

The Environmental Notice

A SEMI-MONTHLY PERIODIC BULLETIN (HRS 343-3) OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL

JULY 8, 2007

Coastal Publications Available

The Sea Grant College Program has published two guidance documents: *Purchasing Coastal Real Estate in Hawai'i* (August 2006) by Dolan Eversole and Zoe Norcross-Nu'u; and the *Hawai'i Coastal Hazard Mitigation Guidebook* by Dennis J. Whang. The first guidance (*Purchasing Coastal Real Estate*) focuses on basic questions to consider for potential investors in coastal real estate. The second guidance (*Coastal Hazard Mitigation*) was designed for a wide and varied audience from planners and architects to homeowners and government agencies. The guidance complements the Federal Emergency Management Agency's Coastal Construction Manual with a special emphasis on land use planning and siting. The purpose of the guidebook is to reduce the risk to coastal development by planning for natural hazards such as erosion, flooding, tsunamis and hurricanes. To order copies of the above documents, please contact the University of Hawai'i Sea Grant College Program, 2525 Correa Road, HIG 208, Honolulu, Hawai'i 96822, telephone (808) 956-7410, facsimile (808) 956-3014, electronic mail uhsgcomm@hawaii.edu.

OEQC File Transfer Server

To access the documents on OEQC's file transfer server, please type www.oeqc.net into your favorite Internet Web Browser. A new page with a single link will open. Click on the link that will take you to the OEQC Environmental Notice page. In the middle of the page a flash icon next to the link entitled "Click here to access pdf copies of available EA's and EIS's". Click on the link that will take you to the OEQC File Transfer site. On the site page, you will see folders and files related to: 2004 Guidebook; How to Plant a Native Hawaiian Garden; Judicial Districts; Locator Database; Locator Excel; New Publication Form; Draft EA; Draft EIS; EISPN; Environmental Council; Final EA; Final EIS; Miscellaneous Documents; NEPA; and, Proposed Exemption Lists. Please ascertain your own computer system requirements before downloading any of the files - some of these files are quite large (several hundreds of megabytes). For more information, please call the Office of Environmental Quality Control at (808) 586-4185

The State of Hydrological Science in Hawai'i, August 13, 2007

The Water Resources Research Center of the University of Hawai'i at Manoa has issued a preliminary announcement for a Symposium on the *State of Hydrological Science in Hawai'i*, to be held on Monday, **August 13, 2007**. This symposium is stimulated by the release last year of Dr. L. Stephen Lau and Mr. John Mink's *Hydrology of the Hawaiian Islands* by the University of Hawai'i Press; this work provides a basic understanding of hydrology for the general reader and also goes into depth for readers more familiar with the discipline in Hawai'i. The goal of the upcoming symposium is to bring together persons who work or study in the field of hydrology, in all its aspects, to review the development of Hawaiian hydrology and discuss topics for future development. The symposium will address the topic of hydrology by the natural divisions of atmospheric, surface, soil, ground, and coastal waters. Emeritus Professor of Geology and Geophysics Frank Peterson will serve as moderator. Speakers - including UH Geography Professor Tom Giambelluca, Oceanography Specialist Steve Dollar, and U.S. Geological Survey Hydrologist Delwyn Oki - will each deliver a short talk. A discussion open to all attendees will follow. The symposium will be held on August 13, 2007, at 8:30 A.M. in the morning and should be finished by 1:00 P.M. in the afternoon. A light lunch and refreshments will be provided. Please mark the date on your calendar and plan to attend. Further details are forthcoming from the Water Resources Research Center.

Kapalua Coastal Trail

The County of Maui has issued a final environmental assessment and finding of no significant impact for the Kapalua Coastal Trail. The paved trail segment fronting the Coconut Grove condominiums is already approved and in place (Segment 2). It is not part of the SMA or other permitting requirements necessary for the implementation of the greater trail outside the boundaries of the Coconut Grove condominium property. However improvements to this existing trail within the Coconut Grove condominium property are necessary and permitting for these improvements will be handled independently of the permitting requirements necessary for the implementation of the greater trail outside the boundaries of the Coconut Grove condominium property. Nonetheless the paved trail segment fronting the Coconut Grove condominiums is considered in this EA in terms of overall (cumulative) impact of the trail. For more information, please see page xx.



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we provide access to our activities without regard to race, color, national origin (including language), age, sex, religion, or disability. write or call OEQC or our departmental Affirmative Action Officer at Box 3378, Honolulu, HI 96801-3378 or at (808) 586-4616 (voice/tty) within 180 days of a problem. OEQC intends to make the information in this bulletin accessible to everyone. Individuals that require this material in a different format (such as large type or braille), should contact our office for assistance.

Definitions

Your guide to the Environmental Review Process

Draft Environmental Assessment

A project or action that may affect the environment cannot be implemented until an Environmental Assessment (EA) is prepared in accordance with Chapter 343, Hawai'i Revised Statutes (HRS). If the lead State or county agency (the *proposing agency* for agency actions, or the *approving agency* for applicant actions) anticipates that the project will have no significant environmental impact, then affected agencies, individuals, and organizations must be consulted and a Draft EA (DEA) is written and public notice is published in this periodic bulletin (see, section 343-3, HRS) known as the *Environmental Notice*. The public has 30 days to comment on the Draft EA from the date of the first notice.

Final Environmental Assessment and Finding of No Significant Impact

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

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

When a lead agency decides that a project may have a significant environmental impact, an Environmental Impact Statement (EIS) must be prepared prior to implementing the project. Like the DEA (see *above*), affected agencies, individuals and organizations must be consulted prior to preparation of the final EA (FEA) and issuance of a determination called an EIS preparation notice (EISPN). (The EA is called *final*, to distinguish it from the draft, above). After the FEA is written by the lead agency, and notice of the FEA and EISPN is published in the this periodic bulletin, any agency, group, or individual has 30 days from the first publication of the EISPN to request to become a consulted party and to make written comments regarding the environmental effects of the proposed action. The public (including an applicant) has 60 days from the first notice of an EISPN in this periodic bulletin to ask a court to not require the preparation of an EIS.

Draft Environmental Impact Statement

After receiving the comments on the FEA and EISPN (see *above*), the lead agency or private applicant must prepare a Draft Environmental Impact Statement (DEIS) prior to project implementation. This document must completely disclose the likely impacts of a project. Direct, indirect and cumulative impacts must be discussed along with measures proposed to mitigate them. The public has 45 days from the first publication date in this periodic bulletin to comment on a DEIS. The DEIS must respond to comments received during the FEA-EISPN comment period in a *point-by-point* manner.

Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the agency or applicant must prepare a Final EIS (FEIS). The FEIS must respond in a *point-by-point* manner to all comments from the draft stage. Requisite deeper analyses must be included in the FEIS. For applicant projects, the approving agency is authorized to accept the FEIS. For agency project the Governor or the county mayor is the accepting authority. Only after the EIS is accepted may the project be implemented.

Acceptability

If the FEIS is accepted, the law requires that notice of this be published in this periodic bulletin. The public has 60 days from the date of first notice of acceptance to ask a court to vacate the acceptance of an EIS. In the case of applicant actions, the law requires that an approving agency must make a determination on acceptance within thirty-days of receipt of the FEIS or the FEIS is deemed accepted. Also, for applicant actions, the law provides for an administrative appeal of a non-acceptance to the Environmental Council.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare an EA or EIS. It many ways it is similar to Hawai'i's law. Some projects require both a state (and county) and federal EIS and the public comment procedure should be coordinated. Although not required by law, the OEQC publishes NEPA notices in this periodic bulletin to help keep the public informed of important federal actions.

Conservation District

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

Special Management Area

The Special Management Area (SMA) is along the coastlines of all our islands and development in this area is generally regulated by Chapter 205A, HRS and county ordinance. A special subset of the SMA that is regulated by Chapter 343, HRS is the Shoreline Setback Area. Most development in this area requires a Special Management Permit (SMP). This periodic bulletin posts notice of these SMP applications to encourage public input.

Shoreline Certifications

State law requires that Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback (an area contained between the certified shoreline and a prescribe distance inland (usually 40 feet) from the certified shoreline). The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This periodic bulletin publishes notice from the Department of Land and Natural Resources of both shoreline certification applicants and of final certifications or rejections.

Environmental Council

The Environmental Council is a fifteen-member citizen board appointed by the Governor to advise the State on environmental concerns. The council makes the rules that govern the Environmental Impact Statement process. The agendas of their regular meetings are published on the Internet at <http://www.ehawaii.gov.org/calendar> and the public is invited to attend.

Exemption Lists

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

Endangered Species

This periodic bulletin is required by Section 343-3(c), HRS, to publish notice of public comment periods or public hearings for habitat conservation plans (HCP), safe harbor agreements (SHA), or incidental take licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).

Hawai'i Notices

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Amy Greenwell Ethnobotanical Garden Visitor Education Center and Parking Lot (HRS 343 DEA)

District: South Kona
TMK: (3rd) 8-2-13: 02 & 05

Applicant: The Bishop Museum, 1525 Bernice Street, Honolulu, Hawai'i 96817. Contact: Peter Van Dyke (808-323-3318).

Approving Agency: State of Hawai'i, Department of Accounting and General Services, P.O. Box 119, Honolulu, Hawai'i 96810. Contact: Clarence Kubo (808-586-0488).

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

Public Comment Deadline: August 7, 2007
Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

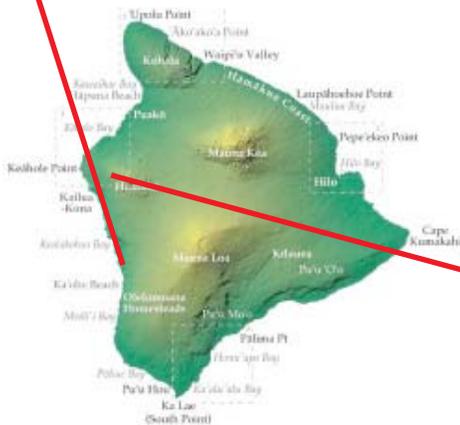
Permits Required: Hawai'i County Building Division Approval and Building Permit; Planning Department Plan Approval; Public Works Department Grading and Driveway Permits

The Bishop Museum is developing a visitor education center and parking lot at the Amy Greenwell Ethnobotanical Garden with assistance from a \$1.0 million State appropriation. The center will be built on a 1.718-acre property adjacent to the 13-acre Garden that was recently acquired by the Museum.

Phase 1 includes building a one-story 1,600 sf building with exhibit space, offices, and restrooms; landscape improvements; and a 15--space parking lot. The Museum is seeking funding for a second phase to include program space and a larger parking lot. The Garden, open to the public on weekdays, supports Hawaiian cultural traditions of plant use through on-site and outreach educational programs, school visits and activities, workshops, plant sales, and conservation.

The project would have a negligible effect on traffic in the area, as it would basically relocate an access and produce relatively few peak-hour trips. Short-term noise, air, and water quality impacts associated with grading and landscaping would be mitigated. A detention pond will be designed and built to retain the increase in runoff relative to pre-development conditions from a 50-year storm event.

Archaeological and cultural surveys of the previously graded site have concluded that no significant sites would be adversely affected. Work involving potential land disturbance will be strictly limited to the project site through contractor orientation and orange fencing to mark sensitive areas. If archaeological resources, Hawaiian cultural items or human remains are encountered during land-altering activities associated with construction, work in the immediate area of the discovery will be halted and the State Historic Preservation Division will be contacted. The Garden functions as an essential cultural resource by providing education in Hawaiian cultural traditions; the project will enhance the Garden's ability to provide these educational resources.



Keopu-Pu'uhonua Production Well & Reservoir (HRS 343 FEA-FONSI)

District: North Kona
TMK: (3rd) 7-5-001:115 & 7-5-001:044

Proposing Agency: County of Hawai'i, Department of Water Supply, 345 Kekuanao'a Street, Suite 20 Hilo, Hawai'i 96720. Contact: Milton Pavao (961-8050)

Determination Agency: Same as above.
Consultant: Planning Solutions, Inc., 210 Ward Avenue, Suite 330 Honolulu, Hawai'i 96814. Contact: Perry J. White (550-4483).
Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).

Permits Required: Building permits, NPDES Construction, Plan Approval (Hawai'i County), Pump installation permit, Well certification for drinking water use, Noise variance (possible)

The County of Hawai'i Department of Water Supply (DWS) proposes to convert an existing exploratory well on its Keopu-Pu'uhonua site to a 650-gallon per minute capacity production well and to construct a 1.0 million gallon reservoir to provide storage. The permanent pump motor will draw electrical power from an underground power line that DWS will install along the existing access road. The facility includes a single-story, 900 square-foot control building to house the chlorination system and equipment needed to start and stop the well pump. In conjunction with the well development, DWS plans to install a Supervisory Control and Data Acquisition (SCADA) antenna that would enable it to monitor the new well in conjunction with its other facilities. Water from the well will augment water from the present water sources in the southern portion of the North Kona Water System.

DWS may seek Federal funding for the project under the Drinking Water State Revolving Fund (DWSRF) program administered by the Safe Drinking Water Branch of the State Department of Health. Awarding the funding would constitute a Federal

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action. Consequently, the Draft EA has been prepared under the dual legal authorities of Chapter 343, Hawai'i Revised Statutes/Hawai'i Administrative Rules §11-200 and the National Environmental Policy Act (NEPA).

DWS has concluded that construction and operation of the production well, reservoir, and electrical line would not have substantial adverse impacts on the environment. It proposes to mitigate short-term construction impacts by requiring the selected contractor to incorporate best management practices and mitigation measures into its work program. Consequently, it anticipates a Finding of No Significant Impact (FONSI) for the project.



Consultant: Planning Solutions, Inc., 210 Ward Avenue, Suite 330, Honolulu, Hawai'i 96814. Contact: Perry J. White (550-4483).

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

Permits Required: Building permit, DOT construction permit

Queen Ka'ahumanu Highway Waterline Crossing (HRS 343 FEA-FONSI)

District: South Kohala
TMK: None (State Highway right-of-way)
Proposing Agency: Department of Water Supply, County of Hawai'i, 345 Kekuanao'a Street, Suite 20, Hilo, Hawai'i 96720. Contact: Milton Pavao (961-8050).
Determination Agency: Same as above.

The proposed action involves installation of a 20-inch diameter waterline underneath the Queen Ka'ahumanu Highway. This will enhance the ability of the Department of Water Supply (DWS) to provide potable water from its Lalamilo water system to DWS customers in the Mauna Lani subdivision on the *makai* side of the highway. The section of waterline proposed within the highway right-of-way (ROW) is 482 feet long and would connect to existing waterlines on the *mauka* and *makai* sides of the highway. The proposed crossing is located approximately 100 feet south of the highway's intersection with Puako Beach Road. The area affected by the project is less than a quarter of an acre, and the construction period is anticipated to be eight weeks. Disturbance to the existing traffic lanes within the highway right-of-way will be limited to about a third of that time, and both lanes of traffic will be kept open and flowing at all times.

DWS has concluded that construction and operation of the proposed waterline crossing would not have substantial adverse impacts on the environment. Short-term construction impacts will be mitigated by requiring the selected contractor to incorporate best management practices and traffic control measures into its work program. Consequently, DWS anticipates issuing a Finding of No Significant Impact (FONSI) for the project.

Kaua'i Notices

Wainiha Booster Pump Station Renovation and Ha'ena Steel Tank Renovation, DOW Job No. 03-02 (HRS 343 DEA)

District: Hanalei
TMK: 5-8-002: 007 (booster station site); 5-8-002: 003, lot 1 (Ha'ena Steel Tank site).
Proposing Agency: County of Kaua'i, Department of Water, 4398 Pua Loke Street, Lihu'e, Hawai'i 96766. Contact: Keith Fujimoto (808) 245-5449.
Determination Agency: Same as above.
Consultant: Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, Hawai'i 96826. Contact: John L. Sakaguchi (808-946-2277).

Public Comment Deadline: August 7, 2007
Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the proposing agency with copies to the consultant and OEQC.

Permits Required: Office of Conservation and Coastal Lands Department Permit; building permit.

The County of Kaua'i, Department of Water (DOW), the agency responsible for management, control, and operations of the County's water system, is proposing to renovate and improve the Wainiha Booster Pump Station by construction of: a 144 square-foot above grade booster pump station, a 50-foot long, about 6 feet high, retaining wall; security fencing, and related improvements on a DOW-owned parcel adjacent to the existing below-grade booster pump station. In addition, an approximately 12-foot high retaining wall would be constructed around the existing 100,000-gallon Ha'ena Steel Tank which is

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located at the end of a 400-foot long unimproved road which connects Booster Station and Steel Tank. The DOW intends to pave the 400-foot long connecting road to improve the accessible route between the two DOW facilities, especially during raining conditions.

The Wainiha Booster Pump Station and Ha'ena Steel Tank project site is located in the Hanalei District of Kaua'i, about 3.4 miles west of Hanalei on the north side of Wainiha Powerhouse Road, about 900 feet west or mauka of Kuhio Highway, the main roadway along the North Shore of Kaua'i. The Booster Station is located within lands owned by the County of Kaua'i and identified as TMK: 5-8-002:007. The connecting road and Ha'ena Steel Tank are located on privately-owned land identified as TMK: 5-8-002:003.

The new Booster Pump Station project site will occupy an area of about 625 square feet, within the 2,275-square foot DOW-owned parcel. The Booster Pump Station project site will occupy an area which was previously cleared during construction of the existing below-grade booster station. The Ha'ena Water Tank is was constructed in 1970's by the DOW.



The Wainiha Booster Pump Station is needed to replace the existing one which was constructed below-grade. The existing below grade station has several drawbacks as it is difficult to maintain and often floods during rainy conditions. The new Booster Station will alleviate both these drawbacks and will allow placement of the electrical controls and instrumentation inside the building for weather protection.

The approximately 12-foot high retaining wall is needed at the Ha'ena Tank project site to construct an access road around the tank for maintenance purposes.

Since the Booster Station project site has been previously cleared, construction activities would primarily be related to construction of the above ground booster station and placement of the retaining wall. The Steel Tank retaining wall will require cutting away an embankment for placement of the 12-foot high wall. These activities will create dust and noise while work occurs on the project site. Once operational, the only activity would be occasional visits by DOW personnel to perform periodic monitoring and maintenance functions.

Maui Notices

Honolua Wao Kele (HRS 343 DEA)

District: Lahaina
TMK: (2)4-2-01:09
Applicant: Maui Land & Pineapple Company, Inc., 1000 Kapalua Drive, Lahaina, Hawaii 96761. Contact: Kalani Schmidt (808-669-5622).

Approving Agency: State of Hawai'i, Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, Hawai'i 96809. Contact: Kimberly Mills (808-587-0377).

Consultant: PBR Hawai'i, ASB Tower Suite 650, 1001 Bishop Street, Honolulu, Hawai'i 96813. Contact: Tom Schnell (808-521-5631).

Public Comment Deadline: August 7, 2007
Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

Permits Required: Conservation district use permit.



Honolua Wao Kele, located mauka of Honoapi'ilani Highway in the Honolua region of Maui is a ridge-top area bounded by Honolua and Papua Gulches. This former pineapple field is now vacant and fallow, with residual pineapple plants and invasive weed species such as Lantana, California grass, Formosan koa, ironwoods, and African tulip trees.

The Honolua Wao Kele Reforestation project will re-vegetate Honolua Wao Kele with native plants to provide for: native species re-vegetation and habitat improvement; wildlife habitat enhancement; watershed protection; and Hawaiian cultural education.

As part of the reforestation effort, invasive species will be removed and remaining pineapple plants and weed species will be plowed under and converted to fertilizer. Subsequent to the removal of invasive species, the area will be able to regenerate, enabling growth of and future planting of native species. The goal is for the area to become an established example of a diverse ecosystem appropriate for the region.

The establishment of permanent native groundcover will improve soil, minimize erosion, provide filtration for runoff, and protect the water quality of nearby gulches, which eventually feed into Honolua Bay.

The re-vegetation will result in a beneficial use of the environment by keeping the area as open space. Native plant material

grown in Honolulu Wao Kele may be used for replanting native species elsewhere in West Maui. The re-vegetation is not anticipated to result in negative impacts. Positive impacts are expected and no degradation of environmental quality is anticipated.

Kapalua Coastal Trail (HRS 343 FEA-FONSI)

District: Lahaina
TMK: (2) 4-2-04:04, 10, 12, 14-17, 24, 25, 32, 34, 37, & 43; 4-2-05:41, 42 & 49

Applicant: Maui Land & Pineapple Company, Inc., 1000 Kapalua Drive, Lahaina, Hawai'i 96761. Contact: Yarrow Flower (808-669-5622)

Approving Agency: County of Maui, Planning Department/ Maui Planning Commission, 250 South High Street, Wailuku, Hawai'i 96793. Contact: Michael Foley (808-270-7735)

Consultant: PBR Hawai'i, ASB Tower, 1001 Bishop Street, Suite 650, Honolulu, Hawai'i 96813. Contact: Tom Schnell (808-521-5631)

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

Permits Required: SMA Permit; Shoreline Setback Structure/Activity Determination; Conservation District Use Permit

The Kapalua Coastal Trail will stretch 3.5 miles from Kapalua Bay to Honolulu Bay. It will greatly increase lateral public shoreline access to several coastal recreational areas, including: Kapalua Bay, Oneloa Bay, D.T. Fleming Beach Park, Mokuleia Bay, and Honolulu Bay. Two spur trails will allow trail users to detour off of the main Coastal Trail route to experience unique places, such as Hawea Point and Namalu Bay, and an arboretum of Hawaiian plants.

The goal of the Trail is to create a unified trail system that is aesthetically and culturally appropriate to the Kapalua setting, and provide a unique and memorable nature experience for trail users. Trail users will be rewarded with dramatic vistas of the shoreline, neighboring islands, and resort features, as well as exposure to important aspects of Hawaiian culture, geology, and plant and animal life. Other Trail benefits include: increased shoreline access; health benefits of exercise; and transportation routes providing alternatives to automobile transportation. The Trail is not anticipated to result in significant negative impacts. No degradation of environmental quality is anticipated.

Various public shoreline access points, parking spaces, and related facilities provided within Kapalua Resort already allow extensive public access to the shoreline and ocean. The Trail will link these existing public shoreline access points and facilities to a continuous, linear trail, thereby greatly increasing lateral public shoreline access from Kapalua to Honolulu Bay.

East Maui Watershed Fence Extension Project, Hana (HRS 343 FEA-FONSI)

District: Hana
TMK: (2) 2-12-004-005; 2-12-004-007; 2-13-001-001; 2-14-001-001; 2-15-001-001; 2-16-001-005; 2-17-004-006

Applicant: East Maui Watershed Partnership, P.O. Box 431, Makawao, Hawaii 96768. Contact: Alex Michailidis (808-573-6999)

Approving Agency: State of Hawaii, Department of Land & Natural Resources, 1151 Punchbowl Street, Honolulu, Hawaii 96813. Contact: Christen Mitchell (808-587-0051)

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

Permits Required: BLNR Approval

The East Maui Watershed Partnership (EMWP) proposes the construction of between 17 and 28 miles of conservation fencing, protecting approximately 13,000 acres of important watershed in East Maui. The ambitious fencing project, connecting into a system of existing fences adjacent to Haleakala National Park and in Hanawi Natural Area Reserve and consisting of fences extending from Hanawi Natural Area Reserve to Kipahulu Forest Reserve, will provide long-term protection of the watershed that provides more than 60 billion gallons of water per year for residential, commercial, and agricultural uses in upcountry, east, and central Maui. Partners of the EMWP include the County of Maui, East Maui Irrigation Company, Haleakala National Park, Haleakala Ranch, Hana Ranch, the Department of Land and Natural Resources, and the Nature Conservancy of Hawai'i.

In addition to protecting critical watershed, the conservation fencing will protect native forests containing rare plants and animals from the destructive impact of feral ungulates (hooved animals), particularly feral pigs. Feral pigs damage the watershed by disturbing ground cover, consuming and trampling native plants, and creating conditions for the introduction and establishment of invasive weed species.

Fence construction will entail the clearing (by hand and small power tools) of a four foot wide corridor through vegetation for the fence line. Installation of fences will be done using galvanized steel fence posts set ten feet apart and stretching 39 inches high with galvanized hog wire between posts. Over the long-term, the benefits of the fencing are anticipated to outweigh any short-term negative impacts.



O'ahu Notices

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Hogg Property Improvements, CDUA OA-3425, Kane'ohē (HRS 343 DEA)

District: Ko'olaupoko

TMK: 4-5-002:008

Applicant: James and Lisa Hogg, 45-630 Kiona'ole Road, Kane'ohē, Hawai'i 96744. Contact: Mr. James Hogg (808-375-9424).

Approving Agency: State of Hawai'i, Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, Hawai'i 96809. Contact: Ms. Kimberly Mills (808-587-0382).

Consultant: Gerald Park Urban Planner, 1221 Kapi'olani Boulevard, Suite 211, Honolulu, Hawai'i 96814. Contact: Gerald Park (808-596-7484).

Public Comment Deadline: August 7, 2007

Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

Permits Required: Conservation district use permit; Building permit for building, electrical plumbing; Sidewalk /Driveway and Demolition work; Grading permit.

James and Lisa Hogg propose to conduct an agricultural activity on property located at Kane'ohē, District of Ko'olaupoko, City and County of Honolulu, State of Hawai'i. The property is bounded by a deep gulch and a single-family residential dwelling on the north, Kiona'ole Road on the east, a Hawaiian Electric Company transformer station on the south, and a continuation of the gulch (to the north) and a section of Ho'omaluhia Botanical Garden on the west. In general, the property is located to the northwest of the Hale Kou Interchange. Applicant proposes to construct a horse barn (for one horse and a companion animal or two horses) and selectively clear two areas of scrub trees and noxious weeds for use as paddocks. Sections of the cleared areas will be reseeded with pasture grass. The 1,700 square foot barn will be constructed where the terrain is relatively flat and free of trees. The structure will be erected on a poured in place concrete floor and framed with wood. The exterior will be finished with wood siding in natural or earth tone colors and topped with a hip roof covered with composition shingle roofing. The finished structure stands 17'3" high. Two areas will be set aside for paddock and pasture use. One area of approximately 14,560

square feet is located between the proposed barn and Kiona'ole Road. A second area of 87,120 square feet to the west of the barn and near the rear of the property will be cleared of scrub trees and noxious weeds. Both paddocks will be enclosed by wood fencing. The cost of the proposed improvements is estimated at \$150,000.00. All construction will be completed within the time requirements of the Department of Land and Natural Resources.



Uebel (53-723 Kamehameha Highway) Shoreline Setback Variance Seawall (HRS 343 DEA)

District: Ko'olaupoko

TMK: 5-3-9:37

Applicant: Ute Dagmar Uebel, 53-723 Kamehameha Highway, Hau'ula, Hawai'i 96717. Contact: Richard McGerrow (808-596-4688)

Approving Agency: Department of Planning & Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813. Contact: Steve Tagawa (808-523-4817)

Consultant: Wil Chee-Planning & Environmental, Inc., 1018 Palm Drive, Honolulu, Hawai'i 96814. Contact: Richard McGerrow (808-596-4688).

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

Permits Required: Shoreline Setback Variance, Building Permit

The applicant seeks approval of a shoreline setback variance to build a concrete rubble masonry (CRM) seawall in place of an unauthorized boulder seawall that was constructed in September 2003, at 53-723 Kamehameha Highway in Hau'ula, O'ahu. The applicant was cited for the construction of this existing seawall (Violation No. 2004/NOV-05-009) on May 4, 2004, which forms the 150-foot long seaward (makai) boundary of the residential site. The site also contains a dwelling and carport.

The applicant proposes to use the boulders of the existing seawall to build a new seawall with an engineered configuration that includes a concrete splash lip. The base of seawall will be excavated 4 feet below mean sea level (msl), and be approximately 6 feet wide at its base. The top of the new seawall will be at 6 feet above msl. The applicant also seeks to build a CRM fence wall on top the new seawall, along the east boundary. A filter fabric underlayment will be used to wrap backfilled sand to protect against scour and possible undermining of the seawall structure.

Constructing the seawall and fence wall is prohibited unless a Shoreline Setback Variance is first obtained, pursuant to Chapter 23, Revised Ordinances of Honolulu.

Coastal Zone News

JULY 8, 2007

Special Management Area (SMA) Minor Permits

Pursuant to Hawai'i Revised Statute (HRS) 205A-30, the following is a list of SMA Minor permits that have been approved or are pending by the respective county/state agency. For more information about any of the listed permits, please contact the appropriate county/state Planning Department. City & County of Honolulu (523-4131); Hawai'i County (961-8288); Kaua'i County (241-6677); Maui County (270-7735); Kaka'ako (Honolulu) or Kalaeloa (Barbers Point) Community Development District (587-2840).

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS		
Location (TMK)	Description (File No.)	Applicant/Agent
O'ahu: Diamond Head (3-1-39-41)	Retain 2 chain-link gates associated with a private beach access (2007/SMA-27)	Roy T. Tanoue Tr. Est, Marjorie H. Tanoue Tr., Rudolph M. Krause, Shirley M. Krause, Nicholson/Honua, LLC, 2781 Diamond Head Road, LLC, and TG Super A50044, LLC.
O'ahu: Sunset Beach (5-9-13-20)	Install backflow preventer and shut-off valves in existing planter area (2007/SMA-26)	In Chul Kang / Shizuo Najita
Kaua'i: Hanalei (5-5-1-2)	Extension of Canoe Hale (SMA(U)-2007-17)	Hanalei Canoe Club

Federal Notices

Coast Guard Security Zones for State Ports

The U.S. Coast Guard proposes to change the permanent security zones adjacent to the islands of O'ahu, Maui, Hawai'i, and Kaua'i. Comments and related material must reach the Commanding Officer, U.S. Coast Guard Sector Honolulu, Sand Island Parkway, Honolulu, Hawaii, 96819-4398, on or before July 19, 2007 (see, 72 F.R. 33711, June 19, 2007).

Importation of Fruit from Thailand

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is amending the fruits and vegetables regulations, effective July 23, 2007, to allow the importation into the United States of litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand. As a condition of entry, these fruits must be grown in production areas that are registered with and monitored by the national plant protection organization of Thailand, treated with irradiation in Thailand, and subject to inspection. The fruits must also be accompanied by a phytosanitary certificate with an additional declaration stating that the fruit had been treated with irradiation in Thailand. In the case of litchi, the additional declaration must also state that the fruit had been inspected and found to be free of *Peronophythora litchii*, a fungal pest of litchi. Additionally, under this final rule, litchi and longan imported from Thailand may not be imported into or distributed to the State of Florida, due to the presence of litchi rust mite in Thailand. This action allows the importation of litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand into the United States while continuing to provide protection against the introduction of quarantine pests into the United States. For more information, please contact Mr. Alex Belano, Import Specialist, Commodity Import Analysis and Operations, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, Maryland 20737-1231, telephone (301) 734-8758 (see, 72 F.R. 34163, June 21, 2007).

Notice of Intent to Prepare an EIS for Honoapi'ilani Highway between Ma'alaea and Launiupoko, Maui

The Federal Highway Administration (FHWA) is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared to evaluate alternatives that would improve the roadway capacity, safety, and reliability of Honoapi'ilani Highway between Ma'alaea and Launiupoko on the west side of the island of Maui. For further information, contact Pat V. Phung, Transportation Engineer, Federal Highway Administration, Hawai'i Division, Box 50206, 300 Ala Moana Boulevard, Room 3-306, Honolulu, Hawai'i 96850. The documents that will be produced include an Alternatives Analysis Report (AA), Draft and Final Environmental Impact Statement (DEIS and FEIS), and the Record of Decision (ROD) (see, 72 F.R. 31649, June 7, 2007).

Notice of Availability Supplement to DEA for Proposed Pa'ina Hawaii, LLC, Irradiator

The U.S. Nuclear Regulatory Commission (NRC) is issuing a supplement to a recently published draft Environmental Assessment (EA) for the Pa'ina Hawaii, LLC license application, dated June 27, 2005. The draft EA was previously issued for public review and comment on December 28, 2006 (71 F.R. 78231) as part of the NRC's decision-making process on whether to issue a license to Pa'ina, pursuant to Title 10 of the U.S. Code of Federal Regulations Part 36, "Licenses and Radiation Safety Requirements for Irradiators." This supplemental appendix to the draft EA presents the staff's consideration of terrorist acts at the proposed irradiator. For more information, please contact Matthew Blevins, Environmental Project Manager, Environmental and Performance Assessment Branch, Division of Waste Management and Environmental Protection, Mail Stop T7-J8, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Mr. Blevins may be con-

Pollution Control Permits

JULY 8, 2007

Department of Health Permits

Below is a list of some pollution control permits currently before the State Department of Health. For more information about any of the listed permits, please contact the appropriate branch or office of the Environmental Management Division at 919 Ala Moana Boulevard, Honolulu. Abbreviations are as follows: **CAB** - Clean Air Branch (586-4200); **CD** - comments due; **CSP** - Covered Source Permit; **CWB** - Clean Water Branch (586-4309); **I** - issued; **SHWB** - Solid and Hazardous Waste Branch (586-4226); **SDWB** - Safe Drinking Water Branch (586-4258); **N** - none; **NSP** - Noncovered Source Permit; **NPDES** - National Pollutant Discharge Elimination System under the Federal Clean Water Act; **R** - received; **T** - temporary; **UIC** - Underground Injection Control; **NA** - not applicable.

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
Clean Air Branch, 586-4200, Covered Source Permit	Kaua'i Island Utility Cooperative CSP No. 0452-01-C (Applications for Minor Mod Nos. 0452-04 and 05 and Application for Renewal No. 0452-06)	Located at: 4941-K Ma'alo Road, Lihu'e, Kaua'i	Issued: 6/15/07	One (1) 27.5 MW Combustion Turbine Generator w/Heat Recovery Steam Generator and One (1) 600 kW Black Start Diesel Engine Generator
Clean Air Branch, 586-4200, Covered Source Permit	Semtex Systems dba Seacon Technologies CSP No. 0633-02-CT (Initial Application No. 0633-02)	Located at: Various Temporary Sites, State of Hawai'i	Comments Due: 7/22/07	Stone Processing Equipment
Clean Air Branch, 586-4200, Covered Source Permit	Castle & Cooke Resorts, LLC CSP No. 0300-01-C (Application for Renewal/Modification No. 0300-02)	Located at: Kaunalapau Hwy Lana'i City, Lana'i	Comments Due: 7/22/07	Stone Processing, Asphalt Concrete, and Concrete Batch Plants
Clean Air Branch, 586-4200, NonCovered Source Permit	Ballard Family Mortuary NSP No. 0359-01-N (Application for Renewal No. 0359-03)	Located at: 440 Ala Makani Street, Kahului, Maui	Issued: 6/18/07	100 lb/hr Crematory Unit
Clean Air Branch, 586-4200, NonCovered Source Permit	Pacific Allied Products, Ltd. NSP No. 0528-02-N (Application for Modification No. 0528-04)	Located at: 91-110 Kaomi Loop Kapolei, O'ahu	Issued: 6/19/07	Expandable Polystyrene (EPS) Facility
Clean Air Branch, 586-4200, Covered Source Permit	City & County of Honolulu/Sand Island WWTP CSP No. 0216-06-C (Application for Significant Modification 0216-09)	Located at: 1350 Sand Island Parkway, Honolulu, O'ahu	Issued: 6/21/07	Modification to Chemical Odor Control Scrubber
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawai'i Corporation CSP No. 0330-01-C (Application for Renewal No. 0330-03)	Located at: Barbers Point Deep Draft Harbor, Kapolei, O'ahu	Comments Due: 7/22/07	Barbers Point Harbor Loading Facility
Clean Air Branch, 586-4200, Non Covered Source Permit	U.S. Navy, Public Works Center NSP No. 0109-04-N (Application for Renewal No. 0109-07)	Located at: Fort Kamehameha WWTP, Pearl Harbor, O'ahu	Issued: 6/25/07	Two (2) 1.55 MMBtu/hr Boiler/Burners and Waste Gas Burner

Shoreline Notices

JULY 8, 2007

Shoreline Certification Applications

Pursuant to § 13-222-12, HAR the following shoreline certification applications are available for inspection at the DLNR District Land Offices on Kaua'i, Hawai'i and Maui and at Room 220, 1151 Punchbowl St., Honolulu, O'ahu (Tel: 587-0414). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, Hawai'i 96813 and postmarked no later than fifteen (15) calendar days from the date of the public notice of the application. If there are any questions, please call Barry Cheung at (808) 587-0430.

File No.	Date	Location	Applicant/Owner	TMK
OA-1175	06/14/2007	Lot 1111, Land Court Application 1069 (Map 122), situated at Honouliuli, 'Ewa, Island of O'ahu. Address: 91-008 Hanua Street Purpose: Permitting	Towill, Shigeoka & Associates, Inc./Hawaii Metamorphosis, LLC	9-1-026:026
OA-1176	06/21/2007	Lot 1130, Land Court Application 1095 (Maps 104 & 134), situated at Kahuku, Ko'olauloa, Island of O'ahu. Address: 57-475 Kamehameha Highway Purpose: Permitting	Towill, Shigeoka & Associates, Inc./Kerry & Sally Paulson	5-7-005:001
KA-306	06/18/2007	Portion of Lot 43, Haena Park, situated at Haena, Hanalei, Island of Kaua'i. Address: 7920 Kuhio Highway Purpose: Construction of a comfort station, septic tank system & paved parking lot	Kodani & Associates, Inc./ County of Kaua'i	5-9-005:019

Shoreline Certifications and Rejections

Pursuant to §§13-222-26, HAR the following shorelines have been proposed for certification or rejection by the DLNR. Any person or agency wishing to appeal a proposed shoreline certification or rejection shall file a notice of appeal in writing with the department no later than 20 calendar days from the date of the public notice of the proposed shoreline certification or rejection. The Notice of appeal shall be sent to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
HA-370	Proposed Shoreline Certification	Lots 1 & 2, being a portion of R.P. 4475, L.C. Aw. 7713, Ap.19, situated at 'Alae, South Hilo, Island of Hawai'i. Address: 32 Kahoa Street Purpose: Single family residence	Imata & Associates, Inc./ Charles R. Ashman & Amy G. Lannan	2-6-025:006 & 007

Federal Notices (cont.)

tacted as follows: telephone: (301) 415-7684; electronic mail: mxb6@nrc.gov (see, 72 F.R. 31866, June 8, 2007).

Transgenic Cotton and Corn Experimental Use Pesticide Permits

EPA has granted experimental use permits (EUPs) to the following pesticide applicants. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

264-EUP-140. Extension. Bayer CropScience LP, 2. T.W. Alexander Drive, Research Triangle Park, NC 27709. This EUP allows the use of 1,008 pounds of cotton seed containing the following plant

incorporated protectant (PIP) in the amount specified: 0.016 pounds of Cry1Ab protein and the genetic material necessary for its production (vector pTDL004) in Events T303-3 and T304-40 cotton. This EUP allows the use of this seed on 84 acres of Events T303-3 and T304-40 cotton. Four trial protocols will be conducted, including: efficacy testing; agronomic evaluation; dissemination of pollen evaluation; and production of sample material for use in regulatory studies. The program is authorized only in the States of Arizona, California, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas. The EUP is effective from March 8, 2007 to May 1, 2008. An exemption from tolerance has been established for residues of the active ingredient in or on all cotton commodities. One comment was received from a private citizen in response to the notice of receipt for this permit application, which was published in the Federal Register on January 17, 2007 (72 FR 1993) (FRL-8105-7). The private citizen indicated that she opposed testing under this EUP except in fully enclosed greenhouses, and expressed the viewpoint that the permittee should be required to request

Federal Notices (*cont.*)

JULY 8, 2007

permission from neighbors prior to testing. The Agency understands the commenter's concerns. Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Agency is tasked with reviewing applications for EUPs for any pesticide, including PIPs, and granting such applications to the extent that the conditions of FIFRA section 5, and the regulations thereunder, have been met (subject to such terms and conditions as the Agency determines are warranted). In this instance, EPA has determined that the relevant statutory and regulatory conditions have been met. In addition, there is nothing in FIFRA or in the Agency's regulations enacted thereunder that compels, and EPA does not otherwise require, a permittee to notify neighbors prior to testing as suggested. Finally, although certain containment provisions were required per the experimental program, the Agency did not require testing to be conducted in fully enclosed greenhouses because such a requirement was not necessary to mitigate risk.

67979-EUP-6. Issuance. Syngenta Seeds, Inc., P.O. Box 12257, Research Triangle Park, NC 27709. This EUP allows the use of 62,173 pounds of corn seed containing the following plant incorporated protectants (PIPs) in the amounts specified: 0.916 pounds of Vip3Aa20 protein and the genetic material necessary for its production (vector pNOV1300) in Event MIR 162 corn, 0.046 pounds of Cry1Ab protein and the genetic material necessary for its production (vector pZO1502) in Event Bt11 corn, and 0.013 pounds of mCry3A protein and the genetic material necessary for its production (vector pZM26) in Event MIR 604 corn. This EUP allows the use of this seed on 536 acres of MIR 162 corn; 220 acres of Bt11 corn; 199 acres of MIR 604 corn; 469 acres of Bt11 x MIR 162 corn; and 468 acres of Bt11 x MIR 162 x MIR 604 corn for 2007-2008. Five trial protocols will be conducted, including: breeding and observation; insect efficacy; agronomic evaluation; inbred and hybrid seed production; and regulatory studies. The program is authorized only in the States of California, Colorado, Florida, Georgia, Hawai'i, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisi-

ana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New York, Ohio, Puerto Rico, South Dakota, Texas, and Wisconsin. The EUP is effective from March 21, 2007 to March 31, 2008. Permanent or temporary exemptions from tolerance have been established for residues of the active ingredients in or on all corn commodities.

67979-EUP-7. Issuance. Syngenta Seeds, Inc., P.O. Box 12257, Research Triangle Park, NC 27709. This EUP allows the use of 13,483 pounds of cotton seed containing the following plant incorporated protectants (PIPs) in the amounts specified: 0.010 pounds of Vip3Aa19 protein and the genetic material necessary for its production (vector pCOT1) in Event COT102 cotton and 0.082 pounds of Cry1Ab protein and the genetic material necessary for its production (vector pNOV4641) in Event COT67B cotton. This EUP allows the use of this seed on 28 acres of COT102 cotton; 28 acres of COT67B cotton; and 274 acres of COT102 x COT67B cotton. Five trial protocols will be conducted, including: breeding and observation; insect efficacy; agronomic evaluation; seed increase; and product characterization. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Hawai'i, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The EUP is effective from April 26, 2007 to April 30, 2008. Permanent or temporary exemptions from tolerance have been established for residues of the active ingredients in or on all cotton commodities.

For further information, please contact: Alan Reynolds, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 605-0515; e-mail address: reynolds.alan@epa.gov (see, 72 F.R. 34009, June 20, 2007).

