

# The Environmental Notice

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



LINDA LINGLE  
GOVERNOR

OFFICE OF  
ENVIRONMENTAL  
QUALITY CONTROL  
GENEVIEVE SALMONSON  
DIRECTOR

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

Other Resources  
available at OEQC . . .

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

## OEQC

235 S. BERETANIA STREET  
LEIOPAPA A KAMEHAMEHA  
SUITE 702

HONOLULU, HAWAII 96813

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

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

NOVEMBER 8, 2003

## Artificial Reef off Puamana Beach Park in Lahaina

The Department of Land and Natural Resources (which regulates submerged conservation district lands) is requiring an environmental impact statement for a proposed artificial reef site in Lahaina just off Puamana Beach Park. Upon approval of the Conservation District Use Permit, the applicant proposes to sink a cleaned vessel at one of three proposed drop zones. As funds become available, the applicant plans to develop other artificial reef installation areas through the use of engineered artificial reef structures and/or other cleaned vessels. The project site is an area known as Twin Peaks and is located on ceded lands approximately 0.5 miles south-

west of Puamana Beach Park. Depths range from 72 to 168 feet. Comments on the final environmental assessment and requests to be a consulted party in preparation of the draft EIS are due on or before December 7, 2003. Other permits required for the project include: a Section 401, Clean Water Act, Water Quality Certification; a State Coastal Zone Management Consistency Determination; and a Section 404, Clean Water Act, Permit from the Army Corps of Engineers. The applicant plans to conduct research and interviews with individuals and groups who presently use the resources within the ocean activity survey area. See page 9 for more.

### Ko'ie'ie Loko I'a (Fishpond) Restoration

'Ao'ao O Na Loko I'a O Maui (The Association of the Fishponds of Maui) is proposing to revitalize the historic Ko'ie'ie Loko I'a (Fishpond) for cultural, educational, historical and recreational purposes. The subject property is presently a deteriorated fishpond; walls are damaged by the forces of nature and altered by man.

The proposed project will produce a continuous fishpond wall approximately 1,170 feet (357 m) in total length. The wall alignment and design is based on the existing wall foundation "footprint" and archaeological findings.

The wall will be reconstructed of original wall stones that are available at the site. Restoring the wall will involve the physical retrieval, movement and alignment of wall foundation rocks from within the pond basin and adjacent original wall footprint using manually operated equipment. See page 7.

### Stryker Brigade DEIS Comment Deadline is Now January 3, 2004

The 25<sup>th</sup> Infantry Division (Light) and U.S. Army, Hawai'i, have extended the public comment period for the Stryker Brigade Draft Environmental Impact Statement (DEIS) by forty-five days. The final day to receive comments is now Jan. 3, 2004. The comment period is being extended to accommodate those who have expressed public concern during public meetings and written comments. "The decision to extend the comment period is a good faith effort and it allows the public to review the document and provide feedback," said Col. David L. Anderson, commander, U.S. Army Garrison, Hawai'i.

You may submit your written comments to: Ms. Cindy Barger, United States Army Corps of Engineers, Honolulu District, Building 230, CEPOH-PP-E, Fort Shafter, Hawai'i 96858-5440; or by electronic mail at: sbct\_eis@poh01.usace.army.mil; or facsimile at: (808)-438-7801

# Table of Contents

NOVEMBER 8, 2003

## O'ahu Notices

### Draft Environmental Assessments

- (1) Hogg Single Family Residence ..... 3
- (2) Waikiki Kalakaua Retail ..... 4

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

- (3) Lanikai Shore Protection Structures ..... 4
- (4) Lee-Wilson Rock Revetment on Laniloa Beach, La'ie ..... 5
- (5) Mililani Community Transit Center ..... 5
- (6) Wai'anae Coast Community Transit Center ..... 5

## Maui Notices

### Draft Environmental Assessments

- (1) Ko'ie'ie Fishpond Revitalization Project ..... 7
- (2) Pu'u Kahana ..... 7

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

- (3) Kula Water Tank and Waterline Improvements ..... 8
- (4) Shaw Street Parking Lot, Lahaina ..... 9

### Environmental Impact Statement Preparation Notices

- (5) Atlantis Submarines Twin Peaks Artificial Reef ..... 9

### National Environmental Policy Act (NEPA)

- Standoff Intelligence Detector (SID) Program Flight Tests  
(Draft EA/Draft FONSI) ..... 10

### Previously Published Projects Pending Public Comments

- Draft Environmental Assessments ..... 10
- Environmental Impact Statement Preparation Notices ..... 11

## Moloka'i Notices

### Draft Environmental Assessments

- (1) Moloka'i General Hospital Expansion and Renovation ..... 11

## Hawai'i Notices

### Draft Environmental Assessments

- (1) 'Uila Ranch Invasive Species Control/Pasture Re-establishment ..... 12

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

- (2) Honi's Parking Lot and Restroom Facility ..... 13

## Kaua'i Notices

### Draft Environmental Assessments

- (1) Kilauea Booster Pump Station ..... 14

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

- (2) YMCA of Kaua'i Facilities ..... 15

## Environmental Council Notices

- Environmental Council Meetings ..... 15

## Shoreline Notices

- Shoreline Certification Applications ..... 16
- Shoreline Certifications and Rejections ..... 17

## Pollution Control Permit Applications

- Department of Health Permits ..... 18

## Enforcement Notices

- Summary of Inspection and Enforcement Actions ..... 19
- Formal Enforcement Actions and Settlements Completed by DOH ... 20

## Conservation District Notices

- Kapaa-Kealia Bike & Pedestrian Path ..... 21

## Coastal Zone News

- Construction of Mooring Dolphin, Pier 1C, Kahului Harbor, Maui ..... 21
- Special Management Area (SMA) Minor Permits ..... 22
- Special Management Area Documents (Chapter 25, Revised Ordinances of Honolulu) ..... 23

## Federal Notices

- Final Rule on Air Tour Operators ..... 24
- Proposed National Air Tour Safety Rules ..... 24
- Three Hawai'i Sites Nominated ..... 24
- Supplemental Notice Ahi Farms Inc., Ocean Aquaculture in Wai'anae ..... 24
- Proposed Partial Deletion of O'ahu Site from the Superfund List. .... 24
- Notice of Lodging of Consent Decree ..... 24
- Rescinding of Notice of Intent ..... 25
- Genetically Modified Corn Permit Application No. 67979-EUP-G ..... 25

## Announcement

- Correction of Scoping Meeting Location for the Kawaihae Deep Draft Harbor Modifications Project ..... 13

*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.*

## Draft Environmental Assessments



### (1) Hogg Single Family Residence

**District:** Ko'olaupoko  
**TMK:** 4-5-042:008  
**Applicant:** James and Lisa Hogg  
8 Poipu Drive  
Honolulu, Hawai'i 96825  
Contact: Gerald Park (596-7484)

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

**Consultant:** Gerald Park Urban Planner (596-7484)  
1221 Kapi'olani Boulevard, Suite 211  
Honolulu, Hawai'i 96814

#### Public Comment

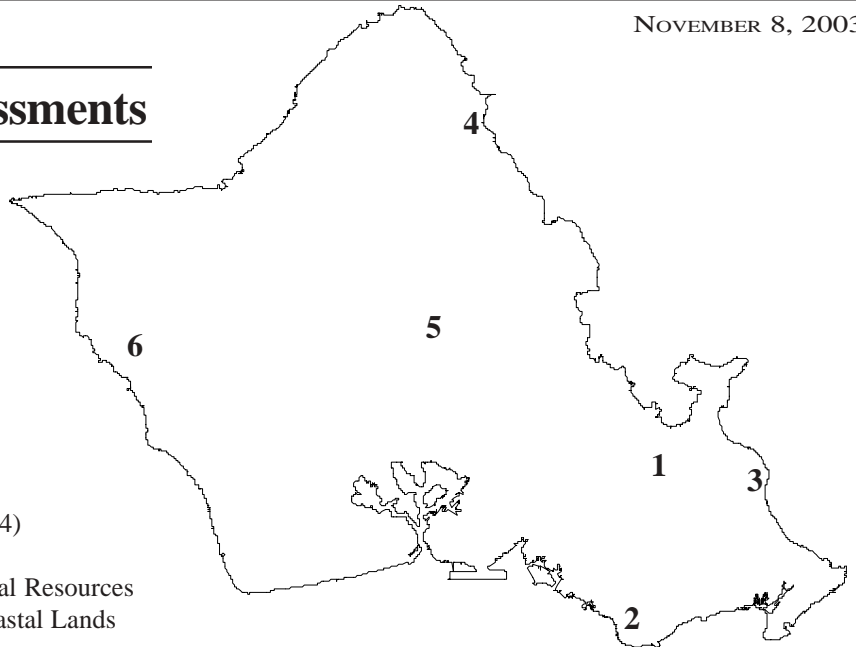
**Deadline:** December 8, 2003  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with copies to the approving agency or accepting authority, the consultant and OEQC.

#### Permits

##### Required:

James and Lisa Hogg propose to construct a single-family dwelling on property located in the State Conservation District. The subject property is located at Kane'ohu, District of Ko'olaupoko, City and County of Honolulu, State of Hawai'i. The property encompassing an area of 9.051 acres. Aloha Storage LLC is the listed owner of the property; Aloha Storage LLC is a limited liability company established by the Applicant.

Applicant plans to construct a single-family residential dwelling for residential use and a detached two-car garage. The 3-bedroom, 2-bath dwelling includes a kitchen, dining room, living room, and foyer. The structure has a building footprint of approximately 2,631 square feet. Approximately one-half of the structure will be constructed on flat ground and the other half posted on sloping terrain. The exterior will be



finished in natural or earth tone colors to blend with its surroundings. The one-story structure will be topped with a pitched roof and will not exceed 25 feet in height.

A two-car garage with covered storage space will be constructed as a detached structure. The garage measures 700 square feet (35' X 20') and will match the design and color of the residential dwelling.

In total, both structures will not exceed the 5,000 square foot maximum developable area for lots larger than 1 acre. Neither of the structures will exceed the 25-foot height limit for the lot.

Water, power, and telephone service will be extended from the Kionaole Road. An individual wastewater treatment system is proposed for domestic wastewater disposal. The disposal system is to be located between the proposed garage and barn. Solids will be collected in a septic tank and the effluent discharge into absorption beds. A private hauler will collect the solids as needed. The system will be designed to comply with the requirements of Hawai'i Administrative Rules, Department of Health, Title 11, Chapter 62, Wastewater Systems.

Construction will commence after all necessary permits are received and should be completed within one year.

# O'ahu Notices

November 8, 2003



## (2) Waikiki Kalakaua Retail

**District:** Honolulu  
**TMK:** 2-6-22: 9, 14 & 24  
**Applicant:** Robertson Properties Group  
120 N. Robertson Blvd.  
Los Angeles, CA 90048  
Contact: Tim Kolvoord (310-855-8484)

### Approving Agency/Accepting

**Authority:** City and County of Honolulu  
Department of Planning and Permitting  
650 S. King Street, 7th Floor  
Honolulu, Hawai'i 96813  
Contact: Geri Ung (527-6044)

**Consultant:** PlanPacific, Inc.  
345 Queen Street, Suite 802  
Honolulu, Hawai'i 96813  
Contact: Lisa Imata (521-9418 x 15)

### Public Comment

**Deadline:** December 8, 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:** Waikiki Special District,  
Demolition, Grading, Building

The Robertson Properties Group proposes to construct a new retail building on the site of the former Waikiki Theater 3, TMK 2-6-22:009, located at 2280/2284 Kalakaua Avenue. The proposed building is planned for three stories with stores on the ground floor and restaurants on the upper floors. The old theater building is currently in the process of being demolished. The new retail building would have a smaller footprint than that of the theater. Currently, there are several small vendors operating from individual carts at the rear of the property and along the side adjacent to Duke's Lane. It is proposed that the increased open space at the back of the property be made available for additional small vendors.

TMK parcels 2-6-22:014 and 024 are linked to parcel 009 under a joint development agreement. The former Waikiki Theaters 1 & 2 building, a 10-story parking structure, and the IMAX facility occupy parcels 014 and 024. No changes are planned for these structures except for interior renovations for new retail uses in the space of the former Waikiki Theaters 1 & 2. Vehicular access, loading areas, pedestrian circulation, and parking are shared among the three parcels. No changes are proposed except for minor modifications to the loading space.

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



## (3) Lanikai Shore Protection Structures

**District:** Ko'olaupoko  
**TMK:** 4-3-04: 76 and 98  
**Applicant:** Christina C. Foytich (4-3-4: 98)  
5411 Kilauea Place  
Honolulu, Hawai'i 96816  
and  
Richard & Elizabeth Grossman (4-3-4: 76)  
1318 Mokulua Drive  
Honolulu, Hawai'i 96734

### Approving Agency/Accepting

**Authority:** City and County of Honolulu  
Department of Planning and Permitting  
650 South King Street, 7th Floor  
Honolulu, Hawai'i 96813  
Contact: Ardis Shaw-Kim (527-5349)

**Consultant:** PlanPacific Inc.  
345 Queen Street, #802  
Honolulu, Hawai'i 96813  
Contact: Robin Foster (521-9418)

**Status:** FEA/FONSI issued, project may proceed.

### Permits

**Required:** SSV

The project site is located on two contiguous shoreline parcels at 1310A and 1318 Mokulua Drive in Lanikai on O'ahu's windward coast. The seawall will be of concrete-rubble masonry (CRM) construction. It will be constructed landward of the certified shoreline along the 150-foot frontage of the two parcels, entirely within the 40-foot shoreline setback. The proposed structure is a gravity wall design, with a foundation set three feet below mean sea level (MSL). It will be approximately eight feet wide at the base, tapering to two feet wide at the top. The top of the wall will be at or slightly above the grade of the rear yards which varies from +8 to +10 feet above MSL. A safety railing will be placed on top of the seawall.

The area behind the wall will be excavated and back filled with granular fill wrapped in geotextile filter fabric. The

back fill and proposed weep holes will allow the relief of water pressure created by storm water runoff or when waves overtop the seawall during storm events. A stairway is planned for each lot, in order to facilitate private access to the ocean. No portion of the stairs will extend seaward of the certified shoreline. Following construction, the existing seabags currently located seaward of the proposed seawall will be removed.



## (4) Lee-Wilson Rock Revetment on Laniloa Beach, La'ie

**District:** Ko'olauloa  
**TMK:** 5-5-02:92 & 5-5-02:93  
**Applicant:** Ronald L. Lee (296-0833)  
975 Kapi'olani Blvd., Suite 200  
Honolulu, Hawai'i 96814  
and  
Bernard J. Wilson (293-2731)  
55-313 Kamehameha Highway  
La'ie, Hawai'i 96762

**Approving Agency/Accepting Authority:** City and County of Honolulu  
Department of Planning and Permitting  
650 S. King Street, 7th Floor  
Honolulu, Hawai'i 96813  
Contact: Geri Ung (527-6044)

**Consultant:** Sea Engineering, Inc.  
Makai Research Pier  
Waimanalo, Hawai'i 96795  
Contact: Scott P. Sullivan (259-7966 x 14)

**Status:** FEA/FONSI issued, project may proceed.  
**Permits**  
**Required:** SSV

The applicants are requesting after-the-fact approval to remove Keystone wall systems and rock/concrete toe protections, which were constructed within the 40-foot shoreline setback area without required shoreline setback variances and building permits, and construct an engineered sloping rock riprap revetment fronting both properties to prevent further erosion and stabilize the shore fronting their respective homes.



## (5) Mililani Community Transit Center

**District:** 'Ewa  
**TMK:** 9-5-53:por. 2  
**Applicant:** City and County of Honolulu  
Department of Transportation Services  
650 South King Street, Third Floor  
Honolulu, Hawai'i 96813  
Contact: James Burke (523-4445)

**Approving Agency/Accepting Authority:** Same as above.  
**Consultant:** AM Partners, Inc.  
1164 Bishop Street, Suite 1000  
Honolulu, Hawai'i 96813  
Contact: Gordon Wood (526-2828 x 253)

**Status:** FEA/FONSI issued, project may proceed.  
**Permits**  
**Required:** Demolition, Grubbing, Stockpiling, Grading, Building, Right-of-Way, NPDES

The project will establish a transit center to support the City's proposed Hub and Spoke transit services for Mililani. The center will be located partially within the right-of-way of Meheula Parkway and partially on the site of the Town Center of Mililani. It will feature accommodations for up to ten transit and paratransit vehicles, passenger shelters, a comfort station with restrooms, bicycle lockers/racks, and information kiosks. Improvements will also include landscaping and other site appurtenances, appropriate signage, and security lighting including the use of solar-powered lighting fixtures. To accommodate the grade change between Meheula Parkway and the adjacent portion of the Town Center of Mililani, the information kiosks will provide stairway connections and the comfort station will provide an elevator.



## (6) Wai'anae Coast Community Transit Center

**District:** Wai'anae  
**TMK:** 8-6-01:29  
**Applicant:** City and County of Honolulu  
Department of Transportation Services  
650 South King Street, Third Floor  
Honolulu, Hawai'i 96813  
Contact: James Burke (523-4445)

# O'ahu Notices

November 8, 2003

## Approving Agency/Accepting

**Authority:** Same as above.

**Consultant:** AM Partners, Inc.  
1164 Bishop Street, Suite 1000  
Honolulu, Hawai'i 96813

Contact: Gordon Wood (526-2828 x 253)

**Status:** FEA/FONSI issued, project may proceed.

**Permits** Demolition, Grubbing, Stockpiling,

**Required:** Grading, Building, Right-of-Way, NPDES

The project will establish a transit center to support the City's existing Hub and Spoke transit services for the Wai'anae Coast. The center will be located on Leihoku Street immediately mauka of Wai'anae Mall. It will feature accommodations for up to seven transit and paratransit vehicles, a passenger drop-off/pick-up area, a park-and-ride lot for approximately 100 vehicles, eight passenger shelters, a comfort station with restrooms, a vending kiosk, bicycle lockers/racks, information kiosks, a clock tower, and an informal community gathering place. Improvements will also include accommodations for up to three privately-operated school buses, xeriscape landscaping and other site appurtenances, appropriate signage, and security lighting including the use of solar-powered lighting fixtures.



## Draft Environmental Assessments



### (1) Ko'ie'ie Fishpond Revitalization Project

**District:** Wailuku  
**TMK:** No TMK, defined by bounded to the north, west and south by the sea and on the east by Parcels 85, 87 and 147 of TMK (2) 3-9-001  
**Applicant:** 'Ao'ao O Na Loko I'a O Maui  
PMB 110  
P.O. Box 959  
Kihei, Hawai'i 96753  
Contact: Kimokeo "Bully" Kapahulehua (875-9059)

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

**Consultant:** Farber & Associates  
2722 Ferdinand Ave.  
Honolulu, Hawai'i 96822  
Contact: Joseph Farber (988-3486)

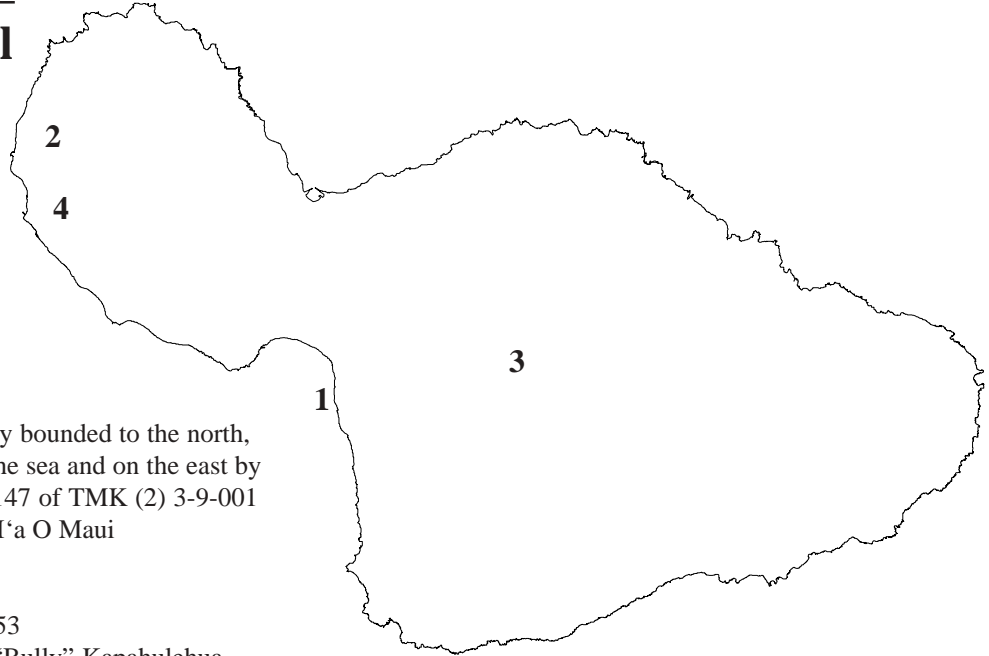
#### Public Comment

**Deadline:** December 8, 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:

The applicant, 'Ao'ao O Na Loko I'a O Maui (The Association of the Fishponds of Maui) is proposing to revitalize the historic Ko'ie'ie Loko I'a (Fishpond) for cultural, educational, historical and recreational purposes. The subject property is presently a deteriorated fishpond; walls are damaged by the forces of nature and altered by man.

The proposed project will produce a continuous fishpond wall approximately 1,170 feet (357 m) in total length. The wall alignment and design is based on the existing wall foundation "footprint" and archaeological findings.



The wall will be reconstructed of original wall stones that are available at the site.

Restoring the wall will involve the physical retrieval, movement and alignment of wall foundation rocks from within the pond basin and adjacent original wall footprint using manually operated equipment.

It is anticipated fishpond restoration will take two years to complete. Reconstruction is expected to begin in the spring of 2004. Spring and summer are the most advantageous times to rebuild the wall due to the seasonably lower tides-the best conditions to restore the wall.



### (2) Pu'u Kahana

**District:** Lahaina  
**TMK:** 4-3-001: 039  
**Applicant:** CB Maui, LLC  
1043 Makawao Avenue, Suite 208  
Makawao, Hawai'i 96768  
Contact: Michele McLean (572-3011 x 208)

# Maui Notices

November 8, 2003

## Approving Agency/Accepting

**Authority:** County of Maui  
Department of Planning  
250 South High Street  
Wailuku, Hawai'i 96793  
Contact: Ann Cua (270-7735)

## Public Comment

**Deadline:** December 8, 2003  
**Status:** DEA First Notice pending public comment. Address comments to the applicant with copies to the approving agency or accepting authority and OEQC.

**Permits Required:** Community Plan Amendment, Zoning Change, SMA, Grading

As part of its proposed 33-lot Pu'u Kahana residential subdivision, CB Maui, LLC proposes to correct a mapping error on the West Maui Community Plan land use map by properly designating a natural drainageway as Open Space. In addition, the Open Space area is proposed to be expanded to incorporate lands that will remain undeveloped and to include a drainage basin that is part of the Pu'u Kahana drainage plan.

The subject 9.99-acre property is located in Kahana, Maui, Hawai'i, and is identified as TMK No. 4-3-001: 039. Based on site-specific data, topographical surveys and a Letter of Map Revision that was approved by the Federal Emergency Management Agency, the Open Space designation is presently situated approximately 250 feet north of where the actual drainageway is located, and should be expanded by approximately 0.55 acres.

Pu'u Kahana would situate 32 of its 33 residential lots on the 6.6-acre northern (Kapalua) side of the drainageway, leaving one large remaining residential lot on the southern (Lahaina) side. The 32 primary residential lots would have an average lot size of approximately 7,560 square feet, while the one large remaining residential lot would be comprised of approximately one acre. Accessory dwellings or "ohana" units would be prohibited on the 32 primary lots. The drainageway/Open Space area would remain undeveloped and predominantly in a natural state.

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



### (3) Kula Water Tank and Waterline Improvements

**District:** Makawao  
**TMK:** 2-3-004: 013, 033; 2-3-014: 014  
**Applicant:** KRS Associates II, LLC  
1043 Makawao Avenue, Suite 208  
Makawao, Hawai'i 96768  
Contact: Michele Chouteau (572-3011 x 208)

#### Approving Agency/Accepting

**Authority:** County of Maui  
Department of Water Supply  
P.O. Box 1109  
Wailuku, Hawai'i 96793  
Contact: Jeffrey Pearson (270-7834)

#### Consultant:

Chouteau Consulting  
3620 Baldwin Avenue, Suite 105  
Makawao, Hawai'i 96768  
Contact: Michele Chouteau (572-2233)

**Status:** FEA/FONSI issued, project may proceed.

#### Permits

**Required:** Grading, Building

KRS Associates II, LLC proposes to construct a 141,000 gallon water tank and waterline improvements in Kula, Maui.

The water tank will be situated on the existing "Harry Field" tank site owned by the County Department of Water Supply (DWS) and located on Haleakala Highway, near the intersection with Kimo Drive. The 1.011-acre site is identified as TMK No. 2-3-004: 033 and is currently occupied by a 50,000 gallon tank that will remain in use. The new water tank, like the existing tank, will be glass-lined stainless steel and will be painted dark green. The new tank will be approximately 19 feet high and approximately 36 feet in diameter.



The waterline improvements will be situated underground, traversing two privately owned parcels and County roadway rights-of-way. TMK 2-3-004: 013 is owned by Haleakala Ranch and has been used for ranching for more than a century. TMK 2-3-014: 014 is owned by Vi Dolman Trust and is undeveloped. The waterline improvements will be approximately 3500 feet in length, with approximately 2200 feet traversing the two private parcels and approximately 1300 feet traversing the County rights-of-way.

The new water tank and waterlines will provide storage and service capacity to meet existing and future demand. Rather than requiring existing and future users to provide improvements that serve individual needs, DWS prefers to consolidate such improvements under DWS ownership and operation, thus simplifying maintenance and ensuring DWS standards are met. The project has received the input and support of adjacent and nearby residents.



## (4) 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  
Maui Planning Commission  
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)

**Status:** FEA/FONSI issued, project may proceed.  
**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.

---

## Environmental Impact Statement Preparation Notices

---



## (5) Atlantis Submarines Twin Peaks Artificial Reef

**District:** Lahaina  
**TMK:** NA  
**Applicant:** Atlantis Submarines Hawai'i, LLC  
658 Front Street, #175  
Lahaina, Hawai'i 96761  
Contact: Jim Walsh (667-6604)

**Approving Agency/Accepting Authority:** Department of Land and Natural Resources  
Office of Conservation and Coastal Lands  
1151 Punchbowl Street, Room 220  
Honolulu, Hawai'i 96813  
Contact: Sam Lemmo (587-0381)

**Consultant:** BEI Environmental Services  
311 B Pacific Street  
Honolulu, Hawai'i 96817  
Contact: Jodie Pang (535-6050)

### Public Comment

**Deadline:** December 8, 2003  
**Status:** EISPN First Notice pending public comment. Address comments to the applicant with copies to the approving agency or accepting authority, the consultant and OEQC.

# Maui Notices

November 8, 2003

**Permits Required:** CDDA, WQC, CZM Fed. Consistency Cert. Army-404

Atlantis Submarines Hawai'i, LLC, (Atlantis Submarines) proposes to have an area designated as an artificial reef site where an artificial patch reef and associated mooring buoys would be developed. Upon approval, Atlantis Submarines plans to first sink a cleaned vessel at one of three proposed drop zones within the project site. As funds become available, Atlantis Submarines plans to develop the other artificial reef installation areas through the use of engineered artificial reef structures and/or other cleaned vessels. The purpose of the proposed project is three fold; 1) alleviate pressure on the natural reef system from overuse, 2) enhance the existing habitat by promoting reef and fish growth for commercial and recreational users, and 3) provide an educational opportunity to study the biomass increase over time.

The project site is an area known as Twin Peaks and is located on public conservation district land (ceded lands). Twin Peaks is located on the southern coast of Maui, approximately 0.5 miles southwest of Puamana Beach Park, south of Lahaina. The Twin Peaks area boundaries are latitudes 20°51'02" north 20°50'30" south and longitudes 156°40'01" east, 156°40'50" west and are approximately 337 acres (14,684,375 square feet). Depths range from 72 to 168 feet (12 to 28 fathoms). Each of the three drop zone locations would utilize approximately 5,000 square feet of sea floor for artificial reef installation.

---

## National Environmental Policy Act (NEPA)

---



### Standoff Intelligence Detector (SID) Program Flight Tests (Draft EA/Draft FONSI)

The Air Force has rewritten the draft environmental assessment (EA) and draft Finding of No Significant Impact (FONSI) for the proposed Standoff Intelligence Detector (SID) project. Public comments addressing the Draft EA and/or the draft FONSI will be accepted until 28 November 2003.

A copy of the draft EA and the draft FONSI can be viewed on the AFRL website (<http://www.de.af.mil/docs/>

SID-EA.pdf) or at the reference desk at the Kihei, Kahului or Wailuku Libraries. Kihei library is located at 35 Waimahaihai St; the Kahului library is located at 90 School St; and the Wailuku library is located at 251 High St.

The Draft EA evaluates the extent of any and all effects of the SID project on the environment in order to assist the United States Air Force in reaching a decision on how and whether to proceed with the project. The USAF is required to include a Draft FONSI with the initial publication of the Draft EA. Please note that the FONSI is a "draft" and that no decision has been made by the USAF on how or whether to proceed with the project. The draft FONSI is intended to provide interested parties with additional information upon which to base their comments.

AFRL will respond to comments that are received prior to 28 November 2003. AFRL will also respond to comments received during the public comment period for the previous draft EA. This draft EA replaces the previous draft EA. Individuals wishing to contribute comments or desiring further information should contact Ms. Michelle Hedrick at [Michelle.Hedrick@kirtland.af.mil](mailto:Michelle.Hedrick@kirtland.af.mil) or (505) 846-4574, or may send written comments to: AFRL/DEOS, 3550 Aberdeen Dr. SE, Kirtland AFB, NM 87117-5776.

---

## Previously Published Projects Pending Public Comments

---

### Draft Environmental Assessments

#### Nguyen Single Family Residence

**Applicant:** Bill Nguyen  
c/o PBR HAWAII  
ABS Tower, Suite 650  
1001 Bishop Street  
Honolulu, Hawai'i 96813  
Contact: Tom Schnell (521-5631)

#### Approving Agency/Accepting

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

#### Public Comment

**Deadline:** November 22, 2003

# Maui Notices

November 8, 2003

## Environmental Impact Statement Preparation Notices

### Honokowai Master Plan

**Applicant:** Department of Hawaiian Home Lands  
P.O. Box 1879  
Honolulu, Hawai'i 96805  
Contact: Stewart Matsunaga (587-6454)

### Approving Agency/Accepting

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

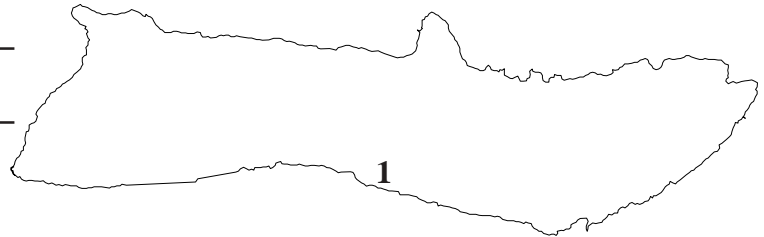
### Public Comment

**Deadline:** November 22, 2003



# Moloka'i Notices

## Draft Environmental Assessments



### (1) Moloka'i General Hospital Expansion and Renovation

**District:** Moloka'i  
**TMK:** 5-3-009: 017  
**Applicant:** Moloka'i General Hospital  
280 Puali Street  
Kaunakakai, Hawai'i 96748  
Contact: Randy Lite (553-3185)

### Approving Agency/Accepting

**Authority:** County of Maui  
Moloka'i Planning Commission  
c/o Department of Planning  
250 South High Street  
Wailuku, Hawai'i 96793  
Contact: Ms. Kivette Caigoy (270-7735)

### Public Comment

**Deadline:** December 8, 2003  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with copies to the approving agency or accepting authority and OEQC.

### Permits

**Required:** SMA, Building, Demolition, Grading

The proposed project is located at the West end of Ranch Camp and the North end of Kaunakakai. The North and West sides of the property border Moloka'i Ranch, the South side adjoins commercial property and the East side borders residential.

The program for development identifies a need for 23,236 SF of patient service area and 14,377 SF of non-patient services. Based on code issues and operational requirements, the patient service area shall be provided within a new building addition while non-patient service areas shall be redeveloped within the existing hospital structures. The site area has remained undeveloped for the past 40 years and has been used for parking.

The hospital has been a good neighbor to adjacent properties. Noise, traffic and visual impacts have always been kept to an acceptable level. A primary goal of the proposed project will be to maintain and continue to improve on the standards set to date.

The proposed actions are compatible under the "Urban" State Land Use designation, objectives and policies of the County of Maui General Plan, objectives and implementing actions of the Moloka'i Community Plan, and with Maui County zoning standards.

The proposed project will potentially impact all of the transportation elements during construction. Materials, equipment and personnel will need to be moved on and off the island during the 2-year construction period. A program to provide increased traffic for shipping, transportation and vehicular movement is being specified for the project and will be implemented by the contractor as part of the general contract for construction. Once the project is complete, transportation system demand from the hospital will revert back to its previous levels.



# Hawai'i Notices

November 8, 2003

## Draft Environmental Assessments



### (1) 'Uila Ranch Invasive Species Control/Pasture Re-establishment

**District:** Ka'u  
**TMK:** 9-9-01:17  
**Applicant:** Kenneth and Mary Ellen Wong (967-7224)  
P.O. Box 250  
Volcano, Hawai'i 96785

**Approving Agency/Accepting**

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

**Consultant:** Christian Rygh (982-5638)  
HCR 1 Box 5022  
Kea'au, Hawai'i 96749

**Public Comment**

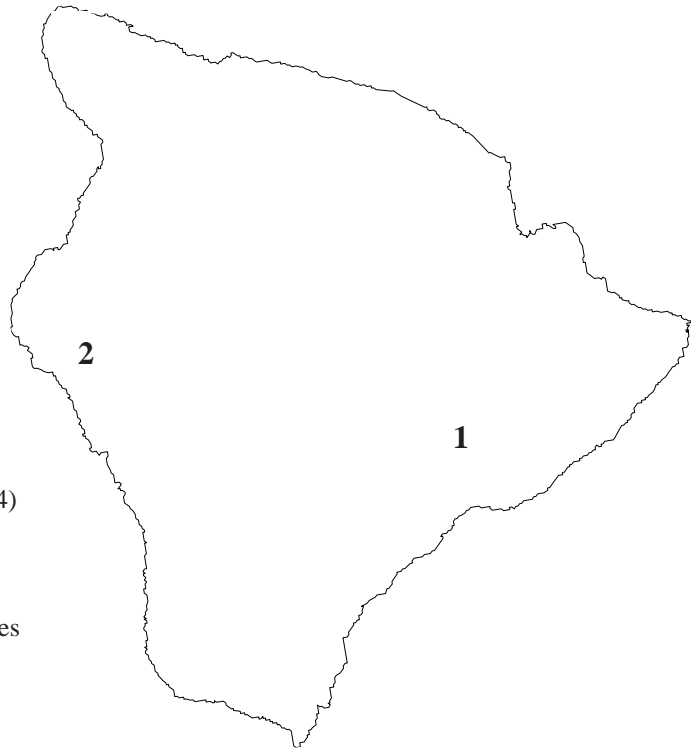
**Deadline:** December 8, 2003  
**Status:** DEA First Notice pending public comment. Address comments to the applicant with copies to the approving agency or accepting authority, the consultant and OEQC.

**Permits**

**Required:** CDUP

Kenneth and Mary Ellen Wong are proposing to clear invasive plant species from existing pastures (500 acres) on 'Uila Ranch in Volcano. The work is prescribed in a Conservation Plan drafted by the Natural Resources Conservation Service (NRCS). Due to the scope of the NRCS's plan and the variability of the cooperators' budget, the plan will be phased in. An additional CDUA and EA will be prepared prior to implementing subsequent phases, which focus on removing invasive tree species from forested half of the 1020-acre property.

The currently proposed project area consists of existing pastures overrun by Yellow Himalayan Raspberry (*Rubus ellipticus*) and other invasive shrub and tree species. Most of this 500-acre area is located in the General Subzone of the Conservation District. A small portion of the pastures is in the Limited Subzone. The proposed treatments are identified



land uses in both subzones. Bulldozers will remove the majority of the noxious brush by grubbing and raking (no grading), in a manner that will leave existing 'ohi'a trees intact and cause minimal ground disturbance. Spot-spraying of herbicide is proposed for hard-to-reach areas and for invasive volunteers as they gradually emerge from the seed bank. Clearing activities will be staggered and mindful of weather conditions. Kikuyu grass will be planted immediately after each section is cleared to avoid leaving large areas of soil exposed.

The proposed action is not expected to have any significant detrimental impacts to the environment. The chief environmental benefit of the project will be to remove a large, concentrated seed-source of *R. ellipticus* and other invasive species from an area surrounded by State forest reserves and Hawai'i Volcanoes National Park lands.

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



### (2) Honl's Parking Lot and Restroom Facility

**District:** North Kona  
**TMK:** 7-5-018: 088  
**Applicant:** Sunstone Realty Partners X, LLC  
c/o Gregory Mooers (885-6839)  
P.O. Box 1101  
Kamuela, Hawai'i 96743

**Approving Agency/Accepting Authority:** County of Hawai'i  
Planning Department  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Contact: Larry Brown (961-8288)

**Consultant:** Ron Terry, Ph.D. (982-5831)  
HC2, Box 9575  
Keaau, Hawai'i 96749

**Status:** FEA/FONSI issued, project may proceed.

**Permits Required:** SMA, Plan Approval, Building

The proposed project consists of a 20-stall parking area, restroom facilities, landscaping and pedestrian improvements located on the grounds of the County of Hawai'i Sewer Pump Station, in Kailua-Kona. The site is directly across Ali'i Drive from the surfing site known as Honl's. Over the last two decades, pedestrian, bicycle and motor vehicle traffic have increased substantially on Ali'i Drive. This, along with the designation of no-parking zones on both shoulders of the road, has led to a loss of safe, legal parking for Honl's surf site. The proposed project is meant to address the need for this parking. It will also provide restrooms that can accommodate not only beach users but also bicyclists, walkers and joggers on Ali'i Drive. This service is needed for both the convenience of recreational users of the beach and Ali'i Drive and also for protection of coastal water quality. The action is being undertaken by Sunstone Realty Partners X, LLC, pursuant to Change of Zone conditions associated with the development of Ali'i Cove in Kailua-Kona.

The project is expected to be completed about six months after receiving all permits and approvals. In accordance with the pertinent change of zone ordinance affecting the Alii Cove property, Sunstone will be credited the estimated \$250,000 cost of the project against their impact-related fees.

Mitigation includes transplanting a landscaped *Pritchardia affinis* palm, as well as measures concerning construction activity and inadvertent historic site finds.



### Correction of Scoping Meeting Location for the Kawaihae Deep Draft Harbor Modifications Project

An error in the location of the public scoping meeting for the Kawaihae Deep Draft Harbor Modifications Project was published in the October 23, 2003 issue of the Environmental Notice. The meeting will not be held at the Waimea Community Center. Herein is the correct information:

Thursday, November 13, 2003  
**Waimea Civic Center**  
Mamalahoa Highway next to the Courthouse  
and Police Station  
7:00-9:00 p.m.

If there are any questions, please contact Jeffrey Overton of Group 70 International at 523-5866.

# Kaua'i Notices

November 8, 2003

## Draft Environmental Assessments

### (1) Kilauea Booster Pump Station

**District:** Hanalei  
**TMK:** 5-1-05:23 (Portion)  
**Applicant:** County of Kaua'i  
Department of Water  
4398 Pua Loke Street  
Lihue, Hawai'i 96766  
Contact: Keith Fujimoto (245-5449)

#### Approving Agency/Accepting

**Authority:** Same as above.  
**Consultant:** Austin, Tsutsumi & Associates, Inc.  
501 Sumner Street, Suite 521  
Honolulu, Hawai'i 96817  
Contact: Ivan Nakatsuka (533-3646)

#### Public Comment

**Deadline:** December 8, 2003  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with copies to the consultant and OEQC.

**Permits Required:** Use, Zoning, Building, Grading, Construction within State Highway, NPDES

The Department of Water (DOW) Kilauea Booster Pump Station (BPS) project will be located within a portion of the parcel designated as TMK: 5-1-05:23 along the east side of Wailapa Road. This privately-owned parcel is approximately 700 feet north (maka) of the intersection of Kuhio Highway and Wailapa Road, and is used for orchard farming.

The project involves the construction of a duplex pump system to increase the water pressure within the waterlines in Kuhio Highway and Wailapa Road for the benefit of the eastern part of the Kilauea Water System, and will operate in conjunction with the recently constructed Pu'u Pane Reservoir.

The two major aboveground components within the fenced site for the BPS will be a 13'x12'x10' high slab-on-grade building with concrete masonry unit walls and wood



frame roof with composition shingle roofing, and an antenna mounted on either a 17'-6" high by 2-1/2" diameter pole or sub-master with a monopole for transmission of radio waves to the DOW's supervisory control and data acquisition (SCADA) control center for remote monitoring and operation of the pumps. The building and antenna would be obscured from view from Wailapa Road by existing ironwood trees along the edge of the road right-of-way.

Two 8" waterlines would be installed to the BPS along Wailapa Road from connection points to the existing waterline within Kuhio Highway. The waterlines will be installed in the grassed shoulder off the east (right) edge of the north-bound paved lane of Wailapa Road, and therefore, will not require re-pavement of Wailapa Road.

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 of the Hawai'i DWSRF requirements.

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

### (2) YMCA of Kaua'i Facilities

**District:** Lihue  
**TMK:** 3-3-03:43  
**Applicant:** YMCA of Kaua'i  
P.O. Box 1786  
Lihue, Hawai'i 96766  
Contact: Tom Tannery (246-9090)

**Approving Agency/Accepting Authority:** County of Kaua'i, Offices of Community Assistance, Housing Agency  
4193 Hardy Street  
Lihue, Hawai'i 96766  
Contact: Gary Mackler (241-6867)

**Consultant:** Agor Architecture  
4374 Kukui Grove, Suite 204  
Lihue, Hawai'i 96766  
Contact: Ron Agor (245-4550)

**Status:** FEA/FONSI issued, project may proceed.  
**Permits Required:** Use, Building, NPDES

This project proposes the construction of facilities for the YMCA of Kaua'i. The new facilities will allow the YMCA to continue and expand the various community services they have been offering for nearly 75 years on Kaua'i. The project site is located at the southwest corner of Kaumuali'i Highway and Nuhou Street at the western outskirts of Lihue. The site is part of Grove Farm's community residential and commercial development plan for Lihue and Puhi.

The facilities will be situated on a 3.642-acre site and will consist of an administration building, childcare center, wellness center, locker/restroom building, gymnasium, multi-purpose building, swimming pool and batting cages. Water, sewer, electrical, cable and telephone services are available underground on the street. The site has a very gentle down slope from the northwest corner to the southwest corner. Kaumuali'i Highway is adjacent and north of the property and Nuhou Street is adjacent and east of the property.

# Environmental Council Notices

## Environmental Council Meetings

The Environmental Council is scheduled to meet on Wednesday, November 12, 2003 at 2:00 p.m. on the 7<sup>th</sup> floor of the Leiopapa A Kamehameha Building, 235 S. Beretania Street, Room 702, Honolulu. The Council's subcommittees are tentatively scheduled to meet the same day prior to the full Council meeting. Please call on or after November 6th for the final agenda.

Any person desiring to attend the meetings and requiring an accommodation (taped materials or sign language interpreter) may request assistance provided such a request is made five working days prior to the scheduled meetings. This request may be made in writing to Mr. Michael Faye, Chair, Environmental Council c/o OEQC, 235 S. Beretania St., Room 702, Honolulu, HI 96813 or by fax at (808) 586-4186.

# Shoreline Notices

November 8, 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 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
MA-293	10/29/03	Lot A of the Crowell-Raymond Partition, land situated at Kuau, Hamakuapoko, Island of Maui, Hawaii Address: Vacant Purpose: Building Permit	Akamai Land Surveying, Inc./Fred Schindler and Donna Truesdell	2-6-10: 24
OA-849-2	10/29/03	Lot 617 Land Court Application 1089 (Map 12), land situated at Kamonanui, Waialua, Island of Oahu, Hawaii Address: 67-435 Waialua Purpose: Building Permit	Sam O. Hirota, Inc./Donald Johnson	6-7-13: 05
OA-388-2	10/29/03	Lot 5 of the Kawaihoa Subdivision File Plan 1820, land situated at Kawaihoa, Waialua, Island of Oahu, Hawaii Address: 61-169 Iliohu Place Purpose: Building Permit (building setback requirement)	Jamie F. Alimboyoguen/Dexter Hewitt	6-1-13: 07
OA-959	10/29/03	Seabreeze Apartments Portion Diamond Head Terrace Section "A", File Plan 214, land situated at Waikiki, Honolulu, Island of Oahu, Hawaii Address: 3065 Kalakaua Avenue Purpose: Building Permit	Walter P. Thompson/Seabreeze Apartments, Inc.	3-1-33: 59
OA-802-3	10/29/03	Lot 12, portion of Grant 4674 to John D. Holt Jr. land situated at Honolulu, Island of Oahu, Hawaii Address: 206 Kula Manu Place Purpose: New House Construction	DJNS Surveying & Mapping, Inc., for Henrik Falktoft	3-1-40: 003



# Shoreline Notices

November 8, 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, Hawai'i 96813.

Case No.	Actions Under New & Old Shoreline Rules	Location	Applicant	Tax Map Key
OA-946	Proposed Shoreline Certification 10/27/03 New Rules	Lot 1063 of Land Court Application 667 (Map 253), land situated at Kaneohe, Koolaupoko, Oahu, Hawaii Address: 612 Kaimalino Place Purpose: Building Setback	Gil Surveying Services/Tetsuro Hata	4-4-39: 25
OA-948	Proposed Shoreline Certification 10/27/03 New Rules	Portion of Kaaawa Beach Park, land situated at Kaaawa, Koolauloa, Oahu, Hawaii (51-329 Kamehameha Highway) Purpose: Building Permit	Walter P. Thompson/City and County of Honolulu	5-1-02 (Por) 25
MA-276	Proposed Shoreline Certification 10/27/03 New Rules	Lot 2-2, of the Kaonoulu Beach Lots, land situated at Kaonoulu, Kihei, Maui, Hawaii (726 South Kihei Road) Purpose: Determine Setback for Design of Building	ControlPoint Surveying/USA	3-9-01: 87
MA-204-3	Proposed Shoreline Certification 10/27/03 New Rules	Lot 71, Land Court Application 1744, land situated at Hanakao, Lahaina, Maui, Hawaii (100 Nohea Kai Drive) Purpose: Planning Future Use of Property	Warren S. Unemori Engineering, Inc./Marriott Ownership Resorts, Inc.	4-4-13: 01
MA-289	Proposed Shoreline Certification 10/27/03 New Rules	Parcels 120, 83 and 15, being a portion of R.P 7447, Land Commission Award 3237 to H. Hewahewa, land situated at Kaonoulu, Kihei, Island of Maui, Hawaii Address: 588, 575 & 640 South Kihei Road Purpose: SMA Permit for Proposed Improvements	ControlPoint Surveying, Inc./575 south Kihei Road, LLC	3-9-01: 120, 83 and 15
OA-956	Proposed Shoreline Certification 10/27/03 New Rules	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
KA-171	Proposed Shoreline Certification 10/27/03 New Rules	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
MA-284	Proposed Shoreline Certification 10/27/03 New Rules	Portion of Parcel 24 and Parcel 33, land situated at Makawao, Maui, Hawaii Address: 799 Poho Place Purpose: Building Permit	Akamai Land Surveying, Inc., for Floyd E. Christenson, etal	2-6-12: 33 and 2-5-4: 24 (Por)
OA-952	Proposed Shoreline Certification 10/27/03 New Rules	Lot 31-A of Land Court Application 505 (Map 10), land situated at Kailua, Koolaupoko, Island of Oahu, Hawaii Address: 1006 Mokulua Drive Purpose: Building Permit	Wesley T Tengan/Lisa Martin	4-3-06: 52
MA-197-2	Proposed Shoreline Certification 10/27/03 New Rules	Lot 35 of the Kuau Sunset Beach Lots (File Plan 302), land situated at Kuau, Hamakuapoko, Island of Maui, Hawaii Address: 42 Aleiki Place Purpose: Building Permit	Akamai Land Surveyors, Inc./Robert and Virginia Karpovich	2-6-11: 11
MA-290	Proposed Shoreline Certification 10/27/03 New Rules	Portion of Land Commission Award 11,216, Apana 21 to M Kekauonohi, land situated at Honuaula Makawao, Island of Maui, Hawaii Address: 40 Makena Road Purpose: Building Permit	Akamai Land Surveying, Inc./Mark A. Bryers	2-1-11: Portion of 12
MA-288	Proposed Shoreline Certification 10/27/03 New Rules	Lot B of the Makena Beach Lots, land situated at Makena, Kihei, Maui, Hawaii Address: 4420 Old Makena Road Purpose: Determine setback	Tanaka Engineers, Inc./TMC Development, Inc.	2-1-11: 05

# Pollution Control Permit Applications

November 8, 2003

## Department of Health Permits

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

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawaii Corporation CSP 0212-01-C (Amendment)	91-325 Komohana Street, Kapolei, Oahu	Issued: 10/13/03	Flare Gas Vapor Recovery System
Clean Air Branch, 586-4200, Covered Source Permit	Bryson's Cinders, Inc. CSP 0073-02-C	Kapoho Quarry, TMK 1-4-2: 18, Kapoho, Hawaii	Comments Due: 11/21/03	323 tph Stone Quarrying and Processing Plant with a 865 hp (645 kW) Diesel Engine Generator
Clean Air Branch, 586-4200, Covered Source Permit	AES Hawaii, Inc. CSP 0087-02-C (Renewal)	91-086 Kaomi Loop, Campbell Industrial Park, Kapolei, Oahu	Comments Due: 11/21/03	180 MW Coal-Fired Cogeneration Plant
Clean Air Branch, 586-4200, Noncovered Source Permit	Jas. W. Glover, Ltd. NSP 0010-10-N	890 Leilani Street, Hilo, Hawaii	Issued: 10/16/03	200 CY/Hr. Concrete Batch Plant
Clean Air Branch, 586-4200, Temporary Covered Source Permit	West Hawaii Concrete CSP 0355-02-CT	Initial Locations: Waikoloa Quarry, Waikoloa, Hawaii; and Kona Quarry, Kona, Hawaii	Issued: 10/16/03	Two (2) Stone Processing Plants
Clean Air Branch, 586-4200, Temporary Covered Source Permit	Grace Pacific Corporation CSP 0040-01-CT (Amendment)	Initial Location: Camp 10 Quarry, Puunene, Maui	Comments Due: 11/26/03	186 TPH Drum-Mix Asphalt Concrete Plant with Recycle Kit, 1.25 MMBtu/Hr Hot Oil Heater, and 725 kW Diesel Engine Generator
Clean Air Branch, 586-4200, Noncovered Source Permit	U.S. Navy, Navy Region Hawaii NSP 0117-01-N (Renewal)	Beckoning Point, Pearl Harbor, Oahu	Issued: 10/22/03	Five (5) 1,200 kW Diesel Engine Generators
Clean Air Branch, Noncovered Source Permit	County of Maui NSP 0251-01-N (Renewal)	Wailuku-Kahului Wastewater Reclamation Facility, 281 Amala Place, Kahului, Maui	Issued: 10/22/03	One (1) 402 HP Diesel Engine
Clean Air Branch, Covered Source Permit	U.S. Navy, Public Works Center Pearl Harbor CSP 0424-01-C (Renewal)	Red Hill Water Pumping Station, Honolulu, Oahu	Issued: 10/27/03	One (1) 2.0 MW Combustion Turbine

# Enforcement Notices

November 8, 2003

## Summary of Inspection and Enforcement Actions

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

Enforcement Report for July-Sept 2003							
	Inspections & Responses	Warning Notices <sup>1</sup>	Formal Enforcement Cases <sup>2</sup>	Fines Issued	Formal Cases Pending	Formal Cases Concluded	Supplemental Environmental Projects (S.E.P.) in Progress
	July-Sept 2003	July-Sept 2003	July-Sept 2003	July-Sept 2003	Total to Date	July-Sept 2003	
<b>Clean Air Branch</b>							
Fugitive Dust	202	16	3	\$1,400	1	1	0
Noncovered Sources	27	9	3	\$4,275	3	3	0
Covered Sources	51	7	4	\$3,552,000	3	4	0
Agricultural Burning	98	0	0	\$0	1	0	0
Open Burning	35	4	0	\$0	0	0	0
Others	85	1	0	\$0	0	0	0
<b>Solid &amp; Hazardous Waste Branch</b>							
Underground Storage Tanks	183	2	27	\$22,200	0	0	0
Hazardous Waste	159	47	3	\$40,000	17	2	4
Solid Waste	36	20	0	\$0	5	0	2
<b>Clean Water Branch</b>							
Permitted Discharges (NPDES)	26	1	0	\$0	6	0	0
Non-permitted Discharges	78	17	1	\$0	6	0	0
Water Quality Certifications	5	0	0	\$0	0	0	0
<b>Wastewater Branch</b>							
Wastewater Treatment Plants	40	1	0	\$0	3	0	3
Individual Wastewater Systems	175	21	2	\$60,000	6	0	0
Animal Waste	2	0	0	\$0	0	0	0
Other	19	1	0	\$0	0	0	0
<b>Safe Drinking Water Branch</b>							
Public Water Systems	157	3	0	\$0	2	0	0
Wells - Underground Injection Control	63	15	1	\$19,900	2	0	0
<b>Hazard Evaluation &amp; Emergency Response</b>							
Oil Spills	0	0	0	\$0	0	0	0
Hazardous Waste Releases	5	0	0	\$0	0	0	0
<b>TOTAL</b>	<b>570</b>	<b>165</b>	<b>44</b>	<b>\$3,699,775</b>	<b>55</b>	<b>10</b>	<b>9</b>
<p><sup>1</sup> Informal letters warning a person or entity that they are violating environmental laws normally requiring corrective action by a specified deadline. Informal actions generally cover less serious issues such as small infractions by individuals, or violations of permit technicalities which do not directly impact environmental quality.</p> <p><sup>2</sup> Formal enforcement cases generally cover any serious violation and repeat or continued violations of permits or the law. Warning letters, if not adequately responded to, can lead to formal actions. Specifically, formal cases are administrative enforcement proceedings that typically include a formal notice of violation and an order. Orders often require corrective action, reports, and payment of a penalty. This section also includes field citations.</p>							

# Enforcement Notices

November 8, 2003

## Formal Enforcement Actions and Settlements Completed by DOH

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

### Clean Air Branch

On July 29, 2003 a Notice and Finding of Violation was sent to **West Hawai'i Concrete in Kailua-Kona** for exceeding the operating hours of the diesel engine generators at the rock crushing plant in Kamuela, Hawai'i. They were ordered to take corrective action, prevent further violations, and pay a fine of \$8,400.000.

On August 8, 2003, a Notice and Finding of Violation was served to **Sphere, LLC, dba Pacific Aggregate**, of Kapolei for violations at their screening plant in Wai'anae. The company was operating equipment that was not covered by their Noncovered Source Permit. They were ordered to take immediate corrective actions and pay a penalty of \$3,175.00.

On August 22, 2003 a Notice and Finding of Violation was sent to the **Hilo Coast Power Company LLC** for violating conditions of their Covered Source Permit. They were ordered to take corrective action and fined the amount of \$2,900.00.

On September 3, 2003, a Notice and Finding of Violation was served to **Hawaiian Commercial and Sugar Company** of Pu'unene, Maui for violations of the Standards of Performance for Fossil-Fuel-Fired Steam Generators at the Pu'unene Mill. The plant has been in violation from June 15, 1975. They were ordered to take corrective action in 20 days and pay a fine of \$1,977,700.00

Also on September 3, 2003, a Notice & Finding of Violation was sent to **Maui Electric Company, Ltd.** of Kahului for repeated violations of exceeding 20% opacity limits within a certain period, of stack emissions at the Ma'alaea Generating Units. They were ordered to take corrective actions and notify the Department of Health within 20 days, and to pay a fine of \$1,563,000.00.

### Solid Waste Branch

On August 26, 2003, a Complaint was served to **Kaua'i Commercial Co., Inc.** of Lihu'e, Kaua'i for transporting used oil without a permit. They were ordered to comply with the requirements of the law and fined \$10,000.00.

Also on August 26, 2003, a Complaint was issued to **Speedie Lube of Hawai'i, Inc.** of Lihu'e, Kaua'i for violations of transporting used oil without a permit at their facilities on Kauai and Maui. They were order to comply with the law and issued a fine of \$20,000.00.

Also on August 26, 2003, a Complaint was served to **Bering Sea Eccotech, Inc.** of Anchorage, Alaska. They were fined \$10,000.00 for transporting used oil without a permit at their facility at Malakole Road in Kapolei and ordered to comply with the law.

### Clean Water Branch

On September 12, 2003, a Notice and Finding of Violation was issued to the **Oceanic Institute** in Waimanalo for discharging aquaculture pond overflow seawater into the ocean at Makapu'u Point. They were ordered to meet a compliance schedule of September 30, 2003 or pay a penalty of \$100 for each day the compliance schedule is not met.

On September 29, 2003, a Second Amended Notice and Finding of Violation was issued to the **West Hawai'i Utility Company, West Hawai'i Sewer Company, and County of Hawai'i** for multiple discharges of raw wastewater into State Waters and other permit violations and exceedences. A Second Amended Order was also issued for the respondents to take corrective action. A penalty will also be assessed, and the amount will be determined at a later date.

# Conservation District Notices

November 8, 2003

## Board Permits

Persons interested in commenting on the following Conservation District Use Application (Board Permit) must submit comments to the Department of Land and Natural Resources. Also, anyone interested in receiving notification of determinations on Conservation District Use Applications (Board Permits) must submit requests to DLNR that include the following information: 1) Name and address of the requestor; 2) The departmental permit for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in the Environmental Notice.

Both comments and requests for notification of determinations must be submitted to DLNR within thirty days from the initial date that the notice was published in the Environmental Notice.

Please send comments and requests to: State of Hawaii, Department of Land and Natural Resources, Office of Conservation and Coastal Lands, 1151 Punchbowl Street, Room 220, Honolulu, Hawaii'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.



## Kapaa-Kealia Bike & Pedestrian Path

**File No.:** KA-3160  
**Applicant:** County of Kauai, Dept. of Public Works  
**Location:** Kapa'a-Kealia, Kaua'i  
**TMK:** 4-7-003:001; 4-7-007:029  
**Action:** Planned development of multi-use path for bicyclist, pedestrians, and other users from Kapa'a to Kealia.  
**343, HRS** FEA published in OEQC's *Environmental determination:* Notice on 9/23/03.  
**Appl's Contact:** Ronald Sato, SSFM (531-1308)

# Coastal Zone News

## Federal Consistency Reviews

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawai'i Revised Statutes. This public notice is being provided in accordance with section 306(d)(14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawai'i CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lana'i & Moloka'i: 468-4644 x72878, Kaua'i: 274-3141 x72878, Maui: 984-2400 x72878 or Hawai'i: 974-4000 x72878.

For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review and can be mailed to: Office of Planning, Department of Business, Economic Development and Tourism, P.O. Box 2359, Honolulu, Hawaii 96804. Or, fax comments to the Hawaii CZM Program at 587-2899.

## Construction of Mooring Dolphin, Pier 1C, Kahului Harbor, Maui

**Applicant:** Matson Navigation Company  
Agent: R.M. Towill Corporation  
Contact: Brian Takeda, 842-1133  
**Federal Action:** Department of the Army Permit  
**Federal Agency:** U.S. Army Corps of Engineers  
Contact: Peter Galloway, 438-8416  
**Location:** Pier 1C in Kahului Harbor, Maui  
**CZM Contact:** Debra Tom, 587-2840  
**Proposed Action:**

Matson Navigation Company proposes to install a mooring dolphin and catwalk at Pier 1C, Kahului Harbor, Kahului, Maui. The installation of the dolphin and catwalk will involve the placement of 24 piles. The dolphin and catwalk superstructure will be used to provide sufficient mooring capability to extend the useful area of Pier 1C for container and other large vessels. The mooring will also provide much needed space and meet safety concerns for proper securing of moored ships.

**Comments Due:** November 21, 2003

# Coastal Zone News

November 8, 2003

## Special Management Area (SMA) Minor Permits

Pursuant to Hawai'i Revised Statute (HRS) 205A-30, the following is a list of SMA Minor permits that have been approved or are pending by the respective county/state agency. For more information about any of the listed permits, please contact the appropriate county/state Planning Department. City & County of Honolulu (523-4131); Hawai'i County (961-8288); Kaua'i County (241-6677); Maui County (270-7735); Kaka'ako Special Design District (587-2878).

Location (TMK)	Description (File No.)	Applicant/Agent
Honolulu: Paumalu (5-9-16-14)	Construct chain-link fence with gate (2003/SMA-74)	Ted Nakamura
Honolulu: Waikiki (2-6-4-10)	Storefront modifications (2003/SMA-82)	DKKY Architecture Studio
Maui: Makawao (2-9-5-10)	MECO Overhead line extension (SM2 20030159)	Arkles, Alan M.
Maui: Haiku (2-8-40-46)	Naish Residence (SM2 20030160)	Naish, Robert/Kathryn
Maui: Honokowai (4-4-1-46)	Verizon equipment cabinet (SM2 20030161)	Verizon Hawaii, Inc.
Maui: Wailua	Construct Wailua bus stop (SM2 20030162)	County Dept of Public Works
Maui: Kihei (3-9-6-1)	Waiakoa Subdivision (SM2 20030163)	Larson, Kim
Maui: Kihei (3-9-1-4)	Maui Schooner elevator (SM2 20030164)	GYA Architects, Inc.
Maui: Kapalua (4-2-4-24, 7-7 & 7-8)	Kapalua Subdivision (SM2 20030165)	Ledcor Construction, Ltd.
Maui: (2-8-4-96 & 97)	Consolidation & resubdivision (SM2 20030167)	Millan, Basil
Maui: Paia (2-6-11-8)	Sands addition (SM2 20030169)	Sands, Fredrick H.
Maui: Kapalua (4-2-1-32)	Enclose lanai (SMX 20030609) Pending.	Pitzer Built Construction LLC.
Maui: (3-9-36-47)	Privacy fence (SMX 20030610) Pending.	Lemke, Carl Michael
Maui: (2-2-25-62)	Renovations (SMX 20030612) Pending.	Nagel, James Nicholas, Etal.
Maui: Kapalua (4-2-1-1, & 5-41)	Renovations (SMX 20030614) Pending.	Maui Land & Pineapple Co., Inc.
Maui: Kihei (3-9-33-47)	Interior renovations (SMX 200340616) Pending.	O'neil, Karen L.
Maui: Kihei (3-9-13-24)	Addition (SMX 20030617) Pending.	Ichimaru, Russell
Maui: Kihei (3-9-48-49)	Addition (SMX 20030618) Pending.	Tabiolo, Steven & Teri
Maui: (3-8-2-25)	Enclose storage area (SMX 20030621) Pending.	Eric Golting
Maui: Spreckelsville (3-8-2-72)	Sand dune restoration (SMX 20030622) Pending.	Williams, Brent
Maui: Kihei (3-9-3-2)	Storage bldg (SMX 20030623) Pending.	Wagner, Nick
Maui: Makena (2-1-11-5)	Residence (SMX 20030624) Pending.	TMC Development, Inc.
Maui: Haiku (2-7-8-114)	Second dwelling (SMX 20030625) Pending.	Wagner, Nick
Maui: Kapalua (4-2-4-5)	Repair spa (SMX 20030626) Pending.	Smith, Jeff
Maui: Lahaina (4-5-4-56)	Knight addition (SMX 20030627) Pending.	Cooper, Martin V.
Maui: Kihei (3-9-3-7)	Addition (SMX 20030628) Pending.	Joslin Group
Maui: (2-1-7-6)	Lydgate addition (SMX 20030629) Pending.	Lydgate, Charles
Maui: Kihei (3-9-44-17)	Baglivi ohana (SMX 20030630) Pending.	Baglivi, Janet
Maui: Lahaina (4-3-15-14)	Foadi renovation (SMX 20030632) Pending.	Foadi, Tanaz
Maui: Makena (2-1-6-34)	LD, LLC residence (SMX 20030634) Pending.	Munekiyo & Hiraga, Inc.
Maui: Paia (2-6-4-15)	Nellies Paia store (SMX 20030636) Pending.	Nelson, Don
Maui: Kihei (3-9-15-17)	Bolosan addition (SMX 20030638) Pending.	Bolosan, Romeo S.
Maui: Kihei (3-9-40-113)	Addition (SMX 20030639) Pending.	McKissick, Russell
Maui: Paia (2-6-2-20)	Deck (SMX 20030641) Pending.	Arian, Chris
Maui: Kihei (3-9-11-58)	Addition (SMX 20030643) Pending.	G&E Builders Ltd.

## Special Management Area (SMA) Minor Permits (continued)

Location (TMK)	Description (File No.)	Applicant/Agent
Maui: Lahaina (4-3-6-69)	Improvements (SMX 20030644) Pending.	Myers, Douglas E.
Maui: Kihei (3-9-17-14)	Renovations (SMX 20030645) Pending.	Ambrose, Jason
Maui: (2-6-10-17)	6-foot wall (SMX 20030646) pending.	Kahanu, George
Maui: (4-4-8-1)	Quicksilver renovations (SMX 20030647) Pending.	John Souza
Maui: (2-8-3-59)	Water storage well & tank (SMX 20030648) Pending.	Maui Integrated Solutions
Maui: Kihei (3-9-27-32)	Workshop (SMX 20030649) Pending	Cerna, Vathinee
Maui: Kihei (3-9-12-5)	Demo & build residence (SMX 20030650) Pending.	Fitch, Douglas
Maui: Kihei (2-2-25-44)	Enclose lanai (SMX 20030651) Pending.	Yee, Gayland & Barbara
Maui: Paia (3-8-2-34)	Sand placement (SMX 20030652) Pending.	McBarnet, Terry
Maui: Kapalua (4-2-3-88)	Swimming pool & spa (SMX 20030653) Pending	Pool Pro, Inc.
Maui: Kihei (3-9-2-28)	Nature's Way Xmas tent (SMX 20030655) Pending	Thomas, Michael
Maui: Haiku (2-9-7-40)	2 <sup>nd</sup> dwelling (SMX 20030656) Pending	Muir, Caroline
Maui: Kihei (3-9-17-27)	Accessory dwelling (SMX 20030657) Pending.	Blaeholder, David
Maui: Kihei (3-9-17-90)	Accessory dwelling (SMX 20030658) Pending.	Blaeholder, David
Maui: Kihei (3-9-9-28)	Irrigation well (SMX 20030659) Pending.	Roman Catholic Church (Hawaii)
Maui: Wailuku (3-4-28-47)	Deck addition (SMX 20030660) Pending.	Smeltzer, Kevin
Maui: (4-2-4-32)	Single family residence (SMX 20030661) Pending.	Nguyen, Bill
Maui: (1-7-3-14)	Barn/workshop (SMX 20030663) Pending.	Ferris, Harold
Maui: Lahaina (4-4-8-22)	Alteration of room #4 (SMX 20030664) Pending.	Atwood, Terry E.
Hawaii: Hilo (2-1-1-24)	Demo/Renovate Shipman Power Plant units (SMA #143)	Hawaii Electric Light Co., Inc.
Hawaii: Kona (7-8-13-2)	Demo/Renovate Kona Lagoon Hotel (SMA #144)	Kamehameha Schools

## 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, Hawai'i 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.

### Hau'ula Skate Park Facility at Hau'ula Community Park (Final Determination)

The applicant proposes to build a new skate park facility at the existing Hau'ula Community Park, which is located within the SMA. The 9,500-square foot facility will consist of concrete "bowls," banks, curved walls, ledges and obstacles and perimeter fencing. The new facility will be located in the Northeast corner of the existing park, in a currently open grassed area behind the play courts. No additional restroom, water or lighting facilities, or off-street parking is proposed. The hours of operation have not yet been specified. New walkways that are compliant with the Americans with Disabilities Act (ADA) will connect the facility with the existing play courts. The entire project area, which is within the Special Management Area, will require the approval of an SMP from the Honolulu City Council. Please direct questions and written comments to Steve Tagawa, Department of Planning and Permitting, City and County of Honolulu, 650 S. King Street, 7<sup>th</sup> Floor, Honolulu, Hawai'i 96813, telephone: 523-4817.

# Federal Notices

November 8, 2003

## Final Rule on Air Tour Operators

This final rule of the Federal Aviation Administration (FAA) continues the existing safety requirements in Special Federal Aviation Regulation No. 71 (SFAR 71) and eliminates the termination date for SFAR 71. The procedural, operational, and equipment safety requirements of SFAR 71 will continue to apply to Parts 91, 121, and 135 air tour operators in Hawai'i. SFAR 71 does not apply to operations conducted under part 121 in airplanes with a passenger-seating configuration of more than 30 seats and a payload capacity of more than 7,500 pounds or to flights conducted in gliders or hot air balloons. This final rule is effective October 26, 2003. For more information, contact Alberta Brown at (202) 267-8321, or by e-mail at Alberta.Brown@faa.gov (see, 68 F.R. 60831, October 23, 2003).

## Proposed National Air Tour Safety Rules

The Federal Aviation Administration (FAA) is proposing national safety standards to govern commercial air tours (i.e., sightseeing). These safety standards are proposed as a result of accidents and incidents involving air tour operators and subsequent National Transportation Safety Board recommendations. The proposed rule is intended to increase the safety of commercial air tours on a national basis by requiring certification of air tour operators and by establishing new safety requirements. Send your comments on or before January 20, 2004. Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-1998-4521 at the beginning of your comments, and you should submit two copies of your comments. For details, contact Alberta Brown at (202) 267-8166; e-mail: Alberta.Brown@faa.gov (see, 68 F.R. 60571, October 22, 2003).

## Three Hawai'i Sites Nominated

The Hawai'i State Historic Preservation Officer has nominated the following three sites to the National Register of Historic Places: (1) No. 03001049, Central Intermediate School, 1302 Queen Emma Street, Honolulu; (2) No. 03001050, Kreye House, 2714 Aolani Place, Honolulu; and (3) No. 03001048, Kaula'i Belt Road North Shore Section, HI 560. The above number nominations were received by the National Park Service before September 6, 2003. Pursuant to Sec. 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington DC 20005; or by fax, 202-371-6447. Written or faxed comments should be submitted by October 21, 2003 (see, 68 F.R. 57708, October 6, 2003).

## Supplemental Notice on Ahi Farms Inc., Ocean Aquaculture in Wai'anae

The U.S. Army Corps of Engineers Honolulu District is seeking public comments on a supplemental public notice (PN200300506a), dated October 28, 2003, concerning Ahi Farms Inc.'s proposal to build and operate an aquaculture farm for ahi tuna in the foreseeable future. The applicant originally proposed to place up to 18 tension leg cages in one or both of the proposed sites. Each site will be about 80 acres in size. The applicant now proposes to use commercially available gravity net surface pens if it is determined that tension leg cages are impractical for tuna farming. Other information contained in the original Public Notice, dated August 1, 2003, remains the same. Comments on the modified proposal are due on or before November 27, 2003. Send comments with the public notice number (PN200300506a) to: Regulatory Branch (CEPOH-EC-R/P. Lennan), U.S. Army Engineer District, Honolulu, Building 230, Fort Shafter, Hawai'i 96858-5440 (see, Public Notice No. 200300506a, dated October 28, 2003, U.S. Army Corps of Engineers Honolulu District).

## Proposed Partial Deletion of O'ahu Site from the Superfund List.

Region 9 of the United States Environmental Protection Agency (EPA) announces its intent to delete the Poamoho Section of the Del Monte Corporation Superfund Site (the site), located on O'ahu, from the National Priorities List (NPL) and requests public comment on this proposed action. The remaining portion of the site will remain on the NPL. EPA and the State of Hawai'i Department of Health have determined that, based on the Remedial Investigation, taking remedial measures on the Poamoho Section of the site would not be appropriate. The Remedial Investigation results indicate no response action is necessary to protect human health, welfare or the environment related to hazardous substances released on the Poamoho Section. Comments concerning the proposed partial deletion of the Site from the NPL may be submitted on or before December 1, 2003. Comments may be mailed to Janet Rosati, US EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105, Mail Code SFD-8-2. Call (415) 972-3165 or (800) 231-3075 for additional information. Another information repository where the public docket is available for public review is the Wahiawa Public Library, 820 California Avenue, Wahiawa, Hawai'i 96786. For more information contact Janet Rosati, (415) 972-3165 (see, 68 F.R. 61783, October 30, 2003).

## Notice of Lodging of Consent Decree

In accordance with 28 U.S.C. section 50.7, notice is hereby given that on October 16, 2003, a proposed Consent Decree in United States, *et al.* v. Chevron U.S.A. Inc., Civil Action No. C: 03-4650 MEJ, was lodged with the United States District Court for the Northern District of California. In this action, the United States sought injunctive relief and penalties against Chevron U.S.A. Inc. (Chevron), pursuant to Section 113(b) of the Clean Air Act (CAA), 42 U.S.C. 7413(b), section



November 8, 2003

109(c) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9609(c), and section 325(b) of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 11045(b) (3), for alleged environmental violations at Chevron's petroleum refineries located in El Segundo, California; Richmond, California; Kapolei, Hawai'i; Pascagoula, Mississippi; and Salt Lake City, Utah. The States of Hawai'i and Utah, the Mississippi Commission on Environmental Quality, and the Bay Area Air Quality Management District of California have joined in this settlement as signatories to the Consent Decree. The proposed Consent Decree requires Chevron to implement innovative pollution control technologies to greatly reduce emissions of nitrogen oxides (NOx) and sulfur dioxide (SO<sub>2</sub>) from refinery process units, to reduce the number and impact of flaring events, and to adopt facility-wide enhanced monitoring and fugitive emission control programs. In addition, Chevron will pay a civil penalty of \$3.5 million and perform supplemental environmental projects with a value of at least \$4.55 million. The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to United States, *et al.* v. Chevron U.S.A. Inc., D.J. Ref. 90-5-2-2-07629. The Consent Decree may be examined at the Office of the United States Attorney for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102 (attn: Charles O'Connor), and at U.S. EPA Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466 (attn: Cindy Reynolds). During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Consent Decree from the Consent Decree Library, please enclose a check in the amount of \$52.25 (25 cents per page reproduction cost) payable to the U.S. Treasury (see, 68 F.R. 61695, October 29, 2003).

## Rescinding of Notice of Intent

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.8 (f), that, upon publication of this notice in the Federal Register, the Bernice Pauahi Bishop Museum, Honolulu, Hawai'i, rescinds the notice of intent to repatriate published in the *Federal Register* of April 9, 1999 (F.R. Doc. 99-8888, page 17410) because the museum has determined that the Kalaina Wawae is not cultural patrimony as defined at 25 U.S.C. 3001 (3)(D). This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural items. The National Park Service is not responsible for the determinations within this notice. The Kalaina Wawae is three sections of sandstone containing petroglyphs, from an area of Moloka'i, called Mo'omomi. Kalaina Wawae (feet of Kalaina) is known

for its oblong depressions said to represent human footprints. The April 9, 1999, notice identified the Kalaina Wawae as cultural patrimony as defined at 25 U.S.C. 3001 (3)(D). After further consideration of the Kalaina Wawae, its history, and the conditions under which the Bishop Museum acquired the Kalaina Wawae, museum officials have determined that the Kalaina Wawae was privately owned at the time that the Kalaina Wawae was gifted to the museum, and that the Kalaina Wawae was legally conveyed to the museum. After additional consultation since April 9, 1999, with representatives of Hui Malama O Mo'omomi and Hui Malama I Na Kupuna O Hawai'i Nei, museum officials have determined that the Kalaina Wawae is of great cultural significance but is not cultural patrimony as defined at 25 U.S.C. 3001 (3)(D). Bernice Pauahi Bishop (1831-1884) was the great-granddaughter of Kamehameha the Great and had the authority to alienate or convey to her estate personal property such as the Kalaina Wawae. In 1897 Moloka'i Ranch purchased land at Mo'omomi, Moloka'i, from the estate of Bernice Pauahi Bishop which included the Kalaina Wawae. In 1909 Molokai Ranch gave the Kalaina Wawae to the Bishop Museum, and J.F.G. Stokes and museum staff carved out and collected the Kalaina Wawae with the permission of the Moloka'i Ranch manager, George P. Cooke. In 1909 the museum accessioned the Kalaina Wawae (numbers 9935, 9936, and 9937) into its collections. The Bishop Museum does not intend to repatriate the Kalaina Wawae to the Native Hawaiian organizations that previously presented claims, and rescinds the museum's April 9, 1999, notice. In March 2003 the museum installed the Kalaina Wawae at Mo'omomi, Moloka'i, to be cared for and used for educational and cultural purposes by the Native Hawaiian community. Representatives of any Native Hawaiian organization who wish to comment on this notice should address their comments to Dr. Guy Kaulukukui, Vice President of Cultural Studies, Bishop Museum, 1525 Bernice Street, Honolulu, Hawai'i 96718-2704, telephone (808) 848-4126. The Bishop Museum is responsible for notifying Hui Malama I Na Kupuna O Hawai'i Nei, the Office of Hawaiian Affairs, Moloka'i Museum and Culture Center, Lili'uokalani Trust, Alapa'i Hanapi, Lawrence Aki, Walter Ritte, and Hui Malama O Mo'omomi that this notice has been published (see, 68 F.R. 62319, November 3, 2003).

## Genetically Modified Corn Permit Application No. 67979-EUP-G

This notice announces receipt of an application 67979-EUP-G from Syngenta Seeds, Inc. requesting an experimental use permit (EUP) for the plant-incorporated protectant *Bacillus thuringiensis* Cry1Ab protein and the genetic material necessary for its production (via elements of p2062) in corn. EPA has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application. Comments, identified by docket ID number OPP-2003-0307, must be received on or before December 5, 2003. For details, contact Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001 (see, 68 F.R. 62586, November 5, 2003).

