

# The Environmental Notice

A Semi-Monthly Bulletin pursuant to Section 343-3, Hawai'i Revised Statutes

## DEPARTMENT OF HEALTH ENFORCEMENT ACTIONS

This notice includes a summary of the number of inspections and responses conducted by personnel in the DOH, Environmental Health Administration (EHA) programs. The enforcement actions information is provided for the last federal fiscal year quarter of July 1, 2013 to September 30, 2013 as well as the last federal fiscal year, October 2012 to September 2013. Tables of the EHA enforcement actions can be found on page 7.

## MONSANTO GRANTED AN EXPERIMENTAL USE PERMIT (EUP) BY THE EPA

The Environmental Protection Agency (EPA) has granted an experimental use permit (EUP) to the pesticide applicant Monsanto Company. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. This action is directed to the public in general. The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2012-0780, is available at <http://www.regulations.gov> See page 9 for more details.

## NEPA PUBLIC COMMENT PERIOD FOR KALIA-FORT DERUSSY WASTEWATER SYSTEM IMPROVEMENTS

The City and County of Honolulu proposes to construct improvements to its sewer system, a portion of which runs within a City easement on federally owned land at Fort DeRussy. The proposed improvements to the existing sewer system is to accommodate the Hilton Hawaiian Village Master Plan, Hale Koa Hotel and sewer flows from the service area between the Ala Wai Canal, Kalakaua Avenue and Fort DeRussy. The Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI) Determination for the [Proposed Kalia-Fort DeRussy Wastewater System Improvements Project](#) was published in this Notice on August 23, 2013.

Under the National Environmental Policy Act (NEPA) a Notice of Availability of the 30-day public comment period began on November 8, 2013 and will run until December 9, 2013. This NEPA notice is featured on page 3.



Haleakala Sunrise, Maui



Neil Abercrombie, Governor · Office of Environmental Quality Control · 235 South Beretania Street, Suite 702 · Honolulu, HI 96813 · Tel: 586-4185 · Fax: 586-4186 · Email: [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov)  
Website: <http://health.hawaii.gov/oeqc/>  
Toll Free: Kaua'i 274-3141, ext. 64185 · Maui 984-2400, ext. 64185 · Moloka'i/Lāna'i 1-800-468-4644, ext. 64185 · Hawai'i 974-4000, ext. 64185

**Note:** If you get a message saying that the file is damaged when you click on the link, then the file is too big to open within your web browser. To view the file, download directly to your hard drive by going to File and select Save As in your web browser.

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Kihei Sunset, Maui

NEPA NOTICE

**Kalia-Fort DeRussy Wastewater System Improvements**

**Island:** O'ahu  
**District:** Waikiki  
**TMK:** (1) 2-6-005:001 por  
**Permits:** NPDES  
**Proposing Agency:** City & County of Honolulu, Department of Environmental Services, 1000 Uluohia Street, Suite 308, Kapolei, HI 96707. Contact: Jack Pobuk, 808-768-3464.

**Approving Agency:** United States Army Garrison, Hawai'i, 851 Wright Avenue, Wheeler Army Airfield Schofield Barracks, HI 96857-5013. Contact: Dale Kanehisa, 808-656-5670.

**Consultant:** Group 70 International, Inc., 925 Bethel Street, 5<sup>th</sup> Floor, Honolulu, HI 96813. Contact: Jeffrey Overton, 808-523-5866.

**Status:** The EA/Draft FNSI comment period ends December 09, 2013. Written comments should be directed to: Directorate of Public Works, Environmental Division (IMHW-PWE), Attn: Dale Kanehisa, 948 Santos Dumont Avenue, Building 105, Wheeler Army Airfield, Schofield Barracks, 96857-5013.



The City and County of Honolulu proposes to construct improvements to its sewer system, a portion of which runs within a City easement on federally owned land at Fort DeRussy. In accordance with the National Environmental Policy Act, the US Army Garrison, Hawaii (USAG-HI) prepared an environmental assessment (EA) to assess the potential environmental and socioeconomic impacts associated with the proposed sewer system improvements.

The Proposed Action would improve the existing sewer system to accommodate the Hilton Hawaiian Village Master Plan, Hale Koa Hotel and sewer flows from the service area between the Ala Wai Canal, Kalakaua Avenue and Fort DeRussy. The project will also help the City to meet the 2010 Wastewater Consent Decree with US Environmental Protection Agency. The proposed system improvements include: (1) Replacing the existing 12-inch diameter sewer line in Kalia Road with a 21-inch diameter sewer line. The replacement sewer line will begin at the intersection of Paoa Place and Kalia Road, and end at the intersection of Ala Moana Boulevard and Kalia Road. The existing 16-inch diameter sewer line, which traverses across Fort DeRussy in a sewer line easement, would be cut and plugged at the Ala Moana Boulevard and Kalia Road intersection. (2) Replacing the existing 24-inch diameter sewer line on Ala Moana Boulevard and Kalakaua Avenue with a 30-inch diameter sewer line. The replacement sewer line will begin at the intersection of Kalia Road and Ala Moana Boulevard, and end at the Fort DeRussy Wastewater Pump Station.

Based on the information analyzed in the EA, the USAG-HI finds that the Proposed Action would not result in any significant direct, indirect, or cumulative adverse impacts on the natural or human environment, and has prepared a draft finding of no significant impact (FNSI). An environmental impact statement will not be required for this project.

A Notice of Availability of the 30-day public comment period for the EA and draft FNSI was published in the Honolulu Star-Advertiser on November 7, 2013. The public comment period began on November 8, 2013 and will run until December 9, 2013. Copies of the EA and Draft FNSI are available for review at the Hawaii State Library. Copies can also be obtained by contacting Dale Kanehisa at 808-656-5670 or [dale.kanehisa@us.army.mil](mailto:dale.kanehisa@us.army.mil).

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area (SMA) Minor Permits

The SMA Minor permits below have been approved (HRS 205A-30). For more information, contact the County/State Planning Department. Honolulu (768-8014); Hawai'i (East HI 961-8288, West HI 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: Puna (1-5-057: 072)	"As-Built" Placement of Fill Material and Construction of Six-foot Fence and Stone Wall (SMM 13-287)	Charles Vollmar
Hawai'i: South Kohala (6-8-022: 015)	Construction of Wooden Deck and Whirlpool/Spa and Addition of Concrete Deck with Stepped Seat Wall and Water Spouts at Keiki Pool (SMM 13-288)	Mauna Lani Bay Hotel/Mauna Lani Resort, Inc.
Kaua'i: Kukui'ula (2-6-015: 015)	Grading Work and Drainage Basin Improvements, Installation of a Rock Wall & Landscaping (SMA(M)-2014-4)	Kukui'ula Development Co. (Hawai'i) LLC.
Maui: Wailuku (3-2-020: 058)	Main Dwelling and Garage (SM2 20120054)	Carey Tanaka
Maui: Lahaina (4-6-001: 009 & 010)	Install Bike Rack and Taro Patch (SM2 20130090)	Theo Morrison
Maui: Haiku (2-9-007: 052)	Install Water Tank and Grade Driveway (SM2 20130120)	Jeffree Trudeau
Maui: Paia (2-6-011: 028)	Demolish Carport (SM2 20130121)	Robb Baur
Maui: Lahaina (4-4-008: 001)	Building G Restroom Renovations (SM2 20130122)	Robert Hartman
Maui: Kahului (3-7-003: 007)	Spalling Repair at Pool Deck (SM2 20130123)	Kyoko Kimura
Maui: Puamana (2-8-004: 061)	Storage Building for Agricultural Equipment (SM2 20130124)	Stephen Thistle
Maui: Wailuku (3-1-001: 041)	Install Ground MTD PV System (SM2 20130125)	Melvin Mendes
Maui: Kihei (3-9-009: 008)	Dug Well Used for Irrigation (SM2 20130126)	Gary Passon
Maui: Haiku (2-7-004: 001)	Consolidation & Resubdivision (SM2 20130127)	Makai Hana V, LLC
Maui: Lahaina (4-6-006: 025)	After-the-Fact Alteration to Main Dwelling (SM2 20130128)	Jay Ramirez
Maui: Lahaina (4-3-010: 007)	Modify Existing Facility (SM2 20130129)	New Cingular Wireless PCS LLC
Maui: Lahaina (4-6-030: 011)	Apartment Alteration (SM2 20130130)	Mcevoy, Daniel & Kimberly
Maui: Lahaina (4-4-008: 001)	Fire Alarm Upgrade, Phase II (SM2 20130131)	Robert Hartman
Maui: Lahaina (4-5-004: 006)	Accessory Dwelling/Carport/Deck (SM2 20130132)	F. Leory Sherman



North Shore Sunset, O'ahu

SHORELINE NOTICES

Shoreline Certification Applications

The shoreline certification applications above are available for review at the DLNR Offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS 205A-42 and HAR 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1559	10/31/13	Lot 53 of Sunset Beach Lots as shown on File Plan 256 situate at Pupukea-Paumalu, Ko'olauloa, O'ahu Address: 59-221E Ke Nui Road Purpose: Building setback requirement	Jaime F. Alimboyoguen/ Daniel Mark & Ann Kiyono Franzmann	5-9-019:012
OA-1560	11/5/13	Koko Head Regional Park (Por. of Hanauma Bay Nature Park) being also a portion of L.C. Aw. 7713, Apana 30, R.P. 4475 to V. Kamamalu situate at Maunaloa, Honolulu, O'ahu Address: Kalaniana'ole Highway Purpose: Drainage study and improvements, SMA permit for renovation of golf clubhouse facilities	Lance T. Stevens/ City and County of Honolulu	4-9-012:002
OA-1561	11/6/13	Lot 13 (Map 1) Land Consolidation 211 situate at Kaunala, Ko'olauloa, O'ahu Address: 58-181 Napo'onala Place Purpose: Determine building setback	Leaps & Boundaries, Inc./ Corin Gentry Balding Trustee	5-8-006:043
OA-1562	11/8/13	Portion of Grant 5677 to Cecil Brown, Grant 4674 to John D. Holt Jr. and Land Patent 8165, Part B, Land Commission Award 8559-B, Apana 32 to W. C. Lunalilo situate at Ka'alawai, Kapahulu, Honolulu, O'ahu Address: 4031 A Kulamanu Street Purpose: Shoreline setback determination	Engineers Surveyors Hawai'i, Inc./ Pleasantville Road Partners, LLC	3-1-040:004
MA-559	10/31/13	Lot 1-B-1 and Lot 1-B-2 of Land Court Application 1896 (Map 3) situate at Honualua, Makawao, Maui Address: 5000 Makena Road Purpose: N/A	Akamai Land Surveying, Inc./ Charles T. Wegner	2-1-007:103 & 107
MA-560	11/7/13	All of Royal Patent 7390, Land Commission Award 199, Apanas 1 and 2 to John Dawson and portions of Royal Patent 7860, Land Commission Award 7715, Apana 3 to Lota Kamehameha and Royal Patent 1676, Land Commission Award 10465, Apana 1 to Nalehu situate at Waiokama, Lahaina, Maui Address: 456 Front Street Purpose: Construction of single family residence and pool	Akamai Land Surveying, Inc./ Susan Marzal	4-6-002:016
MA-561	11/4/13	Lots A-1 and A-2 Kaunuohua Award being a portion of L.C Aw. 293 to Kaunuohua situate at Lahaina, Maui Address: 417 Front Street Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ 417 Front Street Associates, LLC	4-6-002:003

MA-562	11/7/13	Portion of Royal Patent Grant 548 to J.Y. Kanehoa situate at Pae'ahu, Honualua, Makawao, Maui Address: 3116 South Kihei Road Purpose: Building setback and permitting purposes	Newcomer-Lee Land Surveyors, Inc./ Inshallah Trust	2-1-010:005
HA-474	10/30/13	Lot 14 of Vacationland Hawaii Subdivision (F.P. 814) L.C. Aw. 8559, Apana 5 situate at Kapoho, Puna, Island of Hawai'i Address: Waiopae Road Purpose: Determine shoreline setback	The Independent Hawai'i Surveyors, LLC/ Robert Muranaka	1-4-068:001
HA-475	10/30/13	Lot 18, Wa'awa'a Subdivision, portion of Grant 3687 to R.A. Lyman, Grant 1363 to Pakaka, Grant 997, Apana 1 to Haole and Grant 997, Apana 2 to Haole situate at Wa'awa'a, Puna, Island of Hawai'i Address: Government Beach Road Purpose: Determine setback	The Independent Hawai'i Surveyors, LLC/ Merrill L. Mazza	1-4-028:033

### Shoreline Certifications and Rejections

The shoreline notices below have been proposed for certification or rejection by DLNR (HRS 205A-42 and HAR 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resource, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1551	Proposed Shoreline Certification	Portion Ahupuaa of Kualoa portion deed: Kamehameha III to G.P. Judd dated November 20, 1850 recorded in Liber 4 at page 304 situate at Kualoa, Ko'olaupoko, O'ahu Address: 49-555 Kamehameha Highway Purpose: Sale of property	Walter P. Thompson, Inc./ Harvey Minatoya	4-9-009:005
OA-1555	Proposed Shoreline Certification	Land Court Application 1136, Parcel 1 and 2 of Land Court Application 1226 and Lot B of Land Court Application 1059 situate at Ka'alawai, Honolulu, O'ahu Address: 4055 Papu Circle Purpose: Calculate building potential and obtain permit	Wesley T. Tengan/ Doris Duke Foundation for Islamic Art	3-1-041:005
OA-1556	Proposed Shoreline Certification	Lot 269 (Map 140) of Land Court Application 505 situate at Kailua, Ko'olaupoko, O'ahu Address: 1070 Mokulua Drive Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ Mokulua Windward LLC	4-3-006:091
OA-1557	Proposed Shoreline Certification	Lot 268 of Land Court Application 505 (Map 140) situate at Kailua, Ko'olaupoko, O'ahu Address: 1064 Mokulua Drive Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ 1064 Mokulua LLC	4-3-006:059
OA-1558	Proposed Shoreline Certification	Lot 224 (Map 79) of Land Court Application 505 situate at Kailua, Ko'olaupoko, O'ahu Address: 1020 Mokulua Drive Purpose: Building setback	Engineers Surveyors Hawaii, Inc./ Lee Sung TR	4-3-006:055
MA-546	Proposed Shoreline Certification	Lot 55 Land Court Application 1744 (Map 19) situate at Ka'anapali, Maui Address: 2365 Ka'anapali Parkway Purpose: Shoreline setback purposes	Arthur P. Valencia/ The Westin Kaanapali Resort & Spa	4-4-008:019

MA-541	Rejection	Makena Beach Lots Lot 56-A portion of Land Commission Award 11,216, Apana 21 to M. Kekauonohi situate at Palaeua, Honua'ula, Wailea, Maui Address: 4472 Makena Road Purpose: Renovations	Valera, Inc./ Dan & Kim Huish	2-1-011:012
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Department of Health Notices

The table below shows a tally of the number of inspections and responses conducted by the DOH Environmental Health Administration from the last quarter (July to September 2013) of the last federal fiscal year. The following table provides the same information for the 2013 federal fiscal year (October 2012 to September 2013). Formal and informal enforcement actions and the settlements that arise out of those actions are also accounted for in the tables. Inspections and enforcement actions are split by program area. For more information please contact the DOH Environmental Planning Office at 586-4337.

**DRAFT Environmental Health Administration (EHA) Enforcement Report for July-September 2013**

	Complaints 1	Field Inspections 2	Warning Notices 3	Field Citations 4	Enforcement Cases Issued 5	Formal Cases Pending 6	Penalties Sought	Formal Cases Resolved 7	Number of Active S.E.P.s	Funds Outstanding	Funds Received
	Informal	Informal	Informal	Formal	Formal	Formal	Formal	Formal	Running Total	Running Total	July- Sept 13 Q.
<b>Clean Air Branch</b>											
<b>CAB TOTAL</b>	280	361	27	0	2	10	\$4,000	3	0	\$76,500	\$17,500
Solid & Hazardous Waste Branch											
<b>SHWB TOTAL</b>	1,115	193	30	1	5	24	\$111,185	108	1	\$292,785	\$12,750
<b>Clean Water Branch</b>											
<b>CWB TOTAL</b>	59	21	1	0	0	12	\$0	0	2	\$0	\$200,000
<b>Wastewater Branch</b>											
<b>WWB TOTAL</b>	45	81	10	5	2	7	14,100	0	1	\$34,375	\$3,200
<b>Safe Drinking Water Branch</b>											
<b>SDWB TOTAL</b>	333	8	4	0	0	0	\$0	0	0	\$0	\$0
Hazard Evaluation & Emergency Response											
<b>HEER TOTAL</b>	0	2	14	1	0	0	\$0	0	0	\$0	\$0
Indoor & Radiological Health Branch											
<b>IRHB TOTAL</b>	165	161	29	0	3	5	\$19,000	2	0	\$0	\$12,300
Sanitation Branch											
<b>SAN Total</b>	1,368	3,984	13	2,699	0	0	\$0	0	0	\$0	\$0
<b>TOTAL</b>	<b>3,365</b>	<b>4,811</b>	<b>128</b>	<b>2,706</b>	<b>12</b>	<b>58</b>	<b>\$148,285</b>	<b>113</b>	<b>4</b>	<b>\$403,660</b>	<b>\$245,750</b>

**DRAFT - EHA Enforcement Report for Oct 2012 - Sept 2013 (Federal Fiscal Year 2013 - FFY13)**

	Complaints 1	Field Inspections 2	Warning Notices 3	Field Citations 4	Enforcement Cases Issued 5	Enforcement Cases Pending *****	Penalties Sought	Formal Cases Resolved 6	Number of Active S.E.P.s 7	Funds Outstanding	Funds Received 8
	Informal	Informal	Informal	FFY 2013	FFY 2013	Formal	FFY 2013	FFY 2013	Running Total (data from most recent quarter)	Running Total (data from most recent quarter)	FFY 2013
<b>Clean Air Branch</b>											
<b>CAB TOTAL</b>	995	1,572	96	5	20	10	\$93,500	16	0	\$76,500	\$194,200
<b>Solid &amp; Hazardous Waste Branch</b>											
<b>SHWB TOTAL</b>	4,141	844	135	24	14	24	\$406,940	280	1	\$292,785	\$477,150
<b>Clean Water Branch</b>											
<b>CWB TOTAL</b>	208	117	10	2	1	12	\$50,586	0	2	\$0	\$200,000
<b>Wastewater Branch</b>											
<b>WWB TOTAL</b>	177	338	56	39	2	7	\$14,100	2	1	\$34,375	\$8,750
<b>Safe Drinking Water Branch</b>											
<b>SDWB TOTAL</b>	1,489	44	15	0	0	0	\$0	0	0	\$0	\$0
<b>Hazard Evaluation &amp; Emergency Response</b>											
<b>HEER TOTAL</b>	0	16	45	3	0	0	\$0	0	0	\$0	\$7,099
<b>Indoor &amp; Radiological Health Branch</b>											
<b>IRHB TOTAL</b>	526	946	116	0	8	5	\$55,000	4	0	\$0	\$23,633
<b>Sanitation Branch</b>											
<b>SAN TOTAL</b>	3,083	13,394	66	10,762	0	0	\$0	0	0	\$0	\$0
<b>EHA TOTAL</b>	10,619	17,271	539	10,835	45	58	\$620,126	302	4	\$403,660	\$910,832
<b>EPA Delegated TOTAL*</b>	7,536	3,877	473	73	45	58	\$620,126	302	4	\$403,660	\$910,832

FEDERAL NOTICES

1. [EPA granted an Experimental Use Permit \(EUP\) to the Pesticide Applicant Monsanto Company](#) – November 21, 2013

The Environmental Protection Agency (EPA) has granted an experimental use permit (EUP) to the pesticide applicant Monsanto Company. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit. This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2012-0780, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW. Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

EPA has issued the following EUP: 524-EUP-104. (EPA-HQ-OPP-2012-0780). Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63167. This EUP, issued on March 1, 2013, allows planting and associated activities, e.g., collection of field data, harvesting, processing of corn plant incorporated protectants (PIPs) seeds containing active ingredients, corn PIPs with MON 87410 and MON 87411. The PIPs contain a Dv49 double stranded RNA (dsRNA) suppression cassette in combination with *Bacillus thuringiensis* (Bt) Cry Proteins (Cry1A.105, Cry2Ab2, Cry1F, Vip3Aa20, Cry3Bb1, Cry34Ab1/Cry35Ab1, and eCry3.1Ab). Tests to control corn root worm (CRW) are authorized from March 1, 2013, through February 28, 2015. Field trials will be conducted in the U.S. territory of Puerto Rico and in the following 22 U.S. states: Arkansas, California, Colorado, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, and Wisconsin. Approximately 3,392,742 pounds (lb) of seed containing 48.41 lb (21,958 grams) of active ingredient (2.54, 4.04, 1.57, 12.68,  $2.2 \times 10^{-5}$ , 8.45, 16.65, 0.41, and 2.07 lb of Cry1F, Cry1A.105, Cry2Ab2, Vip3Aa20, Dv49 dsRNA, Cry3Bb1, Cry34Ab1, Cry35Ab1, eCry3.1Ab, respectively) are to be planted over 20,893 acres, including Bt and dsRNA PIP (17,740) and non-PIP (3,153) acreage. The two protocols in the EUP include: (1) Seed development and increase for future testing including nursery observations of traits in various genetic backgrounds; and (2) product characterization work including phenotypic and agronomic observations, efficacy and yield benefit evaluations regulatory data generation.

2. [The Mother Waldron Playground located at 537 Coral St., Honolulu, Hawaii is Being Considered for Listing or Related Actions in the National Register of Historic Places](#) – November 20, 2013

A number of properties including, The Mother Waldron Playground are being considered for listing or related actions in the National Register were received by the National Park Service before October 26, 2013. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202-371-6447. Written or faxed comments should be submitted by December 5, 2013. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

3. [The Department of Defense is holding meetings to Review New Start Research and Development Projects Requesting Strategic Environmental Research and Development Program funds](#) - November 15, 2013

On Tuesday, December 17, 2013, from 9:00 a.m. to 5:00 p.m. and Wednesday, December 18, 2013, from 8:30 a.m. to 5:05 p.m. an open meeting is being held about the Strategic Environmental Research and Development Program, Scientific Advisory Board (SAB). The purpose of the meeting is to review new start research and development projects requesting Strategic Environmental Research and Development Program funds in excess of \$1 million over the proposed length of the project. The meeting will be held at the Holiday Inn Ballston, 4610 North Fairfax Drive, Arlington, VA 22203.

Pursuant to 41 CFR 102-3.105(j) and 102-3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Strategic Environmental Research and Development Program, Scientific Advisory Board. Written statements may be submitted to the committee at any time or in response to an approved meeting agenda.

All written statements shall be submitted to the Designated Federal Officer (DFO) for the Strategic Environmental Research and Development Program, Scientific Advisory Board. The DFO will ensure that the written statements are provided to the membership for their consideration. Contact information for the DFO can be obtained from the GSA's FACA Database at <http://facasms.fido.gov/>.

CONTACT: Mr. Jonathan Bunger, SERDP Office, 4800 Mark Center Drive, Suite 17D08, Alexandria, VA 22350-3605; or by telephone at (571) 372-6384.

4. [Agenda and Notice of Public Meeting on the Hawaii Advisory Committee](#) – November 20, 2013

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Hawaii Advisory Committee (Committee) to the Commission will convene by conference call at 10:00 a.m. Hawaiian Time (1:00 p.m. Pacific Time) on December 6, 2013. The purpose of the meeting is for the Committee to discuss a report to the Commission on language access as a civil right.

This meeting is available to the public through the following toll-free call-in number: 877-446-3914, conference ID: 9935615. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-977-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by January 6, 2014. The address is U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles St., Suite 2010, Los Angeles, CA, 90012. Comments may be emailed to [atrevino@usccr.gov](mailto:atrevino@usccr.gov).

Records generated from this meeting may be inspected and reproduced at the Western Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, [www.usccr.gov](http://www.usccr.gov), or to contact the Western Regional Office at the above email or street address. The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.



## GLOSSARY

### **Agency Actions**

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

### **Applicant Actions**

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

### **Draft Environmental Assessment**

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(c\)](#), for Applicant actions. For actions for which the agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin

### **Final Environmental Assessment and Finding of No Significant Impact**

The Agency shall respond in writing to comments on a DEA received during the review and prepare a Final EA (FEA) to determine whether an environmental impact statement shall be required. The FEA must respond to all public comments. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement will not be required and the project may then be implemented. The public has 30 days from the notice of a FONSI in this bulletin to ask a court to require the preparation of an EIS.

### **Final Environmental Assessment and Environmental Impact Statement Preparation Notice**

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

### **Act 172-2012, Environmental Impact Statement Preparation Notice (with no EA)**

Act 172-2012, amended HRS 343, by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit is

determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public to request for a period of thirty-days, to be consulted parties in the preparation of the Draft EIS. Comments and responses must be incorporated into the subsequent Draft EIS.

### **Draft Environmental Impact Statement**

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The [content requirements](#) of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigative measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the 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 and must be included in the FEIS. See here for [style](#) concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

### **Acceptability**

If the FEIS is [accepted](#), notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a nonacceptance determination.

### **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 Hawaii's law. Some projects require both a State and Federal EIS and the public comment procedure should be [coordinated](#). OEQC publishes NEPA notices in this 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. Members of the public may intervene in the permit process. Notice of permit applications are published in this bulletin.

### **Special Management Area and Shoreline Setback Area**

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

### **Shoreline Certifications**

State law requires that Hawaii shorelines be surveyed and certified when necessary to clearly establish the shoreline setback 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 bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

### **Environmental Council**

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). [Agendas](#) of their regular meetings are posted on the Internet and the public is invited to attend.

### **Exemption Lists**

Government agencies must keep a list describing the minor activities they regularly perform that are [exempt](#) from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence ([HAR 11-200-8\(d\)](#)). This 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 bulletin is required by [HRS 343-3\(c\)](#), 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).