December 3, 1980

Ryokichi Higashionna, Ph.D.
Director of Transportation
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813

Dear Dr. Higashionna:

This will acknowledge your recent letter regarding Pacific Coast Association of Port Authorities (PCAPA) Resolution No. 805, requesting Congress to enact measures to improve the administration of environmental laws and regulations affecting PCAPA ports and harbors.

I can well appreciate your concern in this matter as such legislation would directly benefit Hawaii ports and harbors that are PCAPA members. The Congress is scheduled to adjourn sine die within a few days, and any legislative efforts in this area will of necessity have to be considered when the 97th Congress convenes next year.

Thank you for sending me a copy of the resolution and please be assured that I shall take this matter into serious consideration and will do my best to address the issues PCAPA has raised in the next Congress.

Aloha,

DANIEL K. INOUYE, Chairman
Subcommittee on Merchant Marine and Tourism

DKI:ck1
November 17, 1980

Dr. Ryokichi Higashionna
Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813

Dear Dr. Higashionna:

I wish to share with you a copy of the Federal Register dated Monday, September 29, 1980, concerning the Final Rule of the Department of Transportation.

Aloha,

DANIEL K. INOUYE
United States Senator

DKI:jpl
Enclosure
October 9, 1980

Dr. Ryokichi Higashionna
Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813

Dear Dr. Higashionna:

On behalf of Senator Inouye, who is currently in Hawaii, I wish to acknowledge receipt of your letter of October 3, 1980, advising the Senator of the recent Federal Highway Administration approval of the corridor location of the Hawaii Belt Road.

Your thoughtfulness in sharing the news of this approval with the Senator is most appreciated.

Please continue to keep us apprised and if we can be of any assistance, please do not hesitate to contact us at your convenience.

Aloha,

PETER L. TRASK
Senior Legislative Assistant

PLT: jmpl
The Honorable Daniel K. Inouye  
U. S. Senator  
442 Russell Senate Office Building  
Washington, D. C. 20510

Dear Senator Inouye:

Hawaii Belt Road, Holualoa to Papa,  
Project No. F-011-1(8)

This is to inform you that the Federal Highway Administration has recently approved the corridor location (Line A-1) for this project. The approved corridor begins near the Kealakowaa Heiau, proceeds along Kuakini Highway until it passes Kam III Road, and then curves makai running nearly parallel to the Kona coastline and above the abandoned railroad right-of-way toward the east boundary of the Kealakekua Historical District. The alignment continues on a southeasterly course beyond Captain Cook, then proceeds in a southwesterly direction, passes makai of the Middle Keei Road, and then curves to follow the upper portion of the City of Refuge Road to Mamalahoa Highway. From there, Mamalahoa Highway is improved to the project terminus at Papa.

Maps, the Final Environmental Impact Statement, and all other information supporting this approval are available for inspection and copying during normal working hours (7:45 a.m. - 4:30 p.m.) at the following locations:

Department of Transportation  
Highways Division  
Planning Branch  
600 Kapiolani Blvd., Room 301  
Honolulu, Hawaii

Department of Transportation  
Highways Division  
Hawaii District Office  
50 Makaala Street  
Hilo, Hawaii
The DOT will be conducting detailed studies of possible alignments within the "A-1" corridor and hold further public meetings and a design hearing during the design phase to obtain the public's views on these studies.

We are deeply appreciative of your interest and concern for this project and are looking forward to your continued assistance in providing for the transportation needs of Kona.

Very truly yours,

Ryochi Higashionna
Director of Transportation
October 27, 1980

Mr. Jonathan K. Shimada
Deputy Director
Department of Transportation
State of Hawaii
Honolulu International Airport
Honolulu, Hawaii 96819

Dear Mr. Shimada:

On behalf of Senator Inouye, who is currently in Hawaii, I wish to acknowledge receipt of your letter of October 20, 1980, requesting copies of the hearings for S. 1300, the International Air Transportation Competition Act of 1979, and S. 382, the Competition Improvements Act of 1979.

We have obtained the information you requested and have enclosed them herewith. For your information, S. 1300 is now Public Law 96-192, and I have also enclosed a copy of that publication for your perusal.

Also enclosed are copies of the most recent Federal Registers concerning transportation.

If you require additional information, please do not hesitate to contact me at your convenience.

Aloha,

PETER L. TRASK
Senior Legislative Assistant

PLT:jmpl
Enclosures
The Honorable Daniel K. Inouye  
United States Senate  
442 Richard Russell Building  
Washington, D. C. 20510

Dear Senator Inouye:

Please send me a copy of each of the following reports:

International Air Transportation Competition Act of 1979:  
Hearings before the Subcommittee on Aviation of the Senate  
Committee on Commerce, Science, and Transportation, 96th  

Competition Improvements Act of 1979, S.382: Hearings  
before the Senate Committee on the Judiciary, 96th Congress,  

Thank you for your assistance.

Very truly yours,

Jonathan K. Shimada  
Deputy Director
August 20, 1980

Mr. Ryûkichi Higashionna
Director
Department of Transportation
State of Hawaii
Honolulu, Hawaii 96813

Dear Dr. Higashionna:

On behalf of Senator Inouye, who is currently out of the office, I wish to share with you a copy of the U.S. Department of Transportation’s Notice of interim rule and request for comments by the Federal Highway Administration.

I hope this information can be useful.

Aloha,

PETER L. TRASK
Senior Legislative Assistant

PLT: mcb
Enclosure
DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
23 CFR Part 777
[ FHWA Docket No. 80-15 ]
Mitigation of Environmental Impacts to Privately Owned Wetlands
AGENCY: Federal Highway Administration (FHWA), DOT.
ACTION: Interim rule and request for comments.
SUMMARY: The FHWA is issuing interim policy and procedures for the evaluation and mitigation of adverse environmental impacts to privately owned wetlands caused by new construction of Federal-aid highway projects. Comments are invited and will be considered in the development of a final rule.
DATES: This rule is effective July 25, 1980. Comments must be received on or before October 29, 1980.
ADDRESS: Anyone wishing to submit written comments may do so. Comments should be sent, preferably in triplicate, to FHWA Docket No. 80-15, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 8 a.m. and 4:30 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.
FOR FURTHER INFORMATION CONTACT: Mr. Charles DesJardins, Environmental Quality Division (HEV-23), Room 3215B, 202-426-9173, or Mr. Edward Kusor, Office of the Chief Counsel (HCC-40), Room 4230, 202-426-0791, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.
SUPPLEMENTARY INFORMATION: Executive Order (E.O.) 11990, "Protection of Wetlands" (42 FR 20961, May 25, 1977), requires all Federal agencies to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands. * * *
Specifically, the order directs Federal agencies to avoid new construction in wetlands unless (1) there is no practicable alternative to such construction, and (2) the proposed action includes all practicable measures to minimize harm to wetlands which results from such construction. The Department of Transportation subsequently issued DOT Order 5600.1A, "Preservation of the Nation's Wetlands," which provides departmental policy and instruction for implementation of E.O. 11990.*
The provisions of E.O. 11990 and the DOT Order clearly establish that wetlands are a valuable national resource and that special efforts are required of all Federal agencies to preserve the beneficial values inherent in them.
Wetlands are a valuable resource for a number of reasons. They provide habitat for numerous plants and animals, including many commercially important species. In addition, wetlands can reduce the severity of flooding, control erosion, and remove contaminants from polluted waters.
Consequently, wetland preservation has become a matter of concern to Federal and State agencies charged with resource management responsibilities and is being given increasing emphasis by conservation and preservation groups.
An important element of E.O. 11990 is that each Federal agency must avoid, whenever practicable, impacts to wetlands. A highway location or design which will impact a wetland must be evaluated considering all relevant social, economic, and physical environmental values in addition to wetland values. Inevitably, there will be instances when reasoned and balanced judgments will result in the location of highways in wetlands and in the destruction or modification of those resources. In such cases, E.O. 11990 requires that "all practicable measures to minimize harm to the wetland[s] be incorporated into the project."
Section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f) and 23 U.S.C. 138), provides protection for certain environmentally significant publicly owned land areas including parks, wildlife refuges, and waterfront refuges. When such lands must be used for a federally assisted highway project, Section 4(f) requires all possible planning to minimize harm to the protected area. When wetlands are included in these publicly owned 4(f) lands and the wetlands are used for a highway project, current FHWA policy permits Federal funds to participate in the acquisition of replacement wetlands as well as improvements to the wetlands. Federal participation must be based on a determination that such mitigation measures are necessary to meet the Section 4(f) requirement for all

*Copies of these documents are available for inspection and copying pursuant to 40 CFR Part 7, App. D.
possible planning to minimize harm. Federal assistance in these instances often involves spending Federal-aid funds for activities outside the normal property boundaries (right-of-way) of the highway. The mitigation of impacts to publicly owned wetlands is covered by Section 4(f) and the regulations issued under that section.

The FHWA recognizes that the importance of wetland preservation is not limited to publicly owned wetlands. For example, privately owned wetlands are often considered an important component of local, state, and Federal wetland management programs. In addition, the requirements of E.O. 11990 apply to wetlands regardless of ownership. Consequently, the FHWA is required to find that proposed Federal-aid projects include all practicable measures to minimize harm to privately owned wetlands adversely impacted by the projects. The FHWA's participation in the mitigation of impacts to privately owned wetlands has been limited to activities within the highway right-of-way.

As a result of the requirements of E.O. 11990 and the recognition of the importance of many privately owned wetlands, the FHWA will now permit the expenditure of Federal-aid highway funds for the mitigation of environmental damages to privately owned wetlands. These measures include measures taken outside the highway right-of-way, those measures found by a State highway agency and the FHWA to be appropriate and necessary to mitigate significant adverse impacts to privately owned wetlands will be eligible for Federal participation where the impacts result from an FHWA action. Appropriate mitigation measures could include the acquisition of additional land or interests in land for the purpose of mitigating adverse environmental impacts to wetlands directly affected by a Federal-aid highway project.

The justification for the cost of the proposed mitigation measures should be considered in the same context as any other public expenditure; that is, the proposed mitigation represents a reasonable public expenditure when weighed against other social, economic, and environmental values. The benefits realized will be commensurate with the proposed expenditure. Decisions on mitigation measures will give consideration to traffic needs, safety, durability, and economy of maintenance of the highway.

The regulation issued today is a formal expression of the FHWA's policy with respect to privately owned wetlands. In addition, the expression of Federal participation policy in § 777.5, the regulation also includes guidance and procedures to be followed in the evaluation (§ 777.7) and mitigation (§ 777.9) of impacts. Section 777.7 provides that the extent of Federal participation in mitigation measures should be directly related to the importance of the impacted wetlands and the significance of the highway impact on the wetlands. Section 777.9 identifies general categories of actions that can be taken to minimize the impact of highway projects on wetlands and lists those actions in the order in which they should be considered. First consideration in all cases will be given to the mitigation of wetland impacts within the highway right-of-way limits.

Like any other activity in which Federal funds participate, the use of those funds is governed by various restrictions and conditions established by Federal law and agency policy in order to protect the public interest and provide for sound program management. A number of these considerations are set forth in § 777.11, including consultation requirements and provisions for ownership and management of acquired lands. Depending upon the extent of mitigation justified under the provisions of § 777.7, § 777.11(f) permits Federal participation in the acquisition of up to one acre of replacement land for each acre of privately owned wetlands directly impacted by a Federal-aid highway project. Such privately owned lands thus acquired, above and beyond wetlands purchased for use as highway right-of-way, will thereafter be retained in public ownership and dedicated to future use as wetland. The maximum replacement ratio of 1 acre to replace 1 acre directly affected by a Federal-aid highway project was arrived at through an effort to achieve balance between the desire to mitigate wetland impacts, on the one hand, and considerations of fiscal responsibility and a desire to limit adverse impact of the local tax base of converting land from public to private ownership, on the other. In determining the acreage of replacement land required to mitigate impacts to privately owned wetlands, the acreage of wetlands maintained, restored, or created within the right-of-way with Federal participation must be deducted and the amount of Federal participation in the improvement of public owned wetlands must be considered.

Section 777.11(h) is intended to emphasize the fact that while Federal funds are available for certain mitigation measures, these measures are not mandatory and apply only where permitted by (or consistent with) State law. Section 777.11(i) makes it clear that the FHWA's wetlands mitigation policy does not apply to the restriction of lands outside the highway right-of-way for the purpose of mitigating impacts caused by the taking of privately owned lands that are not wetlands, but that have value as wildlife habitat which may be affected by a Federal-aid highway project.

This regulation is being issued as an interim final rule without prior opportunity for public notice and comment and without a 30-day delay in effective date due to the lack of discretion provided under E.O. 11990 and the pressing need for a policy statement and implementing procedures regarding Federal-aid participation in the mitigation of impacts to privately owned wetlands outside the highway right-of-way. Issuance of a policy statement alone would not require notice and comment rulemaking, but would also not provide for a sufficient degree of oversight with regard to the expenditure of Federal-aid funds.

The FHWA has also determined that it would be most advantageous to be able to prepare a final rule and, in particular, the procedures that will control the FHWA's participation in appropriate mitigation activities, on the basis of actual field experience. Issuance of this interim final rule will permit interested States and the FHWA to gain valuable experience in this area, including the acquisition of replacement lands outside the highway right-of-way.

Based upon a review of the projects developed under these interim procedures and the comments submitted to the public docket, a final rule will be prepared. If it appears that the final rule will be substantially different from the rule issued today, a notice of proposed rulemaking will be issued.

Note.—The Federal Highway Administration has determined that this document does not contain a significant regulation according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. A regulatory evaluation is available in the public docket and may be obtained by contacting Mr. Charles DesJardins, the address specified above (Catalog of Federal Domestic Assistance Program Numbers: 20.205, Highway Research, Planning, and Construction; 23.003, Appalachian Development Highway System; 23.008, Appalachian Local Access Roads. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to these programs.)
In consideration of the foregoing, Chapter 1 of Title 23 of the Code of Federal Regulations is amended by adding a new Part 777 as set forth below.

PART 777-MITIGATION OF ENVIRONMENTAL IMPACTS TO PRIVATELY OWNED WETLANDS

Sec. 777.1 Purpose.
777.3 Background.
777.5 Federal participation policy.
777.7 Evaluation of impacts.
777.9 Mitigation of impacts.
777.11 Other considerations.


§ 777.1 Purpose.

To provide policy and procedures for the evaluation and mitigation of adverse environmental impacts to privately owned wetlands caused by new construction of Federal-aid highway projects.

§ 777.3 Background.

Executive Order 11990, Protection of Wetlands, and DOT Order 5660.1A, preservation of the Nation's Wetlands, emphasize the important functions and values inherent in the Nation's wetlands. Federal agencies are required to avoid new construction in wetlands unless the head of the agency determines that: (1) there is no practicable alternative to such construction, and (2) the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

§ 777.5 Federal participation policy.

(a) Those measures which the Federal Highway Administration (FHWA) and a State highway agency (SHA) find to be appropriate and necessary to mitigate significant, adverse, environmental impacts to privately owned wetlands are eligible for Federal participation where the impacts actually result from an FHWA action. The justification for the cost of proposed mitigation measures should be considered in the same context as any other public expenditure; that is, the proposed mitigation represents a reasonable public expenditure when weighed against other social, economic, and environmental values, and the benefit realized is commensurate with the proposed expenditure. Mitigation measures shall give like consideration to traffic needs, safety, durability, and economy of maintenance of the highway.

(b) On a FHWA policy to permit, consistent with the limits set forth in this Part, the expenditure of Federal-aid highway funds for the acquisition of land or interests therein for the purpose of mitigating environmental damages when privately owned wetlands are directly affected by a Federal-aid highway project.

§ 777.7 Evaluation of impacts.

(a) The extent of Federal-aid participation in measures to mitigate adverse highway impacts to privately owned wetlands should be directly related to:

1. The importance of the impacted wetlands, and
2. The significance of the highway impact on the wetlands.

(b) Evaluation of the importance of the impacted wetlands should consider:

1. The primary functions of the wetlands (e.g., flood control, wildlife habitat, erosion control, etc.);
2. The relative importance of these functions to the total wetland resource of the area; and
3. Other factors such as uniqueness, esthetics, etc.

(c) A determination of the significance of the highway impact should focus on how the project affects the stability and quality of the wetlands. This evaluation should consider the short- and long-term effects on the wetlands and the significance of any loss such as:

1. Flood control capacity,
2. Erosion control potential,
3. Water pollution abatement capacity, and
4. Wildlife habitat value.

§ 777.9 Mitigation of Impacts.

There are a number of actions that can be taken to minimize the impact of highway projects on privately owned wetlands. In order to qualify for Federal-aid highway funding, actions to minimize impacts should be considered in the order listed:

(a) First consideration must be given to the mitigation of wetland impacts within the highway right-of-way limits. This should include the enhancement of existing wetlands and the creation of new wetlands in the highway median, borrow pit areas, interchange areas, and along the roadway.

(b) There may, in some specific cases, be compelling reasons and sufficient justification to institute mitigation measures other than those set forth in paragraph (a) of this section. In these instances, the SHA may propose and the Regional Federal Highway Administrator may approve the following mitigation measures for implementation outside the highway right-of-way on a case-by-case basis. Such measures should be designed to reestablish, to the extent reasonable, a condition similar to that which would have existed if the project were not built.

1. The use of Federal-aid funds to improve existing publicly owned wetlands. Improvements to existing wetlands can take such forms as water-level control and planting of wetland vegetation.

2. The use of Federal-aid funds to purchase replacement wetlands. The first effort should be to create new wetlands or to restore wetlands. If this is not possible, then consideration should be given to the acquisition of interests in existing privately owned wetlands. In any case, the public interest in replacement wetlands must be sufficient to ensure that the area is maintained as a wetland.

§ 777.11 Other considerations.

(a) The development of measures proposed to mitigate wetlands impacts should include consultation with appropriate State and Federal agencies.

(b) The definition of wetlands on a project will be in accordance with the definition issued by the U.S. Army Corps of Engineers (33 CFR 323.2(c)).

(c) The acquisition of proprietary interests in replacement wetlands as a mitigation measure may be in fee simple or by easement, as appropriate.

(d) An SHA may acquire privately owned lands in cooperation with another public agency. Such an arrangement may accomplish greater benefits than would otherwise be accomplished by the individual agency acting alone.

(e) An SHA may either transfer the title of lands acquired outside the right-of-way, without credit to Federal funds, to an appropriate public agency (e.g., U.S. Fish and Wildlife Service or State natural resource agency) or enter into an agreement with such agency to manage such lands. When such transfer occurs, there shall be an explicit agreement that the lands or interests therein transferred shall remain in the grantee agency's ownership or control so long as the lands continue to serve the purpose of the original acquisition. In the event the area transferred no longer serves the purpose of the original acquisition, the lands or interests therein transferred shall revert to the SHA for proper disposition.

(f) Participation in the cost of acquiring lands or interests therein will be limited to those costs necessary to acquire lands sufficient to provide not
more than one acre of replacement lands for each acre of privately owned wetlands that is directly affected by a Federal-aid highway project. In determining the acreage of replacement land required, the acreage of wetlands maintained, restored, or created on the highway right-of-way (§ 777.9(a)) will be deducted and the amount of Federal participation in the improvement of publicly owned wetlands (§ 777.9(b)) will be considered.

(g) Federal-aid funds are not eligible for use to maintain or manage wetlands areas. Therefore, construction, improvement or acquisition of wetlands should not be considered unless arrangements can be made to assure the maintenance and viability of the wetlands resource.

(h) The acquisition of replacement wetlands as a mitigation measure is not mandatory and is applicable only where permitted by (or consistent with) State law.

(i) The policy set forth in this Part does not extend to the acquisition of interests in lands outside of the highway right-of-way for the purpose of mitigating impacts caused by the taking of privately owned lands (not wetlands) that have value as wildlife habitat which may be affected by a Federal-aid highway project.

[FR Doc. 80-2297 Filed 7-30-80; 8:45 am]
BILLING CODE 4910-22-M
April 22, 1980

Dr. Ryokichi Higashionna
Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813

Dear Dr. Higashionna:

This will acknowledge your recent communication expressing your concern for the budget authority and outlays for the Federal Highway Administration for Fiscal Year 1980, and encouraging my support of a budgetary ceiling that provides for the full reimbursement of authorized work.

The ceiling you state in your letter was set as a temporary one by the President in March of this year. However, I am advised that there may be a further move to reduce funding to some states in an unreasonable manner.

I am attempting to obtain information concerning your letter and what it means to Hawaii. Please be assured that I shall use my best efforts to assist the state in this matter.

Your thoughtfulness in bringing this matter to my attention is most appreciated.

Aloha,

DANIEL K. INOUYE
United States Senator

DKI:jmpl
The Honorable Daniel K. Inouye
U. S. Senator
105 Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Inouye:

The American Association of State Highway and Transportation Officials (AASHTO) has informed us that the Senate and House are presently considering the budget authority and outlays for the Federal Highway Administration (FHWA) for Fiscal Year 1980. We understand that the present deliberations are extremely critical as the FHWA will run out of funds around the first of June to repay the states for the federal share of payments made on highway work.

According to AASHTO; "Unless the budget ceiling for Fiscal Year 1980 is increased, and specifically the outlay feature of transportation, it will be extremely difficult to get a $1.4 billion appropriation measure passed which is necessary in order to reimburse the states between June 1st and October 1st."

Hawaii received about $28.4 million in reimbursement from October to March of this fiscal year. Since this is about 80% of our expenditures and because the State provides only 20% of the initial funding of our program, the lack of federal funds for reimbursement could bring all on-going work to a halt.

The reimbursement of federal funds is made only for costs incurred after authorization to proceed with work is given by the FHWA. This authorization is a contractual obligation of the Federal Government under 23 U.S.C. 106 and requires that appropriate funds be made available for the full Federal share of the cost of work authorized. Any failure to fulfill this obligation will create a crisis situation nationally as all states proceed with authorized work based on timely reimbursement.
We believe that budgetary cutbacks should not undermine such contractual obligations. Your support for a budgetary ceiling that provides for the full reimbursement of authorized work will be appreciated.

Very truly yours,

Ryokichi Higashionna
Director of Transportation
WASHINGTON, D.C. -- To accommodate the greater flow of trucking traffic from Sand Island's new shipping container facility, Senators Daniel K. Inouye and Spark Matsunaga today introduced legislation to close the Kalihi Channel entrance of Honolulu Harbor to large ships.

The measure would have the effect of permanently lowering the John H. Slattery Bascule Bridge except for emergencies, directing all ship traffic to the Fort Armstrong entrance of the harbor.

Now under construction, the Sand Island Terminal Complex is the second phase of the State Honolulu Harbor Master Plan, and will enable the berthing of two 700-foot container ships. The result will be greatly increased vehicular traffic in and out of the container yard.

"It is very clear that the State of Hawaii, as an island state, relies heavily on its shipping industry to provide sufficient and continuous service at reasonable prices.

"The State has already determined that delays or stoppages of traffic due to the operation of the Bascule Bridge will result in higher transportation costs -- costs which are ultimately passed on to the consumers," Senator Inouye said.

The Bascule Bridge, the only land connection to Sand Island, is administered by the U.S. Coast Guard, whose regulations require that priority be given to water transportation in the Kalihi Channel. The bridge is now raised up to three times per day.

Most shipping traffic already uses the Fort Armstrong entrance to Honolulu Harbor, and it is easily capable of accommodating all vessels, the Senator said.

Last session, Inouye was successful in obtaining a Congressional appropriation of $2.5 million to dredge the Honolulu Harbor, deepening it by five feet.

--30--
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--30--
July 22, 1980

Dr. Ryotichi Higashionna
Director
Department of Transportation
State of Hawaii
Honolulu, Hawaii 96813

Dear Dr. Higashionna:

I am pleased to share with you a copy of the Advance Notice of proposed amendments to the Manual on Uniform Traffic Control Devices by the Federal Highway Administration, U.S. Department of Transportation.

Aloha,

DANIEL K. INOUYE
United States Senator

DKI;jmpl
Enclosure
June 28, 1980

Dr. Ryokichi Higashionna, Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813

Dear Dr. Higashionna:

I wish to share with you a copy of a Technology Sharing report developed by the U.S. Department of Transportation.

I hope that the report will be of some use to you.

Aloha,

DANIEL K. INOUYE
United States Senator

DKI:lb
Enclosure
June 28, 1980

Honorable Susan J. Williams
Assistant Secretary for
Governmental Affairs
Department of Transportation
Washington, D.C. 20590

Dear Secretary Williams:

This will acknowledge your recent communication enclosing a copy of the Technology Sharing report developed by your office.

Your thoughtfulness in sharing with me a copy of the abovementioned report is most appreciated.

Aloha,

DANIEL K. INOUYE
United States Senator

DKI: lb
Honorabole Daniel K. Inouye  
United States Senate  
105 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Inouye:

A major emphasis of the Department of Transportation's Intergovernmental program is making sure that the results of the Department's work and research are relevant and useful to State and local governments. "Technology Sharing," as we call this process, is one of the best mechanisms we know of to communicate with these groups, and assure their needs are reflected in our program development. We define technology in a very broad way, to mean anything from new handling techniques for hazardous materials or the latest in highway safety design, to ways of encouraging greater bus use or carpooling.

Periodically, we develop a summary report which summarizes the programs which are in place, and can be used as a guide to the various sharing mechanisms we have. The Technology Sharing report has become quite popular with our constituents, since it helps them become more familiar with the resources available and also alerts us to program gaps to fill and management improvements to make, based on their feedback.

A copy of the most recent version of this report is enclosed. We would be happy to supply additional copies to your office or to State or local governments you deal with. We are also making the report available for sale through the U.S. Government Printing Office.

We hope you find the report of use, and would be interested in any reactions you may have.

Sincerely,

Susan J. Williams  
Assistant Secretary for  
Governmental Affairs
Technology Sharing
A Guide to Assistance in Obtaining and Using Research, Development and Demonstration Outputs
January 21, 1980

Mr. James B. McCormick  
Deputy Director  
Department of Transportation  
State of Hawaii  
869 Punchbowl Street  
Honolulu, Hawaii 96813

Dear Mr. McCormick:

This will acknowledge your recent communication further advising me of the State of Hawaii's interest in S. 1957, a bill to amend the Federal Boat Safety Act of 1971, and enclosing draft language in an effort to protect the State's interest from adverse effects of the bill as presently drafted.

Your thoughtfulness and efforts in bringing this matter to my attention are most appreciated. I shall assist wherever I can in this matter.

Aloha,

DA NIEL K. INOUYE  
United States Senator

DKI: mcb
January 10, 1980

Peter L. Trask, Esq.
Legislative Assistant
United States Senate
Russell Senate Building, Room 105
Washington, D.C. 20510

Dear Mr. Trask:

Thank you for your letter of December 11, 1979, suggesting that we attempt to draft a proposed amendment to S. 1957, the Federal Boating Safety and Facilities Act, which will address the State's needs.

Additional information has been received which indicates that Representative Biaggi's Bill H. R. 4310 was amended prior to being referred to the Senate, by making the formula for allocation of funds for boating facility improvements the same as the formula for allocation of boating safety funds. It is therefore suggested that an amendment be offered to change Subsection 26(c)(3) as appearing in S. 1957 to read the same as Subsection 26(c)(3) appearing in H. R. 4310. It is considered that the allocation of funds for boating facilities on this basis will be more equitable for all eligible states, and will result in Hawaii receiving a higher allocation than would have been received under the existing allocation provided by S. 1957. Although the additional amount expected for Hawaii is not known, we believe that Hawaii can compete very favorably on a national level in the category of the amount expended by the State for boating facilities as compared to the amount spent by all eligible states.

Our other area of concern regarding S. 1957 was whether or not the allocation of boating facilities funds under this Act would preclude the State from applying for and being granted Federal matching funds for other boating facility projects from the Land and Water Conservation Fund. It is now understood
that the legislative history of H. R. 4310 indicates that it is the congressional intent that funds allocated under the National Boating Safety and Facilities Improvement Act were to be in addition to any funds received from the Land and Water Conservation Fund for boating facilities improvement. Neither H. R. 4310 nor S. 1957 clearly addresses this issue.

It is desired that the congressional intent to allow the use of funds from both the Land and Water Conservation Fund and the Boating Safety and Facilities Improvement Fund for development of boating facilities be given official recognition either through an amendment to S. 1957 or by some other means. In this regard, the following language is proposed for a possible amendment:

"The Federal Boat Safety Act of 1971 (Public Law 92-75, 85 Stat. 213), as amended, is amended as follows:

"(1) In Subsection 26(c) -

(a) By inserting a new sub-subsection (4) to read as follows:

"(4) The receipt of funds allocated by this section shall not preclude any state from applying for or receiving funds as provided for in the Land and Water Conservation Fund Act of 1965 for development of specific boating facility improvement projects.

(b) By renumbering sub-subsections (4), (5) and (6) as sub-subsections (5), (6) and (7), respectively.

(c) By changing sub-subsection (5) to read as follows:

"(5) The amount received by any state under this section in any fiscal year may not exceed one-half of the total cost incurred by that state in the development, administration, and financing of that state's recreational boating safety and facilities improvement
Mr. Peter L. Trask, Esq.

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program for that fiscal year, excluding the costs incurred by that state for the development of specific boating facility projects for which the use of land and water conservation funds have been approved.

(d) By changing sub-subsection (6) to read as follows:

"(6) No allocation or distribution of funds under this section may be made to any state for the maintenance of boating facilities under an approved state recreational boating safety and facilities improvement program, or for the development of boating facility projects for which the use of land and water conservation funds have been approved."

The opportunity to comment on this important legislation is sincerely appreciated.

Very truly yours,

JAMES B. MCCORMICK
Deputy Director

cc:    The Honorable Spark M. Matsunaga
       The Honorable Daniel K. Akaka
       The Honorable Cecil Heftel
       Ms. Janice C. Lipsen, Counselors for Management, Inc.
MEMORANDUM

August 10, 1981
From: Peter Trask
This matter is completed. The enclosed correspondence should be filed in the Hanalei file.

(415) 577-2006
Brian Cook
Sr. Vep Whitmer

will call me back