

Appendix A

Coastal Zone Management Act Consistency Determination for the Preferred Alternative

HAWAII COASTAL ZONE MANAGEMENT PROGRAM

FEDERAL CONSISTENCY ASSESSMENT FORM

In compliance with the Hawaii's Coastal Zone Management (CZM) Program, this consistency determination has been prepared in support of the environmental assessment for the Kalaupapa Dock Repair Project.

Currently, the dock structures are in need of repair in order to ensure future use. The Hawaii Department of Health has completed a two-phase repair program of dock and pier features above the water line. In order to maintain barge service to Kalaupapa, the National Park Service would conduct underwater repairs to stabilize harbor facilities and the pier dock. Specific activities would include filling voids in the bulkhead wall toe, the low dock toe, and the breakwater. These repairs would lengthen the use of the harbor an additional 5 to 10 years.

The following sections incorporate responses to the state's "Federal Consistency Assessment Form".

RECREATIONAL RESOURCES

Objective: Provide coastal recreational opportunities accessible to the public.

Policies:

1. Improve coordination and funding of coastal recreation planning and management.
2. Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:
 - a) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;
 - b) Requiring replacement of coastal resources having significant recreational value, including but not limited to surfing sites and sandy beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;
 - c) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;
 - d) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;
 - e) Encouraging expanded public recreational use of county, State, and Federally owned or controlled shoreline lands and waters having recreational value;
 - f) Adopting water quality standards and regulating point and non-point sources of pollution to protect and where feasible, restore the recreational value of coastal waters;

- g) Developing new shoreline recreational opportunities, where appropriate, such as artificial reefs for surfing and fishing; and
- h) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, county planning commissions; and crediting such dedication against the requirements of section 46-6.

Check either “Yes” or “No” for each of the following questions:

1. Will the proposed action involve or be near a dedicated public right-of-way? No
2. Does the project site abut the shoreline? Yes
3. Is the project site near a State or County park? No
4. Is the project site near a perennial stream? No
5. Will the proposed action occur in or affect a surf site? No, surfing is not allowed in Kalaupapa Harbor.
6. Will the proposed action occur in or affect a popular fishing area? Yes
7. Will the proposed action occur in or affect a recreational or boating area? Yes
8. Is the project site near a sandy beach? Yes
9. Are there swimming or other recreational uses in the area? Yes

Discussion:

The actions proposed to address the structural conditions of the dock structures in Kalaupapa Harbor include stabilization and repairs to the below-water structures and pier dock. These actions are consistent with the applicable state CZM program recreational resource objectives and policies because no long-term changes to the natural resource conditions or access to the site would occur. A summary of the actions relative to recreational resource policies is provided below and discussed in detail in the attached Environmental Assessment for the Project to Repair the Kalaupapa Dock Structures.

Kalaupapa Harbor is situated on the north shore of the island of Moloka'i, and is located within the coastal zone management area. The site is part of the Kalaupapa community, which is currently owned by the Department of Hawaiian Home Lands, and managed by the Hawaii Department of Health as a clinic and place of residence for survivors of Hansen's disease.

Recreational activities pursued in and near the project area include fishing and placing of crab pots by the resident patients. The dock area is occasionally used for swimming and snorkeling by State of Hawaii and National Park Service staff. NPS visitors do not access the harbor or dock area during their guided visits to Kalaupapa.

As documented in the EA, impacts on recreation would be minor, as limitations on access would last only through the construction period of three to four months. Within the harbor, natural resource conditions would not be appreciably altered from existing conditions. Fish would be expected to return to the area after construction activities are complete. There would be no long-term change in water quality and only minor long-term changes to benthic habitat.

The proposed project would not facilitate increased NPS visitation nor would it promote public use of the harbor. Thus, no long-term changes in the use of the harbor or access to the community via the dock would occur.

HISTORIC RESOURCES

Objective: Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Policies:

10. Identify and analyze significant archaeological resources;
11. Maximize information retention through preservation of remains and artifacts or salvage operations; and
12. Support State goals for protection, restoration, interpretation, and display of historic resources.

Check either “Yes” or “No” for each of the following questions:

13. Is the project site within a historic/cultural district? Yes
14. Is the project site listed on or nominated to the Hawaii or National register of historic places? Yes
15. Does the project site include undeveloped land which has not been surveyed by an archaeologist? No
16. Has a site survey revealed any information on historic or archaeological resources? Yes
17. Is the project site within or near a Hawaiian fishpond or historic settlement area? Yes

Discussion:

The actions proposed under the Project to Repair the Kalaupapa Dock Structures EA would protect the integrity of a dock structure that is a contributing element to the Historic Landmark District at Kalaupapa. The dock is the main supply link and lifeline between this isolated community and the outside world. By contrast, it also represents the landing site that marked the arrival of those affected with Hansen’s disease to a place of forced refuge. Stabilization of the dock structure is consistent with the applicable CZM program historic resource objectives and policies.

The NPS has initiated consultation under Section 106 of the National Historic Preservation Act, the federal Advisory Council on Historic Preservation, the State Historic Preservation Officer, Native Hawaiian organizations, and other interested parties. A summary of the actions relative to the CZM program historic resource policies is provided below and discussed in detail in the attached EA.

In 1865, Kamehameha V approved the “Act to Prevent the Spread of Leprosy.” A settlement was established at Kalawao on the eastern side of the Kalaupapa peninsula to accommodate the gov-

ernment-imposed isolation of those with Hansen's disease. The first patients arrived in 1866, and an estimated 8,000 exiles would be sent to the peninsula before methods of effective treatment became widespread and preventions identified prior to 1969. It is the period from 1866 to 1969 that is considered significant for cultural resources at Kalaupapa. Hundreds of historic structures remain intact, including bungalows, churches, and tombs. However, only a small number of Hansen's disease survivors voluntarily remain in the settlement today.

Just before the turn of the 20th century, settlement shifted to the warmer and more easily accessible west shore of Kalaupapa. Various religious groups provided aid, including Father Joseph Damien DeVeuster, a Belgian priest who received worldwide acclaim by selflessly caring for the patients. He died from Hansen's disease in 1889, and was canonized by the Catholic Church on October 11, 2009, in Rome as the first Hawaiian saint.

The Kalaupapa dock and associated structures are within and contribute to the Kalaupapa National Historic Landmark District. The harbor and dock structures are a conduit for supplying the settlement. Features of the dock area include the concrete and armor stone breakwater, the pier, and the mortar and stone bulkhead. The historic Community Food Warehouse situated landward adjacent to the bulkhead also contributes to the park's landmark designation. Area structures embody the distinguishing characteristics of "institutional Hawaiian" architecture of the 1930s and earlier.

The landing area at Kalaupapa, including the dock structures and the harbor, has undergone changes since the late 1800s. The 114-foot breakwater was installed in the 1930s to protect the berthing basin which was later dredged to provide barge accessibility. The breakwater is suffering from age and the impact of large winter swells that have cracked the concrete cap and shifted some of the armor stones away from the structure. The existing pier was constructed in 1967 to accommodate safe barge deliveries. (Remnants of an earlier pier remain within the existing pier). The pier has been modified only by minor repairs and routine maintenance since then. A dolphin was installed at the Kalaupapa Harbor in the 1970s, but was destroyed by large swells shortly after installation.

The bulkhead is composed volcanic stones of various sizes mortared in place. The base of the bulkhead has been scoured by wave action that has caused loss of some structural stones as well as armor stones. In addition, the area behind the bulkhead is being undermined by drainage from a natural source of freshwater.

The Kalaupapa dock accommodates barge service for delivery of supplies necessary to support the resident patients, state health department, and NPS staff. Supplies arrive one to three times per year via barge from Honolulu, with their arrival heralded as Barge Day.

Under the proposed action, measures would be undertaken to stabilize the failing bulkhead wall, repair spalling and failing concrete on the breakwater, and perform underwater repairs to the pier support pilings. These measures are designed to extend the useful life of the harbor infrastructure and reduce the need for short-term and emergency repairs. These efforts would benefit the structures and provide an increment of protection for the National Historic Landmark.

SCENIC AND OPEN SPACE RESOURCES

Objective: Protect, preserve and where desirable, restore or improve the quality of coastal scenic and open space resources.

Policies:

1. Identify valued scenic resources in the coastal zone management area;
2. Insure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;
3. Preserve, maintain and where desirable, improve and restore shoreline open space and scenic resources; and
4. Encourage those developments that are not coastal dependent to locate in inland areas.

Check either “Yes” or “No” for each of the following questions:

18. Does the project site abut a scenic landmark? **Yes**
19. Does the proposed action involve the construction of a multi-story structure or structures? **No**
20. Is the project site adjacent to undeveloped parcels? **No**
21. Does the proposed action involve the construction of structures visible between the nearest coastal roadway and the shoreline? **No**
22. Will the proposed action involve construction in or on waters seaward of the shoreline? On or near a beach? **Yes**

Discussion:

Kalaupapa Harbor is a part of Kalaupapa National Historical Park, a National Historic Landmark District listed on the National Register of Historic Places. Kalaupapa National Historical Park tells the story of the isolated Hansen’s disease (leprosy) community by preserving and interpreting its site and values. The park also tells the story of the rich Hawaiian culture and traditions at Kalaupapa that go back at least 800 years. The scenic resources of the park include the cultural landscape of the community, views to and from the *pali* rising 2,000 feet above the park, and views of the open ocean beyond the harbor.

The actions proposed to stabilize the dock structures would not include construction of multi-story or intrusive structures. The appearance of the dock and associated structure would remain unchanged. These actions are consistent with the applicable CZM program scenic and open space resource objectives and policies. A summary of the actions relative to the CZM program policies is provided below and discussed in detail in the attached EA.

No alterations or additions to the existing pier structure would occur, and it would continue to be used as it has been historically. Repairs would be in keeping with the historic nature of the landing, and would be done in a manner that would preserve the pier’s resource integrity and appearance. The historic breakwater would be repaired within the original design footprint. The structural repairs would adhere to the original 1930s design and retain the integrity and historic appearance of the breakwater.

COASTAL ECOSYSTEMS

Objective: Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

Policies:

1. Improve the technical basis for natural resources management;
2. Preserve valuable coastal ecosystems of significant biological or economic importance;
3. Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land water uses, recognizing competing water needs; and
4. Promote water quantity and quality planning and management practices, which reflect the tolerance of fresh water and marine ecosystems and prohibit land and water uses, which violate State, water quality standards.

Check either “Yes” or “No” for each of the following questions:

5. Does the proposed action involve dredge or fill activities? **No**
6. Is the project site within the Shoreline Setback Area (20 to 40 feet inland of the shoreline)? **No**
7. Will the proposed action require some form of effluent discharge into a body of water? **No**
8. Will the proposed action require earthwork beyond clearing and grubbing? **No**
9. Will the proposed action include the construction of special waste treatment facilities, such as injection wells, discharge pipes, or cesspools? **No**
10. Is an intermittent or perennial stream located on or near the project site? **No**
11. Does the project site provide habitat for endangered species of plants, birds, or mammals? **No**
12. Is any such habitat located nearby? **Yes**
13. Is there a wetland on the project site? **No**
14. Is the project site situated in or abutting a Natural Area Reserve? **No**
15. Is the project site situated in or abutting a Marine Life Conservation District? **No**
16. Is the project site situated in or abutting an estuary? **No**

Discussion:

The actions proposed under the NPS Project to Repair the Kalaupapa Dock Structures would not result in degradation of water quality standards or in long-term degradation of the habitats or resources of Kalaupapa Harbor. Environmental impacts would be avoided or minimized by complying with existing regulatory requirements, adopting best management practices to minimize construction-related impacts, and implementing specific mitigation measures to protect

sea turtles and marine mammals, including the Hawaiian monk seal. These actions are consistent with the applicable CZM program coastal ecosystems objectives and policies. A summary of the actions relative to the CZM program policies is provided below and addressed in detail in the attached EA.

Significant marine resources with the potential to occur in and near Kalaupapa National Historical Park include the federally-listed endangered species (e.g., monk seal – *Monachus schauinslandi*), threatened species (e.g., green sea turtle – *Chelonia mydas* and hawksbill turtle – *Eretmochelys imbricata*), other marine mammals (e.g., bottlenose dolphin – *Tursiops truncatus*, and spinner dolphin – *Stenella longirostris*), and high-wave-energy benthic communities. However, because of the high-energy wave environment and previous disturbance to develop the existing harbor infrastructure, overall, marine resources within the harbor are not diverse or abundant. Coral development is limited to about 4 percent cover of the localized harbor area and 1 percent of the proposed project area. Most of the site is dominated by benthic turf algae.

Construction activities would influence the acoustically-oriented marine mammals and sea turtles. In consultation with the NMFS, the NPS conducted acoustic modeling for proposed construction activities to determine the areas of noise influence and to determine the extent of disturbance to these special-status species. Using mitigation measure and best management practices (refer to Table 2 in Chapter 2), injuries to these species would be avoided.

The proposed actions would directly disturb about 5,500 square feet of benthic habitat (up to 25 percent of the current berthing basin). Impacts would include 4,250 square feet of special aquatic sites comprised largely of turf algae (75 percent). Individual benthic organisms would be dislodged from their attachment sites or injured or killed by construction activities. Based on a cover estimate of 0.5 percent from the five transects cited in Brown, et al. (2008), up to 90 square feet of existing corals would be damaged or lost. Recolonization of these coral species would require 10 to 20 years. No population or community level effects would result.

ECONOMIC USES

Objective: Provide public or private facilities and improvements important to the State's economy in suitable locations.

Policies:

1. Concentrate in appropriate areas the location of coastal dependent development necessary to the State's economy;
2. Insure that coastal dependent development such as harbors and ports, visitor industry facilities, and energy generating facilities are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and
3. Direct the location and expansion of coastal dependent developments to areas presently designated and used for such development and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:
 - a) Utilization of presently designated locations is not feasible;
 - b) Adverse environmental effects are minimized; and
 - c) Important to the State's economy.

Check either “Yes” or “No” for each of the following questions:

1. Does the project involve a harbor or port? **Yes**
2. Is the project site within a designated tourist destination area? **No**
3. Does the project site include agricultural lands or lands designated for such use?
No
4. Does the proposed activity relate to commercial fishing or seafood production? **No**
5. Does the proposed activity related to energy production? **No**
6. Does the proposed activity relate to seabed mining? **No**

Discussion:

Actions proposed in the Kalaupapa dock repair project do not include expansion of facilities or changes to existing uses. The dock structures would continue to support delivery of goods and materials necessary to support the Kalaupapa resident patients and DOH and NPS staff.

Although visitors do come to Kalaupapa National Historical Park, they do not access the harbor or dock. In addition, the NPS has no plans to accommodate visitor access to the park via the harbor in the future. There would be no change in economic conditions or impacts to state or federal activities at Kalaupapa under the proposed action. These actions are consistent with the applicable CZM program economic use objectives and policies.

COASTAL HAZARDS

Objective: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence.

Policies:

1. Develop and communicate adequate information on storm wave, tsunami, flood erosion, and subsidence hazard;
2. Control development in areas subject to storm wave, tsunami, flood, erosion, and subsidence hazard;
3. Ensure that developments comply with requirements of the Federal Flood Insurance Program; and
4. Prevent coastal flooding from inland projects.

Check either “Yes” or “No” for each of the following questions:

1. Is the project site on or abutting a sandy beach? **Yes**
2. Is the project site within a potential tsunami inundation area as depicted on the National Flood Insurance Program flood hazard map? **Yes**
3. Is the project site within a potential flood inundation area according to a flood hazard map? **Yes**

4. Is the project site within a potential subsidence hazard area according to a subsidence hazard map? No
5. Has the project site or nearby shoreline area experienced shoreline erosion? No

Discussion:

Ocean currents along the north shore of Molokai flow from east to west, and trade winds blow from the northeast 70 to 80 percent of the time. Kona (southerly) winds generally blow from the opposite direction the remainder of the time. The Trade winds and the North Pacific Swell are responsible for most surf conditions on the north shore of Molokai. Trade wind waves range between 3 to 12 feet and arrive every 5 to 9 seconds. The North Pacific Swell occurs most often from October to May, although it can occur any time during the year. Waves are typically 5 to 20 feet high and arrive every 10 to 20 seconds.

The site is susceptible to flooding via marine wave action (flood zone V30), but no base flood elevations have been established. Figure A1 is the Federal Emergency Management Agency (FEMA) hazard map for the Kalaupapa community and vicinity.

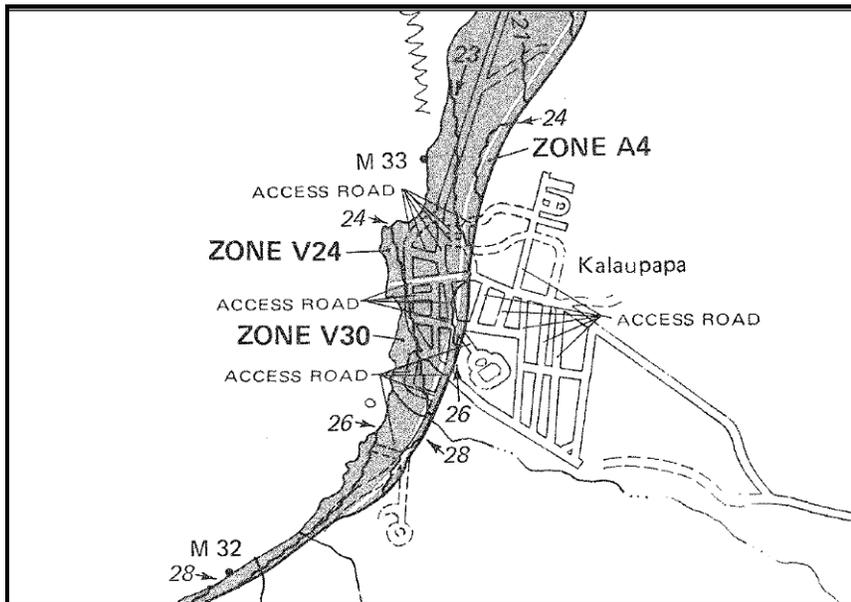


Figure A1. FEMA Flood Hazard Map for Kalaupapa and Vicinity
<http://map1.msc.fema.gov/idms/IntraView.cgi?KEY=75997640&IFIT=1>

The site is also in the tsunami zone for the north shore of Moloka'i, as depicted in Figure A2.

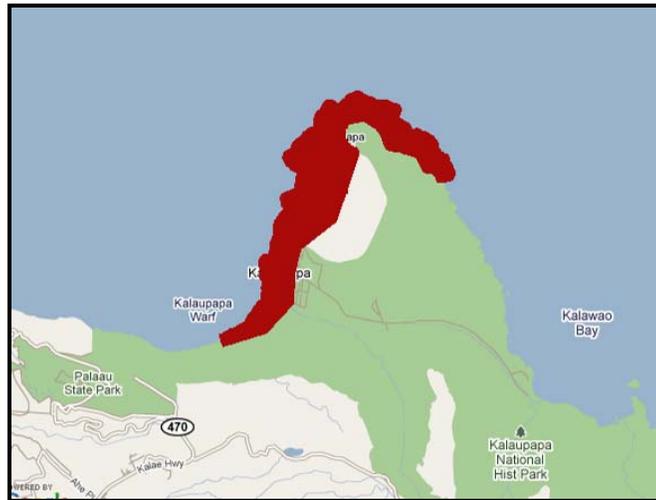


Figure A2. NOAA Moloka'i Tsunami Map
<http://www5.hawaii.gov/tsunami/print.asp>

The project to repair the Kalaupapa dock structures would not increase flooding hazards or vulnerability of the community or park to tropical storms or tsunamis. No changes in the dock footprint or use of the facility would occur. The actions proposed are consistent with the applicable CZM program coastal hazards objectives and policies.

MANAGING DEVELOPMENT

Objective: Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

Policies:

1. Effectively utilize and implement existing law to the maximum extent possible in managing present and future coastal zone development;
2. Facilitate timely processing of application for development permits and resolve overlapping or conflicting permit requirements; and
3. Communicate the potential short- and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the general public to facilitate public participation in the planning and review process.

Check either “Yes” or “No” for each of the following questions:

1. Will the proposed activity require more than two (2) permits or approval? **Yes**
2. Does the proposed activity conform with the State and County land use designations for the site? **Yes**
3. Has or will the public be notified of the proposed activity? **Yes**
4. Has a draft or final environmental impact statement or an environmental assessment been prepared? **Yes**

Discussion:

As part of the overall compliance effort for this project, the NPS has been in contact with a variety of federal and state agencies. The proposed actions are consistent with the applicable CZM program objectives and policies for managing coastal development. A summary of the permit requirements, regulating agencies, and enforceable policies are provided below and addressed in detail in the attached EA. These agencies have also received copies of the EA.

Federal Permitting

- Under the Rivers and Harbors Act, the U.S. Army Corps of Engineers (Corps) is authorized to regulate the construction of any structure or work within navigable waters. The Corps has been consulted regarding the dock project, and the NPS will be pursuing all required permits for the project.
- Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers issues permits for activities that result in the discharge of dredged, excavated, or fill material into waters of the United States. A U.S. Army Corps of Engineers 404 permit would be obtained prior to armor stone removal activities in the harbor at Kalaupapa.

State of Hawaii Permitting

The NPS has submitted this EA to the Office of Environmental Quality Control (for distribution to the Department of Health), the Environmental Planning Office (for distribution to the Department of Land and Natural Resources), and Hawaiian Home Lands.

Department of Health

- The Indoor Radiological Health Branch is responsible for enforcing Title 11 of the Hawaii Administrative Rules, Chapter 46 Community Noise Control. The NPS will complete an application for a Community Noise Permit for the proposed action.
- The Clean Water Branch is responsible for enforcing the federal Clean Water Act under state implementing statutes. This project will require a Water Resources Section 401 Water Quality Certification verifying that water quality will be maintained and protected. The NPS will complete this certification as part of the overall compliance effort for the proposed action.

Department of Land and Natural Resources

- The Office of Conservation and Coastal Lands is responsible for overseeing approximately 2 million acres within the State Land Use Conservation District, including the marine waters of Kalaupapa Harbor. Permits are required for actions with potential impacts. The NPS will complete a Conservation District Use Authorization permit as part of the overall compliance effort for the proposed action.
- The Division of Aquatic Resources manages the state's aquatic resources for long-term sustainability. The NPS is consulting with the department and will submit plans for mitigation of impacts to corals and benthic habitats for review and approval during the EA compliance process.

PUBLIC PARTICIPATION

Objective: Stimulate public awareness, education, and participation in coastal management.

Policies:

1. Maintain a public advisory body to identify coastal management problems and to provide policy advice and assistance to the coastal zone management program;
2. Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal-related issues, developments, and government activities; and
3. Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.

Discussion:

The public scoping process for the compliance effort began on March 11, 2008, with the NPS proposing to complete an environmental assessment for the dock repairs. Potential effects to special-status species, marine mammals, and those listed under the federal Endangered Species Act then led the NPS to determine that an environmental impact statement would be the appropriate compliance pathway for this project.

A second phase of scoping began in early 2009 for the EIS. On April 17, 2009, a notice of intent to prepare an Environmental Impact Statement was published in the *Federal Register* (Volume 74, Number 73). In March 2009, a brochure was distributed to the park's mailing list of interested individuals, organizations, and businesses. Five public meetings were held – three on the island of Moloka'i and two in Honolulu. These meetings were preceded by news releases and other announcements and distribution of the project brochure. At each public meeting, a presentation on the project was given, including project alternatives, the project approval process, and the timeframe for the final decision-making. Thereafter, NPS staff were available to discuss the project, answer questions, and to record comments. The NPS received a total of 133 written and oral comments on the management options, schedule and other concerns about the project.

The community and public expressed a perception that a re-installed dolphin would not survive the winter waves and acoustic studies completed for the EIS raised concern for the impacts of installing a mooring dolphin to marine mammals, especially the Hawaiian monk seal. The EIS concluded there would be an adverse affect determination under the Endangered Species Act. There would be minor, short-term adverse behavioral harassment of the monk seals during construction and possible, but unlikely impacts to the monk seal pupping success.

These determinations resulted in a re-assessment of the benefit of the dolphin and installation of a mooring dolphin was removed from the preferred alternative. The preferred alternative now consists of completion of deferred maintenance at the Kalaupapa dock. Considering the greatly reduced impacts to park resources resulting from dismissal of alternatives which include berthing basin widening and/or installation of a dolphin, the NPS reached a decision that an EIS was no longer necessary. Subsequently, notice was given to the public and consulting agencies via a scoping letter sent to the park's mailing list on May 21, 2010. The issues identified are addressed in the attached EA. A Federal Register Notice announcing the termination of the EIS process was published on July 6, 2010.

This public involvement process has been consistent with the applicable CZM program objectives and policies regarding public participation.

Appendix B

Consultation and Coordination Correspondence

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.

Jean Sonneman,

Acting Information Collection Clearance Officer.

[FR Doc. 2010-16357 Filed 7-2-10; 8:45 am]

BILLING CODE 4310-84-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R4-ES-2010-N088; 41910-1112-0000-F2]

Endangered [and Threatened] Wildlife and Plants; Permit(s); Land Clearing Associated With Phosphate Mining in Manatee County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application for an incidental take permit (ITP); availability of proposed low-effect habitat conservation plans (HCP); request for comment/information.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit (ITP) application and habitat conservation plan (HCP). Mosaic Fertilizer, LLC (applicant) requests a 24-year ITP under the Endangered Species Act of 1973, as amended (Act). The applicant anticipates taking approximately 75 acres (ac) of Florida scrub-jay (*Aphelocoma coerulescens*)-occupied habitat incidental to land clearing and phosphate mining in Manatee County, Florida (project). The applicant's HCP describes the mitigation and minimization measures the applicant proposes to address the effects of the project to the Florida scrub-jay.

DATES: We must receive any written comments on the ITP application and HCP on or before August 5, 2010.

ADDRESSES: If you wish to review the application and HCP, you may write the Field Supervisor at our Jacksonville Field Office, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256 or make an appointment to visit during normal business hours. If you wish to comment, you may mail or hand deliver comments to the Jacksonville Field Office, or you may e-mail comments to erin_gawera@fws.gov. For more information on reviewing documents and public comments and submitting

comments, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Erin Gawera, Fish and Wildlife Biologist, Jacksonville Field Office (*see ADDRESSES*); telephone: 904/731-3121.

SUPPLEMENTARY INFORMATION:

Public Availability of Comments

Before including your address, phone number, e-mail 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.

Please reference permit number TE236128-0 for Mosaic Fertilizer, LLC in all requests or comments. If you do not receive a confirmation from us that we have received your e-mail message, contact us directly at the telephone number listed under **FOR FURTHER INFORMATION CONTACT**.

Background

The Florida scrub-jay (scrub-jay) is found exclusively in peninsular Florida and is restricted to xeric upland communities (predominately in oak-dominated scrub with open canopies) of the interior and Atlantic coast sand ridges. Increasing urban and agricultural development has resulted in habitat loss and fragmentation, which have adversely affected the distribution and numbers of scrub-jays. Remaining habitat is largely degraded due to the exclusion of fire, which is needed to maintain xeric uplands in conditions suitable for scrub-jays. The total estimated population is between 7,000 and 11,000 individuals.

Applicant's Proposal

The applicant is requesting take of approximately 75 ac of occupied Florida scrub-jay habitat incidental to the project. The 4,345-ac project is located on the Texaco Tract in Sections 22-27, 34, and portions of Section 13, Township 34 South, Range 22 East, in Manatee County, Florida. The proposed project includes land clearing activities associated with phosphate mining which will result in the take of 75 ac of occupied scrub-jay habitat, including three scrub-jay families. The applicant proposes to mitigate for the take of the Florida scrub-jay at a ratio of 2:1 based on Service Mitigation Guidelines. The applicant proposes to mitigate for 75 ac of impacts by establishing a

conservation easement capturing 150 ac of scrub-jay within the Mosaic Wellfield.

We have determined that the applicant's proposal, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in the HCP. Therefore, we are making a preliminary determination that the ITP is a "low-effect" project and qualifies for categorical exclusion under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). We may revise this preliminary determination based on our review of public comments we receive in response to this notice. A low-effect HCP is one involving (1) Minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

We will evaluate the HCP and comments we receive to determine whether the ITP application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If we determine that the application meets those requirements, we will issue the ITP for incidental take of the sand skink. We will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITP.

Authority

We provide this notice under Section 10 of the Act and NEPA regulations in the Code of Federal Regulations (CFR) at 40 CFR 1506.6.

Dated: June 4, 2010.

David L. Hankla,

Field Supervisor, Jacksonville Field Office.

[FR Doc. 2010-16217 Filed 7-2-10; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

National Park Service

Repair Kalaupapa Dock Structure: Kalaupapa National Historical Park, Hawaii; Notice of Termination of an Environmental Impact Statement

SUMMARY: The NPS is terminating an Environmental Impact Statement (EIS) as previously noticed in the **Federal Register** on April 17, 2009, for repair of

the dock structure at Kalaupapa National Historical Park. It has become apparent that an EIS will not be necessary due to reduced scope of the proposed actions such that there is no potential for significant impacts nor controversy surrounding the proposal. Coincident with this termination notice, the NPS is hereby announcing preparation of an Environmental Assessment (EA). The EA will describe two alternatives remaining for consideration, including a no-action alternative, and will analyze potential environmental consequences of the proposed dock repairs, including minor to moderate effects on water quality, benthic resources, coral and essential fish habitats, species protected under the Endangered Species Act and the Marine Mammal Protection Act, historic resources, cultural landscape, ethnographic resources, and park operations. Measures to minimize harm will be included, and an "environmentally preferred" alternative identified.

Background: Kalaupapa National Historic Park (NHP) on Molokai was established in 1980 in recognition of the seminal role of this remote area in development of treatments and care for persons with Hansen's disease. Repairs of Kalaupapa dock structures are necessary to ensure continued barge service for the park and community residents. Timely repair of the structures is needed to preclude disruption of incoming barge service upon which the park and isolated community residents depend for their livelihood (as well as regular outgoing service required for the park's recycling program and other operations and activities).

Originally the NPS planned to prepare an EA, and scoping was conducted during spring and summer 2008. Oral and written comments were obtained from the Kalaupapa patient community and park neighbors; state, county, and federal agencies, including Hawaii Department of Health, the State Historic Preservation Officer, and U.S. Fish and Wildlife Service (USFWS); interested organizations; and native Hawaiian groups. Based on information obtained, it was determined that preparation of an EIS was warranted.

At that time the range of alternatives under consideration was as follows: *Alternative A* (no action) would have maintained current conditions. *Alternative B* would have stabilized and repaired bulkhead and low pier walls; repaired a deteriorating concrete pier and a breakwater; and constructed a mooring dolphin to assist with barge landings. *Alternative C* would have

entailed deferred maintenance and dolphin installation similar to *Alternative B*, as well as dredged the harbor bottom to widen the berthing basin so as to accommodate a variety of sizes of available barges.

Based upon careful consideration of all public comments received to date, as well as further coordination with USFWS and National Marine Fisheries Service, the scope of work originally proposed has been reduced—widening the berthing basin and installation of a mooring dolphin have been dropped from consideration, which will avoid unacceptable impacts to coral and to marine species including the endangered Hawaiian Monk seal. These options will be addressed in the EA as alternatives considered but dismissed from analysis. The preferred alternative in the EA will consist of a maintenance plan, which is restricted to repair of the breakwater, repair of the deteriorating concrete pier, and stabilization of the bulkhead and low pier walls.

SUPPLEMENTARY INFORMATION: All persons on the EIS mailing list will be incorporated into the EA mailing list. Additional information regarding the preparation of the EA may be obtained by contacting Superintendent Steve Prokop, Kalaupapa National Historical Park, P.O. Box 2222, Kalaupapa, HI, 96742, (808) 567-6802. Project updates will also be periodically posted at <http://parkplanning.nps.gov/kala>, as well as provided through local and regional press media.

Dated: May 28, 2010.

George J. Turnbull,

Acting Regional Director, Pacific West Region.

[FR Doc. 2010-16247 Filed 7-2-10; 8:45 am]

BILLING CODE 4310-GJ-P

DEPARTMENT OF THE INTERIOR

National Park Service

Record of Decision for the General Management Plan for the Chattahoochee River National Recreation Area, GA

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Availability of the Record of Decision for the General Management Plan Environmental Impact Statement for the Chattahoochee River National Recreation Area.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service (NPS) announces the availability of the Record of Decision (ROD) for the General Management

Plan, Chattahoochee River National Recreation Area, Georgia. On December 15, 2009, the Regional Director, Southeast Region, approved the ROD for the project. As soon as practicable, the NPS will begin to implement the Preferred Alternative contained in the Final Environmental Impact Statement (EIS) issued on November 13, 2009. Six alternatives were evaluated in the EIS. These include: Alternative A, No Action—Continue Current Management; Alternative B, Focus on Solitude—implements management programs to minimize development in the park and maximize the opportunity for visitors to experience solitude in natural settings; Alternative C—Visitors would be drawn toward a system of relatively developed hubs in which administrative and interpretive facilities are located; Alternative D—Expanding and distributing access throughout the park, including newly acquired parcels to provide diverse types of visitor experiences; Alternative E—Takes some features of Alternatives C and D and provides expanded access to the park while at the same time maintaining substantial acreage with less "hardened" forms of access such as paved parking areas, roads, and other structures; and Alternative F, the preferred alternative—Increases opportunities for the park to expand use to local visitors and increase connectivity to neighboring communities through trail linkages, partnering, and expanded interpretive, education and outreach activities.

The ROD includes a statement of the decision made, synopses of other alternatives considered, the basis for the decision, a description of the environmentally preferable alternative, a finding of no impairment of park resources and values, a listing of measures to minimize environmental harm, and an overview of public involvement in the decision-making process.

FOR FURTHER INFORMATION CONTACT:

Daniel R. Brown, 1978 Island Ford Parkway, Sandy Springs, GA 30350-3400, (678) 538-1200, Daniel_R_Brown@nps.gov.

SUPPLEMENTARY INFORMATION: Copies of the Record of Decision may be obtained from the contact listed above or online at <http://parkplanning.nps.gov/CHAT>.

Authority: The authority for publishing this notice is 40 CFR 1506.6.

The responsible official for this Record of Decision is the Regional Director, Southeast Region, National Park Service, 100 Alabama Street, SW., 1924 Building, Atlanta, Georgia 30303.



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



May 21, 2010

Subject: Termination of Environmental Impact Statement and Preparation of an Environmental Assessment - Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park

In 2009 the National Park Service (NPS) notified you that an environmental impact statement (EIS) would be prepared to analyze the potential environmental effects of project alternatives to repair the dock structures at Kalaupapa National Historical Park, in Moloka`i, Hawai`i. This project is needed because exposure to seawater and wave impact has caused extensive damage to the 50-year old pier and structural failure of its bulkhead and breakwater. Nearly all supplies, ranging from food to fuel and equipment, that sustain the Kalaupapa community are delivered by barge from one to three times per year. The Kalaupapa pier is a critical link in receiving the barge and goods it transports.

At the time of the last public scoping notice, the proposed project entailed stabilization and repair of the breakwater, the toes of the bulkhead and low pier walls, and the concrete pier, as well as construction of an in-water structure called a *dolphin*, for barge maneuverability, and small scale dredging of the harbor to accommodate a range of barge sizes. Preparation of an EIS was necessary due to the degree to which potential impacts could affect species protected under the Endangered Species and Marine Mammal Protection Acts.

Construction of the dolphin and dredging of the harbor are no longer under consideration, as these actions were removed from the project as a result of both public comment and the preliminary impact analysis. Scoping comments predominantly expressed opposition to dredging and the impact analysis showed these two project elements would result in unacceptable adverse impacts to Kalaupapa's natural resources. Only stabilization and repair of the breakwater, the toes of the bulkhead and low pier walls, and the concrete pier are now proposed. Because these deferred maintenance actions would result in insignificant potential impacts to species protected under the Endangered Species and Marine Mammal Protection Acts, the NPS will prepare an environmental assessment (EA) rather than an EIS.

The NPS will conduct additional public scoping for preparation of the EA until June 7, 2010. All previously submitted comments are documented in the administrative record; only new issues/concerns need be submitted at this time. New comments may be submitted either by mail to the attention of the Superintendent at the address above or at <http://parkplanning.nps.gov/kala>. Before including your address, phone number, e-mail 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 may ask us in your comment to withhold such information from public review, we cannot guarantee that we will be able to do so.

When preparation of the EA is complete later this summer, it will be made available for public review and comment. If you have questions about the project or would like more information, please contact me at 808-567-6802.

Sincerely,

Steve Prokop,
Superintendent

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOOLAWI ISLAND RESERVE COMMISSION
LAND
STATE PARKS

June 6, 2010

Stephen Prokop, Superintendent
Kalaupapa National Historic Park
PO Box 2222
Kalaupapa, Hawaii 96742

LOG NO: 2010.2117
DOC: 1005MA39

Architecture

Dear Mr. Prokop,

**SUBJECT: NHPA Section 106 - Kalaupapa National Historical Park, Kalaupapa, Hawaii
Termination of Environmental Impact Statement and Preparation of an
Environmental Assessment – Repair of the Kalaupapa Dock Structures to Ensure
Continued Barge Service at Kalaupapa National Historical Park**

Thank you for the opportunity to comment on the aforementioned undertaking, which we received on May 25, 2010. We appreciate that you informed us about the plan to prepare an EA for the stabilization and repair of the Kalaupapa Dock Structures. Maintaining the park's cultural resources is vital to preserving its historic integrity. Further, the pier and dock structures are perhaps the most vital structural resource that exist at the Park. Significant under Criteria A of the National Register of Historic Places, they should receive particular care and attention as a valuable asset to Kalaupapa.

Due to their significance, whatever work takes place on the structures shall closely adhere to the Secretary of the Interior's Standards for Treatment. The project should be treated as a rehabilitation project in which the original design and materials be retained as much possible.

When we receive the EA for the project, it will be evaluated according to criteria that includes eligibility, what potential NRHP criteria the resource falls under, determination of possible adverse effects, and mitigation measures.

At this time, we would like photographs of the dock structures that convey their present condition. Also, when they become available, we would like to review the plans and specifications for the proposed work on the dock structures. Please include the TMK in future correspondence.

Again, thank you for the opportunity to comment on the proposed work. We look forward to consulting with you further on this project. Should you have any questions or concerns, please contact me at (808) 692-8015.

Aloha,

A handwritten signature in cursive script that reads "Nancy A. McMahon".

Nancy A. McMahon (Deputy SHPO)
State Historic Preservation Officer

Cc Historic Hawaii Foundation, Kiersten Faulkner, 680 Iwilei Road, Suite 690, Honolulu, HI 96817

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



KAULANA H. R. PARK
CHAIRMAN
HAWAIIAN HOMES COMMISSION

ANITA S. WONG
DEPUTY TO THE CHAIRMAN

ROBERT J. HALL
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

June 14, 2010

National Park Service
Kalaupapa National Historical Park
Mr. Steve Prokop
Superintendent
Post Office Box 2222
Kalaupapa, Hawai'i 96742

Dear Mr. Prokop:

Subject: Termination of Environmental Impact Statement and
Preparation of an Environmental Assessment -
Repair of Kalaupapa Dock Structures to Ensure
Continued Barge Service at Kalaupapa National
Historical Park

Thank you for the opportunity to review the subject proposal.
The Department of Hawaiian Home Lands has no comment to offer at
this time.

If you have any questions, please contact our Planning Office
at (808) 620-9480.

Aloha and mahalo,

Kaulana H.R. Park, Chairman
Hawaiian Homes Commission

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director



RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

June 9, 2010

Mr. Steve Prokop, Superintendent
United States Department of the Interior
National Park Service
Kalaupapa National Historical Park
P.O. Box 2222
Kalaupapa, Hawaii 96742

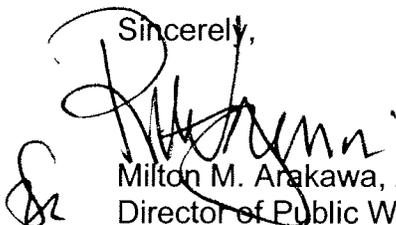
Dear Mr. Prokop:

Subject: PREPARATION OF AN ENVIRONMENTAL ASSESSMENT FOR THE
REPAIR OF KALAUPAPA DOCK STRUCTURES LOCATED ON
KALAUPAPA, MOLOKAI, HAWAII

We reviewed the subject application and have no comments at this time.

Please call Michael Miyamoto at 270-7845 if you have any questions regarding
this letter.

Sincerely,


Milton M. Arakawa, A.I.C.P.
Director of Public Works

Is

xc: Highways Division
Engineering Division

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improve nesting success, and salvaging eggs and nestlings to enhance the survival of the species in the wild.
Permit Application Number: TE182430.
Applicant: Nicholas Owens, Oak Brook, Illinois.

The applicant requests a permit amendment to take (capture and release) federally listed mussels within the State of Iowa. Species included on Mr. Owens' existing permit are: Fanshell (*Cyprogenia stegaria*), pink mucket (*Lampsilis abrupta*), Higgins' Eye (*Lampsilis higginsii*), orangefoot pimpleback (*Plethobasus cooperianus*), clubshell (*Pleurobema clava*), fat pocketbook (*Potamilus capax*), rough pigtoe (*Pleurobema plenum*), and Northern riffleshell (*Epioblasma torulosa rangiana*). Proposed activities are for enhancement of the survival of the species in the wild.

Permit Application Number: TE152002.
Applicant: Stantec Consulting Services, Louisville, Kentucky.

The applicant requests a permit amendment to take (capture and release) Carolina northern flying squirrel (*Glaucomys sabrinus coloratus*) and bog turtle (*Clemmys muhlenbergii*) to the list of approved species on their existing fish and wildlife permit. Activities for the Carolina northern flying squirrel are proposed for Tennessee, North Carolina, and Virginia. Activities for the bog turtle are proposed for Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, and Virginia. Proposed surveys are aimed at enhancement of the survival of the species in the wild.

Permit Application Number: TE212435.
Applicant: David Zanatta, Central Michigan University, Mount Pleasant, Michigan.

The applicant requests a permit to take (capture and release) Northern riffleshell and Clubshell in the Black River watershed and St. Joseph River watershed in the State of Michigan. Proposed surveys to determine species presence and abundance are aimed at enhancement of the survival of the species in the wild.

Permit Application Number: TE023664.
Applicant: Environmental Solutions & Innovations, Inc., Cincinnati, Ohio.

The applicant requests a permit amendment to authorize personnel to work under the authority of their existing permit for federally listed bat species. The proposed amendment is for the enhancement of survival of the species in the wild.

Permit Application Number: TE212440.
Applicant: Bat Conservation and Management, Carlisle, Pennsylvania.

The applicant requests a permit to take (capture and release) Indiana bats and gray bats within Iowa, Illinois, Indiana, Missouri and Ohio. Proposed activities include presence/absence surveys, studies to document habitat use, and population monitoring in the interest of recovery and enhancement of the survival of the species in the wild.

Permit Application Number: TE842313.
Applicant: Dr. Everett D. Cashatt, Illinois State Museum, Springfield, Illinois.

The applicant requests a permit amendment to take (collect) Hines' emerald dragonfly in Missouri and to include additional personnel in activities authorized on his existing fish and wildlife permit. The proposed activities are for scientific research in the interest of species recovery.

Public Comments

We solicit public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive are available for public inspection, by appointment, during normal business hours at the street address shown in the **ADDRESSES** section. Before including your address, phone number, e-mail 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.

National Environmental Policy Act (NEPA)

In compliance with NEPA (42 U.S.C. 4321 *et seq.*), we have made an initial determination that the activities proposed in these permits are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement (516 DM6 Appendix 1, 1.4C(1)).

Dated: April 10, 2009.

Lynn M. Lewis,

Assistant Regional Director, Ecological Services, Region 3.

[FR Doc. E9-8819 Filed 4-16-09; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

National Park Service

Repair Kalaupapa Dock Structures To Ensure Continued Barge Service; Kalaupapa National Historical Park, Hawaii; Notice of Intent To Prepare Environmental Impact Statement

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service will prepare an Environmental Impact Statement (EIS) for all repairs of Kalaupapa dock structures as may be necessary to ensure continued barge service for Kalaupapa National Historical Park (NHP) and community residents. Kalaupapa NHP was established on the island of Molokai in 1980 in recognition of the significant role of this extremely isolated area in the development of treatments and care for persons with Hansen's disease. The proposed project may include stabilization and repair of the failing bulkhead wall and toe structure located adjacent to the pier; repair and reconstruction of the severely cracked and deteriorating concrete pier; replacement of mooring dolphins to used to secure barges; and dredging and potentially blasting to widen the berthing channel. Timely repair of the structures is needed to avoid any disruption of incoming barge service upon which Kalaupapa NHP and community residents depend for their livelihood (as well as regular outgoing service required for the park's recycling program and other activities).

The National Park Service (NPS) previously conducted public scoping during spring and summer 2008, and began preparing an environmental assessment. A community meeting was conducted in March, 2008. Oral and written comments were obtained from the Kalaupapa patient community and park neighbors; state, county, and federal agencies, including Hawaii Department of Health, the State Historic Preservation Officer, and U.S. Fish and Wildlife Service; interested organizations; and Native Hawaiian groups. Based on information obtained, particularly concerning the degree to which potential impacts could adversely affect several species protected under the Endangered Species Act, the NPS has determined that preparation of an EIS is warranted. Moreover the dock and harbor setting are deemed to be potential contributing elements to the National Historic Landmark status of Kalaupapa Leprosy Settlement made famous by Father Damien.

DATES: All written comments must be postmarked or transmitted not later than June 8, 2009.

FOR FURTHER INFORMATION CONTACT: Current information about proposed repairs to Kalaupapa dock or design of appurtenant structures will be available from Superintendent Steve Prokop, Kalaupapa National Historical Park, P.O. Box 2222, Kalaupapa, HI 96742 (808) 567-6802 (or at <http://parkplanning.nps.gov/kala>).

Scoping Process: The NPS will formally conclude the public scoping phase (needed to inform preparation of a Draft EIS) following receipt of any and all comments as noted above. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. During this final scoping period, public meetings will also be conducted—the dates, times, and locations will be announced via local and regional press media and on the project website (noted above). Confirmed details may also be obtained by contacting the Superintendent of Kalaupapa NHP.

All new relevant environmental information, or additional comments on any issues that may be associated with the proposed project, should be submitted by mail to the attention of the Superintendent (address as noted above, or you may submit comments electronically at <http://parkplanning.nps.gov/kala>). Before including your address, phone number, e-mail 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.

Decision Process: All information and comments received will be carefully considered in preparing a Draft EIS, availability of which will be similarly announced in the **Federal Register**. Following release of the Draft EIS for public and agency review, a Final EIS will be prepared. As a delegated EIS, the official responsible for approval of any dock repair project is the Regional Director, Pacific West Region, National Park Service. Notice of approval of a Record of Decision will also be published in the **Federal Register**. The official responsible for implementation of the approved project will be the Superintendent, Kalaupapa National Historical Park.

Dated: December 30, 2008.

Jonathan B. Jarvis,
Regional Director, Pacific West Region.

Editorial Note: This document was received in the Office of the Federal Register on April 10, 2009.

[FR Doc. E9-8623 Filed 4-16-09; 8:45 am]

BILLING CODE 4312-GJ-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R8-ES-2009-N0060]; [1112-0000-81420-F2]

Hossain Ahmadi Low-Effect Habitat Conservation Plan, City of San Jose, Santa Clara County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; proposed low-effect habitat conservation plan; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received an application from Hossain Ahmadi (applicant) for a 3-year incidental take permit for five species under the Endangered Species Act of 1973, as amended (Act). The application addresses the potential for “take” of three listed animals, one listed plant, and one non-listed plant. The applicant would implement a conservation program to minimize and mitigate the project activities, as described in the applicant’s low-effect habitat conservation plan (plan). We request comments on the applicant’s application and plan, and the preliminary determination that the plan qualifies as a “low-effect” habitat conservation plan, eligible for a Categorical Exclusion under the National Environmental Policy Act of 1969, as amended (NEPA). We discuss our basis for this determination in our environmental action statement (EAS), also available for public review.

DATES: We must receive written comments on or before May 18, 2009.

ADDRESSES: Please address written comments to Mike Thomas, Conservation Planning Branch, U. S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W-2605, Sacramento, CA 95825. Alternatively, you may send comments by facsimile to (916) 414-6713.

FOR FURTHER INFORMATION CONTACT: Mike Thomas, or Eric Tattersall, Division Chief, Conservation Planning Branch, at the address shown above or at 916-414-6600 (telephone).

SUPPLEMENTARY INFORMATION:

Availability of Documents

You may obtain copies of the permit application, plan, and EAS from the individuals in **FOR FURTHER INFORMATION CONTACT**. Copies of these documents are also available for public inspection, by appointment, during regular business hours, at the Sacramento Fish and Wildlife Office (see **ADDRESSES**).

Public Availability of Comments

Before including your address, phone number, e-mail 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.

Background Information

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and its implementing Federal regulations prohibit the “take” of fish or wildlife species listed as endangered or threatened. “Take” is defined under the Act to include the following activities: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or to attempt to engage in such conduct. However, under section 10(a)(1)(B) of the Act, we may issue permits to authorize incidental take of listed species. “Incidental take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for endangered and threatened species, respectively, are in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32.

Although take of listed plant species is not prohibited under the Act, and therefore cannot be authorized under an incidental take permit, plant species may be included on a permit in recognition of the conservation benefits provided to them under a habitat conservation plan. All species included in the incidental take permit would receive assurances under our “No Surprises” regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

The applicant seeks an incident take permit for covered activities within 9.2 acres (ac) (3.72 hectares (ha)) of grassland the applicant owns in Santa Clara County, California. The applicant is requesting permits for take of three animal species federally listed as threatened: Bay checkerspot butterfly (*Euphydryas editha bayensis*), California red-legged frog (*Rana aurora draytonii*),



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



March 16, 2009

Subject - Preparation of an Environmental Impact Statement for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park

The National Park Service (NPS) will be preparing an environmental impact statement (EIS) which will analyze the environmental effects of a range of project alternatives to repair the dock structures at Kalaupapa National Historical Park, in Moloka'i, Hawai'i.

Nearly all supplies, ranging from food to fuel and equipment that sustain the Kalaupapa community are transported one to three times per year via barge. The Kalaupapa pier is a critical link in receiving the barge and goods it transports. The pier is approximately 50 years old, exposure to seawater and wave impact has caused extensive cracks in the concrete structure. The pier and associated structures such as the bulkhead and breakwater are failing structurally. Failure of the bulkhead wall could jeopardize historic structures in the area such as the Community Food Warehouse. The proposed project would stabilize and repair the failing bulkhead wall and toe structure located adjacent to the pier; and reconstruct/repair/stabilize the severely cracked and failing (in areas) concrete pier, and associated corroded/ failing mooring bits and bollards. The EIS would also consider repair of the breakwater, constructing structures called "dolphins" to assist barge maneuverability, and small scale dredging of the harbor to provide access for a range of barge sizes.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could impact species protected under the Endangered Species Act, the NPS is proceeding with preparation of an environmental impact statement.

The NPS will conduct public scoping for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. A public open house meeting will be conducted at the Mitchell Pauole Center (90 Ainoa Street, Kaunakakai, Moloka'i). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house will be on Wednesday, April 8, from 6:30 pm to 8:00 pm. A similar presentation will also take place at 12:15 pm as part of the Molokai Planning Commission meeting scheduled for April 8 at the Mitchell Pauole Center.

All new comments on any issues that may be associated with the proposed project may be submitted either by mail to the attention of the Superintendent (address as noted above) or electronically at <http://parkplanning.nps.gov/kala>. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including you personal identifying information, may be made publicly available at any time. While you may 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.

When the EIS is complete, it will be made available for your review and comment. A public meeting will also be held following release of the EIS, and the date, time and location of the meeting will be made available at the time of the EIS's publication. If you have questions about the project or would like more information, please contact me at 808-567-6802.

Sincerely,

/s/

Steve Prokop,
Superintendent



National Park Service
U.S. Department of the Interior

Kalaupapa National
Historical Park

PO Box 2222
Kalaupapa, HI 96742

808-567-6802 phone
808-567-6729 fax

Release Date: For Immediate Release
Steve Prokop, Superintendent
808-567-6802
steve_prokop@nps.gov

Public Invited to be Part of the Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka`i, Hawai`i.

The National Park Service (NPS) has initiated planning to repair the dock structures at Kalaupapa National Historical Park, in Moloka`i, Hawai`i. Nearly all supplies that sustain the Kalaupapa community arrive one to three times per year via barge.

The Kalaupapa dock is a critical link in receiving the barge and goods it transports. The dock is approximately 50 years old, and exposure to seawater and wave impact has caused extensive cracks in the concrete structure. The proposed project would stabilize and repair the failing dock, the bulkhead wall and toe structure located adjacent to the dock, and the corroded mooring bits and bollards. The NPS is also considering constructing structures called "dolphins" to assist barge maneuverability, and small scale dredging of the harbor to provide access for a range of barge sizes.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from spring through summer, 2008, and began preparing an environmental assessment. Due to the degree to which potential impacts could impact species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct additional public scoping for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. A public open house meeting will be conducted at the Mitchell Pauole Center (90 Ainoa Street, Kaunakakai, Moloka`i). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house will be on Wednesday, April 8, from 6:30 pm to 8:00 pm. A similar presentation will also take place at 12:15 pm as part of the Molokai Planning Commission meeting scheduled for April 8 at the Mitchell Pauole Center.

All new comments on any issues associated with the proposed project may be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>.

-NPS-



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



April 20, 2009

Subject - Preparation of an Environmental Impact Statement for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park

The National Park Service (NPS) will be preparing an environmental impact statement (EIS) which will analyze the environmental effects of a range of project alternatives to repair the dock structures at Kalaupapa National Historical Park, in Moloka'i, Hawai'i.

Nearly all supplies, ranging from food to fuel and equipment that sustain the Kalaupapa community are transported one to three times per year via barge. The Kalaupapa pier is a critical link in receiving the barge and goods it transports. The pier is approximately 50 years old, exposure to seawater and wave impact has caused extensive cracks in the concrete structure. The pier and associated structures such as the bulkhead and breakwater are failing structurally. Failure of the bulkhead wall could jeopardize historic structures in the area such as the Community Food Warehouse. The proposed project would stabilize and repair the failing bulkhead wall and toe structure located adjacent to the pier; and reconstruct/repair/stabilize the severely cracked and failing (in areas) concrete pier, and associated corroded/ failing mooring bits and bollards. The EIS would also consider repair of the breakwater, constructing structures called "dolphins" to assist barge maneuverability, and small scale dredging of the harbor to provide access for a range of barge sizes.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could affect species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement.

The NPS will conduct public scoping for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. Additional public open house meetings will be conducted at the Hawaii Imin International Conference Center (1777 East-West Road, Honolulu). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house meetings will be on Monday, May 11, from 1:00 pm to 3:00 pm and 6:00 pm to 8:00 pm.

All new comments on any issues that may be associated with the proposed project may be submitted either by mail to the attention of the Superintendent (address as noted above) or electronically at <http://parkplanning.nps.gov/kala>. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including you personal identifying information, may be made publicly available at any time. While you may 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.

When the EIS is complete, it will be made available for your review and comment. A public meeting will also be held following release of the EIS, and the date, time and location of the meeting will be made available at the time of the EIS's publication. If you have questions about the project or would like more information, please contact me at 808-567-6802.

Sincerely,

/s/
Steve Prokop,
Superintendent



National Park Service
U.S. Department of the Interior

Kalaupapa National
Historical Park

PO Box 2222
Kalaupapa, HI 96742

808-567-6802 phone
808-567-6729 fax

April 20, 2009

Release Date: For Immediate Release

Contact: Steve Prokop, Superintendent 808-567-6802 x1100 or Rose Worley, Management Assistant 808-567-6802 x1101

Public Invited to be Part of the Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Essential Barge Service at Kalaupapa National Historical Park, Moloka`i, Hawai`i.

The National Park Service (NPS) has initiated planning to repair the dock structures at Kalaupapa National Historical Park, in Moloka`i, Hawai`i. Nearly all supplies that sustain the Kalaupapa community arrive one to three times per year *via* barge.

The Kalaupapa dock is a critical link in receiving the barge and goods it transports. The dock is approximately 50 years old, and exposure to seawater and wave impact has caused extensive cracks in the concrete structure. The proposed project would stabilize and repair the failing dock, the bulkhead wall and toe structure located adjacent to the dock, and the corroded mooring bits and bollards. The NPS is also considering constructing structures called "dolphins" to assist barge maneuverability, and small scale dredging of the harbor to provide access for a range of barge sizes.

In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and Section 106 of the National Historic Preservation Act of 1966, as amended, the NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from spring through summer, 2008, and began preparing an environmental assessment. Due to the degree to which potential impacts could affect species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct additional public scoping for preparation of the EIS. This scoping will include two public open house meetings at the Hawaii Imin International Conference Center (1777 East-West Road, Honolulu). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house meetings will be on Monday, May 11, from 1:00 pm to 3:00 pm and 6:00 pm to 8:00 pm.

All new comments on any issues associated with the proposed project may be submitted either by mail to the attention of the Superintendent, Kalaupapa National Historical Park, P.O. Box 2222, Kalaupapa, HI 96742 or electronically at <http://parkplanning.nps.gov/kala>.

-NPS-



United States Department of the Interior

NATIONAL PARK SERVICE

Kalaupapa National Historical Park

P.O. 2222

Kalaupapa, HI 96742

Tel: 808-567-6802

Fax: 808-567-6729



A3815 (KALA)

August 18, 2008

Mr. George Young
Chief, Regulatory Branch, CEPOH-EC-R
U.S. Army Engineer District, Honolulu
Building 230
Fort Shafter, HI 96858

Subject: Scoping Notice and Initiation of NEPA Consultation on Project Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service to the Kalaupapa Resident Community

In accordance with the National Environment Policy Act of 1969, as amended, the National Park Service (NPS) is in the early stages of preparing an environmental assessment (EA) which will analyze the environmental effects of a range of project alternatives to repair the dock structures at Kalaupapa National Historical Park, Moloka'i, Hawai'i. The project area is located within the Kalaupapa Community and can be found on the Kalaupapa, Molokai East 7.5 minute USGS quad.

Nearly all supplies, ranging from food to fuel and equipment that sustain the Kalaupapa community are transported one to three times per year *via* barge. The Kalaupapa pier is a critical link in receiving the barge and goods it transports. The pier is approximately 50 years old and exposure to seawater and wave impact has caused extensive cracks in the concrete structure. The pier and associated structures such as the bulkhead and breakwater are failing structurally.

This project would stabilize and repair the failing bulkhead wall and toe structure located adjacent to the pier; and reconstruct/repair/stabilize the severely cracked and failing (in areas) concrete pier, and associated corroded/ failing mooring bits and bollards. The environmental assessment would also consider options to repair or possibly expand the breakwater to ensure continued protection of the harbor. The breakwater is critical to minimize future damage of the pier, bulkhead wall and harbor structures. The barges currently used to transport equipment, supplies and materials to Kalaupapa will be replaced after 2008 and the NPS needs to make improvements to the dock to accommodate changes in barge size. Also under consideration is the construction of structures called "dolphins" to assist barge maneuverability, mooring buoys to improve barge stability, and dredging of the harbor to improve access for a range of barge sizes.

Although more specific comments will be solicited during the permit coordination process and during review of the upcoming environmental assessment document, we request that you take the time to provide any general comments you may have that you consider pertinent at this time.

We look forward to your participation in this process and believe that it will help ensure that regulatory requirements are adequately considered during the environmental assessment process.

We would appreciate any preliminary input you may have by September 25, 2008. If you have questions about the project or would like more information please call Steve Luppert at 808-567-6802. Comments can be sent to:

Stephen Prokop, Superintendent
ATTN: EA Comments
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742

Sincerely,

/S/
Stephen Prokop
Superintendent

Attachments

cc: w/attachments
Brown, KALA
Cerny, KALA
Cody, DSC-DC
Luppert, KALA
Prokop, KALA



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, HONOLULU
FORT SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF:

September 29, 2008

Regulatory Branch

File Number POH-2008-265

Mr. Stephan Prokop, Superintendent
ATTN: EA Comments
Kalaupapa National Historic Park
PO Box 2222
Kalaupapa, HI 96742

Dear Mr. Prokop:

This is in response to your request for comments regarding the proposed **Repair of the Kalaupapa Dock Structure** located at Latitude 21.190° N., Longitude -156.985° W; Kalaupapa, Molokai, Hawaii. It has been assigned number POH-2008-265, which should be referred to in all future correspondence with this office.

We have reviewed the information provided with respect to the Corps' authority to issue Department of the Army (DA) permits pursuant to Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344). We have determined the proposed project would involve work in waters of the U.S. under our regulatory jurisdiction; **therefore DA permit authorization is required.** This approved jurisdictional determination is valid for a period of five (5) years from the date of this letter, unless new information supporting a revision is provided to this office before the expiration date (see enclosures titled, "Approved Jurisdictional Determination Form"). Also, enclosed is a Notification of Administrative Appeals Options and Process and Request for Appeal form regarding this Department of the Army Approved Jurisdictional Determination.

Please contact Ms. Serena Sweet of my staff at (808) 438-2039, by fax at (808) 438-4060, by e-mail at serena.e.sweet@usace.army.mil, or by mail at the letterhead address, ATTN: CEPOH-EC-R, if you have questions. For additional information about our Regulatory Program, visit our web site at <http://www.poh.usace.army.mil/regulatory.asp>.

Sincerely,

George P. Young, P.E.
Chief, Regulatory Branch

Enclosures

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 29-Sep-2008

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Honolulu District, POH-2008-00265-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State : HI - Hawaii
County/parish/borough: Kalawao
City: Kalaupapa
Lat: 21.1901
Long: -156.985
Universal Transverse Mercator: []
Name of nearest waterbody: Pacific Ocean
Name of nearest Traditional Navigable Water (TNW): Pacific Ocean
Name of watershed or Hydrologic Unit Code (HUC):

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with the action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION:

Office Determination Date: 29-Sep-2008

Field Determination Date (s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION

There are "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area:¹

Water Name	Water Type(s) Present
Pacific Ocean	TNWs, including territorial seas

b. Identify (estimate) size of waters of the U.S. in the review area:

Area: (m²)

Linear: (m)

c. Limits (boundaries) of jurisdiction:

based on:

OHWM Elevation: (if known)

2. Non-regulated waters/wetlands:³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

1. TNW

TNW Name	Summarize rationale supporting determination:
Pacific Ocean	The Pacific Ocean is a TNW subject to the ebb and flow of the tide.

2. Wetland Adjacent to TNW

Not Applicable.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size:

Drainage area:

Average annual rainfall: inches

Average annual snowfall: inches

(ii) Physical Characteristics

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through tributaries before entering TNW.

:Number of tributaries

Project waters are river miles from TNW.

Project waters are river miles from RPW.

Project Waters are aerial (straight) miles from TNW.

Project waters are aerial(straight) miles from RPW.

Project waters cross or serve as state boundaries.

Explain:

Identify flow route to TNW:⁵

Tributary Stream Order, if known:

Not Applicable.

(b) General Tributary Characteristics:

Tributary is:
Not Applicable.

Tributary properties with respect to top of bank (estimate):
Not Applicable.

Primary tributary substrate composition:
Not Applicable.

Tributary (conditions, stability, presence, geometry, gradient):
Not Applicable.

(c) Flow:
Not Applicable.

Surface Flow is:
Not Applicable.

Subsurface Flow:
Not Applicable.

Tributary has:
Not Applicable.

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:

High Tide Line indicated by:
Not Applicable.

Mean High Water Mark indicated by:
Not Applicable.

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Not Applicable.

(iv) Biological Characteristics. Channel supports:
Not Applicable.

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:
Properties:
Not Applicable.

(b) General Flow Relationship with Non-TNW:
Flow is:
Not Applicable.

Surface flow is:
Not Applicable.

Subsurface flow:
Not Applicable.

(c) Wetland Adjacency Determination with Non-TNW:
Not Applicable.

(d) Proximity (Relationship) to TNW:
Not Applicable.

(ii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Not Applicable.

(iii) Biological Characteristics. Wetland supports:

Not Applicable.

3. Characteristics of all wetlands adjacent to the tributary (if any):

All wetlands being considered in the cumulative analysis:

Not Applicable.

Summarize overall biological, chemical and physical functions being performed:

Not Applicable.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Significant Nexus: Not Applicable

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/ WETLANDS ARE:

1. TNWs and Adjacent Wetlands:

Wetland Name	Type	Size (Linear) (m)	Size (Area) (m ²)
Pacific Ocean	TNWs, including territorial seas	34.7472	-
Total:		34.7472	0

2. RPWs that flow directly or indirectly into TNWs:

Not Applicable.

Provide estimates for jurisdictional waters in the review area:

Not Applicable.

3. Non-RPWs that flow directly or indirectly into TNWs:⁸

Not Applicable.

Provide estimates for jurisdictional waters in the review area:

Not Applicable.

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

Not Applicable.

Provide acreage estimates for jurisdictional wetlands in the review area:

Not Applicable.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs:

Not Applicable.

Provide acreage estimates for jurisdictional wetlands in the review area:

Not Applicable.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs:
Not Applicable.

Provide estimates for jurisdictional wetlands in the review area:
Not Applicable.

7. Impoundments of jurisdictional waters:⁹
Not Applicable.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS:¹⁰
Not Applicable.

Identify water body and summarize rationale supporting determination:
Not Applicable.

Provide estimates for jurisdictional waters in the review area:
Not Applicable.

F. NON-JURISDICTIONAL WATERS. INCLUDING WETLANDS

If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements:

Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce:

Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR):

Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (Explain):

Other (Explain):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (ie., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment:
Not Applicable.

Provide acreage estimates for non-jurisdictional waters in the review area, that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction.
Not Applicable.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD

(listed items shall be included in case file and, where checked and requested, appropriately reference below):

Data Reviewed	Source Label	Source Description
--Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	-	-
--U.S. Geological Survey map(s).	-	-
--Photographs	-	-
---Aerial	-	-

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Not Applicable.

- 1-Boxes checked below shall be supported by completing the appropriate sections in Section III below.
- 2-For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
- 3-Supporting documentation is presented in Section III.F.
- 4-Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
- 5-Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.
- 6-A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
- 7-Ibid.
- 8-See Footnote #3.
- 9 -To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
- 10-Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



March 16, 2009

George Young
U.S. Army Engineer District, Honolulu
Regulatory Branch, CEPOH-EC-R
Building 230
Fort Shafter, Hawaii 96858-5440

Subject: Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka'i, Hawai'i.
File Number POH-2008-265

Dear Mr. Young:

As you know the National Park Service (NPS) has initiated planning for a project to repair the dock structure at Kalaupapa National Historical Park.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could impact species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct a public scoping phase for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. A public open house meeting will be conducted at the Mitchell Pauole Center (90 Ainoa Street, Kaunakakai, Moloka'i). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house will be on Wednesday, April 8, from 6:30 pm to 8:00 pm. A similar presentation will also take place at 12:15 pm as part of the Molokai Planning Commission meeting scheduled for April 8 at the Mitchell Pauole Center.

I invite you, or a member of your office, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>.

If you have questions about the project or would like more information please call Elaine Rideout, Natural Resource Specialist, at 303-969-2260.

Sincerely,

/s/
Steve Prokop,
Superintendent



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



April 20, 2009

George Young
U.S. Army Engineer District, Honolulu
Regulatory Branch, CEPOH-EC-R
Building 230
Fort Shafter, Hawaii 96858-5440

Subject: Honolulu Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka`i, Hawai`i. **File Number POH-2008-265**

Dear Mr. Young:

As you know the National Park Service (NPS) has initiated planning for a project to repair the dock structure at Kalaupapa National Historical Park.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could affect species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct public scoping for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. Additional public open house meetings will be conducted at the Hawaii Imin International Conference Center (1777 East-West Road, Honolulu). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house meetings will be on Monday, May 11, from 1:00 pm to 3:00 pm and 6:00 pm to 8:00 pm.

I invite you, or a member of your office, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>.

If you have questions about the project or would like more information please call Elaine Rideout, Natural Resource Specialist, at 303-969-2260.

Sincerely,

/s/
Steve Prokop,
Superintendent



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EMD / CWB

09001CEC.08

September 2, 2008

Mr. Stephen Prokop
Superintendent
ATTN: EA Comments
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742

Dear Mr. Prokop:

**SUBJECT: Scoping Notice for the Repair of Kalaupapa Dock Structures
Kalaupapa National Historical Park, Molokai, Hawaii**

Thank you for the opportunity to provide input on issues and areas of concern related to the subject project.

According to your notice:

"The proposed project would stabilize and repair the failing bulkhead wall and toe structure located adjacent to the pier, reconstruct/repair/stabilize the severely cracked and failing (in areas) concrete pier and associated corroded/failing mooring bitts and bollards. The environmental assessment would also consider options to repair or possibly expand the breakwater to ensure continued protection of the harbor. In addition, the barges currently used to transport equipment, supplies and materials to Kalaupapa will be replaced after 2008 and the NPS needs to make improvements to the dock to accommodate possible changes in barge size. Also under consideration is the construction of structures called "dolphins" to assist barge maneuverability, mooring buoys to improve barge stability, and dredging of the harbor to improve access for a range of barge sizes."

The Department of Health (DOH), Clean Water Branch (CWB), is providing the following general comments. Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. The CWB recommends that you also read our standard comments on our website at <http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>.

1. Any project and its potential impacts to State waters must meet the following criteria:
 - a. Antidegradation policy (HAR, §11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - b. Designated uses (HAR, § 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, §§ 11-54-4 through 11-54-8).
2. The Army Corps of Engineers should be contacted at (808) 438-9258 for this project. Pursuant to Federal Water Pollution Control Act (commonly known as the "Clean Water Act" (CWA)), Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may **result** in any discharge into the navigable waters..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40, Code of Federal Regulations, Section 122.2; and HAR, Chapter 11-54.

The Section 401 WQC Application Forms and Guidelines may be picked up at our office or downloaded from our website at

<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/wqc-index.html>.

3. Surface water at Kalaupapa Harbor is classified by the Department as "Class AA, Marine Waters." (HAR, §11-54-6b.(2)(A)(v)) Marine bottom at "Kalaupapa Anchorage" is classified by the Department as "Class II, Shallow Draft Harbor." (HAR, §11-54-7d.(2)(A)) Marine bottom at "Western Kalaupapa" is classified by the Department as "Class I, Nearshore Reef Flats." (HAR, 11-54-7e.(2)(A)(ii)). Marine bottom at Kaluapapa is also classified by the Department as "Class I, Protected Reef Communities." (HAR, 11-54-7e(2)(v)).

It is the objective of class AA waters that these waters remain in their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of water quality from any human-caused source or actions. To the extent practicable, the wilderness character of these areas shall be protected. (HAR, §11-54-3(c) (1))

It is the objective of class I marine bottom ecosystems that they remain as nearly as possible in their natural pristine state with an absolute minimum of pollution from any human-induced source. Uses of marine bottom ecosystems in this class are passive human uses without intervention or alteration, allowing the perpetuation and preservation of the marine bottom in a most natural state, such as for nonconsumptive scientific research (demonstration,

observation or monitoring only), nonconsumptive education, aesthetic enjoyment, passive activities, and preservation. (HAR, §11-54-3d(1))

It is the objective of class II marine bottom ecosystems that their use for protection including propagation of fish, shellfish, and wildlife, and for recreational purposes not be limited in any way. The uses to be protected in this class of marine bottom ecosystems are all uses compatible with the protection and propagation of fish, shellfish, and wildlife, and with recreation. Any action which may permanently or completely modify, alter, consume, or degrade marine bottoms, such as structural flood control channelization, (dams); landfill and reclamation; navigational structures (harbors, ramps); structural shore protection (seawalls, revetments); and wastewater effluent outfall structures may be allowed upon securing approval in writing from the director, considering the environmental impact and the public interest pursuant to sections 342D-4, 342D-5, 342D-6, and 342D-50, HRS in accordance with the applicable provisions of chapter 91, HRS. (HAR, §11-54-3d(2))

The Kaluapapa Harbor is not listed by the DOH as "Water Quality-Limited Waters" in accordance with Clean Water Act, Section 303(d) list of impaired water bodies in Chapter IV of the *2006 State of Hawaii Water Quality Monitoring and Assessment Report*.

The National Park Service (NPS) must develop and properly implement adequate Best Management Practices (BMPs) measures to ensure the construction activities related potential adverse impact resulting from the proposed repair of Kalaupapa be minimized and objective of the affect waters are not adversely impacted.

4. The NPS is required to obtain an individual National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters, including Kalaupapa National Historical Park, Molokai, Hawaii. (HAR, Chapter 11-55):
 - a. Storm water associated with construction activities, including excavation, grading, clearing, demolition, uprooting of vegetation, equipment staging, and storage areas that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the start of the construction activities.
 - b. Dewatering effluent.

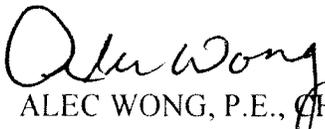
An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. The NPDES application forms may be picked up

at our office or downloaded from our website at
<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.

5. The NPS must also submit a copy of the NPDES permit application to the State DLNR, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. Please submit a copy of your request for review by SHPD or SHPD's determination letter for the project along with your NPDES permit application, as applicable.
6. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the WQS. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.
7. Please provide information on the proposed dredging activity, including the dredging method and equipment to be used and dredged spoils handling and disposal practices.

If you have any questions, please visit our website at
<http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>, or contact the Engineering Section, CWB, at (808) 586-4309.

Sincerely,


ALEC WONG, P.E., CHIEF
Clean Water Branch

c: Regulatory Branch, HED-COE
CZM, Office of Planning, DBEDT
OCCL, DLNR
SHWB, DOH



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



March 16, 2009

Abbey Seth Mayer
State of Hawaii Department of Health
Office of Planning
P.O. Box 3378
Honolulu, HI 96801-3378

Subject: Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka`i, Hawai`i.
Ref. No. P-12227

Dear Ms. Mayer:

As you know the National Park Service (NPS) has initiated planning for a project to repair the dock structure at Kalaupapa National Historical Park.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could impact species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct a public scoping phase for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. A public open house meeting will be conducted at the Mitchell Pauole Center (90 Ainoa Street, Kaunakakai, Moloka`i). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house will be on Wednesday, April 8, from 6:30 pm to 8:00 pm. A similar presentation will also take place at 12:15 pm as part of the Molokai Planning Commission meeting scheduled for April 8 at the Mitchell Pauole Center.

I invite you, or a member of your staff, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>.

Should you have any questions or desire additional information, please contact me at 808-567-6802.

Sincerely,

/s/
Steve Prokop,
Superintendent



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



March 16, 2009

Alec Wong
State Department of Health
EMD / CWB
P.O. Box 3378
Honolulu, HI 96801-3378

Subject: Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka'i, Hawai'i.
Ref. No. 09001CEC.08

Dear Mr. Wong:

As you know the National Park Service (NPS) has initiated planning for a project to repair the dock structure at Kalaupapa National Historical Park.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could impact species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct a public scoping phase for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. A public open house meeting will be conducted at the Mitchell Pauole Center (90 Ainoa Street, Kaunakakai, Moloka'i). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house will be on Wednesday, April 8, from 6:30 pm to 8:00 pm. A similar presentation will also take place at 12:15 pm as part of the Molokai Planning Commission meeting scheduled for April 8 at the Mitchell Pauole Center.

I invite you, or a member of your staff, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>.

Should you have any questions or desire additional information, please contact me at 808-567-6802.

Sincerely,

/s/
Steve Prokop,
Superintendent



United States Department of the Interior

NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
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April 20, 2009

Alex Wong
Hawaii Department of Health
Clean Water Branch, Engineering Section
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Subject: Honolulu Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka'i, Hawai'i. **File Number 09001CEC.08**

Dear Mr. Wong:

As you know the National Park Service (NPS) has initiated planning for a project to repair the dock structure at Kalaupapa National Historical Park.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could affect species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct public scoping for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. Additional public open house meetings will be conducted at the Hawaii Imin International Conference Center (1777 East-West Road, Honolulu). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house meetings will be on Monday, May 11, from 1:00 pm to 3:00 pm and 6:00 pm to 8:00 pm.

I invite you, or a member of your office, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>.

If you have questions about the project or would like more information please call Elaine Rideout, Natural Resource Specialist, at 303-969-2260.

Sincerely,

/s/
Steve Prokop,
Superintendent

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



MICAH A. KANE
CHAIRMAN
HAWAIIAN HOMES COMMISSION

KAULANA H. PARK
DEPUTY TO THE CHAIRMAN

ROBERT J. HALL
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

November 20, 2008

Mr. Stephen Prokop
Superintendent
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, Hawaii 96742

Dear Mr. Prokop:

Subject: Scoping Notice for Repair of Kalaupapa Dock
Structures, Kalaupapa, Molokai

This letter is to inform you that the Department of Hawaiian Home Lands (DHHL) has received your letter and the accompanying attachments, regarding the National Park Service's proposed repair of the Kalaupapa dock structures.

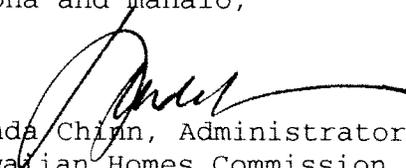
After a review of your proposal by our Land Management Division, the department has no significant comments to offer at this time. However, DHHL supports improvements to the dock which ensures continued barge service, thus providing necessary supplies to our beneficiaries in Kalaupapa.

As your environmental assessment progresses, please continue to provide the department with updates and other pertinent information.

Mahalo for the opportunity to provide our comments. Your continued cooperation is greatly appreciated.

Should you have any questions, please call Todd Gray, Land Agent, at (808) 620-9460.

Aloha and mahalo,


Linda Chinn, Administrator
Hawaiian Homes Commission



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



March 16, 2009

Linda Chinn
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, HI 96805

Subject: Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka'i, Hawai'i.

Dear Ms. Chinn:

As you know the National Park Service (NPS) has initiated planning for a project to repair the dock structure at Kalaupapa National Historical Park.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could impact species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct a public scoping phase for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. A public open house meeting will be conducted at the Mitchell Pauole Center (90 Ainoa Street, Kaunakakai, Moloka'i). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house will be on Wednesday, April 8, from 6:30 pm to 8:00 pm. A similar presentation will also take place at 12:15 pm as part of the Molokai Planning Commission meeting scheduled for April 8 at the Mitchell Pauole Center.

I invite you, or a member of your staff, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>.

Should you have any questions or desire additional information, please contact me at 808-567-6802.

Sincerely,

/s/
Steve Prokop,
Superintendent



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
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April 20, 2009

Linda Chinn
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, HI 96805

Subject: Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka'i, Hawai'i.

Dear Ms. Chinn:

As you know the National Park Service (NPS) has initiated planning for a project to repair the dock structure at Kalaupapa National Historical Park.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could affect species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct public scoping for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. Additional public open house meetings will be conducted at the Hawaii Imin International Conference Center (1777 East-West Road, Honolulu). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house meetings will be on Monday, May 11, from 1:00 pm to 3:00 pm and 6:00 pm to 8:00 pm.

I invite you, or a member of your staff, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>.

Should you have any questions or desire additional information, please contact me at 808-567-6802.

Sincerely,

/s/
Steve Prokop,
Superintendent



United States Department of the Interior

NATIONAL PARK SERVICE

Kalaupapa National Historical Park

P.O. 2222

Kalaupapa, HI 96742

Tel: 808-567-6802

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A3815 (KALA)

August 18, 2008

Section 7 Coordinator
NOAA Fisheries, Office of Protected Resources
Pacific Islands Division
1601 Kapiolani Blvd, Suite 1110
Honolulu, HI 96814

Subject: Scoping Notice and Initiation of NEPA and Section 7 Consultation on Project Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service to the Kalaupapa Resident Community

In accordance with the National Environment Policy Act of 1969, as amended, the National Park Service (NPS) is in the early stages of preparing an environmental assessment (EA) which will analyze the environmental effects of a range of project alternatives to repair the dock structures at Kalaupapa National Historical Park, Moloka'i, Hawai'i. The project area is located within the Kalaupapa Community and can be found on the Kalaupapa, Molokai East 7.5 minute USGS quad.

Nearly all supplies, ranging from food to fuel and equipment that sustain the Kalaupapa community are transported one to three times per year via barge. The Kalaupapa pier is a critical link in receiving the barge and goods it transports. The pier is approximately 50 years old and exposure to seawater and wave impact has caused extensive cracks in the concrete structure. The pier and associated structures such as the bulkhead and breakwater are failing structurally.

This project would stabilize and repair the failing bulkhead wall and toe structure located adjacent to the pier; and reconstruct/repair/stabilize the severely cracked and failing (in areas) concrete pier, and associated corroded/ failing mooring bits and bollards. The environmental assessment would also consider options to repair or possibly expand the breakwater to ensure continued protection of the harbor. The breakwater is critical to minimize future damage of the pier, bulkhead wall and harbor structures. The barges currently used to transport equipment, supplies and materials to Kalaupapa will be replaced after 2008 and the NPS needs to make improvements to the dock to accommodate changes in barge size. Also under consideration is the construction of structures called "dolphins" to assist barge maneuverability, mooring buoys to improve barge stability, and dredging of the harbor to improve access for a range of barge sizes.

Although development of the environmental assessment is in the preliminary stages, we believe that eventual implementation of the project could affect endangered or threatened species, or their designated habitat.

Therefore we would like to request any information your office may have regarding the presence of listed Federal threatened or endangered species, species proposed for listing, and existing or proposed critical habitats, which may be present within or near the harbor at Kalaupapa National Historical Park. This request is being made pursuant to Section 7 of the Endangered Species Act. A similar request is being made to the U.S. Fish and Wildlife Service.

We look forward to your participation in this process and believe that it will help ensure that natural resources are adequately considered and evaluated in the environmental assessment. In keeping with the requirements of Section 7 consultation and National Park Service policy, as soon as the environmental assessment document is complete, we will send it to you for your review and comment.

We would appreciate any preliminary input you may have by September 25, 2008. If you have questions about the project or would like more information please call Steve Luppert at 808-567-6802.

Comments can be sent to:

Stephen Prokop, Superintendent
ATTN: EA Comments
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742

Sincerely,

/S/
Stephen Prokop
Superintendent

Attachments

cc: w/attachments
Brown, KALA
Cerny, KALA
Cody, DSC-DC
Luppert, KALA
Prokop, KALA



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



March 16, 2009

Gerry Davis
NOAA National Marine Fisheries Service
Pacific Islands Regional Office
Habitat Conservation Division
1601 Kapiolani Blvd, Suite 1110
Honolulu, HI 96814

Subject: Preparation of an Environmental Impact Statement and Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka'i, Hawai'i.

Dear Mr. Davis:

As you know the National Park Service (NPS) has initiated planning for a project to repair the dock structure at Kalaupapa National Historical Park.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could impact species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct a public scoping phase for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. A public open house meeting will be conducted at the Mitchell Pauole Center (90 Ainoa Street, Kaunakakai, Moloka'i). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house will be on Wednesday, April 8, from 6:30 pm to 8:00 pm. A similar presentation will also take place at 12:15 pm as part of the Molokai Planning Commission meeting scheduled for April 8 at the Mitchell Pauole Center.

I invite you, or a member of your office, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>. Comments are also being requested from the National Marine Fisheries Service, Office of Protected Resources in Silver Springs, Maryland and the Protected Resources Division, Pacific Islands Regional Office.

If you have questions about the project or would like more information please call Elaine Rideout, Natural Resource Specialist, at 303-969-2260.

Sincerely,

/s/
Steve Prokop,
Superintendent



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
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Fax: 808-567-6729



March 16, 2009

Jaclyn Daly
NOAA National Marine Fisheries Service
Office of Protected Resources
1315 East-West Hwy, Rm 3525
Silver Spring, MD 20910

Subject: Preparation of an Environmental Impact Statement and Public Open House Meeting for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka'i, Hawai'i.

Dear Ms. Daly:

The National Park Service (NPS) will be preparing an environmental impact statement (EIS) which will analyze the environmental effects of a range of project alternatives to repair the dock structures at Kalaupapa National Historical Park, in Moloka'i, Hawai'i.

Nearly all supplies, ranging from food to fuel and equipment that sustain the Kalaupapa community are transported one to three times per year via barge. The Kalaupapa pier is a critical link in receiving the barge and goods it transports. The pier is approximately 50 years old, exposure to seawater and wave impact has caused extensive cracks in the concrete structure. The pier and associated structures such as the bulkhead and breakwater are failing structurally. Failure of the bulkhead wall could jeopardize historic structures in the area such as the Community Food Warehouse. The proposed project would stabilize and repair the failing bulkhead wall and toe structure located adjacent to the pier; and reconstruct/repair/stabilize the severely cracked and failing (in areas) concrete pier, and associated corroded/ failing mooring bits and bollards. The EIS would also consider repair of the breakwater, constructing structures called "dolphins" to assist barge maneuverability, and small scale dredging of the harbor to provide access for a range of barge sizes.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could impact species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

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Any new comments regarding issues that may be associated with the proposed project may be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>. Comments are also being requested from the National Marine Fisheries Service, Pacific Islands Regional Office.

If you have questions about the project or would like more information please call Elaine Rideout, Natural Resource Specialist, at 303-969-2260.

Sincerely,

/s/
Steve Prokop,
Superintendent



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
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Kalaupapa, HI 96742
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Fax: 808-567-6729



March 16, 2009

Donald Hubner
NOAA National Marine Fisheries Service
Pacific Islands Regional Office
Protected Resources Division
1601 Kapiolani Blvd, Suite 1110
Honolulu, HI 96814

Subject: Preparation of an Environmental Impact Statement and Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka`i, Hawai`i.

Dear Mr. Hubner:

As you know the National Park Service (NPS) has initiated planning for a project to repair the dock structure at Kalaupapa National Historical Park.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could impact species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

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I invite you, or a member of your office, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>. Comments are also being requested from the National Marine Fisheries Service, Office of Protected Resources in Silver Springs, Maryland and the Habitat Conservation Division, Pacific Islands Regional Office.

If you have questions about the project or would like more information please call Elaine Rideout, Natural Resource Specialist, at 303-969-2260.

Sincerely,

/s/

Steve Prokop,
Superintendent



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



April 20, 2009

Donald Hubner
NOAA National Marine Fisheries Service
Pacific Islands Regional Office
Protected Resources Division
1601 Kapiolani Blvd, Suite 1110
Honolulu, HI 96814

Subject: Preparation of an Environmental Impact Statement and Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka'i, Hawai'i.

Dear Mr. Hubner:

As you know the National Park Service (NPS) has initiated planning for a project to repair the dock structure at Kalaupapa National Historical Park.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could affect species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct public scoping for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. Additional public open house meetings will be conducted at the Hawaii Imin International Conference Center (1777 East-West Road, Honolulu). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house meetings will be on Monday, May 11, from 1:00 pm to 3:00 pm and 6:00 pm to 8:00 pm.

I invite you, or a member of your office, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>. Comments are also being requested from the National Marine Fisheries Service, Office of Protected Resources in Silver Springs, Maryland and the Habitat Conservation Division, Pacific Islands Regional Office.

If you have questions about the project or would like more information please call Elaine Rideout, Natural Resource Specialist, at 303-969-2260.

Sincerely,

/s/
Steve Prokop,
Superintendent



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



April 20, 2009

Gerry Davis
NOAA National Marine Fisheries Service
Pacific Islands Regional Office
Habitat Conservation Division
1601 Kapiolani Blvd, Suite 1110
Honolulu, HI 96814

Subject: Preparation of an Environmental Impact Statement and Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka`i, Hawai`i.

Dear Mr. Davis:

As you know the National Park Service (NPS) has initiated planning for a project to repair the dock structure at Kalaupapa National Historical Park.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could affect species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct public scoping for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. Additional public open house meetings will be conducted at the Hawaii Imin International Conference Center (1777 East-West Road, Honolulu). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house meetings will be on Monday, May 11, from 1:00 pm to 3:00 pm and 6:00 pm to 8:00 pm.

I invite you, or a member of your office, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>. Comments are also being requested from the National Marine Fisheries Service, Office of Protected Resources in Silver Springs, Maryland and the Protected Resources Division, Pacific Islands Regional Office.

If you have questions about the project or would like more information please call Elaine Rideout, Natural Resource Specialist, at 303-969-2260.

Sincerely,

/s/
Steve Prokop,
Superintendent



United States Department of the Interior

NATIONAL PARK SERVICE

Kalaupapa National Historical Park

P.O. 2222

Kalaupapa, HI 96742

Tel: 808-567-6802

Fax: 808-567-6729



A3815 (KALA)

August 18, 2008

Ms. Kelly Yasaitis Fanizzo
Historic Preservation Specialist
Advisory Council on Historic Preservation
1100 Pennsylvania Ave, Suite 809
Washington, D.C. 20004

Subject: Scoping Notice, Initiation of Section 106 and NEPA Consultation on Project Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service to the Kalaupapa Resident Community, and Notification of the Intent to Use the NEPA Process for Section 106 Purposes

Dear Ms. Yasaitis Fanizzo,

In accordance with the National Environment Policy Act of 1969, as amended, the National Park Service (NPS) is in the initial stages of preparing an environmental assessment (EA) which will analyze the environmental effects of a range of project alternatives to repair the dock structures at Kalaupapa National Historical Park, Moloka'i, Hawai'i. The project area is located within the Kalaupapa Community and can be found on the Kalaupapa Molokai East 7.5 minute USGS quad.

Nearly all supplies, ranging from food to fuel and equipment that sustain the Kalaupapa community are transported one to three times per year via barge. The Kalaupapa pier is a critical link in receiving the barge and goods it transports. The pier is approximately 50 years old and exposure to seawater and wave impact has caused extensive cracks in the concrete structure. The pier and associated structures such as the bulkhead and breakwater are failing structurally. Failure of the bulkhead wall could jeopardize the historic Community food warehouse, Building 1-271.

The proposed project would stabilize and repair the failing bulkhead wall and toe structure located adjacent to the pier, reconstruct/repair/stabilize the severely cracked and failing (in areas) concrete pier and associated corroded/failing mooring bits and bollards. The environmental assessment would also consider options to repair or possibly expand the breakwater to ensure continued protection of the harbor. In addition, the barges currently used to transport equipment, supplies and materials to Kalaupapa will be replaced after 2008 and the NPS needs to make improvements to the dock to accommodate possible changes in barge size. Also under consideration is the construction of structures called "dolphins" to assist barge maneuverability, mooring buoys to improve barge stability, and dredging of the harbor to improve access for a range of barge sizes.

Although development of the environmental assessment is in the preliminary stages, we believe that eventual implementation of the project may affect historic properties included in or that may be eligible for inclusion in

the National Register of Historic Places. In accordance with the Advisory Council on Historic Preservation regulations, 36 CFR Part 800: *Protection of Historic Properties*, the National Park Service is required to comply with Section 106 of the National Historic Preservation Act of 1966 (as amended). This scoping notice serves to officially initiate Section 106 consultation with your office. Section 106 consultations have also been initiated with the office of the Hawai'i State Historic Preservation Officer and Native Hawaiian organizations, and scoping is underway with other federal and state agencies and the general public.

In addition, in accordance with 36 CFR Part 800.8(c): *Use of the NEPA process for section 106 purposes*, this letter also serves to notify your office of our intention to use the NEPA process for all subsequent Section 106 consultations on this project. We have already identified consulting parties both for NEPA and Section 106 purposes and are now working to identify the area of potential effect and all potentially affected historic properties.

If you wish to participate further in Section 106 consultations for this project, please let me know. We would look forward to your participation in this process and believe that it would help ensure that cultural resources are adequately considered and evaluated in the environmental assessment. As soon as the environmental assessment document is complete, we will send it to you for your review and comment.

We would appreciate receiving any preliminary input you may have by September 25, 2008. If you have questions about the project or would like more information, please contact Greg Cody at 303-969-2269 or by email at greg_cody@nps.gov.

Comments can be mailed to:

Stephen Prokop, Superintendent
ATTN: EA Comments
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742

Sincerely,



Stephen Prokop
Superintendent

Attachments

cc: w/attachments
Cerny, KALA
Cody, DSC-DC
Luppert, KALA
Prokop, KALA

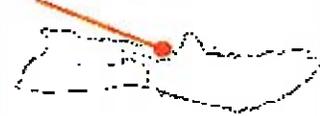
Kalaupapa Harbor, Molokai, Hawaii

PROJECT LOCATION

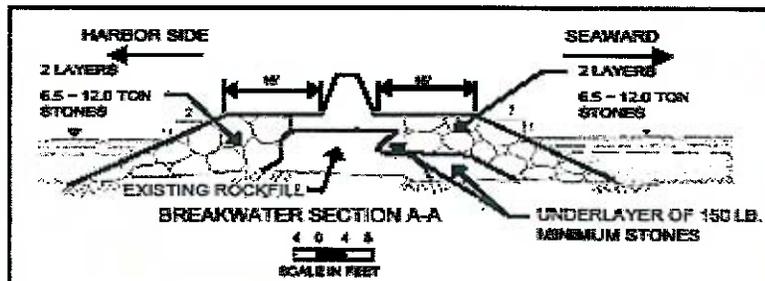
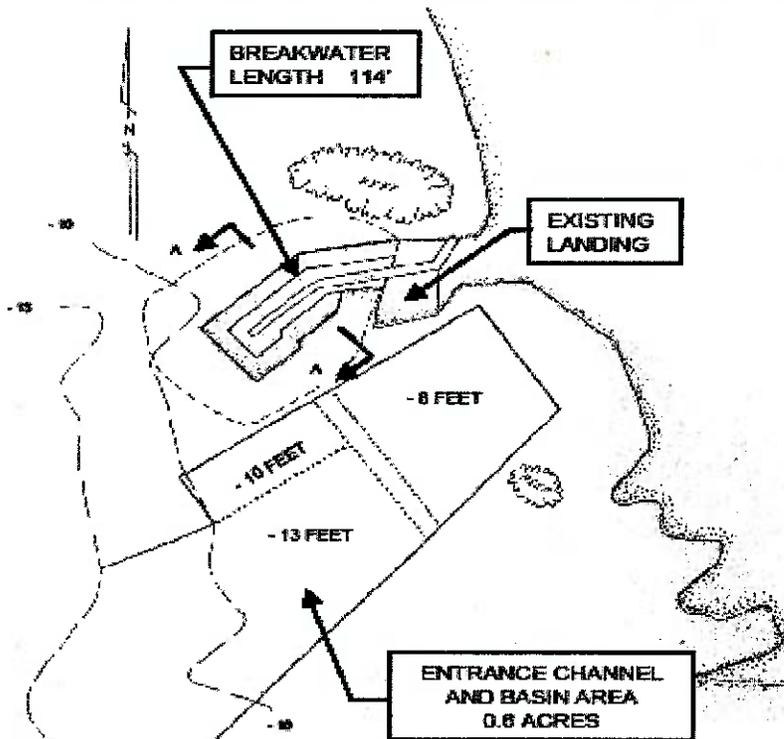
U.S. ARMY ENGINEER DISTRICT

HONOLULU

Kalaupapa Harbor



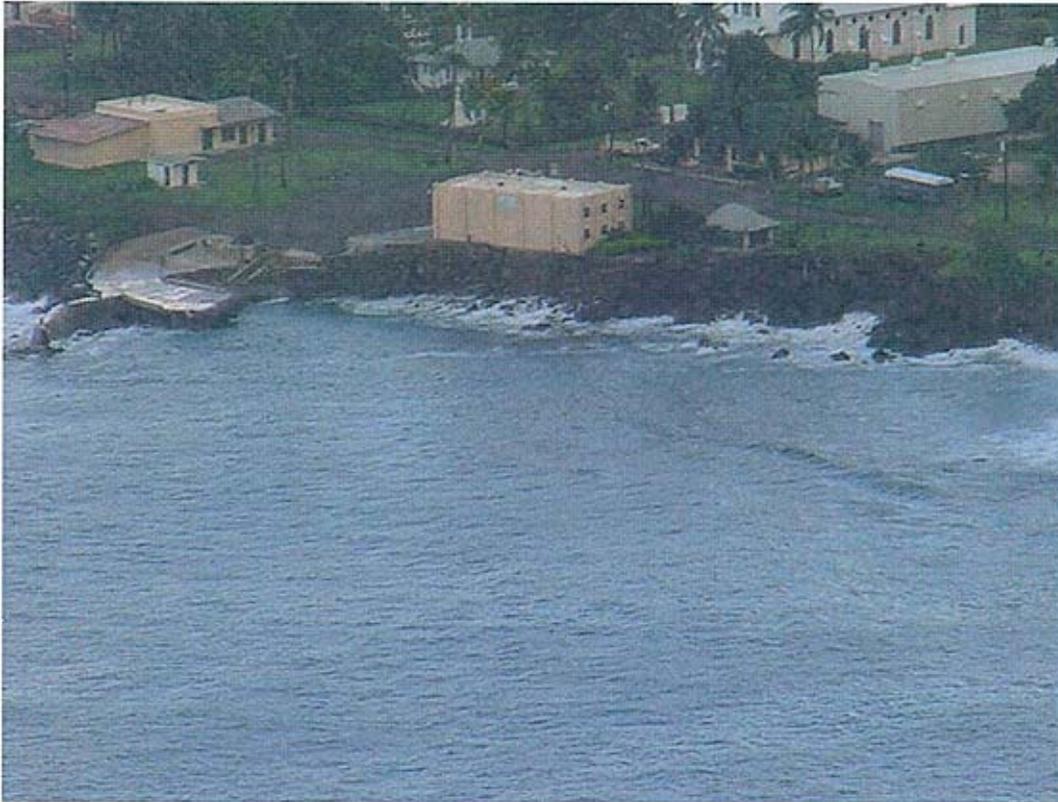
Location Map



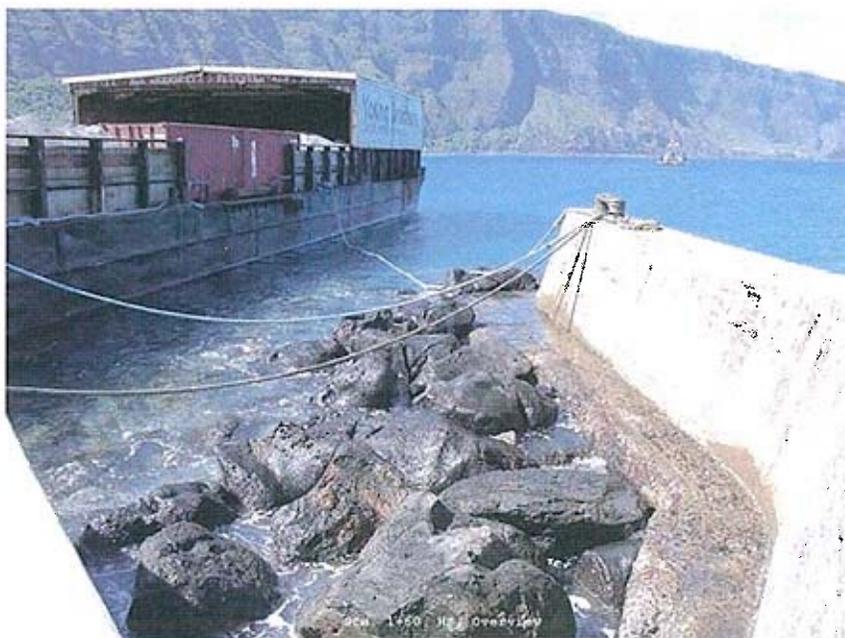
Location Map - Not to Scale

KALAUPAPA HARBOR

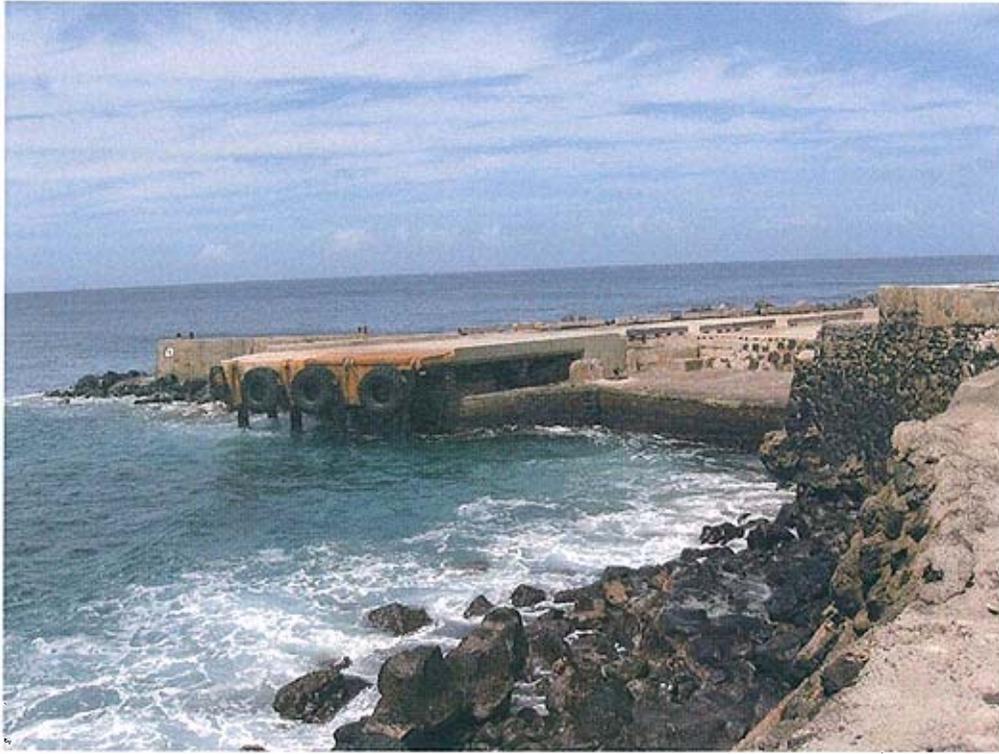




Overview of pier structures and harbor with historic warehouse adjacent to bulkhead wall.



Barge and moor lines to breakwater. Note displaced armor stones resting in berthing basin adjacent to breakwater.



Kalaupapa Harbor and Dock



Kalaupapa Dock



Preserving America's Heritage

September 2, 2008

Stephen Prokop
Superintendent
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742

REF: *Preparation of Environmental Assessment (EA) to Comply with Section 106, Proposed Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service to the Kalaupapa Resident Community, Kalaupapa National Historical Park, Hawaii*

Dear Mr. Prokop:

On August 20, 2008, the Advisory Council on Historic Preservation (ACHP) received Kalaupapa National Historical Park's notification for the referenced undertaking pursuant to 36 CFR § 800.8(c) of the ACHP's regulations, *Protection of Historic Properties* (36 CFR Part 800). We appreciate receiving your notification, which establishes that Kalaupapa National Historical Park will use the process and documentation required for the preparation of an EA to comply with Section 106 of the National Historic Preservation Act in lieu of the procedures set forth in 36 CFR §§ 800.3 through 800.6.

In addition to notification to the ACHP, Kalaupapa National Historical Park must notify the Hawaii State Historic Preservation Officer (SHPO) and meet the standards in 36 CFR § 800.8(c)(1)(i) through (v) for the following:

- identifying consulting parties;
- involving the public;
- identifying historic properties and assessing the undertaking's effects on historic properties; and
- consulting regarding the effects of the undertaking on historic properties with the SHPO and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, other consulting parties, and the ACHP, where appropriate, during National Environmental Policy Act (NEPA) scoping, environmental analysis, and the preparation of NEPA documents.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

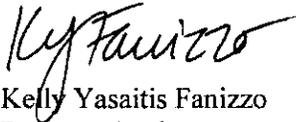
1100 Pennsylvania Avenue NW, Suite 809 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

The regulations do not specifically require that an agency submit an EA to the ACHP. However, keep in mind that, in the case of an objection from the ACHP or another consulting party, 36 CFR § 800.8(c)(2)(ii) and (c)(3) provide for ACHP review of the EA to determine whether preparation of the EA has met the standards set forth in 36 CFR § 800.8(c)(1) and/or to evaluate whether the substantive resolution of the effects on historic properties proposed in the EA is adequate.

Should Kalaupapa National Historical Park determine, in consultation with the SHPO, Native Hawaiian organizations, and other consulting parties, that its proposed undertaking may have an adverse effect on properties listed or eligible for listing on the National Register of Historic Places that will be documented in the EA, we request that you notify us of the adverse effect and provide adequate documentation for our review. Please indicate in your cover letter the schedule for Section 106 consultation and a date by which you require a response by the ACHP. The ACHP's decision to review the EA will be based on the applicability of the criteria in Appendix A of the ACHP's regulations.

Thank you for your notification pursuant to 36 CFR § 800.8(c). If you have any questions, or if we may be of further assistance, please contact me at 202-606-8583 or via e-mail at kfanizzo@achp.gov.

Sincerely,



Kelly Yasaitis Fanizzo
Program Analyst
Office of Federal Agency Programs



United States Department of the Interior

NATIONAL PARK SERVICE

Kalaupapa National Historical Park

P.O. 2222

Kalaupapa, HI 96742

Tel: 808-567-6802

Fax: 808-567-6729



A3815 (KALA)

August 18, 2008

Laura Thielen
State Historic Preservation Officer
Kakuhihewa, Suite 555
601 Kamokila Boulevard
Kapolei, Hawai'i 96707

Subject: Scoping Notice, Initiation of Section 106 and NEPA Consultation on Project Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service to the Kalaupapa Resident Community, and Notification of the Intent to Use the NEPA Process for Section 106 Purposes

Dear Ms. Thielen,

In accordance with the National Environment Policy Act of 1969, as amended, the National Park Service (NPS) is in the early stages of preparing an environmental assessment (EA) which will analyze the environmental effects of a range of project alternatives to repair the dock structures at Kalaupapa National Historical Park, Moloka'i, Hawai'i. The project area is located within the Kalaupapa Community and can be found on the Kalaupapa Molokai East 7.5 minute USGS quad.

Nearly all supplies, ranging from food to fuel and equipment that sustain the Kalaupapa community are transported one to three times per year *via* barge. The Kalaupapa pier is a critical link in receiving the barge and goods it transports. In addition, the pier is considered by the National Park Service to be a potentially historic or culturally significant structure. The pier is approximately 50 years old and exposure to seawater and wave impact has caused extensive cracks in the concrete structure. The pier and associated structures such as the bulkhead and breakwater are failing structurally. Failure of the bulkhead wall could jeopardize the historic Community food warehouse, Building 1-271.

The proposed project would stabilize and repair the failing bulkhead wall and toe structure located adjacent to the pier, reconstruct/repair/stabilize the severely cracked and failing (in areas) concrete pier and associated corroded/failing mooring bits and bollards. The environmental assessment would also consider options to repair or possibly expand the breakwater to ensure continued protection of the harbor. In addition, the barges currently used to transport equipment, supplies and materials to Kalaupapa will be replaced after 2008 and the NPS needs to make improvements to the dock to accommodate possible changes in barge size. Also under consideration is the construction of structures called "dolphins" to assist barge maneuverability, mooring buoys to improve barge stability, and dredging of the harbor to improve access for a range of barge sizes.

Although development of the environmental assessment is in the preliminary stages, we believe that eventual implementation of the project may affect properties included in or that may be eligible for inclusion in the National Register of Historic Places. In accordance with the Advisory Council on Historic Preservation regulations, 36 CFR Part 800: *Protection of Historic Properties*, the National Park Service is required to comply with Section 106 of the National Historic Preservation Act of 1966 (as amended). This scoping notice serves to officially initiate Section 106 consultation with your office. Scoping has also been initiated with other federal and state agencies, Native Hawaiian organizations, and individuals.

In addition, in accordance with 36 CFR Part 800.8(c): *Use of the NEPA process for section 106 purposes*, this letter also serves to notify your office of our intention to use the NEPA process for all subsequent Section 106 consultations on this project. We have already identified consulting parties both for NEPA and Section 106 purposes and are now working to identify the area of potential effects and all potentially affected historic properties.

We look forward to your participation in this process and believe that it will help ensure that historic properties are adequately considered and evaluated in the environmental assessment. As soon as the environmental assessment is complete, we will send it to you for your review and comment.

We would appreciate receiving any preliminary input you may have by September 25, 2008. If you have questions about the project or would like more information, please contact Steve Luppert at 808-567-6802 x23 or by email at steve_luppert@nps.gov.

Comments can be mailed to:

Stephen Prokop, Superintendent
ATTN: EA Comments
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742

Sincerely,



Stephen Prokop
Superintendent

Attachments

cc: w/attachments
Cerny, KALA
Cody, DSC-DC
Luppert, KALA
Prokop, KALA

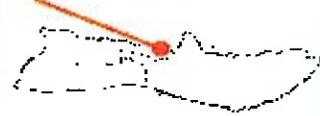
Kalaupapa Harbor, Molokai, Hawaii

PROJECT LOCATION

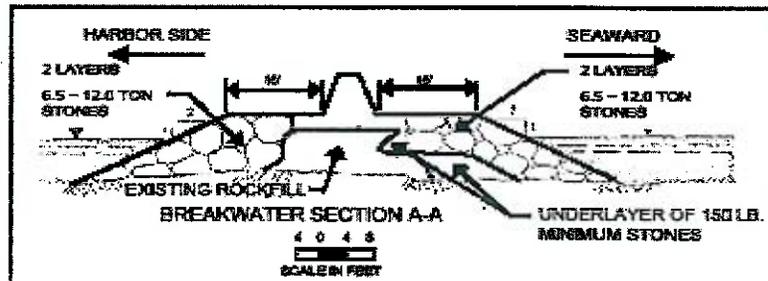
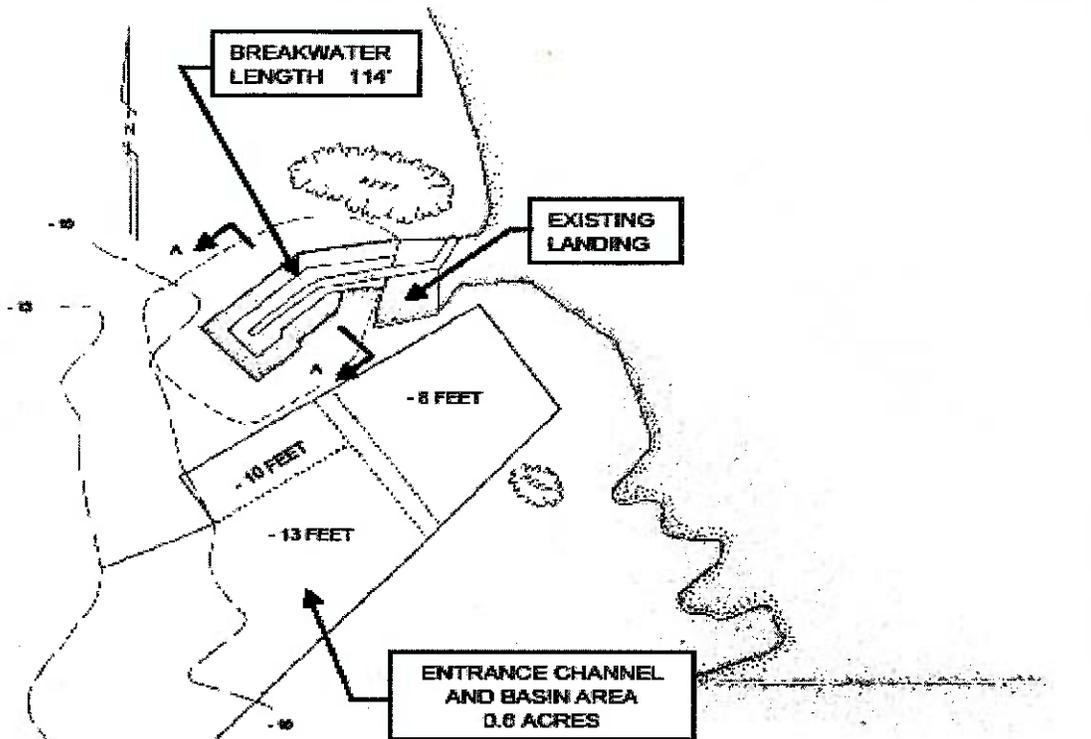
U.S. ARMY ENGINEER DISTRICT

HONOLULU

Kalaupapa Harbor



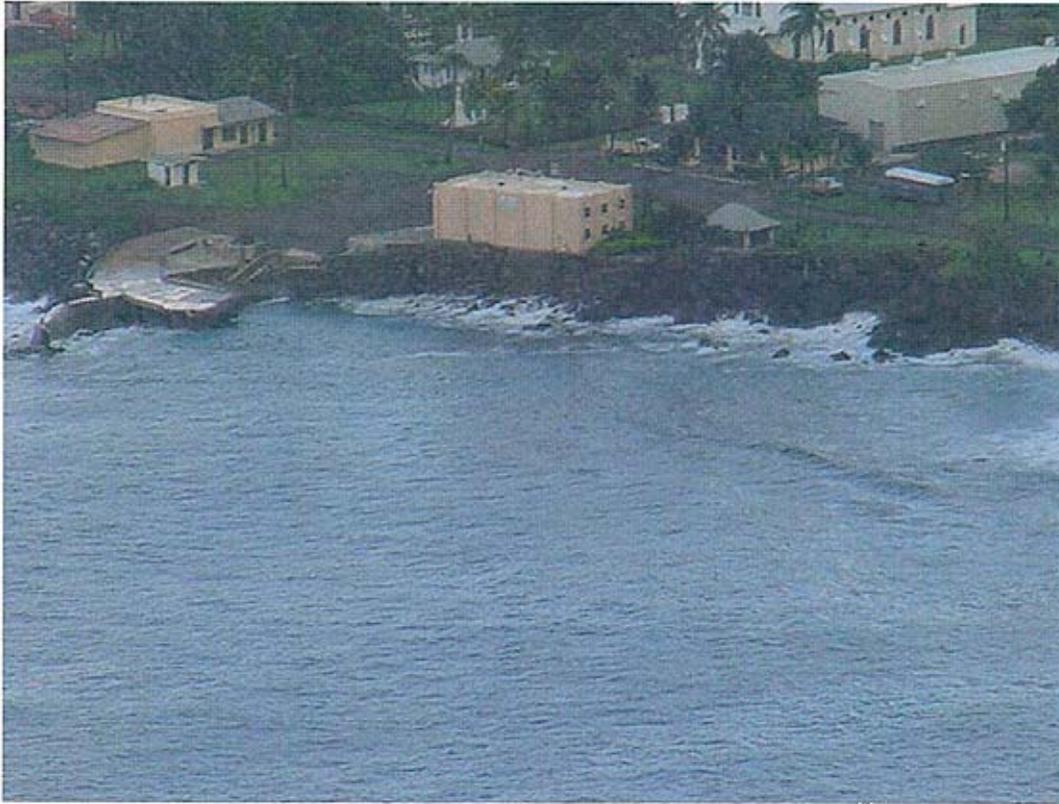
Location Map



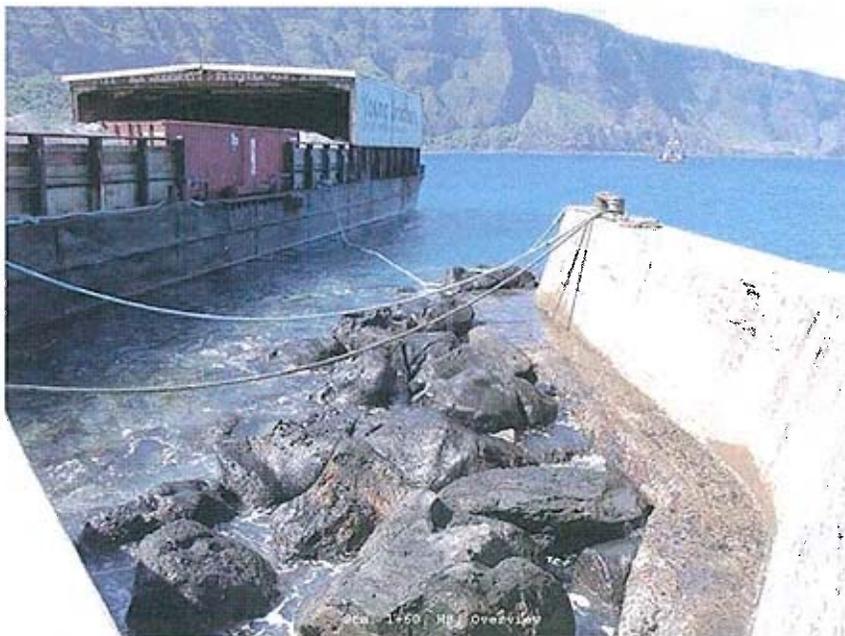
Location Map - Not to Scale

KALAUPAPA HARBOR





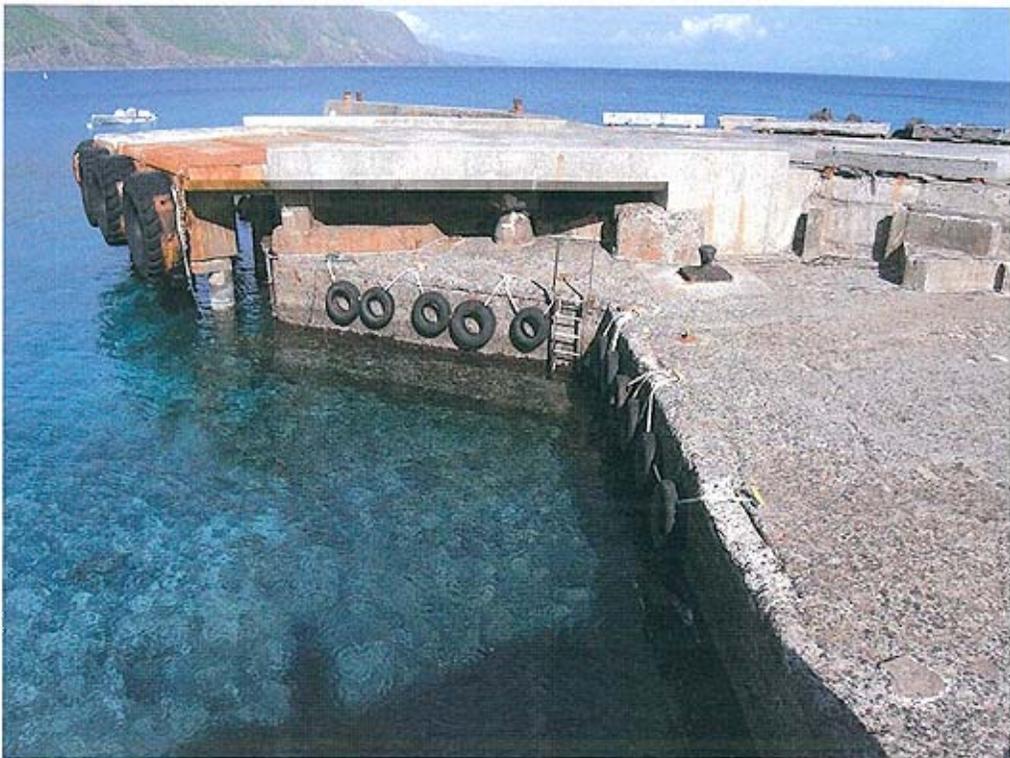
Overview of pier structures and harbor with historic warehouse adjacent to bulkhead wall.



Barge and moor lines to breakwater. Note displaced armor stones resting in berthing basin adjacent to breakwater.



Kalaupapa Harbor and Dock



Kalaupapa Dock

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL V. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

September 15, 2008

Mr. Stephen Prokop, Superintendent
Attn: EA Comments
Kalaupapa National Historical Park
P.O. Box 2222
Kalaupapa, Hawai'i 96742

LOG NO: 2008.3897;
2008.3773
DOC NO: 0809AL29
Architecture

Dear Mr. Prokop:

**SUBJECT: Section 106 (NHPA) Consultation
Scoping Notice/Coordination of Section 106 and NEPA Processes
Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service to the
Kalaupapa Resident Community
Kalaupapa, Island of Moloka'i
TMK: (2) 6-1-01**

Thank you for your submittal of August 18, received in our Kapolei office on August 26, 2008.

The proposed project is for repair to the dock structures at Kalaupapa National Historical Park to ensure delivery of goods and supplies via barge. Kalaupapa Leprosy Settlement was designated a National Historic Landmark on January 7, 1976 and listed on the Hawai'i State Register of Historic Places on May 18, 1981.

The pier is approximately 50 years old and exposure to seawater has caused spalling and cracking in the concrete structure as well as structural failing in associated structures. The proposed project would stabilize the failing bulkhead wall and toe structure, concrete pier, mooring bits, and bollards. The construction of dolphins and mooring buoys and dredging of the harbor are under consideration. Currently, public scoping for the development of an Environmental Assessment is under way to provide a suitable range of alternatives, develop the nature and extent of potential environmental impacts and benefits, and identify appropriate mitigation strategies. The SHPD looks forward to participating in this process and reviewing and commenting on the Environmental Assessment upon its completion. We do not have more detailed comments at this time, although we thank you for the opportunity. Our office further acknowledges your notice of the coordination of the Section 106 (National Historic Preservation Act) and National Environmental Policy Act processes. Should you have any questions regarding architectural concerns, please contact Dr. Astrid Liverman at (808) 692-8015.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy A. McMahon".

Nancy A. McMahon
Deputy State Historic Preservation Officer

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

November 20, 2008

Mr. Stephen Prokop, Superintendent
Kalaupapa National Historical Park
P.O. Box 2222
Kalaupapa, Hawai'i 96742

LOG NO: 2008.4725
DOC NO: 0811AL38
Architecture
Archaeology

Dear Mr. Prokop:

SUBJECT: Section 106 (NHPA) Consultation
Project Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued
Barge Service to the Kalaupapa Resident Community
Kalaupapa Ahupua'a, Kalawao County, Ko'olau District, Island of Moloka'i
TMK: (2) 6-1-01

Thank you for your submittal of October 16, received in our Kapolei office on October 22, 2008. The proposed project is for repair to the dock structures at Kalaupapa National Historical Park to ensure delivery of goods and supplies via barge. Kalaupapa Leprosy Settlement was designated a National Historic Landmark on January 7, 1976 and listed on the Hawai'i State Register of Historic Places on May 18, 1981.

The current submittal included the *Archaeological Inventory Survey Report of the Kalaupapa Harbor* as prepared by Erika Viernes-Stein in September in anticipation of the Environmental Assessment. The field report on underwater archaeological investigations does not suggest strong archaeological or cultural significance, while the actual dock structures are very likely to yield cultural significance in association with historical and contemporary events. As such, Viernes-Stein concludes that a Historic Structures Report on the Kalaupapa Pier and associated structures should be conducted, to include analysis of the social significance of the site. The SHPD concurs with the findings of the above-named survey report and its recommendation.

The SHPD looks forward to continued participation in this process with review and comment on the Environmental Assessment upon its completion. Should you have any questions regarding architectural concerns, please contact Dr. Astrid Liverman at (808) 692-8015.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy A. McMahon".

Nancy A. McMahon
Deputy State Historic Preservation Officer



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



February 13, 2009

Laura H. Thielen
State Historic Preservation Officer
Department of Land & Natural Resources
601 Kamokila Boulevard
Suite 555
Kapolei, HI 96707

Subject: Continued Consultations Under Section 106 of the National Historic Preservation Act for the Undertaking to Repair Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka'i, Hawai'i.

Dear Ms. Thielen:

In August, 2008 the National Park Service (NPS) initiated consultations with your office for a project to repair the dock structure at Kalaupapa National Historical Park. The proposed project, most of which would occur below the water line, entails:

- filling the voids in the bulkhead wall toe, the low dock toe, and the breakwater for structural integrity;
- repairing the breakwater concrete cap;
- relocating displaced armor stones, which rest within the turning basin/berthing channel of the harbor and reduce draft between the harbor floor and the barge, to their original location;
- replacing the corroded bollards and reinstalling a dolphin to assist with barge mooring;
- clearing debris, including displaced boulders and the concrete pilings from the previous dolphin, from the berthing channel; and
- small scale dredging of the harbor to provide access for a range of barge sizes.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; Native Hawaiian groups; and the general public) and began preparing an environmental assessment. Due to the degree to which potential impacts could impact species protected under the Endangered Species Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

Following publication in the *Federal Register* of a notice of intent to prepare an EIS, the NPS will reopen public and agency scoping for the project for a 30-day comment period. All previously submitted comments are documented in the administrative record; only new issues and concerns would need to be submitted at that time. During this 30-day scoping period a public open house meeting will also be conducted. The meeting format will include a brief presentation of the proposed project and a question and answer session with NPS staff. I will notify you in advance of the date, time, and location of the open house.

At this time I would also like to clarify that preparation of a historic structure report (HSR) for the Kalaupapa dock structure, which was referenced in the *Archaeological Inventory Survey Report of the Kalaupapa Harbor* (September, 2008) and in your letter of January 13, 2009 to the Department of the Army-U.S. Army Engineer District, Honolulu (Log No: 2008.5764, Doc No: 0901AL27), will occur in the future as an outgrowth of the general management planning process being initiated for Kalaupapa National Historic Park. The HSR is not part of the proposed project to repair the dock structure.

As you know, the two primary components of a HSR are the developmental history and treatment and use of the structure. For the developmental history, the HSR addresses the history and significance of the structure. The NPS considers the dock structure to be a contributing feature of the Kalaupapa Leprosy Settlement National Historic Landmark district. The stone and concrete dock structure (below) possesses neither architectural nor engineering significance, as no distinctive construction techniques, materials, features, or finishes characterize the structure. However, the dock structure is an important feature of the circulation patterns within the district landscape that continue to demonstrate the routes of travel on or off of the peninsula (boat landing, airport, and pali trail) and within the Kalaupapa settlement, and, the significance of the dock structure as a conduit for supplying the settlement.



Kalaupapa Dock Structure

The treatment and use section of a HSR presents and evaluates alternative uses and treatments for a historic structure, with the emphasis on preserving extant historic materials and resolving adverse effects that could result from the structure's proposed treatment. The Kalaupapa dock structure would continue to be used as it was historically. No alterations or additions to the dock structure would occur, and the proposed repairs and replacement of the dolphin are consistent with the preservation guidelines of *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

Dredging the harbor bottom to allow maximum flexibility for future barge service would have little, if any, effect upon the dock structure. In addition, dredging the harbor bottom would have no effect upon the national historic landmark district's circulation patterns (the dock structure and grid-pattern circulation system of roads and walkways within the settlement) or spatial organization and land use patterns (the clustered arrangement of the various treatment facilities and residential sections; the many original Hawaii Plantation Style houses, churches, dormitories and other landscape features that remain; the utilitarian and aesthetic planted vegetation within the neighborhoods; and the dozens of unique small-scale features, e.g. shrines, grave markers, tombs, that add a unique and personal dimension to the physical history of the site).

Preparation of a HSR is unnecessary for the proposed project to proceed, as nothing proposed would compromise the integrity of the dock structure as a contributing feature to a national historic landmark district. The NPS will continue consultations with your office through the upcoming scoping period for the EIS and as new information

becomes available. We anticipate providing your office the draft EIS and NPS determination of effect for the project this Summer, for your review and comment.

Should you have any questions or desire additional information, please contact me at 808-567-6802.

Sincerely,

Steve Prokop,
Superintendent

cc:
Cantwell, PWR
Cody-DSC, D&C
Cerny, KALA
Stein, KALA



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



March 16, 2009

Laura H. Thielen
State Historic Preservation Officer
Department of Land & Natural Resources
601 Kamokila Boulevard
Suite 555
Kapolei, HI 96707

Subject: Invitation to Open House Public Scoping Meeting for the Undertaking to Repair Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka'i, Hawai'i.

Dear Ms. Thielen:

In August, 2008 the National Park Service (NPS) initiated planning for an undertaking to repair the dock structure at Kalaupapa National Historical Park. The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could impact species protected under the Endangered Species Act, the NPS is now proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct a public scoping phase for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. A public open house meeting will be conducted at the Mitchell Pauole Center (90 Ainoa Street, Kaunakakai, Moloka'i). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house will be on Wednesday, April 8, from 6:30 pm to 8:00 pm. A similar presentation will also take place at 12:15 pm as part of the Molokai Planning Commission meeting scheduled for April 8 at the Mitchell Pauole Center.

I invite you, or a member of your staff, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail, to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742), or electronically at <http://parkplanning.nps.gov/kala>.

Should you have any questions or desire additional information, please contact me at 808-567-6802.

Sincerely,

/s/
Steve Prokop,
Superintendent



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



April 20, 2009

Laura H. Thielen
State Historic Preservation Officer
Department of Land & Natural Resources
601 Kamokila Boulevard
Suite 555
Kapolei, HI 96707

Subject: Invitation to Open House Public Scoping Meetings (Honolulu) for the Undertaking to Repair Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka`i, Hawai`i.

Dear Ms. Thielen:

In August, 2008 the National Park Service (NPS) initiated planning for an undertaking to repair the dock structure at Kalaupapa National Historical Park. The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could affect species protected under the Endangered Species Act and the Marine Mammal Protection Act, the NPS is now proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct a public scoping phase for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. Two public open house meetings will be conducted at the Hawaii Imin International Conference Center (1777 East-West Road, Honolulu). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house meetings will be on Monday, May 11, from 1:00 pm to 3:00 pm and 6:00 pm to 8:00 pm.

I invite you, or a member of your staff, to attend one of the open house meetings. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail, to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742), or electronically at <http://parkplanning.nps.gov/kala>.

Should you have any questions or desire additional information, please contact me at 808-567-6802.

Sincerely,

/s/
Steve Prokop,
Superintendent



United States Department of the Interior

NATIONAL PARK SERVICE

Kalaupapa National Historical Park

P.O. 2222

Kalaupapa, HI 96742

Tel: 808-567-6802

Fax: 808-567-6729



A3815 (KALA)

August 18, 2008

Field Supervisor
U.S. Fish and Wildlife Service
Pacific Islands Division
300 Ala Moana Blvd. Room 3122
Box 50088
Honolulu, HI 96850

Subject: Scoping Notice and Initiation of NEPA and Section 7 Consultation on Project Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service to the Kalaupapa Resident Community

In accordance with the National Environment Policy Act of 1969, as amended, the National Park Service (NPS) is in the early stages of preparing an environmental assessment (EA) which will analyze the environmental effects of a range of project alternatives to repair the dock structures at Kalaupapa National Historical Park, Moloka'i, Hawai'i. The project area is located within the Kalaupapa Community and can be found on the Kalaupapa, Molokai East 7.5 minute USGS quad.

Nearly all supplies, ranging from food to fuel and equipment that sustain the Kalaupapa community are transported one to three times per year *via* barge. The Kalaupapa pier is a critical link in receiving the barge and goods it transports. The pier is approximately 50 years old and exposure to seawater and wave impact has caused extensive cracks in the concrete structure. The pier and associated structures such as the bulkhead and breakwater are failing structurally.

This project would stabilize and repair the failing bulkhead wall and toe structure located adjacent to the pier; and reconstruct/repair/stabilize the severely cracked and failing (in areas) concrete pier, and associated corroded/ failing mooring bits and bollards. The environmental assessment would also consider options to repair or possibly expand the breakwater to ensure continued protection of the harbor. The breakwater is critical to minimize future damage of the pier, bulkhead wall and harbor structures. The barges currently used to transport equipment, supplies and materials to Kalaupapa will be replaced after 2008 and the NPS needs to make improvements to the dock to accommodate changes in barge size. Also under consideration is the construction of structures called "dolphins" to assist barge maneuverability, mooring buoys to improve barge stability, and dredging of the harbor to improve access for a range of barge sizes.

Although development of the environmental assessment is in the preliminary stages, we believe that eventual implementation of the project could affect endangered or threatened species, or their designated habitat. Therefore we would like to request any information your office may have regarding the presence of listed Federal threatened or endangered species, species proposed for listing, and existing or proposed critical habitats, which may be present within or near the harbor of Kalaupapa National Historical Park. This request is being made pursuant to Section 7 of the Endangered Species Act. A similar request is being made to the National Oceanic and Atmospheric Administration.

We look forward to your participation in this process and believe that it will help ensure that federally listed species are adequately considered and evaluated in the environmental assessment. In keeping with the requirements of Section 7 consultation and National Park Service policy, as soon as the environmental assessment document is complete, we will send it to you for your review and comment.

We would appreciate any preliminary input you may have by September 25, 2008. If you have questions about the project or would like more information please call Steve Luppert at 808-567-6802.

Comments can be sent to:

Stephen Prokop, Superintendent
ATTN: EA Comments
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742

Sincerely,

/S/
Stephen Prokop
Superintendent

Attachments

cc: w/attachments
Brown, KALA
Cerny, KALA
Cody, DSC-DC
Luppert, KALA
Prokop, KALA



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850

In Reply Refer To:
12200-2008-FA-0254

NOV -4 2008

Mr. Stephen Prokop
Superintendent
Kalaupapa National Historical Park
P.O. Box 2222
Kalaupapa, HI 96742

Dear Mr. Prokop:

The U.S. Fish and Wildlife Service (Service) has received your September 2008 Notice of Intent to prepare a Draft Environmental Assessment (DEA) for Kalaupapa Dock Repair and Improvements, Kalaupapa National Historical Park, Molokai, Hawaii. The lead federal agency for the proposed project is the National Park Service (NPS). This letter has been prepared under the authority of and in accordance with provisions of the Fish and Wildlife Coordination Act of 1934 [16 U.S.C. 661 *et seq.*; 48 Stat. 401], as amended (FWCA); the Clean Water Act of 1977 [33 USC 1251 *et seq.*; 91 Stat. 1566], as amended; the Endangered Species Act of 1973 [16 U.S.C. 1531 *et seq.*; 87 Stat. 884], as amended; and other authorities mandating Service concern for environmental values.

The FWCA provides the basic authority for the Secretary of the Interior, through the Service, to assist and cooperate with Federal, state and public or private agencies and organizations in the conservation and rehabilitation of wildlife. The National Marine Fisheries Service (NMFS) provides similar assistance and cooperation for wildlife species under the management responsibilities of the Department of Commerce. Consultation under the FWCA is to be conducted with the Service, NMFS as appropriate, and the agency administering the wildlife resources of the State in which the project is located. The Service is the lead agency and has the responsibility of ensuring that concerns and recommendations of the other resource agencies are considered fully in FWCA reviews.

The proposed project would stabilize and repair the failing bulkhead wall and toe structure located adjacent to the existing pier; reconstruct, repair and stabilize the cracked and failing concrete pier; and repair and stabilize the associated corroded and failing mooring bitts and bollards. In addition to these proposed actions, options to expand the breakwater, construct and install mooring dolphins, and dredge the harbor to improve vessel access will be considered in the DEA. Preliminary information from your office suggests that proposed alternatives to modify the harbor are currently under consideration and that a preferred alternative has not been

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selected. It is our understanding that other harbor modification alternatives may be developed during the project planning phase by the U.S. Army Corps of Engineers and the NPS.

Marine fish and wildlife resources occur throughout the proposed project area, including the harbor basin. The DEA should include an analysis of the potential for the proposed project to impact coral reef species groups and habitats, such as corals, non-coral macro-invertebrates, coralline and other algae, sand flats and associated infauna, seagrasses, and rare and native marine species. Particular attention should be given to potential construction and vessel-related impacts to endangered and threatened species; migratory birds, including seabirds and shorebirds; coral reefs; and rare, native species and habitats. The indirect and cumulative effects of potential impacts over time should be discussed in the DEA, and measures to avoid unnecessary impacts and minimize unavoidable impacts should be proposed.

We recommend that the DEA analyze the potential for project-related losses of marine ecological functions to result from each of the proposed harbor modification alternatives presented. We are especially concerned that the project could result in the loss or degradation of coral reef resources, including live coral colonies and other marine animals and plants that rely upon coral habitat for shelter, forage, and reproduction. Also, we are concerned that fine sediment suspended by project-related activities may abrade, settle on, and smother established coral colonies, algae meadows, or sessile organisms that occur within the nearshore environment. We recommend that these concerns be addressed for each harbor alternative in the DEA.

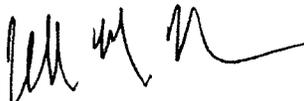
Project-related dredging, filling and construction operations should be scheduled to avoid the spawning period for most corals, which in Hawaii is April through August. Night lighting of the construction area and tall construction equipment should be shielded and directed downward if necessary to help reduce the likelihood of seabird collisions with equipment and other structures. Standard Fish and Wildlife Best Management Practices should be incorporated into the project to avoid or minimize the project-related degradation of water quality conditions that may impact fish and wildlife resources (enclosed). A project-related mitigation plan should be developed and include a post-construction evaluation of impacts to affected resources as well as an assessment of the effectiveness of each mitigation action that is implemented. The proposed mitigation measures should be identified and justified in the DEA in relation to offsetting anticipated impacts for each alternative being analyzed.

The Service considers the spread of non-native invasive species to be a major threat to threatened and endangered species and other trust resources because of their potential to become established and alter the existing terrestrial or aquatic ecosystem. Construction activities and the transportation of equipment and materials for the proposed action are potential pathways for the introduction and expansion of terrestrial and aquatic non-native invasive species (*i.e.* microbes, plants, vertebrates, and invertebrates). A more significant vector for the spread of invasive species that should be addressed in the DEA is the operation of the Young Brothers large capacity barge service and associated hull fouling. Pathways for the introduction and spread of non-native invasive species via the proposed action could be, but are not limited to, construction equipment and materials, personal protective equipment, vehicles/vessels and their contents, shipping material, and other sources that provide conditions for transport of non-native invasive

species. We recommend that the DEA provide an evaluation of the potential for movement and spread of non-native invasive species due to planned activities, related both to the potential harbor improvement and the subsequent transport of cargo, and provide measures to prevent or reduce impacts from invasive species. This may be accomplished by developing a Hazard Analysis and Critical Control Point Plan (HACCP – see <http://www.haccp-nrm.org/Wizard/default.asp>) to prevent the attraction and introduction of non-native species.

We appreciate the opportunity to provide early input to the DEA for the Kalaupapa Dock Repair and Improvements. We request that the foregoing comments be addressed in the DEA. If you have questions regarding these comments, please contact Fish and Wildlife Biologist Nadiera C. Sukhraj at (808) 792-9410 or Nadiera_Sukhraj@fws.gov.

Sincerely,


for Patrick Leonard
Field Supervisor

cc: NPS-PAO, Honolulu
NMFS-PIRO, Honolulu
USEPA-PICO, Honolulu
HDAR, Honolulu
HCWB, Honolulu

Enclosure

U.S. Fish and Wildlife Service Recommended Standard Best Management Practices

The Fish and Wildlife Service recommends that the following measures be incorporated into projects to minimize the degradation of water quality and impacts to fish and wildlife resources:

- a. turbidity and siltation from project-related work shall be minimized and contained within the vicinity of the site through the appropriate use of effective silt containment devices and the curtailment of work during adverse tidal and weather conditions;
- b. dredging/filling in the marine environment shall be scheduled to avoid coral spawning and recruitment periods;
- c. dredging and filling in the marine/aquatic environment shall be designed to avoid or minimize the loss special aquatic site habitat (coral reefs, wetlands, etc.) and the unavoidable loss of such habitat shall be compensated for;
- e. all project-related materials and equipment (dredges, barges, backhoes etc.) to be placed in the water shall be cleaned of pollutants prior to use;
- f. no project-related materials (fill, revetment rock, pipe, etc.) should be stockpiled in the water (intertidal zones, reef flats, stream channels, wetlands, etc.);
- g. all debris removed from the marine/aquatic environment shall be disposed of at an approved upland or ocean dumping site;
- h. no contamination (trash or debris disposal, non-native species introductions, attraction of non-native pests, etc.) of adjacent habitats (reef flats, channels, open ocean, stream channels, wetlands, etc.) shall result from project-related activities;
- i. fueling of project-related vehicles and equipment should take place away from the water and a contingency plan to control petroleum products accidentally spilled during the project shall be developed and absorbent pads and containment booms shall be stored on-site, if appropriate, to facilitate the clean-up of accidental petroleum releases;
- j. any under-layer fills used in the project shall be protected from erosion with cover stones (or core-loc units) as soon after placement as practicable; and
- k. any soil exposed near water as part of the project shall be protected from erosion (with plastic sheeting, filter fabric etc.) after exposure and stabilized as soon as practicable (with native or non-invasive vegetation matting, hydroseeding, etc.)



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



March 16, 2009

Patrick Leonard
US Fish & Wildlife Service
300 Ala Moana Blvd
Room 3-122, Box 50088
Honolulu, HI 96850

Subject: Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka`i, Hawai`i.
File Number: 12200-2008-FA-0254

Dear Mr. Leonard:

As you know the National Park Service (NPS) has initiated planning for a project to repair the dock structure at Kalaupapa National Historical Park.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could impact species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct a public scoping phase for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. A public open house meeting will be conducted at the Mitchell Pauole Center (90 Ainoa Street, Kaunakakai, Moloka`i). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house will be on Wednesday, April 8, from 6:30 pm to 8:00 pm. A similar presentation will also take place at 12:15 pm as part of the Molokai Planning Commission meeting scheduled for April 8 at the Mitchell Pauole Center.

I invite you, or a member of your office, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>.

If you have questions about the project or would like more information please call Elaine Rideout, Natural Resource Specialist, at 303-969-2260.

Sincerely,

/s/
Steve Prokop,
Superintendent



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



April 20, 2009

Patrick Leonard
US Fish & Wildlife Service
300 Ala Moana Blvd
Room 3-122, Box 50088
Honolulu, HI 96850

Subject: Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka`i, Hawai`i.
File Number: 12200-2008-FA-0254

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The NPS will conduct public scoping for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. Additional public open house meetings will be conducted at the Hawaii Imin International Conference Center (1777 East-West Road, Honolulu). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house meetings will be on Monday, May 11, from 1:00 pm to 3:00 pm and 6:00 pm to 8:00 pm.

I invite you, or a member of your office, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>.

If you have questions about the project or would like more information please call Elaine Rideout, Natural Resource Specialist, at 303-969-2260.

Sincerely,

/s/
Steve Prokop,
Superintendent



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850

In Reply Refer To:
12200-2008-FA-0254

MAY 12 2009

Mr. Stephen Prokop
Superintendent
Kalaupapa National Historical Park
P.O. Box 2222
Kalaupapa, Molokai, HI 96742

Dear Mr. Prokop:

The U.S. Fish and Wildlife Service (Service) has received your April 2009 Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS) for Kalaupapa Dock Repair and Improvements, Kalaupapa National Historical Park, Molokai, Hawaii. The lead agency for the proposed project is the National Park Service (NPS). This letter has been prepared under the authority of and in accordance with provisions of the Fish and Wildlife Coordination Act of 1934 [16 U.S.C. 661 *et seq.*; 48 Stat. 401], as amended (FWCA); the Clean Water Act of 1977 [33 USC 1251 *et seq.*; 91 Stat. 1566], as amended (CWA); the Endangered Species Act of 1973 [16 U.S.C. 1531 *et seq.*; 87 Stat. 884], as amended (ESA); National Environmental Policy Act of 1970 [42 U.S.C. 4321 *et seq.*], as amended (NEPA); and other authorities mandating the Service's concern for environmental values.

We appreciate the open communication on the proposed project with NPS and the invitation to attend the upcoming public scoping meetings on Oahu. Recently, Elaine Rideout (NPS) spoke with my Coastal Conservation Coordinator, Michael Molina, about NPS coordination with the regulatory agencies prior to application for a construction permit from the U.S. Army Corps of Engineers (ACOE). As Mr. Molina indicated to Ms. Rideout, we are happy to assist NPS throughout this process under authorities mandated by the FWCA.

The FWCA provides the basic authority for the Secretary of the Interior (Secretary), through the USFWS, to assist Federal, State and public or private agencies and organizations in the conservation and rehabilitation of wildlife (The National Marine Fisheries Service [NMFS] provides similar assistance and cooperation for wildlife species under the management responsibilities of the Department of Commerce). The FWCA provides that whenever a Federal agency proposes to fund, permit, or carry out any action that would modify U.S. waters in any way, that agency shall consult first with the Service, NMFS as appropriate, and the agency administering the wildlife resources of the State. The recommendations of the Secretary, based on these reviews, must be integrated into any report that seeks permission or authority to

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construct the project or to modify plans for previously authorized projects. The consultation shall consider conservation of wildlife resources with the view of preventing loss of and damages to such resources as well as providing for development and improvement in connection with such water resources development. In the Kalaupapa project, the fish and wildlife resources of concern occur on the coral reef at the project site.

With regard to potential coral reef impacts from Federal actions, Executive Order 13089 on Coral Reef Protection (EO) requires Federal agencies to do all they can to ensure their actions do not harm coral reef ecosystems. The EO established the U.S. Coral Reef task Force co-chaired by the Secretary of the Interior and Secretary of Commerce. The FWCA has a long history of being applied to water resource development projects that have the potential to impact coral reefs in the Pacific Islands, and the EO has reinforced the use of the FWCA as a tool for the Federal Government to use to ensure fish and wildlife receive equal consideration in the planning of Federal projects that have the potential to impact coral reefs. The FWCA should always be identified in NEPA documents as a required consultation if the proposed project is considered a Federal water resource development project.

As was mentioned to Ms. Rideout, we suggest that the NPS send us a request for FWCA consultation on the proposed project because, if implemented, it will alter the marine environment and impact fish and wildlife resources at Kalaupapa. Our normal response to such a request is to provide the action agency with a Planning Aid Letter containing recommendations on fish and wildlife issues associated with the proposed project as part of the overall environmental review process. If we feel it is necessary to conduct specific data collection at the proposed project site, we will include a Scope of Work outlining costs associated with recommended fieldwork and preparation of a FWCA report. The Service is the lead agency for the FWCA process, and we will be responsible for ensuring that any FWCA report that may be produced is coordinated among NPS, NMFS, Environmental Protection Agency (EPA), Hawaii Division of Aquatic Resources (DAR), and the Corps' Project Manager.

Since the ACOE decision to approve a CWA permit for the proposed project will be based on consideration of comments from the regulatory agencies, we recommend that NPS include the Service, NMFS, EPA and DAR in every stage of the project planning process. Through early sharing of preliminary comments on project alternatives, and discussion of compliance with relevant mandates, there is a greater likelihood that potential permit processing delays may be avoided. We advocate accomplishing this desired streamlining through close interagency coordination and the integration of NEPA/FWCA/CWA requirements during the environmental review process.

Ms. Rideout kindly forwarded a report by Dr. Eric Brown entitled *Biological Assessment of Marine Resources in Kalaupapa Harbor, Molokai, Hawaii*. We will review the report along with new information Dr. Brown intends to collect in June 2009, along with NMFS and DAR biologists. Based on this review, we will determine whether or not to recommend the collection of additional data for use in conducting a Habitat Equivalency Analysis (HEA) to scale the anticipated project impact. The HEA model can also be used to scale the compensatory

mitigation action so that it is commensurate with the impact. The resulting mitigation requirement will be based on unavoidable losses of ecological functions and the amount of compensatory mitigation that may be needed to replace those losses, consistent with the new EPA/ACOE Compensatory Mitigation Rule. We recommend you contact Bruce Peacock and Heather Best of the NPS in Fort Collins, Colorado, regarding additional information on HEA that is consistent with the Rule for the proposed Kalaupapa improvements. Mr. Peacock and Ms. Best are HEA experts with whom we have worked during the review of other projects in the Pacific Islands.

The proposed project also requires ESA consultation on possible listed seabird and sea turtle nesting, and potential impacts from construction activities on those species. Consultation under the ESA and Marine Mammal Protection Act should be requested from NMFS to address potential project-related impacts to Hawaiian monk seals, humpback whales, and sea turtles while they are in the water. Potential project-related impacts to migratory seabirds and shorebirds protected by the Migratory Bird Treaty Act should also be addressed.

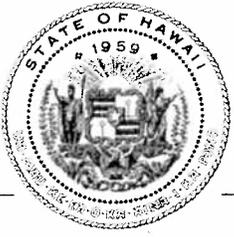
We appreciate the opportunity to provide early input on the proposed Kalaupapa Dock Repair and Improvements project and look forward to coordinating with you on the project under the FWCA. If you have any questions regarding these comments, please contact my technical lead for this project in Honolulu, Fish and Wildlife Biologist Nadiera C. Sukhraj, at (808) 792-9410 or Nadiera_Sukhraj@fws.gov.

Sincerely,

A handwritten signature in black ink that reads "Patrick Leonard, Acting Field Supervisor". The signature is written in a cursive, slightly slanted style.

Patrick Leonard
Field Supervisor

cc: NPS, Denver
NMFS, Honolulu
DAR, Honolulu



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
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Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

Ref. No. P-12227

August 28, 2008

Mr. Stephen Prokop, Superintendent
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, Hawaii 96742

Attention: EA Comments

Dear Mr. Prokop:

Subject: Hawaii Coastal Zone Management (CZM) Program Federal Consistency Requirements for the Repair of Kalaupapa Dock Structures, Kalaupapa National Historical Park, Molokai

In response to the scoping notice for the repair of Kalaupapa Dock structures dated August 18, 2008, we are informing you that the proposed federal activity is subject to Coastal Zone Management Act (CZMA) federal consistency review by the Hawaii CZM Program. Federal agency development projects occurring within the State's coastal zone are subject to federal consistency review in accordance with Section 307(c) of the CZMA and the Code of Federal Regulations (CFR), Title 15, Part 930.

The content requirements for federal consistency determinations are established in 15 CFR §930.39. The Hawaii CZM Program federal consistency application form and assessment form may be used for the consistency determination. These forms, as well as information about federal consistency requirements, are available from our Hawaii CZM Program web site: http://hawaii.gov/dbedt/czm/program/fed_con.php. We recommend submitting the federal consistency determination for the project at the time the draft environmental assessment is published, or soon thereafter. Federal consistency regulations at 15 CFR §930.36(b) specify that consistency determinations be provided to State agencies at least 90 days before final approval of the proposed activity.

After receiving the federal consistency determination and necessary information, a public notice of the review will be published in the State Office of Environmental Quality Control's publication, *The Environmental Notice*, and a public review and comment period will be provided. If you have any questions, please call John Nakagawa of our CZM Program at (808) 587-2878.

Sincerely,

Abbey Seth Mayer
Director



United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742
Tel: 808-567-6802
Fax: 808-567-6729



April 20, 2009

Abbey Seth Mayer
Department of Business, Economic Development & Tourism
Planning Office
P.O. Box 2359
Honolulu, HI 96804

Subject: Honolulu Public Open House Meeting Regarding Planning for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at Kalaupapa National Historical Park, Moloka'i, Hawai'i.
Ref. No. P-12227

Dear Ms. Mayer:

As you know the National Park Service (NPS) has initiated planning for a project to repair the dock structure at Kalaupapa National Historical Park.

The NPS conducted public scoping (solicitation of comments from federal, state, and county agencies and organizations; the Kalaupapa patient community; park neighbors; the state historic preservation officer; and Native Hawaiian groups) from Spring through Summer, 2008 and began preparing an environmental assessment. Due to the degree to which potential impacts could affect species protected under the Endangered Species Act and Marine Mammal Protection Act, the NPS is proceeding with preparation of an environmental impact statement (EIS).

The NPS will conduct public scoping for preparation of the EIS. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. Additional public open house meetings will be conducted at the Hawaii Imin International Conference Center (1777 East-West Road, Honolulu). The format will include a brief presentation of the proposed project and a question and answer session with NPS staff. The open house meetings will be on Monday, May 11, from 1:00 pm to 3:00 pm and 6:00 pm to 8:00 pm.

I invite you, or a member of your staff, to attend the open house meeting. In addition, any new comments regarding issues that may be associated with the proposed project may also be submitted either by mail to the attention of the Superintendent (Kalaupapa National Historical Park, P.O. 2222, Kalaupapa, HI 96742) or electronically at <http://parkplanning.nps.gov/kala>.

Should you have any questions or desire additional information, please contact me at 808-567-6802.

Sincerely,

/s/
Steve Prokop,
Superintendent

LINDA LINGLE
GOVERNOR

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96818-4495

March 27, 2009

Mr. Steve Prokop
Superintendent
Kalaupapa National Historical Park
P.O Box 2222
Kalaupapa, Hawaii 96742

Dear Mr. Prokop:

Environmental Impact Statement (EIS) Preparation
Kalaupapa Dock Structures Repair, Kalaupapa, Moloka'i, Hawaii'i

Thank you for the opportunity to comment on this project. We have no comments to make at this point. We anticipate reviewing the Environmental Impact Statement when it is completed and will make any appropriate recommendations at that time.

If you have any questions, please contact Mr. Richard Stercho, Hazard Mitigation Planner, at 733-4300, extension 583.

Sincerely,


EDWARD T. TEIXEIRA
Vice Director of Civil Defense

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages **1**

To Greg Cady	From KALA
Dept./Agency	Phone #
Fax 3039692736	Fax #

MSN 7540-01-317-7388 5099-101 GENERAL SERVICES ADMINISTRATION

LINDA LINGLE
GOVERNOR

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

May 4, 2009

Mr. Steve Prokop, Superintendent
Kalaupapa National Historical Park
P. O. Box 2222
Kalaupapa, Hawaii 96742

Dear Mr. Prokop:

Environmental Impact Statement (EIS) Preparation
Kalaupapa Dock Structures Repair, Kalaupapa, Moloka'i, Hawai'i

Thank you for the opportunity to comment on this project. We received your earlier communication of March 16, 2009, and replied that we have no comments to make at this point. We anticipate reviewing the Environmental Impact Statement when it is completed and will make any appropriate recommendations at that time.

If you have any questions, please contact Mr. Richard Stercho, Hazard Mitigation Planner, at 733-4300, extension 583.

Sincerely,


EDWARD T. TEIXEIRA
Vice Director of Civil Defense

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA

IN REPLY REFER TO:

STP 8.3206

April 6, 2009

Mr. Steve Prokop
Superintendent
United States Department of the Interior
National Park Service
Kalaupapa National Historical Park
P.O. Box 2222
Kalaupapa, Hawaii 96742

Dear Mr. Prokop:

Subject: Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service at
Kalaupapa National Historic Park
Environmental Impact Statement Preparation Notice (EISPN)

Thank you for requesting the State Department of Transportation's (DOT) review of the subject project to repair the pier facilities at Kalaupapa National Historic Park.

DOT does not anticipate any adverse, significant impacts to its transportation infrastructure resulting from the proposed project.

DOT appreciates the opportunity to provide comments. If there are any questions, please contact Mr. David Shimokawa of the Statewide Transportation Planning Office at (808) 587-2356.

Very truly yours,

BRENNON T. MORIOKA, PH.D., P.E.
Director of Transportation

c: Katherine Kealoha, Office of Environmental Quality Control

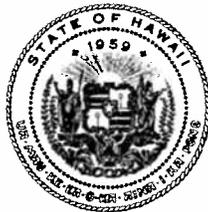
OPTIONAL FORM 99 (7-80)

FAX TRANSMITTAL

of pages 1

To <i>Greg Cady</i>	From <i>KALA</i>
Dept./Agency	Phone #
Fax # <i>3039692736</i>	Fax #

LINDA LINGLE
GOVERNOR OF HAWAII



RECEIVED

JUN 08 2009

DSC-DC

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 20, 2009

Mr. Steve Prokop, Superintendent
Kalaupapa National Historic Park
National Park Service
United States Department of the Interior
P.O. Box 2222
Kalaupapa, Hawaii 96742

Dear Mr. Prokop:

We received notice that an Environmental Impact Statement is being prepared for the improvements to the dock structures at Kalaupapa National Historic Park. The three divisions within the Department of Land and Natural Resources, which have jurisdiction over areas adjacent to the federal park are Boating and Ocean Recreation, Land, and State Parks. As submerged lands are involved with respect to the dock structures, we understand a lease for the use of these lands will be required.

Please note that my staff have been in contact with the National Park Service staff on the General Management Plan for the area and is actively participating in the ongoing dialogue for this process.

We appreciate the opportunity to provide comments on the subject matter.

Sincerely,

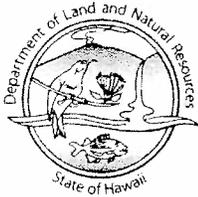
A handwritten signature in black ink, appearing to read "LH Thielen".

LAURA H. THIELEN



RECEIVED
LAND DIVISION

2009 APR 20 A 10:13



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

NATIONAL PARK SERVICE
STATE

March 27, 2009

MEMORANDUM

- TO: **DLNR Agencies:**
- Div. of Aquatic Resources
 - Div. of Boating & Ocean Recreation
 - Engineering Division
 - Div. of Forestry & Wildlife
 - Div. of State Parks
 - Commission on Water Resource Management
 - Office of Conservation & Coastal Lands
 - Land Division - Maui District

FROM: *for* Morris M. Atta *Charles*

SUBJECT: Preparation Notice of an Environmental Impact Statement for the Repair of Kalaupapa Dock Structures to ensure continued barge service

LOCATION: Kalaupapa National Historical Park, Molokai

APPLICANT: US Dept of Interior, National Park Service

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by April 15, 2009.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

DEPT OF LAND & NATURAL RESOURCES

MAR 30 P 3:04 09

RECEIVED
STATE PARKS DIV

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *[Signature]*
Date: 4/9/09

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 27, 2009

Mr. Stephen B. Prokop
Superintendent
Kalaupapa National Historic Park
P. O. Box 2222
Kalaupapa, Hawai'i 96742

LOG NO: 2009.1932
DOC NO: 0904WT126
Archaeology

Dear Mr. Prokop:

**SUBJECT: National Historic Preservation Act (NHPA) Section 106 Review--
Formal Notification and Initiation of Section 106 Consultation for the Kalaupapa
National Historic Park General Management Plan and Environmental Impact
Statement Planning Process,
Kalaupapa, Molokai**

Thank you for providing the opportunity to review, and open, consultation for the production of the General Management (GM) plan which we received on April 6, 2009.

The proposed undertaking is the initiation of consultation for Kalaupapa's General Management Plan (GM). This broad based plan will cover management of the park through the next 15 to 20 years.

It is our understanding that you have already spoken with the Advisory Council on Historic Presentation as part of the consultation process. (*Preparation of an Environmental Impact Statement (EIS) to comply with Section 106, Proposed Kalaupapa National Historic Park General Management Plan, [Charlene Dwin Vaughn, ACHP]*). We agree with the ACHP regarding 36 CFR § 800.8(c)I(i) through (v) during the consultation process. They are identifying consulting parties, involving the public, identifying historic properties and assessing this undertakings effect on those properties.

Aloha,

A handwritten signature in cursive script that reads "Nancy A. McMahon".

Nancy A. McMahon (Deputy SHPO)
Archaeology and Historic Preservation Manager

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

APR 27 2009

April 23, 2009

National Park Service
Kalaupapa National Historical Park
Box 2222
Kalaupapa, Hawaii 96742

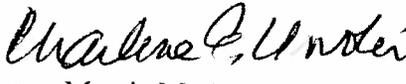
Ladies and Gentlemen:

Subject: Preparation Notice of an Environmental Impact Statement for the Repair of Kalaupapa Dock Structures to Ensure Continued Barge Service

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR), Land Division distributed or made available a copy of your report pertaining to the subject matter to Division of State Parks for their review and comment.

The Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,


for Morris M. Atta
Administrator



RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT

ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621
HONOLULU HAWAII 96809

REF:OCCL:MC

Corr MO-09-190

Steve Prokop, Superintendent
Kalaupapa National Historic Park
PO Box 2222
Kalaupapa, HI 96742

APR 21 2009

Dear Mr. Prokop,

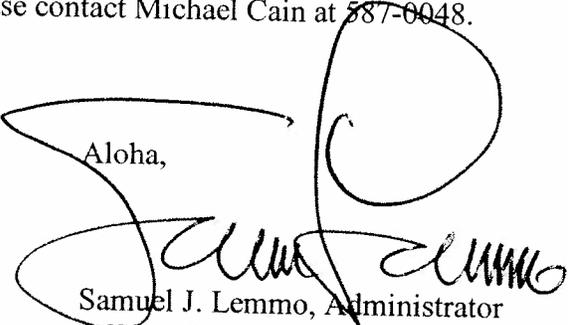
SUBJECT: EIS PREPARATION NOTICE FOR KALAUPAPA DOCK REPAIRS
Kalaupapa, Kalawao County
TMK: (2) 6-1-01:1

The Office of Conservation and Coastal Lands (OCCL) has received the Environmental Preparation Notice for the proposed repairs to the Kalaupapa Dock and associated structures. It appears that the project might involve submerged lands, defined as the State as *lands from the upper reaches of the waves on shore seaward to the extent of the State's jurisdiction*.

Submerged Lands are in the Resource Subzone of the State Land Use Conservation District. OCCL is responsible for processing permits involving land uses in the Conservation District. We recommend that you contact our office to determine whether a Conservation District Use Permit would be required for the project.

Should you have any questions, please contact Michael Cain at 587-0048.

Aloha,

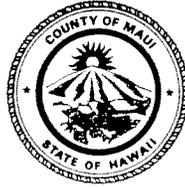

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

c: Chair

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director



RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

April 7, 2009

Mr. Steve Prokop, Superintendent
NATIONAL PARK SERVICE
Kalaupapa National Park Service
P.O. Box 2222
Kalaupapa, Hawaii 96742

Subject: **PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT
FOR THE REPAIR OF KALAUPAPA DOCK STRUCTURES**

Dear Mr. Prokop:

We reviewed the subject application and have no comments at this time.

Please call Michael Miyamoto at 270-7845 if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Milton M. Arakawa". The signature is written in a cursive, flowing style.

Milton M. Arakawa, A.I.C.P.
Director of Public Works

ls S:\LUCA\CZM\Repair_of_Kalaupapa_Dock_Struct_eis_prep_ls.wpd
xc: Highways Division
Engineering Division



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD08/3374C

May 13, 2009

Stephan Prokop
ATTN: EIS Comments
Kalaupapa National Historic Park
P.O. 2222
Kalaupapa, HI 96742

RE: Request for comments on the proposed Kalaupapa dock structures, environmental impact statement preparation notice, Kalaupapa, Moloka'i.

Aloha e Stephan Prokop,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated April 20, 2009. OHA has reviewed the project and offers the following comments.

We understand that this review has been changed from a environmental assessment to a full environmental impact statement due to potential concerns over endangered species. We applaud the National park Service for their forward-looking precautionary approach.

Further, because all previously submitted comments are to be made a part of the administrative record, OHA has no additional comments at this time. We look forward to further participation in this environmental review.

Thank you for the opportunity to comment. If you have further questions, please contact Grant Arnold by phone at (808) 594-0263 or e-mail him at granta@oha.org.

'O wau iho nō me ka 'oia'i'o,

A handwritten signature in black ink, appearing to read "Clyde W. Nāmu'o".

Clyde W. Nāmu'o
Administrator

C: OHA Moloka'i CRC Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

June 18, 2009

Steve Prokop, Superintendent
Kalaupapa National Historical Park
P.O. Box 2222
Kalaupapa, HI 96742

Subject: Notice of Intent to Prepare Environmental Impact Statement for the Repair of
Kalaupapa Dock Structures to Ensure Continued Barge Service, Kalaupapa
National Historical Park, Hawaii

Dear Mr. Prokop:

The U.S. Environmental Protection Agency (EPA) has reviewed your Notice of Intent (NOI) to prepare an Environmental Impact Statement for the above referenced project, Molokai, Hawaii. Our comments are provided pursuant to the National Environmental Policy Act (NEPA) and the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

We appreciate the opportunity to review this NOI. Detailed general scoping comments are enclosed for your information. When the Draft Environmental Impact Statement is released for public review, please send one hard copy and one CD to the address above (mail code: CED-2). If you have questions, please call me at (415) 972-3853.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeanne Geselbracht".

Jeanne Geselbracht
Environmental Review Office

Enclosure: Detailed Comments

EPA DETAILED SCOPING COMMENTS FOR REPAIR OF KALAUPAPA DOCK STRUCTURES TO ENSURE CONTINUED BARGE SERVICE, KALAUPAPA NATIONAL HISTORICAL PARK, HAWAII JUNE 18, 2009.

National Environmental Policy Act

EPA recommends the National Park Service consider evaluating the proposed project in the upcoming Kalaupapa National Historic Park General Management Plan Environmental Impact Statement (EIS), currently in the scoping process. This approach would facilitate a comprehensive review of the dock repairs in the context of the management direction of the park as a whole. If the National Park Service chooses to prepare a separate dock repair EIS for timing or other reasons, the EIS should discuss whether and how the new General Management Plan could potentially affect future dock operations.

EPA recommends that the EIS include a clear description of the basic project purpose and need, project alternatives, potential impacts to the environment, and mitigation for these impacts. Particular attention should focus on an evaluation of the environmental impacts of the proposal and alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options for the decisionmaker and the public (40 CFR 1502.14). The potential direct, indirect, and cumulative effects of the proposed project should be evaluated (see 40 CFR 1508.25(c), 1508.7, and 1508.8).

Existing Environment: The EIS should clearly describe existing conditions at the Kalaupapa National Historical Park and include specific information on existing land use, biological resources (e.g., threatened and endangered species, sensitive or unique resources), water quality, cultural resources, and unresolved management issues and needs.

Alternatives Analysis: We recommend consideration of ideas provided by the public and of reasonable alternatives not within the jurisdiction of the lead agency (40 CFR Section 1502.14(c)). There should be a clear discussion of how each alternative was developed and the reasons for the elimination of alternatives not evaluated in detail. We recommend developing a range of alternatives which bracket any potential dock repair methods. In addition the EIS should include alternative footprints for dredging and fill and identify the least environmentally damaging practicable alternative to meet the project purpose. For example, avoidance of coral reefs should be considered in locating the dolphin mooring. The EIS should also include information on the method of dredging, dewatering and disposal of dredged materials, and use of silt curtains and other Best Management Practices (BMPs) to prevent sediment damage to adjacent marine life during dredging.

Cumulative Impacts: The EIS should evaluate potential cumulative impacts of all direct, indirect, and reasonably foreseeable future projects. The EIS should address potential indirect and cumulative impacts of the dock improvements, such as increased ferry and tour boat traffic. Of specific interest would be potential cumulative impacts to special aquatic sites and water quality.

Water Quality

EPA will review the proposed action for compliance with the Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230) [hereafter referred to as the "Guidelines"], promulgated pursuant to Section 404(b)(1) of the Clean Water Act (CWA). To comply with the Guidelines, the proposed actions must meet all of the following criteria:

- There is no practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem (40 CFR 230.10(a)).
- The proposed action does not violate State water quality standards or toxic effluent standards, or jeopardize the continued existence of federally listed species or their critical habitat (40 CFR 230.10(b)).
- The proposed action will not cause or contribute to significant degradation of waters of the United States, including wetlands (40 CFR 230.10(c)). Significant degradation includes loss of fish and wildlife habitat, including cumulative losses.
- All appropriate and practicable steps are taken to minimize adverse impacts on the aquatic ecosystem (i.e., mitigation) (40 CFR 230.10(d)). This includes incorporation of all appropriate and practicable compensation measures for unavoidable losses to waters of the United States, including wetlands. The EIS should fully address the feasibility of "in-kind" habitat mitigation measures.

In the evaluation of project alternatives, the EIS should demonstrate that the proposed alternative is the least environmentally damaging practicable alternative to meet the project purpose, as determined by a CWA Section 404 (b)(1) alternatives analysis. The findings of the biological assessment should also be discussed in the EIS. We recommend that both the biological assessment and the CWA Section 404(b)(1) alternatives analysis be included as appendices.

Mitigation

We recommend that the EIS provide a clear and detailed description of proposed avoidance, minimization, and compensatory mitigation measures. Mitigation ratios for specific habitat types should be based upon science and recommendations from the U.S. Fish and Wildlife Service or National Marine Fisheries Service. Furthermore, the same mitigation ratios should be used for all alternatives. Compensatory mitigation is required for unavoidable impacts from fill and new dredging.

Climate Change

The potential for climate change is now considered a significant possibility. Current research concludes that climate change is producing a rising sea level. This could significantly affect dock structures. We recommend that the EIS include a section on climate change and its potential implications for the Kalaupapa National Historical Park.

Air Quality

The EIS should provide a discussion of air quality standards, ambient conditions, and potential air quality impacts for the proposed project. Describe the proposed construction activities and their impacts on air quality. Cumulative and indirect impacts should be fully evaluated.

Species Viability

The EIS should describe measures that will be taken to protect critical wildlife habitat from potential adverse effects of the proposed activities. The feasibility of proposed mitigation measures should be fully demonstrated. The EIS should describe protective measures to prevent introduction of marine and terrestrial alien species from barge/cargo operations.

Environmental Justice

In keeping with Executive Order 12898, **Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (E.O. 12898), the EIS should describe the measures taken by the National Park Service to: 1) fully analyze the environmental effects of the proposed Federal action on minority communities and low-income populations, and 2) present opportunities for affected communities to provide input into the NEPA process. The intent and requirements of E.O. 12898 are clearly illustrated in the President's February 11, 1994, Memorandum for the Heads of all Departments and Agencies.

General Comments

1. The EIS should describe the source for borrow material and the certification process for assuring the material is free of contaminants.
2. If references to previous documents are used, the EIS should provide a summary of critical issues, assumptions and decisions complete enough to stand alone without depending upon continued referencing of the other documents.