



IN REPLY REFER TO:
CMS-APOOENV-00289

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas
EXECUTIVE DIRECTOR AND CEO

BOARD OF DIRECTORS

Ivan M. Lui-Kwan, Esq.
CHAIR

Donald G. Horner
VICE CHAIR

George I. Atta
Robert Bunda
Michael D. Formby
William "Buzz" Hong
Keslie W.K. Hui
Damien T.K. Kim
Glenn M. Okimoto, Ph.D.
Carrie K.S. Okinaga, Esq.

August 29, 2013

Ms. Nicki Thompson, Acting Administrator
State Historic Preservation Division
Department of Land and Natural Resources
Kakuhihewa Building
601 Kamokila Boulevard, Suite 555
Kapolei, Hawaii 96707

Dear Ms. Thompson:

Subject: Honolulu Rail Transit Project (H RTP) Interim Protection Plan (IPP)

Pursuant to Sections 13-275-9(d) and 13-284-9(d) of the Hawaii Administrative Rules, the Honolulu Authority for Rapid Transportation (HART) is requesting "an accelerated 2-step verification of the detailed mitigation plan" so that construction may timely proceed in accordance with the rules. Enclosed is the revised IPP that incorporates State Historic Preservation Division's (SHPD's) comments.

The IPP stipulates that HART will direct the City Center final designers not to allow any construction in City Center until an Archaeological Monitoring Plan is approved by SHPD. Letters to the City Center final designers (AECOM and Perkins+Will) with this direction were sent on August 28, 2013. Enclosed are the date-stamped copies of those letters documenting that the interim protective measures as outlined in the IPP have been successfully completed.

Accordingly, we request your agreement that construction may proceed in accordance with the previously approved historic preservation documents. Pursuant to the administrative rules, SHPD's agreement will satisfy Step 1 of the 2-step verification process [HAR 13-275-9(d) and 13-284-9(d)] and will allow H RTP construction to proceed. HART fully understands that it must complete Step 2 to conclude the historic preservation process.

Ms. Nicki Thompson, Acting Administrator
Page 2
August 29, 2013

Your favorable response to this request will be greatly appreciated. If you have any questions, please do not hesitate to contact Faith Miyamoto, Chief Planner, at 768-8350 or fmiyamoto@honolulu.gov.

Sincerely,



Daniel A. Grabauskas
Executive Director and CEO

Enclosures: Revised IPP
Letter to AECOM re: IPP
Letter to Perkins+Will re: IPP

cc: Ms. Pua Aiu, DLNR
Ms. Faith Miyamoto, HART
Ms. Elizabeth Scanlon, HART
Ms. Barbara Gilliland, PB

Interim Protection Plan for the Honolulu High-Capacity Transit Corridor Project

**Prepared on behalf of
PB Americas, Inc.**

**Prepared for
The Federal Transit Administration
and
The City & County of Honolulu, Honolulu Authority for Rapid Transportation (HART)**

**Prepared by
Cultural Surveys Hawai'i, Inc.
Hallett H. Hammatt Ph.D. and David W. Shideler M.A.
and
HART**

**Cultural Surveys Hawai'i, Inc.
Kailua, Hawai'i
(Job Code: HONOLULU 40)**

29 August 2013

**O'ahu Office
P.O. Box 1114
Kailua, Hawai'i 96734
Ph.: (808) 262-9972
Fax: (808) 262-4950**

www.culturalsurveys.com

**Maui Office
1860 Main St.
Wailuku, Hawai'i 96793
Ph: (808) 242-9882
Fax: (808) 244-1994**

Table of Contents

Section 1 Introduction 1
Section 2 Project Description..... 1
Section 3 Statutory/Legal Authority 5
Section 4 Interim Protection Measures..... 7

List of Figures

Figure 1. HHCTCP by Construction Sections, showing station locations2
Figure 2. USGS map of locations of the eight City Center archaeological historic properties8

List of Tables

Table 1. All sites, mitigation recommendations and mitigation status for the HHCTCP AIS3

Section 1 Introduction

Cultural Surveys Hawai'i, Inc. (CSH) assisted the Honolulu Authority for Rapid Transportation (HART) of the City and County of Honolulu (City) in the preparation of this Interim Protection Plan (IPP) for the Honolulu High-Capacity Transit Corridor Project (HHCTCP). This document was prepared for HART and the Federal Transit Administration (FTA), and on behalf of PB Americas, Inc. (PB). As outlined below, its overall purpose is to support the HHCTCP's State of Hawai'i historic preservation review compliance, and to offer additional protection to cultural resources, while resuming construction in Sections 1 and 2 (West O'ahu/Farrington Highway to Kamehameha Highway).

Section 2 Project Description

The HHCTCP's purpose is to provide high-capacity rapid transit in the highly congested east-west transportation corridor between Kapolei and Ala Moana Center via a fixed guideway rail transit system (Figure 1). FTA and the City will fund project construction. The HHCTCP is a 20-mile, mostly elevated, rail system that features modern, electric, steel-wheel trains. The route begins at East Kapolei, and proceeds via Farrington Highway and Kamehameha Highway (adjacent to Pearl Harbor), to the Airport and Ualena Street, then runs along Dillingham Boulevard, to Nimitz Highway, to Halekauwila Street, and ends at Ala Moana Center. Only the portion in proximity to the Leeward Community College will be at-grade (in an exclusive right-of-way). The 21 stations included in the project are:

- East Kapolei at Kroc Center
- UH West O'ahu
- Ho'opili
- West Loch
- Waipahu Transit Center
- Leeward Community College
- Pearl Highlands
- Pearlridge
- Aloha Stadium
- Pearl Harbor Naval Base
- Honolulu International Airport
- Lagoon Drive
- Middle Street Transit Center
- Kalihi
- Kapālama
- Iwilei
- Chinatown
- Downtown
- Civic Center
- Kaka'ako
- Ala Moana Center

In addition to the guideway and transit stations, the project will require the construction of supporting facilities, including the following: a maintenance and storage facility located near Leeward Community College, park-and-ride facilities with more than 3,000 parking spaces, transit centers, and as many as 13 traction power substations.

The HHCTCP corridor is divided into four sections (refer to Figure 1). From west to east these are the following: Section 1, West-O'ahu/Farrington Highway, extending from East Kapolei to approximately Leeward Community College; Section 2, Kamehameha Highway, extending from Leeward Community College to Aloha Stadium; Section 3, Airport, extending from Aloha Stadium to approximately the Middle Street Interchange; and, Section 4, City Center, extending from Middle Street to Ala Moana Center.



Figure 1. HHCTCP by Construction Sections, showing station locations

This IPP is based on the project's on-going historic preservation review process, through which all four project sections have SHPD-accepted archaeological inventory surveys (AIS) that describe the archaeological historic properties in the project area of potential effect (APE), the project's potential effect on these historic properties, and mitigation measures that will mitigate the project's effect on these historic properties. The AIS report for the entire project has been accepted by SHPD.

Based on the completed AIS investigations for all four HHCTCP Sections, twenty-three archaeological resources were documented, one of which was ineligible for either state or federal registers. Of these 23, nine archaeological historic properties have been identified project-wide for archaeological data recovery in the AIS Report, one in Section 1 and eight in Section 4. All sites, mitigation recommendations and mitigation statuses are summarized in Table 1. Data recovery fieldwork has been completed for the one archaeological historic property in Section 1 (State Inventory of Historic Places [SIHP] # 50-80-09-7751). A letter documenting the completed data recovery fieldwork was submitted to the SHPD for their review and approval, and approval has been received. The eight remaining properties identified for data recovery in Section 4 (**Error! Reference source not found.**), will be the subject of the forthcoming City Center archaeological data recovery plan.

Table 1. All sites, mitigation recommendations and mitigation status for the HHCTCP AIS

Section and SIHP#	Description/Formal Type	Significance/Eligibility		Mitigation	Status of Mitigation
		Hawai'i Register (13-275-6 (b) criteria)	National Register (36 CFR 60.4 criteria)		
Section 1					
50-80-09-7751	Subsurface lo'i sediments	D	D	Data Recovery	Complete, End of Fieldwork letter accepted
Section 2					
50-80-09-7150	Former ponded taro fields	D	D	Monitoring	Monitoring plan accepted
Section 3					
50-80-13-7420	Buried asphalt roadway	D	D	Monitoring	Monitoring plan pending, will precede construction.
80-80-13-7421	Buried concrete slabs, coral pavement and base course sections	D	D	Monitoring	Monitoring plan pending, will precede construction.
Section 4					
50-80-14-7425	Subsurface <i>imu</i> (earth oven) feature	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-7426	Subsurface wetland deposit	D	D	Monitoring	Monitoring plan pending, will precede construction.

Section and SIHP#	Description/Formal Type	Significance/Eligibility		Mitigation	Status of Mitigation
		Hawai'i Register (13-275-6 (b) criteria)	National Register (36 CFR 60.4 criteria)		
50-80-14-7506	Subsurface incinerated trash deposit	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-5368	Subsurface remnants of Kūwili Fishpond	D	D	Monitoring	Monitoring plan pending, will precede construction.
50 80-14-5966	Kawa Fishpond – sediments not found because trench abandoned	D	D	Data Recovery, Monitoring	Monitoring plan pending, will precede construction. Data recovery plan pending.
50-80-14-7427	Subsurface historic building foundations and walls and underlying culturally enriched sediments, also one human talus bone in a fill deposit	D, E	D	Monitoring, Data Recovery, and Burial Treatment	Monitoring plan pending, will precede construction. Data recovery and burial treatment plans pending.
50-80-14-7428	Subsurface culturally-enriched sand A-horizon (T-120, T-120A, and T-120B) and historic warehouse foundation (T-119 and T-119A)	D	D	Data Recovery and monitoring of sand A-horizon (T-120, 120A, and 120B), monitoring for historic foundation (T-119 and 119A)	Monitoring plan pending, will precede construction. Data recovery plan pending.
50-80-14-2963	Subsurface pond sediments containing historic artifacts, culturally-enriched sand A-horizon, also includes 7 human burials as described in the adjacent Makai Parking Garage monitoring report	D, E	D	Monitoring for pond sediments, data recovery and monitoring for culturally- enriched sand A-horizon	Monitoring plan pending, will precede construction. Data recovery plan pending.
50-80-14-7124	Subsurface historic building remnants	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-7189	Subsurface fill layer containing burnt historic trash from open burning	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-7190	Subsurface salt pan remnants	D	D	Data Recovery, Monitoring	Monitoring plan pending, will precede construction. Data recovery plan pending.

Section and SIHP#	Description/Formal Type	Significance/Eligibility		Mitigation	Status of Mitigation
		Hawai'i Register (13-275-6 (b) criteria)	National Register (36 CFR 60.4 criteria)		
50-80-14-7197	Subsurface culturally-enriched sand A-horizon	D	D	Monitoring; Not observed in current AIS, but potentially affected by project construction due to close proximity	Monitoring plan pending, will precede construction.
50-80-14- 5820	Human skeletal remains/burials and subsurface culturally enriched sand A-horizon	D, E	D	Data Recovery, Monitoring, Burial Treatment Plan	Monitoring plan pending, will precede construction. Data recovery and burial treatment plans pending.
50-80-14-7429	Subsurface culturally-enriched sand A-horizon and human cranial Fragment in T-170	D, E	D	Data Recovery, Monitoring, Burial Treatment	Monitoring plan pending, will precede construction. Data recovery and burial treatment plans pending.
50-80-14-6856	Subsurface remnants of Kolowalu Fishpond	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-6636	Subsurface remnants of the former Kewalo wetland	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-7430	Subsurface remnant of a historic privy	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-7193	Subsurface historic refuse-enriched fill deposit	Ineligible	Ineligible	NA	N/A
50-80-14-2918	Subsurface culturally-enriched sand A-horizon with human skeletal remains/burials, also includes iron historic trolley or cart tracks	D, E	D	Data Recovery, Monitoring, Burial Treatment	Monitoring plan pending, will precede construction. Data recovery and burial treatment plans pending.

Section 3 Statutory/Legal Authority

This IPP is provided pursuant to the following Hawai'i Revised Statutes (HRS) and Hawai'i Administrative Rules (HAR):

- HRS § 6E: Historic Preservation. Including, but not limited to the following sections:
 - o HRS § 6E-8: Review of effect of proposed state projects

- o HRS § 6E-42: Review of proposed projects
- HAR § 13-275: Procedures for Historic Preservation Review for Governmental Project Covered under Sections 6E-7 and 6E-8, HRS. Including, but not limited to, the following sections:
 - o HAR § 13-275-3: Obtaining a determination letter; generally
 - o HAR § 13-275-9: Verification of completion of the detailed mitigation plan
- HAR § 13-277: Rules Governing Requirements for Archaeological Site Preservation and Development. Including, but not limited to, the following sections:
 - o HAR § 13-277-4: Buffer zones
 - o HAR § 13-277-5: Interim protection measures
- HAR §13-284: Procedures for Historic Preservation Review to Comment on Section 6E-42, HRS, Projects. Including, but not limited to, the following sections:
 - o HAR § 13-284-3: Conducting a historic preservation review; generally
 - o HAR § 13-284-9: Verification of completion of the detailed mitigation plan

In addition, the Supreme Court of Hawai'i stated that "the rules permit a project to commence where an "interim protection plan is in place... [I]t is apparent that an interim protection plan is a form of mitigation that, under the sequential approach of the rules, can be developed only after an AIS has been completed." *Kaleikini v. Yoshioka*, 128 Hawaii 53, 57, 283 P.3d 60, 64 (2012). The AIS for the entire Project has been completed. See also id. at 76 n.31, 283 P.3d. at 83 n.31 (explaining that "[a]lthough HAR § 13-284-3(a) is worded in the conjunctive, the additional insertion of the word 'any' appears to suggest that the intent was not to require both an interim protection plan and data recovery fieldwork. This makes sense since there could be projects where, for example, an interim protection plan would be adequate to protect existing burials from damage during construction and, therefore, there would be no need to recover data from those burial sites since they would presumably remain intact."

Per HAR §13-275-9(d) and §13-284-9(d): In cases involving preservation, archaeological data recovery, or architectural recordation, the agency (HART) has the option to request an accelerated, two-step verification, understanding that construction projects often need to proceed rapidly and that a completion report is often finished months after fieldwork is completed. Step 1: The agency shall submit documentation to the SHPD indicating that data recovery fieldwork, recordation, or interim protection measures for properties to be preserved have been successfully completed. The SHPD writes a letter within thirty days to the agency agreeing and stating construction may proceed, with the understanding that Step 2 (submittal of a completion report for the data recovery work, architectural recordation, or final preservation work at a future date) must be completed to conclude the historic preservation process.

Section 4 Interim Protection Measures

Given the recommendations in the respective SHPD-accepted AIS reports, no project construction work can begin between approximately Halawa Stream to Pu'uhale Road (Airport - Section 3) and from Pu'uhale Road to Ala Moana Center (City Center - Section 4) until the archaeological monitoring plans are accepted by SHPD. Subsequent to approval of this IPP, HART will direct the City Center final designers not to allow any construction in City Center until an Archaeological Monitoring Plan (AMP) is accepted by SHPD. This provides the maximum buffer zone to cultural resources. Verification of this transmittal will serve to satisfy Step 1. Further protection will be agreed upon in the project's City Center AMP, Data Recovery Plan and Burial Treatment Plan by including appropriate use of buffer zones and interim protection measures as necessary, and as outlined in the HAR listed above.

Upon verification by SHPD that this IPP has been implemented (and subsequent permitting procedures), the HHCTCP construction can proceed in the following sequence:

- 1) Construction can begin in Section 1 (West O'ahu/Farrington Highway). HART has included an on-call monitoring program for this section. Cultural Monitors will coordinate with archaeological monitors.
- 2) Construction can begin in Section 2 (Kamehameha Highway) pursuant to the SHPD-accepted AMP for this section. Cultural Monitors will coordinate with archaeological monitors.
- 3) Construction can begin in Section 3 (Airport) only after a SHPD-accepted AMP is in place. As above, Cultural Monitors will coordinate with archaeological monitors. No data recovery is necessary in Section 3.
- 4) Construction can begin in Section 4 only after a SHPD-accepted AMP is in place. The AMP will include commitments to appropriate construction buffers and other protection measures around data recovery sites. Construction would not begin within these buffers until SHPD accepts a data recovery plan and End of Fieldwork letter. As above, Cultural Monitors will coordinate with archaeological monitors. Additional limitations on construction may arise as a result data recovery excavations and a future Burial Treatment Plan.

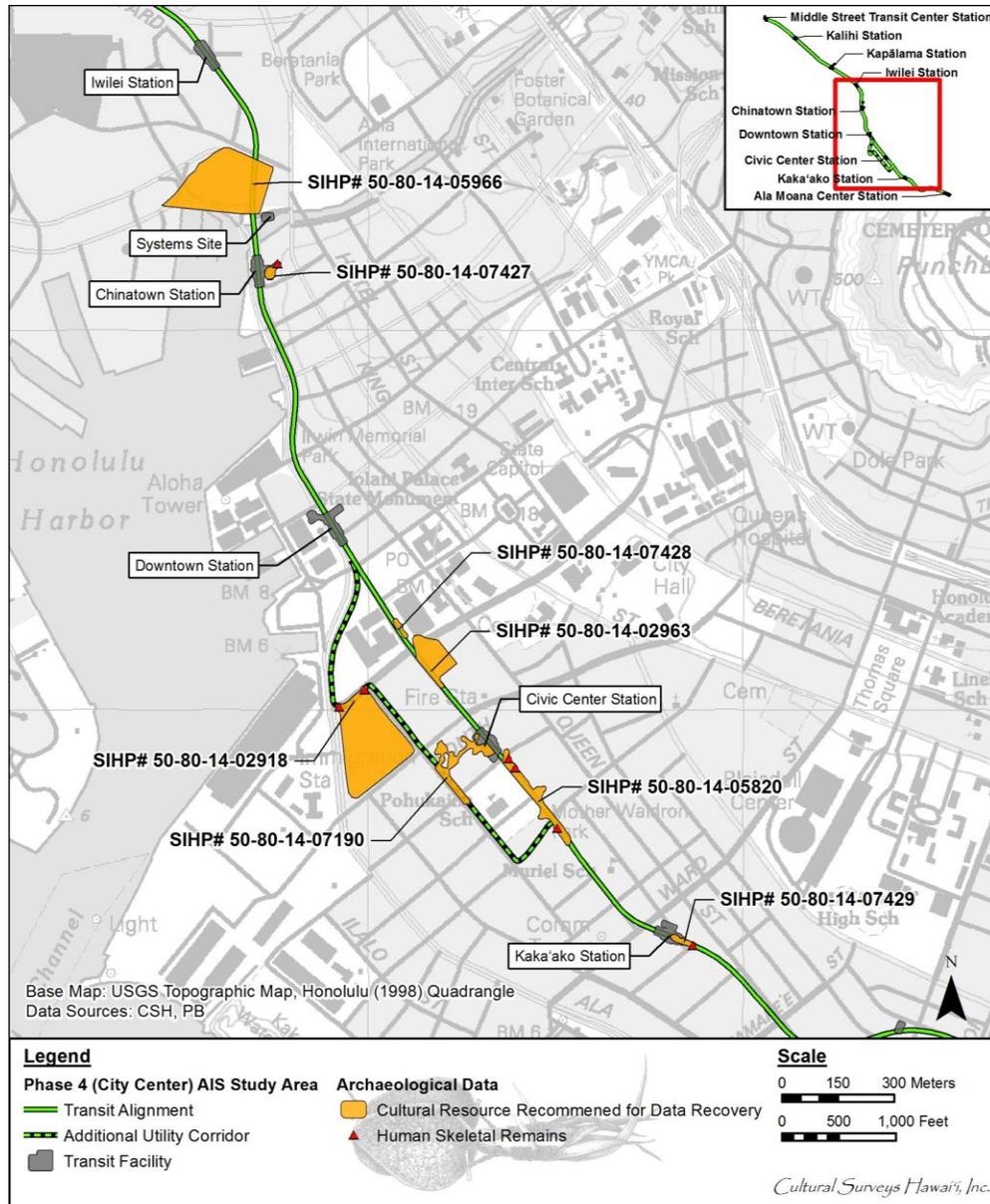


Figure 2. USGS map of locations of the eight City Center archaeological historic properties



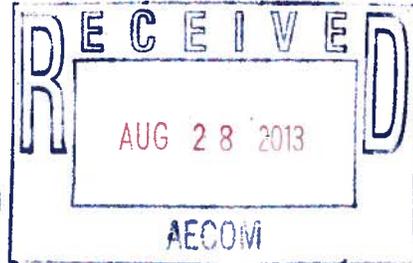
IN REPLY REFER TO:
CMS-APO0ENV-00287

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas
EXECUTIVE DIRECTOR AND CEO

August 28, 2013

Brian W. Dodson, Project Manager
AECOM Technical Services, Inc.
1001 Bishop Street, Suite 1600
Honolulu, Hawaii 96813



BOARD OF DIRECTORS

Ivan M. Lui-Kwan, Esq.
CHAIR

Donald G. Horner
VICE CHAIR

George I. Atta
Robert Bunda
Michael D. Formby
William "Buzz" Hong
Kestie W.K. Hui
Damien T.K. Kim
Glenn M. Okimoto, Ph.D.
Carrie K.S. Okinaga, Esq.

Dear Mr. Dodson:

Subject: Honolulu Rail Transit Project (H RTP) Interim Protection Plan (IPP)

This letter is to inform you that HART has completed the Archaeological Inventory Survey process with the State Historic Preservation Division (SHPD). As part of that process, an Interim Protection Plan (IPP) has been issued for the project.

The IPP prohibits project construction work in the Airport Construction Section 3 and City Center Construction Section 4 until HART provides a SHPD-approved archaeological monitoring plan (AMP) for each Section. The IPP stipulates that construction can begin in Airport Construction Section 3 only after a SHPD-approved AMP is in place. No data recovery is necessary in Section 3.

Construction can begin in City Center Construction Section 4 only after a SHPD-approved AMP is in place (including commitments to appropriate interim measures). Additional limitations may be forthcoming from data recovery excavations and findings and a forthcoming SHPD-approved Burial Treatment Plan. These efforts could provide additional construction limitations.

Construction bid documents for Sections 3 and 4 must include these limitations on construction, until HART provides additional confirmation of SHPD-approved direction.

If you have any questions please do not hesitate to contact Greg Rapp, Project Manager, at 768-6243 or grapp@honolulu.gov.

Sincerely,

Daniel A. Grabauskas
Executive Director and CEO

cc: Lorenzo Garrido, HART
In-Tae Lee, HART
Greg Rapp, HART

RECEIVED ON 8.28.2013



HART

IN REPLY REFER TO:
CMS-APO0ENV-00288

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas
EXECUTIVE DIRECTOR AND CEO

August 28, 2013

BOARD OF DIRECTORS

Ivan M. Lui-Kwan, Esq.
CHAIR

Donald G. Horner
VICE CHAIR

George I. Atta
Robert Bunda
Michael D. Formby
William "Buzz" Hong
Keslie W.K. Hui
Damien T.K. Kim
Glenn M. Okimoto, Ph.D.
Carrie K.S. Okinaga, Esq.

Rick Piccolo, Project Manager
Perkins+Will
119 Merchant Street, Suite 402
Honolulu, Hawaii 96813

Dear Mr. Piccolo:

Subject: Honolulu Rail Transit Project (H RTP) Interim Protection Plan (IPP)

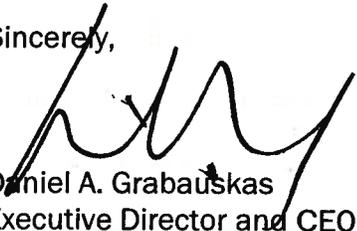
This letter is to inform you that HART has completed the Archaeological Inventory Survey process with the State Historic Preservation Division (SHPD). As part of that process, an Interim Protection Plan (IPP) has been issued for the project.

The IPP prohibits project construction work in the City Center Construction Section 4 until a SHPD-approved archaeological monitoring plan (AMP) is in place (including commitments to appropriate interim measures). Additional limitations may be forthcoming from data recovery excavations and findings and a forthcoming SHPD-approved Burial Treatment Plan. These efforts could provide additional construction limitations.

Construction bid documents for Section 4 must include these limitations on construction, until HART provides additional confirmation of SHPD-approved direction.

If you have any questions please do not hesitate to contact Scott Hansen, Project Manager, at 768-6266 or shansen@honolulu.gov.

Sincerely,



Daniel A. Grabauskas
Executive Director and CEO

cc: Lorenzo Garrido, HART
In-Tae Lee, HART
Scott Hansen, HART

PERKINS
+ WILL

Carsten Stinn, AIA, LEED AP BD+C

119 Merchant Street, Suite 402, Honolulu, HI 96813
t: 808.380.3377 d: 808.380.3375 m: 206.898.6147
e: carsten.stinn@perkinswill.com www.perkinswill.com