

# ENGINEERING DIVISION

## DEPARTMENT OF PUBLIC WORKS

TROY K. TANIGAWA, P.E., COUNTY ENGINEER

BOYD GAYAGAS, DEPUTY COUNTY ENGINEER



DEREK S.K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR

May 3, 2023

### DECLARATION OF EXEMPTION

From the preparation of an environmental assessment under the authority of  
Chapter 343, HRS and Chapter 11-200.1, HAR

**Project Title:** HANAPĒPĒ BRIDGE REHABILITATION PROJECT  
Hanapēpē Road, Hanapēpē, Hawai'i

### PROJECT DESCRIPTION

Hanapēpē Bridge (Structure Number: 007190071119004), is located in Hanapēpē on the island of Kaua'i. The bridge carries Hanapēpē Road, a County roadway, over the Hanapēpē River. The bridge was built in 1911 and is in poor condition as determined by the September 2018, 2020, and 2022 Bridge Inspection Reports prepared for the County's Department of Public Works. This County project will rehabilitate the bridge to restore its load capacity. In addition, the elevated walkway will be restored to operational condition by installing new, pre-formed concrete slabs for the walkway surface. The project will be federally funded.

Hanapēpē Bridge is a National Register of Historic Places (NRHP)-eligible historic property, which is listed in the Hawai'i Register of Historic Places (HRHP). (State Inventory of Historic Places [SIHP] # 50-30-09-02314). Hanapēpē Bridge is 24 feet wide and 200 feet long and consists of a four-span concrete superstructure supported by reinforced concrete abutments at either end and reinforced concrete pier walls. The surface of the bridge deck is covered with an 8-inch thick base course material and a 4-inch thick asphalt concrete (AC) overlay. Along the upstream side of the bridge deck, there is a 6-inch waterline mostly enclosed in the base course and AC material. A reinforced, elevated concrete sidewalk added to the bridge in 1927 is mounted on top of the parapet at the downstream face of the bridge. Due to the poor condition of the elevated sidewalk, it is unsafe to use. Barricade fencing at both ends of the sidewalk structure currently prevents public access and use. The elevated walkway originally had metal railings on both sides and three rows of railing wires at the bottom. At some time in the past, the railing wires along the bottom rung were removed and a steel pipe installed in their place. A strip of roadway adjacent to the elevated walkway is separated from the vehicular travel lane on the bridge with a row of plastic reflectors to accommodate pedestrian traffic over the bridge. There is a concrete bridge railing on the upstream side of the bridge. The

channel beneath the bridge is part of a channelized levee system, and the streambed is unlined. The properties surrounding the bridge are small businesses and homes.

Specifically, the project will repair spalled, delaminated, and cracked concrete areas and corroded exposed reinforcing in the deck, girders, floor beams, diaphragms, abutments, pier walls, and parapets that contribute to the bridge's poor state. Work will consist of chipping or sawing out the damaged concrete, installing supplemental reinforcement, patching with epoxy grout, mortar and/or concrete, and applying a sealant. The existing asphalt concrete and base course on the deck will be removed, and a new reinforced concrete deck will be installed on top of the original deck along with an asphalt overlay. In addition, the elevated walkway on the downstream side of the bridge will be restored to operational condition by placing new, pre-formed concrete slabs for the walkway surface. The steel brackets that support the walkway will be removed and replaced with new aluminum brackets that will match the shape of the existing brackets. The walkway's metal railing will be removed and replaced with new aluminum railings that match the shape of the existing metal railings. New horizontal members, consisting of a railing wire similar to the original bridge design, will be added to the elevated walkway's railings to compensate for the large openings in the original railing design. These new horizontal members will bring the bridge up to current building codes. In addition, low-profile, rigid rubber lane separators will be anchored to the bridge deck in place of the existing white, flex-post delineators to demarcate an existing at-grade pedestrian sidewalk. See attachments for a visual rendering of the rehabilitated bridge, as proposed.

No work will extend below the ground surface, with the exception of the removal and replacement of the base course and AC overlay on the bridge deck, which is not likely to affect the bridge approaches. However, depending on the actual tie-in at the approaches, some work will occur in previously disturbed areas and will not exceed a depth of 6 inches from the existing pavement surface.

No work will be done in the water and the Contractor will be required to catch any debris that could fall into the river. No permanent structures or temporary fill will be placed in the water. Access to the bridge underdeck may be from scaffolding placed on the ground or may be established through scaffolding hung from the sides of the bridge. The contractor may also use boats or floating platforms to perform the work. The contractor will also access the substructure and superstructure via the embankment slopes on either side of the bridge. Best Management Practices will be employed to ensure no debris enters the stream.

Although night work is not anticipated, it may be allowed if necessary to minimize traffic disruptions on these two-lane roads and to shorten construction duration.

The total project area is approximately 0.5 acres. The project area comprises the Hanapēpē Road Bridge footprint, the transition area onto the road, and two (2) temporary construction laydown areas: a 0.13-acre area on the east bank of Hanapēpē River by Iona Road (Laydown

Yard #1) and a 0.15-acre area near Awawa Road on the west bank for river access (Laydown Yard #2). See attached Figures.

The County commits to implementing the following mitigation measures, at a minimum during construction to avoid and minimize potential impacts to archaeological, cultural, and historic resources, per National Historic Preservation Act (NHPA) Section 106 consultation and Hawaii Revised Statutes (HRS) Chapter 6E-8 and Hawaii Administrative Rules (HAR) 13-275.

- If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.
- If previously unidentified non-burial historic properties, or unanticipated effects are discovered, the County shall follow HAR Chapter 13-280 “Rules Governing General Procedures for Inadvertent Discoveries of Historic Properties During a Project Covered by the Historic Preservation Review Process.”
- If human remains are discovered, Hawaii Administrative Rules Title 13, Subtitle 13, Chapter 300 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the State Historic Preservation Division (SHPD) and the Police Department will be contacted. The appropriate process will then proceed in conformance with Hawaii Administrative Rules § 13-300 Subchapter 4 “Procedures for Property Treatment of Burial Sites and Human Skeletal Remains.”

The County commits to implementing the following mitigation measures during construction to avoid and minimize potential impacts to federally protected riparian and terrestrial species, per coordination with the U.S. Fish and Wildlife Service:

- Water Quality, Erosion, and Invasive Species – Protection of riparian and Terrestrial Areas
  - Water quality and aquatic resources will be protected by using boats and floating platforms for construction and anchoring them to existing structures instead of the unlined streambed.
  - Erosion-control device installation will prevent debris and soil from leaving the work area.
  - Invasive species control occurs by ensuring all materials transported from off-site are cleaned and free of invasive species.
- Hawaiian Hoary Bat (*Lasiurus cinereus semotus*)
  - Barbed wire will not be used.
  - Woody plants taller than 15 ft (4.6 m) will not be trimmed or removed during the bat pupping season (June 1 through September 15), during their vulnerable life stages where they are unable to fly and may be roosting in trees.
- Hawaiian Seabirds, including the Hawaiian petrel (*Pterodroma sandwichensis*), Newell’s shearwater (*Puffinus auricularis newelli*), and band-rumped storm-petrel (*Oceanodroma castro*)
  - All construction activity shall be restricted to daylight hours during the seabird peak fallout period (September 15 to December 15) to avoid the use of nighttime lighting.

- All outdoor lights shall be fully shielded so bulbs are only visible from below bulb height and only used when necessary.
- Install automatic motion sensor switches and timers on all outdoor lights or turn off lights when no activity is occurring in the lighted area.
- Hawaiian Waterbirds, including the Hawaiian stilt (*Himantopus mexicanus knudseni*), Hawaiian coot (*Fulica Americana alai*), Hawaiian gallinule (*Gallinula galeata sandvicensis*), and Hawaiian duck (*Anas wyvilliana*).
  - All regular on-site construction staff will be trained to identify waterbirds and take appropriate conservation measures when the waterbirds are present, including within equipment staging areas.
  - When waterbird nests are found within the construction area, work within 100 ft of nests or active broods will cease until the young have fledged and left the area.
  - Waterbird nests, chicks, or broods found before or during construction will be reported to the USFWS within 48 hours of discovery for further guidance.

DPW commits to implementing the following mitigation measures during construction to avoid and minimize potential impacts to federally protected marine species, per coordination with the National Marine Fisheries Service, as stated in the Standard Local Operating Procedures for Endangered Species in Hawaii Programmatic Consultation (HI-waySLOPES):

1. Constant vigilance shall be kept for the presence of ESA-listed marine species (sea turtles and Hawaiian monk seals) during all aspects of the action.
2. A responsible party (i.e., permittee/site manager/project supervisor) shall designate a competent observer to search/monitor work sites and the areas adjacent to the authorized work area for ESA-listed marine species.
3. Work shall be postponed or halted when ESA-listed marine species are within 50 yards.
4. A pollution and erosion control plan for the project site and adjacent areas must be prepared and carried out. As a minimum, this plan shall include:
  - a. Proper installation and maintenance of silt fences/curtains, saucages, equipment diapers, or drip pans.
  - b. A contingency plan to control and clean spilled petroleum products and other toxic materials.
  - c. Appropriate materials to contain and clean potential spills will be stored at the work site and be readily available.
  - d. All project-related materials and equipment placed in the water will be free of pollutants.
  - e. Daily pre-work inspections of heavy equipment for cleanliness and leaks, with all heavy equipment operations postponed or halted until leaks are repaired and equipment is cleaned.
  - f. Fueling of project-related vehicles and equipment will take place at least 50 feet away from the water and within a containment area, preferably over an impervious surface.
5. BMPs shall be implemented in accordance with An Integrated Storm Water Management Approach and a Summary of Clear Water Diversion and Isolation Best

Management Practices for Use in the State of Hawaii, by the Federal Highway Administration and Hawaii Department of Transportation Practitioners Guide (2016) or the Construction Best Management Practices Field Manual by the State of Hawaii Department of Transportation (2008).

DPW commits to implementing the following mitigation measures during construction to avoid and minimize potential impacts to federally protected Essential Fish Habitat, per coordination with the National Marine Fisheries Service:

1. Waste Management. Concrete wastes, solid wastes, and any sanitary/septic wastes will be located away from and managed to assure no contamination to the critical habitats. In addition, the contractor will be required to prevent any debris from falling into the river.
2. Vehicle and Equipment Management. All vehicle and equipment cleaning, maintenance, and refueling will be located away from critical habitat and managed to assure no contamination occurs.
3. Storm Water Management and Erosion Control. The contractor will be required to install and maintain BMPs as part of the proposed project.
4. Hawaii Department of Transportation's (HDOT) Standard Specifications for Road and Bridge Construction Section 209 Temporary Water Pollution, Dust, and Erosion Control will be followed.

DPW commits to implementing the following mitigation measures during construction to avoid and minimize potential impacts to State protected aquatic species, per recommendations from DLNR's Division of Aquatic Resources:

- At any of the proposed sites, where there will be excavation or sediment/pollutant producing activities and there is the opportunity to employ erosion control and land-based sources of pollution (LBSP) barrier measures between the activity and the high tide line, DPW will implement such measures. These measures will include any type of barrier (e.g., sediment barriers/bags, petroleum absorption diapers, etc.) that limits the amount of sediment or LBSP (e.g., petroleum products, chemicals, debris, etc.) to the maximum extent practicable.
- DPW will also take into consideration increased run-off from impervious surfaces such as asphalt roadways or stream embankments during periods of heavy precipitation while roadway repairs are in process and implement the use of petroleum absorption diapers or sediment barriers when deemed effective.
- DPW will utilize construction materials which are composed of environmentally inert materials to the extent practicable.
- DPW will notify DAR and provide photo-documentation of any occurrence where above-average amounts of sediment or pollution have entered the water, in order to assess impact, if any.
- In the unlikely event that protected species such as the Hawaiian monk seal, other marine mammal or sea-turtles are observed in close proximity to the construction/repair site, DPW will take appropriate action to modify activities in order to avoid disturbance to the regular behavior and activities of the animal. Appropriate

actions include but is not limited to ceasing construction activity until the animal leaves the area, moving to a site further away from the animal (if possible and if the action results in the cessation of disturbance to animal), conducting other portions of repairs that do not negligently or intentionally disturb the animal, until the animal leaves the area.

- DPW or its contractor will report any interaction between a protected species and the construction and repair activity proposed to the NOAA Protected Species Division and State of Hawaii DOCARE:
  - NOAA Marine Mammal Response Coordinators (Kauai): 808-651-7668
  - Division of Conservation and Resources Enforcement (DOCARE): 808-643-3567

DPW commits to the following request from the U.S. Army Corps of Engineers (USACE): The contractor shall be familiar with the County's Emergency Action Plan, provide an emergency point of contact (POC) to USACE, notify USACE about upcoming work; and submit as-builts upon completion. The USACE POC is Nani Shimabuku ([Lorayne.P.Shimabuku@usace.army.mil](mailto:Lorayne.P.Shimabuku@usace.army.mil)).

The County commits to the requirements from the U.S. Coast Guard (USCG) that any change or modification to the plans must be reviewed by the USCG; the County will notify them at least 30 days in advance if any work will impede safe passage of vessels transiting Hanapēpē River; and any spillage of oil or oil-based products during construction will be reported to USCG by calling 1-800-424-8802.

See the "Consulted Parties" section below for any additional conditions and requests from regulatory agencies.

## **CONSULTED PARTIES**

The following parties have been consulted about this declaration exemption:

- Community Meeting
  - Virtual meeting conducted on December 2, 2020.
- National Historic Preservation Act (NHPA) Section 106 Consultation
  - July 2, 2020 – The County sent Section 106 initiation letter to State Historic Preservation Officer (SHPO), requested concurrence on proposed APE, and information on historic properties and consulting parties.
  - October 7, 2020 – SHPO letter reply to the County, concurring with proposed APE.
  - November 12, 2020 – Section 106 consultation invitation letters sent to potential consulting parties.
  - November 16, 2020 – Section 106 consultation newspaper ad published in *The Garden Island* newspaper.
  - December 31, 2020 – SHPD letter in response to November 12, 2020, request for information, identifying additional historic properties nearby.

- February 18, 2021 – Kauai Historic Preservation Review Commission (KHPRC) meeting.
- April 13, 2021 – Section 106 response letters sent to three commentors. (Ms. Beverly Muraoka, KHPRC, HHF)
- August 26, 2021 – final railing design sent to KHPRC and Historic Hawaii Foundation (HHF).
- August 30, 2021 – KHPRC letter expressing no objections to project design.
- September 7, 2021 – HHF letter expressing no further concerns with project.
- March 22, 2022 – FHWA Section 106 letter to SHPO requesting concurrence on No Adverse Effect determination.
- June 15, 2022 – SHPO concurred with FHWA’s No Adverse Effect determination.
- See the County’s commitments in the project description above to avoid and minimize potential adverse effects to inadvertent discoveries of archaeological, cultural, and historic resources.
- Hawaii Revised Statutes (HRS) Chapter 6E-8 Review by State Historic Preservation Division (SHPD)
  - March 31, 2022 – The County submitted a HRS 6E Submittal Form to SHPD with an effect determination and request for concurrence.
  - January 4, 2023 – SHPD concurred with the County’s effect determination of No Historic Properties Affected.
- Endangered Species Act (ESA) Section 7 Informal Consultation with U.S. Fish and Wildlife Service (USFWS)
  - July 15, 2020 – FHWA designation letter to USFWS
  - July 15, 2020 – County species list request letter to USFWS
  - July 23, 2020 – USFWS species list letter to County.
  - September 2, 2020 – FHWA effect determination letter to USFWS. Received and responded to USFWS follow-up questions on September 14, 2020.
  - September 30, 2020 – USFWS concurred with the County’s effect determination on May Affect, but Not Likely to Adversely Affect.
  - See the County’s commitments in the project description above to following BMPs to avoid and minimize potential adverse effects to protected riparian and terrestrial species.
- ESA Section 7 Programmatic Consultation with National Marine Fisheries Service (NMFS) – Standard Local Operating Procedures for Endangered Species in Hawaii (HI-waySLOPES).
  - August 10, 2020 – NMFS HI-way SLOPES submitted by FHWA to NMFS.
  - August 11, 2020 – NMFS HI-way SLOPES submitted.
  - See the County’s commitments in the project description above to follow BMPs that avoid and minimize potential adverse effects to protected Marine species.
- Essential Fish habitat Coordination with NMFS
  - September 9, 2020 – FHWA letter to NMFS.
  - September 30, 2020 – NMFS concurred with FHWA’s effect determination that the project would have no more than minimal adverse effects to EFH, provided

that County implement the BMPs stated above to avoid and minimize potential adverse effects to EFH during project construction.

- State of Hawaii Department of Land and Natural Resources (DLNR) HRS Chapter 195d coordination
  - May 29, 2020 – The County sent consultation letters to DLNR’s Division of Forestry and Wildlife (DOFAW) and Division of Aquatic Resources (DAR)
  - The County received no comments from DLNR-DOFAW.
  - July 3, 2020 – DAR emailed comments to the County.
  - July 9, 2020 – The County replied to acknowledge that comments will be reflected in the Plans & Specifications.
  - See the County’s commitments in the project description above to recommendations from DAR.
- US Army Corps of Engineers (USACE) Department of Army (DA) Permits including Clean Water Act Section 404 and Rivers and Harbors Act Section 10.
  - May 19, 2020 – The County’s consultant requested confirmation from USACE via email that a DA permit would not be needed for the project.
  - September 25, 2020 – USACE confirmed via email that the project is not subject to Corps jurisdiction under Section 404 of the CWA and/or Section 10 of the RHA. However, a project affecting a USACE Civil Works project may require Section 408 review.
- USACE Civil Works, Section 408 Review
  - Letter dated October 2, 2020, and email dated October 5, 2020 – USACE determined that the Hanapēpē Bridge Rehabilitation Project would result in no alteration to the Hanapēpē River Flood Control Project, which would require USACE permission pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S. Code 408 (Section 408).
  - See the County’s commitments in the project description above to additional conditions from USACE Civil Works.
- US Coast Guard - 23 U.S.C § 144(c) Bridge Permit exception
  - May 19, 2020 – The County’s consultant initially requested confirmation via email from the U.S. Coast Guard that no authorization would be needed for the proposed action. Ultimately, the County was required by USCG and FHWA to complete a 23 U.S.C § 144(c)(2) exception checklist form.
  - September 24, 2020 – The USCG confirmed via letter that the project qualifies for the 23 U.S.C § 144(c)(2) exception, and no USCG bridge permit action is needed.
  - See the County’s commitments in the project description above to additional conditions from USCG.
- Coastal Zone Management (CZM) coordination
  - June 1, 2020 – The County’s consultant requested confirmation via email to CZM office whether a CZM Consistency Review is needed.
  - June 2, 2020 – CZM Office confirmed via email reply that no CZM Consistency Review is needed, because a USACE DA permit is not required.



## EXEMPTION TYPES

Two sets of exemption lists were considered for the preparation of this Exemption: (1) HRS Chapter 11-200.1, and (2) the County's 2012 Exemption List prepared for the Department of Public Works pursuant to the superseded HRS Chapter 11-200.

### **Hawaii Administrative Rules (HAR) Chapter 11-200.1**

The Exemption Notice for the action described above is based on the following general types of actions eligible for exemption, as listed in **HAR Chapter 11-200.1-15(c)**:

#### **Exemption Types #(1), (2), and (4):**

- (1) Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing;
- (2) Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced;
- (4) Minor alterations in the conditions of land, water, or vegetation.

### **HAR Chapter 11-200**

The following Exemption Classes apply from the COMPREHENSIVE EXEMPTION LIST FOR THE COUNTY OF KAUAI, DEPARTMENT OF PUBLIC WORKS AND DEPARTMENT OF PARKS AND RECREATION (dated November 15, 2012, pursuant to HAR Chapter 11-200-8).

#### **Exemption Class #1**

Operation, repairs, or maintenance of existing structures, facilities, equipment, or topographic features involving negligible or no expansion or change of use beyond that previously existing.

##### **Exemption Item Numbers and Descriptions**

- 2. Operation, maintenance, overhauling repairing, repainting, reroofing, cleaning, polishing, greasing, oiling, and servicing of the following facilities, structures, and equipment:
  - j. Traffic and pedestrian safety measures – guardrails, escape ramps, sidewalks, bollards, and vehicle access barriers
- 3. Patching, resurfacing, striping, and cleaning of pavement surfaces including, but not limited to, streets, roads, highways, pedestrian, ways and walkways, bike paths, driveways, parking lots and appurtenances

#### **Exemption Class: #2**

Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.

##### **Exemption Item Numbers and Descriptions**

- 1. Replacement, reconstruction, alteration, and modification (no change in use) of existing structures and facilities, including, but not limited to:
  - c. Steps and stairways
  - e. Fencing, curbing, gates, walls, and retaining walls

- h. Pavements including, but not limited to, roadways, driveways, parking lots, carports, walkways, bikeways, sidewalks, jogging paths, multi-use pathways, and covered walkways
- i. Traffic calming devices, including, but not limited to, new traffic and pedestrian control devices – speed humps, speed bumps, speed tables, traffic signals, directional, informational, and regulatory signs, pavement markers, and striping
- j. Traffic and pedestrian safety measures – guardrails, escape ramps, sidewalks, bollards, and vehicle access barriers
- l. Bridge repair and/or replacement as long as the new bridge is limited to two traffic lanes. New bridge replacement could include bicycle route, pedestrian walkway, and safety improvements to meet Federal and State Highway Standards

**Exemption Class #4**

Minor alterations in the conditions of land, water, or vegetation.

**Exemption Item Numbers and Descriptions**

- 2. Clearing, grubbing, or grading within existing parks, roadways or county lands that do not exceed 1 acre or 100 cubic yards of material on any 1 site and does not exceed 5 feet in vertical height or depth at its deepest point:
- 3. Removal of trees that endanger life or property that are not designated as exceptional trees pursuant to Chapter 22, Article 5 of the Kaa'i County Code

I have considered the potential effects of the above listed project as provided by HRS Chapter 343, HAR Chapter 11-200, and HAR Chapter 11-200.1. I declare that this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

Troy Tanigawa  
Troy Tanigawa (May 11, 2023 12:05 HST)

Troy Tanigawa  
County Engineer

May 11, 2023

Date:

JB

Original: Agency file  
Copy: Project file