

**State of Hawaii  
Department of Transportation  
Highways Division**

**DOCUMENTATION FOR CATEGORICAL EXCLUSIONS  
LISTED UNDER 23 CFR §771.117(D)**

**Project Title: Hardy Street Improvements – Kūhiō Highway to Rice Street**

**1) DESCRIPTION**

<i>Estimated Project Cost</i> ROW: <u>\$0</u> CON: <u>\$5-10M</u>		<i>Project Length</i> <u>0.7</u> mi      (1.1 km)		<i>Number of Lanes</i> <u>2</u> Existing <u>2 to 3</u> Proposed	
<i>Design Speed</i> <u>30 mph</u> Existing <u>20-30</u> mph Proposed		<i>Functional Classification – 1 = Principal Arterial, 2 = Minor Arterial, 3 = Major Collector, 4 = Minor Collector, 5 = Local Road</i> <u>4</u> Existing <u>4</u> Proposed		<i>Proposed Typical Section</i> Rural <input checked="" type="checkbox"/> Urban	
<i>Bridge</i> Yes <input checked="" type="checkbox"/> No		<i>Bridge Sufficiency Rating</i> <u>NA</u>		<i>Bridge ID</i> <u>NA</u>	

**Project Description (attach project location map and other appropriate graphics):**

The planned improvements to Hardy Street between Kūhiō Highway and Umi Street, a portion of the proposed undertaking, were outlined in Section 2.4.3.2 on pages 2-16 and 2-17 of the *Lihue Civic Center Site Improvements Master Plan Final Environmental Assessment*, dated September 2007. The portion of Hardy Street between Umi and Rice Streets extends beyond the immediate area of the Civic Center so the planned improvements to this area were not discussed in the Master Plan; however, the improvements are similar throughout the length of the planned project.

All proposed roadway improvements will occur within the existing roadway right-of-way and will focus on improving vehicular, pedestrian, and bicycle circulation in the area. Hardy Street will remain a two-lane roadway but a left turn lane with a median will be created, and bike lanes, sidewalks, and landscaping will be added along the length of Hardy Street (Figure 1).

Signalization of the Hardy Street / Kuhio Highway intersection is anticipated in the future. As such, conduits and pullboxes for future signalization may be installed as part of the improvements.

A roundabout is planned at the Hardy Street / Umi Street intersection due to the unusual geometry of the approaching streets (Figure 2). The roundabout will also serve as an opportunity to create a landmark for the Civic Center, although it is undetermined what the central feature will consist of at this time.

**2) PURPOSE AND NEED**

Purpose and need of proposed action. Include description of existing facilities and abutting facilities.

The purposes and needs of the project are:

Federal-aid Project Number: STP-05720(1)

- Implement the improvements outlined in the Līhu‘e Civic Center Site Improvements Master Plan Final Environmental Assessment, prepared for the County of Kaua‘i, Department of Public Works – Building Division, dated September 2007.
- Provide improvements consistent with those outlined in the Līhu‘e Civic Center Site Improvements Master Plan along the entire length of Hardy Street.

3) ISSUES

SECTION 1: YES OR NO FOR EACH ISSUE (Attach coordination letters): No: if “NO” is checked, please provide documentation or contact the FHWA Division	YES	NO
<b>SOCIAL-ECONOMIC FACTORS</b>		
<b>A. General Economics</b> No adverse effects on the general economics of the community.	X	
<b>B. Community &amp; Residential</b> No changes in the access controls along the length of the project.	X	
<b>C. Industrial &amp; Commercial</b> No changes in the access controls along the length of the project.	X	
<b>D. Prime, Unique, Statewide, Local Important Farmland</b> No land on the Agricultural Lands of Importance for Hawaii Classification (ALISH) will be acquired.	X	
<b>E. Land Use/Urban Policy</b> Consistent with the local transportation improvement plans, land use plans and urban policy.	X	
<b>F. Right-of-Way</b> 1. No right-of-way acquisition is required as part of the proposed project. <b>OR</b> 2. Right-of-way that may be acquired by fee simple purchase, permanent or temporary easement, right of entry, or other device area within the following limits: a. <u>Resurfacing, Reconditioning, Restoration, Rehabilitation Projects.</u> i. Permanent - Less than one acre for any one mile ii. Temporary - Less than 2 acres for any one mile b. <u>Bridge Rehabilitation (including full deck replacement) or Minor Replacement</u> Less than one half acre (0.2 ha) per bridge	X	
<u>Displacements</u> Residential, commercial, or industrial displacements will not occur as a result of the proposed project. Vacant buildings which are not significant cultural resources may be acquired.	X	
<b>G. Environmental Justice</b> Minority or low-income populations will not receive disproportionately high or adverse impacts as a result of the proposed project.	X	

<b>SECTION 1: YES OR NO FOR EACH ISSUE (Attach coordination letters): No: if "NO" is checked, please provide documentation or contact the FHWA Division</b>	<b>YES</b>	<b>NO</b>
<b>NATURAL &amp; PHYSICAL ENVIRONMENTAL FACTORS</b>		
<b>H. Wetlands</b> A Section 404 permit is not required.	X	
<b>I. Flood Plains</b> No encroachment into a floodplain.	X	
<b>J. Stream, Rivers, Shoreline Encroachments</b>		
1. A Section 404 permit or Section 10 permit is not required.	X	
2. Project is consistent with the goals of the Coastal Zone Management Plan.	X	
3. No use of lands, waters, or rivers designated as Wild/Scenic Rivers by the U.S. Government (DOI National Park Service and/or US Fish & Wildlife Service)	X	
4. No permit required from the United States Coast Guard & Department of Accounting and General Services (DAGS).	X	
<b>K. Sole Source Aquifers</b> Project is not within the boundaries of the Southern O'ahu Basal Aquifer or Moloka'i Aquifer.	X	
<b>L. Migratory Bird Treaty Act</b> Migratory birds or migratory bird habitat will not be affected.	X	
<b>M. Essential Fish Habitat (Magnuson-Stevens Fishery Conservation and Management Act of 1996)</b> Essential fish habitat will not be adversely affected. <b>Additional information at</b> <a href="http://www.fpir.noaa.gov/HCD/hcd_efh_consultation.html">http://www.fpir.noaa.gov/HCD/hcd_efh_consultation.html</a> <b>(Note:</b> <i>Clean Water Act, Section 404 may be a trigger.)</i>	X	
<b>N. 6(f) Properties</b> No acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act of 1965.	X	
<b>O. Noise Quality</b> A noise analysis is not required per 23 CFR §772.5.	X	
<b>P. Hazardous Waste</b> No properties with hazardous waste will be acquired.	X	
<b>Q. Visual and Aesthetic</b> No adverse effect to viewshed.	X	

<b>SECTION 2: CHOOSE ONE OF THE FOLLOWING FOR EACH ISSUE:</b>	
<b>R. Rare, Threatened &amp; Endangered Species</b>	
<p><b>Choose one of the following, based on concurrence from USFWS. Attach USFWS's concurrence letter. Additional information at: <a href="http://www.fws.gov/pacificislands/index.html">http://www.fws.gov/pacificislands/index.html</a></b></p>	
1. "No Effect" determination on rare, threatened, and endangered species or their habitat.	X. Sent letter to USFWS on May 17, 2012. USFWS concurred in letter dated May 23, 2012.
2. "May effect, but Not Likely to Adversely Affect" determination on rare, threatened, and endangered species or their habitat.	
<b>S. Section 106, Historical &amp; Cultural</b>	
<p><b>Choose one of the following, based on concurrence from the Hawai'i SHPO/SHPD. Attach concurrence letter.</b></p>	
1. Adverse effects to a significant cultural and/or historical resource. ( <i>Cultural and historical resources are significant only if they are on or eligible for the National Register of Historic Places.</i> )	
2. No Adverse Effect.	X. FHWA letter dated November 15, 2011, designating authority to HDOT and Kaua'i DPW. Consultation invite letter to SHPD and consulted parties sent January 24, 2012. OHA was only response received (dated February 13, 2012). No Adverse Effect determination letter to SHPD with OHA copied sent by FHWA on April 18, 2012.
3. No Historic Properties Affected.	
<b>T. Section 4(f)</b>	
<p><b>Choose one of the following:</b></p>	
1. No 4(f) properties affected.	X
2. Use of Section 4(f) property is considered <i>de minimis</i> , include written concurrence from the official with jurisdiction of the 4(f) property.	
3. A Programmatic Section 4(f) approval has been made by the FHWA. Attach approval.	
<b>U. Air Quality</b>	
<p><b>Choose one of the following:</b></p>	

<p>1. Anticipate Carbon Monoxide levels that exceed 90% of the Federal standards of 9 ppm in 8 hours. Mobile Source Air Toxics (MSATs). Project is exempt under Clean Air Act conformity rule 40 CFR 93.126 or project qualifies under 23 CFR 771.117(c).</p>	
<p>2. The purpose of this project is stated in Item #2, purpose and need. This project will not result in any meaningful changes in traffic volumes, vehicle mix, location of the existing facility, or any other factor that would cause an increase in emissions impacts relative to the no-build alternative. As such, FHWA has determined that this project will generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special MSAT concerns. Consequently, this effort is exempt from analysis for MSATs.</p>	<p>X</p>

4) PREVENTIVE MEASURES TO AVOID, MINIMIZE, AND MITIGATE ENVIRONMENTAL IMPACTS

- Not Applicable     
  No night work     
  Archaeological monitoring  
 Work schedule restrictions for contractor(s)     
  Others: explain below or attach documentation

*Note: Preventive measures and environmental mitigations should be reflected in the contract specifications.*

Based on Section 106 consultation:

- If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.
- If human remains are discovered, Hawaii Administrative Rules Title 13. Subtitle 13, Chapter 300 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and SHPD and Police Department will be contacted. The appropriate process would then proceed in conformance with Hawai'i Administrative Rules §13-300 Subchapter 4 "Procedures for Property Treatment of Burial Sites and Human Skeletal Remains."

Based on Section 7 consultation:

- Work will be performed during daylight hours only.
- No trimming or clearing of trees or shrubs greater than 15 feet in height.
- No new above ground utilities (including street lights) installed, moved, or realigned.

5) DETERMINATION

<input checked="" type="checkbox"/> <b>Categorical Exclusion</b> It is determined, after review of this document, and coordination with other agencies, that no significant environmental effects will result from the implementation of this project.
<input type="checkbox"/> <b>Environmental Assessment (EA) / Environmental Impact Statement (EIS)</b> It is determined, after review of this document, and coordination with other agencies, that further study is required to determine if there will be significant environmental consequences. An Environmental Assessment is required.

6) SIGNATURES

**Prepared By:**

5/29/12  
Date

[Signature]  
Project Engineer/Manager  
Kaua'i Department of Public Works

**Approved By:**

5-30-12  
Date

[Signature]  
County Engineer, Kaua'i,  
Department of Public Works

6/13/12  
Date

[Signature]  
Administrator, Highways Division  
Hawai'i Department of Transportation

7-26-2012  
Date

[Signature]  
Federal Highway Administration  
Civil Engineer



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Hawaii Federal-Aid Division**

April 23, 2012

300 Ala Moana Blvd, Rm 3-306  
Box 50206  
Honolulu, Hawaii 96850  
Phone: (808) 541-2700  
Fax: (808) 541-2704

In Reply Refer To:  
HDA-HI

Dr. Loyal Mehrhoff  
Field Supervisor  
U.S. Fish and Wildlife Office  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122, Box 50088  
Honolulu, Hawai'i 96850

**Subject: Section 7 Informal Consultation  
County of Kauai, Department of Public Works – Building Division  
Hardy Street Improvements, Federal Aid Project No. STP-05720(1)  
Lihue, Island of Kauai, Hawaii**

Dear Dr. Mehrhoff:

The County of Kauai Department of Public Works Building Division is planning improvements to Hardy Street between Kuhio Highway and Rice Street (approximately 0.7 mile). Some of the improvements were outlined in the *Lihue Civic Center Site Improvements Final Master Plan*, dated January 2008; however, some of the planned improvements extend beyond the immediate area of the Civic Center and were not discussed in the Master Plan.

Proposed roadway improvements will occur within the existing roadway right-of-way and will focus on improving vehicular, pedestrian, and bicycle circulation in the area. Hardy Street will remain a two-lane roadway but a median or left turn lanes, bike lanes, sidewalks, and landscaping will be added (Figure 1). A roundabout is planned at the Hardy Street / Umi Street intersection due to the unusual geometry of the approaching streets (Figure 2). The roundabout will also serve as an opportunity to create a landmark for the Civic Center, although it is undetermined what the central feature will consist of at this time. The project is generally a reconstruction of the existing roadway pavement with the installation of sidewalk/walkways within areas that have been previously disturbed. The project does not include the realignment of any overhead utility lines or the replacement of highway lighting.

Signalization of the Hardy Street / Kuhio Highway intersection will also be evaluated to determine if a traffic signal is warranted under current conditions. If signalization is not currently warranted but expected to be warranted in the near future, conduits for future signalization will be installed. If signalization is currently warranted both the conduit and the signals will be installed as part of this project.

The FHWA has prepared this letter summarizing the proposed project work to initiate the Section 7 informal consultation process. We request that your office review the proposed

improvements and concur with our finding of "not likely to adversely affect" in accordance with the Programmatic Informal Consultation Agreement dated December 20, 2011.

1. All work will be performed within existing roadway right-of-way (ROW).
2. Work will affect only previously disturbed areas; Hardy Street is completely developed on both sides of the roadway.
3. Work will be performed during daylight hours only.
4. Trees and shrubs taller than 15 feet will to be trimmed or cleared between June 1 and September 15
5. No utilities will be moved or realigned
6. No highway lighting will be installed or replaced
7. There is some minor improvements for pedestrian accessibility outside the paved area but this walkway is within a previously disturbed area

The County of Kauai will prevent the disturbance or taking of any threatened and endangered species or critical habitat to the extent possible during construction. Please contact John D Nickelson at 808-541-2304 if you have questions or comments related to the effect determination or the project in general.

Sincerely,

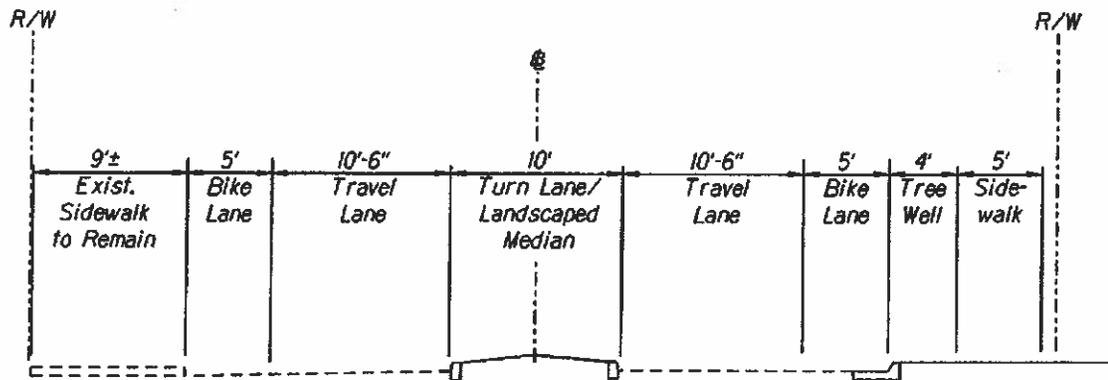


John D. Nickelson, PE  
Civil Engineer

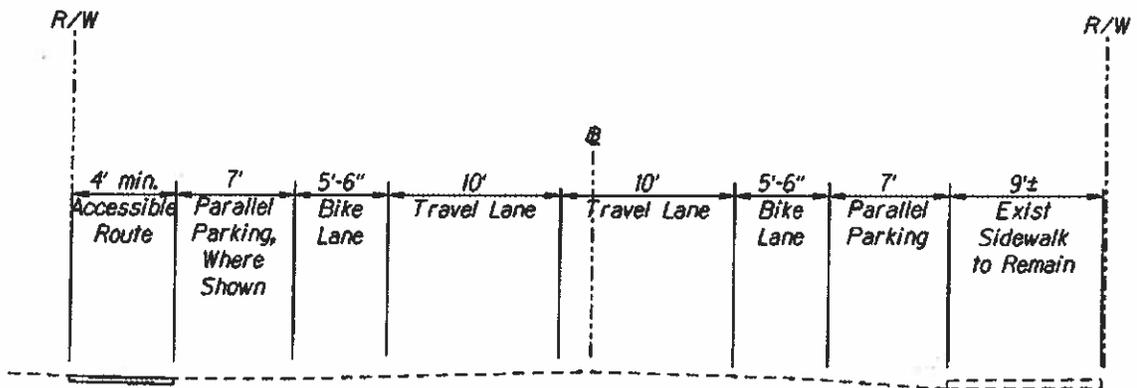
**Enclosures:**

- Figure 1 – Hardy Street Master Plan Typical Section
- Figure 2 – Location Map

cc: Patrice Ashfield, U.S. FWS Section 7 Coordinator  
Holly Yamauchi, HDOT  
Douglas Haigh, County of Kauai



HARDY STREET - TYPICAL SECTION  
KUHIO HIGHWAY TO KAANA STREET



HARDY STREET - TYPICAL SECTION  
KAANA STREET TO RICE STREET





United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



HAWAII DIVISION
MAY 2 2012
RECEIVED

MAY 23 2012

In Reply Refer To:
2012-I-0089
2012-I-0276

Mr. John D. Nickelson, P.E.
Federal Highway Administration
300 Ala Moana Boulevard, Room 3-306
Honolulu, Hawaii 96850

Subject: Programmatic Informal Consultation for the Proposed Hardy Street
Improvements, Kauai

Dear Mr. Nickelson:

The U.S. Fish and Wildlife Service (Service) received your letter, dated April 23, 2012,
requesting our concurrence with your determination that the proposed Hardy Street improvement
project (between Kuhio Highway and Rice Street) will not adversely affect listed species or
designated critical habitat. You have determined it is appropriate to analyze this project pursuant
to the Programmatic Informal Consultation for the Federal Highway Administration's
Preventative Maintenance and Shoulder and Guardrail Improvement Projects in the State of
Hawaii (December 20, 2011; Service file 2012-I-0089). This response is in accordance with
section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et seq.).

The Hardy Street improvement project includes reconstruction of the existing roadway pavement
and the installation of sidewalks and a roundabout. All work will occur during daylight hours
and no trees or shrubs greater than 15 feet will be trimmed or cleared. Based on the information
you provided, we agree this project is within the scope of the programmatic informal
consultation; therefore, we concur with your determination that this project will not adversely
affect listed species or designated critical habitat due to the incorporation of the avoidance and
minimization measures as described in that document.

If you have questions regarding this informal consultation, please contact Jodi Charrier, Fish and
Wildlife Biologist, Consultation and Habitat Conservation Planning Program (phone: 808-792-
9473, fax: 808-792-9581).

Sincerely,

Handwritten signature of Jess Heuter

Loyal Mehrhoff
Field Supervisor

Handwritten note: This approval is based upon not moving utility poles - if poles are moved we must discuss with USFWS

Handwritten initials and date: JMW 5-25-2012



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Hawaii Federal-Aid Division**

November 15, 2011

300 Ala Moana Blvd, Rm 3-306  
Box 50206  
Honolulu, Hawaii 96850  
Phone: (808) 541-2700  
Fax: (808) 541-2704

In Reply Refer To:  
HDA-HI

Mr. William J. Aila, Jr.  
State Historic Preservation Officer  
Department of Land and Natural Resources  
State of Hawai'i  
Kakuhihewa Building, Suite 555  
601 Kamokila Boulevard  
Kapolei, Hawai'i 96707

**Subject: National Historic Preservation Act (NHPA) Section 106 Consultation  
Hardy Street Improvements, Federal Aid Project No. STP-05720(1)  
County of Kaua'i, Department of Public Works  
Lihu'e, Island of Kaua'i, State of Hawaii**

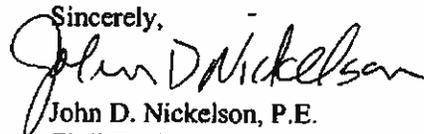
Dear Mr. Aila:

The Federal Highway Administration (FHWA) intends to fund improvements to Hardy Street between Kuhio Highway and Rice Street (approximately 0.7 mile) for the County of Kaua'i Department of Public Works (County of Kaua'i). FHWA and the State of Hawai'i Department of Transportation (HDOT) would like to inform SHPD that they are working cooperatively with the County of Kaua'i to advance the Project.

Section 106 of 36 CFR 800.2(c)(4) allows federal agencies to authorize an applicant or group of applicants to initiate consultation with the SHPO and other consulting parties, including Native Hawaiian Organizations. In order to accomplish the Project, FHWA is delegating Section 106 Consultation (106) activities to the HDOT; HDOT is in turn allowing the coordination of 106 activities to be administered by the County of Kaua'i. This letter is to formally advise you that the County of Kaua'i is acting on our behalf regarding the Project. The FHWA remains responsible for all findings and determinations charged to the agency in the review process.

In accordance with our agreements with HDOT, all official letters to SHPD and stakeholders shall be transmitted under HDOT letterhead; and all determinations regarding historical impacts will be transmitted under FHWA letterhead.

Please contact me at (808)541-2304 if you have any questions.

Sincerely,  
  
John D. Nickelson, P.E.  
Civil Engineer

cc: Doug Haigh, County of Kaua'i  
Chris Yamasaki, HDOT  
Ray McCormick, HDOT

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:

HWY-DD 2.0632

JAN 24 2012



Mr. Kunane Aipoalani, Chairperson  
Kauai Island Burial Council  
c/o SHPD - Kauai  
5532 Tapa Street  
Koloa, Hawaii 96756

Dear Mr. Aipoalani:

Subject: National Historic Preservation Act, Section 106 Consultation  
Hardy Street Improvements, Kuhio Highway to Rice Street  
Federal Aid Project No. STP-05720(1)

The County of Kauai Department of Public Works Building Division is planning improvements to Hardy Street between Kuhio Highway and Rice Street (approximately 0.7 mile). The project will be partially funded by Federal Aid from the Federal Highways Administration (FHWA). FHWA has authorized the County of Kauai and State of Hawaii Department of Transportation (HDOT) to act on their behalf regarding Section 106 consultation. It has been determined that the project constitutes an undertaking under Section 106 of the NHPA as amended, and the Advisory Council on Historic Preservation's regulations (36 CFR Part 800), as revised. In accordance with agreements in place between FHWA and the State Historic Preservation Division (SHPD) related to Section 106 consultation, this consultation letter initiates the Section 106 consultation process.

#### Overview of Section 106 Process

Section 101(d)(6)(B) of the NHPA requires that Native Hawaiian Organizations (NHOs) be consulted with and provided a reasonable opportunity to identify their concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate their views on the undertaking's effects on historic properties, and participate in the resolution of adverse effects, should there be any. A NHO may enter into an agreement with HDOT or FHWA that specifies how they will carry out communicating sensitive information related to historic properties, including concerns over the confidentiality of information.

We are also seeking input from individuals and other organizations with a demonstrated interest in the undertaking or the historic properties in the region. Those with an interest or knowledge of the area are encouraged to provide input on the identification of historic properties in the project area, the evaluation of the undertaking's effect on historic properties, and measures to resolve any adverse effects on historic properties.

Due to your previous involvement in other projects on Kauai and your cultural knowledge, we are seeking your input as to whether there may be historic properties in the area, your input on the undertaking's potential effect on those historic properties, potential mitigation measures to address any adverse effects, and input on other parties that we should contact regarding the proposed undertaking. We request that you provide any input within 30 days of receiving this letter. By responding you will be identified as a consulting party for this undertaking.

Following the receipt of input, FHWA will evaluate potential historic properties within the undertaking's area of potential effect (APE) and in consultation with SHPD and the consulting parties to determine if a property is eligible for the National Register for Section 106 purposes. The criteria for eligibility are: The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of significant persons in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That has yielded or may be likely to yield, information important in history or prehistory.

Further, in consultation with SHPD and consulting parties, FHWA will make an assessment of the undertaking's potential effects on historic properties. An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Ultimately, FHWA will make a determination regarding the undertaking's effect, or lack thereof, on identified historic properties within the APE. The determination will be documented and presented to SHPD and all consulting parties. SHPD and the consulting parties will have 30 days to review and respond to the determination. If no response is received within the 30 day review period, FHWA will assume all parties agree with its determination and will proceed with the undertaking.

### **Overview of the Undertaking**

The planned improvements to Hardy Street between Kuhio Highway and Umi Street, a portion of the proposed undertaking, were outlined in Section 2.4.3.2 on pages 2-16 and 2-17 of the Lihue Civic Center Site Improvements Master Plan Final Environmental Assessment, dated September 2007. The portion of Hardy Street between Umi and Rice Streets extends beyond the immediate area of the Civic Center so the planned improvements to this area were not discussed in the Master Plan; however, the improvements are similar throughout the length of the planned project.

All proposed roadway improvements will occur within the existing roadway right-of-way and will focus on improving vehicular, pedestrian, and bicycle circulation in the area. Hardy Street would remain a two-lane roadway but a left turn lane with a median will be created, and bike lanes, sidewalks, and landscaping will be added along the length of Hardy Street (Figure 1).

Signalization of the Hardy Street / Kuhio Highway intersection is anticipated in the future. As such, conduits and pullboxes for future signalization will be installed as part of the undertaking.

A roundabout is planned at the Hardy Street / Umi Street intersection due to the unusual geometry of the approaching streets (Figure 2). The roundabout will also serve as an opportunity to create a landmark for the Civic Center, although it is undetermined what the central feature will consist of at this time.

Overall, the planned Hardy Street improvements are anticipated to have a beneficial effect on all surrounding properties, historic and otherwise.

### **Other Transportation Projects in the Region**

HDOT and/or the County of Kauai have some other transportation projects ongoing or planned in the region. These include:

- Kaumualii Highway Widening Phase 1A. This project is currently being constructed. The project includes the widening of Kaumualii Highway in Puhi from roughly Anonui Street to Uahi Road.
- Kaumualii Highway, Lihue Mill Bridge to Rice Street. This project is currently out to bid as a design-build project. The project encompasses the widening of Kaumualii Highway from the end of the Phase 1A widening to Rice Street, including the Lihue Mill Bridge.
- Lihue Civic Center Site Improvements. This project includes modifications to Eiwa Street and a crosswalk at Umi Street.

### **Identified Potential Historic Properties**

This section identifies known historic or potentially historic resources within the undertaking's proposed APE. The APE for the undertaking is proposed to be the Hardy Street right-of-way and neighboring properties (Figure 3). Historic properties potentially within the APE were identified through the review of research performed for other projects in the area, including the Lihue Civic Center Site Improvements Master Plan Final Environmental Assessment, dated September 2007. Building and tax records were reviewed to identify structures greater than 50 years of age. Knowledgeable employees at the County Department of Public Works were also interviewed regarding the age of structures in the project area.

Most of the development along Hardy Street was built in the 1970s; however, a few buildings within the APE were reportedly built more than 50 years ago:

- A portion of Wilcox School was built in 1958
- The ILWU Hall at 4154 Hardy Street was built in 1958

An evaluation has not been completed to establish if these two properties are eligible for listing on the National Register.

The existing Lihue Civic Center Historic District, added to the State and National Registers of Historic Places in 1981 for its architectural and political significance (Site Number 30-11-9351), is just outside the APE (Figure 3). This historic district is made up of the Historic County Building and the County Lawn that fronts it, as well as the County Annex and the State Courthouse. The State Courthouse building is nearest Hardy Street, but is distanced from the roadway by a parking lot. The Lihue Civic Center Site Improvements Master Plan Final Environmental Assessment, dated September 2007, disclosed that the "entire site has been previously disturbed during historic and modern ground-altering activity," "proposed site improvements are intended to enhance the historic resources in and around the area by restoring historic elements and providing better pedestrian access, landscaping, and signage," and "the proposed changes within the Lihue Civic Center Historic District are minor and are not expected to negatively impact the historic or cultural resources." (Page 5-2) The roadway improvements are designed to work in concert with the improvements made within the neighboring Civic Center and therefore will provide an enhancement and no adverse effect to the historic district or historic elements within the district.

### **Mitigation Policies**

Mitigation measures during the construction of the proposed improvements will be implemented to minimize and avoid potential impacts to archaeological, cultural, and historic resources. Although the Section 106 process has not been completed and additional mitigation measures may be identified through the process, the following mitigation measures will be implemented at a minimum:

- If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.
- If human remains are discovered, Hawaii Administrative Rules Title 13. Subtitle 13, Chapter 300 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and SHPD and Police Department will be contacted. The appropriate process would then proceed in conformance with Hawaii Administrative Rules §13-300 Subchapter 4 "Procedures for Property Treatment of Burial Sites and Human Skeletal Remains."

The County of Kauai will prevent the disturbance or taking of any historic property or resource to the extent possible by instituting these mitigation measures and enforcing their implementation by contractors.

Your response to this letter, acknowledging your interest in participating in this undertaking as a consulting party, in identifying any historic properties, including Traditional Cultural Properties (TCPs) that may exist within the project's APE, and providing any key contacts, is greatly appreciated. Please provide a response by February 29, 2012 so that we may discuss this undertaking and any historic resources.

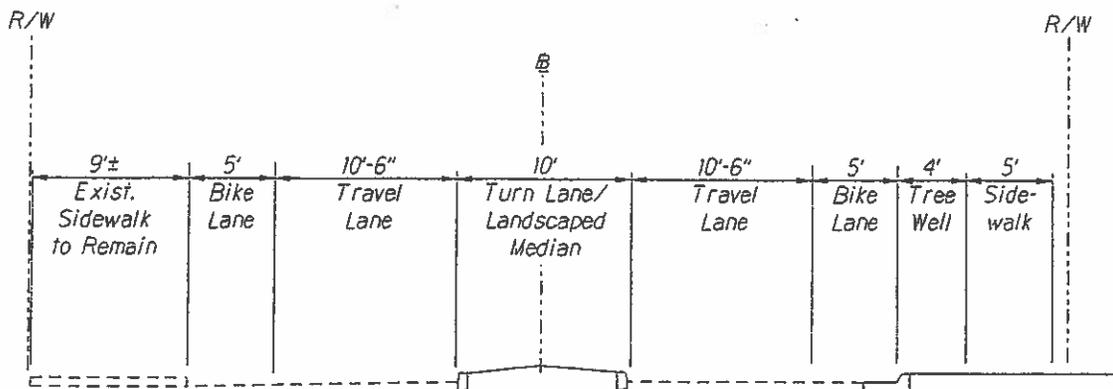
Should you have any questions about this project, you may contact Mr. Doug Haigh of the County of Kauai at (808)241-4849.

Very truly yours,

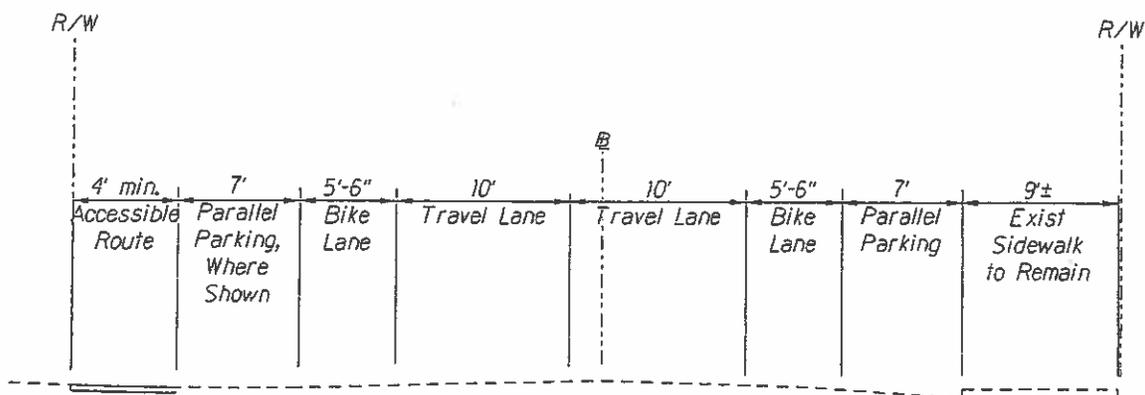


GLENN M. OKIMOTO, Ph.D.  
Director of Transportation

c: Doug Haigh, County of Kauai  
John Nickelson, FHWA



HARDY STREET - TYPICAL SECTION  
KUHIO HIGHWAY TO KAANA STREET



HARDY STREET - TYPICAL SECTION  
KAANA STREET TO RICE STREET







**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
711 KAPI'OLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

HRD12/3134B

February 13, 2012

Glenn M. Okimoto, Ph.D., Director  
State of Hawai'i-Department of Transportation  
869 Punchbowl Street  
Honolulu, Hawai'i 96813-5097

**Re: National Historic Preservation Act Section 106 Consultation  
Hardy Street Improvements  
Federal Aid Project No. STP-05720(1)  
Lihu'e, Island of Kaua'i**

Aloha e Director Okimoto,

The Office of Hawaiian Affairs (OHA) is in receipt of your January 24, 2012 letter with enclosures which initiates consultation pursuant to Section 106 of the National Historic Preservation Act (NHPA) on behalf of the County of Kaua'i for 0.7 miles of planned improvements to Hardy Street between Kuhio Highway and Umi Street (the undertaking) in Lihu'e on the Island of Kaua'i. U.S. Department of Transportation-Federal Highways Administration (FHWA) funding will partially support this undertaking.

Your letter indicates that all undertaking activities will occur within the existing Hardy Street right of way and will consist of constructing a left turn lane and median, with sidewalks, bike lanes and landscaping added along the length of Hardy Street. Installation of a traffic signal at the Hardy Street and Kuhio Highway intersection is under consideration as a part of this undertaking and construction of support infrastructure for this signal will be required. Construction of a "roundabout" at the Hardy Street and Umi Street intersection is planned. The area of potential effect (APE) for this undertaking is depicted in Figures 2 and 3 of your letter.

Please accept this letter as confirmation that OHA will participate in NHPA consultation for this undertaking at this time. It is our understanding that you are currently in the process of conducting the "good faith" effort to identify historic properties within the APE which is required by NHPA implementing regulations 36 CFR §800.4. We appreciate the overview of known (Lihue Civic Center Historic District) and possible (a portion of Wilcox School and the ILWU Hall) historic properties within the APE which you have already identified. We are unaware of any specific historic properties of religious or cultural significance to the Hawaiian people within the APE at this time.

As the NHPA consultation process for this undertaking moves forward, please provide OHA with a list of the other Native Hawaiian Organizations (NHOs) you have contacted and engaged in consultation with so that we may recommend additional NHO who may have an interest in this undertaking. The preliminary mitigation measures you have committed to in your letter (page 5, paragraph 1) seem appropriate and we agree with the earlier statement in your letter (page 4, paragraph 4) that *additional mitigation measures may be identified* through the consultation process.

OHA seeks clarification on the statement in your letter (page 1, paragraph 1) relative to *agreements in place between the FHWA and the State Historic Preservation Division (SHPD) related to Section 106 consultation*. If these are formal written agreements, we would appreciate being provided with a copy of them to review. If these are informal agreements, we would appreciate receiving a summary of them to consider.

Thank you for initiating consultation. We look forward to receiving our requested clarification and continuing consultation with you and all other parties. Should you have any questions or concerns, please contact Keola Lindsey at 594-0244 or keolal@oha.org.

'O wau iho nō me ka 'oia 'i'o,



Richard Pezzulo  
Interim Chief Executive Officer

RP:kl

C: William Aila, Jr., State of Hawai'i Historic Preservation Officer  
Pua Aiu, State Historic Preservation Division Administrator  
OHA, Kaua'i Community Outreach Coordinator  
John Nickelson, FHWA (via email)

Dough Haigh, County of Kaua'i-Department of Public Works  
4444 Rice Street, Suite 175  
Lihu'e, HI 96766-1340

NEIL ABERCROMBIE  
GOVERNOR

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
FORD N. FUCHIGAMI  
JAN S. GOUVEIA  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
HWY-DD 2.0796

APR 23 2012

TO: KAMANA'OPONO M. CRABBE, CHIEF EXECUTIVE OFFICER  
OFFICE OF HAWAIIAN AFFAIRS

FROM: GLENN M. OKIMOTO, Ph.D.   
DIRECTOR OF TRANSPORTATION

SUBJECT: NATIONAL HISTORIC PRESERVATION ACT (NHPA)  
SECTION 106 CONSULTATION  
HARDY STREET IMPROVEMENTS – KUHIO HIGHWAY TO RICE STREET  
FEDERAL-AID-PROJECT NO. STP-05720(1)

Thank you for your letter dated February 13, 2012 (HRD12/3134B), regarding the subject project. As requested, the Office of Hawaiian Affairs (OHA) will be included as a participating consulting party throughout the Section 106 process related to this project. As such you will be notified of any findings or determinations made by the Federal Highways Administration (FHWA) and the State of Hawaii Historic Preservation Division (SHPD). This will be achieved by copying your office on all correspondence between FHWA or the Hawaii Department of Transportation (HDOT) and SHPD.

This provides the additional information requested in your letter dated February 13, 2012.

#### Consultation Overview

The HDOT, on behalf of the County of Kauai, sent invitations to the following parties to participate in the Section 106 process as consulting parties:

- Office of Hawaiian Affairs (OHA), Director
- OHA, Native Hawaiian Preservation Council, Kauai Representative
- Kauai Island Burial Council, Chairperson
- Kauai Island Burial Council, Lihue Regional Representative
- Hawaiian Homes Commission, Chairperson
- Association of Hawaiian Civic Clubs, President

- Kauai Heritage Center, Director
- Royal Order of Kamehameha, Kaumalii Chapter
- Historic Hawaii Foundation
- Kauai Historic Preservation Review Commission

The invitations sent to these groups were identical to the one you received. To date, we have not received any input from any other party invited to participate. Therefore, no additional potential historic properties within the area of potential effect (APE) or mitigation measures have been identified.

If your office has knowledge of other groups that should be invited to participate in the Section 106 process for this undertaking please provide their names and contact information.

#### **FHWA – SHPD Agreements**

There are no programmatic agreements or memorandums of understanding or other official agreements between FHWA and SHPD regarding the Section 106 process related to this project. However, FHWA has issued direction to us and other transportation agencies in the State of Hawaii, such as the County of Kauai, Department of Public Works. In a letter dated October 27, 2011 from FHWA, clear direction is laid out with the intent to improve efficiency and effectiveness during the Section 106 process. The letter includes direction on which agencies can send letters to consulting parties and SHPD throughout the Section 106 process. We included the statement in our previous letter to help you understand why the letter was sent by us and not the County of Kauai.

We regret misstating that the agreement is between FHWA and SHPD when in fact the direction is from FHWA to HDOT. However, SHPD is aware of the FHWA directions and also hopes that it will indeed improve the Section 106 process for transportation projects within the State.

Should you have any questions about this project, you may contact Mr. Doug Haigh of the County of Kauai at (808) 241-4849.

c: Doug Haigh, County of Kauai  
John Nickelson, FHWA  
William J. Aila, Jr., Director, Department of Land & Natural Resources  
Pua Aiu, State Historic Preservation Division Administrator  
D. Kaliko Santos, OHA, Kauai Community Outreach Coordinator

CY:sg/rva

bc: DIR, HWY-DD (CY)



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Hawaii Federal-Aid Division**

April 18, 2012

300 Ala Moana Blvd, Rm 3-306  
Box 50206  
Honolulu, Hawaii 96850  
Phone: (808) 541-2700  
Fax: (808) 541-2704

In Reply Refer To:  
HDA-HI

Mr. William J. Aila, Jr.  
State Historic Preservation Officer  
Department of Land and Natural Resources  
State of Hawai'i  
Kakuhihewa Building, Suite 555  
601 Kamokila Boulevard  
Kapolei, Hawai'i 96707

**Subject: National Historic Preservation Act (NHPA) Section 106 Consultation  
Hardy Street Improvements – Kūhiō Highway to Rice Street  
Federal Aid Project No. STP-05720(1)  
County of Kauai, Department of Public Works – Building Division  
Līhu'e, Island of Kaua'i, Hawai'i**

Dear Mr. Aila:

The County of Kaua'i Department of Public Works Building Division is planning improvements to Hardy Street between Kūhiō Highway and Rice Street (approximately 0.7 mile). The project will be partially funded by Federal Aid from the Federal Highways Administration (FHWA). FHWA has authorized the County of Kaua'i and State of Hawai'i Department of Transportation (HDOT) to act on their behalf regarding Section 106 consultation. It has been determined that the project constitutes an undertaking under Section 106 of the NHPA as amended, and the Advisory Council on Historic Preservation's regulations (36 CFR Part 800), as revised.

In accordance with agreements in place between FHWA and the State Historic Preservation Division (SHPD) related to Section 106 consultation, letters to initiate the Section 106 were sent on HDOT letterhead to yourself and a number of other parties. Those initial letters were dated January 24, 2012, and requested input be submitted to HDOT and/or the County of Kaua'i by February 29, 2012. Allowing for delivery time, responses were anticipated to be received by March 5, 2012.

This letter, also in accordance with agreements in place between FHWA and SHPD, provides an overview of the input received and discussion of FHWA's finding of "no adverse effect" for this project. Please advise us within 30 days of your receipt of this letter if you have any objection to our "no adverse effect" determination. In the absence of any response, FHWA will assume you concur with our determination, make the finding/documentation available for public review, and proceed with the undertaking

### **Consultation Overview**

No input was received from your office. Among other things, input was requested on (a) additional parties to coordinate with, (b) agreement or disagreement with the proposed APE, and (c) input on historic properties in the project area.

The HDOT, on behalf of the County of Kaua'i, sent invitations, dated January 24, 2012, to the following parties to participate in the Section 106 process as consulting parties:

- Office of Hawaiian Affairs (OHA), Director
- OHA, Native Hawaiian Preservation Council, Chairperson
- OHA, Native Hawaiian Preservation Council, Kaua'i Representative
- Kaua'i Island Burial Council, Chairperson
- Kaua'i Island Burial Council, Lihu'e Regional Representative
- Hawaiian Homes Commission, Chairperson
- Association of Hawaiian Civic Clubs, President
- Kaua'i Heritage Center, Director
- Royal Order of Kamehameha, Kaumalii Chapter
- Historic Hawai'i Foundation
- Kaua'i Historic Preservation Review Commission

Among other things, input from these parties was requested on (a) their interest in participating in the undertaking as a consulting party, (b) identifying historic properties, including Traditional Cultural Properties (TCPs), and (c) providing information on other parties that may be interested in participating. The only response from those invited was a request from OHA that they be included as a consulting party throughout the Section 106 process. OHA had no knowledge of additional potential historic properties within the APE.

### **Overview of the Undertaking**

The planned improvements to Hardy Street between Kūhiō Highway and Umi Street, a portion of the proposed undertaking, were outlined in Section 2.4.3.2 on pages 2-16 and 2-17 of the *Lihue Civic Center Site Improvements Master Plan Final Environmental Assessment*, dated September 2007. The portion of Hardy Street between Umi and Rice Streets extends beyond the immediate area of the Civic Center so the planned improvements to this area were not discussed in the Master Plan; however, the improvements are similar throughout the length of the planned project.

All proposed roadway improvements will occur within the existing roadway right-of-way and will focus on improving vehicular, pedestrian, and bicycle circulation in the area. Hardy Street would remain a two-lane roadway but a left turn lane with a median will be created, and bike lanes, sidewalks, and landscaping will be added along the length of Hardy Street (Figure 1).

Signalization of the Hardy Street / Kuhio Highway intersection is anticipated in the future. As such, conduits and pullboxes for future signalization will be installed as part of the undertaking.

A roundabout is planned at the Hardy Street / Umi Street intersection due to the unusual geometry of the approaching streets (Figure 2). The roundabout will also serve as an

opportunity to create a landmark for the Civic Center, although it is undetermined what the central feature will consist of at this time.

Overall, the planned Hardy Street improvements are anticipated to have a beneficial effect on all surrounding properties, historic and otherwise.

#### **Proposed Area of Potential Effect**

The area of potential effect (APE) for the project is the street (Hardy Street) itself and neighboring properties. The entire proposed APE is roughly 50 acres and is illustrated on Figure 3 attached. The Tax Map Keys (TMKs) within the APE include:

- TMK 3-6-2 parcels 9, 10, and 21
- TMK 3-6-3 parcels 17 and 18
- TMK 3-6-5 parcels 6 and 11
- TMK 3-6-6 parcels 17, 18, 50, 52, 81, and 82
- TMK 3-6-15 parcels 44, 45, 46, 29, and 33
- TMK 3-6-18 parcels 1 and 3 through 10
- TMK 3-6-19 parcels 10, 11, and 16 through 19

Due to the lack of input from your office and other consulted parties this APE is considered to be approved and final.

#### **Identified Potential Historic Properties**

This section identifies known historic or potentially historic resources within the undertaking's proposed APE. Historic properties potentially within the APE were identified through (a) the review of research performed for other projects in the area, including the *Lihue Civic Center Site Improvements Master Plan Final Environmental Assessment*, dated September 2007, (b) input (or lack thereof) from consulted parties, (c) building and tax records were reviewed to identify structures greater than 50 years of age, and (d) knowledgeable employees at the County Department of Public Works were also interviewed regarding the age of structures in the project area.

Most of the development along Hardy Street was built in the 1970s; however, a few buildings within the APE were reportedly built more than 50 years ago:

- A portion of Wilcox School was built in 1958
- The ILWU Hall at 4154 Hardy Street was built in 1958

An evaluation has not been completed to establish if these two properties are eligible for listing on the National Register.

The existing Lihue Civic Center Historic District, added to the State and National Registers of Historic Places in 1981 for its architectural and political significance (Site Number 30-11-9351), is just outside the APE (Figure 3). This historic district is made up of the Historic County Building and the County Lawn that fronts it, as well as the County Annex and the State Courthouse. The State Courthouse building is nearest Hardy Street, but is distanced from the roadway by a parking lot. The *Lihue Civic Center Site Improvements Master Plan Final Environmental Assessment*, dated September 2007, disclosed that the "entire site has been previously disturbed during historic and modern ground-altering activity," "proposed site improvements are intended to enhance the historic resources in and around the area by

restoring historic elements and providing better pedestrian access, landscaping, and signage,” and “the proposed changes within the Lihue Civic Center Historic District are minor and are not expected to negatively impact the historic or cultural resources.” (Page 5-2) The roadway improvements are designed to work in concert with the improvements made within the neighboring Civic Center and therefore will provide an enhancement and no adverse effect to the historic district or historic elements within the district.

### **Effect Determination**

As with the historic district discussed above, the planned Hardy Street improvements are anticipated to have a beneficial effect on surrounding properties, including historic properties. As the existing roadway and the access to the two developments over 50 years old from the roadway have no significant association with the period of construction and the view from the roadway to these older buildings will not be significantly altered, no adverse effect to these older structures is anticipated.

Based on our analysis and site observations, FHWA has determined that the project will have no adverse effect on historic resources. The primary reasons for this are that:

1. All work will be performed within the existing roadway right-of-way.
2. There are no known archaeological resources in the APE - the entire APE has previously been disturbed by agricultural practices and urban development.
3. The historic resources within the APE (the portion of Wilcox School built in 1958 and the ILWU Hall built in 1958) are not anticipated to experience any adverse impacts due to the planned improvements along Hardy Street.
4. Also considered in our determination is the “no historic properties will be affected” determination provided by SHPD to PBR Hawaii as part of the *Lihue Civic Center Site Improvements Master Plan Final Environmental Assessment* (Log No. 2007.2552, Doc. No. 0707NM39, dated July 25, 2007). The proposed improvements to Hardy Street in the vicinity of the Civic Center remain the same as those discussed in the Master Plan.

### **Mitigation Policies**

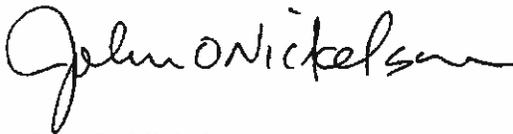
Mitigation measures during the construction of the proposed improvements will be implemented to minimize and avoid potential impacts to archaeological, cultural, and historic resources. The following mitigation measures will be implemented:

- If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.
- If human remains are discovered, Hawaii Administrative Rules Title 13, Subtitle 13, Chapter 300 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and SHPD and Police Department will be contacted. The appropriate process would then proceed in conformance with Hawai‘i Administrative Rules §13-300 Subchapter 4 “Procedures for Property Treatment of Burial Sites and Human Skeletal Remains.”

The County of Kauai will prevent the disturbance or taking of any historic property or resource to the extent possible by instituting these mitigation measures and enforcing their implementation by contractors.

Please contact me at (808)541-2304 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "John D. Nickelson". The signature is written in a cursive style with a large initial "J".

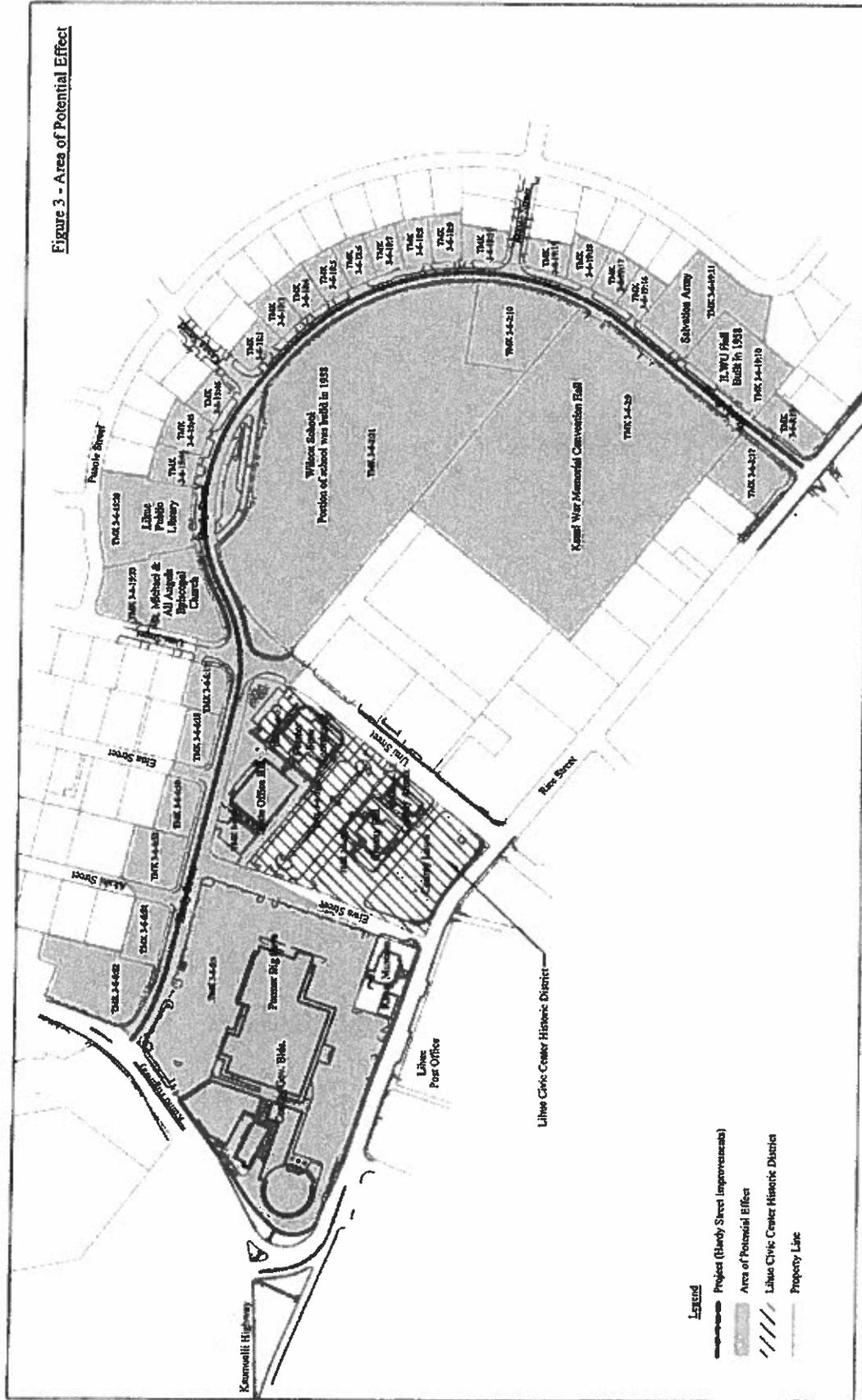
John D. Nickelson, P.E.  
Civil Engineer

**Attachments:**

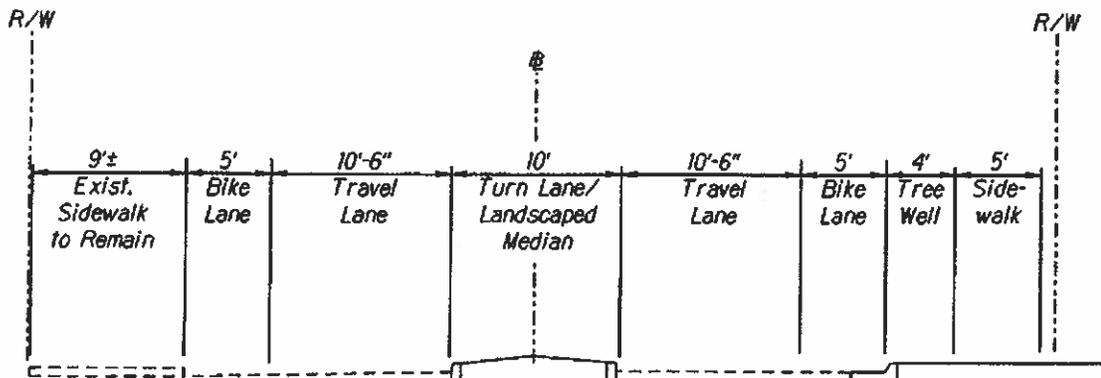
- Figure 1 – Hardy Street Master Plan Typical Section
- Figure 2 – Location Map
- Figure 3 – Area of Potential Effect

cc: Douglas Haigh, County of Kaua'i, Building Division Chief  
Chris Yamasaki, HDOT  
Ray McCormick, HDOT  
Richard Pezzulo, OHA  
Keola Lindsey, OHA  
D. Kaliko Santos, OHA

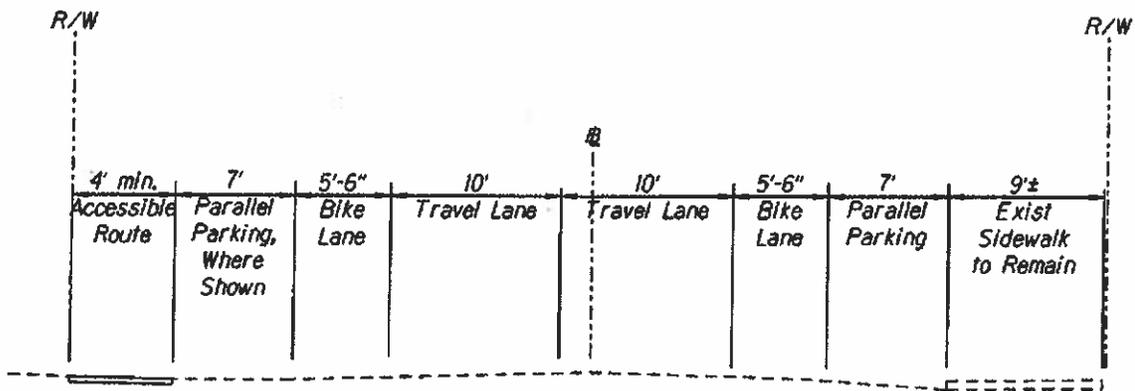
Figure 3 - Area of Potential Effect



- LEGEND**
- Project (Blind Street Improvements)
  - Area of Potential Effect
  - Lihue Civic Center Historic District
  - Property Line



HARDY STREET - TYPICAL SECTION  
KUHIO HIGHWAY TO KAANA STREET



HARDY STREET - TYPICAL SECTION  
KAANA STREET TO RICE STREET

FIGURE 1

