



Preserving America's Heritage

October 29, 2009

Mr. Leslie T. Rogers
Regional Administrator
Federal Transit Administration Region IX
201 Mission St., Suite 1650
San Francisco, CA 94105-1839

*RE: Honolulu High-Capacity Transit Corridor Project
Honolulu, Hawaii*

Dear Mr. Rogers:

The Federal Transit Administration (FTA) and the City and County of Honolulu Department of Transportation Services (City) recently requested that the Advisory Council on Historic Preservation (ACHP) review a revised draft programmatic agreement (PA) for the referenced undertaking. FTA has determined that this undertaking will have an adverse effect on historic properties listed in and eligible for the National Register of Historic Places. The ACHP is actively participating in the Section 106 consultation process in accordance with 36 CFR §800.6(b)(2) of the ACHP's regulations, "Protection of Historic Properties," and submit our comments accordingly.

The PA has progressed considerably from its initial draft, and the comments and concerns of consulting parties have been integrated into the PA in large measure. However, we believe that there are several issues remaining in consultation that must be addressed before we can endorse a PA for this undertaking. The following is a summary of our concerns and measures that could provide a possible resolution.

- 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.
- 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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- 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.
- 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.

We have enclosed a redline-strikeout version of the PA draft for FTA's consideration of editorial notes in revising the document. The ACHP would be pleased to participate in a teleconference with FTA, the Hawaii State Historic Preservation Officer (SHPO), and other consulting parties to discuss how FTA could develop stipulations that address these comments and move toward a final PA.

We appreciate your consideration of these comments and those of other consulting parties. Should you have any questions or wish to discuss this matter further, please contact Blythe Semmer at (202) 606-8552 or via email at bsemmer@achp.gov.

Sincerely,



Charlene Dwin Vaughn, AICP
Assistant Director
Office of Federal Agency Programs
Federal Permitting, Licensing, and Assistance Section

enclosure