

The Environmental Notice

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

JUNE 23, 2003

Fort Weaver Road Improvements

The State Department of Transportation (DOT) is proposing improvements to Fort Weaver Road between Farrington Highway overpass and a location just south of Geiger Road. The highway will increase to six lanes from the existing four. Impacts will result from widening of existing bridges to accommodate a bicycle lane and construction within the Hono'uli'uli Stream Channel and relocation of existing utilities. The former historic Oahu Railway & Land (OR&L) Company Railroad crosses Fort Weaver Road and is listed on the State and National Register of Historic Places and is protected under Section 4(f) of the Depart-

ment of Transportation Act of 1966 (49 U.S.C. 303 and 23 U.S.C. 138). Mitigation is planned and the project will allow for continued use of the rail facilities impacted. The existing tracks will not be impacted, however new tracks, or re-setting of the existing tracks will be planned for approaches to the roadway. The area adjacent to the tracks has been planned as a pedestrian and bikeway facility. DOT also has a project, Leeward Bikeway (see, August 23, 2000, issue of the *Environmental Notice*) which will construct a pedestrian and bicycle facility in the former OR&L right-of-way. See page 4 for more.

Shaw Street Parking, Lahaina

The Friends of Moku'ula want to relocate a parking lot located at Shaw and Front Streets in Lahaina and construct several buildings made of traditional materials on the same parcel of land. The traditional Native Hawaiian building, Hale Halawai, will be 1,800 square feet in size, and an accessory building, Hale Pohaku, at 900 square feet, will house a cooking house and washroom facilities. The existing 74-stall parking lot will be demolished to allow for archaeological recovery of the historic Moku'ula, royal residence of King Kamehameha III. An observation desk will be constructed to allow viewing of the archaeological site. A fishpond at this site will be restored by the Army Corps of Engineers. The new parking lot and traditional buildings will be sited further mauka on the parcel, on Shaw Street between Front and Waive'e Streets, next to Malu 'Ulu o Lele Park. For more see page 8.

Fish and Wildlife Service News

Out of a possible \$9.4 million, the U.S. Fish and Wildlife Service has awarded grants in the amount of \$1.7 million (the largest awarded to a State) to eleven landowners in Hawai'i to engage in endangered species stewardship activities. Also, the Service has established critical habitat on Maui, Kaho'olawe, Moloka'i and Hawai'i for Hawai'i's largest insect, Blackburn's Sphinx Moth (see page 17 for details).

Ha'ena-Wainiha Residence

The Department of Land and Natural Resources is processing a conservation district use application for a single family residence with 1,015 square feet of livable space and 675 square feet of lanai space in Ha'ena on 10,492 square feet and elevated about 15' off the ground on posts. See page 10 for more.

Environmental Review Seminar

OEQC will be offering an introductory seminar on Chapter 343, HRS, environmental review on July 18, 2003 from 9:00 A.M. to 11:00 A.M. The seminar is open to eight registrants with preference given to new agency personnel or new consultants. The seminar will cover the legal definitions of agency, applicant, action, approval, acceptance, discretionary consent, ministerial consent, significance, exemption, direct, indirect and cumulative impacts and mitigation, as well as provide an overview of the environmental assessment, environmental impact statement, and exemption processes. Relevant case law from the Hawaii Supreme Court will also be discussed. The relationship between the National Environmental Policy Act and Chapter 343, HRS, will also be covered. Other seminars are planned for the summer and fall and will be announced in the next issue of the *Environmental Notice*. To register please call (808) 586-4185 and ask for Leslie Segundo, or email lsegund@mail.health.state.hi.us with name, address, telephone number and email address.



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
Hawai'i: 974-4000 ext. 64185

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.

Table of Contents

JUNE 23, 2003

O'ahu Notices

Draft Environmental Assessments

- (1) Fort Weaver Road Improvements 4

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

- (2) Kaupuni Neighborhood Park Master Plan 4
- (3) Waimanalo Beach Park Canoe Halau 5

Previously Published Projects Pending Public Comments

- Draft Environmental Assessments 6

Maui Notices

Draft Environmental Assessments

- (1) Pack After-the-Fact Rock Revetment Seawall Improvements 7
- (2) Shaw Street Parking Lot, Lahaina 8

Withdrawals

- Kaiser Clinic Improvements, Lahaina 8
- Waipuilani Estates (Supplemental) 8

Hawai'i Notices

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

- (1) Kanoelehua-Kekuanaoa Project 9

Previously Published Projects Pending Public Comments

- Final Environmental Impact Statements 9

Kaua'i Notices

Draft Environmental Assessments

- (1) Wann Single Family Residence 10

Shoreline Notices

- Shoreline Certification Applications 11
- Shoreline Certifications and Rejections 12

Pollution Control Permit Applications

- Department of Health Permits 13

Conservation District Notices

- Honoapi'ilani Highway Emergency Shoreline Erosion
Control Measures 14
- Koko Head Regional Park and Nature Preserve 14

Coastal Zone News

- Special Management Area (SMA) Minor Permits 15
- Special Management Area Documents (Chapter 25, Revised
Ordinances of Honolulu) 16

Federal Notices

- Landowner Grants Awarded for Endangered Species Protection 17
- Moth Critical Habitat Established 17
- O'ahu Critical Habitat for 99 Plant Species 17
- Critical Habitat for Plant Species on Nihoa, Necker and
Laysan Islands 18
- Endangered Species Permit Applications 18
- Notice of Intent to Prepare an EIS for Modifications to Kawaihae Deep
Draft Harbor 18
- Mating Disruptor Experimental Use Permit 19
- Pigeonpea Pod Fly Environmental Assessment 19



We provide access to our activities without regard to race, color, national origin (including language), age, sex, religion or disability. Write or call OEQC or our departmental Affirmative Action Officer at Box 3378, Honolulu, HI 96801-3378 or at (808) 586-4616 (voice/tty) within 180 days of a problem. 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

JUNE 23, 2003

Draft Environmental Assessments



(1) Fort Weaver Road Improvements

District: 'Ewa
TMK: NA
Applicant: Department of Transportation
Highways Division
601 Kamokila Blvd., Room 600
Kapolei, Hawai'i 96707
Contact: Glenn Kurashima (692-7578)

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)

Public Comment

Deadline: July 23, 2003
Status: DEA First Notice pending public comment.
Address comments to the applicant with copies to the consultant and OEQC.

Permits Required: SCAP, Army, NPDES, Sec. 401, CZM Certification

The State Department of Transportation, Highways Division (DOT-H) proposes to improve a major section of the existing Fort Weaver Road located in 'Ewa, O'ahu. The purpose of the project is to improve the capacity Fort Weaver Road thoroughfare through widening of the existing four lane facility to a total of six lanes. The widening will be from the intersection of Fort Weaver Road and Farrington Highway, to the area 1,000 feet south of Geiger Road. The project will be partially funded by the Federal Highways Administration.

Other improvements planned include: bicycle lanes, a pedestrian path, bus stop improvements, street lights, curbs and gutters along the roadway, and intersection improvements (acceleration and deceleration lanes).

All of the improvements will be within the existing roadway right-of-way and therefore the potential for significant long-term environmental impacts are minimal. Short-term impacts will be limited to the construction period and include: traffic disruptions, fugitive dust, and noise. To



minimize traffic disruptions, construction will be done outside of the peak commuting periods. Limited right-of-way acquisition is planned at one of the intersection. No residences or businesses will be impacted by the land acquisition.

The historic former OR&L railway will be impacted by the project and mitigation proposed include the restoration of the existing tracks and providing for a smooth transition to existing tracks.

Phasing of the project is under development. However, the first phase will include the section from Farrington Highway to the Honouliuli Bridge crossing. Subsequent phases will be follow the Fort Weaver Road right of way, southward, to approximately 1,000 feet past the Geiger Road intersection.

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



(2) Kaupuni Neighborhood Park Master Plan

District: Wai'anae
TMK: 8-5-32: 039

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.

Consultant: Alan Fujimori Landscape Architect
420 Waiakamilo Road, Suite 411
Honolulu, Hawai'i 96817
Contact: Jim Niermann (842-1133)

Status: FEA/FONSI issued, project may proceed.

Permits

Required: NPDES NOI-C

The City & County of Honolulu, Department of Design & Construction proposes to improve existing facilities and develop new recreational resources at Kaupuni Neighborhood Park, Wai'anae Valley, under the guidance of a recently completed park master plan. The park land is owned by the Department of Hawaiian Home Lands and under lease to the City until the year 2020. The park is currently developed with multi-use playing fields, a comfort station, and tot lot, however existing park facilities and fields are in a state of disrepair and are underutilized as a community resource. Planned improvements include new basketball and volleyball courts, resurfaced multi-

purpose playing fields, new irrigation system, lighting, pedestrian pathway, parking, and landscaping. Improvements will include space reserved for the possible future development of a 5,000 to 10,000 square foot community center.

Proposed improvements will not alter existing land uses. Increased use of the park may result in occasional elevated noise levels and additional traffic. Park hours and activities will be regulated to comply with Community Noise Level standards. On-site parking will be provided to reduce parking impacts on surrounding residential streets. Nighttime lighting adjacent to residences will be shielded to minimize glare. Construction activities associated with the proposed project will generate short-term impacts in the form of fugitive dust, exhaust emissions, and construction noise. These impacts are temporary in nature and will be mitigated through best management practices. The proposed project is not anticipated to have adverse effects on rare, threatened, or endangered species, or their habitats. Improvements will not affect ground or surface water quality and will not result in conditions that could contribute to flooding. No negative impacts to cultural or historic resources are anticipated to result from the proposed work.



(3) Waimanalo Beach Park Canoe Halau

District: Ko'olaupoko

TMK: 4-1-003: 016

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.

Consultant: AKTA, Ltd./Arthur Kimbal Thompson
Architect
46-160 Nahiku Street
Kaneohe, Hawai'i 96744
Contact: Arthur Kimbal Thompson (236-1373)

Status: FEA/FONSI issued, project may proceed.

Permits

Required: SMA, Building

The Department of Design and Construction (DDC), City & County of Honolulu proposes to construct a new canoe halau at Waimanalo Beach Park. The proposed new canoe halau was developed through the community vision process sponsored by the City and County of Honolulu. The canoe halau is planned for Waimanalo Beach Park at the site of the former caretakers cottage adjacent to the camp facilities and across from the existing small parking lot and comfort station. The beach park is located at 41-741 Kalaniana'ole Highway in Waimanalo, O'ahu, Hawai'i. The park area is 1,470,803 square feet.

The new canoe halau will provide a permanent and secured storage facility for canoes, kayaks and related equipment. The design of the proposed canoe halau will be appropriate from both a cultural and contextual standpoint with historic reference made to assimilate the design of traditional style halau wa'a. This design was derived from information included in publication "Kaiona Beach Park Canoe Halau - A Cultural Stewardship Opportunity for the Waimanalo Community" prepared by the Waimanalo Canoe Club, Summer 1999.

O'ahu Notices

JUNE 23, 2003

The facility will feature a steeply sloped roof structure resting on 10 ohi'a posts (5 on each side) parallel to Kalaniana'ole Highway, with provision for metal security grille panels, operable garage doors; and moss rock walls. The exterior of the building will be lighted. The sides of the facility will be kept as open as possible so that air circulation is achieved. The building will be sited at a relatively flat grassy area and only minor finish grading will be required.

Parking: The existing asphalt concrete parking lot will be used to accommodate visitors to the proposed canoe halau. No new parking is planned for this part of the park.

Landscaping: The existing beach park includes grassed areas with coconut palm trees that will remain. Two coconut palms will be relocated on either side of the new ac driveway. After completion of construction the area will be re-grassed with Seashore Paspalum and temporarily irrigated. No new irrigation system will be installed.

All facilities will be designed to meet the requirements of the Americans with Disabilities Act and the requirements of §103-50.

Roosevelt High School Auditorium Renovation

Applicant: Department of Accounting and General Services
Division of Public Works
P.O. Box 119
Honolulu, Hawai'i 96810-0119
Contact: Gregory Tanaka (586-0721)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: July 8, 2003



Previously Published Projects

Pending Public Comments

Draft Environmental Assessments

Makaha Beach Park Canoe Halau

Applicant: City & County of Honolulu
Department of Design & Construction
650 South King Street
Honolulu, Hawai'i 96813
Contact: Wesley Obata 523-4783

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: July 8, 2003

Draft Environmental Assessments



(1) Pack After-the-Fact Rock Revetment Seawall Improvements

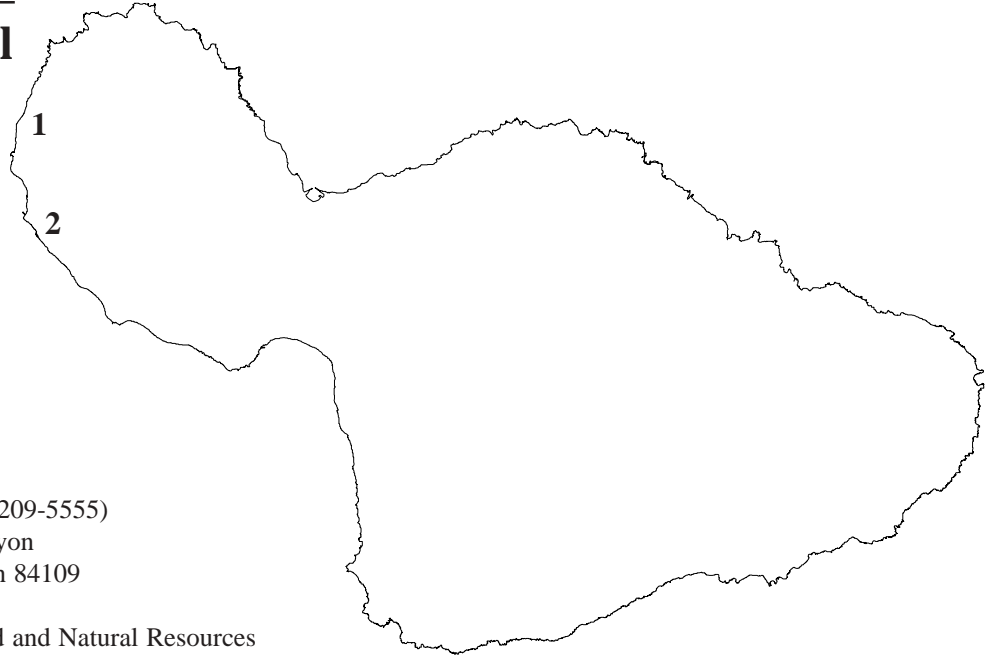
District: Lahaina
TMK: 4-3-19: 47
Applicant: Richard Pack (801-209-5555)
3173 Carrigan Canyon
Salt Lake City, Utah 84109

Approving Agency/Accepting Authority: Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809
Contact: Sam Lemmo (587-0377)

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

Public Comment
Deadline: July 23, 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: CDUA, Grant of Non-Exclusive Easement, SMA, SSV, Sec. 401, CZM Consistency Approval

The applicant is seeking an after-the-fact Conservation District Use Permit for improvements to an existing rock revetment seawall seaward of a single-family residential property in Kahana, Maui, Hawai'i. In review of this case, the Department of Land and Natural Resources (DLNR), Report of Investigation, determined that the improvements to the structure constituted a Conservation District violation. This violation, as confirmed by DLNR, Division of Conservation and Resource Enforcement, was resolved by Administrative Penalty after which the applicant would be able to file an after-the-fact Conservation District Use Application.



In particular, the after-the-fact Conservation District Use Application will address the following actions within the Conservation District: (1) In June 2001, the applicant applied a thin protective coating of gunite to prevent an existing rock revetment seawall from breaking down. Gunite is a concrete aggregate material composed of crushed basalt, dune sand, lime and water which utilizes portland cement as the hydraulic binder; (2) The applicant increased the height of the rock revetment seawall by placing two (2) courses of CMU blocks to create a planter box on top of the seawall.

The shoreline area consists of carbonate pocket beaches with rocky basalt headlands. The beach fronting the subject property is considered poor due to steep and rocky conditions.

Inasmuch as the completed action is located in the conservation district, an Environmental Assessment has been prepared in accordance with Chapter 343, Hawai'i Revised Statutes and its implementing rules, Hawai'i Administrative Rules, Title 11, Department of Health, Chapter 200.

Maui Notices

JUNE 23, 2003



(2) Shaw Street Parking Lot, Lahaina

District: Lahaina
TMK: 4-6-07: 01, por. 02 & 36
Applicant: Friends of Moku'ula, Inc.
505 Front Street, Suite 234
Lahaina, Hawai'i 96761
Contact: Akoni Akana (661-3659)

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

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

Public Comment Deadline: July 23, 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: NPDES, SMA, Historic District Approval, Building, Grading

The Friends of Moku'ula, Inc. (FOM), a Hawai'i non-profit corporation, proposes to construct a parking lot and ancillary facilities on Shaw Street in Lahaina, Maui. The subject property covers a total area of approximately 4.7 acres and involves three (3) parcels. The parcels are owned by the State of Hawai'i and the County of Maui and have been granted to the FOM through a lease (Parcel 01) and License to Occupy (Parcels por. 02 and 36).

The proposed project involves construction of a 84-stall parking lot, a 1,800 square foot traditional Native Hawaiian building (Hale Halawai) and an accessory building (Hale Pohaku) housing a cooking house and washroom facilities of approximately 900 square feet. The proposed improvements will also include an observation deck, site landscaping and sidewalk improvements along Shaw Street.

Since the proposed project involves the use of State and County lands and is located within the boundaries of the Lahaina National Historic Landmark District, an environmental assessment has been prepared pursuant to Chapter 343, Hawai'i Revised Statutes. The subject property is also located within the Special Management Area of the island of Maui.

Withdrawals

Kaiser Clinic Improvements, Lahaina

The County of Maui, Department of Planning has withdrawn the Findings of No Significant Impact (FONSI) determination for the Kaiser Clinic Improvements, Lahaina effective June 4, 2003. The FONSI was published in the *Environmental Notice* on May 23, 2003.

If there are any questions, please call Ms. Julie Higa at 270-7814 or Ms. Robyn Loudermilk at 270-7735.

Waipuilani Estates (Supplemental)

The County of Maui, Department of Planning has withdrawn the FONSI determination for the Waipuilani Estates final supplemental environmental assessment on June 4, 2003. The FONSI was published in the *Environmental Notice* on May 23, 2003.

If there are any questions, please call Ms. Julie Higa at 270-7814 or Ms. Robyn Loudermilk at 270-7735.



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



(1) Kanoelehua-Kekuanaoa Project

District: South Hilo
TMK: 2-2-37: 41
Applicant: Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809
Contact: Keith Chun (587-0427)

Approving Agency/Accepting

Authority: Same as above.

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

Status: FEA/FONSI issued, project may proceed.

Permits

Required: Change of Zone, UIC

The State of Hawai'i, Department of Land and Natural Resources (DLNR), is the owner of approximately 2.847 acres of land in Waiakea, South Hilo, Hawai'i. The subject property, situated on the southwest corner of Kanoelehua Avenue and Kekuanaoa Avenue, is currently vacant and zoned for single family residential use with a minimum lot size requirement of ten thousand square feet (RS-10). DLNR will submit a change of zone application to the Hawai'i County Planning Department to allow for light industrial or mixed commercial/industrial uses (i.e., MCX zoning district) which is consistent with the Industrial designation in the County General Plan. Upon approval of the change of zone request, DLNR intends to offer a long-term lease or leases over the property by public auction. However, because public land laws (HRS §171-13) require that the leases be sold by public auction and awarded to the highest bidder, the specific use or uses of the site cannot be determined until after the lease(s) are auctioned and awarded. Therefore, the impacts discussed in this Environmental Assessment are discussed in general terms based on potential impacts that could result from any of the uses permitted in the MCX zoning district.

Short term impacts anticipated from the proposed construction activity include increased noise levels, dust and exhaust from machinery involved in the installation of the project improvements. The lessee(s) of the property will be



required to comply with all applicable state and County requirements including the State Department of Health regulations and any requirements to utilize best management practices to minimize impacts.

Potential long term impacts for the project include drainage, roadways and traffic issues which will be addressed through the compliance with requirements of the Department of Public Works and the State Department of Transportation.

Previously Published Projects Pending Public Comments

Final Environmental Impact Statements

► Kekaha Kai State Park

Applicant: Department of Land and Natural Resources
Division of State Parks
1151 Punchbowl Street, Suite 310
Honolulu, Hawai'i 96813
Contact: Daniel Quinn (587-0290)

Approving Agency/Accepting

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

Status: FEIS currently being reviewed by OEQC.



Kaua'i Notices

JUNE 23, 2003

Draft Environmental Assessments

(1) Wann Single Family Residence

District: Hanalei
TMK: 5-9-2:59
Applicant: Presley V. Wann
161 Lihau Street
Kapa'a, Hawai'i 96746
Contact: Peter M. Morimoto (821-0782)

Approving Agency/Accepting

Authority: Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809
Contact: Sam Lemmo (587-0381)

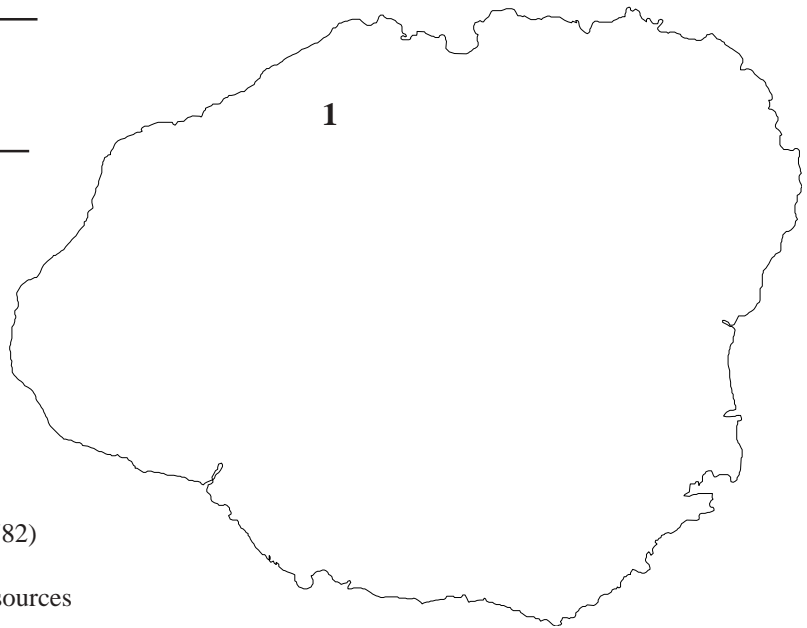
Consultant: Scientific Resources
711 Kapi'olani Boulevard, Suite 1475
Honolulu, Hawai'i 96813
Contact: Robert Spear, Ph.D. (597-1182)

Public Comment

Deadline: July 23, 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



Presley Wann proposes to construct a single family residence on a 10,942 square foot lot in located in the Limited Subzone of the Conservation District in Ha'ena, Kaua'i, Hawai'i (TMK (4) 5-9-2:59). The residence will be approximately 1,690 square feet and constructed primarily of wood, with an asphalt shingle non-reflective roof. The foundation will be concrete columns on concrete footings. Because the residence will be constructed in the Coastal High Hazard area, it must be elevated 14 feet above ground (the lot itself being approximately 10 feet above sea level). The residence will have three (3) bedrooms, two (2) bathrooms, a kitchen, living room and lanais, and will be painted earth tone colors. The residence will use a septic system to dispose of waste water.

Shoreline Notices

JUNE 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.

File No.	Process Commence Date	Location	Applicant	Tax Map Key
KA-169	6/20/03	Lot 17 of the Wainiha Hui Lands, being a portion of R.P. 7194, Land Commission Award 11216, Apana 5 to M. Kekauonohi, lands situated at Wainiha, Kauai, Hawaii Address: 7244 Alamo'o Road Purpose: Residential Building Permit	Wagner Engineering Services, for Nick Michaels	5-8-08: 38
KA-134-3 Correct Address Published 5/23/03		Lot 5 of the Nani O' Kalihikai Subdivision, land situated at Kalihikai, Hanalei, Island of Kauai, Hawaii Address: 3580 Anini Road Purpose: Building Permit	Wagner Engineering Services, Inc., for William Jurika	5-3-04: 36
OA-934	6/20/03	Land Court Application 1286, land situated at Kaena Point, Island of Oahu, Hawaii Address: 69-1249 Farrington Highway Purpose: Subdivision	Department of Land and Natural Resources land Division	6-9-02: 04 and 09
OA-935	6/20/03	Consolidation of Lot 37-C and Lot 38 of Kahala Cliffs Subdivision and Resubdivision of said Consolidation into Lots 37-C-1 and 38-A, land situated at Waialae and Kahala, Island of Oahu, Hawaii Address: 4157 Black Point Road Purpose: Subdivision	Walter P. Thompson, Inc., for Randy Harris	3-5-01: 07
OA-422-2	6/20/03	Lot of Land Court Application 1089, land situated at Oahu, Hawaii Address: 67-320 Kaiea Place Purpose: Building Permit	Walter P. Thompson, Inc., for Gregory McCaul	6-7-13: 20
MA-265-2	6/20/03	Portion of Lot 8 to Kealoha of Section 2 of the Second Partition of Hamakuapoko Hui, land situated at Lower Paia, Hamakuapoko, Makawao, Island of Maui, Hawaii Address: 27 Lae Place Purpose: Building Permit	Akamai Land Surveying, Inc., for Koolau Properties, LLC	2-6-08: 10
MA-285	6/20/03	Portion of Lot 2 Section 4 of the Second Partition of Hamakuapoko Hui to Alexander & Baldwin, land situated at Kuau, Hamakuapoko, Island of Maui, Hawaii Address: 665 Hana Highway Purpose: Building Permit	Akamai Land Surveying, Inc., for David and Yvonne Prinz	2-6-11: 02
OA-937	6/20/03	Moana Surfrider Hotel at Waikiki, Honolulu, Island of Oahu, Hawaii Address: Kuhio Beach Park Purpose: Setback Variance for Existing Vinyl Fence	City and County of Honolulu, Department of Design and Construction	2-6-01: 12 (Por.)

Shoreline Notices

JUNE 23, 2003

Shoreline Certifications and Rejections

Pursuant to §§13-222-26, HAR the following shorelines have been proposed for certification or rejection by the DLNR. Any person or agency wishing to appeal a proposed shoreline certification or rejection shall file a notice of appeal in writing with the department no later than 20 calendar days from the date of the public notice of the proposed shoreline certification or rejection. The Notice of appeal shall be sent to the BLNR, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

Case No.	Actions under new and old Shoreline rules	Location	Applicant	Tax Map Key
OA-900	Proposed Certification New Rules	Lot 206 of Land Court Application 979 (Map 13), land situated at Kahaluu, Koolaupoko, Island of Oahu, Hawaii Address: 43-375 Kamehameha Highway Purpose: Sale Agreement	M&E Pacific Inc., for Finance Enterprises, Ltd	4-7-09: 04
HA-064-2	6/12/03 Certified Old Rules	Grant 3086 to Kapena, land situated at Kohanaiki, North Kona, Island of Hawaii Address: Vacant (Kaahumanu Highway) Purpose: Planning Purposes	HLC Hawaii Land Consultants, for Rutter/KW Kohanaiki, LLC	7-3-09: 03
OA-930	Proposed Certification New Rules	Lot 17 of Land Court Application 1052, as shown on map 5, land situated at Makaha, Waianae, Island of Oahu, Hawaii Address: 84-817 Moua Street Purpose: Improvements	Towill, Shigeoka & Associates, Inc., for Phyllis K. D. Chun	8-4-05: 22
OA-931	Proposed Certification New Rules	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.	(1) 8-4-05: 21

Pollution Control Permit Applications

JUNE 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 & Clean Water Branch

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	Grace Pacific Corporation CSP 0522-01-C	Kapaa Quarry, Kailua, Oahu	Issued: 5/30/03	300 TPH Asphalt Plant
Clean Air Branch, 586-4200, Noncovered Source Permit	Del Monte Fresh Produce (Hawaii), Inc. NSP 0356-01-N	92-1860 Kunia Road, Kunia, Oahu	Issued: 6/2/03	500 hp Steam Boiler
Clean Air Branch, 586-4200, Temporary Covered Source Permit	G. Ibara Heavy Equipment Rentals CSP 0535-01-CT	Various Temporary Sites, State of Hawaii Initial Location: Vicinity of West Maui Airport, Lahaina, Maui	Comments Due: 7/14/03	323 TPH Portable Jaw Crushing Plant
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawaii Corporation CSP 0066-03-C (Renewal)	Hilo Petroleum Terminal No. 3, 607 Kalaniana'ole Avenue, Hilo, Hawaii	Comments Due: 7/14/03	Petroleum Storage Tanks and Bottom Loading Load Rack with Vapor Recovery Unit
Clean Water Branch 586-4309, NPDES Permit	U.S. Army Corps of Engineers NPDES #HI0021805	Wailoa & Waiakea Stream Channel, Hilo, Hawaii	Comments Due: 7/6/03	Discharge treated storm water runoff associated with construction activities
Clean Water Branch 586-4309, NPDES Permit	U.S. Army Engineer District, Honolulu NPDES #HI0021799	Kaunapau Harbor, Island of Lanai	Comments Due: 7/6/03	Discharge storm water runoff associated with construction activities

Office of Solid Waste Management

Permit Type	Applicant & Application Number	Facility Location	Application Received	Proposed Use
Permit (Renewal)	Okuda Metal, Inc.	1804 Kahai St. Honolulu, HI 96819	5/28/2003	Non-ferrous scrap metal recycling
Permit (New)	Hawaiian Commercial & Sugar Company	HC&S Field 9201, Wailuku, HI 96793	5/28/2003	Inert Waste Landfill
Permit (Renewal)	Han's Metal, Inc.	94-170 Leokane St., Waipahu, HI 96797	6/2/2003	Non-ferrous scrap metal recycling

Conservation District Notices

JUNE 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 Hawai'i
Department of Land and Natural Resources
Land Division
1151 Punchbowl Street, Room 220
Honolulu, Hawai'i 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 Dawn Hegger at 587-0380.



Honoapi'ilani Highway Emergency Shoreline Erosion Control Measures

File No.: CDUA MA-3138
Applicant: M & E Pacific
Location: Milepost 15.8, Olowalu, Island of Maui
TMK: 4-8-003: 006
Proposed Action: After-the-Fact CDUA for emergency shoreline erosion control measures along Honoapi'ilani Highway

343, HRS

determination: FONSI

Appl's Contact: Alan Tomita, 521-3051 x 267



Koko Head Regional Park and Nature Preserve

File No.: CDUA OA-3136
Applicant: Group 70 International
Location: Koko Head Regional Park and Nature Preserve, Maunaloa District, Island of Oahu
TMK: 3-9-012: 010 and 001
Proposed Action: Koko Head District Park Master Plan and Koko Head Shooting Complex Safety Improvements
343, HRS FEIS published in OEQC's
determination: Environmental Notice on 1/8/02
Appl's Contact: Jeff Overton, 523-5866 x 104

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
Honolulu: Makaha (8-4-4-6)	Storage shed addition (2003/SMA-46)	Donald E. Maxwell
Kauai: Hanalei (5-4-3-1)	Landscape maintenance (SMA(M)-2003-32)	Princeville Ranch
Kauai: Poipu (2-8-19-8)	Swimming pool, spa & equipment pad (SMA(M) - 2003-33)	Charles & mark Ventura
Maui: Maalaea (3-6-1-34)	ADA renovation (SM2 20030085)	Braun Management Co. Ltd.
Maui: Lahaina (4-3-3-93)	Rock wall (SM2 20030086)	Chu, Daniel
Maui: Ulumalu (2-8-3-6)	Second farm dwelling (SM2 20030088)	Stream Resources, Inc.
Maui: Haiku (2-8-6-4)	Lily farm barn (SM2 20030089)	Cambouliques, Carine
Maui: Lahaina (4-3-9-52)	Rock retaining wall (SM2 20030090)	Barroga, Mario & Malia
Maui: Lahaina (4-3-5-70)	Kahana Wai Subdivision (SMX 20030312) Pending.	McDermott, Daniel M.
Maui: Lahaina (4-6-4-29)	Re-roof dwelling (SMX 20030315) pending.	Lopez, Emery
Maui: Kihei (3-9-20-14 & 29)	New building (SMX 20030317) Pending.	Kimmey, Marie
Maui: Kihei (3-9-48-103)	Single family residence (SMX 20030318) Pending.	Zakian, Gary
Maui: Kihei (3-9-8-11)	New deck & etc., (SMX 20030319) Pending.	Azeka, Tyler
Maui: Kuau (2-6-11-25)	Single family residence (SMX 20030320) Pending.	Miller, Bruce & Pamela
Maui: Wailea (2-1-24-71)	Swimming pool (SMX 20030321) Pending.	Pool Pro, Inc.
Maui: Lahaina (4-2-3-50)	Residence, pool & garage (SMX 20030322) Pending.	Kaahui, John D.
Maui: Kihei (3-9-39-32)	Additional rooms (SMX 20030323) Pending.	Bertram, Jeffery
Maui: (2-8-11-18)	Bhattacharya Residence (SMX 20030324) Pending.	Bhattacharya, Roxanne & Debasis
Maui: Lahaina (4-5-11-2)	Restaurant Alteration (SMX 20030325) Pending.	Phan, Poros Kokhoa (Paul)
Maui: Kihei (3-9-48-63)	Extension (SMX 20030326) Pending.	Cordero, Jessie/Domingo, Johnny
Maui: Lahaina (4-4-8-2)	Replace pavers (SMX 20030328) Pending.	The Whaler, AOA
Maui: Kihei (2-1-23-4)	Loft addition (SMX 20030331) Pending.	Wagner, Nick
Maui: Kihei (3-9-1-147)	Eliminate Allen Flora, etc (SMX 20030332) Pending	Keiki O Ka'aina
Maui: Kihei (3-9-8-28)	Alteration of retail space (SMX 20030335) Pending.	Escobar, Rafael
Maui: Kahului (3-8-1-19)	Erect 3 tents (SMX 20030336) Pending.	Williams, Robin
Maui: Lahaina (4-5-1-36)	Telephone pole (SMX 20030338) Pending.	Diamond Parking
Maui: Kihei (3-9-13-50)	Add carport & open deck (SMX 20030341) Pending.	Weaver, Pam

Coastal Zone News

JUNE 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.

Glover Trucking and Construction Baseyard (Draft)

The proposed action involves subdividing a 5.43-acre vacant parcel into 5 lots; one roadway lot, two lots for a hot-mix asphalt plant, and two lots for a trucking and construction baseyard. The site will be developed with a hot-mix asphalt plant consisting of a 300-ton hour portable drum plant, three 200-ton storage silos, a conveyor system, loading area and a storage building; a 2-story, 84-stall parking structure; a 3-story, 23,865-square foot administrative office building; four 5,000-square foot warehouse/shop buildings; two 2,000-square foot owner's dwellings; and an open area for the storage of unoccupied construction offices and parking. The maximum height of the structures will be 50 feet. The property is located at 248 Sand Island Access Road (Tax Map Key 1-2-21: 13) and zoned I-2 Intensive Industrial District.

Please direct questions and written comments to Ms. Lynne Kauer, Department of Planning and Permitting, City & County of Honolulu, 650 S. King Street, 7th Floor, Honolulu, HI 96813, phone: 527-6278, fax: 527-6743.

Nanaikeola Senior Apartments (Final Determination)

The Applicant, Hawaii Intergenerational Community Development Association (HICDA) proposes the "Nanaikeola Senior Apartments" to be constructed on a vacant, level, 31,159- square foot property in Nanakuli.

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 square feet in size for 69 one-bedroom units and 762 square feet 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 square foot 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. Access to the property is off of Nanaikeola Street, a two-lane 56 foot wide dedicated roadway.

Please direct any questions to Ms. Ardis Shaw-Kim, Department of Planning and Permitting, City & County of Honolulu, 650 S. King Street, 7th Floor, Honolulu, HI 96813, phone: 527-5349.

Waialua Ocean Villas (Final Determination)

The proposed action involves the construction of single-family dwellings on a 11,086 sq. ft. property which is zoned A-1 Low Density Apartment District. The property is located at 68-008 Apuhihi Street (Tax Map Key 6-8-11: 62) in Waialua. The applicant has received building permit approvals to construct two single-family dwellings on the property. The applicant now proposes to construct two additional single-family dwellings with parking for a total of four dwellings and 12 off-street parking spaces. The total floor area for the four dwellings will be about 6,720 sq. ft. The maximum height of the dwellings will be 30 feet.

Please direct any questions to Ms. Sharon Nishiura, Department of Planning and Permitting, City & County of Honolulu, 650 S. King Street, 7th Floor, Honolulu, HI 96813, phone: 523-4256.

Landowner Grants Awarded for Endangered Species Protection

The U.S. Fish and Wildlife Service (FWS) has awarded Hawai'i landowners \$1,163,230 (out of a possible \$9,400,000) for private stewardship grants to individuals and groups to undertake conservation projects on private lands in 43 states for endangered, threatened and other at-risk species. The private stewardship grants funded within the State of Hawai'i are:

- Lana'ihale Summit Fence Project, Increment II (Castle & Cooke Resorts, LLC, \$245,000)
- Keauhou Forest Restoration (Hawaiian Silversword Foundation, \$100,000)
- Waihe'e Coastal Dunes and Wetland Preserve Protection and Recovery Project (Maui Coastal Land Trust, \$107,080)
 - Auwahi Dryland Forest Restoration, Southwest Haleakala (Ulupalakua Ranch, \$45,000)
 - Conservation Management in Partnership on Private Lands, Lumaha'i Valley, (University of Hawai'i, \$155,000)
 - Kaua'i Private Lands Program (Ducks Unlimited, \$145,858)
 - Hawai'i Forest, Wetland, and Riparian Restoration Project, 'Umikoa Ranch (Fujitory Hawaii Inc., DBA 'Umikoa Ranch, \$127,000)
 - Ku 'Ohi'a Laka Hawaiian Rainforest Restoration Project (Laura Brezinsky, \$64,800)
 - Manana Valley Fire Rehabilitation (Manana Valley Farm, LLC, \$43,367)
 - Koa Forest Restoration at 'Ulupalakua (Ulupalakua Ranch, \$54,000)
 - Wiliwili Forest Restoration at Pu'u O Kali, Maui (University of Hawai'i, \$74,325)

For a complete list of Private Partnership Stewardship grant awards, please visit http://endangered.fws.gov/grants/private_stewardship.html (U.S. Fish and Wildlife Services News Release PIEA-03-19, May 22, 2003).

Moth Critical Habitat Established

Critical habitat for the endangered Blackburn's Sphinx moth (*Manduca blackburni*) - Hawai'i's largest native insect - was designated on June 10, 2003, by the U.S. Fish and Wildlife Service (FWS) on 55,451 acres in nine units on Maui, Kaho'olawe, Moloka'i and Hawai'i. The final designation is approximately 44 percent smaller than the critical habitat proposed for the species in June 2002. The Blackburn's Sphinx moth has a wingspan of up to 5 inches. Much of the historical decline of the species is attributed to habitat loss, but introduced ants and parasitic wasps that prey on the moth's eggs and its caterpillars are also a significant threat. The moth larvae feed on plants in the nightshade family, particularly the native 'aiea or *Nothocestrum*. "Twenty-years ago, we thought this species was extinct," said Paul Henson, field supervisor for the FWS Pacific Islands office. "Blackburn's sphinx moths were once found on most of the main Hawaiian islands, but were probably most common on Maui. They live in coastal or lowland dry forest habitats, which now have been severely degraded by human activities." Almost 32,000 acres

proposed as critical habitat for the species were eliminated in the final rule. This reduction was based on information - provided by the public or gathered during site visits or biological surveys - indicating that the areas do not provide the habitat needed by the species or are not essential for its conservation. An additional 12,200 acres were excluded because the benefits of doing so outweigh the benefits that would have been provided by critical habitat designation. A total of 11,656 acres of private lands on Maui within Ulupalakua Ranch and Haleakala Ranch were excluded because the landowners' ongoing conservation activities on these ranches provide more benefits for the species than would be provided by critical habitat designation. "Both of these landowners have a long history of working with the Service and others to conserve Hawai'i's native species," said Henson. "And both made it clear they may no longer be willing to work with us on these voluntary projects if we designated critical habitat. I have no doubt in the long run, not only Blackburn's sphinx moth but also many other native species will benefit by removing these lands from the final rule." An additional 518 acres in Kailua-Kona were excluded because of potential indirect and social impacts that outweighed the benefits of critical habitat designation. A master-planned community with more than 1,000 units of affordable housing, and a planned town center for which more than \$20 million already has been expended, could have been affected by the critical habitat designation. This rule becomes effective on July 10, 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, call Barbara Maxfield of the FWS at (808) 541-2749 (U.S. Fish and Wildlife Service, News Release PIEA-03-20, O3-058, June 10, 2003, also, 68 F.R. 34709, June 10, 2003).

O'ahu Critical Habitat for 99 Plant Species

The U.S. Fish and Wildlife Service (FWS) has designated critical habitat for 99 of the 101 species known historically from the Hawaiian island of Oahu. A total of approximately 55,040 acres of land on O'ahu fall within the boundaries of the 303 critical habitat units designated for the 99 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 us to consider economic and other relevant impacts when specifying any particular area as critical habitat. This rule also determines that designating critical habitat would not be prudent for two species (*Cyrtandra crenata* and *Pritchardia kaalae*). This rule becomes effective on July 17, 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, PO Box 50088, Honolulu, Hawai'i 96850-0001. For details contact Paul Henson, Field Supervisor, Pacific Islands Office at the above address or telephone him at (808) 541-3441 (see, 68 F.R. 35949, June 17, 2003).

Federal Notices

JUNE 23, 2003

Critical Habitat for Plant Species on Nihoa, Necker and Laysan Islands

The U.S. Fish and Wildlife Service (FWS) has designated critical habitat pursuant to the Endangered Species Act of 1973, as amended (Act), for five of six plant species known historically from the Northwestern Hawaiian Islands of Nihoa, Necker and Laysan. Nihoa and Necker are the islands in the northwestern group that are closest to the main Hawaiian Islands. Both are small, residual fragments of volcanoes that formed approximately 7.2 and 10.3 million years ago, respectively. Although both of these islands were uninhabited at the time of their modern discovery in the late eighteenth century, there is an extensive heiau complex on Necker, and agricultural terraces and other Hawaiian archaeological features can be found on Nihoa. In 1892, a guano mining business began operation on Laysan and flourished until 1904. During this time, rabbits were introduced to Laysan for a rabbit canning industry, and the rabbits were allowed to reproduce and roam freely. This failed as a profitable business, and no attempt was made to control the number of rabbits on the island. The rabbits were finally eradicated from Laysan Island in the early 1920s, although not before the vegetation had been thoroughly devastated. Since then, the vegetation of Laysan has recovered to a remarkable degree, although some species, like the native palms (*Pritchardia* sp. or lolou, are no longer naturally extant on the island. The reefs and islets of the Northwestern Hawaiian chain from Nihoa Island through Pearl and Hermes Atoll are protected as the Hawaiian Islands National Wildlife Refuge (HINWR). The HINWR was established in 1909 to protect the large colonies of seabirds, which were being slaughtered for the millinery trade, and a variety of other marine organisms, including sea turtles and the critically endangered Hawaiian monk seal (*Monachus schauinslandi*), as well as to address the commercial exploitation of wildlife resources. Within the refuge's boundaries are eight islands and atolls: Nihoa, Necker, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan, Lisianski, and Pearl and Hermes Atoll. There is no public or recreational use allowed at HINWR. Access is strictly regulated through a permit system because of the sensitivity of the organisms on these islands to human disturbance and the high risk of importation of nonnative plant and invertebrate species. For those who do access the refuge, strict quarantine procedures are in effect. Other than the refuge staff, only individuals conducting scientific research or undertaking natural history film recording have been granted official permission to visit the HINWR. The five species are *Amaranthus brownii*, *Mariscus pennatifolius*, *Pritchardia remota*, *Schiedea verticillata*, and *Sesbania tomentosa*. A total of approximately 1,219 acres of land on Nihoa, Necker, and Laysan Islands fall within the boundaries of the seven critical habitat units designated for the five species. This rule becomes effective on June 23, 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, Hawaii 96850-0001. For more information, contact Paul Henson, Field Supervisor, Pacific Islands Office at the above address or by telephone at (808) 541-3441 (see, 68 F.R. 28053, May 22, 2003).

Endangered Species Permit Applications

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) solicits review and comment from local, State, and Federal agencies, and the public on the following permit requests.

- Permit No. TE-018078

Applicant: Hawai'i Volcanoes National Park, Hawaii National Park. The permittee requests an amendment to remove/reduce to possession *Argyroxiphium kauense* (Mauna Loa silversword), *Argyroxiphium sandwicense* ssp. *sandwicense* ('ahinahina), *Hibiscadelphus giffardianus* (hau kuahiwi), *Ischaemum byrone* (Hilo ischaemum), *Melicope zahlbruckneri* ('alani), *Neraudia ovata* (no common name), *Nothecestrum breviflorum* ('aiea), *Plantago hawaiiensis* (kuahiwi laukahi), *Pleomele hawaiiensis* (hala pepe), *Portulaca sclerocarpa* (po'e), *Pritchardia affinis* (lo'ulu), *Sesbania tomentosa* ('ohai), and *Sicyos alba* ('anunu) in conjunction with captive propagation and outplanting throughout the range of the species in Hawai'i for the purpose of enhancing their survival.

- Permit No. TE-071433

Applicant: Stephanie Dunbar, Honolulu, Hawai'i. The applicant requests a permit to remove/reduce to possession: *Plantago princeps* var. *princeps*, *Plantago princeps* var. *anomala*, *Plantago princeps* var. *laxiflora*, *Plantago princeps* var. *longibracteata*, and *Plantago hawaiiensis* (all of which have the same common name kuahiwi laukahi) in conjunction with research studies throughout the range of the species in Hawai'i for the purpose of enhancing their survival.

Comments on these permit applications must be received on or before July 7, 2003 to receive FWS consideration. 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 (fax: 503- 231-6243). 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 (see, 68 F.R. 33732, June 5, 2003).

Notice of Intent to Prepare an EIS for Modifications to Kawaihae Deep Draft Harbor

The U.S. Army Engineer District, Honolulu, in partnership with the State of Hawai'i, Department of Transportation, Harbors Division, is proposing modifications to Kawaihae Deep Draft Harbor. Kawaihae Harbor is located on the west side of the island of Hawai'i in the Kohala region. The completed project would enable vessels of greater capacity to utilize the harbor and reduce surge problems now being experienced within the harbor basin. The project may include the following items: (a). Deepening the harbor basin and entrance channel. (b). Deepening the harbor basin and entrance channel, in combination with lengthening the existing breakwater. (c). Constructing a new breakwater on the east side of the harbor entrance channel. These

features may be modified, or new features added as a result of the analyses to be performed as part of the feasibility investigation and Environmental Impact Statement (EIS) process. Alternatives to be considered include "No Action" and various construction techniques. In July 2001, the Corps completed a reconnaissance study on the harbor. The study stated that there is a growing demand for cargo to support the expanding economy in west Hawai'i. The existing harbor's depth is limiting the use of larger bulk-cargo vessels. The harbor also experiences surge and oscillations in the basin which causes operational inefficiencies and higher transportation costs for harbor users. A public scoping meeting will be held in October 2003. A public hearing will be held after publication of the draft EIS. Meeting dates, items and locations will be publicly announced. The draft EIS is expected to be available in June 2005. For more information, please contact Warren Kanai, Project Manager, U.S. Army Engineer District, Honolulu, Attn: CEPOH-PP-C, Fort Shafter, Hawai'i 96858-5440. Mr. Kanai may also be reached by telephone at (808) 438-0881, or by E-mail at warren.s.kanai@usace.army.mil. (see 68 F.R. 32734, June 2, 2003).

Mating Disruptor Experimental Use Permit

EPA has granted an experimental use permit (75108-EUP-1) to HBB Partnership (5151 N. Palm Ave., Suite 820, Fresno, California 93704-2221) that allows the use of 1.46 pounds of the California red scale pheromone, (3S, 6R)-3-methyl-6-isopropenyl-9-decen-1-yl acetate and (3S, 6S)-3-methyl-6-isopropenyl-9-decen-1-yl acetate, on 4,050 acres of citrus, as a mating disruptor, to evaluate the control of California red scale, a tiny insect. The program is authorized only in the States of Arizona, California, Florida, Hawai'i, and Texas. The experimental use permit is effective from April 3, 2003 to September 30, 2003. The experimental use of this new pheromone active ingredient, delivered by dispenser, is covered by the tolerance exemptions established at 40 CFR 180.1122 and 180.1124. For more information, contact Denise Greenway, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8263; e-mail address: greenway.denise@epa.gov (see, 68 F.R. 27805, May 21, 2003).

Pigeonpea Pod Fly Environmental Assessment

Pigeonpea pod fly, *Melanagromyza obtusa* (Malloch) (Diptera: Agromyzidae), is a foreign plant pest that attacks numerous species of plants. The potential host range appears to be primarily restricted to legumes such as peas and beans, with some questionable exceptions such as okra and sesame. This pest can easily spread without detec-

tion. When the female pigeonpea pod fly punctures the legume pod and lays its eggs within, the only external evidence is varying degrees of damage caused by the punctures. The pest is found throughout the world, including India, Ceylon, Indonesia, the Philippines, Taiwan, Thailand, Vietnam, and as far north as Japan. It also occurs in the U.S. territory of Puerto Rico. Pigeonpea pod fly is acclimated to cooler, northern climates and can tolerate dry conditions for part of the year. Therefore, suitable habitat exists throughout the United States, and the potential geographical distribution of the pigeonpea pod fly in the contiguous United States is extensive. Pigeonpea pod fly could enter the contiguous United States, Hawai'i, or other U.S. territories from Puerto Rico, the Dominican Republic, or countries in the Pacific and become a serious agricultural threat to the United States. The Animal and Plant Health Inspection Service (APHIS) has completed an environmental assessment that considers various methods of suppression of the pigeonpea pod fly that could be used in the United States. Based on our findings, APHIS believes that the most effective alternative available is the use of biological control agents. Specifically, the parasitic Chalcid wasps of the genera *Euderus*, *Eurytoma*, and *Ormyrus* would be released in the United States to suppress pigeonpea pod fly. In preparation for their release into the environment, these imported biological control agents would be reared on pigeonpea pod fly in U.S. Department of Agriculture-certified insect quarantine facilities. It is expected that the biological control agents would be introduced into areas where pigeonpea pod fly occurs and reproduce naturally without further human intervention, and that these stingless, parasitic wasps would become established throughout the eventual geographical distribution of pigeonpea pod fly in the United States. The biological characteristics of the organisms under consideration preclude any possibility of harmful effects on human health. APHIS' review and analysis of the potential environmental impacts associated with each of the possible alternatives are documented in detail in an April 14, 2003, environmental assessment entitled "Control of Pigeonpea Pod Fly, *Melanagromyza obtusa* (Diptera: Agromyzidae)". APHIS will consider all comments received on or before June 23, 2003. Submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 03-046-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 03-046-1. If you use e-mail, address your comment to regulations@aphis.usda.gov. Comments must be contained in the body of the message; DO NOT send attached files. Please include the commenter's name and address in the message and "Docket No. 03-046-1" on the subject line. For more information, contact: Dr. Dale Meyerdirk, Agriculturalist, National Biological Control Institute, PPQ, APHIS, 4700 River Road Unit 135, Riverdale, MD 20737-1236; telephone (301) 734-5220 (see, 68 F.R. 28191, May 23, 2003).

