

HISTORIC HAWAII FOUNDATION

December 3, 2010

Ms. Elizabeth Zelasko
Federal Preservation Officer
Federal Transit Administration, E45-340
1200 New Jersey Ave. SE
Washington, DC 20590

Mr. Wayne Yoshioka
Director, Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

RE: Honolulu High Capacity Rapid Transit Programmatic Agreement (PA) Nov. 5, 2010

Dear Ms. Zelasko and Mr. Yoshioka:

Thank you for providing the opportunity to comment on the November 5, 2010 draft PA for the Honolulu Transit undertaking, received via email on November 18, 2010. Attachments were received via FTP site download on November 19, 2010.

This current draft PA was circulated to the consulting parties over a year after the most recent consultation meeting, which was held in early November 2009. In the 13 months since consultation on this project was suspended, we understand that FTA has continued to meet with signatories and invited signatories, but has not accepted consulting party input or comment on the undertaking.

On November 5, 2009, Historic Hawai'i Foundation submitted comments, questions and concerns about the November 2, 2009 draft PA. Most of the issues raised at that time have not been resolved in the latest version, despite FTA having over a year in which to correct the deficiencies. In addition, the November 5, 2010 draft introduces new signatories, project positions and processes. Despite the lack of information and consultation over the past year, FTA has requested that consulting parties submit any comments on the draft PA within 9 working days.

Therefore, Historic Hawai'i Foundation submits the following comments on the most recent draft PA:

Signatories to the Programmatic Agreement

The United States Navy has been added as a signatory in the title block and on the signature pages. Yet the Navy has not participated in any consultation meetings or formal communications with consulting parties, and no role or responsibility for its involvement in the PA has been developed. As a federal agency, the Navy is also responsible for discharging its duties under the National Historic Preservation Act related to historic properties under its jurisdiction. What is Navy's



HHF Comments 12/3/10
On Honolulu Transit PA Draft 11/5/10, Received 11/18/10

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responsibility under the PA? What role will it play in design review and approval of project components built on its property or that will affect historic resources for which it is responsible? How will Navy be a party to the proposed mitigation measures related to the Pearl Harbor NHL, CINCPAC Headquarters Building NHL, Ossipoff Chapel and proposed Makalapa Historic Housing District?

The City & County of Honolulu Department of Transportation Services (DTS) is an invited signatory to the PA. However, the City Charter was recently amended to create a Public Transit Authority to oversee the construction and operation of O'ahu's rail transit system. Is the PA transferrable to the new Authority or any other entity in the event of a changed governance structure? The Transit Authority is to be a semiautonomous city agency with powers to include executing contracts related to this undertaking. It is anticipated the DTS will no longer have the primary role in the construction and operations of the project. HHF believes that the PA should be signed by, at the least, the agency that has the authority and responsibility for its execution. Alternatively, as some of the mitigation and implementation measures will be shared among departments, the City as a whole should be a signatory.

Determination of Effects

Please provide the final effects assessment and determinations for all historic resources within the Area of Potential Effect that describes the nature of the adverse effect to all 33 properties listed in the PA.

HHF was provided the Historic Resources Technical Report of August 1, 2008. That report included and described adverse effects on six historic resources: Afuso House; Higa Duplex; Teixeira House; Boulevard Saimin; Kamani Trees; and Dillingham Transportation Building.

Subsequent to the August 2008 technical report, FTA continued consultation with SHPD about the adverse effects determinations. Some correspondence has referred to a Historic Effects Report dated April 2009; that Report was not provided to consulting parties. Other communications stated that SHPD agreed to the adverse effects determination for 22 properties, but disagreed with FTA's proposed "no adverse effect" on another 11 properties. Further discussion between FTA and SHPD ultimately resulted in the list of 33 adversely-effect properties listed in the draft PA, including the additions of: Honouliuli Stream Bridge; Waikēle Stream Bridge; 1932 Waiawa Stream Bridge; Waimalu Stream Bridge; Kalauao Spring Bridge; Kalauao Stream Bridge; United States Naval Base Pearl Harbor NHL; CINCPAC Headquarters Building NHL; Makalapa Navy Housing Historic District; Ossipoff's Aloha Chapel SMART Clinic and Navy-Marine Corps Relief Society; Hawai'i Employers Council; Six Quonset Huts; Kapālama Canal Bridge; Tamura Building; Wood Tenement Buildings; OR&L Office and Document Storage Building; OR&L Terminal Building; Nu'uānu Stream Bridge; Chinatown Historic District; Merchant Street Historic District; HDOT Harbors Division Offices; Pier 10/11 Building; Aloha Tower; Irwin Park; Walker Park; HECO Downtown Plant; and Mother Waldron Playground.

Although the 33 adversely-affected historic properties have been discussed during the consultation, the final effects determination report has not been provided. It should be updated to include the list of all adversely affected historic properties and the description of effect. The updated technical

report should be provided to all consulting parties and a summary table of the effects determinations should be included as an exhibit to the PA.

In its proposed determinations of effect, FTA delineated new boundaries for the Navy's Makalapa Housing Historic District and for a Little Makalapa Housing Historic District. Although the potential Makalapa Housing Historic District and potential Little Makalapa Housing Historic District boundaries are inconsistent with the two subarea boundaries of the Makalapa Housing Historic District described in the Navy's Integrated Cultural Resources Management Plan, Navy has stated that it does not disagree with the proposed boundaries. We request that Navy and FTA provide documentation about the proposed boundary delineation and justification for these two subareas, including why the landscaped area that joins them is excluded from both and why the two subareas are proposed to be discontinuous. In the absence of a reason for changing the ICRMP, the proposed boundaries appear to be a gerrymander that excludes the area proposed for the project's footprint, which suggests a motive of convenience rather than a professional determination.

The APE maps of this area (Panels 41 and 42) show these proposed boundaries and are dated 07/24/2008. SHPD has stated that when it reviewed the proposed effects in FTA's August 2008 and April 2009 submittals, SHPD concurred with an adverse effect on Makalapa and a no adverse effect on Little Makalapa. However, these maps show the Pearl Harbor Naval Base station located on Kamehameha Hwy north of the intersection with Radford Drive, adjacent to Makalapa. In narrative descriptions of the proposed station area, DTS has described the location as south of the intersection, adjacent to Little Makalapa. The actual proposed location of the station needs to be clarified and made consistent between the narrative and illustrative depictions. If the map is correct, then the description should change. If the description is correct, then the map should change. If the map changes, the determination of effect should also change.

Reasonably Foreseeable and Cumulative Effects

We remain concerned about indirect and cumulative adverse effects, especially within the Chinatown and Merchant Street Historic Districts, the town of Waipahu, and the Little Makalapa Housing Historic District. The City's plans to change land use and development entitlements to encourage high-density transit oriented development (TOD) along the transit corridor will create economic pressure and regulatory expectations for demolition and redevelopment, causing both direct loss of historic resources and incompatible new development that impacts the district context.

The "Whereas" clauses anticipate this effect by referencing local land use development and design ordinances, including zoning overlay districts in Chinatown and Merchant Street, and cite provisions of TOD zoning related to historic themes and urban design schemes. However, City Ordinance 09-04 (2009) specifically states that TOD Development Regulations take precedence in the event of any conflict with underlying zoning or special district regulation (Sec. 21-9.20-6). It is evident that the City's land use goals for TOD are in conflict with its goals for preservation of historic resources and community character. This policy and regulatory conflict can be reasonably foreseen as creating a climate in which demolition of historic properties is not only expected, but is encouraged.

Stipulation IX. C, D and E attempt to address this issue, but the proposed procedure is of dubious effectiveness. The attempt to forestall demolition that is catalyzed by the presence of the transit system needs to start with an effective regulatory framework, including a moratorium on demolition

of any designated or eligible parcel (including contributing structures within a district) within 2000 feet of any project component; demolition should only proceed with the review and concurrence of the SHPO. Further, these stipulations should apply not only to City agencies that are constructing projects, but to any project—public or private—that requires City, State or Federal action, including but not limited to approval of a permit, license, contract or funding.

Design Standards

Stipulation IV.A. states that in the event that the Secretary of the Interior's Standards cannot be met, that a treatment plan will be developed. The PA should specify who makes that determination and initiates the consultation to develop the treatment plan. Participation in developing the treatment plan should include consulting parties.

Project Manager/Kāko'ō

HHF supports the addition of a Project Manager to provide administration, quality control and coordination of the implementation of the PA. We believe this to be a positive development. The description of the roles and responsibilities should clarify that the Project Manager is to be objective and independent, and should not be responsible for the implementation of the stipulations, but rather to ensure that the FTA and City are following through on their commitments.

Consulting Parties

The Whereas Clauses include a list of 31 consulting parties. Prior to the suspension of consultation last year, HHF requested information about the involvement of some of the listed parties. Did they ask to be included or accept an invitation to be consulting parties? Many did not attend meetings or provide comments. Did the transit team have other communications with them? If so, those should be shared with the other consulting parties. If the entity did not ask to participate, did not answer an invitation to participate, and in fact, did not participate, it should not be listed as a consulting party.

In particular, we are unaware of any consultation that occurred with: University of Hawai'i Historic Preservation Certificate Program; Royal Order of Kamehameha; The 'Ahahui Ka'ahumanu; The Hale O Nā Ali'i O Hawai'i; The Daughters and Sons of the Hawaiian Warriors; Ali'i Pauahi Hawaiian Civic Club; Ka Lei Maile Ali'i Hawaiian Civic Club; King Kamehameha Hawaiian Civic Club; Nānāikapono Hawaiian Civic Club; Hawaiian Civic Club of Wahiawā; 'Ahahui Siwila Hawai'i O Kapolei Hawaiian Civic Club; Waikīkī Hawaiian Civic Club; Princess Ka'iulani Hawaiian Civic Club; Wai'anae Hawaiian Civic Club; Merchant Street Hawaiian Civic Club; Pearl Harbor Hawaiian Civic Club; Hawaiian Civic Club of 'Ewa-Pu'uloa; Kalihi-Pālana Hawaiian civic Club; or Hawaiian Civic Club of Honolulu.

It appears that the consultation did not include these entities and their inclusion on the list of consulting parties gives the inaccurate impression that consultation was broader and more inclusive than it in fact was.

Additional Stipulations

The Section 106 "lessons learned" case study (I.G.12) should include a statement about how the guide will be used, such as for improvements to the process and for future training. HHF would be pleased to offer insights into the Project's consultation process and suggestions for improvement.

The scope of the Phase 4 AIS Plan (II.B.1 & 2) notes different starting points. Paragraph 1 says Phase 4 runs from Waiakamilo Road to Ala Moana Center, while Paragraph 2 says that the area is Middle Street to Ala Moana Center. Please be consistent.

How will the number and type of historic context studies for relevant historic themes be determined (V.A)? How will the number and type of cultural landscape reports be determined (V.B)? Earlier consultation included a discussion of a minimum and maximum number to be completed, but no quantities are listed.

The requirement to update the Pearl Harbor and CINCPAC Headquarters NHLs (VI.B) is ambiguous about the Navy's role, responsibility and level of cooperation. As a proposed Signatory to the Agreement, Navy's participation should be specified.

Replanting of true kamani trees (VIII.C) should specify that the replacement trees shall be at least 12-inch caliper when planted. Can keiki be taken from the current trees and then planted? Can the mature trees be relocated? An attachment should be provided with the landscape plan showing current location and proposed new locations, and size and species specifications.

Attachment 1: APE for Historic Resources

- The title block does not include the U.S. Navy as a signatory. Please be consistent throughout the PA.
- The Historic Resources Parcel Map Panes Key indicates that the pane numbering system starts with Pane 9, jumps from Pane 26 to Pane 40, then goes from 47a to 33, ending with 39a. There are no panes 1-8 or 27-32. The panes should be renumbered so they begin with 1 and run consecutively from west to east with no gaps in the sequence.
- The Key indicates that there are 37 panes. However, only 36 panes were included in the file. Because not all of the panes are numbered and because the numbering system is not consecutive, it is unclear which one is missing.
- The legend on each of the panes includes markings for the Salt Lake Alternative, the Airport Alternative, and Planned Extensions. However, the PA only covers the Airport Alternative. Markings related to the Salt Lake Alternative and Planned Extensions should be removed, as these only add to the complexity of the maps without adding useful information. They also introduce ambiguity about the level of review and agreement covered by the PA.
- Some of the panes are labeled as "Honolulu High-Capacity Transit Corridor Project" and some are labeled "Honolulu High-Capacity Transit Corridor Project – EIS Alternative." The PA is not the EIS document. All panes should be labeled "Honolulu High-Capacity Transit Corridor Project – Historic Resources Area of Potential Effect."
- The APE is not delineated on Panes 9, 10, 11, 12, or 13a.
- The Pearl Harbor Naval Base Station on Pane 42 is not shown in the location as described in prior communications. Please clarify if the map shows the station in the wrong location or if the narrative description of the station location is inaccurate; then reconcile the discrepancies.

- Two of the unnumbered panes (perhaps 47 and 47a or 33) appear to be different scale maps of the same area, at the interchange of Kamehameha Highway, Nimitz Highway, Middle Street, and H1. Why are two maps of the same area included? The maps also delineate different APE boundaries and different determinations of eligibility and/or evaluation. Which is correct?
- Pane 39a shows a planned extension from Ala Moana Center Station to the Convention Center, and indicates the presence of at least three additional historic properties that could be adversely affected. This extension and the impact on these properties were not discussed during consultation and have not been addressed by the PA. The map should not include this extension, as it introduces ambiguity about the level of review and agreement covered by the PA.

Attachment 2: Information on Resources with Adverse Effect Determinations

- The title block does not include the U.S. Navy as a signatory. Please be consistent throughout the PA.
- The information sheet for Honouliuli Stream Bridge is missing. Please include it in the attachment.

Please let me know if you have any questions about any of these issues or questions. Thank you for the opportunity to comment on the draft PA. We look forward to timely resolution of these issues.

Very truly yours,



Kiersten Faulkner, AICP
Executive Director

Copies via email:

DTS: Faith Miyamoto
FTA: Ted Matley
SHPD: Pua Aiu, Laura Thielen
ACHP: Blythe Semmer, Louise Brodnitz
PB: Lawrence Spurgeon, Stephanie Foell
AIA: Jeff Nishi, Amy Blagriff, Spencer Leineweber
NPS: Elaine Jackson-Retondo, Frank Hays, Melia Lane-Kamahele
NTHP: Betsy Merritt, Brian Turner
OIBC: Kehau Abad, Kawika McKeague, Hinaleimoana Falemei
Prince Kūhiō Hawaiian Civic Club: Chasmin Aokoloski
Koolaupoko Hawaiian Civic Club: Mahealani Cypher
HUI MĀLAMA: Edward Halealoha Ayau
HCDA: Deepak Neupane
OHA: Keola Lindsey
NAVY: Eileen D'Andrea, Randall Young, David Sullivan