

HISTORIC HAWAII FOUNDATION

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Naval Facilities Engineering Systems Command
ATTN: PHNSY & IMF DD/WPF EIS Project Manager
258 Makalapa Drive, Suite 100
Joint Base Pearl Harbor Hickam, HI 96860-3134

Via project website: www.PearlHarborDryDockEIS.org

Re: Draft Environmental Impact Statement
Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility
Dry Dock and Waterfront Production Facility
Joint Base Pearl Harbor-Hickam, O'ahu, Hawai'i

Dear Project Manager:

Historic Hawai'i Foundation is providing comment on the Draft Environmental Impact Statement (DEIS) in accordance with the National Environmental Policy Act (NEPA) per 40 CFR Parts 1500-1508 and Navy NEPA implementing regulations at 32 CFR Part 775. These comments are also provided on the project's potential to affect historic properties pursuant to Sections 110 and 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations at 36 CFR Part 800.

Interests of Historic Hawai'i Foundation

Historic Hawai'i Foundation (HHF) is a statewide nonprofit organization established in 1974 to encourage the preservation of sites, buildings, structures, objects and districts that are significant to the history of Hawai'i. HHF is a consulting party to the US Navy pursuant to the implementing regulations of the NHPA at 36 CFR § 800.2(c)(5) as an organization with a demonstrated interest in the undertaking and a concern for the effects on historic properties.

HHF is a Concurring Party to the Programmatic Agreement Among the Commander Navy Region Hawai'i, the Advisory Council on Historic Preservation and the Hawai'i State Historic Preservation Officer Regarding Navy Undertakings in Hawai'i, 2012 (CNRH PA).

HHF is also a Concurring Party to the Programmatic Agreement Among the Commander Navy Region Hawai'i, the Advisory Council on Historic Preservation and the Hawai'i State Historic Preservation Officer Regarding Undertakings Associated with the Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility Facilities Modernization Plan, 2013 (PHNSY PA).

Project Scope

The DEIS describes the project scope as, “The United States (U.S.) Department of the Navy (Navy) proposes to construct and operate a graving dry dock and waterfront production facility (WPF) at Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility (PHNSY & IMF), including auxiliary facilities containing equipment used to operate the dry dock, such as pump stations, water treatment system, parking lots, crane maintenance area, power, and utilities. PHNSY & IMF is located at Joint Base Pearl Harbor-Hickam (JBPHH), Oahu, Hawaii. The graving dry dock would replace existing Dry Dock (DD) 3 and would be given a new dry dock number (DD5) because it would be a replacement dry dock in a location where a dry dock does not currently exist. The proposed project’s construction-related actions would include dredging, fill, pile driving, installation of new temporary and permanent in-water structures, demolition of existing landside structures, and construction of new temporary and permanent landside facilities.”

The overall project purpose is stated as “to provide appropriate dry dock capability at PHNSY & IMF no later than January 2028 to meet submarine depot maintenance mission requirements, as well as build and operate a properly sized and configured WPF to enable efficient submarine maintenance.”

Alternatives Described

The DEIS describes five alternatives that include four action alternative and one no-action alternative. The action alternatives are differentiated by the location of the WPF relative to DD5 (east or west), whether the WPF serves only DD5 (single support concept) or has capability to serve more than one dry dock (multiple support concept), and whether DD5 is covered or uncovered.

Navy states that each of the action alternatives meets the project purpose and need. Alternative 4 is Navy’s preferred alternative.

- Alternative 1: No action
- Alternative 2: Covered graving dry dock (DD5), with a multiple support concept waterfront production facility located east of DD5
- Alternative 3: Covered graving dry dock (DD5) with a single support concept waterfront production facility located west of DD5
- Alternative 4: Uncovered graving dry dock (DD5) with a multiple support concept waterfront production facility located east of DD5 (Preferred Alternative)
- Alternative 5: Uncovered graving dry dock (DD5) with a single support concept waterfront production facility located west of DD5

Historic Hawai'i Foundation Comments

1. **Obligation to Minimize Harm to National Historic Landmarks:** The project location is located entirely within the Pearl Harbor National Historic Landmark (NHL). NHPA Section 110(f) requires that the agency official, **to the maximum extent possible**, undertake such planning and actions as may be necessary to **minimize harm to any National Historic Landmark** that may be directly and adversely affected by an undertaking. This requirement is also enacted in 36 CFR § 800.10 as special requirements for protecting National Historic Landmarks (emphasis added).

While all of the action alternatives will inflict adverse effects on historic and cultural properties, the alternative that causes the least amount of harm is Alternative 5, the uncovered graving dry dock with a single support concept waterfront production facility located west of DD5.

As this alternative accomplishes the purpose and need and is the alternative that minimizes harm to the NHL, Alternative 5 should be the Preferred Alternative with preference over Alternative 4.

NHPA Section 110(f) also specifically requires the Navy to consult with the Advisory Council on Historic Preservation (ACHP), which has not yet been initiated: “The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.” 54 U.S.C. § 306107. *See also* 36 CFR. § 800.10(b) “The agency official **shall request** the Council to participate in any consultation to resolve adverse effects on National Historic Landmarks” and 36 CFR. § 800.10(c) “The agency official **shall notify the Secretary** [of the Interior] of any consultation involving a National Historic Landmark and invite the Secretary to participate in the consultation where there may be an adverse effect.” (emphasis added).

Failure to initiate Section 106 consultation in the first place, and failure to invite the ACHP to participate and to notify the Secretary of the Interior, is a violation of this requirement.

HHF is deeply alarmed that the Navy has proceeded to develop plans for the DD5 project which are now beyond the 60% phase for the Drydock, according to the Navy's statements at the public meeting on February 24, 2022. This creates a serious risk that the Navy has foreclosed the ACHP's opportunity to comment on the project, in violation of 36 CFR. § 800.9(b).

2. **Lack of Integration with NHPA Section 106:** Navy is conducting compliance actions under NEPA separately from its compliance actions in accordance with NHPA. However, Navy is accepting public comments for NHPA Section 106 as part of public comments in accordance with NEPA.

NHPA Section 106 review must be complete prior to issuance of a federal decision, so that a broad range of alternatives may be considered during the planning process.¹ The implementing regulations for NHPA state that “the agency official must complete the section 106 process prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license...The

¹ ACHP & OEQC “NEPA and NHPA: A Handbook for Integrating NEPA and Section 106.”

agency official shall ensure that the section 106 process is initiated early in the undertaking's planning" (see 36 CFR § 800.1(c)).

HHF is extremely concerned that Navy has not conducted the NHPA Section 106 process in accordance with any of the options available to it. Navy could follow the standard process outlined in 36 CFR 800 or it could follow the streamlined process provided by the CNRH PA. Either of these procedural frameworks would allow Navy to initiate consultation on the undertaking "commencing at the early stages of project planning ... to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effect on historic properties" (see 36 CFR § 800.1(a)).

Despite having these options available to it, Navy has not followed either of them. Indeed, Navy has not yet initiated the Section 106 process for Dry Dock 5 nor the Waterfront Production Facility.

DEIS Section 3.9.1 claims, "The Navy is coordinating its NEPA review with the section 106 process for project actions. The Navy is consulting with the SHPO, the Advisory Council on Historic Preservation, Native Hawaiian Organizations, consulting parties and other interested parties to develop a section 106 agreement document, consistent with 36 CFR § 800.14, to address potential adverse effects that may result from the proposed action."

This statement is grossly misleading. Historic Hawai'i Foundation is one of the consulting parties to this undertaking and Navy has not initiated project consultation to date, despite consulting parties' numerous requests over the past two years that it do so.

Instead, Navy first focused its efforts on an effort to develop a Nationwide Programmatic Agreement (NPA) from May 2020 until May 2021. In May 2021, Navy determined that the DD5 & WPF project timelines were not compatible with the NPA timelines and this process was no longer a viable approach. Navy notified consulting parties that consultation on the Nationwide Programmatic Agreement was "paused" to "review and reassess."

Navy then transitioned to its current proposal to utilize the Shipyard PA for DD5 (also known as P-209) and, eventually, the Waterfront Production Facility (also known as P-2003). However, the Shipyard PA process applies only to projects that are located in the Shipyard's Area of Potential Effect (APE) and that are anticipated in the most recent version of the Shipyard Modernization Plan (2015).

As P-209 and P-2003 are not listed in the Shipyard Modernization Plan and are not wholly located within the Shipyard APE, Navy proposes to amend the Shipyard PA and, eventually, the Shipyard facilities plans, to be applicable to the undertaking(s). Current consultation efforts are related to amending the Shipyard PA, not to addressing effects from the DD5 or WPF projects themselves.

The NHPA compliance actions are further complicated by the existence of yet another Section 106 agreement document that was executed to resolve effects from an earlier Shipyard project. In 2010, Navy executed a Memorandum of Agreement Among the Commander Navy Region Hawai'i and the Hawai'i State Historic Preservation Officer regarding the MCON Project P-320, Submarine Production

Support Facility for Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility, Pearl Harbor Naval Complex, Pearl Harbor, Hawai'i (P-320 MOA). HHF is a Concurring Party to the P-320 MOA.

The proposed location for DD5 & WPF projects was previously set aside to be a historical park as mitigation for the P-320 project (see P-320 MOA Stipulation III.G). The administrative record for that undertaking stated that,

“As mitigation, Navy will ... create a park where the compound now exists; create a display explaining the 1274 compound and its significance to the Cold War; create a display explaining the adjacent marine railway... The park will include a memorialized display of the historic Marine Railway #2 and its significance to World War II; the park will open the Building 1274 compound to general access to provide augmentation to the current historic theme of the area (i.e. Hospital Point and the Nevada Memorial); the park will provide a significant opportunity to increase the awareness of the historic significance of the area for the Hospital Point residents and also the patrons who use the Navy Ferry System at Hospital Point.”

The selected location for DD5 & WPF is not in compliance with P-320 MOA Stipulations. As Navy's stated intention is to renege on its prior agreements, the P-320 MOA would need to be amended to provide replacement mitigation for P-320. While Navy has acknowledged this conflict and stated that it will engage in consultation to amend the P-320 MOA, it has not yet done so.

HHF alarmed by Navy's haphazard and arbitrary approach to its obligations to address historic and cultural resources, and its failure to honor and follow existing agreements, and to comply with regulations on proposed amendments or changes to those agreements.

3. Identification of Historic Properties and Cultural Resources:

Navy has identified four historic properties that would be demolished for DD5 (P-209): Fac. 223 Marine Railway #2 Machine House; Fac. S777 Marine Railway #2; Fac. 1461 Bulkhead and Fac. S1161 Welding Slab.

Navy has identified three historic properties that would be demolished for WPF (P-2003): Fac. S781 Dry Dock 3; Fac. B3 (alternatively known as S172) Electrical Substation; Fac. 171 Public Toilet.

Navy has failed to identify additional historic properties that would be affected. In addition to the **Pearl Harbor National Historic Landmark District** as its own entity, several other contributing features to the district would be affected. These additional historic properties need to be included in the assessment of environmental effects on cultural resources:

- The proposed location is located in an area that was previously dredged and altered for Shipyard functions. A map in the Navy's Shipyard Rail Study (2016) labeled “Duel Rail System Navy Yard 1948” notes that this **Basin was “Floating Dock AFDL-35.”**
- The **Shipyard Rail Study's Inventory Survey located two surface features and one subsurface feature within and adjacent to the survey area.** The lines also linked to tracks surrounding Dry

Dock 3, located to the west. The survey map identified two surface features 14.1 (407.55 meters in length) and feature 14.2 (241.54 meters in length) at the head of DD 3 and 2.

The Shipyard Rail Study found that, “Rail lines located within the CIA have retained their integrity over time. The crane line right-of-way is similar to that of the original lines installed along Dry Docks 1, 2, and 3 and the Repair Basins in 1943....The current alignment of the crane rails also matches their historic right-of-way...Within the CIA, both the fragmentary narrow gauge rail lines and actively used crane rails retain their integrity of design, setting, workmanship, feeling and association....**the PHNSY & IMF rail system, within the CIA, is a significant historic resource as a possible contributing element to a larger historic district.** The rail system meets NRHP Criterion A and C.... Individual rail sections are not eligible for listing on the NRHP as structures.”

- The **Hospital Point Historic Management Zone** is in close proximity to the project location. The zone boundary encompasses landscape characteristics, residential buildings, non-residential Hospital-related facilities, significant historic open spaces and the *USS Nevada* memorial.

Previous Navy evaluation of the relationship between the Shipyard and Hospital Point determined that it would be inappropriate to located heavy industrial uses in the vicinity of the Hospital Point neighborhood due to incompatible land uses, noise and atmospheric effects.

During consultation for the P-320 MOA, Navy briefed the consulting parties on the location of Bldg. 1274, which is the proposed location for support facilities for the new project (see NavFac Brief 28 July 2009):

“The Navy has no plans to move additional industrial functions into the compound: the 1274 compound is in a low-lying area that is very prone to tidal surges and flooding; it is in close proximity to the Hospital Point housing area and **the desire is to move heavy industrial functions away from housing areas**” (emphasis added).

- The Navy’s Integrated Cultural Resources Management Plan (ICRMP) identifies additional important **visual landmarks and views**:
 - Crane at the head of DD3
 - Significant views from Ford Island to CIA

4. Protection, Preservation, Restoration and Management of Historic Properties and Cultural Resources:

HHF is concerned that the proposed action does not follow the Navy’s approved plans and guidelines for the treatment of historic properties in several key and important ways.

- A. The Navy’s 2008 ICRMP recommends the following treatments for historic properties (emphasis added):

- Cultural Landscape Features:
Views and Vantage Points: Any changes within the Shipyard Zone should **avoid negative impacts on views from the water and/or Ford Island** of the distinctive Shipyard “skyline” and visually dominant structures.
- Circulation Guidelines:
Retain remnants of railroad tracks where possible
- Buildings and Structures:
New structures built within or adjacent to the Shipyard zone should be **compatible with the designs of the historic buildings they are near**. This is particularly important in a zone like the Shipyard, which has building types with such strong forms and is so uniformly industrial in character. Any new construction within the zone should be designed to be reminiscent of one of the original building design types, preferable those nearest the building site.

Any major proposed changes to the Shipyard Zone **should be looked at from a large scale historic preservation perspective**.

B. The Navy’s 2019 ICRMP recommends the following treatments for historic properties (emphasis added):

- **Waterfront Facilities and Associated Structures**
Dry Docks Nos. 1, 2, and 3 area and former Marine Railway No. 2 facilities: S17, S17A, S169, 170, **171, S172**, 208, **233**, 366, **S777**, S779, S780, **S781**, S786, GD1 through GD5, N1 and N2
 - Retain dry docks Facilities S779, S780, and **S781** and associated quay walls GD-1 through GD-5, N1 and N2.
 - Retain marine railway wharf, **Facility 1461**, and remaining marine railway tracks, **Facility S777**.
 - Retain semi-splinter-proof machine house, **Facility 233**, associated with former Marine Railway No. 2.
 - Retain and maintain electrical utility buildings, Facilities S169 and **S172**.
 - Retain and maintain recently rehabilitated World War
 - II-era support buildings, including Facilities **171**, 208, and 366.

Cluster of Facilities Near Ingerson Avenue: 47, 58, S182, 213, 214, 215, S1084, S1087, **S1161**, 1443, and 1447

Retain and maintain welding slab, **Facility S1161**, including the embedded steel rails.

- **New Construction, Additions, and Alterations**

New buildings in the zone should preferably be built in the general location of historic, non-extant buildings. ...

- Orient buildings to the historic street grid.
- When adding new facilities in this character area, take into account the historic open views to and across adjacent water.
- Any major proposed changes to the Shipyard Zone should be looked at from a large scale historic preservation perspective...
- Limit the height of new construction or building additions on the piers and waterfront to avoid blocking historic views towards the dry docks from the shipyard buildings and streets, and historic views from the waterfront to the adjacent building facades.

C. The 2016 Rail Study recommends the following treatments for historic properties (emphasis added):

“The project proponent shall be responsible to meet the documentation for the affected historic rail lines...this includes the recordation of extant rail lines using GPS, high-resolution photography, and provision of as-built drawings showing the locations of the historic rail lines in relation to the project prior to the start of construction. Monitoring of construction activities is required for project areas within or adjacent to extant surface or subsurface rail lines...**Extant narrow gauge and crane rails will be preserved in place...**”.

5. Indirect and Cumulative Effects:

HHF is concerned that the DEIS does not address reasonably foreseeable effects that may occur later in time, be farther removed in distance or be cumulative. This is a specific requirement under NHPA Section 106 36 CFR. § 800.5(a)(1). Yet the Navy has done no analysis whatsoever to address this requirement.

In particular, HHF is alarmed at the level of proposed demolition and destruction that will weaken the fabric of the NHL District as a whole. This issue has not been addressed.

HHF feels that this omission is a material weakness of the DEIS as well as for the NHPA compliance.

Historic Hawai‘i Foundation Recommendations to Avoid, Minimize and Mitigate Adverse Effects

Given the significance of the historic properties and the irreversible, permanent harm that will occur from the project, HHF recommends the following actions.

1. **Navy should change its Preferred Alternative to Alternative 5**, the uncovered graving dry dock with a single support concept waterfront production facility located west of DD5. This alternative accomplishes the purpose and need and also is the alternative that minimizes harm to the NHL.

2. **Dry Dock 3 should be preserved in place.** It may be decommissioned, covered and placed into stasis until such time as it may be needed for changing mission needs. We find it probable that future mission needs may include maintenance for smaller submersibles and surface ships, especially as smaller, nimble and potentially unmanned craft are developed. There is no need to destroy DD3 in the meantime as it may become a viable maintenance facility again in the coming years.
3. **Mitigation for adverse effects to historic properties needs to be proportionate to the adverse effect; it should be appropriate, timely and beneficial.** The projects need to include budget line items to support cultural resource and historic property mitigation and plan accordingly.

HHF is concerned that Navy's idea of the scope, scale and type of mitigation is grossly underestimated in proportion to the effect. This would result in inadequate financial resources available to mitigate effects and therefore Navy would reject ideas merely because of poor financial planning. As a rule of thumb and for planning purposes, we recommend that major projects with significant adverse effects to major historic resources should plan for 1%-3% of the overall project budget for mitigation measures. The mitigation measures themselves can be developed and detailed in the project-specific Memoranda of Agreement for both DD5 and the WPF, respectively, but for planning purposes Navy should assume a budget line item of 2% of the total project costs for each project.

Thank you for the opportunity to comment.

Very truly yours,



Kiersten Faulkner, FAICP
Executive Director

Copies via email:

Advisory Council on Historic Preservation
State of Hawai'i Historic Preservation Division
National Park Service, National Historic Landmarks Program
National Trust for Historic Preservation