

The Environmental Notice

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

OCTOBER 8, 2003



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"*

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Wai'alaie Golf Course FONSI

The City and County of Honolulu, Department of Planning and Permitting has issued a Finding of No Significant Impact (FONSI) for proposed improvements at the Wai'alaie Country Club golf course based on a July 2003, final environmental assessment (FEA). The FEA notes that in response to concerns regarding the visual impact of 60-foot metal poles from which tall nets would be suspended, Wai'alaie Country Club discovered a fastening system that would allow the proposed 60-foot high netting to be attached to coconut trees with trunk heights 60 feet or

taller. As a result, metal poles are no longer required. The FEA also notes that in response to other public concerns, the Wai'alaie Country Club met with members of Wai'alaie Golf Course Community Association on July 3, 2003, and the proposed paved maintenance path from the No. 3 hole and along fairway no. 9 is no longer being proposed. A gate added to the perimeter wall near hole no. 3 is also no longer proposed. Unchanged from earlier proposals addressed in the Draft Environmental Assessment is the proposed paving of a heavily travelled unpaved golf cart path near holes no. 7 and 8. See page 4.

Draft EIS for Transformation of the 2nd Brigade 25th Infantry Division to Stryker Brigade Combat Team Based in Hawai'i

The Department of the Army has selected Hawai'i as the location for an interim force based on the Stryker Vehicle, or a Stryker Brigade Combat Team (SBCT). As the Army transforms, the interim force will use available technology and weapons, select new equipment, such as the Stryker, and adopt a modified training doctrine to train soldiers to be able to meet the goals of a fast reacting light force. This will allow the Army to deploy more quickly, be more lethal, highly mobile, and survivable than the legacy force. The interim force will also serve as the "working model" to refine equipment, weapons, and training of the objective force.

SBCT training requirements are not dependent on the use of Makua Military Reservation (MMR). While the MMR is an integral part of the Army's Hawai'i training capabilities and historically used by other services, SBCT units could perform dismounted CALFEX training at other ranges. SBCT may use MMR if the range were available only after completion of the Makua EIS and Record of Decision (ROD). The Makua EIS will analyze the potential environmental impacts associated with dismounted CALFEX's for both Legacy Force and SBCT; therefore, this SBCT EIS does not analyze training impacts of SBCT at MMR. See page 18 for details.

New North Kona Access Rd. Linking Ali'i Drive and Kuakini Hwy.

The Hawaii Department of Public Works is proposing to extend **Lako Street** in the Komohana Kai Subdivision, Holualoa Bay, to link Kuakini Highway with Ali'i Drive. Three alternative routes were examined and the northernmost route, having the fewest impacts on archeological resources, was selected. The area of extension is mauka of Keolonahihi State Historical Park and very

close to a significant historical area, Keakealaniwahine Complex. Mitigation measures include archeological data recovery and will include a buffer zone to the complex. The mauka end of the road extension will link with the northern end of the first phase of the Kahului-Keauhou Parkway, when the latter is completed. See page 8 for more details.

Definitions

Your guide to the Environmental Review Process

Draft Environmental Assessment

A project or action that may affect the environment cannot be implemented until an Environmental Assessment (EA) is prepared in accordance with HRS §343. If the lead government agency anticipates that the project will have no significant environmental impact, then a Draft EA is written and public notice is published in this periodic bulletin (see, section 343-3, HRS) known as the *Environmental Notice*. The public has 30 days to comment on the Draft EA from the date of the first notice.

Final Environmental Assessment and FONSI (Negative Declaration)

If, after the lead agency reviews the public comments, it feels that the project will have no significant effect on the environment, then it will prepare a Final EA and issue a Finding of No Significant Impact (FONSI) formerly called a *Negative Declaration*. The Final EA must respond to all public comments. An Environmental Impact Statement will not be required and the project may now be implemented. The public has 30 days from the first notice of a FONSI in this Bulletin to sue in court to require the preparation of an EIS.

EIS Prep Notice

If the lead agency decides that a project may have a significant environmental impact, it must prepare an Environmental Impact Statement (EIS) prior to implementing the project. The first step in preparing an EIS is publishing an EIS Preparation Notice (Prep Notice) in this Bulletin. Agencies, groups or individuals have 30 days from the first publication of an EIS Prep Notice to request to become a consulted party and to make written comments regarding the environmental effects of the proposed action. The draft EIS must respond to these comments.

Draft EIS

If a project is likely to have a significant environmental impact, the lead

agency or private applicant must prepare a Draft Environmental Impact Statement (Draft EIS) prior to project implementation. This document must completely disclose the likely impacts of a project. Secondary and cumulative impacts must be discussed along with measures proposed to mitigate them. The public has 45 days from the first publication date in this Bulletin to comment on a Draft EIS.

Final EIS

After considering public comments filed during the Draft EIS stage, the agency or applicant must prepare a Final Environmental Impact Statement (Final EIS). The Final EIS must respond to all comments from the draft stage. If deeper analysis was required, it must be included in this document. If the project is from a private applicant, the lead agency is authorized to accept the FEIS. If the project is public, the Governor or Mayor is the accepting authority. Only after the EIS is accepted, may the project be implemented.

EIS Acceptance Notice

If the accepting authority accepts a Final Environmental Impact Statement, a separate EIS Acceptance Notice will be published in this Bulletin. The public has 60 days from the date of first notice of acceptance to sue in court to challenge the acceptance of an EIS.

NEPA

National Environmental Policy Act (NEPA) is the law that requires federal projects to prepare an EIS. It is similar to Hawaii's law. Some projects require both a state and federal EIS and the public comment procedure should be coordinated. Although not required by law, the OEQC publishes NEPA notices in this Bulletin to help keep the public informed of important actions.

Special Management Area Permits

The Special Management Area (SMA) is along the coastlines of all our islands. Most development in this area requires a Special Management Permit

(SMP) under Chapter 205A, HRS and county ordinance. The Counties regulate development of this area. This Bulletin posts notice of these SMP applications to encourage public input.

Shoreline Certifications

State law requires that Hawaii shorelines be surveyed and certified when necessary to clearly establish the regulatory building setback (usually 40 feet inland from the shoreline). The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified prior to construction. This Bulletin publishes notice of both shoreline certification applications and of final certifications or rejections.

Environmental Council

The Environmental Council is a fifteen-member citizen board appointed by the Governor to advise the State on environmental concerns. The council makes the rules that govern the Environmental Impact Statement process. The agendas of their regular meetings are published in this Bulletin and the public is invited to attend.

Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are declared exempt from the environmental review process. These lists are reviewed and approved by the Environmental Council. This Bulletin will publish an agency's draft exemption list for public comment prior to Council decision making.

Conservation District Permits

Use of land in the State Conservation District requires a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources (BLNR). Members of the public may intervene in the permit process. Notice of these permit applications is published in this Bulletin.

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OEQC intends to make the information in this bulletin accessible to everyone. Individuals that require this material in a different format (such as large type or braille), should contact our office for assistance.

O'ahu Notices

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FONSI/Final Environmental Assessments



(1) Kapuna Watershed Project - Pahole Natural Area Reserve

District: Waialua
TMK: 1-6-8-001:002 and 1-6-8-001:001
Applicant: Department of Land and Natural Resources
1151 Punchbowl Street, Room 224
Honolulu, Hawai'i 96813
Contact: Christen Mitchell (587-0051)

Approving Agency/Accepting

Authority: Same as above.

Status: FEA/FONSI issued, project may proceed

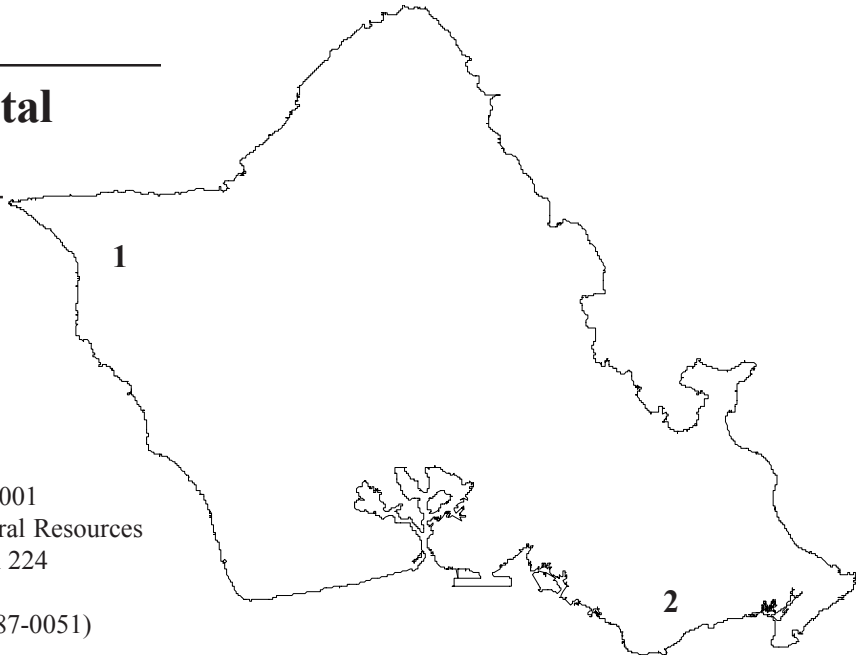
Permits

Required: BLNR Approval

The Hawai'i Department of Land and Natural Resources, Division of Forestry and Wildlife, Natural Area Reserves System proposes to construct a network of fences in the uppermost portion of the Kapuna and Keawapilau drainages, between the 1,500 and 2,590 foot elevation, in the Pahole Natural Area Reserve and extending slightly into the Mokuleia Forest Reserve, in the northern Wai'anae Mountains on the island of O'ahu. By eliminating the destructive impact of feral pigs in the project area, this project is directed at the protection of the watershed as well as rare and endangered species.

The proposed fencing will have a combined length of approximately 3.5 miles, enclosing approximately 235 acres. The proposed action is part of an ongoing effort by DOFAW, USFWS, the United States Army, hunting clubs, and community volunteers to protect native ecosystems, watershed, and habitat for native species. At least eighteen species of listed, proposed, candidate or rare plants and several rare and/or endangered native snail species are found in the project area.

Fence construction will involve hand clearing of a corridor no more than 10 feet wide and erecting a fenceline. The planned fence will be approximately three feet tall, made of hogwire. Where necessary, the outside of the fence will be skirted along the base with a hogwire apron. Management activities planned after the fence is completed include feral animal and weed control and outplanting of native species to restore the dryland forest.



Potential impacts include short-term increase in soil disturbance along the fenceline, disturbance and damage to common native plants, and effects on rare and endangered plant and animal species, cultural resources, public hunting, and the Mokuleia Trail. Impact mitigation measures include conducting expert surveys of the fence route to ensure that no biological or cultural resources are within the fence clearing corridor, implementing measures to decrease the potential for accidental introduction of non-native species, and retaining the integrity of the Mokuleia Trail.



(2) Wai'alae Country Club Golf Course Improvements

District: Honolulu
TMK: 3-5-23:portion 1
Applicant: Wai'alae Country Club
4997 Kahala Avenue
Honolulu, Hawai'i 96816

Approving Agency/Accepting

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

Consultant: Kauahikaua & Chun Architects
567 S. King Street, Suite 108
Honolulu, Hawaii 96813
Contact: Dwight Kauahikawa (526-2283)

Status: FEA/FONSI issued, project may proceed
Permits Required: SMA, SSV, height variance, building, grading

The applicant proposes modifications to the existing Wai'alaie Country Club Golf Course which include: (1) Modifications to the existing driving range with the relocation and addition of taller safety nets mounted at a 60-foot height on taller coconut trees; and (2) the construction of a paved cart path within the 40-foot shoreline setback along the fairway/Hole No. 8. Since the withdrawal of a previous FONSI determination on June 6, 2001, the applicant has eliminated 3 elements from their previous proposal: (1) to relocate the safety nets onto 60-foot metal poles; and (2) to install a paved maintenance path from the Hole No. 3 and along Fairway No. 9; and (3) to install a gate at the parameter wall near Hole No. 3 along Waiholo Street. At the driving range, target greens would be added, some trees would be removed/relocated or replaced. The dark green cissel netting would be hung on coconut trees with trunk heights in excess of 60 feet. The netting will be hung along 680 feet of the range (on both sides). The average span will be 40 feet, or about 50 coconut trees and 5 trees at the

existing employee parking lot. The netting will be attached to the trees with steel bands and brackets with extension arms. The fairway bunkers on the left side of Hole No. 18 would be modified to allow the installation of the new safety netting. According to the applicant, the driving range improvements are necessary to address existing safety concerns which are exacerbated during professional tournaments, such as the Sony Open.

The proposed 8-foot wide concrete cart path will be 1,100 feet long, with approximately 640 feet located within the 40-foot shoreline setback. The path will cross Wai'anui Stream, over an existing nonconforming concrete bridge located within the 40-foot shoreline setback. Pursuant to Chapter 23, Revised Ordinances of Honolulu (ROH), the construction of the cart path is prohibited within 40 feet of the certified shoreline (as determined by the State of Hawai'i) without first obtaining a Shoreline Setback Variance (SV).

Pursuant to Chapter 25, ROH, the proposed improvements, which are estimated to cost approximately \$184,000, require the approval of a Major Special Management Area Use (SMA) Use Permit. The relocation of the driving range safety nets to a height of 60 feet requires the approval of a zoning variance pursuant to Land Use Ordinance (LUO) Section 21-3.4-1, which limits structures to a height of 25 feet.

Training Opportunity

Environmental Training Sessions for Community Groups, Agency Staff and Consultants Still Open

What is an action? What is an applicant? Can an agency also be an applicant? Does an application for an easement require an environmental assessment? For applicant actions, isn't the agency required to prepare the environmental assessment under State law? Am I required to assess impacts of my proposed action to contemporary cultural resources and practices in an environmental assessment? Does the release of free-flying insects for biocontrol require an environmental assessment? Does EPA's approval to grow genetically modified crops in Hawai'i dovetail with State environmental requirements? Does compliance with the State Historic Preservation Law in Chapter 6E of the Hawai'i Revised Statutes ensure compliance with Act 50, Session Laws of Hawai'i, Regular Session of 2000 dealing with cultural impact assessments? If you need answers to these and many other important environmental questions, the following environmental training sessions have openings; please call the Office of Environmental Quality Control (OEQC) at

(808) 586-4185 to register. All sessions will be held at the Office of Environmental Quality Control, Leiopapa A Kamehameha, 235 South Beretania Street, Room 702, Honolulu. There is no charge to attend these training sessions.

October 10, 2003 from 9:00 A.M. till 11:00 A.M. (Five openings for private consultants and agency staff);

October 17, 2003, from 1:00 P.M. till 3:00 P.M. (Eight openings for community groups);

October 24, 2003, from 9:00 A.M. till 11:00 A.M. (Seven openings for private consultants and agency staff);

November 7, 2003, from 9:00 A.M. till 11:00 A.M. (Eight openings for private consultants and agency staff);

November 14, 2003, from 1:00 P.M. till 3:00 P.M. (Eight openings for community groups);

November 21, 2003, from 9:00 A.M. till 11:00 A.M. (Eight openings for private consultants and agency staff);

December 12, 2003, from 1:00 P.M. till 3:00 P.M. (Eight openings for community groups);

December 15, 2003, from 9:00 A.M. till 11:00 A.M. (Eight openings for private consultants and agency staff)

Maui Notices

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Draft Environmental Assessments



(1) Po'okela Well Development

District: Makawao
TMK: 2-4-12:28
Applicant: Maui Department of Water Supply
P.O. Box 1109
Wailuku, Hawai'i 96793
Contact: Larry Winter (270-7835)

Approving Agency/Accepting

Authority: Same as above
Consultant: Fukunaga & Associates
1388 Kapiolani Blvd., 2nd floor
Honolulu, Hawai'i 96814
Contact: Lynn Malinger (944-1821)

Public Comment

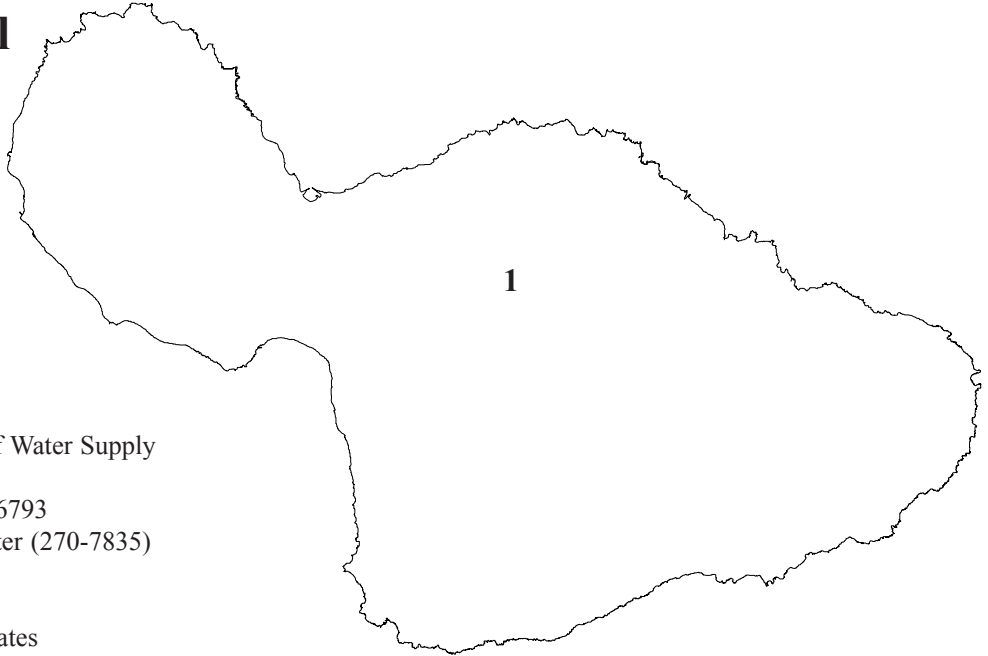
Deadline: November 7, 2003
Status: DEA First Notice pending public comment.
Address comments to the applicant with copies to the consultant and OEQC.

Permits

Required: Pump installation, grading, building, electrical, NPDES

Maui County Department of Water Supply proposes to develop Po'okela Well to provide a reliable potable groundwater source that will supplement water supply to Upcountry Maui. Upcountry Maui is currently served primarily by surface water sources, which are highly susceptible to drought conditions, and has required strict regulation on the issuance of water meters for many years. Po'okela Well Development will help to alleviate water restrictions and will allow for the issuance of long-awaited meters to landowners in Upcountry Maui.

Po'okela Well is located on the existing 2.2 acre Pookela Tank site owned by the Maui County Department of Water Supply, and identified by Tax Map Key 2-4-12:28. This site is on the northern slopes of Haleakala, less than half a mile mauka of Makawao Town, and off Olinda Road. The drilling and testing of Pookela Well was completed in February 2003. Develop-



ment of the well generally will involve installing a submersible deep well pump, pump controls and appurtenances, piping to the existing 2.0 million gallon Pookela Tank on-site, a control building, and upgrading the electrical service to the site.

This project may be funded by Federal Funds through the State of Hawai'i's Drinking Water State Revolving Fund (DWSRF) program, which would constitute a federal action, and will require the project to meet all Hawai'i DWSRF program requirements.



Draft Environmental Assessments



(1) Huber Single-Family Home

District: South Kona
TMK: 8-7-19:38
Applicant: Robert Huber (c/o Greg Mooers)
P.O. Box 1101
Kamuela, Hawai'i 96743
Contact: Greg Mooers (885-6839)

Approving Agency/Accepting Authority: Department of Land & Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809
Contact: Sam Lemmo (587-0414)

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

Public Comment
Deadline: November 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, plan approval, SMA permit or exemption, building

Robert Huber proposes to build a home on a 16,693 square-foot shoreline property. The home would be 1 1/2 stories and about 14 feet high from the top of the concrete slab to the peak of the roof. Also built would be a garage, landscaping, a driveway and a walkway. The home has been designed to comply with the Covenants, Conditions and Restrictions (CC&Rs) of the Kona Paradise Property Owners Association (KPPOA). Adherence to these standards will help the home to blend in with the neighborhood character. Wastewater will be processed through an Individual Wastewater Systems in compliance with State Department of Health regulations. Landscaping would use plants native and/or appropriate to coastal Kona. The cost of the improvements is preliminarily estimated at \$150,000, and all funding is private (no public funds are involved). Work would begin within a year of obtaining permits. Mitigation measures dealing with construction activity and inadvertent historic site finds are proposed to be incorporated as CDUP permit conditions. In addition, it is proposed that a CDUP con-



dition require that the applicant shall provide unrestricted pedestrian access across the makai end of the parcel for fishermen, hikers and others who are walking, fishing or gathering resources along the coast.



(2) Kahalu'u Beach Lots Realignment of Existing Seawall

District: North Kona
TMK: 7-8-14: 50 & 97
Applicant: Dr. Elizabeth Marshall
78-6616 Ali'i Drive
Kailua-Kona, Hawai'i 96740
Contact: Sidney Fuke (969-1522)

Approving Agency/Accepting Authority: Hawai'i County Planning Dept.
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Contact: Earl Lucero (961-8288)

Consultant: Brian Nishimura (935-7692)
101 Aupuni Street
Hilo, Hawaii 96720

Public Comment
Deadline: November 7, 2003

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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, SMA, building, approval of construction plans

Dr. Elizabeth Marshall owns two adjoining parcels of land located within the North Kahalu'u Beach Subdivision, approximately ½ mile northwest of the Kahalu'u Beach Park, North Kona, Island of Hawai'i, Tax Map Key Numbers (3) 7-8-14: 50 & 97. Dr. Marshall is proposing to realign an existing concrete rubble masonry seawall in a more seaward direction, roughly following the certified shoreline established for most of parcel 50. The proposed seawall would intersect the makai face of the existing seawall situated on the adjoining parcel to the northwest. This proposed intersection is approximately 35 feet seaward of the present point of intersection. The proposed seawall would then follow the certified shoreline alignment a distance of approximately 70 feet. The remaining portion of the seawall proposed for realignment is an approximately 17 foot portion that runs diagonally across the ocean frontage and connects to the existing seawall. The top of wall elevation along the length of the proposed reconstructed seawall would be 11.5 feet above mean sea level (MSL). This elevation matches the top of wall elevation of the neighbor's adjoining seawall to the north and is approximately 2 feet below the top of wall elevation of the existing seawall at the point of tie-in to the existing wall. The proposed seaward movement of the Marshall seawall would affect the elevations of the existing shoreline at the base of the seawall and thus the relative height of the wall. At the northeastward corner, the elevation of the pahoehoe lava flow at the base of the proposed reconstructed seawall would be approximately 5 feet above MSL. This results in a wall height of 6.5 feet at this location. As the wall runs south, the existing shoreline grade along the base of the proposed wall rises to 10 feet above MSL at the point of tie-in some 85 feet along the proposed alignment. The wall height above the existing seaward grade decreases to approximately 1.5 feet at this point of the wall.



(3) Lako Street Extension

District: North Kona
TMK: 7-7-04
Applicant: Department of Public Works
101 Pauahi St., No.7
Hilo, HI 96720
Contact: Galen Kuba (961-8422)

Approving Agency/Accepting

Authority: Same as above
Consultant: Hilo Engineering, Inc.
484 Kalanikoa St.
Hilo, Hawai'i 96720
Contact: Rodney Kawamura (961-3706)

Public Comment

Deadline: November 7, 2003
Status: DEA First Notice pending public comment. Address comments to the applicant with copies to the consultant and OEQC.

Permits

Required: SMA, CZM, NPDES, SHPO

The Lako Street Extension project is part of a long range plan to provide a road network system to distribute and ease traffic in the Kailua to Keauhou sector. Three road alignment alternatives were considered. The final choice is for a 1,855 feet long road in Holualoa 3. This will provide another access route from the coastal Ali'i Drive to Kuakini Highway. The proposed roadway will ease traffic on Royal Poinciana Drive; provide easy access to Ali'i Drive from Komohana Kai Subdivision; and provide another escape route for the residents along Ali'i Drive in the event of an emergency. The terminus of the 1st phase (southern section) of the Kahului-Keauhou Parkway will be at Lako Street. The general area of the project site is replete with archaeological features. The Keolonahihi State Historical Park, a site on the National Register of Historical Places, is situated in the general area of the project. In proximity to the road project, is a significant historical area, the Keakealaniwahine Complex. Ancient history has 'Umi a Liloa, a ruler said to have unified the island, as having moved the royal court from Waipi'o Valley to the Kona district. This lasted through the reign of Kamehameha I. The Keakealaniwahine complex is named for a chiefess who was a descendant of 'Umi. The proposed roadway lies north of 16-acre Keakealaniwahine Complex and includes a buffer zone. The proposed alignment will affect the least archaeological features of the alternatives studied. Mitigation measures will include data recovery. The

roadway is estimated to cost over \$2,000,000. After acceptance of the Environmental Assessment, construction plans will be authorized. Bids for construction will most likely be advertised in mid-year of 2004.



(4) Wai'aha Production Well and Reservoir

District: North Kona
TMK: 7-5-14:16 and 7-5-15: 8 & 15
Applicant: Department of Water Supply
345 Kekuanao'a St.
Hilo, Hawai'i 96720
Contact: Milton Pavao (961-8050)

Approving Agency/Accepting

Authority: Same as above

Consultant: Planning Solutions, Inc.
1210 Auahi St., Ste. 221
Honolulu, Hawai'i 96814
Contact: Perry White (593-1288)

Public Comment

Deadline: November 7, 2003
Status: Revised DEA First Notice pending public comment. Address comments to the applicant with copies to the consultant and OEQC.

Permits

Required: noise variance, building, pump installation, well construction, plan approval, drinking water well use certification

The County of Hawaii Department of Water Supply (DWS) proposes to convert an existing exploratory well on its Waiaha Reservoir Site to a production well. It will remove existing, unused facilities and install the systems to operate the new well. It will replace an existing storage tank and install a new control building on land now occupied by abandoned facilities at the site. Water from the well will augment water from the present water sources in the southern portion of the North Kona Water System. This project may be funded by Federal Funds through the State of Hawaii's Drinking Water State Revolving Fund (DWSRF) program, which would constitute a federal action and will require the project to meet all Hawaii DWSRF program requirements. DWS previously issued a Finding of No Significant Impact (FONSI) for the project and expects the same determination from this environmental assessment. This Draft Environmental Assessment (DEA) includes the additional information, not included in the original DEA and required by the DWSRF program.

DWS proposes to mitigate short-term construction impacts on nearby residents by requiring the selected contractor to incorporate mitigation measures in its work program.

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



(5) Twigg-Smith Single Family Homes

District: South Kona
TMK: 8-3-6: 5 and 6
Applicant: Desmond Twigg-Smith
c/o Gregory Mooers (885-6839)
P.O. Box 1101
Kamuela, Hawai'i 96743

Approving Agency/Accepting

Authority: Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809
Contact: Sam Lemmo (587-0414)

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

Public Comment

Deadline: August 22, 2003
Status: FEA/FONSI issued, project may proceed.
Permits Required: Building, SMA, CDUP, IWS, plan approval, sec. 6E concurrence

The owner proposes to build one home on each of two adjacent former kuleana located within the interior of the peninsula of land which terminates in Palemano Point. Neither kuleana has shoreline frontage. Homes were formerly present on both parcels. Both new homes would be two-story structures designed to blend in with the natural and cultural environment of Ke'ei. Individual Wastewater Systems in compliance with State Department of Health regulations would be built. The lots, which now contain mainly alien grasses and shrubs, would be landscaped with native trees and shrubs appropriate to coastal Kona. Importantly, no trees that serve to screen the property from the beach would be removed, and the natural, low-key environment of the beach and shoreline would not be affected. The properties are surrounded by Kamehameha Schools land currently leased by the YMCA and used for camping, and are

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close to a series of residential houselots. A vegetated area (Kamehameha Schools property) screens the kuleana from Ke'e Beach. The cost of the improvements is preliminarily estimated at \$400,000, and all funding is private (no public funds are

involved). Work would begin as soon as permits are obtained. Mitigation measures dealing with construction activity and inadvertent historic site finds are proposed to be incorporated as CDUP permit conditions.

Governor's Announcements

Your Voice, Our Vision, Hawai'i's Future

Governor Linda Lingle and Lt. Governor James "Duke" Aiona Jr. announced a series of statewide "Talk Story" sessions designed to get community input on issues of importance to the people of Hawai'i. The first session started on July 29, 2003.

"It is important for government leaders to hear directly from the people what concerns they may have in their communities and neighborhoods, as well as what they believe are the most important issues facing our state," said Governor Lingle. "I plan to do a lot of listening during these talk story sessions, then use what I learn to help my administration focus on how we can continue to make life better for the people of Hawai'i through day-to-day government services as well as legislation in the upcoming legislative session."

Lt. Governor Aiona is scheduled to target discussions during which he will present the Hawai'i Drug Control Strategy, followed by questions and comments from the community about the plan. The information gathered from the community during these sessions will be reported during the Hawai'i Drug Control Strategy: A New Beginning Summit

"We want to hear what people's reactions are to the plan that we have developed to control the illicit drug use problem in Hawai'i," said Lt. Governor Aiona. "The ideas generated through this community dialogue will be invaluable as we prepare for the drug control summit in September."

"The Lt. Governor and I are looking forward to getting out into the community, and we encourage everyone to join us in these sessions to share their thoughts about what good things are happening in their neighborhoods, as well as what challenges they're facing," said Governor Lingle."

All meetings are scheduled from 5:30 p.m. - 8:00 p.m., except where noted. Schedule is subject to change.

Schedule for Governor Lingle:

Date	Communities	Venue
Tues., Sept. 23	'Ewa	Kapolei Middle School
Tues., Sept. 30	Lihu'e	Kaua'i High School
Tues., Oct. 7	'Aina Haina to Hawai'i Kai	Kaiser High School
Tues., Oct. 14	Downtown and Manoa to Kahala	McKinley High School
Tues., Oct. 21	Moloka'i	Kaunakakai School
Tues., Oct. 28	Lana'i	Hale Kupuna

Schedule for Lt. Governor Aiona:

Date	Communities	Venue
Tues., Oct. 21	Moloka'i	Kaunakakai School
Tues., Oct. 28	Lana'i	Hale Kupuna

Draft Environmental Assessments

(1) Lihu'e-Hanama'ulu (Pu'u 'A'ahoaka) Exploratory Well

District: Lihu'e
TMK: 3-9-2:01
Applicant: Dept. of Land & Natural Resources
Engineering Division
1151 Punchbowl St., Rm. 221
Honolulu, Hawai'i 96813
Contact: Eric Hirano (587-0230)

Approving Agency/Accepting

Authority: Same as above
Consultant: Wilson Okamoto Corp.
1907 S. Beretania St., No. 400
Honolulu, Hawai'i 96826
Contact: Earl Matsukawa (946-2277)

Public Comment

Deadline: November 7, 2003
Status: DEA First Notice pending public comment.
Address comments to the applicant with copies to the consultant and OEQC.

Permits

Required: Grubbing, grading, CWRM well construction

DLNR proposes to drill an exploratory well on State land at the approximately 500 foot elevation of Pu'u 'A'ahoaka, which is located between the North and South forks of the Wailua River, above Wailua Falls. The Tax Map Key for the site is TMK 3-9-02: portion of 1. After the exploratory well is drilled and cased, pump tests will be conducted to determine the quality and quantity of the source. If the exploratory well proves successful, it will be outfitted and converted into a production well. The DLNR is seeking a yield between 500,000 and 1,000,000 gallons per day from this potential source. Should water quality from the well tests be unacceptable for potable use and too costly for treatment, the well will capped and used possibly for future monitoring purposes. An alternative site would then be explored. Access to the well site is via a former sugar cane haul road branching off of Ma'alo Road. The cane haul road connects to a jeep trail that leads to the base of Pu'u 'A'ahoaka.



This Environmental Assessment (EA) is being prepared for the exploratory phase of the well project (i.e., the drilling, casing, and pump testing operations). If test results are favorable and a decision is made to move forward with the production phase, another EA will be prepared to cover the outfitting, installation of accessory facilities, and production operations of the well. Work on the exploratory well is scheduled to commence in September 2004, and completed approximately one year later. The preliminary cost estimate for the exploratory well and pump test is approximately \$1.2 million. The source of funding is the State.

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

(2) Ben Dor Single Family Residence

District: Hanalei
TMK: 5-9-5:20
Applicant: Ben Dor Family
P.O. Box 526
Hanalei, Hawai'i 96714
Contact: Roy A. Vitousek III, (329-5811)

Kaua'i Notices

OCTOBER 8, 2003

Approving Agency/Accepting

Authority: Department of Land and Natural Resources
P.O. Box 621

Honolulu, Hawai'i 96809
Contact: Sam Lemmo (587-0381)

Consultant: Cades Schutte Fleming & Wright
75-170 Hualalai Rd., B303
Kailua-Kona, Hawai'i 96740

Contact: Roy A. Vitousek III, Esq. (329-5811)

Status: FEA/FONSI issued, project may proceed

Permits

Required: CDUP

The Ben Dor family proposes to construct a single family residence on the property identified as TMK (4) 5-9-5: 20, which parcel consists of 47,782 + sq. ft. and is located within the Limited Subzone of the Conservation District at Haena, Kauai. The residence will be approximately 3,380 sq. ft. and will be served by an existing underground wastewater treatment system installed in 2001.

The residence will be constructed primarily of wood with a nonreflective roof. The foundation will consist of concrete columns on concrete footings which will be elevated 19 feet above ground level because the residence will be constructed in the coastal high hazard area. The residence will have four bedrooms, four bathrooms, a kitchen/dining room, living room, and three lanais and will be painted with earth-tone colors.

Pollution Control Permits

Department of Health Permits

The following is a list of some pollution control permits currently being reviewed by the Environmental Management Division of 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. Abbreviations used in the matrix below include: **AR** (Application Received); **CAB** (Clean Air Branch, 586-4200); **CD** (Comments due); **CSP** (Covered Source Permit); **CWB** (Clean Water Branch, 586-4309); **N** (New); **NA** (Not applicable); **NCSP** (Non-Covered Source Permit); **PI** (Permit Issued); **PBR** (Permit-by-Rule); **R** (Renew); **SDWB** (Safe Drinking Water Branch, 586-4258); **SHWB** (Solid and Hazardous Waste Branch, 586-4226); **SWMP** (Solid Waste Management Permit); **TEMP** (Temporary); and **UIC** (Underground Injection Control Permit).

Branch/ Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
CAB, NCSP	Hawaiian Cement, NSP 0277-05-N, (Modification)	91-055 Kaomi Loop, Kapolei, O'ahu	PI: 09/10/03	Cement Bulk Storage, Truck Loading and Bagging Facility
CAB, NCSP	Ameron Hawai'i, NSP 0350-01-N (Modification)	2344 Pahounui Drive, Honolulu, O'ahu	PI: 09/15/03	300 cy/hr Central Ready Mix Concrete Batch Plant and 200 cy/hr Tilt Mixer
CAB, NCSP	Hawaiian Earth Products, Ltd., NSP 0420-01-NT (Renewal)	Various Temporary Sites, State of Hawai'i, Initial Location: Malakole Street, Campbell Industrial Park, O'ahu	PI: 09/15/03	750 yd ³ /hr Portable Screening Plant
CAB, T- NCSP	CTS Earth Moving, Inc., CSP 0475-01-CT (Modification)	Various Temporary Sites, State of Hawai'i, Initial Location: Keauhou View Estates Subdivision, Kailua-Kona, Hawai'i	PI: 09/22/03	357 TPH Portable Crushing and Screening Plant
SHWB, R-SWMP	ABC Used Auto Parts, SV-0037-03	794H Lehua Avenue, Pearl City, O'ahu	AR: 07/14/03	
SHWB, N-PBR	Island Recycling Inc., CC-0038-03	1803 Dillingham Boulevard, Honolulu, O'ahu	AR: 07/09/03	
SHWB, N-SWMP	'Aiea Recycling, LLC, RY-0039-03	833 Pu'uoloa Road, Honolulu, O'ahu	AR: 08/05/03	
SWHB, R-SWMP	PVT Land Co., Ltd., RM-0040-03	87-2020 Farrington Hwy., Wai'anae, O'ahu	AR: 08/25/03	
SHWB, N-SWMP	Stoneridge Recoveries, LLC, SV-0041-03	98-077 Kamehameha Hwy., 'Aiea, O'ahu	AR: 08/27/03	
SHWB, N-PBR	Kane'ohe General Services, CO-0042-03	47-630 Kamehameha Hwy., Kane'ohe, O'ahu	AR: 08/27/03	
SHWB, R-SWMP	Waste Management of Hawai'i dba Sanifill Hawai'i, LF-0032-03	6900D Kaunuali'i Hwy., Kekaha, Kaua'i	AR: 09/16/03	
SDWB, UIC	Waiki'i Ranch Homeowners Association, UH-2026	Waiki'i Ranch Subdivision, Increment 1 Water System, Saddle Rd., Waiki'i, Hawai'i	NA	Permit renewal for 5 injection wells for potable water overflow disposal
SDWB, UIC	The Hertz Corporation, UH-2228	Hertz Maintenance Facility, Baseyard Well No. 1, Kona International Airport, Hawai'i	NA	Abandonment of 1 unregistered injection well for floor drainage
SDWB, UIC	The Hertz Corporation, UH-2229	Hertz Maintenance Facility, Former Tropical Rent A Cart Site, Well No. 2, Kona International Airport, Hawai'i	NA	Abandonment of 1 unregistered injection well for surface drainage
SDWB, UIC	The Hertz Corporation, UH-2230	Hertz Maintenance Facility, Former Budget Auto Car Wash Well No. 3, Kona International Airport, Hawai'i	NA	Abandonment of 1 unregistered injection well for car wash water disposal
SDWB, UIC	The Hertz Corporation, UH-2231	Hertz Maintenance Facility, Former Budget Maintenance Area Well No. 4, Kona International Airport, Hawai'i	NA	Abandonment of 1 unregistered injection well for surface drainage
SDWB, UIC	Hawai'i Electric Light Company, UH-1245	Shipman Generating Station, 20 Banyan Drive, Hilo, Hawai'i	NA	Permit modification for two injection wells to include surface runoff

Pollution Control Permits

Branch/ Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
SDWB, UIC	Westpro Development Inc., UH-2234	Lokahi Makai Subdivision, Phase II, Southern end of Kakahiaka St., Ka'iminani Dr., Kala'oa, Hawai'i	NA	Construction of three injection wells for surface drainage
SDWB, UIC	Patricia and Thomas Coulson, UO-1950	Sunset Paradise Apartments, 68-172 A'u St., Mokule'ia, O'ahu	NA	Permit renewal for two injection wells for sewage disposal
SDWB, UIC	Elizabeth M. Stack, UO-2233	Makalualei Wastewater, 87-1245 Hakimo Rd., Wai'anae, O'ahu	NA	Registration of three existing injection wells for sewage disposal
SDWB, UIC	Ching Young Ltd. Partnership, UK-2232	Ching Young Center STP, 5-5190 Kuhio Hwy., Hanalei, Kaua'i	NA	Registration of seven existing injection wells for sewage disposal
CAB, T- NCSP	Delta Construction Corporation, NSP 0486-01-NT (Modification)	Various Temporary Sites, State of Hawai'i, New Location: Ocean Pointe, 'Ewa, O'ahu	PI: 09/22/03	150 TPH Mobile Crusher and 400 TPH Portable Screener
CAB, R- CSP	Hawaiian Cement, CSP 0252- 01-C	Camp 6, Pu'unene, Maui	PI: 09/23/03	800 TPH Aggregate Processing Facility
CAB, R- CSP	Hawaiian Electric Company, Inc., CSP 0238-01-C	Honolulu Generating Station, Honolulu, O'ahu	CD: 10/27/03	Two Boilers
CAB, T- CSP	Land Breeze, Inc., CSP 0543- 01-CT	Hickam Air Force Base, Honolulu, O'ahu	CD: 10/27/03	400 TPH Portable Crushing Plant with 525 BHP Diesel Engine
CAB, R- NCSP	Navy Region Hawai'i - NCTAMS, NSP 0103-02-N	NCTAMS PAC 500 Center Street, Wahiawa, O'ahu	PI: 09/24/03	Two 2.09 MMBtu/hr Boilers

Coastal Zone Notices

Special Management Area (SMA) Minor Permits

Pursuant to Hawai'i Revised Statutes (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); Kauai County (241-6677); Maui County (270-7735); Kaka'ako Special Design District (587-2878).

Location (TMK)	Description (File No.)	Applicant/Agent
Honolulu: Waialua (6-8-11-6)	Chain-link fence (2003/SMA-71)	Lois A. Suzuki Trust and Norman H. Suzuki Trust/Vernon A. Takato
Hawai'i: North Kona (7-5-5-88)	Construct temporary bike path (SM M 140)	William C. Foulk, Ph.D. AIA
Maui: Kihei (3-9-55-47)	Attached 'Ohana (SM 2 20030142)	Takitani, Christopher
Maui: Lahaina (4-6-1-8)	Pioneer Inn alterations (SM 2 20030143)	Niess, James
Maui: Lahaina (4-2-1-32)	Apartment alterations (SM 2 20030144)	Warren Construction, LLC
Maui: Wailea (2-1-8-116)	Telecommunications equipment (SM 2 20030145)	Verizon Hawai'i, Inc.
Maui: Keonekai (3-9-4-148)	Telecommunications equipment (SM 2 20030146)	Verizon Hawai'i, Inc.
Maui: Kihei (3-9-51-24)	Mechanical building (SM 2 20030147)	Oceanic Cable
Maui: Ka'anapali (4-4-14-3)	Sand placement (SM 2 20030148)	SVO Pacific, Inc.
Maui: Lahaina (4-2-1-24)	Apartment addition (SM 2 20030150 & 51)	Kimmey, Marie
Maui: Wailuku (3-2-19-38)	Dwelling (SM X 20030542) Pending.	Liserre, Jana
Maui: Lahaina (4-6-33-8)	Apartment alterations (SM X 20030543) Pending.	Wagner, Nick
Maui: Kihei (3-9-3-7)	Add demising wall (SM X 20030544)	Joslin Group
Maui: Ha'iku (2-8-4-20)	Farm cottage (SM X 20030545) Pending	
Maui: Kihei (3-9-40-119)	Construct playroom (SM X 20030546) Pending.	Hipolito, Candido D., et alia
Maui: Wailuku (3-2-19-52)	Dwelling (SM X 20030547) Pending.	Bulusan, Alfredo F.
Maui: Kihei (3-9-8-28)	Alterations (SM X 20030548) Pending.	Escobar, Rafael
Maui: Kihei (3-8-13-12)	Demolition (SM X 20030549) Pending.	Nelson, Don
Maui: Paia (3-8-2-113)	Water well (SM X 20030551) Pending	Buzianis, Micah
Maui: Paia (2-6-5-70)	Addition (SM X 20030553) Pending	Reaser, Diane
Maui: Haiku (2-8-4-46)	Swimming pool (SM X 2003554) Pending	Wagner, Nick
Maui: Kihei (3-9-22-20)	Alteration (SM X 20030556) Pending	Shadian, Geraldine
Maui: Kihei (3-9-30-24)	Covered deck (SM X 20030557) Pending	Blaeholder, David
Maui: Kihei (3-9-38-40)	Open deck (SM X 20030558) Pending	Hogin, Steve
Maui: Kihei (2-1-24-79)	Addition (SM X 20030559) Pending	Cooper, Martin V.
Maui: Kahului (3-8-7-33)	Fire sprinkler (SM X 20030561) Pending	Maui Electric Co., Ltd
Maui: Kapalua (4-2-1-30)	Interior renovations (SM X 20030563) Pending	Gholkar, Satish K.
Maui: Kihei (3-9-21-17)	Accessory dwelling (SM X 20030564) Pending	Calinato, Eugenia
Maui: Paia (2-6-4-14)	Demolition (SM X 20030565) Pending	Rixey, George A.
Maui: Kihei (3-8-13-11)	Demolition (SM X 20030566 & 67) Pending	Rixey, George A.
Maui: Ha'iku (2-9-7-40)	2 nd dwelling (SM X 20030569) Pending	Heartfield, Tomas & Joan
Maui: Kihei (3-9-1-4)	Building elevator (SM X 20030570) Pending	G Y A Architects, Inc.

Shoreline Applications

Shoreline Certification Applications

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

File No.	Date	Location	Applicant/Owner	TMK
HA-066-2	10/3/03	Portion of RP 4475, Land Commission Award 7713, Apana 43 to V. Kamamalu, land situated at Holualoa 1 st and 2 nd , North Kona, Island and County of Hawaii Address: 76-6274 Alii Drive Purpose: Building Permit	Wes Thomas Associates/Kim Bryant	7-6-14: 13
OA-953	10/3/03	Lots 1 to 17, 31 and 34 as shown on Map 1 of Land Court Consolidation 211, land situated at Kaunala, Koolauloa, Island of Oahu, Hawaii Address: 58-261C to 58-261F and 58-251, 58-259 and 58-350 Kanehameha Highway Purpose: Building Permit	Controlpoint, Inc./Western United Life Assurance Company	5-8-03: 12 & 96, 5-8-6: 1 to 6, 8 to 11 & Por 29
KA-171	10/3/03	Lot 2, Wainiha Subdivision II (File Plan No. 1840), land situated at Wainiha, Hanalei, Island of Kauai, Hawaii Address: 7350 Alealea Road Purpose: Building Permit	Esaki Surveying and Mapping, Inc./Carl Stephens	5-8-09: 41
OA-954	10/3/03	Lot 9, Maunaloa Bay View Lots Subdivision, (File Plan No. 750), land situated at Maunaloa, Island of Oahu, Hawaii Address: 150 Hanapepe Loop Purpose: Home Improvements	Towill, Shigeoka and Associates/Tom Young	3-9-27: 07
OA-955	10/3/03	Lots 39 and 40, Land Court Application 979 as shown on Map 3 of land situated at Kahaluu, Koolaupoko, Island of Oahu, Hawaii Address: 47-035 Kanehameha Highway Purpose: Easements and Building Permit	Towill, Shigeoka and Associates/Thomas Robertson	4-7-19: 20
KA-063-3	10/3/03	Lot 82 Wainiha Hui Lands, being a portion of R.P. 7194, Land Commission Award 11216, Apana 5 to M Kekauonohi, land situated at Wainiha, Island of Kauai, Hawaii Address: 5-7030 Kuhio Highway Purpose: Building Permit	Wagner Engineering Services/Nick Michaels	5-8-12: 07
OA-956	10/3/03	Lots 2 and 54-E, Land Court Application 1002, land situated at Kaneohe, Koolaupoko, Island of Oahu, Hawaii Address: 45-004 Lilipuna Road Purpose: Building Permit	Walter P Thompson, Inc./Barbara Dale Kaspari	4-5-01: 38

Shoreline Determinations

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 Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

Case No.	Actions Under New and Old Shoreline Rules	Location	Applicant	Tax Map Key
MA-091-2	Rejected 9/11/03	Lot A of the Ulmer Lime Kiln Subdivision, land situated at Paia, Hamakuapoko, Makawao, Maui, Hawaii Address: 3045 Hana Highway Purpose: Building Permit	Newcomer Lee Land Surveyors, Inc., for Holland, Welch, and Weidner	2-5-05: 14
OA-550-2	Proposed Shoreline Certification 9/25/03 New Rules	Lot 173, Land Court Application 323 (Map 323), land situated at Kailua, Koolaupoko, Oahu, Hawaii Address: 350 Dune Circle Purpose: Improvements	Towill, Shigeoka & Associates/Nauru Investment, LLC	4-3-17: 41
OA-945	Proposed Shoreline Certification 9/25/03 New Rules	Lot 5-B-1, being a portion of R.P. 4475, land Commission Award 7713, Apana 33 to V. Kamamalu, land situated at Kawaihoa, Waialua, Oahu, Hawaii Address: 61-277 Kamehameha Highway Purpose: Building Permit	ParEn, Inc./Janet Jenson	6-1-12: 05
OA-937	Proposed Shoreline Certification 9/25/03 New Rules	Moana Surfriider 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.)
KA-170	Proposed Shoreline Certification 9/25/03 New Rules	Remainder of Lot 87-A of Wainiha Hui Land, being a portion of R.P. 7144, Land Commission Award, Apana 5 to M. Kekauonohi, land situated at Wainiha, Hanalei, Island of Kauai, Hawaii Address: 5-6898 Kuhio Highway Purpose: Building Permit	Ronald J. Wagner Engineering Services, Inc./David and Keiko Beckman	5-8-12: 12

Federal Notices

Proposed Rules for the Protection of Historic Properties

The Advisory Council on Historic Preservation (ACHP) is submitting proposed amendments to the regulations setting forth how Federal Agencies take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment, pursuant to Section 106 of the National Historic Preservation Act. Most of the proposed amendments respond to recent court decisions which held that ACHP could not force a Federal agency to change its determinations regarding whether its undertakings affected or adversely affected historic properties, and that Section 106 does not apply to undertakings that are merely subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency. Another proposed amendment clarifies the time period for objections to "No Adverse Effect" findings. The last proposed amendments clarify that ACHP can propose an exemption to Section 106 process on its own initiative, rather than needing a federal agency to make such a proposal. Submit comments on or before October 27, 2003. Address all comments concerning this proposed rule to the Executive Director, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, N.W., Suite 809, Washington, D.C. 20004; by telephone facsimile dial (202) 606-8672. You may also submit comments by electronic mail to achp@achp.gov provided you also type "Regs Amendment 2003" in the subject line of the electronic mail (see, 68 F.R. 55354, September 25, 2003).

DEIS for Transformation of the 2nd Brigade, 25th Infantry Division (Light) to a Stryker Brigade Combat Team Based in Hawai'i

The Department of the Army is proposing an action that includes training to be conducted at Schofield Barracks Military Reservation (SBMR), Dillingham Military Reservation, Kahuku Training Area and Kaiwaloa Training Area on O'ahu and the Pohakuloa Training Area on the island of Hawai'i. Twenty-eight projects are proposed that would improve the existing support structure and facilities to provide the necessary field training required for a Stryker Brigade Combat Team (SBCT). These projects include construction of ranges, air-field upgrades, land acquisition, and new equipment such as new and modernized vehicles (namely the Stryker, an eight-wheeled, 20-ton combat vehicle) and weapons systems (105mm cannon and 120mm mortar). The number of soldiers and vehicles stationed at SBMR also would increase. The Army would acquire land on O'ahu (approximately 1,400 acres) and on the island of Hawai'i (approximately 23,000 acres) for training areas and road construction. The comment period for the DEIS will end 45 days after publication of the NOA in the Federal Register by the U.S. Environmental Protection Agency. To obtain a copy of the DEIS, ask questions or submit written comments, contact Ms. Cindy Barger, U.S. Army Corps of Engineers, Honolulu Engineer District, Program and Project Management, Attention: CEPOH-PP-E (Barger), Building 230, Fort Shafter, Hawaii 96858-5440. For more information contact Ms. Cindy Barger by telephone

at (808) 438-4812; by facsimile at (808) 438-7801; or by e-mail at SBCT_EIS@usace.army.mil.

The SBCT DEIS analyzes three alternative courses of action with respect to the transformation of the 2nd Brigade, 25th Infantry Division in Hawai'i: (1) The transformation of the 2nd Brigade, 25th Infantry Division (Light) to an SBCT with a range of supporting activities including new, additional, or modified ranges, facilities and infrastructure and acquisition of approximately 1,400 acres of additional training lands on O'ahu and 23,000 acres on the island of Hawai'i (preferred alternative); (2) the transformation of the 2nd Brigade, 25th Infantry Division (Light) to an SBCT with a range of supporting activities including new, additional, or modified ranges, facilities and infrastructure, and acquisition of approximately 100 acres of additional training lands on O'ahu and 23,000 acres on the island of Hawai'i; and (3) the no action alternative, under which no transformation would occur in the near term and training would continue as currently exists. Comments on the Draft EIS, received during the 45-day public comment period, will be considered in preparing the Final EIS. Public meetings to comment on the SBCT DEIS will be held at various locations on the islands of O'ahu and Hawai'i. Notification of the times and locations for the public meetings will be published in local newspapers and in the State of Hawai'i, Office of Environmental Quality Control periodic bulletin also known as the *Environmental Notice*. Copies of the SBCT DEIS are available for review at the following libraries: Hilo Public Library, 300 Waianuenue Avenue, Hilo, Hawai'i 96720-2477; Kailua-Kona Public Library, 75-138 Hualalai Road, Kailua-Kona, Hawai'i 96740-1704; Thelma Parker Memorial Public and School Library, 96767-1209 Mamalahoa Hwy. Kamuela, Hawai'i 96743-8429; Kahuku Public and School Library, 56-490 Kamehameha Hwy., Kahuku, Hawai'i 96731-2200; Mililani Public Library, 95-450 Maka'imoku Street, Mililani, Hawai'i 96789-3018; Hawai'i State Library, 478 South King St., Honolulu, Hawai'i 96813-2901; Wahiawa Public Library, 820 California Avenue, Wahiawa, Hawai'i 96786-2034; Wai'anae Public Library, 85-625 Farrington Hwy., Wai'anae, Hawai'i 96792-2406; Waialua Public Library, 67-068 Kealohanui Street, Waialua, Hawai'i 96791; and University of Hawai'i Environmental Center, 317 Crawford Hall, 2550 Campus Rd., Honolulu, Hawaii 96822-2217. The Draft EIS may also be reviewed at the following SBCT Internet Web site: <http://www.SBCTEIS.com> (see, 68 F.R. 55946, September 29, 2003).

Eight Public Scoping Meetings for an EIS for Incidental Takings of Endangered Species in Inshore Fisheries of the Main Hawaiian Islands

The National Marine Fisheries Service (NMFS) is announcing its intent to hold scoping meetings to inform interested parties of the Environmental Impact Statement (EIS) process as it applies to the evaluation of the State of Hawai'i's permit application for an Endangered Species Act (ESA) incidental take permit (ITP) and the evaluation of fishery management alternatives, any of which may produce a different effect on impacted ESA-listed species. NMFS also supplements its initial notice of intent to prepare an environmental impact statement to assess the potential impacts on the human environment of the

issuance of the ITP to authorize take of Hawaiian monk seals during commercial fishing activities in the state of Hawai'i. The ESA requires the development of a list of species determined to be in danger of extinction throughout all or a significant portion of its range (endangered) or likely to become endangered in the foreseeable future (threatened). Section 9 of the ESA prohibits "take" of such endangered species. "Take" has been defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Section 9 of the ESA prohibits all take of endangered species, regardless of whether the take is directed or incidental. Through section 4(d) of the ESA, NMFS has extended the prohibition of take to threatened sea turtles under 50 CFR 223.205. One exemption to the ESA take prohibition is provided through an ESA section 10(a)(1)(B) incidental take permit (ITP). Specifically, section 10(a)(1)(B) authorizes NMFS, under some circumstances, to permit the taking of fish and wildlife otherwise prohibited if such taking is incidental to, and not the purpose of carrying out, otherwise lawful activities. Applicants seeking an ESA section 10(a)(1)(B) permit must include a conservation plan with their application that: (1) identifies the impacts to species and critical habitat; (2) identifies actions to minimize and mitigate any negative impacts; (2) identifies funding for minimization and mitigation efforts; (3) illustrates that there will be no appreciable reduction in the likelihood of survival and recovery of the species; and (4) contains adequate assurances that the plan will be fully implemented. To determine whether to grant the issuance of a permit, NMFS must conduct a thorough and collaborative review of all data and potential effects on listed species of the activity(ies) identified in the permit. NMFS cannot authorize an ITP unless it can determine that the permit application and related conservation plan establish that (1) the taking will be incidental; (2) the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking; (3) the applicant will ensure that adequate funding for the plan is provided; (4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) any other measures or assurances required by NMFS as being necessary or appropriate for purposes of the conservation plan will be met. Section 7 of the ESA also states that actions taken by Federal agencies must not jeopardize the continued existence of threatened and endangered species and directs these agencies to take affirmative steps to enhance prospects for recovery of such species. In evaluating section 10 permit applications, NMFS must ensure that allowing incidental take as described in the application would not likely jeopardize the continued existence of the listed species or adversely modify critical habitat and that the permit is consistent with recovery requirements identified to date for the species. ESA-listed species that may be impacted by the interactions with fishing gear associated with State of Hawaii-managed fisheries include five species of sea turtles and monk seals. Therefore, as part of its management of inshore fisheries in the main Hawaiian islands (MHI), the State of Hawai'i has applied for a permit for the incidental take of the five species of sea turtles and monk seals. NMFS is now undertaking a review of the permit application, as amended, and the impacts of the State of Hawai'i's management of its fisheries on ESA-listed species to determine whether or not a permit should be issued for the incidental take of such species. The authorization of an ITP constitutes a Federal action. Under the National Environmental Policy Act (NEPA), Federal agencies must insure that environmental information is avail-

able to public officials and citizens before Federal decisions are made and before Federal actions are taken. The purpose is to promote management and policy decisions that will prevent or eliminate damage to the environment, stimulate the health and welfare of the public, and enrich the understanding of the ecological systems and natural resources important to the nation. A key element of the NEPA process is the identification not only of the proposed action but also a set of alternatives to the proposed action. The NEPA process, involving public review of the alternatives, is designed to provide the agency with information that enables identification of the most satisfactory alternative. Therefore, public involvement, including public meetings and other opportunities for public input, in the scoping and selection of alternatives is an important part of the EIS process. The proposed action now under consideration and the subject of this EIS is the issuance of a permit for the incidental take of sea turtles and monk seals associated with fishing activities in MHI inshore waters under the authority of the State of Hawaii. A no-action alternative and its environmental consequences will be considered and evaluated. Other alternatives that may be considered may include those listed in the conservation plan and other appropriate measures. For instance, alternative actions may call for gear modifications, reporting requirements, and other remedial actions on the part of fishers designed to minimize the number of individual animals affected and mitigate the injuries of animals that are taken. Public scoping for this EIS commenced with publication of the Notice of Intent (67 F.R. 31172, May 9, 2002), which is intended to meet the NEPA scoping guidelines at 40 CFR 1501.7 and 1508.22. This document furthers the scoping process by announcing scoping meetings. In addition to the meetings, NMFS is accepting written comments on the range of actions, alternatives, and impacts it should consider in the EIS. These comments will be part of the public record. In rendering a decision on whether or not an incidental take permit should be issued, NMFS will consider fully the application and its associated conservation plan as well as the alternatives considered. A number of issues associated with the State of Hawai'i permit application have been identified. These issues include: (1) number of sea turtle and monk seal hookings, entanglements and injuries/mortalities expected to result from the fisheries; (2) effects of those hookings, entanglements and injury/mortality levels on sea turtle and monk seal populations; (3) the cumulative effect on sea turtle and monk seal populations resulting from fishing and other activities; (4) how each of the five sea turtle populations and the monk seal population would be affected if the fishing activities would cease; (5) the economic and social impacts of changes in state inshore fishery management; (6) the likelihood that take minimization techniques would be adopted by the fishing community; and (7) the need for and means of compliance with the Marine Mammal Protection Act. NMFS solicits and invites public comment on these as well as other relevant issues. The 2002 Application for an Incidental Take Permit, as amended, is available from the NMFS Office of Protected Resources, Permits Division, 1315 East West Highway, Silver Spring, MD 20910. The Responsible Program Manager for this EIS is Ms. Laurie Allen, Acting Director, Office of Protected Resources, NMFS, 1315 East West Highway, Silver Spring, MD 20910, phone: (301) 713-2332. All meetings will be held 7:00 p.m. to 9:00 p.m. in the evening, Hawaiian Standard Time. (1) **OAHU - October 27, 2003:** Washington Intermediate School, 1633 South King St., Honolulu; (2) **HAWAI'I - October 28, 2003:** Waiakea High School, 155 West Kawili St., Hilo; (3) **HAWAI'I - October 29,**

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2003: Kealahou High School, 74-5000 Pu'ohuluhuli St., Kailua-Kona; (4) **KAUAI - October 30, 2003:** Wilcox Elementary School, 4319 Hardy St., Lihue; (5) **MAUI - November 3, 2003:** Maui Waena Intermediate School, 795 Onehe'e St., Kahului; (6) **LANA'I - November 4, 2003:** Lana'i High School, 555 Fraser Ave., Lana'i City; (7) **MOLOKA'I - November 5, 2003:** Moloka'i High School, 2140 Farrington Ave., Ho'olehua; (8) **O'AHU - November 6, 2003:** Hale'iwa Intermediate School, 66-505 Hale'iwa Rd., Hale'iwa. These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Sarah Malloy, telephone (808) 973-2937, facsimile (808) 973-2941 at least five days before the scheduled meeting date. Written comments on fisheries interactions with sea turtles and Hawaiian monk seals or other information that NMFS should consider in preparing the EIS and requests to be included on a mailing list of persons interested in the EIS should be sent to Sarah Malloy, Protected Resources Division, Pacific Islands Regional Office, National Marine Fisheries Service, 1601 Kapi'olani Blvd., Suite 1110, Honolulu, Hawai'i 96814. For more information contact Sarah Malloy, telephone (808) 973-2937, facsimile (808) 973-2941. Written comments should be received no later than December 31, 2003 (see, 68 F.R. 55023, September 22, 2003).

Review of Information Concerning Bighead Carp (*Hypophthalmichthys nobilis*) and Snakes of the Genus *Boiga*

The U.S. Fish and Wildlife Service (FWS) is reviewing available economic and biological information on bighead carp (*Hypophthalmichthys nobilis*) for possible addition of that species to the list of injurious wildlife under the Lacey Act. The importation and introduction of bighead carp into the natural ecosystems of the United States may pose a threat to agriculture, horticulture, forestry, the health and welfare of human beings, and the welfare and survival of wildlife and wildlife resources in the United States. Listing bighead carp as injurious would prohibit their importation into, or transportation between, the continental United States, the District of Columbia, Hawai'i, the Commonwealth of Puerto Rico, or any territory or possession of the United States, with limited exceptions. This notice seeks comments from the public to aid in determining if a proposed rule is warranted. On October 16, 2002, the U.S. Fish and Wildlife Service received a petition requesting that bighead carp, black carp, and silver carp be considered for inclusion in the injurious wildlife regulations pursuant to the Lacey Act. The petitioners expressed concern that bighead carp could invade the Great Lakes from the Mississippi River basin, where they are established, through a manmade ship and sanitary canal. The petitioners, 25 members of Congress representing the Great Lakes region, are concerned that bighead carp, because they are voracious eaters, may impact food supplies available to native fisheries in the Great Lakes, which are already struggling against other invasive species. The petitioners also noted that the Great Lakes fisheries are valued at approximately \$4 billion, and resource managers have spent decades trying to restore and protect them. Bighead carp are native to southern and central China. They feed on plankton and prefer large river habitats. They can grow to maximum lengths of about 58 inches and reach sexual maturity at about 21.6 inches. In Asia, bighead carp typically spawn between April and June, and they often

migrate upstream to spawn. Bighead carp were imported into the United States in 1972 by a fish farmer who wanted to use them in combination with other phytoplankton-eating fish to improve water quality and increase fish production in culture ponds. They have been used in many parts of the world as food fish. Bighead carp have been recorded from within or along the borders of at least 18 States. Comments must be submitted on or before November 17, 2003. Comments may be mailed (see details *infra* or sent by telephone facsimile at (703) 358-1800. You may send comments by electronic mail (e-mail) to: BigheadCarp@fws.gov. If you submit comments by e-mail, please submit comments as an ASCII file format and avoid the use of special characters and encryption. Please include "Attn: [RIN 1018-AT49]" and your name and return address in your e-mail message. Please note that this email address will be closed at the termination of this public comment period (see, 68 F.R. 54409, September 17, 2003).

FWS is also reviewing available economic and biological information on the *Boiga* genus of snakes for possible addition of the 28 species of snakes in the genus to the list of injurious wildlife under the Lacey Act. The importation and introduction of *Boiga* snakes into the natural ecosystems of the United States may pose a threat to agriculture, horticulture, forestry, the health and welfare of human beings, or the welfare and survival of wildlife and wildlife resources in the United States. Listing *Boiga* snakes as injurious would prohibit their importation into, or transportation between, the continental United States, the District of Columbia, Hawai'i, the Commonwealth of Puerto Rico, or any territory or possession of the United States, with limited exceptions. On May 28, 2003, FWS received a petition from the North American Brown Tree Snake Control Team requesting that the entire *Boiga* genus of snakes be considered for inclusion in the injurious wildlife regulations pursuant to the Lacey Act. Brown tree snakes, *Boiga irregularis*, are already listed as an injurious wildlife species under the Lacey Act. The petitioners requested that we list the entire genus because many of the species are similar in appearance and could be misidentified upon inspection at importation, resulting in the accidental introduction of brown tree snakes. The petitioners also noted, "many of the *Boiga* species have similar ecologies, so it is not just the brown tree snake that has the potential to become a problematic invasive species in the United States." There are 28 species of snakes in the *Boiga* genus. Snakes in the *Boiga* genus are native to Southeast Asia, China, India, Afghanistan, Malaysia, Indonesia, Oceania, North-east Australia, and eastern equatorial Africa. *Boiga irregularis* was accidentally introduced in Guam and has become established. There have been other accidental introductions into Hawai'i, Alaska, and Texas, but *Boiga* snakes are not established in those locations. Based on U.S. Fish and Wildlife Law Enforcement importation declaration data, there were 1,850 snakes in the *Boiga* genus imported into the United States during the six and one-half year period from January 1997 to June 2003. The declared value of those 1,850 snakes was \$16,495. Most of the snakes were imported from Indonesia and most are used in the pet trade. This notice seeks comments from the public to aid in determining if a proposed rule is warranted. Comments (see submission details, *infra*) must be submitted on or before November 12, 2003. You may send comments by electronic mail (email) to: Boiga@fws.gov. If you submit comments by e-mail, please submit comments as an ASCII file format and avoid the use of special characters and encryption. Please include "Attn: [RIN 1018-AT28]" and your name and return address in your e-mail message. Please note that this email address will be closed at the termination of this public comment period (see, 68 F.R. 53705, September 12, 2003).

Comments may be mailed or sent by fax by the appropriate deadline noted above, to the Chief, Division of Environmental Quality, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 322, Arlington, Virginia 22203; telephone facsimile (703) 358-1800. The Lacey Act (18 U.S.C. 42) and its implementing regulations in 50 CFR part 16 restrict the importation into or the transportation between the continental United States, the District of Columbia, Hawai'i, the Commonwealth of Puerto Rico, or any territory or possession of the United States of any species of wildlife, or eggs thereof, determined to be injurious or potentially injurious to certain interests, including those of agriculture, horticulture, forestry, the health and welfare of human beings, and the welfare and survival of wildlife and wildlife resources in the United States. However, injurious wildlife may be imported by permit for zoological, educational, medical, or scientific purposes in accordance with permit regulations at 50 CFR 16.22, or by Federal agencies without a permit solely for their own use.

Notice of Meeting of the National Parks Overflights Advisory Group

The National Park Service (NPS) and Federal Aviation Administration (FAA), in accordance with the National Parks Air Tour Management Act of 2000, announce the next meeting of the National Parks Overflights Advisory Group (NPOAG). The meeting will take place October 21, 2003, in Jackson Hole, Wyoming. This notice informs the public of the dates, location, and agenda for the meeting. The NPOAG will meet October 2003, at the Wort Hotel, 50 N. Glenwood Street, Jackson, Wyoming, 83001 (telephone 1-800-250-1623). For more information, contact Barry Brayer, Manager, Executive Resource Staff, Western Pacific Region, Federal Aviation Administration, 1500 Aviation Blvd., Hawthorne, CA 90250, telephone: (310) 725-3800 or via electronic mail at Barry.Brayer@faa.gov, or Howie Thompson, National Park Service, Natural Sounds Program, 12795 W. Alameda Parkway, Denver, CO 80225, telephone: (303) 969-2461, or via electronic mail at Howie_Thompson@nps.gov. The National Parks Air Tour Management Act of 2000, enacted on April 5, 2000, as Public Law 106-181 (Pub. L. 106-181), required the establishment of a National Parks Overflights Advisory Group within 1 year after its enactment. The NPOAG was to be a balanced group representative of general aviation, commercial air tour operations, environmental concerns, and Indian tribes. The duties of the NPOAG included providing advice, information, and recommendations to the Director, NPS, and to the Administrator, FAA, on the implementation of Public Law 106-181, on quiet aircraft technology, on other measures that might accommodate interests to visitors to national parks, and, at the request of the Director and Administrator, on safety, environmental, and other issues related to commercial air tour operations over national parks or tribal lands. On March 12, 2001, the FAA and NPS announced the establishment of the NPOAG (48 F.R. 14429). Current members of the NPOAG are Heidi Williams (general aviation), David Kennedy, Richard Larew, and Alan Stephens (commercial air tour operations), Chip Dennerlein, Charles Maynard, Steve Bosak, and Susan Gunn (environmental interests), and Germaine White and Richard Deertrack (Indian tribes). The first meeting of the advisory group was held August 28-29, 2001, in Las Vegas, Nevada; the second meeting was held October 4-5, 2002, in Tusayan, Arizona. As a tentative agenda, the NPOAG will review the status of the AMTP process

to date, the data acquisition and analysis process (Hawai'i Volcanoes National Park and Zion studies), receive an update on quiet technology, and discuss the status of interim operating authority for air tour operators. A final agenda will be available the day of the meeting. Although **THIS IS NOT A PUBLIC MEETING**, interested persons may attend. Because seating is limited, if you plan to attend, please contact one of the persons listed above (Messrs. Brayer or Thompson) so that meeting space may accommodate your attendance. If you cannot attend the meeting, a summary record of the meeting will be made available by the Office of Rulemaking (ARM), 800 Independence Ave., SW., Washington, DC 20591. Contact is Linda Williams (202) 267-9683, or via electronic mail at linda.l.williams@faa.gov (see, 68 F.R. 55075, September 22, 2003).

Proposed Rule for Importation of Eucalyptus Logs, Lumber and Wood Chips from South America

The Animal and Plant Health Inspection Service (APHIS) of the U. S. Department of Agriculture is proposed to amend the regulations that govern importation of logs, lumber, and other unmanufactured wood articles into the United States to require that logs and lumber of a tropical species of Eucalyptus from South America be fumigated with methyl bromide or heat treated prior to importation and that wood chips of tropical species of Eucalyptus from South America be fumigated with methyl bromide, heat treated, or heat treated with moisture reduction prior to importation. APHIS is also proposing to allow wood chips derived from both tropical and temperate species of Eucalyptus from South America to be treated with a surface pesticide. These proposed changes are necessary in order to prevent the introduction of plant pests into the United States through the importation of eucalyptus logs, lumber and wood chips from South America. APHIS will consider all comments it receives on or before November 14, 2003. You may submit comments by mail or email. If you submit comments by mail, please send an original and three copies of you comments to Docket No. 02-097-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, Maryland 20737-1238. Please state that your comment refers to Docket No. 02-097-1. If you use electronic mail, address your comment to regulations@aphis.usda.gov and your comment **MUST BE CONTAINED IN THE BODY OF YOUR MESSAGE - DO NOT SEND ATTACHED FILES**. Please include your name and address in your message and "Docket No. 02-097-1" in the subject line. For more information, please contact Mr. Hesham Abuelnaga, Import Specialist, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, Maryland 20737-1236, telephone (301) 734-5334 (see, 68 F.R. 53910, September 15, 2003).

