

# The Environmental Notice

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

JULY 8, 2001



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GOVERNOR

**OFFICE OF  
ENVIRONMENTAL  
QUALITY CONTROL**  
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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 Council Annual Reports*
- *Rules and Policies*
- *"How to Plant a Native Hawaiian Garden"*

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## Major Waikiki Project at Beachwalk

The City's Department of Planning and Permitting has determined that Outrigger Enterprises Inc.'s two phase project on 7.9 acres in the Lewers/Saratoga area of Waikiki to upgrade five existing hotels, demolish six older hotels and a restaurant, and redevelop the area under them into a new hotel, retail and entertainment complex will require a full environmental impact statement. Hotels to be demolished over the project's 2 phases include: Edgewater Lanais; 'Ohana Coral Seas; Carl's Jr. Restaurant; Malihini Hotel; 'Ohana Edgewater;

'Ohana Reef Lanai; and the 'Ohana Royal Islander. The applicant will develop a new Outrigger Saratoga Hotel during Phase 2 of the project and other hotels will be upgraded or redeveloped. The project is expected to have long term traffic impacts from construction as well as a net increase of 234 hotel rooms. Other long term issues to be examined include drainage, runoff and nearshore water quality, cultural impacts, impacts to historic and archaeological sites, noise and air quality, and public infrastructure and services. See page 8.

## Lanikai Seawall

The Department of Planning and Permitting of the City and County of Honolulu has received an application for the reconstruction of a seawall in the shoreline setback area at the makai edge of a Mokulua Drive property. A non-conforming seawall was built around 1955, and in 1966 the former property owner built another seawall on top of it. The applicants claim that ocean waves have eroded their property by more than 50 feet since 1984, with the threat of erosion continuing. The existing seawall lies entirely within the shoreline setback. See page 6 for more information.



## Shark Finning Proposed Rule and Public Hearing

The National Marine Fisheries Service will hold a public hearing on July 11, 2001, in Silver Spring, Maryland on a proposed rule to implement the provisions of the Shark Finning Prohibition Act. The act prohibits any person under U.S. jurisdiction from: (1) from engaging in shark finning in waters in the seaward boundary of the U.S. exclusive economic zone (EEZ); (2) possessing shark fins harvested in waters in the seaward boundary of the U.S. EEZ; and (3) landing shark fins harvested in the waters seaward of the inner boundary of the U.S. EEZ without corresponding carcasses. See page 23 for more.

## Honokohau Residence

The Department of Land and Natural Resources has received an application to construct a single-family residence on conservation land in Honokohau, Maui from applicant James and Victoria McCarty of Lahaina. The construction, including a garage and other improvements, will be 3,852 square feet in size. The McCartys are proposing a small complex of four buildings which will have the appearance "of an ancient village" rather than a modern home. The "indigenous architecture" will feature pili grass roofs and natural or earth-tone colors, although the buildings will be made of cement or wood on a concrete slab base. In addition to the main dwelling, two additional buildings each having bedrooms and bathrooms are proposed. The buildings will not be connected, although the applicants reserve this as an option. See page 11 for more.

## U.S. Supreme Court Reverses Rhode Island Supreme Court on Regulatory Takings

Citing the famous *Lucas v. South Carolina Coastal Council* case which dealt with regulatory takings under the 5th and 14th amendments to the U.S. Constitution, the U.S. Supreme Court has opined in the case of *Palazzolo v. Rhode Island Coastal Council*, essentially reversing a Rhode Island Supreme Court decision concerning the denial of a permit by the Rhode Island Coastal Council to a developer to fill in and develop coastal salt marshlands. See page 23 for more.

# 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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## Draft Environmental Assessments



### (1) Coconut Island Long Range Development Plan

**District:** Ko'olaupoko  
**TMK:** 4-6-01:51  
**Applicant:** University of Hawai'i  
Hawai'i Institute for Marine Biology  
P.O. Box 1346  
Kaneohe, Hawai'i 96744  
Contact: Dr. Paul Nachtigall (956-7935)

#### Approving Agency/Accepting

**Authority:** University of Hawai'i  
Office of the Senior Vice President for Administration  
2444 Dole Street, Bachman 112  
Honolulu, Hawai'i 96822  
Contact: Eugene Imai (956-7935)

**Consultant:** Group 70 International, Inc.  
925 Bethel Street, 5th Floor  
Honolulu, Hawai'i 96813  
Contact: George Atta (523-5866 x 103)

#### Public Comment

**Deadline:** August 7, 2001  
**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:** CDUP, SMA, SSV

The Coconut Island Long Range Development Plan was approved by the University of Hawai'i Board of Regents in June, 1998. This plan presents the University's vision to expand world-class marine research, applied research, meeting, and public education activities at Coconut Island in Kaneohe Bay.

The Long Range Development Plan for Coconut Island includes physical and operational elements designed to accommodate the expansion of activities and uses while maintaining the natural beauty and casual atmosphere of the Island. In addition to the improvement and expansion of



research facilities, the plan calls for the development of facilities to house applied research activities, educational programs, and conferences. Existing overnight and long term accommodations will be replaced and expanded with newer facilities to complement the improved research facilities and other uses envisioned for the Island.

Based on discussions with HIMB researchers and university officials, a use areas map was developed for the Island. This map identifies areas of the Island most suitable for research and research support, education, conference and housing facilities, and open space. This framework, based on research needs and aesthetic concerns, guided the more detailed development of the physical plan for the Island.

The Use Area Plan preserves the majority of the Island's low lying shore area for research purposes. The area on the upper plateau section surrounding the new Edwin W. Pauley Marine Laboratory is also designated for research. The education and research use area identifies areas that are appropriate for both research and education activities. These areas will need to be managed to successfully integrate world class marine research with the traffic associated with public education programs. The conference center and housing area is designated at the top half of the Island to separate it from daily research activities and to take advantage of the beautiful setting and stunning views from the Island's plateau. The Island's hill, and North Lagoon are preserved as open areas so that they will continue to be used for active recreation and passive leisure as well as quiet places for meditation and thoughts.



## (2) Kalaniana'ole Highway 36-Inch Water Main

**District:** Honolulu  
**TMK:** 4-1-08, 09, 13, 15, 18, 22, 23, 24, 26, 28, 32

**Applicant:** City and County of Honolulu  
Board of Water Supply  
630 South Beretania Street  
Honolulu, Hawai'i 96843  
Contact: Gregory Lee (527-5202)

### Approving Agency/Accepting

**Authority:** City and County of Honolulu  
Board of Water Supply  
630 South Beretania Street  
Honolulu, Hawai'i 96843  
Contact: Clifford Jamile (527-6180)

**Consultant:** Kimura International, Inc.  
1600 Kapi'olani Boulevard, Suite 1610  
Honolulu, Hawai'i 96814  
Contact: Glenn Kimura (944-8848)

### Public Comment

**Deadline:** August 7, 2001  
**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:** SCAP, Sec. 10, Sec. 401 WQC, NPDES, CZM, possible SMA

The Board of Water Supply, City and County of Honolulu, proposes to install a 36-inch water transmission main through portions of Waimanalo. The project is planned in two phases: (1) from the entrance of Olomana Golf Links along Kalaniana'ole Highway to Po'alima Street and (2) from Po'alima Street to Hihimanu Street, terminating at the Nonokio Street intersection. The proposed pipeline measures approximately 10,400 lineal feet or two miles. The expected construction period is 12-18 months for each phase. Construction phases may overlap and Phase 2 may start before Phase 1.

This project provides a segment of pipeline that will connect two existing 36-inch mains. The new main will provide reliability of service until an existing 20-inch water main is abandoned. The project also includes valve vaults, new fire hydrants and laterals, relocation of some water meters, and stream crossings.

Short-term construction impacts include traffic delays, construction noise, dust, and possible erosion. A traffic control plan and adherence to all State and local regulations governing construction activities will minimize environmental harm and inconvenience to the public.

The proposed alignment crosses Waimanalo and Kahawai Streams. The preferred crossing method is to bury the pipeline buried beneath the streambed using the open-cut method. To mitigate against adverse impacts on water quality or aquatic species, in-stream work will be scheduled during the dry season, barriers will isolate the construction area, only half of the stream will be blocked at any time, dewatering discharge will be treated and filtered, and a monitoring plan will be established.



## (3) Magazine Street Small Diameter Rehabilitation Project

**District:** Honolulu  
**TMK:** 2-2-4 & 5; 2-4-14, 15, 16, 17, 18 & 31  
**Applicant:** City and County of Honolulu  
Department of Design and Construction  
650 South King Street, 14th Floor  
Honolulu, Hawai'i 96813  
Contact: Neil Asato (523-4448)

### Approving Agency/Accepting

**Authority:** Same as above.  
**Consultant:** Earth Tech, Inc.  
700 Bishop Street, Suite 900  
Honolulu, Hawai'i 96813  
Contact: Ardan Nikou (523-8874)

### Public Comment

**Deadline:** August 7, 2001  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with copies to the consultant and OEQC.

**Permits Required:** Noncovered Source; Noise; Building; Development Plan Public Fac. Map Amendment; Grubbing, Grading & Stockpiling; Public ROW; Street Usage; Industrial Wastewater Discharge

The City and County of Honolulu proposes to reconstruct and rehabilitate the existing 6-inch trunk sewer along portions of Magazine Street, Prospect Street, Spencer Street, Victoria Street, Thurston Avenue, and Wilder Avenue in the Makiki area. The proposed project is required to correct inadequacies in a portion of the City's existing sewer system. Reconstruction and rehabilitation using a combination of pipe

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bursting, in-line trenching, and cured-in-place pipe (CIPP) is recommended for approximately 4,200 linear feet (lf) of existing hydraulically and structurally deficient gravity sewer. Pipe bursting was selected over other reconstruction methods investigated due to its reduced impact to the community, and will be used for the majority of the reconstruction. In-line trenching will be used to reconstruct a 40-foot length of sewer within the pipe bursting alignment along Thurston Avenue due to sagging conditions. Portions of Spencer Street and Wilder Avenue will be rehabilitated with CIPP due to minimal ground cover and a requirement for archaeological monitoring if excavation occurs in the area. Portland cement with epoxy coating is recommended for rehabilitation of the 22 existing sewer manholes. Reconstruction and rehabilitation of the trunk sewer and manholes will provide a structurally sound sewer system capable of transporting estimated peak wastewater flows for a 2-year, 6-hour design storm for existing conditions and for the year 2020 based on the City's INFIX ADJUSTED flow model.



## (4) Mokulua Drive Seawall Reconstruction

**District:** Ko'olaupoko  
**TMK:** 4-3-3: 96  
**Applicant:** John Lindelow, Roz Rapozo, Roger Fonseca  
P.O. Box 61449  
Honolulu, Hawai'i 96839  
Contact: John Lindelow (638-6700)

### Approving Agency/Accepting

**Authority:** City and County of Honolulu  
Department of Planning and Permitting  
650 South King Street, 7th Floor  
Honolulu, Hawai'i 96813  
Contact: Ardis Shaw-Kim (527-5349)

**Consultant:** John Lindelow (262-6646)  
P.O. Box 61449  
Honolulu, Hawai'i 96839

### Public Comment

**Deadline:** August 7, 2001  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with copies to the approving agency or accepting authority and OEQC.

### Permits

**Required:** SMA, CDUP

The applicants propose to retain an existing sloping concrete rubble masonry seawall. The wall is located along the rear yard on a residential lot in Lanikai. A single family dwelling occupies the property. The wall was built without

the required government permits subsequent to 1984. It is about 76 feet long and about 6 feet wide at its base. Submitted plans indicate that the wall has a total height of 10 feet when measured from its base. A portion of the wall is buried.

Since 1966 the property has lost about 6,317 feet to erosion as the shoreline receded about 95 feet landward. The applicant proposes to maintain the wall to prevent further property loss and to protect the existing dwelling from destruction.

On October 11, 2000 the state certified the shoreline at the bottom of the concrete slope. Most of the wall is located seaward of the shoreline as it was certified by the State in 1984. Accordingly, that portion of the wall maybe within the State Conservation District.

At least a portion of the wall is within the 40-foot shoreline setback and the applicants, who acquired the property last year, are applying for an after-the-fact shoreline setback variance to retain the wall.



## (5) Varona Village Friendship Community Services Project

**District:** 'Ewa  
**TMK:** 9-1-017:069 (por.)  
**Applicant:** City and County of Honolulu  
Department of Community Services  
715 S. King Street, Suite 311  
Honolulu, Hawai'i 96813  
Contact: Michael Amii (527-5311)

### Approving Agency/Accepting

**Authority:** City and County of Honolulu  
Department of Planning and Permitting  
650 South King Street  
Honolulu, Hawai'i 96813  
Contact: Avis Kamimura (523-4437)

**Consultant:** PBR Hawai'i  
1001 Bishop Street  
Pacific Tower Suite 650  
Honolulu, Hawai'i 96813  
Contact: Vincent Shigekuni (ph: 521-5631;  
fax: 523-1402)

### Public Comment

**Deadline:** August 7, 2001  
**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:** Conditional Use, SLUDBA, NPDES, Grading/Building

To expand the social and educational services in Ewa Villages, the City and County of Honolulu Department of Community Services and Friendship Bible Church propose to the Friendship Community Services Master Plan in Varona Village. The project will essentially be a community center that would include child day care facilities, employment training facilities, classrooms, workshops, and facilities for seniors. The project will utilize and rehabilitate existing historical structures as well as construct new buildings following the 'Ewa Development Plan Development Guidelines.

The Project is essentially broken into three parcels of land. The acquisition of the first parcel will be fully funded with Community Development Block Grant (CDBG) monies and thereby no proselytizing may occur on that parcel. The second parcel will be privately funded by Friendship Bible Church and will contain uses where religious activities and educational programs will be offered. The third parcel will be the existing Varona Village, for which there are no current plans other than residential use compatible with the original village.

No long-term negative potential impacts or mitigative measures are expected as a result of this project. Temporary negative impacts will occur during the construction phase and will be minimized by the use of proper mitigating measures. Long-term positive impacts expected include more opportunities for social services, child and elderly care and education. As a logical component of the completion of the Ewa Villages project, the FCS Master Plan represents compatible uses for an existing and growing urbanized area.

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## Final Environmental Assessments (FONSI)

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### (6) Ocean Pointe Master Plan (Revised)

**District:** 'Ewa  
**TMK:** 9-1-012: 2, 5, 8-17, 23, 39-41, 45-47(por)  
**Applicant:** Haseko ('Ewa), Inc.  
820 Mililani Street, Suite 820  
Honolulu, Hawai'i, 96813  
Contact: Nelson W.G. Lee (536-3771)

### Approving Agency/Accepting

**Authority:** City and County of Honolulu  
Department of Planning and Permitting  
650 South King Street  
Honolulu, Hawai'i 96813  
Contact: Bob McGraw (547-7276)  
**Consultant:** Oshima Chun Fong & Chung, LLP  
841 Bishop Street, Suite 400  
Honolulu, Hawai'i 96813  
Contact: Wayne Costa, Jr. (528-4200)  
**Status:** FEA/FONSI issued, project may proceed.  
**Permits Required:** Change of zoning

The Applicant proposes zoning changes to accommodate reduction in the size of proposed marina to address environmental and infrastructure issues; relocation and reconfiguration of golf course to accommodate alteration of regional drainage infrastructure; reconfiguration of residential and commercial areas due to master plan changes generated by reduced-scale marina and reconfigured golf course.

Additionally, the proposed changes may require modification to a previously issued Special Management Area Use Permit.

Ocean Pointe was formerly known as the 'Ewa Marina Community Development, Phases I & II.



### (7) TGN Hawaii Cable System

**District:** Wai'anae and 'Ewa  
**TMK:** 8-6-1: por. 7 and 9-2-3: por. 15  
**Applicant:** Tycom Networks (US) Inc.  
Patriots Plaza, Building A  
60 Columbia Turnpike  
Morristown, NJ 07960  
Contact: Gerald Lynch (973-656-8610)

### Approving Agency/Accepting

**Authority:** City and County of Honolulu  
Department of Planning and Permitting  
650 South King Street  
Honolulu, Hawai'i 96813  
Contact: Dana Teramoto (523-4648)  
**Consultant:** R.M. Towill Corporation  
420 Waiakamilo Road, Suite 411  
Honolulu, Hawai'i 96817  
Contact: Chester Koga (842-1133)

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**Status:** FEA/FONSI issued, project may proceed.  
**Permits Required:** SMA, SSV, CDUA

TyCom Networks, Inc., proposes to develop a submarine and terrestrial fiber optic cable system which will link Hawai'i with the continental United States, Guam, Hong Kong and Japan. The purpose of the project is to provide additional telecommunication capacity to accommodate exponential increases in global telecommunication traffic.

The project will be situated in three locations as follows: 1) cable landing at Kahe Point Beach Park, 2) cable landing at the Wai'anae Wastewater Treatment Plant outfall site (adjacent to Lualualei Beach Park), and 3) fiber optic ductline installation along Farrington Highway from Kahe Point Beach Park to Wai'anae Wastewater Treatment Plant.

Construction of the project will be accomplished in two phases. The first phases involve all land-side construction activities and the second phase includes all work necessary to prepare the landing sites and actual landing of the transpacific submarine fiber optic cables.

The land-side construction activities include the construction of new manholes at Kahe Point Beach Park and the Wai'anae Wastewater Treatment Plant Outfall and new ductlines along Farrington Highway between the beach manholes and the cable station at Ma'ili. The terrestrial installation includes the installation of four 4-inch concrete encased PVC ducts within the Farrington Highway right-of-way. Construction will commence from both beach manholes and proceed to the Ma'ili cable station.

The second phases involve landing the submarine fiber optic cable, pulling the cable through ducts and connecting it to the new manholes at Kahe Point and the Wai'anae Wastewater Treatment Plant site.

**Applicant:** Outrigger Interprises, Inc.  
2375 Kuhio Avenue  
Honolulu, Hawai'i 96815  
Contact: Eric Masutomi (921-6657)

**Approving Agency/Accepting Authority:** City and County of Honolulu  
Department of Planning and Permitting  
650 South King Street, 7th Floor  
Honolulu, Hawai'i 96813  
Contact: Ardis Shaw-Kim (527-5349)

**Consultant:** Group 70 International, Inc.  
925 Bethel Street, 5th Floor  
Honolulu, Hawai'i 96815  
Contact: Ralph Portmore (523-5866)

## Public Comment

**Deadline:** August 7, 2001  
**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:** SMA, PD-R, Grading, Building

Outrigger Enterprises, Inc. is undertaking a substantial project to revitalize its properties in the Lewers-Kalia area of Waikiki. This two-phase project will upgrade five existing hotels demolish six older hotels in the area, and redevelop the latter areas to include a new entertainment retail complex, a new hotel, and enhanced areas open to the public. Parking will be provided both on and off-site. Implementation of both phases of redevelopment will result in net increases of approximately 235 hotel rooms, 50,000 square feet of retail space, 25,000 square feet of "back of house" and administrative space, and 12,000 square feet of open-space available to the public. The project will involve a total land area of about 7.9 acres.

The redevelopment project includes Outrigger holdings makai of Kalakaua Avenue and along Lewers Street, Kalia Road and Saratoga Road. Phase I of the project involves the redevelopment and renovation of the Waikiki Village and Waikiki Tower hotels and the replacement of the Edgewater Lanais, Coral Seas and Edgewater hotels with a new two-level entertainment/retail promenade along Lewers Street Helumoa Road between Lewers and Beach Walk would be closed and incorporated into the development. Phase II will focus on redevelopment of the Outrigger properties between Saratoga Road and Beach Walk. A new hotel tower (~27 floors with ~890 rooms) will be constructed at the current

## Environmental Impact Statement Preparation Notices (EISPN)



### (8) Waikiki Beach Walk

**District:** Honolulu  
**TMK:** 2-6-2:15, 01; 2-6-3:1-4, 6-12; 21, 32, 34, 35, 39, 52, 56 (por.), 57; 2-6-4:10

location of the Royal Islander, Reef Lanais and Malihini hotels. Off-site parking will be provided at the location of the existing surface parking lot at Fort DeRussy at Saratoga Road and Kalia Road.

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## National Environmental Policy Act (NEPA)

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### (9) Proposed Replacement Outfall for Wastewater Treatment Plant at Fort Kamehameha, Pearl Harbor, Hawaii (FEIS Acceptance & ROD Issuance)

**District:** Honolulu  
**TMK:** 9-9-01-13  
**Applicant:** Navy Public Works Center Pearl Harbor  
(Attn: Code 640)  
Pearl Harbor, Hawai'i 96860-3139  
Contact: Reggie Puana (471-09632)

**Approving Agency/Accepting Authority:** U.S. Navy DASN (I&F) via Chief of Naval Operations (N456)  
2211 South Clark Place  
Crystal Plaza #5, Room 680  
Arlington, Virginia 22244-5108  
Contact: Ms. Kim DePaul, CNO N456C (703-604-1233)

**Consultant:** SSFM International, Inc.  
501 Sumner Street, Suite 502  
Honolulu, Hawai'i 96817  
Contact: Calvin Tsuda (531-1308)

The Department of the Navy (DON), pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §4332(2)(C) (1994), and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 C.F.R. Parts 1500 - 1508, wishes to announce its decision to construct a deep ocean outfall replacement that will discharge treated effluent into the open coastal waters of Mamala Bay to the south of the island of O'ahu.

The existing outfall has been operating under an administrative extension to a National Pollutant Discharge Elimination System (NPDES) permit that expired on February 28, 1993. The Navy was advised by U.S. Environmental Protection Agency (EPA) Region 9 on January 24, 1997, that a new NPDES permit would limit the discharge of nutrients and metals to levels below those presently permitted. Replacement of the existing outfall will reduce pollutant loadings and water quality deterioration in the Pearl Harbor Estuary, and enable DON to be in compliance.

The Navy analyzed the impacts of constructing and operating the deep ocean outfall in an Environmental Impact Statement (EIS), as required by NEPA. The EIS analyzed six effluent disposal alternatives. Comparison of the alternatives included analysis of impacts related to a variety of issues identified as potentially significant, including the aquatic environment, protected species and habitats, and public health and safety. Consideration was also given to the ability of the WWTP to comply with more stringent effluent discharge limits; technical feasibility; operational reliability; costs associated with facility construction, operation, and maintenance; and comments received during the Draft EIS and Final EIS public review periods. Two of the alternatives were determined to be reasonable: a deep ocean outfall and underground injection of effluent. Based upon further analysis, the deep ocean outfall was identified as the preferred alternative because of the comparatively higher life-cycle cost of the injection alternative, the lower reliability of the injection technology, and the uncertain impacts on adjacent water bodies.

The ROD is being distributed to government agencies and various interested parties that participated in the EIS development process and to a number of public libraries in the vicinity of the project for viewing. These include the Hawai'i State (Main) Library, Pearl City Public Library, 'Ewa Beach Public & School Library, 'Aiea Public Library, and Salt Lake Moanalua Public Library.

A limited number of the ROD and the Final EIS is available for filling single-copy requests to: Commander, Pacific Division, Naval Facilities Engineering Command, 258 Makalapa Drive, Suite 100, Pearl Harbor, Hawai'i 96860-3134 (Attn: Mr. Gary Kasaoka, Code PLN231GK); telephone (808) 471-9338; fax (808) 474-5909; or e-mail: [KasaokaGS@efdpac.navy.mil](mailto:KasaokaGS@efdpac.navy.mil).

# O'ahu Notices

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## Previously Published Projects Pending Public Comments

### Draft Environmental Impact Statements

#### 🗺️ Waimanalo Gulch Sanitary Landfill Expansion (Revised Supplemental)

**Applicant:** City and County of Honolulu  
Department of Environmental Services  
650 South King Street, 6th Floor  
Honolulu, Hawai'i 96813  
Contact: Wilma Namumnart (527-5378)

#### Approving Agency/Accepting

**Authority:** Mayor, City and County of Honolulu  
530 South King Street, Room 300  
Honolulu, Hawai'i 96813

#### Public Comment

**Deadline:** July 23, 2001

## Acceptance Notice

### Final Environmental Impact Statements

#### 🗺️ West Mamala Bay Facilities Plan

**Applicant:** City and County of Honolulu  
Department of Design and Construction  
650 South King Street, 14th Floor  
Honolulu, Hawai'i 96813  
Contact: Bill Liu (523-4551)

#### Approving Agency/Accepting

**Authority:** City and County of Honolulu  
Department of Planning and Permitting  
650 South King Street, 7th Floor  
Honolulu, Hawai'i 96813  
Contact: Randall Fujiki (523-4432)

**Status:** *FEIS accepted by the City and County of Honolulu, Department of Planning and Permitting on June 14, 2001.*

# Maui Notices

## Draft Environmental Assessments

#### 🗺️ (1) Huang-Kinser Residence and Access Road

**District:** Hana  
**TMK:** 1-6-01:04  
**Applicant:** Alfred Huang and Richard Kinser  
SR 167a  
Hana, Hawai'i 96713  
Contact: Huang/Kinser (248-8586)

#### Approving Agency/Accepting

**Authority:** Department of Land and Natural Resources  
1151 Punchbowl Street, Room 220  
Honolulu, Hawai'i 96813  
Contact: Masa Alkire (587-0385)

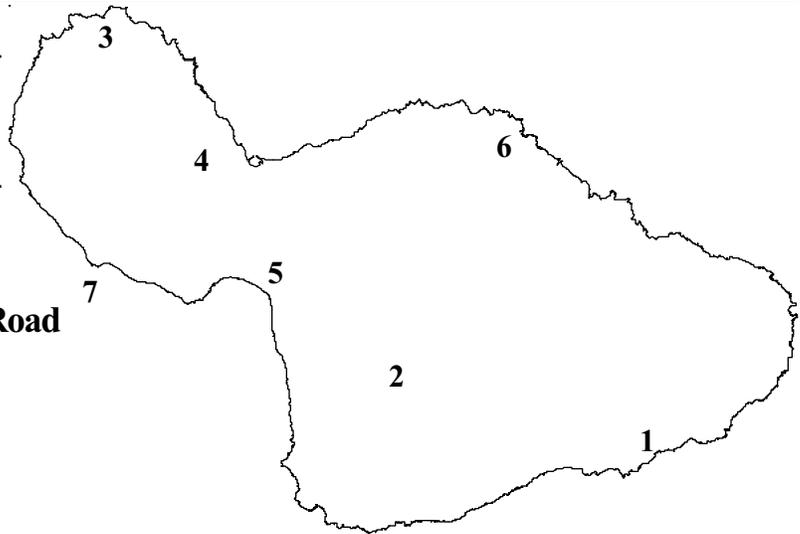
**Consultant:** Maui Architectural Group  
2331 W. Main Street  
Wailuku, Hawai'i 96793  
Contact: Richard Neiss (244-9011)

#### Public Comment

**Deadline:** August 7, 2001  
**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:** CDUA



The proposed project is an approximately 1750 square foot residence and access road on a 128 acre site in the District of Kipahulu, Maui. The parcel elevation ranges between 1000 and 1500 ft above sea level. The applicant proposes to develop the dwelling with minimal site grading. This will allow natural site drainage to continue unimpeded. The proposed dwelling's water source is collected roof water. Wastewater will be managed through a combination of a greywater system and a composting toilet. Utility service will not be needed for the site as electrical needs will be met through a solarvoltaic system.



## (2) Keokea Agricultural Lots-Unit 1

**District:** Makawao  
**TMK:** 2-2-02:55  
**Applicant:** Department of Hawaiian Homes Lands  
1099 Alakea Street, 12th Floor  
Honolulu, Hawai'i 96813  
Contact: Gerald Lee (587-6447)

### Approving Agency/Accepting

**Authority:** Same as above.  
**Consultant:** SSFM International, Inc.  
501 Sumner Street, Suite 502  
Honolulu, Hawai'i 96817  
Contact: Ronald Sato (531-1308)

### Public Comment

**Deadline:** August 7, 2001  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with copies to the consultant and OEQC.

### Permits

**Required:** NPDES, Grading, Building

Department of Hawaiian Home Lands (DHHL), proposes to develop an agricultural subdivision on Hawaiian homestead lands in Keokea, Maui, Hawai'i. Approximately 351 acres of DHHL homestead lands will be subdivided. The proposed agricultural subdivision project will consist of 82 total lots. The subdivision site will include 77 agricultural lots averaging 2.0 – 2.5 acres in size, a large 96-acre reserve lot, a 29-acre historic preserve, and three lots fronting Kula Highway to be used for future community purposes. Upon completion of the project, the smaller subdivided lots will be leased as agricultural homesteads to eligible native Hawaiians. The proposed agricultural subdivision layout will be configured to provide each lot with a significant portion of moderately sloped lands which would be considered farmable

based on topography. Other improvements will include paved roadways, drainage, water irrigation, and above ground utilities.



## (3) McCarty Single Family Residence

**District:** Lahaina  
**TMK:** 4-1-02:08  
**Applicant:** James Richard McCarty  
20 Alaeloa # 23  
Lahaina, Hawai'i 96761  
Contact: James McCarty (669-1595)

### Approving Agency/Accepting

**Authority:** Department of Land and Natural Resources  
1151 Punchbowl Street, Room 220  
Honolulu, Hawai'i 96813  
Contact: Sam Lemmo (587-0381)

### Public Comment

**Deadline:** August 7, 2001  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with copies to the approving agency or accepting authority and OEQC.

### Permits

**Required:** CDUP

The applicant proposes to construct a Single Family Residence (SFR) on the subject parcel at Honokohau, Lahaina, Maui. The property is in the Limited subzone of the Conservation District. The applicant proposes the construction of separate structures or alternatively with the structures connected. Total floor area would be 3,852 square feet. The buildings would incorporate indigenous architecture and would be constructed of wood and cement with a pili grass roof. No building would exceed 25 feet in height. Each building would be finished in earth toned colors. The project would utilize an approved individual wastewater disposal system utilizing aerobic treatment plant and absorption bed.



## (4) Paukukalo Preschool and Two-Classroom Building

**District:** Wailuku  
**TMK:** 3-3-5:por. 86, por. 87

# Maui Notices

JULY 8, 2001

**Applicant:** Department of Hawaiian Home Lands  
P.O. Box 1879  
Honolulu, Hawai'i 96805  
Contact: Carolyn Darr (586-3823)  
and  
Kamehameha Schools  
567 S. King Street, Suite 100  
Honolulu, Hawai'i 96813  
Contact: Allison Yue (534-3944)

**Approving Agency/Accepting**

**Authority:** Department of Hawaiian Home Lands  
P.O. Box 1879  
Honolulu, Hawai'i 96805  
Contact: Carolyn Darr (586-3823)

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

**Public Comment**

**Deadline:** August 7, 2001  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicants with copies to the approving agency or accepting authority, the consultant and OEQC.

**Permits**

**Required:** None

Kamehameha Schools is currently developing a new preschool in Paukukalo, Maui, Hawai'i. The proposed project is located within a portion of the approximately 6.37 acre Paukukalo Park and Community Center.

Initially, the proposed preschool facility was designed for an enrollment of 80 students, for which a total of four (4) classrooms in two (2) separate structures were proposed. The proposed preschool facility also included a separate multi-purpose building with a kitchen, as well as a children's play area within the central portion of the preschool facility.

Following completion of initial programming for the preschool, student and faculty demand requirement were analyzed. Based on this most recent review, it was determined that additional classroom space was of higher priority than multi-purpose space. Accordingly, Kamehameha Schools has determined that the redesign/reconfiguration of the multi-purpose space to provide two (2) additional classrooms instead of the multi-purpose building space is warranted.

The additional classrooms will accommodate twenty (20) students per classroom, thereby increasing the enrollment potential from 80 students to 120 students. No other design modifications are proposed.



## (5) Wailea Fire Station

**District:** Makawao  
**TMK:** 2-1-08:por. 46 and por. 113; 3-9-38:por. 28  
**Applicant:** County of Maui  
Department of Fire Control  
200 Dairy Road  
Kahului, Hawai'i 96732  
Contact: Chief Clayton Ishikawa (270-7561)

**Approving Agency/Accepting**

**Authority:** Same as above.  
**Consultant:** Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawai'i 96793  
Contact: Gwen Hiraga (244-2015)

**Public Comment**

**Deadline:** August 7, 2001  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with copies to the consultant and OEQC.

**Permits**

**Required:** SMA, Construction Permits

The County of Maui, Department of Fire Control proposes to construct a new fire station at Wailea, Maui on portions of land identified by TMK 2-1-8: 46 and 113, and TMK 3-9-38:28.

Currently, fire protection and emergency response services for the South Maui region are provided by the department's Kihei station, which is located near the Kihei Town Center, about 2-1/4 miles northwest of the new fire station site. In 1996, the Kihei station responded to a total of 536 alarms, while in 2000, it responded to a total of 718 alarms, an increase of 34 percent. Within the past five years, 44 percent of the alarms that the Kihei station has responded to were from the Wailea district, the area that extends from Kama'ole Beach Park II to Makena.

The new Wailea fire station will enhance the department's ability to respond to fires and other emergencies in the Wailea district and other areas in South Maui on a timely basis. The proposed Wailea station, which will be similar in design to the existing Kahului station, will house a ladder truck, an engine pumper, and a water tanker, and will be staffed on a daily basis by 11 firefighters. In addition to site work and the installation of utilities (water, sewer, power, phone), ancillary improvements such as a helistop, landscap-

ing, and paved parking areas, as well as fuel pumps and above-ground diesel storage tanks are proposed. Access to the site, which is currently vacant and undeveloped, will be provided via Kilohana Drive.

The total estimated cost of the project is \$8.0 million. Construction of the project is anticipated to commence upon the receipt of all necessary regulatory approvals.

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

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### (6) Kahui Pono Roadway Access Easement

**District:** Makawao  
**TMK:** 2-9-002: 017  
**Applicant:** Kahui Pono, L.L.C.  
P.O. Box 1914  
Makawao, Hawai'i 96768  
Contact: Michele Chouteau (572-2233)

**Approving Agency/Accepting Authority:** Department Land and Natural Resources  
Land Division, Maui District Branch  
54 High Street, Room 101  
Wailuku, Hawai'i 96793  
Contact: Louis Wada (984-8100)

**Consultant:** Chouteau Consulting  
3620 Baldwin Avenue, Suite 105  
Makawao, Hawai'i 96768  
Contact: Michele Chouteau (572-2233)

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

**Permits Required:** Grading, SMA minor

Kahui Pono, L.L.C., recently purchased TMK No. 2-9-002: 021. Parcel 21, in Ha'iku, is currently vacant and undeveloped, and does not presently have lawful, recorded roadway access. In order to access parcel 21 by vehicle, Kahui Pono must obtain easements across at least two other parcels. If easements are obtained, then parcel 21 could be accessed from Hana Highway, to Honokala Road, to Ho'olawa Road. Honokala Road extends makai from Hana Highway approximately one-half mile east of Twin Falls and approximately 2.6 miles east of the intersection of Hana Highway and

Kaupakalua Road. Parcel 35 is situated on Ho'olawa Road approximately 1.7 miles from Hana Highway.

The proposed access to parcel 21 would cross TMK Nos. 2-9-002: 035 and 017. This access is proposed because it is topographically feasible and it creates little or no disruption to the current use of either parcel. The proposed access would be a gravel roadway, approximately 24 feet wide and 400 feet long, comprising a total of approximately 0.231 acres.

Kahui Pono has successfully obtained an easement across parcel 35, which creates access between Hoolawa Road and parcel 17. Access to parcel 21 could then be accomplished by obtaining a similar easement from parcel 35 across parcel 17.



### (7) Olowalu After-The-Fact Landscaping, Dredging and Wharf Construction

**District:** Lahaina  
**TMK:** 4-8-3: por. 6 and 43  
**Applicant:** Olowalu 'Elua Associates, LLC  
173 Ho 'Ohana Street, Suite 201  
Kahului, Hawai'i 96732  
Contact: Bob Horcajo (877-2434)

**Approving Agency/Accepting Authority:** Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawai'i 96809  
Contact: Sam Lemmo (587-0381)

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

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

**Permits Required:** CDUA

Olowalu 'Elua Associates, LLC (OEA) is seeking after-the-fact approvals for activities conducted within the Conservation District at TMK 4-8-03:43 and 4-8-03:06, Olowalu, Maui, Hawai'i. Accordingly, a Conservation District Use Application (CDUA) has been filed to address the following actions: (1) Removal of coral rubble from an area adjacent to the Olowalu Wharf for use as fill material to level the wharf's surface; (2) Filling of the wharf's surface area with coral rubble material and placing poured cement to provide a smooth walking surface; and (3) Removal of vegetation

# Maui Notices

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(remnant sugar cane) and damage to *hau* trees within the Government Beach Reserve (TMK 4-8-03:06).

At its meeting of April 14, 2000, the Board of Land and Natural Resources found OEA to be in violation of the Conservation District Rules with the foregoing unauthorized activities. The Board's action resulted in the following compliance requirements: (1) Through consultation and concurrence of community groups and the department's Land Division and Historic Preservation Division, remove cement applied during recent construction at Olowalu Wharf and any extant encroaching cement on State land to the side of Olowalu Wharf within 90 days; (2) Nurture the growth of the still living remnants of one *hau* tree; (3) Through consultation and concurrence of community groups and the department's Land Division, plant and nurture the retention of two (2) adult *hau* trees within 90 days; and (4) Through consultation with community groups and the department, file a Conservation District Use Application (CDUA) containing a restoration plan. This plan would include what the applicant would do to restore areas of the beach reserve that are not in the conservation district.

At its meeting of July 14, 2000, the Board amended the conditions of their April 14th action by: (1) Requiring OEA to plant and nurture the retention of two local *hau* trees; and (2) Allowing for a stay on the restoration of the wharf.

The Environmental Assessment has been prepared in connection with the CDUA.

## Republic Parking

**Applicant:** Republic Parking Northwest, Inc.  
P.O. Box 1087  
Lahaina, Hawai'i 96761  
Contact: Mr. Eric Teruya (667-2052)

### Approving Agency/Accepting

**Authority:** County of Maui  
Planning Department  
250 South High Street  
Wailuku, Hawai'i 96793  
Contact: Ms. Julie Higa (270-7735)

### Public Comment

**Deadline:** July 23, 2001

## Waipu'ilani Estates

**Applicant:** Betsill Brothers Construction, Inc.  
635 Kenolio Road  
Kihei, Maui, Hawai'i 96753  
Contact: Doyle Betsill (879-5375)

### Approving Agency/Accepting

**Authority:** County of Maui  
Department of Planning  
250 South High Street  
Wailuku, Hawai'i 96793  
Contact: Julie Higa(270-7735)

### Public Comment

**Deadline:** July 23, 2001

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## Previously Published Projects

## Pending Public Comments

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## Draft Environmental Assessments

### Makena Alanui Improvements

**Applicant:** Makena Resort Corp.  
5415 Makena Alanui Road  
Kihei, Hawai'i 96753  
Contact: Roy Figueiroa (879-4455)

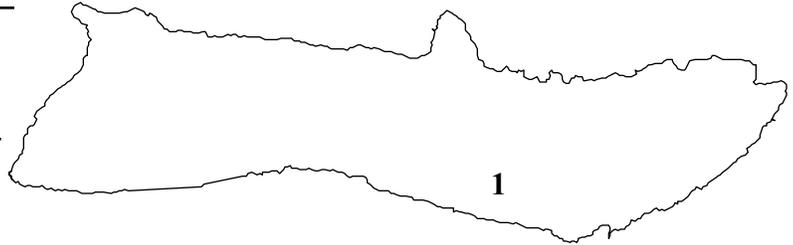
### Approving Agency/Accepting

**Authority:** County of Maui, Department of Public Works and Waste Management  
200 South High Street  
Wailuku, Hawai'i 96793  
Contact: David Goode (270-7845)

### Public Comment

**Deadline:** July 23, 2001

## Draft Environmental Assessments



### (1) Moloka'i Youth Center Expansion

**District:** Moloka'i  
**TMK:** 5-3-02:5  
**Applicant:** County of Maui  
Department of Parks and Recreation  
1580 Ka'ahumanu Avenue  
Wailuku, Hawai'i 96793  
Contact: Patrick Matsui (270-7931)

**Approving Agency/Accepting Authority:** Same as above.  
**Consultant:** David W. Curtis (558-8284)  
P.O. Box 1829  
Kaunakakai, Hawai'i 96748

**Public Comment Deadline:** August 7, 2001  
**Status:** DEA First Notice pending public comment.  
Address comments to the applicant with copies to the consultant and OEQC.

**Permits Required:** Building

The project consists of a 1,500 sq. ft. addition to the existing Moloka'i Youth Center located in Kaunakakai, Moloka'i. The Youth Center is a five year old concrete masonry block structure, a part of the Maui County Department of Parks and Recreation Complex, which also includes a swimming pool and gymnasium - all important assets to a community that has few supervised extra-curricular activities for their youth. The additional floor space in the Youth Center will have a positive impact on the community by making it possible to increase the number and diversity of programs in which the young people of Moloka'i can participate.

A review of the Hawai'i State Environmental Policy, Chapter 344-3 "Policy" and Chapter 344-4 "Guidelines" indicate that additions to the Moloka'i Youth Center and its operation will not conflict with any of the provisions therein.

### Request for Proposals

#### For Watershed Partnership Projects Through the Hawaii Department of Land and Natural Resources

The Hawai'i Department of Land and Natural Resources (DLNR) is seeking proposals from Watershed Partnerships for projects that protect mauka forests and the water resources within the Protective (P) subzone of the Conservation District. Types of projects to be funded (but not limited to this list): implementation of watershed management plans; monitoring effects of watershed protection, access (including road and trail maintenance), development of watershed management plans; small-scale fencing projects; ungulate control; removal of invasive weeds from targeted areas; reforestation of target areas with native plants including rare species; community outreach programs to inform the public as large about landowner concerns; management activities; fire protection measures to address the wildfire threat. This program seeks to provide supplemental funding to support activities to protect, restore, or enhance our forests on which we depend for our water supply, and the natural and cultural resources which are an integral part of Hawai'i.

The Department will accept proposals for FY 2002 funding of new projects, through July 31, 2001. Notification of awards will be made in September 2001.

Funding authorization is given for a one year period from notification of award. All projects are subject to availability of funds.

For more information contact: Native Resources Program Manager, Division of Forestry and Wildlife, 1151 Punchbowl Street Room 224, Honolulu, Hawai'i 96813, Phone: (808) 587-0054; Fax: (808) 587-0064.

# Hawai'i Notices

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



### (1) Kuki'o Resorts Water System Improvements

**District:** North Kona  
**TMK:** 7-2-04:04 (por.)  
**Applicant:** WB Kuki'o Resorts, LLC  
P.O. Box 5349  
Kailua-Kona, Hawai'i 96745  
Contact: BJ Kobayashi (535-2133)

#### Approving Agency/Accepting

**Authority:** Department of Land and Natural Resources  
1151 Punchbowl Street, Room 220  
Honolulu, Hawai'i 96813  
Contact: Sam Lemmo (587-0381)

**Consultant:** PBR Hawaii-Hilo Office  
101 Aupuni St., Suite 310  
Hilo, Hawai'i, 96720  
Contact: James Leonard (961-3333)

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

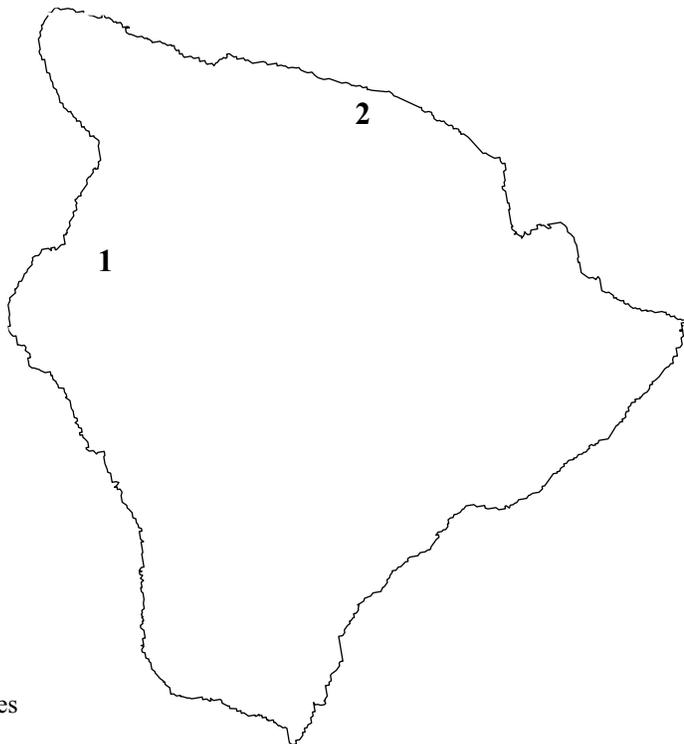
#### Permits

**Required:** CDUP, Grading, Building

WB Kuki'o Resorts, LLC is requesting approval for uses within the Conservation District and a utility lease of a 3.5 acre portion of state land for the purpose of providing potable and non-potable water related improvements. The specific uses which are proposed include a new 0.5 million gallon 620' water tank, an irrigation reservoir lake, a potable water treatment plant, and a six-foot high chain link perimeter fence. In addition, Kuki'o would construct a new 2-inch overland waterline from the irrigation reservoir to provide the County's West Hawai'i Veterans' Cemetery with water.

The relocation of the project's water tank to the proposed location seeks to avoid further impacts to Pu'u Muhe'enui, the only onsite location that would enable the 620-ft required elevation. In addition, a 2-acre escarpment from past quarrying actions at the Pu'u is proposed to be graded to naturalize the contours and rebuild the cut slopes.

The project would be constructed over a four year period and is anticipated to cost approximately \$2.9 million.



### (2) Pa'auilo Water Association Waterline Replacement Project

**District:** Hamakua  
**TMK:** 4-2-2  
**Applicant:** Pa'auilo Water Association  
811 Kanoiehua Avenue  
Hilo, Hawai'i 96720  
Contact: Ivan Nakano (935-2258)

#### Approving Agency/Accepting

**Authority:** Department of Transportation  
869 Punchbowl Street  
Honolulu, Hawai'i 96813  
Contact: Robert Taira (933-8866)

**Consultant:** Brian Nishimura (935-7692)  
101 Aupuni Street, #217  
Hilo, Hawai'i 96720

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

**Permits** DOT approval, County DWS approval

**Required:** NPDES

The Pa'auilo Water Association (PWA) is proposing to replace approximately 3,540 lineal feet of 2 1/2-inch waterline with a new 6-inch waterline within the Hawai'i Belt

Road right-of-way. The County of Hawai'i, Department of Water Supply (DWS) owns the existing 2 1/2-inch waterline and the new 6-inch waterline will be dedicated to the DWS upon completion. The proposed waterline replacement project will extend from the Ka'ohē Subdivision (west end) to the Kuka'iau Subdivision (east end) in the Hamakua District, Island of Hawai'i.

The new 6-inch waterline will connect to an existing 4-inch waterline along the south side of the Mamalahoa Highway, near the east end of 'A'amanu Stream Bridge (mile post 34.41). The waterline will cross under the highway, just east of 'A'amanu Stream Bridge, to the north side and then proceed in an easterly direction. The new 6-inch waterline will connect to an existing 4-inch waterline at its easterly terminus, near Kainehe Bridge (mile post 33.74). The proposed alignment will cross Kawali'i Gulch and the plan is to attach the 6-inch waterline to the Kawali'i Bridge. The existing 2 1/2-inch waterline will remain in service until the new line is ready for service. The new 6 inch waterline will be designed in accordance with current DWS and State Department of Transportation standards. The proposed project will take approximately three months to construct at a cost of approximately \$400,000.

## Previously Published Projects Pending Public Comments

### Final Environmental Impact Statements

#### ► Hapuna Beach State Recreation Area Expansion

**Applicant:** Department of Land and Natural Resources  
State Parks Division  
P.O. Box 621  
Honolulu, Hawai'i 96809  
Contact: Daniel Quinn (587-0290)

#### Approving Agency/Accepting

**Authority:** Governor, State of Hawai'i  
c/o Office of Environmental Quality Control  
235 S. Beretania Street, Suite 702  
Honolulu, Hawai'i 96813

**Status:** FEIS currently being reviewed by OEQC.



### Pacific Missile Range Facility Integrated Natural Resources Management Plan (INRMP)

An Integrated Natural Resources Management Plan (INRMP) has been prepared for the Pacific Missile Range Facility. This document presents a plan for land, fish and wildlife, and outdoor recreation management, while still supporting the installation's military mission.

The INRMP is required under the federal Sikes Act Improvement Amendments of 1997. Four INRMPs are being prepared for Navy installations in Hawaii. The others are Pearl Harbor, Naval Magazine (NAVMAG) Pearl Harbor, and Naval Computer and Telecommunications Area Master Station Pacific (NCTAMS PAC).

The study area for the PMRF INRMP is approximately 3,700 acres (1,498 hectares) on 16 parcels of land owned and leased by the Navy, including adjacent nearshore waters. Sites on Kaua'i include the main base at Barking Sands and support facilities at Kamokala Magazines, Makaha Ridge, and Koke'e. Other sites include Ka'ula Island, north-eastern Ni'ihau, and Mauna Kapu, O'ahu.

The PMRF INRMP is being prepared in cooperation with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and State of Hawaii Department of Land & Natural Resources. Other agencies (Department of Business, Economic Development & Tourism; Kauai County Planning Department) have also been contacted.

The INRMP identifies objectives and projects for implementation over the next ten years. It will be reviewed annually and updated every five years. An Environmental Assessment is being prepared for the INRMP management actions.

Copies of the INRMP are available at the Hanapepe, Kapa'a, Koloa, Lihu'e, Princeville, and Waimea Public Libraries on Kaua'i, and at the Main Library in Honolulu.

Written public review comments, if any, may be sent to the following address by Friday, August 3, 2001:

Pacific Division Naval Facilities Engineering Command  
258 Makalapa Drive, Suite 100  
Pearl Harbor, Hawai'i 96860-3134  
Attn. Mr. Stephen Smith, PLN232ss

# Kaua'i Notices

JULY 8, 2001

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

### (1) Anahola Village Residence Lots, Unit 1

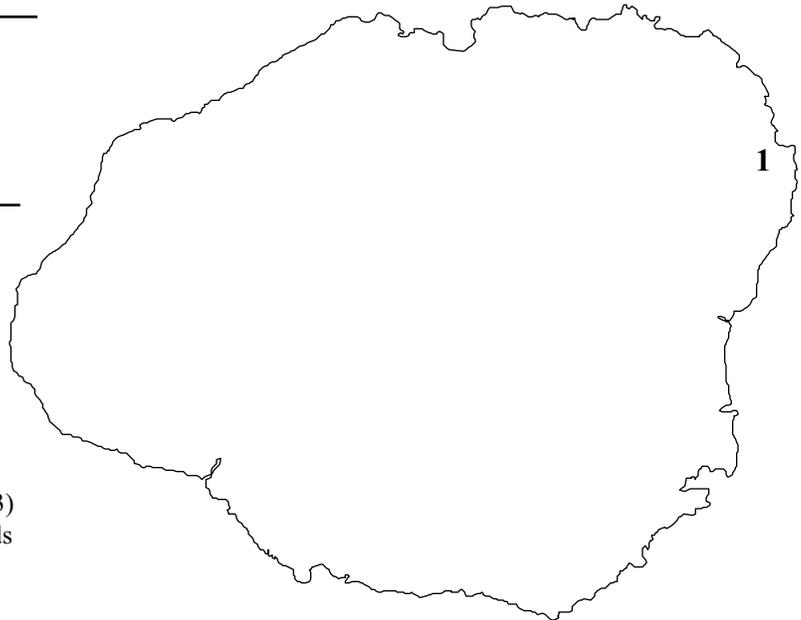
**District:** Kawaihau  
**TMK:** 4-8-03:05, 28; 4-8-08: por. 16 (lot 53)  
**Applicant:** Department of Hawaiian Home Lands  
P. O. Box 1879  
Honolulu, Hawai'i 96805  
Contact: Gerald Lee (586-3819)

#### Approving Agency/Accepting

**Authority:** Same as above.  
**Consultant:** NKN Project Planning  
4849 'Iwi Road  
Kapa'a, Hawai'i 96746  
Contact: Nadine Nakamura (822-0388)  
**Status:** FEA/FONSI issued, project may proceed.  
**Permits Required:** Subdivision

Proposed action is to consolidate and re-subdivide to create 11 residential lots ranging from 10,000 to 12,000 square feet in size and one remnant parcel approximately 35 acres in size.

Development of the property is proposed in two phases. The first phase involves the subdivision of 11 residential lots on approximately 2.642 acres. The second phase, which is not part of this environmental assessment, is to explore the feasibility of developing a retention basin and/or recreational area to serve Anahola Villages on the 35-acre parcel.



## Previously Published Projects Pending Public Comments

### Final Environmental Impact Statements

#### ● North Pacific Acoustic Laboratory

**Applicant:** University of California San Diego  
Scripps Institution of Oceanography  
IGPP-0225, 9500 Gilman Drive  
La Jolla, California 92093-0225  
Contact: Dr. Peter Worcester (858-534-8031)

#### Approving Agency/Accepting

**Authority:** Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawai'i 96809  
Contact: Traver Carroll (587-0439)

**Status:** FEIS currently being reviewed by the Department of Land and Natural Resources.

# Environmental Council Notices

JULY 8, 2001

## Tentative Environmental Council Meetings

The Environmental Council is tentatively scheduled to meet on *Wednesday, July 11, 2001* at 2:30 p.m.

The Council's subcommittees are tentatively scheduled to meet the same day prior to the full Council meeting. Please call on or after July 5, 2001 for confirmation on the meetings time and place.

# Shoreline Notices

## Shoreline Certification Applications

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

Case No.	Date	Location	Applicant	TMK
KA-157	6/18/01	Portion of Allotment Number 10-A, Partition of "Hui Lands of Moloaa" Moloaa, Kauai, Hawaii Address: Not assigned -Seaward of Moloaa Road (Moloaa Bay) Purpose: <u>Building Permit</u>	Caires Land Surveying, for William Miller	4-9-14: 06
OA-832	6/19/01	Lot 882, Land Court Application 578, land situated at Kuliouou 1 <sup>st</sup> , Honolulu, Island of Oahu, Hawaii Address: 216 Paiko Drive Purpose: <u>Building Permit</u>	Walter P. Thompson, Inc., for John Cavanah	3-8-01: 03
OA-833	6/19/01	Lot 62 of Sunset Beach Lots, File Plan 256, land situated at Pupukea, Koolauloa, Island of Oahu, Hawaii Address: 59-209E Ke-Nui Road Purpose: <u>Building Permit</u>	Walter P. Thompson, Inc., for Howard Farrant	5-9-2: 66
OA-834	6/21/01	Lots 13-K and 14-F as shown on Map 10 of Land Court Application 242, land situated at Puuloa, Ewa, Island of Oahu, Hawaii Address: 91-277 Ewa Beach Road, Ewa Beach Purpose: <u>Consolidation and Resubdivision</u>	Jaime F. Alimboyoguen, for Ed and Gail Wayne	9-1-23: 29
OA-835	6/26/01	Grant S-14,745 as shown on C.S.F. Map 20,680, land situated at Puuloa, Ewa, Island of Oahu, Hawaii Address: 91-221 Ewa Beach Road, Ewa Beach Purpose: <u>Consolidation and Resubdivision</u>	ControlPoint Surveying, Inc., for Gerald Williams M., Trustee	9-1-23: 18
HA-012-2	6/28/01	Land Commission Award 5682 to Keaupuni, portion of R. P. 4475, Land Commission Award 7713, Apana 7 to V, Kamamalu, being a portion of Unit II-A of Keaouhou Kona Surf and Racket Club, (File Plan 1506), land situated at Kahaluu and Keaouhou 1, North Kona, Island of Hawaii, Hawaii Address: 78-6800 Alii Drive, Kailua-Kona Purpose: <u>Building Permit</u>	Wes Thomas Associates, for AOA Keaouhou Kona Surf and Racquet Club	7-8-13: por. 03

# Shoreline Notices

JULY 8, 2001

## 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, Hawai'i 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	Location	Applicant	TMK
MO-065	6/25/01 Certified	Part B, portion of R.P. 5458, Land Commission Award 5191 to Kahiaina, at Waialua, Molokai, Hawaii Address: Not Assigned - Vacant Purpose: <u>Construct Beach House</u>	Robert K. Sing, LPLS for Arthur K. Chu, Trust	5-7-03: 68
OA-828	6/25/01 Certified	Lot 324 as shown on Map 48 of Land Court Application 616, land situated at Kailua, Koolaupoko, Island of Oahu, Hawaii Address: 1318 Mokulua Drive Purpose: <u>Calculate building potential</u>	Wesley T. Tengan, for Kenneth T. Olds, Jr. etal	4-3-4: 76
OA-654-2	6/25/01 Certified	Lot 62-B of the Pupukeya-Paumalu Beach Lots, land situated at Pupukeya-Paumalu, Koolauloa, Island of Oahu, Hawaii Address: 59-269 Ke-Nui Road Purpose: <u>Obtain Building Permit</u>	Walter P. Thompson, Inc., for Keven David	5-9-19: 47
MA-250	6/25/01 Certified	Lot 1 of the Kihei Boat Ramp Subdivision, being a portion of Government Land and Government Beach Reserve of Kamaole, situated at Kamaole, Kihei, Wailuku, Maui, Hawaii Address: South Kihei Road Purpose: <u>Improvement to Kamaole Beach Park</u>	A & B Properties Inc., for County of Maui	3-9-04 por. of 1 & 61
OA-304-2	6/25/01 Certified	Lot 1584 as shown on Map 220 of Land Court Application 242, land situated at Puuloa, Ewa, Island of Oahu, Hawaii Address: 91-566 Aekai Place, Ewa Beach Purpose; <u>Calculate building potential</u>	Wesley T. Tengan, for Lillian F. Shiraki, Revocable Trust	9-1-07: 78
OA-751-2	6/25/01 Certified	Lot 1, File Plan 279, Niu Beach Lots, Portion of former Kalaniana'ole Highway and Accreted Land, at Niu, Waikiki, Honolulu, Oahu, Hawaii Address: 5857 Kalaniana'ole Highway Purpose: <u>Building Permit</u>	Walter P. Thompson, Inc., for Steven K. Baker	3-7-02: 01
OA-822	6/25/01 Certified	Reclaimed (Filled) Land of Kaneohe Bay Parcel, Lot 45 as shown on Map 6 of Land Court Consolidation 51, land situated at Punaluu, Kaneohe, Koolaupoko, Island of Oahu, Hawaii Address: 45-004 Bayside Place, Kaneohe Purpose: <u>Consolidation</u>	Homestead Realtors, for Mr. Alfred Medford	4-5-58: 45

# Pollution Control Permits

JULY 8, 2001

## 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 Date	Proposed Use
Clean Air Branch, 586-4200, Temporary Covered Source Permit	Goodfellow Brothers, Inc. CSP 0242-01-CT (Amendment)	Various Temporary Sites, State of Hawaii Initial Location: 480C Welakahao Rd., Kihei, Maui	Issued: 6/14/01	780 TPH Stone Processing Plant with 500 kW or 1,000 kW Diesel Engine Generator
Clean Air Branch, 586-4200, Temporary Covered Source Permit	R.H.S. Lee, Inc. CSP 0495-01-CT	Various Temporary Sites, State of Hawaii Initial Location: Waiohai Beach Resort, Poipu, Kauai	Issued: 6/18/01	638 TPH Mobile Crushing Plant with 300 Hp Diesel Engine

# Coastal Zone News

## Special Management (SMA) Minor Permits

Pursuant to Hawai'i Revised Statute (HRS) 205A-30, the following is a list of SMA Minor permits that have been approved or are pending by the respective county agency. For more information about any of the listed permits, please contact the appropriate county Planning Department. City & County of Honolulu (523-4131); Hawai'i County (961-8288); Kaua'i County (241-6677); Maui County (270-7735).

Location	Description (File No.)	Applicant/Agent
Kauai: Kilauea (TMK 5-1-05:004)	Temporary film scenes and construction of set huts.	Fox Family Network/Angela Tillson
Kauai: Kekaha (TMK: 1-2-2:007)	Pavilions and shower.	County of Kauai, Department of Public Works
Maui: Keokea (TMK 3-9-8:8)	Pederson Residence/Greenho Use	Craig Murayama
Maui: Ulupalakua (TMK 2-1-8:61)	AT&T Antenna at Outrigger Wailea. Pending	Gwen Ohashi Hiraga
Maui: Pauwela (TMK 2-7-13:32)	Pump House/40,000 Gallon Water Tank. Pending	Douglas Gomes
Maui: Wailuku (TMK 3-8-2:64)	Country Club Lots Subdivision. Pending	Wayne Arakaki
Maui: Keokea (TMK 3-9-2:28)	Azeka Place II Hale, Trellis & Reno. Pending	Robert Fox
Maui: Keokea (TMK 3-9-2:83)	Kihei Prof. Plaza Canopy. Pending	Robert Fox
Maui: Keokea (TMK 3-9-8:27)	Azeka Place I Entry Hale. Pending	Robert Fox
Maui: Napili (TMK 4-2-1:24)	Anderson Res. At Kapalua Bay Villas. Pending	Marie Kimmey
Oahu: Black Point 206 Kulamanu Place (TMK 3-1-040: 003)	Gate and repair to concrete rubble masonry wall within SMA, and six-foot high chain link fence within the Shoreline Setback Area and SMA (2001/SMA-33 & 2001/MSS-8)	Henrik Falktoft/Don Shaw

# Coastal Zone News

JULY 8, 2001

## Federal Consistency Reviews

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawai'i Revised Statutes. This public notice is being provided in accordance with section 306(d)(14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawaii CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lana'i & Moloka'i: 486-4644 x7-2878, Kaua'i: 274-3141 x7-2878, Maui: 984-2400 x7-2878 or Hawai'i: 974-4000 x7-2878.

For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review and can be mailed to: David W. Blane, Director, Office of Planning, Department of Business, Economic Development and Tourism, P.O. Box 2359, Honolulu, Hawai'i 96804. Or, fax comments to the Hawai'i CZM Program at 587-2899.

### (1) Federal Grant Application for Research of Ulua Movement Patterns, Statewide

**Federal Action:** Federal Assistance – Sport Fish Restoration Program

**Federal Agency:** U.S. Fish and Wildlife Service

**Applicant:** State of Hawai'i Dept. of Land & Natural Resources, Division of Aquatic Resources  
Contact: Michael Fujimoto, 587-0085

**Location:** Statewide, from headquarters in Honolulu, O'ahu

**CZM Contact:** Debra Tom, 587-2840

**Proposed Action:**

The Department of Land and Natural Resources, Division of Aquatic Resources proposes to obtain data useful for management decisions to enhance nearshore carangid populations. This project will involve analysis of data to ascertain typical movement patterns by species, size range, habitat structure, time of year and other appropriate variables.

**Comments Due:** July 23, 2001

### (2) Proposed Reconstruction of the Shore Protection for Tern Island, French Frigate Shoals, Hawaiian Islands National Wildlife Refuge, Northwest Hawaiian Islands, Hawai'i

**Federal Action:** Federal Permit, Department of the Army Permit (No. 200100305)

**Federal Agency:** Department of the Army  
Contact: William Lennan, 438-6986

**Applicant:** U.S. Fish and Wildlife Service (USFWS)  
Contact: Steve Barclay, 541-1699 x176

**Location:** Tern Island, French Frigate Shoals, Hawaiian Islands National Wildlife Refuge, Northwest Hawaiian Islands, Hawai'i

**CZM Contact:** Debra Tom, 587-2840

**Proposed Action:**

The USFWS proposes to replace the severely corroded sheet pile retaining wall with new sheet pile and rock revetment. The proposal also includes replacement of an existing small boat dock and davit with a new concrete dock, ramp and davit. These shore protection measures would protect the field station facilities, important terrestrial wildlife habitat, and existing sandy beach along the southern shore.

**Comments Due:** July 23, 2001

### (3) Install Underground Cable Duct Bank at the FAA Facility at Koko Head, O'ahu

**Federal Action:** Federal Agency Activity

**Federal Agency:** Federal Aviation Administration (FAA)  
Contact: Keith Lusk, (310) 725-6925

**Location:** FAA Facility at Koko Head, O'ahu

**CZM Contact:** John Nakagawa, 587-2878

**Proposed Action:**

Install an underground cable duct bank (120 feet long, 2 feet wide, 3 feet deep) to bury and provide protection for an existing telephone cable that presently lies atop the ground where it is exposed to the elements and possible damage.

**Comments Due:** July 23, 2001

## CZM Advisory Groups

### Coastal Erosion Group

**Date:** Thursday, July 12, 2001

**Time:** 9:00 a.m. - 11:30 a.m.

**Location:** 235 South Beretania Street, 6<sup>th</sup> Floor

**CZM Contact:** Debra Tom, 587-2840

### Ocean Resources Management Plan Investigative Group

**Date:** Friday, July 27, 2001

**Time:** 10:00 a.m. – 12:00 p.m.

**Location:** 235 South Beretania Street, 6<sup>th</sup> Floor

**CZM Contact:** Lea Dizol, 587-2831

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## U.S. Supreme Court Rules on Regulatory Takings in *Palazzolo v. Rhode Island*

The U.S. Supreme Court has ruled in the case of *Palazzolo v. Rhode Island* which may have far reaching implications for agencies involved in natural resources conservation/management or land use planning. The case involved a petitioner and associates who incorporated in 1959 to purchase a waterfront parcel of Rhode Island land most of which was and still is, salt marsh subject to tidal flooding. Subsequent to purchase, the petitioner unsuccessfully sought permits to develop the property. After 1966, the petitioner submitted no permit applications agencies. Two intervening events, however, become important to this case: First, in 1971, the State created respondent Rhode Island Coastal Resources Management Council (Council) and charged it with protecting the State's coastal properties. The Council's regulations, known as the Rhode Island Coastal Resources Management Program (CRMP), designated salt marshes like those on SGI's property as protected "coastal wetlands" on which development is greatly limited. Second, in 1978 the corporation's corporate charter was revoked, and title to the property passed to petitioner as the corporation's sole shareholder. In 1983 petitioner applied to the Council for permission to construct a wooden bulkhead and fill his entire marsh land area. The Council rejected the application, concluding, inter alia, that it would conflict with the CRMP. In 1985 petitioner filed a new application with the Council, seeking permission to fill 11 of the property's 18 wetland acres in order to build a private beach club. The Council rejected this application as well, ruling that the proposal did not satisfy the standards for obtaining a "special exception" to fill salt marsh, whereby the proposed activity must serve a compelling public purpose. Subsequently, petitioner filed an inverse condemnation action in Rhode Island Superior Court, asserting that the State's wetlands regulations, as applied by the Council to his parcel, had taken the property without compensation in violation of the 5<sup>th</sup> and 14<sup>th</sup> amendments to the U.S. Constitution. The suit alleged the Council's action deprived him of "all economically beneficial use" of his property, resulting in a total taking requiring compensation under *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, and sought \$3,150,000 in damages, a figure derived from an appraiser's estimate as to the value of a 74-lot residential subdivision on the property. The Rhode Island Superior Court ruled against petitioner, and the Rhode Island Supreme Court affirmed, holding that (1) petitioner's takings claim was not ripe; (2) he had no right to challenge regulations predating 1978, when he succeeded to legal ownership of the property; (3) he could not assert a takings claim based on the denial of all economic use of his property in light of undisputed evidence that he had \$200,000 in development value remaining on an upland parcel of the property; and (4) because the regulation at issue predated his acquisition of title, he could have had no reasonable investment-backed expectation that he could develop his property, and, therefore, he could not recover under *Penn Central Transp. Co. v. New York City*, 438 U.S. 104, 124. While the U.S. Supreme Court noted that the Rhode Island Supreme Court did not err in finding that the petitioner failed to establish a deprivation of all economic use, it also reversed the Rhode Island Supreme Court's decision by noting that the petitioner's takings claim was ripe and noted that the petitioner's acquisition of title after the regulations' effective date did not bar his takings claims. The U.S. Supreme Court remanded the case back to the Rhode Island Supreme Court for

review. To see the full text of the opinion please refer to <http://supct.law.cornell.edu/supct/html/99-2047.ZS.html> (Supreme Court of the United States, *Palazzolo v. Rhode Island et alia, certiorari to the Supreme Court of Rhode Island*, No. 99—2047. Argued February 26, 2001— Decided June 28, 2001)

## Shark Finning Proposed Rule and Public Hearing

NMFS proposes a rule that would implement the provisions of the Shark Finning Prohibition Act (Act) that prohibit any person under U.S. jurisdiction from engaging in shark finning in waters seaward of the inner boundary of the U.S. exclusive economic zone (EEZ), possessing shark fins harvested in waters seaward of the inner boundary of the U.S. EEZ on board a fishing vessel without corresponding shark carcasses, or landing shark fins harvested in waters seaward of the inner boundary of the U.S. EEZ without corresponding carcasses. Comments must be received at the appropriate address (Dr. Rebecca Lent, Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802) or telephone facsimile number (562) 980-4047 no later than 5 p.m. Pacific daylight time on July 30, 2001. Comments may also be submitted at a public hearing to be held on the proposed rule on July 11, 2001, NOAA Auditorium, 1301 East-West Highway, Silver Spring, MD, 5 p.m. EDT. For more information, please contact Charles Karnella, Administrator, Pacific Island Area Office, NMFS, at (808) 973-2935 (see, 66 F.R. 34401, June 28, 2001).

## Marine Mammal Permit for Cetacean Research

The National Marine Fisheries Service (NMFS) has issued a permit to take several species of small cetaceans for purposes of scientific research to Whitlow W.L. Au, University of Hawai'i, Hawai'i Institute of Marine Biology, Marine Mammal Research Program, PO Box 1106, Kailua, Hawai'i 96734. Write or telefax comments on or before July 27, 2001. Call Lynne Barre or Trevor Spradlin for more information at (301) 713-2289 (see, 66 F.R. 34155, June 27, 2001)

## Safety Zone for Ehime Maru Relocation and Crew Member Recovery

The Coast Guard wants to establish four temporary safety zones south of O'ahu, Hawai'i to protect vessels and mariners from the hazards associated with vessel relocation and crew member recovery operations of the Japanese Fisheries High School Training Vessel EHIME MARU, which sank after being struck by the submarine USS GREENEVILLE (SSN 772). Entry into these zones will be prohibited unless authorized by the Captain of the Port of Honolulu. Comments and related material must reach the Coast Guard on or before July 30, 2001. Send comments to U.S. Coast Guard Marine Safety Office Honolulu, 433 Ala Moana Boulevard, Honolulu, Hawai'i, 96813. For

# Federal Notices

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further information contact: Lieutenant Mark Willis, U.S. Coast Guard Marine Safety Office Honolulu, Hawai'i at (808) 522-8260 (see, 66 F.R. 34380, June 28, 2001).

## Guidance for Fiscal Year 2001 Coral Reef Management Funding

The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Department of the Interior (DOI) are soliciting proposals from the U.S. Flag Island jurisdictions of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Hawai'i, Puerto Rico, and the U.S. Virgin Islands for the purpose of coral reef conservation and management. NOAA and DOI must receive Applications for cooperative agreements by June 29, 2001. NOAA and DOI will send comments back to Islands by July 20, 2001. Final complete application must be received by NOAA and DOI by August 3, 2001. Applications should be sent to John King, Acting Chief, CPD/OCRM, N/ORM-3, National Ocean Service, 1305 East-West Highway, Silver Spring, MD 20910, and Karen Koltes, Coral Reef Program Manager, Office of Insular Affairs, MS 4328 Department of the Interior, Washington, DC 20240 (see, 66 F.R. 34425, June 28, 2001)

## Environmental Regulatory Enhancement Funds

The Administration for Native Americans (ANA) anticipates availability of fiscal year 2002 funds in three competitive areas one of which is environmental regulatory enhancement. The closing date is March 22, 2002. Financial assistance provided by ANA in support of projects in these three areas is intended to promote the goal of self-sufficiency for Native Americans. Application Kit: Application kits are approved by the Office of Management and Budget (OMB) under control number 0980-0204, which expires April 30, 2003. The application kit contains the necessary forms and instructions to apply for a grant under this program announcement. Application kits may be obtained from ANA training and technical assistance providers. ANA employs contractors to provide short-term training and technical assistance (T/TA) to eligible applicants. T/TA is available under these contracts for a wide range of needs, however, the contractors are not authorized to write applications. The T/TA is provided at no cost. To obtain an application kit and/or, training and technical assistance, applicants are encouraged to contact the appropriate T/TA provider within the appropriate service area. If you do not know the identity of the contractor currently serving the region you are located in, you may identify the contractor by calling: Administration for Native Americans, Applicant Help Desk, toll free at 1-877-922-9262; or visit ANA's web site listing of current providers at: <http://www.acf.dhhs.gov/programs/ana/>. Area 5, Pacific serves all eligible applicants in Hawai'i and the Pacific Islands of American Samoa, Guam, Northern Mariana Islands and Palau. Area 6, National serves all eligible applicants on the mainland United States not served by providers for areas 1 through 5. This includes non-federally recognized Tribes, Urban Indians, off-reservation rural Indian communities, Native Americans served through non-federally recognized urban and consortia arrangements and Orga-

nizations serving Native Hawaiians and Pacific Island Natives on the Mainland. Copies of this program announcement and many of the required forms may be obtained electronically at the ANA World Wide Web Page: <http://www.acf.dhhs.gov/programs/ana/>. The printed Federal Register notice is the only official program announcement. Although all reasonable efforts are taken to assure that the files on the ANA World Wide Web Page containing electronic copies of this Program Announcement are accurate and complete, they are provided for information only. The applicant bears sole responsibility to assure that the copy downloaded and/or printed from any other source is accurate and complete. Ongoing for fiscal year 2002, are two White House Initiatives relating to Hawaiians and Pacific Islanders and People with Disabilities. In accordance with the Executive Order on Asian American and Pacific Islanders, ANA encourages greater participation from Hawaiian and Pacific Islander communities (see, 66 F.R. 34206, June 27, 2001).

## Governors' Designees To Receive Advance Notification of Transportation of Nuclear Waste

Gary Gill, Deputy Director for Environmental Health, Department of Health, State of Hawai'i, P.O. Box 3378, Honolulu, Hawai'i 96801, telephone (808) 586-4424, has been designated as Governor Benjamin Cayetano's official representative to receive advance notification of the transportation of spent nuclear reactor fuel and large quantity shipments of radioactive waste. Questions regarding this matter should be directed to Spiros Droggitis, Office of State and Tribal Programs at (301) 415-2367 (see, 66 F.R. 34724, June 29, 2001).

## Administrative Waiver of the U.S. Build Requirement for the vessel FANTASEA

The Maritime Administration of the Department of Transportation has received a request for a waiver of the U.S.-build requirement of the coastwise laws. The name of vessel and owner for which waiver is requested is FANTASEA owned by Fantasea, LLC. According to the applicant: the vessel is "65 feet in length and has twin 650HP Man diesel engines. Her weight is 40 tons." According to the applicant: "the vessel is to be used for recreational snorkeling and scuba diving within the Hawaiian Islands." The vessel was constructed in 1995 in Mission, Canada. In a statement on the impact this waiver will have on other commercial passenger vessel operators, the applicant notes that "this application would have no impact on existing operations as boats operating from Hononokau Harbor on the island of Hawai'i are used for sports fishing." In a statement on the impact this waiver will have on U.S. shipyards, the applicant notes that "this waiver should have no effect on U.S. shipyards as none are located on the Hawaiian Islands that build this type of vessel." Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that

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the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted. Submit comments (which refer to Docket Number MARAD-2001-9996) on or before July 30, 2001 to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001 (see, 66 F.R. 34515, June 28, 2001).

## **Boundary and Annexation Survey (BAS) of the Census Bureau - Hawaiian Home Lands**

The Census Bureau conducts the Boundary and Annexation Survey (BAS) to collect and maintain information about the inventory of, the legal boundaries for, and the legal actions affecting the boundaries of counties and equivalent entities, incorporated places, minor civil divisions, and federally recognized legal American Indian and Alaska Native areas. The BAS also will include each year a single respondent request for municipio, barrio, barrio-pueblo, and subbarrio

boundary and status information in Puerto Rico and Hawaiian home land boundary and status information in Hawaii. Send comments on this plan to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via e-mail to: [mclayton@doc.gov](mailto:mclayton@doc.gov)) and submitted on or before August 27, 2001. Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Nancy Goodman, Geography Division, U.S. Census Bureau, Washington, DC 20233-7400, or call (301) 457-1099 (see, 66 F.R. 33946, June 26, 2001)

