

# The Environmental Notice

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

MARCH 8, 1999

## EIS for Maui Windfarm Project

After a 30-day public comment period on a draft environmental assessment for Zond Pacific's 20 MW Windfarm at Kaheawa Pastures on Maui, the Department of Land and Natural Resources (DLNR) has determined that an EIS needs to be prepared

for the project. DLNR's decision is based on an evaluation of the potentially significant adverse environmental impacts of the proposed facility on rare, threatened, or endangered species, or species habitat. See page 6 for more.

### Erratum - Kuhio Beach Project

In our February 23, 1999, edition of the *Environmental Notice*, OEQC incorrectly reported that the Department of Transportation was undertaking improvements to Kuhio Beach in Waikiki. The agency undertaking the project is the Division of Boating and Ocean Recreation of the Department of Land and Natural Resources. We deeply regret the error and any inconvenience it may have caused, and apologize to the Department of Transportation for this mistake.

### Brennecke Beach Restoration

The Dept. of Public Works on Kauai submitted a draft EA that will help to restore this beach in Poipu and protect the adjacent Hoone Road. In 1982 Hurricane Iwa tore a beach house constructed here in the 1930s from its foundation and pushed it across Hoone Rd. The vertical seawall constructed to protect the house still stands. Hoone Road was also damaged in the process. Ten years later Hurricane Iniki heavily eroded the beach, exposing portions of the foundation. Till now the beach has recovered very little, so the Dept. of Public Works is now proposing to remove the vertical seawall and fill an excavated area between shoreline and road with sand. It will also install a partially buried revetment to shore up the road. For more information see page 9.

### Puna Plans: EPA Seeks Input

In 1996, the U.S. Environmental Protection Agency (EPA) review team of technical experts gathered information from state and local agencies and visited the island of Hawai'i. Public meetings were held in Pahoia and Hilo to discuss their findings. The review team found that people were principally concerned about the release of hydrogen sulfide, and the need for public alert and notification systems and plans for shelter-in-place and evacuation. The review team also recommended that the county form a technical work group to evaluate evacuation needs, procedures and resources. EPA is now seeking public comments on its draft plans. See page 13.

### Historic Register on Web!

The State Historic Preservation Division has updated the Historic Register, now available on the internet at [www.hawaii.gov/dlnr/hpd/hpgreeting.htm](http://www.hawaii.gov/dlnr/hpd/hpgreeting.htm).



**BENJAMIN J. CAYETANO**  
GOVERNOR

OFFICE OF  
ENVIRONMENTAL  
QUALITY CONTROL

GARY GILL  
DIRECTOR

The *Environmental Notice* reviews the environmental impacts of projects proposed in Hawaii

Other Resources available at OEQC . . .

- *Guidebook for Hawaii's Environmental Review Process*
- *Environmental Impact Study Resource Library*
- *Environmental Education Database*
- *Environmental Council Annual Reports*
- *Rules and Policies*
- "How to Plant a Native Hawaiian Garden"

### OEQC

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Kauai: 274-3141 ext. 64185  
Maui: 984-2400 ext. 64185  
Hawaii: 974-4000 ext. 64185

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On the last page of this issue, you will find a form asking if you would like to continue receiving the *Environmental Notice*. **Please complete the form appropriately and mail or fax it back to OEQC.**

Please send in the form by **APRIL 1, 1999**, or you will be **dropped** from the mailing list.

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*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.*

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## National Environmental Policy Act (NEPA)

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### (1) Barbers Point Beach Cottage Fencing

**District:** Ewa  
**TMK:** Portions of 9-1-13:1  
**Applicant:** Department of the Navy  
Pacific Division  
Naval Facilities Engineering Command  
258 Makalapa Drive, Suite 100  
Pearl Harbor, HI 96860-3134  
Contact: Mel Ramos (471-9338)

**Approving Agency/Accepting**

**Authority:** Same as above.

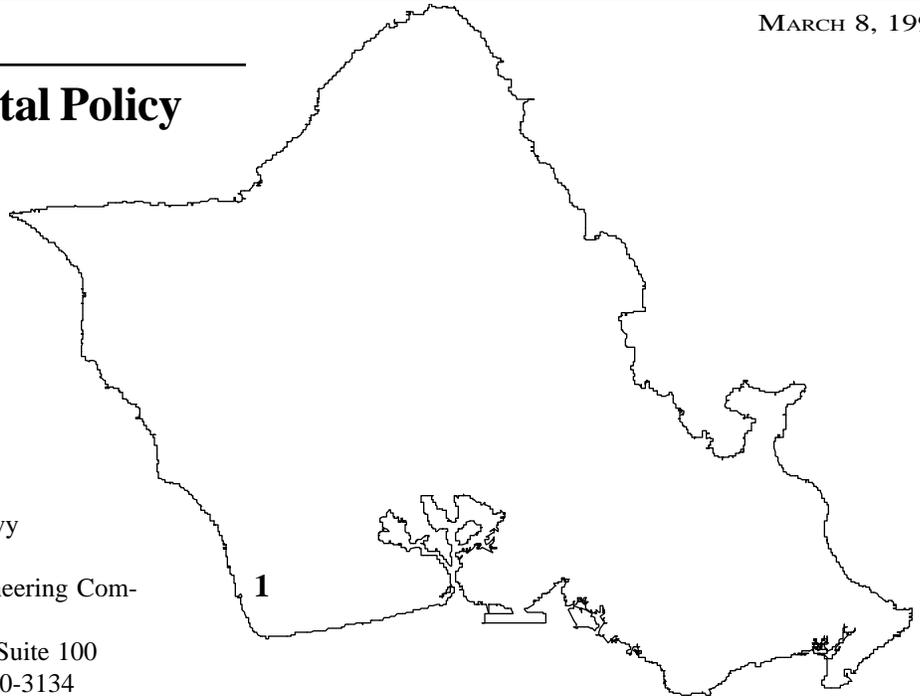
**Public Comment**

**Deadline:** March 23, 1999

This project located at the Barbers Point Naval Air Station, Honouliuli, Ewa, island of Oahu will construct fencing at the Officers beach cottages and Enlisted beach cottages for privacy and security.

This is a public notice on a proposed action within a designated flood hazard zone pursuant to Executive order 11988, Floodplain Management.

The Pacific Division, Naval Facilities Engineering Command is seeking public input regarding the proposed project. Written comments should be submitted to the Commander, Pacific Division, Naval Facilities Engineering Command, 258 Makalapa Drive, Suite 100, Pearl Harbor Hawaii 96860-3134 (Attn: Mr. Mel Ramos, Code 231MR), telephone 471-9338 or facsimile 474-5909, by March 23, 1999.



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## Previously Published Projects Pending Public Comments

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### Environmental Impact Statement Preparation Notices

 **Oahu Commercial Harbors 2020 Master Plan**

**Applicant:** Department of Transportation  
Harbors Division  
79 S. Nimitz Highway  
Honolulu, Hawaii 96813  
Contact: Glenn Soma (587-2503)

**Approving Agency/Accepting**

**Authority:** Governor, State of Hawaii  
c/o Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, Hawaii 96813

**Public Comment**

**Deadline:** March 25, 1999



# Maui Notices

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## Draft Environmental Assessments



### (1) Hana Community Healthcare Campus

**District:** Hana  
**TMK:** 1-4-03:22 and 24  
**Applicant:** County of Maui  
Mayor's Office  
200 South High Street  
Wailuku, Hawaii 96793  
Contact: David Ching (243-7213)

#### Approving Agency/Accepting

**Authority:** Same as above.

**Consultant:** Wilson Okamoto & Associates, Inc.  
1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
Contact: Earl Matsukawa (946-2277)

#### Public Comment

**Deadline:** April 7, 1999  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with copies to the consultant and OEQC.

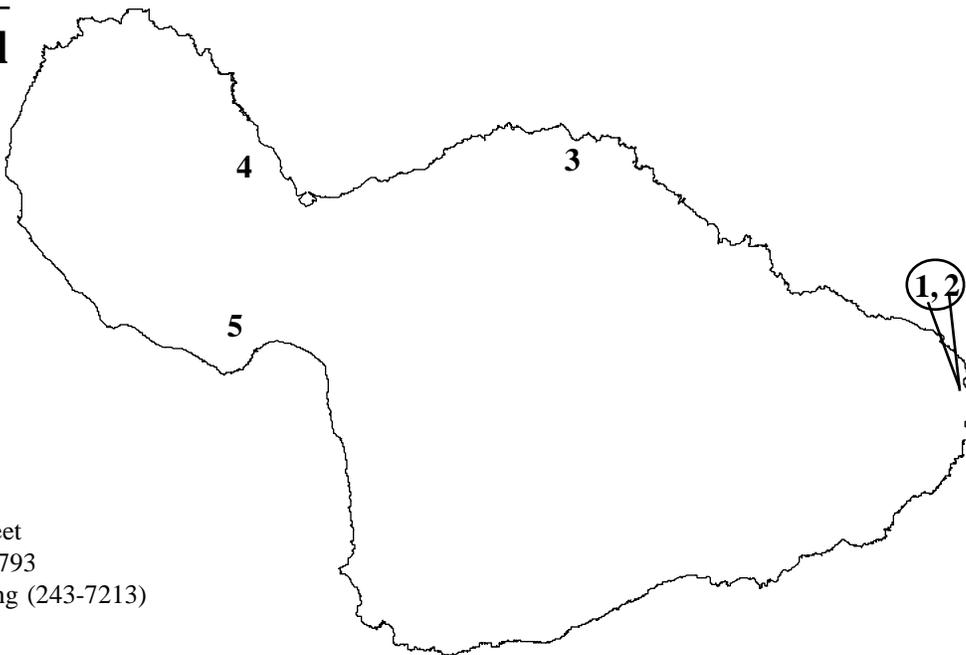
#### Permits

**Required:** NPDES, noise, air, ADA, grubbing, grading

The project site is located in Hana Town on the east coast of Maui. It is situated along the mauka side of Hana Highway just north of Uakea Road, and encompasses approximately 12.1 acres on two parcels. Both parcels are owned in fee by the State of Hawaii and leased by the Hana Community Health Center.

The proposed Hana Community Healthcare Campus will include:

- Construction of a 10,850 s.f. Community Healthcare Center housing facilities for medical and ancillary services, as well as shared administrative and support uses,
- Construction of a 10,360 s.f. Health and Wellness Center housing a conference center, gym, pool, and office,
- Construction of 9,800 s.f. of employee housing for the executive director, on-site physician, and staff nurses,
- Renovation of 4,020 s.f. of floor area within the existing health center building;
- Construction of a total of approximately 104 parking stalls;



- Establishment of a future garden area; and
- Demolition of all existing structures with the exception of the health center building.

Construction of the proposed project is anticipated to commence in 1999 with completion estimated by 2001, contingent upon the acquisition of project funding. The estimated construction cost of the proposed project is \$4.2 million.

This Draft Environmental Assessment (EA) has been prepared pursuant to Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200, Administrative Rules, Department of Health, State of Hawaii, and 24 Code of Federal Regulations Part 58 regarding the U.S. Housing and Urban Development's environmental review procedures for Community Development Block Grant (CDBG) programs.

## Final Environmental Assessments (FONSI)



### (2) Hana Waterline Replacement Project, Phase II

**District:** Hana

# Maui Notices

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**TMK:** 1-4-005  
**Applicant:** County of Maui  
Department of Water Supply  
200 South High Street  
Wailuku, Hawaii 96793  
Contact: Herbert Kogasaka (243-7816)

**Approving Agency/Accepting Authority:** Same as above.  
**Consultant:** Carl Takumi Engineering, Inc.  
18 Central Avenue  
Wailuku, Hawaii 96793  
Contact: Carl Takumi (249-0411)

**Public Challenge**  
**Deadline:** April 7, 1999  
**Status:** FEA/FONSI issued, project may proceed.  
**Permits** Possible NPDES, state & county highways  
**Required:** work permit

The project site is located in Hana town within the existing road right-of-ways of Uakea Road, Keawa Place and Hana Highway and covers approximately 5,350 lineal feet. Located within Hana's Urban core, the site traverses through various use areas including hotel, single-family residential, commercial and agricultural. The site is located within the Special Management Area.

The objective of the project is to provide improved water transmission and distribution service for the people of Hana. The existing waterlines are aged and do not meet current fire flow protection standards. Implementation of the project will improve system reliability and provide urban level fire flow protection standards for the existing uses in the area. Provision of required infrastructure improvements will result in short-term construction-related impacts, which can be mitigated through standard protection measures. The proposed action is not expected to result in significant long-term impacts to traffic, flood hazard potential, infrastructure, public services and historic or environmental resources.



## (3) Marquard Family Subdivision

**District:** Makawao  
**TMK:** 2-9-2:14  
**Applicant:** Michael Marquard  
c/o Brumbaugh and Jenkins  
2065 Main Street, Suite 101  
Wailuku, Hawaii 96793-1693  
Contact: Brian Jenkins (242-5545)

**Approving Agency/Accepting Authority:** Department of Land and Natural Resources  
Land Division  
1151 Punchbowl St., Room 220  
Honolulu, Hawaii 96813  
Contact: Tom Eisen (587-0386)

**Public Challenge**  
**Deadline:** April 7, 1999  
**Status:** FEA/FONSI issued, project may proceed.  
**Permits**  
**Required:** Re-zoning, CDU

The applicant is proposing to subdivide a 24.98 acre parcel of land into three parcels for members of his family. While the majority of the property is in the Agricultural land use district, a small strip of land mauka of the top of the seacliff is in the Conservation District. There will be no change of the existing pasture use and no construction or other development activity that will take place in the Conservation District portion of the land. The applicant is proposing a Conservation Easement with the State of Hawaii to ensure the perpetual protection of the Conservation land. This Conservation Easement would provide greater protection than is currently available under state law, and thus would serve a public purpose.



## (4) North Waihee Watershed Management Subdivision

**District:** Wailuku  
**TMK:** 3-2-14:1  
**Applicant:** County of Maui, Board of Water Supply  
200 South High Street  
Wailuku, Hawaii 96793  
Contact: Herbert Kogasaka (243-7835)

**Approving Agency/Accepting Authority:** Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96909  
Contact: Tom Eisen (587-0386)  
**Consultant:** Wilson Okamoto & Associates, Inc.  
1907 South Beretania Street, Suite 400  
Honolulu, Hawaii 96826  
Contact: Earl Matsukawa (946-2277)

**Public Challenge**  
**Deadline:** April 7, 1999  
**Status:** FEA/FONSI issued, project may proceed.

# Maui Notices

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## Permits

**Required:** CDUA

The County of Maui Board of Water Supply (BWS) proposes to subdivide an approximately 5,306-acre parcel of land located in Waihee, Maui into two parcels and reserve access easements along the road servicing the Spreckels and Waihee Ditches. The intent of the subdivision is for partitioning of ownership of TMK: 3-2-14: 1. The subdivision would create Parcel A-1 containing approximately 2,000 acres to be owned by the County of Maui BWS and Parcel A-2 containing approximately 3,306 acres to be owned by Wailuku Agribusiness Co., Inc. No development activity is proposed in conjunction with the subdivision. Although the proposed action involves the subdivision of the approximately 5,306-acre parcel into two parcels, this EA assesses only the County of Maui BWS' approximately 2,000-acre subdivided parcel. The intent of the County of Maui BWS in owning the subdivided parcel is to preserve, manage and protect the watershed. There are no plans for future development or other activity for the County BWS' parcel at this time. No environmental impacts are anticipated as a result of the proposed subdivision.

## Environmental Impact Statement Preparation Notices (EISPN)



### (5) Zond-Pacific 20 MW Windfarm Project

**District:** Lahaina  
**TMK:** 4-8-01:por. 01  
**Applicant:** Zond-Pacific  
485 Waiale Drive  
Wailuku, Hawaii 96793  
Contact: Keith Avery (244-9389)

**Approving Agency/Accepting Authority:** Department of Land and Natural Resources  
Land Division  
P.O. Box 621  
Honolulu, Hawaii 96809  
Contact: Lauren Tanaka (587-0385)

**Consultant:** WSB Hawaii  
46-040 Konane Place, #3816  
Kaneohe, Hawaii 96744  
Contact: Warren Bollmeier (247-7753)

## Public Comment

**Deadline:** April 7, 1999  
**Status:** EISPN First Notice pending public comment. Address comments to the applicant with copies to the approving agency or accepting authority, the consultant and OEQC.

## Permits

**Required:** CDUP, FAA

The purpose of the proposed project is to develop a windfarm in an environmentally-sound manner on Maui and to sell renewable electricity to MECO. The needs of the proposed project are to provide 20 megawatts (MW) of wind generated electricity towards the growing electrical energy demand of Maui, to support the State's policy to reduce Hawaii's dependence on imported energy sources, and to help protect the State's environment. The proposed site is located on a gently sloping portion of the Kaheawa Pastures, Ukumehame ahupua'a, approximately four miles mauka of McGregor Point.

A thorough study of the potential environmental impacts has been conducted including review of impacts on land use, topography, geology, soils, hydrology and water resources, terrestrial flora, fauna, cultural resources, socioeconomics, infrastructure, public services and facilities, air quality and meteorology, noise, EMF, visual resources and community acceptance.

The findings of the EA consultant are that, overall, the project would not negatively impact the environment. Only one potentially significant impact has been identified. Avifauna may be significantly impacted by the proposed 20 MW windfarm. There are a number of positive energy, environmental and economic impacts. The positive impacts derive from the avoidance of fossil fuel use and their resulting emissions, and the creation of new jobs and revenues.

The EA consultant evaluated a number of actions already taken by Zond-Pacific and additional actions planned. Specifically, Zond-Pacific has conducted a number of surveys (botanical, birds and archaeological) and a visual impact analysis in support of the final EA. Planned mitigation actions include conduct of additional bird surveys to identify and characterize the habits of the species of concern in the project area. Subsequently, the mitigation measures program proposed in the draft EA would be updated.

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## Previously Published Projects

### Draft Environmental Assessments

#### **Kaanapali Beach Hotel Restaurant/Canoe Hale**

**Applicant:** Kaanapali Beach Hotel  
2525 Kaanapali Parkway  
Lahaina, Hawaii 96761  
Contact: Michael B. White (808) 667-0211

#### **Approving Agency/Accepting**

**Authority:** County of Maui  
Maui Planning Commission  
250 South High Street  
Wailuku, Hawaii 96793  
Contact: Ann Cua (808) 243-7735

#### **Public Comment**

**Deadline:** March 25, 1999



# Hawaii Notices

## Draft Environmental Assessments



#### **(1) Hina Lani Transmission Line and Reservoir Modifications**

**District:** North Kona  
**TMK:** 7-3-47, 7-3-09:19, 29 and 30  
**Applicant:** Department of Land and Natural Resources  
1151 Punchbowl Street, Room 221  
Honolulu, Hawaii 96813  
Contact: Valerie Suzuki (587-0275)

#### **Approving Agency/Accepting**

**Authority:** Same as above.

#### **Public Comment**

**Deadline:** April 7, 1999

**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with a copy to OEQC.

#### **Permits**

**Required:** NPDES

The proposed project area is located along Hina Lani Street which is approximately two miles north of Kailua-Kona town in the North Kona district on the island of Hawaii.



The main components of the proposed project include installation of 3,200 lineal feet, 24-inch transmission line along the north shoulder of Hina Lani Street between Mamalahoa Highway and Anini Place; installation of two pressure reducing valve (PRV) stations at the 910.5 and 1190 feet elevations which will be referred to herein as PRV Station No. 1 and No. 2, respectively; and retrofitting the valving systems at two existing reservoirs along Hina Lani Street with spillway elevations at 363.67 feet and 650.67 feet

The transmission line will connect the Hawaii County, Department of Water Supply's 12-inch main along Mamalahoa Highway to their 16-inch main along Hina Lani Street. At the two reservoir sites, new level control valves will

# Hawaii Notices

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be installed above ground and electrical controls for a fully automated telemetry system.

PRV Station No. 2 will be built above ground on a small portion of private land, owned by Y.O., Ltd., where a grant of easement will be obtained. PRV Station No. 1 will be installed in a manhole below ground project alongside the transmission line.

Except for the PRV Station No. 2, all construction work will remain within the paved portion of the street right-of-way and within the existing reservoir sites.

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## Final Environmental Assessments/Findings of No Significant Impacts (FONSI)

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### (2) Kanarek Estate Alterations to Streams at Honomu & Kohua

**District:** South Hilo  
**TMK:** 2-8-10:09 and 17  
**Applicant:** Jules Kanarek Revocable Living Trust  
c/o Carlsmith Ball Wichman Case & Ichiki, Attorneys at Law  
P.O. Box 686  
Hilo, Hawaii 96721  
Contact: Steven Lim (935-6644)

**Approving Agency/Accepting Authority:** Department of Land and Natural Resources  
Land Management Division  
P.O. Box 936  
Hilo, Hawaii 96721  
Contact: Charlene Unoki (974-6203)

**Consultant:** Ron Terry (982-5831)  
HCR 2 Box 9575  
Keaau, Hawaii 96749

#### Public Challenge

**Deadline:** April 7, 1999  
**Status:** FEA/FONSI issued, project may proceed.  
**Permits Required:** Army 404, NPDES, water quality certification, SCAP, grading

The proposed action seeks after-the-fact approvals for three separate activities involving alterations of stream channels on State land and on an adjacent private parcel near Honomu, island of Hawaii. The activities were undertaken by the adjacent landowner in order to develop access to the adjacent properties. One involved repair of a bridge on a permanent stream, another the construction of a roadway and culvert on an intermittent stream, and the third, the repair of a roadway on an existing culvert above an intermittent stream. The proposed action also seeks approval for relocation of portions of the State owned Homestead Road to the existing jeep trail in the vicinity of the above activities, which has for years been used as the de facto public access to the Hilo Forest Reserve.



### Land Preservation

The Historic Hawaii Foundation and the Hawaii Audubon Society announced a new book entitled "*Common Ground: Land Stewardship and Tax Planning Options for Land Owners, Farmers, and Rural Communities in Hawaii*" and a workshop on the topics discussed in the book. The workshop, free and open to the public, was held on March 1, 1999 at the Gentry Pacific Design Center, 560 North Nimitz Highway, Honolulu.

For more information, please call the Hawaii Audubon Society at 528-1432 or Mr. John Bay at 947-1523.

## Draft Environmental Assessments



### (1) Brennecke Beach Shore Protection

**District:** Koloa  
**TMK:** 2-8-18:20  
**Applicant:** County of Kauai  
Department of Public Works  
4444 Rice Street, Suite 275  
Lihue, Hawaii 96766  
Contact: Ken Kitabayashi (241-6622)

**Approving Agency/Accepting Authority:** Same as above.  
**Consultant:** Oceanit Laboratories, Inc.  
1100 Alakea Street, 31st Floor  
Honolulu, Hawaii 96813  
Contact: Dr. Ken Cheung (531-3017)

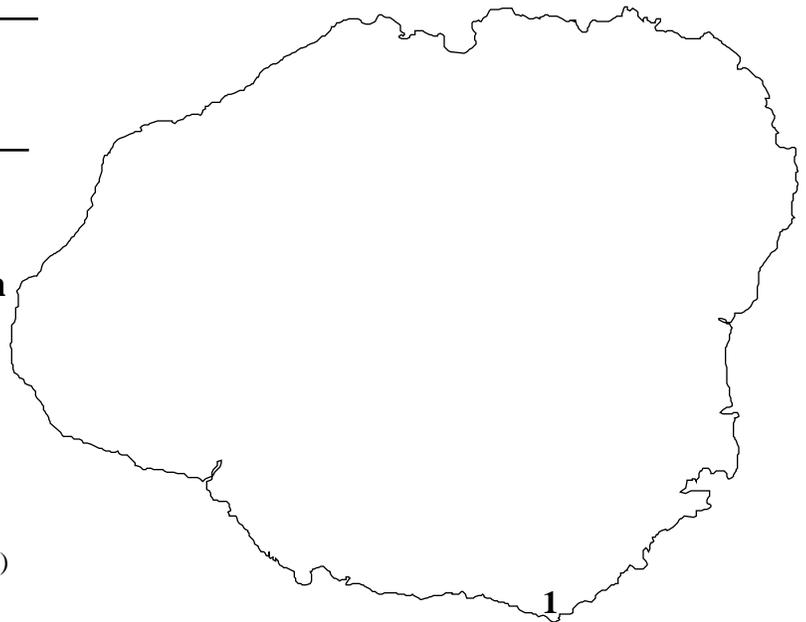
#### Public Comment

**Deadline:** April 7, 1999  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with copies to the consultant and OEQC.

**Permits Required:** Shoreline setback variance, SMA, CZM consistency, COE possible permits for access, construction, dewatering, bank stabilization, minor discharges

The County of Kauai Department of Public Works plans to remove an old masonry seawall at the west end of Brennecke Beach, Poipu, on the island of Kauai. In September 1992, Hurricane Iniki caused severe erosion of the sandy beach, which is a valuable recreational asset. Despite beach nourishment efforts, the beach has continued to erode, threatening to damage the coastal roadway and the low-lying land beyond the road. The presence of the masonry seawall, which impacts local sediment transport patterns, was found to be one of the impediments to natural beach recovery.

The proposed project consists of removing the masonry seawall and nourishing the beach with clean sand. The removal of the seawall will modify the local sediment distribution characteristics, resulting in a new beach shape. The new beach should provide a much larger area for recreation and enhance the natural recovery of the beach toward pre-Iniki conditions.



In order to protect the coastal road from erosion, a 250-foot-long partially buried revetment is proposed to be constructed in the backshore area adjacent to the road. Demolition of the seawall and construction of the revetment will involve the use of heavy equipment. Construction related activities will result in short-term impacts to water quality. These impacts will be minimized by utilizing appropriate mitigation measures including a best management practices plan and a water quality monitoring plan. The project is anticipated to have net positive impacts on erosion, localized beach processes, social and economic conditions, and recreation.



# Shoreline Notices

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## Shoreline Certifications and Rejections

Pursuant to §13-222-26, HAR the following shorelines have been certified or rejected by the DLNR. A person may appeal a certification or rejection to the BLNR, 1151 Punchbowl Street, Room 220, Honolulu, M 96813, by requesting in writing a contested case hearing no later than twenty (20) calendar days from the date of public notice of certification or rejection.

Case No.	Date Cert/Rej	Location	Applicant	Tax Map Key
OA-707	Certified 02/24/99	Kaluanui Beach Lots, Section B, Koolauloa, Oahu (53-737 Kamehameha Highway)	James Miller, Jr. for James Miller, Jr.	5-3-09:40
MO-056	Certified 02/24/99	Part B, Por of RP 5458, LCAw 5191 to Kahiaina, Waialua, Molokai (Kamehameha V Road, Waialua, Molokai)	Robert Sing for Arthur K. Chu Trust	5-7-03:68

# National Environmental Policy Act

## Transfer and Reuse of Wake Island (Draft EA and FONSI)

**Applicant:** Ms. Janice Goo, Real Estate Officer  
15th Civil Engineer Squadron, 75 H Street  
Hickam AFB, HI 96853-5233  
Contact: MSgt Morris Hawley (449-1584)

**Approving Agency/Accepting**

**Authority:** 15th Civil Engineer Squadron, 75 H Street  
Hickam AFB, Hawaii 96853-5233  
Contact: Marc Aoyama (449-1660)

**Consultant:** 15th Civil Engineer Squadron  
Environmental Flight, 15 CES/CEVP  
75 H Street  
Hickam AFB, Hawaii 96853-5233  
Contact: MSgt Morris Hawley (449-1584)

**Public Comment**

**Deadline:** April 8, 1999

The 15th Civil Engineer Squadron requested this Environmental Assessment (EA) be prepared to analyze the potential environmental consequences of the proposed transfer of ownership with full civil administration authority for Wake Island Airfield from the Air Force to U.S. Department of Interior, Fish and Wildlife Service (USFWS) and/or U.S. Army Space and Missile Defense Command (USASMDC) and planned future uses of Wake Island Airfield by the recipient agencies. This document is tiered to an EA prepared by the Air Force in August 1994.

Wake Island Airfield is a possession of the United States of America, and is under the jurisdiction of the U.S.

Department of Defense, U.S. Air Force. Wake Island Airfield is administered by Detachment 1 of the 15th Logistics Group, 15th Air Base Wing, Hickam Air Force Base (AFB), Hawaii and operated as Wake Island Airfield under an agreement effective June 24, 1972, which transferred ownership from the U.S. Department of the Interior to the U.S. Air Force.

In August 1994, the Air Force prepared an EA entitled "Transfer and Reuse of Wake Island Airfield" which analyzed reasonable reuse scenarios proposed by USASMDC, formerly U.S. Army Space and Strategic Defense Command, and USFWS. The purpose and need for the EA was based on the premise that the Air Force had ownership over Wake Island since 1972 but no longer had an operational requirement nor a need to operate the airfield. In response to queries from the Air Force, the USASMDC and the USFWS, submitted proposals to accept ownership for Wake Island. The USASMDC expressed interest in assuming the ownership for Wake Island from the Air Force. The USASMDC planned to continue its ongoing activities along with newly proposed activities on Wake Island Airfield. The Department of the Army acted as a cooperating agency in the preparation of the EA and its proposed activities on Wake Island Airfield were analyzed as the Proposed Action and alternatives in the document.

Discussions between the Headquarters, Pacific Air Forces and USASMDC have reached an impasse and the Air Force still maintains control of Wake Island with no operational requirement. This assessment looks specifically at the impacts if the transfer of administrative authority is to the Fish and Wildlife Service versus USASMDC.

## Federal Consistency Reviews

The Hawaii Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawaii 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 more information, please call John Nakagawa with the Hawaii CZM Program at 587-2878. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review and can be mailed to:

David W. Blane, Director  
Office of Planning  
Dept. of Business, Economic Development and Tourism  
P.O. Box 2359  
Honolulu, Hawaii 96804  
Or, fax comments to the Hawaii CZM Program at 587-2899.



### (1) Removal of Concrete Pier at Sans Souci Beach, Waikiki, Oahu

**Applicant:** Department of Land and Natural Resources  
Contact: Eric Yuasa, 587-0229  
**Federal Agency:** U.S. Army Corps of Engineers  
**Federal Action:** Department of the Army Permit  
**Location:** Sans Souci Beach, Waikiki, Oahu  
**TMK:** 3-1-32: 7  
**Proposed Action:**

Remove a concrete pier, 30 feet long by 6 feet wide and 3 feet deep, and restore the beach to its natural condition. The removal is intended to restore the beach and to eliminate the potential for injuries.

**Comments Due:** March 22, 1999



### (2) Manana Development Spine Road, Pearl City, Oahu

**Applicant:** Department of Design and Construction,  
City and County of Honolulu  
Contact: Robert Sarae, 523-4071  
**Federal Agency:** Federal Highway Administration

**Federal Action:** Federal Funds

**Location:** Manana Storage Area, Pearl City, Oahu

**TMK:** 9-7-24: 41

**Proposed Action:**

Construct the proposed Spine Road through the former Manana Storage Area property from the Moanalua Road/Waimano Home Road intersection to Acacia Road at Kula Street to support the City's redevelopment plans for the area. The road would be constructed within a 92-foot wide right-of-way with two through lanes, a bicycle lane and sidewalks.

**Comments Due:** March 22, 1999



### (3) Kihei Wetland Fill, Kihei, Maui

**Applicant:** George & Linda Lindell  
Contact: (808) 270-2700 x203

**Federal Agency:** U.S. Army Corps of Engineers

**Federal Action:** Department of the Army Permit

**Location:** 1390 South Kihei Road, Kihei, Maui

**TMK:** (2nd) 3-9-9: 08

**Proposed Action:**

Fill approximately 4,000 square feet of wetlands with about 400 cubic yards of sand to allow access to a private residence on the parcel.

**Comments Due:** March 22, 1999

## Marine and Coastal Zone Management Advisory Group

The Marine and Coastal Zone Management Advisory Group (MACZMAG) will hold its next regularly scheduled meeting on Friday, March 19, 1999 from 9:00 a.m. - 11:00 a.m. in the State Office Tower, Room 204.

MACZMAG meeting agendas and minutes are now available on the Hawaii Coastal Zone Management Program web page at [www.hawaii.gov/dbedt/czm](http://www.hawaii.gov/dbedt/czm).



# Pollution Control Permits

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## Department of Health Permits

The following is a list of some pollution control permits currently being reviewed by 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.

Branch & Permit Type	Applicant & Permit Number	Project Location	Pertinent Dates	Proposed Use
Clean Air Branch, 586-4200, Noncovered Source Permit	Dust-Tex of Honolulu, Inc. No. 0435-01-N	210-C Puuhale Road, Honolulu, Oahu	Issued: 2/17/99	200 Hp Dixon Boiler
Clean Air Branch, 586-4200, Covered Source Permit	Chevron USA Products Company, No. 0088-01-C	91-480 Malakde Street, Kapolei, Oahu	Issued: 2/22/99	Petrdeum Refinery
Clean Air Branch, 586-4200, Covered Source Permit	Hawaii Electric Light Company, Inc. No. 0234-01-C	Kanoielehua Hill Generating Station, Hilo, Hawaii	Comments Due: 3/16/99	Two (2) Boilers, One (1) Combustion Turbine, and Four (4) Diesel Engine
Clean Air Branch, 586-4200, Covered Source Permit	Mau Electric Company, Inc. No. 0232-01-C	Kahului Generating Station, Kahului, Maui	Comments Due: 3/16/99	Four (4) Boilers
Clean Water Branch, 586-4309, Section 401, Water Quality Certification	U.S. Army Corps of Engineers, File No. WQC 0000349	Launiupoko Shoreline Protection Project, Launiupoko, Maui	Comments Due: 3/12/99	Construction of 2 reaches, totalling 500 ft. of rubble round revetment fronting Honoapiilani Hwy.
Safe Drinking Water Branch, 586-4258, Underground Injection Control Permit	Real Estate Delivery, Inc., UK-1759	Kilauea Industrial Subdivision, a.k.a. North Shore Center	Comments due: n/a	Permit renewal of one sewage disposal well, not in use.

# Environmental Council Notice

## Tentative Environmental Council Meetings

The Environmental Council is tentatively scheduled to meet on Wednesday, March 10, 1999 at 3:30 p.m.

The Council's Exemption, Rules, and Communication, Education & Legislation Committees are tentatively scheduled to meet the same day prior to the full Council meeting. Please call on or after March 4, 1999 for confirmation on the

meeting(s) time and place.

Any person desiring to attend the meetings and requiring an accommodation (taped materials or sign language interpreter) may request assistance provided such a request is made five (5) working days prior to the scheduled meetings. This request may be made by writing to Ms. Barbara Robeson, Chair, Environmental Council c/o OEQC, 235 S. Beretania Street, Suite 702, Honolulu, Hawaii 96813 or by fax at (808) 586-4186.

## Puna Emergency Response Plans

As a result of a review of response plans as well as site visits, interviews and public meetings which took place in August 1996, the U.S. Environmental Protection Agency (EPA) has completed its review of emergency response capabilities for Hawai'i County and Puna Geothermal Venture in the form of a draft Puna Emergency Response Plans Review Report. The long term objectives for this project are to prevent chemical accidents and improve emergency response capabilities. Copies of the plan are available at: Pahoia Library (phone 965-9574); Keaau Library (phone 966-8181); UHH Library (phone 974-7346); EPA's Honolulu Office (phone 541-2710); Kailua-Kona Library (phone 327-4327); and the Hilo Library (phone 933-8888). In addition, the report is available (without attachments) at the EPA website <http://www.epa.gov/region09/waste>. All responses must be postmarked or e-mailed (to [ardito.michael@epamail.epa.gov](mailto:ardito.michael@epamail.epa.gov)) no later than **MAY 31, 1999** and sent to: Mr. Mike Ardito, U.S. EPA, 75 Hawthorne Street (SFD-1-2), San Francisco, California 94105. For more information, call Mr. Ardito or Ms. Vicki Rosen toll-free at (800) 231-3075 and leave a message. They will return your call as soon as possible.

## Seabird Interactions in Fisheries

The Western Pacific Fishery Management Council will meet in **Guam** at the Guam Hilton Hotel on **MARCH 15-16, 1999** (from 8:30 A.M. to 5:30 P.M. each day), and in **Saipan**, Commonwealth of the Northern Mariana Islands, Saipan Diamond Hotel, on **MARCH 17, 1999** (from 1:30 P.M. to 5:00 P.M.) and **MARCH 18, 1999** (from 8:30 A.M. to 5:00 P.M.). Among other agenda items, the Council will vote on whether to begin rule-making to address interactions between seabirds and the Hawai'i-based longline fishery. For more information, please call Ms. Kitty Simonds at 522-8220 (see, 64 F.R. 9476, February 26, 1999).

## Outer Continental Shelf Rules

The Minerals Management Service (MMS) of the U.S. Department of the Interior has issued correcting amendments to various rules (published in several *Federal Registers* and codified in 30 C.F.R. Parts 200 to 699) effective **FEBRUARY 23, 1999**. Among other things, these rules relate to: operations other than oil, gas, or sulphur in the Outer Continental Shelf (OCS, generally areas offshore of coastal states such as Hawai'i, Alaska, California, Washington and Oregon); nondiscrimination in the OCS; leasing/operations of oil, gas and sulphur in the OCS. For more information please contact Kumkum Ray at (703) 787-1600 (see 64 F.R. 9065, February 24, 1999).

## Interactions Between Marine Mammals and Fisheries

The National Marine Fisheries Service (NMFS) has published its final List of Fisheries for 1999 (LOF), effective **MARCH 26, 1999**, which reflects new information on interactions between commercial fisheries and marine mammals. Under the Marine Mammal Protection Act (MMPA), NMFS must place a commercial fishery on the LOF into one of three categories based upon the level of serious injury and mortality of marine mammals that occurs incidental to that fishery. The categorization of a fishery in the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA such as registration, observer coverage, and take reduction plan requirements. NMFS received and responded to nine comment letters including one that recommended that NMFS categorize the Hawai'i Swordfish, Tuna, Billfish, Mahimahi, Wahoo, Oceanic Sharks Longline/Set Fishery from Category III to Category II. For more information, please call Ms. Irma Lagomarsino at (562) 980-4016 (see, 64 F.R. 9068, February 24, 1999).

## Native Remains from 'Ewa, O'ahu and Waimea, Kaua'i

Pursuant to the Native American Graves Protection and Repatriation Act (NAGPRA), the National Park Service (NPS) announced the completion of an inventory of native remains and associated funerary objects in the control of the Department of the Navy and in the possession of the Bernice Pauahi Bishop Museum in Honolulu. The remains were found in: a coral sinkhole and sand dune deposits at Barbers Point Naval Air Station, 'Ewa, O'ahu; sand dune deposits at Edgewater Beach, Iroquois Point, 'Ewa, O'ahu; and, Barking Sands sand dunes, Pacific Missile Range Facility, Waimea, Kaua'i. Representatives of native Hawaiian organizations that believe itself to be culturally affiliated with these human remains and associated funerary objects should contact Ms. Elizabeth Gordon in Honolulu at 471-9338, before **MARCH 25, 1999** (see, 64 F.R. 8853, February 23, 1999).

## Proposed Delisting of Bird, *Monarcha takatsukasae*

The U.S. Fish and Wildlife Service proposes to remove the Tinian monarch (*Monarcha takatsukasae*) from the Endangered and Threatened Species List. The Tinian monarch (locally known as Churchrican Tinian) is a bird endemic to the island of Tinian in the Mariana archipelago in the western Pacific Ocean. The monarch was listed as endangered in 1970. Forest bird surveys in 1982 estimated

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the population at 40,000 monarchs. In 1987, the species was downlisted to threatened status. Studies and surveys in 1994, 1995, and 1996 estimated the population at about 52,000 to about 56,000 monarchs, a significant increase from 1982 levels. Public Hearing Requests must be received by **APRIL 8, 1999**. Comments must be received by **APRIL 23, 1999**. For more information, contact Mr. Michael Lusk in Honolulu at 541-3441 (see 64 F.R. 8533, February 22, 1999).

## Precious Corals Plan Team Meeting

The Western Pacific Fishery Management Council will hold a meeting of its Precious Corals Plan Team on **MARCH 9, 1999**, at the National Marine Fisheries Service Laboratory, 2570 Dole Street, Room 112, Honolulu (telephone 983-5300). For more information, please call Ms. Kitty Simonds at 522-8220 (see 64 F.R. 8067, February 18, 1999).

# Letters of Notice

*OEQC prints "Letters of Notice" to encourage public participation in our EIS system. Your views are welcome. We may edit letters due to limited space. The opinions presented do not necessarily reflect those of OEQC.*

## Honolulu Harbor Maintenance Dredging, Piers 15-20

*The State Department of Transportation Comments on Article in the January 23, 1999, TEN.*

"We have the following comments regarding the article on the subject project which appeared on your bulletin dated January 23, 1999.

On the first page of the bulletin, the headline reads "DOT Exempts Harbor Dredging." The article stated that the DOT withdrew and exempted the environmental assessment for the subject project. As written, the article leads the reader to incorrectly believe that the DOT has the power to exempt ourselves from having to do an environmental assessment. In fact, we are only exercising the exemption granted to us by the OEQC exemption list.

The article also says that site U3 did not pass the ocean disposal criteria for the amphipod solid phase bioassay test. Again, while this is a true statement, we question its relevancy since site U3 is not within our project site; our project does not include dredging that area. The subject project is designated as site U7, which is suitable for ocean disposal as determined by the EPA (see attached).

We therefore request that your readers be made aware of the facts. ... ."

*Attached were two figures (see below) and a December 4, 1998, letter of Alan Y. Ota, Regional Ocean Dumping Coordinator, Wetland and Sediment Management Office (WTR-8), U.S. Environmental Protection Agency Region IX, to Alan R. Everson, U. S. Army Corps of Engineers, Honolulu District, articulating EPA's understanding that: the U7 sampling locations (see Figure 1) are intended to character-*

*ize the sediments corresponding to the proposed Piers 15-20 project area; and EPA's determination that the sediments from this proposed project are suitable for ocean disposal based on the chemical and biological testing results.*

### *OEQC Director's Response*

**DOT Concern # 1.** *"As written, the article leads the reader to incorrectly believe that the DOT has the power to exempt ourselves from having to do an environmental assessment."*

"We respectfully disagree with the above for the following reasons.

Section 343-6(a)(7), Hawai'i Revised authorizes the environmental council to adopt, amend or repeal rules which "[e]stablish procedures whereby specific types of actions, because they will probably have minimal or no significant effects on the environment, are declared exempt from the preparation of an assessment" [underscoring supplied]. In 1996, the environmental council adopted rules which did just that.

Section 11-200-8(a), Hawai'i Administrative Rules states that "... a list of classes of actions shall be drawn up which, because they will probably have minimal or no significant effect on the environment, may be declared exempt by the proposing agency or approving agency from the preparation of an environmental assessment provided that agencies declaring an action exempt under this section shall obtain the advice of other outside agencies or individuals having jurisdiction or expertise as to the propriety of the exemption [underscoring supplied].

Section 343-7(a), Hawai'i Revised Statutes articulates the time frame within which lawsuits must be filed for the lack of an environmental assessment (i.e., an exemption determination or failure to simply prepare an environmental assessment). It is noteworthy to point out that this section uses "the agency's decision to carry out or approve the action" as the starting point for the 120 day period for filing a lawsuit.

In light of the above, the current statutory and administrative framework makes it quite clear that it is the agency (who proposes an action or who has discretionary approval over an applicant action) that declares an action exempt under the classes set forth in section 11-200-8(a), Hawai'i Administrative Rules.

**DOT Concern # 2. "In fact, we are only exercising the exemption granted to us by the OEQC exemption list."**

We have examined the comprehensive exemption list for the State of Hawai'i Department of Transportation, dated December 16, 1992, and can find no reference on that list to maintenance dredging in a harbor.

We believe that dredging and the subsequent treatment/disposal of spoils has the potential to significantly impact the environment since submerged lands in an embayment or harbor often become the repositories of nonpoint source pollution from hydrologically upgradient areas. Our records indicate that one agency in State government, namely the Division of Boating and Ocean Recreation of DLNR, has specifically listed maintenance dredging in its list.<sup>1</sup> The Environmental Council deliberated on its inclusion on the list and after discussions with DLNR agreed to the following language containing a noteworthy limit of 100 cubic yards.

*"Maintenance dredging of small quantities of material of 100 cubic yards or less from launching ramps, navigation channels and berthing areas at small boat harbors, not to exceed their originally designed depths, with disposal of dredged material at approved landfill sites or the placement of sand on adjacent areas in accordance with Chapter 205A-44, Hawaii Revised Statutes."*

As you can see, DOT's dredging project at 24,000 cubic yards far exceeds the 100 cubic yard reference in an exemption list.

**DOT Concern # 3. "The article also says that site U3 did not pass the ocean disposal criteria for the amphipod solid phase bioassay test. Again, while this is a true statement, we question its relevancy since site U3 is not within our project site; our project does not include dredging that area. The subject project is designated as site U7, which is suitable for ocean disposal as determined by the EPA ... ."**

The article in the January 23, 1999, *Environmental Notice* was based on the information we had on file, albeit incomplete, especially with respect to locations of the sampling sites.

Our December 30, 1998, memorandum to you detailed deficiencies and the need for more information in the final environmental assessment (previously submitted to our Office by way of a December 23, 1998, memorandum (HAR-EM 4965.99) from Harbors Administrator Thomas Fujikawa).

The DOT Harbors memorandum stated on page 2, item 7: "Summary results of the bioassays & bioaccumulation testing and final analysis of EPA's review of tests area enclosed. Subject project area is designated as site U7." The attachments consisted of the following:

- \* December 4, 1998, letter of Allan Y. Ota, Regional Ocean Dumping Coordinator, U.S. Environmental Protection Agency, Region 9, to Allan R. Everson, U.S. Army Corps of Engineers commenting on Maintenance Dredging at Piers 15-20, Honolulu Harbor;

- \* Pages ES-1, ES-2, and ES-3 of an executive summary (text only - no maps or tables of data) of a June 1998 "Honolulu Harbor Final Report" by Kimura International and MEC Analytical Systems Inc.

My environmental health specialist (EHS), having a background in chemistry and toxic waste management, informed me of the need for more information especially with respect to the location of sites showing significant bioaccumulation of toxic contaminants. My EHS spoke to your engineering staff regarding the environmental review process for this project and the need for more information to complete the process. During these discussions, your staff then inquired about withdrawal/exemption of the project. While my staff provided information on the environmental review process, he advised against such an action and correctly informed your staff that DOT is ultimately responsible for its own determinations.

Shortly thereafter, we received a January 11, 1999, memorandum (HAR-EM 4998.99) from Harbors Administrator Thomas Fujikawa informing us that DOT exempt classes 1 and 4 under Section 11-200-8(a), Hawai'i Administrative Rules apply to Job H.C. 1942. Because the environmental review process was aborted by this memorandum, we were required by section 11-200-11.1(d), Hawai'i Administrative Rules to publish notice of your agency's withdrawal/exemption.

As you can see from the above, our actions with respect to this project stem from a strict application of the existing statutory and administrative framework, all of which we had hoped to avoid by simply completing the environmental assessment process.

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In summary:

\* DOT is legally responsible to make an exemption determination on the Honolulu Harbor Dredging Project.

\* DOT made the exemption declaration for this project against the advice of OEQC.

\* There is no DOT approved exemption list that references harbor dredging. The only reference is for a different agency for projects far smaller than DOT's.

\* In accordance with EIS law/rules, OEQC published notice DOT's withdrawal of an EA and exemption declaration.

We will gladly publish your memorandum of February 16, 1999, in the next available edition of the *Environmental Notice*.

<sup>1</sup> Memorandum of Kenneth K. Fukunaga, Chairperson, Environmental Council, to Michael Wilson, Chairperson, Department of Land and Natural Resources, March 24, 1995, with comprehensive exemption list for the Division of Boating and Ocean Recreation, Department of Land and Natural Resources, State of Hawaii, as concurred in by the Environmental Council, State of Hawaii.

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