

Hawaii Community Development Authority
461 Cooke Street
Honolulu, Hawaii 96813

TO: 1. HCDA Maintained Public Files for Chapter 343 HRS Exemption Determinations
2. Office of Environmental Quality Control

FROM: Anthony J. H. Ching, Executive Director
Hawaii Community Development Authority

SUBJECT: Environmental Assessment Exemption Declaration for Kewalo Basin Jetty Repairs Project

DATE: November 17, 2014

AGENCY OR APPLICANT ACTION

Check applicable box

- This exempted action is an agency action as defined by Section 343-5(b), HRS, and Section 11-200-5, HAR**
- This exempted action is an applicant action as defined by Section 343-5(c), HRS, and Section 11-200-6, HAR

SPECIFY EXEMPTION CLASS:

Check applicable box

- The Exemption Declaration for the action described below is based on the Exemption List for the [name of agency], reviewed and concurred to by the Environmental Council on [date of concurrence].
- Exemption List Class ____.
 - Item Number ____.
 - Applicable language from the exemption list: [Click here to enter text.](#)
- The Exemption Declaration for the action described below is based on the consultation process prescribed by Section 11-200-8(a), Hawai'i Administrative Rules (HAR), Exemption Class 1.**

DESCRIPTION OF ACTION

Proposing Agency or Applicant: **Hawaii Community Development Authority**

Project Name & Address/Location: **Kewalo Basin Jetty Repairs**

Anticipated Start Date: **2/1/2016**

Anticipated End Date: **7/31/2016**

Island and District: O`ahu

Honolulu

Tax Map Key(s) (1) 2-1-58: 128

Latitude/Longitude Coordinates: _Lat 21° 17.488'N Long 157° 51.567' W

All Necessary Permits and Approvals:

Federal Permits:

The proposed action will require a U.S. Army Corps of Engineers Nationwide Permit 3, for Maintenance Activities. The permit may include additional consultation with federal agencies and will likely impose specific BMP's and conditions of approval.

State and County Permits:

The project is located within the special management area (SMA) of the Kakaako Community Development District. Determination of the need for an SMA Major/Minor permit will be made by the State Office of Planning following submission of preliminary design drawings.

The Department of Land and Natural Resources will not require a Conservation District Use Permit or a Certified Shoreline. A Right-of-Entry permit will be required for construction.

A Section 401(a) Water Quality Certification will likely be required from the State Department of Health.

A Development Permit will be required from the Hawaii Community Development Authority.

NARRATIVE

Describe the action and why it qualifies for the exemption: The Kewalo Basin Jetty is a 100-ft makai extension of Kewalo Basin Park that was likely constructed around 1955. Repairs to the structure occurred in 1972 and 1990. The park, harbor, and jetty are administered by the Hawaii Community Development Authority (HCDA) under the State of Hawaii Department of Business, Economic Development and Tourism (DBEDT).

The jetty is exposed to occasional high wave conditions, and a portion of the jetty has been damaged as a result. The jetty is constructed of basaltic rock armor stones, and some of these stones have become dislodged from the tip portion of the jetty. Approximately five of the dislodged stones have become lodged into the substrate 20 ft from the jetty tip. These stones present a hazard to park users. Attachment 1 is an aerial photograph with a call-out of the project area. Attachment 2 is a photograph of the damaged area where stones are missing from the structure.

The project consists of repairing the jetty tip with concrete reinforced masonry (CRM) to the condition that existed before the stones were dislodged. The large dislodged stones will be retrieved as a public safety measure. As the project is limited to the repairs or maintenance of an existing structure, and the repairs will not alter the footprint, size, or use of the structure, it qualifies for exemption from HRS Chapter 343 under HAR §11-200-8, Class 1:

EXEMPTION CLASS 1: Operations, repairs or maintenance of existing structures, facilities,

equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

The project is presently on a three-year schedule for design, permitting, and construction, from March 2014 through March 2017. The schedule is expected to accelerate if HRS Chapter 343 requirements are waived through the exemption process. Unknown time constraints include the time required to process a Section 401(a) Water Quality Certification with the State Department of Health, Clean Water Branch. The time required for actual construction and consequent disturbance at the site is expected to last a maximum of six months.

RECEIVING ENVIRONMENT

Describe the site, including any impacts on the receiving environment: The Kewalo Jetty defines the east side of the entrance channel to Kewalo Basin. The jetty is entirely in shallow water, with water depths off the tip of the jetty (the construction area) approximately 2 to 4 ft MLLW. The substrate is primarily composed of fossil limestone reef, coral cobbles, and sand, with very sparse live coral coverage. Impacts to the receiving area are expected to be minimal, especially with implementation of Best Management Practices, such as the deployment of silt curtains, to contain and minimize any disturbance. Early consultation with NOAA National Marine Fisheries (see attached consultation letters) has resulted in a request for a biological survey of the area to determine coral coverage. Depending on the results of the survey, removal and transplantation of some coral may be required before construction.

The area is a popular surfing location, and the jetty is used for water access. The boulders stripped from the jetty tip (see "Narrative") are hazards that must be avoided by persons jumping into the water. Their removal will improve safety conditions at the site. The jetty is a popular location that also used by photographers, sightseers, fishermen, and others for casual and general purposes.

The jetty also fronts Kewalo Basin Park, which is a popular public facility. The park amenities include picnic tables, showers, restrooms, and grassy areas. The jetty area will be temporarily closed to the public during construction, and this will likely be the greatest community impact. Some parking restrictions may be necessary to allow for construction access or storage. Other uses of the park will not be affected.

A. Marine Water Quality.

The marine waters at the project site are classified as Class A. Objective of Class A waters are "...that their use for recreational purposes and aesthetic enjoyment be protected. Any other use shall be permitted as long as it is compatible with the protection and propagation of fish, shellfish, and wildlife, and with recreation in and on these waters. These waters shall not act as receiving waters for any discharge that has not received the best degree of treatment or control compatible with the criteria established for this class."

The project will require stonework including the use of concrete grout in close proximity to the water. Industry standard BMP's such as the use of silt curtains around the project site will be implemented to minimize water quality disturbances. As a Section 401 (a) Water Quality Certification will likely be required for the project, a water quality sampling program will likely be implemented before, during, and after construction.

B. Marine Biology. A previous EIS for Kewalo Basin improvements undertook an extensive survey of the marine biota at Kewalo Harbor and the surrounding vicinity. The survey found that the harbor itself is biologically degraded, but the ecosystem returns to normal at the outer end of the entrance channel (Brock 2011). Coral coverage is sparse in the project area. Green sea turtles (an endangered species) were seen outside the surf zone in the 2011 study.

C. Terrestrial Biology. Terrestrial areas within the project area consist of park landscaping and parking areas. No terrestrial protected species (flora or fauna) are known to exist in the Project area and there is no critical habitat within the Project vicinity. No impacts to terrestrial fauna are anticipated.

D. Public Access to Recreational Areas. Access to the jetty will be restricted during construction. Other access restrictions will be limited to potential parking restrictions near the jetty and possible traffic control operations. These disturbances will be minimized as much as possible as noted in consultations with the community organization *Friends of Kewalo* (see consultation letters). Access to surf sites, and to the water in general, is easily attainable from the remainder of Kewalo Basin Park ocean frontage. At present, many (if not most) park users use the park frontage for access rather than the jetty.

E. Traffic, Roadways, and Parking. The proposed action will not require closures of adjacent public roads, and will not significantly impact traffic. Parking near the jetty may be restricted if alternative parking for construction is not provided. Some traffic control may be required in the immediate harbor area.

F. Harbor Use and Navigation. As the project site will be accessed from land, no impacts to harbor use and navigation are expected.

G. Archaeological, Cultural, and Historic Resources. An archeological survey near the project site (Genz and Hammatt 2010) found that 95% of the area is twentieth century fill. A contemporary statue of a native owl (*pueo*) exists at the foot of the jetty, within the project site but not in the construction area. A refurbished net shed is being used as a training facility by *Kupu*, a community youth empowerment, conservation, and service organization. The *Kupu* net shed facility is near the project site, but not in the construction area.

H. Public Services and Utilities. Water and electrical lines exist in proximity to the project site, but not in the construction area. No disruption is expected.

I. Air Quality. The proposed action will not significantly impact air quality because it will not introduce any new major air pollution sources. The principal source of short-term air quality impacts will be construction activity, including construction vehicle emissions and particulate emissions associated with demolition. These impacts will be minor and of short duration. Construction activities will comply with the provisions of HAR Section 11-60.1-33 (Fugitive Dust).

J. Noise. Intermittent noise from construction activities will be audible in the vicinity of the project site. However, noise from construction activities will be short term and will comply with State DOH noise regulations. Most construction activities will be taking place above the waterline, and no pile-driving or other sources of impact noise will take place. Significant underwater noise is not expected.

K. Cumulative Impacts. Cumulative impacts are those that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. The jetty

has been present since 1955, and the repair will cause no foreseeable change of use or become a catalyst for additional development.

ENVIRONMENTAL ANALYSIS

I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

	Not Applicable
<input type="checkbox"/> Land Use and Zoning Conformance	X
<input checked="" type="checkbox"/> Traffic (Vehicles, Bicycles, Pedestrian)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Infrastructure (Roads, Buildings, Utilities)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Air Quality Pollutant Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Noise Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Solid, Hazardous, and Liquid Waste Management	<input type="checkbox"/>
<input checked="" type="checkbox"/> Social	<input type="checkbox"/>
<input type="checkbox"/> Economic	X
<input checked="" type="checkbox"/> Health and Safety	<input type="checkbox"/>
<input checked="" type="checkbox"/> Recreation	<input type="checkbox"/>
<input checked="" type="checkbox"/> Public Beach Access	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cultural Resources and Practices	<input type="checkbox"/>
<input checked="" type="checkbox"/> Visual/Aesthetic	<input type="checkbox"/>
<input type="checkbox"/> Environmental Justice	X
<input checked="" type="checkbox"/> Rare, Threatened, and/or Endangered Species	<input type="checkbox"/>
<input type="checkbox"/> Surface and Ground Water Resources	X
<input type="checkbox"/> Wetlands	X
<input type="checkbox"/> Floodplains	X
<input checked="" type="checkbox"/> Riparian/Coastal Resources	<input type="checkbox"/>
<input checked="" type="checkbox"/> Other	<input type="checkbox"/>

Comments/summary of impact analysis: The project involves the repair and replacement of an existing structure in a shallow water environment, and no significant impacts are foreseen. While there is the potential for minor impacts to marine water quality during the construction process, a variety of best management practices will be utilized to avoid or minimize these potential impacts. Minor disruption in local activities may take place. These include public use of the jetty, potential effects on parking, and potential effects due to the proximity of the *Kupu* net shed training facility. These disruptions will be minor, temporary, and can be accommodated with special arrangements.

MITIGATION

Describe all mitigation measures and best management practices planned to address impacts during the project activities and after project completion: The following BMP's are typical for this type of project:

1. An effective turbidity barrier (e.g. silt curtain) shall be deployed as necessary to isolate the construction activity, to avoid degradation of marine waters and prevent migration of fine material and suspended solids during the construction operations. Barriers shall extend to the ocean bottom

and be weighed down. The barriers shall remain in place during construction and until post-construction water quality monitoring results show water quality inside the barrier to be equivalent to ambient conditions as shown by control stations outside of the turbidity barriers.

2. Material that is stockpiled on-site will be contained by barrier systems to prevent run-off into marine waters.

3. Fueling of equipment shall take place away from the water. Fuels, oils and waste materials shall be properly contained and not be allowed to leak, leach or otherwise enter marine waters. The Contractor shall have established procedures for immediate clean up of fuel or oil spills.

4. The contractor shall keep construction activities under surveillance, management, and control to avoid pollution of surface or marine waters. Shoreline construction activities shall cease when ocean conditions become severe enough that containment devices (i.e. silt curtains) become ineffective.

5. Environmental resources outside the immediate area of material removal shall be protected.

6. A dust control program will be implemented, and wind blown sand and dust shall be prevented from blowing.

7. Material delivery and storage shall take place in designated areas.

8. Concrete truck wash water shall be contained in pits or other containment devices provided with impermeable liners for evaporative dissipation. Spoil shall be disposed of at an appropriate landfill site.

Parking impacts can be addressed with designated parking. Designated offsite or on-site alternative areas are preferred.

Access to the *Kupu* net shed will be maintained.

CONSULTATION

The following parties have been consulted about this declaration exemption (Name, affiliation, consultation date): Consultations are listed in the following table. Consultation letters are attached as Attachment 3, and responses letters or emails are attached as Attachment 4.

Agency Consulted	Date	Response
U.S. Army Corps of Engineers-POH	6/26/2014	Email 7-23-2014
U.S. Environmental Protection Agency	9/2/2014	Phone 9/24
US. Fish and Wildlife Service	9/2/2014	Email 9/19/2014
National Oceanographic and Atmospheric Agency, National Marine Fisheries	9/2/2014	Phone 9/24/2014; Email 9/30/2014

Agency Consulted	Date	Response
State of Hawaii Department of Land and Natural Resources - Office of Conservation and Coastal Lands	6/26/2014	Letter 7-7-2014
State of Hawaii Department of Land and Natural Resources – Division of Boating and Ocean Recreation	9/2/2014	No response
State of Hawaii Department of Health – Clean Water Branch	7/22/2014	8/29/2014
State of Hawaii Office of Hawaiian Affairs	9/25/2014	Phone 10/31/14
State of Hawaii Department of Transportation, Harbors Division	7/28/2014	Letter 8/14/2014
State of Hawaii Office of Planning	7/22/2014	Letter 7/28/2014
City and County of Honolulu, Department of Planning and Permitting	7/26/2014	Phone 9/24/2014
Howard Hughes Corp	8/5/2014	Phone 9/24
Friends of Kewalo	7/31/2014	Email 10/13/2-14

EXEMPT DECLARATION

The direct, cumulative, and potential impacts of the action described above have been considered pursuant to Chapter 343, Hawai‘i Revised Statutes and Chapter 11-200, Hawai‘i Administrative Rules. I declare that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the preparation of an environmental assessment.


 Anthony J.H. Ching, Executive Director
 Hawaii Community Development Authority

NOV 18 2014

Date

- X This document is on file in our office and is available for public review.**
- X This document has been submitted to the Office of Environmental Quality Control for publication in The Environmental Notice.**