

The Environmental Notice

A semi-monthly periodic bulletin published by the Office of Environmental Quality Control pursuant to Section 343-3, Hawai'i Revised Statutes

December 23, 2007

Proposed Exemption List for the Hawai'i Housing Finance and Development Corporation

The Environmental Council is seeking public comments on a proposed exemption list submitted to it by the Hawai'i Housing Finance and Development Corporation. The proposed exemption list is available on-line as an Adobe Acrobat Portable Document format (PDF) file at the following Uniform Resource Locator (URL): <http://www.state.hi.us/health/oeqc/index.html>. On the left side of the web page is a yellow column. Scroll down to the fourth item entitled "Environmental Council" and under that heading, scroll to the link entitled: "Exemption Lists by Department." Click that link and the page will alphabetically index proposed and approved agency lists. Scroll to and click on Hawai'i Housing Finance and Development Corporation - Proposed 2007. Please submit comments by January 22, 2007, to Mr. Robert King, Chairperson, Environmental Council, c/o Office of Environmental Quality Control, Department of Health, State of Hawai'i, 235 S. Beretania St., Room 702, Honolulu, Hawai'i 96813.

Saddle Road Realignment Supplemental Environmental Impact Statement

The U.S. Department of Transportation, Federal Highways Administration advises the public that a supplemental environmental impact statement will be prepared for a for an ongoing project to improve and realign the Saddle Road (State Highway 200), an existing highway in Hawai'i County. The purpose of the project is to provide a safe and efficient route for access to land uses along Saddle Road and for cross-island traffic between East and West Hawai'i. The ongoing and planned improvements to Saddle Road would also address five general types of needs: Roadway deficiencies, conflicts and hazards with military operations, capacity, safety, and social demand and economic development. The final environmental impact statement (EIS) for the project was completed August 9, 1999, and the Record of Decision (ROD) was signed on October 30, 1999. The project began construction in 2004 and approximately 30% of the project has been completed or is now under construction. In 2006, the Department of the Army (Army) purchased a Parker Ranch property known as the Ke'amuku parcel. This property included the area planned for the selected alternative (W-3) for western section of the Saddle Road. On September 6, 2006, the U.S. Army Garrison, Hawai'i, requested that HDOT and FHWA consider relocating

the highway about a mile southwest towards the southern boundary of Ke'amuku. This would allow the Army to maximize its training opportunities and minimize conflict with the traveling public. This request meets one of the original purposes of the Saddle Road EIS, which was to minimize conflict between civilian and military uses in the area, and FHWA and HDOT thus have determined that it is prudent to re-examine the alternatives for the western section of the EIS. Alternatives under consideration at this time include (1) taking no action; (2) using the alternative for the western section of the project that was recommended in the Final EIS and selected in the ROD; and (3) relocating this segment of the highway nearer the southern boundary of the Ke'amuku parcel. The SEIS will also reconfirm the reasons that alternatives for the western section were dropped from consideration in the original EIS, and reconsider them, if appropriate. Because public scoping meetings for the Saddle Road Improvements project were held in Hilo, Kona and Waimea during the development of the original EIS, no additional scoping is required for an ongoing project, where an SEIS is prepared that does not involve a reassessment of the entire action. However, letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Public hearings will be held in both West and East Hawai'i. Public notice will be given of the time and place of the hearings. The draft SEIS will be available for public and agency review and comment prior to the public hearing. To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments and suggestions are invited from all interested parties. For more details, contact Ricardo Suarez, Division Central Federal Lands Highway Division Engineer, 12300 West Dakota Avenue, Lakewood, CO 80228 and/or Ronald F. Tsuzuki, State Department of Transportation, Highways Division, Planning Branch, 869 Punchbowl Street, Honolulu, Hawai'i 96813 (see, 72 F.R. 69726, December 10, 2007)

Changes to the Internet Website for the Office of Environmental Quality Control

OEQC website has a new look! It's mostly a new coat of paint (yellow - to match our parent - the Department of Health). Additional changes are intended to be more user-friendly. We have direct links to our Chapter 343, HRS, Online Library and National Environmental Policy Act (NEPA) documents. The homepage also has direct links to Environmental Council matters such as agendas, minutes, and exemption lists by department. In March 2007, the Council proposed new rules, some are substantive, some are merely housekeeping. You may read the draft rules under "Administrative Rules." OEQC is the accepting authority for the pending Superferry EIS. As documents come up for review, they may be found under the new Superferry link. If you have any suggestions for improvements, please contact us at oeqc@doh.hawaii.gov. Mahalo.



Linda Lingle
Governor

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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 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. In 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

December 23, 2007

(1) Waimea Water Treatment Plant Sludge Drying Beds (HRS 343 FEA-FONSI)

District: South Kohala
TMK: (3) 6-5-001: Parcel 003
Proposing Agency: Department of Water Supply - County of Hawai'i, 345 Kekuanaoa Street, Suite 20, Hilo, Hawai'i 96720. Contact - Keith Okamoto, (808 961-8070)
Determination Agency: Same as above.
Consultant: R.M. Towill Corporation, 2024 Nourth King Street, Suite 200, Honolulu, Hawai'i 96819. Contact - Chester Koga (808 842-1133)
Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).
Permits Required: Grading and Building Permits

The Hawai'i County Department of Water Supply (DWS) is proposing to construct a solar sludge drying facility to support its existing water treatment plant (WTP) in Kamuela in the South Kohala District on the Island of Hawai'i. The proposed construction will include an 84' x 110' solar dryer building, a 12' x 18' control center building, and installation of approximately 2,000 linear feet of a 6-inch diameter force main and related appurtenances. The proposed solar drying facility will be used to dewater and dry the sludge residue resulting from the water treatment process.

The sludge residue is currently being discharged into an open 2.76 million gallon capacity concrete reservoir. The capacity of the reservoir to store the sludge is nearly exhausted, prompting the need for this proposed facility improvement. The purpose of this project is to address the long-term plan for sludge handling and disposal at the WTP facility.

The proposed project is not expected to result in any significant adverse impacts to water quality, air quality, existing utilities, noise levels, social welfare, archaeological sites, or wildlife habitat. All anticipated construction impacts will be temporary and will not adversely impact the environmental quality of the area.

Permits needed for this project include grading and building permits.

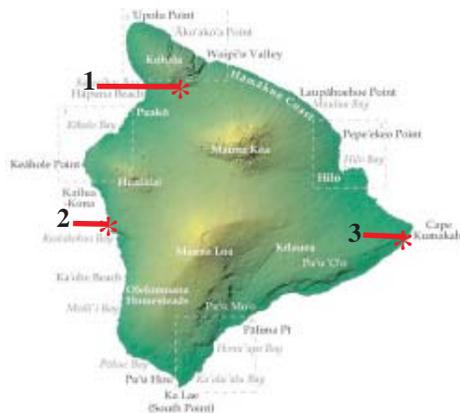
DWS proposes to commence construction in mid 2008 with construction lasting approximately 13 months. The proposed project will be funded with Hawai'i County funds at a cost between \$2.5 and \$4 million.

(2) Hokuli'a (HRS 343 Supplemental EISPN)

District: North Kona/South Kona
TMK: 7-9-various plats and 8-1-various plats (379 parcels)
Applicant: 1250 Oceanside Partners, 78-6831 Ali'i Drive, #K15, Kailua-Kona, Hawai'i 96740-2440. Contact - Michael Matsukawa, (808 345-0084)

Accepting Authority: State Land Use Commission, P.O. Box 2359, Honolulu, Hawai'i 96801-2359. Contact: Anthony Ching, (808 587-3822)
Consultant: Belt Collins Hawaii Ltd., 2153 North King Street, Suite 200, Honolulu, Hawai'i 96819. Contact: Lee Sichter, (808 521-5361)
Status: Supplemental Environmental Impact Statement Preparation Notice, pending 30-day public comment. Address comments to the applicant with copies to the accepting authority, consultant and OEQC.
Public Comment Deadline: January 22, 2008
Permits Required: Boundary Amendment (State Agricultural District to State Rural District and State Conservation District)

Hokuli'a is a 1,435-acre agricultural subdivision that straddles the boundary between North Kona and South Kona on the Big Island, approximately 3 miles north of Kealahou Bay. Its first phase of development included 253 lots (ranging in size from 1 to 3 acres), of which 203 have been sold to prospective home owners; an 18-hole golf course and temporary clubhouse; a members' restaurant; and ancillary infrastructure including roadways, storm drainage, potable and non-potable water, wastewater collection, and electrical and telecommunications utilities. Its second phase of development consists of 85 similarly sized lots presently undergoing site and infrastructure development. Its third and final phase of development contains 260 similarly sized lots that have been granted preliminary subdivision approval. The Proposed



Action is the reclassification of the property to the State Rural District to eliminate the mandatory agricultural program that is currently required in the agricultural subdivision and to commit approximately 16 acres to the State Conservation District in order to restrict development and preserve cultural resources within such area. The Applicant will supplement the Final EIS approved by the County of Hawaii in 1993 with a Supplemental EIS that discloses the anticipated impacts of the Proposed Action.

(3) Kapoho Bay Fishpond Restoration Project (HRS 343 DEA)

District: Puna
TMK: 1-4-02: por. 32
Applicant: John Barsell, RR2 Box 3933, Pahoa, Hawai'i 96778, (808 956-6293)
Approving Agency: State of Hawai'i, Department of Land and Natural Resources, P.O. Box 621, Honolulu, Hawai'i 96809. Contact - Dawn Hegger (808 587-0380)
Consultant: Farber & Associates, 2722 Ferdinand Avenue,

Hawai'i Notices

December 23, 2007

Honolulu, Hawai'i, 96822. Contact - Joseph Farber (808-988-3486)

Public Comment

Deadline: January 22, 2008
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: CDUP, SMA (obtained), Army Corps (404) (exemption).

The Applicant is proposing to restore and rebuild a deteriorated historic fishpond located along the shoreline at Kapoho Bay for historic and cultural preservation purposes and to serve as a marine sanctuary (a no fishing zone). The fishpond lies entirely within the applicant's property, a 16.9-acre parcel (12.6 acres land, 4.3 acres fishpond) that also contains the applicant's single-family residence.

Presently the fishpond is in a deteriorated state, the forces of nature and long-term neglect have damaged the wall and the fishpond basin is heavily inundated with mangrove.

Restoration and rebuilding the fishpond involves the repair of the fishpond wall and *mākāhā* (sluice gate), mangrove removal and periodic post-repair maintenance of the wall and basin.

The restoration will follow the original wall alignment and dimensions. The proposed project will produce a uniform fishpond wall approximately 1,450 feet in total length; an average wall height of 6 feet; a base width between 10 and 12 feet tapering to a crown width of 5 to 6 feet; Thus at high tide the wall will be about one foot higher than the ocean water level. The stones to rebuild the wall are available onsite (on the existing fishpond wall footprint, immediately adjacent to the pond wall and within the fishpond basin). The wall will be rebuilt by hand in the traditional method of dry-stack rock wall construction without mortar, *uhau humu pohaku*.

Maui Notices

(4) Kahului Commercial Harbor 2030 Master Plan (HRS 343 DEIS)

Required:

Section 4(f) evaluation, ESA Section 7 consultation, CZM consistency determination, NHPA Section 106 consultation, FWCA consultation, CWA Section 404 permit, CWA Section 401 WQC, Rivers and Harbors Act, Section 10 permit, NPDES permit for construction activities and Conservation District Use Permit for construction and operations in the Resource Subzone.

District:

Wailuku

TMK:

3-7-1: parcels 21 and 22;
3-7-8: parcels 1, 2, 3, 4, 6, 28, and 29; and 3-7-10: parcels 1, 2, 3, 6, 13, 15, 17, 18, 22, 25, 26, 27, 32, 33, 34, 36, 37, and 38.

Proposing Agency:

State of Hawai'i, Department of Transportation, Harbors Division, 79 South Nimitz Highway, Honolulu, Hawai'i 96813

Accepting Authority:

Governor, State of Hawai'i, c/o Office of Environmental Quality Control, 235 S. Beretania Street, Room 702, Honolulu, Hawai'i 96813. Contact - Laurence K. Lau, (808 586-4185)

Consultant:

Belt Collins Hawaii Ltd., 2153 N. King St., Suite 200, Honolulu, Hawai'i 96819. Contact - Mr. John Kirkpatrick, (808 521-5361)

Status:

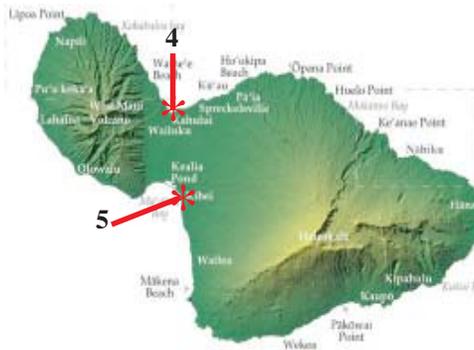
Draft environmental impact statement (DEIS) notice pending 45-day public comments. Address comments to the proposing with copies to the accepting authority, consultant and OEQC.

Public Comment

Deadline:

February 6, 2008

Permits



Maui is faced with a critical situation due to a lack of sufficient harbor capacity to provide for the island's needs. Kahului Harbor is the only commercial harbor servicing the island and because of its location, it is constrained in terms of both berthing capacity and terminal space except for a potential expansion area at the West Breakwater coral stockpile area. The 2030 Master Plan, based on stakeholders' input and demand projections, recommends the development of this area. The Proposed Action includes development of a cruise ship and inter-island ferry terminals on the West Breakwater Harbor, new fuel facilities in the Pier 3 area, and extensions of Piers 1 and 2. Lands recently acquired would be used for container storage and administrative space. The dredging of a new basin to support commercial vessels and associated breakwater improvements would be constructed as needed to expand the working harbor area. Direct impacts will include loss of coral on the west side of the harbor, and loss of surf breaks now located along the dredge limit. With passenger and cargo activities separated, operational efficiency will improve and risk of harm to passengers diminish. Cumulative impacts include enabling the continuing growth of Maui's economy. Required permits will include CWA Section 404 permit; Rivers and Harbors Act, Section 10 permit, and NPDES permit for construction activities.

Maui Notices

December 23, 2007

(5) Nona Lani Cottages (HRS 343 DEA)

Plumbing Permits, Special Flood Hazard Area Development Permit

District: Wailuku
TMK: (2)3-9-041:001
Applicant: Nona Lani Cottages LLC, P.O. Box 655, Kihei, Hawai'i 96753. Contact - Cherlyn J. Kong, (808 870-910)

Approving Agency: Maui Planning Commission, c/o Maui County Planning Department, 250 South High Street, Wailuku, Hawai'i 96753. Contact - Jeffery S. Hunt, (808 270-7735)

Consultant: Chris Hart & Partners, Inc., 115 North Market Street, Wailuku, Hawai'i 96793. Contact - Christopher L. Hart, (808) 242-1955

Public Comment Deadline: January 22, 2008
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: Community Plan Amendment, Change in Zoning, Special Management Area Use Permit, Grading/Grubbing Permit, Building, Electrical and

The Kong family has owned the subject property for 62 years and has operated the Nona Lani Cottages since 1973. The property is designated as Multi-family (MF) in the Kihei-Makena Community Plan and is County zoned R-2 Residential District. Members of the Kong family, as managers of Nona Lani Cottages LLC, are seeking a Community Plan Amendment to Hotel (H) and a Change in Zoning to H-1 Hotel District.

The 2.27 acre property is located on South Kihei Road in north Kihei, Maui. Across South Kihei Road to the west is the Mai Poina Oe Lau Beach Park. To the north and east are multi-family (Kai Makani and Southpointe) and single family developments. Immediately to the south are hotel zoned parcels that have been developed as condominium projects (Kihei Holiday and the Maui Beach Resort). The parcel currently contains eight (8) 396 square foot cottages, a 5,147 square foot dwelling (a residence and four units), and other miscellaneous structures (small laundry facility, storage sheds and a gazebo). The Nona Lani Cottages has operated as a transient vacation rental for 34 years and the Kong family does not intend to pursue any additional development on the subject property at this time. However, the proposed entitlement actions will establish consistency and will allow flexibility for any future improvements. (Note: Any future development plans would be the subject of the Special Management Area (SMA) use permit application process.)

O'ahu Notices

(6) Ka'ena Point Ecosystem Restoration Project (HRS 343 DEA)

Districts: Waialua and Wai'anae
TMK: 8-1-001-006; 8-1-001-022; 6-9-001-030; 6-9-002-004; 6-9-002-009; 6-9-002-013

Proposing Agency: Department of Land and Natural Resources, Division of Forestry and Wildlife, 1151 Punchbowl Street, Room 325, Honolulu, Hawai'i 96813. Contact - Christen Mitchell, (808 587-0051)

Determination Agency: Same as above.
Consultant: NA

Public Comment Deadline: January 22, 2008
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: Special Management Area Use Permit - major (SMA-major), a shoreline setback variance (SSV), a shoreline certification

The Ka'ena Point Ecosystem Restoration Project is the result of a partnership between the Department of Land and Natural Resources, Divisions of Forestry and Wildlife and State Parks, the U.S. Fish and Wildlife Service, and the Hawai'i Chapter of The Wildlife Society. Ka'ena Point Natural Area Reserve (NAR) hosts one of the largest seabird colonies in the main Hawaiian islands, contains several populations of endangered plants, and receives frequent visits by basking monk seals. Under current management, nesting seabirds and native plants are under constant threat from predatory animals; more than 100 ground-nesting seabirds were killed by dogs in 2006 despite on-going predator control activities. The proposed project involves the construction of predator-proof fencing (2 meters tall) to prevent feral predators such as dogs, cats, mongoose, and rats from entering into 59 acres of coastal habitat within Ka'ena Point Natural Area Reserve. The exclusion and removal of these predatory animals is anticipated to result in an increase in the existing population of nesting seabirds, encourage new seabird species to nest at Ka'ena Point, enhance regeneration of native plants, and benefit monk seals by reducing the risk of disease transmission. The Ka'ena Point Ecosystem Restoration Project is expected to have primarily positive effects on the resources protected in the NAR. No significant adverse effects are anticipated with regard to the environment, archaeological features, cultural practices, view-planes, or public access or use of this area during or after construction of the proposed fencing.

December 23, 2007

(7) Australia-Hawai'i Fiber Optic Cable System (HRS 343 FEA-FONSI)

Districts: Waialua and Wai'anae
TMK: 8-1-01: Parcel 08
Applicant: Telstra, Inc., 40 Wall Street, 40th Floor, New York, New York 10005. Contact – Will Hughs, (212 863-2810)

Approving Agency: Department of Land and Natural Resources, Office of Conservation and Coastal Land, 1151 Punchbowl Street., Rm. 131, Honolulu, Hawai'i 96809. Contact – Samuael Lemmo, (808 587-0381)

Consultant: AMEC Earth & Environmental, Inc., 3375 Koapaka Street, Suite F-251, Honolulu, Hawai'i 96819. Contact – Denise Toombs (415 261-6693)

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

Permits Required: CDUA, Shoreline Setback Variance, Department of the Army (Section 10, Rivers and Harbors Act; Section 404, Clean Water Act)

Telstra Inc., intends to install one subsea fiber optic cable that will provide a connection between the existing cable station and onshore telecommunications infrastructure at Keawa'ula, O'ahu, and Telstra's existing infrastructure in Sydney, Australia. The proposed subsea cable system, the Australia-Hawaii system 1, consists of a single fiberoptic cable that will interconnect with other cable systems at Hawai'i providing direct access to the U.S. mainland and increase and improve international connectivity and reliability between Australia and the U.S., and accommodating projected growth in broadband applications.

The project design aims to minimize new construction by focusing on the use of spare capacity within the existing infrastructure currently available at Keawa'ula, already one of the major international subsea cable landing sites in Hawai'i. It incorporates measures to reduce disruption to the local community and resources during the installation phase by coordinating installation with another project, as described in the Project Description.

Project activity will consist of installation of the subsea cable, "landing" the cable at the beach adjacent to the existing beach manhole (BMH), connection to the cable station via the existing BMH and ducts, and operation of the cable system for a period of approximately 25 years.

(8) Tropical Farms (HRS 343 DEA)

District: Ko'olaupoko
TMK: 4-9-3: Portion of 1
Applicant: Tropical Farms, 49-227A Kamehameha Highway, Kane'ohe, Hawai'i 96744. Contact - Steve Paty, (808 237-1960)

Approving Agency: Department of Planning and Permitting, 650 South King Street, Honolulu, Hawai'i 96813. Contact - Sharon Nishiura, Planner, (808 768-8031)

Consultant: Analytical Planning Consultants, Inc., 928 Nu'uuanu Avenue, Suite 502, Honolulu, Hawai'i 96817. Contact - Don Clegg, (808 536-5695)

Public Comment Deadline: January 22, 2008
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: State Special Use Permit, Zoning Variance, Conditional Use Permit (Minor), and Special Management Area (Minor) Permit

The applicant proposes to allow (retain) an agribusiness activity and associated after-the-fact improvements. The agribusiness activity includes two (2) existing structures totaling about 3,465 square-feet in floor area and surface parking. The operation provides retail opportunities for products grown and made on Oahu and in Hawai'i; fruits and vegetables grown on the site and in the region; and an outlet for local cottage industries. It also provides educational displays about agriculture, the local culture and island life. The applicant will be applying for after-the-fact land use approvals to allow the retention of the agribusiness activity, expansion to an existing building and the construction of a new building.

The operation will occupy about 1.12 acres at the northern portion of the six (6)-acre property. The entire property is located within the boundaries of the Moli'i Fishpond historic site, which is listed on the National Register of Historic Places. The property is zoned AG-2 General Agricultural District. It is also within the State Land Use Agricultural District and the Special Management Area. Therefore, the project will require a State Special Use Permit and Conditional Use Permit (Minor) and Special Management Area (Minor) Permit. A zoning variance will also be required since the agribusiness activity does not meet the zoning standards relating to the size and design of the structures and the type of products which can be sold.

(9) T-Mobile at Waiahole - Kualoa Ranch (HRS 343 DEA)

District: Ko'olaupoko
TMK: 4-9-4: portion of 2
Applicant: T-Mobile West Corporation, 615 Pi'ikoi Street, Suite 100, Honolulu, Hawai'i 96814. Contact - Roy Irei, (808 593-0600)

Approving Agency: Department of Planning and Permitting, 650 South King Street, Honolulu, Hawai'i 96813. Contact - Sharon Nishiura, (808 768-8031)

Consultant: Environmental Planning Solutions, LLC, 945 Makaiwa Street, Honolulu, Hawai'i 96816. Contact - Colette M. Sakoda, (808 732-8602)

Public Comment Deadline: January 22, 2008
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.

O'ahu Notices

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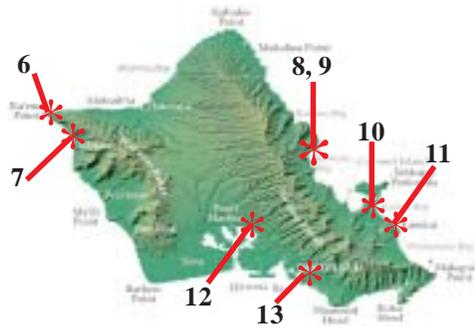
Permits

Required: Conditional Use Permit (minor), waiver, building permit

The applicant is proposing to construct a telecommunications antenna facility at Kualoa Ranch. The facility will consist of a 105-foot high stealth, pine tree monopole (monopine), a concrete pad, electrical and equipment cabinets, and support infrastructure. The monopine will be designed for co-location by possibly two (2) other carriers. Therefore, additional equipment cabinets and support infrastructure for the other carriers will be constructed, as needed. Six (6) panel antennae will be flush mounted at an elevation of 80 feet for the applicant. Antennae for the two (2) other carriers will be mounted at lower elevations. The facility will be enclosed by a fence and gate.

The entire property is part of the Kualoa Ahupua'a Historic District, which is listed on the National Register of Historic Places. The proposed telecommunications antenna facility will occupy only a small portion, near the southwestern boundary, of the property. The property is in the AG-2 General Agricultural District with a 25-foot height limit. Therefore, a Conditional Use Permit (Minor) for a Utility Installation (Type B) and a Waiver to exceed the height limit will be required.

The applicant indicates that the facility is needed to improve spotty coverage and meet the increase in customer demand for wireless communication service in the Waiahole and Kualoa area.



Enchanted Lake and Kohokahi, a small area fronting Kaneohe Bay. Previous studies prepared for the Department of Design and Construction (DDC), have shown these two sub-basins require upgrade and rehabilitation to mitigate high wet weather infiltration/inflow, high dry weather infiltration, and high wastewater salinity as a result of seawater infiltration.

The sewer rehabilitation of these two sub-basins will consist of the reconstruction of 14,546 linear feet of existing sewer line using the cured-in-place pipe (CIPP) reconstruction method, and 1,245

linear feet of open trench construction for replacement of existing sewer lines within existing City streets. The CIPP reconstruction method involves inserting a flexible fabric tube/liner impregnated with a thermosetting resin into the existing sewer line from an existing sewer manhole. The liner is filled with heated water or steam to set the resin. The open-trench method involves digging a trench within the street right-of-way, placing the new pipe, and covering and re-paving the street.

The primary adverse impacts would occur during the construction period when segments of street travel lanes would be closed to accommodate equipment for placement of the cured-in-place pipe material and while open trenches are excavated. These activities will create lane closures, traffic delays, noise, and dust while construction proceeds. Once construction has been completed, the travel lanes will be restored and vehicle traffic can resume normal patterns.

(10) Kailua-Kane'ohe Sewer Rehabilitation (HRS 343 DEA)

District: Ko'olaupoko
TMK: Public street right-of-way, sewer easements, and one TMK parcel 4-5-104:28

Proposing Agency: City and County of Honolulu, Department of Design and Construction, 650 South King Street, Honolulu, Hawai'i 96813, Contact - Carl Arakaki, (808 768-8738)

Determination Agency: Same as above
Consultant: Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, Hawai'i 96826. Contact - John Sakaguchi, (808 946.2277)
Status: Draft EA pending 30-day public comment.

Public Comment Deadline: January 22, 2008

Permits Required: NPDES Permit for Construction Activities, Dewatering; One-time review of construction plans; Trenching Permit

The Kailua-Kane'ohe Sewer Rehabilitation Project is part of a multiphase approach to upgrade and rehabilitate the wastewater collection system in the greater Kailua area operated and maintained by the City and County of Honolulu. The two wastewater sub-basins identified for the initial upgrade and rehabilitation are

(11) Topper CRM Seawall and Revetment (HRS 343 FEA-FONSI)

District: Ko'olaupoko
TMK: 4-3-1:13
Applicant: Ethan Topper, 60 Seaview Terrace, San Francisco, California 94121

Approving Agency: Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813. Contact - Ann Matsumura (808 523-4077)
Consultant: Analytical Planning Consultants, Inc., 928 Nu'uanu Avenue, Honolulu, Hawai'i 96817. Contact - Donald Clegg, (808 536-5695)

Status: Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI)

Permits Required: Shoreline Setback Variance, Building Permit

The applicant is seeking after-the-fact approval to retain a Concrete Rubble Masonry (CRM) seawall and revetment within the shoreline setback area. The seawall and revetment are generally parallel to the seaward property line, except that it curves in landward at the northwest corner of the property. The combined height of the seawall and revetment from existing grade is approximately 11 feet. A stairway in the center of the seawall provides direct access to the shoreline.

The project site is located at 1586-B Mokulua Drive in Kailua (Lanikai). Building Permits (Nos. 587394 and 592101) have been

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issued for a new single-family dwelling, garage and pool at the property. Many of the shorefront properties in the vicinity are armored with seawalls or other shoreline protection structures. The 10,461 square-foot lot has lost approximately 285 square feet of land to erosion.

The project proposal will require approval of a Shoreline Setback Variance and Building permits, and possibly a Zoning Variance if the combined height of the retaining portion of the seawall and the non-retaining portion (fence wall of the same material capable of retaining soil) of it exceeds the maximum 6-foot height limit within the required yards(s).

(12) Waimalu Wells I Rock Fall Mitigation and Drainage Improvements (HRS 353 DEA)

District: 'Ewa
TMK: 9-8-26:72, 9-8-45:36 & 37 and various plats & parcels

Proposing Agency: Board of Water Supply, 630 South Beretania Street, Honolulu, Hawai'i 96843. Contact – Gregory Shiu, (808 748-5751)

Determination Agency: Same as above. Contact - Clifford Lum, (808 748-5000)

Consultant: Shimabukuro, Endo & Yoshizaki, Inc. dba SEY Engineers, 1126 12th Avenue, Room 309, Honolulu, Hawai'i 96816-3715. Contact – Howard K. Endo (808 737-1875)

Public Comment Deadline: January 22, 2008
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: NPDES, Chapter 55 Water Pollution Control, Community Noise Control, Perform Work on State Highways Property, Building, Grading, Drain Connection License, Easement Subdivision Approval, One-Time Review including Drainage Report

The Honolulu Board of Water Supply (BWS) proposes rock fall protection measures be undertaken along the steep cliff-like slopes of their Waimalu Wells I property. The slopes have experienced rock falls over the years typically during or after heavy storms. Runoff from BWS property has flowed down the slopes onto adjacent properties and caused flooding and deposition of sediment and rocks. Erosion caused by the runoff has also exposed loose rocks on the slopes. In 2005, the BWS completed a temporary emergency rock removal project on the slopes. As a long-term solution, the BWS proposes to provide drainage improvements to divert surface runoff from flowing onto the cliff-like slopes for the first phase of a project to mitigate erosion and flooding hazards. In a second phase of the project, the BWS proposes to install a wire mesh drapery system on the cliff-like slopes to mitigate potential rock falls, subject to approval from the adjacent property owners. Construction of Phase I is expected to begin in the Spring of 2008 and be completed within 1 year. No construction timetable has been established for Phase

II of the project. The BWS will fund the estimated total project construction cost of \$4,500,000. Short-term impacts during construction include: (1) fugitive dust, exhaust emissions, and noise from construction equipment in the project vicinity and (2) visibility of wire mesh drapery and drain pipes. The contractor will be required to follow standard procedures to mitigate short term impacts, such as restricting working hours, sprinkling, and providing tuning and maintenance of equipment. New vegetation will cover the wire mesh drapery and drain pipes from view. No adverse long-term impacts are anticipated from this project.

(13) Revisions To The Kaka'ako Community Development District Mauka Area Plan And Rules (HRS 343 Supplemental EISPN)

District: Honolulu
TMK: 2-1-29,30,31,32,44,46,47,48,49,50,51,52,53,54,55,and562-3-01,02,03,04,05,06,07,08,09,10&11

Proposing Agency: State of Hawai'i, Hawai'i Community Development Authority, 677 Ala Moana Boulevard, Suite 1001, Honolulu, Hawai'i 96813. Contact – Susan Tamura, (808 587-2870)

Accepting Authority: Governor, State of Hawai'i, c/o Office of Environmental Quality Control, 235 S. Beretania Street, Room 702, Honolulu, Hawai'i 96813. Contact – Laurence K. Lau, (808 586-4185)

Consultant: EDaw, Inc., 841 Bishop Street, Suite 1910, Honolulu, Hawai'i 96813. Contact - Kevin Butterbaugh, (808 529-7290)

Status: Supplemental Environmental Impact Statement Preparation Notice, pending 30-day public comment. Address comments to the proposing agency with copies to the accepting authority, consultant and OEQC.

Public Comment Deadline: January 22, 2008
Permits Required: N/A

In May 2003, the Hawai'i Community Development Authority (HCDA) initiated a comprehensive review of the Kaka'ako Community Development District Mauka Area Plan and Rules (Mauka Area Plan), originally adopted in 1982. The Mauka Area Plan established planning principles and development objectives for the orderly redevelopment of Kaka'ako's Mauka Area, a 450 acre site bounded by Ala Moana Boulevard, King Street, Punchbowl Street, and Pi'ikoi Street. HCDA has determined that a Supplemental Environmental Impact Statement (SEIS) should be prepared to assess the proposed plan revisions and potential impacts. The intent of the revised Mauka Area Plan is to provide the necessary guidance in planning for a high quality urban community that also promotes positive economic development, preserves Honolulu's diverse cultural heritage, and incorporates best practices in energy and environmental sustainability.

The SEIS will assess the updated land use plan and the introduction of a neighborhood framework in the Mauka Area. Additionally, transportation, urban design, and infrastructure through Improvement District Programs. The SEIS will explore any potentially significant impacts of the proposed action.

Kaua'i Notices

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(14) Wailua Municipal Golf Course - Golf Maintenance Facility (HRS 343 FEA-FONSI)

Status:

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

Permits Required:

Community Noise Permit, Building Permit, Class I Zoning Permit

District:

Lihu'e

TMK:

3-9-02:06, 04

Proposing Agency:

County of Kaua'i, Department of Public Works, 4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766. Contact - Douglas Haigh, (808)241-6650)

Determination Agency:

Same as above.

Consultant:

Kikiaola Development Group, LLC, P.O. Box 367, Waimea, Kaua'i 96796. Contact - Roland D. Sagum III



In 2005, the WMGC maintenance building was completely destroyed by an electrical fire. The proposed action involves construction of a new larger golf maintenance facility that can facilitate operation and maintenance of WMGC over the footprint of the former maintenance building.

Impacts are expected to be short-term and temporary, including noise and dust. Impacts will be mitigated through best management practices. The project will require a County of Kaua'i building permit and zoning permit.

Coastal Zone News

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 Hawai'i CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lana'i & Moloka'i: 468-4644 x72878, Kaua'i: 274-3141 x72878, Maui: 984-2400 x72878 or Hawai'i: 974-4000 x72878. 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. Comments may be submitted by mail, electronic mail or fax, as indicated below.

Mail: Office of Planning, Department of Business, Economic Development and Tourism, P.O. Box 2359, Honolulu, Hawai'i 96804

Email: jnakagaw@dbedt.hawaii.gov

Fax: (808)587-2899

Bottomfish and Seamount Groundfish Fishery Management Plan Amendment 14

Federal Action: Federal Agency Activity

Federal Agency: National Marine Fisheries Service

Contact: Karla Gore, 944-2273

CZM Contact: John Nakagawa, 587-2878

Location: Main Hawaiian Islands

Proposed Action: The Western Pacific Fishery Management Council is proposing to amend (amendment no. 14) to the fishery management plan for the Bottomfish and Seamount Groundfish of the Western Pacific Region. This amendment would establish measures to end bottomfish overfishing in the Main Hawaiian Islands. The measures

would reduce fishing mortality on seven deep water bottomfish species by 24% in 2008 and would increase or decrease the allowable fishing mortality in response to changes in the status of bottomfish stocks. The "Deep 7" species are onaga, ehu, gindai, kalekale, 'opakapaka, lehi, and hapu'upu'u. Amendment 14 would establish specific management measures and programs, including the following: (1) federal permit and reporting requirements for the non-commercial bottomfish fishermen; (2) seasonal closure in summer 2008 to reduce fishing mortality by all sectors of the fishery; (3) establish a mechanism to set a "total allowable catch" (TAC) every year, with the 2008 TAC applying to the commercial fishery and in subsequent years applying to both commercial and non-commercial fisheries; and (4) setting bag limits for non-commercial fishermen of five of the Deep 7 species per person per trip during 2008.

Comments Due: January 7, 2008

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).

Location (TMK)	Description (File No.)	Applicant/Agent
Honolulu: Kapahulu (3-1-40-70)	Vinyl fence/Gate & security light (2007/SMA-69)	Lawrence Stupski / Richard R. Bass
Hawai'i: Puna (1-4-28-41)	Bulldoze a driveway and house pad (SMM 07-00069)	James A. and Van Donald
Hawai'i: Puna (1-4-68-79)	Tree cutting to determine topography (SMM 07-00070)	Thomas Young
Kaua'i: Ha'ena (5-8-8-27)	Bedroom and bathroom addition (SMA(M) 2008-7)	Rod & Suzanne Fisher
Maui: Lahaina (4-6-6-5)	Screened gazebo (SM2 20070102)	Hunton Conrad & Associates
Maui: (2-1-8-65)	Renovations (SM2 20070105)	Frank Irwin
Maui: Lahaina (4-5-1-38)	Interior renovations at the Lahaina Open Market (SM2 20070107)	Lahaina Open Market, LLC

Special Management Area Documents (Chapter 25, Revised Ordinances of Honolulu)

Since SMA-only (Chapter 25, ROH) documents do not trigger the EIS law as articulated in Chapter 343, Hawai'i Revised Statutes, effective September 1, 2001 OEQC will no longer review these documents for completeness or adequacy. However, OEQC will continue to provide notice of these projects as a public service. Questions regarding the adequacy, completeness and availability of these documents should be addressed directly to the county contact listed below.

Au Kai Hale Mauka

District: Waialua
TMK: 6-8-11: 53
Applicant: Dennis A. Almendares, 68-151 Au Street, Suite PH-10, Waialua, Hawai'i 96791. Contact - Dennis A. Almendares, (808-368-5813)

Approving Agency: Department of Planning and Permitting, 650 South King Street, Honolulu, Hawai'i 96813. Contact - Sharon Nishiura, (808-768-8031)

Consultant: May Hung, 94-665 Kauluikua Place, Mililani, Hawai'i 96789. Contact - May Hung, (808-623-5336)

Permits Required: Special Management Area Use Permit

The proposed action involves the construction of single family dwellings on a 10,031-square-foot property zoned A-1 Low Density Apartment District. The property is located at 68-085 Au Street (Tax Map Key 6-8-11: 53) in Waialua, O'ahu. The applicant has received building permit approvals to construct two (2) single-family dwellings on the property. The applicant now proposes to construct two (2) additional, three-story, single-family dwellings for a total of four (4) dwellings. A wastewater treatment plan and soil absorption system will be installed on the site to serve the four (4) dwellings.

The project is located entirely within the Special Management Area and requires the approval of a Special Management Area Use Permit and building permits.



Pollution Control Permits

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Department of Health Permits

The following three pages contain 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 9586-4309); **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.

Clean Air Branch Permit(s)

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
Clean Air Branch, 586-4200, Non Covered Source Permit	Jas. W. Glover, Ltd. NSP No. 0010-10-N (Modification Application No. 0010-14)	890 Leilani Street Hilo, Hawai'i	Issued: 11/30/07	200 CY/Hr. Concrete Batch Plant

Underground Injection Control Permits, Safe Drinking Water Branch

Branch & Permit Type	Applicant & Permit Number	Project Location	Pertinent Dates	Proposed Use
Safe Drinking Water Branch, 586-4258, UIC Permit	Haw ai'i Electric Light Co., Inc. UH-1438	Puna Cooling Water Return Well Puna Mill Road, Kea'au	n/a	Renew permit for 1 injection well for industrial wastewater disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Starr Equities, Inc. UH-2611	Holomua Center 64-1067 Mamalahoa Hwy., Waimea	n/a	Register 1 existing injection well seepage pit for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Pohakea, LLC, David De Luz, Sr. UH-2613	Ka'iulani Subdivision, Increment 2 (3)2-2-44:5 & 75; along Kawailani St., East of Kanoelehua Avenue, S. Hilo	n/a	Construct 3 injection wells for surface runoff.
Safe Drinking Water Branch, 586-4258, UIC Permit	Department of Education State of Haw ai'i UH-2617	Keakealani Outdoor Education Center 19-4024 Haunani Road, Volcano, Puna	n/a	Register 1 existing injection well seepage pit for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Department of Education State of Haw ai'i UH-2616	Kaumana Elementary School 1710 Kaumana Drive, Hilo	n/a	Register 2 existing injection well seepage pits for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Harbors Division Department of Transportation State of Haw ai'i UO-2532	Kalaeloa Barbers Point Harbor Agents Office Site (1)9-1-14:24 por; Malakole Street, Ewa	n/a	Terminate permit for 1 injection well seepage pit
Safe Drinking Water Branch, 586-4258, UIC Permit	Hawaiian Memorial Park Cemetery UO-2614	Hawaiian Memorial Park Cemetery 45-425 Kamehameha Highway, Kaneohe	n/a	Abandon 3 unregistered injection-well cesspools.
Safe Drinking Water Branch, 586-4258, UIC Permit	Roman Catholic Church in the State of Haw ai'i UO-2615	St. Stephen Diocesan Center WWTP 6301 Pali Highway, Kaneohe	n/a	Register 3 existing injection wells for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Division of State Parks Dept. of Land & Nat. Resources State of Haw ai'i UO-2610	Keaiwa Heiau State Recreational Area 99-1849 'Aiea Heights Drive, 'Aiea	n/a	Register 2 existing injection well seepage pits for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Kuku'iula South Shore Community Services, LLC UK-1693	Kuku'iula WWTP (4)2-6-15:01; Old McBryde Cane Haul Road, Koloa	n/a	Renew permit for 3 injection wells for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Lihu'e Associates II UK-tba	Hale 'Ohana I Apartments, Buildings A,B,C,D,E,F 3985 'Ohu'ohu Road, Koloa	n/a	Register 16 existing injection well seepage pits for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Lihu'e Three Associates UK-tba	Hale 'Ohana I Apartments, Buildings G,H,I 3322 Waoke Street, Koloa	n/a	Register 10 existing injection well seepage pits for sewage disposal.

Pollution Control Permits

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Underground Injection Control Permits, Safe Drinking Water Branch

Branch & Permit Type	Applicant & Permit Number	Project Location	Pertinent Dates	Proposed Use
Safe Drinking Water Branch, 586-4258, UIC Permit	University of Haw ai'i at Hilo UH-2621	UH Hilo Beaumont Bldg. #3350 A,B&C (3)2-4-1:167; near Now elo & W. Lanikaula Street, Hilo	n/a	Abandon 2 unregistered injection-w ell cesspools.
Safe Drinking Water Branch, 586-4258, UIC Permit	Ali'i Palms, LLC UH-2622	Ali'i Palms Subdivision Off Site Improvements (3)7-5-20:71 & 72; Ali'i Drive, Kailua-Kona	n/a	Construct 1 injection w ell for surface runoff.
Safe Drinking Water Branch, 586-4258, UIC Permit	Hiluhilu Development, LLC UH-2623	Palamanui Development Phase I STP (3)7-2-5:1; Mauka of Queen Ka'ahumanu Highw ay, Ka'u Ahupua'a, Kailua-Kona	n/a	Construct 2 injection w ells for sew age disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Haw ai'i Island Commercial Development Corporation UH-2626	Kumakua Affordable Housing (3)5-5-8:46; Akoni Pule Hw y. (SR-270) Haw i, North Kohala	tba	Construct 2 injection w ells for surface runoff.
Safe Drinking Water Branch, 586-4258, UIC Permit	Na Hale Hiku Property Ow ners Association UH-2627	Na Hale Hiku Subdivision (3)6-5-11:8; Na Hale Hiku Road, Waimea, S. Kohala	comment by 2/6/2008	Construct 1 injection w ell for surface runoff.
Safe Drinking Water Branch, 586-4258, UIC Permit	Kaumana 18 Association, LLC UH-2630	Kilohoku Place, Kaumana Business Park (3)2-5-46:7; corner of Puainako Street and Wilder Road, South Hilo	tba	Construct 7 injection w ells for surface runoff.
Safe Drinking Water Branch, 586-4258, UIC Permit	Div. of Boating & Ocean Recreation, DLNR UM-2625	Ma'alaea Small Boat Harbor Comfort Stn. (2)3-6-1:51; 11 Ma'alaea Boat Harbor Road, Wailuku	n/a	Register 1 existing injection w ell seepage pit for sew age disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Waialua Community Association UO-2618	Waialua Community Association 66-434 Kamehameha Highw ay, Hale'iw a	n/a	Abandon 1 unregistered injection-w ell cesspool.
Safe Drinking Water Branch, 586-4258, UIC Permit	Dept. of Design & Construction City & County of Honolulu UO-2633	Sand Island WWTP, Primary Expansion Phase 2 , Package 1 (1)1-5-41:05; 1350 Sand Island Parkw ay, Honolulu	n/a	Construct 9 injection w ells for construction dew atering.
Safe Drinking Water Branch, 586-4258, UIC Permit	Carmel Partners, Inc. UO-2291	Kaleloa apartments DWs (1)9-1-13:1; Barbers Point, Kapolei	n/a	Change operator for 9 injection w ells for surface runoff.
Safe Drinking Water Branch, 586-4258, UIC Permit	Ball Metal Beverage Corporation UO-1224	Ball Metal Beverage Corporation 91-320 Komohana Street, Kapolei	n/a	Renew permit for 3 injection w ells for industrial w astew ater disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Dole Food Company UO-2624	Dole Food Co. Mill Camp 7 (1)6-7-1:5; Naukana Street, & Waialua Sugar Mill	n/a	Abandon 2 unregistered injection-w ell cesspools.

Federal Notices

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Review of Native Species; Annual Notice of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions; Proposed Rule

In this Candidate Notice of Review (CNOR), the U.S. Fish and Wildlife Service (FWS), presents an updated list of plant and animal species native to the United States that it regards as candidates for or have proposed for addition to the Lists of Endangered and Threatened Wildlife and Plants under the Endangered Species Act of 1973, as amended. Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, allowing landowners and resource managers to alleviate threats and thereby possibly remove the need to list species as endangered or threatened. Even if FWS subsequently lists a candidate species, the early notice provided here could result in more options for species management and recovery by prompting candidate conservation measures to alleviate threats to the species. The CNOR summarizes the status and threats that FWS evaluated in order to determine that species qualify as candidates and to assign a listing priority number (LPN) to each species, or to remove species from candidate status. Additional material that we relied on is available in the Species Assessment and Listing Priority Assignment Forms (species assessment forms, previously called candidate forms) for each candidate species. Overall, this CNOR recognizes 5 new candidates, changes the LPN for 29 candidates, and removes 4 species from candidate status. Combined with other decisions for individual species that were published separately from this CNOR, the new number of species that are candidates for listing is 280. FWS requests additional status information that may be available for the 280 candidate species identified in this CNOR. FWS will consider this information in preparing listing documents and future revisions to the notice of review, as it will help us in monitoring changes in the status of candidate species and in management for conserving them. FWS also requests information on additional species that we should consider including as candidates as we prepare future updates of this notice. This document also includes our findings on resubmitted petitions and describes our progress in revising the Lists of Endangered and Threatened Wildlife and Plants during the period September 26, 2006, through September 30, 2007. We will accept comments on the most recent Candidate Notice of Review at any time. Submit your comments regarding a particular species to the Regional Director of the Region. Written comments and materials we receive in response to this notice will be available for public inspection by appointment at the Division of Conservation and Classification (for comments of a general nature only). Species assessment forms with information and references on a particular candidate species' range, status, habitat needs, and listing priority assignment are available for review at the appropriate Regional Office or on our Internet Web site (<http://endangered.fws.gov/candidates/index.html>). For more information contact the Endangered Species Coordinator(s) in the appropriate Regional Office(s) or Chris Nolin, Chief, Division of Conservation and Classification (telephone 703-358-2171; facsimile 703-358-1735). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339 (see, 72 F.R. 69033, December 6, 2007).

Linear Right-of-Way Rent Schedule: Proposed Rule

The Bureau of Land Management (BLM) proposes to amend its right-of-way regulations to update the linear right-of-way rent schedule in 43 CFR parts 2800 and 2880. The rent schedule covers most linear rights-of-way granted under Title V of the Federal Land Policy and Management Act of 1976, as amended (FLPMA), and Section 28 of the Mineral Leasing Act of 1920, as amended (MLA). Those laws require the holder of a right-of-way grant to pay annually, in advance, the fair market value to occupy, use, or traverse public lands for facilities such as power lines, fiber optic lines, pipelines, roads, and ditches. Section 367 of the Energy Policy Act of 2005 (the Act) directs the Secretary of the Interior to update the per acre rent schedule found in 43 CFR 2806.20. The Act requires that the BLM revise the per acre rental fee zone value schedule by state, county, and type of linear right-of-way use to reflect current land values in each zone. The Act also requires the Secretary of Agriculture (Forest Service) to make the same revisions for rights-of-way on National Forest System (NFS) lands. We will accept comments and suggestions on the proposed rule until February 11, 2008. You may submit comments by mail to: U.S. Department of the Interior, Director (630), Bureau of Land Management, Mail Stop 401 LS, 1849 C St., NW., Attention: AD87, Washington, DC 20240. For information on the substance of the proposed rule, please contact Bill Weigand at (208) 373-3862 or Rick Stamm at (202) 452-5185 (see, 72 F.R. 70375, December 11, 2007).

Enhancement of Survival and Incidental Take Permits

Between June 1, 2005, and September 30, 2007, the Pacific Region of the Fish and Wildlife Service (FWS) issued 18 permits for enhancement of survival or incidental take of threatened and endangered species. These permits were issued pursuant to sections 10(a)(1)(A) and 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). Copies of the permits and associated decision documents are available upon request. Documents are available from the U.S. Fish and Wildlife Service, 911 NE., 11th Avenue, Portland, Oregon 97232; facsimile (503) 231-6243. Charges for copying, shipping and handling may apply. For more details, please contact Shelly Sizemore, Administrative Assistant, at the above address and facsimile number or by telephone at (503) 231-2194.

Permit No. TE118901-0 (Habitat Conservation Plan) for Kaheawa Wind Power, LLC (applicant), for the Kaheawa Wind Power Generation Facility, located at Ukumehame, Island of Maui. Notice of receipt of the application was published at 69 F.R. 57888, October 4, 2005; the permit was subsequently issued on January 30, 2006.

Permit No. TE106219-0 (Safe Harbor Agreement) for Chevron (applicant) for its Chevron Hawai'i Refinery at James Campbell Industrial Park, 'Ewa, O'ahu, for management of the Hawaiian stilt and the Hawaiian Coot. Notice of receipt of the application was published at 69 F.R. 52027, August 24, 2004; the permit was subsequently issued on September 23, 2005.

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Permit No. TE162242-0 (Safe Harbor Agreement) for Big Island Resource Conservation and Development Council, Island of Hawai'i, for programmatic SHA covering the Hawaiian goose, the Hawaiian duck, the Hawaiian moorhen, the Hawaiian coot, and Hawaiian stilt, for participants of USDA Farm Bill Conservation Programs. Notice of receipt of the application was published at 71 F.R. 78452, December 29, 2006; the permit was subsequently issued on September 12, 2007.

Permit No. TE162243-0 (Safe Harbor Agreement) for O'ahu Resource Conservation and Development Council, for programmatic SHA covering the Hawaiian goose, the Hawaiian duck, the Hawaiian moorhen, the Hawaiian coot, and Hawaiian stilt, for participants of USDA Farm Bill Conservation Programs. Notice of receipt of the application was published at 71 F.R. 78542, December 29, 2006; the permit was subsequently issued on September 12, 2007.

Permit No. TE162244-0 (Safe Harbor Agreement) for Tri-Isle Resource Conservation and Development Council, for programmatic SHA covering the Hawaiian goose, the Hawaiian duck, the Hawaiian moorhen, the Hawaiian coot, and Hawaiian stilt, for participants of USDA Farm Bill Conservation Programs. Notice of receipt of the application was published at 71 F.R. 78542, December 29, 2006; the permit was subsequently issued on September 12, 2007.

Permit No. TE162245-0 (Safe Harbor Agreement) for Garden Island Resource Conservation and Development Council, for programmatic SHA covering the Hawaiian goose, the Hawaiian duck, the Hawaiian moorhen, the Hawaiian coot, and Hawaiian stilt, for participants of USDA Farm Bill Conservation Programs. Notice of receipt of the application was published at 71 F.R. 78542, December 29, 2006; the permit was subsequently issued on September 12, 2007.

Copies of each permit, the accompanying Habitat Conservation Plan, Safe Harbor Agreement, or Candidate Conservation Agreement with Assurances, and associated documents are available upon request. Decision documents for each permit include a Finding and Recommendation; a Biological Opinion; and either a Record of Decision, Finding of No Significant Impact, or an Environmental Action Statement. Associated documents may also include an Implementing Agreement, Environmental Impact Statement, or Environmental Assessment, as applicable (see, 72 F.R. 70885, December 13, 2007).

Transgenic Corn Experimental Use Permit

The U.S. Environmental Protection Agency (EPA) announced the receipt of an application 524-EUP-97 from Monsanto Company requesting an amendment to the experimental use permit (EUP) for *Bacillus thuringiensis* Cry1A105 protein and the genetic material necessary for its production (vector PV-ZMIR245) in event MON 89034 corn, *Bacillus thuringiensis* Cry2Ab2 protein and the genetic material necessary for its production (vector PV-ZMIR245) in event MON 89034 corn, and *Bacillus thuringiensis* Cry3Bb1 protein and the genetic material (vector PV-ZMIR39) necessary for its production in event MON 88017

corn. On June 29, 2006, EPA approved Monsanto's application for an EUP for the testing of MON 89034 x MON 88017 combined insecticidal trait corn as well as MON 89034 and MON 88017 individually (524-EUP-97). This permit allows planting through June 20, 2008. MON 89034 contains the lepidopteran protecting *Bacillus thuringiensis* Cry1A.105 protein and the genetic material necessary (vector PV-ZMIR245) for its production in MON 89034 corn and *Bacillus thuringiensis* Cry2Ab2 protein and the genetic material necessary (vector PV-ZMIR245) for its production in MON 89034 corn. MON 88017 contains the corn rootworm protecting *Bacillus thuringiensis* Cry3Bb1 protein and the genetic material necessary (vector PV-ZMIR39) for its production in MON 88017 corn. Monsanto proposes amending the EUP to allow the treatment of 11,952 acres in total. This includes a maximum of 4,421 acres for MON 89034 x MON 88017, 3,687 acres of MON 89034, 1,742 acres of MON 88017, 415 acres of corn containing registered plant-incorporated protectants (PIPS) and 1,687 acres of non-PIP and border rows. The proposed period of use of this amended EUP is February 15, 2008-June 15, 2009. Eight trial protocols are proposed to be conducted including: (1) Breeding and observation nursery; (2) Inbred seed increase and sample hybrid production; (3) Line per se hybrid yield and herbicide tolerance trials; (4) Insect efficacy trials; (5) Product characterization and performance trials; (6) Insect resistance management trials; (7) Benefit trials; and (8) Seed treatment trials. States and Commonwealth involved include: Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawai'i, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Washington, and Wisconsin. The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application. Comments must be received on or before January 18, 2008. Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2007-1047, by one of the following methods: Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments. Mail: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. Delivery: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility telephone number is (703) 305-5805. Instructions: Direct your comments to docket ID number EPA-HQ-OPP-2007-1047. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 A.M. to 4:00 P.M., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805. Following the review of the Monsanto Company application and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP request for this EUP program, and if issued, the conditions under

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which it is to be conducted. Any issuance of an EUP will be announced in the Federal Register.

For more information contact Susanne Cerrelli, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8077; e-mail address: cerrelli.susanne@epa.gov (see, 72 F.R. 71907, December 19, 2007).

Conservation Innovation Grants for FY 2008

The National Resources Conservation Service (NRCS) of the U. S. Department of Agriculture requests applications for Conservation Innovation Grants (CIG) to stimulate the development and adoption of innovative conservation approaches and technologies. Applications are accepted from all 50 States, the Caribbean Area (Puerto Rico and the Virgin Islands), and the Pacific Basin Area (Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands). NRCS anticipates that the amount available for support of this program in FY 2008 will be approximately \$20 million. Funds will be awarded through a nationwide competitive grants process. There are three CIG categories available in FY 2008: Natural Resource Concerns Category, Technology Category, and the Chesapeake Bay Watershed Category.

Applications are requested from eligible government or non-government organizations or individuals for competitive consideration of grant awards for projects between one and three years in duration. This notice identifies the objectives for CIG projects, the eligibility criteria for projects and associated instructions needed to apply to CIG. Applications must be received in the NRCS National Headquarters by 5:00 P.M., Eastern Standard Time (EST), on Wednesday, February 20, 2008. The address for hand-delivered applications or applications submitted using express mail or overnight courier service is: USDA Natural Resources Conservation Service; Conservation Innovation Grants Program; Financial Assistance Programs Division, Room 5239-S; 1400 Independence Ave, SW.; Washington, DC 20250. Contact phone numbers for hand-delivered applications are (202) 720-1845, (202) 720-2335, or (202) 205-1165. Applications sent via the U.S. Postal Service must be sent to the following address: USDA Natural Resources Conservation Service; Conservation Innovation Grants Program; Financial Assistance Programs Division; Room 5239-S, Post Office Box 2890, Washington, DC 20013-2890. To submit your application electronically, visit www.grants.gov/apply and follow the instructions. For more information contact Tessa Chadwick, CIG National Program Manager, USDA NRCS, PO Box 2890, Room 5239-S, Washington, DC 20013-2890, telephone (202) 720-2335, facsimile (202) 720-4265, electronic mail: tessa.chadwick@wdc.usda.gov (see, 72 F.R. 71345, December 17, 2007).

Environmental Council

Environmental Council Meeting on January 9, 2008

On Wednesday, January 9, 2008, the Environmental Council of the Department of Health, State of Hawai'i, will meet. Agenda and public notice of these meetings can be found posted on the State Calendar Meeting Announcement website at the following Uniform Resource Locator (URL): http://calendar.ehawaii.gov/calendar/html/event/doh_eoc/2007/12/12/?viewtype=2¤tViewtype=8&viewperiod=1.

Schedule of Upcoming Environmental Council Meetings for 2008

In addition to the January 9, 2008, meeting discussed above, the Environmental Council is tentatively scheduled to meet for the remainder of calendar year 2008 as follows: Wednesday, **February 13, 2008**, at 2:00 P.M., in Room 405, Leiopapa A Kamehameha; Wednesday, **March 12, 2008**, at 2:00 P.M., in Room 204, Leiopapa A Kamehameha; Wednesday, **April 9, 2008**, at 2:00 P.M., in Room 204, Leiopapa A Kamehameha; Wednesday, **May 14, 2008**, at 2:00 P.M., in Room 204, Leiopapa A Kamehameha; Thursday, **June 12, 2008**, at 2:00 P.M., in Room 204, Leiopapa A Kamehameha; Wednesday, **July 9, 2008**, at 2:00 P.M., in Room 204, Leiopapa A Kamehameha; Wednesday, **August 13, 2008**, at 2:00 P.M., in Room 204, Leiopapa A Kamehameha; Wednesday, **September 13, 2008**, at 2:00 P.M., in Room 204, Leiopapa A Kamehameha; Wednesday, **October 8, 2008**, at 2:00 P.M., in Room 204, Leiopapa A Kamehameha; Wednesday, **November 12, 2008**, at 2:00 P.M., in Room 203, Leiopapa A Kamehameha; and Wednesday, **December 10, 2008**, at 2:00 P.M., in Room 204, Leiopapa A Kamehameha. The Leiopapa A Kamehameha Building (also known as the State Office Tower) is located at 235 S. Beretania Street in downtown Honolulu (directly across from Saint Andrew's Episcopal Cathedral).