



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES | KA 'OIHANA KUMUWAIWAI 'ĀINA
COMMISSION ON WATER RESOURCE MANAGEMENT | KE KAHUWAI PONO
P.O. BOX 621
HONOLULU, HAWAII 96809

STAFF SUBMITTAL

COMMISSION ON WATER RESOURCE MANAGEMENT

September 16, 2025
Honolulu, Hawai'i

Approval of Stream Channel Alteration Permit Application (SCAP.6434.8),
And Special Conditions,
Applicant State of Hawai'i Department of Transportation
Waiaka Bridge Replacement
Keanu'i'omanō Stream, Kamuela, Hawai'i, Tax Map Key No.: (3) 6-6-004:999

APPLICANT

Lawrence J. Dill, Administrator
Hawai'i Dept. of Transportation
869 Punchbowl Street
Honolulu, HI 96813

LANDOWNER

Hawai'i Dept. of Transportation Right of Way

Hawai'i Preparatory Academy
65-1693 Kohala Mountain Road
Kamuela, HI 96743-8476

SUMMARY OF REQUEST

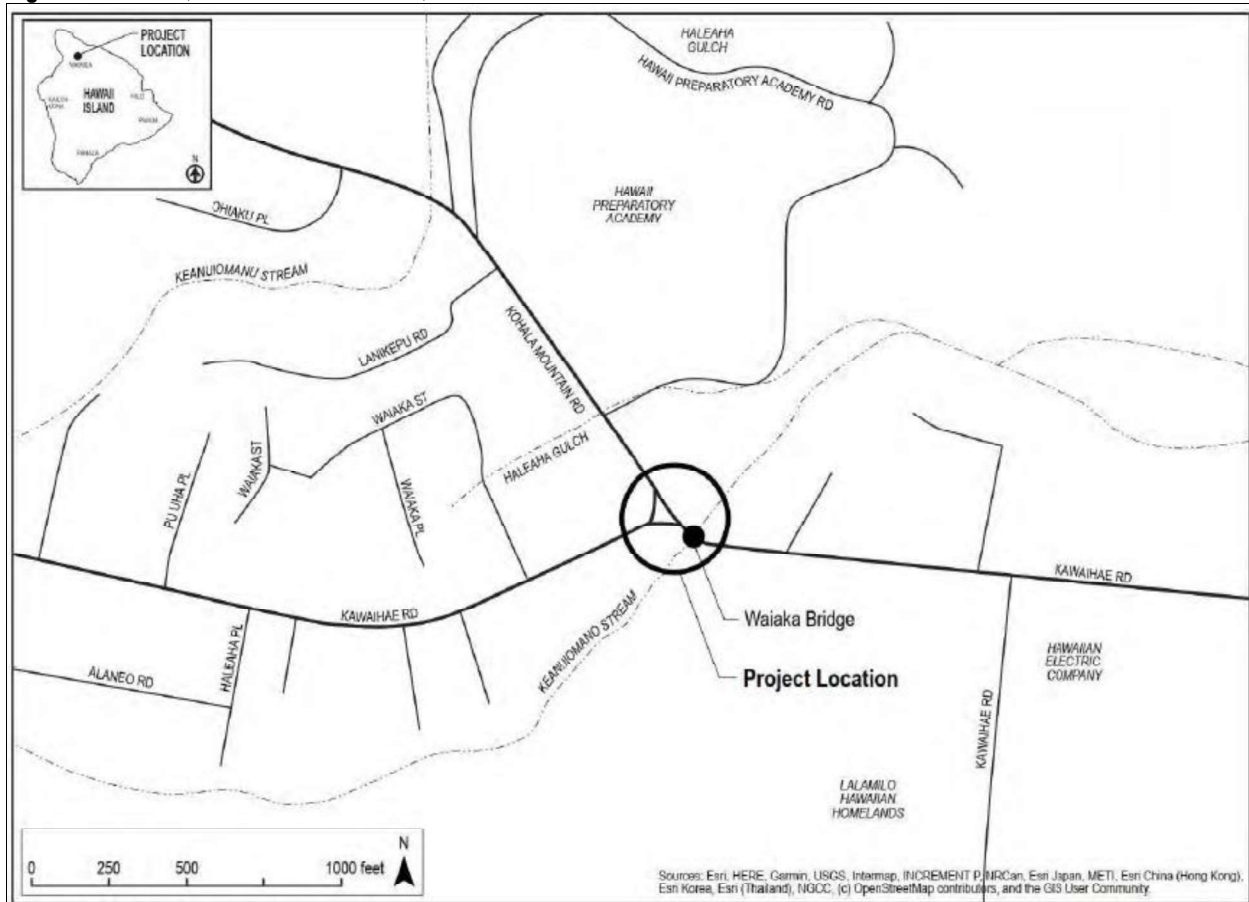
Approve Stream Channel Alteration Permit (SCAP.6434.8) by the Hawai'i Department of Transportation (HDOT). The project proposes to replace the Waiaka Bridge over the Keanu'i'omanō Stream. The central pier supporting the bridge will be removed. The purpose of the project is threefold: to address the bridges functional deficiencies and upgrade it to meet Federal and State design guidelines; to improve the line-of-site at the roadway approaches to the bridge at Kawaihae Road and Kohala Mountain Road; and to improve the hydraulic conditions in the stream.

BACKGROUND

On May 6, 2025, the HDOT filed a complete stream channel alteration permit application that is available online at https://files.hawaii.gov/dlnr/cwrw/swreview/SCAP_6434_8.pdf.

LOCATION: Keanu'i'omanō Stream, Kamuela, Hawai'i. See **Figure 1**.

Figure 1: Location, Keanu‘i‘omanō Stream, Hawai‘i.



STREAM DESCRIPTION

The National Hydrography Dataset classified the Keanu‘i‘omanō Stream as perennial. The Division of Aquatic Resources classified the Keanu‘i‘omanō Stream as perennial. The total drainage area is 71.5 square miles with a maximum basin elevation of 13,635 feet. The longest flow path is approximately 34.2 miles and the mean annual precipitation is 36.4 inches.

PROJECT DESCRIPTION

The project proposes to replace the Waiaka Bridge over the Keanu‘i‘omanō Stream. The central pier supporting the bridge will be removed. The purpose of the project is threefold: to address the bridges functional deficiencies and upgrade it to meet Federal and State design guidelines; to improve the line-of-site at the roadway approaches to the bridge at Kawaihae Road and Kohala Mountain Road; and to improve the hydraulic conditions in the stream. To address the current bridge's functional deficiencies, the replacement bridge will have wider lanes and shoulders to reduce traffic and congestion in the area. The current Waiaka Bridge has been overtopped by stream flows during storms. The replacement bridge will be designed to carry a 100-year rain event and reduce flood risk in the surrounding areas.

The proposed channel alteration would include demolishing the existing Waiaka Bridge and its central pier in Keanu‘i‘omanō Stream. The new bridge would clear span the stream and new wingwalls would be constructed on either side of the crossing. During the demolition of the old bridge and construction of the proposed bridge, a temporary detour bridge would be installed upstream of the existing Waiaka Bridge to allow continuous traffic flow. This detour bridge would clear span the stream and would not alter the stream channel.

Construction equipment will not be placed within the stream or below the stream's ordinary high water mark during the construction of the new bridge or temporary bridge as all work could occur from the stream banks. However, demolition of the existing Waiaka Bridge may require construction equipment to be placed in the stream. Best management practices will be implemented during construction to reduce construction-related water quality impacts from work completed in the stream and from storm water runoff. See **Figure 2** Site photos and **Figure 3** Longitudinal plan and Overall plan.

Figure 2: Site photos.

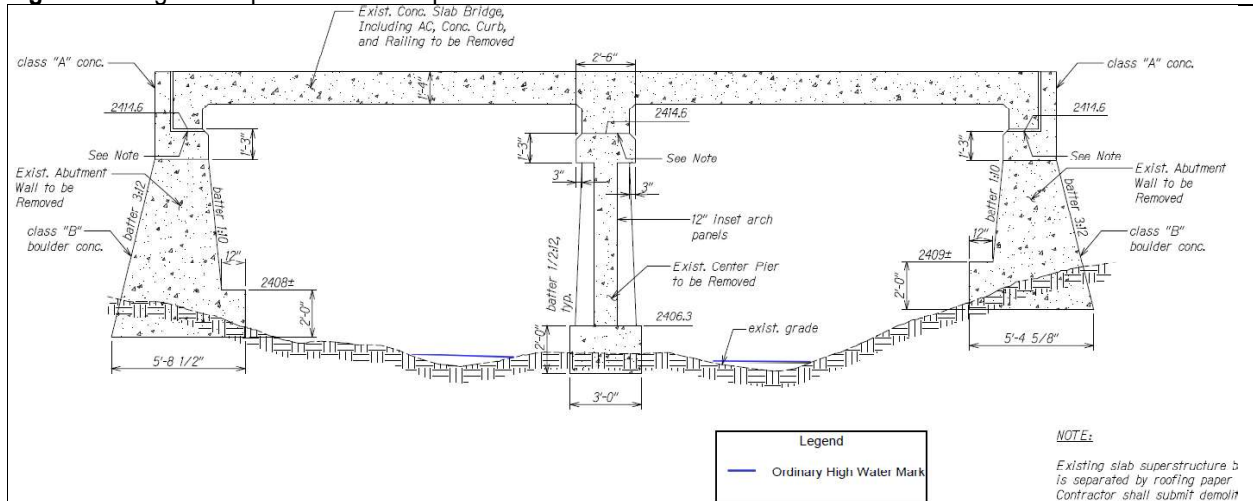


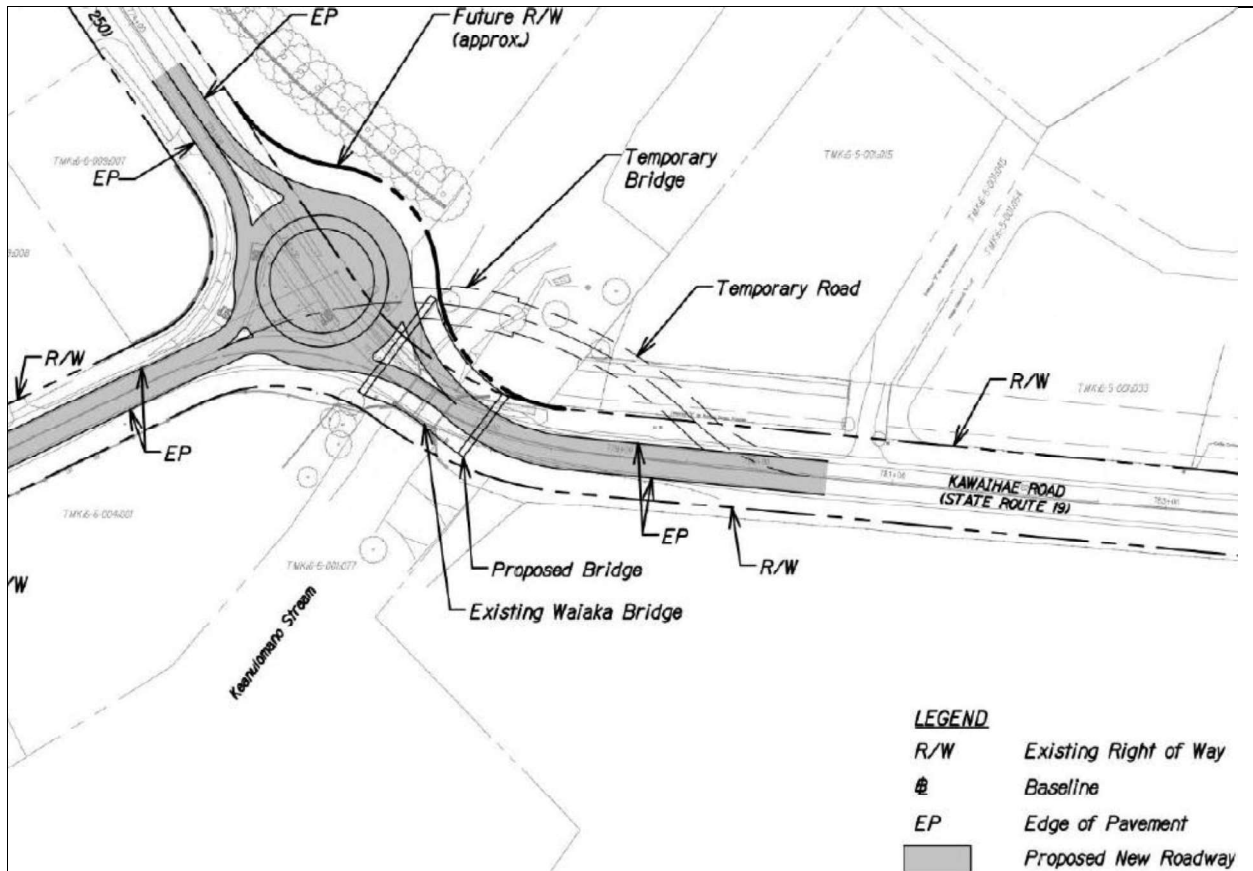
North side / Upstream side of Waiaka Bridge.



South side / Downstream side of Waiaka Bridge.

Figure 3: Longitudinal plan and Overall plan.





AGENCY REVIEW COMMENTS

County of Hawai'i, Planning Department: Based on the information provided, our comments are as follows:

1. As indicated in the application, the surrounding State Land Use Districts are Agricultural and Urban, and the surrounding Zoning Districts are Agricultural and Residential (A-Ia, A-Sa and RS-10). The project area is not located within the Special Management Area (SMA).
2. The project area lies within the South Kohala Community Development Plan (CDP) area, which was adopted by Ordinance 08-159 on November 20, 2008. The South Kohala CDP references the Wai'aka Bridge under "Current and Future Road Projects" in Chapter 4: Waimea Town Plan:

***Waiaka Bridge and Intersection Replacement Project** would widen and realign the bridge over the Waiaka Stream. The scope of the project also includes reconstruction of the adjacent intersection of the Kohala Mountain Road and Kawaihae Road and installation of various safety improvements. To date the public prefers a new alignment mauka of the existing bridge location, with provisions for pedestrian, bicycle, and equestrian use. One possibility that received general community support is to retain the current bridge and use it solely for nonvehicular traffic. Construction is scheduled to begin in 2011 and will be funded by State and possibly Federal funds.*

While the construction timeline noted in the CDP is outdated, the excerpt reflects the community's long-standing interests and priorities regarding the project, particularly related to safety, accessibility, and multimodal transportation options. In addition, the CDP includes the following policies and strategies that align with the intent of the proposed project:

Policy No. 1 Preservation of Waimea's Sense of Place

- *Strategy 1.3 Protect important cultural and historic sites, structures, and landscapes*

Policy No. 5 Timely Implementation of Needed Transportation and Circulation Improvements

- *Strategy 5.1 Plan, design, and construct walkways and bikeways within the existing rights of way of the main Waimea Roads: Kawaihae Road and Mamalahoa Highway*
- *Strategy 5.4 Plan, design, and construct a system of multi-purpose paths and trails for Waimea*

3. The Planning Department helps facilitate the Hawai'i County Cultural Resource Commission (CRC), who in response to requests for consultation, held public hearings on September 13, 2023 and June 18, 2025, to review the subject bridge replacement and right-of-way realignment project, and discuss the findings reported by the March 7, 2025 site visit conducted by the Permitted Interaction Group (PIG, i.e. subcommittee) that was formed by the CRC at the September 13, 2023 public hearing for this purpose.

The CRC letter dated September 22, 2023 for the September 13, 2023 meeting states that *Section 106 of the National Historic Preservation Act (NHPA) of 1966 (amended 2006) has been initiated with the State Historic Preservation Office (SHPO) for the subject project (Kawaihae Road, Replacement of Wai'aka Bridge and Realignment of Approaches, State of Hawai'i Project No. 19D-01-19), and by way of this letter, the County of Hawaii Cultural Resources Commission intends to remain a consulting party, specifically as it may relate to resolution of adverse effects (36 CFR. 800.6), mitigation (40 CFR 1508.1(s), 1505.2 and 1505.3) and mitigation commitments (HAR 13-275-7).*

The State Historic Preservation Officer's letter dated February 19, 2025, determined that the proposed undertaking will have an adverse effect on the bridge which is a contributing feature to the Mamalahoa Historic District and eligible for listing under Criterion C of the National Register of Historic Places. The CRC has since concurred with this determination.

In its June 18, 2025 meeting, the CRC recommended *preservation measures include the Memorandum of Agreement (MOA), intended to mitigate substantial adverse effects of the proposed undertaking and voted unanimously to remain a consulting party to the MOA regarding the replacement of the Waiaka Bridge and realignment of approaches project.*

The Planning Department recommends continued consultation with the CRC as a concurring party to provide resolution and mitigation of adverse effects of the Replacement of Wai'aka Bridge and Realignment of Approaches project, in accordance with Section 106 of the NHPA and stipulations of the MOA. A copy of the CRC comment letter dated June 23, 2025,

regarding the June 18, 2025 meeting, and its attachments, the Permitted Interaction Group site visit report and the executed MOA, are attached for your reference. See **Exhibit 1**.

CWRM Staff Response: Added as a special condition by reference. The Planning Department Cultural Resources Committee (CRC) comment letter is attached to this staff submittal as **Exhibit 2**.

Department of Hawaiian Home Lands (DHHL): DHHL has land holdings in proximity to the Hawaii Department of Transportation, Highway Division’s proposed bridge replacement project in Waimea. The Department requests that prior to taking action on the SCAP, that the Commission on Water Resource Management ensure that there was sufficient consideration and analysis conducted by CWRM staff and/or the applicant to ensure that the proposed action will not create unintentional adverse impacts on DHHL lands. Specifically, we have concerns that the bridge pier removal may impact on the velocity of water during a major rain event. This slight increase may pose erosion issues downstream in the turns of the stream that could expose UXO [Unexploded ordnance]. The Department requests that the Department of Transportation develop a plan for the mitigation of potential flow increase including but not limited to any possible larger debris that may flow downstream. See **Exhibit 3**.

CWRM Staff Response: Added as a special condition by reference.

Department of Land and Natural Resources (DLNR), Aha Moku: No comments received.

DLNR, Aquatic Resources: No comments received.

DLNR, Engineering: The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high-risk areas). Be advised that 44CFR, Chapter 1, Subchapter B, Part 60 reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards. The owner of the project property and/or their representative is responsible for researching the Flood Hazard Zone designation for the project. Flood zones subject to NFIP requirements are identified on FEMA's Flood Insurance Rate Maps (FIRM). The official FIRMs can be accessed through FEMA's Map Service Center (msc.fema.gov). Our Flood Hazard Assessment Tool (FHAT) (fbat.hawaii.gov) could also be used to research flood hazard information. See **Exhibit 4**.

CWRM Staff Response: The project site is in Zone A, or areas subject to inundation by the 1-percent annual chance flood event generally determined using approximate methodologies.

DLNR, Forestry and Wildlife (DOFAW): No comments received.

DLNR, Historic Preservation (SHPD): In a letter dated February 28, 2025 (Doc. No. 2502JP01), the State Historic Preservation Office concurred with the Federal Highway Administration determination that the effects of the proposed undertaking will have an adverse effect on Waiaka

Stream Bridge, State Inventory of Historic Places (SIHP) Site 50-10-06-29221 and the SHPO looked forward to consulting with FHWA on a Memorandum of Agreement (MOA) to identify appropriate mitigation for the effect. Furthermore, in a letter dated June 27, 2025, SHPD concurred with the Hawai‘i Department of Transportation’s project effect determination of “Effect, with proposed mitigation commitments” and to conduct archaeological monitoring for all ground disturbing activities for the proposed project. SHPD indicated that they looked forward to “receiving for review and acceptance a revised AMP meeting the requirements of HAR §13-279-4,” and that “SHPD shall notify HDOT when the AMP [archaeological monitoring plan] has been accepted and will notify HDOT when the additional mitigation commitments have been fulfilled, and the project initiation process may commence. An archaeological monitoring plan was prepared by HDOT and filed with SHPD in July 2025. In a letter dated August 15, 2025, SHPD “hereby notifies HDOT that the AMP has been accepted and the MOA has been executed, and the project initiation process may continue.”

CWRM Staff Response: Staff believes that SHPD review is satisfied. See **Exhibit 5**.

DLNR, Land Division: No comments received.

DLNR, State Parks: No comments received.

Dept. of Health (DOH), Clean Water Branch: The DOH standard comments can be reviewed on the DOH website at: <https://health.hawaii.gov/cwb/files/2018/05/Memo-CWB-Standard-Comments.pdf>.

CWRM Staff Response: The lead agency for the protection of water quality is the Department of Health, Clean Water Branch, which administers the Federal Clean Water Act (33 U.S.C. §1251 et seq.) and the State Water Pollution Act (HRS Ch. 342D; HAR Ch. 11-54 Water Quality Standards; and HAR Ch. 11-55 Water Pollution Control). HAR §11-54-1 through §11-54-8 defines Best Management Practices and water quality criteria applicable to inland and nearshore waters and are based on the Federal Clean Water Act. HAR Ch. 11-55 Appendix C defines discharges of storm water associated with construction activity. HRS 174C-66 states that the DOH oversees the State’s water quality control program.

Office of Hawaiian Affairs: No comments received.

US Army Corps of Engineers: No comments received.

US Fish and Wildlife Service (FWS): No comments received.

Public Comments: No comments received.

TRADITIONAL AND CUSTOMARY PRACTICES

- 1) The identity and scope of cultural, historical, or natural resources in which traditional and customary native Hawaiian rights are exercised in the area.

The Applicant stated “A Historic Properties Assessment (in compliance with Section 106 of the NHPA and HAR §13-276) and Cultural Impact Assessment (in compliance with the Hawaii Environmental Policy Act) were completed for the project. The Historic Properties Assessment identified four historic properties within the APE: Waiaka Bridge (SIHP 50-10-06-29221), Keanuiomano Stream Gage (SIHP 50-10-06-23313), a large precontact agricultural complex (SIHP 50-10-06-22632), and the former location of the 1865 Waiaka Catholic Church (no site number). Of these four sites, only one of these sites (Waiaka Bridge) was located in the stream channel, and determined eligible for inclusion in the National and State Historic Register of places. - Waiaka Bridge was built in 1932 and is eligible for the National Historic Register of places under Criterion C as a good example of a 1930’s reinforced concrete bridge that is typical of its period in its use of materials, method of construction, craftsmanship and design. The Cultural Impact Analysis completed for this project identified no traditional cultural practices located within the project area. However, traditional cultural practices have been known to occur along the stream, i.e. ceremonial baths, ceremonies along the stream, and gathering of pohaku for hula practitioners.”

CWRM Staff Response: No comments were received by DLNR Aha Moku. No comments were received from the public. No impacts to traditional and customary native Hawaiian rights which may be exercised in the area are anticipated.

- 2) The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed action.

The Applicant stated, “No impacts to traditional and customary Native Hawaiian rights are anticipated as a result of the project, as no Native Hawaiian practices are known to exist in the project area. Contractors will be advised to avoid disruption to any cultural practices that do occur during construction. The proposed project will demolish Waiaka Bridge and use Site 22632 as a potential staging area. In a letter dated February 19, 2025 the SHPD concurred with HDOT’s “Adverse effect” determination under 36 CFR 800.5. An MOA is being developed to mitigate the impacts of the project on the historic bridge. See Attachment D for more details on the Section 106. HDOT anticipates a determination of “Effect, with proposed mitigation commitments” in accordance HRS-6. See Attachment E for 6E-8 documentation.

CWRM Staff Response: There are no anticipated impacts to traditional and customary practices or upstream/downstream movement of native macrofauna.

- 3) What feasible action, if any, could be taken by the Commission in regards to this application to reasonably protect native Hawaiian rights.

The Applicant stated, “No feasible action needs to be take[n] to protect Native Hawaiian rights in regards to this application, as this project is not anticipated to put Native Hawaiian rights at risk.”

CWRM Staff Response: The project BMPs are feasible actions that will be employed during the project period to ensure water and stream resources mauka and makai of the project area are not impacted to the detriment of traditional and customary practices of Native Hawaiians.

HRS CHAPTER 343 – ENVIRONMENTAL ASSESSMENT (EA) COMPLIANCE

Under Hawaii Revised Statutes (HRS) §343-5(a), an EA shall be required for actions, as summarized in part below, that propose:

- (1) use of state land or county lands, or the use of state or county funds;
- (2) use within any land classified as a conservation district;
- (3) use within a shoreline area;
- (4) use within any historic site as designated in the National Register or Hawaii Register;
- (5) use within the Waikiki area of O‘ahu;
- (6) any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation;
- (7) any reclassification of any land classified as a conservation district;
- (8) construction of new or the expansion or modification of existing helicopter facilities within the State, that may affect: (A) any land classified as a conservation district; (B) a shoreline area; or (C) any historic site as designated in the National Register or Hawaii Register;
- (9) any (A) wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent; (B) Waste-to-energy facility; (C) Landfill; (D) Oil refinery; or (E) Power-generating facility.

CWRM Staff Response: The project triggers an EA because it proposes the use of state or county lands or the use of state or county funds. On July 8, 2022, a Finding of No Significant Impact was published in the Environmental Notice.
https://files.hawaii.gov/dbedt/erp/The_Environmental_Notice/2022-07-08-TEN.pdf.

CONSISTENCY WITH THE HAWAI‘I WATER PLAN

The Water Resource Protection Plan (WRPP), updated in 2019, provides an outline for the conservation, augmentation, and protection of statewide ground and surface water resources, watersheds, and natural stream environments. The legal framework of the Code for the issuance of Stream Channel Alteration Permits, as outlined in this submittal, is covered in more detail and context in the WRPP, Appendix I.

STAFF REVIEW

Review of the permit application by Commission staff is subject to the consideration of the legal authorities cited in **Exhibit 7**.

HAR §13-169-52(b) Based upon the findings of fact concerning an application for a stream channel alteration permit, the Commission shall either approve in whole, approve in part, approve with modifications, or reject the application for a permit.

- (1) Channel alterations that would adversely affect the quantity and quality of the stream water or the stream ecology should be minimized or not be allowed.

CWRM Staff Response: Upon approval of the construction plans as proposed, the quantity and quality of stream water should not be adversely affected.

- (2) Where instream flow standards or interim instream flow standards have been established pursuant to subchapters 3 and 4, no permit shall be granted for any channel alteration which diminishes the quantity or quality of stream water below the minimum established to support identified instream uses, as expressed in the standards.

CWRM Staff Response: HRS §174C-71 requires the Commission to protect stream channels from alteration whenever practicable to provide for fishery, wildlife, recreational, aesthetic, scenic, and other beneficial instream uses. The identified instream uses include fish habitat and streamflow contribution to the nearshore waters, among others. The project is not anticipated to impact the status quo interim instream flow standard which was established on June 15, 1988, pursuant to HAR §13-169-46.

- (3) The proposed channel alteration should not interfere substantially and materially with existing instream or non-instream uses or with channel alterations previously permitted.

CWRM Staff Response: The proposed work plan is limited to the project area and should not interfere with instream or non-instream uses, including existing diversions. Commission records indicate that there are no active diversions located downstream of the project area. No adverse impacts are anticipated.

RECOMMENDATION

That the Commission:

1. Approve Stream Channel Alteration Permit (SCAP.6434.8) Application that proposes to replace the Waiaka Bridge over the Keanu‘i‘omanō Stream. The central pier supporting the bridge will be removed. The purpose of the project is to address the bridges functional deficiencies and upgrade it to meet Federal and State design guidelines; to improve the line-of-site at the roadway approaches to the bridge at Kawaihae Road and Kohala Mountain Road; and to improve the hydraulic conditions in the stream subject to the standard conditions in **Exhibit 6** and the special conditions below.
 - a. In conformance with the County of Hawai‘i, Planning Department, incorporated by reference as **Exhibit 1**, continued consultation with the CRC as a concurring party to provide resolution and mitigation of adverse effects of the Replacement of Waiaka

Bridge and Realignment of Approaches project, in accordance with Section 106 of the NHPA and stipulations of the MOA.

- b. In conformance with the Department of Hawaiian Home Lands recommendations, incorporated by reference as **Exhibit 3**, DHHL is concerned that the bridge pier removal may impact the velocity of water during a major rain event that may pose erosion issues downstream that could expose UXO. The applicant shall develop a plan for the mitigation of potential flow increase including but not limited to any possible larger debris that may flow downstream and communicate that plan to the DHHL. Copies of the plan shall be submitted to DHHL and the Commission in 120 days.

Ola i ka wai,



CIARA W.K. KAHAHANE
Deputy Director

Exhibits:

1. County of Hawai‘i, Planning Department letter dated July 2, 2025.
2. County of Hawai‘i, Planning Department, Cultural Resources Commission letter dated June 23, 2025.
3. Department of Hawaiian Home Lands letter dated June 18, 2025.
4. Department of Land and Natural Resources, Engineering Division letter dated June 26, 2025.
5. DNLR, State Historic Preservation Division letter dated August 15, 2025.
6. Standard Stream Channel Alteration Permit Conditions.
7. Legal Authorities.

APPROVED FOR SUBMITTAL:



DAWN N.S. CHANG
Chairperson

C. Kimō Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i
PLANNING DEPARTMENT

Jeffrey W. Darrow
Director

Michelle S. Ahn
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

July 2, 2025

Ciara W.K. Kahahane, Deputy Director
Department of Land and Natural Resources
Commission on Water Resource Management
VIA Email: rebecca.r.alakai@hawaii.gov

Dear Ms. Kahahane:

SUBJECT: Comments – Stream Channel Alteration Permit (SCAP.6434.8) Application
Project: Wai'aka Bridge Replacement
Keanu'i'omanō Stream, Waimea, Hawai'i
Tax Map Key (TMK): (3) 6-6-004:999 (PL-INT-2025-010677)

Thank you for your email dated June 2, 2025, requesting comments from this office regarding the subject Stream Channel Alteration Permit Application for the Wai'aka Bridge Replacement project, located on the subject TMK parcel, which is the Kawaihae Road right-of-way.

According to the application, the existing Wai'aka bridge is located within the HDOT Kawaihae Road right-of-way, over the Keanu'i'omanō Stream, with roadway approaches to the bridge from Kawaihae Road and Kohala Mountain Road. Under scope of this application, the project proposes to demolish the existing Wai'aka Bridge and its central pier in the stream and replace it with a new wider and longer bridge in its existing location for the purpose of addressing functional deficiencies, improve line-of-site distances at roadway approaches, and improve hydraulic conditions for the stream under the Wai'aka bridge. The new bridge would clear span the stream and new wing walls would be constructed on either side of the crossing. In the interim, during the demolition of the old bridge and reconstruction of the new bridge, a temporary detour bridge will be installed upstream of the existing Wai'aka bridge to allow continuous traffic flow, which would clear span the stream and would not alter the stream channel in any way. The application indicates that best management practices will be implemented during construction to reduce construction related water quality impacts from work completed in the stream and from storm water runoff. Additionally, outside the scope of this application, the approaches will be realigned to the replacement bridge, and the project proposes to construct a single lane roundabout to replace the Kawaihae Road and Kohala Mountain Road intersection. Overall, the project will consist of bridge replacement, realignment of approaches, and intersection improvements.

Ciara W.K. Kahahane, Deputy Director
(PL-INT-2025-010677)
July 2, 2025
Page 2 of 3

Based on the information provided, our comments are as follows:

1. As indicated in the application, the surrounding State Land Use Districts are Agricultural and Urban, and the surrounding Zoning Districts are Agricultural and Residential (A-1a, A-5a and RS-10). The project area is not located within the Special Management Area (SMA).
2. The project area lies within the South Kohala Community Development Plan (CDP) area, which was adopted by Ordinance 08-159 on November 20, 2008. The South Kohala CDP references the Wai‘aka Bridge under “Current and Future Road Projects” in Chapter 4: Waimea Town Plan:

Waiaka Bridge and Intersection Replacement Project would widen and realign the bridge over the Waiaka Stream. The scope of the project also includes reconstruction of the adjacent intersection of the Kohala Mountain Road and Kawaihae Road and installation of various safety improvements. To date the public prefers a new alignment mauka of the existing bridge location, with provisions for pedestrian, bicycle, and equestrian use. One possibility that received general community support is to retain the current bridge and use it solely for non-vehicular traffic. Construction is scheduled to begin in 2011 and will be funded by State and possibly Federal funds.

While the construction timeline noted in the CDP is outdated, the excerpt reflects the community’s long-standing interests and priorities regarding the project, particularly related to safety, accessibility, and multimodal transportation options.

In addition, the CDP includes the following policies and strategies that align with the intent of the proposed project:

Policy No. 1 Preservation of Waimea’s Sense of Place

- *Strategy 1.3 Protect important cultural and historic sites, structures, and landscapes*

Policy No. 5 Timely Implementation of Needed Transportation and Circulation Improvements

- *Strategy 5.1 Plan, design, and construct walkways and bikeways within the existing rights of way of the main Waimea Roads: Kawaihae Road and Mamalahoa Highway*
- *Strategy 5.4 Plan, design, and construct a system of multi-purpose paths and trails for Waimea*

3. The Planning Department helps facilitate the Hawai‘i County Cultural Resource Commission (CRC), who in response to requests for consultation, held public hearings on September 13, 2023 and June 18, 2025, to review the subject bridge replacement and right-of-way realignment project, and discuss the findings reported by the March 7, 2025 site visit conducted by the Permitted Interaction Group (PIG, i.e. subcommittee) that was formed by the CRC at the September 13, 2023 public hearing for this purpose.

Ciara W.K. Kahahane, Deputy Director
(PL-INT-2025-010677)
July 2, 2025
Page 3 of 3

The CRC letter dated September 22, 2023 for the September 13, 2023 meeting states that *Section 106 of the National Historic Preservation Act (NHPA) of 1966 (amended 2006) has been initiated with the State Historic Preservation Office (SHPO) for the subject project (Kawaihae Road, Replacement of Wai'aka Bridge and Realignment of Approaches, State of Hawai'i Project No. 19D-01-19), and by way of this letter, the County of Hawaii Cultural Resources Commission intends to remain a consulting party, specifically as it may relate to resolution of adverse effects (36 CFR 800.6), mitigation (40 CFR 1508.1(s), 1505.2 and 1505.3) and mitigation commitments (HAR 13-275-7).*

The State Historic Preservation Officer's letter dated February 19, 2025, determined that the proposed undertaking will have an adverse effect on the bridge which is a contributing feature to the Mamalahoa Historic District and eligible for listing under Criterion C of the National Register of Historic Places. The CRC has since concurred with this determination.

In its June 18, 2025 meeting, the CRC recommended *preservation measures include the Memorandum of Agreement (MOA), intended to mitigate substantial adverse effects of the proposed undertaking and voted unanimously to remain a consulting party to the MOA regarding the replacement of the Waiaka Bridge and realignment of approaches project.*

The Planning Department recommends continued consultation with the CRC as a concurring party to provide resolution and mitigation of adverse effects of the Replacement of Wai'aka Bridge and Realignment of Approaches project, in accordance with Section 106 of the NHPA and stipulations of the MOA. A copy of the CRC comment letter dated June 23, 2025, regarding the June 18, 2025 meeting, and its attachments, the Permitted Interaction Group site visit report and the executed MOA, are attached for your reference.

If you have any questions or need further assistance, please contact Marie Hong of the West Hawai'i office at (808) 323-4770.

Sincerely,


Jeffrey W. Darrow (Jul 1, 2025 07:08 HST)

JEFFREY W. DARROW
Planning Director

C. Kimo Alameda, Ph.D.
Mayor



Matthew Clark, Chair
Desmon Haumea, Vice Chair
Darde Gamayo
Roberta "Ku'ulei" Keakealani
Kcalohanuiopuna Kinney
Nicole Lui
Janet Six
Aaron Spielman

County of Hawai‘i

PLANNING DEPARTMENT CULTURAL RESOURCES COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai‘i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

June 23, 2025

Andrew J. Hirano, HDOT Project Manager
State of Hawai‘i, Dept of Transportation Highways Division
Design Branch Technical Design Section (HWY-DS)
601 Kamokila Blvd, #688
Kapolei, HI 96707
Via email: andrew.j.hirano@hawaii.gov

Dear Mr. Hirano:

**SUBJECT: National Historic Preservation Act (NHPA) Section 106 Consultation for
Kawaihae Road, Replacement of Waiaka Bridge and Realignment of Approaches.
State of Hawai‘i Project No. 19D-01-19
Federal-Aid Project No. BR-NH-019-1(045)
TMK(s): (3) 6-5-001:015, 033; 6-6-001:011, 999; and 6-6-004:001
Location: Ahupua‘a of Lālāmilo and Keanu‘i‘omanō, District of South
Kohala, Hawai‘i Island
File No.: PL-CRC-2023-000007**

The Hawai‘i County Cultural Resources Commission (CRC) at its meeting on September 13, 2023, reviewed the above-referenced project, voting unanimously to defer recommendations until a site visit by a Permitted Interaction Group (PIG) could be conducted to review the APE and potential impacts to historic and/or cultural resources¹.

State Historic Preservation Officer’s letter dated February 19, 2025, determined that the proposed undertaking will have an adverse effect on the bridge which is a contributing feature to the Māmalahoa Historic District and eligible for listing under Criterion C of the National Register of Historic Places. The CRC has since concurred with this determination.

The PIG site visit occurred on March 7, 2025; the findings were subsequently reported at the regular CRC meeting on May 14, 2025.

¹ CRC Meeting minutes: 9/13/2023

Andrew J. Hirano, HDOT Project Manager
State of Hawai'i, Dept of Transportation Highways Division
Page 2
June 23, 2025

On June 18, 2025, the CRC met to discuss the findings reported by the PIG². Recommended preservation measures include the Memorandum of Agreement (MOA), intended to mitigate substantial adverse effects of the proposed undertaking. A unanimous vote was taken to remain a consulting party to the MOA regarding the replacement of Waiaka Bridge and realignment of approaches project.

Attached is the MOA signed by the CRC as a concurring party. The CRC appreciates the opportunity to participate in this process and looks forward to contributing to the successful resolution and mitigation of adverse effects in accordance with Section 106 of the NHPA and the stipulations of the MOA.

If you have any questions concerning this matter, please contact Kevin Sullivan at (808) 961-8135 or email kevin.sullivan@hawaiicounty.gov.

Mahalo,



Desmon Haumea (Jun 23, 2025 11:33 HST)

Desmon Haumea
Cultural Resources Commission, Vice Chair

Attachments: Permitted Interaction Group site visit report
Executed MOA

cc: Cultural Resources Commission
Jeffrey Darrow, Planning Director
Mary Kodama, Acting Architecture Branch Chief (Mary.Kodama@hawaii.gov)
Stephanie Hacker, Historic Preservation Archaeologist IV (Stephanie.Hacker@hawaii.gov)

SK/KT:ad
V:\PL\PL\planning\public\wpwin60\Cultural_Resources_Commission\Projects\Waiaka Bridge Realignment (PL-CRC-2023-000007)\2025-06 CRC Materials\2025-06-23 Waiaka Bridge Replacement CRC Comment Ltr.docm

² PIG (site visit) Report

Cultural Resources Commission

4/23/2025

Project: Replacement of Waiaka Bridge and Realignment of Approaches.

Proj. No.: 19D- 01- 19

Site Visit: 3/7/2025 (Friday).

Location: Ahupuaa of Lalamilo and Keanuimano, District of South Kohala.

Time: 9.00a – 10.15a.

Attending: CRC –Aaron Spielman;
Darin Chinen, WSP USA Inc., Project Manager;

Andrew Hirano, HDOT, HWY-DS, Design Branch, Technical Design Services Section Project Manager;

Annette Matsuda, HDOT, acting HWY-II, Hawaii District Engineer;

Robert Lee, HDOT, HWY-HC, Hawaii District, Construction Section;

Raimundo Dovalina, Jr., HDOT, HWY-HE, Hawaii District, Engineering Section;

Courtney Supe, HDOT, HWY-IIE, Hawaii District, Engineering Section;

Cyrus Chen, HDOT, HWY-RP, Right-of-Way Branch, Appraisal Section;

Curtis Thygerson, HDOT, HWY-RP, Right-of-Way Branch, Appraisal Section;

Annamarie Garcia, HDOT, HWY-RL, Right-of-Way Branch, Land Acquisition Section; and

TJ Kalaniopio, Hawaii Preparatory Academy, Director of Facilities.

Re: Permitted Interaction Group Report on Site Visit to the Subject Area.

Notes:

1. Introductions.
 - a. State DOT Highways.
 - b. HPA.
 - c. CRC.
 - d. WSP.
 - e. PLN.
2. Project Area.
 - a. Site Plan.
 - b. Visible orange flag markers.

3. Discussion Notes:

- a. Waiaka Stream is all important and must be protected.
 - i. Best Management Practices.
 - ii. Mitigation Measures.
- b. Cultural and Archaeological Monitoring during field work and construction.
- c. Interpretative Signage.
 - i. Recommend: Draft by A&E in coordination with Kuulei (CRC).
- d. Intent of CRC is to remain a consulting party.
- e. The previously existing Waiaka Church is not identified within the Project Area. The Church is considered to have existed within the HPA School boundaries. CRC and HPA do not know the complete history of the Waiaka Church, but it was built by Father Damien before he departed to Kalaupapa, Molokai. At some point following, the Church was destroyed by fire. (Possibly HPA has records in the Parker Ranch Research Project files.)
- f. Existing Burials and Graves are not identified within the Project Area, and are considered to be within the HPA School boundaries. Unknown, but possibly associated with the Waiaka Church. CRC had recommended consultation with lineal descendants, including Mrs. Robertson.
- g. Existing Stream Gauge identified as historical feature within the Project Area.
- h. CRC recommends including with the Project: restoration for any damage caused by the Project to the Existing Rock Wall (dry-stack) at general boundary with Project Area, by the completion of the DOT Highways Project.
- i. Lots of traffic through this area as witnessed during the PIG.
- j. During the Temporary Road and Bridge part of the Project, traffic heading east from North Kohala and Kawaihae will require a noticeable maneuver that may not be ideal for vehicles hauling trailers.
- k. Waiaka Bridge will be demolished by standard concrete work methods using machines and tools. No blasting.
- l. The area immediately south of Kawaihae Road and including the DHHL property is not usable for Staging, as Existing Terraces have been discovered.

The Project will use a property owned by the State for Staging purposes. This property is near the water tanks on Kawaihae Road, east of the Transfer Station.

4. CRC walked the Waiaka Stream bed:
 - a. Starting from the mauka side, roughly 100-ft upstream from the Waiaka Bridge.
 - b. At the immediate upstream side of Waiaka Bridge, there is an existing lava rock with a roughly 2-inch diameter hole cut through the rock and daylighting.
 - c. Through the underpass of the Waiaka Bridge for roughly 30-ft downstream.
 - d. Waiaka Stream bed is extremely slippery and is not safe for general access. Recommend access down the embankment to the Waiaka Bridge foundations.
 - e. Removal of the existing Waiaka Bridge foundations at the Waiaka Stream bed will be extremely challenging and needs special consideration during the work.

Pictures.



1. Standing on the North side of Kawaihae Road looking East.



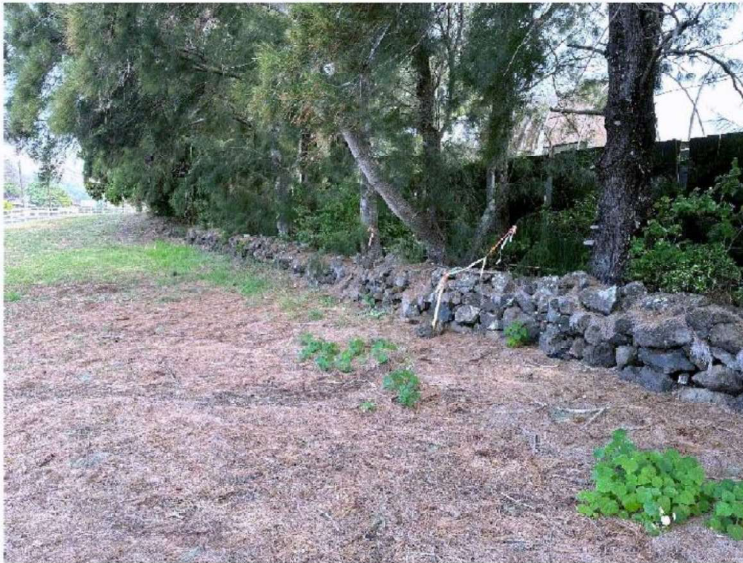
2. Standing on the North side of Kawaihae Road looking West.



3. Standing at East side of Waiaka Bridge looking North-West.



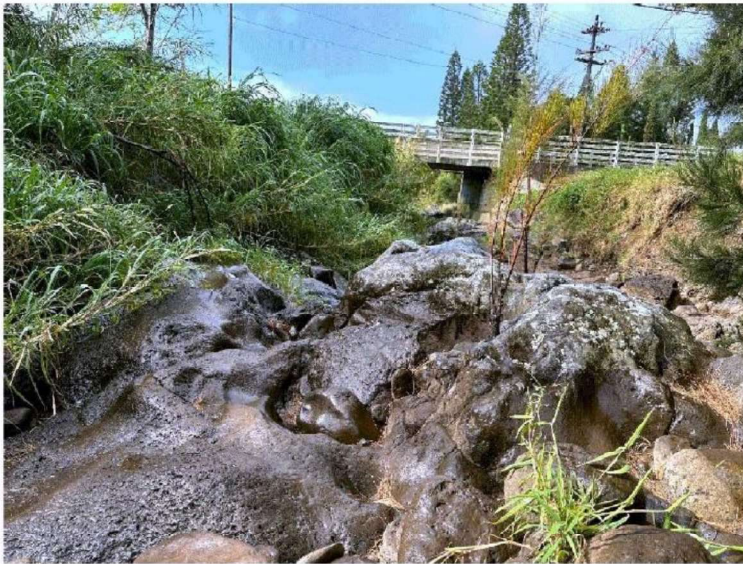
4. Standing on the Waiaka Bridge looking upstream at Waiaka Stream.



5. Standing on HPA property North of Waiaka Bridge. Visible Project Area flag markers and Existing Rock Wall.



6. Waika Stream looking upstream. Unknown man-made abutment visible in upper left quadrant of image.



7. Waiaka Stream looking downstream.



8. Waiaka Stream looking at Waiaka Bridge.



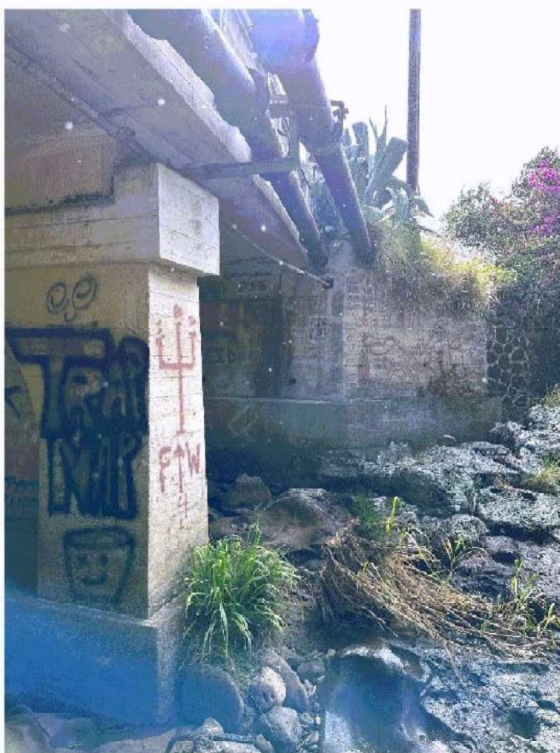
9. Hole drilled through lava rock immediately upstream from Waiaka Bridge.



10. Center and South foundations of Waiaka Bridge.



11. North foundation of Waiaka Bridge.



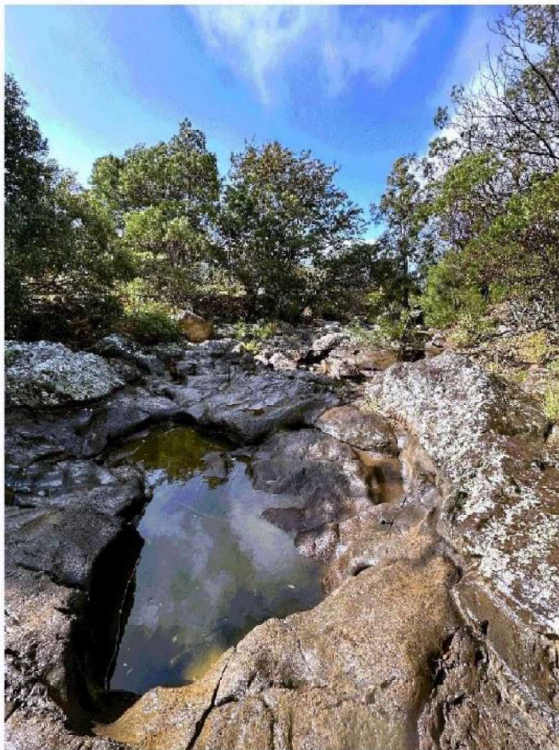
12. Downstream side of Waiaka Bridge, with (2)-8-inch water lines.



13. Downstream of Waiaka Bridge at Embankment. Multiple foundations in proximity. Note exposed reinforcing steel at top of concrete block wall.



14. Downstream of Waiaka Bridge looking upstream.



15. Downstream of Waiaka Bridge looking downstream.

[end]

**MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE HAWAII STATE HISTORIC PRESERVATION OFFICER, AND
THE STATE OF HAWAII DEPARTMENT OF TRANSPORTATION
REGARDING THE
REPLACEMENT OF WAIAKA BRIDGE AND REALIGNMENT OF APPROACHES
PROJECT
FEDERAL-AID PROJECT NO. BR-NH-019-1(045)
Lalamilo and Keanuimano Ahupuaa, Kohala Moku, Hawaii Island, State of Hawaii**

WHEREAS, the Federal Highway Administration (FHWA) intends to fund the proposed Replacement of Waiaka Bridge and Realignment of Approaches Project (“Project”) project; and

WHEREAS, the Project is an undertaking, as defined by 36 CFR § 800.16(y), and therefore subject to review under Section 106 of the National Historic Preservation Act (NHPA), (54 U.S.C. § 306108), as amended, and codified in its implementing regulations, 36 CFR Part 800, as amended (“Section 106”); and

WHEREAS, the State of Hawaii Department of Transportation (HDOT) proposes to design and construct the Project; and

WHEREAS, the Project purpose is to address functional deficiencies, address safety issues associated with limited line-of-sight distances at the bridge approaches, and improve the hydraulic conditions for Keanuimano Stream; and

WHEREAS, the Project consists of two primary actions: 1) construct a replacement bridge at the existing location and 2) construct a single-lane roundabout to replace the Kawaihae Road and Kohala Mountain Road intersection; and

WHEREAS, FHWA has defined the undertaking’s area of potential effects (APE) as shown in **Exhibit A** and SHPO did not object to the APE as presented in the February 3, 2022, submittal and noted in their response dated March 7, 2022(Doc. No. 2203SH05); and

WHEREAS, there was one (1) historic property identified, Waiaka Bridge, within the APE; and

WHEREAS, the FHWA has determined that the bridge is considered eligible for listing in the National Register of Historic Places (NRHP) under Criterion C due to the following:

- A good example of a 1930s reinforced concrete and masonry bridge in its original location.
- The typical characteristics of the 1930s period bridge are its use of materials, method of construction, craftsmanship, and design.
- The bridge retains all aspects of integrity, with minor diminishment of its integrity of design due to the attachment of water lines to the exterior of the bridge.

WHEREAS, the FHWA has also determined that the bridge retains sufficient integrity to convey its significance; and

WHEREAS, the FHWA has determined that the undertaking will have an “Adverse effect” on the Waiaka Bridge; and

WHEREAS, FHWA initiated consultation efforts with Native Hawaiian Organizations (NHOs) and Native Hawaiian descendants with ancestral, lineal or cultural ties to, or knowledge of cultural and historical properties within, or concerns for impacts to cultural or religious practices that may take place within the APE; and

WHEREAS, in accordance with 36 CFR § 800.2, § 800.3 and §800.6, FHWA provided an opportunity for the public to provide input and considered the public’s views in its decision-making by publishing a notice in *The Hawaii Tribune-Herald* and the *West Hawaii Today* newspapers on June 6, 2023; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), FHWA notified the Advisory Council on Historic Preservation (ACHP) of its “Adverse effect” determination with the specified documentation on May 13, 2024, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the HDOT, as project proponent and applicant for federal assistance shall carry out the stipulations identified under this Memorandum of Agreement (MOA) and is an invited signatory; and

WHEREAS, FHWA and HDOT have consulted with the National Trust for Historic Preservation, County of Hawaii’s Planning Department, Cultural Resources Commission, Hawaii Island Burial Council, Historic Hawaii Foundation, Hawaii Preparatory Academy regarding the effects of the undertaking on the historic property and has invited them to sign this MOA as a concurring party (“concurring party”); and

NOW, THEREFORE, the FHWA, SHPO, and the HDOT (“signatories”) agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The FHWA, with the assistance of HDOT, shall ensure that the following stipulations are carried out:

- I. Historic American Engineering Record (HAER) Documentation
 - A. HDOT shall prepare a HAER document for recordation of the Waiaka Bridge, which includes the bridge and railings, to address the adverse effect caused by the demolition and reconstruction of the abutment. The HAER document shall be prepared in accordance with the HABS/HAER/HALS Level III standards as defined in the Secretary of the Interior (SOI) Standards and Guidelines for Archaeology and Historic Preservation

for Architectural and Engineering Documentation (Federal Register Volume 68, No. 139, Monday, July 21, 2003, pp. 43159 – 43162) and by a historic preservation professional meeting the SOI Professional Qualifications Standards (36 CFR Part 61) for History, Architectural History, Architecture, or Historic Architecture.

- B. HAER documentation standard format will be determined through HDOT consultation with the National Park Service (NPS). In the event that NPS does not have an interest in receiving the HAER documents, the SHPO will determine the level of standard HAER documentation format.
- C. HDOT shall send the HAER documents to SHPO for a 30-day review, and HDOT shall address SHPO's written comments, if any, before submitting to the Historian at the Heritage Documentation Program of the National Park Service, Pacific West Region (located 1111 Jackson Street, Suite 7000, Oakland California 94607) for inclusion in the HABS/HAER/HALS collection at the Library of Congress. HDOT shall submit to the SHPO for review no later than 180 calendar days after bridge demolition.
- D. Upon acceptance and approval by the National Park Service, HDOT shall provide digital copies of the approved HAER document to the signatories and concurring parties identified in this MOA, as well as to members of the public upon request.

II. INTERPRETIVE SIGNAGE

- A. HDOT will incorporate interpretive signage, specific in scope, into the project construction contract documents.
- B. The interpretive signage will be prepared by a qualified professional in architectural history or historic architecture, in accordance with the Secretary of the Interior's Professional Qualification Standards. The qualified professional will also have experience with the preparation of plans and specifications for the development of interpretive signs for bridge facilities.
- C. HDOT will develop one (1) interpretive sign for the project area that will include historical context related to the Waiaka Bridge, including but not limited to:
 - Discussion of Native Hawaiian history within the area
 - Summary of the HAER documentation for Waiaka Bridge.
- D. HDOT shall consult with the SHPO and consulting parties during the development of the interpretive signage.
 - HDOT shall develop an outline which summarizes the contents of the interpretive signage to be developed.
 - Draft reviews of the interpretive signage with the SHPO and consulting parties shall be conducted at the preliminary and prefinal draft completion milestones. The SHPO and consulting parties shall be afforded 14 calendar days to review and provide written comments on the design and content of the interpretive signage. If no written

comments are received within 14 calendar days, HDOT reserves the right to proceed to the next phase of development.

- E. HDOT shall coordinate with SHPO and consulting parties to identify an appropriate site for installing the interpretive signage within the project area
- F. Interpretive sign shall be no smaller than 36" x 24". The sign shall be completed within 12 months after approval of the prefinal draft, with installation of the sign occurring within 90 calendar days after the completion of the bridge replacement project.
- G. The final design of the interpretive sign (including the location, materials, dimensions, general appearance, and manufacturing specifications) shall consider the following:
 - Safety for users of the area, including potential conflicts with vehicles, pedestrians, bicyclists, or other constraints.
 - Quality of the design, including readability and usefulness of the interpretive sign to convey information.
 - Compatibility of the interpretive sign with the rural and natural environmental character of the area.
 - Durability and life expectancy of the interpretive sign.
 - Feasibility of installation and maintenance.
 - Cost
- H. HDOT and FHWA shall have final approval authority over the content and design of the interpretative sign.

III. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, FHWA may consult with the other signatories and consulting parties to reconsider the terms of the MOA and amend it in accordance with Stipulation IX Amendments.

IV. MONITORING AND REPORTING

On an annual basis, no later than January 31 of each year, following the execution of this MOA until it expires or is terminated, FHWA shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. The report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in FHWA or

HDOT's efforts to carry out the terms of this MOA. A review meeting may be called by the FHWA or HDOT upon request of a signatory, invited signatory or concurring party to this MOA.

V. CONFIDENTIALITY

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

VI. DISPUTE RESOLUTION

A. Signatory and Concurring Party Resolution Process

Should any signatory or concurring party to this MOA object to the actions conducted pursuant to the terms of this agreement or the manner in which the terms of this MOA are implemented, the objecting party shall notify FHWA, and all signatories and concurring parties, in writing and FHWA shall consult with all parties to resolve the objection. If FHWA determines that such objection cannot be resolved:

1. FHWA shall forward all documentation relevant to the objection to ACHP and other signatory parties, including FHWA's proposed response to the objection. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide all parties (signatories and concurring parties) with a copy of this written response. FHWA will then proceed according to its final decision.
2. If the ACHP does not provide its written advice regarding the dispute within the thirty (30) day period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching its final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA and provide them and the ACIIP with a copy of such written response.
3. FHWA's responsibility to carry out all other actions or terms of this MOA that are not the subject of the dispute remain unchanged.

VII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. Prior to executing the amendment, signatories shall consult with concurring parties regarding the proposed amendment and afford concurring parties the opportunity to review the changes. The

amendment will be effective on the date a copy of the agreement, signed by all signatories, is filed with the ACHP.

VIII. TERMINATION

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

Once the MOA is terminated, and prior to work continuing on the undertaking, FHWA must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

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

IX. COUNTERPARTS

This MOA may be executed in counterparts and said counterparts shall together constitute one and the same document.

Execution of this MOA by the signatories and its subsequent filing with the ACHP by FHWA demonstrates that FHWA has taken into account the effects of the Project on historic properties, has afforded ACHP an opportunity to comment, and FHWA has satisfied its responsibilities under Section 106 of the NHPA and its implementing regulations.

[REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK]

**MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE HAWAII STATE HISTORIC PRESERVATION OFFICER, AND THE STATE OF
HAWAII DEPARTMENT OF TRANSPORTATION
REGARDING THE
REPLACEMENT OF WAIAKA BRIDGE AND REALIGNMENT OF APPROACHES
PROJECT
FEDERAL-AID PROJECT NO. BR-NH-019-1(045)
Lalamilo and Keanuiomano Ahupuaa, Kohala Moku, Hawaii Island, State of Hawaii**

SIGNATORIES

Federal Highway Administration
Hawaii State Historic Preservation Officer

INVITED SIGNATORIES

State of Hawaii Department of Transportation

CONCURRING PARTIES

National Trust for Historic Preservation
Hawaii Preparatory Academy
Historic Hawaii Foundation
Hawaii Island Burial Council
Cultural Resources Commission

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Lalamilo and Keanuimano Ahupuaa, Kohala Moku, Hawaii Island, State of Hawaii**

SIGNATURES

**SIGNATORIES
FEDERAL HIGHWAY ADMINISTRATION**

**RICHELLE M
TAKARA**

Digitally signed by
RICHELLE M TAKARA
Date: 2025.05.13
14:14:59 -10'00'

Richelle Takara
Division Administrator
Federal Highway Administration

Date: 5/13/2025

**MEMORANDUM OF AGREEMENT
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SIGNATURES

**SIGNATORIES
HAWAII STATE HISTORIC PRESERVATION OFFICER**



Dawn N. S. Chang, Esq.
State Historic Preservation Officer

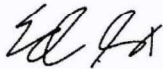
Date: May 20, 2025

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SIGNATURES

SIGNATORIES

STATE OF HAWAII DEPARTMENT OF TRANSPORTATION



Edwin H. Sniffen
Director of Transportation
State of Hawaii Department of Transportation

Date: May 1, 2025

**MEMORANDUM OF AGREEMENT
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SIGNATURES

CONCURRING PARTIES

NATIONAL TRUST FOR HISTORIC PRESERVATION

Carol Quillen
President
National Trust for Historic Preservation

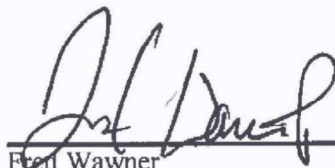
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SIGNATURES

**CONCURRING PARTIES
HAWAII PREPARTORY ACADEMY**



Fred Wawner
Head of School
Hawaii Preparatory Academy

Date: 5/27/25

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Lalamilo and Keanuimano Ahupuaa, Kohala Moku, Hawaii Island, State of Hawaii**

SIGNATURES

**CONCURRING PARTIES
HISTORIC HAWAII FOUNDATION**

Kiersten Fualkner
Executive Director
Historic Hawaii Foundation

Date: _____

**MEMORANDUM OF AGREEMENT
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FEDERAL-AID PROJECT NO. BR-NH-019-1(045)
Lalamilo and Keanuiomano Ahupuaa, Kohala Moku, Hawaii Island, State of Hawaii**

SIGNATURES

**CONCURRING PARTIES
HAWAII ISLAND BURIAL COUNCIL**

Nalei Pate-Kahakalau
Chair
Hawaii Island Burial Council

Date: _____

..

**MEMORANDUM OF AGREEMENT
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THE HAWAII STATE HISTORIC PRESERVATION OFFICER, AND THE STATE OF
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FEDERAL-AID PROJECT NO. BR-NH-019-1(045)
Lalamilo and Keanuimano Ahupuaa, Kohala Moku, Hawaii Island, State of Hawaii**

SIGNATURES

CONCURRING PARTIES

HAWAII ISLAND CULTURAL RESOURCE COMMISSION

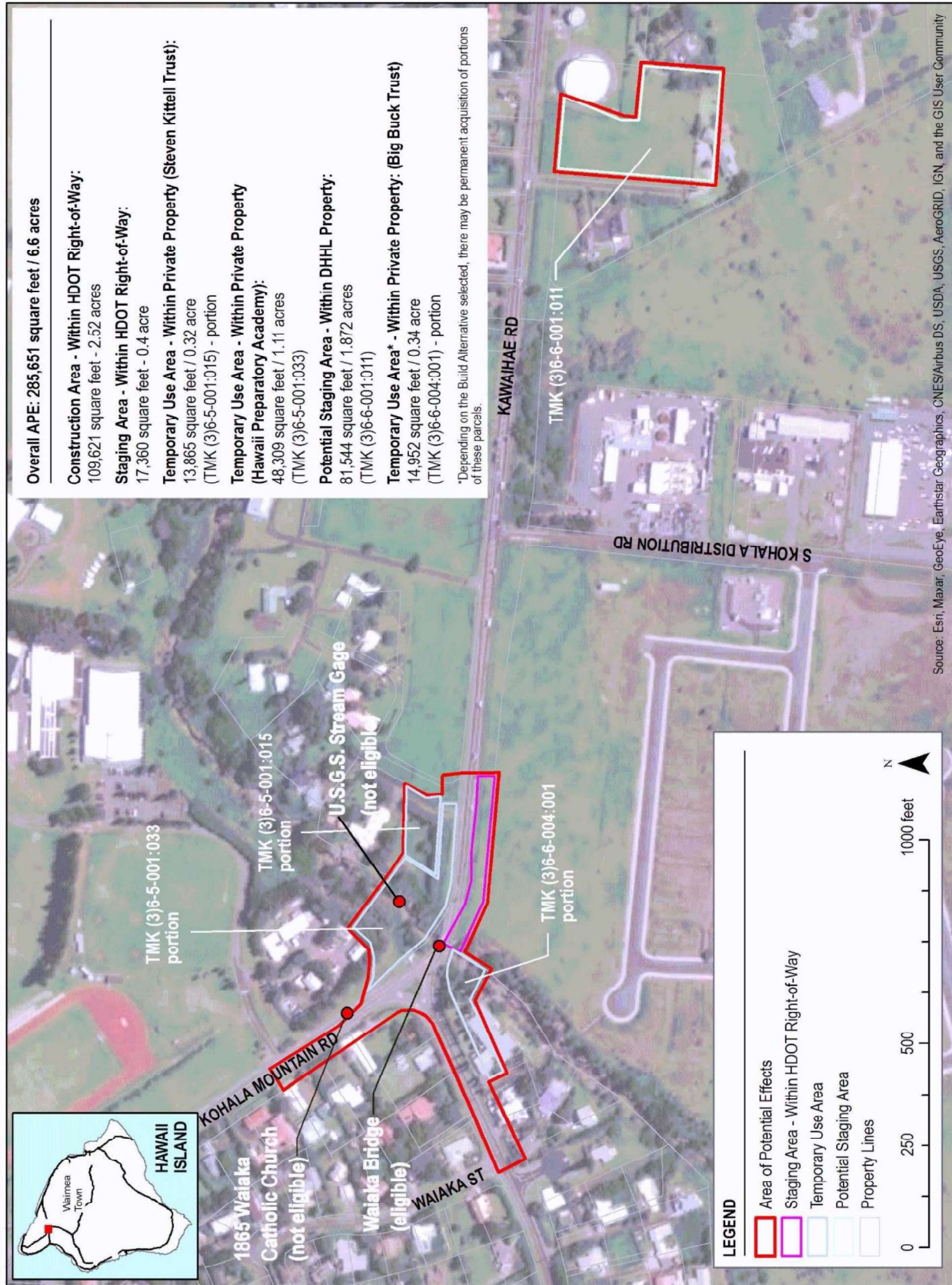

Desmon Haumea (Jun 23, 2025 11:33 HST)

Desmon Haumea
Vice Chair
Cultural Resources Commission

Date: 06/23/2025

EXHIBIT A

AREA OF POTENTIAL EFFECT (APE) MAP



JOSHI GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ka Kūlāhewa o ka Lāhui 'Ōiwa 'i
Hawaii*

SYLVIA J. LUKU
LT. GOVERNOR
STATE OF HAWAII
*Ka Kūlāhewa o ka Lāhui 'Ōiwa 'i
Hawaii*



KALI WATSON
CHAIRPERSON, HHC
*Ka Kūlāhewa o ka Lāhui 'Ōiwa 'i
Hawaii*

KATIE L. LAMBERT
DEPUTY TO THE CHAIR
*Ka Kūlāhewa o ka Lāhui 'Ōiwa 'i
Hawaii*

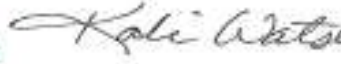
STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Ōihana 'Āina Ho'opulapūla Hawai'i
P. O. BOX 1079
HONOLULU, HAWAII 96805

June 18, 2025

ref: PO-25-064

MEMORANDUM

TO: Dawn Chang, Chairperson
Commission on Water Resource Management

FROM: Kali Watson, Chairperson 
Hawaiian Homes Commission

SUBJECT: Stream Channel Alteration Permit Application No.6434.8
Keanu'i'omano Stream, Waimea, Hawai'i

Mahalo for sending the above referenced Stream Channel Alteration Permit (SCAP) to the Department of Hawaiian Home Lands (DHHL) for review and comments. We appreciate the opportunity to review the application and offer the following background and comments.

Comments for the applicant and Commission

DHHL has land holdings in proximity to the Hawaii Department of Transportation, Highway Division's proposed bridge replacement project in Waimea. The Department requests that prior to taking action on the SCAP, that the Commission on Water Resource Management ensure that there was sufficient consideration and analysis conducted by CWRM staff and/or the applicant to ensure that the proposed action will not create unintentional adverse impacts on DHHL lands. Specifically, we have concerns that the bridge pier removal may impact on the velocity of water during a major rain event. This slight increase may pose erosion issues downstream in the turns of the stream that could expose UXO. The Department requests that the Department of Transportation develop a plan for the mitigation of potential flow increase including but not limited to any possible larger debris that may flow downstream.

Mahalo for the opportunity to comment. If you have any questions or require additional information please contact Cherie Kaanana, Water Program Specialist by email at: cherie-noelle.k.kaanana@hawaii.gov.

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

CWRM/Ciara W.K. Kahahane

**Ref: Request for Comments, Stream Channel Alteration Permit (SCAP.6434.8)
Application, Hawai‘i Department of Transportation, Highways Division,
Waiaka Bridge Replacement, Keanu‘i‘omanō Stream
Location: Waimea, Hawai‘i
TMK(s): (3) 6-6-004:999
Applicant: Hawai‘i Department of Transportation**

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high-risk areas). State projects are required to comply with 44CFR regulations as stipulated in Section 60.12. Be advised that 44CFR, Chapter 1, Subchapter B, part 60 reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA’s Flood Insurance Rate Maps (FIRM). The official FIRMs can be accessed through FEMA’s Map Service Center (msc.fema.gov). Our Flood Hazard Assessment Tool (FHAT) (fhaw.hawaii.gov) could also be used to research flood hazard information.

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai: County of Maui, Department of Planning (808) 270-7139.
- Kauai: County of Kauai, Department of Public Works (808) 241-4896.

Signed: 
DINA U. LAU, ACTING CHIEF ENGINEER

Date: 06/26/2025

EXHIBIT 4

September 16, 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‘I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA ‘OIHANA KUMUWAIWAI ‘ĀINA**

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

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
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COMMISSION ON WATER RESOURCE
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CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 15, 2025

Henry Kennedy
Engineering Program Manager, Design Branch
State of Hawai‘i, Department of Transportation
601 Kamokila Boulevard
1151 Punchbowl St.
Kapolei, Hawaii 96707
Email: henry.kennedy@hawaii.gov

IN REPLY REFER TO:
Project No.: 2021PR00849
Doc. No.: 2507NM12
Archaeology, Architecture

Dear Henry Kennedy:

**SUBJECT: Hawaii Revised Statutes (HRS) Chapter 6E-8 Historic Preservation Review
Kawaihae Road Replacement of Waiaka Bridge and Realignment of Approaches
Ref. HDA-HI, Federal-Aid Project No. BR-NH-019-1(045)
Archaeological Monitoring Plan
Waimea, Lalamilo and Keanuiomano Ahupua‘a, Kohala District, Island of Hawai‘i
TMK: (3) 6-5-001:015; (3) 6-5-001:033; (3) 6-6-001:011; (3) 6-6-004:999 (Kawaihae Road
Right-of-Way [ROW]); and (3) 6-6-009:999 (Kohala Mountain Road ROW)**

This letter provides the State Historic Preservation Division’s (SHPD’s) review of the draft archaeological monitoring plan (AMP) titled *Revised Draft Archaeological Monitoring Plan for the Kawaihae Road Replacement of Waiaka Bridge and Realignment of Approaches Project Waimea, Lalamilo, and Keanuiomano Ahupua‘a, South Kohala District, Hawaii Island* TMKs: (3) 6-5-001:015 (por.); (3) 6-5-001:003 (por.), (3) 6-6-001:011, (3) 6-6-004:099 (Kawaihae Road Right-of-Way), (3) 6-6-009:000 (Kohala Mountain Road Right-of-Way) and (2) 3-3-010:999 (Lower Waiehu Beach Road ROW) by the State of Hawaii Department of Transportation (HDOT, July 2025) in support of the subject HDOT Kawaihae Road Replacement of Waiaka Bridge and Realignment of Approaches project. The revised AMP was received by SHPD on July 17, 2025 (HICRIS Submission No. 2021PR00849.013). In a letter dated June 27, 2025 (Doc. No. 2506NM08), SHPD concurred with the integrity and significance for State Inventory of Historic Places (SIHP) Site 50-10-06-29221 and with SIHP Site 50-10-06-023313 not being significant. Additionally, SHPD concurred with HDOT’s project effect determination of “Effect, with proposed mitigation commitments” and agreed with archaeological monitoring for all ground disturbing activities for the proposed project, pursuant to HRS §6E-8. A history of the project SHPD correspondence and prior archaeology is included in HICRIS Project No. 2021PR00849.

The proposed HDOT project will receive coordination and funding from the United States Department of Transportation, Federal Highway Administration (FHWA) and is therefore a federal undertaking as defined in 36 CFR 800.16(y); the FHWA determined the proposed project is subject to compliance with Section 106 of the National Historic Preservation Act (NHPA). Pursuant to the Programmatic Delegation of Authority (May 2016), the FHWA delegated Section 106 consultation to HDOT. In a letter dated February 28, 2025 (Doc. No. 2502JP01), the State Historic Preservation Officer (SHPO) concurred with the FHWA determination that the effects of the proposed undertaking will have an *adverse effect* on Waiaka Stream Bridge, SIHP Site 50-10-06-29221 and the SHPO looked forward to consulting with FHWA on a Memorandum of Agreement (MOA) to identify appropriate mitigation for the effect. An MOA titled, *Memorandum of Agreement Among the Federal Highway Administration, The Hawaii State Historic Preservation Officer, and the State of Hawaii Department of Transportation Regarding the Replacement of*

Henry Kennedy
August 15, 2025
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Waiaka Bridge and the Realignment of Approaches Project Federal-Aid Project No. BR-NH-019-1(045) Lalamilo and Keanuiomano Ahupuaa, Kohala Moku, Hawaii Island, State of Hawaii was executed May 20, 2025 to mitigate adverse effects caused by the demolition of the Waiaka Stream Bridge (SHIP Site 50-10-06-29221). The MOA stipulates that Historic American Engineering Record (HAER) documentation of the bridge will occur, and interpretive signage will be created and erected to commemorate the original bridge.

The proposed project includes replacing the existing Waiaka Bridge, located at mile marker 58.88 along Kawaihae Road (State Route 19), in accordance with the design guidelines of the American Association of State Highway Transportation Officials, as adopted by the HDOT for Hawai‘i highway projects. The replacement bridge will accommodate two travel lanes, a shoulder/bike lane, and a raised sidewalk. The approaches will be realigned for a smooth transition to the replacement bridge as well as a roundabout reconfiguration at the Kawaihae Road and Kohala Mountain Road (State Route 250) intersection. In all, the undertaking will consist of the following:

- Bridge Replacement: The existing 38 feet long by 26 feet wide with a 3-foot pedestrian walkway bridge will be replaced with an approximately 80 feet long by 53 feet wide bridge. The replacement bridge will include two 12-foot-wide travel lanes and a raised concrete shared-use path.
- Realignment of Approaches: The realignment of approaches will affect a section of Kawaihae Road and Kohala Mountain Road. The realignment will extend beyond the existing right-of-way and will require land acquisition from adjacent landowners.
- Intersection Improvements: The intersection improvements will include a one-lane roundabout.
- Temporary Bypass Bridge and Road: A temporary bypass bridge and road will be constructed to ensure continuous vehicular use during construction activities.

The HDOT (July 2025) AMP meets the requirements of HAR §13-279-4. **It is accepted.** Please send one hard copy of the document, clearly labeled Final, along with a text-searchable PDF copy of the document and a copy of this letter to the SHPD Kapolei office, Attn. SHPD Library and one hard copy of the document, clearly marked Final, and a copy of this acceptance letter to the Hilo SHPD office, attention Nicole Mello. Please also submit a text-searchable pdf copy of the Final AMP to HICRIS Project No. 2021PR00849 in response to the request and a text-searchable pdf copy of the AMP to SHPD.Archaeology.Library@hawaii.gov

SHPD hereby notifies HDOT that the AMP has been accepted and the MOA has been executed, and the project initiation process may continue.

SHPD requests written notification from the HDOT via email and HICRIS at the start of archaeological monitoring. Within 30 days of completion of archaeological monitoring fieldwork, SHPD looks forward to receiving a brief archaeological monitoring letter report of findings as specified in HAR §13-282-3(f)(1). Within 60 days of the completion of archaeological monitoring field work, SHPD looks forward to receipt of an archaeological monitoring report (AMR) meeting the requirements of HAR §13-279-5 for review and acceptance.

Please submit the AMR and associated review fee and any other project documents and correspondence to HICRIS Project No. 2021PR00849 in response to the request.

The HDOT and the FHWA are the offices of record for this undertaking. Please maintain a copy of this letter with your environmental review record for this undertaking.

Please contact Mary Kodama, Architecture Branch Chief at Mary.Kodama@hawaii.gov, for matters regarding architectural resources, and please contact Nicole A. Mello, Hawai‘i Island Archaeologist IV, at Nicole.Mello@hawaii.gov, for any questions or concerns regarding archaeological resources or this letter.

Sincerely,



Dawn N. S. Chang, Esq.
DLNR Chairperson
State Historic Preservation Officer

Henry Kennedy
August 15, 2025
Page 3

cc: Matthew Walker, Matthew.Walker1@dot.gov
Meesa Otani, Meesa.Otani@dot.gov
Andrew J. Hirano, Andrew.J.Hirano@hawaii.gov
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Dean Uyeno, Dean.D.Uyeno@hawaii.gov

STREAM CHANNEL ALTERATION PERMIT STANDARD CONDITIONS
(Revised December 15, 2020)

1. The permit application and staff submittal approved by the Commission at its meeting on the above date shall be incorporated herein by reference.
2. The project may require other agency approvals regarding wetlands, water quality, grading, stockpiling, endangered species, and floodways. The permittee shall comply with all other applicable statutes, ordinances, and regulations of the Federal, State and county governments, including, but not limited to, instream flow standards.
3. The permittee, his successors, assigns, officers, employees, contractors, agents, and representatives, shall indemnify, defend, and hold the State of Hawaii harmless from and against any claim or demand for loss, liability, or damage including claims for property damage, personal injury, or death arising out of any act or omission of the permittee or his successors, assigns, officers, employees, contractors, and agents under this permit or related to the granting of this permit.
4. The permittee shall notify the Commission, by letter, of the actual dates of project initiation and completion. The permittee shall submit a set of as-built plans and photos in pdf format of the completed work to the Commission upon completion of this project. This permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The proposed work under this stream channel alteration permit shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Commission upon showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Commission no later than three (3) months prior to the date the permit expires. If the commencement or completion date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.
5. Before proceeding with any work authorized by the Commission, the permittee shall submit one set of construction plans and specifications in PDF format to determine consistency with the conditions of the permit and the declarations set forth in the permit application.
6. The permittee shall implement site-specific, construction Best Management Practices in consultation with the DOH Clean Water Branch and other agencies as applicable, that are designed, implemented, operated, and maintained by the permittee and its contractor to properly isolate and confine activities and to contain and prevent any potential pollutant(s) discharges from adversely impacting State waters per HRS Ch. 342D Water Pollution; HAR §11-54-1 through §11-54-8 Water Quality Standards; and HAR Ch. 11-55 Water Pollution Control, Appendix C.
7. The permittee shall protect and preserve the natural character of the stream bank and stream bed to the greatest extent possible. The permittee shall plant or cover lands denuded of vegetation as quickly as possible to prevent erosion and use native plant species common to riparian environments to improve the habitat quality of the stream environment.
8. In the event that subsurface cultural remains such as artifacts, burials or deposits of shells or charcoal are encountered during excavation work, the permittee shall stop work in the area of the find and contact the Department's Historic Preservation Division immediately. Work may commence only after written concurrence by the State Historic Preservation Division.

LEGAL AUTHORITIES

Water as a Public Trust. The four public trust purposes are:

1. Maintenance of waters in their natural state;
2. Domestic water use of the general public, particularly drinking water;
3. The exercise of Native Hawaiian and traditional and customary rights, including appurtenant rights. *Waiahole I*, 94 Hawaii 97; 9 P.3d 409 (2000).
4. Reservations of water for use on Hawaiian home lands. *Waiola O Molokai, Inc.*, 103 Hawaii 401; 83 P.3d 664 (2004).

Activities on undeveloped lands. *Public Access Shoreline Hawaii v. Hawaii County Planning Commission (PASH I)*. 79 Hawaii 246 (1993).

HRS §174C-71 Protection of instream uses. The commission shall establish and administer a statewide instream use protection program. In carrying out this part, the commission shall cooperate with the United States government or any of its agencies, other state agencies, and the county governments and any of their agencies. In the performance of its duties the commission shall:

- (2) Establish interim instream flow standards;
 - (D) In considering a petition to adopt an interim instream flow standard, the commission shall weigh the importance of the present or potential instream values with the importance of the present or potential uses of water for non-instream purposes, including the economic impact of restricting such uses;
- (3) Protect stream channels from alteration whenever practicable to provide for fishery, wildlife, recreational, aesthetic, scenic, and other beneficial instream uses;
 - (A) The commission shall require persons to obtain a permit from the commission prior to undertaking a stream channel alteration; provided that routine streambed and drainageway maintenance activities and maintenance of existing facilities are exempt from obtaining a permit;
 - (C) The commission shall establish guidelines for processing and considering applications for stream channel alterations consistent with section 174C-93;

HAR §13-169-2 Definitions.

“Channel alteration” means to obstruct, diminish, destroy, modify, or relocate a stream channel; to change the direction of flow of water in a stream channel; to place any material or structures in a stream channel; or to remove any material or structures from a stream channel.

“Stream channel” means a natural or artificial watercourse with a definite bed and banks which periodically or continuously contains flowing water.

HAR §13-169-46 Interim instream flow standard for Hawaii. The Interim Instream Flow Standard for all streams on Hawaii, as adopted by the commission on water resource management on June 15, 1988, shall be that amount of water flowing in each stream on the effective date of this standard, and as that flow may naturally vary throughout the year and from year to year without further amounts of water being diverted offstream through new or expanded diversions, and under the stream conditions existing on the effective date of the standard.

HAR §13-169-50 Permit required. (a) Stream channels shall be protected from alteration whenever practicable to provide for fishery, wildlife, recreational, aesthetic, scenic, and other beneficial instream uses. No stream channel shall be altered until an application for a permit to undertake the work has been filed and a permit is issued by the commission; provided that routine streambed and drainageway maintenance activities and maintenance of existing facilities are exempt from obtaining a permit.

HAR §13-169-52 Criteria for ruling on application. (a) The commission shall act upon an application within ninety calendar days after acceptance of the application.

(b) Based upon the findings of fact concerning an application for a stream channel alteration permit, the commission shall either approve in whole, approve in part, approve with modifications, or reject the application for a permit.

(c) In reviewing an application for a permit, the commission shall cooperate with persons having direct interest in the channel alteration and be guided by the following general considerations:

- (1) Channel alterations that would adversely affect the quantity and quality of the stream water or the stream ecology should be minimized or not be allowed.
- (2) Where instream flow standards or interim instream flow standards have been established pursuant to subchapters 3 and 4, no permit shall be granted for any channel alteration which diminishes the quantity or quality of stream water below the minimum established to support identified instream uses, as expressed in the standards.
- (3) The proposed channel alteration should not interfere substantially and materially with existing instream or non-instream uses or with channel alterations previously permitted.

(c) Notwithstanding subparagraph (b) above, the commission may approve a permit pursuant to subparagraph (a) above in those situations where it is clear that the best interest of the public will be served, as determined by the commission.

HAR §13-169-53 Term of permit. (a) Every permit approved and issued by the commission shall be for a specified period, not to exceed two years, unless otherwise specified in the permit.