

## **CHAPTER V: REGULATORY COMPLIANCE**

### **National Environmental Policy Act (NEPA)**

This EA was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 and its implementing regulations. Public scoping occurred in August and September 2004. The EA would be distributed to the public for a 30-day review. Upon completion of the review, the NPS would assess public comments, and as appropriate, may modify the preferred alternative. If the Hawaii Volcanoes National Park Superintendent and the Pacific West Regional Director decide that the proposed actions would significantly effect the human environment, based on this EA and any substantive comments received, a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) would be issued. A Finding of No Significant Impact (FONSI) would be issued by the Regional Director if it is determined that there would be no significant impacts from the proposed action.

### **Endangered Species Act (ESA)**

Section 7 of the Endangered Species Act (ESA) requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) on any action that may affect endangered or threatened species or candidate species, or that may result in adverse modification of critical habitat. As part of the consultation process for this EA, NPS initiated informal Section 7 consultation with the USFWS on 8/22/05 for the nene (Hawaiian goose) and *Silene hawaiiensis*. In a letter dated 3/29/06, the U.S. Fish and Wildlife Service concurred with the park's recommendations to avoid/minimize impacts to nene and *S. hawaiiensis* and the park's determination that the proposed action is not likely to adversely affect these two species.

The project and mitigations have continued to be discussed with the U.S. Fish and Wildlife Service throughout the development of the project and this EA. Informal consultation with the U.S. Fish and Wildlife Service would continue with consultation on this EA and all vegetation and wildlife special status species included in the impact analysis.

### **National Historic Preservation Act (NHPA)**

Section 106 of the National Historic Preservation Act (NHPA) of 1966 and its implementing regulations require federal agencies to consider the effects of their undertakings on historic properties (resources that have been determined eligible or are listed on the National Register of Historic Places (National Register). The NHPA also requires that State Historic Preservation Office (SHPO), and as necessary, the Advisory Council on Historic Preservation (Council), be provided a reasonable opportunity to review and comment on these actions. Section 106 also requires federal agencies to consult with Native Hawaiian organizations about the effects of their undertakings on resources of traditional religious or cultural importance eligible for listing or listed on the National Register. The information and mitigation gathered as part of the Section 106 consultation must be included in the NEPA document. Before preparation of this EA, the proposals were discussed with the members of the park's kupuna consultation group (July 2004). The kupuna expressed agreement with the resources protection and road improvement aspects of

the proposal. The State Historic Preservation Division was contacted and the project discussed informally. The park consulted with the State Historic Preservation Officer (SHPO) on determinations of eligibility (DOE) for cultural resources within the proposed project's area of potential effect, including 1) the Crater Rim Historic District National Register eligibility, SHPO concurred with the DOE on September 26, 2006; and 2) the archeological site within the project area, SHPO concurred with the DOE on December 31, 2009.

The Section 106 consultation would continue through the Crater Rim Drive Rehabilitation design process, including consultation on this environmental assessment. NPS would consult with the State Historic Preservation Officer/State Historic Preservation Division, Historic Hawaii Foundation, and Native Hawaiian organizations, including the Office of Hawaiian Affairs, Hui Malama I Na Kupuna O Hawaii Nei, and the Big Island Burial Council. As part of the consultation process for this EA, the NPS would continue to identify concerns, assess the potential for impacts on cultural resources, develop appropriate mitigation measures, and seek concurrence with the determination of effect.

## **CHAPTER VI: CONSULTATION AND COORDINATION**

### **Planning Team, Consultants, and Contributors**

#### **National Park Service, Hawaii Volcanoes National Park**

Cynthia Orlando	Superintendent
Ron Borne	Chief of Maintenance
Lisa Duwall	Landscape Architect
Catherine Lentz	Chief of Planning and Compliance
Rhonda Loh	Chief of Natural Resource Management
Laura Schuster	Chief of Cultural Resources
James Gale	Chief of Interpretation
Talmadge Magno	Chief Ranger
Kathleen Misajon	Biologist
Jade Moniz-Nakamura	Archeologist

#### **National Park Service, Pacific West Region**

George Turnbull	Acting Regional Director
Jack Williams	Chief of Facilities Management
Justin De Santis	Transportation Program Manager
Sarah Raube	Landscape Architect
Susan Dolan	Historical Landscape Architect
Kimball Koch	Historical Landscape Architect

#### **Federal Highways Administration**

Matt Ambroziak	Project Manager/Lead Designer
Mike Will	Design Team Leader
Dick Gillette	Project Engineer
Seth Greenwell	Planning and Programs Manager
Kevin Black	Contract Development Engineer
Khamis Haramy	Geotechnical Engineer
William Hakala	Construction Operations Engineer
Rick Marquez	Pavements Engineer
Laurie Miskimins	Transportation Planner

#### **SSFMI International Inc.**

Corey Matsuoka	Project Manager
Austen Drake	Project Engineer
Calvin Mann	Project Expeditor

## **Environmental Assessment Distribution: Persons, Organizations, and Agencies Contacted**

The NPS has prepared this EA to assess the environmental impacts of Hawaii Volcanoes National Park's proposed action, the rehabilitation of Crater Rim Drive and parking areas. The following parties, in addition to others, have either received or would be receiving a summary of the project EA for participation in the NEPA process. The full document is being made available on the park's web site, at public libraries, or by request.

### **Federal Government**

National Park Service, Pacific West Region  
U.S. Army Garrison Hawaii, Kilauea Military Camp at Kilauea Volcano  
USDA Forest Service  
U.S. Fish and Wildlife Service, Pacific Islands Ecoregion  
U.S. Geological Survey, Biological Resources Division  
U.S. Geological Survey, Hawaiian Volcano Observatory  
U.S. Geological Survey, Pacific Island Ecosystems Research Center

### **State of Hawaii**

Department of Land and Natural Resources, State Historic Preservation Officer  
Hawaii State Library  
Hawaii State Highways Division  
Hawaii State Historic Sites Division  
Office of Hawaiian Affairs

### **County of Hawaii**

Bond Memorial Public Library  
Hawaii County Fire Department  
Hawaii County Planning Director  
Hawaii County Public Works Department  
Hilo Public Library  
Holualoa Public Library  
Honokaa Public Library  
Kailua-Kona Public Library  
Keaau Public Library  
Kealahou Public Library  
Laupahoehoe Public Library  
Mountain View Public Library  
Naalehu Public Library  
Pahala Public Library  
Thelma Parker Public Library

## **Community Organizations, Associations, and Interest Groups**

Big Island Visitors and Convention Bureau  
Chamber of Commerce – Hilo  
Friends of Hawaii Volcanoes National Park  
Hawaii Electric Light Company (HELCO)  
Hawaii Island Burial Council  
Hawaii Natural History Association  
Hawaii Volcanoes National Park Informal Kupuna Consultation Group  
Historic Hawaii Foundation  
Historic Roads  
Kau Chamber of Commerce  
Oceanview Community Association  
Volcano Art Center  
Volcano Community Association

## CHAPTER VII: REFERENCES

### Advisory Council on Historic Preservation

- 2004 *Protection of Historic Properties: Regulations for Implementing Section 106 of the National Historic Preservation Act.* 36 CFR Part 800.

### Architectural Resources Group

- 2005 *Hawaii Volcanoes National Park, Crater Rim Drive Historic Road Inventory Report.* Architectural Resources Group.

### Council on Environmental Quality, Executive Office of the President

- 1978 *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.* Federal Register 43:55978-56007.

### David Evans and Associates, Inc.

- 2003 *Data Collection & Transportation Conditions Assessment, Hawaii Volcanoes National Park, 2002.*

### de Saint Ours, Patrice.

2003. *Structural Map of the Summit of Kilauea Volcano, Hawaii. Miscellaneous Field Studies Map MF-1368.*

### Decker, R, Wright, T. and Stauffer, P.

1987. *Volcanism in Hawaii.* U.S. Geological Survey Professional Paper 1350.

### Federal Highway Administration- Eastern Federal Lands (FHWA-EFL), U.S. Department of Transportation

- 2004 Road Inventory Program (RIP) Cycle 3: *The Road Inventory of Hawaii Volcanoes National Park.* Available from the FHWA-EFL office in Sterling, Virginia.

### Intergovernmental Panel on Climate Change (IPCC).

2007. Climate Change 2007: Synthesis Report. Contribution of Working Groups I, II, and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. Core Writing Team, R. K. Pachauri and A. Reisinger (eds.). Geneva, Switzerland: IPCC. *Volcanism in Hawaii.* U.S. Geological Survey Professional Paper 1350.

### National Park Service (NPS), U.S. Department of the Interior

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<http://www.hscl.cr.nps.gov/insidenps/summary.asp>
- 1975 *Master Plan for Hawaii Volcanoes National Park.*  
[http://www.nps.gov/havo/parkmgmt/mgmtdocs\\_master.htm](http://www.nps.gov/havo/parkmgmt/mgmtdocs_master.htm)
- 1983 *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Properties.* [http://www.nps.gov/history/local-law/arch\\_stnds\\_0.htm](http://www.nps.gov/history/local-law/arch_stnds_0.htm)

- 1984 *Park Road Standards*.  
[http://www.nps.gov/dsc/d\\_publications/NPSParkRoadStandards.PDF](http://www.nps.gov/dsc/d_publications/NPSParkRoadStandards.PDF)
- 1985 Hawaii Volcanoes National Park *Statement for Management*. On file at Hawaii Volcanoes National Park.
- 1995 *Historic Park Landscapes in National and State Parks, National Register of Historic Places Multiple Property Documentation Form*.
- 1996 *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*. Available on-line at:  
[http://www.nps.gov/history/local-law/arch\\_stnds\\_8\\_2.htm](http://www.nps.gov/history/local-law/arch_stnds_8_2.htm)
- 1998 *Director's Order 28: Cultural Resources Management Guideline*. Available on-line at: [http://www.nps.gov/history/history/online\\_books/nps28/28contents.htm](http://www.nps.gov/history/history/online_books/nps28/28contents.htm)
- 1999 *Historic American Engineering Record, HAER No. HI-47. Roads, Photographs, Written Historical and Descriptive Data for Hawaii Volcanoes National Park Roads*.
- 1999 *Hawaii Volcanoes National Park Resource Management Plan*.
- 2000 *Strategic Plan for Hawaii Volcanoes National Park, Fiscal Years 2001-2005*. On file at Hawaii Volcanoes National Park.
- 2001a *Director's Order 12 and Handbook: Conservation Planning, Environmental Impact Analysis, and Decision Making*. Washington, D.C.
- 2001b *Historic American Engineering Record (HAER), Hawaii Volcanoes National Park*. On file at Hawaii Volcanoes National Park.
- 2003a *Rehabilitate Sulphur Banks Road and Trail Environmental Assessment, Hawaii Volcanoes National Park*.
- 2003b *Incidental Business Permit Summary*. On file at Hawaii Volcanoes National Park.
- 2003c *Viewshed Inventory and Assessment, Hawaii Volcanoes National Park, Draft*, by Laila Tamimi. On file at Hawaii Volcanoes National Park Maintenance Office.
- 2004 *Wildland Fire Management Plan Environmental Assessment, Hawaii Volcanoes National Park*. On file at Hawaii Volcanoes National Park.
- 2005a *Crater Rim Drive Rehabilitation Project, Rare Plants Survey*, by Thomas Belfield. On file at Hawaii Volcanoes National Park, Natural Resources Management Office.

- 2005b *Crater Rim Drive 2005, An Inventory of Historic Features*, by Jadelyn Moniz Nakamura, Jakhotta Burrell, and Summer Roper. On file at Hawaii Volcanoes National Park, Cultural Resources Management Office.
- 2005c *Nene Activity Along Crater Rim Drive Entrance Station to Southwest Rift*. On file at Hawaii Volcanoes National Park, Natural Resources Management Office.
- 2006a *NPS Management Policies*. <http://www.nps.gov/policy/MP2006.pdf>
- 2006b *Cultural Landscape Inventory: Crater Rim Drive Historic District, Hawaii Volcanoes National Park*. On file at Hawaii Volcanoes National Park, Cultural Resources Management Office.
- 2007a *Hawaii Volcanoes National Park Visitor Study, Park Studies Unit Visitor Services Project Report 185*, by University of Idaho. On file at Hawaii Volcanoes National Park,
- 2007 b *Hawaii Volcanoes National Park Climate Action Plan*. On file at Hawaii Volcanoes National Park.
- 2008a *Archeological Inventory to Establish Baseline of Impact to Resources Caused by the Park Transportation System*, by Jadelyn Moniz Nakamura, Kalena Blakemore, and Jakhotta Burrell. On file at Hawaii Volcanoes National Park, Cultural Resources Management Office.
- 2008b *Volcanic Event Contingency Planning Strategy*. On file at Hawaii Volcanoes National Park.
- 2009 *Air Quality Management Policy*. On file at Hawaii Volcanoes National Park.
- 2010 *Hawaii Volcanoes National Park General Management Plan Final Foundation Statement*. On file at Hawaii Volcanoes National Park.
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- Stone, C. and Pratt, L.
- 1994 *Hawaii's Plants and Animals: Biological Sketches of Hawaii Volcanoes National Park*. Hawaii Natural History Association, National Park Service, and University of Hawaii Cooperative National Park Resources Study Unit. Honolulu. 399 pp.
- Soil Conservation Service in Cooperation with the University of Hawaii.
- 1973 *Soil Survey of Island of Hawaii, State of Hawaii*.



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United States Geological Survey (USGS), Hawaiian Volcano Observatory, U. S. Department of the Interior

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2000 *Long-lasting Eruption of Kilauea Volcano, Hawaii Leads to Volcanic-Air Pollution*.  
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2003 *Geologic Map of the Summit Region of Kilauea Volcano, Hawaii*, by Neal, Christina A., and John P. Lockwood.

University of Vermont

2003 *Visitor Study Completion Report, Hawaii Volcanoes National Park*. Prepared for National Park Service. On file at Hawaii Volcanoes National Park.

URS Group, Inc.

2005 *Geotechnical and Geophysical Evaluation Report, Crater Rim Drive Intersection Relocation and Parking Areas and Highway 11 Sign Relocation and Parking Area, Volcano, Hawaii County, Hawaii*.

## **Laws, Executive Orders, and Secretarial Orders Cited in Text**

Americans with Disabilities Act of 1990. Public Law 1001-336 (140 stat. 327)

Architectural Barriers Act of 1968

Archeological Resources Protection Act of 1979, as amended (16 USC 470aa-mm)

Clean Air Act of 1963, as amended (42 USC 7401 *et seq.*)

Endangered Species Act of 1973, as amended (16 USC 1531-1544)

Executive Order 11988 (*Floodplain Management*)

Executive Order 11990 (*Protection of Wetlands*)

Executive Order 12898 (Environmental Justice in Minority and Low-Income Populations)

Federal Cave Resources Protection Act of 1988, as amended. (16 USC § 4301-4310)

Hawaii National Park (later to become Hawaii Volcanoes National Park) 1916 (16 USC 396) (P.L. 95-635, 16 USC 1132)

National Historic Preservation Act of 1966, as amended (16 USC 470 *et seq.*)

Organic Act of 1916 (16 USC 1, 2, 3, and 4) (39 Stat. 535)

Secretarial Order 3175, Indian Trust Assets

Surface Transportation Assistance Act of 1982 (Public Law 97-424; 23 USC 202)

Wild and Scenic Rivers Act of 1968 (16 USC 1131-1136; PL 90-542)

Wilderness Act of 1964 (16 USC 1131-1136; PL 88-577)

### **Meeting Notes Cited in the Text**

National Park Service (NPS), U.S. Department of the Interior

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