



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

DECEMBER 8, 2006

West Maui Coastal Corridor Rezoning

The County of Maui has submitted a draft EA containing its Pali to Puamana Parkway Master Plan (P2P Plan) to preserve open space along the coastline of West Maui. Included in this plan was the possibility of the State Department of Transportation realigning Honoapi'ilani Highway between Ukumehame and Launiupoko where it would connect to the proposed Lahaina By-Pass Road. The P2P Plan proposed a number of methods of preserving the coastal areas while continuing to maintain open access to coastal areas. The project area is an eight mile stretch between the pali at Papalaua Park and Puamana Park and includes the ahupua'a of Ukumehame, Olowalu, and Launiupoko. Portions of the 383 acres in the study area will be rezoned to Open Space or Park. See page 6 for more details.

Haleakala National Park Commercial Services Plan

The National Park Service (NPS) is initiating a conservation planning and environmental impact analysis process regarding a commercial services plan proposed for Haleakala National Park. The process is expected to result in changes to the types of commercial services offered and the way they are managed by the park, so that increasing visitor use may be accommodated in a manner compatible with the park's mission; and to assure that a full range of necessary and appropriate commercial services are developed and managed so that potential impacts to cultural and natural resources and visitor experience would be minimized. Input from the public and interested groups is being solicited. See the Federal Notice on page 16 for comment submission details.

Kealakekua Bay Closed

At the request of the Hawai'i County Civil Defense, the Coast Guard is establishing a temporary safety zone in Kealakekua Bay, South Kona, from the lighthouse on Ka'awaloa Cove to the Hikiau Heiau landmark on Napo'opo'o Beach. Due to mudslides and falling rocks from the October 15th earthquake, entry of persons or vessels into this temporary safety zone is prohibited unless authorized by the Captain of the Port (COTP). Effective dates are October 25, 2006 to April 18, 2007, unless cancelled earlier by the COTP. See the Federal Notice on page 15.



Happy Holidays



Linda Lingle
Governor
Genevieve Salmonson
Director

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



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The Environmental Council will be in recess December. They wish you a safe and wonderful holiday season.

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, and 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 Environmental Impact Statement (DEIS) prior to project implementation. This document must completely disclose the likely impacts of a project. Direct, indirect and cumulative impacts must be discussed along with measures proposed to mitigate them. The public has 45 days from the first publication date in this periodic bulletin to comment on a DEIS. The DEIS must respond to comments received during the FEA-EISPN comment period in a *point-by-point* manner.

Final 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 (and 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.

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.

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.org/calendar> and the public is invited to attend.

Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are declared exempt from the environmental review process. These lists are reviewed and approved by the Environmental Council. This periodic bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

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

DECEMBER 08, 2006

Topper CRM Seawall and Revetment (HRS 343 DEA)

District: Ko'olaupoko
TMK: (1)4-3-1:13
Applicant: Ethan Topper
60 Seaview Terrace, San Francisco, CA 94121
Contact: Donald Clegg (536-5695)

Approving Agency: C&C, Department of Planning & Permitting
650 S King St., 7th Flr., Honolulu, HI 96813
Contact: Ann Matsumura (523-4077)

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

Public Comment

Deadline: January 8, 2007
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 is seeking after-the-fact approval to retain a Concrete Rubble Masonry (CRM) seawall and revetment within the shoreline setback area. The seawall and revetment are generally parallel to the seaward property line, except that it curves in landward at the northwest corner of the property. The combined height of the seawall and revetment from existing grade is approximately 11 feet. A stairway in the center of the seawall provides direct access to the shoreline.

The project site is located at 1586-B Mokulua Drive in Lanikai. Building Permits (Nos. 587394 and 592101) have been issued for a new single-family dwelling, garage and pool at the property. Many of the shoreline properties in the vicinity are armored with seawalls or other shoreline protection structures. The 10,461-square-foot lot has lost approximately 285 square feet of land to erosion.

The project proposal will require approval of a Shoreline Setback Variance, building permits, and possibly a Zoning Variance for exceeding the maximum 6-foot height limit within the required yard(s).



Aerial of Project Site

Hawai'i Pacific University Hale Kou Force Main (HRS 343 DEA)

District: Ko'olaupoko
TMK: (1) 4-5-35:001 & 010; 4-5-042:002, 011, 015, 016; 4-5-054:001, 078
Applicant: Hawaii Pacific University
 1166 Fort Street Mall, Ste. 203G, Honolulu, HI 96813-2708
 Contact: E. Rich Stepien (544-0205)
Approving Agency: DLNR-Office of Conservation & Coastal Lands
 P.O. Box 621, Honolulu, HI 96809
 Contact: Kimberly Mills (587-0382)
Consultant: Gerald Park, Urban Planner
 1221 Kapiolani Blvd, Ste. 211, Honolulu, HI 96814
 Contact: Gerald Park (596-7484)
Public Comment
Deadline: January 8, 2007
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 Application; Variance From Pollution Controls; NPDES Permit (Various); Work in State Highway Right-of-Way; Grubbing, Grading and Stockpiling; Permit to Excavate Public Right-of-Way (City).

An 8" high-density polyethylene pipe with fused joints is planned for the force main. Critical sections of the polyethylene pipe will be inserted inside a slightly larger diameter pipe creating a "jacket" to protect the force main should settlement occur.

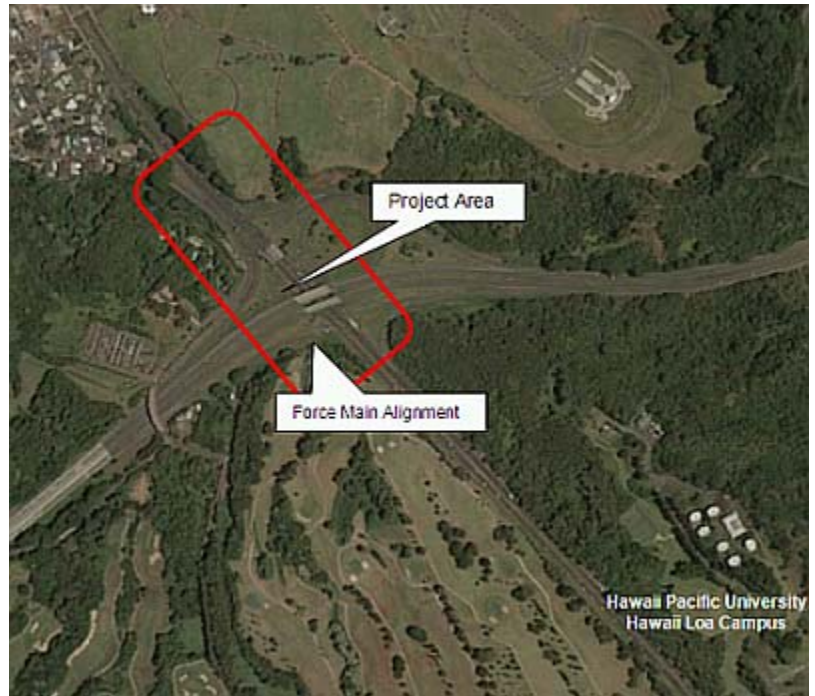
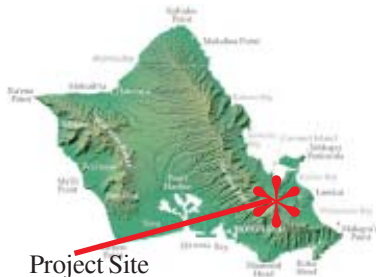
The entire force main will be constructed using directional drilling rather than a cut and cover construction method. Directional drilling minimizes disruptions to the environment and reduces the magnitude of construction related impacts typically associated with cut and cover construction methods.

No recreational or residential uses will be displaced because of this project.

The force main crosses private properties and the respective owners have approved of having a utility easement over their property. Applicant is in the process of procuring easements from the State of Hawaii and City and County of Honolulu where required.

The construction cost of the force main is estimated at \$2.0 million. Applicant will pay all costs associated with the proposed improvements. Construction will commence after all necessary permits are received. Construction should be completed within one (1) year from start-up.

Hawai'i Pacific University proposes to construct an off-site sewer force main between a new sewer pump station to be constructed at Hawai'i Pacific University's Hawai'i Loa Campus and a City and County of Honolulu Sewer Pump Station on Kahiko Street in the Hale Kou Waikalukai Homesteads Subdivision. The force main alignment is approximately 3,750 feet in length between both pump stations and would be installed within a 10-foot wide easement.



Aerial of Project Site

Maui Notices

DECEMBER 08, 2006

Land Use Designation, Community Plan Amendment & Change in Zoning, Papalaua to Puamana (HRS 343 DEA)

District: Lahaina
TMK: (2) 4-7-01; 4-8-02; 4-8-03
Proposing Agency: Maui Planning Dept., Planning Commission
250 S High Street, Wailuku, HI 96793
Contact: Jeff Hunt (270-7735)

Determination Agency: Same as above.
Consultant: R.M. Towill Corporation, Attn: Chester Koga
420 Waiakamilo Rd., Ste. 411, Honolulu, HI 96817
Contact: Chester Koga (842-1133)

Public Comment Deadline: January 8, 2007
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: West Maui Community Plan Amendment (various) and Change in Zoning (various)

The County of Maui prepared the Pali to Puamana Parkway Master Plan (P2P Plan) in 2005 to make known its desire to preserve open space along the coastline of West Maui. Included in this plan was the possibility of the State Department of Transportation realigning Honoapi‘ilani Highway between Ukumehame and Launiupoko where it would connect to the proposed Lahaina By-Pass Road. The P2P Plan proposed a number of methods of preserving the coastal areas while continuing to maintain open access to coastal areas. This Draft EA assesses the impacts of one of the methods of corridor protection available to the County, namely its power of land use designation.

The purposes of this Draft EA are:
1) to implement the goals and objectives of the Pali to Puamana Master Plan; 2) to implement the goals and objectives of the General Plan of the County of Maui; 3) to implement the goals and objectives of the West Maui Community Plan; 4) protect

public health and safety by limiting development within the tsunami inundation zone and areas subject to flooding; and 5) to protect property by limiting development within the coastal erosion zone. The land use changes proposed provide a foundation for the establishment of public policy that encourages responsible development in a coastal area by acknowledging coastal processes, providing for community recreational needs, and supporting sustainable alternative land uses.

The project area is an eight mile stretch between the pali at Papalaua Park and Puamana Park on the west side of the island of Maui and includes the ahupua‘a of Ukumehame, Olowalu, and Launiupoko.

The Launiupoko area has approximately 147.7 acres of land in the study area makai of the proposed future realigned Honoapi‘ilani Highway between Puamana Park and the boundary of Olowalu. The State land use designations in this area will remain in Agriculture and Conservation. Community Plan designations will change from Agriculture to Open Space or Park, while the Park designations will remain the same. When the zone change is implemented, the land use will change from Agriculture to Open Space or Park.

The Olowalu area has approximately 87.5 acres of land in the project area. All of the land designated by the State is currently designated Agriculture and is privately owned. The West Maui Community Plan proposes the land use as Open Space or Park. Agriculture, Park, Residential, Hotel and Apartment zone land will be changed to Park of Open Space.

The Ukumehame area has approximately 147.9 acres of land in the project area. The majority of the 90+ acres of land proposed for redesignation from Agriculture was acquired in 2006 by the County of Maui. The State land use designations of Agriculture and Conservation will not be changed. The Change in Zone will convert Agriculture to Park or Open Space. When added to the existing park/open space in this area, a large continuous recreation and open space amenity will be created that will extend from Papalaua Park to the former landfill in Olowalu.



Kaliae Single-Family Residence and Landscaping (HRS 343 DEA)

District: Hana
TMK: (2) 1-2-01:4
Applicant: Deborah Mathias & David Niehaus
 1630 Pihiolo Rd., Makawao, HI 96768
 Contact: Deborah Mathias or David Niehaus
 (572-6180)

Approving Agency: DLNR-Office of Conservation & Coastal Lands
 P.O. Box 621, Honolulu, HI 96809
 Contact: Michael Cain (587-0048)

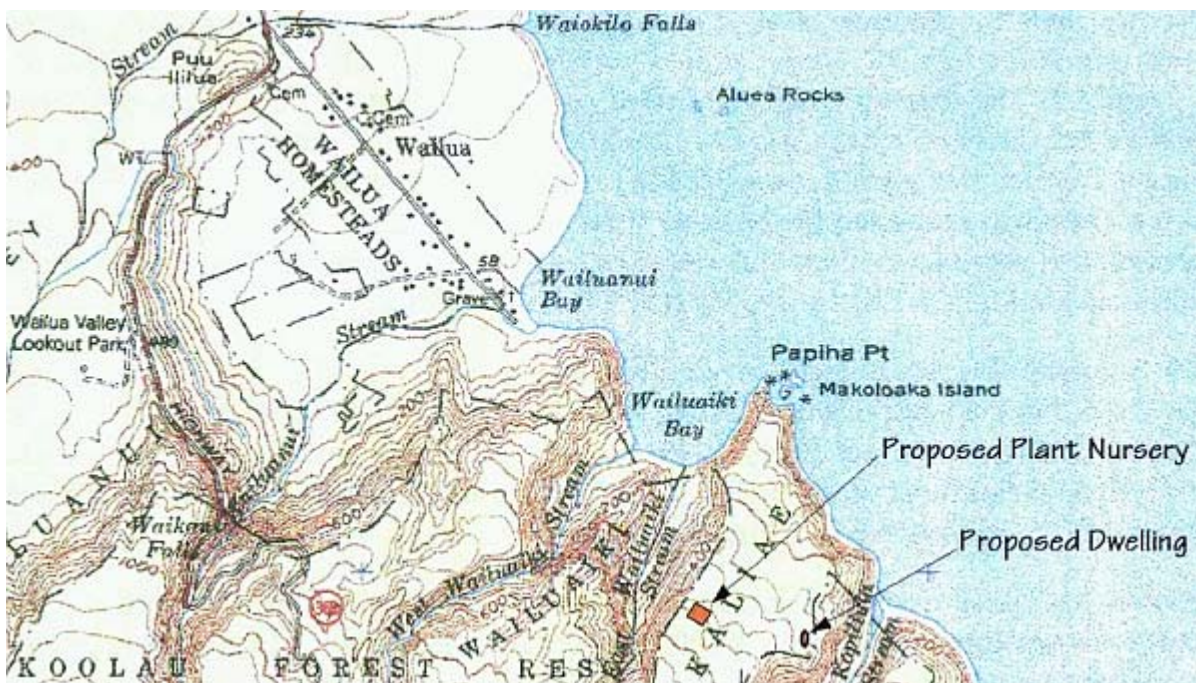
Public Comment
Deadline: January 8, 2007
Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

Permits Required: Conservation District Use Permit, SMA Use Permit, Shoreline Setback Variance, Building, Individual Wastewater System and Public Works Design Approval

ment system, private wastewater treatment system, minor road improvements, and pool), and to reforest a 3-acre area with native Hawaiian trees and shrubs. The applicant also proposes to construct two shade cloth houses for the propagation of native Hawaiian trees for planting on the parcel. An agricultural storage shed, which will be necessary for rain catchment will also be constructed to replace the temporary, existing catchment system. The proposed structural improvements will be on approximately one-half acre of the sixty-three acre property. The applicant proposes to plant three acres with trees that are indigenous to Hawai'i and have been propagated on site. The property is located within the State Land Use Conservation District, General Sub-zone. The project area is located within the County Special Management Area (SMA). The project area is accessed via a 7/10 mile easement through the Ko'olau Forest Reserve and an existing dirt access road on the property.



The applicants, Deborah Mathias and David Niehaus, propose to construct a one story, single-family residential dwelling and related accessory use improvements (garage, water catch-



Portions of the Keanae and Koolau 7.5 Minute U.S.G.S. Quadrangles Showing Project Areas (in orange).

Moloka'i Notices

DECEMBER 08, 2006

Dunn Single-Family Residence & Sustainable Agriculture (HRS 343 FEA-FONSI)

District: Halawa
TMK: (2)5-9-005:007
Applicant: Linda Dunn
24111 Makiki Heights Dr., Honolulu, HI 96822
Contact: Linda Dunn (524-9389)

Approving Agency: DLNR, Office of Conservation & Coastal Lands
P.O. Box 621, Honolulu, HI 96809
Contact: Kimberly Mills (587-0382)

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

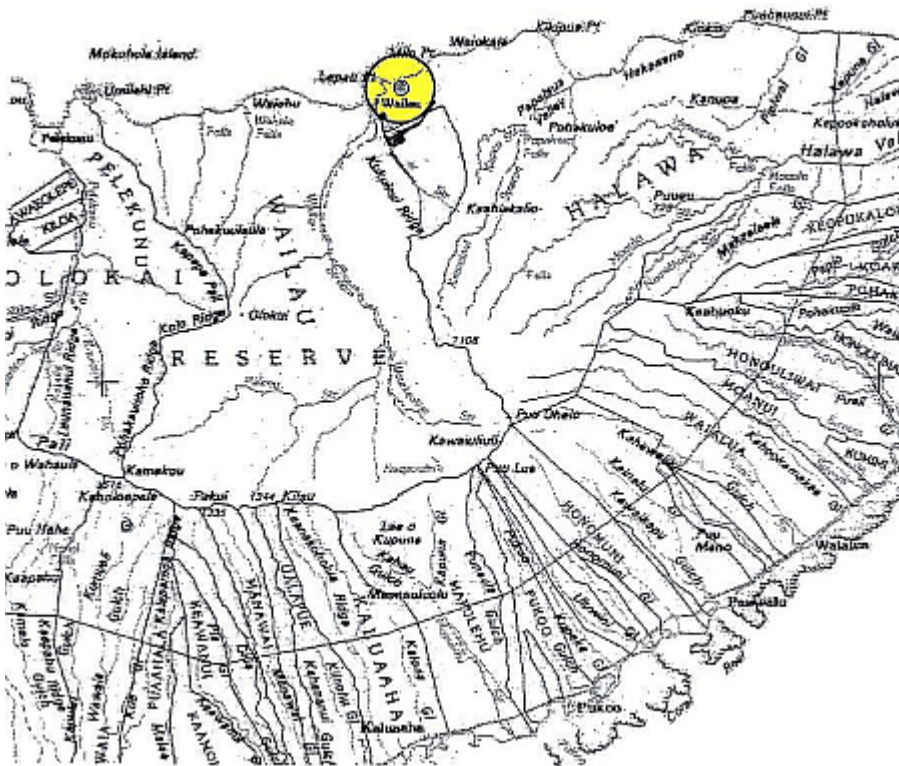
Permits Required: CDUP, Individual Wastewater System Approval, Construction & Building Permits

The applicant/landowner proposes to construct a dwelling and plant a sustainable garden within the Conservation District in Wailau valley on the island of Molokai. The parcel is identified as TMK: (2)5-9-005:007 and is approximately .58 acres. The proposed improvements would be concentrated on about a third of the total area of the parcel. The proposed dwelling shall be raised 4-feet above ground level and consists of a 196 square-foot single-story cedar structure with an 8' x14' loft area and 196

square-foot attached deck. There shall be a self-composting toilet, catchments water system, solar and propane cooking equipment, a grey water infiltrator system and a small garden.

There are no roadways or existing utilities in Wailau Valley. The size and scope of the proposed action will not require any utilities to be added to the valley. Access is by boat and an existing footpath from the shoreline to the parcel. All building materials will be slung in by helicopter. There shall be no grubbing grading or tree removal. All clearing, trenching and construction shall be done by hand.

The parcel is defined by several partially tumbled stonewalls and a partially intact auwai running through the center of the parcel. The subject parcel is Land Commission Award (LCA) # 10869 that contained lo'i and a house lot. An archeological survey was done on the entire parcel in June 2004. The proposal would not have significant environmental impacts based on the significance criteria specified in Section 11-200-12, Hawai'i Administrative Rules. No known Federal or State protected endangered, threatened or candidate species or sensitive natural habitats are known to exist on the project site. The proposed project would be constructed in accordance with the established design standards for single-family residential buildings on Conservation District land.



Location Map

Hand Quarrying of Volcanic Ash at Pu'u Nene (HRS 343 FEA-FONSI)

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 P. Lockwood (967-8579)

Approving Agency: DLNR, Office of Conservation & Coastal Lands
 P.O. Box 621, Honolulu, HI 96801
 Contact: Samuel Lemmo (587-0414)

Consultant: Geometrician Associates
 P.O. Box 396, Hilo, HI 96721
 Contact: Ron Terry (969-7090)

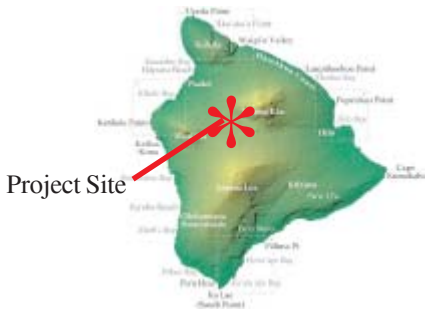
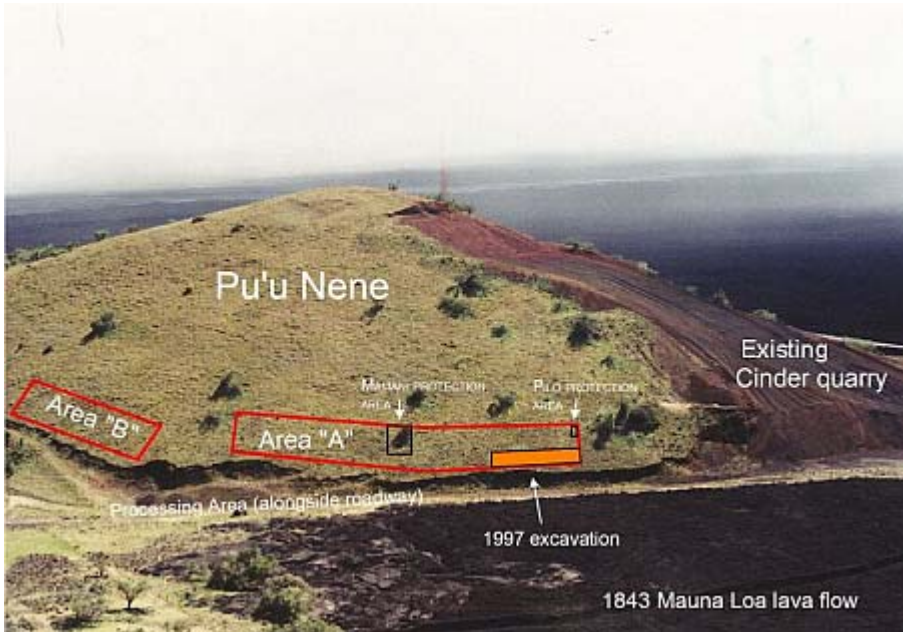
Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).

Permits Required: Conservation District Use

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. The surface will then be allowed to revegetate 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.

The proposed quarry area at 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 revegetation the project site will appear almost identical to before.

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



Aerial of Project Site

Hawai'i Notices

DECEMBER 08, 2006

Acquisition of Existing Drainage Way Lands at Moho'uli Subdivision (HRS 343 FEA-FONSI)

District: South Hilo
TMK: (3) 2-04-025:048-50, 052, 053, 059, 067, 078, 080, 093, 106-110 & 115

Proposing Agency: Dept. of Public Works, Engineering Division
101 Pauahi St., Ste. 7, Hilo, HI 96720
Contact: Bruce McClure (961-8321)

Determination Agency: Same as above.
Consultant: SSFM International, Inc.
501 Sumner St., Ste. 620, Honolulu, HI 96817
Contact: Ronald Sato (356-1268)

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

Permits Required: Construction Noise Permit, NPDES, Building & Grading

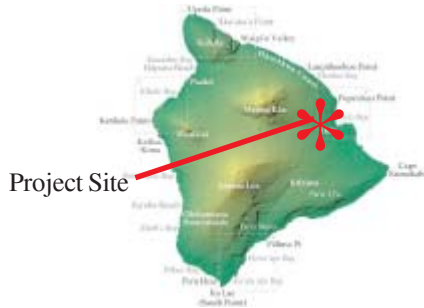
The Moho'uli Subdivision housing project initially installed a 54-inch culvert within a drainage way as part of its development. This culvert discharges runoff from Ho'opuni Way across Popolo Street and into a depression area situated inland (mauka or west) of Kapi'olani Street. This drainage system was established as a temporary solution since drywells could not be utilized for the subdivision development. The County DPW is now planning to acquire certain privately-owned properties and easements for drainage purposes to formally establish this existing drainage system.

For many years, flooding has been a problem for residents of the project area because a more permanent solution to the drainage system has not been sought. Therefore, the current Moho'uli Housing drainage has not been adequate in mitigating flooding in the area. There is a need for improvements to enhance drainage in this area. A more permanent solution for drainage is needed for this area in order to mitigate future flooding events.

The Project will involve the use of County funds for the acquisition of parcels or portions of parcels for easements associated with the existing drainage way. This project is therefore subject to State environmental documentation requirements.

The County of Hawai'i, Department of Public Works (DPW), Engineering Division, is proposing to acquire certain parcels of private property and easements which presently serve as an existing unlined drainage way and detention basin. This drainage way and basin serve the existing Moho'uli Subdivision located in the town of Hilo on the Island of Hawai'i. This project is referred to as the "Acquisition of Existing Drainage way Lands Project."

Acquisition of easements and parcels of an existing unlined drainage way and detention basin established as part of the development of the Moho'uli Housing subdivision. Acquisition of these properties and easements would formally establish the County drainage way to serve such purpose since these are presently privately-owned properties by various individuals.



Existing Surrounding Uses Map

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.

Install Passive Acoustic Monitoring Buoys, Offshore South Kohala, Hawai'i

Applicant: Jupiter Research Foundation
Contact: Bruce Kamolnick, (831) 426-1721
Federal Action: Federal Permit
Federal Agency: U.S. Army Corps of Engineers
Location: Offshore Pu'ako Point, South Kohala Hawai'i
CZM Contact: John Nakagawa, 587-2878
Proposed Action:

Seasonally install passive acoustic monitoring buoys at three locations approximately 0.5 to 2 miles offshore of Pu'ako Point, South Kohala. The purpose of the buoys, which are proposed to be deployed between December and April of each year, is to collect acoustic data from humpback whales. The proposed buoys are surface deployed, 4-inch diameter, 10-foot long, composed of PVC, and anchored to the seafloor by soft-line and weights.

Comments Due: December 22, 2006

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 (Honolulu) or Kalaeloa (Barbers Point) Community Development District (587-2840).

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS		
Location (TMK)	Description (File No.)	Applicant/Agent
Kaua'i: Waipouli (4-3-7-28 & 30)	Temporary tent for luau & temporary parking (SMA (M) 2007-05)	Resort Quest Hawai'i
Kaua'i: Nukolii (3-7-3-15)	Waterslide for existing pool (SMA (M) 2007-06)	Hilton Kaua'i Beach Resort
Kaua'i: Akini (5-3-4-25)	Relocate residence (SMA (M) 2007-07)	Ross Hamilton/Joe Brescia
Hawai'i: Puna (1-5-58-51)	Hand clearing of property to determine topography (SMM 06-37)	Susan Tolley & Scott Baker
Hawai'i: So. Hilo (2-7-21-13)	Remove noxious vines, remove & trim trees, create driveway & landscaped yard, & build rock wall (SMM 06-38)	Karen Meyer
Hawai'i: So. Hilo (2-7-27-4)	Ohana dwelling & related improvements (SMM 06-39)	Flo P. Soares
Hawai'i: So. Kohala (6-8-24-31 to 34)	Demolish two sections of existing seawall & remove loose lava rocks/mortar composite & cinder fill (SMM 06-41)	HFI, Inc.
Maui: Kihei	Base yard & storage area at Cove Beach Villas (SM2 20060098)	Betsill Brothers Construction
Maui: Haiku (2-7-4-6)	Grub field (SM2 20060099)	Moretti, Francesco
Maui: Lahaina (4-6-2-11)	After the fact alterations (SM2 20060100)	Sylva, Shariann

Shoreline Notices

DECEMBER 08, 2006

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 Barry Cheung or Robert Ing at (808) 587-0384.

File No.	Date	Location	Applicant/Owner	TMK
OA-1128	11/20/2006	Lot 40 of File Plan 750, Maunalua Bay View Lots Subdivision, Unit I, land situated at Maunalua, Island of O'ahu, Hawai'i Address: 3 Po'ipu Drive Purpose: Permitting	Gil P. Bumanglag/ Kim Family, LLC	3-9-028:001
OA-1129	11/16/2006	Lot 14279 of Land Court Application 1069 (Map 1116), land situated at Hono'uli'uli, 'Ewa, Island of O'ahu, Hawai'i Address: 91-140 Olai Street Purpose: Building Permit	City & County of Honolulu /Campbell Hawai'i Investor LLC	9-1-026:004
OA-1130	11/21/2006	Land situated at Wai'ala'e-Iki, Honolulu, Island of O'ahu, Hawai'i Address: 5005 Kalaniana'ole Highway Purpose: Building Permit	Wesley T. Tengan/ Robert Fox	3-5-022:005
OA-1131	11/24/2006	Lot 14 of Kawailoa Beach Lots, land situated at Kawailua, Wai'alua, Island of O'ahu, Hawai'i Address: 61-635 Kamehameha Highway Purpose: Building Setback	Erik S. Kaneshiro/ Michael & Nina Fox	6-1-010:001

Shoreline Certifications and Rejections

Pursuant to §§13-222-26, HAR the following shorelines have been proposed for certification or rejection by the DLNR. Any person or agency wishing to appeal a proposed shoreline certification or rejection shall file a notice of appeal in writing with the department no later than 20 calendar days from the date of the public notice of the proposed shoreline certification or rejection. The Notice of appeal shall be sent to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Proposed/ Rejected	Location	Applicant/Owner	TMK
OA-1101	Application Withdrawn	Lot 90 of File Plan 256, Sunset Beach Lots, land situated at Hale'iwa, Island of O'ahu Address: 59-171C Ke Nui Road Purpose: Building Setback	Gil Surveying Services, Inc./Victor & Myra Brandt	5-9-002:024
OA-1102	Proposed Shoreline Certification	Lot 324, Land Court Application 616, land situated at Kailua, Honolulu, Island of O'ahu Address: 1318 Mokulua Drive Purpose: Building Permit	Wesley T. Tengan/Belsby Family Trust	4-3-004:076
MA-237-2	Proposed Shoreline Certification	Lot 463-A of Land Court Application 1804, land situated at Honua'ula, Makawao, Island of Maui, Hawai'i Address: 3850 Wailea Alanui Avenue Purpose: Planning use of property	Warren S. Unemori Engineering, Inc./CLN Grand Wailea Resort LP	2-1-008:109
HA-330	Proposed Shoreline Certification	Grant 2151, Apana 1, land situated at Kawala, Ka'u, Island of Hawai'i, Hawai'i Address: None Assigned Purpose: Consolidation/Re-subdivide	LLC Kawala/Leslie Agorastos & Ralph Olson	9-5-010:001



Pollution Control Permit Applications

DECEMBER 8, 2006

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 (586-4200) ; **CD** - comments due; **CSP** - Covered Source Permit; **CWB** - Clean Water Branch (586-4309); **I** - issued; **SHWB** - Solid and Hazardous Waste Branch (586-4226); **SDWB** - Safe Drinking Water Branch (586-4258); **N** - none; **NSP**-Noncovered Source Permit; **NPDES** - National Pollutant Discharge Elimination System under the Federal Clean Water Act; **R** - received; **T** - temporary; **UIC** - Underground Injection Control; **NA** - not applicable.

Solid Hazardous Waste Branch

Branch / Application Type	Applicant & Application Number	Facility Location	Pertinent Date	Proposed Activity
(SHWB) Solid Waste Management Permit (Renew)	RRR Recycling Services, RY-0081-06	964 Akepo Lane, Honolulu, HI 96817	Application Received 8/24/06	Recycling
(SHWB) Solid Waste Management Permit (New)	Enviroservices & Training Center, LLC, TR-0082-06	Petroleum Contaminated Soil Transport to Waimanalo Gulch LF, West Hawai'i LF, Maui Demolition & Construction LF, and Kekaha LF	Application Received 9/19/06	PCS Transport
(SHWB) Solid Waste Management Permit-by-Rule (Renew)	West Hawaii Concrete, RY-0083-06	74-4925 Queen Ka'ahumanu Hwy., Kailua Kona, HI 96740	Application Received 9/19/06	Recycling
(SHWB) Solid Waste Management Permit-by-Rule (New)	Reynolds Recycling Campbell Industrial Park, RY-0084-06	91-310 Hanu'a St., Kapolei, HI 96707	Application Received 9/25/06	Recycling
(SHWB) Solid Waste Management Permit (Renew)	Puhi Metal Recycling Center, SV-0085-06	3951 Puhi Rd., Lihue, HI 96766	Application Received 9/29/06	Salvage
(SHWB) Solid Waste Management Permit-by-Rule (New)	Enviroservices Household Hazardous Waste Collection Site, CC-0086-06	96-1272 Waihonu St. #11, Pearl City, HI 96782	Application Received 10/3/06	Convenience Center
(SHWB) Solid Waste Management Permit (New)	OS Hawai'i Natural Farms, CO-0087-06	Hawai'i Belt Hwy., between mile markers 12 & 13, Kurtistown, HI 96760	Application Received 10/11/06	Composting
(SHWB) Solid Waste Management Permit (New)	RRR Recycling Services Hawai'i - Kamehameha Swap Meet, RY-0088-06	98-850 Moanalua Rd., Aiea, HI 96701	Application Received 10/24/06	Recycling
(SHWB) Solid Waste Management Permit (New)	Kalaupapa Composting Facility, CO-0089-06	Kalaupapa, HI 96742	Application Received 10/27/06	Composting
(SHWB) Solid Waste Management Permit (New)	Atlas Recycling - Kalara St., RY-0090-06	Kalara St., Kea'au, HI 96749	Application Received 11/16/06	Recycling
(SHWB) Solid Waste Management Permit (New)	Malama Environmental, TR-0091-06	Petroleum Contaminated Soil Transport to Maui Demolition & Construction LF	Application Received 11/17/06	PCS Transport
(SHWB) Solid Waste Management Permit (New)	Kona Carbon, RY-0092-06	Malu'okalani St., Kamuela, HI 96743	Application Received 11/22/06	Recycling

Pollution Control Permit Applications

DECEMBER 08, 2006

Clean Air Branch

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
CAB, TCSP	Kiewit Pacific Company (Initial Permit) CSP No. 0626-01-CT	Located at: Various Temporary Sites, State of Hawai'i	Issued: 11/9/06	357 TPH Portable Stone Quarrying and Processing Plant w/One (1) 1,100 kW Diesel Engine Generator
CAB, NSP	Marine Corps HI (Modification & Renewal) NSP No. 0111-01-N	Located at: Marine Corps Base Hawai'i	Issued: 11/20/06	Base Equipment and Facilities

Conservation District Notices

Conservation District Use Permit

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
P.O. Box 621, Honolulu, Hawai'i 96809

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 Michael Cain at 587-0048.

Consolidation and Re-subdivision at Pu'akea and Kukuipahu, North Kohala

File No.: CDUA HA-3386
Applicant: Leland Miller et al.
Location: Puakea & Kukuipahu, North Kohala, Island of Hawai'i
TMKs: (3) 5-6-001:108-110
343, HRS
Determination: Exempt
Proposed Action:



The applicant is seeking a CDUA for the proposed consolidation and re-subdivision of three lots into three lots at Pu'akea and Kukuipahu in North Kohala, Hawai'i, TMKs (3) 5-6-001:108, 109, and 110.

The total area of the three parcels is 78.24 acres. Parcels 108 and 109 front the coast, while parcel 110 is inland. The State Land Use Conservation District Resource extends approximately 50 to 100 meters inland from the coast. The first two parcels are thus partially in the Conservation District, while the third parcel lies entirely without.

The proposed subdivision would create three parcels of 25.745, 24.114, and 28.565 acres, with each having frontage along the coastline. This would increase the number of parcels in the Conservation District from two to three.

DECEMBER 8, 2006

Safety Zone Established for Kealakekua Bay, Hawai'i

The Coast Guard is establishing a temporary safety zone in Kealakekua Bay on the Island of Hawai'i. This zone is established at the request of the Hawai'i County Civil Defense due to mudslides and falling rocks. These falling rocks present a hazard to users of Kealakekua Bay. Entry of persons or vessels into this temporary safety zone is prohibited unless authorized by the Captain of the Port (COTP).

On October 15, 2006, a 6.7-magnitude earthquake occurred at 7:08 am (HST) with an epicenter approximately 10 miles NNW of Kailua-Kona Bay on the island of Hawai'i. The Hawai'i County Civil Defense requested a safety zone after initial damage assessment reports of mudslides and falling rocks in Kealakekua Bay. In response, COTP Honolulu established a preliminary safety zone in Kealakekua Bay from the shore line to a line drawn from the lighthouse on Ka'awaloa Cove to the Hikiau Heiau landmark on Napo'opo'o Beach. As part of the ongoing damage assessments, the State of Hawai'i has requested that the safety zone be reduced in size. The COTP will publish a final rule in the Federal Register to cancel this zone prior to its expiration date if future damage assessments indicate that the danger to the public from falling rocks and debris no longer exists.



This rule is effective from 10 a.m. (HST) on October 25, 2006 until 12 a.m. (HST) on April 18, 2007 unless cancelled earlier by the Captain of the Port. It is located in the waters of Hawai'i Island's Kealakekua Bay between the shore and a line drawn from the Captain Cook Monument to the Hikiau Heiau landmark on Napo'opo'o Beach, from the surface of the water to the ocean floor. Documents indicated in this preamble as being available in the docket are part of docket COTP Honolulu 06-007 and are available for inspection or copying at Coast Guard Sector Honolulu, 433 Ala Moana Blvd, Honolulu, HI between 7 a.m. and 3:30

p.m., Monday through Friday, except Federal holidays. For further information contact: Lieutenant (Junior Grade) Quincey Adams, U.S. Coast Guard Sector Honolulu at (808) 842-2600.

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b) (B), the Coast Guard finds that good cause exists for not publishing an NPRM. This zone is established due to reports of mudslides and falling rocks in Kealakekua Bay causing an immediate danger to the public. Publishing an NPRM and delaying the effective date would be contrary to the public safety. For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the Federal Register. The COTP finds this good cause to be the immediate need for a safety zone to protect the public.

The general regulations governing safety zones contained in 33 CFR 165.23 apply. Entry into, transit through or anchoring within this zone is prohibited unless authorized by the Captain of the Port or a designated representative

thereof. The Captain of the Port will cause notice of the enforcement of the safety zone described in this section to be made by broadcast notice to mariners. Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232.

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, under figure 2-1, paragraph (34) (g) of the Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation. An "Environmental Analysis Check List" and "Categorical Exclusion Determination (CED)". [FR Doc. E6-19557 Filed 11-17-06; 8:45 am] [FR: Nov 20, 2006 (Vol. 71, No 223)]

Federal Notices

DECEMBER 08, 2006

Notice of Scoping for Commercial Services Plan; Haleakala National Park, Maui, HI

Pursuant to requirements of the National Environmental Policy Act of 1969 (Pub. L. 91-190), the National Park Service is initiating the conservation planning and environmental impact analysis process regarding a commercial services plan proposed for Haleakala National Park. This Notice initiates scoping for the process that is expected to result in changes to the types of commercial services offered in the park and the way they are managed by the park. Haleakala National Park proposes to develop a long-term Commercial Services Plan (CSP) so that increasing visitor use may be accommodated in a manner compatible with the park's mission; and to assure that a full range of necessary and appropriate commercial services are developed and managed so that potential impacts to cultural and natural resources and visitor experience would be minimized. The CSP will be consistent with the park's mission and purpose statements and management goals as specified in legislation and as outlined in the Strategic Plan for Haleakala National Park (fiscal year 2005-2008).

Information from the public and interested groups is desired so that all pertinent issues and concerns which should be addressed in the conservation planning and environmental impact analysis for the CSP may be identified. At this time, the preliminary range of issues and public concerns deemed necessary to consider include the following:

Sunrise atop Haleakala is one of the most promoted tourist activities offered by the visitor industry on Maui. The Summit area of the park frequently receives over 1,300 visitors at sunrise. The concentration of visitor use has resulted in trampling of threatened and endangered plant species, increased social trailing resulting in accelerated erosion, and introduction of non-native species. When the parking areas are filled, health and safety concerns result due to inability of emergency vehicles (ambulance, law enforcement, and fire apparatus) to access these areas. Other NPS concerns include degradation of various park trails resulting partially from commercial horse tour activities. In the Summit Area, trails are used jointly by hikers and by horse riders. The trails are located in fragile ecosystems where the trail tread does not hold up well to excessive use resulting in un-natural erosion. Privately

guided hiking activities in the Kipahulu area may also be contributing to formation of unauthorized trails that follow the stream corridor and lead to upstream pools.

At this time, the NPS invites the public, other Federal agencies, Native Hawaiian groups, state and local governments, and all other interested parties to participate in the initial scoping and in the alternative development process. For initial scoping and alternatives development, the most useful comments are those that provide the NPS with assistance in identifying environmental issues, suitable range of alternatives, and other concerns that should be considered early in the commercial services and environmental planning process for these projects. It is anticipated that an Environmental Assessment will be the appropriate level of environmental compliance, this scoping process will aid in the preparation



Interested individuals, organizations, and agencies wishing to provide written comments may respond by regular mail to Commercial Services Plan, c/o Superintendent, Haleakala National Park, P.O. Box 369, Makawao, Maui, HI 96768 (or via e-mail c/o hale_csp@nps.gov).

Our practice is to make comments, including names, home addresses, home phone numbers, and e-mail addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

The official responsible for the decision is the Regional Director, Pacific West Region, National Park Service; subsequently the official responsible for implementation would be the Superintendent, Haleakala National Park. [FR Doc. 06-9464 Filed 11-29-06; 8:45 am] [FR: Nov 30, 2006 (Vol. 71, No 230)]

Environmental Announcements

DECEMBER 8, 2006

2007 Subscription Renewal

To continue receiving *The Environmental Notice*, complete and send this form by January 1, 2007 or you will be dropped from the mailing list.

You have three ways to get your response to us before the deadline 1) fax a copy of this form to (808) 586-4186, 2) email a note with your current mailing address as seen on your label and any corrections to oeqc@doh.hawaii.gov or 3) mail the form to:

Office of Environmental Quality Control, 235 S. Beretania Street, Room 702, Honolulu, Hawai'i 96813

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Comment(s): _____

Notice of Proposed Remedial Action

Hawai'i Metamorphosis, LLC

91-008 Hanua Street, Kapolei, Hawai'i

TMK# 9-1-026

The Hawai'i Department of Health is proposing a remedy for the Hawai'i Metamorphosis, LLC site located at 91-008 Hanua Street, Kapolei, Hawai'i (TMK# 9-1-026). The primary concern at this site is the buried soil and ash that contains lead. From 1966 to 1989, Leeward Auto Wreckers operated an incinerator in the center of the subject property and the resultant ash was disposed of on the property itself. After multiple site investigations, the current owner, Hawai'i Metamorphosis, LLC, evaluated four possible remedies for the site: (1) No Action, (2) Containment via Barrier Cap and Containment Wall, (3) Excavation and Off-Site Disposal, and (4) Soil Solidification/Stabilization. The Department of Health has tentatively selected the second remedy, containment.

Pursuant to Hawai'i Administrative Rules 11-451-15(i), the Department of Health is announcing that a draft Response Action Memorandum detailing this proposed remedy is available for public review and comment. The Department is accepting comments on the draft Response Action Memorandum for 30 days, after which the Department will evaluate all comments received and make a final remedy selection decision for the site.

The draft Response Action Memorandum may be reviewed at DOH offices at 919 Ala Moana Boulevard, Suite 206, Honolulu, HI 96814. To arrange for a review date please contact Mr. Steven Mow at (808) 586-4249. Oral and written comments on the draft Response Action Memorandum will be accepted through December 31st, 2006. Written comments can be mailed to the Hazard Evaluation and Emergency Response Office, Hawai'i Department of Health, 919 Ala Moana Boulevard, Suite 206, Honolulu, HI 96814, faxed to (808) 586-7537, or emailed to steven.mow@doh.hawaii.gov.