

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

July 8, 2008

Summary of Procedures for Submittals

The Office of Environmental Quality Control (OEQC) receives questions on a regular basis about submittal procedures for publication in the periodic bulletin known as *The Environmental Notice*. As a reminder to both proposing and approving agencies, as well as accepting authorities, here is the list of publication procedures for submittal of documents to OEQC:

1. Make sure your submittal is timely and meets the OEQC deadline of eight (8) working days before the 8th and 23rd day of each month.
2. Submit a *notice of determination letter* from the approving or proposing (determination) agency requesting that the OEQC publish appropriate notice of the project in the periodic bulletin on the relevant date (see item 1 above) and advising the OEQC that the agency has reviewed the relevant documents in item 5, and determined:
 - a. *anticipated finding of no significant impact* (DEA);
 - b. *finding of no significant impact* (FEA-FONSI);
 - c. *environmental impact statement preparation notice* (FEA-EISPN); or
 - d. *acceptance or nonacceptance of a final environmental impact statement* (FEIS).

For submittals of draft environmental impact statements (DEIS) and FEIS, the accepting authority or the approving agency should submit a *transmittal letter* to the office transmitting the relevant documents in item 5 below, requesting that the OEQC publish notice of availability for public comment of the DEIS or FEIS on the relevant date (see item 1, above) and notifying the OEQC that the DEIS or FEIS has been duly filed. The transmittal letter should also transmit a distribution list for OEQC's verification of accuracy prior to actual distribution (on or before the publication date).

3. Submit by electronic mail to oeqc@doh.hawaii.gov the completed OEQC Publication Form and a two-hundred word (or less) project summary. Copy the OEQC Publication Form and Summary from our internet website (below), complete the form and summary and copy and paste the completed form and summary into the body of an electronic mail message.
4. Submit two (2) copies of the environmental document: draft environmental assessment (DEA, along with the notice of determination letter for an anticipated finding of no significant

impact in item 2, above); final environmental assessment (FEA, along with the notice of determination letter for a finding of no significant impact (FONSI) in item 2, above); or a final environmental assessment (FEA, along with the notice of determination letter for an environmental impact statement preparation notice (EISPN) in item 2, above). For draft environmental impact statements (DEIS), or final environmental impact statements (FEIS), submit the *transmittal letter* (including distribution list) described in item 2, above as well as two copies of the EIS. The third copy is to be sent by mail to the OEQC to confirm physical distribution after OEQC has verified the accuracy of the distribution list under Section 11-200-21, Hawai'i Administrative Rules.

5. Further information can be found at the OEQC website: <http://hawaii.gov/health/environmental/oeqc/index.html/>. Please call the OEQC at (808) 586-4185 if there are any questions or problems requiring clarification. Mahalo nui loa for your koku

Hawai'i Range Complex Final EIS, Comments by EPA, under Section 309 of the Clean Air Act

Under Section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act the U. S. Environmental Protection Agency (EPA) reviewed the final environmental impact statement for the Hawai'i Range Complex (HRC) Project, where the preferred alternative is 3, to support and maintain Navy Pacific Fleet Training, and Research, Development, Test, and Evaluation (RDT&E) Operations. EPA expressed environmental concerns about impacts to marine resources from mid-frequency active (MFA) sonar use and the deposition of hazardous materials into water resources from munitions and training expenditures. Requests for copies of the EPA comment (EIS No. 20080177, ERP No. F-USN-K11119-HI) can be directed to the Office of Federal Activities at 202-564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the April 11, 2008, *Federal Register* at page 19833 (see, 73 F.R. 36503, June 27, 2008).

Frequently Asked Questions (First in a series)

QUESTION: Is an environmental assessment required if an agency determines at the outset of a proposed project that it will prepare an EIS?

The answer is **YES**. Section 343-5(a), Hawai'i Revised Statutes clearly states that "[e]xcept as otherwise provided, an environmental assessment shall be prepared..." for the nine instances articulated therein. The above exception refers to statutory exemptions, and the administrative exemption process set forth in Section 11-200-8, Hawai'i Administrative Rules (HAR). The assessment process in Section 11-200-9, HAR clearly requires the preparation of an environmental assessment when an agency determines that a proposed action may have significant impact, requiring the preparation of an environmental impact statement. The notice of determination known as an **EISPN** (analogous to the **FONSI**) is simply a **conclusion** premised on the environmental assessment that supports it.



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We provide access to our activities without regard to race, color, national origin (including language), age, sex, religion, or disability. Write or call OEQC or our departmental Affirmative Action Officer at Box 3378, Honolulu, 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 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 County Notices

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(1) Waikoloa Congregation Kingdom Hall (HRS 343-5(c) FEA-FONSI)

District: South Kohala
TMK: (3) 6-8-018:036
Applicant: Kohala Congregation of Jehovah's Witnesses, c/o Newton J.K. Chung, RBC Hawai'i - Project Development, 239 Pali'i Street, Mililani, Hawai'i 96789. Contact: Greg Mooers, (808) 880-1455

Approving Agency: Hawai'i County Planning Department, 101 Aupuni Street, Suite 103, Hilo, Hawai'i 96720. Contact: Norman Hayashi, (808) 961-8288

Consultant: Geometrician Associates, P.O. Box 396, Hilo, Hawai'i 96721. Contact: Ron Terry, (808) 969-7090

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

Permits Required: County Planning Department Approval, County Public Works Department Grading & Driveway Permits, State DOH National Pollutant Discharge Elimination System Permit (NPDES), County Planning Commission Use Permit, County Planning Director Modification of Access Condition

The Kohala Congregation of Jehovah's Witnesses proposes to construct a church in Waikoloa Village of the South Kohala District on the Island of Hawai'i. The site is a vacant and unused 1.706-acre property located in a neighborhood of residences, schools and churches. The property is presently owned by the Waikoloa Community Association and is being sold to the Jehovah's Witnesses. The church's driveway would connect to and require use of right-of-way from Paniolo Avenue, a County roadway, which requires the preparation of an Environmental Assessment.

Because the project area is greater than one acre in extent, the contractor shall obtain an NPDES permit and develop and implement a Storm Water Pollution Prevention Plan (SWPPP) to contain sediment and storm water runoff during construction. Furthermore, construction equipment shall be kept in good working condition to minimize the risk of fluid leaks that could enter runoff and groundwater. Significant leaks or spills, if they occur, shall be properly cleaned up and disposed of at an approved site. A dust management plan will be prepared and implemented to prevent the potential for fugitive dust emissions to impact nearby receptors. Landscaping will enhance the visual appearance of the site and screen adjacent residential uses. Impacts to threatened and endangered flora and fauna will not occur as none are present. No impacts to cultural or historic properties are expected as none are present. However, if archaeological resources or human

remains are encountered during land-altering activities associated with construction, work in the immediate area of the discovery will be halted and the State Historic Preservation Division will be contacted.

The applicant will apply for a modification of a subdivision condition prohibiting access from Paniolo Drive, as this street is more suitable for access to a church than the frontage on Lahilahi Street. Paniolo Drive is the major arterial thoroughfare in Waikoloa Village and an appropriate access for community facilities, while the alternative access, Lahilahi Street, is a minor residential street.



(2) Royal Ali'i Planned Unit Development (HRS 343-5(c) DEA)

District: North Kona
TMK: (3) 7-7-04:57 & 58
Applicant: Royal Ali'i LLC, 220 S. King Street, Suite 2170, Honolulu, Hawai'i 96740. Contact: Ron Terry, (808) 969-7090

Approving Agency: Hawai'i County Planning Department, 101 Aupuni Street, Suite 103, Hilo, Hawai'i 96720. Contact: Daryn Arai, (808) 961-8288, extension 204

Consultant: Geometrician Associates, PO Box 396, Hilo, Hawai'i 96721. Contact: Ron Terry, (808) 969-7090

Public Comment

Deadline: August 7, 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: National Pollutant Discharge Elimination System Permit, Grading Permit, Final Subdivision Approval, Approval for Work Within County Roadway Right-of-Way

Royal Ali'i LLC (the applicant) plans to develop a 19-lot, gated subdivision on Ali'i Drive, south of Kailua-Kona, on 5.943 acres of land zoned for single-family residential use. The lots would vary in size from 5,246 to 10,177 square feet under the approval of a Planned Unit Development (PUD). A Special Management Area Permit has been approved, with conditions, for the project. The project site has residential zoning and similar developments are nearby. Road access would be from a single driveway on Ali'i Drive. The lots would be provided with electricity, telephone, water and sewage service from existing lines located along Ali'i Drive.

The property, which has been previously impacted by various historic and prehistoric uses, including grazing, does not contain any sensitive biological resources. Archaeological sites identified through surveys, including two burials, will be protected through temporary construction buffer zones followed by the establishment of a permanent archaeological easement that takes up about a third of the property, on the Ali'i Drive frontage. In the unlikely event that additional archaeological resources or human remains are encountered during land-clearing activities, which will have an archaeological monitor, work in the immediate area of

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the discovery will be halted. The applicant will prepare a metes and bounds survey of the Judd Trail near the project site, and subject to the approval of the State, will stabilize the stone walls on the existing remnants of the Judd Trail and remove invasive plants. Upon request of the State, the applicant will quitclaim to the State any portions of the Judd Trail that are within its property boundaries.

The project matches surrounding development and would have negligible impacts on views both toward and from the shoreline. The project site is separated from the shoreline at its closest point by a distance of 100 feet and a major County road, and the project would not adversely affect shoreline resources. All construction will be done in accordance with County, State and federal regulations.

(3) Ki'ilaie Farms Subdivision (HRS 343-5(c) DEA)

District: South Kona
TMK: (3)8-5-006:001-029; 8-5-007:001-019
Applicant: Ki'ilaie Estates LLC, 1885 Main Street, Suite 104, Wailuku, Hawai'i 96793. Contact: Ron Terry, (808)969-7090

Approving Agency: Hawai'i County Planning Department, 101 Aupuni Street, Suite 103, Hilo, Hawai'i 96720. Contact: Daryn Arai, (808) 961-8288, extension 204

Consultant: Geometrician Associates, PO Box 396, Hilo, Hawai'i 96721. Contact: Ron Terry, (808) 969-7090

Public Comment Deadline: August 7, 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:

Approval for Work in State Right-of-Way

Ki'ilaie Farms Subdivision consists of 48 existing or planned agricultural lots of 5 to 75 acres. Tentative subdivision approval was given in May 2004, subject to conditions on environmental protection, historic sites and burials, farming and infrastructure. In June 2007, Ki'ilaie Estates signed a Subdivision Agreement with the County of Hawai'i and agreed to provide utility and other improvements, secured with an \$8.4 million bond. Ki'ilaie Estates has been working since then to complete its roads and utilities. Construction plans for work within the State Highway 11 right-of-way had previously been approved without an EA requirement, but in January 2008 the Department of Transportation informed Ki'ilaie Estates that an EA was needed. Therefore, although the subdivision infrastructure is nearly complete, an EA is required in order to obtain access and utility hookups.

Archaeological sites have been preserved or data recovered, and construction has been subject to monitoring. For archaeological preservation purposes, Ki'ilaie Estates also transferred 238 acres to the National Park Service and set aside an additional 100 acres. Biological surveys located few valuable biological resources on the property, which has a history of grazing and is dominated by alien species, aside from a single endangered loulou palm (*Pritchardia affinis*), which is being protected in a preserve. A landscape easement was also created for gathering native plants. Impacts to traffic and infrastructure were considered and mitigated where necessary by the County and utilities during subdivision approval and development. Ki'ilaie Farms has design guidelines that encourage harmonious visual elements, natural cooling and ventilation, building at grade, shaded window openings, courtyards, and muted exterior colors. The project will also encourage farming in an agriculturally-zoned property that has not been farmed for many decades.

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(4) Lahaina Civic Center Tennis Courts Expansion (HRS 343-5(b) DEA)

District: Lahaina
TMK: (2) 4-5-021:010 (por.), 016 (por.), and 020 (por.)
Proposing Agency: County of Maui, Department of Parks and Recreation, 700 Hali'a Nakoia Street, Wailuku, Hawai'i 96793. Contact: Baron Sumida, (808) 270-7230

Determination Agency: Same as above.
Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, Hawai'i 96793. Contact: Kimberly Skog, (808) 244-2015

Public Comment Deadline: August 7, 2008
Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address

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

Permits Required:

Special Management Area Use Permit and Construction Permits

An approximately 2.0-acre expansion of the tennis courts complex at the Lahaina Civic Center (LCC) is proposed by the County of Maui, affecting Tax Map Key (TMK) Nos. (2) 4-5-021:010 (por.), 016 (por.) and 020 (por.) located in Lahaina, Maui, Hawai'i to the east (mauka) of Honoapi'ilani Highway. The proposed expansion will consist of an additional four (4) tennis courts. These tennis courts will have fencing, sports lighting, and windscreens. A 25-stall paved parking lot with lighting, lighted walkway access paths, retaining walls, landscape plantings and irrigation, and site utilities are also a part of the proposed action. The site utilities improvements will address water, wastewater, drainage, and electrical systems. The water system improvements will consist of the relocation of a water meter manhole, relocation of a fire hydrant, water service lines,

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and drinking fountains. The wastewater system improvements will include a sewer lateral for the restrooms located mauka of the existing tennis courts. The drainage system improvements will consist of channels, inlets, manholes, drain pipes, and a subsurface detention/retention basin. The electrical system improvements will include underground distribution lines for the lighting. The project site is accessible via the Leiali'i Parkway and the Honoapi'ilani Highway intersection. The proposed expansion will affect the area immediately north of the existing tennis complex.

The current tennis courts complex encompasses TMK No. (2) 4-5-021:010, plus a small portion of TMK No. (2) 4-5-021:020. It includes five (5) tennis courts, a comfort station, overhead lighting, and related supporting improvements. The existing tennis courts are located south of LCC's main facilities and adjacent to the Lahaina Post Office.

The proposed improvements will be funded by the County of Maui on lands owned by the State of Hawai'i. The use of State lands and County funds is a trigger for an environmental assessment pursuant to Chapter 343, Hawai'i Revised Statutes (HRS).

(5) Binhi At Ani Filipino Community Center (HRS 343-5(b) DEA)

District: Wailuku
TMK: (2) 3-8-007:124
Proposing Agency: County of Maui, Department of Parks and Recreation, 700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawai'i 96793. Contact: Roxanne Teshima, (808) 270-7949

Determination Agency: Same as above.
Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, Hawai'i 96793. Contact: Rowena Dagdag, (808) 244-2015

Public Comment Deadline: August 7, 2008
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: Building Permit

The Binhi At Ani proposes the expansion of the existing Binhi At Ani Filipino Community Center in Kahului, Maui. The subject property is an approximately 2-acre parcel along Onehe'e Avenue. The current facility is approximately 11,063 square feet in size and includes a large hall accommodating up to 464 persons, outdoor pavilion, restrooms, kitchen, the (2) offices, and 94 parking stalls.

The expansion and improvement project includes the following project components:

1. Construction of a second story conference hall approximately 2,011 square feet, located on the eastern wing of the facility,

accommodating approximately 134 persons. The second story addition will involve the installation of an elevator to accommodate persons with disabilities.

2. Modification of the existing first floor conference room and office space to support the addition of a second story conference room.
3. Construction of a new storage room for supplies on the first and second floor.

The proposed conference room will be utilized as an assembly area for organizations and small groups. The Binhi At Ani is seeking to expand and improve its facilities through the implementation of the proposed action so that it can effectively develop its operating capacity to meet existing and future levels of demand.

Inasmuch as State funds will be used for the proposed action, this environmental assessment will be prepared and processed in accordance with Chapter 343, Hawai'i Revised Statutes (HRS). Similarly, since Federal funds will also be used for the proposed action, a U.S. Department of Housing and Urban Development (HUD) EA will be prepared and processed in accordance with the National Environmental Policy Act (NEPA).

The estimated construction cost of the project is \$950,000.00.

(6) Proposed Wai'ale Water Treatment Facility (HRS 343-5(c) FEA-EISPN)

District: Wailuku
TMK: (2) 3-8-046:020
Applicant: A&B Properties, Inc., P.O. Box 156, Kahului, Hawai'i 96733. Contact: Diane Bevilacqua, (808) 872-4302
Accepting

Authority: County of Maui, Department of Water Supply, 200 South High Street, Wailuku, Hawai'i 96793. Contact: Jeffrey Eng, (808) 270-7876

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

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: August 7, 2008

Permits Required: NPDES, Grading, building and related construction permits

A&B Properties, Inc. (applicant), in collaboration with the County Department of Water Supply (DWS), proposes the development of a new water treatment facility (WTF) on lands adjacent to the Wai'ale Reservoir, in Wailuku, Maui. These lands are identified by Tax Map Key (2) 3-8-046:020. The WTF is proposed to be located near the northern property boundary of the Reservoir site, in the vicinity of the Maui Community Correctional Center. The subject property is owned by the applicant.

The proposed Water Treatment Facility (WTF) is viewed as a



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viable component of an integrated approach to the provision of new source both for the short term and long term. The new WTF will process surface water from the Hopoi Chute, and is anticipated to yield a sustained average production capacity of approximately nine (9) million gallons per day (mgd). Facility components will include a metal control building, sludge lagoons, chlorine storage building, and related treatment works and utilities improvements.

Treated water will be conveyed to the nearby Wai'ale Storage Tank, owned by the County of Maui. A new access driveway to the WTF will be developed to connect to the Kuikahi Drive extension. Additionally, an emergency access will be provided to connect to Waiinu Road, near its intersection with Wai'ale Road.

The proposed action involves infrastructure connections to the County's Wai'ale Water Tank, as well as utility connections to County utility systems. In this regard, an environmental impact statement is being prepared pursuant to Chapter 343, Hawai'i Revised Statutes.

(7) Schloemer Residence (HRS 343-5(c) FEA-FONSI)

District: Makawao
TMK: (2)2-1-011:028
Applicant: James H. Schloemer, P.O. Box 220, Menomonee Falls, Wisconsin 53052. Contact: (262) 532-9300
Approving Agency: Maui Planning Commission, c/o Department of Planning, County of Maui, 250 South High Street, Wailuku, Hawai'i 96793. Contact: Jeffrey

Consultant: S. Hunt, (808) 270-7735
Chris Hart and Partners, Inc., 115 North Market Street, Wailuku, Hawai'i 96793
Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).
Permits Required: Special Management Area, Shoreline Setback Variance, Building, Grading, Electrical, Plumbing

Mr. and Mrs. James Schloemer propose to construct an approximately 5,844 square foot, two-story single-family main residence, with a 664 square foot attached garage, 2,402 square feet of lanai, swimming pool, lap pool, and spa, and related landscape planting. A carriage house cottage, proposed on the mauka portion of the property, will function as a garage with a caretaker's cottage on a second level. The covered area at the garage level is 858 square feet which includes parking for three (3) cars and a 176 square foot entry. The upper floor includes 938 square feet of living area, with 408 square feet of lanai.

The 46,209 square foot property is located on Makena Road in north Makena just south of the Wailea resort area. The shoreline parcel is currently vacant of any structures, however it contains burial sites along with other cultural/archaeological artifacts within an existing 14,750 square foot preservation easement. There is also a natural drainage way along the southern boundary of the property. As a result, the buildable area on the property is very limited, hence the pool area and a portion of the proposed main residence are within the shoreline setback area, based on the average lot depth. The main residence is not within the erosion hazard setback.

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(8) Kahuku Village Subdivision (HRS 343-5(c) DEA)

District: Ko'olauloa
TMK: (1) 5-6-02: 10, 12, 16, 27, 33, 34, 35 and 37
Applicant: Continental Pacific, LLC, 249 Mack Bayou Loop, Suite 301, Santa Rosa Beach, Florida 32459. Contact: Jere Henderson, (850) 278-1000
Approving Agency: City and County of Honolulu, Department of Planning & Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813. Contact: Jamie Peirson, (808) 768-8014
Consultant: R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawai'i 96819. Contact: Jim Niemann, (808) 842-1133
Public Comment Deadline: August 7, 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: SMA-Major, Minor Shoreline Structure Permit, HRS Chapter 201H-38 Exemptions, NPDES NOI C

Continental Pacific, LLC (owner) proposes to process an HRS Chapter 201H-38 application for exemptions to various planning, zoning and/or building requirements for a subdivision of 172.7 acres of land, including the Kahuku Village 5 community, Kahuku Golf Course, two (2) cemeteries and open space areas located in Kahuku, Ko'olauloa District, O'ahu. The project will create 18 golf course lots, 12 country lots, and 137 affordable housing lots, including 72 lots around the existing historic plantation residences. The project also includes two (2) public beach parks, lots around two (2) existing cemeteries, a recreation open space lot and preservation of the Kahuku Golf Course. Infrastructure and utility improvements include new paved collector and access roads, drainage system, water system, and replacement of existing cesspools with individual septic systems.

Positive impacts include continued occupancy of the existing homes and an opportunity for homeownership by the current residents, and the creation of 67 new affordable lots to help meet housing demands in the region. Infrastructure and utility upgrades will improve public health, safety and quality of life. Preservation of the golf course, coastal dunes and open space areas will secure public shoreline access and maintain the low-density, rural character of the village. Potential adverse impacts include visual impacts from residential development on the golf course, increased traffic and demands for public services from new households, impacts to protected flora and fauna habitat, and short-term impacts related to construction activities. The Draft EA proposes measures to mitigate or eliminate potential adverse impacts.

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(9) Barbers Point 215' Non-Potable Reservoir No. 2 (HRS 343-5(b) FEA-FONSI)

(10) Kapolei 215 Reservoir No. 2 (HRS 343-5(c) DEA)

District: 'Ewa
TMK: 9-1-15: 23, 05 (portion); 9-2-03: 02 (portion)

Proposing Agency: City and County of Honolulu, Board of Water Supply, 630 South Beretania Street, Honolulu, Hawai'i 96813. Contact: Clifford P.Lum, (808) 748-5061

Determination Agency: Same as above.
Consultant: PBR HAWAI'I, 1001 Bishop Street, Suite 650, Honolulu, Hawai'i 96813. Contact: Tom Schnell, (808) 521-5631

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

Permits Required: NPDES; Community Noise Permit; Grubbing, Grading, Stockpiling; Traffic Control Plan; Revision of the Public Infrastructure Maps; Conditional Use for Joint Development

The City and County of Honolulu's Board of Water Supply is proposing to build the Barbers Point 215' Non-potable Reservoir No. 2 on a 2,308-acre site located on TMK 9-1-15:23. The site for Reservoir No. 2 is adjacent to the existing Barbers Point 215' Non-potable Reservoir No. 1. The new Barbers Point 215' Non-potable Reservoir No. 2 will be used to supply water for agricultural, industrial, and urban irrigation uses in the 'Ewa area.

To accommodate the reservoir tank without increasing the structure's height, the Board of Water Supply may also be required to acquire and use a portion of the surrounding parcels (TMK: 9-1-15:05 (portion) and TMK: 9-2-03:02 (portion)). The 1,202-acre parcel north of the proposed project site is identified as TMK: 9-2-03:02 and is owned by Makaiwa Hills LLC. The 77-acre parcel south of the proposed project site is identified as TMK: 9-1-15:05 and is also owned by Makaiwa Hills LLC.

The new Barbers Point 215' Non-potable Reservoir No. 2 will not significantly impact natural resources due to the relatively small amount of land being used. The new reservoir will be located on a site that has been determined to have no outstanding vegetative features and no threatened or endangered species. No significant long term impacts to air quality, water quality, or ambient noise are anticipated. Short term impacts from construction activity include increased noise levels, dust, and exhaust from construction machinery. Implementation of proper mitigation measures and BMPs such as watering of the site and mufflers for heavy machinery will ensure all compliance requirements.

District: 'Ewa
TMK:

(1)9-2-003:083

Applicant: Kapolei Property Development LLC, 1001 Kamokila Boulevard, Kapolei, Hawai'i 96707. Contact: Brad Myers, (808) 674-6674

Approving Agency: Honolulu Board of Water Supply, 630 South Beretania Street, Honolulu, Hawai'i 96843. Contact: Robert Chun, (808)748-5443

Consultant: Engineering Concepts, Inc., 1150 South King Street, Suite 700, Honolulu, Hawai'i 96814. Contact: Kenneth Ishizaki, (808) 591-8820

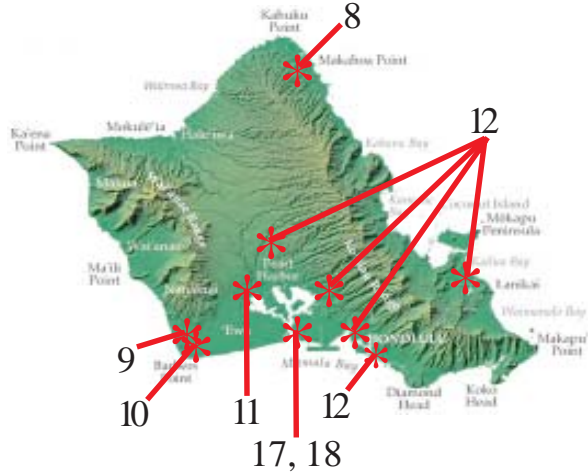
Public Comment

Deadline: August 7, 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 (Construction Storm Water, Hydrotesting); LUO Waiver (height limit, max. building area); Grubbing, Grading and Stockpiling Permit

Permits Required:



Kapolei Property Development LLC is proposing to construct a second potable water reservoir within the Honolulu Board of Water Supply's Kapolei 215 Reservoir site. The proposed 4.0-million gallon reinforced concrete tank, with approximate dimensions of 160 feet (diameter) and 32 feet (height), and a spillway elevation of 215 feet above MSL, will essentially double the water storage capacity of the existing BWS facility to provide for domestic consumption and fire protection within the City of Kapolei, Villages of Kapolei, and Campbell Industrial Park. The site was mass graded for eventual construction of a second tank during construction of the first reservoir.

Short term impacts may include increased dust, noise, and traffic during construction. These impacts would cease upon completion of construction. The proposed reservoir will be similar in size and appearance to the existing tank, and will not significantly impact the view plane from vantage points where the existing tank is presently visible. These vantage points are primarily from the west (Makakilo Drive) and south (makai of the H-1 freeway). The project does not require land acquisition or land use changes; and no significant impacts to biological, archaeological, historic or cultural resources are anticipated. Construction is expected to begin in 2008 and take 18 months to complete.

(11) Construction Training Center of the Pacific (HRS 343-5(c) FEA-FONSI)

District: 'Ewa

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TMK: 9-4-166:028 & 029
Applicant: Building Industry Association of Hawai'i, 1727 Dillingham Boulevard, Honolulu, Hawai'i 96819-4018. Contact: Armand Coté, (808) 377-5546
Approving Agency: Hawai'i Housing Finance and Development Corporation, 677 Queen Street, Honolulu, Hawai'i 96813. Contact: (808) 587-0597
Consultant: Plan Pacific, Inc., 345 Queen Street, Suite 802, Honolulu, Hawai'i 96813. Contact: Chris Pramoulmetar, (808) 521-9418, extension 15.
Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).
Permits Required: Grading Permit, Building Permit

The Building Industry Association of Hawai'i proposes to develop a three story training facility in industrial zoned Waipahu. The land for the proposed project was once used as a service station in support of the O'ahu Sugar Mill Company which closed operations in 1990. The land has remained vacant since 1989.

(12) Kaka'ako Mauka Area Plan (HRS 343-5(b) Draft Supplemental EIS)

District: Honolulu
TMK: 2-1-29, 30, 31, 32, 44, 46, 47, 48, 50, 51, 52, 53, 54, 55, and 67; 2-3-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, and 11
Proposing Agency: Hawai'i Community Development Authority, 677 ala Moana Boulevard, Suite 1001, Honolulu, Hawai'i 96813. Contact: Susan Tamura, c/o Kristen Sohn, (808) 529-7297
Accepting Authority: Governor, State of Hawai'i, c/o Office of Environmental Quality Control, 235 South Beretania Street, Suite 702, Honolulu, Hawai'i 96813. Contact: Katherine Puana Kealoha, (808) 586-4185
Consultant: EDAAW, Inc., 841 Bishop Street, Suite 1910, Honolulu, Hawai'i 96813. Contact: Kevin Butterbaugh, (808) 529-7290
Public Comment Deadline: August 22, 2008
Status: Draft environmental impact statement (DEIS) notice pending 45-day public comment. Address comments to the proposing agency with copies to the accepting authority, consultant and OEQC.
Permits Required: Subdivision (if applicable), building/grading permits, installation of power lines and substations, National Pollutants Discharge Elimination System (NPDES), and noise permit.

Construction activities would result in short-term impacts for grading, site work, infrastructure, and building. Localized degradation of air quality and increased noise levels would also occur due to construction-related activities.

In the long-term, the infrastructure and development

conforming to the Draft Mauka Area Plan would maintain the viability of existing businesses and inviting new developments. Developments built out to the maximum allowable provision may result in the erosion of the existing panoramic view of the ocean, city lights, Ko'olau Range and the Wai'anae Range. Additionally, due to the amount of *iwi* present throughout the Mauka Area, cumulative impact to archaeological resources is likely to result.

The Mauka Area population is expected to reach to approximately 30,000 persons by year 2030. Intensification of the existing properties in the Mauka Area to accommodate more uses than at present may increase the volume of traffic coming in and out of, and passing through the Mauka Area. This is likely to affect the regional traffic patterns and volumes, and increase demands on infrastructure and public services.

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

Districts: Honolulu, 'Ewa, Ko'olaupoko
TMK: 1-2-013:002 (OCCC), 9-9-010:030 (HCF), 9-6-004:011 (WCF), 4-2-003:004 (WCCC)
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: Same as above.
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 program structures with mobile restrooms for use at the Oahu Community Correctional Center (OCCC), Halawa Correctional Facility (HCF), and Waiawa Correctional Facility (WCF), and install electronic narcotic screening equipment at OCCC, HCF, WCF, and the Women's Community Correctional Center (WCCC). The temporary program structures will be stored on these sites 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 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.

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

District: Lihu'e
TMK: 3-9-005:013
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: Same as above.
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 two temporary housing structures with mobile restrooms for use at the Kaua'i Community Correctional Center (KCCC), and install electronic narcotic screening equipment at this facility. These structures would be stored at KCCC 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 structures and purchase and installation of screening equipment at KCCC 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.

(15) Lihue Airport PV System Installation (HRS 343-5(b) FEA-FONSI)

District: Lihu'e
TMK: (4)3-5-001:008
Proposing Agency: State of Hawai'i Department of Transportation, Airports Division (DOTA), 400 Rodgers Boulevard, 7th Floor, Honolulu, Hawai'i 96819-1880. Contact: Ms. Valerie Sasuga, (808) 838-8824

Determination

Agency: Same as above.
Consultant: M&E Pacific, Inc., 841 Bishop Street, Suite 1900, Honolulu, Hawai'i 96813. Contact: Martin Nakasone, (808) 521-3051

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

Permits Required: NPDES Permit, Stormwater Discharge during Construction Activities, County of Kauai Building Permit

The State of Hawai'i Department of Transportation, Airports Division (DOTA) will be initiating a request for proposal (RFP) for a private investor to enter into a Power Purchase Agreement with the DOTA. The RFP will include the installation of photovoltaic units (PV), solar panels that absorb and convert the sun's rays into energy. These PV units are planned to be constructed on the roofs of a structure built over the existing public parking area.

The current condition of the parking lot has no vertical constraints (no cover) and is fenced around the perimeter of the lot by a chain link fence. Since there is currently no roof over the parking lot, the State is planning on installing a roof-like structure that shall provide cover through the lot, while maintaining every existing stall. The panels will cover the entire surface area of the roof-like structure for maximum energy absorbance for this location.

As this area is presently development and paved over, and the existing use of the area will not change, we anticipate minimal, if any, impacts that this project may have on its surrounding environment.



(16) Lehua Island Ecosystem Restoration (HRS 343-5(b) DEA)

District: Kaua'i County
TMK: 1-1-01:2
Proposing Agency: Joint State/Federal – DLNR/DOFAW and U.S. Fish and Wildlife Service, 1151 Punchbowl Street, Rm. 325, Honolulu, Hawai'i 96813. Contact: Scott Fretz, (808) 587-4187

Determination Agency: Same as above.
Consultant: NA

Public Comment Deadline: August 7, 2008
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: DOFAW permit to USFWS for work in a State Seabird Sanctuary, Hawai'i Department of Agriculture permit for aerial application of rodenticide

The U.S. Fish and Wildlife Service and the Hawai'i Department of Land and Natural Resources, Division of Forestry and Wildlife, in cooperation with the U.S. Coast Guard, propose to restore native

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species on Lehua Island, Kaua'i County, by eradicating invasive rats using aerial application of bait pellets containing the anticoagulant rodenticide diphacinone. The project objective is to restore native seabirds, plants and invertebrates by eradicating all rats, which are known to eat these species. Bait with the anticoagulant brodifacoum could be considered for use but only if diphacinone failed to eradicate rats. It is not anticipated that brodifacoum will be used.

A Final Environmental Assessment with a Finding of No Significant Impact (FONSI) was issued for this project in 2005, but proposed changes in project timing and methods resulted



in the decision to issue this supplemental document. The biggest change is the proposed shift in timing for application of rodenticide from summer (as proposed in 2005) to winter. Recent research on Lehua showed that during the winter the rat population is lowest and few if any new rats are born. In addition, potential impacts will be avoided by working in winter when seabird numbers are reduced and few people go to the island due to rough seas.

No negative impacts are anticipated to humans, native wildlife on the island, or fish and marine invertebrates around the island. No significant impacts are anticipated per State HRS 343 or Federal NEPA regulations.

National Environmental Policy Act Notices

(17) Demolition of Various Buildings on Hickam Air Force Base (NEPA DEA) see the map on page 8

District: 'Ewa
TMK: 9-9-001:013 & 1-1-002:002
Proposing Agency: Commander, 15th Airlift Wing, 15th Civil Engineer Squadron, Environmental Flight, 15 CES/CEVP, Hickam AFB, Hawai'i 96853. Contact: Ms. Tiffany Patrick, (808) 449-3197

Determination Agency: Hickam AFB, 800 Scott Circle, Hickam AFB, Hawai'i 96853. Contact: April Teekell, (808) 528-1445

Consultant: TEC Inc., 1001 Bishop Street, ASB Tower, Suite 1400, Honolulu, Hawai'i 96813. Contact: April Teekell, (808) 528-1445

Public Comment Deadline: July 20, 2008
Status: Draft environmental assessment (DEA) notice pending public comment. Address comments to the proposing agency with copies to the consultant and OEQC.

Permits Required: None identified

The 15th Airlift Wing, United States Air Force, has prepared an Draft Environmental Assessment (EA) for the Demolition of Various Buildings at Hickam Air Force Base, O'ahu, Hawai'i. Based on information gathered during preparation of the Draft EA, the Air Force does not anticipate that the demolition of these buildings would significantly impact human health or the environment.

The purpose of the Proposed Action is to reduce the inventory of underutilized and deteriorated buildings on Hickam AFB. The Proposed Action is needed to comply with the Pacific Air Forces Consolidation and Demolition Policy to consolidate base functions and reduce the inventory of substandard and excess facilities on base as a cost saving measure.

The Air Force proposes to demolish eighteen buildings on Hickam AFB, O'ahu, Hawai'i: Buildings 427, 501, 933, 935, 1028, 1029, 1035, 1071, 1092, 1113 (single-room addition), 1153, 1710, 1711, 1713, 1714, 1815, 4027 and 72934. Building 1113 has a single-room addition built between the two wings of the original building. This addition would be demolished to restore the historical design of the original building. The original building would not be demolished, only the single-room addition. Site restoration following the demolition would include backfill and landscaping where needed to blend into the surrounding areas.

The Draft EA prepared by the Air Force addressing this Proposed Action is on file at the Hawai'i State Library, 'Aiea Public Library, Salt Lake-Moanalua Public Library, and Hickam Air Force Base Library. Interested parties may also obtain a copy from: TEC Inc., 1001 Bishop Street, ASB Tower, Suite 1400, Honolulu, Hawai'i 96813 (Attention: Ms. April Teekell), telephone (808) 5281445. A limited number of copies are available to fill single unit requests.

(18) Environmental Impact Statement (EIS) for Disposition of the Fort Kamehameha Historic District (NEPA EIS Scoping)

District: Honolulu
TMK: Hickam Air Force Base
Proposing Agency: United States Air Force, Hickam Air Force Base (AFB), 15 CES/CEVP NEPA Program Technical Support, 75 H Street, Building 1202, Hickam AFB, Hawai'i 96853. Contact: Ms. Tiffany Patrick, (808) 449-3197

Accepting Authority: Same as above.
Consultant: NA
Status: Environmental Impact Statement Scoping, pending 14-day public comment. Address comments to the proposing agency with copies to the accepting authority, consultant and OEQC.

Public Comment Deadline: July 21, 2008

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Permits Required: NA

The EIS will evaluate the potential environmental impacts associated with disposition alternatives for the Fort Kamehameha Historic District at Hickam Air Force Base, O'ahu, Hawai'i. Alternatives identified for evaluation will include various options that fall under the five categories of: adaptive-use; relocation; deconstruction and salvage; demolition; and the No Action alternative. Any Proposed Action could include a single action, or

combination of actions, under the five categories above. Sub-actions under these categories may include: leasing; sale; transfer to another government agency; and retention by the Air Force. Compliance with the NHPA will be done through consultation under Section 106 of 36 CFR Part 800.

The Air Force will hold a scoping meeting to solicit public input concerning the scope of the Proposed Action and alternatives, as well as to help identify other concerns and issues to be addressed in the environmental analysis. The scoping meeting will be held Tuesday, July 8, 2008 from 5:00 to 8:00 p.m. at the Radford High School, 4361 Salt Lake Boulevard, Honolulu, Hawai'i.

Coastal Zone Notices

Federal Consistency Reviews

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

(1) National Saltwater Angler Registry and State Exemption Program

Federal Action: Federal Agency Activity
Federal Agency: National Marine Fisheries Service
Contact: Mr. Gordon Colvin, (301) 713-2328
CZM Contact: John Nakagawa, 587-2878,
jnakagaw@dbedt.hawaii.gov

Location: The National Marine Fisheries Service is proposing to implement, by rule, the National Saltwater Angler Registry and State Exemption Program to register anglers and for-hire vessels who are involved in recreational fishing in the U.S. Exclusive Economic Zone (EEZ) or for anadromous species. The federal Magnuson-Stevens Fishery Conservation and Management Act requires that the registry program be implemented by January 1, 2009. The proposal exempts from the federal registration requirement those anglers and vessels that are licensed or registered by a state if the state provides sufficient identification and contact information for use in recreational surveys. States must apply for Exempted State status before anglers may be exempted from the registry program.

Comments Due: July 22, 2008

(2) Rat Eradication on Lehua Island, North of Ni'ihau

Federal Action: Federal Agency Activity
Federal Agency: U.S. Fish and Wildlife Service
Contact: Mr. Chris Swenson, 792-9458
Location: Lehua Island (north of Ni'ihau, 20 miles west of Kaua'i)

TMK: (4) 1-1-1: 2
CZM Contact: John Nakagawa, 587-2878,
jnakagaw@dbedt.hawaii.gov

Proposed Action: The U.S. Fish and Wildlife Service is proposing to eradicate rats from Lehua Island, a designated State Seabird Sanctuary, using rodenticides. The anticoagulant rodenticide diphacinone (0.005% active ingredient) is proposed for use by aerial application. Rat eradication operations would be conducted during the winter months, December through February, potentially extending into April, when alternate rat foods and rat populations are lowest and migratory native non-target species are not present or present in low numbers. Eradication of rats will support the recovery of native seabirds and native plants.

Comments Due: July 22, 2008

(3) National Marine Fisheries Service Revisions to National Standard 1 Guidelines to address Annual Catch Limits and Other Requirements

Federal Action: Federal Agency Activity
Federal Agency: National Marine Fisheries Service
Contact: Mr. Mark Millikin, (301) 713-2341
CZM Contact: John Nakagawa, 587-2878,
jnakagaw@dbedt.hawaii.gov

Location: The National Marine Fisheries Service is proposing revisions to the guidelines for National Standard 1 (NS1) of the Magnuson-Stevens Fishery Conservation and Management Act to address new overfishing and rebuilding requirements. This action is necessary to provide guidance on how to comply with new annual catch limit and accountability measure requirements for ending overfishing of fisheries managed

Coastal Zone Notices

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by federal fishery management plans. For more information go to: www.nmfs.noaa.gov/msa2007/catchlimits.htm
Comments Due: July 22, 2008

CZM Contact: John Nakagawa, 587-2878, jnakagaw@dbedt.hawaii.gov

Location: The National Marine Fisheries Service is proposing to revise regulations for vessels authorized by the U.S. to fish for tuna and tuna-like species in the eastern tropical Pacific Ocean. The proposed rule would also introduce modifications to the procedures and requirements for the Vessel Register, the list of authorized vessels. Requirements for the submission of certifications by importers would also be revised.

Comments Due: July 22, 2008

(4) National Marine Fisheries Service Revisions to Regulations for Vessels Authorized to Fish for Tuna and Tuna-like Species in the Eastern Tropical Pacific Ocean

Federal Action: Federal Agency Activity
Federal Agency: National Marine Fisheries Service
Contact: Ms. Susan Wang, (562) 980-4199

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
Maui: (2-8-4-13)	Improve pineapple field (SM2 20080047)	Jack Naiditch
Maui: Kahului (3-7-8-8)	Second access (SM2 20080048)	First Hawaiian Bank-Kahului Branch
Maui: Kaleia (3-2-10-1)	Create ford at crossing (SM2 20080049)	Maui Coastal Land Trust
Maui: (3-9-53-2)	Ground sign permit (SM2 20080050)	Larry Arthur
Maui: (3-8-1-71)	Tent (SM2 20080051)	Johnson, Philip
Maui: Lahaina (4-6-7-10)	Demolition of structures & erection of perimeter fencing (SM2 20080052)	Public Works

Conservation Notices

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 Station (AQMS)

File No.: CDUA OA-3467
Applicant: Hawaiian Electric Company, Inc., 900 Richards Street, Honolulu, Hawai'i 96813
Location: Nanakuli, Island of O'ahu

TMK: (1) 8-7-006:008
Proposed Action: Use of State-owned lands to construct HECO's Air Quality Monitoring System (AQMS)

343, HRS determination: Exempt
Applicant's Contact: Perry White, Planning Solutions, 210 Ward Avenue, Suite 330, Honolulu, Hawai'i 96814, (808) 593-1288

Conservation Notices

July 8, 2008

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 Kimberly Tiger Mills of our Office of Conservation and Coastal Lands staff at (808) 587-0382.

Wainiha Water System Improvements

File No.: CDUA KA-3471
Applicant: County of Kaua'i-Department of Water
Location: Wainiha, Hanalei, Kaua'i
TMK: (4) 5-8-002:003 & 007
Proposed Action: Wainiha Water System Improvements
343, HRS determination: FONSI published in the January 23, 2008 OEQC's Environmental Notice.
Applicant's Contact: John Sakaguchi, (808) 946-2277

Flood Warning Stream Gage Replacement

File No.: CDUA OA-3473
Applicant: United States Geological Survey (USGS)
Location: Kaukonahua Stream, Wahiawa, O'ahu
TMK: (1) 7-2-001:006
Proposed Action: Replacement of Flood Warning Stream Gage
343, HRS determination: Exempt
Applicant's Contact: Ronald Rickman, (808) 587-2407

Department of Health Notices

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	Itoen (USA), Inc. CSP No. 0391-03-C Renewal Application	Located at: 125 Pu'uhale Road Honolulu, Hawai'i	Issued: 6/13/08	300 hp Boiler and 200 hp Boiler
Clean Air Branch, 586-4200, - Covered Source Permit	Hawaiian Cement CSP No. 0386-02-C Application for Modification	Located at: Waikapu Quarry Wailuku, Maui	Issued: 6/13/08	800 TPH Portable Crushing and Screening Plant
Clean Air Branch, 586-4200, Covered Source Permit	Grace Pacific Corporation CSP No. 0417-05-C Initial Application	Located at: Ahukini Cane Haul Road, Hanamaulu Valley, Lihu'e, Kaua'i	Issued: 6/10/08	275 TPH Hot Mix Asphalt Drum Plant
Clean Air Branch, 586-4200, Covered Source Permit	Green Energy Team, LLC CSP No. 0650-01-C Initial Application	Located at: Old Government Road Koloa, Kaua'i	Issued: 6/13/08	Two (2) 50 MMBtu/hr Biomass Gasifiers with Close-Coupled Steam Boilers and One (1) 670 bhp Diesel Engine Generator
Clean Air Branch, 586-4200, NonCovered Source Permit	Alakona Corp. NSP No. 0688-01-NT Initial Application	Located at: Kenai Industrial Park, Kapolei, O'ahu, Hawai'i	Issued: 6/20/08	200 TPH Cold Recycling/Mixing Plant with 174 HP Diesel Engine Generator
Clean Air Branch, 586-4200, NonCovered Source Permit	Department of Environmental Services C & C of Honolulu NSP No. 0217-03-N Renewal Application	Located at: 95 Kane'ohe Bay Drive Kailua, O'ahu	Issued: 6/20/08	Kailua Wastewater Treatment Plant

Shoreline Notices

July 8, 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-1243	06/17/08	Lots 200 and 201, Land Court Application 1052 (Map 6); and Lots 24 and 25, (Exclusion 1 of Land Court Application 1052) being a portion of R.P. 2243, L.C. Aw. 10613, Ap. 5, situated at Makaha, Wai'anae, Island of O'ahu. Address: 84-939 Farrington Highway Purpose: Building Setback	Leaps & Boundaries, Inc./ Horn Trust	8-4-004:020 & 021
OA-1244	06/17/08	Lot 372, Land Court Application 1052 (Map 7), situated at Makaha, Wai'anae, Island of O'ahu. Address: 84-081 Makau Street Purpose: Building Setback	Leaps & Boundaries, Inc./ Harrison Horn	8-4-010:021
OA-1245	06/19/08	Lot 3001, Land Court Application 1069 (Map 299) situated at Honouliuli, 'Ewa, Island of O'ahu. Address: 91-480 Malakole Street Purpose: Building Permit	Park Engineering/Chevron U.S.A., Inc.	9-1-014:010
KA-316	06/24/08	Lot 2-A-1-A, situated at Kalapaki, Lihu'e, Island of Kaua'i. Address: 3351 Ho'olaule'a Way Purpose: Building Setback	Ace Land Surveying LLC/ Mori Golf (Kaua'i), LLC	3-5-001:027

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-1212	02/07/2008	Lot 30, Wai'alaie Beach Lots Sec. C, situated at Wai'alaie-Iki, Honolulu, Island of O'ahu. Address: 5039 Kalaniana'ole Highway Purpose: Building permit	DJNS Surveying & Mapping, Inc./Frederick & Joyce Nakama	3-5-022:001
MA-385	10/10/2007	Portion of R. P. 2006, L. C. Aw. 2398 Ap.1, situated at Honua'ula, Makawao, Island of Maui. Address: 7150 Makena Road Purpose: Building setback	Action Survey/ Paul D. Huish	2-1-006:016

Federal Notices

July 8, 2008

Taking and Importing Marine Mammals; U.S. Navy Training in the Hawai'i Range Complex; Proposed Rule

The National Marine Fisheries Service (NMFS) has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to training activities conducted within the Hawai'i Range Complex (HRC) for the period of December 2008 through December 2013. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is proposing regulations to govern that take and requesting information, suggestions, and comments on these proposed regulations.

The Navy's mission is to maintain, train, and equip combat-ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas. Title 10, U.S. Code (U.S.C.) section 5062 directs the Chief of Naval Operations to train all naval forces for combat. The Chief of Naval Operations meets that direction, in part, by conducting at-sea training exercises and ensuring naval forces have access to ranges, operating areas (OPAREAs) and airspace where they can develop and maintain skills for wartime missions and conduct research, development, test, and evaluation (RDT&E) of naval weapons systems. The Hawai'i Range Complex (HRC), where the Navy has, for more than 40 years, routinely conducted training and major exercises in the waters around the Hawaiian Islands, is a critical part of the Navy's mission, especially as it relates to training, for several reasons. Centrally located in the Pacific Ocean between the west coast of the United States and the naval stations in the western Pacific, and surrounding the most isolated islands in the world, the HRC has the infrastructure (i.e., extensive existing range assets and training capabilities) to support a large number of forces in a location both remote and under U.S. control. The range surrounds the major homeport of Naval Station Pearl Harbor, enabling resupply and repairs to submarines and surface ships alike. The isolation of the range offers an invaluable facility on which to conduct missile testing and training. Able to link with the U.S. Army's Pohakuloa Training Area, as well as U.S. Air Force and U.S. Marine Corps bases where aircraft basing and amphibious training may occur, the HRC provides a superior joint training environment for all the U.S. armed services and advanced missile testing capability. Among the important assets of the HRC is the Pacific Missile Range Facility (PMRF), which is the world's largest instrumented, multi-environment, military test range capable of supporting subsurface, surface, air, and space training, and RDT&E. It consists of instrumented underwater ranges, controlled airspace, and a temporary operating area covering 2.1 million square nautical miles (nm²) of ocean area. The Navy must have the flexibility and capacity to quickly surge required combat power in the event of a national crisis or contingency operation. Because of its location, training for sustained deployment at the HRC, rather than at ranges on the west coast, saves 10 transit days to the western Pacific from the west coast of the United States. The HRC complex consists of targets and instrumented areas, airspace, surface OPAREAS, and land range facilities. The Navy's proposed action includes conducting current and emerging training in the HRC. Although the Navy plans to conduct many different types of RDT&E on the land, in the air, and in the water, as well as implement infrastructure improvements (addressed comprehensively in the Navy's FEIS), this document specifically analyzes those activities in the HRC for which the Navy seeks MMPA incidental take authorization, i.e., those training activities that the Navy predicts would result in the generation of levels of

sound in the water that NMFS has indicated are likely to result in the take of marine mammals (not counting SURTASS LFA sonar, for which the Navy has already obtained an MMPA authorization), either through the use of sonar (mid-frequency active sonar (MFAS) or high frequency active sonar (HFAS)) or from the use of live ordnance, including the detonation of explosives in the water. Table 1-1 in the Navy's application presents a summary of the training and RDT&E activities that will occur in the HRC and indicates the exercise types that the Navy's modeling indicated would likely result in the take of marine mammals.

A copy of the Navy's application may be obtained by writing to Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. Additional information is available by visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. The Navy's Final Environmental Impact Statement (FEIS) for the Hawaii Range Complex was published on May 9, 2008, and may be viewed at <http://www.govsupport.us/hrc>. NMFS participated in the development of the Navy's FEIS as a cooperating agency under NEPA. Last, NMFS is preparing a Draft Environmental Assessment (EA) that analyzes the environmental effects of several different mitigation alternatives for the potential issuance of the proposed rule. The Draft EA will be posted on the following Web site as soon as it is complete: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>.

Comments and information on the draft environmental assessment must be received no later than July 23, 2008. You may submit comments, identified by 0648-AW86, by any one of the following methods: Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal: <http://www.regulations.gov>. Hand delivery or mailing of paper, disk, or CD-ROM comments should be addressed to Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. 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. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only. Comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule should be submitted in writing to Michael Payne at the address above and to David Rostker, OMB, by e-mail at David_Rostker@omb.eop.gov or by fax to 202-395-7285. For more information, contact Jolie Harrison, Office of Protected Resources, NMFS, (301) 713-2289, ext. 166 (see, 73 F.R. 35509, June 23, 2008).

Marine Mammal Permits

Notice is hereby given that the Hawai'i Marine Mammal Consortium, P.O. Box 6107, Kamuela, Hawai'i 96743 [File No. 1127-1921] and Dr. Rachel Cartwright, 5277 West Wooley Rd., Oxnard, California 93035 [File No. 10018] have each been issued a permit to conduct scientific research on several species of cetaceans found in Hawaiian waters.

July 8, 2008

On July 11, 2007, notice was published in the *Federal Register* (72 F.R. 37731) that a request for a scientific research permit to take 24 species of cetaceans in Hawaiian waters, including the following endangered species: blue whale (*Balaenoptera musculus*), fin whale (*B. physalus*), humpback whale (*Megaptera novaeangliae*), sei whale (*B. borealis*), and sperm whale (*Physeter macrocephalus*), had been submitted by the Hawai'i Marine Mammal Consortium. In addition, on August 6, 2007, notice was published in the *Federal Register* (72 F.R. 43626) that a request for a scientific research permit to take humpback whales in Hawaiian waters, had been submitted by Dr. Cartwright. The requested permits have been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Permit No. 1127-1921 authorizes a total of 6390 annual takes, of the species listed above, by means of close approach via vessel for photo-identification, behavioral observation, acoustic recording, underwater photography and video, photogrammetry, collection of sloughed skin and fecal samples, and incidental harassment. Up to 860 takes, of the total authorized, are allocated for biopsy sampling. With the exception of humpback whales, all age/sex classes, except calves less than one year and associated mothers, may be biopsy sampled. No humpback whale calves less than 6 months of age would be biopsy sampled. The objectives of this research are to study the status, numbers, distribution, and life histories of several cetacean species found in Hawaiian waters.

Permit No. 10018 authorizes up to 540 annual takes of humpback whales (420 juveniles/adults; 120 calves) by means of close approach via vessel for photo-identification, focal follows, underwater observations, collection of sloughed skin, and incidental harassment. Incidental harassment of bottlenose dolphins (*Tursiops truncatus*), spinner dolphins (*Stenella longirostris*), pantropical spotted dolphins (*Stenella attenuata*), false killer whales (*Pseudorca crassidens*), and short-finned pilot whales (*Globicephala macrorhynchus*) is also authorized. The purpose of this research is to test the hypotheses that behavior, dynamics, and distribution of female/calf pairs varies between different stocks and may be influenced by abiotic factors such as aspects of bathymetry, water quality, and levels of vessel traffic.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement. Issuance of these permits, as required by the ESA, was based on a finding that such permits: (1) were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

The above permits and related documents are available for review upon written request or by appointment in the following offices: Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, Maryland 20910; telephone (301)713-2289; facsimile (301)427-2521; and Pacific Islands Region, NMFS, 1601 Kapi'olani Boulevard, Room 1110, Honolulu, Hawai'i 96814-4700; telephone (808)944-2200; facsimile (808)973-2941. For more

information contact Brandy Belmas or Carrie Hubard, at (301) 713-2289 (see, 73 F.R. 36042, June 25, 2008).

Western Pacific Fishery Management Council Meeting

The Western Pacific Fishery Management Council (Council) will convene a meeting of the Hawai'i Archipelago Regional Ecosystem Advisory Committee (REAC) in Honolulu on Thursday, July 17, 2008, from 9:00 A.M. until 5:00 P.M. at the Council Office, 1164 Bishop Street, Suite 1400, Honolulu. The agenda for the meeting is as follows: (1) Welcome and Introduction of Members; (2) Approval of Draft Agenda; (3) Update on Federal Fisheries Management Actions: (a) Main Hawaiian Islands bottomfish management; (b) Summary of Pelagic Fishery Management Actions; (c) discussion; (4) Coastal Ecosystems: (a) Fresh Water Use and Diversion in Hawaii; (b) Characterization of Fish and Benthic Organisms in Pearl Harbor; (5) Guest Presentations: (a) Review of Global Sea Level Rise: global factors and local impacts; (b) Pacific Ocean Productivity Modeling; (c) Discussion; (6) Community Marine Management Forum: (a) Aha Moku Process; (b) Discussion; (7) Public Comments; and (8) REAC Discussion and Action. The order in which agenda items are addressed may change. Public comment periods will be provided throughout each agenda. The Regional Ecosystem Advisory Committee will meet as late as necessary to complete scheduled business. Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522-8220 (voice) or (808) 522-8226 (fax), at least 5 days prior to the meeting date. For more information, contact Kitty M. Simonds, Executive Director, at (808) 522-8220 (see, 73 F.R. 37935, July 2, 2008).