

# The Environmental Notice

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

MARCH 23, 2005

## *Ka'anapali 2020 Master Plan Has New Approving Agency: Land Use Commission*

The Land Use Commission of the Department of Business, Economic Development and Tourism, has issued an environmental impact statement preparation notice determination on a final environmental assessment for the Ka'anapali 2020 Master Plan. The project was initially published in the September 8, 2002, edition of the *Environmental Notice* with the County of Maui Planning Department as the approving agency to process any subsequent environmental impact statement for acceptability under Chapter 343,

HRS; subsequent discussions with various permitting agencies and affected parties has resulted in a new approving agency, namely the Land Use Commission. The withdrawal of the County of Maui Planning Department's determination published in 2002 is forthcoming. Comments received during the 2002 public comment period will be addressed in the draft EIS as well as comments now being solicited during the new 30-day comment period that expires on **April 21, 2005**. See page 17 for more.

## *Kapolei West Expansion Area Comments Sought*

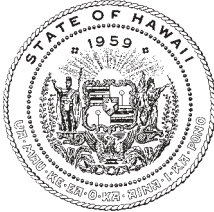
'Aina Nui Corporation has submitted a draft environmental impact statement to the Land Use Commission of the Department of Business, Economic Development and Tourism in support of its petition for a district boundary amendment to reclassify approximately 174.2 acres of land situated at Honouliuli from "agricultural" to "urban" for eventual development as residential homes, a golf course, parks, circulation and open space. The petition area straddles the O'ahu Railway and Land Company Railroad Right-of-Way, owned by the State of Hawai'i and listed on the National Register of Historic Places (Site No. 80-12-9714). Other land use approvals include a zone change and a special management area permit from the City and County of Honolulu. The deadline for submission of written comments on the draft environmental impact statement is **May 6, 2005**. See page 12 for more.

## *April 5, 2005 Deadline for Large Capacity Cesspools*

The U.S. Environmental Protection Agency and the Hawai'i Department of Health remind owners that large capacity cesspools need to be **closed by April 5, 2005**. See page 27 for more.

## *Pulelehua Development*

The State Land Use Commission has submitted a draft EIS for Maui Land & Pineapple's residential development to be located in Mahinahina, West Maui, between Kaanapali and Kapalua. The 312 acre parcel on the mauka side of Honoapiilani Highway is adjacent to the Kapalua Airport and will be developed with 882 multi- and single-family homes, businesses and public uses. At least half the homes will be affordable for low, low-moderate and gap-group income families. See page 18 for more details.



**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**

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# Happy Easter

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

MARCH 23, 2005

## Komo Mai Drive Rock Fall Protection (HRS 343 DEA)

**District:** 9-7-025:010  
**TMK:** Ewa  
**Proposing Agency:** DLNR, Engineering Division  
1151 Punchbowl St., Rm. 131, Honolulu, HI 96813  
Contact: Eric T. Hirano (587-0283)

### Determination

**Agency:** Same as above.  
**Consultant:** Earth Tech, Inc.  
841 Bishop St., Ste. 500, Honolulu, HI 96813  
Contact: Ben Realica (523-8874)

### Public Comment

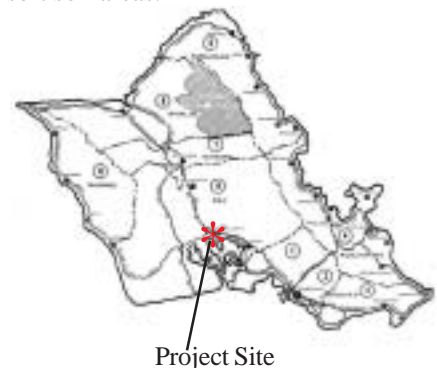
**Deadline:** April 21, 2005  
**Status:** Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the proposing agency with copies to the consultant and OEQC.

### Permits

**Required:** USFWS Section 7; SHPD Section 106, NPDES

The State of Hawai'i, Department of Land and Natural Resources (DLNR), Engineering Division has proposed rock fall protection measures to be undertaken along Komo Mai Drive in the Waimano areas of O'ahu, Hawai'i. The purpose of the proposed action is to reduce the potential for hazardous rock falls adjacent to Komo Mai Drive site by implementation of rock fall protection measures. The property has potential for landslides as well as rock falls, creating concerns for public safety and property damage along the road corridor. Implementation of rock fall protection is needed to reduce these identified risks to public safety and property.

The proposed action involves mitigation of the present slope condition using a cable net and meshes system to contain any potential slope failure and rock fall events. An existing chain link fence along Komo Mai Drive would be left in-place and 820 linear feet (LF) of 3-foot chain link fence, with a tie-back system, would be installed along the upslope edge of the mesh and cable net drape system. Approximately 220 LF of 10-foot rockfall protection fence would be constructed below a rock cliff. The mesh and cable net system will blanket the hillside, thus containing both weathered basalt soil and smaller rock particles. It conforms to the slope allowing growth of vegetation with little or no disturbance to the natural setting of the property and providing erosion protection of the soft soil areas.



## International Market Place & Waikiki Town Center Redevelopment (HRS 343 DEA)

**District:** Honolulu  
**TMK:** 2-6-22:36, 37, 38, and 43  
**Applicant:** The Queen Emma Foundation  
 615 Piikoi St., Ste. 701, Honolulu, HI 96814  
 Contact: Les Goya (594-4724)  
 and  
 Board of Water Supply, City & County of Honolulu, 630 S Beretania St., 7th Flr., Honolulu, HI 96813  
 Contact: Barry Usagawa (748-5900)  
**Approving Agency:** Dept of Planning & Permitting  
 650 S King St., 7th Flr., Honolulu, HI 96813  
 Contact: Geri Ung (527-6044)  
**Consultant:** Kusao & Kurahashi, Inc.  
 2752 Woodlawn Dr., Ste. 5-202, Honolulu, HI 96822  
 Contact: Keith Kurahashi (988-2231)

**Public Comment**

**Deadline:** April 21, 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:** Waikiki Special District (Major) Permit, Conditional Use Permit for Joint Development, Building Permits.

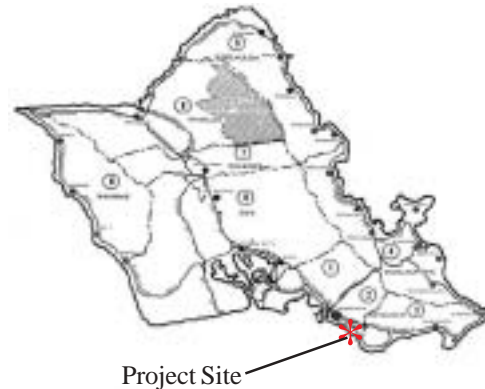
The Applicants, the Queen Emma Foundation and the Board of Water Supply, propose to redevelop the 4.83-acre International Market Place and the Waikiki Town Center (“Market Place”) in Waikiki, and develop a Deep Seawater District Cooling

System to support an innovative cooling system that will conserve potable water resources.

The new Market Place will replace existing buildings with structures of up to four stories, with approximately 241,176 square feet of gross leasable area (303,533 square feet of total floor area), and an on-site six-story parking/retail structure (243 stalls). The proposed development will provide dining areas, entertainment and retail in the heart of Waikiki.

A potential component of this redevelopment will be a deep seawater well district cooling system that will be constructed by the Board of Water Supply. This system is intended to be a fresh water conservation program that would both promote the long-term sustainability of potable water sources, and preclude the capital costs of developing additional potable sources.

The Applicants are working with the Miramar Hotel Hawai‘i on a plan for a shared driveway entry off of Kuhio Avenue for drop off, pick up and valet parking to minimize curb cuts on Kuhio Avenue.



# O'ahu Notices

MARCH 23, 2005

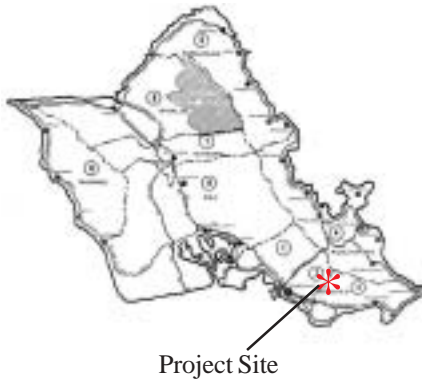
## Old Pu'unui Quarry Rock Fall Protection (HRS 343 DEA)

**District:** Honolulu  
**TMK:** 1-8-26:006  
**Proposing Agency:** DLNR, Engineering Division  
1151 Punchbowl St., Rm. 131, Honolulu, HI 96813  
Contact: Eric T. Hirano (587-0283)

**Determination Agency:** Same as above.  
**Consultant:** Earth Tech, Inc.  
841 Bishop St., Ste. 500, Honolulu, HI 96813  
Contact: Ben Realica (523-8874)

**Public Comment Deadline:** April 21, 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:** Conservation District Use Permit; USFWS Section 7; SHPD Section 106, NPDES



The State of Hawai'i, Department of Land and Natural Resources (DLNR), Engineering Division has proposed rock fall protection measures to be undertaken at the Old Pu'unui Quarry site on O'ahu, Hawai'i. The purpose of the proposed action is to reduce the potential for hazardous rock fall originating from the Old Pu'unui Quarry site by implementation of rock fall protection measures. Previous blasting methods used to quarry rock from the mountain slope at Old Pu'unui Quarry site have increased instability in the rock formation and the potential for rock falls. In addition, the natural slope above the quarried area contains steep gullies that could divert runoff water through the site, thus causing erosion of the rock formation and further instability of its supporting foundation. The need for the action is the fact that residential areas occur down slope and adjacent to the project site; rock fall protection measures are required to reduce potential rock fall hazards to the adjacent residential community.

The proposed action provides for installation of 20 linear feet (LF) of 10-foot rock fall protection fence parallel to and upslope of the rock fall protection fence previously installed along the bottom property boundary as part of an emergency-funding grant in 2004. Rock overhangs and outcroppings located above the quarry and immediately on the upslope of the protection fence line are to be demolished or stabilized to reduce the potential for future rock falls. Loose rocks would then be removed as necessary to reduce the potential for rock fall.



**Nuhelewai Stream Improvements (HRS 343 FEA-FONSI)**

**District:** Honolulu  
**TMK:** 1-6-017:004  
**Proposing Agency:** Dept. of Design & Construction, City & County of Honolulu  
 650 S. King St., 15th Flr, Honolulu, HI 96813  
 Contact: Dennis Toyama (523-4756)

**Determination Agency:** Same as above.  
**Consultant:** Environmental Planning Services  
 1314 S. King St., Ste. 952, Honolulu, HI 96814  
 Contact: Eugene P. Dashiell, AICP (593-8330)  
**Status:** Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).

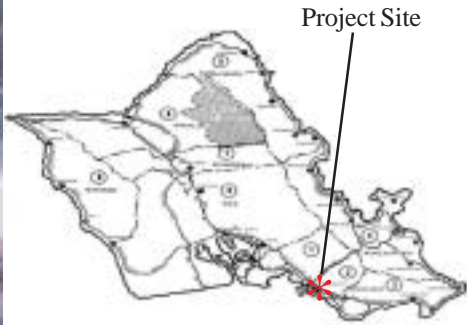
**Permits Required:** USA COE; SWRM SCAP; DOH WQC; C&C Bldg & Grading

Project: Nuhelewai Stream Improvements, Honolulu, O'ahu, Hawai'i. This project is for stream channel modifications to prevent erosion of stream banks of the Nuhelewai Stream drainage project between Naio and Aupuni Street in Kapalama Heights..

**Short-term Effects:** Short-term effects will occur during construction. Effects include noise, odors, disruption of flora on and near stream banks, suspended sediments, degraded water quality in Nuhelewai Stream, and destruction of benthic life in the stream channel.

**Long-term Effects:** There are no significant long-term adverse impacts to geology, hydrology, flora and fauna, historic resources, hazardous materials, air quality, noise quality and socio-economic resources. The project area is highly urbanized and has been previously modified by filling, grading, paving and facilities development. Exposed areas will be seeded with grass or otherwise covered as appropriate to minimize soil erosion and to restore surface areas. The completed project will halt the present erosion of stream banks, which endangers adjacent properties and dwellings.

The Environmental Assessment concludes that the proposed action does not constitute a major federal action, which significantly affects the quality of the human environment. Therefore, neither a Federal nor a State of Hawai'i environmental impact statement is required. This assessment includes a finding of no significant impact (FONSI).



# O'ahu Notices

MARCH 23, 2005

## Kamehameha Hwy (55-283) Shoreline Setback Variance at Laie For Koki (HRS 343 FEA-FONSI)

**District:** Ko'olauloa  
**TMK:** 5-5-2:3, Lot B  
**Applicant:** Stanley and Donna Koki  
45-496 Malio Place, Kane'ohe, HI 96744

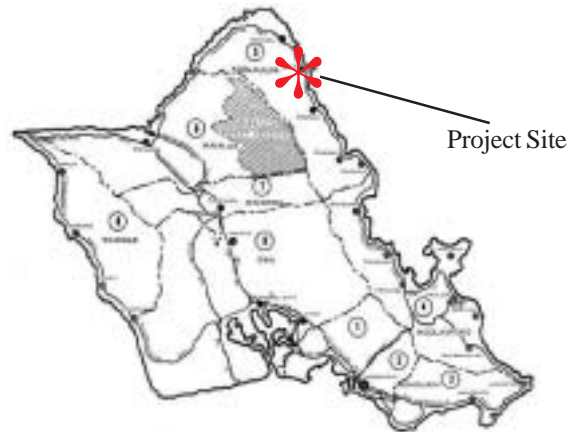
**Approving Agency:** City and County of Honolulu, Department of Planning & Permitting  
650 S King St., Honolulu, HI 96813  
Contact: Ardis Shaw-Kim (527-5349)

**Consultant:** Sea Engineering Inc.  
Makai Research Pier, Waimanalo, HI 96795  
Contact: Marc Ericksen (259-8143)

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

**Permits Required:** Shoreline setback variance

Cultural Center is located on the mauka side. The owners of the subject property propose to construct a sloping rock revetment to stabilize their property and prevent further erosion. The revetment will be constructed landward of the September 10, 2003 certified shoreline. Rock riprap with stones weighting 200 to 2,000 pounds will be placed over an under layer of 10 to 40 pound stone and geo-textile filter fabric. The revetment slope will be 1 vertical on 1.5 horizontal. The toe elevation will be - 1 foot below mean sea level (MSL) and the crest elevation will be +10 feet MSL. The ends of the revetment will connect to existing shore protection structures on either side.



The project site is located on an ocean front lot at the south end of the Laniloa Beach in La'ie. The project site is located at 55-283 Kamehameha Highway on the northeastern coast of O'ahu. The Makai side of the highway is almost completely developed with single-family homes, and the Polynesian





## Papipi Road Drainage Improvements (HRS 343 FEA-FONSI)

**District:** 'Ewa  
**TMK:** 9-1-11:1 & 2, 9-1-12:3, 8, 9, 11, 12 & 48  
**Applicant:** Haseko ('Ewa), Inc.  
 91-1001 Kaimalie St., Ste. 205, 'Ewa Beach, HI 96706  
 Contact: Ray Kanna (689-7772)

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

**Consultant:** Planning Solutions, Inc.  
 210 Ward Ave., Ste. 330, Honolulu, HI 96814  
 Contact: Perry White (550-4483)

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

**Permits Required:** Shoreline Setback Variance, CDUP, NPDES Construction Permit, NPDES Municipal Separate Storm Sewer System Coordination, Dept. of Army Nationwide Permit #7, CZM Consistency Determination, Section 401 Water Quality Certification, Community Noise Control (DOH), Grading, Street Usage Permit, Subdivision.

The project is in 'Ewa Beach and generally stretches along Papipi Road and beyond, from 'Ewa Beach Elementary School to the ocean. The proposed drainage system will include underground culverts with curbs, gutters, catch basins, sidewalks and plantings along the Ocean Pointe frontage, i.e., along the mauka side of Papipi Road from 'Ewa Beach Elementary School to Papipi Drive. From that point, the drainage system will split, with one segment consisting of a grassed swale and grated drain inlets along Papipi Road and a secondary drainage system constructed along the mauka side of the Papipi subdivision. Beyond the Papipi subdivision, to the south, the drainage system will be extended across the planned One'ula Beach Park access road to the future park expansion area, and then to an ocean outlet. The 200-foot long segment that leads to the ocean outfall will include a concrete headwall and unlined open channel.

The project will be constructed in two increments. The developer is proposing a temporary retention basin within the Ocean Pointe development west of the Papipi subdivision, to accommodate the collected runoff until the permanent ocean outlet can be installed in the project's second increment.

The proposed improvements will accommodate storm runoff from Papipi Road and Papipi Drive, a small portion of the Ocean Pointe development, and the future One'ula Beach Park expansion area. The tributary area of the drainage system is about 20.4 acres.



# O'ahu Notices

MARCH 23, 2005

## Waimalu Sewer Rehabilitation (HRS 343 FEA-FONSI)

**District:** 'Ewa  
**TMK:** 9-8-10, 22, 23, 26, 27, 28, and 65  
**Proposing Agency:** City & County of Honolulu, Dept. of Design & Construction  
650 S King St., 11th Flr., Honolulu, HI 96813  
Contact: Sung Ho Lai (527-5398)

**Determination Agency:** Same as above.  
**Consultant:** Hawaii Pacific Engineers, Inc.  
1132 Bishop St., Ste. 1003, Honolulu, HI 96813-2830  
Contact: Roy K. Abe (522-7425)

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

**Permits Required:** Building, Street Usage/State Highway, Noise, NPDES General Permit

The City and County of Honolulu proposes to rehabilitate sewers in the Waimalu Sewerage Basin, which encompasses approximately 117 acres in Aiea, O'ahu. The project is required to correct significant structural and capacity problems that result in sewage spills and excessive maintenance effort. The project area

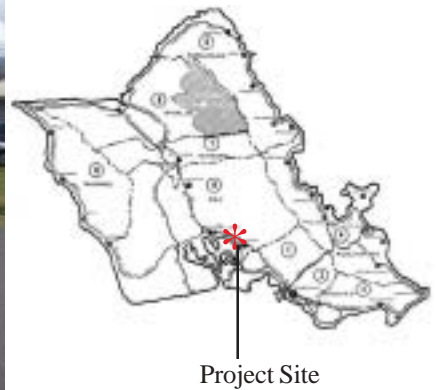
is comprised primarily of single-family residences but also includes the Waimalu Shopping Center and an apartment zone.

Installation of new replacement sewer lines is proposed to resolve clogging/sewage spill problems, capacity limitations, and structural deficiencies. The major sewer reconstruction work, which includes approximately 9,000 linear feet of new 8-inch to 16-inch diameter sewers, is anticipated to be constructed using conventional open-cut trenching. The project will include a new sewer crossing Kamehameha Highway at Hekaha Street. The construction of new lines will be supplemented with spot repairs utilizing "trenchless" sewer lining technology and conventional pipe replacement methods.

The construction work will be generally confined to the right-of-way of existing roads and easements in private property. There will be short-term construction impacts such as traffic congestion and restricted access near construction area, and noise and dust generated from construction equipment and vehicles. Operation of sewage bypass and trench dewatering pumps at night will likely be required. Discharge of trench dewatering effluent to the storm drainage system is anticipated.

The estimated construction cost is \$15.5 million. Construction of the project is expected to begin in late 2005 at the earliest. The construction work is expected to require a total of approximately 18 to 24 months.

**NOTE: In the November 23, 2004 Environmental Notice an incorrect TMK (9-4-10, 22, 23, 26, 27, 28, and 65) was given, the correct TMK is now listed above.**



## Small Mainline No. 60 Fort Street Mall Rehabilitation(HRS 343 FEA-FONSI)

**District:** Honolulu  
**TMK:** 2-01-001 (por.)  
**Proposing Agency:** City & County of Honolulu, Dept. of Design & Construction  
 650 S King St., 14th Flr, Honolulu, HI 96813  
 Contact: Bill Liu (527-5388)

### Determination

**Agency:** Same as above.  
**Consultant:** The Limtiaco Consulting Group  
 650 Iwilei Rd., Ste. 208, Honolulu, HI 96817  
 Contact: Jason Lau (596-7790)  
**Status:** Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).

### Permits

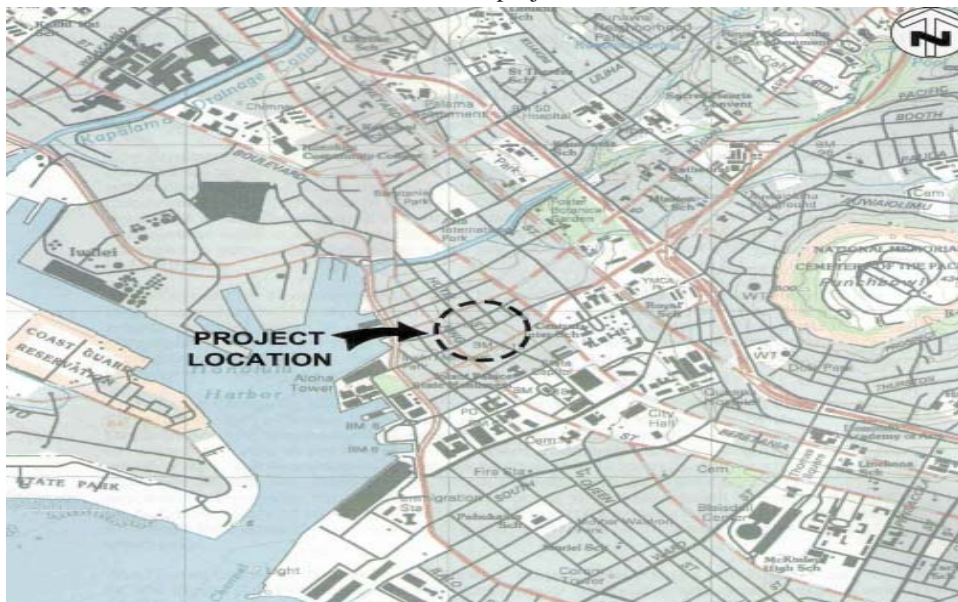
**Required:** NPDES; Initial Noncovered Source Permit Application; Noise; Building; Grubbing, Grading and Stockpiling Permit; Dewatering Permit (Temporary); Repaving Plan; Street Usage Permit.

The City and County of Honolulu Department of Design and Construction proposes to rehabilitate approximately 1,035 feet of sewer line located at the intersection of Fort Street Mall and Hotel Street, Honolulu, O'ahu, Hawai'i. The project includes 570 linear feet of 8-inch and 10-inch sewers along Fort Street Mall and 465 linear feet of 8-inch sewers along Hotel Street. The proposed sewer line rehabilitation seeks to address inadequate

capacities, localized root intrusion, and various structural deficiencies for improved sewer service. The project will be constructed within City's existing right-of-way along the existing sewer alignment.

The proposed project is required by the "Small Diameter Sewer Rehabilitation Program" as part of the Infiltration/Inflow (I/I) Consent Decree established in 1995 by the Environmental Protection Agency and the State of Hawai'i Department of Health Requirements of the I/I Consent Decree were intended to eliminate wastewater spills and included a 20-year CIP Program and five I/I Programs. The "Small Diameter Sewer Rehabilitation" Program is the I/I Program that provides for rehabilitation of sewer lines, which require frequent maintenance by the City's Department of Environmental Services. The "Small Diameter Sewer Rehabilitation" projects are divided into two groups: SCIPs (Spills CIP Projects), which typically cover geographically larger projects; and SMPRs (Small Mainline Projects), which generally cover geographically smaller projects. The City as SMPR No. 60, 1045 Fort Street Mall Sewer Rehabilitation, identifies the proposed sewer rehabilitation project.

A Design Alternatives Study was completed in support of the proposed sewer improvements. The recommended design alternative includes the reconstruction of the sewer along Fort Street Mall by open cut trench and the rehabilitation of the sewer along Hotel Street using cured-in-place pipe (CIPP) lining. The proposed improvements take into consideration the level of surface impacts (i.e., impacts to traffic, sidewalks and pedestrians), cost-effectiveness, ease of construction, and ability to repair identified sewer deficiencies. Construction is anticipated to commence in March 2006, with project completion within six months. The estimated total project cost is \$739,500.



# O'ahu Notices

MARCH 23, 2005

## Kapolei West Expansion Area (HRS 343 DEIS)

**District:** 'Ewa  
**TMK:** (1) 9-1-14: por. 33; 9-1-15: por. 4, and por. 20  
**Applicant:** Aina Nui Corporation  
1001 Kamokila Blvd. Ste. 255, Kapolei, HI 96707  
Contact: Donna Goth (674-3540)

**Approving Agency:** State of Hawaii Land Use Commission  
P.O. Box 2359, Honolulu, HI 96804-2359  
Contact: Anthony J.H. Ching (587-3822)

**Consultant:** Helber Hastert & Fee, Planners  
733 Bishop St., Ste. 2590, Honolulu, HI 96813  
Contact: Corlyn Olson (545-2055)

### Public Comment

**Deadline:** May 6, 2005  
**Status:** Draft environmental impact statement (DEIS) notice pending 45-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

### Permits

**Required:** State Land Use District Boundary Amendment, Water Use, Zone Change, Special Management Area Permit, Project Water, Drainage, Wastewater, and Roadway Master Plans, Subdivision Approvals, Grading and Building.

Aina Nui Corporation, an affiliate of the Estate of James Campbell, has filed a petition for a State Land Use District Boundary Amendment to reclassify approximately 174.2 acres of land from the Agricultural District to the Urban District (referred to as the "Petition Area") with the State Land Use Commission. The Petition Area is located in 'Ewa, O'ahu and consists of Tax Map Key parcels 9-1-14: 33 (por.), 9-1-15: 4 (por.), and 9-1-15:20 (por.).



The Petition Area straddles the State-owned, historic O'ahu Railway & Land Company (OR&L) Railroad right-of-way (ROW). The Petition Area is surrounded by the 372.6-acre area formerly known as Ko Olina Phase II to the north (urbanized in 1991 under Docket A90-655), Ko Olina Resort to the west, Kalaeloa Barbers Point Harbor and the Kapolei Business Park to the south, and Kalaeloa Boulevard and the City of Kapolei to the east.

Development proposed for the Petition Area includes approximately 1,200 low and medium-density residential units, approximately 60 acres of golf course, and nearly 28 acres of park and open space (Proposed Action). Together with the former Ko Olina Phase II project area now in the State Land Use Urban District, the Petition Area is planned to be part of "Kapolei West," a 548-acre master-planned residential and golf community.

Beneficial impacts of the Proposed Action include provision of almost 1,200 homes; increased housing choices; creation of over 300 construction period and 260 operational period jobs annually; and net fiscal benefits for the County and State. Non-significant impacts include increased demands on existing infrastructure systems and public facilities and services. The Proposed Action would not pose long-term risks to human health and safety or impact threatened or endangered biological resources. The Proposed Action would not adversely impact significant historic sites or rights customarily and traditionally exercised for subsistence, cultural and religious purposes and would have minimal or no impact on Hawaiian culture, its practices and traditions. Potential traffic impacts would require mitigating measures including roadway and intersection improvements.



## Shropshire Conservation Plan (HRS 343 DEA)

**District:** South Hilo  
**TMK:** (3) 2-7-04:25  
**Applicant:** Steve Shropshire  
 P.O. Box 1146, Hilo, HI 96720  
 Contact: Steve Shropshire (934-9441)

**Approving Agency:** DLNR, State of Hawai'i  
 P.O. Box 621, Honolulu, HI 96809  
 Contact: Dawn Hegger (587-0380)

**Consultant:** Geo Metrician  
 HC 2 Box 9575, Kea'au, HI 967  
 Contact: Ron Terry (982-5831)

**Public Comment**  
**Deadline:** April 21, 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 Permit (obtained); Shoreline Setback Exemption or Variance; Conservation District Use Permit.

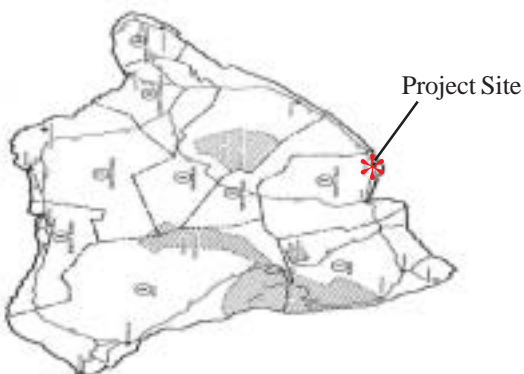
The 107.25-acre property was part of the former Onomea Sugar Plantation. Portions of this property area now used for various agricultural activities, including farming of beans, tapioca, okra, eggplant, etc. There are two old plantation garages on the southern part of the property. These structures are not located within the Conservation District and will not be impacted by the proposed alien species removal/native species landscaping.

The proposed project would implement components of an approved soil conservation plan that has been prepared in cooperation with the U.S. Natural Resources Conservation Service (NRCS): (1) Remove noxious alien trees, especially ironwood,

near the sea cliff's edge, and replant the area with native and Polynesian-introduced species; (2) Grub noxious weeds and grasses with a tractor; (3) Install drainage ditches and grass waterways, per grading and engineering plan; (4) Plant cover crops and riparian barrier; (5) Install windbreaks; (6) Implement landscaping plan. Implementation of the elements of the plan would be monitored by the NRCS.

The Conservation Plan is specifically designed to reduce sedimentation. Without implementation of the plan, it is estimated that this property would lose 16.73 tons of soil/acre/year. The soil loss tolerance for this type of land is about 5 tons per year, meaning that without remediation, the agricultural sustainability of the land is in jeopardy. With the programs proposed in the Conservation Plan-berms, riparian buffers, cover crops, etc.-the soil loss should be reduced to about 1.06 tons acre, a significant improvement. As the subject area (along with the Agricultural District land directly mauka) has historically been farmed in sugar cane, the farming activities are essentially a continuation of existing uses.

As designed by the U.S. Natural Resources Conservation Service, they will result in better farming conditions, less soil erosion, and better drainage, and will not materially change the appearance of the area. In general, no sensitive biological, hydrological, archaeological, cultural or other important resources are present and no adverse long-term impacts are expected to result from the project. Visual impacts will be generally beneficial. In order to prevent adverse impacts, mitigation measures related to properly handling fuel and machinery and dealing with inadvertent finds of historic sites are proposed.



# Maui Notices

MARCH 23, 2005

## Volcano Group Parking Lot in Lahaina Historic District (HRS 343 DEA)

**District:** Lahaina  
**TMK:** (2)4-6-009:024  
**Applicant:** Volcano Group Maui, LLC  
1111 Bishop St., Ste. 505, Honolulu, HI 96813  
Contact: James Steiner (536-6411)

**Approving Agency:** County of Maui, Dept. of Planning  
250 South High St., Wailuku, HI 96793  
Contact: Kivette Caigoy (270-7735)

**Consultant:** Chris Hart & Partners, Inc.  
1955 High St., Ste. 200, Wailuku, HI 96793

### Public Comment

**Deadline:** April 21, 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.

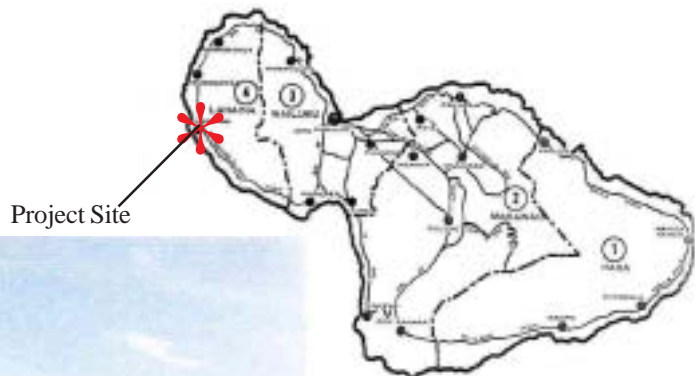
### Permits

**Required:** SMA

The subject property is located in West Maui within Lahaina town, on Waine'e Street between Dickensen Street and Pana'ewa Street. The Applicant is planning to construct a 36-stall asphalt concrete parking lot with an automated pay station, landscaping, and a 6-foot high wood fence along the residential boundaries.

The small net increase in drainage runoff caused by the proposed project will be contained onsite by a subsurface system. Air quality impacts attributed to construction of the proposed project will be mitigated with adequate dust control measures that comply with the provisions of Hawai'i Administrative Rules. To minimize construction related noise impacts to the surrounding neighbors, the applicant will limit construction activities to normal daylight hours, and adhere to the Department of Health's Administrative Rules.

The proposed action is not anticipated to result in environmental impacts to surrounding properties, near shore waters, natural resources, and/or archaeological and historic resources on the site or in the immediate area



## Ukumehame Subdivision-Phase I and II (HRS 343 DEA)

**District:** Lahaina  
**TMK:** 4-8-02:9, 48, 52-56, 60, 61, 65, 66, 68 and 70  
**Applicant:** Pacific Rim Land, Inc.  
 P.O. Box 220, Kihei, HI 96753  
 Contact: Donna Clayton (872-5263)

**Approving Agency:** Maui Planning Commission, c/o County of Maui, Department of Planning  
 250 South High Street, Wailuku, HI 96793  
 Contact: Kivette Caigoy (270-7811)

**Consultant:** Chris Hart & Partners, Inc.  
 1955 High St., Ste. 200, Wailuku, HI 96793  
 Contact: Rory Frampton (242-1955)

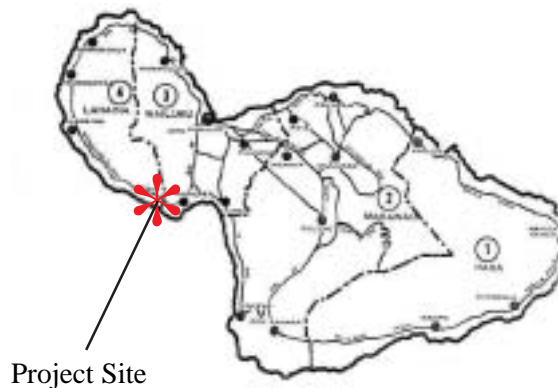
**Public Comment**  
**Deadline:** April 21, 2005  
**Status:** Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

**Permits**  
**Required:** SMA, Subdivision & Construction Permit Approvals

corridor lot (Ukumehame Stream) and 45 agricultural lots and related improvements (Phase II Subdivision).

The agricultural lots will range in size from approximately 3 to 25 acres and occupy an area of approximately 262 acres. The initiation of agricultural activities and potential construction of farm dwellings and individual wastewater systems for each lot will be the responsibility of future lot purchasers. Besides site work, the proposed action will involve the planting of street trees and the provision of infrastructure to serve the agricultural lots. Other proposed improvements include two new intersections at Honoapi'ilani Highway and four new roads for subdivision access and internal circulation.

The subject property lies within the State Agricultural District and is designated for Agricultural uses by the West Maui Community Plan and Maui County zoning. The subject property abuts the mauka side of Honoapi'ilani Highway approximately 2 miles south of Olowalu and was formerly cultivated with sugar cane until the late 1990's. The *makai* part of the property falls within the Special Management Area (SMA). As a condition of the land transfer between the landowners and the County of Maui, an Environmental Assessment (EA) and an application for a SMA Use Permit have been prepared for the proposed action.



The proposed action involves the use of approximately 439 acres of vacant land, including the consolidation of 12 existing lots and the re-subdivision of this land to create three large lots (Phase I Subdivision). Two of the large lots, totaling approximately 100 acres, will be transferred to the County of Maui for future County park and a future State highway right-of-way. The remaining large lot, containing approximately 339 acres, will be concurrently subdivided for an approximately 77-acre river



# Maui Notices

MARCH 23, 2005

## Pa'ia Mini-Bypass (HRS 343 FEA-FONSI)

**District:** Wailuku  
**TMK:** 2-5-5:18 (por.)  
**Proposing Agency:** Dept. of Public Works & Environmental Management  
200 South High St., Wailuku, HI 96793  
Contact: Milton Arakawa (270-7845)

### Determination

**Agency:** Same as above.

### Public Comment

**Deadline:** April 21, 2005

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

### Permits

**Required:** Special Management Area (SMA), National Pollutant Discharge Elimination System (NPDES) Permit.

The State of Hawai'i Department of Transportation (DOT), A&B Properties, Inc. and the County of Maui Department of Public Works and Environmental Management (DPWEM) are proposing the Pa'ia Mini-Bypass Project in Pa'ia, Maui, Hawai'i.

The project would create a one-way, single-lane roadway extending from the vicinity of Henry A. Baldwin Park to the new Pa'ia Post Office. From Baldwin Park, a shoulder lane is proposed within the Hana Highway right-of-way extending to the vicinity of the existing Pa'ia Municipal Parking Lot, a lineal distance of approximately 2,800 feet or .53 mile. The Hana Highway shoulders will be widened and reinforced so that the vehicular travel lanes would be restriped approximately four (4) feet makai of the existing lanes. The vehicular travel lanes will remain 12 feet in width. A 12-foot wide shoulder travel lane will then be created on the mauka side of the travel lanes along with new four (4) foot wide paved shoulders. All work within this segment of the project is proposed within the existing Hana Highway right-of-way.

The shoulder lane would then turn mauka to a single-lane roadway near the existing municipal parking lot, skirting existing developed portions of Pa'ia Town, and then connecting with Baldwin Avenue near the new Pa'ia Post Office. 12-foot wide travel lanes with two (2) foot wide shoulders on each side are proposed. At the Baldwin Avenue connection, separate left- and right-turn lanes are proposed. The portion of the project, which extends beyond the Hana Highway right-of-way to Baldwin Avenue involves TMK: 2-5-5:portion of 18. Transition work within the Baldwin Avenue right-of-way includes construction of curb

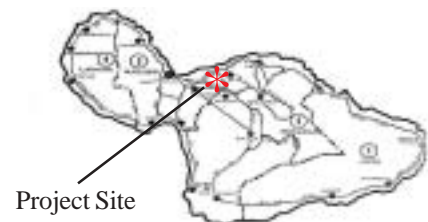
returns, resurfacing and striping.

The project originally proposed a connection to Baldwin Avenue makai of the Pa'ia Post Office. However, there were concerns raised during the public comment period that this connection point is too close to the existing post office driveway. To address this concern, the connection has been moved to an adjacent area mauka of the post office. The total lineal distance of the single-lane roadway from Hana Highway to Baldwin Avenue is approximately 2,000 feet.

The intent of the project is to mitigate some of the existing traffic congestion on Hana Highway in the afternoon peak hour by providing an additional travel lane for vehicles desiring to turn right on Baldwin Avenue.

Hours of operation for the single-lane roadway are 4:00 p.m. to 6:00 p.m., excluding Saturdays, Sundays and holidays. During non-afternoon peak hours, the single-lane roadway will be gated near the municipal parking lot and at its Baldwin Avenue connection.

The estimated construction cost for the entire project is \$650,000. Assuming all applicable approvals are obtained, construction is anticipated to begin during the second quarter of 2005. Construction is anticipated to be complete approximately three (3) months after construction start.





## Ka'anapali 2020 Plan (HRS 343 FEA-EISPN)

**District:** Lahaina  
**TMK:** (2)4-4-02:39, 40, 41, and 42  
**Proposing Agency:** Kaanapali Development Corp.  
 10 Hookui Rd., Ste. 305, Lahaina, HI 96761  
 Contact: Steve Lovelette (669-9650)

**Accepting Authority:** State Land Use Commission  
 235 S Beretania St., Rm. 406, Honolulu, HI 96813  
 Contact: Anthony Ching (587-3822)

**Consultant:** Munekiyo & Hiraga, Inc.  
 305 High St., Ste. 104, Wailuku, HI 96793  
 Contact: Gwen Ohashi Hiraga (244-2015)

**Status:** Final environmental assessment (FEA) and Environmental Impact Statement Preparation Notice (EISPN), pending 30-day public comment and requests to become a consulted party in the preparation of the upcoming draft environmental impact statement (DEIS). Address public comments on the FEA and/or requests to become a consulted party in the preparation of the upcoming DEIS to the proposing agency with copies to the accepting authority, consultant and OEQC.

**Public Comment Deadline:** April 21, 2005

**Permits Required:** CPA, CIZ, Project District Phase I, II and III, SMA, LUC District Boundary Amendment, Grading, Building, NPDES, Community Noise Permit.

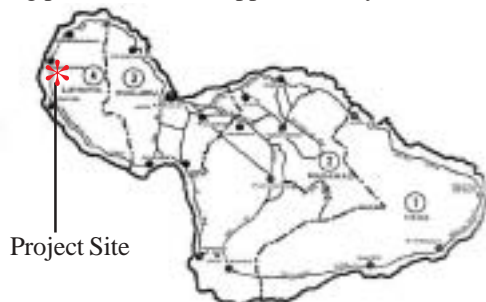
are proposed which will include single- and multi-family housing with varying prices and density ranges including housing in the affordable housing category. Sites for a hospital, school, healing center, transit stop, golf course, parks, open space and cultural center along with commercial mixed used are proposed in the context of a master planned development.

To implement the Ka'anapali 2020 Plan, the following entitlements are required: (a) a State Land Use District Boundary Amendment to the Urban district for approximately 849.7 acres of land now designated as Agricultural district; (b) a West Maui Community Plan Amendment from Agricultural, Open Space and Project District 3 to a new Project District 3 designation encompassing approximately 1,158.6 acres; and (c) a County Change in Zoning for approximately 1,158.6 acres from the Agricultural and R-3, Residential zoning district to Project District 3, coupled with the adoption of a site specific Project District zoning ordinance containing specified performance standards.

The proposed amendment to the West Maui Community Plan and use of County lands triggers an environmental impact review pursuant to Chapter 343, Hawai'i Revised Statutes. An Environmental Impact State (EIS) will be prepared for the uses proposed in the Ka'anapali 2020 Plan in light of the geographic scope and size of the land use requests. The State Land Use Commission is the accepting authority for the EISPN and EIS.

Ka'anapali Development Corp. (the "Applicant") proposes to implement a land use plan, known as the "Ka'anapali 2020 Plan", for approximately 1,158.6 acres at Ka'anapali, Maui, Hawai'i, owned by Ka'anapali Development Corp.

The Ka'anapali 2020 Plan is based on a community based planning process. In total, approximately 2,810 residential units



# Maui Notices

MARCH 23, 2005

## Pulelehua Subdivision (HRS 343 DEIS)

**District:** Lahaina  
**TMK:** 4-3-01:31 (por.)  
**Applicant:** Maui Land & Pineapple Company, Inc.  
1000 Kapalua Drive, Kapalua, HI 96761  
Contact: Karl Bossert (669-5625)  
**Approving Agency:** State Land Use Commission  
P.O. Box 2359, Honolulu, HI 96804  
Contact: Anthony J.H. Ching (587-3822)  
**Consultant:** PBR Hawaii  
1001 Bishop St., Ste. 650, Honolulu, HI 96813  
Contact: Tom Schnell (521-5631)  
**Public Comment**  
**Deadline:** May 6, 2005  
**Status:** Draft environmental impact statement (DEIS) notice pending 45-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.  
**Permits Required:** State Land Use District Boundary Amendment; Community Plan Amendment; Project District Phase I-III; NPDES, Subdivision Approval; Grading and Building Permits

Maui Land & Pineapple is proposing to create Pulelehua, a new community in West Maui between Ka'anapali and Kapalua. Pulelehua will include 882 multi-family and single family homes, at least 51% of which will be affordable (for sale or rent) to resi-

dents making between 50 to 140 percent of the median income. Pulelehua will also include neighborhood businesses, a public elementary school site, parks, and biking and walking paths.

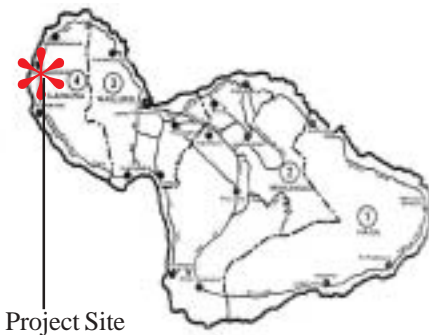
The design of Pulelehua follows Traditional Neighborhood Design (TND) concepts, including mixed uses within walking distance of each other, homes oriented toward the street, pedestrian-friendly design, and mixing of affordable and market rate homes within the same the area, block, and street.

Positive impacts include the provision of affordable housing, decreased reliance on cars because of the internal walkable design and proximity major employment centers in West Maui, conservation of surrounding agricultural and open space through compact design within a defined area, provision of an elementary school site, substantial park and open space within the community, and positive economic impacts.

Potential adverse environmental impacts include changes to the land use character of the region, the changes to the visual appearance of the site, increases in traffic, increases in solid waste generated, increases in electrical power consumed, greater demands on public infrastructure systems and services, and short-term impacts to air quality and noise levels due to construction.

The draft EIS contains analysis of potential impacts and associated mitigation measures to ensure potential adverse impacts are minimized or mitigated.

Since the EISPN comment period, Maui Land & Pineapple Company, decided not to seek County approvals for Pulelehua under the 201G, HRS, process. The decision to process both the State and County land use entitlements under regular processing procedures allows State and County agencies and the public to have more input into the planning of Pulelehua during the entitlement phase.



## Manele Small Boat Harbor Ferry System Improvements (HRS 343 DEA)

**District:** Lana'i  
**TMK:** (2) 4-9-17:6 and approximately 2-acre portion of (2) 4-9-17:2  
**Proposing Agency:** DLNR, Dept. of Boating  
 333 Queen St, Ste. 300, Honolulu, HI 96813  
 Contact: Eric Hirano (587-0230)

**Determination Agency:** Same as above.  
**Consultant:** Raadha M.B. Jacobstein  
 46-304 Nahewai St., Kaneohe, HI 96744  
 Contact: Raadha Jacobstein (236-0663)

**Public Comment Deadline:** April 21, 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:** SMA, Shoreline Setback Variance, CDUA, Conditional Permit, NPDES, Grading, Building

The State of Hawai'i, Department of Land and Natural Resources (DLNR), Department of Boating and Ocean Recreation (DBOR), with funding assistance from the Federal Transit Administration (FTA), plans to construct ferry terminal infrastructure improvements at the Manele Small Boat Harbor located in Manele Bay on the south coast of Lana'i. Construction of the

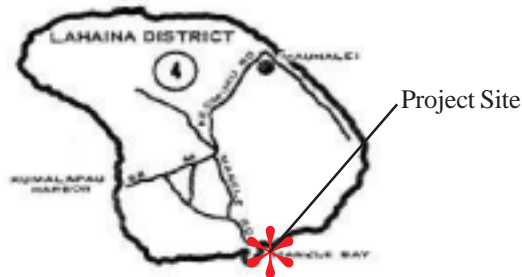


proposed infrastructure improvements would occur on the parcels identified as Maui County Tax Map Key (TMK) (2) 4-9-17:6 and a 2-acre portion of TMK (2) 4-9-17:2.

The existing Manele Small Boat Harbor was originally constructed in 1965. The harbor provides small boat slips, a rock groin for the Lana'i ferry and chartered vessels, unpaved parking areas, a comfort station, harbor master's office, and boat ramp with a loading dock. The proposed infrastructure improvements would replace existing facilities located within the area of the Manele Small Boat Harbor, and would include: a new comfort station; administrative office; covered waiting areas; paved access roads; vehicle and trailer parking areas; water mains and fire hydrants; sewage pump station and force main; telephone and electrical utilities; street lights; and landscaping. The proposed improvements would be located within the existing area of the Manele Bay Small Boat Harbor and the adjacent 2-acre parcel, and would replace existing facilities.

The proposed action will utilize funding from both federal and state agencies, including the FTA and State of Hawai'i DLNR (DBOR). According to the FTA grant, 80 percent of the project will be funded by FTA funds, and 20 percent will be funded by the State. The estimated construction cost for the Manele Small Boat Harbor Ferry System Improvement project is \$6,500,000. The project would be constructed in one phase for the duration of approximately one year.

The environmental impacts of the proposed alignment are not expected to be significant with implementation of appropriate mitigation measures. Construction activities are anticipated to have short-term noise, erosion, traffic, and air quality impacts in the surrounding area. Compliance with State and County rules and regulations would minimize these construction-related impacts. Potential water quality impacts and impacts to cultural resources would be minimized with implementation of mitigation. No significant long-term effects from project implementation are anticipated.



# Shoreline Notices

MARCH 23, 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
HA-296	3/14/05	Lot 6, Miloli'i Beach Lots, land situated at Papa 2 <sup>nd</sup> , South Kona, Island of Hawai'i, Hawai'i Address: Not assigned Purpose: Building Permit	Roger Fleenor/Ole E. and Elaine M. Jenson	8-9-05: 107
MA-320	3/14/05	Lot 86 of Land Court Application 1804 (Map 23), land situated at Honua'ula, Makawao, Island of Maui, Hawai'i Address: 3650 Wailea Alanui Drive Purpose: Building Permit	R. M. Towill Corporation/ BRE/WAILEA, LLC	2-1-08: 61
HA-297	3/14/05	Lot 44 of Puako Beach Lots (HTS Plat 4-14-B), land situated at Lalamilo, Waimea, South Kohala, Island of Hawai'i, Hawai'i Address: 69-1778 Puako Beach Drive Purpose: Building Permit	Wes Thomas Associates/Puako Ehukai, LLC	6-9-04: 02
OA-128-3	3/14/05	Lot 179 of Land Court Application 1095 (Map 15), land situated at Kaunala, Ko'olauloa, Island of O'ahu, Hawai'i Address: 58-009 Makanale Street Purpose: Determine Setback	Jamie F. Alimboyoguen/Tom Coulson	5-8-03: 10

## 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.	Action	Location	Applicant/Owner	TMK
OA-1018	Proposed Shoreline Certification	Lot 94 Land Court Application (Map 10), land situated at La'ie, Ko'olauloa, Island of O'ahu, Hawai'i Address: 55-084 Naupaka Street Purpose: Determine Setback	Jamie F. Alimboyoguen/ Douglas Crosier	5-5-10: 27
OA-1019	Proposed Shoreline Certification	Lot 64 of Land Court application 776, land situated at La'ie, Ko'olauloa, Island of O'ahu, Hawai'i Address: 55-147 Naupaka Street Purpose: Building Permit	Technical Field Data Services, Inc./Felix Duhaylongsod Trust	5-5-11: 34
OA-1020	Proposed Shoreline Certification	Lot 17 of Land Court Application 776, land situated at La'ie, Ko'olauloa, Island of O'ahu, Hawai'i Address: 55-085 Naupaka Street Purpose: Building Permit	Technical Field Data Services, Inc./William Mark Doxey	5-5-10: 11
KA-184	Proposed Shoreline Certification	Land Court Application 276 (Map 3), land situated at Waipouli, Island of Kaua'i, Hawai'i Address: Niulani Street Purpose: Improvements	Kodani and Associates, Inc./County of Kauai	4-3-09 Lot 12
KA-187	Proposed Shoreline Certification	Lot 1 of Land Court Application 1166, land situated at Waipouli, Kapa'a, Puna, Island of Kaua'i, Hawai'i Address: 4-818 Kuhio Highway Purpose: Building Permit	Esaki Surveying and Mapping, Inc./Waipouli Beach Resorts, LLC	4-3-08: 01
MO-087	Proposed Shoreline Certification	Lot 3 of Land Court Application 1867 (Map 2), land situated at Kawela, Island of Moloka'i, Hawai'i Address: 2490 Kamehameha V Highway Purpose: Build Swimming Pool	Charles Busby/Rae and Linda Walsh	5-4-17: 01

# Pollution Control Permit Applications

MARCH 23, 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; **N** - none; **NPDES** - National Pollutant Discharge Elimination System under the Federal Clean Water Act; **R** - received; **T** - temporary; **UIC** - Underground Injection Control; **NA** - not applicable.



Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
CAB, 586-4200, TCSP	Hawaiian Dredging Construction Company CSP 0029-03-CT (Minor Modification)	Various Temporary Sites, Hawai'i Initial Location: Kahuku Sugar Mill, 56-565 Kamehameha Highway, Kahuku, O'ahu	Issued: 2/28/05	660 TPH Portable Crushing and Screening Plant
CAB, 586-4200, TCSP	Hawaiian Dredging Construction Company CSP 0467-01-CT (Renewal)	Various Temporary Sites, Hawai'i Current Location: Yamada and Sons, Inc., 733 Kanoiehua Avenue, Hilo, Hawai'i	Comments Due: 4/15/05	1500 TPH Portable Stone Quarrying and Processing Plant with 810 hp Diesel Engine Generator
CAB, 586-4200, TCSP	West Hawai'i Concrete CSP 0436-01-CT (Renewal)	Various Temporary Sites, Hawai'i Current Location: West Hawai'i Concrete Cinder Quarry No. 1, Kamuela, Hawai'i	Comments Due: 4/15/05	250 TPH Stone Crushing and Screening Plant with 325 hp Diesel Engine Generator
CAB, 586-4200, NPDES	Maui Electric Co., Ltd. (MECO) 05-CW-PW-04	Ma'alaea Generating Station Current Location: North Kihei Rd., Maui, Hawai'i	Issued: 2/25/05	Discharge of storm water & certain non-storm water.
CAB, 586-4200, NPDES	Lana'i Oil Company, Incorporated 05-CW-PW-03	Kaumalapau Harbor, Lanai, Hawai'i Current Location: Latitude 20°47'27"N & Longitude 156°59'35"W.	Issued: 2/25/05	Discharge commingled storm water & process wastewater.

Branch / Application Type	Applicant & Application Number	Facility Location	Pertinent Date	Proposed Use
(SHWB) Solid Waste Management Permit (Renew)	Sunset Pet Memorial Services / Waste Abatement Resource Systems, MW-0001-05	16-643 Kipimana St., Kea'au, HI 96749	1/4/05 (Received)	Medical Waste
(SHWB) Solid Waste Management Permit (New)	Phillips Services Hawai'i, TR-0002-05	West Hawai'i Landfill	1/21/05 (Received)	Petroleum Contaminated Soil Transport
(SHWB) Solid Waste Management Permit (New)	Phillips Services Hawai'i, TR-0003-05	West Hawai'i Landfill	1/21/05 (Received)	Petroleum Contaminated Soil Transport
(SHWB) Solid Waste Management Permit (New)	Phillips Services Hawai'i, TR-0004-05	West Hawai'i Landfill	1/21/05 (Received)	Petroleum Contaminated Soil Transport
(SHWB) Solid Waste Management Permit (New)	Ace Iron Recycling, Inc., RY-0005-05	124 Pu'uhale Rd., Honolulu, HI 96819	1/27/05 (Received)	Recycling
(SHWB) Solid Waste Management Permit (Modification)	Kaua'i Nursery and Landscaping, Inc., CO-0013-03, (Existing Permit)	3-1550 Kaumuali'i Hwy, Lihue, HI 96766	2/3/05 (Received)	Greenwaste Composting
(SHWB) Solid Waste Management Permit-by-Rule (New)	Reynolds Recycling Kahului - Hobron Ave., RY-0006-05	140 Hobron Ave., Kahului, HI 96732	2/23/05 (Received)	Recycling Drop-Off
(SHWB) Solid Waste Management Permit-by-Rule (New)	The Arc of Hilo, Paho Transfer Station, TR-0007-05	Puna, HI	2/23/04 (Received)	Solid Waste Transfer Station



# Environmental Announcements

MARCH 23, 2005

## Water Quality Standards Informal Advisory Group Meeting

To: Water Quality Standards Advisory Group  
Date: March 10, 2005  
From: Environmental Planning Office  
Subject: Water Quality Standards Announcement

We are pleased to announce the next Water Quality Standards (WQS) Informal Advisory Group Meeting via video conference. In order to maintain efficiency and for effective logistical planning of video conference facilities and handout materials, we ask that each of you follow the instructions, below. If you have any questions or concerns, please contact us as soon as possible so that we have time to address them before the meeting. We appreciate your support and interest in our Water Quality Standards Rule amendment process.

1) The next Water Quality Standards Informal Advisory Group Meeting is scheduled for **April 8, 2005 from 10 am to 12 noon by video conference** at the following locations, listed below. All the meeting documents are listed on our website: <http://www.hawaii.gov/health/environmental/env-planning/index.html> ( Please refresh your browser to ensure that the current page is displayed )

Honolulu, 919 Ala Moana, 5th Floor  
Hilo, 75 Aupuni Street, Room 105  
Lihue, 3040 Umi Street, Reading Room  
Wailuku, 54 High Street, 3rd Floor Conference Room B

2) In order to maximize productivity at our meeting and manage the associated costs, we have set the deadline to submit informal comments (preferably via e-mail) and/or to indicate your planned attendance at one of the meeting sites as no later than **April 1, 2005 4:30 pm** Please send your informal comments to Harold Lao ([hlao@eha.health.state.hi.us](mailto:hlao@eha.health.state.hi.us)), fax (808-586-4370), or telephone (808-586-4337).

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Please indicate in the checkboxes your commitment to attend the next Water Quality Standards Informal Advisory Meeting and/or that you will be submitting comments or proposed amendments. Please provide comments on proposed amendments on this sheet or other attachment and return them to our office via mail, fax, or e-mail at the following address, Environmental Planning Office, 919 Ala Moana Blvd. rm. 312, Honolulu, HI 96814, FAX (808) 586-4370, e-mail [hlao@eha.health.state.hi.us](mailto:hlao@eha.health.state.hi.us)., no later than **April 1, 2005 by 4:30 pm.**

I will be attending the next meeting:

Yes

DHO Location: \_\_\_\_\_

No

Comments attached:

Yes

No

Name: \_\_\_\_\_

Date: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Other Contact Information: \_\_\_\_\_

## Special Management Area (SMA) Minor Permits

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

Location (TMK)	Description (File No.)	Applicant/Agent
Honolulu: Waikiki (2-6-4-8)	Halekulani Hotel Ground Floor Renovation (2005/SMA-1)	Halekulani Corporation
Honolulu: Kapahulu (3-1-43-1)	New bus shelter in Kapiolani Park (2005/SMA-14)	C&C of Honolulu, DTS
Kauai: (4-9-4-21)	Block wall (SMA(M)-2005-15)	JVC Partners II, Ltd
Maui: Kihei (2-1-23-16)	Grading & grubbing (SM2 20050030)	Cockett, Michelle
Maui: Kahului (3-7-10-16)	Replace load rack canopy (SM2 20050031)	Tesoro Hawaii Corp.
Maui: Lahaina (4-6-33-22)	Addition & expansion condo (SM2 20050032)	Wagner, Nick

## 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 x 72878, Kaua'i: 274-3141 x 72878, Maui: 984-2400 x 72878 or Hawai'i: 974-4000 x 72878. 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.

### (1) Installation of Radiation Portal Monitors at Pier 1, Honolulu Harbor, O'ahu

**Federal Action:** Federal Agency Activity  
**Federal Agency:** U.S. Customs & Border Protection, Department of Homeland Security  
**Agent:** Dr. Mike Kennedy, Pacific Northwest National Laboratory, 509-372-4130  
**Location:** Pier 1, Honolulu Harbor  
**TMK:** 2-1-15  
**CZM Contact:** John Nakagawa, 587-2878  
**Proposed Action:**

Install two radiation portal monitors (RPMs) at Pier 1, Honolulu Harbor, to screen cars, containers, trucks, mail bags and express consignment packages for unauthorized illicit import of nuclear and radiological materials or devices. The RPMs are passive detection devices that do not emit any radiation or energy and are designed to detect radiation emissions. Each portal is approximately 17 feet high and 15.5 feet wide. A pre-fabricated

attendant's booth will also be installed adjacent to the portals. The RPMs will be located on Forrest Ave. to screen vehicles and containers leaving Pier 1.

**Comments Due:** April 6, 2005

### (2) Hawai'i Kai Marina Maintenance Dredging, O'ahu

**Applicant:** Hawai'i Kai Marina Community Association  
**Agent:** Warren Bucher, Oceanit Coastal Corporation  
**Federal Action:** Department of the Army Permit  
**Federal Agency:** U.S. Army Corps of Engineers  
**Location:** Hawai'i Kai Marina and entrance channel  
**TMK:** 3-9-8: 35  
**CZM Contact:** John Nakagawa, 587-2878  
**Proposed Action:**

Perform periodic maintenance dredging, over a ten-year period, of the Hawai'i Kai Marina and the entrance channel between the marina and Maunalua Bay to maintain navigable depths. The

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dredging would remove sediments that have collected in the marina due to runoff and drainage into the marina. Mud, silt and gravel dredged from the marina will be deposited in Rim Islands 1 and 2. Dredging of the entrance channel will remove sand and sediment that migrates from Maunalua Bay and Portlock Beach. Any clean sand dredged will be used for beach replenishment on Portlock Beach. The proposal also includes extending the existing sand retention groin, constructed of sand-filled geotextile bags; an additional 50 feet to more effectively prevent sand transport into the channel.

**Comments Due:** April 6, 2005

## (3) Hale'iwa Boat Harbor Improvements

**Applicant:** State Department of Land & Natural Resources (DLNR)

**Agent:** W.Y. Thompson, PE, (808) 488-0388

**Federal Action:** Department of the Army Permit

**Federal Agency:** U.S. Army Corps of Engineers

**Location:** Hale'iwa Boat Harbor, Waialua District, O'ahu

**TMK:** 6-2-3:11

**CZM Contact:** Debra Tom, 587-2840

**Proposed Action:**

Proposed repairs and improvements to the existing Hale'iwa Boat Harbor consist of a new dock system. The new dock, approximately 40 feet wide by 180 feet long, will provide

22 additional boat slips. The supports of the dock and walkway will consist of 17 piles set into the harbor bottom. No excavation or discharge of dredged or fill material is to be conducted.

**Comments Due:** April 6, 2005

## (4) Hanalei Irrigation System Improvement Project

**Federal Action:** Federal Agency Activity

**Federal Agency:** US Fish and Wildlife Service

**Contact:** Brenda Zaun, (808) 828-1413

**Location:** Kuna Ditch on Hanalei National Wildlife Refuge

**CZM Contact:** Debra Tom, 587-2840

**Proposed Action:**

Proposed improvements will improve the reliability and reduce maintenance requirements for the Kuna Ditch on Hanalei National Wildlife Refuge. The improvements will consist of installing 4000 feet of 24 inch plastic pipeline buried within an existing roadway on the eastern edge of the Refuge. The project will be undertaken in the dry summer months to facilitate the construction process and the total disturbed area will be less than one acre. Best management practices will be utilized to reduce the likelihood of any erosion and sediment carrying runoff caused by heavy rains. Total construction time is estimated to be less than 30 days.

**Comments Due:** April 6, 2005

# Conservation District Notices

## Conservation District Use

Persons interested in commenting on the following Conservation District Use Application (Board Permit) must submit comments to the Department of Land and Natural Resources. Also, anyone interested in receiving notification of determinations on Conservation District Use Applications (Board Permits) must submit requests to DLNR that include the following information: (1) name and address of the requestor; (2) the 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 determination 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. While 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 Kimberly "Tiger" Mills of our Office of Conservation and Coastal Lands staff at 587-0382.

**File No.:** CDUA OA-3223

**Name of Applicant:** Robert Stehlik

**Location:** Tantalus, Oahu

**TMK:** (1)2-5-016:014

**Proposed Action:** Addition of Another Level to an Existing Single Family Residence

**343, HRS determination:** Exempt

**Applicant's Contact:** Robert Stehlik



# Pollution Control Permit Applications

MARCH 23, 2005

## Department of Health Permits

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Branch & Permit Type	Applicant & Permit No.	Project Location	Pertinent Dates	Proposed Use
SDWB, 586-4258, UIC Permit	Kaneshiro & Sons Enterprises, Ltd. UH-2323	Kaneshiro & Sons, 1990 Kino'ole Street, Hilo, HI	N/A	Abandonment of 3 unregistered injection-well cesspools.
SDWB, 586-4258, UIC Permit	Waikoloa Development Co. UH-2326	Waikoloa Beach Resort, A-Bay Beach Restroom Cesspool; Ku'uallii Place, Waikoloa, HI	N/A	Abandonment of 1 unregistered injection-well cesspool.
SDWB, 586-4258, UIC Permit	JCMM, Inc. UH-2325	Makena Chevron Gasoline Station (formerly Larry's Waiakea Chevron), 2188 Kino'ole St., Hilo, HI	N/A	Abandonment of 1 unregistered injection-well cesspool.
SDWB, 586-4258, UIC Permit	Hawaiian Commercial & Sugar Company UM-2187	Pu'unene Camp HC&S Field 713, 1 Hansen Road, Pu'unene, HI	N/A	Abandonment of 4 registered injection-well cesspools.
SDWB, 586-4258, UIC Permit	Hawaiian Commercial & Sugar Company UM-2188	McGerrow Camp, HC&S Field 714, 1 Hansen Road, Pu'unene, HI	N/A	Abandonment of 4 registered injection-well cesspools.
SDWB, 586-4258, UIC Permit	Leeward O'ahu School District, DOE, State of Hawai'i UO-2321	Nanakuli High & Intermediate School, 89-930 Nanakuli Ave., Wai'anae, HI	N/A	Abandonment of 11 injection-well large capacity cesspools & authorization to operate.
SDWB, 586-4258, UIC Permit	Division of Boating & Ocean Recreation, DLNR, State of Hawai'i UO-2322	Ke'ehi Small Boat Harbor, 4 Sand Island Access Rd., Hon., HI	N/A	Abandonment of 2 injection-well large capacity cesspools & authorization to operate.
SDWB, 586-4258, UIC Permit	Del Monte Fresh Produce (Hawai'i) Inc. UO-2324	Del Monte Fresh Produce Company, 92-1770 Kunia Road, O'ahu, HI	N/A	Abandonment of 5 injection-well large capacity cesspools & authorization to operate.
SDWB, 586-4258, UIC Permit	Sunset Beach Christian Church & School UO-2327	Sunset Beach Christian Church & School, 59-578 Kamehameha Highway, Hale'iwa, HI	N/A	Abandonment of 1 unregistered injection-well cesspool.



# Environmental Tip

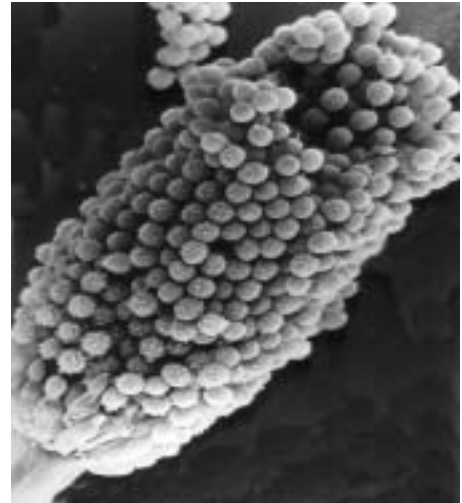
MARCH 23, 2005

## Mold and Mildew Resources

The ubiquitous presence of mold spores becomes a health risk in certain indoor situations. The photograph (below, right) depicts the fruiting head of the fungus *Aspergillus fumigatus* replete with spores ready to be released. *Aspergillus*, as well as other filamentous fungi can cause illness in humans and animals, such as allergic reactions, chronic pulmonary bronchitis, sinusitis, or through an invasive infection. The following resources will help renters, owners, planners, epidemiologists, clinicians and others to minimize, rectify or reduce human health impacts related mold exposure in the home, schools, and commercial buildings.

**BRIEF GUIDE TO MOLD, MOISTURE AND YOUR HOME**, EPA 402-K-02-003, November 2004. This Adobe Acrobat PDF file document (available online at <http://www.epa.gov/mold/images/moldguide.pdf>) provides information and guidance for homeowners and renters on how to clean up residential mold problems and how to prevent mold growth. Molds can gradually destroy the things they grow on. You can prevent damage to your home and furnishings, save money, and avoid potential health problems by controlling moisture and eliminating mold growth

**MOLD REMEDIATION IN SCHOOLS AND COMMERCIAL BUILDINGS**, EPA 402-K-01-001, March 2001. This Adobe Acrobat PDF file document, (available online at <http://www.epa.gov/mold/images/moldremediation.pdf>) presents guidelines for the remediation/cleanup of mold and moisture problems in schools and commercial buildings; these guidelines include measures designed to protect the health of building occupants and remediators. It has been designed primarily for building managers, custodians, and others who are responsible for commercial building and school maintenance. It should serve as a reference for potential mold and moisture remediators. Using this document, individuals with little or no experience with mold remediation should be able to make a reasonable judgment as to whether the situation can be handled in-house. It will help those in charge of maintenance to evaluate an in-house remediation plan or a remediation plan submitted by an outside contractor. Contractors and other professionals who respond to mold and moisture situations in commercial buildings and schools may also want to refer to these guidelines.



**GUIDANCE FOR CLINICIANS ON THE RECOGNITION AND MANAGEMENT OF HEALTH EFFECTS RELATED TO MOLD EXPOSURE AND MOISTURE INDOORS**. A new mold resource, entitled: *Guidance for Clinicians on the Recognition and Management of Health Effects Related to Mold Exposure and Moisture Indoors*, published by the Center for Indoor Environments and Health at University of Connecticut Health Center with support from a grant by the U.S. Environmental Protection Agency is available for free from <http://oehc.uchc.edu/clinsr/indoor.htm>.



## April 2005 Closure Deadline Nears for Large Capacity Cesspools in Hawai'i

The U.S. Environmental Protection Agency and the Hawai'i Department of Health are reminding facility owners and the public that all existing large capacity cesspools need to be closed by April 5. A large capacity cesspool is one that discharges untreated sewage from a multiple dwelling; or a non-residential location that serves 20 or more people on any day. The EPA regulations do not apply to single-family homes connected to their own individual cesspools. Cesspools allow the direct discharge of raw sewage into the ground and pose environmental and public health risks. Cesspools are used more widely in Hawaii than in any other state. There are an estimated 2,000 large capacity cesspools statewide, many of which are owned by the counties, the state, and the federal government. However, there are many others serving restaurants, hotels, office complexes, and multiple homes, apartments and condominiums. Failure to close or upgrade a large capacity cesspool by April 5 could result in fines of up to \$32,500 per day per large capacity cesspool. The EPA has discretion on its enforcement actions and may take into consideration actions and progress toward meeting the deadline. Some alternatives to using a large capacity cesspool include hooking up to available sewer systems or using a large capacity septic system or a wastewater package plant to treat the sewage before disposal into the ground. All alternative wastewater systems must be approved by the Hawaii Department of Health.

## Extension of Deadline for Western Pacific Demonstration Grants Applications

The National Marine Fisheries Service (NMFS) has extended the application deadline for the Western Pacific Demonstration Projects initiative. The original solicitation was published in the Federal Register on February 1, 2005. NOAA extends the application deadline for this initiative from March 15, 2005, to April 4, 2005, to provide the public more time to submit proposals. All other requirements for this solicitation remain the same. Application packages must be received by 5 p.m. Hawaii standard time on April 4, 2005. The address for submitting proposals electronically is: <http://www.grants.gov/>. (Electronic submission is strongly encouraged). Paper submissions should be sent to the following address: Western Pacific Demonstration Projects Coordinator, National Marine Fisheries Service, Pacific Islands Regional Office, 1601 Kapiolani Blvd, Honolulu, HI 96814 ATTN: WPDP Federal Program Officer. Contact Scott W.S. Bloom, telephone at 808-973-2935, extension 218, or by telephone facsimile at (808) 973-2941, or by electronic mail at [scott.bloom@noaa.gov](mailto:scott.bloom@noaa.gov) (see, 70 F.R. 12203, March 11, 2005).

## Listing (Final) of Species to Which the Migratory Bird Treaty Act Does Not Apply

The U.S. Fish and Wildlife Service has published the final list of the 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. This action is required by the Migratory Bird Treaty Reform Act (MBTRA) of 2004. The MBTRA amends the MBTA by stating that it applies only to migratory bird species that are native to the United States or its territories, and that a native migratory bird is one that is present as a result of natural biological or ecological processes. This notice identifies those species that are not protected by the MBTA, even though they belong to biological families referred to in treaties that the MBTA implements, as their presence in the United States and its territories is solely the result of intentional or unintentional human-assisted introductions. The complete file for this notice is available for inspection, by appointment (contact John L. Trapp, (703) 358-1714), during normal business hours at U.S. Fish and Wildlife Service, 4501 North Fairfax Drive, Room 4107, Arlington, Virginia (see, 70 F.R. 12710, March 15, 2005).

