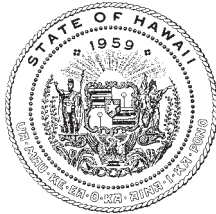


The Environmental Notice

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 -
review the environmental impacts of
projects proposed in Hawai'i!*

Other Resources available . . .

- *June 2004 Guidebook for Hawai'i's Environmental Process (now, Online!)*
- *Environmental Assessments in Adobe Acrobat PDF Format (1990-2003) and Study Resource Library*
- *Environmental Council Annual Reports (now, Online!)*
- *"How to Plant a Native Hawaiian Garden" (now online!)*

OEQC

235 SOUTH BERETANIA STREET
LEIOPAPA A KAMEHAMEHA
SUITE 702
HONOLULU, HAWAII 96813
Telephone (808) 586-4185
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Moloka'i/Lana'i: 1-800-468-4644 ext. 64185
Kaua'i: 274-3141 ext. 64185
Maui: 984-2400 ext. 64185
Hawai'i: 974-4000 ext. 64185

JANUARY 8, 2005

Wailua River Hydroelectric, 13 MW

The Federal Energy Regulatory Commission (FERC) has given notice that on September 1, 2004, it received an application from Pacific Energy Resources, LLC, for the Wailua Falls Project located on the Wailua River on Kaua'i. The proposed project would consist of a 508-foot long, 23-foot high dam with a 35-acre reservoir at 278 feet above mean sea level, a proposed 4,800-foot long, 8-foot diameter steel penstock and a powerhouse containing two generating units having a total installed capacity of 13 MW with a 2-mile long, 25kV transmission line. This project

would not be the first one of its kind proposed for the Wailua River. In 1989, the State of Hawai'i Department of Land and Natural Resources processed a final environmental impact statement was prepared by Island Power Company, Inc., for a conservation district use application for a proposal to develop and operate a 1.26 MW hydroelectric power facility at a site on the Maheo Stream (a tributary) on lands owned by the State of Hawai'i. For details, please contact Mr. Robert Bell of the FERC in Washington, D.C., at (202) 502-6062 (see page 11).

Waikiki Hotel to be converted to luxury condo

The Waikiki Beachside Hotel, at 2452 Kalakaua (between Uluniu and Liliuokalani Avenues) will be converted by the buildings owner, RKL Beachside, LLC to a luxury condominium with ten units and a two-story open-air café on the ground floor. The "Royal Kai Lani" will have one luxury suite per floor and will make use of blue glass and curved shading devices to reflect a tropical motif. Renovations also include making the facility ADA accessible. See page —4 for more details.

Environmental Tip

If your agency is considering declaring an exemption for a proposed activity, do not forget to consult outside agencies and individuals prior to declaring your exemption. Hawaii Administrative Rules 11-200-8 (a) says that exemptions may be declared "provided that agencies declaring an action exempt under this section shall obtain the advice of other outside agencies or individuals having jurisdiction or expertise as to the propriety of the exemption." See <http://www.state.hi.us/health/oeqc/guidance/exemption.htm>

Letter of Notice: Pupukea Village

On November 18, 2004, John Harrison of the Environmental Center wrote "This EA has been conducted pursuant to procedures established under the ROH Chapter 25, pertaining to the SMA. At the outset, we note that in both §25-3.3(c)(1) and §25-4.2, ROH, compliance with procedural steps of the Chapter 343 HRS and regulations adopted thereunder is explicitly invoked. However, §25-4.1 ROH imposes limits on impact significance criteria, leading to substantially different criteria from those established under §11-200-12 HAR. Although this point may on the surface appear arcane, the precise establishment of applicable significance criteria constitutes the very heart of the environmental assessment process, (cont. on p. 14) (from p. 1) because the outcome of this assessment determines whether or not a full environmental impact statement

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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.

Definitions

Your guide to the Environmental Review Process

Draft Environmental Assessment

A project or action that may affect the environment cannot be implemented until an Environmental Assessment (EA) is prepared in accordance with 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 Environmental Assessment and Finding of No Significant Impact

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 Environmental Assessment and Environmental Impact Statement Preparation Notice

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 the 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 Environmental Impact Statement

After receiving the comments on the FEA and EISPN (see *above*), the lead agency or private applicant must prepare a Draft Environ-

mental 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 Environmental Impact Statement

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.

National Environmental Policy Act

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.

Special Management Area

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/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

JANUARY 8, 2005

Ocean Pointe Elementary School(HRS 343 FEA-FONSI)

District: 'Ewa
TMK: 9-1-012:040
Proposing Agency: Dept of Accounting & General Services
PO Box 119, Honolulu, HI 96810-0119
Contact: Gaylyn Nakatsuka (586-0487)

Determination

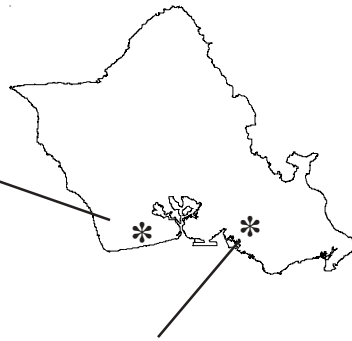
Agency: Same as above.
Consultant: Planning Solutions, Inc.
330 Ward Ave, Suite 330, Honolulu, HI 96814
Contact: Perry White (550-4483)
Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).

Permits

Required: Trenching; Grading & Building; NPDES Construction

The State of Hawai'i Department of Accounting and General Services (DAGS) is proposing to construct a new elementary school to service the fast growing 'Ewa Plain. The school would be located on a 12-acre parcel of land abutting Keone'ula Boulevard near the northeastern corner of the Ocean Pointe project. Ocean Pointe Elementary School would become part of the Campbell Complex, which comprises all public elementary and intermediate schools within the service area of James Campbell High School and the high school itself. The proposed site is currently owned in fee by HASEKO (Ewa), Inc.; ownership of the property planned to be transferred to the State of Hawai'i Department of Land and Natural Resources prior to commencing operation in July 2006. HASEKO (Ewa), Inc. has already cleared and graded the site in accordance with its master-grading plan, and it is currently vacant. HASEKO ('Ewa), Inc. has installed the off-site electrical power, water, sewer, and storm drain infrastructure needed to serve the school site. The proposed Ocean Pointe Elementary School is intended to accommodate the additional elementary school students from new homes being constructed in the Ocean Pointe and surrounding areas. Plans for the school call for it to have approximately 70,000 net square feet of floor area in three classroom buildings, a cafeteria, an administration building, a student services center, and a library. The plans for the new school also include several outdoor congregations and play areas with playground equipment and two parking areas with associated driveways and turnarounds. Environmental impacts associated with the project are expected to be limited to small, temporary increases in noise during the construction phase, and increased traffic along Keone'ula Boulevard and Kaileole'a

Drive during peak drop-off and pick-up hours. The Draft EA describes features that are designed into the school with the intent of minimizing impacts on traffic. As such, DAGS is proposing to issue a Finding of No Significant Impact for the project.



Royal Kai Lani Renovations & Improvements (HRS 343 DEA)

District: Honolulu
TMK: 2-6-023:004
Applicant: RKI Beachside, LLC
2085 Ala Wai Blvd, Ste 20-2, Honolulu HI 96815
Contact: Michael Richardson (691-7260)
Approving Agency: Dept of Planning & Permitting
650 S King St, 7th Flr, Honolulu, HI 96813
Contact: Eric G. Crispin (523-4432)
Consultant: AMEC Earth & Environment, Inc.
3375 Koapaka St, Ste F-251 Honolulu, HI 96819
Contact: Russell Okoji (545-2462)

Public Comment

Deadline: February 7, 2005
Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

Permits

Required: SMA; Waikiki Special District Permit (Minor)

The applicant proposes to renovate the existing Aston Waikiki Beachside Hotel located at 2452 Kalakaua Avenue, Waikiki, Oahu. The project site is located in the Special Management Area (SMA) and the resort mixed use precinct of the Waikiki Special District. The proposed hotel renovation includes con-

verting the 12-story structure from 79 hotel units to 10 luxury condominium suites (with hotel rental pool privileges for condominium owners), demolition of a portion of the second floor for a new two-story high restaurant on the ground floor with outdoor dining along Kalakaua Avenue, conversion of a portion of the basement/ground floor from maintenance and office space to mechanical equipment room, and new accessible elevator and foyer. The proposed exterior alterations include enclosing the corner lanais with blue-green glass panels and retaining the center lanais open, limestone veneer and curtain wall on building facades, curved aluminum canopies on the ground floor, and curved overhangs on the elevator penthouses. The proposed accessible elevator is to be in compliance with the Americans with Disabilities Act (ADA) and Federal Housing Act (FHA) regulations. The existing elevator is to remain but one of the two existing stairways is to be removed and incorporated as part of the condominium unit.

The environmental impacts of the proposed development are not expected to be significant with use of appropriate mitigation measures. According to the applicant, no significant impacts are anticipated during the construction and subsequent occupation/operation of the proposed project. Construction activities are anticipated to have short-term noise, traffic and air quality impacts in the surrounding area. Construction noise and air quality impacts will be minimized with applicable State Department of Health rules. No significant long-term traffic impact in the vicinity of the project site is anticipated.

Ells Existing Seawall (HRS 343 FEA-FONSI)

District: Waialua
TMK: (1) 6-8-009:010
Proposing Agency: Michael J. Ells
 68-001 Laau Paina Place, Waialua, HI 96791
 Contact: Michael Ells (671-4588)

Determination Agency: City & County of Honolulu, Dept of Planning & Permitting
 650 S King St., Honolulu, HI 96813
 Contact: Ardis Shaw-Kim (527-5349)

Consultant: Analytical Planning Consultants, Inc.
 928 Nuuanu Ave, Ste 502, Honolulu, HI 96817
 Contact: Donald Clegg (536-5695)

Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).

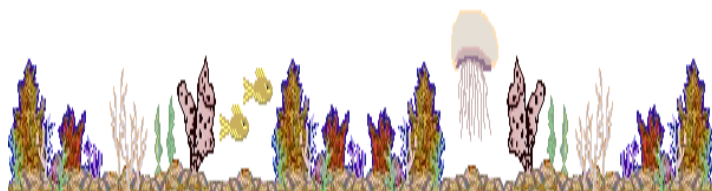
Permits Required: Shoreline Setback Variance & after-the-fact Building Permit

The project site, TMK 6-8-09: 010 at 68-001 Laau Paina Paina Place, Waialua, O'ahu, Hawai'i is located at the end of a cul-de-sac in a small residential subdivision called Pine Wood Beach Tract makai of Farrington Highway. The subject property is located west of and adjacent to the Mokuleia Beach Colony. The 12,287 square foot property contains a single-family dwelling that was moved in 1976 to its present location on the property via a City Relocation Permit.

The applicant proposes to seek approval of a Shoreline Setback Variance for an existing concrete rubble masonry (CRM) seawall that was built in 1982-83 along the property's 76-foot wide ocean frontage and within the 40-foot shoreline setback area. The seawall is approximately 6 feet at the base tapering to 18 inches wide at the top. The base of the wall is buried below existing grade. The property's front yard, which is landscaped with yard grass, plant materials and coconut trees, is level with the top of the seawall. The seaward face of the wall measures about 8 feet high. A shoreline survey documenting the existing seawall as the shoreline was completed on May 7, 2004 and submitted on June 2, 2004 to the State Department of Land and Natural Resources.

The Mokuleia Beach area is developed with single-family residences, many of which have government-permitted individual and contiguous vertical seawalls. There are existing seawalls on either side of the subject property. Without the seawall, erosion would significantly impact the shoreline frontage of the subject property, threatening the existing residential structure.

A Shoreline Setback Variance and an after-the-fact building permit will be required.



Maui Notices

JANUARY 8, 2005

Garcia Family Subdivision (HRS 343 DEA)

District: Makawao
TMK: (2) 2-1-007:067
Applicant: Samuel M. Garcia, Jr. & Jon E. Garcia
193 Makena Road, Makena, HI 96753
Contact: Samuel Garcia, Jr. (874-9400)
Approving Agency: Maui Planning Commission/Dept of Planning, 250 S High St., Wailuku, HI 96793
Contact: Michael Foley (270-7735)
Consultant: Chris Hart & Partners, Inc.
1955 Main St., Wailuku, HI 96793
Contact: Rory Frampton (242-1955)

Public Comment

Deadline: February 7, 2005
Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

Permits

Required: SMA; SLUCDBA; CPA; CIZ; NPDES; Final Subdivision; Building/Grading

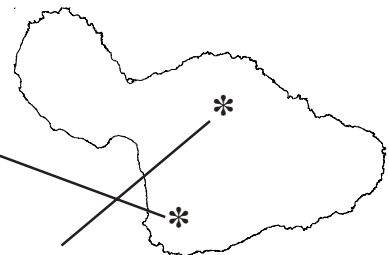
The Garcia family is proposing to subdivide a 5.497-acre parcel into eleven (11) residential lots ranging in size from approximately 13,500 SF to 34,000 SF in order to allow for the construction of eleven single-family residential dwellings. The property directly abuts the 310-room Maui Prince Hotel property and is currently designated for Hotel use by the Kihei-Makena Community Plan (a component part of Maui County's General Plan). The applicant is seeking to change the Community Plan land use designation from Hotel to Single Family in order to establish conformity with the proposed action. Future lot purchasers would be responsible for dwelling construction. Nine lots will be provided access via an existing roadway easement abutting the northern property boundary. An existing driveway off of Makena-Keoneoio Road will serve the remaining two lots. Associated infrastructure and site improvements include a sewer collection system which will tie into Makena Resort's wastewater collection and treatment system; paved roadways; underground utilities; water distribution and fire protection system improvements; and a drainage collection and retention system. The applicant will incorporate measures to mitigate drainage and erosion impacts during and after construction.

The remains of the Kalani Heiau (Site 196), which is considered a significant archaeological site, is located on the prop-

erty. Kalani Heiau as well as the knoll that it sits on will be preserved in place. No activities, uses, or structures, other than landscaping, are proposed within a minimum of 30-feet of the heiau site. Similarly, a modified knoll (Site 5036, Feature AA) would be preserved via a no-build easement. As such, there will be no direct impact to Kalani Heiau, and therefore, potential impacts of the project are related to changes in the surrounding setting, views to and from the site and access. Pedestrian access will be provided to the heiau site and a view corridor to the ocean will be established. With the incorporation of mitigation measures and the proposed archaeological site preservation plan, the proposed development is not anticipated to result in significant environmental impacts to surrounding properties, near shore waters, natural resources, and/or archaeological and cultural resources on the site or in the immediate area.

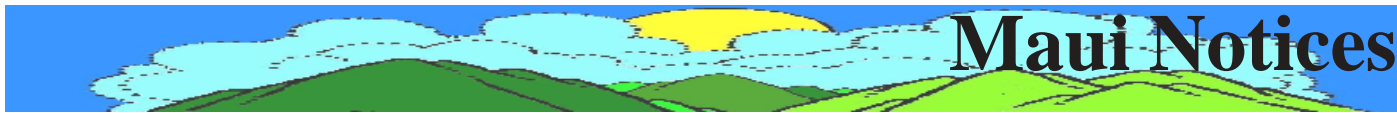
Public infrastructure and services including roadways, sewer and water systems, parks, and schools are not anticipated to be significantly impacted by the project. The proposed project is not anticipated to impact public view corridors and is not anticipated to produce significant adverse impact upon the visual character of the site and its immediate environs.

In light of the foregoing, a Finding of No Significant Impact (FONSI) is anticipated.



Paia Town Center (HRS 343 DEA)

District: Makawao
TMK: (2) 2-6-005:004, 109, 025, and 033
Applicant: 120 Hanna Hwy, LLC
530 Wilshire Blvd., #300, Santa Monica, CA 90401
Contact: Grace Condos ([310] 319-1966)
Approving Agency: Maui Planning Commission c/o County of Maui, Dept. of Planning 250 S. High St., Wailuku, HI 96793
Contact: Michael W. Foley (270-7735)
Consultant: Chris Hart & Partners
1955 Main St., Suite 200, Wailuku, HI 96793
Contact: Rory Frampton (242-1955)
Public Comment
Deadline: February 7, 2005



Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

Permits Required: SMA; Change in Zoning; Community Plan Amendment; NPDES; Grading; Subdivision; Building Permits; County Town Business

The applicant, 120 Hanna Highway LLC, is proposing to redevelop portions of four (4) contiguous parcels located at the corner of Hana Highway and Baldwin Avenue, Paia, Maui, in order to beautify the property, create additional commercial space, and to formalize and better manage on-site parking.

The project encompasses the construction of a two-story 5,640 square feet commercial building along Baldwin Avenue, a two-story 4,240 square feet commercial building along Luna Place, and the construction of an A.C. paved parking lot over an existing unpaved graveled parking area on approximately 75,718 square feet of land.

The proposed request requires the issuance of a Special Management Area (SMA) Permit for the entire project area. Furthermore, a Community Plan Amendment and Change in Zoning are required for parcels 25, 109, and a portion of 4 since the existing and proposed uses are inconsistent with the existing zoning and community plan designations on those parcels. Due to the requirement for a Community Plan Amendment, an Environmental Assessment is required for this project.

The applicant will incorporate measures to mitigate drainage and erosion impacts during and after construction. Dust and noise related impacts would be mitigated during the construction phase. With the incorporation of mitigation measures, the proposed development is not anticipated to result in significant environmental impacts to surrounding properties, near shore waters, natural resources, or archaeological and historic resources on the site or in the immediate area. Public infrastructure and services including roadways, sewer and water systems are available to serve the project and will not be significantly impacted by the project. The proposed project will not impact public view corridors and will enhance the visual character of the site and its immediate environs.

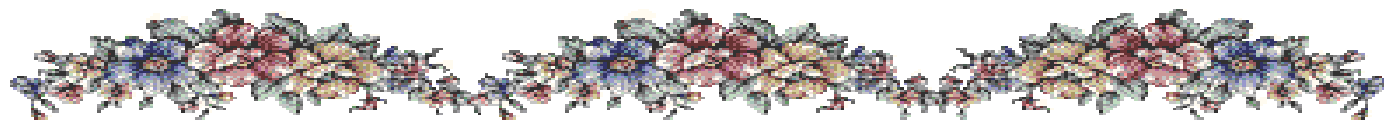
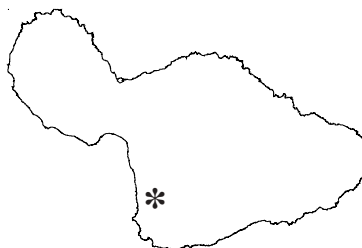
Makena State Park Coastal Wetland Enhancement (HRS 343 FEA-FONSI)

District: Makawao
TMK: 2-1-06:32, 34, 35 & 74
Proposing Agency: Dept of Land & Natural Resources, Div. of Parks, PO Box 621, Honolulu, HI 96809
Contact: Martha Yent (587-0287)

Determination Agency: Same as above.
Consultant: AECOS Consultants
45-309 Akimala Place, Kaneohe, HI 96744
Contact: Eric Guinther (247-3426)
Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).

Permits Required: County SMA

This project involves removing living and dead trees presently obscuring a wetland located mostly within Makena State Park (Maui) (Figures 1 & 2) and partly on adjacent property owned by LD, LLC. Enhancement of this wetland is of interest at this time because the Puu Olai 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 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 improvement 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-Makena 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.



Kaua'i Notices

JANUARY 8, 2005

Omao Storage Tank & Facilities Demolition and Reconstruction(HRS 343 DEA for Agency Action)

District: Koloa
TMK: (4)3-7-4:14
Proposing Agency: Dept of Water, County of Kaua'i
 PO Box 1706, Lihue, HI 96766
 Contact: Edward Tshupp (245-5408)

Determination Agency: Same as above.
Consultant: Walton D. Y. Hong
 3135 Akahi St, Ste A, Lihue, HI 96766-1106
 Contact: Lorna A. Nishimitsu (245-4757)

Public Comment Deadline: February 7, 2005
Status: Draft environmental assessment (DEA) notice pending 30-day public comment.

Address comments to the proposing agency with copies to the consultant and OEQC.

Permits Required: Special Permit and Use Permit; Buidling Permit

The project consists of the demolition of an existing 200,000 gallon water tank and facilities constructed in 1936 on property identified as Tax Key No.: (4) 2-7-04:14, containing 12,867 square feet, more or less, located on Omao Road, Omao, Koloa, Kaua'i, Hawaii. The existing water tank, used to provide potable water to the Koloa are, until destroyed by Hurricane Iniki in September 1992.

The property was transferred to the County of Kaua'i by the State of Hawai'i by Executive Order No. 683 on February 11, 1936, to be used for water tank purposes.

A new 0.5 million gallon water tank and facilities will be built on the property to serve the Koloa-Po'ipu area.

Coastal Zone News

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
Oahu: Maunaloa (3-9-12:2, 3-9-10:3, 3-9-15:1)	Underground cable landing & manhole (2004/SMA-58)	Sandwich Isles Communications
Maui: Lahaina (4-5-4:4)	Demolish single-family dwelling (SM2 20040128)	Lahaina Enterprise, LLC
Maui: Kihei (3-9-15:5)	Accessory dwelling (SM2 20040129)	Kirk B. Drake
Maui: Lahaina (4-5-4:48)	Demolish single-family dwelling (SM2 20040130)	Lahaina Enterprise, LLC
Maui: Kapalua (4-2-4:21)	Pool bar (SM2 20040131)	RCK Hawaii, LLC
Hawaii: S. Hilo (2-6-1:15)	Seacliff retention system (SMM175)	Bayshore Towers
Hawaii: S. Kona (8-3-4:1)	Replacement toilet facilities (SMM176)	Kamehemeha Schools
Kauai: Nawiliwili (3-2-5:7)	Equipment shed (SMA(M)2005-11)	Garden Isle Disposal
Kauai: Poipu (2-8-17:1)	Replace lifeguard tower (SMA(M)2005-12)	Kauai County Fire Department
Kauai: Hanalei (5-5-2:19)	Replace lifeguard tower (SMA(M)2005-13)	Kauai County Fire Department

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).

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
Dept 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.

Waianae Small Boat Harbor Loading Dock Improvements, Oahu

Applicant: State of Hawai'i Department of Land & Natural Resources, Division of Boating & Ocean Recreation
Contact: Eddie Chiu, 587-3256
Consultant: W.Y. Thompson, 488-0388
Federal Action: Department of the Army Permit
Federal Agency: U.S. Army Corps of Engineers
Location: Waianae Small Boat Harbor
TMK: 8-5-2: 44
CZM Contact: John Nakagawa, 587-2878
Proposed Action:
Remove and replace existing loading dock #4; replace concrete approach slab at boat launching ramp site; create a new passenger loading zone and van accessible parking area; and provide new accessible openings on dock #5.
Comments Due: January 21, 2005

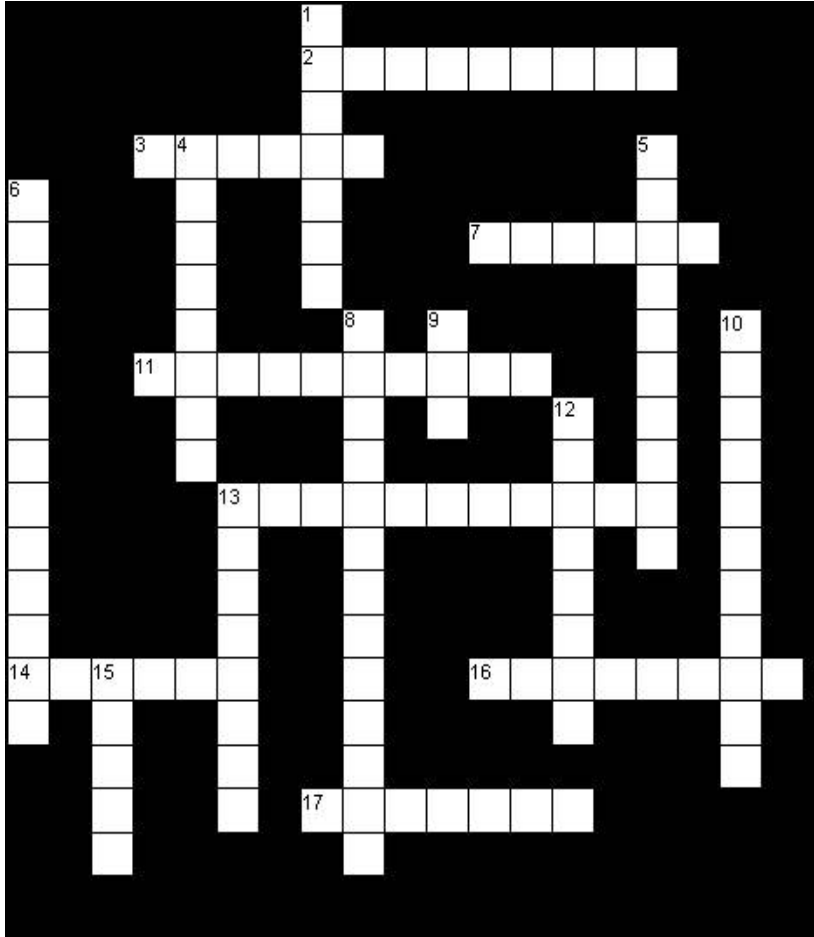
Removal of Former Pier Footings in Kaneohe Bay, Oahu

Applicant: Ms. Sheryl Buecher
Federal Action: Department of the Army Permit
Federal Agency: U.S. Army Corps of Engineers
Location: 44-311-A Kaneohe Bay Drive, Kaneohe, O'ahu
TMK: 4-4-7: 17
CZM Contact: John Nakagawa, 587-2878
Proposed Action:
Remove three concrete-filled blocks that were pier footings for a former pier in Kaneohe Bay. The footings are proposed to be removed manually using a pick and shovel.
Comments Due: January 21, 2005

Environmental Tip

JANUARY 8, 2005

January Environmental Education Tip



Down

- 1 a free floating larval coral form that arises from fertilization of an egg by a sperm cell
- 4 what happens to the wavelength of a photon when it escapes a gravitational field
- 5 class of enzymes needed to catalyze bioluminescent phenomena
- 6 adjective for a "fluid" above its critical temperature and critical pressure that possesses both gas-like and liquid-like properties usually with increased solvating power (for example, water in this state is used to extract caffeine from coffee beans to produce decaffeinated coffee)
- 7 dinoflagellate algae that live symbiotically in coral polyps and conduct photosynthesis
- 8 ecosystem found in 'Eke Crater in West Maui, Mount Ka'ala on O'ahu and Ka'au Crater on O'ahu
- 10 principle of physics that notes that all objects fall the same way under the influence of gravity; therefore, locally, one cannot tell the difference between an accelerated frame and an unaccelerated frame
- 12 molecules composed of various combinations of the twenty different amino acids linked in a specific order defined by the gene DNA sequence
- 13 charge conjugation, parity and time reversal are _____ operations
- 15 adjective that qualifies a groundwater pollution source from any discernible, confined and discrete concentration from which pollutants are or may be discharged

Across

- 2 class of substrates needed for bioluminescent phenomena
- 3 agents transmitted through proteins that cause sponge-like holes in the brains of animals (e.g., bovine spongiform encephalopathy) and people (e.g., Creutzfeldt - Jakob disease)
- 7 another name for solid carbon dioxide
- 11 fish that migrate between salt water and fresh water
- 13 chromatography, extraction and distillation are _____ methods conserved energy, momentum, electric charge, color charge, quark number, and lepton number are _____
- 14 climate in which the Mauna Loa, Mauna Kea and the Haleakala silversword thrives
- 16 adjective that qualifies a groundwater pollution source that includes the ocean, saline ground water, domestic pesticide use
- 17 genus of the Kamehameha butterfly



Wailua River Falls Hydroelectric Project

The Federal Energy Regulatory Commission (“Commission”) has given notice that a preliminary permit for Project No. 12534-000, was filed on September 1, 2004, by Pacific Energy Resources, LLC (Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, telephone (208) 745-0834.), for the Wailua Falls Project located on the Wailua River in the County of Kaua‘i, pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r). The proposed project would consist of: (1) A proposed 508-foot-long, 23-foot-high Dam; (2) a proposed reservoir having a surface area of 35 acres with a storage capacity of 430 acre-feet and normal water surface elevation of 278 feet mean sea level; (3) a proposed 4,800-foot-long, 8-foot-diameter steel penstock; (4) a proposed powerhouse containing two generating units having a total installed capacity of 13 MW; (5) a proposed 2-mile-long, 25-kV transmission line; and (6) appurtenant facilities. The project would have an annual generation of 20.7 GWh that would be sold to a local utility. The Commission’s Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission’s Web site at <http://www.ferc.gov> using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208-3676 or for TTY, contact (202) 502-8659. For details, contact Mr. Robert Bell, at (202) 502-6062. The deadline for filing comments, protests, and motions to intervene is 60 days from the issuance date of this notice (December 27, 2004) (see, 69 F.R. 77242, December 27, 2004).

Transgenic Corn Experimental Use Permits

The United States Environmental Protection Agency (EPA) has granted experimental use permits (EUPs) to the following pesticide applicants. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

524-EUP-96. Extension/Amendment. Monsanto Company, 800 North Lindbergh Blvd., St. Louis, MO 63167. This EUP allows the use of 2.8 pounds of the plant-incorporated protectant

Bacillus thuringiensis Cry3Bb1 protein and the genetic material necessary for its production (vector ZMIR39) in corn on 2,530 acres of field corn for breeding and observation nursery, inbred seed increase production, line *per se* and hybrid yield, insect efficacy, product characterization and performance/labeling, insect resistance management, non-target organism and benefit, seed treatment, swine growth and feed efficiency, dairy cattle feed efficiency, beef cattle growth and feed efficiency, and cattle grazing feed efficiency trials. The program is authorized only in the States of Alabama, California, Colorado, Hawai‘i, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. The EUP is effective from April 27, 2004 to February 28, 2005. A tolerance has been established for residues of the active ingredient in or on corn. Two comments were submitted in response to the notice of receipt for this permit application, which was published in the Federal Register on March 3, 2004 (69 FR 10040) (FRL-7344-5). Comments were received from private citizens who objected to EUP issuance. They expressed doubt regarding Monsanto’s truthfulness, were concerned about unspecified environmental and human health effects, as well as the purity of food. The Agency understands the commenter’s concerns and recognizes that some individuals believe that genetically modified crops and food should be banned completely. Pursuant to its authority under the Federal Food, Drug, and Cosmetic Act (FFDCA), EPA has conducted a comprehensive assessment of the Cry1Ab and Cry3Bb1 delta endotoxins and the genetic material necessary for their production in corn. EPA has concluded that there is a reasonable certainty that no harm will result from dietary exposure to these endotoxins as expressed in genetically modified corn. The Cry1Ab and Cry3Bb1 corn tested under this permit are covered by tolerance exemptions under 40 CFR 180.1173 and 40 CFR 180.1214. No adverse effects are anticipated as a result of Cry3Bb1 and/or Cry1Ab expression in transgenic corn.

68467-EUP-7. Extension/Amendment. Mycogen Seeds c/o Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268-1054. This EUP allows the use of 0.94 pounds of the plant-incorporated protectant *Bacillus thuringiensis* Cry34/35Ab1 proteins and the genetic material necessary for their production (from the insert of plasmid PHP17662) in corn on 1,177 acres of field corn for maize breeding and observation nursery, maize agronomic observation, herbicide tolerance, maize efficacy, insect resistance management, and maize demonstration trials. The program is authorized only in the States of Arizona, Colorado, Delaware, Hawai‘i, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, Wisconsin, and Vermont. The

Federal Notices

JANUARY 8, 2005

EUP is effective from April 29, 2004 to April 30, 2005. A tolerance has been established for residues of the active ingredient in or on corn.

29964-EUP-5. Extension/Amendment. Pioneer Hi-Bred International, P.O. Box 552, Johnston, IA 50131-0552. This EUP allows the use of 3.97 pounds of the plant-incorporated protectant *Bacillus thuringiensis* Cry34/35Ab1 proteins and the genetic material necessary for their production (from the insert of plasmid PHP17662) in corn on 4,690 acres of field corn for insect resistance management, maize agronomic observation, maize breeding and observation, maize demonstration, maize efficacy, maize research seed production, maize inbred seed increase, maize regulatory studies, non-target organism, and herbicide tolerance trials. The program is authorized only in the States of Alabama, Arkansas, California, Colorado, Delaware, Georgia, Hawai'i, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, Washington, and Wisconsin. The EUP is effective from April 29, 2004 to April 30, 2005. A tolerance has been established for residues of the active ingredient in or on corn. One comment was submitted in response to the notice of receipt for this permit application, which was published in the Federal Register on March 10, 2004 (69 FR 11431) (FRL-7346-6). The commenter objected to EUP issuance. The commenter indicated denial should be based on their view of chemical companies' record, unspecified environmental and human health effects, and food purity. The Agency understands the commenter's concerns and recognizes that some individuals believe that genetically modified crops and food should be banned completely. Pursuant to its authority under the FFDCFA, EPA has conducted a comprehensive assessment of the Cry34Ab1/Cry35Ab1 delta endotoxins and the genetic material necessary for their production in corn. EPA has concluded that there is a reasonable certainty that no harm will result from dietary exposure to these endotoxins as expressed in genetically modified corn. The Cry34Ab1/Cry35Ab1 tested under these permits are covered by the tolerance exemption under 40 CFR 180.1242. No adverse effects are anticipated as a result of Cry34Ab1/Cry35Ab1 expression in transgenic corn.

For more information contact Dr. Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8715; e-mail address: mendelsohn.mike@epa.gov (see, 69 F.R. 76732, December 22, 2004).

Fishery Meetings

The Western Pacific Fishery Management Council (Council) will hold meetings of its Commercial, Recreational, Subsis-

tence/Indigenous, and Ecosystem and Habitat Advisory Panel members through the Western Pacific in January and February of 2005. The advisory panel members from the Commonwealth of the Northern Mariana Islands will meet at the Pedro T. Tenorio Multipurpose Center on January 11-12, 2005 from 9:00 A.M. until 5:00 P.M. each day. The advisory panel members from Guam will meet at the Guam Hyatt Regency Hotel on January 13-14, 2005, from 9:00 A.M. until 5:00 P.M. each day. The advisory panel members from Hawaii will meet at the Council office conference room on January 26-27, 2005, from 9:00 A.M. until 5:00 P.M. each day. The advisory panel members from American Samoa will meet at the American Samoa Department of Marine and Wildlife Resources on February 2-3, 2005, from 9:00 A.M. until 5:00 P.M. each day. For more information, contact Kitty M. Simonds, at (808) 522-8220 (see, 69 F.R. 76692, December 22, 2004).

Southern Resident Killer Whales to Be Listed as Threatened

The National Marine Fisheries Service (NMFS) is requesting public comment on its proposal to list the Southern Resident Killer Whales (*Ocinus orca*) as threatened under the Endangered Species Act. NMFS is not proposing to designate critical habitat at this time. Comments and/or any requests to hold a public hearing must be received on or before February 7, 2005. Send comments to Chief, Protected Resources Division, 525 NE Oregon Street, Suite 500, Portland, Oregon 97232-2737. For more information, contact Mr. Garth Griffin at (503) 231-2005 (see, 69 F.R. 76673, December 22, 2004).

Marine Seismic Survey on the Blanco Fracture: Incidental Take Permit

The National Marine Fisheries Service (NMFS) has issued the Lamont-Doherty Earth Observatory (LDEO) an Incidental Harassment Authorization (IHA) under the provisions of the Marine Mammal Protection Act during the conduct of a marine seismic survey near the intersection of the Blanco Transform and the Juan de Fuca Ridge in the northeastern Pacific Ocean. The IHA is effective from October 20, 2004, until October 19, 2005. For more information, contact Kenneth Hollingshead at (301) 713-2322, extension 128 (see, 69 F.R. 74906, December 14, 2004).

Nationwide Wireless Programmatic Agreement for Communications Facilities under the National Historic Preservation Act

The Federal Communications Commission (FCC) has adopted rule revisions, effective March 7, 2005, to implement a Nationwide Programmatic Agreement that will tailor and streamline procedures for review of certain FCC undertakings for communications facilities under Section 106 of the National Historic Preservation Act. Call Mr. Frank Stillwell at (202) 418-1892 (see, 70 F.R. 556, January 4, 2005).

Non-Native Birds

The U.S. Fish and Wildlife Service (FWS) is publishing a draft list of nonnative bird species that have been introduced by humans into the United States or its territories and to which the Migratory Bird Treaty Act (MBTA) does not apply. Comments must be received on or before February 3, 2005. Send comments to Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Mail Stop 4107, Arlington, Virginia 22203. For more information, call Mr. John L. Trapp at (703) 358-1714 (see, 70 F.R. 372, January 4, 2005).

Mobile Source Air Toxics Proposed Rule

The U.S. Environmental Protection Agency (EPA) is proposing revised default baseline values for reformulated gasoline and conventional gasoline. EPA's final rule (see, 66 F.R. 17230, March 29, 2001), requires that the annual average toxic performance of gasoline must be at least as "clean" as the average performance of the gasoline produced or imported during the period 1998-2000 (also known as the "baseline period"). The baseline performance is determined separately for each refinery and each importer, and the rule established default toxics baseline values for refineries that could not develop individual toxics baselines. The default toxics baseline values are based on the national average performance of gasoline during the baseline period. However, at the time of the final rule, gasoline toxics performance data were not yet available for the year 2000. Therefore, the final rule included regulations directing the EPA to revise the default toxics baseline values in the rule to reflect the entire 1998-2000 baseline period once the appropriate data became available. Written comments (identified by Docket ID No. OAR-2002-0042) must be received on or before February 3, 2005. Send comments to: U.S. Environmental Protection Agency, EPA West (Air Docket), 1200 Pennsylvania Avenue, NW, Room B108, Mail Code 6102T, Washington, D.C. 20460, Attention - Docket ID No. OAR-2002-0042. For details, contact Ms. Christine Brunner at (734) 214-4287 (see, 70 F.R. 640, January 4, 2004).

Modification of Anti-Dumping Baselines for Gasoline Produced or Imported for Use in Hawai'i, Alaska and U.S. Territories

The U.S. Environmental Protection Agency (EPA) is proposing to allow refiners and importers who produced or import conventional gasoline for use in Alaska, Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands to change the way that they calculate emissions from such gasoline for purposes of calculating their conventional gasoline antidumping baselines and evaluating annual average emissions. Specifically, for gasoline sold in these areas, refiners and importers could elect to modify their baselines to replace the antidumping statutory baseline with the single seasonal statutory baseline that is most appropriate to the regional climate, and to use the seasonal com-

ponent of the Complex Model that is most appropriate to the regional climate to calculate individual baselines and annual average emissions. Comments must be received on or before February 3, 2005. Send comments (identified by Docket ID No. OAR-2003-0010) to: Air and Radiation Docket, U.S. Environmental Protection Agency, Mail Code 6406J, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. For details, contact Ms. Marilyn Bennett at (202) 343-9624 (see, 70 F.R. 647, January 4, 2005).

"Mad Cow" Disease Environmental Assessment

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture has prepared an environmental assessment relative to the importation of animals and animal products to recognize and add a category of regions that present a minimal risk of introducing "bovine spongiform encephalopathy" into the United States via live ruminants and ruminant products. APHIS is seeking comments on this environmental assessment. Comments must be received on or before February 3, 2005. Send comments to Docket No. 03-080-4, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road, Unit 118, Riverdale, Maryland 20737-1238. For details, contact Ms. Karen James Preston at (301) 734-4356 (see, 70 F.R. 554, January 4, 2005).



Environmental Council and OEQC

JANUARY 8, 2005

January 12, 2005, Meetings at Various Times in Leiopapa A Kamehameha

The Environmental Council of the Department of Health and its various standing and ad hoc committees are scheduled to meet on Wednesday, January 12, 2005, at various times and in various rooms in Leiopapa A Kamehameha, located at 235 South Beretania Street, Honolulu, O'ahu. For more information, please call the Office of Environmental Quality Control at (808) 586-4185. To be placed on an electronic mail notification list of Environmental Council meetings, please send an electronic mail to Leslie Segundo, Environmental Health Specialist, Office of Environmental Quality Control at LSEGUND@mail.health.state.hi.us. The meeting notices and agenda of the Environmental Council are also available on the State's Calendar Meeting Announcements Internet Website at the following Uniform Resource Locator (URL):

http://www.ehawaii.gov/org/serv/eventcal?PF=hic&Clist=81&_action=View+Calendar.

Conservation District Notices

Conservation District Use Permit

Persons interested in commenting on the following Conservation District Use Application (Departmental 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 permit for which the requestor would like to receive notice of determination; and
3. The date the notice was initially published in the Environmental Notice.

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

Please send comments and requests to:

State of Hawai'i
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
1151 Punchbowl Street, Room 131
Honolulu, Hawai'i 96813

DLNR will make every effort to notify those interested in the subject CDUA, it is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact Tiger Mills of our Office of Conservation and Coastal Lands staff at 587-0382

PROJECT:

File No.: CDUA HA-3209

Name of Applicant: Dr. Kaeo Duarte

Location: Kahauloa and Honaunau, Hawai'i

TMK(s): (3) 8-3-001:001 and (3) 8-4-001:001

Proposed Action: Ecohydrological Research

343, HRS determination: Exempt

Applicant's Contact: Dr. Kaeo Duarte (808) 956-6262

(EIS) shall be prepared. Where there exists, as in this instance, a conflict of law, ultimate resolution of issues surrounding controversial projects will almost inevitably require intervention of the Courts.

The Environmental Center has addressed this concern on a number of prior occasions (*e.g.*, the Queens Beach EIR.) Unfortunately, the Pupukea Village EA is emblematic of the failure of ROH Chapter 25 to adequately establish an EA process that serves the public interest by meeting the full intent of the State EIS law. It is noteworthy that the State Office of Environmental Quality Control (OEQC) saw fit to note the lack of compliance of the ROH Chapter 25 process with the State EIS law as of September 1, 2001, stating that OEQC "no longer reviews these documents for completeness or accuracy." The present document further confuses the application of a comprehensive EIS process with statements that are blatantly misleading. On page 7, §2.1.1, the EA states "[p]roposed off-site infrastructure improvements, *e.g.*, work on State and County properties, may require permits and approvals that initiate the Chapter 343, Hawai'i Revised Statute (HRS), environmental review process." Triggers for applicability of Chapter 343 HRS as delineated in §343-5 are proposed actions, not "permits and approvals." The information disclosure process implemented under the EIS law is designed to provide factual input to the permitting and approval process, and for this reason, §343-5(b)(2) states, "Acceptance of a required final statement shall be a condition precedent to implementation of the proposed action."

Shoreline Notices

JANUARY 8, 2005

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
OA-653-2	12/28/04	Lot 32-B, Land Court Application 776, land situated at Laie, Koolauloa, Island of Oahu, Hawaii Address: 55-66A Naupaka Street Purpose: Building Permit	Walter P. Thompson Inc./Michael Ryan	5-5-10: 36
HA-216-2	12/28/04	Lot 51 of 49 Black Sand Beach (File Plan 2246) at Anaehoomalu, South Kohala, Island of Hawaii (49 Black Sand Beach - Honokaope Place)	Peter Souza/Sea Cliff Development, LLC	6-8-33: 51
MA-264-2	12/28/04	Lot 1 of the David Kina Subdivision, being a portion of Royal Patent 2438, Land Commission Award 5326 to Kalaeloa Paia, Island of Maui, Hawaii Address: 47 Loio Place Purpose: Building Permit/SMA	Akamai Land Surveyor, Inc./Richard Mc Aniff	2-6-04: 25
OA-1012	12/28/04	Lot 4 and Lot 5, Land Court Application 1827 (Map 1), land situated at Lualualei, Waianae, Island of Oahu, Hawaii Address: 87-597&87-603 Farrington Hwy Purpose: Permitting Purposes	Towill, Shigeoka & Associates, Inc./Victor G. Romley Trust	6-7-28: 11 & 12

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.

File No.	Proposed Shoreline Certification	Location	Applicant/Owner	TMK
OA-1005	Proposed Shoreline Certification	Lot 4-A, Al Roberts Subdivision, land situated at Kualoa, Koolaupoko, Island of Oahu, Hawaii Address: 49-549A Kamehameha Highway Purpose: Building Permit	Walter P. Thompson, Inc./Lily and David Wong	4-9-09: 19
OA-941-2	Proposed Shoreline Certification	Portion of Punaluu Beach Park and Kamehameha Highway, land situated at Punaluu, Oahu, Hawaii Purpose: Replacement of Punaluu Bridge Job # BR-083-1 (42)	M & E Pacific, for the Dept of Transportation State of Hawaii	5-3-02: Por. 31
MA-311	Proposed Shoreline Certification	Lot 7 of the Kihei Beach Lots, land situated at Kula (Kihei) Makawoo, Island of Maui, Hawaii Address: 101 North Kihei Road Purpose: Determine Setback	Donald Nelson of Nellie's on Maui, Ltd.	3-8-13: 12

Pollution Control Permit Applications

JANUARY 8, 2005

Department of Health Permits

The following three pages contain a list of some pollution control permits currently before the State Department of Health. For more information about any of the listed permits, please contact the appropriate branch or office of the Environmental Management Division at 919 Ala Moana Boulevard, Honolulu. Abbreviations are as follows: **CAB** - Clean Air Branch; **CD** - comments due; **CSP** - Covered Source Permit; **CWB** - Clean Water Branch; **I** - issued; **SHWB** - Solid and Hazardous Waste Branch; **SDWB** - Safe Drinking Water Branch; **SWMP** - Solid Waste Management Permit; **N** - non; **NPDES** - National Pollutant Discharge Elimination System under the Federal Clean Water Act; **R** - received; **T** - temporary; **UIC** - Underground Injection Control; **NA** - not applicable.

Br / App Type	Applicant & App No.	Facility Location	Pertinent Date	Proposed Use
(SHWB) SWMP (Renew)	Maui Demolition & Construction Landfill, LF-0127-04	N. Kihei Rd., Kihei, HI 96753	11/3/04 (Rec'd)	Construction & Demolition Landfill
(SHWB) SWMP-by-Rule (New)	Waimea Transfer Station, RY-0119-04	Waimea, HI	12/16/04 (Rec'd)	Solid Waste Transfer Station
(SHWB) SWMP by-Rule (New)	The Arc of Hilo, Keaau Transfer Station, RY-0120-04	Keaau, HI	12/16/04 (Rec'd)	Solid Waste Transfer Station
(SHWB) SWMP by-Rule (New)	The Arc of Hilo, Kealakehe Transfer Station, RY-0121-04	Kealakehe, HI	12/16/04 (Rec'd)	Solid Waste Transfer Station
(SHWB) SWMP by-Rule (New)	The Arc of Hilo, Hilo Transfer Station, RY-0122-04	Hilo, HI	12/16/04 (Rec'd)	Solid Waste Transfer Station
(SHWB) SWMP by-Rule (New)	The Arc of Hilo, Waiohinu Transfer Station, RY-0123-04	Waiohinu, HI	12/16/04 (Rec'd)	Solid Waste Transfer Station
(SHWB) SWMP by-Rule (New)	The Arc of Hilo, Keauhou Transfer Station, RY-0124-04	Keauhou, HI	12/16/04 (Rec'd)	Solid Waste Transfer Station
(SHWB) SWMP by-Rule (New)	The Arc of Hilo, Puako Transfer Station, RY-0125-04	Puako, HI	12/16/04 (Rec'd)	Solid Waste Transfer Station
(SHWB) SWMP (New)	Tri-Isle Trucking, TR-0126-04	PCS transport from 1790 Mill St., Wailuku to PVT Landfill (Oahu)	12/22/04 (Rec'd)	Petroleum Contaminated Soil Transport
(SHWB) SWMP by-Rule (New)	Tri-Isle Resource Conservation & Development Council, Inc., RY-0128-04	Ninth St., Lanai City, HI 96763	12/27/04 (Rec'd)	Recycling Drop-Off
(SHWB) SWMP by-Rule (New)	Business Services Hawaii, RY-0129-04	16-630 Kipimana St., Keaau, HI 96749	12/28/04 (Rec'd)	Recycling
(CWB) NPDES	Wainani 42, LLC	Kailua-Kona, HI	12/17/04	Storm water runoff



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).

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
CAB, 586-4200, NSP	Rightstar Hawaii Management NSP 0416-01-N (Renewal)	45-425 Kamehameha Highway, Kaneohe, Oahu	Issued: 12/10/04	Two (2) 150 lbs/hr Crematory Units
CAB, 586-4200, T-NSP	Hawaiian Cement NSP 0277-06-NT	91-055 Kaomi Loop, Kapolei, Oahu	Issued: 12/10/04	Portable 140 tph Soil Blender with Cyclone & Filter Baghouse
CAB, 586-4200, T-CSP	Willocks Construction Corporation CSP 0569-01-CT	Various Temporary Sites, State of HI Initial Location: Kukuinui Subdivision on Holoholo Street in the existing Kona Palisades Subdivision, Kona, Hawaii	Issued: 12/13/04	340 TPH Mobile Crushing Plant
CAB, 586-4200, CSP	Maui Electric Co., Ltd. CSP 0232-01-C (Renewal)	Kahului Generating Station, Kahului, Maui	Issued: 12/14/04	Four (4) Boilers, Units K-1 to K-4
CAB, 586-4200, CSP	Hawaiian Cement CSP 0311-03-C (Modification)	99-1100 Halawa Valley Street, Aiea, Oahu	Issued: 12/15/04	Aggregate Processing Facility, Two Concrete Batch Plants, Specialty Products Plant & Portable Soil Screener
CAB, 586-4200, CSP	United Laundry Services, Inc. CSP 0442-02-C	2291 Alahao Place, Honolulu, Oahu	Comments Due: 1/21/05	Two (2) 500 HP SNG/Fuel Oil No. 2-Fired Boilers
CAB, 586-4200, T-CSP	Hawaiian Dredging Construction Co. CSP 0029-03-CT (Renewal)	Various Sites, State of HI Initial Location: 91-063 Malakole Street, Kapolei, Oahu	Comments Due: 1/21/05	660 TPH Portable Crushing & Screening Plant with 810 HP Diesel Engine Generator
CAB, 586-4200, T-NSP	Hawaiian Earth Products, Ltd. NSP 0573-01-NT	Various Temp Sites, State of HI Initial Location: 91-400 Malakole Road, Campbell Industrial Park, Oahu	Issued: 12/20/04	130 TPH Portable Screening Plant & 200 TPH Portable Tub Grinder
CAB, 586-4200, CSP	Maui Electric Co., Ltd. CSP 0067-02-C (Renewal)	Maalaea, Maui	Issued: 12/21/04	Fourteen (14) Diesel Engine Generators & Two (2) Combustion Turbines
CAB, 586-4200, NSP	Laie Trucking Co., Ltd. NSP 0399-01-N (Renewal)	TMK: 1 st 5-5-06, Laie, Oahu	Issued: 12/23/04	150 CY/HR Concrete Batch Plant
CAB, 586-4200, NSP	Aloha Petroleum, Ltd. NSP 0334-01-N (Renewal)	Barbers Point Deep Draft Harbor, Piers 1, 2, 5, and 6, Campbell Industrial Park, Oahu	Issued: 12/27/04	Barge & Marine Loading Terminals