



United States Department of the Interior

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March 17, 2021

IN REPLY REFER TO:
ER22/0057

Andréa M. Von Burg Hall
Naval Facilities Engineering Systems Command
Attention: PHNSY & IMG DD/WPF EIS Project Manager
258 Makalapa Drive, Suite 100
Joint Base Pearl Harbor-Hickam, HI 96860-3134

Subject: Department of the Interior Comments on the Draft Environmental Impact Statement for the Submarine Dry Dock and Waterfront Production Facility at the Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility in Oahu, Hawaii

Dear Andréa M. Von Burg Hall:

The U.S. Department of the Interior (Department), including the National Park Service (NPS) and U.S. Fish and Wildlife Service (USFWS or Service), has reviewed the Department of the Navy's (Navy) *Draft Environmental Impact Statement for Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility, Dry Dock and Waterfront Production Facility at Joint Base Pearl Harbor-Hickam, Oahu, Hawaii*, dated February 2022. We provide the comments below pursuant to the authorities under the National Environmental Policy Act 40 CFR Section 1502.14 and 32 CFR Section 989.8 (NEPA) and the National Historic Preservation Act, Sections 106 and 110; 36 CFR 800.10(c) (NHPA).

The Navy proposes to construct and operate a graving dry dock and waterfront production facility at Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility (PHNSY & IMF) located at Joint Base Pearl Harbor-Hickam (JBPHH). The Navy proposes multiple components of the project and construction related activities in the Pearl Harbor Navy Shipyard, on Ford Island, Waipio Peninsula, Pearl City Peninsula, and the waters between these areas. With the exception of Pearl City Peninsula, all other areas, including the water, lie within the boundary of Pearl Harbor National Historic Landmark.

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The DEIS includes the four action alternatives listed below for proposed facilities that would be located within the PHNSY and includes a single alternative for proposed component facilities located on Waipio Peninsula, Ford Island and West Loch.

- 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

NPS' COMMENTS

NPS' comments address the project's potential impacts to the US Naval Base Pearl Harbor National Historic Landmark (Pearl Harbor NHL) and to Pearl Harbor National Memorial (PHNM)

Pearl Harbor National Historic Landmark District

The NPS requests that the US Department of Navy conduct further analysis and consideration of planning and actions that minimize harm to the Pearl Harbor NHL district to the maximum extent possible in accordance with 54 U.S.C. § 306107. The NPS previously made this request in our comments on the Notice of Intent for this project.

Common to all alternatives is the demolition of five NHL contributors during Stage 1. Alternatives 2 and 4 would lead to the demolition of three additional historic properties and contributors to the Pearl Harbor NHL district. Both alternatives would also result in the largest quantity of demolished historic and NHL contributing resources. There is no evidence in the form of alternative analysis or other cultural resources studies that the agency has, to the maximum extent possible, undertaken planning and actions necessary to minimize harm to the Pearl Harbor NHL (54 U.S.C. § 306107).

If Alternative 4 is selected, Navy actions will have a significant impact and adverse effects on the Pearl Harbor NHL district.

Alternative 1 (No Action) and Alternative 5 have the least overall impact to the NHL as there are fewer NHL contributing resources scheduled for demolition in Stage 2 construction of the Waterfront Production Facility. Alternative 5 also omits a cover for the new dry dock, which

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would lessen visual impacts to the Pearl Harbor NHL and appears to have the least overall impact for a large majority of the fifteen other resource areas.

Section 2 - Proposed Action and Alternatives

Comment: *Figure 2.3-5 Construction Support Facilities (Stage 1, Common to All Action Alternatives)* shows car parking and material storage on and in the vicinity of the runway, compass rose and seaplane ramps, which are historic properties contributing to the Pearl Harbor NHL. In Table 2.4-1 of the DEIS, best management practice (BMP) CULT MGMT-2 states “Minimize scale and duration of construction materials stored at Ford Island Runway to reduce impacts to the PNHNL’s historic setting and the NRHP-eligible runway.” This BMP does not provide adequate protection to the runway from damage, and there is no mention of the compass rose or seaplane ramps. Additionally, page 3-196 of the DEIS includes a statement that the runway and seaplane ramp area would be restored to existing conditions after use, suggesting anticipated damage.

Recommendation: NPS requests that the Navy identify and implement best management practices based in preservation to avoid and protect the compass rose, runway and seaplane ramps from damage. These should be based on best preservation practices and included in the BMPs for cultural resources listed on Table 2.4-1 in the DEIS.

Recommendation: In *Section 2.4 Best Management Practices Included in Proposed Action*, the NPS requests an additional BMP for cultural resource management that addresses the protection of other historic and cultural resources, such as the crane at the head of Dry Dock 3, during construction, including monitoring these resources for damage from pile driving vibration.

Recommendation: BMP CULT MGMT-1 should be revised as follows—our suggested edits are in bold: *In the event of inadvertent discoveries of archaeological resources **or unanticipated impacts to historic or cultural resources** during any project activities, the construction contractor shall **stop work in that area and** immediately notify the Navy. The Navy shall follow procedures outlined in Navy Standard Operating Procedures for Archaeological Treatment Protocols in the ICRMP **and the Section 106 Agreement for this project.***

Section 3.9 - Affected Environment and Environmental Consequences: Cultural Resources

Comment: In 3.9.2 *Missing or Incomplete Information*, for each resource area the DEIS includes a table that lists missing or incomplete information and the relevance and implication of the missing material to effects analysis or decision to be made. In the case of cultural resources, NAVFAC cultural resources studies are listed as missing or incomplete and identified as disallowing full evaluation of potential impacts to cultural resources in the region of influence (ROI). This missing information includes archaeological probability maps and land use information pertaining to cultural resources. The absence of this information and analysis in the

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DEIS does not provide adequate opportunity for public comment on these findings, which the Navy intends to include in the FEIS.

Recommendation: The NPS requests that the Navy provide an opportunity to review the studies and subsequent analysis when they are completed and before issuance of the FEIS.

Comment: In 3.93 *Affected Environment*, the DEIS defines the ROI as the Pearl Harbor NHL and the portion of the study area at Pearl City Peninsula that is not part of the NHL. Nonetheless, Section 3.3.3.1.3 *Public Interpretive Views* inaccurately describes the Ford Island Control Tower being located outside the ROI.

Recommendation: Ford Island is part of the Pearl Harbor NHL. Please correct this error.

Comment: 3.9.3.1.4 *Archaeological Sites* does not include discussion of historic archaeology.

Recommendation: The NPS recommends inclusion and consideration of historic archaeology in the documentation and analysis of impacts to cultural resources in the EIS.

Comment: The DEIS describes three fishpond sites - Loko Pohaku, Loko A Mano, and an unnamed Loko – as no longer extant because they are buried under fill. As buried resources or sites, they would be extant archaeological sites.

Recommendation: NPS requests further consideration of these sites as archaeological resources or further evidence as to why they would not be considered potentially eligible archaeological sites.

Comment: The DEIS identifies only four submerged resources within the ROI; however, Figure 1 *Contributing Objects within Main Base* on page 5-303 of the 2008 Pearl Harbor Integrated Cultural Resources Plan identifies more than twenty submerged resources within the ROI.

Recommendation: The NPS requests that the Navy include all submerged resources in the EIS and consider impacts to them.

Recommendation: In *Table 3.9-5a Impact Indicators for Cultural Resources: All Action Alternatives (Stage 1)*, consider adding other types of historic resources in addition to archaeological ones for the first impact indicator after analyzing potential impact to historic resources from pile driving vibration.

Comment: In 3.9.4.4.1 *Construction-related Impacts*, the summary assessment in the first paragraph is incomplete. Additionally, the threshold of delisting the NHL is rather low and not in keeping with all federal agencies' responsibility to take actions to minimize the impact to NHLs to the maximum possible in accordance with 54 U.S.C. § 306107. The summary does not include an assessment of the impact from the proposed actions to the Pearl Harbor Navy Shipyard, which

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constitutes a large area within the Pearl Harbor NHL. Neither does it include consideration of the impact to this area from past projects that have resulted in the demolition of several historic properties that contributed to the Pearl Harbor NHL.

Recommendation: The NPS requests that the Navy fulfill its responsibilities in accordance with 54 U.S.C. § 306107 by including cumulative effects analysis rather than omitting it under the NEPA rules published by CEQ on July 16, 2020. NPS also requests that the Navy consider the general planning guidelines for historic structures within the Shipyard Zone that were developed by the Navy and included in the 2008 Pearl Harbor ICRMP in planning and implementing the Dry Dock and Waterfront Production Facility Project.

Section 3.17 - Environmental Justice and Protection of Children Comments

Recommendation: In *Table 3.17-8 Construction-related Impacts on Environmental Justice Common to All Action Alternatives*, the NPS suggests the Navy consider the cultural significance of Pearl Harbor to Native Hawaiian Communities in assessing environmental justice. The cultural significance to Native Hawaiians is acknowledged in the cultural resources section of the document but it may not have been considered under environmental justice cultural resources.

Pearl Harbor National Memorial

The proposed Pearl Harbor Naval Shipyard Submarine Dry Dock and Waterfront Production Facility will negatively affect the resources and visitor experience of Pearl Harbor National Memorial (PHNM) in four broad categories. The following comments do not address broader impacts to Pearl Harbor NHL or other historic properties within the harbor beyond PHNM.

Visual Impacts to the Pearl Harbor Landscape

This project will introduce new visual elements into the Pearl Harbor landscape and setting. The primary PHNM resource impacted by this project is the Battleship Row historic landscape which includes the wreck of the USS Arizona, the USS Arizona Memorial, historic mooring quays, and the Ford Island CPO Bungalows. The overall impact to the landscape is considered low to moderate and is reduced by several factors:

- The primary area where this project will occur is spatially set back at more of a distance when compared to other areas of the naval base and is generally consistent with the look of an active military base. The heaviest visual impacts related to the USS Arizona Memorial will occur during construction.
- Views from the Ford Island CPO Bungalows overlooking the harbor are blocked in this direction by the USS Missouri moored alongshore to the southwest of the bungalow neighborhood.
- In general, views to, from, and within the USS Arizona Memorial are focused on the memorial, the sunken USS Arizona, and the contemplative experience itself rather than on the viewshed of the Naval Base. Ships parked in the harbor are frequently more

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intrusive to the scene and of more interest to visitors than the non-descript buildings or dry-docks.

Noise Impacts During Construction

This project could produce temporary noise intrusion into PHNM. Repetitive noise above 50-60 dBs (sometimes exceeding 70dBs), resulting from pile-driving during construction (10 hours per day, 6 days a week), would be noticeable from within the Memorial for approximately 14 months. Several factors contribute to noise pollution in the general vicinity of the project area: elevated and sustained noises associated with a major metropolitan area, military jets, helicopters, commercial tours, Ford Island bridge traffic, highway traffic, and large-scale construction projects. While the NPS recognizes the highly compromised ambient sound quality of the general Pearl Harbor vicinity, repetitive noise levels during construction from the project would additionally impact the contemplative space of the USS Arizona Memorial.

Ford Island Walking Trail

The Ford Island walking trail intersects the park in at least two different locations - the Chief Petty Officer (CPO) Bungalow Neighborhood and the USS Utah Memorial. Visual and audio impacts described above would also affect the trail where it intersects with PHNM resources. Potential consequences include reduced use of the trail and reduced visitor access to park resources.

Traditional Hawaiian Place

The NPS recommends additional analysis and consultation with Native Hawaiian organizations regarding the broader Pearl Harbor traditional cultural landscape. The DEIS' analysis of the region of influence (ROI) is overly restrictive in its consideration and analysis of the impacts to the Native Hawaiian traditional cultural resource.

The use of Pearl Harbor as a place of indigenous Hawaiian cultural practice and spirituality is well documented. PHNM is located within this space and overall landscape. Although the NPS is not aware of and is not actively preserving physical resources related to the use of Pearl Harbor by the Native Hawaiian people, NPS recognizes the area as an indigenous human landscape that pre-dates the construction of the Pearl Harbor Naval base. The proposed project and preferred alternative would contribute to the landscape's continued degradation.

Potential Mitigations

As an active US Navy facility, JBPHH will continue to need modernization and updates on a regular basis. The ongoing work of historic preservation within this context will pose a series of ongoing challenges. The NPS regularly works with the Navy to balance ongoing operations with historic preservation and park visitor experience. This project provides some opportunity for the

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park to assist the Navy with mitigation of impacts to historic properties on base. The NPS recommends during mitigation discussions to explore options to restore historic resources along Battleship Row and the CPO Bungalow neighborhood as part of the broader Pearl Harbor historic landscape and scene. This model of mitigation has demonstrated benefits in other areas of the country as a means of balancing impacts to historic properties and providing valuable outcomes to both parties and the community at-large.

USFWS COMMENTS

The following comments address potential marine resource and environmental contaminant impacts arising from the proposed action.

The proposed project sites have a long history of human disturbance. Nevertheless, important marine resources would be impacted by the proposed project. Impacts to fish and wildlife resources are of particular concern including direct and indirect impacts to corals and other living benthic habitats. Compensatory mitigation for unavoidable loss of benthic habitat (e.g. corals) and likelihood of dispersing legacy contaminants are two specific concerns that require careful attention while planning and executing this project.

Six native coral species are present at project sites including *Leptastrea purpurea*, *Montipora capitata*, *Montipora patula*, *Pocillopora damicornis*, *Porites compressa*, and *Porites lobata*. While most of those corals occur as isolated colonies, a large (33 square meter) patch of *P. compressa* has been identified in the Dry Dock 5 construction area and will likely be impacted.

Potential Impacts

USFWS notes several potential impacts resulting from the proposed action, which are found in the list below.

- Direct and indirect adverse impacts to the benthic environment, including living and non-living benthic habitats, are expected to result from dredging and other in-water construction activities.
- Physical damage and unavoidable losses in dredge or fill footprint are expected to include loss of habitat, reduced fitness or smothering due to sedimentation, exposure to night lighting, shading/reduce irradiance, anoxia (absence of oxygen), nutrient enrichment, and exposure to chemical contaminants, waste, and pollutants.
- Expected impacts of discharge of fill include permanent/long-term loss of 3.3 hectares of marine waters and 0.25 hectares of wetlands.
- Dredging, in-water demolition, and pile driving would result in mobilization of sediments, increasing turbidity and related effects to benthic environments. Dispersed sediments could include a variety of legacy contaminants of concern that could impact habitats, fish, and wildlife.
- There is potential for adverse impacts to federally listed marine wildlife species in the study area.
- 36 marine turtle resting caves will be lost or otherwise impacted.
- Elevated noise levels could impact various marine fauna.

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- “Alternative 2” and “Alternative 4” would include construction of a seawall where Dry Dock 3 is currently located and therefore could potentially have greater direct and indirect impacts on marine natural resources in that area than would be expected by “Alternative 3” and “Alternative 5.”

Comments

While most observed corals occur as isolated colonies, a large (33 square meter) patch of *P. compressa* has been identified in the Dry Dock 5 construction area. This type of coral growth is a valuable resource that would take many years or decades to establish under past environmental conditions and is potentially irreplaceable considering projected future environmental conditions. This and other corals might inevitably be lost, requiring careful consideration of how such losses can be avoided (if possible), minimized (e.g., by translocation), or mitigated through compensatory mitigation efforts.

Contaminated sediments that will be dredged are not likely to be suitable for the offshore marine disposal and will require disposal in appropriately lined upland disposal sites. The effects of unavoidably re-entrained contaminants in sediment should be continuously minimized and contained throughout all project phases.

Recommendations

USFWS provides the following recommendations, organized by the two topics of marine resources and environmental contaminants.

Marine Resources

Mitigation: Details of any mitigation, including a compensatory mitigation plan, should be specified and planned for unavoidable loss of wetlands and coral reefs and included in the EIS. The development of any compensatory mitigation for water resources should include coordination with all federal and state resource agencies (National Marine Fisheries Service (NMFS), US Environmental Protection Agency, USFWS, and Hawai‘i Department of Land and Natural Resources (DLNR)).

Coordination: The Navy should coordinate with NMFS, USFWS, and Hawai‘i DLNR to specify and plan specific strategies to avoid and minimize impacts to benthic marine habitat and compensatory mitigation for inevitable coral losses.

Sediment: Sediment curtains should be used to contain sediment plumes to the smallest practicable areas around work, especially considering expected disturbance of potentially harmful legacy contaminants. The dredge material modelling in Appendix J assumes silt curtains will be used, but the BMPs do not specifically highlight their use. Additionally, turbidity and the effects of turbidity should be monitored during and after construction is complete to determine if anticipated thresholds are exceeded or unanticipated impacts occur. These details should be developed through a turbidity mitigation and monitoring plan and included in the EIS.

Biosecurity: More specifics will be provided on biosecurity protocols under BMP MARINE BIO MGMT-8. Details of how a risk assessment is completed are vital to successfully adhere to biosecurity standards. The State of Hawai'i and USFWS can provide advice on methods for risk assessment.

Marine Resources: More detail should be provided under BMP MARINE BIO MGMT-15 to minimize the risk of inadvertent impacts to marine resources. It is not sufficient to say that contact with shallow coral or hardbottom will be avoided. The contractors need to have awareness of where the barges anchor or operate in relation to the nearby resources. This might entail an observer like the marine protected species observer during operations, or someone knowledgeable with the location of sensitive marine resources adjacent to the work area. This observer should have the ability to report any deviation from the plan or observed impact to the USACE and resource agencies.

Environmental Contaminants

Dredging: Portions of the project area are in the Pearl Harbor Naval Complex National Priorities List (NPL) site, primarily the Southeast Loch Decision Unit (DU) SE-1 and possibly Off Ford Island Landfill. Dredging for this project will include some of the areas in DU SE-1 that are scheduled for monitored natural recovery or enhanced natural recovery with application of activated carbon. Clarification should be made so that sediments are not treated with activated carbon (AC) and subsequently dredged, resulting in removal of AC.

Additionally, dredging will suspend contaminants. The impacts to fish, turtles and aquatic invertebrates should be discussed and mitigation alternatives should be developed and presented. Contaminated dredge spoils should be transported to, and retained in, appropriate upland disposal sites.

Landside Excavation to Enlarge Dry Dock: Because excavation for DD5 and relocation of crane maintenance areas may uncover contaminants in addition to munitions and explosives, excavated materials should be tested for metals, asbestos, and PCBs before disposal. If new unanticipated contaminants are discovered, the areas should be added to the Pearl Harbor NPL and cleanup plans developed.

Waipio Peninsula Laydown Areas and Aggregate Stockpile: Vegetation clearance and construction of a gravel pad on Waipi'o peninsula will occur within 160 meters of the former pesticide mixing area adjacent to Walker Bay. This site is fenced to exclude personnel, but dioxin contamination has been documented outside the fence. Soil samples should be collected and analyzed for dioxins near the perimeter of the proposed laydown area to avoid disturbing dioxin contaminated soils. Cleanup of the former pesticide mixing area is planned, but the settlement has yet to be court approved.

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Confined Disposal Facility: Vegetation removal on the Waipi‘o Peninsula for a Confined Disposal Facility (CD)F Cell 4 and laydown areas will destroy habitat for protected migratory birds. Mitigation options should be developed to compensate for habitat loss.

We thank you for the opportunity to comment on the Draft Environmental Impact Statement. For further questions or information regarding NPS’ comments on the US Naval Base Pearl Harbor National Historic Landmark, please contact Dr. Elaine Jackson Retondo, Regional Preservation Partnership and History Programs Manager, at elaine_jackson-retondo@nps.gov or (510) 410-2315). For questions regarding NPS’ comments on Pearl Harbor National Memorial, please contact Jay Sturdevant, Pearl Harbor National Memorial, Integrated Resources Program Lead, at jay_sturdevant@nps.gov or (808) 295-7673). For question regarding UFWS’ comments, please contact Dr. Dan A. Polhemus at (808) 792-9415 or dan_polhemus@fws.gov.

If you have any further questions, please contact me at (415) 420-0524 or janet_whitlock@ios.doi.gov.

Sincerely,

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