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**AUG - 8 2019**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

Jul 24, 2019

Jade Butay, Director  
Department of Transportation  
State of Hawai'i  
869 Punchbowl Street  
Honolulu, Hawai'i 96813-5097

Dear Mr. Butay:

Subject: Acceptance of the DOT Hāna Pier Deck Removal  
Final Environmental Impact Statement

I hereby accept the Final Environmental Impact Statement for the Hāna Pier Deck Removal, as satisfactory fulfillment of the requirements of Chapter 343, Hawai'i Revised Statutes. The economic, social, cultural, and environmental impacts that will likely occur, should this project be implemented, are adequately described in the statement. The analysis, together with the comments made by reviewers, provide 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. Further, I find the discussion of unresolved issues and potential for subsequent environmental review to be sufficient.

In implementing this project, I direct the Department of Transportation and its agent to perform these or comparable mitigation measures at the discretion of the relevant agencies. The mitigation measures identified in the environmental impact statement are summarized in the attached document.

With warmest regards,

David Y. Ige  
Governor, State of Hawai'i

OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL

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Attachment: Mitigation Measures Summary

c: Office of Environmental Quality Control

20-024

## AGENCY PUBLICATION FORM

Project Name:	Hāna Pier Deck Removal
Project Short Name:	Hāna Pier Deck Removal
HRS §343-5 Trigger(s):	Use of State lands and funds
Island(s):	Maui
Judicial District(s):	Wainanalua Ahupua'a, Hāna District
TMK(s):	N/A; North of TMK (2) 1-4-004:036
Permit(s)/Approval(s):	<p>Federal</p> <ul style="list-style-type: none"> <li>• Department of the Army permit (Section 10, Rivers and Harbors Act - work in navigable waters of the U.S.)</li> <li>• Section 401, Clean Water Act Water Quality Certification (potentially required)</li> <li>• National Environmental Policy Act environmental review</li> <li>• Private Aids to Navigation permit</li> <li>• Endangered Species Act, Section 7 consultation</li> <li>• Essential Fish Habitat consultation</li> <li>• National Historic Preservation Act Section 106 consultation</li> <li>• Hawai'i Coastal Zone Management Federal Consistency Review</li> </ul> <p>State</p> <ul style="list-style-type: none"> <li>• HRS Chapter 6E review</li> <li>• National Pollutant Discharge Elimination System Permit (potentially required for construction laydown/staging area if total area is greater than one acre)</li> <li>• Construction Noise Permit</li> <li>• Conservation District Use Permit (potentially required for construction laydown area)</li> </ul> <p>County</p> <ul style="list-style-type: none"> <li>• Special Management Area Assessment and/or Permit (potentially required for construction laydown area)</li> </ul>
Proposing/Determining Agency:	State of Hawai'i Department of Transportation Harbors Division (DOT-H)
<i>Contact Name, Email, Telephone, Address</i>	Ms. Sandra Rossetter, Project Manager <a href="mailto:hanapiereis@hhf.com">hanapiereis@hhf.com</a> (808) 587-1886 Attn: Planning Section 79 South Nimitz Highway Honolulu, HI 96813
Accepting Authority:	Governor, State of Hawai'i
<i>Contact Name, Email, Telephone, Address</i>	The Honorable David Y. Ige <a href="http://governor.hawaii.gov/contact-us/contact-the-governor/">http://governor.hawaii.gov/contact-us/contact-the-governor/</a> Telephone: (808) 586-0034 Governor, State of Hawai'i Executive Chambers State Capitol 415 South Beretania Street Honolulu, Hawai'i 96813
Consultant:	HHF Planners
<i>Contact Name, Email, Telephone, Address</i>	Gail Renard <a href="mailto:hanapiereis@hhf.com">hanapiereis@hhf.com</a> (808) 457-3167 733 Bishop Street, Suite 2590 Honolulu, HI 96813

**Status (select one)**
 DEA-AFNSI
**Submittal Requirements**

Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEA, and 4) a searchable

- PDF of the DEA; a 30-day comment period follows from the date of publication in the Notice.
- FEA-FONSI Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; no comment period follows from publication in the Notice.
- FEA-EISPN Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; a 30-day comment period follows from the date of publication in the Notice.
- Act 172-12 EISPN  
("Direct to EIS") Submit 1) the proposing agency notice of determination letter on agency letterhead and 2) this completed OEQC publication form as a Word file; no EA is required and a 30-day comment period follows from the date of publication in the Notice.
- DEIS Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEIS, 4) a searchable PDF of the DEIS, and 5) a searchable PDF of the distribution list; a 45-day comment period follows from the date of publication in the Notice.
- FEIS Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEIS, 4) a searchable PDF of the FEIS, and 5) a searchable PDF of the distribution list; no comment period follows from publication in the Notice.
- FEIS Acceptance  
Determination The accepting authority simultaneously transmits to both the OEQC and the proposing agency a letter of its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS; no comment period ensues upon publication in the Notice.
- FEIS Statutory  
Acceptance Timely statutory acceptance of the FEIS under Section 343-5(c), HRS, is not applicable to agency actions.
- Supplemental EIS  
Determination The accepting authority simultaneously transmits its notice to both the proposing agency and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that a supplemental EIS is or is not required; no EA is required and no comment period ensues upon publication in the Notice.
- Withdrawal Identify the specific document(s) to withdraw and explain in the project summary section.
- Other Contact the OEQC if your action is not one of the above items.

**Project Summary**

The proposal is to remove the superstructure of Hāna Pier and access trestle at Hāna Harbor, Maui, Hawai'i. The concrete pier and its access trestle are currently condemned due to the deteriorated condition of its superstructure (i.e., deck, beams, pile caps, and trestle guardrails). The existing piles would remain in place to avoid adversely impacting corals that have colonized on the piles.

The project purpose is (1) to further address and resolve what could be a public safety hazard and potential legal liability and (2) to ensure all facilities under the jurisdiction and management of the DOT-H meet and support its mission and the requirements of Chapter 266, HRS, which defines a "commercial harbor," while simultaneously respecting the Hāna community's objections to the pier's use for commercial purposes.

In its current deteriorated state, the pier is a potential public safety hazard. To address this potential hazard and unsafe conditions, physical barriers and warning signs were installed and are periodically repaired by DOT-H; however, unauthorized access to the pier continues despite these efforts. The project is intended to further address this potential public safety hazard.

Department of Transportation, Harbors Division  
Hāna Pier Deck Removal  
Final Environmental Impact Statement

Summary of Mitigation Measures  
Attachment to the Governor's Acceptance

The Department of Transportation, Harbors Division (DOT-H) will implement appropriate best management practices (BMPs).

**Air Quality**

- Employ fugitive dust emission control measures in compliance with provisions of the State Department of Health (DOH) Rules and Regulations (Chapter 43, Section 10) and Hawai'i Administrative Rules (HAR) Chapter 11-60.1, "Air Pollution Control," Section 11-60.1-33 on Fugitive Dust.
- Employ wet cutting methods when demolishing the pier structures.
- During site work, the contractor will sprinkle water, as necessary, to control dust.
- Ensure adequate water source at the site prior to start-up of construction activities.
- Implement adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities.
- Employ dust control measures from debris being hauled away from the project site.
- Move construction equipment to and from the work sites during non-peak traffic periods, to the extent possible, in order to minimize disruption to area traffic and minimize vehicle emissions.
- Minimize movement of barges, tugs and other water craft.

**Marine Sediments**

- Utilize construction BMPs, such as silt curtains, to enclose the work area during all in-water work, as well as other BMPs that will be required as part of the project's future U.S. Army Corps of Engineers (USACE) permit.
- The placement of the silt curtains will be determined by the construction contractor, based on their experience and evaluation of pertinent conditions and factors. During construction, if a plume is observed outside of the silt curtains and is caused by construction activity, work will stop and corrective action taken immediately. Work will resume only after corrections have been made.

**Marine Water Quality**

- Utilize construction debris control devices such as catchments, underdeck platforms, floating turbidity barriers, tarpaulins, floats, etc. to prevent demolition debris from entering the water.
- Anchor storage barges clear of the work site when not in immediate use.
- Install and maintain appropriate storm runoff protection measures around upland storage areas to minimize the release of surface pollutants into the ocean.
- Implement a contingency plan to control and contain hazardous material spills, including petroleum products.
- Fuel project-related vehicles and equipment at least 50 feet away from the water, preferably over an impervious surface.

The construction contractor will be required to develop a site-specific BMP plan and an acceptable water quality monitoring program in consultation with federal, state, and county regulatory agencies to address specific conditions of the work proposed at the project site.

### **Marine Biological Resources**

- Field-verification and marking of the vertical extent of coral growth on the piles that will be cut by a biologist prior to construction to ensure that piles are cut well above the coral growth. The marking should include a safety margin above the coral growth.
- Re-attach branching and plating corals that are disturbed during pile cutting, as practicable.
- Place barge anchors outside of areas of high coral cover.
- Employ BMPs to avoid or minimize adverse effects to marine water quality, fisheries, and protected species. They include, among other actions, water quality protection, providing qualified observers for protected species prior to and during in-water construction activities, limiting vessel speeds, avoiding protecting marine life before commencing work, and establishing a 50-yard safety range for ESA-listed species during saw-cutting activities.
- Use turbidity barriers around the in-water work areas to minimize demolition impacts.
- Avoid demolition activities during peak coral spawning times (i.e., May through September). Specific mitigation measures for effects to protected species will be established during the project's USACE permit process.

### **Terrestrial Biological Resources**

- In the unlikely event that clearing of trees or vegetation over 15 feet in height is required, avoid clearing woody vegetation taller than 15 feet between June 15 and September 15.

### **Harbor Navigation**

- No obstruction of access to or from the Department of Land and Natural Resources (DLNR) Division of Boating and Ocean Recreation (DOBOR) small boat ramp by construction vessels and floating equipment.
- All required U.S. Coast Guard (USCG) navigational markings and notices to mariners will be implemented prior to construction activities.
- After completion, appropriate markings for the piles that remain will be installed and alterations of official navigation charts made in compliance with the USCG requirements.

### **Archaeological and Historic Resources**

- Historic American Engineering Record (HAER) documentation of the pier is proposed as mitigation. The appropriate level of documentation would be determined by the State Historic Preservation Division (SHPD) in consultation with the National Park Service (NPS).

### **Cultural Resources**

- Implement demolition period BMPs to avoid and minimize temporary water quality and marine biological resource impacts (to be determined in consultation with federal and state resource agencies).
- Maintain access to DLNR DOBOR boat ramp during project activities to support subsistence fishers.
- Monitor northwest face of Ka'uiki Head during project activities for impacts associated with ground vibration.
- Ensure that the boulders flanking the boat ramp are not affected by project activities.

- Communicate the project schedule and activities with community and fishermen prior to commencement.
- Implement necessary navigational markings, navigation chart revisions, and notices to mariners, as required by the USCG.
- Conduct HAER documentation of pier in consultation with SHPD (including photo documentation).
- Make the project's Cultural Impact Assessment document available to scholars, researchers and the Hāna community, as it provides comprehensive information on Hāna's history, historical and traditional (cultural) literature, a comprehensive history of Hāna Pier, and the results of ethnographic oral history interviews.

### **Noise**

- Obtain and comply with DOH Community Noise Control Rule permit for construction noise.
- Operation of construction equipment will be limited to daylight hours.
- Use good management practices to control the construction noise source (e.g., scheduling, equipment selection, retrofitting equipment with mufflers or enclosures, and regular maintenance of equipment). Path control measures include temporary noise barriers during activities located close to the property line.

### **Scenic and Visual Resources**

- HAER documentation of the pier (which includes photo documentation) is proposed as mitigation; DOT-H will carry out the appropriate level of documentation determined by DLNR SHPD (in consultation with NPS).

### **Utilities and Infrastructure**

- Prior to disposal or reuse, demolition waste will be tested in accordance with state and federal regulations. Hazardous waste issues are not anticipated. However, if the results of the Toxicity Characteristic Leaching Procedure testing exceed regulatory limits, the debris will be disposed at an approved hazardous waste disposal facility.

### **Transportation**

- In the unlikely event Hāna Highway is used to transport large equipment and demolition debris to and from the site, they will be transported during non-peak hours.

### **Public Health and Safety**

- The piles left to remain in the water will be marked according to USCG requirements.
- Install appropriately placed and worded signage to reduce the possibility of the remaining piles attracting people to climb on them to jump into the water.

### **Socioeconomic Characteristics**

- Specific BMPs identified during the project's future USACE permit process will be employed to protect water quality and marine species that could affect the social and economic practice of *akule* fishing during construction.
- Comply with conditions of a DOH construction noise permit.