MEMORANDUM

TO: Leonard K. P. Leong, Chairman, Environmental Council
FROM: John T. Harrison, Environmental Coordinator
SUBJECT: DOT Exemption List Amendment Request Dated 9/24/1990

October 17, 1990

The Center received the agenda for today's Environmental Council meeting late yesterday afternoon, and we have the following concerns about the proposed amendments to the Department of Transportation (DOT) exemption list:

Exemption Class #1
* Jurisdiction: Since State beaches and submerged lands are located within the Conservation District, their restoration would seem to fall more appropriately under the jurisdiction of the Board of Land and Natural Resources. In practice, most beach replenishment projects have been undertaken by County Parks and Recreation agencies. DOT maintains legitimate jurisdiction over wharves, airports, docks, piers, and small boat or other harbors, and consideration of a DOT exemption should be confined to beaches within these areas.

* Significance of Impacts: According to the EIS Rules (Section 11-200-8), exemptions may be granted for actions which "will probably have minimal or no significant effect on the environment." Although we agree that redistribution of existing sand on an existing beach may have minimal impact, the importation of sand for beach restoration deserves close scrutiny. All coastal areas, and beaches in particular, are in a state of dynamic flux as has been documented extensively by long term studies of beach accretion and erosion here and elsewhere. Prior to undertaking any restorative action, careful attention must be given to the underlying causes of beach loss in order to ensure appropriate remedial stabilization strategies. Such evaluation would be accomplished most effectively by an environmental assessment.

Exemption Class #2
A. Structures
* Significance of impacts: As with beach restoration, deterioration of waterfront structures may result from insufficient attention to long-term oceanographic processes. In particular, seawalls and revetments have suffered frequent failures due to inappropriate design and engineering, and substantial property damage
has resulted from many of these failures. Consequently, we feel an exemption for coastal structures is inappropriate.

B. Facilities
* Jurisdiction: Again, we question the appropriateness of including these utility infrastructure items within the jurisdiction of the DOT. We note that the exemption lists for the City and County of Honolulu Board of Water Supply and the Hawaii County Department of Water Supply already provide for repair and maintenance of water mains. Similarly, Honolulu and Kauai County Departments of Public Works specifically address sewer reconstruction in their respective exemption lists. With regard to power infrastructure, maintenance or restoration of lines should be performed by the regulated utility company responsible for the affected system.

* Significance of impacts: Depending on the site and extent of the reconstruction project, major impacts may be induced by reconstruction of water or sewer lines. For example, the Honolulu Board of Water Supply recently applied for a Conservation District Use Permit to install a 20" main along Kamehameha Highway between Punalu'u and Hau'ula, much of which will be set at a -4.5' invert within the shoreline. Similarly, impacts considered in the context of the recent sewer tunnel relief EIS prepared by the Honolulu Department of Public Works included economics, noise, waste spillage and dispersion, air quality, traffic, utilities, hydrology, public safety, blasting and worker safety, archaeological/historic sites, and public facilities. Of the 32 comment letters received on the draft stage of this project, 20 required substantive responses. Reconstruction of either of these utility systems would entail substantial effects which should be assessed thoroughly prior to action being undertaken.

Exemption Class #4
5. Paving of previously graded parking and storage yard areas.
* Significance of impacts: Depending on the location, extent, and utilization of these areas, we envision substantive impacts resulting from paving improvements. In particular, we are concerned about increases in runoff and attendant nonpoint source pollution of coastal waters. In consideration of these concerns, we suggest that a blanket exemption of this sort is inappropriate.

We apologize for the last-minute submission of these comments for your consideration. Had we received notification of the proposed exemptions earlier, we would have responded in a more timely fashion. Since we will be present at the meeting this afternoon, any questions which the Council may have may be addressed at that time.

cc: DOT
     OEQC
     R. Fujioka, WRRC