

# The Environmental Notice

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

SEPTEMBER 8, 1999

## Mauna Kea DEIS Available

The University of Hawaii is seeking public input on its latest draft of the master plan for the Mauna Kea Science Reserve. The goals of the master plan are to: 1) develop a vision for the sustainable use and enhancement of the Mauna Kea Science Reserve as a Hawaiian place; and 2) integrate and balance cultural, natural, education/research and recreational values and uses in a physical and management plan which will remedy existing problems and provide a framework and structure for the responsible and sustainable stewardship of the Mauna Kea Science Reserve.

The master plan is divided into two major components: the Physical Plan and the Management Plan. The physical plan includes designation of 95% of the Mauna Kea Science Reserve as a natural and cultural preservation area to protect all undeveloped cinder cones (pu'u), archaeological sites (primarily shrines) and sensitive flora and fauna habitat from future development. The physical plan also

establishes a 525-acre astronomy precinct in the area of existing development within which future astronomy development will be limited.

The management plan includes establishing a management office within the University of Hawaii at Hilo, hiring rangers to manage and protect mountain resources and creating an on-going advisory board which will include major stakeholders.

The proposed development of new observatories in the Science Reserve will place new structures in areas that have previously been undeveloped in the summit region of Mauna Kea, which will affect soils and surface geology, and flora and fauna habitat. Views of Mauna Kea from on-mountain and off-mountain locations will be affected by the presence of redeveloped and new observatories. Traffic to and from the Mauna Kea Science Reserve and Hale Pohaku relating to research activities and visitors will increase slightly. For more information, please see page 10.

### Fiber Optic Cables at Kahe Beach

GTE Hawaiian Tel proposes to install transpacific underwater fiber optic telecommunications cables connecting Australia, New Zealand, Hawaii and California. The preferred landing site on Oahu is at Kahe Beach, adjacent to Nanakuli Beach Park. An EA for a landing at Spencer Beach Park on the Big Island was previously done as part of this project. A terminal building will be constructed on the mauka side of Farrington Highway to connect the US mainland and international cables to the Big Island cable. The cable landing points will be just offshore about 1300 feet from Kahe Beach, and will be installed by directional boring. Placement of the cable through a conduit will facilitate avoidance of coral outcrops. See page 4.

### Saddle Road EIS Completed

The Final EIS for the proposed improvement of Saddle Road between Mamalahoa Highway and Milepost 6 near Hilo has been completed. The recommended alternative reconstructs the existing substandard two-lane roadway to a two-lane roadway with shoulders for a design speed of 80 to 100 kilometers per hour.

This a joint State/Federal EIS. As required by the President's Council on Environmental Quality, a waiting period is in effect for 30 calendar days from the date of publication of the Notice of Availability in the Federal Register. Accordingly, the Federal Highway Administration will accept any comments or observations on the FEIS in writing until close of business on October 5, 1999. See page 11.



**BENJAMIN J. CAYETANO**  
GOVERNOR

**OFFICE OF  
ENVIRONMENTAL  
QUALITY CONTROL**  
GENEVIEVE SALMONSON  
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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# Definitions

## Your guide to the Environmental Review Process

### Draft Environmental Assessment

A project or action that may affect the environment cannot be implemented until an Environmental Assessment (EA) is prepared in accordance with HRS §343. If the lead government agency anticipates that the project will have no significant environmental impact, then a Draft EA is written and public notice is published in this bulletin. The public has 30 days to comment on the Draft EA from the date of the first notice.

### Final Environmental Assessment and FONSI (Negative Declaration)

If, after the lead agency reviews the public comments, it feels that the project will have no significant effect on the environment, then it will prepare a Final EA and issue a Finding of No Significant Impact (FONSI) formerly called a *Negative Declaration*. The Final EA must respond to all public comments. An Environmental Impact Statement will not be required and the project may now be implemented. The public has 30 days from the first notice of a FONSI in this Bulletin to sue in court to require the preparation of an EIS.

### EIS Prep Notice

If the lead agency decides that a project may have a significant environmental impact, it must prepare an Environmental Impact Statement (EIS) prior to implementing the project. The first step in preparing an EIS is publishing an EIS Preparation Notice (Prep Notice) in this Bulletin. Agencies, groups or individuals have 30 days from the first publication of an EIS Prep Notice to request to become a consulted party and to make written comments regarding the environmental effects of the proposed action. The draft EIS must respond to these comments.

### Draft EIS

If a project is likely to have a significant environmental impact, the lead agency or private applicant must prepare a

Draft Environmental Impact Statement (Draft EIS) prior to project implementation. This document must completely disclose the likely impacts of a project. Secondary and cumulative impacts must be discussed along with measures proposed to mitigate them. The public has 45 days from the first publication date in this Bulletin to comment on a Draft EIS.

### Final EIS

After considering public comments filed during the Draft EIS stage, the agency or applicant must prepare a Final Environmental Impact Statement (Final EIS). The Final EIS must respond to all comments from the draft stage. If deeper analysis was required, it must be included in this document. If the project is from a private applicant, the lead agency is authorized to accept the FEIS. If the project is public, the Governor or Mayor is the accepting authority. Only after the EIS is accepted, may the project be implemented.

### EIS Acceptance Notice

If the accepting authority accepts a Final Environmental Impact Statement, a separate EIS Acceptance Notice will be published in this Bulletin. The public has 60 days from the date of first notice of acceptance to sue in court to challenge the acceptance of an EIS.

### NEPA

National Environmental Policy Act (NEPA) is the law that requires federal projects to prepare an EIS. It is similar to Hawaii's law. Some projects require both a state and federal EIS and the public comment procedure should be coordinated. Although not required by law, the OEQC publishes NEPA notices in this Bulletin to help keep the public informed of important actions.

### Special Management Area Permits

The Special Management Area (SMA) is along the coastlines of all our islands. Most development in this area requires a Special Management Permit (SMP). The Counties regulate development

of this area. On Oahu, the County law requires an EA be prepared to accompany a permit application. This Bulletin posts notice of these SMP applications to encourage public input.

### Shoreline Certifications

State law requires that Hawaii shorelines be surveyed and certified when necessary to clearly establish the regulatory building setback (usually 40 feet inland from the shoreline). The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified prior to construction. This Bulletin publishes notice of both shoreline certification applications and of final certifications or rejections.

### Environmental Council

The Environmental Council is a fifteen-member citizen board appointed by the Governor to advise the State on environmental concerns. The council makes the rules that govern the Environmental Impact Statement process. The agendas of their regular meetings are published in this Bulletin and the public is invited to attend.

### Exemption Lists

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

### Conservation District Permits

Use of land in the State Conservation District requires a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources (BLNR). Members of the public may intervene in the permit process. Notice of these permit applications is published in this Bulletin.

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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.*

# Oahu Notices

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## Draft Environmental Assessments



### (1) Kahe Beach Submarine Fiber Optic Cable

**District:** Waianae  
**TMK:** 9-2-3:2, 9, 11  
**Applicant:** GTE Hawaiian Tel International  
Inc.  
P.O. Box 2200  
Honolulu, Hawaii 96841  
Contact: Dennis Kwock (546-8971)

**Approving Agency/Accepting**

**Authority:** City and County of Honolulu  
Department of Planning and Permitting  
650 South King Street  
Honolulu, Hawaii 96813  
Contact: Ardis Shaw-Kim (527-5349)

**Consultant:** R.M. Towill Corporation  
420 Waiakamilo Road, Suite 411  
Honolulu, Hawaii 96817-4941  
Contact: Brian Taketa (842-1133)

**Public Comment**

**Deadline:** October 8, 1999  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with  
copies to the approving agency or accepting  
authority, the consultant and OEQC.

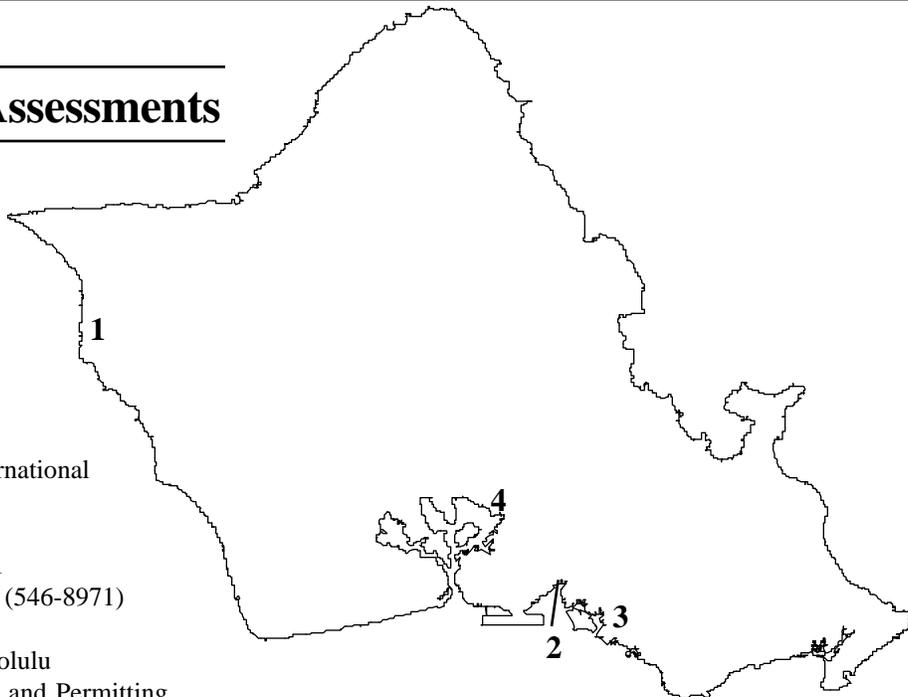
**Permits**

**Required:** SMA, SSV, CDUP

GTE Hawaiian Tel International, Inc., proposes to construct a fiber optic cable landing facility at Kahe Point. Proposed improvements will support a transpacific telecommunications cable system that will connect Australia and New Zealand with the United States mainland and Hawaii.

The proposed Kahe Beach segment of the system will include the following:

1. Three submarine fiber optic cables which will be below the seabed in the near shore area and subsurface on land. A fourth conduit will also be installed to serve as a "spare" to be used during emergencies or for future upgrades.



2. A new 8x12 foot manhole will be constructed landward of Farrington Highway and will provide a connection between the submarine cables and the proposed terminal building.

3. A new 24-foot wide terminal building access road will be constructed to provide access to the terminal building from Farrington Highway. Retaining walls will be constructed to provide structural support along the paved access road and terminal building.

4. A new terminal building, located beyond the Special Management Area, will be constructed approximately 90 feet mauka of Farrington Highway. This will house electronic equipment.

5. Support infrastructure such as water, electrical and waste water lines will also be installed. Installation of the cables will be done either by open trenching or by subsurface directional boring.

The applicant plans to begin construction in 1999 with "Segment 2" scheduled for spring 2000. Project costs are approximately \$10 million dollars.

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



### (2) Keehi Lagoon Exploratory Drilling

**District:** Honolulu  
**TMK:** N/A  
**Applicant:** Hawaii Fueling Facilities Corporation  
300 Rodgers Boulevard  
Honolulu, Hawaii 96819  
Contact: John Thatcher (836-1960)

**Approving Agency/Accepting Authority:** Department of Land and Natural Resources  
1151 Punchbowl Street, Room 131  
Honolulu, Hawaii 96813  
Contact: Sam Lemmo (587-0381)

**Consultant:** URS Greiner Woodward Clyde  
1144 Tenth Avenue, Suite 200  
Honolulu, Hawaii 96816  
Contact: James Kwong (737-5300)

**Public Challenge**  
**Deadline:** October 8, 1999  
**Status:** FEA/FONSI issued, project may proceed.  
**Permits**  
**Required:** Conservation District Use permit

There is currently a 15-foot wide, approximately 4,000-foot long, pipeline easement in Keehi Lagoon that extends from Sand Island to the Honolulu International Airport. HFFC, Chevron, and Tesoro currently own and operate jet fuel oil pipelines located within the easement. The purpose of this project is to evaluate the feasibility of installing a 10-inch diameter, approximately 5,000-foot long, jet fuel oil (kerosene) pipeline using trenchless horizontal directional drilling methods. The new pipeline will replace two existing HFFC 6-inch diameter pipelines.

Using a barge-mounted drill rig, two overwater exploratory borings will be drilled to depths of approximately 50 to 100 feet below the mudline, an elevation of -120 feet below msl. The borings will be drilled using a 4-inch diameter steel casing and a 3-inch diameter wireline casing system so that the water used during drilling and sampling will return from

inside the casing directly back to the barge. Baffled sediment tanks on the barge will filter the drilling water. Drilling water will return to the cased drill hole, while the sediment will be collected and properly disposed of on-land.

The drilling is planned in areas that have been formerly dredged during the construction of the nearby seaplane runway, and installation of the existing pipelines. No adverse environmental impacts are expected to occur as a result of this geotechnical exploration. It is determined that the proposed project will not significantly impact the environment. Therefore, a FONSI is determined, and an EIS is not required for this project.



### (3) Kuhio Park Terrace Community Resource Center

**District:** Honolulu  
**TMK:** 3-39:01  
**Applicant:** Housing and Community Development Corporation of Hawaii  
677 Queen Street, Room 300  
Honolulu, Hawaii 96813  
Contact: Christine Kinimaka (587-0561)

**Approving Agency/Accepting Authority:** Same as above.  
**Public Challenge**  
**Deadline:** October 8, 1999  
**Status:** FEA/FONSI issued, project may proceed.  
**Permits**  
**Required:** Building, conditional use

The Kuhio Park Terrace Community Resource Project will be located within the Kuhio Park Terrace/Kuhio Homes (KPT/KH) community complex. It will occupy approximately 5.74 acres of the 22-acre now occupied by the Kuhio Park Terrace /Kuhio Homes complex. The buildings will be situated between the two high-rise towers.

The project will be a one-stop multi-purpose community center for the residents of KPT, KH, nearby public housing residents, and Kalihi residents. It will consist of the following: New Community Center building; Existing Family Education Center building; Existing Recreation Center (Teen Center); Two New Baseball and Softball Fields; New Pavilion (Samoan Fale); and New Community Garden and Picnic Area.

# Oahu Notices

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The project is intended to increase the economic self-sufficiency of the residents by providing the resources and training to increase their employment potential and decrease their welfare dependency. It is the intent of KPT/KH community resource center project to attract service providers who will offer vocational training programs. The commercial kitchen can serve as training place for employment. A proposed day care center, to be operated by the residents, will serve parents who are transitioning from welfare to work. Service providers who can offer respite childcare for children with special needs are being solicited. The resource center can also be used as an incubator for micro-enterprise.

The projected cost of the project is \$10,000,000 (\$2,000,000 for planning, design and site work from HUD; \$8,000,000 from Dept. of Labor for construction). The construction is projected to start in October 2000 and completion by June 2001. It is also projected that all service providers will be in full operation by December 2001.

The Honolulu office of Senator Dan Inouye was instrumental in obtaining the \$4.0 million for construction and the additional \$4.0 also for construction. It is projected that the cost to operate and maintain the center will be subsidized by rental fees collected from service providers and users of the multi-purpose community center; and common area management (CAM) fees assessed from the space users.

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## National Environmental Policy Act (NEPA)

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### (4) USS Arizona Memorial Visitor Center, Shoreline Stabilization System

**District:** Honolulu  
**Applicant:** USS Arizona Memorial  
National Park Service  
1 Arizona Memorial Place  
Honolulu, Hawaii 96818  
Contact: Kathy Billings, Superintendent

**Approving Agency/Accepting**

**Authority:** National Park Service  
Pacific West Region  
600 Harrison Street, Suite 600  
San Francisco, CA 94107-1372  
Contact: John Reynolds, Regional Director

**Consultant:** Dames & Moore  
615 Piikoi Street, Suite 900  
Honolulu, Hawaii 96814  
Contact: Faith Caplan  
HONFRC@Dames.com  
808-593-1197 x 38 (Phone)  
808-593-1198 (Fax)

The National Park Service issued a FONSI on August 3, 1999 for the construction of a shoreline stabilization system at the USS ARIZONA Memorial Visitor Center. The project is mandated by a consent decree that resulted from a May 14, 1996 Chevron oil spill into Waiau Stream and Pearl Harbor. During spill response activities, the visitor center was closed for four days, and partially closed for three weeks. The National Park Service selected the shoreline stabilization system as a preferred project to compensate for the loss of services to the public and environmental impacts.

Approximately 514 linear feet of shoreline will be affected by the construction. The existing shoreline structure has degraded over time, and soil and landscaping are eroding into Pearl Harbor. The design will consist of rocks on a layer of geotextile fabric that is placed on the existing grade. A cementitious grout will be applied to the cracks and crevices of the rocks. No dredging or filling activities will be required. All work will be from the shoreline and a barge will not be necessary.

An Army Corps of Engineers Nationwide Permit 13 and Section 404 Water Quality Certification were obtained. The long-term impacts are the cessation of erosion, and improved aesthetics of the shoreline. There will be short-term construction impacts on water quality, aesthetics and ambient noise. These impacts and proposed mitigation are described in the Final EA.

The document is available online at <http://www.nps.gov/usar> and a hardcopy can be reviewed at OEQC.

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## Previously Published Projects Pending Public Comments

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### Draft Environmental Assessments

#### Nextel Communications Antenna Facility

**Applicant:** Nextel Communications  
c/o BLUEBERRY/Architecture  
1765 Ala Moana Boulevard, #986  
Honolulu, Hawaii 96815  
Contact: Albert Murakami (941-9494)

# Oahu Notices

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## Approving Agency/Accepting

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

## Public Comment

**Deadline:** September 22, 1999

## 🌿 Sand Island Wastewater Treatment Plant Disinfection Facility

**Applicant:** City and County of Honolulu  
Department of Environmental Services  
650 South King Street  
Honolulu, Hawaii 96813  
Contact: Don Piegrass (527-6758)

## Approving Agency/Accepting

**Authority:** Same as above.

## Public Comment

**Deadline:** September 22, 1999

## 🌿 Waimanalo Projects

**Applicant:** Department of Hawaiian Home Lands  
P.O. Box 1879  
Honolulu Hawaii 96805  
Contact: Linda Chinn (587-6432)

## Approving Agency/Accepting

**Authority:** Same as above.

## Public Comment

**Deadline:** September 22, 1999

## 🌿 Waipahu Filipino Community Center

**Applicant:** City & County of Honolulu  
Department of Community Services  
Office of Special Projects  
715 South King Street, Room 205  
Honolulu, Hawaii 96813  
Contact: Mr. Arnold Wong (547-7231)

## Approving Agency/Accepting

**Authority:** Same as Above.

## Public Comment

**Deadline:** September 22, 1999



# Kauai Notices

## Previously Published Projects Pending Public Comments

### Draft Environmental Assessments

#### 🌿 Kapaa Residential Children's Facility

**Applicant:** Department of Accounting and General  
Services, Division of Public Works  
P.O. Box 119  
Honolulu, Hawaii 96810-0119  
Contact: Mr. Norman Sahara (586-0465)

#### Approving Agency/Accepting

**Authority:** Same as Above.

**Consultant:** R.M. Towill Corporation  
420 Waiakamilo Road, Suite 411  
Honolulu, Hawaii 96817  
Contact: Mr. Chester Koga (842-1133)

#### Public Comment

**Deadline:** September 22, 1999



# Maui Notices

SEPTEMBER 8, 1999

## Draft Environmental Assessments



### (1) Republic Parking Lot Expansion

**District:** Lahaina  
**TMK:** 4-5-001:031  
**Applicant:** Republic Parking Northwest, Inc.  
1200 College Walk, Suite 113  
Honolulu, Hawaii 96813  
Contact: Wayne Arakaki (242-5868)

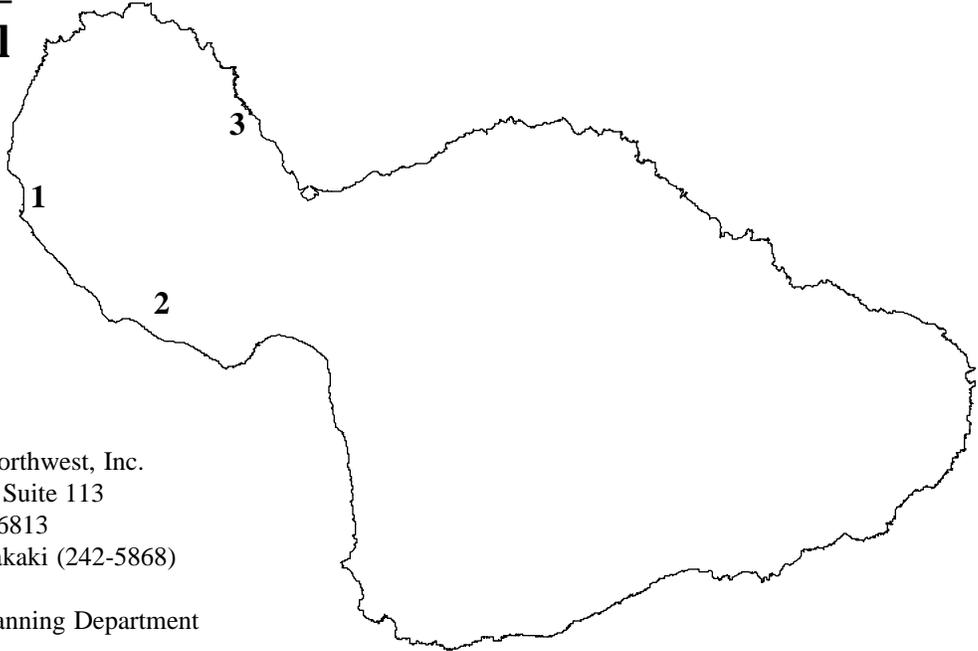
**Approving Agency/Accepting Authority:** County of Maui, Planning Department  
250 S. High Street  
Wailuku, Hawaii 96793  
Contact: Colleen Suyama (270-7735)

**Consultant:** Wayne Arakaki (242-5868)  
P.O. Box 884  
Wailuku, Hawaii 96793

**Public Comment Deadline:** October 8, 1999  
**Status:** DEA 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:** SMA

This is an after-the-fact application for a 16-stall expansion to an existing 29-stall paid parking lot operated by Republic Parking Northwest, Inc. located at 165 Lahainaluna Road, Lahaina, Maui. The parking lot is located within the Lahaina National Historic Landmark District established by the U.S. Department of the Interior. The expansion of the parking lot involved the demolition of an existing dwelling, paving the lot with asphalt, striping, lighting, and installation of landscaping and an irrigation system. Also, a drywell or drainage system was constructed under the parking lot.



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



### (2) Kanaio Training Area Fence Construction

**District:** Makawao  
**TMK:** 2-1-02:01  
**Applicant:** Hawaii Army National Guard  
Engineering/environmental Section  
3949 Diamond Head Road  
Honolulu, Hawaii 96816  
Contact: Melissa Dumaran (733-4267)

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

**Public Challenge Deadline:** October 8, 1999

**Status:** FEA/FONSI issued, project may proceed.  
**Permits Required:** CDUP

The Hawaii Army National Guard (HIARNG) has entered into an inter-agency agreement with the United States Geological Survey (Biological Resources Division), Resource Management of the Haleakala National Park, the nonprofit agency Living Indigenous Forest Ecosystems, and the Department of Land and Natural Resources' Division of Forestry and Wildlife, to construct several fenced enclosures for the protection and recovery of federally listed endangered species at Kanaio Training Area at Kanaio, Makena, Maui, Hawaii.

Approximately 2 miles of game fencing will be installed around several sites, including a 20 acre kipuka and a cinder gulch at Puu Pohakea in an ongoing effort by HIARNG to restore native ecosystems as stipulated in an informal section 7 consultation under the Endangered Species Act.

### (3) Waihee Elementary School

**District:** Wailuku  
**TMK:** 3-02-07:21, por. 1  
**Applicant:** Department of Accounting and General Services  
Division of Public Works  
P.O. Box 119  
Honolulu, Hawaii 96810  
Contact: Allen Yamanoha (586-0483)

#### Approving Agency/Accepting

**Authority:** Same as above.

**Consultant:** SSFM Engineers, Inc.  
501 Sumner Street, Suite 502  
Honolulu, Hawaii 96810-0119  
Contact: Ronald Uemura (531-1308)

#### Public Challenge

**Deadline:** October 8, 1999  
**Status:** FEA/FONSI issued, project may proceed.  
**Permits Required:** Special use, construction/grading permits

The action considered in this environmental assessment (EA) concerns the addition of new facilities to an existing public elementary school. These new facilities include a playfield, 8-classroom building, library building, administrative building and additional parking/roadway. These new educational facilities are not intended to increase the enrollment capacity of the school, but rather to alleviate existing deficiencies based on educational specifications and standards

of the Department of Education (DOE), State of Hawaii. Addition of the new playfield, school buildings and parking is in partial fulfillment of a master plan prepared for Waihee Elementary School in 1992. The school is located in the town of Waihee on the northwestern coast of the island of Maui. It is accessible via Kahekili Highway (Route 340). Waihee is part of the greater Wailuku-Kahului community, however, the surrounding area is rural and residential in character. The present Waihee community began in the mid-1800s as a sugar plantation town and residential area for plantation workers. It continues to be a predominantly residential and agricultural area.

## Previously Published Projects Pending Public Comments

### Draft Environmental Assessments

#### 📍 Lahaina Recreational Center Expansion

**Applicant:** County of Maui  
Department of Parks and Recreation  
1580C Kaahumanu Avenue  
Wailuku, Hawaii 96793  
Contact: Robert Halverson (270-7230)

#### Approving Agency/Accepting

**Authority:** Same as above.

#### Public Comment

**Deadline:** September 22, 1999

### Draft Environmental Impact Statements

#### 📍 Kihei-Upcountry Maui Highway

**Applicants:** Dept. of Transportation Highways Division  
869 Punchbowl Street  
Honolulu, Hawaii 96813  
Contact: Kenneth Au (587-1843)  
and  
U.S. Department of Transportation  
Federal Highways Administration  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96850  
Contact: Abraham Wong (541-2700)

#### 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:** September 22, 1999



# Hawaii Notices

SEPTEMBER 8, 1999

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



### (1) Komohana Street/Alenaio Stream Bridge Replacement

**District:** Hilo  
**TMK:** 2-3-37:06, 2-3-44:09, 2-3-48:17-20, 2-3-50:12, 14, 15  
**Applicant:** County of Hawaii  
Department of Public Works  
25 Aupuni Street  
Hilo, Hawaii 96720  
Contact: Paul Nash (961-8321)

#### Approving Agency/Accepting

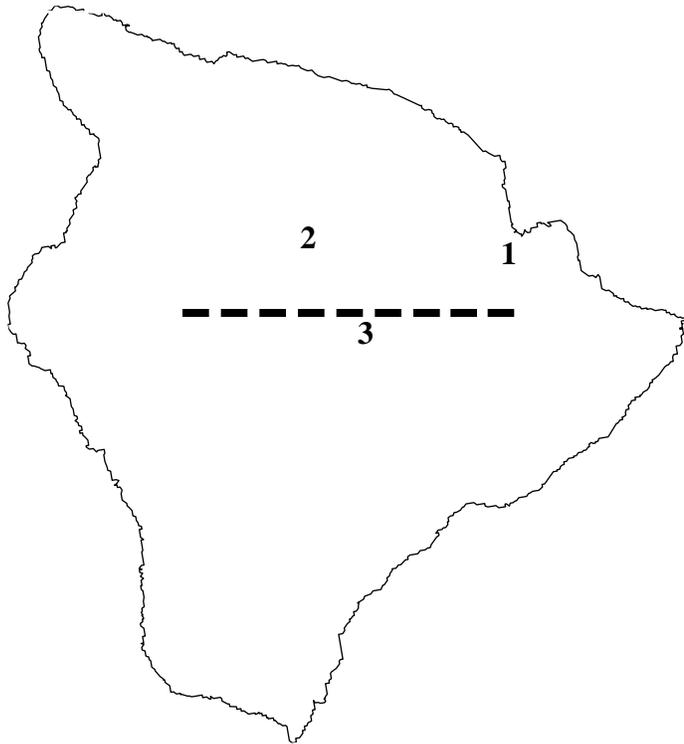
**Authority:** Same as above.  
**Consultant:** M&E Pacific, Inc.  
1001 Bishop Street  
Suite 500, Pauahi Tower  
Honolulu, Hawaii 96813  
Contact: Jenny Li (521-3051)

#### Public Challenge

**Deadline:** October 8, 1999  
**Status:** FEA/FONSI issued, project may proceed.  
**Permits Required:** Section 404 Clean Water Act, Floodway Map Approval (FEMA), Stream Channel Alteration Permit, Section 401 Water Quality, CZM, Grading, Building

Department of Public Works (DPW), County of Hawaii, is planning to conduct a bridge replacement project at and in the vicinity of the crossing between Alenaio Stream and Komohana Street, Hilo, island of Hawaii. The project mainly consists of replacing existing culvert with a new wider bridge, improving a portion of the natural channel, and extending a floodwall. The project main purpose is to provide a crossing with adequate hydraulic capacity to reduce roadway damage and overtopping during heavy rains. It is also intended to reduce downstream flooding and erosion hazard at Komohana Street and its adjacent properties. The project will use Federal funds.

This environmental assessment (EA) found that the proposed project will have no significant effect on any endangered or threatened species, and on other biological



resources. Two historic sites are located in the vicinity of the project site. The project will not have un-mitigated significant adverse environmental impacts. It will benefit the local community and is in response to the County's development plan.

## Draft Environmental Impact Statements



### (2) Mauna Kea Science Reserve Master Plan

**District:** Hamakua  
**TMK:** 4-4-15:09, 12  
**Applicant:** University of Hawaii  
2444 Dole Street, Bachman Hall  
Honolulu, Hawaii 96822  
Contact: Allan Ah San (956-7935)

#### Approving Agency/Accepting

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

# Hawaii Notices

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**Consultant:** Group 70 International, Inc.  
925 Bethel Street, 5th Floor  
Honolulu, Hawaii 96813  
Contact: Jeff Overton (523-5866 x 135)

## Public Comment

**Deadline:** October 25, 1999  
**Status:** DEIS First Notice pending public comment.  
Address comments to the applicant with copies to the consultant and OEQC.

**Permits Required:** UH Board of Regents approval for master plan

The Mauna Kea Science Reserve is 11,288 acres leased to the University of Hawaii by the State for use as a scientific complex. In the past three decades, facility development has focussed predominantly on the summit area above 13,200 feet and support facilities at Hale Pohaku (elevation 9,800 feet). The 1983 Mauna Kea Science Reserve Complex Development Plan (CDP) has guided development up to the present time. Today, the Mauna Kea Science Reserve is the premier location for ground based astronomy in the Northern hemisphere, providing a wealth of new knowledge about the physical Universe together with substantial economic benefits to the State and County. Mauna Kea is also an important Hawaiian cultural resource with numerous archaeological features and cultural associations.

This Master Plan updates the 1983 Plan and extends the planning horizon to the year 2020. The Plan provides for the physical implementation of the University's Astronomy Research Development Plan and addresses issues from 30 years of activity on the mountain, including the recommendations of the 1998 Legislative Auditor's report. The Plan integrates a variety of present and future uses (education, research, culture and recreation) reflecting the importance of the natural and cultural resources and the significance of Mauna Kea. The Master Plan proposes facilities, supporting infrastructure, a management structure, project review and approval procedures, and policies that guide future development.

The Master Plan designates the majority of the Science Reserve (95%) as a Natural and Cultural Preservation Area to protect all undeveloped cinder cones (*pu'u*), archaeological sites (primarily shrines) and sensitive flora and fauna habitat from future development. A 525-acre Astronomy Precinct is defined in the area of existing facilities near the summit within which future astronomy development will comprise the refurbishing or replacement of older existing observatories and limited construction of new observatories, following siting requirements and design guidelines to minimize impacts to natural and cultural resources.

A new management entity is recommended to become an operational unit of UH Hilo. This organization would have a director, administrative staff, rangers and maintenance personnel. Additionally, it would become the center for volunteers and organizations affiliated with Mauna Kea. An advisory board is proposed to guide the management entity and to advise the Chancellor of UH Hilo regarding policies and proposals for the mountain.

A programmatic EIS is being prepared to address the environmental considerations of the updated Master Plan. As individual astronomy, cultural, education, research or recreational proposals are initiated, each will require their own Chapter 343 documents and permits.

The Draft EIS includes a summarized description of the Master Plan for the Mauna Kea Science Reserve, including the updated Management Plan. The complete electronic version of Master Plan (Draft 3A) will soon be available for viewing on the World Wide Web. Please visit the following UH website address: [www.hawaii.edu/maunakea](http://www.hawaii.edu/maunakea). The document will be posted as of mid-September 1999.

## Final Environmental Impact Statements



### (3) Saddle Road Improvement

**District:** South Kohala, Hamakua, North Hilo, South Hilo

**TMK:** 6-7-01:03, 7-1-04:07, 4-4-15:04, 4-4-15:08, 4-4-16:06, 4-4-16:10, 4-4-16:03, 4-4-16:05, 3-8-01:13, 3-8-01:07, 3-8-01:19, 3-8-01:08, 2-4-08:01, 2-6-18:04, 2-6-18:10, 2-5-01:04, 2-5-01:11, 2-5-01:03, 2-5-01:02, 2-5-01:08

**Applicant:** Department of Transportation  
Highways Division  
869 Punchbowl Street  
Honolulu, Hawaii 96813  
Contact: Kenneth Au (587-1843)  
and  
U.S. Department of Transportation  
Federal Highway Administration  
555 Zang Street, Room 259  
Lakewood, CO 80228  
Contact: James Keeley, Project Development Engineer

# Hawaii Notices

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## Approving Agency/Accepting

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

**Consultant:** Okahara & Associates  
200 Kohola Street  
Hilo, Hawaii 96720

**Contact:** Nancy Burns (329-1221)  
**Status:** FEIS currently being reviewed by OEQC.  
**Permits Required:** CWA Section 404, 401; CZM Consistency;  
NPDES, State Highways Permit, CDUA,  
Land Use Approval, Stream Channel  
Alteration, Permit to Construct an Air  
Pollution Source; Subdivision Approval,  
Flood Hazard Controls, Grading, Grubbing,  
Excavating and Stockpiling Permits

The Final EIS presents the Recommended Alternative and the evaluation of impacts associated with the proposed improvement of Saddle Road between State Route 190 and Milepost 6 near Hilo. Twelve action alternatives were under consideration that incorporate use of the existing alignment and potential new alignments. The Recommended Alternative reconstructs the existing substandard two-lane roadway to a two-lane roadway with shoulders for a design speed of 80 to 100 kilometers per hour. Existing Saddle Road is a narrow, winding, two-lane road with steep grades, sharp curves, and poor pavement, with no shoulders. The existing road passes through key training areas of the U.S. Department of the Army's Pohakuloa Training Area (PTA), creating conflict between motorists and military training units. The Recommended Alternative will improve pavement condition, increase safety and capacity, improve quality of traffic flow, decrease cross-island travel times, and stimulate economic growth and development. The Recommended Alternative will realign the road within the PTA to minimize conflicts between military and public uses. Substantive issues have been resolved and included protected species of flora and fauna, Critical habitat for the endangered Palila, wetlands and biological habitats of importance, archaeological resources, fire hazard, residential displacement, and noise.

This is a joint state and federal EIS. As required by the President's Council on Environmental Quality, a waiting period is in effect for 30 calendar days from September 3, 1999, the date of publication of the FEIS Notice of Availability in the Federal Register. Accordingly, the FHWA will accept any comments or observations on the FEIS in writing until close of business on October 5, 1999.

## Previously Published Projects Pending Public Comments

### Draft Environmental Assessments

#### ► Hilo Day Activity Center and Residential Children's Facility

**Applicant:** Department of Accounting and General Services  
Division of Public Works  
P.O. Box 119  
Honolulu, Hawaii 96810-0119  
Contact: Mr. Norman Sahara (586-0465)

#### Approving Agency/Accepting

**Authority:** Same as Above

#### Public Comment

**Deadline:** September 22, 1999



### JOB ANNOUNCEMENT

The Center for a Sustainable Future is seeking an administrator/coordinator for the Ala Wai Watershed Project. For more information, please contact Judy Nakamura, Center for a Sustainable Future c/o Dept. of Physics & Astronomy, 2505 Correa Road, Honolulu, HI 96822.  
Phone: 956-7660; fax: 956-9496

# Shoreline Notices

SEPTEMBER 8, 1999

## Shoreline Certification Applications

Pursuant to § 13 -222-12, HAR the following shoreline certification applications are available for inspection at the DLNR District Land Offices on Kauai, Hawaii and Maui and at Room 220, 1151 Punchbowl St., Honolulu, Oahu (Tel: 587-0414). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than fifteen (15) calendar days from the date of the public notice of the application.

Case No.	Date Received	Location	Applicant	Tax Map Key
OA-451	07/16/99	Lot 303, Ld Ct App 1052, Makaha, Waianae, Oahu (84-197 Makau Street)	Walter P. Thompson for Andrew Dedrick	8-4-10:01
OA-727	08/23/99	Lot 10, Kawaiiloa Beach Lots, Kawaiiloa, Waialua, Oahu (61-457 Kamehameha Highway)	Scott Wallace for Scott Wallace	6-1-08:13
OA-728	08/24/99	RP 51, LCAw 802 to A. Adams, Niu, Waikiki, Honolulu, Oahu (5493 and 5505 Kalaniana'ole Highway)	Hawaii Land Consultants for Michael & Nancy Fisch and FUMA Properties, Ltd.	3-7-01:7 & 8
OA-729	08/04/99	Por of Lot 290 of Ld Ct App 1069 (Map 43) and Nanakuli Beach Park (Exec. Order 104), Honouliuli, Oahu (89-403 Farrington Highway)	R M Towill Corp for State of Hawaii and Est. of James Campbell	8-9-03:Por 01 and 9-2-03:Por 09
HA-128	08/10/99	Lot 5, Keawaiki Beach Lots, Por of RP 4513, Mahele Award 32 to Kanele, Kahauloa 2nd, S. Kona, Hawaii (83-502 Kewaiki Road)	Wes Thomas Associates for Alexander Wilson	8-3-05:06
HA-211	08/12/99	Lot 23, Puako Beach Lots (HTS Plat 414-A), Grant 13,777 to Alan G. White and Joan F. White, Lalamilo, Waimea, S. Kohala, Hawaii (69-1890 Puako Road)	Wes Thomas Associates for David and Susan Douglass, Trustees	6-9-06:23
KA-139	08/25/99	Lot 12, Aliomanu Estates (File Plan 2023), Papaa, Kawaihau, Kauai (no address, Kawaihau, Kauai)	Wagner Engineering Services, Inc. for Norman Caris	4-9-05:27

# Shoreline Notices

SEPTEMBER 8, 1999

## 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, HI 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-311	Certified 08/26/99	Land Are "L-2" as shown on Condo Map Number 2568 being a Por of RP Grant 340 to Palekalahu, Kuiekekala, Paakai and Huewaa, Mokuleia, Waiialua, Oahu (68-751 Crozier Drive)	ParEn, Inc. dba Park Engineering for Joseph Ganahl & Joseph Ganahl, Jr.	6-8-06:Por.03
OA-724	Certified 08/26/99	Lot 63 Pupukea-Paumalu Beach Lots, File Plan 256, Paumalu, Koolauloa, Oahu (209D Ke Nui Road)	Wesley Tengan for Hatsumi Maertz	5-9-02:67
OA-726	Certified 08/26/99	U.S. Naval Reservation (Fort Weaver), Por of RP 6971, LCAw 11216, Ap 8 & 9, to M. Kekauonohi, Puuloa, Ewa, Oahu (Fort Weaver, Ewa, Oahu)	U.S. Marine Corps for U.S. Marine Corps	9-1-01:Por.01
HA-027	Certified 08/26/99	Lot 1, Por of RP 3736, LCAw 10,642 Ap 1 to Puhi & RP 4033, LCAw 2376, Ap 2 to Keauikalima, Kapalaalaea 1st, North Kona, Hawaii (77-6566 Alii Drive)	Wes Thomas Associates for Richard & Loraine Tozer	7-7-10:11
MA-205	Certified 08/26/99	Lot 36, Makena Beach Lots, Por of RP 8213, LCAw 6715 to Hoomanawanui, Honuaula, Makena, Maui (4594 Makena Road)	R. T. Tanaka Engineers, Inc. for Jerome Moss	2-1-12:05
MA-046	Withdrawn 08/23/99	Lot 3, Ld Ct App 1744 (Map 2), Kaanapali, Lahaina, Maui (2525 Kaanapali Parkway)	Valera, Inc. for Kaanapali Beach Hotel	4-4-08:03



## 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 CZM Program at 587-2899.



### (1) Construct a Small Boat Launching Ramp, Kaneohe Yacht Club, Kaneohe Bay, Oahu

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

**Federal Agency:** U.S. Army Corps of Engineers  
Contact: Peter Galloway, 438-8416

**Applicant:** Kaneohe Yacht Club  
Contact: Brett Phillips, 383-4959

**Location:** 44-503 Kaneohe Bay Drive, Kaneohe, Oahu

**TMK:** 4-4-22: 32

**Proposed Action:**

Construct a small-boat launch and retrieval ramp 40 feet wide by 24 feet long. The ramp will be attached to the existing seawall and will be floating at the outer (water) end with foam flotation. No discharge into or dredging in the ocean is proposed.

**Comments Due:** September 22, 1999

# Conservation District Notices

## Departmental Permits

Persons interested in commenting on the following Conservation District Use Application (Departmental Permit) must submit comments to the Department of Land and Natural Resources.

Also, anyone interested in receiving notification of determinations on Conservation District Use Applications (Departmental Permits) must submit requests to DLNR that include the following information:

- 1) Name and address of the requestor;
- 2) The departmental permit for which the requestor would like to receive notice of determination; and,
- 3) The date the notice was initially published in the Environmental Notice.

Both comments and requests for notification of determinations must be submitted to DLNR within thirty days from the initial date that the notice was published in the Environmental Notice.

Please send comments and requests to: State of Hawaii, Department of Land and Natural Resources, Land Division, 1151 Punchbowl Street, Room 220, Honolulu, Hawaii 96813.

DLNR will make every effort to notify those interested in the subject CDUA, it is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact Lauren Tanaka at 587-0385.



### Consolidation and Resubdivision Involving Seven Tax Keys

**File No.:** CDUA MA-2934 (Departmental Permit)

**Applicant:** Various Owners

**Location:** Kaupo, Hana, Maui

**TMK:** 1-7-02: 14, 17, 18 (Parts 1 and 2), 27, 28, 45, and roadway lot

**Proposed Action:** Consolidation and Resubdivision (nine lots + tenth lot is roadway)

**343, HRS**

**determination:** Exempt

**Applicant's**

**Contact:** Tom Leuteneker (808) 242-4535

# Pollution Control Permits

SEPTEMBER 8, 1999

## 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	Puna Geothermal Venture NSP 0008-02-N (Amendment)	14-3860 Kapoho-Pahoa Road, Pahoa, Hawai'i	Issued: 8/11/99	Drilling Rig for Geothermal Exploratory/Developmental Wells
Clean Air Branch, 586-4200, Covered Source Permit	AES Hawai'i, Inc. CSP 0087-02-C (Amendment)	91-086 Kaomi Loop Kapolei, O'ahu	Issued: 8/17/99	180 MW Coal-Fired Cogeneration Plant-Maximum Emission Limit of Fluorides for CFB Boilers
Clean Air Branch, 586-4200, Covered Source Permit	Hawai'i Electric Light Company, Inc. CSP 0007-01-C	Keahole Generating Station, Keahole, Hawai'i	Comments on Supplement C of AAQIR Due: 10/8/99	Two 20 MW Combustion Turbine Generators
Clean Water Branch, 586-4309, NPDES Permit	Honolulu Shipyard, Inc., # HI 0020753	Pier 41, Honolulu Harbor, O'ahu	Comments Due: 9/16/99	Discharge harbor water flowing off the drydocks after a lowering and lifting cycle and storm water runoff
Clean Water Branch, 586-4309, NPDES Permit	Pacific Dairy, # HI 0020672	85-443 A-1 Waianae Valley Road, Waianae, O'ahu	Comments Due: 9/30/99	Discharge overflow water, only in either a chronic or catastrophic rainfall event, from its wastewater and stormwater facility

# Alien Species Permits

SEPTEMBER 8, 1999

## Microorganism Importation

Before most alien organisms can be brought into Hawaii they must receive a permit from the Board of agriculture. The application is first reviewed by experts in biology and heard in a public meeting of the Committee on Plants and Animals. To learn more about these permit applications, interested parties are encouraged to contact:

Plant Quarantine Branch  
Hawaii Department of Agriculture  
701 Ilalo St.  
Honolulu, HI 96813  
Ph. 586-0846.

The following import application is now being reviewed by the Hawaii Department of Agriculture.

**Title:** Request to establish permit conditions for the importation of various strains of microorganisms on the list of conditionally approved microorganisms for various uses.

**Purpose:** To establish permit conditions for the importation of various strains of microorganisms on the list of conditionally approved microorganisms for various uses such as research, laboratory diagnostics, classroom studies, manufacturing, cultivation, food, feed, bioremediation, release into the environment, etc. Recombinant strains on the list of conditionally approved microorganisms are for laboratory use only.

Contact: Neil Reimer, Ph.D., Entomologist, Hawaii Department of Agriculture, Plant Quarantine Branch, 701 Ilalo St., Honolulu, HI 96813; email: <nreimer@elele.peacesat.hawaii.edu>

## Federal Notices

### U. S. Army Corps Nationwide Permits - Draft Hawai'i District Regional Conditions

On July 21, 1999, the U.S. Army Corps of Engineers (ACOE), announced a revised proposal to issue 5 new Nationwide Permits (NWP) and modify 6 existing NWP to replace NWP 26, the expiration date of which has been extended to December 30, 1999, or the effective date of the new and modified NWP, whichever comes first. The Corps also proposed to add 3 new general conditions to the NWP to increase protection of the aquatic environment. The proposed NWP are activity specific and authorize certain activities in non-tidal waters of the United States that have minimal effects on the aquatic environment. The Honolulu District of ACOE (which includes Hawai'i, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands) is now seeking public comments on or before **SEPTEMBER 24, 1999**, on draft Corps regional conditions to the draft new and modified NWP. When the new and modified NWP are issued, the final Corps regional conditions will be issued at the same time so that the States and Tribes can make their Section 401 water quality certification and Coastal Zone Management Act consistency determination decisions. The proposed 12 draft regional conditions include, among other things, exclusion from coverage under various NWP of: stream channelization activities and the construction of dams to impound waters of the United States; anchialine pools and

montane bogs; the 100-year floodplain; designated critical resource waters and adjacent wetlands, including American Heritage Rivers, National Wildlife Refuges, and State Marine Life Conservation Districts; Kihei on Maui and Niumalu Marsh on Kaua'i. The complete draft regional conditions for the Hawai'i District are posted at the Corps' Internet home page at <http://www.pod.usace.army.mil/news/newsrel.html>. Interested parties who do not have Internet access can contact Ms. Lolly Silva in Honolulu at 438-9250 for a copy of the proposed regional conditions (see, Public Notice 9800000137, August 25, 1999, Honolulu District Engineer, ACOE).

### Native Remains

The National Park Service (NPS) announced the completion of an inventory of human remains and associated funerary objects from Pearl Harbor in the possession of the Bernice Pauahi Bishop Museum (BPBM). An organizations that believes itself to be culturally affiliated with these remains should contact Ms. Valerie Free of BPBM before **SEPTEMBER 27, 1999** (see 64 F.R. 46716, August 26, 1999).

### Issuance of Experimental Use Permits

The U.S. Environmental Protection Agency (EPA) has granted experimental use permits (EUP) to the following pesticide applicants (whose programs are authorized in

# Federal Notices

SEPTEMBER 8, 1999

various States, including Hawai'i): **241-EUP-141, Permit Extension/Amendment** to American Cyanamid Company, to allow the use of 1,600 pounds of the termiticide chlorfenapyr, on 463 sites to evaluate the control of termites and other wood boring insects; and **62719-EUP-44, Permit Issuance**, to Dow Agrosciences LLC, to allow the use of 3,379,758 pounds of the soil fumigants 1,3-dichloropropene and chloropicrin from the product InLine on 15,000 acres of soil, treated using drip irrigation systems only, to be planted in cauliflower, cucumbers, eggplant, lettuce, melons, onions, peppers, pineapples, squash, strawberries, and tomatoes, to evaluate the control of nematodes, symphylans and certain soil-borne diseases (see, 64 F.R. 46389, August 25, 1999).

## EIS for Large Submarine Cable from Monterey Bay to Hawai'i/New Zealand

The National Oceanic and Atmospheric Administration (NOAA) announced it intent to prepare an EIS for the authorization of the proposed installation of a fiber optic cable through Monterey Bay, California within the Monterey Bay National Marine Sanctuary. The proposed action would involve the authorization of approximately 58.5 miles of submarine cable within the boundaries of the Monterey Bay National Marine Sanctuary as a part of a larger project for a cable that would link New Zealand to Hawai'i and the continental United States. The applicant (MFS Globenet, Inc., and Worldcom Network Services, Inc.) anticipates the cable would operate for a minimum of 25 years. The scope of the EIS will address the offshore area from shore to the seaward boundary of the MBNMS. The seaward component of the project includes the seaward portion of two directionally bored conduits (approximately 950 meters out to sea to a water depth of 15 meters) and one two-inch wide submarine cable extending westward from one of the conduits to deep ocean. The offshore cable would extend along the submarine ridge ("Smooth Ridge") to the western boundary of the MBNMS (and then onward to New Zealand via Hawai'i). *Editor's note - It is not known at this time where the cable will make landfall in Hawai'i.* The EIS will be prepared in cooperation with the County of Santa Cruz and Monterey counties. Written comments on the intent to prepare an EIS and the scope of the EIS will be accepted on or before **SEPTEMBER 22, 1999**. Written comments on the scope of the EIS, suggested alternatives and potential impacts should be sent to William Douros, Responsible Program Manager, Monterey Bay National Marine Sanctuary, 299 Foam Street, Monterey, California 93940 (see, 64 F.R. 45951, August 23, 1999).

## Proposed Rules for User Fees for Agricultural Quarantine and Inspection Services

New and expanding airport terminals are increasing the demand for agricultural quarantine inspection (AQI) services by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture at areas in airports not currently staffed by AQI officers. In the past, APHIS was able to quickly clear passengers because most passengers arrived in the same general area of the airport. Not only is the number of passengers increasing, but additional international terminals are being built in new locations, requiring additional officers and canine teams to keep up with demand for service. The Animal and Plant Health Inspection Service (APHIS) seeks public comments on its proposal to amend the user fee regulations by adjusting the fees charged for certain agricultural quarantine and inspection services it provides in connection with certain commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international airline passengers arriving at ports in the customs territory of the United States. The adjusted fees would cover fiscal years 2000 through 2002. APHIS will consider all comments received by **OCTOBER 8, 1999**. Send an original and three copies of your comments to Docket No. 98-073-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238 (see 64 F.R. 43103, August 9, 1999).

## National Pollutant Discharge Elimination System Permit Final Rule

The U. S. Environmental Protection Agency (EPA) has issued a final rule under the Clean Water Act amending permit application requirements and application forms for publicly owned treatment works (POTWs) and other treatment works treating domestic sewage (TWTDS - facilities that generate sewage sludge, provide commercial treatment of sewage sludge, manufacture a product derived from sewage sludge, or provide disposal of sewage sludge). The rule consolidates POTW application requirements, including information regarding toxics monitoring, whole effluent toxicity testing, industrial user and hazardous waste contributions, and sewer collection system overflows. The most

significant revisions require toxic monitoring by major POTWs (and other pretreatment POTWs) and limited pollutant monitoring by minor POTWs (see, 64 F.R. 42433, August 4, 1999).

## **PSD Permit Approvals for Kawaihae Cogeneration Partnership, Ma'alea Generating Station, and Encogen Cogeneration Facility**

The U.S. Environmental Protection Agency (EPA) announced that the Hawai'i Department of Health acting under authority of a Prevention of Significant Deterioration (PSD) delegation agreement, issued PSD permits to: (1) KAWAIHAE COGENERATION PARTNERSHIP granting approval (effective **APRIL 28, 1997**) to construct two 21 megawatt combustion turbine generators with waste heat recovery steam generators and one 16 megawatt steam turbine generator to be located at Kawaihae on the island of Hawai'i; (2) MAUI ELECTRIC COMPANY granting approval (effective **SEPTEMBER 8, 1998**) to construct two 20 megawatt simple cycle combustion turbine generators, M17 and M19 at the Ma'alea Generating Station on the island of Maui; and (3) ENCOGEN HAWAII, L.P., granting approval (effective **MARCH 26, 1999**) to construct two 23 megawatt combustion turbine generators with heat recovery steam generators and one 19 megawatt steam turbine engine to be located at Haina on the island of Hawai'i. The PSD permits are reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by **SEPTEMBER 13, 1999** (see 64 F.R. 38199, July 15, 1999).

## **Marine Mammals Permits**

The National Marine Fisheries Service (NMFS) has issued a scientific research and enhancement permit (No. 932-1489-00) for the Marine Mammal Health and Stranding and Response Program (applicant) to take all species in the orders Cetacea and Pinnipedia (see 64 F.R. 37933, July 14, 1999). NMFS has also received an application for an amendment to scientific research and enhancement permit No. 848-1335, from its Southwest Fisheries Science Center, Honolulu Laboratory. Comments on this application must be received on or before **SEPTEMBER 29, 1999** (see 64 F.R. 47172, August 30, 1999). Documents may be viewed at the NMFS office at 1601 Kapi'olani Boulevard, Suite 1110, Honolulu, telephone (808) 973-2937.

## **Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996**

On September 15, 1997, the U. S. Environmental Protection Agency (EPA) adopted emission guidelines for existing hospital/medical/infectious waste incinerator(s) (HMIWI). Sections 111 and 129 of the Clean Air Act (Act or CAA) require States with existing HMIWI subject to the emission guidelines to submit plans to EPA that implement and enforce the emission guidelines. If a State with existing HMIWI does not submit an approvable plan by **SEPTEMBER 15, 1999**, the Act requires EPA to develop, implement, and enforce a Federal plan for HMIWI in that State. In this action the EPA proposes a Federal plan to implement emission guidelines for HMIWI located in States and Indian country without effective State or Tribal plans (see, 64 F.R. 36425, July 6, 1999).

## **Approval of Noise Compatibility Program for Kona International Airport**

Effective **MARCH 23, 1999**, the Federal Aviation Administration (FAA) announced its approval of the Noise Compatibility Program for Kona International Airport submitted by the State of Hawai'i Department of Transportation. For more information, call David J. Wellhouse, Airport Planner at (808) 541-1243 (see, 64 F.R. 35706, July 1, 1999).

## **Hawai'i Nuclear Waste Contact**

The State of Hawai'i's Deputy Director for Environmental Health, Gary Gill, has been named as the Governor's designee to receive advance notification from licensees of the Nuclear Regulatory Commission (NRC) prior to transportation of certain shipments of nuclear waste and spent fuel (see 64 F.R. 35197, June 30, 1999).

# Letters of Notice

SEPTEMBER 8, 1999

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.

## Waiakea Timber Management Area

*The following comments are an excerpt from Marjorie Ziegler of EarthJustice on the final EA for Waiakea Timber Management Area on the Big Island:*

.... The Division of Forestry and Wildlife of the Department of Land & Natural Resources recently issued a final EA and FONSI (published in the August 8th, 1999 Environmental Notice) for its proposed timber and non-timber harvest in the Waiakea Timber Management Area on the Big Island. The project is proposed for 12,000 acres and spans a 10- to 20-year period. Despite the magnitude of the project, no current or detailed surveys were conducted to identify native Hawaiian plants or invertebrates in the WTMA, and reports of rare, threatened, and endangered plants in the EA were based on a database of occurrences, which should never be used in the place of field surveys. The WTMA has not been surveyed for the endangered 'ope'ape'a (hoary bat) during the critical breeding season, and logging will cease in a given 40-acre patch only after breeding bats are sighted. Individual listed plants and populations might be protected from vehicles and heavy equipment in the WTMA, but the importance of maintaining the larger mosaic of native ecosystems in the Puna District is ignored in the EA.

According to DOFAW, it did not have the money to conduct the required surveys. To my knowledge, this is the first time a state agency has stated lack of funding as a reason to ignore the law, and I am deeply concerned by it.

To its credit, DOFAW states that it will conduct biological surveys of specific areas within the WTMA before they are logged to ensure that no rare, threatened, or endangered plants are accidentally destroyed. However, these surveys will be conducted after decisions to log the areas have already been made. No mention is made of invertebrate surveys, even though DOFAW acknowledges that native arthropod abundance and species diversity are surprisingly high in the WTMA.

Equally disturbing, DOFAW has made no commitment to prepare additional or supplemental EAs (or EISs, if necessary) when specific logging sites within the WTMA are surveyed, so that the public and decision-makers are able to review this information. By conducting the biological surveys and impact analyses in a vacuum, DOFAW subverts the environmental review process, which was established to ensure that environmental concerns are given appropriate consideration in decision-making, and that relevant project information is publicly disclosed. DOFAW will serve the

public well by remembering its obligations under HRS Chapter 343 when it implements the various phases of the Waiakea project.

Thank you for the opportunity to comment.

## Hawaiian Hoary Bat

*Theresa Menard of UH's Department of Zoology expressed her concerns about the Hawaiian Hoary Bat at Waiakea Timber Management Area in a May 1999 comment letter. The following excerpts (in bold) are from DLNR's response and her follow-up replies:*

### **Bats appear to be uncommon in the Waiakea Timber Management Area (WTMA).**

Endangered species often appear to be "uncommon". Bats, in particular, are difficult to observe owing to their nocturnal activity patterns. Even though bats seem uncommon, they may still be present in the WTMA. The Hawaii Natural Heritage Program's database contains reports of bats within the WTMA at [about] 3100 feet. Specifically, three bats were observed foraging at 5:35 a.m. on 2 August 1977 and [another] ... at 6:40 p.m. on 28 July 1977.

### **The Division of Forestry and Wildlife (DOFAW) cannot assume that the plantation blocks support breeding bats just because they are forested and temperatures are conducive to breeding.**

Why not? What if harvesting was suspended during the bat's breeding season? The final environmental assessment states "the proposed project will limit some recreational uses with the WTMA, especially at the current harvesting site." If harvesting were suspended during June and July, then this period could be devoted to public land use thereby maintaining (and perhaps even increasing) some recreational uses. Specifically, hunting, biking, hiking, sightseeing and gathering could occur, as these uses are not likely to negatively impact breeding bats. After all, isn't summer one of the heaviest seasons at the WTMA in terms of public use?

**The lack of bats in the general vicinity is further substantiated by a draft environmental assessment published by Hawaii Volcanoes National Park in July, 1999.... This document states that the project proposed for**

**the park's Olaa Tract will have no impacts on the Hawaiian hawk and that no other endangered animals are known from the project site. The park's Olaa Tract is about three miles southeast of the WTMA.**

... the author of the DEA ... said the park consulted with the US Fish and Wildlife Service (Section 7 consultation), and the Service did not require bat surveys of the Olaa Tract. I think it is a bit of a stretch to cite this document as evidence of "the lack of bats" given that no bat surveys were conducted.

The presence of bats in the general vicinity is substantiated by several Element Occurrence Records (EORS) to the north, south, east and west of the WTMA. Six of these records are within three miles of the WTMA. Moreover, on the windward side of the Big Island there are many EORS between 400 and 3200 feet, which is the elevational range contained by the WTMA.

Besides these EORS, there are other records of bats in the vicinity. ... [t]hree bats were seen in one hour at the entrance to the Kulani Correctional Facility at the end of Stainback Highway ... [and bats were] also observed near the prison in November 1996. And, I have observed bats on more than one occasion at the end of Wright Road (less than half a mile away from the park's Olaa Tract).

**Bats may be uncommon in the WTMA because this forest supports large numbers of mosquitoes.**

I am a bit confused as to why you think large numbers of mosquitoes are related to the presumed rarity of bats in the WTMA. Are you suggesting bats may be contracting avian malaria from the mosquitoes? If so, I am unaware of any cases whereby avian malaria has been transmitted to a bat through a mosquito bite. At any rate, bats are known to forage and/or roost at low elevations--where mosquitoes are quite abundant (e.g. the Hilo area and Kipahoehoe Natural Area Reserve). Moreover, mosquitoes are known prey of hoary bats.

DOFAW retains the option to suspend all harvesting activities during the months of

**June and July if there is some justifiable reason to suspect that bats are roosting or breeding in the harvest area. At this point, there is no evidence that bats are even foraging in the 40-acre plantation blocks during the breeding season.**

[There are] many reasons to suspect that bats are roosting or breeding in the WTMA. Bats have been seen flying in the WTMA during the breeding season; the WTMA extends from 400 to 3200 feet in elevation, ... [in which]

there are accounts from the Big Island of pre-volant bats, lactating females, and roosting bats; the WTMA has temperatures that are conducive to breeding [10° degrees c., 50° F.] and hoary bats Pups are known only from areas [with these] temperatures; the WTMA has many trees that would make suitable roosts; ... [and] bats have been seen flying within 20 km of the WTMA through out the year

DOFAW has not yet found evidence of bats in the WTMA on recent surveys, but this could be the result of under-surveying or of surveying at inappropriate times. A detailed methodology is not included in the final environmental assessment, so it is difficult to evaluate DOFAW's results without additional information. How many nights were spent surveying? What time did surveys start and stop? Where exactly did the surveys occur (e.g., elevation)? Who conducted the surveys? How did the surveyors become "competent and qualified" in conducting bat surveys? Are the surveyors able to distinguish the bat passes (made by the bat detector) from other ultrasonic noises such as insects sounds or rain drops? Was the directional cone off or on the bat detector?

**... [O]nly one definitive breeding area has been documented in the whole State of Hawaii for the past one hundred years. This highlights the difficulty in developing mitigation strategies for the protection and benefit of Hawaiian hoary bats.**

Exactly my point, we know so little about the bats habitat requirements, that developing management strategies is difficult. One thing we do know, however, is that bats breed in June and July, during which time mothers and pre-volant young are vulnerable. Halting harvesting in the breeding season is one precaution we can take to protect this endangered species.

... [O]ne thing struck me in the final environment assessment ... was mention of "an aggressive yet attainable integrated forest industry initiative of 60,000 acres of forest plantations on the Island of Hawaii." This is an impressive acreage -- about two times the size of Hakalau Forest National Wildlife Refuge (which is one of biggest patches of contiguous forest in the state of Hawaii). No doubt the decisions you make now about commercial harvesting on Waiakea's 12,000 acres will also be applied to upcoming forestry projects. Policy affecting 60,000 acres of forested land on the Big Island is, in my opinion, likely to affect our tree-roosting hoary bats.

