

National Park Service
Kalaupapa National Historical Park
Hawaii
Project to Repair the Kalaupapa Dock Structures
Finding of No Significant Impact
February 2011

INTRODUCTION

Kalaupapa National Historical Park, Hawaii was once referred to as the “Kalaupapa Leprosy Settlement” and is located in an isolated setting at the base of 2,000-foot cliffs on the north shore of the island of Molokaʻi, Hawaii. Kalaupapa was established in 1865 by the Kingdom of Hawaii as a confinement facility after the initial recognition of the presence of Hansen’s disease in Hawaii. The site was designated a National Historic Landmark in 1976 and Kalaupapa National Historical Park was established in 1980 to preserve and interpret the Kalaupapa Settlement for present and future generations. A key mode of access to this isolated area is by boat or ocean-going barge.

The EA completed by the NPS provided an analysis of potential environmental consequences of the alternatives considered for repairs to the dock. This EA was prepared in accord with the *National Environmental Policy Act (NEPA)*, *NPS Management Policies* (2006b), and NPS Director’s Order #12 – *Conservation Planning, Environmental Impact Analysis, and Decision-Making* (2001). Comment letters responding to the EA are documented in Appendix B to meet requirements of the Office of Hawaiian Homelands and Hawaiian Office of Environmental Quality Control for this particular project.

PURPOSE & NEED FOR FEDERAL ACTION

The purpose of the Kalaupapa dock project is to provide safe, operable, and reliable dock structures to support continued barge service that is essential to support the NPS and DOH operations necessary to meet the on-going needs of the park and community.

The project is needed because several of the dock elements are in poor condition and the bulkhead and breakwater are failing structurally. The Kalaupapa Settlement is home to several surviving Hansen’s disease (leprosy) patients, and is currently managed jointly by the Hawaii Department of Health (DOH) and the NPS. The vast majority of materials needed to sustain the park and the Kalaupapa Settlement are received by barge delivery. Currently, structural elements of the pier deck and underwater portions of the dock structures are in need of repair in order to ensure continued use. Repair of the breakwater is also needed to ensure continued protection of the harbor from heavy wave action. The breakwater is critical to minimize future damage to the pier and bulkhead wall. If these structures were to fail, safe and effective barge delivery service would be compromised.

The dock structures are approximately 50 years old and are considered a contributing element to the National Historic Landmark status of the park. If these structures were to fail, safe and effective barge delivery service would be compromised. In addition, the harbor and the characteristics of the area hold many cultural memories for the resident patients and native Hawaiians including areas of traditional use, such as the freshwater springs near the ladder and at the toe of the bulkhead wall.

Long delays or missed barge service at Kalaupapa National Historical Park would cause a hardship for the resident patient community, State of Hawaii staff, and the NPS. The lifestyle and quality of life of the patient community and their medical and support staff would be severely impacted by unreliable barge service. In addition, the enabling legislation for the park specifically directs the NPS to support the Kalaupapa patient community, infrastructure, and historic buildings located onsite. It would be very difficult to achieve these directives in the absence of a safe and reliable barge service to Kalaupapa.

SELECTED ALTERNATIVE

The NPS has selected Alternative B, identified as the preferred alternative in the EA, for implementation; only minor modifications based on agency comments are incorporated herein. The primary focus of the selected alternative will be completion of the repairs necessary to maintain service via a small barge. Voids in the bulkhead wall toe, low dock toe, and breakwater will be filled for structural integrity. Armoring of the breakwater will be re-established and displaced armor stones impacting the draft will be removed from the berthing basin. In addition, completion of concrete repairs to the deck pier caps and beams, as well as repair of a void on the north side of the pier will be completed. This work was started by the State of Hawaii in their Phase 2 project but was not completed. This maintenance is expected to lengthen the effective life of the pier for an additional 10 to 15 years.

Repairs to the pier structure will include repairs to the deck and structure support columns and to the toe of the low loading dock, which has intermittent undermining as a result of wave action within the harbor basin.

Repairs to the bulkhead wall will include repairing the void in the toe of the wall and replacement of dislodged stones of the toe in areas that have not yet been undermined. There will likely be addition of new armor stones to reinforce the structure from further erosion. Displaced stones would be removed from the basin and if suitable reused for the toe repair. Scour protection would be installed at the toe of the bulkhead similar to repairs to the toe of the low dock. Grout may be used to seal or repair the bulkhead voids by injecting it into preplaced coarse aggregate within the voids. This method physically strengthens the structure to make it more resistant to wave loading. Grout would consist of Portland cement and sand, chemical grouts, or a combination of these materials depending on the size of voids. The cavity would then be sealed using concrete-filled bags. Concrete could also be used to fill the voids in the bulkhead wall. The “tremie method” uses an anti-washout admixture in the concrete. The concrete is placed in a rigid tube from above the water, with the concrete displacing water in the void.

Repairs to the breakwater will include rebuilding the breakwater within the original design footprint. The armor stones within the berthing basin will be plucked and reset in the breakwater to accommodate safe docking in the berthing basin. In some cases, displaced armor stones may be moved and secured or replaced with more suitable size stones capable of withstanding the wave action. Concrete repairs on the breakwater cap will be accomplished using “shotcrete” or handplaced mortar, or the use of epoxy mortar could be applied by hand at the damaged areas on the breakwater cap.

Equipment used to accomplish these deferred maintenance tasks will be brought to the park by transport barges and tugboats from other Hawaiian locations, most likely from Honolulu. Equipment will be determined by the construction contractor but could include the following; a towing tug of 3500 horsepower, a tender tug of 880 horsepower, and a deck barge of approximately 60 feet by 200 feet that will be anchored adjacent to the harbor throughout the construction period to support the construction equipment.

The NPS will pursue a variety of contractual, cooperative, and legislative means to maintain small barge delivery service. The park is confident that these methods will be successful in maintaining annual barge delivery service to the park and community.

RATIONALE FOR SELECTED ALTERNATIVE

Four objectives were identified for the Kalaupapa dock project. These objectives were established as a means to measure the success of the proposed alternatives. The selected alternative meets all four objectives in the following ways:

1. During implementation of the project, minimize impacts to both terrestrial and aquatic natural resources (marine mammals, corals, and sea turtles).

The selected alternative meets this objective as it includes resource protection measures to reduce impacts during construction. Repairing the breakwater and moving the armor stones will generate short-term, localized adverse impacts on the park’s natural resources including marine mammals and sea turtles. As described in the EA, the NPS dismissed from consideration alternatives that would not minimize impacts to these natural resources.

2. Provide continued protection and preservation of cultural resources during implementation of the project and into the future.

The selected alternative meets this objective by completing repairs that are expected to lengthen the effective life of the pier for an additional 10 to 15 years.

3. Improve operational efficiency and sustainability, while reducing maintenance.

The selected alternative meets this objective by completing repairs that are expected to lengthen the effective life of the pier for an additional 10 to 15 years. Barge service will continue uninterrupted and emergency maintenance activities will be reduced.

4. Provide the necessary repairs and improvements to ensure continued safe and effective barge delivery service.

The selected alternative meets this objective by completing repairs that are expected to lengthen the effective life of the pier for an additional 10 to 15 years. Barge service will continue uninterrupted and emergency maintenance activities will be reduced.

ALTERNATIVES CONSIDERED

One other alternative was considered for the Kalaupapa National Historical Park project to repair the dock structures/environmental assessment. Alternative A (no action) consists of the continuation current management and operations at the Kalaupapa harbor. Only above-water emergency repairs would be conducted such as backfilling of the wall with concrete, as was done in 1991 and 2007. Necessary emergency repairs such as above-water patching and maintenance would take place, but no underwater work would occur. The NPS would continue to manage materials delivery, including fuel, as it has in the past.

ALTERNATIVES CONSIDERED AND DISMISSED

Several delivery and construction options for the project were considered and dismissed. The following are brief summaries of these alternatives and the rationale for dismissal:

- NPS purchase and operation of a barge which was dismissed due to cost and logistics concerns associated with the purchase, operation, and storage of the barge and crane.
- Use of a “workboat” rather than a barge for deliveries of fuel and material was dismissed because the V-shaped hulls of the workboat are not suitable for the existing depth of the harbor.
- Delivery of supplies via mules was dismissed because large or heavy deliveries, such as construction materials and equipment, vehicles, and fuel, could not be supported.
- Changes to airport and air cargo service were dismissed because aircraft capable of using the runway are not suitable for general freight delivery and cannot handle large items.
- Installation of a tram to move supplies down the *Pali* from topside was dismissed because it would introduce highly-visible, modern components to the landscape and would change the historic nature of the landmark district.
- Delivery of supplies via heavy-lift helicopter was dismissed because of high costs and limited payload capacity.
- Development of a new harbor at a different location was dismissed because it would increase negative impacts to natural resources, and the existing dock is a contributing element to the historic district.
- Extending the breakwater was dismissed because it would result in an adverse impact to the park’s cultural resources, since the existing breakwater is a historic element.
- Use of explosives to widen the berthing basin was dismissed due to the potential injury to Hawaiian monk seals and sea turtles that would result.
- Widening the basin to accommodate a commercial barge fleet was dismissed because it would pose too great an impact to natural and cultural resources.
- Installing a mooring dolphin was dismissed because the NPS determined the incremental benefits did not outweigh the potential negative impacts to coral and marine mammals.

THE ENVIRONMENTALLY PREFERRED ALTERNATIVE

The environmentally preferred alternative is defined as “the alternative that will promote national environmental policy as expressed in Section 101 of the National Environmental Policy Act.” Section 101 states that it is the continuing responsibility of the federal government to . . .

- (1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- (3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) Preserve important historic, cultural, and natural aspects of our national heritage; and maintain, wherever possible, an environment which supports diversity, and a variety of individual choices;
- (5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities; and
- (6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Under Alternative A (no action), there would be limited routine maintenance of the dock structures and no disturbance of the harbor bottom, marine species, or park inhabitants. As such, this alternative would preserve marine resources in the park thereby preserving them for the benefit of future generations (criterion 1).

Alternative A would fail to meet criteria 2-6 as the structural integrity of the dock structures would continue to decline and jeopardize the historic and cultural resources within the park. Present levels of maintenance would not be adequate to prevent continued deterioration of the bulkhead wall, which could result in its collapse. Such a collapse would likely result in indirect structural damage to this historic warehouse, a contributing element of the National Historic Landmark District. Over time, the dock structures would deteriorate to the point that they would become unsafe and unreliable for barge service and for recreational use by the community. Failure of any of the dock elements could result in delays in transport of vital supplies and materials needed to repair and stabilize structures within the historic district and to maintain the community’s existing standard of living. Alternative A would involve limited routine maintenance of the dock structures and no modification of the harbor bottom and as such, this alternative would have negligible to minor impacts to marine resources in the park thereby preserving them for the benefit of future generations.

Alternative B (selected alternative) will include maintenance of the dock structures, allowing for continued use of a small barge to service the park and community and thereby assuring for all Americans safe, healthful, aesthetically pleasing and productive surroundings (criterion 2). Alternative B will include maintenance to the dock structures and repositioning or replacement of armor stones with more suitable size stones or engineered armor.

Alternative B will best preserve important historical, cultural, and natural aspects of our national heritage and an environment which supports diversity (criterion 4). Alternative B will allow for continued barge service to the park to provide vital supplies and materials needed for the historic district and the community. Alternative B also includes repairs to damage of the bulkhead wall, preventing failure of the wall which would endanger the adjacent historic warehouse.

Based on the principals of NEPA Section 101(b), Alternative B, the selected alternative, is identified as the environmentally preferred alternative. This alternative will result in minor localized adverse effects to the marine environment; these effects will be mitigated to a large degree and will primarily be short-term. This alternative provides for reliable continuation of barge service which will preserve cultural and historic resources to the benefit of future generations, and maintain the standard of living of the Kalaupapa community.

RESOURCE PROTECTION MEASURES

Resource protection measures will be implemented to avoid and minimize potential construction related adverse impacts to natural and cultural resources and the Kalaupapa community. These measures will be implemented as part of the selected alternative. Any other practicable resource protection measures required by project permitting will be incorporated as part of the project.

Resource protection measures will be supplemented with monitoring to verify the efficacy of resources protection measures and ensure compliance with permit requirements for state and federal regulating agencies. The resource protection, monitoring, and reporting measures that will be implemented with the selected alternative are presented below and summarized in a table at the end of this section.

NPS Special-Status Species (marine mammals and sea turtles) - Responsible Party: construction contractor and monitoring contractor

Construction Schedule

Construction activities will be conducted in summer months, when sea conditions are typically most favorable. Hawaiian monk seals typically haul out to pup at two different times: April and August. Pups are weaned in approximately six weeks. Therefore, the greatest likelihood that mother/pup pairs will be in the vicinity of the harbor is April through May, and August through September. Construction activities will be scheduled, to the greatest extent practicable, around these times. However, pupping typically happens approximately two weeks later each sequential year for a given mother. Therefore, the optimum work window may not be exactly between the above dates. Any adjustment to these dates based on the pupping records of the known Kalaupapa mothers will be determined in consultation with the National Marine Fisheries Service (NMFS).

Construction activities will only occur during daylight hours and when weather conditions are adequate for visual monitoring of animals within the designated safety zone (see below).

Construction Vessel Operation

Vessel operators will alter course to remain at least 100 yards from whales, and at least 50 yards from other marine mammals and sea turtles and will reduce their speed to 5 knots or less in the proximity of these animals. If a boat is approached by a marine mammal or turtle, the operator will put the engine in neutral and allow the animal to pass. Marine mammals and sea turtles will not be encircled or trapped between multiple vessels or between vessels and the shore and no attempts will be made to feed, touch, ride, or otherwise intentionally interact with any marine species.

Safety Zone

A safety zone will be established around construction areas based on in-water and in-air noise measurements. The zone will be monitored during all construction work by trained observers to detect the presence of marine mammals and sea turtles.

A no start/shut down zone will include all areas where the underwater sound pressure levels are anticipated to equal or exceed 160 decibel (dB) referenced to 1 micro Pascal root mean squared (re:1 microPa rms), the behavioral disturbance threshold for impulse noise (i.e., armor stone placement) and/or the in-air noise levels are anticipated to equal or exceed 100 dB (re: 20 microPa rms), the behavioral disturbance threshold for pinnipeds. This zone will encompass and extend beyond the injury threshold of 180 dB for cetaceans and 190dB for pinnipeds that NMFS uses to estimate injurious effects from underwater noise. The extended no start/shut down zone range will provide an additional safety margin in protecting animals from construction effects. Work will not start or will be shut down if monitors observe animals approaching or within this zone during construction.

Prior to commencement of construction activities, a preliminary 50-meter radius no start/shut down safety zone will be established around the construction site. At 50-meters, in-water and in-air sound levels from construction are expected to diminish below the 160 dB in-water threshold and 100 dB in-air threshold (see acoustic analysis in Chapter 3). Once construction begins, either the 50-meter safety zone will be retained or a new, larger no start/shut down safety zone will be established based on actual sound level measurements. All work will be postponed or halted when special-status marine species are approaching or within the safety zone, and will only begin/resume after the animals have voluntarily departed the area.

Acoustic and Visual Monitoring

The purpose of in-water and in-air sound monitoring is to modify the safety zone if necessary and to provide information on sound propagation for future marine projects. Acoustic monitoring will be performed by qualified NPS/NMFS approved persons. Monitoring will be implemented prior to the first day of construction to establish baseline data. Acoustic monitoring will begin at least 15 minutes prior to the commencement of daily

construction activities and continue through completion or termination of work. Post-construction monitoring will also be conducted to confirm non-construction ambient noise levels.

Visual monitoring of the safety zone will be conducted by a minimum of two qualified NPS/NMFS-approved observers. Monitoring will occur from locations on shore, or from a boat if necessary, to adequately survey the safety zone. Observers will survey the no start/shut down safety zone for a period of no less than 15 minutes prior to daily construction to ensure that no marine mammals or sea turtles are within this safety zone. If marine mammals or sea turtles are found within this safety zone, construction will be delayed until they voluntarily move out of the area. After the last sighting of an animal and no further sightings inside the safety zone have occurred for a period of no less than 15 minutes, construction will be allowed to commence. If a marine mammal or sea turtle is sighted approaching or within the no start/shutdown zone after construction has begun, work will be halted until the animal has voluntarily moved beyond the no start/shutdown safety zone. If construction activity ceases for 15 minutes or more, prior to resuming of these activities the waiting period procedures described above will be implemented. Monitoring will be continuous through the construction activities and will end approximately 15 minutes after completion of the activities.

Monitoring and data collection protocols and equipment will be further defined in a marine mammal/sea turtle visual and acoustic monitoring plan that will be prepared for review and approval by the NPS and NMFS prior to construction. The visual portion of the plan will be developed to collect data for each distinct special-status species observed during construction activities. Sighting data such as date, time, observer ID, animal ID if known, animal behavior, overall numbers of individuals observed, frequency of observation, and environmental conditions will be recorded. The acoustical portion of the plan will be developed to collect data for baseline underwater and in-air noise levels and for noise levels associated with the construction activities. Specific start up and shut down procedures as well as reporting requirements and coordination with NMFS during construction will also be included in the plan.

In addition, the NPS will provide NMFS with a draft final report within 90 days after completion of the project. This report will detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals and sea turtles in the area during construction. If comments are received from NMFS on the draft final report, a final report will be submitted to NMFS within 30 days thereafter. If no comments are received from NMFS, the draft final report will be considered to be the final report.

Soundscapes and Kalaupapa Community - Responsible Party: construction contractor and park

In-Air Noise Abatement

The contractor will create and implement a noise reduction plan. The contractor may elect any combination of legal, non-polluting methods to maintain or reduce noise to thresholds levels or lower, as long as those methods do not result in significant environmental impacts or create a substantial public nuisance. The plan for attenuating construction-related noises will be implemented prior to the initiation of any work. The noise reduction plan will be reviewed and approved by the NPS with consultation from the community.

The contractor will also obtain a Community Noise Permit from the Hawaii DOH.

DOH may require specific noise abatement measures, and submittal of plans, procedures, and specifications for the abatement of noise emissions from specific construction equipment.

Standard noise abatement measures could include the following elements:

- Equipment will be shut off rather than allowed to idle;
- Scheduling will be designed to minimize impacts on adjacent noise-sensitive areas; and
- Hydraulically or electrically powered impact tools will be used when feasible.

Project information such as construction phasing, schedule and time changes, etc. will be made available to community residents by several means and methods, including but not limited to:

- Posting the construction schedule on the local bulletin board where information is commonly shared; and
- Sharing the construction schedule and information at regular community meetings.

Water Resources - Responsible Party: construction contractor

Water Quality Monitoring Plan

NPS will protect water quality to conform to internal and external policy and regulatory requirements. Basic water quality monitoring parameters involve turbidity, total suspended solids, and pH. For projects involving habitat impacts, monitoring parameters include dissolved oxygen, temperature, light extinction, and biological elements. Photographic documentation may also be required. Other parameters related to nitrogen, phosphorus, chlorophyll, and silicates may be imposed on a case-by-case basis. Daily monitoring is required for projects lasting up to two months. Specific monitoring activities will be detailed in permits issued by the Hawaii DOH.

A Water Quality Monitoring Plan (WQMP) will be prepared by the contractor to Hawaii DOH standards. DOH standards are the most externally stringent. It is anticipated that these requirements will satisfy water monitoring requirements for other agencies. If other agencies have specific water quality measures not covered by DOH standards and required by law, then they will be added to the core WQMP. This plan is required to be approved by the Hawaii DOH in order to be valid. Water Quality Monitoring Plans are required to contain what parameters will be sampled, when they will be sampled, how they will be sampled, how the samples are analyzed, how gathered data are to be reported, and timelines for reporting. Typically this also includes establishment of ambient conditions from a baseline survey dependent on site and project particulars. DOH and other resource agencies' standard requirements and best management practices for water quality monitoring plans, which will be adopted for this project, include:

- A provision for cessation of work should testing indicate that a water quality standard is exceeded, development of remedial measures to solve the issue, and the updating of the water quality plan with those measures.
- Use of material clean of contaminants and earthen material.
- The use of proven containment devices, when practicable, for isolated activities that are determined to generate sustained turbidity.
- Documentation and accounting for varying ocean conditions such that water quality monitoring practices and results are considered valid by defined standards.
- Excavated material (e.g., armor stones) removed from the berthing basin will be disposed of at an upland site.
- No project related material will be stockpiled in the water.
- A litter control and removal plan will be developed to prevent contamination of marine/aquatic environments from trash or construction debris.

Spill Response and Prevention Plan

The NPS must also have an oil and chemical management and spill response plan in place. The construction contractor will be required to submit the plan, which will include construction best management practices (BMPs) to prevent spills and toxic releases from occurring, as well as a plan detailing the actions that will be taken in case of a spill. Prevention and spill response measures will be required to be specific enough to have their performance measured. Examples of BMPs include appropriate placement of fueling areas and material storage, safe storage and handling of hazardous materials, spill notification procedures, and onsite storage of absorbent pads and booms available for spill clean-up.

Benthic Resources, Fishes, and Essential Fish Habitat - Responsible Party: contractor and park

The following resource protection measures will be implemented to avoid, minimize, and compensate resource disturbance:

- A water quality monitoring plan and spill prevention and response plan identified above will also protect aquatic habitat and species.

- All construction vessels, equipment, and materials arriving from other islands will be inspected for invasive species before arriving at Kalaupapa. Equipment will also be inspected prior to leaving Kalaupapa for marine invasive species (e.g. *Acanthophora spicifera* and *Carijoa riisei*), which are present at Kalaupapa.
- Compensatory mitigation will account for all unavoidable loss of corals. Compensatory mitigation will be scaled using a Habitat Equivalency Analysis to compensate for lost functions. This will include the installation of seasonal mooring buoys offshore of the Kalaupapa settlement. Use of mooring buoys will allow recovery of corals in areas currently being impacted by anchoring of recreational vessels and will help prevent further anchor damage from occurring in the future.
- NPS will monitor actual take of corals as well as document the level of increased survival from less anchor damage where mooring buoys are used.

Ethnographic Resources - Responsible Party: park

The NPS will work closely with Native Hawaiians to help ensure a sense of respect for and protection of the more intangible aspects of cultural resources in the vicinity of the area of potential effects. The NPS will work closely with the Kalaupapa community to help reduce or prevent possible effects to fish, other marine resources, or to sites culturally valued by the community. Keeping in mind the culturally sensitive nature of the area, all possible measures would be taken to maintain quiet and a sense of respect for traditional places, and intangible ethnographic resources.

Archeological Resources - Responsible Party: park

If previously undiscovered resources were uncovered during construction, all work in the immediate vicinity of the discovery will be halted until the resources can be identified by park staff and documented. At that time, an appropriate mitigation strategy would be developed in consultation with the state historic preservation officer and, if appropriate, Native Hawaiian groups.

Resource Protection Measure Responsibilities	
Resource Protection Measure	Responsible Party
NPS Special Status Species (marine mammals and sea turtles)	Construction Contractor and Monitoring Contractor
Construction Schedule	Construction Contractor
Construction Vessel Operation	Construction Contractor
Safety Zone	Construction Contractor and Monitoring Contractor
Acoustic and Visual Monitoring	Monitoring Contractor
Soundscapes and Kalaupapa Community	Construction Contractor and Park
In-Air Noise Abatement	Construction Contractor and Park
Water Resources	Construction Contractor
Water Quality Monitoring Plan	Construction Contractor
Spill Response and Prevention Plan	Construction Contractor
Benthic Resources, Fishes, and Essential Fish Habitat	Construction Contractor and Park

Resource Protection Measure Responsibilities	
Ethnographic Resources	Park
Archeological Resources	Park

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 Code of Federal Regulations (CFR) §1508.27, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial.

No greater than moderate adverse impacts will result to any park resource from implementation of the selected alternative. Deferred maintenance on the dock structures will have localized, negligible-to-minor, and adverse impacts on water quality during project implementation. No long-term, water quality effects are anticipated.

Impacts of the selected alternative on turf algae and mobile marine organisms will be short- and long-term, localized, minor, and adverse. Due to the length of time for coral to recover from disturbance, impacts will be long-term. Compensatory mitigation will include installation of seasonal mooring buoys to allow recovery of corals in areas currently being impacted by anchoring of recreational vessels and prevent further anchor damage from occurring in the future. There will be minimal adverse effect to essential fish habitat.

Impacts of deferred maintenance to the dock structures on the harbor fish community will be localized, negligible, and adverse, resulting from construction noise and reduction in forage in the project area.

The effects of deferred maintenance on special-status species (Hawaiian monk seals, hawksbill and green sea turtles, and spinner and bottlenose dolphins) will be localized, short-term, and minor. Effects on ESA-listed species are as follows: the selected alternative may affect but is not likely to adversely affect Hawaiian monk seals, green sea turtles, and hawksbill sea turtles. The selected alternative is not likely to adversely modify critical habitat or areas under consideration for future designation of critical habitat for Hawaiian monk seals.

Implementation of the selected alternative will result in some short-term, negligible to minor adverse impacts to cultural resources (historic resources, cultural landscapes, and ethnographic resources). However, the overall beneficial impact of the project upon cultural resources – preservation of the dock, bulkhead, and breakwater that are contributing features of the National Historic Landmark District – outweighs these adverse effects.

- Adverse impacts to historic resources (dock, bulkhead, breakwater) will be long-term but of negligible to minor intensity. All work will be consistent with the preservation guidelines of *Secretary of the Interior's Standards for the Treatment of Historic Properties* and will retain the integrity and historic appearance of the resources. Care will be taken to ensure that the exterior appearance and design of the resources are not altered, and either original materials will be reused or any new materials will match as closely as possible the original in size, scale, proportion, and color.
- Adverse impacts to cultural landscapes will be long-term but of negligible to minor intensity. No alterations or additions to the dock structure will occur, and the pier will continue to be used as it was historically. Repairs to the dock structure and breakwater will preserve the landing's resource integrity and appearance, and neither affect the land use patterns of the settlement nor views and vistas. The aspect of association, or the direct link between the landscape and the events or persons who shaped it, will be unaffected and retained through the lives of those patients who continue to live at Kalaupapa.
- Repairs to the dock and breakwater will not have any direct effects on ethnographic resources. Repairs will create noise and may be disturbing to the usual quiet of the Kalaupapa community during the construction period. Traditional activities such as fishing and swimming will be restricted in the harbor area during construction. The noise and temporary lack of access will result in localized, short-term,

minor adverse effects on traditional activities and on the community itself, but such impacts will end with the cessation of construction.

Repairs to the dock, bulkhead, and breakwater to sustain small barge service for the next 10 to 15 years will result in long-term, minor to moderate, beneficial impacts to park operations and management. Efforts necessary to implement resource monitoring, maintain access restrictions, and provide accommodations for workers during construction activities will result in short-term, minor to moderate adverse impacts.

The degree to which the proposed action affects public health and safety

As described in the EA, all construction activities will be conducted by experienced contractors operating under Occupational Safety and Health Administration guidelines. Community residents and park staff would be restricted from entering the construction area, as appropriate, throughout project implementation. However, in general, the repair of the dock structure will improve barge operation safety.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, Wild and Scenic Rivers, or ecologically critical areas

The Kalaupapa Leprosy Settlement was listed on the National Register of Historic Places (NRHP) in 1975 and became a National Historic Landmark (NHL) District in 1976. The landmark district includes the entire peninsula comprising both Kalaupapa and Kalawao Settlements. By letter dated December 6, 2010 the Hawaii State Historic Preservation Officer concurred with the NPS that the repairs to the Kalaupapa pier and dock structures will have no adverse effect on historic properties.

The selected alternative will not affect prime farmlands, wetlands, or wild and scenic rivers. There will be a minimal adverse effect to essential fish habitat for the marine waters of the harbor.

Degree to which effects on the quality of the human environment are likely to be highly controversial

None of the actions proposed in the selected alternative have the potential to be highly controversial. This is supported by the fact that very few comments were received in response to the EA.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks

The environmental assessment process did not identify any uncertain effects or effects that may involve highly unique or unknown risks.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

No actions are proposed in the selected alternative that are inconsistent with the enabling legislation for Kalaupapa National Historical Park. The selected alternative will not set any NPS precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

As noted in the EA, actions at Kalaupapa National Historical Park will not have significant adverse cumulative impacts.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on national register of historic places or may cause loss or destruction of significant scientific, cultural, or historical resources

Since the proposed work would be 'in kind' repairs, the NPS determined that there will be no impairment of resources or values associated with cultural resources (see Appendix A). Compliance with §106 of the NHPA was completed as NPS consulted with the Hawaii SHPO. On December 6, 2010, the State of Hawaii Department of Land and Natural Resources concluded their Section 106 review and concurred with the NPS assessment and determination that the proposed repairs to the Kalaupapa pier and dock structures will have no adverse effect on historic properties.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat

The US Fish and Wildlife Service concurred with the determination that the project will not affect the Hawaiian petrel and Newell's shearwater and the project is not likely to adversely affect green sea turtles. The National Marine Fisheries Service concurred with the determination that the project is not likely to adversely affect Hawaiian monk seals, green sea turtles, and hawksbill sea turtles, their designated critical habitat, or areas under consideration for designation as critical habitat.

Whether the action threatens a violation of federal, state or local environmental protection law

This action violates no federal, state, or local environmental protection laws.

PUBLIC INVOLVEMENT AND AGENCY CONSULTATION

A variety of public involvement techniques were used for this project, including participation in public meetings, responses to newsletters, and electronic comments on the national historical park's website and the NPS Planning, Environment, and Public Comment (PEPC) site. Preliminary public scoping process began on March 11, 2008, with the NPS proposing to complete an environmental assessment for the dock repairs. However, potential effects to special-status species – marine mammals and those listed under the federal Endangered Species Act – led the NPS to determine that an environmental impact statement (EIS) would be the appropriate compliance pathway for this project. Thus, a second phase of scoping began in early 2009 for the EIS. On April 17, 2009, a notice of intent to prepare an EIS was published in the *Federal Register*, formally announcing the end of the scoping period.

In March 2009, a brochure was distributed to the park's mailing list of interested individuals, organizations, and businesses. The NPS held five public meetings and met with representatives of local, state, and other federal agencies to obtain input regarding the proposed dock repair. The NPS received a total of 133 written and oral comments on the management options, schedule, and other concerns about the project. Most of those commenting questioned the necessity of widening the berthing basin and re-installing a mooring dolphin. Commenters did not approve of the project because it would disturb natural and cultural resources in the Kalaupapa harbor.

Additionally, acoustic studies completed for preliminary analysis raised concern for the impacts to marine mammals, especially the Hawaiian monk seal, from basin widening and dolphin installation. The preliminary analysis concluded there would be an adverse affect determination under the Endangered Species Act. Based on this analysis and public and agency comment, widening of the berthing basin and installation of a mooring dolphin were removed from the project.

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. On May 21, 2010 the NPS notified all agencies and individuals who received previous scoping letters concerning the removal of these actions from the proposed actions. Additional public scoping was conducted for preparation of the EA until June 7, 2010. A *Federal Register* announcement of the termination of the EIS process was published on July 6, 2010. No additional public comments were received in response to the removal of the mooring dolphin from the selected alternative and the termination of the EIS and completion of the EA.

The Habitat Equivalency Analysis was made available to NOAA, USFWS, U.S. Army Corps of Engineers, and Hawaii DLNR in September 2010 for their review and comment. The Army Corps and Hawaii DLNR participated in a follow up conference call to discuss the HEA and NPS proposed use of buoys as compensatory mitigation. Both of those agencies indicated that the use of buoys as proposed was acceptable and the Army Corps noted that the buoy details (i.e., number, location, design) should be included in the Clean Water Act permit application to the Army Corps. The USFWS and NOAA did not comment. The Habitat Equivalency Analysis will be submitted along with buoy details as part of the NPS Clean Water Act permit application to the Army Corps. Based on the HEA, it is anticipated that buoys will be deployed for 15-20 years. Should there be any outstanding concerns with the analysis and proposed compensatory mitigation, they will be addressed as part of the permit process.

The NPS released the EA for public review on October 20, 2010 and extending to December 8, 2010. The Hawaii Office of Environmental Quality Control also held a public review period for the EA, from November 23, 2010 to December 23, 2010.

On November 29, 2010, the State of Hawaii Department of Business, Economic Development and Tourism, Office of Planning concurred with the NPS determination that the repair of Kalaupapa dock structures activity is consistent to the maximum extent practicable with the enforceable policies of the Hawaii Coastal Zone

Management Program, on the condition that the resource protection and monitoring measures represented in the environmental assessment (August 2010, pp.32-40) are fully implemented.

On December 6, 2010, the State of Hawaii Department of Land and Natural Resources concluded their Section 106 review and concurred with the NPS assessment and determination that the proposed repairs to the Kalaupapa pier and dock structures will have no adverse affect on historic properties.

On December 7, 2010, the State of Hawaii Department of Land and Natural Resources Land Division provided comments from their agency review:

- Division of Aquatic Resources had no objections;
- Land Division – Maui District had no comments;
- Division of Boating and Ocean Recreation had no comments;
- Division of State Parks had no objections;
- Office of Conservation and Coastal Lands has no objections to the proposed work and stated that the proposed action does not require the filing of a Conservation District Use Application (CDUA); and
- Engineering Division noted that the project site is located within Flood Zones AE and VE, and also noted that “the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken.” The project is in compliance with NFIP because the project does not trigger the regulations. Typical triggers are:
 - 1) Only building (walls and a roof) are insured. This project does not include working on a building.
 - 2) NPS is a federal agency and as such is self-insured as part of the federal government. The NPS is covered.
 - 3) NFIP is required when a building in a flood zone is being financed by a loan from a bank or other such institution. This is not the case for this project.

NFIP is not usually triggered by repairs. Proposed work is not covered.

On November 8, 2010, NMFS issued a letter concurring with NPS’ determination that the proposed dock repair project is not likely to adversely affect ESA-listed marine species, their designated critical habitat, or areas under consideration for designation as critical habitat. On December 1, 2010, NMFS issued a letter concurring with NPS’ determination that an Incidental Harassment Authorization is not necessary pursuant to the Marine Mammal Protection Act, and that takes of marine mammals are not likely to occur provided that all NPS’ planned monitoring and mitigation measures are implemented. On December 22, 2010, the Habitat Conservation Division of the Pacific Islands Regional Office of the National Oceanic and Atmospheric Administration – Fisheries provided comments on the EA, which are addressed in an Errata prepared as a technical attachment to the EA.

On December 21, 2010, the US Fish and Wildlife Service concurred with the NPS determination that the proposed project will not affect the Hawaiian petrel and Newell’s shearwater, and also concurred with the NPS determination that the proposed project is not likely to adversely affect the green sea turtle. The US Fish and Wildlife Service also provided an email requesting additional information be added to the EA regarding the Fish and Wildlife Coordination Act (FWCA) and associated site visit; the email also inquired about how many years the mooring buoys would be used. An additional comment on the potential introduction and/or spread of invasive species from work barges and equipment was adequately addressed under the Resource Protection Measures of the Proposed Action Alternative in the EA. These comments are addressed in the Errata to the EA.

The Department of the Army reviewed the EA and in a letter dated November 18, 2010, stated that a Department of the Army (DA) permit application should be submitted prior to undertaking any work. In addition, during an informal review of the EA in September 2010, the Department of the Army provided comments regarding corrections to the federal regulatory framework text. These text changes are documented in the Errata to the EA.

The County of Maui Department of Planning reviewed the EA (November 16, 2010) and indicated that the project site is not within their jurisdiction, and suggested utilization of Best Management Practices during all construction activities to protect the near shore waters. The County of Maui Department of Public Works stated they had no comments on the EA (letter dated November 12, 2010).

The State of Hawaii Department of Health Clean Water Branch (letter dated October 28, 2010) commented regarding need for compliance with the Hawaii Administrative Rules, Chaps 11-54 and 11-55.

The State of Hawaii Department of Defense (letter dated November 4, 2010) concurred with the following components of the EA: potential impacts on federal and state-listed threatened and endangered species in the project area; effect of construction activities on corals; effect on water quality in the harbor; possible introduction of non-native species into park waters from the proposed activities; effect on access to the breakwater for fishing during construction; effect of repairs to the existing dock on cultural resources; possible disturbance to quiet and peacefulness of the Kalaupapa Settlement; and effect on park, visitors, and residents during construction. They deferred to the Department of Land and Natural Resources as to the viability of the proposed repairs with regard to historic, cultural, archaeological, and aquatic resources.

The State of Hawaii Department of Transportation (letter dated November 10, 2010) stated they do not anticipate any significant, adverse impacts to its transportation facilities from the proposed project.

The Hawaii Department of Business, Economic Development and Tourism (letter dated November 29, 2010) concurred with NPS' determination that the proposed dock repair project is consistent to the maximum extent practicable with the enforceable policies of the Hawaii Coastal Zone Management Program, on the condition that all resource protection and monitoring measures represented in the EA are fully implemented.

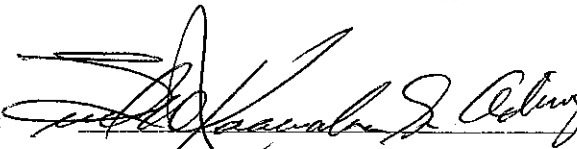
Comments on the EA received from the US Fish and Wildlife Service, NOAA Fisheries, Pacific Islands Regional Office Habitat Conservation Division, US Army Corps of Engineers centered on the following topics: clarifications regarding the Clean Water Act and Rivers and Harbors Act of 1899, inclusion of the Fish and Wildlife Coordination Act in the Guiding Regulations and Policies discussion, elaborating on the outcome of the November 2009 site visit by USFWS and NOAA personnel, and correction of the essential fish habitat final determination. These points resulted in changes to the text of the EA and are addressed in errata sheets prepared as a technical supplement to the EA. Specific responses to comments from NOAA Fisheries, Pacific Islands Regional Office Habitat Conservation Division are also included in the Errata.

Copies of comment letters are provided in Appendix B to this FONSI.

CONCLUSION

Based on the environmental analysis as documented in the environmental assessment, together with the capability of the resource protection measures to avoid, reduce, or eliminate impacts, and with the due consideration for the nature of public comments, results in determination that the approved plan is not a major federal action significantly affecting the quality of the human environment. Negative environmental impacts that could occur are no more than minor to moderate in intensity. There are no significant impacts on water resources, benthic resources and essential fish habitat, fishes, special-status species, soundscape, cultural resources, or park operations and management. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected alternative will not violate any federal, state, or local environmental protection law. Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared. The plan can be implemented as soon as practicable following a 30 day waiting period from date of approval below.

Recommended:


Superintendent

Date

Approved:


Regional Director, Pacific West Region

Date

Appendix A
Kalaupapa National Historical Park
**Project to Repair the Kalaupapa Dock Structures/
Environmental Assessment**
Finding of No Significant Impact

Impairment Determination

IMPAIRMENT

NPS policy states that an action constitutes an impairment when its impacts “would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values.” Impairment may result from NPS activities in managing the park, from visitor activities, or from activities undertaken by concessioners, contractors, and others operating in the park.

The laws prohibiting impairment give the NPS the management discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as impairment does not occur. Although the U.S. Congress has given the NPS management discretion to allow certain impacts within parks, that discretion is limited by the statutory requirement (*i.e.*, enforceable by the federal courts) that the NPS must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise.

To determine impairment, the NPS must evaluate: 1) the resources that will be affected; 2) the severity, duration, and timing of the impact; and 3) the cumulative effects of the impact when combined with impacts of other projects and plans. An impact on any park resource or value may constitute impairment. However, an impact would be most likely to constitute impairment if it affected a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- Key to the natural or cultural integrity of the park or opportunities for enjoyment of the park; or
- Identified as a goal in a park’s general management plan or other relevant NPS planning documents.

An impact will be less likely to constitute an impairment if it is an unavoidable result of an action necessary to pursue or restore the integrity of park resources or values and it cannot be further mitigated.

The park resources and values that are subject to the no-impairment standard include:

- The park’s scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;
- Appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- The park’s role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- Any additional attributes encompassed by the specific values and purposes for which the park was established.

Impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. The NPS’s threshold for considering whether there could be an impairment is based on whether an action would have major (or significant) effects.

Impairment findings are not necessary for visitor use and experience, socioeconomics, public health and safety, environmental justice, land use, and park operations, because impairment findings relate back to park resources and values, and these impact areas are not generally considered park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values. After dismissing the above topics, topics remaining to be evaluated for impairment include water resources, benthic resources and essential fish habitat, fishes, special status species, soundscapes, and cultural resources (including historic resources, cultural landscapes, and ethnographic resources).

The following analysis evaluates whether or not the following resources and values will be impaired by the selected alternative.

- Water Resources –Implementation of deferred maintenance to the dock structures will have only localized, negligible-to-minor, and adverse impacts on water quality during project implementation. No long-term, water quality effects are anticipated; therefore, there will be no impairment to water resources.
- Benthic Resources and Essential Fish Habitat –This project will result in only minor short- and long-term, localized adverse effects on turf algae and mobile marine organisms. Due to the length of time for coral to recover from disturbance, impacts will be long-term. Compensatory mitigation will include installation of seasonal mooring buoys to allow recovery of corals in areas currently being impacted by anchoring of recreational vessels and prevent further anchor damage from occurring in the future. There will be minimal adverse effects to essential fish habitat. Therefore, there will be no impairment to benthic resources and essential fish habitat.
- Fishes –This project involves impacts to the harbor where fish are present. Although marine resources are a fundamental resource at the park, impacts of the selected alternative on the harbor fish community will only be localized, negligible, and adverse, resulting from construction noise and reduction in forage in the project area and there will therefore be no impairment to fishes.
- Special Status Species –Although special-status species occur within the vicinity of the project area, the effects of the selected alternative on special-status species (Hawaiian monk seals, hawksbill and green sea turtles, and spinner and bottlenose dolphins) will only be localized, short-term, and minor. A determination of effects on ESA-listed species is that the selected alternative may affect but is not likely to adversely affect Hawaiian monk seals, green sea turtles, and hawksbill turtles. The selected alternative is not likely to adversely modify critical habitat or areas under consideration for future designation of critical habitat for Hawaiian monk seals. The project will have no effect on the Hawaiian petrel and Newell’s shearwater. Therefore, there will be no impairment to special status species.
- Soundscape - This project will result in short-term, local, minor to moderate, adverse effects on the soundscape as a result of noise associated with deferred maintenance. These effects will be temporary, lasting only during the construction period. Upon completion of the project, the soundscape will return to existing conditions. Therefore, there will be no impairment to the soundscape.
- Historic Resources – Any adverse impacts to historic resources (dock, bulkhead, breakwater) will be long-term but of negligible to minor intensity. All work will be consistent with the preservation guidelines of *Secretary of the Interior's Standards for the Treatment of Historic Properties* and will retain the integrity and historic appearance of the resources. Therefore, there will be no impairment to historic resources.
- Cultural Landscapes – Any adverse impacts to cultural landscapes will be long-term but of negligible to minor intensity. No alterations or additions to the dock structure will occur, and the pier will continue to be used as it was historically. Repairs to the dock structure and breakwater will preserve the landing’s resource integrity and appearance. The aspect of association, or the direct link between the landscape and the events or persons who shaped it, will be unaffected and retained through the lives of those patients who continue to live at Kalaupapa. Therefore, there will be no impairment to cultural landscapes.
- Ethnographic Resources – Repairs to the dock and breakwater will not have any direct effects on ethnographic resources. Repairs will create noise and may be disturbing to the usual quiet of the Kalaupapa community during the construction period. Traditional activities such as fishing and swimming will be restricted in the harbor area during construction. The noise and temporary lack of access will result in localized, short-term, minor adverse effects on traditional activities and on the community itself, but such impacts will end with the cessation of construction. Therefore, there will be no impairment to ethnographic resources.

In addition, resource protection measures for these resources will further lessen the degree of impact to and help promote the protection of these resources.

In conclusion, as guided by this analysis, good science and scholarship, advice from subject matter experts and others who have relevant knowledge and experience, and the results of public involvement activities, it is the Superintendent’s professional judgment that there will be no impairment of park resources and values from implementation of the selected alternative.

Appendix B

Kalaupapa National Historical Park

**Project To Repair the Kalaupapa Dock Structures/
Environmental Assessment**

Finding of No Significant Impact

Comment Letters¹

¹ Comment letters are attached to meet the requirements of the Office of Hawaiian Homelands and Hawaiian Office of Environmental Quality Control.



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

REPLY TO
ATTENTION OF:

November 18, 2010

Regulatory Branch

File Number POH-2008-00265

Kalaupapa National Historical Park
Attention: Steve Prokop
Post Office Box 2222
Kalaupapa, Hawaii 96742

Dear Mr. Prokop:

We have received your request dated October 15, 2010 for the Department of the Army (DA) to review and comment on the Draft Environmental Assessment (dEA) for the improvements to the existing Kalaupapa Dock Structures in Kalaupapa Harbor at the Kalaupapa National Historical Park in Kalaupapa, Island of Molokai, Hawaii. We completed our review of the submitted document pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404).

Section 10 requires that a DA permit be obtained from the U.S. Army Corps of Engineers (Corps) prior to undertaking any construction, dredging and other activities occurring in, over, or under navigable waters of the U.S., including the upper limit of adjacent wetlands. The line of jurisdiction extends to the Mean High Water Mark for tidal waters. Section 404 requires that a DA permit be obtained for the discharge (placement) of dredge and/or fill material into waters of the U.S., including wetlands. The line of jurisdiction extends to the Mean Higher High Water Mark for tidally influenced waters, the Ordinary High Water Mark for non-tidal waters and the approved delineated boundary for wetlands.

Reference the approved jurisdictional determination issued September 29, 2008 by this office for the dock repairs at Kalaupapa Harbor. The proposed project will involve work in a navigable water and will result in the discharge of fill into a navigable water subject to Corps jurisdiction. This determination will remain valid until September 29, 2013.

Based on the information provided, we understand the proposed improvements will involve repair of the pier including associated structural support columns, concrete berms, piles and pilecaps and the filling of voids in the bulkhead wall toe, the low dock toe and the armoring of the breakwater with concrete grouting, coarse aggregate and/or rock. The proposed work in a navigable water and the associated resulting discharge of fill material below the High Tide Line will require a DA permit prior to commencement. Be advised, in accordance with Corps mitigation guidelines, the loss of corals as a result of the proposed work may require mitigation to compensate for that loss.

Prior to undertaking any work, you should submit a DA permit application and associated drawings that meet our drawing recommendations found at <http://poh.usace.army.mil/EC-R/EC->

R.htm to the Corps. The Corps will then review the application to ensure it complies with all necessary federal laws and regulations. Please do not submit to this office the Final EA with or without the DA permit application.

Thank you for contacting us regarding this project and providing us with the opportunity to comment. Should you have any questions, please contact Ms. Jessie Pa'ahana at 808.438.9258 or via email at *Jessie.K.Paahana@usace.army.mil*. You are encouraged to provide comments on your experience with the Honolulu District Regulatory Branch by accessing our web-based customer survey form at *http://per2.nwp.usace.army.mil/survey.html*.

Sincerely,

A handwritten signature in black ink, appearing to read 'George P. Young', with a long horizontal flourish extending to the right.

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

CHARMAINE TAVARES

Mayor

KATHLEEN ROSS AOKI

Director

ANN T. CUA

Deputy Director



COUNTY OF MAUI

DEPARTMENT OF PLANNING

November 16, 2010

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

Dear Mr. Prokop:

**SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT COMMENTS FOR THE
PROPOSED REPAIR OF KALAUPAPA DOCK STRUCTURES
LOCATED AT KALAUPAPA NATIONAL HISTORIC PARK,
KALAUPAPA, ISLAND OF MOLOKAI, HAWAII; TMK: (2) 3-7-001:021
(EAC 2010/0015)**

The Department of Planning (Department) is in receipt of the above-referenced document for the proposed Kalaupapa National Historic Park dock structures repair. The Department understands the proposed action includes the following repairs:

- Filling voids in the bulkhead wall toe, low dock toe, and breakwater;
- Re-establish armoring of the breakwater and remove displaced armor stones from the berthing basin;
- Completion of the concrete repairs to the deck pier caps and beams; and
- Repair of a void on the north side of the pier.

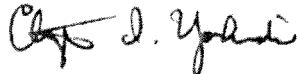
Based on the foregoing, the Department provides the following comments:

1. The project site is not located within the County of Maui, but is located on the Island of Molokai, a part of Maui County. The project site is located within Kalawao County and therefore, Maui County has no jurisdiction; and
2. We suggest utilizing Best Management Practices during all construction activities and any other methods to protect the near shore waters.

Mr. Steve Prokop, Superintendent
November 16, 2010
Page 2

Thank you for the opportunity to comment. If you require further assistance, please contact Staff Planner Joseph Prutch at joseph.prutch@mauicounty.gov or at (808) 270-7512.

Sincerely,



CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for KATHLEEN ROSS AOKI
Planning Director

xc: Joseph M. Prutch, Staff Planner
Project File
General File

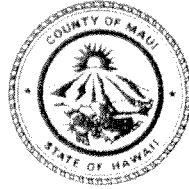
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CHARMAINE TAVARES
Mayor

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

November 12, 2010

Mr. Steve Prokop, Superintendent
United States Department of the Interior
NATIONAL PARK SERVICE
Kalaupapa National Historical Park
PO Box 2222
Kalaupapa, HI 96742

**SUBJECT: ENVIRONMENTAL ASSESSMENT 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".

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

jc S:\LUCA\ICZM\kalaupapa_dock_repairs_jc.wpd
xc: Highways Division
Engineering Division



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:
2011-I-0081

DEC 21 2010

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

Subject: Informal Consultation for the Repair of Kalaupapa Dock Structures

Dear Mr. Prokop:

We are in receipt of your October 15, 2010, letter requesting our concurrence with your determination that the proposed repairs to the pier and dock structures at Kalaupapa National Historical Park are not likely to adversely affect the threatened green turtle (*Chelonia mydas*). You also requested our concurrence that the project will have no effect on listed seabirds, the endangered Hawaiian petrel (*Pterodroma sandwichensis*) and the threatened Newell's shearwater (*Puffinus auricularis newelli*). You included a copy of the environmental assessment (EA) for the project with your letter. Our response is pursuant to section 7 of the Endangered Species Act of 1973 [16 U.S.C. 1531-1544], as amended (ESA).

The proposed project includes filling voids in the bulkhead, re-establishing armoring of the breakwater, completing concrete repairs to the deck pier caps, and repair of a void on the north side of the pier. No night lighting will be used during construction, and no lights will be installed as part of the project.

In Hawaii, seabirds are attracted to lights and are known to collide with buildings, light poles, wires, and other tall objects as they fly from the ocean to the mountains during the nesting season. Because no lights will be used during construction or installed as part of the proposed project, we concur with your determination that the proposed project will not affect the Hawaiian petrel and Newell's shearwater.

Nesting by the green sea turtle has been documented at Pikoone beach, which is approximately 1,000 yards from the project site. However, no nesting habitat occurs in the project footprint. Because project activities are limited to an area where green turtle nesting does not occur, we

TAKE PRIDE
IN AMERICA 

Mr. Steve Prokop

2

concur with your determination that the proposed project is not likely to adversely affect this species.

Unless the project description changes, or new information reveals that the proposed action may affect listed species or critical habitat in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the ESA is necessary. If you have any questions or concerns regarding these comments, please contact Megan Laut, Fish and Wildlife Biologist, at 808-792-9400.

Sincerely,

Christa Russell

for

Loyal Mehrhoff
Field Supervisor



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
(808) 944-2200 • Fax (808) 973-2941

NOV - 8 2010

Stephen Prokop
Superintendent
Kalaupapa National Historic Park
P.O. Box 2222
Kalaupapa, Hawaii 96742

Dear Mr. Prokop:

This letter responds to your October 15, 2010 letter (NPS 2010a) regarding the National Park Services' (NPS) proposal to repair the pier and dock structures at Kalaupapa Harbor, Molokai, Hawaii. In the letter, you determined that the proposed action will have no effect on Humpback whales, and is not likely to adversely affect (NLAA) green sea turtles, hawksbill sea turtles, and Hawaiian monk seals, and requested our concurrence under section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. §1531 et seq.), with that determination.

Proposed Action/Action Area: The action is described in your letter with its enclosure, *Project to repair the Kalaupapa Dock Structures, Environmental Assessment (EA)* (NPS 2010b). In summary, the NPS's contractors would operate barge-mounted and land-based heavy equipment, as well as hand operated machinery to repair concrete deck pier caps and beams; to fill voids with grout, concrete, and/or epoxy; and to remove and or reposition breakwater armor stones that have been displaced by waves. The NPS has committed to apply comprehensive best management practices (BMPs), including establishing and monitoring a 50-meter safety zone wherein all work would be postponed or halted should a protected marine species enter.

The action area is estimated to be the in-water area within a 400-meter radius arc around the harbor where the water may be ensonified by noise capable of eliciting behavioral response in ESA-listed marine species. The action area also includes 50-meter arcs around any work vessels as they transit to and from the site, and the down-current extent of any plumes that may result from mobilized sediments or discharged wastes or toxic chemicals such as fuels and/or lubricants associated with the machinery used for this activity. The in-air action area is expected to be the area within 50 meters of any of the work.

Species That May Be Affected: Based on preferred habitats, sighting information, and project timing, green sea turtles (*Chelonia mydas*), hawksbill sea turtles (*Eretmochelys imbricata*), and Hawaiian monk seals (*Monachus schauinslandi*) are the only ESA-listed species under NMFS jurisdiction that are known to occur, or could reasonably be expected to occur in the vicinity of the proposed action area. Detailed information to describe the biology, habitat, and conservation status for sea turtles and marine mammals can be found in the recovery plans and other sources at <http://www.nmfs.noaa.gov/pr/species/turtles/> and <http://www.nmfs.noaa.gov/pr/species/mammals/>, respectively.



Critical Habitat: There is no designated or proposed critical habitat for any listed marine species within or adjacent to the action area. Therefore, this project would have no effect on designated critical habitat.

Analysis of Effects: In order to determine that a proposed action is not likely to adversely affect listed species, NMFS must find that the effects of the proposed action are expected to be insignificant, discountable, or beneficial as defined in the joint USFWS-NMFS Endangered Species Consultation Handbook: (1) insignificant effects relate to the size of the impact and should never reach the scale where take occurs; (2) discountable effects are those that are extremely unlikely to occur; and (3) beneficial effects are positive effects without any adverse effects (USFWS & NMFS 1998). This standard, as well as consideration of the probable duration, frequency, and severity of potential interactions between the marine listed species and the proposed action, were applied during the analysis of effects of the proposed action on ESA-listed marine species, as is described in detail in the NPS EA. The analysis considered potential stressors and impacts to marine listed species, the most likely of which are:

1. Physical Water Quality Impacts;
2. Vessel Movements and Disturbance Impacts;
3. Acoustic Effects; and
4. Cumulative Effects.

The NPS specifically addressed all of these stressors in their EA (DOA 2010b), providing detailed impact analyses to justify their determination. Based on the description of the proposed action, the required conditions and BMPs, and the effects analyses provided in the EA, NMFS agrees that the proposed action would result in insignificant impacts, or the likelihood of impacts would be discountable, for ESA-listed sea turtles and marine mammals.

Conclusion: NMFS concurs with your determination that conducting the proposed pier and dock structure repairs at Kalaupapa Harbor, Molokai is not likely to adversely affect ESA-listed marine species, their designated critical habitat, or areas under consideration for designation as critical habitat. Our concurrence is based on the finding that the effects of the proposed action are expected to be insignificant, discountable, or beneficial as defined in the joint USFWS-NMFS Endangered Species Consultation Handbook (USFWS-NMFS 1998) and summarized at the beginning of the Analysis of Effects section above. This concludes your consultation responsibilities under the ESA for species under NMFS's jurisdiction. However, this consultation focused solely on compliance with the ESA. Additional compliance review that may be required of NMFS for this action (such as assessing impacts on Essential Fish Habitat) would be completed by NMFS Habitat Conservation Division in separate communication, if applicable.

ESA Consultation must be reinitiated if: 1) a take occurs; 2) new information reveals effects of the action that may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the identified action is subsequently modified in a manner causing effects to listed species or designated critical habitat not previously considered; or 4) a new species is listed or critical habitat designated that may be affected by the identified action.

If you have further questions please contact Donald Hubner on my staff at (808) 944-2233.
Thank you for working with NMFS to protect our nation's living marine resources.

Sincerely,

A handwritten signature in black ink, appearing to read "M. D. Tosatto", with a stylized flourish at the end.

Michael D. Tosatto
Acting Regional Administrator

cc: Alan Everson, Habitat Conservation Division, NMFS/PIRO, Honolulu
Patrice Ashfield, ESA Section 7 Program Coordinator, USFWS, Honolulu
Paula Levin, Coastal Conservation, USFWS, Honolulu

NMFS File No. (PCTS): I/PIR/2010/05260
PIRO Reference No.: I-PI-10-859-LVA

Literature Cited

National Park Service (NPS). 2010a. ESA consultation request letter, re. Proposed pier and dock structure repairs at Kalaupapa Harbor, Molokai, Hawaii. U.S. Department of the Interior (DOI) NPS, Kalaupapa National Historical Park, Hawaii. October 15, 2010.

---. 2010b. Project to repair the Kalaupapa Dock Structures - Environmental Assessment. NPS, DOI NPS, Kalaupapa National Historical Park, Hawaii. August 2010.

U.S. Fish and Wildlife Service and National Marine Fisheries Service. 1998. Endangered Species Consultation Handbook. Procedures for Conducting Consultation and Conference Activities Under Section 7 of the Endangered Species Act.

http://www.nmfs.noaa.gov/pr/pdfs/laws/esa_section7_handbook.pdf



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

DEC 01 2010

Mr. Steve Prokop
U.S. Department of the Interior
National Park Service
Superintendent, Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742

Dear Mr. Steve Prokop:

The National Marine Fisheries Service (NMFS) has reviewed your request for a Letter of Concurrence (LOC) documenting that the taking of marine mammals is not likely to occur incidental to the repair of Kalaupapa dock structures to ensure continued barge service at Kalaupapa National Historical Park, Hawaii, by the U.S. Department of the Interior's National Park Service (NPS). Based on the description of the action provided, NMFS concurs with your determination that an Incidental Harassment Authorization (IHA) is not necessary pursuant to the Marine Mammal Protection Act (MMPA), for the NPS's proposed repair of pier and dock structures at Kalaupapa National Historical Park, provided that all NPS's planned monitoring and mitigation measures are implemented. The work is scheduled to occur approximately between April and October of 2012.

The NPS proposes to improve conditions of the dock structures in Kalaupapa harbor to ensure delivery of supplies essential to operate and maintain Kalaupapa National Historical Park. The Kalaupapa National Historical Park is located in an isolated setting, at the base of 610 m (2,000 ft) cliffs, on the north shore of the island of Molokai, Hawaii. In this remote setting, non-perishable supplies and materials arrive by barge from Honolulu. The Kalaupapa Settlement is home to several surviving Hansen's disease (leprosy) patients, and is currently managed jointly by the Hawaii State Department of Health and the NPS. The vast majority of materials needed to sustain the park and the Kalaupapa Settlement were received by barge delivery. As a result of recent severe winter swell conditions, the NPS has become concerned about the structural integrity of the Kalaupapa harbor facilities used by the barge.

Several of the dock structures are in poor condition; the bulkhead and breakwater are failing structurally. Long delays or missed barge service at the park would cause a hardship for the resident patient community, State of Hawaii staff, and the NPS. The lifestyle and quality of life of the patient community and their medical and support staff would be severely impacted by unreliable barge service.



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The enabling legislation for the park specifically directs the NPS to support the Kalaupapa patient community, infrastructure, and historic buildings located onsite. None of these directives could be achieved in the absence of a safe and reliable barge service to Kalaupapa. The purpose of the Kalaupapa dock project is to implement management strategies to stabilize and repair the dock facilities to provide safe, operable and reliable dock structures to support continued barge service. Proposed improvements and modifications would ensure that the harbor accommodates barge service to the park in support of NPS and state health operations necessary to meet the on-going needs of the park and community.

The repairs would lengthen the effective life of the pier and dock structures for an additional 10 to 15 years. The proposed emergency repairs include:

- filling voids in the bulkhead wall toe, low dock toe, and breakwater for structural integrity;
- armoring of the breakwater would be re-established, and displaced armor stones impeding barge draft would be removed from the berthing basin;
- completion of the concrete repairs to the deck pier caps and beams; and
- repair of a void on the north side of the pier.

Construction activities needed to maintain barge service at the Kalaupapa National Historical Park via small barge include pier structure, bulkhead wall, and breakwater repairs and the movements and staging of equipment necessary to perform these repairs. NPS's contractors would operate barge-mounted and land-based heavy equipment as well as hand operated machinery to repair concrete deck pier caps and beams; to fill voids with grout, concrete, and or epoxy; and to remove and or reposition breakwater armor stones that have been displaced by waves. The proposed project would require transport of construction equipment to Kalaupapa via barge. Tug boats would be used to maneuver barges to and from the harbor. The construction barges are expected to be active for less than 120 days. Tug boats and barges are expected to operate at five knots or less in or approaching the harbor. At this speed, animals have adequate opportunity to avoid collisions, so potential strikes are unlikely.

The environmental conditions of Kalaupapa harbor limit the construction period to approximately April to October. The North Pacific swell often occurs from October to May, bringing large waves into the harbor from the north. Waves are typically 1.5 to 6.1 m (5 to 20 ft) high and arrive every 10 to 20 seconds. These rough seas create unsafe conditions for construction activities from late fall through early spring. Construction activities associated with the proposed project would be short-term (approximately four months) and are not expected to affect the beach areas where pinnipeds may haul-out, or marine areas adjacent to these beaches. Repair of the existing dock structures would be conducted during summer months, when sea conditions are typically most favorable, and have been scheduled to the greatest extent practicable around times when pupping and nursing occurs.

Equipment used to accomplish deferred maintenance tasks would be brought to the Kalaupapa National Historical Park by transport barges and tugboats from other Hawaiian locations, most likely from Honolulu. Equipment would be determined by the NPS construction contractor. A list of potential equipment to be used during proposed construction is below:

- Towing tug of 3,500 horsepower (hp), or similar, would be used to transport construction barges and equipment from their origination point to Kalaupapa harbor. This vessel would not remain in the harbor during construction.
- Tender tug of 880 hp, or similar, would be used for transport of construction barges and equipment from their origination point to the Kalaupapa harbor. This vessel would not remain in the harbor during construction.
- Deck barge of approximately 18.3 m (60 ft) by 61 m (200 ft) would be anchored adjacent to the harbor throughout the construction period to support the construction equipment. The work barge would be mounted with crawler crane with a rock grapple to relocate the breakwater armor stones and remove debris from the berthing basin.

The table below describes the typical equipment used for the proposed construction activities, the expected unweighted noise levels and the estimated noise loss calculated for various distances from the equipment sound source.

Estimated in-air unweighted source levels (dB) at various distances from construction activities.					
	Distances from source in meters (m)				
	dB at source distance	50	100	500	1,000
Electric generator (at 1 m)	64	30	41	10	4
Air compressor (both 185 and 375 CFM at 7 m)	73	55.9	49.9	35.9	29.9
Welding machine (at 1 m)	95	61	55	41	35
Backhoe/Dozer (at 10 m)	77	63	57	43	37
Dozer/Excavator	99	65	59	45	39

(at 1 m)					
Jack hammer (at 1 m)	104.2	70.2	64.2	50.2	44.2
Rivet buster (at 15 m)	82	71.5	65.5	51.5	45.5
Concrete pump (115 hp at 15 m)	82	71.5	65.6	51.5	45.5
Telescopic forklift (at 2 m)	103	75	69	55	49

The in-water noise analysis has determined that the armor stone placement and other deferred maintenance work is expected to generate noise levels of 161 dB re 1 μ Pa or lower, which is estimated to propagate 1.1 m (3.6 ft) to reach the 160 dB isopleths (Level B harassment threshold).

Seven species of marine mammals are expected to be found in the vicinity of the proposed project area. Hawaiian monk seals (*Monachus schauinslandi*) and spinner dolphins (*Stenella longirostris*) are commonly observed, bottlenose dolphins (*Tursiops truncatus*) are occasionally observed offshore and are infrequent in the harbor area, and humpback whales (*Megaptera novaeangliae*), false killer whales (*Pseudorca crassidens*), dwarf sperm whales (*Kogia sima*), and pygmy sperm whales (*Kogia breviceps*) are not likely to be found within the project area. A brief description of these species is provided in the NPS LOC application. There is no designated or proposed critical habitat for any Endangered Species Act-listed marine mammal species within or adjacent to the action area; therefore, this proposed project would have no effect on designated critical habitat.

The in-water and in-air impact zones for the sound sources are small enough that visual and acoustic detection of marine mammals within the proposed project areas is likely. To avoid Level B harassment (behavioral) of, or Level A harassment (injury) to, marine mammals during the proposed project, safety zones of 100 dB re 20 μ Pa (rms) (unweighted) and 160 dB re 1 μ Pa-m (rms) isopleths will be established by NPS and monitored by NPS-approved and NMFS-qualified Protected Species Observers (PSOs). A received level of 100 dB (rms) is currently used for estimating the onset of Level B harassment for in-air sounds on pinnipeds (i.e., monk seals). NMFS does not currently have injury thresholds for in-air sounds. A received level of 160 dB (rms) sound pressure level is currently used for estimating the onset of Level B harassment for in-water impulse sounds, and therefore, the source will be shut-down whenever a marine mammal enters or appears as if it is going to enter the safety zone. Most construction equipment is not expected to generate in-air noise levels above the 100 dB (rms) threshold for Level B harassment, and noise levels from all equipment would diminish below the 100 dB threshold within the 50 m safety zone used by the NPS. The NPS's modeling results indicate that underwater noise levels from construction activities are not expected to exceed the Level A harassment threshold and the 160 dB (rms) isopleth (Level B

harassment threshold) extends approximately 1.1 m (3.6 ft). In addition, work will be done only during daylight hours and when weather conditions are adequate for visual monitoring to allow maximum visual detectability, and the vessels will be moving at speeds of 5 knots (5.9 miles per hour) or less.

In addition, the following monitoring and mitigation measures, as proposed by NPS and required by NMFS, are to be implemented to ensure that no takes of marine mammals will occur due to the proposed repair of pier and dock structures at Kalaupapa National Historical Park's harbor:

- Vessel operators would alter course to remain at least 91 m (299 ft) from whales, and at least 46 m (151 ft) from other marine mammal and would reduce their speed to 5 knots or less in proximity of these animals. If a boat is approached by a marine mammal, the operator would put the engine in neutral and allow the approaching animal(s) to pass. Marine mammals will not be encircled or trapped between multiple vessels or between vessels and the shore and no attempts would be made to feed, touch, ride, or otherwise intentionally interact with any marine species.
- The NPS will have trained, NMFS-qualified PSOs to visually and acoustically monitor the proposed construction activities for marine mammals.
- Prior to commencement of construction activities, a 50 m (164 ft) safety zone would be established around construction areas based on in-water and in-air noise measurements. The safety zone would be monitored during all construction work by trained PSOs to detect the presence of marine mammals. Once construction begins, either the 50 m safety zone or a new, larger safety zone would be established based on actual sound level measurements.
- Construction activities would only occur during daylight hours and when weather conditions are adequate for visual monitoring of animals by PSOs within the designated 50 m (164 ft) safety zone.
- A no start-up/shut-down zone would include all areas where the underwater sound pressure levels are anticipated to equal or exceed 160 cB (rms), the Level B harassment threshold for in-water impulse noise (i.e., armor stone placement) and/or the in-air sound levels are anticipated to equal or exceed 100 dB (rms), the Level B harassment threshold for pinnipeds from in-air noise. The extended no start-up/shut-down safety zone will provide a conservative margin in protecting animals from potential impacts from construction activities. Work will not start or will be shut-down if PSOs observed animals approaching or within this zone during construction, and will only begin/resume after the animals have voluntarily departed the area.

- Acoustic monitoring would be performed by NPS- approved and NMFS-qualified PSOs. The purpose of in-water and in-air acoustic monitoring is to verify the estimated safety zone, modify the safety zone if necessary, and to provide information on sound propagation for future marine projects. Monitoring would be implemented prior to the first day of construction to establish baseline data. Acoustic monitoring would begin at least 15 minutes prior to the commencement of daily construction activities and continue through completion or termination of work. Post-construction monitoring would also be conducted to confirm non-construction ambient noise levels.
- Visual monitoring of the safety zone would be conducted by a minimum of two NPS-approved and NMFS-qualified observers. Monitoring would occur from locations on shore or from a boat if necessary to adequately survey the safety zone. Observers would survey the no start-up/shut-down safety zone for a period of no less than 15 minutes prior to daily construction to ensure that no marine mammals are within this safety zone. If marine mammals are found within this safety zone, construction would be delayed until they voluntarily move out of the area. After the last sighting of an animal and no further sightings inside the safety zone have occurred for a period of no less than 15 minutes, construction may commence. If a marine mammal is sighted approaching or within the no start-up/shut-down zone after construction has begun, work would be halted until the animal has voluntarily moved beyond the no start-up/shut-down safety zone. If construction activity ceases for 15 minutes or more, prior to resuming these activities, the waiting period procedures described above would be implemented. Monitoring would be continuous through the construction activities and would end approximately 15 minutes after the sound source is turned off and completion of the activities.
- Monitoring and data collection protocols and equipment would be further defined in a marine mammal visual and acoustic monitoring plan that would be prepared for review and approval by the NPS and NMFS prior to the commencement of construction activities. The visual portion of the plan would be developed to collect data for each distinct special-status species observed during construction activities. The PSOs will record and document acoustic and sighting data such as date, time observed, animal identification (if known), animal behavior, overall numbers of individuals observed, frequency of observation, environmental conditions, as well as mitigation measures implemented. The acoustical portion of the plan would be developed to collect data for baseline underwater and in-air noise levels and for noise levels associated with the construction activities. Specific start-up and shut-down procedures as well as reporting requirements and coordination with NMFS during construction would also be included in the plan.
- In addition, the NPS would provide NMFS with a report after completion of the project. This report would detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals in the area during construction activities.

- The PSOs monitoring the NPS construction activities will have authority to stop operations whenever marine mammals enter the applicable safety zone.

NMFS believes that if the aforementioned monitoring and mitigation measures are implemented, takes of marine mammals are not likely to occur and an IHA is not necessary pursuant to the MMPA. If for any reason NPS does not implement these monitoring and mitigation measures, then our concurrence with NPS's determination does not apply, and NMFS would recommend that NPS apply for an IHA under section 101(a)(5)(D) of the MMPA. The same recommendation would apply if NPS subsequently obtains information during the repair of pier and dock structures at Kalaupapa National Historical Park that indicates that marine mammals have been disturbed by the proposed activities. Although NMFS has concurred that take is not likely to occur, NPS remains liable for any unauthorized takes of marine mammals resulting from the use of the construction equipment sound sources. For additional information on this action, please contact Howard Goldstein or Jolie Harrison at 301-713-2289.

Sincerely,



James H. Lecky

Director

Office of Protected Resources

National Marine Fisheries Service

From: Robert Schroeder
To: Steve_Prokop@nps.gov
cc: elaine_Rideout@nps.gov; Donald Hubner; Eric_Brown@nps.gov; Steve Kolinski; Alan Everson; Gerry Davis; NMFS PIR HCD EFH Consultation
Subject: Re: [Fwd: Re: NMFS Habitat EFH comments: Project to Repair the Kalaupapa Dock Structures, Kalaupapa, Molokai]
Date: 12/22/2010 08:54 PM

SUBJECT: EA Comments: Project to Repair the Kalaupapa Dock Structures

22 December 2010

Mr. Steve Prokop, Superintendent
National Park Service
Kalaupapa National Historical Park
Kalaupapa, HI 96742

Dear Mr. Prokop,

The NOAA-Fisheries Habitat Conservation Division (HCD) has reviewed the National Park Service's (NPS) Environmental Assessment (EA) for the Project to Repair the Kalaupapa Dock Structures. Overall, the EA is well written, comprehensive, and reflects a strong commitment by the NPS for marine resource and habitat conservation. The proposed action for this EA (preferred alternative, B) includes repair and maintenance of the aging dock and associated harbor structures at Kalaupapa (e.g., fill voids in bulkhead wall toe, low dock tow, and breakwater; remove displaced armor stones scattered across harbor floor/berthing basin and reposition around breakwater; concrete repairs to deck pier caps and beams; and related actions). Less environmentally-friendly actions, previously discussed, including installation of a mooring dolphin and widening of the berthing basin, have now been dismissed from consideration, following public opposition. We support NPS' decision in this regard to limit impacts to benthic marine resources and EFH, which precludes the need to complete a DEIS, thus the current EA. In the current EFH assessment, there appears to be conflicting evidence as to the final determination of adverse impacts. While a FONSI is mentioned only briefly a few places in the document, it is not clearly stated that this EA results in a FONSI, as oppose to the need for a full EIS.

Specific comments/questions:

Chap. 1. Purpose and Need:

- * This section is well justified- dock and pier are culturally and historically significant, and the proposed work is essential for logistical support to continue operations at the Park.

Chap. 2. Alternatives:

- * Only one action alternative is evaluated in the EA, together with 'No Action'. Preferred Alternative (B) is to complete emergency repairs and maintenance to the dock to allow support for another

10-15 years of operation to maintain barge service (see specific list of actions above).

- * There will also be a deck barge (60x200 ft) to support operations, anchored adjacent to the harbor during the 4-month summer construction period. What additional operational impact to corals may this produce?
- * Table 2. Resource protection measures- includes a rather thorough discussion of BMPs to avoid and mitigate impacts of the proposed work (e.g., daily monitoring of water quality for turbidity, solids, chemical-contaminants, and stop work if threshold limits exceeded; spill response/prevention plans; cleaning of equipment for invasive species, etc.).
- * The list of other alternatives considered and dismissed all have reasonable and sufficient justifications, with the preferred alternative promoted to best support NEPA.
- * The EA rightly states that the 'No Action Alternative' would fail to preserve the historical and cultural integrity of the pier and fail to meet the needs for resupply of provisions. Under no action, the pier would ultimately collapse creating greater potential to impact marine resources than the preferred alternative.
- * While only ~1% of the harbor area has coral cover, the EA states that a HEA will be prepared to scale lost functions from all unavoidable coral loss, to determine the level of compensatory mitigation required (e.g., offshore seasonal mooring buoys proposed to prevent coral damage from recreational boats anchoring).
- * Table 5. Summary of Impacts of the Alternatives: There appear to be contradictory statements here: 1) Impact to corals is considered a long-term impact due to their long recovery time (with proposed compensatory mitigation); and 2) The conclusion in the EFH Assessment that 'there would be no adverse effect to EFH'. That there is a long-term/permanent loss of corals implies an adverse effect. The total area of this effect is also unclear. The NPS should clarify whether impact to 27ft² (or 90ft² ?) of coral colonies is an adverse impact under EFH, that requires compensatory mitigation.

Chap. 3. Affected Environment/Consequences:

- * The section on Methods for Analyzing Impacts is well explained and thorough, including effects on water quality, sedimentation, habitat disruption from removing scattered armor stone boulders, and associated BMPs. The EA concludes that their preferred alternative (B) will have no long-term, adverse impacts on water quality.
- * Kalaupapa Harbor is characterized by very low habitat complexity with few coral species (~8) and very low coral cover (<1%), ~2% macroalgae, and ~75% turf algae cover. As corals are present as individual colonies, the area is not considered 'coral reef'.
- * EFH/HACP is described for bottomfish management unit species (MUS), crustaceans MUS, and coral reef ecosystems MUS. But there is no table that lists which species, or life stage, occurs in the affected area.
- * EFH Impact Criteria and Thresholds- 'Adverse Impact' is defined as one that results in injury or loss of benthic organisms or habitat, and 'Adverse Effect' as any impact that decreases the quantity or quality of EFH. But then NPS goes on to redefine

- 'Adverse Effects' as impacts that permanently affect a relatively large portion of the affected environment.
- * All activities under the Alt. B are expected to result in an estimated loss of 90 ft² of corals, mainly from moved armor stones, and a loss of 4,160 ft² of turf algae, the dominate cover of the pavement floor 9 (p 73). The EA further states impacts would include 4,160 ft² of turf algae (that would recover rapidly), and 27 ft² of existing corals (which could take 10-20 yr to recover) (p. 74). How does the 27 ft² of impacted corals here compare to the 90 ft² stated on the previous page? Which coral MUS are most affected?
 - * Regarding impacts to EFH, including cumulative impacts, the EA concludes 'there would be no adverse effects to EFH' and that impacts to corals would be long-term.
 - * Preferred Alt. B would not impair benthic habitat or EFH resources or values.
 - * EA states that a preliminary HEA was prepared to estimate the loss of ecosystem function provided by the impacted corals. But where are the details or conclusions of this HEA? The EA says NPS will consult with NMFS (e.g., on the HEA and proposed compensatory mitigation), but where is a summary of the consultation that has taken place to date? Will this only be available once a FONSI is complete? While not well stated, if conclusion of this EA is indeed a FONSI, then why is a HEA, and compensatory mitigation for loss of habitat and the ecosystem functions it provides, needed?
 - * The section on 'Fishes' is well written and included to meet a NPS requirement to maintain resources, but it could be integrated under EFH as MUS. Species present in the harbor are of low diversity and abundance.

Chap. 4. Consultation/Coordination:

- * This section discusses consultation with NMFS that began in mid-2008 on protected species and EFH. While the project has substantially changed since then, it states that a HEA is being completed to determine compensatory mitigation for coral impacts. Where is it described what NPS-NMFS discussed regarding EFH? No conclusion as to an EFH assessment is mentioned, other than Tab. 16 on Compliance and Permitting with Action listed as 'Concurrent with No Adverse Effects to Essential Fish Habitat', which appears more as an intended goal, rather than an outcome (otherwise what is the purpose of this EA with EFH assessment for NMFS agency review?).

Summary of questions/concerns:

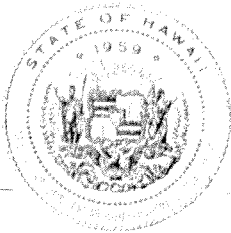
- * EA concludes that "there will be no adverse effect to EFH". While it also states that there will be permanent impact to marine benthic resources (e.g., up to 90 ft² of discrete coral colonies lost on the basalt pavement, breakwater boulders, and concrete structures), and that a HEA will be used to determine the level of lost functions and services to be compensated. By definition, a permanent loss of corals and related marine biota is an "adverse effect to EFH". While 90 ft² may seem small, it may be a considerable portion of the Kalaupapa Harbor of which only ~1% is coral, and represent a loss of habitat important to some MUS.

- * The EFH Assessment should discuss effects on EFH for each MUS and major lifestage present in the impacted area. Is the harbor important habitat for any MUS (e.g., preferred settlement habitat, shelter from predation)? Characterize the extent of the EFH impact (e.g., minimal to substantial, based on what evidence?).
- * Is the proposed mitigation sufficient and appropriate compensation? NPS may wish to implement a survey to monitor the actual take of corals (number of colonies, volume) impacted, as well as document the level of increased survival from less anchor damage where mooring buoys are used.

While HCD does not accept the conclusion in the EA that there will be 'no adverse impact to EFH', considering that up to 90 ft² of corals will be lost, stated plans by NPS to complete a HEA to determine the appropriate level of compensatory mitigation, and to implement this with the many referenced BMPs, we do not object to this project moving forward as proposed. The proposed BMPs appear sufficient to avoid, minimize, or mitigate potential adverse effects on EFH under the alternative B as the least environmentally damaging practical alternative to complete this important work. Please let us know if you have any questions, or if we can be of further assistance.

Sincerely,

Robert Schroeder
NOAA-Fisheries
Pacific Islands Regional Office
Habitat Conservation Division
Honolulu, HI



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

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Ref. No. P-13180

November 29, 2010

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

Dear Mr. Prokop:

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

The proposed project to repair the pier and dock structures at Kalaupapa National Historical Park, Molokai, has been reviewed for consistency with the Hawaii CZM Program. We concur with your determination that the activity is consistent to the maximum extent practicable with the enforceable policies of the Hawaii CZM Program, on the condition that the resource protection and monitoring measures represented in the environmental assessment (August 2010, pp. 32-40) are fully implemented.

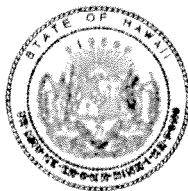
CZM consistency concurrence is not an endorsement of the project nor does it convey approval with any other regulations administered by any State or County agency. Thank you for your cooperation in complying with the Hawaii CZM Program. If you have any questions, please call John Nakagawa of our CZM Program at (808) 587-2878.

Sincerely,

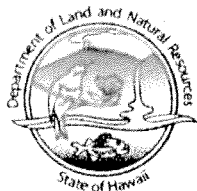
Abbey Seth Mayer
Director

- c: U.S. Army Corps of Engineers, Regulatory Branch
Department of Land and Natural Resources,
Office of Conservation and Coastal Lands
Department of Planning, County of Maui

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
INTERIM 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

December 7, 2010

Superintendent
ATTN: EA Comments
Kalaupapa National Historical Park
Box 2222
Kalaupapa, Hawaii 96742

Ladies and Gentlemen:

Subject: Environmental Assessment for the Project to Repair the Kalaupapa Dock Structures

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 DLNR Divisions for their review and comment.

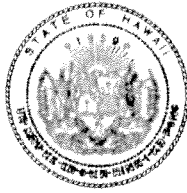
Other than the comments from Division of Boating & Ocean Recreation, Division, of State Parks, Office of Conservation & Coastal Lands, Division of Aquatic Resources, Land Division- Maui District, Engineering Division, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0414. Thank you.

Sincerely,

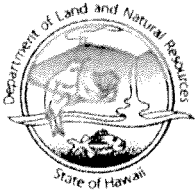
A handwritten signature in black ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji
Administrator

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

October 25, 2010

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
- ☒ Historic Preservation

FROM:

Charlene Unoki, Assistant Administrator

SUBJECT:

Environmental Assessment for the Repair of Kalaupapa Dock Structures to
Ensure Continuous Barge Service

LOCATION: Island of Molokai

APPLICANT: U.S. Department of the 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 December 6, 2010.

Only 1 copy of the report available in Room 220.

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

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

Signed:

Date:

[Signature]
11/28/10

RECEIVED
LAND DIVISION
2010 NOV 31 A 9:52
HAWAIIAN ISLANDS
STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LA/CharleneUnoki

Ref.: EARepairKalaupapaDockStructures
Maui.526

COMMENTS

- () We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone ____.
- (X) Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zones X, AE and VE. The Flood Insurance Program does not have any regulations for developments within Flood Zone X however; it does regulate developments within Zones AE and VE as indicated in bold letters below.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ____.
- (X) Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

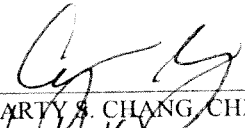
Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
- () Mr. Carter Romero at (808) 961-8943 of the County of Hawaii, Department of Public Works.
- (X) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
- () Ms. Wynne Ushigome at (808) 241-4890 of the County of Kauai, Department of Public Works.
- () The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
- () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

() Additional Comments: _____

() Other: _____

Should you have any questions, please call Ms. Suzie S. Agraan of the Planning Branch at 587-0258.

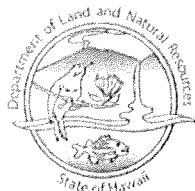
Signed:  _____
CARTY S. CHANG, CHIEF ENGINEER

Date: 11/29/10

LD

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELLEN
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

October 25, 2010

MEMORANDUM

DAR 3453

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
- ☒ Historic Preservation



FROM: Charlene Unoki, Assistant Administrator
SUBJECT: Environmental Assessment for the Repair of Kalaupapa Dock Structures to Ensure Continuous Barge Service
LOCATION: Island of Molokai
APPLICANT: U.S. Department of the 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 December 6, 2010.

Only 1 copy of the report available in Room 220.

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

- (X) We have no objections.
- () We have no comments.
- () Comments are attached.

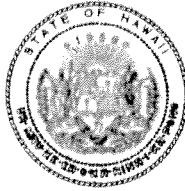
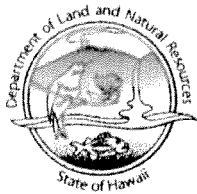
RECEIVED

NOV 18 2010

Div. of Aquatic Resources

Signed:
Date: 12/6/10 ROBERT T. NISHIMOTO, Ph.D.
Aquatic Resources Program Manager

LINDA LINGLE
GOVERNOR OF HAWAII



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

RECEIVED
MAUI DISTRICT
LAND DIVISION
2010 OCT 26 PM 2:23

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 25, 2010

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
☒ Historic Preservation

RECEIVED
LAND DIVISION
2010 DEC - 1 A 10:11
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

FROM: Charlene Unoki, Assistant Administrator
SUBJECT: Environmental Assessment for the Repair of Kalaupapa Dock Structures to Ensure Continuous Barge Service
LOCATION: Island of Molokai
APPLICANT: U.S. Department of the 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 **December 6, 2010**.

Only 1 copy of the report available in Room 220.

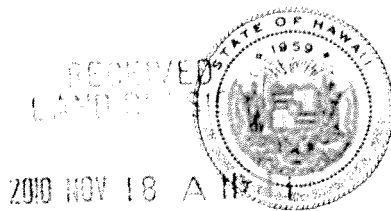
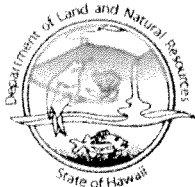
If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

☒ We have no objections.
☒ We have no comments.
☐ Comments are attached.

Signed:
Date: 12/3/10

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

PAUL J. CONRY
ACTING FIRST DEPUTY

LENORE N. OHYE
ACTING 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
KAHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

Correspondence: MA 11-89

MEMORANDUM

TO: Charlene Unoki, Assistant Administrator
Land Division

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

SUBJECT: Environmental Assessment (EA) for the Repair of Kalaupapa Dock Located at
Kalaupapa, Molokai, seaward of TMK plat: (2) 6-1-001:xxx

The Office of Conservation and Coastal Lands (OCCL) has reviewed the EA online. According to the information presented, the proposed work is noted as deferred maintenance and consists of filling voids in the bulkhead wall toe, low dock toe and breakwater for structural integrity; removing armor stones impacting the draft and re-establishing displaced armor stones; and concrete repairs to the deck pier caps and beams as well as repair of a void on the north side of the pier.

The submerged land in this vicinity lies within the Resource subzone of the Conservation District. The breakwater and pier appear to be nonconforming structures created in 1930 and 1967 respectively. The construction of the pier was authorized under the Army Corps. The proposed work appears to be repair and maintenance of a nonconforming structure. The OCCL has no objections to the proposed work and the proposed action **does not require** the filing of a Conservation District Use Application (CDUA).

Should you have any questions regarding this memorandum, contact Tiger Mills of our Office at (808) 587-0382.

LINDA LINGLE
GOVERNOR OF HAWAII



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

RECEIVED
LAND DIVISION

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

2010 OCT 27 P 3:01
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

October 25, 2010

MEMORANDUM

TO: **DLNR Agencies:**
From: ☒ 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
☒ Historic Preservation

TO: *Charlene*
FROM: Charlene Unoki, Assistant Administrator
SUBJECT: Environmental Assessment for the Repair of Kalaupapa Dock Structures to Ensure Continuous Barge Service
LOCATION: Island of Molokai
APPLICANT: U.S. Department of the 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 December 6, 2010.

Only 1 copy of the report available in Room 220.

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

- () We have no objections.
(X) We have no comments.
() Comments are attached.

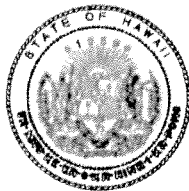
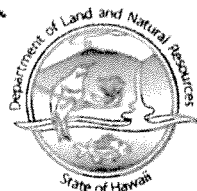
Signed: *Edmund R. Unoki*

Date: 10/26/10

OCT26'10PM12:29BDR DIV

57519

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
(HARRPSON)
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
RECEIVED
LAND DIVISION

2010 NOV -4 P 2:45

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 25, 2010

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
☒ Historic Preservation

FROM: Charlene Unoki, Assistant Administrator

SUBJECT: Environmental Assessment for the Repair of Kalaupapa Dock Structures to Ensure Continuous Barge Service

LOCATION: Island of Molokai

APPLICANT: U.S. Department of the Interior, National Park Service

RECEIVED
STATE PARKS
70 OCT 26 AM 10:00
DEPT. OF LAND &
NATURAL RESOURCES

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by December 6, 2010.

Only 1 copy of the report available in Room 220.

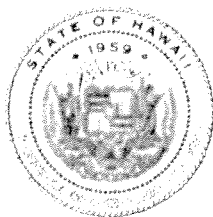
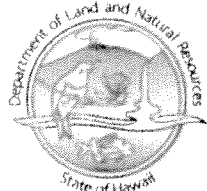
If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- (✓) We have no objections.
() We have no comments.
() Comments are attached.

Signed:
Date: 10/26/10

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

PAUL J. CONRY
ACTING FIRST DEPUTY

LENORE N. OHYE
ACTING 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

DATE: November 12, 2010

LOG: 2010.3479

DOC: 1011RS21

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

SUBJECT: **National Historic Preservation Act (NHPA) Section 106 Consultation / EA for Pier and Dock Structure Repairs**
Permit # (None)
Building Owner: United States Government
Location: Kalaupapa, Molokai
Tax Map Key: (2) 6-1-001:

This letter is in response to your communication of October 15, 2010, received by our office on October 21, 2010, re proposed repairs to the Kalaupapa dock. The proposed work would:

- fill voids in the bulkhead wall toe, low dock toe, and the breakwater to maintain structural integrity;
- armoring of the breakwater would be re-established, and displaced armor stones impeding barge draft would be removed from the berthing basin;
- completion of the concrete repairs to the deck pier caps and beams; and
- repair a void on the north side of the pier.

The area of potential effect would be the harbor basin and channel.

Kalaupapa is an isolated settlement on the north shore of the island of Molokai, famous as the site where, beginning in the 19th century, Hansen's Disease (leprosy) victims were isolated from the rest the population. The vast majority of materials needed to sustain both the settlement and park operations arrive by barge using this pier and dock complex. The pier and dock are located within the National Park boundary.

Our office concurs that the project as described will not affect historic property.

Any questions should be addressed to Ross W. Stephenson, SHPD Historian, at (808) 692-8028 (office), (808) 497-2233 (cell) or ross.w.stephenson@hawaii.gov.

Mahalo for the opportunity to comment.

A handwritten signature in black ink, appearing to read "Pua Aiu", is written over a circular stamp.

Pua Aiu
Administrator

In the event that historic resources, including human skeletal remains, lava tubes, and lava blisters/bubbles are identified during construction activities, all work should cease in the immediate vicinity of the find, the find should be protected from additional disturbance, and the State Historic Preservation Division should be contacted immediately at (808) 692-8015.

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

November 4, 2010

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

Dear Mr. Prokop:

Environmental Assessment for the Repair of Kalaupapa Dock Structures
to Ensure Continued Barge Service at Kalaupapa National Historic Park

Thank you for the opportunity to comment on the Environmental Assessment (EA) for proposed repairs to pier and dock structures at Kalaupapa National Historic Park.

We are in agreement with the concerns already under consideration:

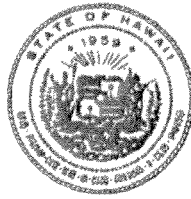
- Potential impact on federal and state-listed threatened and endangered species in the potential area of effect.
- Effect of the construction activities on the corals.
- Effect on the water quality in the harbor as a result of the construction.
- Possible introduction of non-native species into park waters from the proposed activities.
- Effect on access to the breakwater for fishing during construction.
- Effect of repairs to existing dock on cultural resources, particularly since the dock is a contributing resource in a National Historic Park.
- Possible disturbance of the quiet and peacefulness of the Kalaupapa Settlement.
- Effect on park, visitors, and residents during construction.

We defer to the Department of Land and Natural Resources as to viability of the proposed repairs with regard to historic, cultural, archeological, and aquatic resources.

Please call me at 808-733-4300 if you have any questions.

Sincerely,


EDWARD T. TEIXEIRA
Vice Director of Civil Defense



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

In reply, please refer to:
EMD / CWB

10067PJF.10

October 28, 2010

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

Dear Mr. Prokop:

**SUBJECT: Environmental Assessment (EA) for Proposed Repairs to Pier and Dock Structures at Kalaupapa National Historical Park
Kalaupapa, Island of Moloka'i, Hawaii**

The Department of Health, Clean Water Branch (CWB), has reviewed the subject document and offers these comments on your project.

Please note that our review is based solely on the information provided in the subject document and its compliance with the Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend 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, Section 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, Section 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).

2. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for an NPDES general permit coverage by submitting a Notice of Intent (NOI) form:

- a. Storm water associated with construction activities, including clearing, grading, and excavation, 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. Construction dewatering effluent.

You must submit a separate NOI form for each type of discharge at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at:

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

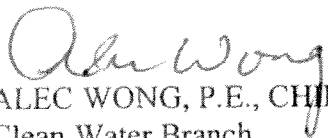
3. For types of wastewater not listed in Item No. 2 above or wastewater discharging into Class 1 or Class AA waters, you may need an NPDES individual permit. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. The NPDES 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>.
4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 Water Quality Certification are required, must comply with the State's Water Quality Standards. 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.

Mr. Steve Prokop
October 28, 2010
Page 3

10067PJF.10

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.

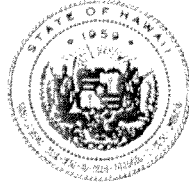
Sincerely,


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

JF:ml

c: DOH-EPO #I-3392 [via email only]
Mr. Ronald Asakura, Maui, CWB District Health Office [via email only]

LINDA LINGLE
GOVERNOR



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

MICHAEL D. FORMBY
INTERIM DIRECTOR

Deputy Directors
FRANCIS PAUL KEENO
JIRO A. SUMADA

IN REPLY REFER TO

STP 8.0283

November 10, 2010

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

Dear Mr. Prokop:

Subject: Repair of Kalaupapa Dock Structures
Draft Environmental Assessment (DEA)

Thank you for requesting the State Department of Transportation's (DOT) review of the subject project.

DOT understands that the National Park Service (NPS) proposes to repair the pier and dock structures at Kalaupapa National Historic Park.

Given the project's location, DOT does not anticipate any significant, adverse impacts to its transportation facilities.

DOT appreciates the opportunity to provide comments. If there are any other questions, please contact Mr. David Shimokawa of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7976.

Very truly yours,

Francis Paul Keeno

for MICHAEL D. FORMBY
Interim Director of Transportation

LINDA LINGLE
GOVERNOR OF HAWAII



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

PAUL J. CONRY
ACTING FIRST DEPUTY

LENORE N. OHYE
ACTING 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
KAROLAWA 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:TM

Correspondence: MA 11-89

MEMORANDUM

TO: Charlene Unoki, Assistant Administrator
Land Division

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

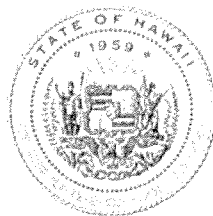
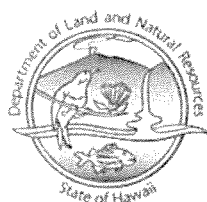
SUBJECT: Environmental Assessment (EA) for the Repair of Kalaupapa Dock Located at
Kalaupapa, Molokai, seaward of TMK plat: (2) 6-1-001:xxx

The Office of Conservation and Coastal Lands (OCCL) has reviewed the EA online. According to the information presented, the proposed work is noted as deferred maintenance and consists of filling voids in the bulkhead wall toe, low dock toe and breakwater for structural integrity; removing armor stones impacting the draft and re-establishing displaced armor stones; and concrete repairs to the deck pier caps and beams as well as repair of a void on the north side of the pier.

The submerged land in this vicinity lies within the Resource subzone of the Conservation District. The breakwater and pier appear to be nonconforming structures created in 1930 and 1967 respectively. The construction of the pier was authorized under the Army Corps. The proposed work appears to be repair and maintenance of a nonconforming structure. The OCCL has no objections to the proposed work and the proposed action **does not require** the filing of a Conservation District Use Application (CDUA).

Should you have any questions regarding this memorandum, contact Tiger Mills of our Office at (808) 587-0382.

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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CONSERVATION AND RESOURCES ENFORCEMENT
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KAIHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

December 6, 2010

Stephen Prokop, Superintendent
Kalaupapa National Historical Park
US Department of the Interior
PO 2222
Kalaupapa, Hawaii 96742

LOG NO: 2010.3479
DOC NO: 1012MD02
Archaeology

Dear Mr. Prokop:

**SUBJECT: National Historic Preservation Act (NHPA) Section 106 Review -
Proposed Repairs to the Kalaupapa Pier and Dock Structures
Kalaupapa Ahupua'a, Kalawai County, Island of Moloka'i
TMK: (2) 6-1-001: (por.)**

Thank you for your correspondence regarding the aforementioned undertaking, which we received on October 19, 2010. We apologize for the delay in our reply.

The National Park Service (NPS) is proposing repairs the historic Kalaupapa Pier and Dock in the Kalaupapa Harbor. This will be the third of a three-phase project; the first two phases were previously completed by the State of Hawaii Department of Health.

Repairs will include: filling voids in the bulkhead wall toe, low dock toe, and breakwater for structural integrity. Armoring of the breakwater would be re-established, and displaced armor stones impeding barge draft would be removed from the berthing basin. In addition, completion of the concrete repairs to the deck pier caps and beams and repair of a void on the north side of the pier would be completed.

The NPS has determined that this undertaking will have **no adverse affect** on historic properties, pursuant to 36 CFR 800.5(b), and we concur with that assessment.

If you have questions about this letter please contact Morgan Davis at (808) 243-5169 or via email to: morgan.e.davis@hawaii.gov.

Aloha,

A handwritten signature in black ink, appearing to read "Theresa K. Donham".

Theresa K. Donham
Acting Archaeology Branch Chief
State Historic Preservation Division

Errata Sheets

Kalaupapa National Historical Park

Project to Repair the Kalaupapa Dock Structures

Environmental Assessment

This Errata consists of two sections. Corrections and revisions to the Environmental Assessment (EA) are documented in the first section. Revisions were made in response to comments from public and agency reviews of the EA. These edits combined did not result in any substantial modifications incorporated into the selected alternative, nor affected the evaluation of environmental consequences, and it has been determined that the alterations do not require additional environmental analysis. The page numbers referenced are from the *Project to Repair the Kalaupapa Dock Structures Environmental Assessment*.

Responses to comments and questions received from NOAA Fisheries, Pacific Islands Regional Office Habitat Conservation Division follow the section documenting the changes to the EA text.

CORRECTIONS TO EA TEXT

Page 35 Under the “Benthic Resources, Fishes, and Essential Fish Habitat” section. The following text is added at the end of the third bullet:

NPS will monitor actual take of corals as well as document the level of increased survival from less anchor damage where mooring buoys are used.

Page 55 Under the “Federal Regulatory Framework” section.

Second paragraph is revised to clarify the approval is called a clean water quality certification, as follows:

CWA section 401 requires projects requiring a federal permit, waiver, agreement, or other form of permission to conform to state water quality standards when a project may result in the discharge of material into waters of the U.S. CWA 401 approval is commonly called a clean water quality certification.

Page 55 Under the “Federal Regulatory Framework” section.

Fourth paragraph is rewritten to clarify the jurisdiction of the U.S. Army Corps of Engineers with respect to Section 404 of the Clean Water Act, as follows:

Section 404 regulates discharge into navigable waters of the U.S. Waters of the U.S., included flowing water such as streams and rivers, standing water such as ponds and lakes, and coastal waters such as estuaries and open ocean. A subset of these waters includes special aquatic sites such as wetlands, mudflats, and reefs. A U.S. Army Corps of Engineers permit issued under Section 404 will trigger state water quality certification requirements under Clean Water Act Section 401 (33 USC 1341). The U.S. Army Corps of Engineers informed NPS that the proposed Kalaupapa harbor project comes under U.S. Army Corps of Engineers jurisdiction (USACE 2008).

Page 56 Under the “Federal Regulatory Framework” section.

First paragraph on page 56 is revised; the last two sentences are removed because they were inserted as part of the revision to the fourth paragraph on the previous page. The first paragraph on page 56 is revised to read as follows:

Section 10 of the *Rivers and Harbors Act of 1899* regulates the construction of any structure or work within navigable waters of the U.S. that may affect the course, location, condition, or capacity of those waters (33 USC 403 and 33 CFR 320, et seq.). The U.S. Army Corps of Engineers must authorize such activities. In the case of the Kalaupapa harbor, “navigable waters” refers to waters subject to the ebb and flow of the tide. The U.S. Army Corps of Engineers must consider the following criteria when evaluating project permits: 1) the relative extent of the public and private need for the activity; 2) reasonable alternative locations and methods to accomplish the

objective; and 3) the extent and permanence of the beneficial and detrimental effects on the public and private uses to which the area is suited (33 CFR 320.4[2]).

Page 67 Under the “Essential Fish Habitat at Kalaupapa Harbor” section.

At the end of the section (before the “Effects of Sound on Benthic Invertebrates” section) the following table is inserted to identify the Management Unit Species potentially found at Kalaupapa harbor, including life stages included in the EFH.

Management Unit Species Potentially Found at Kalaupapa Harbor with Designated Essential Fish Habitat			Listed in table	Lifestage Present (Juv-Ad)	EFH	Impact
Management Unit Species And Designated Essential Fish Habitat (EFH)	Family	Species				
Bottomfish Designated EFH for eggs and larvae from shoreline to depth of 1,200 feet.	Serranidae	<i>Cephalopholis argus</i> peacock grouper	Yes	Juv-Ad	Yes	Provide more habitat
	Carangidae	<i>Caranx melampygus</i> bluefin trevally	Yes	Juv-Ad	Yes	Reduce habitat
		<i>Scomberoides lysan</i> leatherback	Yes	Ad	Yes	No effect
		<i>Seriola dumerili</i> greater amberjack	No	Ad	No	No effect
	Lutjanidae	<i>Aphareus furca</i> smalltooth jobfish	Yes	Juv-Ad	Yes	No effect
		<i>Aprion virescens</i> green jobfish	No	Juv-Ad	No	No effect
		<i>Lutjanus fulvus</i> blacktail snapper	Yes	Juv-Ad	Yes	Provide more habitat
		<i>L. Kasmira</i> bluestripe snapper	Yes	Juv-Ad	Yes	Provide more habitat
	Lethrinidae	<i>Monotaxis grandoculis</i> bigeye emperor	Yes	Juv	Yes	No effect
	Palinuridae	<i>Panulirus penicillatus</i> Spiny lobster	Yes	Juv-Ad	Yes	Provide more habitat
Crustaceans Designated EFH for larvae is the water column from shoreline to 500 feet. Designated EFH for juvenile and adult lobsters is bottom habitat		<i>Panulirus marginatus</i> Hawaiian spiny lobster	Yes	None	No	No effect

Management Unit Species Potentially Found at Kalaupapa Harbor with Designated Essential Fish Habitat			Listed in table	Lifestage Present (Juv-Ad)	EFH	Impact
Management Unit Species And Designated Essential Fish Habitat (EFH)	Family	Species				
from the shoreline to 325 feet.	Scyllaridae	<i>Scyllarides haanii</i> Ridgeback slipper lobster	No	None	No	No effect
		<i>Scyllarides squammosus</i> Slipper lobster	No	None	No	No effect
		<i>Parribacus antarcticus</i> Chinese slipper lobster	Yes	Juv-Ad	Yes	Provide more habitat
	Raninidae	<i>Ranina ranina</i> Kona crab	No	None	No	No effect
Coral Reef Ecosystem Designated EFH includes the water column and all benthic habitat from the shoreline to 300 feet below the surface.	Holocentridae	<i>Myripristis berndti</i> bigscale soldierfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Myripristis kuntee</i> epaulette soldierfish	No	None	No	No effect
		<i>Neoniphon samara</i> spotfin squirrelfish	No	None	No	No effect
		<i>Sargocentron diadema</i> crown squirrelfish	Yes	Unknown	Unk	Unknown
	Mullidae	<i>Mulloidichthys flavolineatus</i> yellowstripe goatfish	Yes	Juv-Ad	Yes	Reduce habitat
		<i>Mulloidichthys vanicolensis</i> yellowfin goatfish	Yes	Juv-Ad	Yes	Reduce habitat
		<i>Parupeneus insularis</i> doublebar goatfish	Yes	Juv	Yes	Provide more habitat
		<i>Parupeneus cyclostomus</i> blue goatfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Parupeneus multifasciatus</i>	Yes	Juv-Ad	Yes	Provide more habitat

Management Unit Species Potentially Found at Kalaupapa Harbor with Designated Essential Fish Habitat			Listed in table	Lifestage Present (Juv-Ad)	EFH	Impact
Management Unit Species And Designated Essential Fish Habitat (EFH)	Family	Species				
		manybar goatfish				
		<i>Parupeneus pleurostigma</i> sidespot goatfish	Yes	Juv-Ad	Yes	Reduce habitat
		<i>Parupeneus porphyreus</i> whitesaddle goatfish	Yes	Juv-Ad	Yes	Provide more habitat
	Labridae	<i>Anampses chrysocephalus</i> psychedelic wrasse	Yes	Juv-Ad	No	No effect
		<i>Anampses cuvier</i> pearl wrasse	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Bodianus bilunulatus</i> Hawaiian hogfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Coris flavovittata</i> yellowstriped coris	Yes	Juv-Ad	Yes	Reduce habitat
		<i>Coris gaimard</i> yellowtail coris	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Coris venusta</i> elegant coris	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Gomphosus varius</i> bird wrasse	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Halichoeres ornatissimus</i> ornate wrasse	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Labroides phthiophagus</i> Hawaiian cleaner wrasse	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Macropharyngodon geoffroy</i> shortnose wrasse	Yes	Juv-Ad	Yes	Provide more habitat

Management Unit Species Potentially Found at Kalaupapa Harbor with Designated Essential Fish Habitat			Listed in table	Lifestage Present (Juv-Ad)	EFH	Impact
Management Unit Species And Designated Essential Fish Habitat (EFH)	Family	Species				
		<i>Oxycheilinus bimaculatus</i> twospot wrasse	Yes	Juv-Ad	Yes	Reduce habitat
		<i>Pseudocheilinus evanidus</i> disappearing wrasse	No	None	No	No effect
		<i>Pseudocheilinus octotaenia</i> eightstripe wrasse	No	None	No	No effect
		<i>Pseudocheilinus tetrataenia</i> fourstripe wrasse	Yes	Ad	Yes	Provide more habitat
		<i>Pseudojuloides cerasinus</i> smalltail wrasse	No	None	No	No effect
		<i>Stethojulis balteata</i> belted wrasse	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Thalassoma ballieui</i> blacktail wrasse	Yes	Ad	Yes	No effect
		<i>Thalassoma duperrey</i> saddle wrasse	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Thalassoma purpurum</i> surge wrasse	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Thalassoma trilobatum</i> Christmas wrasse	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Xyrichtys umbrilatus</i> blackside razorfish	No	None	No	No effect
	Scaridae	<i>Calotomus carolinus</i> stareye parrotfish	Yes	Juv	Yes	Provide more habitat
		<i>Chlorurus perspicillatus</i>	Yes	Juv-Ad	Yes	Provide more

Management Unit Species Potentially Found at Kalaupapa Harbor with Designated Essential Fish Habitat			Listed in table	Lifestage Present (Juv-Ad)	EFH	Impact
Management Unit Species And Designated Essential Fish Habitat (EFH)	Family	Species				
		spectacled parrotfish				habitat
		<i>Chlorurus sordidus</i> bullethead parrotfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Scarus dubius</i> regal parrotfish	No	None	No	No effect
		<i>Scarus psittacus</i> palenose parrotfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Scarus rubroviolaceus</i> redlip parrotfish	Yes	Juv-Ad	Yes	Provide more habitat
	Acanthuridae	<i>Acanthurus Achilles</i> Achilles tang	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Achilles blochii</i> ringtail surgeonfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Achilles dussumieri</i> eyestripe surgeonfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Achilles leucopareius</i> whitebar surgeonfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Achilles nigrofuscus</i> brown surgeonfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Achilles nigroris</i> bluelined surgeonfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Achilles olivaceus</i> orangeband surgeonfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Achilles triostegus</i> convict surgeonfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Achilles xanthopterus</i>	No	None	No	No effect

Management Unit Species Potentially Found at Kalaupapa Harbor with Designated Essential Fish Habitat			Listed in table	Lifestage Present (Juv-Ad)	EFH	Impact
Management Unit Species And Designated Essential Fish Habitat (EFH)	Family	Species				
		yellowfin surgeonfish				
		<i>Ctenochaetus hawaiiensis</i> black surgeonfish	No	None	No	No effect
		<i>Ctenochaetus strigosus</i> goldring surgeonfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Naso brevirostris</i> paletail unicornfish	Yes	Juv	Yes	Reduce habitat
		<i>Naso hexacanthus</i> sleek unicornfish	No	None	No	No effect
		<i>Naso lituratus</i> orangespine unicornfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Naso unicornis</i> bluespine unicornfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Zebrasoma flavescens</i> Yellowtang	No	None	No	No effect
		<i>Zebrasoma veliferum</i> sailfin tang	Yes	Juv-Ad	Yes	Provide more habitat
	<i>Balistidae</i>	<i>Melichthys niger</i> black durgon	No	None	No	No effect
		<i>Melichthys vidua</i> pinktail durgon	No	None	No	No effect
		<i>Rhinecanthus rectangulus</i> reef triggerfish	Yes	Juv-Ad	Yes	Reduce habitat
		<i>Sufflamen bursa</i> lei triggerfish	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Sufflamen fraenatus</i>	No	None	No	No effect

Management Unit Species Potentially Found at Kalaupapa Harbor with Designated Essential Fish Habitat			Listed in table	Lifestage Present (Juv-Ad)	EFH	Impact
Management Unit Species And Designated Essential Fish Habitat (EFH)	Family	Species				
		bridled triggerfish				
	Octopodidae	<i>Octopus cyanea</i> <i>big blue octopus</i>	Yes	Juv-Ad	Yes	Provide more habitat
		<i>Octopus ornatus</i> <i>ornate octopus</i>	Yes	Unknown	Unk	Unkown

Page 68. Under the “Guiding Regulations and Policies” section. The following text is added:

Fish and Wildlife Coordination Act.

The Fish and Wildlife Coordination Act, as amended (FWCA), (16 USC 661-667e) required consultation with the Fish and Wildlife Service and the fish and wildlife agencies of States where the “waters of any stream or other body of water are proposed or authorized or licensed to be impounded, diverted...or otherwise controlled or modified” by any agency under a Federal permit or license. Consultation is to be undertaken for the purpose of “preventing loss of and damage to wildlife resources.”

Page 71. Under the “Impact Criteria and Thresholds – Essential Fish Habitat” section. Text corrected to clarify inconsistent definition of adverse effects. The text is revised to read as follows:

Impact Criteria and Thresholds – Essential Fish Habitat. Adverse impacts to essential fish habitat (EFH) are those that reduce the quality or quantity of EFH by: 1) altering the physical, chemical, or biological condition of the waters or substrates; or 2) resulting in the injury or loss of benthic organisms or prey species and their habitat.

Adverse effects may be any impact which reduces quality and/or quantity of EFH. Adverse effects may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey, or reduction in species’ fecundity), site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions (50 CFR 600.810[a]). Determination of substantial adverse effects “should be based on project-specific considerations, such as the ecological importance or sensitivity of an area, the type and extent of EFH affected, and the type of activity. Substantial adverse effects are “effects that may pose a relatively serious threat to EFH and typically could not be alleviated through minor modifications to a proposed action” (67 FR 2367). Based on the above, impact criteria and thresholds for EFH are described below.

Page 72. Under the “Impacts to Benthic Resources” section. Text corrected to include a list of the corals most affected by the proposed action. The text is revised to read as follows:

Impacts to Benthic Resources. Under Alternative B, impacts to benthic habitat during project implementation would be short-and long-term, localized, minor, and adverse. Short-term impacts would be primarily to turf algae and mobile marine organisms. Long-term impacts would be primarily to corals and other sessile marine organisms that are slow growing and long-lived. The harbor has low habitat diversity and species richness compared to adjacent areas, which may be the result of prior construction activities. Coral in the harbor area at Kalaupapa that would be most affected by Alternative B include the breakwater and piling corals in branching, encrusting, and lobate growth modes. Breakwater corals include: pocillopora meandrina (branching), Montipora capitata (encrusting), and Porites lobata. Piling corals include: Pocillopora meandrina (branching), Montipora patula (encrusting), and Porites lobata (lobate). All of these species would be minimally affected by the proposed project.

The use of a deck barge is not expected to result in additional impacts. The barge is expected to predominantly use the existing bits and bollards that were recently replaced as part of Hawaii Department of Health Phase 2 dock repairs. The construction contract will prohibit placement of anchors in areas with corals.

Page 73. Under the “Impacts to Essential Fish Habitat” section. Text to be corrected to change “no adverse effects on EFH” to “minimal adverse effects on EFH” and “27 square feet of existing corals” to “90 square feet of existing corals.” The text is revised to read as follows:

Impacts to Essential Fish Habitat. Under Alternative B, and in accordance with methodologies discussed in the previous impact criteria and thresholds section, there will be minimal adverse effects on EFH. Assuming the activities proposed for Alternative B directly impact 25 percent of the current berthing basin, approximately 5,425 square feet (0.1 acre) of EFH will be impacted. Based on cover estimate from the five transects cited in Brown et al. (2008), impacts will include 4,160 square feet (0.1 acre) of turf algae and about 90 square feet of existing corals. For comparison, EFH within the park totals 2,000 acres, itself a small percentage of total EFH along the peninsula. Impacts will arise from work related to filling existing voids in the bulkhead wall toe, the low dock toe, and the breakwater; and repositioning of displaced armor stones.

Page 73. Under the “Cumulative Impacts” section. Text to be corrected to change “no adverse effects on EFH” to “minimal adverse effects on EFH.” The text is revised to read as follows:

Cumulative Impacts. Alternative B will have short- and long-term, localized, minor, and adverse impacts. The overall impact of other projects and plans described in Alternative A will be long-term, localized, moderate, and adverse, mostly resulting from prior harbor development and construction. The overall cumulative effect of Alternative B and other projects and plans will be long-term, localized, moderate, and adverse. There will be minimal adverse effects on EFH.

Page 73. Under the “Conclusion” section. Text to be corrected to change “no adverse effects on EFH” to “minimal adverse effects on EFH.” The text is revised to read as follows:

Conclusion. Impacts of Alternative B on turf algae and mobile marine organisms will be short- and long-term, localized, minor, and adverse. Due to the length of time for coral to recover from disturbance, impacts will be long-term. The FONSI will document the results of NPS consultation with resource agencies on the preliminary Habitat Equivalency Analysis and the proposed compensatory mitigation.

There will be minimal adverse effects to EFH. The cumulative effect of Alternative B and other projects and plans will be long-term, localized, moderate, and adverse.

Alternative B will not result in impairment of benthic habitat or EFH resources or values.

Page 134. Under the “National Marine Fisheries Service” section, at the beginning of the second paragraph. The following text is added:

The NOAA Fisheries Habitat Conservation Division participated in an initial conference call in October 2008 that discussed essential fish habitat, a harbor resource survey assessment, best management practices, and Habitat Equivalency Analysis methodology. NOAA participated in a site visit in November 2009. Additional consultations with NOAA through 2009 and 2010 included continuing discussions on coral impacts, Habitat Equivalency Analysis methodology, and potential mitigation.

Page 135. Under the “U.S. Fish and Wildlife Service” section, at the end of the first paragraph. The following text is added:

There was a preliminary FWCA site visit in November 2009 with USFWS, NOAA, and NPS biologists and it was determined that full FWCA investigation was not necessary due to quality of quantitative data collected by NPS biologists within and adjacent to the impact areas; since data are current, USFWS and NOAA did not need to repeat data collection.

Page 136. Table 16, column two heading.

“Action” is changed to “Needed Action/Required Permit”

Page 136. Table 16, fourth row.

Row for “Department of Land and Natural Resources Conservation District Use Authorization” is deleted.

RESPONSE TO COMMENTS

Pursuant to DO-12, an Errata is prepared to provide detailed responses to substantive comments on an EA. In addition the following NPS responses to comments and questions received from NOAA Fisheries,

Pacific Islands Regional Office Habitat Conservation Division, in deference to requests from the Office of Hawaiian Homelands and Hawaiian Office of Environmental Quality Control, all letters received were documented in an Appendix to the FONSI decision record prepared for this project.

Comment: Chapter 2. Alternatives: What additional operational impact to corals may the deck barge (6-x200 ft) to support operations, anchored adjacent to the harbor during the 4-month summer construction period produce?

Response: The use of a deck barge is not expected to result in additional impacts. The barge is expected to predominantly use the existing bits and bollards that were recently replaced as part of Hawaii Department of Health Phase 2 dock repairs. The construction contract will prohibit placement of anchors in areas with corals.

Comment: Table 5. Summary of Impacts of the Alternatives: There appear to be contradictory statements here: 1) Impact to corals is considered a long-term impact due to their long recovery time (with proposed compensatory mitigation); and 2) The conclusion in the EFH Assessment that 'there would be no adverse effect to EFH'. That there is a long-term/permanent loss of corals implies an adverse effect. The total area of this effect is also unclear. The NPS should clarify whether impact to 27ft² (or 90ft² ?) of coral colonies is an adverse impact under EFH, that requires compensatory mitigation.

Response: NPS agrees that the EA should be revised to conclude minimal adverse effect. Revision to the conclusion and area of impact (the correct area is 90 ft²) are included in errata to the EA.

Comment: Chapter 3. Affected Environment/Consequences: EFH/HACP is described for bottomfish management unit species (MUS), crustaceans MUS, and coral reef ecosystems MUS. But there is no table that lists which species, or life stage, occurs in the affected area.

Response: Revision is included in errata to the EA.

Comment: Chapter 3. Affected Environment/Consequences: EFH Impact Criteria and Thresholds- 'Adverse Impact' is defined as one that results in injury or loss of benthic organisms or habitat, and 'Adverse Effect' as any impact that decreases the quantity or quality of EFH. But then NPS goes on to redefine 'Adverse Effects' as impacts that permanently affect a relatively large portion of the affected environment.

Response: Text clarified to have consistent definition. Revision is included in errata to the EA.

Comment: Chapter 3. Affected Environment/Consequences: All activities under the Alternative B are expected to result in an estimated loss of 90 ft² of corals, mainly from moved armor stones, and a loss of 4,160 ft² of turf algae, the dominate cover of the pavement floor (page 73). The EA further states impacts would include 4,160 ft² of turf algae (that would recover rapidly), and 27 ft² of existing corals (which could take 10-20 yr to recover) (page 74). How does the 27 ft² of impacted corals here compare to the 90 ft² stated on the previous page? Which coral MUS are most affected?

Response: The correct area is 90 ft². Revision is included in errata to the EA. As described in the EA, the precious coral MUS is not found in or near the project area. As described in the HEA, the harbor area at Kalaupapa includes breakwater and piling corals in branching, encrusting, and lobate growth modes. Breakwater corals include: pocillopora meandrina (branching), Montipora capitata (encrusting), and Porites lobata. Piling corals include: Pocillopora meandrina (branching), Montipora patula (encrusting), and Porites lobata (lobate).

Comment: Chapter 3. Affected Environment/Consequences: EA states that a preliminary HEA was prepared to estimate the loss of ecosystem function provided by the impacted corals. But where are the details or conclusions of this HEA? The EA says NPS will consult with NMFS (e.g., on the HEA and proposed compensatory mitigation), but where is a summary of the consultation that has taken place to date? Will this only be available once a FONSI is complete? While not well stated, if conclusion of this EA is indeed a FONSI, then why is a HEA, and compensatory mitigation for loss of habitat and the ecosystem functions it provides, needed?

Response: A summary of consultation prior to the public release of the EA is added to the text of the EA. This revision is included in the errata to the EA. As committed to in the EA, a summary of the status of the HEA and associated agency consultations is summarized earlier in this FONSI.

The EA was prepared to facilitate consultations with NMFS and allow for public review and comment. A determination of Finding of No Significant Impact (FONSI) is performed after agency consultations and public review and comment periods are completed. NPS policy requires that the evaluation of impacts on natural resources include the full incorporation of mitigation measures. Consequently an HEA was completed to help identify the compensatory mitigation.

Comment: Chapter 3. Affected Environment/Consequences: The section on 'Fishes' is well written and included to meet a NPS requirement to maintain resources, but it could be integrated under EFH as MUS. Species present in the harbor are of low diversity and abundance.

Response: Beets et al. (2006) was used as a source document in preparation of the 'Fishes' section. Information from this source document is added to the text of the EA. Revision is included in errata to the EA.

Comment: Chapter 4. Consultation/Coordination: This section discusses consultation with NMFS that began in mid-2008 on protected species and EFH. While the project has substantially changed since then, it states that a HEA is being completed to determine compensatory mitigation for coral impacts. Where is it described what NPS-NMFS discussed regarding EFH? No conclusion as to an EFH assessment is mentioned, other than Tab. 16 on Compliance and Permitting with Action listed as 'Concurrent with No Adverse Effects to Essential Fish Habitat', which appears more as an intended goal, rather than an outcome (otherwise what is the purpose of this EA with EFH assessment for NMFS agency review?).

Response: A summary of consultation prior to the public release of the EA is added to the text of the EA. This revision is included in the errata to the EA. As committed to in the EA, a summary of the status of the HEA and associated agency consultations is summarized in the FONSI.

A conclusion as to the EFH habitat assessment is included in the Environmental Consequences section of the EA. Based on comments the conclusion has been revised to conclude minimal adverse effect as noted in the errata and response to comments. Revisions to Table 16 are included in the errata to clarify that the actions identified in the table were the needed action/required permit.

Comment: Summary of questions/concerns: EA concludes that "there will be no adverse effect to EFH". While it also states that there will be permanent impact to marine benthic resources (e.g., up to 90 ft² of discrete coral colonies lost on the basalt pavement, breakwater boulders, and concrete structures), and that a HEA will be used to determine the level of lost functions and services to be compensated. By definition, a permanent loss of corals and related marine biota is an "adverse effect to EFH". While 90 ft² may seem small, it may be a considerable portion of the Kalaupapa Harbor of which only ~1% is coral, and represent a loss of habitat important to some MUS.

Response: NPS agrees that the EA should be revised to conclude minimal adverse effect. Revision to the conclusion and area of impact (the correct area is 90 ft²) are included in errata to the EA.

Comment: Summary of questions/concerns: The EFH Assessment should discuss effects on EFH for each MUS and major lifestage present in the impacted area. Is the harbor important habitat for any MUS (e.g., preferred settlement habitat, shelter from predation)? Characterize the extent of the EFH impact (e.g., minimal to substantial, based on what evidence?).

Response: Revision is included in errata to the EA.

Comment: Summary of questions/concerns: Is the proposed mitigation sufficient and appropriate compensation? NPS may wish to implement a survey to monitor the actual take of corals (number of colonies, volume) impacted, as well as document the level of increased survival from less anchor damage where mooring buoys are used.

Response: NPS will monitor actual take of corals as well as document the level of increased survival from less anchor damage where mooring buoys are used.