



680 Iwilei Road Suite 690, Honolulu HI 96817 • (808) 523-2900 • preservation@historichawaii.org • www.historichawaii.org

January 22, 2024

DreanaLee Kalili
Hawai'i Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813

VIA Email: dreanalee.k.kalili@hawaii.gov and falls-of-clyde@hhf.com

Re: Draft Environmental Assessment & Anticipated Finding of No Significant Impact
HRS 343 Environmental Review
Proposed Removal of *Falls of Clyde* from Honolulu Harbor
Pier 7, Honolulu Harbor, District of Honolulu, Island of O'ahu, Hawai'i

Dear Ms. Kalili:

Historic Hawai'i Foundation is responding to a notice of Draft Environmental Assessment and Anticipated Finding of No Significant Impact (AFNSI) in The Environmental Notice dated December 23, 2023 for the proposed "removal" and disposal of the historic ship *Falls of Clyde*.

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 an organization with a demonstrated interest in the undertaking and a concern for the effects on historic properties.

Proposed Action

The Proposed Action is the removal of the historic vessel the *Falls of Clyde* (FOC) from Pier 7, including the possible disposal of the vessel, although the preferred method of disposal is to be determined. The Hawai'i Department of Transportation (HDOT) states that in the absence of any action, the continued deterioration of the vessel at Pier 7 presents a liability and safety hazard to the State of Hawai'i.

Removal and disposal alternatives being considered may include scuttling the vessel offshore, dismantling at a drydock, as well as other options. HDOT states that the current condition of the FOC is partially flooded, heavily corroded and structurally damaged. The HDOT has determined that due to the ship's physical condition and risk of

structural failure and sinking, removal of the ship is necessary to ensure future safe maritime operations within Honolulu Harbor.

Historic Hawai'i Foundation Comments

Historic Hawai'i Foundation strongly objects to the proposed finding of no significant impact.

The *Falls of Clyde* is designated a National Historic Landmark (NHL), which is the highest level of recognition of historic properties in the nation. Federal laws—including the National Historic Preservation Act, the National Environmental Policy Act and the National Transportation Act—make it clear that NHLs are significant contributors to the environment. Destruction of an NHL is, by definition, an irreversible and significant impact to the environment.

HDOT has prepared a Draft Environmental Assessment (DEA) which purports to be in accordance with Hawai'i Revised Statutes (HRS) Chapter 343. The requirement for an assessment of this proposed action is related to the expenditure of state funds to remove the FOC. The DEA fails to note that HRS 343-5 (4) is also applicable for “any use within any historic site as designated in the National Register or Hawai'i Register, as provided for in the Historic Preservation Act of 1966...” (emphasis added).

The *Falls of Clyde* is listed in the National Register of Historic Places and as a National Historic Landmark. Until November 2023, the property was also listed in the Hawai'i Register of Historic Places. The ship was removed from the State historic register as the behest of the HDOT.

It is important to note that the State's action has no effect on the Federal historic listings.

The Environmental Notice states that the “removal from the National Register and removal of its NHL status are pending.”

The DEA claims (Chapter 4 Anticipated Determination) that, “It is anticipated that the delisting process will be completed by the time the Proposed Action is implemented, and therefore the ship will not be considered a historic property. As such, the Proposed Action will have ‘no adverse effect.’”

Both of these statements are inaccurate and misleading. As the U.S. Department of the Interior made clear in its written comments on the pre-assessment consultation, the regulations for withdrawal of National Historic Landmark Designation (36 CFR 65.9) involve action by the Secretary of the Interior separate from any delisting request to the Keeper of the National Register of Historic Places via a state historic preservation office.

The regulations clearly state that, “National Historic Landmarks will be considered for withdrawal of designation only at the request of the owner or upon the initiative of the Secretary” (emphasis added).

Since neither the owner (Friends of Falls of Clyde) nor the U.S. Secretary of the Interior has made any such application, **there is no open or pending action to withdraw the National Historic Landmark designation.**

Therefore, the NHL designation is wholly intact; the historic ship is still recognized as a significant cultural resource and its removal or destruction would be a significant impact to the environment. **HDOT is relying on a non-existent circumstance to justify its finding. Since the underlying assumption is false, the finding is inappropriate.**

Proposed actions that may have a significant effect on the environment require the preparation of an Environmental Impact Statement (EIS) in accordance with Hawai'i Administrative Rules (HAR):

HAR §11-200.1-13 Significance criteria. (a) In considering the significance of potential environmental effects, agencies shall consider and evaluate the sum of effects of the proposed action on the quality of the environment. (b) In determining whether an action may have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected impacts, and the proposed mitigation measures. In most instances, an action shall be determined to have a significant effect on the environment if it may: (1) Irrevocably commit a natural, cultural, or historic resource (emphasis added).

The nature of the proposed action will result in the complete destruction and loss of a National Historic Landmark. This is an irreversible, irrevocable and significant adverse effect to a cultural and historic resource. Therefore, **a finding of “no significant impact” would be grossly inappropriate and unsupportable.**

The agency's proposed course of action should be evaluated in an Environmental Impact Statement (EIS) with an acknowledgement and resolution of the impact, and appropriate mitigation measures for the loss of this historic and cultural resource.

Thank you for the opportunity to comment.

Very truly yours,



Kiersten Faulkner, FAICP
Executive Director