

The Environmental Notice

A semi-monthly periodic bulletin published by the Office of Environmental Quality Control pursuant to Section 343-3, Hawai'i Revised Statutes

June 23, 2008

Final Printed Issue of the Environmental Notice

The Office of Environmental Quality Control announced in the June 8, 2008 issue of The Environmental Notice that the June 23, 2008, issue will be the last time hardcopies will be printed and mailed to recipients. This action will result in significant savings to OEQC's limited resources, it will significantly reduce the use of paper, and it will utilize modern technology via electronic mail distribution. The July 8, 2008, issue of The Environmental Notice will be in portable file format (pdf) and will be completely paperless. The Environmental Notice will be emailed to recipients we have on our email list. If you are not on the email list and wish to receive an email of The Environmental Notice, please call OEQC at (808) 586-4185 or email us at oeqc@doh.hawaii.gov to add your name to the list. Thank you for your understanding in this matter.

Submitting Chapter 343, HRS, Documents for Publication in the Periodic Bulletin – Request to Proposing and Approving Agencies To Please Complete Bulletin Form and Summary Electronically

When submitting items for inclusion in the periodic bulletin, the Office of Environmental Quality Control respectfully requests that proposing agencies (for agency actions) and approving agencies (for applicant actions) complete the bulletin form and summary in electronic word processing format (e.g., Microsoft Word). The best way to do this is to copy and paste the information from the electronic copy of the completed bulletin form and summary in the body of an electronic mail text and send it to oeqc@doh.hawaii.gov. Some submittals of the bulletin form and summary have been in Adobe Acrobat PDF format and it is difficult to extract information from PDF files. We would like to extend our sincere mahalo to all who have responded to our request. Thank you for your assistance in making the environmental review process more efficient.

Correction to the Proposed Kihei Residential FEIS

The State of Hawai'i Land Use Commission accepted the Final Environmental Impact Statement (FEIS) for the above project on May 15, 2008. The June 8, 2008 publication of this notice erroneously stated that the above project was still being processed for determination of acceptability. OEQC apologizes for this oversight.

Interstate Movement of Municipal Solid Waste From Hawai'i

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture has prepared a regional programmatic environmental assessment (EA) and finding of no significant impact (FONSI) relative to the interstate movement of municipal solid waste from Hawai'i to landfills in the States of Idaho, Oregon, and Washington. The environmental assessment contains a general assessment of the potential environmental effects associated with moving garbage interstate from Hawai'i to Idaho, Oregon, and Washington subject to certain pest risk mitigation measures and documents our review and analysis of the environmental impacts associated with, and alternatives to, such movements. The environmental assessment, titled "*Regional Movement of Plastic-baled Municipal Solid Waste from Hawai'i to Washington, Oregon, and Idaho*" (February 2008), considers the movement of a cumulative maximum amount of baled municipal solid waste from the State of Hawai'i to any qualified landfill in Washington, Oregon, or Idaho under compliance agreements with APHIS and in accordance with the standards previously established by APHIS regarding baling, handling, spill response, and disposal. APHIS solicited comments on the regional programmatic environmental assessment for 30 days ending on April 14, 2008. APHIS received three comments by that date, from the State of Idaho, a private citizen, and a law office. All of the commenters raised specific issues regarding the environmental assessment. In an attachment to the finding of no significant impact determination, APHIS responded to each of the issues raised by the commenters. Based on the information contained in the regional programmatic environmental assessment and following APHIS's consideration of the information submitted during the comment period, APHIS has determined that implementation of either alternative examined in the environmental assessment (i.e., the barging of municipal solid waste from Hawai'i to landfills within the States of Oregon, Washington, and Idaho under compliance agreements with APHIS or taking no action (no interstate movement of municipal solid waste from Hawai'i)) is not expected to result in a significant impact to the human environment, and an environmental impact statement does not need to be prepared. For more information, contact Ms. Shannon Hamm, Acting Deputy Administrator, Policy and Program Development, APHIS, 4700 River Road Unit 20, Riverdale, MD 20737-1231; (301) 734-4957 (see, 73 F.R. 34700, June 18, 2008).



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In this Issue

June 23, 2008

Front Page

Final Printed Issue of the Environmental Notice	1
Submitting Chapter 343, HRS, Documents for Publication in the Periodic Bulletin – Request to Proposing and Approving Agencies To Please Complete Bulletin Form and Summary Electronically	1
Correction to the Proposed Kihei Residential FEIS	1
Interstate Movement of Municipal Solid Waste From Hawai'i	1

Hawai'i Notices

(1) Kaloko Makai (HRS 343-5(c) FEA-EISPN)	4
(2) Department of Public Safety, Temporary Housing & Program Structures (HRS 343-5(b) FEA-FONSI)	4

Maui Notices

(3) Proposed Martin Single-Family Residence (HRS 343-5(c) FEA-FONSI)	5
(4) Maui Family YMCA (HRS 343-5(c) FEA-FONSI)	5
(5) Proposed Ke Kama Pono Facility (HRS 343-5(b) FEA-FONSI)	5
(6) Department of Public Safety, Temporary Housing and Program Structures (HRS 343-5(b) FEA-FONSI)	6

O'ahu Notices

(7) Wai'anae Coast Comprehensive Health Center, Harry and Jeanette Weinberg Family Medical Building (HRS 343-5(c) SDEA)	7
(8) H-POWER Facility, Air Pollution Control System Improvements (HRS 343-5(b) FEA-FONSI)	7
(9) Purchase of Conservation Easement to Preserve Agricultural Lands (HRS 343-5(b) FEA-FONSI)	8
(10) Koa Ridge Makai and Wai'awa Development (HRS 343-5(c) FEA-EISPN)	8

(11) Ke Kula 'O Samuel M. Kamakau Laboratory Public Charter School Relocation (HRS 343-5(c) DEA)	9
(12) Construction of a Post Traumatic Stress Disorder Residential Rehabilitation Program Facility (NEPA Preliminary Final Environmental Assessment and FONSI)	9

Department of Health

Pollution Control Permits	10
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Conservation District Notices

Conservation District Use Permit Hawaiian Electric Company, Inc. Air Quality Monitoring System (AQMS)	10
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Coastal Zone Notices

Special Management Area (SMA) Minor Permits	11
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Shoreline Notices

Shoreline Certifications and Rejections	11
Shoreline Certification Applications	12

Federal Notices

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves	13
Endangered Wildlife and Plants Permit Application TE-04363813	13
Revision of the Hawaiian and Territorial Fruits and Vegetables Regulations	13
Notice Designating the University of Hawai'i as a Department of Homeland Security Center of Excellence for the Study of Maritime, Island and Extreme/Remote Environment Security as Research Co-Lead Institution	14
List of Fisheries for 2009	15

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, Hawaii 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 the this periodic bulletin, any agency, group, or individual has 30 days from the first publication of the EISPN to request to become a consulted party and to make written comments regarding the environmental effects of the proposed action. The public (including an applicant) has 60 days from the first notice of an EISPN in this periodic bulletin to ask a court to not require the preparation of an EIS.

Draft Environmental Impact Statement

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

Hawai'i Notices

June 23, 2008

(1) Kaloko Makai (HRS 343-5(c) EISPN)

District: North Kona
TMK: (3) 7-3-09: 017, 025, 026, and 028
Applicant: SCD Kaloko Makai, LLC, 1100 Alakea Street, 27th Floor, Honolulu, Hawai'i 96813. Contact: Peter Phillips, (808) 537-5220

Accepting Authority: State of Hawai'i Land Use Commission, 235 S. Beretania Street Room 406, Honolulu, Hawai'i 96813. Contact: Dan Davidson, (808) 587-3822

Consultant: Wilson Okamoto Corporation, 1907 S. Beretania Street, Suite 400, Honolulu, Hawai'i 96826. Contact: Alan Suwa, (808) 946-2277

Status: Environmental Impact Statement Preparation Notice, pending 30-day public comment. Address comments to the applicant with copies to the accepting authority, consultant and OEQC.

Public Comment Deadline: July 23, 2008

Permits Required: State Land Use District Boundary Amendment, County Change of Zone, Subdivision & Plan Approvals, National Pollutant Discharge Elimination System (NPDES) General Permits associated with Construction Activity, Grading/Building and Grubbing Permits, and others

SCD Kaloko Makai, LLC proposes to develop Kaloko Makai, a residential, mixed-use development, on approximately 1,142 acres of undeveloped land in Kaloko, North Kona, Hawai'i. The site is approximately 3 miles south of the Kona International Airport at Keahole and 3.5 miles north of the town of Kailua. Access to the site is from Queen Ka'ahumanu Highway and Hina Lani Street.

The proposed project is situated on lands within the State Land Use Conservation, Agricultural, and Urban Districts, necessitating a petition for State Land Use District Boundary Amendment. Reclassification of the Conservation and Agricultural Districts to the Urban District is being sought, and later a County of Hawai'i Zone Change. The preparation of this EIS is triggered by the reclassification of Conservation District lands within the project area. Other possible EIS triggers include the use of State and/or County lands or funds in development of the project and possible construction of a wastewater treatment plant.

Positive benefits to the community include an increase in employment and government revenues from sales, income and property taxes will be enhanced. Kaloko Makai will provide a wide range of residential opportunities for professionals, middle and low-income residents, retirees and second-home buyers who desire to work and live in the area. The project will respond to much needed housing near centers of employment in Kona. The Draft EIS will also include an analysis of the potential secondary

and cumulative impacts of the proposed project to natural and human environments. The proposed project is anticipated to have cumulative effects along with other planned developments upon the environment and will involve a larger commitment for larger actions.

(2) Department of Public Safety, Temporary Housing & Program Structures (HRS 343-5(b) FEA-FONSI)

District: Puna
TMK: 2-3-023:005 (HCCC), 2-4-049:018 (Hale Nani), 2-4-008:009 (KCF)

Proposing Agency: Department of Accounting and General Services, Public Works Division

1151 Punchbowl Street, Room 430, Honolulu, Hawai'i 96813. Contact: Joseph Earing, (808) 586-0486

Determination Agency: Department of Accounting and General Services, Public Works Division

1151 Punchbowl Street, Room 430, Honolulu, Hawai'i 96813. Contact: Joseph Earing, (808) 586-0486

Consultant: The Louis Berger Group, 412 Mount Kemble Avenue, Morristown, New Jersey 07962-1960. Contact: Robert Nardi, (973) 407-1681

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

Permits Required: Building



To meet its operational mission, the Department of Public Safety (PSD) would acquire temporary housing and program structures with mobile restrooms for use at the Hawai'i Community Correctional Center (HCCC), the Hale Nani Annex, and the Kulani Correctional Facility (KCF), and install electronic narcotic screening equipment at the HCCC and KCF, on the Island of Hawai'i. These temporary housing and program structures will be stored at these facilities until funds become available for assembly. When assembled, these structures would each be approximately 3,200 square feet. Acquisition, installation and use of the temporary housing and program structures and purchase and installation of screening equipment at these facilities would have negligible adverse impacts to physical, biological, and socioeconomic resources, with minimal impacts mitigated as appropriate. Beneficial impacts would be derived from the proposed action including: a) contributions toward fulfilling the PSD's mission to provide a safe, secure, healthy, humane, social, and physical environment for inmates and staff; b) the addition of lower-level custody beds; and c) the provision of additional program space. These actions would provide inmates with the appropriate level of service so that they can progress more efficiently and effectively through the corrections system. Implementation of the proposed action should result in no significant adverse impacts as defined by the Hawai'i Revised Statutes.

June 23, 2008

(3) Proposed Martin Single-Family Residence (HRS 343-5(c) FEA-FONSI)

District: Lahaina
TMK: (2)4-8-003:046
Applicant: Peter and Deborah Martin, 590-A Old Stable Road, Pa'ia, Hawai'i 96779. Contact: Peter Martin, (808) 283-1273

Approving Agency: Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, Hawai'i 96809. Contact: Samuel J. Lemmo, (808) 587-0433

Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, Hawai'i 96793. Contact: Kyle Ginoza, (808) 244-2015

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

Permits Required: Conservation District Use Permit

Peter and Deborah Martin are proposing to construct a single-story, single-family residence on land that they own in the Olowalu Makai-Hikina Subdivision in Olowalu, Maui. The subject property is approximately 0.800 acre in area and is located approximately 70 feet from the shoreline. Site work related to the construction of the proposed residence includes grading, driveway improvements, and the installation of water, sewer, and drainage systems.

The subject property is located in the Special Management Area (SMA) of the County of Maui and is also within the "Conservation" district of the State of Hawai'i. The applicant is processing this Environmental Assessment (EA) in preparation for applying for a Conservation District Use Permit (CDUP) with the State of Hawai'i, Department of Land and Natural Resources. A CDUP is required to construct a single-family residence in the "Conservation" district.

The landscape of Olowalu in the vicinity of the project site consists of a mix of single-family residences and fallow lands, which were formerly cultivated in sugar cane. The proposed project is limited to the development of a single-family residence and related improvements. As such, cumulative and secondary impacts related to the project are not anticipated to be significant.

(4) Maui Family YMCA (HRS 343-5(c) FEA-FONSI)

District: Wailuku
TMK: (2)3-8-007:127
Applicant: Maui Family YMCA, 250 Kanaloa Avenue, Kahului, Hawai'i 96732. Contact: Michael Morris, (808) 242-9007

Approving Agency: Maui County Department of Parks and Recreation, 700 Halia Nakoia St., Unit 2, Wailuku, Hawai'i 96793. Contact: Mr. Pat Matsui, (808) 270-7931

Consultant: Chris Hart & Partners, Inc., 115 N. Market Street, Wailuku, Hawai'i 96793. Contact: Jason Medema, (808) 242-1955

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

Permits Required: NPDES, Building, Grading, Plumbing, Electrical, SMA

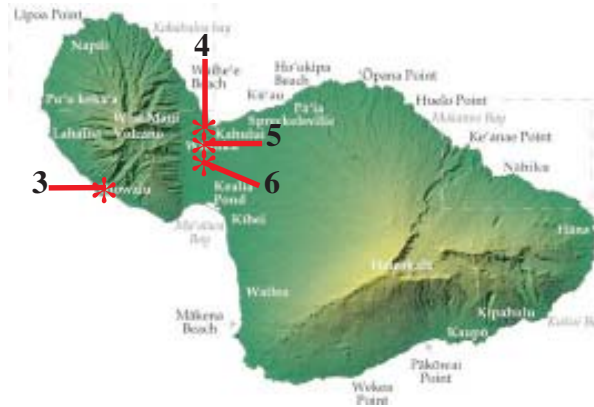
As a result of heavy growth in membership, the Maui Family YMCA has outgrown its current facility. To continue providing adequate programs and services to its members and the people of Maui, the Maui Family YMCA must expand its facility.

The proposed project is located in an area of existing park and residential development on a parcel occupying 4 acres (174,240 square feet) of land on the east side of Kanaloa Avenue, Kahului, Maui, Hawai'i. Specifically, the project site lies north of Halia Nakoia Street, across Kanaloa Avenue from the Maui War Memorial Complex and bordering Keopuolani Park. The proposed action includes both improvements to the existing building and new construction adjacent to the existing facilities.

After minor site preparation, a two-story, approximately 18,000 square foot building addition 34 feet in height will be constructed, bringing the combined floor area of the expanded YMCA facility to 35,000 square feet. The proposed building addition will include a gymnasium, aerobic exercise room, showers, locker rooms, a new outdoor swimming pool, offices, lounge and storage areas. Existing facilities will be refurbished for finishes and limited modification of interior walls. The proposed project will also include modification of the front parking area, new paved parking (for a total of 115 stalls), landscape plantings, and the installation of utilities and access connections. The project will also include the installation of a subsurface drainage system consisting of a perforated drainline embedded in crushed rock and wrapped with a layer of filter fabric, which will capture any incremental increase in post-development runoff on site.

(5) Proposed Ke Kama Pono Facility (HRS 343-5(b) FEA-FONSI)

District: Wailuku
TMK: 3-4-011:032
Proposing Agency: Department of Human Services, Office of the Director, 1390 Miller Street, Room 209,



Maui Notices

June 23, 2008

Honolulu, Hawai'i 96813-2936. Contact:
Scott Ray, (808) 721-6225

Determination

Agency: Department of Accounting and General Services, Public Works Division, 1151 Punchbowl Street, Room 430, Honolulu, Hawai'i 96813. Contact: Joseph Earing, (808) 586-0486

Consultant: The Louis Berger Group, 412 Mount Kemble Avenue, Morristown, New Jersey 07962-1960. Contact: Robert Nardi (973) 407-1681

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

Permits

Required: Exempted by DHHL

The Hawai'i Department of Human Services (DHS) Office of Youth Services (OYS) is responsible for providing services and programs for youth-at-risk, with the goal of preventing delinquency and reducing recidivism. To meet this goal, the DHS/OYS is proposing to construct an approximately 2,000 square-foot residence at a site on Wells Street in Wailuku, Maui from which to operate the Ke Kama Pono "Children of Promise" program. The Ke Kama Pono program is a community-based approach to diverting non-violent youth at risk from incarceration. The program serves a segment of the juvenile population that is in need of a structured and secured environment, with the appropriate services and programs to become successful members of the community. Upon operation, the proposed facility would serve up to eight boys, ages 13 to 17. Construction of the proposed facility would have negligible impacts on biological and socioeconomic resources including topography, soils, land use, utility services, traffic and transportation, cultural resources, and aesthetics that would be mitigated as appropriate. Beneficial impacts would include contributions toward fulfilling the DHS' mission to provide the right services, to the right child, at the right time and providing additional options for addressing their needs. Implementation of the proposed action at the Wells Street site would result in no significant adverse impacts as defined by Hawai'i Revised Statutes and the National Environmental Policy Act, while resulting in such positive impacts as providing community-based residential programs so that children in need of assistance can receive that help near their family and support services.



View of proposed site for Ke Kama Pono facility

(6) Department of Public Safety, Temporary Housing and Program Structures (HRS 343-5(b) FEA-FONSI)

District: Wailuku
TMK: 3-8-046:005

Proposing Agency: Department of Accounting and General Services, Public Works Division
1151 Punchbowl Street, Room 430, Honolulu, Hawai'i 96813.
Contact: Joseph Earing, (808) 586-0486

Determination

Agency: Department of Accounting and General Services, Public Works Division
1151 Punchbowl Street, Room 430, Honolulu, Hawai'i 96813.
Contact: Joseph Earing, (808) 586-0486

Consultant: The Louis Berger Group, 412 Mount Kemble Avenue, Morristown, New Jersey 07962-1960. Contact: Robert Nardi, (973) 407-1681

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

Permits

Required: Building

To meet its operational mission, the Department of Public Safety (PSD) would acquire temporary housing and program structures with mobile restrooms for use on the Island of Maui. These temporary structures would be stored at the Maui Community Correctional Center (MCCC) until a site for installation is selected and funds become available for assembly. When assembled, these structures would each be approximately 3,200 square feet. This action includes the installation and use of electronic drug-detection screening equipment at MCCC. The acquisition and storage of the temporary structures, and the installation and use of the screening equipment would have negligible adverse impacts to physical, biological, and socioeconomic resources, with minimal impacts mitigated as appropriate. Beneficial impacts would be derived from the proposed action including; a) contributions toward fulfilling the PSD's mission to provide a safe, secure, healthy, humane, social, and physical environment for inmates and staff; b) the addition of lower-level custody beds; and c) the provision of additional program space. These actions would provide inmates with the appropriate level of service so that they can progress more efficiently and effectively through the corrections system. Implementation of the proposed action should result in no significant adverse impacts as defined by the Hawai'i Revised Statutes.

June 23, 2008

(7) Wai'anae Coast Comprehensive Health Center, Harry and Jeanette Weinberg Family Medical Building (HRS 343-5(c) SDEA)

District: Wai'anae
TMK: 8-6-001:003
Applicant: Wai'anae Coast Comprehensive Health Center (WCCHC), 86-260 Farrington Highway, Wai'anae, Hawai'i 96792. Contact: Marianne Glushenko, (808) 696-1479

Approving Agency: City & County of Honolulu, Department of Planning and Permitting (DPP), 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813. Contact: Pamela Davis, (808) 768-8017

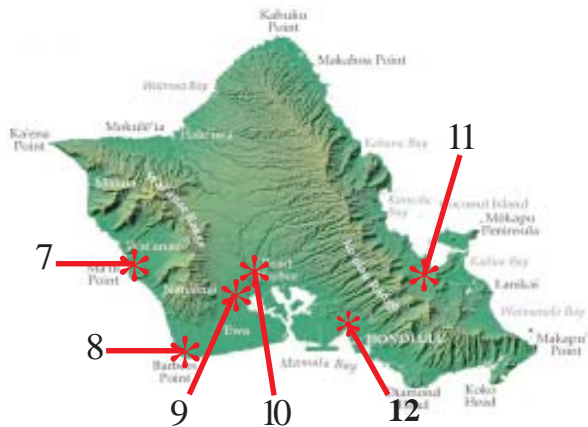
Consultant: Kober Hansen Mitchell Architects, 55 Merchant Street, Suite 1812, Honolulu, Hawai'i 96813. Contact: Kurt Mitchell, (808) 566-5408

Public Comment Deadline: July 23, 2008
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 Major Use Permit (Major Modification), Construction approval/Grading Permit(s), Building permit(s)

This Supplemental Draft Environmental Assessment (DEA) and Major Modification of Special Management Area (SMA) Use Permit No. 94/SMA-1 (Resolution No. 95-345, CD1) is to allow a 4-level building (including basement levels), which exceeds the 40-foot height limit.

The applicant is seeking a major modification to the original SMA permit for master plan developments on the WCCHC site, approved on June 26, 1995; and, extended on July 23, 2003 until June 26, 2010. The project site is located on a severely sloping site, below the base of Pu'u Ma'ili'ili. Originally approved as a three (3)-story building with basement, the design was changed to two (2) stories above grade and two (2) floors below grade (basement), to mitigate height. Although a majority of the building will be within the regulatory height envelope, the topography of the site severely slopes away on one side of the building, resulting in height overages for portions of the building in the range of about 5 to 18 feet. The original EA, dated October 14, 1993, and SMA Use Permit were based specifically on compliance with the site's maximum 40-foot height limit; therefore, the proposed height overage requires a major modification of the original approval,



and a Supplement EA addressing related height issues must be prepared.

This Supplemental DEA shall address two (2) specific issues not addressed in the original EA and SMA Use Permit, cultural and visual impacts to Pu'u Ma'ili'ili. Concurrently, the DPP will continue processing a height variance (File No. 2007/VAR-42) to the 40-foot height limit for the B-2 Community Business District site.

(8) H-POWER Facility, Air Pollution Control System Improvements (HRS 343-5(b) FEA-FONSI)

District: 'Ewa
TMK: 9-026-030, 033, 034, 035
Proposing Agency: City and County of Honolulu, Department of Environmental Services, 1000 Uluohia Street, Suite 308, Kapolei, Hawai'i 96707. Contact: Stephen Langham, (808) 682-1359

Determination Agency: Same as above.
Consultant: NA
Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).

Permits Required: Clearing and Grubbing, Grading, Trenching, NPDES, NOI-C, NOI-G, CSP minor mod (DOH Clean Air)

The H-POWER Air Pollution Systems Improvement Project is being undertaken to comply with recently promulgated regulations under the Federal Clean Air Act. These regulations pertain to the control of pollutants including reductions in the allowable amounts of particulate matter, dioxins, furans and heavy metals.

To comply, the City and County of Honolulu, the owner of the H-POWER facility, has evaluated the existing air pollution control equipment and has determined the electrostatic precipitators, which filter the combustor exhaust emissions, will need to be replaced with bag house filters.

Construction of the project will require office space, parking, access, storage space and room for pre-assembly. To meet these needs the Project intends to utilize approximately eight (8) acres of space on adjacent City-owned parcels on Kaomi Loop. Predominately for the additional need of using this space, an EA is deemed appropriate. Any impacts associated with use of this property can

be mitigated.

With respect to H-POWER, neither the through put capacity nor the electrical generation will change. Therefore, the facility remains essentially as permitted with no additional or changed environmental, community, social, economic, cultural, historic, natural, scenic, coastal, energy consumptive or other adverse impacts or effects. The sole impact or effect is a positive change

O'ahu Notices

June 23, 2008

to air emissions thereby decreasing potential adverse effects on human health and the environment. Therefore, City and County of Honolulu, Department of Environmental Services, has reviewed the draft environmental assessment for this project and determined that the proposed facility air pollution control system improvements will have no significant impacts on the environment.

(9) Purchase of Conservation Easement to Preserve Agricultural Lands (HRS 343-5(b) FEA-FONSI)

District: 'Ewa
TMK: (1) 9-2-1-11, portion
Proposing Agency: Agribusiness Development Corporation, 235 South Beretania Street, Room 205, Honolulu, Hawai'i 96813. Contact: Alfredo Lee, (808) 586-0186
Determination Agency: Same as above.
Consultant: Tom Pierce, Attorney at Law, A limited Liability Law Company, P.O. Box 798, Makawao, Hawai'i 96768. Contact: Tom Pierce, (808) 573-2428
Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).
Permits Required: None

Agribusiness Development Corporation (ADC) is a Hawai'i state agency whose mission is to facilitate the transition of the state's agricultural industry from plantation operations to a diversified agricultural economy, including the preservation of lands with agricultural importance. ADC proposes to purchase a conservation easement to protect, in perpetuity, agricultural lands located in Kunia, Hawai'i, which are owned by Hawai'i Agriculture Research Center (HARC). HARC is a Hawai'i nonprofit focused on agricultural research.

The proposed conservation easement will encumber approximately 108.217 acres of agricultural land located on the northwestern corner of the intersection of the H1-Interstate Freeway and Kunia Road ("the Conservation Property"). The focus of this Environmental Assessment (FEA) is to evaluate the environmental impacts of ADC's proposal to purchase a conservation easement over the Conservation Property. The specific environmental impacts that are addressed in this FEA are the environmental impacts of purchasing a conservation easement that will provide perpetual prohibitions on development of most of the Conservation Property and thereby provide an opportunity for the Conservation Property to always be available for agricultural uses.

ADC determines that there is finding of no significant impact (FONSI) to conserving this land through the use of a conservation easement.

(10) Koa Ridge Makai and Wai'awa Development (HRS 343-5(c) EISPN)

District: 'Ewa
TMK: Koa Ridge Makai: (1) 9-4-06: 038, pors. 001,

002, 005, 039; and (1) 9-5-03: pors. 001 and 004
Wai'awa: (1) 9-4-06: pors. 029 and 031; and (1) 9-6-04: 021

Applicant: Castle & Cooke Homes Hawaii, Inc., 100 Kahelu Avenue, 2nd Floor, Mililani, Hawai'i 96789. Contact: Laura Kodama, (808) 548-4811

Accepting Authority: State of Hawaii Land Use Commission, P.O. Box 2359, Honolulu, Hawai'i 96804-2359. Contact: Orlando Davidson, (808) 587-3822

Consultant: Helber Hastert & Fee, Planners, 733 Bishop Street, Suite 2590, Honolulu, Hawai'i 96813. Contact: Gail Renard (808) 545-2055

Status: Environmental Impact Statement Preparation Notice, pending 30-day public comment. Address comments to the applicant with copies to the accepting authority, consultant and OEQC.

Public Comment Deadline: July 23, 2008

Permits Required: State Land Use District Boundary Amendment, City and County of Honolulu Zone Change, Plan Review Use, Certificate of Need, Water Use Permit, Well Construction and Pump Installation Permit, National Pollutant Discharge Elimination Permit, Subdivision Approvals, Grading Permits, Building Permits

The master plan for Koa Ridge Makai and Wai'awa consists of two development areas in Central Oahu. Koa Ridge Makai is a master planned community that will include residential, commercial, light industrial, and medical and health care components, with an integrated mixed-use village center. The residential component of the master plan is proposed to include approximately 3,500 single- and multi-family homes, and sites for parks, recreation centers, schools, and neighborhood and community commercial development to serve the residents and surrounding region. A key element of the community is a mixed-use "Village Center" area, planned as the social and community focus. The health care component will provide a range of medical and health care services potentially including a hospital, skilled nursing, physicians' offices, diagnostic and treatment facilities, and other specialized centers.

The Castle & Cooke Wai'awa development on the east side of the H-2 Freeway is a planned community expected to accommodate approximately 1,500 single- and multi-family homes, neighborhood parks, retail, community center, and an elementary school site. A Draft EIS was prepared for the Wai'awa development with the State Land Use Commission as the Accepting Authority; notice of this Draft EIS was published in the November 8, 2007 issue of The Environmental Notice. Castle & Cooke Homes Hawaii subsequently withdrew this Draft EIS in order to prepare an EIS that addresses both the Koa Ridge Makai and Wai'awa development.

The following resource areas will be evaluated in the Draft EIS: physical resources (e.g., geology, topography, soils, air quality, noise), biological resources (e.g., flora and fauna), cultural and archaeological resources, visual resources, agriculture, economic and fiscal conditions, and infrastructure and utilities (e.g., traffic, water, sewer, drainage, electrical and communication systems).

(11) Ke Kula 'O Samuel M. Kamakau Laboratory Public Charter School Relocation (HRS 343-5(c) DEA)

District: Ko'olaupoko
TMK: 4-6-14:18, 4-6-15:14
Applicant: Ke Kula 'O Samuel M. Kamakau Laboratory Public Charter School, 45-037 Kane'ohe Bay Drive, Kane'ohe, Hawai'i 96744. Contact: Ms. Marci Sarsona, (808) 235-9176

Approving Agency: Department of Hawaiian Home Lands, 91-5420 Kapolei Parkway, Kapolei, Hawai'i 96707. Contact: Linda L. Chinn, (808) 620-9451

Consultant: Helber Hastert & Fee, Planners, 733 Bishop Street, Suite 2590, Honolulu, Hawai'i 96813. Contact: Thomas A. Fee, (808) 545-205

Public Comment Deadline: July 23, 2008
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: NPDES, Grading and Building Permits

The proposed action is to relocate and construct a new school campus at the former ten-acre US Department of Agriculture's Quarantine Station in Ha'iku Valley, Kane'ohe, O'ahu, Hawai'i on land owned by the Department of Hawaiian Home Lands. The school was originally established in 2001 and is currently located at the Kokokahi YWCA (45-037 Kane'ohe Bay Drive) serving 110 students in pre-kindergarten through Grade 12. The new campus would support an ultimate student enrollment of approximately 176 students.

The proposed campus is within a previously developed site that does not support sensitive or protected habitats. Previous archaeological investigations have not identified any cultural resources within the project limits and none are expected to be encountered during construction. The project is not expected to result in significant direct, indirect, secondary or cumulative impacts to topography, soils, surface and ground water, natural hazards, climate and air quality, noise, biological resources, cultural resources, potable water, wastewater, storm drainage, electrical power, solid and hazardous waste, police and fire protection, socio-economic factors, parking, and visual resources. Traffic associated with the school would result in a noticeable traffic impact (increase) on nearby residential streets, although congestion at the intersections is not expected to occur.



NEPA Notice

(12) Construction of a Post Traumatic Stress Disorder Residential Rehabilitation Program Facility (Preliminary Final Environmental Assessment and FNSI)

District: Honolulu
Location: Tripler Army Medical Center
Proposing Agency: Veterans Administration, Pacific Islands HealthCare, Facilities Engineering Services, 459 Patterson Road, Honolulu, Hawai'i 96818. Contact: David Raasch or Jhune Mals, (808) 433-0167 or (808) 433-0165

Determination Agency: Same as above.
Consultant: NA
Public Comment Deadline: July 23, 2008
Permits Required: NA

the current outpatient PTSD Day Hospital and inpatient (PRRP) PTSD services. This will involve the construction of approximately 14,600 GSF of new building that includes a waiting area, offices, Tele-health, beds (16 bed rooms), bathrooms (toilets and showers), staff toilets, locker rooms, medication room, clean and soiled linen and utility rooms, group rooms, day room, kitchen, and storage areas. The proposed location is a vacant area just above the Tripler Medical Center and the campus gymnasium, and below the Fire Station on Kurkowski Road. This provides a quiet location away from the main hospital and the flow of everyday traffic with ample space for the proposed facilities and enough area to allow for growth.

Section 7 consultation with US Fish and Wildlife Service has been completed and consultation regarding Section 106 for historic preservation is ongoing. No long term or cumulative impacts are anticipated. The EA concluded that there would be no significant adverse impacts on the environment as a result of the project.

The review period for the Preliminary Final EA and FNSI closes July 23, 2008. Copies for review can be obtained by contacting Judy Mariant at 596-4688. Comments should be sent to: David Raasch, PE, VA Pacific Islands Healthcare, 459 Patterson Road, Facilities Engineering Services, Honolulu, Hawai'i 96819

At the conclusion of the review period, the Veterans Administration will respond to any comments, and finalize and sign the FNSI, if appropriate.

The proposed project will relocate the PTSD, PRRP program that is currently located on the 5th floor C-Wing of the Tripler Army Medical Center Hospital to a site near the VA Ambulatory Care Center on the Tripler campus. The project will consolidate

Department of Health Notices

June 23, 2008

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 9586-4309; **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.

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	P.B. Sullivan Construction, Inc. CSP No. 0627-01-CT Application for Modification	Located at: 1367 South Kihei Road Kihei, Maui	Issued: 6/6/08	507 TPH Mobile Jaw Crusher, 386 TPH Mobile Cone Crusher, and 500 TPH Powerscreen Mobile Screen
Clean Air Branch, 586-4200, Covered Source Permit	Aloha Petroleum, Ltd. CSP No. 0307-02-C Application for Modification	Located at: Hilo Sales Terminal, 999 Kalaniana'ole Avenue, Hilo, Hawai'i	Comments Due: 7/16/08	Two (2) 10,000 bbl Internal Floating Roof storage Tanks, Three (3) External Floating Roof Storage Tanks with geodesic Domes and One (1) Tank Truck Load Rack
Clean Air Branch, 586-4200, Covered Source Permit	Mid Pac Petroleum, LLC CSP No. 0382-02-C Significant Modification Application	Located at: 61-3651 Kawaihae Road, Kawaihae, Hawai'i	Comments Due: 7/16/08	Kawaihae Petroleum Bulk Loading Terminal
Clean Air Branch, 586-4200, Covered Source Permit	Grace Pacific Corporation CSP No. 0677-01-CT Initial Application	Located at: Waikoloa, Kona, Hawai'i	Comments Due: 7/16/08	300 TPH Hot Mix Asphalt Drum Plant
Clean Air Branch, 586-4200, NonCovered Source Permit	GPRM Prestress, LLC NSP No. 0346-01-N Application for Modification	Located at: 91-063 Malakole Street, Kapolei, Hawai'i	Issued: 6/9/08	9 MMBtu/hr Boiler and 66-83 yd ³ /hr Concrete Batch Plant
Clean Air Branch, 586-4200, NonCovered Source Permit	Jas. W. Glover NSP No. 0664-01-N Initial Application	Located at: Halfway Bridge Quarry, Puhi, Kaua'i	Issued: 6/9/08	420 bhp Diesel Engine Generator

Conservation Notice

Conservation District Use Permit

Persons interested in commenting on the following Conservation District Use Application (Board Permit) must submit comments to the Department of Land and Natural Resources within thirty days from the date of this notice. Comments may be sent to the Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, Hawai'i 96809. For more information, please contact Dawn Hegger of our Office of Conservation and Coastal Lands staff at 587-0380.

Hawaiian Electric Company, Inc. Air Quality Monitoring System (AQMS)

TMK: (1) 8-7-006:008

File No.: CDUA OA-3467
Applicant: Perry White, Planning Solutions, 210 Ward Avenue, Suite 330, Honolulu, Hawai'i 96814, (808) 593-1288
Location: Nanakuli, Island of O'ahu

Proposed Action: Use of State-owned lands to construct HECO's Air Quality Monitoring System (AQMS)
343, HRS determination: Exempt
Applicant's Contact: Same as applicant

Coastal Zone Notices

June 23, 2008

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).

Location (TMK)	Description (File No.)	Applicant/Agent
Kaua'i: Hanapepe	Pave parking lot (SMA(M)-2008-17)	A & B Properties
Kaua'i: Hanalei	After-the-fact 6' rock wall (SMA(M)-2008-18)	Carl Imparato
Maui: Kihei (3-9-20-2)	Parking alter, wall & stair remove (SM2 20080040)	Burrows Investment LTD.
Maui: Lahaina (4-6-2-3)	Demolition (SM2 20080041)	417 Front Street, LLC
Maui: Pala (2-5-5-46)	Cricket pitch mound addition (SM2 20080042)	Department of Parks and Recreation
Maui: (2-1-23-4)	Apartment alteration (SM2 20080043)	Gholkar, Satish
Maui: (2-1-23-4)	Apartment alteration (SM2 20080044)	Gholkar, Satish
Maui: Wailea Point (2-1-23-4)	Apartment alteration (SM2 20080045)	Gholkar, Satish
Maui: (2-1-23-5)	Enclose two existing lanais (SM2 20080046)	Gholkar, Satish

Shoreline Notices

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-1219	Proposed Shoreline Certification	Lot 2697, Land Court Application 1069 (Map 274), situated at Honouliuli, 'Ewa, Island of O'ahu. Address: 91-101 Papipi Road Purpose: Shoreline Determination	Park Engineering/City & County of Honolulu	9-1-012:025
OA-1225	Proposed Shoreline Certification	Lots 11 and 12, Kalauao Industrial Park, Unit 1 (File Plan 754), situated at Kalauao, 'Ewa, Island of O'ahu. Address: 98-135 Lipoa Place Purpose: Building permit	Wesley Tengan/The Rowley Group LLC	9-8-014:025
OA-1228	Proposed Shoreline Certification	Lot 6, Land Court Consolidation 23 (Map 2) situated at Kaipapa'u, Ko'olauloa, Island of O'ahu. Address: 54-327 & 54-329 Kamehameha Highway Purpose: Permitting Purposes	Towill, Shigeoka & Assoc., Inc./Gary W. Fanger	5-4-003:003

Shoreline Notices

June 23, 2008

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 at (808) 587-0430.

File No.	Date	Location	Applicant/Owner	TMK
OA-1235	06/12/08	Lot 376, Land Court Application 616 (Map 164) situated at Kailua, Ko'olaupoko, Island of O'ahu. Address: 1240 Mokulua Drive Purpose: Permitting	Towill, Shigeoka & Associates, Inc./Elizabeth Rice Grossman Trust	4-3-005:076
OA-1236	06/05/08	Lot 38, Land Court Application 505 (Map 2) situated at Kailua, Ko'olaupoko, Island of O'ahu. Address: 1056 Mokulua Drive Purpose: Permitting	Towill, Shigeoka & Associates, Inc./1056 Mokulua LLC	4-3-006:058
OA-1237	06/05/08	Lot 268, Land Court Application 505 (Map 140), situated at Kailua, Ko'olaupoko, Island of O'ahu. Address: 1064 Mokulua Drive Purpose: Permitting	Towill, Shigeoka & Associates, Inc./1064 Mokulua LLC	4-3-006:059
OA-1238	06/09/08	Lot 64, Land Court Application 979 (Map 3) situated at Kahalu'u, Ko'olaupoko, Island of O'ahu. Address: 47-79 Kamehameha Highway Purpose: Building Setback	Gil P. Bumanglag/Kristen L.S.Souza	4-7-019:049
OA-1239	06/05/08	Lot B-3, Land Court Application 1341 (Map 2) situated at Ka'alaea, Ko'olaupoko, Island of O'ahu. Address: 47-835-A Kamehameha Highway Purpose: Building Permit	Wesley T. Tengan/John c. Hutchinson	4-7-024-006
OA-1240	06/02/08	Lot 10, Land Court Consolidation 211 (Map 1) situated at Kaunala, Ko'olaupoko, Island of O'ahu. Address: 58-161 Napo'onala Place Purpose: Building Setback	Jaime F. Alimboyoguen/Patricia J. Adameck RLT	5-8-006:040
OA-1241	06/02/08	Lot 20-A, Extension No. 1 of the Kawailoa Beach Lots Section E, portion of L.C. Aw. 7713, Ap. 33, situated at Kawailoa, Waialua, Island of O'ahu. Address: 61-821 Papailoa Road Purpose: Construction New House	Dennis K. Hashimoto/Jon D. Whittington and Marie Whittington	6-1-004:097
OA-1242	06/06/08	Fronting Portions of Land Court Application 1286 and Portion of Royal Patent 4522, Mahele Award 14, situated at Keawa'ula and Ka'ena, Wai'anae and Waialua, Island of O'ahu. Address: Ka'ena Point Natural Reserve Purpose: Special Management Area Permit	State of Hawai'i/Department of Land and Natural Resources, Division of Forestry and Wildlife	6-9-002:por 09 and 8-1-001:por 06 and 15
MA-400	06/12/08	Lot 53, Land Court Application 1744 (Map 13) situated at Hanaka'o'o, Ka'anapali, Lahaina, Island of Maui. Address: 2605 Ka'anapali Parkway Purpose: Setback	Austin Tsutsumi & Associates/Kyo-ya Co., Ltd.	4-4-008:005
MA-403	06/02/08	Shoreline along Honoapi'ilani Highway, Federal Aid Project No. ER-11(7), portion of Launiupoko Wayside Park, Launiupoko, Lahaina, Island of Maui. Address: None Purpose: Construction	State of Hawai'i/Department of Transportation, Highways Division	4-7-001:017 por.
MA-404	05/27/08	Parcel 7A, Portion Parcel 8-A, and Portion Remnant 4, F.A.P.No. 30-A being a portion of Grant 4973, situated at Olowalu, Lahaina, Island of Maui. Address: Honoapi'ilani Highway Purpose: SMA Application	ControlPoint Surveying, Inc./State of Hawai'i	4-8-003:006
HA-390	06/03/08	R. P.7051, L.C. Aw. 212-B, situated at Waipuna'ula, South Kona, Island of Hawai'i. Address: 82-6021 Pu'uhonua Road Purpose: Building Permit	Wes Thomas Associates/Tommy A. Tinker	8-2-005:012

June 23, 2008

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

The National Oceanic and Atmospheric Administration (NOAA) Office of Ocean and Coastal Resource Management (OCRM) announced its intent to evaluate the performance of the Hawai'i Coastal Management Program, the Minnesota Coastal Management Program, the San Francisco (California) Bay Conservation and Development Commission, and the California State Coastal Conservancy. The Coastal Zone Management Program evaluations will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA) and regulations at 15 CFR part 923, Subpart L. The CZMA requires continuing review of the performance of states with respect to coastal program implementation. Evaluation of Coastal Management Programs requires findings concerning the extent to which a state has met the national objectives, adhered to its Coastal Management Program document approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA. Each evaluation will include a site visit, consideration of public comments, and consultations with interested Federal, state, and local agencies and members of the public. A public meeting will be held as part of the site visit. Notice is hereby given of the dates of the site visits for the listed evaluations, and the dates, local times, and locations of the public meetings during the site visits. Dates and Times: The Hawai'i Coastal Management Program evaluation site visit will be held July 25-August 4, 2008. One public meeting will be held during the week. The public meeting will be held on Wednesday, July 30, 2008, at 7 p.m. at the Hilo State Office Building, Conference Rooms A, B, and C, 75 Aupuni Street, Hilo, Hawai'i. Copies of states' most recent performance reports, as well as OCRM's evaluation notification and supplemental information request letters to the states, are available upon request from OCRM. Written comments from interested parties regarding these Programs are encouraged and will be accepted until 15 days after the public meeting held for a Program. Please direct written comments to Kate Barba, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910. When the evaluation is completed, OCRM will place a notice in the Federal Register announcing the availability of the Final Evaluation Findings (see, 73 F.R. 34703, June 18, 2008).

Endangered Wildlife and Plants Permit Application TE-043638

The U.S. Fish and Wildlife Service (FWS), requests public comment on the following application to amend an existing permit to conduct certain activities with endangered species. The following applicant has applied to amend an existing scientific research permit to conduct certain activities with endangered species under section 10(a)(1)(A) of the Endangered Species Act (16 U.S.C. 1531 et seq.). FWS solicits review and comment from local, State, and Federal agencies and the public.

Permit No. TE-043638 - Applicant: U.S. Army Natural Resources Center, Schofield Barracks, Hawai'i

The applicant requests an amendment to an existing permit

to remove/reduce to possession (collect pollen and seeds) *Hedyotis coriacea* (kio'ele) and to take (collect eggs, rear in captivity, capture adults, photograph, release, and collect voucher specimens) the Hawaiian picture-wing flies *Drosophila aglaia*, *D. hemipeza*, *D. montgomeryi*, *D. obatai*, *D. substenoptera*, and *D. tarphytrichia*, in conjunction with research on the island of O'ahu, Hawai'i, for the purpose of enhancing their survival. This permit currently covers removal and reduction to possession of *Chamaescyce herbstii* (akoko), *Hesperomannia arbuscula* (no common name), *Phyllostegia kaalaensis* (no common name), and *Schiedea kaalae* (no common name); and take of the O'ahu tree snails (*Achatinella* spp.) and O'ahu elepaio (*Chasiempis sandwichensis ibidis*), for which notices were originally published in the *Federal Register* on July 20, 2005 (70 F.R. 41786), August 6, 2006 (71 F.R. 47242), and November 16, 2007 (72 F.R. 64665). The FWS must receive your written data or comments by July 17, 2008. ADDRESS DATA AND COMMENTS TO: Program Manager, Endangered Species, Ecological Services, U.S. Fish and Wildlife Service, 911 NE. 11th Avenue, Portland, Oregon 97232-4181. For more information contact Grant Canterbury, Fish and Wildlife Biologist, at the above address or by telephone (503-231-2063) or facsimile (503-231-6243).

Please refer to the permit number for the application when submitting comments. We solicit public review and comment on this recovery permit application. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address (see, 73 F.R. 34312, June 17, 2008).

Revision of the Hawaiian and Territorial Fruits and Vegetables Regulations

The Animal and Plant Health Inspection Service (APHIS) of the U. S. Department of Agriculture is proposing to revise and reorganize the regulations pertaining to the interstate movement of fruits and vegetables from Hawai'i and the territories to consolidate requirements of general applicability and eliminate redundant requirements, update terms and remove outdated requirements and references, and make various editorial and nonsubstantive changes to the regulations to make them easier to use. APHIS is also proposing to make substantive changes to the regulations including establishing criteria within the regulations that, if met, would allow us to approve certain new fruits and vegetables for interstate movement in the United States and to acknowledge pest-free areas in Hawai'i and U.S. territories expeditiously, and removing the listing in the regulations of some specific commodities as regulated articles. These changes are intended to simplify and expedite our processes for approving certain regulated articles for interstate movement and pest-free areas while continuing to allow for public participation in the processes. This proposal, if adopted, would not allow for the interstate movement of any specific new fruits or vegetables, nor would it alter the conditions for interstate movement of currently approved fruits or vegetables. These proposed changes would

Federal Notices

June 23, 2008

make our domestic interstate movement regulations more consistent with our fruits and vegetables import regulations. The proposed changes would not alter the manner in which the risk associated with a regulated article interstate movement request is evaluated, nor would it alter the manner in which those risks are ultimately mitigated. APHIS will consider all comments that it receives on or before August 18, 2008. ADDRESSES: You may submit comments by either of the following methods: (1) Federal Electronic Rulemaking Portal: <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0052> to submit or view comments and to view supporting and related materials available electronically; (2) Postal Mail/Commercial Delivery: Please send two copies of your comment to Docket No. APHIS-2007-0052, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, Maryland 20737-1238. Please state that your comment refers to Docket No. APHIS-2007-0052. For more information, please contact Mr. David Lamb, Import Specialist, Commodity Import Analysis and Operations, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, Maryland 20737-1231, telephone (301) 734-8758 (see, 73 F.R. 34202, June 17, 2008).

Notice Designating the University of Hawai'i as a Department of Homeland Security Center of Excellence for the Study of Maritime, Island and Extreme/Remote Environment Security as Research Co-Lead Institution

The Department of Homeland Security has designated the University of Hawai'i as a DHS Center of Excellence for the Study of Maritime, Island and Extreme/Remote Environment Security, Research Co-Lead Institution. Section 308 of the Homeland Security Act of 2002, Public Law 107-296, (the "Homeland Security Act"), as amended by the Consolidated Appropriations Resolution 2003, Public Law 108-7, and as codified in Title 6 of the United States Code Chapter I Subchapter III section 188(b)(2) [6 U.S.C. 188(b)(2)], directs the Department of Homeland Security ("Department") to sponsor extramural research, development, demonstration, testing and evaluation programs relating to homeland security. As part of this program, the Department has established a coordinated system of university-based centers for homeland security (the "Centers"). The Centers are envisioned to be an integral component of the Department's capability to anticipate, prevent, respond to, and recover from terrorist attacks. The Centers will leverage multidisciplinary capabilities and fill gaps in current knowledge. 6 U.S.C. 188(b)(2)(B) lists fourteen areas of substantive expertise that, if demonstrated, might qualify universities for designation as university-based centers. The listed areas of expertise include: (1) The training of first responders; (2) responding to incidents involving weapons of mass destruction and biological warfare; (3) emergency and diagnostic medical services; (4) chemical, biological, radiological and nuclear countermeasures or detection; (5) animal and plant health and diagnostics; (6) food safety; (7) water and wastewater operations; (8) port and waterway security; (9) multi-modal transportation; (10) information security and information engineering; (11) engineering; (12) educational outreach and technical assistance; (13) border and transportation security; and (14) the public policy implications and public dissemination of homeland security relevant research and development. However, the list is not

exclusive. 6 U.S.C. 188(b)(2)(C) gives the Secretary discretion to except certain criteria specified in 6 U.S.C. 188(b)(2)(B) and consider additional criteria beyond those specified in 6 U.S.C. 188(b)(2)(B) in selecting universities for this program, as long as the Department issues a Federal Register notice explaining the criteria used for the designation.

Criteria: In response to Congressional direction contained in the Conference Report for the Fiscal Year 2007 Department of Homeland Security Appropriations Act, the DHS Under Secretary for Science and Technology developed a plan in November 2006 to establish new DHS Centers of Excellence in high priority science and technology areas which aligned to the DHS Science and Technology Directorate's research portfolios and for which DHS determined there were significant gaps in scientific understanding and technological development. These areas included: (1) Natural Disasters, Coastal Infrastructure and Emergency Management; (2) Explosives Detection, Mitigation and Response; (3) Border Security and Immigration; and (4) Maritime, Island and Extreme/Remote Environment Security. Research in these areas will contribute significantly to the Department's ability to enhance homeland security and the safety of our citizens from both natural and man-made threats. The criteria for designation for this new Center of Excellence (COE) for the Study of Maritime Island and Extreme/Remote Environment Security is demonstrated expertise in conducting fundamental research into the issues and challenges of global maritime domain security technology and policy. In addition this COE will conduct research on maritime and security interests in U.S. islands, territories, and extreme environments (e.g. Hawai'i, Puerto Rico and Alaska). Research results will support DHS, other Federal, and state and local agencies' missions to secure national maritime borders and the U.S. maritime interests. This COE will collaborate closely with the S&T Directorate's Borders & Maritime Division which manages a full-spectrum research and development (R&D) program from fundamental research to advanced technologies. The COE for the Study of Maritime, Island and Extreme/Remote Environment Security will provide enabling basic research that will advance the technical tools and information that S&T's customers will need in the future to defend maritime commerce and the global supply chain, minimize damage and expedite recovery from attacks or catastrophic events impacting the maritime domain, and protect maritime-related population centers, critical infrastructure and other national maritime interests. This COE will develop relevant educational curricula for both matriculated students and career professionals. The Center of Excellence for the Study of Maritime, Island and Extreme/Remote Environment Security will conduct basic and transformational research on maritime security issues in the following areas: (1) Maritime Domain Awareness. Specifically the COE will research the best ways—with full regard to legal and international frameworks, sensitivity to privacy, effectiveness, and affordability - of maintaining necessary and appropriate surveillance over the U.S. and global maritime domain and its vessels, ports of entry and maritime infrastructure. In addition, the COE will develop improvements in our ability to screen and scan cargo, vessels, passengers, the maritime workforce and the boating public, so that contraband does not enter the U.S.; (2) Marine Transportation System Security, Critical Infrastructure Protection, Resiliency and Recovery. Research will develop effective and feasible ways to imbue security practices that will enhance supply chain transparency and protect against intentional acts of terrorism. Research will assess the risk and vulnerability of extreme environments for terrorist attacks and catastrophic events and

methods to mitigate the consequences of these events on people, commerce, and critical infrastructure should they occur. Research will evaluate the resiliency of the maritime transportation system to aid in maritime system recovery planning; (3) Maritime Risk Management, Policy Analysis, & International Governance. Research will develop new technologies and improved risk assessment methodologies to prioritize protection efforts, and best leverage public and private layered security efforts to protect critical maritime infrastructure. Policy and legal analysis will be conducted to enhance cooperation among nations and international organizations that share common interests regarding the security of the maritime domain; and (4) Maritime Enforcement, Operational Analyses, & Command, Control, and Communications. In particular the COE will develop approaches that allow for multiple layers of security and diverse forms of surveillance, interdiction, and enforcement to be effectively integrated. Research will also facilitate the timely communication of information and analysis generated by surveillance and screening systems.

Announcement of Funding Opportunities and Competition: In February 2007, the Department established a competitive process and requested white papers and proposals from universities that wished to be designated as DHS Centers of Excellence in: (1) Explosives Detection Mitigation and Response; (2) Explosives Detection, Mitigation and Response; (3) Border Security Immigration; or (4) Maritime, Island and Extreme/Remote Environment Security. The funding opportunity announcements for these four Centers of Excellence were published at <http://www.grants.gov> on February 4, 2007, as required by the Office of Management and Budget. In the area of Maritime, Island and Extreme/Remote Environment Security DHS received 8 white papers and evaluated them through a peer-review panel process that included scientific expertise from the federal government, peer-institutional faculty, and the private sector. Following the white paper review, DHS received 4 full proposals by the closing date of July 30, 2007. The 4 full proposals were reviewed by subject matter experts external to DHS S&T. Two full proposals were referred to an internal review panel of S&T subject matter experts for evaluation, who recommended site visits at both sites. Based on information collected on these site visits, DHS selected the University of Hawai'i and Stevens Institute of Technology to be Research Co-Lead Institutions for the Maritime, Island and Extreme/Remote Environment Security Center of Excellence. The University of Hawai'i and its partners will conduct basic and transformational research on maritime related issues including Maritime Domain Awareness; Marine Transportation System Security, Critical Infrastructure Protection, Resiliency and Recovery; Maritime Risk Management, Policy Analysis, & International Governance; and Maritime Enforcement, Operational Analyses, & Command, Control, and Communications. For more information please contact Tiffany Lightbourn, Program Manager, University Programs, Science and Technology Directorate, Department of Homeland Security, Washington, DC 20528; telephone 202-254-5843, facsimile 202-254-6179; e-mail tiffany.lightbourn@dhs.gov (see, 73 F.R. 33833, June 13, 2008).

List of Fisheries for 2009

Section 118 of the Marine Mammal Protection Act (MMPA) requires the National Marine Fisheries Service (NMFS) to place all U.S. commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals occurring in each fishery (16 U.S.C. 1387(c)(1)). The categorization of a fishery in the List of Fisheries (LOF) determines whether participants in that fishery may be required to comply with certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. NMFS must reexamine the LOF annually, considering new information in the Marine Mammal Stock Assessment Reports (SAR) and other relevant sources, and publish in the Federal Register any necessary changes to the LOF after notice and opportunity for public comment (16 U.S.C. 1387 (c)(1)(C)). Information regarding the LOF and the Marine Mammal Authorization Program, including registration procedures and forms, current and past LOFs, observer requirements, and marine mammal injury/mortality reporting forms and submittal procedures, may be obtained at: <http://www.nmfs.noaa.gov/pr/interactions/lof/>, or from the NMFS Pacific Islands Region, Protected Resources, 1601 Kapi'olani Boulevard, Suite 1100, Honolulu, Hawai'i 96814-4700, Attention: Lisa Van Atta. NMFS published its proposed LOF for 2009, as required by the MMPA. The proposed LOF for 2009 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must categorize each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of serious injury and mortality of marine mammals that occurs incidental to each fishery. The categorization of a fishery in the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. Public comments must be received by August 12, 2008. Send comments by anyone of the following methods. (1) Electronic Submissions: Submit all electronic comments through the Federal eRulemaking portal: <http://www.regulations.gov> (follow instructions for submitting comments). (2) Mail: Chief, Marine Mammal and Sea Turtle Conservation Division, Attention: List of Fisheries, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments regarding the burden-hour estimates, or any other aspect of the collection of information requirements contained in this proposed rule, should be submitted in writing to Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, or to David Rostker, OMB, by fax to 202-395-7285 or by email to David.Rostker@omb.eop.gov. Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. For more information contact Lisa Van Atta, Pacific Islands Region, 808-944-2257. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays (see, 73 F.R. 33760, June 13, 2008).