From: Laura.Thielen@hawaii.gov
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)
Sent: 10/12/2010 10:29:33 AM
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
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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
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[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]