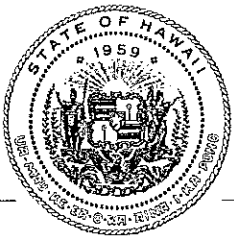


Attachment 2

**CZM Federal Consistency Review Determination
(November 10, 2008)**



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR
ABBEY SETH MAYER
DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

Ref. No. P-12315

November 10, 2008

To: Brennon T. Morioka, Ph.D., Director
Department of Transportation

Attention: Glenn M. Yasui, Administrator
Highways Division

From: Abbey Seth Mayer, Director *Mr. Morioka for*

Subject: Hawaii Coastal Zone Management (CZM) Program Federal Consistency Review
for Federal Highway Administration (FHWA) Funding for Kaipapau Stream
Bridge Replacement, Hauula, Oahu; Federal Aid Project No. BR-083-1(48)

The proposal to use FHWA funding to construct a replacement bridge for Kaipapau Stream Bridge has been reviewed for consistency with the Hawaii CZM Program. We concur with your CZM consistency certification based on the following conditions:

1. The project shall comply with applicable requirements of the State Water Code, Hawaii Revised Statutes (HRS), Chapter 174C, including obtaining a Stream Channel Alteration Permit which is administered by the Commission on Water Resource Management and is a federally-approved enforceable policy of the Hawaii CZM Program.
2. The project shall comply with State of Hawaii water quality standards and requirements, including obtaining a Section 401 Water Quality Certification and NPDES Permit, as specified in Hawaii Administrative Rules, Chapter 11-54 and 11-55, and HRS, Chapter 342D. These authorities are administered by the Department of Health and are federally-approved enforceable policies of the Hawaii CZM Program.
3. The project shall comply with the State Historic Preservation Division (SHPD) requirements of the Section 106 consultation and HRS, Chapter 6E - Historic Preservation, which is a federally-approved enforceable policy of the Hawaii CZM Program. According to the CZM consistency assessment, an archaeological monitoring plan will be developed and submitted to SHPD for review and approval. SHPD has previously determined that the project design will have "no adverse effect"

on historic resources, provided that photographic documentation of the existing bridge is completed prior to demolition.

4. According to the CZM consistency assessment, the project will require a special management area use permit from the City and County of Honolulu, Department of Planning and Permitting. HRS, Chapter 205A - Coastal Zone Management, which includes the special management area provisions, is a federally-approved enforceable policy of the Hawaii CZM Program.
5. This CZM consistency concurrence is only applicable for the use of FHWA funds. Federal permits such as the Department of the Army Permit will require a separate CZM federal consistency review.

CZM consistency concurrence is not an endorsement of the project nor does it convey approval with any other regulations administered by any State or County agency. Thank you for your cooperation in complying with Hawaii's CZM Program. If you have any questions, please call John Nakagawa of our CZM Program at 587-2878.

c: ✓ Mr. Chester Koga, R.M. Towill Corporation
U.S. Army Corps of Engineers, Regulatory Branch
Department of Health, Clean Water Branch
Department of Land and Natural Resources,
Commission on Water Resource Management
Historic Preservation Division
Department of Planning and Permitting, City and County of Honolulu