From: Matley, Ted (FTA)
To: Zelasko, Elizabeth (FTA); Bausch, Carl (FTA); Borinsky, Susan (FTA); Zusman, Nancy-Ellen (FTA); VanWyk, Christopher (FTA); Sukys, Raymond (FTA); Rogers, Leslie (FTA); Carranza, Edward (FTA); Marler, Renee (FTA)
Sent: 5/17/2010 8:58:14 AM
Subject: RE: Honolulu Update

Hi Liz,

Just a little history from someone who sat through all these meetings, we did not formally respond to OIBC on their issues, we debated this but since they never directly asked FTA in writing, directed specifically to FTA, to respond on their issues, we decided to dodge that (that might have been unwise in retrospect, but there we are). I believe we did only respond in writing specifically on their request to be a signatory to the PA, in the negative. However, their issues were discussed at great length and in great detail at the consultation meetings.

Another meeting with OIBC can't hurt, in the sense that is may show FTA reaching out to discuss their issues, one more time for the record and to make NPS happy, but I really doubt it will resolve anything.

OIBC has stated that their primary, and only concern, is burials. They have stated that they understand that others may be seeking a reasonable balance of factors, but they are not. Regardless of the other consequences, they are only concerned with burials.

To put this in the proper context, while OIBC has clearly felt very strongly on this issue, in the end OIBC has not been angry or unreasonable on this, they have stated in meetings that they understand that others have a different perspective and may weigh factors differently. They have also said that they will not sign the PA as a concurring party to make their point, but they want to continue to work with the process and the other parties in this continuing effort. In short, they aren't happy, but they still want to play; they aren't taking their ball and going home.

I think the OIBC is taking a stand here because, as they stated in the meeting, their experience on other large projects has been that when burials are found in construction, they are placed in a difficult position of slowing a project significantly or agreeing to move remains, which they do not want to do. I'm sure this is a difficult position for them and I don't doubt their real desire to avoid that. Previously FTA has not agreed that the efforts the OIBC has asked degree to identify remains at this point in the project as justified.

Be aware that the City will likely not be happy at reopening this issue, as they have had a long and continuing discussion with the OIBC on these issues, even though they have not agreed. You might get some pushback here.
Ted

From: Zelasko, Elizabeth (FTA)
Sent: Monday, May 17, 2010 11:15 AM
To: Bausch, Carl (FTA); Borinsky, Susan (FTA); Zusman, Nancy-Ellen (FTA); VanWyk, Christopher (FTA); Sukys, Raymond (FTA); Rogers, Leslie (FTA); Carranza, Edward (FTA); Matley, Ted (FTA); Marler, Renee (FTA)
Subject: Honolulu Update

All –

Below are some updates on the Honolulu project from DC's end. It would be good to have a status call tomorrow or Wednesday. Please let me know what would work best for your schedules.

Thank you,

Liz

National Park Service

This past Friday afternoon, Chris and I had a conversation with Elaine Jackson-Retondo out of Oakland and Frank Hays of Honolulu. We had a detailed discussion on FTA's responses to their comments on the PA and Section 4(f). Overall the Park Service was very appreciative of the teleconference and we will most likely be able to resolve most of their concerns on Section 4(f) with the review that Chris is conducting on the chapter.

However, at the beginning of the discussion, they seemed to stress that their primary concern with the PA remained the concerns of the OIBC regarding the discovery and treatment of Native Hawaiian burials. Frank Hays of NPS in Honolulu asked us if FTA has made any effort with talking to the OIBC and trying to get them on board to sign as a concurring party the Programmatic Agreement (PA). The NPS thought that FTA could go a long way in smoothing out the PA process by reaching out to the OIBC to listen to their concerns. This would affect their recommendation to the SHPD's office on signing the PA.

Given our options at this point, I think reaching out to the OIBC is a good idea. Currently our record, at least what is provided in the appendix of the FEIS, does not show much coordination with the OIBC on this topic. FTA has received letters on these issues from the OIBC, National Trust, Historic Hawaii Foundation, and State of Hawaii Office of Hawaiian Affairs (to name the ones I have observed) that we do not appear to have responded to. Setting up a teleconference with primarily FTA and perhaps a couple individuals from the City to listen could happen pretty quickly. After the teleconference we could follow up in writing with the approach we plan to take moving forward.

Carl has already agreed to serve as a listening official from Washington, DC.

Review of Comment Response

We have a number of TPE folks reviewing in detail the responses the City has prepared to comments. The goal is to finish this review within the next couple of days. We plan to be emailing our comments on the responses to Chris as we finish them.

Section 4(f)

Chris is reviewing the Section 4(f) chapter. Based on his review last Friday, the chapter is improved, but he still has substantial comments. We are also having the City look into Keehi Lagoon Memorial, adjacent to Keehi Lagoon Beach Park, as a potential Section 4(f) property based on a DEIS comment from the Hawaii Department of Natural Resources. There should not be a direct use of the property.

Other FEIS Comments

I am still reviewing FEIS Chapters.

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