From: Bausch, Carl (FTA)
To: Zelasko, Elizabeth (FTA)
Sent: 10/22/2010 2:12:27 AM
Subject: RE: Honolulu Transit Programmatic Agreement

Thanks, Liz

From: Zelasko, Elizabeth (FTA)
Sent: Thu 10/21/2010 6:29 PM
To: Bausch, Carl (FTA)
Subject: RE: Honolulu Transit Programmatic Agreement

Blythe said two weeks for their comments should be sufficient. She is going to review the email that I prepare that goes to the consulting parties to make it clear to them that we are not reopening up the entire PA for discussion. We should share with them key changes and the rational for those changes.

Elizabeth Zelasko
Federal Transit Administration

From: Bausch, Carl (FTA)
Sent: Thursday, October 21, 2010 5:24 PM
To: Zelasko, Elizabeth (FTA)
Subject: FW: Honolulu Transit Programmatic Agreement

Let's wrap this up as quickly as possible, Liz--it has gone on long enough. Thanks. Carl

---

From: Laura.Thielen@hawaii.gov [mailto:Laura.Thielen@hawaii.gov]
Sent: Thu 10/21/2010 3:39 PM
To: Zelasko, Elizabeth (FTA)
Cc: bsemmer@achp.gov; Bausch, Carl (FTA); VanWyk, Christopher (FTA); cvaughn@achp.gov; elaine_jackson-retondo@nps.gov; fmiyamoto@honolulu.gov; Frank_Hays@nps.gov; Jeffrey_Durbin@nps.gov; john.muraoka@navy.mil; Pua.Aiu@hawaii.gov; Marler, Renee (FTA); Sinquefield, Robyn (FTA); Matley, Ted (FTA)
Subject: RE: Honolulu Transit Programmatic Agreement

Aloha Liz and everyone,

SHPD, NPS and ACHP held a call to discuss the most recent draft PA. At this point we think we can circulate our comments on that draft in writing and do not need a conference call. As agreed earlier, we will get our comments to you by Friday, October 29. We will wait to hear back from you after then on whether the group needs to hold a call at that point or if we can finalize the draft PA.

I understand that ACHP has provided you with a letter stating that the final draft should be circulated to the consulting parties for final review and comment prior to signature. I agree with this position, and understand that was the intent during the consultation process. I also understand that some folks may feel the need to change the original intent due to timing and may be pushing to stop that last round of consultation. I believe that would be penny wise and pound foolish.

The draft PA has changed with multiple technical amendments, the two substantial amendments we had requested, and may also change on the third topic we are finalizing now. I think the consulting parties would feel offended if they were not given the courtesy to comment on those changes, especially if they are aware that earlier conversations did intend to run the final draft by

them prior to signature.

The PA requires much ongoing discussion and consultation over the life of the project. I think the ultimate implementation of these PA processes will be smoother if we provide the consulting parties with the courtesy of review and comment on the final draft. If we skip that step, we all will be dealing with a lot of resentment during the implementation, and the constructive results will be diminished.

Accordingly, I recommend once we agree to a final PA, we discuss the most productive and efficient manner of organizing a final review and comment period from the consulting parties, and initiate that process together.

Laura H. Thielen
Chairperson
Department of Land and Natural Resources
(808) 587-0401
laura.thielen@hawaii.gov

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<elizabeth.zelasko@dot.gov>

10/12/2010 10:44 AM

To <Laura.Thielen@hawaii.gov>

cc <bsemmer@achp.gov>, <Carl.Bausch1111@dot.gov>, <Christopher.VanWyk@dot.gov>, <cvaughn@achp.gov>, <elaine_jackson-retondo@nps.gov>, <fmiyamoto@honolulu.gov>, <Frank_Hays@nps.gov>, <Jeffrey_Durbin@nps.gov>, <john.muraoka@navy.mil>, <Pua.Aiu@hawaii.gov>, <Renee.Marler@dot.gov>, <Robyn.Sinquefield@dot.gov>, <Ted.Matley@dot.gov>

Subject RE: Honolulu Transit Programmatic Agreement

Laura,

Thank you for your prompt response. My schedule below was not intended to rush your review. It takes time to schedule a conference call and I was trying to get a sense of whether one is needed earlier than later. Your proposed schedule of a request for a conference call by October 22nd and final comments one week later on October 29th sounds reasonable.

Thank you,

Liz

Elizabeth Zelasko
Federal Transit Administration

From: Laura.Thielen@hawaii.gov [mailto:Laura.Thielen@hawaii.gov]
Sent: Tuesday, October 12, 2010 4:30 PM
To: Zelasko, Elizabeth (FTA)
Cc: bsemmer@achp.gov; Bausch, Carl (FTA); VanWyk, Christopher (FTA); cvaughn@achp.gov; elaine_jackson-retondo@nps.gov; fmiyamoto@honolulu.gov; Frank_Hays@nps.gov; Jeffrey_Durbin@nps.gov; john.muraoka@navy.mil; Pua.Aiu@hawaii.gov; Marler, Renee (FTA); Sinquefield, Robyn (FTA); Matley, Ted (FTA)
Subject: Re: Honolulu Transit Programmatic Agreement

Liz,

I understand the desire to have a quick response. However, it is not possible for SHPO to meet this deadline, and frankly it is a bit unreasonable.

At our last phone conference, over a month ago, we were asked to move quickly. However, it's taken over a month to get us

these revisions.

I am in WesPac meetings and Land Board meetings this week. I have no time to go over these amendments with my staff. Furthermore, I'd like to discuss this with ACHP and NPS before responding.

I would ask we have until Friday, October 22 to respond to the request about a conference call. Final comments should be due one week later if no call is needed; if we ask for a call to discuss, we can determine the deadlines at that call.

Laura H. Thielen
Chairperson
Department of Land and Natural Resources
(808) 587-0401
laura.thielen@hawaii.gov

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<elizabeth.zelasko@dot.gov>

10/12/2010 09:04 AM

To <Pua.Aiu@hawaii.gov>, <Laura.Thielen@hawaii.gov>, <Jeffrey_Durbin@nps.gov>, <elaine_jackson-retondo@nps.gov>, <Frank_Hays@nps.gov>, <fmiyamoto@honolulu.gov>, <Carl.Bausch1111@dot.gov>, <Ted.Matley@dot.gov>, <Christopher.VanWyk@dot.gov>, <Renee.Marler@dot.gov>, <Robyn.Sinquefield@dot.gov>, <john.muraoka@navy.mil>, <bsemmer@achp.gov>, <cvaughn@achp.gov>

cc

Subject Honolulu Transit Programmatic Agreement

Good afternoon,

Please find attached two versions (with and without track changes) of the latest version of the programmatic agreement for the Honolulu project. Since our last teleconference, FTA and the City made edits to the PA to reflect our last discussion, added language in Appendix A, and expanded language in the agreement on indirect and cumulative effects of the proposed transit project. Also attached is a letter from the Navy requesting to be an invited signatory to the agreement.

For indirect and cumulative effects, we are recommending the addition of a stipulation suggested by the Advisory Council on Historic Preservation providing for consideration of unanticipated but consequential indirect and cumulative effects that may result from implementation of the transit project.

An adverse effect occurs

when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feelings, or association. ... Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

36 C.F.R. § 800.5(a)(1) (emphasis supplied). Whether indirect or cumulative effects can be considered reasonably foreseeable depends on a number of factors, including the certainty with which predicted effects are likely to occur and the extent to which effects can be described with sufficient specificity to be useful. With respect to the Honolulu High-Capacity Transit Corridor Project, the Advisory Council on Historic Preservation recognized "that specific effects cannot be fully anticipated and described at this time" in its September 10, 2010 letter addressed to Ms. Elizabeth Zelasko. The Advisory Council recommended that a stipulation be included in the programmatic agreement to consider indirect and cumulative effects that may result from implementation of the transit project so "that unanticipated effects are addressed in a timely and inclusive manner and avoidance and mitigation strategies are explored."

We have added this language under Section IX.d proposing a process for identifying and discussing indirect and cumulative effects identified during the construction and initial operation of the proposed project. We are recommending the inclusion of such a stipulation to be effective until 6 months after the transit way is fully constructed.

Please review the changes and let us know **this week** whether you would like to have a conference call to discuss the proposed changes. If not, we would like comments back on the proposed changes by October 22nd.

As recommended previously, I will prepare an email to update the consulting parties on the inclusion of the Navy as an invited signatory to the PA.

Thank you,

Liz

Elizabeth Zelasko
Federal Transit Administration
1200 New Jersey Ave. SE s E45-340 s Washington, DC 20590
elizabeth.zelasko@dot.gov s (202) 366-0244
[attachment "CNRH 1273.pdf" deleted by Laura H Thielen/DLNR/StateHiUS] [attachment "PA Draft Oct 12-2010.docx" deleted by Laura H Thielen/DLNR/StateHiUS] [attachment "PA Draft Oct 12-2010_clean.docx" deleted by Laura H Thielen/DLNR /StateHiUS]