



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 13, 2011

Anthony J.H. Ching, Executive Director
Hawai'i Community Development Authority
461 Cooke Street
Honolulu, Hawai'i 96813

SUBJECT: Acceptance of Kewalo Basin Repairs Project Final Environmental Impact Statement

Dear Mr. Ching:

I hereby accept the Final Environmental Impact Statement for the Kewalo Basin Repairs Project, as satisfactory fulfillment of the requirements of Chapter 343, Hawai'i Revised Statutes. The environmental, economic, and social impacts which will likely occur should this project be built, are adequately described in the statement. The analysis, together with the comments made by reviewers, provides useful information to policy makers and the public.

My acceptance of the statement is an affirmation of the adequacy of that statement under the applicable laws. I find that the mitigation measures proposed in the environmental impact statement will minimize the negative impacts of the project.

In implementing this project, I direct the Hawai'i Community Development Authority and/or its agent to perform these or comparable mitigation measures at the discretion of the permitting agencies. The mitigation measures identified in the environmental impact statement are listed in the attached document.

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawai'i

Attachment

c: Gail Renard (Helber Hastert & Fee, Planners)
Office of Environmental Quality Control

**MITIGATION MEASURES
KEWALO BASIN REPAIRS PROJECT
FINAL ENVIRONMENTAL IMPACT STATEMENT
Attachment to the Governor's Acceptance Letter**

The permitting agencies are advised to pay attention to mitigation measures identified in the FEIS. The Kewalo Basin Repairs Project Final Environmental Impact Statement identified the following mitigation for disclosure purposes.

CLIMATE AND AIR QUALITY

All construction activities will comply with the provisions of Hawai'i Administrative Rules Section 11-60.1-33, relating to fugitive dust.

SOILS AND MARINE SEDIMENTS

- Excavated soils will be disposed of in accordance with applicable State and county regulations.
- Any marine sediment waste material generated as part of pre-drilling and pile-driving will be tested and properly disposed of in accordance with applicable State and Federal requirements.
- Best management practices (BMPs) will be in place to limit the re-suspension of sediments and contain sediments in the vicinity of these activities.

GROUNDWATER RESOURCES

The project is not expected to affect groundwater resources.

MARINE WATER RESOURCES

- Fuel delivery companies must have spill prevention equipment available and carry insurance for spill recovery.
- The harbor manager informs tenants of the availability of used oil, oily filters and debris collection facilities near the Makai Wharf, and has added the capability of recycling oily water.
- The harbormaster is notified when spills of oil, oily waste, and other hazardous or regulated materials occur. If the source is visible (e.g., a boater working on a vessel putting particulates into the water or a vessel discharging oily bilge water), the harbormaster stops the action, informs the party of the harbor rules, and issues a warning letter.
- Any fuel or oil discharges are reported to the U.S. Coast Guard (USCG) Sector Honolulu, who then informs the National Response Center (NRC). The USCG Sector Honolulu physically investigates significant incidents.

Construction Period

- Industry-standard best management practices (BMPs) will be employed to reduce the extent of potential water quality impacts associated with construction. Specific

BMPs and mitigation measures will be determined in consultation with Federal and State regulatory agencies during the permitting process.

Operational Period

- Compliance with applicable Federal and State water quality regulations and spill prevention measures during the operational phase will minimize the likelihood of operational period water quality impacts.
- The proposed sewer pump-out infrastructure included in the project is likely to reduce the incidence of wastewater releases into harbor waters.
- The harbor operator will be able to limit the draft of any additional vessels in the basin to minimize potential turbidity increases.
- The fueling dock is not planned until a later phase of the project. Specific BMPs and standard operating procedures (SOPs) for the fueling dock will be identified as a part of the facility's future Clean Water Act Section 401 Water Quality Certification process.

WIND AND WAVE

The construction activities will be limited to the confines of the harbor. No impacts to waves and coastal processes outside the entrance channel are anticipated. The surfing breaks outside the harbor will not be impacted.

NOISE - ATMOSPHERIC

State Department of Health Noise Permit

- When construction noise exceeds, or is expected to exceed the State's "maximum permissible" property line noise level, a permit must be obtained from the Department of Health (DOH). Permit restrictions for construction are:
 - › No permit shall allow any construction activities which emit noise in excess of the maximum permissible sound levels... before 7:00 a.m. and after 6:00 p.m. of the same day, Monday through Friday.
 - › No permit shall allow any construction activities which emit noise in excess of the maximum permissible sound levels... before 9:00 a.m. and after 6:00 p.m. on Saturday.
 - › No permit shall allow any construction activities which emit noise in excess of the maximum permissible sound levels on Sundays and on holidays.

DOH Noise Variance

- Nighttime construction is not anticipated for this project. In cases where nighttime construction is expected, a variance must be obtained from the State DOH.

Construction Noise

- Schedule and limit activities that generate the most noise to less sensitive time period such as during daytime hours.
- Use quieter methods/equipment when possible (e.g., low noise generators, smaller excavators, etc.).
- Install quality mufflers on equipment.
- Use smallest size and/or lowest power as required.
- Install manual adjustable or ambient sensitive alarms.

- Do not use backup alarms during night work.

Vehicular Traffic Noise

Vehicular traffic noise will not be affected by this project and no mitigation is required.

NOISE – UNDERWATER

- There are several types of mitigation that may be applicable. For calculation purposes, mitigation measures applied at the source (pile driver) incorporate 10 dB and 20 dB reductions, both of which levels have proven achievable in practical application (California DOT, Oregon LNG). Measures for mitigation of the source sound energy level (SEL) may include predrilling, use of vibratory drivers, pile cushioning (which is incorporated into the reference SEL in the FEIS appendix C for both concrete piles), and bubble curtains. In addition, work management mitigation may also be considered, including seasonal limitations and performing work only during daylight hours (allowing visual survey of the affected area for species of concern).

MARINE BIOLOGICAL RESOURCES

- Best Management Practices (BMPs) such as silt curtains could be deployed during in-water construction activities to contain re-suspended sediments, reducing the opportunity for impact to occur to the marine communities in the outer harbor entrance channel and seaward of it. This mitigation measure will address the above concerns but would not address the concern over noise created by the demolition and construction of new piers which includes pre-drilling and pile driving.
- To further reduce the impact of underwater noise, procedural mitigation efforts could include working only during daylight hours and observing for the presence of protected species within the affected zones before starting work (or prior to re-starting after a 30-minute hiatus), and ramping up pile driving energies slowly to allow any animals within the zone to depart before criteria levels of sound energy are produced.
- Greater vessel traffic increases the probability of collision with green turtles surfacing for air as well as subjecting them to high noise levels due to passing ships. Accidental ship groundings or ship collisions increase the possibility of accidental spills of pollutants which could impact T & E species in adjacent waters.
 - › However, global positioning systems improve navigation, and reduce the opportunities for accidents and related pollutant spills to occur.
 - › Adherence to the “rules of the road” which includes speed restrictions in harbor waters reduces the risk of collisions with green turtles.
- Appropriate BMPs (to be determined in consultation with regulatory agencies) will be employed and applicable Federal and State laws governing discharge into marine waters will be observed.

NATURAL HAZARDS

- The project will be constructed to meet the relevant design requirements of the Zone VE flood hazard area.
- The project will not introduce new development on fastlands within the Special Flood Hazard Area.
- All vessels berthed in the harbor will be subject to the same guidelines and recommendations for being secured, removed or put out to sea prior to storm surge events.

HARBOR OPERATIONS and NAVIGATION

Construction Period

- Temporary berths will be provided to accommodate displaced vessels.
- Dock demolition will be alternated with new dock construction to minimize the decrease in available slips.
- Some permit holders may be accommodated off-site for a portion or all of the construction period.
- All commercial tenants will be accommodated within Kewalo Basin during the construction period.
- Construction period slip assignments and relocation will comply with the prioritization established in the Kewalo Basin Rules, Hawai'i Administrative Rules, Section 15-212.
- Construction materials, construction equipment and work barges will be transported via water.

Operational Period

All mariners will be required to operate according to Federal and State regulations and "rules of the road."

TRAFFIC and PARKING

- To minimize potential impacts during construction, the construction contractor will notify the Department of Transportation Services, Public Transit Division and O'ahu Transit Services, Inc. of the scope of work, location, proposed closure of any street, traffic lane, sidewalk, or bus stop and duration of project at least two weeks prior to construction.
- Approximately 216 parking stall are available for use by Kewalo Basin users, located in various areas around the harbor.
- The "Piano Lot" to the west of the harbor will provide additional parking to accommodate the parking requirements.

INFRASTRUCTURE and UTILITIES

Wastewater

- The project will provide sewage pumpout service for vessels berthed at Kewalo Basin.
- The pumpout unit is expected to be tied to the existing sewage lift station near the harbor master's building that discharges into an existing force main that connects to the municipal wastewater system.

- Vessels must discharge onboard wastewater according to U.S. Coast Guard regulations (i.e., three miles offshore or at permitted sewage pump-outs at other harbor facilities).

Stormwater

- Stormwater discharges into Kewalo Basin are covered under a National Pollutant Discharge Elimination System (NPDES) Notice of General Permit Coverage Authorizing Discharges of Stormwater and Certain Non-Storm Water Discharges from Small Municipal Separate Storm Sewer Systems.
- A modification of the existing NPDES Notice of General Permit Coverage may be required for the addition of new docks; if needed, modification will be obtained prior to operation of the new facilities.
- During the construction period, the construction staging/baseyard area may require an NPDES General Permit if the total area is greater than one acre. If these permits are required, conditions of approval will be complied with to minimize adverse effects of stormwater discharges into the harbor during both the construction and operational periods.

Water

- Potable water service will be provided at the new and replaced docks.
- Existing connections to the laterals at the bulkhead walls will be used where feasible to minimize onshore modifications.
- The project will comply with all applicable Honolulu Fire Department requirements.

Fueling

- A dedicated fueling dock would reduce the risk of accidental releases from fuel truck and portable line.
- The fuel dock would provide vessels with small on-board fuel tanks greater flexibility in the timing of refueling (vessels would not have to combine/coordinate fuel deliveries to meet the minimum volumes required by the tank truck).
- Delivery of fuel by tanker truck will continue to be allowed for vessel operators who prefer this method even after the fuel dock becomes operational.

PUBLIC SERVICES and FACILITIES

Police Protection

- The State Department of Public Safety responds to incidents at State facilities, including Kewalo Basin and Kewalo Basin Park.
- The construction contractor will be instructed to contact the appropriate party at Honolulu Police Department District 1 to review the traffic plans after they have been completed.

Fire Protection

- The project would improve fire protection capabilities at the docks through the provision of a dedicated water system capable of supplying the required fire flow for fire suppression.
- The docks will be fitted with fire protection apparatus as part of the proposed action.

- Civil drawings will be submitted to the Honolulu Fire Department for review and approval as the design process proceeds.

RECREATIONAL RESOURCES

- Existing land-based recreational areas surrounding Kewalo Basin provide over 100 acres of public park space (Kaka'ako Waterfront Park – 30 acres; Kaka'ako Makai Gateway Park – six acres; Kewalo Basin Park – five acres; Ala Moana Regional Park – over 70 acres).
- To address potential conflicts between boaters and other recreational users that are using or crossing the harbor channel, a public awareness program has been initiated to better educate the public about channel navigation. Specific actions include the following:
 1. Install additional signage at Kewalo Basin Park and Kaka'ako Waterfront Park informing the public of regulations governing the harbor and channel.
 2. Conduct a public service announcement campaign to inform the public of restrictions associated with this harbor channel.
 3. Have staff informally talk to surfers, divers and fishermen and others using the channel to let them know about the dangers of paddling across and fishing in the channel.
 4. Work with surf event promoters to better educate surfers about the regulations covering this harbor and channel.
- Swimming and diving in the channel and within the harbor is not permitted.
- Fishing is prohibited within the harbor channel from all docks, wharves, and bulkhead walls, with the exception of fishing activities at the Kewalo Keiki Fishing Conservancy site.

ARCHAEOLOGICAL, CULTURAL and HISTORIC RESOURCES

- If any cultural or burial sites are identified during ground disturbance – such as during excavation for utility installations – all work will cease and the appropriate agencies will be notified, pursuant to applicable law.
- Stakeholder community members and organizations should be briefed and consulted as the project design progresses.
- Protect the Native Hawaiian garden and cultural activities of Hālau Kū Māna from construction related debris and activity during project construction.
- Implement best management practices to reduce or avoid impacts of the construction and increased slip count on the marine environment and nearby water-based recreational and cultural activities, such as surfing at the “Kewalos” surf breaks.