
From: Barr, James (FTA)
To: Zelasko, Elizabeth (FTA)
Sent: 1/7/2010 3:21:31 AM
Subject: FW: Makalapa Housing Zone Boundary

FYI

-----Original Message-----

From: Barr, James (FTA)
Sent: Wednesday, January 06, 2010 1:44 PM
To: 'Young, Randall Y CIV CNRH, N00L'
Cc: Matley, Ted (FTA); 'Muraoka, John T CIV NAVREGHAWAII N45'
Subject: RE: Makalapa Housing Zone Boundary

Randy:

I got your phone message.

1 - 5 below can be seen as a standard 106 process. When you get to "no adverse impact", the 4(f) de minimis kicks in. So, the process as described, gets us through 106 and allows the station touchdown, and the de minimis determination satisfies a further DOT requirement for direct "use" of an historic resource.

Without a de minimis determination, the City has to develop an avoidance alternative. Something that they are not inclined to do.

Jim

-----Original Message-----

From: Barr, James (FTA)
Sent: Wednesday, January 06, 2010 12:25 PM
To: 'Young, Randall Y CIV CNRH, N00L'
Cc: Matley, Ted (FTA); 'Muraoka, John T CIV NAVREGHAWAII N45'
Subject: RE: Makalapa Housing Zone Boundary

Thanks, Randall.

The steps in the e-mail thread require active local engagement, discussion and consensus. FTA and ACHP are not passive spectators in this process. But, FTA views its participation as advisors to the locals on 106 and 4(f) process. And, not coincidentally, to keep the City from imposing demands that are legally indefensible.

Now, the Navy has asked to be a Signatory to the 106 document. We expect that you will take an active roll carrying out your 106 function. If FTA is seen as imposing its opinions on the SHPO and the Navy, this alternative might not fly. So, if the Navy views this alternative, or some variant of the alternative as feasible, then we would like to see the Navy actively presenting it. It's your call.

Thanks;

Jim

-----Original Message-----

From: Young, Randall Y CIV CNRH, N00L [mailto:randall.y.young@navy.mil]
Sent: Wednesday, January 06, 2010 12:11 PM
To: Barr, James (FTA); Muraoka, John T CIV NAVREGHAWAII N45
Cc: Matley, Ted (FTA)

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Subject: RE: Makalapa Housing Zone Boundary

Jim,

Thanks. We may have a Navy Captain sitting in at today's phone call just to provide a little seniority. We look forward to the conference call in a couple of hours. I read your e-mail at sections 5 and 6 to mean "formally" vice "formerly," and I'm sure John will get that also.

Randy Young

-----Original Message-----

From: James.Barr@dot.gov [mailto:James.Barr@dot.gov]
Sent: Wednesday, January 06, 2010 3:17
To: Muraoka, John T CIV NAVREGHAWAII N45; Young, Randall Y CIV CNRH, N00L
Cc: Ted.Matley@dot.gov
Subject: RE: Makalapa Housing Zone Boundary

John/Randy:

FYI - the way a de minimis determination for 4(f) would work:

1. the City proposes and describes a direct use of the single historic zone
2. the City proposes actions to minimize harm, e.g. enhancements, landscaping, etc. to eliminate adverse effects
3. the SHPO, in consultation with the Navy determines that any adverse effects are eliminated and there are no adverse effects
4. pursuant to the determination, the City formerly requests formal approval from the Navy for the use of the land and the SHPO for a formal no adverse effects determination
5. the SHPO affirmatively responds to the City and Navy formerly concurs with the determination
6. FTA formerly concludes its Section 4(f) responsibility with respect to the HZ with a determination that the project will have a de minimis impact on the HZ

You can see the implication for 106 - we get a no adverse effects determination after mitigation. Also, the City does the right thing and we are legally OK.

Any questions, give me a call.

Jim

-----Original Message-----

From: Muraoka, John T CIV NAVREGHAWAII N45 [mailto:john.muraoka@navy.mil]
Sent: Tuesday, January 05, 2010 5:15 PM
To: Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Matley, Ted (FTA); Miyamoto, Faith; Spurgeon@pbworld.com; Barr, James (FTA); bsemmer@achp.gov
Subject: Makalapa Housing Zone Boundary

Aloha All,

The Navy would like to call a teleconference for tomorrow to discuss the Makalapa Housing Zone Boundary issue as it relates to the Honolulu High Capacity Rail Project. As you all know, this issue has received quite a bit of attention in the last few weeks. We would like to get together with everyone to discuss the issue, make sure we are all on the same page, and see if we can agree on a way ahead. I tried calling some of you today to see if a time could be set for the teleconference, but decided that would be best to get this word out to everyone as quickly as possible. Teleconference time and call in information follows. Please let me know if there are any questions or

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problems.

Date: Wednesday, January 6, 2010

Time: 9:00 AM (HST) / 11:00 AM (PST) / 2:00 PM (EST)

Call in: (808) 655-9934

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