From: Zelasko, Elizabeth (FTA)
To: VanWyk, Christopher (FTA); Bausch, Carl (FTA); Sukys, Raymond (FTA); Marler, Renee (FTA); Zusman, Nancy-Ellen (FTA); Borinsky, Susan (FTA); Rogers, Leslie (FTA)
CC: Matley, Ted (FTA)
Sent: 4/30/2010 6:34:09 AM
Subject: Email from NPS on Honolulu

All -

We have received the comments below from the National Park Service. Some of the Section 4(f) comments may have already been addressed as the NPS likely reviewed a pretty old draft. Unless I hear objections, I would like to forward these comments to the City today and request that they draft responses to the Section 4(f) questions. Other comments regarding the PA, I may need to discuss with the ACHP and the SHPO to determine the status.

Faith Miyamoto is out of the office today through next Tuesday. She provided contact information for the consultants that she works with. I think it would be good to have a meeting next week to discuss the NPS's comments and how they may or may not have been addressed in the latest version of the Section 4(f) chapter. I am inclined to wait until Faith is back in the office on Wednesday and review the draft responses prepared by the consultant with Faith present.

Thanks!

Liz

-----Original Message-----
From: Zelasko, Elizabeth (FTA)
Sent: Fri 4/30/2010 12:01 PM
To: Elaine_Jackson-Retondo@nps.gov
Cc: Matley, Ted (FTA); Jeffrey_Durbin@nps.gov; Deborah.Bardwick@exchange.sol.doi.gov; Frank_Hays@nps.gov; Melia_Lane-Kamahele@nps.gov; Stephanie_Toothman@nps.gov
Subject: RE: draft email

Elaine,

Thank you for your comments. We will work with the City to correct any errors and omissions and at a minimum, draft responses to address your other concerns. We appreciate the time you have spent reviewing these materials.

Thank you,

Liz

-----Original Message-----
From: Elaine_Jackson-Retondo@nps.gov [mailto:Elaine_Jackson-Retondo@nps.gov]
Sent: Fri 4/30/2010 10:47 AM
To: Zelasko, Elizabeth (FTA)
Cc: Matley, Ted (FTA); Jeffrey_Durbin@nps.gov; Deborah.Bardwick@exchange.sol.doi.gov; Frank_Hays@nps.gov; Melia_Lane-Kamahele@nps.gov; Stephanie_Toothman@nps.gov
Subject: Fw: draft email

Liz,

I am forwarding you questions and comments about the Honolulu High Capacity Transit Corridor draft final PA and preliminary comments on the administrative copy of the revised 4(f) document. These comments and questions are from the regional office in our capacity as an invited signatory to the PA and in our role in the 4(f) process.

The majority of our comments and questions reiterate questions we have previously asked during the consultation that remain unanswered and

questions that arise from the partial realignment near the airport. We have also included a few comments/questions about what appear to be errors, omissions, or inconsistencies in the documents that should be reconciled prior to issuance of the final documents. If you have any questions, please email me or we can schedule a time to talk.

Regards,
Elaine

PA -General Issues:
We remain concerned about the City's and FTA's response to the OIBCs concerns about whether the timing of the phased archeological inventory adequately protects the possibility of avoiding burials, if the OIBC determines that encountered fields of burials must remain in situ. Under Identification and Protection of Archeological Sites and Burials III.B.4, avoidance is limited to " . . . relocation of columns, change of column design to or from a center alignment to straddle bent or other alternatively-supported design, modification of span length, and alternate utility locations" - realignment is not included as an avoidance measure. How is this resolved, if there is a large field of burials, since the area where there are known burials is in phase IV and the survey would occur after the other three construction phases are well underway or complete? This question also applies to Burial Treatment under III.E.2.b.

The OIBC has consistently expressed these concerns and NPS has expressed concerns regarding this issue in at least two sets of correspondence, September 24, 2009 and October 19, 2009 and during consultation conference calls. We strongly recommend that The City and FTA take the concerns of the OIBC seriously.

We suggest adding the following clause to the PA: Although this agreement appears to meet the technical requirements of Section 106, it does not fully take into account the intent of Section 106.

There are more than a dozen 30-day reviews identified in the PA. This does not include instances where more than one report may be sent as part a of 30-day review submission. We suggest that the City develop a schedule to coordinate these reviews so that consulting parties are not simultaneously reviewing multiple submissions from this one PA or at least a provision that will accommodate a request for additional review time? This is not a new request from NPS; we reiterated this suggestion in our October 19 correspondence.

PA- Adverse Affects:
We have not received a revised Historic Effects Report that reflects the revised findings of adverse effect that are addressed in the PA. The number of adversely effected properties has increased from 5 to 22 then, from 22 to 33. NPS raised this question during the consultations meetings in Sept. 2009.

Apparent Omission- Little Makalapa is included in the Historic Effects document and the first draft 4(f) document, but not in the current PA or revised administrative draft 4(f). It is a historic property within the APE. Also, it is not clear how it is that there is an adverse effect to Makalapa and No Adverse Effect to Little Makalapa. They are right beside one another in a linear fashion adjacent to the guideway and well within the APE. Is there a revised site plan for this area?

Apparent Omission and Inconsistency- It is unclear why Boulevard Saiman is identified as a direct use 4(f) historic property and it is not listed as an adversely effected property in The PA. If it is a historic property 4(f) property with a direct use, then it should be included in the PA as property with an adverse effect.

Apparent Omission- Kamehameha Highway Bridge over Halawa Stream is identified in the 4(F) discussion (page 5-63) of visual effects as

incurring moderate to significant high level visual impacts. The bridge is identified in the April 14, Historic Effects Report as eligible for listing on the NRHP and with a No Adverse Effect determination, yet the 4(f) indicates significant visual impacts. This would seem to constitute an adverse effect and therefore would be listed in the PA. The bridge also is not included as a 4(f) property in the table (Table 5-2) of 4(f) properties in the 4(f) chapter and should be included.

PA-Stipulations:
The HABS HAER HALS documentation stipulation V.C should state that documentation will be completed and submitted prior to commencement of the project or the phase in which a historic property is located. As currently written, the document could be submitted after resource is impacted, which does not allow for additional field work or photographs if needed after draft review of the reports. This comment is not new. The suggested language that we are requesting was included in our September 25, 2009 comments on the draft PA.

Also, 30 days is not enough time to review multiple HHH submissions; a 30-day window also does not take into consideration for what else is in our queue for review request a minimum of 60 days.

We suggest the following changes to Section III.D:
Treatment Plans-Based on the results of the AIS fieldwork and in consultation with the SHPD, the City shall develop a specific treatment plan to avoid, minimize, or mitigate adverse effects to archaeological sites and burials pursuant to the applicable state laws, including Hawai'i Revised Statutes, Chapter 6E and HAR, Title 13, Subtitle 13, Chapter 300, for each all construction phase phases. Treatment plans shall be submitted to the SHPD for approval. Upon approval by the SHPD, the City shall implement the treatment plan.

4(f) -Least Harm Alternative
Is the Airport Route, with the new alignment around the airport, still the least harm alternative compared to the Salt Lake Route? There are more displaced businesses; however no longer a direct use of Ke' ehi Lagoon Park. The alignment at the airport that is now the new alignment was dismissed as an avoidance measure in the administrative draft 4(f) because it required 15 full and 21 partial acquisitions of commercial properties , as well as a double-stacked guideway and an additional cost of $75,000,000 (2007 dollars). The analysis will need to be revised both because of the realignment and due to the following omissions and errors:

Apparent Omission and Error- The Impacts to Section 4(f) Resource section of the 4(f) chapter includes the following statement and assessment:
-The Airport Alternative was also determined to have adverse Section 106 effects related to setting and feeling at five historic resources (U.S. Naval Base Pearl Harbor National Historic Landmark, CINCPACFLT Headquarters National Historic Landmark, Potential Makalapa Navy Housing, Historic District, Ossipoff's Aloha Chapel, and the Hawai'i Employers Council). The constructive use evaluation, described in Section 5.6, however, determined that none of these Section 4(f) properties will experience impairment severe enough to constitute constructive use from the Project.
and
-The Visual Effects section of the 4(f) chapter only mentions visual effects to Pearl Harbor, Kamehameha Highway Bridge and Ke'ehi Lagoon Beach Park.
There were 33 identified adverse effects and 20 of these properties were evaluated for constructive use due to visual impacts and impacts to the setting, feeling and association. The analysis in the two aforementioned sections omits most of these impacts when comparing the Airport alignment with the Salt Lake

alignment.

The Impacts to Section 4(f) Resources section of the 4(f) evaluation includes the statement:
In a letter dated September 8, 2008, the State Department of Accounting and General Services considered both alignments and indicated a preference for the Airport Alternative (Project), noting that "the impact on the stadium would be further mitigated if the system ran past the airport ."
This evaluation was based on an earlier assessment of adverse effects that amounted to approximately 5 properties and now the number of adverse effects is 33. It is not clear whether the AGS has made a new assessment. If a new assessment has not been made of the revised alignment and in consideration of the increase in adversely affected properties, NPS requests FTA to omit this statement or request a new evaluation from the AGS.

Apparent Error - Some properties that are identified as individual historic properties in the Historic Effects Document are grouped in the 4(f) chapter with a single direct use for both properties, when it should be two instances of direct use - This is the case for the Oahu Railway & Land Company Terminal Building and the Oahu Railway & Land Company Office/Document Storage Building and it may be the case for the Oahu Railway & Land Company basalt paving blocks and the Oahu Railway & Land Company former filling station. If some of these resources constitute a district, then they should be identified as such and the use should be evaluated for the district as well.

4(f) - NR status of historic properties
Apparent Error - There are a few properties identified in the 4(f) document as eligible for listing on the NRHP that are actually listed on the NRHP. This is the case for the Merchant Street Historic District, Aloha Tower, and Dillingham Transportation Building. The text should be revised to state that the properties are listed on the NRHP.

4(f) - constructive use analysis
Apparent Inconsistency- The 4(f) document includes a statement about how districts are treated under 4(f) analysis.
"The FHWA Section 4(f) policy paper suggests that if a project has a Section 106 Finding of Adverse Effect on a historic district, as is the case here, the district and each contributing element should be considered for Section 4(f) use." (p. 5-34)
Does this mean that use is assessed for both the district as a whole and for each of the contributing resources? Either way there seems to be an inconsistency in how use is evaluated when the resource is a district.

The constructive use evaluation for the impact to historic bridges seems inadequate. As described in the documentation, the guideway will run parallel and above some historic bridges (Honouliuli Stream Bridge, Waikele Stream Bridge Eastbound Span and Bridge over OR&L SpurWaiawa Stream Bridge 1932 (westbound), Waimalu Stream Bridge, Kalauaa Springs Bridge, and Kalauaa Stream Bridge); however, the constructive use evaluation states the following in every case: "As the primary views of the bridge are from ground level, the elevated guideway will not eliminate primary views of this architecturally significant historic bridge nor alter its relationship to the existing transportation corridor." There are some plans in other chapters of DSEIS however, no plans or simulations are provided in the 4(f) to substantiate the assessment.

Similar questions arise regarding the constructive use analysis for the Institute for Human Services/Tamura Building. The Iwilei Station is with twenty feet of the Tamura Building, which has been identified as architecturally significant under Criterion C.

The FHWA Section 4(f) policy paper seems to suggest that there is

precedent for finding constructive use in the case of the Tamura Building and perhaps in the case of some of the bridges.

4(f) -Miscellaneous
P5-18 Agency Coordination and Consultation 2nd column line 5:
The following is not an accurate statement: " . . . a Programmatic Agreement (PA) has been developed with the concurrence of all consulting agencies . . ."

P5-34 second paragraph
(This paragraph discusses the deminimis justification for direct use in Chinatown District). The following excerpt does not seem to be an accurate assessment of the impact and therefore does not support the deminimis finding:
The 30- to 42-foot-high guideway will be placed in front of contributing pier buildings along the waterfront (Figure 5-25). It will pass between these elements and the harbor. The primary view of these structures is from a ground-level perspective from the mauka side of Kamehameha Highway, six lanes removed from the structures. Thus, the guideway and station will be behind and above the viewer and will not block or obstruct primary views of any architecturally significant buildings or substantially impair the characteristics of its National Register eligibility.
The next paragraph goes on to state that the:
The district's NRHP eligibility is based on the relationship between the district's elements and Honolulu Harbor (as well as the architecture). The Project will not substantially impair that physical connection to the waterfront. However, it will be a dominant visual element contrasting in scale with the pedestrian environment and substantially changing makai views of Honolulu Harbor from Chinatown.
It seems that this last excerpt contradicts a deminimis finding. I have included the map below to show how the line goes through Chinatown District.
(Embedded image moved to file: pic28652.jpg)

P 5-42 thru 5-43 Regarding Noise:
Is it an overstatement that there will be no noise impacts for West Loch Golf Course, Neal S. Blaisdell Park, and Aiea Bay State Recreation Area?

P5-49 under US Naval Base Pearl Harbor NHL:
Apparent Omission - The Bowfin is a NHL and the USS Arizona is a NHL.

P 5-50 under US Naval Base Pearl Harbor NHL:
We have earlier requested that the following statement be omitted since it is from an outdated nomination that has been replaced:
The NHL nomination specifically states that the national significance of Pearl Harbor stems from its continuing function rather than its physical facilities and those physical changes required to support this mission are "necessary, normal, and expected
In our May 10, 2010 letter, NPS provided extensive comment on the use of this phrase in the historic effects document

P. 5-63 Visual Effects
Apparent Error-The first paragraph includes the following statement:
With the Airport Alternative, views of East Loch and the Pearl Harbor National Historic Landmark makai of the alignment will be partially obstructed by the guideway and columns in the residential area near Kohomua Street. The visual integrity of the national historic landmark will not be adversely affected, and the project elements will barely be visible in mauka views from the harbor (see Figure 4-42 in Chapter 4 of this Final EIS).
The adverse effect on the NHL is visual, so it is not clear why this statement is included here.

Elaine Jackson-Retondo, Ph.D.
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