



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

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

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DEC 15 2009

Mr. John M. Fowler, Executive Director
Attention: Ms. Blythe Semmer, Program Analyst
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

Ms. Laura H. Thielen, State Historic Preservation Officer
Attention: Ms. Nancy McMahon, Deputy State Historic Preservation Officer
State Historic Preservation Division
Department of Land and Natural Resources
Kakuhihewa Building
601 Kamokila Blvd., Suite 555
Kapolei, Hawai'i 96707

RE: Honolulu High-Capacity Transit
Corridor Project - Section 4(f)
de minimis Determination

Dear Mr. Fowler and Ms. Thielen:

Pursuant to 23 U.S.C. 138 and 49 U.S.C. 303 (hereinafter, "Section 4(f)") and its implementing regulations codified at 23 C.F.R. part 774, the Federal Transit Administration ("FTA") is transmitting this letter to notify your agency of its intent to make the Section 4(f) *de minimis* impact determinations identified below.

Section 4(f) implementing regulations are codified at 23 C.F.R. part 774. Implementing regulations for Section 106 of the National Historic Preservation Act of 1966 are codified at 36 C.F.R. part 800. Under 23 C.F.R. § 774.5(b)(1)(i), if the FTA intends to make a *de minimis* impact determination, the FTA must consult with consulting parties identified in accordance with 36 C.F.R. part 800. Under 23 C.F.R. § 774.5(b)(1)(ii), the FTA must obtain written concurrence from the State Historic Preservation Officer ("SHPO") and the Advisory Council on Historic Preservation ("ACHP") in a finding of "no adverse effect" or "no historic properties affected" in accordance with 36 C.F.R. part 800. The FTA must inform SHPO and ACHP of its intent to make a *de minimis* impact determination based on their concurrence in the finding of "no adverse effect" or "no historic properties affected." According to 23 C.F.R. § 774.5(b)(1)(iii), "public notice and comment, beyond that required by 36 C.F.R. part 800, is not required."

SHPO's finding of "no adverse effect" or "no historic properties affected" was memorialized in its correspondence to the City and County of Honolulu Department of Transportation Services on July 22, 2009 (hereinafter, "SHPO's Letter").

The FTA hereby notifies SHPO and ACHP of its intent to make Section 4(f) de minimis impact determinations on the following two historic properties that were determined by SHPO's Letter to have a no adverse effect under Section 106:

- Boulevard Saimin
- O'ahu Railway & Land Co. Basalt Paving Blocks and Former Filling Station

Please contact Mr. Ted Matley at (415) 744-2590 should you have any questions.

Sincerely,



Leslie T. Rogers
Regional Administrator