

The Environmental Notice

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

IN THIS NOTICE . . .

Aloha and Happy New Year. The first issue of this year lists two environmental impact statement (EIS) projects with significant effects.

The University of Hawai'i EIS Preparation Notice evaluates new leases for the Mauna Kea Science Reserve, related facilities and easements. The UH is seeking a new Master Lease for two principal reasons. The first is to incorporate into the Master Lease the new Comprehensive Management Plan (CMP) objectives. The second is to provide an adequate planning horizon for ongoing and future scientific activity, something that is increasingly difficult as the remaining term of the existing Master Lease becomes shorter. More information is available on page 4 of this notice.

The Hawai'i Community Development Authority Draft EIS analyzes the impacts of rail transit oriented development in Kaka'ako. The Kaka'ako Community Transit Oriented Development Overlay Plan EIS offers a vision of how the district could respond to the opportunities presented by the introduction of an elevated light rail system in the Kaka'ako Mauka Area. See page 5 for more details.

This office encourages the readers to submit relevant comments to the addresses provided for each project listed in this notice.



'Ākulikuli (*Lampranthus multiradiatus*), also known as the ice plant, planted in front of Leiopapa A Kamehameha.



David Y. Ige, Governor · Jessica Wooley, Director · Office of Environmental Quality Control · 235 South Beretania Street, Suite 702 · Honolulu, Hawai'i 96813 · Tel: 586-4185 · Fax: 586-4186 · Email: 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

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HAWAI'I (HRS 343)

1. Keōpū Well #4 Pump and Transmission Lines Project DEA (AFNSI)

Island: Hawai'i
District: North Kona
TMK: (3) 7-5-001:115, (3) 7-5-001:159, (3) 7-5-013:022, (3) 7-5-024:999, (3)7-5-002:999, and (3) 7-4-002:999
Permits: Conservation District Use Permit Extension, National Pollutant Discharge Elimination System – Notice of Intent [Construction] (NPDES-NOI[C]), Noise Permit and/or Noise Variance, Grubbing, Grading, and Stockpiling Permit, and Building Permits, Construction within State Road Right-of-Way
Applicant: Forest City Hawai'i, 5173 Nimitz Road, Honolulu, HI 96818. Contact: Ann Bouslog, (808) 839-8769.



Approving Agency: Department of Water Supply, County of Hawai'i, 45 Kekuanaoa Street, Suite 20, Hilo, HI 96720. Contact: Quirino Antonio, (808) 961-8050
Consultant: Planning Solutions, Inc., 210 Ward Avenue, Suite 330, Honolulu, HI 96814. Contact: Perry White, (808) 550-4483
Status: Statutory 30-day public review and comment period starts; comments are due by February 9, 2015. Please send comments to the applicant, approving agency and consultant.

Forest City Hawai'i is proposing to convert an existing exploratory well (Keōpū Well #4, State Well No. 3957-05) in North Kona, Island of Hawai'i, to a production well to serve as an additional water source for the Hawai'i County Department of Water Supply's (DWS) system. When completed, the new production well and associated control building, booster pump, and transmission lines will be turned over to the County DWS for full operation.

Improvements that will be required consist of the following:

- › Installation of a 1,050 gallons per minute (GPM) pump in the Keōpū Well #4.
- › Construction at the Keōpū #4 well site of a control building to house the motor control center for the pump and a chlorination water treatment system.
- › Grading and paving of the existing 900-foot-long access road between the Keōpū #4 well site and Mamalahoa Highway.
- › Installation of a 12-inch, 890-foot-long pipeline from the Keōpū #4 well site to the existing County of Hawai'i Department of Water Supply (DWS) 1.0 million gallon (MG) Keōpū storage reservoir.
- › Construction of a booster pump station at the Keōpū reservoir site.
- › Installation of a 16-inch, 3,600-foot-long pipeline in the Mamalahoa Highway roadway.

2. Lono Kona Sewer Improvement District DEA (AFNSI)

Island: Hawai'i
District: North Kona
TMK: (3rd) 7-5 various plats: various parcels
Permits: State Department of Health National Pollutant Discharge Elimination System (NPDES) Permit; Permit to Work within County Right-of-Way; and Hawai'i Department of Public Works Grading Permit; Hawai'i Department of Environmental Management, and Office of Environmental Quality Control (OEQC) Chapter 343, HRS Compliance



Proposing/Determination Agency: County of Hawai'i Department of Environmental Management, 25 Aupuni Street, Hilo, HI 96720. Contact: Dora Beck, (808) 961-8333.

Consultant: PBR Hawaii & Associates, Inc., 1001 Bishop Street, Suite 650, Honolulu, HI 96813.
Contact: Roy Takemoto; (808) 521-5631; Fax (808) 523-1402

Status: Statutory 30-day public review and comment period starts; comments are due by February 9, 2015. Please send comments to the proposing agency and consultant.

The Lono Kona Subdivision is located in Kailua-Kona, North Kona District, Island and County of Hawai'i. This subdivision was created in 1962. Within the Project Area, the proposed sewer plan would service up to 110 parcels and require an easement over but no service to a parcel that has extinguished its development rights with a conservation easement.

Several landowners within Lono Kona have received violation notices from the U.S. Environmental Protection Agency for their continued use of large-capacity cesspools. The Project Area is a higher density urbanized area where lot sizes generally do not have sufficient area for onsite disposal systems that require leach fields. The Project offers a cost-effective solution to replace cesspools with a sanitary sewer system.

DEM proposes to extend the County sewer system to the subdivision by means of an Improvement District. The "federal action" triggering NEPA is a wastewater loan/grant application to the U.S. Department of Agriculture Rural Utilities Service. The actions triggering HRS chapter 343 are the use of County funds to initiate the Improvement District and use of County lands. The proposed sewer system consists of 6,100 linear feet of 8-inch and 10-inch sewer pipe, 35 sewer manholes, sewer laterals to 110 parcels, and restoration of roadway pavements.

3. New Master Leases for the Mauna Kea Science Reserve and Related Facilities and Easements EISPN-Act 172

Island: Hawai'i
District: Hāmākua
TMK: (3) 4-4-015:009 (Mauna Kea Science Reserve), (3) 4-4-015:012 (Halepōhaku Mid-Level Facility), and (3) 4-4-015:001 por. (Mauna Kea Access Road Easement)

Permits: Issuance of New Leases for the Mauna Kea Science Reserve (MKSR), or a portion of it, and Halepōhaku Mid-Level Facility and amendment of the Grant of Easement for the Mauna Kea Access Road

Proposing Agency: University of Hawai'i at Hilo, 200 W. Kāwili Street, Hilo, HI 96720. Contact: Donald Stranley, (808) 932-7348

Accepting Authority: Governor of the State of Hawai'i, 415 South Beretania Street #5, Honolulu, Hawaii 96813. Contact: (808) 586-0034, c/o Office of Environmental Quality Control (808) 586-4185.

Consultant: Planning Solutions, Inc., 210 Ward Avenue, Suite 330, Honolulu, HI 96814. Contact: Perry White, (808) 550-4483.

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



The University of Hawai'i (UH) leases the 11,288-acre Mauna Kea Science Reserve (MKSR) under general lease S-4191, which expires on December 31, 2033, and the 19-acre Halepōhaku mid-level facility under general lease S-5529, which expires in 2041. In addition, UH holds non-exclusive Easement S-4697 for the Mauna Kea Access Road between the two leased properties, the leased area is roughly 71 acres and the easement expires on December 31, 2033. The two leased properties plus a 400-yard wide corridor on either side of the Mauna Kea Access Road, excluding areas within the adjacent Natural Area Reserve (NAR), make up the UH Management Area on Mauna Kea. UH is seeking to replace both of its existing leases with new leases well before they expire and to extend the term of the road easement.

UH is seeking a new Master Lease for two principal reasons. The first is to incorporate into the Master Lease the new Comprehensive Management Plan (CMP) objectives. The second is to provide an adequate planning horizon for ongoing and future scientific activity, something that is increasingly difficult as the remaining term of the existing Master Lease becomes shorter.

The Environmental Impact Statement Preparation Notice (EISPN) discusses a “No Action Alternative,” an action alternative under which UH leases the same areas it currently leases, and an action alternative under which UH leases a reduced land area. These three alternatives and potentially additional alternatives advanced by stakeholders during the EISPN review period will be evaluated in the Draft Environmental Impact Statement (DEIS).

The EISPN outlines the kinds of potential adverse and beneficial impacts that are likely to result from the alternatives being considered. These potential impacts and others identified by stakeholders during the review of the EISPN will be evaluated in the DEIS.

O’AHU (HRS 343)

4. [‘Ewa Elementary School Eight-Classroom Building FEA \(FONSI\)](#)

Island: O’ahu
District: ‘Ewa
TMK: (1) 9-1-017:002 and 037
Permits: National Pollutant Discharge Elimination System (NPDES), Community Noise Permit and/or Noise Variance, ‘Ewa Highway Impact Fee, and Building, Street Usage, Trenching, Storm Drain Connection, and Grading, Grubbing, and Stockpiling Permits



Proposing/Determination

Agency: State of Hawai‘i, Department of Education (DOE), Facilities Development Branch, 1151 Punchbowl Street, Room 431, Honolulu, HI 96813.
 Contact: Ron Hagino, (808) 586-0434
Consultant: Belt Collins Hawaii LLC, 2153 North King Street, Suite 200, Honolulu, HI 96819.
 Contact: John Chung, (808) 521-5361
Status: Finding of No Significant Impact Determination.

The Department of Education is proposing to build a new one-story, eight-classroom building at the existing ‘Ewa Elementary School in ‘Ewa, O’ahu, Hawai‘i (TMK: 9-1-017: 002 and 037). The new building will include six general education classrooms, one special education classroom, one computer lab, one faculty center, student restrooms, and various utility rooms and closets. In addition to the building, ancillary improvements include walkways, a fire access road, utility connections, landscaping, irrigation, drainage system, and trash enclosure relocation. The proposed building will be located on the west side of the campus, in a grassy area currently being utilized as a playfield.

‘Ewa Elementary School is located in an area that has seen continuous growth in population over the past several years. Although classroom buildings and portables have been added to the campus to accommodate this growth, enrollment has continued to exceed the capacity of the school.

The new building will be designed to achieve a LEED Silver rating equivalent. Construction is expected to begin in the first quarter of 2015 and be completed approximately 18 months later.

5. [Kaka‘ako Community Transit Oriented Development Overly Plan Draft EIS](#)

Island: O’ahu
District: Honolulu
TMK: Aloha Tower Special District: (1)2-1-014: 006;
 Kaka‘ako: (1) 2-1-015:009, 051, 052, 061-063; (1) 2-1-029:001, 002, 010; (1) 2-1-030:001, 003, 006-015, 017, 043; (1) 2-1-031:001-005, 008, 010, 012, 015, 018-021, 024,

029-033; (1) 2-1-032:001, 002, 007-012, 015, 017, 020, 022-024; (1) 2-1-044:001-005, 022, 023, 032-034, 038-044, 046-048; (1) 2-1-046:001-003, 005, 007-010; (1) 2-1-047:001-006, 008, 010; (1) 2-1-048:001, 002, 005-008, 022; (1) 2-1-049:001, 003-005, 008-033, 037, 038, 040-043, 045-050, 054-061, 063-066, 068-076, 078-080; (1) 2-1-050:001-004, 007, 009-025, 027, 028, 030-043, 045-050, 052-065, 067, 068; (1) 2-1-051: 001-007, 010-014, 018, 019, 031, 033, 038, 040-044; (1) 2-1-052:001-005, 007-013, 016, 017, 020, 022, 024, 027, 028, 031-036, 038-040, 042, 043, 045, 046, 051-054; (1) 2-1-053:001, 030-032; (1) 2-1-054:001, 021, 022, 025, 027, 028, 032, 033; (1) 2-1-055:001-004, 006, 009, 017, 018, 021, 026, 032-035, 038; (1) 2-1-056:001-004, 007, 008; (1) 2-1-058:002, 006, 021, 035, 043, 048, 061, 069, 073, 088, 089, 094, 095, 099, 100, 101, 103, 105, 109, 124-128; (1) 2-1-059: 001, 003-006, 011, 013, 020, 021, 023-029; (1) 2-1-060:001-009, 013, 015, 017; (1) 2-3-001:001, 004; (1) 2-3-002:001, 002, 057-059, 066, 067, 069, 086, 087, 104; (1) 2-3-003: 004-008, 011-015, 018-024, 026, 028, 030-034, 037, 038, 040, 043, 046-050, 052, 059, 061-069, 071, 073-075, 078, 080, 081, 083, 085-087, 089-095, 097-099, 103, 105; (1) 2-3-004:002, 003, 007-010, 012, 025, 029, 031, 033-037, 039, 048, 051, 061, 065, 069, 071, 076, 079, 080; (1) 2-3-005: 001, 004-006, 012-017, 019, 022; (1) 2-3-006: 001, 003, 004, 014-017; (1) 2-3-007:023, 026-029, 033, 036, 039, 044, 045, 049, 054, 056, 057, 061-064, 066, 067, 069, 078, 091-093, 098-101, 104, 105, 107; (1) 2-3-008:001-003; (1) 2-3-009:001; (1) 2-3-010:001-009, 011-028, 083, 092-094, 096-107, 111; (1) 2-3-011:002-025, 029-051, 053, 054



Permits: Subdivision Approval (if applicable), Building/Grading Permits; Installation of Power Lines and Substations, National Pollutant Discharge Elimination System Permit, Noise Permit, Modification of Highway Access Points, Work within the State Highway Right-of-Way, Dewater/Stockpiling, Trenching, Development Permit

Proposing Agency: Hawaii Community Development Authority, 461 Cooke Street, Honolulu, HI 96813.
Contact: Amy Mutart, (808) 594-0334

Accepting Authority: Governor, State of Hawai'i, Hawai'i State Capitol, Honolulu, HI 96813.
Contact: Mike McCartney, (808) 586-0034

Consultant: Lee Sichter LLC, 45024 Malulani Street #1, Kāne'ohe, HI 96744.
Contact: Lee Sichter, (808) 382-3836

Status: Draft environmental impact statement (DEIS) notice pending 45-day public comment. Address comments to the applicant with copies to the approving authority, consultant and OEQC.

The Proposed Action is the implementation of a Plan for Transit-Oriented Development ("TOD") within the Kaka'ako Community Development District (KCDD). The proposed TOD Plan will serve as an incentive-based overlay on the existing Mauka Area Plan regarding development in the district. The existing Mauka Area Rules will remain in force and any proposed TOD development will be reviewed under TOD incentive-based development rules promulgated by the Hawaii Community Development Authority. The implementation of TOD is intended to optimize development in the KCDD by promoting the use of smart growth principles, multi-modal transportation, and walkability. The ultimate goal of the Proposed Action is to foster mixed-use residential/commercial development that creates public spaces that are safe, comfortable, diverse, attractive, and fundamentally exhibit the distinct character of the Kaka'ako community.

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area 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: South Hilo (2-6-005: 019)	Conversion of the Garage Structure into a Second Dwelling Unit (SMM 14-323)	Kathleen Nikolas
Maui: Paia (2-6-002: 010)	Exterior Repairs (SM2 20140140)	Paia Bay Properties, LLC
Maui: Lahaina (4-6-032: 013)	Interior Renovations (SM2 20140141)	Ohana Hale Kai Trust
Maui: Wailuku (3-1-001: 042)	Construct Two Wells for Irrigation (SM2 20140142)	Allan Mendes
O'ahu: Kaka'ako (2-1-060: 008 por)	Three Geotechnical Borings (SMA/14-6)	Seagull Schools, Inc. / Environmental Communications, Inc.
O'ahu: Waianae (8-7-044: 001)	Kaiser Nanaikeola Photovoltaic Energy (2014/SMA-52)	Ameresco, Inc. / The Limtiaco Consulting Group
O'ahu: Kapolei (9-1-026: 054)	American Piping and Boiler Co. – Stockpiling at Lot 15686 (2014/SMA-59)	American Piping and Boiler Co. / The Limtiaco Consulting Group
O'ahu: Kailua (4-3-010: 052)	Expansion of Existing Deck (2014/SMA-63)	James V. Nance

SHORELINE NOTICES

Shoreline Certification Applications

The shoreline certification application below is available for review at the Department of Land and Natural Resources 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, Hawai'i 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-1634	12/19/14	Lot 35 of Pupukea-Paumalu Beach Lots and a portion of R.P. 1450, L.C Aw. 7420 to Ka'iwi situate at Pupukea, Ko'olaupoko, O'ahu Address: 59-411 Ke Nui Road Purpose: Building setback purposes	Jaime F. Alimboyoguen/ William Kernot	5-9-020:049

Shoreline Certifications and Rejections

The shoreline notice below has been proposed for certification or rejection by the Department of Land and Natural Resources (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, Hawai'i 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1589	Proposed Shoreline Certification	Portion of Exclusion 12 Land Court Application 979 Portion R.P. 2112, L.C. Aw. 2239, Ap. 2 to Maika'i situate at Kahalu'u, Ko'olaupoko, O'ahu Address: 47-407 Kamehameha Highway Purpose: Building permit	Walter P. Thompson, Inc./ Hawai'i Rainbow Properties, LLC	4-7-009:011

FEDERAL NOTICES

1. Changes in Flood Hazard Determinations – 12/30/14

This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

State-County	Location/Case number	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community number
Hawaii: Maui	Maui County (14-09-2279P)	The Honorable Alan M. Arakawa, Mayor, Maui County, 200 S. High Street, 9 th Floor, Wailuku, HI 96793	Maui Planning Department, 250 S. Hight Street, 2 nd Floor, Wailuku, HI 96793	http://www.msc.fema.gov/lomc	Mar. 2, 2015	150003

2. [List of Fisheries for 2015](#) – 12-29-14

The National Marine Fisheries Service (NMFS) publishes its final List of Fisheries (LOF) for 2015, as required by the Marine Mammal Protection Act (MMPA). The final LOF for 2015 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of mortality and serious injury of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan (TRP) requirements.

DATES: The effective date of this final rule is January 28, 2015.

ADDRESSES: Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Lisa White, Office of Protected Resources, 301-427-8494; Allison Rosner, Greater Atlantic Region, 978-281-9328; Jessica Powell, Southeast Region, 727-824-5312; Elizabeth Petras, West Coast Region (CA), 562-980-3238; Brent Norberg, West Coast Region (WA/OR), 206-526-6550; Kim Rivera, Alaska Region, 907-586-7424; Nancy Young, Pacific Islands Region, 808-725-5156. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

3. [Defense Materiel Disposition](#) – 12/29/14

This interim final rule prescribes uniform procedures for the disposition of DoD personal property and establishes the sequence of processes for disposition of personal property of the DoD Components. Subpart A implements the statutory authority and regulations under which DoD personal property disposal takes place, as well as the scope and applicability for the program; defines the responsibilities of personnel and agencies involved in the Defense Materiel Disposition Program; provides procedures for disposal of excess property and scrap; and provides procedures for property donations, loans, and exchanges. Subpart B implements policy for reutilization, transfer, excess property screening, and issue of surplus property and foreign excess personal property (FEPP), scrap generated from qualified recycling programs (QRPs), and non-QRP scrap; and provides guidance for removing excess material through security assistance programs and foreign military sales (FMS).

DATES: Effective December 29, 2014. Comments must be received by February 27, 2015.

ADDRESSES: You may submit comments, identified by docket number and/or RIN number and title, by any of the following methods:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350-3100.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Randal Kendrick, 571-372-5202.

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 Hawai'i'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. Notices 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 Hawai'i 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).