

August 25, 2009

Mr. Anthony J. H. Ching, Executive Director  
Hawaii Community Development Authority  
677 Ala Moana Boulevard, Suite 1001  
Honolulu, Hawaii 96813

Dear Mr. Ching:

Subject: Section 4(f) Coordination for *De Minimis* Impact Finding  
Future Queen Street Park  
Honolulu High-Capacity Transit Corridor Project

Section 4(f) of the U.S. Department of Transportation Act of 1966 (23 U.S.C. 138 and 49 U.S.C. 303) requires that the proposed use of land from a publicly-owned parkland, recreation area, wildlife and/or waterfowl refuge, or any significant historic or archaeological site, as part of a federally funded or approved transportation project, is permissible only if there is no feasible and prudent alternative to the use. Section 6009 (a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) allows the Federal Transit Administration (FTA) to determine that certain transportation uses of Section 4(f) land will have no adverse effect on the protected resource. With respect to publicly-owned parklands and recreational areas, a finding of a *de minimis* impact may occur if the transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). If this is the case, the *de minimis* finding requires written concurrence from the official(s) with jurisdiction over the resource. In addition, public notice and opportunity for public review and comment on the finding is required.

The FTA and the City and County of Honolulu Department of Transportation Services (DTS) are preparing the Final Environmental Impact Statement (EIS) for the Honolulu High-Capacity Transit Corridor Project's preferred alternative - the Airport Alignment (the Project), which addresses mobility and accessibility issues in the corridor between East Kapolei and Downtown Honolulu. The Project is a 20-mile fixed guideway rail project that will provide high capacity transit service through this corridor. During the Alternative Analysis phase of the project, several alignments were evaluated either through or mauka of

Kaka'ako. Consistent with a request from the Hawaii Community Development Authority (HCDA) to select an alignment that would best serve Kaka'ako, the City selected the most makai of the alignments that were considered in the Alternatives Analysis phase of the project. Other considered alignments included Kawaiha'ō Street, Waimanu Street, and South King Street. Both the Kawaiha'ō Street and Waimanu Street options would have required more acquisition of commercial properties than the selected Halekauwila Street to Queen Street option. As a result, the Queen Street alignment option was selected.

The selection of this alternative, which followed the public comment period of the Draft EIS took into consideration its ability to achieve Project goals and minimize adverse impacts to social, economic and environmental conditions. As discussed during our consultation with your agency, the Project would impact the future Queen Street Park with its use of approximately 100 square feet of land from the planned two-acre park on the mauka side of the street for a guideway support column. The Project would have no impact to the portion of the park on the makai side of Queen Street.

The direct impact to the Queen Street Park parcel is limited to the construction of the column (approximately 100 sq. ft.) on the mauka side of Queen Street within the park. To mitigate project use of the parkland and enhance the pedestrian experience in the park, the City will replace the existing street-side sidewalk with a planting strip and construct a new meandering sidewalk that will be incorporated into the proposed future park. The guideway design has been developed in close consultation with your agency to minimize impact to the use of the park.

We request your concurrence that the Project will not adversely affect the activities, features, or attributes of the Queen Street Park. Upon your written agreement, the DTS intends to propose a *de minimis* impact finding to the FTA for the use of the park property in the Final EIS. The *de minimis* finding was disclosed in the Draft EIS for public comment on the proposed impact. If you agree with this finding, please indicate your concurrence by signing on the signature lines below.

Thank you, in advance, for your assistance regarding this request. If you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,

WAYNE Y. YOSHIOKA  
Director

Concur:

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Mr. Anthony J. H. Ching  
HCDA Executive Director

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Date