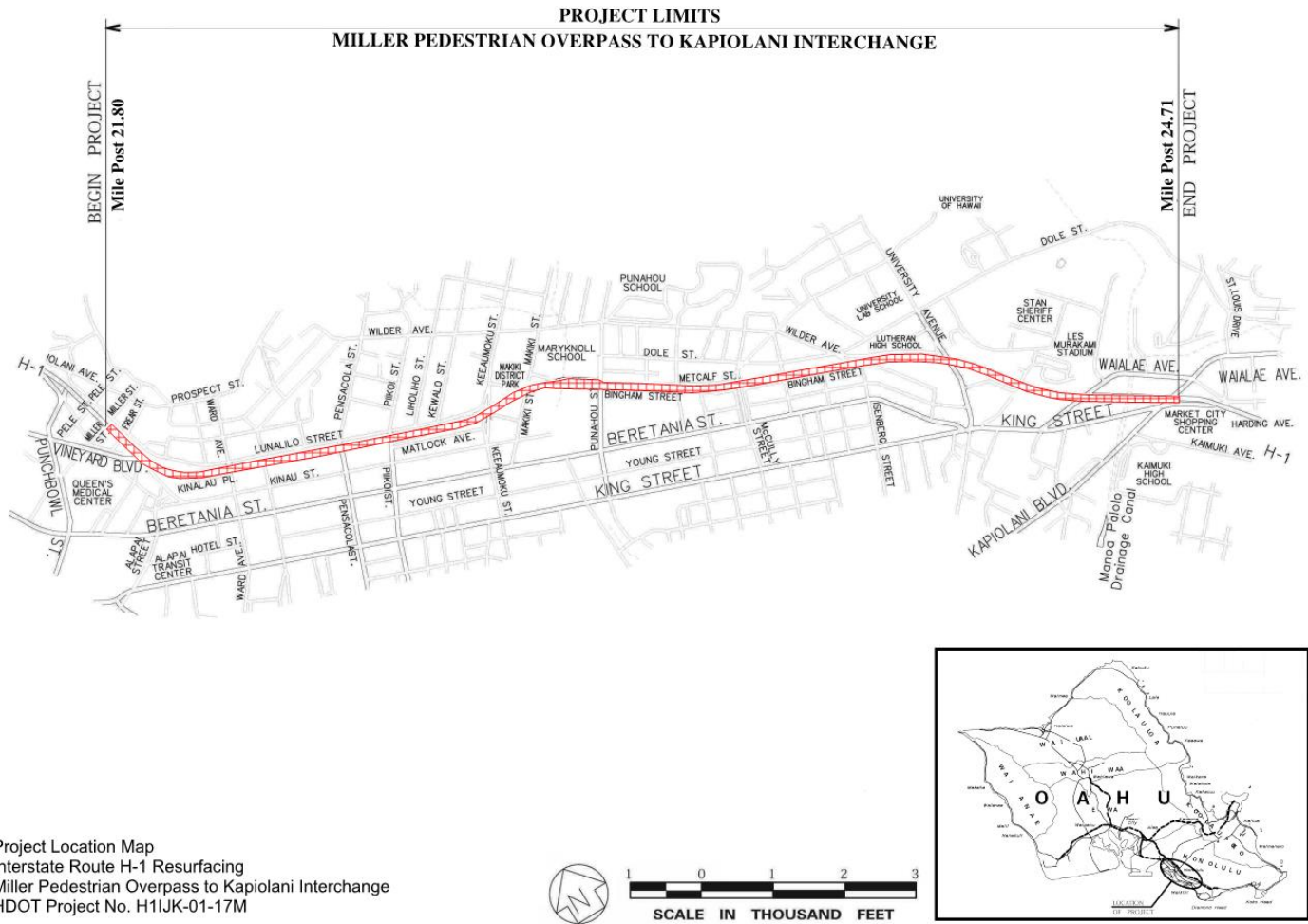


Attachment 1: Project Location Map



Federal-aid Project Number: H1IJK-01-17M
HDOT HWY DISTRICT: H1IJK-01-17M

Attachment 2: Section 7 Consultation Determination Concurrence Letter



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawai'i 96850

In Reply Refer To:
01EPIF00-2019-I-0387

August 7, 2019

Ms. Meesa Otani
Environmental Engineer
U.S. Department of Transportation, Federal Highway Administration
300 Ala Moana Boulevard, Room 3-306
Honolulu, Hawai'i 96850

Subject: Informal Consultation with the Federal Highway Administration, for the Interstate Route H-1 Resurfacing, Miller Pedestrian Overpass to Kapi'olani Interchange project, O'ahu

Dear Ms. Otani:

The U.S. Fish and Wildlife Service (Service) received your letter on July 11, 2019, requesting our concurrence with your determination that the proposed project, Interstate Route H-1 resurfacing, Miller pedestrian overpass to Kapi'olani interchange on the island of O'ahu, may affect, but is not likely to adversely affect the federally endangered Hawaiian petrel or ua' u (*Pterodroma sandwichensis*), endangered band-rumped storm-petrel or 'akē' akē (*Oceanodroma castro*) Hawaii Distinct Population Segment, and threatened Newell's shearwater or 'a'o (*Puffinus auricularis newellii*) (collectively referred to as Hawaiian seabirds).

The findings and recommendations in this consultation are based on your July 11, 2019 Letter and enclosures, and other information available to us. A complete administrative record is on file in our office. Our response is in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*).

Project Description

The Federal Highway Administration (FHWA) is planning to resurface a portion of the Interstate H-1 Freeway from the Miller Pedestrian Overpass to Kapi'olani Interchange, including all ramps, overpasses and side streets. The project would also improve the roadway street lighting to bring this section of H-1 Freeway into compliance with current American Association of State Highway and Transportation Officials (AASHTO) roadway lighting standards. This would result in the combination of luminaire head replacements and additional surface mounted luminaires beneath vehicle overpasses. The proposed project is located in city and county of Honolulu, Island of O'ahu, Hawai'i within the Interstate H-1 Freeway right-of-way between Mile Post 21.80 and Mile Post 24.71. The project limits include the length and width of Interstate H-1 roadway right-of-way that is approximately three miles long and ranges from 110 feet wide to 300 feet wide. Construction is expected to occur primarily at night starting in 2020 and would take approximately one year to complete.

Hawaiian seabirds

Hawaiian seabirds may traverse the project area at night during the breeding, nesting and fledging seasons (March 1 to December 15). Outdoor lighting could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may become exhausted and collide with nearby wires, buildings, or other structures or they may land on the ground. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable. The FHWA will incorporate the following avoidance and minimization measures for potential impacts to Hawaiian seabirds:

- All outdoor lights shall be shielded and directed toward the ground so that the bulb can only be seen from below bulb height and only used when needed. This will avoid project lighting attracting seabirds as they travel from the ocean to their nesting areas.
- Automatic motion sensor switches and controls shall be installed on outdoor lights used during construction or turned off when human activity is not occurring in the lighted area.

Effects Analysis

The Hawaiian seabirds may transit through the proposed project area. Because the proposed project all lighting shall be shielded and directed downward during the seabird fledging period (September 15 to December 15) it is not probable Hawaiian seabirds flying over the project area will be disoriented by artificial lights from the project, therefore, effects of the project are discountable. Because effects from the action are discountable, the proposed project is not likely to adversely affect Hawaiian seabirds.

Conclusion

Based upon the above, the Service concurs with your determination that the proposed action may affect, but is not likely to adversely affect Hawaiian seabirds. Unless the project description changes, or new information reveals that the action may affect listed species in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to section 7 of the Act is necessary.

We appreciate your efforts to protect listed species. If you have questions regarding this letter, please contact Johnathon Kraska, Endangered Species Biologist (phone: 808-792-9427, fax: 808-792-9580, email: johnathon_kraska@fws.gov). When referring to this project, please include this reference number: 01EPIF00-2019-I-0387.

Sincerely,

**Aaron
Nadig**

Island Team Manager
O‘ahu, Kaua‘i, Northwestern Hawaiian
Islands and American Samoa

Digitally signed
by Aaron Nadig
Date: 2019.08.07
15:14:29 -10'00'

Federal-aid Project Number: H1IJK-01-17M
HDOT HWY DISTRICT: H1IJK-01-17M

Attachment 3: Section 106 Evaluation Form “No Potential to Cause Effects on Historic Properties”

EVALUATION FOR APPLICABILITY OF HDOT UNDERTAKINGS FOR FHWA/HDOT “NO POTENTIAL TO CAUSE EFFECTS ON HISTORIC PROPERTIES” DETERMINATION

Attach Support Files

Project Interstate H-1 Resurfacing, Miller Pedestrian Overpass to Kapiolani Interchange	Federal Aid Project No. TBD
Highway Name and Route No. Interstate H-1	HDOT-HWY District H1IJK-01-17M
Island, Moku, Ahupua‘a Oahu, Kona, Honolulu and Waikiki Ahupuaa	
TMKs (or adjacent TMKs) H-1 Rights-of-Way	
Prepared By HDOT Project Engineer (Name, Date) Ka Chun E Wat 3/10/20	

Please keep the original of this document for your records and provide a completed and signed copy of this form to HDOT Highways – Planning Branch. Include this form with your Cat-Ex documentation to show compliance with NHPA/Section 106.

Section A. Scope of Work

1. Identify which of these undertakings are included in the project scoping documents (please circle):

- a. Pavement preservation strategies and surface treatments ☒
- b. Maintenance and replacement of highway signs ☒
- c. Guardrail repair and replacement ☒
- d. Installation of new milled rumble strips and enhanced pavement marking ☐

If the project scope of work is not consistent with the above list or includes additional activities, the project does not qualify for a “no potential to cause effects” determination.

Section B. Determination Letter Terms and Conditions

	Yes	No
1. Does the project require ground disturbance that will penetrate beneath the subbase course of the roadway or disturb any subgrade soils?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. For maintenance and replacement of highway signposts, will any part of the activity occur outside of the existing right-of-way or involve new ground disturbance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. For guardrail repair and replacement, will any part of the activity occur outside of the existing right-of-way or disturb subgrade soils?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will any related maintenance of vegetation involve activities that are NOT on the following list? mowing, trimming, pruning, removal of hazard limbs, seeding and hydroseeding, and installing turf in disturbed areas for erosion control where all activity occurs within the existing right of way and does not disturb any subgrade soils.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will any road construction and/or restoration strategies and activities occur outside the existing right-of-way or disturb any subgrade soils?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Are any staging areas located outside of the existing asphalt pavement structure or outside of previously graded areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Do any proposed activities occur on a bridge, and if so, do any activities occur outside of the existing asphalt pavement on the bridge deck?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer to all of the above is “No” then please proceed to Section D.
If the answer to any of the above is “Yes” then please proceed to Section C.

Section C. Potential Project Modifications

If you answered "Yes" to any of the items in Section A, please answer the following.

- | | Yes | No |
|---|--------------------------|-------------------------------------|
| 1. Can the project be redesigned, modified, or implement measures such that a "yes" response contained in Section B, could be changed to a "no" response? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Guardrails will require minor work below base course to install footing for new guardrails. Modification of this design element is not feasible. Landscaping Plans include new plantings but will not require work below base course since new plants are proposed for above grade planters and shoulders. Bridge abutment work is required.

Once you complete this section and modify your plans to show the change, please attach the updated plans to this checklist. Then continue to Section D.

Section D. Unusual Circumstances

- | | Yes | No |
|---|-------------------------------------|--------------------------|
| 1. Is there an unusual circumstance present for this project that may influence the determination that it has no potential to cause effects on historic properties? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If you answered "no" please proceed to Section E.

If you answered "yes," please describe the unusual circumstance on the lines below

No historic properties were identified within the APE. Interstate H-1 is over 50 years old, however the Advisory Council on Historic Preservation adopted the "Section 106 Exemption Regarding Effects to the Interstate Highway System" on March 10, 2005. This exemption states that all components of the interstate highway system, which includes Interstate Route H-1, are not to be considered eligible for the National Registry, except for a select list of ☒ interstate highway system facilities. Interstate Route H-1 is not on the "Final List of Nationally and Exceptionally Significant features of the Federal Interstate Highway System." Features of Interstate Route H-1 older than 50 years old in the APE are exempt from consideration as historic properties.

Contact HWY-P to coordinate consultation with FHWA. If it is determined that despite the unusual circumstance, there is still no potential to cause effects to historic properties, then document the results of consultation with the HWY-Planning Branch and FHWA on a separate sheet of paper. Please include the date of the consultation, the name of the Planning Branch staff with whom you consulted, and FHWA's determination. Include this documentation with the final copy of this form and proceed to Section E.

Section E. Qualification for Determination of "No Potential to Cause Effects on Historic Properties"

If you answered "No" to all of the items in Section B, and no unusual circumstances result in potential to cause effects on historic properties per Section D, then the project qualifies for the determination that it will have "no potential to cause effects on historic properties." Please record your name, your title, and the date of your determination below and follow the directions for filing included at the beginning of this form.

Summary and Approval – Determination Letter

The project meets all criteria included in the Determination Letter per the checklist above. All project activities have been evaluated and the findings made are clearly applicable to this guidance.

The project does not include any activities that have the potential to cause an effect on historic properties, per 36 CFR 800.3 (a)(1).

Mar 19, 2020

Date


Approved: _____
Official Title: District Engineer or Program Manager

Federal-aid Project Number: H1IJK-01-17M
HDOT HWY DISTRICT: H1IJK-01-17M

Attachment 4: CZM Consultation Determination Email

From: [Nakagawa, John D](#)
To: [Jared Chang](#)
Subject: RE: HDOT H-1 Resurfacing Project Miller St to Kapiolani
Date: Tuesday, March 10, 2020 10:51:11 AM
Attachments: [image002.png](#)
[RPC-020613_federalconsistency.pdf](#)

Jared:

The proposed use of FHWA funds does not require CZM federal consistency review in accordance with the Hawaii CZM Program list of federal assistance programs. The proposed activities qualify for the exemption as "Road Maintenance" and "Roadway Improvements" (see attached list).

Thank you for consulting us.

John Nakagawa
Hawaii Coastal Zone Management (CZM) Program
Phone: (808) 587-2878
Email: john.d.nakagawa@hawaii.gov

From: Jared Chang <jchang@ssfm.com>
Sent: Tuesday, March 10, 2020 10:37 AM
To: Nakagawa, John D <john.d.nakagawa@hawaii.gov>
Cc: Wat, Ka Chun E <kachun.e.wat@hawaii.gov>
Subject: [EXTERNAL] RE: HDOT H-1 Resurfacing Project Miller St to Kapiolani

John,

The Federal Highway Administration (FHWA) intends to fund the State of Hawai'i, Department of Transportation (HDOT) Interstate Route H-1 Resurfacing project from Miller Street Pedestrian Overpass to Kapiolani Interchange (see enclosed Project Location Map). HDOT proposes to resurface a portion of the Interstate H-1 Freeway from the Miller Street Pedestrian Overpass to Kapiolani Interchange (Mile Post 21.80 to Mile Post 24.90), including all ramps, overpasses and side streets within the existing H-1 Interstate Right-Of-Way. The purpose of the project is to increase motorist safety by addressing and updating the following to current design standards: pavement conditions, guardrails, speed limit, lighting, pavement markings, fences, and traffic counting stations. All proposed improvements will occur within the existing Interstate H-1 road right-of-way. The project will involve best management practices during demolition and construction activities consistent with the project's erosion control plan.

We ask for your program's determination (email OK) if the proposed action qualifies for a Coastal Zone Management Federal Consistency review exemption. If you have any questions on this matter, please contact me at (808) 356-1242 or by email at jchang@ssfm.com. The HDOT project manager for the subject project is Mr. Eric Wat and can be contacted at kachun.e.wat@hawaii.gov.

Mahalo,
Jared

Jared K. Chang, AICP | Manager, Strategic Services Group | Associate



501 Sumner Street, Suite 620 | Honolulu, Hawaii 96817
T 808.531.1308 | D 808.356.1242 | F 855.329.7736
jchang@ssfm.com | www.ssfm.com

Commitment To Resilience

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From: Jared Chang
Sent: Wednesday, November 21, 2018 9:23 AM
To: Nakagawa, John D <john.d.nakagawa@hawaii.gov>
Subject: RE: HDOT H-1 Resurfacing Project Miller St to Kapiolani

Thanks John! We will plan on doing that. Aloha, Jared

From: Nakagawa, John D [<mailto:john.d.nakagawa@hawaii.gov>]
Sent: Wednesday, November 21, 2018 9:08 AM
To: Jared Chang <jchang@ssfm.com>
Subject: RE: HDOT H-1 Resurfacing Project Miller St to Kapiolani

Jared:

If the project is only road maintenance within the existing ROW, then it most likely qualifies for the CZM exemption. Therefore, you do not need to submit the full application with signatures. A letter requesting confirmation of the exemption can be sent, along with a project description explaining the road maintenance activities and a location map.

John Nakagawa
Hawaii Coastal Zone Management (CZM) Program
Phone: (808) 587-2878

Email: john.d.nakagawa@hawaii.gov

From: Jared Chang <jchang@ssfm.com>

Sent: Wednesday, November 21, 2018 8:59 AM

To: Nakagawa, John D <john.d.nakagawa@hawaii.gov>

Cc: Chung, Mung Fa <mungfa.chung@hawaii.gov>; Paul Chung <pchung@ssfm.com>; Corey Matsuoka <cmatsuoka@ssfm.com>; Carlos Kelton <ckelton@ssfm.com>

Subject: HDOT H-1 Resurfacing Project Miller St to Kapiolani

Hi John,

We are preparing to submit to CZM for federal consistency review for the subject project. We anticipate it would qualify for CZM exemption as a road maintenance within ROW project and would be seeking confirmation of that determination by CZM. What would we need to submit to help with your review? Should we plan on submitting the full application with signature(s)?

Happy Thanksgiving!

Thanks,
Jared

Jared K. Chang, AICP | Manager, Strategic Services Group | Associate



501 Sumner Street, Suite 620 | Honolulu, Hawaii 96817
T 808.531.1308 | D 808.356.1242 | F 855.329.7736
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