

Impact – Temporary construction noise impacts are anticipated at sensitive receptors along the corridor.

During final design, the City and County of Honolulu, in cooperation with its contractors, will create and carry out 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 vibration impacts. Vibration mitigation strategies will be included in the Construction Noise and Vibration Mitigation Plan.

28. Cemeteries

Question A: Does Section 4(f) apply to cemeteries?

Answer A: Cemeteries would only be considered 4(f) properties if they are significant historic resources, i.e., determined to be on or eligible for the National Register of Historic Places.

Question B: Does Section 4(f) apply to other lands that contain human remains?

Answer B: Lands that contain human remains, such as graveyards, family burial plots, or Native American burial sites and those sites that contain Native American grave goods associated with burials, are not in and of themselves considered to be 4(f) resources. However, these types of lands may also be historic properties included on or eligible for inclusion in the National Register. These sites should not automatically be considered only as archeological resources as many will have value beyond what can be learned by data recovery. **If these sites are National Register listed or eligible and also warrant preservation in place, Section 4(f) applies** (see Question 5). For more information on the subject of historic cemeteries see, National Register Bulletin #41, *Guidelines for Evaluating and Registering Cemeteries and Burial Places*; 1992.

When conducting the Section 4(f) determination for lands that may be Native American burial sites or sites with significance to a Federally Recognized Tribe, consultation with appropriate representatives from the Federally Recognized Tribes with interest in the site is essential.

5. Archaeological Resources

Question A: When does Section 4(f) apply to archaeological sites?

Answer A: **Section 4(f) applies to all archaeological sites that are on or eligible for inclusion on the National Register and that warrant preservation in place.**

NAGPRA

25 USC 3001(D)(5) "Federal lands" means any land other than tribal lands which are **controlled or owned** by the United States, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act of 1971.

Review the NTHP letter of October 22, particularly the "Failure to identify..." on the first two pages. If these sites are National Register listed or eligible and also warrant preservation in place, Section 4(f) applies. Please cite the areas of the October AFEIS where you believe we have demonstrated adequate 4(f) documentation.

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4(f) on burials

11/13/09

At the final 106 meeting between consulting parties...

The SHPD was asked "on the record" if they considered burials to be NRHP eligible. Barr stated that there was a two part test for 4(f): 1.) was the resource NRHP eligible, and 2.) did the resource warrant preservation in place.

The SHPD stated that burials were not NRHP eligible. She then corrected herself and said that SHPD has determined that burials are NRHP eligible only if they are located. Unknown burials are not considered NRHP eligible.