

HONOAPI'ILANI HIGHWAY IMPROVEMENTS PROJECT,  
WEST MAUI: UKUMEHAME TO LAUNIUPOKO

# Appendix 4.0 Section 4(f) – Supplemental Information

September 2025

*Prepared for*



**Honoapi'ilani Highway**  
**Improvements**



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# Joint Development of Planned Forest Reserve Expansion Letter

Hawaiʻi Board of Land and Natural Resources  
(Department of Land and Natural Resources)

**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA'ĀINA

**SYLVIA LUKE**  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621  
HONOLULU, HAWAII 96809

**DAWN N.S. CHANG**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

**RYAN K.P. KANAKA'OLE**  
FIRST DEPUTY


**DEAN D. UYENO**  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

March 27, 2024

TO: EDWIN SNIFFEN, DIRECTOR  
DEPARTMENT OF TRANSPORTATION

ATTN: GENEVIEVE SULLIVAN, PROJECT MANAGER  
DOT HIGHWAYS DIVISION

FROM: DAWN N. S. CHANG, CHAIRPERSON   
BOARD OF LAND AND NATURAL RESOURCES

SUBJECT: JOINT DEVELOPMENT OF PLANNED FOREST RESERVE EXPANSION  
HONOAPIILANI HIGHWAY IMPROVEMENTS,  
WEST MAUI, UKUMEHAME TO LAUNIUPOKO  
LAHAINA, ISLAND OF MAUI, STATE OF HAWAII

The State of Hawai'i Department of Land and Natural Resources (DLNR) is providing this communication to the State of Hawai'i Department of Transportation (HDOT) regarding HDOT's in-progress Environmental Impact Statement for planned improvements to Honoapi'ilani Highway from milepost 11 in Ukumehame to milepost 17 in Launiupoko at the Lāhainā Bypass.

This communication is about the planned West Maui Forest Reserve expansion located mauka of Honoapi'ilani Highway at locations in Olowalu and Ukumehame. On March 24, 2023, as part of a broad state-wide initiative, the Board of Land and Natural Resources (BLNR) conditionally approved additions to the forest reserve in West Maui extending from the mountains towards the coastline exclusive of private lands or public lands with existing active uses, which include areas within Olowalu and Ukumehame. The BLNR affirmed that formal forest reserve designation by a Governor of Hawai'i Executive Order would proceed after HDOT defines and acquires the land it needs for the proposed new highway alignment and that this road right-of-way would be excluded from the newly designated reserve area.

BLNR is planning the forest reserve expansion jointly with HDOT as FHWA/HDOT complete the Honoapi'ilani Highway EIS, as evidenced through prior meetings and hearings. BLNR's planning process is based on designating the highway improvements before finalizing the lands that will be in the forest reserve.



Edwin Sniffen, Director

March 27, 2024

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The State supports building a road through the future forest reserve. The BLNR agreed that the land would not be formally converted to forest reserve until the road was complete because BLNR did not wish for the future reserve to be encumbered by Section 4(f) protections triggered by the change in land designation during the EIS development, as joint planning between the agencies is already occurring.

Should you have any questions or need additional information, please don't hesitate to contact Pua Aiu at [Pua.Aiu@hawaii.gov](mailto:Pua.Aiu@hawaii.gov).

cc: Ms. Pua Aiu, DLNR  
Ms. Lisa Powell, FHWA

# Joint Development of Planned Beachside Greenbelt Park Letter

County of Maui Parks Department

**RICHARD T. BISSEN, JR.**  
Mayor

**JOSIAH K. NISHITA**  
Managing Director

**PATRICK S. MCCALL**  
Director

**SHANE T. DUDOIT**  
Deputy Director




**DEPARTMENT OF PARKS AND RECREATION**  
COUNTY OF MAUI  
700 HALI'A NAKOA STREET, UNIT 2  
WAILUKU, MAUI, HAWAII 96793  
[www.maui-county.gov](http://www.maui-county.gov)

September 11, 2024

TO: EDWIN SNIFFEN  
DIRECTOR  
DEPARTMENT OF TRANSPORTATION  
ALIHAIMOKU BUILDING  
(VIA E-MAIL)

ATTN: GENEVIEVE SULLIVAN  
PROJECT MANAGER  
HIGHWAYS DIVISION  
(VIA E-MAIL)

FROM:   
PATRICK MCCALL  
DIRECTOR  
COUNTY OF MAUI – PARKS AND RECREATION

SUBJECT: JOINT DEVELOPMENT OF PLANNED BEACHSIDE GREEN BELT  
PARKS  
HONOAPIILANI HIGHWAY IMPROVEMENTS, WEST MAUI,  
UKUMEHAME TO LAUNIUpoko  
LAHAINA, ISLAND OF MAUI, STATE OF HAWAII

The County of Maui Parks and Recreation Department is providing this communication to the State of Hawaii Department of Transportation (HDOT) regarding the Department of Transportation's in-progress Environmental Impact Statement for planned improvements to Honoapiilani Highway from milepost 11 in Ukumehame to milepost 17 in Launiupoko at the Lāhainā Bypass.

This letter is regarding the County of Maui's planned beachside green belt park in West Maui from Puamana Park to Papalaua Wayside Park. This planned park is identified in the *2022 West Maui Community Plan*<sup>1</sup> which is based on two decades of coordinated planning and initially established in the *2005 Pali to Puamana Master Plan*<sup>2</sup>. The planned beachside park is makai of the proposed Honoapiilani Highway improvements and portions of the planned park will be within the study area for the highway's planned improvements currently being assessed in an Environmental Impact Statement (EIS).

The *West Maui Community Plan* states that the green belt park would be developed in coordination with the Honoapiilani Highway improvements, after the highway work is complete. The plan states "The *Pali To Puamana Master Plan* proposes to realign Honoapiilani Highway mauka of its current position between Papalaua Park and Puamana Park. Once the highway is moved, the land makai of the realigned road will be used for open space and park to buffer against the effects of sea level rise and climate change while providing recreational opportunities."

The County of Maui Parks Department is planning the future beachside green belt parks per the *Pali to Puamana Master Plan* and the *West Maui Community Plan* and is also planning the future parks jointly with HDOT as FHWA/HDOT complete the Honoapiilani Highway EIS. The joint development is reflected in the March 2006 quitclaim deed for properties transferred to the County. The deed states that "the property shall never be used for any purpose other than as a park for public recreation and exclusively for the purposes and uses set forth... provided, however, as to the portion of the property which is not subdivided and dedicated as a public road or highway, the foregoing limitation to use of the property as a park for public recreation shall apply and remain in full force and effect."<sup>3</sup> The County of Maui's planning process is based on working with HDOT to designate the highway improvements and then utilizing the remaining land in this area for the future beachside park areas.

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<sup>1</sup> County of Maui. West Maui Community Plan, 2022. <https://www.mauicounty.gov/2476/West-Maui-Community-Plan-Update-2022>

<sup>2</sup> County of Maui. Pali to Puamana Master Plan, 2005. <https://www.mauicounty.gov/DocumentCenter/View/83453/Pali-to-Puamana-Parkway-Master-Plan-Feb-2005?bidId=>

<sup>3</sup> See attached quitclaim deed: State of Hawaii Bureau of Conveyances Recorded, Quitclaim Deed for TMK numbers (2) 4-8-002: 009 (por.), 028, 048 (por.), 068 (por.) and 070 (por.), Document number 2006-041618, 3 March 2006



## Section 4(f) Notification of Intent to Make *de minimis* Impact Determination – Ukumehame Firing Range



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

**Hawaii Federal-Aid Division**

April 9, 2025

300 Ala Moana Blvd, Rm 3-229  
Box 50206  
Honolulu, Hawaii 96850  
Phone: (808) 541-2700  
[FHWA-Hawaii.Intake@dot.gov](mailto:FHWA-Hawaii.Intake@dot.gov)

In Reply Refer To:  
HDA-HI

Mr. Patrick McCall  
Director  
Maui County Department of Parks and Recreation  
PO Box 1405  
Wailuku, HI 96793-6405

Subject: Section 4(f) Notification of Intent to Make *De minimis* Impact Determination  
Honoapi'ilani Highway Improvements EIS  
Federal-aid Project No: RAEM-030-1(059)  
Tax Map Key (TMK): 48002046

Dear Mr. McCall:

The Federal Highway Administration (FHWA), in cooperation with the State of Hawai'i Department of Transportation (HDOT) seeks to provide a reliable transportation facility in West Maui by reducing Honoapi'ilani Highway's vulnerability to existing coastal erosion and sea level rise. The proposed Honoapi'ilani Highway Improvements Project ("the Project") is located on Maui's west coast and extends between milepost 17 in Launiopoko to milepost 11 at the southeastern terminus in Ukumehame. Refer to enclosed Project Location Map. This section of the highway is within the State of Hawaii's modeled Sea Level Rise Exposure Area (SLR-XA) and is currently exposed to coastal events that increases its vulnerability into the future.

The FHWA and HDOT are nearing completion of the Final Environmental Impact Statement (FEIS) for the project. Consistent with the purpose and need identified for the project in the Draft Environmental Impact Statement (DEIS), FHWA and HDOT considered three alternatives and have identified a Preferred Alternative to create a resilient and reliable highway link between West and Central Maui. The Preferred Alternative realigns the highway mauka, away from the impacts of coastal erosion and sea level rise. In the Ukumehame section, the Preferred Alternative will be on viaduct through environmentally sensitive areas. Construction on the project is anticipated to begin in 2027.

#### **Section 4(f) of the U.S. Department of Transportation Act of 1966**

Since the project is federally funded, consideration under Section 4(f) of the U.S. Department of Transportation Act of 1966 is required.



Section 4(f) of the U.S. Department of Transportation (DOT) Act of 1966 stipulates that the FHWA and other U.S. DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless the following conditions apply:

- There is no feasible and prudent avoidance alternative to the use of land; and the action includes all possible planning to minimize harm to the property resulting from such use; or
- The Administration determines that the use of the property will have a *de minimis* impact.

The law, now codified in 49 U.S.C. §303 and 23 U.S.C. §138, is implemented by the FHWA through regulations in 23 CFR §774.

### **Section 4(f) Property**

The Ukumehame Firing Range (“the Firing Range”) is a public recreational facility (Maui County Department of Parks and Recreation jurisdiction) and therefore is subject to the requirements of Section 4(f).

The firing range is situated on 84 acres of land mauka of the existing Honoapi'ilani Highway. The facility has uses including two pistol ranges, a rifle range, a skeet range, classrooms, and a parking lot. The parking lot does not have any active recreational uses. In addition to public recreational use, the range is also used for police training.

The Preferred Alternative will cross the makai edge of the firing range on a tall viaduct and the existing driveway would pass under the viaduct structure providing access to the firing range. The project would require that northbound travelers use Pōhaku 'Aeko Street to loop back to the firing range via the existing highway and use the existing driveway that would continue to connect to the firing range by passing under the viaduct structure. See enclosed for a layout diagram of the Preferred Alternative in the range's vicinity.

### ***De Minimis* Impact Determination and Request for Concurrence**

Under Section 4(f), the impacts of a transportation project on a park, recreation area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if:

1. The transportation use of the Section 4(f) property, together with any avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f);
2. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, or attributes of the Section 4(f) property; and
3. The official(s) with jurisdiction over the property, after being informed of the public comments and FHWA's intent to make a *de minimis* impact finding, concur in writing

that the project will not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f).

The firing range has various use areas, some of which are applicable for Section 4(f) protections and some which are not (as established in 23 CFR 774.11 (d)):

- Applicable for Section 4(f): Portions of the firing range property that have active recreation uses include the two pistol ranges, the rifle range, the skeet range, classrooms, and the parking lot.
- Not applicable for Section 4(f): Makai portions of the firing range property parcel that have no public access or active recreational uses.

The Preferred Alternative minimizes impacts on the active uses of the firing range. As a result, the Preferred Alternative crosses makai of active portions of the firing range and is located generally in the non-active use areas of the site but does cross over the facility's driveway. This project will not affect the active use areas of the firing range and would not adversely affect the activities, features, or attributes that qualify the Ukumehame Firing Range for protection under Section 4(f).

A prior meeting was held with Maui County Parks and Recreation Department on August 5<sup>th</sup> 2024, where we communicated our intention to determine that the use of the firing range by the project would be *de minimis*.

Project impacts were disclosed to the public through two public hearings held in mid-January 2025. Several comments were received by the public during the hearings or during the general public comment period regarding the Ukumehame firing range. Enclosed is a list of comments about the firing range that were received during the public hearings and the general public comment period.

The Draft Environmental Impact Statement (DEIS) prepared under Chapter 343, Hawai'i Revised Statutes (HRS), and Hawaii Administrative Rules (HAR) § 11-200.1 for the Honoapi'ilani Highway Improvements project was published in The Environmental Notice on January 8, 2025 and the Federal Register on January 10, 2025.

Based on the information above, the FHWA requests concurrence from County of Maui Parks and Recreation Department, as the official with jurisdiction, that the proposed project satisfies the conditions listed above and will not adversely affect the activities, features, and attributes that qualify the Ukumehame Firing Range for Section 4(f) protection. If you concur, please help to facilitate this request by signing the concurrence line below and returning a copy by email to [meesa.otani@dot.gov](mailto:meesa.otani@dot.gov).





If you have any questions, please feel free to contact Meesa Otani, Transportation Engineer, at (808) 541-2316 or by email at [meesa.otani@dot.gov](mailto:meesa.otani@dot.gov). Thank you for your assistance.

Sincerely,

*Meesa Otani*

Digitally signed by  
MEESA T. OTANI  
Date: 2025.04.09  
11:26:00 -10'00'

for Richelle M. Takara, P.E.  
Division Administrator

Enclosures

**Concur:**

The Honoapi'ilani Highway Improvements Project will not adversely affect the activities, features, or attributes that qualify the Ukumehame Firing Range for protection under Section 4(f).

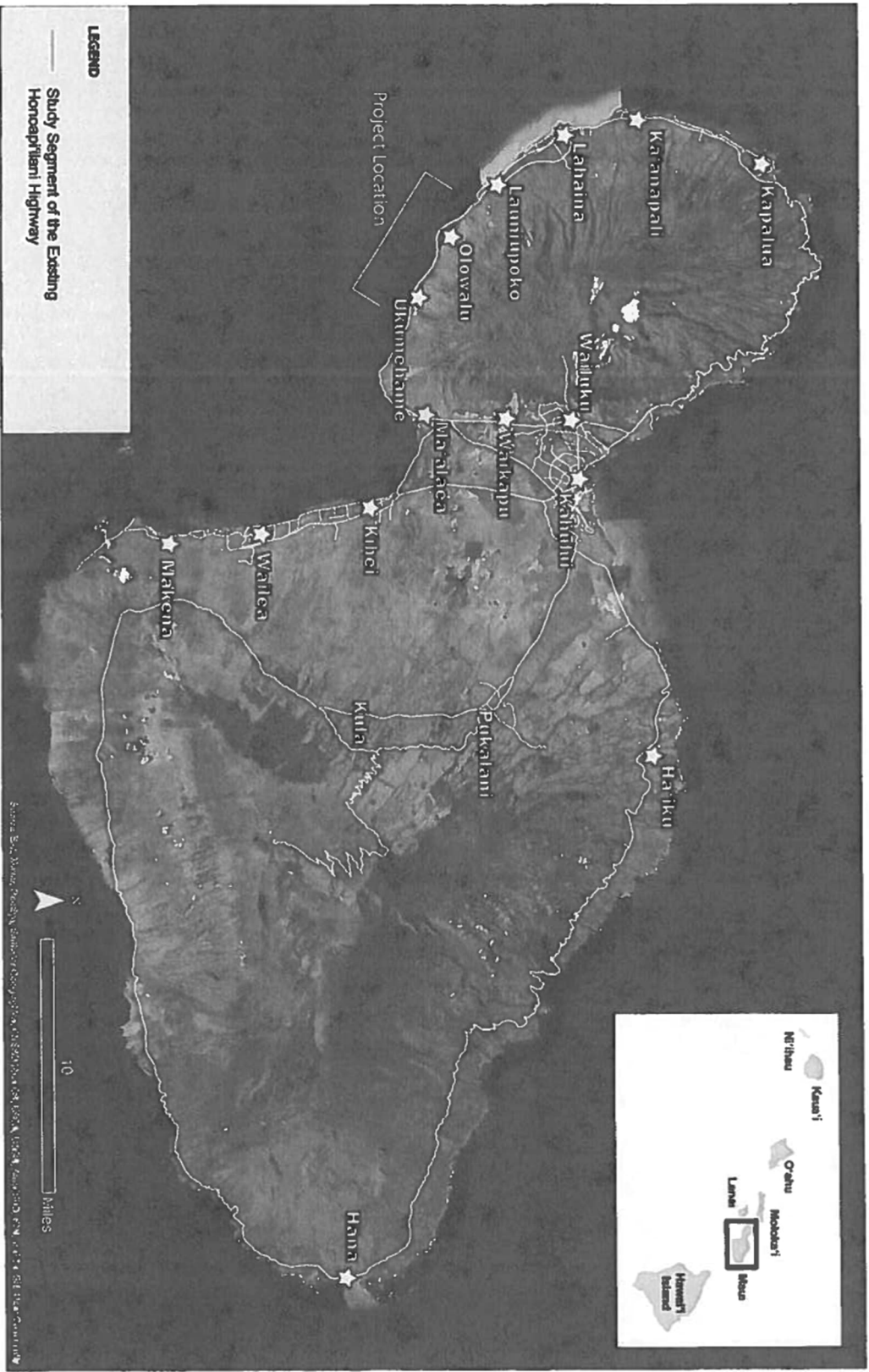
Official with Jurisdiction  
Mr. Patrick McCall, Director  
Department of Parks and Recreation  
County of Maui

05.15.25

Date



FIGURE 1-1.      Vicinity Map





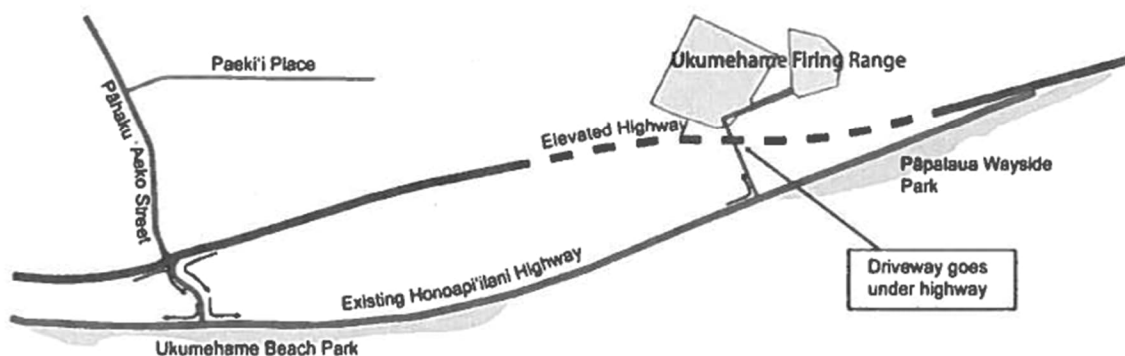
## Appendix: Comments Received Related to Ukumehame Firing Range

Commenter	Organization	Comment
Janice and James Revells		The proposed route does not show access to the Ukumehame Firing Range nor beach accesses for the general public. The four ranges are used almost daily by the numerous clubs and MPD. There is also a building used for firearm safety classes. Driving to Laniupoko and then returning toward Kahului to get to access the ranges and the beaches is ludicrous. The majority of the users are local and are coming from Central, Upcountry and South Maui. Driving miles into Lahaina to just turn around to get back to the ranges and beaches is stupid. . Not having reasonable accesses to this area would encourage criminal activity and safety and health hazards. Response time for First Responders would be greatly increased. The general public needs are not being served. This realignment serves to improve drive time into Lahaina and the beauty and use of this area is Lost..
Raymond Ishii	Valley Isle Sports Shooters Club	Aloha I am Raymond Ishii the current President of the Valley Isle Sports Shooters Club, which is the oldest and largest user of the Ukumehame Firing range. While I fully support moving the existing highway inland there are a number of concerns I have. The routes appear to run makai of the firing lines which we are grateful although a couple are uncomfortable close to the range. (20) The Ukumehame Firing Range is the only legal firing range on the island and is used by thousands of sportsmen's practicing marksmanship and exercising their 2nd Amendment rights. It is also used by Law Enforcement and the military on a regular basis for Firearms and riot control training. Whenever unexploded ordnance is found on Maui, they take it to the range to blow it up. I have been on the range when EOD had blown up everything from IEDs, hand grenades, live artillery shell to 100 pounds of TNT. The preferred alternative route for the bypass is an elevated viaduct that will run makai of the firing ranges, with access to the range and the beach parks will be via the Ukumehame subdivision and back tracking on the existing highway. That section of highway between Ukumehame Beach Park and Papalaua State Wayside park often has waves breaking over the wall and with sea water covering the road. This is the section that is in most the danger to eventually fall into the ocean. Is the state planning to maintain that section of the highway to it existing standards for eternity or will it abandon that section of highway once the ocean claims it, and we will lose access to the range and beach park. To avoid the above, would it be possible to install a turn lane before the viaduct begins on the Pali side to allow direct access to the range and beach parks, plus a merge lane on to the highway for Maalaea bound traffic. That section of highway is protected from the ocean by the Papalaua State Wayside Park. This will give direct access to the public to these areas and allow Emergency Vehicle responding to the area more direct access and quicker response time. It will also allow the state to simply block off the section of the road between Papalaua Park and Ukumehame park once the road is damaged by the ocean. Another concern is the height of the viaduct, one or more of the routes has the entrance road the to range being under the viaduct. Will the viaduct be high enough to allow fire trucks and heavy equipment to drive under it. Due to the constant threat of brush fires on the Pali, and medical calls to the range, the more access Emergency Services has the better. Lastly during construction, will we be allowed access to the range. Understandably while the viaduct is being constructed, the section under it will be blocked off. Will a temporary road be constructed to allow access under a completed section of the viaduct to ensure access to the public firing range. Thank You for allowing me to comment on this matter. Raymond Ishii, President, Valley Isle Sports Shooters Club
Allen Surbida		Aloha, County/state must keep the Ukumehame Firing Range where it is and provide easy access to the only range we have . This project is great but

		developers should make sure that the range entries are kept open and easy accessible.
John Rafael		The Ukumehame Firing Range is the only public range on Maui. It needs to stay open and be easily accessible to the people.
Jason Wolford	SAST	Good evening. My name's Jason Wolford. I'm with SAST. We're a nonprofit training organization at Ukumehame Firing Range. We're a nonprofit. We teach firearm safety and training. My concern is along with the fires when the range was closed -- people need accesses through that. So during construction are we still going to be able to access that? Because people want to go hunt. They need to be able to sight rifles in for ethical hunting purposes and things like that. If it's shut down another six to eight months during construction of that, you're just going to have people going other places shooting and as well as being able to take firearms, classes, and trainings -- and safety trainings -- which is required by the State of Hawaii. You're basically going to be locking people out of access to these constitutional rights as well if we don't have access to that. And my second question is I understand they're making it three lanes for finances and things like that. What happens when there's an accident on that elevated roadway? Whether there's guardrails and vehicles are stopped there and people need to get through or -- how are you going to get people off of that? If there's a fatality we all know the road shuts down here for six to eight hours. How are people going get off of that elevated roadway at least go one way or other get back somewhere else rather than sitting in their cars for six eight hours?
Dr Marion Ceruti		Aloha Mr Tatsuguchi Mahalo for the opportunity to comment on the EIS for the proposed road project. In general, the idea is good but care should taken provide sufficient exits and roads in the makai direction for beach access, to include better parking, particularly in the Ukumehame beach park, on the mauka side existing road. Moreover, more and better parking is needed at the Ukumehame Firing Range to keep users having to park their cars in mud puddles. This is a great opportunity to upgrade the parking at Papalaua to do something about the drainage problem that has plagued the area for years. It might necessary relocate the nenes in the area temporarily for their safety. E Hana Kakou, Dr Marion Ceruti West Maui resident
Andrew Vitoria*		Aloha, I recognize this may be too late, but as a lifelong citizen I do not want this highway to cut through our only outdoor flat open firing range. It would make the inaccessibility of sport shooting that much more difficult for Hawaii citizens. Please reconsider these changes. Mahalo, Andrew

\*This comment was received outside the public comment period.

## Appendix: Preferred Alternative Layout in Vicinity of Ukumehame Firing Range





## DOT/FHWA 4(f) *de minimis* Determination Form – Ukumehame Firing Range

<u><b>Section 4(f) De Minimis Impact Determination</b></u> <u><b>23 CFR § 774<sup>1</sup></b></u>	
Date:	April 11, 2025
Lead Agency:	Hawaiʻi Department of Transportation (HDOT), Project Sponsor Federal Highway Administration (FHWA), NEPA Lead Agency
Project Number:	RAEM-030-1(59)
Project:	Honoapiʻilani Highway Improvements
Project Description:	<p>As a part of Maui’s Belt Road system, Honoapiʻilani Highway is a two-lane principal arterial highway that provides the main access between communities along Maui’s west coast and the rest of the island. The southeastern terminus of the Project is at milepost 11 in Ukumehame, within the vicinity of Pāpalaua Wayside Park. The northwestern terminus of the Project is at milepost 17 in Launiupoko, where Honoapiʻilani Highway intersects the southern terminus of Lāhainā Bypass.</p> <p>The project seeks to provide a reliable transportation facility in West Maui and improve Honoapiʻilani Highway’s resilience by reducing its vulnerability to existing coastal erosion and projected sea level rise. Much of the current highway is within State of Hawaii’s modeled SLR-XA and are currently exposed to coastal events and would be more vulnerable into the future. The project evaluated several alternatives that includes realigning portions of the highway away from the SLR-XA area to mitigate flood and coastal erosion risks.</p>
Section 4(f) Resource:	Ukumehame Firing Range
Type of 4(f) Resource:	Public Park or Recreational Area
Size of the <i>de minimis</i> use of the 4(f) Resource (in acres):	The size of the area of disturbance would be less than 0.02 acre of a total site area of 84 acres.
Primary Purpose/Function:	Public Recreational Firing Range
Official with Jurisdiction:	Maui County Department of Parks and Recreation

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<sup>1</sup> This section is new for the Final EIS. For ease of reading, the new text is not double underlined



### *De minimis Documentation*

1. *Describe the Section 4(f) property and the attributes and features that qualify it for Section 4(f) protection, attach a map which shows the boundaries of the resource, the locations of key features (for example, ball fields, structures) and the area to be used*

The Ukumehame Firing Range is a public recreational facility situated on 84 acres of land mauka of the existing Honoapi'ilani Highway. The facility has uses including two pistol ranges, a rifle range, a skeet range, classrooms, and a parking lot. The property qualifies for Section 4(f) protection as it is currently used as a public recreational resource owned by the County of Maui Parks and Recreation Department. It is open for public use six days a week from 9 a.m. to 2 p.m. (closed on Thursdays) and its major purpose is for public recreation as well as police training. The property also includes a parking lot that does not have any active recreational uses but supports the other active recreational use areas. Attachment 1 shows the property and its attributes and features.

2. *Describe the impacts to the Section 4(f) property, and any avoidance, minimization and mitigation or enhancement measures, and why they are considered de minimis as defined in 23 CFR § 774.17*

The firing range has various use areas, some of which are applicable for Section 4(f) protections and some which are not (as established in 23 CFR 774.11 (d)):

- Applicable for Section 4(f): Portions of the firing range property that have active recreation uses include the two pistol ranges, the rifle range, the skeet range, classrooms, and the parking lot.
- Not applicable for Section 4(f): Makai portions of the firing range property parcel that have no public access or active recreational uses.

As identified in the Draft EIS, the Preferred Alternative will cross the parcel containing the firing range but will remain makai of the active portions of the firing range. The roadway would be on a tall viaduct and the existing driveway would pass under the viaduct structure providing access to the firing range. This remains the proposed condition for this Final EIS including modifications and refinements to the overall Preferred Alternative. The recreational use is expected to remain fully intact and operational during construction and when the Project is complete (other than brief closures when the viaduct is installed over the firing range driveway).

The Preferred Alternative would require that northbound travelers use Pōhaku 'Aeko Street to loop back to the firing range via the existing highway and use the existing driveway that would continue to connect to the firing range by passing under the viaduct structure. Please see Attachment 2 for a layout diagram of the Preferred Alternative in the range's vicinity.

Based on these considerations, the Project's impact on the firing range is so minor as to be considered *de minimis*.

3. *For parks, recreational facilities, and wildlife and waterfowl sanctuaries:*

- a. *Describe the Public Outreach that has been or is being conducted (leave blank for historic sites)*

The Honoapi'ilani Highway Improvements Project Draft EIS and Draft Section 4(f) Evaluation was completed on December 20, 2024, which started a public review period that extended to February 24, 2025. Notice of Availability of the Draft EIS was published in the Federal Register on January 10, 2025, and in the State of Hawaii's *The Environmental Notice* on January 8, 2025.



The public hearings and comment period are part of a continuous public and agency engagement process that was originally presented in the Notice of Intent to prepare an EIS and Coordination Plan for Public & Agency Participation, which was published in November 2022. These documents, as well as the public scoping period and Scoping Report released in May 2023, have guided the FHWA and HDOT throughout the NEPA process. Draft EIS Chapter 8 (incorporated by reference) summarizes the status of public engagement and agency coordination at the date of Draft EIS publication. Final EIS Chapter 4 includes a summary of public comments on the Draft EIS along with FHWA and HDOT responses to substantive comments.

***b. Include written concurrence of the official with jurisdiction over to 4(f) resource with the de minimis determination***

The FHWA held a prior meeting with Maui County Parks Department on August 5, 2024, where FHWA communicated its likely intention to determine that the use of the firing range would be *de minimis*. For this final determination, Maui County has formally concurred with the FHWA finding as set forth in correspondence dated April 9, 2025 (letter is referenced in prior section of chapter).

***4. For historic resources, attach Section 106 Documentation (Include SHPO concurrence in project-level findings (DOEs and or FOEs) and Programmatic Agreement Memos for archaeological resources)***

Not Applicable


## Request for Approval

Based upon this analysis we request FHWA approval that the use of the Section 4(f) resource described above is *de minimis* as defined in 23 CFR 774.17.

  
 \_\_\_\_\_  
 Name, Position  
 Director of Transportation  
 Hawai'i Department of Transportation

**09/02/2025**  
 \_\_\_\_\_  
 Date

## FHWA Approval

  
 \_\_\_\_\_  
 Name, Title  
 FHWA Hawaii Division

Digitally signed by MEESA  
 T. OTANI  
 Date: 2025.09.03 13:18:05  
 -10'00'

**9/3/25**  
 \_\_\_\_\_  
 Date





Section 4(f) Notification of Intent to Make *de minimis*  
Impact Determination – Olowalu Sugar Plantation  
Historic District



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

**Hawaii Federal-Aid Division**

August 8, 2025

300 Ala Moana Blvd, Rm 3-229  
Box 50206  
Honolulu, Hawaii 96850  
Phone: (808) 541-2700  
[FHWA-Hawaii.Intake@dot.gov](mailto:FHWA-Hawaii.Intake@dot.gov)

In Reply Refer To:  
HDA-HI

Ms. Dawn N.S. Chang, Esq.  
Chairperson and State Historic Preservation Officer  
Department of Land and Natural Resources  
601 Kamokila Boulevard, Suite 555  
Kapolei, Hawaii 96707

Subject: National Historic Preservation Act Section 106 Consultation  
Honoapi'ilani Highway Improvements Project,  
West Maui: Ukumehame to Launiupoko  
Ahupua'a of Launiupoko, Olowalu, and Ukumehame, Island of Maui, State of Hawaii  
Federal-aid Project No. RAEM-030-1(59)  
HICRIS Project No. 2023PR00135  
TMK: (2) 4-7-001, (2) 4-8-001, (2) 4-8-002, (2) 4-8-003, (2) 4-8-004 and  
Honoapi'ilani Highway Right-of-Way

Dear Ms. Chang:

The Federal Highway Administration (FHWA), in cooperation with the State of Hawai'i Department of Transportation (HDOT), is nearing completion of the Final Environmental Statement (FEIS) for the Honoapi'ilani Highway Improvements Project ("the Project") from Ukumehame to Launiupoko on the island of Maui.

**Consultation Background**

In accordance with Section 106, the HDOT, on behalf of the FHWA, initiated consultation with the State Historic Preservation Officer (SHPO) and asked for concurrence on the Area of Potential Effects (APE) on January 23, 2023. The letter also included the list of proposed Section 106 consulting parties and asked SHPO for any available information on other potential consulting parties. In a letter dated March 21, 2023, SHPO responded with no objection to the APE as defined and recommended potential consulting parties for the project. On March 25, 2024, FHWA provided SHPO with a Reconnaissance Level Architectural Historic Resource Survey (RLS); SHPO concurred with the determinations of eligibility in that report in a letter dated July 9, 2024.

The report and SHPO response were included in Appendix 3.6 of the project's Draft Environmental Impact Statement (DEIS), which identified a Preferred Alternative and was published in December 2024. Since that time, refinements to the Preferred Alternative resulted in

additional areas requiring survey beyond the previously identified survey corridors. One additional architectural property was identified, documented in an addendum report and submitted to SHPO via HICRIS on June 3, 2025. A Programmatic Agreement was executed for the Project in July 2025.

### Architectural Historic Properties within the APE

The RLS and the addendum report identified a total of 41 architectural properties within the APE. Of these, three were determined to be individually eligible for listing in the National Register of Historic Places (NRHP) and ten were determined to be contributing resources to the NRHP-eligible Olowalu Sugar Plantation Historic District, which is an expansion of the previously identified Olowalu Sugar Mill Complex. Identified historic properties are included in the tables below.

Table 1. Identified Eligible Architectural Historic Properties within the APE

SIHP Number 50-50-08- (Survey ID)	Address/Name	Locality	Style/Form	NRHP Status
04758 (AR 1)	Awalua Cemetery <sup>1</sup>	Olowalu	Cemetery	Eligible (Criteria A and D; Criteria Consideration D)
09141 (AR 16)	802 Olowalu Village Road <sup>2</sup>	Olowalu	Plantation/Bungalow	Eligible (Criteria A)
01603 (AR 17)	Lanakila Historic Church (Olowalu Church and Cemetery)	Olowalu	Religious Structure and Cemetery	Eligible (Criteria A and D; Criteria Consideration D)
01602 (AR 8, Expanded)	Olowalu Sugar Plantation Historic District	Olowalu	Sugar Plantation Infrastructure	Eligible (Criteria A, C, and D)

Table 2. Contributing Resources within the Olowalu Sugar Plantation Historic District (AR 8, Expanded)

SIHP Number 50-50-08- (Survey ID)	Address/Name	Locality	Style/Form
04758 (AR 1)	Awalua Cemetery	Olowalu	Cemetery
01602 (AR 4)	807 Olowalu Road	Olowalu	Plantation/Bungalow
01602 (AR 5)	808 Olowalu Road	Olowalu	Plantation/Bungalow
01602 (AR 6)	810 Olowalu Road (Olowalu Plantation House)	Olowalu	Plantation/Bungalow
01602 (AR 7)	810 Olowalu Road	Olowalu	Plantation/Bungalow

<sup>1</sup> Individually eligible and contributing resource to Olowalu Sugar Plantation Historic District.

<sup>2</sup> Individually eligible and contributing resource to Olowalu Sugar Plantation Historic District.

SIHP Number 50-50-08- (Survey ID)	Address/Name	Locality	Style/Form
01602 (AR 8)	Olowalu Sugar Mill Complex Historic District (Olowalu Landing and Wharf)	Olowalu	Agricultural Processing/Industrial Facility
09141 (AR 16)	802 Olowalu Village Road	Olowalu	Plantation/Bungalow
09143 (AR 19)	Water Tower	Olowalu	20th Century Water Control
09144 (AR 20)	Bridge	Olowalu	Early 20th century steel stringer/multibeam bridge
09151 (AR 31)	Reservoir	Olowalu	20th Century Water Control

### Effects Assessment for Architectural Historic Properties

The project's preferred alternative is located mauka and away from the majority of identified historic properties. It would avoid direct, physical effects to individual historic properties within the APE as well as all contributing resources within the Olowalu Sugar Plantation Historic District (See enclosed map). Within the historic district, the preferred alternative is located mauka of the majority of contributing resources and in areas identified in the RLS as non-contributing due to the extensive degree of contemporary disturbance including modern road, utility, and residential developments, as well as natural degradation such as soil erosion and vegetation growth. Near AR 31, the reservoir, the preferred alternative alignment follows an existing bicycle path. While the project results in changes to the existing setting, these changes are not adverse in light of development that has occurred in and around the Olowalu Sugar Plantation Historic District. The project will not alter any of the characteristics that qualify the historic district or individual historic properties for inclusion in the NRHP in a manner that would diminish the integrity of the properties' location, design, setting, materials, workmanship, feeling, or association. As a result, the project will have no adverse effect on the historic district and no effect on the individual historic properties.

Table 3. Effects Assessments for Architectural Historic Properties

SIHP Number 50-50-08- (Survey ID)	Address/Name	Locality	Effect Finding
04758 (AR 1)	Awalua Cemetery	Olowalu	No Effect
01602 (AR 4)	807 Olowalu Road	Olowalu	No Effect
01602 (AR 5)	808 Olowalu Road	Olowalu	No Effect
01602 (AR 6)	810 Olowalu Road (Olowalu Plantation House)	Olowalu	No Effect
01602 (AR 7)	810 Olowalu Road	Olowalu	No Effect

SIHP Number 50-50-08- (Survey ID)	Address/Name	Locality	Effect Finding
01602 (AR 8)	Olowalu Sugar Mill Complex Historic District (Olowalu Landing and Wharf) <sup>3</sup>	Olowalu	No Effect
01602 (AR 8, Expanded)	Olowalu Sugar Plantation Historic District <sup>4</sup>	Olowalu	No Adverse Effect
09141 (AR 16)	802 Olowalu Village Road	Olowalu	No Effect
01603 (AR 17)	Lanakila Historic Church (Olowalu Church and Cemetery)	Olowalu	No Effect
09143 (AR 19)	Water Tower	Olowalu	No Effect
09144 (AR 20)	Bridge	Olowalu	No Effect
09151 (AR 31)	Reservoir	Olowalu	No Effect

### Section 4(f) of the U.S. Department of Transportation Act of 1966

Section 4(f) of the U.S. Department of Transportation Act of 1966 established the requirement for the consideration of historic sites and publicly owned parks, recreational areas, and wildlife and waterfowl refuges. The law, now codified in 49 U.S.C. §303 and 23 U.S.C. §138, is implemented by the FHWA through 23 CFR 774.

Section 4(f) stipulates that the FHWA and other U.S. DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless the following conditions apply:

- There is no feasible and prudent avoidance alternative to the use of land; and the action includes all possible planning to minimize harm to the property resulting from such use; or
- The Administration determines that the use of the property will have a *de minimis* impact.

A *de minimis* impact is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation or enhancement measures), results in either:

1. A Section 106 finding of no adverse effect or no historic properties affected on a historic property; or
2. A determination that the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f).

<sup>3</sup> Refer to page 55-61 of Reconnaissance Level Architectural Historic Resource Survey (RLS) for the Honoapiʻilani Highway Improvements, October 2024.

<sup>4</sup> Olowalu Sugar Plantation Historic District (AR 8, Expanded) is an expanded district, which includes Olowalu Sugar Mill Complex Historic District (AR 8) as a contributing resource. Refer to page 233-237 of the RLS.

FHWA intends to make a *de minimis* impact determination based on SHPO's concurrence with the No Adverse Effect determination for the Olowalu Sugar Plantation Historic District.

### **Effect Determination for Architectural Historic Properties**

At this time, the FHWA has applied the criteria of adverse effect at 36 C.F.R. § 800.5(a) and determined in accordance with 36 C.F.R. § 800.5(b) that the Project will have No Adverse Effect on architectural historic properties. FHWA is requesting your concurrence with the No Adverse Effect determination for architectural historic properties for the Honoapi'ilani Highway Improvements Project. If the SHPO disagrees with FHWA's finding, please notify us within 30 days of receipt of this letter. In the absence of a SHPO response by this date, the FHWA will assume the SHPO concurs with this determination.

If you have any questions, please feel free to contact Meesa Otani, Transportation Engineer, at (808) 541-2316 or by email at [meesa.otani@dot.gov](mailto:meesa.otani@dot.gov). Thank you for your assistance.

Sincerely,



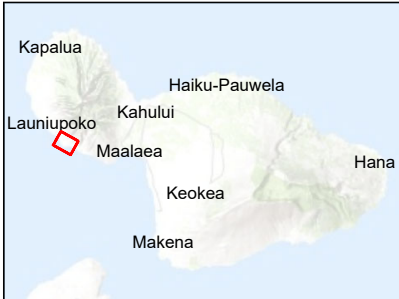
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MEESA T. OTANI  
Date: 2025.08.08  
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for Richelle M. Takara, P.E.  
Division Administrator, FHWA

Enclosures

cc: Pua Aiu, HDOT  
Ken Tatsuguchi, HDOT





Legend

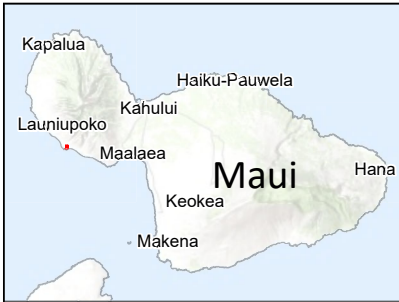
- Preferred Alternative
- Study Segment of the Existing Honoapi'ilani Highway
- APE
- Proposed Historic District Boundary
- Existing Historic District
- Architectural Resource
- Reservoir

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Service Layer Credit World Topo Base:  
Sources: Esri, HERE, DeLorme, increment P Corp., NPS, NRCan, Ordnance Survey, ©





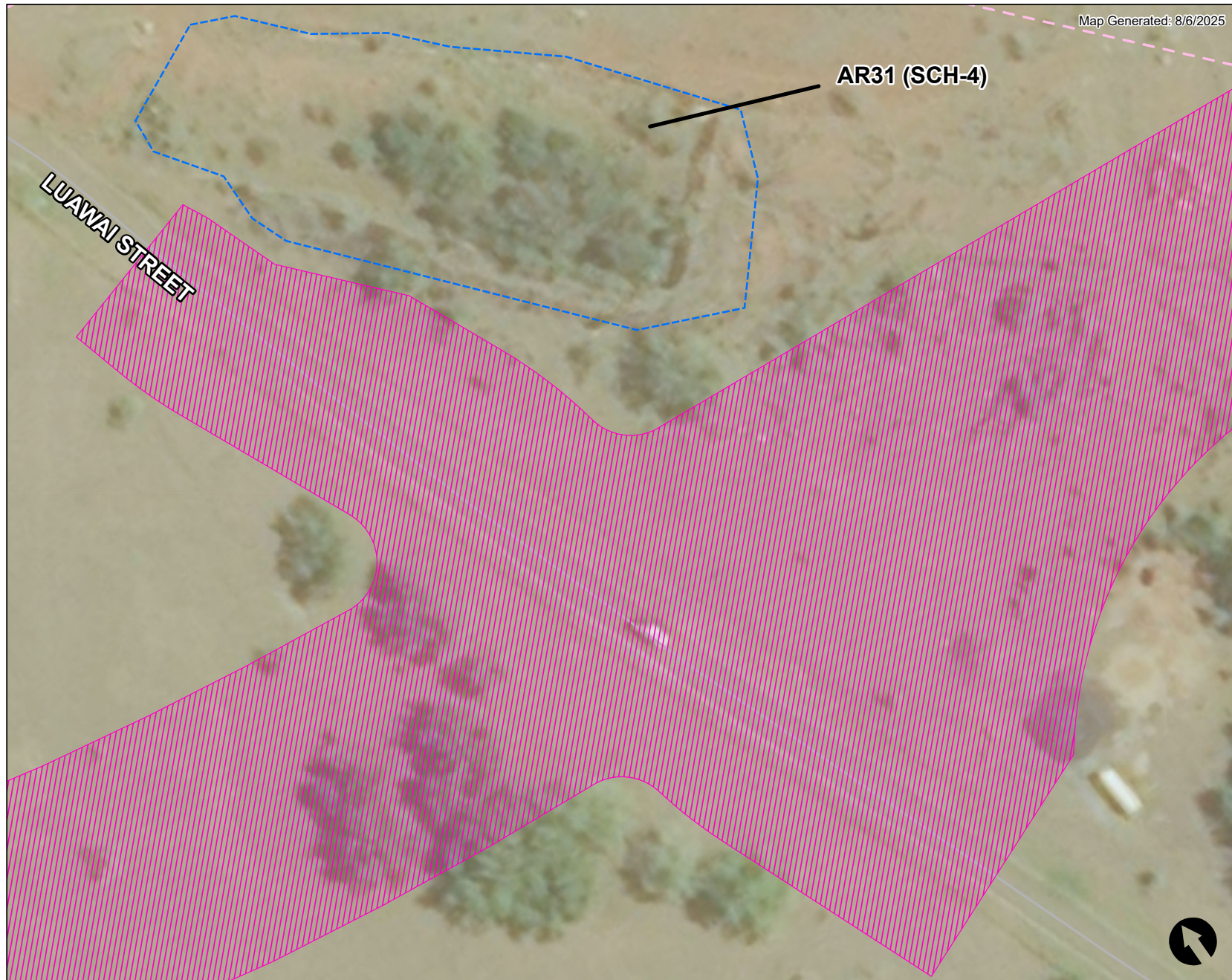


### Legend

-  Preferred Alignment
-  Proposed Historic District Boundary
-  Reservoir

Service Layer Credit World Imagery: Resource Mapping Hawaii  
World Topo Base: Sources: Esri, HERE, DeLorme, increment P Corp., NPS, NRCAn, Ordnance Survey, © OpenStreetMap contributors, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Hawaii Statewide GIS Program, WSP USA

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DOT/FHWA 4(f) *de minimis* Determination Form –  
Olowalu Sugar Plantation Historic District



<u><b>Section 4(f) De Minimis Impact Determination</b></u> <u><b>23 CFR § 774<sup>2</sup></b></u>	
Date:	August 13, 2025
Lead Agency:	Hawaiʻi Department of Transportation (HDOT), Project Sponsor Federal Highway Administration (FHWA), NEPA Lead Agency
Project Number:	RAEM-030-1(59)
Project:	Honoapiʻilani Highway Improvements
Project Description:	<p>As a part of Maui's Belt Road system, Honoapiʻilani Highway is a two-lane principal arterial highway that provides the main access between communities along Maui's west coast and the rest of the island. The southeastern terminus of the Project is at milepost 11 in Ukumehame, within the vicinity of Pāpalaua Wayside Park. The northwestern terminus of the Project is at milepost 17 in Launiupoko, where Honoapiʻilani Highway intersects the southern terminus of Lāhainā Bypass.</p> <p>The project seeks to provide a reliable transportation facility in West Maui and improve Honoapiʻilani Highway's resilience by reducing its vulnerability to existing coastal erosion and projected sea level rise. Much of the current highway is within State of Hawaii's modeled SLR-XA and are currently exposed to coastal events and would be more vulnerable into the future. The project evaluated several alternatives that includes realigning portions of the highway away from the SLR-XA area to mitigate flood and coastal erosion risks.</p>
Section 4(f) Resource:	Olowalu Sugar Plantation Historic District
Type of 4(f) Resource:	Historic District
Size of the <i>de minimis</i> use of the 4(f) Resource (in acres):	<p>The size of the area of disturbance would be 12.05 acres within the proposed Olowalu Sugar Plantation Historic District.</p> <p>No contributing resources or individually eligible properties in the district would be used or disturbed; in an August 13, 2025, letter, the Hawaii SHPO issued concurrence with FHWA's determination of No Adverse Effect to architectural historic properties for the proposed undertaking.</p>
Primary Purpose/Function:	Agricultural land and former plantation infrastructure
Official with Jurisdiction:	State Historic Preservation Officer (SHPO), State Historic Preservation Division – State of Hawaii Division of Land and Natural Resources (SHPD)

<sup>2</sup> This section is new for the Final EIS. For ease of reading, the new text is not double underlined

*De minimis Documentation*

5. *Describe the Section 4(f) property and the attributes and features that qualify it for Section 4(f) protection, attach a map which shows the boundaries of the resource, the locations of key features (for example, ball fields, structures) and the area to be used*

The Olowalu Sugar Plantation Historic District, which is an expansion of the previously identified Olowalu Sugar Mill Complex, is an NRHP-eligible historic district located mauka and encompassing the existing complex. Ten contributing resources, including the existing Olowalu Sugar Mill Complex, have been identified within the Olowalu Sugar Plantation Historic District. Five contributing resources have been identified within the APE and none will be affected by the Preferred Alternative. These contributing resources reflect the significance of the local sugar industry and the Pioneer Mill Company on the development of Olowalu. The proposed boundary of the historic district encompasses approximately 100 acres, which includes contributing buildings and structures with agricultural, architectural, engineering, and industry themes. All property identified within the historic district is privately owned. The figures in the attached August 8, 2025, letter from FHWA to the SHPO show the Olowalu Sugar Plantation Historic District boundaries, the location of the Preferred Alternative, locations of eligible, listed, and contributing resource resources, and the existing Olowalu Sugar Mill Complex.

6. *Describe the impacts to the Section 4(f) property, and any avoidance, minimization and mitigation or enhancement measures, and why they are considered de minimis as defined in 23 CFR § 774.17*

The Preferred Alternative will require permanent use of areas within the Olowalu Sugar Plantation Historic District. However, the Preferred Alternative is located mauka and away from the majority of contributing resources within the Olowalu Sugar Plantation Historic District. The roadway will cross the mauka side of the historic district and in areas identified during survey as non-contributing. While the project results in changes to the existing setting, these changes are not adverse in light of development that has occurred in and around the Olowalu Sugar Plantation Historic District. The project will not alter any of the characteristics that qualify the historic district or individual historic properties for inclusion in the NRHP in a manner that would diminish the integrity of the properties' location, design, setting, materials, workmanship, feeling, or association.

Based on these considerations and the FHWA's finding and SHPO concurrence of No Adverse Effect on the historic district, the project's impact on the proposed Olowalu Sugar Plantation Historic District is to be considered de minimis.

7. *For parks, recreational facilities, and wildlife and waterfowl sanctuaries:*

- c. *Describe the Public Outreach that has been or is being conducted (leave blank for historic sites)*

Not applicable

- d. *Include written concurrence of the official with jurisdiction over to 4(f) resource with the de minimis determination*

Not applicable



**8. For historic resources, attach Section 106 Documentation (Include SHPO concurrence in project-level findings (DOEs and or FOEs) and Programmatic Agreement Memos for archaeological resources)**

Section 3.6 Archaeological and Architectural Historic Properties of the Final EIS states there are ten architectural elements identified as contributing resources to the Olowalu Sugar Plantation Historic District; two of these resources are also individually eligible historic properties. These resources include individual buildings and remains of plantation infrastructure. However, none of those resources would be used or affected by the Preferred Alternative.

FHWA transmitted a letter to the SHPD on August 8th, 2025, where FHWA stated that the project would have No Adverse Effect on the historic district and no effect on the individual historic properties identified. The August 8th letter also stated FHWA's intent to make a *de minimis* impact determination based on SHPO's concurrence with the No Adverse Effect determination for the historic district. In its response letter on August 13, 2025, the SHPO concurred with the FHWA determination of No Adverse Effect for the proposed project. These letters follow this determination form.

The project's executed Programmatic Agreement is also attached.

## Request for Approval

Based upon this analysis we request FHWA approval that the use of the Section 4(f) resource described above is *de minimis* as defined in 23 CFR 774.17.

 Name, Position Hawai'i Department of Transportation	Director of Transportation	09/02/2025 Date
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## FHWA Approval

 Digitally signed by MEESA T. OTANI Date: 2025.09.03 13:18:29 -10'00'	Meesa Otani, Environmental Engineer FHWA Hawaii Division	9/3/25 Date
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SHPO “No Adverse Effect” Concurrence Letter to  
FHWA, August 13, 2025

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

RYAN K.P. KANAKA'OLE  
FIRST DEPUTY

CIARA W.K. KAHANE  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

August 13, 2025

IN REPLY REFER TO:  
**Project No.: 2023PR00135**  
**Document No.: 2508JLP01**

Richelle M. Takara, PE  
U.S. Department of Transportation  
Federal Highway Administration  
300 Ala Moana Blvd, Rm 3-229  
Box 50206  
Honolulu, HI 96850  
c/o FHWA-Hawaii.Intake@dot.gov

Dear Richelle M. Takara, PE,

**RE: National Historic Preservation Act Section 106 Consultation**  
**Agency: Federal Highway Administration (FHWA)**  
**Honoapiilani Highway Improvement Project, Federal-Aid Project No. RAEM-030-1(59)**  
**West Maui, Ukumehame to Launiupoko**  
**Ahupuaa of Launiupoko, Olowalu, and Ukumehame, island of Maui, State of Hawaii**  
**TMK: (2) 4-7-001, (2) 4-8-001, (2) 4-8-002, (2) 4-8-003, (2) 4-8-004 and Honoapiilani**  
**Highway Right-of-Way**

Thank you for the opportunity to comment on this request from the Federal Highways Administration (FHWA) for consultation and concurrence with the determination of **no adverse effect** for the proposed Honoapiilani Highway Improvement Project. FHWA has determined that this project is an undertaking, as defined in 36 CFR § 800.16(y) and has previously consulted with the Hawaii State Historic Preservation Officer (SHPO) on the Area of Potential Effect (APE) and identification of historic properties.

Based on the information provided, the Hawaii State Historic Preservation Officer (SHPO) has reviewed the undertaking, pursuant to 36 CFR § 800.5(c), and the SHPO **concurs** with the determination of FHWA that the effects of the preferred alternative of the proposed undertaking's alignment will result in **no adverse effect** to architectural historic properties. Should the project scope of work or the preferred

alternative of the project alignment change, the SHPO's concurrence may be rescinded as there are historic architectural resources adjacent to the current proposed alignment that could be affected by a change to the project.

FHWA is the office of record for this undertaking. Please maintain a copy of this letter with your environmental review record. If you have any questions about this undertaking or if there is a change to the scope of work, please contact Jessica Puff, SHPD Administrator, at (808) 692-8015 or by email at [Jessica.puff@hawaii.gov](mailto:Jessica.puff@hawaii.gov).

Sincerely,

A handwritten signature in black ink, appearing to be 'Dawn Chang', with a stylized, looping initial 'D' and a horizontal stroke extending to the right.

Dawn Chang  
State Historic Preservation Officer  
Chairperson, Department of Land and Natural Resources

CC: Meesa Otani, FHWA  
Pua Aiu, HDOT  
Ken Tatsuguchi, HDOT



# Programmatic Agreement for the Honoapiʻilani Highway Improvements Project





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

**Hawaii Federal-Aid Division**

August 14, 2025

300 Ala Moana Blvd, Rm 3-229  
Box 50206  
Honolulu, Hawaii 96850  
Phone: (808) 541-2700  
[FHWA-Hawaii.Intake@dot.gov](mailto:FHWA-Hawaii.Intake@dot.gov)

In Reply Refer To:  
HDA-HI

Mr. Reid Nelson  
Executive Director  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001

Subject: National Historic Preservation Act Section 106 Programmatic Agreement  
Honoapi'ilani Highway Improvements Project, West Maui: Ukumehame to Launiupoko  
Federal-aid Project No. RAEM-030-1(59)  
ACHP Case No. 020521


Dear Mr. Nelson:

The Federal Highway Administration (FHWA), in cooperation with the Hawaii Department of Transportation (HDOT), executed the Programmatic Agreement for the Honoapi'ilani Highway Improvements Project, West Maui: Ukumehame to Launiupoko.

Pursuant to 36 CFR § 800.6(b)(1)(iv), the FHWA is providing a copy of the executed Programmatic Agreement for your records.

If you have any questions, please feel free to contact Meesa Otani, Transportation Engineer, at (808) 541-2316 or by email at [meesa.otani@dot.gov](mailto:meesa.otani@dot.gov). Thank you for your assistance.

Sincerely yours,

  
Digitally signed by  
MEESA T. OTANI  
Date: 2025.08.14  
10:00:23 -10'00'

for Richelle M. Takara, P.E.  
Division Administrator

Enclosure

cc: Pua Aiu, HDOT, HWY-P

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**PROGRAMMATIC AGREEMENT  
AMONG  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE STATE OF HAWAII DEPARTMENT OF TRANSPORTATION,  
THE STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES,  
AND THE  
THE HAWAII STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE  
HONOAPI'ILANI HIGHWAY IMPROVEMENTS PROJECT,  
MAUI KOMOHANA, MAUI COUNTY, HAWAII**

**WHEREAS**, the United States Department of Transportation, Federal Highway Administration (FHWA) plans to fund the Honoapi'ilani Highway Improvements Project (Undertaking), which would realign Honoapi'ilani Highway between Ukumehame and Launiupoko in Maui Komohana (West Maui); and

**WHEREAS**, the State of Hawaii Department of Transportation (HDOT) is the sponsor of the Undertaking, and the FHWA has invited HDOT to become an Invited Signatory to this Programmatic Agreement (PA); and

**WHEREAS**, the FHWA's action requires review under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) and is considered an Undertaking as defined by 36 C.F.R. § 800.16(y) and is subject to review under Section 106 of the National Historic Preservation Act of 1966 (NHPA) (54 U.S.C. § 306108) and its implementing regulations, 36 C.F.R. Part 800, *Protection of Historic Properties*, as amended; and

**WHEREAS**, the Undertaking is intended to address existing coastal erosion and flooding, as well as future coastal erosion and flooding caused by anticipated sea level rise, as delineated by the Hawaii Climate Change Mitigation and Adaptation Commission's (HCCC's) Sea Level Rise Exposure Area (SLR-XA); and

**WHEREAS**, the FHWA has coordinated NHPA Section 106 compliance with the NEPA process and is preparing an Environmental Impact Statement (EIS); and

**WHEREAS**, the FHWA, in consultation with the Hawaii State Historic Preservation Officer (SHPO), is entering into this Section 106 PA in accordance with 36 C.F.R. § 800.14(b)(1)(ii) because the Undertaking's effects on historic properties cannot be fully determined prior to approval of the Record of Decision; and

**WHEREAS**, the FHWA in coordination with HDOT, and in consultation with the SHPO, established an Area of Potential Effects (APE) (**Appendix 2**) in accordance with 36 C.F.R. § 800.4(a)(1) to consider potential direct and indirect effects associated with each of the Undertaking's alternatives evaluated in the Draft EIS; and

**WHEREAS**, due to the size of the APE, limited access, and number of alternatives under consideration, the FHWA and HDOT, in consultation with the SHPO, agreed to phased identification, pursuant to 36 C.F.R. § 800.4(b)(2), as provided in this PA; and

49  
50 **WHEREAS**, HDOT intends to use the historic properties identification efforts and documentation  
51 prepared for this Undertaking and as described in this PA (Stipulation III) to comply with Hawai'i Revised  
52 Statutes (HRS) § 6E and its administrative provisions at Hawai'i Administrative Rules (HAR) § 13-275,  
53 *Rules Governing Procedures for Historic Preservation Review for Governmental Projects Covered Under*  
54 *Sections 6E-7 and 6E-8, HRS*, as described in **Appendix 1**. The State Historic Preservation Division (SHPD)  
55 therefore has the authority to determine whether or not any report generated under HRS § 6E and its  
56 administrative rules is adequate; and

57  
58 **WHEREAS**, the Advisory Council on Historic Preservation (ACHP), was invited to participate in the  
59 Section 106 consultation and the development of this PA and has declined to participate; and  
60

61 **WHEREAS**, the FHWA in coordination with HDOT has consulted with Native Hawaiian Organizations  
62 (NHOs) for which the Ahupua'a of Launiupoko, Olowalu, and/or Ukumehame have religious and/or  
63 cultural significance, individuals and organizations with a demonstrated interest in the Undertaking, and  
64 the public, and has invited the NHOs, individuals, and organizations included in **Appendix 3** to  
65 participate as Consulting Parties; and  
66

67 **WHEREAS**, the FHWA in coordination with HDOT and pursuant to 36 C.F.R. § 800.2(c) held multiple  
68 Consulting Party meetings (listed in **Appendix 4**), has consulted with the Consulting Parties, including the  
69 NHOs, individuals, and organizations listed in **Appendix 3**, regarding the effects of the Undertaking on  
70 historic properties and has invited them to sign this PA as Concurring Parties; and  
71

72 **WHEREAS**, historic properties were found during an archaeological reconnaissance surface survey  
73 located within the State of Hawaii, Department of Land and Natural Resources (DLNR) Lands, and the  
74 FHWA has invited DLNR to be an Invited Signatory to this PA.  
75

76 **NOW, THEREFORE**, the FHWA, HDOT, SHPO, and DLNR agree that the Undertaking shall be implemented  
77 in accordance with the following stipulations to take into account the effect of the Undertaking on  
78 historic properties.  
79

## 80 **STIPULATIONS**

81  
82 The FHWA, in coordination with HDOT, shall ensure that the following measures are carried out.  
83

### 84 **I. Roles and Responsibilities**

- 85  
86 A. The FHWA is the agency official legally responsible for all Section 106 findings and  
87 determinations and shall ensure that the terms of this PA are carried out to complete the  
88 Section 106 process. The FHWA shall continue consultation with the NHOs, individuals, and  
89 organizations included in Appendix 3 and as described in this PA.  
90  
91 B. HDOT, as the Undertaking sponsor, will assist the FHWA in the implementation of this PA,  
92 including the coordination, management, and oversight of the implementation of the  
93 SHPO-approved plans and reports including the Archaeological Inventory Survey Plan (AISP) and  
94 any necessary mitigation plans (for example, archaeological monitoring plan, burial treatment  
95 plan) required by this PA for continuing archaeological investigations of the Preferred

Alternative through final design and construction of the Undertaking with the assistance of individuals meeting the requirements of Stipulation II.

- C. The DLNR, as having jurisdiction over land within and adjacent to the Undertaking's alignment, shall respond to requests for permission to access areas identified by HDOT that require investigations pursuant to this PA, and shall provide comments and/or reviews of documentation prepared by HDOT or its staff in fulfillment of this PA.
- D. The SHPO, individually or through staff at the SHPD, shall advise the FHWA in carrying out Section 106 responsibilities for the Undertaking. Based on information provided by the FHWA or by HDOT, on behalf of the FHWA, the SHPO, individually or through staff at the SHPD, shall respond to requests for comments and/or review and approval within the specified review periods regarding the FHWA's National Register of Historic Places (NRHP) eligibility evaluations and proposed measures to avoid, minimize, or mitigate any adverse effects on historic properties that may be identified.

## **II. Qualifications**

All investigations carried out pursuant to this PA shall be conducted by or under the supervision of an individual meeting the Secretary of the Interior's (SOI's) Professional Qualifications Standards for Archaeology or Architectural History, as applicable, pursuant to 36 CFR Part 61, Appendix A, and pursuant to HAR § 13-281, "Rules Governing Professional Qualifications," and HAR § 13-282, "Rules Governing Permits for Archaeological Work" in the State of Hawai'i.

## **III. Identification and Evaluation of Historic Properties**

- A. The FHWA, in coordination with HDOT, will ensure all historic properties (both above ground and below ground) identified within the APE are assessed for NRHP eligibility in accordance with 36 C.F.R. § 800.4(c). The FHWA will consider information provided by an individual or organization included in Appendix 3 who attaches religious and/or cultural significance to a property within the APE in making determinations of eligibility.
- B. HDOT, in coordination with the FHWA, completed the identification and evaluation of architectural historic properties pursuant to 36 C.F.R. § 800.4(b) and (c). A Reconnaissance Level Architectural Inventory Survey (RLS) was completed that identified and assessed 40 architectural properties within the APE. Three architectural properties were determined to be individually eligible for listing in the NRHP and 10 were determined to be contributing resources to a NRHP-eligible historic district, referred to in the RLS as the Olowalu Sugar Plantation Historic District. The SHPO concurred with the RLS eligibility determinations in a letter dated July 9, 2024.
- C. HDOT, in coordination with the FHWA, has completed the identification and initial evaluation of archaeological properties pursuant to 36 C.F.R. § 800.4(b) and (c). This identification and evaluation effort involved an archaeological reconnaissance surface survey comprising each of the four proposed alternatives within the APE. The archaeological survey area was defined by a 300-foot-wide corridor along the centerline of each proposed alternative. The archaeological survey area totaled approximately 493 acres and included both pedestrian survey and targeted drone flyovers unless limited by access or vegetation issues. Access to TMKs (2) 4-8-002-068 and

(2) 4-8-002-057 was not provided by the occupant and will be pursued during the Archaeological Inventory Survey (AIS) if part of the Preferred Alternative.

- D. The results of the archaeological reconnaissance surface survey were provided in a document titled *Honoapi'ilani Archaeological Complex Site Descriptions and Significance Evaluations*. Twenty-eight (28) archaeological historic properties were identified and evaluated within Ukumehame Ahupua'a, seven (7) in Olowalu Ahupua'a, and three (3) in Launiupoko Ahupua'a..
- E. HDOT's archaeologist, on behalf of HDOT and the FHWA, evaluated 38 archaeological historic properties as individually eligible for listing in the NRHP. The SHPO concurred with eleven (11) of these eligibility determinations in a letter dated October 11, 2024, and provided concurrence on the remaining twenty-seven (27) archaeological historic properties in a letter dated May 16, 2025. HDOT's lead archaeologist also noted that the sites in each ahupua'a extended beyond the archaeological survey boundaries. Because the horizontal and vertical extents of a potential historic district could not be determined based on a reconnaissance survey, no historic district has been identified by the FHWA at this time.
- F. HDOT, in coordination with the FHWA, will complete an AIS for any areas not previously surveyed within the Preferred Alternative. Additionally, subsurface archaeological testing will proceed through the design of the Preferred Alternative as locations become accessible.
- G. HDOT, in coordination with the FHWA, will ensure an AIS Plan (AISP) is prepared and implemented as part of the identification and evaluation of archaeological historic properties pursuant to 36 C.F.R. § 800.4(b) and (c).
- H. HDOT intends to use the identification and documentation of historic properties prepared for this Undertaking to meet the requirement of HRS § 6E-8. The SHPD shall have authority to determine the adequacy of the AISP pursuant to HAR § 13-275 and HAR § 13-276. The SHPO's written approval will be provided to all Signatories, Concurring and Consulting Parties.

#### **IV. Archaeological Inventory Survey (Subsurface Testing Component)**

The area of investigation for the subsurface testing component of the AIS is defined as the Undertaking's Preferred Alternative and includes the proposed roadway right-of-way (ROW) and areas designated for utility installation, excavation, grading, connector roads, or construction access and laydown areas.

##### **A. Subsurface Testing Component of the AISP**

1. The subsurface testing methodology for the AISP will be developed by HDOT's lead archaeologist in consultation with the Engineering Design Team, as well as Signatories, Concurring and Consulting Parties within one year of execution of the NEPA Record of Decision.
2. HDOT will provide the initial draft of the AISP to the SHPO, Signatories, Concurring and Consulting Parties for a 30-calendar-day review and comment period.

3. The written comments on the AISP will be shared with the SHPO for consideration in preparing the SHPD's review comments to HDOT and the FHWA. The SHPO shall have an additional 15-calendar-day review period (total 45-calendar days) upon receipt of all written comments received by HDOT and the FHWA from Signatories, Concurring and Consulting Parties.
4. HDOT will share the SHPO's comments with Signatories, Concurring and Consulting Parties. The comments may be posted to the project website at <https://www.honoapiilanihwyimprovements.com>.
5. If the SHPO does not respond within the 45-calendar-day review period, HDOT, in coordination with the FHWA, may assume the SHPO's concurrence and move forward accordingly. HDOT, in coordination with the FHWA, will implement the AISP.
6. If the SHPO responds with comments within the 45-day comment period, HDOT will incorporate the changes as appropriate and submit a copy marked Final to SHPO, via HICRIS Project Number 2023PR00135, for a 15-day review. If SHPO requests changes within the 15 days, HDOT shall incorporate the changes and provide a second copy marked Final to SHPO, via HICRIS, with a new date, and the review process will be complete. If SHPO does not request changes within 15 days, then the review will be complete.
7. Subsurface survey fieldwork shall be completed to the extent practicable prior to final design so that any identified subsurface historic properties (that is, archaeological sites or human burials) may be considered in final design and measures be incorporated to avoid and/or minimize potential effects on historic properties and/or human burials.
8. HDOT, in coordination with the FHWA, will provide a written status update to the SHPO, Signatories, Concurring and Consulting Parties of the status of archaeological investigations on a quarterly basis via e-mail and, when requested, via meeting. All status reports will be uploaded to HICRIS Project Number 2023PR00135. Once HDOT's archaeologist sends an end-of-fieldwork letter report to the SHPO, these reports will stop.

#### B. Archaeological Inventory Survey Report

1. The AIS report will meet the requirements of the SOI's Standards and Guidelines for Archaeological Documentation at 48 Fed. Reg. 44,734 (September 29, 1983), will be submitted to the SHPO for their concurrence on adequacy, and will contain the results of the aboveground archaeological reconnaissance surface survey of the Preferred Alternative and subsurface survey.

2. The draft of the AIS report will be provided to the SHPO, Signatories, Concurring and Consulting Parties for a 30-calendar-day review and comment period. The report may be posted to the project website at <https://www.honoapiilanihwyimprovements.com>.
3. The written comments received on the draft AIS report will be shared with the SHPO for consideration in preparing the SHPO's review comments to HDOT and the FHWA. The SHPO shall have an additional 15-calendar-day review period (45-calendar days total) upon receipt of all written comments received by HDOT and the FHWA from Signatories, Concurring and Consulting Parties.
4. If the SHPO does not respond within the 45-calendar-day review period, HDOT, in coordination with the FHWA, may assume the SHPO's approval and move forward accordingly.
5. If the SHPO responds with comments within the 45-day comment period, HDOT will incorporate the changes as appropriate and submit a copy marked Final to SHPO, via HICRIS Project Number 2023PR00135, for a 15-day review. If SHPO requests changes within the 15 days, HDOT shall incorporate the changes and provide a second copy marked Final to SHPO, via HICRIS, with a new date, and the review process will be complete. If SHPO does not request changes within 15 days, then the review will be complete.

#### C. Curation

All collections, consisting of artifacts, notes, and other materials associated with archaeological and architectural investigations, will be curated in accordance with 36 C.F.R. Part 79 *Curation of Federally Owned and Administered Archaeological Collections* and in accordance with applicable State laws, including HAR § 13-275, -276, -277, -278, and -279. HDOT shall consult with public and private institutions to pursue opportunities to provide public access to the recovered materials.

#### V. Application of the Criteria of Adverse Effect for Historic Properties

- A. The FHWA, in coordination with HDOT and in consultation with the SHPO, Signatories, and Concurring and Consulting Parties, will apply the criteria of adverse effect (36 C.F.R. § 800.5(a)(1)) to historic properties within the APE, and document its findings.
- B. If, as a result of this analysis, the FHWA determines that the Undertaking may have an adverse effect on any historic property, the FHWA, in coordination with HDOT, will consult with the SHPO, Signatories, and Concurring and Consulting Parties to avoid, minimize, or mitigate adverse effects.

#### VI. Treatments to Resolve Adverse Effects to Historic Properties

The FHWA, in coordination with HDOT and in consultation with the SHPO, Signatories, and Concurring and Consulting Parties, has determined that the following treatment measures, either singularly or in

combination, may be applied to resolve adverse effects to historic properties if adverse effects occur following analysis described in Stipulation V.

Treatment measures listed below may be selected by FHWA in coordination with HDOT and presented to the SHPO, Signatories, Concurring and Consulting Parties for a 30-calendar-day review and comment period. The SHPO shall have an additional 15-calendar-day review period (total 45 calendar days) upon receipt of all written comments provided in writing by FHWA and HDOT from Signatories and Concurring and Consulting Parties to take comments provided in writing into consideration in preparing the SHPO's written review comments. If the SHPO does not respond within the 45-calendar day review period, HDOT, in coordination with the FHWA, may assume the SHPO's concurrence with the proposed treatment measure and move forward accordingly following written notification to the SHPO, Signatories, Concurring and Consulting Parties.

- A. Educational Interpretation. This educational interpretation may include displays, markers, educational pamphlets, brochures or booklets, posters, websites, audio recordings or presentations, or other similar accessible information to educate members of the public on one or more architectural and/or archaeological historic property within the APE. The interpretive element may use images and maps to the extent feasible to convey information to the public.
- B. Photogrammetry. HDOT may hire a consultant to conduct historic property documentation through the use of photogrammetry, which requires taking high-resolution digital images to construct 3-D models of aboveground resources including individual structures and buildings or landscape features. Using a high-resolution camera affixed to a drone, digital images will be taken at multiple angles and aligned to extract spatial and visual data to create a digital 3-D model. Data will be extracted from the model, including precise measurements and dimensions, colors, textures, and close-up historic details of the historic property. The model will then be made available for public viewing, if appropriate. A corresponding written or audio recording component will be developed to allow for interpretation and use of the 3-D model. This model may be made available to schools, libraries, or other institutions. In consultation with the NHOs, a final location for the model and agreement with the location will be completed before work on the model is started. If this cannot be accomplished, then only a digital model will be created. If HDOT is required to make contact with a proposed location, two attempts at making contact will be deemed sufficient, after which only a digital model will be created. HDOT, the FHWA, the SHPO, Concurring and Consulting Parties will come to agreement on the parameters for the model before work starts. If there is disagreement, HDOT and the FHWA will make the final decisions.
- C. Recordation of Architectural Historic Property. Prior to any substantial alteration or demolition of an individual aboveground architectural historic property, documentation may be undertaken to record the adversely affected property through a National Register of Historic Places registration form, digital photography package, or Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER)/Historic American Landscapes Survey (HALS) Level III recordation (68 Fed. Reg. 43,159), as appropriate.



- 321 D. Recordation of Archaeological Historic Property without Data Recovery. Prior to any substantial  
322 alteration or demolition of an individual aboveground archaeological historic property,  
323 documentation may be undertaken to record the adversely affected property through digital  
324 photography, scaled plan view, profile drawings, acquiring and recording oral information  
325 regarding traditional practices, and narrative descriptions meeting the Documentation required  
326 in HAR § 13-275-8 for Historical Data Recovery [HAR 13-275-8 (D)] and Ethnographic  
327 Documentation [HAR § 13-275-8 (E)].  
328
- 329 E. Archaeological Data Recovery. Data recovery excavations may be considered in consultation  
330 among the FHWA, HDOT, SHPO, Signatories, Concurring and Consulting Parties. If it is  
331 determined by the FHWA through consultation that archaeological data recovery is an  
332 appropriate treatment, HDOT will ensure that its archaeologist prepares an archaeological data  
333 recovery plan (DRP) that meets the requirements of HAR § 13-278-3 and includes each affected  
334 archaeological historic property.  
335
- 336 1. If possible, a single DRP will be prepared for the Undertaking and include a section on  
337 timing for report completion.  
338
  - 339 2. HDOT will provide the initial draft of the DRP to the SHPO, Signatories, Concurring and  
340 Consulting Parties for a 30-calendar-day review and comment period.  
341
  - 342 3. The written comments received will be shared with the SHPO for consideration in  
343 preparing the SHPD's review comments to HDOT and the FHWA. The SHPO shall have an  
344 additional 15-calendar-day review period (45-calendar days total), upon receipt of all  
345 written comments received by the FHWA and HDOT from Signatories and Concurring  
346 and Consulting Parties, to take comments provided in writing by other Consulting  
347 Parties into consideration in preparing the SHPO's written review comments.  
348
  - 349 4. If the SHPO does not respond in writing within the 45-calendar-day review period,  
350 HDOT, in coordination with the FHWA, may assume the SHPD's concurrence with the  
351 DRP and move forward accordingly following written notification to the SHPD,  
352 Signatories, Concurring and Consulting Parties.  
353
  - 354 5. HDOT, in coordination with the FHWA, shall ensure the archaeological data recovery  
355 fieldwork efforts are carried out in accordance with the DRP.  
356
  - 357 6. Following receipt of comments, HDOT, in coordination with the FHWA and in  
358 consultation with the SHPO, Signatories, Concurring and Consulting Parties listed in  
359 Appendix 3, will finalize the DRP. HDOT will incorporate the changes as appropriate and  
360 submit a copy marked Final to SHPO, via HICRIS Project Number 2023PR00135, for a 15-  
361 day review. If SHPO requests changes within the 15 days, HDOT shall incorporate the  
362 changes and provide a second copy marked final to SHPO, via HICRIS, with a new date,  
363 and the review process will be complete. If SHPO does not request changes within 15  
364 days, then the review will be complete.

**VII. Native Hawaiian and Consulting Parties Section 106 Consultation**

- A. The FHWA, in coordination with HDOT, shall continue to carry out Section 106 consultation with the Maui Lānaʻi Islands Burial Council (MLIBC), Signatories, Concurring and Consulting Parties for the identification, evaluation, and any required mitigation of historic properties identified according to the terms of this PA.
- B. The FHWA, in coordination with HDOT, shall carry out consultation with the MLIBC, recognized descendants and NHOs, Signatories, Concurring and Consulting Parties for any unanticipated discoveries. The consultation will include identification, evaluation as to whether a discovery meets the definition of a historic property, and consideration of measures to avoid, minimize, or mitigate adverse effects.

**VIII. Applicability of this PA to Changes in Undertaking Scope**

This PA satisfies the FHWA's responsibilities under Section 106 and is based on information about this Undertaking as defined in the Final EIS. It is the FHWA's responsibility to notify the SHPO, Signatories, Concurring and Consulting Parties of any changes to the Undertaking's design, scope, or footprint and, through consultation, to determine whether any changes to the design, scope, or footprint invalidate the environmental commitments made in the Final EIS and Record of Decision, including those made in this PA. If the FHWA chooses to reopen Section 106 consultation for this Undertaking, the FHWA shall implement the following measures:

- A. If the change is within the current APE, then the FHWA shall notify the SHPO in writing of any changes to design or scope in writing. The SHPO shall respond within 30 calendar days of receipt of the e-mail or letter. Date of receipt is the date received in HICRIS Project No. 2023PR00135.
- B. If the change is outside the current APE, the FHWA, in coordination with HDOT and in consultation with the SHPO, shall assess and revise the APE as necessary to incorporate any additional areas not previously considered under this PA.
- C. The FHWA shall consult the Signatories to this PA to determine if the provisions of this PA should be applied to the additional areas and, if this PA should be applied, whether this PA needs to be amended in accordance with Stipulation XIII to include those areas.

**IX. Post-AIS Discoveries**

- A. In accordance with 36 C.F.R. § 800.13(b)(3), the FHWA, in coordination with HDOT and in consultation with the SHPO, will apply the NRHP Criteria for Evaluation (36 C.F.R. § 60.4) to evaluate any newly identified historic properties and consider measures to avoid, minimize or mitigate adverse effects on historic properties. Additionally, the FHWA, in coordination with HDOT, will consult pursuant to Stipulation III.
- B. The FHWA shall forward their evaluation of the newly identified historic properties, finding of effect on newly identified historic properties found during project construction, or unanticipated effects on identified historic properties to the SHPO for review and concurrence.

- C. If the SHPO does not respond in writing within the 30-calendar-day review period, the FHWA may assume the SHPO's concurrence with the eligibility determinations.
- D. If evidence of burials, human remains, or potential human remains are encountered during construction, HDOT shall suspend all work within 100 feet and protect the remains from further disturbance. The discovery shall be immediately reported to the FHWA, the SHPO, the DLNR, the Maui County medical examiner or coroner, and the Maui Police Department pursuant to HAR § 13-300-40. The DLNR maintains jurisdiction over any inadvertent discovery of human skeletal remains and is responsible for notifications to the MLIBC chair and the Office of Hawaiian Affairs. Contact information is provided in Appendix 5. HDOT is responsible for updating the contact list. If contact information changes, it is the individual party's responsibility to notify the HDOT contact person identified in Appendix 6.
- E. HDOT's initial notification may be via phone but must be followed by written notification via e-mail to SHPO and SHPD staff within 24 hours providing written details include date, time, and identification of all parties who were notified and include a brief description of the find and its location. In addition to e-mail, HDOT's notification to the SHPO will be uploaded to HICRIS Project No. 2023PR00135.
- F. Identification, documentation, and treatment of all burials, human remains, or potential human remains encountered during construction will be carried out in accordance with HRS § 6E-43.6 and HAR 13-300 (Appendix 1).

#### **X. Confidentiality**

Sensitive information concerning the location, character, or ownership of archaeological resources and properties on which burials, human remains, or potential human remains are identified may be withheld from public disclosure in accordance with Section 304 of the NHPA (54 U.S.C. § 307103).

#### **XI. Monitoring and Reporting**

Each year following the execution of this PA until it expires or is terminated, HDOT will submit a written status of each PA stipulation to the FHWA.

The FHWA, in coordination with HDOT, shall provide all parties to this PA a written annual summary report detailing work undertaken pursuant to its terms and associated findings. Such report shall include any scheduling changes proposed or implemented, any issues encountered relating to historic or cultural sites, and any disputes and objections received during the FHWA's efforts to carry out the terms of this PA. Additionally, the annual summary report shall include the status of the PA stipulations provided by HDOT to the FHWA and uploaded to HICRIS Project Number 2023RP00135.

HDOT will provide written notification to the FHWA for concurrence once all stipulations have been completed. Upon the FHWA's concurrence and notification therein to all parties to this PA, the Section 106 process will be deemed completed.

#### **XII. Dispute Resolution**

Should any Signatory or Concurring Party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the FHWA shall notify all parties and initiate consultation to resolve the objection. If the FHWA determines that such objection cannot be resolved, the FHWA will:

- A. Forward all documentation relevant to the dispute, including the resolution proposed by the FHWA, to the ACHP. The ACHP shall provide the FHWA in writing with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from ACHP, Signatories, and Concurring Parties and provide them with a copy of this written response. The FHWA will then proceed according to the final decision.
- B. If the ACHP does not provide its advice in writing regarding the dispute within the 30-calendar-day review period, the FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories and Concurring Parties to this PA and provide them and the ACHP with a copy of such written response.
- C. The responsibilities of the FHWA to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

### **XIII. Amendments**

This PA may be amended when such an amendment is agreed to in writing by all Signatories. The amendment will be effective on the date a copy signed by all Signatories is filed with the ACHP.

### **XIV. Termination**

If any Signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XIII. If an amendment cannot be reached within 30 calendar days, any Signatory may terminate the PA upon written notification to the other Signatories.

Once the PA is terminated, and prior to work continuing on the Undertaking, the FHWA must either (a) execute an agreement pursuant to 36 C.F.R. § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. The FHWA shall notify the Signatories as to the course of action they will pursue.

### **XV. Duration**

This PA will be null and void if its terms are not carried out within fifteen (15) years from the date of its execution. Prior to such time, the FHWA may consult with the other Signatories to reconsider the terms of the PA and amend it in accordance with Stipulation XIII.

Execution of this agreement by the FHWA, HDOT, DLNR, and SHPO, and the implementation of its terms is evidence that the FHWA has taken into account the effects of this Undertaking on historic properties and has afforded the ACHP an opportunity to comment.

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509

508 PROGRAMMATIC AGREEMENT  
509 AMONG  
510 THE FEDERAL HIGHWAY ADMINISTRATION,  
511 THE STATE OF HAWAI'I DEPARTMENT OF TRANSPORTATION,  
512 THE STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES,  
513 AND THE  
514 THE HAWAI'I STATE HISTORIC PRESERVATION OFFICER  
515 REGARDING THE  
516 HONOAPI'ILANI HIGHWAY IMPROVEMENTS,  
517 MAUI KOMOHANA, MAUI COUNTY, HAWAI'I  
518

519 **SIGNATORY**

520  
521 Hawaii State Historic Preservation Officer  
522

523  
524  
525  
526 By:  \_\_\_\_\_

527 Dawn N. S. Chang, Esq.

528 State Historic Preservation Officer  
529  
530

Date: Jul 9, 2025 \_\_\_\_\_

533 PROGRAMMATIC AGREEMENT  
534 AMONG  
535 THE FEDERAL HIGHWAY ADMINISTRATION,  
536 THE STATE OF HAWAI'I DEPARTMENT OF TRANSPORTATION,  
537 THE STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES,  
538 AND THE  
539 THE HAWAI'I STATE HISTORIC PRESERVATION OFFICER  
540 REGARDING THE  
541 HONOAPI'ILANI HIGHWAY IMPROVEMENTS,  
542 MAUI KOMOHANA, MAUI COUNTY, HAWAI'I  
543

544 SIGNATORY


545  
546 Federal Highway Administration  
547  
548  
549

550  
551 By:  Date: 7/10/2025  
552 Richelle M. Takara, PE  
553 Division Administrator  
554

PROGRAMMATIC AGREEMENT  
AMONG  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE STATE OF HAWAI'I DEPARTMENT OF TRANSPORTATION,  
THE STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES,  
AND THE  
THE HAWAI'I STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE  
HONOAPI'ILANI HIGHWAY IMPROVEMENTS,  
MAUI KOMOHANA, MAUI COUNTY, HAWAI'I

INVITED SIGNATORY

State of Hawai'i Department of Transportation

By:   
Edwin Sniffen, Director


Date: 07/10/2025



574 PROGRAMMATIC AGREEMENT  
575 AMONG  
576 THE FEDERAL HIGHWAY ADMINISTRATION,  
577 THE STATE OF HAWAI'I DEPARTMENT OF TRANSPORTATION,  
578 THE STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES,  
579 AND THE  
580 THE HAWAI'I STATE HISTORIC PRESERVATION OFFICER  
581 REGARDING THE  
582 HONOAPI'ILANI HIGHWAY IMPROVEMENTS,  
583 MAUI KOMOHANA, MAUI COUNTY, HAWAI'I  
584

585 INVITED SIGNATORY

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587 State of Hawai'i Department of Land and Natural Resources (DLNR)  
588  
589

590  
591   
592 By: \_\_\_\_\_ Date: Jul 9, 2025  
593 Dawn N. S. Chang, Esq.  
594 Chairperson  
595

PROGRAMMATIC AGREEMENT  
AMONG  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE STATE OF HAWAI'I DEPARTMENT OF TRANSPORTATION,  
THE STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES,  
AND THE  
THE HAWAI'I STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE  
HONOAPI'ILANI HIGHWAY IMPROVEMENTS,  
MAUI KOMOHANA, MAUI COUNTY, HAWAI'I

CONCURRING PARTY

Ka`ahui-Rodrigues `Ohana

*Hinano Rodrigues*

07/09/2025

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Hinano Rodrigues]  
Ohana Alaka'i

PROGRAMMATIC AGREEMENT  
AMONG  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE STATE OF HAWAI'I DEPARTMENT OF TRANSPORTATION,  
THE STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES,  
AND THE  
THE HAWAI'I STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE  
HONOAPI'ILANI HIGHWAY IMPROVEMENTS,  
MAUI KOMOHANA, MAUI COUNTY, HAWAI'I

CONCURRING PARTY

Historic Hawaii Foundation

By: Kiersten Faulkner Date: 8/7/2025  
Kiersten Faulkner  
Executive Director

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**Appendix 1. HDOT's Hawai'i Revised Statutes (HRS) § 6E Compliance**

**Memorandum**

**To: All Signatories, Concurring and Consulting Parties, and the Public**

**From: State of Hawai'i Department of Transportation (HDOT)**

**Re: Hawai'i Revised Statutes (HRS) § 6E Compliance**

The Programmatic Agreement (PA) for this project incorporates references to both federal and State laws and regulations to allow these review processes to work in tandem to the extent possible. Should compliance issues arise under federal or State law, HDOT and the FHWA are committed to resolving disputes through the Dispute Resolution stipulation provided in the PA (Stipulation XII).

In a letter dated January 23, 2023, HDOT initiated consultation with the SHPO under Section 106 of the NHPA of 1966 and its implementing regulations at 36 C.F.R. Part 800. In addition, HDOT initiated Hawai'i Revised Statutes (HRS) § 6E and Hawai'i Administrative Rules (HAR) § 13-275 historic preservation review with the State Historic Preservation Division (SHPD) for the proposed project. Although the Federal Highway Administration (FHWA) retains approval authority over Section 106, HDOT has jurisdiction over determining the project's effects under HRS § 6E-8 and its administrative provisions in HAR § 13-275.

To reduce redundancy, HDOT intends to combine Section 106 and HRS § 6E-8 compliance where possible. HDOT is solely responsible and liable for compliance and implementation of this memorandum.

**Roles and Responsibilities**

HDOT, as project sponsor, in coordination with the FHWA, will be responsible for the management and development of the SHPD-approved plans and reports, including the Archaeological Inventory Survey Plan (AISP) and any necessary mitigation plans (for example, archaeological monitoring plan, burial treatment plan), required for continuing archaeological investigations of the Preferred Alternative through final design and construction of the project with the assistance of individuals meeting the requirements of Stipulation II.

The SHPD shall advise HDOT and the FHWA in carrying out its State Historic Preservation Review responsibilities for the project. Based on information provided by HDOT, the SHPD shall respond to requests for comments and/or concurrence within the specified review periods.

The SHPD shall review and accept the reports and plans as required by HRS § 6E and its implementing regulations within the timeframes provided by this PA.

**Qualifications**

All historic properties investigations and documentation carried out pursuant to this memorandum shall be conducted by or under the supervision of an individual meeting the HAR § 13-281, *Rules Governing Professional Qualifications*, in their respective professional discipline. Historic properties investigations and documentation shall meet the requirements of HAR § 13-275 and the appropriate HAR for specific

types of studies. Archaeologists will have a permit to do archaeological work in Hawaii per HAR § 13-282-3. HDOT, through its contractors, will identify an osteologist who can be available on an as-needed basis in the event the ethnicity of a burial is needed, or if bone fragments cannot be positively identified as human by the on-site archaeologist. The osteologist will follow the standards for analysis and reporting as defined in HAR § 13-283.

## **Project Area**

The HRS § 6E-8 Project Area will coincide with the Preferred Alternative, once selected (see Appendix 2).

## **Consultation**

Consultation for this project will follow the requirements and timetables within this PA. HDOT, with the FHWA, will develop a continued community dialogue plan to address the need for continued community consultation through planning, design, and construction of this project. The plan is in Appendix 6 and addresses communication protocols regarding:

### **1. Inadvertent effects to known historic properties within the Project Area**

In the event there are inadvertent effects to known historic properties, other than burials (see Stipulation IX of this PA and Section 6 below) within the Project Area, the contractor shall contact HDOT immediately. HDOT shall contact the FHWA, Signatories, Concurring and Consulting Parties listed in Appendix 3 within 72 hours and provide:

- A. Information about the site affected including site number, site location, and a map of the site and its location including where damage was done and the nature of the damage;
- B. Why protections were not enforced, if known;
- C. Proposed mitigation and/or protections for the site; and
- D. Plans for in-person consultation, if necessary.

### **2. Identification and Evaluation of Historic Properties**

HDOT and the FHWA intend to use the investigations and documentation of historic properties prepared for this project and as described in the PA (Stipulation III) to comply with HRS § 6E and its administrative provisions in HAR § 13-275, *Rules Governing Procedures for Historic Preservation Review for Governmental Projects Covered Under Sections 6E-7 and 6E-8, HRS*. HDOT will evaluate potential historic properties for integrity and significance in accordance with HAR § 13-275-6.

- A. Phased Archaeological Inventory Survey
  - i. HDOT, in coordination with the FHWA, intends to conduct a phased identification and evaluation of archaeological historic properties for this project. The first phase, consisting of an aboveground archaeological reconnaissance surface survey, is described in Stipulation III of the PA, as mentioned above. For the second phase, an AISP will be

718 developed and implemented as described in the PA, Stipulation IV. HDOT will ensure the  
719 AISP is prepared and implemented as part of the identification and evaluation of  
720 archaeological historic properties pursuant to HAR § 13-275-5(c) and 5(d) and HAR § 13-  
721 276.

- 722
- 723 ii. A final AIS report will be prepared that includes the results of the archaeological  
724 reconnaissance surface survey, the archaeological subsurface survey, and other  
725 requirements, as required by HAR § 13-276. The report will be provided to the SHPD for  
726 review and acceptance. The report will also be provided to Signatories, Concurring and  
727 Consulting Parties listed in Appendix 3 for review and comment as provided in  
728 Stipulation IV.B of the PA.

729

730 B. Archaeological Monitoring

731

732 Per HAR § 13-279-3, Archaeological monitoring may be used as an identification, mitigation,  
733 or post-mitigation measure. For this project, on-site archaeological monitoring will be used  
734 as an identification measure during construction.

735

736 Following completion of the AIS, HDOT, through its contractors, shall oversee the  
737 development of an Archaeological Monitoring Plan (AMP) for the SHPD's review prior to  
738 project construction. The AMP will be developed pursuant to HAR § 13-279, *Rules Governing*  
739 *Standards for Archaeological Monitoring Studies and Reports*, in consultation with the PA's  
740 Signatories, including the SHPD, Concurring and Consulting Parties and submitted for a 30-  
741 calendar-day review and comment period. The SHPD shall have an additional 15 calendar  
742 days to review the comments of the other parties and take them into account in their own  
743 comments.

- 744
- 745 i. Archaeological monitoring during construction will be implemented by HDOT and under  
746 the supervision of an archaeologist meeting the qualifications stated above in the  
747 Qualifications section.
- 748
- 749 ii. HDOT shall contract with an on-call osteologist who can be in the field within 24 hours  
750 should additional expertise be needed to identify skeletal remains found in the Project  
751 Area. HDOT's lead archaeologist, in consultation with the SHPD, will decide whether an  
752 osteologist is needed on-site.

753

754 C. Cultural Monitoring

755

756 Although not yet required by State or federal law, cultural monitoring is increasingly used in  
757 Hawai'i to address Native Hawaiian concerns that archaeologists and developers do not  
758 adequately value or protect Native Hawaiians' irreplaceable cultural heritage and iwi  
759 kūpuna (see Bolante, 2007; Cachola Abad and Ayau, 1999; Kawelu 2013). HDOT and the  
760 FHWA are committed to ensuring Native Hawaiian culture is valued and are including  
761 cultural monitors as an integral part of the monitoring program for this project.

- 762
- 763 i. HDOT, through its contractor, will develop a Cultural Monitoring Plan (CMP) that  
764 references and utilizes HAR § 13-279, *Rules Governing Standards for Archaeological*

765 *Monitoring Studies and Reports* as a guiding framework. The CMP will be completed  
766 prior to construction.  
767

- 768 ii. Consulting Parties and the NHOs listed on Appendix 3 shall have 30 days to review and  
769 comment on the CMP. The SHPD shall be provided the CMP at the same time as the  
770 Consulting Parties and NHOs. The SHPD shall have a total of 45 days to review the  
771 document and provide recommendations for acceptance, including time to incorporate  
772 any comments received from the NHOs and Consulting Parties.  
773
- 774 iii. HDOT, through its contractor, will hire cultural monitors to be on site whenever  
775 construction activities meet any of the following conditions:  
776
  - 777 a. Are within 100 feet of an archaeological site to be preserved or avoided.  
778
  - 779 b. Subsurface excavation is occurring, in which case, one Cultural Monitor will be  
780 assigned per machine.  
781
  - 782 c. Additional duties as specified in the CMP will include but may not be limited to:  
783
    - 784 1. Provide independent interpretations where appropriate should traditional  
785 cultural resources be encountered in the HRS § 6E Project Area. Such resources  
786 may include but not be limited to iwi kūpuna, archaeological finds, or traditional  
787 cultural places.
    - 788 2. Implement culturally appropriate protocols for access to cultural resources that  
789 may include but not be limited to entering traditional cultural spaces, the  
790 discovery, care, and handling of iwi kūpuna, and opening and closing protocols  
791 where appropriate.
    - 792 3. Collection of culturally significant information, where appropriate, during the  
793 course of the project.
    - 794 4. Coordinate with HDOT and the FHWA to address any cultural protocol or  
795 communication matters involving recognized cultural or lineal descendants  
796 and/or the NHOs.
    - 797 5. Support the maintenance of a culturally sensitive workplace through training  
798 and awareness building that ensures that the archaeological crew, construction  
799 crew, and project leadership are informed of the traditional significance of the  
800 Project Area and community concerns regarding cultural sites.
- 801 iv. Cultural monitors will not have the authority to stop work. They will consult and  
802 coordinate with the archaeologist on site, who will have the authority to stop work.  
803 Conditions for stopping work will be addressed in the AMP and CMP.  
804
- 805 v. Cultural monitors will, at a minimum, meet the following:  
806
  - 807 a. Have knowledge of cultural practices along the project corridor, including  
808 appropriate chants and mele for the area.
  - 809
  - 810 b. Have knowledge of cultural resources along the project corridor.  
811



c. Have an understanding of the Section 106 and HRS § 6E processes and how they apply to this project.

vi. The Cultural and Archaeological Monitoring are independent but coordinated efforts. The content of the archaeological monitoring report will include a section that summarizes cultural monitoring findings and activities and shall either be written by the Cultural monitors or compiled in close collaboration with them in a manner that ensures their perspectives are represented without duplicating archaeological content.

vii. The relationship between the construction crew and the archaeological and cultural monitors will be defined in the AMP and CMP. For example, if iwi kūpuna are found or a historic site is breached, or a newly identified archaeological site is encountered, work will stop within 100 feet of the find. These procedures will be described in both the CMP and the AMP.

### **3. Determining Effects to Historic Properties**

HDOT, in coordination with the FHWA, will determine the effects to significant historic properties within the Preferred Alternative consistent with HAR § 13-275-7. One of the following effect determinations will be made:

- A. No historic properties affected. The project will have no effect on significant historic properties;
- B. Effect, with proposed mitigation commitments. The project will affect one or more significant historic properties, and the effects will be potentially harmful. However, the agency has proposed mitigation commitments involving one or more forms of mitigation to reasonably and acceptably mitigate the harmful effects.

The effect determination shall be sent to the SHPD for review and concurrence and posted on <https://www.honoapiilanihwyimprovements.com> with notification to Signatories, Concurring and Consulting Parties of the PA for their comments. After 30 calendar days, HDOT shall send all comments received to the SHPD. The SHPD shall provide its concurrence, or non-concurrence with HDOT's project effect determination pursuant to HAR § 13-275-7, within 45 calendar days of receipt of an HDOT request for agreement on its effect determinations. Receipt date shall be the date a letter is received in HICRIS Project No. 2023PR00135.

### **4. Mitigation Options for Effects to Significant Historic Properties**

HAR § 13-275-8(2) requires that, for properties evaluated as significant under criterion "e," the agency must consult with ethnic organizations or members of the ethnic group for whom the properties have significance. For this project, all sites significant under criterion "e" are significant to Native Hawaiians. HDOT has consulted with the SHPD, Signatories, Concurring and Consulting Parties listed in Appendix 3 and will continue to seek their views on proposed forms of mitigation as outlined in this PA in the event adverse effects cannot be fully avoided.

- A. *Preservation.* If appropriate, as determined through consultation, mitigation of effects on significant historic properties may include preservation per HAR § 13-275-8. This includes

avoidance and protection (conservation), stabilization, rehabilitation, restoration, reconstruction, interpretation, or appropriate cultural use of the significant historic property. Application of this mitigation measure will be made following the SHPD's acceptance of a preservation plan meeting the requirements of HAR § 13-277.

B. *Data Recovery.* In the event that effects cannot be avoided, mitigation is provided in HAR § 13-275-8. Mitigation in the form of data recovery excavations shall occur in accordance with an SHPD-approved Data Recovery Plan (DRP) as defined in HAR § 13-278-3.

C. *Alternative Mitigation.* The FHWA and HDOT, in consultation with the SHPD and NHOs, will continue consultation to determine if alternate mitigation under HAR § 13-275-8(2) is appropriate.

D. *Access and Stewardship.*

i. *DLNR Involvement.* Most of the archaeological sites are located on Department of Land and Natural Resources (DLNR) property. HDOT has invited the DLNR to be an Invited Signatory to this agreement and for the DLNR to develop a stewardship agreement with interested NHOs. Failure to finalize an agreement prior to signing a stewardship agreement will not affect implementation of the PA or this memorandum.

ii. *Permanent access.* HDOT will work with the DLNR to ensure that the NHOs have access to the sites that they would like to steward and are on DLNR properties. HDOT has identified a 10,000-square-foot site and may provide graded, graveled access to the site from the highway. Failure to come to agreement will not affect implementation or completion of this agreement. If no agreement is reached by the time construction is complete, HDOT and the FHWA may be considered to have fulfilled this item. The NHOs and the DLNR may continue to work on a stewardship agreement, but HDOT and the FHWA's commitments will be considered complete.

iii. *Removal of pohaku.* The timing and removal of the pohaku will be a part of the DRP. Removal of pohaku will be overseen by HDOT's lead archaeologist and a cultural monitor and may involve the use of construction equipment, such as a backhoe or excavator. The NHOs will provide HDOT with point-of-contact (POC) information to coordinate this activity. The cultural monitor and archaeologist will consult with the NHOs listed in Appendix 3 regarding the removal of the rocks as a part of the DRP.

## **5. Pre-Construction Training**

A. Prior to construction activities, HDOT, through its contractors, and in coordination with the FHWA, will conduct pre-construction, on-site archaeological and cultural awareness training led by HDOT's lead archaeologist, archaeological monitors, and cultural monitors for anyone with access to the construction site, including all laborers, skilled construction workers, vehicle operators, management, and visitors. The training will explain the cultural significance of the areas in which work is being performed, HDOT's approach to HRS § 6E-8 compliance, conditions and requirements set forth in this PA, procedures to follow if archaeological or cultural remains are found, and roles and responsibilities of HDOT's archaeological and cultural monitors. The training will be repeated when new staff or new

visitors are on site. A training log of everyone who took the training will be maintained in the contractor's field office. HDOT's lead archaeologist and a cultural monitor will sign off on the log. Additional details may be provided in the Archaeological and Cultural Monitoring Plans.

- B. HDOT, through its contractors, shall ensure that the cultural and archaeological monitors receive standard safety training provided for all persons accessing a construction site and working in proximity to heavy equipment.
- C. HDOT, through its contractors, will provide training participants with contact information for those required to receive discovery and safety incidence notifications. The AMP and CMP will be provided to all parties and a copy will be maintained on site throughout the duration of construction.

## **6. Burials and Iwi Kūpuna**

### **A. Previously Identified Burial Sites**

"Previously identified" is defined at HAR § 13-300-2.

The Maui/Lāna'i Island Burial Council (MLIBC) has the authority to determine treatment and jurisdiction over all requests to preserve or relocate previously identified Native Hawaiian burial sites.

If a previously identified Native Hawaiian burial site will be affected by the project, HDOT, through its contractor, shall follow HAR § 13-300-33, *Request for council determination to preserve or relocate Native Hawaiian Burial sites*.

If a previously identified non-Hawaiian burial site will be affected by the project, HDOT, through its contractor, shall follow HAR § 13-300-34, *Request for department determination to preserve or relocate non-Native Hawaiian burials sites*.

### **B. Inadvertent Discovery of Human Remains**

"Inadvertent discovery" is defined at HAR § 13-300-2.

The SHPD has jurisdiction over any inadvertent discovery of human skeletal remains and any burial good over 50 years old regardless of ethnicity.

If human skeletal remains are newly identified following the acceptance of the AIS, and not previously identified, HDOT, through its contractor, shall follow HAR § 13-300-40, *Inadvertent discovery of human remains*.

### **C. Cultural Monitors**

During working hours, at least one cultural monitor shall remain at the site where burials or iwi kūpuna are found until they are either removed or reburied. Cultural monitors shall have the authority to pause work if protocols need to be observed. Cultural monitors will be

956 expected to record information that is relevant to their position. In coordination with the  
957 on-site archaeologist, they may pause work at the site to gather any necessary information.

958  
959 Cultural monitors will assist HDOT in contacting the NHOs and any known lineal or cultural  
960 descendants provided by the MLIBC or the SHPD. Cultural monitors will assist HDOT in  
961 developing meeting agendas and materials for consultation on the treatment of iwi kūpuna.

962  
963 D. Relocation and Reburial

964  
965 If avoidance is not possible, and the MLIBC or SHPD determines the burial must be  
966 relocated, HDOT shall provide a burial relocation site, if necessary, to be chosen in  
967 consultation with the MLIBC, the NHOs in Appendix 3, and recognized descendants. If it is  
968 necessary for iwi kūpuna to be moved out of the Project Area, the MLIBC and recognized  
969 descendants will work with HDOT on the design, materials, and construction of up to three  
970 burial sites, one per ahupua'a. If the land chosen belongs to the DLNR, HDOT will facilitate  
971 agreements regarding access and use of the land. The DLNR will have long-term  
972 management of the site.

973  
974 **Statement on the Existing Honoapi'ilani Highway**

975  
976 Upon the successful completion of the project, the existing Honoapi'ilani Highway that will be replaced  
977 will be transferred to the County of Maui. Consulting Parties have raised concerns that plans for the  
978 existing Honoapi'ilani Highway will affect their traditional and cultural gathering rights. Acknowledging  
979 these concerns, HDOT took the following actions:

- 980  
981 1. The FHWA and HDOT are working with The Nature Conservancy, who is developing a conceptual  
982 plan for incorporating nature-based solutions into plans for the existing Honoapi'ilani Highway  
983 entitled, "Olowalu, the Road to Resilience." HDOT has shared NHO concerns with The Nature  
984 Conservancy. Periodic updates will be provided by HDOT in their annual report to the SHPD,  
985 Signatories, Concurring and Consulting Parties.
- 986  
987 2. HDOT has notified and consulted with the SHPD regarding the concerns raised by the NHOs  
988 identified in Appendix 3 regarding NHO access to the shoreline and ocean along the existing  
989 Honoapi'ilani Highway.

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1008  
1009

**Appendix 2. Area of Potential Effects Map and Project Area Map**

1010  
1011

**Area of Potential Effects Map  
(Section 106)**





**Project Area Map  
(HRS § 6E)**



### **Appendix 3: List of Consulting Parties**

### Consulting Parties

First Name	Last Name	Organization
Jordan	Calpito	SHPD
Connie	Applegate	Ohana Kaahui
DeSilva	Lance	DLNR-DOFAW
Donora	Kahaialii	Ohana Kahaialii
Earl	Kukahiko	Lahaina Kupuna Council
Felimon	Sedang	Lahaina Kupuna Council
Fretz	Scott	DLNR-DOFAW
Glenn	Gazmen	
hmkingdomofhawaii@gmail.com		Ohana Kaluna Palafox
Houie and Kathy	Kihune	Ohana Kaahui
Jonette	Kaahui Knight	Ohana Kaahui
Kamakana	Ferreira	OHA
Kaweni	Ibarra	OHA
Kawika	Farm	Maui County CRC
Kiersten	Faulkner	Historic Hawaii Foundation
Lanny	Sinkin	Ohana Kaluna Palafox
Susan	Lebo	SHPD
Chris	Nakahashi	SHPD
Daniel L	Ornellas	DLNR-LD
Andrew K.	Philips	SHPD
Pomaika'i	Kaniaupio-Crozier	Mauna Halawai Watershed
Puanani	Felicilda	
Jessica	Puff	SHPD
Rina	Sampson	Lahaina Kupuna Council
Hinano	Rodrigues	Ohana Kaahui
Thelma P.	Kaahui	Ohana Kaahui
Tiana	Lewis	Kipuka Olowalu
Ekolu	Lindsey	Kipuka Olowalu/Ohana Lindsey
Foster	Ampong	Ohana Kekahuna and Keaweiki
George Tosh	Fujita	Ohana Kaluna Palafox
Jessica	Naho'oikaika	Ohana Naho'oikaika
Jezelyn		
Kai	Nishiki	Community Advocate
Kaulu	Naho'oikaika	Ohana Naho'oikaika
Nathan	Naho'oikaika	Ohana Naho'oikaika
Keeaumoku	Kapu	Ohana Kapu

Kaipō	Kekona	Aha Moku o Maui – Kā'anapali Moku
Ui	Kapu	Ohana Kapu
Leona	Naho'oikaika	Ohana Naho'oikaika
Linda	Magalianes	Ohana Naho'oikaika
Malihini Keahi	Heath	Ohana Haia
Fay	Mcfarlane	Nā 'Aikāne o Maui, Inc. – Kako'o Technical
Tiare	Lawrence	Ohana Naho'oikaika
Victoria	Kaluna-Palafox	Ohana Kaluna Palafox
Wilmont	Kahaialii	Ohana Kahaialii
Tamara	Farnsworth	The Nature Conservancy, Maui
Kapono'ai	Molitau	County of Maui Department of 'Ōiwi Resources
Kekai	Robinson	County of Maui Department of 'Ōiwi Resources
Janet	Six	County of Maui Department of 'Ōiwi Resources
April	Greenburg	SHPD
Samantha	Gehrman	SHPD
Leinoa	Wong	SHPD

**Appendix 4: List of Section 106 and HRS § 6E Consulting Party Meetings and Dates**

### **Consulting Party Meeting Dates**

April 7, 2022, In-person with NHOs from the area, set up by Keeaumoku Kapu  
April 7 and 8, 2022, Hinano Rodrigues  
April 8, Ekolu Lindsey, Kipuka Olowalu/Olowalu Cultural Reserve  
March 29 and 30, 2023, Virtual  
May 31, 2023, NHO, FHWA Field Visit  
June 1, 2023, Presentation to Maui Cultural Resources Commission  
July 27, 2023, Virtual Consulting Party Meeting: Archaeology/Cultural  
August 2, 2023, Virtual Consulting Party Meeting: Architecture  
November 2, 2023, SHPD, FHWA, HDOT  
November 18, 2023, NHO Field Visit  
November 20, 2023, Virtual Consulting Party Meeting: Archaeology/Cultural  
March 28, 2024, SHPD Field Visit  
September 22, 2024, Presentation to Na Kupuna o Lahaina Advisory Board, NHOs, Consulting Parties:  
Archaeology and Programmatic Agreement  
September 26, 2024, NHOs and other Consulting Parties, Virtual: Archaeology and Programmatic  
Agreement  
February 12, 2025, NHOs and other Consulting Parties: Programmatic Agreement  
April 4, 2025, NHOs and other Consulting Parties: Programmatic Agreement  
May 22, 2025, SHPD and FHWA: Programmatic Agreement  
May 28, 2025, SHPD and FHWA: Programmatic Agreement  
June 4, 2025, SHPD and FHWA: Programmatic Agreement



## **Appendix 5: Call Chart and Contact List for Inadvertent Discoveries**

If discovery is of suspected human remains

- Osteologist or Physical Anthropologist confirms remains are human.
- Remains covered with unbleached muslin and a minimum 100 ft. protective perimeter from the location of the remains is set.

Archaeological  
Principal Investigator  
Contacts  
FHWA and HDOT

Archaeological Principal Investigator Contacts  
Maui Police Department Non-Emergency Line  
(808) 244-6400  
Maui Police Department Medical Examiner  
(808) 463-3833

HDOT Contacts:

SHPD Burial Sites Specialist for Maui Island  
SHPD Maui Archaeologist  
MLIBC Lāhainā Representative  
County of Maui Department of 'Ōiwi Resources  
County of Maui Archaeologist

- See contact list for phone and email contact information.
- No further excavation or investigation unless otherwise directed by SHPD.
- Work may continue outside of the protective buffer with the presence of an archaeological and cultural monitor.

If discovery is of a non-burial related archaeological site

- A minimum 100 ft. protective perimeter from the known extent of the site is set.

Archaeological Principal  
Investigator Contacts  
FHWA and HDOT

Archaeological Principal Investigator Contacts  
SHPD Maui Archaeologists  
SHPD Archaeology Branch Chief  
County of Maui Archaeologist

- See contact list for phone and email contact information.
- Any additional archaeological data recovery and data recovery methods will be determined in consultation with SHPD
- Work may continue outside of the protective buffer with the presence of an archaeological and cultural monitor.

Below is a list of individuals to be notified if an inadvertent discovery occurs. Notification information (names, phone numbers, and e-mails) will be continuously updated during project implementation and may be requested from HDOT.

<b>Agency/Position</b>
FHWA
HDOT
Maui Police Department
Maui Police Department Medical Examiner
SHPD Burial Sites Specialist
SHPD Burial Sites Specialist
MLIBC Council Chair
MLIBC Lahaina Representative
SHPD Maui Lead Archaeologist
SHPD Maui Island Archaeologist
SHPD Archaeology Branch Chief
County of Maui Department of 'Ōiwi Resources Director
County of Maui Department of 'Ōiwi Resources Deputy Director
County of Maui Department of 'Ōiwi Resources Principal Archaeologist

## **Appendix 6: Continued Community Dialogue Plan**

## Continued Community Dialogue Plan

1. HDOT will provide the name of the HDOT contact during the planning, design, and construction phases of the project before the design-build contract starts.

At least once per month, on or before the last day of the month, HDOT shall provide both the NHOs listed in Appendix 3 and the SHPD with a project update. The project updates for the SHPD shall be sent to HICRIS Project Number 2023PR00135.

2. The project update shall include activities that occurred in the previous month including:
  - Status of the Design Build Contract, including percent of the phase of project that has been completed, and, if applicable, construction locations.
  - Each phase of the archaeological study is addressed in the PA and includes review times for Consulting Parties. The status of review, major comments on the reviews and the HDOT response, will be included in any monthly reports.
  - Status of Construction Mobilization, including hiring and introducing the Archaeological and Cultural Monitors and regular reports on where construction is located.
  - Status of Archaeological and Cultural Monitoring
  - End of Fieldwork and End of Construction
  - Notification when each of the archaeological reports became (or are) available on the project website.
3. If there is nothing new to report, the update will say, “no new information since last month.”
4. If sites are found during subsurface archaeological surveys, HDOT will consult on the identification and evaluation of the historic properties found. HDOT may hold in person or video meetings to discuss the finds, providing the following information:
  - Location of the find (provide a map, if appropriate)
  - Type and function of site, if known
  - If no map is provided, a written description of the relationship of the site to Project Area
  - HDOT effect determination
5. If burials or subsurface archaeology is found during the subsurface inventory survey, the NHOs in Appendix 3 shall be notified per the requirements in the PA. Burials finds and notification shall be noted in the monthly report.
6. In the event there are inadvertent effects to known historic properties within the Project Area, HDOT shall contact the Consulting Parties within 72 hours and provide:
  - Information about the site affected including site number, site location, and a map of the site and its location including where damage was done;
  - Why protections were not enforced, if known;
  - Proposed mitigation and / or protections for the site; and
  - Plans for in-person consultation, if necessary;
  - NHOs may request a site visit, which HDOT will consider. If a site visit is denied, HDOT will provide clear reasons why the site visit is denied.

7. HDOT shall consult with NHOs on mitigation for subsurface and inadvertently discovered archaeological or archaeological sites. Mitigation options are listed in the PA and Appendix 1. Meetings may be on-line or in person.
8. Either HDOT or the NHOs can ask for a meeting to discuss any archaeological or cultural (burials) finds. The meeting may be on-line or in-person.
9. Any NHO may ask for HDOT to hold an in-person meeting rather than an on-line meeting.
10. NHOs may send questions or concerns about the project to the HDOT contact. Provided that there are five days or more before the end of the month, HDOT shall respond in the monthly report. If HDOT cannot respond in the monthly report, then HDOT will note the question in the monthly report, and that it will respond in the next monthly report. At the request of any NHO, HDOT may respond to the question or concern sooner than the monthly report. If this is the case, HDOT will note in the monthly report the response to the question or concern and the date it was provided.
11. Any NHO may ask for a meeting on a subject or concern not raised by HDOT in their monthly reports, provided they have notified HDOT of the issue per item 7 above.
12. If any of the items in #2 above are provided to the general public, HDOT can reference the general public notice site.
13. Review of reports shall follow the schedule provided in the PA.
14. At the completion of the project HDOT shall provide an end of project report to the NHOs.
15. Individual items that may require more than once monthly meetings to resolve shall schedule meetings as necessary and at the convenience of the majority of participants. Progress shall be reported monthly through this protocol.