From:	Blythe Semmer
To:	Zelasko, Elizabeth (FTA); Barr, James (FTA)
CC:	Bausch, Carl (FTA); VanWyk, Christopher (FTA); Sukys, Raymond (FTA); Borinsky, Susan (FTA); Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Charlene Vaughn
Sent:	4/8/2010 11:26:55 AM
Subject:	RE: Section 106 Programmatic Agreement
Attachments:	Stip IX.C. addition.pdf; Stip XIII.B. addition.pdf

Liz and Jim:

In reviewing the clean version of the Honolulu Transit PA, provided by FTA on April 2, I noticed the following.

In Stipulation III, the PA refers to lineal and cultural descendants. As this term is not part of the NHPA, it should be defined somewhere in this PA. Also, our Native American Program coordinator insists, before we could endorse the PA, that NHOs are mentioned at any point in the consultation procedure where the OIBC and/or lineal and cultural descendants are mentioned (including the heading of Stipulation III.B.) unless the terminology is designed expressly to reflect the requirements of a process mandated under state law. This can be rectified in two ways. First, FTA could insert "and NHOs" at any point in the text where "lineal and cultural descendants" and/or OIBC are mentioned. Another option, somewhat more streamlined, is to insert a short administrative stipulation at XIII that says:

> "If, at any time during implementation of the provisions of this PA, an NHO informs the City or FTA that it attaches religious and cultural significance to properties within the APE, FTA shall invite that NHO to participate in reviews and consultation carried out under the terms of this PA."

This would clarify FTA's statutory and regulatory obligation to consult with NHOs.

We also identified two minor additions for clarity in Stipulations IX.C. and XIII.B. I have attached pages that show our suggested revision.

Best regards,
Blythe

Blythe Semmer
Advisory Council on Historic Preservation
202.606.8552

From: elizabeth.zelasko@dot.gov [mailto:elizabeth.zelasko@dot.gov]
Sent: Friday, April 02, 2010 2:53 PM
To: Blythe Semmer; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Charlene Vaughn
Cc: Carl.Bausch1111@dot.gov; James.Barr@dot.gov; Christopher.VanWyk@dot.gov; Raymond.Sukys@dot.gov; Susan.Borinsky@dot.gov
Subject: FW: Section 106 Programmatic Agreement

Good afternoon,

Our Region 9 office shared the draft PA with the City and County of Honolulu. The City shared some minor comments below. I am inclined to edit the name of the CINCPAC building, but leave the term SHPD throughout the PA.

Attached for your convenience is a clean version of the draft PA. FTA will be in touch next week regarding the next steps in executing the PA.

Have good weekends!

Liz

Elizabeth Zelasko
Federal Transit Administration
Office of Planning and Environment
elizabeth.zelasko@dot.gov
(202) 366-0244

From: Sukys, Raymond (FTA)
Sent: Friday, April 02, 2010 2:23 PM
To: Zelasko, Elizabeth (FTA); Barr, James (FTA)
Subject: FW: Section 106 Programmatic Agreement

From: Souki, Jesse K. [mailto:jsouki@honolulu.gov]
Sent: Thursday, April 01, 2010 7:20 PM
To: Marler, Renee (FTA)
Cc: Sukys, Raymond (FTA); VanWyk, Christopher (FTA); Woo, Donna M
Subject: RE: Section 106 Programmatic Agreement

Renee,

I have concluded my review of FTA's version of the Honolulu High-Capacity Transit Corridor Project's ("Project") Section 106 programmatic agreement ("PA"). My review included comparing FTA's version of the PA with the version of the PA that the City Council authorized the Director of the Department of Transportation Services ("DTS") to sign under Resolution 09-306, CD1, dated October 20, 2009.

After reviewing the FTA's version of the PA, I conclude that it is in "substantially the same form" as the PA the City Council authorized DTS to sign. I note that text has been rearranged, regulatory language and references have been added, and non-material clarifications were made throughout the document. However, those changes did not add any new obligations upon the City or any agency thereof.

In addition, I have the following minor comments for your consideration:

- On Page 2, our consultant notes that the National Register determination lists the "CINCPAC" building. Colloquially, the Navy now calls it the "COMPACFLT HQ." Since this is a Section 106 document, would it not be more appropriate to match the National Register listing—i.e., "CINCPAC"?

- I also noticed that FTA changed SHPO (state historic preservation officer) to SHPD (Hawaii State Historic Preservation Division) throughout the PA. Section 106 consultation included consultation with the SHPO (as required under 36 CFR 800) through the Deputy SHPO and SHPD staff, all whom fall under the Hawaii SHPO.

I believe that the Project's Section 106 PA is ready for signature. Please let me know how we can help facilitate that process.

Sincerely,
Jesse K. Souki
Deputy Corporation Counsel
City and County of Honolulu
Tel.: (808) 768-5135

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From: Renee.Marler@dot.gov [mailto:Renee.Marler@dot.gov]
Sent: Tuesday, March 30, 2010 1:12 PM
To: Souki, Jesse K.
Cc: Raymond.Sukys@dot.gov; Christopher.VanWyk@dot.gov

Subject: Section 106 Programmatic Agreement

Jesse,

Please find attached a final draft of the PA. It incorporates the last round of comments from the parties and is believed to be ready for signatures. Please advise us immediately of any concerns, noting that material changes will require us to go back to the signatories for further discussion.

Renee

Renee Marler
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