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Solid and Hazardous Waste Branch  
Department of Health



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December 2, 2015

Mr. Steven Chang, P.E.  
Solid and Hazardous Waste Branch  
Hawaii State Department of Health  
919 Ala Moana Blvd. #212  
Honolulu, HI 96814

RECEIVED  
OFFICE OF THE DIRECTOR  
DEPT. OF HEALTH  
DEC -2 2015

Re: Covanta Honolulu Resource Recovery Venture and City and County of Honolulu Solid Waste Permit Modification Application dated August 18, 2015

Dear Mr. Chang:

By joint application dated August 18, 2015 (the "**Application**"), Covanta Honolulu Resource Recovery Venture ("**Covanta**") and the City and County of Honolulu (the "**City**") request modifications to Solid Waste Management Permit Number IN-0049-11 (the "**Permit**"). As explained in further detail below, the Department of Health (the "**Department**") should deny the Application for at least the following four reasons:

(1) Covanta currently operates a solid waste disposal facility (the "**Facility**"). White goods cannot be accepted at such facilities pursuant to Hawai'i Administrative Rule ("**HAR**") § 11-58.1-65. The Application seeks to expand and modify the operations at Covanta's Facility to include acceptance and handling of white goods. The proposed modifications should be denied because acceptance and processing of white goods at Covanta's Facility would violate HAR § 11-58.1-65.

(2) The Application does not provide adequate protections for the endangered plants within the plant sanctuaries that are located on the City-owned properties on which the proposed operations would be performed by Covanta as described in the Application.

(3) Governmental agencies have raised significant concerns regarding the proposed development and construction of the structures that would be necessary for Covanta to perform the work described in the Application. Those concerns require the Department to deny the Application.

(4) The Application is incomplete because Covanta has not demonstrated it has the equipment, personnel or experience necessary to perform white goods recycling in a safe manner.

## **I. THE APPLICATION SHOULD BE DENIED BECAUSE WHITE GOODS CANNOT BE ACCEPTED AT DISPOSAL FACILITIES.**

The Application impermissibly seeks a permit modification that would allow Covanta to incinerate solid waste and accept and recycle white goods at the same Facility. HAR § 11-58.1-65(c) is clear: "White goods ... **may not be accepted at disposal facilities permitted under these rules** after June 30, 1994. A plan must be developed by the operator of solid waste disposal facility and included in the facility operations plan to implement this ban." (emphasis added.) The Application ignores this rule.

Indeed, the Application makes abundantly clear that Covanta intends to operate a single Facility that combines disposal operations with the acceptance of white goods. "The primary function of the existing Facility," according to the Application, "is to provide disposal of municipal solid waste (MSW)." (Attachment P3 [rev. Aug. 14, 2015] to Application at p. 1.) The modified Facility would include a new "Solar Building" that would "accept approximately 55,000 units per year of white goods and 100,000 tons per year of bulky items," many of which "will be shredded by the bulky waste shredder and fed into the Mass Burn Unit." (Attachment P3 [rev. Aug. 17, 2015] to Application at pp. 2-3.) The requested modification is plainly contrary to Section 11-58.1-65(c) and should be denied for this reason alone.

### **A. The Applicants Seek to Accept White Goods at a Disposal Facility.**

According to the Application, Covanta operates the H-Power Facility under a Permit issued in accordance with HAR § 11-58.1-20, which regulates solid waste incineration facilities. The H-Power incineration Facility is a "solid waste disposal facility," as that term is defined in Subchapter 58.1. See HAR § 11-58.1-03 (defining "Solid waste disposal facility" as "any facility which receives solid waste for ultimate disposal through landfilling or incineration").

The Application now seeks to expand the Facility through the addition of adjacent land, where Covanta would accept and recycle white goods. Rather than seeking a separate permit for a separate white goods facility, the Application seeks a "permit modification application" "**to add to existing Solid Waste Permit (IN-0049-11) an additional process and structure for White Goods.**" (Application at Attachment P-5; emphasis added.) See Application at p. 1, § I ("Type of Application" specified as "Permit to modify an existing facility"). As the Application explains:

**The purpose of this modification is to add the following to the permitted HPOWER operations; a new building, including white goods as an acceptable material, and add processes related to refrigerant reclamation.** The Site will be the primary facility for receiving and processing white goods for the CCH, and is designed to be approximately 140,000 square feet in area. Inside the Solar Building, two concrete bunkers with a combined capacity of 260 cubic yards will be placed adjacent to the receiving bay for stored white goods, and there will be an area designated to hold a 40 cubic yard container. Refrigerant reclamation systems will be located within the white goods processing area.

(Application at p. 7 [Attachment P-1]; emphasis added.)



The Application even claims that the illegal combination of white goods and solid waste disposal operations in the same Facility would be an advantage. According to the Application, the modification “will facilitate consolidation of both [bulky items and white goods] collection services into one collection service,” thereby “increasing disposal efficiency.” (Application at p. 11 [Attachment P-2].) See Application at p. 14 (Attachment P-2) (referencing “the collection and processing of combined white goods and bulky waste”); *id.* at p. 15 (“[t]he proposed permit modification and construction of the Solar Building facility will allow the acceptance of mixed white goods and bulky items”). The promised efficiency is questionable at best. And the plan means to achieve greater efficiency by combining disposal and white goods operations is plainly contrary to the law.

**B. The Rules Prohibit the Acceptance of White Goods at a Facility That Is Also Used for Incinerating Solid Waste.**

The Application describes itself as “a request to add a building onto **adjacent parcels** west of the HPOWER facility, include white goods as an acceptable waste, and incorporate refrigerant recovery operations.” (Application at front page; emphasis added.) The rules define “Facility” as “all contiguous land including buffer zones and structures, other appurtenances, and improvements on the land used for the handling of solid waste.” HAR § 11-58.1-03. By definition, the addition of adjacent land would create a single Facility comprising both disposal and white goods operations. Confirming that the Facility will be a single operation, the City received a Conditional Use Permit (minor) authorizing a joint development agreement for the various parcels. Upon approval of the permit, the parcels are now treated as a single zoning lot.

A Facility cannot be the location for both the disposal of solid waste and the acceptance of white goods. HAR § 11-58.1-65(c). Yet that is exactly what the Application proposes:

After processing in the Solar Building, white goods will be shipped to a permitted off-site recycler for further metal reclamation. Combustible bulky waste will be taken to the Mass Burn Unit where they will be shredded by the bulky waste shredder and fed into the Mass Burn Unit. Noncombustible metallic bulky items will be taken to the metal recycler for recycling.

(Attachment P3 [rev. Aug. 17, 2015] to Application at p. 5.)

The Application unambiguously characterizes the anticipated operation as a single Facility, and HAR § 11-58.1-03 commands that interpretation. Rule 11-58.1-65(c) prohibits Covanta from performing the identified activities in a single Facility. The Application therefore should be denied.

**II. THE APPLICATION SHOULD BE DENIED BECAUSE IT DOES NOT PROVIDE ADEQUATE PROTECTION FOR THE PLANT SANCTUARIES ON THE CITY-OWNED PROPERTIES ON WHICH THE WORK PROPOSED IN THE APPLICATION WOULD BE PERFORMED.**

The Facility under the existing Permit is located on Tax Map Key Number 9-1-26:30. The Application seeks to expand the Facility to include parcels 33, 34 and 35. (Application at p.



2.) Parcels 33, 34 and 35 are owned by the City. Although the Application fails to disclose it, two plant sanctuaries on Parcels 33 and 34 are believed to contain the last remaining natural populations of *achyranthes splendens var. rotundata*—an endangered plant species protected by the federal Endangered Species Act and the Hawai‘i counterpart, HRS chapter 195D.

Attachment P-1 of the Department’s permit application form for solid waste management facilities expressly asks applicants to identify any “sensitive environmental areas within 500 feet of the property lines.” (Application at p. 6, #1, Location Drawing(s) [Attachment P-1].) Yet the Application omits any mention of the two plant sanctuaries located on Parcels 33 and 34. The Application states that environmentally sensitive areas are shown on Figure 6 of the Application. However, Figure 6 does not mention plant sanctuaries. Instead, Figure 6 mentions “fenced dense vegetation,” while failing to disclose that this vegetation is in fact a sanctuary for endangered plants.

The failure to identify the plant sanctuaries is particularly concerning because the City and Covanta are clearly aware of the existence of these sanctuaries and that they contain endangered species. Indeed, Covanta previously identified the plant sanctuaries in a final Environmental Impact Statement that was prepared by Covanta and submitted by the City in May 2009 in connection with a proposed expansion of H-Power (the “FEIS”). See the Final Environmental Impact Statement for the H-Power Expansion Project, Tax Map Key numbers 9-1-026-030, 9-1-026-033 and 9-1-026-034, dated May 12, 2009, available at [http://oegc.doh.hawaii.gov/Shared%20Documents/EA\\_and\\_EIS\\_Online\\_Library/Oahu/2000s/2009-05-23-OA-FEIS-H-POWER-Expansion.pdf](http://oegc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Oahu/2000s/2009-05-23-OA-FEIS-H-POWER-Expansion.pdf).

Although Parcels 33 and 34 were to be used solely for temporary construction laydown and parking, and not for any permanent operations, the FEIS nevertheless made numerous references to the plant sanctuaries on these lots. For example, Section 1.6 of the FEIS, which contains a description of the property, states, “Parcel 033 is 6.041 acres and Parcel 034 is 8.164 acres and both include portions of a fenced area which is a plant sanctuary that will not be utilized. The plant sanctuary is mapped, and the measures proposed to avoid impact to it are presented within application sections of the EIS. Only a portion of parcel 34, not inclusive of the drainage easement or the plant sanctuary, is expected to be used for construction laydown.” *Id.* at p. 1-3. Figure 1.6-1 of the FEIS clearly identifies on a map the locations of the plant sanctuaries located on Parcels 33 and 34.

Similarly, Section 4.5.3.2 of the FEIS, which discussed the proposed construction laydown area, stated that “[p]opulations of the endangered plant, *Achyranthes splendens var. rotundata*, are known to exist in the plant preservation enclosures.” *Id.* at Page 4-66. The same section also recognized that these enclosures “may serve as nesting areas for the state-endangered Hawaiian owl and state-threatened white tern, respectively. Further, it has been reported that the endemic ‘ōpae‘ula shrimp may occur in the enclosure sinkholes when tidal and rainfall conditions are adequate . . . .” *Id.*

Having failed even to disclose the sanctuaries, the Application actually raises concerns that Covanta and the City intend to undertake activities that may harm the sanctuaries. Specifically, the Application states that in order to minimize stormwater runoff, the City and Covanta plan to “enhance” existing swales. (Application at p. 8 [Attachment P-1].) Figure 7 to



the Application contains references to existing swales on or near what the City and Covanta refer to as the “vegetation area,” **but which is in fact one of the plant sanctuaries**. Thus, it appears that the City and Covanta intend to modify the existing swales without identifying how such activity may impact the plant sanctuaries and the endangered plants contained therein. The draft environmental assessment prepared for the Solar Building Project does not appear to disclose the plan to enhance the existing swales on or near the plant sanctuaries. Accordingly, agencies, such as the Office of Hawaiian Affairs (“OHA”) and others that may have concerns about the impact of such work may not be aware of the plans, and thus, have not had an opportunity to comment on such plans.

The Application should still be denied because Covanta and the City have not identified the plant sanctuaries, and/or provided adequate protections for those sites.

### **III. THE APPLICATION SHOULD BE DENIED FOR THE REASONS RAISED BY GOVERNMENTAL AGENCIES IN RESPONSE TO THE DRAFT ENVIRONMENTAL ASSESSMENT FOR THE SOLAR BUILDING PROJECT.**

As discussed in the previous section, the City submitted a draft environmental assessment regarding its proposed Solar Building Project. OHA and other agencies have identified concerns with this Project. The Application should be denied in light of the concerns raised by these governmental agencies.

First, in response to the draft environmental assessment, the Board of Water Supply (“BWS”) commented that **“the existing water system cannot provide adequate fire protection to accommodate the proposed development.”** See Exhibit A hereto at p. 1, #1. In addition, BWS explained that Covanta:

has not fulfilled a previous BWS requirement to utilize RO demineralized recycled water associated with the H-Power 3<sup>rd</sup> boiler project to replace the use of potable water for boiler feed. **Since Covanta has been non-responsive to our attempts at a resolution to our recycled water requirement, it will be difficult for BWS to approve any further building permits for water services to these facilities.**

(Exhibit A at p. 1, #3; emphasis added.)

Building permits and a water system that provides adequate fire protection are essential. Because Covanta and the City lack these essential components, the Application is not in the public interest and should be denied.

Second, the City’s own Department of Planning and Permitting (“DPP”) raised concerns in comments to the draft environmental assessment. See Exhibit B hereto. Specifically, DPP explained that the portion of the draft environmental assessment regarding floodplains **“contains numerous errors.”** DPP also noted that the draft environmental assessment claims that no wetlands exist when in fact, a recent National Wetlands Inventory shows that **“[t]here is a freshwater emergent wetland (PEM1A) on TMK: 9-1-026:034 in the vicinity of the proposed structure.”** *Id.* (emphasis added). A copy of the National Wetlands Inventory dated September 17, 2015 is attached hereto as Exhibit C. As DPP noted, the inventory appears to

show a freshwater emergent wetland in the area where the City plans to construct the Solar Building.

Finally, in response to the draft environmental assessment regarding the proposed Solar Building Project, the OHA raised concerns regarding the need for archaeological monitoring by a qualified archaeologist during all ground disturbing activities at the site and for the establishment of buffer zones and fencing around the plant sanctuaries. *See* Exhibit D hereto at pp. 2-3. The letter from OHA notes that “the map of the Solar Building conceptual layout plan does not include a map scale and appears to show the building footprint almost abutting the ‘Existing Archaeological Sanctuary’, which contains a historic site.” *Id.* at p. 3.

It is unclear what, if anything, the City or Covanta has done to address OHA’s concerns. Covanta and the City cannot be given an amendment to the Permit without demonstrating that archaeological sites and endangered species on the properties are identified and protected.

Indeed, the Application does not even confirm that an archaeological inventory survey was conducted to determine the extent to which archaeological historic properties maybe present in the project area. Accordingly, there may be other sensitive areas on the properties at issue that also have not been identified. The Application does not identify or address these concerns, and should also be denied for that reason.

#### **IV. THE APPLICATION SHOULD BE DENIED BECAUSE IT IS INCOMPLETE.**

In addition to the foregoing problems, the Application is incomplete. The Application states that the “proposed Solar Building was found to be the most efficient and viable way to process the white goods and recover refrigerants for the City and County of Honolulu.” (Application at p. 13, #3 [Attachment P-2].) The Application does not explain why the Solar Building would be a more efficient or viable way to process white goods than the current process that is employed. Moreover, it is hard to understand how Covanta could be a more efficient recycler given that Covanta does not purport to have any prior experience with processing and recycling white goods. Indeed, Covanta and the City recognize that they cannot provide refrigerant certifications for any employees or even confirmation that the EPA has been notified that Covanta intends to operate as a refrigerant recovery facility--precisely because Covanta does not in fact have any such operations.

The Application argues that the modification of the permit would be in the public’s interest. However, no facts justify this conclusory statement. It is in the public’s interest that the Department ensure that anyone seeking a permit to operate a Facility that will accept, process and recycle white goods actually have experience with this type of work. The Application contains no such assurance and provides no facts that would support a conclusion that the modification of the permit would in fact be in the best interests of the public. Accordingly, the Application should be denied.

Sincerely,



Carroll E. Cox  
President



# BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU  
630 SOUTH BERETANIA STREET  
HONOLULU, HI 96843



September 8, 2015

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Deputy Manager and Chief Engineer

TO: LORI M.K. KAHIKINA, P.E., DIRECTOR  
DEPARTMENT OF ENVIRONMENTAL SERVICES

ATTN: MANUEL S. LANUEVO, P.E. AP LEED

FROM: ERNEST Y.W. LAU, P.E., MANAGER AND CHIEF ENGINEER *eyw*

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT ON BUILDING FOR  
SUPPLEMENTAL ENVIRONMENTAL PROJECT AT H-POWER  
TAX MAP KEY: 9-1-026: 033, 034, 035

Thank you for the opportunity to review and comment on the Draft Environmental Assessment for the H-Power environmental project. We have the following comments:

1. The existing water system cannot provide adequate fire protection to accommodate the proposed development. The Board of Water Supply (BWS) Water System Standards require a fire hydrant to be located within 125 linear feet of the property and provide a fire flow of 4,000 gallons per minute (gpm) for industrial developments. The nearest fire hydrant, fire hydrant L-4256, is located approximately 10 feet from the property; however, it can only supply a flow of 3,400 gpm. Therefore, the developer will be required to install the necessary water system improvements to provide adequate fire protection in accordance with our Water System Standards.
2. In response to Council Resolution 06-329, supporting the use of recycled water for industrial uses at the City's H-POWER facility and in accordance with BWS Rules and Regulations Section 1-112, Nonpotable Water, recycled water should be utilized in lieu of potable water for nonpotable purposes. The BWS Recycled Water System is located within an easement between the proposed H-Power environmental project site and the H-Power facility.
3. We remind Environmental Services that Covanta, the H-Power contractor, has not fulfilled a previous BWS requirement to utilize RO demineralized recycled water associated with the H-Power 3<sup>rd</sup> boiler project to replace the use of potable water for boiler feed. Since Covanta has been non-responsive to our attempts at a resolution to our recycled water requirement, it will be difficult for BWS to approve any further building permits for water services to these facilities.

Ms. Lori Kahikina  
September 8, 2015  
Page 2

4. The availability of potable water will be confirmed when the building permit application is submitted for approval. However, please be advised that this information is based upon current data, and therefore, the BWS reserves the right to change any position or information stated herein up until the final approval of the building permit application. The availability of recycled water for the H-POWER development will be confirmed when a recycled water service agreement is executed.
5. When water is made available, the applicant will be required to pay our Water System Facilities Charges for resource development, transmission and daily storage. Construction drawings should be submitted for our review and the construction schedule should be coordinated to minimize impact to the water system.
6. The on-site fire protection requirements should be coordinated with the Fire Prevention Bureau of the Honolulu Fire Department. The proposed project is subject to BWS Cross-Connection Control and Backflow Prevention requirements prior to the issuance of the Building Permit Applications.

If you have any questions, please contact Robert Chun, Project Review Branch of our Water Resources Division at 748-5443.



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**From:** Lanuevo, Manuel S <mlanuevo@honolulu.gov>  
**Sent:** Wednesday, September 09, 2015 3:33 PM  
**To:** Sadri, Ahmad  
**Cc:** Hamada, Wayne  
**Subject:** FW: H-Power Supplemental Environmental Project DEA

Hi Ahmad,

Here's the DPP comments.

Thanks,  
Manny

**From:** Takahashi, Eugene H.  
**Sent:** Wednesday, September 09, 2015 2:55 PM  
**To:** Lanuevo, Manuel S  
**Cc:** Blair, Thomas G  
**Subject:** H-Power Supplemental Environmental Project DEA

Per your request, we are emailing our comments to you.

Thank you for your letter dated August 6, 2015, requesting comments on the Draft Environmental Assessment (DEA) for the Building for Supplemental Environmental Project at H-Power. We have reviewed the information provided and offer the following comments:

1. Section 2.6, Floodplains, contains numerous errors. The DEA states a Flood Insurance Rate Map (FIRM) was not available, however the text references a FIRM from 2004 used for Figure 2.6-3. The FIRM in 2-6.3 is dated January 19, 2011, not 2004. The applicant shall carefully review the DEA and revise it accordingly.
2. Page 11, 4th Paragraph: Conceptual drawings showing the solar building, paved driveway, miscellaneous improvements, and possible future development are missing from the DEA.
3. Page 12, 1st Paragraph: The DEA should include a discussion of the existing infrastructure and utilities and proposed impacts and mitigation measures to these facilities (ex., drainage, wastewater, water, etc.).
4. The DEA states that no wetlands exist according to the National Wetlands Inventory (NWI) (dated 2008). According to our records and the NWI (last checked August 18, 2015), figure 2.8-1 is outdated. There is a freshwater emergent wetland (PEM1A) on TMK: 9-1-026: 034 in the vicinity of the proposed structure. A wetland delineation may be required from the U.S. Army Corps of Engineers (USACE). Please update the figures and revise the DEA accordingly.
5. The DEA should include a discussion describing the proposed grading work, as Section 7 indicates that a grading permit is anticipated.

6. If the project drains to the City's drainage facilities and all natural drainage ways that the City has ownership and/or responsibility for, then the project shall comply with the prevailing standards at the time the construction and grading plans are submitted for review and approval.

Should you have any questions, please contact Thomas Blair at 768-8030





**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HWY., SUITE 200  
HONOLULU, HAWAII 96817**

HRD15/1622D

September 8, 2015

Manuel S. Lanuevo, P.E., LEED AP  
Chief  
ENV-Refuse  
1000 Uluohia St., Suite 201  
Kapolei, HI 96707

Re: Building for Supplemental Environmental Project at H-Power  
Honouliuli Ahupua'a, 'Ewa Moku, O'ahu Mokupuni  
Tax Map Key (1) 9-1-026:033, 034, 035

Aloha Mr. Lanuevo:

The Office of Hawaiian Affairs (OHA) received your letter dated August 6, 2015, requesting comments on a draft environmental assessment (DEA) for the project entitled "*Building for Supplemental Environmental Project at H-Power*." The project is being proposed by the Refuse Division of the Department of Environmental Services (ENV) for the City and County of Honolulu (C&C Honolulu). The project will entail the construction of the "Solar Building", as a component of the H-Power solar photovoltaic (PV) system, as required by a consent decree between C&C Honolulu and the U.S. Environmental Protection Agency. The Solar Building will include a rooftop PV system, house additional PV components, and provide space for ancillary H-Power operations, such as refrigerant reclamation, metals, processing, vehicle access, and storage.

Although OHA recognizes the need for the project and generally supports renewable energy projects, we have several outstanding concerns that we ask be addressed in the final environmental assessment for this project.

EXHIBIT D





U.S. Fish and Wildlife Service

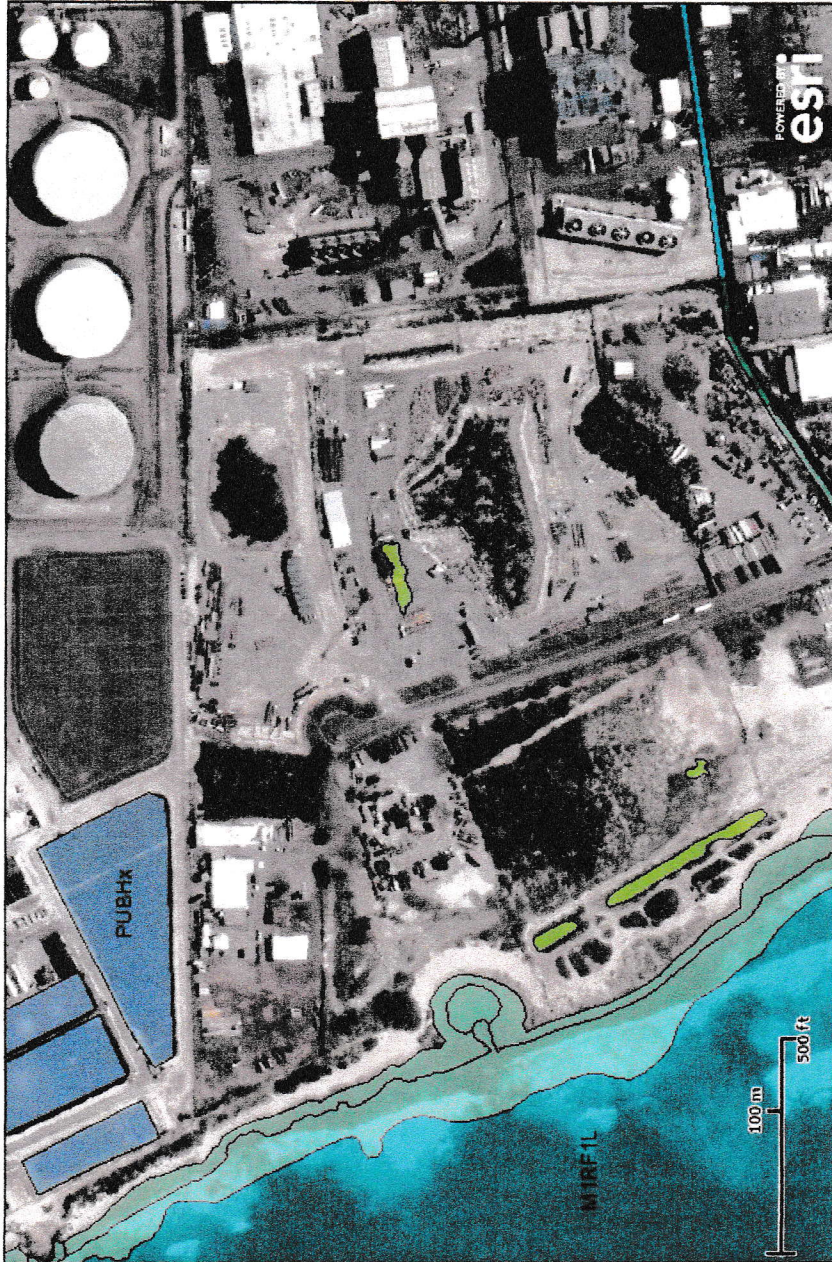
# National Wetlands Inventory

Lot 35 Emergent  
Wetland

Sep 17, 2015

## Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other



This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy of the data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:



Recommended archaeological monitoring at project site

The 'Ewa plain has historically been known to contain sinkholes in which human skeletal remains, as well as avi-faunal remains. These sinkholes can continue to exist in areas that have been graded or heavily cultivated for agricultural uses. There would appear to be a higher than normal probability of unmarked burial sites existing in the project area given the previous burial find during construction of the H-Power facility. There is also a possibility of other burials being associated with this previously discovered burial, either proximally or distally.

According to records at the Bishop Museum pertaining to inventories conducted for compliance with the Native American Graves Protection and Repatriation Act of 1990, burial sites in Honouliuli, and in 'Ewa generally, have included:

- *In 1933, human remains representing three individuals from stone pits at 'Ewa, O'ahu were collected by J.W. Barrington and Edwin H. Bryan;*
- *In 1938, human remains representing six individuals from Honouliuli, 'Ewa, O'ahu were collected by Kenneth P. Emory and William A. Lessa and acquired by the Bishop Museum. Museum documentation indicates these remains were in a shallow crypt burial one mile from the coast;*
- *In 1942, human remains representing two individuals from Kualakai, 'Ewa Beach, O'ahu were donated to the Bishop Museum;*
- *In 1959, human remains representing seven individuals from 'Ewa, O'ahu were donated to the Bishop Museum by the Anthropology Club of the University of Hawai'i (from Standard Oil Refinery land); and*
- *In 1980, human remains representing nine individuals from Honouliuli, O'ahu were collected and donated to the Bishop Museum by Albert, Borthwick, and Folk. Donor information indicates these human remains were recovered from coral sinkholes.*

The depth of grading, grubbing, or foundation-laying activities and the likelihood of adversely impacting any sub-surface cultural sites or deposits are contingent upon understanding the original surface grade as it may have existed prior to agricultural activities and construction grading. Native Hawaiian burial sites have been found just on and under the surface, to depths of eight or nine feet depending upon the nature of the terrain. Furthermore, the nature of documented interments in the 'Ewa area (e.g., stone pits, sinkholes, crypts) could allow for the survival of these sites despite intensive surface activities.

Given the reasoning above, we strongly recommend archaeological monitoring during all ground disturbing activity associated with the project. Although ENV states that "The proposed action site will be monitored"<sup>1</sup> we ask that this be made to a more specific commitment, to read "The proposed action site will be monitored by a qualified archaeologist during all ground disturbing activities." This commitment will provide for much improved protection of

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<sup>1</sup> Building for Supplemental Environmental Project at H-Power DEA, p. 52. See also DEA, p.55

unidentified burial sites or cultural deposits, beyond the current, ambiguous reference to provide for monitoring.

Include buffer distances for archaeological and plant sanctuaries

The final EA should include buffer distances for archaeological and plant sanctuaries nearby to the project area. Although ENV commits to establishing "buffer zones" and fencing,<sup>2</sup> the DEA does not provide a distance for such buffers, which would allow a reviewing party to assess their adequacy. Indeed, the map of the Solar Building conceptual layout plan<sup>3</sup> does not include a map scale and appears to show the building footprint almost abutting the "Existing Archaeological Sanctuary", which contains a historic site. We ask that the final EA include the distance between the protected sanctuary boundary and the edge of the buffer, as well as an analysis of the sufficiency of the buffer distance given the construction and operational activities that are expected to occur at the project site.

Thank you for the opportunity to comment. Should you have questions regarding this letter, please contact Everett Ohta, OHA Lead Compliance Specialist, at 594-0231 or by email at everetto@oha.org.

'O wau iho nō me ka 'oia 'i'o,



Kamana'opono M. Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Officer

KC:km/eo

*\*Please address replies and similar, future correspondence to our agency:*

*Dr. Kamana'opono Crabbe  
Attn: OHA Compliance Enforcement  
560 N. Nimitz Hwy., Ste. 200  
Honolulu, Hawai'i 96817*

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<sup>2</sup> DEA, p. 57.

<sup>3</sup> DEA, p.9, Figure S1.