

The Environmental Notice

A SEMI-MONTHLY BULLETIN (UNDER SECTION 343-3, HRS) OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL



LINDA LINGLE
GOVERNOR

OFFICE OF
ENVIRONMENTAL QUALITY
CONTROL (OEQC)
DEPARTMENT OF HEALTH
GENEVIEVE SALMONSON
DIRECTOR, OEQC

The Environmental Notice
reviews the environmental impacts of
projects proposed in Hawai'i

Other Resources
available at OEQC . . .

- *Guidebook for Hawai'i's Environmental Process* (now, Online!)
- *Environmental Studies Resource Library*
- *Environmental Council Annual Reports* (now, Online!)
- *Rules and Policies* (also Online!)
- "How to Plant a Native Hawaiian Garden"

OEQC

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AUGUST 23, 2004

Maui Business Park Phase II

A & B Properties, Inc. has prepared a draft EIS in support of its petition before the State Land Use Commission for the reclassification of two non-contiguous parcels of 179 acres in Kahului from incremental to urban for the purpose of developing a light industrial project in close proximity to Kahului Airport,

Kahului Harbor, and Kanaha State Wildlife Refuge. The draft EIS includes appendices containing a botanical survey, an avifaunal and feral mammal survey, a cultural impact assessment, a visual impact study, among other things. Comments on this draft EIS must be received by *October 7, 2004*. See page 8.

Pu'u Ola'i Wetland Project

After consulting with the Division of Forestry and Wildlife, the U.S. Fish and Wildlife Service, the Army Corps of Engineers, the Makena Homeowners Association, the Halau Maui Nui O Kama, and the Maui Outdoor Circle, the Department of Land and Natural Resources wants to enhance a poikilohaline wetland known as North Pu'u Ola'i Pond situated makai of the Makena Golf Course near the Pu'u Ola'i cinder cone in Makena State Park. A major part of the project is the removal of large kiawe (*Prosopis pallida*) trees that border and in many cases have toppled into the pond, degrading most of the marginal habitat used by the Hawaiian stilt and the coot. See page 7.

NMFS Elevates Hawai'i Longline Fishery to Category I

In a final rule effective *September 9, 2004*, the National Marine Fisheries Service (NMFS) has elevated the Hawai'i Longline Fishery to Category I on the 2004 List of Fisheries (LOF). Putting a fishery in the LOF determines whether participants in that fishery are subject to certain provisions of federal law, such as registration, observer coverage, and take reduction plan requirements. See page 11 for details and requirements.

"Applicant-Agency"? Sorry, but there is no such animal.

Under EIS law, "applicant" and "agency" are *mutually exclusive* terms, frequently misused. See page 11 for more.

Kuhio Beach Small-Scale Sand Pumping Project

DLNR is planning to replenish Waikiki Beach by dredging (via a suction pump) up to 10,000 cubic yards of offshore sand and place it onto Kuhio Beach in Waikiki, starting in about October, 2004. At 6:30 P.M. on Wednesday, September 1, a public information meeting on the plan will be held at Waikiki Elementary School. For more information, call Peter Young at DLNR.

Laniakea Beach Parking

Oceanit has been hired by the Honolulu Department of Design and Construction to prepare an EA and Master Plan for improvements to a recently subdivided 3-acre parcel of land located across the street from Laniakea Beach. This support park will help alleviate parking along the shoulder of Kamehameha Hwy., provide a comfort station and picnic facilities for beachgoers, improve the flow of traffic and pedestrians in the area in compliance with ADA criteria, and provide an area for additional recreational activities. See page 4.

DOT Withdraws Realignment EA for Kohala Mountain Road

The State Department of Transportation (DOT) has found that the proposed Kohala Mountain Road Realignment Project is not feasible, and thus will not be completed. DOT has withdrawn the draft EA and will not publish a Final EA. For more information call Thomas Fujiwara at 692-7578.

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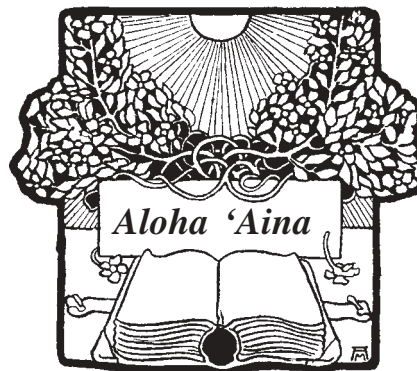
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Definitions

Your guide to the Environmental Review Process

Draft EA

A project or action that may affect the environment cannot be implemented until an Environmental Assessment (EA) is prepared in accordance with Chapter 343, Hawai'i Revised Statutes (HRS). If the lead State or county agency (the *proposing agency* for agency actions, or the *approving agency* for applicant actions) anticipates that the project will have no significant environmental impact, then affected agencies, individuals, and organizations must be consulted and a Draft EA (DEA) 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 EA and FONSI

After the lead agency reviews the public comments, if it determines that the project will have no significant effect on the environment, then it will prepare a Final EA (FEA) 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 periodic bulletin to ask a court to require the preparation of an EIS.

Final EA and EISPN

When a lead agency decides that a project may have a significant environmental impact, an Environmental Impact Statement (EIS) must be prepared prior to implementing the project. Like the DEA (see *above*), affected agencies, individuals and organizations must be consulted prior to preparation of the final EA (FEA) and issuance of a determination called an EIS preparation notice (EISPN). (The EA is called *final*, to distinguish it from the draft, above). After the FEA is written by the lead agency, and notice of the FEA and EISPN is published in this periodic bulletin, any agency, group, or individual has 30 days from the first publication of the EISPN to request to become a consulted party and to make written comments regarding the environmental effects of the proposed action. The public (including an applicant) has 60 days from the first notice of an EISPN in this periodic bulletin to ask a court to not require the preparation of an EIS.

Draft EIS

After receiving the comments on the FEA and EISPN (see *above*), the lead agency or private applicant must prepare a Draft Environmental Impact Statement (DEIS) prior to project implementation. This document must completely disclose the likely impacts of a project. Direct, indirect 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 periodic bulletin to comment on a DEIS. The DEIS must respond to comments received during the FEA-EISPN comment period in a *point-by-point* manner.

Final EIS

After considering all public comments filed during the DEIS stage, the agency or applicant must prepare a Final EIS (FEIS). The FEIS must respond in a *point-by-point* manner to all comments from the draft stage. Requisite deeper analyses must be included in the FEIS. For applicant projects, the approving agency is authorized to accept the FEIS. For agency project the Governor or the county mayor is the accepting authority. Only after the EIS is accepted may the project be implemented.

Acceptability

If the FEIS is accepted, the law requires that notice of this be published in this periodic bulletin. The public has 60 days from the date of first notice of acceptance to ask a court to vacate the acceptance of an EIS. In the case of applicant actions, the law requires that an approving agency must make a determination on acceptance within thirty-days of receipt of the FEIS or the FEIS is deemed accepted. Also, for applicant actions, the law provides for an administrative appeal of a non-acceptance to the Environmental Council.

NEPA

The National Environmental Policy Act (NEPA) requires federal projects to prepare an EA or EIS. In many ways it is similar to Hawai'i's law. Some projects require both a state (or county) and federal EIS and the public comment procedure should be coordinated. Although not required by law, the OEQC publishes NEPA notices in this periodic bulletin to help keep the public informed of important federal actions.

SMA Permits

The Special Management Area (SMA) is along the coastlines of all our islands and development in this area is generally regulated by Chapter 205A, HRS and county ordinance. A special subset of the SMA that is regulated by Chapter 343, HRS is the Shoreline Setback Area. Most development in this area requires a Special Management Permit (SMP). This periodic bulletin posts notice of these SMP applications to encourage public input.

Shoreline Certifications

State law requires that Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback (an area contained between the certified shoreline and a prescribe

distance inland (usually 40 feet) from the certified shoreline). The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This periodic bulletin publishes notice from the Department of Land and Natural Resources of both shoreline certification applicants 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 on the Internet at <http://www.ehawaii.gov.org/calendar> 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 periodic bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

Conservation District

Any 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 periodic bulletin.

Endangered Species

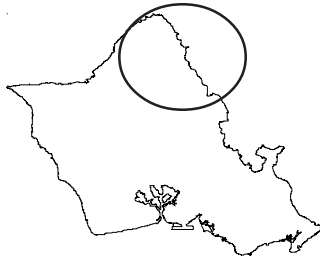
This periodic bulletin is required by Section 343-3(c), HRS, to publish notice of public comment periods or public hearings for habitat conservation plans (HCP), safe harbor agreements (SHA), or incidental take licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).

O'ahu Notices

AUGUST 23, 2004

Windward Spouse Abuse Shelter Improvements (DEA)

District: Ko'olauloa
TMK: Withheld for Security Reasons
Applicant: Windward Spouse Abuse Shelter, Inc.
P.O. Box 1955
Kailua, Hawai'i 96734
Contact: Avis Jervis (528-1033)



Approving Agency: Department of Community Services
City & County of Honolulu
715 South King Street, No. 311
Honolulu, Hawai'i 96813
Contact: Paul Taniguchi (523-4495)

Consultant: Environmental Communications Inc.
1188 Bishop Street, No. 2210
Honolulu, Hawai'i 96813
Contact: Taeyong Kim (528-4661)

Public Comment

Deadline: September 22, 2004

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

Permits

Required: Building

The Windward Spouse Abuse Shelter is a group living facility located in a residential district in the Windward O'ahu. The facility serves as a sanctuary and transitional facility for abused women and children. The site offers limited on-site parking behind a security fence. Up to three cars can be parked on the concrete paving that covers the majority of the project parcel. The uncovered parking area is accessed immediately off the secured driveway. Clients are often required to enter extremely hot vehicles or walk to the shelter's cars in the rain. Clients are often accompanied by infants, therefore a sheltering roof is highly desirable. To alleviate these conditions a temporary tent was erected to serve as a carport. The structure did not adequately serve the facility nor was it able to withstand long-term use therefore it was removed. The proposed improvements consist of a permanent

simple roof structure that will provide a degree of shade for the facilities automobiles and for the adjacent community room. The carport is consistent with the uses allowed by the zoning code for the property. The improvement will not adversely affect any of the functions of the facility but will greatly enhance the comfort of the residents as well as protect the facilities vehicles. The project will use Community Development Block Grant funds for the proposed improvements.

Laniakea Beach Support Park (DEA)

District: Waialua
TMK: 6-1-005:014,
6-1-010:018,
6-1-009:005

Proposing Agency:

Department of Design and Construction, Facilities Branch

City and County of Honolulu, 650 South King Street, Honolulu, Hawai'i 96813
Contact: Don Griffin (527-6324)



Determination

Agency: Same as above.

Consultant: Oceanit Inc., 1001 Bishop Street Suite 2970
Honolulu, Hawai'i 96813, Contact: Jeff Merz (531-3017)

Public Comment

Deadline: September 22, 2004

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

Permits

Required: NPDES, SMA

Oceanit has been hired by the City and County of Honolulu Department of Design and Construction to prepare this Environmental Assessment and Master Plan for improvements to a recently subdivided 3-acre parcel of land located across the street from Laniakea Beach. This support park will help alleviate parking along the shoulder of Kamehameha Highway, provide a comfort station and picnic facilities for beachgoers, improve the flow of traffic and pedestrians in the area in compliance with ADA criteria, and provide an area for additional recreational activities.

The project proposes to create a comfort station with changing areas, an outdoor shower, a lifeguard station and storage area. Picnic tables will be installed to improve the overall use of the park facilities and increase diversity of park users. Permanent

landscaping will be native, non-invasive and xeriscape in design and placement. On-site parking shall consist of 46 to 69 stalls with an appropriate number of ADA-accessible stalls and a proposed "overflow" parking area consisting of grass pavers, ingress and egress separations, a left turn lane and a crosswalk.

Weldon Shoreline Setback Variance (DEA)

District: East Honolulu

TMK: 3-5-6: 6
Applicant: Edward J., Jr. and Kathryn Weldon Trust
4771 Kahala Avenue
Honolulu, Hawai'i 96816



Approving Agency: Department of Planning and Permitting, City and County of Honolulu
650 South King St., 7th Floor
Honolulu, Hawai'i 96813
Contact: Pamela Davis (523-4807)

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

Public Comment

Deadline: September 22, 2004
Status: DEA Notice pending public comment. Address comments to the applicant with copies to the approving agency, the consultant and OEQC.

Permits

Required: Shoreline Variance, building

The applicant proposes the following work within the 40-foot shoreline setback area of a 41,730-square foot residential lot fronting Kahala Beach: (1) Removal of a metal fence constructed along the makai (rear) property line under Minor Shoreline Structure (MSS) permit No. 2002/MSS-16 and Special Management Area (SMA) Minor permit No. 2002/SMA-52; (2) Construction of a 4.5-foot high stainless steel post and tension wire fence and gate along the makai property line, supported by 4 x 3-foot concrete/rock/rebar footings placed at 6 feet on center; and, (3) After-the fact approval for 93.6 tons of unauthorized sand fill. [Note: The SMA Minor permit was required because there was no dwelling on the lot. A dwelling is currently under construc-

tion.] According to the applicant, the City clears the sand at the mouth of the drainage channel (adjoining the subject property along the kokohead side) about every 2 - 3 months, and places the sand along the makai edge of the site where the existing fence is. The applicant states that this raises the height of the beach, but also kills off "natural vegetation that is trying to establish itself". The applicant states that, earlier this year, fast-flowing water from the channel eroded the sand along the base of the fence, which made it unstable. The applicant then placed rocks along a portion of the base of the fence. This work was unauthorized. The proposed 4.5-foot high steel post and tension wire fence along the makai property line is supported by 4-foot high, 3-foot wide concrete/rock/rebar footings at 6 feet on center. The footings taper to a width of 1 foot at the top. A gate is also proposed. The applicant also requests after-the-fact approval for unauthorized fill (93.6 tons of sand) within the shoreline setback*. The sand fill has been leveled, and lawn and other landscape materials have been planted over it. The applicant indicates that the fill was added in 2002, prior to construction of the existing fence.

Borsa Shoreline Setback Variance (DEA)

District: Waialua
TMK: 6-7-14: 28
Applicant: John A. Borsa, 67-011 Kaimanu Place
Waialua, Hawai'i 96791



Approving Agency: Department of Planning & Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813
Contact: Ann Matsumura (523-4077)

Consultant: Hawai'i Architects, Inc.
1025 Loho Street
Kailua, Hawai'i 96734
Contact: James Matichuk, AIA, PE (262-2475)

Public Comment

Deadline: September 22, 2004
Status: DEA Notice pending public comment. Address comments to the applicant with copies to the approving agency, the consultant and OEQC.

Permits

Required: Shoreline Setback Variance and Building

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The 9,263 square-foot shoreline property is developed with a single-family dwelling and is zoned R-5 Residential District. The applicant is requesting to retain (allow) a wood pole fence relocated within one foot of the shoreline (as located on June 26, 2002, certified by the State Department of Land and Natural Resources on September 10, 2002) on the entire seaward boundary of the 68-foot wide property. The wood pole fence at its original location (20 feet mauka of the shoreline) was approved through Building Permit No. 294986 on November 29, 1990. The fence is constructed of individual wood poles approximately 12 to 14 inches in diameter and is buried 5 feet deep in the sand and varies from approximately 18 inches to 3 feet high above ground. The wood poles are fastened together with two, 1/4-inch stainless steel cables that run the entire length of the fence. A 5-foot wide gate provides access from the fenced area to the beach. The applicant also proposes to construct a below-grade swimming pool and associated 4'-6" high glass panel fence partially within the shoreline setback area. The proposed alterations lie within the 40-foot shoreline setback area and will require a Shoreline Setback Variance and building permit.

Moanalua Shopping Center Redevelopment, O'ahu, Hawai'i (NEPA FEA/FONSI)

The Department of the Navy has prepared an Environmental Assessment (EA) and determined that an Environmental Impact Statement is not required for the redevelopment of the Moanalua Shopping Center, O'ahu, Hawai'i. Based on information gathered during preparation of the EA, the Department of the Navy finds that the proposed redevelopment of the Moanalua Shopping Center, O'ahu, Hawai'i will not significantly impact human health or the environment.

The Proposed Action is to establish a Navy Community Support Center by redeveloping the MSC site. Under the Proposed Action, a private developer would redevelop the approximately 15-acre (6-hectare) MSC site as in-kind consideration for the fair market rent which would be due under a 40-year lease of the properties pursuant to 10 USC Section 2667. The Proposed Action would provide the Navy with up to 55,000 square feet (ft²) (5,110 square meters [m²]) of Navy administrative space. The Proposed Action would also provide up to 15,000 ft² (1,394 m²) of new commercial retail space and up to 15,000 ft² (1,394 m²) of new Quick Service Restaurant space.



The Finding of No Significant Impact (FONSI) and EA addressing this Proposed Action may be obtained from: Naval Facilities Engineering Command, Pacific, 258 Makalapa Drive, Suite 100, Pearl Harbor, Hawaii 96860-3134 (Attention: Ms. Audrey Uyema Pak, ENV1831AUP), telephone (808) 472-1448. A limited number of copies of the EA are available to fill single copy requests.

Honeymoon Beach Upgrade (NEPA FONSI)

The Air Force has prepared a Draft Finding of No Significant Impact (FONSI) based on the Supplemental Environmental Assessment (SEA) that was developed evaluating the potential impacts on the environment associated with the proposed project to upgrade Honeymoon Beach Recreational Facility at Hickam AFB. Based on the finding of the SEA, implementation of the proposed action or alternative would pose no significant impact on human health or the natural environment. A Finding of No Significant Impact is warranted and an environmental impact statement is not required for this action. A copy of the Draft FONSI and SEA is available for review at the reference desks of the Aiea Public Library and the Hawaii State Library on Oahu. Only comments received by mail will be officially considered, and must be post marked no later than September 23, 2004. The Air Force is anticipating signing the FONSI on or about September 23, 2004. Individuals wishing further information or to submit comments should contact:



1Lt Julie Tucker, Chief Media Relations
Public Affairs, 15th Airlift Wing
800 Scott Circle
Hickam AFB, Hawaii 96853-5328

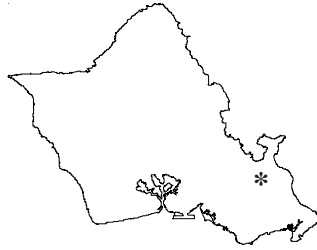
Wetland Restoration/Percolation Ditch Replacement Project (NEPA FEA/ FONSI)

District: Ko'olaupoko
Proposing Agency: Marine Corps Base Hawai'i
Determination Agency: Commanding General, Marine Corps Base Hawai'i, Box 63002, MCBH Kaneohe Bay, Hawai'i 96863-3002. Contact: Dr. Diane Drigot, (808) 257-6920 extension 224

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Per the President's Council on Environmental Quality Regulations (40 CFR Parts 1500-1508) implementing procedural provisions of the National Environmental Policy Act (NEPA), the U.S. Marine Corps (USMC) gives notice that an Environmental Assessment (EA) has been prepared and that an Environmental Impact Statement is not required for a proposed Wetland Restoration/Percolation Ditch Replacement Project. The proposed project will relieve chronic flooding at a Combat Service Support Group (CSSG-3) vehicle maintenance compound by excavating an existing weed-choked drainage ditch and transforming it into a constructed wetland lined with native plants. The proposed action implements an activity in MCBH's Integrated Natural Resources Management Plan (INRMP) aimed to enhance wetlands, retain stormwater for beneficial groundwater recharge, and use native plants. Two alternatives were considered but rejected: Alternative A. A partly concrete-lined drainage spillway and channel would expedite release of floodwaters off-site, forgo environmental benefit of groundwater recharge, and require a stormwater discharge permit. Alternative B. No Action—would result in continued chronic flooding and environmentally degraded conditions.



Environmental consequences of the three alternatives are further discussed in the EA. U.S. Fish and Wildlife Service concurs with MCBH's determination of no likely adverse effects on endangered species. The State Historic Preservation Officer (SHPO) concurs with MCBH's "no adverse effect" determination with the condition of archaeological monitoring. A qualified archaeologist will monitor excavations following a plan concurred in by SHPO. No discharge of dredged or fill material into wetland areas will occur. US Army Corps of Engineers (COE) concurs that this project is outside their jurisdiction. There will be no discharge of stormwater during construction. Based on information gathered during preparation of the EA, USMC finds that the Proposed Action will not significantly impact the environment or generate significant controversy.

The FONSI and EA addressing this proposed action are available at Kailua, Kaneohe, and University of Hawaii libraries; State Office of Environmental Quality Control or through Commanding Officer, Marine Corps Base Hawaii, Box 63062, Kaneohe Bay, Hawai'i 96863-3062 (Attn: Dr. Diane Drigot, Senior Natural Resources Management Specialist, MCBH Environmental Department), telephone (808) 257-6920 extension 224.

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Makena State Park Wetland Enhancement (DEA)

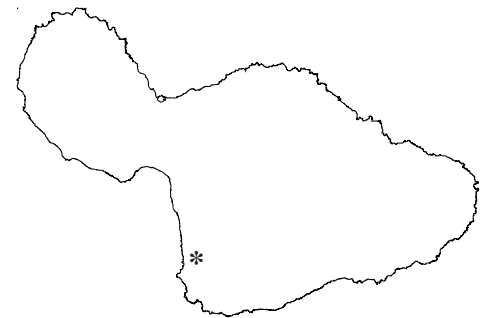
District: Makawao
TMK: 2-1-06:32, 34, 35, 74
Proposing Agency: Department of Land and Natural Resources, Division of State Parks, P.O. Box 621 Honolulu, Hawai'i 96809 Contact: Martha Yent, (808) 587-0287

Determination Agency: Same as above.
Consultant: AECOS Consultants 45-309 Akimala Place Kane'ohe, Hawai'i 96744 Contact: Eric Guinther (808) 247-3426

Public Comment
Deadline: September 7, 2004
Status: DEA Notice pending public comment. Address comments to the proposing agency with copies to the consultant and OEQC.

Permits Required: SMA

This project involves removing living and dead trees presently obscuring a small wetland located mostly within Makena State Park (Maui) and partly on adjacent property owned by LD, LLC. Enhancement of this wetland is of



interest at this time because the Puu Ola'i North Wetland Management Association has a commitment from adjacent land owner LD, LLC to undertake the work on both its and State Parks' land. An overgrowth of kiawe (*Prosopis pallida*) trees, many of which, over the years, have toppled into the wetland, obscures significant parts of this habitat utilized by two endangered species: the Hawaiian Stilt or ae'o (*Himantopus mexicanus knudseni*) and the Hawaiian Coot or 'alae ke'oke'o (*Fulica alai*); and several other waterbird species and shorebirds. Significant improve-

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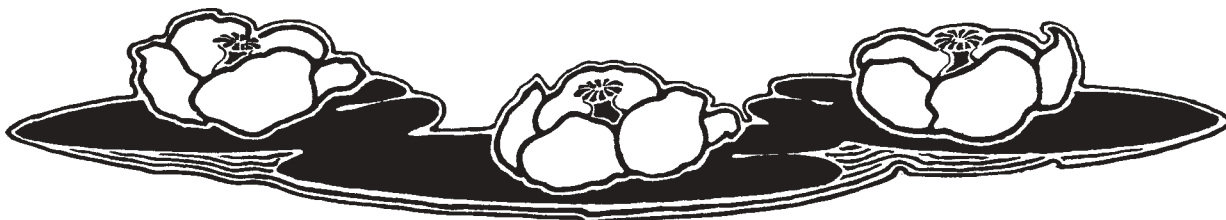
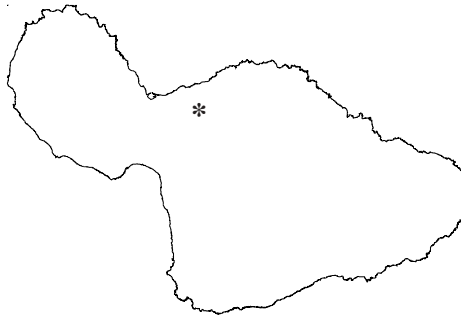
AUGUST 23, 2004

ment in the habitat could be realized by removing trees to allow the birds access to both the pond and marginal mudflats. Planting of low-growing native species adapted to the coastal environment and the poikilohaline (high and variable salt) pond is also proposed. The resulting enhanced wetland would become a valuable resource for endangered species management along the Kihei-Mākena coast, would benefit adjacent property owners by creating a more visually pleasing setting, and would benefit the public interest by creating a viable wildlife refuge at the north end of the State Park. Proposed additional enhancements include a surrounding predator control fence, a public viewing platform, and interpretive signage within the State Park.

Maui Business Park Phase II (DEIS)

District: Wailuku
TMK: 3-8-01:2 (portion); 3-8-06:4 (portion); and 3-8-79:13
Applicant: A & B Properties, Inc.
822 Bishop Street
Honolulu, Hawai'i 96813
Approving Agency: Land Use Commission, State of Hawai'i
P.O. Box 2359
Honolulu, Hawai'i 96804
Contact: Anthony Ching (587-3822)
Consultant: PBR Hawai'i
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813
Contact: Tom Schnell (521-5631)
Public Comment Deadline: October 7, 2004
Status: DEIS Notice pending public comment. Address comments to the applicant with copies to the approving agency, the consultant and OEQC.
Permits Required: Land Use District Boundary Amendment, SMA, NPDES, Grading, Building, Zoning Change

Maui Business Park Phase II – a continuation of A&B Properties, Inc.'s existing Maui Business Park Phase I in Kahului – will provide light industrial space in Maui's central commercial and business district in close proximity to the Kahului Airport and Kahului Harbor. The Maui Business Park Phase II site is comprised of two noncontiguous properties totaling approximately 179 acres and designated "Light Industrial" on the *Wailuku-Kahului Community Plan*. A market study prepared for the project forecasts a shortfall of light industrial space on Maui within one to two years, and over the next two decades, there will be demand for approximately 290 acres of new light industrial areas in Central Maui. A portion of the site requires approval by the State Land Use Commission (LUC) for reclassification from the Incremental to the Urban district. A Change in Zoning will also be required from the County of Maui. As the Maui Business Park Phase II may involve the use of State and/or County lands, the preparation of an EIS is being undertaken to address potential requirements under Chapter 343, Hawaii Revised Statutes. Environmental impacts include changes to the land use character of the region, the change in visual appearance of the site from sugar cane fields to urban uses, impacts from traffic, increases in solid waste generated, increases in electrical power consumed, and short-term impacts to air quality and noise levels due to construction. Maui Business Park Phase II, however, should proceed because of the substantial positive impacts, including 1) conformance with the *Wailuku-Kahului Community Plan*; 2) the provision of needed light industrial space; 3) the wages, taxes, and overall positive economic impacts generated; and 4) the productive and appropriate use of the land in relation to the nearby Kahului Airport, which limits other uses. A preliminary description of the anticipated impacts and proposed mitigation measures are provided in the draft EIS. Technical studies to assess the existing natural and physical conditions of the Maui Business Park Phase II site and the potential impacts of development of the property and the surrounding area have been prepared and are included in the draft EIS.



Anuenue (formerly Rainbow) Radio Facilities and Tower, Pu'u Nana Site (FEA/FONSI)

District: Moloka'i
TMK: 5-1-002:004
Proposing Agency: Department of Accounting and General Services
1151 Punchbowl Street
Honolulu, Hawai'i 96813
Contact: Allen Yamanoha (586-0488)

Determination Agency: Same as above.
Consultant: Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawai'i 96826
Contact: John Sakaguchi (946-2277)

Status: FONSI Issued by Department of Accounting and General Services

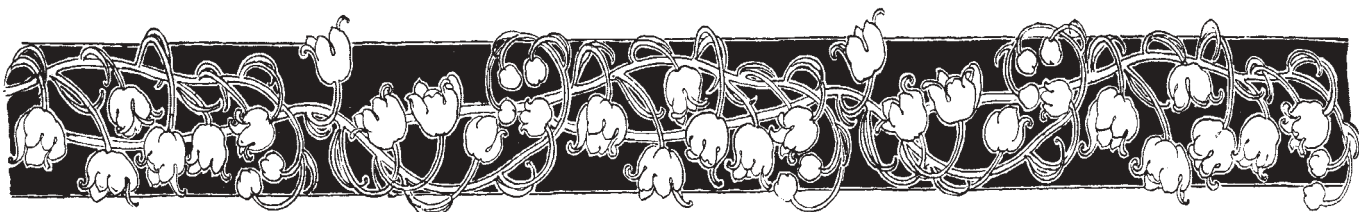
Permits Required: Building, Grading, Special Use

The State of Hawai'i Department of Accounting and General Services (DAGS) through its Information and Communication Service Division (ICSD) carries out the responsibilities for statewide telecommunications for the Executive Branch of the Hawai'i State Government. The ICSD owns and operates microwave radios, antenna systems, towers, buildings, and related facilities and infrastructure throughout the islands. DAGS ICSD will own the proposed Anuenue (formerly Rainbow) Radio Facilities and Tower at the Pu'u Nana project site. The new facilities and tower will support the rebuilding and modernization of a shared State and Federal microwave system owned by the ICSD. In addition to the ICSD, the Pu'u Nana facilities will support the State of Hawai'i Civil Defense Division and Department of Health Emergency Medical Services Systems Branch. The facilities will also be used to support the public safety radio system and the backbone microwave of the County of Maui Police Department as well as the radio systems of the U.S. Coast Guard.

The Pu'u Nana project site is located in the Kaluako'i District of Moloka'i about 11 miles west of Kaunakakai and 5 miles west of the Moloka'i Airport within lands owned by Moloka'i Ranch, Tax Map Key: 5-1-002:004. The project site is located

about 1/2 mile south of Maunaloa Road, State Route 460, and will occupy an area of about 8,300 square feet on the southwestern slope of Pu'u Nana within an area which has been used for cattle grazing. The project site is located near the existing communication facilities owned by the Maui Electric Co. Access to the project site will be via an existing unimproved road that serves the other developed facilities at Pu'u Nana which include Verizon Hawai'i, Verizon Wireless, and the cable television company. The project site will be used under an easement or lease agreement between Moloka'i Properties Limited, the landowner, and the State of Hawai'i. The project site is designated Agricultural on the County of Maui Moloka'i Community Plan. The County of Maui zoning designation is Agricultural. The State Land Use Commission designates the Pu'u Nana project site in the Agricultural District. The project site is not located within the County of Maui Special Management Area. The new unmanned telecommunications facility would be built on approximately 0.5 acres, and would include the installation of ground radials, and commercial power connection. The facility will consist of an equipment building with approximately 785 square feet of interior space, a 110-foot tall four-leg self-supporting tower sized to carry multiple large microwave solid and grid dish antennas, a double-wall exterior

fuel tank, and interior items to support the radio equipment such as an emergency generator, station rectifiers and charger system, electrical power transfer and control system, and air conditioning. The entire facility will be designed and constructed to remain operational at wind speeds of up to 110 miles per hour (mph). The 785-square foot building and the 110-foot tower will be designed and constructed to survive wind speeds of up to 155 mph. At least 13 antennas (9 dish and grid, 2 whip, and 2 parareflector) will be attached to the tower to meet the known requirements of the public agency users. Electrical power will be supplied via connection to the commercial power line that services the existing nearby facilities. No State or County of Maui employees will be assigned to the facility on a daily basis. Since the project site has not been previously cleared, construction activities would primarily be related to construction of the fenced-in-compound, the building, and the tower. These activities will create dust and noise while work occurs on the project site. Once operational, the only activity would be visits by government employees and contract service personnel to perform periodic monitoring and maintenance functions.



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Hawai'i Longline Fishery Elevated to Category I in List of Fisheries for 2004

Section 118 of the Marine Mammal Protection Act (MMPA) requires the National Marine Fisheries Service (NMFS) to place all U.S. commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals occurring in each fishery (16 U.S.C. 1387 (c)(1)). The categorization of a fishery in the List of Fisheries (LOF) determines whether participants in that fishery may be required to comply with certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. NMFS must reexamine the LOF annually, considering new information in the Stock Assessment Reports and other relevant sources and publish in the Federal Register any necessary changes to the LOF after notice and opportunity for public comment (16 U.S.C. 1387 (c)(1)(C)). For the year 2004, the National Marine Fisheries Service (NMFS) has just published its final List of Fisheries (LOF), as required by the MMPA. The final LOF for 2004 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must categorize each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of serious injury and mortality of marine mammals that occurs incidental to each fishery. The categorization of a fishery in the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. This final rule is effective **September 9, 2004**. However, compliance with the requirement to register with NMFS and to obtain an authorization certificate is not required until January 1, 2005, for fisheries added or elevated to Category I in this final rule. Compliance with the requirement to register with NMFS and to obtain an authorization certificate is not required until January 1, 2005, for the *Hawai'i Swordfish, Tuna, Billfish, Mahi Mahi, Wahoo, Oceanic Sharks Longline/Set Line Fishery (Hawai'i longline fishery), which is elevated to Category I for the 2004 LOF*. The abovementioned fishery is considered to be a Category I fishery on September 9, 2004, and is required to comply with all requirements of Category I fisheries (i.e., complying with applicable take reduction plan requirements and carrying observers, if requested), other than the registration requirement on that date. Registration information, materials, and marine mammal reporting forms may be obtained from several regional offices. Registration information, materials, and marine mammal reporting forms may be obtained from the following regional offices: NMFS, Southwest Region, Protected Species Management Division, 501 W. Ocean Blvd., Suite 4200, Long Beach, California 90802-4213, Attn: Don Peterson; NMFS, Northwest Region, 7600 Sand Point Way NE, Seattle, Washington 98115, Attn: Permits Office; or NMFS, Alaska Region, Protected Resources, P.O. Box 22668, 709 West 9th Street, Juneau, Alaska

99802. For more information, contact: Kristy Long, Office of Protected Resources, 301-713-1401; David Gouveia, Northeast Region, (978) 281-9328; Juan Levesque, Southeast Region, (727) 570-5312; Cathy Campbell, Southwest Region, (562) 980-4060; Brent Norberg, Northwest Region, (206) 526-6733; Tamra Faris, Pacific Islands Region, (808) 973-2937; or Bridget Mansfield, Alaska Region, (907) 586-7642 (see, 69 F.R. 48407, August 10, 2004).

Aquatic Nuisance Species Task Force Western Panel Meeting

The Aquatic Nuisance Species (ANS) Task Force, Western Regional Panel (of which Hawai'i is a part) will meet from 8:00 A.M. to 4:00 P.M. on Wednesday, September 8, 2004, 8:00 A.M. to 4:00 P.M. on Thursday, September 9, 2004, and 8:00 A.M. to 1:30 P.M. on Friday, September 10, 2004. Minutes of the meeting will be available for public inspection during regular business hours, Monday through Friday. The Western Regional Panel meeting will be held at the Sheraton Anchorage Hotel, 401 East 6th Avenue, Anchorage, Alaska 99501. Phone 907-276-8700. Minutes of the meeting will be maintained in the office of Chief, Division of Environmental Quality, U.S. Fish and Wildlife Service, Suite 322, 4401 North Fairfax Drive, Arlington, Virginia 22203-1622. For details contact Tina Proctor at (703) 358-2108 (see, 69 F.R. 49913, August 12, 2004).



Frequently Asked Questions (FAQ) on the Ninth Trigger

Earlier this year, Chapter 343, HRS, was amended to require an environmental assessment for actions involving wastewater treatment systems, waste-to-energy facilities, oil refineries and landfills. For your convenience, we list below some FAQs along with our responses.

Q. Who makes determinations on the need for an environmental assessment?

A. As with other trigger conditions, the *proposing agency* makes the determination on the need for an environmental assessment for its own action. For applicant actions, the *approving agency* (who issues a discretionary consent) makes the determination on the need for an environmental assessment.

Q. “I plan to put up a private wastewater treatment system for a proposed subdivision for fifty initial units with a future phase for a two-hundred unit expansion. Must I do an environmental assessment?”

A. Yes. Although the Act exempts fifty-units or less from the requirement for an environmental assessment, the potential expansion invalidates the statutory exemption. Section 11-200-7, Hawai‘i Administrative Rules, states that “[a] group of actions proposed by an agency or applicant shall be treated as a single action when: (1) [t]he component actions are phases or increments of a larger total undertaking; (2) [a]n individual project is a necessary precedent for a larger total undertaking; (3) [a]n individual project represents a commitment to a larger project; or (4) the actions in question are essentially identical and a single statement will adequately address the impacts of each individual action and those of the group of actions as a whole.”

Q. “My environmental assessment was triggered because of a new wastewater system for a subdivision. In my environmental assessment, may I discuss **only the action** that triggered environmental review, namely, the new wastewater system?”

A. No. Although the action that triggered environmental review is the new wastewater system, such a system is for the entire subdivision. The action would more properly be described as a “new wastewater system for a subdivision.” By definition, an environmental assessment is a “written evaluation to determine whether an action may have a significant environmental effect.” Thus, discussion of the action is a part of the larger environmental assessment, which by rule (Sections 11-200-9 and 11-200-10, Hawai‘i Administrative Rules) needs to undergo certain procedural steps such as early assessment and consultation and contain a description of the action's technical, economic, social and environmental characteristics, a summary description of the affected environment and alternatives, as well as proposed mitigation and findings and reasons supporting an anticipated determination. In other words, the **entire subdivision** and its

wastewater system needs to be discussed; not doing this would violate the provisions of Section 11-200-7, Hawai‘i Administrative Rules (see, above), dealing with “multiple or phased applicant or agency actions.”

Q. In the event that an environmental impact statement is required for a private wastewater system in a proposed subdivision, who processes the acceptance of the subsequent statement?

A. The agency from which the applicant seeks a discretionary consent (i.e., subdivision approval, etc.) processes the acceptance of the subsequent statement. This agency may be the local county planning department.

Propagation of the Myth of the “Applicant-Agency” to Cease Immediately

The Office has been receiving calls that evince confusion on the use of the terms “applicant” and “agency.” As used in Chapter 343, HRS, and administrative rules promulgated thereunder, the terms “**applicant**” and “**agency**” are *mutually exclusive*. Although an agency may seek approval from another agency for its actions (e.g., the Department of Transportation (DOT) seeks approval for a proposed action from the Board of Land and Natural Resources (BLNR)), for the purposes of Chapter 343, HRS, an agency's proposed action is **NOT** an applicant action (i.e., DOT must follow the procedures set forth in Section 11-200-9(a) for **Agency actions**, and *not* applicant actions in 11-200-9(b)). In some of our past publications regrettably, we have propagated this misunderstanding in our listings of agencies as “*applicants*” in the *Environmental Notice*. **No more.** Starting in this issue of the *Environmental Notice*, bulletin, the term applicant will refer to non-agency private entities that seek discretionary consent from an agency. Proposing agencies will also be known as “**determination agencies**” for the purpose of emphasizing their role in determining the need for an environmental assessment or an impact statement under Chapter 343, HRS.



Conservation District Notices

AUGUST 23, 2004

Conservation District Use Permits

Persons interested in commenting on the following Conservation District Use Applications (for Board or Departmental Permits) must submit comments to the Department of Land and Natural Resources (DLNR). Also, anyone interested in receiving notification of determinations on Conservation District Use Applications (for Board or Departmental Permits) must submit requestes to DLNR that include the following information: (1) Name and address of the requestor; (2) The permit for which the requestor would like to receive a notice of determination; and (3) The date the notice was initially published in the Environmental Notice. Both comments and requests for notification of determinations must be submitted to DLNR within thirty-days from the initial date that the notice was published in the Environmental Notice. Please send comments and requests to:

State of Hawai'i, Department of Land and Natural Resources
Office of Conservation and Coastal Lands
1151 Punchbowl Street, Room 220
Honolulu, Hawai'i, 96813

Although 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 Ms. Tiger Mills of our Office of Conservation and Coastal Lands staff at 587-0382.

Parisi After-the-fact Rock Wall in Honomu

File No.: CDUA HA-3197 (*Departmental Permit*)
Applicant: Carlos & Anita Parisi
Location: Honomu, South Hilo, Hawai'i
TMK: (3)2-8-013:010
Proposed Action: After-the-fact Rock Wall
HRS 343 Determination: Exempt

Applicant's Contact: Lori Mikkelson (808) 969-3822

Lunar Laser Ranging Station Observatory

File No.: CDUA MA-3201 (*Departmental Permit*)
Applicant: University of Hawai'i Institute for Astronomy
Location: Haleakala High Altitude Observatory Site, Maui
TMK: (2)2-2-7:8
Proposed Action: Replace Dome on Lunar Laser Ranging Station Observatory and renovate portion of support building

HRS 343 Determination: Exempt
Applicant's Contact: Mike Maberry (808) 870-3344

Pier Reconstruction at 45-002 Lilipuna Road

File No.: CDUA OA-3198 (*Board Permit*)
Applicant: Dr. Sevath Tanaka / Analytical Planning Consultants
Location: Kaneohe, Ko'olaupoko, O'ahu
TMK: (2)2-2-7:8
Proposed Action: Pier Reconstruction
HRS 343 Determination: Exempt
Applicant's Contact: Lauri Clegg (808) 536-5695



Documents Available

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New Environmental Guidebooks Available On-line and in Print Form

The June 2004 revision to a "Guidebook for the Hawaii State Environmental Review Process" has been available for some time on our Internet website (<http://www.state.hi.us/health/oeqc/index.html>) as an Adobe Acrobat PDF file. The Office of Environmental Quality Control has a limited number of copies available in print form available by request (one copy per request, please). Please call (808) 586-4185 for more information.



Enforcement Notices

Formal Enforcement Actions and Settlements Completed by Department of Health

Notices of violation issued from April through June 2004 are summarized below. The summaries do not constitute exact descriptions of the violations. For complete and accurate descriptions, please contact the Department of Health (DOH) at 586-4337 regarding copies of the violation notices.

Clean Air Branch

On April 16, 2004, a Notice of Violation was served to **Eric Taniguchi Trucking & Equipment** of Lihu'e, Kaua'i for open burning of a stockpile of solid waste materials without proper authorization. He was ordered to take corrective action and fined \$2,750.00. Also on April 16, 2004, a Notice of Violation was sent to **Hawaiian Electric Company, Inc.** of Honolulu for exceeding their opacity emission limits at the Kahe Generating Station in Wai'anae. They were ordered to take corrective action to prevent further violations, and assessed a fine of \$22,700.00. On May 25, 2004, **Pineridge Farms, Inc.** of Honolulu was served a Notice for violating the conditions of their Covered Source Permit. They were ordered to take corrective action and fined \$5,400.00. On June 7, 2004, a Notice of Violation was served to **Kauai Aggregates** of Lawa'i, Kaua'i for deviating from the special conditions of their Covered Source Permit without proper authorization. They were ordered to take corrective action and pay a fine of \$1,100.00. Also on June 7, 2004, **Ameron Hawai'i, Inc.** of Honolulu was served a Notice of Violation for failing to conduct the required source performance tests at their Pu'unene plant for 2002, and for operating a 365kW diesel engine generator without the approval of the Department of Health. They were ordered to take corrective action and fined the amount of \$12,800.00. On June 10, 2004, a Notice of Violation was served to **Puna Geothermal Venture** for violations of their Non-covered Source Permit by ex-

ceeding the hydrogen sulfide ambient level of 25ppb of a one-hour average at or beyond the project boundary. They were ordered to take corrective action and assessed a penalty of \$7,000.00. On June 23, 2004, a Notice of Violation was served to the **United States Air Force, 15th Air Lift Wing**, at Hickam Air Force Base for violating the conditions of their Covered Source Permit by replacing three permitted boilers without first obtaining prior approval and a permit amendment from DOH. They were ordered to take corrective action and fined \$17,300.00.

Clean Water Branch

On June 28, 2004, an Amended Notice and Finding of Violation was served to **Marisco, Limited** for violating numerous conditions, limitations and requirements of their Nation Pollutant Discharge Elimination System (NPDES) permits as they relate to the Big Mike Drydock and the associated land-based facilities, and the Lil' Perris Drydock, all located at Barbers Point Harbor at Kapolei. They were ordered to take immediate corrective action and appear at a hearing to be held at a later date. The hearing will determine the penalty amount to be assessed for the violations.

Wastewater Branch

On May 5, 2004, a Settlement Agreement and Order was signed by the DOH and **Wavecrest Resort, Inc., Association of Apartment Owners of Wavecrest I**, in response to a Notice of Violation in March 2003, regarding construction and operation of a wastewater treatment system without prior approval of the DOH. The Respondents were ordered to pay a penalty of \$5,920.00 and required to sample and test effluent from the treatment plant on a monthly basis for the period of one year. On May 20, 2004, a Notice of Violation was served to **Ferron & Lucie Fonoimoana** for multiple wastewater seepages from their cesspool, one which flowed into a storm drain on Waikulama Street in Hau'ula. They were ordered to stop the violations immediately, permanently correct the violations, and pay an administrative penalty of

Enforcement Notices

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\$3,470.00. On June 10, 2004, a Notice of Violation was sent to **August Jr. & Cynthia Ornellas** of Pahoehoe, Hawai'i for operating their individual wastewater systems without written authorization from the DOH. They were ordered to stop the violation immediately, correct the violations, and pay a fine of \$2,350.00. On June 30, 2004, a Notice of Violation was sent to **Shar Lyn Foo** of

Hale'iwa for wastewater seepages from a property on 'Ili'ohu Way flowing onto a neighboring property, onto a sidewalk and into a nearby storm drain. She was ordered to stop the violation, correct the problem, and pay a fine of \$20,000.00.

Endangered Species Notices

The following notice is published pursuant to Section 343-3(c), Hawai'i Revised Statutes which requires OEQC to inform the public of: (1) a public comment process or public hearing if a federal agency provides for the public comment process or public hearing to process a habitat conservation plan, safe harbor agreement, or incidental take license pursuant to the federal Endangered Species Act; and (2) a proposed habitat conservation plan or proposed safe harbor agreement, and availability for inspection of the proposed agreement, plan and application to enter a planning process for the preparation and implementation of the habitat conservation plan for public review and comment; and (3) a proposed incidental take license as part of a habitat conservation plan or safe harbor agreement. For more information, please call the Department of Land and Natural Resources, Division of Forestry and Wildlife at (808) 587-4171.

Public Hearing on a Safe Harbor Agreement and Incidental Take License with Chevron Hawaiian Refinery at Campbell Industrial Park

District: 'Ewa
TMK: 9-1-014:010
Agency: Department of Land and Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, Hawai'i 96813
Contact: Bill Standley (587-4171)
Applicant: Chevron Refinery Hawai'i
91-480 Malakole Street
Kapolei, Hawai'i 96707-1807
Contact: Tom Shaffer (682-2213)
Determining Agency: Department of Land and Natural Resources
Public Comment Deadline: October 22, 2004

Status:

Approval of Safe Harbor Agreement and issuance of Incidental Take License *pending public comment*. Address comments to the proposing agency. A public hearing will be held at Asing Park, 'Ewa Beach, September 21, 2004, 7:00-9:00pm.

The Safe Harbor Agreement is for the management of nesting and foraging habitat for endangered Hawaiian Stilt and Hawaiian Coot at the Chevron Refinery Hawai'i at the James Campbell Industrial Park on O'ahu. The Agreement has a term of 6 years and during that period Chevron will maintain 6 acres of stilt nesting habitat and 5 acres of habitat for stilt and coot foraging. Chevron will manage the water level and vegetation in a basin known as Rowland's Pond to maximize nesting habitat and conduct predator control around Rowland's Pond and several other ponded areas within the refinery to provide additional foraging habitat. Chevron has committed to monitor the stilts and coots occurring on their property and implement adaptive management strategies should current management activities appear ineffective. In addition, Chevron will conduct an education program for its employees and contractors about the Hawaiian stilt and Hawaiian coot at the refinery. The Incidental Take License that will accompany this SHA will expire at the end of the 6-year Agreement. The following documents are available for public review: (1) Draft Safe Harbor Agreement; (2) Draft Incidental Take License; (3) Approved Board submittal for release of the Safe Harbor Agreement; and (4) Comments from the Endangered Species Recovery Committee. Documents available at the Hawai'i State Main Library, the Kapolei Public Library, and the Division of Forestry and Wildlife office in Honolulu, and online at <http://www.state.hi.us/dlnr/dofaw/pubs/index.html>.



Shoreline Notices

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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 (808) 587-0384.

File No.	Date	Location	Applicant/Owner	TMK
HA-243R	8/12/04	Lot 27 of Puako Beach Lots (Hts Plat 414-A) being the whole of Grant 13755, land situated at Lalamilo, Waimea, South Kohala, Island of Hawai'i, Hawai'i . Address: 69-1874 Puako Beach Road. Purpose: Building Permit	Wes Thomas Associates, for James and Gretchen Mair	6-9-5: 02
KA-181	8/12/04	Lot 5 of the Wainiha Subdivision (File Plan 1840), land situated at Wainiha, Hanalei, Island of Kaua'i, Hawai'i; Address: 7344 Alealea Road. Purpose: Building Permit	Ronald Wagner/Keven and Leila Kawaihalau	5-8-09: 44
MA-278-2	8/12/04	Lot 5-D of the Kukahiko Land Partition, land situated at Papa'anui, Honoualua, Makawao, Island of Maui, Hawai'i; Address: 5066 Old Makena Road. Purpose: SMA/Building Permit	Akamai Land Surveying, Inc./Michael Flannery	2-1-07: 100
OA-999	8/12/04	Lot 40, portion of Grant 8116 to J, Ho Yap, land situated at Pupukea, Ko'olauloa, Island of O'ahu, Hawai'i; Address: 59-385 Ke Nui Road. Purpose: Determine Setback	Jamie Alimboyoguen/Joel Brilliant	5-9-20: 43
MA-311	8/12/04	Lot 7 of the Kihei Beach Lots, land situated at Kula (Kihei) Makawoo, Island of Maui, Hawai'i; Address: 101 North Kihei Road. Purpose: Determine Setback	Donald Nelson of Nellie's on Maui, Ltd.	3-8-13: 12



Shoreline Notices

AUGUST 23, 2004

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.	Proposed Shoreline Certifications	Location	Applicant	TMK
OA-400-2	Rejected 7/30/04	Lot 356 of Land Court Application 616 (Map 78), land situated at Kailua, Ko'olaupoko, Island of O'ahu, Hawai'i; Address: 1516 Mokulua Drive. Purpose: Building Permit	Jamie F. Alimboyoguen/ George and Geraldine Dubie	4-3-03: 64
MA-298	Rejected 8/5/04	Lot 9 of the Maluhia Beach Lots (File Plan 221), land situated at Wailuku, Island of Maui, Hawai'i; Address: 202 Lower Waiehu Road. Purpose: Determine Building Setback	Valera, Inc./Ruth T. Kaya	3-2-15: 04
OA-995	Proposed Shoreline Certification 8/11/04	Lot 66 of Land Court Application (Map 1), land situated at Laie, Ko'olaupoko, Island of O'ahu, Hawai'i; Address: 55-599 Kamehameha Highway. Purpose: Renovate Dwelling	Sam Hirota, Inc./Mary Worrall	5-5-03: 26
OA-577-2	Proposed Shoreline Certification 8/11/03	Portion of Makaha Beach Park, Makaha, Wai'anae, Island of O'ahu, Hawai'i; Address: 84-369 Farrington Highway. Purpose: SMA Permit	ControlPoint Surveying/City and County of Honolulu	8-4-1: 12 (Por)
MA-167-3	Proposed Shoreline Certification 8/11/04	Portion of Lot 216, Land Court Application 1804 (Map 31), land situated at Honua'ula, Island of Maui, Hawai'i; Address: 3400 Wailea Alanui. Purpose: Define Setback	Austin, Tsutsumi and Associates /Maluhia LLCV	2-1-08: 62
OA-260-2	Proposed Shoreline Certification 8/11/04	Lot 167A of Land Court Application 323, land situated at Kailua, Ko'olaupoko, Island of O'ahu, Hawai'i; Address: 396 Dune Circle. Purpose: New Construction	DJNS Surveying and Mapping, Inc./David and Maureen Gross	4-3-17: 33
OA-993	Proposed Shoreline Certification 8/11/04	Lot 319 of Land Court Application 323 (Map 176), land situated at Kailua, Ko'olaupoko, Island of O'ahu, Hawai'i; Address: 27 Wilikoki Place. Purpose: Building Permit	Jaime F. Alimboyoguen/ Wong Trust	4-3-19: 16
HA-249-2	Withdrawal of Proposed Shoreline Certification as Published 8/12/04. Further Review	Lot B, being the whole of R.P. 3737, Land Commission Award 5680, Apana 2 to Kahiamoe, land situated at Kapala'alaea 1 st , North Kona, Island of Hawai'i, Hawai'i; Address: Not Assigned. Purpose: Building Permit	Wes Thomas Associates/ Bradford and Vicki Picking	7-7-10: 13



Pollution Control Permit Applications

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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, Temporary Noncovered Source Permit	Jas. W. Glover, Ltd. NSP 0267-03-NT (Renewal)	Initial Location: Old Mahaulepu Quarry, Koloa, Kaua'i	Issued: 7/26/04	500 kW Portable Diesel Engine Generator
Clean Air Branch, 586-4200, Noncovered Source Permit	Jas. W. Glover, Ltd. NSP 0267-01-N (Renewal and Modification)	Old Mahaulepu Quarry, Koloa, Kaua'i	Issued: 7/29/04	140 tph Sand Plant
Clean Air Branch, 586-4200, Covered Source Permit	Maui Electric Company, Limited CSP 0067-01-C (Significant Modification and Renewal)	Maalaea Generating Station, Ma'alaea, Maui	Issued: 7/28/04	Two (2) 20 MW (Nominal) Combustion Turbine Generators (Units M17 and M19) with Two (2) Unfired Heat Recovery Steam Generators, an 18 MW Steam Turbine (Unit M18), and Two (2) Diesel Engine Generators (Units M5 and M7)
Clean Air Branch, 586-4200, Noncovered Source Permit	A & P Cleaners NSP 0375-01-N (Renewal)	179-C Sand Island Access Road, Honolulu, O'ahu	Issued: 7/30/04	One (1) 200 HP Boiler and Various Petroleum Dry Cleaning Equipment
Clean Air Branch, 586-4200 Noncovered Source Permit	Bonded Materials Company NSP 0349-01-N (Modification)	91-400 Kamohana Street, Campbell Industrial Park, Kapolei, O'ahu	Issued: 8/2/04	Dry Mix Concrete Batch Plant
Clean Air Branch, 586-4200 Temporary Covered Source Permit	Kiewit Pacific Company CSP 0026-04-CT (Renewal)	Various Temporary Sites Current Location: Lanihau Quarry, Hawai'i	Issued: 8/3/04	500 TPH Portable Stone Quarrying and Processing Plant with 1,000 kW Diesel Engine Generator
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawaii Corporation CSP 0212-01-C (Significant Modification)	91-325 Kamohana Street, Kapolei, O'ahu	Issued: 8/4/04	Package Boiler SG1 103
Clean Air Branch, 586-4200, Covered Source Permit	Maui Pineapple Company, Ltd. CSP 0249-02-C (Renewal)	120 Kane Street, Kahului, Maui	Issued: 8/6/04	Four (4) Diesel Engine Generating Units and Four (4) Steam Boilers
Clean Air Branch, 586-4200, Covered Source Permit	Aloha Petroleum, Ltd. CSP 0220-01-C	Barbers Point Sales Terminal, Campbell Industrial Park, O'ahu	Comments Due: 9/1/04	Ten (10) Petroleum Storage Tanks and Tank Truck Loading Rack
Clean Water Branch, 586-4309, NPDES Permit	Pacific Shipyards International, 04-CW-PW-20	Pier 41, Honolulu, O'ahu	Comments Due: 9/3/04	Discharge process wastewater and storm water runoff
Clean Water Branch, 586-4309, NPDES Permit	U.S. Marine Corps, General Support Division, MCBH, 04-CW-PW-20	near Building 584, MCBH, O'ahu	Comments due: 8/25/04	Discharge storm water runoff
Solid and Hazardous Waste Branch, 586-4226, SW M Permit	Hawaii Medical Vitrification, Inc., MW- 0085-04	91-181 Hanua St., Kapolei, O'ahu	Received: 8/5/04	Medical waste treatment
Solid and Hazardous Waste Branch, 586-4226, SW M Permit	Amazon Construction Co., TR-0084-04	5 Sand Island Rd., Bldg. 920, O'ahu	Received: 7/19/04	Transport of petroleum contaminated soil



Coastal Zone News

AUGUST 23, 2004

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, Hawai'i 96804. Or, fax comments to the Hawai'i CZM Program at 587-2899.

Installation of Cement Culverts along Ka'a'awa Stream

Applicant: Kualoa Ranch Activity Club, Inc.
Contact: John Morgan, President
Federal Action: Federal Permit
Federal Agency: Department of the Army
Contact: Lolly Silva, 438-7023
Location: Ka'a'awa stream in Windward O'ahu
CZM Contact: Debra Tom, 587-2840
Proposed Action:

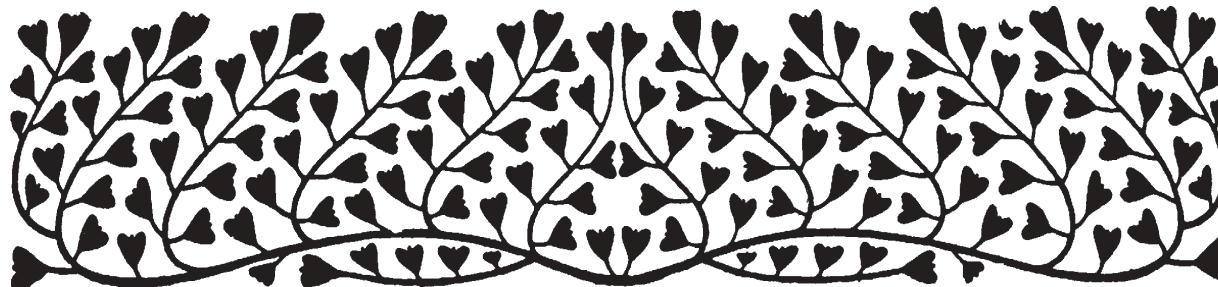
The Kualoa Ranch Activity Club, Inc. proposes to install cement culverts at three (3) stream crossing along the Ka'a'awa stream within the Kualoa Ranch property. The proposed installation of cement culverts between 18 and 30 inches in diameter is needed to improve access and safety to the area. Upon obtaining all required approvals the installation should be completed within two or three days.

Comments Due: September 6, 2004

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
Hawai'i: Kona (7-5-18-30)	Telecommunication facility atop the Lunapule Professional Plaza (SMM 161)	Cellco Partnership dba Verizon Wireless
Maui: Makena (2-1-5-108)	Utility poles & underground service (SM2 20040078)	Maui Architectural Group, Inc.
Maui: Ha'iku (2-8-3-59)	Cut and fill for dwelling (SM2 20040079)	Drewyer, Michelle
Maui: Paia (3-8-1-143)	Enlarge garage (SM2 20040080)	Swift, Denis
Maui: Kahului (3-7-8-8)	Trailer on property (SM2 20040081)	Vaught, Ronald D.



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

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

La Pietra/Hawaii School for Girls New Pump Room and Storage Building

The proposed improvements to the La Pietra/Hawaii School for Girls include the construction of a new underground pump room to supply adequate water pressure for a new sprinkler and domestic water system, the construction of a new storage building and miscellaneous repairs to ornamental ironwork on the Administration Building. The school is located within the Special Management Area. The cost of the improvements will total approximately \$400,000 and requires a Major Special Management Area Use permit. Construction is anticipated to take about 3 months to complete. The project will also require a minor Special District permit and modification to the Site Review Plan, DPP File No. 95/SPR-11. Please contact Joyce Shoji at 527-5354 for more information.



Land Use Commission

Pu'unoa I, II, and III Subdivisions

The LUC has received the following request regarding a petition for declaratory order:

Docket No.: DR04-30
Petitioner: Kuleana Ku'ikahi, LLC.
Location: Lahaina, Maui, Hawai'i.
Acreage: 446.405 acres.
TMK: 4-7-02: 4, 5, and 7; and 4-7-03: 1.

Request: To issue a declaratory order resolving various controversies and uncertainties regarding the subject lands.

Date Filed: July 22, 2004.

If you would like further detailed information on this matter, please contact: State Land Use Commission, located at Leiopapa A Kamehameha Building (State Office Tower), 235 S. Beretania Street, Room 406, Honolulu, Hawai'i 96813. The mailing address is P.O. Box 2359, Honolulu, Hawai'i 96804-2359. The telephone number is (808) 587-3822.

Enforcement Notices

AUGUST 23, 2004

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 April through June 2004. Inspections and enforcement actions are listed by program area. For more information, please contact the Environmental Planning Office at (808) 586-4337

Enforcement Report for April - June 2004

	Inspections & Responses	Warning Notices ¹	Formal Enforcement Cases ²	Penalties Issued	Formal Cases Pending	Formal Cases Concluded
	Apr-June 2004	Apr-June 2004	Apr-June 2004	Apr-June 2004	Total to Date	Apr-June 2004
Clean Air Branch						
Fugitive Dust	113	7	0	\$0	0	0
Noncovered Sources	15	14	1	\$7,000	6	0
Covered Sources	43	7	6	\$59,800	8	3
Agricultural Burning	71	1	0	\$0	1	0
Open Burning	22	5	1	\$2,750	1	0
Others	61					
Solid & Hazardous Waste Branch						
Underground Storage Tanks	137	7	47	\$7,900	4	1
Hazardous Waste	98	28	0	\$0	13	2
Solid Waste	182	15	2	\$266,170	8	0
Clean Water Branch						
Permitted Discharges (NPDES)	16	4	0	\$0	4	1
Non-permitted Discharges	74	10	0	\$0	7	0
Water Quality Certifications	0	0	0	\$0	0	0
Wastewater Branch						
Wastewater Treatment Plants	17	0	0	\$0	3	2
Individual Wastewater Systems	202	31	3	\$23,120	11	2
Animal Waste	3	0	0	\$0	0	0
Other	12	2	0	\$0	0	0
Safe Drinking Water Branch						
Public Water Systems	110	3	0	\$0	1	0
Wells - Underground Injection Control	193	3	0	\$0	1	1
Hazard Evaluation & Emergency Response						
Oil Spills	2	4	0	\$0	0	0
Hazardous Waste Releases	15	2	0	\$0	0	0
TOTAL	1386	143	60	\$366,740	68	12

¹ Informal letters warning a person or entity that they are violating environmental laws normally requiring corrective action by a specified deadline. Informal actions are for serious issues such as small infractions by individuals, or violations of permit technicalities which do not directly impact environmental quality.

² Formal enforcement cases generally cover any serious violation and repeat or continued violations of permits or the law. Warning letters, if not adequately responded to, become 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.