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**From:** Bausch, Carl (FTA)  
**To:** Day, Elizabeth (FTA)  
**CC:** Borinsky, Susan (FTA); Barr, James (FTA)  
**Sent:** 8/20/2009 7:34:17 AM  
**Subject:** THE CITY'S PARTICIPATION IN THE AGREEMENT...

I spoke with Leslie about the Hawaii historic issues. Leslie also wants the city to bind itself to the agreement; he has asked for the legal authority that prevents it from signing. If the city does not sign because it is legally precluded from doing so (the Advisory Council's implementing procedures provide for that possibility (see below)), Leslie is thinking about conditioning any LONP on the city's securing authority to sign the agreement and doing so. I have a call in to Charlene to smooth things out; I'll let you know the outcome.

(iii) The agency official should invite any party that assumes a responsibility under a memorandum of agreement to be a signatory.

(iv) The refusal of any party invited to become a signatory to a memorandum of agreement pursuant to paragraph (c)(2) of this section does not invalidate the memorandum of agreement.

(3) *Concurrence by others.* The agency official may invite all consulting parties to concur in the memorandum of agreement. The signatories may agree to invite others to concur. The refusal of any party invited to concur in the memorandum of agreement does not invalidate the memorandum of agreement.

36 C.F.R. § 800.6(c)(2)