Submittal/Document Title: Programmatic Agreement

Response Code: A - Agree and will comply B - Will investigate and comment C - Clarification needed

Comment From/Date	Reference	Comment	Response By	Response Code	Response:
ACHP 8/12/09	Title	Add ACHP to the title block as a signatory to the agreement with FTA and SHPO, to the "now, therefore" clause that closes the preamble, and to the signature page.	SF	A	done
ACHP 8/12/09	Preamble	Identify the City and County of Honolulu as an invited signatory; identify all other signatories and invited signatories according to their role.	SF	A	done
ACHP 8/12/09	Preamble	Note how FTA has addressed its responsibilities under 800.10 of our regulations to notify and invite the Secretary of the Interior (represented by National Park Service region) to consult if FTA has made a finding of adverse effect for one or more National Historic Landmarks.	SF	A	done
ACHP 8/12/09	Stipulations	ACHP recommends clearly defining roles and responsibilities within the PA as the first stipulation. Stipulation VIII could be moved into such a stipulation.	SF	A	Done See Stipulation I
ACHP 8/12/09	Stipulations	Several stipulations would benefit from greater specificity about timeframes for completion, how scopes of work will be developed and reviewed, what party is assigned responsibility for the task, and/or what products will result. See especially Stipulations I, II, III, IV, V and VI.	SF	A	done
ACHP 8/12/09	Stipulations	Stipulations should specify, where appropriate, how and when consultation will take place in the preparation and review of work products.	SF	A	done
ACHP 8/12/09	Stipulations	FTA and the City should coordinate with the Hawaii SHPO in making historic property documentation information accessible to the public per Stipulation I, E.	SF	A	done
ACHP 8/12/09	Stipulations	What is the value or need addressed by preparing both National Register nominations and HABS/HAER/HALS documentation for certain properties (Stipulations I and V)?	SF	B	Consulting parties specifically requested both NRHP and HABS documentation.
ACHP 8/12/09	Stipulations	Will any elements of the raised guideways, stations, or support facilities go through a design review process to minimize their visual effect on historic properties? If so, how will consulting parties be offered to opportunity to review and comment on plans?	SF	A	Stipulation regarding established project design standards added; all consulting parties will have review at milestones as noted in current PA.
ACHP 8/12/09	Stipulations	The PA should include a detailed plan for handling post-review discoveries. The language in Stipulation VIII should provide a clear	SF	A	Note that stipulations numbering has changed since the comment

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		and detailed process for what will take place in the event of a discovery, when and how FTA and the SHPO will be notified, and timeframes for consulting on a treatment plan. What is the relationship of Stipulation X.G. to Stipulation VIII?			was made in August 2009. These numbers no longer apply.
ACHP 8/12/09	Stipulations	The Archaeological Inventory Survey Plan should be developed to the extent possible now and included as an attachment to the PA to provide a clear protocol for how phased identification, evaluation, effects assessment, and treatment planning will take place. Project phasing and how it relates to the schedule for archaeological work should be made clear in the PA.	LS	D	This was not included at the SHPD's initial direction. This comment has been superseded by later decisions.
ACHP 8/12/09	Stipulations	Stipulation IX should be expanded to include archaeological discoveries as well as unexpected effects to above-ground historic properties. ACHP recommends a detailed discovery provision that provides explicit information about the process of notification of a discovery, evaluation of a newly –discovered historic property, and consultation to develop a treatment plan. The process should include discrete timeframes.	SF	A	Done
ACHP 8/12/09	Stipulations	ACHP recommends the addition of stipulations referencing how FTA will handle any emergency situations that may occur during project construction, how objections raised by a member of the public would be addressed, and what measures the City will take to avoid damage to nearby historic properties in the course of project construction through a construction protection plan or similar plan of action.	SF	A	done
ACHP 8/12/09	Stipulations	Stipulation XI.D should specify a duration for the PA to be implemented.	SF	A	done
Hui Malama 10/06/09	Process	Programmatic Agreement should not be entered into until a full blown archaeological inventory survey (AIS) is conducted.	LS	D	PA is following the process established in 36 CFR 800.4(b)(2). The AIS will be completed prior to final design completion for each phase of the project.
Hui Malama 10/06/09	Process	Until the AIS is conducted and completed, no Record of Decision and no Final Environmental Impact Statement should be issued.	LS	D	See above

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OIBC 09/14/09	Process	Is the PA addressing the FTA's Section 4F responsibilities?	SF	C	Section 106 and Section 4(f) are distinct federal processes. The PA focuses on Section 106 only.
NTHP 09/30/09	Whereas	Attachment A – Ensure that maps are very clear and detailed.			Attachment that reflects mapping approved by SHPD has been distributed.
NTHP 09/30/09	Whereas	Include an exhibit that provides more detailed identification for each of these historic properties, including site name, address, boundary map, tax map key, legal description	SF	A	The Determination of Eligibility forms completed by local subconsultant Mason Architects and accepted by the SHPD will be attached.
NTHP 09/30/09	Whereas	Ordinance 09-04 – It is important not to misrepresent the degree of legal protection reflected in the "TOD" ordinance.	SF	A	Noted
NTHP 09/30/09	I Roles and Responsibilities E)	Insert italics: Qualifications of Personnel – *Unless otherwise specified, all…*	SF	A	done
NTHP 09/30/09	IV Design Standards	We strongly recommend substituting the language proposed by Historic Hawaii Foundation. This language is not consistent with our understanding of the consensus for a meaningful design review process based on the last consultation meeting. It needs to be substantially revised.	SF	B	Revised language added; to be reviewed by CPs in next iteration/final version.
NTHP 09/30/09	IV Design Standards A)	Insert italics: The City shall *ensure that the design is consistent with* the tenets…	SF	B	Revised language added; to be reviewed by CPs in next iteration/final version.
NTHP 09/30/09	VI National Register B)	Insert italics after "*How to Prepare…" The work shall be carried out and approved by persons meeting the professional qualifications for Historical Architect or Architectural Historian in "The Secretary of the Interior's Historic Preservation Professional Qualification Standards. (Federal Register, Vol. 62, No. 119, pp. 33,713-14, 33, 719-20 (June 20, 1997).* Note: These higher standards for professional qualifications are applicable to Navy work within the National Historic	SF	A	done

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		Landmark through the Navy's own PA.			
NTHP 09/30/09	VIII Mitigation of Specific Resource s B)	Insert italics: The City shall *ensure that the plans are consistent with* the tenets… And, at the end *The City will submit plans for modifications of the bridge to SHPO for a 30-day review and comment period. In the event the SHPO does not concur that the plans are consistent with the Secretary's Standards, the City will modify the plans to bring them into consistency with the Standards.*	LS	A	Language added regarding Sec. of Interior Standards and SHPO review of all Preliminary Engineering project plans.
NTHP 09/30/09	VIII Mitigation of Specific Resource s E)	Add E: *The City shall provide site-specific mitigation for the loss of 2,000 square feet of open space currently used as a public courtyard directly adjacent to the Dillingham Transportation Building, including the designation of a comparable amount of public space nearby or adjacent to the existing courtyard.*	SF	D	The City is unable to fulfill this request.
NTHP 09/30/09	VIII Mitigation of Specific Resource s E)	Add F: *The City will establish a Monitoring Program for all historic properties within the APE. The intent of the Program will be to gather data to evaluate the effectiveness of the TOD Ordinance and other City land use regulations in preventing the loss of historic properties in the vicinity of the project as a result of the secondary and cumulative impacts of the project.* *(1) Each quarterly report submitted pursuant to Stipulation XIII, (C) (2) shall include documentation regarding permit applications for demolition of, or alterations to, any historic property within the APE. Each quarterly report will identify any permit applications that have been filed regarding historic properties within the APE, and any City actions in response to those permit applications. In the event that a total XX National Register-eligible resources are demolished or substantially altered in a manner consistent with the Secretary's Standards for the Treatment of Historic Properties, the City will establish a Moratorium for historic properties within the APE, pursuant to paragraph (F)(2).* *(2) The City will prepare draft legislation, in consultation with the consulting parties, providing for a temporary moratorium of one year on the demolition or substantial alternation of any historic properties*	SF	B	Revised text added; was discussed with CPs on 10-26-09 and modified.

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		within the APE. The moratorium will be for the purpose of studying ways to improve the effectiveness of the City land use laws and regulations in protecting historic properties. The City will submit draft legislation to the City Council and formally request that the City Council consider and enact the legislation. The City will coordinate with the consulting parties who support the legislation. In the event that the City Council does not pass the moratorium legislation, the City will reconvene the consulting parties to develop alternative measures for strengthening the effectiveness of the City's land use regulations to protect historic properties within the APE from secondary and cumulative effects of the project. *(G) The City will prepare a Preservation Plan for historic properties and districts located within the APE. The Plans are intended to provide guidance for maintenance/repair and alterations for historic property owners to ensure that transit-oriented development is protective of historic resources in the project area. The Plans will provide both preferred maintenance and repair treatment strategies, and also specific material replacement guidelines per the Secretary of the Interior's Standards and LEED standards. The Plans will also provide specific recommendations and alternative material replacement options that will assist in meeting LEED certification goals as well as provide the framework for a proposed maintenance and inspection schedule. The City will circulate draft Plans to the consulting parties for a thirty day review and comment period. The City will take into account all timely comments received on the draft Plans prior to finalizing them. Final digital copies of the Plans will be provided to any concurring party upon request.*			
NTHP 09/30/09	X Construction Protection Plan A)	Add italics to the end: *The vibration limits will include a threshold of 0.2 inches/second for historic buildings. In the event that the threshold is exceeded, construction work will stop until the contractor can assure that the vibration limit will not be exceeded.*	LS	E	Construction protection will be addressed in the ROD
NTHP 09/30/09	XII Public	Change semi-annual to *quarterly*	SF	D	Consulting parties agreed that semi-annual reporting was

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	Involvement A)				acceptable.
NTHP 09/30/09	XIII Administrative Provisions C) 2	Change six to *three.* Add italics: …pursuant to its terms*, as well as an accounting of impacts on historic properties pursuant to the Monitoring Program established in Stipulation VIII(F).*	SF	D	Consulting parties agreed that semi-annual reporting was acceptable.
NTHP 09/30/09	XIII Administrative Provisions E)	Change MOA to *PA*	SF	A	Done
ACHP 09/25/09	Page 1 1st Whereas	Add italics: National Historic Preservation Act of 1966 *(NHPA).*	SF	A	Done
ACHP 09/25/09	Page 1 3rd Whereas	Add italics: State Historic Preservation Division*, which is the State Historic Preservation Office (SHPO)*…	SF	A	Done
ACHP 09/25/09	Page 2	Insert after Club List: *WHEREAS, in accordance with 36 CFR 800.10 FTA has notified the Secretary of the Interior of its adverse effect determination to the United States Naval Base, Pearl Harbor National Historic Landmark (NHL) and the CINPAC Headquarters Building NHL, and as a result, the NPS has been designated to participate formally in the consultation; and*	SF	A	Done
ACHP 09/25/09	Page 2	Delete three WHEREAS clauses as noted: Delete: WHEREAS, the FTA, the Advisory… Delete: WHEREAS, the City …Department of Transportation Delete: WHEREAS, all consulting parties…	SF	C	Clauses were reorganized, but showed as deleted in track changes.
ACHP 09/25/09	Page 2	Make changes as noted: WHEREAS, the FTA, in consultation with the ~~Hawaii~~ SHPDO…	SF	C	SHPD is used consistently to denote that consultation did not occur with the officer, but with staff
ACHP	Page 2	Delete: WHEREAS, the DTS has included…	SF	E	Comment appeared in track

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09/25/09					changes as a deletion, but text was only moved.
ACHP 09/25/09	Page 3	Delete 1st three WHEREAS clauses.	SF	E	Comment appeared in track changes as a deletion, but text was only moved.
ACHP 09/25/09	Page 3	Make changes as noted: WHEREAS, the FTA, in consultation with the ~~Hawaii~~ SHP~~D~~O, has determined that proposed Project would have an adverse effect on historic ~~resources~~ properties listed…	SF	C	SHPD is used consistently to denote that consultation did not occur with the officer, but with staff
ACHP 09/25/09	Page 3	Make changes as noted: WHEREAS, the FTA in consultation with the SHP~~D~~O had determined that the following ~~resources~~ historic properties will ~~receive adverse effect determinations~~ be adversely affected by the Project:…	SF	C	SHPD is used consistently to denote that consultation did not occur with the officer, but with staff; other changes made as requested.
ACHP 09/25/09	Page 3	Add at bottom: WHEREAS, the FTA, in consultation with the SHPO, has determined that the Project may adversely affect archaeological sites listed in or eligible for listing in the NRHP, but effects cannot be fully assessed prior to the approval of FTA financial assistance; and	SF	A	done
ACHP 09/25/09	Page 4	Add at top: WHEREAS, the FTA and the SHPO have agreed that a phased approach to identification and evaluation of archaeological sites is appropriate, pursuant to 36 CFR 800.4(b)(2); and	SF	A	done
ACHP 09/25/09	Page 4	Delete: WHEREAS, in accordance with 36 CFR 800.10….	SF	E	Comment appeared in track changes as a deletion, but text was only moved.
ACHP 09/25/09	Page 4	Insert WHEREAS clause describing project phasing	SF	A	done
ACHP 09/25/09	Page 4	Insert: WHEREAS, the DTS has included minimization and avoidance measure during project design, including, but not limited to, narrow guideway design, route selection, station location selection, and contained station footprints, to avoid and minimize impacts on historic properties; and WHEREAS, all built components will follow the Project's *Design Pattern Guidebook*; and WHEREAS, consulting parties and the public will be offered the	SF	A	done

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		opportunity to provide ongoing comments on station design and transit-oriented development planning at neighborhood design workshops and through other procedures set forth in this PA; and WHEREAS, the City has implemented zoning "overlay districts" to preserve individual and groupings of historic and cultural resources, including application of architectural and other design guidelines and standard for developments surrounding them; and such overlay districts are already established for Chinatown and the Hawaii Capital (civic center) areas; and WHEREAS, City Ordinance 09-04 requires the establishment of transit-oriented development (TOD) overlay zoning districts around every transit station, and this Ordinance continues the commitment to protect and enhance historic and cultural resources by requiring the identification of important historic and cultural landmarks in the area, the establishment of controls to protect and enhance these resources, and encouraging adjacent development to reflect the cultural and historic context of the station area; and			
ACHP 09/25/09	Page 5	Delete 2nd WHEREAS: WHEREAS, the FTA has determined…	SF	E	Comment appeared in track changes as a deletion, but text was only moved.
ACHP 09/25/09	Page 5 4th WHEREAS	Insert italics and make changes as noted: …FTA has notified the *Advisory Council on Historic Preservation (ACHP)* ~~ACHP~~ of its….	SF	A	done
ACHP 09/25/09	Page 5	Insert the following: *WHEREAS, the FTA, the ACHP, and the SHPO are signatories to this Programmatic Agreement (PA); and* *WHEREAS, the City Department of Transportation Services and the NPS are invited signatories to this PA; and* *WHEREAS, all consulting parties were invited to be concurring parties to this PA if they choose; and*	SF	A	done
ACHP 09/25/09	Page 5	Delete 5TH WHEREAS clause: WHEREAS, the FTA and the SHD have agreed…	SF	E	Comment appeared in track changes as a deletion, but text was only moved.
ACHP	Page 5	Insert italics and make changes as noted:	SF	A	done

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09/25/09		WHEREAS, any future extensions that are undertaken as a federal action *will undergo a separate* ~~would receive independent~~ review under the National Environmental Policy Act and Section 106 *of the NHPA,* and *any such* ~~the~~ review ~~would~~ *will* be guided by the approaches to treatment of historic properties ~~being undertaken by this project~~ *included in this PA*; and			
ACHP 09/25/09	Page 6 I Roles and Responsibilities A	Insert italics and make changes as noted: FTA Responsibilities – In compliance with its responsibilities under the ~~National Historic Preservation Act~~ *(NHPA)*…. FTA will ensure that the City ~~and County of Honolulu carry~~ carries out the stipulated provisions of ~~36 CFR Part 800~~ *this PA* and application ~~Council~~ *ACHP* policy statements…	SF	A	done
ACHP 09/25/09	Page 6 I Roles and Responsibilities B	Change SHPO to SHPD	SF	E	SHPD is used consistently to denote that consultation did not occur with the officer, but with staff
ACHP 09/25/09	Page 6 I Roles and Responsibilities C	Replace with: *ACHP Responsibilities – The ACHP will provide oversight, advise on disputes, and determine where the terms of this agreement are being met.*	SF	A	done
ACHP 09/25/09	Page 6 I Roles and Responsibilities D	Change SHPO to SHPD	SF	E	SHPD is used consistently to denote that consultation did not occur with the officer, but with staff
ACHP 09/25/09	Page 6 I Roles and Responsibilities	Insert italics and make changes as noted: Qualifications of personnel – All work *carried out under the terms of this PA* ~~required to fulfill Stipulations II, III, V, VI and VIII~~ shall be conducted by cultural resources professionals (~~i.e.~~ historians, architectural historians, *historic architects,* and/or archaeologists, as appropriate) who meet	SF	A	done

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	E	the Secretary of the Interior's Professional Qualification Standards *[36 CFR Part 61, Appendix A].*			
ACHP 09/25/09	Page 6 I Roles and Responsibilities F	Insert italics and make changes as noted: The City shall ~~include~~ *provide for a qualified* ~~an~~ architectural historian on the Project *staff* through the completion of Project construction. The *architectural* historian shall oversee completion of the elements *stipulations* of this PA, and coordinate with SHP~~D~~*O*…	SF	A	done
ACHP 09/25/09	Page 7 II Traditional Cultural Properties	Project team to revise per discussion on 9/21/09. Need specific process description for consultation on eligibility, effects, and development of treatment measures as well as timeframe for completion prior to development of final plans.	SF	A	done
ACHP 09/25/09	Page 10 IV Design Standards	Add A) prior to first paragraph	SF	A	done
ACHP 09/25/09	Page 10 IV Design Standards A) a.	Insert italics and make changes as noted: The City will *develop a draft scope of work for the studies describing the context themes, research methodology, report format, photography specifications, and timeframe for completion. The City will circulate a copy of the draft scope of work to Consulting Parties.* ~~consult with PA signatories and concurring parties to determine relevant themes to be studied and scope topics and methodology. The City shall submit draft reports to the SHPD for review and comment within 30 days of submittal and City shall consider all comments during the final phase of report completion.~~	SF	A	done
ACHP 09/25/09	Page 10 IV Design Standards A) b	Insert italics: *Any comments received by the City from consulting parties within 30 days of receipt of the draft scope of work will be considered by the City in developing a final scope of work in consultation with SHPO.*	SF	A	Included then revised during consultation process
ACHP 09/25/09	Page 10 IV Design Standards A) c.	Insert and make changes so c) reads: *Initial field work and photography for each study theme shall be completed prior to the commencement of construction in relevant geographic areas.*	SF	A	Location of this stipulation has changed, but comment has been included

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ACHP 09/25/09	Page 11 IV Design Standards A) d.	Insert and make changes so d) reads: Copies of the final studies shall be distributed to repositories listed in Stipulation XII.D.	SF	A	done
ACHP 09/25/09	Page 11 IV Design Standards B	Insert and make changes so B) reads: The City shall complete Cultural Landscape Reports (CLR) related to historic properties along the Honolulu High-Capacity Transit Corridor	SF	A	Done
ACHP 09/25/09	Page 11 IV Design Standards B) a.	Insert and make changes so a) reads: The City will develop a draft scope of work for the CLRs describing the cultural landscapes to be studied, research methodology, report format, photography specifications, and timeframe for completion. All work shall follow National Park Service guidance and standards, as appropriate, including National Register Bulletin 30, *Guidelines for Evaluating and Documenting Rural Historic Landscapes* and National Register Bulletin 18, *How to Evaluate and Nominate Designed Landscapes,* as well as relevant information presented in *Guidelines for the Treatment of Cultural Landscapes.* The City will circulate a copy of the draft scope of work to consulting parties.	SF	A	Done
ACHP 09/25/09	Page 11 IV Design Standards B) b.	Insert: *Any comments received by the City from consulting parties within 30 days of receipt of the draft scope of work will be considered by the City in developing a final scope of work in consultation with SHPO.*	SF	A	Done
ACHP 09/25/09	Page 11 IV Design Standards B) c.	Change c. to read: *Initial field work and photography for each study area shall be completed prior to the commencement of construction in that area.*	SF	A	Done
ACHP 09/25/09	Page 11 IV Design Standards B) d.	Change d. to read: Copies of the final CLRs shall be distributed to the repositories listed in Stipulation XII.D.	SF	A	Done
ACHP 09/25/09	Page 11 IV Design Standards C) 1	Change last sentence to read: All historic properties that will be adversely affected will be considered for HABS or HALS documentation.	SF	A	Done

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ACHP 09/25/09	Page 12 IV Design Standards C) 2	Add to 1st sentence: *according to a photography schedule approved by NPS.* Change 2nd and 3rd sentence to read: This documentation shall be completed prior to any pre-construction or construction activities for HABS/HALS review and approve photography prior to any physical changes to the selected properties. Copies of any documentation generated under this stipulation will be offered to the SHPO.	SF	D	NPS provided preferred language, which has been inserted.
ACHP 09/25/09	Page 12 IV Design Standards C) 2	Delete previous C)2	SF	A	done
ACHP 09/25/09	Page 12 IV Design Standards D)	Insert at start of paragraph: *The City shall consult with the SHPO to determine the appropriate level of photographic and written documentation for any above-ground historic properties that will be adversely affected that are not subject to HABS/HALS documentation per Stipulation V.C or National Register nominations per Stipulation VI.*	SF	D	Consulting parties requested alternative wording.
ACHP 09/25/09	Page 13 IV Design Standards D) 1	Insert italics at beginning: *The City will* have digital… Change SHPD to SHPO	SF	E	Consulting parties requested alternative wording. SHPD is correct.
ACHP 09/25/09	Page 13 IV Design Standards E)	Delete also in first sentence. Change SHPD to SHPO	SF	A	SHPD is correct.
ACHP 09/25/09	Page 13 Page 13 VI. National Register A)	Change to read as noted: … and mapping, for *historic properties* related to… Delete: …(with Criteria Consideration G.…)	SF	A	done
ACHP 09/25/09	Page 13 VI. National Register	Insert: These historic properties will be selected based on the results of a context study developed pursuant to Stipulation V.A. If no context study is developed on this theme, the City will propose a list of historic properties from those determined eligible for the NRHP	SF	E	Consulting parties have revised this stipulation in subsequent consultation.

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	A)i	within the Project's APE or vicinity. The City will circulate this list to the consulting parties.			
ACHP 09/25/09	Page 13 VI. National Register A)ii	Insert: The City will take into consideration any comments provided by the consulting parties within 30 days of receipt of the proposed list of properties in developing a final list in consultation with the SHPO.	SF	A	done
ACHP 09/25/09	Page 13 VI. National Register A)iii	Will read as: These properties will also be nominated to the Hawaii Register.	SF	A	done
ACHP 09/25/09	Page 14 VI. National Register A)iv	Change to read: The City shall submit a draft MPS nomination form to the SHPD and NPS for review and comment. SHPD and NPS will provide any comments to the City within 30 days of receipt. The City will incorporate these comments in a final draft to be submitted to the SHPO within xx months	SF	A	done
ACHP 09/25/09	Page 14 VI. National Register C) 1	Change second sentence to read: The City will consult with the SHPO to determine if nomination forms for any NRHP-listed properties in the project corridor should be updated and/or amended. 4th sentence: Replace 'such as' to "*including*" Last sentence to read: All nomination forms will be submitted to the SHPO for review.	SF	E	Consulting parties have revised this stipulation in subsequent consultation.
ACHP 09/25/09	Page 14 VI. National Register C) 1.a	Insert: The SHPO will provide comments on the NRHP nomination forms within 30 days. The City will revise the NRHP forms to include SHPO's recommended changes and submit final NRHP nomination forms following the established procedures for the National Park Service (36 CFR 60.6(g)). Final nomination forms will be completed before the project begins revenue service operations.	SF	A	Minor wording changes made as a result of subsequent consultation.
ACHP 09/25/09	Page 14 VI. National Register 1)	Delete previous 1): The City will … established procedures…	SF	A	done
ACHP	Page 14	1st Sentence: Replace "Resources" with "*Properties:.*	SF	A	Minor wording changes made as

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09/25/09	VI. National Register 2)	2nd Sentence to read: The City will consult with property owners to obtain access and determine owners' consent to the proposed listing.			a result of subsequent consultation.
ACHP 09/25/09	Page 15 VI. National Register 3)	Delete last sentence: Completion of the … eligible for listing.	SF	D	This qualifier will remain in the PA. The City will have fulfilled the stipulation even if the Keeper determines that resources are not eligible for formal listing.
ACHP 09/25/09	Page 15 VI. National Register D) a	Insert italics in first sentence: The City will *consult with the SHPO to develop a strategy for making* this database… Add to end of paragraph: The City will ensure that an arrangement with another organization, acceptable to the SHPO, to house and maintain the database has been formalized by the end of Project construction.	SF	A	done
ACHP 09/25/09	Page 15 V. Interpretive Materials and Signage a.	Change to read: Signatories and concurring parties will participate in a kick-off meeting to develop the interpretive plan. The City will circulate a draft of the interpretive plan to consulting parties following the kick-off meeting. The City will take any comments received within 30 days into consideration in preparing a final interpretive plan in consultation with the SHPO.	SF	A	done
ACHP 09/25/09	Page 15 V. Interpretive Materials and Signage b.	Change to read: The City will submit draft interpretive signage to SHPO for review and comment. SHPO will provide comments on the content, design, and placement of interpretive signage within 30 days, and the City will integrate these comments into preparation of the final version. The SHPO will review and approve the final version of the interpretive signage.	SF	A	done
ACHP 09/25/09	Page 15 V. Interpretive	Change to read; All interpretive signage will be installed before revenue service begins.	SF	A	done

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	Materials and Signage c.				
ACHP 09/25/09	Page 18 IX. Construction Protection Plan A	Change SHPD to SHPO Change 'concurring signatories' to *'consulting parties'*.	SF	A	SHPD is correct; other change executed.
ACHP 09/25/09	Page 18 IX. Construction Protection Plan B	Change 'convey its importance' to *'provide a copy of the plan'.*	SF	A	done
ACHP 09/25/09	Page 18 IX. Construction Protection Plan E	Replace 'National Historic Landmark' with *'NHL'.*	SF	A	done
ACHP 09/25/09	Page 19 X Post review Discoveries B)	Delete	SF	A	done
ACHP 09/25/09	Page 19 XI Public	Insert: *At any time during implementation of the activities covered in this PA should an objection pertaining to the PA or the effect of any activity on historic properties be raised by a member of the public,*	SF	A	done

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	Involvement D)	*FTA will notify the parties to this PA and take objection into account, consulting with the objector and, should the objector so request, with any of the parties to the PA, to resolve the objection.*			
ACHP 09/25/09	Page 19 XI Public Involvement C)	Delete C: The City will notify… public.	SF	A	done
ACHP 09/25/09	Page 20 XII Administrative Provisions B) Effective Date…	Delete B) 1 and B) 2	SF	A	done
ACHP 09/25/09	Page 20 XII Administrative Provisions B) 3) Duration	ACHP suggests rewriting this as a stipulation that would result in the development of a schedule with timelines and milestones for the implementation of all the provisions in the PA. This schedule would be developed within 90 days of the execution of the PA and posted to the project website. It could be updated to reflect changes in the project schedule as appropriate.	SF	A	done
ACHP 09/25/09	Page 20 XII Administrative Provisions C) 3	Replace to read: Work products not containing sensitive information will be submitted to the following repositories so that the information generated is made available to the public: SHPO, State Publications Distribution Center (15 copies), University of Hawaii and the Municipal Reference Library (3 copies).	SF	A	done
ACHP 09/25/09	Page 22 XII Administrative Provisions	Delete D	SF	A	done

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	D)				
ACHP 09/25/09	Page 22 XII Administrative Provisions E)	Delete E	SF	A	done
ACHP 09/25/09	Page 22 XII Administrative Provisions F)	Add to end: *The City shall submit a scope of work or treatment plan to address inadvertent damage to the SHPO for comment before initiating repairs.* Move to Discovery / Unanticipated Adverse Effects Stipulation.	SF	A	done
ACHP 09/25/09	Page 22 XII Administrative Provisions New F)	Name: Emergency Situations	SF	A	done
ACHP 09/25/09	Page 22 XII Administrative Provisions New G)	Name: Coordination with Other Federal Involvement	SF	A	done
ACHP 09/25/09	Page 22 XII Administrative Provisions H	Add: *This PA shall take effect on the date it is signed by the last signatory and shall be in effect until xxxxx, 2018, or terminated pursuant to Stipulation XII.J.*	SF	A	done
ACHP 09/25/09	Page 22 XII Administrative	Change to read: Any signatory to this PA may propose that this PA be amended, whereupon the signatories and consulting parties to the PA shall consult to consider such amendment. Any amendment must be agreed to in writing by all signatories. The amendment will	SF	A	done

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	Provisions I Amendments	be effective on the date a copy with all the signatures is filed with the ACHP.			
ACHP 09/25/09	Page 22 XII Administrative Provisions J Terminations	Change to read: If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XIII.I above. If within 30 days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories. Once the PA is terminated, and prior to work continuing on the undertaking, FTA must either: (1) execute a new agreement pursuant to 36 CFR 800.6; or (2) request, take into account, and respond to comments of the ACHP under 36 CFR 800.7. FTA shall notify the signatories as the course of action it will pursue. This PA may be terminated by the execution of a subsequent agreement that explicitly terminates this PA or supersedes its terms. Execution of this PA by FTA, SHPO, and the ACHP and implementation of its terms evidence that FTA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.	SF	A	done
ACHP 09/25/09	Page 24 Signatories	Add: John M. Fowler, Executive Director for ACHP. Remove Navy	SF	A	done
NPS 09/16/09	Page 5 I. C)	ACHP – The ACHP shall determine if the measures set forth in this PA are met to acceptable standards, this fulfilling FTA's Section 106 requirements.	SF	B	Alternative text supplied by ACHP included.
NPS 09/16/09	Page 9 V. Recordation and Documentation B	Insert after … final phase of report completion. *Initial field work and photography for each study area shall be completed prior to undertaking substantial construction in that area.*	SF	A	done

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NPS 09/16/09	Page 10 V. Recordation and Documentation C) 1	Change to read: The City shall consult with NPS staff to determine resources that should be documented for Historic Building Survey (HABS) and Historic American Landscape Survey (HALS) recordation. All resources that received adverse effect determinations will be considered for HABS or HALS documentation. For resources that will be documented according to HABS and HALS standards, a professional photographer will complete large-format, black-and-white, archival photography. This documentation shall be completed prior to any pre-construction or construction activities to the resource in a manner that allows for HABS/HALS to review it prior to any physical changes to the above properties. Copies of any documentation generated under this stipulation will be offered to the SHPD in addition to the original photographic prints	SF	A	Text inserted; minor modifications made in subsequent consultation.
NPS 09/16/09	Page 10 V. Recordation and Documentation C) 2	Make change: …large-format, black-and-white, archival photography…	SF	A	done
NPS 09/16/09	Page 10 VI National Register C) 2	Insert at first line: *Resources included in the Multiple Property Submissions*	SF	A	done
NPS 09/16/09	Page 13 VII Mitigation of Specific Resources D	Insert as last sentence: *The City shall fund the restoration efforts for these parks, up to a sum of $250,000.00*	SF	D	Alternative text added including $750,000 for park improvements.
NPS 09/16/09	Page 14 VIII Measures	Change 2nd sentence to read: The City will create and schedule the first meeting of the HPS within three months after *FTA approval of preliminary engineering for the Project.*	SF	E	Alternative text developed in subsequent consultation.

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	to Address… B)				
NPS 09/23/09	Section V. A	Suggested changes: The City shall consult with NPS Regional HABS HAER HALS staff to determine which resources should be documented for HHH recordation. All required HHH archival black and white photography will be completed, submitted to NPS regional staff for approval and approval received by NPS regional staff prior to any pre-construction or construction activities to the resources. The City shall submit all requisite final draft copies by (INCLUDE deadline)	SF	A	done
HHF 09/16/09	Project Design Developm ent	The FTA and the City shall consult with SHPO and the other consulting parties on the design of the project stations, guideway and other infrastructure design regarding effects on historic properties as part of the schematic and design development process. In areas where historic properties are present, all elements of the project design, including but not limited to, stations, platforms, shelters, ramps, walkways, tracks, poles, catenaries, public art, and associated streetscape improvements, will meet the Secretary of the Interior's Standards, taking into account the suggested approaches to new construction in historic areas in the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties.	SF	C	Conceptual changes made reflecting the spirit of this request while adhering to the City's ability to fulfill the obligation.
HHF 09/16/09	Project Design Developm ent	The City will develop the project design for these areas in close consultation with the Hawai'i SHPO and with other consulting parties and other local and state agencies. Consultation will occur throughout the design process so that historic values are integrated, incorporated and implemented into the project design. The City will submit plans to Hawai'i SHPO and other consulting parties for review and comment at minimum at the 35% and 65% completion stages. A set of 35-percent complete plans will be provided prior to the City submitting application to FTA to enter into final design. A set of 65-percent complete plans will be provided by _____. Hawai'i SHPO and other consulting parties will provide comments to the City within 30 days of receipt of plans or the City may presume that they have no comments.	LS	A	Comment was discussed and incorporated. Review at PE and FD stages.

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HHF 09/16/09	Project Design Developm ent	The City will take into consideration any timely comments received in developing final designs for all project elements in historic areas. The City will submit final designs to Hawai'i SHPO for review and written concurrence regarding effects on historic properties and notify consulting parties of the availability of plans for review. Hawai'i SHPO will have thirty days to provide comments on final designs as submitted. In the event the City is unable to integrate the Hawai'i SHPO comments into final designs, the City shall provide a written explanation to Hawai'i SHPO and FTA within 30 days of receipt of Hawai'i SHPO's	SF	A	Wording has been modified as a result of subsequent consultation.
HHF 09/16/09	Project Design Developm ent	If there is any portion of the project where it is not feasible to reach a design that meets the SOI Standards, the project improvements will be considered to have an adverse effect, and mitigation measures will be developed and implemented in accordance Stipulation _____ (regarding resolution of adverse effects) of this agreement.	SF	A	As shown in IV Design Standards, the City shall consider the Sec. of Interior Standards. Discussions with the CPs on 10/26/09 resulted in agreement to include meetings to discuss potential processes if standards are not met.
HHF 09/16/09	Resolution of Adverse Effects	In any instance where the final design of the project components do not meet the SOI Standards, or if, in consultation with the Hawai'i SHPO, FTA and the City determine it is not practicable to avoid other adverse effects, the City will consult with Hawai'i SHPO and other consulting parties to develop a mitigation plan appropriate to the historic property.	SF	A	As shown in IV Design Standards, the City shall consider the Sec. of Interior Standards. Discussions with the CPs on 10/26/09 resulted in agreement to include meetings to discuss potential processes if standards are not met.
HHF 09/16/09	Resolution of Adverse Effects	The City shall notify consulting parties to this agreement when a mitigation plan will be prepared pursuant to this stipulation. The mitigation plan shall be developed within 60 calendar days of such notification. If more time is required to develop the mitigation plan, the City will notify consulting parties to this agreement regarding the reason for the delay and the anticipated timeframe for mitigation plan distribution. The City will provide a copy of the draft mitigation plan to consulting parties for 30 day comment period, during which consulting parties may provide written comments to the City.			See above
HHF 09/16/09	Resolution of	The City will take into account any timely comments of consulting parties in the development of final mitigation plans. A mitigation plan			See above

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	Adverse Effects	will be final upon acceptance by FTA and Hawai'i SHPO. Consulting parties will receive copies of all final mitigation plans and may also be invited to concur in mitigation plans.			
HHF 09/16/09	Protection Measures	Before project construction begins, the City shall develop a construction protection plan in consultation with FTA, Hawai'i SHPO, and other consulting parties as appropriate detailing all measures to protect historic properties from physical damage during construction of the project. Identified protection measures shall be clearly identified in construction documents. The City will include the construction protection plan within specific contract packages to inform contractors of their responsibilities relative to historic properties. Copies of the construction protection plan will also be provided to the consulting parties of this agreement. The construction protection plan will consist of the following: Inspection and documentation of existing conditions at the historic properties adjacent to project construction activities; Establishment of protection measures and procedures; and Any documentation and protection measures contained within the vibration monitoring plan developed pursuant to Stipulation __.	LS	E	Per answer from FTA this will be included in the Record of Decision for all resources and not limited to historic.
HHF 09/16/09	Protection Measures	Before project construction begins, the City shall meet with the construction contractor(s) to review the construction protection plan and ensure that construction plans are consistent with the project design as reviewed by Hawai'i SHPO.	LS	E	Per answer from FTA this will be included in the Record of Decision for all resources and not limited to historic.
HHF 09/16/09	Protection Measures	The City will monitor project construction to ensure that the measures in the construction protection plan are implemented and shall provide a record of monitoring activities in the quarterly reports prepared pursuant to Stipulation ___.	LS	E	Per answer from FTA this will be included in the Record of Decision for all resources and not limited to historic.
HHF 09/16/09	Noise and Vibration Assessment and Mitigation	The City will develop and implement a historic properties Vibration and Noise Management and Remediation Plan (VNMRP) to address issues related to vibrations and noise caused during project construction and operations. The VNMRP will be developed in consultation with parties to this agreement. i. Pre-construction survey: The VNMRP will develop a schedule and methodology for a pre-construction survey of all historic properties	LS	E	Per answer from FTA this will be included in the Record of Decision for all resources and not limited to historic.

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		determined to be adversely effected by the project. This survey will provide a baseline of existing structural conditions to facilitate later identification of any structural and/or cosmetic damage caused by the project construction. A post-construction survey of all properties will identify any changes from pre-construction condition and assess possible cause of these changes. i. Vibration from project construction: The VNMRP will outline a methodology for monitoring vibration during project construction at adversely effected historic properties. It will specify thresholds for vibration during construction and will include details about the process, equipment, documentation standards, and frequency of monitoring. Thresholds will be set using guidance from FTA on standard vibration thresholds.			
HHF 09/16/09	Noise and Vibration Assessme nt and Mitigation	The VNMRP will include provision for timely reporting of the results of the pre-construction survey and construction monitoring efforts to the Hawai'i SHPO and the owners of the adversely effected historic properties. It will also include a process to notify the City of any observed vibration or noise effects on the properties, and if problems are identified, identify specific provisions to address those problems, including, but not limited to, cessation of construction activity, repair of damage, and other appropriate measures.	LS	E	Per answer from FTA this will be included in the Record of Decision for all resources and not limited to historic.
HHF 09/16/09	Noise and Vibration Assessme nt and Mitigation	All owners of the adversely effected historic properties will be consulted regarding the provisions of the VNMRP. This consultation will provide information on the purpose of, and process for, completing the pre-construction survey and other work under the plan, and the process for substantiating damages and for seeking remediation for substantiated damage claims should damage result from construction or operation of the project. Any agreements with owners of historic properties that contain provisions related to vibration or noise issues will be consistent with the provisions of the VNMRP. Copies of such agreements will be made a part of the VNMRP and/or forwarded to the Hawai'i SHPO.	LS	E	Per answer from FTA this will be included in the Record of Decision for all resources and not limited to historic.
HHF 09/16/09	Noise and Vibration Assessme	The team preparing the VNMRP will include a historian or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards.	LS	E	Per answer from FTA this will be included in the Record of Decision for all resources and not

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	nt and Mitigation				limited to historic.
HHF 09/16/09	Noise and Vibration Assessment and Mitigation	The VNMRP will be developed by the City in consultation with the Hawai'i SHPO and the draft plan will be submitted to the Hawai'i SHPO and consulting parties for a 30-day review and comment period. The City shall consider all comments received in a timely fashion prior to issuing a final report. FTA will approve the final VNMRP. The final plan will be submitted to Hawai'i SHPO for concurrence regarding effects on historic properties by _____.	LS	E	Per answer from FTA this will be included in the Record of Decision for all resources and not limited to historic.
HHF 09/16/09	Public Education	In consultation with Hawai'i SHPO and other consulting parties, the City and County will develop and implement an educational effort to encourage the rehabilitation of historic properties located along the transit route. This effort will include an information packet with information about proper rehabilitation practices and financial resources as well as the benefits of pursuing National Register listing for eligible properties. It will also include individual consultations with owners of historic properties and/or public workshops, as appropriate. At the conclusion of the consultations and workshops, the City and County will submit a report on the effort to the Hawai'i SHPO and other consulting parties.	SF	A	Minor word changes made as the result of subsequent consultation.
HHF 09/16/09	Public Education	The City and County will develop an educational Field Guide of the historic properties (including historic districts) along the transit route. The Field Guide will be developed in consultation with Hawai'i SHPO and other consulting parties, and the final draft will be submitted to Hawai'i SHPO for review and concurrence. The City will make the Field Guide available to the public in both print and electronic formats. The Field Guide will be completed and available before revenue service operations begin.	SF	A	Minor word changes made as the result of subsequent consultation.
HHF 09/16/09	Public Education	The City will develop a scope of work for the public education tasks in A and B above in consultation with the Hawai'i SHPO prior to the initiation of construction activities. The scope of work will include an outline of the specific tasks to be carried out and products to be delivered as part of the public education effort, a timeline for the completion of all tasks in relationship to the project development	SF	A	Minor wording and organizational changes made as the result of subsequent consultation.

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		schedule, and a distribution plan.			
HHF 09/16/09	Public Education	All public education efforts, in this Stipulation will be completed before the revenue service operations begin.	SF	A	Done
HHF 09/16/09	Public Education	All public education efforts, in this Stipulation will be completed before the revenue service operations begin.	SF	A	Done
HHF 09/16/09	National Register Nominations	The City shall prepare National Register Nomination forms, in conformance with the guidelines of the National Park Service and Hawai'i SHPO, for all thirty-three adversely effected properties located along the project corridor.	SF	A	Minor word changes made as the result of subsequent consultation. (Two resources of the thirty-three are NHLs and are addressed separately.)
HHF 09/16/09	National Register Nominations	Nominations for properties already listed on the Hawai'i and/or National Registers will be updated and submitted to Hawai'i SHPO for review and concurrence.	SF	A	Minor word changes made as the result of subsequent consultation.
HHF 09/16/09	National Register Nominations	The nomination forms will be completed in consultation with the Hawai'i SHPO, and will be submitted to Hawai'i SHPO for review and concurrence. The City will complete the nomination forms before the project begins revenue service operations.	SF	A	Done
HHF 09/16/09	National Register Nominations	Actual nomination of these properties to the National Register of Historic Places will be at the discretion of the Hawai'i SHPO and will follow the established procedures of the National Park Service (36 CFR 60.6(g)).	SF	A	Minor word changes made as the result of subsequent consultation.
HHF 09/16/09	National Register Nominations	Listing of historic properties on the National Register would enable owners and developers of these properties to access certain financial incentives for preservation, including the federal preservation tax incentives. The City will encourage historic rehabilitation of the properties as part of the development of station areas and the project as a whole through the educational effort in Stipulation ___ (Public Education).	SF	A	Spirit of this comment incorporated in public education and outreach efforts.
HHF	Restoratio	**Irwin Park, Walker Park, and Mother Waldron Park**	SF	A	The details and wording of this

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09/16/09	n of Historic Resource s	The City shall conduct local charettes and planning meetings with the Hawai'i SHPO, other consulting parties, and the owners of adversely-affected historic parks within the APE to develop and implement a plan to rehabilitate and maintain the historic parks adversely affected by the project. The draft plan will be submitted to the Hawai'i SHPO and consulting parties for a 30-day review and comment period. The City shall consider all comments received in a timely fashion prior to issuing a final report.			comments evolved after subsequent consultation; provisions for park improvements, including funding, included in the current PA.
HHF 09/16/09	Restoratio n of Historic Resource s	The City shall implement the plan prior to beginning construction of the project.	SF	A	Done
HHF 09/16/09	Restoratio n of Historic Resource s	**Other historic resources** The City shall conduct local charettes and planning meetings with the Hawai'i SHPO, other consulting parties, and the owners of adversely-affected historic properties to identify other restoration and rehabilitation projects within the APE. The draft plan will be submitted to the Hawai'i SHPO and consulting parties for a 30-day review and comment period. The City shall consider all comments received in a timely fashion prior to issuing a final report.			Stipulation IX.B includes the intent of this, but was worked out through consultation.
HHF 09/16/09	Restoratio n of Historic Resource s	The City shall implement the plan before the project begins revenue service operations			See above
HHF 09/16/09	Cultural Landscap e Reports	b. Before project construction begins, the City shall complete Cultural Landscape Reports (CLR) for cultural landscapes along the project corridor. The City will, in consultation with signatories and consulting parties, determine the significant cultural landscapes that should be studied. All work shall follow National Park Service guidance and standards, including National Register Bulletins 30	SF	C	Basic concept of requested language included with some modifications.

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		and 18. i.Upon determination of significant cultural landscapes to be studied, cultural landscape reports will be completed by a landscape architect meeting the Secretary of the Interior's Standards for Professional Qualifications. i.The draft CLRs will be submitted to the Hawai'i SHPO and consulting parties for a 30-day review and comment period. The City shall consider all comments received in a timely fashion prior to issuing final CLRs. The final CLRs will be submitted to Hawai'i SHPO for their concurrence.			
HHF 09/16/09	Historic Context Studies	Before project construction begins, the City shall complete Historic context studies related to relevant historic themes along the project corridor. The City will, in consultation with signatories and consulting parties, determine the significant historic contexts which warrant further study. i.Upon determination of significant historic themes to be studied, historic context studies will be completed by an architectural historian or historian meeting the Secretary of the Interior's Standards for Professional Qualifications. v.The draft Historic context studies will be submitted to the Hawai'i SHPO and consulting parties for a 30-day review and comment period. The City shall consider all comments received in a timely fashion prior to issuing final CLRs. The final CLRs will be submitted to Hawai'i SHPO for their concurrence.	SF	C	Basic concept of comment and language included with minor modifications.
HHF 09/16/09	Honolulu Historic Preservati on Program	The City shall establish a historic preservation program for the City and County of Honolulu consistent with the Certified Local Government (CLG) requirements established by the National Park Service and the Hawai'i SHPO. The City shall appoint a qualified preservation commission, staff the commission adequately, and provide for its on-going training and effective participation in land use matters. The historic preservation commission shall serve as the City's representative for the implementation of the stipulations of this	SF	D	City unable to fulfill this request; Historic Preservation Committee will be established as an alternative.

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		Agreement, including: Establish the goals, criteria, program guidelines, administrative procedures and funding distribution related to the stipulations of this Agreement, including design development, resolution of adverse effects, education program, protection measures, National Register nominations, Cultural Landscape reports, restoration of historic resources, historic preservation grant program, and any other measures; The commission may be charged with additional historic preservation duties and responsibilities consistent with the CLG requirements and enabling legislation, if additional funding and staffing is provided by the City. Transit funding shall only be used for transit-related stipulations or effects. The City shall create and schedule the first meeting of the preservation commission within three months of approval of this agreement. The City shall apply for designation as a CLG before revenue service operations begin.			
HHF 09/16/09	Main Street Program	The City shall support the reestablishment of the Main Street program either by serving as the coordinator or cooperating with another coordinating agency. The City shall provide dedicated funds for the successful implementation throughout the life of the transit project. The City shall actively work with communities along the transit corridor to establish main street communities. The Main Street program will be established before revenue service operations begin.	SF	D	The City is unable to fulfill this request.
HHF 09/16/09	Historic Resource Inventory and Database	The City shall develop a database of all parcels within the APE with metadata of site name, address, TMK, resource type, construction date, geocoding and other identifying information. Each entry shall be cross-referenced to historic inventory survey sheets, National Register nomination forms, photographs and other information developed as part of the historic resources identification and evaluation ("Inventory").	SF	A	done

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HHF 09/16/09	Historic Resource Inventory and Database	The Inventory shall be made available on the Project website with maps, search engine by name, address, TMK, resource type and construction date.	SF	A	Done
HHF 09/16/09	Historic Resource Inventory and Database	The Inventory and searchable website shall be completed prior to beginning construction	SF	D	Schedule to be determined. The database will be developed prior to project completion.
HHF 09/16/09	Historic Resource Inventory and Database	As additional information is developed, including the National Register nominations, HABS/HAER documentation, and the components of the educational program, such information shall be added to the Inventory and the website.	SF	A	Done
HHF 09/16/09	Quarterly Report on Agreemen t Implement ation	c.Beginning three months from the execution of this agreement, the City shall submit a quarterly report to the signatories of this agreement detailing the measures carried out pursuant to its terms. The City shall submit the quarterly reports until all the terms of the agreement have been satisfied.	SF	D	Consulting parties agreed to semi-annual reports.
HHF 09/16/09	Quarterly Report on Agreemen t Implement ation	The quarterly report will itemize all actions required to be taken by the City during the preceding months to implement the terms of this agreement, identify what actions the City has taken during the reporting period to implement those actions, identify any problems or unexpected issues encountered during that time, any disputes and objections submitted or resolved, and changes recommended in implementation of the agreement, and any scheduling changes. The quarterly reports shall also include a timetable of activities proposed for implementation within the following three months.	SF	E	Content of reports TBD, but this comment will be used in developing potential topics.
HHF	Quarterly	The signatories shall review the quarterly reports and provide any		E	Reporting will be semi-annual

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09/16/09	Report on Agreement Implementation	comments to FTA with thirty days of receipt of the report.			
HHF 09/16/09	Quarterly Report on Agreement Implementation	The City shall notify consulting parties and the public regarding the publication of the quarterly reports and make those reports available for their inspection and review on the project website. The City shall share any comments received from consulting parties and the public with signatories.	SF	E	Reports will be available on the Project website.
HHF 09/16/09	Quarterly Report on Agreement Implementation	At its own discretion or at the request of any signatory to this agreement, the City shall convene a meeting to facilitate review and comment on the reports, and to resolve any questions about its content and/or to resolve objections.			City to hold annual meetings
NPS 10/20/09	Page 3 Whereas Clause	Whereas Clause regarding direct and indirect effects) - This clause should be deleted from the PA since direct and indirect effect are NEPA, not NHPA regulatory nomenclature and because the terms are not being accurately used here. Even in NEPA terms, the 33 adverse effects are direct effects. Here is an excerpt from the regs: Title 40: Protection of Environment PART 1508-TERMINOLOGY AND INDEX § 1508.8 Effects. Effects include: (a) Direct effects, which are caused by the action and occur at the same time and place. (b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.	SF	D	Stipulation not deleted. Language from Section 106 added.

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		Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.			
NPS 10/20/09	Page 5 Section I	Please add the following as Stipulation I.G. "NPS Responsibilities - Accept for those documents set forth in stipulations V.C and VI.B of this agreement, NPS may at its sole discretion review and respond to any of the other documents, if NPS chooses to respond it will do so in a timely manner. Lack of response should not be taken to indicate an opinion by the NPS	SF	D	Only City and signatories' roles will be defined within the PA.
NPS 10/20/09	Page 5 Section II. B	line 4 - suggest replacing "acceptable mitigation" with "avoidance, minimization and mitigation measures."			Acceptable mitigation changed to treatment measures
NPS 10/20/09	Page 5 Section II.B	line 7-8 - The statement that "The City shall complete all related mitigation prior to undertaking each construction phase that would adversely affect a TCP" still does not address the issue of foreclosing opportunities for avoidance and minimization.			Language changed to commit to completing process.
NPS 10/20/09	Page 7 Section III.B.1	This section states, "Within 60 days of execution of this PA, the City shall consult with the OIBC, lineal and cultural descendents, and other interested parties that are identified in discussion with OIBC, about the scope of investigation for the AIS Plan for construction of Phase 4." Why only phase 4; is that the only area where there may be burials? Wouldn't it be prudent to complete the AIS and know where burials are located ASAP? If it is only to be completed prior to beginning final design for phase 4, there may be little opportunity for avoidance.			This was worked out within working group. Phase 4 is area of greatest concern. Prior to final design is ASAP.
NPS 10/20/09	Page 7 Section III. B. 2	This section states, "The City shall complete the AIS for Phase 4 (Middle Street to Ala Moana Center) prior to beginning Final Design for that area. Won't there already be construction ongoing at this point; shouldn't this come before start of construction?			No construction within that or prior phase of project.
NPS	Page 7	This section states, "The City, in coordination with the OIBC, lineal and			Agreement suggests a treatment

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10/20/09	Section III. B. 3	cultural descendents, and other interested parties that are identified in discussion with OIBC shall complete a draft approach for consultation regarding treatment of . . . The approach shall address at minimum a process for communication of any discoveries, definitions that will be applied to the Project, " Should this be an agreement, not quite certain what an "approach" would include. Can't some of this be spelled out here in the PA? At minimum, shouldn't it also include a time frame for notification?			plan, which cannot be completed prior to identification of a specific affected resource.
NPS 10/20/09	Page 7 Section III.B.5	Do the particulars of the consultation with the signatories need to be outlined in this clause?	LS	E	No
NPS 10/20/09	Page 7 Section III.C	Lines 1-5 - The first 2 sentences read, "The City shall conduct archaeological fieldwork as presented in the AIS Plan. For each construction phase, the archaeological fieldwork shall be completed in advance of the completion of final design so that the presence of any sensitive archaeological sites/burials discovered during fieldwork can be addressed during final design. We suggest rewriting the second sentence to read: "For each construction phase, the archaeological fieldwork shall be completed in advance of the completion of final design so that so that the final design may incorporate avoidance and minimization measures for any sensitive archaeological sites/burials discovered during fieldwork can be addressed during final design."	LS	E	This approach may lead to the disturbance of additional resources that would not be disturbed if design progresses with the investigation.
NPS 10/20/09	Page 8 Section 111.C.4	This clause reference archeological method. Is there an archeological standard that should be referenced? When is this AIS plan II.C be completed? The AIS mentioned in II.B. 2. references completion prior to final design of phase 4	LS	E	No, SHPD has authority to approve method
NPS 10/20/09	Page 8 Section 111.E	Do additional parties need to review the mitigation plans. As written, only SHPO is reviewing the plans.			Correct

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NPS 10/20/09	Page 8 Section 111.E.2	Paragraph 2; line 1 - What is the limited distance - a couple of feet, 10-20 feet? Please specify.	LS	E	To be determined through consultation
NPS 10/20/09	Page 9 Section III.E.2.a	We thought data recovery was not allowable as mitigation. This is a question for ACHP.			Data recovery would be appropriate in some instances.
NPS 10/20/09	Page 10 Section IV.A	The design guidelines should also apply if station is adjacent to a NR eligible or listed property or district.	SF	A	done
NPS 10/20/09	Page 10 Section V.A	Shouldn't the context studies take the form of Multiple Property Documentation Forms? I believe that I asked this question before. If done as an MPD the form would go to the NR and provide the context for subsequent nominations.	SF	D	The context studies will be stand-alone documents.
NPS 10/20/09	Page 10 Section V.A.4	It isn't clear why the draft context studies are only going to SHPO and why interpretive signage is included in this stipulation. Also, if copies are not provided to other parties, how will they know to comment and send comments for the city's consideration?	SF	A	Studies will be provided to consulting parties. Interpretive language removed.
NPS 10/20/09	Page 11 Section V.B.3	Since CLR's are treatment documents, wouldn't the CLRs be completed prior to completion of design? Otherwise the document is not informing decisions. As proposed, only the photography and field work will be complete prior to construction. This doesn't make sense. If they are not done before design, then why do them?	SF	E	The landscapes that will be subject to CLR documentation have not been selected. (Consulting parties requested that previously suggested landscapes be removed from the PA.) The landscapes may not be within the APE and therefore they may not be impacted by the project. As the consulting parties discussed, the CLRs were intended to be programmatic in their future use. The information will be available for the City and others to use in future decision-making, management, and preservation

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					planning for these landscapes.
NPS 10/20/09	Page 11 Section V.B.4	Once again, not certain why only SHPO will have the opportunity to review.	SF	A	All consulting parties will review.
NPS 10/20/09	Page 11 Section V.C.1	last line - The last line reads, "No construction activities shall be undertaken to the resources prior to approval from NPS Regional staff." Please revise the last part of the sentence to read " . . . prior to approval of the required documentation by NPS Regional staff."	SF	E	Amended in prior draft.
NPS 10/20/09	Page 12 Section V.D.	last line sentence - The last sentence reads, "The fulfillment of Stipulations V.C and V.D will ensure that all adversely affected resources are documented using large format photography. The current draft, as written, only ensures large format photography for stipulation V.C.	SF	A	done
NPS 10/20/09	Page 12 Section V.F	Do you need to specify the medium (i.e. digital or film)?	SF	E	Will be determined by City in consultation with selected consultant.
NPS 10/20/09	Page 13 Section VI.C.4	Should there be a minimum goal for the number of nominations included in the MPS?	SF	D	The City attempted to quantify this stipulation earlier. HHF and NPS staff stated that this was random and rejected that approach.
NPS 10/20/09	Page 14 Section VI.C.4	I believe "draft nomination form" should read "draft nomination forms."	SF	A	done
NPS 10/20/09	Page 14 Section VI.C.	This stipulation should be numbered VI.D. (VI.C occurs twice).	SF	E	Corrected in prior draft
NPS 10/20/09	Page 14 Section VI	last line - the last line seems redundant to VI.A.3.			At this point, much of the PA is redundant at the request of consulting parties.
NPS	Page 19	This stipulation addresses inadvertent damage to historic properties.			noted

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10/20/09	Section X.E.	We believe it is very important that a plan for protecting/preventing damage to historic resources should be required in the RFP.			
NPS 10/20/09	Page 20 Section XI.A	The second sentence reads, "The City will begin the consultation process with the signatories and resolve any adverse effects in accordance with Section 106 of the National Historic Preservation Act within a period of 3 days." The language in the next sentence suggests that resolution is defined as amending the PA. 3 days is not enough time for resolution. If the 3 days only refers to start of consultation then the sentence should be revised; otherwise more time should be allotted for resolution.	SF	A	done
NPS 10/20/09	Page 20 Section XI.C	Should this section reference NAGPRA for any burials discovered on Federal land?	SF	A	done
NPS 10/20/09	Page 22 Section XIII.B.2	The first sentence reads, "Within 90 days of the execution of this PA, the City shall develop a schedule for the implementation of the provisions of the agreement." There are some instances in the PA where commencement of a study or inventory will begin within 30 days (60 days before the schedule is produced). Where there is a known commencement date, even if it is relative to signing of the PA, there should be a matrix of some sort for review and discussion. This matrix would begin to illustrate the number of documents, plans or reports that consulting parties may be requested to review at the same time and may indicate a need to adjust review times. This follows our earlier request for a schedule or table.	SF	E	The schedule will be produced as indicated in the PA. The PA contains items specifically scheduled at the request of consulting parties. The City agrees that it is aggressive, but has yielded to the consulting parties wishes.
NPS 10/20/09	Page 24	the NPS signature line currently reads: Regional Administrator National Park Service Please revise to read: Pacific West Regional Director National Park Service	SF	A	done

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NPS 10/20/09	Page 24	bottom of page - I believe Attachment 1 is referred to as Attachment A in one of the early Whereas Clauses and there is a reference to Appendix A. Please provide all attachments and appendices for signatory and consulting party review.	SF	E	Corrected in prior draft
NTHP 10/22/09	PA II.B	The assurances in the PA that consultation regarding TCPs will be completed "prior to commencement of construction" are not adequate in our view, to ensure that avoidance alternatives have not be foreclosed			Objection noted.
NTHP 10/22/09	PA III.E.2.b	The City seems to assume that adverse effects to burials can be avoided because alterations .... Should allow most burials to be preserved in place. OIBC rightly disagrees. The City cannot conclude with certainty that it will avoid burial sites.			Statement based on incomplete understanding of project consultation. See direct response to OIBC.
NTHP 10/22/09	Foreseeable Indirect and Cumulative Effects	The Draft PA does not adequately address the foreseeable indirect and cumulative effects of the Project. See 10/22/09 letter	SF	D	Current iteration includes appropriate mitigation for indirect and cumulative effects. See revised Stipulation IX
NTHP 10/22/09	IX.C	The proposed stipulation is not adequate. It requires nothing more than the City providing a list every six months of demolition permits already granted for historic properties within the APE. Even if every historic property were demolished, no mitigation would be required... Without some consequences imposed for demolitions, TOD could have profound impacts to historic properties in Honolulu See Page 3 of 10/22/09 letter.	SF	A	Revised text included as a result of a discussion with HHF staff.
NTHP 10/22/09	Subsequent Consultation	The City should not restrict subsequent consultation to concurring parties.	SF	A	All consulting parties will review.
NTHP 10/22/09	IV.A Design Standards	The requirement for consistency with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* should not be limited to project elements "within the boundary" of a historic	SF	A	Adjacent properties included.

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		Property but should also include project elements that are adjacent to historic properties			
NTHP 10/22/09	IV.C Mitigation	Additional mitigation should be provided if the design review process does not result in a design that is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties.* This is especially important for the anticipated impacts to the DTB and courtyard.	SF	D	Consulting parties agreed to meet if design does not meet SOI's standards; appropriate means of progressing can be determined at that time.
NTHP 10/22/09	Page 15 VII.D.3	Add: "whichever occurs later"	SF	A	done
NTHP 10/22/09	Page 17 VIIID.4	Change "parks improvements" to "implementation of the park improvement plan"	SF	A	done
NTHP 10/22/09	VI.B	The work shall be carried out and approved by persons meeting the qualifications for Historical or Architectural Historian in *The Secretary of the Interior's Historic Preservation Professional Qualification Standards,* 62 Fed. Reg. 33,713-14, 33, 719-20 (June 20, 1997)	SF	A	done
FTA 9/17/09	Whereas	Whereas, the City and County of Honolulu have adopted this Programmatic Agreement through Resolution 09-xxx (see Attachment x)	SF	A	Done. See Whereas clause, pg. 1 regarding Resolution 90-306
FTA 09/17/09	Stipulations D	City Responsibilities – The City shall *represent the interests of FTA and* coordinate *all governance* activities described in the PA to fulfill the contents described in the stipulations below… The City shall *report* all plans and documents required by this PA *in a timely and accurate manner* to the SHPD and other agencies, as appropriate, for review. *The City shall also ensure that all technical solutions developed by the City and as a result of consultation are compliant with government-wide policies and regulations.*	SF	A	done
FTA 09/17/09	I. F.	Permitting regarding land use planning activities, including *the integration of* transit oriented development *with historic preservation* in the vicinity of stations.			Done
FTA 09/17/09	III. C)	Treatment Plans: The City, *in coordination with the OIBC,* will develop a general approach…			Done
FTA 09/17/09	III. F)	…The City in coordination with the OIBC, shall complete a draft approach for OIBC review within six months of *FTA's approval of project entry into final design.*			done
FTA	V.A)	Comment…what does 'by others' mean? The implication is that the	SF	A	done

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09/17/09		City will not develop NHRP nominations. This directly contradicts the first sentence in VI.A. I would recommend removing the 'by others'.			
FTA 09/17/09	V. B)	Comment… 'substantial construction' must be defined.	SF	A	done
FTA 09/17/09	VI.B)	Remove all of this language. Use the 5.b. stipulation of HHF's recommendation. The City and County will develop an educational Field Guide of the historic properties (including historic districts) along the transit route. The Field Guide will be developed in consultation with Hawaii SHPO and other consulting parties, and the final draft will be submitted to Hawaii SHPO for review and concurrence. The City will make the Field Guide available to the public in both print and electronic formats. The Field Guide will be completed and available before revenue service operations begin.	SF	A	Minor modifications of stipulation language as a result of subsequent consultation.
FTA 09/17/09	VI.C)	Delete sentence re 1000 copies. And add: *The materials will be available on the Project Website.*	SF	A	done
FTA 09/17/09	VI.D)	Comment: Based on B) and C) the Humanities Program will be probably less than robust. Will it be open ended? Who will staff it? What constitutes a concrete commitment to this program by the City?	SF	A	Stipulation has been strengthened as a result of subsequent consultation.
FTA 09/17/09	VII.D.	FTA's preferred language: *Improvements to Historic Irwin Park and Mother Waldron Neighborhood Park* *a. With the assistance of the State of Hawaii and the concurring parties, the City of Honolulu shall produce and implement a plan for improvements for the restoration and enhancement of Historic Irwin Park as an urban green space offering visual relief and passive recreation for the nearby transit station. (performance based?)* *b. With the assistance of concurring parties, the City of Honolulu shall produce and implement a plan for the improvement of Mother Waldron Neighborhood Park. (performance based?)* *c. Project funds in the amount of $1,000,000 shall be budgeted for parks improvements. Should the conferees determine the circumstances preclude improving these parks, project funds budgeted for parks shall be transferred for use to the HHCTCP*	SF	A	Minor modifications of text to subsequent consultation.

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		Historic Preservation Committee.			
FTA 09/17/09	IX. Constructi on Plan	Include the following: As a part of the construction protection plan, during final design, the City and County of Honolulu, in cooperation with its contractors, will create and carry a Construction Noise and Vibration Mitigation Plan using any and all of the mitigation measures defined in the FEIS. Numeric limits and monitoring measures will be developed to minimize noise and vibration impacts.			done
AHHC 10/21/09	VII A. 1	Amend second sentence to read: The City will circulate a draft of the interpretive plan to consulting and concurring parties following the kick-off meeting…	SF	E	"Consulting parties" is included in PA and encompasses concurring parties.
AHHC 10/21/09	VII B. 1	Amend second sentence to read: The City will circulate a draft of the brochure plan to consulting and concurring parties following the kick-off meeting…	SF	E	Consulting parties is included in PA and encompasses concurring parties.
AHHC 10/21/09	VII D. 1	Amend second sentence to read: The City will circulate a draft of the program plan to consulting and concurring parties following the kick-off meeting…	SF	E	Consulting parties is included in PA and encompasses concurring parties.
OIBC 10/18/09	Whereas	Should a PA nonetheless be approved that allows for an AIS to occur after the required approvals for the Project's commencement, then the OIBC would request these changes…. A. Whereas, there is a likelihood of the discovery of iwi kupua along the transit route, particularly in Phase 4;			In conflict with FTA direction, not included.
OIBC 10/18/09	Whereas	B. Whereas, this agreement is being signed prior to the completion of an archaeological inventory survey despite repeated requests for one by the Oahu Island Burial Council (OIBC) and Native Hawaiian organizations;			In conflict with FTA direction, not included
OIBC 10/18/09	Whereas	C. Whereas, the OIBC and Native Hawaiian organizations have requested that the likely impact to burial sites be considered as part of the alternatives analysis;			In conflict with FTA direction, not included
OIBC 10/18/09	Whereas	D. Whereas, the city and FTA assume the risk that the OIBC and the State Historic Preservation Division may bar the relocation of iwi along the transit route, thereby delaying and increasing the cost of the undertaking and potentially jeopardizing the viability of the project.			In conflict with FTA direction, not included
OIBC 10/18/09	Whereas	A commitment by the City to include in the AIS Plan a thorough 100 percent subsurface investigation by archaeological excavation			See stipulation III.B.1, not needed as Whereas in addition to

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		(rather than ground penetrating radar that would be ineffective in sand deposits) of every area to be affected by ground disturbance, including, but not limited to the locations of columns, stations, traction power substations, and utility relocations.			Stipulation
OIBC 10/18/09	Whereas	Inclusion of the OIBC in decisions regarding the approval of the AIS Plan, AIS, Archaeological Monitoring Plan, and Burial Treatment Plan.			See stipulation III.B.1 and 4, not needed as Whereas in addition to Stipulation
OHA 10/21/09		"OHA strongly advocates that at a minimum, the [FTA] is obligated to respond to the OIBC and Hui Malama with a level of detail that and comprehensive concepts of a wide range of professions to ensure that Native Hawaiian burials are not relegated to be merely viewed as "delays" or "inconveniences" in the development process. Experience has shown that all parties benefit when burials are identified as early as possible in the development process so that they can be given paramount consideration as the design of a given project moves forward."			noted
OHA 10/21/09		A comprehensive archaeological inventory survey (AIS) that includes a complete subsurface archaeological excavation in all areas that will be subject to ground disturbance is needed as soon as possible. Burials identified during AIS would be classified as "previously identified." OIBC would then have the statutory authority to determine "preservation in place" or "relocation" and will provide appropriate recommendations. FTA and City will then consider OIBC's determinations and recommendations before committing to a final alignment, costly engineering, and design plans.			Included in PA
ACHP, 10/29/09, PA markups	Whereas, Page 2 through	Various edits throughout the Whereas clauses.	A	SF	Edits incorporated
ACHP, 10/29/09, PA markups	Page 3, Whereas	Regarding Whereas clause that starts with, "WHEREAS, the timing of activities listed in this PA…" Simplify explanation of phasing plan here and clarify how this is "prior to the approval" per S.106 of NHPA.			revised
ACHP, 10/29/09,	Page 4, Sec I.A	Delete "and" to be replaced with "in accordance with any" Delete "subject to this agreement"	SF	A	Edits incorporated

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PA markups					
ACHP, 10/29/09, PA markups	Page 5, Sec I.B	Edit last sentence to read: "…unless such submissions are subject to a state law allowing for review period greater than 30 days."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 5, Sec I.D	Edit to read: "…and coordinate all activities described in the PA to carry out the stipulations below…The City shall also ensure that all treatment measures developed by the City and as a result of consultation are compliant with government-wide policies and regulations."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 5, Sec II.A	Edit to read: "…and other parties with expertise, including Native Hawaiian Organizations (NHOs), to discuss…for NHRP eligibility in accordance with guidance in National Register Bulletin 38…"	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 5-6, Sec II.B	Delete "B" and combine with "A." Edit to read: "…the City shall meet with consulting parties to identify measures to avoid, minimize, or mitigate adverse effects. The City will complete all fieldwork eligibility and effects determination and consultation to develop treatment measures prior to the commencement of construction. The City shall complete any treatment measures prior to undertaking each construction phase that would adversely affect a TCP." Delete last sentence.	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 6, Sec II.C	"C" becomes "B" Edit to read: "demonstrated interest in each TCP, including NHOs, will review draft…"	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 6, Sec II.C, first sentence	Why, if they are not affected or not adversely affected.	SF	D	SHPD specifically asked during consultation that NR nominations be completed for any eligible TCPs
ACHP, 10/29/09, PA markups	Page 6, Sec III.A.2	Edit to read: "…The SHPD will provide comments to the City to be taken into account in revising the AIS Plan or accept the AIS Plan…" Delete last sentence.			SHPD requested reference to state law.

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ACHP, 10/29/09, PA markups	Page 6, Sec III.A.3	Edit – delete "preservation or relocation" and replace with "the treatment"			Done
ACHP, 10/29/09, PA markups	Page 6, Section III.B	If the interest of the OIBC is limited to phase 4, then the PA should specify and explain why. Otherwise, move to Stipulation III.A.2 and ensure that OIBC has a similar opportunity as SHPD to review the overall AIS plan.			OIBC interest is greatest in, but not limited to, Phase 4. Several provisions are limited to Phase 4 because it is the area of highest concern.
ACHP, 10/29/09, PA markups	Page 7, Sec III.B.2	Edit – delete last sentence			Done
ACHP, 10/29/09, PA markups	Page 7, Sec III.B.3	Edit – add as first sentence: "The City shall inform OIBC of the status of the AIS."			Done
ACHP, 10/29/09, PA markups	Page 7, Section III.B.3	Regarding "…duration of the construction period of the Project." This is inconsistent with the rest of this stipulation as the duration of the entire construction period is more extensive than just phase 4.			Elements 1 and 2 are Phase 4 specific, the remainder of the Stipulation applies to entire Project.
ACHP, 10/29/09, PA markups	Page 7, Sec III.B.4	Edit to read: "… OIBC shall complete a draft protocol for consultation…The protocol shall address at minimum, a process for communication about any discoveries…"			Done
ACHP, 10/29/09, PA markups	Page 8, Sec III.C.4	Edit to read: "A description of archaeological methods specific and applicable to the findings will be used in analysis, and"			Done
ACHP, 10/29/09, PA markups	Page 8, Sec III.C.5	Edit to read: "Draft and final reports summarizing the results of the fieldwork and analysis that shall be submitted to the SHPD for review and concurrence."			Term review and approval used to match state law.
ACHP, 10/29/09,	Page 8, Sec III.D	Edit to read: "…specific treatment plan to avoid, minimize, or mitigate adverse effects to historic properties pursuant to the applicable…"			Done

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PA markups					
ACHP, 10/29/09, PA markups	Page 8, Sec III.E	Edit – delete "implementation" and replace with "development"			Done
ACHP, 10/29/09, PA markups	Page 9, Sec IV.A	Edit to read: "…For project elements within the boundary of an eligible or listed historic property, the City shall be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in 36 CFR 68 and will make every effort to avoid adverse effects on historic properties."	SF	A	Incorporated in prior iteration based on NTHP comments.
ACHP, 10/29/09, PA markups	Page 10, Section IV.C	Regarding "…within areas with historic properties…" Define more clearly – an area developed in consultation with SHPD? As shown on a map of the APE?			Boundaries clarified
ACHP, 10/29/09, PA markups	Page 10, Sec IV.C	Edit to read: "…The signatory and concurring parties shall provide the City with comments on the plans within 30 days of receipt. The City shall consider all comments provided by the signatory and concurring parties when completing design build or final design plans."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 10, Sec V.A	Edit to read: "Within 90 days of execution of this PA…may be used in developing NRHP nominations for historic properties in the area."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 10, Sec V.A.4	Edit to read: "The City shall submit draft context studies to the SHPD for review. The City will incorporate any comments provided by SHPD within 30 days in preparing the final studies."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 10, Sec V.B.1	Edit to read: "Within 90 days of execution of this PA…"	SF	A	Edits incorporated
ACHP, 10/29/09, PA	Page 11, Sec V.B.4	Edit to read: "The City shall submit draft CLRs to the SHPD for review…"	SF	A	Edits incorporated

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markups					
ACHP, 10/29/09, PA markups	Page 11, Sec V.C	Edit to add acronyms for: Historic American Building Survey (HABS), Historic American Engineering Record (HAER), and Historic American Landscape Survey (HALS).	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 11, Sec V.D	Edit to delete the last sentence.	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 11, Sec V.E	Edit to read: "The City shall have digital photographs taken by a professional photographer, in conjunction with the input of the Project architectural historian…"	SF	D	This may be completed by any supervising architectural historian that meets the stipulated quals—i.e., a consultant and not the Project historian
ACHP, 10/29/09, PA markups	Page 12, Sec V.F	Edit to read: "The City shall take a comprehensive video of the project corridor prior to commencement of construction."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 12, Sec VI.A	Edit to read: "The City shall complete a NRHP Multiple Property Submission (MPS), including all appropriate accompanying documentation, for historic properties related to Modern and Recent Past Architecture in Honolulu/Oahu dating from 1939-1979."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 12, Sec VI.A.2	Edit to read: "The City will propose a list of Modern/Recent Past historic properties determined eligible for the NRHP to be advanced for nomination and will circulate it to consulting parties."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 12, Sec VI.A.3	Edit to read: "The City will consider any comments received from consulting parties within 30 days in developing a final list in consultation with the SHPD."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 12, Sec VI.A.4	Edit to keep only the first sentence.	SF	A	Edits incorporated
ACHP,	Page 12-	Edit to read: "…The City shall submit a draft document to the NPS,	SF	A	Edits incorporated

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10/29/09, PA markups	13, Sec VI.B	Navy, and SHPD. The City shall consider all comments received from NPS, Navy and SHPD within 30 days in preparing the final NHL nomination…"			
ACHP, 10/29/09, PA markups	Page 13, Section VI.C.1	Regarding "…up to the 31…" Need to explain the basis of this number.	SF	A	Done
ACHP, 10/29/09, PA markups	Page 13, Sec VI.C.1	Edit to read: "…This information will be provided to the SHPD on an NRHP nomination form, although formal listing will not be pursued where owners object to the process…" Delete last sentence.	SF	A	Previously edited to include language agreed upon by all consulting parties
ACHP, 10/29/09, PA markups	Page 13, Sec VI.C.2	Edit to read: "The City will submit draft nomination forms to the SHPD for review. The SHPD will provide comments within 30 days of receipt. The City will incorporate SHPD's comments and submit…"	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 13, Sec VI.C.3	Edit to add at the very end: "…if they are not already included."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 13, Sec VI.C.4	Delete.	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 13, Sec VI.E	Edit to read: "All NRHP and Hawaii Register nominations will follow the procedures set forth in Hawaii Revised Statutes, Chapter 6E and Hawaii Administrative Rules, Title 13, Subtitle 8, Chapter 198, as appropriate. Listing of any property on the NRHP is subject to NPS review and approval."	SF	A	Edits incorporated; statement retained regarding city fulfilling obligations regardless of NR review findings.
ACHP, 10/29/09, PA markups	Page 14, Sec VI.F	Edit to read: "The City shall develop a searchable database of historic properties within the APE in a format suitable for public use… The City will initiate database development prior to construction commencement and will update and maintain the database for the duration of this PA…"	SF	A	Edits incorporated
ACHP, 10/29/09,	Page 14, Section	Regarding the last 3 sentences. Making this information available to the public should be covered in Stipulation XII.	SF	A	Edits incorporated

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PA markups	VI.F				
ACHP, 10/29/09, PA markups	Page 14, Section VII	Recommend consolidate A, B, C, D, and E. Since the review procedure is substantially the same for each, describe the various educational materials and programs first, then set out the development procedure (kickoff meeting, draft review, approval of finals, etc.) after.	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 16, Sec VIII	Edit to read: "Mitigation for Specific Historic Properties"	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 16, Sec VIII.A	Edit to read: "…approximate original mile-point locations prior to the beginning of revenue service operation…"	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 16-17, Sec VIII.B	Edit to read: "The bridge rails on the Kapalama Canal Bridge must be replaced or retrofitted to meet current safety standards. The City will maintain or replace the rails to match the appearance of the historic rails and to maintain existing views to and from the bridge. The City shall apply the Secretary of the Interior's Standards for the Treatment of Historic Properties in developing draft plans to provide to SHPD for review per Stipulation IV."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 17, Sec VIII.C	Edit to read: "…Dillingham Boulevard that will be removed. The City will replace the trees prior to the beginning of revenue service operation."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 17, Sec VII.D.1	Edit to read: "Consulting parties will be invited to participate in a kick-off meeting to discuss improvements to adversely affected historic parks…"	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 17, Sec VII.D.2	Edit to read: "The City shall be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties and make every effort to avoid adverse effects on historic properties."	SF	A	Edits incorporated, including additional commitments.
ACHP,	Page 17,	Is this clarification accurate? Edit to read: "Implementation of the park	SF	D	The City cannot commit to a

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10/29/09, PA markups	Section VIII.D.3	improvement plan will be completed before construction is complete."			timeframe for park improvement implementation.
ACHP, 10/29/09, PA markups	Page 17, Sec VIII.D.4	Edit to read: "…Should consulting parties determine that circumstances…"	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 17, Sec VIII.D.5	Edit to read: "…terminal building parcel, will follow the standards…"	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 17, Sec IX.A	Edit to read: "…coordinate with the SHPD and other consulting parties PA, and coordinate with…"	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 18, Sec IX.A.1&2	Delete both 1 and 2	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 18, Sec IX.B	Delete "the office of the SHPO" and replace with "SHPD"	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 18, Sec IX.C	Edit to read: "…the City shall monitor the loss of eligible or listed historic properties within the APE… granted for demolition of properties within historic districts or individual historic properties within the APE. The City will encourage the design and placement of parking around station areas in a manner that minimizes adverse effects on historic properties and districts."	SF	D	Edited to include language developed during consultation process with all parties based on NTHP comments.
ACHP, 10/29/09, PA markups	Page 19, Sec X.A	Edit to read: "During final design, DTS, in cooperation with its contractors and FTA, will develop a Construction Mitigation Plan (CMP)…mitigation measures defined in the Final Environmental Impact Statement (FEIS) and the FTA Noise & Vibration Impact Assessment (2006) guidance… Note that most historic properties in the corridor are non-engineered timber or masonry; a criterion of 0.2	SF	A	Edits incorporated

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		inches…"			
ACHP, 10/29/09, PA markups	Page 19, Sec X.D	Replace "Final Environmental Impact Statement" with "FEIS"	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 19, Sec X.E	Edit to read: "…the Project to historic properties shall be repaired, to the extent possible…"	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 19-20, Sec XI.A	Edit to read: "While post-review discoveries are not anticipated for built historic properties, the City agrees to cease all work in the vicinity of the discovery should an unanticipated adverse effect on a built historic property be found. The City will notify the signatories and provided information about the unanticipated adverse effect and the City's proposed treatment plan within a period of 3 days. Signatories will provide comments on the City's proposed treatment plan within 3 days. The City will take any timely comments into consideration in developing a final treatment plan in consultation with FTA. FTA will not allow work to resume in the vicinity of the unanticipated adverse effect until a treatment plan has been finalized."	SF	A	Edits incorporated; 3 days changed to 3 business days
ACHP, 10/29/09, PA markups	Page 20, Sec XI.C	Edit to read: "…When suspected human skeletal remains are found, the City shall ensure that all work in the vicinity stops and that an archeologist secures the area…"	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 21, Sec XIII.A	Add new A "A. Implementation Schedule Within 90 days of the execution of this PA, the City shall develop a schedule for the implementation of the provisions of the agreement. The City will submit the schedule to the signatories and concurring parties for review and comment. The final schedule will include timelines and milestones for completion of deliverables and will be posted on the project website. The City will update the schedule to reflect project changes and will notify the signatories and concurring parties of any alterations to the schedule."	SF	A	Edits incorporated

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ACHP, 10/29/09, PA markups	Page 21, Sec XIII.B	"Dispute Resolution" becomes B; delete colon	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 21, Sec XIII.A.1	A becomes B; Edit to read: "Within 30 days after receipt of all pertinent documentation, the ACHP shall provide the FTA with…written response and proceed according to its final decision."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 21,Sec XIII.B	B becomes C	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 22, Section XIII.B.1	Regarding "…the completion of construction…" Insert a date.			Done
ACHP, 10/29/09, PA markups	Page 22, Sec XIII.B.2	Delete 2.	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 22, Sec XIII.C	C becomes D	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 22, Sec XIII.C.3	C becomes D; Edit to read: "FTA shall conduct an annual meeting of the signatories and concurring parties to discuss implementation of this PA over the preceding year and planned activities for the coming year. FTA shall evaluate the effectiveness of this PA and whether any amendments or changes are needed based on the City's summary reports or project modifications and provide its evaluation to the signatories prior to the meeting."	SF	A	Edits incorporated
ACHP, 10/29/09, PA markups	Page 22, Sec XIII.D	D becomes E; Edit to read: "Emergency Situation – In the event that an emergency situation should occur during the Project, such as a natural disaster, which represents an immediate threat to public health, safety, life, or property, the City shall notify FTA…"	SF	A	Edits incorporated

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ACHP, 10/29/09, PA markups	Page 23	E becomes F, F becomes G, etc.	SF	A	Edits incorporated
ACHP, 10/29/09 letter		FTA and the City should reexamine Stipulation IX.C to provide additional detail about how information about the pattern of historic property demolition within the corridor will be used. At present, this stipulation creates a reporting requirement lacking a clear purpose. Other consulting parties have provided suggestions for using the results of demolition reporting.	SF	A	Stipulation language included based on input from consulting parties and based on specific comments from HHF and NTHP.
ACHP, 10/29/09 letter		FTA and the City should respond to comments and concerns raised by consulting parties about how the archaeological and burial location information was taken into consideration, among other factors, in the alternatives analysis for this undertaking. Clarification about how FTA considered possible effects to historic properties in evaluating alternatives that meet the projects purpose and need should be provided in the context of the Section 106 review.	LS	A	Alternative analysis materials were provided to all parties that have been in consultation.
ACHP, 10/29/09 letter		The opportunity to consult about design review, the development of interpretive and educational materials, and documentation products should be offered to all consulting parties regardless of their willingness to concur with the PA. We are unable to endorse a PA that would limit access by consulting parties to project planning measures included in the PA.	SF	A	Included based on prior comment from NTHP
ACHP, 10/29/09 letter		Section 106 consultation must be complete before FTA may authorize the letting of contracts or the release of funds for this undertaking. The formation of any binding commitments related to implementation of the project prior to the conclusion of consultation may compromise our ability to endorse a PA as well as compromise your ability to complete the Section 106 process. We will look to FTA to affirm that no such actions have taken place before we consider execution of a PA.	LS	A	The PA will be executed prior to the approval of the expenditure of any Federal funds [except for planning and design activities] on the undertaking or prior to the issuance of any license.
SHPD	Page 1	Design review – what if cannot comply with secretary's standards?	SF	A	Based on input from consulting parties, procedure established to meet and review issues.
SHPD	Page 1	Timing issues related to IBC objections RFP training issues.			

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	Page 2	Edits – change SHPD to SHPO.	SF	A	Edits incorporated
SHPD	Page 5, Section I.F	"qualified architectural historian" – re-word	SF	A	Changed to stipulate staff meeting quals.
SHPD	Page 7, Section II.B.2	Edit – add "the"	SF	A	Edits incorporated
SHPD	Page 8, Section II.E.1.b	Site to provision in law.			Done
SHPD	Page 9, Section III.F	Nagpra?			Done
SHPD	Page 9, Section IV.A	Edits – delete "follow the"	SF	A	Edits incorporated
SHPD	Page 15, Section VII.D	Too many ? of meeting	SF	A	Interpretive meetings combined.
SHPD	Page 15, Section IV.D.3	?	SF	A	clarified
SHPD	Page 17, Section VIII.D.5	?	SF	A	clarified
SHPD	Page 21, Section XIII.B.1	Edit – delete the extra C in "completion."	SF	A	Edits incorporated

Consulting Parties – Programmatic Agreement - Review Comments Form