

The Environmental Notice

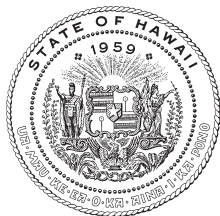
A SEMI-MONTHLY BULLETIN (UNDER SECTION 343-3, HRS) OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL

SEPTEMBER 8, 2005

Ewa Beach Seawalls

Two adjacent property owners in Ewa Beach have applied for shoreline setback variances (SSVs) from the Dept. of Planning & Permitting. A CRM seawall at the Thompson parcel, 91-037 Parish Drive, was constructed in 1984. It is 65 feet long by 5 feet high, with a 10-foot opening used as a boat launch. The Higa parcel at 91-

049 Parish Drive, has a 75 feet long seawall that was constructed in 1982. Both seawalls were constructed without permits and are now in the 40-foot shoreline setback. Both property owners are applying for shoreline setback variances to allow retention of their seawalls. See pages 4 & 5 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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Hawaii: 974-4000 ext. 64185

Big Island Pu'u Nene Mars-like Ash Excavation for Study and Experiment by NASA Scientists and Engineers

The project site is at Pu'u Nene adjacent to the Saddle Road, in the Humu'ula Saddle between Mauna Kea and Mauna Loa. The hill has a long history of quarrying. The project will involve temporary removal of no more than 3,520 square yards of surface soil overburden about one foot thick, and excavation of the underlying unique ash to a depth of two to three feet below the original ground surface. The material will be hand-excavated, dried, and then passed through a series of dry stainless steel sieves from 1 cm to 1 mm in mesh size on vibrating tables - no water will be used. The final desired product will consist of up to 125 tons of this refined and purified ash, which will be shipped to Wisconsin for use in scientific experiments and educational programs.

The excavated area will then be backfilled with the removed topsoil along with the fraction of the coarser-grained ash material that is screened out. The surface will then be allowed to re-vegetate naturally with the plants presently found at the site. Although small loaders and pick-up trucks will be used on the existing road below the cinder cone, no heavy equipment will be used on the slopes of Pu'u Nene, and all excavation work will be done by hand. The work area where the material will be dried, sieved, and prepared for transport has been severely disturbed by previous quarrying activities. The project will employ up to a dozen laborers and student interns, under the supervision of a geologic technician. See page 13 For more information.

New Haleakala Telescope

The National Science Foundation has submitted an environmental impact statement preparation notice (EISP) in its application to the UH Institute for Astronomy (IfA) to install an Advanced Technology Solar Telescope (ATST) at Haleakala Observatories on Maui. The

ATST would be the largest solar telescope in the world and represents a collaborative effort of 22 institutions. Those wishing to become consulted parties in the EIS review process must write to the IfA with this request by October 8th, 2005. See page 12 for more information.

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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 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. It 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

SEPTEMBER 8, 2005

Higa (91-049 Parish Dr.) After-the-Fact Seawall, 'Ewa Beach (HRS 343 DEA)

District: 'Ewa Beach
TMK: (1)9-1-7:72
Applicant: James Higa
91-049 Parish Dr, 'Ewa Beach, HI 96706
Contact: James Higa (689-6813)

Approving Agency: Dept. of Planning & Permitting
650 S King St., 7th Flr., Honolulu, HI 96813
Contact: Dana Teramoto (523-4648)

Consultant: Land Planning Consultants, LLC
3123 East Manoa Rd., Honolulu, HI 96822
Contact: Mary O'Leary (223-7868)

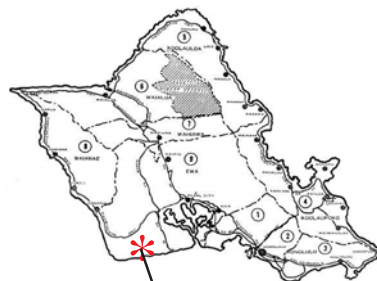
Public Comment

Deadline: October 8, 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: Shoreline Setback Variance, Building Permit

The applicant, James Higa, proposes to retain an after-the-fact concrete rubble masonry seawall built in 1982. The 75-foot long, 5.83-foot high seawall is located approximately 19.5 feet mauka of the seaward property boundary. It has three tiers that form a stepped face.

The applicant's previous shoreline setback variance application (File No. 95/SV-10) to retain the seawall was denied on September 25, 1986.



Project Site



SEPTEMBER 8, 2005

Thompson (91-037 Parish Dr.) After-the-Fact Seawall, 'Ewa Beach (HRS 343 DEA)

District: Ewa Beach
TMK: (1)9-1-7:14
Applicant: Sandra Parish Thompson
 98-1405 Parish Dr., Ewa Beach, HI 96706
 Contact: Mary O'Leary (223-7868)

Approving Agency: C & C, Dept. of Planning & Permitting
 650 S King St., 7th Flr., Honolulu, HI 96813
 Contact: Steve Tagawa (523-4817)

Consultant: Land Planning Consultants, LLC
 3123 East Manoa Rd., Honolulu, HI 96822
 Contact: Mary O'Leary (223-7868)

Public Comment
Deadline: October 8, 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.

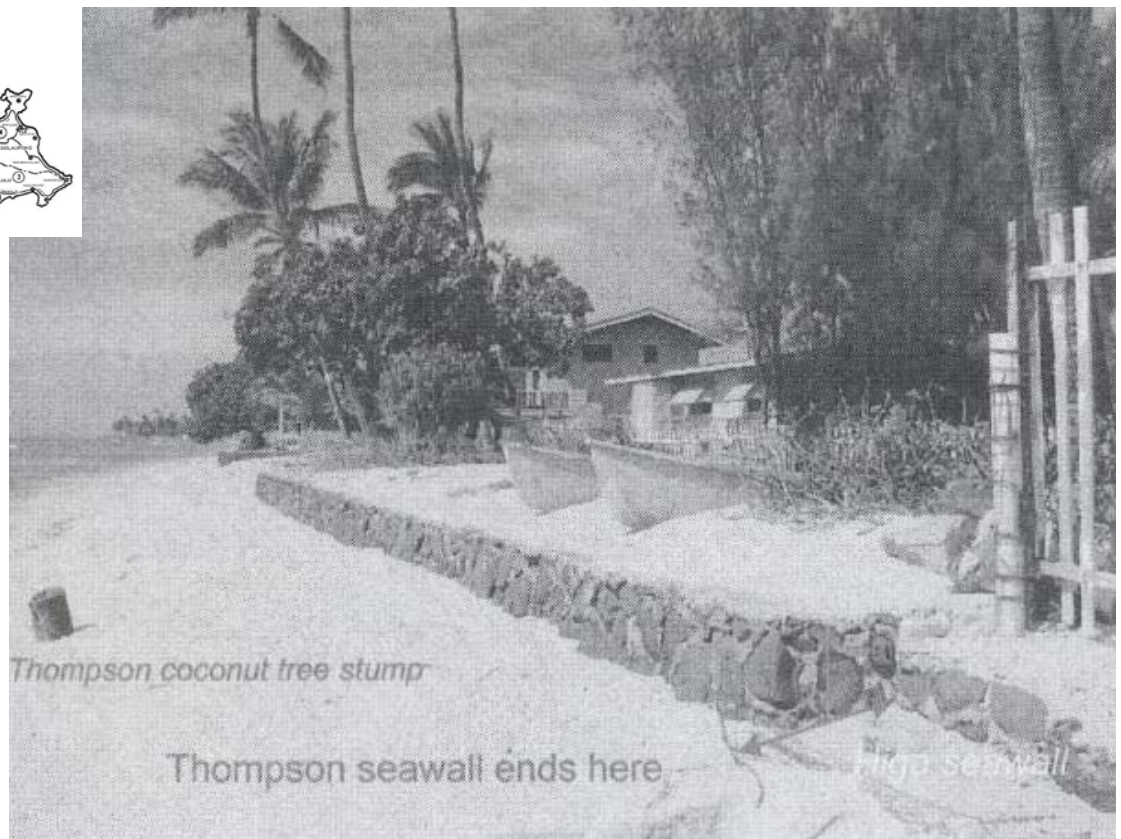
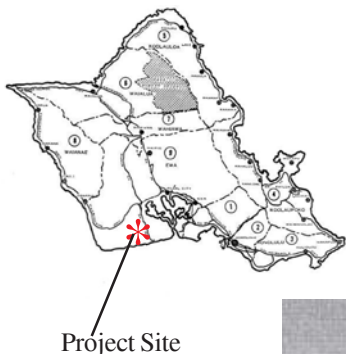
Permits Required: Shoreline Setback Variance, Building

The applicant seeks a shoreline setback variance (SV) to retain an unauthorized (illegal) concrete rubble masonry (CRM) seawall at 91-037 Parish Drive in 'Ewa Beach, O'ahu. The vertical seawall, built in 1984, is 65 feet long and forms the seaward (makai) boundary of the 75-foot wide flag lot. The seawall fronts a dry sand beach and features a 10-foot open area (without a seawall) with a 10-foot long wall return near the west boundary for boat launching. The CRM seawall is approximately 2 feet wide, with a 4.8 feet wide footing. The grouted CRM seawall retains backfill on this level residential lot that is vacant (no dwelling or other structures).

This seawall abuts another unauthorized CRM seawall to the east (TMK 9-1-7: 72) for which an after-the-fact approval of an SV is also being sought.

On the June 12, 1997, the Department (fka Department of Land Utilization) denied the applicant's previous SV application to retain the same CRM seawall (File No. 96/SV-008).

The retention of the existing CRM seawall is prohibited unless a Shoreline Setback Variance is obtained, pursuant to Chapter 23, Revised Ordinances of Honolulu.



SEPTEMBER 8, 2005

Sand Island Wastewater Treatment Plant Elevator Installation (HRS 343 DEA)

District: Kalihi
TMK: (1) 5-041:005
Proposing Agency: C & C, Dept. of Design & Construction
650 S King St., Honolulu, HI 96813
Contact: Jann Dacanay (527-5152)

Determination Agency: Same as above.
Consultant: R.M. Towill Corporation
420 Wai'akamilo Rd., Ste. 411, Honolulu, HI 96817
Contact: Brian Takeda (842-1133)

Public Comment Deadline: October 8, 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, Building & Elevator Installation Permits

The City and County of Honolulu, Department of Design and Construction (DDC), Wastewater Division, proposes to construct a passenger elevator for the Control and Administration Building located at the Sand Island Wastewater Treatment Plant SIWWTP.

The proposed improvement project will involve construction of an elevator facility abutting the northern portion of the existing two-story building.

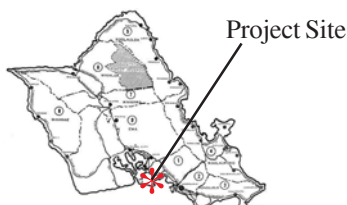
The Control and Administration Building was constructed in 1975 with a building footprint of approximately 8,085 square feet (s.f.). The first floor of the building has approxi-

mately 5,800 s.f. of floor space and provides administrative functions for the SIWWTP. The majority of the first floor space is devoted to office space. The second floor contains approximately 7,500 s.f. of floor space and houses the control functions of the wastewater treatment plant. The second floor contains the control room, computer laboratory spaces, a training room, a lunch room and ancillary spaces necessary for daily operations.

The purpose for installation of the elevator is to provide public and employee access to a governmental facility to all persons regardless of physical disabilities in compliance with the Americans with Disabilities Act (ADA). When complete this project will facilitate the movement of people and equipment to and from the second floor in accordance with the ADA Accessibility Guidelines for Buildings and Facilities.

The City and County of Honolulu proposes to commence construction of the elevator in March 2006 with construction lasting approximately 6 months. The proposed elevator construction will cost approximately \$800,000 project and will be funded by the City & County of Honolulu. The elevator construction is part of the Primary Expansion project.

Negative impacts will be limited to construction-generated noise during construction.



SEPTEMBER 8, 2005

Kawai Nui Model Airplane Park Comfort Station (HRS 343 DEA)

District: Honolulu
TMK: (1)4-2-16:6
Proposing Agency: C & C, Dept. of Design & Construction
 650 S King St., 9th Flr., Honolulu, HI 96813
 Contact: Mike Sakamoto (527-6323)

Determination Agency: Same as above.
Consultant: Helber, Hastert & Fee, Planners
 Pacific Guardian Center, Makai Tower,
 733 Bishop St., Ste. 2590, Honolulu, HI 96813
 Contact: Charles Willson (545-2055)

Public Comment Deadline: October 8, 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.

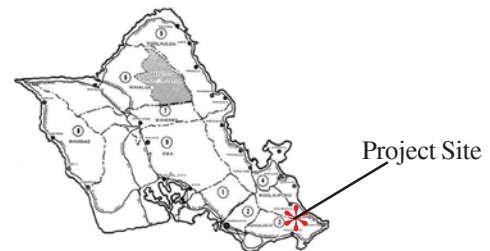
Permits Required: CDUA, SMA, Building & Wastewater Approval,

The City and County of Honolulu, Department of Design and Construction, on behalf of the City and County of Honolulu, Department of Parks and Recreation, proposes to replace an existing portable chemical toilet with a basic comfort station facility at the existing Kawai Nui Model Airplane Park. The purpose and need for this project is to provide flush toilets, running water, wash basins, and a drinking fountain in an ADA-accessible facility, while minimizing environmental and community impacts, costs, and maintenance. A prefabricated, pre-plumbed, low-maintenance,

vandal resistant comfort station constructed of pre-cast reinforced 5,000 psi concrete was selected for the site. Natural lighting will be used for daylight-only operations. Municipal water will be supplied to the site. A redundant wastewater system with dual septic tanks and dual 30' by 20' leachfields will provide ecologically sound waste treatment.

This is a public health, comfort, and handicap access improvement which supports an existing use of some 30 years duration. In addition to the existing park users, this action would also support any members of the community requiring a public restroom in the Kawai Nui Marsh area, including volunteers working to clear the marsh of invasive species.

Impacts to the Physical Environment are generally negligible. The following sections have no anticipated negative impacts: Geology, Climate, Topography, Soil, Flora, Avifauna, Water Resources, Aquatic Species, Archeological and Cultural Resources, Aesthetic and Visual Environment, and Land Use Controls. There are no anticipated cumulative impacts and only minor short-term construction impacts, including exposure of a minimal amount (0.12 acre) of bare earth, ground preparation, and placement of the structure. No impacts to the wetlands ecology of Kawai Nui Marsh is expected or likely.



Maui Notices

SEPTEMBER 8, 2005

Berliner Residence at Alalele Place (HRS 343 DEA)

District: Hana
TMK: (2) 1--009:002
Applicant: Michael & Heather Berliner
202 Wahi'oli Pl., Lahaina, HI 96761
Contact: Gerald Park (596-7484)

Approving Agency: DLNR- Office of Conservation & Coastal Lands
P.O. Box 621, Honolulu, HI 96809
Contact: Chris Pramoulmetar (587-0377)

Consultant: Gerald Park Urban Planner
1221 Kapiolani Blvd, Ste. 211 Honolulu, HI 96814
Contact: Gerald Park (596-7484)

Public Comment
Deadline: October 8, 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.

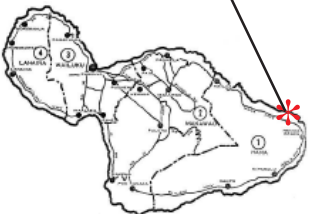
Permits Required: Conservation District Use Permit, Individual Wastewater Disposal System, State Highway Right-of-Way, Driveway Connection, SMA, Building Permit

Michael and Heather Berliner, fee owners of real property situate in the District of Hana, County of Maui, propose to construct a single-family residence on property located in the State Conservation District. The dwelling will be located in the low-land area of the *ahupua'a* of Ka'ealeku, District of Hana, Island and County of Maui, State of Hawai'i.

The subject property (or Berliner property) is located makai (or north) of the Hana Highway and to the east of and adjoining Alalele Place, a State road leading to the Hana Airport. The triangular-shaped lot bears TMK: 1-3-009: 002 encompassing an area of 2.93 acres.

The 3 bedroom-2 bath dwelling will be sited upon land that was previously landscaped. The 2,244 square foot dwelling will be erected on a post and pier foundation with a 4-foot high crawlspace. Additional improvements include a two-car carport, a water catchment system, septic tank and leach field, and a grass driveway. Power and communication service will be extended to the dwelling on overhead lines from Alalele Place.

Project Site



Wai'ohuli Homestead Community (HRS 343 FEA-FONSI)

District: Kula
TMK: (2) 2-2-002:014 (por.) & 005 (por.)
Proposing Agency: State Dept. of Hawaiian Home Lands
P.O. Box 1879, Honolulu, HI 96805
Contact: Darrell Ing (587-6451)

Determination Agency: Same as above.
Consultant: PBR Hawai'i, ASB Tower
1001 Bishop St., Ste. 650, Honolulu, HI 96813
Contact: Lacey Kazama (521-5631)

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

Permits Required: Dept. of Army, NPDES, Building/Grading

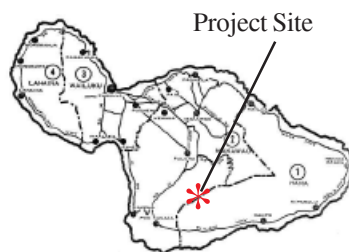
The DHHL has 6,969 applications for Hawaiian home lands on Maui, as of February 2005. Of these applications, 3,202 are for residential land. The proposed development will provide 337 single-family residential lots for native Hawaiians in a highly desired area.

The property currently has no significant infrastructure facilities. On-site improvements include water storage, transmission, and distribution facilities; individual septic tanks; internal roadways; drainage facilities; and electrical and communication systems. Off-site improvements needed to accommodate the proposed Wai'ohuli Homestead Community include the construction of a parallel 12-inch diameter water line within the Kula Residential Lots and communications systems.

Short-term impacts to air quality and noise levels may result from construction of the residential lots; however, all work will comply with Federal, State, and County requirements. Construction will also result in economic benefits through employment opportunities. In addition, the proposed development will help to meet the high demand for homes in Maui and will provide home ownership opportunities for native Hawaiians, especially with escalating housing prices.

The State of Hawai'i Department of Hawaiian Home Lands (DHHL) proposes to develop 337 single-family residential lots on an approximately 523-acre site in Wai'ohuli, Kula, Maui. The property is part of the DHHL Keoke'a/Wai'ohuli tract, which includes 6,112 acres west of and adjacent to Kula Highway. The property includes land used for cattle grazing under a short-term lease and is approximately nine miles south of Pukalani and approximately five miles east of Kihei.

The proposed Wai'ohuli Homestead Community will be developed on approximately 196 acres. The remaining lands on the 523-acre property will be used for archaeological/cultural preserves (100 acres), ranching/grazing (100 acres), and open space (125 acres). The property is located between the Kula Residential Lots (321 existing lots and 99 planned in-fill lots) and the Keoke'a Agricultural Lots (69 planned lots).



Maui Notices

SEPTEMBER 8, 2005

Kihei Recycling and Redemption Center at Pi'ilani Villages (HRS 343 FEA-FONSI)

District: Kihei
TMK: (2) 2-02:042
Proposing Agency: Dept. of Public Works & Environmental Management
200 S High St., Wailuku, HI 96793
Contact: Milton Arakawa (270-7845)
Determination Agency: Same as above.
Consultant: Warren S. Unemori Engineering, Inc.
2145 Wells St., Ste. 403, Wailuku, HI 96793
Contact: Alan L. Unemori (242-4403)
Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).
Permits Required: SMA, Building, Grading NPDES, R1 Recycled Water Use, Noise

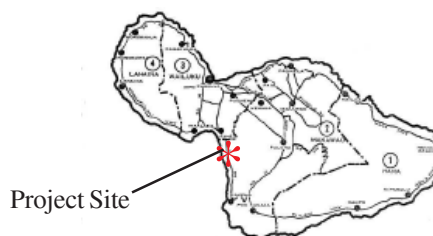
to replace the existing Recycling Center approximately 1700 ft south of the proposed project site.

The project involves land owned by the County of Maui, and participating funds from the County of Maui.

The existing Recycling Center is being displaced by the development of the Hale Maha'olu Senior Center (which will occupy that same location) when construction begins as scheduled for August, 2005. In the interim, the Proposed Action has been selected as the most feasible alternative.

Based on the EA and supporting analyses, the DPWEM is satisfied that potential improvement and long-term impacts have been identified and addressed.

The County of Maui, Department of Public Works and Environmental Management (DPWEM), proposes to construct a new Kihei Recycling and Redemption Center at Pi'ilani Villages



Waikapu Tank Site Well Development (HRS 343 FEA-FONSI)

District: Wailuku
TMK: (2) 3-5-04:099 & 022
Proposing Agency: Maui County, Dept. of Water Supply
 200 South High St., Wailuku, HI 96793
 Contact: George Tengan (270-7816)

Determination Agency: Same as above.
Consultant: C. Takumi Engineering, Inc.
 18 Central Ave., Wailuku, HI 96793
 Contact: Carl Takumi (249-0411)

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

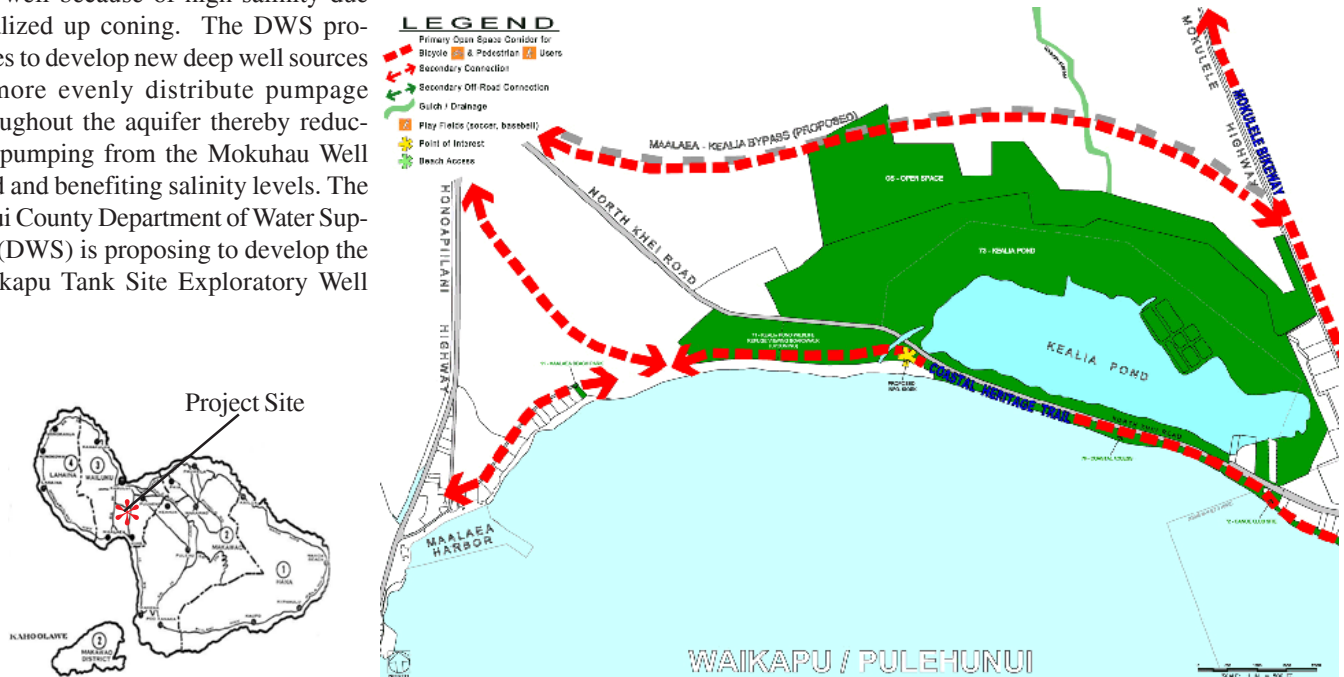
Permits Required: Pump Installation Permit, Grading & Building Permit, Subdivision Approval

(#5131-01) located in Waikapu, Wailuku, Maui, Hawaii (TMK (2) 3-5-04: 099 and portion of 3-5-04: 022) approximately 2.5 miles south of the Mokuahau Wells. An environmental assessment was completed in September 1996 for the *Drilling and Testing of the Waikapu Tank Site Exploratory Well*. The well was test pumped at 1,423 gpm and a water quality sample taken during the continuous pump test. Based upon the drilling and testing results, the Department of Water Supply proposes to install a 1,400 gpm pump to provide potable water to their Wailuku District Water System.

Besides the Waikapu Tank Site Exploratory Well, the Waikapu 300,000 gallon concrete water tank is located on the site. Additional lands will be needed to accommodate the additional improvements consisting of electrical/disinfection facilities, security measures and electrical power. Approximately 6,000 square feet will be needed from TMK: 3-5-04: 022 along the east side of the existing tank site as shown in the Boundary Site Layout plan.

The work will consist of installation a deep well vertical pump and motor capable of pumping 1,400 gpm, piping, electrical, SCADA, disinfection facilities, and related work needed to connect the well to the tank. The electrical and disinfection equipment will be located within a new CMU building. Power from Maui Electric Company, the local utility, will have to be brought to the site via Waiko Road as part of the project.

The Iao Aquifer System (60102) is the primary source of domestic water supply for the Department of Water Supply's (DWS) Wailuku District Water System. The sustainable yield of the aquifer is 20 million gallons per day (mgd). There are five locations from which ground water is pumped - Kepaniwai Well, Mokuahau Well, Waihe'e Well Field, Wai'ehu Heights Well Field and Wailuku Shaft 33. Other sources contributing to the system are the Iao Tunnel and Waikapu Ditch at the Iao Water Treatment Facility. There are three wells at the Mokuahau Well Field and salinity has been increasing. The DWS has stopped pumping one well because of high salinity due localized up coning. The DWS proposes to develop new deep well sources to more evenly distribute pumpage throughout the aquifer thereby reducing pumping from the Mokuahau Well field and benefiting salinity levels. The Maui County Department of Water Supply (DWS) is proposing to develop the Waikapu Tank Site Exploratory Well



Maui Notices

SEPTEMBER 8, 2005

Advanced Technology Solar Telescope (ATST) at Haleakala (HRS 343 FEA-EISPN)

District: Makawao
TMK: (2) 2-2-07:008
Applicant: National Science Foundation, Division of Astronomical Sciences, c/o Mr. Jeremy Wagner, National Solar Observatory
P.O. Box 26732, Tucson, AZ 85726-6732
Contact: Jeremy Wagner (520-318-8249)

Accepting Authority: UH, Institute for Astronomy
2680 Woodlawn Dr., Honolulu, HI 96822
Contact: Mike Maberry (876-7600)

Consultant: KC Environmental, Inc.
P.O. Box 1208, Makawao, HI 96768
Contact: Dr. Charlie Fein (573-1903)

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 to the applicant with copies to the approving agency, consultant and OEQC.

Public Comment

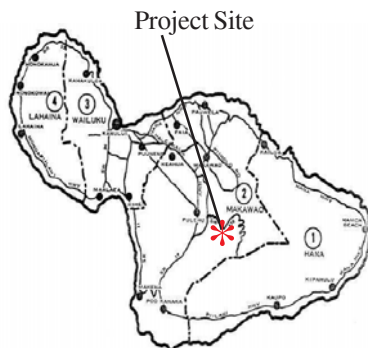
Deadline: October 8, 2005

Permits

Required: Conservation District Use Permit, NPDES, Wastewater, Oversized & Overweight Vehicles Permits, CZM Permit

The proposed project is an applicant action by the National Science Foundation for the development of the Advanced Technology Solar Telescope (ATST) within the 18,166-acre University of Hawai'i Institute for Astronomy (IfA), Haleakala High Altitude Observatories (HO) site, on the Island of Maui, Hawai'i. An extensive campaign of worldwide site testing has identified Haleakala Observatory as the optimal location for this next-generation solar observing facility. The telescope enclosure and a support facility would be placed at one of two identified sites within the existing observatory boundaries. With its unprecedented 4.2-m (165-inch) aperture, advanced optical technology, and state-of-the-art instrumentation, the proposed ATST will be an indispensable tool for exploring and understanding physical processes on the sun that ultimately affect Earth.

The proposed ATST use of State Conservation District lands triggers an environmental impact review pursuant to Chapter 343, Hawai'i Revised Statutes (HRS). An Environmental Impact Statement (EIS) will be prepared for the uses proposed for the ATST project, will address project alternatives and any potential environmental impacts of on-site construction, installation, and operation of this proposed new solar telescope. The Draft EIS will also contain analyses of potential impacts and associated mitigation measures to ensure potential adverse impacts are minimized or mitigated.



Hand Quarrying of Volcanic Ash at Puu Nene (HRS 343 DEA)

District: North Hilo
TMK: (3) 3-8-01:01 (por.)
Applicant: Geohazards Consultants International, Inc.
 P.O. Box 479, Volcano, HI 96785
 Contact: Dr. John Lockwood (967-8579)

Approving Agency: DLNR-OCCL
 P.O. Box 621, Honolulu, HI 96801
 Contact: Kimberly Mills (527-0382)

Consultant: Geometrician Associates
 HC 2 Box 9575, Keaau, HI 96749
 Contact: Ron Terry (982-5831)

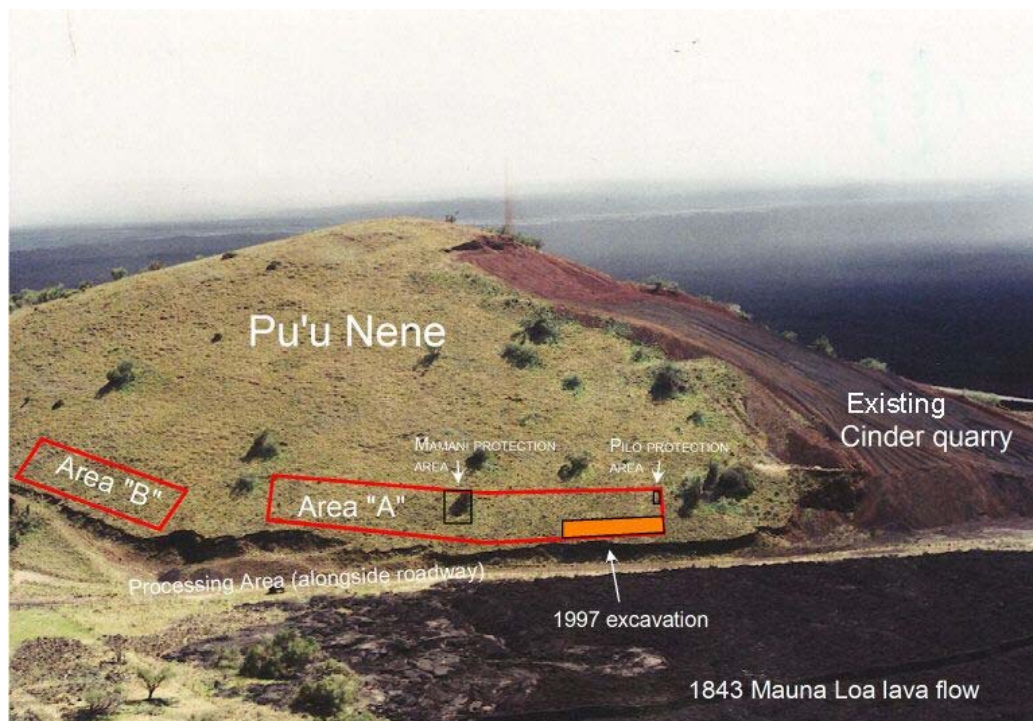
Public Comment
Deadline: October 8, 2005
Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

Permits Required: Conservation District Use Permit

The project site is at Pu'u Nene adjacent to the Saddle Road, in the Humu'ula Saddle between Mauna Kea and Mauna Loa. The hill has a long history of quarrying. The project will involve temporary removal of no more than 3,520 square yards of surface soil overburden about one foot thick, and excavation of the underlying unique ash to a depth of two to three feet below the original ground surface. The material will be hand-excavated, dried, and then passed through a series of dry stainless steel sieves from 1 cm to 1 mm in mesh size on vibrating tables - no water will be used. The final de-

sired product will consist of up to 125 tons of this refined and purified ash, which will be shipped to Wisconsin for use in scientific experiments and educational programs. The excavated area will then be backfilled with the removed topsoil along with the fraction of the coarser-grained ash material that is screened out. The surface will then be allowed to re-vegetate naturally with the plants presently found at the site. Although small loaders and pick-up trucks will be used on the existing road below the cinder cone, no heavy equipment will be used on the slopes of Pu'u Nene, and all excavation work will be done by hand. The work area where the material will be dried, sieved, and prepared for transport has been severely disturbed by previous quarrying activities. The project will employ up to a dozen laborers and student interns, under the supervision of a geologic technician.

Pu'u Nene is dominated by alien vegetation, has no archaeological or cultural sites, and has already been extensively disturbed by nearby quarrying. No water sources or wetlands exist in the project area and there will be no impacts to flood areas or drainage. Traffic impacts will be negligible, due to the small scale of the project and the light volume of traffic on nearby Saddle Road. The site is barely visible from any public viewpoint and impacts to scenery will be negligible during hand quarrying; after re-vegetation the project site will appear almost identical to before.



SEPTEMBER 8, 2005

Palani Road Safety Improvements (HRS 343 FEA-FONSI)

District: North Kona
TMK: (3) 7-4-008-065
Proposing Agency: County of Hawai'i, Dept. of Public Works
101 Pauahi St., Ste. 7, Hilo, HI 96720
Contact: Bob Yanabu (961-8586)

Determination Agency: Same as above.
Consultant: Kimura International, Inc.
1600 Kapiolani Blvd., Ste. 1610, Honolulu, HI 96814
Contact: Ms. Leslie Kurisaki (944-8848)

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

Permits Required: HRS Section 6E Historic Preservation Review/ Section 106 National Historic Preservation Act (completed), NPDES, other County construction-related permits

U.S. Department of Transportation, Federal Highway Administration (FHWA). The project site is located west of Palani Road and south of Kealakehe Elementary School in Keahu'olu Ahupua'a, North Kona, Hawai'i. The project is needed to improve roadway safety along a stretch of Palani Road between Palihiolo Street (to the south) and Kealaka'a Street (to the north). Currently, Palihiolo Street and Kealaka'a Street intersect Palani Road at two unsignalized, T-intersections located approximately 700 feet apart. The proximity of two off-set intersections adds to congestion on this stretch Palani Road, and causes safety and visibility concerns.

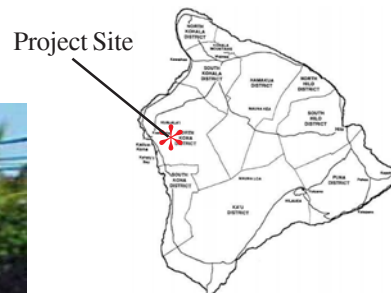
The project will realign and extend Kealaka'a Street heading south, from Kealakehe Elementary School to the intersection of Palihiolo Street and Palani Road. The new roadway extension will join Palani Road opposite the existing Palihiolo Street intersection, to create a standard four-way intersection. The existing Kealaka'a Street intersection would be retained, but turning movements limited to right turns only.

Other improvements to existing Palani Road include widening on the west side to add a dedicated left turn lane and sidewalk.

Combined, these improvements will create safer roadway conditions along this section of Palani Road.

This Final Environmental Assessment has been prepared in accordance with the State of Hawai'i HRS Chapter 343 and Chapter 200 of Title 11, Department of Health Administrative rules, and the National Environmental Policy Act (NEPA), 42 U.S.C. 4332(2)(c).

The Palani Road Safety Improvements are being proposed by the County of Hawai'i Department of Public Works, and the



SEPTEMBER 8, 2005

Moloa'a Bay Ranch (HRS 343 DEA)

District: Kawaihau
TMK: (4) 4-9-11:001 (por.)
Applicant: Moloaa Bay Ranch, LLC
 132 West Main St., Aspen, CO 81611
 Contact: Tom McCloskey (970-920-2112)

Approving Agency: State Dept. of Land & Natural Resources
 P.O. Box 621, Honolulu, HI 96809
 Contact: Kimberly Mills (587-0382)

Consultant: Kusao & Kurahashi, Inc.
 2752 Woodlawn Dr., Ste. 5-202, Honolulu, HI 96822
 Contact: Keith Kurahashi (988-2231)

Public Comment Deadline: October 8, 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: Special Management Area Use Permit, Conservation District Use Permit, Grading Permit and Building Permit

The applicant proposes to grade the site to restore previous grades to washed out areas and to even out slopes on land in the Conservation District to curb erosion. Immediately after resetting the grade, the soil will be hydro mulched and watered. Temporary irrigation will be provided to ensure that the grass will establish itself and mitigate potential for erosion.

The applicant proposes to implement a Reforestation Master Plan required by the Board of Land and Natural Resources to resolve a violation for unauthorized tree removal of 15 ironwood trees that were over 6-inches in diameter. The applicant plans to grass all bare areas on the slopes of Moloa'a Bay Ranch, to provide for replacement of the 15 ironwood trees with 15 False Kamani trees, and to provide an additional 17 False Kamani trees and 9 Beach Heliotrope trees.

The applicant plans to repair and restore the existing roadway that has been washed out in certain areas and provide retaining walls to protect the roadway during heavy rains.

The applicant plans to remove additional ironwood trees on the upper slopes of Moloa'a Bay Ranch and replace them with False Kamani trees or Beach Heliotrope trees. These ironwood trees are an invasive species that drops needles that cover large areas of soil and restricts growth of ground cover which leads to serious erosion problems.

The applicant plans to install a 3-rail perimeter security fencing (4-foot height) to delineate the mauka boundary of an existing trail used by the public.



Shoreline Notices

SEPTEMBER 8, 2005

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.	Status	Location	Applicant/Owner	TMK
MA-291	Rejected 8/29/05	Lot 66 of Puako Beach Lots, land situated at Lalamilo, Waimea, South Kohala, Island of Hawai'i, Hawai'i Address: 69-1688 Pu'ako Road Purpose: Building Permit	Wes Thomas Associates/Mike Adams	6-9-03: 05
OA-953-2	Proposed Shoreline Certification	Lot 4 (Map 1) of Land Court Consolidation 211 Lot 184-B (Map 23) Land Court Application 1095, land situated at Kaunala, Ko'olaupoko, Island of O'ahu, Hawai'i Address: 58-121 Napo'onala Place Purpose: New Residence	Controlpoint Surveying, Inc./Joseph Mark Ellison	5-8-6: 29 and 34
OA-1045	Proposed Shoreline Certification	Lot 887 of Land Court Application 578, land situated at Honolulu, Island of O'ahu, Hawai'i Address: 266 Paiko Drive Purpose: New House Construction	DJNS Surveying and Mapping, Inc./Edward and Susan Wilson	3-8-01: 10
OA-1044	Withdrawn by Applicant 8/15/05	Lot 32 of Land Court Application 616, land situated at Kailua, Ko'olaupoko, Island of O'ahu, Hawai'i Address: 1336 Mokulua Drive Purpose: Building Permit	ControlPoint Surveying, Inc./Philip Kai Binney	4-3-04: 78

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-303	8/29/05	Lot 9 of 49 Black Sand Beach Subdivision (F.P. 2246), land situated at Ana'eho'omalua, South Kohala, Island of Hawai'i Address: 68-1076 Honoka'ope Way Purpose: Determine Setback	R.M. Towill Corporation/Daniel Montanelli	6-8-33: 09
OA-1051	8/29/05	Coconut Island, O'ahu, Hawai'i Address: Coconut Island Purpose: Improvements	Controlpoint Surveying/University of Hawai'i	4-6-01: 01 and 51
OA-1053	8/29/05	Lot 42 Maunaloa Bay View Lots Subdivision Unit 2-B, (F.P. 1123), land situated at Maunaloa, Honolulu, Island of O'ahu, Hawai'i Address: 8 Lumahai Street Purpose: Sale of Property	Kenn Nishihira/David and Linda Klein	3-9-13: 24
OA-1054	8/29/05	Lot 149 of Land Court Application 1052, land situated at Makaha, Wai'anae, Island of O'ahu, Hawai'i Address: 84-465 Farrington Highway Purpose: Renovations	Robert Sing/Donald and Sandra Denhart Family Trust	8-4-08: 18
MA-326	8/29/05	Land Commission Award 2762, Apana 2, land situated at Lahaina, Island of Maui, Hawai'i Address: 839 Front Street Purpose: Determine Setback	Valera, Inc./Elizabeth Wilson	4-5-01: 06



Federal Consistency Reviews

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawai'i Revised Statutes. This public notice is being provided in accordance with section 306(d) (14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawai'i CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lana'i & Moloka'i: 468-4644 x72878, Kaua'i: 274-3141 x72878, Maui: 984-2400 x72878 or Hawai'i: 974-4000 x72878. For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review and can be mailed to: Office of Planning, Department of Business, Economic Development and Tourism, P.O. Box 2359, Honolulu, Hawai'i 96804 or, fax comments to the Hawai'i CZM Program at 587-2899.

(1) Culvert Crossings at Department of Hawaiian Home Lands Subdivisions at Wai'ohuli, Maui

Applicant: Department of Hawaiian Home Lands
Agent: Mich Hirano, Munkekiyo & Hiraga, Inc., (808) 244-2015
Federal Action: Federal Permit
Federal Permit
Agency: U.S. Army Corps of Engineers
Location: Wai'ohuli, Kula, Maui
TMK: (2) 2-2-2: 56
CZM Contact: John Nakagawa, 587-2878

Proposed Action:

Construct two culvert road crossings within unnamed gulches at the Department of Hawaiian Home Lands residential subdivisions at Wai'ohuli, Maui. One culvert crossing consists of a 12-foot x 10-foot precast concrete box culvert with inlet and outlet headwalls, and a length of 101 feet. The second culvert crossing consists of a 10-foot x 10-foot precast concrete box culvert with inlet and outlet headwalls, and a length of 117 feet. A paved roadway will be constructed above the culvert crossings to provide access for the subdivisions.

Comments Due: September 22, 2005



(2) Duke Kahanamoku Lagoon Restoration, Hilton Hawaiian Village, Waikiki, O'ahu

Applicant: Hilton Hotels Corporation
Agent: Perry White, Planning Solutions, Inc., 550-4483
Federal Action: Federal Permit
Federal Permit
Agency: U.S. Army Corps of Engineers
Location: Hilton Hawaiian Village, Waikiki, O'ahu
TMK: (1) 2-3-37: 12, 21; 2-6-8: 34; 2-6-9: 1, 2, 10
CZM Contact: John Nakagawa, 587-2878

Proposed Action:

Restore the Duke Kahanamoku Lagoon and improve the water quality to meet State water quality standards. The proposed plan for restoring the lagoon and improving the water quality by: increasing the water turnover rate; reducing the lagoon's volume and area; switching the water source from ocean water to saline groundwater supplied by wells; and rerouting storm water runoff away from the lagoon.

Comments Due: September 22, 2005



(3) Installation and Operation of an Instrument Landing System on Runway 04 Right at Kalaeloa Airport on O'ahu.

Applicant: US Federal Aviation Administration (FAA)
Contact: Keith Lusk, (310-725-6925)
Federal Action: Federal Agency Activity
Location: Kalaeloa Airport, Kapolei, O'ahu
TMK: (1) 9-1-13:32
CZM Contact: Debra Tom, 587-2840

Proposed Action:

The FAA is proposing to establish an instrument landing system (ILS) on Runway 04R at Kalaeloa Airport on the Island of O'ahu, Hawai'i. The ILS consists of a Localizer, Distance Measuring Equipment (DME), and a Glide Slope. The Localizer provides the pilot with the necessary course centerline information, the DME a precise fix as to the distance from the runway threshold and the Glide Slope for the appropriate descent or glide path for the aircraft. The proposal will involve construction of a 10 ft x 110 ft concrete pad on the extended runway; a 10 ft x 16 ft pre-fabricated equipment shelter; a 60 ft long, 10 ft wide aggregate access road from the airport perimeter road to the equipment shelter and system cables trenched from the equipment shelter to the localizer array.

Comments Due: September 22, 2005

Coastal Zone News

SEPTEMBER 8, 2005

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: Kane'ohe (4-5-30-1)	Co-location to an existing 50-foot high monopole (2005/SMA-54)	Clear Wire Technologies, Inc / Environmental planning Solutions, LLC (Colette Sakoda)
Honolulu: Diamond Head (3-1-41-5)	Generator and retaining walls, exterior lighting (2005/SMA-46)	Doris Duke Foundation for Islamic Art / Mason Architects, Inc.
Honolulu: Kahuku (5-7-1-13)	Wireless Antenna Installation at the Turtle Bay Resort (2005/SMA-63)	Coral Wireless, Inc. / Carl Young, Inc.
Maui: (2-1-23-4)	Apartment repairs (SM2 20050107)	Wailea Construction, Inc.
Maui: Lahaina (4-6-28-3)	Apartment interiors (SM2 20050108)	Lokelani Construction
Maui: (4-4-8-23)	Residential condo renovation (SM2 20050109)	Krell, Richard
Hawai'i: Kona (3-7-5-18-20)	Demo 2 structures, remove debris, fill pool within shoreline setback (SMM 05-000014)	Edward J. Rapoza

Environmental Tip

Waikahalulu Falls and Pool

Between Kuakini Street and School Street, the Nu'uuanu Stream cascades over a ten foot precipice near its confluence with the Waolani Stream at Waikahalulu in the beautiful Queen Lili'uokalani Botanical Gardens. Once a popular swimming hole, the falls and pool are renowned in native Hawaiian mo'olelo associated with Papa, wife of Wakea and in modern Hawaiian mele such as "Ku'u Lei Hoku." Extensive urbanization surrounding the garden and further upstream in the Nu'uuanu ahupua'a contributes to the poor water quality in the stream and the pool likely harbors non-point source pollutants and micro-organisms. Swimming is thus prohibited – violators may likely develop a



bad case of leptospirosis or other types of infection. Further makai of Waikahalulu, the remainder of the Nu'uuanu stream has been channelized starting at the bridge for the King Lunalilo Freeway (Interstate H-1). The surrounding gardens provide a wonderful respite from the hustle and bustle of the City. The park contain various native plants such as 'ili e'e (*Plumbago zeylanica*), 'akoko (*Chamaesyce celastroides*) and wiliwili (*Erythrina* sp.) maintained by the Department of Parks and Recreation of the City and

County of Honolulu. Under the guidance of a qualified professional, possible day excursions include studying native Hawaiian ethnography and ethnobotany as well as non-point source pollution and microbiology.

Pollution Control Permit Applications

SEPTEMBER 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; **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.

Clean Air Branch

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
CAB, 586-4200, N-CSP	Hawaiian Cement N-CSP 0335-01-N (Renewal)	Pier 1, Hilo Harbor, Hilo, Hawai'i	Issued: 8/12/05	Two (2) Cement Silos, One (1) Truck Loading Spout, One (1) Bagging Machine, and Two (2) Dust Collectors
CAB, 586-4200, N-CSP	Hawaiian Cement N-CSP 0336-01-N (Renewal)	Kawaihae Harbor, Kawaihae, Hawai'i	Issued: 8/16/05	Two (2) Cement Silos, One (1) Truck Loading Spout, One (1) Cement Bagging Machine, and Two (2) Dust Collectors
CAB, 586-4200, N-CSP	Hawaiian Cement N-CSP 0273-01-N (Renewal)	Pier 34, Honolulu Harbor, Honolulu, Oahu	Issued: 8/17/05	Three (3) Cement Silos, One (1) Truck Loading Spout, and Four (4) Dust Collectors
CAB, 586-4200, N-CSP	Hawaiian Cement N-CSP 0338-01-N (Renewal)	64-A Wharf Street, Kahului, Maui	Issued: 8/17/05	Two (2) Cement Silos, One (1) Truck Loading Spout, One (1) Cement Bagging Machine, and Two (2) Dust Collectors
CAB, 586-4200, CSP	Chevron Products Company CSP 0080-01-C (Modification)	260 Aka'ula Road (Road A & B), Ele'e'ele, Kaua'i	Comments Due: 9/21/05	Port Allen Marketing Terminal
CAB, 586-4200, N-CSP	Insituform Technologies, Inc. N-CSP 0593-01-N	91-255 Kalaeloa Boulevard, Kapolei, O'ahu	Issued: 8/16/05	Flexible Pipeline Liner Manufacturing Plant
CAB, 586-4200, TCSP	CTS Earthmoving, Inc. CSP 0595-01-CT	Holualoa, Hawai'i	Comments Due: 9/30/05	357 TPH Rock Crushing Plant with a 362 HP Diesel Engine
CAB, 586-4200, T-N-CSP	Delta Construction Corporation N-CSP 0486-01-NT (Renewal)	Various Temporary Sites, State of Hawai'i Current Location: 91-1000 Keone'ula Boulevard, 'Ewa, O'ahu	Issued: 8/24/05	150 TPH Komatsu Mobile Crusher and 400 TPH Extec Power Screen



Pollution Control Permit Applications

SEPTEMBER 8, 2005



Solid Hazardous Waste Branch

Branch / Application Type	Applicant & Application No.	Facility Location	Pertinent Date	Proposed Use
(SHWB) Solid Waste Mgmt Permit (Modify)	Island Recycling, CC-0038-03	1803 Dillingham Blvd., Honolulu, HI 96819	7/6/05 (App Recd)	Recycling
(SHWB) Solid Waste Mgmt Permit (New)	County of Maui, ST-0038-05	Mokulele Hwy, Pu'unene, HI 96784	7/7/05 (App Recd)	Auto Storage
(SHWB) Solid Waste Mgmt Permit (New)	Kona Recycles, RY-0039-05	Kealakehe Transfer Station, Old Dump Access Rd., North Kona, HI 96740	7/19/05 (App Recd)	Recycling
(SHWB) Solid Waste Mgmt Permit-by-Rule (New)	The ARC of Hilo, RY-0040-05	Ka'auhuhu Transfer Station, Hawi, HI 96719	7/22/05 (App Recd)	Recycling
(SHWB) Solid Waste Mgmt Permit-by-Rule (Renew)	City & County of Honolulu, Dept. of Environmental Services, CC-0041-05	'Ewa Convenience Center, Geiger Rd., 'Ewa Beach, HI 96706	7/29/05 (App Recd)	Convenience Center
(SHWB) Solid Waste Mgmt Permit-by-Rule (Renew)	City & County of Honolulu, Dept. of Environmental Services, CC-0042-05	La'ie Convenience Center, La'ie, HI 96762	7/29/05 (App Recd)	Convenience Center
(SHWB) Solid Waste Mgmt Permit-by-Rule (Renew)	City & County of Honolulu, Dept. of Environmental Services, CC-0043-05	Wahiawa Convenience Center, 71-129 Wilikina Dr., Wahiawa, HI 96786	7/29/05 (App Recd)	Convenience Center
(SHWB) Solid Waste Mgmt Permit-by-Rule (Renew)	City & County of Honolulu, Dept. of Environmental Services, CC-0044-05	Wa'anae Convenience Center, Old Wa'ianae Landfill, Wai'anae, HI 96792	7/29/05 (App Recd)	Convenience Center
(SHWB) Solid Waste Mgmt Permit-by-Rule (Renew)	City & County of Honolulu, Dept. of Environmental Services, CC-0045-05	Waimanalo Convenience Center, 41-241 Hihimanu St., Waimanalo, HI 96795	7/29/05 (App Recd)	Convenience Center
(SHWB) Solid Waste Mgmt Permit-by-Rule (Renew)	City & County of Honolulu, Dept. of Environmental Services, CC-0046-05	Waipahu Convenience Center, Waipahu Depot Rd., Waipahu, HI 96797	7/29/05 (App Recd)	Convenience Center
(SHWB) Solid Waste Mgmt Permit (New)	Business Services Hawaii, RY-0047-05	16-630 Kipimana St., Kea'au, HI 96749	8/2/05 (App Recd)	Recycling
(SHWB) Solid Waste Mgmt Permit (New)	Copart Salvage Auto Auctions, ST-0048-05	91-542 Awakumoku St., Kapolei, HI 96707	8/18/05 (App Recd)	Auto Storage

Environmental Council Notices

September 14, 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, September 14, 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

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Conservation District Use Permits

Persons interested in commenting on the following Conservation District Use Application (Department Permit) must submit comments to the Department of Land and Natural Resources. Also, anyone interested in receiving notification of determination on Conservation District Use Applications (Department 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, 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

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 Mills at 587-0382.

1) Replacement of Piihonua Reservoir No. 2

File No. CDUA HA-3247
Applicant: County of Hawaii
Location: Piihonua, South Hilo, Hawaii
TMK: (3) 2-3-030:005
Proposed Action: Reservoir Replacement
H.R.S. 343
Determination: FONSI published on April 8, 2005 in the Environmental Notice
Contact: Ron Terry (982-5831)



2) Berliner Residence at Alalele Place

File No.: CDUA MA-3245
Applicant: Michael & Heather Berliner
Location: Hana, Maui
TMK: (2) 1-3-009:002
Proposed Action: Construct a Single-Family Residence
H.R.S. 343
Determination: See page 6
Contact: Gerald Park (596-7484)

Federal Notices

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Recovery Permit Applications

The following applicants have applied for survival enhancement permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act (16 U.S.C. 1531 et seq.). The U.S. Fish and Wildlife Service (FWS) solicits review and comment from the public, and from local, State, and Federal agencies on the following permit requests: (1) Permit No. TE-018078, Applicant: Hawaii Volcanoes National Park. The permittee requests an amendment to remove/reduce to possession (collect and store seed, propagate, and reintroduce) *Sesbania tomentosa* ('ohai), *Portulaca sclerocarpa* ('ihi makole), *Cyrtandra giffardii* (no common name), *Cyrtandra tintinnabula* (no common name), *Sicyos alba* ('anunu), *Hibiscadelphus giffardianus* (hau kuahiwi), *Phyllostegia parviflora* var. *glabriuscula* (no common name), and *Melicope zahibruckneri* (alani) in conjunction with activities to stabilize these species on the island of Hawaii for the purpose of enhancing their survival; (2) Permit No. TE-826600, Applicant: Michael G. Hadfield, Honolulu, Hawaii. The permittee requests an amendment to take (apply radio transmitters) the Oahu tree snails (*Achatinella* spp.) in conjunction with monitoring activity and migration patterns on the island of Oahu, Hawaii, for the purpose of enhancing their survival. Comments on these permit applications must be received on or before September 8, 2005. Written data or comments should be submitted to the U.S. Fish and Wildlife Service, Chief, Endangered Species, Ecological Services, 911 NE. 11th Avenue, Portland, Oregon 97232-4181 (see, 70 F.R. 46184, August 9, 2005).

Irradiator Application

The U.S. Nuclear Regulatory Commission (NRC) received on June 27, 2005, from Pa'ina Hawaii, LLC, a Hawaiian owned company, an application to build and operate a commercial pool type industrial irradiator in Honolulu, Hawaii, near the Honolulu International Airport. This commercial irradiator will irradiate fresh fruit and vegetables bound for the mainland from the Hawaiian Islands, cosmetics, and pharmaceutical products. The irradiator will also be used by the applicant to conduct research and development projects, and irradiate a wide range of other materials as specifically approved by the NRC on a case-by-case basis. The NRC plans to hold a public meeting to solicit comments from members of the public on the proposed license application. The meeting is open to the public and all interested parties may attend. This meeting is the first of several public meetings that the NRC will hold in Hawaii to enhance public awareness of the NRC's independent regulatory role in protecting public health and safety and the environment, to allow public involvement in

NRC decision-making matters associated with this license application, and to promote two-way communication on matters related to the NRC's licensing and inspection processes. The public is invited to participate in this meeting by providing comments and asking questions throughout the meeting. Wednesday, August 31, 2005, from 7:00 P.M. to 9:00 P.M., at the Ala Moana Hotel, 410 Atkinson Drive, Honolulu, Hawaii 96814. For more information, contact Roberto J. Torres, Acting Chief, Nuclear Materials Licensing Branch, Division of Nuclear Materials Safety, Region IV, U.S. Nuclear Regulatory Commission, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, telephone (817) 860-8189, fax (817) 860-8188, or by e-mail: rjt@nrc.gov (see, 70 F.R. 48786, August 19, 2005).

CERCLA Consent Decree Lodging

Pursuant to Section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), and 28 CFR 50.7, notice is hereby given that a proposed Consent Decree embodying a settlement in *United States v. Del Monte Fresh Produce (Hawaii), Inc.*, Civil Action No. 05-0049 5, was lodged on August 4, 2005, with the United States District Court for the District of Hawaii. In a Complaint filed concurrently with the lodging of the Consent Decree, the United States seeks reimbursement of costs incurred by the United States and injunctive relief relating to the Del Monte Fresh Produce (Hawaii), Inc., site located in Oahu, Hawaii ("Site"). The United States alleges in the Complaint that the defendant, Del Monte Fresh Produce (Hawaii), Inc. ("DMFP"), operated the Site and disposed or arranged to dispose of hazardous substances at the Site within the meaning of Sections 107(a)(1), (2), and (3) of CERCLA, 42 U.S.C. 9607(a)(1), (2), and (3). Under the proposed Consent Decree, DMFP has agreed to fund and perform response actions at the Site. The Consent Decree requires DMFP to, among other things, install monitoring wells to characterize the extent of contaminated groundwater; pump and treat contaminated groundwater; implement phytoremediation; place a vegetated soil covering or cap over the contaminated soil area; install a soil vapor extraction system; and restrict land use. The Consent Decree also requires DMFP to reimburse the United States for its costs. The United States Department of Justice will receive, for a period of 30 days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the U.S. Department of Justice, Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611, and should refer to *United States v. Del Monte Fresh Produce (Hawaii), Inc.*, DOJ Ref. 90-11-3-08277. The proposed Consent Decree may be examined during the public comment period on the following United

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States Department of Justice Web site: <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611, or by faxing or E-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax number (202) 514-0097, phone confirmation number (202) 514-1547. When requesting a copy from the Consent Decree Library, please enclose a check, payable to the U.S. Treasury, in the amount of \$24.25 (see, 70 F.R. 48590, August 18, 2005).

Transgenic Permits

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: (1) 524-EUP-96. Amendment/Extension. Monsanto Company, 800 North Lindbergh Blvd., St. Louis, MO 63167. This EUP allows the use of 3.63 pounds of the insecticides *Bacillus thuringiensis* Cry3Bb1 protein and the genetic material necessary for its production (vector ZMIR39) in corn and *Bacillus thuringiensis* Cry1Ab delta-endotoxin and the genetic material necessary for its production (vector PV-ZMCT01) in corn on 4,683 acres of corn for breeding and observation, inbred seed increase production, line per se, hybrid yield and herbicide tolerance trials, insect efficacy trials, product characterization and performance trials, insect resistance management trials, nontarget organisms and benefit trials, seed treatment trials, swine growth and feed efficiency trials, dairy cattle feed efficiency trials, beef cattle growth and feed efficiency trials, and cattle grazing feed efficiency trials. The EUP is effective from February 18, 2005 to March 1, 2006, and allows associated activities such as collection of field data; harvesting and processing of seed after last planting; (2) 68467-EUP-7. Amendment/Extension. Mycogen Seeds, c/o Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268-1054. This EUP allows the use of 2,734.85 grams Cry34Ab1 and 10.88 grams Cry35Ab1 of the insecticides Cry34/35Ab1 proteins and the genetic material necessary for their production (from the insert of plasmid PHP17662) in corn on 3,096 acres of corn for breeding and observation nursery, agronomic observation trials, glufosinate herbicide tolerance study, efficacy trial, and insect resistance management studies. The EUP is effective from January 21, 2005 to April 30, 2006, and allows associated activities such as collection of field data; harvesting and processing of seed after last planting; (3) 29964-EUP-5. Amendment/Extension. Pioneer Hi-Bred International, Inc., P.O. Box 552, Johnston, IA 50131-0552. This EUP allows the use of 1,813.6 grams Cry34Ab1 and 47.2 grams Cry35Ab1 of the insecticides Cry34/35Ab1 proteins and the ge-

netic material necessary for their production (from the insert of plasmid PHP17662) in corn on 5,115 acres of corn for breeding and observation nursery, agronomic observation trials, herbicide tolerance study, efficacy trial, insect resistance management studies, non-target organism studies, regulatory studies, research seed production, and inbred seed increase. The EUP is effective from January 25, 2005 to April 30, 2006, and allows associated activities such as collection of field data; harvesting and processing of seed after last planting; (4) 67979-EUP-3. Issuance. Syngenta Seeds, Inc., P.O. Box 12257, Research Triangle Park, NC 27709-2257. This EUP allows the use of 2.91 grams of the Cry1Ab *Bacillus thuringiensis* Cry1Ab protein and the genetic material necessary for its production (via elements of p2062) in corn on 294 acres of corn to evaluate the control of various lepidopteran insect pests. The EUP is effective from May 6, 2004 to August 15, 2005, and allows associated activities such as collection of field data; harvesting and processing of seed after last planting; (5) 67979-EUP-4. Issuance. Syngenta Seeds, Inc., P.O. Box 12257, Research Triangle Park, NC 27709-2257. This EUP allows the use of 15.53 grams of the insecticide Modified Cry3A *Bacillus thuringiensis* protein and the genetic material necessary for its production (via elements of pZM26) in Event MIR604 corn (SYN-IR6 4-5) on 575 acres of corn for breeding and observation, efficacy field trials, agronomic observation, inbred and hybrid reduction, regulatory field trials (e.g. IRM and non-target insect field trials). The EUP is effective from March 23, 2005 to October 15, 2006, and allows associated activities such as collection of field data; harvesting and processing of seed after last planting. For more information on any of the above permit applications, contact 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, 70 F.R. 46510, August 10, 2005).

