reinforced concrete channel reaches near Lahainaluna Road and adjacent to Waine'e Reservoir. The proposed project will provide a 100-year level of flood protection.

The estimated cost of the proposed project is approximately \$12.0 to \$14.0 million. The implementation of the project is anticipated to occur upon receipt of necessary permit approvals and appropriation and release of Federal and County funds. It is anticipated that project construction will take about 24 to 36 months to complete.

The Draft EIS has been prepared to address requirements of Chapter 343, Hawaii Revised Statutes and the National Environmental Policy Act.



Notice of Availability of DEIS for Lahaina Watershed Flood Prevention Project

A joint state and federal Draft Environmental Impact Statement has been prepared for the Lahaina Watershed, County of Maui, Hawaii and has been transmitted to the U.S. Environmental Protection Agency on May 5, 2003 for its publication of the Notice of Availability in the Federal Register pursuant to the National Environmental Policy Act requirements. The state Notice of Availability of the joint DEIS is published in this issue of the Environmental Notice pursuant to Chapter 343, HRS. The project description is contained in the state Notice of Availability.

The USDA Natural Resources Conservation Service is the lead federal agency for the proposed action. For more information or availability of the DEIS, please contact Dudley Kubo, Water Resources Planner, NRCS, P.O. Box 50004, Honolulu, HI 96850; telephone: (808) 541-2600 ext. 124; or email: dudley.kubo@hi.usda.gov.

The deadline for comments in the NEPA process is 45 days following the EPA's publication of the Notice of Availability in the Federal Register or July 1, 2003, whichever comes later. Please submit written comments on the DEIS to Lawrence T. Yamamoto, State Conservationist, Natural Resources Conservation Service, P.O. 50004, Honolulu, HI 96850.

Hawai'i Notices

MAY 8, 2003

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



(1) Hilo International Airport

District: Hilo
TMK: 2-1-12: por. 9
Applicant: Department of Transportation
Airports Division
400 Rodgers Blvd. Suite 700
Honolulu, Hawai'i 96819
Contact: Lynn Becones (838-8811)

Approving Agency/Accepting

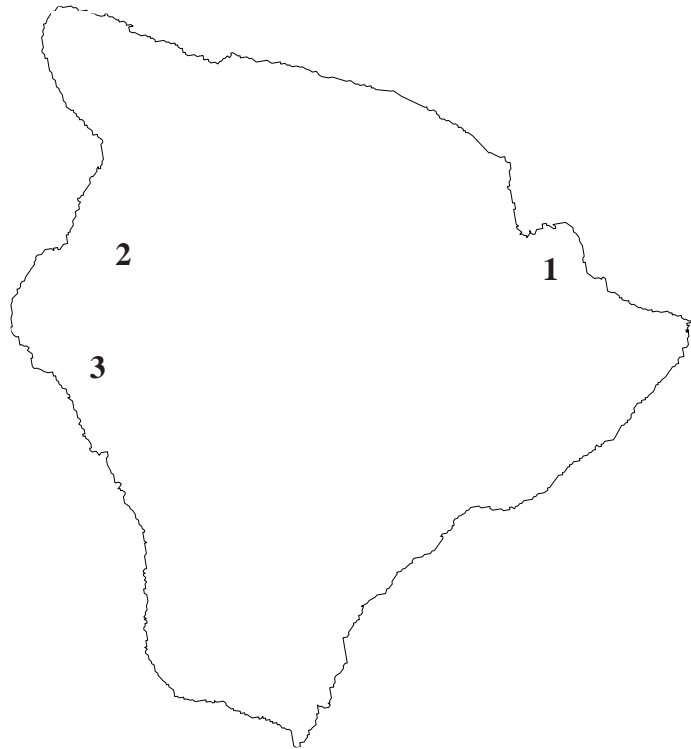
Authority: Same as above.
Consultant: Wilson Okamoto & Associates
1907 S. Beretania St., Suite 400
Honolulu, Hawai'i 96826
Contact: Rodney Funakoshi (946-2277)
Status: FEA/FONSI issued, project may proceed.

Permits

Required: NPDES, Erosion Control Plan

The State Department of Transportation, Airports Division proposes to construct various improvements at the Hilo International Airport, located on the island of Hawai'i. The purpose of the proposed project is to provide for development that will satisfy forecast aviation demand in a financially feasible manner while addressing environmental and socioeconomic issues and concerns.

Major components of the proposed project are for development of a new hold cargo facility northwest of the main passenger terminal complex, relocation of helicopter operations to the southwest corner of the Airport, general aviation facilities and lease lots in the Old Terminal Area, expansion of public and employee parking areas, expansion of the DOT-A maintenance baseyard, noise mitigation projects, acquisition of small parcels of land and an avigation easement to meet minimum Federal Aviation Administration requirements.



It is anticipated that the major impact will be the construction activity associated with the proposed project resulting in negligible short-term impacts to noise, air-quality, and traffic in the immediate vicinity. The contractor will adhere to Section 11-60.1-33, HAR, to mitigate dust generated during construction.



(2) Pu'uuanahulu Purchase of Road Remnant

District: North Kona
TMK: 7-1-05
Applicant: Rhondall and Edward Rapoza et al
P.O. Box 430
Kealahou, Hawai'i 96750
Contact: Edward Rapoza (331-3208)

Approving Agency/Accepting

Authority: County of Hawai'i Finance Department
25 Aupuni Street, Room 118
Hilo, Hawai'i 96720
Contact: Stanley Iwamoto (961-8241)

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

Status: FEA/FONSI issued, project may proceed.

Permits Required: County Council Approval; County Subdivision Approval

The project involves the purchase of a remnant of a 25-foot Road Reserve at Pu'uanaulu Homesteads in North Kona. It is approximately 1,160 feet long by 25 feet wide, and encloses an area of 0.877 acres between TMKs 7-1-05:20, 27 and 62. The remnant connects to a system of former road remnants purchased in 1998 from the County of Hawai'i by the Big Island Country Club Estates (BICC), the surrounding real property owner. BICC was obliged as part of its rezoning conditions to install pedestrian walkways and bike lanes to be connected to Mamalahoa Highway, presumably along the subject road remnant or another route through the applicants' property. The road reserve is no longer used as a road, and does not provide actual or legal access to any property, and serves no other private or public function except to access the planned BICC trail and a portion of the historic Pu'u Loa-Kiholo Trail. The surrounding property owners use other routes to access their properties. Big Island Country Club is the only other property owner that utilizes a portion of the remnant for vehicular access, and BICC has agreed with the applicants to release any interest it may have in the road remnant in exchange for the applicants' grant of easement over their properties for ingress and egress to its maintenance baseyard.

Allowing the purchase will relieve the County of Hawai'i from any potential maintenance and liability responsibilities for the road, and will not adversely affect any public or private access or other rights. It will provide the surrounding property owners with the ability to realign the property boundaries through the consolidation/resubdivision process into an arrangement of the same number of lots that better suits the owners.

Several minor adverse environmental conditions related to hazardous materials (e.g., stacks of golf cart batteries) are present in the maintenance yard of the Big Island Country Club, which has spread to include a portion of the subject road remnant. The applicants will work with Big Island Country Club to accomplish the remediation recommended in a Phase I assessment, including removal and disposal of hazardous materials and provision of a release of liability to the County of Hawai'i.

Given conditions as part of the sale requiring the applicants to maintain access to the Pu'u Loa-Kiholo Trail and to provide unrestricted public access through the relocated 25-foot wide access to the planned BICC pedestrian/bicycle/equestrian trail, no adverse impacts to public access will occur. No other potential adverse environmental impacts are foreseen.



(3) Wai'aha Production Well and Reservoir

District: North Kona
TMK: 7-5-14:16; 7-5-15:08; 7-5-15:15
Applicant: County of Hawai'i
Department of Water Supply
345 Kekuaaoa Street, Suite 20
Hilo, Hawai'i 96720
Contact: Milton Pavao (961-8050)

Approving Agency/Accepting

Authority: Same as above.
Consultant: Planning Solutions, Inc.
1210 Auahi Street, Suite 221
Honolulu, Hawai'i 96814
Contact: Perry White (593-1288)

Status: FEA/FONSI issued, project may proceed.
Permits Required: Noise, Building, Pump Installation, Well Construction, County Plan Approval, Well Certification

The Department of Water Supply (DWS) proposes to convert an existing exploratory well on its Wai'aha Reservoir Site to a production well. It will remove existing, unused facilities and install the systems to operate the new well. Electrical power for the permanent pump motor will be drawn from an existing overhead power line. It will install a single 2-million gallon storage tank (36' high, diameter 103') and a single-story, 660 square-foot, control building on land now occupied by abandoned facilities. Water from the well will augment water from the present water sources in the southern portion of the North Kona Water System.

DWS has concluded that construction and operation of the well and reservoir would not have substantial adverse impacts on the environment. It proposes to mitigate short-term construction impacts on nearby residents by requiring the selected contractor to incorporate mitigation measures in its work program. Consequently, it has issued a Finding of No Significant Impact (FONSI) for the project.

Hawai'i Notices

MAY 8, 2003

Previously Published Projects Pending Public Comments

Draft Environmental Assessments

► Ho'okena Standpipe Replacement

Applicant: County of Hawai'i
Department of Water Supply
345 Kekuanaoa Street, Suite 20
Hilo, Hawai'i 96720
Contact: Owen Nishioka (961-8070 x 259)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: May 23, 2003

► Kanoelehua-Kekuanaoa Project

Applicant: Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809
Contact: Keith Chun (587-0431)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: May 23, 2003

Environmental Impact Statement Preparation Notices

► East Hawai'i Regional Sort Station

Applicant: County of Hawai'i
Department of Environmental Management
25 Aupuni Street, #208
Hilo, Hawai'i 96720
Contact: Barbara Bell (961-8083)

Approving Agency/Accepting

Authority: County of Hawai'i
Office of the Mayor
25 Aupuni Street, #200
Hilo, Hawai'i 96720

Public Comment

Deadline: May 23, 2003

United States Air Force Draft Environmental Assessment for Flight Tests, Maui, Hawaii

The Air Force has prepared a draft environmental assessment evaluating potential impacts on the environment associated with Standoff Intelligence Detector Flight Tests. The Air Force Research Laboratory Directed Energy Directorate proposes this action.

The proposed action would develop an eyesafe invisible laser imaging system that can collect information on enemy forces from an airborne platform. A Twin Otter aircraft would perform flight tests to see if the detector system can produce accurate images and information. The Standoff Intelligence Detector program would develop this system for day/night imaging surveillance for marine environments.

A copy of the draft environmental assessment and the proposed Finding of No Significant Impact (FONSI) is available at the Kihei, Kahului and Wailuku Libraries reference desks. Kihei Library is located at 35 Waimahaihai St; Kahului Library is located at 90 School St.; and Wailuku Library is located at 251 High St. The public comment period ends May 28, 2003. Individuals wishing further information or to contribute comments, should contact Mr. Randy Ueshiro at (808) 249-1372 or Ms. Michelle Hedrick at (505) 846-4574.



Draft Environmental Assessments



(1) Bothman Single Family Residence

District: Hanalei
TMK: 5-3-03: 014
Applicant: Robert Bothman (408-279-1235 x 222)
20385 Iron Springs Road
Los Gatos, CA 95030

Approving Agency/Accepting Authority: Board of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809
Contact: Matthew Myers (587-0382)

Consultant: Landmark Consulting Services, Inc.
P.O. Box 915
Hanalei, Hawai'i 96714
Contact: Ben Welborn (828-6332)

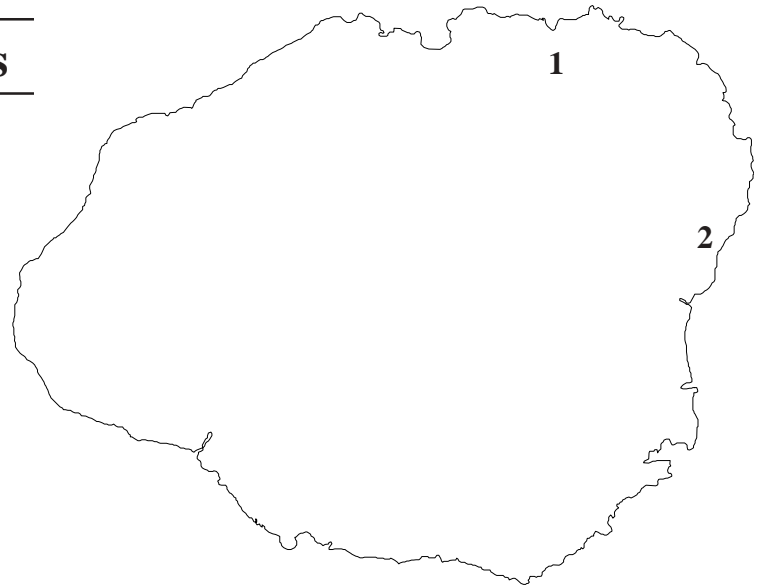
Public Comment

Deadline: June 7, 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: CDUP, Building, SMA Exemption, IWS (DOH)

The proposed action is for the construction of a 3,468 sq. ft. single-family residence in an established neighborhood near Kalihiwai Beach on Kaua'i's North Shore. The proposed residence will be of a contemporary plantation style and shall be elevated on piers above the existing grade to conform to applicable County regulations regarding the National Flood Insurance Program for coastal high hazard areas. The applicant in this action is requesting that the Board of Land and Natural Resources make a discretionary allowance for the reduction of the standard building setbacks. If approved, this would allow the applicant to have a 10-foot building setback rather than a 15-foot setback as is customary within the Conservation District. The applicant is requesting said exception due to landslide and tsunami concerns taken in conjunction with the limiting size and configuration of the subject parcel. Historical and cultural impacts of the proposed action have been resolved to the satisfaction of the State Historic Preservation Division and the Kaua'i/Ni'ihau Islands Burial Council. A copy of the Draft Environmental Assess-



ment will be available for public review at the Princeville Public Library, the findings of which indicate that as a result of the proposed actions there will be no significant negative environmental impacts be they primary, secondary or cumulative. A Finding of No Significant Impact (FONSI) is anticipated.

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



(2) Kapa'a Homesteads Well No. 3

District: Kawaihau
TMK: 4-5-15: por. 6
Applicant: Department of Land and Natural Resources
1151 Punchbowl Street, Room 221
Honolulu, Hawai'i 96813
Contact: Eric Hirano (587-0230)

Approving Agency/Accepting Authority:

Same as above.

Status: FEA/FONSI issued, project may proceed.

Permits

Required: Well Construction

Kaua'i Notices

MONTH DATE, 2003

Please note that the proposed exploratory well site was relocated from TMK: 4-5-15: 28, the site proposed in the draft environmental assessment, to TMK: 4-5-15: Portion 6, the abandoned sewage treatment plant. The new well site, which is approximately 450 feet from the previous well site, is under the control and management of HCDCH by Executive Order No. 3534, dated February 11, 1992. The well site was relocated due to concerns that different geologic/hydrologic conditions would be encountered by locating the proposed exploratory well approximately 450 feet west from the existing injection well and to eliminate impacts to the pasture land leased to Mr. Lincoln Ching. The site proposed in the draft EA will be included as an alternative site.

The DLNR is proposing to drill an exploratory well in an abandoned sewage treatment plant that is situated within a 1.364-acre parcel under the control and management of HCDCH. A right-of-entry will be sought from HCDCH to conduct the exploratory drilling operation. The parcel is located mauka of Kuhio Highway, and adjacent to the Moikeha Canal.

Access to the parcel is via an access and utility easement which extends from County-owned Alenae Street. The unpaved easement begins where Alenae Street ends and continues to the entrance of the abandoned HCDCH sewage treatment plant. Please note that KIUC and Verizon Hawai'i have future plans to extend along this easement their overhead lines, which are currently located along Malu Road and Alenae Road.

The proposed exploratory well will be drilled, cased and pump tested at the site. An assessment will be made on the quantity and quality of the water produced from the well. If pump tests are not successful, the well will be abandoned or used as a monitor well. Please note that the exploratory well drilling will be part of the Phase I operation.

If the test results are favorable or acceptable, the well will be outfitted and converted into a production well. The conversion to a production well will be part of a Phase II operation, and a separate Environmental Assessment (EA) or Environmental Impact Statement (EIS) will be prepared, as required, under the provisions of Chapter 343, Hawai'i Revised Statutes.

Installation of the exploratory well is estimated to commence in July 2003. The drilling and subsequent pump tests are expected to be completed approximately nine (9) months after the project begun or about April 2004.

The preliminary cost estimate for the exploratory well drilling and pump test is approximately \$246,750.

Missile Defense Agency Notice of Public Scoping Meeting

The Missile Defense Agency (MDA) is preparing a Programmatic Environmental Impact Statement (PEIS) for the Ballistic Missile Defense System (BMDS). The MDA invites the general public, Federal agencies, Native American tribes, state and local governments and other interested parties to comment on the scope of the BMDS PEIS. A public scoping meeting will be held at 6:00 p.m. on Tuesday, May 13, 2003, at the Double Tree Alana Waikiki Hotel, 1956 Ala Moana Blvd., Honolulu, Hawaii. Please call 1-(877)MDA-PEIS (1-877-632-7347) or visit our web site at <http://www.acq.osd.mil/bmdo/peis/html/home.html> for more information.

Land Use Commission Notices

MAY 8, 2003



Ewa Makai Development

The LUC has received the following district boundary amendment petition filed, pursuant to Chapter 205, HRS:

Docket No.: A03-738
Petitioner: Gentry Investment Properties
Location: Ewa, Oahu, Hawaii
Acreage: 282.614 acres
TMK: 9-1-10: 7 and 9-1-69: 5
Request: Agricultural to Urban
Date Filed: March 21, 2003

If you would like further detailed information on this matter, please contact:

State Land Use Commission

Location Address
 Leiopapa A Kamehameha Building
 (State Office Tower)
 235 S. Beretania Street, Room 406
 Honolulu, Hawaii 96813

Mailing Address
 P.O. Box 2359
 Honolulu, Hawaii 96804-2359

Phone: 587-3822

Shoreline Notices

Shoreline Certification Applications

Pursuant to § 13-222-12, HAR the following shoreline certification applications are available for inspection at the DLNR District Land Offices on 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.

File No.	Date	Location	Applicant	Tax Map Key
OA-783-2	4/17/03	Lot 347-B, Ld Ct Appln 616, land situated at Lanikai, Koolaupoko, Island of Oahu, Hawaii Address: 1450-B Mokulua Drive Purpose: Shoreline Variance Application	DJNS Surveying & Mapping, Inc., for John Lindelow, etal	4-3-03: 96
OA-931	4/17/03	Lot 76, Ld Ct Appln 1052, land situated at Makaha, Island of Oahu, Hawaii Address: 84-825 Moua Street Purpose: Improvements	Towill, Shigeoka & Associates, Inc., for Lawrence R. Penner, Jr.	8-4-05: 21
MA-280	4/21/03	Lot 101, as shown on Map 86, Ld Ct Appln 1744, land situated at Hanakaoo, Honokowai, Kaanapali, Lahaina, Maui Address: Not Assigned Purpose: Setback	Towill Shigeoka & Associates, Inc. for SVO Pacific, Inc.	4-4-14: 04

Shoreline Notices

MAY 8, 2003

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-750-2	4/25/03 Certified	Lot 7 of the Kawailoa Beach Lots Section E, Portion of Land Commission Award 7713, Apana 33 to V. Kamamalu, land situated at Kawailoa, Waialua, Island of Oahu, Hawaii Address: 61-725 Papailoa Road Purpose: Building Permit	DJNS Surveying and Mapping, Inc., for Richard Holland	6-1-04: 68
OA-919	4/25/03 Certified	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 Address: Kailua Beach Park Purpose: Improvements	Towill, Shigeoka & Associates, for City and County of Honolulu, Dept of Parks & Recreation	4-3-11: Various
OA-921	4/25/03 Certified	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, Address: 59-499B Ke-Waena Road Purpose: Building Permit	Sam O. Hirota, Inc. for Mark Russell and Peter Derrbornne	5-9-03:04
OA-924	4/25/03 Certified	Lot 2-B of the Maunaloa Beach Subdivision, being a portion of Land Commission Award 7713, Royal Patent 4475, Apana 30 to Victoria Kamamalu, land situated at Maunaloa, Honolulu, Island of Oahu, Hawaii Address: 6999 Kalaniana'ole Highway Purpose: Building Permit	Wesley T. Tengan, for Richard Michael	3-9-02: 12
OA-926	4/25/03 Certified	Lot 120-C of the Pupukea-Paumalu Beach Lots, portion of Grant 7757 to George S. Wells Sr. Address: 59-021 Holana Street Purpose: Planning Purposes	DJNS Surveying and Mapping, Inc., for Alan McCray	5-9-01: 98
OA-927	4/25/03 Certified	Lot 1566, as shown on Land Court Application 242 (Map 204), land situated at Puuloa, Ewa, Island of Oahu, Hawaii Address: 91-031 Parish Drive Purpose: Building Permit	Jamie F. Alimboyoguen, for Mae Parish	9-1-07: 02

Pollution Control Permit Applications

MAY 8, 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.

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
Clean Air Branch 586-4200, Covered Source Permit	Tesoro Hawaii Corp. CSP 0212-01-C (Minor Modification/ Amendment)	91-325 Komohana Street, Kapolei, Oahu	Issued: 4/15/03	Petroleum Refinery - Various Units
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawaii Corp. CSP 0212-01-C (Significant Modification/ Amendment)	91-325 Komohana Street, Kapolei, Oahu	Issued: 4/15/03	Petroleum Refinery
Clean Air Branch, 586-4200, Covered Source Permit	West Hawaii Concrete CSP 0261-01-C (Minor Modification/ Amendment)	Kamuela Quarry, Hawaii	Issued: 4/15/03	700 TPH Stone Quarrying & Processing Plant
Clean Air Branch, 586-4200, Covered Source Permit	Edwin DeLuz Trucking & Gravel, L.L.C. CSP 0454-01-C	TMK: (3) 407-07: Por. of 11, Kapo'aula, Hawaii	Comments Due: 5/19/03	750 TPH Stone Quarrying & Processing Plant with a 1,390 hp Diesel Engine Generator
Clean Air Branch, 586-4200, Covered Source Permit	Itoen (USA), Inc. CSP 0391-03-C	125 Puuhale Road, Honolulu, Oahu	Comments Due: 5/19/03	300 hp Boiler & 200 hp Boiler
Clean Air Branch, 586-4200, Covered Source Permit	Grace Pacific Corp. CSP 0522-01-C	Kapaa Quarry, Kailua, Oahu	Comments Due: 5/28/03	300 TPH Asphalt Plant

Enforcement Notices

MAY 8, 2003

Summary of Inspection and Enforcement Actions

The table below shows a tally of the inspections and responses conducted by the DOH pollution control program personnel during the period from January through March 2003. Inspections and enforcement actions are listed by program area. For more information, please contact the Environmental Planning Office at 586-4337

Enforcement Report for Jan-March 2003							
	Inspections & Responses	Warning Notices ¹	Formal Enforcement Cases ²	Fines Issued	Formal Cases Pending	Formal Cases Concluded	Supplemental Environmental Projects (S.E.P.) in Progress
	Jan-Mar 2003	Jan-Mar 2003	Jan-Mar 2003	Jan-Mar 2003	Total to Date	Jan-Mar 2003	
Clean Air Branch							
Fugitive Dust	115	10	0	\$0	1	1	0
Noncovered Sources	24	7	0	\$0	2	0	2
Covered Sources	45	12	1	\$5,270	3	3	1
Agricultural Burning	45	0	0	\$0	1	1	0
Open Burning	40	9	1	\$300	2	0	0
Others	84						
Solid & Hazardous Waste Branch							
Underground Storage Tanks	135	6	22	\$31,649	1	1	0
Hazardous Waste	23	8	4	\$129,500	17	0	4
Solid Waste	90	5	1	\$57,450	9	2	0
Clean Water Branch							
Permitted Discharges (NPDES)	17	4	1	\$9,550	6	1	0
Non-permitted Discharges	53	13	0	\$0	6	1	0
Water Quality Certifications	6	1	0	\$0	0	0	0
Wastewater Branch							
Wastewater Treatment Plants	43	0	1	\$38,000	3	0	3
Individual Wastewater Systems	185	22	0	\$0	6	0	0
Animal Waste	6	2	0	\$0	0	0	0
Other	25						
Safe Drinking Water Branch							
Public Water Systems	36	2	0	\$0	3	0	0
Wells - Underground Injection Control	57	12	0	\$0	1	0	0
Hazard Evaluation & Emergency Response							
Oil Spills	0	0	0	\$0	0	0	0
Hazardous Waste Releases	3	2	0	\$0	0	0	0
TOTAL	1032	115	31	\$271,719	61	10	10

¹ Informal letters warning a person or entity that they are violating environmental laws normally requiring corrective action by a specified deadline. 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.

² Formal enforcement cases generally cover any serious violation and repeat or continued violations of permits or the law. Warning letters, if not adequately responded to, can lead to formal actions. Specifically, formal cases are administrative enforcement proceedings that typically include a formal notice of violation and an order. Orders often require corrective action, reports, and payment of a penalty. This section also includes field citations.

Enforcement Notices

MAY 8, 2003

Formal Enforcement Actions and Settlements Completed by DOH

Notices of Violation issued from January through March 2003 are summarized below. The summaries do not constitute exact descriptions of the violations. For complete and accurate descriptions, please contact DOH at 586-4337 regarding copies of the violation notices.

Clean Air Branch

On January 14, 2003, a Notice was served to **Grace Pacific Corporation of Honolulu** for violations at their Makakilo A.C. plant located at 91-920 Farrington Highway in Ewa. In 1999 they were cited for failing to conduct the required performance test at the plant. In April 2001 to December 2001, they also exceeded the permit limit for the hot oil heater. They were ordered to take corrective action and pay a fine of \$5,720.00.

Clean Water Branch

On January 29, 2003, a Notice of Violation was served to **Maryl Pacific Constructors, Inc.** regarding violations of its Notice of General Permit Conditions on January 21, 2000, February 2, 2000, February 15, 2000, February 17, and March 15, 2000. On March 15 they also were cited for discharges of construction related debris and sediment into a concrete lined drainage ditch and a catch basin inlet that tie Big K-Mart Store construction project located in Kapolei. They were ordered to pay a penalty of \$26,002 and submit a plan to prevent future violations.

On February 4, 2003, an Amended Notice and Finding of Violation was served to **West Hawaii Utility Company, West Hawaii Sewer Company,** and the **County of Hawaii** regarding wastewater systems, discharges of raw wastewater into State Waters, wastewater spills to the ground, and other permit violations and exceedences. A hearing was held on February 19, 2003, but the penalty has not yet been set.

On February 5, 2003, a Notice of Violation was sent to **Safeway, Inc.** for discharging pollutants, including polychlorinated biphenyl (PCB), from their property located at 46-065 Kamehameha Highway, Kaneohe, into Kaneohe Bay. They were ordered to take corrective action, and appear at a hearing, to be held at a later date, to determine the penalty.

On March 13, 2003, a Notice and Finding of Violation was served to **Brewer Environmental Industries, LLC** for

authorizing a discharge of storm water runoff associated with industrial activity from its facility located at Kapolei. The facility had not authorization for discharges of pH outside the range set out by the Notice of General Permit Coverage (NGPC). An Order was given to pay a penalty of \$9,550, report on the steps to stop these discharges, and describe what actions will be taken to prevent future discharges to state waters.

Solid and Hazardous Waste Branch

On January 17, 2003, a Complaint was sent to **Chevron USA, Inc.** for violations at the Hawaiian Refinery at 91-480 Malakole Street in Kapolei. They were cited for failure to make a hazardous waste determination and treating hazardous waste without a permit, and failure to complete the biennial report properly. They were ordered to pay a sum of \$37,000, submit the necessary reports to DOH to be in compliance.

On February 11, 2003, a Complaint was sent to **Global Environmental Services Group, LLC** for improper use of the hazardous waste manifest in transporting mercury waste. They were assessed an administrative penalty of \$22,500 and submit to DOH a procedure that will be followed for transporting hazardous waste to ensure that Uniform Hazardous Waste Manifests will be used properly.

Also on February 11, 2003, a Complaint was served to **Chevron USA Products Company** at 91-480 Malakole Street in Kapolei for a violation at their Port Allen Terminal facility in Eleele, Kauai. They were cited for improper maintenance and operation of the facility and disposal of hazardous waste without a permit. They were ordered to pay a fine of \$22,500 and to provide a hazardous waste management plan to DOH. They are also not allowed to treat, store and dispose of any hazardous waste.

Wastewater Branch

On March 7, 2003, a Notice of Violation was sent to **Wavecrest Resort, Inc.** in Ualapu'e, Molokai, regarding the unauthorized construction and use of a new wastewater treatment system. The system did not meet the requirements for sludge holding, aeration tank biochemical oxygen demand loading, final settling tank detention time and surface overflow rate, and primary and backup disposal capacity for peak flows. They were ordered to submit an action plan for compliance, make the necessary correction, and pay a fine of \$38,000.00.

Coastal Zone News

MAY 8, 2003

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
Kauai: Lawai (2-6-5-1)	Rock wall and metal gates (2003-28)	John Van Cleave
Kauai: Wainiha (5-8-9-17)	2 nd dwelling (2003-30)	Chuck Walli
Maui: Kihei (3-9-2-28)	New lanai (SM2 20030052)	Island Design Center
Maui: Kihei (3-9-2-101)	Enhancement of a wetland (SM2 20030053)	Stinson, James W.
Maui: Kihei (2-1-8-105)	Keiki swimming pool (SM2 20030054)	Cooper, Martin V.
Maui: Haiku (2-8-3-6)	Construction of well & water tank (SM2 20030055)	Summit Trade Inc.
Maui: Lahaina (4-6-28-28)	Alteration & 2 nd flr addition (SM2 20030056)	Peters, George
Maui: Paia (2-6-3-56)	Exterior renovation (SM2 20030057)	Kaohu Building Co.
Maui: Haiku (1-2-2-47)	Install utility pole (SM2 20030058)	Ebrus, Carl
Maui: Lahaina (4-3-5-29)	Extend existing deck (SM2 20030059)	Nieder, William
Maui: Sprecklesville (3-8-2-72)	Demo & construction of dwelling (SMX 20030218) Pending.	Cirrus, LLC
Maui: (2-9-11-27)	Construct 500 sq. ft. cottage (SMX 20030220) Pending.	Peters, George
Maui: Lahaina (4-4-8-1)	Renovation (SMX 20030224) Pending.	Bauer, Ryan
Maui: Kihei (3-9-17-32)	Alterations (SMX 20030225) Pending.	Swartz, Veia
Maui: Kihei (3-9-30-36)	Dwelling, garage, covered lanai (SMX 200302556) Pending.	Spencer, Alan
Maui: (4-9-17-2 and 6)	Repair boating facility, etc., (SMX 20030228) Pending.	State DBOR
Maui: Kapalua (4-2-7-31)	Swimming pool, spa (SMX 20030229) Pending.	Heintzman, Marty
Maui: Kihei (3-9-17-90)	Storage building (SMX 20030231) Pending.	Zakian, Gary W.
Maui: Kihei (3-9-17-27)	Storage building (SMX 20030232) Pending.	Zakian, Gary W.
Maui: Kihei (3-9-28-79)	Dwelling, retaining wall (SMX 20030233) Pending.	Larsen, Kim
Maui: Lahaina (4-3-15-7)	Dwelling addition (SMX 20030236) Pending.	Schulz, Uwe
Maui: Nahiku (1-2-2-44)	Farm dwelling, covered lanai, carport (SMX 20030237) Pending.	Hill, Douglas B.
Maui: Lahaina (4-6-9-8)	Interior renovation (SMX 20030239) Pending.	Loesberg, Fred W.
Maui: Ulumalu (2-8-3-6)	2 nd farm dwelling (SMX 20030240) Pending.	Stream Resources, Inc.
Maui: Kihei (3-9-48-123)	Accessory dwelling (SMX 20030242) Pending.	Roppolo Jr., Robert
Maui: Kihei (3-9-30-26)	Accessory dwelling (SMX 20030243) Pending.	Wagner, Nick
Maui: Kihei (3-9-42-54)	Renovation (SMX 20030244) Pending.	Chu, Daniel
Maui: Haiku (2-8-4-87)	Storage shed (SMX 20030245) Pending.	Karen Jennings
Maui: Kihei (3-9-5-12)	Additions (SMX 20030246) Pending.	Radford, Foster
Maui: Lahaina (4-6-2-7)	Renovations (SMX 20030247) Pending.	Engineering Dynamics Corp.

Fishery Meeting

The 83rd meeting of the Western Pacific Fishery Management Council's Scientific and Statistical committee will convene on May 6, 2003, and continue through May 8, 2003, at the Council Conference Room, 1164 Bishop Street, Suite 400, Honolulu, to discuss bottomfish, protected species, crustacean fisheries, precious corals, quantitative assessment of capacity in Hawai'i fisheries, pelagic fisheries, Ta'ape (blue-lined snapper) interactions with reef fish, ecosystems and habitats, and other business. For details, call Kitty Simonds at (808) 522-8220 (see, 68 F.R. 19517, April 21, 2003).

Genetically Modified Corn Experimental Use Permit

The U.S. Environmental Protection Agency announced the receipt of an application 52-EUP-93 from Monsanto Company requesting an amendment/extension of an experimental use permit (EUP) for the *Bacillus thuringiensis* Cry3Bb1 protein and the genetic material necessary for its production (vector ZMIR13L) in corn. Monsanto has applied to test *Bacillus thuringiensis* Cry3Bb1 protein and the genetic material necessary for its production (vector ZMIR13L) in corn on 2,304 acres in Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawai'i, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, Utah, Virginia, and Wisconsin for breeding and observation nursery, inbred seed increase production, line per se and hybrid yield, insect efficacy, product characterization and performance/labelling, insect resistance management, non-target organism and benefit, and seed treatment trials. This plant incorporated protectant is being tested against corn rootworm species. EPA has determined that the application may be of regional and national significance, and as such, EPA is soliciting public comments on this application in accordance with 40 C.F.R. 172.11(a). Comments, identified by docket ID number OPP-2003-0117 need to be sent to the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue N.W., Washington D.C. 20460-0001, Attention: Docket ID Number OPP-2003-0117. Comments must be received on or before May 23, 2003 (see, 68 F.R. 19995, April 23, 2003).

Anchorage Grounds and Security Zones for O'ahu, Maui, Hawai'i and Kaua'i

The U.S. Department of Homeland Security, Coast Guard, has issued a final rule, effective April 19, 2003, establishing permanent security zones in designated water adjacent to the islands of O'ahu, Maui, Hawai'i and Kaua'i. These security zones and 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 are will extend from the surface of the water to the ocean floor. Entries into the zones are prohibited unless authorized the Coast Guard Captain of the Port Honolulu (see, 68 F.R. 20344, April 25, 2003).

Notice of Intent to Repatriate Kohala and Ka'u Cultural Items from the Peabody Essex Museum, Salem, Massachusetts

The National Park Service (NPS) of the U.S. Department of the Interior has given notice of the intent to repatriate cultural items in the possession of the Peabody Essex Museum that were collected by J. S. Emerson sometime between the 1880's and the early 1900's and purchased for the Peabody Essex Museum by Dr. C. G. Weld on June 12, 1907. In the documentation accompanying the collection, Mr. Emerson indicated that he had found the items in ancient burial caves in Kohala and Ka'u. Mr. Emerson referred to the eight unassociated funerary objects as "a runner of a holua sled," "a small hue," an "ipu le'i, a very deep bowl with a calabash cover," an "ipukai waiho i'a, a very old wooden fish bowl," a "pa inamona, wooden bowl," "two pieces of an old umeke (wooden poi bowl)," all from Kanupa Cave in Kohala, and a "kioe i'a, a coconut shell spoon or ladle" from a burial cave in Ka'u. During the consultation, representatives of Hui Malama i Na Kupuna o Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs indicated their desire to repatriate the cultural items. Representatives of any other Native Hawaiian organization that believes itself to be culturally affiliated with the items should contact Christina Hellmich, Director of Collections Management, Peabody Essex Museum, East India Square, Salem, Massachusetts 01970, telephone (978) 745-1876 before May 23, 2003 (see 68 F.R. 20028, April 23, 2003, for additional details).

