



KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION

CAROLYN LARSON, CHAIR
AUBREY SUMMERS, VICE CHAIR

CHUCKY BOY CHOCK, MEMBER
KATHLEEN KIKUCHI-SAMONTE, MEMBER
HI'ILEI HAMBERG, MEMBER
GERALD IDA, MEMBER
SANDI QUINSAAT, MEMBER
SUSAN REMOALDO, MEMBER
JULIE SOUZA, MEMBER

25 DEC -9 A9:57

Pursuant to Hawai'i Revised Statutes Section 92-3.7, which codified Act 220, SLH 2021, the meetings of the County of Kaua'i Historic Preservation Review Commission will be conducted as follows:

- The meeting location that will be open to the public is:

Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

- **Written testimony** indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item in writing to planningdepartment@kauai.gov or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite A473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be posted as testimony to the Kaua'i Historic Preservation Review Commission's website prior to the meeting (<https://www.kauai.gov/Government/Boards-and-Commissions/Historic-Preservation-Commission>). Any testimony received after this time will be retained as part of the record, but we cannot assure the Commission will receive it with sufficient time for review prior to the meeting.
- **Oral testimony** will be taken on specific agenda items, **at the public meeting location** indicated on the meeting agenda.
- **IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ADAVIS@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.**

KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION MEETING
NOTICE AND AGENDA

Monday, December 15, 2025
9:00 a.m. or shortly thereafter

Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

25 DEC -9 A9:57

KAUAI HISTORIC PRESERVATION REVIEW COMMISSION

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES OF THE MEETING(S) OF THE KHPRC

1. June 19, 2025 Meeting Minutes

E. GENERAL BUSINESS

1. **Hawai'i Department of Transportation, Federal Highway Administration**
NHPA Section 106 Programmatic Agreement for Minor Highway Projects Statewide

2. **US Army Corps of Engineers (USACE)/ University of Hawai'i**
Hawaiian Islands Fiber Link (HIFL) Project- Kaua'i Cable Landing Site at Nukoli'i
Beach Park and Kaua'i Community College
TMK: (4) 3-7-003:007 (por.); (4) 3-7-003:017 (por.); (4) 3-7-003:999 (Kūhiō Highway ROW); and (4) 3-4-007:003 (por.)

National Historic Preservation Act, Section 106: Consultation with Native Hawaiian Organizations and Potential Consulting Parties.

- a. Director's Report pertaining to this matter.

3. **National Telecommunications and Information Administration/ Hawaiian Telecom Inc.**
Kūnoa North Geotechnical Investigation Project- Kaua'i Site at 'Anini Beach and Kalihikai Park
TMK: (4) 5-3-005:005 and (4) 5-3-005:999

National Historic Preservation Act, Section 106: Consultation with Native Hawaiian Organizations and Potential Consulting Parties.

a. Director's Report pertaining to this matter.

F. COMMUNICATIONS

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. Bank of Hawai'i- Līhu'e Branch

Proposed exterior and interior improvements to an existing bank

Property Address: 4455 Rice Street, Līhu'e

TMK: (4) 3-6-005:008

Līhu'e, Kaua'i

Consideration of a Class I Zoning Permit for the proposed installation of a new ATM and other exterior and interior improvements to an existing bank.

a. Director's Report pertaining to this matter.

2. Discussion of Appointment of an At-Large Commissioner Position ending 12/31/2025

I. EXECUTIVE SESSION:

Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with the County's legal counsel on questions, issues, status and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to the following matters:

**1. Hawai'i Department of Transportation, Federal Highway Administration
NHPA Section 106 Programmatic Agreement for Minor Highway Projects Statewide**

**2. US Army Corps of Engineers (USACE)/ University of Hawai'i
Hawaiian Islands Fiber Link (HIFL) Project- Kaua'i Cable Landing Site at Nukoli'i
Beach Park and Kaua'i Community College**

TMK: (4) 3-7-003:007 (por.); (4) 3-7-003:017 (por.); (4) 3-7-003:999 (Kūhiō Highway ROW); and (4) 3-4-007:003 (por.)

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a. Director's Report pertaining to this matter.

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TMK: (4) 5-3-005:005 and (4) 5-3-005:999

National Historic Preservation Act, Section 106: Consultation with Native Hawaiian Organizations and Potential Consulting Parties.

- a. Director's Report pertaining to this matter.

4. Bank of Hawai'i- Līhu'e Branch

Proposed exterior and interior improvements to an existing bank

Property Address: 4455 Rice Street, Līhu'e

TMK: (4) 3-6-005:008

Līhu'e, Kaua'i

Consideration of a Class I Zoning Permit for the proposed installation of a new ATM and other exterior and interior improvements to an existing bank.

- a. Director's Report pertaining to this matter.

5. Discussion of Appointment of an At-Large Commissioner Position ending 12/31/2025

J. ANNOUNCEMENTS

K. SELECTION OF NEXT MEETING DATE AND AGENDA TOPICS (January 15, 2026)

L. ADJOURNMENT

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

DRAFT To Be Approved

Board/Commission:		Kaua'i Historic Preservation Review Commission		Meeting Date	June 19, 2025
Location	Mo'iikeha Meeting Room 2A/2B			Start of Meeting: 1:01 p.m.	End of Meeting: 2:32 p.m.
Present	Chair Carolyn Larson and Vice Chair Aubrey Summers. Commissioners: Chucky Boy Chock, Sandi Quinsaat, and Susan Remoaldo. Deputy County Attorney Charles Foster. Planning Department Staff: Deputy Planning Director Jodi A. Higuchi Sayegusa, Planner Marisa Valenciano, and Secretary Duke Nakamatsu. Boards and Commissions Staff: Administrator Ellen Ching and Administrative Assistant I Anelalani Davis.				
Excused	Commissioner: Kathleen Kikuchi-Samonte				
Absent					
SUBJECT		DISCUSSION			ACTION
A. Call to Order	Chair Larson called the meeting to order at 1:01 p.m.				
	*Meeting recorder did not start recording until 1:09 p.m. Meeting notes were used to transcribe minutes until the meeting recorder functioned properly.				
B. Roll Call	Deputy Planning Director Jodi A. Higuchi Sayegusa verified attendance by roll call: Commissioner Chock replied here. Commissioner Kikuchi-Samonte was excused. Commissioner Quinsaat replied here. Commissioner Remoaldo replied here. Vice Chair Summers replied here. Chair Larson replied here.				
C. Approval of the Agenda	There was no one present in the public to provide testimony on any agenda item. Chair Larson asked that the agenda be approved with a request to take agenda item H.1. immediately following approval of the Meeting Minutes of April 17, 2025, then go back to item E. and take the remaining agenda items in the original order as listed on the agenda.				
	A quorum was established with five (5) Commissioners present. Ms. Remoaldo moved to approve the agenda as amended to take H.1. immediately following Approval of the Minutes of the April 17, 2025 Meeting, then go back to agenda item E. and take the remaining				

D.I.
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SUBJECT	DISCUSSION	ACTION
<p>D. Approval of the Minutes of the Meeting(s) of the KHPRC</p>	<p>1. April 17, 2025 Meeting Minutes</p> <p>Ms. Higuichi Sayegusa stated that if there were any minor grammatical or typographical errors, those can be conveyed to the Office of Boards and Commissions with the understanding that the minutes would be approved incorporating those minor modifications.</p> <p>Ms. Remoaldo stated that on page 12, paragraph 4, the references to Chair Larson should be amended to read Ms. Summers, as those comments were made by Ms. Summers.</p> <p>Ms. Remoaldo stated that on page 5, paragraph 3, the statement that "Ms. Remoaldo took offense to being referred to as a librarian" should be stricken as she only did not want to be given a title she did not have.</p> <p>Chair Larson stated that on page 5, paragraph 2, "...stated that..." should instead be "...asked if..." On the same page, paragraph 6, "...are..." should instead be "...appeared to be..." to clarify that due to the silence, there appeared to be no comments from the Commission.</p> <p>Vice Chair Summers noted that she had the same corrections to page 12 as Ms. Remoaldo noted. There being no objections, agenda item H.1. was taken out of order as approved in agenda item C. and proceeded as follows:</p>	<p>agenda items in the original order as listed on the agenda. Mr. Chock seconded the motion. Motion carried 5:0.</p>
<p>H. New Business</p>	<p>1. Gay & Robinson Pākālā Camp Proposed Demotion of 6 plantation camp homes</p>	<p>Vice Chair Summers moved to approve the April 17, 2025 Meeting Minutes with amendments proposed by Commission Members. Ms. Quinsaat seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Tax Map Key: (4) 1-7-006:003</p> <p>Consideration of a Class I Zoning Permit for the proposed demolition of 6 plantation camp homes located within Pākālā Camp.</p> <p>a. Director's Report pertaining to this matter.</p> <p>There was no one present from the public wishing to testify on this agenda item.</p> <p>*The meeting recorder functioned properly at 1:09 p.m.</p> <p>Ms. Valenciano stated that for this matter, the Department is providing the following possible courses of action:</p> <ul style="list-style-type: none"> • Support for the project as represented. • A recommendation for approval should incorporate conditions. • A recommendation to consider denial of the permit. • A recommendation to defer action on the permit. <p>For the project description, the Applicant is Gay & Robinson, Inc., and they are proposing to demolish six (6) homes in Pākālā Camp. The house numbers of B-7, B-8, C-13, D-2, D-4, and D-22. The Applicant is proposing the remove the existing structures as a proactive measure to reduce multiple risks to the surrounding area. The existing structures are in dilapidated condition and are considered unsafe and beyond repair. At this time, the Applicant is applying for demolition permits and will come in for reconstruction permits at a later time with the intent to rebuild the existing structures. The Applicant does not anticipate any proposed ground disturbance, and no underground utilities will be removed as a part of the demolition permits. As general background, the six (6) homes are located in Pākālā Camp and is located makai of the Makaweli Post Office. The Camp was developed between the late 19th Century to early 20th Century to provide housing for the Gay & Robinson Plantation Camp workers. Today, Pākālā Camp currently has ninety-eight (98) homes and is used for affordable housing.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Valenciano continued with her presentation summarizing the Department's evaluation of the project. It is important to note that the Applicant originally had thirteen (13) homes proposed for demolition and upon further review with their contractors, they were able to reduce the proposal number to six (6) homes. The Applicant also previously documented areas of this Camp through the Fung Report, which is essentially an archaeological historic inventory that was done in 2021. The information collected was meant to determine if these areas were eligible to be listed as historic districts under the National or State Historic Registers. The Department concurs that the Pakalā Camp may be eligible for listing as a historic district that is significant under Criteria A and Criteria C. The Department finds that the proposed demolition of the six (6) homes should not detract from the Camp's overall eligibility to be listed on the Register one day. The integrity of the Camp will also be retained as there are still ninety-two (92) homes that contribute towards the overall feel and association of a plantation camp.</p> <p>Ms. Valenciano noted that in the Fund Report, the majority of the six (6) homes were considered non-contributing buildings with the poor state and condition they are in. Although the remaining two (2) buildings were considered contributing, their state or condition have further deteriorated as shown in the Applicant's photo of the current condition.</p> <p>Ms. Valenciano explained that it is in the Applicant's best interest to collect as much information prior to demolition so that they can use that information through photos and building measurements to help them reconstruct at a later time. The Department suggests that beyond what is included in the Fung Report, that the Applicant should take exterior photos (interior if feasible and building measurements so that they can generate their construction plans when they do come in for construction permits.</p> <p>Ms. Valenciano summarized that based on the forgoing evaluation, the Department recommends that the Commission support the project with the following comments as noted in the Director's Report:</p> <ul style="list-style-type: none">• Prior to demolition, the Applicant should take photographs of the exterior (and interior if feasible) of each structure and provide a copy to the Planning Department.	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none">• Prior to demolition, the Applicant should take exterior measurements of each structure to help develop construction plans for the future rebuilding of the six (6) homes.• The Applicant should update the existing Fung Report with the proposed demolition for the Pākālā Camp homes. <p>Ms. Valenciano stated that she could answer any questions on behalf of the Department or questions could also be posed to the representatives of the Applicant.</p> <p>Chair Larson asked Ms. Valenciano what “contributing” and “non-contributing” means in relation to this context. Ms. Valenciano responded that there is a specific definition, but generally, “non-contributing” and “contributing” are used to reflect that when the Applicant does evaluations over their structures, especially in a historic district, whether certain structures or objects tend to contribute toward the significance of a historic property. In some cases, through that analysis, one may find that some structures make the cut and others do. It is a way to assess significance and whether or not certain structures add towards eligibility and increase chance of historic district designation. Some structures or objects may not meet those criteria for various reasons. It is one layer of analysis to distinguish significance.</p> <p>Chair Larson asked in regard to a plantation camp, how is one choosing a structure as “non-contributing.” Ms. Valenciano responded that she was unsure of the answer to that question and was not sure if the Fung Report went into how that assessment was made, but the consultants who prepared that Report was following specific guidelines to determine whether a structure is “non-contributing” or not. Chair Larson thanked Ms. Valenciano and was using the question to educate the Commission more about that topic.</p> <p>The Commission heard from Howard Greene and Dana Curman, representing the Applicant, Gay & Robinson, Inc. Ms. Larson thanked the representatives for their presence.</p> <p>Ms. Curman stated that Ms. Valenciano provided the Commission with the application that provides all of the photos and reasoning behind the proposed demolition and that they were open to questions from the Commission.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Summers asked what Ms. Curnan meant when she stated that they had provided all of the photo documentation. Ms. Curnan responded that they submitted photographs just for the structures proposed for demolition. Vice Chair Summers stated that she only saw photographs for Building B-2 and A-13. Ms. Summers apologized as she was able to locate the remainder of the photos. Ms. Curnan further stated that as far as photo documentation is concerned, the photos in the agenda packet are not all of the photos that they are intending to include. The photos provided in the agenda packet are just provided to the Commission to give an idea of what the houses look like currently and why demolition is being proposed.</p> <p>Ms. Valenciano clarified that the photos that are provided are mostly the front view of the exterior of each structure to give the Commission a snapshot of the current condition as it stands. As proposed in the conditions of approval, the documentation will be beyond the front view photo and will encompass whatever the Applicant is able to extract in the field.</p> <p>Ms. Remoaldo stated that the photos of the buildings make it look very scary to even get close to them, much less go inside. Ms. Remoaldo asked if there was anything salvageable, including hinges, doorknobs, or fixtures. The replacement buildings may not be necessarily built in the same area and may be done somewhere else. Ms. Remoaldo stated that she hopes the Applicant would connect the old with the new by possibly repurposing something from the old house into the new house. Mr. Greene responded that they do intend to do that and that he would have to look at each structure. Some of the structures have already been stripped clean. Mr. Greene further responded that they do go through each structure and try to salvage doorknobs and anything that can be reused. There are times when the windows can be used, but most times those are termite eaten and too far gone.</p> <p>Ms. Remoaldo asked if there are any mature trees that are going to be left or are they part of the demolition. Mr. Greene responded that they intend to leave mature trees where they are. Ms. Curnan stated that there are some mature trees close to it, but not in the exact area of the structures. Mr. Greene further responded that there are a lot of mango and lychee trees near the area.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Remoaldo stated that the Fung Report refers to cesspool covers for those particular houses that were still allowed to maintain their cesspools and they talked about preserving those covers. Ms. Remoaldo asked the Applicant if any of those cesspool covers are near any of the structures that are being proposed for demolition. Mr. Greene responded that one of the main reasons that the structures are vacant was because of the cesspool issue. Back in 2010, they converted large capacity cesspools. Most houses were in such a condition back then that they were disconnected from a cesspool and either that cesspool was used for another house, or it was filled in. Mr. Greene stated that he would have to look specifically, but he does not believe that any of these houses have cesspools any longer.</p> <p>Ms. Remoaldo stated that her last question had to do with outbuildings. The illustration from the Fung Report only shows a garage and store. A lot of houses had laundry rooms or other things. Back in the '70s Ms. Remoaldo stated that she saw two Portuguese ovens, an old-fashioned one and a more modern one. Not knowing where they are in relation to the homes that are going to be demolished, Ms. Remoaldo asked whether those kinds of items are being considered for saving. Mr. Greene responded that most of the outbuildings that are related to the structures are far gone as well. Mr. Greene further responded that he does not believe any of the structures slated for demolition had outbuildings.</p> <p>Vice Chair Summers stated that she does not believe there are any unique details judging by the photos that were provided. Vice Chair Summers asked whether the Applicant intended to document any unique features photographically if there were any unique features like rafter tails that were cut in a different way or unique railings. Mr. Greene responded that they would definitely do what they could. Vice Chair Summers stated that she understands the difficulty in that the building conditions are not the greatest.</p> <p>Mr. Chock stated that he was down in the area and pressed his finger against the wood on one of the structures and his finger easily went straight through the wood. The structures need to be demolished as there is no hope to salvage any of it.</p> <p>Chair Larson stated that looking at the bigger picture, it is very difficult as a Commission to look at an application like this without seeing the full picture. Oftentimes, the Commission is</p>	

SUBJECT	DISCUSSION	ACTION
	<p>told that they are only providing recommendations on a certain item or particular thing. In this situation, Chair Larson stated that she wanted to thank Gay & Robinson, Inc. for keeping the historic resource as long as it has been kept. It is one of the last chances as an island to keep a sample of the important plantation era that everyone on the island has a relationship with. Chair Larson encouraged the Applicant to continue to preserve as much history as possible. One of the dangers with situations like this is that the Commission recommends approval of demolition and the buildings end up sitting for another five (5) years, followed by another five (5) or ten (10) more years. Knowing what the bigger picture is is important. Chair Larson asked the Applicant to comment on what their plan is for preservation in that area. Mr. Greene responded they do have a big picture plan. It primarily involves sustaining the Camp in perpetuity in the character that it is in. There is a caveat that there are a lot of issues ahead that they do not currently have a grasp on, primarily dealing with wastewater, water service, and road requirements. There are also requirements with fire suppression and access. They currently have the Plantation Camp Zoning and Form Based Code Zoning to consider as well with the Camp, but they have had a great relationship with the Department working through the process. The overall general idea is to preserve the Camp as much as possible. The timing and financing of the preservation is going to be the difficult part. From a safety standpoint, the Applicant was looking at demolishing 20-25 houses. That dwindled down, and they have decided from a fire safety standpoint for the neighboring homes, the structures proposed for demolition need to be gone as they are too far gone to remodel. Mr. Greene further noted that they may come back for approval to demolish additional structures, if deemed necessary. The Applicant is going to try and save as many structures as possible. A lot of the decision centers around the wastewater issue and whether the Applicant can do a wastewater treatment plant for the project area. The area includes over fifty (50) homes and a project like that would include doing an Environmental Impact Statement (EIS) which costs millions of dollars to do and would be contrary to providing affordable housing, keeping rents low, and keeping the local community in those houses. Mr. Greene further noted that trying to development the Camp while keeping its historical properties is a very difficult task for Gay & Robinson, Inc.</p> <p>Chair Larson stated that the Commission is concerned about the issues raised by Mr. Greene. Chair Larson asked if the Department looked at ways to make the wastewater system in the area public so that all of the cost does not fall onto the Applicant. Ms. Higuichi Sayegusa responded</p>	

SUBJECT	DISCUSSION	ACTION
	<p>that as far as the wastewater concerns, the Department is having to coordinate with the Department of Public Works (DPW). DPW already has a backlog of maintenance, upkeep, and upgrades for the systems that they have to currently manage. DPW is currently at maximum capacity in terms of what they can manage and fund. The issue of wastewater upgrades across the island is an ongoing discussion especially in light of trying to help push redevelopment in other areas of the island forward as well. The County understands the critical need for housing across the island and that is a high priority discussion that needs to be coordinated across the various departments that have responsibility for the infrastructure needed. Ms. Higuichi Sayegusa stated that the current proposal is looking only at the homes that were identified as needing to be demolished. In the near future, the Department will come back to the Commission with Alan Clinton, Shelea Koga, and Planning Director Hull to give a briefing on what is in store for the Plantation Camp Form Based Code. There was a possibility of having them come today, but Ms. Higuichi Sayegusa made the determination that that discussion was a little beyond what was on the agenda for discussion. Ms. Higuichi Sayegusa is hoping that when those three staff members appear before the Commission, they can go further in detail as to what the County is doing to support Gay & Robinson, Inc. in allowing the rebuilding in that area with an eye towards preservation as much as Form Based Code can support. A huge component as well will be the Wildland Urban Interface and its integration with Form Based Code, which focuses on redevelopment or development to minimize fire risk.</p> <p>Vice Chair Summers noted that one thing she has noticed is that the Fire Code has changed in the past couple of years to provide more fire suppression systems near the buildings and has made it more expensive to build new or remodel. Vice Chair Summers asked if the Applicant is also dealing with those increased costs. Mr. Greene responded that they are dealing with those issues as well as they do not want to re-do a road and then later on have to dig it up to put in new waterlines to meet updated codes. The engineering for all aspects has to be coordinated. The project itself is not just a big blank piece of dirt where all the water and sewer lines can be run, and roads can be built. The site is being reengineered and makes it a lot more difficult that a brand new project on a blank canvas.</p> <p>Mr. Chock asked whether the demolished homes will be replaced with other structures to create a better fire break or if there were concerns with how close the homes are to each other. Mr.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Greene responded that they intend to put in new houses exactly where the current structures are. Mr. Chock suggested possibly staggering the homes on every other plot so that there could be adequate fire lanes with additional spacing. Mr. Greene responded that in Pākālā the homes are not as close together as they are in other areas like the Kaunakani Camp. The Pākālā Camp homes do have bigger yards. Ms. Higuchi Sayegusa stated that part of Mr. Chock's concerns will be included in the Form Based Code and that the Department is putting in a lot of effort to look at the materials, meshing, etc. under the homes to address various fire concerns. The Department can discuss this further with the Commission when they appear to present on the Form Based Code and Wildland Urban Interface in the near future.</p> <p>Chair Larson asked Mr. Greene to explain the wastewater issue they are facing. Mr. Greene responded that approximately half of the houses are still on cesspool and the State has a mandate that all cesspools have to be replaced. When new houses are built, they will need to either put in new septic systems or connect to a sewer treatment facility to take care of the new houses and all of the other houses that need their cesspools eliminated.</p> <p>Chair Larson asked if there was a cost estimate for a new septic system. Chair Larson clarified that she wanted a cost estimate for an entire wastewater treatment facility. Mr. Greene responded that he used to estimate \$10,000 per bedroom but feels that the cost is double or triple that amount now.</p> <p>Chair Larson asked if there were any variances that could be obtained that would allow the cesspools to remain. Vice Chair Summers responded that the cesspool issue is a State regulation with other Federal regulations coming into play as well. Vice Chair Summers further stated that she has never seen a variance given out. Even when a homeowner adds a porch, they will need to change out their cesspool to a septic system or connect to a sewer system before granting the necessary permits. Chair Larson stated that she understands the mandate for non-historic properties, but wondered if nationally, if there are any samples of historic properties that obtained a variance. Ms. Higuchi Sayegusa stated that the cesspool issue is a State requirement with a deadline of 2050 for conversions of cesspools to a septic system or other forms of compliant wastewater systems. Vice Chair Summers stated that she has seen other variances granted such as handicap access but has never seen any type of health variance.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Larson asked the Applicant to explain their thoughts on historic districts and whether it is something they intend to pursue. Chair Larson asked if the Applicant thought making the area a historic district might help with funding. Mr. Greene responded that a better place to focus that discussion is on Kaunakani Avenue, which has a bit more integrity. Down the road, a historic district designation is a possibility, but the Applicant has not fully analyzed or decided yet. Working with the Department and completing the Fung Report gave them an indication if that was even possible and what that might look like. Mr. Greene noted that they are treading lightly and want to keep their options open. They currently have no plans on tearing down the remaining 70-80 homes, so those will remain.</p> <p>Chair Larson asked if the Applicant had a plan to stabilize the other buildings that are in poor condition so that in five (5) years they do not need to be torn down as well. Mr. Greene responded that the other buildings that are occupied, which number around seventy (70), everything is done to maintain the health and safety of those residences. If they need repairs, they get addressed.</p> <p>Chair Larson asked for a count of unoccupied buildings that are not a part of the six (6) scheduled for demolition. Mr. Greene responded that that would leave approximately twenty (20) or so buildings. Ms. Curran responded that there were originally more on the demolition list, but as Ms. Valenciano mentioned the Applicant did speak to a contractor. The overlying big picture is the issue of wastewater. Hypothetically, the other houses could be renovated or fixed up without having to be demolished, but the wastewater problem comes into play for those structures. By the time the Applicant is ready to move forward and by the time they are able to do the environmental studies and deal with the wastewater issue, there could be more that just cannot hold up over time.</p> <p>Chair Larson stated that she wanted to note for the record that though it sounds like the Commission is going off of the agenda item, but she feels it is important to talk about because of its importance as a historical resource for Kaua'i. It is important for the Commission to understand the pressures that exist for someone trying to do preservation. It helps the Commission to think of possible solutions to help with historical preservation. Chair Larson</p>	

SUBJECT	DISCUSSION	ACTION
	<p>stated that she hopes the Commission is seen as a body that wants to work with the Applicant to try to solve some of those problems with the end goal of historic preservation.</p> <p>Chair Larson stated that she would like to accentuate the comments made by Ms. Remoaldo regarding salvaging pieces of the old houses. Whether they are used in the same fashion or used elsewhere in the construction of the structure such as framing a piece of the wall as artwork, those kinds of things are important and help to teach people the value of what they are. It also helps people understand the history that comes with those structures. Chair Larson encouraged the Applicant to do things like what she mentioned.</p> <p>Chair Larson stated that one idea she had was to have a family history day at Pākalā Camp and asking people to tell their stories about Pākalā in general and about particular houses. Chair Larson further stated that she knows a few passionate citizens who have lived at Pākalā and have heartfelt stories about a particular house or about playtime in the area. Those things help with public opinion about saving resources and when the time comes for people to support it, it goes a long way.</p> <p>Mr. Chock thanked Ms. Remoaldo for bringing up the issue of trying to salvage hardware in the houses. Mr. Chock shared a story where he stopped at a camp where they were demolishing structures and asked to take a doorway from one of the structures. He noted that he ended up using it at his cabin in Koke'e and it was a perfect fit.</p> <p>Mr. Greene stated that out of necessity, they already do that kind of salvaging. They have plantation staff including plumbers, carpenters, and electricians, and before they go to Ace Hardware, they look around in unoccupied structures to see what they can use before purchasing things. The reason why those houses are still around is because plantations do not get rid of much.</p> <p>Chair Larson stated that she would like to plan a visit to Pākalā Camp so that the Commission can get a better idea of what is being talked about as a precursor of what is to come in the future. It would be great for the Commission to hear about what the problems are and to see firsthand the site. Mr. Greene stated that they would be more than happy to host the Commission. Ms.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Higuchi Sayegusa stated that a site visit could be paired with a Plantation Camp Form Based Code overview. The site visit may not necessarily be at Pākalā Camp but could be a visit to a camp that directly relates to the Form Based Code. Ms. Higuchi Sayegusa further stated that the Department can keep the request on their radar to facilitate a site visit in the future. Ms. Higuchi Sayegusa also noted that logistically, the Department will need to coordinate the site visit to meet the requirements of the Sunshine Law. A site visit as a body is not as easy as everyone just meeting there. There may need to be a posted agenda or notice done, but the Department can work with Deputy County Attorney Foster and the Applicant to work out those logistical details.</p> <p>Chair Larson stated that it appears as though the Commission may be ready to move to take the recommendations of the Planning Department with the caveats noted in the Director's Report and possibly adding a fourth caveat of using remnants of the buildings in construction or embellishment decorations of the structures and documenting unique details photographically if there are any.</p> <p>Vice Chair Summers asked if the site visit is a part of the motion. Ms. Higuchi Sayegusa responded that she and Ms. Valenciano will work offline to coordinate a future agenda item for the Plantation Camp Form Based Code and a possible site visit.</p> <p>Mr. Greene asked whether the Commission would entertain modifying the recommendation to incorporate remnants of the buildings in new construction to incorporate the remnants in the remodeling of the buildings. To do so in new construction may be problematic as the doors may not be wide enough, windows may not be big enough, door latches may not be up to Code, etc. Those things may not be easily workable with a contractor to incorporate. Mr. Greene noted that they will do their best to recover as much useful items as possible to put into the existing structures in the neighborhood for recycling.</p> <p>Vice Chair Summers stated that she believes what Chair Larson was talking about was maybe taking some of the pieces and turning it into interpretive art pieces and not necessarily taking a door handle and using it as a door handle in the new structure. Vice Chair Summers asked if the Applicant had any kind of storyboard that the public can see. Mr. Greene responded that they</p>	

SUBJECT	DISCUSSION	ACTION
	<p>do not have a museum there at the moment, though they used to. They hope to open it at some point and incorporate tours, but at the moment, they do not have a storyboard. Vice Chair Summers stated that perhaps some of those salvageable items could go into the museum if they could not be reused or repurposed.</p> <p>Chair Larson stated that she would propose a fourth recommendation to add to the ones provided by the Department to add that the Applicant recycle remnants of the buildings as appropriate.</p> <p>Ms. Higuichi Sayegusa stated that she would recommend that the various recommendations be repeated for clarity. Chair Larson responded that she is asking for a motion to accept the proposal as presented with the recommendations put forth by the Planning Department Staff which are:</p> <ol style="list-style-type: none"> 1. Prior to demolition the Applicant will take photographs of the exterior (and interior if feasible) including unique details of each structure and provide a copy to the Planning Department. 2. Prior to demolition, the Applicant should take exterior measurements of each structure to help develop construction plans for the future rebuilding of the six (6) homes. 3. The Applicant should update the existing Fung Report with the proposed demolition for the Pākālā Camp homes. 4. The Applicant should repurpose remnants of the buildings as they are able. 	<p>Vice Chair Summers moved to accept the proposal as presented in the Director's Report with the following recommendations:</p> <ol style="list-style-type: none"> 1. Prior to demolition the Applicant will take photographs of the exterior (and interior if feasible) including unique details of each structure and provide a copy to the Planning Department. 2. Prior to demolition, the Applicant should take exterior measurements of each structure to help develop construction plans for the future rebuilding of the six (6) homes. 3. The Applicant should update the existing Fung Report with the proposed

SUBJECT	DISCUSSION	ACTION
	<p>2. State of Hawai'i Hawai'i Public Housing Authority Kapa'a Homes Redevelopment Project Property Address: 4726 Malu Road, Kapa'a TMK: (4) 4-5-015:007; (4) 4-5-015:038; (4) 4-5-015:042; (4) 4-5-015:099 (por.) Alenae Street ROW, Akoa Street ROW Kapa'a, Kaua'i</p> <p>National Historic Preservation Act, Section 106: Consultation with Native Hawaiian Organizations and Potential Consulting Parties.</p> <p>a. Director's Report pertaining to this matter.</p> <p>Ms. Higuchi Sayegusa stated that there was no one present in the public to testify on this agenda item.</p> <p>Ms. Valenciano stated that this agenda item relates to a Section 106 project and the Applicant is the State of Hawai'i Public Housing Authority. They are not present. The Applicant provided the consultation letter. The application is to obtain a Federal permit. The Applicant wants to demolish the existing housing complex which has eighteen (18) duplex buildings and one (1) administrative building, and to replace it with new construction of thirteen (13) four-story buildings. This housing complex is located near the Kapa'a Bypass Road roundabout. In their letter the Applicant identified the existing structure as a historic property, but they also</p>	<p>demolition for the Pākālā Camp homes.</p> <p>4. The Applicant should repurpose remnants of the buildings as they are able.</p> <p>Ms. Quinsaat seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>mentioned that there were historic properties in sight within a half-mile buffer zone. Some of those resources included pre- and post-contact burials, pre-contact cemeteries, pre-contact cultural layers, post-contact commercial and residential structures, infrastructure-related to post-contact transportation, and concrete steps associated with the post-contact pavilion. Based on their analysis the agency found that the proposed undertaking would lead to no adverse effect on historic properties. Ultimately, the Department recommends that the Commission make a motion to provide any comments or questions that can be codified in a letter to the agency as it pertains to the area of potential effect that they have defined or any other identification of historic properties or the project's effect on historic properties.</p> <p>Chair Larson stated that the aerial photo that came with the application shows a blue line. Chair Larson asked for confirmation that that is the area of potential effect (APE). Ms. Valenciano asked if Chair Larson was referring to Figure 2. Chair Larson confirmed that Ms. Valenciano was correct. Ms. Valenciano responded that according to Figure 2 as represented, the blue line represents the project area of potential effect.</p> <p>Chair Larson asked which one of the buildings is the office. Ms. Valenciano responded that she is not sure but would imagine it is the white one because it looks different than the rest.</p> <p>Chair Larson asked for confirmation of her understanding that the Applicant is saying that all of the historic features are in the blue area. Ms. Valenciano responded that she does not believe that is what was stated. Ms. Valenciano stated that on page 2 of the consultation letter, the Applicant provides the identification of historic properties. They identified that the complex itself is a historic property, but they also clarified that when they looked at a buffer zone there were other historic properties noted but felt as if there were no adverse effect on those historic properties.</p> <p>Chair Larson asked if they are calling the historic properties the existing housing because it was built in 1966. Ms. Valenciano responded that Chair Larson was correct. Chair Larson asked if the half-mile buffer zone is half a mile from the blue lines. Ms. Valenciano stated that she is unsure, and she is not the Applicant. The Applicant is not present and are located on O'ahu. Ms. Valenciano stated that if the Commission desires, they can pose any comments or questions</p>	

SUBJECT	DISCUSSION	ACTION
	<p>for the agency to respond to. Ms. Valenciano further noted that the process is the Section 106 process, but the project itself is already going through its own separate permitting process, and they were almost on a fast-track permitting process because it was done under the Emergency Proclamation for affordable housing. The project is going through the Section 106 process just because of the need for the Federal permit.</p> <p>Vice Chair Summers asked if the project would still go through the State Historic Preservation Division (SHPD) process. Ms. Valenciano responded that she was unsure if the project would go before SHPD. Vice Chair Summers stated that she asked the question after reading some of the bills that passed at the State Legislature. Ms. Valenciano retracted her previous response and stated that since this is the Section 106 process, SHPD is the authorizing agency and will be reviewing it from a Section 106 standpoint. Ms. Valenciano further responded that she believes it will trigger Hawai'i Revised Statutes Chapter 6E under a normal permitting process. Due to the exemption, Ms. Valenciano was not sure if the Emergency Proclamation exempted HRS 6E. Vice Chair Summers responded that she believes it does.</p> <p>Chair Larson stated that the letter states that a total of twenty-one (21) historic properties have been identified within the 0.5-mile buffer zone of the Kapa'a Home Redevelopment Project which means that the things that are listed there are not within the APE, but they are in the neighborhood. Chair Larson asked if her understanding was accurate. Chair Larson stated that everyone was nodding in agreement. Chair Larson further stated that the Commission would need to know what is significant about those historic properties that are listed because it is in the neighborhood. Ms. Higuchi Sayegusa stated that with most Section 106 projects, it is an opportunity for the Commission to submit comments but there is no guarantee that the project will not halt before the Commission can provide comments. It just provides a time period where public comment can be submitted, received, and considered for any future project actions. If there is time, the Commission could go back and forth to get questions asked and responses received, but there is a high likelihood, especially given the priority that the project has been given under the Emergency Proclamation for affordable housing, that this might be the only opportunity for the Commission to comment on. Part of the analysis notes the existence of possible historic properties within the APE. Ms. Higuchi Sayegusa stated that she would encourage any comments that would relate to how the project could impact those historic</p>	

SUBJECT	DISCUSSION	ACTION
	<p>properties be provided. That is essentially the input of what the Commission could contribute to in terms of impacting or preserving any historic resources.</p> <p>Chair Larson stated that a project like this seems like a slam dunk to tear them down and replace them. The project is comprised of old houses that are in bad shape. The people who live there are poorer than people who live in other places, but in the end, those are their homes. Chair Larson asked the Commission to consider how it decides what it values as historic. Is it just what the rich have or should it include the properties of the poor as well. The Commission does not see anything in the buildings that follow the criteria of the Secretary of the Interior's standards but is there value in preserving the legacy of these buildings that were built in 1966. Chair Larson stated that that is why she was asking about which building the office was and there appears to be a theme that the Commission comes up with about preserving the story of the place somewhere on the property. Chair Larson further stated that she wonders if there was a way to preserve something in this phase of the housing development for the people in the next phase of the housing development. Perhaps that could be done in an office building or central building. Chair Larson noted that she is hoping there is a way to preserve the story of the development and that it could be preserved and interpreted in the new development.</p> <p>Vice Chair Summers stated that the project is in a flood zone and is projected to be covered in water in the next 25 years. Chair Larson responded that Vice Chair Summers makes a good point.</p> <p>Ms. Higuichi Sayegusa encouraged the Commission to state for the record the comments they wish to provide to the State.</p> <p>Ms. Remoaldo stated that the project is proposed to be four-story buildings to replace the single-story duplexes. Not knowing their plans and this being in a zone that could be potentially flooded, Ms. Remoaldo wondered if there would only be residences on the second, third, and fourth floors, with parking underneath those buildings. Ms. Remoaldo stated that she would be interested in reading the Fung Report to see what they said about significance and integrity. At this point the Commission does not know.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Higuuchi Sayegusa asked if there was a Fung Report for the project.</p> <p>Chair Larson stated that she also has a question about the nature of the four-story buildings and what is that going to do to the historic view planes. Chair Larson also expressed that she understood the comment earlier made about the timing of the comments and possibly not having enough time for back-and-forth dialogue. Chair Larson stated that the Commission could move to write formal comments that the Commission has concerns about flooding in the near future, view planes, and the historic resources in the neighborhood, and that the Commission hopes that they can mitigate any negative impacts the project may have on those items.</p> <p>There being no objections, agenda item E.1. was taken out of order as approved in agenda item C. and proceeded as follows:</p>	<p>Vice Chair Summers moved that the project be acknowledged and that the Commission has concerns with historic view planes, the integrity of the historic resources within the APE, the historic properties within the 0.5-mile buffer around the APE, and what the new profile of these buildings will be knowing it will be built in the flood zone and four stories tall. Ms. Remoaldo seconded the motion. Motion carried 5:0.</p>
<p>E. General Business</p>	<p>1. 2025 Hawai'i Legislative Session: Bills pending Governor's action relating to historic preservation</p> <ul style="list-style-type: none"> a. House Bill 830 b. Senate Bill 15 c. Senate Bill 79 d. Senate Bill 1263 <p>There was no one present from the public to testify on this agenda item.</p> <p>Ms. Valenciano stated that at the request of Chair Larson, she asked if the Department could provide the agenda item to update the Commission on the four (4) bills that recently passed out of the State Legislature relating to historic preservation that are currently before Governor Green's desk. Since the agenda was posted, Senate Bill 15 pertaining to the definition of historic property, the Governor issued a notice of intent to veto. Senate Bill 1263 pertaining to</p>	

SUBJECT	DISCUSSION	ACTION
	<p>transient oriented development, Governor Green signed. Senate Bill 79 and House Bill 830, there has been no action as of recent. The only action that has been taken by Governor Green is on Senate Bill 1263.</p> <p>Chair Larson asked Ms. Valenciano to explain the content of each of the bills. Ms. Valenciano responded that she would try to do so but prefaced her summary of each bill that the Department has not been involved with the legislative process, though they have been monitoring the bills. The Department is also trying to understand what the bills are saying and how they will be implemented but are not experts on them.</p> <p>Ms. Valenciano provided the following summary:</p> <ul style="list-style-type: none"> • SB 15: Amending the existing definition of historic property pursuant to HRS 62 and in HRS 60-42.2. It clarifies that it pertains to residential projects in nominally sensitive areas. In essence it would expand the number of projects that could be exempted beyond what is currently exempted based on how it is defined. SB 15 is probably the one that is the most controversial and this is the one that the Governor had issued the notice of intent to veto. • SB 79: Bill relates to expediting more permitting processes for State and County housing projects and outlines the process. It provides different tiers and a framework for highly sensitive areas, medium density areas, and nominally sensitive areas. This bill essentially tries to divide out areas that might have higher concentrations of cultural resources and based upon that provides suggested mitigative requirements depending on the concentration of resources. That is their attempt to try to help facilitate affordable housing. • SB 1263: Bill was relating to transient oriented development. This bill was already signed by the Governor. It does not really affect Kaua'i since Kaua'i does not have transient oriented development. This would affect mostly O'ahu, but that is not to say that Kaua'i could not have future transient oriented development areas on Kaua'i. • HB 830: Bill pertains to third party reviews. The intent was to help SHPD to be able to get through a lot of the workload and to help in streamlining or addressing the backlog of permits and reviews that they had. There would be a criterion to determine 	

SUBJECT	DISCUSSION	ACTION
	<p>who would be qualified to be a third party reviewer. Ultimately, any third party review recommendation would still have to go before SHPD review for acceptance.</p> <p>Ms. Higuchi Sayegusa stated that the Department has been involved in meetings with the State as well as other counties regarding the proposals explained earlier, with concerns being raised by SHPD. In any case, the Department is waiting to hear what the Governor plans to do with addressing the bills. The Department monitored the bills as it went through the State Legislature. Ms. Higuchi Sayegusa noted that with some of the proposals, there were changes made during conference committee that caused some concern, but at that point there were not many opportunities for public input.</p> <p>Ms. Remoaldo stated that HB 830 is the only bill that has a sunset date. The other bills do not. In reading through the bills, sometimes they specifically say, "calendar days" and other times they just say "days," so Ms. Remoaldo asked the Department how that would be interpreted. Ms. Remoaldo also asked why certain words were changed in the bills when it appeared they meant the same thing as the word that is being changed. Ms. Remoaldo stated that understanding and following the various changes was not easy.</p> <p>Chair Larson asked who on Kaua'i besides the legislators from the island looks at historic bills. Chair Larson stated that land use attorneys, real estate attorneys, and real estate agents may possibly be interested in these types of bills. Ms. Higuchi Sayegusa concurred and noted that some property owners may also be interested.</p> <p>Vice Chair Summers stated that one of the reviews that the Commission handled a couple of years ago was a person who fixed up a historic home to Airbnb it. Vice Chair Summers further stated that she believes it was brought before the Commission so that they could get tax credits for it being a historic property. That significantly reduces their tax obligation. Vice Chair Summers noted that the Commission has seen this done in Hanalei, Princeville, and in a couple of other locations.</p> <p>Chair Larson again asked who was looking at the historic preservation bills besides the legislators themselves. Ms. Higuchi Sayegusa responded that she is sure there are some people that were following them and that the political process is what the bills go through to get passed.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Larson asked if there are any historic-purposed organizations or agencies that comment on historic preservation proposals. Ms. Valenciano responded that the Historic Hawai'i Foundation is always very active during the Legislative Session. Ms. Valenciano further stated that the Historic Hawai'i Foundation has submitted testimony in the past and monitor these types of bills.</p> <p>Chair Larson stated that it is great that a statewide organization like the Historic Hawai'i Foundation is looking at these types of bills. Chair Larson further noted that the purpose of KHPRC also includes being able to monitor and lobby for or against proposals related to historic preservation, but that KHPRC may not know enough about the bills at this time. Chair Larson stated that she wanted to bring these items up as an agenda item so that the Commission can think about who stands up for historic preservation on Kaua'i. Chair Larson stated that if there are organizations that do, she would like for the Commission to think about ways that the KHPRC could possibly support them. Ms. Higuchi Sayegusa responded that the Department and Commission looks to the Historic Hawai'i Foundation as a partner and an entity that helps the Department and Commission do their jobs. The organization has its own priorities as well. As a permitting entity, aside from purely historic preservation, a balance has to be met with the ability for the County to handle the processes and procedures that are newly proposed. These bills have a lot of additional requirements that the Department will have to digest and comply with as a permitting entity. There are various interests that need to be balanced, and it is not always in the preservation realm or regulatory realm and is a balance of those. This is a reason why the Department does not necessarily take a proactive stance in submitting testimony and if it did, they would need to coordinate with the Administration to ensure that the types of statements put out are something that is supported by the Administration.</p> <p>Chair Larson stated that what she is learning is that there is really no one on Kaua'i who is keeping track of historic preservation legislation. Ms. Higuchi Sayegusa responded that the Department was monitoring it through the Legislative Session. Chair Larson acknowledged what Ms. Higuchi Sayegusa stated but stated that she understands that the Department has divided loyalty between different things that occasionally could clash. Chair Larson stated that she believes that Kaua'i needs to have someone who pays attention to the historic preservation needs of the island as it relates to legislation that moves at the State Legislature and speaks for</p>	

SUBJECT	DISCUSSION	ACTION
	<p>the citizens and historic resources. Chair Larson explained that though the Historic Hawai'i Foundation may serve in this role statewide, the Commission may be able to help them in providing the voice for Kaua'i to support or not support specific legislation.</p> <p>Chair Larson asked if the Commission wanted to take any action. Ms. Higuchi Sayegusa responded that the item is under General Business, so it is not an item that needs action to be taken and is meant more as a discussion item.</p> <p>Ms. Remoaldo stated that it would take an experienced and dedicated individual to monitor legislation, and they will also need to have a good working relationship with the Legislative Reference Bureau as there are so many bills submitted, and amendments made throughout the session. The job would be a full-time role and not something she could do. Ms. Remoaldo stated that she reads a lot about what is happening in Civil Beat and that the Commission does not meet often or soon enough to necessarily be able to meet testimony to meet the legislative deadlines. Chair Larson stated that she is not suggesting that the KHPRC serve in the immediate role. Chair Larson stated that she is simply defining that there is a gap in coverage for this type of historic preservation monitoring for Kaua'i and that the KHPRC may be able to help find a solution to fill that gap in the near future. At the minimum, the KHPRC could ask the Historic Hawai'i Foundation to notify the KHPRC if something came up so that the KHPRC could be informed and provide feedback.</p>	<p>There was no action taken on this agenda item.</p>
<p>F. Communications</p>	<p>1. Letter from Jaclyn Kaina, Chair of the Charter Review Commission, to present any proposals on any Charter amendments for the Charter Commission to consider for the 2026 ballot.</p> <p>Administrator Ching stated that the letter received by the Commission is part of the process set forth by the Charter Review Commission as an invitation for all departments, boards, and commissions to offer any proposals that they may have for Charter Amendments. The deadline for proposals is the end of July. When those proposals come in, the Charter Review Commission will meet in August to review all of the proposals. They will discuss and decide on what proposals they believe have merit. The subtext of the initial invitation is that the Commission should not do a lot of work on the proposal. If the Commission has an idea or something that the Commission feels a Charter Amendment should address, the Commission</p>	

SUBJECT	DISCUSSION	ACTION
	<p>should make a one-page summary of the proposed amendment and why. In August, the Charter Review Commission will look at it, and if they feel that it has merit or if they have interest, then they will be asking the Commission to now send the Charter Review Commission the details to the proposal.</p> <p>Chair Larson thanked Administrator Ching for the work that she does.</p> <p>Chair Larson asked if the Department felt that they would like the KHPRC to make requirements instead of just recommendations to applicants, if the Charter Amendment process was the route to take to doing that. Ms. Higuchi Sayegusa stated that the Commission's authority and parameters are contained in the Kaua'i County Code and not the Charter. Chair Larson responded that she understood what Ms. Higuchi Sayegusa was explaining. Ms. Higuchi Sayegusa further explained that in order to amend the Kaua'i County Code, an amendment would need to be proposed to the County Council for action.</p> <p>Chair Larson invited the Commissioners to propose any Charter Amendment proposal to the body if they wished. Ms. Higuchi Sayegusa reminded the Commission that there is a deadline of July 31, 2025 for proposals to be submitted to the Charter Review Commission. Chair Larson stated that this process comes up every two years.</p>	<p>No action was taken regarding this agenda item.</p>
G. Unfinished Business	<p>There was no Unfinished Business.</p> <p>There being no objections, the Commission proceeded with the amended agenda and agenda item I. as follows:</p>	
I. Executive Session	<p>The Commission did not convene in Executive Session on any item.</p>	
J. Announcements	<p>Chair Larson thanked the Planning Department Staff and everyone who works on items related to the KHPRC as the work that the Commission does is so important for the community. Chair Larson, on behalf of the Commission, thanked everyone for the work that they do.</p>	
K. Selection of Next Meeting Date and Agenda	<p>Chair Larson stated that July 17, 2025, is the next tentative date for a scheduled meeting.</p>	

SUBJECT	DISCUSSION	ACTION
Topics		
L. Adjournment	Chair Larson asked for a motion to adjourn the meeting.	Ms. Quinsaat moved to adjourn the meeting. Vice Chair Summers seconded the motion. Motion carried 5:0.
		Chair Larson adjourned the meeting at 2:32 p.m.

Submitted by: _____ Reviewed and Approved by: _____
Anelalani Davis, Administrative Assistant I Carolyn Larson, Chair

- () Approved as circulated.
() Approved with amendments. See minutes of _____ meeting.



U.S. Department of Transportation
Federal Highway Administration



NHPA Section 106 Programmatic Agreement for Minor Highway Projects Statewide

Hawai'i Department of Transportation, Highways Division

Federal Highway Administration

Kauai CRC Meeting

November 18, 2025

Kauai County CRC, Nov 18, 2025

E.I.

NOV 18 2025

PA Development Timeline

Background: PA Signatories



Background: Purpose of this statewide PA



Background: Minor Projects

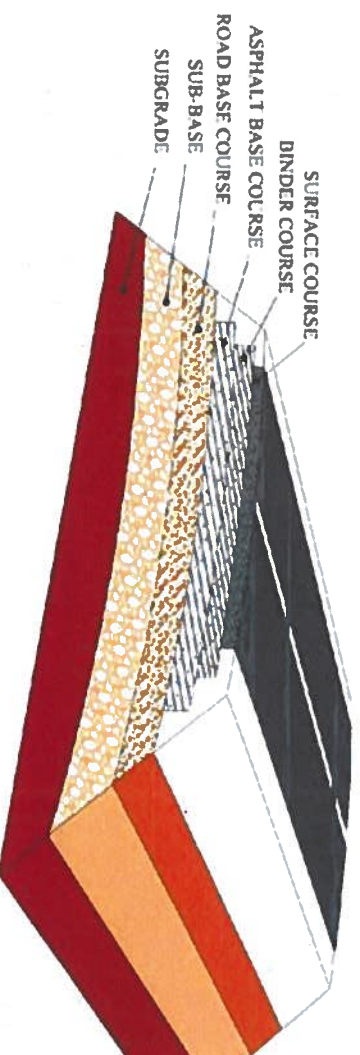
- 1) Fall under the activities listed in Appendix A (Tiers I, II, and III) of this Agreement; and
- 2) Result in a finding of No Historic Properties Affected.



Summary of Primary Changes from Last Version

Summary of Changes to Appendix A Activities

- Limited staging activities to those with no excavation below subgrade
- Defined limits of ground disturbance for certain activities (installation of decorative boulders, loop detectors) to not disturb subgrade soils
- Defined limits of ground disturbance to 24 inches in depth for certain activities (limited vegetation removal, streetlight/utilities maintenance, removal of signs, posts and guardrails)



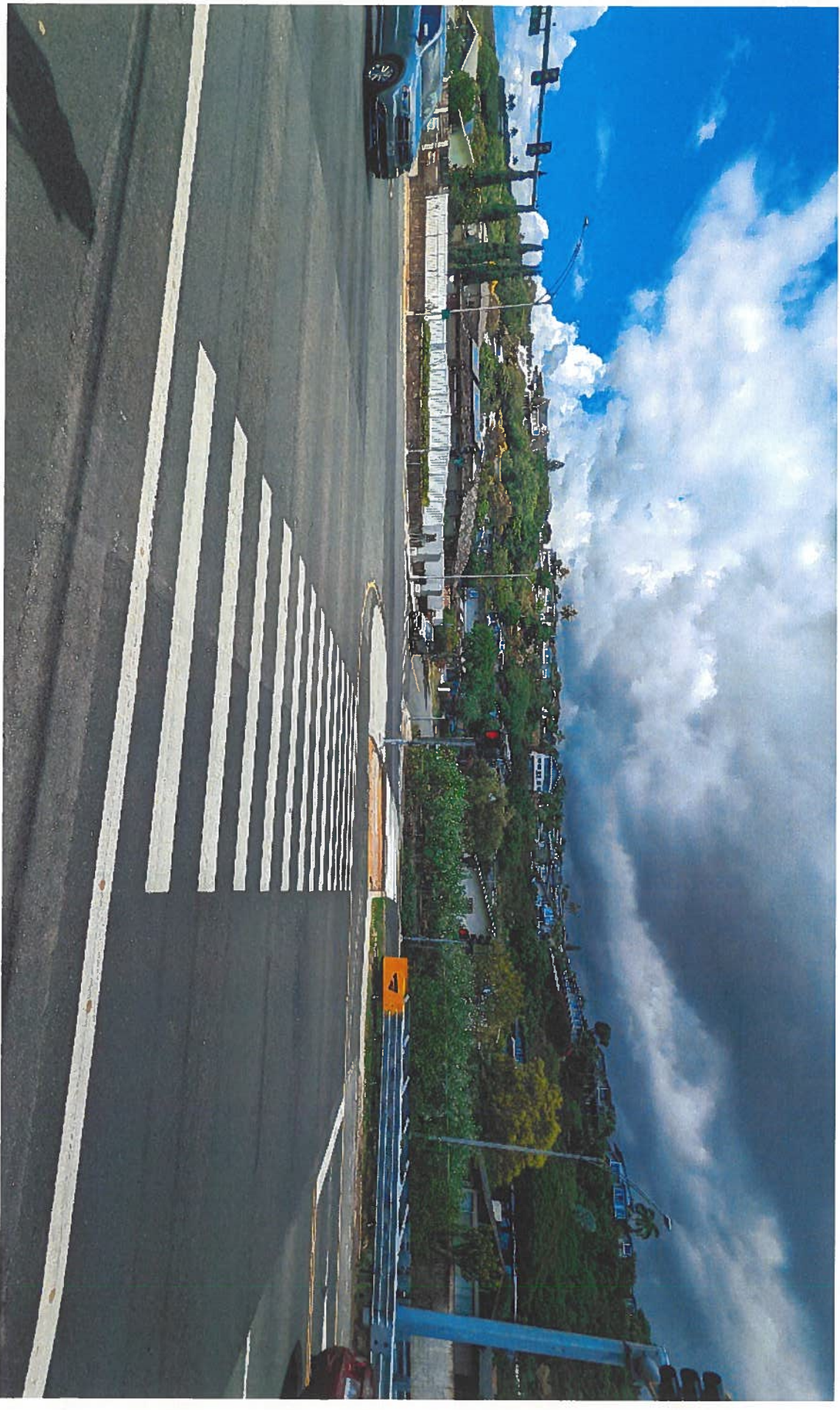
Summary of Changes to Appendix A Activities

- Clarified that some activities are not allowed under Tier II if located in a historic district (such as erecting fencing, replacing signage, median barrier installation, vegetation clearing, installing solar devices, replacing storm drains)
- Clarified excavation depth limits for post replacement to not disturb ground outside previously disturbed area of original installation
- Removed vague language allowing “road construction and/or restoration strategies” as an activity
- Defined ground disturbance depths for certain activities (vegetation removal, rip-rap and erosion control, geotextile placement, installation of new signs)

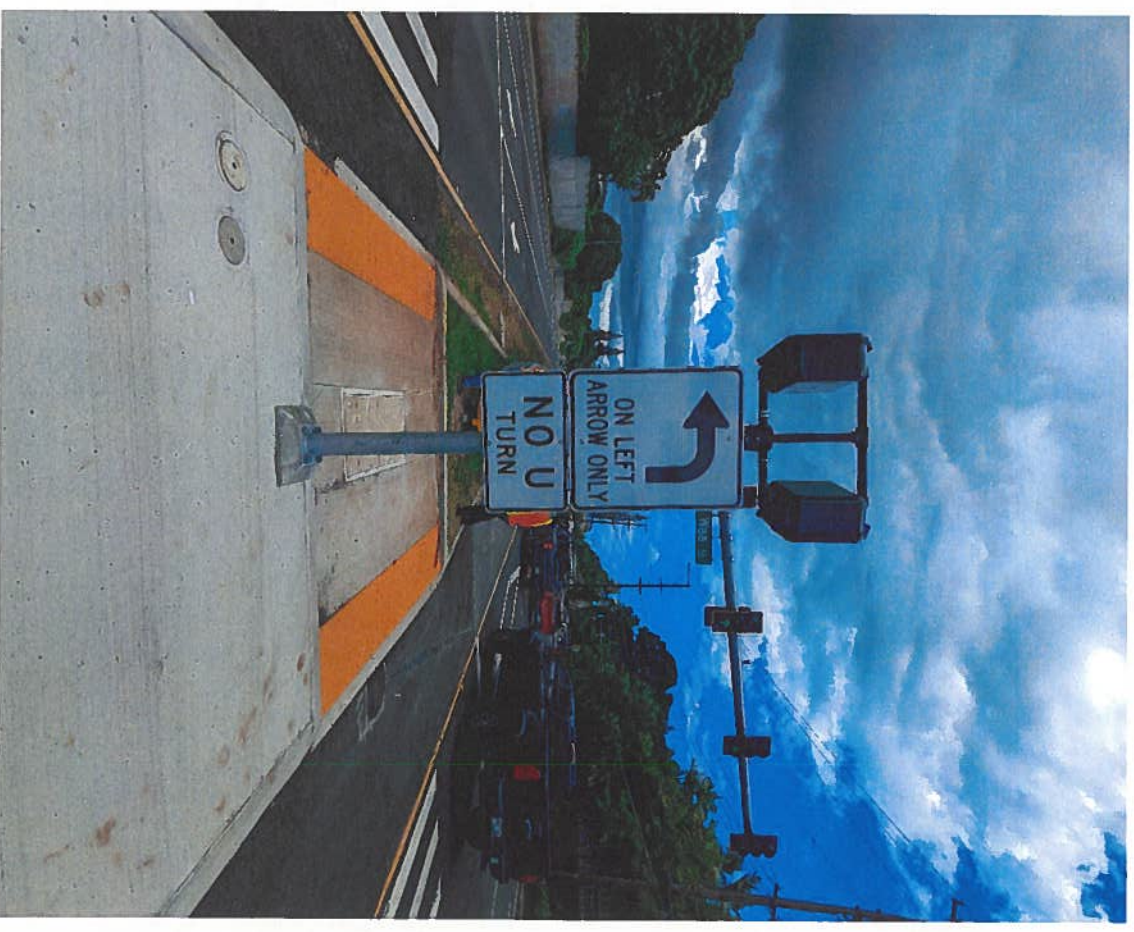
Summary of Changes to Appendix A Activities

- Removed some activities in response to comments that these are not sufficiently “minor”: trenching, construction of wetland mitigation, emergency work including shoreline erosion, various rockfall mitigation measures, work on bridges aside from existing asphalt replacement
- Clarified excavation depth limits to not disturb subgrade for some activities (installation of irrigation, construction of turning lanes)
- Specified that some activities are not allowed in historic districts (replacement and installation of signage, replacements of existing sidewalks)
- Clarified vague language about bicycle lanes and shared-use facilities with added detail and limitations
- Defined ground disturbance depths for certain activities (tree removal, rip-rap and erosion control, geotextile placement, installation of new signs)

Questions and Discussion



- Documents are on website:
https://us.planengage.com/hdot_nhpa/page/Home
- Final Draft PA Consulting Party review period ends **November 21, 2025**
- Dec 2025 – Jan 2026: Preparing revisions and comment responses
- Feb 2026: Final PA for review and concurrence
- March 2026: Signatures and execution
- Apr-May 2026: Training and Implementation



Mahalo!

Contact: Pua.Aiu@hawaii.gov



FINAL DRAFT – WORK IN PROGRESS
30 September 2025

**PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
UNITED STATES ARMY CORPS OF ENGINEERS
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE HAWAI‘I STATE HISTORIC PRESERVATION OFFICER,
THE STATE OF HAWAI‘I DEPARTMENT OF TRANSPORTATION
REGARDING
MINOR FEDERAL-AID HIGHWAY PROGRAM PROJECTS IN HAWAI‘I**

WHEREAS, the Federal Highway Administration (FHWA) Hawai‘i Division, under the authority of 23 U.S.C. Part 101 et seq., implements the Federal-aid Highway Program (Program) in Hawai‘i by funding and approving state and locally sponsored transportation projects that are administered by the State of Hawai‘i Department of Transportation (HDOT) (23 U.S.C. Part 315); and

WHEREAS, the FHWA Hawai‘i Division Administrator is the “Agency Official” responsible for ensuring that the Program in the State of Hawai‘i complies with Section 106 of the National Historic Preservation Act (NHPA) (hereinafter referred to as “Section 106”), codified as amended at 54 U.S.C. Part 306108 and codified in its implementing regulations, 36 C.F.R. Part 800, as amended (August 5, 2004), and is the Lead Federal Agency for federally funded projects in Hawai‘i; and

WHEREAS, “Program” is used in this Programmatic Agreement (Agreement) to refer to the Federal-aid Highway Program; and

WHEREAS, HDOT administers Federal-aid projects throughout the State of Hawai‘i as authorized by 23 U.S.C. Part 302, participated in consultation, and has been invited to be a signatory to this Agreement; and

WHEREAS, the United States Army Corps of Engineers (USACE) administers a Department of the Army permit program under the authority of the Rivers and Harbors Act of 1899, Section 10 (33 U.S.C. Parts 401 and 403), and the Clean Water Act of 1972, Section 404 (33 U.S.C. Part 1344), hereafter referred to as Permits, to which highway projects in Hawaii may be subject; and

WHEREAS, for State-funded projects, the Corps District Commander is the “Agency Official” responsible for ensuring that the Permits in the State of Hawaii comply with Section 106 of the NHPA (54 U.S.C. 306108), as amended, and codified in its implementing regulations, 36 C.F.R. Part 800, as amended (August 5, 2004); and

WHEREAS, the USACE has determined that projects authorized by Department of Army Permits are undertakings pursuant to Section 106 and the USACE will utilize this Agreement for qualifying HDOT projects subject to its Permits; and

WHEREAS, the USACE has participated in consultation and is a Signatory to this Agreement; and

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

1 **WHEREAS**, the Hawai‘i State Historic Preservation Officer (SHPO) is located within the State
2 of Hawai‘i Department of Land and Natural Resources State Historic Preservation Division
3 (SHPD); and

4 **WHEREAS**, pursuant to the consultation conducted under 36 C.F.R. Part 800.14(b)(2), the
5 FHWA, USACE, SHPO, and HDOT have developed this Agreement in order to establish an
6 efficient and effective program alternative for taking into account the effects of Minor
7 Transportation Projects in Hawai‘i; and

8 **WHEREAS**, FHWA and USACE have consulted with the Advisory Council on Historic
9 Preservation (ACHP) pursuant to 36 C.F.R. Part 800.14(b), and the ACHP has opted to participate
10 as a Signatory to this Agreement; and

11 **WHEREAS**, FHWA, USACE, and HDOT have consulted with the Office of Hawaiian Affairs
12 (OHA), Historic Hawaii Foundation, National Trust for Historic Preservation, and Local
13 Government Agencies regarding the effects of Program activities on historic properties; and

14 **WHEREAS**, FHWA and USACE recognize that Native Hawaiian organizations (NHOs) may
15 attach religious and cultural significance to historic properties within the State of Hawai‘i and,
16 pursuant to 36 C.F.R. Part 800.2 (c)(2)(ii)(E), consulted with the NHOs for which historic
17 properties with religious and cultural significance may potentially be affected by Program
18 activities; and

19 **WHEREAS**, NHOs possess special expertise in assessing the NRHP eligibility of properties with
20 religious or cultural significance to the organizations that may be affected by undertakings
21 reviewed under the terms of this Agreement and have been invited to sign this Agreement as
22 Concurring parties; and

23 **WHEREAS**, FHWA has invited Consulting Parties (as listed in Appendix C) to sign this
24 Agreement as Concurring parties; and

25 **WHEREAS**, HDOT has notified the public of the agency’s intention to implement this Agreement
26 via public notices, emails, and postings on the HDOT webpage; and

27 **WHEREAS**, FHWA previously delegated certain authorities to HDOT in the NHPA Section 106
28 Authorization of Consultation letter dated April 8, 2016, which noted that pursuant to 36 CFR
29 800.2(c)(4), the FHWA authorized HDOT to conduct Section 106 consultations concerning the
30 initiation of consultation, APEs, and the Identification of Historic Properties with the SHPO,
31 NHOs, or other consulting parties, and

32 **WHEREAS**, LPAs may utilize this agreement for project undertakings from which they receive
33 program funding from the HDOT, however HDOT is the responsible entity for Section 106
34 compliance under this Agreement, as delegated by the FHWA; and

35 **NOW, THEREFORE**, FHWA, USACE, ACHP, SHPO and HDOT, (hereinafter referred to
36 collectively as “Signatories”) agree that the Program in Hawai‘i shall be implemented in
37 accordance with the following stipulations in order to take into account the effects of the Program

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

on historic properties in Hawai‘i and that these stipulations shall govern compliance of the Program with Section 106 of the NHPA until this Agreement expires or is terminated.

STIPULATIONS

FHWA and USACE, with the assistance of HDOT, shall ensure that the following measures are carried out:

I. PURPOSE, APPLICABILITY, AND SCOPE

- A. FHWA will no longer send project-specific letters that authorize HDOT to conduct Section 106 consultation under the FHWA’s Section 106 Authorization of Consultation letter dated April 8, 2016 to HDOT.
- B. Pursuant to this Agreement, FHWA delegates consultation responsibilities to HDOT under 36 CFR 800.2(c)(4), with FHWA responsible for findings and determinations made under 36 CFR Part 800;
- C. In addition to FHWA delegating certain authorities to HDOT, this Agreement sets forth the process by which FHWA and/or USACE, with the assistance of HDOT, will meet their respective responsibilities under Section 106 of the NHPA for Minor Transportation Projects. This Agreement establishes the basis for HDOT reviews of individual Minor Transportation Projects and how HDOT will notify and consult with FHWA, USACE, and SHPO, and individuals and organizations that may be invited to be Section 106 consulting parties. The objective of this Agreement is to implement effective and efficient methods by which FHWA, USACE, and HDOT review individual undertakings that may affect historic properties and to establish the process by which FHWA, USACE, ACHP, SHPO and HDOT will be involved in any such review.
- D. This Agreement applies to Minor Transportation Projects that meet the following:
 - 1) Are projects that fall under the activities listed in Appendix A (Tiers I, II, and III) of this Agreement; and
 - 2) Are projects that result in a finding of No Historic Properties Affected (36 C.F.R. Part 800.4(d)(1) and 36 C.F.R. Part 800.5(b)).
- E. Cooperating Federal agencies (as defined in 23 U.S.C. Part 139) that recognize FHWA or USACE as the lead Federal agency for an undertaking may fulfill their obligations under Section 106 of the NHPA according to 36 C.F.R. Part 800.2(a)(2), provided that FHWA and HDOT follow the requirements of this Agreement and the cooperating agency’s undertaking meets the criteria in Stipulation I.C and Appendix A of this Agreement.

At any time, HDOT, in consultation with and/or if requested by FHWA, ACHP, or SHPO, may choose to conduct the Section 106 review for a Minor Transportation Project by following the procedures in 36 C.F.R. Part 800 rather than by following the procedures in this Agreement.

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

F. Appendix B of this Agreement includes a glossary of terms.

II. RESPONSIBILITIES OF FHWA, USACE, ACHP AND HDOT, FOR MINOR TRANSPORTATION PROJECTS

A. FHWA Responsibilities

1) Consistent with the requirements of 36 C.F.R. Parts 800.2(a) and 800.2(a)(1-4), FHWA remains responsible for ensuring that the terms of this Agreement are carried out and for all findings and determinations made pursuant to this Agreement by HDOT under the authority of FHWA. FHWA may inquire as to the status of any project carried out under the authority of this Agreement and may participate directly in any project at its discretion.

The FHWA is the Lead Federal Agency for Program undertakings that are subject to this Agreement.

2) The FHWA shall review the training developed consistent with Stipulation II.B.4.

B. HDOT Responsibilities

1) Under the authority of FHWA, HDOT will carry out the following steps with respect to undertakings covered by this Agreement. These responsibilities include implementing the following requirements:

a) Complete project reviews pursuant to Stipulation VII of this Agreement.

b) Obtain a State Inventory of Historic Places (SIHP) Number from the SHPD for any newly identified sites in an APE .

2) HDOT shall oversee and coordinate with LPAs to ensure that the provisions of this Agreement are implemented when the Agreement is used.

3) HDOT shall determine whether or not an undertaking conforms with the types of project activities listed in Appendix A. HDOT shall also make determinations of eligibility, and a finding of effect that the undertaking will result in No Historic Properties Affected. HDOT shall maintain such documentation in its files and shall report its use of the documentation on specific undertakings consistent with Stipulation XI.

4) HDOT shall ensure that LPAs who receive Program funding shall receive yearly training from an individual who meets the Secretary of Interior's Professional Qualification Standards (PQS) under the applicable discipline found in FR 44738-44739 (1983), or as updated, to follow the procedures contained in this Agreement. This shall include Project Managers, Qualified Staff (as defined in Stipulation III), and applicable contractors. This training, described in a detailed Training Plan to be developed pursuant to this Agreement and prior to its implementation, shall include an overview of the Section 106 process, the project types covered in this Agreement, the preparation of an APE map, the agency review process, the retention of records, annual reporting requirements, responses to inadvertent discoveries, and interagency coordination.

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

- 1 5) The Training Plan shall be drafted within one month of the agreement's
2 final signature by HDOT and forwarded to the consulting parties and
3 FHWA for a 30-day review. The Training Plan shall be implemented by
4 HDOT within 90 days of the agreement's final signature. New staff shall
5 receive training prior to using this Agreement.
6

7 C. USACE Responsibilities

- 8 1) The USACE is the Lead Federal Agency for State funded highway
9 undertakings that require permits pursuant to Section 10 of the Rivers and
10 Harbors Act of 1899, or Section 404 of the Clean Water Act of 1972 in
11 accordance with 36 C.F.R. Part 800.2(a)(2).
12
13 2) The USACE shall be responsible for coordinating its federal permitting
14 authority with the applicable provisions of this Agreement, specifically with
15 the emergency situations contained in Stipulation VIII. This Agreement
16 may be used by the USACE to implement and fulfill Section 106 in
17 coordination with FHWA and HDOT for projects that qualify under this
18 Agreement.
19

20 D. SHPO Responsibilities

21 The SHPO reflects the interests of the State and its citizens in the preservation of
22 their heritage. In accordance with 54 U.S.C. Part 302303(b), 36 C.F.R. Part 800,
23 and this Agreement, the SHPO under Section 106 and 36 C.F.R. Part 800 is to
24 advise, assist, review, and consult with Federal agencies as they carry out their
25 historic preservation responsibilities and to respond to Federal agencies' requests
26 within a specified period of time.
27

28 E. ACHP Responsibilities

29 The ACHP issues the regulations to implement Section 106 (36 C.F.R. Part 800)
30 and shall provide guidance and advice to the parties to this Agreement on the
31 application of the procedures in this Agreement. The ACHP shall also consult with
32 and provide comments to FHWA and USACE concerning any applicable
33 procedural matters included in this Agreement, including disputes, at its discretion.
34 Any party in this Agreement may seek advice, guidance, and assistance from the
35 ACHP concerning the implementation of this Agreement.
36

37 F. LPA Responsibilities

- 38 1) LPAs that sponsor projects that qualify under Appendix A of this
39 Agreement and that receive Program funding shall cooperate with FHWA,
40 USACE, HDOT, and SHPO in implementation of this Agreement.
41 2) For LPAs with Qualified Staff, the LPA may perform the duties otherwise
42 reserved to HDOT as included in Stipulations II.B.2, II.B.3, IV, VI, VII,
43 VIII, IX, X, and XI under the authority of the FHWA.
44 3) For LPAs without Qualified Staff, this Agreement cannot be used.
45

46 **III. PROFESSIONAL QUALIFICATION STANDARDS**

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

- 1
2 A. HDOT and LPAs shall utilize Qualified Staff for all duties associated with this
3 Agreement. At a minimum, Qualified Staff shall meet the United States Secretary
4 of the Interior's (SOI) Professional Qualification Standards (PQS) for Archaeology,
5 Architectural History, Architecture, History, and/or Historic Architecture (36
6 C.F.R. Part 61(Appendix A); and 48 Federal Register 44738-44739), as
7 appropriate, and shall receive training as defined under Stipulation II, Section B(4).
8 For Tier I activities, a Certified HDOT Project Manager who has received training
9 as defined under Stipulation II, Section B(4) may provide determinations.
10
11 B. If HDOT, an LPA, or a project proponent uses a consultant to carry out activities
12 and make recommendations on regulatory determinations and findings on activities
13 covered in this Agreement, such as those in Stipulation VII, the qualified
14 consultant's resume, summarizing how the consultant meets the education and
15 experience qualifications, will be kept on file by the applicable agency. The
16 qualified consultant must undergo training per Stipulation II, Section B(4).
17

18 **IV. CONSULTATION WITH NATIVE HAWAIIAN ORGANIZATIONS**
19

- 20 A. HDOT shall maintain a web-based shared site, updated annually at a minimum, that
21 lists all undertakings subject to this Agreement, and that is available to the public
22 including NHO representatives. Contact information will be provided for use by
23 any party wishing to raise comments and concerns on these projects. Public
24 involvement may occur in coordination with similar activities under NEPA
25 provided that it meets or exceeds this Agreement and/or 36 C.F.R. Part 800.3.
26
27 B. If a NHO raises concerns regarding a property of religious and cultural
28 significance potentially affected by a project covered by this Agreement, HDOT
29 and FHWA shall consult with the NHO and SHPO to evaluate whether the project
30 remains eligible under this Agreement.
31
32 C. To meet obligations under Stipulations IX (Post Review and Unanticipated
33 Discoveries and Unexpected Effects), X (Identification and Treatment of Human
34 Remains), and XI (Annual Review, Auditing, and Reporting), HDOT, in
35 consultation with FHWA and the SHPO, shall invite individuals and organizations
36 with a demonstrated interest in the implementation of this Agreement to participate
37 in processes defined in this Agreement as identified under the above referenced
38 Stipulations.
39

40 **V. UNDERTAKINGS WITH NO POTENTIAL TO CAUSE EFFECTS TO**
41 **HISTORIC PROPERTIES**

42 Undertakings that have no potential to cause effects to historic properties, pursuant to
43 36 C.F.R. Part 800.3(a)(1), are defined as those actions that, by their nature, will not
44 result in effects to historic properties. FHWA defines these as including only
45 non-construction related activities. For example, purchasing equipment, planning, and
46 design all fall under this portion of the regulation and do not require any further

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

obligations under Section 106. All other construction with a federal nexus must comply with the provisions of this Agreement or 36 C.F.R. Part 800 including any maintenance, new construction, and all construction-related actions. Questions about the applicability of this finding should be referred to the FHWA Federal Preservation Officer.

VI. APPLICATION OF APPENDIX A

- A. This Agreement is only applicable for Minor Transportation Projects consisting of only the activities specified in Appendix A. Referencing Appendix A of this Agreement, a Certified HDOT Project Manager who has undergone the training as defined in Stipulation II B (4) may confirm that an undertaking is a Minor Transportation Project to which this Agreement applies. Applicable projects must meet all of the terms and conditions in Appendix A. The signatories may amend the Agreement to add activities to, or remove activities from, the list in Appendix A in accordance with Stipulation XIII.
- B. Appendix A lists three tiers of activities. Tier I activities shall be addressed in accordance with Stipulation VI. C. Tier II activities shall be addressed in accordance with Stipulation VI.D. Tier III activities shall be addressed in accordance with Stipulation VI.E.
- C. Reviews for Appendix A activities must be conducted by Qualified Staff or a Certified HDOT Project Manager who has undergone training per Stipulation II B(4).
- D. The Certified HDOT Project Manager or Qualified Staff must record their determination that the proposed Tier I project will result in a finding of “No Historic Properties Affected” consistent with the requirements of this Agreement and record that decision on a Project Certification Form.
- E. Reviews for Appendix A, Tier II Activities must be conducted or certified by Qualified Staff to confirm that these activities would not have effects on historic properties and thus would result in a finding of “No Historic Properties Affected.”
- F. Reviews conducted for Appendix A, Tier III Activities generally require the preparation of a professionally prepared identification report meeting SOI Standards and Guidelines for Archaeology and Historic Preservation (48 Fed. Reg, 44716, Sept. 29, 1983, as amended and annotated) as referenced in 36 C.F.R. Part 800.4(b)(1); such as an Archaeological/Architectural Literature Review and Field Investigation report (LRFI) or Archaeological Reconnaissance Survey (ARS). If, after the preparation of an LRFI, ARS, or other similar report, an Archaeological Inventory Survey (AIS) or additional architectural survey, as defined in Hawaii

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

SHPD's *Guidelines: Architectural Historic Resource Surveys and Documentation*, is not recommended and

- 1) no historic properties are identified; or
- 2) a historic property is present but the project will not affect it;

then the Qualified Staff shall certify the results and findings of the identification report and make a determination of "No Historic Properties Affected" consistent with 36 C.F.R. Part 800.4(d)(1).

- G. If the project includes any activities other than those listed in Appendix A (Tiers I, II, or III), or if the project is within a National Historic Landmark, then the project does not qualify for this Agreement, and will follow 36 C.F.R. Part 800 to ensure compliance with Section 106.

VII. PROJECT REVIEW

This stipulation outlines the approach to historic properties review by Qualified Staff and Certified HDOT Project Managers for Minor Transportation Projects in the Program and provides a streamlined approach to Section 106 compliance for certain projects limited to activities with a known history of resulting in findings of "No Historic Properties Affected." HDOT, as part of the Annual Review, will compile statistics of activities that resulted in no historic properties affected and provide them to consulting parties. For the purposes of this Agreement, qualifying activities shall be classified "Minimal Potential to Cause Effects" (Appendix A). For all projects undertaken pursuant to this Agreement, the following requirements shall be implemented:

- A. Through this Agreement, FHWA, USACE, HDOT, and SHPO establish categories of activities that have a minimal potential to cause effects and they are included in Appendix A of this Agreement (Appendix A Activities):

- 1) For project reviews that are eligible for processing under Appendix A, a project shall be limited to any combination of the activities in Appendix A of this Agreement.
- 2) Qualifying projects processed under Appendix A require different levels of review, and each has a demonstrated history of typically resulting in Section 106 findings of "No Historic Properties Affected," as defined in 36 C.F.R. Part 800.4(d)(1). Review shall follow the procedures outlined in Stipulation VII.B, VII.C, and/or VII.D below, as appropriate. Projects that do not conform to Appendix A (Tiers I, II, or III) shall follow the procedures in 36 C.F.R. Part 800 and will not be subject to this Agreement.
- 3) HDOT shall coordinate with NHOs, additional consulting parties, and the public on individual undertakings as appropriate and in accordance with Stipulations IV and XI of this Agreement.

- B. For Appendix A, Tier I Activities that occur within listed or previously-determined eligible historic districts, a Certified HDOT Project Manager or Qualified Staff will review the activities to determine whether they have the

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

potential to alter, either directly or indirectly, the characteristics that qualify, or may qualify, the historic district, as well as the historic bridge or structure, for listing in the NRHP. The Certified HDOT Project Manager or Qualified Staff will gather additional information, as necessary for the review of the historic district, including, but not limited to, the NRHP nomination, SHPO records, town websites, as well as county master plans, special district design guidelines, and other county records, as appropriate. Designated districts will be noted on the Attachment A Certification Form. To determine whether the activities have an effect on a historic district(s), the Certified HDOT Project Manager or Qualified Staff will consider the characteristics that qualify, or may qualify, the historic district for the NRHP following guidance in *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*. The effects to a historic district will be documented per Stipulation VII. B. If no historic properties are affected, this will be documented in the Attachment A Certification Form. If the historic district is affected, the Project does not qualify for the procedures under this Agreement and must complete the Section 106 process under 36 C.F.R. Part 800.

C. For Appendix A, Tier II Activities, Qualified Staff shall review the project description and Area of Potential Effects (APE) map, as prepared by the HDOT Project Manager, to ensure that the APE includes all proposed activities listed under Appendix A Tier II and all areas where these activities have the potential to cause effects to historic properties.

- 1) The Qualified Staff shall certify that all project activities, and the effects from those activities, are located within the APE as defined on a map.
- 2) If all proposed activities for a Project are included in the Tier II Activities list, Qualified Staff shall prepare a Tier II Activities “No Historic Properties Affected” finding as contained in the Attachment A Certification Form.
- 3) If any of the proposed activities for a Project are not covered in the Tier II Activities list but are identified in the Tier III Activities list, then HDOT Qualified Staff must follow the procedures outlined in Stipulation VII.D.
- 4) If any of the proposed activities for a Project are not covered in the Tier I, II, or III Activities list, the Project does not qualify for the procedures under this Agreement and must complete the Section 106 process under 36 C.F.R. Part 800.

D. For Appendix A, Tier III Activities, Qualified Staff shall identify historic properties that may be affected, in accordance with the procedural requirements of 36 C.F.R. Part 800.4:

- 1) The Qualified Staff shall assess potential impacts, including archaeological and architectural sensitivity potential, to determine whether a project qualifies for processing under Appendix A, Tier III. HDOT shall submit sufficient information required for the Qualified Staff to complete the assessment, including an Attachment A Project Certification Form, topographical maps, photographs, design plans, and as-built plans (if available).

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

- 1 a) Review shall determine whether or not the project's APE includes
2 any mapped areas of sensitive sandy soils known to have a high
3 probability of cultural sites including Jaucas Sands, Puuone Sands,
4 and Beach Sands as defined in SSURGO (Soil Survey Geographic
5 database).
- 6 i. If sandy soils are identified in the APE, Qualified Staff
7 must verify that the proposed project activities will not
8 extend below the subbase. Once verified, Qualified Staff
9 will prepare an Attachment A Project Certification Form.
- 10 ii. If the sandy soils are identified in the APE and if project
11 activities may extend below the subbase, an identification
12 report as defined in Stipulation VI.F is required to be
13 completed. If no AIS is recommended, and Qualified Staff
14 agree with this recommendation, Qualified Staff will
15 prepare an Attachment A Project Certification Form.
- 16 iii. If the identification report as defined in Stipulation VI.E
17 recommends completion of an AIS and Qualified Staff
18 agree with this recommendation, the project is no longer
19 eligible for streamlining under this Agreement.
- 20 b) HDOT shall ensure that Qualified Staff undertakes identification
21 reports, as warranted, for any property within the APE that may be
22 affected by a project and that may be eligible for listing in the
23 NRHP, as outlined below:
- 24 i. An identification report as defined in Stipulation VI.F shall
25 be completed by a qualified professional archaeologist
26 employed by HDOT, or qualified professional consulting
27 archaeologist(s), with an active and valid permit to conduct
28 archaeology from the State Historic Preservation Division
29 (SHPD). This work shall follow the *Procedures and*
30 *Guidelines for Archaeological Survey and Inventory*
31 *Hawai'i*.
- 32 ii. Historic architectural resource reviews shall be conducted
33 by a qualified professional architectural historian/historian
34 or qualified professional consulting architectural
35 historian(s)/historian(s).
- 36 iii. Review shall determine whether the project's APE includes
37 any mapped areas of sensitive sandy soils known to have a
38 high probability of cultural sites including Jaucas Sands,
39 Puuone Sands, and Beach Sands as defined in SSURGO
40 (Soil Survey Geographic database).
- 41 iv. If sandy soils are identified in the APE, Qualified Staff
42 must verify that the proposed project activities will not
43 extend below the subbase. Once verified, Qualified Staff
44 will prepare an Attachment A Project Certification Form.
- 45 v. If the sandy soils are identified in the APE and if project
46 activities may extend below the subbase, an identification

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

report as defined in Stipulation VI.F is required to be completed. If no AIS is recommended by the identification report, and Qualified Staff agree with this recommendation, Qualified Staff will prepare an Attachment A Project Certification Form.

- vi. If the identification report as defined in Stipulation VI.F recommends completion of an AIS and Qualified Staff agree with this recommendation, the project is no longer eligible for streamlining under this Agreement and HDOT will review the Project consistent with 36 C.F.R. Part 800.
- vii. If the identification report as defined in Stipulation VI.F recommends an AIS and Qualified Staff do not agree with this recommendation, or if the identification report does not recommend an AIS, the Qualified Staff must confirm the following:
 - i. That no properties older than 45 years old are located in the APE.
 - ii. That the project does not fall within or affect a National Historic Landmark (NHL).
 - iii. That the APE could be considered a low probability area for archaeological resources as confirmed by the identification report including a field inspection.
 - iv. That the APE does not include intact Jaucas Sands, Puuone Sands, and Beach Sands that will be affected by Project Activities.
 - v. If any of these criteria are not met, the project does not qualify for review under this Agreement.

- 2) The Qualified Staff shall determine whether a Tier III activity requires a professionally prepared report meeting the standards defined in Stipulation VI.F; or, alternatively, an AIS or additional architectural survey is needed, taking into consideration the following factors, including but not limited to:
 - a) The potential for the project to impact the integrity of a potential historic property directly or indirectly;
 - b) Compromises to the physical integrity of the character-defining features of a property more than 50 years old that would make it ineligible for the NRHP ;
 - c) The degree of recent development and overall change within the APE;
 - d) The density of potential historic properties in the area of the project;
 - e) Modifications to the project that can be made to avoid impacts to potential historic properties;
 - f) The potential archaeological sensitivity within the APE, particularly whether Jaucas Sands, Puuone Sands, and Beach Sands as defined in the United States Department of Agriculture's Soil Survey

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

Geographic database (SSURGO) soil survey data are present within the APE; and

g) Information from consulting parties and others with knowledge of, or concerns with, historic properties within the APE.

3) If an identification report as defined in Stipulation VI.F is completed and indicates that an AIS or architectural survey is not required, and that historic properties will not be affected by the Tier III Activities performed in the APE, Qualified Staff shall review and confirm the results of the identification report and then prepare a Tier III Activities “No Historic Properties Affected” finding as contained in the Attachment A Project Certification Form with the identification report as defined in Stipulation VI.F.

4) If an identification report as defined in Stipulation VI.F is determined to be required and the results of the review and field inspection verify that a previously identified historic property (that is either listed in or determined eligible for listing in the NRHP by a federal agency with the documented concurrence of the SHPO) is present within the APE, but an AIS or architectural survey is not required due to the nature of the proposed Tier III activities, HDOT Qualified Staff shall review the identification report as defined in Stipulation VI.E and confirm that the Tier III activities will not affect the historic property (or any contributing elements thereof). Qualified Staff will then prepare a Tier III Activities “No Historic Properties Affected” finding as contained in the Attachment A Project Certification Form with the identification report as defined in Stipulation VI.E.

5) In making this finding, Qualified Staff must verify that all documented qualifying characteristics of the historic property are considered in the effects finding.

6) If an architectural survey is determined to be required under Stipulation VI.F, the Project does not qualify for processing under Appendix A HDOT must then consult with SHPO concerning the architectural survey consistent with 36 C.F.R. § 800.

7) HDOT may address multiple steps simultaneously.

E. Effects Findings

1) Qualified Staff shall ensure that all Attachment A Project Certification Forms are documented in its files. For Tier I projects, if review and determination is done by Certified HDOT Project Manager, the Certification Form shall be provided to Qualified Staff for confirmation and filing. The Qualified Staff shall notify FHWA and the SHPO of its use of the documentation on specific projects in an annual report to the signatories of this Agreement, as specified in Stipulation XI. Completion of Certification Form completes the process under this Agreement.

2) If a review by a Certified HDOT Project Manager or Qualified Staff under Stipulation VI.A through VI.E determines that a project may affect (either adversely or not adversely) NRHP-listed or eligible properties, or includes

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

activities not listed in Appendix A, and thereby does not qualify for processing under this Agreement, Qualified Staff shall use the Attachment A Project Certification Form to provide a record for file, in writing, that the project does not qualify for processing under this Agreement, and that the project will be reviewed consistent with 36 C.F.R. Part 800.

F. Activities Not Covered by Appendix A

The provisions of this Agreement do not apply to the following types of projects:

- 1) Activities that do not meet the requirements of Stipulation I.C;
- 2) Activities that have the potential to affect contributing elements of a previously identified historic property (other than Appendix A, Tier I Activities that occur in historic districts); and
- 3) Activities that require preparation of an AIS or additional architectural survey.

G. Changes to the Scope of a Project

Upon notification of a project change, Qualified Staff shall have 30 days to reassess the modified project. As appropriate, HDOT's Qualified Staff shall evaluate the revised project and alert HDOT, as applicable, as to whether:

- 1) The Project APE still captures the extent of Project effects and whether the APE should be redrawn either due to an expansion or reduction in the activities;
- 2) The Project continues to qualify for processing under Stipulation I.C;
- 3) Additional and/or revised Attachment A Project Certification forms are required for a complete and thorough reassessment; and/or
- 4) The project no longer qualifies for streamlining under this Agreement and must follow 36 C.F.R. Part 800.

HDOT will notify the SHPO should the revised project description require additional or revised certification forms or processing under Stipulation VII.B, VII.C, or VII.D of this Agreement. If the project continues to qualify for processing under Appendix A and there is no substantive change to the design or scope of the project that would impact historic properties, HDOT should document the change in scope and note that Appendix A still applies on a new/revised Attachment A Project Certification Form. If Appendix A still applies, HDOT is not otherwise required to notify the SHPO.

VIII. EMERGENCY SITUATIONS

- A. For the purposes of this Agreement, emergencies are defined as occurrences that require emergency highway system and facility repairs that are necessary to 1) protect the life, safety, or health of the public; 2) minimize the extent of damage to the highway system and facilities; 3) protect remaining highway facilities; or 4) restore essential traffic. These emergency situations may arise from flooding, ocean surges, landslides, extreme wind, or other natural phenomena.
- B. Repairs to address emergency situations as defined above can occur regardless of funding category and regardless of declarations made by federal, state, or local

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

agencies or by the USACE where the USACE is the Lead Federal Agency in accordance with 33 C.F.R. Part 325.2(e)(4) or by the FHWA where the FHWA is the Lead Federal Agency in accordance with 23 C.F.R. Part 668.103.

- C. If an emergency repair project could affect historic properties, HDOT will, in accordance with Stipulation VII, determine whether the emergency repair project is exempted from further review, as follows:
- 1) If the emergency projects are implemented within 30 days after an emergency or disaster has been formally declared by the appropriate authority, they shall be exempted from review pursuant to 36 CFR 800.12(d).
 - 2) The 30-day exemption period may be extended pursuant to 36 CFR 800.12(d).
 - 3) If the project is listed in Appendix A, the conditions for exemption are met, and a Certified HDOT Project Manager or Qualified Staff determines the emergency repairs will have no effect to historic properties, the Certified HDOT Project Manager or Qualified Staff will note this determination for the project file and no further consultation will be required.
 - 4) If the emergency repair is not listed in Appendix A and does not occur within the review exemption time frames outlined in 36 CFR 800.12(d) and Stipulation VIII.C.1, HDOT will notify SHPO, in accordance with Stipulation XII, and the applicable Lead Federal Agency prior to any work taking place. SHPO and the Lead Federal Agencies will have 48 hours to respond to the notification. If no response is received, HDOT will proceed with the emergency repair.
- D. For projects where the repair must be made within the first 30 days of the declaration of the emergency by an appropriate authority, in response to immediate threats to life and property, the processing of environmental documentation will happen concurrently or after the fact. In these cases, HDOT will comply with the procedures in this Stipulation to the extent possible, but the reviews may be conducted after the emergency work is completed.
- E. For projects taking longer than 180 days for repair after the declaration of the emergency by an appropriate authority, HDOT, on behalf of the applicable Lead Federal Agency, will comply with the procedures in Stipulation VII. HDOT, however, may request an extension of the period for the repair project from the applicable Lead Federal Agency prior to the expiration of the 180 days.
- F. HDOT, on behalf of the applicable Lead Federal Agency, will provide notification of an emergency action to SHPO using a standard form to be prepared by the HDOT and approved by SHPO within six (6) months of the effective date of the Agreement. Notification may be transmitted by email, HICRIS, other electronic means, or by hand delivery, as agreed to by HDOT and SHPO. The notice will be clearly and prominently marked as an emergency notification and will include an explanation of how the action meets the requirements for emergency as defined herein. The notice will also include a brief description of the eligibility and/or significance of the cultural resources involved, the nature,

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

effect, and anticipated effect of the emergency action on the resources, and the anticipated time frame available for comment.

- G. Where USACE is the applicable Lead Federal Agency, it will follow 33 C.F.R. Part 325.2(e)(4) in declaring an emergency as defined. USACE will comply with these regulations in a manner that is consistent with the terms of this Stipulation. In declaring an emergency, USACE will notify FHWA, HDOT, and SHPO, consistent with Stipulation XII.

IX. POST-REVIEW AND UNANTICIPATED DISCOVERIES AND UNEXPECTED EFFECTS

A. Unanticipated Discoveries

- 1) If previously unidentified archaeological or historic properties, or unanticipated effects, are discovered during a project, that portion of the project will stop immediately.
- 2) No further activity in the area of discovery will proceed until the requirements of 36 C.F.R. Part 800.13 have been satisfied, including consultation with NHOs that may attach traditional cultural and religious significance to the discovered property. This process shall also be consistent with Hawai'i Administrative Rules 13-280.
- 3) HDOT will consult with SHPO and NHOs, and consulting parties, as appropriate, to record, document, and evaluate NRHP eligibility of the property and the project's effect on the property, and to design a plan for avoiding, minimizing, or mitigating adverse effects on the eligible property.
- 4) If no party files an objection with the HDOT, FHWA, or USACE staff contacts within 72 hours of receiving HDOT's plan for addressing the discovery, HDOT may carry out the requirements of 36 C.F.R. 800.13 on behalf of FHWA and USACE, and the ACHP does not need to be notified. The FHWA, USACE, SHPO, and HDOT, staff and other applicable contacts will be identified in discovery notifications.

X. IDENTIFICATION AND TREATMENT OF HUMAN REMAINS

- A. In the event that human remains are inadvertently discovered during construction, the following actions shall be taken:
- 1) Any activity in the immediate area of the discovery shall stop immediately; and
 - 2) HDOT shall immediately notify the county medical examiner, appropriate police department and SHPD pursuant to HRS Chapter Part 6E-43.6 and Hawaii Administrative Rules (HAR) Part 13-300; and
 - 4) If the remains are determined to be the responsibility of the SHPD, then HDOT will develop a treatment plan in consultation with the applicable Island Burial Council, the FHWA, and the SHPD.

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

5) HDOT's plan and associated procedures for the treatment of human remains shall be consistent with HAR Part 13-300-40.

B. HDOT will ensure that human remains (*iwi kupuna*) or funerary objects (*moe pu*) or sacred/ceremonial objects and items of cultural patrimony discovered on federal lands shall be treated in accordance with the Native American Graves Protection and Repatriation Act (25 U.S.C. Part 3001 et seq.) in coordination with FHWA and the applicable federal land manager.

XI. ANNUAL REVIEW, AUDITING, AND REPORTING

A. Following the execution of this Agreement, until it expires or is terminated, HDOT shall provide all parties to this Agreement, including participating NHOs and other Consulting Parties, an annual report detailing the work performed under this Agreement on September 30 of each year pursuant to the terms of this Agreement. Such reports shall include:

- 1) Summary information on all Minor Transportation Projects processed under this Agreement;
- 2) Copies of all Attachment A Project Certification Forms signed by Qualified Staff;
- 3) Copies of all determinations of effect signed by Certified HDOT Project Manager or Qualified Staff;
- 4) Concerns with the Agreement;
- 5) Problems encountered with the Agreement;
- 6) Disputes and objections received during HDOT and FHWA's efforts to carry out the terms of this Agreement; and
- 7) The applicable Hawai'i Cultural Resource Information System (HICRIS) identifying number for this Agreement.
- 8) A year look-ahead of Projects that are known or currently under planning and/or design that may be subject to the requirements of this Agreement.

B. The SHPO shall prepare a letter or form to FHWA/HDOT/USACE to confirm its review of the September annual report.

C. HDOT, USACE, FHWA, ACHP, and SHPO may elect to meet annually on the last week of January or other dates as mutually convenient, but not later than March 31, after the date this Agreement takes effect to evaluate the agencies' joint functioning under this Agreement and identify actions needed to advance long-term planning goals. This meeting shall be at the discretion and subject to the availability of the SHPO. Upon submission of the September annual report, HDOT shall inquire with the USACE, FHWA, ACHP, SHPO, NHOs, LPAs, consulting parties, and local jurisdictions as to whether or not an annual meeting should be held. If any of these parties decide it is appropriate to hold the annual meeting, the ACHP shall be notified and may participate at its discretion. HDOT will be responsible for providing notice of the annual meeting to all of the signatories, participating NHOs, consulting parties, and local jurisdictions, prepare a meeting agenda, staff and

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

conduct the meeting, and prepare a meeting summary of discussions, issues, and concerns. The meeting summary shall be provided no later than 14 days after the annual meeting and will be distributed to all parties after the meeting has concluded.

XII. NOTICES

Any communication or notice permitted or required by this Agreement shall be in writing and shall include communication to both the agency officials and Agreement point of contact. It shall be the responsibility of each agency to keep all parties contemporaneously notified of its current Agreement point of contact. Changes to points of contact shall not require an amendment to this Agreement and may be made at the discretion of each agency. Notices may be delivered by electronic mail or via other electronic notification such as a web portal, as requested by the party, or delivered by the United States Postal Service upon written request, and such notices shall thereafter be deemed effective upon receipt. Notices shall be transmitted so that they are received within the specified deadlines. Revisions to the names, addresses, and contact information to the officials below shall not require an Amendment to this agreement but will be reported to the consulting parties in the Annual Report by HDOT.

FHWA Agency Official: Title, Office
300 Ala Moana Boulevard, Room XXX, Honolulu, Hawai‘i 96850
Agreement point of contact at time of execution:

HDOT Agency Official:
Agreement point of contact at time of execution:

SHPO Agency Official : Administrator, Hawai‘i State Historic Preservation Division
Kakūhihewa Building 601 Kamokila Blvd., Suite 555, Kapolei, Hawai‘i 96707
Agreement point of contact at time of execution: Susan Lebo, Ph.D.
[Susan.A.Lebo@hawaii.gov]

ACHP: Executive Director, Advisory Council on Historic Preservation
401 F Street NW, Suite 308, Washington, D.C. 20001
Agreement point of contact at time of execution:

OHA: CEO, Office of Hawaiian Affairs
560 N Nimitz Hwy #200, Honolulu, Hawai‘i 96817
Agreement point of contact at time of execution: Lauren Murowski [Email:
laurenm@oha.org]

XIII. AMENDMENT

- A. This Agreement may be amended when such an amendment is agreed to in writing by all Signatories prior to the termination of the Agreement. The amendment will be effective on the date when a fully executed copy (signed by all of the signatories) is filed with the ACHP.

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

- 1
2 B. Prior to any amendment to this Agreement, HDOT, USACE, FHWA, ACHP,
3 and/or SHPO, as appropriate, shall consult with the other Signatories and
4 Concurring Parties to reconsider the terms of the Agreement and amend it in
5 accordance with this stipulation. HDOT, USACE, FHWA, or SHPO, as
6 appropriate, will notify the parties as to the course to be pursued.
7

8 **XIV. CONFIDENTIALITY**

9 All parties to this Agreement acknowledge that information about historic properties,
10 potential historic properties, or properties considered historic for the purposes of this
11 Agreement are, or may be, subject to the provisions of Section 304 of the NHPA.
12 Section 304 allows the FHWA, USACE, and SHPO to withhold from disclosure to the
13 public information about the location, character, or ownership of a historic resource if
14 FHWA, USACE, or SHPO and the Secretary of the Interior determine that disclosure
15 may: 1) cause a significant invasion of privacy; 2) risk harm to the historic resource; or
16 3) impede the use of a traditional religious site by practitioners. Having so
17 acknowledged, all parties to this Agreement will ensure that all actions and
18 documentation prescribed by this Agreement are, where necessary, consistent with the
19 requirements of Section 304 of the NHPA.

20 **XV. TRANSITION**

21 This Agreement shall become effective upon the date of its execution by all signatories.
22 Any projects where the Section 106 process has started prior to the signing of this
23 document may follow the process outlined in 36 C.F.R. Part 800 or this Agreement in
24 consultation with the Signatories.

25 **XVI. DISPUTE RESOLUTION**

- 26
27 A. Should any Signatory or Concurring Party to this Agreement object in writing at
28 any time to any actions proposed or to the manner in which the terms of this
29 Agreement are implemented, FHWA or USACE (as applicable), within the limits
30 of its authority, will consult with such parties to resolve the objection.
31
32 B. If the objection is resolved through consultation, FHWA or USACE (as applicable)
33 may authorize the disputed action to proceed in accordance with the terms of such
34 resolution.
35
36 C. If an objection from the SHPO or ACHP involves a determination of eligibility for
37 the NRHP, and that objection cannot be resolved through consultation, FHWA,
38 USACE, or HDOT shall resolve the objection by obtaining a determination of
39 eligibility from the Secretary of Interior pursuant to 36 C.F.R. Part 800.4(c)(2) and
40 36 C.F.R. Part 63;
41

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

- 1 D. If, after initiating consultation relating to an objection (except an objection filed
2 under Stipulation XVI.C), FHWA or USACE determines that the objection cannot
3 be resolved, the agency will:
4 1) Forward all documentation relevant to the dispute, including the resolution
5 proposed by FHWA or USACE to the ACHP.
6 2) The ACHP will provide FHWA or USACE with its advice, pursuant to
7 36 C.F.R. Part 800.2(b)(2), on the resolution of the objection within thirty (30)
8 days of receiving adequate documentation.
9 3) Any ACHP comments provided in response to such a request will be taken into
10 account by FHWA or USACE in accordance with 36 C.F.R. Part 800.7(c)(4).
11 4) If the ACHP does not provide its advice regarding the dispute within thirty (30)
12 days, FHWA or USACE may make a final decision and proceed accordingly.
13 5) Prior to reaching a final decision on the dispute, FHWA or USACE will prepare
14 a written response that takes into account any timely advice or comments from
15 the ACHP, Signatories, and Concurring Parties regarding the dispute, and will
16 provide a copy of this written response.
17 6) FHWA or USACE will then proceed according to its final decision.
18
19 E. The responsibilities of FHWA or USACE to carry out all other undisputed actions
20 contained in the terms of this Agreement remain unchanged.
21
22 F. If, at any time during the implementation of the measures stipulated in this
23 Agreement, an objection should be raised by the public, FHWA or USACE will
24 notify the signatories to this Agreement and consult with the objecting party to seek
25 resolution. If FHWA or USACE determines that the objection cannot be resolved,
26 it will seek the advice or comment of the ACHP (as described above).
27

28 **XVII. AMENDMENT AND TERMINATION**
29

- 30 A. If any Signatory to this Agreement determines that its provisions will not or cannot
31 be carried out, that party shall immediately consult with the other parties to attempt
32 to develop an amendment per Stipulation XIII.A.
33
34 B. If within 60-90 calendar days, or other time period agreed upon by the Signatories,
35 an amendment cannot be agreed upon, any Signatory may terminate the agreement
36 upon written notification to the other Signatories.
37
38 C. Should the Agreement be terminated, FHWA, USACE, and HDOT will meet their
39 respective Section 106 responsibilities pursuant to 36 C.F.R. Part 800 for all
40 individual undertakings.
41

42 **XVIII. CURATION**
43

- 44
45 A. In cases where archaeological survey and testing are conducted on private lands,
46 any recovered collections remain the property of the landowner.

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

- 1
2 B. In the case of artifacts recovered from HDOT-managed lands, HDOT shall ensure
3 that recovered artifacts and related documentation are curated in a suitable
4 repository as agreed to by SHPO and following applicable State guidelines.
5

6 **XIX. EXECUTION OF THIS AGREEMENT IN COUNTERPARTS**

7 This Agreement may be executed in counterparts with a separate page for each
8 Signatory, Invited Signatory, and Concurring Party. FHWA and USACE shall ensure
9 that each Signatory, Invited Signatory, and Concurring Party is provided with a copy
10 of the fully executed Agreement.

11 **XX. DURATION**

- 12
13 A. This Agreement will remain in effect for five (5) years after the date it takes effect.
14 One hundred twenty (120) days prior to the conclusion of the five-year period,
15 HDOT will notify all Signatories in writing. The Agreement may be extended for
16 an additional term, the length of which will be agreed to by the Signatories. The
17 extension will be codified through an amendment of the Agreement in accordance
18 with Stipulation XIV. If any of the Signatories objects to extending the Agreement
19 or proposes amendments, HDOT will consult with the Signatories to consider
20 amendments or other actions to avoid termination consistent with Stipulation XVII.
21
22 B. FHWA may invite additional federal agency Signatories to become party to this
23 Agreement. If the party accepts the invitation, a formal amendment in accordance
24 with Stipulation XIII is required.
25
26 C. All parties, when considering any extension of this Agreement, shall have at least
27 sixty (60) calendar days to comment on the extension.
28
29 D. This Agreement may be superseded by a new agreement where the Signatories
30 agree through the development and execution of the new agreement. If this
31 Agreement is superseded by a new agreement, this Agreement will have no
32 further force or effect upon the execution of the superseding agreement. Any
33 superseding agreement shall make provisions for the projects under review at the
34 time of the termination of the old agreement and/or the execution of the new
35 agreement.
36

37 **EXECUTION** and implementation of this agreement evidence that FHWA has delegated
38 certain Section 106 responsibilities to HDOT and has afforded ACHP a reasonable opportunity
39 to comment on the Program and its individual projects in Hawai'i, that FHWA and USACE
40 have taken into account the effects of the Program and its individual projects on historic
41 properties, and that FHWA and USACE have complied with Section 106 of the NHPA and 36
42 C.F.R. Part 800 for the Programs and their individual projects.

**PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
UNITED STATES ARMY CORPS OF ENGINEERS,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE HAWAI'I STATE HISTORIC PRESERVATION OFFICER, AND
THE STATE OF HAWAI'I DEPARTMENT OF TRANSPORTATION
REGARDING
MINOR FEDERAL-AID HIGHWAY PROGRAM PROJECTS IN HAWAI'I**

U.S. FEDERAL HIGHWAY ADMINISTRATION

By _____ Date _____

Richelle M. Takara, Division Administrator

**PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
UNITED STATES ARMY CORPS OF ENGINEERS,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE HAWAI'I STATE HISTORIC PRESERVATION OFFICER, AND
THE STATE OF HAWAI'I DEPARTMENT OF TRANSPORTATION
REGARDING
MINOR FEDERAL-AID HIGHWAY PROGRAM PROJECTS IN HAWAI'I**

HAWAI'I STATE HISTORIC PRESERVATION OFFICER

By _____ Date _____

Dr. Jessica Puff, Deputy State Historic Preservation Officer

**PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
UNITED STATES ARMY CORPS OF ENGINEERS,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE HAWAI‘I STATE HISTORIC PRESERVATION OFFICER, AND
THE STATE OF HAWAI‘I DEPARTMENT OF TRANSPORTATION
REGARDING
MINOR FEDERAL-AID HIGHWAY PROGRAM PROJECTS IN HAWAI‘I**

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By _____ Date _____

Reid Nelson, Executive Director

**PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
UNITED STATES ARMY CORPS OF ENGINEERS,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE HAWAI'I STATE HISTORIC PRESERVATION OFFICER, AND
THE STATE OF HAWAI'I DEPARTMENT OF TRANSPORTATION
REGARDING
MINOR FEDERAL-AID HIGHWAY PROGRAM PROJECTS IN HAWAI'I**

UNITED STATES ARMY CORPS OF ENGINEERS

By _____ Date _____

(name, title)

**PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
UNITED STATES ARMY CORPS OF ENGINEERS,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE HAWAI'I STATE HISTORIC PRESERVATION OFFICER, AND
THE STATE OF HAWAI'I DEPARTMENT OF TRANSPORTATION
REGARDING
MINOR FEDERAL-AID HIGHWAY PROGRAM PROJECTS IN HAWAI'I**

STATE OF HAWAI'I DEPARTMENT OF TRANSPORTATION

By _____ Date _____

Edwin Sniffen, Director

DRAFT

APPENDIX A: ACTIVITIES WITH MINIMAL POTENTIAL TO CAUSE EFFECTS

FHWA, USACE, SHPO, ACHP, and HDOT have jointly concurred that, based on their past experience, the following activities typically result in findings of “No Historic Properties Affected” (36 C.F.R. Part 800.4(d)(1)).

In accordance with Stipulation VII.A of this Agreement, under the Authority of FWHA, HDOT Qualified Staff may determine that a project qualifies for processing under this appendix as one with minimal potential to cause effects.

The determination of applicability and the processing of any project using the terms of this Agreement shall be conducted in accordance with Stipulation VII.A of this Agreement.

To be applicable, a project shall be limited to any of the activities specified below. Depending on the nature of the project, the sensitivity of the location, and/or the potential for effects, these activities are divided into three tiers of review: Tier I, Tier II, and Tier III. For projects comprising more than one activity, the project shall be reviewed based on the highest level tier activity that is part of the project. If any part of the project does not qualify for the use of this Agreement, the entire project is not eligible to use this Agreement and must use the standard Section 106 process as defined in 36 CFR part 800.

Tier II and Tier III projects that are located within mapped areas of sensitive sandy soils known to have a high probability of cultural sites or historic districts that are listed or previously determined eligible for the NRHP shall be reviewed in accordance with the procedures outlined in Stipulations VI and VII.D.

TIER I REVIEW ACTIVITIES

A. Pavement Preservation and Surface Treatments

1. Pavement preservation strategies and surface treatments, including pothole repair, that do not disturb any subgrade soils (e.g., overlaying, crack seal, slurry seal, fog seal, scrub seal, sand seal, tack coat, microsurfacing, micromilling, chip seal, and asphalt rejuvenators that are compliant with industry best management practices and an approved stormwater pollution preservation plan).
2. Installation and removal of concrete paving and grouted rubble paving where there is no excavation of soils below the subgrade. Other covered types of asphalt pavement preservation methods include open graded surface course, wearing surface treatments (stone matrix asphalt, Polymer Modified Asphalt [PMA], thin asphalt overlays/lane leveling, and milling and resurfacing). For Portland cement concrete, light pavement preservation may include dowel bar retrofits, spot high-friction treatments, diamond grinding, pavement patching, joint resealing, crack sealing, and spall repair.
3. Project staging that is limited to the right-of-way and does not include excavation below subgrade.
4. Installation and removal of new milled rumble strips and all pavement markings.
5. Installation of traffic control facilities that do not disturb subgrade soils.

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

- 1 6. Scarification and coring of existing pavement.
- 2
- 3 B. Modernization and general highway maintenance:
- 4 1. Temporary water pollution, dust, and erosion control measures that do not penetrate
- 5 the natural ground surface. Covered methods include, but are not limited to,
- 6 installation of slope drains (e.g., surface pipes, fiber, mats, erosion control fabric,
- 7 geotextile, portland cement concrete, or plastic sheets), mulches, grass planting,
- 8 hydro-mulching, rubble, and berms. This includes measures implemented to protect
- 9 staging areas and areas awaiting future repairs.
- 10 2. Crosswalk installation/replacement.
- 11 3. Installation of decorative boulders in areas outside of sensitive soils and historic
- 12 districts, with no disturbance of subgrade soils and within the road prism.
- 13 4. Installation of loop detectors (wire sensors embedded in the road paving to activate
- 14 traffic signals and other systems).
- 15
- 16 C. Culvert, Drain, and Stream Improvements
- 17 1. Cleaning of debris and blockages from culverts under roadways, ramps, and
- 18 embankments as well as other drainage structures such as catch basins and grated
- 19 inlets. This also consists of the cleaning and clearing of drainage ways to the existing
- 20 grade line, including removal of sediment on concrete-lined ditches, and to the
- 21 previous grade line of unlined ditches.
- 22 2. Cleaning of subdrains for permeable base layers and cleaning of existing French
- 23 drains.
- 24
- 25 D. Bicycle and Pedestrian Improvements
- 26 1. Installation of bicycle racks.
- 27
- 28 E. Facility Modernizations & Potential Property Acquisitions
- 29 1. Installation of Intelligent Transportation Systems on existing transportation
- 30 infrastructure.
- 31 2. Acquisition or renewal of scenic, conservation, or other habitat or land preservation
- 32 easements where no construction activities will occur.
- 33
- 34 F. Other Project Activities
- 35 1. Maintenance and replacement of highway signs on existing poles.
- 36 2. Maintenance of vegetation limited to mowing, trimming, pruning, removal of hazard
- 37 limbs, seeding and hydroseeding, and installing turf for erosion control where all
- 38 activity occurs within the existing right-of-way and does not involve ground
- 39 disturbance exceeding 24 inches in depth.
- 40 3. Project staging that is limited to the right-of-way and does not involve ground
- 41 disturbance exceeding 24 inches in depth.
- 42 4. Streetlight and utilities maintenance that does not involve ground disturbance
- 43 exceeding 24 inches in depth.

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

5. Removal of signs, posts, guardrails, and traffic control structures that does not involve ground disturbance exceeding 24 inches in depth or the area of previous ground disturbance, if known.

TIER II REVIEW ACTIVITIES

- A. Modernization and general highway maintenance that may require additional highway right-of-way or easement, including:
 1. Fencing erected with driven posts or stakes, such as temporary silt fences that is not located in a historic district.
 2. Sidewalk reconstruction that does not disturb any soils below the subgrade and is not located in a historic district.
 3. Lighting, signals, sign, and warning device replacement and installation that do not disturb area that was not disturbed previously by the existing post or structure. This includes installation on existing posts or other existing structures such as traffic signal mast arms and is not located in a historic district.
 4. Replacement or new installation of highway signs (e.g., regulatory and warning, bikeway, school area, Civil Defense, conventional motorist services), on 12- or 14-gauge square tube posts or flange channel posts; street name signs and guide signs on steel posts; and markers on zinc coat metal posts or flexible posts that is not located in a historic district.
 5. Median barrier installation that does not involve excavation and is not located in a historic district.
 6. Vegetation clearing as part of roadway improvements, provided that no grubbing is undertaken that includes ground disturbance exceeding 24 inches in depth, and is not located in a historic district.
 7. Installation of solar or alternative energy devices on existing transportation infrastructure that does not require soil excavation, is not located in a historic district and is not directly attached to a bridge or other building or structure that exceeds 45 years of age.
 8. Placement of riprap and/or other erosion control measures to prevent erosion of waterway banks not related to bridges. Placement of embankment material shall be fill-only and shall not disturb soil below the subgrade or outside of the road right-of-way. Routine vegetation and landscape maintenance, including weeding, thinning, hydro-mulching, in-kind replacement of existing specimens, installation of tree guards and root control barriers, staking, mulching, installation of weed-blocking geotextile, and shallow bed preparation in areas previously landscaped within the right-of-way.
 9. Installation of decorative boulders in areas outside of sensitive soils and historic districts, with buried section depth not to exceed 24 inches below grade.

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

B. Culvert, Drain, and Stream Improvements

1. Rehabilitation or replacement of existing storm drains and pipes, which may include installation of new top slabs and grates and raising of top heights of structures without ground disturbance and not in a historic district.
2. Placement of geotextiles for geocomposite drains on slopes within the right-of-way, with surface preparation limited to subgrade.

C. Bicycle and Pedestrian Improvements

1. Construction of bicycle lanes and shared use paths and facilities within the existing right-of-way with no excavation beneath the subbase course of the existing roadway, and with no disturbance of any subgrade soils.

D. Other Project Activities

1. New signpost installation or in-kind replacement of signposts within existing footprints where all activity occurs within the existing right-of-way and ground disturbance does not exceed 24 inches in depth.
2. Replacement and installation of beam-type guardrails using a post-driving machine conducted without additional excavation activities; and any guardrail repair and replacement activities that do not disturb the soil below the subgrade or occur outside the road right-of-way.
3. Guardrail repair and replacement where all activity occurs within the existing right-of-way. Installation of rigid barrier-type guardrail in same location without excavation into subgrade soils.
4. Installation of fences that require soil excavation in the right-of-way. These include chain link fences with concrete embedded posts, braces, or anchors. Post footings must be less than 12 inches in diameter and a maximum of 3 feet in depth.
5. Repair and stabilization of non-historic retaining walls (i.e., less than 45 years old at the time of the proposed project).
6. Utility-related work including minor electrical repairs, vault installation, and related drainage systems.

TIER III REVIEW ACTIVITIES

A. General Activities:

1. Clearing of trees and brush up to 24 inches in depth..
2. Construction of turning lanes and pockets, auxiliary lanes (e.g., truck climbing, acceleration and deceleration lanes), and shoulder widening where only placement of fill material is involved, and that does not involve excavation below sub-base and is not in a historic district.
3. Installation of waterlines and valve houses for temporary or permanent irrigation systems installed with excavation only to subgrade and not in a historic district.
4. Installation of new light posts with excavation only to subgrade and not in a historic district.

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

5. Lighting, signal, sign, and warning device replacement and installation, including overhead signs not in a historic district.
6. Sidewalk and curb and gutter reconstruction, including but not limited to asphalt and portland cement concrete sidewalks.

B. Culvert, Drain, and Stream Improvements

1. Replacement of culverts less than 60 inches in diameter. This activity excludes replacing box culverts constructed of concrete rubble masonry or stone, and at least 45 years of age.
2. Stream and/or slope stabilization and restoration activities (including removal of debris or sediment obstructing the natural waterway, or any non-invasive action to restore natural conditions). Placement of embankment material shall be fill-only and shall not disturb soil below subgrade or areas outside of the road right-of-way. This includes hand-laid and dumped riprap.

Pre-storm clearing of streams, culverts and drains to remove debris. Road restoration associated with storm damage, if road repairs do not involve reconstruction of roadbed below original sub-base.

C. Bicycle and Pedestrian Improvements

1. Rehabilitation or replacement of existing pedestrian walkways, sidewalks, curb ramps, small passenger shelters, and car exclusion bollards, as long as they are not within a historic district.
2. Construction of bicycle lanes and shared-use paths and other minor facilities (traffic signals, bicycle racks, intelligent transportation devices, electric boxes) with ground disturbance that does not exceed 12 inches in depth and are within the existing right-of-way.
3. Recreational trail construction, provided that the trail is not located in a former railroad right-of-way and/or is not a historic trail.
4. Routine recreational trail maintenance when done on existing alignment.

D. Other Project Activities

1. Paving occurring on a bridge; that must remain within the existing asphalt pavement on the bridge deck. No other bridge-related activities are included under this Agreement.
2. Rockfall mitigation measures limited to wire mesh drape systems and anchored wire mesh, provided they are not in an area of known burials.

APPENDIX B: GLOSSARY OF TERMS FOR APPENDICES

- 1
- 2 Base Course – The layer or layers of specified material or selected material of a designed
- 3 thickness placed on a subbase or subgrade to support a surface course.
- 4 Clearing – Removing and disposing of all unwanted surface material, such as trees,
- 5 brush, grass, weeds, downed trees, and other material.
- 6 Grubbing – Removing and disposing of all unwanted vegetative matter from
- 7 underground, such as stumps, roots, buried logs, and other debris.
- 8 Intelligent Transportation Systems – Technologies that are used in different modes of
- 9 transport and traffic management and enable users to be better informed and make safer,
- 10 more coordinated, and 'smarter' use of transport networks. Examples include vehicle
- 11 assistance and traffic guidance systems, speed cameras, license plate number detection
- 12 systems, and closed-circuit television systems monitoring intersections.
- 13 Leveling Course – An aggregate mixture course of variable thickness used to restore
- 14 horizontal and vertical uniformity to existing pavements or shoulders.
- 15 Pavement – The uppermost layer of material placed on the traveled way, shoulders, or
- 16 both. Pavement and surfacing may be interchangeable.
- 17 Pavement Structure – The combination of subbase, base, pavement, surfacing, or other
- 18 specified layer of a roadway constructed on a subgrade to support the traffic load.
- 19 Qualified Staff – Staff position with historic preservation qualifications, defined in this
- 20 Agreement as the individual(s) responsible for review, determinations regarding
- 21 applicability of the Agreement to projects and required actions under the tiers described
- 22 in Appendix A. Please refer to Stipulation III for definition of the qualifications for the
- 23 Qualified Staff role, and Stipulation VI for description of the responsibilities under this
- 24 Agreement.
- 25 Right-of-Way – Land, property, or property interests acquired by a government agency
- 26 for or devoted to transportation purposes.
- 27 Roadbed – The graded portion of a highway within top and side slopes, prepared as a
- 28 foundation for the pavement structure and shoulders.
- 29 Roadside – The area between the outside edges of the shoulders and the right-of-way
- 30 boundaries. Unpaved median areas between inside shoulders of divided highways and
- 31 infield areas of interchanges are included.
- 32 Shoulder – The portion of the roadway next to the traveled way for: accommodation of
- 33 stopped vehicles, placement of underground facilities, emergency use, and lateral support
- 34 of base and surface courses.
- 35 Sidewalk – The portion of the roadway primarily constructed for use by pedestrians.

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

- 1 Standard Plans – Drawings provided by the State for specific items of work approved for
2 repetitive use.
- 3 Subbase – A layer of specified material of specified thickness between the undisturbed
4 subgrade below and a disturbed base above.
- 5 Subgrade – The top surface of completed earthwork on which subbase, base, surfacing,
6 pavement, or a course of other material is to be placed. Below this is considered soil that
7 is not part of the road structure.
- 8 Surfacing – The uppermost layer of material placed on the traveled way or shoulders.
9 This term is used interchangeably with pavement.
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APPENDIX C
LIST OF CONSULTING PARTIES

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

ATTACHMENT A: PROJECT CERTIFICATION FORM

I. PROJECT DATA

Date Reviewed:	HDOT Qualified Staff (Reviewer):
(Desktop or Field Review Date)	Approval date:
HDOT Project Manager:	HDOT Contact Info:
State Number:	FHWA Number:
Project Name:	
Project Description:	
Island, Moku, Ahupua'a:	
TMK:	
Street Address:	
County:	Zip Code:
Total Property Acreage:	Project Area (Please attach map):
List any previous SHPD correspondence (LOG Number and DOC number, if applicable)	
LOG NO.	DOC NO.
This project is:	
<input type="checkbox"/> An activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency;	
<input type="checkbox"/> Carried out with Federal financial assistance; and/or	
<input type="checkbox"/> Requiring a Federal permit, license, or approval.	
<input type="checkbox"/> None of the above. (Project does not qualify for the FHWA Agreement.)	
<input type="checkbox"/> An activity that is included in Appendix A of FHWA Agreement. (If NO, then Project does not qualify for the FHWA Agreement.)	

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

II. PROJECT INFORMATION

Is this a new Project or existing project with modified scope of work? (Explain differences between original and modified project description, if applicable.)

Project Description and Scope of Work

Description of previous ground disturbance (Document evidence including pictures):

Description of proposed ground disturbance (Attach PD from HDOT):

List of Appendix A Tier I Activities (Attach Project scope if needed):

List of Appendix A Tier II Activities (Attach Project scope if needed):

List of Appendix A Tier III Activities (Attach Project scope if needed):

III. TIER I PROJECT ASSESSMENT (Certified HDOT Project Manager or Qualified Staff)

Review of location map of proposed Tier I Activities. Certification that the map contains all Project activities and their respective locations. Verification Initials: _____

Review of Project Activities: Do all the project activities fall under the list of project types listed in Appendix A, Tier I? (If YES, proceed to signature line below; If NO, proceed to Section IV.

Review of NRHP (NPS), HDOT, and SHPD databases to confirm whether the APE's location lies within a listed or previously identified historic districts.

As the HDOT -designated staff (Qualified Staff), you hereby certify that you have answered that the proposed Project only includes Tier I Activities and will result in a "No Historic Properties Affected" finding consistent with 36 C.F.R. Part 800.4(d)(1).

Signature: _____ Date: _____

Email: _____

IV. TIER II PROJECT ASSESSMENT (QUALIFIED STAFF)

Review of location map of proposed Tier II Activities. Certification that the map contains all Project activities and their respective locations. Verification Initials: _____

Does the proposed project include any Tier III Activities? (If YES, proceed to Section V of the Certification Form; If NO proceed to next question.) YES NO

Is the proposed project located within the boundaries of a NRHP-listed or NRHP-eligible historic property/historic district (as determined by a Federal agency with concurrence from SHPO) **AND** does it have the potential to affect any of the characteristics and/or contributing elements of that

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

1 resource? If YES, proceed to Section V of the Certification Form; If NO proceed to next question.)
2 YES NO

3 Are the Tier II Project Activities located in a SSURGO-mapped area that contains Jaucas Sands,
4 Puuone Sands, or Beach Sands? YES NO

5 If you answered “NO”, then please proceed to the Tier II Certification below.

6 If you answered “YES”, then please verify that the Project Activities will not extend below the
7 subbase into these natural soils and proceed to the next question.

8 Verification initials: _____.

9 If the project **may extend** below the subbase and into Jaucas Sands, Pu’uone Sands, or Beach
10 Sands then the Project does not qualify for streamlining under the FHWA Agreement.

11 Verification initials: _____.

12 **TIER II CERTIFICATION**

13 As the HDOT -designated Qualified Staff, you hereby certify that you have answered that the
14 proposed Project only includes Tier II Activities and will result in a “No Historic Properties
15 Affected” finding consistent with 36 C.F.R. Part 800.4(d)(1).

16 Signature: _____ Date: _____

17 Email: _____

18 **V. TIER III PROJECT ASSESSMENT (QUALIFIED STAFF)**

19 A. Does the Project include any Tier III Activities? If YES, then proceed to the next question. If
20 NO (and the Project is not composed entirely of Tier I and II Activities), the Project is not eligible
21 for streamlining under this Agreement and the procedures under 36 C.F.R. Part 800 must be
22 followed.

23 NOT ELIGIBLE YES NO

24 B. Preparation of Area of Potential Effect (APE) Map (please attach APE map to this Certification
25 Form):

26 HDOT must prepare an APE Map that includes all areas directly and/or indirectly affected by the
27 Project. By signing below, HDOT Qualified Staff certify that all proposed Tier III Activities will
28 occur within the boundaries of the APE and that the APE accounts for all potential direct and/or
29 indirect effects to historic properties (if they were to be present). Approval of the APE map by
30 HDOT Qualified Staff must occur prior to preparation of the identification report as defined in
31 Stipulation VI.E.

32 Verification Initials of Qualified Staff and Date: _____

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

1 C. Preparation of an identification report as defined in Stipulation VI.E.

2 When considering the preparation and scope of an identification report as defined in Stipulation
3 VI.E, Qualified Staff will consider the following:

4 a) The potential for the project to impact the integrity of a potential historic property
5 directly or indirectly;

6 b) The potential for the project to impact the integrity of a listed or previously identified
7 historic district as noted in National Register, HDOT, and SHPD databases;

8 c) the types of activities that could compromise the physical integrity of a property more
9 than 50 years old that could render it ineligible for the NRHP;

10 d) The degree of recent development and overall change within the APE;

11 e) The density of potential historic properties in the area of the project;

12 f) Modifications to the project that can be made to avoid impacts to potential historic
13 properties;

14 g) The potential archaeological sensitivity within the APE particularly whether Jaucas
15 Sands, Pu'uone Sands, or Beach Sands as defined in SSURGO soil survey data are present
16 within the APE; and

17 h) Information from consulting parties and others with knowledge of, or concerns with,
18 historic properties within the APE.

19 The identification report as defined in Stipulation VI.E shall consider both archaeological and
20 architectural resources as well as properties of religious and cultural significance/traditional
21 cultural properties and shall be prepared to be consistent with the *Procedures and Guidelines for*
22 *Archaeological Survey and Inventory Hawai'i* and be prepared by a qualified professional
23 archaeologist employed by HDOT, or qualified professional consulting archaeologist(s), with an
24 active and valid permit to conduct archaeology from the State Historic Preservation Division
25 (SHPD). Historic architectural resource reviews shall be conducted by a qualified professional
26 architectural historian/historian, or qualified professional consulting architectural
27 historian(s)/historian(s).

28 Identification Report (per Stipulation VI.E) Findings:

29 1) Does the APE include any buildings, structures, objects, districts, and/or sites older than 45
30 years old? YES NO

31 2) Does the APE include any previously identified historic properties that were evaluated and
32 received the documented concurrence from the SHPO?
33 YES NO

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

1 3) If NO, do any of the Tier II Activities have the potential to affect historic properties such that
2 an AIS or architectural survey is required (this includes projects that may extend below the subbase
3 and into Jaucas Sands, Puuone Sands, and/or Beach Sands) or are located in or adjacent to the
4 boundaries of a previously identified historic property? YES NO

5 4) If you answered YES to Questions 1, 2, or 3, will project activities have an effect on any
6 elements and/or characteristics of the previously identified historic properties or properties that are
7 more than 45 years old? YES NO

8 5) Does the identification report as defined in Stipulation VI.E, through the literature review and/or
9 field inspection, identify any potentially intact subsurface areas within the APE that could be
10 affected by Project Activities, and does it provide a recommendation for subsurface testing?
11 YES NO

12 If you answered YES to Questions 4 or 5 (above), your project does not qualify for streamlining
13 under this Agreement and must follow the procedures under 36 C.F.R. Part 800.

14 If you answered NO to Questions 3, 4, and 5 above, your project qualifies for a “No Historic
15 Properties Affected” finding consistent with 36 C.F.R. Part 800.4(d)(1). By signing below, you
16 hereby certify that no historic properties will be affected by the project (please attach the
17 identification report as defined in Stipulation VI.E).

18 **TIER III Certification**

19 As the HDOT -designated Qualified Staff, I hereby certify that I have verified that the proposed
20 Project includes Tier III Activities (and, if applicable, any Tier I Activities) and will result in a
21 “No Historic Properties Affected” finding consistent with 36 C.F.R. Part 800.4(d)(1).

22 Signature: _____ Date: _____

23 Printed Name: _____

24 HDOT-designated Qualified Staff

25 Email: _____

26

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

VI. AVOIDANCE & EFFECT MINIMIZATION

If this project does not involve any historic properties, initial here: _____

If the project activities do not have the potential to adversely affect historic properties, initial here:

(If this project does not involve any historic properties **or** if the project activities do not have the potential to adversely affect historic properties, you may skip the remainder of this section.)

Please specify the measures that will be used to minimize or negate any potential to adversely affect historic properties (check all that apply):

☐ Conduct archaeological survey or AIS has been previously prepared

☐ Conduct architectural survey

☐ Prepare a traditional cultural places assessment (based on the 2024 National Register Bulletin concerning traditional cultural places; see <https://irma.nps.gov/DataStore/DownloadFile/713283>)

☐ Prepare archaeological monitoring plan (AMP) or follow an AMP that has been prepared

☐ Modify project and/or design (provide description of original design and how it was modified to minimize or avoid effects)

☐ Archaeological monitoring:

☐ On-site (please specify: _____)

☐ On-call (please specify: _____)

☐ Cultural monitoring:

☐ On-site (please specify: _____)

☐ On-call (please specify: _____)

☐ Train crew/staff

☐ Use buffers or other physical protective measures (please specify: _____)

VII. EFFECTS DETERMINATION

Please check only one:

☐ No Historic Properties Affected (Appendix A – Tier I, Tier II, or Tier III)

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

- 1 ☐ No Historic Properties Affected with Avoidance/Effect Minimization (Appendix A – Tier
2 II or Tier III)

3 **VII. PROJECT SUBMITTALS**

- 4 • Copy of the Tax Map Key (TMK).
- 5 • Please submit a copy of the property map showing the project area and indicate if the
6 project area is smaller than the property area. Submittal should be on a 1:24,000 scale
7 USGS map, or portion of map, enlarged. Note Tax Map Key, island, district, and ahupua‘a.
- 8 • Please submit a permit set of drawings. A permit set is a set of drawings prepared and
9 signed by a licensed architect or engineer and is at least 65% complete.
- 10 • Any additional review or documentation as appropriate.
- 11 • Copy of APE map (for projects with Tier II and III Activities).
- 12 • Identification report as defined in Stipulation VI.E (for projects with Tier III Activities).

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

- 1 ****Section below (for HDOT uses only to satisfy requirements of HRS Chapter 6E)****
- 2 Qualifying Activities on “Comprehensive Exemption List for the State of Hawaii Department of
- 3 Transportation Amended, November 15, 2000.”
- 4 Note Exemption Class and Number: _____

DRAFT

FINAL DRAFT – WORK IN PROGRESS
30 September 2025

HDOT CERTIFICATION

The undersigned certify to the following Stipulations:

- Coordination of the Section 106 process should begin as early as possible in the planning phase of the project (undertaking) so as not to cause a delay. The Annual Report and Meeting, as required under Stipulation XI.A.8 shall include a discussion on upcoming project planning known at the time of the Annual Report.
- HDOT should not predetermine a Section 106 finding under the assumption that a project is limited to the activities listed in Appendix A until this form is signed by a Qualified Staff.
- Tier II and III projects shall be coordinated with and reviewed by a Qualified Staff in accordance with the Programmatic Agreement Among the Federal Highway Administration, the Hawai'i State Historic Preservation Office, the Advisory Council on Historic Preservation, and the State of Hawai'i Department of Transportation Regarding the Federal-aid Highway Program in Hawai'i.
- If any portion of the project is not entirely limited to any one or a combination of the activities specified in Appendix A, please refer to the Programmatic Agreement Among the Federal Highway Administration, the Hawai'i State Historic Preservation Office, the Advisory Council on Historic Preservation, and the State of Hawai'i Department of Transportation Regarding the Federal-aid Highway Program in Hawai'i on how to proceed.
- Should project plans change, please inform the Qualified Staff in accordance with Stipulation VII.G of the Programmatic Agreement.

This "No Historic Properties Affected" project determination is your Section 106 finding. Please notify SHPD per the terms of the Programmatic Agreement.

Signature of HDOT Qualified Staff

Printed Name

HDOT Department or Company

SHPD Permit No. (if applicable)

Phone Number

Date

Project Manager

Printed Name

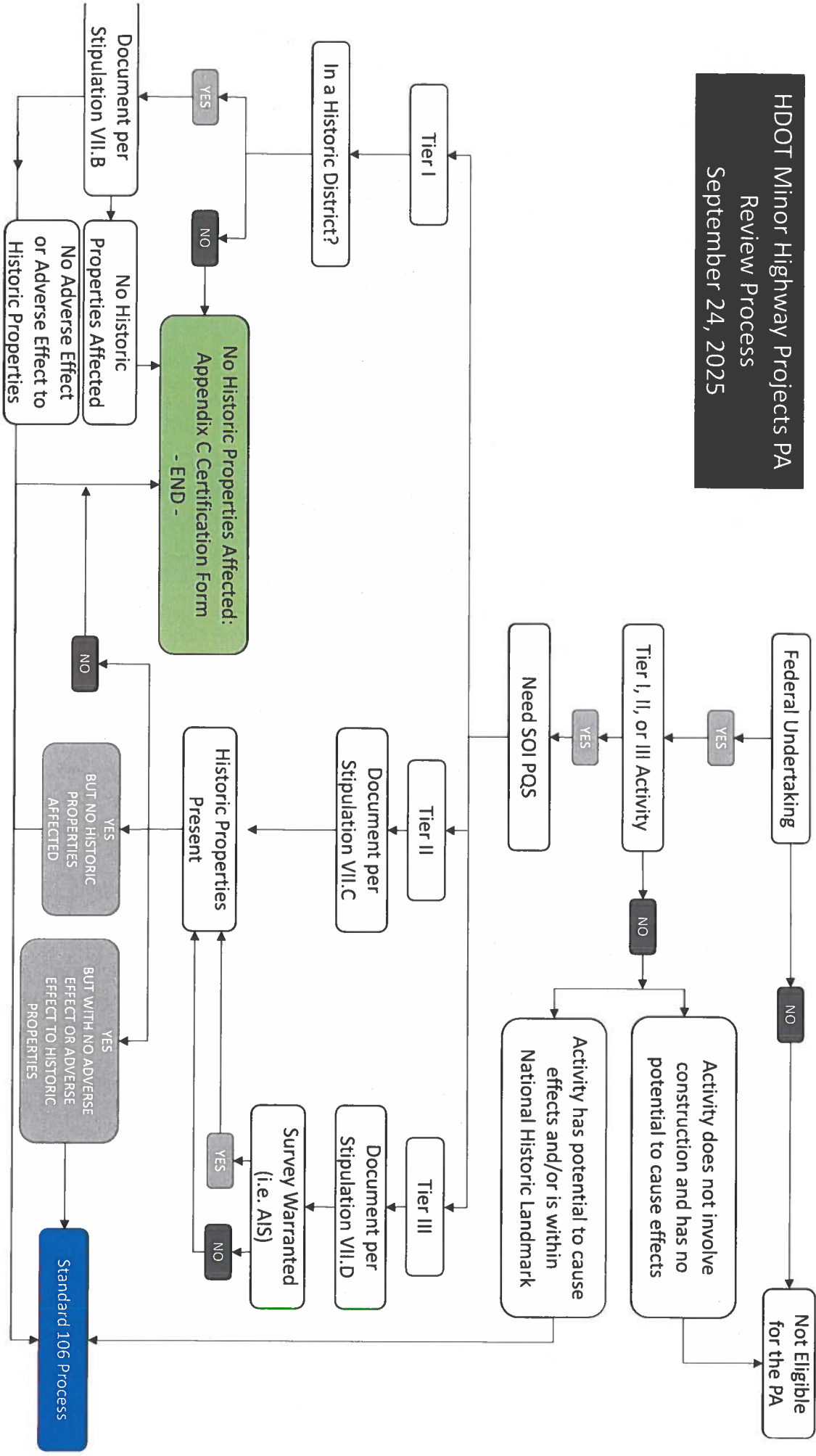
HDOT Department

SHPD Permit No. (if applicable)

Phone Number

Date

HDOT Minor Highway Projects PA
Review Process
September 24, 2025



From: [Emmaline Irvine](#)
To: [Marisa Valenciano](#)
Cc: [Mara Mulrooney](#)
Subject: Initiation of NHPA Section 106 and HRS Chapter 6E Consultation for the Proposed Hawaiian Islands Fiber Link Project, Kaua'i, O'ahu, Maui, Molokai, Lāna'i, and Hawai'i Island
Date: Tuesday, September 23, 2025 1:38:37 PM
Attachments: [image001.png](#)
[HIFL_Sec106_Figures.pdf](#)
[HIFL_106_Consultation_Letter_County_of_Kauai_Planning_Department_Valenciano.pdf](#)

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha e Ms. Valenciano:

On behalf of the University of Hawai'i (UH), who have been designated by the US Army Corps of Engineers (USACE) as their non-Federal representative to conduct Section 106 consultation, we are attaching a letter regarding the proposed Hawaiian Islands Fiber Link (HIFL) Project. The HIFL Project is an interisland subsea fiber optic cable system that would provide critical infrastructure to improve and expand high-speed internet (broadband) access and availability across the State of Hawai'i, ensuring that communities across the state have reliable and affordable access to high-speed internet. The proposed undertaking involves the construction, operation, and maintenance of an interisland subsea cable with cable landing sites on Kaua'i, O'ahu, Maui, Lāna'i, Molokai, and Hawai'i Island. More information is available at: <https://www.hifl.llc/> and in the attached letter.

Locations:

Kaua'i: Nukoli'i Beach, Hanamā'ulu Ahupua'a and Kaua'i Community College, Niumalu Ahupua'a, Lihu'e District; TMKs (4) 3-4-007:003 (por.), (4) 3-7-003:007 (por.), (4) 3-7-003:017 (por.), and (4) 3-7-003:999 (Kūhiō Highway ROW)

O'ahu: Barbers Point Beach Park, Honouliuli Ahupua'a, 'Ewa Moku; TMKs (1) 9-1-026:027 (por.), (1) 9-1-026:999 (Ola'i Street ROW)

Maui: Kahului Harbor and UH Maui College, Wailuku Ahupua'a, Wailuku Moku; TMKs (2) 3-7-001:021 (por.), (2) 3-7-001:022 (por.), (2) 3-7-001:999 (Kahului Beach Road ROW), (2) 3-8-007:001 (por.), (2) 3-8-007:040 (por.)

Molokai: Molokai Yacht Club and Molokai Education Center, Kaunakakai Ahupua'a, Kona Moku; TMKs (2) 5-3-001:003 (por.); (2) 5-3-001:011 (por.); (2) 5-3-003:013 (por.), (2) 5-3-003:014 (por.), (2) 5-3-003:999 (Alanui Kaimike Street ROW)

Lāna'i: Mānele Harbor, Pālāwai Ahupua'a, Kona Moku, Island; TMKs (2) 4-9-017:006 (por.), (2) 4-9-017:027 (por.)

Hawai'i Island (Hilo): PACRC and UH Hilo, Waiākea Ahupua'a, South Hilo District; TMKs (3) 2-1-009:001 (por.), (3) 2-1-009:041 (por.), (3) 2-1-011:004 (por.), (3) 2-1-011:005 (por.), (3) 2-1-011:010 (por.), (3) 2-4-001:167 (por.).

Location and Area of Potential Effect (APE) maps are attached as well.

E.2.
NOV 18 2025

If you have mana'o to share, please do not hesitate to contact Mara Mulrooney at mulrooney@pacificlegacy.com or at our office address below. We look forward to hearing from you and would appreciate your response within 30 days.

Mahalo,
Emmaline



Emmaline Irvine, MA | Archaeologist
146 Hekili Street, Suite 205 | Kailua, HI 96734
(o) 808-263-4800 (m) 541-379-0499
www.pacificlegacy.com
(she/her/hers)



Pacific Basin Division
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Kailua, HI 96734

Phone: 808.263.4800
Fax: 808.263.4300
www.pacificlegacy.com

September 22, 2025

Marisa Valenciano, Planner
County of Kaua'i, Planning Department
4444 Rice Street Suite A473
Lihu'e, HI 96766

Subject: Initiation of Consultation Pursuant to Section 106 of the National Historic Preservation Act and Chapter 6E, Hawai'i Revised Statutes for the Proposed Hawaiian Islands Fiber Link Project, with Cable Landing Sites on Kaua'i (Nukoli'i Beach and Kaua'i Community College), O'ahu (Barbers Point Beach Park), Maui (Kahului Harbor and University of Hawai'i [UH] Maui College), Molokai (Molokai Yacht Club and Molokai Education Center), Lāna'i (Mānele Harbor), and Hawai'i Island (Pacific Aquaculture & Coastal Resource Center [PACRC] and UH Hilo)

Aloha e Ms. Valenciano:

The University of Hawai'i (UH) is proposing the Hawaiian Islands Fiber Link (HIFL) Project to improve and expand high-speed internet (broadband) access, as described below. The proposed project will require a Nationwide Permit from the U.S. Army Corps of Engineers (USACE) and is utilizing Federal funding; it is therefore considered to be a Federal undertaking as defined in 36 CFR § 800.16(y), and subject to compliance with the National Historic Preservation Act (NHPA) Section 106 in accordance with 36 CFR Part 800. The purpose of this letter is to request feedback pursuant to Section 106 of the NHPA and State of Hawai'i historic preservation law (Chapter 6E, Hawai'i Revised Statutes [HRS]). The purpose of Section 106 is to consider the effect that Federal agency actions (including use of Federal funds) may have on historic properties within the area of potential effect. The purpose of HRS Chapter 6E is to conserve and develop the historic and cultural properties within the State for the public good.

You are receiving this letter either because you are a Native Hawaiian Organization (NHO) currently listed with the U.S. Department of the Interior, Office of Native Hawaiian Relations, or because you are a non-listed NHO or invested community member who may wish to be involved based on your area(s) of interest. We appreciate your perspective and expertise, and are seeking any feedback you are willing to provide. In order to ensure we are able to incorporate your input, we request a response within 30 days.

The USACE, pursuant to 36 CFR § 800.2(c)(3), has designated UH as their non-Federal representative to conduct Section 106 consultation for the proposed undertaking with the understanding that they may in turn delegate efforts to an archaeological consulting firm or other appropriate party. UH has in turn delegated to Pacific Legacy the role of conducting outreach on behalf of USACE. While Pacific Legacy's role is to assist USACE with outreach to potential consulting parties, USACE remains responsible for all findings and determinations charged to the lead federal agency. Should you prefer to talk directly to USACE, please contact Vera Koskelo at (808) 451-9274 or vera.b.koskelo@usace.army.mil.

Project Description

Name: Hawaiian Islands Fiber Link Project

Summary: The HIFL Project is an interisland subsea fiber optic cable system that would provide critical infrastructure to improve and expand high-speed internet (broadband) access and availability across the State of Hawai'i, ensuring that communities across the state have reliable and affordable access to high-speed internet. The Project would interconnect the six main Hawaiian Islands, with cable landing sites on Kaua'i, O'ahu, Maui, Lāna'i, Molokai, and Hawai'i Island. More information is available at: <https://www.hifl.llc/>

Locations:

Kaua'i: Nukoli'i Beach, Hanamā'ulu Ahupua'a and Kaua'i Community College, Niumalu Ahupua'a, Līhu'e District; TMKs (4) 3-4-007:003 (por.), (4) 3-7-003:007 (por.), (4) 3-7-003:017 (por.), and (4) 3-7-003:999 (Kūhiō Highway ROW)

O'ahu: Barbers Point Beach Park, Honouliuli Ahupua'a, 'Ewa Moku; TMKs (1) 9-1-026:027 (por.), (1) 9-1-026:999 (Ola'i Street ROW)

Maui: Kahului Harbor and UH Maui College, Wailuku Ahupua'a, Wailuku Moku; TMKs (2) 3-7-001:021 (por.), (2) 3-7-001:022 (por.), (2) 3-7-001:999 (Kahului Beach Road ROW), (2) 3-8-007:001 (por.), (2) 3-8-007:040 (por.)

Molokai: Molokai Yacht Club and Molokai Education Center, Kaunakakai Ahupua'a, Kona Moku; TMKs (2) 5-3-001:003 (por.); (2) 5-3-001:011 (por.); (2) 5-3-003:013 (por.), (2) 5-3-003:014 (por.), (2) 5-3-003:999 (Alanui Kaimike Street ROW)

Lāna'i: Mānele Harbor, Pālāwai Ahupua'a, Kona Moku, Island; TMKs (2) 4-9-017:006 (por.), (2) 4-9-017:027 (por.)

Hawai'i Island (Hilo): PACRC and UH Hilo, Waiākea Ahupua'a, South Hilo District; TMKs (3) 2-1-009:001 (por.), (3) 2-1-009:041 (por.), (3) 2-1-011:004 (por.), (3) 2-1-011:005 (por.), (3) 2-1-011:010 (por.), (3) 2-4-001:167 (por.).

Proposed Undertaking

The proposed undertaking involves construction, operation, and maintenance of an interisland subsea cable with cable landing sites located on Kaua'i, O'ahu, Maui, Molokai, Lāna'i, and Hawai'i Island. The subsea cable, which would have a maximum diameter of 1.1 inches, would be surface-laid on the seabed within State and U.S. Federal waters to interconnect the islands. At all six cable landing sites, horizontal directional drilling (HDD) would be used to install underground conduit to facilitate installation of the cable beneath the shoreline between the onshore facilities and an offshore punchout location in nearshore waters; the HDD conduit would be approximately 6 inches in diameter. Facilities on each island would include a beach manhole (BMH), terrestrial fiber optic cable, and a cable landing station (CLS) with associated cable termination and monitoring equipment. Each cable landing site is briefly described below.

Kaua'i Cable Landing Site: The proposed cable landfall on the island of Kaua'i is located at Nukoli'i Beach, an undeveloped beach park accessed via Kaua'i Beach Rd., just north of Hanamā'ulu. This site would include a single HDD conduit, extending approximately 4,551 feet (1,387 m) from a BMH to the nearshore waters punchout point at a water depth of approximately 78 feet (24 m). The BMH and associated work areas would be sited in an undeveloped portion of the beach park, near the existing bathroom facilities. From the BMH, the terrestrial cable would be installed in new underground conduit along Kaua'i Beach Road and Kaua'i Beach Drive, terminating at a manhole at the intersection with Kūhiō Highway. From this point, the project would utilize fiber owned by a licensed utility as part

of the existing utility network, generally following a route along Kūhiō Highway and Kaumuali'i Highway to Kaua'i Community College. Space within an existing building on the Kaua'i Community College campus would be used as the CLS, with a new generator located adjacent to the existing building to provide emergency power; approximately 20 feet (6 m) of trenching would be required for underground conduit to run power between the generator and the existing building.

O'ahu Cable Landing Site: The proposed cable landfall on O'ahu is located at Barbers Point Beach Park in Kalaeloa on the south shore of O'ahu. This site would require two HDD conduits: one extending approximately 4,400 ft (1,341 m) from a BMH to the nearshore waters punchout point for the cable connecting to Kaua'i, and the other extending approximately 5,150 ft (1,570 m) from a BMH to the nearshore waters punchout point for the cable connecting to Maui. The punchout points would be at water depths of approximately 60 ft (18 m) and 65 ft (20 m), respectively. The BMHs and associated work areas would be located in an undeveloped portion of the beach park, near the existing bathroom facilities. At the BMHs, the subsea cables would each be spliced to a terrestrial cable, which would be installed in new underground conduit to a manhole located next to an existing utility pole at the end of Olai St. From this point, the project would utilize fiber owned by a licensed utility as part of the existing utility network, generally following a route along county and state roadways to DR Fortress in central Honolulu. Space within an existing building at DR Fortress would be used as the CLS. En route, the fiber optic cable would also connect to the UH West O'ahu campus, with space in an existing building used as a utility access point. The project would not involve any ground disturbing work or construction for the CLS at DR Fortress or UH West O'ahu.

Maui Cable Landing Site: The proposed cable landfall on the island of Maui is located at Kahului Harbor, on the north side of Central Maui. This site would require two HDD conduits: one extending approximately 1,322 ft (403 m) from a BMH to the nearshore waters punchout point for the cable extending to O'ahu, and the other extending approximately 3,337 ft (1,017 m) from the same BMH to the nearshore waters punchout point for the cable extending to Hawai'i Island. These punchout points would be at water depths of approximately 30 ft (9 m) and 42 ft (13 m), respectively. The BMH and associated work areas would be located within an undeveloped area on the western harbor breakwater. At the BMH, the subsea cables would each be spliced to a terrestrial cable, which would be installed underground in new conduit extending from the western breakwater under Kahului Beach Rd. From this point, the project would utilize fiber owned by a licensed utility as part of the existing utility network, generally following a route along county and state roadways to the UH Maui College (UHMC) campus. A new modular structure in the area currently used for the recycling center on the northwestern edge of the UHMC campus would be used for the CLS. Underground conduit would be installed between the CLS and an adjacent building on the UHMC campus to connect the project with the exiting telecommunication and utility network.

Molokai Cable Landing Site: The proposed cable landfall on the island of Molokai is located just west of Kaunakakai Harbor in an area used by the Molokai Yacht Club on the south side of the island. This site would include a single HDD conduit, extending approximately 877 ft (267 m) from a BMH to the nearshore waters punchout point at a water depth of approximately 3 ft (1.0 m). The BMH and associated work areas would be sited in an undeveloped area adjacent to the yacht club facilities. From the BMH, terrestrial cable

would be installed in an underground conduit extending to a manhole sited next to an existing utility pole adjacent to Mauna Loa Highway. From this point, the project would utilize fiber owned by a licensed utility as part of the existing overhead utility network, extending along Mauna Loa / Kamehameha V Highway as well as via existing underground conduit, terminating at Molokai Education Center (MEC). The CLS for this site would be a new modular structure located on the MEC property. Underground conduit would be installed between the CLS and the existing MEC building to connect the project with the existing telecommunication and utility network.

Lānaʻi Cable Landing Site: The proposed cable landfall on Lānaʻi is located at the Mānele Small Boat Harbor on the south side of the island. This site would include a single HDD conduit, extending approximately 846 ft (258 m) from a BMH to the punchout point at a water depth of approximately 24 ft (7 m). The BMH and associated work areas would be sited in the southern-most parking lot for the Small Boat Harbor. From the BMH, the terrestrial cable would be installed in trenched conduit to an existing manhole, where the Project would interconnect with the existing telecommunication network. From this point, the project would utilize fiber owned by a licensed utility as part of the existing telecommunication network, generally following a route along existing roadways to UH Maui, Lānaʻi Education Center in Lānaʻi City. Space within an existing building at the Lānaʻi Education Center would be used as the CLS. The project would not involve any ground disturbing work or construction for the CLS at the Lānaʻi Education Center.

Hawaiʻi Island Cable Landing Site: The proposed cable landfall on Hawaiʻi Island is located at PACRC just east of the Hilo Harbor breakwater on the east side of Hawaiʻi Island. Given the presence of buried wastewater utility pipes in the immediate vicinity of the cable landing, the HDD conduit would be specifically sited to facilitate crossing of the wastewater utility pipes, surfacing in shallow water just seaward of the shoreline. Beyond this point, the cable would be surface-laid on the ocean floor; split pipe would be installed over approximately 3,600 ft (1,097 m) of cable to provide additional protection and minimize movement due to wave energy in the nearshore waters. From the BMH, the terrestrial cable would be installed in underground conduit to a manhole installed adjacent to a nearby utility pole. From this point, the project would utilize fiber owned by a licensed utility as part of the existing utility network, extending along state and county roadways as well as via existing underground conduit, terminating at UH Hilo (UHH). The CLS for this site would be a new modular structure constructed on the northern side of the UHH campus near Lanikāula Street. Additional underground conduit would be installed from the CLS to an adjacent building on the UHH campus to connect the project with the existing telecommunication and utility network.

Area of Potential Effect (APE)

The project area/APE includes the subsea cable route and six cable landing sites described above. Given the nature and scope of the proposed activities, UH has determined that the portions of the TMKs listed above and shown on the enclosed maps constitute the appropriate APE for this undertaking. The APE for the six cable landing sites, which encompasses a total of 32.92 acres, is situated in Nukoliʻi Beach and KCC (Hanamāʻulu and Niumalu Ahupuaʻa, Lihūʻe District, Kauaʻi), Barbers Point Beach Park (Honouliuli Ahupuaʻa, ʻEwa Moku, Oʻahu), Kahului Harbor and UHMC (Wailuku Ahupuaʻa, Wailuku Moku, Maui), Molokai Yacht Club and MEC (Kaunakakai Ahupuaʻa, Kona Moku, Molokai), Mānele Harbor (Pālāwai Ahupuaʻa, Kona Moku,

Lānaʻi Island), and PACRC and UH Hilo (Waiākea Ahupuaʻa, South Hilo District, Hawaiʻi Island).

Identification of Historic Properties

UH's qualified subcontractor, Pacific Legacy, Inc., conducted an archaeological literature review and field inspection (LRFI) for the project, which included a search of the State Historic Preservation Division (SHPD) Hawaiʻi Cultural Resource Information System (HICRIS) and its own internal databases for archaeological historic properties within the APE and a surrounding 0.5-mile buffer. The results of the LRFI are summarized below.

Kauaʻi Cable Landing Site: Previous studies identified three historic properties in or adjacent to the area of proposed ground disturbance near Nukoliʻi Beach. A post-Contact drainage ditch (SIHP 50-30-08-02235) intersects the APE. At the southern end of the estimated extent of the ditch, outside of the APE, is a concrete bridge (SIHP 50-30-08-01846). Near the makai end of the APE is a complex of pre-Contact cultural deposits (SIHP 50-30-08-01838). Roughly 1,575 ft (480 m) north of the APE is a complex of dune burials (SIHP 50-30-08-00103). Previously identified historic properties near the area of proposed ground disturbance at the KCC campus are primarily post-Contact features associated with Lihue Plantation (SIHP 50-30-11-02179). Other historic properties in the vicinity (within a 0.5-mile radius) include the Wilcox Homestead (Kilohana; SIHP 50-30-11-09339), Grove Farm Company Locomotives (SIHP 50-30-11-09381), and the Puhi Camp Cemetery (SIHP 50-30-11-B006). Aside from the cemetery, no burials have been identified in the vicinity of proposed ground disturbance at the KCC campus. The field inspection documented a portion of SIHP -02235 and two additional potential historic property features, both located within the Nukoliʻi Beach portion of the APE. The newly identified features consist of a possible concrete jetty remnant (T-001) and a small drainage ditch with metal drainage gate (T-002). No potential historic properties were identified at the KCC campus.

Oʻahu Cable Landing Site: Previous studies did not identify any historic properties within the areas of proposed ground disturbance for the HIFL project at Barbers Point Beach Park. Historic properties in the vicinity include complexes of limestone pits, some of which have been used for pre-Contact agriculture or have been found to house paleontological deposits, cultural midden, and/or burials; post-Contact agricultural infrastructure; a WWII-era military complex; and the Barbers Point Lighthouse. The closest known burial is approximately 1500 ft (457 m) from the APE. A review of offshore resources identified two potential submerged cultural resources in the vicinity of the APE: the Arthur, a British brig belonging to Captain Barber which was reported lost near Barbers Point in 1796; and Liliu, a schooner reported lost in 1877. No potential historic properties were identified within the Oʻahu portion of the APE during the field inspection.

Maui Cable Landing Site: A portion of the APE is within the Kahului Harbor Historic District (SIHP 50-50-04-02953). Burials have been identified within a 0.5-mile radius of proposed ground disturbance. The closest known burial is approximately 270 ft (82 m) from the APE. A review of offshore resources identified the presence of a single submerged resource within the vicinity of the APE: the Lyra, a whaling ship lost in 1830. No potential historic properties were identified within the Maui portions of the APE during the field inspection.

Molokai Cable Landing Site: Previous studies identified two pre-Contact subsurface cultural deposits (SIHP 50-60-03-00630 and 50-60-03-00632) and one post-Contact cultural deposit

(SIHP 50-60-03-02573) within the area of proposed ground disturbance. A review of offshore resources identified the presence of an unknown submerged resource within the vicinity of the APE; however, no further information is available for this resource (Record Number 1253; NOAA Maritime Heritage Program 2017). During Pacific Legacy's field inspection, a potential historic property (T-003) consisting of a pile of debris was also identified within the portion of the APE at Molokai Yacht Club. No potential historic properties were identified in the portion of the APE at the Molokai Education Center.

Lāna'i Cable Landing Site: Most of the previously identified sites in the vicinity of the APE are multi-function habitation complexes, including SIHP 50-40-98-01523 and 50-40-98-01525. This area also contains a number of possible burial sites. Although previous archaeological studies did not identify any historic properties in the area of proposed ground disturbance, the desktop review concluded that there is potential to encounter subsurface archaeological historic properties in the APE. During the field inspection, two potential historic property features were identified within the Lāna'i portion of the APE. These include T-004, a concrete ditch, and T-005, a stone wall, both of which are likely related to post-Contact ranching activities in the area.

Hawai'i Island Cable Landing Site: The review completed by Pacific Legacy did not identify any previous archaeological studies carried out within the areas of proposed ground disturbance in the APE, though a small number of archaeological studies have been completed in the nearby vicinity. Nearby historic properties include the Hilo Breakwater (SIHP 50-10-35-07441) and the Department of Transportation Hilo Harbor (SIHP 50-10-35-31077) to the west and northwest of the APE, and Kamehameha Hall (SIHP 50-10-35-07506) to the east of the APE at PACRC, as well as a number of sites related to post-Contact agricultural activities near UH Hilo. No burials were identified within a 0.5-mile radius of the APE. During Pacific Legacy's field inspection of the APE, six potential historic property features were identified, including two historic buildings. Rectangular and circular concrete tanks (T-006 and T-007) and metal and concrete pipe infrastructure (T-008) associated with wastewater treatment facilities were identified in the portion of the APE at PACRC, and a concrete culvert (T-009) and two historic buildings were identified at UHH (T-010, the Wentworth Building and T-011, the Business Education and Technology Building).

Based on the information summarized above, the USACE does not currently have sufficient information to make a determination of effect for the proposed undertaking. As such, in consultation with SHPD, UH is planning to complete an archaeological inventory survey (AIS) for identification purposes. The AIS will identify historic properties within the APE, fully document each property, assess their significance, make mitigation recommendations, as appropriate, and enable the USACE to make an effect determination for the proposed undertaking once all historic properties have been identified within the APE.

Consultation Request

Given your knowledge and experience, we hope you will consider commenting on *historic or potential historic properties, historic or potential historic districts, this project's area of potential effect, and the nature of these potential effects*. Please also identify other NHOs or individuals that may wish to participate in the Section 106 consultation process for the Hawaiian Islands Fiber Link Project.

Please provide comment within 30 days from receipt of this letter, and include a full name and mailing address. Please reference "Section 106 Consultation – Hawaiian Islands Fiber Link Project" in your subject heading. Please send all correspondence to mulrooney@pacificlegacy.com or the address that appears on this letterhead.

Thank you for sharing your time and mana'o. We appreciate your participation in the environmental review process.

Sincerely,



Mara Mulrooney, Ph.D.
Principal, Senior Archaeologist
Pacific Legacy, Inc.

Enclosures: List of Native Hawaiian Organizations, Individuals, and Groups Contacted
APE Maps

cc: State Historic Preservation Division
University of Hawai'i
Tetra Tech

List of Native Hawaiian Organizations, Individuals, and Groups Contacted

Advisory Council for Historic Preservation
'Aha Kāne
'Aha Mālama, Corp.
'Aha Moku Council (all islands)
'Aha Pūnana Leo
'Ahahui Kīwila Hawai'i O Mo'ikeha
'Ahahui Siwila Hawai'i O Kapōlei
Ahupua'a o Moloka'i
'Āina Momona
'Ai Noa Foundation
Alaka'i Foundation Inc.
Alepa Hou Foundation
Aloha 'Āina o Hawai'i, Inc.
Alvarez, Keoni Kealoha
'Apoākea Native Hawaiian Innovation Institute
Association of Hawaiian Civic Clubs
Association of Hawaiians for Homestead Lands
Au Puni O Hawai'i
Brian Kaniela Nae'ole Naauao
Captain Kimo's Hawaiian Adventures
Council for Native Hawaiian Advancement
County of Hawai'i Department of Research and Development
County of Kaua'i, Planning Department
Department of Hawaiian Home Lands
E Ola Kākou Hawai'i
EAO Hawaii Inc.
'Ewa Pu'uloa Hawaiian Civic Club
Flores-Case 'Ohana
The Friends of Hokule'a and Hawai'iloa
Friends of 'Iolani Palace
George K. Cypher 'Ohana
Grove Farm Museum
Hale Mua Cultural Group
Hanalei River Heritage Foundation
Hanona Maui
Hau'ouiwi Homestead Association on Lāna'i
Hawaiian Canoe Club
The Hawaiian Church of Hawai'i Nei
Hawaiian Civic Club of Hilo
Hawaiian Community Assets, Inc.
Hawaiian Kingdom Task Force
Hawaii Broadband and Digital Equity Office
Hawai'i Land Trust
Heen, Teave H.
Historic Hawai'i Foundation
Hoa'āina Heritage Services, LLC








Honua Consulting, LLC
Ho'okano Family Land Trust
Ho'ōla Lāhui Hawai'i
Hua Nani Partners
Hui Ho'oleimaluō
Hui Huliau Inc.
Hui Iwi Kuamo'o
Hui Mālama Ola Nā 'Ōiwi
Hui No Ke Ola Pono
Hui o Kuapā
Hui O Wa'a Kaulua
The I Mua Group
Imua Hawaii
KA'EHU
Kāhuli Leo Le'a
Ka 'Imi Na'auao O Hawai'i Nei
Ka Ipu Makani
Kaiola Canoe Club
Kalaeloa Heritage and Legacy Foundation
Kalihi Palama Culture & Arts Society
Kalihi Palama Hawaiian Civic Club
Kamehameha Schools
Kamiloloa One Ali'i Homestead Association
Kanaka Economic Development Alliance
Kānehūnāmoku Voyaging Academy
Kanu o ka 'Āina Learning 'Ohana
Kapolei Community Development Corporation
Kaua'i Historical Society
Kaua'i Historic Preservation Review Commission
Kaua'i Museum
Ka'uikiokapō
Kaumuali'i Hawaiian Civic Club
Kauwahi 'Anaina Hawai'i Hawaiian Civic Club
Kawaileo Law A Limited Liability Law Company
Ke Kula Nui O Waimānalo
Ke One O Kākuhihewa
Keaukaha Action Network
Keaukaha Community Association
Kia'i Kanaloa
Kimokeo Foundation
Kingdom of Hawai'i
Koa Ike
Ko'i'ula
Ko'olau Foundation
Kua'āina Ulu 'Auamo
Kuloloi'a Lineage - I ke Kai 'o Kuloloi'a
Kumu Pono Associates, LLC
Kupa O Waihe'e

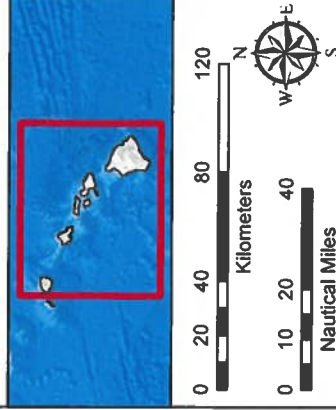
Kupeke Ahupua'a
Lāna'i Cultural & Heritage Center
Lāna'i Education Center
Las Vegas Hawaiian Civic Club
Ma'a 'Ohana
Mahu Ohana
Mainland Council Association of Hawaiian Civic Clubs
The Makua Group
Mālama Hulē'ia
Mālama Kakanilua
Malu'ōhai Residents Association
Mana Health Services, Inc.
The Mary Kawena Pūku'i Cultural Preservation Society
Maui County Cultural Resources Commission
Maui County Current Division, Department of Planning
Maui County Department of 'Ōiwi Resources
McKeague, Kawika
Moku o Manokalanipō, the Kaua'i Council of the Association of Hawaiian Civic Clubs
Molokai High School
Moloka'i Planning Commission
Nā Ala Hele Trails and Access Program
Na Aikane O Maui
Na Koa Ikaika Ka Lahui Hawaii
Na Ku'auhau 'o Kahiwakaneikopolei
Nā Kuleana o Kānaka 'Ōiwi
Na Kupuna Moku O Keawe
Nā Maka Onaona
Na Mookupuna O Wailua
Nā Pu'uwai
Nakupuna Foundation
Nanakuli Housing Corporation
National Museum of the American Indian
National Trust for Historic Preservation
Native Hawaiian Chamber of Commerce
Native Hawaiian Church
Native Hawaiian Community Development Corporation
Native Hawaiian Education Council
Native Hawaiian Hospitality Association
Native Hawaiian Legal Corporation
Native Hawaiian Philanthropy
Nekaifes Ohana
Nohona Health, Inc.
Nohopapa Hawai'i, LLC
O'ahu Canoe Racing Association
Office of Councilmember Keani Rawlins-Fernandez
Office of Hawaiian Affairs
'Ohana Keaweamahi
'Ohana Keohokālōle

'Ohana Kūpono Consulting Inc.
'Ohana Lo
Order of Kamehameha I
Pacific Agricultural Land Management Systems
PA'I Foundation
Panaewa Hawaiian Home Lands Community Association
Papa Ola Lōkahi
Partners in Development Foundation
Paukukalo Hawaiian Homes Community Association
Pele Defense Fund
Piiahonua Hawaiian Homestead Community Association
Pili Koko
Plantation Museum
Protect Keopuka Ohana
Pūlama Lāna'i
Purple Mai'a Foundation
Pu'uhonua o Wailupe
Queen Deborah Kapule Hawaiian Civic Club
Royal Hawaiian Academy of Traditional Arts
Sasada, Sheron Maile
Sovereign Council of Hawaiian Homestead Associations
Talon, Andrea Chiemi
Veincent, Lehua
Waiehu Kou Phase 3 Association
Wai Koa Kaua'i
WATRRS GROUP
Zane, Kuhao

Hawaiian Islands Fiber Link

Figure 1
Project Overview

-  Cable Landing Site
-  State Waters Limits (3 nautical miles)
- Subsea Cable**
 -  Segment 1
 -  Segment 2
 -  Segment 2A
 -  Segment 2B
 -  Segment 3



Prepared For:

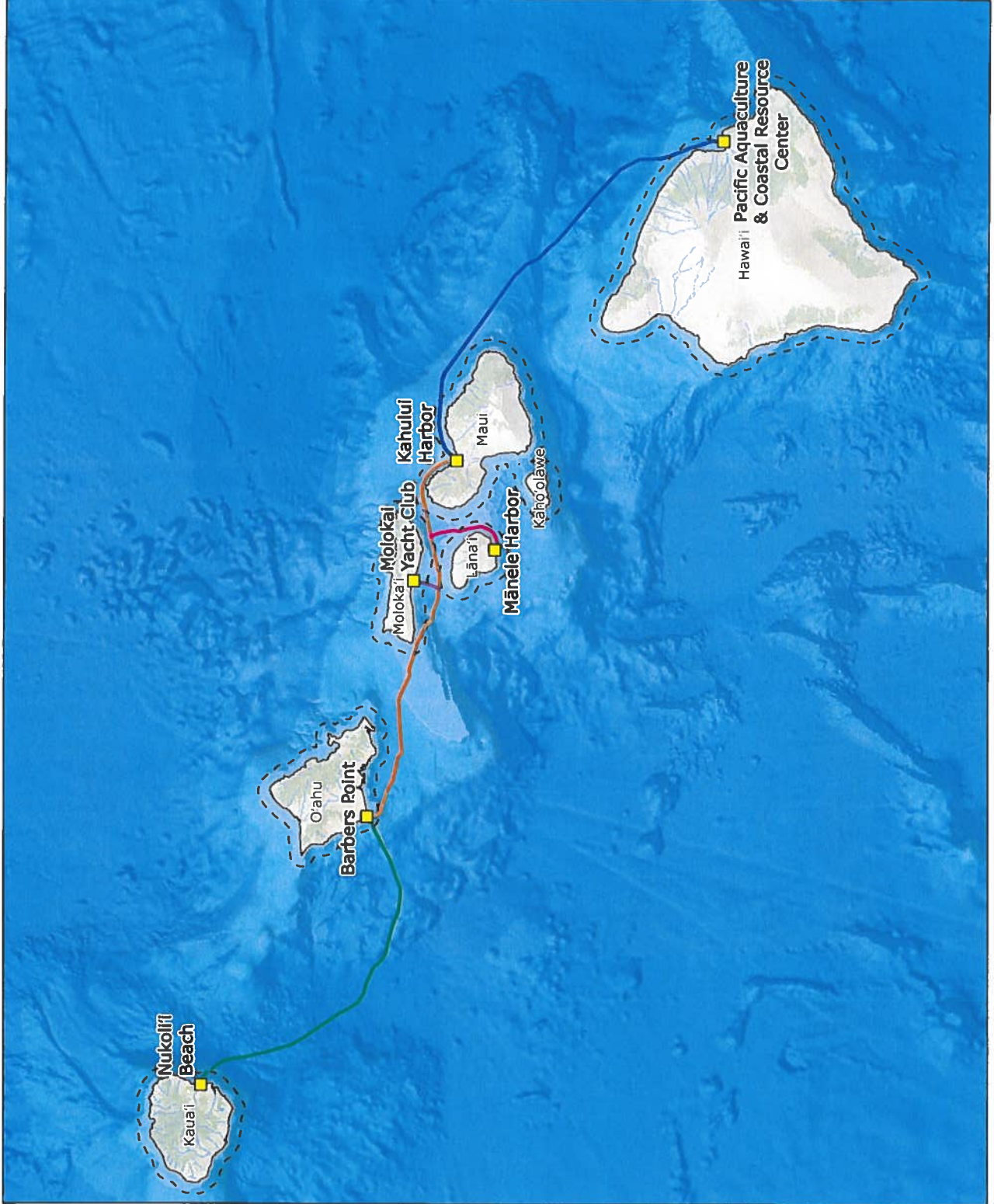


Prepared By: **TETRA TECH**

Date:








08/2025

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Projection: UTM Zone 4 (Transverse Mercator)

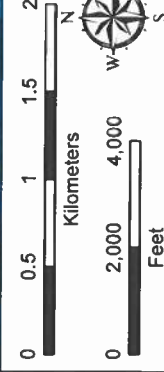


Hawaiian Islands Fiber Link

Figure 2.1
Area of Potential Effect:
Kaua'i Cable Landing Site

-  TMK Parcel
-  Area of Potential Effect (APE)
-  Terrestrial Study Area
-  Subsea Cable (Segment 1)
-  Third-Party Infrastructure
-  Fiber Owned by Licensed Utility Company
-  As Part of Existing Utility System

The study area boundaries were developed using professional survey data to ensure proper alignment with the legal lot boundaries, where applicable. The publicly available TMK dataset is provided for context, but has varying spatial accuracy standards and may not perfectly match other data layers as specified in the underlying metadata.



Prepared For: 

Prepared By: **TETRA TECH**
 Date: 09/2025

Source: Hawaii Statewide GIS, USGS, Esri, et. al.,
 Coordinate System: North American Datum, 1983
 Projection: Hawaii State Plane Zone 4 (FIPS 5104)

Not for Construction



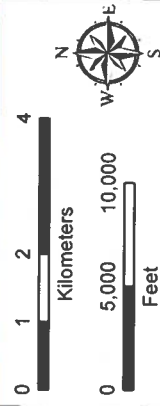


Hawaiian Islands Fiber Link

Figure 2.2
Area of Potential Effect:
O'ahu Cable Landing Site

- TMK Parcel
- Area of Potential Effect (APE)
- Terrestrial Study Area
- Subsea Cable (Segment 1)
- Subsea Cable (Segment 2)
- Third-Party Infrastructure
- Fiber Owned by Licensed Utility Company
- As Part of Existing Utility System
- Existing Infrastructure







The study area boundaries were developed using professional survey data to ensure proper alignment with the legal lot boundaries, where applicable. The publicly available TMK dataset is provided for context, but has varying spatial accuracy standards and may not perfectly match other data layers as specified in the underlying metadata.



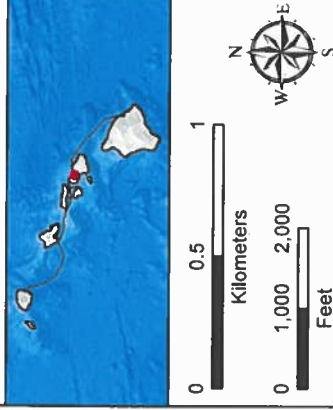
Prepared For:		
Prepared By:	TETRA TECH	Date:
Source: Hawaii Statewide GIS, USGS, Esri, et. al.,		09/2025
Coordinate System: North American Datum, 1983		
Projection: Hawaii State Plane Zone 3 (FIPS 5103)		

Hawaiian Islands Fiber Link

Figure 2.3
Area of Potential Effect:
Maui Cable Landing Site

-  TMK Parcel
- Area of Potential Effect (APE)**
 -  Terrestrial Study Area
 -  Subsea Cable (Segment 2)
 -  Subsea Cable (Segment 3)
- Third-Party Infrastructure**
 -  Fiber Owned by Licensed Utility Company
 -  As Part of Existing Utility System

The study area boundaries were developed using professional survey data to ensure proper alignment with the legal lot boundaries, where applicable. The publicly available TMK dataset is provided for context, but has varying spatial accuracy standards and may not perfectly match other data layers as specified in the underlying metadata.



Prepared For: 

Prepared By:  **TETRA TECH**
Date: 09/2025








Source: Hawaii Statewide GIS, USGS, Esri, et al.,
Coordinate System: North American Datum, 1983
Projection: Hawaii State Plane Zone 2 (FIPS 5102)

Not for Construction

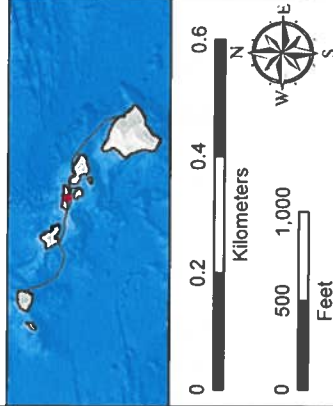


Hawaiian Islands Fiber Link

Figure 2.4
Area of Potential Effect:
Molokai Cable Landing Site

-  TMK Parcel
-  Area of Potential Effect (APE)
-  Terrestrial Study Area
-  Subsea Cable (Segment 2A)
-  Third-Party Infrastructure
-  Fiber Owned by Licensed Utility Company
-  As Part of Existing Utility System

The study area boundaries were developed using professional survey data to ensure proper alignment with the legal lot boundaries, where applicable. The publicly available TMK dataset is provided for context, but has varying spatial accuracy standards and may not perfectly match other data layers as specified in the underlying metadata.



Prepared For: **TETRA TECH**

Prepared By: **TETRA TECH**

Date: **09/2025**

Source: Hawaii Statewide GIS, USGS, Esri, et. al.,
 Coordinate System: North American Datum, 1983
 Projection: Hawaii State Plane Zone 2 (FIPS 5102)

Not for Construction



Detailed Map of Cable Landing Station



Detailed Map of Cable Landing Station



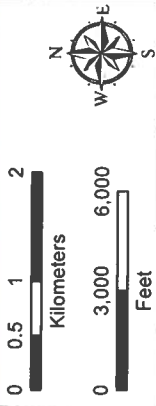


Hawaiian Islands Fiber Link

Figure 2.5
Area of Potential Effect:
Lānaʻi Cable Landing Site

- TMK Parcel
- Area of Potential Effect (APE)
- Terrestrial Study Area
- Subsea Cable (Segment 2B)
- Third-Party Infrastructure
- Fiber Owned by Licensed Utility Company
- As Part of Existing Utility System
- Existing Infrastructure

The study area boundaries were developed using professional survey data to ensure proper alignment with the legal lot boundaries, where applicable. The publicly available TMK dataset is provided for context, but has varying spatial accuracy standards and may not perfectly match other data layers as specified in the underlying metadata.



Prepared For: 

Prepared By:  **TETRA TECH**

Date: 09/2025

Source: Hawaii Statewide GIS, USGS, Esri, et. al.,
Coordinate System: North American Datum, 1983
Projection: Hawaii State Plane Zone 2 (FIPS 5102)

Not for Construction

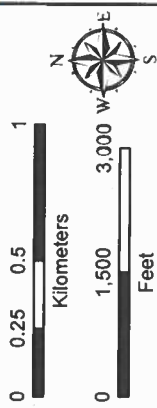
Figure 2.6
Area of Potential Effect:
Hawai'i Island Cable Landing Site

Area of Potential Effect (APE)

- Subsea Cable (Segment)

Fiber Owned by Licensed Utility Company
As Part of Existing Utility System

The study area boundaries were developed using professional survey data to ensure proper alignment with the legal lot boundaries, where applicable. The publicly available TMK dataset is provided for context, but has varying spatial accuracy standards and may not perfectly match other data layers as specified in the underlying metadata.



Prepared For:

Prepared By:

Date: _____

Source: Hawaii Statewide GIS, USGS, Esri, et. al.,
Coordinate System: North American Datum, 1983
Projection: Hawaii State Plane Zone 1 (FIPS 5101)

Not for Construction



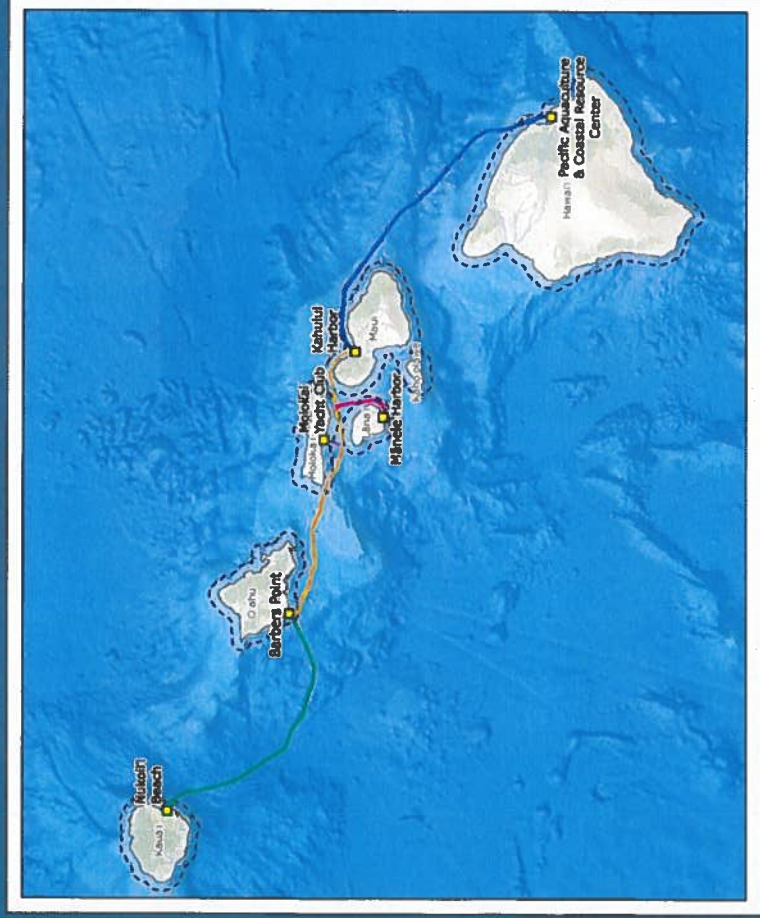
Informational Update:

Initiation of Section 106/HRS Chapter 6E Consultation

(University of Hawai'i)

(University of Hawai'i)

Archaeological Inventory Survey (AIS) Testing Strategy



HIFL Project Overview Map

Hawaiian Islands Fiber Link (HIFL) Project

Kaua'i, O'ahu, Molokai, Lāna'i, Maui, and Hawai'i Island

Kaua'i Cable Landing Site:
Ahupua'a of Hanamā'ulu
and Niumalu,
Moku of Puna
(Modern Tax District of Lihū'e)

Project proponents:
University of Hawai'i
Ocean Networks Inc.

Consultants:

The Wilhelm Group (Stakeholder Engagement)

Ward Research

(Community Planning Advisors)

Tetra Tech

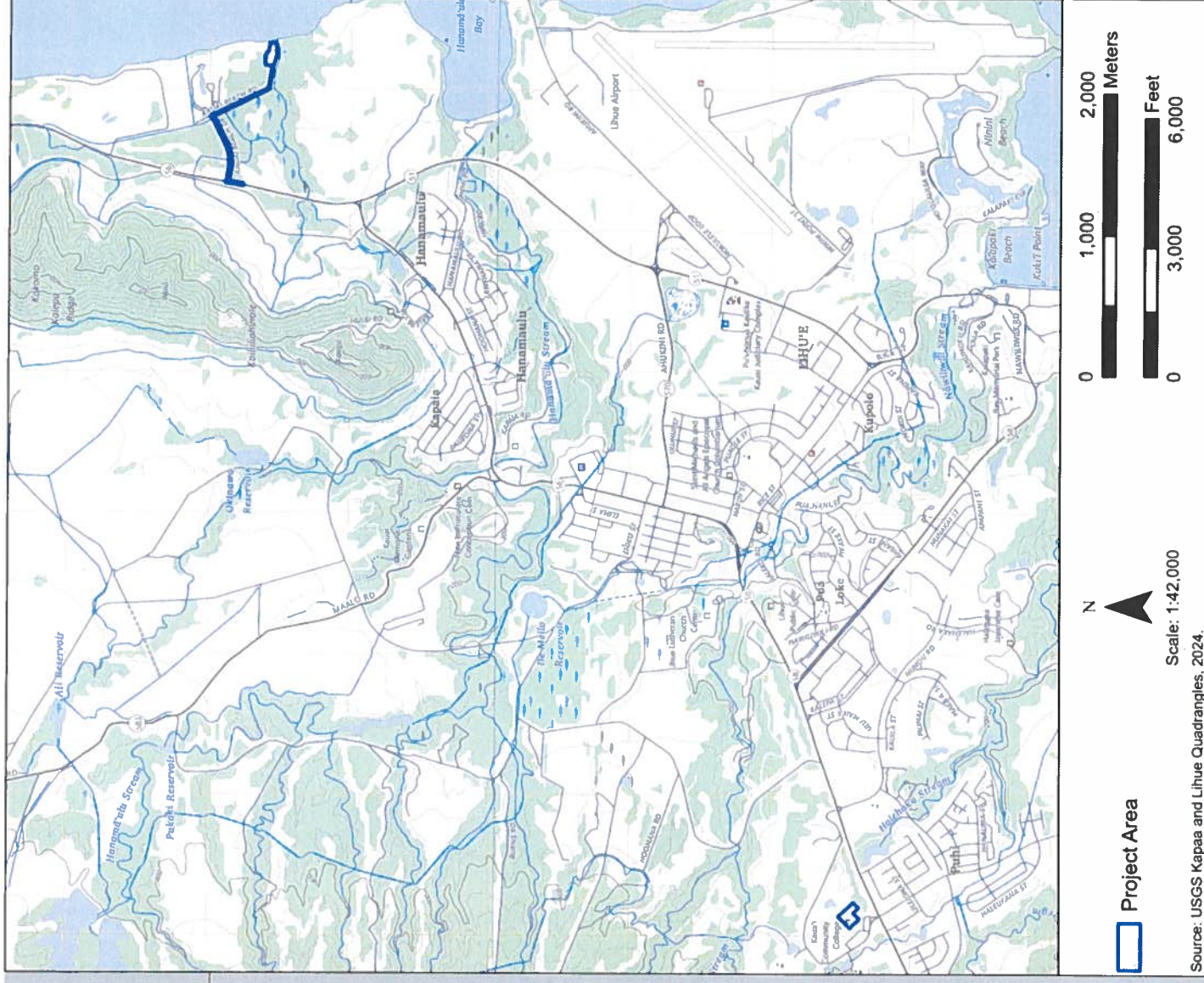
(Environmental Review and Permitting)

Pacific Legacy

(AIS, CIA and Ka Pa'akai Analysis)

Project Location

- Cable Landfall:
Nukoli'i Beach Park
 - TMKs: (4) 3-7-003:007, (4) 3-7-003:017, (4) 3-7-003:999 (Kuhio Hwy ROW)
- Cable Landing Station:
Kauai Community College
 - TMK: (4) 3-4-007:003



Project Description



Connecting 'All of Us Together'

Essential services (e.g., health care, education, and employment) depend on a reliable high-speed internet connection

- Most broadband connectivity is via submarine fiber optic cables
- Existing infrastructure is aging and cannot meet increased demand
- Little to no broadband access in some communities

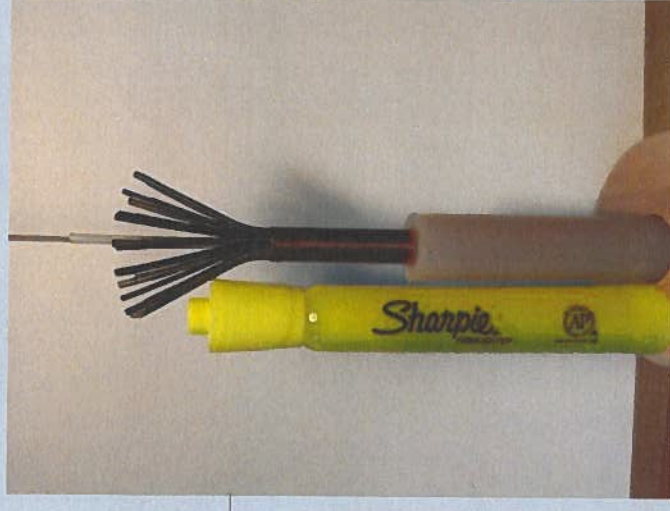
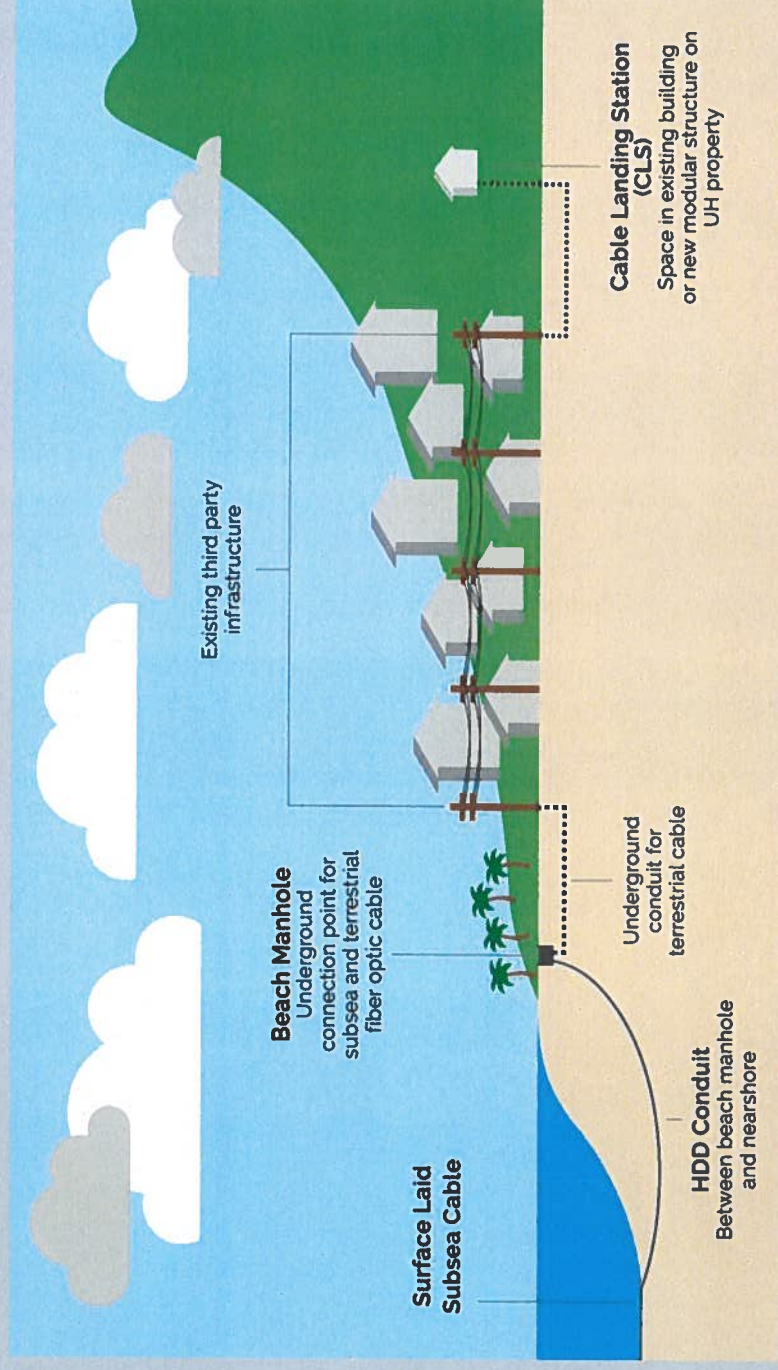
Connect Kākou is a state initiative dedicated to providing all residents with access to affordable high-speed broadband internet

- Strategic framework with four investment pillars (Governance and Sustainability; Middle Mile; Last Mile; Access, Equity and Literacy)
- Seeks to leverage federal funding for middle and last mile infrastructure

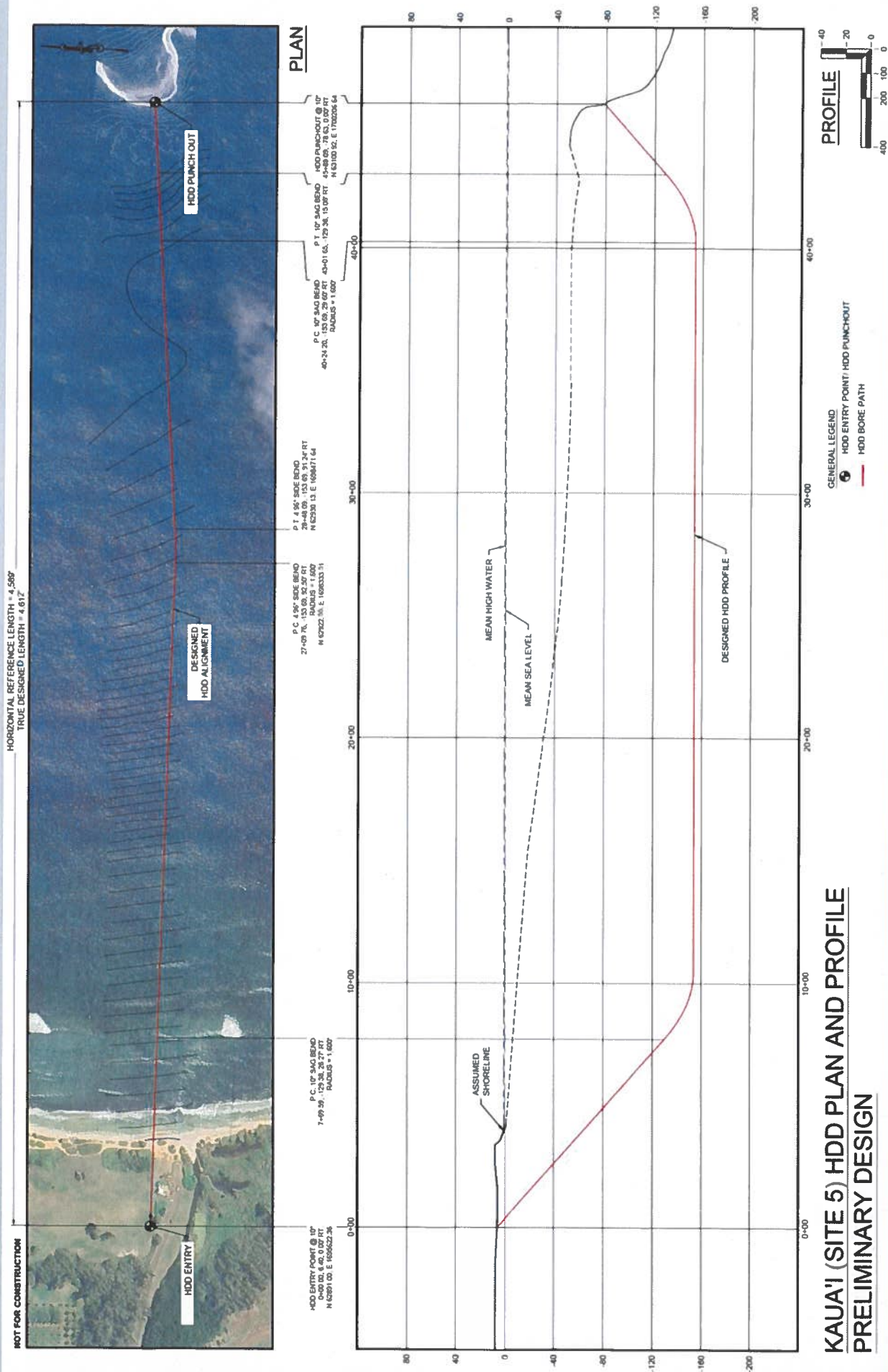
Project Description

Broadband needs in Hawai'i:

- First Mile Infrastructure: Connectivity to the contiguous 48 states and other global locations
- Middle Mile Infrastructure: Connectivity between islands within the state
- Last Mile Infrastructure: Connectivity to the communities on each island



Project Description

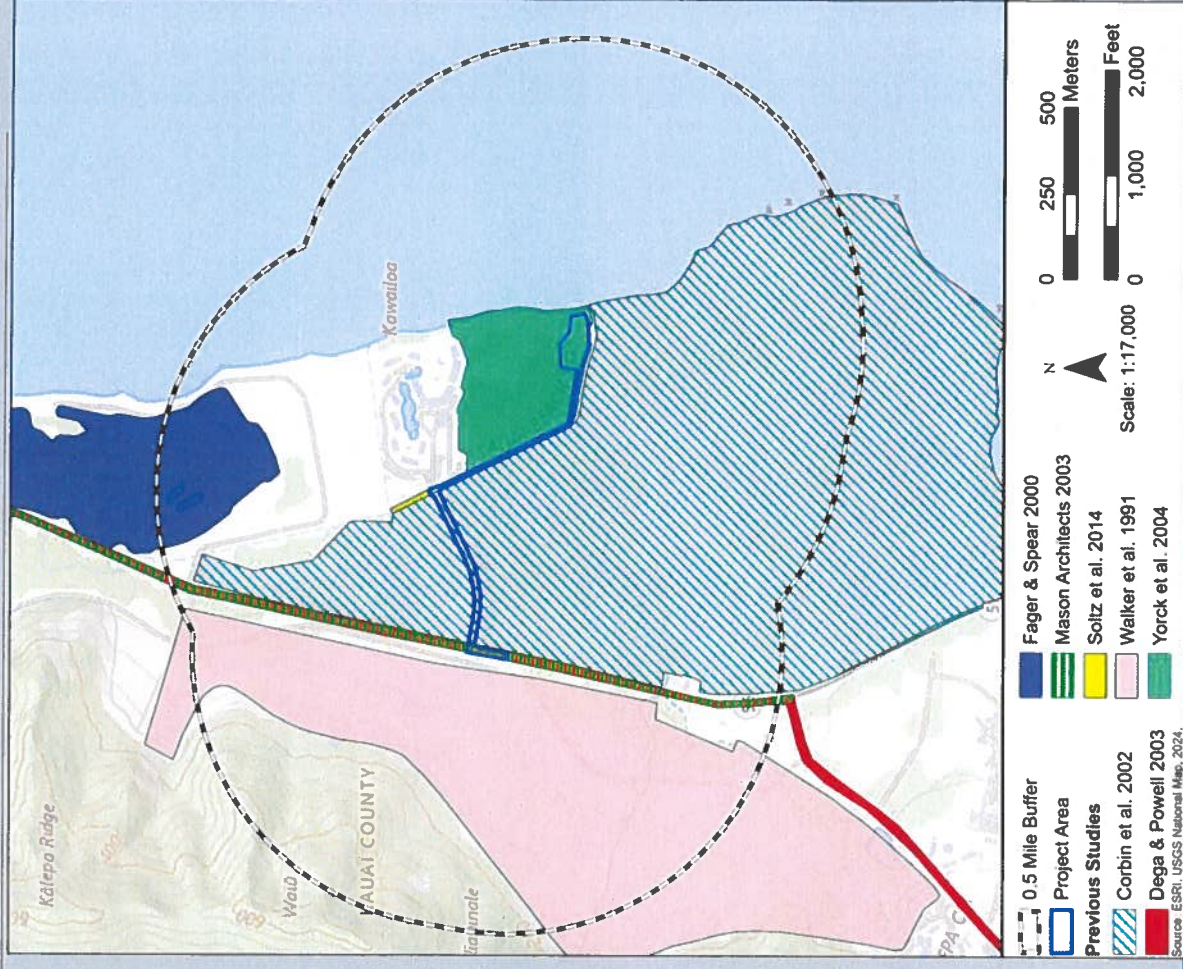


Consultation To Date

- **HRS Chapter 343 Environmental Assessment (EA)**
 - Scoping Letter, March 2025
- **Cultural Impact Assessment (CIA) and Ka Pa‘akai Analysis**
 - Letters sent, March 2025
 - Ka Wai Ola Public Notice, May 2025
 - 33 individuals and organizations have participated or provided referrals
 - Draft report in progress, will be included in Draft EA
- **NHPA Section 106 and HRS Chapter 6E**
 - UH initiated consultation with 230 NHOs, culturally-focused community organizations, commissions, and boards, and CIA participants, Sept. 2025
 - Pacific Legacy completed a Literature Review and Field Inspection (LRFI), which will be included in the Draft EA
 - SHPD has requested an AIS, and consultation on an appropriate testing strategy for the AIS in in progress.

Cable Landfall: Previous Archaeology

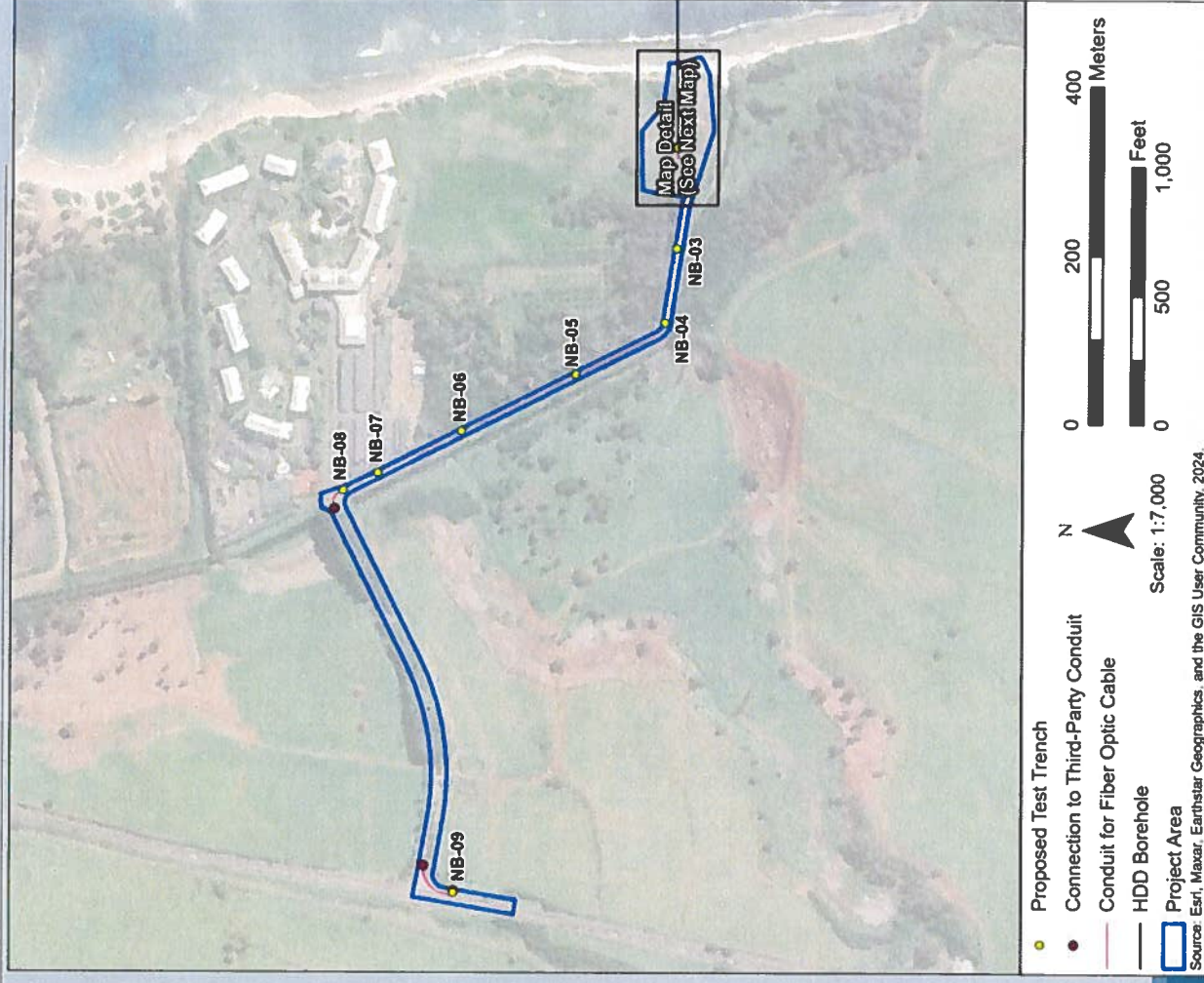
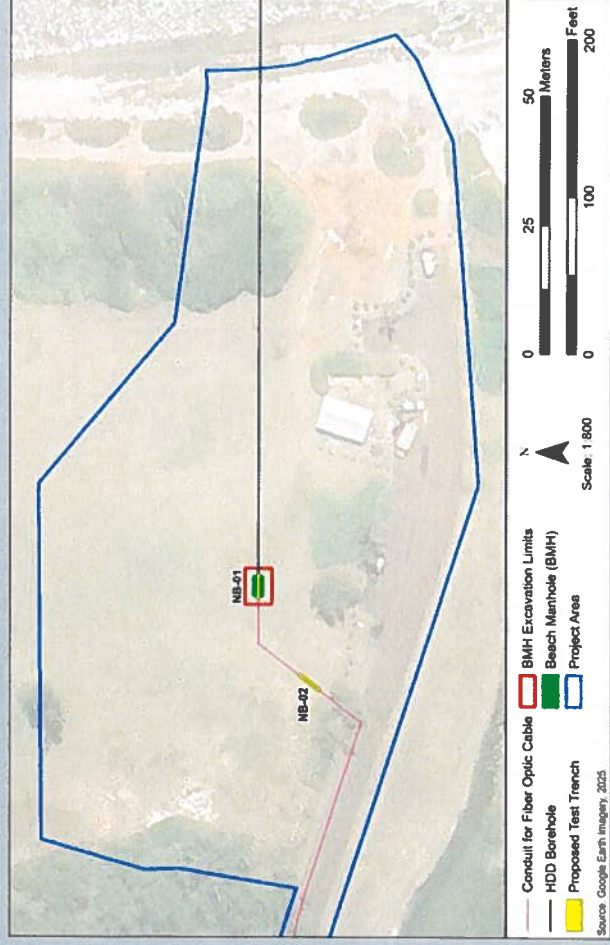
- 7 previous archaeological and architectural studies within 0.5 miles of the project area/APE
- 3 previously identified historic properties within or adjacent to the project area:
 - Post-Contact drainage ditch (SIHP 50-30-08-02235) within APE
 - Concrete bridge (SIHP 50-30-08-01846) outside the APE.
 - Complex of pre-Contact cultural deposits (SIHP 50-30-08-01838) near south end of Project area.



Cable Landfall: Draft Testing Strategy

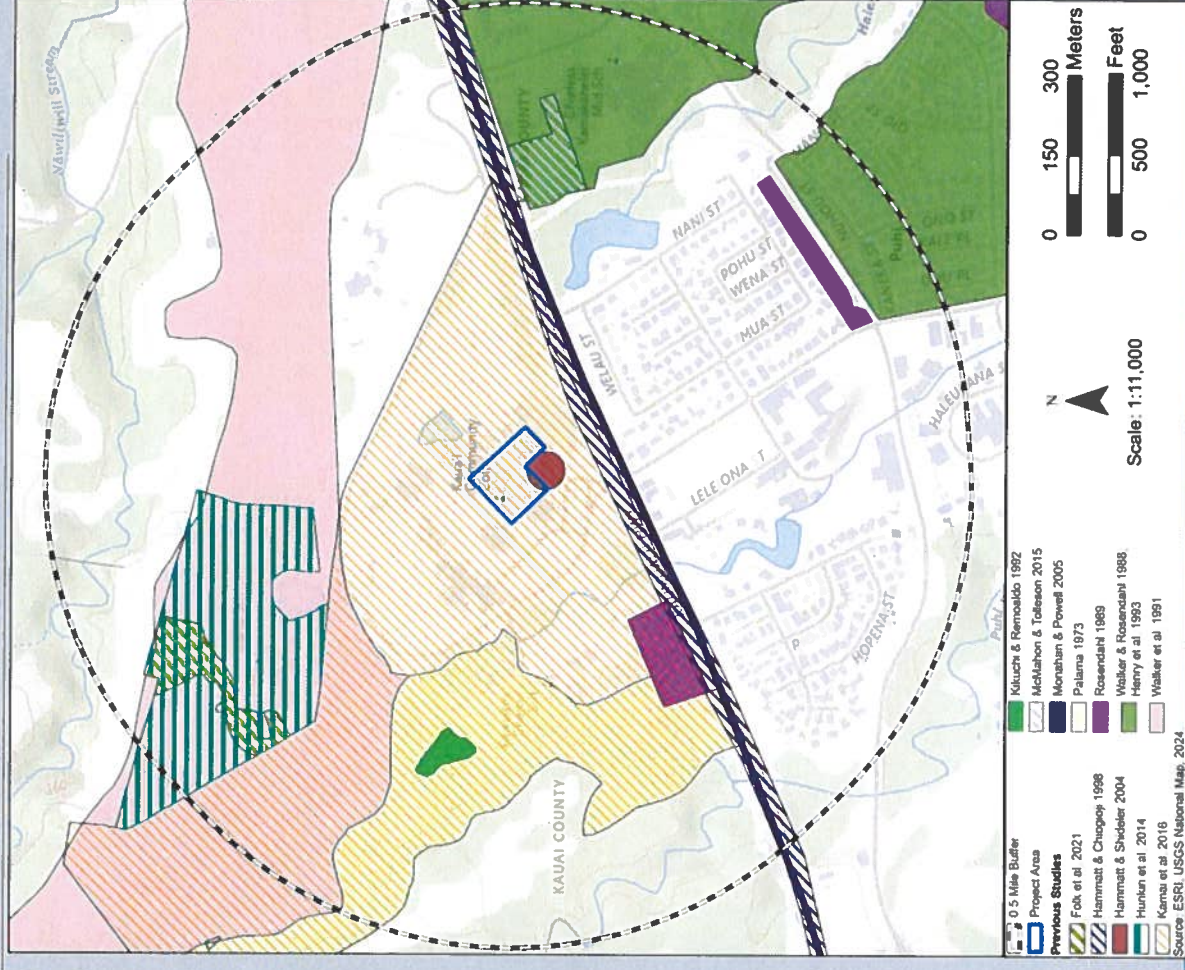
8 proposed trenches, 1 test unit in areas of proposed ground disturbance

- 8 test trenches, 5 m x .75 m
- 1 test unit, 1 m x 0.5 m) at tie-in to existing utility



Cable Landing Station: Previous Archaeology

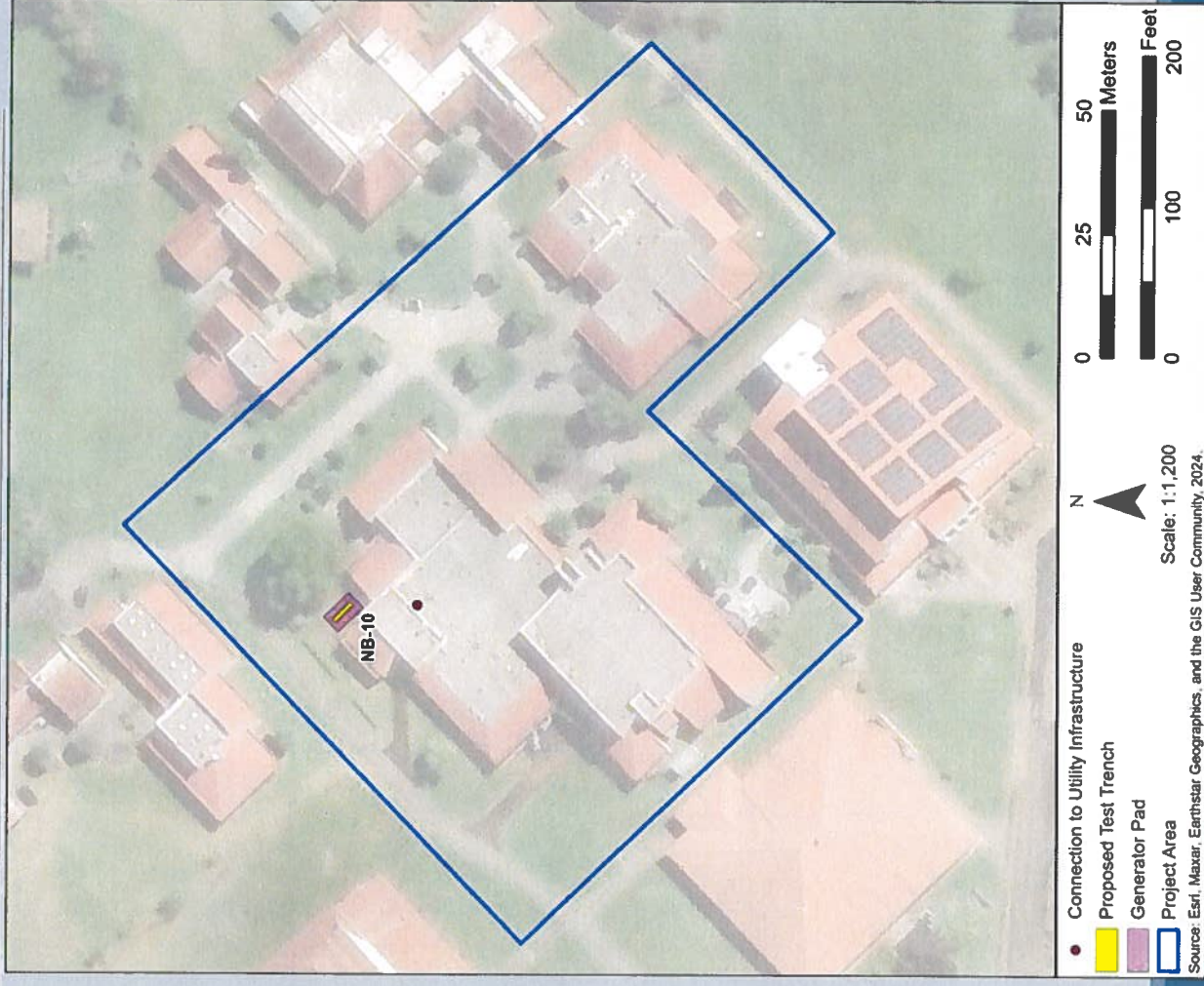
- 13 previous archaeological and architectural studies within 0.5 miles of the project area/APE
- No previously identified historic properties or burials within project area/APE
- Nearest are Lihue Plantation Features (SIHP 50-30-11-02179)



Cable Landing Station : Draft Testing Strategy

1 proposed trench in area of proposed ground disturbance

- 1 test trench measuring 5 m x .75 m



Next Steps

- Continuing consultation with NHOs and other potential consulting parties
- AIS testing strategy developed in consultation with cultural descendants, participating NHOs, OHA, and Island Burial Councils
- AIS testing strategy under review by SHPD for concurrence
- AIS Fieldwork
- Post-Fieldwork Consultation
- Preparation and submittal of draft AIS Report to SHPD
- Publication of Draft EA (end of 2025), including the CIA and Ka Paʻakai Analysis, and LRFI; Project permitting; Project construction

Request for Comment

NHPA Section 106 and HRS Chapter 6E

Given your knowledge and experience, we hope you will consider commenting on the following:

- *historic or potential historic properties,*
- *historic or potential historic districts,*
- *this project's area of potential effect, and*
- *the nature of these potential effects.*

Draft AIS Testing Strategy



Comments may also be emailed to mulrooney@pacificlegacy.com, Mahalo

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

Kaua'i County Historic Preservation Review Commission (KHPRC)

DIRECTOR'S REPORT

I. SUMMARY

Action Required by KHPRC: To provide comments in a Section 106 response letter regarding the proposed project's potential effect on historic properties.

KHPRC actions may include the following:

- a. Provide comments in a response letter; or
- b. Defer comments until more information becomes available.

II. PROJECT INFORMATION

Parcel Location:	Two cable landing sites: 1) Nukoli'i Beach 2) Kaua'i Community College
Tax Map Key(s):	1) Nukoli'i Beach TMK: (4) 3-7-003:007 (por.); (4) 3-7-003:017 (por.); and (4) 3-7-003:999 (Kūhiō Highway ROW) 2) Kaua'i Community College TMK: (4) 3-4-007:003 (por.)
Applicant/ Agency	University of Hawai'i (Applicant)/ US Army Corp of Engineers (USACE)- (Federal Agency)

III. PROJECT DESCRIPTION AND BACKGROUND

The University of Hawai'i, through the US Army Corps of Engineers (USACE), has initiated the Section 106 process to utilize federal funding for the Hawai'i Islands Fiber Link (HIFL) project. The proposed undertaking involves the construction, operation, and maintenance of an interisland subsea cable with designated cable landing sites on Kaua'i, O'ahu, Maui, Lāna'i, Molokai, and Hawai'i Island. The

E2a

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infrastructure improvements will provide high speed internet (broadband) throughout the State of Hawai'i.

Interisland subsea Cable:

To establish connectivity across the islands, the first component of the project will involve the placement of a cable across the surface seabed of State and U.S. Federal waters. Once on land, there will be a horizontal directional drilling (HDD) conduit to connect the subsea cable to nearshore facilities and a Beach Manhole with terrestrial fiber optic cable to provide connection to the cable landing site. The existing utility infrastructure along Kūhiō Highway and Kaumuali'i Highway will be used to provide connection between Nukoli'i Beach and the Kauai Community College.

Cable Landing Sites:

Kaua'i will have two proposed cable landing sites located at Nukoli'i Beach and the Kaua'i Community College. The Nukoli'i Beach cable landing site will include an HDD conduit, a beach manhole, and a terrestrial fiber optic cable that will connect to existing infrastructure at Kūhiō Highway. Some of the proposed cable landing site work will involve some degree of proposed ground disturbance to install the new underground conduit, specifically along Kaua'i Beach Road and Kaua'i Beach Drive.

The Kaua'i Community College cable landing site will be located within an existing building on campus but will also involve the installation of additional equipment to support operations.

IV. AREA OF POTENTIAL EFFECT (APE)

As represented in the consultation letter maps, the Agency has identified the area of potential effect as the subsea cable route and the cable landing sites. For the Kaua'i locations, the APE is identified as a portion of the TMKs listed for Nukoli'i Beach and the Kaua'i Community College campus.

V. IDENTIFICATION OF CULTURAL AND HISTORIC SITES

The Agency prepared an archeological literature review and field inspection for the project and was able to identify historic properties that were within, adjacent, or outside of the designated APE. The following historic properties were identified and are further described in the consultation letter.

Nukoli'i Beach:

Description of the Historic Property	SIHP Number	Proximity to the APE
--------------------------------------	-------------	----------------------

Post-contact drainage ditch	50-30-08-02235	Intersects the APE
Concrete Bridge	50-30-08-01846	Outside of the APE
Complex of Pre-Contact Cultural Deposits	50-30-08-01838	Near Makai end of the APE
Complex of Dune burials	50-030-08-00103	North of the APE

Kaua'i Community College:

For the Kauai Community College site, the historic properties identified were primarily post-contact features associated with Lihu'e Plantation. As represented, no potential historic properties were identified at the college campus.

Based on the Agency's literature review, the Agency intends to prepare an archeological inventory survey to collect more information to make a determination on the proposed project's impact to historic properties.

VI. RECOMMENDATION

The Planning Department recommends that the Kaua'i Historic Preservation Review Commission make a motion to provide comments in a response letter pertaining to the Area of Potential Effect (APE), the identification of historic properties, and/ or the proposed project's effect on historic properties.

The Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process whereby the entire record should be considered prior to decision making. The entire record includes but is not limited to:

- a. Government agency comments;
- b. Testimony from the general public and interested others; and
- c. The land owner's response.

Kaua'i Historic Preservation Review Commission (KHPRC)

November 18, 2025 Meeting

Section 106- University of Hawai'i/ US Army Corp of Engineers (USACE)

Hawai'i Islands Fiber Link Project

TMK: (4) 3-4-007:003 (por.); (4) 3-7-003:007 (por.); (4) 3-7-003:017 (por.); and (4) 3-7-003:999

Page 4

By 
MARISA VALENCIANO
Planner

Approved & Recommended to Commission:

By 
JODI A. HIGUCHI SAYEGUSA
Deputy Director of Planning

Date: 11/5/25



October 27, 2025

**Re: National Historic Preservation Act Section 106 Coordination and Request for Input on the
Proposed Kūnoa North Geotechnical Investigation Project**

Aloha:

The National Telecommunications and Information Administration (NTIA) is initiating National Historic Preservation Act (NHPA) Section 106 consultation for the Kūnoa North Geotechnical Investigation project. This project is being undertaken by Hawaiian Telcom Inc. (HT) with federal funding through the NTIA's Enabling Middle Mile Grant Program and thus qualifies as a federal undertaking under the [36 Code of Federal Regulations 800.16](#).

The purpose of the geotechnical investigation is to collect subsurface soil information to support the planning and design of the proposed future HT Kūnoa North submarine fiber optic cable project, which will enhance telecommunications connectivity across the Hawaiian Islands (see attached overall project exhibit). The NTIA's National Environmental Policy Act (NEPA) Procedures allow for independent studies such as geotechnical investigations to inform larger project actions and consider this type of work and interim (and separate) NEPA action from the proposed cable project and therefore will proceed under a separate track for NEPA, Hawai'i Revised Statutes (HRS) Chapter 343, NHPA Section 106, and HRS Chapter 6E review and other environmental permitting requirements.

The intent of this letter is to describe the Kūnoa North Geotechnical Investigation project, its purpose, location, and area of potential effects (APE), as well as the steps taken to identify historic properties that may potentially be impacted by the project, and to seek any information, or concerns, you may have regarding historic properties in the area.

PROJECT DESCRIPTION

The Kūnoa North Geotechnical Investigation project proposes to conduct exploratory geotechnical borings at six locations on the islands of Kaua'i (1), O'ahu (2), Maui (2), and Hawai'i (1). The geotechnical work for the project will be limited in scope and temporary in duration. At each site, small-diameter boreholes (approximately 4 inches in diameter) will be drilled using a truck-mounted drill rig consisting of a solid stem auger and coring tools. Support vehicles (e.g., water truck, flatbed truck) may be utilized as necessary. Depending upon the depth, each boring will take approximately 2 to 8 hours to complete. Upon completion, the boreholes will be backfilled and the sites restored. Temporary staging areas (approximately 100' by 30') will be required at each bore site for equipment, while ground disturbance per boring will be approximately 0.1 square feet. Where necessary, minor vegetation clearing may be required to provide access to certain boring locations. Work will occur during daylight hours (8 AM to 4 PM). No permanent facilities will be installed, and no long-term ground disturbance will result from this exploratory work.

PROJECT AREA OF POTENTIAL EFFECTS (APE)

The proposed APE for the Kūnoa North Geotechnical Investigation project consists of six distinct sites on four separate islands (see table below). All of the sites are located near the shoreline. Four are situated at least partially within County beach parks, and all but two are located completely on County, State, or Federal lands. Maps showing the general locations of the six sites, as well as more detailed maps showing the APE boundaries and the proposed geotechnical boring locations, are included at the end of this letter.



List of Sites Comprising the Project APE

Island	Site	Location	Landowner(s)	Tax Map Parcels
Kaua'i	'Anini	'Anini Beach and Kalihikai Park	County of Kaua'i	(4) 5-3-005:005 and (4) 5-3-005:999
O'ahu	Hale'iwa	Hale'iwa Beach Park and Kahelewai Place	City & County of Honolulu	(1) 6-2-001:002 and (1) 6-2-001:999
O'ahu	Kāne'ohe	Kāne'ohe Marine Corps Base Hawai'i West, Secret Beach	U.S. Department of Defense	(1) 4-4-008:001 and (1) 4-4-008:999
Maui	Waiehu	Waiehu Beach and Leisure Estates Park	County of Maui	(2) 3-2-013:019, :006, :005 and (2) 3-2-020:999
Maui	Hāna	Kōkī Beach Park and Haneo'o Road	State of Hawai'i and County of Maui	(2) 1-4-007:009 and (2) 1-4-007:999
Hawai'i	Kohala	Honoipu/'Upolu Point near Old Coast Guard Road	Honoipu Hideaway LLC and U.S. Coast Guard	(3) 5-6-001:056, (3) 5-6-001:062, and (3) 5-6-001:074

HISTORIC PROPERTY INVESTIGATIONS

To help determine the potential impacts of the Kūnoa North Geotechnical Investigation project on historic properties located within the project APE, the NTIA requested that a Hawai'i State Historical Preservation Division approved archaeology firm conduct archaeological literature reviews and field inspections for each of the six sites where geotechnical boring will take place. Research was undertaken to determine whether any previous archaeological studies had been conducted within each portion of the APE, and if so whether any historic properties had been identified. Hawai'i State Historical Preservation Division certified archaeologists then conducted field inspections at each of the six sites to identify any surface historic properties. The results of these investigations are presented below.

'Anini Site

No previous archaeological studies have been conducted in the area immediately surrounding or encompassing the 'Anini portion of the project APE, and no historic properties have been previously identified within this portion of the APE. Two historic properties (State Inventory of Historic Places [SIHP] Sites 50-30-03-01866 and 50-30-03-01984) consisting of inadvertent discoveries of human skeletal remains associated with traditional Hawaiian burials have been identified in the vicinity of the APE. Both were found along the shoreline between 200 and 300 meters from the project APE. The archaeological field inspection did not identify any surface historic properties within the 'Anini Beach portion of the APE.

Based on the results of the archaeological literature review and field inspection, there exist the potential for previously unidentified subsurface historic properties, including buried cultural deposits or human burials, to be encountered within the 'Anini Beach portion of the APE during ground-disturbing project-related activities.



See figures 1, 2, and 3 below for location details.

Hale'iwa Site

Several previous archaeological studies have been conducted within the vicinity of and encompassing sections of the Hale'iwa portion of the APE. Two historic properties have been previously identified within the project APE, and one was recovered in close proximity. The APE rests almost entirely within the boundary of the historic Haleiwa Beach Park (SIHP Site 50-80-04-01388). The park has been listed on the Hawaii Register of Historic Places since 1988 as one of several properties contributing to the City and County of Honolulu Art Deco Parks and Playgrounds theme. Due to its location, the proposed project will not impact any of the character defining elements of the park. A former Oahu Railway & Land Company's right-of-way (SIHP Site 50-80-02-05791) trends through the Hale'iwa portion of the APE from north to south. The roughly 13-foot-wide right-of-way segment present within the Hale'iwa portion of the APE may represent part of a spur or roadway once maintained by the OR&L Company. No railroad tracks or other remnants of the railway are present in the APE. In November of 2023, a single human burial (SIHP Site 50-80-04-09407) was inadvertently discovered just outside the western edge of the APE. The partial adult skeleton was excavated and relocated off-site after being removed from a charcoal-rich cultural layer at a depth of approximately 60 centimeters below the ground surface. Several other historic properties, including human burials, are located outside, but in the vicinity of the Hale'iwa portion of the APE.

The archaeological field inspection did not identify any new surface historic properties within the Hale'iwa portion of the APE. A concrete wall associated with Haleiwa Beach Park that extends into the southern portion of the APE will be intentionally avoided during geotechnical boring activities. The wall will therefore not be impacted by the project.

Based on the results of the archaeological literature review and field inspection, there exists the potential to encounter previously unidentified subsurface historic properties, including buried cultural deposits or human remains, within the Hale'iwa portion of the APE during geotechnical boring.

See figures 4, 5, and 6 below for location details.

Kāne'ohe Site

A number of previous archaeological studies have been conducted within the section of the Kāne'ohe Marine Corps Base Hawai'i within which the Kāne'ohe portion of the APE is located. These studies identified a number of historic properties, from Traditional Hawaiian features to World War II era structures. None of these historic properties are location within the Kāne'ohe portion of the project APE, most being situated to the north and east. The archaeological field inspection did not identify any surface historic properties within the current APE.

Since the geotechnical boring sites within the Kāne'ohe portion of the APE extend toward the shoreline, however, there still exists the potential to encounter previously unidentified subsurface historic properties, including buried cultural deposits or human remains, during geotechnical boring.

See figures 7, 8, and 9 below for location details.

Waiehu Site

The archaeological literature review revealed that several previous archaeological studies have been conducted within and around the Waiehu portion of the APE. While no historic properties have been



identified within the project APE itself, five historic properties are located in the surrounding area. These include the Waiehu Midden Area (SIHP Site 50-50-04-01189) where three human burials have been documented in two discrete areas, a buried rock structure and hearth feature (SIHP Site 50-50-04-05661) associated with the Waiehu Dune Burials (SIHP Site 50-50-04-01185) where more than 33 human burials and cultural deposits have been documented, the Lower Waiehu Burial Cave (SIHP Site 50-50-04-01186) which is associated with two burials, and Waiehu Pond (SIHP Site 50-50-04-02976).

The archaeological field inspection identified two surface archaeological features which may represent historic properties due to their age. These include a segment of Lower Waiehu Beach Road and a stone and cement wall segment on which is mounted a geodetic marker. The wall runs from north to south on the makai side of the road and the parking area that occupies most of this portion of the APE (see attached satellite image). It ends at the northeastern corner of the parking area, allowing the geotechnical boring crew to drive around it to reach the most seaward proposed boring location, thus avoiding impacting the wall during boring activities.

Based on the results of the archaeological literature review and field inspection, there exists the potential to encounter previously undocumented subsurface historic properties, including buried cultural deposits and human remains, within the Waiehu portion of the APE during geotechnical boring.

See figures 10, 11, and 12 below for location details.

Hāna Site

The archaeological literature review indicated that no detailed previous archaeological investigations had been undertaken within the Hana portion of the APE, though it was included in general regional surveys. The only historic property previously identified as overlapping a portion of the APE is the Ka Iwi o Pele Complex (SIHP Site 50-50-13-00573, HICRIS Resource 2019RE02308). This complex is comprised of Lehoula Fishpond located along the shoreline to the north of the APE, and two wahi pana (legendary places): Ka Iwi o Pele and Ko'ona, a lava formation in the shape of an eel, which is also situated along the shoreline to the north of the APE. The hill of Ka Iwi o Pele (Kaiwiopele), which gives the complex its name, is associated with traditions that relate the travels of Pele and her family down the island chain. The southern boundary of site, as documented in the State Historic Preservation Division's Hawai'i Cultural Resource Information System geographic information system map, just overlaps a section of the Haneo'o Road that rests within the Hāna portion of the APE.

There also have been several more detailed previous archaeological studies conducted in the vicinity of the Hana portion of the APE. These studies have identified numerous historic properties in the broader area. These include the Hana Belt Road Historic District (Hana Highway/Road to Hana, SIHP Site 50-50-13-01638) located approximately 200 m (0.12 mile) northwest of the Haneo'o portion of the APE; an area with a burial dating to the nineteenth or twentieth century that has been preserved in place with large boulders approximately 80-meters southeast of the Haneo'o portion of the APE (SIHP Site 50-50-13-04669); a historical era cemetery of at least nine graves preserved in place approximately 80-meters southeast of the Haneo'o portion of the APE (SIHP Site 50-50-13-04233); a pre-Contact subsurface hearth feature (SIHP Site 50-50-13-04404); a post-Contact era trash pit (SIHP Site 50-50-13-04402) and a boundary wall remnant (SIHP Site 50-50-13-4403), also



southeast of the Haneo'o portion of the APE; the Haneo'o Fishpond Complex (SIHP Site 50-50-13-01483) to the south of the project APE, which is comprised of at least two fishponds, a cluster of three graves, and possible heiau remnants, some of which were destroyed during a 1973 tsunami (a portion of the Haneo'o fishpond was recorded under SIHP Site 50-50-13-01081); and the Lehoula Fishpond (SIHP Site 50-50-13-00573).

The only potential historic property observed during the archaeological field inspection of the Hana portion of the APE was a segment of Haneo'o Road that is over fifty years in age.

The three geotechnical boring sites located along the Haneo'o Road rest just within the boundary of the Ka Iwi o Pele Complex (SIHP Site 50-50-13-00573) as well as within the right of way of the potential historic property that is the Haneo'o Road. The presence of subsurface archaeological features and human burials in the surrounding coastal area indicate that geotechnical boring within the Hana portion of the APE may potentially encounter previously undocumented subsurface historic properties, including buried cultural deposits and human remains.

See figures 13, 14, and 15 below for location details.

Kohala Site

No previous archaeological investigations have been undertaken within the Kohala portion of the project APE. The only previously identified historic property that overlaps the Kohala portion of the APE is the seaward fringe of the Kohala Field System (SIHP Site 50-10-02-06600), though no evidence of the field system exists within the APE. The archaeological literature review noted that the only previously identified historic properties located within the surrounding area were two elements of the Puakea Bay Ranch complex (SIHP Site 50-10-01-06795). Mo'okini Heiau and the Kokoiki birthstones are located roughly three quarters of a mile to the northeast, while Honoipu Landing is to the southwest and well outside of the limits of the APE.

The archaeological field inspection noted that the Old Coast Guard Road, where four of the geotechnical boring sites are planned to be located, is over fifty years in age and thus eligible as a potential historic property. During the course of the field inspection, the archaeologists also identified the badly disturbed remnants of what appears to have been the stone foundation of a post-Contact residential structure (possibly erected on the site of an earlier Traditional house site). This feature is located approximately 16 meters from one of the proposed geotechnical boring sites. To avoid impacting this potential historic property during project related activities, it will be marked for avoidance. A nearby stone monument and plaque erected in 2001 that celebrates the arrival of the first Puerto Ricans to the Islands who arrived at Honoipu Landing in 1901 will also be marked for avoidance during geotechnical boring.

See figures 16, 17, and 18 below for location details.

PROPOSED MITIGATION MEASURES

The archaeological literature reviews and field inspections conducted in support of the Kūnoa North Geotechnical Investigation project have identified a small number of surface historic properties that are present at three of the proposed geotechnical boring sites (Hale'iwa, Waiehu, and Kohala). To avoid impacts to these identified surface historic properties, NTIA proposes that an archaeological monitor be present on-site during all geotechnical boring related activities at these three sites. The archaeological



monitor will flag the location of these historic features, point them out to the geotechnical boring crews, and ensure they are avoided during project work.

There also exists the potential for encountering previously undocumented subsurface cultural deposits and buried human remains at each of the six proposed geotechnical boring locations. To mitigate the potential impacts of the project on any possible buried historic properties, the NTIA proposes to undertake historic properties monitoring with both an archaeological and cultural monitor being on-site during all geotechnical boring related activities conducted at the six geotechnical boring sites.

NHPA Section 106 Consultation

As part of its responsibilities under NHPA Section 106, the NTIA is attempting to identify all historic properties located within the APE of the Kūnoa North Geotechnical Investigations project. As part of that effort, the NTIA is reaching out to consulting parties who may have knowledge of, or concerns with, historic properties in the project APE. If you possess any information regarding historic properties located at any of the sites within the project APE, or if you have any concerns regarding the potential impacts of the project on historic properties or archeological sites, we ask that you please respond to this letter.

If you would like more information or to provide input regarding the Kūnoa North Geotechnical Investigations project, please feel free to contact me. I can be reached by phone at (202) 834-3123 or email at jfitzpatrick@ntia.gov.

Sincerely,

**Josh
Fitzpatrick**

Joshua Fitzpatrick

Environmental Program Officer

Office of Internet Connectivity and Growth

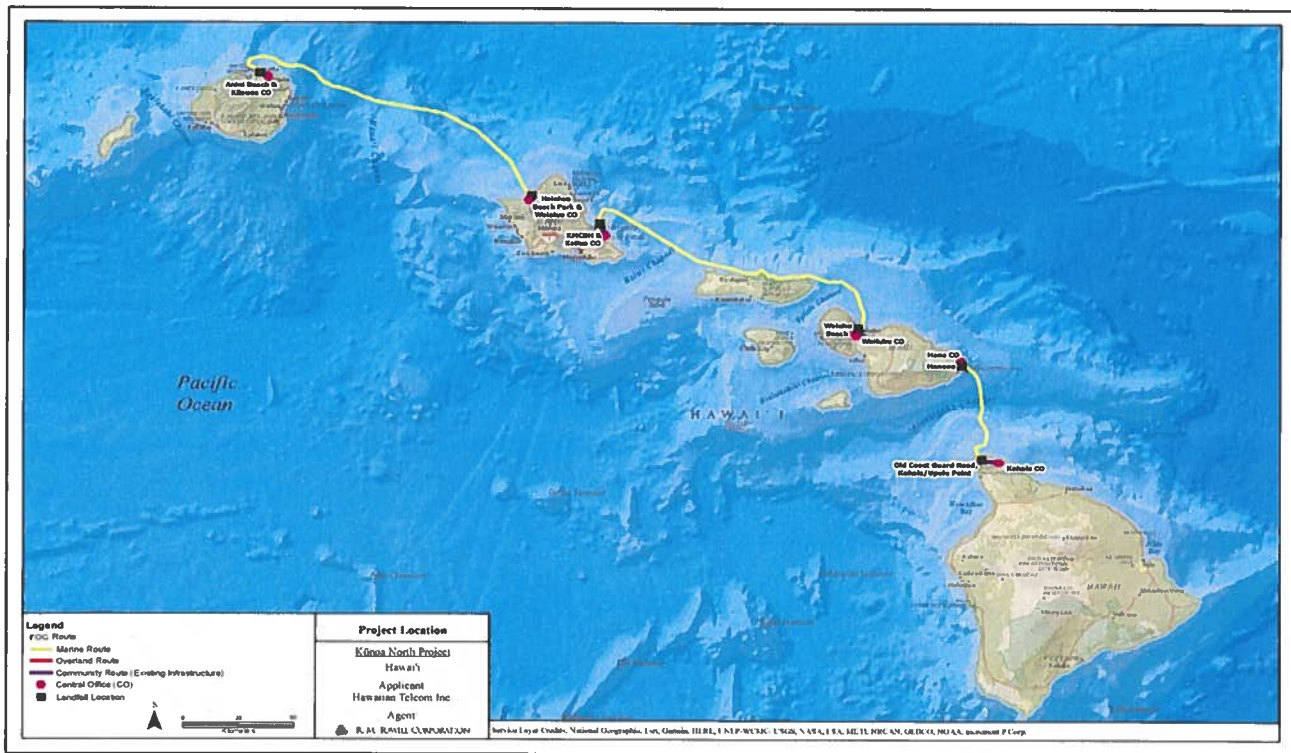
National Telecommunications and Information Administration

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UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and Information Administration
DC 20230

Washington,



Overall Project Exhibit

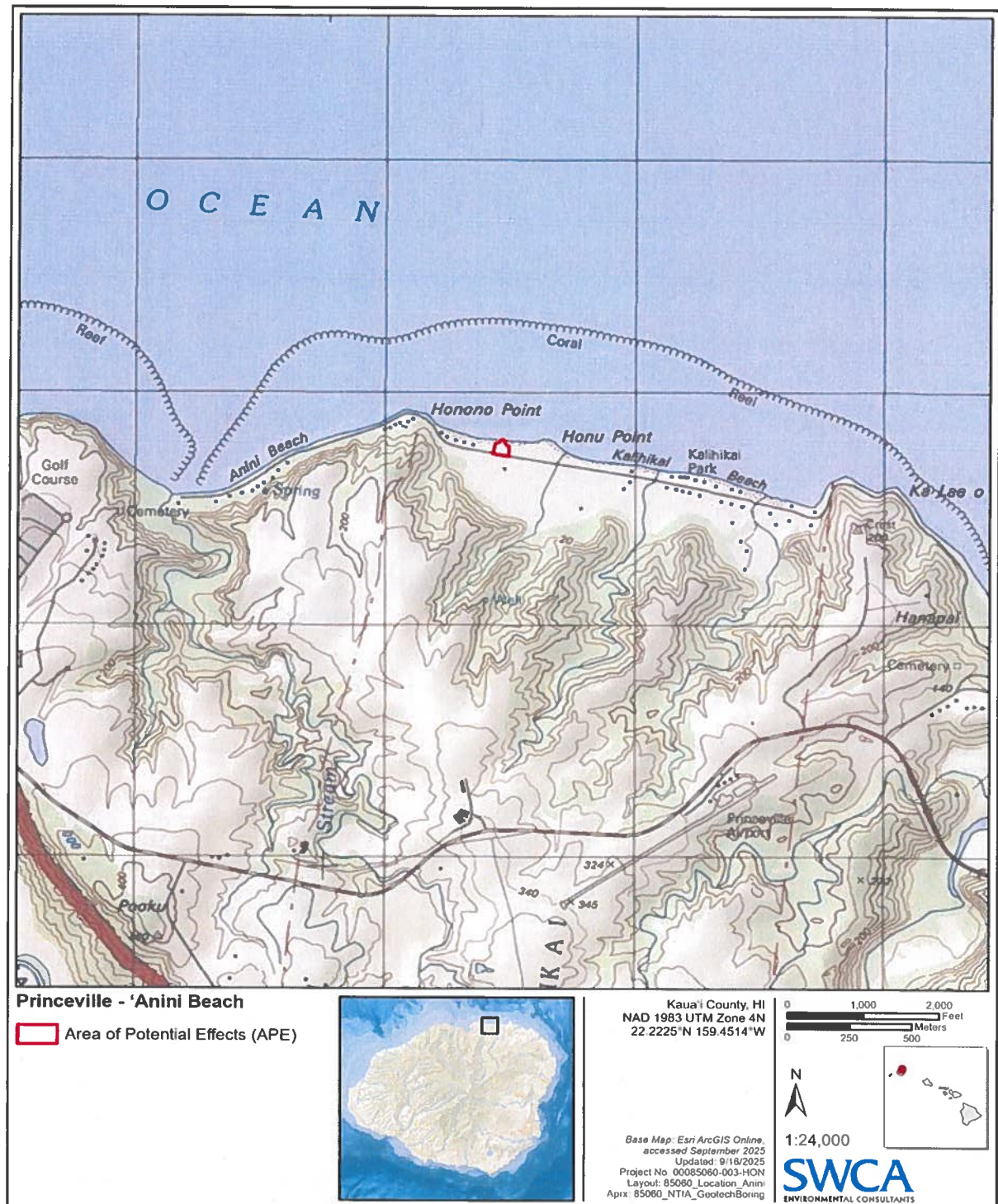


Figure 1. Relative location of the 'Anini portion of the project APE.



Figure 2. 'Anini portion of the project APE showing the proposed geotechnical boring locations.



Figure 3. 'Anini portion of the project APE and adjacent TMKs.

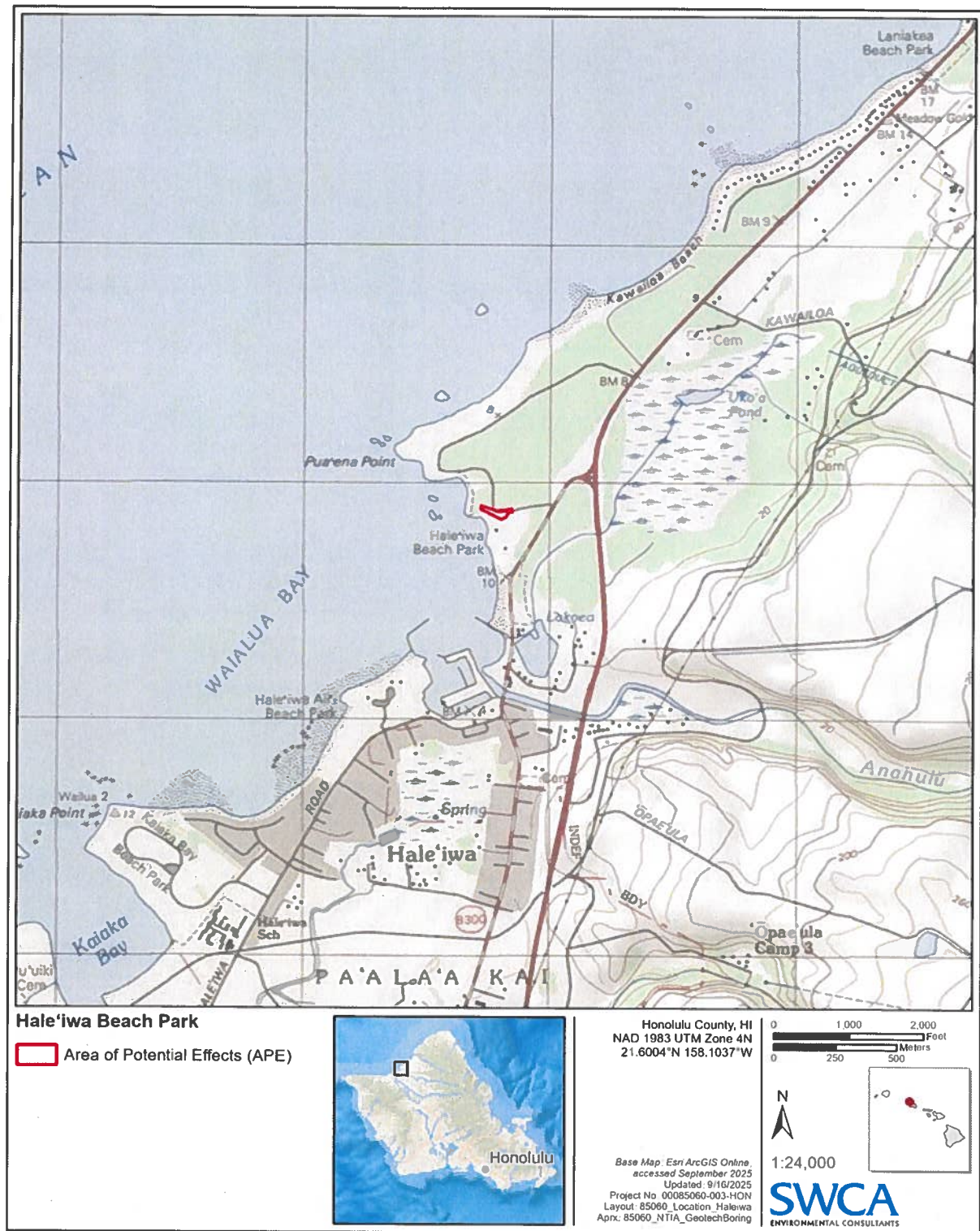


Figure 4. Relative location of the Hale'iwa portion of the project APE.

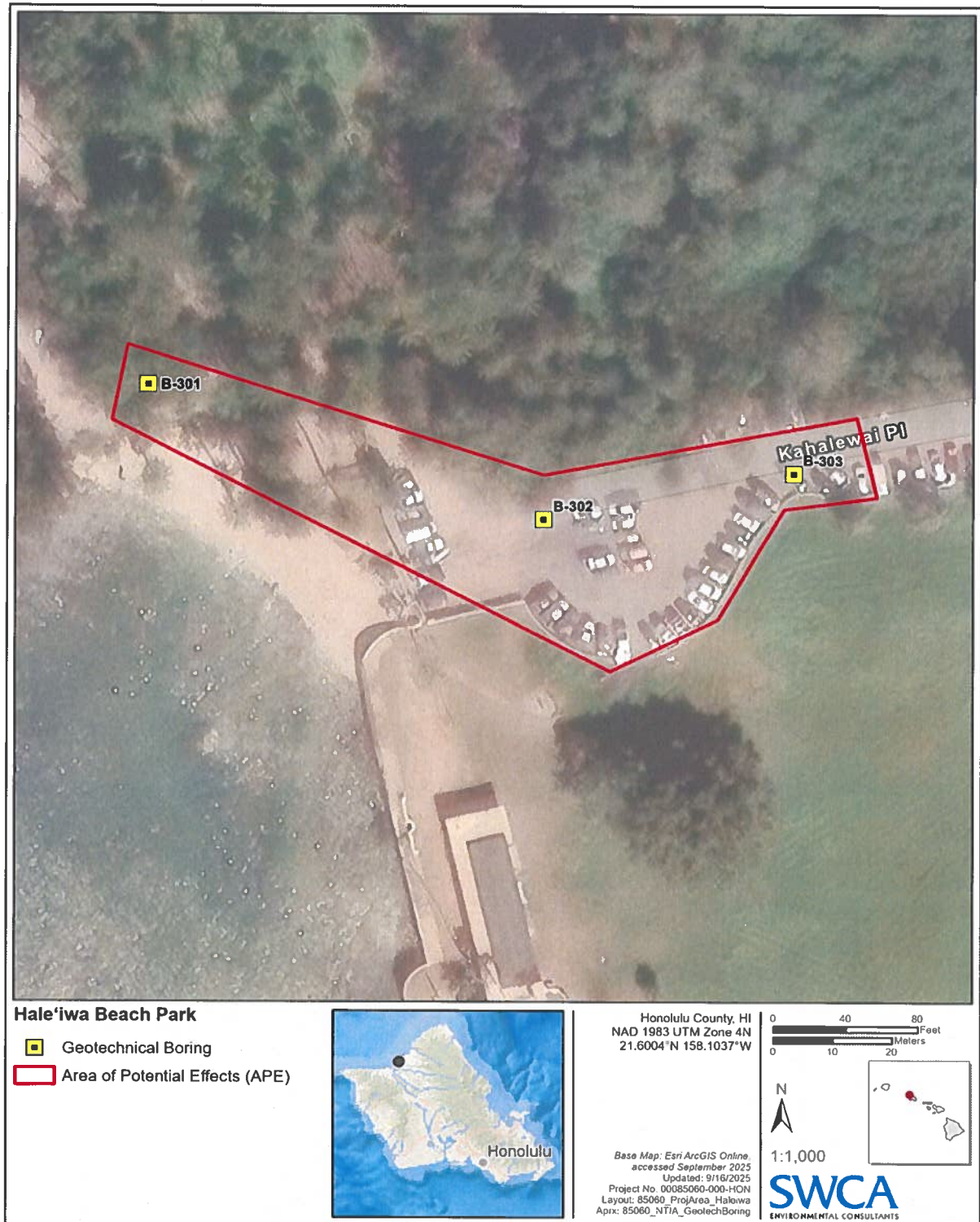


Figure 5. Hale'iwa portion of the project APE showing the proposed geotechnical boring locations.



Figure 6. Hale'iwa portion of the project APE and adjacent TMKs.

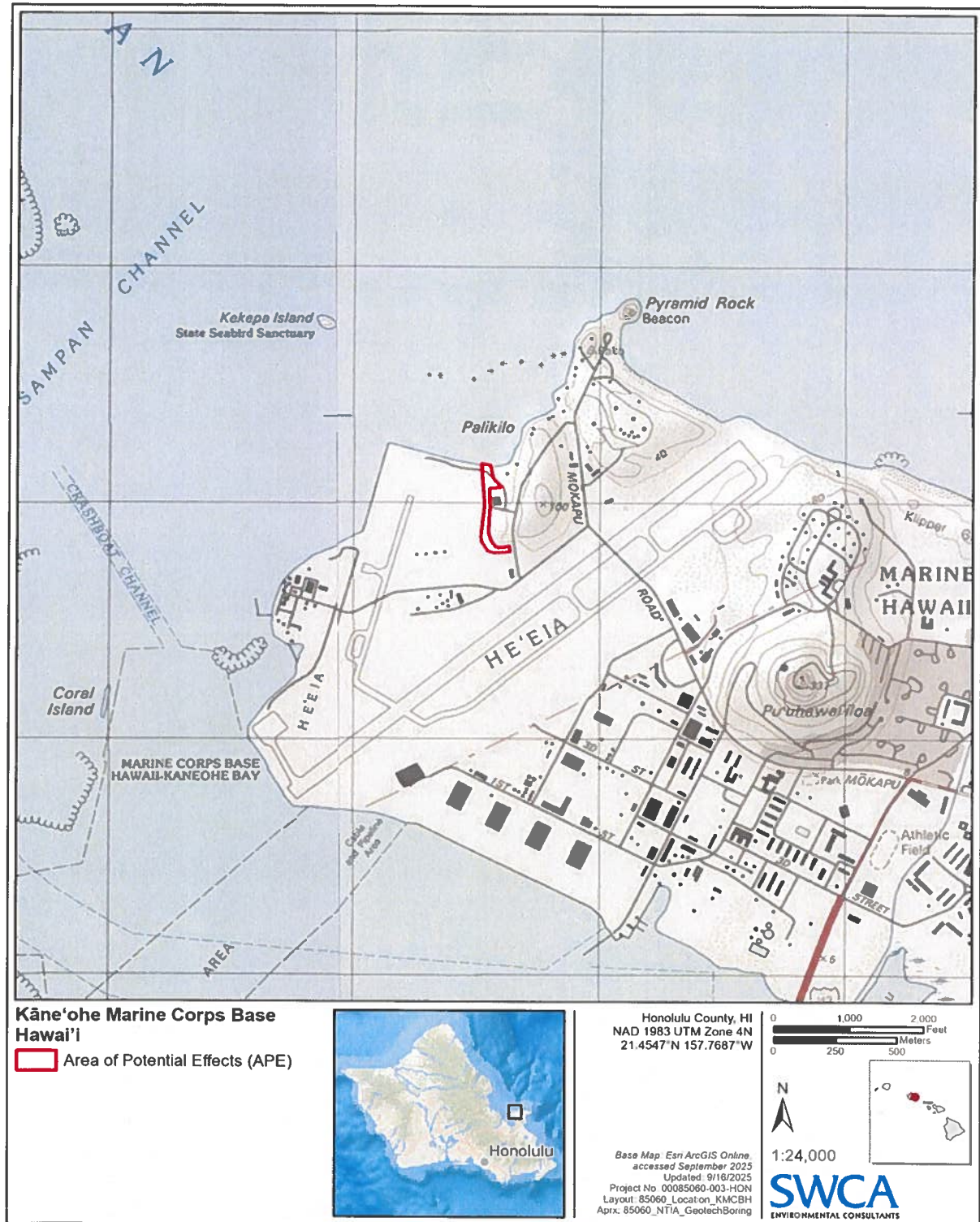


Figure 7. Relative location of the Kāne'ohe portion of the project APE.

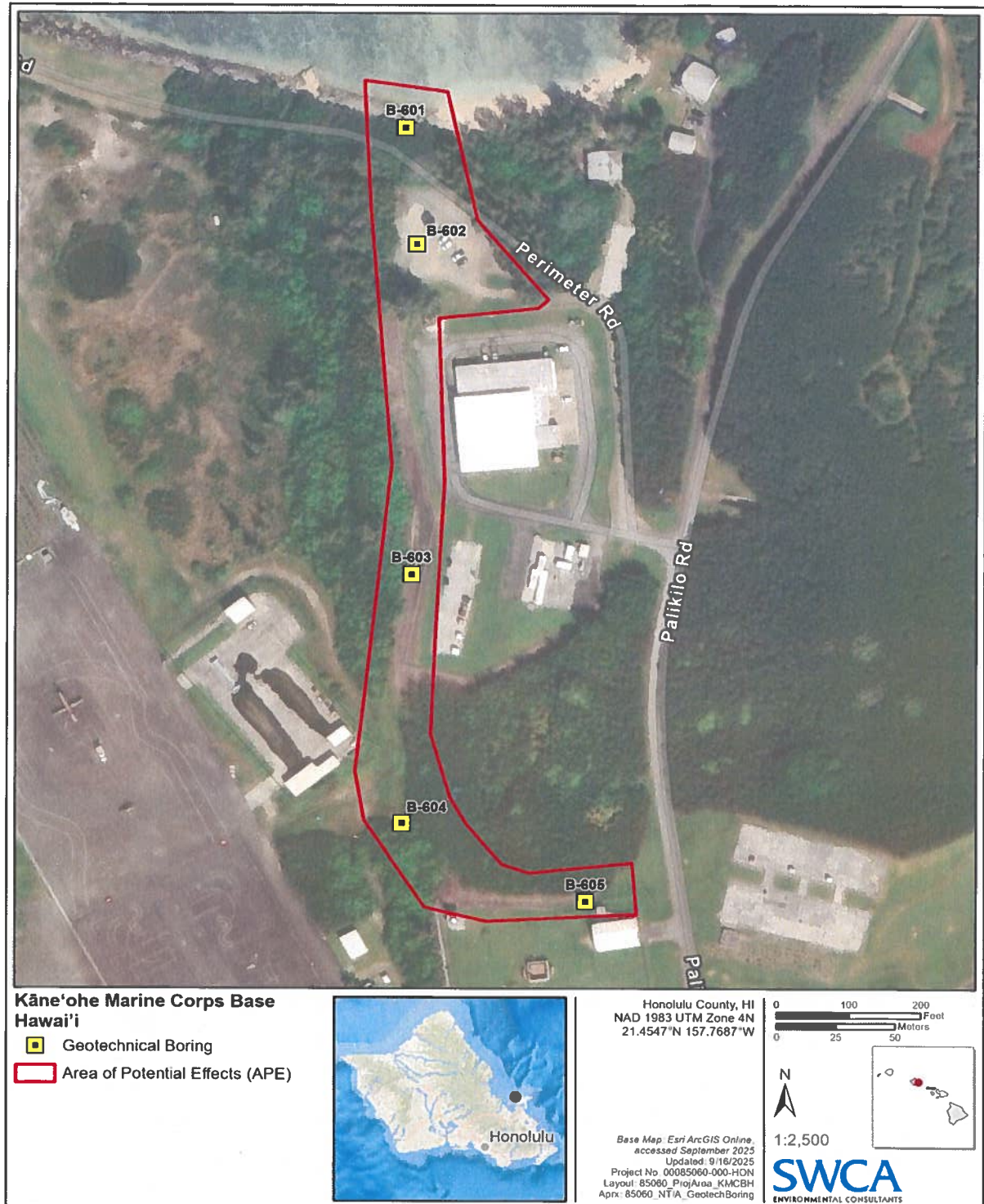


Figure 8. Kāne'ohe portion of the project APE showing the proposed geotechnical boring locations.

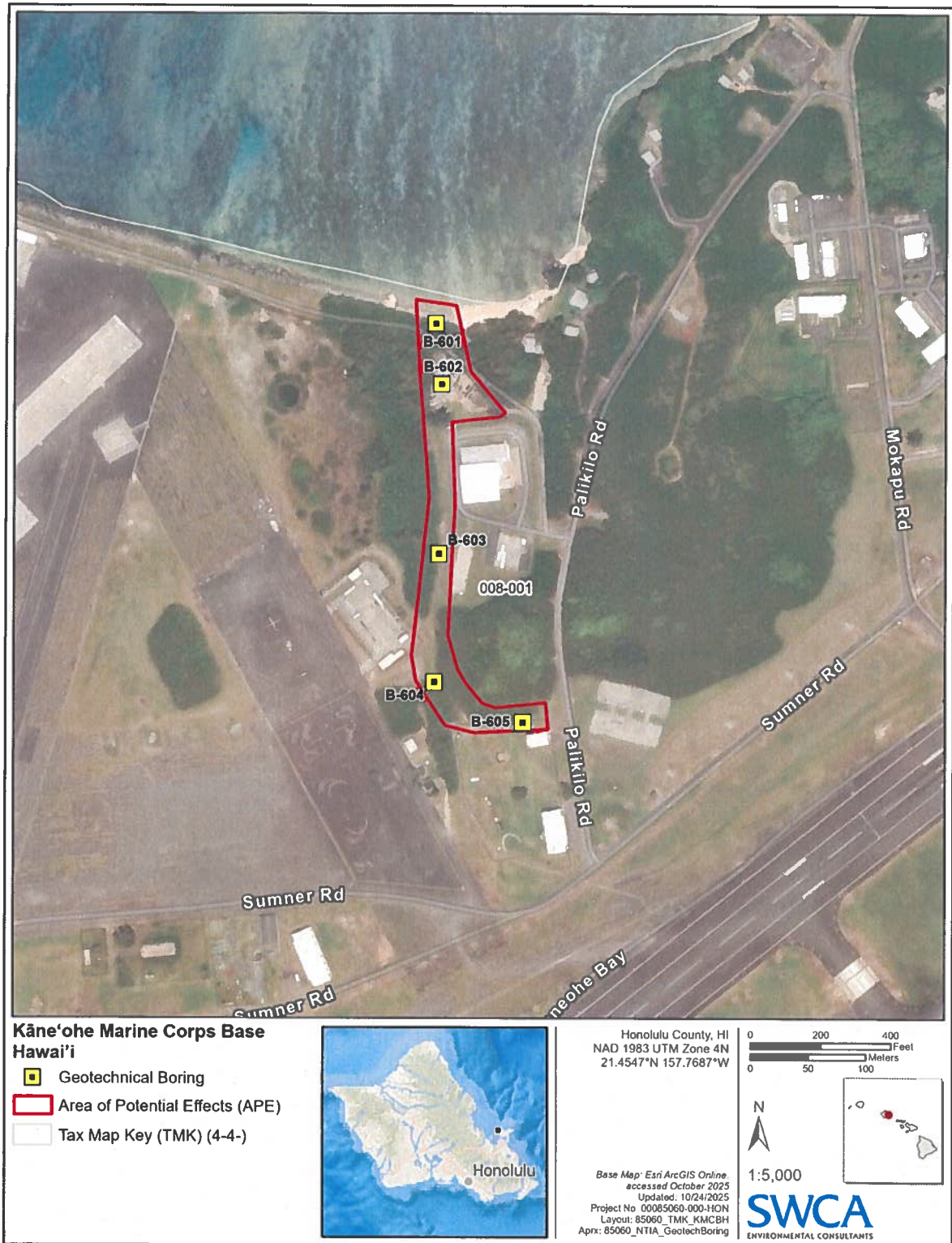


Figure 9. Kāne'ohe portion of the project APE and adjacent TMKs.



Figure 10. Relative location of the Waiehu portion of the project APE.



Figure 11. Waiehu portion of the project APE showing the proposed geotechnical boring locations.



Figure 12. Waiehu portion of the project APE and adjacent TMKs

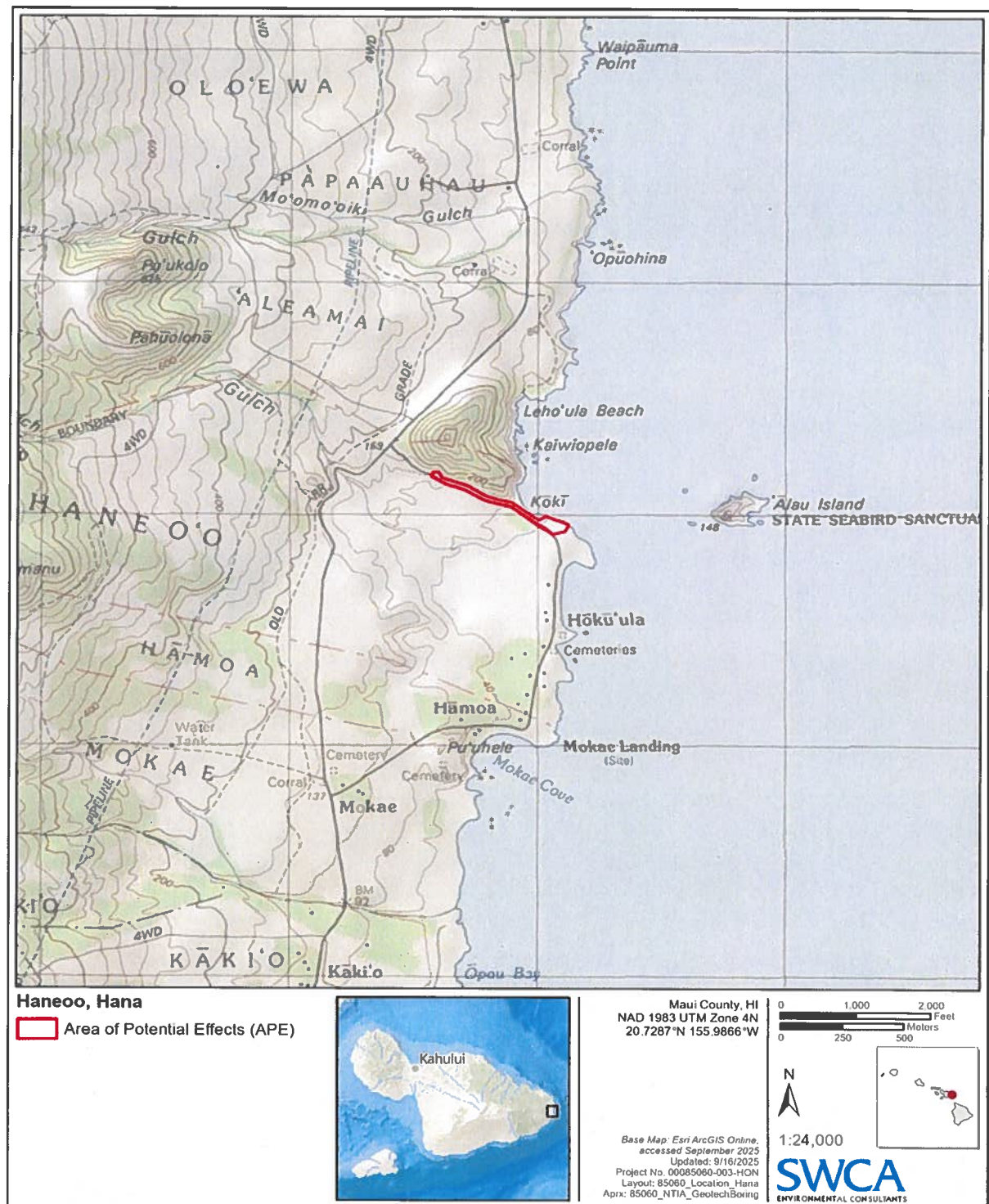


Figure 13. Relative location of the Hāne'o portion of the project APE.

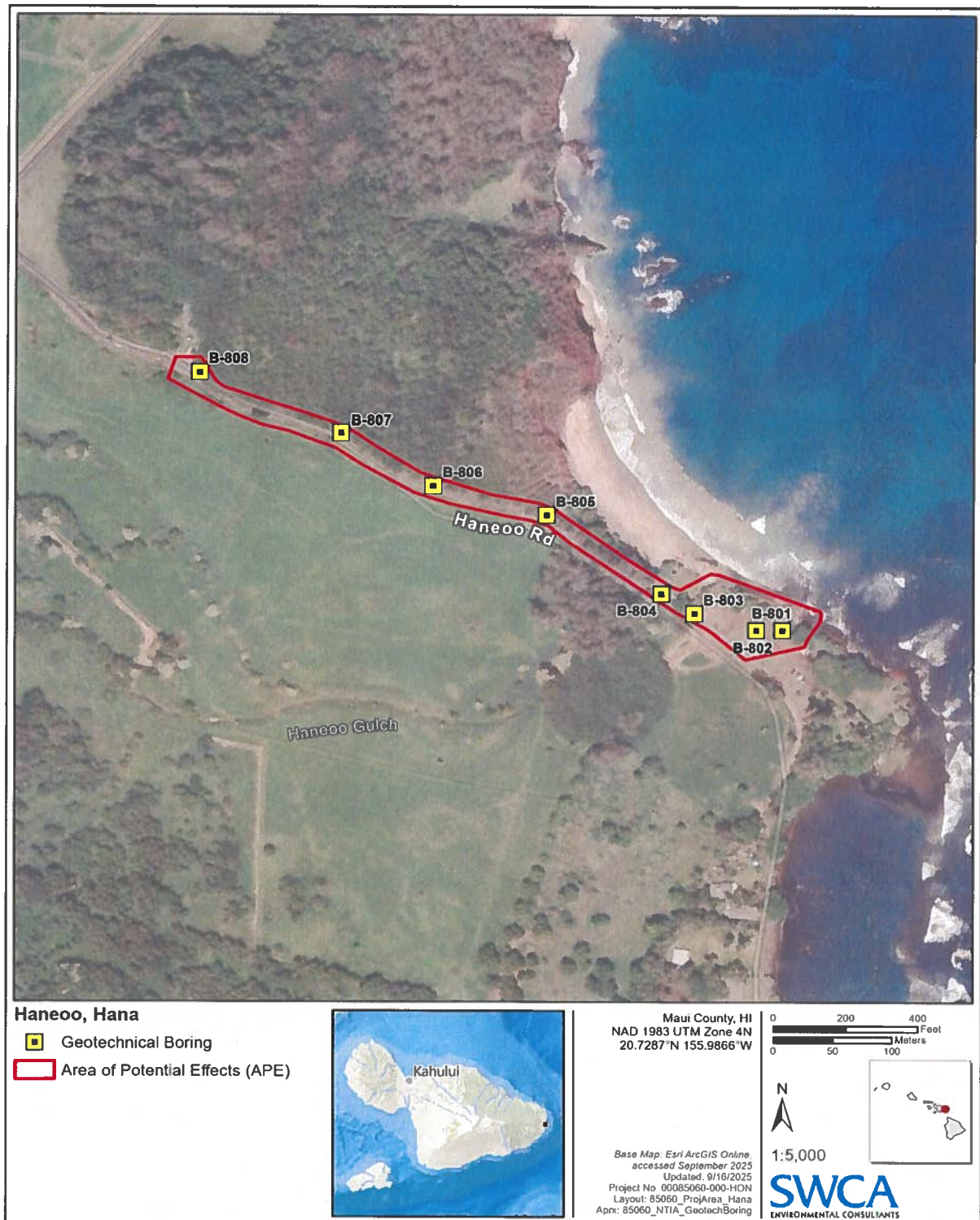


Figure 14. Hāna portion of the project APE showing the proposed geotechnical boring locations.

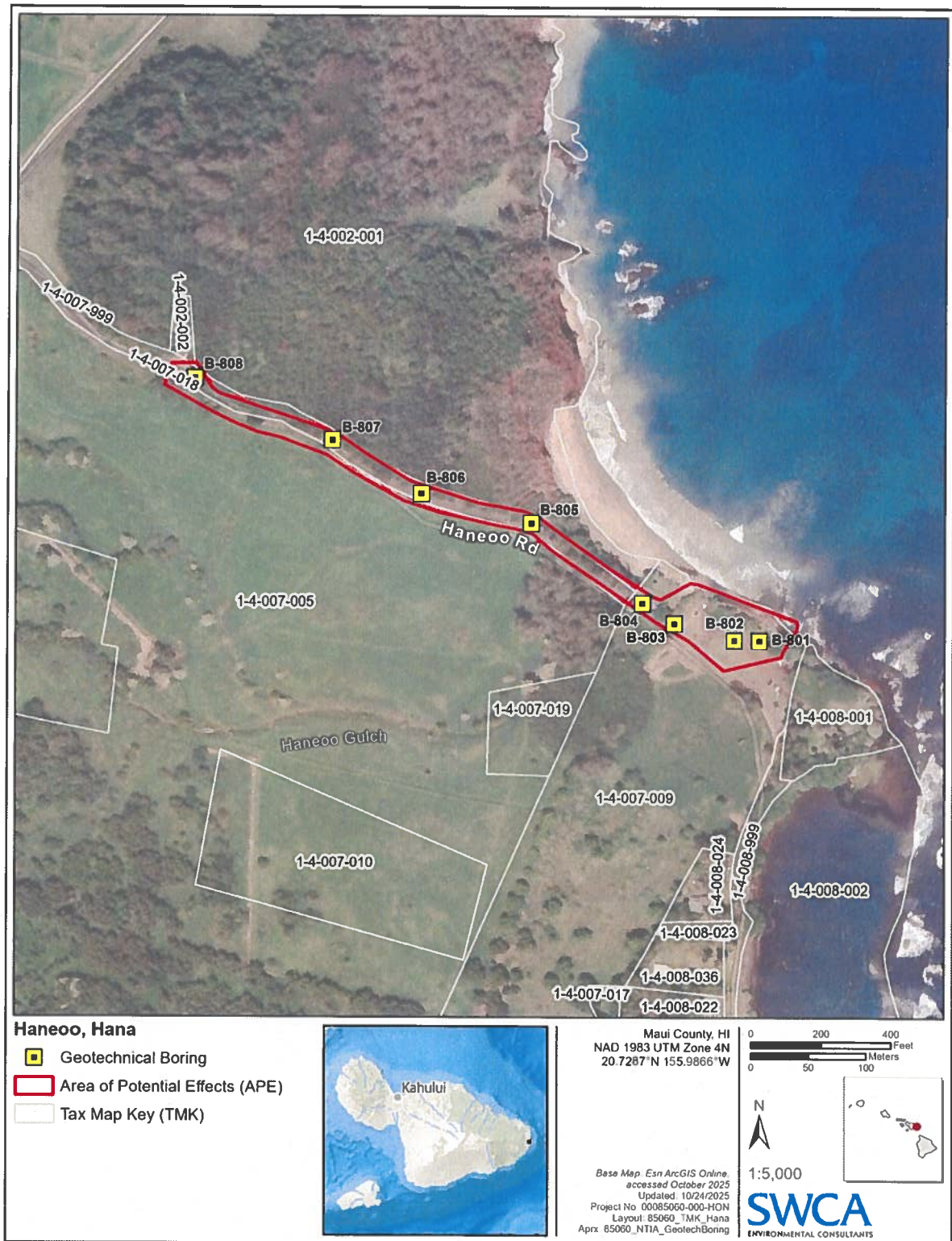


Figure 15. Hāna portion of the project APE and adjacent TMKs.

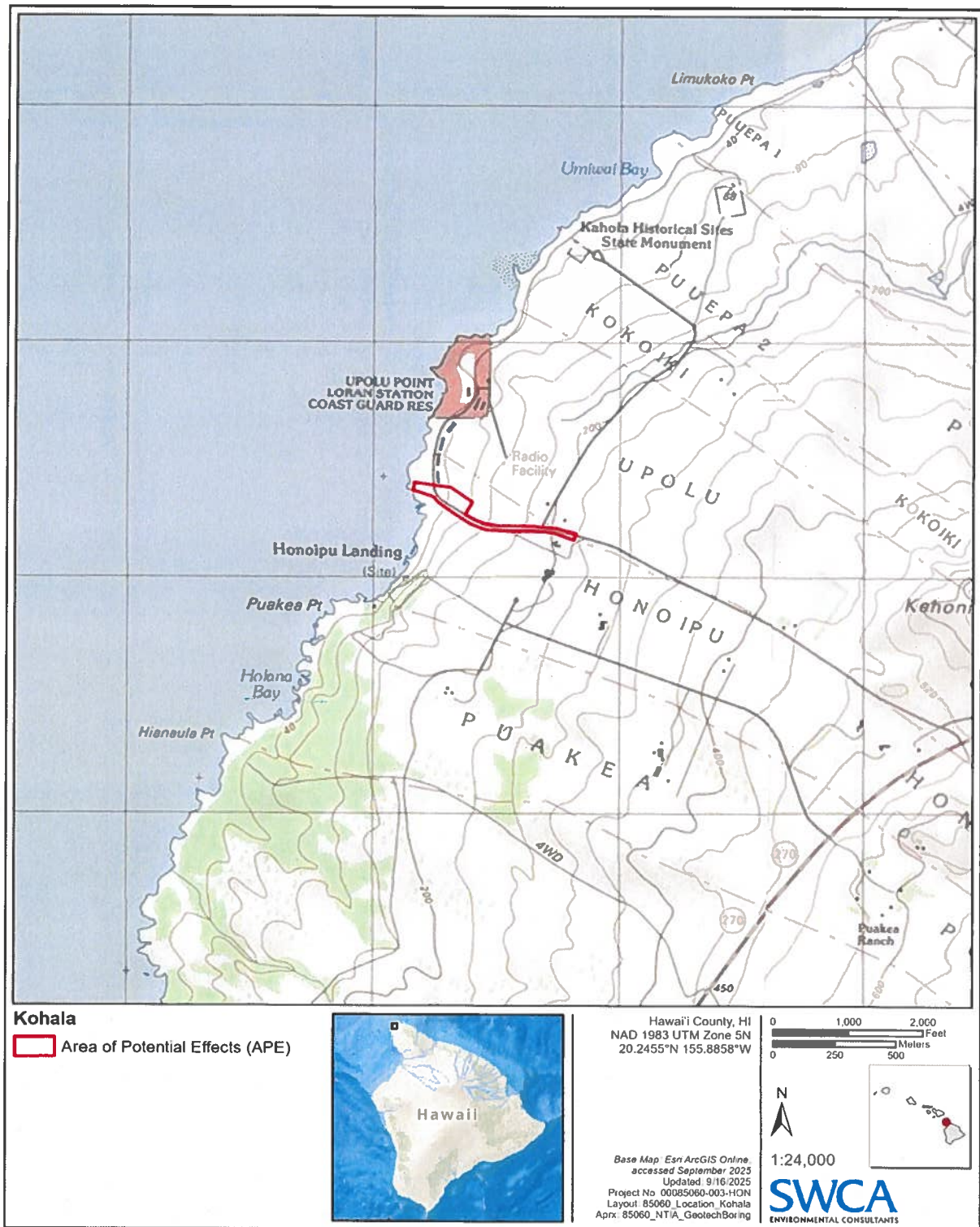


Figure 16. Relative location of the Kohala portion of the project APE.

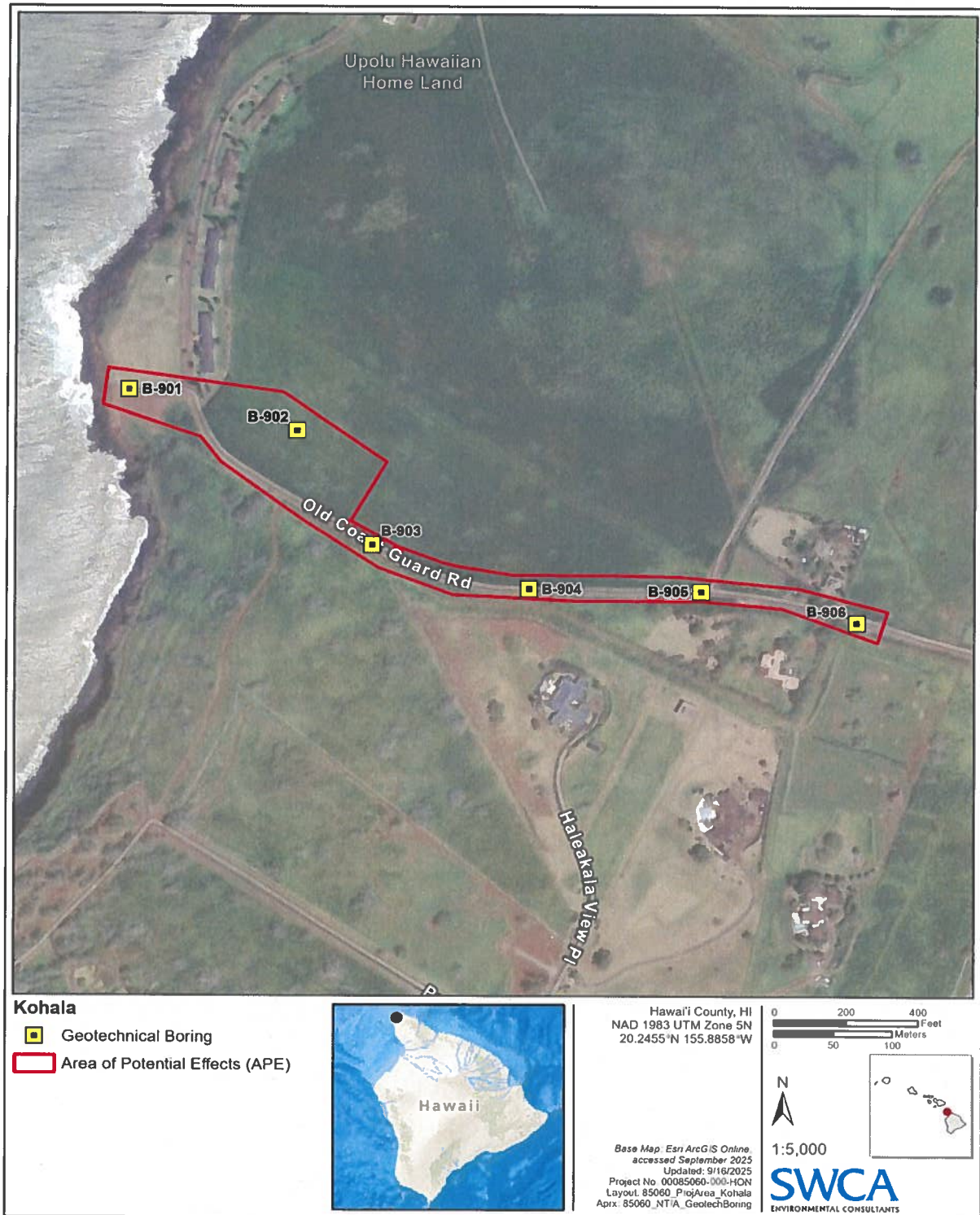


Figure 17. Kohala portion of the project APE showing the proposed geotechnical boring locations.



Figure 18. Kohala portion of the project APE and adjacent TMKs.



Kaua'i County Historic Preservation Review Commission (KHPRC)

DIRECTOR'S REPORT

I. SUMMARY

Action Required by KHPRC: To provide comments in a Section 106 response letter regarding the proposed project's potential effect on historic properties.

KHPRC actions may include the following:

- a. Provide comments in a response letter; or
- b. Defer comments until more information becomes available.

II. PROJECT INFORMATION

Parcel Location:	'Anini Beach and Kalihikai Park (County of Kaua'i)
Tax Map Key(s):	TMK: (4) 5-3-005:005 and (4) 5-3-005:999
Applicant/ Agency	Hawaiian Telecom Inc. (Applicant)/ United States Department of Commerce National Telecommunications and Information Administration (Federal Agency)

III. PROJECT DESCRIPTION AND BACKGROUND

Hawaiian Telecom Inc., through the National Telecommunications and Information Administration, is initiating the Section 106 process to use federal funding for a geotechnical investigation project on Kaua'i. The boring sample collection is one phase of a larger project that will involve the future installation of a submarine fiber optic cable to increase telecommunication connectivity across the State of Hawai'i. This Section 106 is limited to the boring sample work at the proposed 'Anini Beach site which will help to inform the next phase of planning for the submarine fiber optic cable project.

As represented in the maps, the scope of work will involve the drilling of small boreholes, approximately 4 inches in diameter, in three proposed boring locations within 'Anini Beach Park. The depth of proposed ground disturbance is anticipated to be approximately 0.1 square feet for each boring and each bore hole will be backfilled and restored upon completion. Temporary staging, support vehicles, and other equipment will be utilized for the proposed work. In addition, minor vegetation clearing may be required to access some of the boring locations.

IV. AREA OF POTENTIAL EFFECT (APE)

As represented in the consultation letter maps, the Agency has identified the area of potential effect for Kaua'i as a portion of the TMK for the 'Anini County Park. The APE boundary also contains the three proposed boring locations that are situated within the existing park site.

V. IDENTIFICATION OF CULTURAL AND HISTORIC SITES

The Agency prepared an archeological literature review and field inspection for the site to see if any previous studies were conducted within the project area. Although no previous archeological studies were found for the Kaua'i APE and the surrounding area, there were two historic properties (inadvertent findings) that were found along the shoreline and in proximity to the APE.

Based on the Agency's literature review, the Agency finds that the proposed scope of work could result in the potential discovery of cultural deposits and buried human remains. To mitigate impacts on historic properties, the Agency is proposing to have an on-site archeological and cultural monitor during the proposed boring activities.

VI. RECOMMENDATION

The Planning Department recommends that the Kaua'i Historic Preservation Review Commission make a motion to provide comments in a response letter pertaining to the Area of Potential Effect (APE), the identification of historic properties, and/ or the proposed project's effect on historic properties.

The Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process whereby the entire record should be considered prior to decision making. The entire record includes but is not limited to:

- a. Government agency comments;

Kaua'i Historic Preservation Review Commission (KHPRC)

November 18, 2025 Meeting

Section 106- Hawaiian Telecom Inc./ National Telecommunications and Information Administration
Kūnoa North Geotechnical Investigation Project

TMK: (4) 5-3-005:005 and (4) 5-3-005:999

Page 3

- b. Testimony from the general public and interested others; and
- c. The land owner's response.

By 
MARISA VALENCIANO
Planner

Approved & Recommended to Commission:

By 
JODI A. HIGUCHI SAYEGUSA
Deputy Director of Planning

Date: 11/6/25



PALMS HAWAII ARCHITECTURE

2970 Kele Street #115 Lihue HI 96766
(808) 246-4796 www.palms-hawaii.com

December 5, 2025

Kauai Historic Preservation Review Commission
County of Kauai
Planning Department
4444 Rice Street
Lihue, HI 96766
(808) 241-4050

Attached are documents on the proposed interior remodel and ATM installation at the Bank of Hawaii Lihue Branch (0070), 4455 Rice Street, Lihue HI 96766 (and further identified by Tax Map Key (4) 3-006-005:008.)

According to the book *Līhu'e: Root and Branch of a Hawai'i Town*, the first "branch" of Bank of Hawaii in this territory was opened in 1903 in the nearby Lihue Store. In 1912 the current parcel was sold to Bank of Hawaii who built the original building that was shared by others including the post office. In 1938 the classic revival building was added onto (20 ft x 60 ft.) with the current enduring roof form by Guy Rothwell.

The building was remodeled in 1963 with plans prepared by Raymond R. Shaw AIA, Honolulu. It was again remodeled in 2003 with plans prepared by Luersen Architects Inc., also officed in Honolulu. Minor roofing demo and repair with reroofing that met KHPRC approval in 2018 was designed by Palms Hawaii Architecture LLC.

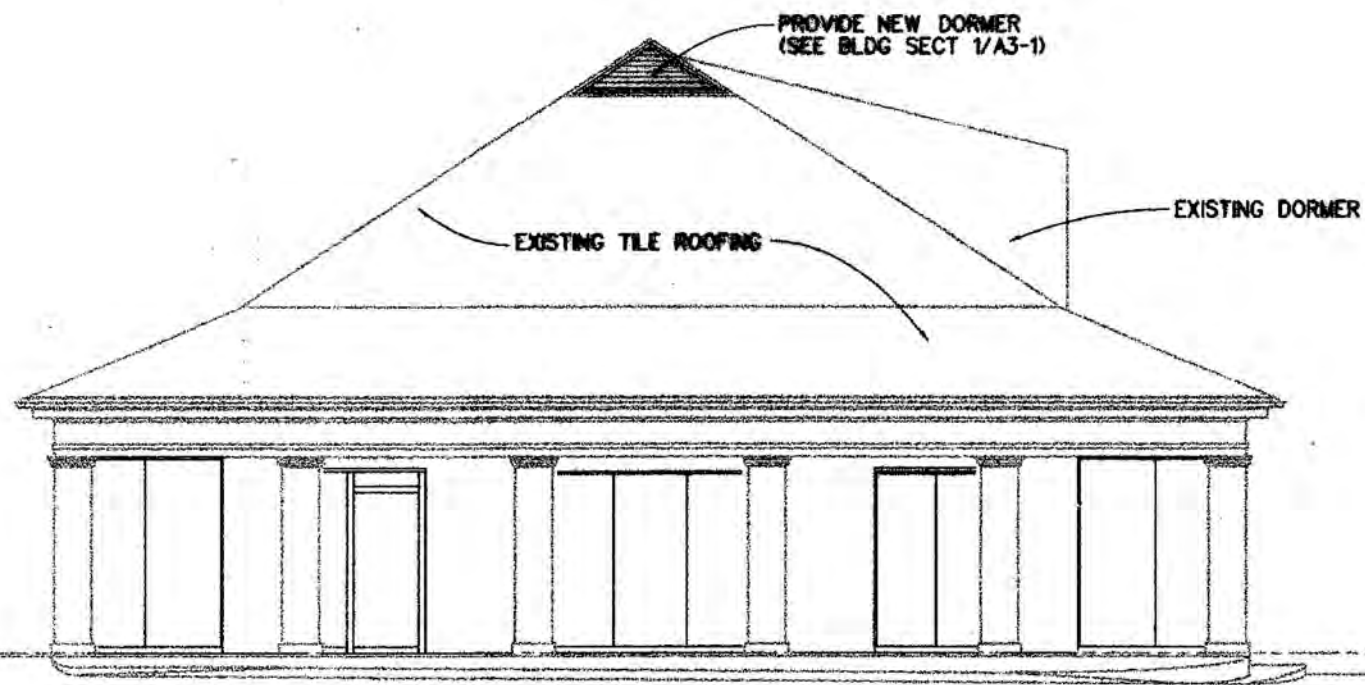
The proposed new interior work is intended to update the 2003 interior to the twenty-first century, including reflecting current and future banking practices as envisioned by Bank of Hawaii. As such it includes new casework for teller stations, new finish flooring, some refreshing of the suspended ceiling and lighting, added ceiling space insulation, new furnishings, installation of a new ATM machine accessible from the exterior, addition of one new exterior door (at a location where a door existed prior to the 2003 re-model), etc. The work does not include any structural changes to the building, nor any significant rearrangement of interior spaces and functions.

Mahalo for your consideration of this time-sensitive request.

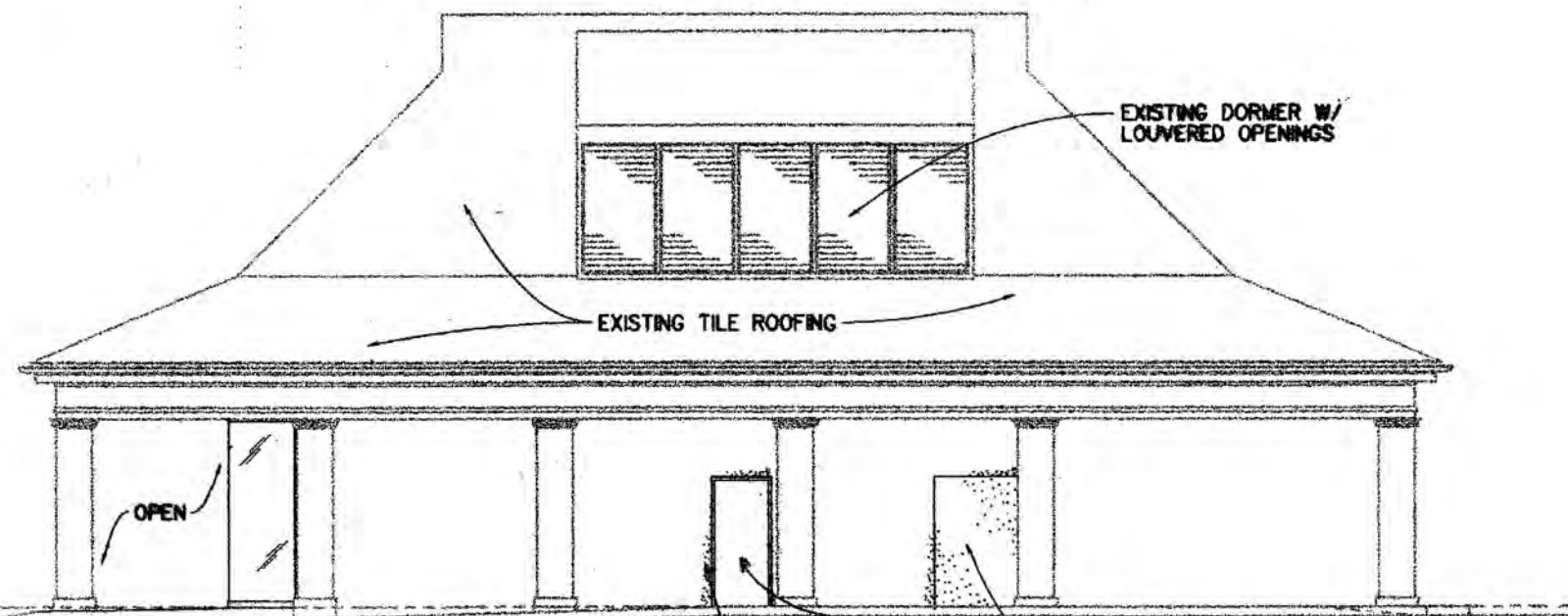
Sincerely,
Thomas Knapp AIA

Palms Hawaii Architecture LLC
2970 Kele St., Suite 115
Lihue HI 96766

H.I.
DEC 15 2025

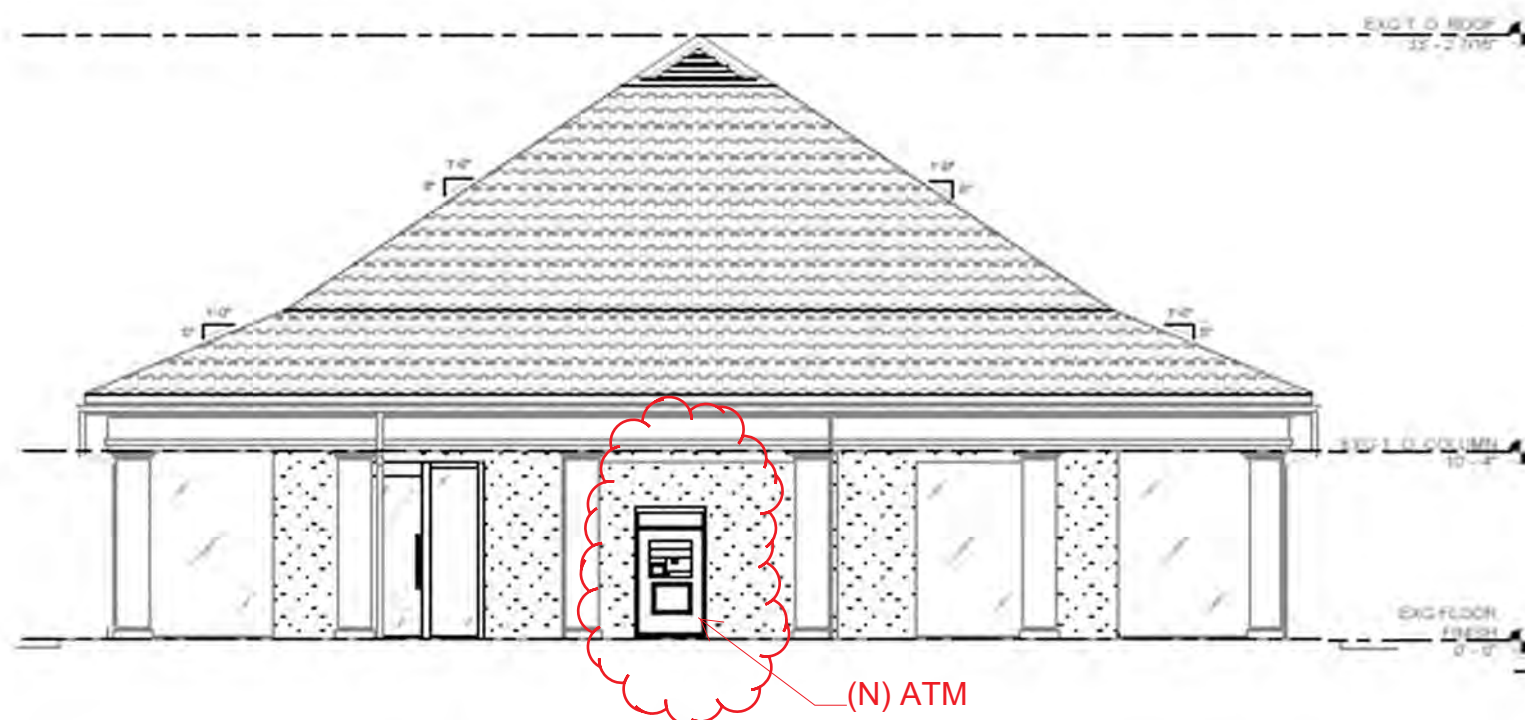


NORTH ELEVATION

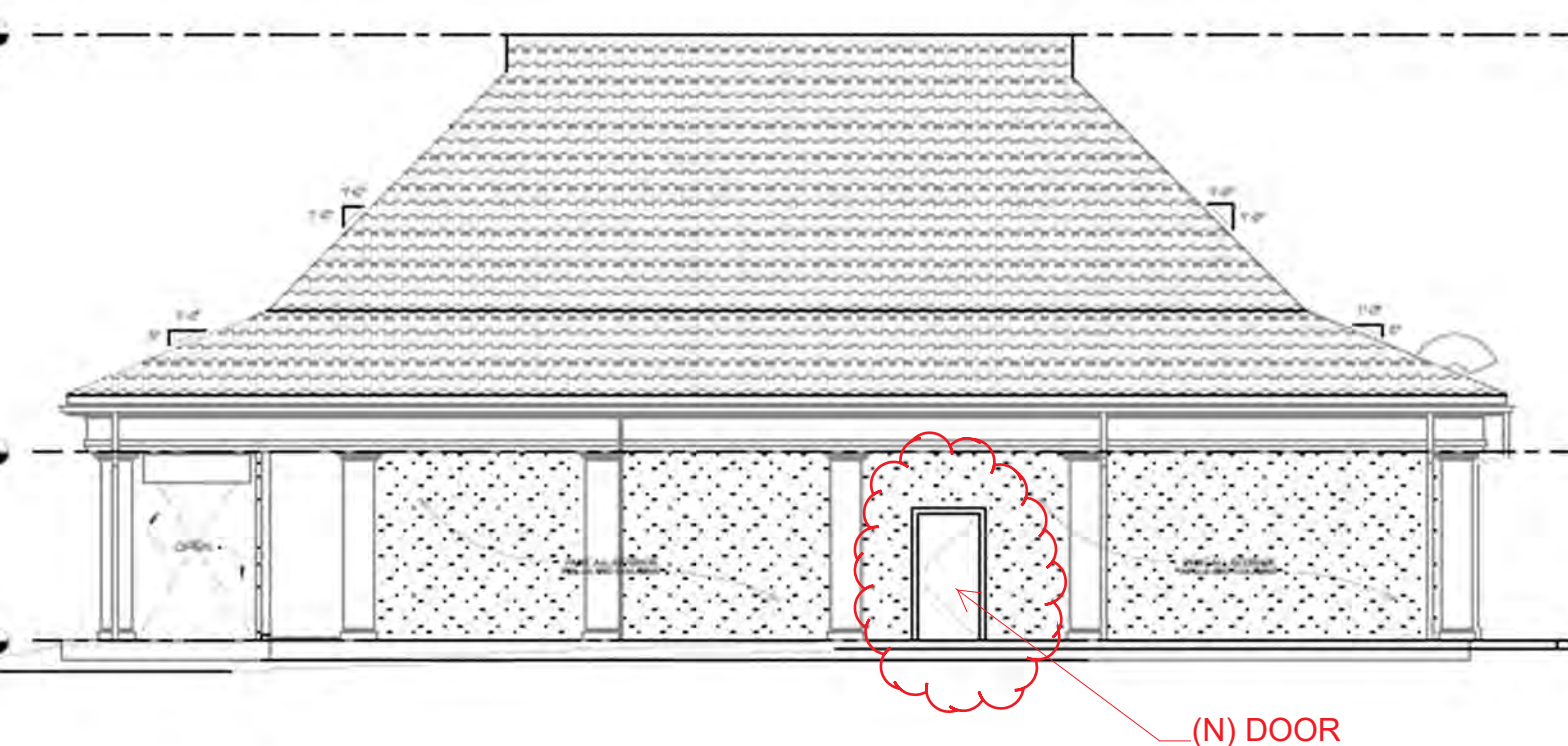


WEST ELEVATION

2003 EXTERIOR ELEVATIONS

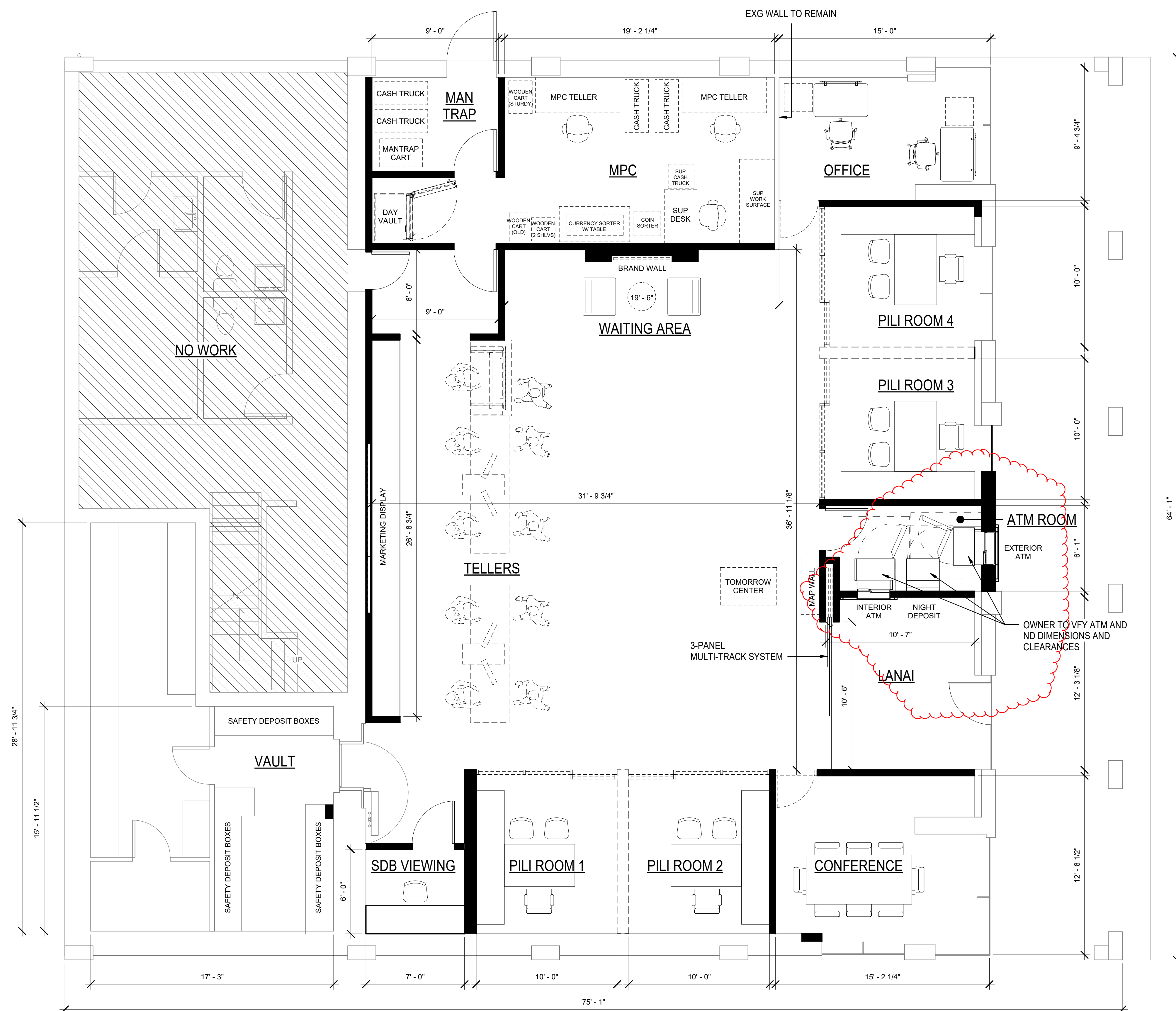


NORTH ELEVATION
3/16" = 1'-0"

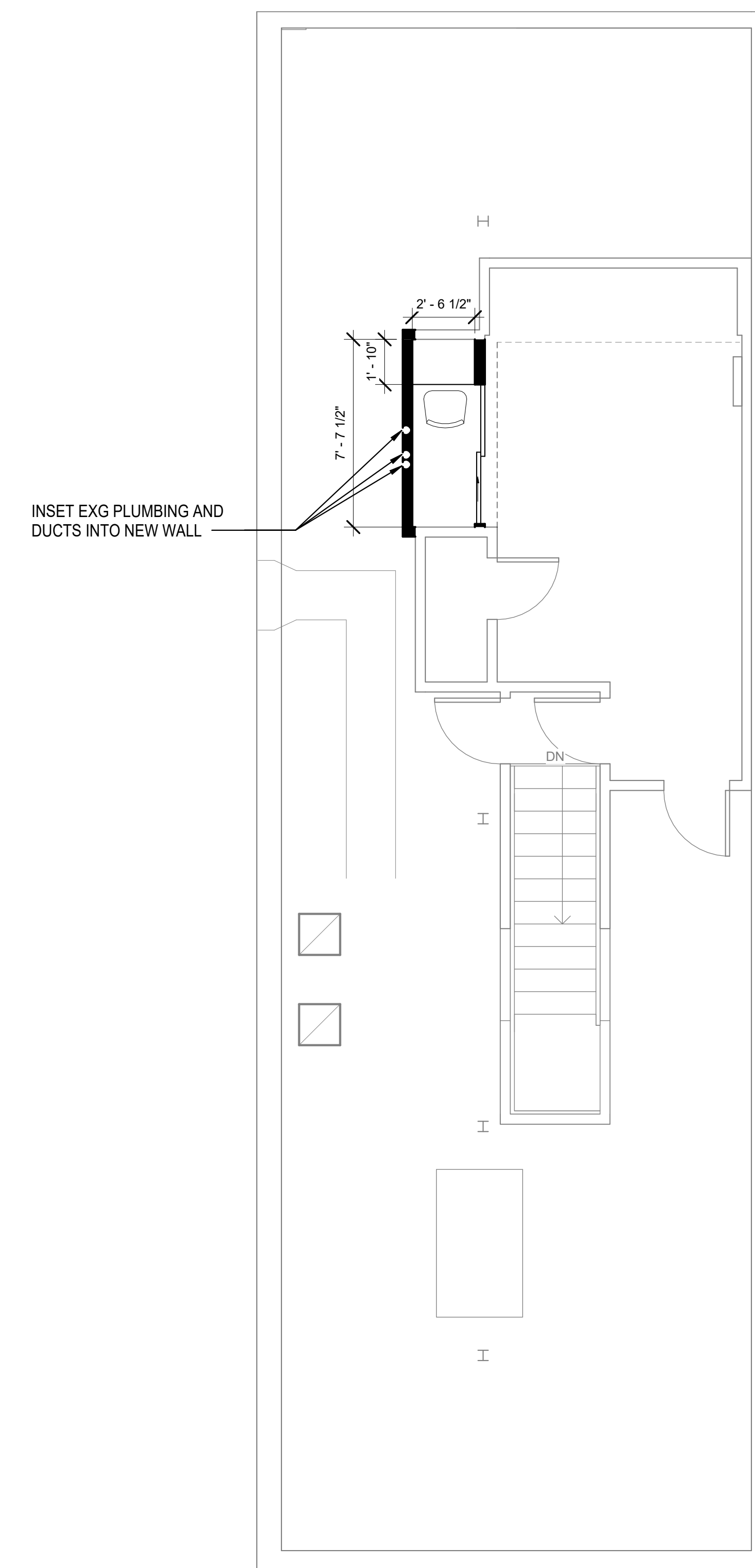


WEST ELEVATION
3/16" = 1'-0"

PROPOSED EXTERIOR ELEVATIONS



1 1ST FLOOR PLAN
1/4" = 1'-0"



② 2ND FLOOR PLAN
1/4" = 1'-0"

PALMS



HAWAII

2970 Kele Street Ste. 115
Lihue, HI, 96766
808- 246-4796
palmer@palms Hawaii.com

[illegible]

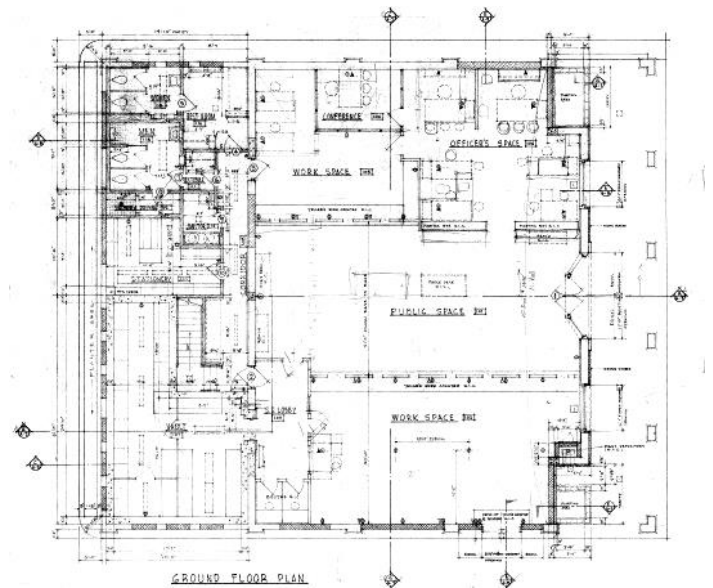
FLOOR PLANS

Project status	SCHEMATIC DESIGN
Date	09/30/2025
Drawn by	RGC
Checked by	pH

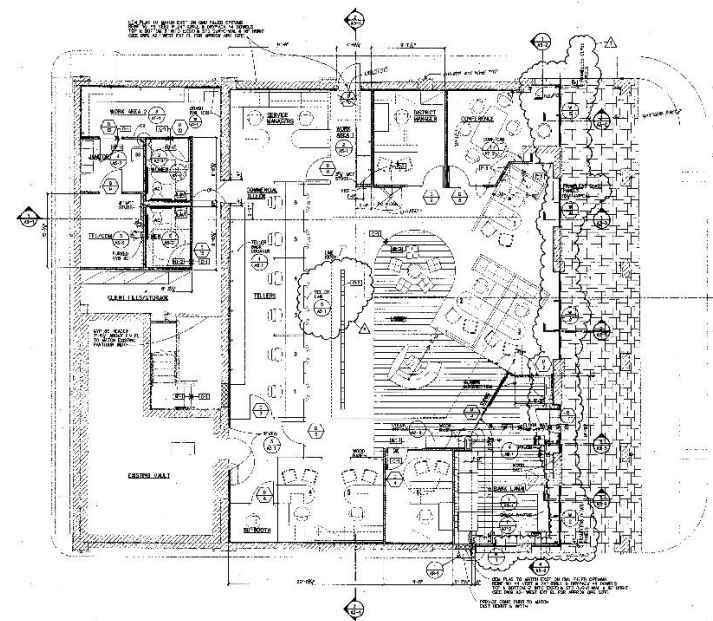
A01

Scale	1/4" = 1'-0"
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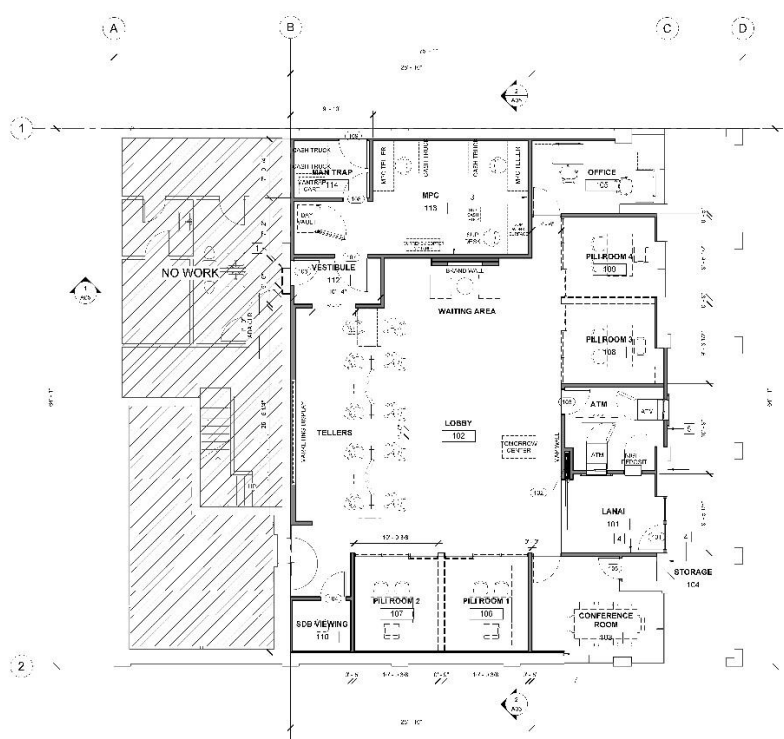
Bank of Hawaii Lihue Branch (0070), 4455 Rice Street , Lihue HI 96766



1963 FLOOR PLAN



2003 FLOOR PLAN



PROPOSED 2025 FLOOR PLAN

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

Kaua'i County Historic Preservation Review Commission (KHPRC)

DIRECTOR'S REPORT

1) SUMMARY

Action Required by KHPRC:

Consideration of a Class I Zoning Permit for the proposed installation of a new exterior ATM along with exterior and interior improvements to an existing bank.

KHPRC action may include the following recommendations:

- i) Support for the project as represented.
- ii) A recommendation that its approval of the project should incorporate conditions of approval.
- iii) A recommendation to consider denial of the permit.
- iv) A recommendation to defer action on the permit.

2) PROJECT INFORMATION

Permit Numbers:	Class I Zoning Permit Z-XX-2026 Building Permits BP-2026-XX		
Parcel Location:	Līhu'e, Kaua'i		
Tax Map Key(s):	(4) 3-6-005:008	Area:	0.4743 acres/ 20,662 sq. ft.
LAND USE DESIGNATIONS & VALUES			
Zoning:	SPA-D "Rice Street Neighborhood Design District"		
State Land Use District:	Urban		
Owner(s)/ Applicant:	Bank of Hawai'i (Owner/ Applicant) Palms Hawai'i Architecture (Authorized Agent)		

3) PROJECT DESCRIPTION SUMMARY

The Applicant, Bank of Hawai'i, is proposing to install a new ATM machine on the exterior wall of the Līhu'e Branch building. In addition, the Applicant is proposing exterior and interior improvements to the existing bank.

New Exterior ATM Machine

The proposed scope of work involves the installation of a new exterior ATM that will be oriented towards Rice Street to increase convenience and accessibility for Bank of Hawai'i customers. The bank currently has an existing ATM machine, but it is only accessible from the interior of the building. The new ATM machine will be installed in the middle of the exterior wall and to the right of the existing glass door entrance.

New Exterior Side Door

The Applicant is also proposing to add a new exterior door to be located on the western side of the building. According to the Applicant, the new side door will be installed near the location of a previous side door that existed prior to 2003.

Interior Improvements:

Upon clarification from the authorized agent, the proposed interior improvements do not appear to be structural but rather design renovations for a contemporary and modern style. Some of the interior work will involve the following:

- New casework for teller stations;
- New finish flooring;
- Refreshing of the suspended ceiling and lighting;
- Added ceiling space insulation;
- New furnishings

4) PROJECT HISTORY AND BACKGROUND

General Information about the Subject Property

(Source: Griffin, 2014, p. 98-100)¹

The Bank of Hawai'i building, located on Rice Street, is not the original Līhu'e Branch location. In 1903, the first Bank of Hawai'i branch opened in a building next to the former Līhu'e Store. By 1912, plans were in place to construct a new building in the existing location along Rice Street. The reinforced concrete building, set with solid symmetrical lines and classical columns, was also shared with the post office up until 1921. The western side of the building was the designated location for post office boxes that were accessible from the exterior.

By the late 1930s, the concrete building underwent a major renovation that was designed by Honolulu architect Guy Rothwell. One of the biggest transformations

¹ Griffin, P. (2014). *Lihue: Root And Branch of a Hawaii Town*. Kauai Historical Society.

was the roof profile which converted a simple roof to a steep, double-pitched tile roof that remains a defining feature of the building today. Other improvements included a 20 by 60 foot extension at the rear of the building along with other interior improvements.

By the 1960s, the building underwent another major transformation with interior and exterior changes. In keeping with the 1960s time period, the bank's reinforced concrete was covered with a lava rock façade and patterned concrete block was built in front of the entry doors. A new drive through window was also installed in the area where the post office boxes were located.

Zoning Permit History

The Department identified a comprehensive list of zoning permits primarily for interior and exterior improvements to the existing bank. Of the permits listed, there were several past permits relevant to the existing scope of work that involved exterior alterations and ATM installations. In 1987, the bank constructed a new drive-up teller window on the eastern side of the building that was later converted in 1992 to a new drive-up ATM. By 1989, zoning permit plans show that an ATM was installed in the interior of the bank and was later removed in 1992. In 1995, the bank added a new exit door on the western side of the bank.

A summary of the zoning permit history is provided below:

Year	Zoning Permit Number	Zoning Permit Description
1964	R986	Renovation to Bank Building 2/13/1964
1980	Z-130-1981	Interior Renovations and Exterior Renovations 8/13/1980
1987	Z-671-1987	Construction of a new Drive- up Teller window on the east side of the building 1/8/1987
1989	Z-1277-1989	Alteration of Bank of Hawaii Machine (interior location) 4/25/1989
1989	Z-1033-1990	Ceiling and Light Renovation 12/14/1989
1992	Z-1276-1992	Conversion and alteration of the existing Drive-up Teller window to a new Drive-up ATM on the eastern side of the building. Removal of a walk-up ATM in the interior of the building. 6/30/1992

1995	Z-39-1995	Installation of a new exterior door in the existing wall of building (west side of building). Patch and repair existing wall where A/C unit will be removed. 7/18/1994
1995	Z-503-1995	Interior and Exterior Alteration 11/23/1994
2003	Z-22-2004	Demolition only for Interior Renovation 7/8/2003
2003	Z-112-2004	Interior Renovation 8/1/2003
2018	Z-352-2018	Demolition of Dormer and existing concrete roofing tile 12/20/2017
2023	Z-409-2023	Install Standby Generator and Automatic Transfer Switch 4/11/2023

5) TRIGGER FOR KHPRC REVIEW

Hawai'i Revised Statutes (HRS) §6E-2 defines "Historic property" as "any building, structure, object, district, area, or site, including heiau and underwater site, that is over fifty years old and meets the criteria for being entered into the Hawai'i register of historic places."

Hawai'i Administrative Rules Title 13 defines "Significant Historic Property" as "any historic property that meets the criteria" for listing on the Hawai'i Register of Historic Places under HAR 275-6(b) or HAR 2846(b).

Site/Building/Structure/Object IS NOT Listed on the National or State Historic Register.

The subject property is NOT located in a Historic District.

The subject property IS over 50 years old.

The subject property IS included on the KHPRC inventory list.

This project triggered KHPRC review as the subject property may meet the recently amended definition of historic property due to its potential eligibility for listing on the National or State Historic Register of Places.

6) CRITERIA FOR NOMINATIONS TO THE HAWAII REGISTER OF HISTORIC PLACES

Pursuant to HAR Section 13-198-8, in deciding whether a property should be entered and ordered into the Hawai'i Register, the Review Board shall evaluate whether the property meets or possesses, individually or in combination, the following criteria or characteristics:

- (1) The quality of significance in Hawaiian history, architecture, archeology, and culture, which is present in districts, sites, buildings, structures, and objects of State and local importance 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 broad patterns of our American or Hawaiian history.
 - (B) That are associated with the lives of persons significant in our past.
 - (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 value, or that represent a significant and distinguishable entity whose components may lack individual distinction.
 - (D) That have yielded, or may be likely to yield, information important in prehistory or history.
- (2) Environmental impact, i.e., whether the preservation of the building, site, structure, district, or object significantly enhances the environmental quality of the State;
- (3) The social, cultural, educational, and recreational value of the building, site, structure, district, or object, when preserved, presented, or interpreted, contributes significantly to the understanding and enjoyment of the history and culture of Hawai'i, the Pacific area, or the nation.

Pursuant to the above criteria, the subject property may be eligible for listing:

- (E) **That are associated with *events* that have made a significant contribution to broad patterns of our American or Hawaiian history.**

Based on the Department's research, the existing Bank of Hawai'i building is unlikely to meet the criteria of being associated with events that have made a significant contribution to broad patterns of our history.

(F) That are associated with the lives of persons significant in our past.

Based on the Department's research, it is unlikely that the subject property was associated with the lives of persons significant in our past.

(G) 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 value, or that represent a significant and distinguishable entity whose components may lack individual distinction.

The subject property may qualify under Criteria C for representing the work of a master. The 1930s remodel by Honolulu architect Guy Rothwell may qualify as meeting this criterion. Rothwell designed other prominent buildings and was known for his steep, double pitched roof profile to resemble traditional Hawaiian thatching. Although the building has undergone several remodels, the roof profile has remained intact and is a character defining feature.

(H) That have yielded, or may be likely to yield, information important in prehistory or history.

The subject property is unlikely to yield information important in prehistory or history.

7) EVALUATION OF HISTORIC INTEGRITY

As noted in the KHPRC Profile inventory list, the existing Bank of Hawai'i building has lost integrity. As previously mentioned, the building has undergone several major renovations in the 1930s, 1960s, and recently in 2003. Despite some of the major renovations, it could be argued that while the original historic integrity may have been diminished, there could be aspects of historic integrity that remain from each of those significant time periods.

8) DEPARTMENT'S EVALUATION

In evaluating the proposed scope of work, the Department offers the following considerations:

- a) The proposed interior improvements, as represented, should not affect the historic property or its eligibility to be listed on the register. A series of interior renovations have already occurred at different time periods, including the most recent remodel of the bank's interior in 2003.
- b) In evaluating the proposed exterior improvements, the Department must analyze whether the proposed exterior door and the exterior ATM machine would result in an adverse effect on the historic property and if there are mitigation measures to avoid or offset the potential effect on the historic property.
- c) Based on the Department's research and information available, the Department finds that the proposed exterior door on the western side of the building should not affect the historic property. As noted in the zoning permit history above, the bank previously had an exterior door in 1995 on the western side of the building. It is unclear when the door was removed as the existing building does not have an exit door along that portion of the building. In addition, the western portion of the building was originally post office boxes when the post office shared the building with the bank until 1921 (see Exhibit A). Therefore, the proposed exterior door should not have an effect on the historic property and would be in keeping with the door that was previously there.
- d) Previous zoning permits confirm that there have been exterior improvements to the existing building, most notably with the drive through teller window and its conversion to a drive-through ATM machine that was removed in 2003. According to the project architect, the 1963 plans, which predate the Department's records, show a drive-through teller window along Kele Street. However, this information conflicts with accounts of a drive-through teller window on the mauka side of the building where the post office boxes were located (Griffin, 2014, p. 99).
- e) The Department was unable to find any zoning permits over the last few decades showing substantial improvements to the front exterior of the building and similar in nature to the proposed scope of work. Despite the limited information, historic photos of the building show that the 1930s front facade contrasts with the front façade of the building today (see Exhibit A). The 1930s reinforced concrete column appears to be carried through, but the front exterior wall has drastically changed throughout the various remodels.

- f) At first glance, a proposed ATM machine located on the front wall along Rice Street may impact the historic property given its visibility from the street and its potential to detract from other character defining features of the building, such as the prominent roof. In communication with the project architect, the Department had asked whether there was consideration by the Applicant to re-establish an exterior ATM in the previous location on the eastern side of the building. In response, the project architect shared that the proposed location of the ATM in front of the building would offer more protection from the weather.
- g) The Department has struggled to evaluate the proposed ATM and its effect on the historic property without having a comprehensive assessment of the historic integrity of the building. While there have been major modifications made to the building, it is unclear what aspects of historic integrity remain (i.e. materials, design, etc.) from the original construction to the 1930s remodel and from the 1960s remodel. In addition, the Department does not maintain original plans for any of the remodels mentioned besides the more recent ones from the 1970s to the present. Based on the limited information available, it appears that the historic integrity of the building, except for the roof shape and the concrete columns, may be either lost or diminished. Therefore, the proposed ATM should not further erode the historic integrity of the building.
- h) The Department's evaluation also factored on whether this subject property would be eligible for listing to the National or State Historic property. In evaluating the criteria for listing, the Department finds that there is a possibility that this subject property may be eligible despite a loss of historic integrity. As previously outlined, there may be a possibility that the subject property could qualify under Criteria C that reflects the works of a master. Further evaluation would be needed to determine if the subject property meets the criteria to be listed.
- i) For the reasons stated above, the Department finds that the proposed scope of work should not have any effect on the historic property. The existing building has undergone numerous interior and exterior renovations and the proposed scope of work is in keeping with past improvements.

9) RECOMMENDATION

Based on the foregoing evaluation, the Planning Department recommends that the Kaua'i Historic Preservation Review Commission SUPPORT the proposed project as represented.

The Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process whereby the entire record should be considered prior to decision making. The entire record includes but is not limited to:

- a. Government agency comments;
- b. Testimony from the general public and interested others; and
- c. The land owner's response.

By 
MARISA VALENCIANO
Planner

Approved & Recommended to Commission:

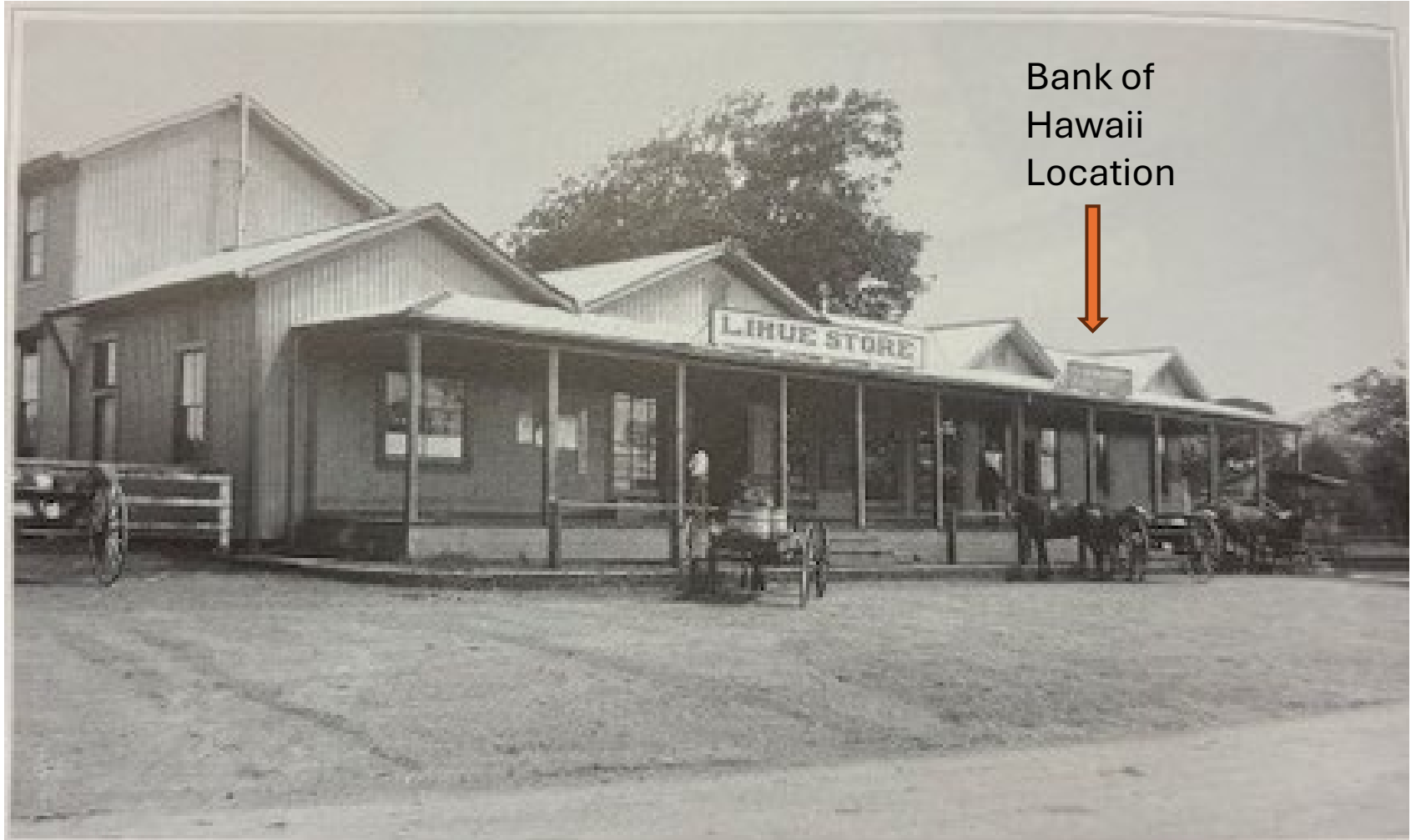
By 
JODI HIGUCHI SAYEGUSA
Deputy Director of Planning

Date: 12/8/25

Exhibit A:

Historic and Existing Photos of the Building

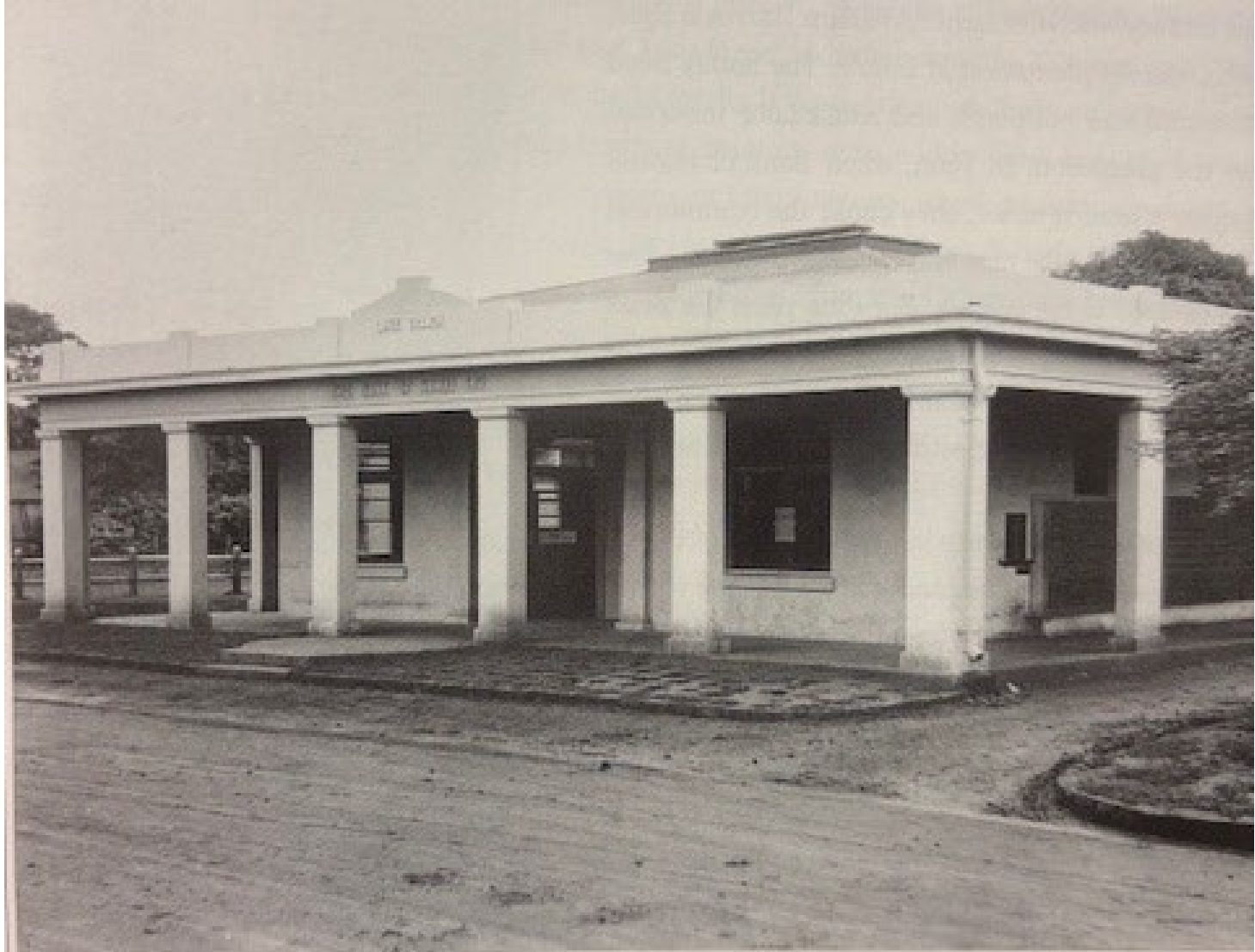
First Bank of Hawaii Lihue Branch (located next to Lihue Store)
Est. 1903
(Source: Griffin, 2014, p. 98)



Second Bank of Hawaii Lihue Branch (located on Rice St.)

Est. 1930s

(Source: Griffin, 2014, p. 100)



Existing Photo (Dec. 3, 2025)

Front View



Existing Photo (Dec. 3, 2025)

East View

