

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Rescinding the Notice of Intent To Prepare Environmental Impact Statement (EIS): South Kohala, Hawaii**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice to rescind notice of intent (NOI) to prepare an environmental impact statement (EIS).

**SUMMARY:** The FHWA is issuing this notice to advise the public that it is rescinding its NOI and will not be preparing an EIS to evaluate alternatives that would support the increase in traffic demands and special needs, including the movement of military and commercial truck traffic between Waimea Town and Kawaihae Harbor in South Kohala in the County of Hawaii. An NOI to prepare an EIS was published in the **Federal Register** on November 29, 2002.

**FOR FURTHER INFORMATION CONTACT:** Ralph Rizzo, Division Administrator, Federal Highway Administration, 300 Ala Moana Boulevard, Box 50206, Honolulu, Hawaii 96850, Telephone: (808) 541-2700.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the State of Hawaii Department of Transportation (HDOT), initiated an EIS with an NOI published in the **Federal Register** on November 29, 2002, at 67 FR 71231, to prepare an EIS.

As part of the EIS, a new highway approximately 14 miles in length, transportation system management, and the no build alternative would have been studied. Improvements were considered necessary to accommodate the anticipated traffic demands, and special needs including heavy truck traffic and military vehicles. The Project would impact a sizable number of historic and archaeological resources due to the sheer number of archaeological sites identified during the survey. Avoidance of all of these sites would be difficult and may not be feasible. Additionally, the cost for the estimated right-of-way and construction would likely be substantial because of limited funding availability. Therefore, HDOT has decided not to pursue the project and the preparation of the EIS is being terminated.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139, 23 CFR 771, and 40 CFR 1500-1508.

Issued on: May 29, 2020.

**Ralph Rizzo,**

*Division Administrator, Honolulu, HI.*

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**BILLING CODE 4910-RY-P**

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Rescinding the Notice of Intent To Prepare Environmental Impact Statement (EIS): Kauai County, Hawaii**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice to rescind notice of intent (NOI) to prepare an environmental impact statement (EIS).

**SUMMARY:** The FHWA is issuing this notice to advise the public that it is rescinding its NOI and will not be preparing an EIS for the proposed Kuhio Highway Improvements, Hanamaulu to Kapaa, Kauai County, Hawaii. An NOI to prepare an EIS was published in the **Federal Register** on June 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Ralph Rizzo, Division Administrator, Federal Highway Administration, 300 Ala Moana Boulevard, Box 50206, Honolulu, Hawaii 96850, Telephone: (808) 541-2700.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the State of Hawaii Department of Transportation (HDOT), initiated an EIS with an NOI published in the **Federal Register** on June 3, 2002, at 67 FR 38310, to prepare an EIS for the proposed improvements to Kuhio Highway (FAP 56) on the island of Kauai. This notice superseded an earlier notice for the same project published in the October 9, 1992 edition of the **Federal Register** (57 FR 46620).

The Project would impact a sizable number of historical and archaeological resources that were previously identified, including the Wailua Complex of Heiau National Historic Landmark. Additionally, the recent identified Wailua Traditional Cultural Property (TCP), which encompasses the entire Wailua Ahupuaa, would be impacted. This TCP is a highly important spiritual place for many Hawaiians. Given that the Project would include a new highway alignment and a new bridge over Wailua River that would go through the Wailua TCP, a Section 106 adverse effect and Section 4(f) use would likely occur. With no avoidance alternative being possible, mitigation of this adverse effect may not be feasible and prudent given the

historical, cultural and religious significance of the area.

Because of the anticipated adverse impacts to archaeological and historical resources, impacts to wetlands and endangered species, and the estimated right-of-way and construction costs, HDOT has determined that the project, as currently configured and envisioned, is not warranted at this time. Therefore, the preparation of the EIS is being terminated.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139, 23 CFR 771, and 40 CFR 1500-1508.

Issued on: May 29, 2020.

**Ralph Rizzo,**

*Division Administrator, Honolulu, HI.*

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**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration**

[Docket Number FRA-2010-0025]

**Petition for Waiver of Compliance**

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on May 12, 2020, Copper Basin Railway (CBR) petitioned the Federal Railroad Administration (FRA) to extend its special approval and request a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 215, Railroad Freight Car Safety Standards. FRA assigned the petition Docket Number FRA-2010-0025.

Specifically, CBR seeks to renew its special approval pursuant to 49 CFR 215.203, *Restricted cars*, to continue in service 10 open-top hopper cars built in 1958. CBR also seeks relief (not previously granted for these 10 cars) from § 215.303, *Stenciling of restricted cars*.

CBR states that these cars are captive ore cars used to haul ore from the mine at Ray Mine yard, in Ray, Arizona, to the Hayden smelter yard in Hayden, Arizona, in a local unit train with like-kind ore cars, never used with hazardous materials or other cars. These cars will not be interchanged with other railroads, and they have been in continuous duty and inspection cycles since their date of manufacture.

A copy of the petition, as well as any written communications concerning the