

# OEOC BULLETIN



JOHN WAIHEE  
GOVERNOR

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

DIRECTOR

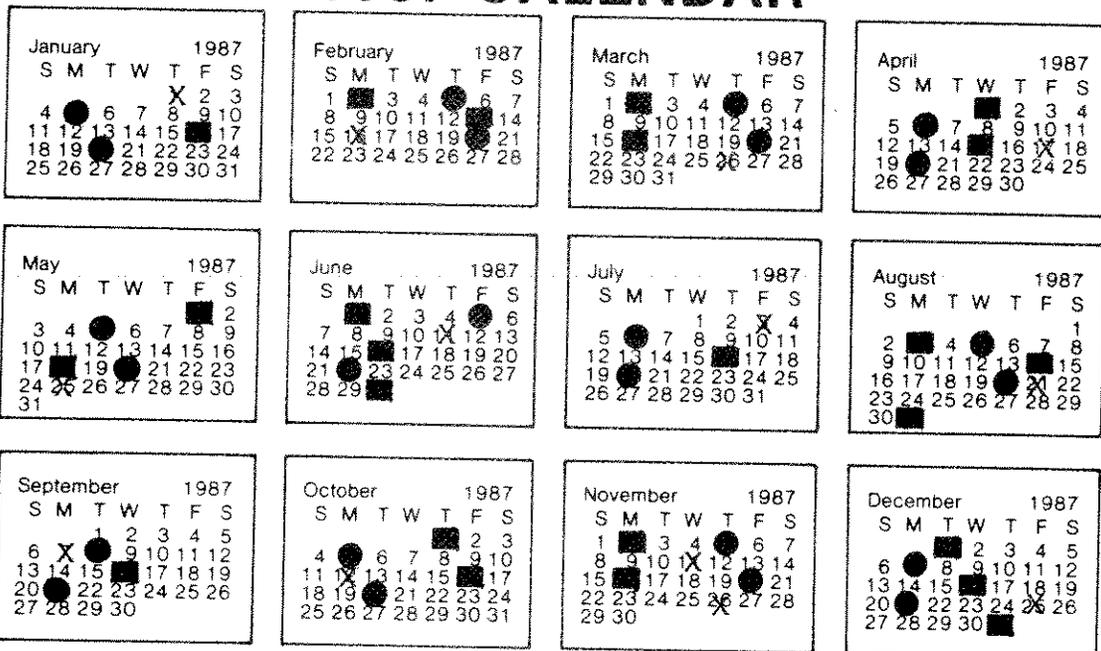
Volume IV

January 8, 1986

No. 01

## REGISTER OF CHAPTER 343, HRS DOCUMENTS

### 1987 CALENDAR



- Negatives and Preparation Notices due
- Official receipt days for EISs
- X Holidays

(The Bulletin is published on the 8th and 23rd of each month. Negatives and Prep. Notices are due five working days prior to the 8th and 23rd of each month. Draft and Final EISs are due on the 5th and 20th of each month; if the 5th or 20th falls on a holiday or weekend, it is due on the next working day.)

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All Chapter 343, HRS documents submitted for publication in the OEQC Bulletin must be addressed to the Office of Environmental Quality Control, 465 South King Street, Room 104, Honolulu, Hawaii 96813. Documents addressed otherwise will not be considered for publication.

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IMPORTANT NOTICE

If you wish to continue receiving copies of the OEQC BULLETIN, please send a copy of your mailing label to: OFC OF ENVIRONMENTAL QUALITY CONTROL 465 S. KING ST., RM. 104 HONOLULU, HAWAII 96813 Your mailing label must be received by February 17, 1987, in order for you to continue receiving our Bulletin. Send your label in today so that you will not miss any of our issues.

EIS PREPARATION NOTICES

The following proposed actions have been determined to require an environmental impact statement. Anyone can be consulted in the preparation of the EIS by writing to the listed contacts. 30 days are allowed for requests to be a consulted party.

GENTRY 515, WAIAWA, CENTRAL OAHU, The Gentry Companies/City and County of Honolulu Dept. of General Planning

Previously published December 23, 1986.

Contact: Mr. Fred Rodriguez, President Environmental Communications, Inc. P.O. Box 536 Honolulu, HI 96809

Deadline: January 22, 1987.

HAU'ULA AUTISTIC SCHOOL AND HOUSING PROJECT, HAU'ULA, KO'OLAULOA, OAHU, ELC Foundation/City and County of Honolulu Dept. of Land Utilization

Previously published December 23, 1986.

Contact: Mr. Gene Lum, Esq. Century Center #115 1750 Kalakaua Avenue Honolulu, HI 96826

Deadline: January 22, 1987.

NEGATIVE DECLARATIONS

The following are Negative Declaration or determinations made by proposing or approving agencies that certain proposed actions will not have significant effects on the environment and therefore do not require EISs (EIS Rules 11-200-11). Publication in the Bulletin of a Negative Declaration initiates a 60-day period during which litigation measures may be instituted. Copies are available at 25 cents per page upon request to the Office. Parties wishing to comment may submit written comments to the agency responsible for the determination (indicated in project title). The Office would appreciate a copy of your comments.

KAUAI

KAPAA ELEMENTARY SCHOOL PLAYGROUND, KAPAA, KAUAI, Dept. of Accounting and General Services for the Dept. of Education

This project involves the construction of a play area consisting of chain link fencing for the primary grades and the relocation of an existing service road. The project will provide the school with a much-needed play area for primary grade students. Completion of this project will reduce over-crowded play areas and increase safety.

SHORELINE ROCK REVETMENT, HAENA, KAUAI,  
Murcia-Toro, Inc./County of Kauai  
Planning Department

The applicant proposes to place a rock revetment along the shoreline for the purposes of preventing further erosion of the Conservation District property identified as TMK: 5-9-02:35, saving the existing concrete deck from collapsing and maintaining the natural beach berm to minimize potential wave damage to the single family residence. The revetment will be 4 ft. high and about 170 ft. long. If remedial action is not taken, erosion will continue, causing further loss of valuable ocean front property and sedimentation in the near shore waters.

CONSTRUCTION OF A SEAWALL AND SWIMMING POOL, KUKUIULA, KAUAI,  
Carl and Gale  
Kramer/County of Kauai Planning Department

The applicants propose to construct extensions of seawalls within established boundaries upon the original seawalls to raise their height by 7 ft. The purpose of the extension of the 80 ft. long seawall is to protect lot 3, Spouting Horn Tract, TMK: 2-6-03:24, 4534 Lawai Rd., from wave damage and erosion. The seawall will further protect native flora planted within the respective yards, respective residences and neighboring properties from salt spray and will prevent soil erosion and debris from entering and polluting the ocean. Also proposed for construction within the shoreline setback area is a 15 ft. by 30 ft. swimming pool.

ADDITION TO THE HAWAII HYPERBARIC TREATMENT CENTER, KEWALO BASIN, HONOLULU, OAHU,  
University of Hawaii

The project provides for the construction of a single-story addition to the Hawaii Hyperbaric Treatment Center (HHTC) containing a larger hyperbaric chamber. This will enable the HHTC to expand and speed up the treatment of victims of diving accidents. The new larger hyperbaric chamber will give the HHTC the flexibility to concurrently treat diving victims at different levels of sickness. The existing facilities consists of offices and 3 hyperbaric chambers which will continue to be utilized for the treatment of diving accident victims as well as other requiring similar medical treatment. The proposed structure will be located on the parcel identified as TMK: 2-1-60:1 and is encumbered by G.L. No. S-3864 to the University of Hawaii by the State of Hawaii. The parcel contains 5.45 acres and is bounded by the Kewalo Channel, the Pacific Ocean, Koula, Olomehani, and Ahui Sts. The addition will be constructed within the fenced area makai of Look Laboratory and ewa of the existing HHTC Building. It will be located adjacent to the parking lot which has access from Ahui St. The proposed action involves the construction of a metal structure housing a large hyperbaric chamber. The structure will be of steel construction approx. 22 ft. in height and will contain about 3,800 gross sq. ft. of space. The new chamber is 10 ft. in diameter and 30 ft. in length. It is presently being modified at a local welding shop. The foundation for the new hyperbaric chamber had been earlier constructed. The structure is planned to be constructed in two phases. The first phase which provides for the construction of the foundation for the chamber was recently completed. The current project provides for the completion of the final phase.

KAILUA HIGH SCHOOL AUTOMOTIVE PAINT BOOTH, KAILUA, OAHU,  
Dept. of Accounting  
and General Services for the Dept. of  
Education

The project proposes to construct an automotive paint booth in or adjacent to the existing auto shop. The booth is a prefabricated structure of approx. 660 sq. ft. in area and will conform with all applicable building, safety, and environmental codes and requirements. The estimated cost of construction is \$72,000. Since the project will be constructed within the existing school campus, no land will be removed from the tax base.

PUUALOHA - MALEKO STREETS RELIEF DRAIN, MAUNAWILI, KAILUA, OAHU, City and County of Honolulu Dept. of Public Works

The proposed project will consist of the construction of 135 lineal ft. of 36 in. and 10 lineal ft. of 18 in. reinforced concrete pipes, one special 30 ft. by 4 ft. catch basin, one special 15 ft. by 2 ft. grate inlet, one special drain manhole, one standard drain manhole and one special outlet structure which will be connected to an existing concrete-lined stream. The project site (TMK: 4-2-67) is approx. 10 mi. northeast of downtown Honolulu in the Maunawili, Kailua, district. The proposed work is designed to increase the carrying capacity of the existing drainage system and alleviate the flooding problems on Puualoha St. created during periods of heavy rainfall.

KEAHOLE/KALANIANAOLE INTERSECTION PROJECT, HAWAII KAI, OAHU, Kaiser Development Co./City and County of Honolulu Dept. of Land Utilization

The applicant is requesting a Special Management Permit that will allow the company, with the approval and consent of the State Department of Transportation, to construct an additional left-hand turn lane to Keahole St. from Kalanianaole Hwy. in Hawaii Kai. The project is within the Kalanianaole Hwy. right-of-way between Hawaii Kai Dr. and the Hawaii Kai Marina Bridge. Maunalua Bay Beach Park is situated along the makai side of the highway. A second left turn lane will be designed and constructed to accommodate

the increased outbound P.M. peak traffic that turns into Keahole St. The existing pavement grade will essentially be the same for this widening project. The concrete sidewalk on the mauka/ewa corner will have to be relocated. The length of the turning lane will be ±700 ft. A strip of land 10 ft. wide of the mauka side of Kalanianaole Hwy. will be required for this additional lane. The road will be widened for ±700 ft. extending Ewa of Keahole St. The highway will be restriped for 300 ft. extending Koko Head of Keahole St. but no widening is required. The land required for the widening is within the existing Kalanianaole Hwy. rights-of-way and thus owned by the State of Hawaii. The project is part of the Transportation Improvement Plan contained in the Unilateral Agreement and Declaration for Conditional Zoning dated July 3, 1986 that was required by the City in connection with the enactment of Kaiser's Marina Zoning, which was signed by the Mayor on July 21, 1986. The project was first proposed by Kaiser's consultant, Wilbur Smith and Associates, in its September 3, 1985 Hawaii Kai Transportation Management Study as required roadway improvement to mitigate future evening peak hour congestion at the subject intersection. The State Department of Transportation concurred with this roadway improvement.

DEVELOPMENT PLAN REDESIGNATION AND REZONING TO RESIDENTIAL OF 6.3 ACRES IN KALIHI VALLEY, OAHU, Terry W. Hay/City and County of Honolulu Dept. of Land Utilization

The applicant is requesting a zoning map amendment to R-10 Residential to conform with the Development Plan Residential designation of 6.3 acres of the 15.2 acre parcel (TMK: 1-4-22:4). The 15.2 acre parcel is currently zoned P-1 Preservation and is located adjacent to Likelike Hwy. mauka of the State of Hawaii's Material Testing and Research Laboratory in Kalihi Valley. The applicant proposes to construct one single family house on that 6.3 acre portion of the site which is designated Residential on the

Development Plan for the Primary Urban Center. The remaining 8.9 acres of the parcel is designated Preservation on the Development Plan. Access to the parcel is from an adjacent parcel identified as TMK: 1-4-22:17, which is owned by the applicant. This access point is also used by the State of Hawaii for access to the Testing and Research Laboratory.

CONTINUED USE OF THE STRUCTURES AT PARADISE COVE LUAU FACILITY LOCATED WITHIN THE SHORELINE SETBACK AREA, LANIKUHONUA, HONOULIULI, EWA, OAHU, Paradise Cove/City and County of Honolulu Dept. of Land Utilization

The applicant is requesting a variance to allow the continued use of structures constructed within the 40-ft. Shoreline Setback Area. The structures include a 25-ft. tower and portions of amphitheater seating, 2 stages, a dressing-room structure and other small structures. The 25-ft. tower is used by the conch shell blower. The project site (TMK: 9-1-15:10 (por.)) is in leeward Oahu, between Kahe Pt. and the Barber's Pt. Deep Water Harbor and is located along the coastline. It adjoins the Kamokila Campbell Estate on the north and the West Beach development on the east.

MAUI

DEMOLITION OF OLD PARSONAGE BUILDING AT WAIOLA CONGREGATIONAL CHURCH, LAHAINA, MAUI, Waiola Congregational Church/Maui Historic Commission

The applicant proposes to demolish the existing 1600 sq. ft. former parsonage building. According to the applicant, the building which was first built in 1932 is in disrepair and poses a potential fire and safety hazard. Although the building was first used as a parsonage, since 1951 the structure has been used as a single family rental unit. The 1.42 acre project site (TMK: 4-6-07:16) is located along the east side of Wainee St. and is bounded

by the Lahaina Honpa Hongwanji Mission (north), Malu-ulu-o-lele Park (west) and Waiola Church Cemetery (south).

HAWAII

SOIL CORE SAMPLING FOR PROPOSED FUTURE MARINA DEVELOPMENT, HONOKOHAU, NORTH KONA, HAWAII, Hualalai Holding Co./Hawaii County Planning Commission

The proposed action involves soil coring in various locations to determine cost of excavation for proposed future marina development on a 59.20 acre parcel located in the ahupua'a of Honokohau 2nd, North Kona, TMK: 7-4-08:25. The proposed action involves the drilling of 5 soil core samples at various sites within the parcel. The applicant is considering a proposed marina which will expand the existing Honokohau Small Boat Harbor. The soil samples will give an indication of future excavation costs. The parcel containing the soil sampling sites which is situated within the Honokohau Settlement Complex and within the boundaries of the proposed Kaloko-Honokohau National Cultural Park is presently vacant and undeveloped. The proposed sampling sites are located 1,000 ft. or more from the shoreline. Access to the site from Queen Kaahumanu Hwy. is through the existing Honokohau Small Boat Harbor which borders the parcel on the south. The area to the north is also unoccupied and undeveloped. The property is bounded by the ocean to the west and the Queen Kaahumanu Hwy. to the east.

CONSERVATION DISTRICT USE APPLICATION TO CONSTRUCT FOUR 90-FOOT TOWERS, KEAHOLE, HAWAII, Big Island Broadcasting Co., Ltd./Dept. of Land and Natural Resources

Big Island Broadcasting Co., Ltd., dba KIPA Radio, has applied to the FCC for permission to construct synchronous transmitters at South Point and Keahole, Kona. These transmitters are designed to extend the KIPA coverage area to encompass the entire island. The Big Island will then be drawn together with

one communications source, and most importantly, ~~civil defense messages will~~ be heard in areas which presently receive no radio coverage at all. The Keahole site chosen (TMK: 7-3-10:33), will allow for a clear radio transmission path to both Waimea and Kailua. The project ~~involves the construction of four 90-ft.~~ towers 90 ft. equidistant apart. Four acres will be used to allow sufficient area to ground the towers which will be accomplished by laying down copper wires extending out in all directions. They will not be buried, thus, causing negligible impact to the environment. The only structure will be an approx. 10 ft. by 15 ft. hollow tile building housing the transmitter. A small road from the easement to the building will also need to be constructed. The towers will be fenced in. The project site is surrounded by State-owned land. To the north and east, the land is vacant, consisting of open lava flow areas with low grasses, and is in the State Land Use Conservation district, general subzone. To the south and west, the area is adjacent to the Keahole Agricultural Park, which is in the State Agricultural district. The Ag park consists of thirty-four 5-acre lots which are leased out by the State for diversified agricultural use including nurseries, orchards and greenhouses.

LAND EXCHANGE INVOLVING STATE LAND, OOMA II, NORTH KONA, HAWAII, American Trust Co. of Hawaii, Inc./Dept. of Land and Natural Resources Division of Land Management

The applicant proposes to exchange in fee simple with the State of Hawaii equally valued land of 85 acres, more or less, situated at Ooma II, North Kona, County of Hawaii, which would become part of the existing Hawaii Ocean Science and Technology (HOST) Park site. On November 21, 1986, the Board of Land and Natural Resources approved this exchange. The land exchange involves consolidating a portion of state-owned parcel 5 of TMK: 7-3-9 with applicant-owned parcel 4 of TMK: 7-3-9. Subsequently, parcel 4 would be

subdivided into two oceanfront lots with areas of approx. 85 and 229 acres, respectively. Ownership of the 85-acre lot, which is currently in private ownership, would then be exchanged with the consolidated portion of parcel 5 which is State land. Although the preliminary scope of the exchange parcels is 85 acres each, the exact subdivision is contingent upon completion of a registered survey and a real estate appraisal, and would be subject to the conditions set forth in the Board's approval. Disposition of the State lands would complete the land exchange with American Trust Co. of Hawaii, Inc. Upon completion of the exchange, the northern coastal parcel would become part of the existing HOST Park site. The State-owned exchange parcel is at the southeast periphery of the planned HOST Park development and would become part of the Ooma II property. The reconfigured Ooma II parcel would contain expanded areas for uses that have already been proposed and examined in the previous EIS prepared for Ooma II. The eastern exchange parcel is not envisioned to contain any major new land use.

ENVIRONMENTAL IMPACT STATEMENTS

EISs listed in this section are available for review at the following public depositories: Office of Environmental Quality Control; Legislative Reference Bureau; Municipal Reference and Records Center (Oahu EISs); Hamilton Library; State Main Library and the Kaimuki, Kaneohe, Pearl City, Hilo, Wailuku and Lihue Regional Libraries. Statements are also available at State Branch Libraries that are in proximity to the site of a proposed action (indicated by project description).

Comments on the following EISs may be sent to: 1) the accepting authority; and 2) the proposing agency. Please note the deadline date for submitting written comments on the EIS.

SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT TO PERMIT ALTERNATIVE METHODS SEAWATER RETURN FLOW DISPOSAL AT NATURAL ENERGY LABORATORY OF HAWAII (NELH), KEAHOLE, NORTH KONA, HAWAII, NELH

An environmental impact statement for the Development Plan for Hawaii Ocean Science and Technology (HOST) Park and Expansion of the Natural Energy Laboratory of Hawaii was accepted by the Governor in September 1985. Among the actions assessed in the statement was the disposal of 42,000 gpm of seawater return flows from ocean thermal energy conversion (OTEC) and mariculture operations at NELH by means of trench, well, canal and mixed-water discharge pipe. At the time the EIS was accepted, the State of Hawaii planned to install a cold water pipe and pump system for HOST Park and the U.S. Dept. of Energy (DOE) was planning to fund a cold and warm water system for OTEC research. Subsequently, the DOE learned that it would be unable to fund the proposed expansion of OTEC facilities at NELH to the level they had originally proposed.

E has therefore entered into a cooperative cost-sharing agreement to provide the required ocean water for both projects with one seawater system. Because the mixed-water discharge pipe that was originally proposed as the means to dispose of the projected 16,000 gpm seawater return flows will not be funded at the present time, alternative, less costly methods of disposal were evaluated. The alternative disposal facility recommended for OTEC discharges is a shallow trench located within the NELH compound. The recommended trench orientation is roughly perpendicular to and approx. 250 ft. from the shoreline at its closest point. This facility would initially serve as a research trench for discharge quantities in the range of 3,000 to 5,000 gpm. During the 3 to 4 year heat and mass transfer experiment period, an intensive water quality monitoring program would be undertaken in conjunction with the trench disposal in order to determine the actual impacts associated with the discharge. In the event that unacceptable impacts occur, alternative disposal

facilities can be constructed and the water diverted to the new system. At full development of NELH it is projected that an additional 25,900 gpm of seawater return flows from mariculture operations will be generated. The constituents of the discharge water will depend on the culture organism and its intended use. The disposal facility recommended for return seawater from mariculture operations is a trench located makai of the NELH access road, parallel to and approx. 900 ft. from the shoreline at its closest point. Because it is anticipated that there will be a gradual increase in volumes of water used, the proposed monitoring program can provide early detection of any adverse impacts so that alternative disposal methods can be instituted if they occur.

This EIS is also available for review at the Bond Memorial (Kohala), Holualoa, Kailua-Kona, Kealahou, and Thelma Parker Memorial/Waimea Area Libraries.

Deadline: February 9, 1987.

MAKENA-KEONEOIO ROAD CUL-DE-SACS PLAN, MAKENA, MAUI, Seibu Tetsudo K.K./County of Maui Planning Department

Previously published December 23, 1986.

This EIS is also available at the Kahului, Lahaina, Kihei Community, and Makawao Libraries.

Deadline: January 22, 1987.

MILILANI-MAUKA RESIDENTIAL COMMUNITY, MILILANI, OAHU, Oceanic Properties, Inc./City and County of Honolulu Dept. of General Planning

Previously published December 23, 1986.

This EIS is also available at the Mililani Library.

Deadline: January 22, 1987.

EIS'S SUBMITTED FOR ACCEPTANCE. The following EISs have been submitted for acceptance and contain comments and responses made during the review and response period.

CONSERVATION DISTRICT USE APPLICATION FOR A GOLF COURSE ON IOLANI SCHOOL PROPERTY, KANEHOE, OAHU, Nitto Kogyo Co., Ltd./Dept. of Land and Natural Resources

The applicant is proposing to develop a world class championship golf course complex in Kaneohe, southwest (mauka) of Kanehameha Hwy. between the Pali and Likelike Highways. The proposed complex is also expected to afford recreational opportunities including tennis, swimming and dining/banquet facilities for members and their guests. The subject property is bordered on the north by Koomaluhia Park, on the east by Kionaole Rd. which also borders the Pali Golf Course, on the south by the summit of the Koolau Range, and on the west by the Likelike Hwy. The property is identified as TMK: 4-5-42: 1 & 6, consisting of 233.075 and 471.540 acres respectively, for a total of 704.54 acres. The "Project Area" for the proposed golf course development consists of approx. 225 acres within the 705-acre area. It is located in the northern portion of the property, adjacent to the proposed H-3 right-of-way and Kionaole Rd. The following uses are proposed for the project area:

1. 18-hole championship golf course, approx. 180 acres, including fairways, greens, tees and adequate open space along existing stream beds.
2. Golf clubhouse at west end of golf course, including a pro-shop, dining room, banquet facility for about 500 people, club rooms, locker rooms, offices and golf cart storage and maintenance area; tennis courts, swimming pool and outdoor landscaped areas will also be developed as part of the clubhouse complex.
3. Golf driving range, approx. 1.5 acres, with 30 practice tees and putting green.

4. Access road approx. parallel to proposed H-3 right-of-way from Kionaole Rd. at northeast corner of project area to the clubhouse site, approx. 3,400 ft.; a second road to the maintenance facilities may also be provided; approx. 150-200 parking stalls will be provided at the clubhouse using 1.5-2 acres of land.
5. Drainage Improvements.
6. Utilities.

In response to public comments and concerns, the clubhouse location has been changed to the former Knowles residence area.

This EIS is also available for review at the Kailua Library.

Status: Currently being processed by the Dept. of Land and Natural Resources.

MAKALAWENA RESORT, NORTH KONA, HAWAII, Kanehameha Schools-Bernice Pauahi Bishop Estate/County of Hawaii Planning Dept.

Previously published December 23, 1986.

This EIS is also available at the Holualoa, Kailua-Kona, and Thelma Parker Memorial/Waimea Area Libraries.

Status: Currently being processed by the County of Hawaii Planning Department.

ERADICATION OF MARIJUANA ON STATE-OWNED AND MANAGED CONSERVATION DISTRICT LANDS, ISLANDS OF HAWAII, MAUI AND MOLOKAI, Dept. of Land and Natural Resources

Previously published December 23, 1986.

This EIS is also available for review at the following libraries:

- HAWAII
- Bond Memorial (Kohala), Kailua-Kona,
  - Kealahou, Laupahoehoe Community-School,
  - Mountain View Community-School, Paha Community-School, Thelma Parker Memorial/Waimea Area.

**MAUI**

Kahului, Lahaina, Makawao.

**MOLOKAI**  
Molokai.

Status: Currently being processed by the Office of Environmental Quality Control.

SUPPLEMENTAL EIS FOR THE PROPOSED HILO BAY OUTFALL SEWER EXTENSION, HILO, HAWAII, County of Hawaii Dept. of Public Works

Previously published December 23, 1986.

Status: Currently being processed by the Office of Environmental Quality Control.

**NOTICES**

**NEPA DOCUMENT**

The following documents have been prepared pursuant to the requirements of the National Environmental Policy Act of 1969. Contact the Office of Environmental Quality Control for more information at 548-6915.

CONVERSION OF THE HAWAII AIR NATIONAL GUARD (HANG) FROM F-4C AIRCRAFT TO F-15A/B AIRCRAFT

**Finding of No Significant Impact**

The proposed action is the conversion of the Hawaii Air National Guard (HANG) from 24 F-4C aircraft to 26 F-15 aircraft (24 F-15As, two F-15Bs). The conversion would begin in the second quarter of FY87, and would be completed by the end of the 3rd quarter FY88. The first aircraft to arrive would be the two-seat "B" model trainers, with the single-seat "A" models delivered in the following months. It is estimated that about 3,500 training sorties (one takeoff and one landing) will be flown each year after the HANG becomes fully operational with

the new aircraft. This training schedule is expected to be the same as that presently flown by the F-4C. During the transition period, F-15 sorties will increase gradually as more pilots become trained in the new aircraft. The unit is expected to become fully operational by June 1988. The F-15 Eagle is an all-weather, extremely maneuverable tactical fighter, designed to gain and maintain air superiority in aerial combat. It is designed to out perform and out fight any current and projected enemy aircraft. The F-15's air superiority capability is achieved through a combination of unprecedented maneuverability and acceleration, range, non-nuclear weaponry, and avionics. It has electronic systems and weaponry to detect, acquire, track and attack enemy aircraft while operating in friendly or enemy controlled airspace. Its weapons and flight control systems are designed so one man can safely and effectively perform air-to-air missions. The F-15's superior maneuverability and acceleration are achieved through its high engine thrust-to-weight ratio and low-wing loading. It is the United States' first operational aircraft whose engine thrust exceeds the plane's loaded weight! Low-wing loading (the ratio of aircraft weight to its wing area) is a vital factor in maneuverability and, combined with the thrust-to-weight ratio, enables the aircraft to turn tightly without losing airspeed. Implementation of the proposed conversion will result in an increase in the manning of the unit. For the F-15A/B, 382 full-time and 993 part-time personnel will be required. There will no longer be a requirement for the 29 Weapons System Officers presently assigned to the 199th TFS, who were part of the two-man flight crew of the F-4C. In conjunction with the conversion to F-15 aircraft, there will be new facilities constructed, and other facilities will be modified internally to accommodate equipment specific to the F-15. Most of the new construction is not specific to the F-15. It would be required for any fighter aircraft assigned to HANG. The only new facilities specific to the F-15 are the flight simulator building, a two-story structure of approx. 5,000 sq. ft., and the increased aircraft parking apron.

465 SOUTH KING STREET - KEKUAOAO BUILDING, #15 - HONOLULU, HAWAII 96813

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OFFICE OF ENVIRONMENTAL QUALITY CONTROL

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JOHN WAIHEE  
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VOLUME IV

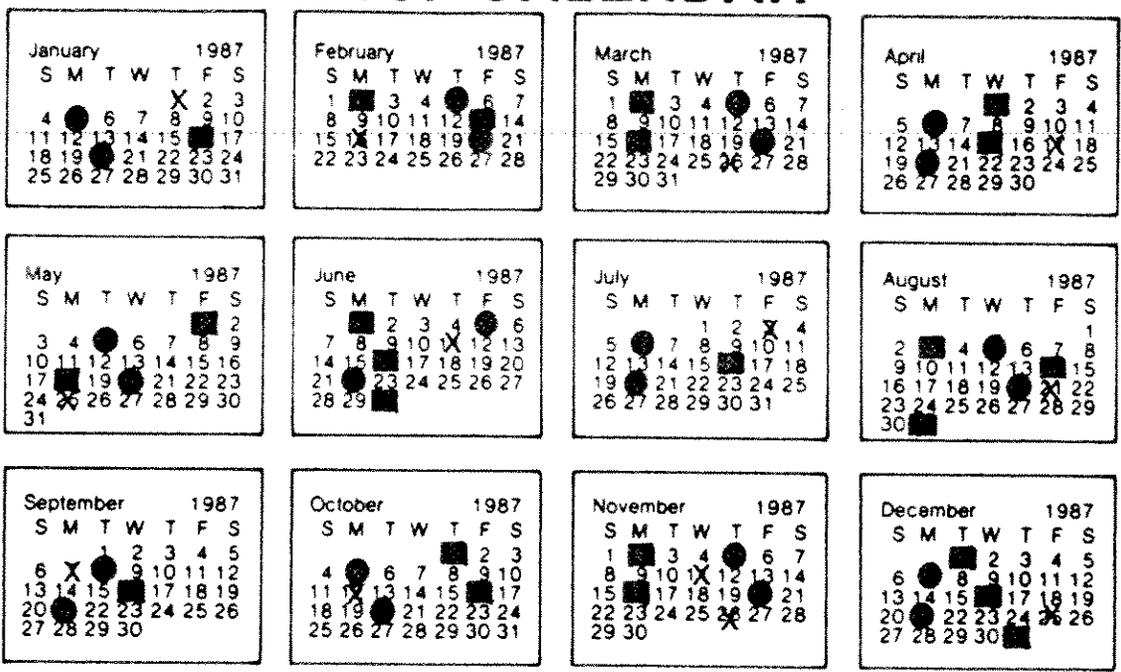
January 23, 1987

NUMBER 2

## REGISTER OF CHAPTER 343, HRS DOCUMENTS

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 NOTE: The VOLUME IV, NUMBER 01 issue of the OEQC BULLETIN should have been dated January 8, 1987. The calendar printed in the last OEQC BULLETIN contained some errors. Therefore, this is a corrected copy. We apologize for any confusion that may have been caused.  
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## 1987 CALENDAR



■ Negatives and Preparation Notices due

● Official receipt days for EISs

X Holidays

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EIS PREPARATION NOTICES

The following proposed actions have been determined to require an environmental impact statement. Anyone can be consulted in the preparation of the EIS by writing to the listed contacts. 30 days are allowed for requests to be a consulted party.

UPPER MAKALEHA SPRINGS WATER RESOURCE DEVELOPMENT, MAKALEHA MOUNTAINS, KAUAI,  
Dept. of Land and Natural Resources, Div. of Water and Land Development

The State Dept. of Land and Natural Resources, Div. of Water and Land Development, proposes to tap natural springs in the Makaleha Mountains on the east side of Kauai and to pipe the water to Kapaa for domestic purposes. The project will be located on a 2,335-acre parcel of land owned by the State of Hawaii, designated TMK: 4-6-01:1, which lies almost entirely within the boundaries of Kealia Forest Reserve and the Conservation District, Resource Subzone. This parcel encompasses the southeast quadrant of the Makaleha Mountains and, in particular, the watershed of Makaleha Stream from its origin at the mountain peaks to the Lihue Plantation Co. diversion dam near the million gallon water tank at the end of Kahuna Rd. The Upper Makaleha Springs will be tapped by catching its water in an underground basin and allowing it to flow via pipeline down the valley to Makaleha Tunnel No. 6. There the pipeline will join an existing waterline that supplies the million gallon tank at the end of Kahuna Rd. The underground basin at the springs need not be large--perhaps 2 or 3 thousand gal. in size. To minimize bacterial contamination, the basin should be completely enclosed and nestled close to

the source of the springs at the valley wall. An 8-in. diameter iron pipeline would carry the water away at a hoped-for rate of 500 to 1,000 gal. per min. (0.75 to 1.5 million gal. per day). The pipe would run underground where possible and above ground on pedestals where necessary, down the north edge of the valley. To transport construction materials and equipment up the valley, it will be necessary to cut an access road through the hau thicket. The pipeline and access road would be located as close to the valley wall and as high above the streambed as is practical in order to avoid damage from flash flooding. The exact locations of the basin, pipeline and road can only be determined after a topographic survey has been made.

Contact: Mr. Glenn Yamamoto  
Portugal & Associates, Inc.  
4334 Rice St., Suite 204  
Lihue, Hawaii 96766

Deadline: February 23, 1987.

PACIFIC BASIN CONFERENCE CENTER, MAKAHA VALLEY, OAHU, Honolulu Federal Savings & Loan Assn./City and County of Honolulu Dept. of General Planning

The proposed project involves the development of the Pacific Basin Conference Center on a portion (about 23.5 acres) of the Mauna Olu Subdivision, adjacent to and above the two golf courses serving the Sheraton Makaha Resort and Country Club. Mauna Olu St. and a concrete drainage channel constitute the mauka site boundaries. The mauka area (to the east and northeast) bordering the site consists of the balance of the existing undeveloped Mauna Olu Subdivision (about 186.5 acres). An open space, designated Agriculture on the Development Plan Land

Use Map, lies immediately north and northwest of the project site. The 300 room Conference Center would be specially equipped and staffed to serve the business conference and meetings segment of the lodging and travel industry. Important attributes of a conference center hotel include an environment which minimizes distractions of business attendees, extensive recreation and fitness amenities, and specialized staff and facilities to accommodate both small and large meetings and conferences. Planned facilities include the following:

Hotel Rooms	300
Parking Spaces	450
Restaurants	3
Banquet Rooms	4
Cocktail Lounges	2
Auditorium A	5,000 SF (230 persons)
Auditorium B	3,000 SF (220 persons)
Conf. Room A	2,500 SF (160 persons)
Conf. Room B	1,200 SF ( 60 persons)
Conf. Room C	1,200 SF ( 60 persons)
Conf. Room D	900 SF ( 40 persons)
Conf. Room E	900 SF ( 40 persons)
19 Breakout Rooms	100 to 400 SF (5-20 persons)

The amenities planned include a health club, swimming pool, jogging trails and tennis courts. Existing facilities at the Sheraton Makaha and the two golf courses in Makaha Valley also would be available to Conference Center attendees. The proposed development is intended to create a much needed conference center hotel on Oahu.

Contact: Mr. F.J. Rodriguez  
 Environmental  
 Communications, Inc.  
 P.O. Box 536  
 Honolulu, HI 96809

Deadline: February 23, 1987.

**NEGATIVE DECLARATIONS**

The following are Negative Declarations or determinations made by proposing or approving agencies that certain proposed actions will not have significant effects on the environment and therefore do not

require EISs (EIS Rules 11-200-11). Publication in the Bulletin of a Negative Declaration initiates a 60-day period during which litigation measures may be instituted. Copies are available at 25 cents per page upon request to the Office. Parties wishing to comment may submit written comments to the agency responsible for the determination (indicated in project title). The Office would appreciate a copy of your comments.

OAHU

NANAKULI RESIDENCE LOTS, SERIES 6, NANAKULI, OAHU, Dept. of Hawaiian Home Lands

The project proposes to develop approx. 8 acres of land for 38 single family houselots of approx. 7,000 sq. ft. each. The Nanakuli Residence Lots, Series 6 is located in Nanakuli, Oahu, TMK: 8-9-07. One tract of land totaling 8.25 acres will be developed under this project. The tract is constrained by established streets on three sides, Nanaikala St., Haleakala Ave. and Nanakuli Ave. and the Nanakuli Multi-School Complex on the fourth side.

SIDEWALK CONSTRUCTION ON 22ND AVENUE 29TH BRIGADE ARMORY, FORT RUGER, OAHU, Dept. of Accounting and General Services

This project involves the construction of a sidewalk 250 ft. in length along 22nd Ave. fronting the 29th Brigade Armory. The project will provide an improved walkway for a portion of 22nd Ave. for partial pedestrian safety. The major users will be the Army Reserve personnel and secondary users will be the students of Kaimuki Inter. School and the public. The estimated cost of construction is \$6,000.

SHAFTER FLATS RECORDS STORAGE CENTER EXPANSION, SHAFTER FLATS, HONOLULU, Dept. of Accounting and General Services

The proposed project involves the construction of additional building area

for records storage and includes improvements such as landscaping and paving. The proposed expansion will be a minimum of 14,000 sq. ft. The expansion is to be sited at the DAGS baseyard in Shafter Flats, Honolulu. The estimated cost of construction is \$1,500,000. Since the project will be constructed within the existing DAGS facility, no land will be removed from the tax base.

WATER LINE REPLACEMENT, KAHANA, OAHU,  
Board of Water Supply

The Board of Water Supply proposes to replace approx. 350 ft. of 30-in. concrete cylinder pipe with ductile iron pipe on TMK: 5-2-05:3 at Kahana, Oahu. The new pipe will connect to the existing 30-in. main on the Punalu'u side of the bridge nearest to the Kahana State Park access road, traverse Kamehameha Hwy., parallel the bridge until it reaches the Kaaawa side, cross Kamehameha Hwy. again, and finally connect with the 30-in. main. The bypassed portion of the existing main will be abandoned in place. The temporary 20-in. main, hung alongside the bridge, will be removed. A concrete jacket will encase the entire length of the new pipe. The project will assure continuity of water service by minimizing the potential of a main break in this section of the transmission main that conveys water to Kailua, Waimanalo, and possibly Hawaii Kai and points west.

MAUI

LAHAINA WATERLINE IMPROVEMENT, PHASE I,  
LAHAINA, MAUI, County of Maui Dept. of  
Water Supply

This project is part of a total plan to improve the Lahaina area water system. The primary objective of the plan is to fulfill the increasing domestic and fire demands of the area (secondary impacts). The project, in general, is required to:

1. Improve fire protection.
2. Improve pressure and volume during peak usage.
3. Improve water distribution and transmission.

The project involves the construction of 16-in. water transmission and distribution lines to service the Lahaina area. This project consists of the following 2 parts:

Waterline "A":

The scope of work outlined for Waterline "A" involves the installation of approx. 2,400 ft. of 16-in. pipeline traversing Front St. from Fleming Rd. across Honoapiilani Hwy. to Kapunakea St., replacing the existing water system in that area.

Waterline "B":

The work involved in Waterline "B" consists of the installation of approx. 600 ft. of 16-in. pipeline along Fleming Rd. from Ainakea Rd. to Honoapiilani Hwy., to replace the existing system in the immediate vicinity.

Included in both projects are the installation of fire hydrants, new water service laterals and connection to existing water meters along the project site. Available funds shall determine whether Waterline "B" will be a part of the construction contract and if substitution of a 12-in. pipeline is necessary throughout the scope of the project. A portion of the Front St. right-of-way between Honoapiilani Hwy. and Kapunakea St. will be affected by the proposed project. Honoapiilani Hwy. will also be affected by the proposed alignment of the new pipeline in the vicinity of Fleming Rd.

ESTABLISHMENT OF THE PAUPAU PLANT  
SANCTUARY, LAHAINA, MAUI, Dept. of Land  
and Natural Resources, Division of  
Forestry and Wildlife

The Dept. of Land and Natural Resources (DLNR) proposes to withdraw and subdivide a 30-acre portion of TMK: 4-6-18:7 within the Conservation District presently encumbered under Governor's Executive Order 251 to the Dept. of Education. This parcel will be placed under DLNR for management as Paupau Plant Sanctuary for the federally listed endangered species, Gouania hillebrandii. The area would be fenced to prevent the destructive encroachment by grazing livestock, but

would otherwise remain in a natural and unaltered condition.

HAWAII

CONSERVATION DISTRICT USE APPLICATION FOR GRUBBING AND GRADING USE AT PUNA, HAWAII, Philip Kahn/Dept. of Land and Natural Resources

The applicant proposes to grub and grade a portion of TMK: 1-3-2:34 to construct a driveway to the parcel identified as TMK: 1-3-2:98. The total graded area will involve less than 100 cu. yds. of material and no cuts or fills will be greater than 5 ft. The applicant also proposes to grub TMK: 1-3-2:98 to remove the overgrown vegetation on the property. Most of the large trees will be left on the property. Only the thick overgrown shrubs of guava, hala and weeds will be removed. This clearing work is needed in order to assess the existing topography of the parcel for the design and construction of a future residence. However, at this time, this application involves only the grubbing and grading he area.

CONSERVATION DISTRICT USE APPLICATION FOR SUBZONE BOUNDARY AMENDMENT AT HONAUNAU, HAWAII, Kamehameha Schools-Bishop Estate/Dept. of Land and Natural Resources

The applicant proposes to amend the boundary of the Limited Subzone and to create a Special Subzone located on property identified as TMK: 8-4-13:18, Honaunau, Hawaii. The subject parcel will be a part of the alternate learning center called Hale O Ho'oponopono. The initial improvement planned is the construction of a 1,950 sq. ft. multi-purpose building for program use.

ENVIRONMENTAL IMPACT STATEMENTS

EISs listed in this section are available for review at the following public depositories: Office of Environmental Quality Control; Legislative Reference Bureau; Municipal Reference and Records Center (Oahu EISs); Hamilton Library;

State Main Library and the Kaimuki, Kaneohe, Pearl City, Hilo, Wailuku and Lihue Regional Libraries. Statements are also available at State Branch Libraries that are in proximity to the site of a proposed action (indicated by project description).

Comments on the following EISs may be sent to: 1) the accepting authority; and 2) the proposing agency. Please note the deadline date for submitting written comments on the EIS.

SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT TO PERMIT ALTERNATIVE METHODS OF SEAWATER RETURN FLOW DISPOSAL AT NATURAL ENERGY LABORATORY OF HAWAII (NELH), KEAHOLE, NORTH KONA, HAWAII, NELH

Previously published January 8, 1987.

This EIS is also available for review at the Bond Memorial (Kohala), Holualoa, Kailua-Kona, Kealakekua, and Thelma Parker Memorial/Waimea Area Libraries.

Deadline: February 9, 1987.

RESIDENT/VISITOR ENTERTAINMENT ATTRACTION, EWA, OAHU, Amfac Hawaii, Inc./City and County of Honolulu Dept. of General Planning

The applicant is proposing to construct a major new resident/visitor entertainment attraction on vacant land in the vicinity of the proposed Secondary Urban Center on the Ewa Plain. The property is located north of and adjacent to the Farrington Hwy. and the Palailai Interchange and south of and adjacent to the Palailai cinder cone (Puu Palailai) in Ewa Judicial District, Oahu. The site is approx. 20 mi. west of Honolulu. The approx. 106-acre site consists of portions of TMK: 9-1-15:05, 17 and 9-1-16:09. The basic development concept of the entertainment attraction builds on the theme of Hawaii as the "Crossroads of the Pacific". The project will take both residents and visitors on a journey from Hawaii around the Pacific and Asian basin. Through representative architecture, multi-media and

special-effects presentation, live stage productions, cultural exhibits and displays, ethnic foods and merchandise. The project visitor will take a journey around the Pacific and Asian Basin in a 5-6 hr. stay. The facility will not contain thrill rides. Central elements of the project include the "park" site, plant nursery and a future commercial site. Major elements of the park include: international exhibitions, a lagoon system, employee/visitor parking, administration building and support/maintenance facilities. In order to develop this project, the Ewa Development Plan designations must be changed from Residential, Low Density Apartment, Medium Density Apartment and Agriculture to Commercial.

This EIS is also available for review at the Ewa Beach Community-School Library.

Deadline: February 23, 1987.

EISS SUBMITTED FOR ACCEPTANCE. The following EISS have been submitted for acceptance and contain comments and responses made during the review and response period.

PUNALU'U RESORT, KA'U, HAWAII, C. Brewer Properties, Inc./County of Hawaii Planning Dept.

Punalu'u Resort, formerly known as Sea Mountain at Punalu'u, was started in 1972. The applicant is presently requesting that the County of Hawaii revise the Hawaii County General Plan for a portion of Punalu'u Resort mauka of the Hawaii Belt Hwy.; approve a change of zone; and issue an SMA permit to facilitate the completion of Punalu'u Resort in a form that provides the greatest net economic benefits to the community and developer. The total Resort project area encompasses approx. 433 acres not including the existing Colony I condominiums and Kalana I single-family residential lots. The following 20 parcels are included within the project area: TMK: 9-5-19: 11, 15, 1, 26, 30, 31, 33, 35; 9-6-01:01, 02, 3, 06, 11, 12, 13; and 9-6-02: 08, 37, 38, 41, 45 por. The proposed project

concept involves creating a low rise, low density, mixed use commercial and residential "Village" on the bluff overlooking the ocean and 8th golf hole "ocean" fairway. This would be accomplished by relocating 4 golf holes (2, 3, 4 and 8) and building a new section of Punalu'u Rd. (Alanui Rd.), presently a private road within the Resort that connects to the Hawaii Belt Hwy. and the County's Punalu'u Rd. The plan also provides for, or improves, additional development parcels with increased golf and recreational amenity frontage and/or open views. The development parcels include a mixture of single family residential, multifamily residential, commercial, hotel and recreational amenities. A Visitor Center and Lagoon Club, located adjacent to the proposed Punalu'u Village are planned and would be important facilities serving the Resort and nearby communities. Two hotel sites, a major one (325-450 rooms) adjacent to Ninole Cove and a minor one (150-210 rooms) adjacent to the existing Punalu'u Black Sand Restaurant, would also be developed. Ninole Cove would be restored to its former shoreline cove configuration by removing the sediments that have filled the cove due to several extraordinary storms since 1978. All development activities, with the exception of the Ninole Cove restoration, would occur within land presently designated Urban by the State Land Use Commission. Similarly, the majority of the proposed project would be developed within county zoned land uses that permit the proposed improvements with the exception of a few parcels that require a change in configuration and allowed density.

This EIS is also available for review at the Kailua-Kona, Keaau, Mountain View Community-School, Pahala Community-School and Pahoa Community-School Libraries.

Status: Currently being processed by the County of Hawaii Planning Department.

WAIAWA BY GENTRY, WAIAWA, CENTRAL OAHU, OAHU, The Gentry Companies/City and County of Honolulu Dept. of General Planning

The proposed Waiawa by Gentry represents the first increment of the total masterplanned Waiawa community. This first increment, which is the subject of the City and County of Honolulu Development Plan Review, will consist of 1,395 acres that can stand alone as a self-contained, planned community. When completed, the total Waiawa Master Plan community will total approx. 2,500 acres. The proposed development would result in the creation of 7,900 single family and apartment units. Approx. one half (4,000) of these units would be programmed for a retirement community which would be a central feature of the overall development. Other project features include commercial and light industrial areas (115 acres) and two 18-hole golf courses extending throughout the site. The 1,395 acre project site is located on the Waiawa plain of Central Oahu between Waiawa Gulch and the H-2 Freeway. The site is roughly triangular in shape with its apex directed southerly at the Waiawa Interchange. The Gentry and Crestview communities lie to the west of Waiawa and the 63 acre Pearl City Industrial Park is adjacent to the east. More specifically, the project site is identified as TMK: 9-4-06: por. 10 and 9-6-04: por. 1. The lands to be developed are currently vacant and fallowed by Oahu Sugar. Portions of the site are used for minor cattle grazing use. The fee land owner is the Bernice P. Bishop Estate. The initial action required for this project involves a Development Plan amendment of Agriculture and Preservation lands to Urban usage.

This EIS is also available for review at the Mililani and Waipahu Libraries.

Status: Currently being processed by the City and County of Honolulu Dept. of General Planning

CONSERVATION DISTRICT USE APPLICATION FOR A GOLF COURSE ON IOLANI SCHOOL PROPERTY, KANEHOHE, OAHU, Nitto Kogyo Co., Ltd./Dept. of Land and Natural Resources

Previously published January 8, 1987

This EIS is also available for review at the Kailua Library.

Status: Currently being processed by the Dept. of Land and Natural Resources.

ERADICATION OF MARIJUANA ON STATE-OWNED AND MANAGED CONSERVATION DISTRICT LANDS, ISLANDS OF HAWAII, MAUI AND MOLOKAI, Dept. of Land and Natural Resources

Previously published December 23, 1986.

This EIS is also available for review at the following libraries:

HAWAII

Bond Memorial (Kohala), Kailua-Kona, Kealakekua, Laupahoehoe Community-School, Mountain View Community-School, Pahala Community-School, Thelma Parker Memorial/Waimea Area.

MAUI

Kahului, Lahaina, Makawao.

MOLOKAI

Molokai.

Status: Currently being processed by the Office of Environmental Quality Control.

SUPPLEMENTAL EIS FOR THE PROPOSED HILO BAY OUTFALL SEWER EXTENSION, HILO, HAWAII, County of Hawaii Dept. of Public Works

Previously published December 23, 1986.

Status: Currently being processed by the Office of Environmental Quality Control.

MAKALAWENA RESORT, NORTH KONA, HAWAII,  
Kamehameha Schools-Bernice Pauahi Bishop  
Estate/County of Hawaii Planning Dept.

Previously published December 23, 1986.

This EIS is also available at the  
Holualoa, Kailua-Kona, and Thelma Parker  
Memorial/Waimea Area Libraries.

Status: Accepted by the County of Hawaii  
Planning Department on  
January 5, 1987.

NOTICES

NEPA DOCUMENT

The following documents have been  
prepared pursuant to the requirements of  
the National Environmental Policy Act of  
1969. Contact the Office of  
Environmental Quality Control for more  
information at 548-6915.

CONVERSION OF THE HAWAII AIR NATIONAL  
GUARD (HANG) FROM F-4C AIRCRAFT TO  
F-15A/B AIRCRAFT

Finding of No Significant Impact (FONSI)

Previously published January 8, 1987.

NOTE: This FONSI was submitted by the  
Dept. of the Air Force,  
Headquarters 15th Air Base Wing  
(PACAF).

EROSION PROTECTION FOR SHORELINE, KANEOHE  
KLIPPER COURSE, MARINE CORPS AIR STATION,  
KANEOHE BAY, OAHU, Dept. of the Navy,  
Pacific Division, Naval Facilities  
Engineering Command (Makalapa, Hawaii)

Finding of No Significant Impact

Erosion of the berm adjoining the 13th  
and 14th fairways of the Kaneohe Klipper  
Golf Course in the vicinity of the North  
Beach area of the Marine Corps Air  
Station, Kaneohe Bay requires perpetual  
costly maintenance. This project  
proposes the installation of approx.

1,000 linear ft. of French drain and the  
restoration of the berm that separates  
the 13th and 14th fairways from North  
Beach. The French drain should lessen  
the quantity of ponded storm runoff,  
precluding berm overtopping and the  
corresponding erosional washouts during  
storms within the design criterion of a  
10-year recurrence interval frequency.  
Protective measures for leveling and  
revegetating the berm are an integral  
part of the proposed erosion control  
alternative to lessen damage from  
overtopping during events that exceed the  
design storm. The project is located  
within the Mokapu Burial Area which is  
listed on both the National and Hawaii  
Registers of Historic Places.

DECLARATORY RULING NO. 86-03: Petition  
for Declaratory Ruling from Life of the  
Land Inc.

The above-captioned Petition for  
Declaratory Ruling was reviewed and acted  
upon at meetings of the State  
Environmental Council held at the State  
Capitol, 415 South Beretania Street,  
Honolulu, Hawaii, on December 17, 1986  
and January 7, 1987.

Having considered the aforementioned  
Petition for Declaratory Ruling, the  
memoranda filed herein, the testimony  
presented, and the Motion for  
Reconsideration submitted by East Maui  
Irrigation Company, Ltd., the State  
Environmental Council makes the following  
ruling:

FINDINGS OF FACT

1. In this Petition for Declaratory  
Ruling, the Petitioner asks the State  
Environmental Council to reverse the  
State Department of Land and Natural  
Resources' negative declaration regarding  
the proposed sale of a water lease, which  
was published in the Office of  
Environmental Quality Control's Bulletin  
dated October 28, 1986, page 5, under the  
title "Sale of Water Lease (License) at  
Public Auction, Koolau Forest Reserve and  
Hanawi Natural Area Reserve, Hana and  
Makawao Districts, Maui," and to rule

that an environmental impact statement should be prepared.

2. Petitioner is a non-profit, tax-exempt Hawaii corporation funded with membership dues and donations. It was formed to advocate protection of Hawaii's natural environment and natural resources.

3. Although it appears that no member of Petitioner actually resides in the subject area on Maui, Petitioner has standing to bring this Petition for Declaratory Ruling under the liberalized standing doctrine set forth in such Hawaii Supreme Court decisions as Life of the Land v. Land Use Commission, 63 Hawaii 166, 171-177 (1981), and similar cases.

4. The proposed action is the issuance by the State Department of Land and Natural Resources through public auction of a lease for 30 years for the right to collect surface water from State lands in East Maui and to divert and transport the water to Central Maui.

5. On November 19, 1986, the Petitioner filed its Petition for Declaratory Ruling with the State Environmental Council.

6. The State Environmental Council reviewed and considered the Petition for Declaratory Ruling at public meetings held on December 10, 1986 and December 17, 1986.

7. The State Environmental Council heard and considered oral testimony on the Petition for Declaratory Ruling from Fred Paul Benco, Esq., on behalf of the Petitioner; Alan T. Murakami, Esq., on behalf of the Native Hawaiian Legal Corporation, which joined in the Petition for Declaratory Ruling; Deputy Attorneys General Arthur Y. Muraoka and William M. Tam, on behalf of the Department of Land and Natural Resources; Tamotsu Tanaka, Esq., on behalf of East Maui Irrigation Co., Ltd.; John Ford, a fishery biologist at the United States Department of the Interior, Fish and Wildlife Service; Doak Cox, emeritus

geophysicist, University of Hawaii; Henry Sakuda, director, aquatic resources division, Department of Land and Natural Resources; and Robert Warzecha, manager of the East Maui Irrigation Co., Ltd.

8. In addition, the State Environmental Council received and considered written comments on the Petition for Declaratory Ruling from the Petitioner (Life of the Land's Memorandum in Opposition to DLNR's Motion to Dismiss, dated December 15, 1986); Tamotsu Tanaka, Esq., on behalf of East Maui Irrigation Co., Ltd. (letter dated December 10, 1986; Memorandum in Opposition to Petition to Declare Negative Declaration Inadequate and Require an Environmental Impact Statement be Prepared, dated December 15, 1986; Supplemental Memorandum dated December 16, 1986); Deputy Attorney General Arthur Y. Muraoka, on behalf of the Department of Land and Natural Resources (Motion to Dismiss for Lack of Jurisdiction [or] Alternatively, Motion to Continue Hearing, dated December 10, 1986; Memorandum of the Department of Land and Natural Resources in Support of the Motion to Dismiss for Lack of Jurisdiction, dated December 15, 1986); Alan T. Murakami, Esq., on behalf of the Native Hawaiian Legal Corporation (Joinder on Separate Grounds in Request of Life of the Land for a Declaratory Ruling, dated December 10, 1986; Memorandum in Support of Life of the Land Petition for Declaratory Ruling, dated December 15, 1986; and Memorandum in Opposition to Motion to Dismiss for Lack of Jurisdiction, dated December 15, 1986); University of Hawaii Environmental Center (letter dated December 9, 1986); and United States Department of the Interior, Fish and Wildlife Service (letter dated December 9, 1986).

9. The Department of Land and Natural Resources and the East Maui Irrigation Co., Ltd., opposed the Petition for Declaratory Ruling and moved to dismiss it on the grounds that the State Environmental Council lacks jurisdiction under Chapter 343, Hawaii Revised Statutes, and its administrative rules to

review the Department of Land and Natural Resources' negative declaration.

10. The State Environmental Council took the issue of its jurisdiction under advisement, at the request of its deputy attorney general.

11. The letters and testimony from the University of Hawaii Environmental Center and the Fish and Wildlife Service of the United States Department of the Interior disclose that there is important information about the potential environmental impacts of the proposed sale of the water lease which was not considered by the Department of Land and Natural Resources when the negative declaration was issued.

12. At its public meeting on December 17, 1986, the State Environmental Council made the following conclusion and ruling on the Petition for Declaratory Ruling:

Without deciding the jurisdictional matter, the Council finds that the information presented here appears to be important and that it deserves consideration. The Council notes that the information may be new and that the Department of Land and Natural Resources is directed to purposefully consider this information in accordance with the requirements of Chapter 343, Hawaii Revised Statutes.

13. East Maui Irrigation Company, Ltd. filed a Motion for Reconsideration with the Council on December 22, 1986, requesting that the Council reconsider its previous conclusion and ruling and that it dismiss the Petition for Declaratory Ruling for lack of jurisdiction.

#### CONCLUSION AND RULING

~~At its public meeting on January 7,~~ 1987, after considering the Motion for Reconsideration, the State Environmental Council rescinded its previous conclusion ruling and made the following

conclusion and ruling on the Petition for Declaratory Ruling:

The Council finds that the information provided by the University of Hawaii Environmental Center and the U.S. Fish and Wildlife Service is very pertinent, important and available and should have been considered by the Department of Land and Natural Resources as it conducted its assessment and determination process pursuant to Chapter 343, Hawaii Revised Statutes, and the Environmental Impact Statement Rules (Title 11, Chapter 200).