From: Matley, Ted (FTA)
To: Bausch, Carl (FTA); Barr, James (FTA); Ossi, Joseph (FTA)
Sent: 9/2/2009 9:25:00 AM
Subject: Honolulu call today

The City is a little concerned about this late (late yesterday afternoon) response from the NPS. It appears the local NPS Supervisor has been having his own consultation meetings with local historic interest groups to develop positions, not really in the spirit of one consultation. And perhaps outside the scope of the NPS role.

In general, some (but not necessarily all) of what they are proposing is inconsistent with what we have said is FTA's position, per our discussion with Joe and Jim last week – that we are not opposed to mitigation but we need to link it to clearly identifiable impacts and directed mitigation that is proportional to the impact. Some of the impacts under discussion are not unreasonable to suggest but are rather general and island wide with impacts that are somewhat speculative, both related to the impact itself and the forces driving that impact. This makes it hard to identify proportional and directed mitigation. Also some of the mitigation proposed in these cases is rather open-ended commitment of resources for general tasks in unspecific timeframes.

For example, we have the TOD issue. How do we predict and mitigate TOD which will certainly be related to the transit investment but also driven by market forces? Have we ever mitigated future TOD in a general sense for a project? While the transit investment creates an opportunity it's also private sector driven and generally looked upon as a positive. Should we require local zoning to protect a vast swath of historic resources that the project is not directly impacting but may be affected in unknown ways by private development at some point in the future?

If we had one message for today from FTA it might be to urge the parties to work to identify specific impacts and direct proportional mitigation – that is narrow down to specifics some of the general ideas on the table. The City remains concerned about the timeline but we reminded them that while this process is not meant to go on indefinitely and at some point we can discuss closing it down, it can't be driven by the Mayors desire to break ground in December. We informed them trying to terminate the process on that basis alone is not acceptable to FTA.

Having said that and being asked by the City to say that again today, I'm not sure how much FTA's position is going to help to carry this forward. We have urged the City to think of more creative ways to respond with mitigation that is clearly defined and doesn't involve long term commitments of resources to permanent staff positions with unclear responsibilities or establishing City wide programs not directly related to the project impacts. Along the lines of Jim's comment we also suggested they can do more in lines of documentation, etc, of island wide impacts since that's relatively cheap and not a continuing activity.

Should be an interesting call....

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